CITY OF ST. AUGUSTINE CITY COMMISSION

REGULAR MEETING AGENDA

MONDAY, OCTOBER 23, 2023 - 5:00 PM

ALCAZAR ROOM

1. CALL TO ORDER

- Roll Call
- Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Presentation to the Honorable Cyndi Stevenson, Representative, for her continued support of the City of St. Augustine. *(N. Sikes-Kline, Mayor)*

3.B. ***Certificate of Recognition 2023-18CR***: Recognizing the 100th Anniversary of Kiwanis of St. Augustine whose members provide meaningful service to our children, homes, schools and community. *(J. Springfield, Commissioner)*

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

6.A. Appeal of the Planning and Zoning Board's denial of a rezoning application for a PUD at 115 La Quinta Place. *(A. Skinner, Director Planning and Building)*

6.B. Appeal of City Manager decision to deny application for an animal drawn carriage permit by Teresa A. Henegar, Celebration Carriage. *(D. Birchim, City Manager)*

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. ***Ordinance 2023-31***: Charter amendment to remove the police pension section and codify it in the municipal code. *(I. Lopez, City Attorney)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

8.C.1. ***Resolution 2023-35 - SECOND PUBLIC HEARING*** - Designates properties (Parcel ID Nos. 111225-0120, 111225-000, 111220-0000, 11130-0000, 111110-0000, 111220-0000 known as the Broudy properties) as Brownfield areas. *(I. Lopez, City Attorney)*

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. ***Ordinance 2023-33***: Amends the 1977 City Employees' Retirement System pension allocation of investments to allow for greater diversification. *(I. Lopez, City Attorney)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. ***Petition for Voluntary Annexation and Pre-Annexation Agreement*** - Four parcels of land adjacent to the Cat's Paw Marina on Nix Boatyard Road (199 and 200 Nix Boatyard Road). *(A. Skinner, Director Planning and Building)*

10.B. Update regarding the City's Code Enforcement Program and Short-Term Rental Program. *(A. Skinner, Director Planning and Building)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

12.A. Notification of three term expirations on the Code Enforcement, Adjustment and Appeals Board (CEAAB). *(D. Galambos, City Clerk)*

12.B. Notification of two term expirations on the St. Augustine Firefighters' Pension Trust Fund Board. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - OCTOBER 23, 2023

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON NOVEMBER 13, 2023:

- Ordinance 2023-33 - Amends General Employee's Pension allocation

CA.3. Reminder of Upcoming Meetings:

- November 13, 2023, 3:00pm, Community Redevelopment Agency Special Meeting
- November 13, 2023, 3:30pm, Special City Commission Meeting (conservation land acquisition discussion)
- November 13, 2023, 5:00pm, Regular City Commission Meeting
- December 11, 2023, 5:00pm, Regular City Commission Meeting
- January 8, 2024, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- Special City Commission Meeting, August 21, 2023
- Regular City Commission Meeting, August 28, 2023
- Regular City Commission Meeting, September 11, 2023
- Special City Commission Meeting, September 14, 2023

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

- 1653 Natalie Road - Abraham L. Nelson, Jr.

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.8. Approval of the dockage agreement between the City and Nao Victoria Foundation to bring the vessel, Nao Trinidad, to the city. *(Eric Mauldin, Harbormaster)*

CA.9. Fourth quarter report (FY 2022-2023) for the legal department. *(I. Lopez, City Attorney)*

End Consent Agenda

CERTIFICATE OF RECOGNITION

***Whereas**, the first Kiwanis club started its service in Detroit, Michigan, USA, in 1915; therefore, Kiwanis International celebrated its Centennial Anniversary of the founding of the Kiwanis Club in 2015; and,*

***Whereas,** the Kiwanis club of St. Augustine, FL was chartered in 1923 and has been proudly serving the community for 100 years; and,*

***Whereas,** Kiwanis is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and*

***Whereas,** the members of the Kiwanis Club of St. Augustine are devoted to improving the world, one child and one community at a time by seeking primacy to the human and spiritual rather than the material values of life; and*

***Whereas,** in addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and*

***Whereas,** the service provided by the Kiwanis Club of St. Augustine will continue to have a positive impact on our community and citizens.*

***Now, Therefore**, the City Commission of the City of St. Augustine does hereby recognize **the 100th Anniversary of Kiwanis of St. Augustine,** and hereby call upon all citizens and officials of St. Augustine to this organization, whose members this day are providing meaningful service to our children, homes, schools, and community.*

***IN WITNESS WHEREOF** I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 23rd day of October in the year of our Lord two thousand and twenty-three, in the four hundred and fifty-eighth year of the founding of St. Augustine, the Nation's Oldest City.*

Nancy Sikes-Kline, Mayor

2023-18CR

CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD OR STAFF DECISION

CHECKLIST FOR COMPLETION OF APPLICATION

Appellant Name - James G. Whitehouse, Esq. for Ryan Dettra

Address of Property (Subject of the Appeal) - 115 La Quinta Place

Project Number - PZB 2023-0087

YES	NO	
☒		Has the applicant fee been paid?
☒		Has line 4, application to appeal determination of the following been completed?
☒		Has line 5, applicant name and contact information been completed?
☒		Has line 6, legal description of property under appeal been completed?
☒		Has line 7, street address of property under appeal been completed?
	☐	Has line 8, appellee contact information been completed?
☒		Has line 9, description of action being appealed been completed?

If no, what information is necessary to complete this section?

☒		Has line 10, date of action being appealed been completed?
☒		Has the appeal been filed within the required time according to City Code?
☒		Has line 11, description of impact of action on appellant been completed?

If no, what information is necessary to complete this section?

CITY COMMISSION – APPEAL HEARING GUIDELINES
OCTOBER 23, 2023, 5 P.M.
APPEAL OF THE PLANNING AND ZONING BOARD'S RECOMMENDATION TO DENY A REZONING APPLICATION FOR A PUD
CASE NO.: 2023-0087
(115 LA QUINTA PLACE)

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1. **EX PARTE DISCLOSURE**

2. **CITY ATTORNEY PROCEDURAL REMINDER**:

   - This is an appeal on the record of the Planning and Zoning Board hearing based on the right to appeal the recommendation to deny a rezoning application for a PUD.
   - Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the PZB hearing; no new evidence can be presented on appeal.
   - If the appellant presents modifications, the City Commission will open up a public hearing and hear evidence and testimony related to the modifications only.

   Required findings by the City Commission:

   - City Code Section 28-29(g)(5) states that, "the city commission shall find whether in its opinion error was made and within the terms of this section **affirm, reverse, or modify the action** appealed as it deems just and equitable. If the applicant presents modifications to the actions under appeal, **the city commission may accept the modifications** and so modify the order, **may remand the appeal back** to the board for further review, **or may deny the modifications and affirm the action appealed**. "

   The standard of review for a quasi-judicial decision requires all of the following:

   a) procedural due process was afforded to the applicant,

   b) the Planning and Zoning Board applied the correct law, and

   c) the decision was supported by competent, substantial evidence in the record.

3. **STAFF PRESENTATION**

   - Overview of the application and PZB record presented by Amy Skinner, Planning and Building Director

   20 minutes

4. **PUBLIC COMMENT*** ***(can be before or after Appellant)***

   - Limited to argument on the record below, no new testimony or evidence.

   3 minutes per speaker

5. **APPELLANT PROPERTY OWNER REPRESENTATIVE PRESENTATION***

   (if public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal)

   - Limited to argument on the record below, no new testimony or evidence.

   20 minutes

IF APPELLANT PRESENTS MODIFICATIONS, THE MAYOR WILL REOPEN THE HEARING AND ALLOW FOR NEW EVIDENCE AND TESTIMONY RELATED ONLY TO THE MODIFICATIONS.

PUBLIC COMMENT

- First person sworn testimony if it is intended to be the basis of competent, substantial evidence.

3 minutes per speaker

- Appellant will be given an opportunity for cross-examination/rebuttal

6. **CITY COMMISSION QUESTIONS**
7. **COMMISSIONER DELIBERATIONS AND VOTE**
   - **Motion to approve the appeal, finding that the Planning and Zoning Board committed an error, and the City Commission will schedule the first reading of the ordinance.**

     or
   - ***Motion to remand back to PZB to consider modifications (if presented).***

     or
   - **Motion to deny the appeal (can be combined with denial of a modification if presented) and confirm the PZB recommendation to deny the rezoning application.**

CITY OF ST. AUGUSTINE

M E M OR A N D U M

TO: David Birchim, AICP
City Manager

DATE: October 10, 2023

RE: Appeal of a Planning and Zoning Board (PZB) Action – Denial of a Planned Unit Development (PUD) Rezoning Request Related to a Proposed PUD at 115 La Quinta Place

Chronology

115 La Quinta Place (PID # 201920-0000)

- An application was submitted by James G. Whitehouse, Esq. for Ryan Dettra to the Planning and Zoning Board (PZB) for a "Mixed Use PUD" rezoning application signed on June 5, 2023.
- The application was heard by the PZB at their regularly scheduled meeting on July 5, 2023. A public hearing was held, and the PZB determined that a second public hearing should be held for the PUD rezoning application. Based on Section 28-289(c)(f) of the zoning code the PZB shall hold at least two (2) public hearings for PUD rezoning applications to garner as much information and public input as possible, as well as to finalize any recommendations to the city commission unless the PZB determines that only one (1) public hearing is necessary.
- The application was heard by the PZB at their regularly scheduled meeting on August 1, 2023. A public hearing was held, and the PZB continued the application to their September 5, 2023, meeting.
- The application was heard by the PZB at their regularly scheduled meeting on September 5, 2023. A public hearing was held, and the PZB did not make a positive recommendation regarding the rezoning application, effectively denying the application.
- An application to appeal the PZB's rezoning denial was submitted by the applicant on October 5, 2023.

Staff Notations

- If the PZB does not positively recommend an application to rezone a piece of property, the application does not move forward to the City Commission unless the PZB determination is appealed to the City Commission.

- The majority of the PZB, in a 5 yay, 2 nay vote found that the applicant did not provide sufficient information for a positive recommendation.
- This was based on the code criteria outlined in the staff report as inserted below:

"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.
(4) Compliance with Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments."

- **Based on Section 28-292(1), (2), and (3) the PZB found that the proposed PUD was not consistent with the neighborhood, that it would have a negative effect on the community, and that more detailed information especially regarding a parking plan was not provided.**

The appeal application describes the grounds for this appeal stating that PZB's denial of the application failed to consider a reasonable request to provide offsite parking, safety additions and compatible buffer attributes as described.

The appellant requests that the City Commission evaluate the appeal and overturn the PZB denial, so that the property can be rezoned to a PUD.

All procedural aspects of these PZB hearings were correctly followed and the written orders accompanying these hearings were properly notated.

A verbatim transcript has been included in the appeal application.

For your information you will find attached the PZB Staff Report and Orders, the final PUD submittal material provided for the PZB to review, and the original application as submitted by the applicant. Also attached is the appeal application and all associated exhibits provided by the applicant.

Please place this appeal on the October 23, 2023, City Commission Agenda. If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director, Planning and Building Department

PZB Staff Report dated September 5, 2023, and PZB Action Confirmation Letter/Order

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

September 5, 2023

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Variance – 115 La Quinta Place – 2023-0057

Dear Mr. Whitehouse,

On Tuesday, September 5, 2023, the Planning and Zoning Board (PZB) met and discussed your application to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD), for property located at 115 La Quinta Place / Parcel Number 201920-0000.

Specifically, the PZB **denied** your application as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at (904) 825-1065.

Sincerely,

Amy Skinner, AICP
Director, Planning & Building

AS:sp
Attachment

cc: David Birchim, City Manager
Isabelle Lopez, Assistant City Attorney
Darlene Galambos, City Clerk

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

☐ Appeal
☐ Conservation Overlay Zone Development
☐ Use by Exception
☐ Final Development Plan
☐ Land Use Plan Amendment
☐ Preliminary Subdivision Plat Approval
☐ PUD Modification/Amendment
☒ Rezoning
☐ Variance
☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2023-0057
Applicant: James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
Owner: Paul M. Meredith, P.A.
Address: 115 La Quinta Place
Parcel Number: 2019200000

RE: Rezoning, pursuant to Section 28-30, City of St. Augustine Code, to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON SEPTEMBER 5, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the September 5, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Low Intensity and a zoning classification of Commercial Low One (CL-1).
4. The above-described Rezoning is subject to Section 28-30 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS /(DOES NOT MEET)** the requirements of Section 28-30, City of St. Augustine Code, and **APPROVES (DENIES)/ CONTINUES** the Applicant's request to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

Subject to the following findings by the PZB:

- _____
- _____
- _____

Subject to the following conditions:

- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 5 day of September, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0057 **REQUEST APPROVED (DENIED)/ CONTINUED**

Michael A. Davis
Sign Name

Mike Davis
Print Name
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 5th day of September, A.D., 2023.

ELYSE WIEMANN
Commission # HH 217621
Expires May 19, 2025

Elyse Wiemann
Notary Public, State of Florida

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 5, 2023

RE: **REZONING 2023-0057**

AGENDA ITEM	8(a)
APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
OWNER	Paul M. Meredith, P.A.
LOCATION	115 La Quinta Place / PID 201920-0000
	Continued from the August 1st Regular Meeting
REQUEST	To rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).
LAND USE	Commercial Low Intensity
CURRENT ZONING	Commercial Low-One (CL-1)
PROPOSED ZONING	Planned Unit Development (PUD)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 1.1.4 It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Policy 1.1.7 The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

FLUE Policy 1.1.8	Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.
FLUE Policy 1.1.10	The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.
FLUE Policy 2.1.3	The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.
FLUE Policy 2.2.1	The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.
FLUE Goal 3 Historic Resources	Promote St. Augustine's distinct character and authenticity by preserving and protecting the City's historic resources including cultural and archaeological resources including identification of new resources and to encourage public and private preservation efforts in the City.
FLUE Policy 3.1.4	The City's land development code shall continue to provide for the protection of significant historic resources from the impacts of development and redevelopment.
FLUE Policy 3.1.6	Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.
FLUE Objective 3.2	The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.
FLUE Policy 3.2.1	The City shall continue to work with the policies of any established Community Redevelopment Area(s) (CRA).

FLUE Policy 3.2.3	The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.
FLUE Policy 3.2.6	The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians.
FLUE Policy 3.2.9	The City shall support and encourage multimodal forms of transportation in and through the city including the use of a water taxi, circulators and other forms of mobility consistent with the City's mobility plan.
FLUE Objective 3.3	As part of the City's continued planning efforts the City shall encourage uses consistent with the community's authentic and distinctive character.
FLUE Goal 5 Urban Sprawl	Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.
FLU Objective 5.1	The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.
FLUE Policy 5.1.2	The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.
FLUE Objective 5.2	New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.
FLUE Policy 5.2.1	Mixed use developments shall provide pedestrian-friendly street design (buildings close to street; porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets).

FLUE Policy 5.2.2	New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, and other forms of mobility and walking as daily transportation; connectivity; and a land use mix that demonstrates reduced dependence on vehicles.
FLUE Policy 5.2.3	New Development in commercial and mixed-use areas is encouraged to provide a mix of pedestrian scale commercial activities, shops, offices, apartments, multi-family units and homes on site and provide mixed-uses within neighborhoods, within blocks and within buildings.
FLUE Policy 5.4.2	Mixed-use, infill and redevelopment will be encouraged to potentially reduce greenhouse gases. The effectiveness will be evaluated as baseline data becomes available.
FLUE Objective 5.5	The City has established three (3) forms of energy conservation/greenhouse gas reduction strategies: carbon sequestration, preserving the environment, and alternative transportation and mobility improvements.
FLUE Policy 5.5.2	The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.
FLUE Policy 5.5.3	The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.
FLUE Policy 6.1.5	The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.
FLUE Objective 6.5	**Commercial Categories:** The commercial category is established to encourage a mix of commercial uses that provide necessary business and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.5.1 Commercial Low Intensity

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Goal 8 Preserving Sense of Place The City will promote its historic urban character, preserve its unique residential neighborhoods, and support adjacent, compact commercial areas, as well as, protect its natural, environmentally sensitive marsh and riverine environs, and significant tree canopy to preserve its sense of place that promotes the city's authentic character.

The planning goals related to preserving a sense of place for the City are to:

- Preserve the small town urban character while promoting a balance of economic activity;
- Prevent urban sprawl by encouraging compatible infill and redevelopment within the city limits;

- Provide continued opportunity for diverse forms of residential and commercial projects;
- Create a preservation program that protects the historic Town Plan and promotes responsible tourism;
- Provide protection of natural resources and ecological systems;
- Reduce automobile trips in and through the downtown by promoting the City's mobility plan and alternative forms of transportation that work to protect the environment, reduce congestion, provide residents with a higher quality of life, and, neighborhoods with greater livability, and promote local businesses;
- Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, and lifestyles;
- Create predictability and efficiency in planning and in the provision of infrastructure;
- Recognize and preserve the historic skyline;
- Balance livability and economic pressures; and
- Proactively recognize increasing threats of sea level rise on the City's character and livability.

FLUE Objective 8.1 Protect the small town mixed use urban context to maintain its industrious and charming character.

FLUE Goal 9 Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Objective 9.1 Promote an economic strategy that will address a variety of economic opportunities.

FLUE Policy 9.1.1 The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage a diverse economy that supports the local market within the City and surrounding area.

- This includes promoting and supporting local business efforts for local, regional, state and national markets.
- This includes the possibility of utilizing new and emerging technologies, and industries particularly suited for urban areas.
- This includes the utilization of necessary preservation techniques, and mobility options to encourage infill and redevelopment beyond tourism.

FLUE Policy 9.1.2

The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area.

- This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses.
- This includes strengthening and diversifying the local economy.
- This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine.
- This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Policy 1.2.2

Develop and maintain an endangered sites and properties list to include properties facing deterioration, properties and archaeological sites within areas subject to greater development pressures, flooding and erosion hazards, properties transferred from a tax sale, and unique buildings which may have a historic use that is not viable in its current zoning designation. The list can be compiled from resource surveys, building inventories, demolition permits, and other inspections or citations.

HP Goal 2

Promote the city's diverse history in a manner that is inclusive and accessible by using information from cultural resource inventories to increase local pride and community support of historic preservation activities.

HP Goal 3

Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

HP Policy 3.1.5	To encourage preservation through rehabilitation and compatible additions, replacement of new construction can be limited to a 10 to 15% increase in footprint or gross floor area of the existing structure.
HP Objective 3.5	Evaluate financial mechanisms that could support the preservation and rehabilitation of privately owned historic properties that are culturally significant or are fifty years old or older.
HP Objective 3.6	Provide zoning opportunities to encourage adaptive reuse of properties that meet the criteria of exceptional significance, which would allow an alternative use outside the limitations set by zoning designations. In these cases, there must be a balance between preservation of the building's historic integrity and the character of the surrounding context.
HP Policy 3.6.1	A process to request a historic preservation re-zoning application or variances can be created which requires the property owner to document that the building faces unique threats to its continued preservation within the current zoning requirements. There must be documentation that the new use provides a greater financial benefit and does not require substantial modification to the historic character of the property.
HP Goal 5 Preserving Community Character	Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.
HP Objective 5.3	Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.
HP Goal 10	Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Craft alcohol industry means any establishment in the business of brewing or distilling malt, vinous or other alcoholic beverages on-site, regardless of its underlying state licensing or marketing nomenclature where the manufacturing and production for sale of alcohol for human consumption takes place on-site, such as but not limited to, craft brewery, craft distillery, winery or wine production, cidery or cider production, and micro-sized similar establishments. If a craft alcohol industry establishment sells alcoholic beverages for consumption on the premises, the establishment must also be zoned for, and comply with, the regulations of a bar, cocktail lounge, saloon or tavern as defined in this code, unless otherwise exempt.

Museum means a not-for-profit institution devoted to the procurement, conservation, care and display of art, artifacts and objects of lasting interest or value, along with associated programs for the education of the public, that relates to the history and culture of the city, the state and the nation, as well as to archaeology, anthropology, literature, music, crafts and the arts and sciences, that maintains regular hours, has a trained staff and meets the guidelines established by the American Association of Museums.

Special event venue is a business where the primary or ancillary or accessory use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. A special event venue may be indoors or outdoors and must comply with all applicable local codes including, but not limited to, life safety codes, building codes, zoning codes, alcoholic beverage codes, public works department, police department and fire department requirements. Occupancy and occupancy limitations for special event venues must comply with all applicable public safety codes and requirements. Government and military services and events are not special event venues. Special event venues may also be accessory or ancillary uses to other uses, such as, hotels or motels, bed and breakfasts or restaurants, for example.

Sec. 28-30. Comprehensive plan amendments, rezonings and amendment of chapter.

(a) *General.* This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.

(b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.

(c) Nature and requirements of board report. The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(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.

(d) Board report to commission. If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission. The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

(e) Limitations on rezoning of land:

- No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.
- Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
- Whenever the city commission has denied an application for the rezoning of land, no fmiher application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.
- Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.

(f) Waiver of time limits. The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

(g) City commission action. Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.

(h) Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing). The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning

map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.

(i) *Process, public hearings and notification for comprehensive plan amendments (city commission pubic hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

(Code 1964, § 33-164; Ord. No. 94-01, §§ 1, 2, 1-24-94; Ord. No. 96-17, § 2, 4-8-96; Ord. No. 01-24, § 1, 8-13-01; Ord. No. 17-03, § 1, 2-23-17)

Sec. 28-206. - Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) *Permitted uses and structures:*

a. **Retail outlets such as specialty food stores and drugs** (but not supermarkets); **clothing, hardware, toy and hobby shops**; pet shops (but not kennel or veterinarian); **bookstore and newsstand**; **stationery and card shops**; **leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes;** and similar products.

b. Service establishments such as hair salons, shoe repair shop, **restaurant** (up to one hundred (100) seats, **but not drive-in or fast food**), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.

c. Tourist homes and bed and breakfast inns.

d. All types of professional and business offices.

e. Churches (except temporary revival establishments).

f. Libraries and museums.

g. Single-family dwellings as for RG-1 (section 28-163).

h. Multiple-family housing.

i. Rooming and boarding houses.

j. Housing for the elderly.

k. Home office, private.

l. Antique shops.

m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

n. Tattoo parlor or studio.

o. The above uses are subject to the following limitations:
   1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
   2. Products to be sold only at retail.
   3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

(2) *Permitted accessory uses and structures:*
   a. See section 28-348.
   b. Parking lots complying with section 28-347(3).

(3) *Permissible uses by exception:*
   a. Hotel/motel, maximum of thirty (30) units.
   b. Plant nursery.
   c. **Sale of alcoholic beverages** with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
   d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
   e. Medical/dental clinic, intermediate care facility.
   f. Uses and structures as for RG-1 (section 28-163).
   g. Indoor movie theatres.
   h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
   i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
   j. Micropigmentation clinic.
   k. **Craft alcohol industry**, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent, such as but not limited to, beer and wine. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(4) *Minimum lot requirements (area and width).* None, except as needed to meet other requirements specified herein.

(5) *Maximum lot coverage by all buildings.* Fifty (50) percent.

(6) *Minimum yard requirements.* All uses, except single-family dwellings:
   1. Front. Ten (10) feet minimum, fifteen (15) feet maximum; except where lot width is less than one hundred (100) feet and buildings (if any) on adjacent lots have provided a lesser front yard, front yard shall be average of buildings on adjacent lots. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
   2. Side. Ten (10) feet.

3. Rear. Ten (10) feet.

(7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-42; Ord. No. 91-10, § 1, 6-24-91; Ord. No. 91-22, § 1, 12-23-91; Ord. No. 91-30, § 1, 1-13-92; Ord. No. 97-09, § 1, 4-14-97; Ord. No. 03-17, § 4, 6-23-03; Ord. No 06-34, § 1, 11-13-06; Ord. No. 19-01, § 14, 1-28-19; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

DIVISION 9. - PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare. The PUD process is designed to:

(a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
(b) Encourage a more compatible and harmonious development of contiguous lands;
(c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
(d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
(e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
(f) Provide an environment of consistent character compatible with the surrounding areas; and,
(g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable

to all PUDs, while others, such as section 28-291, are intended for traditional residential or mixed use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

(Code 1964, § 33-70; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 13-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-287. - Defined.

A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect, and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.

(Code 1964, § 33-71; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

(Code 1964, § 33-72; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

(a) *Application for rezoning to PUD.* Each application shall identify and address applicable criteria to its specific plan of development. An application for rezoning

to PUD shall proceed in general as for other applications for rezoning of land; and, in addition to the information usually required for such applications, the following shall be required:

(1) Plats, surveys, and metes and bounds description of the area within the PUD.
(2) The name and address of the owner and, if applicable, evidence of the assignment of an agent who represents the owner.
(3) Evidence of unified control of the entire area within the PUD with all owners within the area of same identified.
(4) An agreement by all owners within the PUD which includes their commitment to:
    a. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the city commission in such ordinance; and,
    b. Provide a written narrative PUD text that clearly identifies by corresponding numbered and lettered paragraphs responses to the following criteria:
        1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property; and,
        2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts; and,
        3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception; and,
        4. Compliance with the purpose and intent and criteria in section 28-286; and,
        5. Compliance with section 28-288 and justification for any zoning uses; and,
        6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit; and,
        7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and,
        8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances

have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule; and,

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted; and,
10. An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city; and
11. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.

(b) *Materials to accompany applications.* An application for rezoning to PUD shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations. The planning and building department will maintain a checklist of materials to accompany an application to help clarify the submittal requirements:

(1) Plans, maps, studies and reports, including an infrastructure impact analysis, as may reasonably be required by the city commission and the planning and zoning board in order to make the findings and determinations called for in the particular case. The infrastructure impact analysis shall include site specific design improvements related to traffic circulation, and the movement of pedestrians, bicycles, and vehicles on and off-site, and water, sewer, stormwater improvements, and public utility improvements and impacts.

(2) For proposed PUDs currently zoned HP-1, HP-2, HP-3, HP-4 and HP-5, a streetscape demonstrating the size and scale of the project in context with the adjacent properties and existing historic district development patterns. The streetscape shall include at a minimum the subject block and facing block to illustrate how the proposed project meets the scale of the surrounding context. This streetscape requirement is not mandatory for projects that create no visual impact to the exterior of an existing structure. Structural changes in roof lines, exterior facades and elevations and any exterior additions or reconfigurations may require a streetscape, as deemed necessary by staff or the historic architectural review board concurrent with project details.

(3) Infill and redevelopment projects shall also be required to provide a streetscape analysis similar to that required in the historic districts as per (b) (2) above, as deemed necessary by staff to allow the PZB and/or HARB, for projects in the city's entry corridors, to evaluate the projects impact on the neighborhood or

area, as a defined community in section 28-289(b) (9) and the projects ability to contribute to and enhance the existing streetscape.

(4) A written PUD text narrative compliant with all parts of sections 28-286 through 28-292, as applicable. Such PUD text narrative shall also include as an exhibit a final site development plan at an appropriate scale and consistent with the terms of the PUD text narrative, an introductory statement explaining the intended plan of development, clearly indicating where approval of the rezoning to PUD or PUD amendment will benefit the future occupants of the proposed development, will be compatible with the adjacent neighborhood, and will forward the goals, policies and objectives of the city in general, and including any specific benefits to the community as a whole. Such justification shall be based on the intent of the PUD, consistency with the Comprehensive Plan, and compliance with all requirements of rezoning to PUD or PUD amendment as found herein.

(5) The final site development plan included at an appropriate scale supporting the above statement illustrating:

a. The location, grouping and height of all uses and facilities.
b. In the case of residential development, the number of residential units, their location and number of stories.
c. A multi-modal circulation system including any vehicular, public transit, pedestrian and bicycle access points, driveways, walkways or crosswalks, parking areas, transit shelters or bus stop loading areas, bicycle racks, and rights-of-way, streets or sidewalks to be dedicated in support of the infrastructure impact analysis.
d. A system of open space and recreational uses, with the acreage to be dedicated and that to be retained in common ownership.
e. A topographic map at an appropriate scale showing contour lines, including all existing buildings and wooded areas.
f. An illustration, outline or discussion describing any community benefits incorporated into the planned development or provided off-site, such as, public parking, enhanced landscaping or street trees, public park facilities, architectural or historic resource benefits, the encouragement of beneficial uses or alternative forms of transportation, maintenance, improvement or encouraging public access to waterways, conservation areas and/or vistas and scenic opportunities.
g. Elevations, specific architectural elements, and contextual drawings, as deemed necessary by staff and the PZB and/or HARB to illustrate the details of the project, which may include a sun, shadow or shade study.
h. Full signage and hardscape plans, as well as, landscape and tree preservation or replacement plans in sufficient detail to allow PZB to review and make a recommendation concerning the project.
i. The site plan must describe and show any buffers or setbacks required from any jurisdictional areas for review to include details for conservation overlay zone development, as well as, locations of any proposed docks or water features, and/or impacts to existing tree canopy areas.

(6) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.

(7) A schedule of development, including the staging and phasing of:
   a. Areas to be developed, in order of priority;
   b. The construction of streets, utilities and other improvements necessary to serve the proposed development; and
   c. The dedication of land to public use, if any.

(8) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that the schedule of development be such that a staged implementation of the PUD would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved PUD.

(9) Developer neighborhood notice. At the time of filing a PUD or PUD amendment application, the applicant must submit to the city's planning department a copy of the developer neighborhood notice mailed to the Neighborhood Council of St. Augustine, Inc., or its successor, by regular U.S. mail at the current mailing address provided to the Florida Department of State, Division of Corporations, as made available on that agency's website. If the property is not included in a defined neighborhood area the boundaries of a "community" area will be defined as those properties within a five hundred-foot radius of the project boundaries to be notified by mail postmarked no less than fifteen (15) days prior to the first scheduled PZB meeting, and shall be notified individually by the same neighborhood notice process below. The developer neighborhood notice shall include the following information:
   a. The project name, property owner(s) and applicant(s); and
   b. The existing zoning and requested rezoning, the physical address or location of the project, and a brief description of the application request; and
   c. The developer's project coordinator contact information, including name, mailing address, telephone number and email address; and
   d. The following statement in prominent font:
   "Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

e. In addition to the developer neighborhood notice, the city planning and building department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the city's public information outreach initiative. Such additional courtesy information may be provided in person, by U.S. regular mail, electronic mail or posting on the city's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

(c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

(1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.

(2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.

(3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

(4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:

a. Permit a creative approach to the development of land; and
b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
c. Provide for an efficient use of land; and
d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
e. Provide an environment of consistent character compatible with surrounding areas; and
f. Retain property values over the years.

(d) A PUD or PUD amendment shall first be reviewed by the planning and zoning board, followed by the historic and architectural review board if such review is required. The city commission may remand a PUD application for further review

by its planning and zoning board or historic architectural review board, such review shall be limited to the scope of review as expressed by the city commission. The city commission may expressly limit the additional review to only one such agency, after which the PUD application shall be promptly scheduled for further action by the city commission. Nothing in these regulations is intended to remove the historic and architectural review board's reviewing authority after a property has been rezoned to PUD.

(e) *Deviations from ordinance creating PUD.* In order to facilitate minor adjustments to the plans approved as part of the ordinance creating a PUD, the city commission may approve changes in such plans, without the review and recommendation of the PZB, and without the adoption of an ordinance to modify the PUD ordinance, if as a result of such changes:
  (1) There are the same or fewer number of dwelling units and/or floor area;
  (2) The open space is in the same general location and in the same general amount, or a greater amount;
  (3) The buildings have the same or less number of stories and/or floor area; and
  (4) The roads and drives follow approximately the same course and have the same public or private rights therein.

(f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.

(g) Because of the nature of PUD's with regard to potential size and the level of detail required of projects, and unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a PUD rezoning within not more than sixty (60) days from the date of filing of the complete application. Any revisions or amendment to the PUD rezoning application must be submitted to the planning and building department at least fifteen (15) days prior to the scheduled meeting date. Notice of public hearing shall be made as provided in section 28-59(a) and (b).

(h) *Expiration of time limits provided in ordinance creating a PUD.* If development actions required by the ordinance creating a PUD are not taken within the timeline established in the PUD from the date of approval by the city commission actions consistent with section 28-289 (a)(4)b.8. shall be taken.

(Code 1964, § 33-73; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-290. - Implementation of a PUD.

i. *Development plan.* The final development plan, and project narrative shall be attached to the PUD ordinance as an exhibit and shall be the only development plan associated with the PUD unless and until an amendment to the PUD is

pursued via amendment to the PUD ordinance or via minor amendment procedures.

ii. *Record plats.* If the PUD ordinance requires the recording of record plats, such plats shall be submitted to the city commission for final approval.

iii. *Approval of development plans.* The planning and building department shall review all development plans; and, if found in compliance with this Code, and the PUD ordinance shall approve same.

iv. *Permits required.* All construction in the development of a PUD shall proceed only under applicable permits issued by the planning and building department; and no building permit, certificate or other document authorizing construction or occupancy within a PUD shall be issued, except in accordance with the approved PUD ordinance and all regulatory provisions in existence at the time of the permit except as otherwise exempted or waived in the PUD text.

(Code 1964, § 33-74; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.

The following performance standards are intended for redevelopment and infill PUD developments. These projects typically involve property currently developed where the proposed PUD includes razing the existing development and building new or renovating the existing development to the extent that it is a redevelopment project which introduces new uses or combination of uses and a new design changing the character of the existing. Infill projects typically involve vacant property within an existing developed area where it is important for the proposed PUD to be compatible with the existing surrounding development. These standards and criteria are in addition to other PUD requirements outlined above.

(1) *General development patterns.* **Redevelopment and infill projects within the city shall take into consideration pedestrian oriented design, the human scale and sense of place of the surrounding area, and shall respect existing development patterns and provide for compatibility, quality and integrity of the existing area and neighborhoods.** They should provide a unique sense of place through architectural design and a mixture of compatible uses in a compact setting with sensitivity to the context of the surrounding neighborhood. The PUD should be an addition to the area and neighborhood which contributes to the area and increases the value of the surrounding area.

(2) *Contributions to the existing community.* **Redevelopment and infill projects shall also demonstrate consideration for the existing neighborhoods and street patterns within the city by describing the project's impact on existing community patterns, the environment, the economy, the transportation networks or circulation patterns as described in an infrastructure impact analysis, as well as, natural features, and vistas and scenic opportunities.** The project narrative shall include a statement of how the PUD is consistent with the character, history, and cultural and natural features that help create a sense of place. The project shall be compatible by demonstrating appropriate design, massing, screening, and architectural techniques.

(3) *Redevelopment and infill PUD projects.* **Additionally, redevelopment and infill projects shall include a description evaluating the existing building(s) condition, potential demolition issues, and the extent of renovation of the existing building(s), if applicable. A clear description of the site design evaluating existing issues, such as, access, driveways, parking, maneuverability, landscaping, including tree removal is also required if necessary. A description with detailed drawings that show the existing streetscape, and the new streetscape to demonstrate compatibility, proportion, form, and rhythm with the surrounding area is required. Details of colors, materials, and design themes may also be required,** and compatibility with applicable Design Standards for Entry Corridors must be demonstrated.

(Ord. No. 16-07, § 1, 2-8-16)

Secs. 28-293—28-310. - Reserved.

Sec. 28-347. – Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

(8) *Special event venue.* All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses maybe subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources. A special event venue shall be subject to the following conditions:

a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility and shall under no circumstances change the character of the primary or principal use.

2. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event.

3. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of

such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.

4. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.
5. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.
6. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.
7. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.
8. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.
9. Pyrotechnics, including fireworks, sparklers and similar devices shall not be permitted as part of a special event venue.

(Code 1964, § 33-103; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 22-07, § 1, 3-28-22)

STAFF SUMMARY AND ANALYSIS

This request is to rezone the property at 115 La Quinta Place to a PUD and allow for the preservation of the currently vacant commercial historic structures, incorporate additional historic assets related to the City of St. Augustine, as well as encourage commercial redevelopment within the Lincolnville neighborhood.

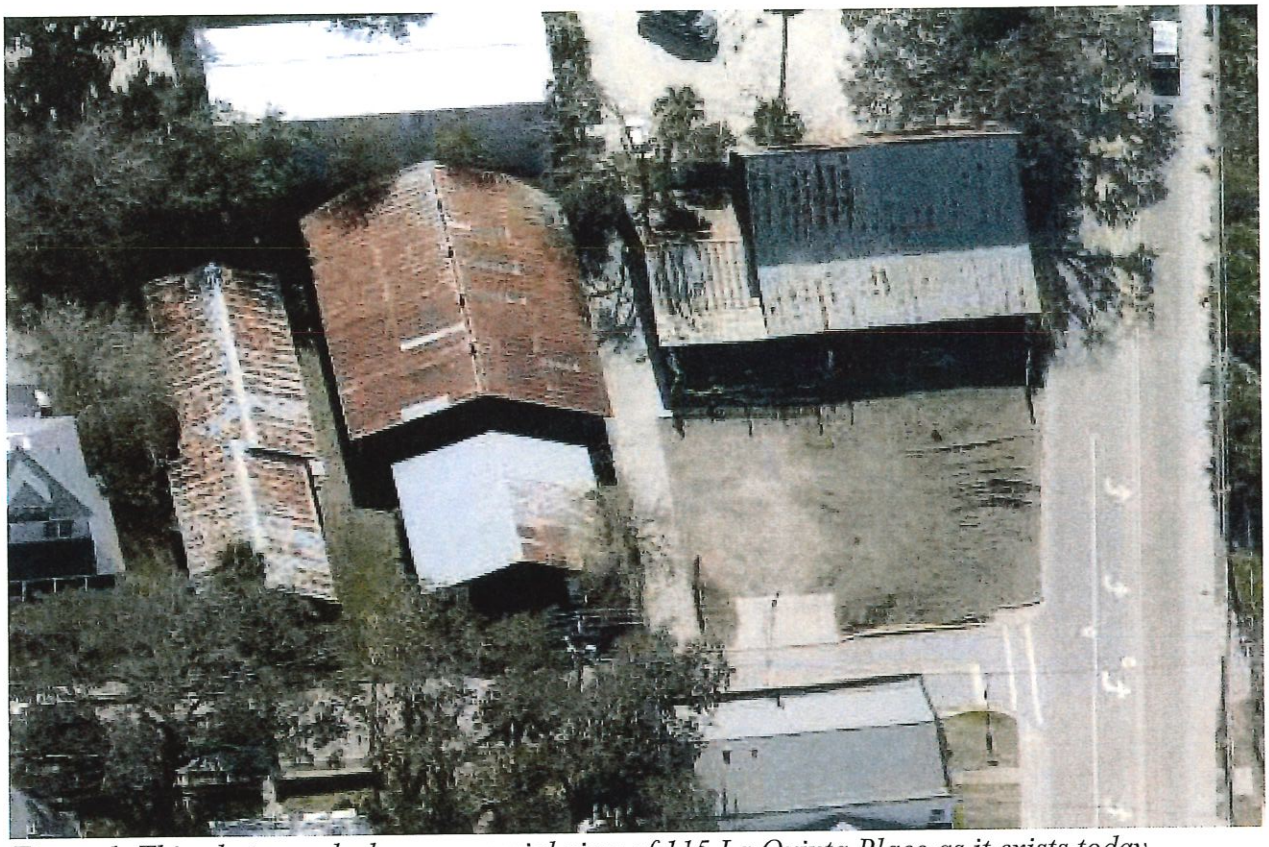

Figure 1. This photograph shows an aerial view of 115 La Quinta Place as it exists today.

The property at 115 La Quinta Place is currently zoned Commercial Low-One (CL-1) and has a future land use designation of Commercial Low Intensity. Very simply the reason for the rezoning request is to allow for bar lounge and tavern, craft alcohol industry, and sales of alcohol with no limit to alcohol by volume uses which are all uses with restrictions in the CL-1 zoning district.

There is no request for a change to the Commercial Low Intensity land use designation because the proposed uses are consistent with the Comprehensive Plan land use category.

As part of the rezoning request to a PUD the proposed development discusses being more pedestrian-oriented as well as providing multimodal transportation options instead of adhering to the City's current off-street parking requirements. The PUD language includes provisions for off-street parking, a potential new trolley stop along Riberia Street, and significant sidewalk improvements in efforts to follow the goals of the City's Mobility Plan.

Staff have seen numerous proposals for commercial development at 115 La Quinta Place, six (6) Development Review Committee applications in under three (3) years, and all have had the goal of preserving the structures that are on-site today. This observation validates the community's interest in not only redeveloping the site but also preserving the existing structures. However, there are many hurdles that must be cleared. Such as requirements of providing on-site parking, fire and life safety requirements, Florida building code requirements, and best practices for stormwater management are the typical code requirements that stall redevelopment plans.
These are the obstacles that prove difficult for redevelopment of this property but are also required of any proposed development or redevelopment. These are not new regulations by any means, and most certainly not unique to this property, but developers are aware of what is required and have shown a willingness to try to meet these standards with their end goal of redeveloping and preserving the structures on-site.

It is important to note that the longer these structures are vacant their preservation may no longer be feasible, or even a value to the community.

There are still many other requirements that must be met before this plan for redevelopment may take place such as approval for demolition of structures fifty years and older, a complete review of the archeological importance of the site, and a coordinated plan in addressing mobility and its impact on the surrounding area. But, before the applicant may start the process of coordinating and addressing these other factors, approval of the development, and the use, of the property is the first step towards the end goal of adding to the social, economic, and environmental sustainability of St. Augustine.

The PZB held their first public hearing for this rezoning on July 5, 2023, and made several comments and requests.

PZB additional information requests from July 5th Regular Meeting:

1. *Hours of operation*
   Information provided by applicant:
   - Tour hours are 10am – 6pm.
   - Community market hours are 10am – 8pm.
   - Railcar restaurant and kitchen hours are 11am – 12am Monday through Friday and 10am – 12am Saturday & Sunday.
2. *Parking lease details*
   Information provided by applicant:
   - Since no parking will be provided on-site parking spaces will be leased on adjacent properties such as the San Sebastian Inland Harbor site located to the west, a parking lot located to the south, and the cigar building parking lot to the northwest of 115 La Quinta Place.

   Staff note: In an email from Ellen Avery-Smith of Rogers Towers (representing the adjacent property owner) on July 14th staff was informed that the property owner at 159 King Street, SA Marina Holdings, LLC, "does not have a lease or other formal agreement signed with the owner or any other party related to the above-referenced property for the provision of parking for the proposed Planned Unit Development project." See attached.
3. *Dumpster location and delivery truck routes*

Information provided by applicant:

- The dumpster location is shown on the proposed site plan being along the eastern property line adjacent to the proposed kitchen. Located between the dumpster and La Quinta Place is a forty-six (46) foot driveway that may be able to accommodate deliveries, however this is not confirmed on the site plan.

4. *Detailed site plan with dimensions*
   Information provided by applicant:
   - A site plan titled "Exhibit G" has been provided which shows dimensions of structures, setbacks, lot coverage, and additional details in a Site Data table.
5. *Business narrative*
   Information provided by applicant:
   - On pages 3 through 8 of The Railroad Retrospective Mixed Use Planned Unit Development, each area of the property is titled and contains a description of each proposed use.

The applicant has also provided an analysis of trip generation, performed by Kimley Horn, for the proposed development at this property.

PZB additional information requests from the August 1st Regular Meeting:

1. *Details regarding the market*
   Information provided by applicant:
   - Letter titled "Local Goods Community Market and Store"
   - The concept is to sell local beer, wine and spirits manufactured on site as well as locally made products and local brands.
     - Examples of products: pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more.
     - Examples of local companies: The Hippie's Husband, Orange Grove Pottery Studio, Sea Witch Pepper Potion, A Frame Datil Pepper, Cock a Datil Do Datil Sauce, The Honey Truck Co., Minorcan Mike's Datil Pepper Sauce, Claude's Chocolates, Cultivate Tea and Spice, Maggie's Herb Farms, St. Augustine Pottery, Sequential Coffee, and Paper Root clothing.
   - Community market will be located in the existing 4,000 square foot structure onsite.
2. *City staff to review parking study*
   Staff review:
   - A review of the Trip Generation Analysis submitted by the applicant will be completed by the City's transportation and mobility consultant and be provided ahead of the September 5th meeting.
   - With the addition of bicycle racks, which has a capacity of twenty-six (26) bicycles based on updated site plan, crosswalks on both Riberia Street and La Quinta Place, as well as sidewalk improvements this proposal shows progress in meeting the objectives of the City's Mobility Plan. The 2040 Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.



Figure 2. This aerial photograph shows 115 La Quinta Place, shaded in yellow, City Hall, shaded in blue, and 2 Artillery Lane, shaded in green.

The distance from 115 La Quinta Place and 2 Artillery Lane is roughly 1,700 feet, one-third of a mile. Both properties are approximately 0.6 acres in size, the most notable difference is the land use designation, Commercial Low Intensity for La Quinta Place and Historic Preservation for Artillery Lane. 115 La Quinta Place is located around 1,700 feet west of the Historic Downtown which means that any proposed commercial uses will have to provide off-street parking, a development requirement unique to properties located outside of the Historic Downtown. The reason for not requiring off-street parking for commercial uses within the Historic Downtown is to encourage preservation of historic structures as well as promote infill development.

Proposed use minimum parking requirements based on the City's current parking code, last updated in 1988:

Use	Size	Current Parking Code Minimum Spaces Required
Museum and Distillery	3,950 square feet (1/2 dedicated to storage)	5
Community Market	4,000 square feet	13
Railcar Restaurant	75 seats	19
Kitchen	1,500 square feet	8
Courtyard	25 seats	6
		51 total parking spaces required

3. *Better language or explanation for the justification of no onsite parking*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 3. Parking:
     - No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by

the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. *Landscaping plan*
   Information provided by applicant:
   - Site plan provided by applicant shows landscaping bufferyards along La Quinta Place, which includes a 4-foot wrought iron fence, and along the eastern property line adjacent to 113 La Quinta Place.
5. *Explanation of how the proposed courtyard will function such as use and hours*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 14. Specific Regulations and Prohibitions:
     - There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Staff included close to eight pages of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan for review.

- Future Land Use Element Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
- Historic Preservation Element Overall Goal: The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.
- Transportation and Mobility Element Overall Goal: The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

The included goals, objectives, and policies support the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place.

STAFF RECOMMENDATION

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.
(4) Compliance with Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.



Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

Application Submittal for the September 5, 2023, PZB meeting

EXHIBIT A

RECEIVED
JUN 05 2023
Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $400 (plus advertising costs) Project Number: 2023-0057

Receipt Number: 2043911 Meeting Date: July 5, 2023

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

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1. NAME OF APPLICANT: James G. Whitehouse, Esq. for Ryan Dettra Contact Number: 904-495-0400
   Business *(if applicable)*: St. Johns Law Group
   Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
   E-Mail Address: jameswhitehouse@sjlawgroup.com
2. NAME OF PROPERTY OWNER: Paul M. Meredith, P.A. Contact Number:_____
   Business *(if applicable)*:_____
   Address:_____ City:_____ State:_____ Zip:_____
   E-Mail Address:_____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot:_____ Block:_____
   Subdivision:_____ Parcel Number:_____
4. PROJECT STREET ADDRESS: 115 LA QUINTA PLACE (FORMERLY 95 RIBERIA STREET)
5. SPECIFIC PROPOSED USE: MIXED USE - PUD
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Appeal of Staff Determination
   - ☐ Exception
   - ☐ Land Use Plan Amendment
   - ☐ Variance
   - ☒ Rezoning
   - ☐ Other:_____
7. DESCRIPTION OF ACTION REQUESTED:
   REQUEST TO REZONE PROPERTY TO PUD TO ALLOW A REJUVINATION OF THIS HISTORIC PROPERTY ALONG THE RIBERIA STREET MIXED USE CORRIDOR AND LOCATED ADJACENT TO THE ICE PLANT AND DISTILLERY AND DIRECTLY ACROSS FROM THE SAN SEBASTIAN PROPERTY AND PARKING GARAGE LOCATION
   ---------- SEE ATTACHED ----------
8. JUSTIFICATION FOR ACTION REQUESTED:
   A REJUVINATION OF THIS HISTORIC PROPERTY WITH A MUSEUM AND ONSITE REFERENCES AND RECOLLECTIONS OF THIS AREA'S HISTORY AND INCLUDING A MIXTURE OF APPROPRIATE COMMERCIAL USES SIMILAR TO THE ICE PLANT RESTAURANT / DISITILLARY /MUSEUM USE AS WELL AS THE INCLUSION OF A MARKET AND RAIL CARS TO REFLECT THE SAME
   ---------- SEE ATTACHED ----------

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:_____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:_____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:_____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:_____

10. PREVIOUS APPPLICATIONS:
Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, please give date and final disposition below.

_____

11. AGREEMENT:
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

_____ 6/5/23
Signature of Applicant Date

Owner's authorization attached
Signature of Property Owner Date

ST. JOHNS LAW GROUP

Dedicated and Responsive Service

NEIGHBORHOOD COUNCIL OF SAINT AUGUSTINE, INC.
52 N. ST. AUGUSTINE BLVD.
SAINT AUGUSTINE, FL 32080

RE: The St. Augustine Locomotive Museum Planned Unit Development

Pursuant to the requirements of the City of St. Augustine for applications for Planned Unit Development Ordinances, please accept this correspondence as notice of the request for rezoning to Planned Unit Development for 95 Riberia Street to allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. The following information regarding the project is provided for your use and distribution, as appropriate:

APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
OWNER & APPLICANT	Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
LOCATION	95 Riberia Street
CURRENT ZONING	CL-1
CURRENT LAND USE	Commercial Low
PROPOSED ZONING	Planned Unit Development (PUD)
SURROUNDING PROPERTIES	Flum – RES MED / MIXED USE / COMMERCIAL LOW Zoning – PUD / CL-1 / RGO

Current Zoning and Land Uses:
The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals. Further, the property was historically used for stables to serve the rail industry for intermodal transportation and transport of baggage and goods into town and more recently as the stables and pens for farm animals and the community market and store and interactive museum / animal farm for Ripe N Ready. The property has had a current future land use of Commercial Low and it has had the current zoning of CL-1 during all the above uses' existence.

Summary of Request:
Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner and be a wonderful addition to this area of the Riberia Street mixed use corridor and interact with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Further, the changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind.

The Project Coordinator's contact information is as follows:
St. Johns Law Group
James G. Whitehouse, Esq.
104 Sea Grove Main Street
St. Augustine, FL 32080
(904) 495-0400
jameswhitehouse@sjlawgroup.com

"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods and the PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

In addition to the developer neighborhood notice, the City Planning Department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the City's public informational outreach initiative. Such additional courtesy information may be provided in person, by U.S. mail, electronic mail or posting on the City's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

If you have any questions, please do not hesitate to call or email me. We appreciate the work that you do.

Sincerely,

James G. Whitehouse, Esq.

Cc: City of St. Augustine Planning Department

EXHIBIT B

LEGAL DESCRIPTION

BEGINNING ON THE SOUTHERLYSIDE OF LA QUINTA PLACE AT A POINT DISTANT FOUR HUNDRED SIXTEEN FEET AND SIX INCHES (416' & 6") WESTERLY FROM THE WESTERLY LINE OF CENTRAL AVENUE, RUN THENCE SOUTERLY AT RIGHT ANGLES TO LA QUINTA PLACE ONE HUNDRED FORTY FEET (140') TO THE NORTHERLY LINE OF THE PECK PROPERTY; THENCE WESTERLY ALONG SAID PECK'S NORTHERLY LINE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE EAST LINE OF RIBERIA STREET, THENCE NORTHERLY ALONG THE EAST LINE OF RIBERIA STREET TO THE SOUTHERLY LINE OF LA QUINTA PLACE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE POINT OF BEGINNING; SAME BEING BOUNDED AS FOLLOWS: NORTH BY LA QUINTA PLACE AND WEST BY RIBERIA STREET AND SOUTH BY THE PECK PROPERTY AND EAST BY PROPERTY OF THE TRUSTEES OF THE PEOPLE'S BANK FOR SAVINGS.

SAID PROPERTY BEING SITUATED IN ST. JOHNS COUNTY, FLORIDA

PARCEL IDENTIFICATION NUMBER: 201920-0000

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE
Planned Unit Development

Updated Submittal Date:
August 25, 2023

Request:
Request to rezone this historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the proposed mixture of uses. (The uses are further described as to area, specific use, hours of operation and definition below).

The Railroad Retrospective Mixed Use PUD will be centered upon the railroad industry and its contribution to our historic city and the state of Florida, featuring a community market and general store, utilizing the stables and stalls for selling local products, foods and other goods; a local craft distillery/brewery within the confines of the barn on Riberia that will be open for tours and tastings; an authentic Flagler era, steam locomotive under a covered walkway with a restored Pullman car that will contain a high-end reservation-based restaurant serving onsite craft items and foods from the kitchen that will be retrofitted into the other stable building onsite. The uses in this mixed use, interdependent project will work together as a reflective on the railroad and its accessory uses including the carriage services, which served St. Augustine and all of Florida, with an idea to serve local products and use and sell local goods, giving historical reference to the railroad, its impact on St. Augustine and Florida and how this property was intertwined and served the same for many years.

The renovations and upgrades will include the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use, with a small, high-end restaurant inside the rail car, and additionally, the slight reconfiguration and renovation of the buildings to provide the community market / general store within the stable stall area, a kitchen and takeout facility adjacent and restoration and utilization of the large barn for an interactive, craft brewery / distillery area and public space for tastings and small events.

All these uses will interact together to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and references throughout the property will include historical pieces, photographs and documents of this era and the railroad and transfer company's contribution to the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the

historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind to the era and local goods.

All updates, rehabilitation, additions to or partial taking away of the current structures will meet and exceed all city codes and regulations. This rezoning will allow the applicant to revive this historical property reflecting this historical area, through a complete overhaul of the buildings with the stated intent of creating a mixed use property based upon the railroad's immense contribution to the development and thriving nature of our historic city through the years and how this property served a significant role in that industry and brilliant mode of transportation, including the horses and carriages that carried the many travelers and goods into town and through our tiny streets and historic homes and hotels. This proposed compatible use will promote a fully pedestrian-accessible experience, by foot or by trolley, establishing a sense of place with the large parcel providing sufficient area to offer a number of mixed uses including a central communal area for the visitors' enjoyment. In turn, since this will be fully pedestrian-friendly, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based. Further, it will work in the depicted trolley stop on the Riberia entrance to promote intermodal exchange, taking cars off our roads, and it will encourage pedestrian use of the historic downtown area as sought by the goals, objectives and policies of our comprehensive plan.

The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals."

Applicant / Owner:

Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
33 Davis Street, St. Augustine, FL 32084

Authorized Agent for the Applicant / Owner:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	Location Map/Aerial
Exhibit E	Proof of Ownership/Deed
Exhibit F	Authorizations
Exhibit G	Master Site Plan

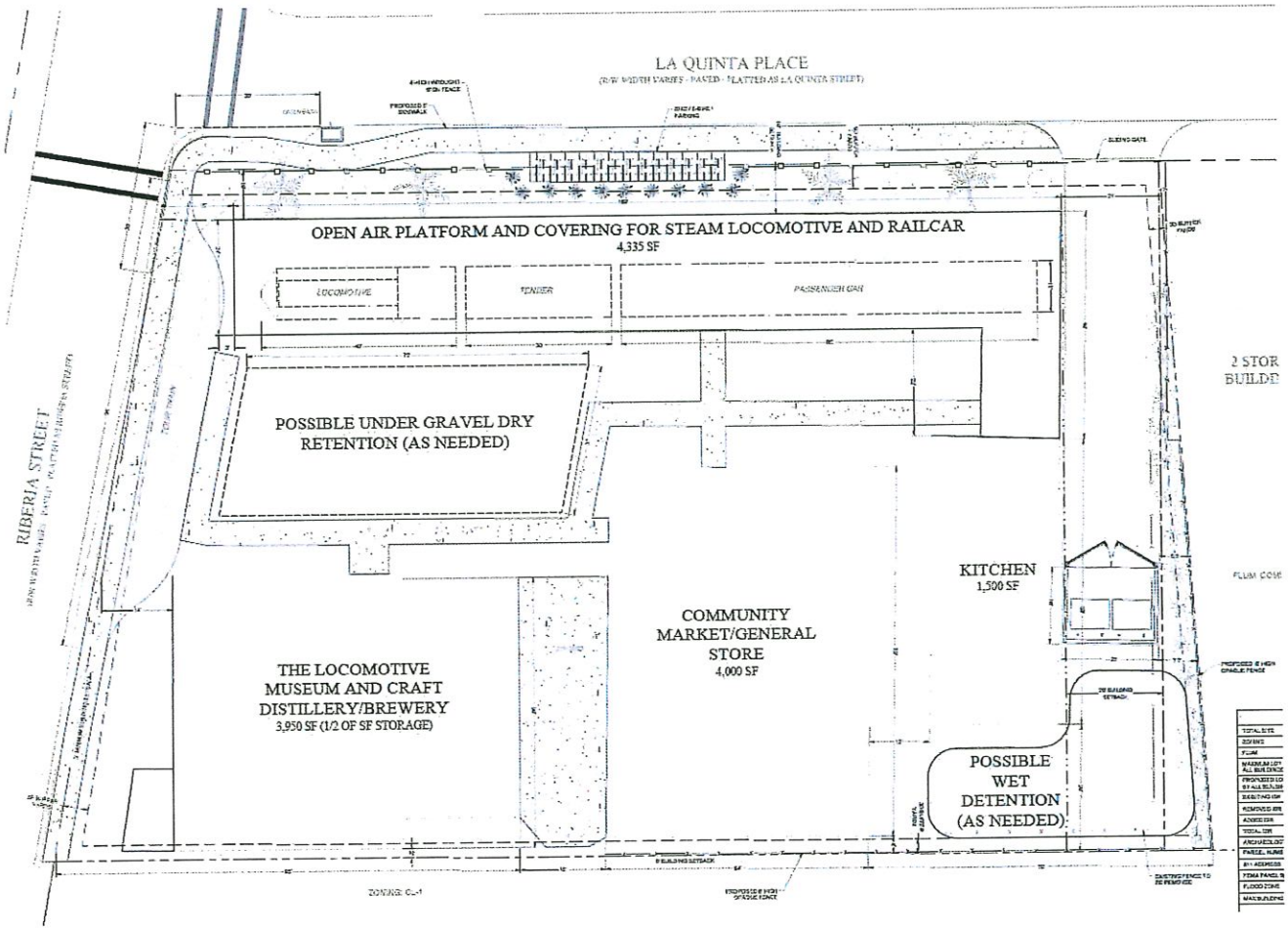
Parcel Identification Number: 201920 0000

Railroad Retrospective Mixed-Use PUD

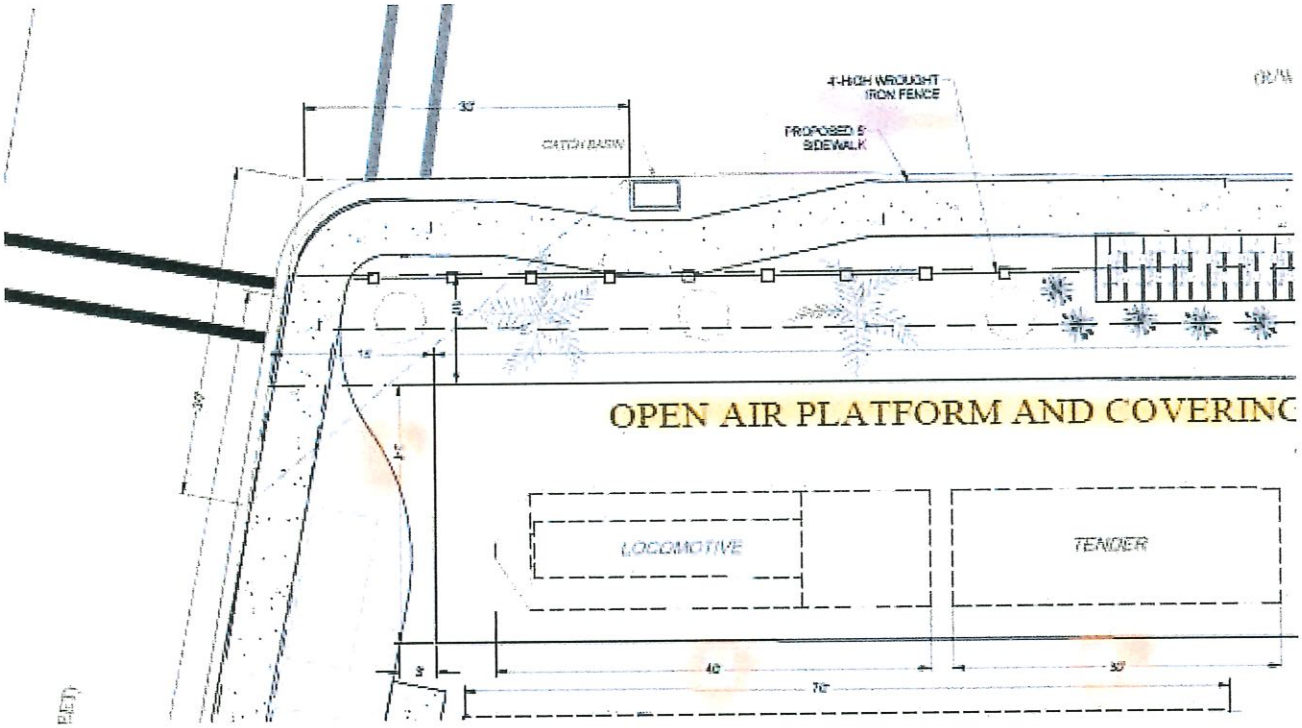
The "birth of leisure travel in Florida" story is the central subject throughout the project. When people travel, they want to take part in authentic experiences, participate in the local culture, taste local food and beverages, see and enjoy the beauty nature has to offer. They want to meet people and share experiences. When people travel, they bring home stories, local goods and memories that last a lifetime.

At the turn of the 20th century, Florida was predominantly wilderness and travelers traveled to explore and experience a part of Florida that few had seen. Indulgence was expected. The demand to see, taste and feel Florida was unparalleled. This was a time when traveling the East Coast of Florida was exciting in every way. That is where the Railroad came in.

We are creating a multi-faceted experiential approach to tell this story. The idea is that all the proposed uses work together seamlessly. They work to re-create this experience and this unparalleled understanding of the history surrounding rail travel on the East Coast of Florida. The following description of each should make it clear as to how they work together and will thrive in this integral, symbiotic existence within this pedestrian-based, mixed use Railroad Retrospective use.



Area 1 – Historic Locomotive #113

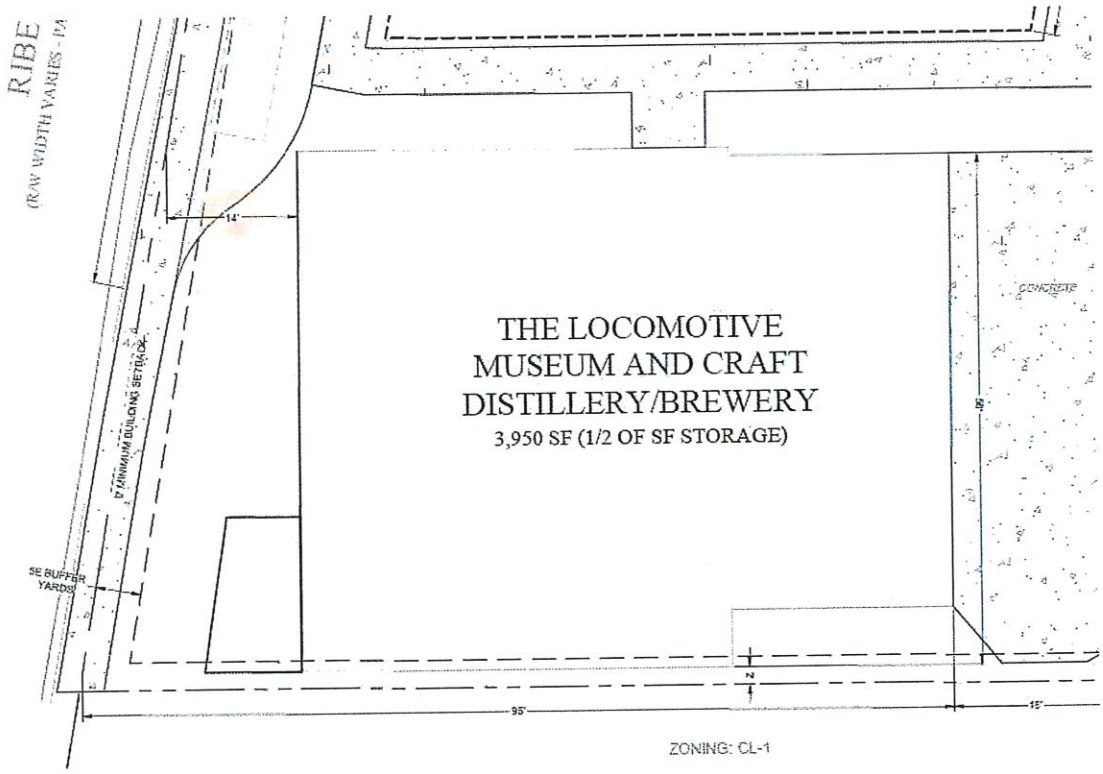


Locomotive #113 can be categorized as a museum grade attraction and has 0 (zero) capacity.

#113 was built by Alco for Florida East Coast Railway in 1912-1913, one of sixty 4-6-2 Pacific's (#77-#136) delivered between 1910 and 1917. It weighs 204,000 lbs, has 68" drivers and 22"x 26" cylinders. #113 was later superheated and operated at 180 psi delivering 28,314 lbs tractive effort.

Historical significance- The journey to accomplish a transportation system from St. Augustine to the Florida Keys was one of Florida's most incredible stories. Henry Flagler began the Railway (later named the Florida East Coast Railway) in St. Augustine in 1885 and completed the Overseas railroad in 1912. Flagler passed away in 1913 and Locomotive #113 is the last surviving steam locomotive from Flagler's lifetime. Florida was mostly unspoiled and traveling from St. Augustine to the Florida Keys in 1913 was advertised as "magical." Today, Florida is one of the world's top travel destinations. The story of how leisure travel on the East Coast of Florida developed is important to Florida's history. This presentation on property will serve as a direct attraction and interactive piece to ground the mixed-use property within an authentic railroad retrospective.

Area 2 – Tour Experience - Distillery/Brewery/Winery + Museum Room



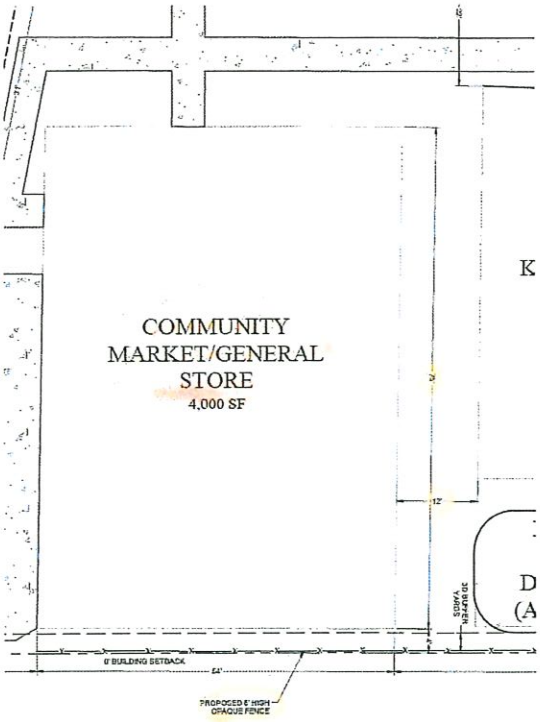
Concept: This will include a guided tour experience that incorporates historical assets, museum pieces, a distillery/brewery and winery, all functioning inside the renovated/restored historic St. Augustine Transfer Company Barn.

The tour will be free and operate in 2 parts. Patrons can join the first part or the second part or take part in both legs of the tour. The first part of the tour will be family-friendly and is limited to the FEC Railway Story, Locomotive #113 and the St. Augustine Transfer Company history. There will be a room that functions like a museum that has exhibits, historical documents information, and antiques. The second part of the tour will be a tour of the production facility. The production facility will be smaller in comparison to St. Augustine Distillery. There is less space inside the production facility for tours and production. A large part of the facility will be barrel storage and finished goods storage. The tasting room will be at the end of the distillery/winery/brewery tour and will fold into the "sample local goods" retail concept.

Museum is an approved use in the current CL-1 zoning
CL-1 permissible use by exception: Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent. The request for the increased locally brewed ABV limit would not impact traffic, occupancy or how the project operates.

Tour Capacity- 10 people per tour. (Tours will operate every half hour).
Tour Hours- 10am-6pm (which matches the San Sebastian Winery and St. Augustine Distillery)

Area 3 – Local Goods Community Market



Concept: A local goods market that sells a variety of goods hand made in St. Augustine and regionally made goods and items that support the East Coast of Florida Railroad concept.

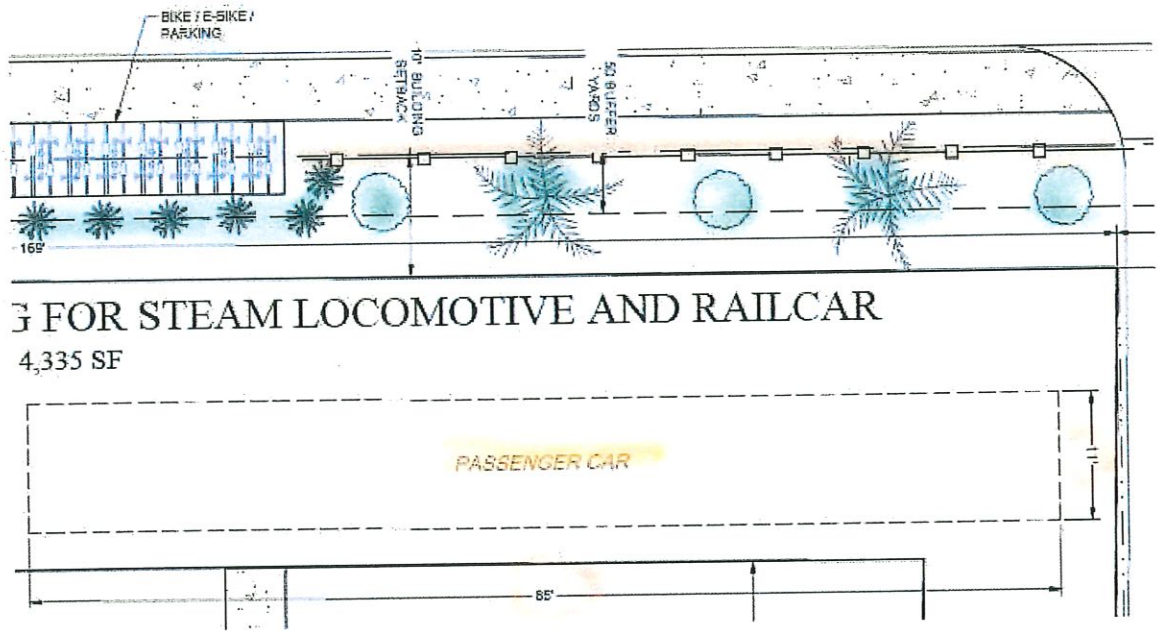
The old horse stable building will be restored to look like horse stables in the era it was built (1940's). We would like to keep the building as divided in stalls and use that as a way to separate types of goods.

Retail can be memorable. Customers can learn about who, where, and how the goods are made as part of the shopping experience. The concept will incorporate samples and tastings into the shopping experience. Sampling may have heightened your shopping experience at Costco or the Savanah Bee Company and we all know everyone loves free samples. It's getting harder and harder to find locally made goods outside of a farmer's market. Whether you are a local or tourist. There is a sense of pride in buying locally made goods.

The PZB board asked for additional information on the retail store "Local Goods Market." The concept is to sell beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more. We plan on using local vendors for private label products for the shop. The concept is to sample and educate consumers in the retail area. Several sampling stations will be set up daily. This will help local companies build their brands and keep money in the community.

Hours- 10am -8pm
Capacity is limited to that allowed by the square footage of the retail uses

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service



Restaurant Dining Car #3604

Concept: Intimate dining in a historic pullman railcar restored to 1910-1920 era.

Inspired by ingredients, stories, and cultural foods on each stop on the Florida East Coast Railway line in the early days of rail travel. Each dish will bear its own mark of creativity. The wine and cocktail list will feature spirits and wines created on site in the distillery/winery.

The restaurant is designed to be one component in the "birth of leisure travel in Florida" story. This type of historical educational food and beverage experience is a departure from the standard "do not touch," "behind a glass case" exhibits that you often find at historic sites/museums. It is a departure from the low-quality food and beverage options that you find at most historic themed attractions.

Size and Layout:
The proposed fine dining restaurant is small, and capacity is limited to the size of the rail car. The rail car is approximately 80' x 10'. Seating in the dining car will be limited to zoning regulations, HC access, fire code and all other requirements. We envision approximately 60 seats; it could be less after zoning, mechanical plans, plumbing are incorporated into the layout. Seating for the fine dining concept is very limited and cannot exceed 800 square feet. Exact seating numbers for the interior of the rail car will be determined when architectural plans are drawn. The rail car will have a small bar with approximately 8 stools as part of the seating/ floor plan.

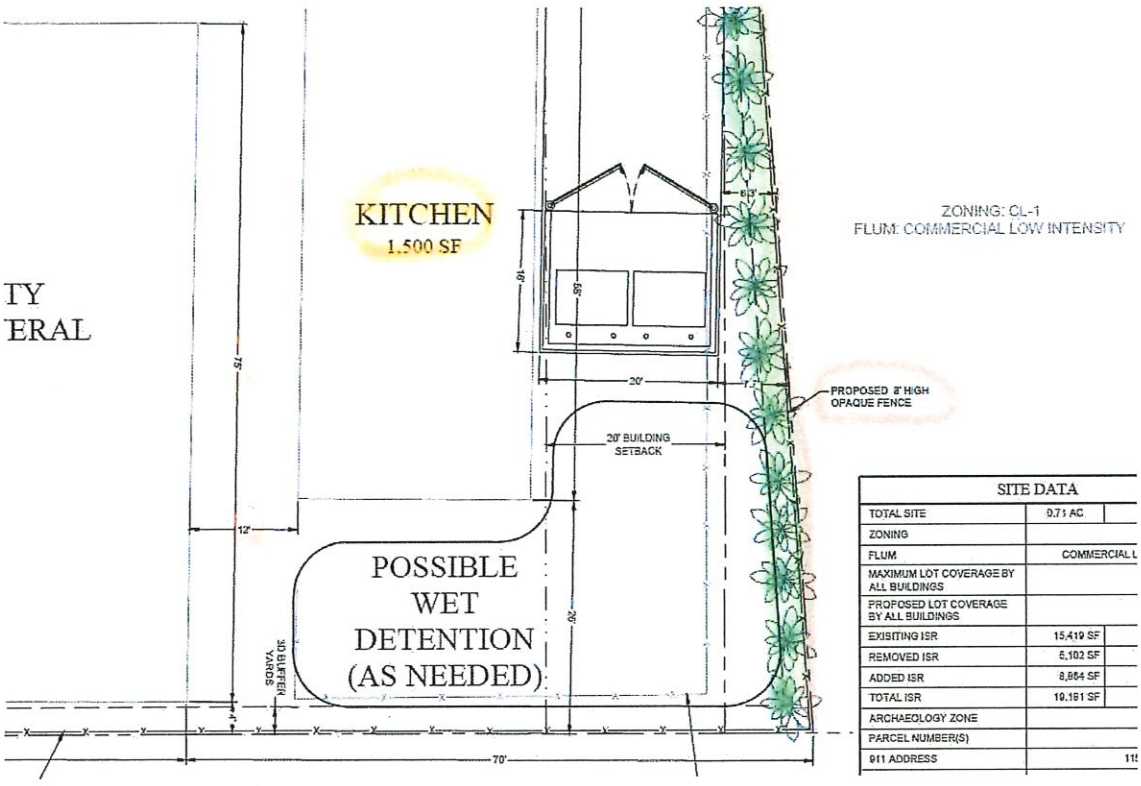
The kitchen will have a take-out/counter service concept. The food options will be simple/healthy and inspired by tropical Florida in 1913. Patrons will be able to order both alcoholic and non-alcoholic drinks. This concept will serve customers taking the tour and act as the waiting area for the fine dining restaurant. We are planning for 8-10 stools, 4 tables and a counter to walk-up and order. Total seating for 20-25 and square footage of approximately 600 square feet.

Total seating will be limited to the square footage of each area. Total number of seats between the fine dining and counter/take out concept could be as low as 60 and as high as 100. We seek approval for up to 100 seats. The property's current zoning Commercial Low-One (CL-1) allows for restaurants up to 100 seats.

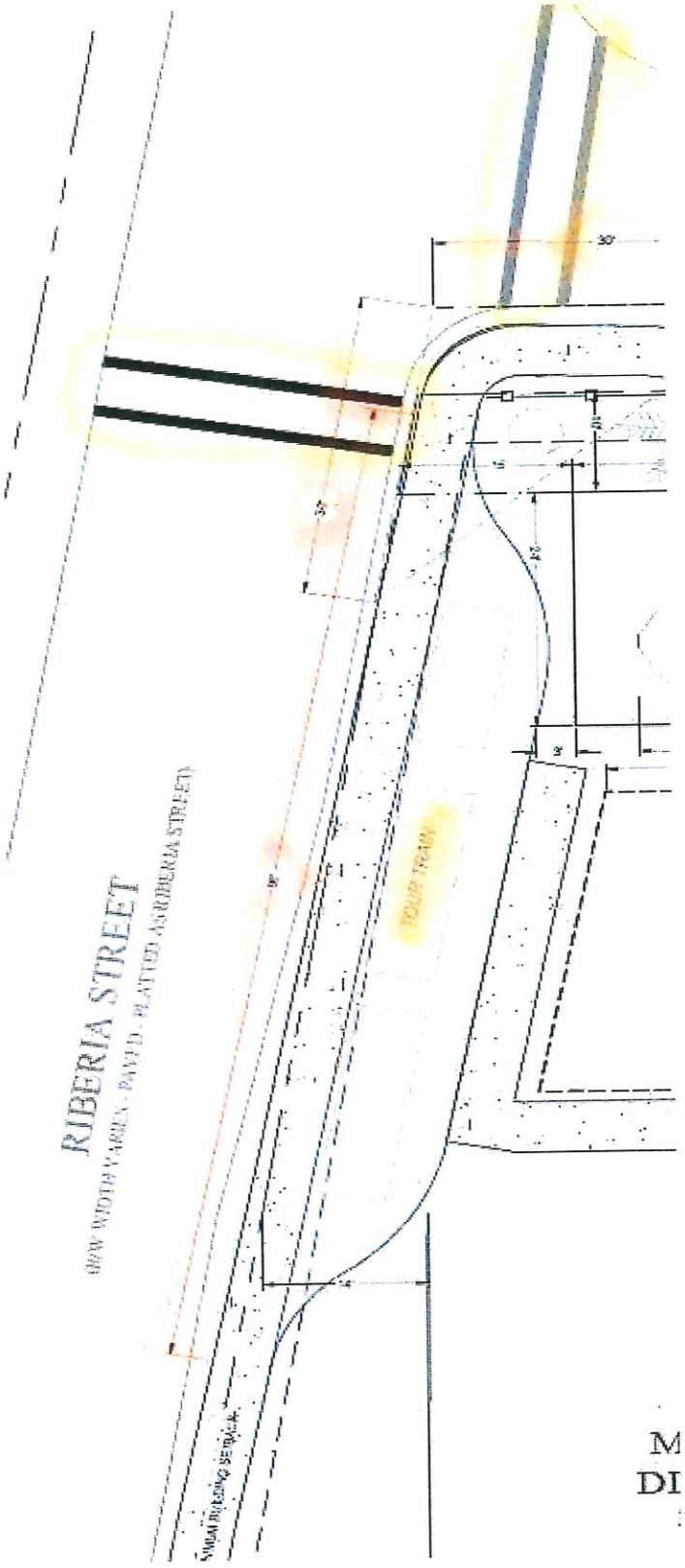
Beer, Wine and Alcohol brewed onsite will be served at both concepts for onsite consumption. The concept is to produce the beer, wine, and liquor in the on-site distillery/winery/brewery. The kitchen will be a "scratch" kitchen making period foods.

Hours of operation will be similar to nearby restaurants:
The Ice Plant, Fish Camp, San Sebastian Winery.

Hours –
M-F: 11am to Midnight
Sat & Sun: 10am to Midnight



****Crosswalks and RideShare / Delivery / Trolley Stop Area**
(Designed to be On Property - Off of Riberia – With Sidewalk divider for safety)



****Buffering from La Quinta – Including Bike and E-bike Racks**
(Designed to include attractive landscaping and a tasteful 4ft wrought iron fence on Property)

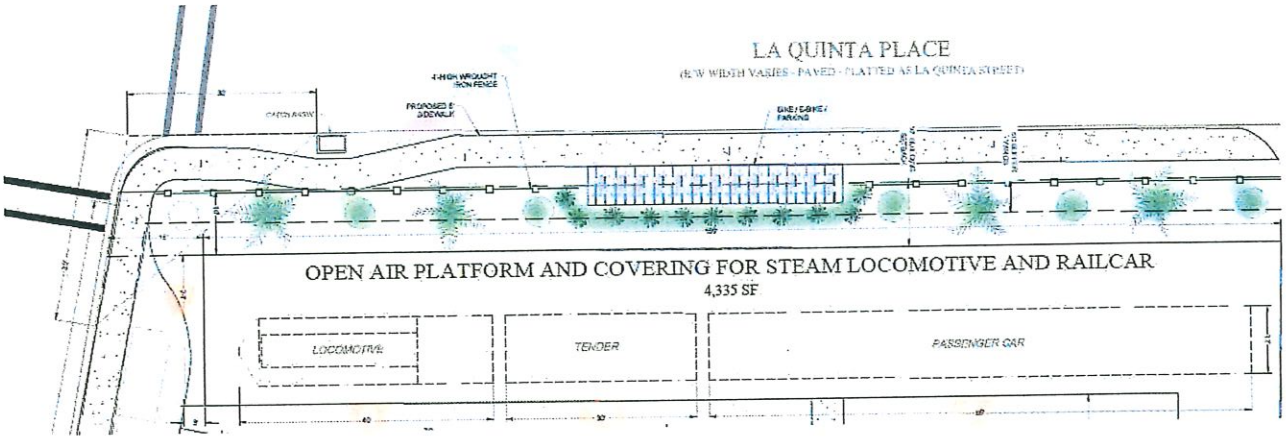


Exhibit "C"

DEVELOPMENT PLAN NARRATIVE

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for a rezoning of this historic parcel to Planned Unit Development (PUD). This rezoning will allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties. This rezoning will allow the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and rail car to the property to allow public viewing and interactive use and the renovation of the buildings to provide space for a community market/general store, a kitchen and takeout facility and an interactive craft brewery/distillery. These uses will interact together to promote an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. The changes to the property will be done with great regard to the history of this property and will comply with all the codes and regulations as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Mr. Ryan Dettra. The Applicant is requesting this rezoning to PUD in accordance with the City of St. Augustine Zoning Code. This rezoning will maintain the current Commercial Low future land use and will reflect a mixture of the same types of mixed uses as are currently present along this CL-1 Riberia Street corridor as well as those currently present along the King Street CL-1 corridor.

This parcel fronts upon Riberia Street, the main corridor along this side of the San Sebastian River and is directly across the street from the developing San Sebastian Inland Harbor site's uses, as well as the existing Ice Plant and St. Augustine Distillery and the mixed-use park at 134 Riberia, which also lies adjacent to the St. Augustine Fish Camp bar and restaurant. Further, this site is just up from Riberia Street's intersection with the many mixed uses that run all up and down the CL-1 King Street corridor, all in harmonic compatibility in our historic living city, much as it existed between the train, the stables and the bustling downtown in the Flagler era. And, as aforementioned, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based, which will continue to promote the walkable nature of our city and also the use of the various other intermodal forms of transport in the attempt to take cars off our inner-city core streets and at the same time to offer reflection on how visitors and locals alike had to rely upon both the horses, whose stables were on this property, and other forms of transport to get into town from the area, historically and most especially in the Flagler era.

Finally, the applicant has extensive experience with this type of project based upon his work on the extremely successful and compatible St. Augustine Distillery project and he looks forward to implementing the same type of success into this mixed use, historically reflective site.

Applicant herein seeks this rezoning, as presented.

As stated, the overall objective of the PUD is to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately .71 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located on Riberia Street, just one block off of King Street, at the corner of Riberia and La Quinta Street.

B. Ownership/Agreement: The Property is under contract for purchase by Ryan Dettra (Purchaser – Applicant), from the current owner, Paul Meredith, PA, as shown by the Proof of Ownership documents in the Application materials. Evidence of authorization for representation is contained within the Application materials.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner as depicted on the PUD map and described above. The property currently contains the afore-mentioned buildings, which will be rehabilitated with additions and include the addition of the locomotive cars for historical presentation and reflection. This rezoning will allow the applicant to revive this historical property, which served the rail industry and tourists and locals alike for many years, through a complete overhaul of the buildings with the stated intent of renovations and upgrades to this deteriorated property and establishing an interactive mix of uses surrounding the St. Augustine Locomotive Museum use and interaction. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be granted the currently allowed uses in the CL1 and CL2 zoning districts, along with the other uses as allowed in this mixed-use area, including but not limited to the following: Permitted uses and structures: a. professional and business offices. b. restaurants, but not drive-in. c. retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment

(including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products. d. Museums. e. bar/tavern. f. craft alcohol industry, including light manufacturing, processing, packaging and fabricating. Also, g. see section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal. This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner. Uses by exception shall be provided for and any changes to the uses described herein by an amendment to the PUD. (The uses will function together and specifically as outlined above.)

B. Development Standards for NEW Structures within the PUD: The attached site plan depicts the proposed interactive site plan and layout of the current structures with partial demolition and additions for the uses proposed. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be allowed to rehabilitate and reinvigorate this property as presented. No material departures from this site plan are permitted without authorization of the PZB. In addition, the following specific criteria shall apply:

1. **Maximum lot coverage:** Sixty percent maximum (60%)

2. **Maximum building height:** Maximum thirty-five (35) feet, measured from a ten-foot finished floor elevation.

3. **Parking:** No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. **Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements.

5. **Stormwater:** Stormwater management will be in compliance with the regulations of the City of St. Augustine and conform with the permit requirements established by the St. Johns River Water Management District.

6. **Access:** Full pedestrian access to the property will be provided per the sidewalks as proposed to be built on the street sides of the property, as well as within the interactive open space for community gathering and outdoor interaction. Further, an on-site access stop will be provided off Riberia Street for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated within our Comprehensive Plan, and to allow for RideShare drop-off and pickup, as well as deliveries. Accordingly, bike / E-bike racks will be provided.

7. Fencing: All existing fencing may remain on the Property or may be modified in accordance with the plan as approved; as such, eight-foot opaque fencing may be provided along the east and south sides of the property replacing the current deteriorating fencing. A four foot wrought iron fence will be installed along La Quinta, as depicted.

8. Utilities: All electrical and telephone lines are installed on the site: Electrical power is provided by Florida Power and Light Company or other franchised utility provider. Directional security lighting may be provided as needed.

9. Potable Water: Potable water will be provided by the City of St. Augustine via existing connections.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development is served by central sewer collection from the City of St. Augustine. Any extensions shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: A sidewalk will be installed along La Quinta as well as along Riberia Street (located west of the access stop as depicted to incorporate the access into the property).

13. Design: It is the intent of the applicant to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

14. Specific Regulations and Prohibitions: There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing

maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: THE RAILROAD RETROSPECTIVE MIXED USE PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that

maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The stated intent of the applicant, to utilize/replicate and further the design of the existing historical site to promote the history of the area and to rejuvenate this property with specific reference to and reflection upon the historical uses in the area will result in the innovative reuse and continued contribution of an existing property, using existing buildings and adding thereto to further the rejuvenation of this area, reflecting the mixture of uses therein and promoting the history of our city, as intended by this Objective.

INFRASTRUCTURE ELEMENT

SANITARY SEWER SUB-ELEMENT

SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT

PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis provided by the attached report includes site specific design improvements related to anticipated trips and traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

A Trip Generation Analysis was performed by Kimley Horn in regards to the proposed site/property and the proposed PUD and use as a mixed-use, pedestrian-friendly Railroad Retrospective project. The trip generation analysis provided a peak hour trip generation comparison of the existing and proposed uses for the property, taking into consideration that the mixture of uses will be promoted for full pedestrian access, furthered by the pedestrian sidewalk provisions and the trolley stop provided onsite.

It is important to note that this project will not have parking onsite, so the trips outlined will be those coming on foot or by way of the trolley stop provided onsite.

As the report notes, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with certain outlined characteristics. In fact, ALL of those characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimate and all trips to the property will be by foot or by the trolley stop, significantly reducing the transportation impact on the area and the area transportation systems.

In sum, the restoration / renovation / reconstruction of this property will not only remedy the existing situation caused by the current status of these deteriorating structures, but it will be a grand addition and retrospective on this historic area, and, which as described above and in the attached report, will have a negligible impact upon the traffic circulation patterns of the city. Further, as aforementioned, this PUD property will not have individual vehicle trips coming to the property. Moreover, the expert analysis provided shows that this PUD as a whole does not in fact affect the current traffic patterns and flow in this area of the city.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: *Although not in an HP district, the proposed restoration / reconstruction / renovation will allow this historic property to be restored and continue to operate in a manner that will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner that the restoration / reconstruction / renovation remakes this historic property to reflect and enhance the area and provide a direct reflection upon the history surrounding the priceless contribution that the rail industry made to the history of our great city. In sum, the restoration / renovation / reconstruction of this property and the provision of the mixture of uses, including the interactive Locomotive Museum and features throughout the property will not only remedy the existing situation caused by the current status of the deteriorating structures, but it will be a grand revamping of this historic area.*

2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: *The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area. A direct reuse of many of the current structures and the proposed uses are not wholly different than some of the former uses, including the market and they are*

very similar to the uses in this mixed use area of Riberia Street. Accordingly, they will also enhance this property. See, FLUE Objective 3.2 - The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable. See, FLUE Policy 3.2.3 -The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity. Also see, FLUE Policy 3.2.6 - The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the presence of the historic rail industry in the area.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

(1) Permit a creative approach to the development of land; and

(2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
(3) Provide for an efficient use of land; and
(4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
(5) Provide an environment of stable character compatible with surrounding areas; and
(6) Retain property values over the years.

Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286 and how this proposal is a perfect example for the use of planned unit development to encourage the restoration / renovation / reconstruction of these presently deteriorating structures while allowing for a creative use that has no increased ill-effects on the area, since many of the uses are already allowed, and since this use is clearly compatible and far less intense than the uses across the street and the farm animal use that was historically on this same property. Further, the proposed use will indeed provide an environment of stable character for this property to be re-created and greatly enhance the area and an invaluable reflection upon how the rail industry helped to build and sustain our city, and in turn, will allow this property to not only retain its value but also to enhance the value of the surrounding properties.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." This district is intended to provide a mix of compatible nonresidential uses. The mixture of uses proposed will encourage the restoration and renovation of these historic structures including compatible infill development and promote the history of the rail industry and accessory contributing uses. The mixture of uses and provision of both a large community open space within and a trolley stop will promote both the walkability of the city, intermodal transport and community interaction in this mixed use area of Riberia Street. This is in an effort to recognize and promote the authentic historic and physical character of the area including the historic direct reflection upon and presentation of the rail industry and its accessory uses which helped to build and sustain our historic city. The Development Plan Narrative, attached above, contains the required development conditions

sought by Applicant, all of which are intended to meet the spirit and intent of our code and comprehensive plan.

5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The restoration / renovation / reconstruction of this deteriorating property, with the proposed interactive Locomotive Museum and mixture of uses, while reusing many of the current dilapidated structures, is to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be approved and then not acted upon timely, the existing zoning approvals would remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the

reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:

_____

Ryan Dettra (Purchaser – Applicant)
33 Davis Street
St. Augustine, FL 32084

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.


TENDER
PASSENGER CAR
30'
85'
70'
ER GRAVEL DRY
(AS NEEDED)
31'
COMMUNITY
MARKET/GENERAL
STORE
CONCRETE
75'

Local Goods Community Market and Store

The PZB board asked for additional information on the community retail store "Local Goods Market." The concept is to sell local beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more. We plan on using local vendors for private label products for the shop. The concept is to sample and educate consumers in the retail area. Several sampling stations will be set up daily. This will help local companies build their brands and keep money in the community.

A few examples of local companies are below.

https://thehippieshusband.com/cutting-boards/

https://ogpotterystudio.com/

Sea Witch Pepper Potion

A Frame Datil Pepper

Cock a Datil Do Datil Sauce

https://www.honeytruck.com/pages/wholesale

https://www.minorcanmikes.com/

Claude's Chocolates

Cultivate Tea and Spice

Maggie's Herb Farms- homemade datil jams, mustards, vacuum datil peppers

St. Augustine Pottery

Sequential Coffee

Local Clothing Manufacturer's such as Paper Root

Kimley»Horn

July 21, 2023

Mr. Ryan Dettra
Dettra Real Estate, LLC
33 Davis Street
St. Augustine FL 32084

RE: Trip Generation Analysis
Riberia Street at La Quinta Place Railroad Retrospective Mixed-Use PUD
St. Augustine, Florida

Dear Mr. Dettra:

At your request, Kimley-Horn has performed a trip generation analysis for the property located at 95 Riberia Street in St. Augustine, Florida. The subject property is identified by the St. Johns County Property Appraiser as having Parcel Identification Number (PIN) 201920-0000.

Background

Kimley-Horn understands that the property owner (the "Applicant") intends to rezone the historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so that it may be utilized in a consistent manner with the surrounding Riberia Street corridor and mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the following uses:

- An interactive locomotive museum, including the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use
- A small, high-end restaurant inside the rail car
- A market/general store within the stable stall area
- An interactive craft brewery/distillery

The project proposes utilize, through pre-arranged future agreement, the parking areas now existing and/or future surface or garage parking spaces on the San Sebastian Inland Harbor site (across the street from the project on the west side of Riberia Street). The Applicant anticipates approximately 35 to 40 parking spaces will be available for the project. No on-site parking will be provided. The project also proposes to construct a trolley stop on the project's

frontage on Riberia Street to promote non-vehicular access to the property. New sidewalks are proposed along the Riberia Street frontage and the La Quinta Place frontage, and a new crosswalk across Riberia Street is also being considered by the project to further encourage non-vehicular access to the property.

Project Trip Generation

Typically, the trip generation potential for a proposed land use is calculated using data published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 11th Edition*. However, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with any of the following characteristics:

- Surrounded by compact urban development (an infill site)
- Consisting of a mix of complementary land uses (mixed-use development)
- Served by public or corporate transit, in particular if designed specifically to capitalize on transit access to the site
- Attracts walking and bicycling trips with the quality and connectivity of supporting networks (a site in an urban core area)
- That prices on-site parking or that requires patrons to use off-site priced parking
- In an area with high vehicle occupancy as a result of an areawide transportation demand management program or preferential treatment for ridesharing

All of these characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimates.

The project is anticipated to include approximately 2,300 square feet of restaurant/kitchen use. The baseline daily and PM peak hour trips for the proposed restaurant were estimated based on the trip rates published by ITE for land use 932 (High Turnover Sit-Down Restaurant) for a general urban/suburban setting. See **Table 1: Trip Generation**.

The project also proposes a brewery/distillery with a designated space for public tasting (tap room). The tap room and the brewery/distillery are both proposed within a single 6,800 square foot building. According to the applicant, the tap room is anticipated to comprise only

approximately 25 percent of the 6,800 square feet, and the rest of the building will be comprised of storage / manufacturing for the brewery/distillery operation. ITE gives the following description for Land Use 971 (Brewery Tap Room): "A brewery tap room is a designated area found in conjunction with a brewery in which customers can try samples of a brewery's products. These rooms are typically located on-site and can be used as a way to sell beer or related products directly to the customer. Depending on its size, a tap room can also be used to house social gatherings. A brewery tap room may also be used to facilitate complimentary tours of the brewery." This description fits the proposed tap room for the project. However, ITE does not publish data for the manufacturing/storage portion of a brewery or distillery. The baseline daily and PM peak hour trips for the proposed brewery/distillery and tap room were estimated based on the trip rates published by ITE for land use 971 (Brewery Tap Room) for a general urban/suburban setting. The actual tap room size is anticipated as only approximately 1,700 square feet. To provide a conservative baseline estimate of the tap room trips and to account for employee trips that would utilize the manufacturing/storage portion of the proposed brewery/distillery, the tap room square footage was doubled to 3,400 square feet for the trip generation calculation (see **Table 1: Trip Generation**).

The project trip generation also needs to be estimated for the locomotive museum and market/general store. ITE publishes trip generation data for a museum, but the data is based on only one field study in which the museum was approximately 176,000 square feet. The ITE PM peak hour trip rate from the single field study is 0.18 trips per ksf. The area of the market, the distillery/brewery building, and the open space on the project, including the rail care space, is approximately 20,000 square feet. Applying the 0.18 trips per ksf rate to the 20,000 square feet would result in approximately 4 PM peak hour trips. Given this low estimate of trips related to the museum space, the trips to/from the locomotive museum and market/general store were instead estimated using engineering judgement and the anticipated tour schedule for the museum. According to the Applicant, there will be 10-person tours every 30 minutes for the museum and brewery/distillery space. Assuming 20 people arrive and 20 people exit each hour for tours and a vehicle occupancy rate of 2 persons per vehicle would result in a baseline PM peak hour vehicle trip generation of 20 trips (10 inbound, 10 outbound). This assumption was utilized as shown in **Table 1: Trip Generation.** The baseline daily vehicular trips related to the Museum/Market were estimated based on the ratio of daily trips to PM peak hour trips for the restaurant use and the PM peak hour trip estimate for the Museum/Market use. A separate trip category was not developed for the Market/General Store, as these trips are anticipated to be ancillary with the museum trips (i.e. it is not anticipated that customers would come to the site only to use the Market/General Store).

A modal reduction of 50 percent was applied to the baseline vehicular trip generation to account for site characteristics described previously. An internal capture reduction of 25 percent was also applied to account for trips to or from one of the uses on site that also use one of the other uses on site. As shown in Table 1, the adjusted estimated vehicular trip total for the project is 259 daily trips and 26 PM peak hour trips (15 inbound trips and 11 outbound trips).

Table 1: Trip Generation

LAND USE	INTENSITY	DAILY	PM PEAK HOUR		
		TOTAL	TOTAL	IN	OUT
Baseline Unadjusted Vehicular Trip Generation					
High Turnover Sit-Down Restaurant	2.3 ksf	247	21	13	8
Brewery Taproom	3.4 ksf	210	33	19	14
Museum/Market		235	20	10	10
	Subtotal	692	74	42	32
Modal Reduction					
High Turnover Sit-Down Restaurant	50%	124	11	7	4
Brewery Taproom	50%	105	17	10	7
Museum/Market	50%	118	10	5	5
	Subtotal	347	38	22	16
Internal Capture					
High Turnover Sit-Down Restaurant	25%	31	3	2	1
Brewery Taproom	25%	26	4	2	2
Museum/Market	25%	29	3	1	2
	Subtotal	86	10	5	5
Vehicular Trip Total					
High Turnover Sit-Down Restaurant	= Baseline Minus	92	7	4	3
Brewery Taproom	Modal Reduction Minus	79	12	7	5
Museum/Market	Internal Capture	88	7	4	3
	Subtotal	259	26	15	11

Trip Generation Rates:

Daily

High Turnover Sit-Down Restaurant	[ITE 932]	T = 107.20 (X)
Brewery Taproom	[ITE 971]	T = 61.69 (X)
Museum/Market	Based on PM peak hour trips and ratio of daily to PM peak hour trips for Land Use 932	

PM Peak Hour

High Turnover Sit-Down Restaurant	[ITE 932]	T = 9.05 (X) (61% in, 39% out)
Brewery Taproom	[ITE 971]	T = 9.83 (X) (59% in, 41% out)
Museum/Market	Estimated based on tour schedule	

Please do not hesitate to contact me at (904) 828-3900 or jack.hulsberg@kimley-horn.com should you have any questions regarding the information contained herein.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Jack Hulsberg

Jack Hulsberg, P.E.
Transportation Engineer

Jacob Fredriksson

From: Isabelle Lopez
Sent: Friday, July 14, 2023 4:54 PM
To: Jacob Fredriksson
Subject: Fwd: 115 La Quinta Place - Rezoning 2023-0057

Sent from my iPhone

Begin forwarded message:

> **From:** Ellen Avery-Smith <eaverysmith@rtlaw.com>
> **Date:** July 14, 2023 at 4:44:10 PM EDT
> **To:** Amy Skinner <askinner@citystaug.com>, Isabelle Lopez <ilopez@citystaug.com>
> **Cc:** Ellen Avery-Smith <eaverysmith@rtlaw.com>, abbas@humphreyre.com
> **Subject: 115 La Quinta Place - Rezoning 2023-0057**
>
> Good afternoon, ladies.
>
> I am writing on behalf of SA Marina Holdings, LLC, the owner of the property located at and near 159 King Street commonly known as Sebastian Inland Harbor, to notify you that SA Marina does not have a lease or other formal agreement signed with the owner or any other party related to the above-referenced property for the provision of parking for the proposed Planned Unit Development project.
>
> Please feel free to contact me if you have any questions related to this correspondence. Have a wonderful weekend.
>
> Ellen

Ellen Avery-Smith | Shareholder

ROGERS TOWERS
ATTORNEYS AT LAW

Rogers Towers, P.A. | 100 Whetstone Place, Suite 200 | St. Augustine, Florida 32086
Direct 904.825.1615 | Fax 904.396.0663 | Internal 5207 | eaverysmith@rtlaw.com | www.rtlaw.com | View Attorney Bio

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CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

FRIDAY REVIEW / DRC: PLAN COMMENTS

Building and Planning Department – Historic Preservation Division

September 3, 2021

RE: 115 La Quinta Place

1. There is no historic district associated with this property. Many of the existing barn structures located on the property appear to be 50 years old or older, as verified by an attached Sanborn map dated 1930 and corrected to 1960. More research would be needed to fully understand the approximate year of construction for each building. A Florida Master Site File (FMSF) survey for at least part of this property is listed under 109 Riberia Place. The FMSF states the older barn structure at 109 Riberia was constructed between 1904-1910 and was one of oldest structures existing in the area at the time of the survey. An attached document indicates that the 109 Riberia building may have been demolished, but more research is needed as these have proven to not always be accurate.

   The demolition of buildings 50 years old or older or the removal of the structure or a significant feature of the building would require review and a Certificate of Demolition (or Partial Demolition) approval by the Historic Architectural Review Board (HARB) through a public hearing is required. The HARB meets once a month, typically on the third Thursday, with the application deadline generally the third Friday of the month before. If a Certificate of Demolition (or Partial Demolition) application is approved by HARB, there is a 30-day delay period and subsequent building permits required, including a demolition permit which is not the same as the Certificate of Demolition, before beginning work. HARB meets once a month, typically on the third Thursday, with a deadline for applications the third Friday of the month before. The link to the Certificate of Demolition application: https://www.citystaug.com/DocumentCenter/View/150/Certificate-of-Demolition-or-Relocation-Application-PDF

2. Please be aware this property falls within Archaeological Zone IIIA. Any proposed ground disturbance, such as grease traps, plumbing, foundation work, storm water retention, demolition, etc., may require archaeological review and testing prior to the initiation of construction activities. The archaeological review can be initiated with the submittal of an A-14 Application for Archaeological Review to the Planning and Building Department. The archaeological fee for projects in Zone III is 1% of the estimated construction cost. The City Archaeologist will be happy to provide more information about the process.

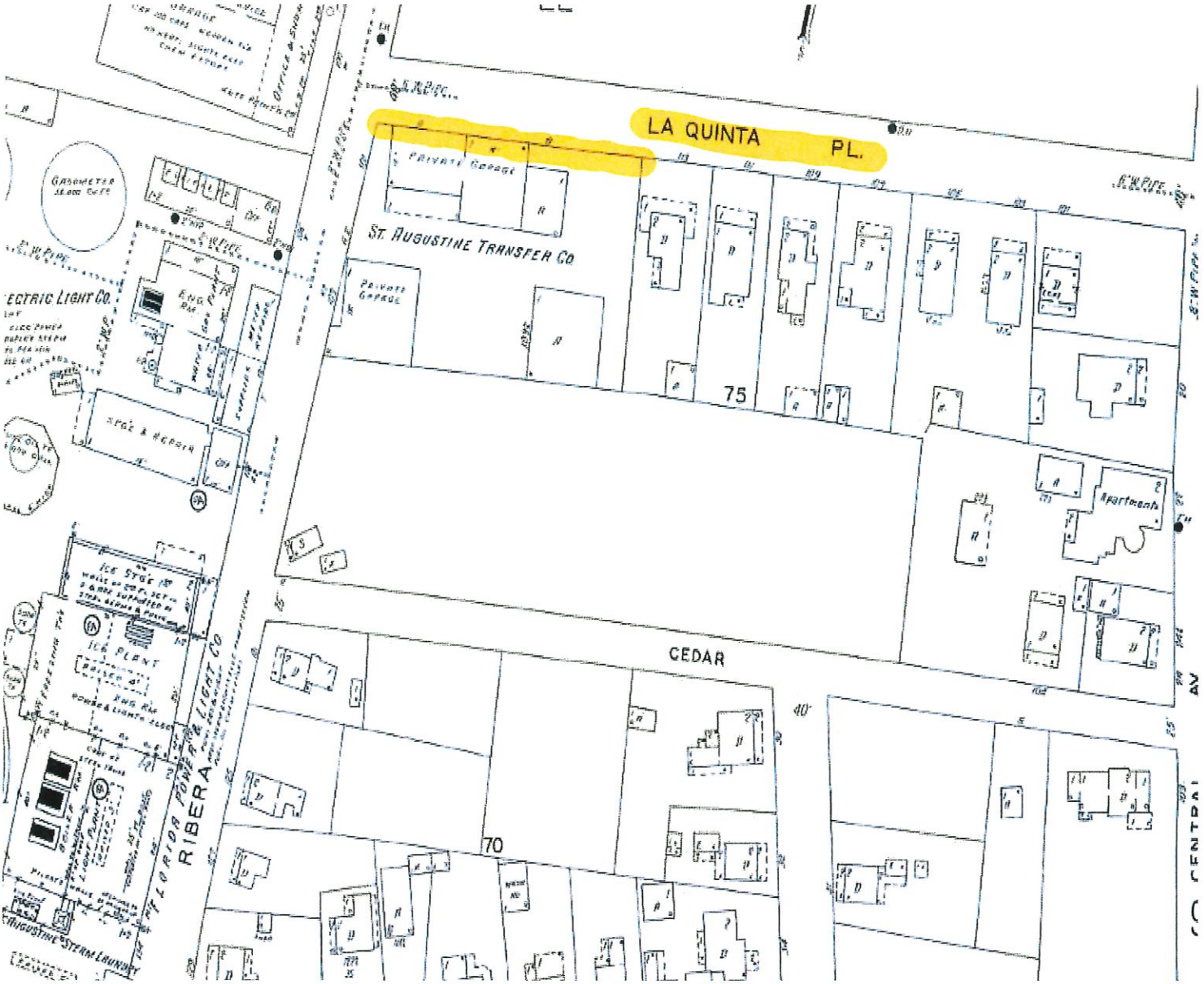
3. No design requirements are in place for this area; however, it is encouraged not to replicate historic styles and to use inspiration of the immediate context area to design a compatible building with respect to height, mass, scale, rhythms, materials, site plans, etc.

4. Any exterior signs must be reviewed and approved through the sign permit process prior to being installed.

Julie Courtney
Historic Preservation Planner
E jcourtney@citystaug.com | P 904.209.4283 | W www.CityStAug.com

ProQuest® Digital Sanborn Maps, 1867–1970

Saint Augustine Apr. 1930, Sheet 8



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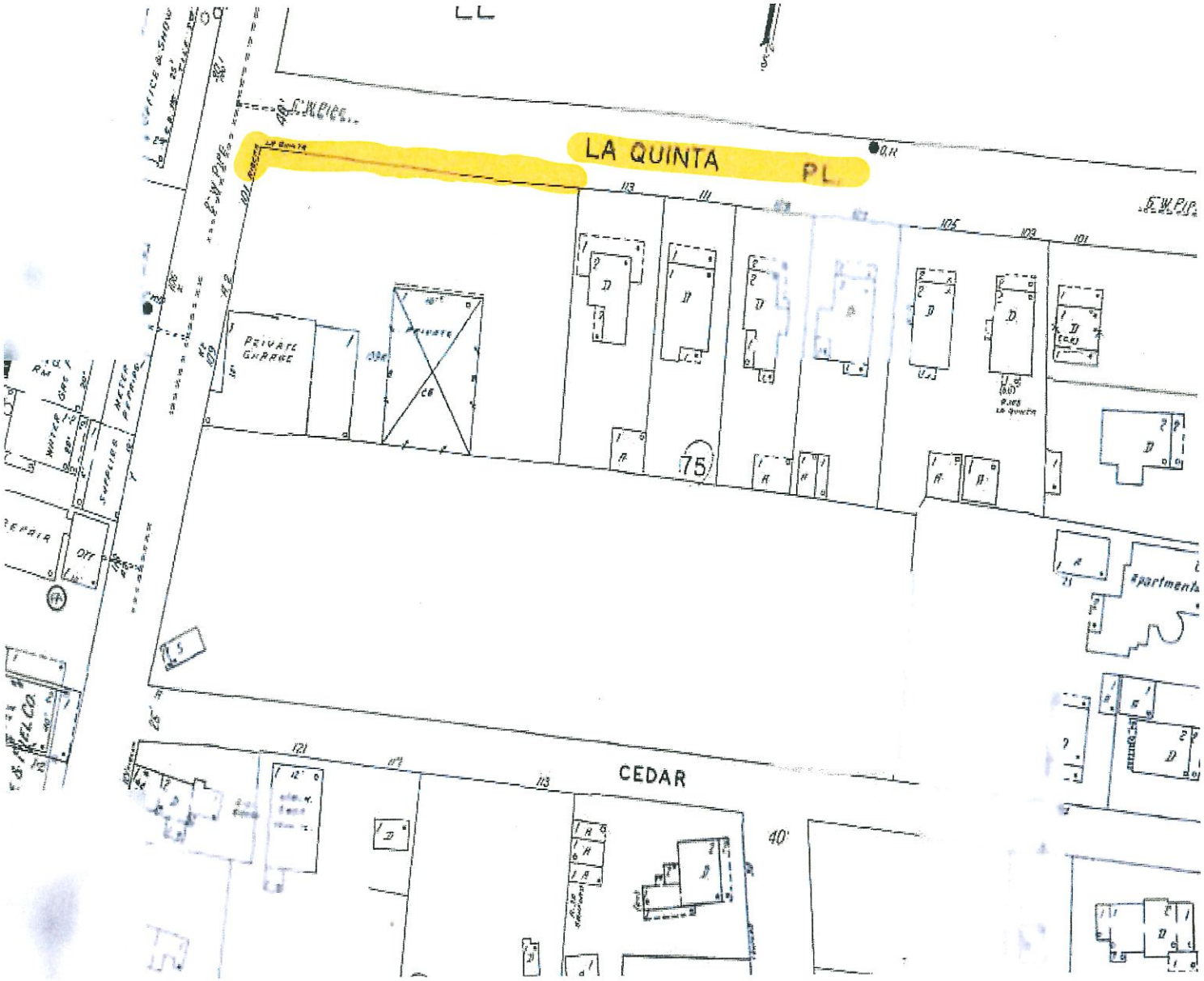
ProQuest® Digital Sanborn Maps, 1867–1970

Saint Augustine Apr. 1930, Sheet 8 Revised to 1947



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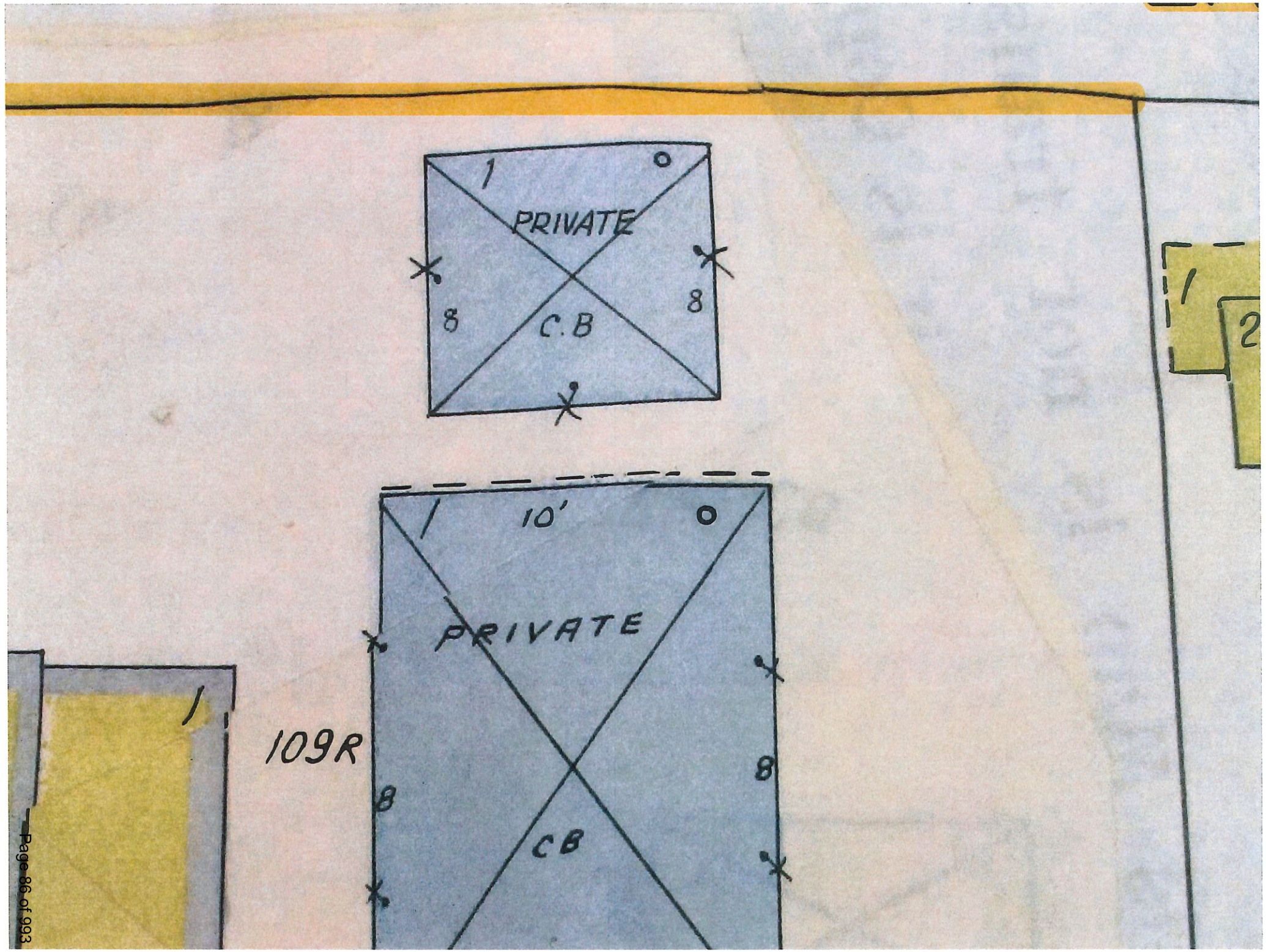
1
PRIVATE
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CB

FLORIDA MASTER SITE FILE

HISTORIC ST. AUGUSTINE PRESERVATION BOARD

HISTORIC PROPERTIES INVENTORY FORM

I. LOCATION & LEGAL DESCRIPTION

FDAHRM 802== Site No. 8SJ1813 1009==

Site Name: 109 Riberia Street 830== Survey Date: 7807 820==

Address: 109 Riberia Street, St. Augustine, Fla. 32084 905==

Instructions for Locating:

813== County: St. Johns 808==

Location: City of St. Augustine (subdivision) 46B (block) A (lot) 868==

868==

Owner of Site: Name: Colee, Ambrose B. Jr. and Almarie P.;

Address: 74 Dolphin Drive

St. Augustine, Fla. 32084 902==

Occupant or Manager: Colee Stables 904==

Type of Ownership: Private 848== Zoning: CBD

NR Classification Category: Building 916== Recording Date: 832==

UTM: 17 (zone) 469250 (easting) 3306450 (northing) 890== Location: T07S (T) R30E (R) 18 (S) 812==

Map Reference: USGS St. Augustine 7.5 MIN 1956 (PR 1970) 809==

Recorder: Name & Title: Nolan, David (Historic Sites Specialist);

Address: H.S.A.P.B. 818==

II. SITE DESCRIPTION

Condition of Site:

( ) Excellent 863==
( ) Good 863==
(x) Fair 863==
( ) Deteriorated 863==

Integrity of Site:

(x) Altered 858==
( ) Unaltered 858==
(x) Original Site 858==
( ) Restored - Date: 858==
( ) Moved - Date: 858==

Threats to Site:

( ) Zoning 878==
( ) Development 878==
(x) Deterioration 878==
( ) Borrowing 878==
(x) Transportation 878==
( ) Fill 878==
( ) Dredge 878==
( ) Other 878==

SEE SITE FILE STAFF FOR ORIGINAL PHOTO(S) OR MAP(S)

II. SITE DESCRIPTION, continued.

Original Use: Transportation 838== Present Use: Transportation 850==

Date: +1910 844== Period: 20th Cent 845== Culture: American 840==

Architect: 872==

Builder: 874==

Style: Barn 964==

Plan Type: Rectangular 966==

Exterior Fabrics: Metal, corrugated; concrete block plain 854==

Structural Systems: Masonry, concrete block; wood frame 856==

Features of Structure: (942)

Window Type: Casement 942==

Foundation: Slab 942==

Roof Type: Gable 942==

Secondary Roof Structures: Shed 942==

Porches & Balconies: 942==

Chimney Location: 942==

Materials: (882)

Chimney: 882==

Roof Surfacing: Metal, corrugated 882==

Ornament Exterior: 882==

Quantitative Data: (950-954)

Chimneys: 952== Dormers: 954== Stories: 1½ 950==

Other: 956==

Surroundings: Residential/industrial/commercial 864==

Relationship to Surroundings: On corner lot 859==

III. PHOTOGRAPHY

Photographic Records Numbers: 860==

Contact Prints

IV. SIGNIFICANCE

Areas of Significance: Architecture, Families, Transportation, Tourism

920==

Statement of Significance: (911==)

ARCHITECTURE

The one and one-half story Barn located at 109 Riberia Street was constructed between 1904 and 1910 and is the oldest remaining building according to the Sanborn Maps, on the grounds of Colee Stables. The other old buildings were demolished in a fire during the 1940's. Formerly a one-story Carriage House, it shares the lot with 109 (rear) Riberia and another concrete block building near LaQuinta Place.

This area is bordered and cut through by narrow, heavily traveled thoroughfares. It is adjacent to the downtown business district and reflects the parking problems of that area. It is bounded at the west by a largely abandoned industrial and warehouse district along Riberia Street. On the east it is bordered by what was filled land of Maria Sanchez Creek, transformed into the great hotels of the Flagler era. The whole area suffers from the fact that it has been zoned in commercial classifications, residential neighborhoods and all. It is a combined commercial, industrial and residential area where the residential sector has been losing out to the commercial one over the years. Significant buildings like the Buckingham Hotel, the Gilbert Villa and the Kellogg Cottage have been demolished for parking lots and other developments. The area once was famous in landscape architecture for its orange groves and rose gardens, but these, too, are gone. The area borders on sites listed on the National Register of Historic Places, including Markland, Hotel Ponce de Leon and Alcazar Hotel, and contains many significant buildings and groups of buildings. Along Bridge Street, and in the area of Weeden, Sanford, and Bravo Streets it is one of St. Augustine's most extensive Victorian neighborhoods. Also Block 46-A is an architectural curiosity of the city, containing more examples of different styles than any other single block.

HISTORY

The neighborhoods bounded by King, Bridge, Granada and Riberia Streets evolved out of five late 18th century Spanish land grants. The largest, encompassing three-quarters of the area, was given to Valentine Fitzpatrick, an Irishman who was chief physician at the royal hospital, and was later acquired by Fernando de la Maza Arredondo, Jr., one of the largest landholders in colonial Florida. The area was generally dedicated to citriculture, and

(over)

V. BIBLIOGRAPHY

1. Benjamin Clements, "Plan of the City of St. Augustine, 1834-35"; St. Johns County Court House, Deed Records, Book B and L, p. 52; Book C, p. 134; Book I-J, p. 174; Biographical File, St. Augustine Historical Society.

2. Mariano de la Rocque, "Plano General de la Plaza de San Agustin de la Florida", December 24, 1791; F. W. Dorr, "San Augustine and Vicinity, East Florda, 1860"; Deed Records, Book H, pp. 83, 84.

3. Map Book 2, p. 7, 1885 and 1894 Birds-Eye Views of St. Augustine; San-

one orange grove along Bridge Street between Central Avenue and Granada Street was owned by Philip Edinburgh, a free Black, from 1801-1831.(1) Prominent early streets in the area include Bridge Street, a colonial thoroughfare which led to one of three late 18th century ferry crossings and a mid-19th century sawmill, and King Street, a public road opened in the 1820's which connected the old city with the newly completed San Sebastian River Bridge. Of all sections outside the colonial city, this area was the most intensively developed in the pre-Civil War years, particularly along the two principal streets.(2) Extensive residential development first occurred in the late 19th century, especially along Bridge, Sanford, Weeden and Bravo Streets. A number of stately buildings were then constructed along King Street, the Senator Gilbert residence and Zorayda Castle, and along Granada (formerly Bronson) Street, the Buckingham Smith Benevolent Home for Blacks, later a hotel. Another construction boom took place in the 1920's along Central Avenue and Cedar Street, and the western section of the street was platted at that time into Burt and Colee Subdivisions, the latter housing the stables for the St. Augustine Transfer Company.(3)

Colee Stables, at 109 Riberia Street, is the home of the horses that pull the famous tourist carriages around St. Augustine. Originally they took visitors from the old Florida East Coast Railway terminal on Malaga Street to the old hotels in St. Augustine.(4)

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born Fire Insurance Map, 1930.

4. Interview by David Nolan with Henry Colee, July, 1978.



CHANGE OF STATUS, Version 3.1, 5/03 *Site #8_SJ1813___*

Florida Master Site File Date This Form Completed (date of status change is below) 05/15/05

DHR Staff Only

Reporter_Kim K. Del Rance ☐ DHR X Not DHR: Give organization, address, phone, email: City of St. Augustine, 75 King St, St. Augustine, FL 32084_____

X Site File file number KNOWN (give it): SJ1813____

☐ Site File file number NOT KNOWN (attach map and complete next three lines)

Resource Name _____

TRS: Twp __ N / S Range __ E /W Section: ___ Other location info: _____

_____

CHANGE IN PHYSICAL CONDITION (write date before each applicable change, omit day &/or month if exact date unknown; describe change as suggested; give DHR file number or attach documentation)

__/__/___ Altered without reference to the Secretary's Standards--describe: _____

_____

__/__/___ Correction of ☐address, ☐map, or ☐TRS (Give old & corrected info) _____

_____

__/__/___ Restored to historical condition as of _____ (year)

__/__/___ Moved to new site (attach map)--new address: _____

__/__/___ Approved for demolition—by (authority): _____

01/15/84_ Demolished (structures/bridges only)-Reason: Unknown, between 1980-1984

__/__/___ Accidentally destroyed--cause: _____

__/__/___ Disturbed (archaeological)—describe: _____

__/__/___ Human remains—ANY evidence? Describe: _____

DHR only-INVOLVEMENT IN PRESERVATION PROGRAMS (write earliest date this property involved)

__/__/___ Ad valorem tax relief (Give CLG, BHP/CR file #): _____

__/__/___ Section 106 review (BHP/CR file #): _____

__/__/___ Chapter 267 FS review (BHP/CR file #): _____

__/__/___ Federal investment tax credit (BHP/APS file #): _____

__/__/___ Acquisition & development grant (BHP/Grants file #): _____

__/__/___ FS 872, unmarked human remains encountered _____

__/__/___ 1A32, state lands permit (BAR/AR file #): _____

__/__/___ CARL, conservation lands project (BAR/AR file #): _____

DHR only--CHANGE IN EVALUATION (write date before each applicable change)

__/__/___ Listed on National Register of Historic Places (Give NRIS#, federal id #) _____

__/__/___ Officially removed from the National Register of Historic Places (NRIS#, federal id) ____

__/__/___ Keeper: ☐ eligible ☐ ineligible__/__/___ SHPO: ☐ eligible ☐ ineligible (SHPO office, file#) _____

__/__/___ Opinion of technical DHR staff, not through 106 process—justification required per Director: ☐ eligible ☐ ineligible ☐ insufficient information -- Explanation: _____

_____

_____

__/__/___ Rehabilitated to Secretary's Standards (SHPO office, file #)_____

__/__/___ Local register or landmark commission: ☐ eligible ☐ ineligible ☐CLG ☐non-CLG

Name, address of local register: _____

_____

DOCUMENTATION X attached ☐already in Site File, specify file no _____

City of St. Augustine
St. Augustine, Florida
Planning/Building

February 8, 2005

Dawn Creamer
Florida Master Site File
Division of Historical Resources
R.A.Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Ms. Creamer:

Enclosed please find a list, by street, of all the buildings listed on the Florida Master Site File in the City of St. Augustine which have been demolished or relocated since the 1980 survey. The date of their demolition or relocation and, when applicable, the date of the HARB decision regarding demolition or relocation is in the comments section. If the exact date is not know, the range of time during which they were demolished or relocated is indicated. There have also been some address changes since 1980 and the old address is now listed as (AKA ##) behind the current address. This does not indicate an address it has been relocated to unless that is specified in the comments. There have also been some street name changes which are indicated in the bold headings. Please update your files for all the addresses which fall on these streets (such as Palmo Street now being Twine Street) if they have not been already.

Please update your files with this information and hopefully there will never be a list of demolitions this long in the future.

Sincerely,

Kim K. Del Rance, Associate AIA
Historic Preservation Planner
City of St. Augustine, Florida

encls.

Florida Master Site File Inventory of St. Augustine Buildings Demolished or Relocated as of 02/08/2005

ADDRESS	SUBDIVISION	BLOCK	LOT	STYLE	DATE	NUMBER	COMMENTS
RIBERIA STREET							
68	Model Land Co.	G1	1	Colonial Revival	1924-1930	8SJ1805	YMCA Gymnasium - Demolished between 1980-1983
86	City of St. Augustine	46D	15	Masonry Vernacular	1917-1924	8SJ1810	Demolished between 1980-1984
109	City of St. Augustine	46B	A	Barn	1904-1910	8SJ1813	Demolished between 1980-1984
129	City of St. Augustine	46I	5	Frame Vernacular	1910-1917	8SJ1816	Demolished 1989
136	City of St. Augustine	46L	pt 2	Frame Vernacular	1924-1930	8SJ1817	Demolished between 1980-1984
144	City of St. Augustine	46L	pt 2	Frame Vernacular	1924-1930	8SJ1818	Demolished between 1980-1984
148	City of St. Augustine	46L	pt 1	Frame Vernacular	1924-1930	8SJ1819	Demolished between 1980-1984
167	Dancy Tract	A	pt 10	Garage Apartment	1924-1930	8SJ1821	Demolished between 1980-1987
169A & B	Dancy Tract	A	pt 11	Frame Vernacular	1924-1930	8SJ1822	Demolished 1992
171A	Dancy Tract	A	pt 12	Frame Vernacular	1924-1930	8SJ1824	Demolished between 1980-1984
177	Dancy Tract	A	pt 14	Frame Vernacular	1924-1930	8SJ1827	Demolished between 1980-1984
233 (AKA 235)	Keith	A	39	Frame Vernacular	1904-1910	8SJ1831	Demolished 1992
236	Marsh Lot		pt 5	Frame Vernacular	1917-1924	8SJ1832	Demolished between 1980-1984
238	Marsh Lot		pt 5	Frame Vernacular	1924-1930	8SJ1833	Demolished 1988
245 1/2	Keith	A	pt 44	Frame Vernacular	1904-1910	8SJ1836	Demolished between 1980-1984
253	Buena Esperanza	4	pt 1, pt 2	Frame Vernacular	1924-1930	8SJ1841	Demolished between 1980-1984
253A	Buena Esperanza	3	8	Frame Vernacular	1910-1917	8SJ1840	Demolished between 1980-1984
257	Buena Esperanza	4	21	Frame Vernacular	1924-1930	8SJ1843	Demolished between 1980-1984
RIVER ROAD							
13	Andalucia Parque	A	13, 14	Frame Vernacular	1939	8SJ3621	Demolished 2004
ROHDE AVENUE - (also known as Rhode Avenue)							
48	Rohde Addition	11	pt 8, pt 9	Frame Vernacular	1910-1917	8SJ1781	Demolished between 1980-1984
SAINT (ST.) FRANCIS STREET							
75	Dumas Tract	J	14	Frame Vernacular	1871-1885	8SJ1873	Demolished 2003
SAINT (ST.) GEORGE STREET							
252	City of St. Augustine	38	1	Colonial Revival	1876	8SJ1919	Bronson Cottage - Garage Demolition Approved 9/03

Original Application Material as Submitted by the Applicant

EXHIBIT A

RECEIVED
JUN 05 2023
Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $400 (plus advertising costs) Project Number: 2023-0057

Receipt Number: 2643911 Meeting Date: July 5, 2023

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

---

1. NAME OF APPLICANT: James G. Whitehouse, Esq. for Ryan Dettra Contact Number: 904-495-0400
   Business *(if applicable)*: St. Johns Law Group
   Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
   E-Mail Address: jameswhitehouse@sjlawgroup.com
2. NAME OF PROPERTY OWNER: Paul M. Meredith, P.A. Contact Number:_____
   Business *(if applicable)*:_____
   Address:_____ City:_____ State:_____ Zip:_____
   E-Mail Address:_____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot:_____ Block:_____
   Subdivision:_____ Parcel Number:_____
4. PROJECT STREET ADDRESS: 115 LA QUINTA PLACE (FORMERLY 95 RIBERIA STREET)
5. SPECIFIC PROPOSED USE: MIXED USE - PUD
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Appeal of Staff Determination
   - ☐ Exception
   - ☐ Land Use Plan Amendment
   - ☐ Variance
   - ☒ Rezoning
   - ☐ Other:_____
7. DESCRIPTION OF ACTION REQUESTED:
   REQUEST TO REZONE PROPERTY TO PUD TO ALLOW A REJUVINATION OF THIS HISTORIC PROPERTY ALONG THE RIBERIA STREET MIXED USE CORRIDOR AND LOCATED ADJACENT TO THE ICE PLANT AND DISTILLERY AND DIRECTLY ACROSS FROM THE SAN SEBASTIAN PROPERTY AND PARKING GARAGE LOCATION
   ---------- SEE ATTACHED ----------
8. JUSTIFICATION FOR ACTION REQUESTED:
   A REJUVINATION OF THIS HISTORIC PROPERTY WITH A MUSEUM AND ONSITE REFERENCES AND RECOLLECTIONS OF THIS AREA'S HISTORY AND INCLUDING A MIXTURE OF APPROPRIATE COMMERCIAL USES SIMILAR TO THE ICE PLANT RESTAURANT / DISITILLARY /MUSEUM USE AS WELL AS THE INCLUSION OF A MARKET AND RAIL CARS TO REFLECT THE SAME
   ---------- SEE ATTACHED ----------

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:_____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:_____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:_____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:_____

10. PREVIOUS APPPLICATIONS:
Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, please give date and final disposition below.

_____

11. AGREEMENT:
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

_____ 6/5/23
Signature of Applicant Date

Owner's authorization attached
_____
Signature of Property Owner Date

ST. JOHNS LAW GROUP

Dedicated and Responsive Service

NEIGHBORHOOD COUNCIL OF SAINT AUGUSTINE, INC.
52 N. ST. AUGUSTINE BLVD.
SAINT AUGUSTINE, FL 32080

RE: The St. Augustine Locomotive Museum Planned Unit Development

Pursuant to the requirements of the City of St. Augustine for applications for Planned Unit Development Ordinances, please accept this correspondence as notice of the request for rezoning to Planned Unit Development for 95 Riberia Street to allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. The following information regarding the project is provided for your use and distribution, as appropriate:

APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
OWNER & APPLICANT	Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
LOCATION	95 Riberia Street
CURRENT ZONING	CL-1
CURRENT LAND USE	Commercial Low
PROPOSED ZONING	Planned Unit Development (PUD)
SURROUNDING PROPERTIES	Flum – RES MED / MIXED USE / COMMERCIAL LOW Zoning – PUD / CL-1 / RGO

Current Zoning and Land Uses:
The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals. Further, the property was historically used for stables to serve the rail industry for intermodal transportation and transport of baggage and goods into town and more recently as the stables and pens for farm animals and the community market and store and interactive museum / animal farm for Ripe N Ready. The property has had a current future land use of Commercial Low and it has had the current zoning of CL-1 during all the above uses' existence.

Summary of Request:
Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner and be a wonderful addition to this area of the Riberia Street mixed use corridor and interact with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Further, the changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind.

The Project Coordinator's contact information is as follows:
St. Johns Law Group
James G. Whitehouse, Esq.
104 Sea Grove Main Street
St. Augustine, FL 32080
(904) 495-0400
jameswhitehouse@sjlawgroup.com

"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods and the PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

In addition to the developer neighborhood notice, the City Planning Department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the City's public informational outreach initiative. Such additional courtesy information may be provided in person, by U.S. mail, electronic mail or posting on the City's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

If you have any questions, please do not hesitate to call or email me. We appreciate the work that you do.

Sincerely,

James G. Whitehouse, Esq.

Cc: City of St. Augustine Planning Department

EXHIBIT A B

LEGAL DESCRIPTION

BEGINNING ON THE SOUTHERLYSIDE OF LA QUINTA PLACE AT A POINT DISTANT FOUR HUNDRED SIXTEEN FEET AND SIX INCHES (416' & 6") WESTERLY FROM THE WESTERLY LINE OF CENTRAL AVENUE, RUN THENCE SOUTERLY AT RIGHT ANGLES TO LA QUINTA PLACE ONE HUNDRED FORTY FEET (140') TO THE NORTHERLY LINE OF THE PECK PROPERTY; THENCE WESTERLY ALONG SAID PECK'S NORTHERLY LINE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE EAST LINE OF RIBERIA STREET, THENCE NORTHERLY ALONG THE EAST LINE OF RIBERIA STREET TO THE SOUTHERLY LINE OF LA QUINTA PLACE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE POINT OF BEGINNING; SAME BEING BOUNDED AS FOLLOWS: NORTH BY LA QUINTA PLACE AND WEST BY RIBERIA STREET AND SOUTH BY THE PECK PROPERTY AND EAST BY PROPERTY OF THE TRUSTEES OF THE PEOPLE'S BANK FOR SAVINGS.

SAID PROPERTY BEING SITUATED IN ST. JOHNS COUNTY, FLORIDA

PARCEL IDENTIFICATION NUMBER: 201920-0000

Exhibit "C"

DEVELOPMENT PLAN NARRATIVE

95 Riberia Street
THE ST. AUGUSTINE LOCOMOTIVE MUSEUM
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for a rezoning of this historic parcel to Planned Unit Development (PUD). This rezoning will allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties. This rezoning will allow the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and rail car to the property to allow public viewing and interactive use and the renovation of the buildings to provide space for a market/general store, a kitchen and takeout facility and an interactive craft brewery/distillery. These uses will interact together to promote an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. The changes to the property will be done with great regard to the history of this property and will comply with all the codes and regulations as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Mr. Ryan Dettra. The Applicant is requesting this rezoning to PUD in accordance with the City of St. Augustine Zoning Code. This rezoning will maintain the current Commercial Low future land use and will reflect a mixture of the same types of mixed uses as are currently present along this CL-1 Riberia Street corridor as well as those currently present along the King Street CL-1 corridor.

This parcel fronts upon Riberia Street, the main corridor along this side of the San Sebastian River and is directly across the street from the developing San Sebastian Harbor site's uses, as well as the existing Ice Plant and St. Augustine Distillery and the mixed-use park at 134 Riberia, which also lies adjacent to the St. Augustine Fish Camp bar and restaurant. Further, this site is just up from Riberia Street's intersection with the many mixed uses that run all up and down the CL-1 King Street corridor, all in harmonic compatibility in our historic living city, much as it existed between the train, the stables and the bustling downtown in the Flagler era. And, as aforementioned, the applicant has already secured the use of extensive parking across the street on the developing San Sebastian Harbor properties, which will continue to promote the walkable nature of our city and also the use of the various other intermodal forms of transport in the attempt to take cars off our inner-city core streets and at the same time to offer reflection on how visitors and locals alike had to rely upon both the horses, whose stables were on this property, and other forms of transport to get into town from the area, historically and most especially in the Flagler era.

Finally, the applicant has extensive experience with this type of project based upon his work on the extremely successful and compatible St. Augustine Distillery project and he looks forward to implementing the same type of success into this mixed use, historically reflective site.

Applicant herein seeks this rezoning, as presented.

As stated, the overall objective of the PUD is to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately .71 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located on Riberia Street, just one block off of King Street, at the corner of Riberia and La Quinta Street.

B. Ownership/Agreement: The Property is under contract for purchase by Ryan Dettra (Purchaser – Applicant), from the current owner, Paul Meredith, PA, as shown by the Proof of Ownership documents in the Application materials. Evidence of authorization for representation is contained within the Application materials.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner. The property currently contains the afore-mentioned buildings, which will be rehabilitated with additions and include the addition of the locomotive cars for historical presentation and reflection. This rezoning will allow the applicant to revive this historical property, which served the rail industry and tourists and locals alike for many years, through a complete overhaul of the buildings with the stated intent of renovations and upgrades to this deteriorated property and establishing an interactive mix of uses surrounding the St. Augustine Locomotive Museum use and interaction. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be granted the currently allowed uses in the CL1 and CL2 zoning districts, along with the other uses as allowed in this mixed-use area, including but not limited to the following: Permitted uses and structures: a. professional and business offices. b. restaurants, but not drive-in. c. retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and

photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products. d. Museums. e. bar/tavern. f. craft alcohol industry, including light manufacturing, processing, packaging and fabricating. Also, g. see section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal. This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner. Uses by exception shall be provided for and any changes to the uses described herein by an amendment to the PUD.

B. Development Standards for NEW Structures within the PUD: The attached site plan depicts the proposed interactive site plan and layout of the current structures with partial demolition and additions for the uses proposed. The applicant will be allowed utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be allowed to rehabilitate and reinvigorate this property as presented. No material departures from this site plan are permitted without authorization of the PZB. In addition, the following specific criteria shall apply.

1. **Maximum lot coverage:** Sixty percent maximum (60%)

2. **Maximum building height:** Maximum thirty-five (35) feet, measured from a ten-foot finished floor elevation.

3. **Parking:** Parking spaces will be provided per agreement with San Sebastian Harbor properties as located thereon currently and as may be provided in the parking garage upon that property. Further, a trolley stop has been agreed and will be provided for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. **Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements.

5. **Stormwater:** Stormwater management will be in compliance with the regulations of the City of St. Augustine and conform with the permit requirements established by the St. Johns River Water Management District.

6. **Access:** Full pedestrian access to the property will be provided per the sidewalks as proposed to be built on the street sides of the property, as well as the within the interactive open space for community gathering and outdoor interaction. Further, a trolley stop has been agreed and will be provided for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated

7. **Fencing:** All existing fencing may remain on the Property or may be modified in accordance with the plan as approved; as such, eight foot opaque fencing may be provided along the east and south sides of the property replacing the current deteriorating fencing.

8. Utilities: All electrical and telephone lines are installed on the site: Electrical power is provided by Florida Power and Light Company or other franchised utility provider. Directional security lighting may be provided as needed.

9. Potable Water: Potable water will be provided by the City of St. Augustine via existing connections.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development is served by central sewer collection from the City of St. Augustine. Any extensions shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: A sidewalk will be installed along La Quinta and a sidewalk to incorporate the trolley stop along Riberia Street.

13. Design: It is the intent of the applicant to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: THE ST. AUGUSTINE LOCOMOTIVE MUSEUM PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The stated intent of the applicant, to utilize/replicate and further the design of the existing historical site to promote the history of the area and to rejuvenate this property with specific reference to and reflection upon the historical uses in the area will result in the innovative reuse and continued contribution of an existing property, using existing buildings and adding thereto to further the rejuvenation of this area, reflecting the mixture of uses therein and promoting the history of our city, as intended by this Objective.

INFRASTRUCTURE ELEMENT

SANITARY SEWER SUB-ELEMENT

SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT

PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: Although not in an HP district, the proposed restoration / reconstruction / renovation will allow this historic property to be restored and continue to operate in a manner that will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner that the restoration / reconstruction / renovation remakes this historic property to reflect and enhance the area and provide a direct reflection upon the history surrounding the priceless contribution that the rail industry made to the history of our great city. In sum, the restoration / renovation / reconstruction of this property and the provision of the mixture of uses, including the interactive Locomotive Museum and features throughout the property will not only remedy the existing situation caused by the current status of the deteriorating structures, but it will be a grand revamping of this historic area.

2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area. A direct reuse of many of the current structures and the proposed uses are not wholly different than some of the former uses, including the market and they are

very similar to the uses in this mixed use area of Riberia Street. Accordingly, they will also enhance this property. See, FLUE Objective 3.2 - The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable. See, FLUE Policy 3.2.3 -The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity. Also see, FLUE Policy 3.2.6 - The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the presence of the historic rail industry in the area.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

(1) Permit a creative approach to the development of land; and

(2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
(3) Provide for an efficient use of land; and
(4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
(5) Provide an environment of stable character compatible with surrounding areas; and
(6) Retain property values over the years.

Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286 and how this proposal is a perfect example for the use of planned unit development to encourage the restoration / renovation / reconstruction of these presently deteriorating structures while allowing for a creative use that has no increased ill-effects on the area, since many of the uses are already allowed, and since this use is clearly compatible and far less intense than the uses across the street and the farm animal use that was historically on this same property. Further, the proposed use will indeed provide an environment of stable character for this property to be re-created and greatly enhance the area and an invaluable reflection upon how the rail industry helped to build and sustain our city, and in turn, will allow this property to not only retain its value but also to enhance the value of the surrounding properties.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." This district is intended to provide a mix of compatible nonresidential uses. The mixture of uses proposed will encourage the restoration and renovation of these historic structures including compatible infill development and promote the history of the rail industry and accessory contributing uses. The mixture of uses and provision of both a large community open space within and a trolley stop will promote both the walkability of the city, intermodal transport and community interaction in this mixed use area of Riberia Street. This is in an effort to recognize and promote the authentic historic and physical character of the area including the historic direct reflection upon and presentation of the rail industry and its accessory uses which helped to build and sustain our historic city. The Development Plan Narrative, attached above, contains the required development conditions

sought by Applicant, all of which are intended to meet the spirit and intent of our code and comprehensive plan.

5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The restoration / renovation / reconstruction of this deteriorating property, with the proposed interactive Locomotive Museum and mixture of uses, while reusing many of the current dilapidated structures, is to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be approved and then not acted upon timely, the existing zoning approvals would remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the

reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:

Ryan Dettra (Purchaser – Applicant)
33 Davis Street
St. Augustine, FL 32084

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

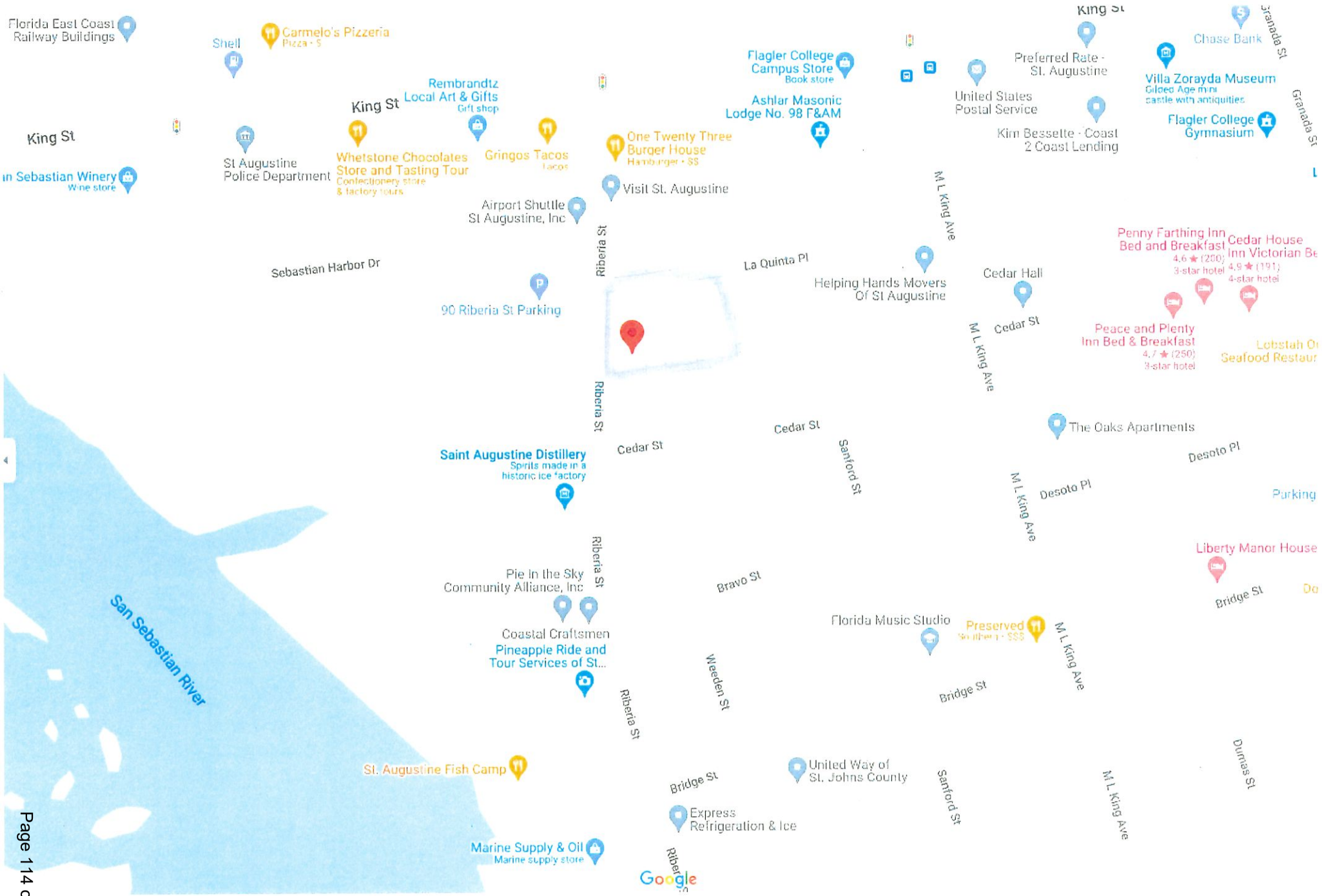
2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

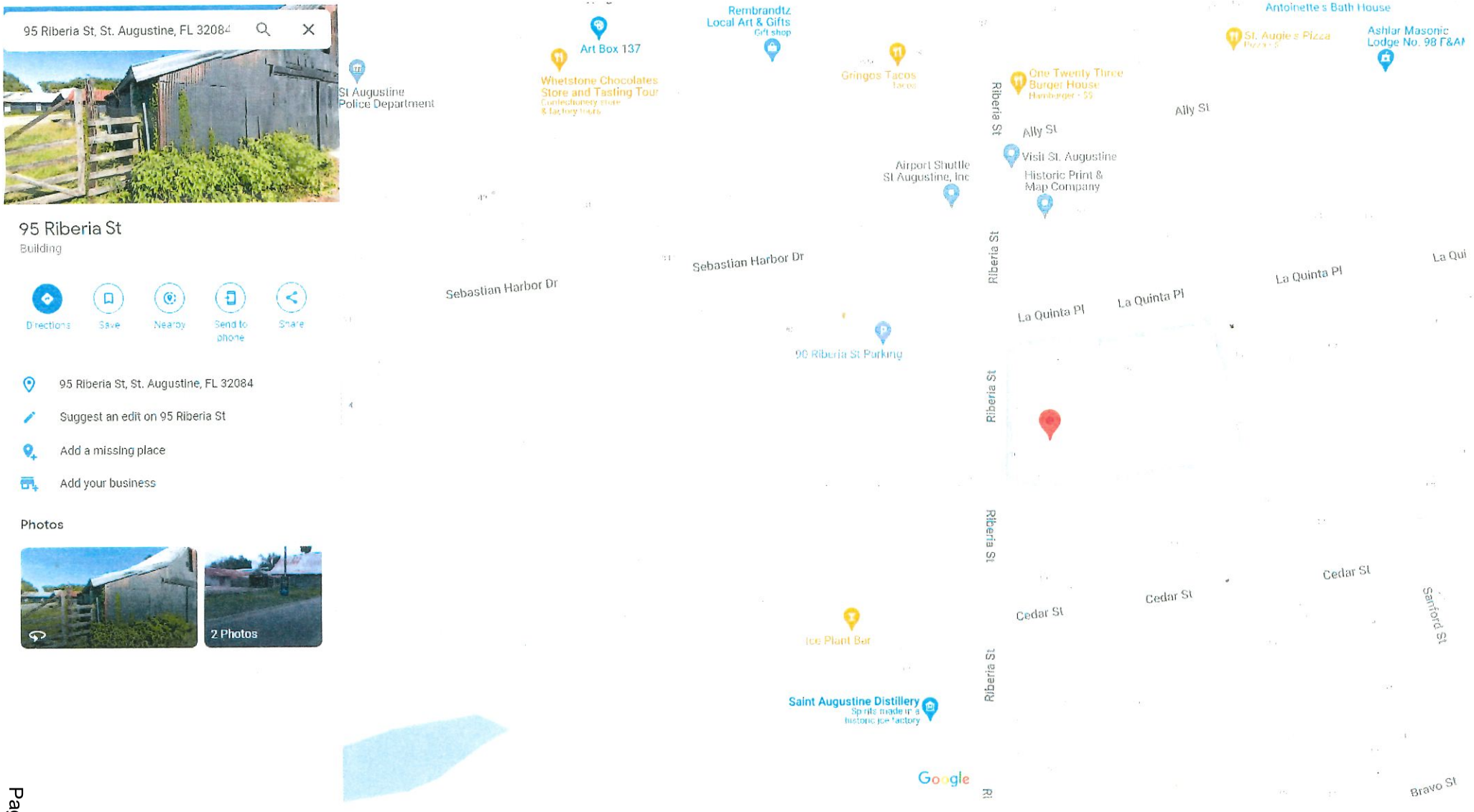
4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.

EXHIBIT D - LOCATION MAP



LOCATION MAP




1961500001
La Quinta Pl
2019200000
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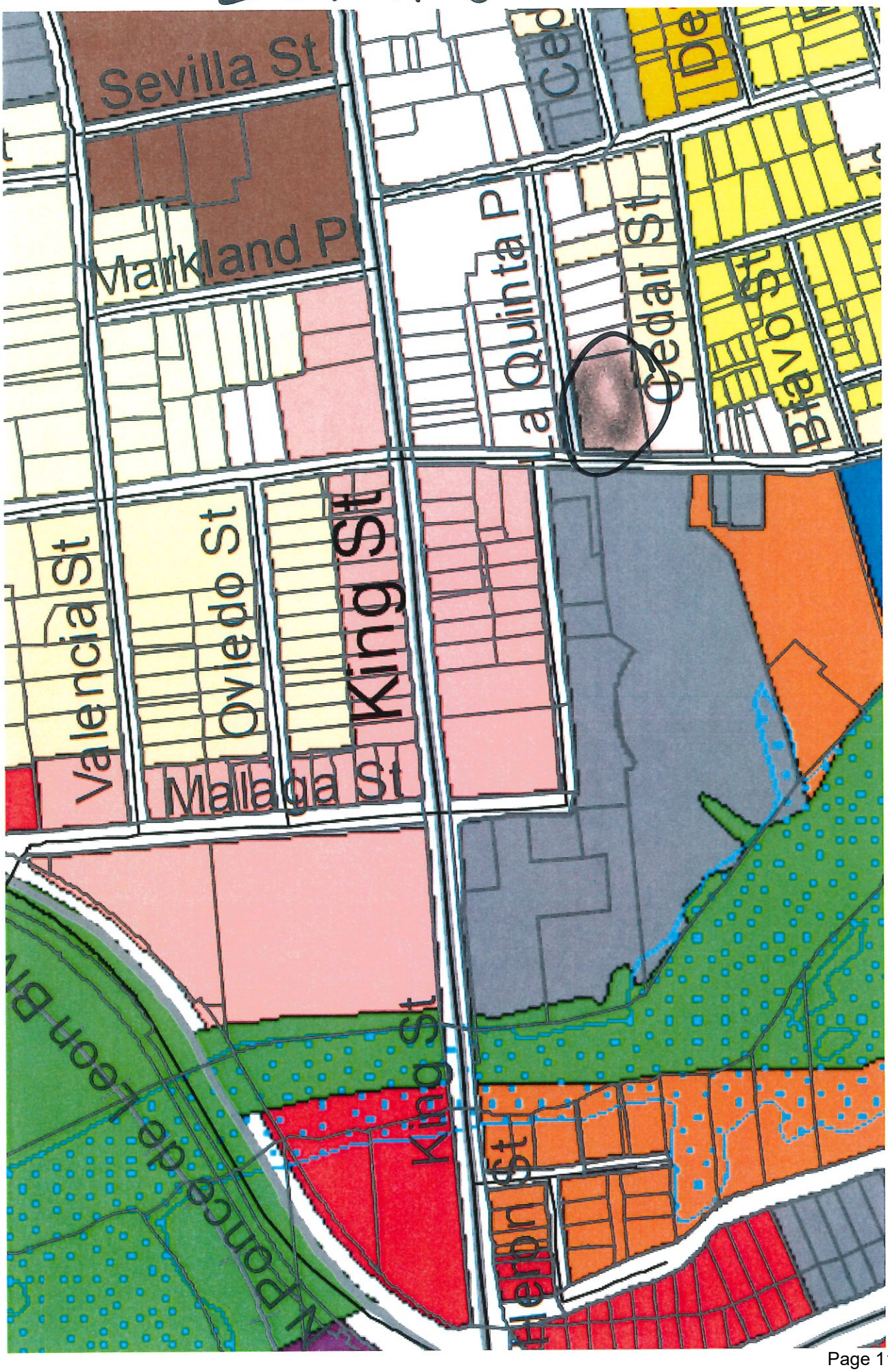
FLUM



ZONING


Sevilla St
Markland P
Valencia St
Oviedo St
King St
Malaga St
Cedar St
Bravo St
Alpanca de Leon Blv

Instr #2018047578 BK: 4574 PG: 1769, Filed & Recorded: 7/5/2018 10:44 AM #Pgs:2
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Doc. D $0.70

EXHIBIT E

IN THE CIRCUIT COURT, OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND
FOR, ST. JOHNS COUNTY, FLORIDA

CASE NO.: **CA09-1524**
DIVISION: **55**

FREDERICK J CANEVARI ,
Plaintiff,
vs.
95 RIBERIA, LLC, a Florida limited liability company; and AVALON CARRIAGE SERVICES, INC., a/k/a AVALON CARRIAGE SERVICE, INC., a Florida corporation; and PAUL M. MEREDITH, PROFESSIONAL ASSOCIATION, a/k/a PAUL M. MEREDITH, P.A., a Florida professional association,
Defendants.
_____/

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that he or she executed and filed a Certificate of Sale in this action on **6/22/2018** for the property described herein and that no objections to the Sale have been filed within the time allowed for filing objections.

The following property in St. Johns County, Florida,

Beginning on the southerly side of La Quinta Place at a point distant four hundred sixteen feet and six inches (416' &6") Westerly from the Westerly line of Central Avenue, run thence Southerly at right angles to La Quinta Place one hundred forty feet (140') to the Northerly line of the Peck Property; thence Westerly along said Peck's Northerly line, two hundred feet (200'), more or less, to the East line of Riberia Street. thence Northerly along the East line of Riberia Street to the Southerly line of La Quinta Place, two hundred feet (200'), more or less, to the
point of beginning, same being bounded as follows: North by La Quinta Place and West by Ribera Street and South by the Peck Property and Est by Property of the Trustees of the People's Bank for Savings.

Said property being situated in St. Johns County Florida and having parcel identification 201920-0000.

Property address: **[95 Riberia St, St Augustine, FL 32084]**

Filed for record 07/03/2018 08:41 AM Clerk of Court St. Johns County, FL

was sold to:
PAUL M. MEREDITH, P.A
C/O PYCRAFT LAW
2200 N PONCE DE LEON BLVD
SUITE 10
ST. AUGUSTINE, FL 32084

WITNESS my hand and seal of this court on **July 3, 2018.**

Hunter S. Conrad
As Clerk of the Court

By: Katy E Pierce
As Deputy Clerk

COPIES TO ALL PARTIES OF RECORD

DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Profit Corporation
PAUL M. MEREDITH, PROFESSIONAL ASSOCIATION

Filing Information

Document Number	P96000001300
FEI/EIN Number	59-3357632
Date Filed	12/29/1995
State	FL
Status	ACTIVE

Principal Address

125 South Murat Steet
New Orleans, LA 70119

Changed: 04/29/2019

Mailing Address

P. O. Box 792685
NEW ORLEANS, LA 70179

Changed: 04/30/2015

Registered Agent Name & Address

Gardner, Michael
78 Inlet Harbor Rd
Ponce Inlet, FL 32127

Name Changed: 04/30/2021

Address Changed: 04/30/2021

Officer/Director Detail

Name & Address

Title PRES

MEREDITH, PAUL M
P. O. Box 792685
NEW ORLEANS, LA 70179

Annual Reports

Report Year	Filed Date
2021	04/30/2021
2022	03/25/2022
2023	03/30/2023

Document Images

03/30/2023 -- ANNUAL REPORT	View image in PDF format
03/25/2022 -- ANNUAL REPORT	View image in PDF format
04/30/2021 -- ANNUAL REPORT	View image in PDF format
04/30/2020 -- ANNUAL REPORT	View image in PDF format
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03/07/2007 -- ANNUAL REPORT	View image in PDF format
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04/30/2005 -- ANNUAL REPORT	View image in PDF format
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05/10/1999 -- ANNUAL REPORT	View image in PDF format
01/21/1998 -- ANNUAL REPORT	View image in PDF format
04/14/1997 -- ANNUAL REPORT	View image in PDF format
03/26/1996 -- ANNUAL REPORT	View image in PDF format
12/29/1995 -- DOCUMENTS PRIOR TO 1997	View image in PDF format

St. Johns County, FL

Apply for Exemptions

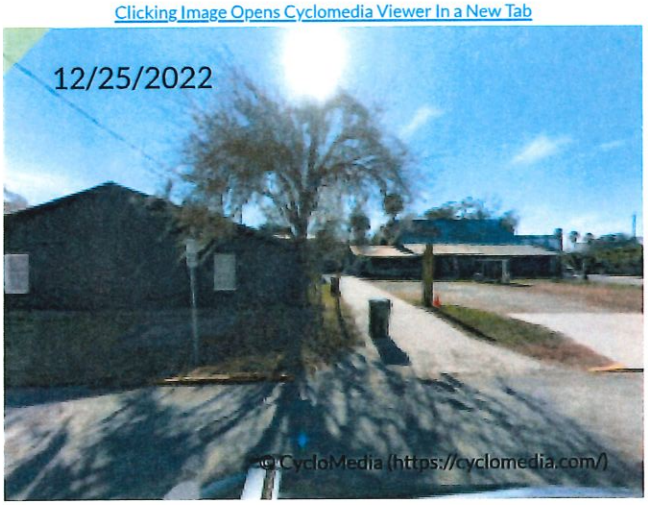
Apply for Exemptions

2022 TRIM Notice

2022 TRIM Notice (PDF)

Summary

Clicking Image Opens Cyclomedia Viewer In a New Tab



Parcel ID	2019200000
Location Address	115 LA QUINTA PL SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug Industrial (COM) (610.2)
Tax Description*	CITY OF ST AUG W200FT OF N1/2 OF BLK 46-B OR4574/1769(C/T) *The Description above is not to be used on legal documents.
Property Use Code	Warehousing & Distribution Terminals (Owner Occupied) (4803)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.640
Homestead	N

Owner Information

Owner Name	Meredith Paul M PA 100%
Mailing Address	PO BOX 792685 NEW ORLEANS, LA 70179-2685

Map



Valuation Information

	2023
Building Value	$86,187
Extra Features Value	$96,019
Total Land Value	$700,000
Agricultural (Assessed) Value	$0
Agricultural (Market) Value	$0
Just (Market) Value	**$882,206**
Total Deferred	$264,302
Assessed Value	**$617,904**
Total Exemptions	$0
Taxable Value	**$617,904**

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	$76,922	$64,809	$420,000	$0	$0	$561,731	$561,731	$0	$561,731
2021	$72,621	$37,369	$420,000	$0	$0	$529,990	$529,990	$0	$529,990
2020	$76,582	$40,728	$420,000	$0	$0	$537,310	$537,310	$0	$537,310
2019	$75,109	$43,972	$420,000	$0	$0	$539,081	$539,081	$0	$539,081
2018	$50,073	$40,049	$420,000	$0	$0	$510,122	$359,566	$150,556	$359,566
2017	$50,073	$61,313	$420,000	$0	$0	$531,386	$326,878	$204,508	$326,878
2016	$61,728	$67,434	$168,000	$0	$0	$297,162	$297,162	$0	$297,162
2015	$64,814	$73,666	$168,000	$0	$0	$306,480	$306,480	$0	$306,480
2014	$65,358	$78,091	$168,000	$0	$0	$311,449	$311,449	$0	$311,449
2013	$77,118	$75,964	$168,000	$0	$0	$321,082	$321,082	$0	$321,082
2012	$81,178	$76,079	$147,000	$0	$0	$304,257	$304,257	$0	$304,257
2011	$85,237	$76,194	$161,000	$0	$0	$322,431	$322,431	$0	$322,431
2010	$64,942	$76,309	$182,000	$0	$0	$323,251	$323,251	$0	$323,251

Building Information

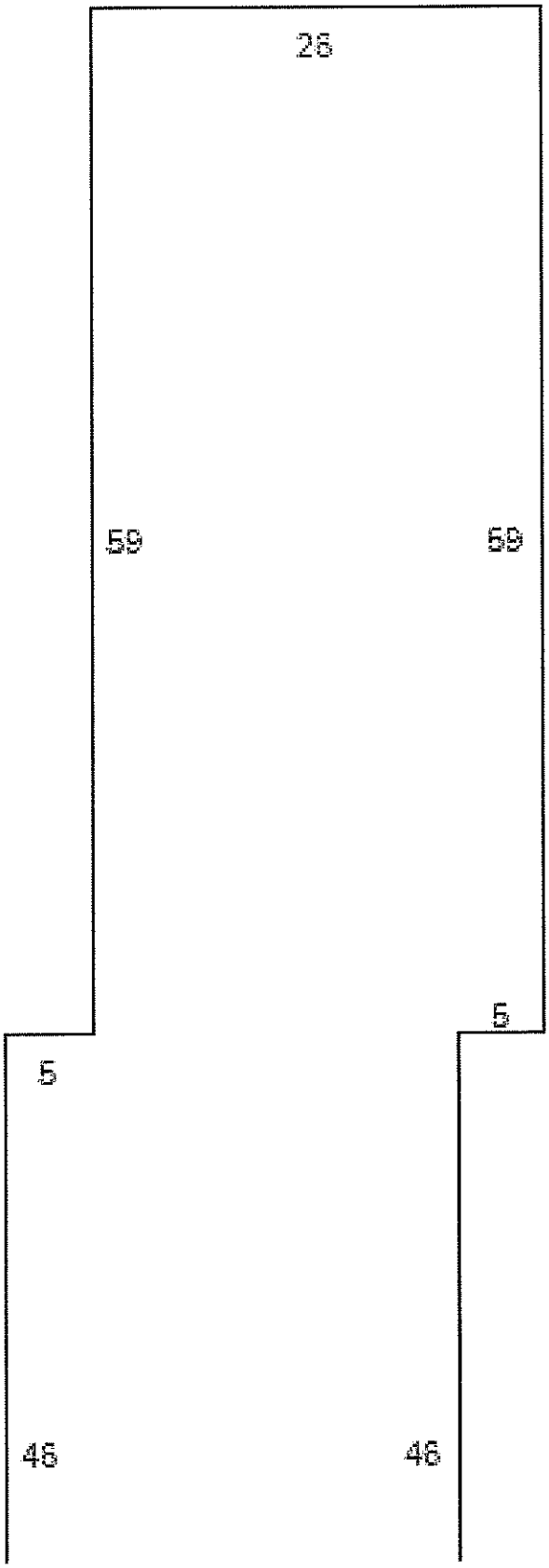
Building	1
Year Built	1980
Actual Area	2730
Conditioned Area	2730
Use	Stable
Style	04
Class	N
Exterior Wall	Concrete Block

Roof Cover	Modular Metal
Roof Structure	Wood Truss
Interior Flooring	
Interior Wall	
Heating Type	
Air Conditioning	
Bedrooms	
Baths	

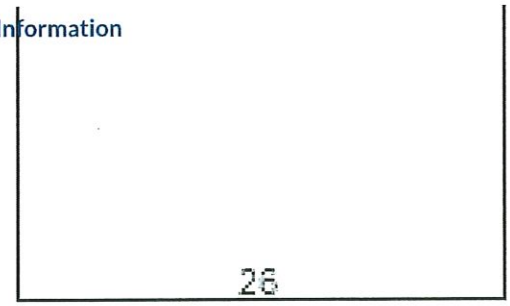
Description	Square Footage
BASE AREA	2730
Total SqFt	2730

Sketch Information

	Room Type
	Base



Extra Feature Information



	Value
C	34992
St	6912
St	2271
M	42077
St	1062
C	806
W	7899
C	

Land Information

	Land Value
U	$700,000
O	

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/5/2018	7/3/2018	$100.00	CERTIFICATE OF TITLE	4574	1769	U	I	95 RIBERIA STREET LLC	MEREDITH PAUL M PA
	6/20/2009	$0.00	OTHER INSTRUMENT	3209	841	U	I	CANEVARI FREDERICK J VS:	95 RIBERIA STREET LLC
	5/5/2009	$0.00	LIS PENDENS	3192	1870	U	I	CANEVARI FREDERICK J	95 RIBERIA STREET LLC
	8/15/2008	$0.00	CORRECTIVE DEED	3116	857	U	I	GAMSEY STUART	95 RIBERIA STREET LLC
	7/16/2008	$700,000.00	WARRANTY DEED	3106	1121	U	I	GAMSEY STUART	RIBERIA STREET LLC
	9/15/2004	$650,000.00	WARRANTY DEED	2281	1690	Q	I	COLEE ALMARIE P	GAMSEY STUART

No data available for the following modules: Sales Questionnaire Form, Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
User Privacy Policy
GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 4/24/2023, 11:43:20 PM

Version 3.1.4

Exhibit F

CITY OF ST AUGUSTINE
EST. 1565

Owner's Authorization For Agent

James G. Whitehouse, Esq. / Ryan Dettra is/are hereby authorized TO ACT ON BEHALF OF Paul Meredith, P.A., the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 115 La Quinta Place

BY: _____
Signature of Owner

Paul M. Meredith
Print Name of Owner

504 302-2050
Telephone Number

State of Louisiana

County of Orleans

Signed and sworn before me on this 26 day of April, 2023.

By Paul M Meredith

Identification verified: X

Oath sworn: X Yes ___ No

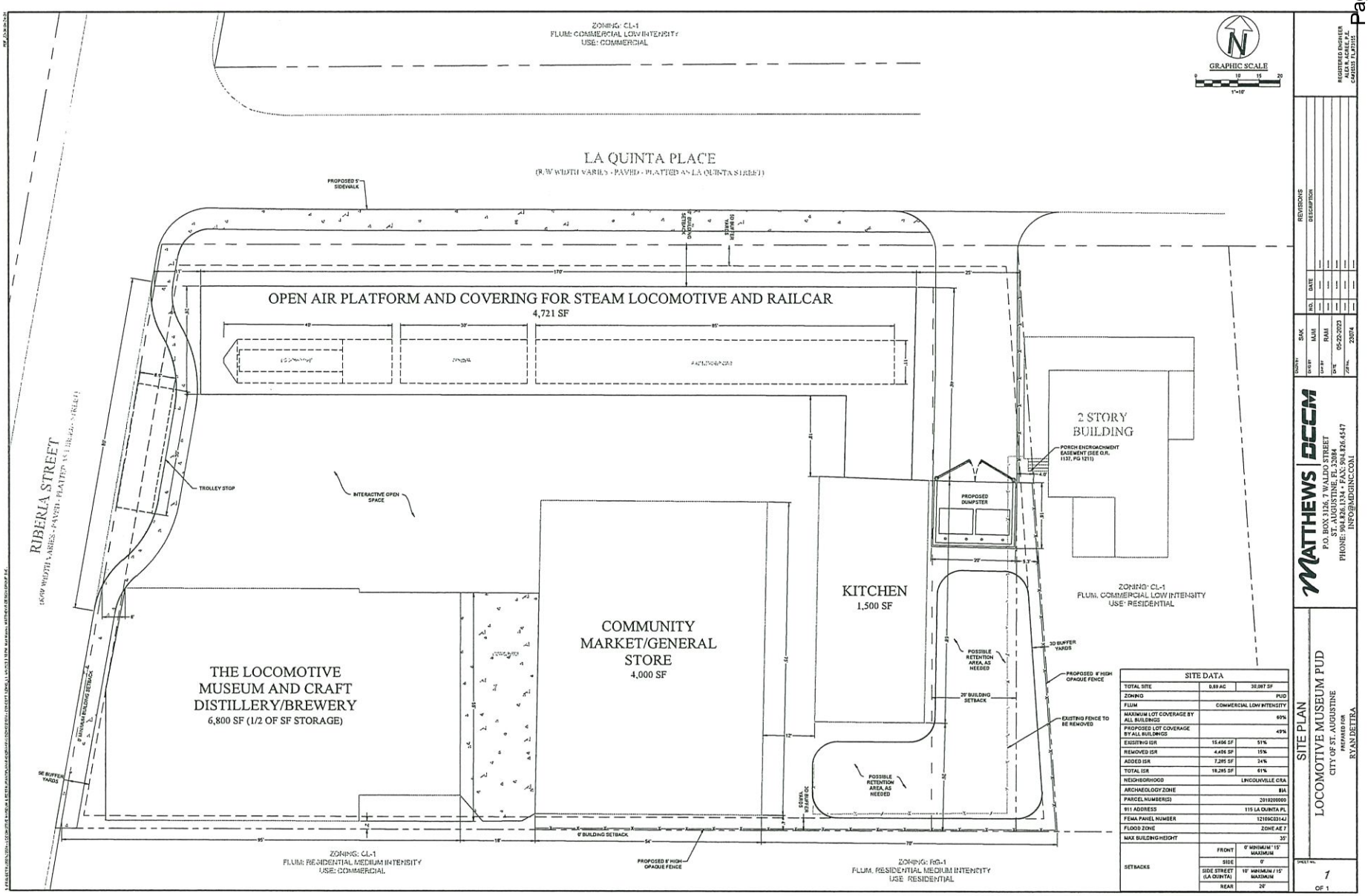
Notary Signature: _____

My Commission expires: _____

AMBER HAYDEL
NOTARY PUBLIC
State of Louisiana
Notary ID No. 167623
My Commission is for Life

Rev:022117

EXHIBIT G



SITE DATA		
TOTAL SITE	0.69 AC	30,087 SF
ZONING		PUD
FLUM		COMMERCIAL LOW INTENSITY
MAXIMUM LOT COVERAGE BY ALL BUILDINGS		60%
PROPOSED LOT COVERAGE BY ALL BUILDINGS		49%
EXISTING ISR	15,406 SF	51%
REMOVED ISR	4,406 SF	15%
ADDED ISR	7,285 SF	24%
TOTAL ISR	18,285 SF	61%
NEIGHBORHOOD		LINCOLNVILLE CRA
ARCHAEOLOGY ZONE		BIA
PARCEL NUMBER(S)		2019200000
911 ADDRESS		115 LA QUINTA PL
FEMA PANEL NUMBER		12109C0314J
FLOOD ZONE		ZONE AE 7
MAX BUILDING HEIGHT		35'
SETBACKS	FRONT	0' MINIMUM / 15' MAXIMUM
	SIDE	0'
	SIDE STREET (LA QUINTA)	10' MINIMUM / 15' MAXIMUM
	REAR	20'

REGISTERED ENGINEER
ALEX A. MATTHEWS, P.E.
FLORIDA LICENSE NO. 77315

REVISIONS

NO.	DATE	DESCRIPTION
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—

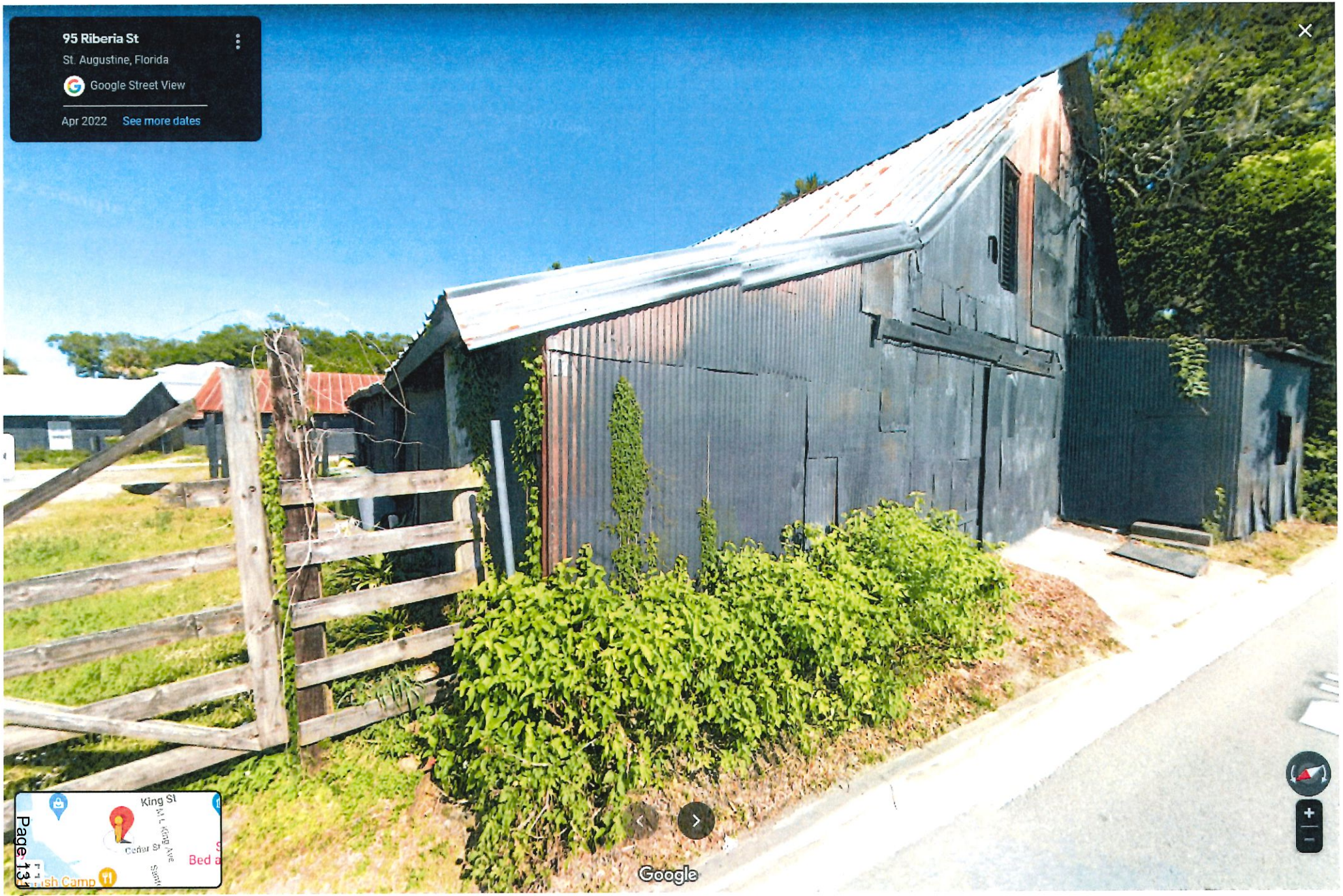
DESIGN: SAK
DRAWN: KLM
CHK'D: RMM
DATE: 05-22-2023
JOB No.: 23074

MATTHEWS | DESIGN GROUP
P.O. BOX 3126, 7 WALDO STREET
ST. AUGUSTINE, FL 32084
PHONE: 904.826.1334 • FAX: 904.826.4547
INFO@MDGINC.COM

SITE PLAN
LOCOMOTIVE MUSEUM PUD
CITY OF ST. AUGUSTINE
PREPARED FOR
RYAN DETTRA

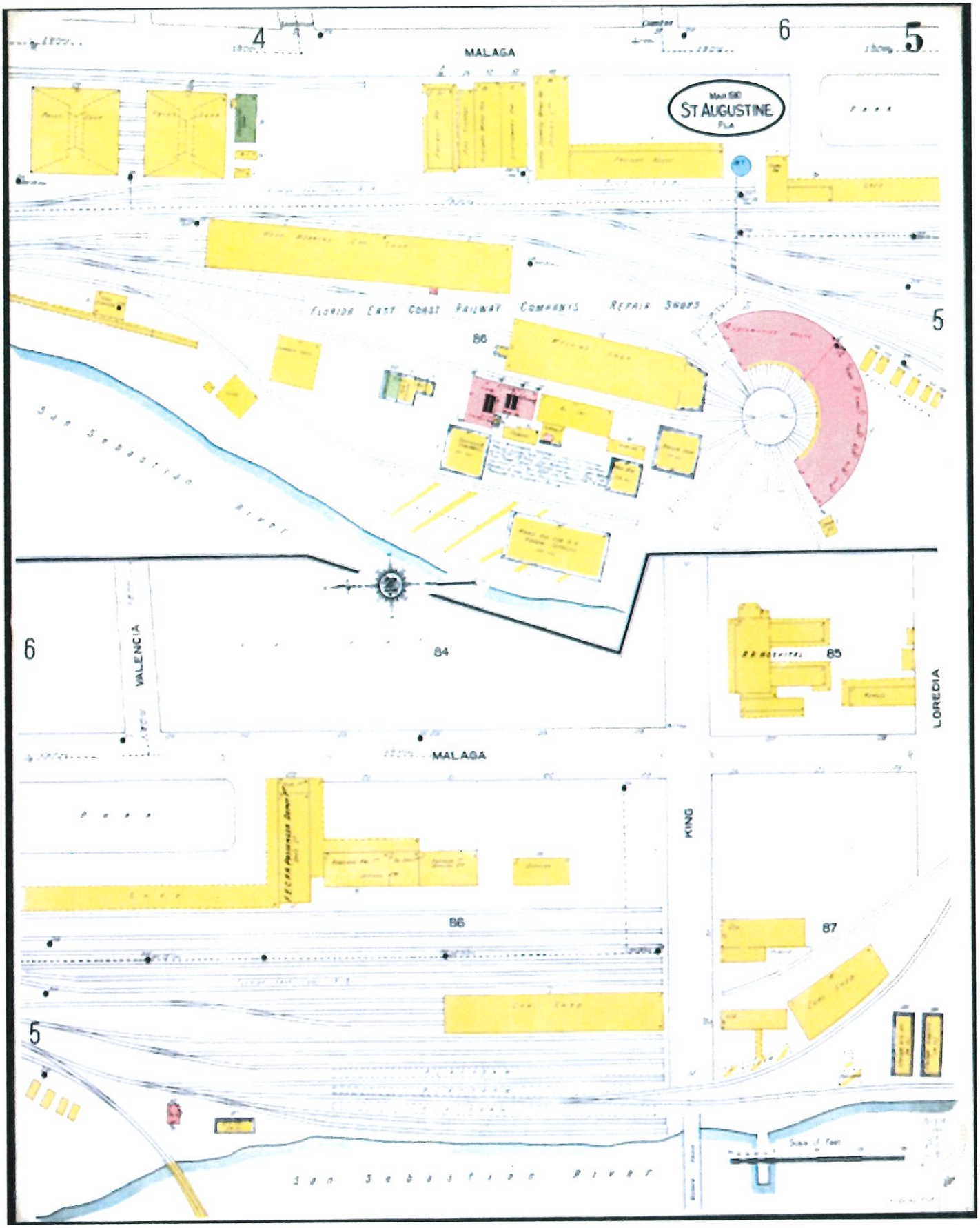
SHEET NO.
1
OF 1


LA
75
ST. AUGUSTINE TRANSFER CO.
CE
70
BRAVO
71
WEEDEN
8" W. PIPE
LOREIDA
ST AUGUSTINE TRANSFER CO
RIBERIA
S. E. HOOD PLANING & WOOD WKS MILL
74
ENGINES & DYNAMOS
WATER TANKS
GASOMETER 40,000 Cu. Ft
GASOMETER 20,000 Cu. Ft
GASOMETER 10,000 Cu. Ft
ST. JOHNS LIGHT & POWER CO.
OPERATED DAY & NIGHT - FUEL WOOD
LIGHTS - 1,000 300 CP. 2000
76
TURPENTINE STILLS
R. R. SIDING
THE CANFIELD CO.
SAW & PLANING MILL
SLABS
Scale of Feet.


95 Riberia St
St. Augustine, Florida
Google Street View
Apr 2022
See more dates
King St
Cedar St
Google


95 Riberia St
St. Augustine, Florida
Google Street View
Apr 2022
See more dates
King St
Cedar St
Google




4
MALAGA
6
5
ST AUGUSTINE
FLA
FLORIDA EAST COAST RAILWAY COMPANY'S REPAIR SHOPS
86
5
San Sebastian River
6
VALENCIA
84
85
LOREDIA
MALAGA
KING
86
87
5
San Sebastian River







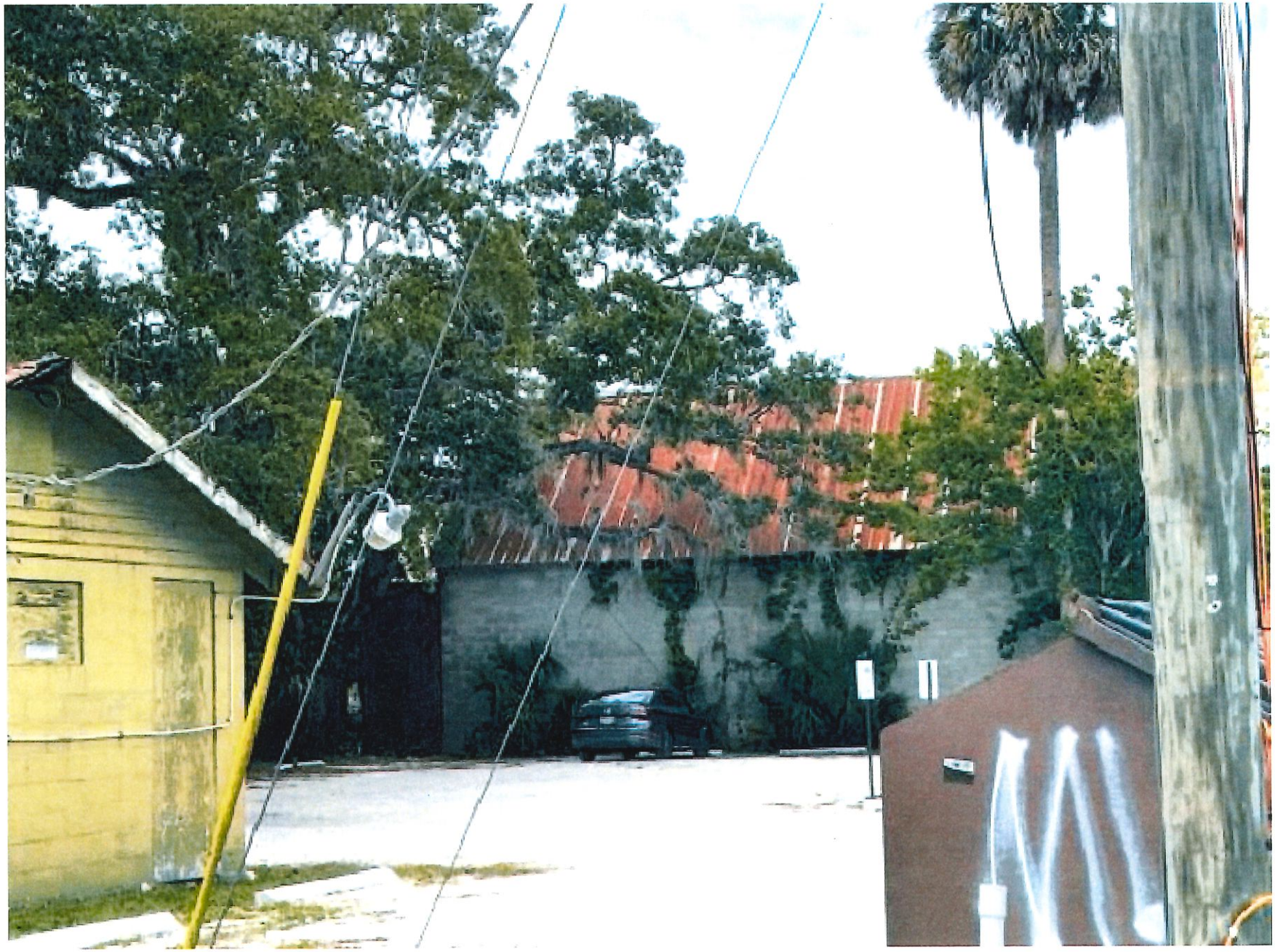







Cedar St
FOR
904-810-
STUDENT HO NG





RECEIVED

JUN 05 2023

Planning/Building Dept.

95 Riberia Street
THE ST. AUGUSTINE LOCOMOTIVE MUSEUM
Planned Unit Development

Submittal Date:
June 5, 2023

Request:
Request to rezone this historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use, with a small, high-end restaurant inside the rail car, and additionally, the slight reconfiguration and renovation of the buildings to provide a market/general store within the stable stall area, a kitchen and takeout facility adjacent and utilization of the large barn for an interactive, craft brewery/distillery. All these uses will interact together to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind.

All updates, rehabilitation, additions to or partial taking away of the current structures will meet and exceed all city codes and regulations. This rezoning will allow the applicant to revive this historical property reflecting this historical area, through a complete overhaul of the buildings with the stated intent of creating a mixed use property based upon the railroad's immense contribution to the development and thriving nature of our historic city through the years and how this property served a significant role in that industry and brilliant mode of transportation, including the horses and carriages that carried the many travelers and goods into town and through our tiny streets and historic homes and hotels. This proposed compatible use will establish a sense of place and the large parcel provides sufficient area to offer a number of mixed uses utilizing, through pre-arranged agreement, the parking now existing and future parking garage spaces on the San Sebastian Harbor site. Further, it will work in the depicted trolley stop on the Riberia entrance to promote intermodal exchange, taking cars off our roads, and it will encourage pedestrian use of the historic downtown area as sought by the goals, objectives and policies of our comprehensive plan.

The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals."

Applicant / Owner:

Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
33 Davis Street
St. Augustine, FL 32084

Authorized Agent for the Applicant / Owner:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	Location Map/Aerial
Exhibit E	Proof of Ownership/Deed
Exhibit F	Authorizations
Exhibit G	Master Site Plan

Parcel Identification Number: 201920 0000

Appeal Application with Exhibits

CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD OR STAFF DECISION

1. **APPLICANT FEE:** _____
2. **PROJECT NUMBER:** _____
3. **RECEIPT NUMBER:** _____

PLEASE PRINT OR TYPE

4. APPLICATION TO APPEAL DETERMINATION(S) OF THE FOLLOWING:

X Planning and Zoning Board	_____ City Manager
_____ Historic Architectural Review Board	_____ Planning and Building Director
_____ Building Official	_____ Other *(please specify)*: _____
_____ Fire Marshal	_____

5. NAME OF APPELLANT: James G. Whitehouse, Esq. FOR Ryan Dettra

Phone: (904) 495-0400 | Business *(if applicable)*: _____

Address: 104 Sea Grove Main St. | City: St. Augustine

State: FL | Zip: 32080

6. LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS APPEAL:

Lot: _____ | Block: _____ | Subdivision: _____

Parcel No.: 201920-0000

Other *(attach copy, if necessary)*: ** see attached **

7. PROPERTY STREET ADDRESS: 115 La Quinta Place

8. PROPERTY OWNER: Paul Meredith, P.A. (Owner's Authorization Attached)

Phone: ( ) _____ | Business *(if applicable)*: _____

Address: _____ | City: _____

State: _____ | Zip: _____

9. DESCRIPTION OF ACTION BEING APPEALED: Denial by PZB of rezoning application for Planned Unit Development to allow a Mixed-Use CL-2 project in a Commercial Land Use with appropriate buffering and allowing for offsite parking and the service of alcohol > 14%.

(e.g.: "Approval of a variance by the Planning and Zoning Board regarding lot coverage to construct a shed" or "Denial of a Certificate of Appropriateness by the Historic Architectural Review Board for metal roof for an addition.")

10. DATE OF ACTION BEING APPEALED: September 5, 2023

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

- see attached -

In many instances, an appeal may only be filed by an aggrieved person, and the reviewing authority must find whether in its opinion error was made in order to reverse or modify the action appealed.

12. SPECIFIC GROUNDS FOR THE APPEAL:

- see attached -

Section 28-29 of the Code of the City of St. Augustine, in part, states: "State with particularity, specific grounds for the appeal, including the factual and legal basis, which must be based on established law as it relates to the action taken by the official, board or commission upon which the appeal is filed. The official, board or commission which will hear the appeal as the reviewing authority may review the application for appeal prior to hearing and may request that additional information be filed, in writing in the form of a brief or other formal statement. Based upon the application for appeal and such other information that is filed, such reviewing authority may summarily affirm the order to be reviewed if the authority finds that no preliminary basis for reversal has been demonstrated, or may summarily reverse the order to be reviewed if the reviewing authority finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal." Attach additional information, if necessary.

13. SPECIFIC ACTION BEING REQUESTED: Granting appeal and approving rezoning with any additional appropriate modifications or conditions as the commission may find appropriate to make it more compatible, including the recognition of the offsite parking provisions provided.

14. **AGREEMENT**: In filing this application, I understand that it becomes part of the Public Record of the City of St. Augustine, and hereby certify that all information contained herein is accurate to the best of my knowledge.

In accordance with s. 286.0105, Florida Statutes: "If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

A VERBATIM TRANSCRIPT IS REQUIRED AND INCLUDED WITH THIS APPEAL. THE DEADLINE FOR THE TRANSCRIPT IS THE SAME AS THE DEADLINE FOR THE APPEAL.

15. , Attorney for Appellant 10/5/2023

SIGNATURE OF APPELLANT DATE

ATTACHMENT

City of St. Augustine
APPLICATION TO APPEAL P.Z.B. DECISION

6. LEGAL DESCRIPTION :

BEGINNING ON THE SOUTHERLYSIDE OF LA QUINTA PLACE AT A POINT DISTANT FOUR HUNDRED SIXTEEN FEET AND SIX INCHES (416' & 6") WESTERLY FROM THE WESTERLY LINE OF CENTRAL AVENUE, RUN THENCE SOUTERLY AT RIGHT ANGLES TO LA QUINTA PLACE ONE HUNDRED FORTY FEET (140') TO THE NORTHERLY LINE OF THE PECK PROPERTY; THENCE WESTERLY ALONG SAID PECK'S NORTHERLY LINE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE EAST LINE OF RIBERIA STREET, THENCE NORTHERLY ALONG THE EAST LINE OF RIBERIA STREET TO THE SOUTHERLY LINE OF LA QUINTA PLACE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE POINT OF BEGINNING; SAME BEING BOUNDED AS FOLLOWS: NORTH BY LA QUINTA PLACE AND WEST BY RIBERIA STREET AND SOUTH BY THE PECK PROPERTY AND EAST BY PROPERTY OF THE TRUSTEES OF THE PEOPLE'S BANK FOR SAVINGS.

SAID PROPERTY BEING SITUATED IN ST. JOHNS COUNTY, FLORIDA

PARCEL IDENTIFICATION NUMBER: 201920-0000

ATTACHMENT

APPLICATION TO APPEAL P.Z.B. DECISION
REZONING 2023-0057

STANDING

This appeal is brought by the applicant/property owners of 95 Riberia Street / 115 La Quinta, proof of ownership attached, and this appeal packet includes a complete appeal filed in compliance with code requirements; thus, they have standing, pursuant to City Code, Section 28-29(g)(2):

(2) A complete appeal filed in compliance with code requirements by the owner of the property seeking a development permit shall be deemed legally sufficient to proceed to the substantive appeal hearing.

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

The P.Z.B.'s denial, which is purportedly based upon the applicant's failure to submit sufficient materials to "meet the requirements of Section 28-30 of the City Code," (see Exhibit A), is actually based upon the unreasonable refusal of the PZB to fairly consider the applicant's plan not to ask for relief from providing parking, but instead to specifically provide for the allowance of offsite parking, which is an allowed use by exception in the district, under Sec. 28-371, or by variance as was fairly considered and granted to another applicant on the very same August 1, 2023 PZB Agenda at Variance 2023-0065 for a property less than 500 feet away at 124 King Street on the same commercial zoning corridor, (see Exhibit E), as well as was fairly considered and granted for such a variance to parking for Cortesse's on the very same September 5, 2023 PZB Agenda at Variance 2023-0073, for their property located at the very busy commercial intersection of San Marco and West San Carlos, (see Exhibit F), AND finally as noted in applicant's presentation in the record, the request for a use by exception for a restaurant with full liquor sales was fairly considered and granted as a use by exception at 400 Riberia Street to an applicant actually into the Lincolnville area down at the end of Riberia on this same commercial corridor at Exception 2019-0116, allowing full alcohol sale in this same area for a mixed use project with a restaurant, (see Exhibit H). This action, especially given these similar examples which didn't have a clamor of the crowd of opposition, effectively denies the applicant of a reasonable review of their request for a rezoning. Incidentally, the majority of the Planned Unit Development uses, as submitted, are already allowed by right on this property under the current Commercial land use and Commercial zoning, as presented and noted in the record. The additional uses requested were for that approval for allowance of offsite parking, as promoted by the city's mobility plan, as well

as by the Goals, Objectives and Policies of the City's Comprehensive Plan, **AS OUTLINED BY the city's own Expert staff in approximately EIGHT PAGES of citations to our Comprehensive Plan**, and the request to have a compatible distillery component as one of the several interconnected uses proposed to operate as a whole on this mixed-use property to create a distinct sense of place, AS IS ALSO PROMOTED BY our Comprehensive Plan. (Of note, the property across the street, noted in the record, is currently a distillery in this same commercially zoned corridor).

Moreover, the applicant/owner will be immeasurably damaged if they are not allowed to proceed with the requested uses, as allowed by right, adding the intertwined minor distillery use and the PUD excepted provision for offsite parking through agreement prior to any certificate of occupancy, **AS FOUND BY your Expert staff to be in line with the goals, objectives and policies or our Comprehensive Plan**. Accordingly, the City itself will be irretrievably damaged because our Comprehensive Plan clearly promotes the rehabilitation and preservation of such properties with appropriate uses, **again AS FOUND BY your Expert staff to be in line with the goals, objectives and policies or our Comprehensive Plan**.

Although the record contains a clamor of the crowd with unfounded and unsubstantiated uncertainties as to "parking fears" and "safety concerns" and the "fear of increased traffic accidents" and people's proclivity "not to use crosswalks" and numerous claims that "they are going to go into the neighborhoods to find parking" or "you are going to make us the bad guys by not letting people park on our commercial properties" and unfounded self-serving proclamations that all they will do is find parking "in the adjacent areas of Lincolnville," the reviewer would be remiss if they did not note that all of those unfounded fears are either preceded or followed by numerous statements by many of those same citizens and a majority of board members alike exclaiming "support for this project idea" and this to be a "wonderful idea" and "I'm sure it's going to be awesome" and from a majority of the actual board members praising the project minus their fears of "the parking issue" as "I think this would be a phenomenal project" and "the brilliance of Mr. Dettra's plan." Not shockingly, all that confused banter is completely summarized by the final statement from the board as follows: "It's really one of the best business plans I've seen since I've been sitting here for five years, and that's kind of what scares me …"

This last statement typifies the clear confusion by the board members as to how to act on this proposal and the detailed descriptions of this application given their clear admiration for the

proposal here, the uses proposed and the reputation of the applicant as to such novel proposals and successes in the area previously, convoluted by their unfounded fears as to parking concerns. All the substantiated facts in the record show that the applicant was prepared to provide parking in the area to meet the requirements of the code, which completely dispels these "fears" and this "anxiety" as to the unknown of parking abuses and problems. Accordingly, all the competent substantial evidence on the record (**including the Expert staff recommendation that the proposal meets and promotes the City's goals, objectives and policies**) points to the fact that this denial was arbitrary and capricious without basis in fact.

In sum, a fair and reasonable evaluation of the competent substantial evidence that was presented and is included within the record on appeal, including both in documentation and testimonial form, transcript included, will find that the record contains the competent substantial evidence that was required of the applicant to meet their burden for this rezoning request to allow the requested uses, as allowed by right, adding the intertwined minor distillery use and the PUD excepted provision for offsite parking through agreement prior to any certificate of occupancy, AS FOUND BY your Expert staff to be in line with the goals, objectives and policies or our Comprehensive Plan. Instead, the Board became frustrated and allowed itself to be swayed by the clamor of the crowd at the hearing and in the "many, many emails" and contacts noted as "the most I've had on one item in years" with "all of whom expressed their concerns in opposition to the project" and again the majority board sentiment expressed by one board member as "I promised those guys I would say this, I think they have already hit on some of the parking concerns, and that was they were afraid" of the overflow parking on their streets. The record is clear that due to the clamor of the crowd as to unfounded fears of parking worries, this majority applied the wrong law and standards for review, instead of performing a reasonable review as they had done without capitulation to the clamor of the crowd to allow for a variance from parking just 400 feet away on the same commercial zoning corridor or that they have reasonably reviewed and allowed on numerous occasions for the sale of alcohol by exception in these commercial zoning districts. The evidence was submitted. The evidence addressed the standards and criteria required as clearly found by the Expert staff analysis and EIGHT PAGES of Expert submittal. Accordingly, the Expert staff found that the application both met and promoted our City Comprehensive Plan, including a plethora of goals, objectives and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan,

as provided. The failure to give reasonable consideration to this proposal and the clear and reasonable provision of offsite parking as well as numerous other safety additions and compatibility buffer attributes as requested by the PZB would be an inappropriate result given our Code and Comprehensive plan provisions that are clearly met and promoted thereby.

12. SPECIFIC GROUNDS FOR THE APPEAL:

"The included goals, objectives and policies SUPPORT the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place."

Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

Staff included close to eight pages of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan for review.

As afore-stated, the P.Z.B.'s denial, which is purportedly based upon the applicant's failure to submit sufficient materials to "meet the requirements of Section 28-30 of the City Code," is actually based upon the unreasonable refusal of the PZB to fairly consider the applicant's plan not to ask for relief from providing parking, but instead to specifically provide for the allowance of offsite parking, which is an allowed use by exception in the district, under Sec. 28-371, or by variance as was fairly considered and granted to another applicant on the very same August 1, 2023 PZB Agenda at Variance 2023-0065 for a property less than 500 feet away at 124 King Street on the same commercial zoning corridor, (see Exhibit E), as well as was fairly considered and granted for such a variance to parking for Cortesse's on the very same September 5, 2023 PZB Agenda at Variance 2023-0073, for their property located at the very busy commercial intersection of San Marco and West San Carlos, (see Exhibit F), AND finally as noted in applicant's presentation in the record, the request for a use by exception for a restaurant with full liquor sales was fairly considered and granted as a use by exception at 400 Riberia Street to an applicant actually into the Lincolnville area down at the end of Riberia on this same commercial corridor at Exception 2019-0116, allowing full alcohol sale in this same area for a mixed use project with a restaurant, (see Exhibit H). This action, especially given these similar examples which didn't have

a clamor of the crowd of opposition, effectively denies the applicant of a reasonable review of their request for a rezoning. Incidentally, the majority of the Planned Unit Development uses, as submitted, are already allowed by right on this property under the current Commercial land use and Commercial zoning, as presented and noted in the record. The additional uses requested were for that approval for allowance of offsite parking, as promoted by the city's mobility plan, as well as by the Goals, Objectives and Policies of the City's Comprehensive Plan, **AS OUTLINED BY the city's own Expert staff in approximately EIGHT PAGES of citations to our Comprehensive Plan**, and the request to have a compatible distillery component as one of the several interconnected uses proposed to operate as a whole on this mixed-use property to create a distinct sense of place, AS IS ALSO PROMOTED BY our Comprehensive Plan. (Of note, the property across the street, noted in the record, is currently a distillery in this same commercially zoned corridor).

As the Commission will note, **as is rarely ever seen in reviews**, the first EIGHT pages of the staff review of this application contains a voluminous number of the City's current Comprehensive Plan goals, objectives and policies from the Future Land Use and Historic Preservation Elements that support the application as submitted, including the request for offsite parking which idea is promoted by the Transportation Element of our Plan. Your Expert staff states as follows verbatim: "The included goals, objectives and policies SUPPORT the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place." (EXHIBIT C).

That provision of support from the City's Expert staff is reproduced as follows to emphasize the gravity of such an Expert promotion of a proposal unreasonably written off without regard due to the "many, many emails" noted by the Chair as "the most I've had on one item in years" with "all of whom expressed their concerns in opposition to the project":
(Again, all the following SUPPORT this proposal, as found by your EXPERT staff)

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO:	Planning and Zoning Board
DATE:	September 5, 2023
RE:	**REZONING 2023-0057**
AGENDA ITEM	8(a)
APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
OWNER	Paul M. Meredith, P.A.
LOCATION	115 La Quinta Place / PID 201920-0000
	Continued from the August 1st Regular Meeting
REQUEST	To rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).
LAND USE	Commercial Low Intensity
CURRENT ZONING	Commercial Low-One (CL-1)
PROPOSED ZONING	Planned Unit Development (PUD)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 1.1.4 It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Policy 1.1.7 The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

FLUE Policy 1.1.8	Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.
FLUE Policy 1.1.10	The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.
FLUE Policy 2.1.3	The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.
FLUE Policy 2.2.1	The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.
FLUE Goal 3 Historic Resources	Promote St. Augustine's distinct character and authenticity by preserving and protecting the City's historic resources including cultural and archaeological resources including identification of new resources and to encourage public and private preservation efforts in the City.
FLUE Policy 3.1.4	The City's land development code shall continue to provide for the protection of significant historic resources from the impacts of development and redevelopment.
FLUE Policy 3.1.6	Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.
FLUE Objective 3.2	The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.
FLUE Policy 3.2.1	The City shall continue to work with the policies of any established Community Redevelopment Area(s) (CRA).

FLUE Policy 3.2.3	The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.
FLUE Policy 3.2.6	The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians.
FLUE Policy 3.2.9	The City shall support and encourage multimodal forms of transportation in and through the city including the use of a water taxi, circulators and other forms of mobility consistent with the City's mobility plan.
FLUE Objective 3.3	As part of the City's continued planning efforts the City shall encourage uses consistent with the community's authentic and distinctive character.
FLUE Goal 5 Urban Sprawl	Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.
FLU Objective 5.1	The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.
FLUE Policy 5.1.2	The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.
FLUE Objective 5.2	New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.
FLUE Policy 5.2.1	Mixed use developments shall provide pedestrian-friendly street design (buildings close to street; porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets).

FLUE Policy 5.2.2	New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, and other forms of mobility and walking as daily transportation; connectivity; and a land use mix that demonstrates reduced dependence on vehicles.
FLUE Policy 5.2.3	New Development in commercial and mixed-use areas is encouraged to provide a mix of pedestrian scale commercial activities, shops, offices, apartments, multi-family units and homes on site and provide mixed-uses within neighborhoods, within blocks and within buildings.
FLUE Policy 5.4.2	Mixed-use, infill and redevelopment will be encouraged to potentially reduce greenhouse gases. The effectiveness will be evaluated as baseline data becomes available.
FLUE Objective 5.5	The City has established three (3) forms of energy conservation/greenhouse gas reduction strategies: carbon sequestration, preserving the environment, and alternative transportation and mobility improvements.
FLUE Policy 5.5.2	The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.
FLUE Policy 5.5.3	The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.
FLUE Policy 6.1.5	The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.
FLUE Objective 6.5	**Commercial Categories:** The commercial category is established to encourage a mix of commercial uses that provide necessary business and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.5.1 Commercial Low Intensity

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Goal 8 Preserving Sense of Place The City will promote its historic urban character, preserve its unique residential neighborhoods, and support adjacent, compact commercial areas, as well as, protect its natural, environmentally sensitive marsh and riverine environs, and significant tree canopy to preserve its sense of place that promotes the city's authentic character.

The planning goals related to preserving a sense of place for the City are to:

- Preserve the small town urban character while promoting a balance of economic activity;
- Prevent urban sprawl by encouraging compatible infill and redevelopment within the city limits;

- Provide continued opportunity for diverse forms of residential and commercial projects;
- Create a preservation program that protects the historic Town Plan and promotes responsible tourism;
- Provide protection of natural resources and ecological systems;
- Reduce automobile trips in and through the downtown by promoting the City's mobility plan and alternative forms of transportation that work to protect the environment, reduce congestion, provide residents with a higher quality of life, and, neighborhoods with greater livability, and promote local businesses;
- Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, and lifestyles;
- Create predictability and efficiency in planning and in the provision of infrastructure;
- Recognize and preserve the historic skyline;
- Balance livability and economic pressures; and
- Proactively recognize increasing threats of sea level rise on the City's character and livability.

FLUE Objective 8.1 Protect the small town mixed use urban context to maintain its industrious and charming character.

FLUE Goal 9 Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Objective 9.1 Promote an economic strategy that will address a variety of economic opportunities.

FLUE Policy 9.1.1 The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage a diverse economy that supports the local market within the City and surrounding area.

- This includes promoting and supporting local business efforts for local, regional, state and national markets.
- This includes the possibility of utilizing new and emerging technologies, and industries particularly suited for urban areas.
- This includes the utilization of necessary preservation techniques, and mobility options to encourage infill and redevelopment beyond tourism.

FLUE Policy 9.1.2

The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area.

- This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses.
- This includes strengthening and diversifying the local economy.
- This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine.
- This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Policy 1.2.2

Develop and maintain an endangered sites and properties list to include properties facing deterioration, properties and archaeological sites within areas subject to greater development pressures, flooding and erosion hazards, properties transferred from a tax sale, and unique buildings which may have a historic use that is not viable in its current zoning designation. The list can be compiled from resource surveys, building inventories, demolition permits, and other inspections or citations.

HP Goal 2

Promote the city's diverse history in a manner that is inclusive and accessible by using information from cultural resource inventories to increase local pride and community support of historic preservation activities.

HP Goal 3

Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

HP Policy 3.1.5	To encourage preservation through rehabilitation and compatible additions, replacement of new construction can be limited to a 10 to 15% increase in footprint or gross floor area of the existing structure.
HP Objective 3.5	Evaluate financial mechanisms that could support the preservation and rehabilitation of privately owned historic properties that are culturally significant or are fifty years old or older.
HP Objective 3.6	Provide zoning opportunities to encourage adaptive reuse of properties that meet the criteria of exceptional significance, which would allow an alternative use outside the limitations set by zoning designations. In these cases, there must be a balance between preservation of the building's historic integrity and the character of the surrounding context.
HP Policy 3.6.1	A process to request a historic preservation re-zoning application or variances can be created which requires the property owner to document that the building faces unique threats to its continued preservation within the current zoning requirements. There must be documentation that the new use provides a greater financial benefit and does not require substantial modification to the historic character of the property.
HP Goal 5 Preserving Community Character	Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.
HP Objective 5.3	Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.
HP Goal 10	Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

Accordingly, it is important to review the City's EXPERT staff analysis as to the proposals verbatim. They were presented in the Expert staff report as follows:

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF SUMMARY AND ANALYSIS

This request is to rezone the property at 115 La Quinta Place to a PUD and allow for the preservation of the currently vacant commercial historic structures, incorporate additional historic assets related to the City of St. Augustine, as well as encourage commercial redevelopment within the Lincolnville neighborhood.

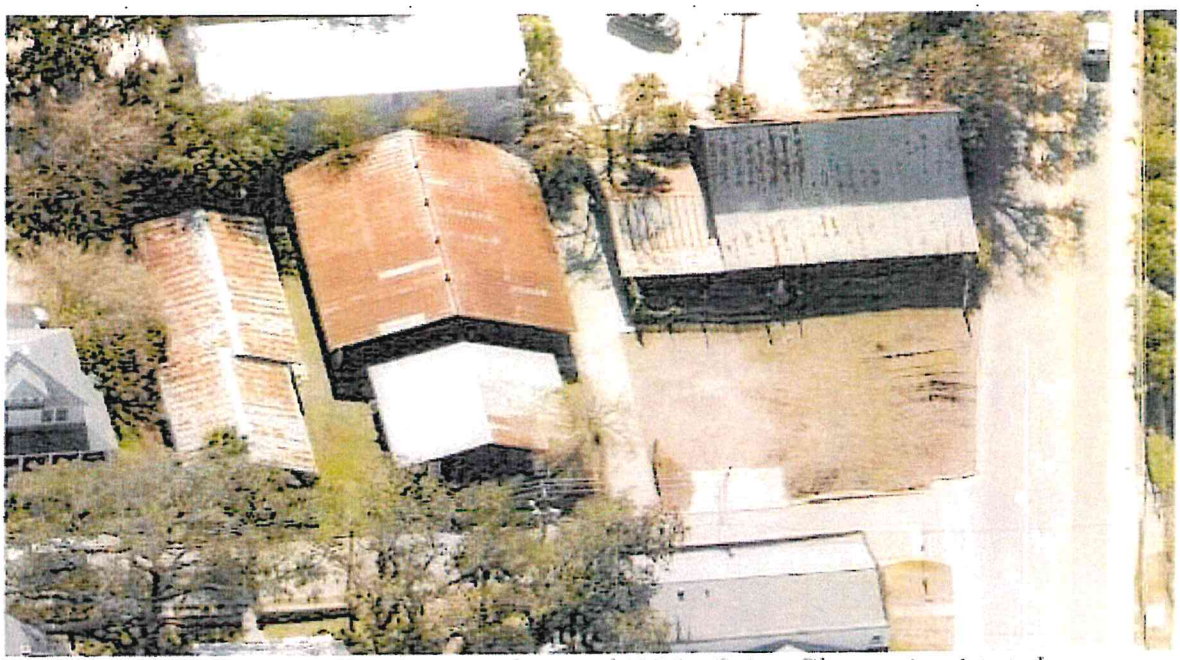


Figure 1. This photograph shows an aerial view of 115 La Quinta Place as it exists today.

The property at 115 La Quinta Place is currently zoned Commercial Low-One (CL-1) and has a future land use designation of Commercial Low Intensity. Very simply the reason for the rezoning request is to allow for bar lounge and tavern, craft alcohol industry, and sales of alcohol with no limit to alcohol by volume uses which are all uses with restrictions in the CL-1 zoning district.

There is no request for a change to the Commercial Low Intensity land use designation because the proposed uses are consistent with the Comprehensive Plan land use category.

As part of the rezoning request to a PUD the proposed development discusses being more pedestrian-oriented as well as providing multimodal transportation options instead of adhering to the City's current off-street parking requirements. The PUD language includes provisions for off-street parking, a potential new trolley stop along Riberia Street, and significant sidewalk improvements in efforts to follow the goals of the City's Mobility Plan.

Staff have seen numerous proposals for commercial development at 115 La Quinta Place, six (6) Development Review Committee applications in under three (3) years, and all have had the goal of preserving the structures that are on-site today. This observation validates the community's interest in not only redeveloping the site but also preserving the existing structures. However, there are many hurdles that must be cleared. Such as requirements of providing on-site parking, fire and life safety requirements, Florida building code requirements, and best practices for stormwater management are the typical code requirements that stall redevelopment plans.
These are the obstacles that prove difficult for redevelopment of this property but are also required of any proposed development or redevelopment. These are not new regulations by any means, and most certainly not unique to this property, but developers are aware of what is required and have shown a willingness to try to meet these standards with their end goal of redeveloping and preserving the structures on-site.

It is important to note that the longer these structures are vacant their preservation may no longer be feasible, or even a value to the community.

There are still many other requirements that must be met before this plan for redevelopment may take place such as approval for demolition of structures fifty years and older, a complete review of the archeological importance of the site, and a coordinated plan in addressing mobility and its impact on the surrounding area. But, before the applicant may start the process of coordinating and addressing these other factors, approval of the development, and the use, of the property is the first step towards the end goal of adding to the social, economic, and environmental sustainability of St. Augustine.

As well as the Expert staff staff's analysis as to parking, devoid of the clamor of the crowd and unfounded parking fears and exaggeration:

2. *City staff to review parking study*
   Staff review:
   - A review of the Trip Generation Analysis submitted by the applicant will be completed by the City's transportation and mobility consultant and be provided ahead of the September 5th meeting.
   - With the addition of bicycle racks, which has a capacity of twenty-six (26) bicycles based on updated site plan, crosswalks on both Riberia Street and La Quinta Place, as well as sidewalk improvements this proposal shows progress in meeting the objectives of the City's Mobility Plan. The 2040 Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.

As well as the following staff comment:

3. *Better language or explanation for the justification of no onsite parking*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 3. Parking:
     - No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by

the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

And finally, the staff provision of a comparison of a similar type of property in the area but by contrast in the historic district which does not require parking to show the staff support that the advocation of the mobility plan to promote walkability like this project is not inappropriate:



Figure 2. This aerial photograph shows 115 La Quinta Place, shaded in yellow, City Hall, shaded in blue, and 2 Artillery Lane, shaded in green.

The distance from 115 La Quinta Place and 2 Artillery Lane is roughly 1,700 feet, one-third of a mile. Both properties are approximately 0.6 acres in size, the most notable difference is the land use designation, Commercial Law Intensity for La Quinta Place and Historic Preservation for Artillery Lane. 115 La Quinta Place is located around 1,700 feet west of the Historic Downtown which means that any proposed commercial uses will have to provide off-street parking, a development requirement unique to properties located outside of the Historic Downtown. The reason for not requiring off-street parking for commercial uses within the Historic Downtown is to encourage preservation of historic structures as well as promote infill development.

In conclusion, although the record contains a clamor of the crowd with unfounded and unsubstantiated uncertainties as to "parking fears" and "safety concerns" and the "fear of increased traffic accidents" and people's proclivity "not to use crosswalks" and numerous claims that "they are going to go into the neighborhoods to find parking" or "you are going to make us the bad guys by not letting people park on our commercial properties" and unfounded self-serving proclamations that all they will do is find parking "in the adjacent areas of Lincolnville," the reviewer would be remiss if they did not note that all of those unfounded fears are either preceded or followed by numerous statements by many of those same citizens and a majority of board members alike exclaiming "support for this project idea" and this to be a "wonderful idea" and "I'm sure it's going to be awesome" and from a majority of the actual board members praising the project minus their fears of "the parking issue" as "I think this would be a phenomenal project" and "the brilliance of Mr. Dettra's plan." Not shockingly, all that confused banter is completely summarized by the final statement from the board as follows: "It's really one of the best business plans I've seen since I've been sitting here for five years, and that's kind of what scares me …"

This last statement typifies the clear confusion by the board members as to how to act on this proposal and the detailed descriptions of this application given their clear admiration for the proposal here, the uses proposed and the reputation of the applicant as to such novel proposals and successes in the area previously, convoluted by their unfounded fears as to parking concerns. All the substantiated facts in the record show that the applicant was prepared to provide parking in the area to meet the requirements of the code, which completely dispels these "fears" and this "anxiety" as to the unknown of parking abuses and problems. Accordingly, all the competent substantial evidence on the record (**including the Expert staff recommendation that the proposal meets and promotes the City's goals, objectives and policies**) points to the fact that this denial was arbitrary and capricious without basis in fact.

In sum, a fair and reasonable evaluation of the competent substantial evidence that was presented and is included within the record on appeal, including both in documentation and testimonial form, transcript included, will find that the record contains the competent substantial evidence that was required of the applicant to meet their burden for this rezoning request to allow the requested uses, as allowed by right, adding the intertwined minor distillery use and the PUD excepted provision for offsite parking through agreement prior to any certificate of occupancy, AS FOUND BY your Expert staff to be in line with the goals, objectives and policies or our

Comprehensive Plan. Instead, the Board became frustrated and allowed itself to be swayed by the clamor of the crowd at the hearing and in the "many, many emails" and contacts noted as "the most I've had on one item in years" with "all of whom expressed their concerns in opposition to the project" and again the majority board sentiment expressed by one board member as "I promised those guys I would say this, I think they have already hit on some of the parking concerns, and that was they were afraid" of the overflow parking on their streets. The record is clear that due to the clamor of the crowd as to unfounded fears of parking worries, this majority applied the wrong law and standards for review, instead of performing a reasonable review as they had done without capitulation to the clamor of the crowd to allow for a variance from parking just 400 feet away on the same commercial zoning corridor or that they have reasonably reviewed and allowed on numerous occasions for the sale of alcohol by exception in these commercial zoning districts. The evidence was submitted. The evidence addressed the standards and criteria required as clearly found by the Expert staff analysis and EIGHT PAGES of Expert submittal. Accordingly, the Expert staff found that the application both met and promoted our City Comprehensive Plan, including a plethora of goals, objectives and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan, as provided. The failure to give reasonable consideration to this proposal and the clear and reasonable provision of offsite parking as well as numerous other safety additions and compatibility buffer attributes as requested by the PZB would be an inappropriate result given our Code and Comprehensive plan provisions that are clearly met and promoted thereby.

"Since the property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny." *Snyder v. Board of County Commissioners of Brevard County*, 595 So.2d 65 (Fla. 5th DCA 1991), aff'd 627 So.2d 469 (Fla. 1993).

It is well-established that decisions of local governments on building permits, site plans and other development orders are quasi-judicial in nature and are reviewable by certiorari proceedings. *Park of Commerce v. City of Delray Beach*, 636 So.2d 12 (Fla. 1994). As such, those decisions are subject to strict scrutiny review. *Board of County Commissioners of Brevard County v. Snyder*, 627 So.2d 469, 475 (Fla. 1993).

A strict scrutiny review of the record, to prevent the types of miscarriages of justice that the Courts have bemoaned, clearly reveals that the applicant met each and every requirement,

guideline, code, regulation for this request, evidenced by the Expert professional city planning staff committing the first EIGHT pages of the staff review of this application to include a voluminous number of the City's current Comprehensive Plan goals, objectives and policies from the Future Land Use and Historic Preservation Elements that support the application as submitted, including the request for offsite parking which idea is promoted by the Transportation Element of our Plan. In fact, the Expert staff stated as follows verbatim: "The included goals, objectives and policies SUPPORT the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place." Moreover, the documentary and testimonial evidence offered by the Experts could not have been more one-sided. In fact, this Expert report and testimony was uncontroverted, save several board members comments with clearly pre-determined positions on the matter presented, and as our local Court has told us recently, those board members opinions and "testimony" IN NOT evidence.

In fact, those comments serve as a guiding light for this Commission's evaluation of whether the Board afforded the applicant their procedural due process, whether the Board observed the essential requirements of law and whether the Board based its actions on competent substantial evidence. There can be no question that procedural due process includes applying a localities' laws and codes in a fair and impartial manner. When the plain language of a city's codes, guidelines, standards and regulations are met and the same is pointed out and supported in the first EIGHT pages of the staff's review of this application including a voluminous number of the City's current Comprehensive Plan goals, objectives and policies from the Future Land Use and Historic Preservation Elements that support the application as submitted, including the request for offsite parking which idea is promoted by the Transportation Element of our Plan, the attempt of the Board to act as super planners, engineers, parking and traffic experts and policy makers, in a forum in which they are not to offer evidence or they have no expertise, and their subsequent capitulation to the clamor of the crowd, is a clear violation of that applicant's right to due process. The law does not allow the local governing body to arbitrarily and capriciously pick and choose which applications or projects that it might entertain or not entertain based upon the way the winds of public opinion blow on that particular night. Predetermined lines of leading questioning and conclusory opinions of the quasi-judicial board members, based not upon competent substantial evidence, but upon the sentiment of "common sense" and we all know better than that, or I can't just take his word for it, do not establish a valid basis for disregarding the professional expert

evidence presented and the expert staff analysis that the EIGHT PAGES of included goals, objectives and policies SUPPORT the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place.

Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty or property interests. *Pasco County v. Riehl*, 620 So.2d 229, 231 (Fla. 2d DCA 1993). Further, procedural due process requires the quasi-judicial decision maker to be unbiased and prohibits such persons from prejudging any decision that may come before them without having heard all the facts. *Seminole Entertainment v. City of Casselberry*, 811 So.2d 693 (Fla. 5th DCA 2001). "An impartial decision maker is a basic constituent of minimum due process." *Ridgewood Props., Inc. v. Dept. of Community Affairs*, 562 So.2d 322, 323 (Fla. 1990).

"The elected and appointed officials charged with the administration of city and county government are subjected to increasing pressures. On one hand, they are pressed to allow growth only if it is commensurate with available roads and services. On the other hand is the pressure from landowners who wish to develop their vacant properties in a manner that results in the largest return of capital or pleasure. Still another pressure is the desire of neighbors who do not wish their present enjoyment of their lands disrupted in the slightest by the use of adjoining vacant property. Opposition of surrounding property owners must be considered by the city if competent substantial evidence is presented showing an actual effect on their property as prohibited by the criteria. But the opinions of neighbors by themselves are insufficient to support a denial of a proposed development." *BML Investments v. City of Casselberry*, 476 So. 2d 713 (Fla. 5th DCA 1985), rev. denied, 486 So. 2d 595 (Fla. 1986); *Conetta v. City of Sarasota*, 400 So. 2d 1051 (Fla. 2d DCA 1981). Landowners are entitled to present plans that meet the codes and guidelines of the local entity, if they do so, just and fair consideration must be afforded. As in the instant case, public opposition is not enough to allow a government to disregard such a valid submittal and attempt to impose requirements upon the applicant that have never been imposed on anyone else, were not applicable or had already been reviewed and met. Such action was an abuse of the applicant's due process rights.

In *Colonial Apartments, L.P. v. Deland*, 577 So. 2d 593 (Fla. 5th DCA 1991), Petitioner apartment complex sought review of the decision by the circuit court, which had denied petitioner's writ of certiorari. In its writ of certiorari before the circuit court, petitioner sought relief from respondent city's denial of approval of a site plan submitted by petitioner, in an action where

petitioner sought to construct a new apartment project. The appellate court granted the writ and found that the lower tribunal incorrectly inserted its own intentions into the ordinance. The plain meaning of the ordinance demonstrated that petitioner's original plan met its requirements. The appellate court quashed the order and remanded the matter with directions to quash the administrative decision. In the opinion, the Court stated, "We agree with the city that project density is a legitimate concern and go further in stating that it is a most important concern. But it is a concern that must be addressed and expressed in appropriate ordinances. A community should be developed in accordance with planned action. Development decisions should not be made in reaction to an application ... Owners are entitled to fair play; the lands which may represent their life fortunes should not be subjected to ad hoc legislation." The Fifth concluded by stating, "Our review of the circuit court's decision is limited to a determination of whether that court afforded procedural due process and applied the correct law. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982). The correct law applicable in this case is that the ordinance should be given its plain meaning and that any doubts should be construed in favor of a property owner. The circuit court's reliance upon the undefined and uncertain standards contained in the statement of intent when clear and specific numbers of units are expressed in that same ordinance is not an interpretation that recognizes the plain meaning of the ordinance. It is not fair to the governed that the simple issue of how many dwelling units are allowed under this city ordinance requires a sixteen-page trial court opinion interpreting the ordinance against a clearly expressed number." Moreover, in the instant case, the City has established its guidelines, the applicants have now submitted a plan that meets those guidelines, as witnessed by the expert testimony in the record; thus, due process requires that fair and adequate review of that submittal be afforded and the professional review and conclusions of the expert staff be respected, without the Board attempting to act as "super planners" and impose requirements and standards that were not required or that were already met. Failure to do so was an abuse of the applicant's due process rights and a perversion of the essential elements of law.

Finally, as aforementioned, there was no competent substantial evidence presented to support a denial of applicant's request. To that end, "the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached." *Pollard v. Palm Beach County*, 560 So.2d 1358, 1359 (Fla. 4th DCA 1990). There must be "such evidence as will establish a substantial basis of

fact from which the fact at issue can be reasonably inferred." Id. at 1359 (citing, *De Groot v. Sheffield*, 95 So.2d 912,916 (Fla. 1957)). In the instant case, the applicant clearly established with competent substantial evidence that their application met all the applicable provisions of the City's guidelines and complied with all the City codes, particularly they presented the same type of proposals as were approved on this same agenda and on the same commercial corridor as to parking. This fact was uncontested by the competent evidence adduced at the hearing. In fact, there was no evidence in the record, short of the clamor of the crowd consisting of lay opinion testimony and the purely hypothetical opinions and conjectures positing that it would cause illegal parking in the area and increase safety issues, let alone competent and substantial evidence, to support refuting the expert planning staff's professional review that found EIGHT PAGES of included goals, objectives and policies that SUPPORT the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place. The speculative reasons offered by the Board, brought on by the unsubstantiated emotion and perception riled up by the clamor of the crowd, and their attempted application of requirements not contained within the city codes, guidelines, standards or comprehensive plan, or requirements that had already been reviewed by their own certified expert planners, were undeniable violations of the applicant's rights and led to the unlawful denial of the applicant's request. There can be no question that this denial, which was opposed by the expert staff review in the record which offered substantive competent substantial evidence, was in fact an abuse of applicant's due process rights, that it represents a failure to follow the essential requirements of law and that it was not supported by any evidence in the record that was competent and substantial.

In sum, a fair and reasonable evaluation of the competent substantial evidence that was presented and is included within the record on appeal, including both in documentation and testimonial form, transcript included, will find that the record contains the competent substantial evidence that was required of the applicant to meet their burden for this rezoning request to allow the requested uses, as allowed by right, adding the intertwined minor distillery use and the PUD excepted provision for offsite parking through agreement prior to any certificate of occupancy, AS FOUND BY your Expert staff to be in line with the goals, objectives and policies or our Comprehensive Plan. Instead, the Board became frustrated and allowed itself to be swayed by the clamor of the crowd at the hearing and in the "many, many emails" and contacts noted as "the most I've had on one item in years" with "all of whom expressed their concerns in opposition to

the project" and again the majority board sentiment expressed by one board member as "I promised those guys I would say this, I think they have already hit on some of the parking concerns, and that was they were afraid" of the overflow parking on their streets. The record is clear that due to the clamor of the crowd as to unfounded fears of parking worries, this majority applied the wrong law and standards for review, instead of performing a reasonable review as they had done without capitulation to the clamor of the crowd to allow for a variance from parking just 400 feet away on the same commercial zoning corridor or that they have reasonably reviewed and allowed on numerous occasions for the sale of alcohol by exception in these commercial zoning districts. The evidence was submitted. The evidence addressed the standards and criteria required as clearly found by the Expert staff analysis and EIGHT PAGES of Expert submittal. Accordingly, the Expert staff found that the application both met and promoted our City Comprehensive Plan, including a plethora of goals, objectives and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan, as provided. The failure to give reasonable consideration to this proposal and the clear and reasonable provision of offsite parking as well as numerous other safety additions and compatibility buffer attributes as requested by the PZB would be an inappropriate result given our Code and Comprehensive plan provisions that are clearly met and promoted thereby.

Merely because the evidence does not conform to the result that a board desires or that the clamor of crowd desires does not give that board or any body the right to deny an applicant an approval after they have met their burden through clear expert competent substantial evidence supporting their proposition. In fact, fears and anxiety and questions about what may be or of the unknown, questions and fears that are dispelled by the facts in the record from the experts as provided, are not a valid basis on which to fashion a denial. Such an action in the case at hand is clear error.

13. SPECIFIC ACTION BEING REQUESTED:

The applicant petitions the City Commission to evaluate their appeal and the record from the PZB meeting, and to find that the applicant did submit and present competent evidence to support the granting of this reasonable rezoning and did in fact meet their burden for this rezoning request to allow the requested uses, as allowed by right, adding the intertwined minor distillery use and the PUD excepted provision for offsite parking through agreement prior to any certificate of occupancy, AS FOUND BY the Expert staff to be in line with the goals, objectives and policies or our Comprehensive Plan. In sum, the provisions added by the applicant actually quell the unfounded fears as to parking worries and it is reasonably appropriate to allow this parking provision in the area as the city has promoted in its mobility plan and comprehensive plan and has recently allowed on numerous occasions. Moreover, the evidence submitted addressed the standards and criteria required as clearly found by the Expert staff analysis and EIGHT PAGES of Expert submittal. Accordingly, the Expert staff found that the application both met and promoted our City Comprehensive Plan, including a plethora of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan as provided. A failure to give reasonable consideration to this proposal and the clear and reasonable provision of offsite parking as well as numerous other safety additions and compatibility buffer attributes as requested by the PZB would be an inappropriate result given our Code and Comprehensive plan provisions met and promoted thereby.

CITY OF
ST AUGUSTINE
EST. 1565

Owner's Authorization For Agent

James G. Whitehouse, Esq. / Ryan Dettra is/are hereby authorized TO ACT ON BEHALF OF Paul Meredith, P.A., the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 115 La Quinta Place

BY: _____
Signature of Owner

Paul M. Meredith
Print Name of Owner

504 302-2050
Telephone Number

State of Louisiana

County of Orleans

Signed and sworn before me on this 26 day of April, 2023.

By Paul M Meredith

Identification verified: X

Oath sworn: X Yes ___ No

Notary Signature: _____

My Commission expires: _____

AMBER HAYDEL
NOTARY PUBLIC
State of Louisiana
Notary ID No. 167623
My Commission is for Life

Rev:022117

APPENDIX TO
APPLICATION TO APPEAL P.Z.B. DECISION
REZONING 2023-0057

EXHIBIT A - PZB ORDER – REZONING - CASE NO. 2023-0057
DATED SEPTEMBER 5, 2023

EXHIBIT B - APPLICANT'S POWER POINT PRESENTATION
PZB HEARING – SEPTEMBER 5, 2023

EXHIBIT C - CITY EXPERT STAFF REPORT AND ANALYSIS
(PLANNING & ZONING BOARD REPORT)
SEPTEMBER 5, 2023

EXHIBIT D - THE RAILROAD RETROSPECTIVE MIXED USE
Planned Unit Development

EXHIBIT E - TRANSCRIPT OF PZB HEARING
SEPTEMBER 5, 2023

EXHIBIT F - AUG 1, 2023 – PZB AGENDA
ITEM 5(c) – 124 KING STREET – PARKING VARIANCE
ITEM 9(a) – 115 LA QUINTA – REZONING (THIS ITEM)
MEETING MINUTES (*CONTINUED BY BOARD)
ORDER CONTINUING THIS ITEM
MEETING MINUTES (*GRANTING VAR-124 KING ST)
ORDER GRANTING PARKING VAR – 124 KING ST)
STAFF REPORT – 124 KING ST – PARKING VARIANCE

EXHIBIT G - SEPT 5, 2023 – PZB AGENDA
ITEM 5(b) – 1172 SAN MARCO – PARKING VARIANCE
ITEM 8(a) – 115 LA QUINTA – REZONING (THIS ITEM)
MEETING MINUTES (*GRANT VAR-172 SAN MARCO)
ORDER GRANTING PARKING VAR – 172 SAN MARCO)
STAFF REPORT – 172 SAN MARCO – PARKING VAR

EXHIBIT H - DEC 3, 2018 - 400 Riberia St. – ORDER GRANTING
RESTAURANT with FULL LIQUOR SALE EXCEPTION
& APPELLANT POWER POINT SLIDES AS TO 400
RIBERIA ST. EXCEPTION APPROVAL - COMMENTS

EXHIBIT

A

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

September 5, 2023

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Variance – 115 La Quinta Place – 2023-0057

Dear Mr. Whitehouse,

On Tuesday, September 5, 2023, the Planning and Zoning Board (PZB) met and discussed your application to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD), for property located at 115 La Quinta Place / Parcel Number 201920-0000.

Specifically, the PZB **denied** your application as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at (904) 825-1065.

Sincerely,

Amy Skinner, AICP
Director, Planning & Building

AS:sp
Attachment

cc: David Birchim, City Manager
Isabelle Lopez, Assistant City Attorney
Darlene Galambos, City Clerk

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

☐ Appeal
☐ Conservation Overlay Zone Development
☐ Use by Exception
☐ Final Development Plan
☐ Land Use Plan Amendment
☐ Preliminary Subdivision Plat Approval
☐ PUD Modification/Amendment
☒ Rezoning
☐ Variance
☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2023-0057
Applicant: James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
Owner: Paul M. Meredith, P.A.
Address: 115 La Quinta Place
Parcel Number: 2019200000

RE: Rezoning, pursuant to Section 28-30, City of St. Augustine Code, to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON SEPTEMBER 5, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the September 5, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Low Intensity and a zoning classification of Commercial Low One (CL-1).
4. The above-described Rezoning is subject to Section 28-30 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action MEETS / DOES NOT MEET the requirements of Section 28-30, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

Subject to the following findings by the PZB:

- _____
- _____
- _____

Subject to the following conditions:

- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 5 day of September, A.D., 2023. in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0057 REQUEST APPROVED / DENIED / CONTINUED

_____
Sign Name

Mike Davis
Print Name
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 5th day of September, A.D., 2023.

ELYSE WIEMANN
Commission # HH 217621
Expires May 19, 2025

Elyse Wiemann
Notary Public, State of Florida

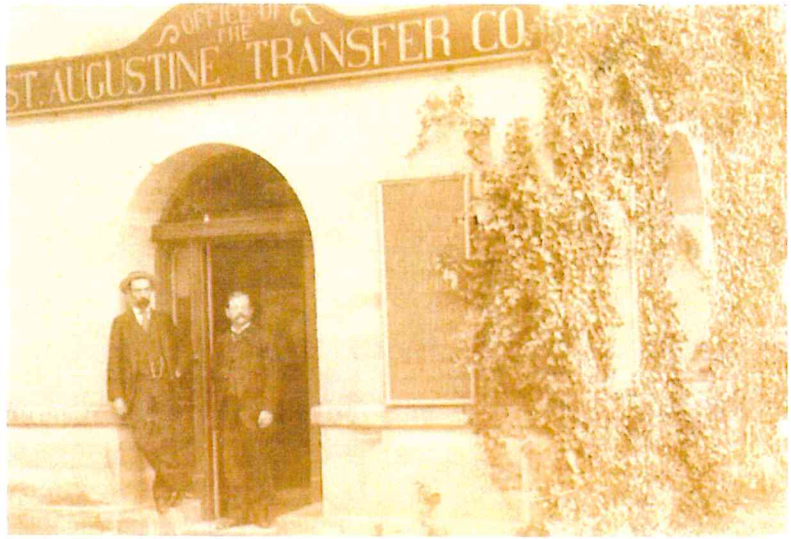
EXHIBIT

B

95 RIBERIA STREET

THE RAILROAD RETROSPECTIVE MIXED USE PLANNED UNIT DEVELOPMENT





James G. Whitehouse, Esquire
Attorney, Board Certified Expert*

*Board Certified Expert and Specialist in City, County and Local Government Law
Evaluated for Professionalism and Tested for Expertise by the Florida Bar

95 RIBERIA STREET

THE RAILROAD RETROSPECTIVE MIXED USE PLANNED UNIT DEVELOPMENT



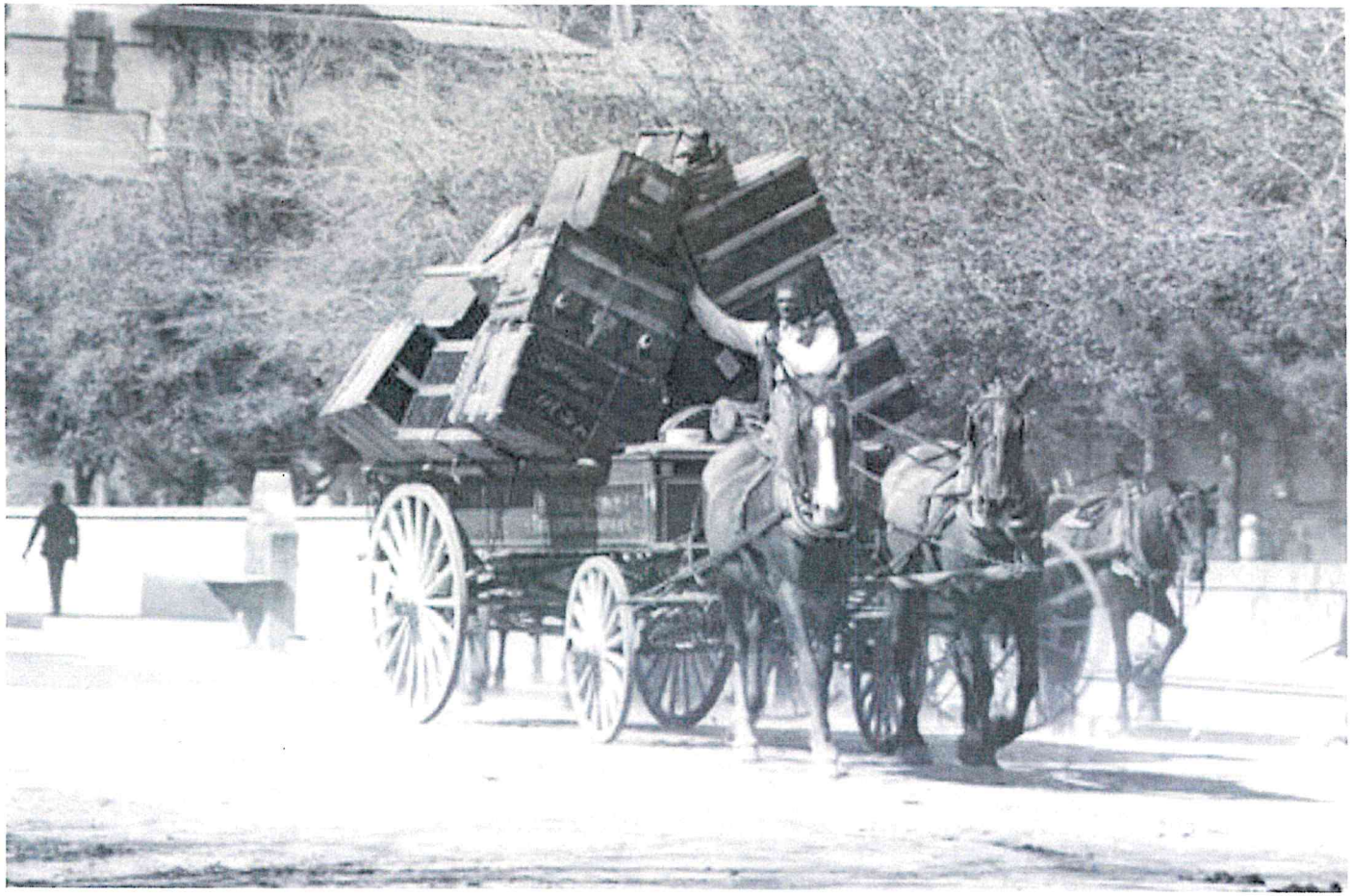
Request to allow the REJUVENATION of 95 Riberia Street

(The Former St. Augustine Transfer Co. Stables and RYPE & READI Market Property)

Through the Implementation of a PUD Zoning

This project will truly be

A CELEBRATION OF AND REFLECTION UPON THE TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY



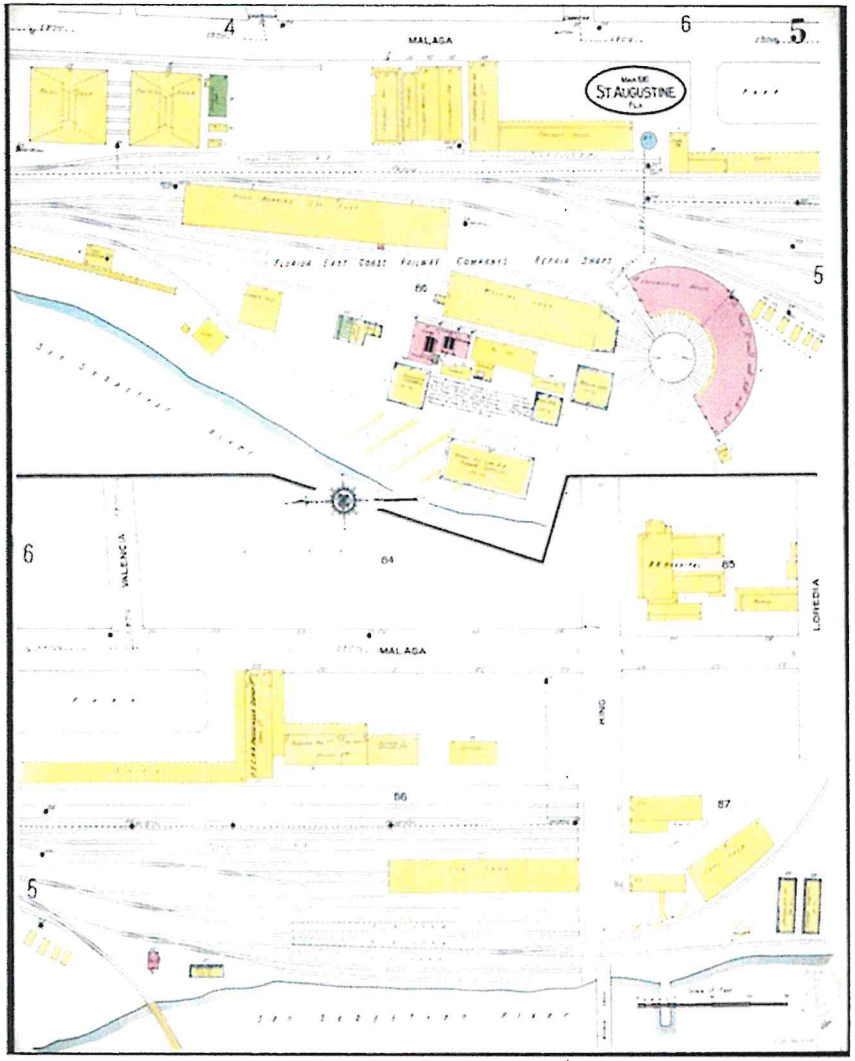
AREA LOCATION
Current Uses

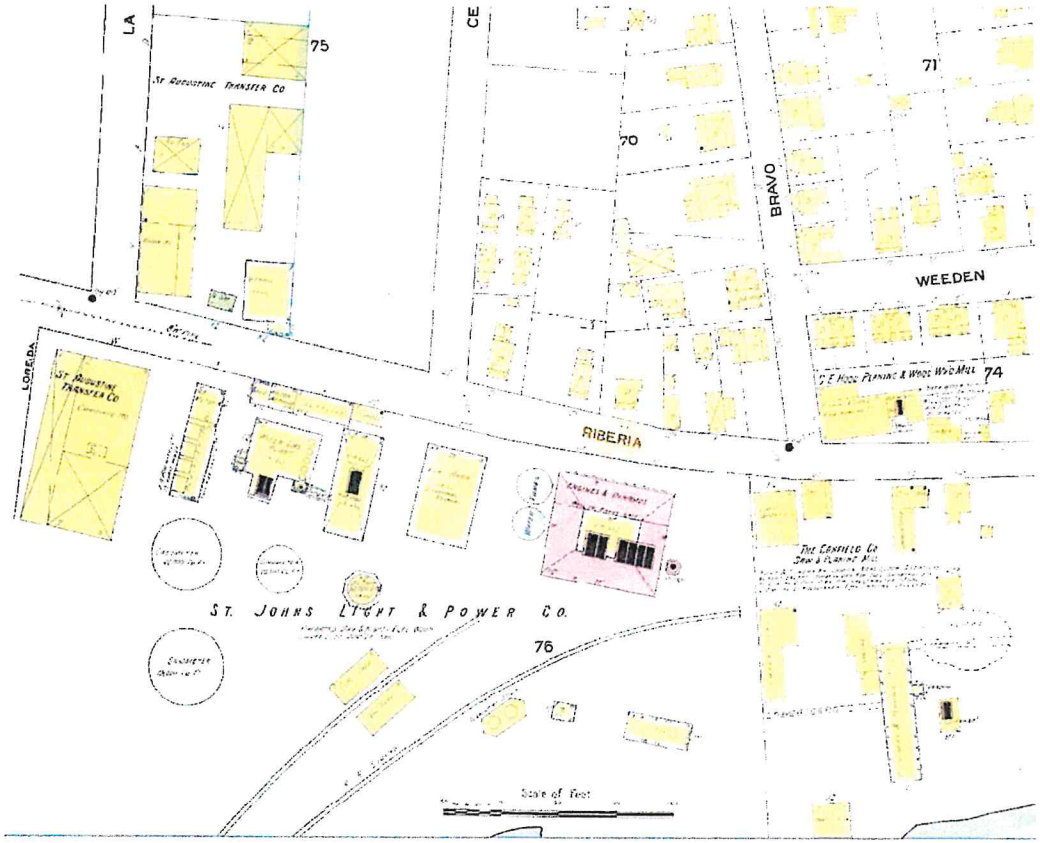


AERIAL OF LOCATION
Currently Abandoned Use

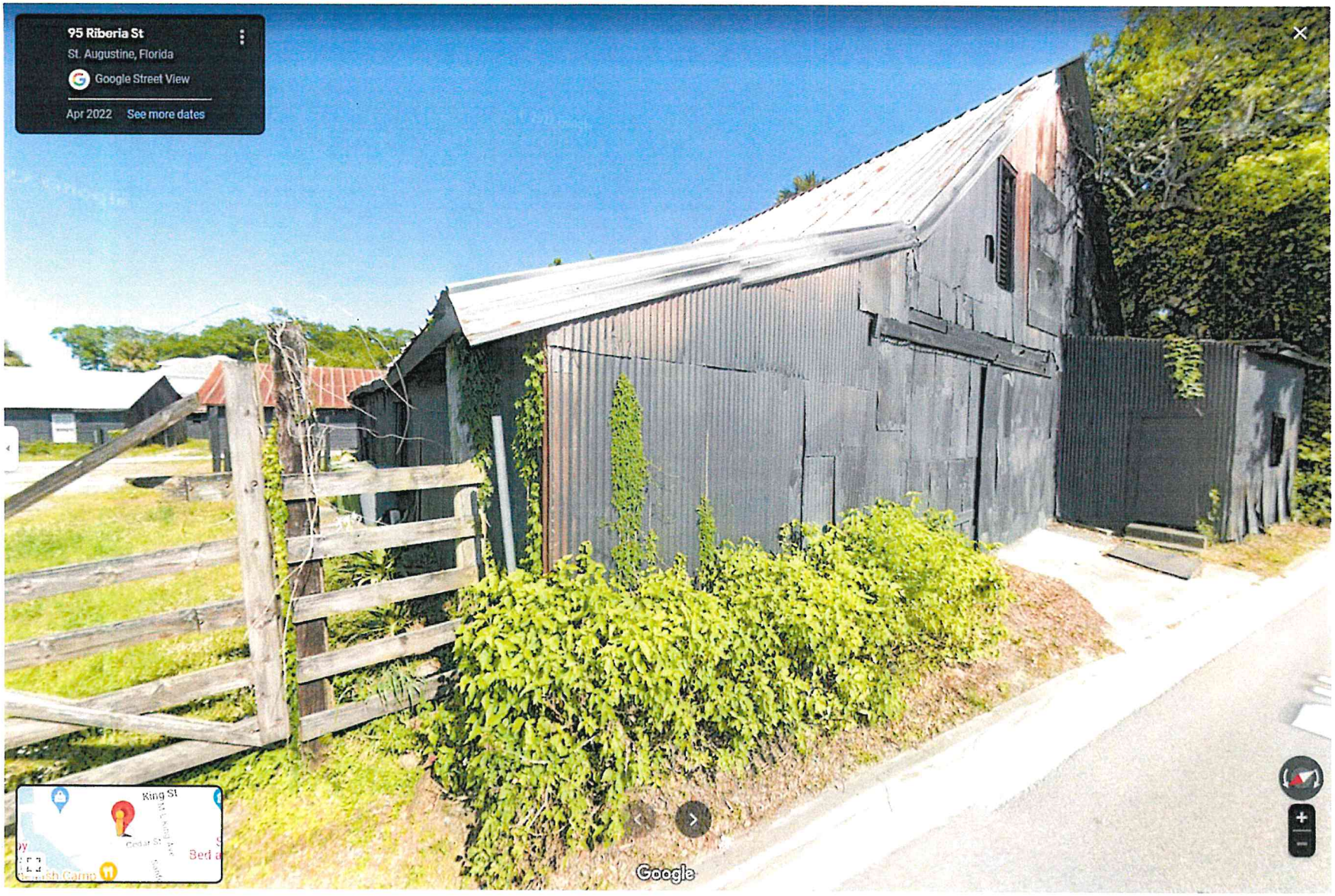


LOCATION – Historical Uses

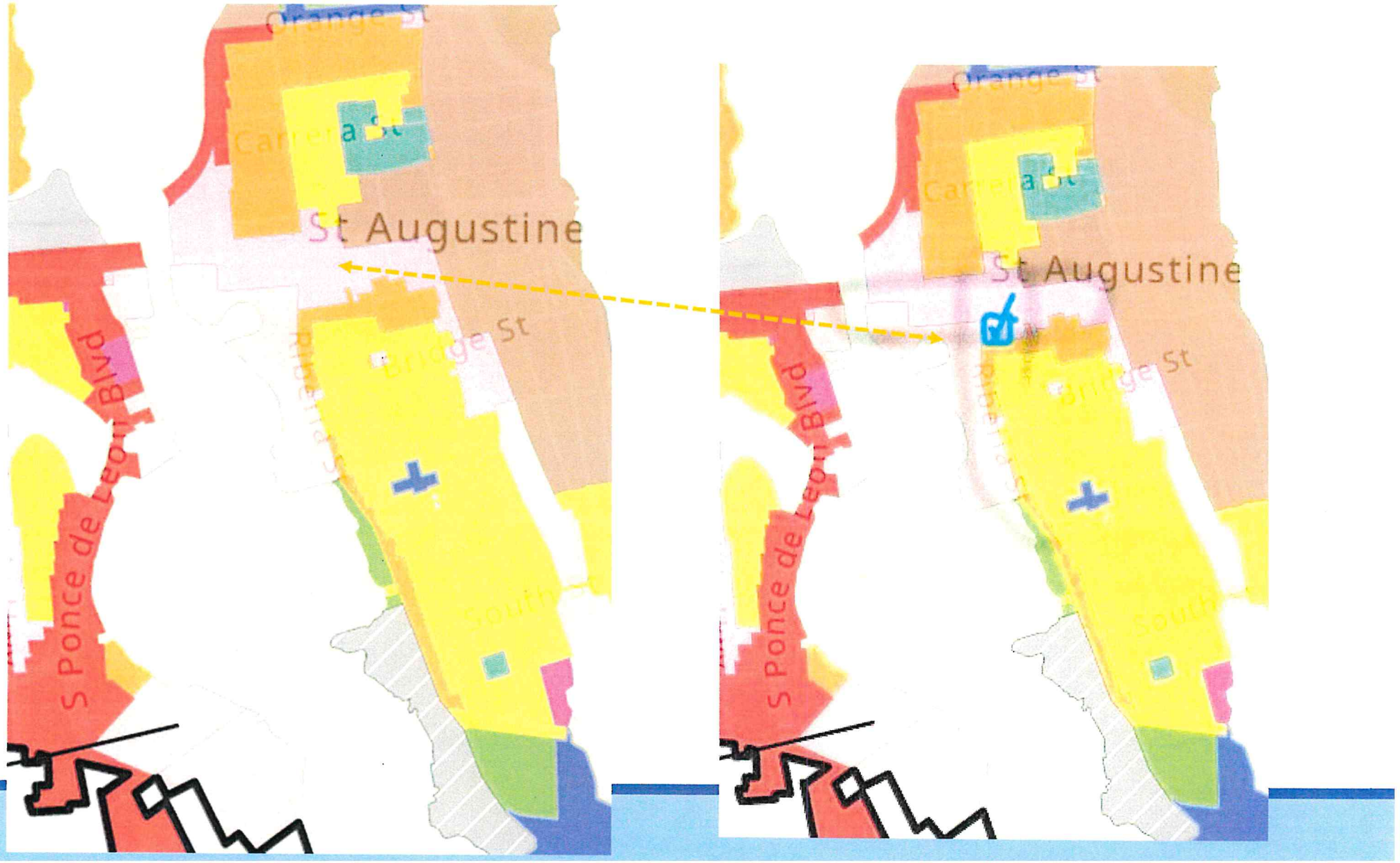




LOCATION – Historical Uses



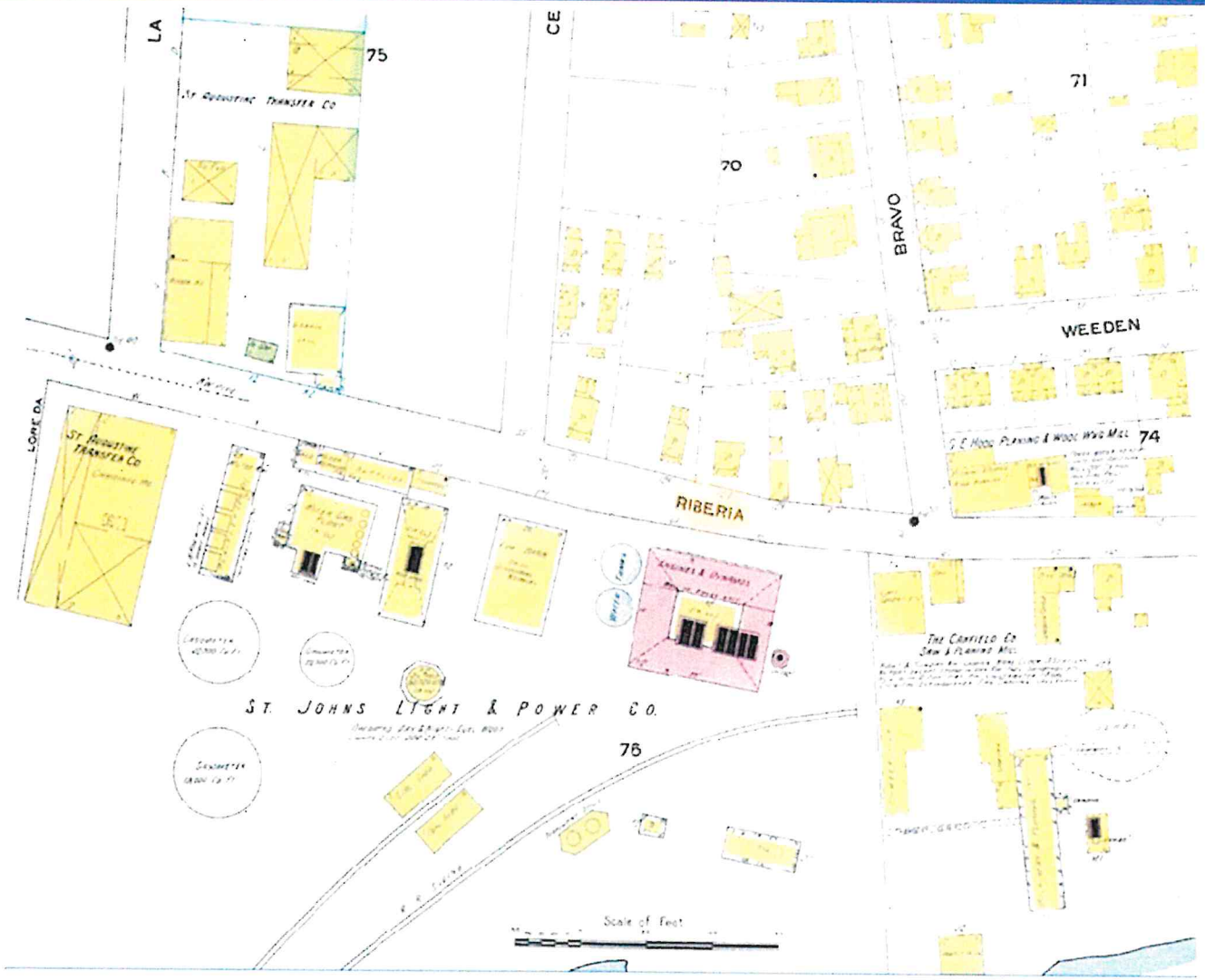
LOCATION –
Current COMMERCIAL Future Land Use & Mixed-Use Corridors



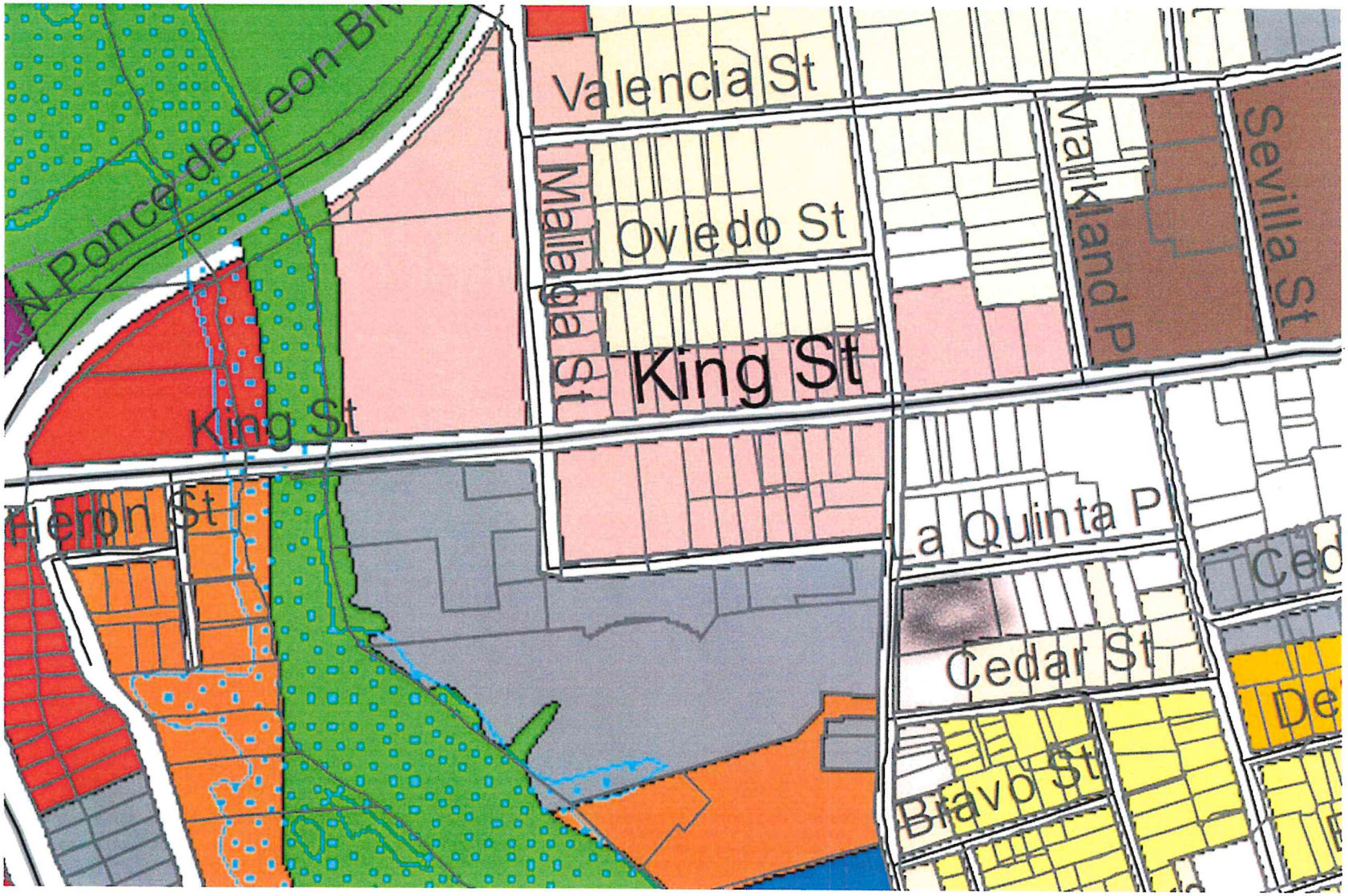
LOCATION –
Current COMMERCIAL Future Land Use
& Mixed-Use Corridor



LOCATION –
Current COMMERCIAL Future Land Use & Mixed-Use Corridor



LOCATION –
Current COMMERCIAL Zoning Area



Sec. 28-206. - Commercial low-one: CL-1.

(1) *Permitted uses and structures:*

a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.

b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.

c. Tourist homes and bed and breakfast inns.

d. All types of professional and business offices.

e. Churches (except temporary revival establishments).

f. Libraries and museums.

g. Single-family dwellings as for RG-1 (section 28-163).

h. Multiple-family housing.

i. Rooming and boarding houses.

j. Housing for the elderly.

k. Antique shops.

l. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

m. Tattoo parlor or studio

LOCATION – Current Area Riberia Street Corridor Uses



LOCATION – Current Area Riberia Street Corridor Uses



LOCATION – Current Area Riberia Street Corridor Uses



LOCATION – Current Area Riberia Street Corridor Uses



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LOCATION – Current Area Riberia Street Corridor Uses





LOCATION – Current Area Riberia Street Corridor Uses





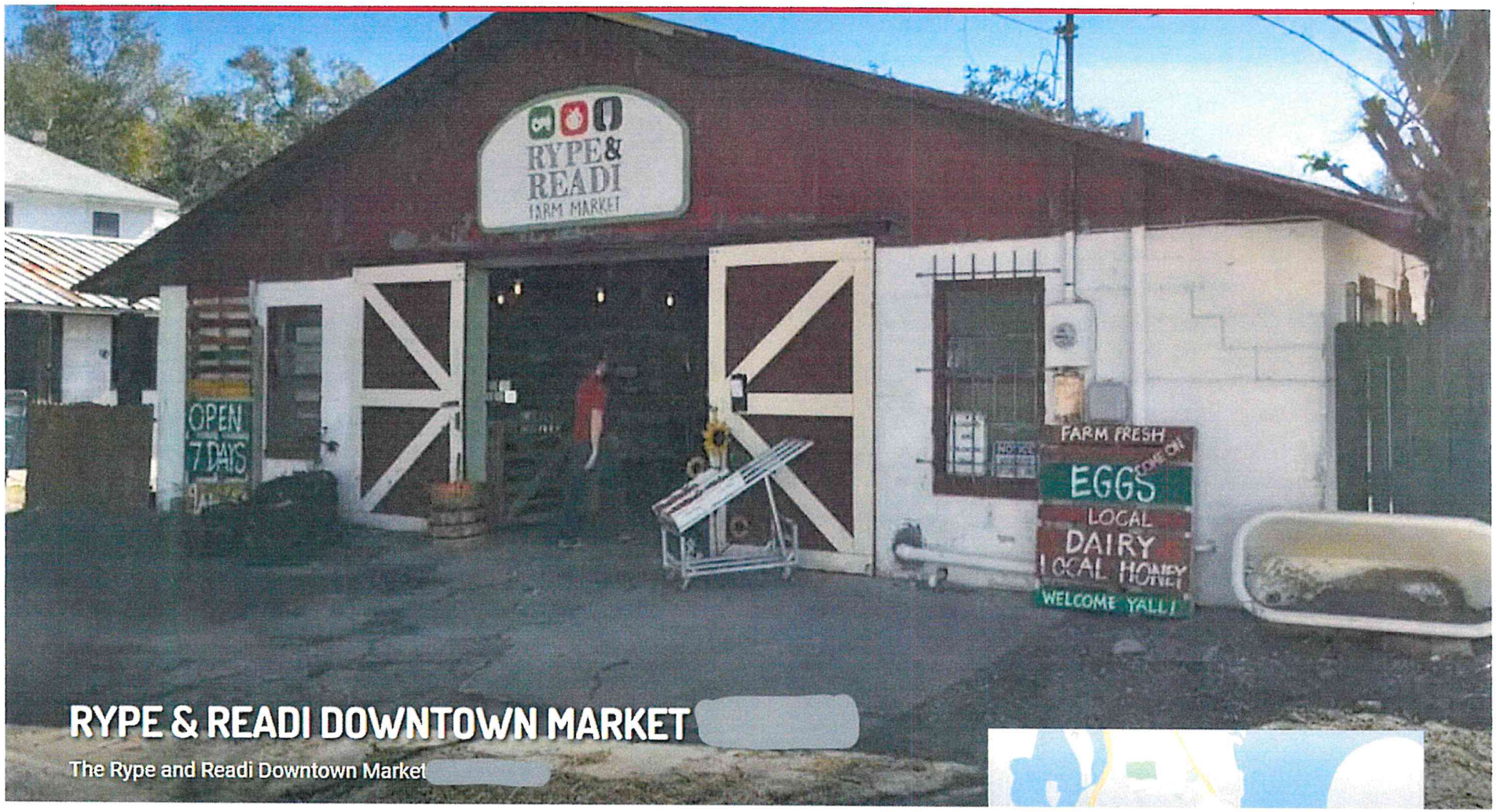
LOCATION – 95 Riberia Street - Commercial



LOCATION – 95 Riberia Street - Commercial



LOCATION – 95 Riberia Street - Commercial



RYPE & READI DOWNTOWN MARKET

The Rype and Readi Downtown Market

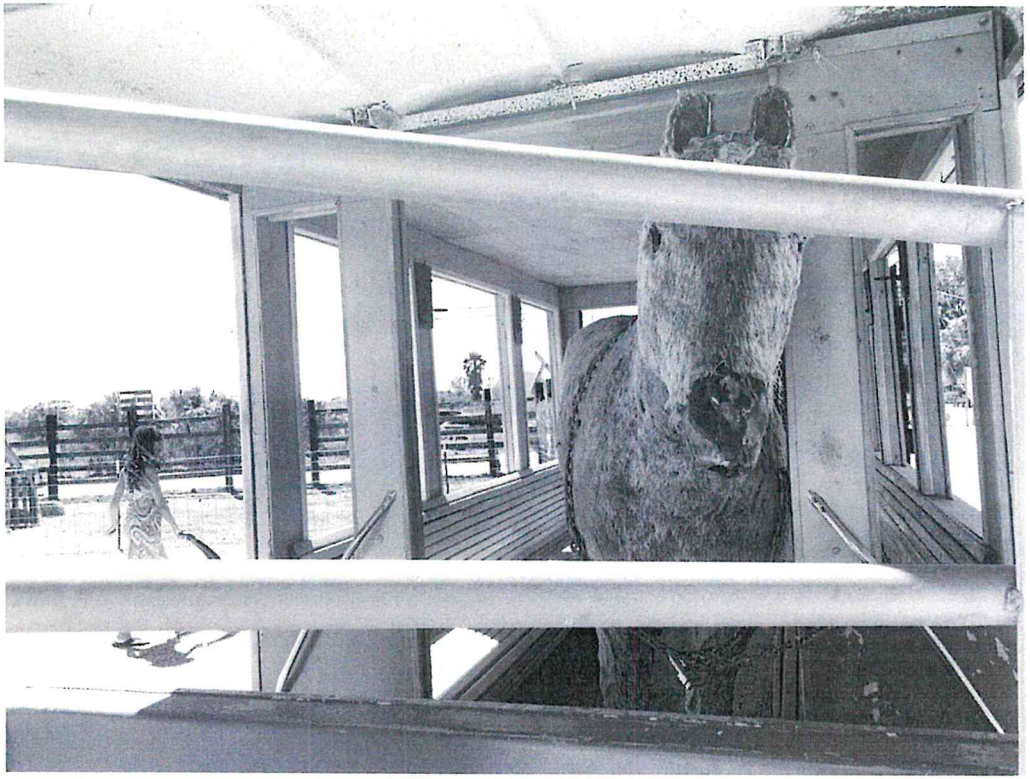
LOCATION – 95 Riberia Street - Commercial



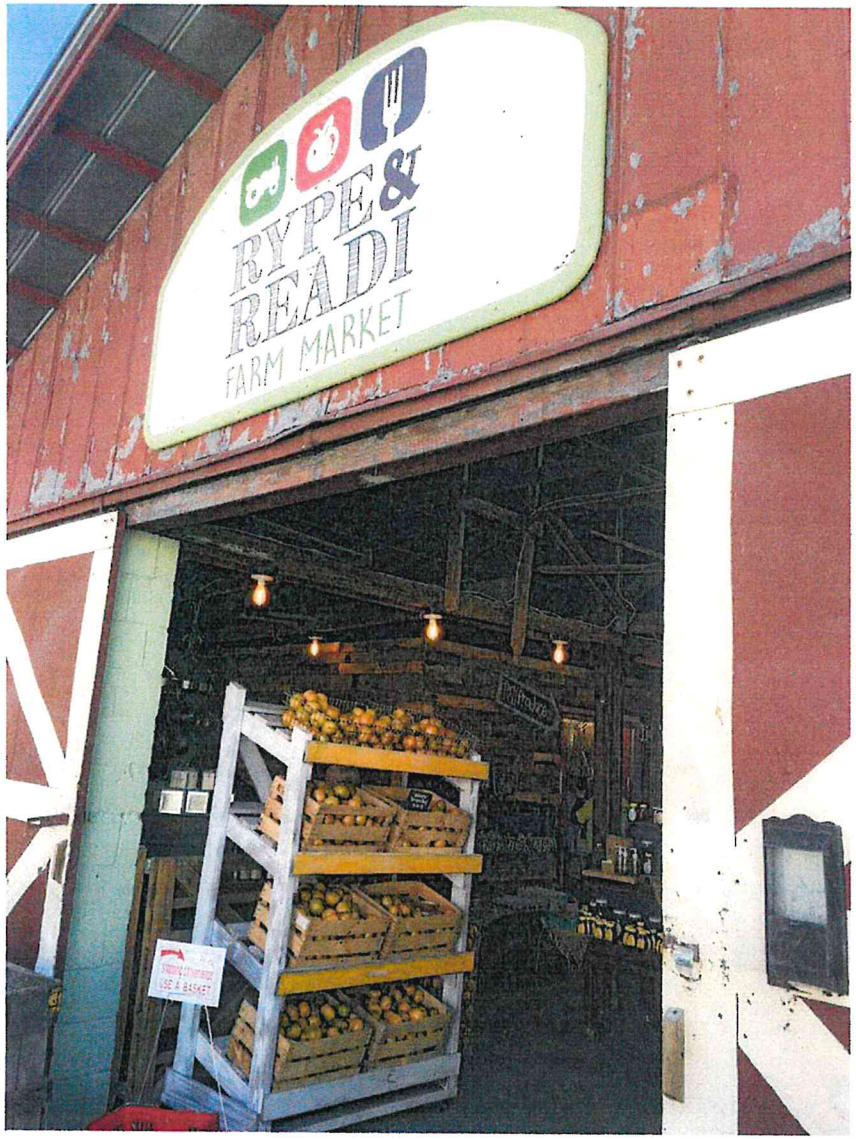


LOCATION – 95 Riberia Street - Commercial





LOCATION – 95 Riberia Street - Commercial





LOCATION – 95 Riberia Street - Commercial



LOCATION – 95 Riberia Street - Commercial



LOCATION – San Sebastian Parking - Commercial



Current CL Uses – King St. and Riberia St.



Current CL Uses – King St. and Riberia St.



HISTORY OF AREA and SITE

THE ST. AUGUSTINE TRANSFER COMPANY AND INTERACTION WITH THE RAIL INDUSTRY

FOR TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY





HISTORY OF AREA and SITE

INTEGRAL INTERACTION WITH THE RAIL INDUSTRY

FOR TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY

115 La Quinta Place / 109 Riberia Street / 95 Riberia Street
Historical and Architectural Significance of the Property and Structures

The one and one-half story main barn located at 109 Riberia Street was constructed between 1904 and 1910 and is the oldest remaining building, according to the Sanborn Maps, of the St. Augustine Transfer Company.

The other old buildings on the site were demolished in a fire in the 1940's.

Formerly a one-story Carriage House, it shares the lot with a concrete-block, horse stable building built after the fire in the 1940's, a one-story building built in the 1940's, and a concrete barn built after the 1960's at 115 La Quinta Place.

HISTORY OF SITE

INTEGRAL INTERACTION WITH THE RAIL INDUSTRY

FOR TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY





HISTORY OF SITE

INTEGRAL INTERACTION WITH THE RAIL INDUSTRY

FOR TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY

St. Augustine Transfer Company History

Originally founded in 1877, the St. Augustine Transfer Company historically operated as a horse-drawn carriage service - the predominant operator in the city of St. Augustine.

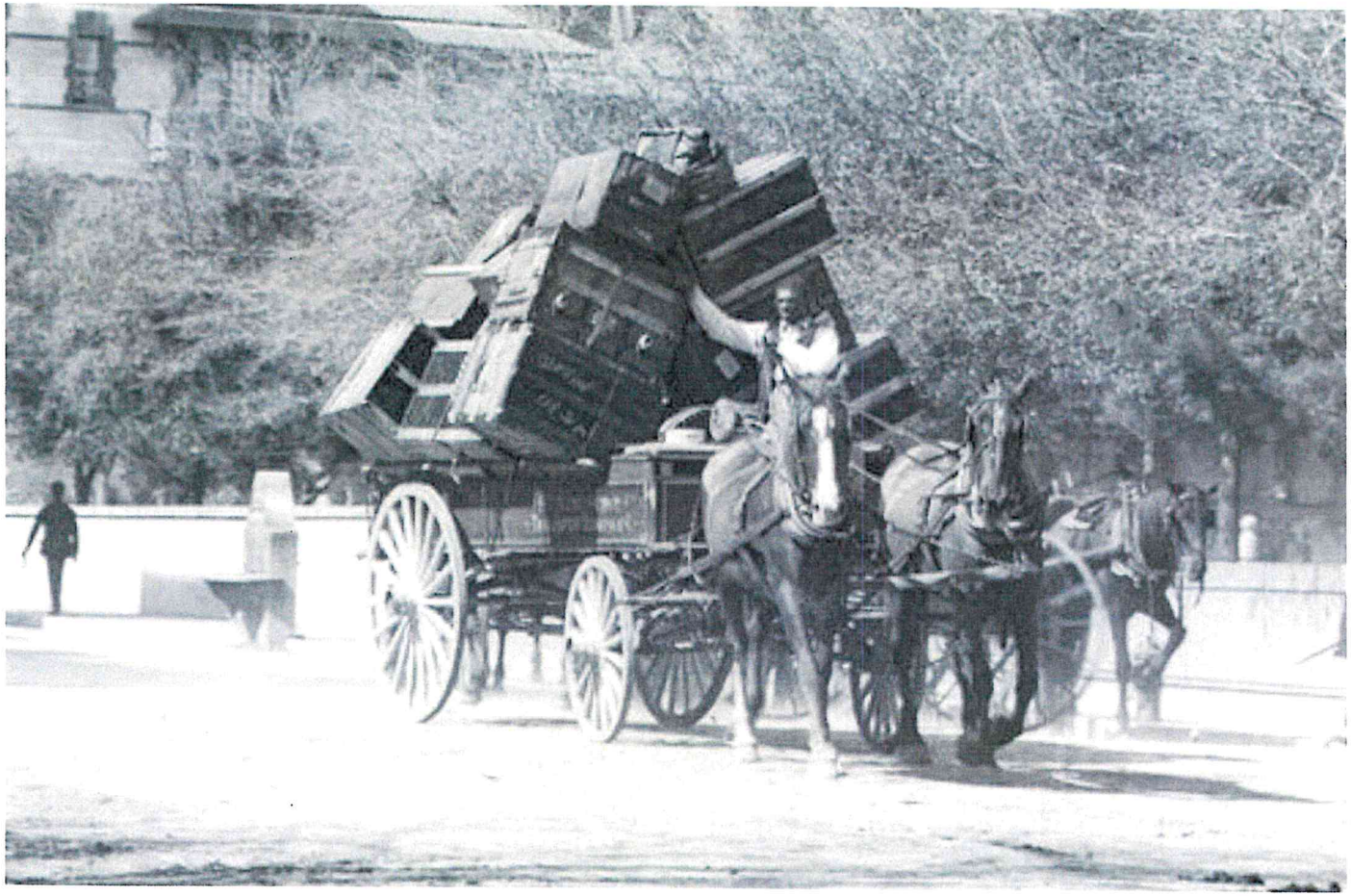
Started by Louis A. Colee, the Transfer Company provided standard transportation services throughout the city, with carriages and horseback traffic in mind.

Colee's carriages ferried residents and visitors from the nearby East Coast Railway depot to and from the St. Augustine hotels and into our historic city.

In fact, many believe that Mr. Flagler himself first saw the city in a carriage driven by Louis Colee.

THE ST. AUGUSTINE TRANSFER COMPANY AND INTERACTION WITH THE RAIL INDUSTRY

FOR TRANSPORT OF PEOPLE AND GOODS INTO OUR HISTORIC CITY



REQUEST

Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a REASONABLE manner

TO SHARE THE HISTORY OF THIS PROPERTY AND THE AREA WITH GUESTS AND THE COMMUNITY ALIKE AND TO SERVE THE AREA AND COMMUNITY JUST AS THE FORMER OWNERS OF THIS PROPERTY DID IN THE HEIGHT OF THE FLAGLER ERA.

REQUEST

As stated,
this parcel fronts upon Riberia Street

(along this mixed-use section of Commercial land use and zoning)

which includes the Ice Plant Restaurant, the St. Augustine Distillery,
the St. Augustine Fish Camp Restaurant, offices to the north and northwest,
multi-family and a parking lot to the south, short-term rentals to the east,

and the San Sebastian Inland Harbor properties'
mixed-use project to the west.

REQUEST

This rezoning will allow the owner to maintain the historical nature of this property while updating the property to provide the proposed, compatible, mixed-use project, **with great regard to the history of this property**.

The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the historical foods associated with the Flagler-era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind.

INTERDEPENT MIXED-USE PROJECT

The Railroad Retrospective Mixed Use PUD will be centered upon the railroad industry and its contribution to our historic city and the state of Florida, featuring:

- a community market and general store, utilizing the stables and stalls for selling local products, foods and other goods;
- a local craft distillery/brewery within the confines of the barn on Riberia that will be open for tours and tastings;
- an authentic Flagler era, steam locomotive under a covered walkway with a restored Pullman car that will contain a high-end reservation-based restaurant serving onsite craft items and foods from the kitchen that will be retrofitted into the other stable building onsite.

The uses in this mixed use, interdependent project will work together as a reflective on the railroad and its accessory uses including the carriage services, which served St. Augustine and all of Florida, with an idea to serve local products and use and sell local goods, giving historical reference to the railroad, its impact on St. Augustine and Florida and how this property was intertwined and served the same for many years.

INTERDEPENT MIXED-USE PROJECT

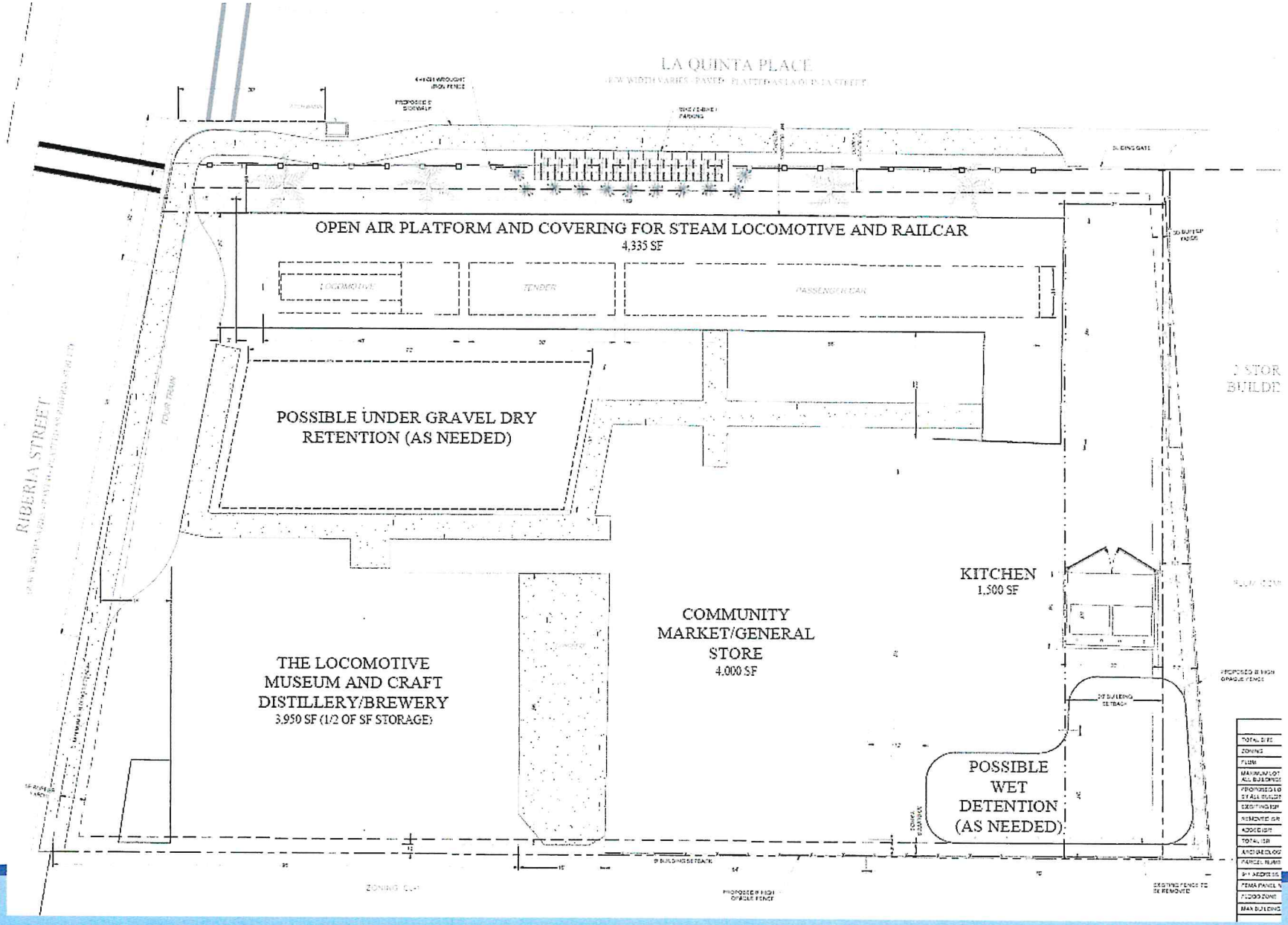
We are creating a multi-faceted experiential approach to tell this story.

The idea is that all the proposed uses work together seamlessly. They work to re-create this experience and this unparalleled understanding of the history surrounding rail travel on the East Coast of Florida.

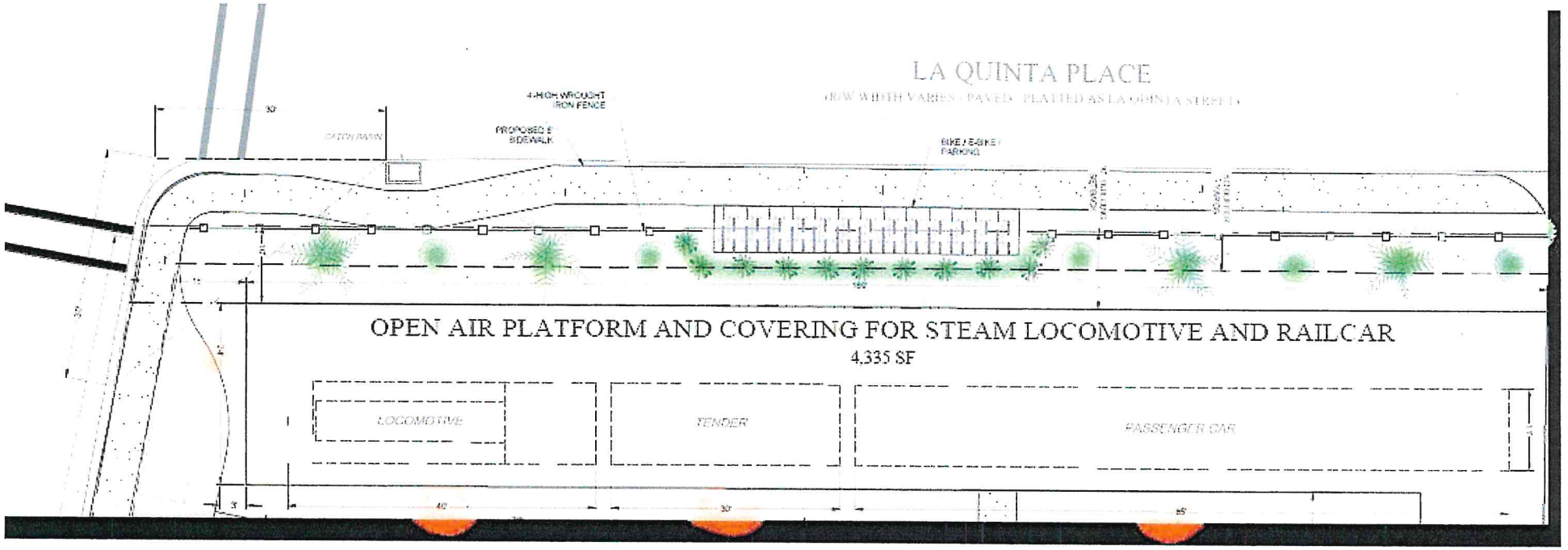
The following description of each should make it clear as to how they work together and will thrive in this integral, symbiotic existence within this pedestrian-based, mixed use Railroad Retrospective use.

INTERDEPENT MIXED-USE PROJECT

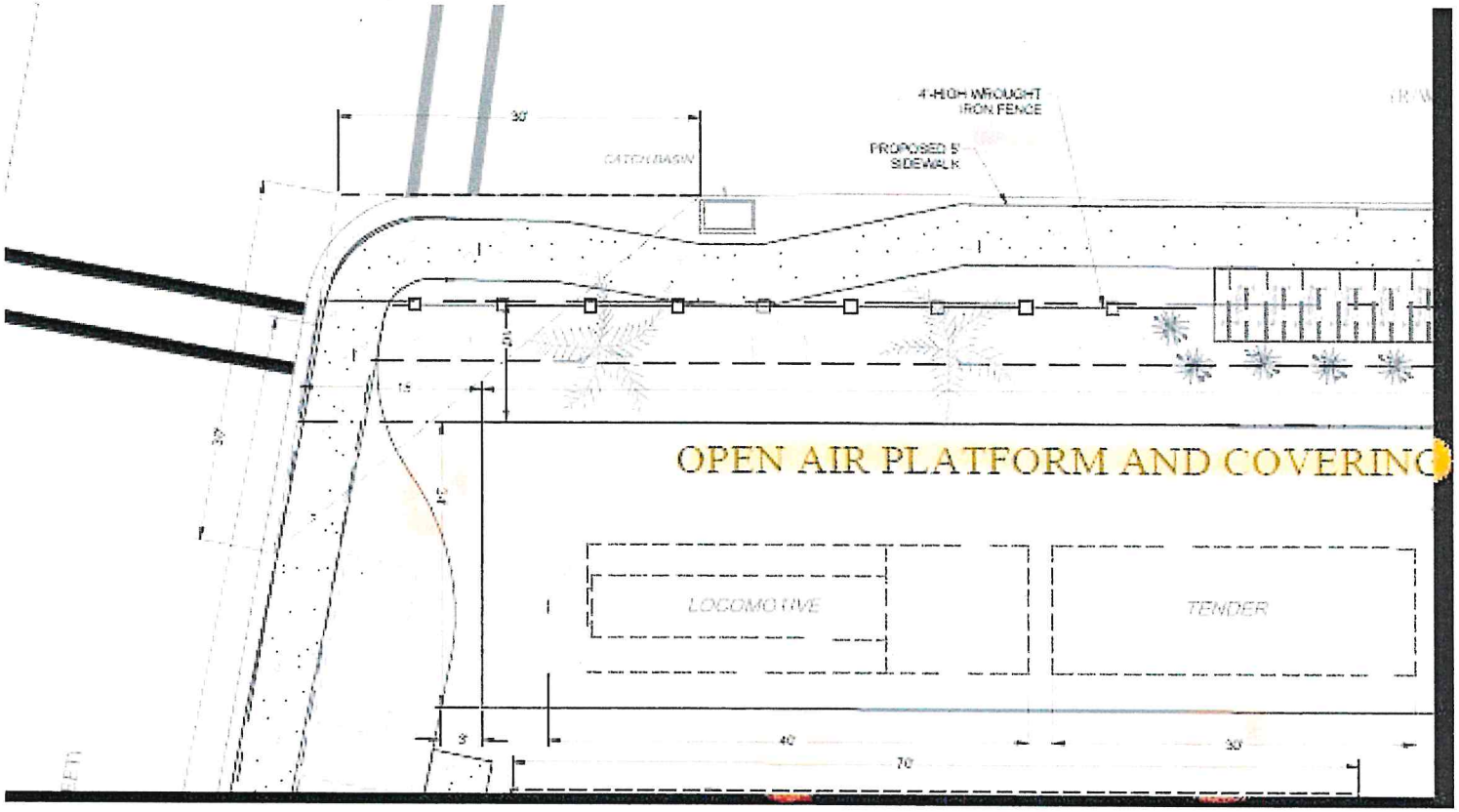
REVISED SITE PLAN – AS REQUESTED



Area 1 – Historic Locomotive #113



Area 1 – Historic Locomotive #113



Area 1 – Historic Locomotive #113

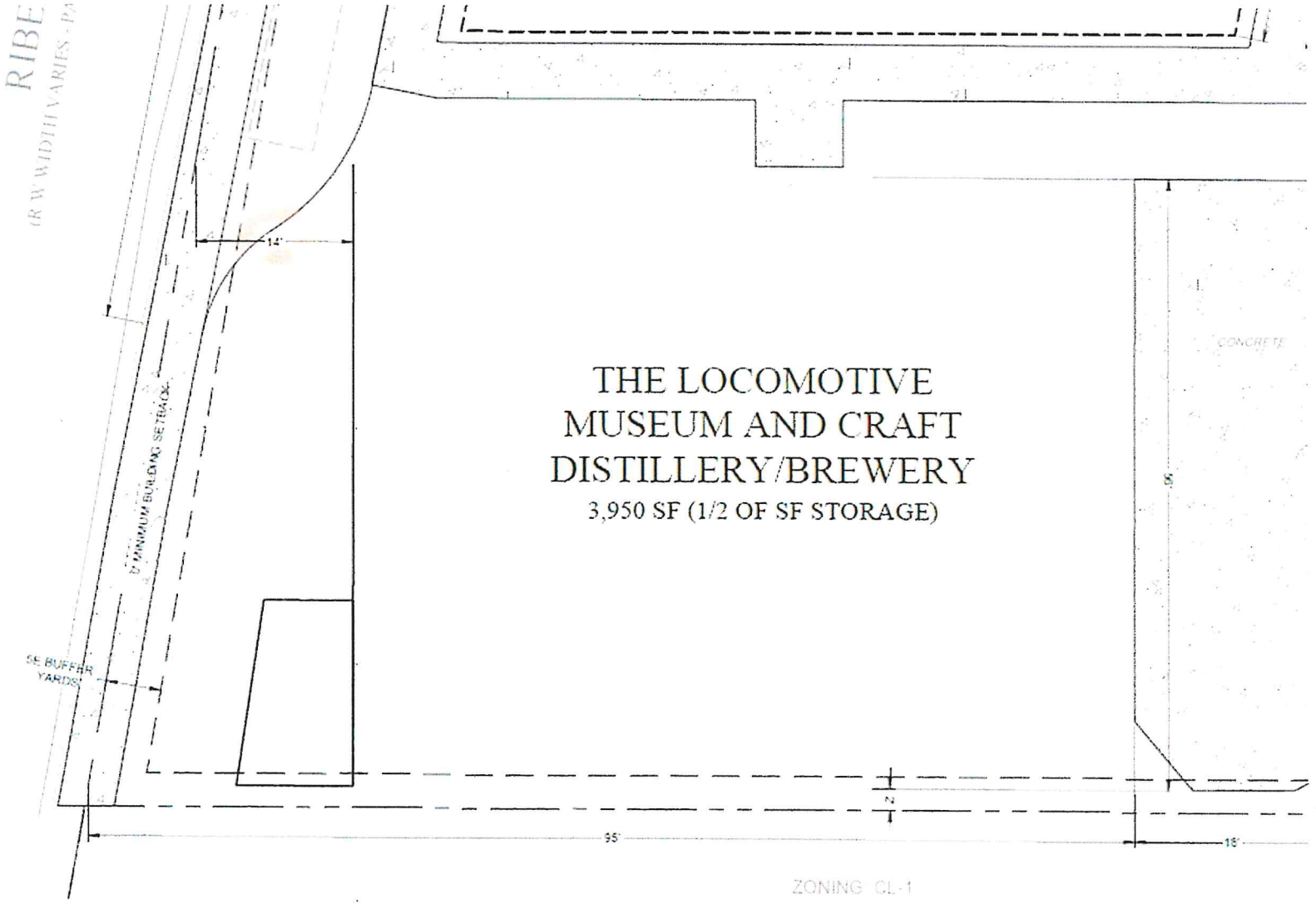
Locomotive #113 can be categorized as a museum grade attraction and has 0 (zero) capacity.

#113 was built by Alco for Florida East Coast Railway in 1912-1913, one of sixty 4-6-2 Pacific's (#77-#136) delivered between 1910 and 1917.

Historical significance- The journey to accomplish a transportation system from St. Augustine to the Florida Keys was one of Florida's most incredible stories. Henry Flagler began the Railway (later named the Florida East Coast Railway) in St. Augustine in 1885 and completed the Overseas railroad in 1912. Flagler passed away in 1913 and Locomotive #113 is the last surviving steam locomotive from Flagler's lifetime. Florida was mostly unspoiled and traveling from St. Augustine to the Florida Keys in 1913 was advertised as "magical." Today, Florida is one of the world's top travel destinations. The story of how leisure travel on the East Coast of Florida developed is important to Florida's history.

This presentation on property will serve as a direct attraction and interactive piece to ground the mixed-use property within an authentic railroad retrospective.

Area 2 – Tour Experience - Distillery/Brewery/Winery + Museum Room



Area 2 – Tour Experience - Distillery/Brewery/Winery + Museum Room

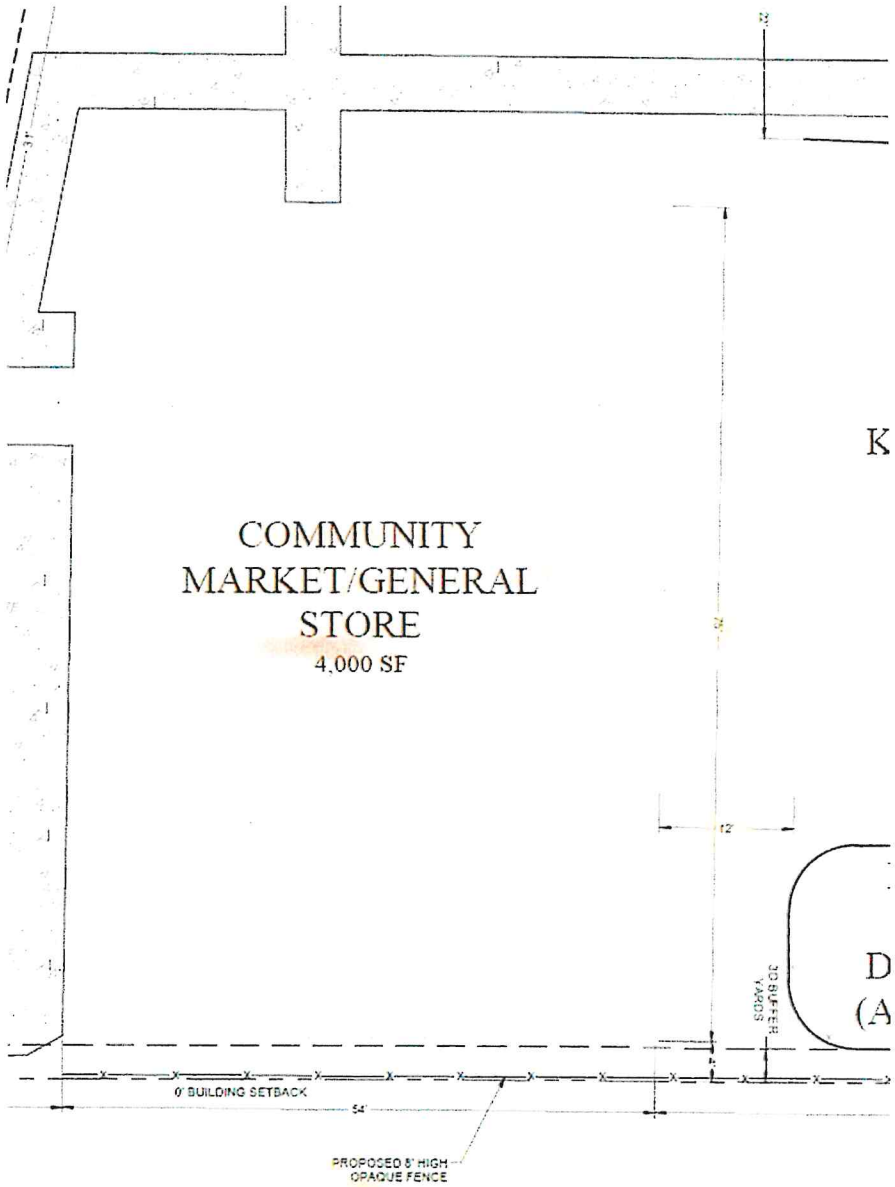
Concept: This will include a guided tour experience that incorporates historical assets, museum pieces, a distillery/brewery and winery, all functioning inside the renovated/restored historic St. Augustine Transfer Company Barn.

The tour will be free and operate in 2 parts. Patrons can join the first part or the second part or take part in both legs of the tour. The first part of the tour will be family-friendly and is limited to the FEC Railway Story, Locomotive #113 and the St. Augustine Transfer Company history. There will be a room that functions like a museum that has exhibits, historical documents information, and antiques. The second part of the tour will be a tour of the production facility. The production facility will be smaller in comparison to St. Augustine Distillery. There is less space inside the production facility for tours and production. A large part of the facility will be barrel storage and finished goods storage. The tasting room will be at the end of the distillery/winery/brewery tour and will fold into the "sample local goods" retail concept.

Museum is an approved use in the current CL-1 zoning
CL-1 permissible use by exception: Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent. The request for the increased locally brewed ABV limit would not impact traffic, occupancy or how the project operates.

Tour Capacity- 10 people per tour. (Tours will operate every half hour).
Tour Hours- 10am-6pm (which matches the San Sebastian Winery and St. Augustine Distillery)

Area 3 – Local Goods Community Market



Area 3 - Local Goods Community Market

Concept: A local goods market that sells a variety of goods hand made in St. Augustine and regionally made goods and items that support the East Coast of Florida Railroad concept.

The old horse stable building will be restored to look like horse stables in the era it was built (1940's). We would like to keep the building as divided in stalls and use that as a way to separate types of goods.

Retail can be memorable. Customers can learn about who, where, and how the goods are made as part of the shopping experience. The concept will incorporate samples and tastings into the shopping experience. Sampling may have heightened your shopping experience at Costco or the Savanah Bee Company and we all know everyone loves free samples. It's getting harder and harder to find locally made goods outside of a farmer's market. Whether you are a local or tourist. There is a sense of pride in buying locally made goods.

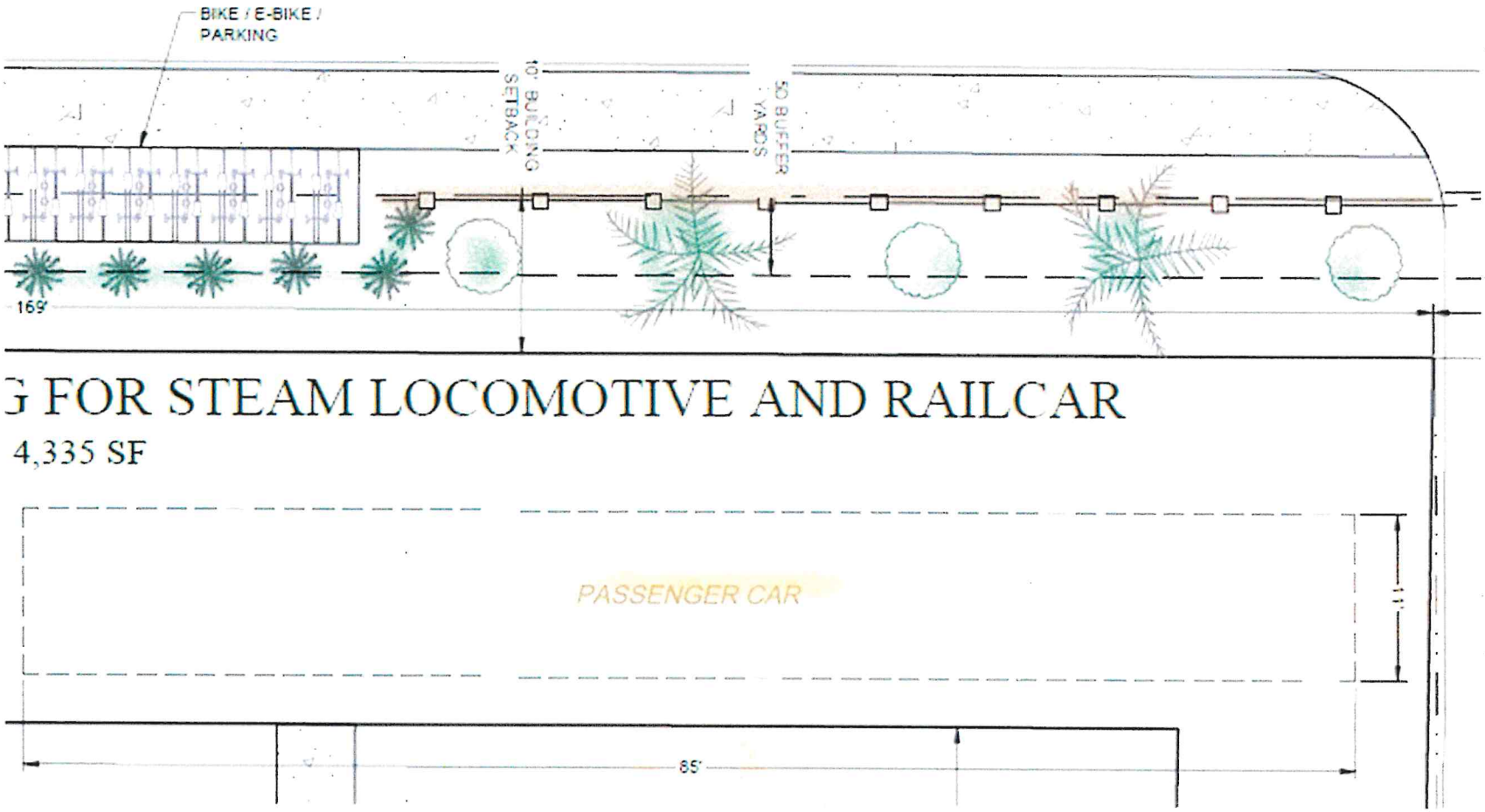
Hours- 10am -8pm
Capacity is limited to that allowed by the square footage of the retail uses

Area 3 - Local Goods Community Market

The PZB asked for additional information on the retail store "Local Goods Market."

- The concept is to sell beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more.
- We plan on using local vendors for private label products for the shop.
- The concept is to sample and educate consumers in the retail area.
- Several sampling stations will be set up daily.
- This will help local companies build their brands and keep money in the community.

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service



Area 4 – Exclusive Railcar Restaurant and Kitchen for Service

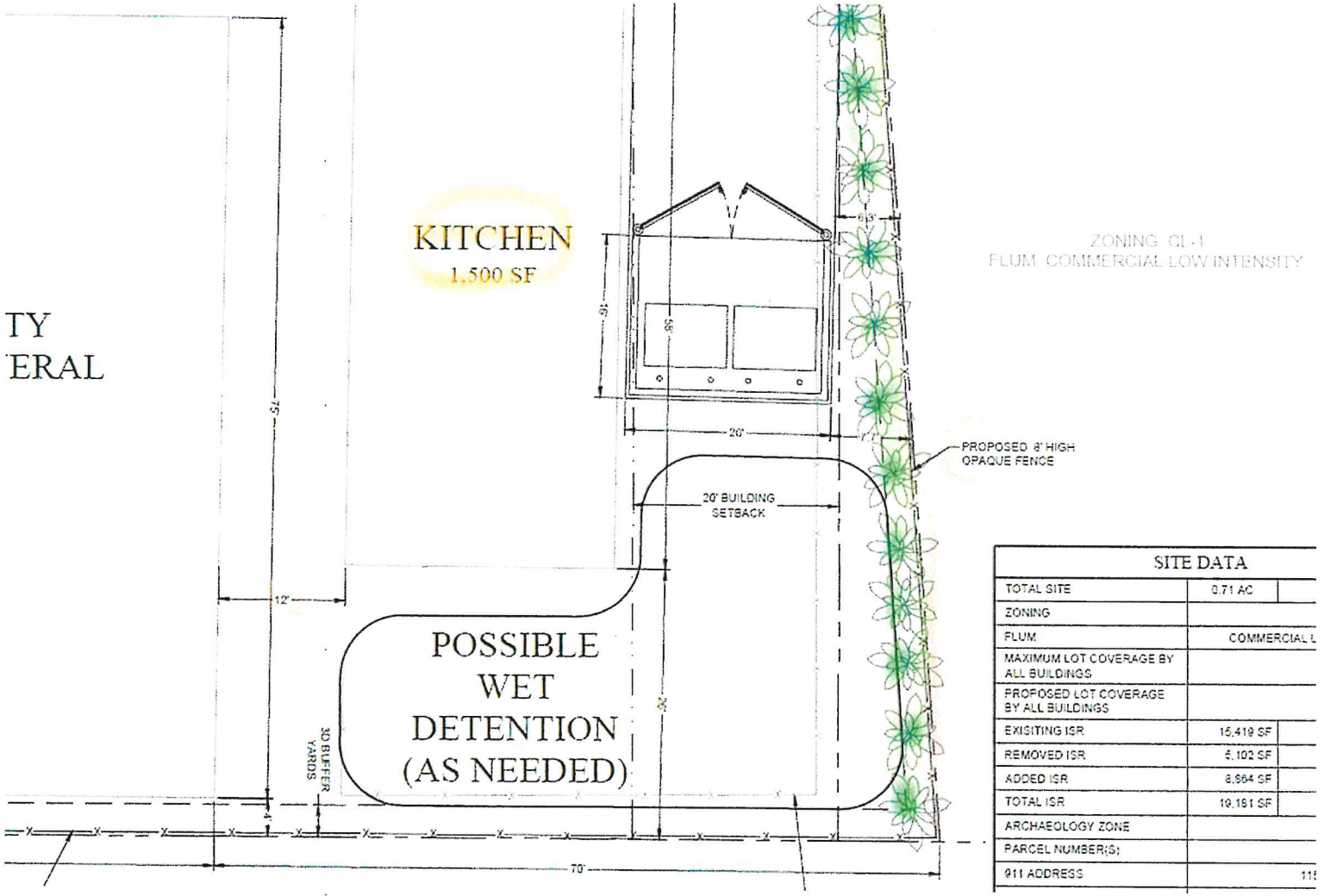
Restaurant Dining Car #3604

Concept: Intimate dining in a historic pullman railcar restored to 1910-1920 era.

Inspired by ingredients, stories, and cultural foods on each stop on the Florida East Coast Railway line in the early days of rail travel. Each dish will bear its own mark of creativity. The wine and cocktail list will feature spirits and wines created on site in the distillery/winery.
The restaurant is designed to be one component in the "birth of leisure travel in Florida" story. This type of historical educational food and beverage experience is a departure from the standard "do not touch," "behind a glass case" exhibits that you often find at historic sites/museums. It is a departure from the low-quality food and beverage options that you find at most historic themed attractions.

Size and Layout:
The proposed fine dining restaurant is small, and capacity is limited to the size of the rail car. The rail car is approximately 80' x 10'. Seating in the dining car will be limited to zoning regulations, HC access, fire code and all other requirements. We envision approximately 60 seats; it could be less after zoning, mechanical plans, plumbing are incorporated into the layout. Seating for the fine dining concept is very limited and cannot exceed 800 square feet. Exact seating numbers for the interior of the rail car will be determined when architectural plans are drawn. The rail car will have a small bar with approximately 8 stools as part of the seating/ floor plan.

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service



SITE DATA		
TOTAL SITE	0.71 AC	
ZONING		
FLUM	COMMERCIAL L	
MAXIMUM LOT COVERAGE BY ALL BUILDINGS		
PROPOSED LOT COVERAGE BY ALL BUILDINGS		
EXISITING ISR	15,419 SF	
REMOVED ISR	6,102 SF	
ADDED ISR	8,964 SF	
TOTAL ISR	19,191 SF	
ARCHAEOLOGY ZONE		
PARCEL NUMBER(S)		
911 ADDRESS		11

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service

The kitchen will have a service concept. The food options will be simple/healthy and inspired by tropical Florida in 1913. The kitchen will be a "scratch" kitchen making period foods.

Hours of operation will be similar to nearby restaurants:
The Ice Plant, Fish Camp, San Sebastian Winery.

Hours –
M-F: 11am to Midnight
Sat & Sun: 10am to Midnight

Fully Pedestrian Friendly Site

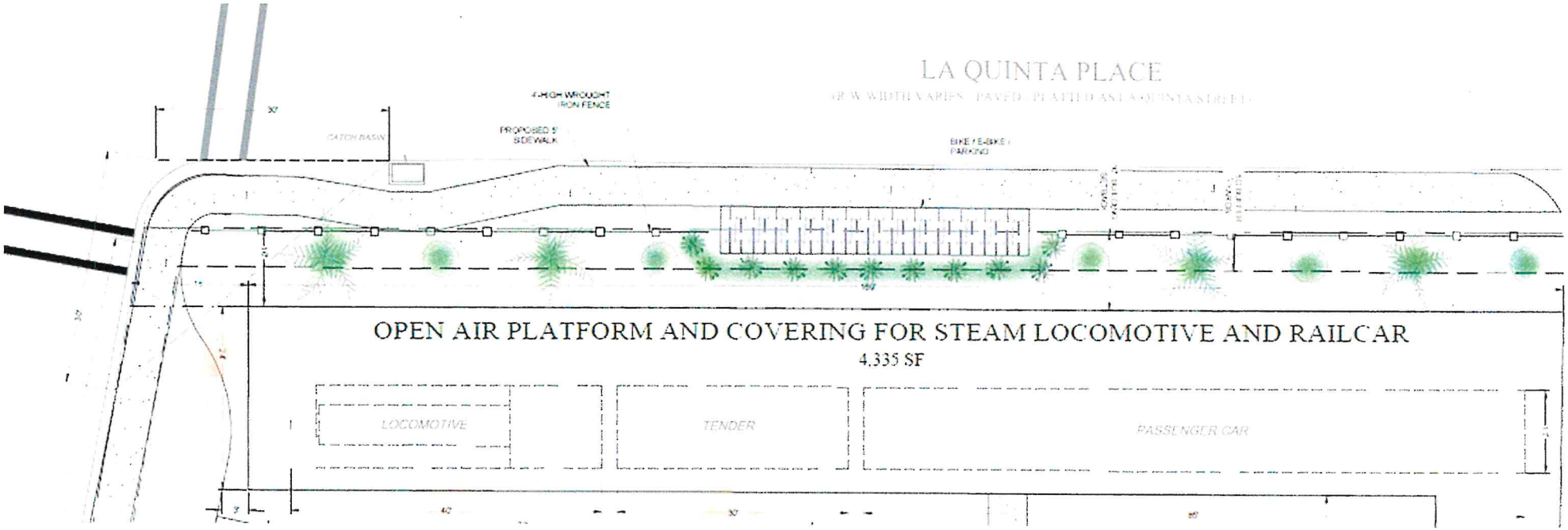
Crosswalks and RideShare / Delivery / Trolley Stop Area

****Designed to be On Property - Off of Riberia –**
with Sidewalk divider for safety



Fully Buffered from La Quinta –
Including Bike and E-bike Racks

****Designed to include attractive landscaping and a tasteful 4ft wrought iron fence on the property**



Fully Pedestrian Friendly Site

Crosswalks and RideShare / Delivery / Trolley Stop Area

This proposed compatible use will promote a fully pedestrian-accessible experience, by foot or by trolley, establishing a sense of place with the large parcel providing sufficient area to offer a number of mixed uses including a central communal area for the visitors' enjoyment.

In turn, since this will be fully pedestrian-friendly, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based.

Further, it will work in **the depicted access stop** on the Riberia entrance to promote intermodal exchange, taking cars off our roads, and it will encourage pedestrian use of the historic downtown area as sought by the goals, objectives and policies of our comprehensive plan.

Fully Pedestrian Friendly Site

Crosswalks and RideShare / Delivery / Trolley Stop Area

B. Development Standards for NEW Structures within the PUD:

3. Parking: No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

6. Access: Full pedestrian access to the property will be provided per the sidewalks as proposed to be built on the street sides of the property, as well as within the interactive open space for community gathering and outdoor interaction. Further, an on-site access stop will be provided off Riberia Street for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated within our Comprehensive Plan, and to allow for RideShare drop-off and pickup, as well as deliveries. Accordingly, bike / E-bike racks will be provided.

12. Sidewalks: A sidewalk will be installed along La Quinta as well as along Riberia Street (located west of the access stop as depicted to incorporate the access into the property).

Specific Regulations and Prohibitions: Specifically written into the PUD text

B. Development Standards for NEW Structures within the PUD:

14. Specific Regulations and Prohibitions: There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

PZB additional information requests from the August 1st Regular Meeting:

1. *Details regarding the market*

   Information provided by applicant:

   - Letter titled "Local Goods Community Market and Store"
   - The concept is to sell local beer, wine and spirits manufactured on site as well as locally made products and local brands.
     - Examples of products: pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more.
     - Examples of local companies: The Hippie's Husband, Orange Grove Pottery Studio, Sea Witch Pepper Potion, A Frame Datil Pepper, Cock a Datil Do Datil Sauce, The Honey Truck Co., Minorcan Mike's Datil Pepper Sauce, Claude's Chocolates, Cultivate Tea and Spice, Maggie's Herb Farms, St. Augustine Pottery, Sequential Coffee, and Paper Root clothing.

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

2. *City staff to review parking study*
   Staff review:
   - A review of the Trip Generation Analysis submitted by the applicant will be completed by the City's transportation and mobility consultant and be provided ahead of the September 5th meeting.
   - With the addition of bicycle racks, which has a capacity of twenty-six (26) bicycles based on updated site plan, crosswalks on both Riberia Street and La Quinta Place, as well as sidewalk improvements this proposal shows progress in meeting the objectives of the City's Mobility Plan. The 2040 Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

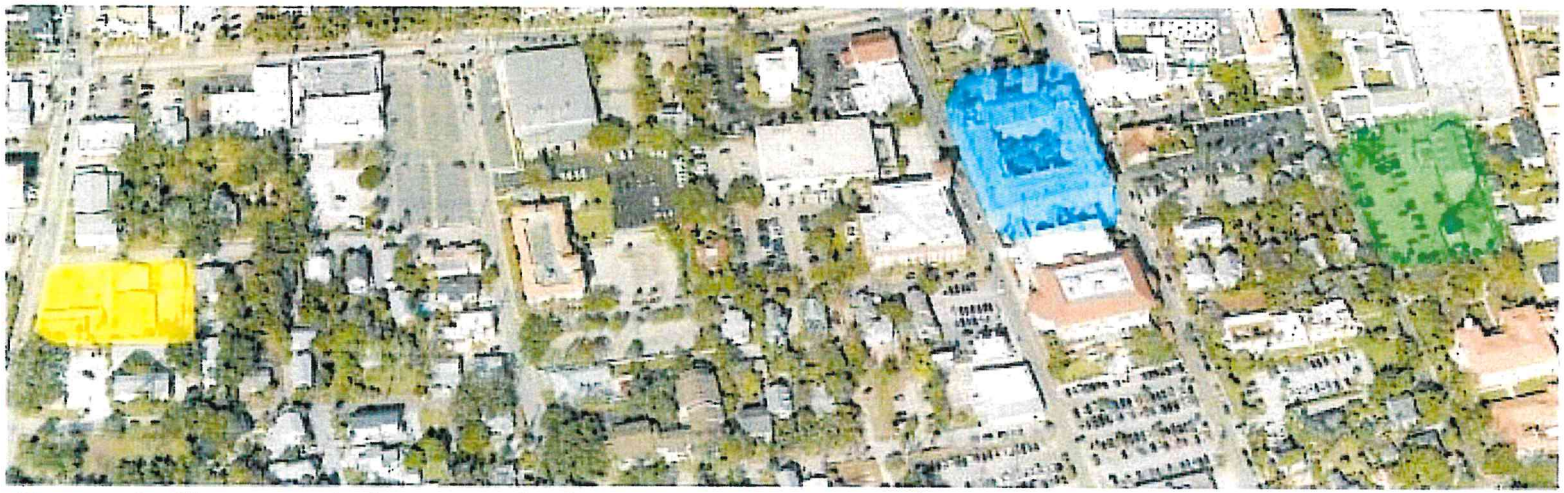


Figure 2. This aerial photograph shows 115 La Quinta Place, shaded in yellow, City Hall, shaded in blue, and 2 Artillery Lane, shaded in green.

The distance from 115 La Quinta Place and 2 Artillery Lane is roughly 1,700 feet, one-third of a mile. Both properties are approximately 0.6 acres in size, the most notable difference is the land use designation, Commercial Low Intensity for La Quinta Place and Historic Preservation for Artillery Lane. 115 La Quinta Place is located around 1,700 feet west of the Historic Downtown which means that any proposed commercial uses will have to provide off-street parking, a development requirement unique to properties located outside of the Historic Downtown. The reason for not requiring off-street parking for commercial uses within the Historic Downtown is to encourage preservation of historic structures as well as promote infill development.

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

3. *Better language or explanation for the justification of no onsite parking*

Information provided by applicant:

- Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 3. Parking:
  - No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

4. *Landscaping plan*

Information provided by applicant:

- Site plan provided by applicant shows landscaping bufferyards along La Quinta Place, which includes a 4-foot wrought iron fence, and along the eastern property line adjacent to 113 La Quinta Place.

STAFF REPORT – APPLICANT ADDRESSED PZB REQUESTS

5. *Explanation of how the proposed courtyard will function such as use and hours*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 14. Specific Regulations and Prohibitions:
     - There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing "urban" area of the city including existing commercial corridors.

TME Policy 1.3.6

The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.7
The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.

TME Policy 1.3.10
The city shall further support pedestrian, bicycle, and a community circulator or transit use by:
• Considering an increase in residential density and nonresidential intensity in locations that serve to help meet the goals of the Comprehensive Plan;
• Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances;
• Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users;
• Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and
• Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.

TME Policy 3.1.3
Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

CITY OF ST. AUGUSTINE MOBILITY PLAN & MOBILITY FEE TECHNICAL REPORT DATED FEBRUARY 2022

Overview

The Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, **promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.**

The amendments also encourage the continuance of innovative parking management strategies to provide City's residents with enhanced access to business and services, while also seeking to reduce the impact of traffic on neighborhood streets.

Fully Interactive Mixed-Use Railroad Retrospective Experience

All these uses will interact together

to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property that provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown.

Appropriate Site Characteristics to provide this Visionary Project

The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map.

Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals."

STAFF REPORT AND RECOMMENDATION

THE PROPOSED DEVELOPMENT IS
"IN LINE WITH THE GOALS AND REGULATIONS"
OF THE CURRENT LAND USE CATEGORY

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

The property at 115 La Quinta Place is currently zoned Commercial Low-One (CL-1) and has a future land use designation of Commercial Low Intensity. The reason for the rezoning request is to allow for bar lounge and tavern, craft alcohol industry, and sales of alcohol with no limit to alcohol by volume uses which are all uses with restrictions in the CL-1 zoning district. There is no request for a change to the Commercial Low Intensity land use designation due to the proposed development being in line with the goals and regulations of this land use category.

STAFF REPORT AND RECOMMENDATION

THIS APPLICANT HAS EXPRESSED AN UNDERSTANDING, AWARENESS AND WILLINGNESS TO MEET THE STANDARDS AND GOALS OF THE CITY

Staff have seen numerous proposals for commercial development at 115 La Quinta Place, six (6) Development Review Committee applications in under three (3) years, and all have had the goal of preserving the structures that are on-site today. There are many hurdles that must be cleared, those of which usually discourage many ideas of redevelopment, such as providing parking, fire and life safety requirements, Florida building code requirements, and best practices for stormwater management are the typical code issues. These are the obstacles, and are required of any kind of development proposal for the current property at 115 La Quinta Place. These are not new regulations by any means, and most certainly not unique to this property, but developers are aware of what is required and have shown a willingness to meet standards with their end goal of redeveloping and preserving the structures on-site.

It is important to note that over time these structures will have been vacant for so long that their preservation may no longer be feasible, or even a value of the community, and their demolition will be the only action that is taken. As this issue pertains to zoning limitations, allowable uses, and development requirements, including off-street parking, the longer they remain vacant the reality of this loss only becomes more certain.

There are still many other requirements that must be met before this plan for redevelopment may take place such as approval for demolition of structures fifty years and older, a complete review of the archeological importance of the site, and a coordinated plan in addressing mobility and its impact on the surrounding area. But, before the applicant may start the process of coordinating and addressing these other factors, approval of the development, and the use, of the property is the first step towards the end goal of social, economic, and environmental sustainability.

STAFF REPORT SYNOPSIS

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Staff included close to eight pages of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan for review.

- Future Land Use Element Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
- Historic Preservation Element Overall Goal: The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.
- Transportation and Mobility Element Overall Goal: The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

The included goals, objectives, and policies support the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place.

Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

REQUEST

Request to rezone this historic parcel to Planned Unit Development, to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed use properties in the area.

This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use, with a small, high-end restaurant inside the rail car, and additionally, the slight reconfiguration and renovation of the buildings to provide a market/general store within the stable/stall area, a kitchen and takeout facility adjacent and utilization of part of the large barn for an interactive, craft brewery/distillery.

REQUEST

These uses will interact together to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads
and grand Flagler era hotels downtown.

As stated, the overall objective of the PUD is to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

Owner / Applicant / Visionary

Ryan Dettra VISION

This Application is filed on behalf of the Applicant, Mr. Ryan Dettra. The Applicant is requesting this PUD in accordance with the Zoning Code to maintain the current Commercial future land use and to implement a mixture of the same types of mixed uses as are currently present along this CL-1 Riberia Street corridor as well as those currently present along the King Street CL-1 corridor.

The applicant has extensive experience with this type of project based upon his work on the extremely successful and compatible St. Augustine Distillery project and he looks forward to implementing the same type of success into this mixed use, historically reflective site.

And He would like to come forward and talk to you about his vision.

COMMUNITY WE ARE SERVING

14,319 RESIDENTS
IN THE CITY OF ST. AUGUSTINE

65% ARE BETWEEN THE AGES
18-64

24,000 TOURISM JOBS

-ST. JOHNS COUNTY CHAMBER OF COMMERCE

43% OF JOBS IN THE CITY OF ST. AUGUSTINE ARE TOURISM RELATED

187 REGISTERED
SHORT-TERM RENTALS
IN LINCOLNVILLE

APPROXIMATELY 20%

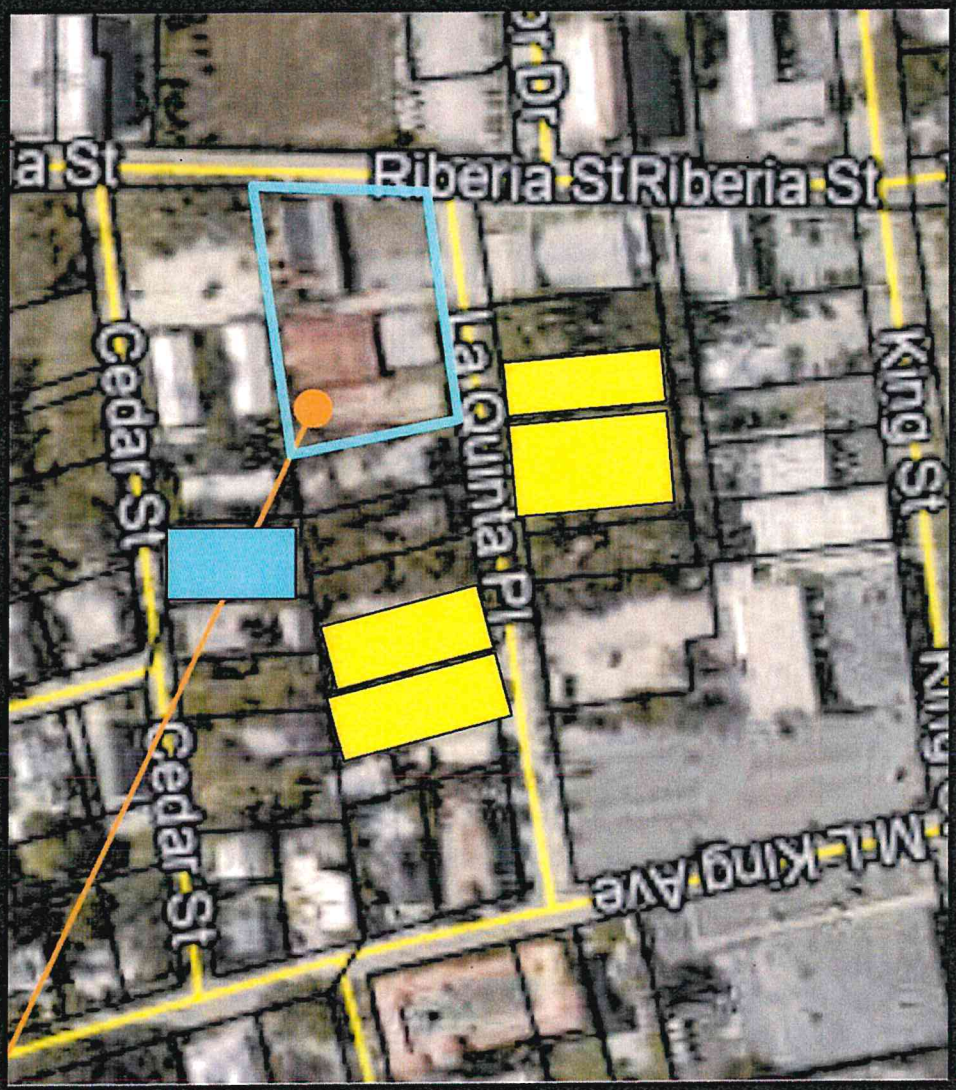
Downstairs unit in a beautiful 1920's home

Beautifully restored triplex in downtown St. Augustine

.5 miles from Cathedral Basilica, Treasury on the Plaza, and St. George St (3 minute walk). 4 miles fro...
Flagler College

2 miles from San Sebastian Winery, The St. Augustine Distillery and Ice Plant just around the corner!

WALK


a St
Riberia St
Riberia St
Cedar St
La Quinta Pl
King St
Cedar St
M.L. King Ave

43 Properties Surrounding 115 La Quinta Pl on East Side of Riberia

Boundaries:
East side of Riberia to 143 Riberia
South Side of King: 111 King to 4MLK
Lincolnville to 37 Sanford

25% Commercial
35% Short Term Rental
2% Vacant
23% Residents on Tax Records
14% Long Term Rentals

THE COMMUNITY IS A MIX OF:

FLAGLER STUDENTS, RENTERS,

TOURISTS AND SHORT-TERM RENTALS,

HOMESTEAD RESIDENTS, NEW RESIDENTS,

TOURISM BUSINESSES, & PEOPLE THAT WORK IN THE TOURISM INDUSTRY

COMMUNITY SUPPORT

OVER 100 LETTERS OF SUPPORT

JOBS

Gentrification- The process of changing the character of a neighborhood through the influx of more affluent residents

Lincolnville CRA
Lincolnville Historic Restoration and Preservation

A community's history is meant to be passed down from generation to generation

Asa Philip Randolph was an American labor unionist and civil rights activist. In 1925, he organized and led the Brotherhood of Sleeping Car Porters, the first successful African-American-led labor union. In the early Civil Rights Movement and the Labor Movement.

WHY IS 95 RIBERIA THE RIGHT LOCATION?


Saragossa St
Almeria St
Carrera St
Ponce de Leon Blvd
Clark St
Arenta St
Lewis Blvd
King St
Quinta Pl
Cedar St

AUTHENTIC
RAILROAD HISTORY,
ST. AUGUSTINE TRANSFER CO HISTORY,
INDUSTRIAL HISTORY,
ST. AUGUSTINE FOOD HISTORY,
FLORIDA HISTORY

A BUSINESS MODEL THAT SUPPORTS THE HISTORY

A CONCEPT THAT MEETS THE OBJECTIVES IN THE CITY'S PLANS

OTHER ST. AUGUSTINE RAILROAD MUSEM PROJECTS NEVER MATERIALIZED

THE PAST 2 TENANTS OF 115 LA QUINTA
FAILED

THE CITY HAS REVIEWED 6 PLANS FOR THE PROPERTY IN 2 YEARS



CONDITION OF THE PROPERTY

THE ECONOMIC NEED

LEGISLATION

BREWERY VS DISTILLERY

(f) A craft distillery may sell directly to consumers up to 75,000 gallons per calendar year of branded products that are manufactured by the craft distillery on its premises. A craft distillery may sell branded products directly to consumers by the drink for consumption on the premises or by the package in factory-sealed containers for consumption off the premises. Such sales are authorized only in the craft distillery's souvenir gift shop or tasting room located on private property contiguous to the licensed premises. Branded products sold to consumers must have been distilled, rectified, or blended on the distillery premises that is located contiguous to the craft distillery's souvenir gift shop or tasting room. The souvenir gift shop or tasting room must be in this state and included on the sketch or diagram defining the licensed premises submitted with the distillery's license application. All sketch or diagram revisions by the distillery shall require the division's approval verifying that the locations of the souvenir gift shops and tasting rooms operated by the licensed distillery are owned or leased by the distillery and on property contiguous to the distillery's production building in this state.

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House
Citator
Statutes, Constitution, & Laws of Florida
Florida Statutes
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Florida Constitution
Laws of Florida
Legislative & Executive Branch Lobbyists
Information Center
Joint Legislative Committees & Other Entities
Historical Committees
Florida Government Efficiency Task Force
Legislative Employment
Legistore
Links
Interpreter Services for the Deaf and Hard of Hearing
Finding Florida Grades K-5
LIFE AS A LAWMAKER Grades 6+
Select Year: 2023 Go

The 2023 Florida Statutes

Title XXXIV ALCOHOLIC BEVERAGES AND TOBACCO | Chapter 565 LIQUOR | View Entire Chapter

565.03 License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; distilleries and craft distilleries.—

(1) As used in this section, the term:

(a) "Branded product" means any distilled spirits product that:

1. Is owned by a craft distillery;

2. Contains distilled spirits that are manufactured by distilling, rectifying, or blending by the craft distillery on its licensed premises; and

3. Has a federal certificate and label approval by the Federal Government.

(b) "Craft distillery" means a licensed distillery in this state which distills, rectifies, or blends 250,000 gallons or less of distilled spirits per calendar year on its premises.

(c) "Distillery" means a manufacturer of distilled spirits.

(2)(a) A distillery may not operate as a craft distillery until the distillery has provided to the division written notification that it meets the criteria specified in paragraph (1)(b). Upon the division's receipt of the notification and its verification that the distillery meets all such criteria, the division shall add the designation of craft distiller on the distillery's license.

(b) A person may not share common ownership in more than 10 craft distilleries, provided that no more than:

1. Four of the distilleries each distill, rectify, or blend 250,000 gallons or less of distilled spirits per calendar year; and

2. Six of the distilleries each distill, rectify, or blend 50,000 gallons or less of distilled spirits per calendar year.

Florida craft distilleries were previously limited to selling only packaged products for consumption off premises, and not more than 6 individual containers of each branded product per person per year. Those limitations are gone under the 2021 Florida Craft Distilleries Law.





(7) Notwithstanding any other provision of the Beverage Law, a malt beverage may be packaged in a growler, which is an individual container that holds 32, 64, or 128 ounces of such malt beverage if it is filled at the point of sale.

2. The malt beverages so brewed will be sold to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor.

RETAIL SIZES FOR BREWERIES ARE LIMITED

GROWLERS IN LARGE SIZES
FILLED AT THE POINT OF SALE
32oz, 64oz or 128oz

REASONS THE BUSINESS MODEL DOES NOT WORK FOR A BREWERY

- LIMITATION OF CONTAINER SIZE TO 32OZ+
- BURDENSOME SIZE FOR TOURISTS TO CARRY
- FILLED AT THE POINT OF SALE
- LOWER PRICE POINT
- FLORIDA LAW IS NOT CONDUSIVE FOR FREE TOUR & RETAIL DIRECT SALE

VENDORS

LINCOLNVILLE REDEVELOPMENT PLAN

-STRIKING A BALANCE BETWEEN POPULATION GROWTH, DEVELOPMENT, ECONOMIC DEVELOPMENT AND PRESERVATION

-LINCOLNVILLE MEETS THE STATUTORY CRITERIA FOR BLIGHT. REHABILIITATION, CONSERVATION, & REDEVELOPMENT IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH

-THE LINCOLNVILLE REDEVELOPMENT PLAN REFLECTS THE COMMUNITY'S PRIORITIES AND VISION

-SAFER ROADWAYS AND PEDESTRIAN CONNECTIONS

-THE REDEVELOPMENT PLAN MUST REMAIN CONSISTENT WITH THE HISTORIC PRESERVATION GOAL IN ORDER TO MAINTAIN AND ENHANCE THE HISTORIC INTEGRITY AND AMBIANCE WITHIN LINCOLNVILLE WHILE AT THE SAME TIME ENCOURAGING ECONOMIC GROWTH

-PUD- MORE FLEXIBLE LAND USE REGULATIONS THAT CAN FACILITATE USE OF DEVELOPMENT THAT IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE CITY'S GENERAL PLANNING PROGRAM AND COMPREHENSIVE PLAN. PUD ENCOURAGE INGENUITY, IMAGINATION AND DESIGN EFFORTS TO PRODUCE COMMERCIAL OR INDUSTRIAL DEVELOPMENTS, OR COMBINATIONS WHICH ARE KEEPING WITH STANDARDS

-FRAMEWORK FOR FUTURE DEVELOPMENT BASED ON THE NEIGHBORHOOD'S VISION FOR PRESERVING AND ENHANCING LINCOLNVILLE'S UNIQUE CHARACTER

-THE PLAN RECCOMENDS INCLUDING RETAIL ALONG THE RIBERIA STREET CORRIDOR

-FINDINGS OF NECESSITY- FAULTY LOT LAYOUT IN RELATION TO SIZE AND USEFULNESS, UNSANITARY AND UNSAFE CONDITIONS THAT ENDAGER LIFE AND PROPERTY, DETERIORATION OF SITE, INCIDENCE OF CODE VIOLATIONS HIGHER THAN THE REMAINDER OF THE CITY

- -EAST SIDE OF RIBERIA IS NOT CONDUCIVE FOR OWNER OCCUPIED SINGLE FAMILY HOMES, BUT CAN SUPPORT COMPATIBLE COMMERCIAL USES.

  - LINCOLNVILLE RESIDENTS HAVE THE OPPORTUNITY TO SUPPORT A SMALL NUMBER OF RETAIL AND SERVICE BUSINESS

  -THE FOLLOWING ACTIONS ARE NEEDED AND RECOMMENDED TO MAXIMIZE ECONOMIC, JOB, AND REVENUE GROWTH OPPORTUNITIES IN THE RIBERIA STREET CORRIDOR WHILE ENHANCING ITS COMPATABILITY

    REVISE AND UPDATE CITY LAND USE DESIGNATIONS AND REGULATIONS TO ALLOW FOR AND ENCOURAGE A MIX OF HIGHER DENSITY COMPATABLE COMMERCIAL USES ON THE EAST SIDE OF RIBERIA INCLUDING PROVISIONS FOR ADEQUATE BUFFERING OF RESIDENTIAL AREAS TO THE EAST

    AFFIRM THE COMMITMENT OF THE CITY TO ENHANCE THE AREA AND DRAW ATTENTION TO THE HISTORIC WORKING WATERFRONT AREA

-LINCOLNVILLE HAS A PROMINENT EXISTING AND FUTURE ROLE IN ST. AUGUSTINE'S TOURIST INDUSTRY

-MOST IMPORTANTLY, REMINDERS OF THE RICH AFRICAN AMERICAN HISTORY AND CULTURE OF LINCOLNVILLE FROM ITS FOUNDING IN THE 18TH CENTURY TO THE CIVIL RIGHTS MOVEMENT 200 YEARS LATER CAN BE FOUND THROUGHOUT THE NEIGHBORHOOD. THESE INCLUDE, CHURCHES, HOMES, PARKS, MUSEUMS, HISTORIC MARKERS AND ANNUAL EVENTS.

- IT IS REMARKABLE TO NOTE THAT LINCOLNVILLE IS A HISTORICALLY BLACK NEIGHBORHOOD

75% 1990
54% 2000
30% 2013

-TRANSITION ZONE ON THE EAST SIDE OF RIBERIA. THIS ZONE IS A PERFERRED LOCATION BECAUSE IT WOULD SOFTEN THE TRANSITION FROM SINGLE FAMILY RESIDENTIAL TO THE EAST AND INTENSE INDUSTRIAL TO THE WEST.

-THE EAST SIDE OF RIBERIA STREET WILL LIKELY DECLINE AS A LOCATION FOR RESIDENTIAL USES.

-REMEDIATIOMN OF BLIGHTED STRUCTURES- DETERIORATING STRUCTURES CONTRIBUTE TO BLIGHT

-OTHER TOURISM RELATED NEEDS AND OPPORTUNITIES INCLUDE THE POSSIBILITY OF THE REDEVELOPMENT OF PROPERTIES ON THE EAST SIDE OF RIBERIA STREET TO FORM A SMALL HIGH VALUE TOURIST ORIENTED CLUSTER OF FACILITIES.

-GUIDING DOCUMENT FOR REDEVELOPMENT

Listened to Neighbors

-Lowered Density
-8ft fence on residential side of property
-4ft fence on La Quinta
-Landscape buffer
-Sidewalk on Riberia that allows pedestrians to enter/exit on sidewalks
-Sightlines/ Traffic Cone on La Quinta Pl corrected
-Crosswalk across Riberia and La Quinta
-No entrance on La Quinta. Riberia Street is the only way for patrons to enter.
-Commitment to parking off site that meet the city's required number of spaces

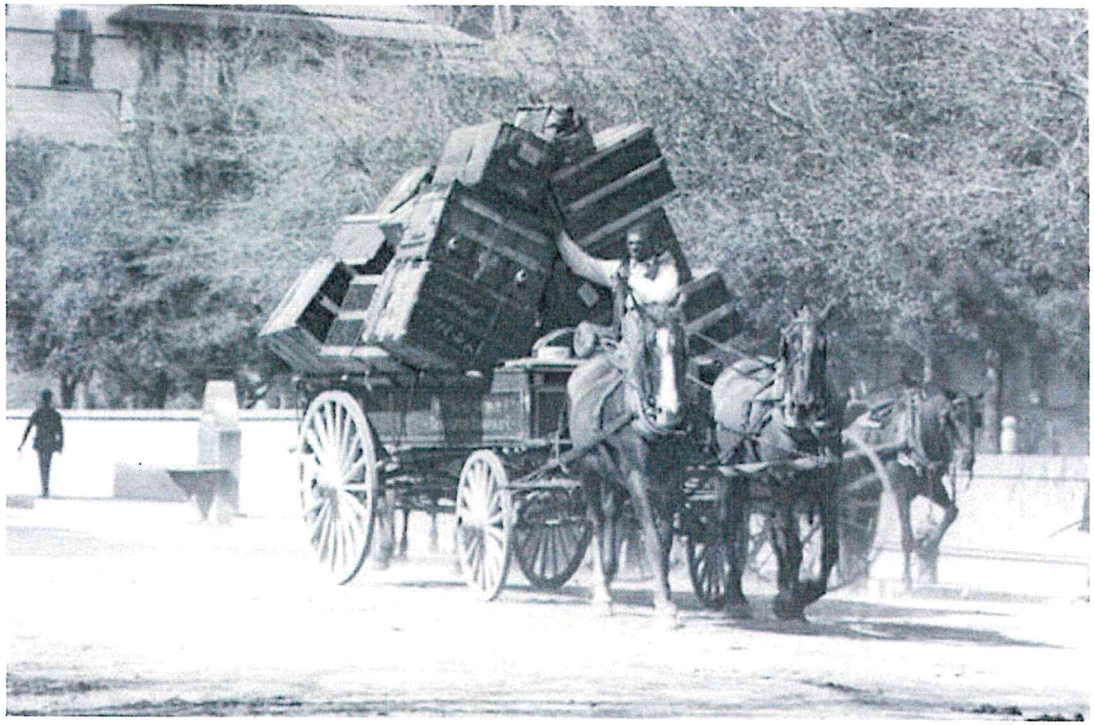
REQUEST

Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a REASONABLE manner

TO SHARE THE HISTORY OF THIS PROPERTY AND THE AREA WITH TRAVELERS AND THE COMMUNITY ALIKE AS THE FORMER OWNERS AND THEIR BUSINESSES SERVED THE SAME IN THE HEIGHT OF THE FLAGLER ERA.

REQUEST

This rezoning will allow the owner to maintain
the historical nature of this property while updating the property
to provide the proposed, compatible, mixed-use project,
with great regard to the history of this property and the area.



CONCLUSION

Request for Recommendation to the Commission of our request
To allow the Rejuvenation of
The Former St. Augustine Transfer Co. / Gamsey Stables
and RYPE & READI Market Property
through the Implementation of a PUD Zoning

To allow the owner to proceed with this reasonable use

Along this clearly compatible corridor

As a means to rehabilitate and rejuvenate this property

And to continue to serve the city and the area,
as this property served the city in the height of the Flagler Era,
by sharing the history of this property and the railroad

And at the same time furthering
the goals, objectives and policies of our City Comprehensive Plan.



QUESTIONS ??

Request to allow the
Rejuvenation of 95 Riberia Street
(The Former St. Augustine Transfer Co. / Gamsey Stables and RYPE & READI Market Property)
Through the Implementation of a PUD Zoning

Address Public Comment Discussions

Same Idea as to Pedestrian-based Businesses
APPROVED TODAY AT ITEM 5(c)

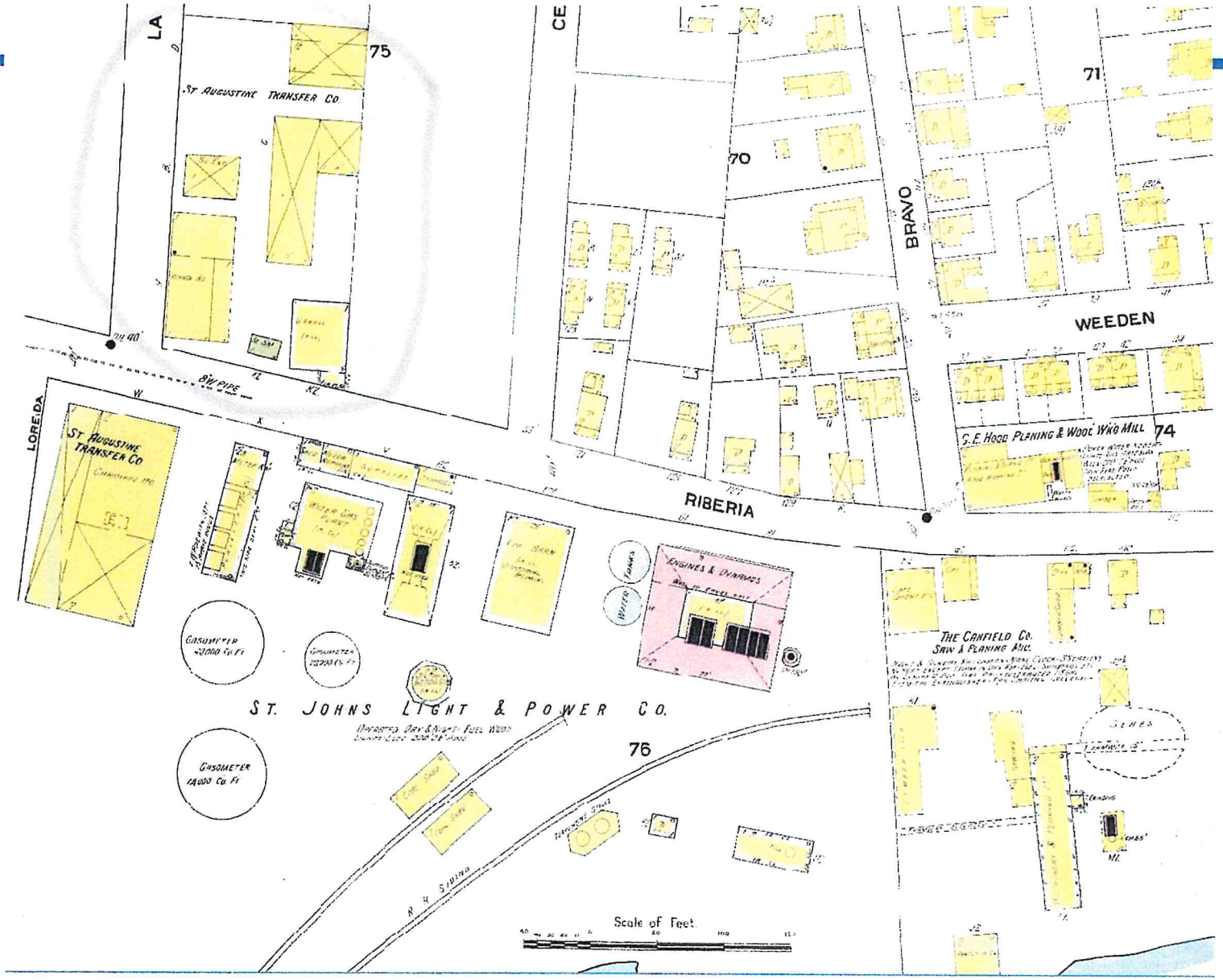
STAFF RECOMMENDATION

The approval of the variance request regarding off-street parking requirements at 124 King Street promotes economic development and the City's Mobility Plan.

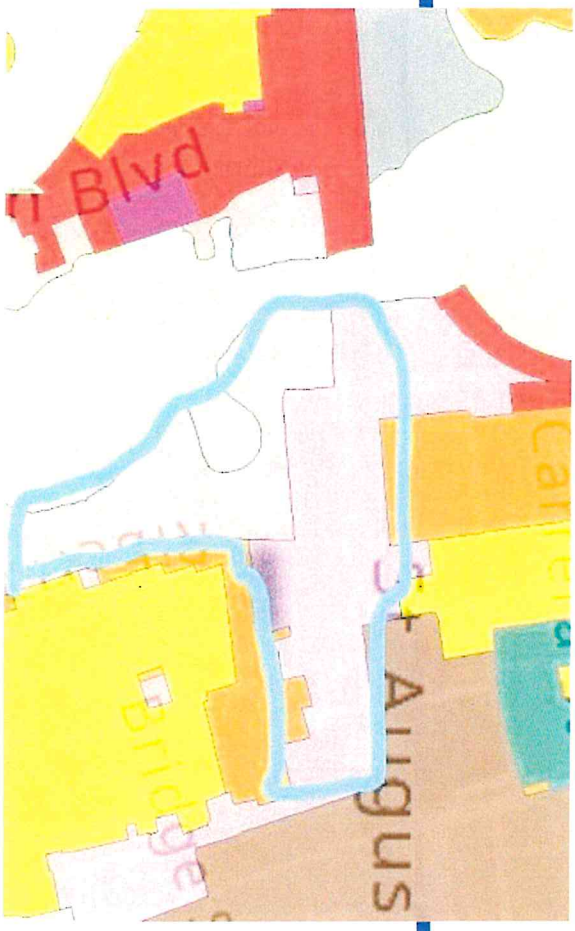
Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a variance to the off-street parking requirements of seven (7) parking spaces at 124 King Street / PID 2040750-0000.

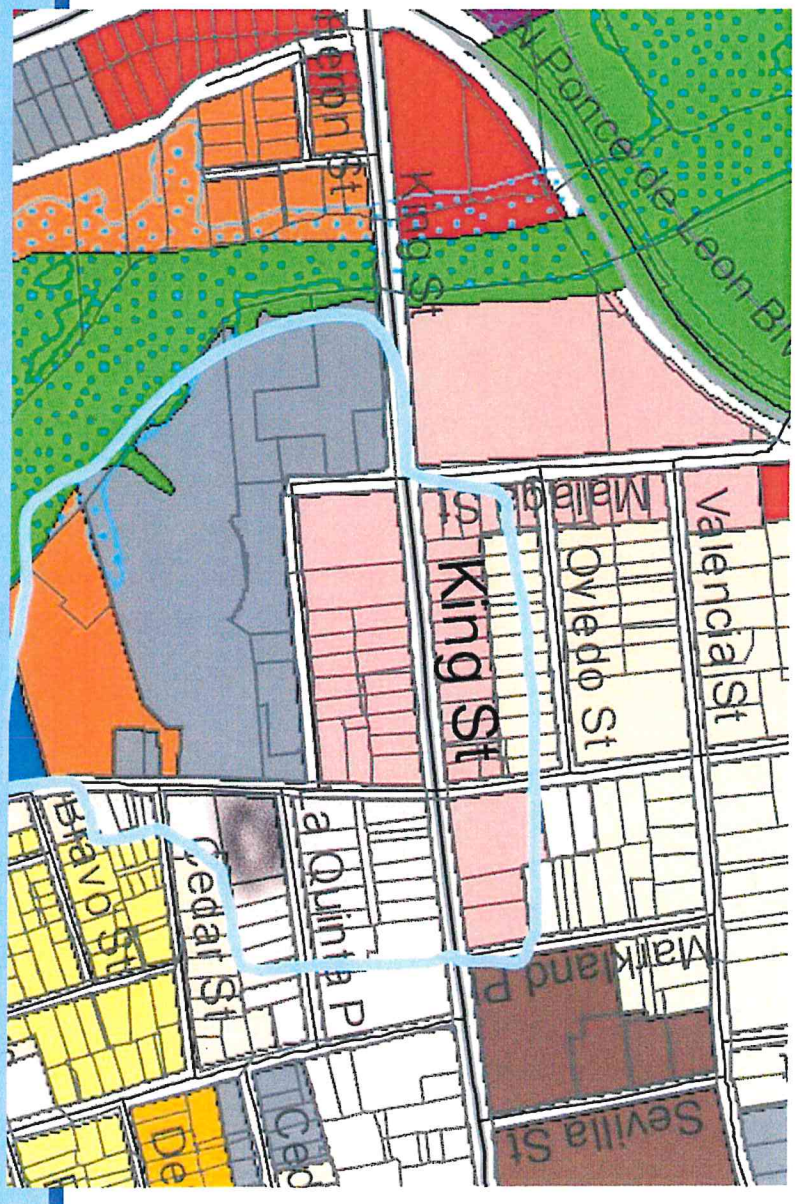
Jacob Fredriksson, CNU-A
Senior Planner
Planning and Building Department

400 feet away from this property
On the same Commercial Corridor
APPROVED TODAY AT ITEM 5(c)


LA
CE
75
ST AUGUSTINE TRANSFER CO.
70
BRAVO
71
WEEDEN
C.E. HOOD PLANING & WOOD WK'G MILL
74
LORE DA
RIBERIA
ST AUGUSTINE TRANSFER CO
ENGINES & DYNAMOS
GASOMETER 40000 Cu Ft
GASOMETER 15000 Cu Ft
ST. JOHNS LIGHT & POWER CO.
76
THE CANFIELD CO.
SAW & PLANING MILL
SHEDS
R. R. SIDING
Scale of Feet

Riberia St
Riberia St
La Cumbre Pl
2019200000
2024000000


Blvd
Augus


Herman St
King St
N Ponce de Leon Bl
King St
Valencia St
Oviedo St
Bravo St
Cedar St
Quinta P
Walkland P
Sevilla St

Sec. 28-206. - Commercial low-one: CL-1.

(1) *Permitted uses and structures:*

a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.

b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.

c. Tourist homes and bed and breakfast inns.

d. All types of professional and business offices.

e. Churches (except temporary revival establishments).

f. Libraries and museums.

g. Single-family dwellings as for RG-1 (section 28-163).

h. Multiple-family housing.

i. Rooming and boarding houses.

j. Housing for the elderly.

k. Antique shops.

l. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

m. Tattoo parlor or studio

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

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.

STAFF REPORT SYNOPSIS

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Staff included close to eight pages of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan for review.

- Future Land Use Element Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
- Historic Preservation Element Overall Goal: The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.
- Transportation and Mobility Element Overall Goal: The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

The included goals, objectives, and policies support the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place.

Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

City Planning Staff Guidance

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following;

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(3) Consistency with the Comprehensive Plan.

PER STAFF

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

Our Code lays out in Division 9, the perfectly acceptable and approved purpose and intent for the allowance of planned unit developments as a tool for the city commission, the planning board, the city staff and the applicant to find innovative ways for the development or re-development of properties within the city.

This deteriorating, yet importantly historic property in our historic city, as well as at the center of our history, is a perfect example of the described methods by which the city may work with a willing applicant to be able to address this deteriorating property for the betterment of the city and as a way to revitalize our history on which we all depend.

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

Our city code states as follows:

DIVISION 9. - PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for **the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan**, but may **allow for more creative, flexible, and innovative designs** for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare.

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

The PUD process is designed to:

(a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;

(b) Encourage a more compatible and harmonious development of contiguous lands;

(c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;

(d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land.

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

Further, a PUD is a permissible zoning option within our city's code and it will specifically include all the allowances and restrictions that are specifically laid out in both the text narrative and on the final development site plan map. Accordingly, the code states as follows:

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

Sec. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

PUD REZONING
IN THE CITY OF ST. AUGUSTINE

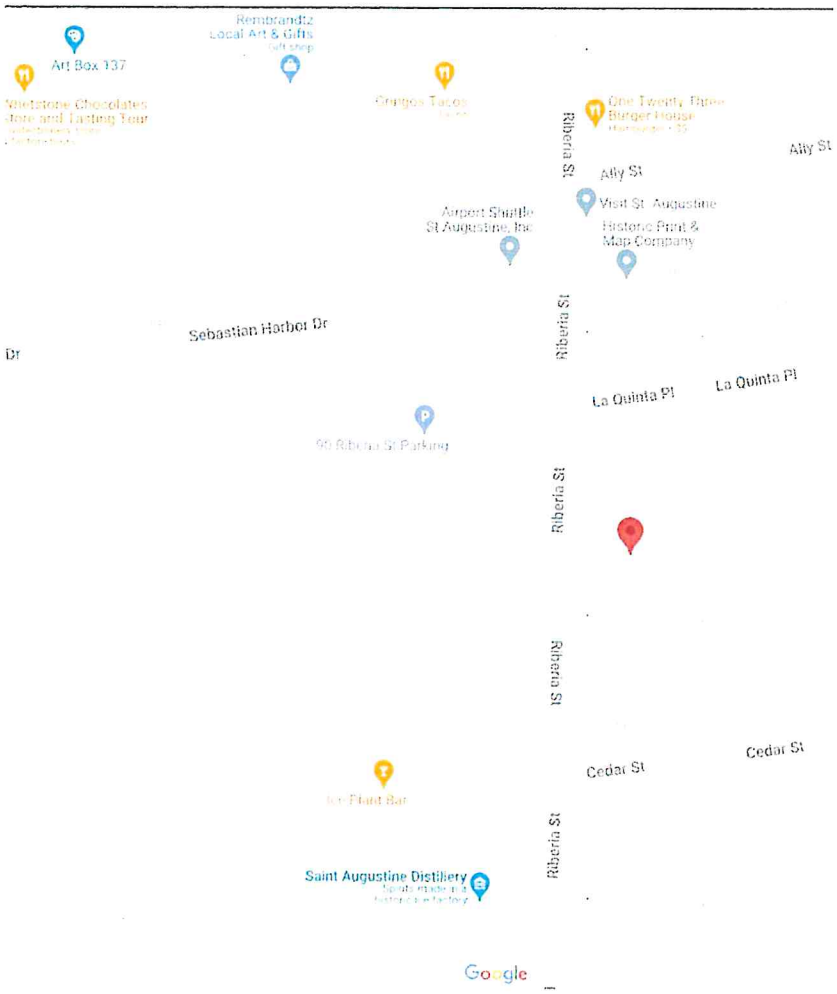
Finally, as afore-stated, a request to design and seek approval of a PUD for this type of re-development to not only revitalize a seriously deteriorating property, but also to refresh the history of the property, provide a valuable and architecturally-pleasing property to the area and to increase both the value of the property and the area economically and visually, is not only a permissible zoning option, but it is promoted. As such, the code states the process for such review and approval, as follows:

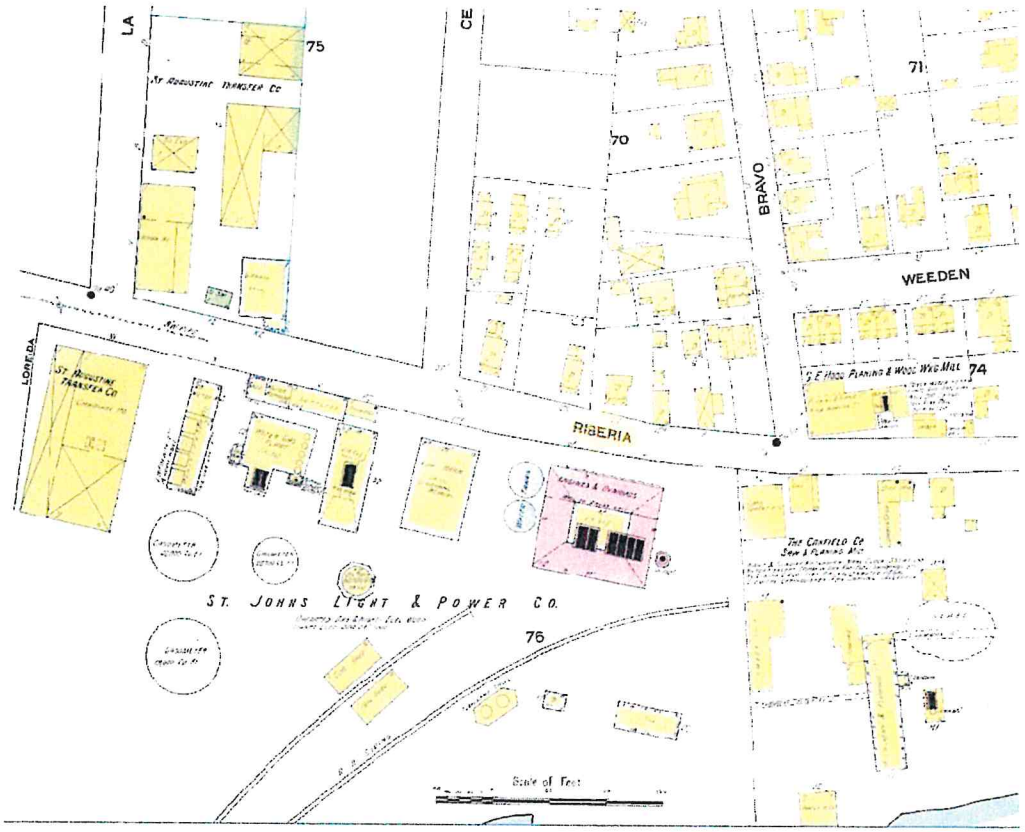
CONCLUSION

Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a REASONABLE manner

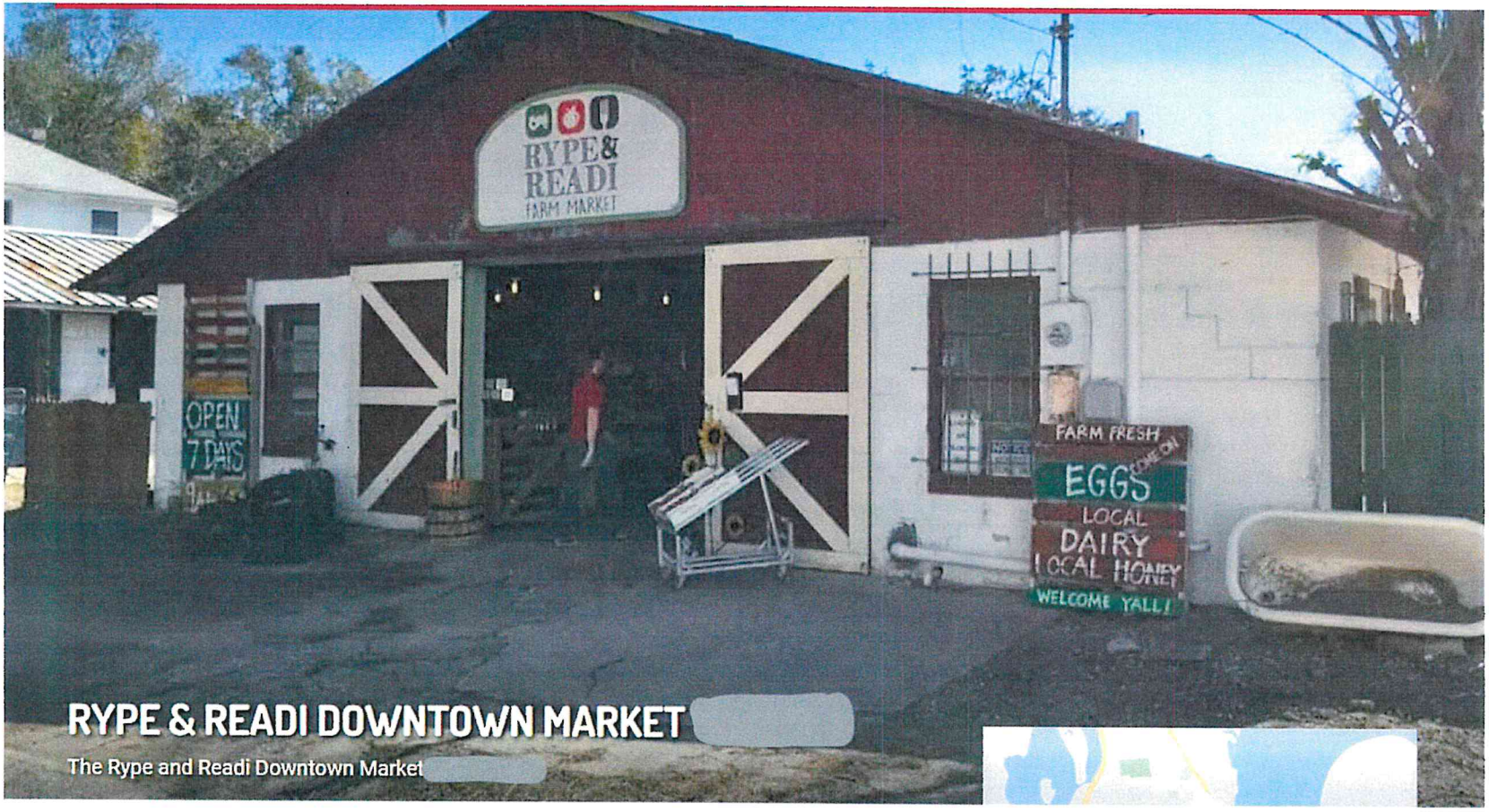
TO SHARE THE HISTORY OF THIS PROPERTY AND THE AREA WITH TRAVELERS AND THE COMMUNITY ALIKE AS THE FORMER OWNERS AND THEIR BUSINESSES SERVED THE SAME IN THE HEIGHT OF THE FLAGLER ERA.

SURROUNDING AREA
Current and Historic Uses





SURROUNDING AREA
Former Commercial Use



RYPE & READI DOWNTOWN MARKET

The Rype and Readi Downtown Market

STAFF REPORT AND RECOMMENDATION

THIS APPLICANT HAS EXPRESSED AN UNDERSTANDING, AWARENESS AND WILLINGNESS TO MEET THE STANDARDS AND GOALS OF THE CITY

Staff have seen numerous proposals for commercial development at 115 La Quinta Place, six (6) Development Review Committee applications in under three (3) years, and all have had the goal of preserving the structures that are on-site today. There are many hurdles that must be cleared, those of which usually discourage many ideas of redevelopment, such as providing parking, fire and life safety requirements, Florida building code requirements, and best practices for stormwater management are the typical code issues. These are the obstacles, and are required of any kind of development proposal for the current property at 115 La Quinta Place. These are not new regulations by any means, and most certainly not unique to this property, but developers are aware of what is required and have shown a willingness to meet standards with their end goal of redeveloping and preserving the structures on-site.

It is important to note that over time these structures will have been vacant for so long that their preservation may no longer be feasible, or even a value of the community, and their demolition will be the only action that is taken. As this issue pertains to zoning limitations, allowable uses, and development requirements, including off-street parking, the longer they remain vacant the reality of this loss only becomes more certain.

There are still many other requirements that must be met before this plan for redevelopment may take place such as approval for demolition of structures fifty years and older, a complete review of the archeological importance of the site, and a coordinated plan in addressing mobility and its impact on the surrounding area. But, before the applicant may start the process of coordinating and addressing these other factors, approval of the development, and the use, of the property is the first step towards the end goal of social, economic, and environmental sustainability.

CONCLUSION

Request for Recommendation to the Commission of our request
To allow the Rejuvenation of
The Former St. Augustine Transfer Co. / Gamsey Stables
and RYPE & READI Market Property
through the Implementation of a PUD Zoning

To allow the owner to proceed with this reasonable use

Along this clearly compatible corridor

As a means to rehabilitate and rejuvenate this property

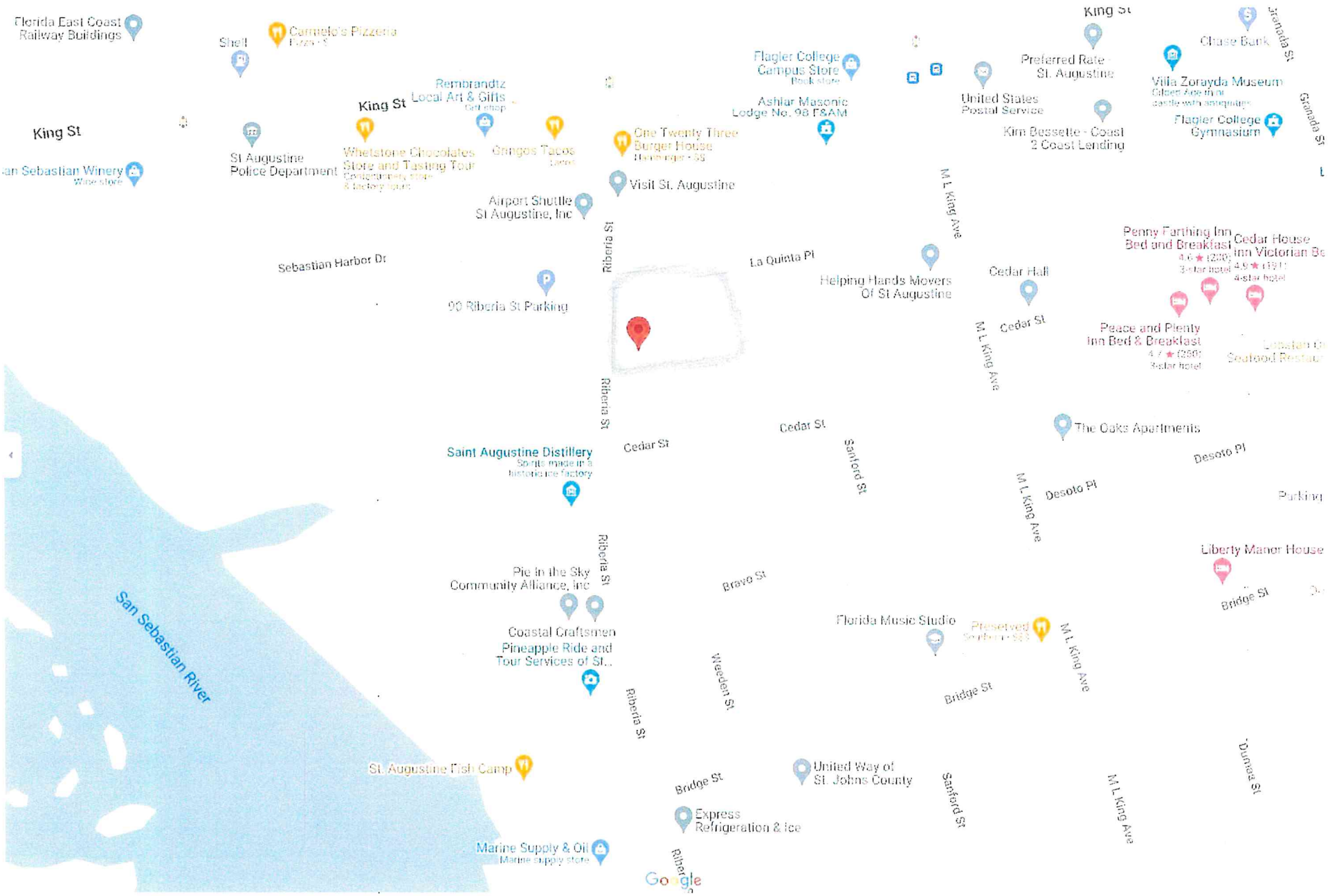
And to continue to serve the city and the area,
as this property served the city in the height of the Flagler Era,
by sharing the history of this property and the railroad

And at the same time furthering
the goals, objectives and policies of our City Comprehensive Plan.



QUESTIONS ??

Request to allow the
Rejuvenation of 95 Riberia Street
(The Former St. Augustine Transfer Co. / Gamsey Stables and RYPE & READI Market Property)
Through the Implementation of a PUD Zoning


Florida East Coast Railway Buildings
Shell
Carmelo's Pizzeria
King St
Rembrandtz Local Art & Gifts
Gift shop
Flagler College Campus Store
Book store
King St
Preferred Rate - St. Augustine
Chase Bank
Granada St
Villa Zorayda Museum
Gilded Age mini castle with antiquities
Ashlar Masonic Lodge No. 98 F&AM
United States Postal Service
Flagler College Gymnasium
King St
St Augustine Police Department
Wholestone Chocolates Store and Tasting Tour
Gringos Tacos
Kim Bessette - Coast 2 Coast Lending
an Sebastian Winery
Wine store
One Twenty Three Burger House
Visit St. Augustine
M L King Ave
Airport Shuttle St Augustine, Inc
Riberia St
Penny Farthing Inn Bed and Breakfast
Cedar House Inn Victorian Be
Sebastian Harbor Dr
La Quinta Pl
Helping Hands Movers Of St Augustine
Cedar Hall
90 Riberia St Parking
Cedar St
Peace and Plenty Inn Bed & Breakfast
Riberia St
Cedar St
Cedar St
The Oaks Apartments
Saint Augustine Distillery
Spirits made in a historic rye factory
Sanford St
Desoto Pl
Desoto Pl
Parking
Pie in the Sky Community Alliance, Inc
Riberia St
Bravo St
Liberty Manor House
Bridge St
Florida Music Studio
Preserved
Coastal Craftsmen Pineapple Ride and Tour Services of St...
Weeden St
Bridge St
San Sebastian River
St. Augustine Fish Camp
Riberia St
Bridge St
United Way of St. Johns County
Sanford St
Express Refrigeration & Ice
Marine Supply & Oil
Marine supply store
Google

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD





DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

Staff Rationale for Recommendations

- Staff recommends approval of the Use by Exception as the use will benefit the existing uses onsite and will promote the general welfare, convenience, appearance of the property and area.
- Staff cannot recommend approval for the proposed dredging as it results in a net loss of wetlands in both amount and community. This could be approved if mitigation was proposed in equal amount or community, on a 1 for 1 basis, as a condition of approval.
- Staff can recommend approval for the remaining conservation overlay request as they are proposed in support of and in accessory to the existing marina use and will enhance the working waterfront along the San Sebastian River.

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

STAFF SUMMARY AND ANALYSIS

Use By exception; Restaurant

The applicant is proposing a 4,286 square foot restaurant within the subject property. This use by exception requires Planning & Zoning board approval. The applicant has provided a narrative with the application describing the use (attachment 1), as well as its impact on the general welfare of the community, the convenience of the request, the appearance of the proposed use, and its impact on public health and safety. Per the applicant, the restaurant will serve as a supplementary use to the existing marina to provide onsite dining options for marina workers, as well as provide enhanced landscaping, consistent with City Code, within the site. In addition to the restaurant, the applicant is proposing a commissary/prep area, detached bathrooms, and passive recreation options along the San Sebastian River.

The applicant has not provided hours of operation, however, given its relative isolation within the subject property, and the surrounding uses, the impacts from this restaurant will likely be minimal. Staff finds that the narrative provided by the applicant fairly and appropriately shows that the proposed use by exception will not have a detrimental effect on and will promote the public health, safety, welfare, convenience, appearance, prosperity or general welfare of the property and general area.

DECEMBER 2019 –
400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

STAFF RECOMMENDATION

- 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 use by exception for a restaurant at 404 Riberia St. / located at 709 S. Ponce De Leon Boulevard.
- 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 replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, place of a bulkhead, shoreline stabilization, performance of maintenance dredging, and wetland mitigation, with a condition of 1 for 1 replacement of all wetland impacts, within Conservation Overlay Zone 1 and the proposed restaurant within Conservation Overlay Zone 2 located at 709 S. Ponce De Leon Boulevard.

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

ATTACHMENTS

Attachment 1 – Application & Narrative for Use by Exception
Attachment 2 – Site Plan, Parking Analysis, Traffic Analysis, Renderings
Attachment 3 – Property Appraiser Information
Attachment 4 – Application & Narrative for Conservation Overlay Development
Attachment 5 – Conservation Overlay Site Plans & Graphics

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

The Board discussed the following regarding the use by exception:

- Development would create 81% impervious surface
- Possible upgrades and connectivity to Riberia Street
- Seating arrangements
- Possibility of acoustic music
- Parking calculations
- Liquor licensing
- Open-air seating area

Stefan Johansson gave a brief history of the property, his purchase of the property, and his vision for the uses on the property moving forward.

Ms. Acevedo reviewed the number of seats on the site plan, noting that the seating under the pavilion was over one hundred and fifty (150) seats.

Steve Mask, in response to comments from the Board and a statement published in the St. Augustine Record, noted that the proposed restaurant would allow docking space for a food truck, enabling the restaurant to serve multiple styles of food with the additional commissary area to support food service.

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception application 2019-0116 with the following conditions:

- **No amplified music**
- **Lighting be low-lumen down light with no lights directed towards the residential neighborhood**
- **That the restaurant and bar closes by11:00p.m.**

The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:
AYES: Misterly, Ryan, Davis, DePreter
NAYES: Zander
MOTION CARRIED 4/1

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD



INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis provided by the attached report includes site specific design improvements related to anticipated trips and traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

A Trip Generation Analysis was performed by Kimley Horn in regards to the proposed site/property and the proposed PUD and use as a mixed-use, pedestrian-friendly Railroad Retrospective project. The trip generation analysis provided a peak hour trip generation comparison of the existing and proposed uses for the property, taking into consideration that the mixture of uses will be promoted for full pedestrian access, furthered by the pedestrian sidewalk provisions and the trolley stop provided onsite.

It is important to note that this project will not have parking onsite, so the trips outlined will be those coming on foot or by way of the trolley stop provided onsite.

As the report notes, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with certain outlined characteristics. In fact, ALL of those characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimate and all trips to the property will be by foot or by the trolley stop, significantly reducing the transportation impact on the area and the area transportation systems.

In sum, the restoration/renovation/reconstruction of this property will not only remedy the existing situation caused by the current status of these deteriorating structures, but it will be a grand addition and retrospective on this historic area, and, which as described above and in the attached report, will have a negligible impact upon the traffic circulation patterns of the city.
Further, as aforementioned, this PUD property will not have individual vehicle trips coming to the property. Moreover, the expert analysis provided shows that this PUD as a whole does not in fact affect the current traffic patterns and flow in this area of the city.

EXHIBIT

C

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO:	Planning and Zoning Board
DATE:	September 5, 2023
RE:	**REZONING 2023-0057**
AGENDA ITEM	8(a)
APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
OWNER	Paul M. Meredith, P.A.
LOCATION	115 La Quinta Place / PID 201920-0000
	Continued from the August 1st Regular Meeting
REQUEST	To rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).
LAND USE	Commercial Low Intensity
CURRENT ZONING	Commercial Low-One (CL-1)
PROPOSED ZONING	Planned Unit Development (PUD)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 1.1.4 It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Policy 1.1.7 The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

FLUE Policy 1.1.8	Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.
FLUE Policy 1.1.10	The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.
FLUE Policy 2.1.3	The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.
FLUE Policy 2.2.1	The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.
FLUE Goal 3 Historic Resources	Promote St. Augustine's distinct character and authenticity by preserving and protecting the City's historic resources including cultural and archaeological resources including identification of new resources and to encourage public and private preservation efforts in the City.
FLUE Policy 3.1.4	The City's land development code shall continue to provide for the protection of significant historic resources from the impacts of development and redevelopment.
FLUE Policy 3.1.6	Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.
FLUE Objective 3.2	The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.
FLUE Policy 3.2.1	The City shall continue to work with the policies of any established Community Redevelopment Area(s) (CRA).

FLUE Policy 3.2.3	The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.
FLUE Policy 3.2.6	The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians.
FLUE Policy 3.2.9	The City shall support and encourage multimodal forms of transportation in and through the city including the use of a water taxi, circulators and other forms of mobility consistent with the City's mobility plan.
FLUE Objective 3.3	As part of the City's continued planning efforts the City shall encourage uses consistent with the community's authentic and distinctive character.
FLUE Goal 5 Urban Sprawl	Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.
FLU Objective 5.1	The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.
FLUE Policy 5.1.2	The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.
FLUE Objective 5.2	New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.
FLUE Policy 5.2.1	Mixed use developments shall provide pedestrian-friendly street design (buildings close to street; porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets).

FLUE Policy 5.2.2	New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, and other forms of mobility and walking as daily transportation; connectivity; and a land use mix that demonstrates reduced dependence on vehicles.
FLUE Policy 5.2.3	New Development in commercial and mixed-use areas is encouraged to provide a mix of pedestrian scale commercial activities, shops, offices, apartments, multi-family units and homes on site and provide mixed-uses within neighborhoods, within blocks and within buildings.
FLUE Policy 5.4.2	Mixed-use, infill and redevelopment will be encouraged to potentially reduce greenhouse gases. The effectiveness will be evaluated as baseline data becomes available.
FLUE Objective 5.5	The City has established three (3) forms of energy conservation/greenhouse gas reduction strategies: carbon sequestration, preserving the environment, and alternative transportation and mobility improvements.
FLUE Policy 5.5.2	The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.
FLUE Policy 5.5.3	The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.
FLUE Policy 6.1.5	The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.
FLUE Objective 6.5	**Commercial Categories:** The commercial category is established to encourage a mix of commercial uses that provide necessary business and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.5.1 Commercial Low Intensity

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Goal 8 Preserving Sense of Place The City will promote its historic urban character, preserve its unique residential neighborhoods, and support adjacent, compact commercial areas, as well as, protect its natural, environmentally sensitive marsh and riverine environs, and significant tree canopy to preserve its sense of place that promotes the city's authentic character.

The planning goals related to preserving a sense of place for the City are to:

- Preserve the small town urban character while promoting a balance of economic activity;
- Prevent urban sprawl by encouraging compatible infill and redevelopment within the city limits;

- Provide continued opportunity for diverse forms of residential and commercial projects;
- Create a preservation program that protects the historic Town Plan and promotes responsible tourism;
- Provide protection of natural resources and ecological systems;
- Reduce automobile trips in and through the downtown by promoting the City's mobility plan and alternative forms of transportation that work to protect the environment, reduce congestion, provide residents with a higher quality of life, and, neighborhoods with greater livability, and promote local businesses;
- Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, and lifestyles;
- Create predictability and efficiency in planning and in the provision of infrastructure;
- Recognize and preserve the historic skyline;
- Balance livability and economic pressures; and
- Proactively recognize increasing threats of sea level rise on the City's character and livability.

FLUE Objective 8.1 Protect the small town mixed use urban context to maintain its industrious and charming character.

FLUE Goal 9 Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Objective 9.1 Promote an economic strategy that will address a variety of economic opportunities.

FLUE Policy 9.1.1 The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage a diverse economy that supports the local market within the City and surrounding area.

- This includes promoting and supporting local business efforts for local, regional, state and national markets.
- This includes the possibility of utilizing new and emerging technologies, and industries particularly suited for urban areas.
- This includes the utilization of necessary preservation techniques, and mobility options to encourage infill and redevelopment beyond tourism.

FLUE Policy 9.1.2

The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area.

- This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses.
- This includes strengthening and diversifying the local economy.
- This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine.
- This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Policy 1.2.2

Develop and maintain an endangered sites and properties list to include properties facing deterioration, properties and archaeological sites within areas subject to greater development pressures, flooding and erosion hazards, properties transferred from a tax sale, and unique buildings which may have a historic use that is not viable in its current zoning designation. The list can be compiled from resource surveys, building inventories, demolition permits, and other inspections or citations.

HP Goal 2

Promote the city's diverse history in a manner that is inclusive and accessible by using information from cultural resource inventories to increase local pride and community support of historic preservation activities.

HP Goal 3

Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

HP Policy 3.1.5	To encourage preservation through rehabilitation and compatible additions, replacement of new construction can be limited to a 10 to 15% increase in footprint or gross floor area of the existing structure.
HP Objective 3.5	Evaluate financial mechanisms that could support the preservation and rehabilitation of privately owned historic properties that are culturally significant or are fifty years old or older.
HP Objective 3.6	Provide zoning opportunities to encourage adaptive reuse of properties that meet the criteria of exceptional significance, which would allow an alternative use outside the limitations set by zoning designations. In these cases, there must be a balance between preservation of the building's historic integrity and the character of the surrounding context.
HP Policy 3.6.1	A process to request a historic preservation re-zoning application or variances can be created which requires the property owner to document that the building faces unique threats to its continued preservation within the current zoning requirements. There must be documentation that the new use provides a greater financial benefit and does not require substantial modification to the historic character of the property.
HP Goal 5 Preserving Community Character	Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.
HP Objective 5.3	Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.
HP Goal 10	Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Craft alcohol industry means any establishment in the business of brewing or distilling malt, vinous or other alcoholic beverages on-site, regardless of its underlying state licensing or marketing nomenclature where the manufacturing and production for sale of alcohol for human consumption takes place on-site, such as but not limited to, craft brewery, craft distillery, winery or wine production, cidery or cider production, and micro-sized similar establishments. If a craft alcohol industry establishment sells alcoholic beverages for consumption on the premises, the establishment must also be zoned for, and comply with, the regulations of a bar, cocktail lounge, saloon or tavern as defined in this code, unless otherwise exempt.

Museum means a not-for-profit institution devoted to the procurement, conservation, care and display of art, artifacts and objects of lasting interest or value, along with associated programs for the education of the public, that relates to the history and culture of the city, the state and the nation, as well as to archaeology, anthropology, literature, music, crafts and the arts and sciences, that maintains regular hours, has a trained staff and meets the guidelines established by the American Association of Museums.

Special event venue is a business where the primary or ancillary or accessory use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. A special event venue may be indoors or outdoors and must comply with all applicable local codes including, but not limited to, life safety codes, building codes, zoning codes, alcoholic beverage codes, public works department, police department and fire department requirements. Occupancy and occupancy limitations for special event venues must comply with all applicable public safety codes and requirements. Government and military services and events are not special event venues. Special event venues may also be accessory or ancillary uses to other uses, such as, hotels or motels, bed and breakfasts or restaurants, for example.

Sec. 28-30. Comprehensive plan amendments, rezonings and amendment of chapter.

(a) General. This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.

(b) Initiation of proposals. An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(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.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission. The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

(e) *Limitations on rezoning of land:*

- No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.
- Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
- Whenever the city commission has denied an application for the rezoning of land, no fmiher application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.
- Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.

(f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

(g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.

(h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning

map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.

(i) *Process, public hearings and notification for comprehensive plan amendments (city commission pubic hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

(Code 1964, § 33-164; Ord. No. 94-01, §§ 1, 2, 1-24-94; Ord. No. 96-17, § 2, 4-8-96; Ord. No. 01-24, § 1, 8-13-01; Ord. No. 17-03, § 1, 2-23-17)

Sec. 28-206. - Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) *Permitted uses and structures:*

a. **Retail outlets such as specialty food stores and drugs** (but not supermarkets); **clothing, hardware, toy and hobby shops**; pet shops (but not kennel or veterinarian); **bookstore and newsstand**; **stationery and card shops**; **leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes;** and similar products.

b. Service establishments such as hair salons, shoe repair shop, **restaurant** (up to one hundred (100) seats, **but not drive-in or fast food**), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.

c. Tourist homes and bed and breakfast inns.

d. All types of professional and business offices.

e. Churches (except temporary revival establishments).

f. Libraries and museums.

g. Single-family dwellings as for RG-1 (section 28-163).

h. Multiple-family housing.

i. Rooming and boarding houses.

j. Housing for the elderly.

k. Home office, private.

l. Antique shops.

m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

n. Tattoo parlor or studio.

o. The above uses are subject to the following limitations:
   1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
   2. Products to be sold only at retail.
   3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

(2) *Permitted accessory uses and structures:*
   a. See section 28-348.
   b. Parking lots complying with section 28-347(3).

(3) *Permissible uses by exception:*
   a. Hotel/motel, maximum of thirty (30) units.
   b. Plant nursery.
   c. **Sale of alcoholic beverages** with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
   d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
   e. Medical/dental clinic, intermediate care facility.
   f. Uses and structures as for RG-1 (section 28-163).
   g. Indoor movie theatres.
   h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
   i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
   j. Micropigmentation clinic.
   k. **Craft alcohol industry**, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent, such as but not limited to, beer and wine. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(4) *Minimum lot requirements (area and width).* None, except as needed to meet other requirements specified herein.

(5) *Maximum lot coverage by all buildings.* Fifty (50) percent.

(6) *Minimum yard requirements.* All uses, except single-family dwellings:
   1. Front. Ten (10) feet minimum, fifteen (15) feet maximum; except where lot width is less than one hundred (100) feet and buildings (if any) on adjacent lots have provided a lesser front yard, front yard shall be average of buildings on adjacent lots. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
   2. Side. Ten (10) feet.

3. Rear. Ten (10) feet.

(7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-42; Ord. No. 91-10, § 1, 6-24-91; Ord. No. 91-22, § 1, 12-23-91; Ord. No. 91-30, § 1, 1-13-92; Ord. No. 97-09, § 1, 4-14-97; Ord. No. 03-17, § 4, 6-23-03; Ord. No 06-34, § 1, 11-13-06; Ord. No. 19-01, § 14, 1-28-19; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

DIVISION 9. - PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare. The PUD process is designed to:

(a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
(b) Encourage a more compatible and harmonious development of contiguous lands;
(c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
(d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
(e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
(f) Provide an environment of consistent character compatible with the surrounding areas; and,
(g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable

to all PUDs, while others, such as section 28-291, are intended for traditional residential or mixed use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

(Code 1964, § 33-70; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 13-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-287. - Defined.

A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect, and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.

(Code 1964, § 33-71; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

(Code 1964, § 33-72; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

(a) *Application for rezoning to PUD.* Each application shall identify and address applicable criteria to its specific plan of development. An application for rezoning

to PUD shall proceed in general as for other applications for rezoning of land; and, in addition to the information usually required for such applications, the following shall be required:

(1) Plats, surveys, and metes and bounds description of the area within the PUD.
(2) The name and address of the owner and, if applicable, evidence of the assignment of an agent who represents the owner.
(3) Evidence of unified control of the entire area within the PUD with all owners within the area of same identified.
(4) An agreement by all owners within the PUD which includes their commitment to:
    a. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the city commission in such ordinance; and,
    b. Provide a written narrative PUD text that clearly identifies by corresponding numbered and lettered paragraphs responses to the following criteria:
        1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property; and,
        2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts; and,
        3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception; and,
        4. Compliance with the purpose and intent and criteria in section 28-286; and,
        5. Compliance with section 28-288 and justification for any zoning uses; and,
        6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit; and,
        7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and,
        8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances

have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule; and,

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted; and,
10. An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city; and
11. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.

(b) *Materials to accompany applications.* An application for rezoning to PUD shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations. The planning and building department will maintain a checklist of materials to accompany an application to help clarify the submittal requirements:

(1) Plans, maps, studies and reports, including an infrastructure impact analysis, as may reasonably be required by the city commission and the planning and zoning board in order to make the findings and determinations called for in the particular case. The infrastructure impact analysis shall include site specific design improvements related to traffic circulation, and the movement of pedestrians, bicycles, and vehicles on and off-site, and water, sewer, stormwater improvements, and public utility improvements and impacts.

(2) For proposed PUDs currently zoned HP-1, HP-2, HP-3, HP-4 and HP-5, a streetscape demonstrating the size and scale of the project in context with the adjacent properties and existing historic district development patterns. The streetscape shall include at a minimum the subject block and facing block to illustrate how the proposed project meets the scale of the surrounding context. This streetscape requirement is not mandatory for projects that create no visual impact to the exterior of an existing structure. Structural changes in roof lines, exterior facades and elevations and any exterior additions or reconfigurations may require a streetscape, as deemed necessary by staff or the historic architectural review board concurrent with project details.

(3) Infill and redevelopment projects shall also be required to provide a streetscape analysis similar to that required in the historic districts as per (b) (2) above, as deemed necessary by staff to allow the PZB and/or HARB, for projects in the city's entry corridors, to evaluate the projects impact on the neighborhood or

area, as a defined community in section 28-289(b) (9) and the projects ability to contribute to and enhance the existing streetscape.

(4) A written PUD text narrative compliant with all parts of sections 28-286 through 28-292, as applicable. Such PUD text narrative shall also include as an exhibit a final site development plan at an appropriate scale and consistent with the terms of the PUD text narrative, an introductory statement explaining the intended plan of development, clearly indicating where approval of the rezoning to PUD or PUD amendment will benefit the future occupants of the proposed development, will be compatible with the adjacent neighborhood, and will forward the goals, policies and objectives of the city in general, and including any specific benefits to the community as a whole. Such justification shall be based on the intent of the PUD, consistency with the Comprehensive Plan, and compliance with all requirements of rezoning to PUD or PUD amendment as found herein.

(5) The final site development plan included at an appropriate scale supporting the above statement illustrating:

a. The location, grouping and height of all uses and facilities.
b. In the case of residential development, the number of residential units, their location and number of stories.
c. A multi-modal circulation system including any vehicular, public transit, pedestrian and bicycle access points, driveways, walkways or crosswalks, parking areas, transit shelters or bus stop loading areas, bicycle racks, and rights-of-way, streets or sidewalks to be dedicated in support of the infrastructure impact analysis.
d. A system of open space and recreational uses, with the acreage to be dedicated and that to be retained in common ownership.
e. A topographic map at an appropriate scale showing contour lines, including all existing buildings and wooded areas.
f. An illustration, outline or discussion describing any community benefits incorporated into the planned development or provided off-site, such as, public parking, enhanced landscaping or street trees, public park facilities, architectural or historic resource benefits, the encouragement of beneficial uses or alternative forms of transportation, maintenance, improvement or encouraging public access to waterways, conservation areas and/or vistas and scenic opportunities.
g. Elevations, specific architectural elements, and contextual drawings, as deemed necessary by staff and the PZB and/or HARB to illustrate the details of the project, which may include a sun, shadow or shade study.
h. Full signage and hardscape plans, as well as, landscape and tree preservation or replacement plans in sufficient detail to allow PZB to review and make a recommendation concerning the project.
i. The site plan must describe and show any buffers or setbacks required from any jurisdictional areas for review to include details for conservation overlay zone development, as well as, locations of any proposed docks or water features, and/or impacts to existing tree canopy areas.

(6) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
(7) A schedule of development, including the staging and phasing of:
   a. Areas to be developed, in order of priority;
   b. The construction of streets, utilities and other improvements necessary to serve the proposed development; and
   c. The dedication of land to public use, if any.
(8) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that the schedule of development be such that a staged implementation of the PUD would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved PUD.
(9) Developer neighborhood notice. At the time of filing a PUD or PUD amendment application, the applicant must submit to the city's planning department a copy of the developer neighborhood notice mailed to the Neighborhood Council of St. Augustine, Inc., or its successor, by regular U.S. mail at the current mailing address provided to the Florida Department of State, Division of Corporations, as made available on that agency's website. If the property is not included in a defined neighborhood area the boundaries of a "community" area will be defined as those properties within a five hundred-foot radius of the project boundaries to be notified by mail postmarked no less than fifteen (15) days prior to the first scheduled PZB meeting, and shall be notified individually by the same neighborhood notice process below. The developer neighborhood notice shall include the following information:
   a. The project name, property owner(s) and applicant(s); and
   b. The existing zoning and requested rezoning, the physical address or location of the project, and a brief description of the application request; and
   c. The developer's project coordinator contact information, including name, mailing address, telephone number and email address; and
   d. The following statement in prominent font:
   "Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

e. In addition to the developer neighborhood notice, the city planning and building department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the city's public information outreach initiative. Such additional courtesy information may be provided in person, by U.S. regular mail, electronic mail or posting on the city's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

(c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

(1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.

(2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.

(3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

(4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:

a. Permit a creative approach to the development of land; and
b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
c. Provide for an efficient use of land; and
d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
e. Provide an environment of consistent character compatible with surrounding areas; and
f. Retain property values over the years.

(d) A PUD or PUD amendment shall first be reviewed by the planning and zoning board, followed by the historic and architectural review board if such review is required. The city commission may remand a PUD application for further review

by its planning and zoning board or historic architectural review board, such review shall be limited to the scope of review as expressed by the city commission. The city commission may expressly limit the additional review to only one such agency, after which the PUD application shall be promptly scheduled for further action by the city commission. Nothing in these regulations is intended to remove the historic and architectural review board's reviewing authority after a property has been rezoned to PUD.

(e) *Deviations from ordinance creating PUD.* In order to facilitate minor adjustments to the plans approved as part of the ordinance creating a PUD, the city commission may approve changes in such plans, without the review and recommendation of the PZB, and without the adoption of an ordinance to modify the PUD ordinance, if as a result of such changes:
  (1) There are the same or fewer number of dwelling units and/or floor area;
  (2) The open space is in the same general location and in the same general amount, or a greater amount;
  (3) The buildings have the same or less number of stories and/or floor area; and
  (4) The roads and drives follow approximately the same course and have the same public or private rights therein.

(f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.

(g) Because of the nature of PUD's with regard to potential size and the level of detail required of projects, and unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a PUD rezoning within not more than sixty (60) days from the date of filing of the complete application. Any revisions or amendment to the PUD rezoning application must be submitted to the planning and building department at least fifteen (15) days prior to the scheduled meeting date. Notice of public hearing shall be made as provided in section 28-59(a) and (b).

(h) *Expiration of time limits provided in ordinance creating a PUD.* If development actions required by the ordinance creating a PUD are not taken within the timeline established in the PUD from the date of approval by the city commission actions consistent with section 28-289 (a)(4)b.8. shall be taken.

(Code 1964, § 33-73; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-290. - Implementation of a PUD.

i. *Development plan.* The final development plan, and project narrative shall be attached to the PUD ordinance as an exhibit and shall be the only development plan associated with the PUD unless and until an amendment to the PUD is

pursued via amendment to the PUD ordinance or via minor amendment procedures.

ii. *Record plats.* If the PUD ordinance requires the recording of record plats, such plats shall be submitted to the city commission for final approval.

iii. *Approval of development plans.* The planning and building department shall review all development plans; and, if found in compliance with this Code, and the PUD ordinance shall approve same.

iv. *Permits required.* All construction in the development of a PUD shall proceed only under applicable permits issued by the planning and building department; and no building permit, certificate or other document authorizing construction or occupancy within a PUD shall be issued, except in accordance with the approved PUD ordinance and all regulatory provisions in existence at the time of the permit except as otherwise exempted or waived in the PUD text.

(Code 1964, § 33-74; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.

The following performance standards are intended for redevelopment and infill PUD developments. These projects typically involve property currently developed where the proposed PUD includes razing the existing development and building new or renovating the existing development to the extent that it is a redevelopment project which introduces new uses or combination of uses and a new design changing the character of the existing. Infill projects typically involve vacant property within an existing developed area where it is important for the proposed PUD to be compatible with the existing surrounding development. These standards and criteria are in addition to other PUD requirements outlined above.

(1) *General development patterns.* **Redevelopment and infill projects within the city shall take into consideration pedestrian oriented design, the human scale and sense of place of the surrounding area, and shall respect existing development patterns and provide for compatibility, quality and integrity of the existing area and neighborhoods.** They should provide a unique sense of place through architectural design and a mixture of compatible uses in a compact setting with sensitivity to the context of the surrounding neighborhood. The PUD should be an addition to the area and neighborhood which contributes to the area and increases the value of the surrounding area.

(2) *Contributions to the existing community.* **Redevelopment and infill projects shall also demonstrate consideration for the existing neighborhoods and street patterns within the city by describing the project's impact on existing community patterns, the environment, the economy, the transportation networks or circulation patterns as described in an infrastructure impact analysis, as well as, natural features, and vistas and scenic opportunities.** The project narrative shall include a statement of how the PUD is consistent with the character, history, and cultural and natural features that help create a sense of place. The project shall be compatible by demonstrating appropriate design, massing, screening, and architectural techniques.

(3) *Redevelopment and infill PUD projects.* **Additionally, redevelopment and infill projects shall include a description evaluating the existing building(s) condition, potential demolition issues, and the extent of renovation of the existing building(s), if applicable. A clear description of the site design evaluating existing issues, such as, access, driveways, parking, maneuverability, landscaping, including tree removal is also required if necessary. A description with detailed drawings that show the existing streetscape, and the new streetscape to demonstrate compatibility, proportion, form, and rhythm with the surrounding area is required. Details of colors, materials, and design themes may also be required,** and compatibility with applicable Design Standards for Entry Corridors must be demonstrated.

(Ord. No. 16-07, § 1, 2-8-16)

Secs. 28-293—28-310. - Reserved.

Sec. 28-347. – Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

(8) *Special event venue.* All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses maybe subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources. A special event venue shall be subject to the following conditions:

a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility and shall under no circumstances change the character of the primary or principal use.

2. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event.

3. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of

such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.

4. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.
5. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.
6. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.
7. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.
8. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.
9. Pyrotechnics, including fireworks, sparklers and similar devices shall not be permitted as part of a special event venue.

(Code 1964, § 33-103; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 22-07, § 1, 3-28-22)

STAFF SUMMARY AND ANALYSIS

This request is to rezone the property at 115 La Quinta Place to a PUD and allow for the preservation of the currently vacant commercial historic structures, incorporate additional historic assets related to the City of St. Augustine, as well as encourage commercial redevelopment within the Lincolnville neighborhood.



Figure 1. This photograph shows an aerial view of 115 La Quinta Place as it exists today.

The property at 115 La Quinta Place is currently zoned Commercial Low-One (CL-1) and has a future land use designation of Commercial Low Intensity. Very simply the reason for the rezoning request is to allow for bar lounge and tavern, craft alcohol industry, and sales of alcohol with no limit to alcohol by volume uses which are all uses with restrictions in the CL-1 zoning district.

There is no request for a change to the Commercial Low Intensity land use designation because the proposed uses are consistent with the Comprehensive Plan land use category.

As part of the rezoning request to a PUD the proposed development discusses being more pedestrian-oriented as well as providing multimodal transportation options instead of adhering to the City's current off-street parking requirements. The PUD language includes provisions for off-street parking, a potential new trolley stop along Riberia Street, and significant sidewalk improvements in efforts to follow the goals of the City's Mobility Plan.

Staff have seen numerous proposals for commercial development at 115 La Quinta Place, six (6) Development Review Committee applications in under three (3) years, and all have had the goal of preserving the structures that are on-site today. This observation validates the community's interest in not only redeveloping the site but also preserving the existing structures. However, there are many hurdles that must be cleared. Such as requirements of providing on-site parking, fire and life safety requirements, Florida building code requirements, and best practices for stormwater management are the typical code requirements that stall redevelopment plans.
These are the obstacles that prove difficult for redevelopment of this property but are also required of any proposed development or redevelopment. These are not new regulations by any means, and most certainly not unique to this property, but developers are aware of what is required and have shown a willingness to try to meet these standards with their end goal of redeveloping and preserving the structures on-site.

It is important to note that the longer these structures are vacant their preservation may no longer be feasible, or even a value to the community.

There are still many other requirements that must be met before this plan for redevelopment may take place such as approval for demolition of structures fifty years and older, a complete review of the archeological importance of the site, and a coordinated plan in addressing mobility and its impact on the surrounding area. But, before the applicant may start the process of coordinating and addressing these other factors, approval of the development, and the use, of the property is the first step towards the end goal of adding to the social, economic, and environmental sustainability of St. Augustine.

The PZB held their first public hearing for this rezoning on July 5, 2023, and made several comments and requests.

PZB additional information requests from July 5th Regular Meeting:

1. *Hours of operation*
   Information provided by applicant:
   - Tour hours are 10am – 6pm.
   - Community market hours are 10am – 8pm.
   - Railcar restaurant and kitchen hours are 11am – 12am Monday through Friday and 10am – 12am Saturday & Sunday.
2. *Parking lease details*
   Information provided by applicant:
   - Since no parking will be provided on-site parking spaces will be leased on adjacent properties such as the San Sebastian Inland Harbor site located to the west, a parking lot located to the south, and the cigar building parking lot to the northwest of 115 La Quinta Place.

   Staff note: In an email from Ellen Avery-Smith of Rogers Towers (representing the adjacent property owner) on July 14th staff was informed that the property owner at 159 King Street, SA Marina Holdings, LLC, "does not have a lease or other formal agreement signed with the owner or any other party related to the above-referenced property for the provision of parking for the proposed Planned Unit Development project." See attached.
3. *Dumpster location and delivery truck routes*

Information provided by applicant:

- The dumpster location is shown on the proposed site plan being along the eastern property line adjacent to the proposed kitchen. Located between the dumpster and La Quinta Place is a forty-six (46) foot driveway that may be able to accommodate deliveries, however this is not confirmed on the site plan.

4. *Detailed site plan with dimensions*
   Information provided by applicant:
   - A site plan titled "Exhibit G" has been provided which shows dimensions of structures, setbacks, lot coverage, and additional details in a Site Data table.
5. *Business narrative*
   Information provided by applicant:
   - On pages 3 through 8 of The Railroad Retrospective Mixed Use Planned Unit Development, each area of the property is titled and contains a description of each proposed use.

The applicant has also provided an analysis of trip generation, performed by Kimley Horn, for the proposed development at this property.

PZB additional information requests from the August 1st Regular Meeting:

1. *Details regarding the market*
   Information provided by applicant:
   - Letter titled "Local Goods Community Market and Store"
   - The concept is to sell local beer, wine and spirits manufactured on site as well as locally made products and local brands.
     - Examples of products: pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more.
     - Examples of local companies: The Hippie's Husband, Orange Grove Pottery Studio, Sea Witch Pepper Potion, A Frame Datil Pepper, Cock a Datil Do Datil Sauce, The Honey Truck Co., Minorcan Mike's Datil Pepper Sauce, Claude's Chocolates, Cultivate Tea and Spice, Maggie's Herb Farms, St. Augustine Pottery, Sequential Coffee, and Paper Root clothing.
   - Community market will be located in the existing 4,000 square foot structure onsite.
2. *City staff to review parking study*
   Staff review:
   - A review of the Trip Generation Analysis submitted by the applicant will be completed by the City's transportation and mobility consultant and be provided ahead of the September 5th meeting.
   - With the addition of bicycle racks, which has a capacity of twenty-six (26) bicycles based on updated site plan, crosswalks on both Riberia Street and La Quinta Place, as well as sidewalk improvements this proposal shows progress in meeting the objectives of the City's Mobility Plan. The 2040 Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.



Figure 2. This aerial photograph shows 115 La Quinta Place, shaded in yellow, City Hall, shaded in blue, and 2 Artillery Lane, shaded in green.

The distance from 115 La Quinta Place and 2 Artillery Lane is roughly 1,700 feet, one-third of a mile. Both properties are approximately 0.6 acres in size, the most notable difference is the land use designation, Commercial Low Intensity for La Quinta Place and Historic Preservation for Artillery Lane. 115 La Quinta Place is located around 1,700 feet west of the Historic Downtown which means that any proposed commercial uses will have to provide off-street parking, a development requirement unique to properties located outside of the Historic Downtown. The reason for not requiring off-street parking for commercial uses within the Historic Downtown is to encourage preservation of historic structures as well as promote infill development.

Proposed use minimum parking requirements based on the City's current parking code, last updated in 1988:

Use	Size	Current Parking Code Minimum Spaces Required
Museum and Distillery	3,950 square feet (1/2 dedicated to storage)	5
Community Market	4,000 square feet	13
Railcar Restaurant	75 seats	19
Kitchen	1,500 square feet	8
Courtyard	25 seats	6
		51 total parking spaces required

3. *Better language or explanation for the justification of no onsite parking*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 3. Parking:
     - No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by

the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. *Landscaping plan*
   Information provided by applicant:
   - Site plan provided by applicant shows landscaping bufferyards along La Quinta Place, which includes a 4-foot wrought iron fence, and along the eastern property line adjacent to 113 La Quinta Place.
5. *Explanation of how the proposed courtyard will function such as use and hours*
   Information provided by applicant:
   - Under Section II – Application, B. Development Standards for NEW Structures within the PUD:, 14. Specific Regulations and Prohibitions:
     - There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Staff included close to eight pages of goals, objectives, and policies from the Future Land Use, Historic Preservation, and Transportation and Mobility Elements of the City's 2040 Comprehensive Plan for review.

- Future Land Use Element Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
- Historic Preservation Element Overall Goal: The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.
- Transportation and Mobility Element Overall Goal: The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

The included goals, objectives, and policies support the proposal for The Railroad Retrospective Mixed Use Planned Unit Development at 115 La Quinta Place.

STAFF RECOMMENDATION

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.
(4) Compliance with Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.



Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

EXHIBIT A

RECEIVED
JUN 05 2023
Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $400 (plus advertising costs) Project Number: 2023-0057

Receipt Number: 2643911 Meeting Date: July 5, 2023

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. for Ryan Dettra Contact Number: 904-495-0400
   Business *(if applicable)*: St. Johns Law Group
   Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
   E-Mail Address: jameswhitehouse@sjlawgroup.com
2. NAME OF PROPERTY OWNER: Paul M. Meredith, P.A. Contact Number:_____
   Business *(if applicable)*:_____
   Address:_____ City:_____ State:_____ Zip:_____
   E-Mail Address:_____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot:_____ Block:_____
   Subdivision:_____ Parcel Number:_____
4. PROJECT STREET ADDRESS: 115 LA QUINTA PLACE (FORMERLY 95 RIBERIA STREET)
5. SPECIFIC PROPOSED USE: MIXED USE - PUD
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Exception
   - ☐ Variance
   - ☐ Other:_____
   - ☐ Appeal of Staff Determination
   - ☐ Land Use Plan Amendment
   - ☒ Rezoning
7. DESCRIPTION OF ACTION REQUESTED:
   REQUEST TO REZONE PROPERTY TO PUD TO ALLOW A REJUVINATION OF THIS HISTORIC PROPERTY ALONG THE RIBERIA STREET MIXED USE CORRIDOR AND LOCATED ADJACENT TO THE ICE PLANT AND DISTILLERY AND DIRECTLY ACROSS FROM THE SAN SEBASTIAN PROPERTY AND PARKING GARAGE LOCATION
   ---------- SEE ATTACHED ----------
8. JUSTIFICATION FOR ACTION REQUESTED:
   A REJUVINATION OF THIS HISTORIC PROPERTY WITH A MUSEUM AND ONSITE REFERENCES AND RECOLLECTIONS OF THIS AREA'S HISTORY AND INCLUDING A MIXTURE OF APPROPRIATE COMMERCIAL USES SIMILAR TO THE ICE PLANT RESTAURANT / DISITILLARY /MUSEUM USE AS WELL AS THE INCLUSION OF A MARKET AND RAIL CARS TO REFLECT THE SAME
   ---------- SEE ATTACHED ----------

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:_____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:_____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:_____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:_____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

_____

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

_____ 9/5/23

Signature of Applicant Date

Owner's authorization attached

_____

Signature of Property Owner Date

ST. JOHNS LAW GROUP

Dedicated and Responsive Service

NEIGHBORHOOD COUNCIL OF SAINT AUGUSTINE, INC.
52 N. ST. AUGUSTINE BLVD.
SAINT AUGUSTINE, FL 32080

RE: The St. Augustine Locomotive Museum Planned Unit Development

Pursuant to the requirements of the City of St. Augustine for applications for Planned Unit Development Ordinances, please accept this correspondence as notice of the request for rezoning to Planned Unit Development for 95 Riberia Street to allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. The following information regarding the project is provided for your use and distribution, as appropriate:

APPLICANT	James G. Whitehouse, Esq. for Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
OWNER & APPLICANT	Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
LOCATION	95 Riberia Street
CURRENT ZONING	CL-1
CURRENT LAND USE	Commercial Low
PROPOSED ZONING	Planned Unit Development (PUD)
SURROUNDING PROPERTIES	Flum – RES MED / MIXED USE / COMMERCIAL LOW Zoning – PUD / CL-1 / RGO

Current Zoning and Land Uses:
The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals. Further, the property was historically used for stables to serve the rail industry for intermodal transportation and transport of baggage and goods into town and more recently as the stables and pens for farm animals and the community market and store and interactive museum / animal farm for Ripe N Ready. The property has had a current future land use of Commercial Low and it has had the current zoning of CL-1 during all the above uses' existence.

T (904) 495-0400 | 104 Sea Grove Main Street
F (904) 495-0506 | St. Augustine, Florida 32080
(888) 588-2599 | www.sjlawgroup.com

Summary of Request:
Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner and be a wonderful addition to this area of the Riberia Street mixed use corridor and interact with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to refresh and renovate the current structures, stables and canopies, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Further, the changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind.

The Project Coordinator's contact information is as follows:
St. Johns Law Group
James G. Whitehouse, Esq.
104 Sea Grove Main Street
St. Augustine, FL 32080
(904) 495-0400
jameswhitehouse@sjlawgroup.com

"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods and the PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

In addition to the developer neighborhood notice, the City Planning Department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the City's public informational outreach initiative. Such additional courtesy information may be provided in person, by U.S. mail, electronic mail or posting on the City's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

If you have any questions, please do not hesitate to call or email me. We appreciate the work that you do.

Sincerely,

James G. Whitehouse, Esq.

Cc: City of St. Augustine Planning Department

EXHIBIT B

LEGAL DESCRIPTION

BEGINNING ON THE SOUTHERLYSIDE OF LA QUINTA PLACE AT A POINT DISTANT FOUR HUNDRED SIXTEEN FEET AND SIX INCHES (416' & 6") WESTERLY FROM THE WESTERLY LINE OF CENTRAL AVENUE, RUN THENCE SOUTERLY AT RIGHT ANGLES TO LA QUINTA PLACE ONE HUNDRED FORTY FEET (140') TO THE NORTHERLY LINE OF THE PECK PROPERTY; THENCE WESTERLY ALONG SAID PECK'S NORTHERLY LINE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE EAST LINE OF RIBERIA STREET, THENCE NORTHERLY ALONG THE EAST LINE OF RIBERIA STREET TO THE SOUTHERLY LINE OF LA QUINTA PLACE, TWO HUNDRED FEET (200'), MORE OR LESS, TO THE POINT OF BEGINNING; SAME BEING BOUNDED AS FOLLOWS: NORTH BY LA QUINTA PLACE AND WEST BY RIBERIA STREET AND SOUTH BY THE PECK PROPERTY AND EAST BY PROPERTY OF THE TRUSTEES OF THE PEOPLE'S BANK FOR SAVINGS.

SAID PROPERTY BEING SITUATED IN ST. JOHNS COUNTY, FLORIDA

PARCEL IDENTIFICATION NUMBER: 201920-0000

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE Planned Unit Development

Updated Submittal Date:
August 25, 2023

Request:
Request to rezone this historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the proposed mixture of uses. (The uses are further described as to area, specific use, hours of operation and definition below).

The Railroad Retrospective Mixed Use PUD will be centered upon the railroad industry and its contribution to our historic city and the state of Florida, featuring a community market and general store, utilizing the stables and stalls for selling local products, foods and other goods; a local craft distillery/brewery within the confines of the barn on Riberia that will be open for tours and tastings; an authentic Flagler era, steam locomotive under a covered walkway with a restored Pullman car that will contain a high-end reservation-based restaurant serving onsite craft items and foods from the kitchen that will be retrofitted into the other stable building onsite. The uses in this mixed use, interdependent project will work together as a reflective on the railroad and its accessory uses including the carriage services, which served St. Augustine and all of Florida, with an idea to serve local products and use and sell local goods, giving historical reference to the railroad, its impact on St. Augustine and Florida and how this property was intertwined and served the same for many years.

The renovations and upgrades will include the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use, with a small, high-end restaurant inside the rail car, and additionally, the slight reconfiguration and renovation of the buildings to provide the community market / general store within the stable stall area, a kitchen and takeout facility adjacent and restoration and utilization of the large barn for an interactive, craft brewery / distillery area and public space for tastings and small events.

All these uses will interact together to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and references throughout the property will include historical pieces, photographs and documents of this era and the railroad and transfer company's contribution to the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the

historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind to the era and local goods.

All updates, rehabilitation, additions to or partial taking away of the current structures will meet and exceed all city codes and regulations. This rezoning will allow the applicant to revive this historical property reflecting this historical area, through a complete overhaul of the buildings with the stated intent of creating a mixed use property based upon the railroad's immense contribution to the development and thriving nature of our historic city through the years and how this property served a significant role in that industry and brilliant mode of transportation, including the horses and carriages that carried the many travelers and goods into town and through our tiny streets and historic homes and hotels. This proposed compatible use will promote a fully pedestrian-accessible experience, by foot or by trolley, establishing a sense of place with the large parcel providing sufficient area to offer a number of mixed uses including a central communal area for the visitors' enjoyment. In turn, since this will be fully pedestrian-friendly, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based. Further, it will work in the depicted trolley stop on the Riberia entrance to promote intermodal exchange, taking cars off our roads, and it will encourage pedestrian use of the historic downtown area as sought by the goals, objectives and policies of our comprehensive plan.

The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals."

Applicant / Owner:

Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
33 Davis Street, St. Augustine, FL 32084

Authorized Agent for the Applicant / Owner:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	Location Map/Aerial
Exhibit E	Proof of Ownership/Deed
Exhibit F	Authorizations
Exhibit G	Master Site Plan

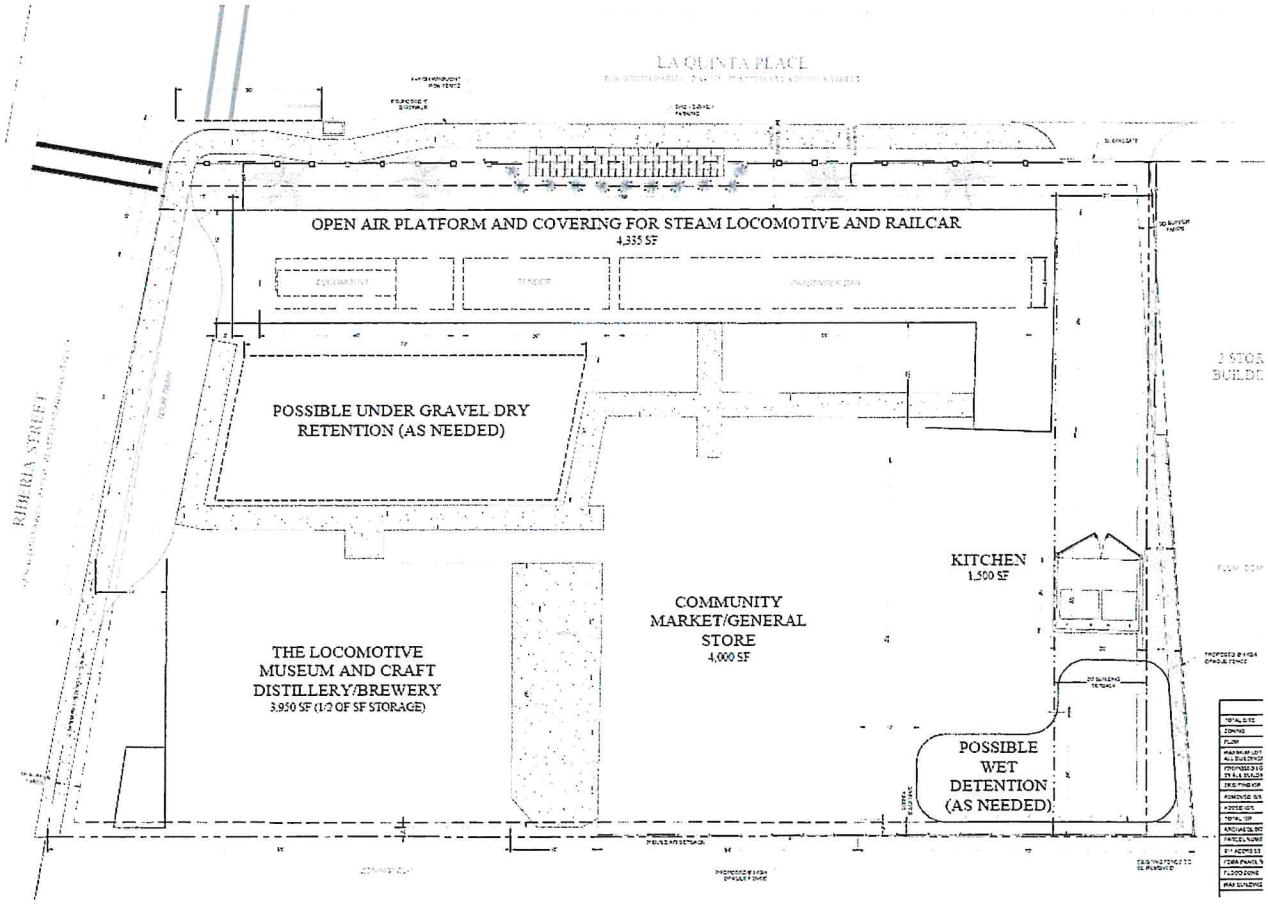
Parcel Identification Number: 201920 0000

Railroad Retrospective Mixed-Use PUD

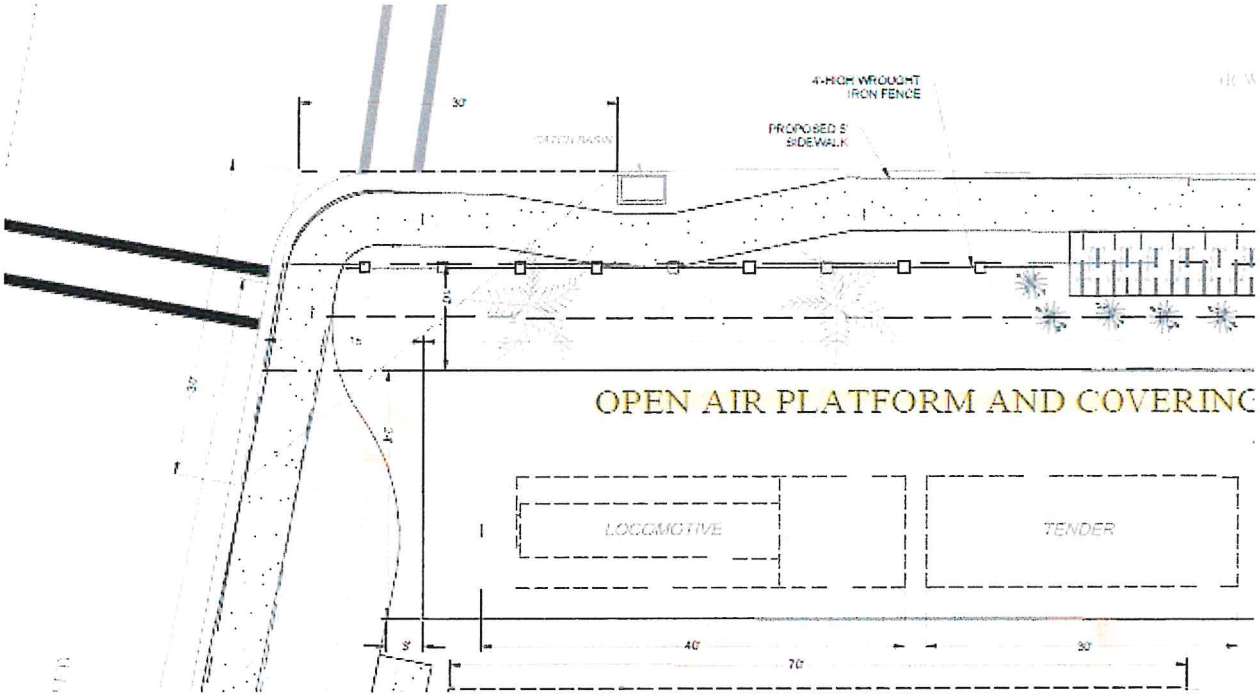
The "birth of leisure travel in Florida" story is the central subject throughout the project. When people travel, they want to take part in authentic experiences, participate in the local culture, taste local food and beverages, see and enjoy the beauty nature has to offer. They want to meet people and share experiences. When people travel, they bring home stories, local goods and memories that last a lifetime.

At the turn of the 20th century, Florida was predominantly wilderness and travelers traveled to explore and experience a part of Florida that few had seen. Indulgence was expected. The demand to see, taste and feel Florida was unparalleled. This was a time when traveling the East Coast of Florida was exciting in every way. That is where the Railroad came in.

We are creating a multi-faceted experiential approach to tell this story. The idea is that all the proposed uses work together seamlessly. They work to re-create this experience and this unparalleled understanding of the history surrounding rail travel on the East Coast of Florida. The following description of each should make it clear as to how they work together and will thrive in this integral, symbiotic existence within this pedestrian-based, mixed use Railroad Retrospective use.



Area 1 – Historic Locomotive #113

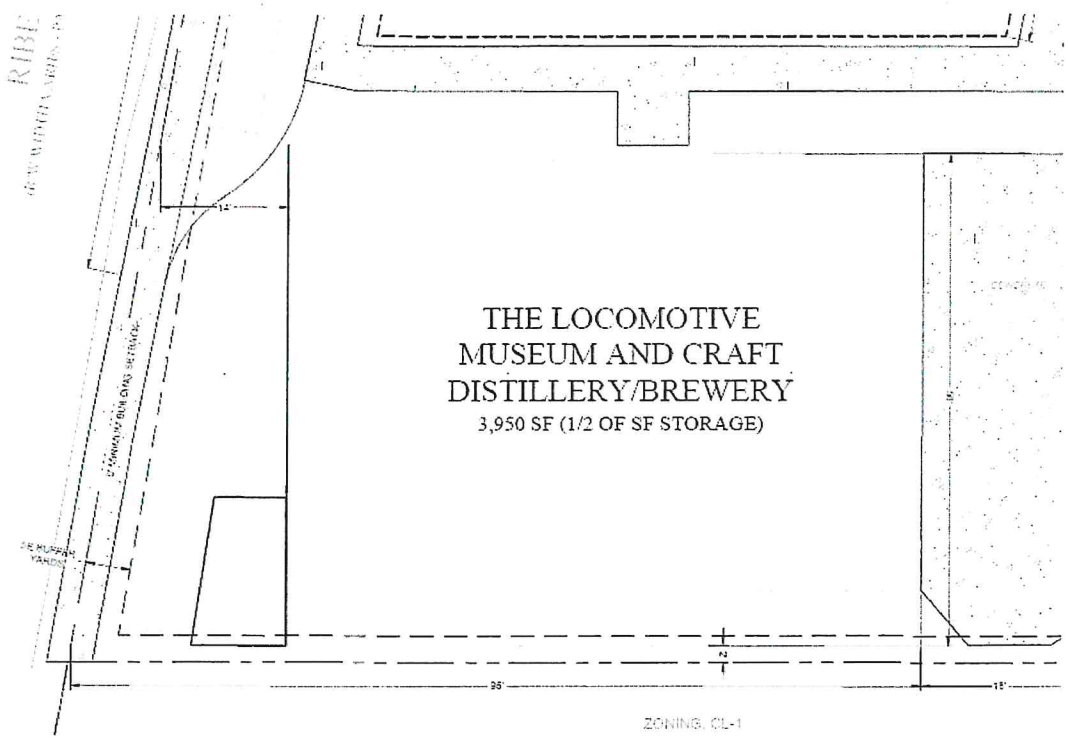


Locomotive #113 can be categorized as a museum grade attraction and has 0 (zero) capacity.

#113 was built by Alco for Florida East Coast Railway in 1912-1913, one of sixty 4-6-2 Pacific's (#77-#136) delivered between 1910 and 1917. It weighs 204,000 lbs, has 68" drivers and 22"x 26" cylinders. #113 was later superheated and operated at 180 psi delivering 28,314 lbs tractive effort.

Historical significance- The journey to accomplish a transportation system from St. Augustine to the Florida Keys was one of Florida's most incredible stories. Henry Flagler began the Railway (later named the Florida East Coast Railway) in St. Augustine in 1885 and completed the Overseas railroad in 1912. Flagler passed away in 1913 and Locomotive #113 is the last surviving steam locomotive from Flagler's lifetime. Florida was mostly unspoiled and traveling from St. Augustine to the Florida Keys in 1913 was advertised as "magical." Today, Florida is one of the world's top travel destinations. The story of how leisure travel on the East Coast of Florida developed is important to Florida's history. This presentation on property will serve as a direct attraction and interactive piece to ground the mixed-use property within an authentic railroad retrospective.

Area 2 – Tour Experience - Distillery/Brewery/Winery + Museum Room



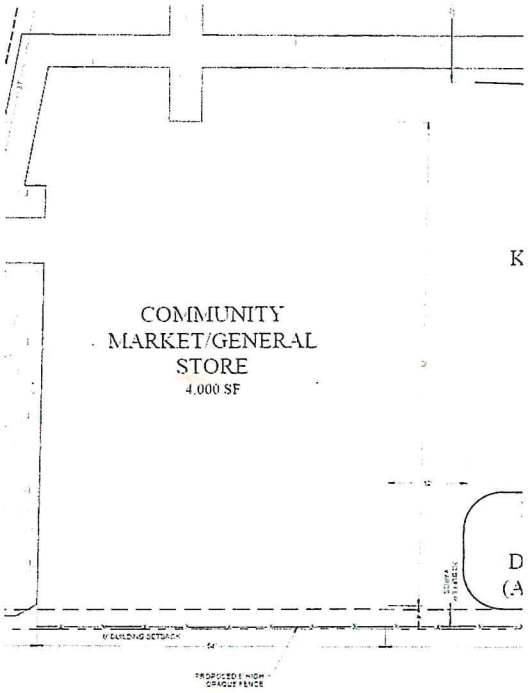
Concept: This will include a guided tour experience that incorporates historical assets, museum pieces, a distillery/brewery and winery, all functioning inside the renovated/restored historic St. Augustine Transfer Company Barn.

The tour will be free and operate in 2 parts. Patrons can join the first part or the second part or take part in both legs of the tour. The first part of the tour will be family-friendly and is limited to the FEC Railway Story, Locomotive #113 and the St. Augustine Transfer Company history. There will be a room that functions like a museum that has exhibits, historical documents information, and antiques. The second part of the tour will be a tour of the production facility. The production facility will be smaller in comparison to St. Augustine Distillery. There is less space inside the production facility for tours and production. A large part of the facility will be barrel storage and finished goods storage. The tasting room will be at the end of the distillery/winery/brewery tour and will fold into the "sample local goods" retail concept.

Museum is an approved use in the current CL-1 zoning
CL-1 permissible use by exception: Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent. The request for the increased locally brewed ABV limit would not impact traffic, occupancy or how the project operates.

Tour Capacity- 10 people per tour. (Tours will operate every half hour).
Tour Hours- 10am-6pm (which matches the San Sebastian Winery and St. Augustine Distillery)

Area 3 – Local Goods Community Market



Concept: A local goods market that sells a variety of goods hand made in St. Augustine and regionally made goods and items that support the East Coast of Florida Railroad concept.

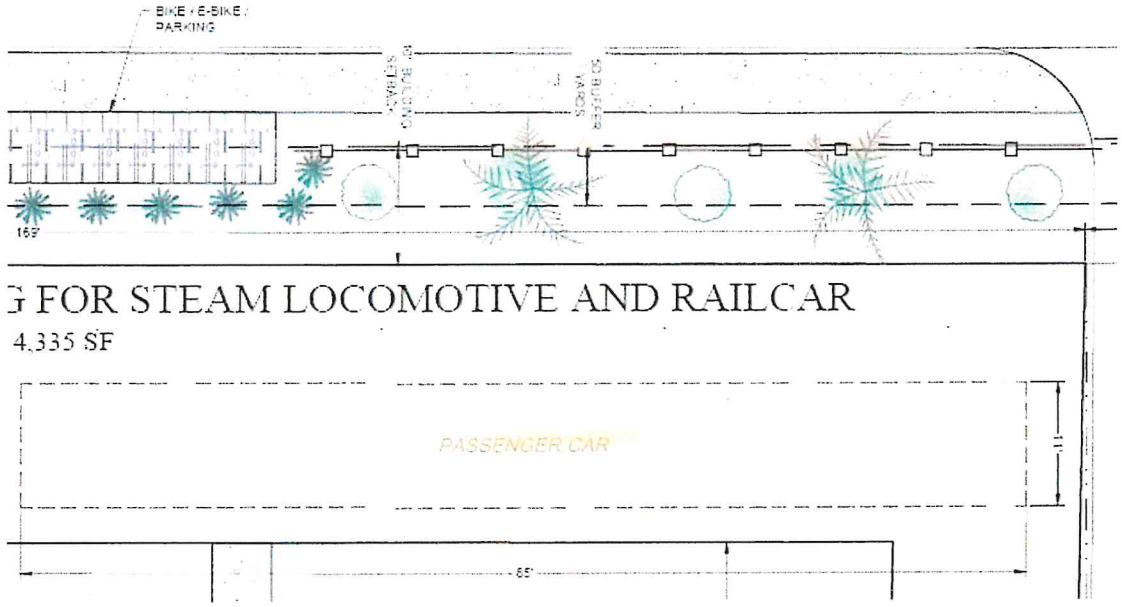
The old horse stable building will be restored to look like horse stables in the era it was built (1940's). We would like to keep the building as divided in stalls and use that as a way to separate types of goods.

Retail can be memorable. Customers can learn about who, where, and how the goods are made as part of the shopping experience. The concept will incorporate samples and tastings into the shopping experience. Sampling may have heightened your shopping experience at Costco or the Savanah Bee Company and we all know everyone loves free samples. It's getting harder and harder to find locally made goods outside of a farmer's market. Whether you are a local or tourist. There is a sense of pride in buying locally made goods.

The PZB board asked for additional information on the retail store "Local Goods Market." The concept is to sell beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more. We plan on using local vendors for private label products for the shop. The concept is to sample and educate consumers in the retail area. Several sampling stations will be set up daily. This will help local companies build their brands and keep money in the community.

Hours- 10am -8pm
Capacity is limited to that allowed by the square footage of the retail uses

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service



Restaurant Dining Car #3604

Concept: Intimate dining in a historic pullman railcar restored to 1910-1920 era.

Inspired by ingredients, stories, and cultural foods on each stop on the Florida East Coast Railway line in the early days of rail travel. Each dish will bear its own mark of creativity. The wine and cocktail list will feature spirits and wines created on site in the distillery/winery.

The restaurant is designed to be one component in the "birth of leisure travel in Florida" story. This type of historical educational food and beverage experience is a departure from the standard "do not touch," "behind a glass case" exhibits that you often find at historic sites/museums. It is a departure from the low-quality food and beverage options that you find at most historic themed attractions.

Size and Layout:
The proposed fine dining restaurant is small, and capacity is limited to the size of the rail car. The rail car is approximately 80' x 10'. Seating in the dining car will be limited to zoning regulations, HC access, fire code and all other requirements. We envision approximately 60 seats; it could be less after zoning, mechanical plans, plumbing are incorporated into the layout. Seating for the fine dining concept is very limited and cannot exceed 800 square feet. Exact seating numbers for the interior of the rail car will be determined when architectural plans are drawn. The rail car will have a small bar with approximately 8 stools as part of the seating/ floor plan.

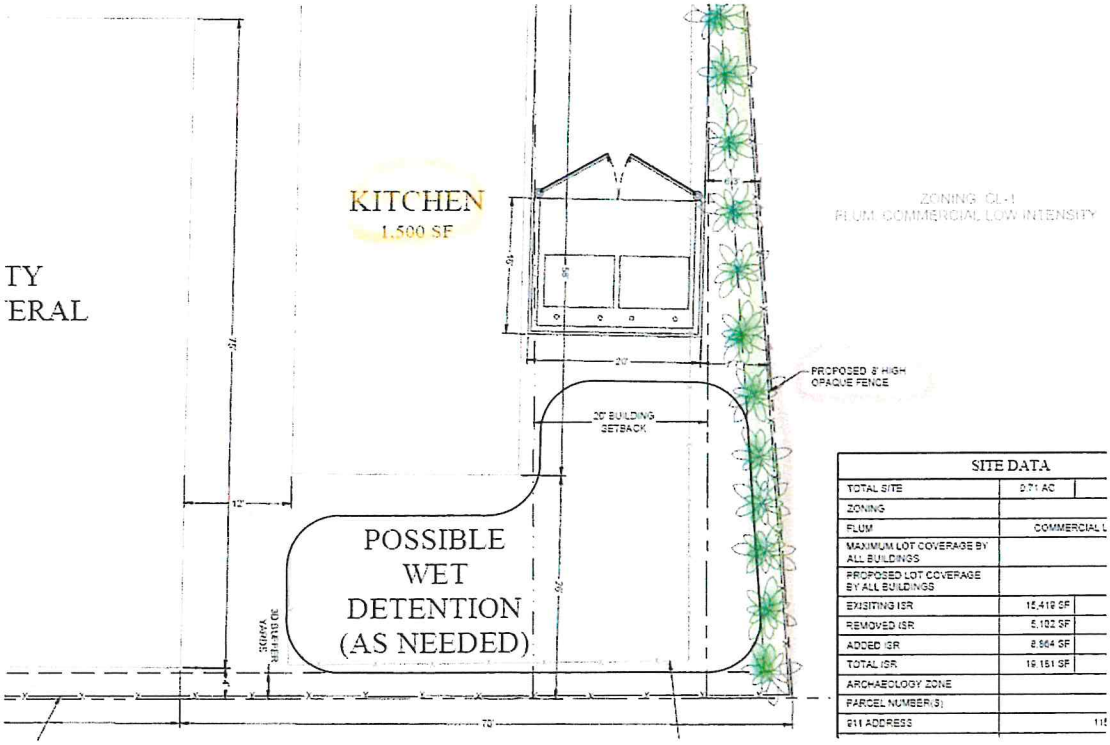
The kitchen will have a take-out/counter service concept. The food options will be simple/healthy and inspired by tropical Florida in 1913. Patrons will be able to order both alcoholic and non-alcoholic drinks. This concept will serve customers taking the tour and act as the waiting area for the fine dining restaurant. We are planning for 8-10 stools, 4 tables and a counter to walk-up and order. Total seating for 20-25 and square footage of approximately 600 square feet.

Total seating will be limited to the square footage of each area. Total number of seats between the fine dining and counter/take out concept could be as low as 60 and as high as 100. We seek approval for up to 100 seats. The property's current zoning Commercial Low-One (CL-1) allows for restaurants up to 100 seats.

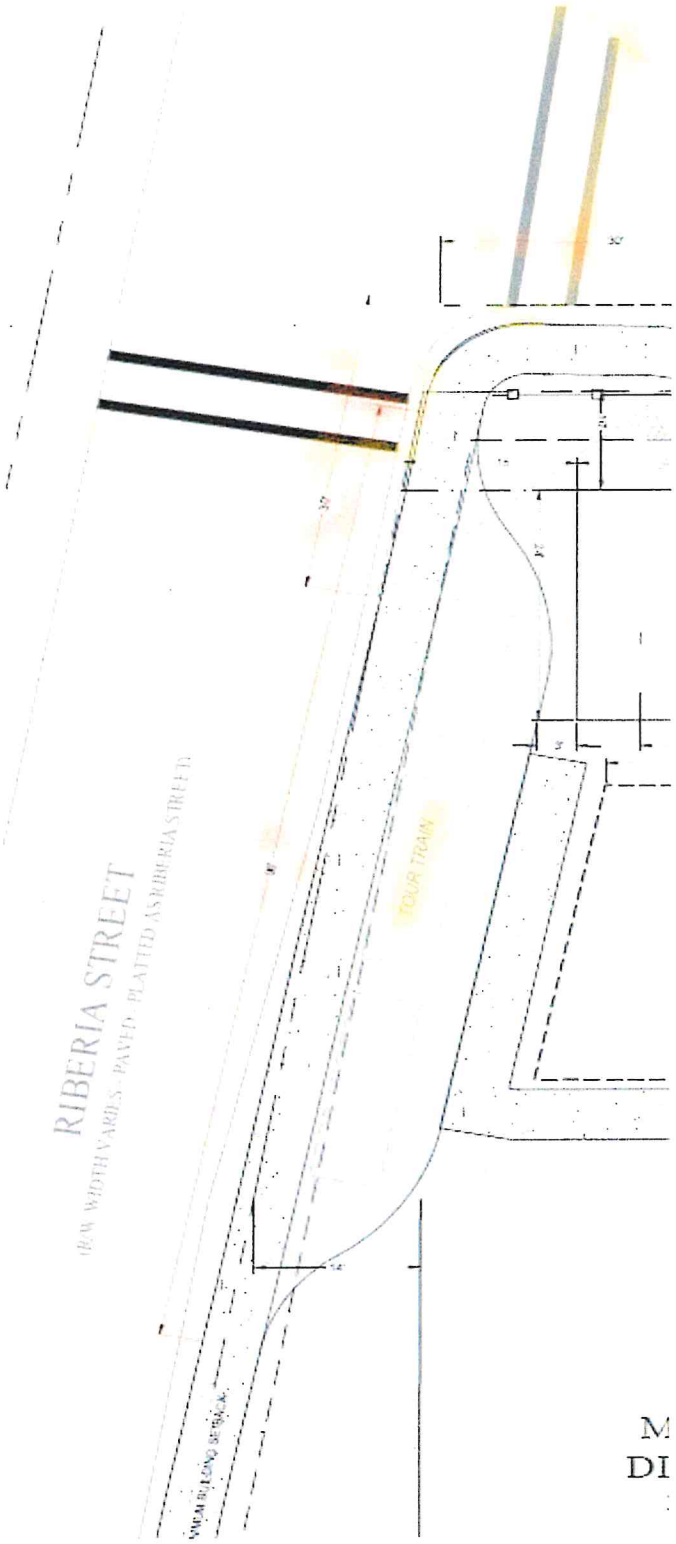
Beer, Wine and Alcohol brewed onsite will be served at both concepts for onsite consumption. The concept is to produce the beer, wine, and liquor in the on-site distillery/winery/brewery. The kitchen will be a "scratch" kitchen making period foods.

Hours of operation will be similar to nearby restaurants:
The Ice Plant, Fish Camp, San Sebastian Winery.

Hours –
M-F: 11am to Midnight
Sat & Sun: 10am to Midnight



**Crosswalks and RideShare / Delivery / Trolley Stop Area
(Designed to be On Property - Off of Riberia – With Sidewalk divider for safety)



**Buffering from La Quinta – Including Bike and E-bike Racks
(Designed to include attractive landscaping and a tasteful 4ft wrought iron fence on Property)

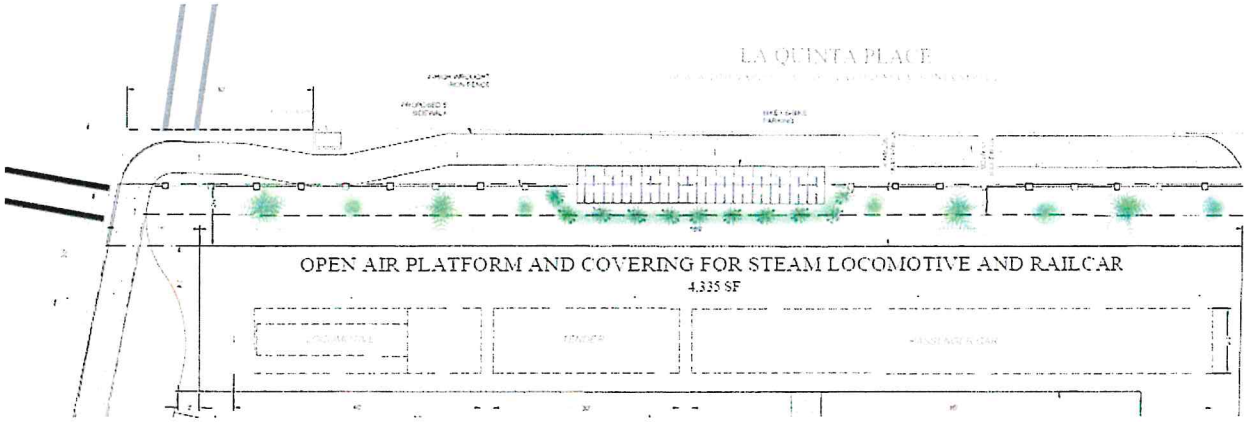


Exhibit "C"

DEVELOPMENT PLAN NARRATIVE

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for a rezoning of this historic parcel to Planned Unit Development (PUD). This rezoning will allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties. This rezoning will allow the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and rail car to the property to allow public viewing and interactive use and the renovation of the buildings to provide space for a community market/general store, a kitchen and takeout facility and an interactive craft brewery/distillery. These uses will interact together to promote an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. The changes to the property will be done with great regard to the history of this property and will comply with all the codes and regulations as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Mr. Ryan Dettra. The Applicant is requesting this rezoning to PUD in accordance with the City of St. Augustine Zoning Code. This rezoning will maintain the current Commercial Low future land use and will reflect a mixture of the same types of mixed uses as are currently present along this CL-1 Riberia Street corridor as well as those currently present along the King Street CL-1 corridor.

This parcel fronts upon Riberia Street, the main corridor along this side of the San Sebastian River and is directly across the street from the developing San Sebastian Inland Harbor site's uses, as well as the existing Ice Plant and St. Augustine Distillery and the mixed-use park at 134 Riberia, which also lies adjacent to the St. Augustine Fish Camp bar and restaurant. Further, this site is just up from Riberia Street's intersection with the many mixed uses that run all up and down the CL-1 King Street corridor, all in harmonic compatibility in our historic living city, much as it existed between the train, the stables and the bustling downtown in the Flagler era. And, as aforementioned, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based, which will continue to promote the walkable nature of our city and also the use of the various other intermodal forms of transport in the attempt to take cars off our inner-city core streets and at the same time to offer reflection on how visitors and locals alike had to rely upon both the horses, whose stables were on this property, and other forms of transport to get into town from the area, historically and most especially in the Flagler era.

Finally, the applicant has extensive experience with this type of project based upon his work on the extremely successful and compatible St. Augustine Distillery project and he looks forward to implementing the same type of success into this mixed use, historically reflective site.

Applicant herein seeks this rezoning, as presented.

As stated, the overall objective of the PUD is to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately .71 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located on Riberia Street, just one block off of King Street, at the corner of Riberia and La Quinta Street.

B. Ownership/Agreement: The Property is under contract for purchase by Ryan Dettra (Purchaser – Applicant), from the current owner, Paul Meredith, PA, as shown by the Proof of Ownership documents in the Application materials. Evidence of authorization for representation is contained within the Application materials.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner as depicted on the PUD map and described above. The property currently contains the afore-mentioned buildings, which will be rehabilitated with additions and include the addition of the locomotive cars for historical presentation and reflection. This rezoning will allow the applicant to revive this historical property, which served the rail industry and tourists and locals alike for many years, through a complete overhaul of the buildings with the stated intent of renovations and upgrades to this deteriorated property and establishing an interactive mix of uses surrounding the St. Augustine Locomotive Museum use and interaction. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be granted the currently allowed uses in the CL1 and CL2 zoning districts, along with the other uses as allowed in this mixed-use area, including but not limited to the following: Permitted uses and structures: a. professional and business offices. b. restaurants, but not drive-in. c. retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment

(including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products. d. Museums. e. bar/tavern. f. craft alcohol industry, including light manufacturing, processing, packaging and fabricating. Also, g. see section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal. This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner. Uses by exception shall be provided for and any changes to the uses described herein by an amendment to the PUD. (The uses will function together and specifically as outlined above.)

B. Development Standards for NEW Structures within the PUD: The attached site plan depicts the proposed interactive site plan and layout of the current structures with partial demolition and additions for the uses proposed. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be allowed to rehabilitate and reinvigorate this property as presented. No material departures from this site plan are permitted without authorization of the PZB. In addition, the following specific criteria shall apply:

1. **Maximum lot coverage:** Sixty percent maximum (60%)

2. **Maximum building height:** Maximum thirty-five (35) feet, measured from a ten-foot finished floor elevation.

3. **Parking:** No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. **Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements.

5. **Stormwater:** Stormwater management will be in compliance with the regulations of the City of St. Augustine and conform with the permit requirements established by the St. Johns River Water Management District.

6. **Access:** Full pedestrian access to the property will be provided per the sidewalks as proposed to be built on the street sides of the property, as well as within the interactive open space for community gathering and outdoor interaction. Further, an on-site access stop will be provided off Riberia Street for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated within our Comprehensive Plan, and to allow for RideShare drop-off and pickup, as well as deliveries. Accordingly, bike / E-bike racks will be provided.

7. Fencing: All existing fencing may remain on the Property or may be modified in accordance with the plan as approved; as such, eight-foot opaque fencing may be provided along the east and south sides of the property replacing the current deteriorating fencing. A four foot wrought iron fence will be installed along La Quinta, as depicted.

8. Utilities: All electrical and telephone lines are installed on the site: Electrical power is provided by Florida Power and Light Company or other franchised utility provider. Directional security lighting may be provided as needed.

9. Potable Water: Potable water will be provided by the City of St. Augustine via existing connections.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development is served by central sewer collection from the City of St. Augustine. Any extensions shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: A sidewalk will be installed along La Quinta as well as along Riberia Street (located west of the access stop as depicted to incorporate the access into the property).

13. Design: It is the intent of the applicant to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

14. Specific Regulations and Prohibitions: There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing

maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: THE RAILROAD RETROSPECTIVE MIXED USE PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that

maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The stated intent of the applicant, to utilize/replicate and further the design of the existing historical site to promote the history of the area and to rejuvenate this property with specific reference to and reflection upon the historical uses in the area will result in the innovative reuse and continued contribution of an existing property, using existing buildings and adding thereto to further the rejuvenation of this area, reflecting the mixture of uses therein and promoting the history of our city, as intended by this Objective.

INFRASTRUCTURE ELEMENT

SANITARY SEWER SUB-ELEMENT

SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT

PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis provided by the attached report includes site specific design improvements related to anticipated trips and traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

A Trip Generation Analysis was performed by Kimley Horn in regards to the proposed site/property and the proposed PUD and use as a mixed-use, pedestrian-friendly Railroad Retrospective project. The trip generation analysis provided a peak hour trip generation comparison of the existing and proposed uses for the property, taking into consideration that the mixture of uses will be promoted for full pedestrian access, furthered by the pedestrian sidewalk provisions and the trolley stop provided onsite.

It is important to note that this project will not have parking onsite, so the trips outlined will be those coming on foot or by way of the trolley stop provided onsite.

As the report notes, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with certain outlined characteristics. In fact, ALL of those characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimate and all trips to the property will be by foot or by the trolley stop, significantly reducing the transportation impact on the area and the area transportation systems.

In sum, the restoration / renovation / reconstruction of this property will not only remedy the existing situation caused by the current status of these deteriorating structures, but it will be a grand addition and retrospective on this historic area, and, which as described above and in the attached report, will have a negligible impact upon the traffic circulation patterns of the city. Further, as aforementioned, this PUD property will not have individual vehicle trips coming to the property. Moreover, the expert analysis provided shows that this PUD as a whole does not in fact affect the current traffic patterns and flow in this area of the city.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: Although not in an HP district, the proposed restoration / reconstruction / renovation will allow this historic property to be restored and continue to operate in a manner that will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner that the restoration / reconstruction / renovation remakes this historic property to reflect and enhance the area and provide a direct reflection upon the history surrounding the priceless contribution that the rail industry made to the history of our great city. In sum, the restoration / renovation / reconstruction of this property and the provision of the mixture of uses, including the interactive Locomotive Museum and features throughout the property will not only remedy the existing situation caused by the current status of the deteriorating structures, but it will be a grand revamping of this historic area.

2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area. A direct reuse of many of the current structures and the proposed uses are not wholly different than some of the former uses, including the market and they are

very similar to the uses in this mixed use area of Riberia Street. Accordingly, they will also enhance this property. See, FLUE Objective 3.2 - The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable. See, FLUE Policy 3.2.3 -The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity. Also see, FLUE Policy 3.2.6 - The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the presence of the historic rail industry in the area.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

(1) Permit a creative approach to the development of land; and

(2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
(3) Provide for an efficient use of land; and
(4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
(5) Provide an environment of stable character compatible with surrounding areas; and
(6) Retain property values over the years.

Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286 and how this proposal is a perfect example for the use of planned unit development to encourage the restoration / renovation / reconstruction of these presently deteriorating structures while allowing for a creative use that has no increased ill-effects on the area, since many of the uses are already allowed, and since this use is clearly compatible and far less intense than the uses across the street and the farm animal use that was historically on this same property. Further, the proposed use will indeed provide an environment of stable character for this property to be re-created and greatly enhance the area and an invaluable reflection upon how the rail industry helped to build and sustain our city, and in turn, will allow this property to not only retain its value but also to enhance the value of the surrounding properties.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." This district is intended to provide a mix of compatible nonresidential uses. The mixture of uses proposed will encourage the restoration and renovation of these historic structures including compatible infill development and promote the history of the rail industry and accessory contributing uses. The mixture of uses and provision of both a large community open space within and a trolley stop will promote both the walkability of the city, intermodal transport and community interaction in this mixed use area of Riberia Street. This is in an effort to recognize and promote the authentic historic and physical character of the area including the historic direct reflection upon and presentation of the rail industry and its accessory uses which helped to build and sustain our historic city. The Development Plan Narrative, attached above, contains the required development conditions

sought by Applicant, all of which are intended to meet the spirit and intent of our code and comprehensive plan.

5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The restoration / renovation / reconstruction of this deteriorating property, with the proposed interactive Locomotive Museum and mixture of uses, while reusing many of the current dilapidated structures, is to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be approved and then not acted upon timely, the existing zoning approvals would remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the

reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:

_____

Ryan Dettra (Purchaser – Applicant)
33 Davis Street
St. Augustine, FL 32084

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

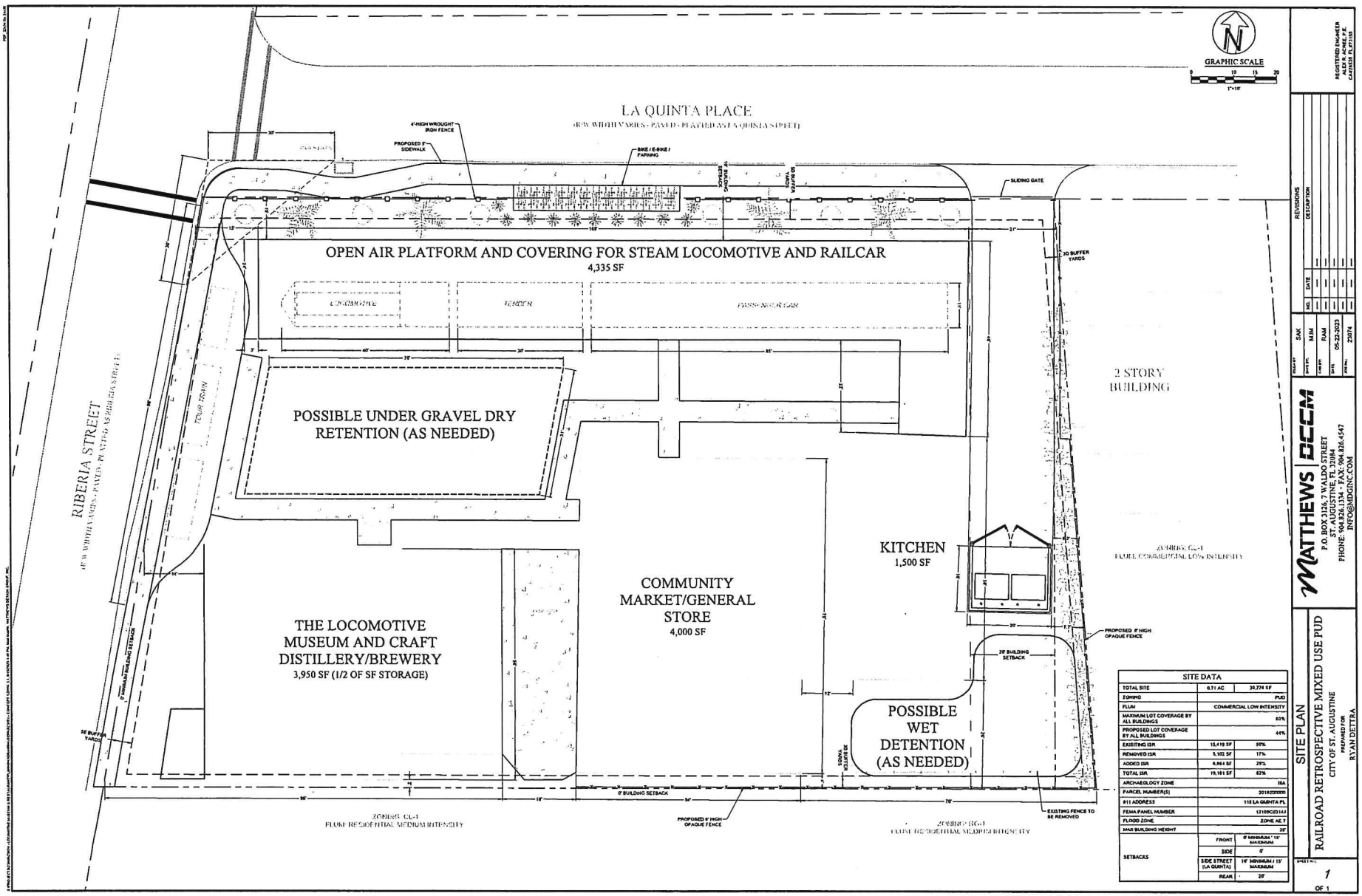
1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.



SITE DATA		
TOTAL SITE	0.71 AC	30,774 SF
ZONING		PUD
FLUM		COMMERCIAL LOW INTENSITY
MAXIMUM LOT COVERAGE BY ALL BUILDINGS		60%
PROPOSED LOT COVERAGE BY ALL BUILDINGS		44%
EXISTING ISR	13,419 SF	89%
REMOVED ISR	3,102 SF	11%
ADDED ISR	4,964 SF	29%
TOTAL ISR	19,181 SF	62%
ARCHAEOLOGY ZONE		IIIA
PARCEL NUMBER(S)		2019200000
911 ADDRESS		110 LA QUINTA PL
FEMA PANEL NUMBER		12109C0314J
FLOOD ZONE		ZONE AE 7
MAX BUILDING HEIGHT		35'
SETBACKS	FRONT	0' MINIMUM / 10' MAXIMUM
	SIDE	0'
	SIDE STREET (LA QUINTA)	10' MINIMUM / 15' MAXIMUM
	REAR	20'

REGISTERED ENGINEER
ALEX R. ACREE, P.E.
CERTIFICATE FL 91168

NO.	DATE	REVISIONS DESCRIPTION

DRAWN BY: SAK
CHECKED BY: MJM
APPROVED: RAM
DATE: 05-23-2023
JOB NO.: 23074

MATTHEWS | DESIGN GROUP, INC.
P.O. BOX 3126, 7 WALDO STREET
ST. AUGUSTINE, FL 32084
PHONE: 904.826.1334 - FAX: 904.826.4547
INFO@MDGINC.COM

SITE PLAN
RAILROAD RETROSPECTIVE MIXED USE PUD
CITY OF ST. AUGUSTINE
PREPARED FOR
RYAN DETTRA

SHEET NO.
1
OF 1

Local Goods Community Market and Store

The PZB board asked for additional information on the community retail store "Local Goods Market." The concept is to sell local beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more. We plan on using local vendors for private label products for the shop. The concept is to sample and educate consumers in the retail area. Several sampling stations will be set up daily. This will help local companies build their brands and keep money in the community.

A few examples of local companies are below.

https://thehippieshusband.com/cutting-boards/

https://ogpotterystudio.com/

Sea Witch Pepper Potion

A Frame Datil Pepper

Cock a Datil Do Datil Sauce

https://www.honeytruck.com/pages/wholesale

https://www.minorcanmikes.com/

Claude's Chocolates

Cultivate Tea and Spice

Maggie's Herb Farms- homemade datil jams, mustards, vacuum datil peppers

St. Augustine Pottery

Sequential Coffee

Local Clothing Manufacturer's such as Paper Root

Kimley»Horn

July 21, 2023

Mr. Ryan Dettra
Dettra Real Estate, LLC
33 Davis Street
St. Augustine FL 32084

RE: Trip Generation Analysis
Riberia Street at La Quinta Place Railroad Retrospective Mixed-Use PUD
St. Augustine, Florida

Dear Mr. Dettra:

At your request, Kimley-Horn has performed a trip generation analysis for the property located at 95 Riberia Street in St. Augustine, Florida. The subject property is identified by the St. Johns County Property Appraiser as having Parcel Identification Number (PIN) 201920-0000.

Background

Kimley-Horn understands that the property owner (the "Applicant") intends to rezone the historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so that it may be utilized in a consistent manner with the surrounding Riberia Street corridor and mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the following uses:

- An interactive locomotive museum, including the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use
- A small, high-end restaurant inside the rail car
- A market/general store within the stable stall area
- An interactive craft brewery/distillery

The project proposes utilize, through pre-arranged future agreement, the parking areas now existing and/or future surface or garage parking spaces on the San Sebastian Inland Harbor site (across the street from the project on the west side of Riberia Street). The Applicant anticipates approximately 35 to 40 parking spaces will be available for the project. No on-site parking will be provided. The project also proposes to construct a trolley stop on the project's

frontage on Riberia Street to promote non-vehicular access to the property. New sidewalks are proposed along the Riberia Street frontage and the La Quinta Place frontage, and a new crosswalk across Riberia Street is also being considered by the project to further encourage non-vehicular access to the property.

Project Trip Generation

Typically, the trip generation potential for a proposed land use is calculated using data published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 11th Edition*. However, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with any of the following characteristics:

- Surrounded by compact urban development (an infill site)
- Consisting of a mix of complementary land uses (mixed-use development)
- Served by public or corporate transit, in particular if designed specifically to capitalize on transit access to the site
- Attracts walking and bicycling trips with the quality and connectivity of supporting networks (a site in an urban core area)
- That prices on-site parking or that requires patrons to use off-site priced parking
- In an area with high vehicle occupancy as a result of an areawide transportation demand management program or preferential treatment for ridesharing

All of these characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimates.

The project is anticipated to include approximately 2,300 square feet of restaurant/kitchen use. The baseline daily and PM peak hour trips for the proposed restaurant were estimated based on the trip rates published by ITE for land use 932 (High Turnover Sit-Down Restaurant) for a general urban/suburban setting. See **Table 1: Trip Generation**.

The project also proposes a brewery/distillery with a designated space for public tasting (tap room). The tap room and the brewery/distillery are both proposed within a single 6,800 square foot building. According to the applicant, the tap room is anticipated to comprise only

approximately 25 percent of the 6,800 square feet, and the rest of the building will be comprised of storage / manufacturing for the brewery/distillery operation. ITE gives the following description for Land Use 971 (Brewery Tap Room): "A brewery tap room is a designated area found in conjunction with a brewery in which customers can try samples of a brewery's products. These rooms are typically located on-site and can be used as a way to sell beer or related products directly to the customer. Depending on its size, a tap room can also be used to house social gatherings. A brewery tap room may also be used to facilitate complimentary tours of the brewery." This description fits the proposed tap room for the project. However, ITE does not publish data for the manufacturing/storage portion of a brewery or distillery. The baseline daily and PM peak hour trips for the proposed brewery/distillery and tap room were estimated based on the trip rates published by ITE for land use 971 (Brewery Tap Room) for a general urban/suburban setting. The actual tap room size is anticipated as only approximately 1,700 square feet. To provide a conservative baseline estimate of the tap room trips and to account for employee trips that would utilize the manufacturing/storage portion of the proposed brewery/distillery, the tap room square footage was doubled to 3,400 square feet for the trip generation calculation (see **Table 1: Trip Generation**).

The project trip generation also needs to be estimated for the locomotive museum and market/general store. ITE publishes trip generation data for a museum, but the data is based on only one field study in which the museum was approximately 176,000 square feet. The ITE PM peak hour trip rate from the single field study is 0.18 trips per ksf. The area of the market, the distillery/brewery building, and the open space on the project, including the rail care space, is approximately 20,000 square feet. Applying the 0.18 trips per ksf rate to the 20,000 square feet would result in approximately 4 PM peak hour trips. Given this low estimate of trips related to the museum space, the trips to/from the locomotive museum and market/general store were instead estimated using engineering judgement and the anticipated tour schedule for the museum. According to the Applicant, there will be 10-person tours every 30 minutes for the museum and brewery/distillery space. Assuming 20 people arrive and 20 people exit each hour for tours and a vehicle occupancy rate of 2 persons per vehicle would result in a baseline PM peak hour vehicle trip generation of 20 trips (10 inbound, 10 outbound). This assumption was utilized as shown in **Table 1: Trip Generation.** The baseline daily vehicular trips related to the Museum/Market were estimated based on the ratio of daily trips to PM peak hour trips for the restaurant use and the PM peak hour trip estimate for the Museum/Market use. A separate trip category was not developed for the Market/General Store, as these trips are anticipated to be ancillary with the museum trips (i.e. it is not anticipated that customers would come to the site only to use the Market/General Store).

A modal reduction of 50 percent was applied to the baseline vehicular trip generation to account for site characteristics described previously. An internal capture reduction of 25 percent was also applied to account for trips to or from one of the uses on site that also use one of the other uses on site. As shown in Table 1, the adjusted estimated vehicular trip total for the project is 259 daily trips and 26 PM peak hour trips (15 inbound trips and 11 outbound trips).

Table 1: Trip Generation

LAND USE	INTENSITY	DAILY	PM PEAK HOUR		
		TOTAL	TOTAL	IN	OUT
Baseline Unadjusted Vehicular Trip Generation					
High Turnover Sit-Down Restaurant	2.3 ksf	247	21	13	8
Brewery Taproom	3.4 ksf	210	33	19	14
Museum/Market		235	20	10	10
	Subtotal	692	74	42	32
Modal Reduction					
High Turnover Sit-Down Restaurant	50%	124	11	7	4
Brewery Taproom	50%	105	17	10	7
Museum/Market	50%	118	10	5	5
	Subtotal	347	38	22	16
Internal Capture					
High Turnover Sit-Down Restaurant	25%	31	3	2	1
Brewery Taproom	25%	26	4	2	2
Museum/Market	25%	29	3	1	2
	Subtotal	86	10	5	5
Vehicular Trip Total					
High Turnover Sit-Down Restaurant	= Baseline Minus	92	7	4	3
Brewery Taproom	Modal Reduction Minus	79	12	7	5
Museum/Market	Internal Capture	88	7	4	3
	Subtotal	259	26	15	11

Trip Generation Rates:

Daily

High Turnover Sit-Down Restaurant	[ITE 932]	T = 107.20 (X)
Brewery Taproom	[ITE 971]	T = 61.69 (X)
Museum/Market	Based on PM peak hour trips and ratio of daily to PM peak hour trips for Land Use 932	

PM Peak Hour

High Turnover Sit-Down Restaurant	[ITE 932]	T = 9.05 (X) (61% in, 39% out)
Brewery Taproom	[ITE 971]	T = 9.83 (X) (59% in, 41% out)
Museum/Market	Estimated based on tour schedule	

Please do not hesitate to contact me at (904) 828-3900 or jack.hulsberg@kimley-horn.com should you have any questions regarding the information contained herein.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Jack Hulsberg

Jack Hulsberg, P.E.
Transportation Engineer

Jacob Fredriksson

From: Isabelle Lopez
Sent: Friday, July 14, 2023 4:54 PM
To: Jacob Fredriksson
Subject: Fwd: 115 La Quinta Place - Rezoning 2023-0057

Sent from my iPhone

Begin forwarded message:

> **From:** Ellen Avery-Smith <eaverysmith@rtlaw.com>
> **Date:** July 14, 2023 at 4:44:10 PM EDT
> **To:** Amy Skinner <askinner@citystaug.com>, Isabelle Lopez <ilopez@citystaug.com>
> **Cc:** Ellen Avery-Smith <eaverysmith@rtlaw.com>, abbas@humphreyre.com
> **Subject: 115 La Quinta Place - Rezoning 2023-0057**
>
> Good afternoon, ladies.
>
> I am writing on behalf of SA Marina Holdings, LLC, the owner of the property located at and near 159 King Street commonly known as Sebastian Inland Harbor, to notify you that SA Marina does not have a lease or other formal agreement signed with the owner or any other party related to the above-referenced property for the provision of parking for the proposed Planned Unit Development project.
>
> Please feel free to contact me if you have any questions related to this correspondence. Have a wonderful weekend.
>
> Ellen

Ellen Avery-Smith | Shareholder

ROGERS | TOWERS

Rogers Towers, P.A. | 100 Whetstone Place, Suite 200 | St. Augustine, Florida 32086
Direct 904.825.1615 | Fax 904.396.0663 | Internal 5207 | eaverysmith@rtlaw.com | www.rtlaw.com | View Attorney Bio

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CITY OF ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

FRIDAY REVIEW / DRC: PLAN COMMENTS

Building and Planning Department – Historic Preservation Division

September 3, 2021

RE: 115 La Quinta Place

1. There is no historic district associated with this property. Many of the existing barn structures located on the property appear to be 50 years old or older, as verified by an attached Sanborn map dated 1930 and corrected to 1960. More research would be needed to fully understand the approximate year of construction for each building. A Florida Master Site File (FMSF) survey for at least part of this property is listed under 109 Riberia Place. The FMSF states the older barn structure at 109 Riberia was constructed between 1904-1910 and was one of oldest structures existing in the area at the time of the survey. An attached document indicates that the 109 Riberia building may have been demolished, but more research is needed as these have proven to not always be accurate.

   The demolition of buildings 50 years old or older or the removal of the structure or a significant feature of the building would require review and a Certificate of Demolition (or Partial Demolition) approval by the Historic Architectural Review Board (HARB) through a public hearing is required. The HARB meets once a month, typically on the third Thursday, with the application deadline generally the third Friday of the month before. If a Certificate of Demolition (or Partial Demolition) application is approved by HARB, there is a 30-day delay period and subsequent building permits required, including a demolition permit which is not the same as the Certificate of Demolition, before beginning work. HARB meets once a month, typically on the third Thursday, with a deadline for applications the third Friday of the month before.
   The link to the Certificate of Demolition application:
   https://www.citystaug.com/DocumentCenter/View/150/Certificate-of-Demolition-or-Relocation-Application-PDF

2. Please be aware this property falls within Archaeological Zone IIIA. Any proposed ground disturbance, such as grease traps, plumbing, foundation work, storm water retention, demolition, etc., may require archaeological review and testing prior to the initiation of construction activities. The archaeological review can be initiated with the submittal of an A-14 Application for Archaeological Review to the Planning and Building Department. The archaeological fee for projects in Zone III is 1% of the estimated construction cost. The City Archaeologist will be happy to provide more information about the process.

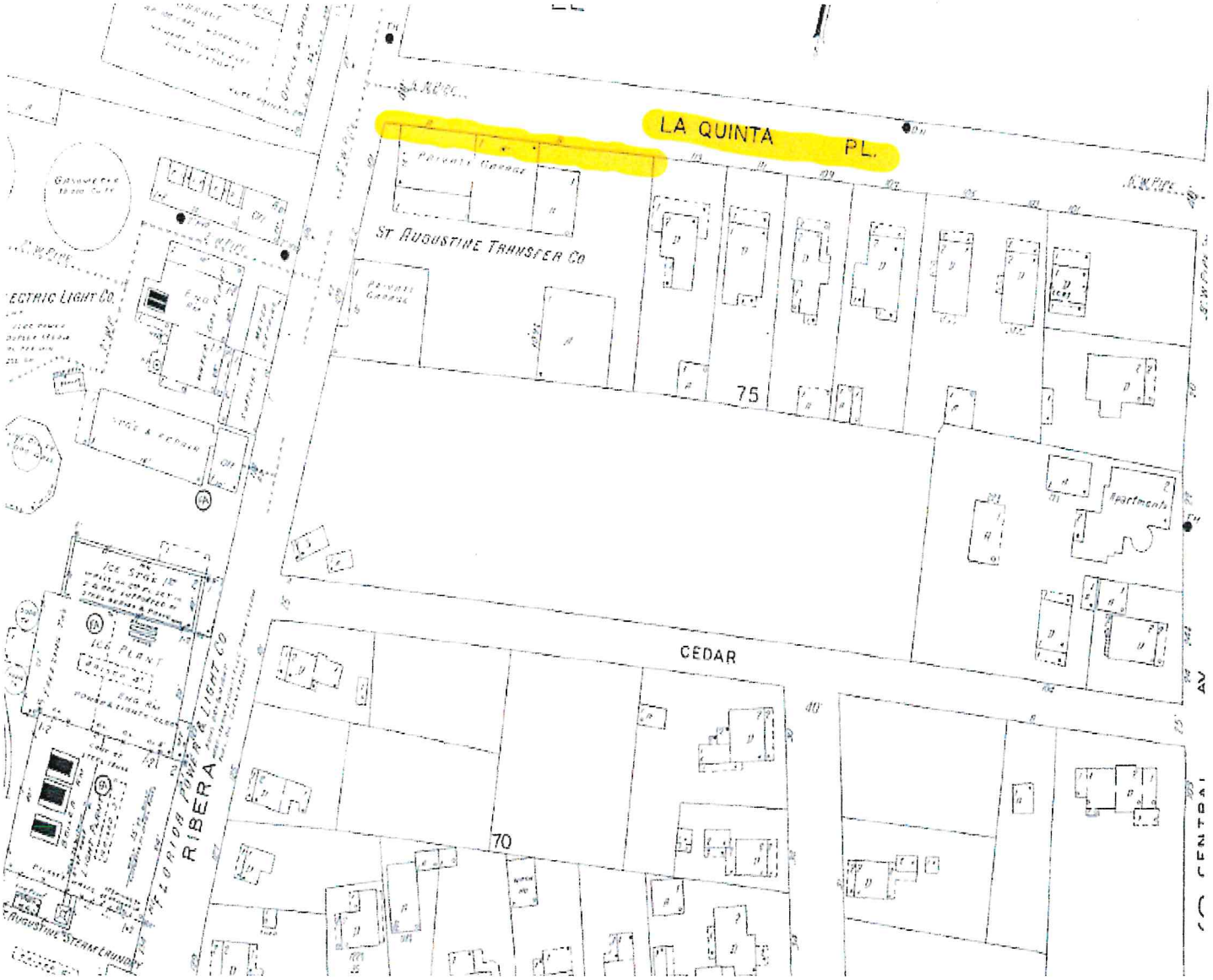
3. No design requirements are in place for this area; however, it is encouraged not to replicate historic styles and to use inspiration of the immediate context area to design a compatible building with respect to height, mass, scale, rhythms, materials, site plans, etc.

4. Any exterior signs must be reviewed and approved through the sign permit process prior to being installed.

Julie Courtney
Historic Preservation Planner
E jcourtney@citystaug.com | P 904.209.4283 | W www.CityStAug.com

ProQuest® Digital Sanborn Maps, 1867–1970

Saint Augustine Apr. 1930, Sheet 8



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ProQuest® Digital Sanborn Maps, 1867–1970

Saint Augustine Apr. 1930, Sheet 8 Revised to 1947



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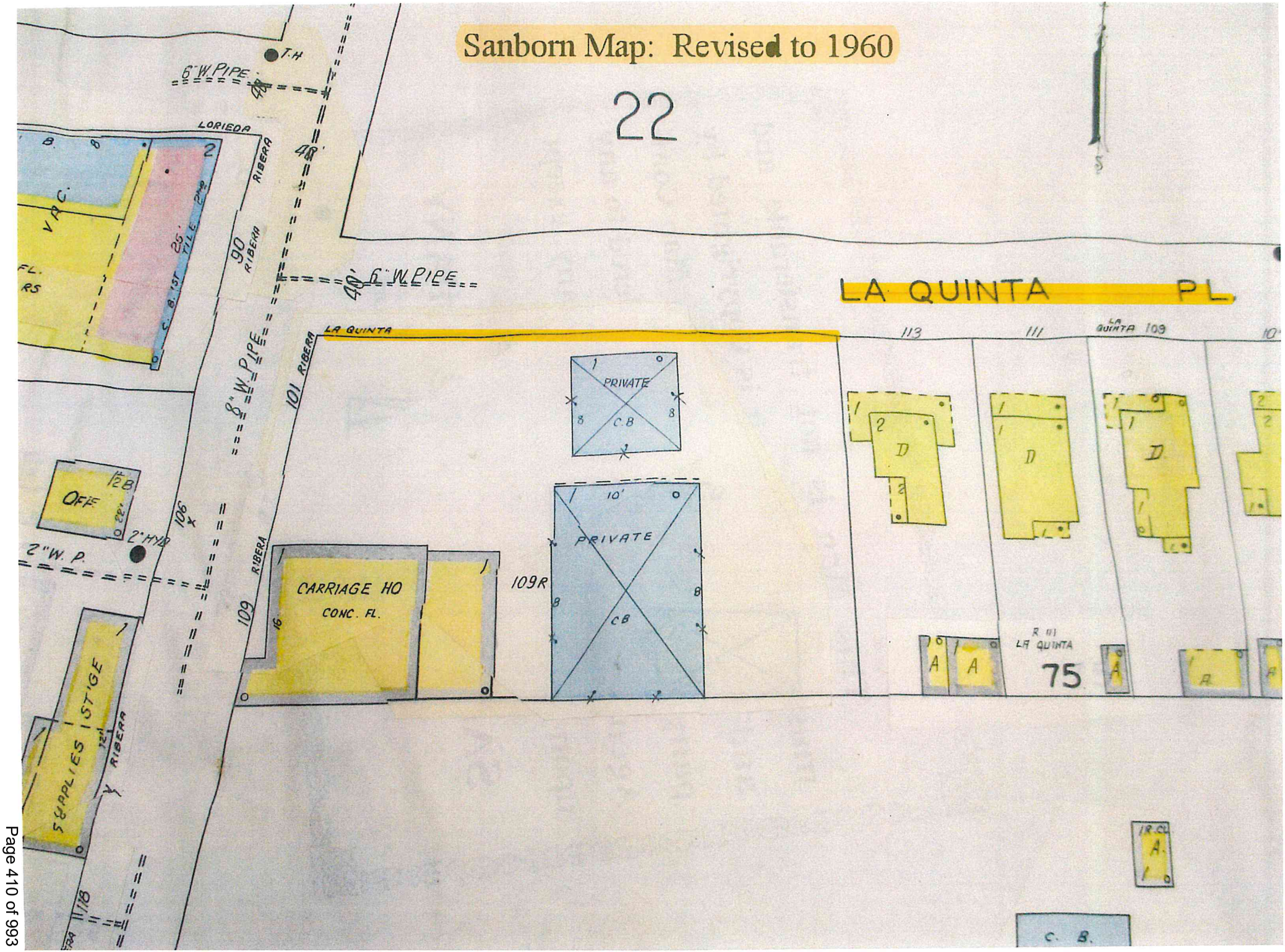

Sanborn Map: Revised to 1960
22
LA QUINTA PL
LA QUINTA
LORIEDA
RIBERA
101 RIBERA
109 RIBERA
90 RIBERA
6" W. PIPE
8" W. PIPE
40' 6" W. PIPE
2" W. P.
2" HYD
T.H
VAC.
25' TILE PIPE
C. B. 131
OFFICE
12B
106
PRIVATE
C.B
10'
109R
CARRIAGE HO
CONC. FL.
CONC. FL.
SUPPLIES
STIGE
113
111
LA QUINTA 109
R 111
LA QUINTA
75
I.R.C.
C. B.

FLORIDA MASTER SITE FILE

HISTORIC ST. AUGUSTINE PRESERVATION BOARD

HISTORIC PROPERTIES INVENTORY FORM

I. LOCATION & LEGAL DESCRIPTION

FDAHRM 802== Site No. 8SJ1813 1009==

Site Name: 109 Riberia Street 830== Survey Date: 7807 820==

Address: 109 Riberia Street, St. Augustine, Fla. 32084 905==

Instructions for Locating:

813== County: St. Johns 808==

Location: City of St. Augustine (subdivision) 46B (block) A (lot) 868==

868==

Owner of Site: Name: Colee, Ambrose B. Jr. and Almarie P.;

Address: 74 Dolphin Drive

St. Augustine, Fla. 32084 902==

Occupant or Manager: Colee Stables 904==

Type of Ownership: Private 848== Zoning: CBD

NR Classification Category: Building 916== Recording Date: 832==

UTM: 17 (zone) 469250 (easting) 3306450 (northing) 890== Location: T07S (T) R30E (R) 18 (S) 812==

Map Reference: USGS St. Augustine 7.5 MIN 1956 (PR 1970) 809==

Recorder: Name & Title: Nolan, David (Historic Sites Specialist);

Address: H.S.A.P.B. 818==

II. SITE DESCRIPTION

Condition of Site:

( ) Excellent 863==
( ) Good 863==
(x) Fair 863==
( ) Deteriorated 863==

Integrity of Site:

(x) Altered 858==
( ) Unaltered 858==
(x) Original Site 858==
( ) Restored - Date: 858==
( ) Moved - Date: 858==

Threats to Site:

( ) Zoning 878==
( ) Development 878==
(x) Deterioration 878==
( ) Borrowing 878==
(x) Transportation 878==
( ) Fill 878==
( ) Dredge 878==
( ) Other 878==

SEE SITE FILE STAFF FOR ORIGINAL PHOTO(S) OR MAP(S)

II. SITE DESCRIPTION, continued.

Original Use: Transportation 838== Present Use: Transportation 850==

Date: +1910 844== Period: 20th Cent 845== Culture: American 840==

Architect: 872==

Builder: 874==

Style: Barn 964==

Plan Type: Rectangular 966==

Exterior Fabrics: Metal, corrugated; concrete block plain 854==

Structural Systems: Masonry, concrete block; wood frame 856==

Features of Structure: (942)

Window Type: Casement 942==

Foundation: Slab 942==

Roof Type: Gable 942==

Secondary Roof Structures: Shed 942==

Porches & Balconies: 942==

Chimney Location: 942==

Materials: (882)

Chimney: 882==

Roof Surfacing: Metal, corrugated 882==

Ornament Exterior: 882==

Quantitative Data: (950-954)

Chimneys: 952== Dormers: 954== Stories: 1½ 950==

Other: 956==

Surroundings: Residential/industrial/commercial 864==

Relationship to Surroundings: On corner lot 859==

III. PHOTOGRAPHY

Photographic Records Numbers: 860==

Contact Prints

IV. SIGNIFICANCE

Areas of Significance: Architecture, Families, Transportation, Tourism

920==

Statement of Significance: (911==)

ARCHITECTURE

The one and one-half story Barn located at 109 Riberia Street was constructed between 1904 and 1910 and is the oldest remaining building according to the Sanborn Maps, on the grounds of Colee Stables. The other old buildings were demolished in a fire during the 1940's. Formerly a one-story Carriage House, it shares the lot with 109 (rear) Riberia and another concrete block building near LaQuinta Place.

This area is bordered and cut through by narrow, heavily traveled thoroughfares. It is adjacent to the downtown business district and reflects the parking problems of that area. It is bounded at the west by a largely abandoned industrial and warehouse district along Riberia Street. On the east it is bordered by what was filled land of Maria Sanchez Creek, transformed into the great hotels of the Flagler era. The whole area suffers from the fact that it has been zoned in commercial classifications, residential neighborhoods and all. It is a combined commercial, industrial and residential area where the residential sector has been losing out to the commercial one over the years. Significant buildings like the Buckingham Hotel, the Gilbert Villa and the Kellogg Cottage have been demolished for parking lots and other developments. The area once was famous in landscape architecture for its orange groves and rose gardens, but these, too, are gone. The area borders on sites listed on the National Register of Historic Places, including Markland, Hotel Ponce de Leon and Alcazar Hotel, and contains many significant buildings and groups of buildings. Along Bridge Street, and in the area of Weeden, Sanford, and Bravo Streets it is one of St. Augustine's most extensive Victorian neighborhoods. Also Block 46-A is an architectural curiosity of the city, containing more examples of different styles than any other single block.

HISTORY

The neighborhoods bounded by King, Bridge, Granada and Riberia Streets evolved out of five late 18th century Spanish land grants. The largest, encompassing three-quarters of the area, was given to Valentine Fitzpatrick, an Irishman who was chief physician at the royal hospital, and was later acquired by Fernando de la Maza Arredondo, Jr., one of the largest landholders in colonial Florida. The area was generally dedicated to citriculture, and

(over)

V. BIBLIOGRAPHY

1. Benjamin Clements, "Plan of the City of St. Augustine, 1834-35"; St. Johns County Court House, Deed Records, Book B and L, p. 52; Book C, p. 134; Book I-J, p. 174; Biographical File, St. Augustine Historical Society.

2. Mariano de la Rocque, "Plano General de la Plaza de San Agustin de la Florida", December 24, 1791; F. W. Dorr, "San Augustine and Vicinity, East Florda, 1860"; Deed Records, Book H, pp. 83, 84.

3. Map Book 2, p. 7, 1885 and 1894 Birds-Eye Views of St. Augustine; San-

one orange grove along Bridge Street between Central Avenue and Granada Street was owned by Philip Edinburgh, a free Black, from 1801-1831.(1) Prominent early streets in the area include Bridge Street, a colonial thoroughfare which led to one of three late 18th century ferry crossings and a mid-19th century sawmill, and King Street, a public road opened in the 1820's which connected the old city with the newly completed San Sebastian River Bridge. Of all sections outside the colonial city, this area was the most intensively developed in the pre-Civil War years, particularly along the two principal streets.(2) Extensive residential development first occurred in the late 19th century, especially along Bridge, Sanford, Weeden and Bravo Streets. A number of stately buildings were then constructed along King Street, the Senator Gilbert residence and Zorayda Castle, and along Granada (formerly Bronson) Street, the Buckingham Smith Benevolent Home for Blacks, later a hotel. Another construction boom took place in the 1920's along Central Avenue and Cedar Street, and the western section of the street was platted at that time into Burt and Colee Subdivisions, the latter housing the stables for the St. Augustine Transfer Company.(3)

Colee Stables, at 109 Riberia Street, is the home of the horses that pull the famous tourist carriages around St. Augustine. Originally they took visitors from the old Florida East Coast Railway terminal on Malaga Street to the old hotels in St. Augustine.(4)

---

born Fire Insurance Map, 1930.

4. Interview by David Nolan with Henry Colee, July, 1978.

CHANGE OF STATUS, Version 3.1, 5/03 *Site #8_SJ1813___*

Florida Master Site File Date This Form Completed (date of status change is below) 05/15/05

DHR Staff Only

Reporter_Kim K. Del Rance ☐ DHR X Not DHR: Give organization, address, phone, email: City of St. Augustine, 75 King St, St. Augustine, FL 32084_____

X Site File file number KNOWN (give it): SJ1813____

☐ Site File file number NOT KNOWN (attach map and complete next three lines)

Resource Name _____

TRS: Twp __ N / S Range __ E /W Section: ___ Other location info: _____

_____

CHANGE IN PHYSICAL CONDITION (write date before each applicable change, omit day &/or month if exact date unknown; describe change as suggested; give DHR file number or attach documentation)

__/__/__ Altered without reference to the Secretary's Standards--describe: _____

_____

__/__/__ Correction of ☐address, ☐map, or ☐TRS (Give old & corrected info) _____

_____

__/__/__ Restored to historical condition as of _____ (year)

__/__/__ Moved to new site (attach map)--new address: _____

__/__/__ Approved for demolition—by (authority): _____

01/15/84_ Demolished (structures/bridges only)-Reason: Unknown, between 1980-1984

__/__/__ Accidentally destroyed--cause: _____

__/__/__ Disturbed (archaeological)—describe: _____

__/__/__ Human remains—ANY evidence? Describe: _____

DHR only-INVOLVEMENT IN PRESERVATION PROGRAMS (write earliest date this property involved)

__/__/__ Ad valorem tax relief (Give CLG, BHP/CR file #): _____

__/__/__ Section 106 review (BHP/CR file #): _____

__/__/__ Chapter 267 FS review (BHP/CR file #): _____

__/__/__ Federal Investment tax credit (BHP/APS file #): _____

__/__/__ Acquisition & development grant (BHP/Grants file #): _____

__/__/__ FS 872, unmarked human remains encountered _____

__/__/__ 1A32, state lands permit (BAR/AR file #): _____

__/__/__ CARL, conservation lands project (BAR/AR file #): _____

DHR only--CHANGE IN EVALUATION (write date before each applicable change)

__/__/__ Listed on National Register of Historic Places (Give NRIS#, federal id #) _____

__/__/__ Officially removed from the National Register of Historic Places (NRIS#, federal id) ____

__/__/__ Keeper: ☐ eligible ☐ ineligible __/__/__ SHPO: ☐ eligible ☐ ineligible (SHPO office, file#) _____

__/__/__ Opinion of technical DHR staff, not through 106 process—justification required per Director: ☐ eligible ☐ ineligible ☐ insufficient information – Explanation: _____

_____

_____

__/__/__ Rehabilitated to Secretary's Standards (SHPO office, file #) _____

__/__/__ Local register or landmark commission: ☐ eligible ☐ ineligible ☐CLG ☐non-CLG

Name, address of local register: _____

_____

DOCUMENTATION X attached ☐already In Site File, specify file no _____

City of St. Augustine
St. Augustine, Florida
Planning/Building

February 8, 2005

Dawn Creamer
Florida Master Site File
Division of Historical Resources
R.A.Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Ms. Creamer:

Enclosed please find a list, by street, of all the buildings listed on the Florida Master Site File in the City of St. Augustine which have been demolished or relocated since the 1980 survey. The date of their demolition or relocation and, when applicable, the date of the HARB decision regarding demolition or relocation is in the comments section. If the exact date is not know, the range of time during which they were demolished or relocated is indicated. There have also been some address changes since 1980 and the old address is now listed as (AKA ##) behind the current address. This does not indicate an address it has been relocated to unless that is specified in the comments. There have also been some street name changes which are indicated in the bold headings. Please update your files for all the addresses which fall on these streets (such as Palmo Street now being Twine Street) if they have not been already.

Please update your files with this information and hopefully there will never be a list of demolitions this long in the future.

Sincerely,

Kim K. Del Rance, Associate AIA
Historic Preservation Planner
City of St. Augustine, Florida

encls.

75 King Street, 32084 - P.O. Box 210, 32085 - Office 904/825-1065 - FAX 904/825-1051

Florida Master Site File Inventory of St. Augustine Buildings Demolished or Relocated as of 02/08/2005

ADDRESS	SUBDIVISION	BLOCK	LOT	STYLE	DATE	NUMBER	COMMENTS
RIBERIA STREET							
68	Model Land Co.	G1	1	Colonial Revival	1924-1930	8SJ1805	YMCA Gymnasium - Demolished between 1980-1983
86	City of St. Augustine	46D	15	Masonry Vernacular	1917-1924	8SJ1810	Demolished between 1980-1984
109	City of St. Augustine	46B	A	Barn	1904-1910	8SJ1813	Demolished between 1980-1984
129	City of St. Augustine	46I	5	Frame Vernacular	1910-1917	8SJ1816	Demolished 1989
136	City of St. Augustine	46L	pt 2	Frame Vernacular	1924-1930	8SJ1817	Demolished between 1980-1984
144	City of St. Augustine	46L	pt 2	Frame Vernacular	1924-1930	8SJ1818	Demolished between 1980-1984
148	City of St. Augustine	46L	pt 1	Frame Vernacular	1924-1930	8SJ1819	Demolished between 1980-1984
167	Dancy Tract	A	pt 10	Garage Apartment	1924-1930	8SJ1821	Demolished between 1980-1987
169A & B	Dancy Tract	A	pt 11	Frame Vernacular	1924-1930	8SJ1822	Demolished 1992
171A	Dancy Tract	A	pt 12	Frame Vernacular	1924-1930	8SJ1824	Demolished between 1980-1984
177	Dancy Tract	A	pt 14	Frame Vernacular	1924-1930	8SJ1827	Demolished between 1980-1984
233 (AKA 235)	Keith	A	39	Frame Vernacular	1904-1910	8SJ1831	Demolished 1992
236	Marsh Lot		pt 5	Frame Vernacular	1917-1924	8SJ1832	Demolished between 1980-1984
238	Marsh Lot		pt 5	Frame Vernacular	1924-1930	8SJ1833	Demolished 1988
245 1/2	Keith	A	pt 44	Frame Vernacular	1904-1910	8SJ1836	Demolished between 1980-1984
253	Buena Esperanza	4	pt 1, pt 2	Frame Vernacular	1924-1930	8SJ1841	Demolished between 1980-1984
253A	Buena Esperanza	3	8	Frame Vernacular	1910-1917	8SJ1840	Demolished between 1980-1984
257	Buena Esperanza	4	21	Frame Vernacular	1924-1930	8SJ1843	Demolished between 1980-1984
RIVER ROAD							
13	Andalucia Parque	A	13, 14	Frame Vernacular	1939	8SJ3621	Demolished 2004
ROHDE AVENUE - (also known as Rhode Avenue)							
48	Rohde Addition	11	pt 8, pt 9	Frame Vernacular	1910-1917	8SJ1781	Demolished between 1980-1984
SAINT (ST.) FRANCIS STREET							
75	Dumas Tract	J	14	Frame Vernacular	1871-1885	8SJ1873	Demolished 2003
SAINT (ST.) GEORGE STREET							
252	City of St. Augustine	38	1	Colonial Revival	1876	8SJ1919	Bronson Cottage - Garage Demolition Approved 9/03

EXHIBIT

D

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE
Planned Unit Development

Updated Submittal Date:
August 25, 2023

Request:
Request to rezone this historic parcel at 95 Riberia Street to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed use properties in the area. This rezoning will allow the owner to maintain and promote the history of this property and area while updating and refreshing the property to provide the proposed mixture of uses. (The uses are further described as to area, specific use, hours of operation and definition below).

The Railroad Retrospective Mixed Use PUD will be centered upon the railroad industry and its contribution to our historic city and the state of Florida, featuring a community market and general store, utilizing the stables and stalls for selling local products, foods and other goods; a local craft distillery/brewery within the confines of the barn on Riberia that will be open for tours and tastings; an authentic Flagler era, steam locomotive under a covered walkway with a restored Pullman car that will contain a high-end reservation-based restaurant serving onsite craft items and foods from the kitchen that will be retrofitted into the other stable building onsite. The uses in this mixed use, interdependent project will work together as a reflective on the railroad and its accessory uses including the carriage services, which served St. Augustine and all of Florida, with an idea to serve local products and use and sell local goods, giving historical reference to the railroad, its impact on St. Augustine and Florida and how this property was intertwined and served the same for many years.

The renovations and upgrades will include the relocation of a steam locomotive and pullman rail car to the front of the property to allow public viewing and interactive use, with a small, high-end restaurant inside the rail car, and additionally, the slight reconfiguration and renovation of the buildings to provide the community market / general store within the stable stall area, a kitchen and takeout facility adjacent and restoration and utilization of the large barn for an interactive, craft brewery / distillery area and public space for tastings and small events.

All these uses will interact together to promote the forgotten history of this area and an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and references throughout the property will include historical pieces, photographs and documents of this era and the railroad and transfer company's contribution to the area's history. Accordingly, the local market will allow sale of local goods, the kitchen and restaurant will reflect the

historical foods associated with the Flagler era rail industry up and down the coast and the craft brewery distillery will add additional historical reflection in kind to the era and local goods.

All updates, rehabilitation, additions to or partial taking away of the current structures will meet and exceed all city codes and regulations. This rezoning will allow the applicant to revive this historical property reflecting this historical area, through a complete overhaul of the buildings with the stated intent of creating a mixed use property based upon the railroad's immense contribution to the development and thriving nature of our historic city through the years and how this property served a significant role in that industry and brilliant mode of transportation, including the horses and carriages that carried the many travelers and goods into town and through our tiny streets and historic homes and hotels. This proposed compatible use will promote a fully pedestrian-accessible experience, by foot or by trolley, establishing a sense of place with the large parcel providing sufficient area to offer a number of mixed uses including a central communal area for the visitors' enjoyment. In turn, since this will be fully pedestrian-friendly, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based. Further, it will work in the depicted trolley stop on the Riberia entrance to promote intermodal exchange, taking cars off our roads, and it will encourage pedestrian use of the historic downtown area as sought by the goals, objectives and policies of our comprehensive plan.

The site is approximately 30,084 gsf (over 2/3 acre) and currently contains several structures, stables and canopies, and these will all be refreshed and renovated, including some additions and partial demolitions, to transform this historic property into the mixed-use venue envisioned herein and depicted on the PUD site plan map. Of note, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of "City of St. Augustine Industrial - Warehousing & Distribution Terminals."

Applicant / Owner:

Ryan Dettra (Purchaser – Applicant) / Paul Meredith, PA (Current Owner)
33 Davis Street, St. Augustine, FL 32084

Authorized Agent for the Applicant / Owner:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	Location Map/Aerial
Exhibit E	Proof of Ownership/Deed
Exhibit F	Authorizations
Exhibit G	Master Site Plan

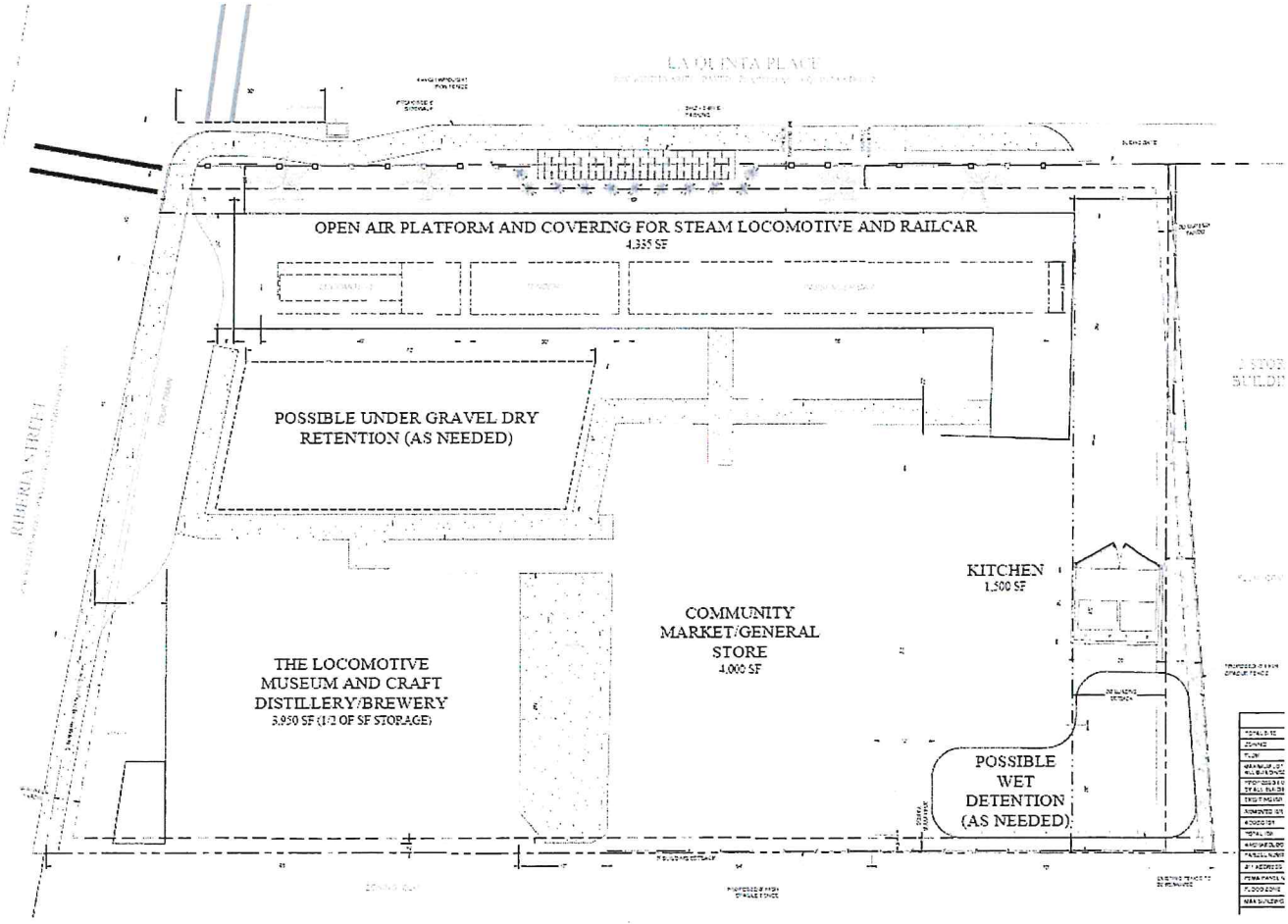
Parcel Identification Number: 201920 0000

Railroad Retrospective Mixed-Use PUD

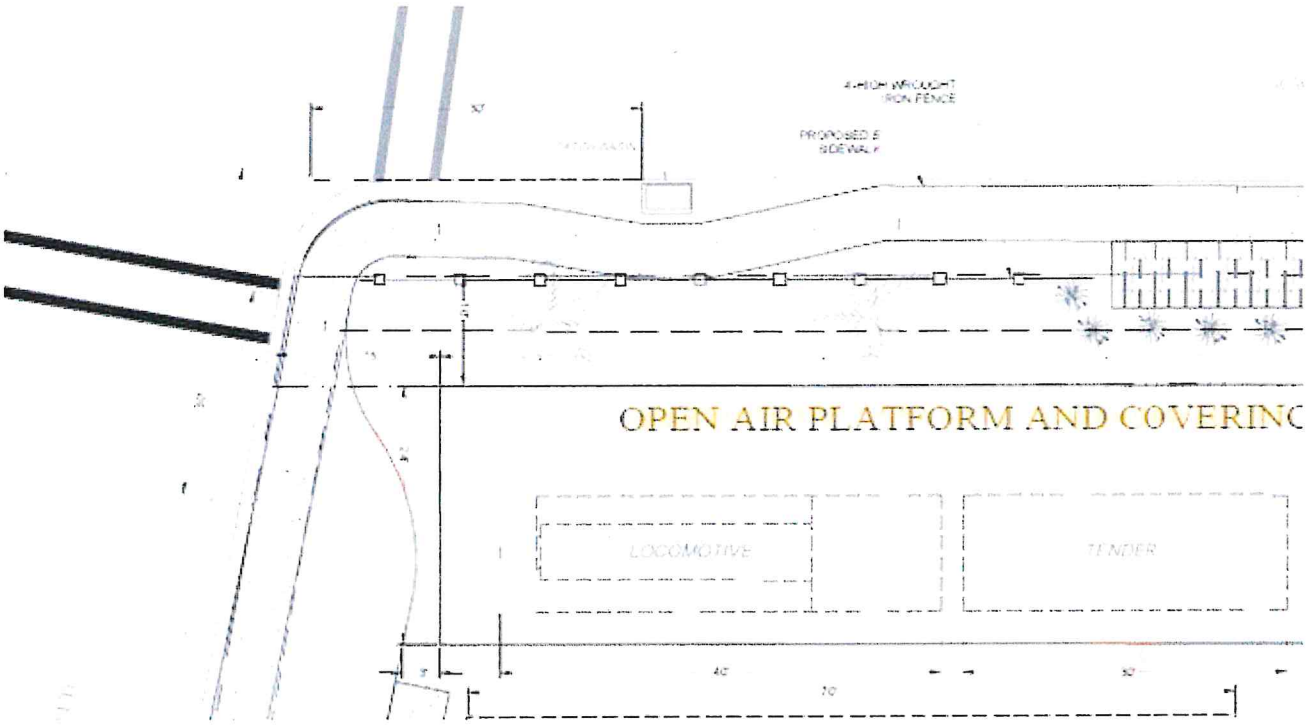
The "birth of leisure travel in Florida" story is the central subject throughout the project. When people travel, they want to take part in authentic experiences, participate in the local culture, taste local food and beverages, see and enjoy the beauty nature has to offer. They want to meet people and share experiences. When people travel, they bring home stories, local goods and memories that last a lifetime.

At the turn of the 20th century, Florida was predominantly wilderness and travelers traveled to explore and experience a part of Florida that few had seen. Indulgence was expected. The demand to see, taste and feel Florida was unparalleled. This was a time when traveling the East Coast of Florida was exciting in every way. That is where the Railroad came in.

We are creating a multi-faceted experiential approach to tell this story. The idea is that all the proposed uses work together seamlessly. They work to re-create this experience and this unparalleled understanding of the history surrounding rail travel on the East Coast of Florida. The following description of each should make it clear as to how they work together and will thrive in this integral, symbiotic existence within this pedestrian-based, mixed use Railroad Retrospective use.



Area 1 – Historic Locomotive #113

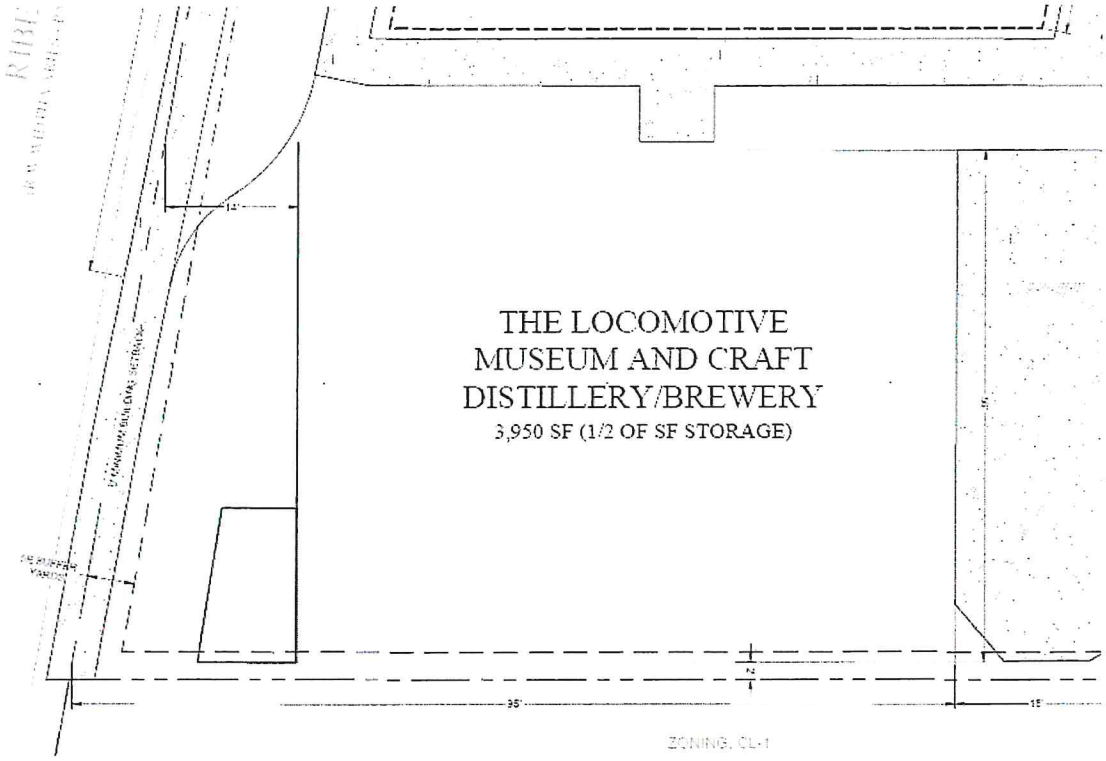


Locomotive #113 can be categorized as a museum grade attraction and has 0 (zero) capacity.

#113 was built by Alco for Florida East Coast Railway in 1912-1913, one of sixty 4-6-2 Pacific's (#77-#136) delivered between 1910 and 1917. It weighs 204,000 lbs, has 68" drivers and 22"x 26" cylinders. #113 was later superheated and operated at 180 psi delivering 28,314 lbs tractive effort.

Historical significance- The journey to accomplish a transportation system from St. Augustine to the Florida Keys was one of Florida's most incredible stories. Henry Flagler began the Railway (later named the Florida East Coast Railway) in St. Augustine in 1885 and completed the Overseas railroad in 1912. Flagler passed away in 1913 and Locomotive #113 is the last surviving steam locomotive from Flagler's lifetime. Florida was mostly unspoiled and traveling from St. Augustine to the Florida Keys in 1913 was advertised as "magical." Today, Florida is one of the world's top travel destinations. The story of how leisure travel on the East Coast of Florida developed is important to Florida's history. This presentation on property will serve as a direct attraction and interactive piece to ground the mixed-use property within an authentic railroad retrospective.

Area 2 – Tour Experience - Distillery/Brewery/Winery + Museum Room



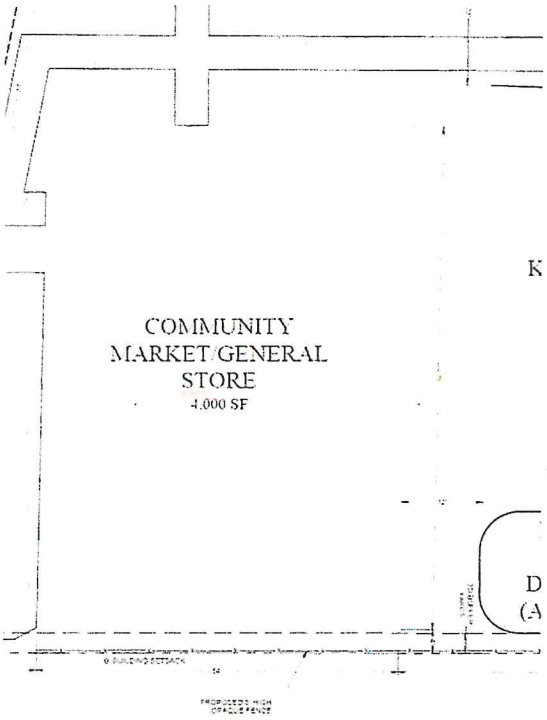
Concept: This will include a guided tour experience that incorporates historical assets, museum pieces, a distillery/brewery and winery, all functioning inside the renovated/restored historic St. Augustine Transfer Company Barn.

The tour will be free and operate in 2 parts. Patrons can join the first part or the second part or take part in both legs of the tour. The first part of the tour will be family-friendly and is limited to the FEC Railway Story, Locomotive #113 and the St. Augustine Transfer Company history. There will be a room that functions like a museum that has exhibits, historical documents information, and antiques. The second part of the tour will be a tour of the production facility. The production facility will be smaller in comparison to St. Augustine Distillery. There is less space inside the production facility for tours and production. A large part of the facility will be barrel storage and finished goods storage. The tasting room will be at the end of the distillery/winery/brewery tour and will fold into the "sample local goods" retail concept.

Museum is an approved use in the current CL-1 zoning
CL-1 permissible use by exception: Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent. The request for the increased locally brewed ABV limit would not impact traffic, occupancy or how the project operates.

Tour Capacity- 10 people per tour. (Tours will operate every half hour).
Tour Hours- 10am-6pm (which matches the San Sebastian Winery and St. Augustine Distillery)

Area 3 – Local Goods Community Market



Concept: A local goods market that sells a variety of goods hand made in St. Augustine and regionally made goods and items that support the East Coast of Florida Railroad concept.

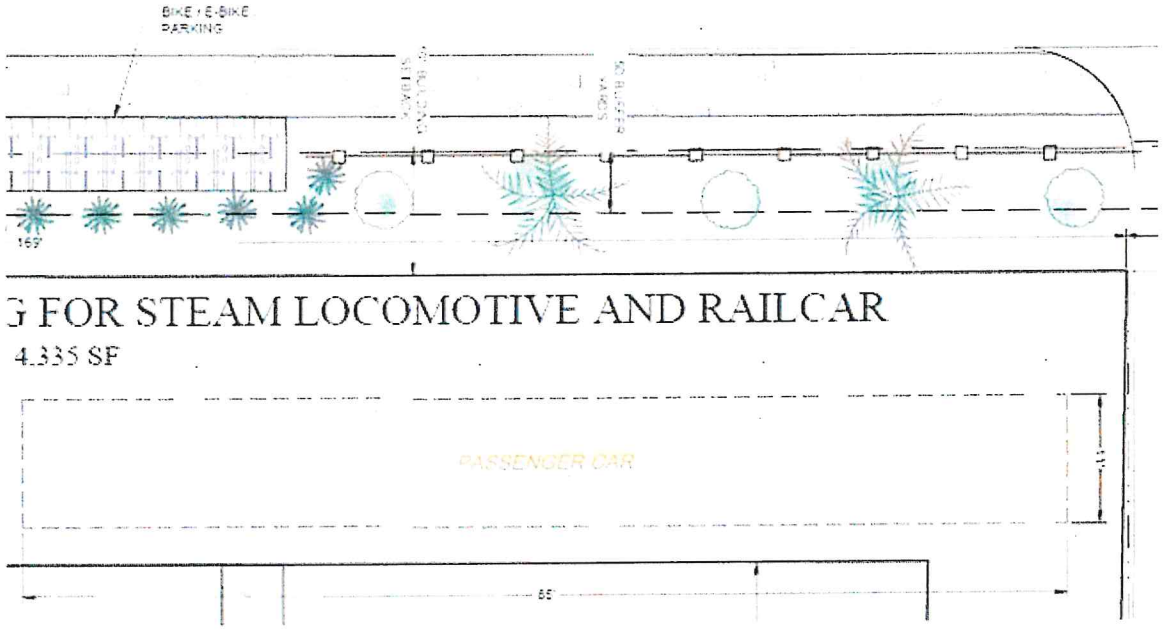
The old horse stable building will be restored to look like horse stables in the era it was built (1940's). We would like to keep the building as divided in stalls and use that as a way to separate types of goods.

Retail can be memorable. Customers can learn about who, where, and how the goods are made as part of the shopping experience. The concept will incorporate samples and tastings into the shopping experience. Sampling may have heightened your shopping experience at Costco or the Savanah Bee Company and we all know everyone loves free samples. It's getting harder and harder to find locally made goods outside of a farmer's market. Whether you are a local or tourist. There is a sense of pride in buying locally made goods.

The PZB board asked for additional information on the retail store "Local Goods Market." The concept is to sell beer, wine and spirits manufactured on site as well as locally made products and local brands. Products such as pottery, coffee, clothing, cutting boards, hot sauce, BBQ sauce, jelly, chocolates, honey, soap, lotions, beauty products, art and more. We plan on using local vendors for private label products for the shop. The concept is to sample and educate consumers in the retail area. Several sampling stations will be set up daily. This will help local companies build their brands and keep money in the community.

Hours- 10am -8pm
Capacity is limited to that allowed by the square footage of the retail uses

Area 4 – Exclusive Railcar Restaurant and Kitchen for Service



Restaurant Dining Car #3604

Concept: Intimate dining in a historic pullman railcar restored to 1910-1920 era.

Inspired by ingredients, stories, and cultural foods on each stop on the Florida East Coast Railway line in the early days of rail travel. Each dish will bear its own mark of creativity. The wine and cocktail list will feature spirits and wines created on site in the distillery/winery.

The restaurant is designed to be one component in the "birth of leisure travel in Florida" story. This type of historical educational food and beverage experience is a departure from the standard "do not touch," "behind a glass case" exhibits that you often find at historic sites/museums. It is a departure from the low-quality food and beverage options that you find at most historic themed attractions.

Size and Layout:
The proposed fine dining restaurant is small, and capacity is limited to the size of the rail car. The rail car is approximately 80' x 10'. Seating in the dining car will be limited to zoning regulations, HC access, fire code and all other requirements. We envision approximately 60 seats; it could be less after zoning, mechanical plans, plumbing are incorporated into the layout. Seating for the fine dining concept is very limited and cannot exceed 800 square feet. Exact seating numbers for the interior of the rail car will be determined when architectural plans are drawn. The rail car will have a small bar with approximately 8 stools as part of the seating/ floor plan.

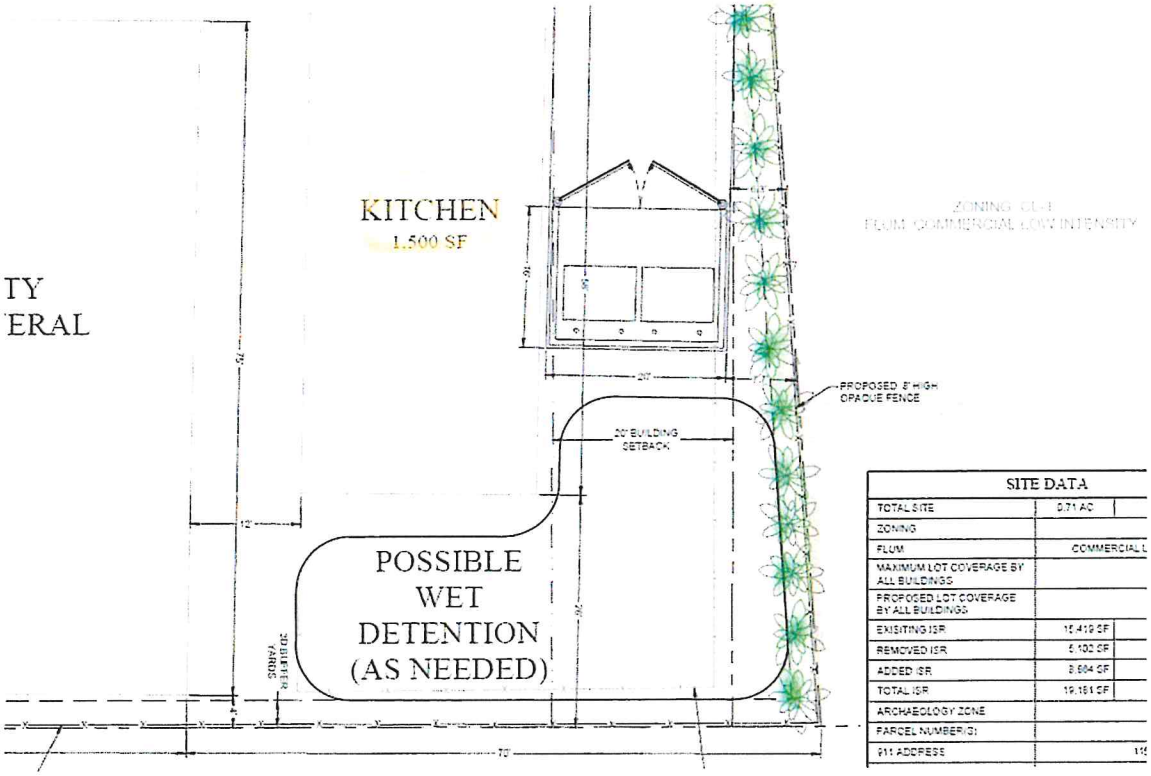
The kitchen will have a take-out/counter service concept. The food options will be simple/healthy and inspired by tropical Florida in 1913. Patrons will be able to order both alcoholic and non-alcoholic drinks. This concept will serve customers taking the tour and act as the waiting area for the fine dining restaurant. We are planning for 8-10 stools, 4 tables and a counter to walk-up and order. Total seating for 20-25 and square footage of approximately 600 square feet.

Total seating will be limited to the square footage of each area. Total number of seats between the fine dining and counter/take out concept could be as low as 60 and as high as 100. We seek approval for up to 100 seats. The property's current zoning Commercial Low-One (CL-1) allows for restaurants up to 100 seats.

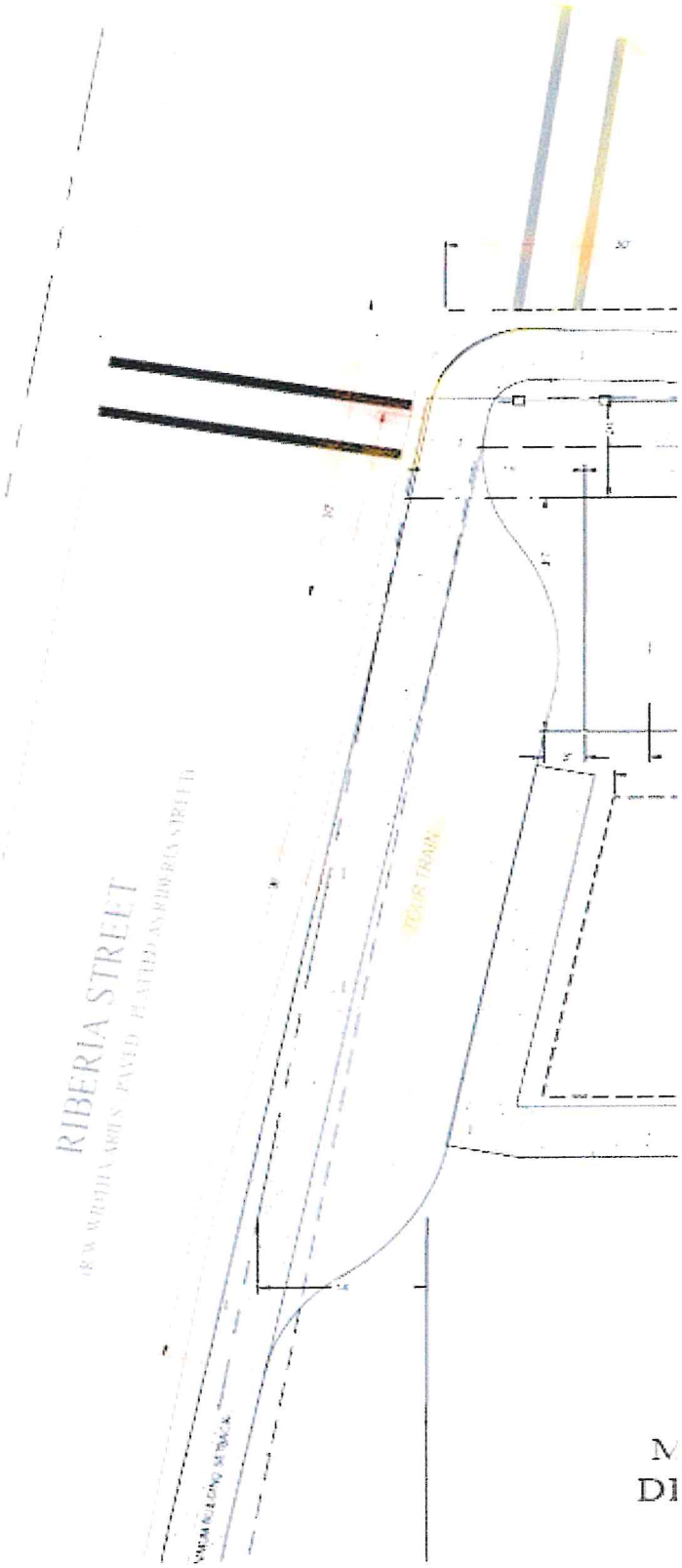
Beer, Wine and Alcohol brewed onsite will be served at both concepts for onsite consumption. The concept is to produce the beer, wine, and liquor in the on-site distillery/winery/brewery. The kitchen will be a "scratch" kitchen making period foods.

Hours of operation will be similar to nearby restaurants:
The Ice Plant, Fish Camp, San Sebastian Winery.

Hours –
M-F: 11am to Midnight
Sat & Sun: 10am to Midnight



**Crosswalks and RideShare / Delivery / Trolley Stop Area
(Designed to be On Property - Off of Riberia – With Sidewalk divider for safety)



**Buffering from La Quinta – Including Bike and E-bike Racks
(Designed to include attractive landscaping and a tasteful 4ft wrought iron fence on Property)

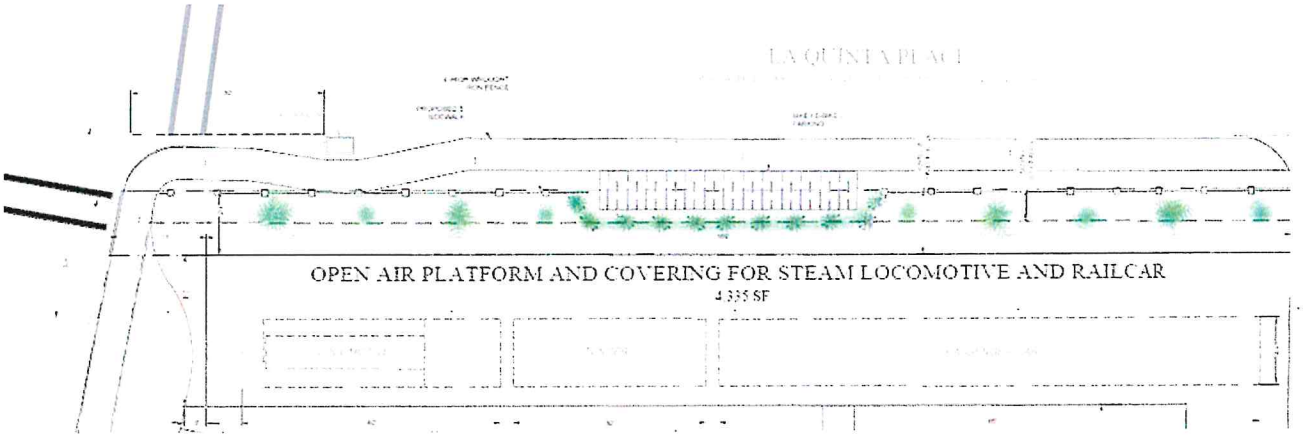


Exhibit "C"

DEVELOPMENT PLAN NARRATIVE

95 Riberia Street
THE RAILROAD RETROSPECTIVE MIXED USE
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for a rezoning of this historic parcel to Planned Unit Development (PUD). This rezoning will allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties. This rezoning will allow the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses, including an interactive locomotive museum, the relocation of a steam locomotive and rail car to the property to allow public viewing and interactive use and the renovation of the buildings to provide space for a community market/general store, a kitchen and takeout facility and an interactive craft brewery/distillery. These uses will interact together to promote an appreciation for the railroad industry that served our historic city for many years, as Mr. Flagler promoted St. Augustine, and this historic property provided the area for the stables that allowed guest transportation from the rail station into the marvelous cobblestone roads and grand Flagler era hotels downtown. The changes to the property will reflect the historical nature of the area and will include the locomotive museum, including many historical pieces, photographs and documents, as well as historical reflections within the museum and throughout the property describing the property and the area's history. The changes to the property will be done with great regard to the history of this property and will comply with all the codes and regulations as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Mr. Ryan Dettra. The Applicant is requesting this rezoning to PUD in accordance with the City of St. Augustine Zoning Code. This rezoning will maintain the current Commercial Low future land use and will reflect a mixture of the same types of mixed uses as are currently present along this CL-1 Riberia Street corridor as well as those currently present along the King Street CL-1 corridor.

This parcel fronts upon Riberia Street, the main corridor along this side of the San Sebastian River and is directly across the street from the developing San Sebastian Inland Harbor site's uses, as well as the existing Ice Plant and St. Augustine Distillery and the mixed-use park at 134 Riberia, which also lies adjacent to the St. Augustine Fish Camp bar and restaurant. Further, this site is just up from Riberia Street's intersection with the many mixed uses that run all up and down the CL-1 King Street corridor, all in harmonic compatibility in our historic living city, much as it existed between the train, the stables and the bustling downtown in the Flagler era. And, as aforementioned, the applicant also plans to provide, through pre-arranged agreement, various satellite parking now existing and future parking on other parking lot properties in the area to assist the city in providing more general parking, even though access will be completely pedestrian-based, which will continue to promote the walkable nature of our city and also the use of the various other intermodal forms of transport in the attempt to take cars off our inner-city core streets and at the same time to offer reflection on how visitors and locals alike had to rely upon both the horses, whose stables were on this property, and other forms of transport to get into town from the area, historically and most especially in the Flagler era.

Finally, the applicant has extensive experience with this type of project based upon his work on the extremely successful and compatible St. Augustine Distillery project and he looks forward to implementing the same type of success into this mixed use, historically reflective site.

Applicant herein seeks this rezoning, as presented.

As stated, the overall objective of the PUD is to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately .71 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located on Riberia Street, just one block off of King Street, at the corner of Riberia and La Quinta Street.

B. Ownership/Agreement: The Property is under contract for purchase by Ryan Dettra (Purchaser – Applicant), from the current owner, Paul Meredith, PA, as shown by the Proof of Ownership documents in the Application materials. Evidence of authorization for representation is contained within the Application materials.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner as depicted on the PUD map and described above. The property currently contains the afore-mentioned buildings, which will be rehabilitated with additions and include the addition of the locomotive cars for historical presentation and reflection. This rezoning will allow the applicant to revive this historical property, which served the rail industry and tourists and locals alike for many years, through a complete overhaul of the buildings with the stated intent of renovations and upgrades to this deteriorated property and establishing an interactive mix of uses surrounding the St. Augustine Locomotive Museum use and interaction. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be granted the currently allowed uses in the CL1 and CL2 zoning districts, along with the other uses as allowed in this mixed-use area, including but not limited to the following: Permitted uses and structures: a. professional and business offices. b. restaurants, but not drive-in. c. retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment

(including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products. d. Museums. e. bar/tavern. f. craft alcohol industry, including light manufacturing, processing, packaging and fabricating. Also, g. see section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal. This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner. Uses by exception shall be provided for and any changes to the uses described herein by an amendment to the PUD. (The uses will function together and specifically as outlined above.)

B. Development Standards for NEW Structures within the PUD: The attached site plan depicts the proposed interactive site plan and layout of the current structures with partial demolition and additions for the uses proposed. The applicant will be allowed to utilize this current mix of structures in their current form/configuration and to alter their forms/configurations as provided in the site plans attached hereto. In sum, the applicant will be allowed to rehabilitate and reinvigorate this property as presented. No material departures from this site plan are permitted without authorization of the PZB. In addition, the following specific criteria shall apply:

1. **Maximum lot coverage:** Sixty percent maximum (60%)

2. **Maximum building height:** Maximum thirty-five (35) feet, measured from a ten-foot finished floor elevation.

3. **Parking:** No parking will be provided onsite. Applicant will be allowed to provide offsite parking and such will be accomplished through separate private agreements with offsite properties. The number of required spaces for all uses will be determined by staff upon site plan / construction plan approval and applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city. Further, as noted and depicted on the map, an access stop will be provided onsite for handicapped drop-off and intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated.

4. **Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements.

5. **Stormwater:** Stormwater management will be in compliance with the regulations of the City of St. Augustine and conform with the permit requirements established by the St. Johns River Water Management District.

6. **Access:** Full pedestrian access to the property will be provided per the sidewalks as proposed to be built on the street sides of the property, as well as within the interactive open space for community gathering and outdoor interaction. Further, an on-site access stop will be provided off Riberia Street for intermodal transport of visitors to further promote the walkability of the inner-city core, as advocated within our Comprehensive Plan, and to allow for RideShare drop-off and pickup, as well as deliveries. Accordingly, bike / E-bike racks will be provided.

7. Fencing: All existing fencing may remain on the Property or may be modified in accordance with the plan as approved; as such, eight-foot opaque fencing may be provided along the east and south sides of the property replacing the current deteriorating fencing. A four foot wrought iron fence will be installed along La Quinta, as depicted.

8. Utilities: All electrical and telephone lines are installed on the site: Electrical power is provided by Florida Power and Light Company or other franchised utility provider. Directional security lighting may be provided as needed.

9. Potable Water: Potable water will be provided by the City of St. Augustine via existing connections.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development is served by central sewer collection from the City of St. Augustine. Any extensions shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: A sidewalk will be installed along La Quinta as well as along Riberia Street (located west of the access stop as depicted to incorporate the access into the property).

13. Design: It is the intent of the applicant to create a magnificent sense of place through renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding Riberia Street corridor, mixed-use properties, allowing the owner to maintain the historical nature of this property and much of the historical structures thereon, while updating the property to provide the proposed mixture of uses surrounding the interactive locomotive museum theme, including the locomotive and rail car, and delivering food and the interactive craft brewery/distillery to bring further context to a forgotten history and era.

14. Specific Regulations and Prohibitions: There will be NO outside activities or food service in the common areas allowed after 9:00pm on Sunday through Thursday and after 10:00pm on Friday, Saturday and holidays; further, there will be NO outside amplified music; finally, there will be NO "special events" as defined by the city's special events ordinance (unless approved by the city or the PZB as a temporary use or by amendment to the PUD).

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing

maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: THE RAILROAD RETROSPECTIVE MIXED USE PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that

maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The stated intent of the applicant, to utilize/replicate and further the design of the existing historical site to promote the history of the area and to rejuvenate this property with specific reference to and reflection upon the historical uses in the area will result in the innovative reuse and continued contribution of an existing property, using existing buildings and adding thereto to further the rejuvenation of this area, reflecting the mixture of uses therein and promoting the history of our city, as intended by this Objective.

INFRASTRUCTURE ELEMENT

SANITARY SEWER SUB-ELEMENT
SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT
PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis provided by the attached report includes site specific design improvements related to anticipated trips and traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

A Trip Generation Analysis was performed by Kimley Horn in regards to the proposed site/property and the proposed PUD and use as a mixed-use, pedestrian-friendly Railroad Retrospective project. The trip generation analysis provided a peak hour trip generation comparison of the existing and proposed uses for the property, taking into consideration that the mixture of uses will be promoted for full pedestrian access, furthered by the pedestrian sidewalk provisions and the trolley stop provided onsite.

It is important to note that this project will not have parking onsite, so the trips outlined will be those coming on foot or by way of the trolley stop provided onsite.

As the report notes, per the ITE Trip Generation Handbook, "most data presented in the Trip Generation Manual are vehicle-based and have been collected at low-density, single-use, suburban developments with little or no transit service, limited bicycle access, and little or no convenient pedestrian access." These sites are called baseline sites because they are the starting points for vehicle trip generation estimation. ITE recommends that the baseline vehicle trip generation estimates be reduced to account for sites with certain outlined characteristics. In fact, ALL of those characteristics apply to the subject site given that the proposed project is within the urban core area of the City of St. Augustine, proposes zero on-site parking, and that a trolley stop is proposed on the project frontage as part of the development. Therefore, trip estimates for the proposed project should be reduced from the baseline estimate and all trips to the property will be by foot or by the trolley stop, significantly reducing the transportation impact on the area and the area transportation systems.

In sum, the restoration / renovation / reconstruction of this property will not only remedy the existing situation caused by the current status of these deteriorating structures, but it will be a grand addition and retrospective on this historic area, and, which as described above and in the attached report, will have a negligible impact upon the traffic circulation patterns of the city. Further, as aforementioned, this PUD property will not have individual vehicle trips coming to the property. Moreover, the expert analysis provided shows that this PUD as a whole does not in fact affect the current traffic patterns and flow in this area of the city.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: Although not in an HP district, the proposed restoration / reconstruction / renovation will allow this historic property to be restored and continue to operate in a manner that will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner that the restoration / reconstruction / renovation remakes this historic property to reflect and enhance the area and provide a direct reflection upon the history surrounding the priceless contribution that the rail industry made to the history of our great city. In sum, the restoration / renovation / reconstruction of this property and the provision of the mixture of uses, including the interactive Locomotive Museum and features throughout the property will not only remedy the existing situation caused by the current status of the deteriorating structures, but it will be a grand revamping of this historic area.

2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area. A direct reuse of many of the current structures and the proposed uses are not wholly different than some of the former uses, including the market and they are

very similar to the uses in this mixed use area of Riberia Street. Accordingly, they will also enhance this property. See, FLUE Objective 3.2 - The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable. See, FLUE Policy 3.2.3 -The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity. Also see, FLUE Policy 3.2.6 - The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the presence of the historic rail industry in the area.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

(1) Permit a creative approach to the development of land; and

(2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
(3) Provide for an efficient use of land; and
(4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
(5) Provide an environment of stable character compatible with surrounding areas; and
(6) Retain property values over the years.

Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286 and how this proposal is a perfect example for the use of planned unit development to encourage the restoration / renovation / reconstruction of these presently deteriorating structures while allowing for a creative use that has no increased ill-effects on the area, since many of the uses are already allowed, and since this use is clearly compatible and far less intense than the uses across the street and the farm animal use that was historically on this same property. Further, the proposed use will indeed provide an environment of stable character for this property to be re-created and greatly enhance the area and an invaluable reflection upon how the rail industry helped to build and sustain our city, and in turn, will allow this property to not only retain its value but also to enhance the value of the surrounding properties.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." This district is intended to provide a mix of compatible nonresidential uses. The mixture of uses proposed will encourage the restoration and renovation of these historic structures including compatible infill development and promote the history of the rail industry and accessory contributing uses. The mixture of uses and provision of both a large community open space within and a trolley stop will promote both the walkability of the city, intermodal transport and community interaction in this mixed use area of Riberia Street. This is in an effort to recognize and promote the authentic historic and physical character of the area including the historic direct reflection upon and presentation of the rail industry and its accessory uses which helped to build and sustain our historic city. The Development Plan Narrative, attached above, contains the required development conditions

sought by Applicant, all of which are intended to meet the spirit and intent of our code and comprehensive plan.

5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The restoration / renovation / reconstruction of this deteriorating property, with the proposed interactive Locomotive Museum and mixture of uses, while reusing many of the current dilapidated structures, is to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be approved and then not acted upon timely, the existing zoning approvals would remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the

reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:

_____

Ryan Dettra (Purchaser – Applicant)
33 Davis Street
St. Augustine, FL 32084

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.

EXHIBIT

E

HEARING BEFORE THE CITY OF ST. AUGUSTINE

PLANNING AND ZONING BOARD

IN THE ALCAZAR ROOM

LIGHTNER BUILDING

75 KING STREET

ST. AUGUSTINE, FLORIDA

COMMENCING AT 3:33 P.M. AND CONCLUDING AT 5:38 P.M.

ON TUESDAY, SEPTEMBER 5, 2023

RE: 2023-0057 115 LA QUINTA PLACE

(PROCEEDINGS RECORDED AND TRANSCRIBED VIA DIGITAL RECORDING)

* *

BOARD MEMBERS PRESENT:

DR. ASHLEIGH BARNES
CHRISTINA TUCKER
JOHN DEPRETER
MIKE DAVIS, CHAIR
GEORGE PAPPAS
CARL BLOW
MATTHEW SHAFFER

* *

STAFF PRESENT:

ISABELLE LOPEZ, City Attorney
JACOB FREDRIKSSON, Planning & Building, Senior Planner
ELYSE WIEMANN, Recording Secretary

* *

ST. AUGUSTINE COURT REPORTERS
17 Pacific Street, Suite B
St. Augustine, FL 32084
(904) 825-0570

APPEARANCES:

JAMES G. WHITEHOUSE, Esquire
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080
Attorney for the Applicant.

RYAN DETTRA, Applicant.

P R O C E E D I N G S

CHAIRMAN DAVIS: Next item on the agenda is 115 La Quinta Place, which was continued from our July 5th meeting. All right. I think it was continued August. Yeah, I was going to say this was continued from August. I know we did this last month.

All right. Jacob, do you have a staff report for us, please?

MR. FREDRIKSSON: Yes. Mr. Chair, members of the board, staff does not make recommendations concerning the rezoning of land. The board is responsible for making the recommendation based on the following:

The need and justification for the change. The relationship of the proposed rezoning to the city's general planning program and such comprehensive plans. Consistency with the comprehensive plan. Compliance with Section 28 and its standards for crit- -- and criteria for development and infill PUD developments.

The board requested at the August 1st meeting for additional information regarding details of the market, which was provided in a letter titled Local Goods Community Market and Store.

Staff review of the submitted parking study, there was two things from that that staff found -- we were unable to get a, I guess, review from our mobility consultant in time for the meeting, so it was just done by staff.

The big thing -- one big thing was the assumption that no one will travel to the site just for the market and general store was a little bit (unintelligible), we believe. And the site plan revisions to include bike racks, crosswalks, and sidewalks, that was not accounted for in the July parking study.

The third one was explanation and justification for no on-site parking. The PUD language states that no certificate of occupancy will be issued until off-site parking is provided. Depending on location of these future parking provisions, additional PZB review may be required. And the proposal before us tonight is -- would require 51 parking spaces.

The fourth one was a landscaping plan, which now shows plantings and fences along the north and east property lines. And lastly, details of the courtyard uses and hours, which is an item in Section 2 of the PUD language under Number 14.

CHAIRMAN DAVIS: All right. Thank you, very much. Our applicant is here. Mr. Whitehouse, we need to -- we don't need to get you sworn in, but Mr. -- Mr. Dettra, and then if there's anybody else on your group that's going to speak.

(Inaudible.)

RECORDING SECRETARY: Can you turn the microphone on?

RYAN DETTRA: Ryan Dettra, 33 Davis Street.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

RYAN DETTRA: I do.

CHAIRMAN DAVIS: All right.

MR. WHITEHOUSE: All right. Mr. Chairman, for the record, James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street here in St. Augustine, Florida.

As you know, we're back again to talk about this proposal for a PUD. And I'm going to kind of go through -- I still have a lot of the slides here in case we need to come back to them, you know, to talk about any of this stuff when we get to discussion, but I'm going to -- I'm going to go through the first part quickly, and then I'll get

to the -- the proposals that we included to try to answer the questions of the Planning and Zoning Board last time and the public.

We all know where the property is. It's located at the corner on Riberia Street. Let me go fast through this part. It's along the commercial corridor as zoned by our -- our comprehensive plan and zoning code.

And again, I'm just going to jump through this. I have the pictures on here, so we can look at those later if we need to again. We already talked about this last time, so all of that's incorporated into this hearing. And everybody remembers what was on this property before, which was the Rype & Readi community market with commercial uses.

Okay. So let's talk a little bit about the revised site plan. You saw in your staff report, Jacob kind of went through it and I submitted the new revised text which clearly lays out the revisions to try to address some of the questions of the board.

As you saw from the -- I'm going to go through each one of the sort of ways that we call out parts of the property and then we can talk about the

specific ones that I think were meant to address some of the questions and some of the challenges as expressed by some of the board members.

The first one, of course you can see where we have the historic locomotive. The locomotive was pushed back some to allow for the accessway, and then all along La Quinta, we included a -- a large bit of landscaping in the landscape plan as you heard refer -- referenced by the staff as well as bike and E-bike parking and a sidewalk.

And the whole intent of -- and the four-foot wrought iron fence to beautify this area as well as to differentiate it from our initial intent which was expressed in the PUD, which was to center the -- the entrance and exit from this property onto Riberia, the commercial corridor.

Again, I'm not going to go through each of the language like we did last time as to the uses, I'll talk about the community market, but you'll see that on the southwestern portion of the property, we pushed back the building to allow for the sidewalk access, pedestrian access, as well as the increased area for the accessway point, which was -- been pushed onto the property to allow safety as expressed by some of the members

previously.

We talked a little bit about the community general store and there was some questions about it, so we went back, and as you saw from the text in the staff report, we attempted to address those. Part of it was a better explanation as to this local goods market.

Ryan went back and -- and defined it more. And a lot of it is the -- the concept to have local goods and local vendors and some sampling of local goods as well as, you know, utilizing the -- the barn itself as part of this and the stalls.

Again, you also saw as part of the text we have where the exclusive rail restaurant is, and again, that's also buffered from La Quinta. All entrance will be from the property coming from Riberia itself.

And then back in the back, we pushed the dumpster back. So it's not near any residences at all anymore and it's fully buffered from the eastern edge of the property as well as the rest of the property on that side.

I think the important thing to talk about especially is this fully pedestrian-friendly site and this access point that we've now developed with

our engineers as far as on the property. It's not just on the edge of Riberia, because I think there was some concerns about that and whether or not this will be a trolley stop.

Some people expressed the fact they didn't think it should be one, some people thought that it might be okay, but this is -- this accessway now is pressed onto the property with a sidewalk on the western edge for safety reasons and also it can, you know, serve as not only an accessway for a trolley, if that becomes a stop as approved by the city, it's also a access point for rideshare, it's an access point for handicap dropoff, it's an access point for deliveries.

There was a lot of concern, as you -- as we talked about earlier today on a different item of -- of deliveries on properties, and there was concern expressed at the last meeting that, hey, listen, is there a way to address deliveries to this property? Well, this actually directly addresses that deliveries can make -- be made in this accessway on this western portion of the property.

Again, I talked a little bit about the -- the buffering from La Quinta. There was some

discussion and concern as to the challenges of buff- -- even though this is a commercial property, both land use and zoning, buffering it from La Quinta, as expressed by some of the residents as well as some of the board members was important to us. So we went back and looked at it and dealt with our engineers and our landscape experts, and we think that this is a good way to -- to -- because it's a commercial property and there's a lot of commercial uses that can go on this property, this is a good way to buffer it.

And in the midst of that, we also came up with the idea it's also a good place to put some pedestrian-friendly multimodal, you know, E-bike and bike parking on that particular sidewalk that we're going to provide on the property.

We kind of went back again and looked at it and we thought that this access stop also addresses part of the concern as this being a fully pedestrian-friendly property. And part of all those, you know, challenges, we went back and looked at the parking itself.

And when we first started out with this -- and we've talked about this before, but I want to reiterate it. When we first talked about it, you

know, we thought about it and said, hey, listen, we might be able to find a way to have, you know, 10 or 15, you know, spots on this, just like you had an application earlier where they had 13 spots although they needed 54.

But we -- we determined that this probably wasn't the best way to address it because when you have a -- when you have a parcel or a project where you have a limited amount of parking, you draw cars to the site, and that's what was sort of expressed in our expert transportation analysis that you've seen previously.

So if you have no parking, it doesn't draw cars to the site. Instead, people know that there's no parking there, so they don't come and park in the neighborhood. Instead, they know it's a pedestrian-friendly site and that's how they come to the property.

Again, within this -- this is the text that I have up on the screen here from the PUD and you have that in your packets as well. This is just a reproduction of that. We clearly state that the number of required spaces for all uses will be determined by staff upon site plan construction/plan approval.

And you see in the staff report that they determined that on the proposed uses, that it's approximately 51, but of course that's finalized when you come in for final site plan/construction plan approval.

And within our text, we specifically say, The applicant will provide proof of leases for that amount of parking spots before any certificate of occupancy is issued by the city.

And again, that's very similar to what we had earlier, which was they needed 54 spots, they had 13 on-site, and they were allowed and approved to have leases to be presented by the city prior to the -- to the use of that new area they were going to use.

And again, we conclude by saying, Further, as noted and depicted on the map, an access stop will be provided which allows handicapped dropoff and intramodal transport of visitors to further promote full walkability of the inner-city core as advocated not only with our mobility plan, but by our comprehensive plan.

And I think that these type -- I know there's a lot of concern with the parking and, you know, obviously I saw some of the e-mails that came in

itself, but I think this seems to address and I think it sort of goes along the same lines as a lot of the discussion earlier today on another item.

In any case, we talked about the access itself is written into the text and then the sidewalks are written into the text. All of those promote the pedestrian-friendly use of the site.

And again, in the text, this is just a reproduction of it, it's in the text in your -- in your packet, but under the Section 14, we put in the specific regulations and prohibitions as we talked about the -- in there with the language that there -- there will be no outside activities or food service in the common areas allowed after 9 p.m. on Sunday through Thursday and after 10 p.m. on Friday/Saturday and holidays.

Further, there will be no outside amplified music, which was another thing that -- that a number of the members wanted included. And then finally, there will be no special events as defined the city's special events ordinance.

This is from your staff report -- again, Jacob read it in earlier, so I'm not going to reiterate it -- but it's the fact that we further define the local goods community market as requested.

And then there was some discussion about the -- the pedestrian-friendly use of the site as well as trying to meet the mobility plan. And as you see from the staff report, a lot of the things we've done, you know, try to mimic what the mobility plan is advocating. And that's, as you know, in front of the city and what we're trying to advocate throughout the city currently.

You also saw in the staff report your expert staff talked about other properties in the area that may not have parking and talked about the similarities between those and this particular site. And then obviously the landscaping plan, we already went over that, and then the prohibitions and regulations that I put in that were concerns of the board.

You know, again, in your staff report, you see that the staff clearly points out the fact that this meets our comprehensive plan. There's almost eight pages of sections and policies not only in the transportation and mobility element, but also in the other portions of our comprehensive plan showing that this proposed use meets the comprehensive plan.

Part of this was talking about how the uses

interact together, and that's, you know, part of the discussion on, you know, need for some of the these uses that you may not be able to do in CL-1 but we're allowed to do here, is the fact that particularly the pedestrian-friendly attributes of this site and the fact of the location within the -- the inner core of the city, as well as, you know, the fact that he would like to do the distillery because he has experience with that, and that's important as part of the business model. And all of these uses interact together. And I think we heard a number of board members discuss the fact that it's ingenious to possibly have this locomotive on-site and people think that's a good idea.

All that fits together with the other proposed uses: The community market, the kitchen, the rail car exclusive dine -- or restaurant, as well as the retrospective on the railroad history and the distillery itself, which of course is going to be reflective on the railroad industry across Florida.

And again, like I said at the end, you know, this -- this property itself is commercial. It's been listed on the St. Johns County Property Appraiser's site as warehousing and distribution

terminals for years, industrial.

In any case, we know that it's CL-1 and we know there's a lot of uses that are allowed in CL-1. The staff in their recommendation clearly tells you that this meets the comprehensive plan. And the fact that they have a plan to move forward with this -- this request in a way that they plan to meet all of the city requirements and all those are written into the PUD.

I think at this point, you know, I'd be glad to answer any questions, Mr. Chairman, or we can listen if there's public comment and then we can come back and answer the questions. Thank you, sir.

CHAIRMAN DAVIS: Okay. Thank you.

All right. If there is anyone in the public that wants to comment on this, it's a public hearing, now is the time to do so. Please come forward and state your name and address so we can get you sworn in.

BRUCE MAGUIRE: Bruce Maguire, 297 St. George, St. Augustine.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

BRUCE MAGUIRE: I do.

Two issues I have with this. First of all is I think the predominant elephant in the -- in the horizon here and that's parking. 55, 60 parking spots, whatever it is, you can't get rid of that.

The real issue is when you refuse to mandate parking requirements for a specific piece of property on-site for that specific property, all you're really doing is shoving the parking requirements and the problems further away; a block or two, maybe three or four blocks.

In this particular case, there are a lot of businesses up and down King Street and on Riberia that have parking requirements. They've been there -- they're local businesses, they've been there for years and years.

If you allow this place to go through with no parking on-site, what you're really saying is that parking problem now becomes a problem with the existing businesses around the area. You're forcing us to become the bad guys because you're not being the bad guy.

In this particular case, if the people come here in a car, they drop them off in that nice little area they're talking about, where does the

car go to park after that? It's not going to go to the car park, you know, five blocks away. It's going to go to the closest space they can find to park anywhere. That means that my business, our business is going to have someone out there saying "You can't do that. This is our business." That makes us the bad guy. Suddenly we start getting a negative name around other tourists: Don't go down there because they're bad people. It's going to affect our business.

If we allow them to stay there, that means our customers can't come in because the parking spots are now occupied by somebody else's parking requirements. Parking doesn't go away because you say we are pedestrian friendly. It's an absurd idea. Parking just shovels over to somebody else and becomes their problem to resolve.

My real question now is: Why? Why are we even discussing how we can move forward and figure out a way to negate the city policy, city criteria, city mandates?

You have a parking mandate. Why are you even considering negating that? It doesn't solve a problem, it doesn't do anybody any good for the local people who have been here all these years

supporting the community and now the community, led by y'all, doesn't support them.

Deny this property. I'd support the -- the idea, by the way, if it was up on north San Marco or some other place where you had parking availability. I like it. But this is the wrong location. No parking. Please deny.

CHAIRMAN DAVIS: All right. Thank you. Anyone else?

C.H. HOOKS: Good afternoon, C.H. Hooks, 111 Pompano Road in St. Augustine.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

C.H. HOOKS: Yes, ma'am, I do.

Hey there. I support this project on two fronts, one as an educator at Flagler. Every term, we teach first-year seminar where we talk to the new students, new residents potentially of St. Augustine, about connecting the dots of history and using St. Augustine as a textbook, really, the city itself.

One era that's completely skipped is the era of locomotive, right? We have of course Flagler College. We talk about Flagler and

Henry Flagler and -- and all these things, but we don't really have that example of what it is that made St. Augustine what it is as a modern city today, right?

We have the myth of Ponce de Leon and all this and the Fountain of Youth, but we also need to be talking about this era that created Florida, too, that connected the dots all along the coast. And so, I'm in support of that historically. It makes a lot of sense, especially as an attraction for tourists here.

Even the little shuttles, the little trolley trains that shuttle tourists around the city and even to Riberia Street from different parking sections of the city are based on this locomotive. So I support it on that front.

Also, as a small business owner and a maker here in St. Augustine, my family owns a hot sauce company, I support it as an incubator for small businesses.

Leases in this city are very very prohibitive at this point. They're incredibly expensive. So having a market for vendors for smaller businesses to be able to grow and potentially go out and secure new leases and start new businesses in the

city, that makes a lot of sense to me as well.

Thank you, for your time.

CHAIRMAN DAVIS: Thank you.

CHERYL KAVANAUGH: Cheryl Kavanaugh, 107 La Quinta Place.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

CHERYL KAVANAUGH: Yes, I do.

I'd like you to deny this PUD basically because, yes, they kept saying to me you knew this was commercial when you bought it. Yes, I did. It was CL-1. Low intensity, low traffic.

So, how is this project low traffic? CL-1, it was designed to buffer the residential neighborhoods from high-density traffic projects such as tourist attractions.

If you look at the Lincolnville neighborhood zoning workbook which was issued by the city, it defines CL-1 as a district intended to apply to where small groups of low-intensity commercial uses may be appropriately located to serve within convenient traveling distance of one or several neighborhoods. The district is not intended for use by medium intense commercial use, and -- but

low traffic generating commercial uses are encouraged.

In this book also they list all the streets of Lincolnville and the uses that are allowed in that area. On La Quinta, the following uses are suggested: Retail outlets, service establishments, tourist homes, bed and breakfasts, inns, professional business offices, churches, libraries and museums, single-family residence, multifamily residence, rooming houses and boarding houses, housing for elderly, home office private, and antique shops. Nowhere in the document are listed tourist attractions such as the train, brewery, distillery, or the restaurant.

Now I appreciate the fact that he's changed the hours from midnight to 10:00, but in fact, he -- the terms of the definition imply a low intensity, and he's got so many things going on in that one area, that it's going to become high intensity.

How is that buffering the residential areas from high intensity since it abuts right up to an Airbnb? Who's going to want to stay there? Virginia Whetstone stated that she has clients who leave and demand their money back from her hotels

because of the noise and the traffic that they have to put up with.

Is this helping the businesses on our street? Is this helping the community as a whole? Is this compatible with the neighborhood? He has a wonderful idea. Actually, I think it should be where the train station originally was, which is in West Aug- -- on the west side of King Street.

I have lived here for 25 years. My husband and I have developed over 20 properties. We have done every one of them within code. Thank you.

CHAIRMAN DAVIS: Thank you.

RICHARD DETTRA: Richard Dettra, 21 Bermuda Run Way, St. Augustine.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

RICHARD DETTRA: I do.

Well, obviously I'm Ryan's dad and I just wanted to come up here and state I'm very proud of the things that he's accomplished. I was just showing one of the Flagler professors Flagler College magazine with him on the cover being an entrepreneur that started the St. Augustine Distillery and the Ice Plant.

But right out of college, he started Cafe Eleven. He went from there and brought music into the amphitheatre. He's done the Ice Plant and the Distillery. All been very classy and not noisy, raucous places, but community-oriented establishments.

I just ask you to consider that this property is on a major thoroughfare with the Fish Camp, the Ice Plant, the Distillery, 123 Burger, all these things. If it isn't this, it's going to be something.

Somebody's going to buy it. Somebody's going to put a -- a beer garden in there or a wedding venue, is the things I hear most of the time, that people want to use it for weddings or they want to use it for a country western bar or whatever.

It's going to be something. I would much rather have it be something that my son has dreamed up and spent a lot of time, effort, and money to accomplish. I just ask you to consider that.

That is not going to stay vacant forever. It's not going to be housing garbage and homeless and -- and trash. It's going to be redeveloped into something because it's on a major thoroughfare in a beauty city that's attracting a lot of people.

What are we going to be most proud of? Just consider that. Thank you.

CHAIRMAN DAVIS: Thank you.

JACKIE HIRD: My name's Jackie Hird. I've already been sworn in.

RECORDING SECRETARY: You've been sworn.

CHAIRMAN DAVIS: Can we get -- we've got to get you sworn in.

JACKIE HIRD: Okay. I already was.

CHAIRMAN DAVIS: Sorry. I apologize.

JACKIE HIRD: This application started off as a 60-seat restaurant and it has intensified with each meeting that we've had. If you look at the paperwork now, it's talking about 75 seats in the restaurant, and the 40 seats around the -- the kitchen are still there. So it's 115 seats. Only a hundred are allowed in CL-1.

The attraction and the distillery make it commercial medium, and I have -- am I -- can I put this up here? This is the map that Cheryl was talking about. This is in the workbook.

This shows you 115 La Quinta. My house is across the street, 122. The pink is commercial low. Nowhere in Lincolnville district is there any commercial medium. The closest commercial medium

is in red on U.S. 1. This is not a place to put a commercial medium business. Like everybody else, I like the idea, but it's not supposed to be in a CL-1 -- a commercial low district.

Cheryl's already talked about this, I'm happy to talk about this, the -- the commercial medium, and I would highly ask that this is not approved subject to the parking being applied for before the certificate of occupancy. It needs to be applied now. It's a requirement in the FLUE. You know, the FLUE did not cover every aspect and the aspects that weren't covered were not to benefit Mr. Dettra. Parking is a requirement, and I would like to ask that the parking requirement is upheld and this application is denied because it does not have it.

I've lived in this neighborhood. I'm a small business owner. And this is going to affect the livability of my property and the value of it because there's just too much going on.

I was reminded the other day when somebody trespassed on my property that when I had to call the police from the Giggling Gator, that I had to call the police. People parked illegally, they were angry at me because I called the police on

them. They were confrontational. They were drunk. They've knocked down my coquina wall. They've knocked down my fences and they've even run into my own vehicle on my own property. And this is what's going to happen when you have drinking people in the property.

And to be able to say that nobody will drive to that property, they have to drive to the property because of the weather. They're going to have to park somewhere. And like Bruce said, they're going to park in our neighborhood, in our yards, and on other properties. And we have to be the bad guys to enforce it, and that's not the -- the vision that we want for our city. We want to be a welcoming city. Thank you.

CHAIRMAN DAVIS: Thank you.

MARSHA CHANCE: Marsha Chance, 415 Arredondo Avenue.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

MARSHA CHANCE: Yes, I do. Thank you.

It's evident to me that the applicant's request to rezone this property is based upon their business plan without regard for the adjacent

neighbors. However, I believe that the main responsibility of this board is to the adjacent homeowners, not to one property owner who would like to develop a commercial incursion into a historic neighborhood for private financial gain.

I would ask if any of you would like to live on La Quinta street if this request is approved with your evening tranquility disrupted by bar and restaurant noise and accompanying effects. And if you don't live somewhere where that is happening now, a lot of us do. Even me across the river can hear the bars from downtown. CL-1 is meant to serve as a buffer between the neighborhood and this type of endeavor.

Now, while the subject of historic preservation is considered the responsibility of HARB, let me remind you that a goal stated in the city comp plan is to, quote, maintain and enhance the historic integrity and ambiance within the city of St. Augustine and continue to identify -- and quote again, continue to identify and preserve historic neighborhoods. Surely all city boards should be aware of this requirement and work toward this achieve -- its achievement.

In addition, the city has made commitments to

the Department of State and by extension the federal government, quote, to utilize standard preservation guidelines and regulations when making decisions that may impact historically significant structures in St. Augustine.

The houses on La Quinta are recorded in the Florida Master Site File and are eligible for listing in the National Register of Historic Places. Therefore, the project should be judged by preservation guidelines as well as all these other guidelines that you're trying to take into account.

The project is one block beyond the boundary of Lincolnville National Historic District. It is apparently by oversight that La Quinta is not included in the district. If it was, an assessment of effect document using state and federal standards would identify adverse effects of the project and they would be things like this: Tranquility disruption, viewscape impacts, noise, vehicular traffic, parking problems, increased tourist and traffic flow, I hate to say drunkenness, but I don't know what else to call it, and lighting.

Please do what you can to protect the owners of these historic homes. Thank you.

TOM KAVANAUGH: Hi. I am Tom Kavanaugh from 107 La Quinta Place.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

TOM KAVANAUGH: I do.

I agree with previous speakers. It's -- it's a shame to turn a thriving city that receives some tourists into, if you know what It's A Wonderful Life with Jimmy Stewart, Pottersville. I mean, when they -- they allowed the Airbnbs to come into the neighborhood, it was one thing, but any -- the town of St. Augustine is being transformed in the name of money and unfairness, too.

I particularly was taken with Mr. Maguire's statement that it's very unfair to the existing businesses to provide parking already at a great cost. We owned that old Gulf station at King and Riberia, and we had maybe 15, 20 percent lot coverage. This is talking about 65 percent lot coverage on CL-1.

CL-1, the applicant made a big show of Riberia as a working street, but if you go down Riberia, there was the awning shop on the -- on the -- that was all on the west side. On the east side, there

was an awning shop, there was an appliance repair, and there was a bar way down by Kings Ferry Road. There was very little, if anything, and it was all light commercial, as the term would be.

You're going to take this and jam all these businesses that are going to attract -- that's the whole point. They're willing to pay a large amount of money. And then to bring in this railroad train to build up is going to be another large amount of money. And they're going to have to have a lot of people to justify having this large amount of money.

And if you think the people are going to park five blocks or in the parking garage and walk here, you don't know anything about America. I have watched middle cities where they tried to close their downtowns and make a walkway out of it, and the downtowns closed. People will be driving around the neighborhoods looking for a parking spot and we will have to deal with that extra traffic.

The -- the corner one way from La Quinta to M.L.K. and just a little further north, there's San Sebastian Way. When that's built up, you're going to have a mess. You're going to have a lot of water from all of the -- from permeable

surfaces, which we have now, to impermeable surfaces.

This has not been well thought out and it would be a shame when your kids ask you, what did you do in the war, daddy? What did you do for the -- the city? Oh, we -- we turned it into a Pottersville, but someone made money. Thanks, very much.

CHAIRMAN DAVIS: Thank you.

ANDY HANCOCK: Andy Hancock, 80 Lillians Lane.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

ANDY HANCOCK: I do.

I don't know the Dettras too well, but just mostly by reputation what they've done for St. Augustine. I love St. Augustine. My -- I'm a small business owner myself on La Quinta, Cornucopia Produce and Pantry. And I'm co-owner and my girlfriend and her sister are seventh generation. And their granddaddy retired from the East Coast Railway, and it's very important to them that the history of what Flagler's legacy was is more pronounced. And right now, it's -- it's mostly (unintelligible) is our history. We've got

pirates running the streets. It's nothing to do with what is really going on.

And I don't know, I didn't really think of too much to say, but I'm very in favor of this because it's going to happen anyway, like Ryan's dad said. And right now it's mostly just there's drunks there right now as we speak. They're in the building. They're -- every time I walk by, I hear voices and I smell smoking. And there's things going on there right now and somebody's going to take it over and it might as well be the Dettras, you know. So thank you.

CHAIRMAN DAVIS: Thank you.

LAUREN GIBER: Lauren Giber, Lincolnville, St. Augustine.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

LAUREN GIBER: I do.

St. Augustine is a small town. In fact, prior to the city -- county's promotion of the historic aspects of St. A. and the expansion of housing in the county, it was even a smaller tight-knit community.

To newcomers who don't understand St. A. and

learn that it's politics as usual and how the old boys' network fits in, living here has -- becomes disenchanting because you realize that your opinion doesn't count. And to those whose past, present, and future want relationships with the Dettra family on any level, they must recuse themselves from voting on this issue.

Now, I understand the Flagler train concept. In fact, a fellow from Miami is moving his entire train collection to Hastings. Palm Beach also celebrates Henry Flagler with his massive estate that was left to the county as a museum.

According to code enforcement's 15-page list with 50 lines per page, there are 800 -- 780 registered short-term rentals in the city of St. Augustine. If this list is complete, next door's list of possible St. Long -- of possible Lincolnville residential homes numbers over 1,200.

I cannot imagine that the Lincolnville neighborhood is upside down on the actual residential neighbors who live here full time as opposed to the homes that are short-term rentals. I take exception to someone who quoted saying that my community is 51 percent short-term rentals and therefore we do not count. Shame, shame.

To allow a heavy traffic nightlife space to exist in a residential neighborhood without any means for parking is a travesty. To think there is no parking and people won't come is naive. They will come. They will park all over my neighborhood because they don't care. Nor will they care about the noise they make because of nimbly greed, privilege, entitlement make up this mix. We already have existing issues concerning detrimental nightlife between every section in our town.

Several months ago, the PZB voted down another entrepreneur's desire for a wedding venue because there was no parking. Ladies and gentlemen of the PZB, this situation has not changed.

And in regards to the homeless people that might be hanging out at that establishment right now at the horse stables, the current owner is responsible for upkeep of that property and making sure he removes them, and that should be done immediately, which is what I wrote to you all. So get on the horn and get him done. Thank you.

MELINDA RAKONCAY: Melinda Rakoncay.

First of all, the PUD application is far from complete. We have enough in -- but we have enough information on the big picture that it's time to

deny this PUD. Don't waste any more time on the small details when the major problems cannot be resolved no matter how much time is spent on them.

There are three strong grounds for you to deny this today. First, there's no parking for it. Not only is there no on-site parking as required, there's no parking within 400 feet. There's not even one parking space, much less the 51 required by the city.

All one has to do is look at the amount of parking that the St. Augustine Distillery and the San Sebastian Winery require. Their lots are full all the time.

Testimony from the neighboring residents as well as the city's mobility manager made it clear that, quote, parking along existing streets is already exacerbated. In addition to the neighboring streets, the neighboring businesses are going to have to contend with his customers parking in their lots. In November 2021, this board unanimously denied an application for the same address because of lack of parking.

Secondly, the distillery tourist attraction is too intense for this location. Our future land use makes it clear that low commercial, low intensity

is for low traffic uses intended to serve the local neighborhoods. Testimony from the neighboring residents clearly demonstrates that this proposed tourist attraction does not serve the neighborhood.

Tourist attractions require commercial medium intensity land use. CL-1 does not allow for the manufacturing or storage for distribution on the premises, nor does CL-2 or CM-1. You've got to go all the way up to CM-2 zoning before the craft alcohol industry is allowed to manufacture and store goods.

And third, this PUD does not meet the requirement that it will benefit the public and protect public health, safety, and general welfare. Riberia is one of our busiest traffic arteries essential to everyone who lives south of King Street.

The premise that the distillery and restaurant will attract no traffic is absurd. Just look at the traffic that the current distillery and winery attract, not to mention the future traffic of the San Sebastian project.

Because this attraction has no designated parking, tourists are going to slow down looking for a place to park. Combining frustrated local

drivers with lost tourists on a busy street is asking traffic accidents to happen.

Lastly, the public safety of people running back and forth of -- for free alcohol tastings, they're unlikely to use crosswalks. This block -- deny. This concept needs to go outside the city core. Thank you.

CHAIRMAN DAVIS: Thank you. Anyone else in the public that would like to comment on this item?

NANCY PELLICER: Good afternoon. Nancy Pellicer, 31 Spanish.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

NANCY PELLICER: It is.

I just -- I know you have a very very difficult job, and I would just like to say that every time a board is filled and the people on that board come forward and they make decisions, your decisions affect my life because -- and if you live in the city, it affects yours because it's the quality of life.

One of the things that helps try and bridge different boards, because each person comes with their own set of values and what they think should

be in place, was to have some continuity by having some of these rules and specifications.

And every time -- I think it was more than ten years ago when a PUD was being discussed, it was brought forth that a PUD is only used in certain types of development and that in having a PUD, there should be something in it for the city and the people of the city, the neighborhoods. I have not seen that happen in any PUDs. Not any.

The last -- the gentleman about the Ravenswood, at least they're trying to work with the citizens. But this is just -- it is way too dense a development, and that's why CL-1 was applied, because it's a neighborhood.

I'm not sure why we need a, excuse me, a distillery when we have one across the street. It is really absurd to think and really irresponsible for somebody to say, oh, no, they will not park in the neighborhoods.

You only have to go down San Marco, any of the Flagler Model Land company, and you will see people parked in those streets every day. And some of those streets, not necessarily the Flagler Model Land, but they park on both sides. I don't even think a fire truck could get down them, to be

honest. So I really do think that's not a very good choice.

I really would -- I want you to consider -- a gentleman said there's 5 percent land that's not developed in the city. And we know the county is trying to actually develop every square foot of St. Johns County so that it looks like Orlando. But we don't want that in St. Augustine. Please try and preserve some open spaces.

If this is a project the people want to advance, they need to take some of the businesses out of it because parking has to be part of this project. Trailer trains don't travel at night. People are not going to walk to this restaurant at night. They just are not. So traffic, you have to consider. Not just that, San Sebastian and the further development. Thank you, very much.

CHAIRMAN DAVIS: Thank you. Is there anyone else that would like to comment on this item?

PHIL MCDANIEL: Phil McDaniel, 112 Riberia Street. I've lived in St. Augustine 30 years and I guess I swear to tell the truth.

CHAIRMAN DAVIS: Right here.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the

truth, the whole truth, and nothing but the truth?

PHIL MCDANIEL: I do. Thank you.

I appreciate this board. Thank you, guys, for those of us who have had the chance to speak by phone. I sent several of you a couple of e-mails, and for those who were able to speak by phone, thank you very much, I really appreciate it.

I was a founding partner of the Distillery and Ice Plant with Ryan going back to 2011. We had a shared vision to be able to take an historic building and bring it into re- -- revitalize the area.

And it was an incredibly difficult and hard project to do. Probably the single-largest component of what I had to do in starting this was working with Florida Power & Light to get the land around the building, because without that land, we couldn't do anything. The project -- the building had been dead for years because of it.

But I was able to work and succeed and get FPL on board, and in the course of that, we have now not one and not two, but we have three separate parking licenses. And I think I sent y'all that video. I don't know if y'all have had a chance to watch it. But it shows how busy and dense that

parking lot is, and that was just a typical Sunday afternoon.

So the concern that I have in these businesses, and I'll -- if you can flip to the screen here, I'll show you that in a second, but these businesses, we've been talking to one another, and we're -- you know, we all kind of like the project.

And again, Ryan, it's not a bad project. I think it's a cool idea. Anything this guy has done has been very successful. I'm sure it's going to be awesome.

The concern we all have and share is the fact that when you have, you know, this spot here with zero parking spaces, as many other people before and Bruce Maguire has said, they're going to walk into the closest areas to try and find parking. And that's just the way it happens, we all know that.

And our concern then is that we're going to become the heavies. I know I'm going to wind up likely having to hire a security guard to keep people out of my parking lot. And for me, the thing I'm most concerned with is that it's going to rep -- it's going harm our brand.

St. Augustine Distillery in the last two years was voted the number one craft distillery tour in America by USA Today voters. It's something I'm incredibly proud of. We've worked hard to maintain that.

But if the first experience people have when they come into a parking lot is to say, hey, are you going to park here? You can't park here and see the no parking towaway signs, or we do have to tow somebody away because, you know, we can't -- we don't have enough parking anymore, it's just going to harm our business.

And we do a lot in and for the community. I'm really proud of what we've done. You know, we built five Habitat homes in the last six years, put some people into this community. We've helped support the Lincolnville Museum. We've helped Fort Mose, Sing Out Loud, and we do that because we want to.

But if by not having parking spaces because this property is -- this project is granted a permit without parking on-site or within 400 feet, it will definitely adversely affect our business, and I encourage them to find a way to try and put parking on-site to meet the needs. Thank you.

CHAIRMAN DAVIS: Thank you.

MR. BOWSON: Richard Bowson [phonetic], 45 Saragossa.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

MR. BOWSON: I do. I have really nothing to add. I just wanted to go on the record as suggesting you deny the applicant for all of the reasons -- most of the reasons you've already heard. Thanks.

CHAIRMAN DAVIS: All right. Is there anyone else in the public that would like to comment?

STETSON DETTRA: I'm Stetson Dettra, 33 Davis Street, Veritas Classical School.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

STETSON DETTRA: Yes, I do. I've lived in St. Augustine all my life, and I really love history, to be honest. A lot of it, in my opinion, is not really taught in our schools and -- sorry, I'm a little nervous.

The train is a big part of St. Augustine history because Henry Flagler basically was the

biggest part of developing Florida and making the St. Aug- -- making St. Augustine the place it is.

And I think that the Ice Plant is a -- I mean, I think that the train is going to be a good tourist attraction that will teach people his -- the history that they need to learn about St. Augustine that nobody is really taught.

And like I said, I've lived in St. Augustine all my life and I really like it here. And I know it's probably going to be a problem with parking and noise, but as long as there's history in St. Augustine, then I think it's good. Thank you.

CHAIRMAN DAVIS: Thank you, very much. You did good. Anybody else in the public?

B.J. KALAIDI: B.J. Kalaidi, West City of St. Augustine, excuse me. I was trying to be the last one, but there'll be someone after me.

I'm just going to basically repeat what was said at the last meeting. 115 La Quinta, at the February 10, 2023 Friday review, the applicant was informed light manufacturing is not an allowed use by right or exception. There are no zoning districts within the city of St. Augustine that allow for both restaurant and alcohol manufacturing uses.

The east side of Riberia, La -- La Quinta, and Cedar are residential, and creating a PUD to allow a distillery would adversely affect the health, safety, and welfare of residents and those traveling Riberia, La Quinta, and Cedar. Residential properties do not exist on the west side of Riberia where PUDs were approved in 2012.

The mobility mana- -- manager recommended a, quote, hard no to rezoning 115 La Quinta in an e-mail dated June 13, 2023. Section 28-206, CL-1, (3)d, no manufacturing or alcohol. Section 28-292(1)(2), no compatibility or consideration for existing neighborhood.

This should be denied. Deny this PUD. The developer can do what's proposed except create another distillery across the street from the distill -- distillery on the west side of Riberia. He can do his history, he can do his locomotive, he can do whatever else he wants if he gets some parking, I'm sure.

And my question is, and I don't know because from the last meeting I wasn't real sure when they were talking about this, did the developer buy the locomotive? Is that a done deal or did he not meet the August 2nd, 2023 deadline? I thought there was

a deadline on him paying for that locomotive. Does he actually have it in his possession legally right now?

And just as a reminder, too, I don't have time sometimes to manipulate the media in Jacksonville about what's going on down here, but I believe all the residents who are going to be truly affected and those driving Riberia is going to have the same problem that we have on M.L. King that was brought up earlier.

The delivery trucks are still parking on the street for the Distillery that's there and the Ice Plant that's there, and no one's doing anything about this parking, and we have a parking situation. That's what everyone is telling you tonight. We need to deny this. They can open up in West Augustine.

CHAIRMAN DAVIS: Thank you, Ms. Kalaidi. Is there anyone else in the public that would like to address this issue?

HEATHER DETTRA: Heather Dettra, 33 Davis Street.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

HEATHER DETTRA: I do. Yes. Anyone else feel like it's Groundhog Day after we're here for our third round?

I just want to speak on behalf of this project and obviously in support of the last name Dettra. But I've not only been hand in hand with this as it's been ongoing and us trying to jump over the hurdles that we've come to, but I've watched Ryan Dettra jump through these hurdles with flames blazing.

He's gone to many meetings. We met with the Bethel Baptist Church just on 222 Riberia Street where we had a lot of support. We had letters signed in support in favor of. Then we met with the Lincolnville Historic Preservation and Restoration Committee where we had more support.

And all of this was in favor because we were breathing life into Lincolnville instead of taking it away. And that is something that continues to be done with the homes that pop up for sale and become short-term rentals. We're trying to bring something to Lincolnville that will be there forever.

And I hear the density problems, and that is unfortunate, but Lincolnville is doing that all on

its own without us bringing a business there or not. It's going to be a dense area regardless.

Our kids go to school there in Lincolnville at Veritas Classical School, and we watched that school go through the exact same issues of neighbors constantly worrying that this was going to create an issue in our neighborhood. And our school did everything it took with countless e-mails, countless meetings, making sure that that never happened. And any time a problem rose, we were there to tackle it as a community. And I have no doubt that that isn't what's going to happen here as well.

If you're looking at a school and the population that comes from a school, look at the population that would come from this project. And we're just ultimately trying to breathe life into the community and not take anything away.

We hear the residents. Every time the residents say that there's something that they have an issue with, we are tackling it with engineers and landscape architects and traffic engineers. We are trying to take care of all of the issues that they have at hand.

And I just want you as a board to hear,

instead of hearing all the negative comments that you hear, that we are trying to address these concerns. We are not trying to ignore them and hope that they go away and that our project continues and that their voices aren't heard. We want their voices heard. Thank you.

CHAIRMAN DAVIS: Thank you.

MARTHA MICKLER: Martha Mickler, resident on Spanish Street.

RECORDING SECRETARY: Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

MARTHA MICKLER: I do.

I've listened very intently to residents. I've listened to the business owners today. Being a retired educator, I appreciate the history. Being a long-time resident of St. Augustine, I appreciate the historical value of presenting history. But I urge you to listen to the residents. Listen to the businesses in this area. Parking is an issue.

Being a long time resident in downtown St. Augustine, living in HP-3, I see parking issues, I see traffic issues. So, I ask you to look carefully at this parking issue, this traffic

issue. The project sounds wonderful, but I don't think it's in the right place without parking.

So I thank you for your service, I thank you for listening to everyone today, and wish you lots of luck in your decision and your discussion. Thank you.

CHAIRMAN DAVIS: Thank you. Is there anyone else in the public that would like to address this issue?

All right. Seeing no one, I will close the public comment. Mr. Whitehouse, you can come back up. Before you do, let's go around the board and do we have any ex parte that we need to disclose?

BOARD MEMBER SHAFFER: I had -- I had phone calls from Melinda Rakoncay, Phil McDaniel, and a joint call with Jackie Hird and Lee Geanuleas, all of whom expressed their concerns in opposition to the project, along with e-mails from Jackie Hird, Melinda Rakoncay, St. Augustine residents Captain Lee Geanuleas, to/from Phil McDaniel, Gina Burrell, Lauren Giber, Nancy Noloboff, Mattie Raiford Harms, Henry Hird, Rick Spence, Denise De- -- Declare [phonetic], Cheryl Kavanaugh, Nick Carrera, and David Spinney, all of whom expressed concerns in opposition.

CHAIRMAN DAVIS: All right. Mr. Blow?

BOARD MEMBER BLOW: Yes. I had a conversation with Ms. Rakoncay, Phil McDaniel, Mr. Whitehouse, Jackie Hird, and Mr. Geanuleas, and I think that's all the conversations.

I got e-mails from everyone that Matthew received, plus I had an early meeting in Jacksonville and I just looked at my e-mail and there's a bunch of e-mails, and so there's probably more e-mails I didn't get a chance to read. So I -- I counted what I had yesterday afternoon and it was 15 e-mails concerning this project.

CHAIRMAN DAVIS: Okay. Mr. Pappas?

BOARD MEMBER PAPPAS: Phone calls, Melinda Rakoncay, Phil McDaniel, there's another gentleman -- sorry I forget the name. All the e-mails are already put on file.

CHAIRMAN DAVIS: All right. I had calls from Joe Tringali, Phillip McDaniel, Ms. Kalaidi, Mr. Whitehouse. Had a meeting with Jackie Hird and Lee Geanuleas, and then e-mails from, and you'll have to wait, Jane McCutcheon, Peter Kavanagh. Let's see. Denise Declare, Nick Spence, Henry Hird, Gina Burrell, Cheryl Kavanaugh, Cheryl Kavanaugh again, Jackie Hird, Lee Geanuleas, Lauren

Giber, Phillip McDaniel.

Let's see. Melinda Rakoncay, Maureen Long, Nancy Noboloff, Phillip McDaniel again, David Spinney, Nick Carrera. This is from Lincolnville. Lauren Giber again. Lauren Giber again. Lauren Giber again. Lee Geanuleas. Some of them were making sure they got to me. Leslee Keys. Lee Geanuleas about a meeting which we've talked about. Make sure. Mike Diaz. And I think that was all of them. Mr. DePreter.

BOARD MEMBER DEPRETER: And you were in Alaska.

CHAIRMAN DAVIS: And I was away.

BOARD MEMBER DEPRETER: And he was in Alaska.

I got all the same e-mails that are on the server. All the e-mails that I got were sent to the entire board, so I'm assuming they're the same y'all got. And I also had a face-to-face meeting with Jackie Hird and Mr. Geanuleas. They asked for a meeting and I thought public comment on this, given the impact, was important.

I also had telephone conversations with Phil McDaniel, Melinda Rakoncay. I additionally got a call from Mark LeMaire. He's the director of the St. Johns United Way down the street. All of these

people that I've named so far were in opposition, particularly with the parking and the intensity.

Also, I was asked and agreed to attend, again because of the importance of this, a meeting of the local business people. I think Mr. McDaniel had some of them up there.

So I met with Nick -- this was all at the same time, I was in the same room all at the same time. Nick Carrera from Urban Asado. Darrell Poli from Marine Supply. Scott Goedert from Goedert Properties. Phillip McDaniel, who already spoke. Joe Tringali from -- 120 -- 123 Burger. Jane McCutcheon from Riberia Plaza. She's the owner apparently of the plaza there on the corner. Andreas, I don't have his last name, I've got it somewhere else, but he's from Crave sandwich shop. And Bruce Maguire, who's already talked. All of those people are either on Riberia or on King on the corner there.

And because I promised those guys I would say this, I think they have already hit on some of the parking concerns, and that was they were afraid the overflow parking would fall on their lots or on their streets. All of them apparently are already having problems keeping people out of their lots.

As Mr. McDaniel expressed, they were afraid that they would have to hire guards and then there'd be the expense of managing the towing. And they did -- unless I'm wrong, I don't have my notes here, but I'm pretty sure, and maybe y'all got the same one that I did, the e-mail -- they suggested 80 percent parking on the lot and possibly 20 percent within 400 feet. So...

CHAIRMAN DAVIS: Ms. Tucker?

BOARD MEMBER TUCKER: I received all the same e-mails. I had phone conversations with Jackie Hird, Phil McDaniel, Joe Tringali, Melinda Rakoncay. And I received calls but couldn't connect with David Spinney and Andres Guardiola.

CHAIRMAN DAVIS: Ms. Barnes?

BOARD MEMBER BARNES: I had all of the same e-mails and I also exchanged texts with Mr. Dettra.

CHAIRMAN DAVIS: All right. I think that's all the ex parte, which might be the most I've had on one item in years. First of all, for everyone who said something, thank you. We all -- those of us that had time, read it. I know I read them and I appreciate your taking the time to send them, so I appreciate that.

All right. Mr. Whitehouse --

MR. WHITEHOUSE: Yes, sir.

CHAIRMAN DAVIS: -- we're back to you.

MR. WHITEHOUSE: Thank you, Mr. Chair.

I know you guys have heard from a lot of people who say they know or think they know what's allowed here, as well as you've heard from a lot of people who will tell you what you should do here. I think I want to take you back to your staff report, your expert staff as well as your code.

We know where this property is. We know what the comprehensive plan category for this property is: Commercial. We know what the zoning for this property is: Commercial. You know what the zoning on King Street is? The same exact zoning. So we can think of the uses that are allowed on King Street and we can think of the uses that should be allowed here.

We're going to -- we're going to get to the -- the discussion about parking because we have provided discussion at that, but I want to talk about this first.

Commercial low, commercial low-one, you know, what's allowed in commercial low-one? Section 28.206, CL-1, service establishments such as restaurant up to a hundred seats on this

property today without any of those buffering, without any of the concessions, without any of the neighborhood-friendly proposals that you see in this PUD.

As I said, and we went through last time and I didn't go through it all again, but you know what the zoning is here. This property is located not in Lincolnville. That's the whole purpose of the zoning.

When our zoning was established within our zoning code, it was -- this is not in residential. This is in commercial. And you can see from the map, you can see King Street, CL-2 and CL-1. You can see La Quinta, CL-1. You can see even the property behind this on Riberia, CL-1.

And again, like I said, this is all on the record from last time, but we know what the approved uses are in CL-1. So people can tell you what they think should be allowed in CL-1 and they can tell you what they think should be allowed in this comprehensive plan category of commercial low, but the fact of the matter is, is the comprehensive plan and your code prevail.

The comprehensive plan, as stated by your city expert staff in their recommendation, they say this

meets the comprehensive plan. Let me go down to that one.

Your city staff, as they state within their staff report, does not give recommendations as to zoning, but they do give recommendations as to the consistency with the comprehensive plan. And this particular staff report, and you have it right in front of you, you can see what your expert staff has said as far as whether or not this meets the comprehensive plan. In fact, they say that they've included eight pages of goals, objectives, and policies from the future land use historic preservation and transportation and mobility elements of the city's comprehensive plan for review.

The included -- this is -- I'm quoting from your staff -- expert staff report, your planning staff. The included goals, policies, and objectives support the proposal for the railroad retrospective mixed-use planned unit development at 115 La Quinta Place.

In other words, any question as to whether or not these proposed uses in this proposal meet the comprehensive plan have been dispelled by your expert planning staff who say that the proposed

uses actually meet the comprehensive plan.

Next let's move to what Mr. Maguire referred to as the thousand-pound elephant in the room and that's parking. We went back after the last hearing to address parking. And I talked about this in my initial and I want to talk about it again. And I think it's important to talk about, because we're not saying that we don't want to address parking. We're saying that we can't fit the parking on this site. And based on the fact that we can't, we're not saying that, okay, we just give up, we don't want to do this.

We have committed within your text right in front of you that the number of spaces, whether it's 51 or more or less, that have to be provided -- or that have to be provided for the uses on-site will be provided and the proof of the leases will be given to the county staff for the amount -- I mean, city staff for the amount of parking spots before any certificate of occupancy is issued by the city.

This is exactly, exactly what you just approved on Item 5.B. for Cortesse's earlier in this meeting. They said they needed 54 spots. They have 13 spots on-site. Do you want us to

provide 13? We'll go back. We can provide 13 -- actually, if you do a ratio, maybe we need 12 since we need 51 spots. We'll provide 12 on-site and then we'll provide leases to the city staff for approval prior to any certificate of occupancy on this site.

We -- we promise to do that. And like I said, it's not me promising here standing here today; it's within the text of the rezoning that we're asking for. And that's exactly what you just approved.

If people say that this is a -- a very busy intersection at -- on Riberia, do you think San Carlos, May Street, and San Marco is less busy? That's more busy than this intersection. And this is the exact same thing that we're asking for that you just approved earlier.

And we'll prove that through the leases. And within that approval, you said that you allow the city -- and that was six-to-one approve today. You said that the -- that the applicant can provide those leases to city staff and then they will be approved for that parking for the use to be allowed.

So I think that's a way to address the

parking. And it's not to say that that parking's going to be dumped on anybody else because they have to provide proof of that.

If we're really going back to zoning and we're really saying that the fact that the real only ask is for a distillery, which is integral to the whole but not the main part of this use, if we're really saying that that is not appropriate for here but every other use is in CL-1, which is all that we're asking for, and we're also addressing the parking, if that's why we're saying that intensity is too much, I'd like to see the facts as to that.

I'm going to let Ryan come up and talk a little bit about the vision and address some of the comment and then I'll conclude. Thank you, Mr. Chair.

RYAN DETTRA: So after the last few meetings, I really had to dive into what was going on here and try and figure out what is the community that we're serving? Because I feel like it's an important question that we need to address.

In St. Augustine, the population is pretty much unchanged in the last 60 years. And this is the kicker. 65 percent are between the ages of 18 and 64. That's not the voice we've been hearing

from, but I've had over 120 letters of support from those age groups. And those are the community, the people that live and work.

In the -- in St. Johns County, we have 24,000 tourism jobs. 43 percent of the jobs in St. Augustine are tourism related. I asked for a list of the short-term rentals just in Lincolnville and I picked through and I found all the Lincolnville addresses and there's 187. That's approximately 20 percent.

This is a picture of, you know, how they kind of advertise their property. They advertise the Ice Plant, the winery. And you know all of these people they are -- that 20 percent part of the community, they walk. They walk to these places.

I kind of did a map of the surrounding properties of the area just to show what -- who was a homesteaded property. And this kind of will blow your mind if you start picking through what properties are homesteaded in this area of -- of Lincolnville.

These yellow ones right here, those are the four homesteaded properties that are commercially zoned. That's the one that's not in the CL-1, and that one property gave us a letter of support.

Very small amount of residents that are homesteaded.

And then I dug in a little deeper. 43 properties surrounding 115 La Quinta and the boundaries on the east side of Riberia. 25 percent of it's commercial. 35 percent of it's short-term rental. 2 percent's vacant. 23 percent residents on tax records. And 14 percent long-term rentals.

And what I want to get to with this, is the committee is really a mix. It's a mix of Flagler students, renters, tourists, and short-terms rentals, homesteaded residents, new residents, tourism businesses, and people that work in the community. And we have so much community support, it's unreal. And when I talk in front of whether it's Paige Accucha [phonetic] or the VCB or the Lincolnville Historical Society or the Lincolnville CRA, I get so much support.

We are bringing jobs to this town. And, you know, unfortunately gentrification, the process of changing the character of a neighborhood through the influx of more affluent residents, we see this at this meeting. Because I was -- I have been talking to the long-term residents who are in support.

The Lincolnville CRA, the Lincolnville Historic Restoration and Preservation Society, those are the long-term residents and they do not want to see their history lost. There is nothing that makes that community more upset than taking down one of the signs, one of the historic signs from the homes that have so much history in that neighborhood. And they have ties. Those groups have ties to the railroad.

And I don't know if -- how many of you know Asa Philip Randolph, but he is one of the most important Civil Rights figures of all time. He organized the Brotherhood of the Sleeping Car Porters which ties into our railroad history. He was born outside of St. Augustine and he grew up in Jacksonville.

And I talked to the Lincolnville Museum and I said what if we did an exhibit for Asa Philip Randolph that kind of -- it was a way to promote your museum on -- and the Lincolnville historic museum, and they thought that was a great idea and they want to work with -- together with that.

And he went on to form the -- the marches on Washington. And one of the most famous ones that he put together was the -- the jobs and labor march

which Martin Luther King did his "I have a dream" speech.

We have incredible African-American history in Lincolnville, and we have not heard their voice in these meetings, but you got 20 letters of support from them this week. And that wasn't even mentioned, which is very unfortunate.

So why is 95 Riberia [sic] the right location? This is an overlay map of the railroads, and I'll probably need to e-mail it so it will be clear, it's hard to see on this screen, but most of U.S. 1 -- most of U.S. 1 here, and then there's Malaga Street here, and then there is where you parked cars across on the West King side and then the spur line's over here.

This is pretty much the only piece of property left with ties to the railroad and that's why we've identified this. It meets all the criteria that we could bring a successful way to interpret history in a living way that's economically feasible.

And it gives tribute to what was actually there, because we want authentic. We don't want pirates running around our town and all the fake history and the people leaving here and saying, Ah, that's -- that's unfortunate, that's what

St. Augustine's come to.

So authentic railroad history, transfer company history, our industrial history, our food history, and Florida history. We are such an important spot for the opening of the east coast of Florida.

And most importantly, it's a concept that meets the objectives in the city's plans. And I have -- I feel like at this point I've read them all. I've searched for everything online that I could find for the city's plans.

And in the last meeting, they talked about bringing other railroad museums in the -- in the 90s and something on U.S. 1. Those never materialized. Those are not feasible. They could not make a business out of them that made sense.

The past two tenants of La Quinta failed. So, you know, the city said they reviewed six plans for the property in two years. So, as you know, the condition of the property is as bad as it gets and I may be the last applicant.

And I needed to address the economic need, as explained to me in the last meeting by Mrs. Barnes and, you know, there's many reasons, but the main one is the -- what makes it possible to do this is

the legislation.

Brewery and distillery, the legislation for distilleries has improved dramatically in 2021 that allows for a concept like this to actually work and be viable, which it previously did not allow for this. Breweries are a little bit more restrictive. If we're able to do a brewery distillery, it's something that's just starting to pop up, we may do that, but a brewery alone, the laws are too prohibitive for direct sale for the retail component to work.

And I tried to run the numbers a few different ways, and I was advised not to make any projections public, but it just doesn't -- it doesn't come together. And the breweries can only sell in large sizes that people don't want to carry around.

Vendors, we addressed vendors. I had a local hot sauce company. Chris, he came up here and talked about his product and how to be an incubator for it.

And the Lincoln redevelopment plan. I kind of dove into that plan because I thought that was pretty interesting how it is really in line with what we're proposing. So, in that plan, it says striking a balance between population growth,

development, economic development, and preserve -- preservation. What we hear in these meetings is a -- is a no growth.

Lincolnville meets the statutory criteria for bright -- blight. Rehabilitation conversation -- converse -- conversation [sic] redevelopment is necessary in the interest of public health. The Lincolnville redevelopment plan reflects the community's priorities and vision.

And this isn't one person that's anti-competition that formed a group of people; this is a study the city did and got the city's plan together based on the community's priorities and vision.

So safer roadways and pedestrian connections, which we're proposing the crosswalk across La Quinta and Riberia. The redevelopment of the plan must remain consistent with the historic preservation goal in order to maintain and has -- enhance historic integrity and ambiance within Lincolnville.

There's not much left that -- like this that's needs to be restored and this will be lost, and at the same time, encouraging economic growth. People still want jobs and they still want our town to

have these kind of things and to have that kind of quality.

It also addresses in this plan PUDs. That they're more flexible land use regulations that can facilitate the use of development that is in harmony with the general purpose and intent of the city's general planning program and comp -- comprehensive plan, which we have gone out of our way to meet everything; got a quote and report from the city.

PUDs encourage ingenuity, imagination, and design efforts which produce commercial or industrial developments or a combination which are keeping with standards. I believe we have done that.

The framework for future development based on the neighborhood's vision for preserving and enhancing Lincolnville's unique character. Lincolnville has a unique character and these buildings are part of that.

The plan recommends including retail along Riberia Street corridor. We are putting that in our plan to include retail.

Findings of necessity. Faulty lot layout in relation to size and usefulness, unsanitary, unsafe

conditions, endanger life and property, deterioration of site, incidents of code violations higher than that in the remainder of the city. This is why this property hasn't been developed. It's almost impossible to develop because you can't meet all the things and it has faulty lot layout.

The east side of Riberia is not conducive for owner-occupied single-family homes. This study is ten years old, and they -- they addressed that it's not conducive for owner-occupied single-family homes, but it can support compatible commercial uses. We are proposing a compatible commercial use and we've gone out of the way to address all the things and all the comments from the community that spoke up.

Lincolnville residents have the opportunity to support a small number of retail and service businesses. You heard Cornucopia fruit stand come up here earlier, and they're struggling and it's somebody that the community should support. Rype & Readi was something the community should have supported, but they didn't. And they need to support the small businesses that exist. But they cannot make everything be a small business.

The following actions are needed and

recommended to maximize economic growth and revenue growth opportunity in the Riberia Street corridor while enhancing its compatibility. We're talking about the Riberia Street corridor.

Revise and update city land use designations to regulate to allow for and encourage a mix of higher-density compatible commercial uses on the east side of Riberia including the provision for adequate buffering on residential areas to the east. We put that in our plan, that we have a great buffer. We have an eight-foot fence, we have landscaping, and we don't have any traffic entering from the La Quinta side.

Affirm the commitment of the city to enhance the area and draw attention to the historic working waterfront area. We're the only business really trying to do that. We were doing it with the Ice Plant and we're trying to do that with this.

Lincolnville has a prominent existing and future role in St. Augustine's tourist industry. It does, and according to all the plans I've read and the -- and the neighbors, that there are certain spots where we want to have that, and this has been identified as one of them.

Most important, reminders of the rich

African-American history and culture of Lincolnville from its founding in the 18th century to the Civil Rights movement 200 years ago later can be found throughout the neighborhood. These includes churches, homes, parks, museums, historic markers, and -- and annual events. And the population of the original homeowners is declining.

So they also address in this plan the transition zone on the east side of Riberia. The zone is a preferred location because it would soften the transition from single-family residential to the east side and industrial from the west. That's exactly what we're trying to do. The east side of Riberia will likely decline as a location for residential uses. We've seen that.

Remediation of blighted structures, deteriorating structures, we're trying to -- to do that with this project.

Other tourism-related needs and opportunities include the possibility of redevelopment of properties on the east side of Riberia, east side, to form a small high-value, tourist-oriented cluster of facilities. That's exactly what we're proposing and that's what the city paid to have in this plan years ago. They paid for this plan and

that's what they identified as something that should have -- that that is a guiding document for redevelopment.

We have listened to the neighbors. We lowered the density. I don't know if you guys noticed, but that -- the historic barn, we've reduced the size. The part that was added on, we took it off to reduce the size and scooted it back off the street because there is concerns about the safety of that area, and we put a sidewalk in front of it.

So we've lowered the density. We keep hearing things about density. We've listened to the neighbors. We lowered density. We listened to the neighbors and put an eight-foot fence on the residential sides of the property. We put a four-foot fence on La Quinta. We put a landscape buffer. Sidewalk on Riberia that allow pedestrians to enter/exit on the sidewalk. Sight lines traffic on La Quinta Place corrected. The crosswalk across La Quinta and Riberia. No entrances on La Quinta.

You can't tell me you don't want traffic up and down La Quinta and then say that you need to provide a certain amount of parking on -- coming off La Quinta. Those contradict itself and it's not what our parking expert recommended.

Commitment to parking that meets the city's required number of spaces, and we're proposing that, too. And we've had many conversations with people who have land to lease. There is a contingency and it gets us -- from one person and we believe we'll be able to solve all of the parking required spaces that we need.

The Lincolnville redevelopment plan is a good plan and we think we meet that. We've also combed through the other plans that the city's put out and we're in line with -- with all the city plans. And I hope that you guys understand that -- that the voices of the people that aren't here, they do matter. I don't know if we want to go through all 120 and --

CHAIRMAN DAVIS: We do not.

RYAN DETTRA: Okay. But it kind of gets skipped over and they've been very good supporters of this.

MR. WHITEHOUSE: And, Mr. Chair, just in conclusion, obviously Ryan does a very good job trying to summarize his vision.

He clearly has -- has a vision. He's really done a lot of good projects, and I think you heard from a number of the people, even though there was

some discussion as to parking, and I think that was the majority of the e-mails and the -- the ex parte that you guys revealed earlier.

But I don't think any of them -- I mean, there may have been a few, but the majority of them do not disagree that Ryan has good ideas and Ryan's done a lot of great things in our city and in our county.

And I think the fact of the matter is, is if we can move forward and we can address that issue with the parking, then this is not a -- a noncompatible use in CL-1 zoning. In fact, there's only one thing that they're really asking for that doesn't increase the density of the site. Irrespective of what some people may say, it really does not.

And I think if we talk about parking and we can answer any questions, but we have included -- we went back and put in the -- yes, sir?

CHAIRMAN DAVIS: I got you.

MR. WHITEHOUSE: Yeah.

CHAIRMAN DAVIS: I think -- I think we got you.

MR. WHITEHOUSE: Yes.

CHAIRMAN DAVIS: I think we understand.

MR. WHITEHOUSE: Yes, sir.

CHAIRMAN DAVIS: I appreciate all the time and energy that -- that Ryan put into his presentation. He didn't put that together in five minutes, right? I mean, that was a lot of work. We're going to go to board comments and questions.

Ms. Barnes, you are first.

BOARD MEMBER BARNES: Yes. Thank you, so much.

So it is my understanding that the PUD is only required for the distillery. This is a question for staff.

MR. FREDRIKSSON: If the alcohol use is -- alcohol use is of serving alcohol above 14 percent --

BOARD MEMBER BARNES: Yes.

MR. FREDRIKSSON: -- serving alcohol.

BOARD MEMBER BARNES: Okay. But -- so parking could be done by exception or variance by location.

The restaurant we know is an acceptable use; you wouldn't even need anything for that. The -- the craft brewery is CL-1, and the museum, that's all -- wouldn't even need an exception; is that correct?

MR. FREDRIKSSON: Yes, ma'am.

BOARD MEMBER BARNES: Okay. So then, what we're looking at is the -- I'm going to leave parking aside for just a second.

So the requirements to rezone according to the comp plan Section 28-30, Number 1 is the need and justification. Number 2 is the relationship to the city's plan -- or code as well as plan, and then the consistency with the comprehensive plan. In my view, I think that for the most part, Number 2 and Number 3 are fine. It comes down for me to the need and justification.

So my second question for staff and possibly Ms. Lopez is, do we have anything in the code to guide us as to how we define need and justification?

MS. LOPEZ: Sure. If you go -- and I'll give you my pagination and your pagination. Let's see. So for me, it's Page 242, but for you, it is Page 13. And if you on look at Page 13 of your report, you'll see sort of in bold "Division 9, Planned Unit Development, PUD, Section 28-286, Purpose and Intent."

BOARD MEMBER BARNES: Beautiful.

MS. LOPEZ: And that'll give you -- don't make me do math --

BOARD MEMBER BARNES: No.

MS. LOPEZ: -- but A -- A through G criteria.

BOARD MEMBER BARNES: Yeah. Great.

So then, if we look at Section 28-286, and that's on our Page 13, the PUD process is design -- the things that I have underlined are to promote urban infill, to promote flexibility, to meet the changing needs, but also respecting the quality, integrity of the existing neighborhoods. And that's in 28-292.

So, for me, especially as regards to the distillery, it comes down to the issue of need and justification. And the burden of proof is on the applicant. All right. Why is that -- why is that a need? What's the justification? And I have yet to hear that need and justification beyond some sort of things that were in Mr. Dettra's presentation, but I would like to understand that further.

And such as, what's the cost to rehabilitate the property to make it what such it is? Some of the -- I mean, something like a business plan would be sufficient for myself to understand what it would look like with and without the distillery and why that would be needed as a -- as a

justification.

I think -- I think someone had in the comment, but it's already been addressed that CL-1 does provide for a restaurant up to a hundred seats. I think that was one of the comments was made, that that wasn't included, but just wanted to note that.

In terms of the walkway on Riberia, the sidewalk, you had said something about moving -- because there's -- there's not room for the sidewalk, because that would like hit the barn, right? So there's the idea to move it back such that the sidewalk can go all the way down the property on Riberia. That's a question.

MR. WHITEHOUSE: Yes. So if you look at the -- your packet in front of you and if you look and see where we talk about Area 2, which is the distillery and museum building --

BOARD MEMBER BARNES: Uh-huh.

MR. WHITEHOUSE: -- if you note, Ryan mentioned this, and I may have skipped over it or went over it a little fast earlier, but when you talk about Area 2, and you see I have the diagram up on the screen now, you can see that that extra, there was a -- a part of that building that was added on that -- on that western side --

BOARD MEMBER BARNES: Yeah.

MR. WHITEHOUSE: -- in history, so we -- so we're going to -- we're proposing to take that part off so then you can have -- because I don't know if many of you have been out there --

BOARD MEMBER BARNES: Yeah.

MR. WHITEHOUSE: -- but if you haven't, that comes up really close to the road.

BOARD MEMBER BARNES: Yes.

MR. WHITEHOUSE: So not only does it help the sight lines for safety, but it helps to be able to put a sidewalk in there and it helps to have that --

BOARD MEMBER BARNES: Yeah, because that was my question --

MR. WHITEHOUSE: Yes, ma'am.

BOARD MEMBER BARNES: -- because then it's a sidewalk to the barn.

MR. WHITEHOUSE: Yes, ma'am.

BOARD MEMBER BARNES: So the other thing is, is that if you're proposing a crosswalk at the northwest side of this property, the purpose of the sidewalk for the duration of the property, there's no crosswalk again at the end of it. So -- and there's no sidewalk. So it would just stop at

Cedar?

I don't know if that's some sort of -- so, let me -- let me say that, for me, traffic on Riberia is so much faster than traffic on San Marco. Traffic on -- slowing traffic down on Riberia is a huge positive for myself. And I live in that area and I think that is a massive thing. So it would in no way make me frustrated, except for maybe if I was rushing home.

But for in terms of health and safety, I would absolutely love to see a crosswalk there and I would absolutely love for traffic to be slowed down. So that is -- but my question really did to that sidewalk.

To go back -- so I just skipped over 2 and 3 of the criteria in part because, as you've noted, that there's eight pages of the staff report that say that this meets the various comp plans.

I think that the professor who came to speak made an interesting insight as to how the local -- the locomotive in a way made St. Augustine possible and hopefully will make -- will alleviate all of our car issues. Just kidding.

So I don't think that there's any consternation regarding sort of the museum. There

might be some about whether it serves the local community. I think for the most part, you know, I don't have an issue with how it's being utilized. It sounds interesting. I live in the area. Would definitely come. I think it comes down for me, if I would do this project, I would do it by exception.

So I would -- I haven't seen the need to -- that would justify making it a PUD, and I -- especially if we have leases or leases in hand, doing something similar that we did to the other project, I would have absolutely no problem with.

I think that I wish it was easier to restrict parking in residential neighborhoods, because when you have these type of things, obviously traffic flows into it. And I wish that -- so, on Sanford, we couldn't get everybody together on the north or in the middle to restrict parking, and I wish that whether we do it house by house or something that would just make it easier for residents. So maybe the residents on some part of Cedar struggle or some of the residents -- some of the residents on Sanford struggle and we could re- -- we could restrict parking that didn't require the entire street.

It makes it very difficult because regardless of whether they provide parking, regardless of whether they provide leases, I know from The Preserve that parking will happen. And I wish that there was an easier way for residents who live in this neighborhood, that that could be one of the issues that we address when we think about parking.

I think that the question that came up, like, a lot was this issue of we have parking laws and we should follow them, right? We do. And it -- it's not -- it's not an issue of, here is the law and we should stick to it. We also have a comp plan, as the applicant has referred to, that states that we have a problem.

We have a problem and we have to come up with creative solutions to solve it. And our problem is, in my view, is that the downtown is not easily navigable. And in our comp plan or the parking plan that we're talking about is how can we eliminate, further eliminate cars and the storage of cars? I think New York City is contemplating similar questions, actually.

And navigating the city is not only maddening, but it's also a safety issue, as Ms. Pellicer pointed out. And so how do we draft, right? Do we

draft -- do we modify based on our present concerns, just on our present concerns, or do we also try to consider what we are moving towards in our future? While keeping in mind that overflow parking will be absolutely an issue.

So I actually am okay with doing the parking either by exception or variance by location, but I don't see approving the PUD. I don't see the justification or necessity for it.

CHAIRMAN DAVIS: All right. Thank you. Mr. Shaffer?

BOARD MEMBER SHAFFER: So I will -- looking for something to agree with, I will agree with the not seeing the need and the justification, and especially with regard to parking.

But first, just talking about the zoning change, you talk about -- and I agree with kind of in spirit that, you know, stick with the existing zoning, handle what you can with use by exception, but let's be clear, CL-1 zoning is -- it's a buffer-type zoning.

The use by exception would be to allow for beer and wine. To allow for liquor is not allowable as a use by exception in that zoning, and it does not allow for tourist attractions or

distilleries.

So I'm actually kind of -- and I did just have one question for staff to clarify this opinion that it -- that this proposal is consistent with the comprehensive plan. I mean, is that -- I frankly am having a hard time with that because of that issue, that tourist attractions, distilleries, are not consistent with the commercial -- what is our overriding land use there? Commercial light, right?

Is -- I guess, is that a -- is that -- maybe let me just direct to Isabelle and leave it at that. Is this -- is this a -- is that a legal opinion? Because I -- you know --

MS. LOPEZ: It would be a planning opinion. So your planner would be --

BOARD MEMBER SHAFFER: So it is subjective.

MS. LOPEZ: No, no, no. I'm not a planner.

BOARD MEMBER SHAFFER: Okay.

MS. LOPEZ: So if you're asking from a professional planner perspective what the opinion of staff is whether or not the proposed PUD uses would or would not truly be consistent with the comprehensive plan future land use map designation, I think that's a legitimate question addressed to a

planner.

BOARD MEMBER SHAFFER: Okay. Thank you.

I guess -- I don't know. I mean, maybe just looking for -- I mean, if the -- if the future land use element goal is to ensure that the character, density, intensity, and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical, and economic environment to enhance the quality of life for all residents of the city of St. Augustine, is -- is that, I guess can you -- are you able to help me to understand how you arrived at that a little bit?

MR. FREDRIKSSON: I mean, I just reviewed the commercial low intensity. So that's FLUE Policy 6.51. That's Page 5 of the staff report. Was there anything that stood out to you that wasn't in line --

BOARD MEMBER SHAFFER: Well, yeah, was the fact that the current zoning would require for more than a use by exception, and that tourist attractions and distilleries, as has been pointed out, would require quite an increase in intensity of use, allowable intensity.

And we kind of are using these words "density"

and "intensity" somewhat interchangeably, and I want to be clear that the proposal as I see it is clearly an intensification of allowable uses there and going beyond what is the intent of the CL-1 zoning, which is to be a buffer zone adjacent to neighborhoods.

You know, I appreciate where you're coming from and that's just -- I guess I'm just stating my -- my interpretation and my opinion. I believe it's subjective.

So, as far as, you know, justifying the -- the need with regard to parking, I -- you know, as I've stated before, I think to -- to -- to eliminate the parking requirement or to waive it, at least with it being on site, you know, is not -- and to say that that's going to reduce the number of cars it's going to bring, you know, into the city, I just don't see that as the creative solution that we're looking for.

I kind of frankly agree with Mr. Maguire who stated that that's just absurd. It's just not going to happen. You know, we see what -- we see people parking. We see the parking requirements for similar businesses in the neighborhood. They fill up their parking lots. So how this is

supposed to help, I don't see that. On the contrary, we've heard testimony from local business owners that this is going to hurt adjacent businesses.

And then one of the -- you know, the other requirement that we have to meet for a PUD is that -- bear with me. Well, yeah, but you know --

BOARD MEMBER BLOW: 13.

BOARD MEMBER SHAFFER: Thank you, yeah.

Some of the requirements that we -- that are, you know, needed to meet -- satisfy the requirements of the PUD, necessity to protect the public health, safety, and general welfare, assess the development's impact on the surrounding neighborhood.

I think we've heard a lot of testimony to the -- to the potential for a detrimental effect on the surrounding neighborhoods, to longtime residents and their quality of life. And to provide an environment that is consistent with the surrounding areas. I don't believe that this would do that, unfortunately. Again, like I stated before, I love the project, it just needs to be somewhere else.

CHAIRMAN DAVIS: All right. Mr. Blow?

BOARD MEMBER BLOW: Thank you, Mr. Chairman.

In the interest of time, I'm just going to say that I agree with Ms. Barnes, I agree with Mr. Shaffer's points. You know, it's the -- the property is zoned CL-1. You can do everything you want to do in CL-1. As far as the alcohol situation, you could do a brewery with an exception, which wouldn't involve a rezoning.

So, I just -- and as far as the parking, we've had testimony from all of the surrounding businesses that allowing you to not have on-site parking will cause immediate damage to them. And -- and I mean, we've had that testimony from multiple businesses within, you know, hundreds of feet of your location.

Perhaps in the future, the Sebastian Inlet Harbor project will get built and they'll have a parking garage. And actually, you know, under the old PUD which no longer exists, there was going to be a parking garage in the -- in the city. If I remember correctly, it had a certain allocation of spaces in that parking garage.

And if I remember correctly, this board recommended approval of a modified PUD there, but something went wrong and it -- when it got to the

city commission, they decided not to move forward with that PUD. And of course the owner has the right to have the property returned to its original zoning.

So, that said, I mean, like I say, if you had a parking garage across the street and you could get leases for parking, it would be a totally different story. But, you know, no one -- no one knows when or if that property across the street will ever get developed. And in the current environment especially, I wouldn't -- unless I could go up there and put my hands around that parking garage, I'm not going to believe it until I see it. So that said, I'll defer on to Mr. Pappas.

CHAIRMAN DAVIS: Mr. Pappas?

BOARD MEMBER PAPPAS: Well, I'll be brief in the interest of time because I'm guessing from the listening to the board I'm the minority opinion. That I'm not a big fan of PUDs, but in some cases, PUD is the only way to get something done for certain properties, and I thought this particular case was. And I think it meets the, you know, efficient and economic uses of the land. I think that's the only -- I think it does meet that.

And, you know, I've been on my soapbox about

parking, and I've lived it. I've been a business owner, I've owned business property and I've gone through all this and I've heard all the businesses, and we had the same situation where overflow went into the property we bought, which was the only parking lot. But there are solutions to that. And I agree that if you put the 12 parking spots, that's worse than having no parking spots, because that makes people come with their cars looking for parking.

And we need to get out of that thought process that we think we have to have huge parking lots to make businesses survive. I know at least three people we're sitting with that don't work the same way the rest of the world does, where we get to places in alternative ways.

And those who are going to use cars when there is no parking will not go to that business because they want that convenience. And does that mean there won't be overflow? No, there will be. Does that mean you might have to manage the parking lot for a little while? Probably. But eventually, it changes. But seeing the direction of this, I'm going to move on to Mike, unless things change from this point on.

CHAIRMAN DAVIS: All right. And I just want to clarify with Mr. Dettra.

The reason I didn't let you read all those comments is we didn't read any of the comments that we got, right? Had we read those, I would have let you read the same amount of comments, right? And that was out of a respect for everyone's time, because I think we could be here until about 11:00 just doing that. So that's one.

I think this is a -- I think it's a phenomenal idea. I think you've had amazing success. I just can't get past the parking in this location, right? It -- that's the hardest thing for me, is it's -- we need 50 spaces and there's nothing anywhere around it to get the 50 spaces.

Mr. Whitehouse brought up that this is very similar to the one we just did earlier. I've got to disagree in a lot of that, right? The earlier one was not in a residential neighborhood. There's all commercial all the way around it. It's been a restaurant for 20 years. It's been a restaurant where people have been -- that know how to get in and out of that area. All of that stuff has been done.

And also, if we treated this project the way

we treated that one, we would not grant this PUD until you came to us with the leases. Not granting it so you can start building and then you're going to go find the leases. That's two different issues. And I find that to be an incredibly big hurdle that I just can't get over.

So -- and the other thing, we keep talking about you could put a hundred-seat restaurant on that property. No, you can't. If you try to put a hundred-seat restaurant on that property and you had to have a parking lot with 25 spaces and a retention pond and all the other requirements that are done today, you can't get that on there. It says you can put it on there, but I defy any civil engineer to get on it that site. It's just too darn small.

UNIDENTIFIED SPEAKER: Is that a challenge?

CHAIRMAN DAVIS: Hey, if somebody can do it, bring it. I'll be more than happy to make the motion to pass that one. But it is a -- that is a site that's just not big enough for a hundred-seat restaurant. It just won't fit. So I just have a hard time with the parking.

I can't support this PUD. I feel like we've given it, you know, ample opportunity to try to get

over some of the hurdles. I think this would be a phenomenal project somewhere else in the city, just not here. Mr. DePreter?

BOARD MEMBER DEPRETER: I'm not going to repeat what people said, but I've just been trying to get a physical description of what's going to happen there. That's all I've been -- the rest of the rhetorical stuff, I wasn't interested in.

So the way I look at it is you have four buildings. Most of them have dual uses. You have the rail car -- and this is to the brilliance of Mr. Dettra's plan. It's almost so good that it kind of scares me.

So we were asked to look at how different uses work. So you have a railroad car. That's an attractor. When we did Red Cox Drive, remember we were talking about attractors? We've got lighthouse park, we've got the lighthouse and we've got the Alligator Farm.

What you want to do to get somebody on a property is you get an attractor. The attractor is the railroad car. That railroad car is going to sell. It's going to be online, it's going to be on magazines, it's going to be everywhere.

While you have it there, you figure, hey, what

else can I do with it? I'll make it into a restaurant. So I make it into a restaurant, so it's basically a dual use.

Then when -- when this first came on, I wanted to know what the kitchen was. I thought maybe the kitchen was exclusive to the restaurant. Then the second meeting, we found that it's not exclusive to the restaurant, that it in fact is a standalone restaurant that effectively will have some seats inside and will also have what I would call a food court outside. So that's going to be open from 10:00 until 10:00. So the kitchen will serve the railroad car, but it will also be, I won't say separate restaurant, but it will be like a glorified food truck to a certain extent.

Then you have the second attractor and that's distillery. So I'm going to have the distillery. I'm going to put that online. That's going to get a lot of attention. While I've got them in there, I'm going to sell them some gifts and we'll make it a museum, which is another attractor. So that building has two or three different uses.

Then you go -- the PUD says that folds into -- you come out of the brewery museum and it folds into a tour of the giftshop. And the giftshop's

going to be a specialty store like we just approved down on -- on Avia- -- Aviles. So in the end -- and also a market.

So in the end, to Mr. Whitehouse's claim that some of these are CL uses, I don't disagree with that, but there's a number of on one property. So CL uses I have is so far a specialty use store, a restaurant with a hundred seats -- and you could make an argument that the other one is separate from that, but I don't really need to -- sale of alcoholic beverages less than 14 percent, that would be in the specialty shop, and a museum.

And then for CM-2 uses, you have sales of all alcoholic beverages either on or off business and craft alcohol industry. So if you add it up, you've got four or five different uses.

It's absolutely brilliant. It's really one of the best business plans I've seen since I've been sitting here for five years, and that's kind of what scares me.

So, how it fits into the criteria, I would -- I would say that I am not happy with criteria Number 2 and Number 3. I think that this is going to be wildly successful, and because it's going to be successful, I think it's going to be

incompatible with the surrounding neighborhoods in the sense that, as we've discussed, CL-1 is essentially a resident type of business. It's a buffer, as Mr. Shaffer has said before. And I also think that it could possibly be in conflict with the future land use which we have, which is again a low intensity.

So this is a lot of things, but in the end, it's a tourist business, and I'm very hesitant to okay a tourist business on the other side of Riberia in a CL-1 business, because this is -- you light that flame, you don't really know where it's going to go.

So I can't support it, but I owed it to Mr. Dettra, I think, because he's put a lot of work into this, to try to spell out exactly the reasons that I -- that I wouldn't support it.

The parking, that's -- it's enough with the intensity, but I have to agree with Mike, big difference from Cortesse. Cortesse, we had five people that signed an intent that they were going to do it.

And respectfully, I think there's kind of a fishing expedition with this. First -- when it first came in, it was we have parking. And the

second time, we don't have parking. And the third time, we will have parking. And that's -- I can't particularly with something that will be impactful as this. But all -- seriously, all my respect to Mr. Dettra. This is really a great business plan. I just can't approve it for this site.

CHAIRMAN DAVIS: Ms. Tucker?

BOARD MEMBER TUCKER: Yeah, I agree with the majority of the board members. I think over all, it's a really great -- great project, great concept. I would like to go there. But, you know, there's still things that I can't get over.

And as far as the updated plan you gave us, I have to be honest, it's pretty hard to follow your plan. You put it on half of an 8 1/2 x 11 sheet of paper. You said that you reduced the density. I can't tell because you have a bunch of dimensions going to nowhere on here. There are no building outlines really shown with how this is printed off. In the future, I would recommend printing your site plan on one devoted sheet to itself for us to follow.

But regardless, it's hard for me to get over the parking and the increase in traffic on Riberia. I know a couple of, you know, people made the

comment that, you know, they didn't even put one parking space on the site, they didn't even attempt to meet that for ADA or staff or, you know, just something to kind of appease it a little bit.

And outside of that, you know, I'm also hearing maybe people would be more open to it if there was parking within 400 feet, but there's just nowhere for that right now. And until I would see something more concrete, I'm -- I would be uncomfortable moving forward with it.

I just don't see how parking would work without impacting the neighborhood and taking over the streets there and impacting the community in a negative way. So I can't support this PUD.

CHAIRMAN DAVIS: All right. Does anybody have a motion?

UNIDENTIFIED SPEAKER: I need --

CHAIRMAN DAVIS: Mr. Shaffer?

UNIDENTIFIED SPEAKER: I need the documents that were shown in Mr. Tucker's presentation.

CHAIRMAN DAVIS: Yes. Thank you for reminding us.

BOARD MEMBER BLOW: Before we vote, can I make --

CHAIRMAN DAVIS: Yes, sir, you can, Mr. Blow.

BOARD MEMBER BLOW: -- a reminder that while, you know, Mr. DePreter is right it is a brilliant business plan and it would be very successful, but also just remind the applicant that we just -- we make a recommendation, but the city commission actually makes the decision.

So -- and they have overturned our recommendations in the past. So I just wanted to make -- remind you of that. Whereas with a variance or exception, generally you'd have to appeal that, but...

MS. LOPEZ: Just a reminder, though, under our rules, if the PZB makes a recommendation to deny the rezoning --

BOARD MEMBER BLOW: Then they have --

MS. LOPEZ: -- it is an appeal to the city commission.

BOARD MEMBER BLOW: But it's happened before.

CHAIRMAN DAVIS: All right. Mr. Shaffer?

BOARD MEMBER SHAFFER: And -- and just briefly, I agree. I love the way that Mr. DePreter states that that would be wildly successful, and I just -- I agree with that sentiment as well.

But, yet I move that we recommend that the city -- that we recommend the city commission

denying the rezoning of the .64 acre property from commercial low-one, CL-1, to planned unit development, and that is at 115 La Quinta Place, rezoning request number 2023-0057.

CHAIRMAN DAVIS: I'll second. All right. Please call the roll.

RECORDING SECRETARY: Matthew Shaffer?

BOARD MEMBER SHAFFER: Yes.

RECORDING SECRETARY: Mike Davis?

CHAIRMAN DAVIS: Yes.

RECORDING SECRETARY: Ashleigh Barnes?

BOARD MEMBER BARNES: No. No.

RECORDING SECRETARY: Christina Tucker?

BOARD MEMBER TUCKER: Yes.

RECORDING SECRETARY: John DePreter?

BOARD MEMBER DEPRETER: Yes.

RECORDING SECRETARY: Carl Blow?

BOARD MEMBER BLOW: Yes.

RECORDING SECRETARY: Charles Pappas?

BOARD MEMBER PAPPAS: No.

CHAIRMAN DAVIS: All right. Thank you all. That is the end of that item.

(Hearing concluded.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF ST. JOHNS)

I, JANET M. BEASON, RPR-CP, RMR, CRR, FPR-C, do hereby certify that the foregoing pages constitute a true and complete transcript of the proceedings transcribed via digital recording by me to the best of my ability in the aforementioned cause at the time and place herein set forth.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 29th day of September, 2023.

Janet M. Beason

JANET M. BEASON, RPR, RMR, CRR, FPR-C

ANDY HANCOCK: [2] 32/10 32/14
B.J. KALAIDI: [1] 45/15
BOARD MEMBER BARNES: [16] 55/16 76/8 76/16 76/18 77/1 77/23 78/1 78/3 79/18 80/1 80/6 80/9 80/14 80/17 80/20 101/12
BOARD MEMBER BLOW: [8] 52/2 88/8 89/1 99/23 100/1 100/15 100/18 101/18
BOARD MEMBER DEPRETER: [4] 53/11 53/14 94/4 101/16
BOARD MEMBER PAPPAS: [3] 52/14 90/16 101/20
BOARD MEMBER SHAFFER: [9] 51/14 84/12 85/17 85/19 86/2 86/19 88/9 100/20 101/8
BOARD MEMBER TUCKER: [3] 55/10 98/8 101/14
BRUCE MAGUIRE: [2] 16/21 17/1
C.H. HOOKS: [2] 19/10 19/15
CHAIRMAN DAVIS: [49] 3/2 5/1 5/14 16/15 19/8 21/3 23/12 25/3 25/7 25/10 27/16 32/9 33/13 38/8 40/18 40/23 44/1 44/12 45/13 47/18 50/7 51/7 52/1 52/13 52/18 53/13 55/9 55/15 55/18 56/2 74/16 75/20 75/22 75/25 76/2 84/10 88/25 90/15 92/1 93/18 98/7 99/15 99/18 99/21 99/25 100/19 101/5 101/10 101/21
CHERYL KAVANAUGH: [2] 21/4 21/9
HEATHER DETTRA: [2] 47/21 48/1
JACKIE HIRD: [3] 25/4 25/9 25/11
LAUREN GIBER: [2] 33/14 33/19
MARSHA CHANCE: [2] 27/17 27/22
MARTHA MICKLER: [2] 50/8 50/13
MELINDA RAKONCAY: [1] 35/22
MR. BOWSON: [2] 44/2 44/7
MR. FREDRIKSSON: [5] 3/10 76/13 76/17 76/25 86/14
MR. WHITEHOUSE: [14] 5/15 56/1 56/3 74/20 75/21 75/24 76/1 79/14 79/19 80/2 80/7 80/10 80/16 80/19
MS. LOPEZ: [8] 77/16 77/24 78/2 85/15 85/18 85/20 100/12 100/16
NANCY PELLICER: [2] 38/10 38/15
PHIL MCDANIEL: [2] 40/20 41/2
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RYAN DETTRA: [4] 5/9 5/13 61/17 74/17
STETSON DETTRA: [2] 44/14 44/19
TOM KAVANAUGH: [2] 30/1 30/6
UNIDENTIFIED SPEAKER: [3] 93/17 99/17 99/19

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yes [27] 3/10 19/15 21/9 21/11 21/12 27/22 44/19 48/1 52/2 56/1 75/19 75/24 76/1 76/8 76/16 76/25 79/14 80/9 80/16 80/19 99/21 99/25 101/8 101/10 101/14 101/16 101/18
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EXHIBIT

F

CITY OF ST AUGUSTINE
EST. 1565

AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Alcazar Room

Tuesday, August 1, 2023, at 1:00 p.m.

Regular Agenda

1. **Roll Call**

2. **General Public Comments for Items Not on the Agenda**

3. **Approval of Minutes**

   a. Regular Meeting Minutes from June 6, 2023.
   b. Special Meeting Minutes from June 27, 2023.

4. **Modification and Approval of Agenda**

5. **Variance**

   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.

   b. 2023-0064

   Elizabeth Ross – Applicant
   Elliot Ross – Owner
   22 Park Terrace Drive
   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.

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.

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.

6. Use by Exception

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.

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

~~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.~~

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.

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.

8. Conservation Overlay Zone Development

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.

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.

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.

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.

9. Rezoning

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).

~~b. 2023-0061~~

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.

11. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

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

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

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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.

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 May[7]
- 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 Riberia 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). ~~2023-0061~~ 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
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o. 29 Smith Street / PID 104376-0030
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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

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

August 1, 2023

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Variance – 115 La Quinta Place – 2023-0057

Dear Mr. Whitehouse,

On Tuesday, August 1, 2023, the Planning and Zoning Board (PZB) met and discussed your application to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD), for property located at 115 La Quinta Place / Parcel Number 201920-0000.

The Board **continued** your application until the September 5, 2023, Planning and Zoning Board meeting.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

Amy McClure Skinner, AICP
Director, Planning & Building

cc: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

☐ Appeal
☐ Conservation Overlay Zone Development
☐ Use by Exception
☐ Final Development Plan
☐ Land Use Plan Amendment
☐ Preliminary Subdivision Plat Approval
☐ PUD Modification/Amendment
☒ Rezoning
☐ Variance
☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2023-0057
Applicant: James G. Whitehouse, Esq. for Ryan Dettra c/o St. Johns Law Group
Owner: Paul M. Meredith, P.A.
Address: 115 La Quinta Place
Parcel Number: 2019200000

RE: Rezoning, pursuant to Section 28-30, City of St. Augustine Code, to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON AUGUST 1, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the August 1, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Low Intensity and a zoning classification of Commercial Low One (CL-1).
4. The above-described Rezoning is subject to Section 28-30 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-30, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD).

Subject to the following findings by the PZB:

- -Continue to 9/5/2023
- _____
- _____

Subject to the following conditions:

- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 1 day of August, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0057 **REQUEST APPROVED / DENIED / CONTINUED**

Michael A. Davis
Sign Name

Michael Davis
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 1 day of August, A.D., 2023.

ELYSE WIEMANN
Commission # HH 217621
Expires May 19, 2025

Elyse Wiemann
Notary Public, State of Florida

PARKING VARIANCE

Item #5(c) 124 KING ST. pp 4-5

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

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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 CONTIUNE 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 Carpenter[2]
- Lauren Carpenter
- Dan Morden[3]
- BJ Kalaidi

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

[2] Photos attached to original packet

[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 creeped 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 Stret 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 Kalaidi[4] 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 mists 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 delivers 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 maximin 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 included[5].

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 UNANIMOUSLY[6]

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 APPRVOE 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 May[7]
- 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 Riberia 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). ~~2023-0061~~ 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

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- ☐ Appeal
- ☐ Conservation Overlay Zone Development
- ☐ Use by Exception
- ☐ Final Development Plan
- ☐ Land Use Plan Amendment
- ☐ Preliminary Subdivision Plat Approval
- ☐ PUD Modification/Amendment
- ☐ Rezoning
- ☒ Variance
- ☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2023-0065
Applicant: Ryan Cornelison c/o Cornelison LLC
Owner: Ryan & Kimberly Cornelison c/o Cornelison LLC
Address: 124 King Street
Parcel Number: 2047500000

RE: Variance, pursuant to Section 28-29, City of St. Augustine Code, to approve a reduction of off-street parking requirements within the Commercial Low-Two (CL-2) zoning district.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON AUGUST 1, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the August 1, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Low Intensity and a zoning classification of Commercial Low Two (CL-2).
4. The above-described Variance is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to approve a reduction of off-street parking requirements within the Commercial Low-Two (CL-2) zoning district.

Subject to the following findings by the PZB:

- - Meets code requirements
- _____
- _____

Subject to the following conditions:

- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 1 day of August, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0065 **REQUEST APPROVED / DENIED / CONTINUED**

Michael A Davis
Sign Name

Miki Davis
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 1 day of August, A.D., 2023.

NOTARY PUBLIC STATE OF FLORIDA
ELYSE WIEMANN
Commission # HH 217621
Expires May 19, 2025

Elyse Wiemann
Notary Public, State of Florida

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO:	Planning and Zoning Board
DATE:	August 1, 2023
RE:	**VARIANCE 2023-0065**
AGENDA ITEM	5(c)
APPLICANT	Ryan Cornelison c/o Cornelison LLC
OWNER	Ryan & Kimberly Cornelison c/o Cornelison LLC
LOCATION	124 King Street / PID 204750-0000
REQUEST	To approve a reduction of off-street parking requirements within the Commercial Low-Two (CL-2) zoning district.
LAND USE	Commercial Low Intensity
ZONING	Commercial Low-Two (CL-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

Overall Goal	Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
FLUE Policy 2.2.1	The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.
FLUE Policy 6.1.5	The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.
FLUE Policy 6.5.1	Commercial Low Intensity

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Objective 8.1 Protect the small town mixed use urban context to maintain its industrious and charming character.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Goal 3 Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

HP Goal 5	Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.
HP Objective 5.3	Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.
HP Policy 5.4.1	Provide design and planning assistance to encourage revitalization of the major thoroughfares and other, smaller commercial connectors in a manner that recognizes the unique character of these areas to preserve broader aspects of the city's authentic heritage.
HP Goal 10	Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal	The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.
TME Policy 1.3.3	The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing "urban" area of the city including existing commercial corridors.
TME Policy 1.3.6	The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.7	The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.
TME Policy 1.3.10	The city shall further support pedestrian, bicycle, and a community circulator or transit use by: • Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan; • Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances; • Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users; • Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and • Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.
TME Policy 3.1.3	Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

CITY OF ST. AUGUSTINE MOBILITY PLAN & MOBILITY FEE TECHNICAL REPORT DATED FEBRUARY 2022

Overview

The Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, **promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City.** The amendments also encourage the continuance of innovative parking management strategies to provide City's residents with enhanced access to business and services, while also seeking to reduce the impact of traffic on neighborhood streets.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. – Zoning exceptions, variances and appeals.

(b) *Variances*:

(1) *Requirements for grant of variance.* The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
c. This disadvantage does not exist because of conditions created by the owner or applicant; and
d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this chapter.

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural

style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

(2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
(3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
(4) *Violations of variances.* The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-373. – Required off-street parking.

(d) *Minimum spaces required*:

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(27)	Restaurant	75 patron area (nonfixed seating)	or 4 patrons (fixed seating)		and 1 per 200 sqft. nonpatron area
(41)	Business, commercial, or service establishments	300			

STAFF SUMMARY AND ANALYSIS

The variance request at 124 King Street is for the elimination of off-street parking requirements as they relate to the proposed use of a café to be operated by Southern Grounds & Company. 124 King Street is located within the King Street Entry Corridor and is adjacent to other commercial uses within the Commercial Low-Two (CL-2) zoning district. These commercial uses include a multi-modal vehicle rental establishment, taco shop, retail stores, and an art gallery all located in the immediate vicinity.

In 2019 the property at 124 King Street was purchased by the applicant and was subsequently renovated with the goal of operating a mixed-use commercial and residential establishment. On the first floor is a proposed café to occupy the space while on the second floor there is a short-term rental, which provides its required off-street parking on-site.

The request for a variance to the off-street parking requirements at 124 King Street is because of the impracticality of adhering to the City of St. Augustine's off-street parking requirements when converting a residential structure built in the early 20th century to a mixed-use structure in 2023.

In Sec. 28-207. – Commercial Low-Two (CL-2) of the City of St. Augustine's Code of Ordinances the intent of the zoning district is as follows: **This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.** The intention when the CL-2 zoning district was established was to encourage more low intensity, neighborhood uses, such as a 2-bedroom apartment and café, as opposed to higher intensity uses that serve a larger number of people.

The proposed café at 124 King Street has thirty-five (35) seats and roughly one thousand (1,000) square feet of non-patron area. This proposal is required to provide fifteen (15) off-street parking spaces based on the current parking code. This structure does have a credit for two (2) parking spaces based on the previous residential use; therefore, thirteen (13) off-street parking spaces still need to be provided.

In 2019 the applicant received approval from the Planning and Zoning Board for variances to parking facility sizing requirements, this was to allow for the two on-site parking spaces, as well as a use by exception for off-site parking within four hundred (400) feet at the First United Methodist Church at 118 King Street. The coffee shop that was to occupy the first floor at 124 King Street during that time was smaller and had less seats than the current proposed café business; with this change the number of required parking spaces has increased and the previous approval no longer provides all of the required parking. **The applicant currently has an agreement at 118 King Street for six (6) off-site parking spaces leaving them seven (7) spaces short, the variance request is to eliminate the requirement for seven (7) spaces.**



Figure 1. This aerial photograph shows the property at 124 King Street in the upper lefthand corner, and the First United Methodist Church where the applicant will be providing six (6) off-site off-street parking spaces near the center of the aerial.

The applicant has contacted businesses within the area in efforts to find additional parking to no avail and has also explored providing parking on-site however the Florida Department of Transportation has denied this request to allow access from King Street. The variance request to eliminate the remaining seven (7) required parking spaces is the applicant's final request. An approval of this request would allow a pedestrian oriented commercial use within the CL-2 zoning district to adaptively reuse, preserve and maintain this early 20th century structure at 124 King Street.

No variance shall be granted unless the applicant shall show, and the board shall find that:

a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

   Applicant submittal: Yes, it does. There is no room for parking. This building is over 100 years old, adjoins two streets with a very busy intersection. There is also a perimeter wall enclosing it as well as a 48" 300-year-old oak tree in the front yard.

   Staff analysis: The location of this property, the northwest corner of the heavily used Riberia and King Street intersection, and existing structure, one that is at least ninety years old, are

physical conditions that cause disadvantages of meeting the City's off-street parking requirements.

Plans to reuse the existing structure as a mixed-use building have been stalled by the City of St. Augustine's off-street parking requirements that were adopted on June 27th, 1988 and still used today.

b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

Applicant submittal: Yes. The cost of taxes, insurance and maintenance of a wood historic building in a high traffic commercial area cannot sustain itself with parking as a requirement.

Staff analysis: The disadvantages of being located at this intersection, making on-site parking unattainable, and being an existing historic structure, limiting space to provide on-site parking does not allow the owner to operate a low intensity mixed-use commercial and residential enterprise.

c. This disadvantage does not exist because of conditions created by the owner or applicant;

Applicant submittal: This building was constructed before the widespread use of vehicles. I purchased it in 2019. St. Augustine has grown around this building for 100 years. 124 King Street as here first and it cannot compete with any other similar properties because of its age.

Staff analysis: This lot was created, and the existing building was built before the current owner purchased the property. Additionally, the existing structure was in poor condition when it was purchased by the owner. The City's Comprehensive Plan encourages adaptive reuse of older buildings and a mix of uses within buildings and districts.

d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Applicant submittal: Yes, we believe offsite parking is one of the many causes of vehicular traffic congestion in the corridor and having no parking requirements promotes pedestrian traffic through the corridor and would help relieve congestion. Also, out tenant use has a proven track record of successfully operating in other pedestrian only areas of Florida. We feel that our tenant's business model would cater to all potential pedestrians already enjoying their time within the City and give more of a reason for visitors to walk westward or hop off a sightseeing train an spend more time and money in the corridor helping all current businesses along King Street.

Staff analysis: Granting a variance would not adversely affect neighboring properties due to the nature of the request, would enhance the commercial environment of King Street, and contribute to the resiliency of the St. Augustine local economy.

STAFF RECOMMENDATION

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.



Jacob Fredriksson, CNU-A
Senior Planner
Planning and Building Department

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $350 (plus advertising costs) Project Number: 2023-0065

Receipt Number: 2665000 Meeting Date: Aug. 1, 2023

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

1. NAME OF APPLICANT: Ryan Cornelison Contact Number: 904-347-6166
   Business (*if applicable*): Cornelison LLC
   Address: 21 Marion Street City: St. Augustine State: FL Zip: 32084
   E-Mail Address: ryan@cornerconstruction.net
2. NAME OF PROPERTY OWNER: Ryan & Kimberly Cornelison Contact Number: 904-347-6166
   Business (*if applicable*): Cornelison LLC
   Address: 21 Marion Street City: St. Augustine State: Fl Zip: 32084
   E-Mail Address: ryan@cornerconstruction.net
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot: Portions of Lots 29 and 30 Block: G2
   Subdivision: Model Land Co's Subdivision Of Block G Parcel Number: 2047500000
4. PROJECT STREET ADDRESS: 124 King Street
5. SPECIFIC PROPOSED USE: Commercial (coffee shop)
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Exception
   - ☒ Variance
   - ☐ Other: _____
   - ☐ Appeal of Staff Determination
   - ☐ Land Use Plan Amendment
   - ☐ Rezoning
7. DESCRIPTION OF ACTION REQUESTED: Eliminate parking requirement for downstairs coffee shop
8. JUSTIFICATION FOR ACTION REQUESTED: This building was built in the early 1900's and parking was not planned for during the original development. In the 1930's the Catholic Church created an addition over the only usable parking area. We have since restored the building to its historic form and also constructed a perimeter wall around the property at the City's request to create an even further Historic feel and look. We believe the building is worthy of granting this variance so that we can operate a business out of the space that will allow every historic detail to remain and be enjoyed for another 100 years.

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:

Yes, it does. There is no room for parking. This building is over 100 years old, adjoins two streets with a very busy intersection. There is also a perimeter wall enclosing it as well as a 48" 300 year-old oak tree in the front yard.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:

Yes. The cost of taxes, insurance and maintenance of a wood historic building in a high traffic commercial area cannot sustain itself with parking as a requirement.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:

This building was constructed before the widespread use of vehicles. I purchased it in 2019. St. Augustine has grown around this building for 1oo years. 124 King St. was here first and it cannot compete with any other similar properties because of its age.

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:

Yes, we believe offsite parking is one of the many causes of vehicular traffic congestion in the corridor and having no parking requirements promotes pedestrian traffic through the corridor and would help relieve congestion. Also, our tenant use has a proven track record of successfully operating in other pedestrian only areas of Florida. We feel that our tenants business model would cater to all potential pedestrians already enjoying their time within the City and give more of a reason for visitors to walk westward or hop off a sightseeing train and spend more time and money in the corridor helping all current businesses along King Street.

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Cornelison LLC

Print name of applicant

Signature of applicant

7/6/2023

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	$300.00 + ads & notices
Rezoning: large scale	$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	$400.00 + ads & notices
Land Use Plan Amendment: large scale	$1,400.00 + ads & notices
Planned Unit Development	$400.00 or $35.00/acre, whichever is greater, $1,400 max + ads & notices
Zoning Variance	$350.00 + ads & notices
Zoning Exception	$250.00 + ads & notices
Conservation Overlay Zone Development	$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	$165.00 + ads & notices
Appeal of Staff Determination	$200.00 + ads & notices
Application to Amend Zoning Code	$600.00 + ads & notices
Subdivision Plat Review	$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 124 King St.

Applicant's Name: Condition LLC Applicant's Signature: _____

Owner's Name: Ryan + Kim Condit Owner's Signature: _____

Cornelison LLC
21 Marion Street
St. Augustine, Florida 32084

June 5, 2023

Dear Property Owner,

My wife and I own the property at 124 King Street and we are excited to announce that we are planning to open a coffee shop in the downstairs portion of the building. 124 King Street is a historic building built in the early 1900's and has been restored to its original glory. The restoration was a success but because of the building size, placement on the lot and because there is a site wall that runs the length of the property lines adjoining Riberia and King Street we are left with no onsite parking capabilities.

The City has granted us the ability to use off site parking and this letter has been sent to you in the hopes that you would be willing to lease us some of your parking. Our need is for between 5 and 15 spots. If you have any excess parking spots and are willing to discuss lease terms for those spots, please let me know.

Thank you so much for your time and consideration. I can be reached through email at ryan@cornerconstruction.net or by cell at 904-347-6166.

Sincerely,

Ryan Cornelison
President

My wife, Kim and I were born and grew up in St. Augustine. We met in elementary school; we both left this area after high school and started our adult lives in Central Florida. We married and move back to St. Augustine in our mid 20's. We started a small business here in town and have since enjoyed raising our children in this beautiful town we are proud to call home.

Kim was the first generation of her family born here in Saint Augustine, and mine dates back much further. My mother's maiden name is Andreu, and her ancestry in St. Augustine dates back to 1777 and was one of the original Minorcan families that settled here from New Smyrna. My grandfather was born here in the early 1920s. His father and mother lived at 134 King St. and operated a Rooming house business at that address all the way up until my great grandmother passed away in 1996 at the age of 98. My grandfather said it was a great place to grow up at that time. He loved this town, even though most of his childhood was during the great depression and soon after High School, Pearl Harbor happened. He enlisted in the armed forces and survived the War as a bombardier flying 35 successful missions over Europe. He came back from war and went to the University of Florida. The G.I. Bill paid for his college and then law school and after, moved back to St. Augustine. He started a law firm, later served as the city attorney and ended up as a circuit court judge for many years here in St. John's County, Robert A. Andreu. He was an impressive person, a big personality, he loved his family, the University of Florida and St. Augustine. My mom would say he was the unofficial ambassador of the town.

I tell you all this, so that you understand a bit of my background. The business my wife and I started in 2007 was a construction company. I've had the opportunity to build, remodel, renovate and repair many houses and buildings around town. All the time doing this, I've enjoyed doing my part to help keep St. Augustine a beautiful place, one that can be enjoyed for many generations after this one.

It was with this sentiment and posture; my wife and I purchased 124 King St. in 2019. It was built around the same time as 134 King St. I'm sure my grandfather played in the yard there. When I was born in 1980, I came back from Flagler Hospital (on the bayfront then) to 134 King St. where my family lived in the garage apartment behind the main structure. I remember 124 King St., when my great grandmother and I would walk to the IGA Grocery store, which is where the New Flagler College bookstore is, I remembered the big white beautiful building on the corner. There were always friendly people there, and I have memories of my grandmother stopping to chat with them on the sidewalk.
However, in 2019, 124 King Street was a wreck. It had been owned by the Catholic Church for decades, but when they no longer had a need for a gathering place in the middle of town, it turned into storage and rental apartments above. At some point in the early 2000s it caught fire upstairs and sat vacant and dilapidated for several years.

When the Catholic Church listed it for sale, there were multiple offers on the table. The realtor told the Catholic sisters, that I was the one most likely to take good care of the property and would likely restore the building to its original form. It was for this reason alone, they gave us the contract. Once the purchase was complete, we knew how to fix it, but didn't know what to do with it afterwards. It's too busy at that corner for it to be a viable residential option, so after studying the area, we landed on a vacation rental for the upstairs and coffee shop downstairs. At the time, there were very few breakfast or coffee options in the Corridor, so we thought this would be a good fit for the area and would allow us to have a commercial rental downstairs and upstairs. With the property taxes and insurance, we'd be able to produce the income necessary to keep and maintain a historic building in downtown St. Augustine. It was my true and sincere belief that this scenario would be a win-win for all parties everywhere. All the visitors who come through the Corridor would be able to see the beautiful building that I remembered as a child, visitors could then stay upstairs and enjoy the city from that position and

have coffee and breakfast downstairs. Also, all the other people enjoying St. Augustine would be able to walk over and enjoy the beautiful building while having food and coffee in that space. This concept would benefit the surrounding Corridor business owners by bringing more foot traffic westward, while also improving property values for those already in operation. This might also inspire others to invest in their somewhat run-down Corridor buildings and really create a reason for people to walk west, and even further west from that intersection all the way to West King. Or, give people who start in West King a reason to walk through the Corridor all the way to the Historic part of town. It would also give downtown businesses and offices another viable lunch and coffee option while they're at work. It would give the Hotels, BNB's and other VR's a place to send people in the Corridor. Lastly, it would also give locals a place where they could have a staycation, enjoy a cup of coffee and be in a beautiful place in the middle of their wonderful town.

Once we established the concept, we developed construction plans and brought the idea to the PZB in January of 2020. Because the building was built in or around 1917 with zero parking in mind, we knew we'd have a tough time creating a parking lot on site. The structure was a wreck, but the entire footprint was intact and what was left was a small yard adjoining king Street with a 48", 300-year-old oak tree in the front, with not much land otherwise. The Catholic Church had created an addition on the original structure in the early 1930s. They used the addition as a meeting hall. It was a large room with a stage at one end. It is an interesting space, but it completely blocked any potential large parking lot. We did explore creating a small lot with what land we did have while maintaining the tree's integrity. We created the plan and brought it to FDOT for review. They would not allow any vehicular access into the property with it being in such close proximity to the intersection at King Street and Riberia. They would however, allow a small driveway off of Riberia Street, enough for two parking spots. We felt that would be perfect to service the upstairs apartment, which we could then create an entrance for, off of Riberia while not disturbing the King Street side elevation. For the downstairs coffee shop, we would need help from the PZB to allow us to have offsite parking. We first needed to secure the parking and that, at the time, was no problem. We reached out to the Methodist Church, and they gladly gave us parking spots to lease. The only problem was, Flagler college had control of the parking spots during business hours while school was in session. So, we reached out to Flagler College, they also were happy to do business with us at the time. We could sublease from them during the school year for as many spots as we needed. We created a three-year lease with the church and with Flagler College for 10 parking spots. We did all of this prior to the PZB meeting to make sure that the concept worked. We had not begun any construction at that point and we did not have any tenants in mind. All we had was a building in disrepair, an idea, agreements with the church and Flagler College and next we needed the PZB's blessing to grant us the mixed use for the building and allow us offsite parking for the downstairs. We went to the meeting in January 2020 and asked the PZB for the correct use for the building and to grant us offsite parking at the church.
Our request was granted, we started construction soon thereafter, and also started paying rent on our 10 parking spots to Flagler college at $100 per spot. We paid $100 a spot for 10 spots, it was a great deal for the church during summer time, since Flagler only paid $25 per spot per month. We didn't mind paying $100 per spot to Flagler college during the school year, even though they were only paying $25, because we were just grateful to have them. We used the parking spots a little during construction, but not at all after for nearly 3 years.

If you know the timeframe of our start, January 2020, it was right at the start of the pandemic. There were no potential pre-lease options during the time of construction, but we continued to pay for the parking spots to keep them in place. We finished construction in late 2020 and had a potential Tenant for the downstairs in place in early 2021. We negotiated for a while, but we could not reach terms. That business moved on to a different building in downtown St Augustine and their buildout is currently under construction. We had another lease in place in early 2022 with a different potential tenant. We

went all the way through design and plan review for the buildout, but after speaking with the city about their concerns with that person's business model not fitting with the approved use, we cut ties with them in early 2022 before the build-out began. Soon after we were approached by Southern Grounds. Southern grounds is a coffee shop that was started a few years ago in Jacksonville. It's worth mentioning that their location in Jax beach does not have any dedicated parking and their business has proven extremely successful without it. They have a reputable brand, and are well known for their good food and coffee. We were excited about bringing their concept to town. After a quick negotiation over terms, we came to agreement, and they hired Joe Cronk with Cronk Dutch Architects to design their plan. We submitted our plans to the city for review and we were all very excited to get started. The architectural plans are in keeping with historic preservation of the building, and once completed, would be a wonderful addition to the King Street Corridor and all of downtown. The plans, as submitted call for 35 seats for patrons, which we mistakenly understood 10 parking spots would be enough to service. After two rounds of comments, the third round of comments brought up that we need 5 more parking spots, 15 needed not 10.

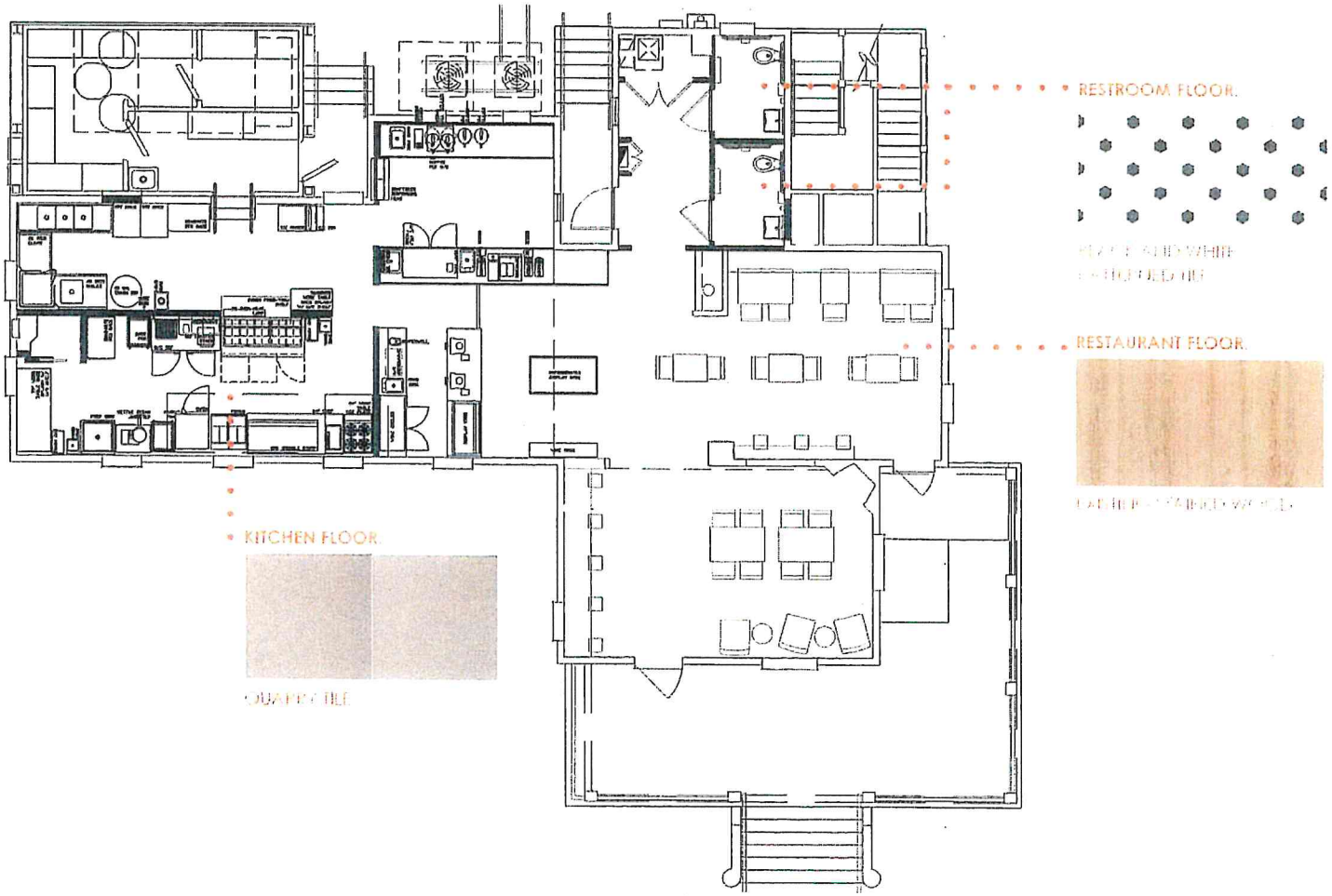
We honestly were not worried, we reached out to Flagler to negotiate 5 more spots within the church parking lot. The first response from Flagler was encouraging, they said no problem, they are looking for ways to help the community and would be in touch. A few days later, Flagler reached back out to our attorney and advised us that not only would they not be negotiating any more parking spots, they would also be terminating our existing sublease. We did everything possible to initiate further discussions with Flagler College, but apparently, they are no longer interested in speaking to us in regards to the church parking lot. It seems they have permanent interest in the church property moving forward, and we are not included in future development discussions. We petitioned all the way up to the board level, but have been turned away. The church is not speaking about their relationship with Flagler either. Flagler has taken control over the property and it's clear that the new administration does not have any interest in speaking further about the matter. We diligently paid $100 a spot, per month to Flagler during their school session and they cashed every check.

We immediately reached out to numerous property owners within the Corridor and beyond. We have not been successful in finding any other viable options. Most of them are not interested in long-term parking leases because they have aspirations for future development. We have since written letters and mailed them to owners of all other potential options in the area and are awaiting response but it does not look promising.

It's clear that based on the limitations of our particular property, parking on-site will never be a possibility. It was built in an era that didn't require it. During renovations, we were instructed by HARB to adhere to very particular aesthetic requirements, which we were more than happy to do. Additionally at the time, the city had developed new Corridor guidelines, which required us to construct a perimeter wall that further limited parking feasibility. Again, we love this building and desire to bring it back to its former glory. Our building closely resembles many of those within the City's HP District, but does not enjoy the benefits of no parking requirement as other historic buildings just several hundred feet away do. As it stands, we have two permanent spots on-site which services the upstairs unit appropriately. We have a tenant in place who has a proven track record of success without dedicated parking. We sincerely feel that the future of downtown St. Augustine is more pedestrian and less vehicular. We feel current parking requirements are outdated and shouldn't be applicable to 124 King Street in particular. Our request, if granted, will allow 124 King Street to remain a historic asset to the City of St. Augustine and help the other businesses in the King Street corridor become more of a pedestrian destination for those patrons living or visiting our beautiful city.

Thank you all for your consideration.


SOUTHERN GROUNDS
GATHER TOGETHER



g4.

Southern Grounds King St

FLOOR PLAN 02

03.24.2023

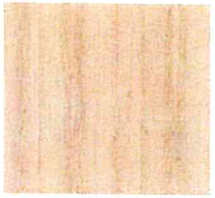


surface mount light

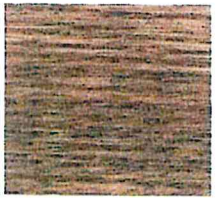


paint

floor stain



fireplace stain

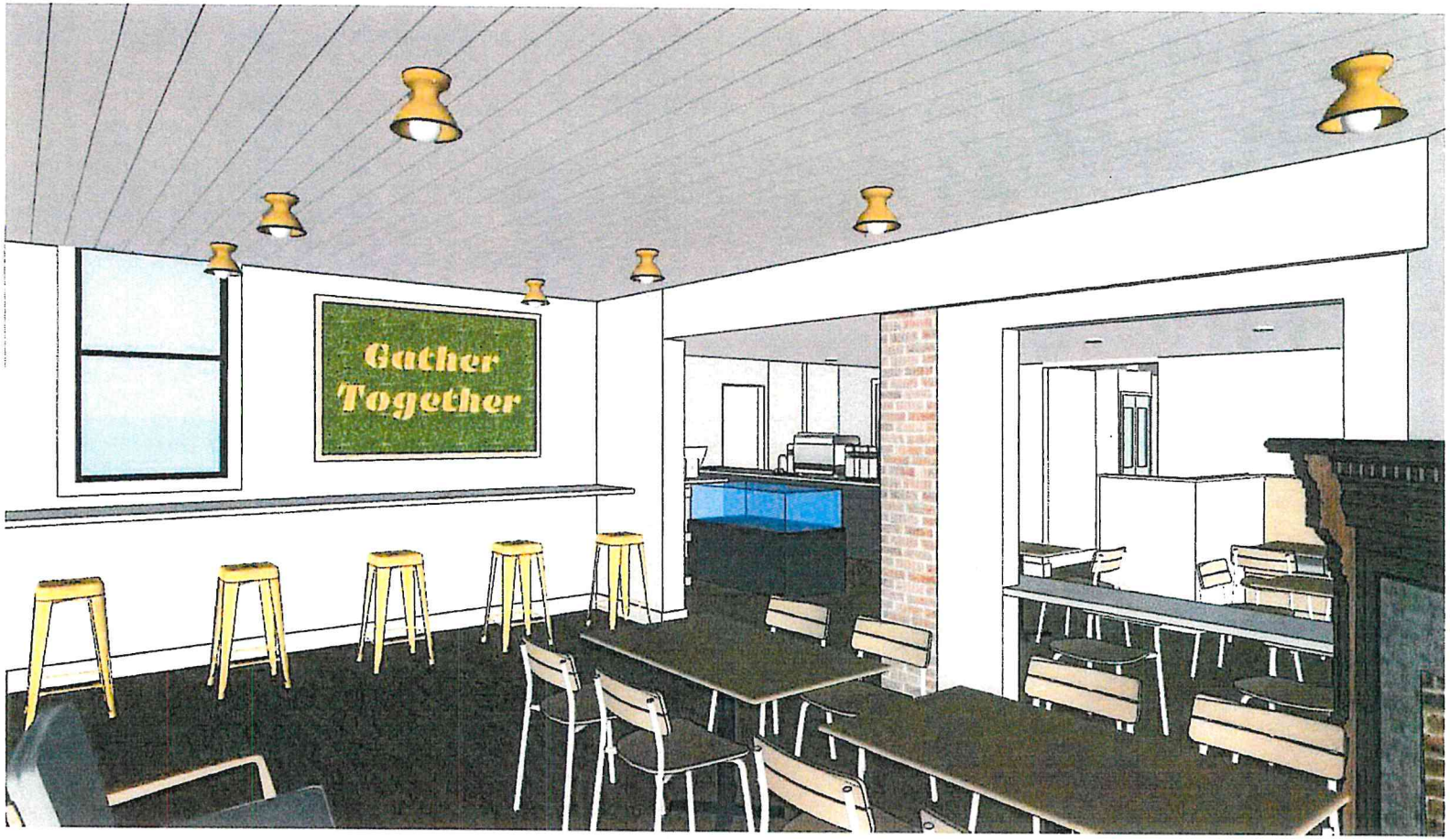


g4.

Southern Grounds King St

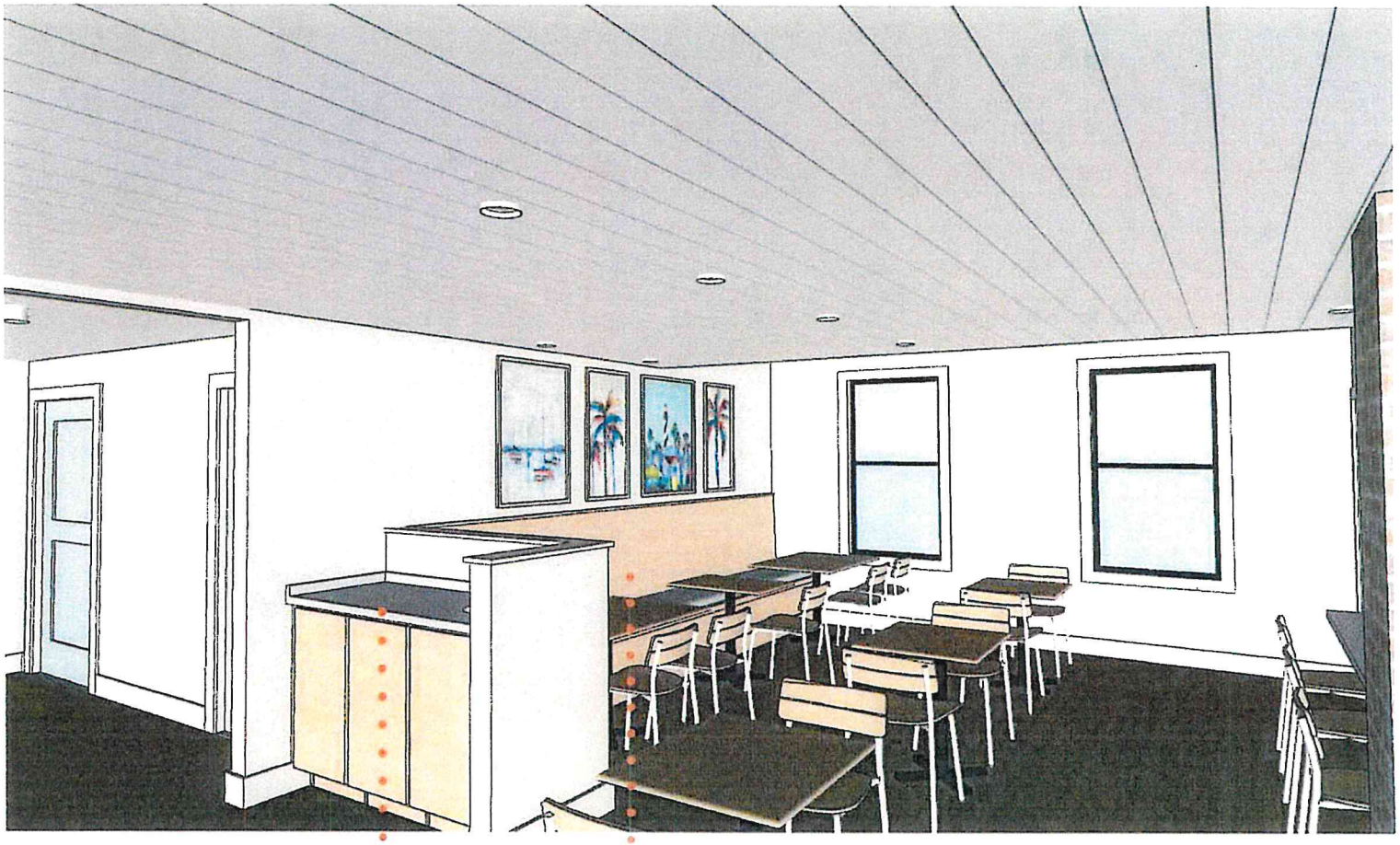
DINING AREA | 03

03.24.2023


Gather
Together



• DINING HEIGHT COUNTER



dbal paint

countertop

millwork

banquette cushion

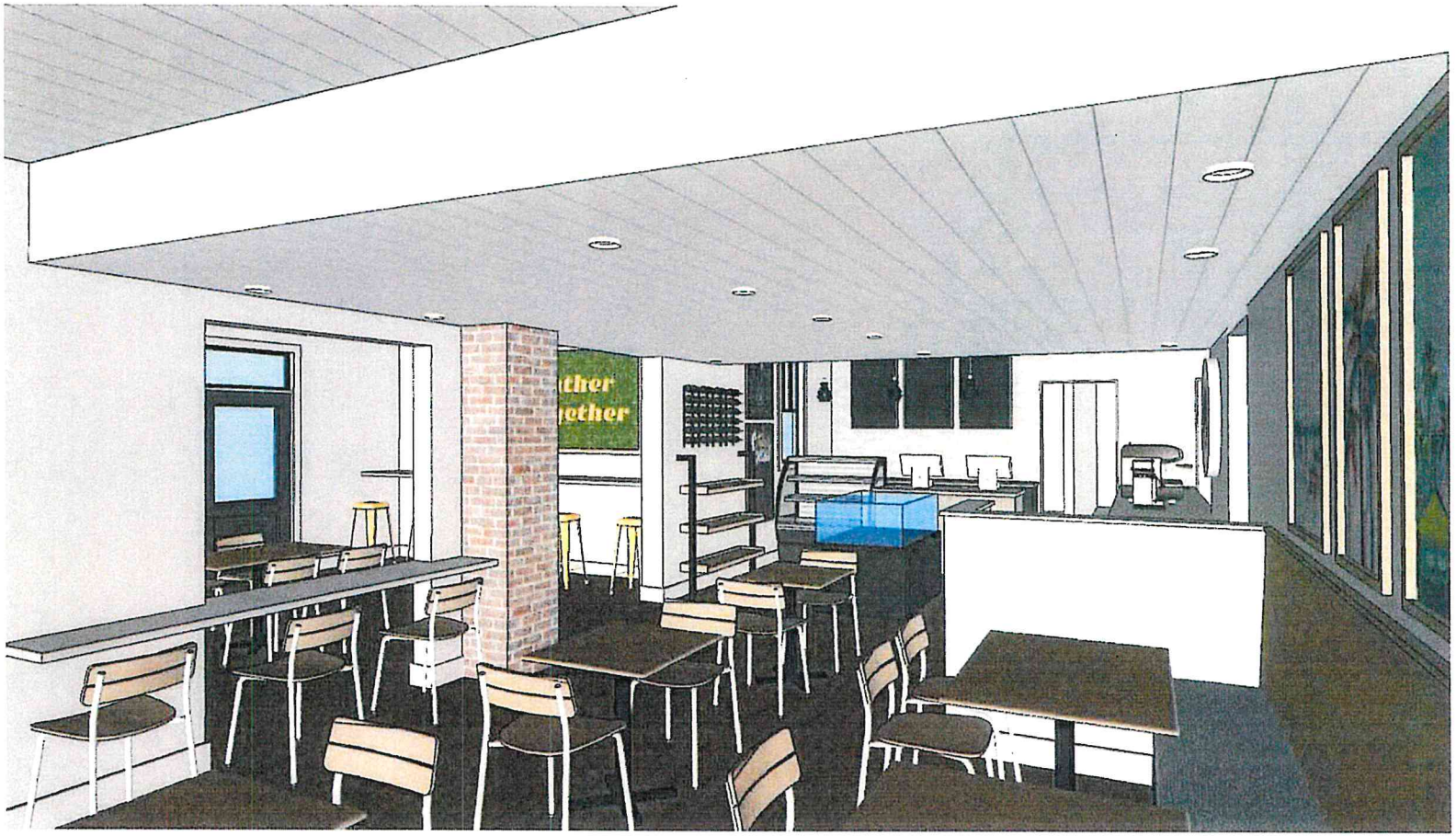
- BUSSING STATION
- WOODEN BANQUETTE WITH UPHOLSTERED SEAT CUSHION

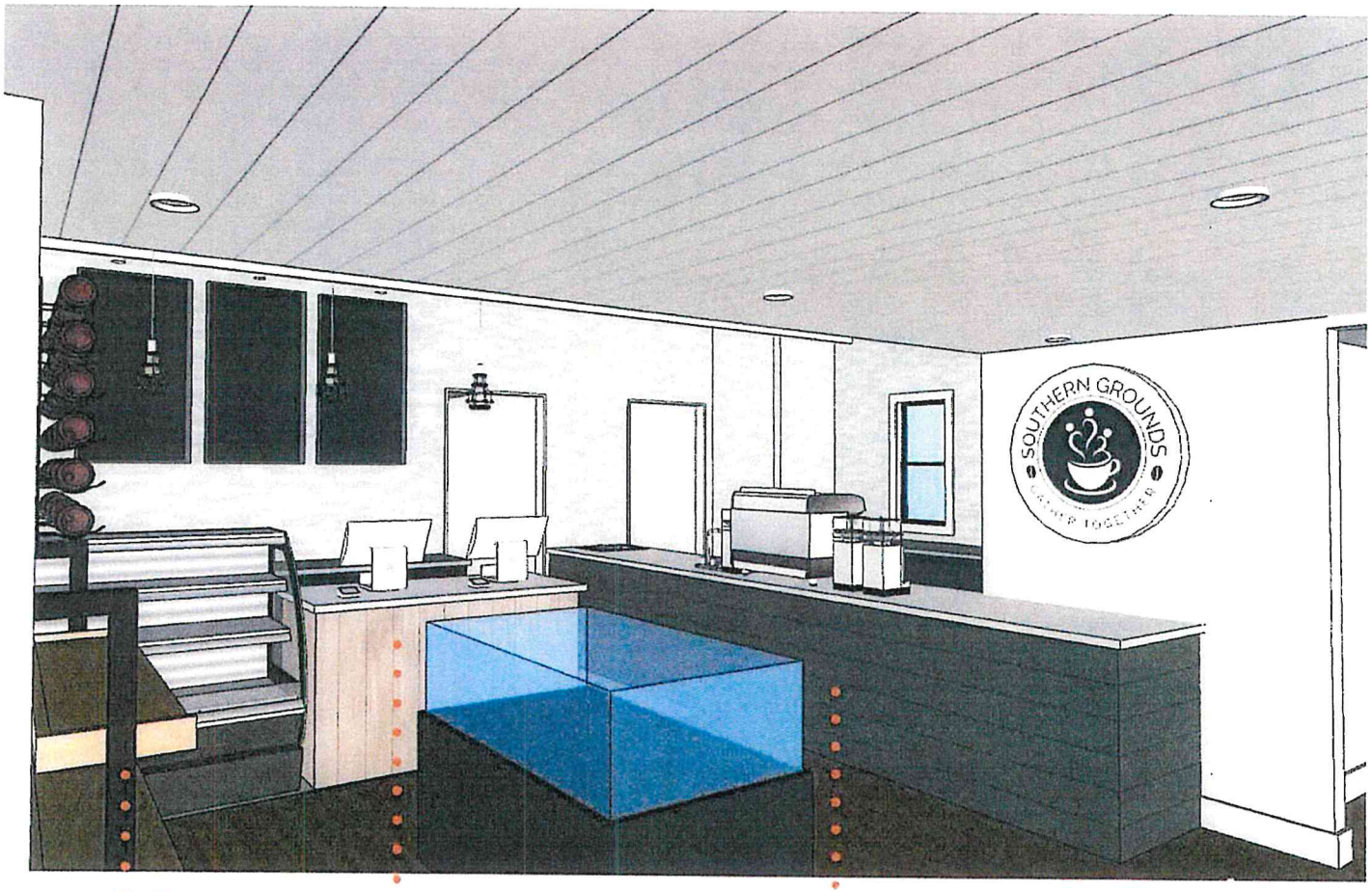
g4.

Southern Grounds King St

DINING AREA 06

03.04.2023





barista countertop

countertop

barista millwork

wood veneer

- RETAIL AND WINE DISPLAY
- WOOD VENEER IN VERTICAL PLANES
- BLACK PAINTED RIGITEBOARD

g4.

Southern Grounds King St

DINING AREA 08

08.24.2023

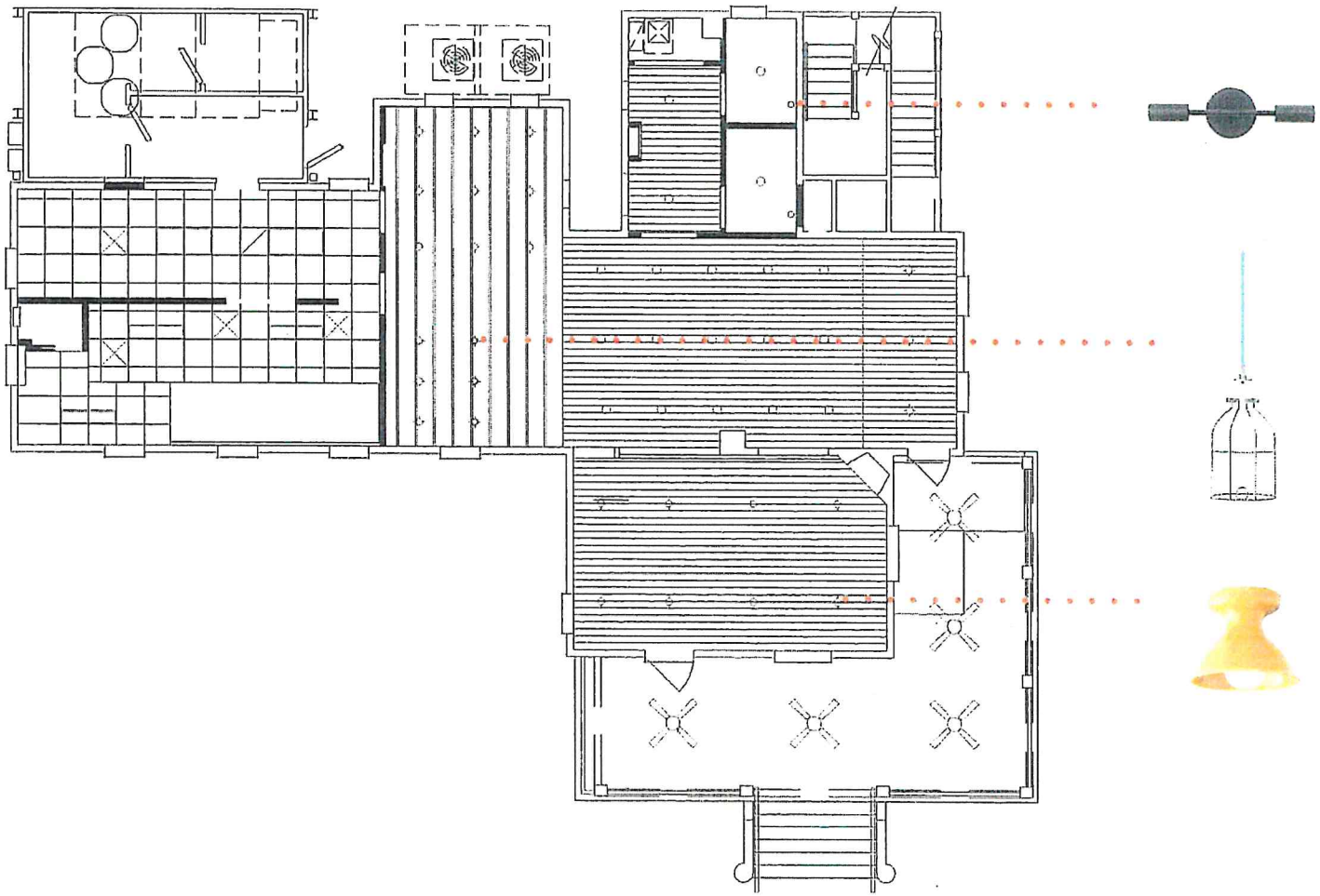


wall tile

floor tile

vanity mirror

sink and faucet



SOUTHERN GROUNDS

Background:

Southern Grounds (aka "SoGro") is a "Chef driven coffee house". We believe that a great cup of coffee connects people, starts conversations and creates communities. We have created a concept that allows the community to **gather together** in a relaxing environment with great food. A coffee shop is more than a restaurant: it's a community hub. We are a lifestyle brand committed to providing our guests a home away from home with a seasonal approach to our food and drink offerings. The quality of our coffee, food, ambience, and hospitality become the outstanding experience we are known for. We take particular care to assure our food offerings are sustainably grown and practice mindful nutrition and kindness in hospitality.

Mission:

Nourish, nurture and inspire healthy community life by giving back.

- Discuss our charitable giving's program and the charities we have worked with (Beaches go Green, Peace of Hearts Communities, Jay Fund, Ronald McDonald House, etc.) ...

Talking Points:

1. Popular Florida coffee house expands into a licensing agreement with HMSHOST, www.hmshost.com world's largest concessionaire, and Jacksonville Aviation Authority
2. Building a business focused on others. Find opportunities to engage the guest with anticipatory service and kindness
3. Franchising opportunities launching Feb 1, 2022. Plan to sell franchises into 12 Southern States (Our initial territory will be Georgia, North Carolina, South Carolina, Virginia, Texas, Louisiana, Maryland, Tennessee, Kentucky, Alabama, Mississippi and select markets in Florida) .... Jacksonville International Airport opening - Jan 10th. We are looking for experienced franchise partners with a track record of success. Multi-unit operators who already have franchises or proven independents who want to diversify their portfolio with a proven concept. Operators who have been in the business and understand the nuances of running a hospitality company.

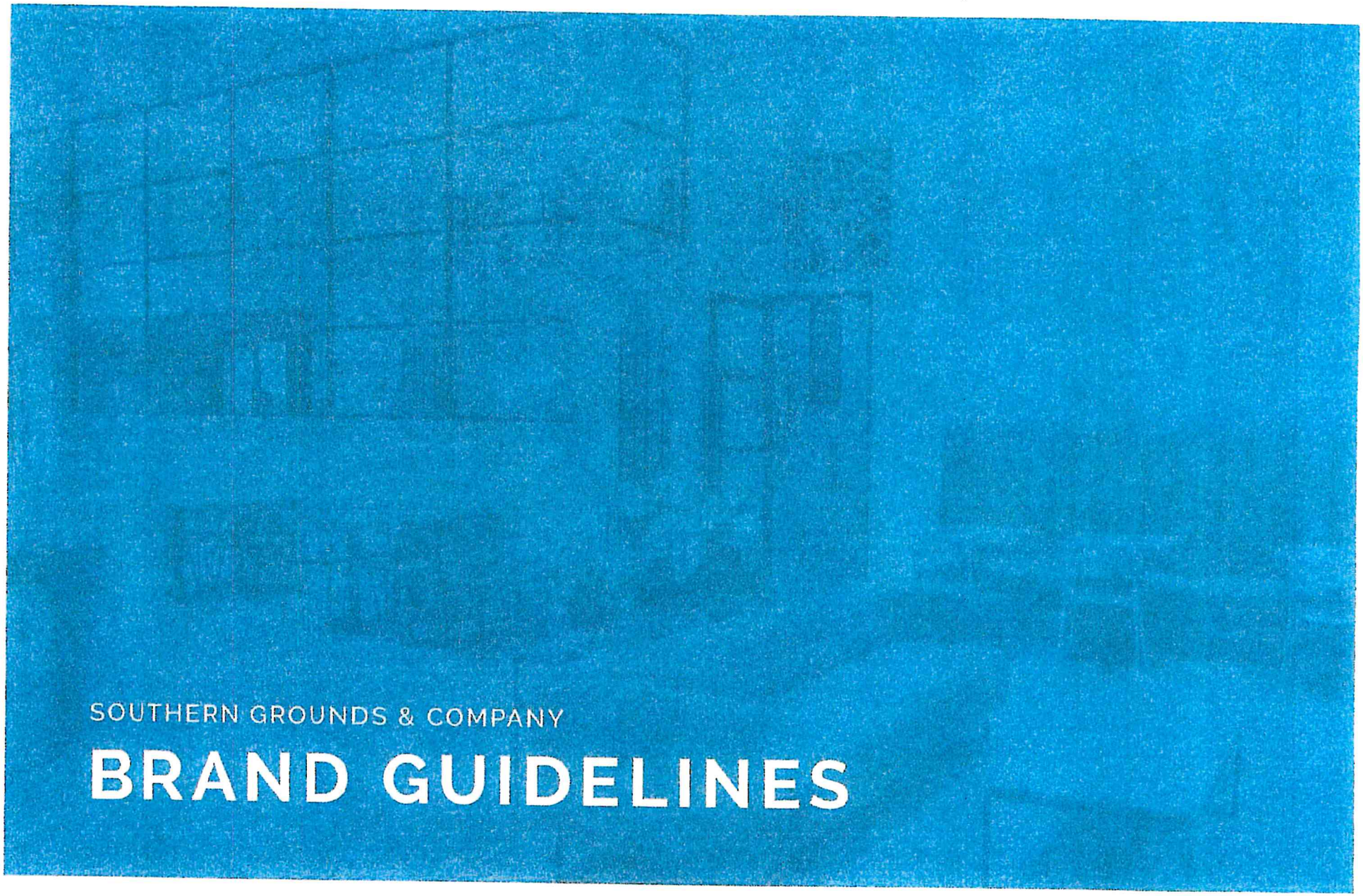
4. Since its inception SG has been changing the way we experience our morning brew. A modern coffee house pairing sustainable chef driven food with impeccably grown, sourced & roasted coffee. SG selected Intelligentsia in Chicago as its roasting partner for its corporate stores and franchise expansion. Intelligentsia is the pioneer of direct trade coffee. www.inteiligentsia.com
5. Over the past 6 years, SG has refined and elevated the guests experience through unwavering commitment to quality and hospitality. (Discuss our food program and our farmers):
6. There are several things that make Southern Grounds different from other coffee shops. We are a chef-driven coffee house offering an array of products to conscious consumers that reach beyond the cup. Our brand thrives on providing healthful food offerings while building up our community. We are not only passionate about bringing whole, nutritious, and sustainably sourced food and beverage offerings, we do so while caring for the environment and reducing waste. Our brand disrupted the industry's standard supply chain for coffee houses by reducing plastic product consumption in our model by over 50%. We have demanded sustainable farming practices of our suppliers, reduced environmental impact of vendors we used and used green building products in our building and interior design. While these only make small dents in status quo currently, we believe, as we rapidly grow these changes would be significant. We have effectively set the bar higher for the hospitality industry. In addition, we are actively involved in charitable organizations within our community.
7. We are the proud recipients of the Slow Food Movement award (https://www.slowfood.com/). "In the first few years building the company we were looking everywhere for our identity; in books, magazines, the internet, we believed that looking out we would understand who we were. Then we started looking at the products: stone ground grits, seasonal produce, Haas Avocados sustainable salmon, heirloom tomatoes, local jam, grass fed beef, open blue cobia, organic coffee, European butter, Belgium chocolate, etc..... Those ingredients took us to the markets, the markets took us to the farmers, and the farmers took us to our roots and made us passionate about our food quality for each and every guest. We take great pride in creating a memory every time a guest visits one of our coffee shops. Hospitality is our product then we serve amazing sustainable food and drink. The farmer's story has become ours.
8. The consumer base for specialty coffee drinkers continues to grow. Our model provides a tried and tested concept that has a high AUV as compared to other coffee brands. We

subscribe to the 'buy local' concept which supports both jobs and the community in which we live. Our partnership with Intelligentsia delivers premium coffee augmented by responsibly and locally sourced food. The operating model is what makes our concept more viable in this saturated market space. Food is culture, community, and life. It is hospitality, kindness, and warmth. It is what binds us, even when we are divided. It is the glue, the fabric, the how, and the why people come together. Food is one of the reasons we travel to places. Think about your hometown, your city, your community, and I think you will agree that restaurants are key to its vibrancy, its economic development, and its social infrastructure. For these reasons we feel there is no better time than to launch our new modern coffee house as a franchise and community model to other aspiring restaurateurs.

9. Sourcing is a high-priority that impacts everything we do at SG. Many ingredients are organic and/or locally grown. Our burger is sourced from Brasstown Beef in North Carolina, where cattle are grass-fed and humanely raised to third party Global Animal Partnership (GAP) standards. Our cobia is sourced from Open Blue. Our Salmon is Verlasso Salmon from Patagonia. In addition to serving simple, whole, unprocessed food, we have also expanded our definition of "healthy" to include a larger philosophy that embraces things like giving back to the community, cultivating a culture of kindness and supporting vendors and farms who are mindful of our environment.
10. **Our coffee concept and hospitality is not only centered around our product but around our people. While not every restaurant can reward its team members with corporate stock options or college tuition expenses like Starbucks we decided as business leaders that we can offer our employees and opportunity to buy into the company as shareholders. As leaders we feel it is very important to give back not only to the community but to the people that help you build your organization.**
11. **Each SG is unique and supports its neighborhood.**
12. We are a third wave or 4th wave coffee shop: the third wave of coffee disrupts the more commodity-focused trade of coffee and prioritizes taste quality, unique flavors, and equitable relationships over low prices and standardizations in flavor. Increasing coffee quality, more direct trade, a greater emphasis on sustainability, lighter roasts, innovative brewing methods – these are all intrinsic to third wave coffee. We chase sweetness complexity, and distinctiveness in our brews. And we are happy to pay more for this quality. This is a movement led by both consumers and manufacturers to consume, enjoy, and appreciate high-quality coffee. This movement considers coffee an artisanal food, like wine, whose

consumption experience can be enhanced with greater education, connoisseurship, and sensory exploration beyond just a cup of coffee. While all coffee comes through a similar value stream, third wave coffee seeks to highlight the unique characteristics that result from the diversity of coffee bean cultivars, growing and cultivation methods, processing methods, roasting techniques, etc. For these reasons there was no other choice than to pick Intelligentsia the creator of the artisan coffee movement. Intelligentsia has more direct farming relationships than any other roaster. "Thanks to direct trade, we baristas and roasters can tell consumers the stories behind the coffee beans. "Fourth wave coffee is a **marriage between stellar coffee products and truly worthwhile social consciousness.** It relies on sourcing only the highest-quality beans in small batches for a truly artisan coffee experience.

13. While all these terms are thrown around in the industry, we wanted to bring another aspect to the movement. We wanted our coffee house to be a focal point in the community that leads to gentrification and new energy. We wanted to talk about our food the same way these artisans were talking about their craft.
14. We think there is something magical about founding a business that aspires to bring people together - GATHER TOGETHER. Those two words drive everything we do. We feel our brand changed not only the "quality" conversation about coffee and sustainable food but our purpose as restaurateurs. Our core mission is to nourish, nurture and inspire healthy community life by giving back and creating value
15. With a belief that restaurants are a key to a community's vibrancy, economic development, and social infrastructure we designed each SG as a modern coffee house that acts as a community focal point. We are a chef driven fourth wave coffee house that disrupted the more commodity focused trade of coffee and prioritized taste, quality, unique flavors and equitable relationships over low price and standardization of flavors. Social consciousness, giving back and quality all became standard practices in our model.
16. Unwavering commitment to quality and hospitality. We subscribe to "buy local concept" whenever possible which supports both jobs and community we live in
17. Our brand thrives on providing whole, nutritious and sustainable sourced food and beverage offerings to our guests.
18. We work with preservation architects to design our buildings so they fit naturally into each and every community we enter.



SOUTHERN GROUNDS & COMPANY

BRAND GUIDELINES

SOUTHERN GROUNDS & COMPANY

BRAND GUIDELINES







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4 *Overview*

6 *Colors*

8 *Technical Requirements*

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Introduction

Founding Principles:

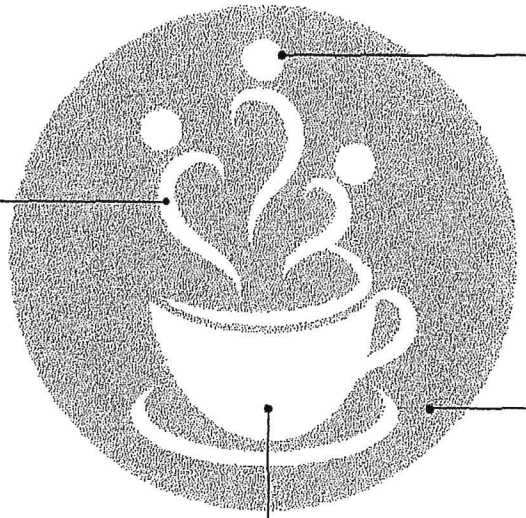
Southern Grounds is dedicated to developing a set of shared attitudes, values, goals and practices that will support our mission to serve our community. Our brand focuses on health and well-being while giving back to our community. Kindness is our culture!

Mission: To exceed the expectations of each of our guests and support, nourish and develop the people who deliver our services

1. Incorporate Family values into our business
2. Have integrity in all we do. Build Trust & Communicate
3. Strive for excellence
4. Exhibit teamwork and support others. We believe a team approach will accomplish more than a group of individuals. Teamwork and communication are vital for long term success
5. We strive to create a work place where everyone brings passion, energy and a positive attitude to work every day.
6. Think critically and be open to change in pursuit of improvement
7. Believe in an entrepreneurial spirit and want each team member to have an ownership mentality
8. We believe that "catching people doing something right" is the best way to breed success in our coffee bars
9. Always do your best and push to find your potential
10. Others first!

Overview

Inspiration and Meaning



Overview

NOTE: See page XX for all logo variations

SOUTHERN GROUNDS MAIN LOGO



INCORRECT USAGE EXAMPLES



Don't recreate type



Don't stretch or alter logo in any way



Don't overlap on other graphics



Always use wordmark straight on



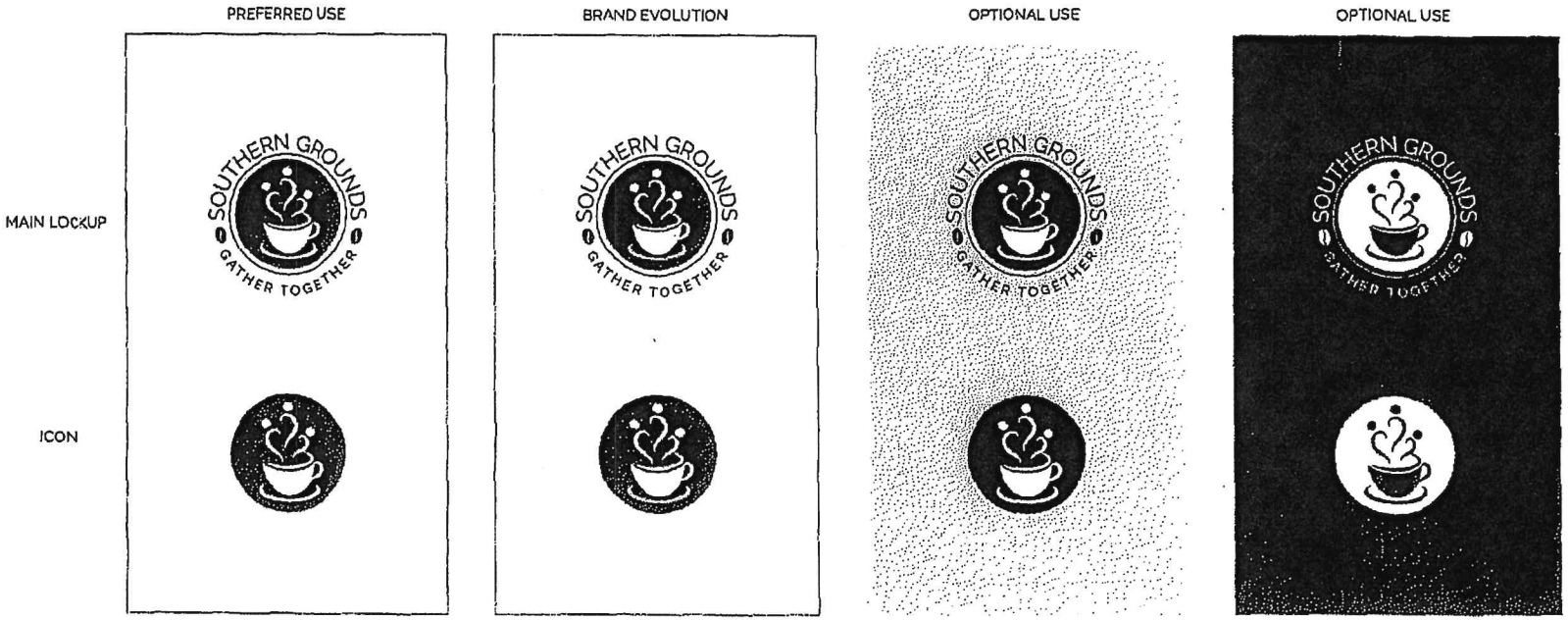
Do not rearrange wordmark in any way



Do not combine or add to wordmark

Colors

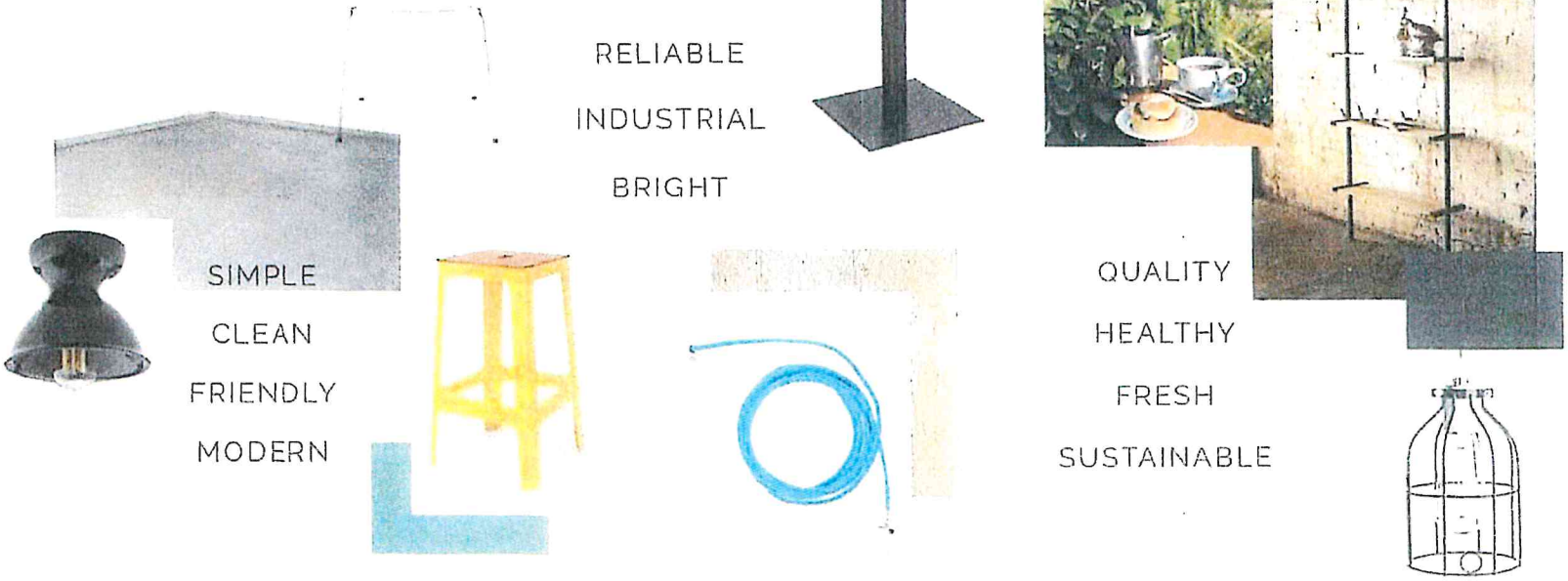
Logo variations



#FFFFFF	#3C2415	#2B2A29	#444644	#F0ECE0	#6BC6BA	#008693	#F9CB3B
WHITE	COFFEE BEAN	SLATE	IRON ORE	GREEK VILLA	TROPICAL TEAL	OCEAN VIBES	CITRUS

Colors

Supplemental



Technical Requirements

CLEAR SPACE



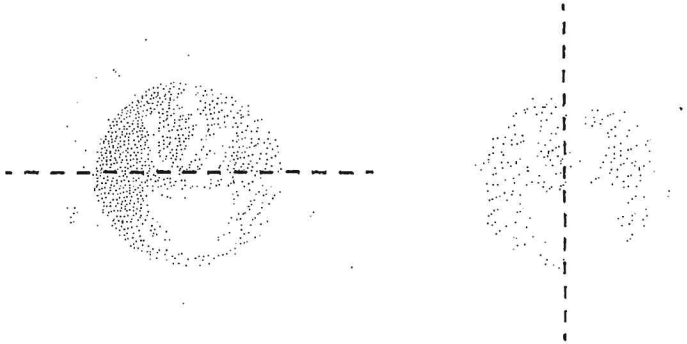
50% of the coffee cup

MINIMUM SIZE



1 inch

CROPPING
(always on halves)



Logo Variations

NOTE: Do not use these variations on coffee cups or any other collateral unless otherwise directed

WALL DECALS

NOTE: ALWAYS UPPERCASE
FONTS: Ostrich Sans Bold and Black

SOUTHERN GROUNDS

SOUTHERN GROUNDS

NOTE: ALWAYS SENTENCECASE
FONTS: Emblem One

Gather

Together

Logo Variations

NOTE: Do not use these variations on coffee cups or any other collateral unless otherwise directed

RETAIL

SOGRO

SOGRO



LOCATIONS

SOGRO
SOUTHERN GROUNDS
NEPTUNE BEACH

SOGRO
SOUTHERN GROUNDS
NEPTUNE BEACH

SOGRO
SOUTHERN GROUNDS
SAN MARCO

SOGRO
SOUTHERN GROUNDS
SAN MARCO

SOGRO
SOUTHERN GROUNDS
AVONDALE

SOGRO
SOUTHERN GROUNDS
AVONDALE

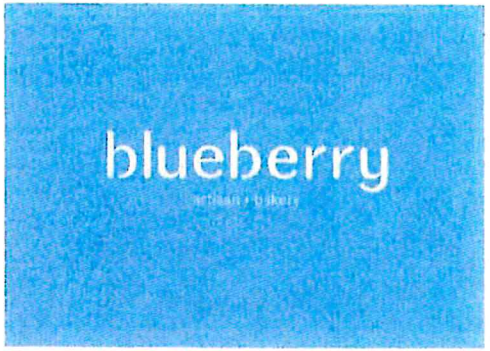
GIFT CARD & OTHER

SOGRO
SOUTHERN GROUNDS
GATHER TOGETHER

Logo Variations

FONTS: Airbnb Cereal App Book









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SOUTHERN GROUNDS
MARKETING BROCHURE

CONTENTS

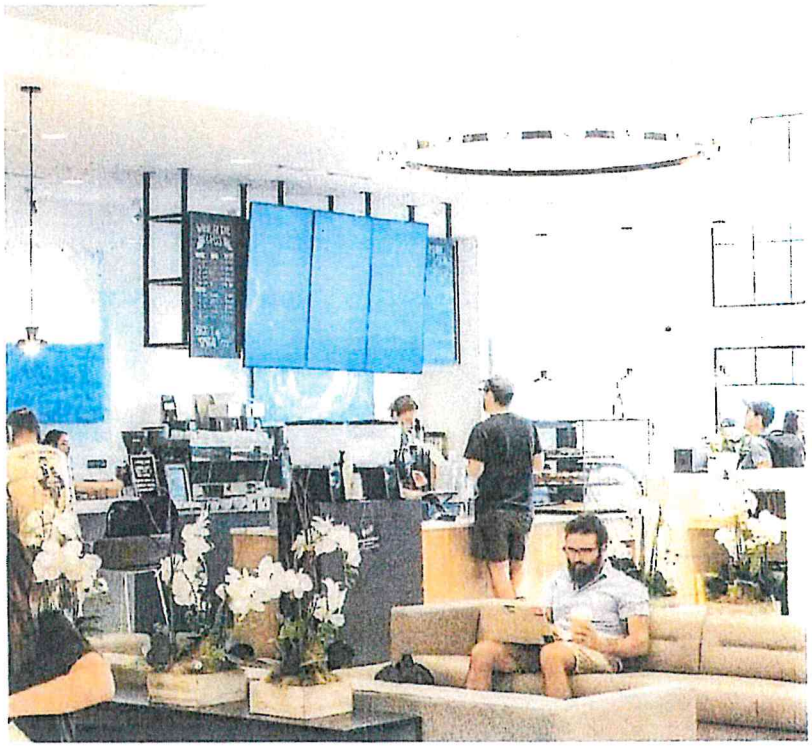
- *The Southern Grounds Story*
- *About Southern Grounds: Our Mission*
- *What makes Southern Grounds Different*
- *The Southern Grounds Space*
- *Southern Ground Interior Design*
- *Southern Grounds Partnerships*
- *Southern Grounds Food*
- *Southern Grounds Drinks*
- *Southern Grounds Franchisee Program and Franchisor Support*
- *Blueberry Bakery*
- *Why is Southern Grounds Franchising*
- *Southern Grounds Menu*

SOUTHERN GROUNDS:

Chef-Driven and Design-Enhanced

Recent years have taught all of us the importance of connection and community. We have all realized the need for a "sense of place" and the importance of quality space and how it makes us feel. This sense of place is established by connection among people and a strong role within the community. Finding the ideal site that meets the mission of Southern Grounds equals implementing architecture and design to prioritize connection among individuals and community.

As a result, we developed our chef-driven and design-enhanced coffee house: Southern Grounds.





OUR MISSION

Our core mission is to nourish, nurture and inspire healthy communities by giving back and creating value. We are a chef-driven coffee house, offering an array of products to conscious consumers beyond the standard cup of joe. Our brand thrives on providing healthy food and beverages while fostering community. We are not only passionate about bringing whole, nutritious, and sustainably sourced food and beverage offerings, we care deeply about the environment and reducing waste. We feel our brand has changed not only the "quality" conversation about coffee and sustainable foods but also our purpose as restaurateurs.

Our brand challenges the industry's standard supply chain for coffee houses by reducing plastic product consumption in our model. We have demanded sustainable farming practices of our suppliers, reduced environmental impact of vendors we used, and implemented green building products in our building and interior design. While these changes might only make small dents in the current status quo, we believe that as we expand, they will become significant.

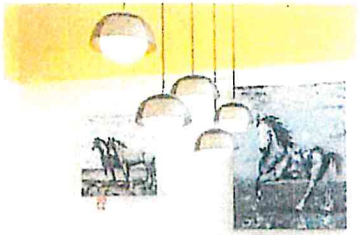
WHAT MAKES SOUTHERN GROUNDS DIFFERENT

We believe there is something absolutely magical about founding a business that aspires to bring people together. GATHER TOGETHER: those two words inspire everything we do.

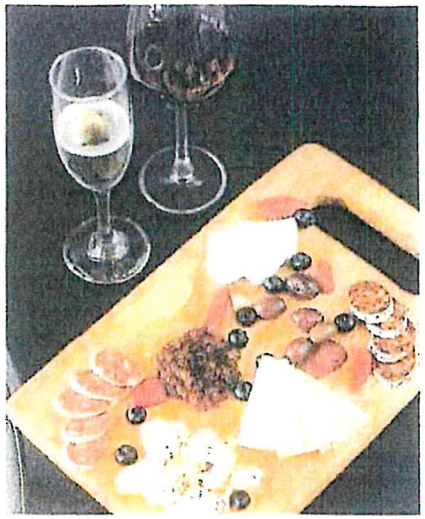
At Southern Grounds, friends, neighbors and colleagues can sit down over coffee or tea, enjoy wholesome foods and connect with each other. But it doesn't happen without the right factors – nutritious food, quality beverages and an environment that prioritizes connection are all part of the puzzle.

We are a fourth wave coffee shop, which disrupts the more commodity-focused trade of coffee and prioritizes taste, quality, unique flavors, and equitable relationships over low prices and standardizations in flavor. Increased coffee quality, more direct trade, a greater emphasis on sustainability, lighter roasts, innovative brewing methods – these are all intrinsic to fourth wave coffee. Fourth wave coffee is a marriage between stellar coffee products and truly worthwhile social consciousness.

Our model provides a tried-and-tested concept that has a high AUV compared to other coffee brands. We subscribe to the 'buy local' concept, which supports both jobs and the local community. In addition to serving simple, whole, unprocessed food, we have also expanded our definition of "healthy" to a larger philosophy, encompassing things like giving back to the community, cultivating a culture of kindness, and supporting farms who are mindful of our environment.







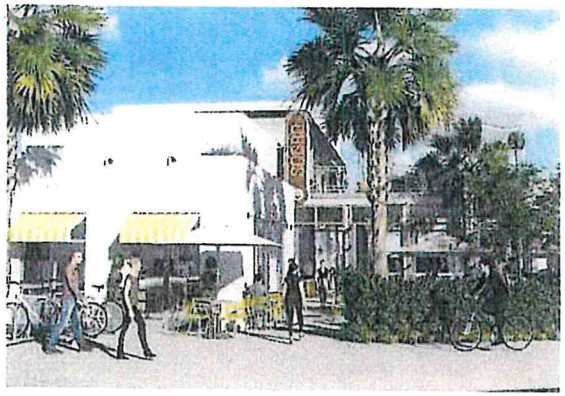


THE SOUTHERN GROUNDS SPACE

With a belief that restaurants are the key to a community's vibrancy, economic development, and social infrastructure, we designed each Southern Grounds as a modern coffee house that acts as a community focal point. At its core, architecture is designing spaces that create community.

To illustrate our passion about this, we hired interior designers and architects at Group 4 Design and Cronk Duch to help us create our community coffee house.

We aim to create a vibrant, light-filled and inviting environment that provides positive energy to support and uplift the community. Our coffee houses are distinct, unique, and supportive of each specific location. We use preservation architects and interior designers to honor the buildings and communities we move into. The renovation of a historic property is often a starting point and anchor for the redevelopment of a block, street, or district. A historic building or district can be tangible proof of a community's interest in honoring its heritage, valuing its character, getting the most out of infrastructure and development, and encouraging growth in already-developed areas.















THE SOUTHERN GROUNDS SPACE







SOUTHERN GROUNDS INTERIOR DESIGN

Working with the nationally recognized, award-winning design team Group 4 Design Inc., we are able to perfect the interior design, look and feel of every Southern Grounds Coffee House. Providing a warm welcoming place for people to "Gather Together" was the driving design concept for Southern Grounds. It was important to keep the floor plan open and inviting while creating pockets of intimate meeting space for the various reasons people choose a neighborhood coffee shop as their go-to place. Whether meeting with friends for a weekly catch-up, establishing a location for a business meeting or working quietly on a solo project, we provide an intentional place for those purposes.

The flow within the coffee shop allows the front façade to be a bustle of activity with quieter zones tucked into back areas and lots of outdoor spaces to connect to the activity of the neighborhood. Custom metalwork creates airy dividers, balanced with banquettes that introduce softness and color. In a departure from the typical dark moody coffee shop, Southern Grounds is fresh, modern, bright and friendly. The interior color scheme has a backdrop of crisp white, allowing sunny yellows and calming aquas to accent the space, with shades of gray mixed in for contrast. This neutral base allows our rotating display of artwork to add visual interest and support local artists showcasing their talents. Using classic materials and minimalist design details, the team designed an expansive coffee shop that is grand in scale yet still allows for intimate moments, becoming the go-to neighborhood gathering spot.

SOUTHERN GROUNDS DESIGN













SOUTHERN GROUNDS LICENSING

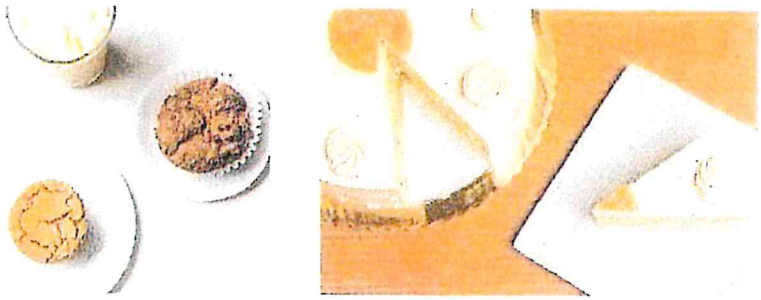
Southern Grounds received international recognition through a licensing agreement with HMSHOST, the world's largest concessionaire. We are incredibly proud to partner with HMSHOST and meet the demands of international airport travelers. Our Southern Grounds brand resonates with HMSHOST, as our brand gives the International Airport system the opportunity to create a sense of place and showcase a regional brand that serves great coffee and has healthy, sustainable food offerings.











blueberry

artisan • bakery

Blueberry Bakery is Southern Grounds' very own bakery. Years of struggling to find a gourmet bakery in Florida to fit our needs led us to the creation of Blueberry Bakery. We're proud to have a boutique, artisan bakery that was built on a simple premise: scratch-made is better. Everything is made by hand with care and the freshest possible ingredients.

We have designed the Southern Grounds Franchising Program so that every 8 Southern Grounds Coffee Houses will have a designated Blueberry Bakery. As our commitment to high quality resonates throughout, the Blueberry Bakery will deliver cakes, baked goods and treats, made from fresh ingredients, to Southern Grounds locations multiple times a week.

Whether clients are planning an intimate dinner party, black-tie gala or corporate gathering, our team works to design delicious, customized desserts for any occasion.

The Blueberry Bakery also offers vegan and gluten- free products, in addition to specialty items. A visit to the Blueberry Bakery will result in the option of everything, from cakes and cheesecakes to cookies, muffins, tarts, eclairs, bite-sized treats and seasonal favorites.













"From artisan breads to delectable desserts, Blueberry Bakery has something for everyone. Come try our goods at any Southern Grounds and be amazed by the freshness and seasonal flavors."

SOUTHERN GROUNDS FOOD

We are the proud recipients of the Slow Food Movement award. In the first few years of building Southern Grounds, we were looking everywhere for our identity — books, magazines, the internet. We believed that by looking around, we could understand who we are and who we aren't. We started looking at the products: stone ground grits, seasonal produce, fresh avocados, sustainable salmon, heirloom tomatoes, local jam, grass fed beef, open blue cobia, organic coffee, European butter, Belgium chocolate ...and the delicious list goes on!

Those ingredients took us to the markets, the markets took us to the farmers, and the farmers eventually took us to our roots. This is how we became passionate about our food quality for each and every guest.

Today, we take extraordinary pride in creating a culinary memory every time a guest visits one of our coffee shops.

Over the past 6 years, Southern Grounds has refined and elevated the guests experience through unwavering commitment to the highest quality food and hospitality available.

- Southern Grounds salmon is the highest quality available: Verlasso Salmon from Patagonia.
- We use Logans Turnpike Mill fresh-ground grains from local farmers in the Southeast.
- Our oatmeal and organic prized flour is from Bob's Red Mill. Organic lettuce by Trader Hill Aquaponics Farm
- We use the highest quality European butter, Plugra Premium Butter, in our baked goods.
- Southern Grounds sources all seasonal offerings directly from Saturiwa Trading Company, including local berries, mushrooms, beef, honeycomb, microgreens, black figs, purple broccoli and more.
- Our ground beef is sourced from Brasstown Beef in North Carolina, where cattle are grass-fed and humanely raised to third party Global Animal Partnership (GAP) standards.



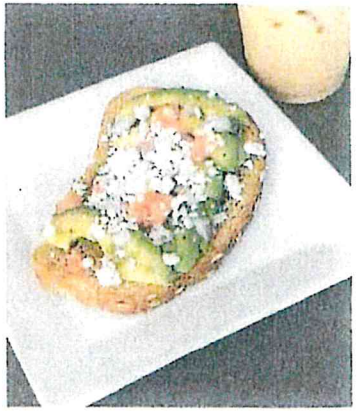






SOUTHERN GROUNDS FOOD
















SOUTHERN GROUNDS DRINKS

Whether you are looking for a fancy latte, morning cup of joe, a smoothie, a craft beer, a mimosa or a nice glass of wine, Southern Grounds has you covered.

At Southern Grounds, we serve the finest quality coffee, locally sourced Kefir, Kombucha, craft beer and wine favorites.

- Our Coffee beans are direct trade from Intelligentsia. There is no higher standard for our coffee procurement. At Southern Grounds, we pride ourselves on bringing the most exquisite, highest quality direct-trade coffee offerings to our guests. We take pride in our coffee beans, which are hand-picked and evaluated from bean genetics through the meticulous post-harvest roasting process at Intelligentsia. The idea of serving the best cup of coffee every time is our primary focus. As a result of our dedication to perfection, we proudly pour a desirable, balanced, dynamic cup of coffee every time.
- Our Matcha Tea is shade grown Japanese Matcha.
- Our Kefir is crafted by a local manufacturer, using only the highest quality ingredients.
- Our Kombucha, Gnarbucha, is made locally in Jacksonville, Florida.
- A variety of Southern Grounds beer is crafted from a partnership with King Maker Brewing Company.

SOUTHERN GROUNDS COFFEE

Our coffee is sourced from Intelligentsia Coffee, offering direct trade coffee. Intelligentsia has more direct farming relationships than any other roaster, nationwide. Thanks to direct trade, baristas and roasters can tell consumers the story behind thecoffee beans. Direct trade coffee relies on sourcing only the highest-quality beans insmall batches for a truly artisan coffee experience.

Intelligentsia considers coffee an artisanal food, like wine, with a consumption experience to be enhanced with greater education, connoisseurship, and sensory exploration beyond just a cup of coffee.

While all coffee comes through a similar value stream, we seek to highlight the unique characteristics that result from the diversity of coffee bean cultivars, growing and culti-vation methods, processing methods, roasting techniques and more. For these reasons,we opted to work with Intelligentsia, the creator of the artisan coffee movement.











OUR PARTNERSHIP WITH LA MARZOCCO

We have used La Marzocco machines since our inception in all our cafes and our homes. In the first quarter of the last century, several attempts at manufacturing machines to make "espresso" coffee were carried out in Italy. They may rightfully be considered the progenitors of espresso machines in production today. They were equipped with hot water and steam generators, and tall vertical boilers.

The manufacturers, in addition to being skilled craftsmen, were pioneers considering the difficulties they faced at the time. Giuseppe Bambi was a member of this small group of pioneers. His strong personality and desire to create something of his own eventually led to establishing a small workshop and business.

FRANCHISEE PROGRAM SUPPORT

We are creating a boutique franchise offering of curated community coffee houses. Upon becoming a Franchiseeof Southern Grounds, our network of highly trained, experienced, award-winning professionals is available to help you succeed.

Franchising Southern Grounds has always been part of our growth strategy. We have a leadership team that has ensured we built the resources and processes necessary to support ALL franchisees. Before launching the franchising initiative, we wanted our brand to be successful in numerous communities. From our humble beginning in Neptune Beach, Florida, to our stores in San Marco, Florida and the Avondale community in Jacksonville, we have built a great customer base and a history of strong financial performance. This provides new franchisees a much-needed boost of confidence and ensures their own success in each respective community.

Upon partnering with the very mature global restaurateur HMSHOST (Autogrill Group), we grew tremendously as a company. The process of licensing and training with HMSHOST provided the Southern Grounds leadership team the knowledge and confidence to roll out our Southern Grounds franchise program. We are now in the process of opening 2 more corporate locations, as well as our second International Airport location with HMSHOST. Finally, we awarded our first Franchise Territory of 9 units and anticipate the opening of 6-7 more stores in the next year. Our franchisees have access to all our designers, so each Southern Grounds location will be unique and memorable.



WHY SOUTHERN GROUNDS FRANCHISING?

Food is culture, community, and life. It is hospitality, kindness, and warmth. It is what binds us, even when we are divided. It is the glue, the fabric, the how and the why people come together. Food is one of the reasons we travel to other places. Think about your hometown, your city and your community — we believe you will agree restaurants are the key to a community's vibrancy, its economic development, and its social infrastructure.

For all these reasons, we feel there is no better time than to launch our new modern coffee house as a franchise and community model to other aspiring restaurateurs.

We have selected 12 Southern states and select markets in Florida as our initial franchising areas, including: Georgia, North Carolina, South Carolina, Virginia**, Texas, Louisiana, Maryland**, Tennessee, Kentucky, Alabama, Mississippi and select markets in Florida (including Orlando, the panhandle and the West coast).

We are looking for experienced franchise partners with a track record of success. This includes multi-unit operators who already have franchises or proven independents who want to diversify their portfolio with a proven concept. We look forward to working with operators who have been in the business and understand the nuances of running a hospitality company.

**coming soon

EXHIBIT

G

CITY OF ST AUGUSTINE EST. 1565

AGENDA

Planning and Zoning Board
City of St. Augustine, Florida
Alcazar Room
Tuesday, September 5, 2023, at 1:00 p.m.

Regular Agenda

1. **Roll Call**

2. **General Public Comments for Items Not on the Agenda**

3. **Approval of Minutes**

   a. Regular Meeting Minutes from July 5, 2023.

4. **Modification and Approval of Agenda**

5. **Variance**

   a. 2023-0062

   Continued from the August 1st Regular Meeting

   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.

   b. 2023-0073

   Zlate Sipinkoski – Applicant
   c/o Cortesse's Bistro
   Goce Sipinkoski – Owner
   172 San Marco Avenue
   To approve a variance to off-street parking requirements.

6. Use by Exception

a. 2023-0067

Philip & Dee Castillo – Applicants
c/o The Bart on Aviles
11 Aviles Street LLC – Owner
11D Aviles Street / PID 198950-0000
To allow for the use of a cocktail lounge within the Historic Preservation-Two (HP-2) zoning district as a use by exception.

b. 2023-0068

James. G Whitehouse, Esq. – Applicant
c/o St. Johns Law Group
102 Bridge Street Land Trust – Owner
102 & 104 Bridge Street / PID 202540-0000
To allow for the sale and consumption of alcoholic beverages with an alcohol by volume (ABV) content up to fourteen (14) percent on the premises within the Commercial Low-One (CL-1) zoning district as a use by exception.

7. Conservation Overlay Zone Development

a. 2022-0057

Continued from the August 1st Regular 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.

b. 2023-0013

Continued from the August 1st Regular 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.

8. Rezoning

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).

9. Other Business

a. Reminder of a Special Planning and Zoning Board Meeting in September.

10. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

☐ Appeal
☐ Conservation Overlay Zone Development
☐ Use by Exception
☐ Final Development Plan
☐ Land Use Plan Amendment
☐ Preliminary Subdivision Plat Approval
☐ PUD Modification/Amendment
☐ Rezoning
☒ Variance
☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2023-0073
Applicant: Zlate Sipinkoski c/o Cortesse's Bistro
Owner: Goce Sipinkoski c/o Me And Mr G Inc
Address: 172 San Marco Avenue
Parcel Number: 1896300000

RE: Variance, pursuant to Section 28-29, City of St. Augustine Code, to approve a variance to off-street parking requirements.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON SEPTEMBER 5, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the September 5, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Medium Intensity and a zoning classification of Commercial Medium Two (CM-2).
4. The above-described Variance is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to approve a variance to off-street parking requirements.

Subject to the following findings by the PZB:

- _____
- _____
- _____

Subject to the following conditions:

- 1. Staff must receive and review parking agreement leases
- 2. Clear signage of where parking agreements are located
- 3. 13 spaces at 185 San Marco Avenue, 15 spaces at 166 San Marco Avenue, 15 spaces at 1860 N Ponce de Leon Blvd., 11 spaces at 7 W San Carlos Avenue

DONE AND ORDERED, at a public hearing on the 5 day of September, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0073 **REQUEST APPROVED / DENIED / CONTINUED**

Michael A Davis
Sign Name

Mike Davis
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 5th day of September, A.D., 2023.

ELYSE WIEMANN
Commission # HH 217621
Expires May 19, 2025

Elyse Wiemann
Notary Public, State of Florida

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO:	Planning and Zoning Board
DATE:	September 5, 2023
RE:	**VARIANCE 2023-0073**
AGENDA ITEM	5(b)
APPLICANT	Zlate Sipinkoski c/o Cortesse's Bistro
OWNER	Goce Sipinkoski
LOCATION	172 San Marco Avenue / PID 189630-0000
REQUEST	To approve a variance to off-street parking requirements.
LAND USE	Commercial Medium Intensity
ZONING	Commercial Medium-Two (CM-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

Overall Goal	Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
FLUE Policy 2.2.1	The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.
FLUE Policy 6.1.5	The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

FLUE Policy 6.5.2 Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family units to a maximum of 16 units per acre.

- Not more than fifty percent (50%) of the Commercial Medium Intensity designation shall be permitted for residential use. Other uses maximum lot coverage of 70%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 25% and a maximum of 50% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 30% and a maximum of 70% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Objective 8.1 Protect the small town mixed use urban context to maintain its industrious and charming character.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Goal 3 Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

HP Goal 5	Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.
HP Objective 5.3	Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.
HP Policy 5.4.1	Provide design and planning assistance to encourage revitalization of the major thoroughfares and other, smaller commercial connectors in a manner that recognizes the unique character of these areas to preserve broader aspects of the city's authentic heritage.
HP Goal 10	Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal	The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.
TME Policy 1.3.3	The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing "urban" area of the city including existing commercial corridors.
TME Policy 1.3.6	The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.7	The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.
TME Policy 1.3.10	The city shall further support pedestrian, bicycle, and a community circulator or transit use by: • Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan; • Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances; • Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users; • Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and • Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.
TME Policy 3.1.3	Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

CITY OF ST. AUGUSTINE MOBILITY PLAN & MOBILITY FEE TECHNICAL REPORT DATED FEBRUARY 2022

Overview

The Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City. **The amendments also encourage the continuance of innovative parking management strategies to provide City's residents with enhanced access to business and services,** while also seeking to reduce the impact of traffic on neighborhood streets.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. – Zoning exceptions, variances and appeals.

(b) *Variances*:

(1) *Requirements for grant of variance.* The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
c. This disadvantage does not exist because of conditions created by the owner or applicant; and
d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this chapter.

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural

style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

(2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.

(3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) *Violations of variances.* The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-373. – Required off-street parking.

(d) *Minimum spaces required*:

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(27)	Restaurant	75 patron area (nonfixed seating)	or 4 patrons (fixed seating)		and 1 per 200 sqft. nonpatron area
(41)	Business, commercial, or service establishments	300			

STAFF SUMMARY AND ANALYSIS

The variance request at 172 San Marco Avenue is for the allowance of parking off-site at neighboring properties that also have active commercial businesses and do not have excess off-street parking. The request made is to allow for the restaurant at 172 San Marco Avenue to provide off-street parking at parking facilities of other businesses, this differs from a use by exception request since the provision of parking is already being accounted for the other businesses.

The property at 172 San Marco Avenue is located within the San Marco Avenue Entry Corridor and is adjacent to other commercial uses within the Commercial Medium-Two (CM-2) zoning district.

Previously at 172 San Marco Avenue there were licensed businesses such as The Cheese Wheel + Sandwich Board Too, Cortesse's Bistro and Flamingo Room, Blarney Stone, Your's and Mine, Ave. Antiques, and Carvel Ice Cream Store #2519 which dates back to 1988.

The first item on the November 2, 1993, Planning and Zoning Board agenda, a meeting from almost thirty (30) years ago, was a request "to reduce the minimum parking requirement or to allow an off-site parking facility as a use by exception" made at 172 San Marco Avenue. The proposed use at that time was required to provide twenty (20) off-street parking spaces, there were and also currently only thirteen (13) parking spaces onsite. The applicant stated that approximately seventy-five percent of their business was done after 5pm; during the evening is when most of the surrounding businesses close and parking becomes available. The applicant also stated that it was not economically feasible to reduce seating to what the 13 parking spaces allowed. This request was approved unanimously.

Another variance request made at this property which appeared on the March 7, 2019, Planning and Zoning Board agenda; the request was "to approve a variance to decrease the required parking spaces for a new restaurant." The requirement at that time was for 25 parking spaces, which is more than the 13 spaces that are provided onsite making the request an elimination of 12 parking spaces. This request was also approved unanimously with no conditions. The board did discuss that this variance would run with the property; however, if seating increased or another business that required more parking opened on the property, a new variance application would be required.

The current Cortesse's Bistro has been operating from the rear building and the courtyard and is requesting to increase their seating capacity to reopen the front building which has not been recently occupied. The current Cortesse's Bistro is documented being open for 2 hours during the lunch hours as well as 4 hours during the dinner hours.

The proposed use of the building at 172 San Marco Avenue is for a two hundred and twenty-eight (228) seat restaurant with 1,950 square feet of non-patron area. This proposal is required by City code to provide sixty-seven (67) off-street parking spaces, 57 for the seating and 10 for the non-patron area. Below is a table which shows the proposed parking breakdown for Cortesse's Bistro.

Location	Business Name	Distance	Number of Parking Spaces Available	Hours of Operation
172 San Marco Avenue	Cotesse's Bistro	Onsite	13	
185 San Marco Avenue	Angela's Restaurant Supply		13	M-F: 9am-5:30pm Saturday: 10am-2pm Sunday: Closed
166 San Marco Avenue	Red Train Tours		15	Public Parking Lot open 24/7
1860 N Ponce de Leon Boulevard	Pure Powersports		15	Monday: Closed T-F: 9am-6pm Saturday: 9am-6pm Sunday: Closed
7 W San Carlos Avenue	Otero's Auto Repair	Directly adjacent to west	11	M-F: 9am-5:30pm Saturday: Closed Sunday: Closed
			67 total spaces provided	

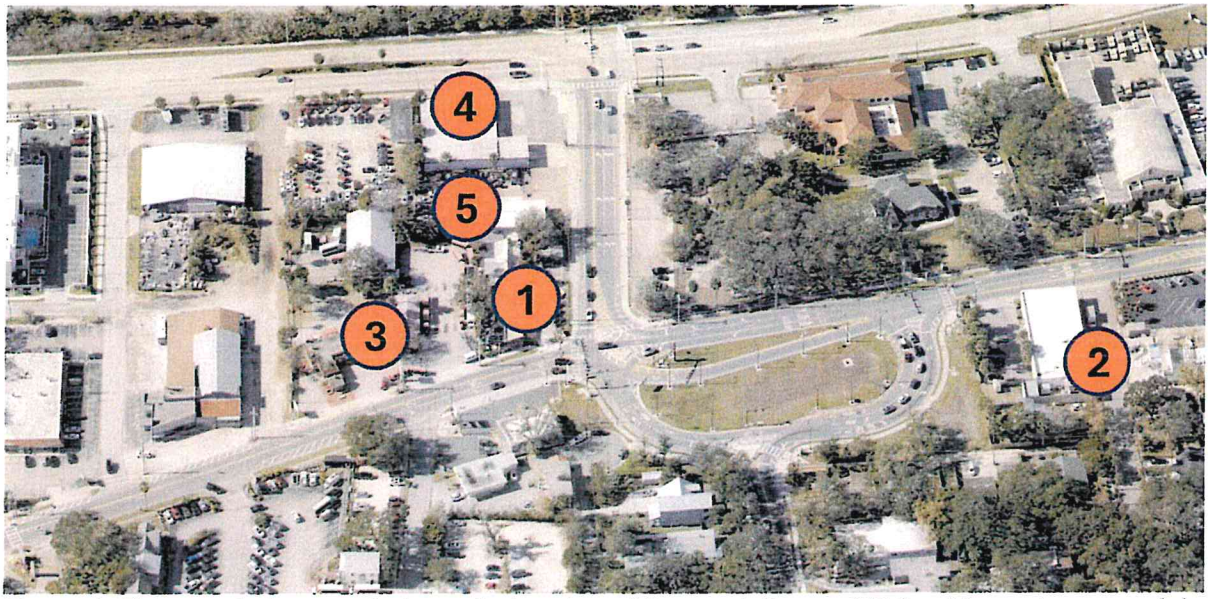


Figure 1. This aerial photograph shows the location of Cortesse's Bistro, 172 San Marco Avenue, and the surrounding properties where parking will be available.

1. 172 San Marco Avenue, 2. 185 San Marco Avenue, 3. 166 San Marco Avenue, 4. 1860 N Ponce de Leon Boulevard, and 5. 7 W San Carlos Avenue.

The applicant has also submitted documentation that they have pending agreements for 22 parking spaces at 1700 N Ponce de Leon Boulevard, 19 parking spaces at 164 San Marco Avenue, and 28 parking spaces at 1600 N Ponce de Leon Boulevard. Staff has not received or reviewed these agreements at this time.

The request being made today at 172 San Marco Avenue is for a variance to the location of the required off-street parking due to the fact that no more parking may be provided onsite. The applicant is requesting that 54 of the required off-street parking spaces be provided within four hundred and fifty (450) feet of the property. The breakdown of this proposal may be found in the table above. This request differs from a use by exception in that the applicant was not able to locate any excess parking within 400' which are the two main requirements of the use by exception request. This variance request is not for the elimination of off-street parking requirements, the applicant has made arrangements to provide off-street parking, but just the location.

An approval of this request would allow a pedestrian oriented commercial use within the CM-2 zoning district to preserve and maintain this early 20th century structure at 172 San Marco Avenue.

No variance shall be granted unless the applicant shall show, and the board shall find that:

a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

   Applicant submittal: The preexisting structure and parking lot was purchased and doesn't allow space for additional parking to be added onsite.

   Staff analysis: The existing structure, originally built in 1920 according to the County Property Appraiser, is a physical condition which causes a disadvantage of meeting the City's current off-street parking requirements. This is validated by the two previous requests in 1993 and 2019 for variances to the minimum parking requirements which were introduced more than fifty (50) years after this building was constructed.

b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

   Applicant submittal: All areas of the property will be in use or already are in use leaving no area for parking expansion onsite.

   Staff analysis: The presence of the structure onsite does allow for thirteen parking spaces, this amount of parking would allow for the 1,950 square feet of non-patron area but limit the seating to 12 which is not enough to allow for an economically sustainable restaurant at this location.

c. This disadvantage does not exist because of conditions created by the owner or applicant;

   Applicant submittal: The property was purchased with the buildings and parking were already in existence, and previously operated.

Staff analysis: This lot was created, and the existing building was built before the current owner purchased the property.

d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Applicant submittal: We have gained authorized use of local businesses' parking after their hours of operation.

Staff analysis: Granting a variance would not adversely affect neighboring properties due to the nature of the request, would enhance the commercial environment of San Marco Avenue, and contribute to the resiliency of the St. Augustine local economy.

STAFF RECOMMENDATION

The approval of the variance request regarding off-street parking requirements at 172 San Marco Avenue promotes economic development, preservation of a historic building, 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 location of off-street parking requirements 172 San Marco Avenue / PID 189630-0000.

Jacob Fredriksson, CNU-A
Planning Manager
Planning and Building Department

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
AUG 04 2023
Planning/Building Dept.

Application Fee: 350.00 (plus advertising costs) Project Number: 2023-0073

Receipt Number: 2685311 Meeting Date: _____

Advertising Costs: $_____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Zlate Sipinkoski Contact Number: 239-250-2490
   Business *(if applicable)*: Corkesses Bistro
   Address: 172 San Marco Ave City: St. Augustine State: FL Zip: 32084
   E-Mail Address: _____
2. NAME OF PROPERTY OWNER: Goce Sipinkoski Contact Number: 239-300-5859
   Business *(if applicable)*: _____
   Address: 172 San Marco Ave City: St Augustine State: FL Zip: 32084
   E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot: _____ Block: _____
   Subdivision: _____ Parcel Number: _____
4. PROJECT STREET ADDRESS: 172 San Marco Ave
5. SPECIFIC PROPOSED USE: restaurant
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Appeal of Staff Determination
   - ☐ Exception
   - ☐ Land Use Plan Amendment
   - ☑ Variance
   - ☐ Rezoning
   - ☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Sec 28-209 (CM-2) for alcohol sales
   Sec 28-373 - approval of required offstreet parking
8. JUSTIFICATION FOR ACTION REQUESTED: With 228 seats we are required 57 spaces, with 1950 sqfeet of non patron area, we are supposed to have 10 spaces off street. We have documentation of necessary parking spaces available.

04/18/2019

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:
The preexisting structure and parking lot was purchased and doesn't allow space for additional parking to be added on site.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: all areas of the property will be in use or already in use - leaving no area for parking expansion on site.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: the property was purchased with the buildings and parking were already in existance, and previously operated.

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: we have gained authorized use of local businesses' parking after their hours of operation

*additional questions

10. PREVIOUS APPPLICATIONS:
Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?
☒ Yes ☐ No If yes, please give date and final disposition below.
grease interceptor installed 7/17/23

11. AGREEMENT:
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Joce [signature] 8-4-23
Signature of Applicant Date

Joce [signature] 8-4-23
Signature of Property Owner Date

04/18/2019

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

GOCE SIPINKOSKI
Print name of applicant

Signature of applicant

2-4-23
Date

ST AUGUSTINE
ESTD. 1565

Owner's Authorization For Agent

MIKE GRIMES is/are hereby authorized TO ACT ON BEHALF OF NATE SIPINKOSKI, the owner(s) of those lands described within ☐ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: _____

BY: _____
Signature of Owner

_____
Print Name of Owner

_____
Telephone Number

State of FLORIDA

County of FLAGLER

Signed and sworn before me on this _____ day of _____, 20__.

By _____

Identification verified:

Oath sworn: _____Yes_____ No

Notary Signature: _____

My Commission expires: _____

Rev:022117

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	$300.00 + ads & notices
Rezoning: large scale	$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	$400.00 + ads & notices
Land Use Plan Amendment: large scale	$1,400.00 + ads & notices
Planned Unit Development	$400.00 or $35.00/acre, whichever is greater, $1,400 max + ads & notices
Zoning Variance	$350.00 + ads & notices
Zoning Exception	$250.00 + ads & notices
Conservation Overlay Zone Development	$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	$165.00 + ads & notices
Appeal of Staff Determination	$200.00 + ads & notices
Application to Amend Zoning Code	$600.00 + ads & notices
Subdivision Plat Review	$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 172 SAN MARCO AVE

Applicant's Name: GOCE SIPINKOSKI Applicant's Signature: Goce Sipinkoski

Owner's Name: GOCE SIPINKOSKI Owner's Signature: Goce Sipinkoski

St. Johns County, FL

Apply for Exemptions

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

2022 TRIM Notice

Summary

Click Here to Open Cyclomedia Viewer in a New Tab

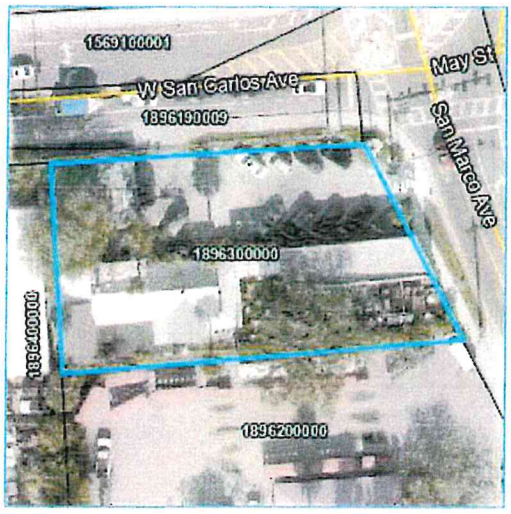


Parcel ID	1896300000
Location Address	172 SAN MARCO AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Restaurant San Marco (COM) (602.54)
Tax Description*	SANCHEZ TRACT CITY LOTS 3 & 4 OR5273/570 *The Description above is not to be used on legal documents.
Property Use Code	Restaurants & Cafeterias (Owner Occupied) (2105)
Subdivision	Sanchez Tract
Sec/Twp/Rng	47-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.390
Homestead	N

Owner Information

Owner Name	ME And Mr G Inc 100%
Mailing Address	172 SAN MARCO AVE SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	$432,847
Extra Features Value	$18,906
Total Land Value	$513,600
Agricultural (Assessed) Value	$0
Agricultural (Market) Value	$0
Just (Market) Value	**$965,353**
Total Deferred	$159,270
Assessed Value	**$806,083**
Total Exemptions	$0
Taxable Value	**$806,083**

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	$372,951	$17,452	$342,400	$0	$0	$732,803	$732,803	$0	$732,803
2021	$211,815	$14,897	$342,400	$0	$0	$569,112	$569,112	$0	$569,112
2020	$219,615	$15,226	$342,400	$0	$0	$577,241	$577,241	$0	$577,241
2019	$226,442	$14,761	$342,400	$0	$0	$583,603	$583,603	$0	$583,603
2018	$237,839	$15,090	$342,400	$0	$0	$595,329	$595,329	$0	$595,329
2017	$247,919	$13,164	$256,800	$0	$0	$517,883	$517,883	$0	$517,883
2016	$257,332	$13,493	$256,800	$0	$0	$527,625	$527,625	$0	$527,625
2015	$266,744	$13,821	$256,800	$0	$0	$537,365	$537,365	$0	$537,365
2014	$290,064	$14,150	$224,272	$0	$0	$528,486	$528,486	$0	$528,486
2013	$248,585	$8,190	$164,448	$0	$0	$421,223	$421,223	$0	$421,223
2012	$257,429	$8,552	$164,448	$0	$0	$430,429	$430,429	$0	$430,429
2011	$281,245	$8,914	$183,172	$0	$0	$473,331	$473,331	$0	$473,331
2010	$289,146	$9,274	$260,512	$0	$0	$558,932	$558,932	$0	$558,932

Building Information

Building	1
Building Value	$146,408
Year Built	1920
Actual Area	2165
Conditioned Area	1588
Use	Restaurants & Cafeterias
Style	04
Exterior Wall	Concrete Block
Roof Cover	Built Up
Roof Structure	Rigid Frame
Interior Flooring	Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
BASE AREA	1588
UNFINISHED CANOPY	201
UNFINISHED CANOPY	349
UNFINISHED STORAGE/UTILITY	27

Description	Square Footage
Total SqFt	2165

Building	2
Building Value	$250,743
Year Built	1920
Actual Area	3100
Conditioned Area	2802
Use	Restaurants & Cafeterias
Style	04
Exterior Wall	Wood

Roof Cover	Modular Metal
Roof Structure	Wood Truss
Interior Flooring	Hardwood, Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
FINISHED CANOPY	218
BASE AREA	2802
FINISHED CANOPY	40
UNFINISHED STORAGE/UTILITY	20
UNFINISHED STORAGE/UTILITY	20
Total SqFt	3100

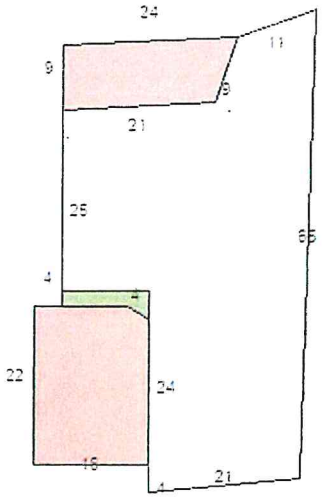
Building	3
Building Value	$35,696
Year Built	1950
Actual Area	876
Conditioned Area	876
Use	Office Class C
Style	04
Exterior Wall	Wood

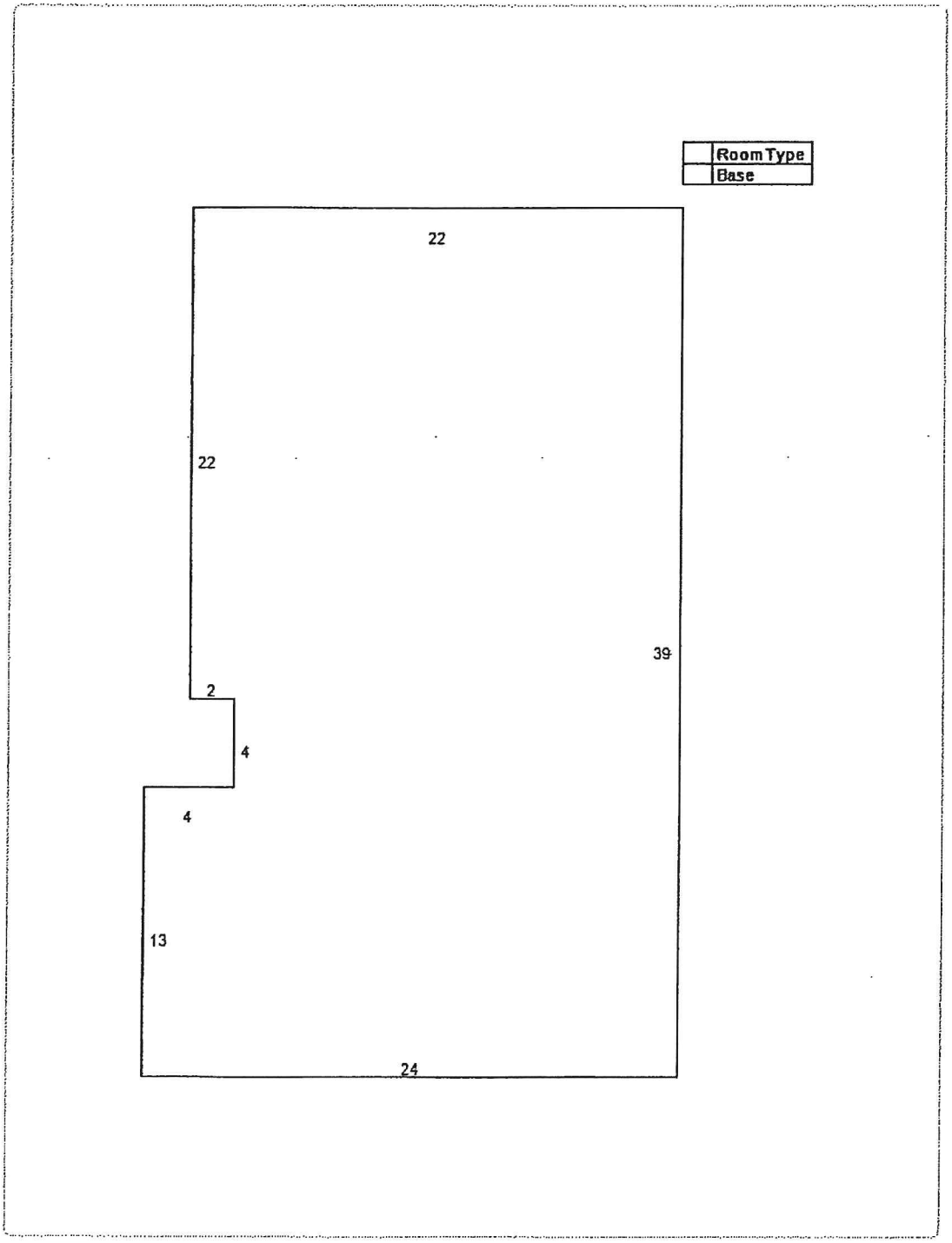
Roof Cover	Composite Shingle, Modular Metal
Roof Structure	Rigid Frame
Interior Flooring	Sheet Vinyl
Interior Wall	Drywall
Heating Type	Forced Air
Air Conditioning	Window
Bedrooms	
Baths	

Description	Square Footage
BASE AREA	876
Total SqFt	876

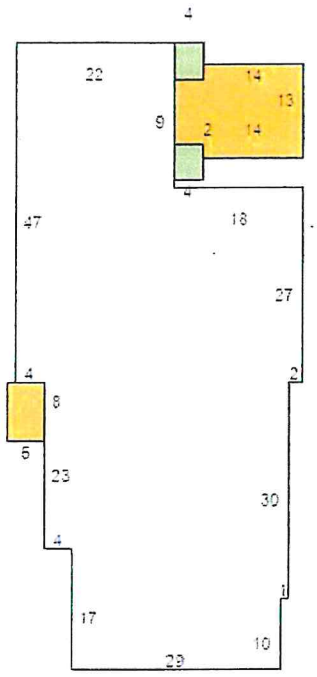
Sketch Information

	Room Type
	UNFINISHED STORAGE
	CANOPY
	Base




Room Type
Base
22
22
39
2
4
4
13
24

	Room Type
	UNFINISHED STORAGE
	Base
	CCN



Extra Feature Information

Code Description	Status	Value
Asphalt Paving (COM)		7018
Wood Fence - 6' and Above (COM)		614
Masonry Wall (Mix)		862
Brick Pavers (COM)		7206
Handicap Ramp (COM)		3206

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Restaurants & Cafeterias	0	0	17120	SF	$513,600

Sale Information

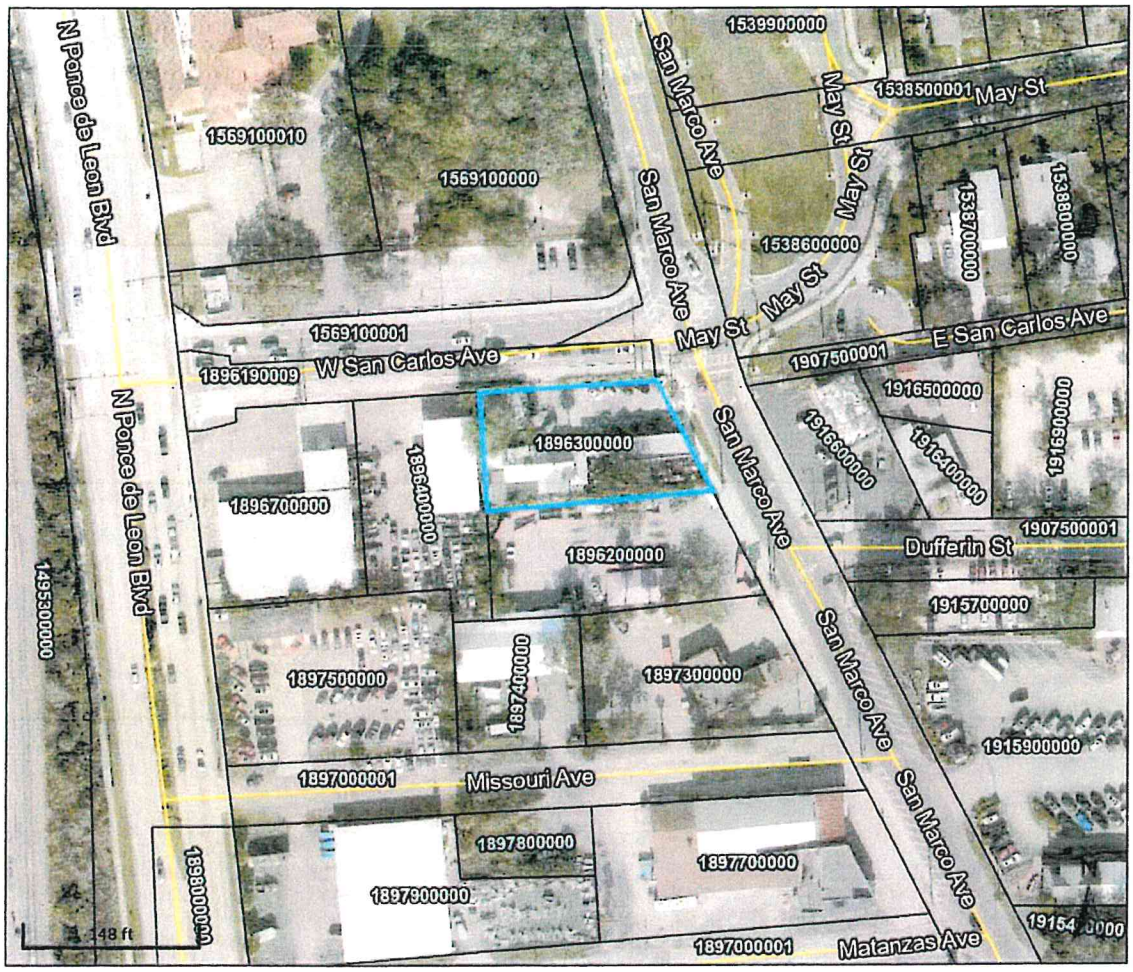
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/24/2021	5/18/2021	$890,000.00	WARRANTY DEED	5223	570	Q	I	MONTAZERI PROPERTIES LLC	ME AND MR G INC
4/12/2017	4/12/2017	$100.00	WARRANTY DEED	4358	333	U	I	MONTAZERI PROPERTIES INC	MONTAZERI PROPERTIES LLC
10/23/2013	10/22/2013	$928,000.00	WARRANTY DEED	3805	1059	U	I	NORTHEAST FLORIDA MORTGAGE INVESTMENTS LLC	MONTAZERI PROPERTIES INC
9/12/2012	9/10/2012	$0.00	CERTIFICATE OF TITLE	3614	1882	U	I	CORTABELLA INC	NORTHEAST FLORIDA MORTGAGE INVESTMENTS LLC
1/11/2012	1/10/2012	$100.00	CERTIFICATE OF TITLE	3511	1212	U	I	CORTABELLA INC	NORTHEAST FLORIDA MORTGAGE INVESTMENTS LLC
	10/2/2009	$0.00	LIS PENDENS	3246	1882	U	I	HAVEN TRUST BANK FLORIDA	CORTABELLA INC
	7/1/2003	$700,000.00	WARRANTY DEED	1295	453	Q	I	JONES GREGORY W & BARBARA L	CORTABELLA INC
	9/1/1986	$115,000.00		717	1423	Q	I		JONES GREGORY W.BARBARA L

No data available for the following modules: Exemption Information.

The Assessment Property Appraiser GIS Data is made available for informational purposes only and is not to be construed or represented as a guaranteed survey. The Assessment Property Appraiser assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon any information or data furnished hereunder.
User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 8/15/2023, 11:45:45 PM
Developed by Schneider GEOSPATIAL

PROPERTY APPRAISER

St. Johns County, FL



Overview



Legend

☐ Parcels

Parcel ID	1896300000	Physical Address	172 SAN MARCO AVE SAINT AUGUSTINE	Building Value	$432,847	Last 2 Sales Date	Price	Reason	Qual
Property Class	2105 - Restaurants & Cafeterias (Owner Occupied)	Mailing Address	ME AND MR G INC 172 SAN MARCO AVE SAINT AUGUSTINE FL 32084-0000	Extra Feature Value	$18,906	5/18/2021	$890000	01	Q
Taxing District	City of St Augustine					10/22/2013	$928000	12	U
Acres	0.39			Total Land Value	$513,600				
				Just Value	$965,353				
				Total Deferred	$159,270				
				Assessed Value	$806,083				
				Total Exemptions	N/A				
				Taxable Value	$806,083				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible.
No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/16/2023
Last Data Uploaded: 8/15/2023 11:45:45 PM

Developed by Schneider GEOSPATIAL

CORTESSE'S BISTRO

TOTAL INSIDE SEATING = 152

TOTAL OUTSIDE SEATING = 76

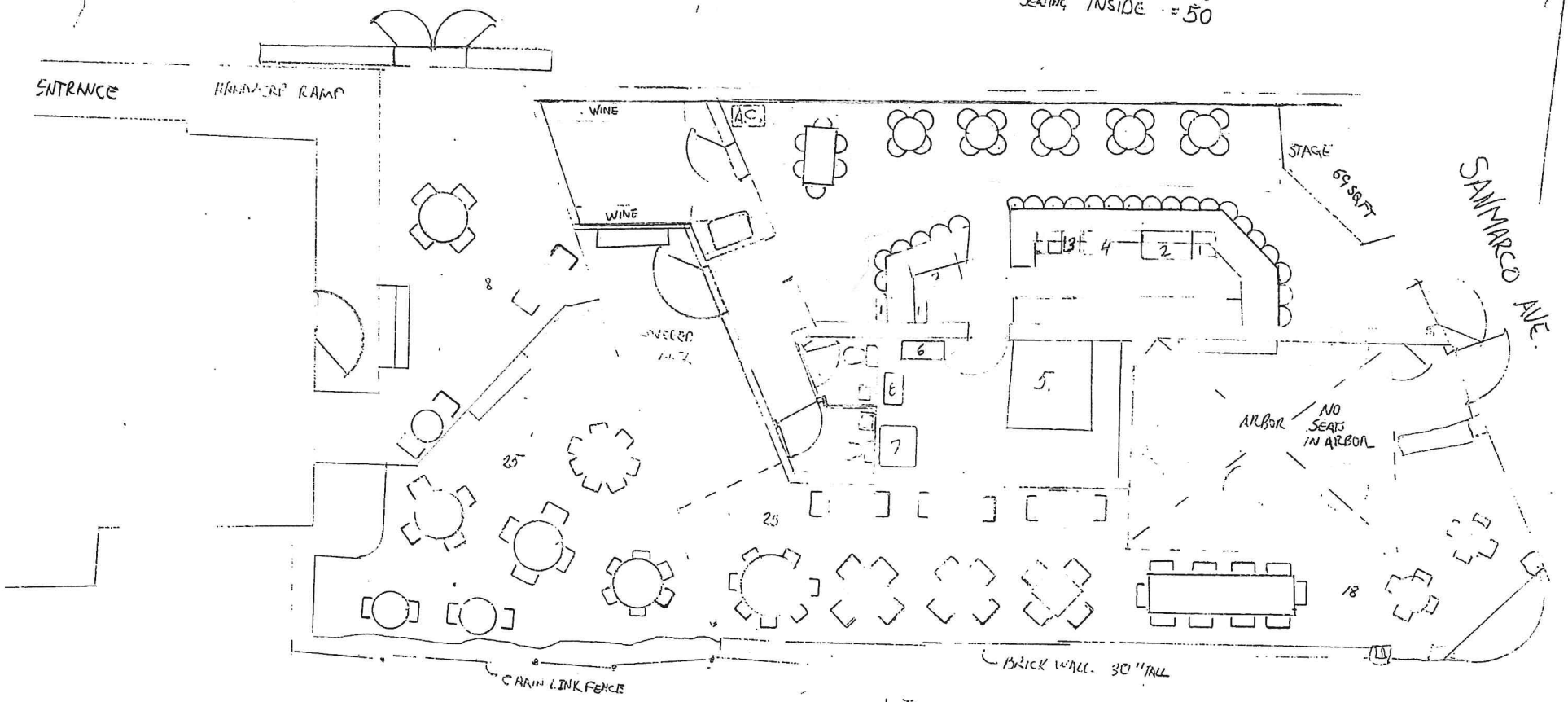
TOTAL BAR SQFT : 1426
TOTAL STORAGE = 160 SQFT
SEATING = 115

HANDICAP BROOM 37.5 SQFT

SEATING OUTSIDE = 76
INSIDE = 50

1/8" = 1'

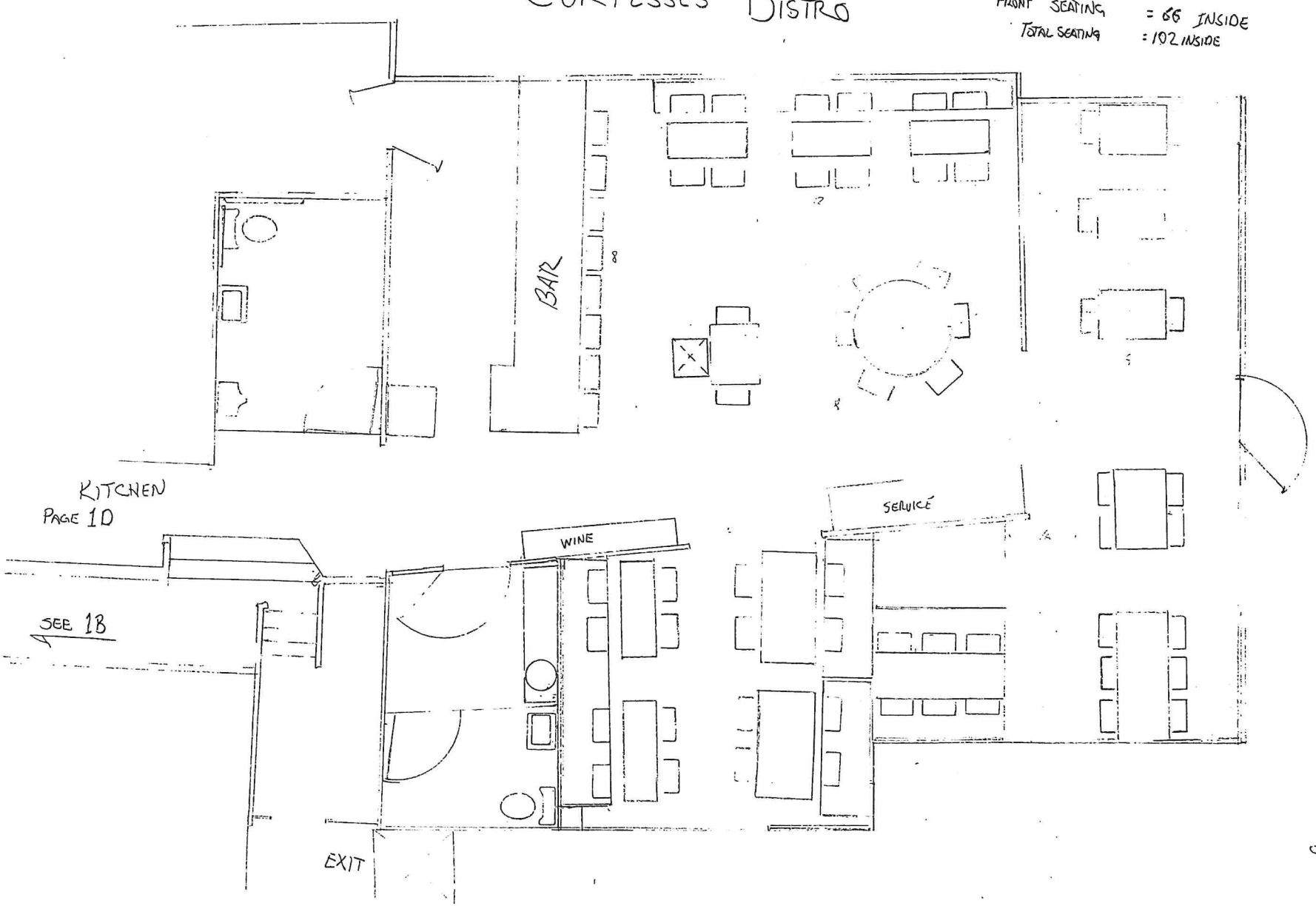
N



1. ICE BOX
2. TOP SLIDE COOLER
3. HAND WASH STATION
4. 3 BIN WASH STATION
5. BEER COOLER
6. SODA
7. ICE MAKER
8. DISH WASHER

CORTESSE'S BISTRO

FRONT SEATING = 66 INSIDE
TOTAL SEATING = 102 INSIDE



N

1/4" = 1'

SEE PAGE 1C

4WISH, LLC
907 339 4498

Pg. 1A

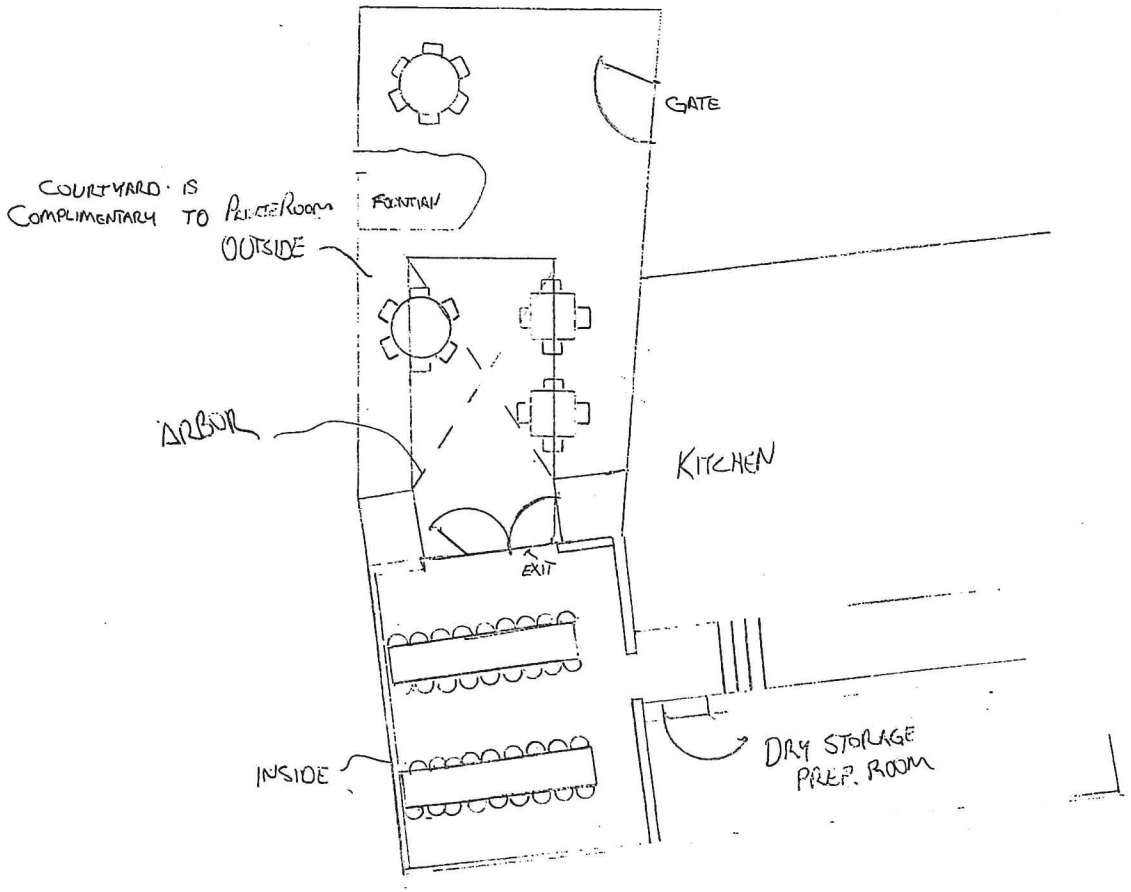
W. SAN CARLOS AVE

PRIVATE ROOM & COURTYARD.

SQ FT. 360
SEATING.
OUTSIDE = COMPLIMENTARY
INSIDE = 36

1/8" = 1'

N



CONFIRMED OFF STREET PARKING
PENDING OFF STREET PARKING
ON STREET PARKING
CORPORATE DENIED PARKING
QUESTIONABLE PARKING

CORTESSE'S BISTRO PARKING



City of St. Augustine
Fats, Oils & Grease Program
FOG@CityStAug.com
(904) 825-1055

GREASE INTERCEPTOR SIZING CALCULATOR

BASED ON THE FLORIDA PLUMBING CODE

Restaurant/Facility Name: Cortesse's Bistro

Address: 172 San Marco Ave 32084

Name of Person Completing Form: Mike Grimes

Date: July 7, 2023

# SEATS enter number of seats in dining area	228
TYPE OF PLATES enter 10 for paper (single service) or 25 for dishes (full service)	25
# HOURS OPEN	6
LOADING FACTOR enter 2 for interstate highway enter 1.5 for other freeways enter 1.25 for recreational area enter 1 for main highway enter 0.75 for other road	1

Formula = Number of Seats x Type of Plates x (Number of Hours Open/12) x Loading Factor

GREASE INTERCEPTOR CAPACITY REQUIRED = 2850 **GALLONS**

Notes/Comments:
2hr lunch, 4hr dinner

City of St. Augustine Fats, Oils & Grease Program Manual:
https://www.citystaug.com/DocumentCenter/View/361/FOG-Program-Manual-PDF

Cortesse's Bistro
172 San Marco Ave.
St. Augustine, FL 32084

August 12, 2023

To Whom it may concern,

The owners of Cortesse's Bistro have been open and operating their restaurant since October of 2021. They have enjoyed getting to know the community, and have been welcomed with great success. The community, and visitors to our City of St. Augustine have thanked us for re-opening this location, and are eager to visit us at the proposed attached full bar.

We open at 11:00 AM to prepare the food and ready ourselves for business. The majority of our business comes in between 5:00-8:00 PM. During the Summer months, our patrons are seated inside, out of the heat, and in the Winter, they are seated outside in our beautiful courtyard. At our busiest hour, we are never at more than 20-30% of our seating capacity. We realize that parking for our patrons is a requirement, so we have spoken with local businesses, and have made agreements with them to use their parking areas, after their hours of operation. Otero's Auto Repair, Angela's Restaurant Supply, and Pure Powersports, have all signed letters of agreement allowing use to use their parking lots, and Red Train Tours, has allowed us use of their 15 paid parking spots as well. A large portion of our guests, not only live within walking distance, but are also coming from close by hotels such as, the Hilton Garden Inn, the Hampton Inn, the Doubletree, the Days Inn, and the Holiday Inn. Many of them are walking and/or using car services such as Uber, or Lyft.

Please let us know if you have any questions that still need to be answered. We are truly excited about this venture, and are looking forward to further servicing the local community and visitors to Saint Augustine. We thank you for your time and consideration.

Sincerely,

Goce Sipinkoski

Zlate Sipinkoski

Cortesse's Bistro
172 San Marco Ave.
St. Augustine, FL 32084

August 12, 2023

To Whom it may concern,

We have signed Letters of Agreement with the following businesses to use their parking after their hours of operation. Details are provided below:

Otero's Auto Repair
5 W San Carlos Ave
11 Parking Spots
Hours of Operation:
Sat-Sun closed
Mon-Fri 9:00 AM to 5:00 PM

Angela's Restaurant Supply
185 San Marco Ave
13 Parking Spots
Hours of Operation:
Sun closed
Sat 10:00 AM to 2:00 PM
Mon-Fri 9:00 AM to 5:30 PM

Pure Power Sports
1860 N Ponce de Leon Blvd
15 Parking Spots
Hours of Operation:
Sun-Mon closed
Tues-Sat 9:00 PM to 6:00 PM

Paid public parking is also available in the Red Train Tours parking lot. This is paid parking available to the public, 24 hours a day, so a Letter of Agreement is not necessary.

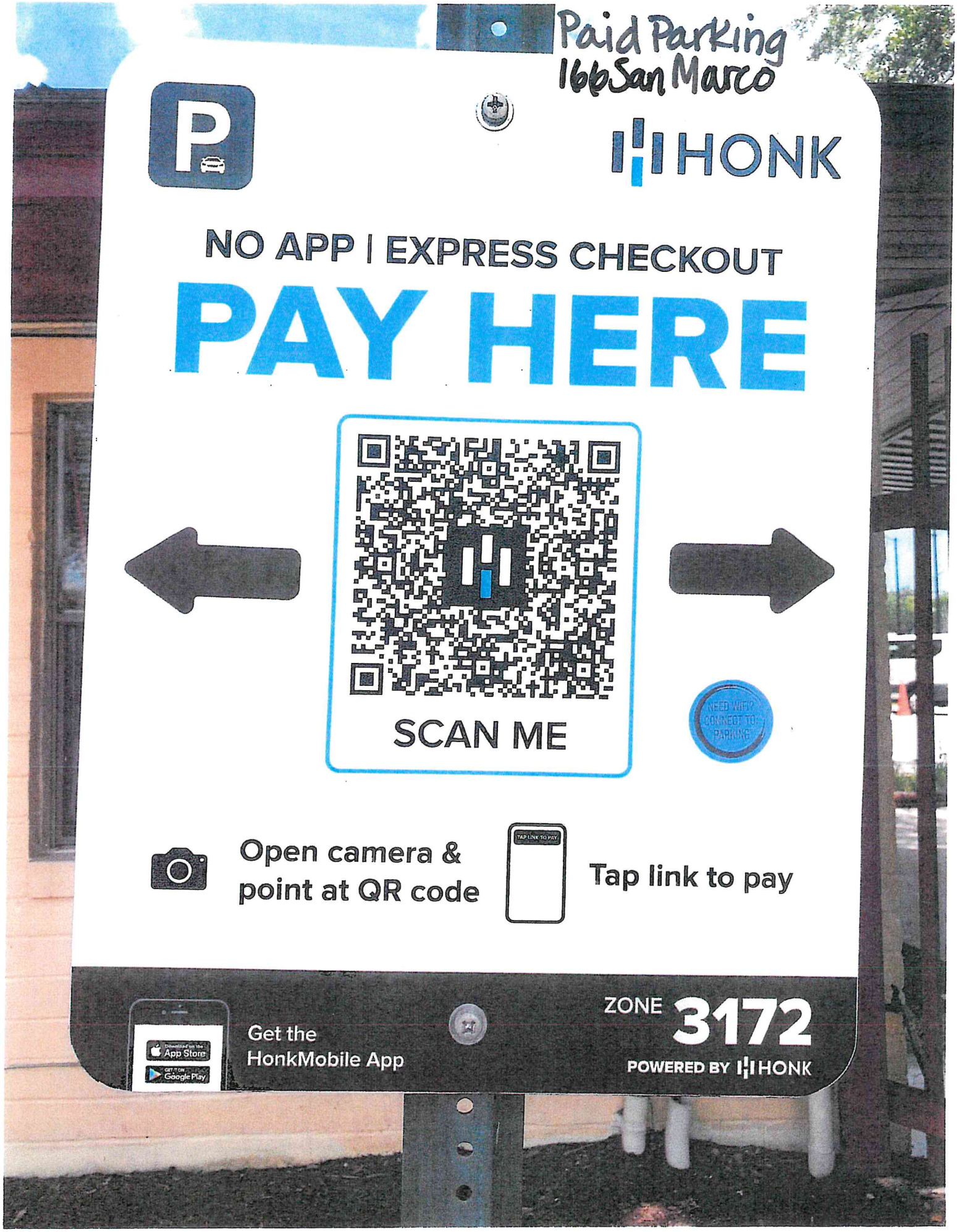
Red Train Tours
166 San Marco Ave
15 Parking Spots
Hours of Operation:
The parking spots are public, available 24 hours with payment required.

Pending Signed Approval:

Those Granite Guys
1700 N Ponce de Leon Blvd
22 Parking Spots
Hours of Operation:
Sat-Sun closed
Mon-Fri 8:00 AM to 5:00 PM

Vista Hotel IV Inc.
164 San Marco Ave.
19 Parking Spots
Hours of Operation:
N/A Vacant Building lot (proposed food truck area)

Hilton Garden Inn
1600 N Ponce de Leon Blvd
28 Parking Spots
Hours of Operation:
Hotel is open 24 hours, so is parking for the patrons that dine at Cortesse's

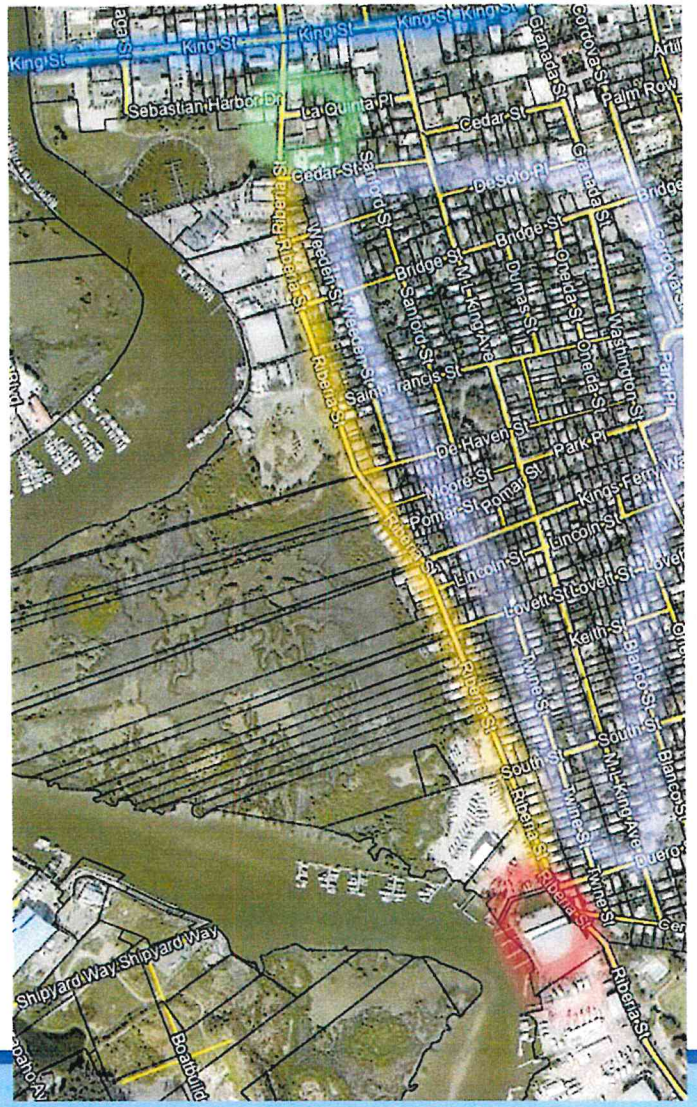

Paid Parking
166 San Marco
HONK
NO APP | EXPRESS CHECKOUT
PAY HERE
SCAN ME
NEED WIFI? CONNECT TO PARKING
Open camera & point at QR code
TAP LINK TO PAY
Tap link to pay
Get the HonkMobile App
App Store
Google Play
ZONE 3172
POWERED BY HONK

EXHIBIT

H

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD





DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

Staff Rationale for Recommendations

- Staff recommends approval of the Use by Exception as the use will benefit the existing uses onsite and will promote the general welfare, convenience, appearance of the property and area.
- Staff cannot recommend approval for the proposed dredging as it results in a net loss of wetlands in both amount and community. This could be approved if mitigation was proposed in equal amount or community, on a 1 for 1 basis, as a condition of approval.
- Staff can recommend approval for the remaining conservation overlay request as they are proposed in support of and in accessory to the existing marina use and will enhance the working waterfront along the San Sebastian River.

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

STAFF SUMMARY AND ANALYSIS

Use By exception; Restaurant

The applicant is proposing a 4,286 square foot restaurant within the subject property. This use by exception requires Planning & Zoning board approval. The applicant has provided a narrative with the application describing the use (attachment 1), as well as its impact on the general welfare of the community, the convenience of the request, the appearance of the proposed use, and its impact on public health and safety. Per the applicant, the restaurant will serve as a supplementary use to the existing marina to provide onsite dining options for marina workers, as well as provide enhanced landscaping, consistent with City Code, within the site. In addition to the restaurant, the applicant is proposing a commissary/prep area, detached bathrooms, and passive recreation options along the San Sebastian River.

The applicant has not provided hours of operation, however, given its relative isolation within the subject property, and the surrounding uses, the impacts from this restaurant will likely be minimal. Staff finds that the narrative provided by the applicant fairly and appropriately shows that the proposed use by exception will not have a detrimental effect on and will promote the public health, safety, welfare, convenience, appearance, prosperity or general welfare of the property and general area.

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

STAFF RECOMMENDATION

- 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 use by exception for a restaurant at 404 Riberia St. located at 709 S. Ponce De Leon Boulevard.
- 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 replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, place of a bulkhead, shoreline stabilization, performance of maintenance dredging, and wetland mitigation, with a condition of 1 for 1 replacement of all wetland impacts, within Conservation Overlay Zone 1 and the proposed restaurant within Conservation Overlay Zone 2 located at 709 S. Ponce De Leon Boulevard.

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

ATTACHMENTS

Attachment 1 – Application & Narrative for Use by Exception
Attachment 2 – Site Plan, Parking Analysis, Traffic Analysis, Renderings
Attachment 3 – Property Appraiser Information
Attachment 4 – Application & Narrative for Conservation Overlay Development
Attachment 5 – Conservation Overlay Site Plans & Graphics

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

The Board discussed the following regarding the use by exception:

- Development would create 81% impervious surface
- Possible upgrades and connectivity to Riberia Street
- Seating arrangements
- Possibility of acoustic music
- Parking calculations
- Liquor licensing
- Open-air seating area

Stefan Johansson gave a brief history of the property, his purchase of the property, and his vision for the uses on the property moving forward.

Ms. Acevedo reviewed the number of seats on the site plan, noting that the seating under the pavilion was over one hundred and fifty (150) seats.

Steve Mask, in response to comments from the Board and a statement published in the St. Augustine Record, noted that the proposed restaurant would allow docking space for a food truck, enabling the restaurant to serve multiple styles of food with the additional commissary area to support food service.

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception application 2019-0116 with the following conditions:

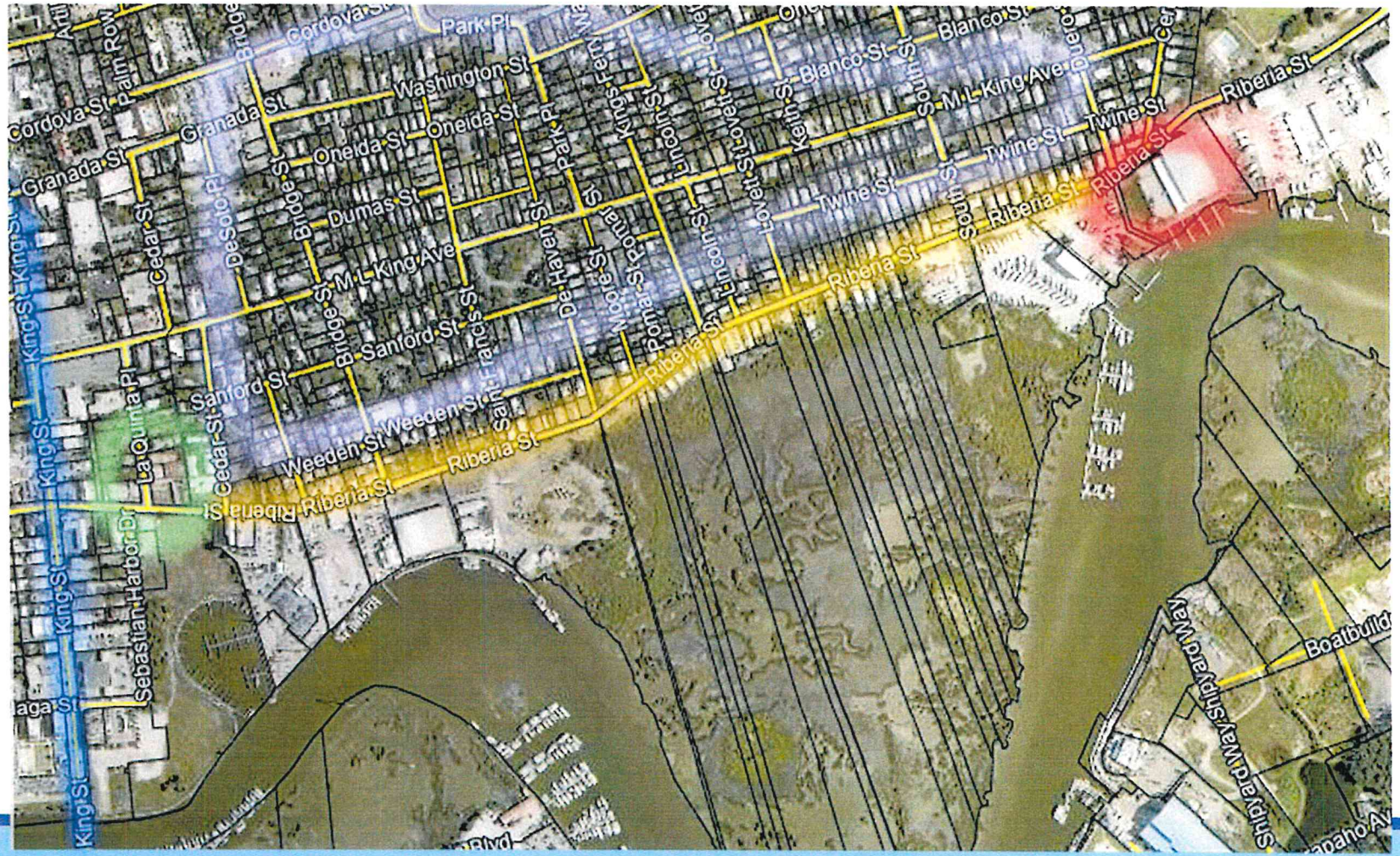
- **No amplified music**
- **Lighting be low-lumen down light with no lights directed towards the residential neighborhood**
- **That the restaurant and bar closes by11:00p.m.**

The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:
AYES: Misterly, Ryan, Davis, DePreter
NAYES: Zander
MOTION CARRIED 4/1

DECEMBER 2019 –

400 / 404 Riberia Street Restaurant APPROVAL BY THIS BOARD



December 3, 2019

Windward Marina St. Augustine South, LLC
Shannon Acevedo/Matthews Design Group
7 Waldo Street
St. Augustine, FL 32084

Re: Use By Exception & Conservation Overlay Zone Development –
400 & 404 Riberia Street – 2019-0116

Dear Applicant:

On December 3, 2019, the Planning and Zoning Board (PZB) met and discussed your application to approve construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2, and Use By Exception for a restaurant, for properties located at 400 and 404 Riberia Street.

Specifically, based upon evidence presented, the PZB **approved** your application as described in the attached copy of the executed Order.

The Exception must be exercised within a period of one (1) year from the date of approval. Failure to exercise the Exception, by commencement of the use or action approved, shall render the Exception invalid. Conservation Overlay Zone Development is valid for a period of one (1) year from the date of approval. Failure to exercise the Conservation Overlay Zone Development by commencement of the use or action approved shall render the Conservation Overlay Zone Development invalid.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

Sincerely,

David Birchim

David Birchim, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

☐ Appeal
☒ Conservation Overlay Zone Development One/Two/Three
☒ Use by Exception
☐ Final Development Plan
☐ Land Use Plan Amendment
☐ Preliminary Subdivision Plat Approval
☐ PUD Modification/Amendment
☐ Rezoning
☐ Variance
☐ Other Click here to enter text.

IN THE MATTER OF:

Case No.: 2019-0116
Applicant: Shannon Acevedo c/o Matthews Design Group
Owner: Windward Marina St. Augustine South, LLC
Address: 400 & 404 Riberia Street
Parcel Number: 2035400010 & 2035400000

RE: Use by Exception and Conservation Overlay Zone Development, pursuant to Section 28-29, City of St. Augustine Code, to approve a use by exception for a restaurant. To approve for the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON DECEMBER 3, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the December 3, 2019 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Marine Industrial and a zoning classification of Industrial Warehousing (IW).
4. The above-described Use by Exception and Conservation Overlay Zone Development is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to approve a use by exception for a restaurant. To approve for the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2.

Subject to the following conditions:

- USE BY EXCEPTION FOR RESTAURANT → APPROVED WITH CONDITIONS
- 1) NO SOURCE OF LIGHTING TO BE VISIBLE IN THE RESIDENTIAL DISTRICT
- 2) NO AMPLIFIED MUSIC & LOW LUMEN DOWN
- 3) ENCOURAGE MULTI-MODAL ACCESS LIGHTING
- 4) RESTAURANT & BAR CLOSES BY 11:00 PM
- CONSERVATION OVERLAY ZONE DEVELOPMENT → W/CONDITION THAT
- WETLANDS REPLACEMENT IS DONE ACCORDING TO CODE

DONE AND ORDERED, at a public hearing on the 3 day of DECEMBER, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2019-0116 **REQUEST APPROVED / DENIED / CONTINUED**

Karen Zander
Sign Name

KAREN ZANDER
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Karen Zander who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 3rd day of December, A.D., 2019.

Sandra J. Partin
Notary Public, State of Florida

SANDRA J. PARTIN
Notary Public - State of Florida
Commission # GG 189923
My Comm. Expires Apr 30, 2022
Bonded through National Notary Assn.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and City Commissioners

DATE: October 23, 2023

RE: Appeal of City Manager's Decision Not to Issue Additional Horse Drawn Touring Vehicle Permits

Three private companies have recently applied to the city for additional horse drawn vehicle permits.

Ms. Teresa Henegar with Celebration Carriages applied for one (1) horse drawn carriage permit, which is attached to this memo. My letter dated October 13, 2023, denied this permit and Ms. Henegar has appealed my decision in the attached email.

The City Code provides horse drawn carriage permit regulations in *Chapter 27 Vehicles for Hire, Division 2 – General Operation of Animal-Drawn Vehicles. Section 27-149 Administration and appeals* of the City Code provides an appeal process for my decision before the City Commission and it must be done within 15 days of the notice. see attached

Please place this appeal on the October 23 City Commission agenda for consideration.

If you have any questions, please let me know.

David Birchim

David Birchim
City Manager

David Birchim

From: David Birchim
Sent: Monday, October 16, 2023 10:02 AM
To: Celebration Carriages; teresahenegar9@gmail.com
Cc: Isabelle Lopez; Barbara Blonder; Cynthia Garris; Lucy Fountain; Darlene Galambos; Jim Springfield; Nancy Sikes-Kline; Roxanne Horvath
Subject: RE: Appeal requested horse-drawn carriage franchise

Mr. Henegar,
Based on your request and *Sec. 27-149 Administration and appeals* your appeal is scheduled for the following;
Appeal Hearing before the City Commission
Oct 23, 2023 – 5:00pm
Alcazar Room, 75 King Street, St. Augustine, Florida 32084

Best Regards,

David Birchim, AICP
City Manager
E: dbirchim@citystaug.com | P: 904.209.4323 | W: www.CityStAug.com

City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Celebration Carriages <carriagescelebration@gmail.com>
Sent: Friday, October 13, 2023 3:49 PM
To: Barbara Blonder <BBlonder@citystaug.com>; Cynthia Garris <cgarris@citystaug.com>; Lucy Fountain <lfountain@citystaug.com>; David Birchim <dbirchim@citystaug.com>; Darlene Galambos <dgalambos@citystaug.com>; Isabelle Lopez <ilopez@citystaug.com>; jspringfield@mac.com; Nancy Sikes-Kline <nsikeskline@citystaug.com>; Roxanne Horvath <rhorvath@citystaug.com>
Cc: teresahenegar9@gmail.com
Subject: Appeal requested horse-drawn carriage franchise

Caution: This email originated from outside of the organization. Do not click links, open attachments or respond unless you recognize the sender and know the content is safe. When in doubt, contact IT.

My name is Teresa Henegar.

I am the owner of Celebration Carriage LLC, I have managed Southern Heritage Carriages LLC for several years. I was denied my carriage application for a horse-drawn franchise. I am requesting an official appeal of the City Manager's decision with a public City Commission meeting as soon as possible.

I will direct all my future correspondence through my legal representation from this point on, thank you.

Respectfully,
Teresa Henegar
Celebration Carriage LLC

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

October 13, 2023

Lacey M. Sanchez
Coastal Carriages, LLC
110 Bellray Drive
Satsuma, FL 32189

Jesse E. Sabo
Jesse Sabo, LLC dba Buggies and Buckskins
1991 Isherwood Terrace
St. Augustine, FL 32092

Teresa A. Henegar
Celebration Carriage
655 Riberia Street
St. Augustine, FL 32084

To Whom it May Concern:

The City of St. Augustine has received your Franchise Applications requesting a permit or permits for operation of animal drawn touring vehicles, and if approved, the rental of additional stalls and carriage parking spots.

Section 27-127 (b) of the City of St. Augustine Code allows the City Manager or designee to enter into a franchise agreement. Section 27-127 (d) states that "The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof."

The City of St. Augustine Comprehensive Plan 2040 was adopted in July 2020. The goals of the "Transportation and Mobility Element" of the plan are as follows:

- TME Goal 1 TRANSPORTATION "To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City's natural, cultural, and historical resources."
- TME Goal 2 MOBILITY "Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle

users, rail and trail users, and is sensitive to the City of St. Augustine's natural, cultural, and historic resources."

- TME Goal 3 MOBILITY PLANNING "To enhance the quality of life for the City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets."

In my capacity as City Manager, I have determined that continuing to approve animal drawn touring vehicles on our roadways is contrary to the goals of the City's Comprehensive plan.

In addition to this, King Street and the Bayfront are scheduled for major redevelopment by the Florida Department of Transportation (FDOT) and City of St. Augustine. Starting next summer (2024) the King Street bridge is scheduled to be removed and replaced by the FDOT, which will take over one year to complete. Following the King Street bridge replacement, the city is planning on redeveloping King Street from the San Sebastian River to the Bridge of Lions and the FDOT has plans to redesign the intersection at the west side of the Bridge of Lions on the bayfront. These major projects will take years to complete and will necessitate various traffic detours and re-routings. This will result in increased traffic movements, increased traffic congestion and potential conflicts between vehicles of all kinds and pedestrians. It is contrary to public safety to approve horse drawn touring vehicles on these roadways at this time, therefore your applications for these permits are denied.

Pursuant to Section 27-149 of the City of St. Augustine Code you may appeal the City Manager's interpretation and determination to the City Commission within fifteen (15) calendar days after the date of this written notice.

David Birchim
City Manager

Sec. 27-149. Administration and appeals.

(a) All appeals from an interpretation or determination by the city manager or designee shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination.

(b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.

(c) The party filing an appeal from an adverse decision by the city commission must have legal standing, as determined under the laws of the State of Florida and rules of civil procedure or appellate procedure as established by the courts of the State of Florida.

(d) Failure to file an appeal in accordance with time limits as prescribed in this section shall be an express acknowledgment by both parties that the interpretation or determination by the deciding entity is final and that the right to appeal said interpretation or determination has been forfeited.

(Ord. No. 11-01, § 2, 4-11-11)

CITY OF ST AUGUSTINE EST. 1565

FRANCHISE APPLICATION: ANIMAL-DRAWN CARRIAGE

Applicant Name: Teresa A. Henegar

Business Name: Celebration Carriage

Physical Address: 655 Riberia St.

Mailing Address *(if different from above)*:

1550 A C.R. 13A North - St. Aug. 32092

Telephone Number: 904-347-4096

Email: teresahenegar9@gmail.com

Business Type: Carriage rides

Intended hours of operation: as needed

Number of carriages to be operated: 1-2 | Maximum capacity of carriage(s): 4-6

Number of permits requested: ONE - I have 2 carriages to accomodate Sizes of Rides.

❖ **Checklist of required items:**

1. Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within city limits.
2. Proof that the animal-drawn vehicle(s) will be insured under a liability insurance policy for personal injury or death and/or injury to or destruction of property of one or more persons resulting from any one accident of not less than the minimum dollar amount of liability insurance coverage required by applicable vehicle and traffic statutes and laws to be maintained by overuse of vehicles engaged in the business of carrying or transporting passengers for hire.
3. Name of a Doctor of Veterinary Medicine, duly licensed in the State of Florida, for compliance with the City of St. Augustine's requirement to provide the animal(s)' Certificate(s) of Health:

   ATLANTIC Vet. JAX

4. Applicant's previous experience in the operation of animal-drawn vehicles on the public streets:

   25 YEARS Running all CARRIAGE Companies

❖ **Please initial the following:**

THA Acknowledgement by the applicant that any franchise shall be nonexclusive pursuant to Section 27, Article V, Section 27-128 of the Code of the City of St. Augustine.

THA Acknowledgement by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.

THA Acknowledgement by the applicant that all tours by animal-drawn vehicles shall be conducted by a registered or temporary tour guide in accordance with Chapter 17, Article V of this Code.

HORSE + CARR ARE ALSO covered

❖ **Agreement** *(signature required)*:

In filing this application, I understand that it becomes a part of the Public Record of the City of St. Augustine and hereby certify that all the information contained herein is accurate to the best of my knowledge. I further understand that upon approval of this application by the City Commission, a Franchise Agreement and fees are required for operation of a franchise in the City of St. Augustine.

I further acknowledge that I am aware of the penalties listed in Chapter 27, Article V, Section 27-148 and Chapter 1, Section 1-8 of the Code of the City of St. Augustine.

Teresa M. Henegar — 8-22-23

SIGNATURE OF APPLICANT — DATE

Lience being requsted is already in Business Cheis Cushion - Southern Heritage Carriage I have been running her business for 3 years I have horse in use and Carriage... She is retiring And putting good word to transfer Company to me. I have Lived this industry for 25 years and Request this Lience It would be my dream to finally have my own Company. Thank you

Teresa Henegar

This Receipt is issued pursuant to County ordinance 87-36

2023/2024 ST. JOHNS COUNTY LOCAL BUSINESS TAX RECEIPT

MUST BE DISPLAYED IN A CONSPICUOUS PLACE

Account 1095289

EXPIRES September 30, 2024

Business Type Misc. Public Serv.

Location 1550 CR 13 A N
St Augustine FL 32092

New Business

Transfer

Business Name **Celebration Carriage LLC**

Owner Name Celebration Carriage LLC

Mailing Address 1550 CR 13 A N
St Augustine FL 32092

ST. JOHNS COUNTY
TAX COLLECTOR
DENNIS W. HOLLINGSWORTH, CFC

Tax	22.00
Penalty	0.00
Cost	0.00
Total	22.00

DENNIS W. HOLLINGSWORTH
ST. JOHNS COUNTY TAX COLLECTOR

This receipt does not constitute a franchise, an agreement, permission or authority to perform the services or operate the business described herein when a franchise, an agreement, or other county commission, state or federal permission or authority is required by county, state or federal law.

This form becomes a receipt only when validated below

Paid by receipt(s) 2022-1585228 on 09/11/23 for $22.00



DENNIS W. HOLLINGSWORTH, CFC
ST. JOHNS COUNTY TAX COLLECTOR
P.O. Box 9001, St Augustine, FL 32084
Phone: (904) 209-2250

Receipt
2022.1585228

Receipt Number	Payment Date	Effective Date	Till	Batch	Paid By
2022 1585228	9/11/2023	9/11/2023	154	20009	henegar

Item	Description	Units	Unit Charge	Amount Paid
Business Tax Receipts	Bill Year:2023 Account:1095289 Bill Number:22799			22.00

Payment Made By
henegar

Item	Number	Amount Tendered
Credit Card		22.00
Convenience Fee		2.00
Total Tendered		24.00

Mail body: Fwd: Carriage Ride Insurance Quote

---------- Forwarded message ---------
From: **Mike Plouffe** <mike@specialtyinsuranceltd.com>
Date: Tue, Oct 3, 2023, 11:22 AM
Subject: Carriage Ride Insurance Quote
To: teresahenegar9@gmail.com <teresahenegar9@gmail.com>

City of St. Augustine

I am currently working with several insurance companies on obtaining a quote for Teresa Henegar, Celebration Carriage, LLC. We are hoping to have a quote in the next several days.

Mike

Michael H. Plouffe
Specialty Insurance, LTD.
P.O. Box 16901
West Haven, CT 06516
Phone 203-931-7095
Fax 203-931-0682
Email mike@specialtyinsuranceltd.com

Please email all certificate requests to: certificates@specialtyinsuranceltd.com
*Coverage cannot be bound, revised, cancelled or endorsed by email unless your broker confirms to you in writing. Any payment request on behalf of the insured will not be considered made unless confirmed by your broker. A $50 fee applies to all returned checks.

Mail body: Fwd: Chris Cushion Letter Recommendation

---------- Forwarded message ---------
From: **Teresa Henegar** <teresahenegar9@gmail.com>
Date: Tue, Oct 3, 2023, 12:15 PM
Subject: Chris Cushion Letter Recommendation
To: Teresa Henegar <teresahenegar9@gmail.com>

From: cmcushion <cmcushion@earthlink.net>
Date: 9/25/23 9:29 PM (GMT-05:00)
To: southernheritagecarriages@earthlink.net
Subject:

I have known Teresa Henegar since April of 1999 when she began working in the carriage industry here in St Augustine. Over the course of the years, she has proven herself to be dedicated to the companies she has worked for and also to the care and health of horses.

She has proven herself to be a capable organizer, coordinator, and manager. She has been committed to providing exceptional service to both the customers as well as the City of St Augustine. These last several years, Teresa has been my "right hand" woman keeping my company running smoothly, efficiently, and to the highest standards.

Teresa has a proven track record in the carriage industry here in St Augustine and is definitely deserving of a Franchise License for her company.

To whom it may concern,

My name is Aaron Jockers, and I have been working with Teresa Henegar for several years. In the last three years, I can attest to the fact that she has managed Southern Heritage Carriages and made sure bills were paid in time. In addition, she oversaw day-to-day operations, was responsible for booking appointments and scheduling, as well as facilitating the medical needs and health care and regular procedures such as shoeing, worming and dental care for the horse as needed. All of the city requirements have been met consistently including licensing and inspections because of Teresa's efforts and management.

Aaron Jockers
5 Palm Row
St Augustine FL
32084

Mail body: Fwd: Letter of Recomndatioin

---------- Forwarded message ---------
From: **joanna@thetastingtours.com** <joanna@thetastingtours.com>
Date: Fri, Sep 29, 2023, 11:38 AM
Subject: Letter of Recomndatioin
To: teresahenegar9@gmail.com <teresahenegar9@gmail.com>

Good Afternoon,

We are The Tasting Tours LLC located at 24 Cathedral Place Suite 505 St. Augustine Fl. We have been in business for 12 years providing Food and Wine tours

along with Carriage Rides throughout the year including our peak season during Nights of Lights.

Â

Teresa Henegar has provided carriage service for our company for the last 4 years.Â She is a key component to our Nights of Lights success.

She is prompt and professional and we hope to continue working with her for years to come.

Â

If you have any further questions please feel free to contact us.

Â

Â

~Cheers!

Â

JoAnna P Engel

Founder/ CFO

The Tasting Tours LLC

24 Cathedral Place, Suite 505

St. Augustine Fl 32084

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Mobile Â Â Â 904-540-8333

OfficeÂ Â Â Â 904-325-3911

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ORDINANCE NO. 2023-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE ARTICLE IX FROM THE CHARTER OF THE CITY OF ST. AUGUSTINE TO INSTEAD BE CODIFIED WITHIN THE CITY OF ST. AUGUSTINE MUNICIPAL CODE; CREATING CHAPTER 20, ARTICLE VI, SECTIONS 20-220 THROUGH 20-236 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CODIFY THE POLICE OFFICERS RETIREMENT SYSTEM; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTNE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, on August 23, 2023 the City and Board of Trustees of the St. Augustine Police Officers' Retirement Trust Fund agreed to the removal of Article IX from the Charter in order to recodify it under the City Code of Ordinances in order to facilitate future amendments; and

WHEREAS, on September 15, 2023 the City and the Coastal Florida Police Benevolent Association, Inc. agreed to the removal of Article IX from the Charter in order to recodify it under the City Code of Ordinances in order to facilitate future amendments; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Removal of Part I, Article IX, Sections 9.01 through 9.16. Part I, Article IX, Sections 9.01 through 9.16 are hereby removed from the Charter, as follows:

~~**Article IX. Police Officers Retirement System**~~

~~**Sec. 9.01. System and fund created.**~~

~~(1) There is hereby created and established:~~

~~(a) A retirement system for police officers of the City of St. Augustine, Florida, to be known as the "St. Augustine Police Officers Retirement System," by and~~

in which name it shall, pursuant to this Act, transact all of its business and shall have the powers and privileges of a corporation, the same to be a department or instrumentality of such city.

(b) A special fund to be known as the "St. Augustine Police Officer's Retirement Fund," said fund to be used for the exclusive benefit of Plan Members and Beneficiaries. Any diversion of fund assets prior to the satisfaction of all liabilities related to the system shall be prohibited. The fund shall be collected, administered and disbursed according to the provisions of this Act. Actuarial deficits, if any, arising in the fund created under this Act shall be the obligation of the City of St. Augustine except as provided herein.

(2) The fund and the system hereby created shall be in substitution for the "St. Augustine Police Officers Retirement Fund" and the retirement system thereunder, now and heretofore existing in the City of St. Augustine in pursuance of the provisions of F.S. ch. 185; and said "Police Officers Retirement Fund" and the system thereunder now and heretofore existing in said city under the provisions of said Chapter 185, shall on the effective date of this Act, stand abolished.

Sec. 9.02. Definitions.

(1) *"Accrued benefit"* shall mean the total monthly benefit which shall have been earned by each member for all years of creditable service of said member as follows:

(a) A member who terminates city employment with ten (10) or more years of creditable service shall earn a benefit at the rate of two percent (2.0%) of the member's average final salary for each year of creditable service.

(b) A member who terminates city employment on or after March 1, 2000 with ten (10) or more years of creditable service may elect a benefit at the rate of two and one-half percent (2.5%) of the member's average final salary for each year of creditable service, subject to the early retirement provisions of Section 9.08(5).

(c) A member who terminates city employment after October 1, 2005 with ten (10) or more years of creditable service shall earn a benefit at the rate of three percent (3%) of the member's average final salary for each year of creditable service earned after October 1, 2005. The three percent (3%) multiplier may apply to creditable service earned prior to October 1, 2005, subject to the provisions of Section 9.08(7).

(2) *"Accumulated contributions"* shall mean the sum of all amounts deducted from the salary of a member and contributed to the fund.

(3) *"Actuarial equivalent"* shall mean a benefit of equivalent value to that which would otherwise have been provided to the member, computed as follows:

(a) For benefits payable in the form of a life annuity, a benefit equal to one hundred two (102) percent of that otherwise payable as ten-year certain-and-life annuity if the member is age fifty-five (55) or younger. If the member is older than fifty-five (55), 0.5 percent will be added to the one hundred two (102) percent for each year older, not to exceed one hundred eight (108) percent;

(b) For benefits payable in the form of a fifty (50) percent joint-and-survivor annuity, a benefit equal to ninety-four (94) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-four (94) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-four (94) percent for each year older, not to exceed one hundred (100) percent;

(c) For benefits payable in the form of a fifty (50) percent joint-and-last-survivor annuity, a benefit equal to ninety-seven (97) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-seven (97) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-seven (97) percent for each year older, not to exceed one hundred (100) percent;

(d) For benefits payable in the form of a sixty-six and two-thirds (66⅔) percent joint-and-last-survivor annuity, a benefit equal to ninety-three (93) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-three (93) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-three (93) percent for each year older, not to exceed one hundred (100) percent;

(e) For benefits payable in the form of a one hundred (100) percent joint-and-last-survivor annuity, a benefit equal to eighty-seven (87) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the eighty-seven (87) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the eighty-seven (87) percent for each year older, not to exceed one hundred (100) percent.

(f) For benefits payable in any other form, actuarial equivalence means the same actuarial present value as the normal form of payment on any single measurement date. The determination of the actuarial present value of any form of benefit, including lump sum distributions, shall be based on the RP-2000 static mortality table (h) unisex 50/50 for healthy lives projected to 2010 for healthy members and the RP-2000 static mortality table (d) unisex 50/50 projected to 2010 for disabled members; and an interest discount rate of 8% per annum, compounded annually. This definition may be amended by the city pursuant to the recommendation of the board with the advice of the plan's actuary and the city's actuary, such that the actuarial assumptions are not subject solely to city discretion.

(4) *"Average final compensation"* means one-twelfth of the average annual compensation of the five (5) best years of the last ten (10) years of creditable service prior to retirement, termination or death.

(5) *"Beneficiary"* shall mean any person so designated by a member as provided in section 11 [9.11]. In the event no designation is made the beneficiary of said member shall be his estate.

(6) *"Board"* shall mean the board of trustees as provided in this Act.

(7) *"City"* shall mean the City of St. Augustine, Florida.

(8) "*Creditable service"* for the purpose of this Act shall mean the total number of years and fractional parts of years of service of any police officer as follows:

(a) Periods of service as a police officer with the city prior to October 10, 1953, during which the police officer shall have contributed to this system or any predecessor retirement systems (other than the Federal Social Security System) for police officers of the City of St. Augustine. In determining the aggregate number of years of creditable service of any police officer, periods of absence for service in the Armed Forces after initial employment as a police officer, or any leaves of absence authorized by the city shall be added to the years of service as a police officer with the city, provided that credit for such military leave or authorized leave of absence shall not exceed five (5) years. Creditable service shall be granted to any member who is legally entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act, without such member making the contributions required under Section 9.07. Otherwise, the aggregate number of years of creditable service shall mean the total number of years and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer is not employed by the city.

(b) For members who retire or terminate city employment on or after October 1, 2004, "creditable service" shall also include up to three (3) years of active duty in the U.S. armed forces or full-time employment as a law enforcement officer with another governmental entity prior to employment by the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior employment as a police officer. Such purchased service may not be used for vesting purposes. An eligible member may purchase creditable service under the system for such prior employment by paying into the fund the full actuarial cost of such creditable service, as determined by the plan actuary. Such payment must be made in full prior to entering the DROP or separation from city employment, whichever occurs earlier. In the event full payment is not made prior to such date, the member shall receive only the amount of creditable service, as determined by the actuary, for which the payment made, excluding interest, is the full actuarial cost. A member purchasing such additional creditable service must also pay the full cost of any actuarial calculations required. Payment for the purchase of creditable service pursuant to this paragraph may be made using any one or a combination of the following options:

1. Cash lump sum payment.

2. Installment payments, plus simple interest at the rate of four (4) percent per annum, deducted from the member's city salary over a period not to exceed five (5) years.

3. Direct transfer or rollover of an eligible rollover distribution from a qualified or eligible plan, in accordance with Section 9.14.

(c) For members who retire or terminate city employment on or after October 1, 2004, "creditable service" shall also include the years or fractional years that a member performs "Qualified Military Service" including voluntary or involuntary service in the armed forces of the United States as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353), as amended, or has served in the National Guard or reserve military service of the armed forces of the United States, prior to or while in the employ of the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior service. Such purchased service may not be used for vesting purposes. The member must contribute the full actuarial cost of all such creditable service. Creditable service for National Guard or military reserve service shall be calculated by dividing the total number of official military reserve points by 365 to determine the equivalent years of fractional parts thereof to be credited. The combined total of all creditable service purchased pursuant to this paragraph and paragraph (b) of this subsection shall not exceed three (3) years. Payment for the purchase of National Guard or reserve military service shall be made in the same manner as provided in paragraph (b) of this subsection.

(d) This section is intended to satisfy the minimum requirements of USERRA, as may be amended from time to time. To the extent that this section does not meet the minimum requirements of USERRA, the provisions of USERRA shall govern.

(9) *"Contributions"* shall mean the amounts deducted from the salary as a member as provided in section 7 [9.07].

(10) *"Disability retirement"* shall mean retirement upon the disability retirement rate as provided in section 10 [9.10].

(11) *"Fund"* shall mean the St. Augustine Police Officers Retirement Fund as provided in this Act.

(12) *"Member"* shall mean any police officer entitled to participate in the system and fund as provided in this Act.

(13) *"Past service liability"* shall mean the liability attributable to all accrued benefits which shall have been earned by members prior to January 1, 1957.

(14) *"Police officer"* means any person who is elected, appointed, or employed full time by any municipality, who is certified or required to be certified as a law enforcement officer in compliance with F.S. § 943.14, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training,

guidance and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in F.S. § 943.10(5) and (7), respectively. "Police officer" also shall include a public safety officer who is responsible for performing both police and fire services.

(15) *"Salary"* shall mean the total cash or remuneration paid to a police officer for services rendered during a particular year. It shall include base salary, overtime, special incentive pay, and sick leave or vacation leave taken during the year. Salary shall not include lump-sum checks for leave pay accrued but never taken. Only fifty-two (52) weeks of salary may be credited in any year. For years beginning on and after October 1, 1994, salary in excess of $150,000 shall be disregarded for all purposes of the system. As of October 1 of each calendar year thereafter, the dollar limitation as determined by the Commissioner of Internal Revenue for that calendar year will become effective for that plan year in lieu of the dollar limitation provided in the preceding sentence. For an employee who became a member prior to October 1, 1994, this limitation shall not apply to the extent that salary allowed to be taken into account under the plan would be reduced below the amount allowed to be taken into account under the plan in effect on September 30, 1994. Salary in excess of the limitations set forth in Section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed $200,000, as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Code.

(16) *"Service retirement"* shall mean retirement upon the normal service retirement date or delayed service retirement date, as provided in section 8 [9.08].

(17) *"System"* shall mean the St. Augustine Police Officers Retirement System created by this Act.

(18) *"Total current contribution"* shall mean the total of all funds contributed for any given calendar year to the St. Augustine Police Officers' Retirement Fund, less the funds contributed that year toward amortizing the unfunded liability at December 31, 1960, (which funds shall in no event be less than three (3) percent of the unfunded liability at December 31, 1960, left unamortized at the end of the preceding calendar year).

(19) *"Trustee"* shall mean any member of the board of trustees as provided in this Act.

Sec. 9.03. Creation and maintenance of the fund.

The special fund created by this Act shall consist of moneys and assets derived from the following sources:

(1) From moneys and other assets of the "police officers retirement fund" held by the board of trustees of said fund on the effective date of Article IX hereof, in pursuance of F.S. ch. 185. The board of trustees of said fund shall take such action as may be required, on the effective date of this Act, to transfer to the trustees of the fund under the system hereby created such moneys and assets.

(2) From the net proceeds of the point eighty-five (.85) percent excise or license tax which may be imposed by ordinance of the city upon those casualty insurance companies to the extent and as described and permitted in F.S. § 185.08.

(3) Effective October 1, 2005, from a contribution of five and one-half (5.5) percent of the salary of each member, which shall be deducted by the city from each salary payment to the member and paid over to the board. Effective October 1, 1993, the contributions made by each member to the fund shall be designated as city contributions in accordance with Section 414(h) of the Internal Revenue Code, and shall be excluded from the members' gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered member contributions. In addition, the city shall make a contribution of one percent of salary of each member which shall be paid over to the board.

(4) From the funds of the St. Augustine Police Benevolent Association. At such time as Article IX hereof, shall become operative and from time to time thereafter, there shall be transferred from the funds of the St. Augustine Police Benevolent Association such amounts as shall be agreed upon by the officers of said association and the board.

(5) From all gifts, bequests and devises when donated for the fund.

(6) From accretions to the fund by way of interest on bank deposits or otherwise.

(7) From all other sources of income now or hereafter authorized by law for the augmentation of such fund.

(8) The city shall contribute to the plan annually an amount which together with the contributions from police officers, the amount derived from the premium tax provided in F.S. § 185.08, and other income sources will be sufficient to meet the normal cost of the plan and to fund the actuarial deficiency over a period of not longer than forty (40) years. The city contributions shall be deposited on at least a quarterly basis. If the required city contributions for any plan year should exceed five (5) percent of the combined salaries of contributing plan members, the cost of living adjustment provided in Section 9.12(10) shall not be accrued until the required city contribution for a subsequent plan year equals five (5) percent or less.

(9) The cost shall be determined by an actuarial valuation of the retirement plan which must be made at least every three (3) years commencing from the last actuarial report of the plan pursuant to F.S. § 185.35, as amended. Such valuation shall be prepared by an enrolled actuary.

Sec. 9.04. Board of trustees.

(1) In the municipality of St. Augustine, Florida, there is hereby created a Board of Trustees of the St. Augustine Police Officers' Retirement Trust Fund, which shall be solely responsible for administering the trust fund. Effective as of the effective date of this Act, and thereafter, the board of trustees shall consist of five (5) members, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of St. Augustine, Florida, who shall be appointed by the St. Augustine City Commission, and two (2) of whom shall be police officers as defined in F.S. § 185.02(1), who shall be elected by a majority of the police officers who are members of such plan. The fifth member shall be chosen by a majority of the previous four (4) members, and such person's name shall be submitted to the St.

Augustine City Commission. Upon receipt of the fifth person's name, said city commission shall, as a ministerial duty, appoint such person to the board of trustees as its member. The fifth member shall have the same rights as each of the other four (4) members appointed or elected as herein provided and may succeed himself in office. Each resident member shall serve as trustee for a period of two (2) years, unless sooner replaced by the city commission at whose pleasure he shall serve, and may succeed himself as a trustee. However, the terms of the mayor, or corresponding chief executive officer of the municipality, and the chief of the police department as members of the board of trustees as provided in Laws of Fla. (1953) ch. 28230, as amended, together with any city manager and member of the City Commission of St. Augustine, Florida, as members of the board of trustees shall terminate on the effective date of this Act. Each police officer member shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the municipality as a police officer, whereupon the City Commission of St. Augustine, Florida, shall choose his successor in the same manner as an original appointment. Each police officer may succeed himself in office. The board of trustees shall meet at least quarterly each year. Each board of trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.

(2) The trustees shall by majority vote elect from its members a chairman and a secretary. The board of trustees may by majority vote also elect from its members a vice chairman. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

The elected trustees shall be elected by the members of the system at an election held in the following manner:

(a) By per capita vote of all the members at a meeting of which all members shall be notified in person or by mail five (5) days in advance. Elected trustees shall begin their term of office on the first Monday after election to said office. An election shall be compulsory every year.

(b) The first election of the elected trustees shall be held within thirty (30) days after the effective date of this Act. The members of the board of trustees other than the elected trustees shall appoint the judges and clerks for the election of the elected trustees, and shall establish such rules and procedures as may be necessary to conduct the election in an orderly and equitable manner.

The time for said election shall be set by the two (2) trustees first appointed to the board and thereafter said election shall be held on that date each year, or such date as may be designated by the board. The votes shall be counted immediately following the election and the member receiving the greatest number of votes shall be declared elected.

(3) If a vacancy occurs in an elective office of trustee, the vacancy shall be filled within thirty (30) days after the date of the vacancy for the unexpired term in the same manner as the office was previously filled.

~~(4) Each trustee shall, within ten (10) days after his appointment or election, take an oath of office before the city chief accountant or a notary public, that so far as it devolves upon him he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to this system. Such oath shall be subscribed to by the trustee making it and certified by the said city chief accountant or notary public and retained as a permanent record in the files of the board.~~

~~(5) In addition to its quarterly meetings, the board shall hold special meetings at any time requested by the chairman or any three (3) trustees. The chairman shall designate the time and place of each meeting by written notice to the trustees and members, such notice to be delivered or placed in the mail to said trustees and members at least twenty-four (24) hours prior to the convening of said meeting. All meetings of the board shall be open to the members of the system and to the public.~~

~~(6) Three (3) trustees shall constitute a quorum at any meeting of the board. Each trustee shall be entitled to one vote in the meetings of the board. At least three (3) concurring votes shall be necessary for a decision by the board. The board shall have the right to dismiss any elected trustee if, after hearing before the members of the system, it is found that the said trustee has failed to comply with any of the stipulations of Article IX hereof, involving moral turpitude as defined by Florida Law.~~

~~(7) The board of trustees, subject to the limitations of this Act and within the standards and purposes of this Act, shall make such rules and regulations as are necessary for the effective administration of the system and fund created by this Act and for transaction of its business. The board shall keep records of all its proceedings and such records on each member as it may deem necessary and proper in its administration of this Act. Said board shall make investigations concerning the enforcement and effect of this Act and its adopted rules and regulations. It shall make an annual report to the members of the system which shall include a financial report of the receipts, disbursements, assets and liabilities of the fund.~~

~~(8) The board shall engage such actuarial, legal or other services as shall be required to transact the business of the fund. The compensation of all persons engaged by the board and all expenses necessary for the operation of the system shall be paid by said system at such rates and in such amounts as the board shall agree.~~

~~(9) The secretary of the board shall execute bonds in such amounts as may from time to time be fixed by the board for the faithful performance of his duties. The board shall establish a system of accounting, and do all things, take all actions, and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary and proper to safeguard the funds placed in its custody and to carry out the provisions of this Act.~~

~~(10) The secretary of the board shall be the custodian of all records maintained by the board. The secretary shall permit inspection of all records held in his custody by any trustee or member of the system. The secretary shall keep a record of all persons receiving retirement payments under this system, in which it shall be noted the time when the pension begins and when the pension shall cease to be paid. In this record, the secretary shall keep a list of all police officers employed by the City, including the name, address, and dates of employment of each police officer.~~

(11) In the absence of the chairman of the board at any meeting of the trustees the vice chairman shall serve as chairman and in the absence of both the chairman and the vice chairman at any meeting of the trustees, the secretary shall serve as chairman.

(12) At least once every three (3) years, the board of trustees, shall retain an independent consultant professional qualified to evaluate the performance of professional money managers. The independent consultant shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the board of trustees at its next regularly scheduled meeting. The date, time, place, and subject of this meeting shall be advertised in a newspaper of general circulation in the municipality at least ten (10) days prior to the date of the hearing.

(13) In connection with the administration of the fund the board of trustees is authorized and empowered to institute proceedings in court and be sued, in the name of the system.

Sec. 9.045. City attorney to represent board of trustees.

The city attorney shall give advice to said board of trustees in all matters pertaining to their duties in the administration of said municipal police officers' retirement trust fund whenever requested; and he or she shall represent and defend said board as its attorney in all suits and actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board; provided, however, that if the board of trustees so elects, it may employ independent legal counsel at the pension fund's expense for the purposes contained herein, together with such other professional, technical, or other advisers as the board deems necessary.

Sec. 9.05. Management of the funds.

(1) The board is solely responsible for administering the trust, and shall be responsible for investing the assets of the system in accordance with this section. The board shall exercise its duties with respect to the system for the exclusive purpose of providing benefits to members and their beneficiaries and defraying the reasonable expenses of administering the system. The board shall exercise its investment authority with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and like aims, and by diversifying the investments of the system so as to reduce the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the system have been invested, as well as the proceeds of such investments and any moneys belonging to the fund, in accordance with this section. The board may employ outside investment counsel to advise the board in the making and disposition of investments.

(2) The board shall adopt and periodically update a written investment policy in accordance with Section 112.661, Florida Statutes, incorporating the following requirements for specific investments:

(a) The board may invest in money market instruments, stocks, corporate bonds, bonds or other obligations of the United States of America, either directly or through pooled or commingled funds.

(b) The board may make direct investment in bonds, notes, or obligations of any municipality or political subdivision or any agency or authority of the State of Florida, if the obligations are rated investment grade by at least one nationally recognized rating organization.

(c) The board may invest up to twenty-five (25) percent at cost basis, of its assets in real estate only through participation in commingled funds or insurance company group annuity separate accounts holding diversified real properties. Insurance companies must be licensed to do business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein.

(d) The board may invest up to fifteen (15) percent of its assets in mortgage loan securities secured by real property only through participation in commingled funds or insurance company separate accounts holding diversified mortgage securities. Insurance companies must be licensed to do business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein. Mortgage securities of commingled funds must be issued by an agency of or enterprise sponsored by the United States Government, including, but not limited to, the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

(e) The board may invest up to five (5) percent of its assets in stock and corporate bonds of any one (1) issuing company either directly or through pooled or commingled funds.

(f) The aggregate investment in stock either directly or through pooled or commingled funds shall not exceed seventy (70) percent (at cost) of the assets of the fund.

(g) The average credit quality of the fixed income portfolio shall be rated "A" or higher. No more than 15% of the fixed income portfolio may be rated lower than "BBB". The duration of the fixed income portfolio shall remain within 35% of the duration of a market index selected by the board. If there is no index selected, the default index shall be the Lehman Aggregate Bond Index.

(h) The board may invest up to twenty-five percent (25%) of the assets of the fund, in corporate obligations and/or securities of a foreign corporation or a foreign commercial entity that are not subject to United States securities laws. United States dollar-denominated securities listed and traded on a United States exchange would not be included in this limitation.

(3) The board shall deposit the funds and securities of the city police officers' retirement trust fund in a qualified public depository as defined in section 280.02(26), Florida

~~Statutes, which depository with regard to such funds and securities shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes.~~

~~(4) The board may issue drafts upon the city police officers' retirement trust fund pursuant to Article IX hereof, and rules and regulations prescribed by the board. All such drafts shall be consecutively numbered, be signed by the chairman and secretary and state upon their faces the purposes for which the drafts are drawn. The city director of financial services shall retain such drafts when paid, as permanent vouchers for disbursements made, and no other money shall otherwise be drawn from the fund.~~

~~(5) No trustee shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save insofar as such trustee may be a member or beneficiary of the system. No trustee shall in any manner, directly or indirectly, for himself or as an agent, use the funds or deposits of the system except to make such payments therefrom as are authorized by the board, nor shall any member of the board become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the fund.~~

~~(6) The board shall have the right to purchase an individual annuity from an insurance company, when a member becomes eligible for service retirement, in an amount sufficient to pay the retired member his earned monthly pension of retirement.~~

~~(7) Notwithstanding any provision of this section to the contrary, the Board shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in section 215.473, Florida Statutes, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in that company beginning January 1, 2010. The divestiture of any such security must be completed by September 30, 2010. The Board and its named officers or investment advisors may not be deemed to have breached their fiduciary duty in any action taken to dispose of any such security, and the board shall have satisfactorily discharged the fiduciary duties of loyalty, prudence, and sole and exclusive benefit to the members of the pension fund and their beneficiaries if the actions it takes are consistent with the duties imposed by section 215.473, Florida Statutes, and the manner of the disposition, if any, is reasonable as to the means chosen. For the purposes of effecting compliance with that section, the pension fund shall designate terror-free plans that allocate their funds among securities not subject to divestiture. No person may bring any civil, criminal, or administrative action against the board of trustees or any employee, officer, director, or advisor of such pension fund based upon the divestiture of any security pursuant to this paragraph.~~

~~Sec. 9.06. Participation in the system.~~

~~(1) All full-time police officers employed by the City of St. Augustine shall be members of this system.~~

~~(2) The membership of any police officer in this system shall cease upon the payment from the fund of his accumulated contributions.~~

~~(3) The contributions required of a member under this Act shall cease upon service retirement, disability retirement, death or other termination of employment, except as hereinafter provided.~~

(4) Should a member be involuntarily laid off, suspended, or discharged, or voluntarily terminate his employment as a police officer with the city and withdraw his accumulated contributions from the fund, he shall, for the purposes of this Act, be deemed to be a new employee as of his date of reinstatement or reemployment and his creditable service shall commence as of such date. Provided that in the event that such member's accumulated contributions are left in the fund and he is reinstated or reemployed within five years of the termination of his last period of employment the police officer may have his creditable service credit restored for membership under the system during his last period of employment; provided however that if said member shall not reenter employment by the end of five years following his involuntary layoff, suspension, discharge or termination his accumulated contribution shall be paid to him and he shall thereafter receive no creditable service credit for such prior employment.

(5) Reserved.

(6) Members entitled to a service retirement pension under this system shall not forfeit the same upon dismissal as a police officer, but shall be retired as hereinafter provided.

Sec. 9.07. Contributions to the fund.

(1) Effective October 1, 2005, each member shall contribute to the Fund for each pay period at the rate of five and one-half (5.5) percent of salary. The city shall deduct such contribution from the salary of each member for every payroll period and shall immediate pay said contribution to the board. Effective March 1, 2000, each member may be required to contribute to the fund an amount up to an additional three percent (3%) of salary (above the five and one-half (5.5) percent of salary amount specified above, for the period necessary to meet plan contribution requirements. However, before there is any increase in the member contribution rate, the prefunded future cost of living adjustment provided in Section 9.12(10) shall be reduced in whole or part for members who have not retired prior to the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. In the event the additional member contributions specified in this subsection are not sufficient to meet the minimum contribution requirements for the plan, then future cost of living adjustments will be reduced in whole or part for those members who retire on or after March 1, 2000 and are retired at the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. Once the suspension of cost of living adjustments is no longer necessary to meet minimum plan funding requirements, such adjustments will be restored in reverse order of their suspension. No member shall have any entitlement to cost of living adjustments that are suspended pursuant to this agreement. In the event that shortfalls in funding still exist after the above contribution increases and benefit adjustments are implemented, additional future benefits will be reduced to meet plan funding requirements.

Sec. 9.08. Service retirement.

(1) Each member may become eligible for service retirement on his normal service retirement date, which shall be the first day of the calendar month next following the date on which said member shall have either completed ten (10) years of creditable service and attained at least his fifty-fifth birthday or completed twenty-five (25)

years of creditable service and attained at least his fifty-second birthday; provided, however, should such member continue employment beyond his normal service requirement date, such member may retire on the first day of any calendar month thereafter, which date shall be the delayed service retirement date. For members who retire or terminate city employment on or after October 1, 2004, the normal service retirement date shall be upon attaining twenty-five (25) years of creditable service, regardless of age. Effective March 1, 2000, a member who terminates city employment with more than ten (10) but less than twenty-five (25) years of creditable service shall be eligible for a normal service retirement benefit upon reaching age 55.

(2) Each member who shall become eligible for service retirement as hereinabove provided shall receive a monthly pension which shall commence on his normal service retirement date or delayed service retirement date, and except as provided in section 9 [9.09], shall continue to be paid each month thereafter to the member or his beneficiary for ten (10) years and to the member for his remaining lifetime thereafter. The amount of such monthly pension shall be the accrued benefit as of his date of retirement.

(3) From a contribution of four (4) percent of the salary of each member, which shall be deducted by the city from each salary payment to the member and paid over to the board. Effective October 1, 1993, the contributions made by each member to the fund, including installment payments deducted from a member's salary to purchase additional creditable service pursuant to Section 9.02(8)(b) and (c), shall be designated as city contributions in accordance with Section 414(h) of the Internal Revenue Code, and shall be excluded from the member's gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered member contributions. In addition, the city shall make a contribution of one (1) percent of the salary of each member which shall be paid over to the board. Effective March 1, 2000 the city shall make a total contribution of two and one-half (2.5) percent of the salary of each member which shall be paid over to the board.

(4) If a member recovers from disability and reenters the service of the city as a police officer his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the city will not be considered as credited service for the purposes of the plan.

(5) For members who retire from active employment and begin receiving benefits prior to March 1, 2000 a temporary supplemental retirement allowance shall be paid the retirant if his date of retirement precedes his sixty-fifth birth date. The amount of temporary supplemental retirement allowance shall be equal to the retirant's credited service, multiplied by one-half of one (0.50) percent of his average final compensation. The temporary supplemental retirement allowance terminates upon the retirant's attainment of age sixty-five (65) years or his prior death.

(6) A member who terminates employment on or after March 1, 2000 may elect one of the following early retirement options based on age and years of creditable service at retirement:

(a) A member with at least 10 years of creditable service who has reached age 50 may retire with an early retirement benefit equal to 2.0% of average final

compensation multiplied by years of creditable service, with a reduction of three percent (3%) for each year by which the member's age at early retirement precedes the normal service retirement date.

(7) A member with ten (10) or more years of creditable service who terminates employment on or after October 1, 2005 shall earn a retirement benefit equal to three percent (3%) of average final salary for each year of creditable service worked after October 1, 2005. Notwithstanding any provision of this section to the contrary, the three percent (3%) multiplier shall also apply to creditable service earned by such members prior to October 1, 2005, as follows:

(a) For members with less than twenty (20) years of creditable service on October 1, 2005, the three percent (3%) multiplier shall apply to two (2) years of creditable service earned prior to October 1, 2005 for each one (1) year of creditable service worked after October 1, 2005, up to the member's total number of years of creditable service or the maximum number of years of creditable service, if any, allowed by the Plan, whichever is less.

(b) For members with twenty (20) or more years of creditable service on October 1, 2005, the three percent (3%) multiplier shall apply to four (4) years of creditable service earned prior to October 1, 2005 for each of the first two years of creditable service worked after October 1, 2005; and the three percent (3%) multiplier shall apply to two (2) years of creditable service earned prior to October 1, 2005 for each year worked thereafter, up to the member's total number of years of creditable service or the maximum number of years of creditable service, if any, allowed by the Plan, whichever is less.

(8) Distribution of a member's benefit under this Plan must commence no later than April 1 of the calendar year following the later of the calendar year during which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment with the Employer.

Sec. 9.09. Optional modes of pension.

(1) Each member shall have the right at any time at least two (2) years prior to actual retirement to elect to have his pension payable under any one of the options set forth in this section in lieu of the pension otherwise payable to him upon service retirement under any of the provisions of this Act. The amount of any such optional pension shall be the actuarial equivalent of the amount of such pension otherwise payable to him. The member shall make such an election by written request to the board and this election shall be subject to the approval of the board.

Option A. Straight life option: A member may elect to receive an increased pension with such pension payments terminating immediately upon the death of the member.

Option B. Joint and last survivor option: A member may elect to receive a modified pension payable to the member during the joint lifetime of the member and a joint pensioner designated by the member, and following the death of either of them, one hundred (100) percent, sixty-six and two-thirds (66⅔) percent or fifty (50) percent of such monthly amount payable to the survivor for the lifetime of the survivor.

Option C. Such other amount and form of retirement payments of benefit as, in the opinion of the board of trustees, will best meet the circumstances of the retiring member.

(2) The election by a member of any one of the options stated in this section 9 [9.09] shall be null and void if the member dies prior to retirement; provided, however, that Option A and Option B above shall not be voided in event a member continues in employment subsequent to becoming eligible for service retirement and dies prior to actual retirement. The election by a member of Option B above shall be null and void if the person designated to receive last survivor benefits by the member dies before the member's actual retirement.

(3) A member who has elected any one of the options stated in this section 9 [9.09] may, at any time within the period provided for such election, revoke any election by written notification to the board.

(4) This subsection (4) applies to distributions made on or after January 1, 1993. Notwithstanding any provision to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(a) For a member eligible for service retirement who elects to receive a single-sum payment or equal installments over a period of less than ten (10) years, an "eligible rollover distribution" is that portion of the single sum or installment that represents city contributions under Section 414(h) of the Internal Revenue Code, to the extent that it exceeds the required minimum distribution, if applicable, under Section 401(a)(9) of the Internal Revenue Code.

(b) For a member or surviving spouse who receives a refund of accumulated contributions under section 9.11(4) hereof, an "eligible rollover contribution" is that portion of the accumulated contributions that represents the city contributions under Section 414(h) of the Internal Revenue Code.

(c) An "eligible retirement plan" is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Section 403(a) of the Code, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(d) A "distributee" includes a member or former member, or a member's or former member's, surviving spouse.

(e) A "direct rollover" is a payment by the system to the eligible retirement plan specified by the distributee.

(5) If a member elects an option with a joint pensioner and the member's retirement benefits have commenced, the member may thereafter change the designated joint pensioner up to two times. The consent of a member's joint pensioner or of the board of trustees to any such change shall not be required. The amount of the retirement income payable to the member upon designation of a new joint

pensioner shall be actuarially redetermined by the application of actuarial tables and calculations to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit and that there is no impact to the plan. Each such designation will be made in writing on a form prepared by the board of trustees and on completion will be filed with the board of trustees. In the event that no joint pensioner survives the member, such benefits as are payable in the event of the death of the member subsequent to his or her retirement shall be paid to the member's estate.

Sec. 9.10. Disability retirement.

(1) A police officer will be considered totally disabled if, in the opinion of the board of trustees, he is wholly prevented from rendering useful and efficient service as a police officer. A member may become eligible for disability retirement on his disability retirement date provided such eligibility is approved by resolution of the board. Such member may retire from the service of the city under the plan if he becomes totally and permanently disabled as defined in F.S. § 185.18(2), by reason of any cause other than a cause set out in F.S. § 185.18(3), on or after the effective date of the plan. Such retirement shall herein be referred to as disability retirement.

(2) The benefit payable to a police officer who retires from the service of the city with a total and permanent disability as a result of a disability commencing prior to his normal retirement date is the monthly income payable for ten (10) years certain and life for which, if the police officer's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than forty-two (42) percent of his average monthly compensation as of his disability retirement date. If the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than twenty-five (25) percent of his average monthly compensation as of his disability retirement date.

(3) The monthly retirement income to which a police officer is entitled in the event of his disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement (the "disability retirement date"), and any portion due for a partial month shall be paid together with the first payment.

(4) Upon termination of a member's monthly disability pension because of recovery from such disability, and provided he reenters active employment as a police officer one year after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions to the fund. In such event the member's creditable service credit for service as a police officer prior to his disability retirement shall be restored but he shall not receive creditable service credit for the period of his disability, nor for any periods for which he did not make regular contributions. Should the member fail to reenter active employment as a police officer within one year after recovery from disability his membership under this system shall terminate.

(5) Once each year following the disability retirement of a member who is receiving a monthly disability pension, the board may require such member to undergo a medical examination conducted by a duly qualified physician appointed by the board. Following such medical examination, the board may determine whether the

member is capable of performing useful and efficient service as a police officer [and if he is,] the board shall order his disability pension discontinued. Should the member refuse to submit to any medical examination required by the board, his monthly disability pension shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability pension shall cease and his membership under the system shall thereupon terminate.

(6) No member shall be eligible for disability retirement whose disability was incurred while committing a felony.

(7) Disability in the line of duty. Any condition or impairment of health of any and all police officers employed in the city caused by hypertension, heart disease, hardening of the arteries, or any condition set forth in section 112.181, Florida Statutes, resulting in total or partial disability or death shall be presumed to be accidental and suffered in the line of duty unless the contrary be shown by competent evidence. Any condition or impairment of health caused directly or proximately by exposure, which exposure occurred in the active performance of duty at some definite time or place without willful negligence on the part of the police officer, resulting in total or partial disability, shall be presumed to be accidental and suffered in the line of duty; provided however, that such police officer shall have successfully passed a physical examination upon entering such service, which physical examination including electrocardiogram failed to reveal any evidence of such condition; provided further, that such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance. This section shall be applicable to all police officers employed in the city only with reference to pension and retirement benefits under this system.

Sec. 9.11. Benefits upon death or termination.

(1) Each member shall name a beneficiary to receive any benefits payable upon the member's death, such designation to be made on a form provided by the board. A member may change his designation of the beneficiary from time to time in the same manner.

(2) In event a member who has elected Option B under section 9 [9.09] dies subsequent to his normal service retirement date but while still employed as a police officer, in lieu of any other benefit payable hereunder by reason of death, there shall be payable to his beneficiary the same monthly pension that would otherwise have been payable under Option B if the member had retired on his normal service retirement date.

(3) Should a member's death occur prior to his normal service retirement date, or after his normal service retirement date and before reaching his delayed service retirement death, unless such death occurs following disability retirement as provided in section 10 [9.10], there shall be paid to his beneficiary a monthly pension which shall commence on the first day of the calendar month next following the death of the member and shall continue to be paid each month thereafter for a period equal to the lesser of one hundred twenty (120) months or the life expectancy of the beneficiary. The amount of such monthly pension shall be the accrued benefit of the member as of the date of death. In the event of the member's death following disability retirement, the provisions of section 10 [9.10] shall be operative.

(4) If the employment of any member who has not completed ten (10) years of creditable service is terminated other than by service retirement or death, such member shall be entitled to a refund of one hundred (100) percent of his accumulated contribution made to the fund without interest. Any such terminated member may leave his accumulated contributions in the fund for a period not exceeding five (5) years pending reemployment, and upon reemployment as a police officer within said five (5) years, all creditable service credit under the system for his last period of employment shall be restored. Any such member who fails to be reemployed as a police officer within five (5) years shall be refunded one hundred percent of his contributions to the fund, without interest, and all prior creditable service credit shall be forfeited should he be reemployed at a later date. Upon payment of the accumulated contributions as herein provided, the membership of such terminated member shall thereupon cease and no further benefits shall be payable under the system. That portion of a terminated member's benefit that is not vested shall be forfeited and used only to reduce future costs of the system.

(5) Any other provision of the Act notwithstanding any member who has completed ten (10) years of creditable service at such time as employment as a police officer is terminated shall be entitled to a monthly pension, provided such member shall not withdraw his accumulated contributions. Such monthly pension shall commence on the first day of any calendar month coinciding with or following the member's otherwise early or normal service retirement date and shall continue to be paid each month thereafter as though the member had retired under the provisions of section 9.08 of this Act. Benefits shall be distributed or shall commence to the member not later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment, and shall be paid:

(a) Over the lifetime of the member or the lifetimes of the member and beneficiary; or

(b) Over a period not exceeding the joint life expectancy of the member and beneficiary.

(6) Notwithstanding the provisions of this section, a retiree may change his or her designation of beneficiary up to two times without the approval of the Board or the current beneficiary.

(7) If a member dies on or after January 1, 2007 while performing Qualified Military Service as defined by USERRA, the member's beneficiaries shall be entitled to any benefits the member would have been entitled to had he or she resumed employment and then died while employed.

Sec. 9.12. Miscellaneous.

(1) The authority having the power to hire the services of a police officer shall prepare such records and from time to time shall furnish such information concerning a member as the board may require in the discharge of its duties. Upon the employment of a police officer, the authority shall inform the police officer of his duties and obligations in connection with the system as a condition of employment.

(2) Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, than on discovery of any such error the board shall correct the same and as far as practicable shall adjust the payments in such manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

(3) All pensions and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions and cash securities in the funds created under this Act, are hereby exempted from any state, county or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatever, nor shall any assignment thereof be enforceable in any court.

(4) All provisions of any ordinance of the City inconsistent with the provisions of Article IX hereof, are hereby repealed to the extent of such inconsistencies.

(5) If this Act shall later be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.

(6) In the event of a complete discontinuance of contributions to the fund or upon termination of the system, the interest of each member in the system to the extent then funded shall become one hundred (100) percent nonforfeitable, and the assets of the system shall be apportioned and distributed in accordance with the provisions of F.S. § 185.37, as amended.

(7) If any clause, section or provision of this Act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Act, and the remaining portion of said Act shall be in force and effect, and shall be as valid as if such invalid portion had not been incorporated.

(8) Vested rights which may exist on the effective date of this Act in favor of any member of the existing retirement system under F.S. ch. 185 shall not be impaired; provided, that any person who may claim that the abolishment of the retirement system under said F.S. ch. 185 violates a claimed vested right thereunder, shall, within one year of the effective date of this Act, notify the board in writing of such claim. Upon receipt of such claim the board shall, without delay, in an appropriate proceeding and forum, obtain a judicial construction with respect to the question of such claim of violated vested rights. Should the final judgment or decree in said proceeding sustain the claim of any such person, the board shall conform its administration of the fund in relation to such person to meet with the requirements of any such decree or judgment.

(9) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall be guilty of a misdemeanor of the first degree and be subject to punishment as provided by law.

(10) The board of trustees is hereby authorized to grant periodic cost-of-living adjustments to benefits payable to all retired members, including members who are participating in the deferred retirement option program in accordance with section 9.13, during the continuation of benefits being payable under this plan;

however, such adjustment shall not be made more frequently than on an annual basis. The conditions for granting such adjustments are as follows:

(a) The granting of same is actuarially sound and will not substantially affect the financial stability of the plan and will not require additional funding of the plan from any city funds from any source apart from funds received as tax levy proceeds authorized by F.S. ch. 185.08.

(b) The board shall formally approve the adjustments based on data contained in the current actuarial evaluation.

(c) The adjustment shall be divided into a "prefunded" component and an "ad hoc" component such that, once approved and for the purpose of the actuarial evaluations, the prefunded percentage increase will be assumed to be repeated on an annual basis for future years and the ad hoc increase will not be assumed to be repeated on an annual basis for future years. Future actuarial evaluations may determine that a modification to the assumed future prefunded increases will be necessary.

(d) Prefunded adjustments shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date, but excluding any temporary supplemental retirement allowances paid according to section 9.08(5). The average cost-of-living index, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor relative to the United States as a whole, shall be consideration for such adjustments. However, in no event shall the percentage for the prefunded component of the annual cost-of-living adjustment exceed two (2) percent for any annual adjustment date, nor shall any retiree's benefit be reduced below any benefit being received on March 1, 2000.

(e) The ad hoc component of the cost-of-living adjustment may be granted only when surplus funds are available within the plan and only if all other provisions of this section are satisfied. This portion of the adjustment shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date but excluding any temporary supplemental and retirement allowances paid according to section 9.08(5). The sum of the prefunded and ad hoc portions of the adjustment shall not exceed either three (3) percent or the average cost-of-living index as determined by the Bureau of Labor Statistics of the U.S. Department of Labor, relative to the United States as a whole, whichever is the lesser amount.

(f) Notwithstanding the foregoing provisions of Subsection (10), paragraphs (a) through (e), members who retire before March 1, 2000 shall receive an annual cost of living adjustment of up to three (3) percent. Up to two (2) percent of this cost of living adjustment will be part of the fixed benefit structure of the plan. The remaining amount (up to one percent annually) will be granted pursuant to the "ad hoc" adjustment provisions of this subsection. Members who retire on or after March 1, 2000 will be eligible for a cost of living adjustment in accordance with the foregoing provisions of Subsection (10), paragraphs (a) through (e). Cost of living adjustments may be adjusted in accordance with Section 9.07(1).

(11) Maximum benefit limitation.

(a) The maximum annual benefit payable under the system shall be limited to ninety-thousand dollars ($90,000.00) subject to adjustment for increases in the cost of living in accordance with the following sentence. As of the first day of January of each calendar year, the maximum dollar limitation shall be adjusted automatically to an amount determined by the Commissioner of the Internal Revenue Service effective for that calendar year and shall apply only to that calendar year.

Retirees in payment status whose benefits were limited in any year by the application of this limitation shall have their benefits adjusted automatically in subsequent years to take into account the then current dollar limit.

(b) In the event a member has earned a benefit, which during a previous limitation year has met all the requirements of Section 415 of the Internal Revenue Code ("Code"), and if the member's accrued benefit exceeds the limitation of Section 415 of the Code or the current limitation year, the member's maximum annual benefit, as described in subsection (a) of this section, shall not be less than the accrued benefit allowable under such previous limitation year.

(c) If the retirement benefit is payable in a form other than a straight-life annuity or a joint-and-survivor annuity with the spouse as joint annuitant, the annual benefit limitation in any year shall be the actuarial equivalent (as defined in subsection (f) of this section) of the maximum annual benefit for that year (payable in the form of a straight-life annuity), as described above.

(d) In the event payment of a retirement benefit under the system to a member commences prior to the date he (she) attains age sixty-two (62), the maximum annual benefit limitation shall be adjusted to be not more than the actuarial equivalent (as defined in subsection (f) of this section) of the then current dollar limit assumed to commence at age sixty-two (62) for the purpose of applying the benefit limit described in subsection (a) of this section. For a "qualified participant" as defined in Internal Revenue Code Section 415(b)(2)(H), this paragraph shall not apply.

For years subsequent to the payment commencement year, benefits payable shall be limited to the actuarial equivalent (as defined in subsection (f) of this section), determined as of the benefit commencement date, of the subsequent year's dollar limit assumed to commence at age sixty-two (62) (or the then current age if greater).

Adjustments described in this subsection (d) shall not reduce the maximum annual benefit below seventy-five thousand dollars ($75,000.00), if the retirement benefit commences on or after attainment of age 55, or if the benefit commences before age 55, the actuarial equivalent of the $75,000 limitation for age 55.

(e) In the event payment of a retirement benefit under the system to a member commences after the date he (she) attains age 65, the maximum benefit limitation shall be adjusted to be not more than the actuarial equivalent (as defined in subsection (f) of this section) of the then current dollar limit commencing at age 65 for the purpose of applying the benefit limit described in subsection (a) of this section.

For years subsequent to the payment commencement year, benefits payable shall be limited to the actuarial equivalent, determined as of the benefit commencement date, of the subsequent year's dollar limit assumed to commence at age 65.

(f) For the purpose of adjusting benefits in accordance with this section, actuarial equivalent shall be determined using the 1983 Group Annuity Mortality Table and an interest rate of five (5) percent for adjustments under subsections (c), (d) and (e) of this section. For adjustment under subsections (c), (d) and (e), no cost-of-living adjustment shall be taken into account before the year for which such adjustment first takes effect.

(g) If a retirement benefit is payable to a member who has less than ten (10) years of participation in the system, the limitation described in subsection (a) of this section shall be multiplied by a fraction, the numerator of which is the member's years of participation and the denominator of which is ten (10).

(h) If the city maintains a tax-qualified, defined contribution plan covering the same member, the total of such member's "defined contribution fraction" and his (her) "defined benefit fraction" (both as defined in Section 415 of the Code) at the end of any limitation year shall not exceed one (1.0). If as reduction in a member's benefits is required so that the sum of the two (2) fractions described above will not exceed one (1.0) the numerator of the "defined benefit fraction" shall be adjusted downward sufficiently to insure that the two-plan limitation described above is not exceeded. This limitation shall not be applicable to plan years beginning on and after January 1, 2000.

(i) Adjustments described in subsections (b) and (d) of this section 9.12(11) shall not apply to (i) income received as a pension, annuity or similar allowance as a result of personal injuries or sickness or (ii) amounts received as a result of an employee's death by the employee's beneficiaries, survivors or estate.

Sec. 9.13. Deferred retirement option program for police officers (DROP).

(1) A deferred retirement option plan ("DROP") is hereby established for eligible police officers, effective October 1, 2004.

(2) Eligibility and participation:

(a) A police officer who is actively employed by the city and reaches the normal service retirement date shall be eligible to participate in the DROP.

(b) A member's election to participate in the DROP shall be irrevocable

(c) An eligible member may participate in the DROP for a maximum of sixty (60) months from the date the DROP plan takes effect (if the member is eligible at that time), or for a maximum of sixty (60) months from the date the member reaches his or her earliest normal service retirement date, whichever occurs first. An eligible member may elect to participate in the DROP with thirty (30) days advance written notice to the city. An eligible member may defer entry into DROP beyond the date the member is first eligible to enter the DROP. If a member defers entry into the DROP, the maximum DROP period will be reduced for each month of deferred entry. In no event will the maximum DROP period be extended beyond sixty (60) months from the date the member is first eligible to participate. Example: A member is eligible to

participate in DROP for a maximum sixty (60) months from the date the member is first eligible to participate; however, if the member defers entry into the DROP for twelve months after reaching the earliest normal service retirement age (or if the member has already reached the earliest normal service retirement age at the time the DROP takes effect, twelve months after that date), the member will be able to participate in the DROP for a maximum of forty-eight (48) months. Notwithstanding any provision to the contrary, any member who completes twenty-five (25) years of service before age fifty-two (52) may defer entry into the DROP until age 52, with no reduction in the DROP period. A member who elects to participate in the DROP can elect to terminate DROP participation and city employment sooner than the maximum DROP period, with thirty (30) days advance written notice to the city.

(3) DROP plan features:

(a) An eligible member who elects to participate in the DROP will be considered to have retired for purposes of the pension plan. The member's monthly retirement benefit, determined in accordance with the plan based on years of creditable service and average final compensation at the time the member enters the DROP, will be paid into his or her DROP account every month during the DROP period. No member or city contributions shall be required after a member enters the DROP, and the member will not accrue any additional creditable service or any additional benefits under the pension plan after entering the DROP.

(b) A member who elects to participate in the DROP shall not be eligible for disability or preretirement death benefits under the pension plan.

(c) As a condition of participating in the DROP, the member must agree to resign from city employment at the conclusion of the DROP period and must submit an irrevocable letter of resignation prior to entering the DROP.

(d) Participation in the DROP is not a guarantee of employment, and DROP participants will be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

(e) The member's DROP account will earn interest at an annual rate of six and one-half percent (6.5%) compounded monthly.

(f) Within thirty (30) days following a DROP participant's termination of city employment or death, the member's entire DROP account balance shall be distributed to the member [or in the event of the member's death, to the member's designated beneficiary or estate in accordance with paragraph (g) below] in a cash lump sum, unless the member elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover. Any such direct rollover will be accomplished in accordance with section 9.09(4) of the pension plan.

(g) If a DROP participant dies before his or her DROP account is distributed, the participant's designated beneficiary shall have the same rights as the participant with respect to the distribution of the DROP account. If the member has not designated a beneficiary, the DROP account balance shall be paid to the member's estate.

(h) The pension board shall adopt any necessary rules for administering the DROP.

Sec. 9.14. Rollovers or transfers into the fund.

Effective October 1, 2004, the fund will accept member rollover cash contributions and/or direct cash rollovers of distributions for the purchase of creditable service pursuant to Section 9.02(8), as follows:

(a) *Direct transfers or member rollover contributions from other plans.* The plan will accept either a direct transfer or an eligible rollover distribution from a qualified plan described in section 401(a) of the Code, from an annuity contract described in section 403(b) of the Code, or from an eligible plan described in section 457(b) of the Code, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, as permitted under the Internal Revenue Code.

(b) *Member rollover contributions from 401(a) plans and IRAs.* The plan will accept a member rollover contribution of the portion of a distribution from a qualified plan described in section 401(a) of the Code, or from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code, that is eligible to be rolled over and would otherwise be includible in the member's gross income.

Sec. 9.15. Maximum pension benefits.

(1) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

(2) *Adjustments to basic limitation for form of benefit.* If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii) that takes into account the death benefits under the form of benefit.

(3) *Benefits not taken into account.* For purposes of this section, the following benefits shall not be taken into account in applying these limits:

(a) Any ancillary benefit which is not directly related to retirement income benefits;

(b) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1).

(4) *COLA effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(a) A member's applicable limit will be applied to the member's annual benefit in the member's first calendar year of benefit payments without regard to any automatic cost of living adjustments;

(b) Thereafter, in any subsequent calendar year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(c) In no event shall a member's benefit payable under the system in any calendar year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(5) *Other adjustments in limitations.*

(a) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(b) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (5)(a) above shall not apply.

(c) The reductions provided for in (5)(a) above shall not be applicable to disability benefits pursuant to section 9.10, or pre-retirement death benefits paid pursuant to section 9.11.

(d) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(6) *Less than ten (10) years of service.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (1) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to section 9.10, or pre-retirement death benefits paid pursuant to section 9.11.

(7) *Participation in other defined benefit plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(8) *Ten thousand dollar ($10,000) limit.* Notwithstanding the foregoing, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this section if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable plan year and for any prior plan year and the City has not any time maintained a qualified defined contribution plan in which the member participated.

(9) *Reduction of benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures to defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(10) *Service credit purchase limits.*

(a) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, if allowed by the system, then the requirements of this section will be treated as met only if:

1. The requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b); or

2. The requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

3. For purposes of applying subparagraph (10)(a)1., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph 3., and for purposes of applying subparagraph (10)(a)2. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph 3.

(b) For purposes of this subsection the term "permissive service credit" means service credit—

1. Recognized by the system for purposes of calculating a member's benefit under the plan.

2. Which such member has not received under the plan; and

3. Which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (10)(b)2., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(c) For purposes of applying the limits in this subsection (10), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a calendar year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

1. However, for calendar years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For calendar years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

2. For limitation years beginning on and after January 1, 2007, compensation for the calendar year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the calendar year that includes the date of the employee's severance from employment if:

   a. The payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee which the employee continued in employment with the employer; or

b. The payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

3. Back pay, within the meaning of Treasury Regulations Section 1.415(c) - 2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(d) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

1. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

2. If payment pursuant to subparagraph (10)(d)1. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution

(11) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary.

(a) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(b) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

Sec. 9.16. Share plan.

In accordance with F.S. § 185.35(6), a defined contribution plan component ("share plan") is hereby established for police officers as part of this System. The share plan will be funded exclusively with F.S. ch. 185 premium tax revenues in accordance with the default rules in F.S. § 185.35(a)—(d) as follows: all annual premium tax revenues received up to the amount collected in 2002 and distributed to the city in 2003 ($249,401) shall be used to reduce city pension contributions. Annual premium tax revenues received in excess of $249,401 shall be split 50-50, with one-half of the excess used to fund the share plan, and one-half of the excess used to reduce city pension contributions. The share plan shall not become operative until annual premium tax revenues exceed $249,401 and the details of the share plan are agreed to by the city and union.

Section 2. Creating Chapter 20, Article VI, Sections 20-220 through 20-236. Chapter 20, Article VI, Sections 20-220 through 20-236 are hereby created in the Code, as follows:

Article VI. Police Officers Retirement System

Sec. 20-220. System and fund created.

(1) There is hereby created and established:

(a) A retirement system for police officers of the City of St. Augustine, Florida, to be known as the "St. Augustine Police Officers Retirement System," by and in which name it shall, pursuant to this Act, transact all of its business and shall have the powers and privileges of a corporation, the same to be a department or instrumentality of such city.

(b) A special fund to be known as the "St. Augustine Police Officer's Retirement Fund," said fund to be used for the exclusive benefit of Plan Members and Beneficiaries. Any diversion of fund assets prior to the satisfaction of all liabilities related to the system shall be prohibited. The fund shall be collected, administered and disbursed according to the provisions of this Act. Actuarial deficits, if any, arising in the fund created under this Act shall be the obligation of the City of St. Augustine except as provided herein.

(2) The fund and the system hereby created shall be in substitution for the "St. Augustine Police Officers Retirement Fund" and the retirement system thereunder, now and heretofore existing in the City of St. Augustine in pursuance of the provisions of F.S. ch. 185; and said "Police Officers Retirement Fund" and the system thereunder now and heretofore existing in said city under the provisions of said Chapter 185, shall on the effective date of this Act, stand abolished.

Sec. 20-221. Definitions.

(1) *"Accrued benefit"* shall mean the total monthly benefit which shall have been earned by each member for all years of creditable service of said member as follows:

(a) A member who terminates city employment with ten (10) or more years of creditable service shall earn a benefit at the rate of two percent (2.0%) of the member's average final salary for each year of creditable service.

(b) A member who terminates city employment on or after March 1, 2000 with ten (10) or more years of creditable service may elect a benefit at the rate of two and one-half percent (2.5%) of the member's average final salary for each year of creditable service, subject to the early retirement provisions of Section 20-228(5).

(c) A member who terminates city employment after October 1, 2005 with ten (10) or more years of creditable service shall earn a benefit at the rate of three percent (3%) of the member's average final salary for each year of creditable service earned after October 1, 2005. The three percent (3%) multiplier may apply to creditable service earned prior to October 1, 2005, subject to the provisions of Section 20-228(7).

(2) *"Accumulated contributions"* shall mean the sum of all amounts deducted from the salary of a member and contributed to the fund.

(3) *"Actuarial equivalent"* shall mean a benefit of equivalent value to that which would otherwise have been provided to the member, computed as follows:

(a) For benefits payable in the form of a life annuity, a benefit equal to one hundred two (102) percent of that otherwise payable as ten-year certain-and-life annuity if the member is age fifty-five (55) or younger. If the member is older than fifty-five (55), 0.5 percent will be added to the one hundred two (102) percent for each year older, not to exceed one hundred eight (108) percent;

(b) For benefits payable in the form of a fifty (50) percent joint-and-survivor annuity, a benefit equal to ninety-four (94) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-four (94) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-four (94) percent for each year older, not to exceed one hundred (100) percent;

(c) For benefits payable in the form of a fifty (50) percent joint-and-last-survivor annuity, a benefit equal to ninety-seven (97) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-seven (97) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-seven (97) percent for each year older, not to exceed one hundred (100) percent;

(d) For benefits payable in the form of a sixty-six and two-thirds (66⅔) percent joint-and-last-survivor annuity, a benefit equal to ninety-three (93) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the ninety-three (93) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the ninety-three (93) percent for each year older, not to exceed one hundred (100) percent;

(e) For benefits payable in the form of a one hundred (100) percent joint-and-last-survivor annuity, a benefit equal to eighty-seven (87) percent of that otherwise payable as a ten-year certain-and-life annuity if the beneficiary is the same age as the member. If the beneficiary is younger than the member, 0.5 percent will be subtracted from the eighty-seven (87) percent for each year younger. If the beneficiary is older than the member, 0.5 percent will be added to the eighty-seven (87) percent for each year older, not to exceed one hundred (100) percent.

(f) For benefits payable in any other form, actuarial equivalence means the same actuarial present value as the normal form of payment on any single measurement date. The determination of the actuarial present value of any form of benefit, including lump sum distributions, shall be based on the RP-

2000 static mortality table (h) unisex 50/50 for healthy lives projected to 2010 for healthy members and the RP-2000 static mortality table (d) unisex 50/50 projected to 2010 for disabled members; and an interest discount rate of 8% per annum, compounded annually. This definition may be amended by the city pursuant to the recommendation of the board with the advice of the plan's actuary and the city's actuary, such that the actuarial assumptions are not subject solely to city discretion.

(4) *"Average final compensation"* means one-twelfth of the average annual compensation of the five (5) best years of the last ten (10) years of creditable service prior to retirement, termination, or death.

(5) *"Beneficiary"* shall mean any person so designated by a member as provided in section 20-231. In the event no designation is made the beneficiary of said member shall be his estate.

(6) *"Board"* shall mean the board of trustees as provided in this Act.

(7) *"City"* shall mean the City of St. Augustine, Florida.

(8) "*Creditable service"* for the purpose of this Act shall mean the total number of years and fractional parts of years of service of any police officer as follows:

(a) Periods of service as a police officer with the city prior to October 10, 1953, during which the police officer shall have contributed to this system or any predecessor retirement systems (other than the Federal Social Security System) for police officers of the City of St. Augustine. In determining the aggregate number of years of creditable service of any police officer, periods of absence for service in the Armed Forces after initial employment as a police officer, or any leaves of absence authorized by the city shall be added to the years of service as a police officer with the city, provided that credit for such military leave or authorized leave of absence shall not exceed five (5) years. Creditable service shall be granted to any member who is legally entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act, without such member making the contributions required under Section 20-227. Otherwise, the aggregate number of years of creditable service shall mean the total number of years and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer is not employed by the city.

(b) For members who retire or terminate city employment on or after October 1, 2004, "creditable service" shall also include up to three (3) years of active duty in the U.S. armed forces or full-time employment as a law enforcement officer with another governmental entity prior to employment by the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior employment as a police officer. Such purchased service may not be used for vesting purposes. An eligible member may purchase creditable service under the system for such prior employment by paying into the fund the full actuarial cost of such creditable service, as determined by the plan actuary. Such payment must be made in full prior to entering the DROP or separation from city employment, whichever occurs

earlier. In the event full payment is not made prior to such date, the member shall receive only the amount of creditable service, as determined by the actuary, for which the payment made, excluding interest, is the full actuarial cost. A member purchasing such additional creditable service must also pay the full cost of any actuarial calculations required. Payment for the purchase of creditable service pursuant to this paragraph may be made using any one or a combination of the following options:

1. Cash lump sum payment.
2. Installment payments, plus simple interest at the rate of four (4) percent per annum, deducted from the member's city salary over a period not to exceed five (5) years.
3. Direct transfer or rollover of an eligible rollover distribution from a qualified or eligible plan, in accordance with Section 20-234.

(c) For members who retire or terminate city employment on or after October 1, 2004, "creditable service" shall also include the years or fractional years that a member performs "Qualified Military Service" including voluntary or involuntary service in the armed forces of the United States as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353), as amended, or has served in the National Guard or reserve military service of the armed forces of the United States, prior to or while in the employ of the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior service. Such purchased service may not be used for vesting purposes. The member must contribute the full actuarial cost of all such creditable service. Creditable service for National Guard or military reserve service shall be calculated by dividing the total number of official military reserve points by 365 to determine the equivalent years of fractional parts thereof to be credited. The combined total of all creditable service purchased pursuant to this paragraph and paragraph (b) of this subsection shall not exceed three (3) years. Payment for the purchase of National Guard or reserve military service shall be made in the same manner as provided in paragraph (b) of this subsection.

(d) This section is intended to satisfy the minimum requirements of USERRA, as may be amended from time to time. To the extent that this section does not meet the minimum requirements of USERRA, the provisions of USERRA shall govern.

(9) *"Contributions"* shall mean the amounts deducted from the salary as a member as provided in section 20-227.

(10) *"Disability retirement"* shall mean retirement upon the disability retirement rate as provided in section 20-230.

(11) *"Fund"* shall mean the St. Augustine Police Officers Retirement Fund as provided in this Act.

(12) *"Member"* shall mean any police officer entitled to participate in the system and fund as provided in this Act.

(13) *"Past service liability"* shall mean the liability attributable to all accrued benefits which shall have been earned by members prior to January 1, 1957.

(14) *"Police officer"* means any person who is elected, appointed, or employed full time by any municipality, who is certified or required to be certified as a law enforcement officer in compliance with F.S. § 943.14, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in F.S. § 943.10(5) and (7), respectively. "Police officer" also shall include a public safety officer who is responsible for performing both police and fire services.

(15) *"Salary"* shall mean the total cash or remuneration paid to a police officer for services rendered during a particular year. It shall include base salary, overtime, special incentive pay, and sick leave or vacation leave taken during the year. Salary shall not include lump-sum checks for leave pay accrued but never taken. Only fifty-two (52) weeks of salary may be credited in any year. For years beginning on and after October 1, 1994, salary in excess of $150,000 shall be disregarded for all purposes of the system. As of October 1 of each calendar year thereafter, the dollar limitation as determined by the Commissioner of Internal Revenue for that calendar year will become effective for that plan year in lieu of the dollar limitation provided in the preceding sentence. For an employee who became a member prior to October 1, 1994, this limitation shall not apply to the extent that salary allowed to be taken into account under the plan would be reduced below the amount allowed to be taken into account under the plan in effect on September 30, 1994. Salary in excess of the limitations set forth in Section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed $200,000, as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Code.

(16) *"Service retirement"* shall mean retirement upon the normal service retirement date or delayed service retirement date, as provided in section 20-228.

(17) *"System"* shall mean the St. Augustine Police Officers Retirement System created by this Act.

(18) *"Total current contribution"* shall mean the total of all funds contributed for any given calendar year to the St. Augustine Police Officers' Retirement Fund, less the funds contributed that year toward amortizing the unfunded liability at December 31, 1960, (which funds shall in no event be less than three (3) percent of the unfunded liability at December 31, 1960, left unamortized at the end of the preceding calendar year).

(19) *"Trustee"* shall mean any member of the board of trustees as provided in this Act.

Sec. 20-222. Creation and maintenance of the fund.

The special fund created by this Act shall consist of moneys and assets derived from the following sources:

(1) From moneys and other assets of the "police officers retirement fund" held by the board of trustees of said fund on the effective date of Article VI hereof, in pursuance of F.S. ch. 185. The board of trustees of said fund shall take such action as may be required, on the effective date of this Act, to transfer to the trustees of the fund under the system hereby created such moneys and assets.

(2) From the net proceeds of the point eighty-five (.85) percent excise or license tax which may be imposed by ordinance of the city upon those casualty insurance companies to the extent and as described and permitted in F.S. § 185.08.

(3) Effective October 1, 2005, from a contribution of five and one-half (5.5) percent of the salary of each member, which shall be deducted by the city from each salary payment to the member and paid over to the board. Effective October 1, 1993, the contributions made by each member to the fund shall be designated as city contributions in accordance with Section 414(h) of the Internal Revenue Code, and shall be excluded from the members' gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered member contributions. In addition, the city shall make a contribution of one percent of salary of each member which shall be paid over to the board.

(4) From the funds of the St. Augustine Police Benevolent Association. At such time as Article VI hereof, shall become operative and from time to time thereafter, there shall be transferred from the funds of the St. Augustine Police Benevolent Association such amounts as shall be agreed upon by the officers of said association and the board.

(5) From all gifts, bequests and devises when donated for the fund.

(6) From accretions to the fund by way of interest on bank deposits or otherwise.

(7) From all other sources of income now or hereafter authorized by law for the augmentation of such fund.

(8) The city shall contribute to the plan annually an amount which together with the contributions from police officers, the amount derived from the premium tax provided in F.S. § 185.08, and other income sources will be sufficient to meet the normal cost of the plan and to fund the actuarial deficiency over a period of not longer than forty (40) years. The city contributions shall be deposited on at least a quarterly basis. If the required city contributions for any plan year should exceed five (5) percent of the combined salaries of contributing plan members, the cost of living adjustment provided in Section 20-232(10) shall not be accrued until the required city contribution for a subsequent plan year equals five (5) percent or less.

(9) The cost shall be determined by an actuarial valuation of the retirement plan which must be made at least every three (3) years commencing from the last actuarial report of the plan pursuant to F.S. § 185.35, as amended. Such valuation shall be prepared by an enrolled actuary.

Sec. 20-223. Board of trustees.

(1) In the municipality of St. Augustine, Florida, there is hereby created a Board of Trustees of the St. Augustine Police Officers' Retirement Trust Fund, which shall be solely responsible for administering the trust fund. Effective as of the effective date of this Act, and thereafter, the board of trustees shall consist of five (5) members, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of St. Augustine, Florida, who shall be appointed by the St. Augustine City Commission, and two (2) of whom shall be police officers as defined in F.S. § 185.02(1), who shall be elected by a majority of the police officers who are members of such plan. The fifth member shall be chosen by a majority of the previous four (4) members, and such person's name shall be submitted to the St. Augustine City Commission. Upon receipt of the fifth person's name, said city commission shall, as a ministerial duty, appoint such person to the board of trustees as its member. The fifth member shall have the same rights as each of the other four (4) members appointed or elected as herein provided and may succeed himself in office. Each resident member shall serve as trustee for a period of two (2) years, unless sooner replaced by the city commission at whose pleasure he shall serve, and may succeed himself as a trustee. However, the terms of the mayor, or corresponding chief executive officer of the municipality, and the chief of the police department as members of the board of trustees as provided in Laws of Fla. (1953) ch. 28230, as amended, together with any city manager and member of the City Commission of St. Augustine, Florida, as members of the board of trustees shall terminate on the effective date of this Act. Each police officer member shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the municipality as a police officer, whereupon the City Commission of St. Augustine, Florida, shall choose his successor in the same manner as an original appointment. Each police officer may succeed himself in office. The board of trustees shall meet at least quarterly each year. Each board of trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.

(2) The trustees shall by majority vote elect from its members a chairman and a secretary. The board of trustees may by majority vote also elect from its members a vice chairman. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

The elected trustees shall be elected by the members of the system at an election held in the following manner:

(a) By per capita vote of all the members at a meeting of which all members shall be notified in person or by mail five (5) days in advance. Elected trustees shall begin their term of office on the first Monday after election to said office. An election shall be compulsory every year.

(b) The first election of the elected trustees shall be held within thirty (30) days after the effective date of this Act. The members of the board of trustees other than the elected trustees shall appoint the judges and clerks for the election of

the elected trustees, and shall establish such rules and procedures as may be necessary to conduct the election in an orderly and equitable manner.

The time for said election shall be set by the two (2) trustees first appointed to the board and thereafter said election shall be held on that date each year, or such date as may be designated by the board. The votes shall be counted immediately following the election and the member receiving the greatest number of votes shall be declared elected.

(3) If a vacancy occurs in an elective office of trustee, the vacancy shall be filled within thirty (30) days after the date of the vacancy for the unexpired term in the same manner as the office was previously filled.

(4) Each trustee shall, within ten (10) days after his appointment or election, take an oath of office before the city chief accountant or a notary public, that so far as it devolves upon him he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to this system. Such oath shall be subscribed to by the trustee making it and certified by the said city chief accountant or notary public and retained as a permanent record in the files of the board.

(5) In addition to its quarterly meetings, the board shall hold special meetings at any time requested by the chairman or any three (3) trustees. The chairman shall designate the time and place of each meeting by written notice to the trustees and members, such notice to be delivered or placed in the mail to said trustees and members at least twenty-four (24) hours prior to the convening of said meeting. All meetings of the board shall be open to the members of the system and to the public.

(6) Three (3) trustees shall constitute a quorum at any meeting of the board. Each trustee shall be entitled to one vote in the meetings of the board. At least three (3) concurring votes shall be necessary for a decision by the board. The board shall have the right to dismiss any elected trustee if, after hearing before the members of the system, it is found that the said trustee has failed to comply with any of the stipulations of Article VI hereof, involving moral turpitude as defined by Florida Law.

(7) The board of trustees, subject to the limitations of this Act and within the standards and purposes of this Act, shall make such rules and regulations as are necessary for the effective administration of the system and fund created by this Act and for transaction of its business. The board shall keep records of all its proceedings and such records on each member as it may deem necessary and proper in its administration of this Act. Said board shall make investigations concerning the enforcement and effect of this Act and its adopted rules and regulations. It shall make an annual report to the members of the system which shall include a financial report of the receipts, disbursements, assets, and liabilities of the fund.

(8) The board shall engage such actuarial, legal, or other services as shall be required to transact the business of the fund. The compensation of all persons engaged by the board and all expenses necessary for the operation of the system shall be paid by said system at such rates and in such amounts as the board shall agree.

(9) The secretary of the board shall execute bonds in such amounts as may from time to time be fixed by the board for the faithful performance of his duties. The board shall establish a system of accounting, and do all things, take all actions, and make all rules and regulations, not inconsistent with the provisions of this Act, that it

deems necessary and proper to safeguard the funds placed in its custody and to carry out the provisions of this Act.

(10) The secretary of the board shall be the custodian of all records maintained by the board. The secretary shall permit inspection of all records held in his custody by any trustee or member of the system. The secretary shall keep a record of all persons receiving retirement payments under this system, in which it shall be noted the time when the pension begins and when the pension shall cease to be paid. In this record, the secretary shall keep a list of all police officers employed by the City, including the name, address, and dates of employment of each police officer.

(11) In the absence of the chairman of the board at any meeting of the trustees the vice chairman shall serve as chairman and in the absence of both the chairman and the vice chairman at any meeting of the trustees, the secretary shall serve as chairman.

(12) At least once every three (3) years, the board of trustees, shall retain an independent consultant professional qualified to evaluate the performance of professional money managers. The independent consultant shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the board of trustees at its next regularly scheduled meeting. The date, time, place, and subject of this meeting shall be advertised in a newspaper of general circulation in the municipality at least ten (10) days prior to the date of the hearing.

(13) In connection with the administration of the fund the board of trustees is authorized and empowered to institute proceedings in court and be sued, in the name of the system.

Sec. 20-224. City attorney to represent board of trustees.

The city attorney shall give advice to said board of trustees in all matters pertaining to their duties in the administration of said municipal police officers' retirement trust fund whenever requested; and he or she shall represent and defend said board as its attorney in all suits and actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board; provided, however, that if the board of trustees so elects, it may employ independent legal counsel at the pension fund's expense for the purposes contained herein, together with such other professional, technical, or other advisers as the board deems necessary.

Sec. 20-225. Management of the funds.

(1) The board is solely responsible for administering the trust, and shall be responsible for investing the assets of the system in accordance with this section. The board shall exercise its duties with respect to the system for the exclusive purpose of providing benefits to members and their beneficiaries and defraying the reasonable expenses of administering the system. The board shall exercise its investment authority with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and like aims, and by diversifying the investments of the system so as to reduce the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the

securities and investments in which any of the assets of the system have been invested, as well as the proceeds of such investments and any moneys belonging to the fund, in accordance with this section. The board may employ outside investment counsel to advise the board in the making and disposition of investments.

(2) The board shall adopt and periodically update a written investment policy in accordance with Section 112.661, Florida Statutes, incorporating the following requirements for specific investments:

(a) The board may invest in money market instruments, stocks, corporate bonds, bonds, or other obligations of the United States of America, either directly or through pooled or commingled funds.

(b) The board may make direct investment in bonds, notes, or obligations of any municipality or political subdivision or any agency or authority of the State of Florida, if the obligations are rated investment grade by at least one nationally recognized rating organization.

(c) The board may invest up to twenty-five (25) percent at cost basis, of its assets in real estate only through participation in commingled funds or insurance company group annuity separate accounts holding diversified real properties. Insurance companies must be licensed to do business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein.

(d) The board may invest up to fifteen (15) percent of its assets in mortgage loan securities secured by real property only through participation in commingled funds or insurance company separate accounts holding diversified mortgage securities. Insurance companies must be licensed to do business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein. Mortgage securities of commingled funds must be issued by an agency of or enterprise sponsored by the United States Government, including, but not limited to, the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

(e) The board may invest up to five (5) percent of its assets in stock and corporate bonds of any one (1) issuing company either directly or through pooled or commingled funds.

(f) The aggregate investment in stock either directly or through pooled or commingled funds shall not exceed seventy (70) percent (at cost) of the assets of the fund.

(g) The average credit quality of the fixed income portfolio shall be rated "A" or higher. No more than 15% of the fixed income portfolio may be rated lower than "BBB". The duration of the fixed income portfolio shall remain within 35% of the duration of a market index selected by the board. If there is no index selected, the default index shall be the Lehman Aggregate Bond Index.

(h) The board may invest up to twenty-five percent (25%) of the assets of the fund, in corporate obligations and/or securities of a foreign corporation or a foreign commercial entity that are not subject to United States securities laws. United States dollar-denominated securities listed and traded on a United States exchange would not be included in this limitation.

(3) The board shall deposit the funds and securities of the city police officers' retirement trust fund in a qualified public depository as defined in section 280.02(26), Florida Statutes, which depository with regard to such funds and securities shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes.

(4) The board may issue drafts upon the city police officers' retirement trust fund pursuant to Article VI hereof, and rules and regulations prescribed by the board. All such drafts shall be consecutively numbered, be signed by the chairman and secretary and state upon their faces the purposes for which the drafts are drawn. The city director of financial services shall retain such drafts when paid, as permanent vouchers for disbursements made, and no other money shall otherwise be drawn from the fund.

(5) No trustee shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save insofar as such trustee may be a member or beneficiary of the system. No trustee shall in any manner, directly or indirectly, for himself or as an agent, use the funds or deposits of the system except to make such payments therefrom as are authorized by the board, nor shall any member of the board become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the fund.

(6) The board shall have the right to purchase an individual annuity from an insurance company, when a member becomes eligible for service retirement, in an amount sufficient to pay the retired member his earned monthly pension of retirement.

(7) Notwithstanding any provision of this section to the contrary, the Board shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in section 215.473, Florida Statutes, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in that company beginning January 1, 2010. The divestiture of any such security must be completed by September 30, 2010. The Board and its named officers or investment advisors may not be deemed to have breached their fiduciary duty in any action taken to dispose of any such security, and the board shall have satisfactorily discharged the fiduciary duties of loyalty, prudence, and sole and exclusive benefit to the members of the pension fund and their beneficiaries if the actions it takes are consistent with the duties imposed by section 215.473, Florida Statutes, and the manner of the disposition, if any, is reasonable as to the means chosen. For the purposes of effecting compliance with that section, the pension fund shall designate terror-free plans that allocate their funds among securities not subject to divestiture. No person may bring any civil, criminal, or administrative action against the board of trustees or any employee, officer, director, or advisor of such pension fund based upon the divestiture of any security pursuant to this paragraph.

Sec. 20-226. Participation in the system.

(1) All full-time police officers employed by the City of St. Augustine shall be members of this system.

(2) The membership of any police officer in this system shall cease upon the payment from the fund of his accumulated contributions.

(3) The contributions required of a member under this Act shall cease upon service retirement, disability retirement, death or other termination of employment, except as hereinafter provided.

(4) Should a member be involuntarily laid off, suspended, or discharged, or voluntarily terminate his employment as a police officer with the city and withdraw his accumulated contributions from the fund, he shall, for the purposes of this Act, be deemed to be a new employee as of his date of reinstatement or reemployment and his creditable service shall commence as of such date. Provided that in the event that such member's accumulated contributions are left in the fund and he is reinstated or reemployed within five years of the termination of his last period of employment the police officer may have his creditable service credit restored for membership under the system during his last period of employment; provided however that if said member shall not reenter employment by the end of five years following his involuntary layoff, suspension, discharge or termination his accumulated contribution shall be paid to him and he shall thereafter receive no creditable service credit for such prior employment.

(5) Reserved.

(6) Members entitled to a service retirement pension under this system shall not forfeit the same upon dismissal as a police officer, but shall be retired as hereinafter provided.

Sec. 20-227. Contributions to the fund.

(1) Effective October 1, 2005, each member shall contribute to the Fund for each pay period at the rate of five and one-half (5.5) percent of salary. The city shall deduct such contribution from the salary of each member for every payroll period and shall immediate pay said contribution to the board. Effective March 1, 2000, each member may be required to contribute to the fund an amount up to an additional three percent (3%) of salary (above the five and one-half (5.5) percent of salary amount specified above, for the period necessary to meet plan contribution requirements. However, before there is any increase in the member contribution rate, the prefunded future cost of living adjustment provided in Section 20-232(10) shall be reduced in whole or part for members who have not retired prior to the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. In the event the additional member contributions specified in this subsection are not sufficient to meet the minimum contribution requirements for the plan, then future cost of living adjustments will be reduced in whole or part for those members who retire on or after March 1, 2000 and are retired at the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. Once the suspension of cost of living adjustments is no longer necessary to meet minimum plan funding requirements, such adjustments will be restored in reverse order of their suspension. No member shall have any entitlement to cost of living adjustments that are suspended pursuant to this agreement. In the event that shortfalls in funding still exist after the above contribution increases and benefit

adjustments are implemented, additional future benefits will be reduced to meet plan funding requirements.

Sec. 20-228. Service retirement.

(1) Each member may become eligible for service retirement on his normal service retirement date, which shall be the first day of the calendar month next following the date on which said member shall have either completed ten (10) years of creditable service and attained at least his fifty-fifth birthday or completed twenty-five (25) years of creditable service and attained at least his fifty-second birthday; provided, however, should such member continue employment beyond his normal service requirement date, such member may retire on the first day of any calendar month thereafter, which date shall be the delayed service retirement date. For members who retire or terminate city employment on or after October 1, 2004, the normal service retirement date shall be upon attaining twenty-five (25) years of creditable service, regardless of age. Effective March 1, 2000, a member who terminates city employment with more than ten (10) but less than twenty-five (25) years of creditable service shall be eligible for a normal service retirement benefit upon reaching age 55.

(2) Each member who shall become eligible for service retirement as hereinabove provided shall receive a monthly pension which shall commence on his normal service retirement date or delayed service retirement date, and except as provided in section 20-229, shall continue to be paid each month thereafter to the member or his beneficiary for ten (10) years and to the member for his remaining lifetime thereafter. The amount of such monthly pension shall be the accrued benefit as of his date of retirement.

(3) From a contribution of four (4) percent of the salary of each member, which shall be deducted by the city from each salary payment to the member and paid over to the board. Effective October 1, 1993, the contributions made by each member to the fund, including installment payments deducted from a member's salary to purchase additional creditable service pursuant to Section 20-221(8)(b) and (c), shall be designated as city contributions in accordance with Section 414(h) of the Internal Revenue Code, and shall be excluded from the member's gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered member contributions. In addition, the city shall make a contribution of one (1) percent of the salary of each member which shall be paid over to the board. Effective March 1, 2000 the city shall make a total contribution of two and one-half (2.5) percent of the salary of each member which shall be paid over to the board.

(4) If a member recovers from disability and reenters the service of the city as a police officer his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the city will not be considered as credited service for the purposes of the plan.

(5) For members who retire from active employment and begin receiving benefits prior to March 1, 2000 a temporary supplemental retirement allowance shall be paid the retirant if his date of retirement precedes his sixty-fifth birth date. The amount of temporary supplemental retirement allowance shall be equal to the retirant's

credited service, multiplied by one-half of one (0.50) percent of his average final compensation. The temporary supplemental retirement allowance terminates upon the retirant's attainment of age sixty-five (65) years or his prior death.

(6) A member who terminates employment on or after March 1, 2000 may elect one of the following early retirement options based on age and years of creditable service at retirement:

(a) A member with at least 10 years of creditable service who has reached age 50 may retire with an early retirement benefit equal to 2.0% of average final compensation multiplied by years of creditable service, with a reduction of three percent (3%) for each year by which the member's age at early retirement precedes the normal service retirement date.

(7) A member with ten (10) or more years of creditable service who terminates employment on or after October 1, 2005 shall earn a retirement benefit equal to three percent (3%) of average final salary for each year of creditable service worked after October 1, 2005. Notwithstanding any provision of this section to the contrary, the three percent (3%) multiplier shall also apply to creditable service earned by such members prior to October 1, 2005, as follows:

(a) For members with less than twenty (20) years of creditable service on October 1, 2005, the three percent (3%) multiplier shall apply to two (2) years of creditable service earned prior to October 1, 2005 for each one (1) year of creditable service worked after October 1, 2005, up to the member's total number of years of creditable service or the maximum number of years of creditable service, if any, allowed by the Plan, whichever is less.

(b) For members with twenty (20) or more years of creditable service on October 1, 2005, the three percent (3%) multiplier shall apply to four (4) years of creditable service earned prior to October 1, 2005 for each of the first two years of creditable service worked after October 1, 2005; and the three percent (3%) multiplier shall apply to two (2) years of creditable service earned prior to October 1, 2005 for each year worked thereafter, up to the member's total number of years of creditable service or the maximum number of years of creditable service, if any, allowed by the Plan, whichever is less.

(8) Distribution of a member's benefit under this Plan must commence no later than April 1 of the calendar year following the later of the calendar year during which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment with the Employer.

Sec. 20-229. Optional modes of pension.

(1) Each member shall have the right at any time at least two (2) years prior to actual retirement to elect to have his pension payable under any one of the options set forth in this section in lieu of the pension otherwise payable to him upon service retirement under any of the provisions of this Act. The amount of any such optional pension shall be the actuarial equivalent of the amount of such pension otherwise payable to him. The member shall make such an election by written request to the board and this election shall be subject to the approval of the board.

Option A. Straight life option: A member may elect to receive an increased pension with such pension payments terminating immediately upon the death of the member.

Option B. Joint and last survivor option: A member may elect to receive a modified pension payable to the member during the joint lifetime of the member and a joint pensioner designated by the member, and following the death of either of them, one hundred (100) percent, sixty-six and two-thirds (66⅔) percent or fifty (50) percent of such monthly amount payable to the survivor for the lifetime of the survivor.

Option C. Such other amount and form of retirement payments of benefit as, in the opinion of the board of trustees, will best meet the circumstances of the retiring member.

(2) The election by a member of any one of the options stated in this section 20-229 shall be null and void if the member dies prior to retirement; provided, however, that Option A and Option B above shall not be voided in event a member continues in employment subsequent to becoming eligible for service retirement and dies prior to actual retirement. The election by a member of Option B above shall be null and void if the person designated to receive last survivor benefits by the member dies before the member's actual retirement.

(3) A member who has elected any one of the options stated in this section 20-229 may, at any time within the period provided for such election, revoke any election by written notification to the board.

(4) This subsection (4) applies to distributions made on or after January 1, 1993. Notwithstanding any provision to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(a) For a member eligible for service retirement who elects to receive a single-sum payment or equal installments over a period of less than ten (10) years, an "eligible rollover distribution" is that portion of the single sum or installment that represents city contributions under Section 414(h) of the Internal Revenue Code, to the extent that it exceeds the required minimum distribution, if applicable, under Section 401(a)(9) of the Internal Revenue Code.

(b) For a member or surviving spouse who receives a refund of accumulated contributions under section 20-231(4) hereof, an "eligible rollover contribution" is that portion of the accumulated contributions that represents the city contributions under Section 414(h) of the Internal Revenue Code.

(c) An "eligible retirement plan" is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Section 403(a) of the Code, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(d) A "distributee" includes a member or former member, or a member's or former member's, surviving spouse.

(e) A "direct rollover" is a payment by the system to the eligible retirement plan specified by the distributee.

(5) If a member elects an option with a joint pensioner and the member's retirement benefits have commenced, the member may thereafter change the designated joint pensioner up to two times. The consent of a member's joint pensioner or of the board of trustees to any such change shall not be required. The amount of the retirement income payable to the member upon designation of a new joint pensioner shall be actuarially redetermined by the application of actuarial tables and calculations to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit and that there is no impact to the plan. Each such designation will be made in writing on a form prepared by the board of trustees and on completion will be filed with the board of trustees. In the event that no joint pensioner survives the member, such benefits as are payable in the event of the death of the member subsequent to his or her retirement shall be paid to the member's estate.

Sec. 20-230. Disability retirement.

(1) A police officer will be considered totally disabled if, in the opinion of the board of trustees, he is wholly prevented from rendering useful and efficient service as a police officer. A member may become eligible for disability retirement on his disability retirement date provided such eligibility is approved by resolution of the board. Such member may retire from the service of the city under the plan if he becomes totally and permanently disabled as defined in F.S. § 185.18(2), by reason of any cause other than a cause set out in F.S. § 185.18(3), on or after the effective date of the plan. Such retirement shall herein be referred to as disability retirement.

(2) The benefit payable to a police officer who retires from the service of the city with a total and permanent disability as a result of a disability commencing prior to his normal retirement date is the monthly income payable for ten (10) years certain and life for which, if the police officer's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than forty-two (42) percent of his average monthly compensation as of his disability retirement date. If the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than twenty-five (25) percent of his average monthly compensation as of his disability retirement date.

(3) The monthly retirement income to which a police officer is entitled in the event of his disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement (the "disability retirement date"), and any portion due for a partial month shall be paid together with the first payment.

(4) Upon termination of a member's monthly disability pension because of recovery from such disability, and provided he reenters active employment as a police officer one year after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions to the fund. In such event the

member's creditable service credit for service as a police officer prior to his disability retirement shall be restored but he shall not receive creditable service credit for the period of his disability, nor for any periods for which he did not make regular contributions. Should the member fail to reenter active employment as a police officer within one year after recovery from disability his membership under this system shall terminate.

(5) Once each year following the disability retirement of a member who is receiving a monthly disability pension, the board may require such member to undergo a medical examination conducted by a duly qualified physician appointed by the board. Following such medical examination, the board may determine whether the member is capable of performing useful and efficient service as a police officer [and if he is,] the board shall order his disability pension discontinued. Should the member refuse to submit to any medical examination required by the board, his monthly disability pension shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability pension shall cease and his membership under the system shall thereupon terminate.

(6) No member shall be eligible for disability retirement whose disability was incurred while committing a felony.

(7) Disability in the line of duty. Any condition or impairment of health of any and all police officers employed in the city caused by hypertension, heart disease, hardening of the arteries, or any condition set forth in section 112.181, Florida Statutes, resulting in total or partial disability or death shall be presumed to be accidental and suffered in the line of duty unless the contrary be shown by competent evidence. Any condition or impairment of health caused directly or proximately by exposure, which exposure occurred in the active performance of duty at some definite time or place without willful negligence on the part of the police officer, resulting in total or partial disability, shall be presumed to be accidental and suffered in the line of duty; provided however, that such police officer shall have successfully passed a physical examination upon entering such service, which physical examination including electrocardiogram failed to reveal any evidence of such condition; provided further, that such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance. This section shall be applicable to all police officers employed in the city only with reference to pension and retirement benefits under this system.

Sec. 20-231. Benefits upon death or termination.

(1) Each member shall name a beneficiary to receive any benefits payable upon the member's death, such designation to be made on a form provided by the board. A member may change his designation of the beneficiary from time to time in the same manner.

(2) In event a member who has elected Option B under section 20-229 dies subsequent to his normal service retirement date but while still employed as a police officer, in lieu of any other benefit payable hereunder by reason of death, there shall be payable to his beneficiary the same monthly pension that would otherwise have been payable under Option B if the member had retired on his normal service retirement date.

(3) Should a member's death occur prior to his normal service retirement date, or after his normal service retirement date and before reaching his delayed service retirement death, unless such death occurs following disability retirement as provided in section 20-230, there shall be paid to his beneficiary a monthly pension which shall commence on the first day of the calendar month next following the death of the member and shall continue to be paid each month thereafter for a period equal to the lesser of one hundred twenty (120) months or the life expectancy of the beneficiary. The amount of such monthly pension shall be the accrued benefit of the member as of the date of death. In the event of the member's death following disability retirement, the provisions of section 20-230 shall be operative.

(4) If the employment of any member who has not completed ten (10) years of creditable service is terminated other than by service retirement or death, such member shall be entitled to a refund of one hundred (100) percent of his accumulated contribution made to the fund without interest. Any such terminated member may leave his accumulated contributions in the fund for a period not exceeding five (5) years pending reemployment, and upon reemployment as a police officer within said five (5) years, all creditable service credit under the system for his last period of employment shall be restored. Any such member who fails to be reemployed as a police officer within five (5) years shall be refunded one hundred percent of his contributions to the fund, without interest, and all prior creditable service credit shall be forfeited should he be reemployed at a later date. Upon payment of the accumulated contributions as herein provided, the membership of such terminated member shall thereupon cease and no further benefits shall be payable under the system. That portion of a terminated member's benefit that is not vested shall be forfeited and used only to reduce future costs of the system.

(5) Any other provision of the Act notwithstanding any member who has completed ten (10) years of creditable service at such time as employment as a police officer is terminated shall be entitled to a monthly pension, provided such member shall not withdraw his accumulated contributions. Such monthly pension shall commence on the first day of any calendar month coinciding with or following the member's otherwise early or normal service retirement date and shall continue to be paid each month thereafter as though the member had retired under the provisions of section 20-228 of this Act. Benefits shall be distributed or shall commence to the member not later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment, and shall be paid:

(a) Over the lifetime of the member or the lifetimes of the member and beneficiary; or

(b) Over a period not exceeding the joint life expectancy of the member and beneficiary.

(6) Notwithstanding the provisions of this section, a retiree may change his or her designation of beneficiary up to two times without the approval of the Board or the current beneficiary.

(7) If a member dies on or after January 1, 2007 while performing Qualified Military Service as defined by USERRA, the member's beneficiaries shall be entitled to any

benefits the member would have been entitled to had he or she resumed employment and then died while employed.

Sec. 20-232. Miscellaneous.

(1) The authority having the power to hire the services of a police officer shall prepare such records and from time to time shall furnish such information concerning a member as the board may require in the discharge of its duties. Upon the employment of a police officer, the authority shall inform the police officer of his duties and obligations in connection with the system as a condition of employment.

(2) Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, than on discovery of any such error the board shall correct the same and as far as practicable shall adjust the payments in such manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

(3) All pensions and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions and cash securities in the funds created under this Act, are hereby exempted from any state, county or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatever, nor shall any assignment thereof be enforceable in any court.

(4) All provisions of any ordinance of the City inconsistent with the provisions of Article VI hereof, are hereby repealed to the extent of such inconsistencies.

(5) If this Act shall later be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.

(6) In the event of a complete discontinuance of contributions to the fund or upon termination of the system, the interest of each member in the system to the extent then funded shall become one hundred (100) percent nonforfeitable, and the assets of the system shall be apportioned and distributed in accordance with the provisions of F.S. § 185.37, as amended.

(7) If any clause, section or provision of this Act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Act, and the remaining portion of said Act shall be in force and effect, and shall be as valid as if such invalid portion had not been incorporated.

(8) Vested rights which may exist on the effective date of this Act in favor of any member of the existing retirement system under F.S. ch. 185 shall not be impaired; provided, that any person who may claim that the abolishment of the retirement system under said F.S. ch. 185 violates a claimed vested right thereunder, shall, within one year of the effective date of this Act, notify the board in writing of such claim. Upon receipt of such claim the board shall, without delay, in an appropriate proceeding and forum, obtain a judicial construction with respect to the question of such claim of violated vested rights. Should the final judgment or decree in said proceeding sustain the claim of any such person, the board shall conform its

administration of the fund in relation to such person to meet with the requirements of any such decree or judgment.

(9) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall be guilty of a misdemeanor of the first degree and be subject to punishment as provided by law.

(10) The board of trustees is hereby authorized to grant periodic cost-of-living adjustments to benefits payable to all retired members, including members who are participating in the deferred retirement option program in accordance with section 20-233, during the continuation of benefits being payable under this plan; however, such adjustment shall not be made more frequently than on an annual basis. The conditions for granting such adjustments are as follows:

(a) The granting of same is actuarially sound and will not substantially affect the financial stability of the plan and will not require additional funding of the plan from any city funds from any source apart from funds received as tax levy proceeds authorized by F.S. ch. 185.08.

(b) The board shall formally approve the adjustments based on data contained in the current actuarial evaluation.

(c) The adjustment shall be divided into a "prefunded" component and an "ad hoc" component such that, once approved and for the purpose of the actuarial evaluations, the prefunded percentage increase will be assumed to be repeated on an annual basis for future years and the ad hoc increase will not be assumed to be repeated on an annual basis for future years. Future actuarial evaluations may determine that a modification to the assumed future prefunded increases will be necessary.

(d) Prefunded adjustments shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date, but excluding any temporary supplemental retirement allowances paid according to section 20-228(5). The average cost-of-living index, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor relative to the United States as a whole, shall be consideration for such adjustments. However, in no event shall the percentage for the prefunded component of the annual cost-of-living adjustment exceed two (2) percent for any annual adjustment date, nor shall any retiree's benefit be reduced below any benefit being received on March 1, 2000.

(e) The ad hoc component of the cost-of-living adjustment may be granted only when surplus funds are available within the plan and only if all other provisions of this section are satisfied. This portion of the adjustment shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date but excluding any temporary supplemental and retirement allowances paid according to section 20-228(5). The sum of the prefunded and ad hoc portions of the adjustment shall not exceed either three (3) percent or the average cost-of-living index as determined by the Bureau of Labor Statistics of the U.S. Department of Labor, relative to the United States as a whole, whichever is the lesser amount.

(f) Notwithstanding the foregoing provisions of Subsection (10), paragraphs (a) through (e), members who retire before March 1, 2000 shall receive an annual cost of living adjustment of up to three (3) percent. Up to two (2) percent of this cost of living adjustment will be part of the fixed benefit structure of the plan. The remaining amount (up to one percent annually) will be granted pursuant to the "ad hoc" adjustment provisions of this subsection. Members who retire on or after March 1, 2000 will be eligible for a cost of living adjustment in accordance with the foregoing provisions of Subsection (10), paragraphs (a) through (e). Cost of living adjustments may be adjusted in accordance with Section 20-227(1).

(11) Maximum benefit limitation.

(a) The maximum annual benefit payable under the system shall be limited to ninety-thousand dollars ($90,000.00) subject to adjustment for increases in the cost of living in accordance with the following sentence. As of the first day of January of each calendar year, the maximum dollar limitation shall be adjusted automatically to an amount determined by the Commissioner of the Internal Revenue Service effective for that calendar year and shall apply only to that calendar year.

Retirees in payment status whose benefits were limited in any year by the application of this limitation shall have their benefits adjusted automatically in subsequent years to take into account the then current dollar limit.

(b) In the event a member has earned a benefit, which during a previous limitation year has met all the requirements of Section 415 of the Internal Revenue Code ("Code"), and if the member's accrued benefit exceeds the limitation of Section 415 of the Code or the current limitation year, the member's maximum annual benefit, as described in subsection (a) of this section, shall not be less than the accrued benefit allowable under such previous limitation year.

(c) If the retirement benefit is payable in a form other than a straight-life annuity or a joint-and-survivor annuity with the spouse as joint annuitant, the annual benefit limitation in any year shall be the actuarial equivalent (as defined in subsection (f) of this section) of the maximum annual benefit for that year (payable in the form of a straight-life annuity), as described above.

(d) In the event payment of a retirement benefit under the system to a member commences prior to the date he (she) attains age sixty-two (62), the maximum annual benefit limitation shall be adjusted to be not more than the actuarial equivalent (as defined in subsection (f) of this section) of the then current dollar limit assumed to commence at age sixty-two (62) for the purpose of applying the benefit limit described in subsection (a) of this section. For a "qualified participant" as defined in Internal Revenue Code Section 415(b)(2)(H), this paragraph shall not apply.

For years subsequent to the payment commencement year, benefits payable shall be limited to the actuarial equivalent (as defined in subsection (f) of this section), determined as of the benefit commencement date, of the subsequent year's dollar limit assumed to commence at age sixty-two (62) (or the then current age if greater).

Adjustments described in this subsection (d) shall not reduce the maximum annual benefit below seventy-five thousand dollars ($75,000.00), if the retirement benefit commences on or after attainment of age 55, or if the benefit commences before age 55, the actuarial equivalent of the $75,000 limitation for age 55.

(e) In the event payment of a retirement benefit under the system to a member commences after the date he (she) attains age 65, the maximum benefit limitation shall be adjusted to be not more than the actuarial equivalent (as defined in subsection (f) of this section) of the then current dollar limit commencing at age 65 for the purpose of applying the benefit limit described in subsection (a) of this section.

For years subsequent to the payment commencement year, benefits payable shall be limited to the actuarial equivalent, determined as of the benefit commencement date, of the subsequent year's dollar limit assumed to commence at age 65.

(f) For the purpose of adjusting benefits in accordance with this section, actuarial equivalent shall be determined using the 1983 Group Annuity Mortality Table and an interest rate of five (5) percent for adjustments under subsections (c), (d) and (e) of this section. For adjustment under subsections (c), (d) and (e), no cost-of-living adjustment shall be taken into account before the year for which such adjustment first takes effect.

(g) If a retirement benefit is payable to a member who has less than ten (10) years of participation in the system, the limitation described in subsection (a) of this section shall be multiplied by a fraction, the numerator of which is the member's years of participation and the denominator of which is ten (10).

(h) If the city maintains a tax-qualified, defined contribution plan covering the same member, the total of such member's "defined contribution fraction" and his (her) "defined benefit fraction" (both as defined in Section 415 of the Code) at the end of any limitation year shall not exceed one (1.0). If as reduction in a member's benefits is required so that the sum of the two (2) fractions described above will not exceed one (1.0) the numerator of the "defined benefit fraction" shall be adjusted downward sufficiently to insure that the two-plan limitation described above is not exceeded. This limitation shall not be applicable to plan years beginning on and after January 1, 2000.

(i) Adjustments described in subsections (b) and (d) of this section 20-232(11) shall not apply to (i) income received as a pension, annuity or similar allowance as a result of personal injuries or sickness or (ii) amounts received as a result of an employee's death by the employee's beneficiaries, survivors or estate.

Sec. 20-233. Deferred retirement option program for police officers (DROP).

(1) A deferred retirement option plan ("DROP") is hereby established for eligible police officers, effective October 1, 2004.

(2) Eligibility and participation:

(a) A police officer who is actively employed by the city and reaches the normal service retirement date shall be eligible to participate in the DROP.

(b) A member's election to participate in the DROP shall be irrevocable

(c) An eligible member may participate in the DROP for a maximum of sixty (60) months from the date the DROP plan takes effect (if the member is eligible at that time), or for a maximum of sixty (60) months from the date the member reaches his or her earliest normal service retirement date, whichever occurs first. An eligible member may elect to participate in the DROP with thirty (30) days advance written notice to the city. An eligible member may defer entry into DROP beyond the date the member is first eligible to enter the DROP. If a member defers entry into the DROP, the maximum DROP period will be reduced for each month of deferred entry. In no event will the maximum DROP period be extended beyond sixty (60) months from the date the member is first eligible to participate. Example: A member is eligible to participate in DROP for a maximum sixty (60) months from the date the member is first eligible to participate; however, if the member defers entry into the DROP for twelve months after reaching the earliest normal service retirement age (or if the member has already reached the earliest normal service retirement age at the time the DROP takes effect, twelve months after that date), the member will be able to participate in the DROP for a maximum of forty-eight (48) months. Notwithstanding any provision to the contrary, any member who completes twenty-five (25) years of service before age fifty-two (52) may defer entry into the DROP until age 52, with no reduction in the DROP period. A member who elects to participate in the DROP can elect to terminate DROP participation and city employment sooner than the maximum DROP period, with thirty (30) days advance written notice to the city.

(3) DROP plan features:

(a) An eligible member who elects to participate in the DROP will be considered to have retired for purposes of the pension plan. The member's monthly retirement benefit, determined in accordance with the plan based on years of creditable service and average final compensation at the time the member enters the DROP, will be paid into his or her DROP account every month during the DROP period. No member or city contributions shall be required after a member enters the DROP, and the member will not accrue any additional creditable service or any additional benefits under the pension plan after entering the DROP.

(b) A member who elects to participate in the DROP shall not be eligible for disability or preretirement death benefits under the pension plan.

(c) As a condition of participating in the DROP, the member must agree to resign from city employment at the conclusion of the DROP period and must submit an irrevocable letter of resignation prior to entering the DROP.

(d) Participation in the DROP is not a guarantee of employment, and DROP participants will be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

(e) The member's DROP account will earn interest at an annual rate of six and one-half percent (6.5%) compounded monthly.

(f) Within thirty (30) days following a DROP participant's termination of city employment or death, the member's entire DROP account balance shall be distributed to the member [or in the event of the member's death, to the member's designated beneficiary or estate in accordance with paragraph (g) below] in a cash lump sum, unless the member elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover. Any such direct rollover will be accomplished in accordance with section 20-229(4) of the pension plan.

(g) If a DROP participant dies before his or her DROP account is distributed, the participant's designated beneficiary shall have the same rights as the participant with respect to the distribution of the DROP account. If the member has not designated a beneficiary, the DROP account balance shall be paid to the member's estate.

(h) The pension board shall adopt any necessary rules for administering the DROP.

Sec. 20-234. Rollovers or transfers into the fund.

Effective October 1, 2004, the fund will accept member rollover cash contributions and/or direct cash rollovers of distributions for the purchase of creditable service pursuant to Section 20-221(8), as follows:

(a) *Direct transfers or member rollover contributions from other plans.* The plan will accept either a direct transfer or an eligible rollover distribution from a qualified plan described in section 401(a) of the Code, from an annuity contract described in section 403(b) of the Code, or from an eligible plan described in section 457(b) of the Code, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, as permitted under the Internal Revenue Code.

(b) *Member rollover contributions from 401(a) plans and IRAs.* The plan will accept a member rollover contribution of the portion of a distribution from a qualified plan described in section 401(a) of the Code, or from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code, that is eligible to be rolled over and would otherwise be includible in the member's gross income.

Sec. 20-235. Maximum pension benefits.

(1) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

(2) *Adjustments to basic limitation for form of benefit.* If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii) that takes into account the death benefits under the form of benefit.

(3) *Benefits not taken into account.* For purposes of this section, the following benefits shall not be taken into account in applying these limits:

(a) Any ancillary benefit which is not directly related to retirement income benefits;

(b) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1).

(4) *COLA effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(a) A member's applicable limit will be applied to the member's annual benefit in the member's first calendar year of benefit payments without regard to any automatic cost of living adjustments;

(b) Thereafter, in any subsequent calendar year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(c) In no event shall a member's benefit payable under the system in any calendar year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(5) *Other adjustments in limitations.*

(a) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(b) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (5)(a) above shall not apply.

(c) The reductions provided for in (5)(a) above shall not be applicable to disability benefits pursuant to section 20-230, or pre-retirement death benefits paid pursuant to section 20-231.

(d) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(6) *Less than ten (10) years of service.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (1) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to section 20-230, or pre-retirement death benefits paid pursuant to section 20-231.

(7) *Participation in other defined benefit plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(8) *Ten thousand dollar ($10,000) limit.* Notwithstanding the foregoing, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this section if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable plan year and for any prior plan year and the City has not any time maintained a qualified defined contribution plan in which the member participated.

(9) *Reduction of benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures to defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(10) *Service credit purchase limits.*

(a) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, if allowed by the system, then the requirements of this section will be treated as met only if:

1. The requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b); or

2. The requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

3. For purposes of applying subparagraph (10)(a)1., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph 3., and for purposes of applying subparagraph (10)(a)2. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph 3.

(b) For purposes of this subsection the term "permissive service credit" means service credit—

1. Recognized by the system for purposes of calculating a member's benefit under the plan.

2. Which such member has not received under the plan; and

3. Which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (10)(b)2., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(c) For purposes of applying the limits in this subsection (10), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a calendar year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

1. However, for calendar years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For calendar years beginning

after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

2. For limitation years beginning on and after January 1, 2007, compensation for the calendar year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the calendar year that includes the date of the employee's severance from employment if:

   a. The payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee which the employee continued in employment with the employer; or

   b. The payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

3. Back pay, within the meaning of Treasury Regulations Section 1.415(c) - 2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(d) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

1. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

2. If payment pursuant to subparagraph (10)(d)1. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution

(11) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary.

(a) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(b) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement

benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

Sec. 20-236. Share plan.

In accordance with F.S. § 185.35(6), a defined contribution plan component ("share plan") is hereby established for police officers as part of this System. The share plan will be funded exclusively with F.S. ch. 185 premium tax revenues in accordance with the default rules in F.S. § 185.35(a)—(d) as follows: all annual premium tax revenues received up to the amount collected in 2002 and distributed to the city in 2003 ($249,401) shall be used to reduce city pension contributions. Annual premium tax revenues received in excess of $249,401 shall be split 50-50, with one-half of the excess used to fund the share plan, and one-half of the excess used to reduce city pension contributions. The share plan shall not become operative until annual premium tax revenues exceed $249,401 and the details of the share plan are agreed to by the city and union.

Section 3. Referendum Proposition. That the next special election of the City of St. Augustine, Florida, shall contain the following proposition title and summary consistent with Chapter 101.161, Florida Statutes:

Proposition 1

Removing Article IX from Charter to Codify in City Code

Shall the regulations for the St. Augustine Police Officers Retirement System and St. Augustine Police Officers Retirement Fund be removed from the Charter of the City of St. Augustine, Florida and instead codified within the City of St. Augustine municipal code to facilitate future amendments?

Eliminación del Artículo IX de los Estatutos para codificarlo en el Código de la Ciudad

¿Deberían eliminarse los reglamentos del Sistema de Jubilación de Oficiales de Policía de Saint Augustine y el Fondo de Jubilación de Oficiales de Policía de Saint Augustine de los Estatutos de la Ciudad de Saint Augustine, Florida y, en su lugar, codificarse dentro del código municipal de la Ciudad de Saint Augustine para facilitar futuras enmiendas?

◯ Yes/Sí

◯ No

Section 4. Confirmation by Referendum Vote. Should the above Section not be confirmed by referendum ballot during the next special or general election, then said Section of this Ordinance shall be null and void and the corresponding Section of the City Charter shall remain as it was prior to the adoption of this Ordinance.

Section 5. Presidential Preference Primary Election May Serve as Special Election. The presidential preference primary election, scheduled for March 19, 2024, is designated as a special election for the City of St. Augustine, and this referendum proposition shall be placed on the ballot of this special election.

Section 6. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 7. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 9. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(5), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

_____
Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: October 10, 2023

RE: **ORDINANCE 2023-31: CHARTER AMENDMENT**

Currently, two of the City's pension boards and regulations are codified in our municipal code, the General Employee pension and the Firefighters' pension. The Police Officer' pension has all of its provisions in the actual City Charter. There is some colorful history regarding how this anomaly occurred, but regardless having police pension matters codified in the Charter creates additional hurdles and costs.

Under state law, changes to the Charter created boards and changes that could impact employee rights in the Charter require a full referendum by the voters of the City. For example, in the recent past we had to place on an election ballot the minor change to the term of Police Pension Board members. This is an impractical and costly method of making changes.

Both the Police Union and the Police Pension Board have been briefed on the proposed change to remove the police pension matters from the Charter and instead create a new section in our municipal code for police pension matters. No substantive changes are proposed. The process requires an ordinance change, followed by a vote by referendum on the March 2024 Presidential Preference Primary Election.

Please place Ordinance 2023-31 on the regular agenda for second reading at the October 23, 2023 City Commission meeting.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Ordinance 2023-31: Charter amendment to remove the police pension section and codify it in the municipal code.

Business Impact Estimate

Proposed ordinance's title/reference: **ORDINANCE 2023-31: AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE ARTICLE IX FROM THE CHARTER OF THE CITY OF ST. AUGUSTINE TO INSTEAD BE CODIFIED WITHIN THE CITY OF ST. AUGUSTINE MUNICIPAL CODE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of St. Augustine is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of St. Augustine hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **REMOVAL OF THE POLICE PENSION MATTER FROM THE CHARTER AND CODIFIED INTO THE CITY MUNICIPAL CODE TO ELIMINATE UNNECESSARY HURDLES AND COSTS WHEN AMENDMENTS ARE NEEDED. IT IS IN THE BEST INTEREST OF PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE TO ADOPT THIS AMENDMENT.**

[1] See Section 166.041(4)(c), Florida Statutes.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of St. Augustine, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: **NONE.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: **NONE.**

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **APPROXIMATELY $110.00 TO ADVERTISE SECOND READING IN THE LOCAL NEWSPAPER, $1,113.00 TO PLACE THE REFERENDUM QUESTION ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT, AND $395.34 TO ADVERTISE THE REFERENDUM QUESTION IN THE LOCAL NEWSPAPER.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **NONE.**

4. Additional information the governing body deems useful (if any):
BOTH THE BOARD OF TRUSTEES OF THE ST. AUGUSTINE POLICE OFFICERS' RETIREMENT TRUST FUND AND COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION, INC. HAVE BEEN BRIEFED ON AND ARE IN AGREEMENT WITH THIS CHANGE. THIS CHANGE WILL ALSO SAVE COSTS GOING FORWARD WHEN AMENDMENTS ARE NEEDED BECAUSE A REFERENDUM QUESTION WILL NOT NEED TO BE PLACED ON AN ELECTION BALLOT.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: October 10, 2023

RE: **RESOLUTION 2023-35: BROWNFIELD DESIGNATION OF WEST AUGUSTINE GATEWAY**

Enclosed please find Resolution 2023-35, designating the properties identified as Parcel ID Nos. 111225-0120, 111225-0000, 111220-0000, 111190-0000, 111130-0000, and 111110-0000 as a Brownfield area, along with the Public Works staff report and a map which includes the designated parcels and other supporting documentation from the applicant.

The Brownfield designation is a statutory process. Brownfields can either be proposed by the local government or individuals, corporations, or other non-governmental legal entities. Often, as in this case, a developer will purchase a contaminated property with the intent to redevelop it, contingent on a Brownfield designation to pay for some of the cleanup costs.

While the statute requires the local government to designate the Brownfield area and to subsequently notify the Florida Department of Environmental Protection (DEP), the program is administered by the state and no funding is required by the local government.

The Commission should evaluate the application based on the following criteria, provided by statute:

- A person who owns or controls the site is requesting the designation and agrees to rehabilitate and redevelop the area;
- The rehabilitation and redevelopment of the site will result in economic productivity of the area, along with at least 5 new permanent jobs created;
- The redevelopment is consistent with the comprehensive plan;
- Notice was provided to neighbors and nearby residents; and
- The developer has provided reasonable assurances the he or she has sufficient financial resources to complete the rehabilitation and redevelopment.

Following adoption by the local government, the applicant then works with DEP to complete the project.

The statute requires two public hearings. The first hearing was October 9, 2023 during the regular City Commission meeting. This is the second hearing. Included in this application are: the resolution; legal description of the property (exhibit 1); staff report with associated map (exhibit 2); certification of property ownership pursuant to the Florida Brownfields Redevelopment Act, agent authorization, application for brownfield area designation, proof of notice documents, financial assurances letter, site summary and future plans memo from the applicants agent, and the relevant Florida Statutes.

Please place Resolution 2023-35 on the regular City Commission agenda for second public hearing on October 23, 2023, under item 8.C.

Thank you,

Isabelle C. Lopez
City Attorney

Attachments

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Todd Grant, Director of Public Works
Darlene Galambos, City Clerk

RESOLUTION 2023-35

A RESOLUTION DESIGNATING PARCEL NOS. 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 1111100000 and A CERTAIN PORTION OF DEPOT STREET PER ORDINANCE NO.2023-23 BK:5809 PG:1804, LOCATED SOUTH OF THE FLORIDA EAST COAST RAILWAY AND NORTHWEST OF THE WEST KING STREET AND PONCE DE LEON BOULEVARD INTERSECTION, AT 194 WEST KING STREET, ST. AUGUSTINE, FLORIDA 32084, AS A BROWNFIELD REHABILITATION AREA AND FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT: PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broudy Bros Ltd, and West Augustine Gateway, LLC, (the "Owner") which collectively own parcel numbers 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 and 1111100000, located south of the Florida East Coast Railway and northwest of the West King Street and Ponce de Leon Boulevard intersection, at 194 West King Street in St. Augustine, Florida 32084 (the "Property"), a description of all parcels is attached hereto as **Exhibit 1**; and

WHEREAS, Owner is planning to redevelop the Property with a mixed use commercial and residential development which would include commercial and residential uses. The redevelopment plan is consistent with the comprehensive plan and permittable uses under the local land development regulations. It is also anticipated that five new full-time jobs are anticipated in the future stemming the redevelopment of the Property; and

WHEREAS, Owner has requested that the City of St. Augustine designate the Property a Brownfield Area as authorized by Section 376.80, Florida Statutes; and

WHEREAS, the Public Works Department has issued a staff report, attached hereto as Exhibit 2, including a map of the designated property, and incorporated herein by reference, recommending that the Brownfield designation requested by Developer be approved; and

WHEREAS, Florida Statutes require that an area outside of a community redevelopment area, Enterprise Zone, Empowerment Zone, closed military base, or designated Brownfield pilot project be designated as a Brownfield Area by local government resolution; and

WHEREAS, valuable economic incentives accrue to those who redevelop designated Brownfield sites.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. The City of St. Augustine adopts the findings of fact and conclusions of law as described in the recitals herein.

Section 2. For the purposes of the Florida Brownfields Redevelopment Act, Sections 376.77 - 376.85, Florida Statutes, (hereinafter, the "Act"), the Property is hereby designated a Brownfield Area. This designation shall not, however, render the City of St. Augustine liable: for the cost of site rehabilitation or source removal, as those terms are defined in Sections 376.79(19) and (20), Florida Statutes; for other costs in excess of those attributable to the City as administrator of a Brownfields Program; or, as a property owner, if the City hereafter acquires any realty within the designated Brownfield Area. A copy of the staff report with staff findings and a map adequate to clearly delineate exactly which parcel is to be included in the brownfield area is attached hereto **Exhibit 2.**

Section 3. Following enactment of this resolution approving the Brownfield Area designation, Owner will negotiate a Brownfield Site Rehabilitation Agreement ("BSRA") with the Florida Department of Environmental Protection ("FDEP"). Owner is pursuing the Brownfield Area designation and BSRA in order to benefit from the State of Florida's Voluntary Clean Up Tax Credit Program (VCTC). The VCTC will allow Owner to receive the 50% State corporate income tax credit for assessment and cleanup costs up to an annual amount of $500,000.00. Owner also wishes to apply for cleanup liability protection from the State. Preliminary environmental site assessments have revealed soil and groundwater contamination above FDEP standards on some of the parcels. Owner wishes to clean and redevelop the site for commercial use.

Section 4. In accordance with Section 376.80, F.S., a copy of this resolution designating the property as a Brownfield Area shall be sent to FDEP within 30 days of the adoption of this resolution.

Section 5. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this ___ day of _____, 2023.

ATTEST: CITY OF ST. AUGUSTINE, FLORIDA

_____ _____

Darlene Galambos, City Clerk Nancy Sikes-Kline, Mayor-Commissioner

(Corporate Seal)

EXHIBIT 1

LEGAL DESCRIPTION

IN THE CITY OF ST. AUGUSTINE, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF KING STREET AND THE EAST LINE OF A STREET RUNNING NORTH AND SOUTH, KNOWN AS DEPOT STREET, ACCORDING TO MAP RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN MAP BOOK 3, PAGE 5, OF THE ELEANOR M. CROSBY TRACT OF THE "FERRY TRACT", SAID BEGINNING POINT BEING THE SOUTHWEST CORNER OF THE LOT HEREIN DESCRIBED; RUNNING THENCE NORTHERLY ALONG THE EAST LINE OF DEPOT STREET 100 FEET; THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF KING STREET 125 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EAST LINE OF DEPOT STREET 100 FEET TO THE NORTH LINE OF KING STREET; THENCE WESTERLY ALONG THE NORTH LINE OF KING STREET 125 FEET TO THE POINT OF BEGINNING, BEING A PORTION OF THE PROPERTY CONVEYED BY H. J. USINA TO ALBERT HIRTH, AS PER DEED RECORDED IN DEED BOOK 48, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; EXCEPTING THEREFROM THAT PART OF THE ABOVE DESCRIBED PROPERTY ACQUIRED BY THE STATE ROAD DEPARTMENT OF FLORIDA AND RECORDED IN DEED BOOK 253, PAGE 696, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION: PROPOSED DEPOT STREET RIGHT OF WAY VACATION

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, END BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA WITH THE SOUTHERLY LINE OF PARCEL 'A" OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 85°21'08" EAST, ALONG SAID SOUTHERLY LINE OF PARCEL "A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT STREET; THENCE SOUTH 9°38'28" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT STREET, A DISTANCE OF 194.61 FEET; THENCE SOUTH 84°45'51" WEST, A DISTANCE OF 30.09 FEET TO SAID WESTERLY RIGHT OF WAY OF DEPOT STREET; THENCE NORTH 9°38'28" WEST, ALONG WESTERLY RIGHT OF WAY OF DEPOT STREET, A DISTANCE OF 194.92 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ANY PORTION OF DEPOT STREET LYING WITHIN PARCEL A OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF SAID PUBLIC RECORDS.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 1344, PAGE 309

PARCEL A: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A NORTH PART OF BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET) WITH THE PRESENTLY EXISTING NORTH LINE OF KING STREET; THENCE NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST ON SAID EAST LINE OF HARTSHORN STREET, 284.96 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF THE NOW EXISTING RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY COMPANY AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST 181 .08 FEET; THENCE NORTH 85 DEGREES 19 MINUTES 13 SECONDS EAST, PARALLEL WITH AND 50 FEET SOUTHERLY AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE SINGLE TRACT MAINLINE OF SAID RAILWAY COMPANY, 853.69 FEET; THENCE SOUTHWESTERLY, ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, ON A CURVE CONCAVE SOUTHERLY WITH RADIUS OF 888.51 FEET (ARC DEFINITION), THROUGH A CENTRAL ANGLE OF 16 DEGREES 44 MINUTES 16 SECONDS, AN ARC DISTANCE OF 259.56 FEAT (CHORD BEARING AND DISTANCE BEING SOUTH 41 DEGREES 18 MINUTES 59 SECONDS WEST 258.64 FEET); THENCE SOUTH 85 DEGREES 12 MINUTES 22 SECONDS WEST, ON SAID SOUTH LINE OF RAILWAY RIGHT OF WAY, 662.08 FEET TO THE POINT OF BEGINNING.

PARCEL B: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET) WITH THE PRESENTLY EXISTING NORTH LINE OF KING STREET; THENCE NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST, ON SAID EAST LINE OF HARTSHORN STREET, 284.96 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON THE SOUTH LINE OF THE NOW EXISTING RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY COMPANY, 112.80 FEET TO THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON SAID SOUTH LINE OF RAILWAY RIGHT OF WAY, 233.87 FEET; THENCE SOUTH 9 DEGREES 52 MINUTES 04 SECONDS EAST, ON THE WEST LINE OF DEPOT STREET, 199.04 FEET TO THE NORTH LINE OF THE RIGHT OF WAY FOR U. S. HIGHWAY NO. 1 RAMP OR TURNOUT TO KING STREET; THENCE WESTERLY, ON SAID NORTH RIGHT OF WAY LINE AND ON A CURVE CONCAVE NORTHERLY WITH RADIUS OF 898.31 FEET THROUGH A CENTRAL ANGLE OF 2 DEGREES46 MINUTES 33 SECONDS, AN ARC DISTANCE OF 43.52 FEET (CHORD BEING SOUTH 83 DEGREES 27 MINUTES 00 SECONDS WEST 43.52 FEET); THENCE SOUTH 5 DEGREES 09 MINUTES 44 SECONDS EAST, ACROSS THE WEST END OF SAID RIGHT OF WAY FOR U. S. HIGHWAY NO. 1 RAMP OR TURNOUT, 1.95 FEET; THENCE SOUTH 84 DEGREES 50 MINUTES 16 SECONDS WEST, ON THE NORTH LINE OF KING STREET, 189 .38 FEET; THENCE NORTH 10 DEGREES 01 MINUTE 21 SECONDS WEST, ON THE WEST LINE OF THOSE LANDS DESCRIBED IN DEED RECORDED IN DEED BOOK 199, PAGE 200, AND IN OFFICIAL RECORDS BOOK 105, PAGE 394, PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 204.65 FEET TO THE POINT OF BEGINNING.

PARCEL C: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF DEPOT STREET WITH THE SOUTH RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON SAID SOUTH RIGHT OF WAY LINE, 220.10 FEET TO THE WEST LINE OF A 10 FOOT WIDTH ALLEY; THENCE SOUTH 9 DEGREES 52 MINUTES 04 SECONDS EAST, ON SAID WEST LINE OF ALLEY, 91.28 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES 15 SECONDS WEST, ON THE WESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, A DISTANCE OF 41.44 FEET TO THE POINT OF CURVE TO THE RIGHT WITH RADIUS OF 143.00 FEET; THENCE ON SAID CURVE TO THE RIGHT AND ON SAID HIGHWAY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 03 MINUTES 56 SECONDS, AN ARC DISTANCE OF. 80.03 FEET; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON THE EAST LINE OF THAT LAND DESCRIBED IN DEED RECORDED IN DEED BOOK 197, PAGE 165, PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 71.55 FEET; THENCE SOUTH 85 DEGREES 12 MINUTES 22 SECONDS WEST, ON THE NORTH LINE OF SAID LAND DESCRIBED IN DEED BOOK 197, PAGE 165, A DISTANCE OF 125.00 FEET; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON THE EAST LINE OF DEPOT STREET, 101.84 FEET TO THE POINT OF BEGINNING.

PARCEL D: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING PART OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED IN DEED BOOK 167, PAGE 6, PUBLIC RECORDS OF SAID COUNTY AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF KING STREET (BEING 40 FEET IN WIDTH) WITH THE EAST LINE OF DEPOT STREET; THENCE NORTH 84 DEGREES 50 MINUTES 16 SECONDS EAST, ON SAID NORTH LINE OF KING STREET, 230.00 FEET TO A POINT ON THE EAST LINE OF A 10 FOOT WIDTH ALLEY WITHIN THE RIGHT OF WAY FOR NOW EXISTING U. S. HIGHWAY NO. 1; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON SAID EAST LINE OF ALLEY, 123.00 FEET TO THE POINT OF BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF SAID HIGHWAY; THENCE CONTINUING NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON SAID EAST LINE OF ALLEY, 75.95 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON THE NOW EXISTING SOUTH RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY, 63.00 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF HIGHWAY; THENCE SOUTH 31 DEGREES 51 MINUTES 15 SECONDS WEST, ON SAID RIGHT OF WAY LINE OF HIGHWAY, 94.29 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 1360, PAGE 1028

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT, AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET OR MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S.G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S.G. WORLEY.

THE WESTERLY 127' OF LOT A-6, BLOCK A, DANCY TRACT, EXCEPTING THEREFROM THE NORTHERLY 50' OF THE WESTERLY 100' THEREOF.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 3369, PGE 557

THAT CERTAIN UNNAMED ALLEY OF A WIDTH OF TEN (10) FEET LOCATED WITHIN THE ELEANOR M. CROSBY TRACT, A PART OF THE FERRY TRACT, BEING A PART OF BLOCK A OF THE DANCY TRACT, AS PER THE PLATS OF SUCH ELEANOR M. CROSBY TRACT AND DANCY TRACT RECORDED IN MAP BOOK 3, PAGE 5 AND MAP BOOK 1, PAGE 1, RESPECTIVELY, BOTH OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING NORTHWEST FOR NINETY-ONE FEET (91'), MORE OR LESS, FROM THE NORTHWEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1) AND LOCATED BETWEEN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCELS 111110-0000 AND 111130-0000, BOTH OWNED BY BROADY BROS., LTD. SUCH UNNAMED ALLEY IS A PART OF THOSE LANDS SHOWN IN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCEL NUMBER 111010-0000.

EXHIBIT 2

STAFF REPORT

September 13, 2023

To the City of Saint Augustine and others this may concern:

BROUNDY BROS., LTD., a Florida Limited partnership and West Augustine Gateway, LLC., a Florida Limited partnership appreciates the opportunity to submit this proposal for the Brownfields Designation of the West Augustine Gateway site. The site consists of seven contiguous parcels of land (Parcel IDs: 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 and 1111100000) totaling 5.51-acres, located at the northwest corner of West King Street and Ponce de Leon Boulevard (US-1) and is addressed as 194 West King Street in St. Augustine, St. Johns County, Florida. Brownfield designation of the site will greatly benefit the community as it will facilitate in the proposed future development of this area which will create new jobs, residential living and places for business for the local community.

Provided in this submission are the supporting documents which fulfill the statutory requirements per 376.80(2)(c). Below is a summary of the fulfillment and associated attachments for each statuary element.

Attachments - (1.) *A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.*

- A compilation of all the parcel deeds that are included in the proposed resolution
- Owning entity details
- Recorded Agreement for rehabilitation

(2.) *The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.*

- Reflected in the resolution narrative; Five new full-time jobs are anticipated in the future stemming from economic development at the site.

Attachments - (3.) *The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations.*

- Reflected in the resolution narrative and within the Recorded Agreement in Attachment (1.); The redevelopment plan is consistent with the comprehensive plan and permittable uses under the local land development regulations.
- Copy of the Conceptual Site Plan

- Environmental Background Activities and correspondence of this submission to the Utilities Department

Attachments - (4.) *Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.*

- Copy of the Notice (Flyer) for a Community Meeting
- Affidavit, distribution list and photo documentation of the community meeting
- Proof of newspaper ad for upcoming public hearing

Attachment - (5.) *The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.*

- Financial Viability Letter from the owner and developer

Sincerely,

Janine Beaulieu Signing on behalf of Barry Broudy

Barry Broudy, West Augustine Gateway, LLC
904-347-5929
barry@broudys.com

Jason Perry

J. Jason Perry, Nine Oaks Development, Inc. 404-788-1945
jperry@nineoaksdev.com

and

Angellica Rodriguez-Baz
904-479-7407
akrodriguezbaz@terracon.com

376.80(2)(c) Supporting Statutory Documents

Attachments - (1.)

ATTACHMENT 1

EXHIBIT "A"

Legal Description of Property

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest ¼ of the Southeast ¼ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest ¼ of the Southeast ¼ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

Together with:

In the City of St. Augustine, described as follows:
Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

2023 FLORIDA PROFIT CORPORATION ANNUAL REPORT

FILED
Jan 06, 2023
Secretary of State
8999484412CC

DOCUMENT# 291081

Entity Name: BROUDY BROS INC

Current Principal Place of Business:

35 N. PONCE DE LEON
ST AUGUSTINE, FL 32085

Current Mailing Address:

P.O. BOX 1689
ST AUGUSTINE, FL 32085 US

FEI Number: 59-1114771

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

BROUDY, BARRY B
35 N. PONCE DE LEON
ST AUGUSTINE, FL 32085 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: BARRY BROUDY 01/06/2023
Electronic Signature of Registered Agent — Date

Officer/Director Detail :

Title	SECRETARY	Title	PRESIDENT
Name	BROUDY, JOAN	Name	BROUDY,BARRY
Address	4001 VAILL POINT TERR	Address	5128 FOLIAGE WAY
City-State-Zip:	SAINT AUGUSTINE FL 32086	City-State-Zip:	SAINT AUGUSTINE FL 32092

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: BARRY BROUDY PRESIDENT 01/06/2023
Electronic Signature of Signing Officer/Director Detail — Date

2023 FLORIDA LIMITED PARTNERSHIP ANNUAL REPORT

DOCUMENT# A98000001015

FILED
Jan 06, 2023
Secretary of State
6691431529CC

Entity Name: BROUDY BROS., LTD.

Current Principal Place of Business:

35 N PONCE DE LEON
ST AUGUSTINE, FL 32084

Current Mailing Address:

PO BOX 1689
ST AUGUSTINE, FL 32085 US

FEI Number: 59-3523108

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

BROUDY, BARRY B
35 NORTH PONCE DE LEON
ST AUGUSTINE, FL 32085-1689 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent — Date

General Partner Detail :

Document #	P98000016363
Name	MARTIN BROUDY, INC.
Address	35 NORTH PONCE DE LEON
City-State-Zip:	ST AUGUSTINE FL 32084

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a general partner of the limited partnership or the receiver or trustee empowered to execute this report as required by Chapter 620, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: BARRY BROUDY PRESIDENT 01/06/2023

Electronic Signature of Signing General Partner Detail — Date

10/26/2010 at 01:47 PM REC. $17.00 SUR. $18.50

(4)3

ORDINANCE NO. 2010-36

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF AN UNNAMED ALLEY LOCATED WITHIN THE CROSBY TRACT, PART OF THE FERRY TRACT IN BLOCK A OF THE DANCY TRACT LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances and resolutions by municipalities; and

WHEREAS, Section 13.06 of the Charter Laws of the City of St. Augustine, provides a procedure for vacating streets;

NOW THEREFORE, BE IT ORDAINED by the City Commission for the City of St. Augustine, Florida, as follows:

Section 1. Vacation. That the following described portion of the public street, avenue or road in the City of St. Augustine, Florida, more particularly described as follows:

THAT CERTAIN UNNAMED ALLEY OF A WIDTH OF TEN (10) FEET LOCATED WITHIN THE ELEANOR M. CROSBY TRACT, A PART OF THE FERRY TRACT, BEING A PART OF BLOCK A OF THE DANCY TRACT, AS PER THE PLATS OF SUCH ELEANOR M. CROSBY TRACT AND DANCY TRACT RECORDED IN MAP BOOK 3, PAGE 5 AND MAP BOOK 1, PAGE 1, RESPECTIVELY, BOTH OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING NORTHWEST FOR NINETY-ONE FEET (91'), MORE OR LESS, FROM THE NORTHWEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1) AND LOCATED BETWEEN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCELS 111110-0000 AND

111130-0000, BOTH OWNED BY BROUDY BROS., LTD. SUCH UNNAMED ALLEY IS A PART OF THOSE LANDS SHOWN IN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCEL NUMBER 111010-0000.

be, and the same is hereby, vacated, discontinued and abandoned and is hereby declared no longer to be a public street, avenue or road of the City of St. Augustine, Florida.

Section 2. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

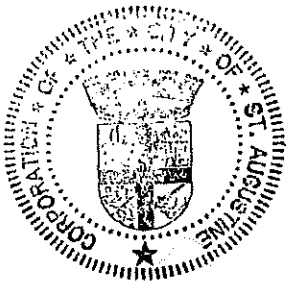
Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, on the 25th day of October, 201__.

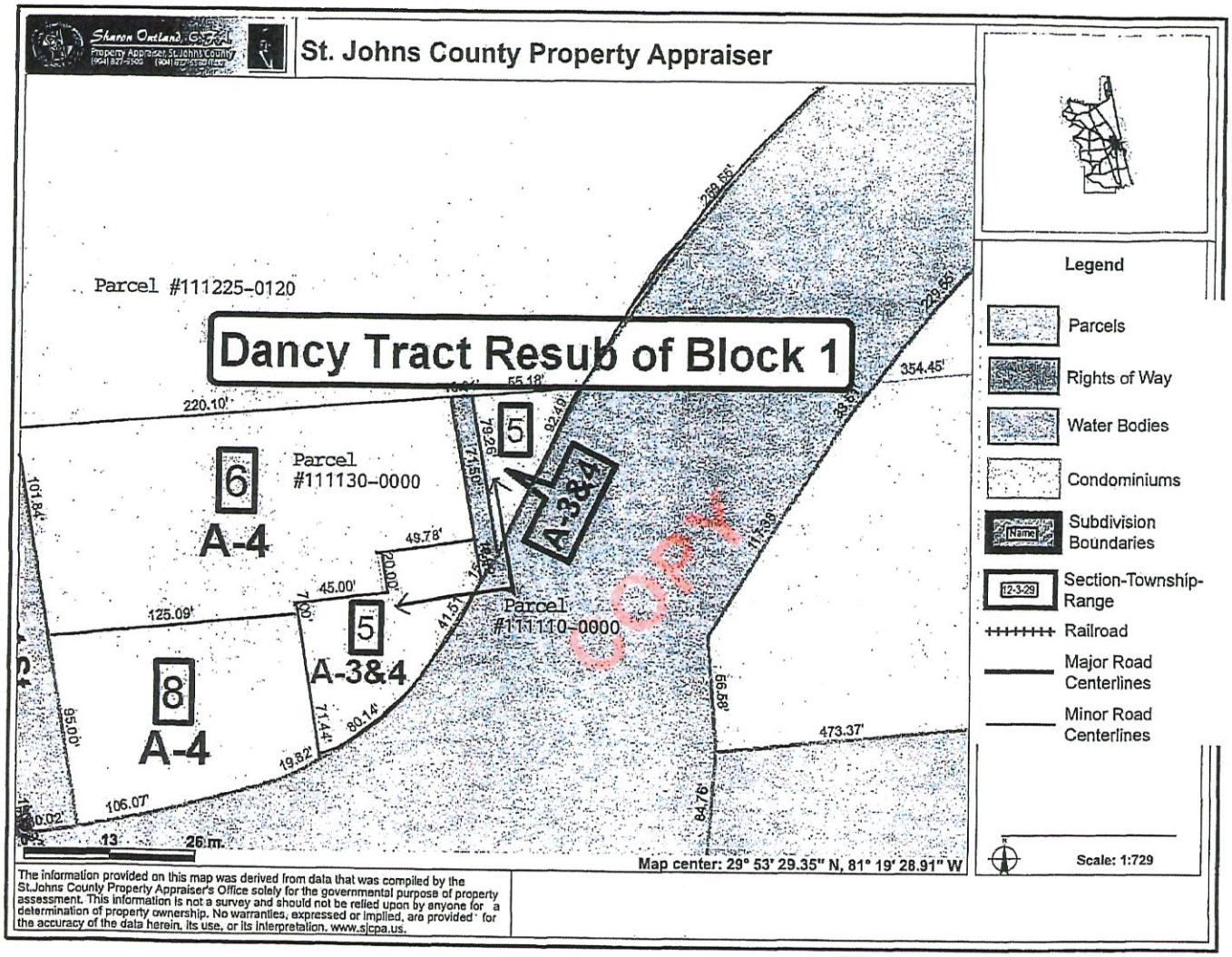
Mayor-Commissioner

ATTEST:

City Clerk



Part of Parcel # 111010-0000



PREPARED BY AND RETURN TO:
FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

Ret

rec - 21.00
surt - 3.00
doc - 14,490.00

Jr - COMMONWEALTH

FOR RECORDER
Public Records of
St. Johns County, FL
Clerk# 98038310
O.R. 1344 PG 309
03:44PM 08/26/1998
REC $21.00 SUR $3.00
Doc Stamps $14,490.00

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between **MARTIN BROUDY**, herein the "Grantor" and **BROUDY BROS., LTD.**, a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the Grantor in consideration of Ten Dollars ($10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

Name Printed: M. J. WALTERS

Martin D. Broudy

Name Printed: James Spaulding

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced a Florida drivers license as identification.

NOTARY PUBLIC:

MARY CLAIRE MILLER
Notary Public - State of Florida
My Commission Expires Jun 14, 2002
Commission # CC 750817

EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest ¼ of the Southeast ¼ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest ¼ of the Southeast ¼ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

COPY

andon J. Patty,Clerk of the Circuit Court and Comptroller St. Johns County FL Recording $27.00 Doc. D $7,000.00

Prepared by and return to:
James Patrick McCune, Esq.
McCune Alfant, LLC
38 Grant Street
St. Augustine, FL 32084

File Number: **22-0351**

Tax Parcel: 111190-0000

(Space Above This Line For Recording Data)

Special Warranty Deed

This Special Warranty Deed made this **17th day of January, 2023**, between **Cory A. Lang, an unmarried person,** whose post office address is **339 Churchill Drive, St. Augustine, FL 32086**, grantor, and **West Augustine Gateway, LLC, a Florida limited liability company** whose post office address is **35 N. Ponce de Leon, St. Augustine, FL 32084**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **ONE MILLION AND 00/100 DOLLARS** (U.S. **$1,000,000.00**) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the **St Johns County, Florida**, to-wit:

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to the map record in the Office of the Clerk of the circuit Court in Plat Book 3, Page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the Point of Beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, Page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, Page 696, of the Public Records of St. Johns County, Florida.

Together with all the tenements, improvements, hereditaments, easements, and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors, subject to the encumbrances set forth on Exhibit A attached hereto (the "Permitted Exceptions"); provided, however, this reference shall not serve to reimpose the same.

The Property is not the homestead of the grantor.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Cory A. Lang

Witness Name: James P. McCune

Witness Name: Amanda Jekel

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me by means of physical appearance, this 17th day of January, 2023, by **Cory A. Lang**, who (✓) is personally known to me or (__) has produced _____ as identification.

JAMES P MCCUNE
Notary Public - State of Florida
Commission # HH 137862
My Comm. Expires Jun 20, 2025
Bonded through National Notary Assn.

Notary Public

Printed Name: _____

My Commission Expires: _____

COPY

Exhibit A

Permitted Exceptions

1. General or special taxes and assessments required to be paid in the year 2023 and subsequent years.
2. Subject to all right of ways, as they are now established.

COPY

PREPARED BY AND RETURN TO:
FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

Ret

FOR RECORDER
Public Records of
St. Johns County, FL
Clerk# 98038310
O.R. 1344 PG 309
03:44PM 08/26/1998
REC $21.00 SUR $3.00
Doc Stamps $14,490.00

rec - 21.00
sur - 3.00
doc - 14,490.00

JA - COMMONWEALTH

COPY

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between **MARTIN BROUDY**, herein the "Grantor" and **BROUDY BROS., LTD.**, a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the Grantor in consideration of Ten Dollars ($10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

Name Printed: M. J. WALTERS

Martin D. Broudy

Name Printed: James Spaulding

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced Florida drivers license as identification.

NOTARY PUBLIC:

MARY CLAIRE MILLER
Notary Public - State of Florida
My Commission Expires Jun 14, 2002
Commission # CC 750817

EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest ¼ of the Southeast ¼ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest ¼ of the Southeast ¼ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

COPY

2
(3) IN: Estate
Rec: 15.00
DOC: 878.50
Ret: Grantee

Public Records of
St. Johns County, FL
Clerk# 98049545
O.R. 1360 PG 1032
02:59PM 11/03/1998
REC $13.00 SUR $2.00
Doc Stamps $878.50

RECEIVER DEED

THIS DEED made and entered into this 2ND of NOVEMBER, 1998, by and between **ARNOLD DELORENZO as RECEIVER, for EDMUND U. O'STEEEN, BARBARA O'STEEN AND CLYDE EUGENE O'STEEN,** party of the first part; and **BROUDY BROS., LTD.,** whose post office address is
PO BOX 1689 ST. AUGUSTINE FL 32085
party of the second party;

WHEREAS, the said party of the first part was duly appointed **RECEIVER for EDMUND U. O'STEEN, BARBARA JEAN O'STEEN AND CLYDE EUGENE O'STEEN under Order Authorizing and Directing receiver to convey real property. Order issued on the 2nd day of October, 1998, Case # CA 95-1244 by the Honorable Weinberg, Circuit Judge, in and for St. Johns County, Florida; and,**

WHEREAS, the said party of the firt part is authorized to convey such a deed to the party of the second part, and the party of the second part is entitled to such a deed;

NOW THEREFORE, in consideration of the foregoing and in further consideration of the sum of Ten and no/100 ($10.00) Dollars and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, their heirs and assigns forever, the following described property situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, charges and profits thereof and also all the estate's right, title and interest, property, possession, claim and demand whatever, both in law and in equity which the said party of the first part had or has by virtue of being Receiver of said property and otherwise of, in and to the above granted premises and every part and parcel thereof with the appurtenances. This deed also conveys all of the fee simple interest of EDMUND U. O'STEEN, BARBARA JEAN O'STEEN, CLYDE EUGENE O'STEEN, their successors or assigns.

TO HAVE AND TO HOLD the above described premises together with the appurtenances and every part thereof unto the said party of the second part, their heirs and assigns in fee simple forever.

And the said party of the first part, as Receiver, for them and their successors and assigns do hereby convey, promise and agree to and with the party of the second part that he is the lawful, and has power to convey as aforesaid and has in all

respects acted in making this conveyance under the powers granted to Receiver under Order Authorizing and Directing Receiver to convey real property and Receiver has not made, done or suffered any act, matter or things whatsoever since appointed as Receiver as aforesaid whereby the above granted premises and any part thereof now or at any time hereafter shall or may be impeached, charged or encumbered in any manner whatsoever.

It is understood that the word "party" and the pronouns referring thereto, whether in sinne and/or neuter, wherever the context so implies or admits.

IN WITNESS WHEREOF, the said party of the first part as Receiver, has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN OUR PRESENCE:

Witness Carol A. Lagasse'

Witness David Andrews

Arnold DeLorenzo, as Receiver L.S.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer authorized to administer oaths and take acknowledgments, ARNOLD DELORENZO , as Receiver, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid this 2nd day of November, 1998.

CAROL A LAGASSE
My Comm Exp. 7/21/00
Bonded By Service Ins
No. CC570937
(X) Personally Known ( ) Other I D

My commission expires:

This instrument was prepared by M. LAGASSE of Estate Title & Guaranty, Inc. as a necessary fulfillment of a condition set forth in a Title Insurance commitment issued by Estate Title & Guaranty, Inc.; 71 Carrera St.; St. Augustine, Florida 32084

EXHIBIT "A"
BROUDY DEED

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.

2
③ In: Estate
Rec: 15.00
Doc: 878.50
Ret: Grantee

Public Records of
St. Johns County, FL
Clerk# 98049545
O.R. 1360 PG 1032
02:59PM 11/03/1998
REC $13.00 SUR $2.00
Doc Stamps $878.50

RECEIVER DEED

THIS DEED made and entered into this 2ND of NOVEMBER, 1998, by and between **ARNOLD DELORENZO as RECEIVER, for EDMUND U. O'STEEEN, BARBARA O'STEEN AND CLYDE EUGENE O'STEEN,** party of the first part; and **BROUDY BROS., LTD.,** whose post office address is PO Box 1689 St. Augustine Fl 32085 party of the second party;

WHEREAS, the said party of the first part was duly appointed **RECEIVER for EDMUND U. O'STEEN, BARBARA JEAN O'STEEN AND CLYDE EUGENE O'STEEN under Order Authorizing and Directing receiver to convey real property. Order issued on the 2nd day of October, 1998, Case # CA 95-1244 by the Honorable Weinberg, Circuit Judge, in and for St. Johns County, Florida; and,**

WHEREAS, the said party of the firt part is authorized to convey such a deed to the party of the second part, and the party of the second part is entitled to such a deed;

NOW THEREFORE, in consideration of the foregoing and in further consideration of the sum of Ten and no/100 ($10.00) Dollars and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, their heirs and assigns forever, the following described property situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, charges and profits thereof and also all the estate's right, title and interest, property, possession, claim and demand whatever, both in law and in equity which the said party of the first part had or has by virtue of being Receiver of said property and otherwise of, in and to the above granted premises and every part and parcel thereof with the appurtenances. This deed also conveys all of the fee simple interest of EDMUND U. O'STEEN, BARBARA JEAN O'STEEN, CLYDE EUGENE O'STEEN, their successors or assigns.

TO HAVE AND TO HOLD the above described premises together with the appurtenances and every part thereof unto the said party of the second part, their heirs and assigns in fee simple forever.

And the said party of the first part, as Receiver, for them and their successors and assigns do hereby convey, promise and agree to and with the party of the second part that he is the lawful, and has power to convey as aforesaid and has in all

respects acted in making this conveyance under the powers granted to Receiver under Order Authorizing and Directing Receiver to convey real property and Receiver has not made, done or suffered any act, matter or things whatsoever since appointed as Receiver as aforesaid whereby the above granted premises and any part thereof now or at any time hereafter shall or may be impeached, charged or encumbered in any manner whatsoever.

It is understood that the word "party" and the pronouns referring thereto, whether in sinne and/or neuter, wherever the context so implies or admits.

IN WITNESS WHEREOF, the said party of the first part as Receiver, has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN OUR PRESENCE:

Witness Carol A. Lagasse'

Witness David Andrews

Arnold DeLorenzo, as Receiver L.S.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer authorized to administer oaths and take acknowledgments, ARNOLD DELORENZO , as Receiver, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid this 2nd day of November, 1998.

STATE OF FLORIDA NOTARY PUBLIC
CAROL A LAGASSE
My Comm Exp. 7/21/00
Bonded By Service Ins
No. CC570937
(√) Personally Known ( ) Other I D

Carol A. Lagasse
My commission expires:

This instrument was prepared by M. LAGASSE of Estate Title & Guaranty, Inc. as a necessary fulfillment of a condition set forth in a Title Insurance commitment issued by Estate Title & Guaranty, Inc.; 71 Carrera St.; St. Augustine, Florida 32084

EXHIBIT "A"
BROUDY DEED

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.

PREPARED BY AND RETURN TO:
FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

Ret

FOR RECORDER
Public Records of
St. Johns County, FL
Clerk# 98038310
O.R. 1344 PG 309
03:44PM 08/26/1998
REC $21.00 SUR $3.00
Doc Stamps $14,490.00

DC - 21.00
SUR - 3.00
DOC - 14,490.00

DR - COMMONWEALTH

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between **MARTIN BROUDY**, herein the "Grantor" and **BROUDY BROS., LTD.**, a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the Grantor in consideration of Ten Dollars ($10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

Name Printed: M. J. WALTERS

Martin D. Broudy

Name Printed: James Spaulding

COPY

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced Florida drivers license as identification.

NOTARY PUBLIC:

MARY CLAIRE MILLER
Notary Public - State of Florida
My Commission Expires Jun 14, 2002
Commission # CC 750817

EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest ¼ of the Southeast ¼ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest ¼ of the Southeast ¼ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

COPY

Public Records of St. Johns County, FL
Clerk number: 2023064600
BK: 5809 PG: 1804
8/15/2023 2:12 PM
Recording $27.00

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF DEPOT STREET LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances and resolutions by municipalities; and

WHEREAS, Section 13.06 of the Charter Laws of the City of St. Augustine, provides a procedure for vacating streets;

NOW THEREFORE, BE IT ORDAINED by the City Commission for the City of St. Augustine, Florida, as follows:

Section 1. Vacation. That the following described portion of the public street, avenue or road in the City of St. Augustine, Florida, more particularly described as follows:

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, END BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA WITH THE SOUTHERLY LINE OF PARCEL "A" OF THOSE LANDS AS A" OF THOSE LANDS AS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 85°21'08" EAST, ALONG SAID SOUTHERLY LINE OF

EAST, ALONG SAID SOUTHERLY LINE OF PARCEL "A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT , A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT STREET; THENCE SOUTH 9°38'28" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT STREET, A DISTANCE OF 194.61 FEET; THENCE SOUTH 84°45'51" WEST, A DISTANCE OF 30.09 WEST, A DISTANCE OF 30.09 FEET TO SAID WESTERLY RIGHT OF WAY OF DEPOT STREET; THENCE NORTH 9°38'28" WEST, WEST, ALONG WESTERLY RIGHT OF WAY OF DEPOT STREET, A DISTANCE OF 194.92 FEET TO THE POINT OF BEGINNING, AND TOGETHER WITH ANY PORTION OF DEPOT STREET LYING WITHIN PARCEL A OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF SAID PUBLIC RECORDS.

be, and the same is hereby, vacated, discontinued and abandoned and is hereby declared no longer to be a public street, avenue or road of the City of St. Augustine, Florida. The vacation is sought in preparation for the redevelopment of the abutting real properties (including said vacated portion of Depot Street) in accordance with the terms and conditions of the Broudy Development Agreement entered into by Petitioners and the City. There is hereby reserved unto the City of St. Augustine and to all public utilities a utility easement over, under and across portions of the street hereby vacated for present and future utilities. No permanent structures may be erected over any such utilities, and property within such utility easement shall be used for such purposes as may be approved by the City in accordance with the terms and conditions of the Broudy Development Agreement. All expense incurred for relocation or modification of existing utilities on account of any use put to such property by the owners of the servient estate shall be at the expense of such property owners.)

Section 2. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, on the 14th day of August, 2023.

Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

THE CITY OF ST. AUGUSTINE CORPORATION

Attachments - (3.)

ATTACHMENT 2

RESOLUTION 2023-35

A RESOLUTION DESIGNATING PARCEL NOS. 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 1111100000 and A CERTAIN PORTION OF DEPOT STREET PER ORDINANCE NO.2023-23 BK:5809 PG:1804, LOCATED SOUTH OF THE FLORIDA EAST COAST RAILWAY AND NORTHWEST OF THE WEST KING STREET AND PONCE DE LEON BOULEVARD INTERSECTION, AT 194 WEST KING STREET, ST. AUGUSTINE, FLORIDA 32084, AS A BROWNFIELD REHABILITATION AREA AND FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT: PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broudy Bros Ltd, and West Augustine Gateway, LLC, (the "Owner") which collectively own parcel numbers 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 and 1111100000, located south of the Florida East Coast Railway and northwest of the West King Street and Ponce de Leon Boulevard intersection, at 194 West King Street in St. Augustine, Florida 32084 (the "Property"), a description of all parcels is attached hereto as **Exhibit 1**; and

WHEREAS, Owner is planning to redevelop the Property with a mixed use commercial and residential development which would include commercial and residential uses. The redevelopment plan is consistent with the comprehensive plan and permittable uses under the local land development regulations. It is also anticipated that five new full-time jobs are anticipated in the future stemming the redevelopment of the Property; and

WHEREAS, Owner has requested that the City of St. Augustine designate the Property a Brownfield Area as authorized by Section 376.80, Florida Statutes; and

WHEREAS, the Public Works Department has issued a staff report, attached hereto as Exhibit 2, including a map of the designated property, and incorporated herein by reference, recommending that the Brownfield designation requested by Developer be approved; and

WHEREAS, Florida Statutes require that an area outside of a community redevelopment area, Enterprise Zone, Empowerment Zone, closed military base, or designated Brownfield pilot project be designated as a Brownfield Area by local government resolution; and

WHEREAS, valuable economic incentives accrue to those who redevelop designated Brownfield sites.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. The City of St. Augustine adopts the findings of fact and conclusions of law as described in the recitals herein.

Section 2. For the purposes of the Florida Brownfields Redevelopment Act, Sections 376.77 - 376.85, Florida Statutes, (hereinafter, the "Act"), the Property is hereby designated a Brownfield Area. This designation shall not, however, render the City of St. Augustine liable: for the cost of site rehabilitation or source removal, as those terms are defined in Sections 376.79(19) and (20), Florida Statutes; for other costs in excess of those attributable to the City as administrator of a Brownfields Program; or, as a property owner, if the City hereafter acquires any realty within the designated Brownfield Area. A copy of the staff report with staff findings and a map adequate to clearly delineate exactly which parcel is to be included in the brownfield area is attached hereto **Exhibit 2.**

Section 3. Following enactment of this resolution approving the Brownfield Area designation, Owner will negotiate a Brownfield Site Rehabilitation Agreement ("BSRA") with the Florida Department of Environmental Protection ("FDEP"). Owner is pursuing the Brownfield Area designation and BSRA in order to benefit from the State of Florida's Voluntary Clean Up Tax Credit Program (VCTC). The VCTC will allow Owner to receive the 50% State corporate income tax credit for assessment and cleanup costs up to an annual amount of $500,000.00. Owner also wishes to apply for cleanup liability protection from the State. Preliminary environmental site assessments have revealed soil and groundwater contamination above FDEP standards on some of the parcels. Owner wishes to clean and redevelop the site for commercial use.

Section 4. In accordance with Section 376.80, F.S., a copy of this resolution designating the property as a Brownfield Area shall be sent to FDEP within 30 days of the adoption of this resolution.

Section 5. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this ___ day of _____, 2023.

ATTEST: CITY OF ST. AUGUSTINE, FLORIDA

_____ _____

Darlene Galambos, City Clerk Nancy Sikes-Kline, Mayor-Commissioner

(Corporate Seal)

EXHIBIT 1

LEGAL DESCRIPTION

IN THE CITY OF ST. AUGUSTINE, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF KING STREET AND THE EAST LINE OF A STREET RUNNING NORTH AND SOUTH, KNOWN AS DEPOT STREET, ACCORDING TO MAP RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN MAP BOOK 3, PAGE 5, OF THE ELEANOR M. CROSBY TRACT OF THE "FERRY TRACT". SAID BEGINNING POINT BEING THE SOUTHWEST CORNER OF THE LOT HEREIN DESCRIBED; RUNNING THENCE NORTHERLY ALONG THE EAST LINE OF DEPOT STREET 100 FEET; THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF KING STREET 125 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EAST LINE OF DEPOT STREET 100 FEET TO THE NORTH LINE OF KING STREET; THENCE WESTERLY ALONG THE NORTH LINE OF KING STREET 125 FEET TO THE POINT OF BEGINNING, BEING A PORTION OF THE PROPERTY CONVEYED BY H. J. USINA TO ALBERT HIRTH, AS PER DEED RECORDED IN DEED BOOK 48, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; EXCEPTING THEREFROM THAT PART OF THE ABOVE DESCRIBED PROPERTY ACQUIRED BY THE STATE ROAD DEPARTMENT OF FLORIDA AND RECORDED IN DEED BOOK 253, PAGE 696, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION: PROPOSED DEPOT STREET RIGHT OF WAY VACATION

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, END BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA WITH THE SOUTHERLY LINE OF PARCEL "A" OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 85°21'08" EAST, ALONG SAID SOUTHERLY LINE OF PARCEL "A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT STREET; THENCE SOUTH 9°38'28" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT STREET, A DISTANCE OF 194.61 FEET; THENCE SOUTH 84°45'51" WEST, A DISTANCE OF 30.09 FEET TO SAID WESTERLY RIGHT OF WAY OF DEPOT STREET; THENCE NORTH 9°38'28" WEST, ALONG WESTERLY RIGHT OF WAY OF DEPOT STREET, A DISTANCE OF 194.92 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ANY PORTION OF DEPOT STREET LYING WITHIN PARCEL A OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF SAID PUBLIC RECORDS.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 1344, PAGE 309
PARCEL A: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A NORTH PART OF BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET) WITH THE PRESENTLY EXISTING NORTH LINE OF KING STREET; THENCE NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST ON SAID EAST LINE OF HARTSHORN STREET, 204.96 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF THE NOW EXISTING RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY COMPANY AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST 181 .08 FEET; THENCE NORTH 85 DEGREES 19 MINUTES 13 SECONDS EAST, PARALLEL WITH AND 50 FEET SOUTHERLY AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE SINGLE TRACT MAINLINE OF SAID RAILWAY COMPANY, 853.69 FEET; THENCE SOUTHWESTERLY, ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, ON A CURVE CONCAVE SOUTHERLY WITH RADIUS OF 888.51 FEET (ARC DEFINITION), THROUGH A CENTRAL ANGLE OF 16 DEGREES 44 MINUTES 16 SECONDS, AN ARC DISTANCE OF 259.58 FEAT (CHORD BEARING AND DISTANCE BEING SOUTH 41 DEGREES 18 MINUTES 59 SECONDS WEST 258.64 FEET); THENCE SOUTH 85 DEGREES 12 MINUTES 22 SECONDS WEST, ON SAID SOUTH LINE OF RAILWAY RIGHT OF WAY, 662.08 FEET TO THE POINT OF BEGINNING.

PARCEL B: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE EAST LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET) WITH THE PRESENTLY EXISTING NORTH LINE OF KING STREET; THENCE NORTH 6 DEGREES 26 MINUTES 31 SECONDS WEST, ON SAID EAST LINE OF HARTSHORN STREET, 204.96 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON THE SOUTH LINE OF THE NOW EXISTING RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY COMPANY, 112.80 FEET TO THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON SAID SOUTH LINE OF RAILWAY RIGHT OF WAY, 233.87 FEET; THENCE SOUTH 9 DEGREES 52 MINUTES 04 SECONDS EAST, ON THE WEST LINE OF DEPOT STREET, 199.04 FEET TO THE NORTH LINE OF THE RIGHT OF WAY FOR U. S. HIGHWAY NO. 1 RAMP OR TURNOUT TO KING STREET; THENCE WESTERLY, ON SAID NORTH RIGHT OF WAY LINE AND ON A CURVE CONCAVE NORTHERLY WITH RADIUS OF 898.31 FEET THROUGH A CENTRAL ANGLE OF 2 DEGREES46 MINUTES 33 SECONDS, AN ARC DISTANCE OF 43.52 FEET (CHORD BEING SOUTH 83 DEGREES 27 MINUTES 00 SECONDS WEST 43.52 FEET); THENCE SOUTH 5 DEGREES 09 MINUTES 44 SECONDS EAST, ACROSS THE WEST END OF SAID RIGHT OF WAY FOR U. S. HIGHWAY NO. 1 RAMP OR TURNOUT, 1.95 FEET; THENCE SOUTH 84 DEGREES 50 MINUTES 16 SECONDS WEST, ON THE NORTH LINE OF KING STREET, 189 .38 FEET; THENCE NORTH 10 DEGREES 01 MINUTE 21 SECONDS WEST, ON THE WEST TIME OF THOSE LANDS DESCRIBED IN DEED RECORDED IN DEED BOOK 199, PAGE 200, AND IN OFFICIAL RECORDS BOOK 105, PAGE 394, PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 204.65 FEET TO THE POINT OF BEGINNING.

PARCEL C: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE EAST LINE OF DEPOT STREET WITH THE SOUTH RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON SAID SOUTH RIGHT OF WAY LINE, 220.10 FEET TO THE WEST LINE OF A 10 FOOT WIDTH ALLEY; THENCE SOUTH 9 DEGREES 52 MINUTES 04 SECONDS EAST, ON SAID WEST LINE OF ALLEY, 91.28 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES 15 SECONDS WEST, ON THE WESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, A DISTANCE OF 41.44 FEET TO THE POINT OF CURVE TO THE RIGHT WITH RADIUS OF 143.00 FEET; THENCE ON SAID CURVE TO THE RIGHT AND ON SAID HIGHWAY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 03 MINUTES 56 SECONDS, AN ARC DISTANCE OF 80.03 FEET; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON THE EAST LINE OF THAT LAND DESCRIBED IN DEED RECORDED IN DEED BOOK 197, PAGE 165, PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 71.55 FEET; THENCE SOUTH 85 DEGREES 12 MINUTES 22 SECONDS WEST, ON THE NORTH LINE OF SAID LAND DESCRIBED IN DEED BOOK 197, PAGE 165, A DISTANCE OF 125.00 FEET; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON THE EAST LINE OF DEPOT STREET, 101.84 FEET TO THE POINT OF BEGINNING.

PARCEL D: A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE IN BLOCK A, DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING PART OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED IN DEED BOOK 167, PAGE 6, PUBLIC RECORDS OF SAID COUNTY AND BEING MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF KING STREET (BEING 40 FEET IN WIDTH) WITH THE EAST LINE OF DEPOT STREET; THENCE NORTH 84 DEGREES 50 MINUTES 16 SECONDS EAST, ON SAID NORTH LINE OF KING STREET, 230.00 FEET TO A POINT ON THE EAST LINE OF A 10 FOOT WIDTH ALLEY WITHIN THE RIGHT OF WAY FOR NOW EXISTING U. S. HIGHWAY NO. 1; THENCE NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON SAID EAST LINE OF ALLEY, 123.00 FEET TO THE POINT OF BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF SAID HIGHWAY; THENCE CONTINUING NORTH 9 DEGREES 52 MINUTES 04 SECONDS WEST, ON SAID EAST LINE OF ALLEY, 75.95 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 22 SECONDS EAST, ON THE NOW EXISTING SOUTH RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY, 63.00 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF HIGHWAY; THENCE SOUTH 31 DEGREES 51 MINUTES 15 SECONDS WEST, ON SAID RIGHT OF WAY LINE OF HIGHWAY, 94.29 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 1360, PAGE 1028

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT, AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET OR MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S.G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S.G. WORLEY.

THE WESTERLY 127' OF LOT A-6, BLOCK A, DANCY TRACT, EXCEPTING THEREFROM THE NORTHERLY 50' OF THE WESTERLY 100' THEREOF.

LEGAL DESCRIPTION: OFFICIAL RECORDS BOOK 3369, PGE 557
THAT CERTAIN UNNAMED ALLEY OF A WIDTH OF TEN (10) FEET LOCATED WITHIN THE ELEANOR M. CROSBY TRACT, A PART OF THE FERRY TRACT, BEING A PART OF BLOCK A OF THE DANCY TRACT, AS PER THE PLATS OF SUCH ELEANOR M. CROSBY TRACT AND DANCY TRACT RECORDED IN MAP BOOK 3, PAGE 5 AND MAP BOOK 1, PAGE 1, RESPECTIVELY, BOTH OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING NORTHWEST FOR NINETY-ONE FEET (91'), MORE OR LESS, FROM THE NORTHWEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1) AND LOCATED BETWEEN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCELS 111110-0000 AND 111130-0000, BOTH OWNED BY BROUDY BROS., LTD. SUCH UNNAMED ALLEY IS A PART OF THOSE LANDS SHOWN IN ST. JOHNS COUNTY PROPERTY APPRAISER'S PARCEL NUMBER 111010-0000.

EXHIBIT 2

STAFF REPORT

ATTACHMENT 3

Public Records of St. Johns County, FL
Clerk number: 2022102413
BK: 5660 PG: 920
11/4/2022 10:21 AM
Recording $146.00

BROUDY DEVELOPMENT AGREEMENT

THIS BROUDY DEVELOPMENT AGREEMENT (the "**Agreement**") is made and entered into on this 24 day of October, 2022, by and between BROUDY BROS., LTD., a Florida limited partnership, and CORY A. LANG, an individual (together with their successors and assigns collectively, "**Owner**"), and THE CITY OF ST. AUGUSTINE, FLORIDA, a Florida municipal corporation (the "**City**").

A. The Owner is the owner of approximately 5.5 acres located at the northwest corner of the intersection of U.S. Highway 1 and West King Street in the City of St. Augustine, Florida, as described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "**Property**").

B. The City has identified the Property for the location of a Mobility Station (as that term is defined in Section 28-2 of the City of St. Augustine Code) to provide multi-modal transit to residents of and visitors to the City.

C. The City has adopted a new future land use category called Mobility-Oriented Development and a new zoning district called Mobility Oriented Development to bring mobility-oriented development to certain areas of the City, including the Property.

D. In order for the Owner, in cooperation with the City, to provide a mobility station on the Property, it is necessary to change the Future Land Use Map ("**FLUM**") designation of the Property from Commercial Medium Intensity and Industrial to Mobility-Oriented Development ("**MOD FLUM**") and the zoning district of the Property from Commercial Medium Two ("**CM-2**") and Industrial Warehouse ("**IW**") to Mobility-Oriented Development ("**MOD Zoning**").

E. The Property will be developed in accordance with the MOD FLUM and MOD Zoning designations (the "**Development**"). The Owner shall make best efforts to use low-impact development principles, low-impact plumbing fixtures and green/sustainable building construction techniques throughout the development. Stormwater retention and management will incorporate sustainable features such as rain gardens, landscaping bio-swales and permeable pavers in the common areas and perimeter landscaping areas.

F. The Owner desires to develop the Property to provide pedestrian linkage improvements with accommodations for park-and-ride and bikeshare/carshare programs. Allowable uses within the Property may include, but are not limited to, multi-modal transportation facilities, retail services, grocery stores, restaurants, other commercial and service uses, offices, multi-family residential units, public buildings and public uses, parks/plazas and similar uses and supporting facilities.

G. The Owner will construct any necessary turn lane, utility and other improvements, both on the Property and off-site, to mitigate for impacts of the Development, as determined at concurrency and construction plan approval.

H. The Owner and the City desire to enter into this Agreement to (i) allow use of the Property as a mobility-oriented development, subject to the parameters set forth in this Agreement; (ii) allow the assignment of development rights and related parking and stormwater within the Property to individual parcels within the Development, regardless of parcel ownership; (iii) provide for a publicly available parking garage; and (iv) provide a timeline for construction of the Development.

I. This Agreement is consistent with the City's Charter, the City's Comprehensive Plan and Municipal City Code, as well as, with provisions of Chapter 163, Florida Statutes, Chapter 166, Florida Statutes, Chapter 187, Florida Statutes and Article VIII, Section 2(b), Constitution of the State of Florida, and other applicable law, and serves a public purpose.

J. The City has determined that the requirements of Section 163.3231, Florida Statutes, have been met in that:

i. The City has adopted a local Comprehensive Plan that is in compliance.

ii. The proposed development of the Property is consistent with the City of St. Augustine Comprehensive Plan, including the Future Land Use Map, and complies with applicable provisions of the City's Land Development Regulations and Municipal Code (the "**City Code**").

iii. This Agreement constitutes a binding commitment on the part of the Owner, its successors and assigns, to develop the Property consistent with the Comprehensive Plan and applicable provisions of the City Code.

K. The Development will be served by the following public facilities:

i. Transportation. Site access will be provided via the existing U.S. Highway 1, West King Street and Hartshorn Street, subject to approval by applicable governmental agencies. Prior to commencement of the Development, the Owner shall apply to the City for transportation concurrency and will pay mobility fees and make any site access improvements required by applicable laws and regulations, including the City Code, for the Owner's private development on the Property (but not related to the City's parking garage proposed for the Property).

ii. Potable Water and Sanitary Sewer. The City will provide adequate water and wastewater service to the Property. Prior to commencement of the Development, the Owner shall apply for water and sewer concurrency and will pay any connection or other fees and make any system improvements required by applicable laws and regulations, including the City Code, for the Owner's private development on the Property (but not related to the City's parking garage proposed for the Property).

iii. Solid Waste. The City will provide solid waste disposal to the Property.

iv. Drainage. Concurrently with development of the Property or portions thereof, the Owner will provide drainage in accordance with St. Johns River Water Management District rules and in accordance with local government development orders that have been and will be issued for development of the Property from time to time, as well as other improvements in

compliance with the provisions of this Agreement and the respective responsibilities of the parties.

v. Parks / Open Space. Concurrently with development of the Property or portions thereof, the Owner and the City will provide recreational facilities and open space as required in applicable provisions of the City Code.

vi. Public Schools. Concurrently with development of any residential units on the Property, the Owner will provide school proportionate share and pay school impact fees, in accordance with applicable laws and regulations.

L. The MOD Zoning district allows a maximum residential density of 50 units per acre, a maximum lot coverage by buildings of 80 percent and a maximum building height of 65 feet.

M. This Agreement strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation and comprehensive planning and reduces the costs of development.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Findings of Fact. The Recitals set forth above are true and correct and are incorporated herein by reference as Findings of Fact.

2. Purpose and Intent. The Owner and the City desire to enter into this Agreement to address the provision of a mobility-oriented development on the Property, pursuant to the MOD FLUM and MOD Zoning designations. The Development will include a cohesive mixture of land uses centered around a centralized publicly available parking facility and future rail station. The Owner and the City will cooperate in providing utility, stormwater and transportation system improvements to support the Development, subject to final concurrency and construction plan approval in accordance with the City Code. Cooperation with the City on public facilities, utilities and transportation shall not relieve the Owner of the responsibility for compliance with all applicable codes, laws and regulations and does not imply that the City will be responsible for construction or financing of any improvements needed for privately owned portions of the Development. Costs associated with any publicly owned or available portions of the Development will be subject to a separate agreement between the Owner and the City.

3. Public Facility Improvements. The Owner and the City agree that they will cooperate in providing potable water, sanitary sewer, stormwater, transportation and other public facilities to the Development. Once the Owner finalizes its plans for the Development, the Owner will apply to the City for concurrency and construction plan approvals. At that time, the City and the Owner will determine whether any capital improvements are necessary to serve the Development and which party or parties will be responsible for funding and constructing such improvements. The Owner will comply with all codes, laws and regulations related to potable water, sanitary sewer, stormwater, transportation and other public facilities necessary for development of the Property.

4. **Property Development Rights**. For the purposes of the Agreement, the Property shall have the following development rights, as calculated below:

a. The Property includes approximately 5.5 developable acres, as depicted on the conceptual development plan attached hereto as **Exhibit "B"** and incorporated herein by this reference (the "**Conceptual Development Plan**"). Based on the approximately 5.5 developable acres within the Property, the maximum residential density for the Development will not exceed 275 units, pursuant to the MOD FLUM and MOD Zoning designations (the "**Residential Development Rights**"). The maximum non-residential intensity for the Development shall not exceed the 80 percent lot coverage by buildings for the overall Property, less the lot coverage by residential buildings (the "**Non-Residential Development Rights**", and collectively with the Residential Development Rights, the "**Development Rights**"):

b. The Development shall not be permitted to exceed 80 percent lot coverage by buildings, as calculated over the 5.5 developable acres within the Property.

c. The Owner shall be permitted to allocate some or all of the Development Rights to one or more parcels within the Property, regardless of the size of such parcel or parcels. The Owner shall notify the City when it allocates any portion of the Development Rights to a parcel within the Property and shall record an assignment of such portion of the Development Rights against title to the applicable parcel in the Public Records of St. Johns County, Florida. The Owner shall also submit tables tracking allocations of the Development Rights with each construction plan submittal to the City, so that the City will know how many cumulative Development Rights have been allocated as of the date of each construction plan submittal.

d. The Property, in its entirety, will comply with the King Street Design Standards as they relate to "West King Street", as set forth more fully in City Code Section 28-130(3).

e. Permitted uses within the Development shall be those allowed by right in the MOD future land use category and MOD zoning district.

f. Lot coverage by buildings shall be measured within the Property as a whole, and not by individual parcel or parcels.

g. Stormwater ponds and structures may be shared among parcels within the Property.

h. Trash dumpsters and other facilities may be located inside or outside of any parking garage or garages that may be constructed on the Property.

i. The Conceptual Development Plan is subject to revision, provided any changes conform with the MOD FLUM and MOD Zoning designations.

5. **Shared Parking**. The Development will include a variety of land uses, including mobility, residential, commercial/retail and office, and will be developed in a unified manner, consistent with the Conceptual Development Plan. Due to its mixed-use nature, the Development shall be permitted to have parking for various parcels within the Property located anywhere within the Development, if approved by the City Planning and Zoning Board ("**PZB**") as a use

by exception. If the entire Development is approved by the PZB as a use by exception for off-site parking, each specific parcel, at the time of its construction plan submittal, shall identify (i) its per-Code parking needs, (ii) the off-site parking location to be used within the Development for such parcel and if the location complies with the City Code's distance requirements, (iii) the available number of parking spaces at that location, and (iv) the availability of such parking spaces no later than at the time the City issues a certificate of occupancy or its equivalent for the related use. The Owner shall notify the City when it allocates parking spaces within the Development to a specific parcel and shall submit tables tracking allocations of parking spaces with each construction plan submittal to the City, so the City can track the Development's compliance with Code parking provisions. Nothing herein is intended to vary, modify or waive any Code criteria, nor to imply the preemptive approval or disapproval of a use by exception or other quasi-judicial hearing process. If the Development is not approved by the PZB as a use by exception for off-site parking, each parcel within the Development will have to comply with Code parking requirements on-site.

6. **Mobility – Oriented Development Project.** The Development is proposed to be a mobility-oriented development, which is why the Owner applied for and the City approved a Comprehensive Plan Amendment to change the FLUM designation of the Property to MOD and a rezoning to amend the zoning district of the Property to MOD. In the event a mobility oriented development meeting the criteria of the MOD FLUM designation set forth in City Comprehensive Plan Land Use Element Policy 6.9.1 does not occur within the Property, the future land use and zoning designations of the Property shall automatically revert to Commercial Medium Intensity and Industrial as the future land use designations (as they were in September 2022) and CM-2 and IW zoning districts (as they were in September 2022) and the Owner will be required to seek FLUM and zoning amendments for any development of the Property that is not consistent with the September 2022 future land use and zoning designations of the site.

7. **Publicly Available Parking Garage**. The MOD FLUM and MOD Zoning designations require the Property to contain a Mobility Station (as that term is defined in Section 28-2 of the City Code. Pursuant to the City Code, a Mobility Station must contain a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located a 1 Cordova Street. The Mobility Station on the Property may also include a transit station available to the public at large for general transportation needs or a commuter rail station at some time in the future. A public shuttle or public circulator system, operating in conjunction with the publicly available parking garage, will be the responsibility of the City or its assigns, in coordination with the Owner.

The Owner intends to construct a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage on the Property to satisfy the Mobility Station requirement. Such parking garage will be developed on the Property in cooperation with the City of St. Augustine and will contain a minimum of 500 parking spaces available to the public, unless that number is reduced per agreement by both the City and the Owner. None of the minimum 500 parking spaces (subject to reduction per agreement by both the City and the Owner) available to the public shall serve the parking needs of privately owned buildings or businesses located on the Property, unless the Property is included in an overlay district or other

agreement is reached between the City and the Owner that allows for shared or reduced parking. The details of ownership and operation of the parking garage shall be subject to a separate agreement between the City and the Owner. In the event the City and the Owner do not reach agreement regarding the development of the garage, as set forth in this Section 7, the Owner shall be permitted to construct and finance a parking garage meeting the requirements of the Mobility Station definition in Section 28-2 of the City Code.

8. **Development Timing.** Project development will commence within five (5) years of the Effective Date hereof; provided, however, the Owner shall have the right to extend this date through an amendment to this Agreement. The first phase of the development will contain a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located a 1 Cordova Street, pursuant to the requirements of City Code Section 28-2. If the City and the Owner enter into a legally binding agreement related to the financing, construction and operation of a publicly available parking garage on the Property pursuant to Section 7 hereof (the "**Parking Garage Agreement**") and both parties perform on their obligations thereunder, the publicly available parking garage will be constructed pursuant to the timing set forth in the Parking Garage Agreement. If the Owner and the City are unable to come to terms on an agreement related to a publicly available parking garage by July 1, 2023 (which date may be extended by mutual written agreement between the Owner and the City), the Owner shall have the right to construct in its first phase of development a publicly available parking garage on the Property that meets the requirements of City Code Section 28-2, without the participation of the City. If the Owner does not elect to construct a publicly available parking garage that meets the requirements of City Code Section 28-2 in its first phase of development, the future land use and zoning designations of the Property shall automatically revert to Commercial Medium Intensity and Industrial as the future land use designations (as they were in September 2022) and CM-2 and IW zoning districts (as they were in September 2022) and the Owner will be required to seek FLUM and zoning amendments for any development of the Property that is not consistent with the September 2022 future land use and zoning designations of the site.

For the purposes hereof, "commencement" shall be defined as the City's approval of the first construction plans for the Property. Because the Property has an MOD zoning designation, no Development phasing or completion dates are required by the Code. Thus, the Development may occur in a number of phases. Each phase of the Development will meet applicable City Code requirements. The City shall review the Development at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with this Agreement, pursuant to Section 163.3235, Florida Statutes.

9. **Authority and Duration.** This Agreement is made and granted pursuant to Sections 163.3220-163.3243, Florida Statutes, and is effective through the thirtieth (30th) anniversary of the Effective Date of this Agreement, and any extension of this Agreement. Notwithstanding the foregoing, this Agreement shall not expire as long as a mobility-oriented use, as defined in the MOD future land use and MOD Zoning categories, is operating on the Property.

10. Amendment, Extension of Agreement. If state or federal laws are enacted after the execution of this Agreement that are applicable to and preclude the parties' compliance with the terms of this Agreement, this Agreement shall be modified or revoked as necessary to comply with the relevant State or federal laws, pursuant to Sections 163.3237 and 163.3241, Florida Statutes, as may be amended from time to time. The duration of this Agreement may be extended by the City pursuant to law and after conducting a public hearing in the manner specified in Section 163.3225, Florida Statutes, as may be amended from time to time.

11. Necessity to Obtain Permits. The Owner acknowledges its obligation to obtain all necessary federal, state and other local development permits (not mentioned herein) for development of the Property. The failure of this Agreement to address any particular permit, condition, term or restriction applicable to development of the Property shall not relieve the Owner or any successors or assigns of the necessity of complying with federal, state, and other local permitting requirements, conditions, terms or restrictions as may be applicable.

1. Agreement Consistent with Comprehensive Plan and Section 163.3180, Florida Statutes (2022). The City hereby acknowledges and agrees that (i) the Development is consistent with Florida Statutes and with the City's Comprehensive Plan and Land Development Regulations, and (ii) that the City's Comprehensive Plan is in compliance with the State of Florida Comprehensive Plan. This Development Agreement is contingent upon a future land use category and companion zoning district specific to mobility-oriented development. Any successful legal challenges to these ordinances will nullify the rights and obligations of this Development Agreement.

5. Remedies. Each party to this Agreement shall be entitled to seek enforcement of this Agreement against the other party consistent with Section 163.3243, Florida Statutes, as may be amended from time to time.

6. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. When Owner is used in this Agreement, it includes Owner and any successors and assigns owning any rights to the Property, jointly and severally assuming all the Owner obligations set out in the Agreement, unless the obligations have been fully discharged. Payments or credits due to Owner by City pursuant to the terms of this Agreement will be disbursed or assigned to BROUDY BROS., LTD. City shall have no duty to apportion or assign any payments or credits from this Agreement to successors or assigns, and said successors or assigns shall only look to BROUDY BROS., LTD. for reimbursement, credit or apportionment, unless BROUDY BROS., LTD. assigns its rights and obligations hereunder in full to a successor in interest to the Property.

7. Applicable Law: Jurisdiction and Venue. This Agreement and the rights and obligations of the City and Owner under this Agreement shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida (2022). This Agreement may be enforced as provided in Section 163.3243, Florida Statutes, as may be amended from time to time. Venue for any litigation pertaining to the subject matter of this Agreement shall be exclusively in St. Johns County, Florida. If any provision of this Agreement, or the application of

this Agreement to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the Development contemplated by this Agreement shall not relieve Owner or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

8. Exhibits. All exhibits attached to this Agreement contain additional terms of this Agreement and are incorporated into this Agreement by reference.

9. Captions or Paragraph Headings. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision of this Agreement.

10. Counterparts. This Agreement may be executed in counterparts, each constituting a duplicate original; such counterparts shall constitute one and the same Agreement.

11. Effective Date and Recordation. This Agreement shall become effective fifteen (15) days after it has been recorded in the Public Records of St. Johns County (the **"Effective Date").**

12. Amendment. This Agreement may be amended, cancelled or revoked consistent with the notice and hearing procedures of Section 163.3225, Florida Statutes, and the terms of Section 163.3237, Florida Statutes, as may be amended from time to time.

13. Further Assurances. Each party to this Agreement agrees to do, execute, acknowledges and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances in a manner and to the degree allowed by law, as shall be reasonably requested by the other party in order to carry out the intent of and give effect to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the City, the parties declare their intention to cooperate with each other in effecting the purposes of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

14. Notices. Any notices or reports required by this Development Agreement shall be sent to the following:

For the City:
City Manager
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

With copy to:
City Attorney
City of St. Augustine
75 King Street

St. Augustine, Florida 32084

For Owner:

Barry B. Broudy
Broudy Bros., LTD.
35 North Ponce De Leon
St. Augustine, Florida 32085

Cory A. Lang
194 West King Street
St. Augustine, Florida 32084

With copy to:

Ellen Avery-Smith
Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

[Signatures on Following Pages]

Passed and Duly Adopted by the City Commission of the City of St. Augustine, Florida this 24 day of October, 2022.

Attest:

ATTEST:

Darlene Galambos, City Clerk

CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation

By: T. W. Upchurch

Tracy Upchurch, Mayor

Approved as to form, legal sufficiency and execution:

By:

Isabelle Lopez, City Attorney

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

Name: _____

Print: Tamara P. McCue

Name: _____

Print: Amanda Sekel

BROUDY BROS., LTD., a Florida limited partnership

By: _____
Name: _____
Its: President

Date: 11/2/2023

STATE OF FLORIDA

COUNTY OF St. Johns

The forgoing instrument is hereby acknowledged before me by means of ✓ physical presence or ___ online notarization this 2nd day of November, 2022, by Barry Broudy as President of BROUDY BROS., LTD., a Florida limited partnership on behalf of the company. He is personally known to me or has produced FL DL as identification and (did/did not) take an oath.

Notary Public State of Florida
Amanda L Sekel
My Commission GG 345652
Expires 08/16/2023

_____
NOTARY PUBLIC

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

Name: _____

Print: James P. Mccune

Name: Amanda Sekel

Print: Amanda L. Sekel

CORY A. LANG

By: Cory A Lang

Name: Cory A. Lang, an Individual

Date: 10/31/22

STATE OF FLORIDA

COUNTY OF St. Johns

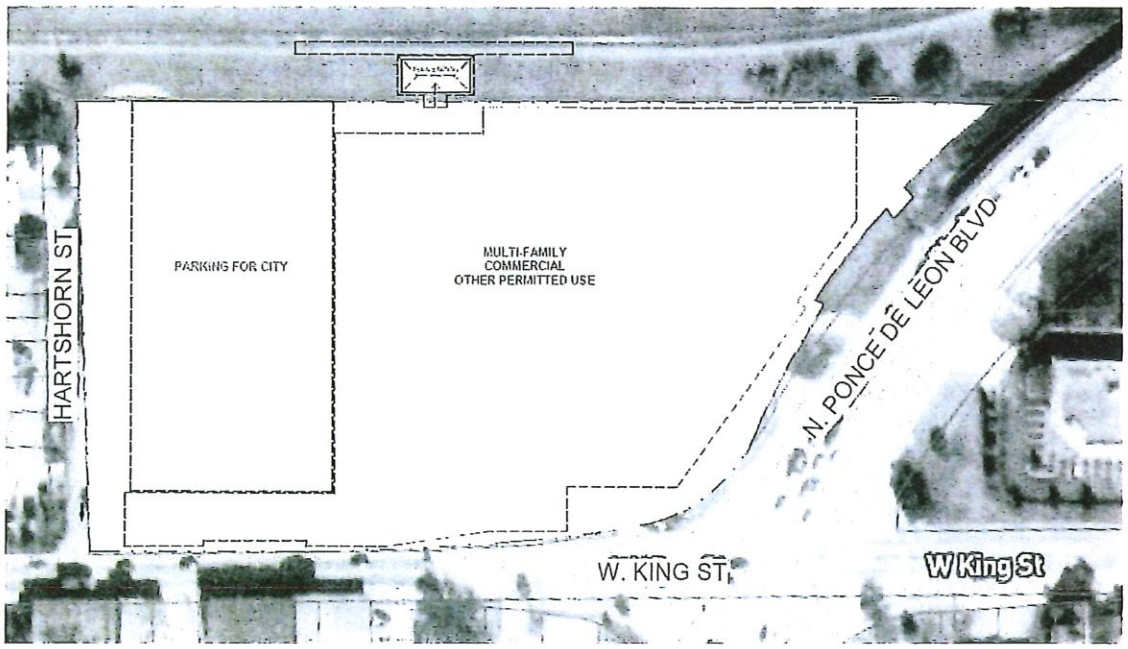
The forgoing instrument is hereby acknowledged before me by means of ✓ physical presence or ___ online notarization this 31st day of October, 2022, by CORY A. LANG, an individual. He is personally known to me or has produced _____ as identification and (did/did not) take an oath.

_____
NOTARY PUBLIC

JAMES P MCCUNE
Notary Public - State of Florida
Commission # HH 137862
My Comm. Expires Jun 20, 2025
Bonded through National Notary Assn.

EXHIBIT "B"

Conceptual Development Plan



SCALE: 1" = 60'-0

Conceptual Site Plan

09.15.2022

P3P

2023 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L21000423734

Entity Name: WEST AUGUSTINE GATEWAY, LLC

Current Principal Place of Business:

35 N PONCE DE LEON
ST. AUGUSTINE, FL 32084

Current Mailing Address:

1313 S ANDREWS AVE
FORT LAUDERDALE, FL 33316 US

FEI Number: APPLIED FOR

FILED
Feb 06, 2023
Secretary of State
2207449121CC

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

BORKSON, ELLIOT B
1313 S ANDREWS AVE
FT LAUDERDALE, FL 33316 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent — Date

Authorized Person(s) Detail :

Title	MGR	Title	MGR
Name	BROUDY, BARRY	Name	BROUDY, JOAN
Address	5128 FOLIAGE WAY	Address	4001 VAIL POINT TERRACE
City-State-Zip:	ST AUGUSTINE FL 32092	City-State-Zip:	ST. AUGUSTINE FL 32086

Title	MGR
Name	BORKSON, ELLIOT
Address	1313 S ANDREWS AVE
City-State-Zip:	FORT LAUDERDALE FL 33316

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

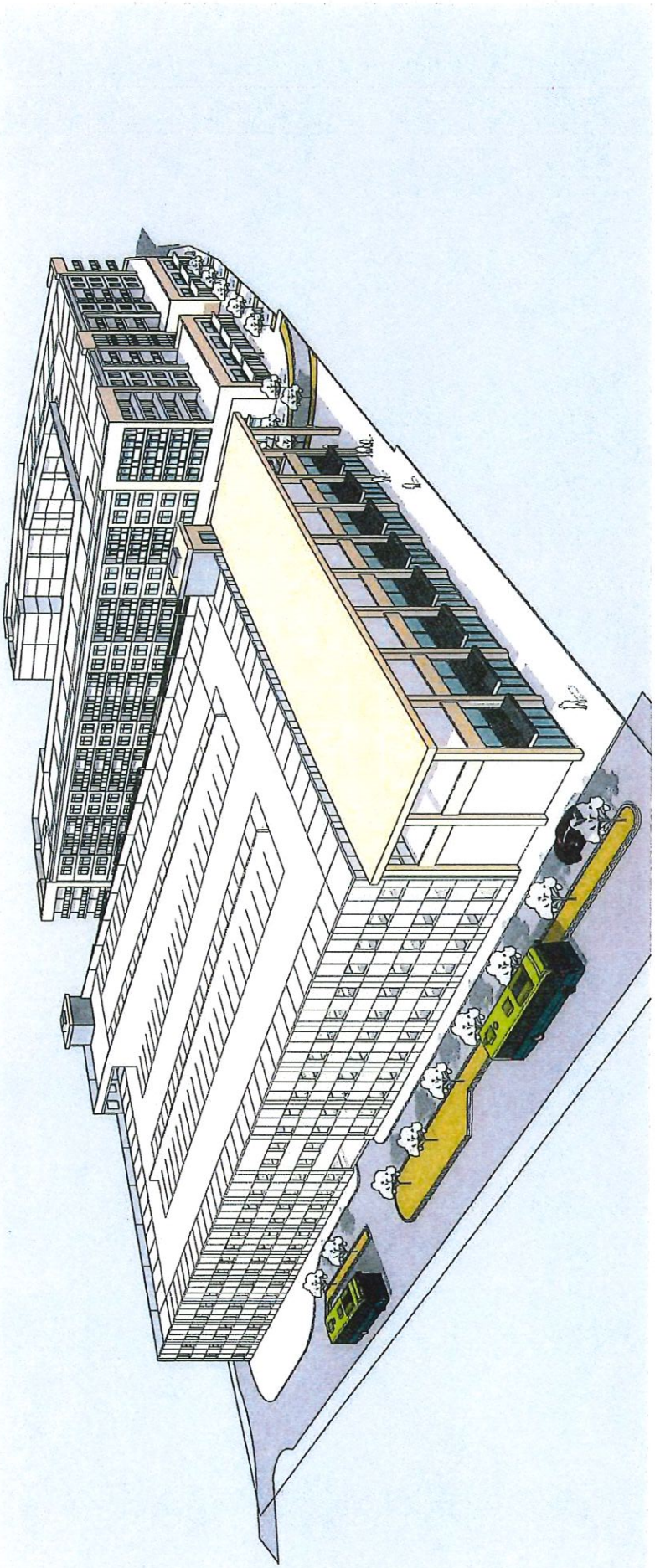
SIGNATURE: BARRY BROUDY MGR 02/06/2023

Electronic Signature of Signing Authorized Person(s) Detail — Date

2023.03.29

LS3P

A-050 OVERALL SITE PLAN



8001 Baymeadows Way Ste 1
Jacksonville, FL 32256-7521
P 904-900-6494
F 904-268-5255
Terracon.com

August 23, 2023

Enviormental Background Activities
West Augustine Gateway
194 West King Street
St. Augustine, St. Johns County, Florida

Site History

Based on a review of available historical information the northern portion of the property appears to have been developed from at least 1899 with Florida East Coast Railroad (FECR) rails and associated car barns. Hydrants and hoses were noted at regular intervals throughout the interior of these barns. Two dwellings were also developed on the central portion of the property. Additional dwellings were developed along the western and southern site boundaries in the early 1900s. Buildings for sawing wood and a blacksmith were developed by 1910 on the southeast portion of the property. The Worley Sanitarium was developed along the southern boundary, more FECR spurs were added along the northern portion of the site and the blacksmith building was no longer present by 1917. Texas Oil Company began operating on the southeast portion of the site in the early 1920s, whose operations included gasoline and kerosene aboveground storage tanks (ASTs). Additionally, the Worley Sanitarium was then operating as the Poincetta Villa Hotel. By 1946, the hotel was razed, and a large wood beam structure was developed in its place. In the early 1960s, the northern portion of the property began operating as Florida State Iron and Metal Company, the western portion supported residential dwellings and garages, the southern portion supported a printing shop, Broudy Brothers Food Store and a restaurant. The southeastern portion that was previously operating as Texas Oil Company, was then operating as a motor freight and filling station. The motor freight station was razed and the current building for Broudy's Fine Wine & Spirits was developed in 1971. The Florida State Iron and Metal Company ceased operations on the property in the mid-1970s. The filling station on the southeast portion of the property began operating as King Auto Repairs & Parts and the current buildings were developed in 1986. The on- property residences along the western boundary were razed in the mid-2000s. The Broudy Brothers Food Store operated on the property until 2011, when Mariotti's Laundry & Cleaning (a drop-off only laundry) began operations. This building was razed in 2016 and has been vacant land since that time. The current liquor store and auto repair shop have been operating on the property since 1971 and 1986, respectively, whereas the remainder of the property is paved parking or vacant land.

Phase I Environmental Site Assessment – August 31, 2022

Terracon conducted a Phase I Environmental Site Assessment on the overall property redevelopment project on August 31, 2022, which identified the following recognized environmental conditions (RECs) and/or site concerns summarized in the table below.

REC/Site Concern	Description
Historical and Continued Auto Repair Operations	The long-term use of the property as an auto repair shop, with no compliance documentation or records, a history of poor housekeeping practices, staining around the used oil AST and an apparent in-ground hydraulic lift.
Historical Fueling Operations	The southeastern portion of the property operated as Texas Oil Company and as a motor and freight facility from the 1920s through the 1980s. Additionally, the southeastern adjoining property, prior to the development of Ponce de Leon Boulevard in the 1950s, operated as a fueling station. There is no documentation regarding the former tank usage for both facilities.
Historical Railroad Operations	There is potential for releases and/or impacts of arsenic and herbicide- related contaminants of concern from the long-term use, maintenance and construction of the railroad. Additionally, the property was used initially as FECR car barn storage then as Florida State Iron and Metal Company.
Historical Dry Cleaning Operations	The property previously operated as a dry cleaner from 2012 until 2016. Based on the nature of dry cleaning solvents that could have impacted the site.
Historical Printing Operations	The property previously supported a printing business in the 1950s through the 1960s. The exact printing operations were unknown; however, based on the wastes generated through printing processes, as well as typical waste handling and disposal practices in the 1950s and 1960s, it is likely that these former operations have impacted the property.
Historical Eastern Adjacent Properties (Offsite)	The eastern properties previously supported a lumber storage building, photo and sign printing business, an auto shop and auto salvage yard prior to the Ponce de Leon Boulevard roadway development.
Historical Northern Adjoining Property (Offsite)	The northern adjoining property operated as FECR as well as a storage yard for coal, wood, metal and lumber.
Historical Southern Adjacent Properties (Offsite)	The southern adjacent properties operated as an auto shop garage and filling station.

REC/Site Concern	Description
Deford's Fuel and Oil Discharge Remediation (Offsite)	The petroleum discharge from the bulk fuel retailer on the western adjacent property migrated onto the property. **Note, this is being handled by the offsite responsible party and impacts are no longer present on the subject site.*

Limited Site Investigation – October 2022

A Limited Site investigation was conducted on the property on December 7, 2022, which included the investigation of soil and groundwater, potential existence of onsite underground storage tanks (USTs).

Site Concern	Assessment Findings
Potential USTs	A UST was identified at the King's Auto location and was confirmed by the prior property owner. The prior owner indicated that the UST was previously abandoned in place. The UST was not currently registered with the FDEP and a tank closure assessment was not available for review or on record with the FDEP. Proper tank closure and sampling is warranted.
Potential Soil Impacts	Soil sampled across the property is currently impacted with lead, arsenic, benzo(a)anthracene, benzo(a) pyrene and dieldrin. Additional assessment is warranted to complete the area of delineation.
Potential Groundwater Impacts	Groundwater sampled across the property is currently impacted with l dieldrin. Additional assessment is warranted to confirm groundwater impacts.

(4) Notice of Proposed Rehabilitation of the BF Area and Proof Newspaper Advertisement

ATTACHMENT 4

Community Meeting for the Brownfield designation of West Augustine Gateway

Designation Location:
Intersection of King and U.S. 1

Open to the public for comments and questions

CITY OF ST AUGUSTINE EST. 1565

September 12, 2023
5:00 pm
Meeting Location: Solar Stik Lobby
13 N. Leonardi Street, St. Augustine, FL

We'll discuss the goals and community benefits of designating the proposed mixed-use re-development leveraging Florida Brownfield incentives.

Reach out to Jason Perry at jperry@pinnacleadv.com with any questions

Affidavit

I, Janine Beaulieu

of Nine Oaks Development

make oath and say:-

Held a community meeting for the Brownfield designation of West Augustine Gateway on September 12, 2023 at 5:00pm at the Solor Stik Lobby located at 13 N. Leonardi Street, St. Augustine, Fl. The meeting discussed the community benefits of designating the proposed mixed-use redevelopment leveraging Florida Brownfield incentives.

Sworn at The UPS Store 4446-1A Hendricks Ave Jacksonville, FL 32207

this 13th day of September 2023, Janine Beaulieu

Signature of deponent making this affidavit

before me:

Signature of authorised witness

NOTARY PUBLIC STATE OF FLORIDA

ZACHARY R. WILSON
Commission # HH 088477
Expires February 3, 2025
Bonded Thru Budget Notary Services

The authorised witness must print or stamp his or her name, address, and title under section 123c of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (e.g. Justice of the Peace, Current Legal Practitioner, Registrar of the Magistrates Court, Sergeant of Police, Member of the Parliament of Victoria)

Community Meeting for the Bornwfield Desination of West Augustine Gateway

Prior to the Community Meeting, Flyers were mailed to neighbors surrounding the West Augustine Gateway project area as well as posted in these following locations:

Broudy's Liquor
35 N Ponce De Leon Blvd, St. Augustine FL

Bog Brewery Company
218 W. King Street, St, Augustine FL

Muggsy's
213 W. King Street, St, Augustine FL

Murf's Homestyle Togo
6 Mackey Lane, St, Augustine FL

The Local Refillery
226 W. King Street, St, Augustine FL

The Buena Onda Cafe
224 W. King Street, St, Augustine FL

Solar Stik
224 W. King Street, St, Augustine FL

Community Meeting for the Brownfield Destination of West Augustine Gateway
Date Pictures Taken: September 12, 2023



Photo 1: Community Meeting Location



Photo 2: Community Meeting Location

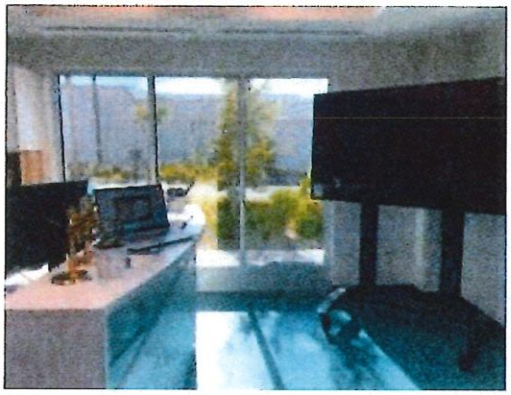


Photo 3: Community meeting area

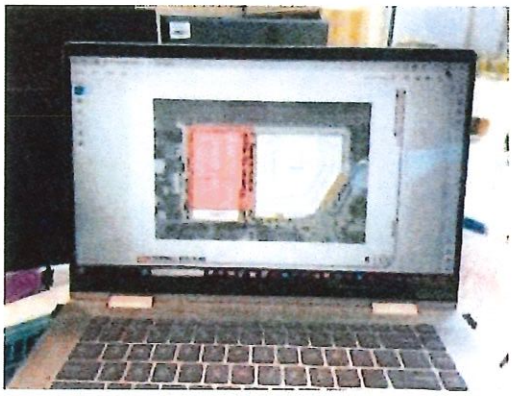


Photo 4: Community Meeting visuals

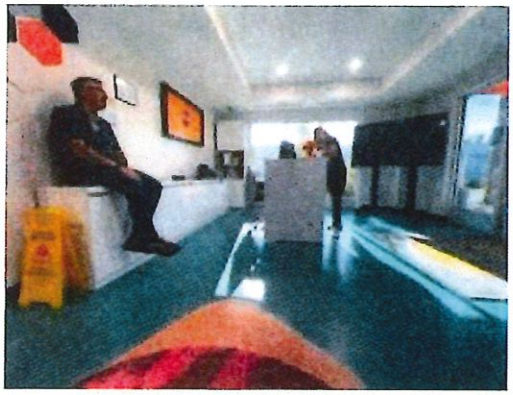


Photo 5: Community Meeting discussion with public attendants

NOTIC OF PUBLIC HEARING

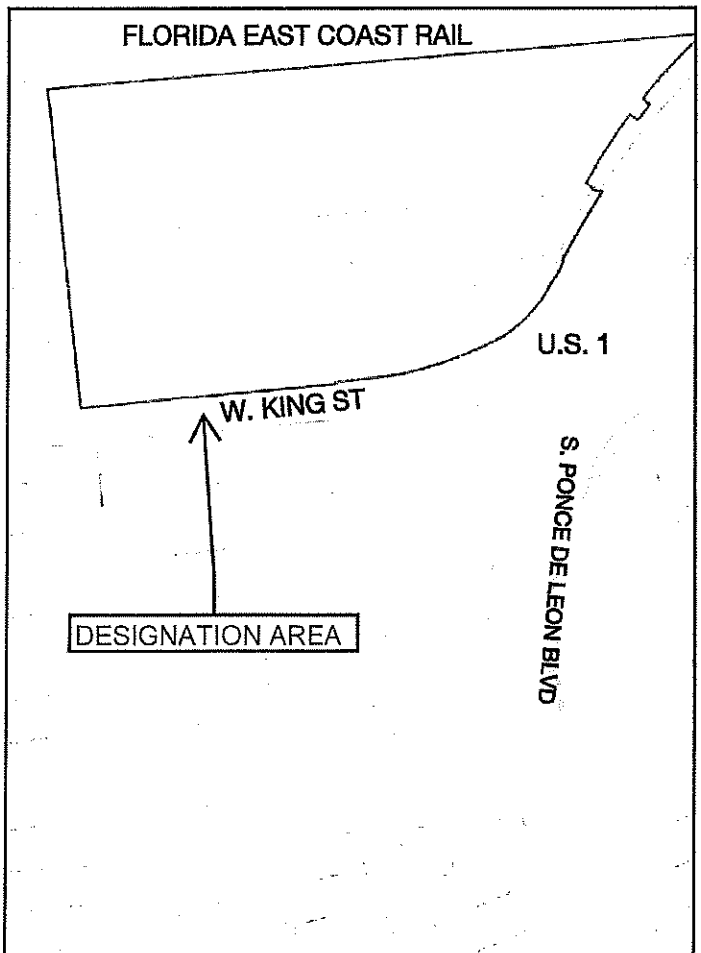
NOTICE IS HEREBY GIVEN that the City of St. Augustine, Florida will conduct a public hearing on October 9, 2023, at 5:00pm, in The Alcazar Room on the first floor of City Hall, located at 75 King Street, St. Augustine, Florida, 32085, to consider the following Resolution:

RESOLUTION 2023-35

A RESOLUTION DESIGNATING PARCEL NOS. 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 1111100000 and A CERTAIN PORTION OF DEPOT STREET PER ORDINANCE NO.2023-23 BK:5809 PG:1804, LOCATED SOUTH OF THE FLORIDA EAST COAST RAILWAY AND NORTHWEST OF THE WEST KING STREET AND PONCE DE LEON BOULEVARD INTERSECTION, AT 194 WEST KING STREET, ST. AUGUSTINE, FLORIDA 32084, AS A BROWNFIELD REHABILITATION AREA AND FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT: PROVIDING AN EFFECTIVE DATE.

This meeting is open to the public in the City Commission Chambers. A full copy of said Resolution may be inspected at the Office of the City Clerk during regular business hours from this date forward. All interested parties may attending said meeting and be heard or send comments to the office mentions above.

Any person deciding to appeal any decision made by the Commission at the public hearing will need to ensure that a verbatim record of proceedings is made. In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordination at 904-825-1007 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.



West Augustine Gateway
194 West King Street
St. Augustine, St. Johns County FL, 32084
St. Johns County Parcel ID's: 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 and 1111100000

ED-37253886

Govt Public Notices

If you wish to receive a copy of a Technical Staff Report (TSR) that provides the St. Johns River Water Management District (District) staffs' analysis on the above-listed compliance report(s) and associated permit(s), please submit your request to Office Director Office of Business and Administrative Services, PO Box 1429, Palatka FL 32178-1429. You may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting/index.html. To obtain information on how to find and view a TSR, visit https://permitting.sjrwmd.com/epermitting/html/EP_FAQs.html, and then follow the directions provided under "How to find a Technical Staff Report (TSR) or other application file documents." A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m.- 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the next regular District business day. A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District's acceptance of petitions filed by mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at www.sjrwmd.com. The District will not accept a petition sent by facsimile (fax). Mediation may be available if you meet the conditions stated in the full Notice of Rights (see last paragraph).
The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. Failure to file a petition for an administrative hearing within the requisite time
frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).
If you wish to do so, please visit http://www.sjrwmd.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the Consumptive Use Permit Application(s) described above. You can also request the Notice of Rights by contacting the Office Director, Office of Business and Administrative Services, P. O. Box 1429, Palatka, FL 32178, phone (386)329-4570.
October 9 2023
LSAR0025845

Notice To Creditors

IN THE CIRCUIT COURT, OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA
CASE NO.: CP23-0589
DIVISION:
IN RE: ESTATE OF:
JOHN CHRISTOPHER FOREMAN,
Deceased.

NOTICE TO CREDITORS

The administration of the estate of JOHN CHRISTOPHER FOREMAN, deceased, whose date of death was June 29, 2023, and whose last four digits of his social security number is xxx-xx-0035 is pending in the Circuit Court for St. Johns County, Florida, Probate Division, the address of which is 4010 Lewis Speedway, St. Augustine, FL 32084. The names and addresses of the personal representative and the personal representative's attorney are set forth below.
All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this Court WITHIN THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.
All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this Court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.
ALL CLAIMS NOT SO FILED WILL BE FOREVER BARRED.
NOTWITHSTANDING THE TIME PERIOD SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.
The date of first publication of this notice is October 9, 2023.
Attorney for Personal Representatives:
[illegible]

Public Notices

Manager, c/o Governmental Management Services, LLC, at (904) 940-5850 or joliver@gmsnf.com ("District Manager's Office") and is also expected to be available on the District's website, www.meadowviewattwincreekscdd.com at least seven days prior to the meeting.
The meeting will be conducted in accordance with the provisions of Florida law for community development districts and will be open to the public. The meeting may be continued in progress without additional notice to a date, time, and place to be specified on the record at the meeting.
Each person who decides to appeal any decision made by the Board with respect to any matter considered at the Meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.
Any person requiring special accommodations at the Meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the Meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office. If you are unable to participate by telephone, please contact the District Manager's office at (904) 940-5850 or joliver@gmsnf.com for further accommodations.
James Oliver
District Manager
Pub: October 9, 2023; #9342264

TROUT CREEK COMMUNITY DEVELOPMENT DISTRICT
NOTICE OF WORKSHOP

The Board of Supervisors of the of the Trout Creek Community Development District will hold a workshop on October 16, 2023 at 4:00 p.m. at The Kayak Club located at 100 Kayak Way, St. Augustine, FL 32092
The purpose of the workshop is to discuss and review capital improvement items related to the District. The workshop is open to the public and will be conducted in accordance with standard statutory guidelines.
There may be occasions when one or more Supervisors or staff will participate by telephone. At the above location there will be present a speaker telephone so that any Supervisor or Staff can attend the workshop at the above location and be fully informed of the discussions taking place either in person or by telephone communication.
Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop is asked to advise the District Office at (904) 436-6270, at least 48 hours before the workshop. If you are hearing or speech impaired, please contact the Florida Relay Service at 7-1-1 or 1(800) 955-8770, who can aid you in contacting the District Office.
A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.
Melissa Dobbins
District Manager
Pub: Oct 9, 2023; #9367992

NOTICE OF A PUBLIC HEARING ON PROPOSED REPLAT

Notice is hereby given that a public hearing will be held on 10/17/2023 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a following request:
Proposed Plat "Shearwater Phase 3C-2" being a replat of the following described land located in St. Johns County, Florida:
A REPLAT OF TRACT 3C-1, TRACT 3C-2, TRACT 3C-3, TRACT 3C-4, TRACT 3C-5, TRACT 3C-6, AND TRACT 3C-7, AS SHOWN ON THE PLAT OF SHEARWATER PHASE 3C, AS RECORDED IN MAP BOOK 114, PAGES 34 THROUGH 43, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALL LYING IN A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA
General Location/Address of the Property:
The subject property is located north of County Road 16A and east of County Road 210 West.
The application is maintained in the Growth Management Department, St. Johns County Permit Center Building, St. Augustine, Florida and may be examined by parties in interest prior to said public hearing.
NOTICE TO PERSON NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPARIED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in the proceeding should contact, ADA coordinator, at (904) 209-0650 or at the St. Johns County Facilities Management building, 2416 Dobbs Road, St. Augustine, Florida, 32086. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.
This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should

Public Notices

NOTICE OF A PUBLIC HEARING ON PROPOSED REPLAT

Notice is hereby given that a public hearing will be held on 10/17/2023 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a following request:

Proposed Plat "Stillwater Phase 2" being a replat of the following described land located in St. Johns County, Florida:

PART OF SECTIONS 11 & 14, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, WITH A PORTION BEING A REPLAT OF TRACT "L", STILLWATER PHASE 1C, ACCORDING TO MAP BOOK 115, PAGES 51 THROUGH 78, OF THE PUBLIC RECORDS OF SAID COUNTY.

General Location/Address of the Property:
The subject property is located south of Longleaf Pine Parkway and east of Veterans Parkway.

The application is maintained in the Growth Management Department, St. Johns County Permit Center Building, St. Augustine, Florida and may be examined by parties in interest prior to said public hearing.

NOTICE TO PERSON NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPARIED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in the proceeding should contact, ADA coordinator, at (904) 209-0650 or at the St. Johns County Facilities Management building, 2416 Dobbs Road, St. Augustine, Florida, 32086. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. John's County Operations Division, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The file of this case is available for review by the public in the Development Review Department and/or office of the Clerk to the County Commission located at the St. Johns County Administrative Complex, 500 San Sebastian View, St. Augustine, Florida, 32084.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CHRISTIAN WHITEHURST, CHAIR
FILE NUMBER: PLAT-2022000062, Stillwater Phase 2

NOTICE OF A PUBLIC HEARING ON PROPOSED REPLAT

Notice is hereby given that a public hearing will be held on 10/17/2023 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a following request:

Proposed Plat "Stillwater Phase 3" being a replat of the following described land located in St. Johns County, Florida:

PART OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA TOGETHER WITH A REPLAT OF A PORTION OF

Public Notices

TRACT "F", STILLWATER PHASE 1B, ACCORDING TO MAP BOOK 110, PAGES 1 THROUGH 29, AND A PORTION OF TRACT "K", STILLWATER PHASE 1C, ACCORDING TO MAP BOOK 115, PAGES 51 THROUGH 78, BOTH OF THE PUBLIC RECORDS OF SAID COUNTY.

General Location/Address of the Property:
The subject property is located south of Longleaf Pine Parkway and east of Veterans Parkway.

The application is maintained in the Growth Management Department, St. Johns County Permit Center Building, St. Augustine, Florida and may be examined by parties in interest prior to said public hearing.

NOTICE TO PERSON NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPARIED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in the proceeding should contact, ADA coordinator, at (904) 209-0650 or at the St. Johns County Facilities Management building, 2416 Dobbs Road, St. Augustine, Florida, 32086. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. John's County Operations Division, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The file of this case is available for review by the public in the Development Review Department and/or office of the Clerk to the County Commission located at the St. Johns County Administrative Complex, 500 San Sebastian View, St. Augustine, Florida, 32084.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CHRISTIAN WHITEHURST, CHAIR
FILE NUMBER: PLAT-2022000068, Stillwater Phase 3

TROUT CREEK COMMUNITY DEVELOPMENT DISTRICT (SHEARWATER)
REQUEST FOR PROPOSALS FOR LANDSCAPE AND IRRIGATION MAINTENANCE SERVICES AND NOTICE OF PUBLIC MEETING TO OPEN RFP RESPONSES

Notice is hereby given that Trout Creek Community Development District ("District") will accept proposals from all qualified companies interested in providing landscape and irrigation maintenance services. The project manual ("Project Manual") will be available beginning on Tuesday, October 10, 2023 at 10:00 AM (EST). Please contact District Manager Melissa Dobbins at MDobbins@rizzetta.com for project manual.
There will be a mandatory pre-proposal meeting on Monday, October 16, 2023, at 9:00 A.M., onsite at the Shearwater Kayak Club located at 100 Kayak Way, St. Augustine, FL 32092. Failure to attend will preclude the District's consideration of a proposal submitted by a non-attending proposer.
In order to submit a bid, each bidder must (1) be authorized to do business in Florida, (2) hold all required state and federal licenses, including those with St. Johns County, in good standing; and (3) have at least three (3) years' experi-

Public Notices

ence with similar in size landscape maintenance projects. All proposers should acquire a copy of the Project Manual prior to the mandatory pre-proposal meeting.
Firms desiring to submit proposals must submit six (6) hard copies of the required proposal and one (1) Adobe PDF file on a flash drive, by hand delivery, UPS or FEDEX ONLY, no later than 12:00 p.m. on Thursday, November 2, 2023, to the District Manager, Rizzetta & Company, Inc., 2806 North Fifth Street, Unit 403, St. Augustine, Florida 32084 ("District Manager's Office"). Proposals shall be submitted in a sealed package, shall bear the name of the proposer on the outside of the package and shall clearly identify the project as "Trout Creek Community Development District - Landscape and Irrigation Maintenance Services Proposal."
All proposals will be publicly opened at 12:00 p.m. on Thursday, November 2, 2023, at the District Manager's Office. No official action will be taken at this meeting, it is held for the limited purpose of opening the bids. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. Any person requiring special accommodations at this meeting should contact the District Manager's Office at (904) 436-6270 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for aid in contacting the District Manager's Office.
Any and all questions relative to this request for proposals shall be only directed in writing to Melissa Dobbins at mdobbins@rizzetta.com. Questions must be submitted on or before 5:00 p.m., Wednesday, October 25, 2023.
Pub: Oct 9, 2023; #9368093

Public Sale

NOTICE OF PUBLIC SALE:
MUNAFO INC gives notice that on 10/28/2023 at 08:00 AM the following vehicles(s) may be sold by public sale at 205 STATE RD 207 to satisfy the lien for the amount owed on each vehicle for any recovery, towing, or storage services charges and administrative fees allowed pursuant to Florida statute 713.78.
1G3NL52E61C175100 2001 OLDS
5FNRL3H27AB110181 2010 HOND
This notification is published in ST AUGUSTINE RECORD on 10/09/2023.

Your Source Public Notices for the latest...

Public Sale

Public Auction at Devon Self Storage 1725 Lakeside Ave, St Augustine FL 32084. Property will be sold to satisfy the Owner's lien for rent under the Florida Self-Storage Facility Act. Property contained in the units will be sold to the highest bidder via an online auction at www.storagetreasures.com. Online bidding will begin on 10/16/23 10:00 AM and will continue until 10/30/23 10:00 AM at which time a high bidder will be determined. Devon Self Storage reserves the right to set minimum bids and to refuse bids. Please refer to www.storagetreasures.com for all other terms and conditions governing the bidding and auction process. Contents include and are not limited to furniture, appliances, tools, household items, electronics, clothing and bedding.
Carol Ann Grace # 1022, Tanner Scott Jarriel #1036, Christiana Alkire #6016, Marvette Dames #7010, Tanner Scott Jarriel # 9009,
Pub: 10/2/23; 10/9/23; #9290979

Notice Of Public Sale

Personal property of the following tenants will be sold for cash to satisfy rental liens in accordance with Florida Statutes, Self Storage Facility Act, Sections 83-806 and 83-807. Contents may include kitchen, household items, bedding, toys, games, boxes, barrels, packed cartons, furniture, trucks, cars. There is no title for vehicles sold at lien sale. Vehicles sold "as is" and for parts only. Owners reserve the right to bid on units. Lien sale to be held online ending **TUESDAY OCTOBER 24TH, 2023** at times indicated below. Viewing and bidding will only be available online at **www.storagetreasures.com** beginning 5 days prior to the scheduled sale date and time! Also visit www.personalministorage.com/Orlando-FL-storage-units/ for more info.
ANASTASIA STORAGE CENTER-11:00 AM
1985 MIZELL RD, ST. AUGUSTINE, FL 32080
UNITS#TENANT
#1001-JACK RUSSELL;#A021-VIVIENNE BEUTELSCHIESS
October 9,16 2023
LSAR0024788

Your Source Public Notices for the latest...

NOTICE OF HEARING ON PROPOSED ZONING VARIANCE

NOTICE IS HEREBY GIVEN that a public hearing will be held on 11/2/2023 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine. Florida to consider a Request for a Zoning Variance to Section 2.03.02.A of the Land Development Code to allow for the sale of alcoholic beverages in conjunction with a restaurant on a site within 1,000 feet of a place of worship.

The subject property is located at 270 Plaza Blvd, see map.

This file is maintained in the Planning and Zoning Section of the Growth Management Department at the County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

Interested parties may appear at the meeting and be heard with respect to the proposed permit.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners, the Planning and Zoning Agency, or the Ponte Vedra Zoning and Adjustment Board members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING-IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 32086.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of St. Augustine, Florida will conduct a 2nd public hearing on October 23, 2023, at 5:00pm, in The Alcazar Room on the first floor of City Hall, located at 75 King Street, St. Augustine, Florida, 32085, to consider the following Resolution:

RESOLUTION 2023-35

A RESOLUTION DESIGNATING PARCEL NOS. 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 1111100000 and A CERTAIN PORTION OF DEPOT STREET PER ORDINANCE NO.2023-23 BK:5809 PG:1804, LOCATED SOUTH OF THE FLORIDA EAST COAST RAILWAY AND NORTHWEST OF THE WEST KING STREET AND PONCE DE LEON BOULEVARD INTERSECTION, AT 194 WEST KING STREET, ST. AUGUSTINE, FLORIDA 32084, AS A BROWNFIELD REHABILITATION AREA AND FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT: PROVIDING AN EFFECTIVE DATE.

This meeting is open to the public in the City Commission Chambers. A full copy of said Resolution may be inspected at the Office of the City Clerk during regular business hours from this date forward. All interested parties may attending said meeting and be heard or send comments to the office mentions above.

Any person deciding to appeal any decision made by the Commission at the public hearing will need to ensure that a verbatim record of proceedings is made. In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordination at 904-825-1007 at least 48 hours in advance of the meeting, excluding

ATTACHMENT 5

August 21, 2023

City of St. Augustine
P.O. Box 210
St. Augustine, Florida 32085

Re: Brownfield Designation - West Augustine Gateway, LLC
194 West King Street, St. Augustine, Florida 32084
Resolution Designating Parcel Nos. 1112250120, 1112250000, 1112200000, 1112000000, 1111900000, 1111300000 and 1111100000

To Whom this May Concern:

The applicant, who owns the property, has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the site. West Augustine Gateway, LLC is owned and controlled by Barry Broudy, who's family's business has been located and operating on the site for more than 70 years. Furthermore, West Augustine Gateway, LLC has engaged an experienced project developer and project management organization, Nine Oaks Development, Inc., who has extensive experience in redevelopment of urban projects, including Brownfield designated sites (www.nineoaksdevelopment.com).

Based on the credentials and record of success in consummating the development of various commercial and residential properties in Northeast Florida, West Augustine Gateway, LLC and its development partner Nine Oaks Development, Inc. has the necessary financial resources and experience to implement and complete the site development pursuant to a rehabilitation agreement and redevelopment plan. Please contact us if you require any further documents or need clarification:

Barry Broudy, West Augustine Gateway, LLC
904-347-5929
barry@broudys.com

J. Jason Perry, Nine Oaks Development, Inc.
404-788-1945
jperry@nineoaksdev.com

Sincerely,

Jason Perry on behalf of
Barry Broudy, West Augustine Gateway, LLC

376.80 Brownfield program administration process.—

(2)(c) *Brownfield area designation proposed by persons other than a governmental entity.—*

For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: October 12, 2023

RE: **ORDINANCE 2023-33: AMEND SEC. 20-124 OF THE GENERAL EMPLOYEE INVESTMENT RETIREMENT SYSTEM ASSETS REQUIREMENTS TO REMOVE CATEGORIES AND CAPS TO ALLOW MORE DIVERSIFIED INVESTMENTS.**

On August 23, 2023 the General Employees' Retirement Board met and reviewed their financial advisor's recommendations to update the ordinance in order to provide the Board and advisor a more diversified range of potential investments and recommended to the City Commission that the ordinance be amended to remove the permissible ranges of investments and instead simply allow all legally permissible investments. The Pension Board would continue to exercise its investment authority with the care, skill, prudence and diligence under the circumstances, with the advice of a professional financial advisor.

Please place Ordinance 2023-33 on the City Commission Agenda for first reading on October 23, 2023.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk
David Birchim, Planning and Building Director

Agenda Title: Ordinance 2023-33 amending the General Employee's Pension allocation of investments to allow for greater diversification.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of St. Augustine's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **ORDINANCE 2023-33 - AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-124 OF THE CODE OF THE CITY OF ST. AUGUSTINE REGARDING INVESTMENT OF RETIREMENT SYSTEM ASSETS FOR THE 1977 CITY EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of St. Augustine is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of St. Augustine is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of St. Augustine hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **THE ORDINANCE SERVES THE PUBLIC HEALTH, SAFETY, MORALS AND WELFARE OF THE PUBLIC BECAUSE IT PROVIDES AN OPPORTUNITY FOR GREATER DIVERSIFICATION OF THE PENSION BOARD INVESTMENTS.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: **NONE.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: **NONE.**

(c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs: **NONE.**

THE PROPOSED ORDINANCE WOULD DIVERSIFY THE ALLOWABLE INVESTMENT CATEGORIES FOR THE PENSION BOARD. ANY IMPACTS FROM INVESTMENT STRATEGIES WOULD INCLUDE THE ADVICE OF A PROFESSIONAL FINANCIAL ADVISOR TO THE PENSION BOARD, A VOTE OF THE PENSION BOARD, AND THE INHERENT UNPREDICTABILITY OF WORLDWIDE MARKETS, BOTH POSITIVE AND NEGATIVE. THEREFORE, ANY ECONOMIC IMPACT WOULD BE INDIRECT AND INCLUDE NUMEROUS INTERVENING FACTORS, AND THE IMPACT OF ANY GIVEN INVESTMENT DECISION WOULD BE IMMATERIAL AND NOT DIRECTLY CAUSALLY RELATED TO THIS ORDINANCE.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **NO DIRECT IMPACT TO BUSINESSES.**

4. Additional information the governing body deems useful (if any): **THE GERB PENSION BOARD DID RECOMMEND APPROVAL TO THE CITY COMMISSION OF THE PROPOSED ORDINANCE AT ITS AUGUST 23, 2023 MEETING AFTER HEARING INFORMATION REGARDING THE PROPOSED CHANGES FROM ITS FINANCIAL ADVISOR AND AFTER DISCUSSION BY THE PENSION BOARD MEMBERS.**

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-124 OF THE CODE OF THE CITY OF ST. AUGUSTINE REGARDING INVESTMENT OF RETIREMENT SYSTEM ASSETS FOR THE 1977 CITY EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the investment objectives of the City of St. Augustine General Employees' Pension Plan are the preservation of invested capital and to achieve moderate long-term real growth of assets while minimizing the volatility of returns; and

WHEREAS, to achieve these objectives, the Board of Trustees of the 1977 City Employees' Retirement System seeks to create a conservative, well-diversified, and balanced portfolio, and is required by ordinance to exercise its investment authority with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and like aims, and by diversifying the investments of the system so as to reduce the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

WHEREAS, on August 23, 2023 the General Employees' Retirement Board met and reviewed their financial advisor's recommendations to update the ordinance in order to provide the Board and advisor a more diversified range of potential investments and recommended to the City Commission that the ordinance be amended to remove the permissible ranges of investments and instead simply allow all legally permissible investments; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 20, Article IV, Section 20-124. Chapter 20, Article IV, Section 20-124 of the Code of the City of St. Augustine is hereby amended as follows:

"Sec. 20-124. - Investment of retirement system assets.

(1) The board shall be the trustees of the moneys and assets of the retirement system, and shall be responsible for investing the assets of the system in accordance with this section. The board shall exercise its duties with respect to the system for the exclusive purpose of providing benefits to members and their beneficiaries and defraying the reasonable expenses of administering the system. The board shall exercise its investment authority with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and like aims, and by diversifying the investments of the system so as to reduce the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the system have been invested, as well as the proceeds of such investments and any moneys belonging to the fund, in accordance with this section. The board may employ outside investment counsel to advise the board in the making and disposition of investments.

(2) The board shall adopt and periodically update a written investment policy in accordance with F.S. § 112.661, incorporating the following requirements~~: for specific investments~~:

(a) The board may invest in any legally available investments~~money market instruments, stocks, corporate bonds, bonds or other obligations of the United States of America~~, either directly or through pooled or commingled funds.

~~(b) The board may make direct investment in bonds, notes, or obligations of any municipality or political subdivision or any agency or authority of the State of Florida, if the obligations are rated investment grade by at least one (1) nationally recognized rating organization.~~

~~(c) The board may invest up to 25 percent at cost basis, of its assets in real estate only through participation in commingled funds or insurance company group annuity separate accounts holding diversified real properties. Insurance companies must be licensed to do business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein.~~

~~(d) The board may invest up to fifteen (15) percent of its assets in mortgage loan securities secured by real property only through participation in commingled funds or insurance company separate accounts holding diversified mortgage securities. Insurance companies must be licensed to business in the State of Florida and commingled funds and insurance companies must be rated investment grade by at least one (1) nationally recognized rating organization. Any commingled or pooled vehicles used by the board should have investment guidelines that are materially consistent with the guidelines herein. Mortgage securities of commingled funds must be issued by an agency of or enterprise sponsored by the United States Government, including, but not limited to, the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.~~

~~(e) The board may invest up to five (5) percent of its assets in stock and corporate bonds of any one (1) issuing company either directly or through pooled or commingled funds.~~

~~(f) The aggregate investment in stock either directly or through pooled or commingled funds shall not exceed seventy (70) percent (at cost) of the assets of the fund.~~

~~(g) The average credit quality of the fixed income portfolio shall be rated "A" or higher. No more than fifteen (15) percent of the fixed income portfolio may be rated lower than "BBB". The duration of the fixed income portfolio shall remain within thirty-five (35) percent of the duration of a market index selected by the board. If there is no index selected, the default index shall be the Lehman Aggregate Bond Index.~~

~~(h) The board may invest up to twenty-five (25) percent of the assets of the fund in corporate obligations and/or securities of a foreign corporation or a foreign commercial entity that are not subject to United States securities laws. United States dollar-denominated securities listed and traded on a United States exchange would not be included in this limitation.~~

(b~~i~~) Notwithstanding any provision of this section to the contrary, the board shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in F.S. § 215.473, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in that company beginning January 1, 2010. The divestiture of any such security must be completed by September 30, 2010. The board and its named officers or investment advisors may not be deemed to have breached their fiduciary duty in any action taken to dispose of any such security, and the board shall have satisfactorily discharged the fiduciary duties of loyalty, prudence, and sole and exclusive benefit to the participants of the pension fund and their beneficiaries if the actions it takes are consistent with the duties imposed by F.S. § 215.473, and the manner of the disposition, if any, is reasonable as to the means chosen. For the purposes of effecting compliance with that section, the pension fund shall designate terror-free plans that allocate their funds among

securities not subject to divestiture. No person may bring any civil, criminal, or administrative action against the board of trustees or any employee, officer, director, or advisor of such pension fund based upon the divestiture of any security pursuant to this paragraph.

(3) The board shall deposit the assets of the retirement system in a qualified public depository as defined in F.S. § 280.02(26), which depository with regard to such funds and securities shall conform to and be bound by all of the provisions of F.S. ch. 280."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(5), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: October 11, 2023

RE: Petition for Voluntary Annexation and Pre-Annexation Agreement for four (4) Additional Parcels of Land Adjacent to the Cat's Paw Marina on Nix Boatyard Road – Commonly known as 199 Nix Boatyard Road and 200 Nix Boatyard Road

Please place the attached Petition for Voluntary Annexation and Pre-Annexation Agreement on the October 23, 2023, City Commission Agenda under Staff Reports and Presentations.

The property in total is approximately 6.29 acres in size and is contiguous to the city limits. This property is contiguous to the City of St. Augustine city limits on its north, east and south boundaries depending on the parcel (See attached map). The owner(s) of the property are petitioning to annex. The current owners of the Cat's Paw Marina which is an existing Planned Unit Development (PUD) within the city limits in-between these parcels are purchasing these properties and are requesting to annex these referenced parcels directly adjacent to the existing marina. The owner's plan is to expand the marina facilities for the existing Cat's Paw Marina within the city.

The parcels included are:	#1349000020	1.80 acres	199 Nix Boatyard Rd
	#1348320010	1.70 acres	200 Nix Boatyard Rd
	#1348320030	1.62 acres	200-1 Nix Boatyard Rd
	#1348210000	1.17 acres	Nix Boatyard Rd
		6.29 acres total	

St. Johns County has assigned the Mixed-Use District future land use designation for all of the properties. The county zoning district for 199 Nix Boatyard Road is Open Rural (OR). The county zoning district for the three (3) parcels associated with 200 Nix Boatyard Road is Commercial Highway Tourist (CHT).

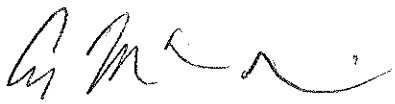
If the City Commission accepts the Petition for Voluntary Annexation and approves the Pre-Annexation Agreement, then the petitioner will appear before the city's Planning and Zoning Board with an application to assign a city future land use designation to the property and to amend the county zoning designation(s) to a city zoning designation. The specific city land use

designation and city zoning designation that the petitioner will apply for will be outlined in the application to the Planning and Zoning Board.

The Petitioner is currently proposing a city future land use of Marine Industrial Use and a Planned Unit Development (PUD) for the property, which is consistent with the existing marina property already within the city.

City staff has reviewed the legal descriptions provided by the applicant to confirm that they are complete. Per amended Florida Statutes requiring an economic impact analysis for Ordinances after October 1, 2023, staff requested that an economic analysis be completed by the applicant and submitted to the city prior to any scheduled City Commission review. The applicant has submitted the analysis, and it is attached for your information.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director
Planning and Building Department

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
Cat's Paw Marina annexation, entitlements and zoning of additional land currently in St. Johns County.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):
Including, but not limited to the expansion of the working waterfront and facilities customary to this site (Cat's Paw Marina) for the benefit and purpose of public access, employment, use and enjoyment of the waterways in the City of St. Augustine and to have all current and future improvements within one jurisdiction.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
While the total finite economic impacts, both direct and peripheral, are continuing to be assessed the initial potential revenue to the City of St. Augustine for the proposed approximate 6.29-acre Cat's Paw Marina annexation and expansion of commercial and industrial improvements is estimated to be a net increase of over $200,000 in taxes, plus other mobility, fire, and permitting fees based on the comparison of pro-rata share as described and presented by the City in the previous 0.95-acre annexation adopted earlier in 2023.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *A good faith estimate of the direct and peripheral economic impacts (on-site and off-site) by the proposed annexation and expansion of the Cat's Paw Marina is likely no less than twenty (20) businesses that make up the marina operations (storage, maintenance, repair, fueling, etc.), fishing and recreational charters, boat rentals, restaurants and retail/shopping and service establishments, etc.*

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses*). *The owner/applicant will provide additional information as necessary. Initial preparation of this estimate included data from the most recent annexation matter and projections from the planning and design development efforts.*

DMH&D
DRIVER McAFEE
HAWTHORNE DIEBENOW

One Independent Drive
Suite 1200
Jacksonville, Florida 32202

P 904.301.1269
F 904.301.1279
www.drivermcafee.com

September 12, 2023

TRANSMITTAL VIA HAND DELIVERY

RECEIVED
SEP 12 2023
Planning/Building Dept.

Ms. Amy McClure Skinner, AICP
Director, Planning and Building Department
City of St. Augustine
75 King Street, Lobby B
St. Augustine, Florida 32085

RE: Cat's Paw Phase II Annexation Documents

Dear Amy,

Please accept the enclosed original signed Pre-Annexation Agreement document and original signed/notarized Petition for Voluntary Annexation document for your review and processing. I also emailed you an electronic PDF copy of each today, along with an 11x17 color scan of the overall concept plan.

I look forward to working with you on this second phase of expansion and annexations. I'm available by phone or email anytime if you have any questions during the review of these documents.

Sincerely,

Brad C. Wester
bwester@drivermcafee.com
904.294.3768

CC: Gayle Bulls Dixon
Eric Almond, PE

PETITION FOR VOLUNTARY

ANNEXATION

Pursuant to Section 171.044, Florida Statutes, the following identified owners of real property in the unincorporated area of St. Johns County ("County"), Florida: BDEP LAND LLC, whose address is 4230 Ortega Boulevard, Jacksonville, FL 32210, and 200 NIX BOAT YARD, LLC, whose address is 205 Commercial Drive, Unit 2, St. Augustine, FL 32092, as ("Petitioners") here now, respectfully petitions the City Commission for the City of St. Augustine ("City"), Florida, to annex certain real property into the City and in support states:

1. Petitioners are fee simple owners, as evidenced by certain Deeds recorded in the Official Records of St. Johns County of certain properties, further identified as Parcel ID Numbers 1349000020 (1.80ac), 1348210000 (1.17ac), 1348320010 (1.70ac), and 1348320030 (1.62ac) (collectively, the "Annex Property") in the unincorporated area of the County, and as more particularly described in Exhibit "A" (the "Annex Property Legal Description") and graphically depicted in Exhibit "B" attached hereto and incorporated herein by reference ("Graphic Depiction of Annex Property").

2. The Annex Property is contiguous to the City and reasonably compact, and the annexation of the Annex Property into the City will not result in the creation of an enclave or enclaves.

3. The Annex Property is presently improved as follows: BDEP LAND LLC is occupied by numerous old structures, vehicles, boats and equipment; 200 NIX BOAT YARD, LLC was occupied by several mobile homes and now is cleared and vacant/undeveloped. The proposed use of the Annex Property is the incorporation into the Cat's Paw Marina Planned Unit Development (the "Cat's Paw PUD"), originally approved as Ordinance 2005-02 and modified by Ordinance 2017-34 and Ordinance 2023-20, as graphically depicted on Exhibit "C" (the Cat's Paw PUD Property"). The Annex Property and the current Cat's

Paw PUD Property are graphically depicted together on Exhibit "D" (the Graphic Depiction of the Annex Property and the Cat's Paw PUD Property").

4. The Annex Property is proposed to be annexed into the City to allow for expansion and improvements to the Cat's Paw Marina as shown on the conceptual site plan depicted in Exhibit "E" (the "Conceptual Site Plan and Aerial").

5. Petitioners understand that upon annexation into the City, a Future Land Use designation and Zoning category will be established by the City for the Annex Property, and that any Future Land Use designation adopted by the City may be subject to the approval of the State of Florida. However, prior to the establishment of a Future Land Use designation and Zoning category by the City, the Petitioners shall be entitled to use of the property under the existing Future Land Use designation(s) and Zoning in effect in the County immediately prior to the annexation, which will continue to be in effect as provided for in Section 171.062(2), Florida Statutes. The existing County Future Land Use designation of the Annex Property is "Mixed Use District (Md)" and the existing County Zoning category is "Commercial, Highway & Tourist (CHT)" for the 200 NIX BOAT YARD, LLC property and "Open Rural (OR)" for the BDEP LAND, LLC property. Until such time as the City establishes a Future Land Use designation and Zoning category, Petitioners shall be allowed to develop the Annex Property pursuant to any approved land development order or land development permit, and is entitled to the benefit of any impact fees paid or certificate of concurrency issued by the County and in effect at the time the annexation becomes final, provided said development order or development permit does not expire.

6. The Petitioner hereby consents to any non-ad valorem assessments adopted by the City.

7. Petitioner proposes the following agreement as the basis for the processing, consideration and approval of this Petition:

Petitioners are the owners of the Annex Property that is contiguous to the property that is subject to the Cat's Paw PUD, already within the City Limits, as depicted on Exhibit "D" attached hereto and incorporated herein by reference (the "Graphic Depiction of Annex Property and Existing Cat's Paw PUD Property".) The existing Cat's Paw PUD Property has a Marine Industrial Future Land Use designation and is Zoned Planned Unit Development. The existing Cat's Paw PUD Property is improved with boat storage and marina facilities. If this Petition for Annexation is granted, Petitioners agree:

On the first to occur of a change of ownership of the Annex Property or commencement of construction on the Annex Property, or one (1) year from the effective date of the annexation sought by this petition, the leases for any manufactured/mobile homes or structures that may exist on the Annex Property will be terminated and all such uses removed and discontinued.

In the Processing of this Petition, the City agrees:

The City acknowledges that capacity exists for the proposed development of the Annex Property to be added to the existing development on the Cat's Paw PUD Property at this time as calculated under the City's Concurrency Management Ordinance based upon the addition of commercial uses and marine industrial uses to the existing Cat's Paw facilities on the Cat's Paw PUD Property.

NOW, THEREFORE, Petitioners request the City Commission for the City of St. Augustine, Florida, to:

A. Adopt a non-emergency ordinance at a regular meeting to annex the Annex Property into the City and re-define the boundaries of the City to

include the Annex Property and approve the Pre-Annexation Agreement.

B. Prior to adoption of said ordinance, publish notice of the annexation, at Petitioner's expense, at least once each week for two consecutive weeks as required by Section 171.044(2), Florida Statutes, and to provide notice to the County pursuant to the Annexation Interlocal Agreement and Section 171.044(6) legal notice, map and County notice, attached hereto and incorporated herein as composite Exhibit "F".

C. Approve the agreements set forth herein.

D. Initiate proceedings within ninety (90) days, at Petitioner's expense, to designate the Annex Property as Marine Industrial under the Future Land Use Element of the City Comprehensive Plan and to designate the Zoning category of the Annex Property as Planned Unit Development under the Code of the City. City does not warrant any particular outcome of the public hearings.

E. Upon adoption of said ordinance, file the annexation ordinance with the Clerk of the Circuit Court of St. Johns County, Florida; the Chief Administrative Officer of the County; and the Department of State of the State of Florida, within seven (7) days after the adoption of the annexation ordinance as required by Section 171.044(3), Florida Statutes.

DATED this 12th day of September, 2023.

Respectfully submitted,

BDEP LAND, LLC, a Florida Limited Liability Company, c/o On Board B, LLC

By (Signature): Gayle Bulls Dixon

Print Name: Gayle Bulls Dixon

Title: Manager, On Board B, LLC.

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument is hereby acknowledged before me by means of [X] physical presence or online notarization this 12th day of September, 2023, by Gayle Bulls Dixon, as the Manager of On Board B, LLC, as the Manager of BDEP LAND, LLC, who is [X] personally known to me or [ ] has produced _____ as identification and (did/did not) take an oath.

CARRIE ANNE KISSINGER
MY COMMISSION # HH 302491
EXPIRES: August 28, 2026

NOTARY PUBLIC, State of Florida

Name: Carrie Anne Kissinger

My Commission Expires: August 28, 2026

My Commission Number is: HH 302491

DATED this 8th day of September, 2023.

Respectfully submitted,

200 NIX BOAT YARD, LLC, a Florida Limited Liability Company.

By (Signature): Kevin Seelig

Print Name: Kevin Seelig

Title: Manager

STATE OF FLORIDA

COUNTY OF St. Johns

The foregoing instrument is hereby acknowledged before me by means of ☑ physical presence or online notarization this 8th day of September, 2023, by Kevin Seelig, as the Manager of 200 NIX BOAT YARD, LLC, who is [✓] personally known to me or [ ] has produced _____ as identification and (did/did not) take an oath.

TRACI L GOETZ
Commission # HH 092981
Expires March 21, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC, State of Florida

Name: Traci L. Goetz

My Commission Expires: 3/21/2025

My Commission Number is: HH 092981

EXHIBIT "A"

(Annex Property Legal Descriptions)

Parcel ID 1349000020

A parcel of land situate within a portion of Lot 5 of the G.W. Perpall Grant, Section 41, Township 7 South, Range 30 East, as recorded in sheet 21, map of New Augustine dated June, 1918, in the public records of St. Johns County, Florida, and being a portion of that land conveyed to Bartola Genovar, as recorded in Deed Book 52, page 531, public records of St. Johns County, Florida, and more particularly described as follows: Commencing for a POINT OF BEGINNING at the Northeast corner of that certain property described in the Lease with Option to Purchase recorded in Official Records Book 548, at page 154-159 of the public records of St. Johns County, Florida; from said point of beginning thence run Easterly along the north line of said Lot 5 a distance of 220 feet more or less to a point on the West boundary of a marsh, and being the Northeast corner of the herein described parcel; thence meander Southerly along the West boundary of the marsh a distance of approximately 350 feet to a point, (which point is located exactly 350 feet from the nearest point on the north boundary line of said Lot 5), and being the Southeast corner of the herein described parcel; from said Southeast corner of the herein described parcel thence run Westerly and on a line parallel to and exactly 350 feet distant from the north boundary line of the herein described parcel a distance of 220 feet more or less to a point (which is the Southeast corner of the property described in Official Records Book 548, page 154-159), and being the Southwest corner of the herein described parcel; thence run northerly along the East boundary line of the property described in Official Records Book 548, page 154-159, a distance of 350 feet to the point of beginning and close.

TOGETHER WITH a perpetual and nonexclusive easement for ingress, egress and access contained in O.R. Book 1460, Page 1955, Public Records of St. Johns County, Florida.

SUBJECT TO a perpetual and nonexclusive easement reserved by EUGENIA Y. GENOVAR a/k/a EUGENIA YONKO GENOVAR, on behalf of herself, her heirs, successors and assigns, for vehicular and pedestrian use, for ingress, egress and access, over and across a strip of land thirty (30) feet in width, contiguous with and lying west of the west boundary of the marsh, described as follows: Commencing for a POINT OF BEGINNING of this easement at the southeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, thence run west along the south boundary line of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, a distance of thirty (30) feet to a point, thence run northerly on a line at all points thirty (30) feet distant from the meander line of the west boundary of the marsh a distance of approximately 350 feet to a point on the north boundary line of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, which point is (30) feet distant from the northeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708; thence run easterly along the north boundary of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, a distance of thirty (30) feet to a point, which point is the northeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, thence run southerly and meander along west line of the marsh a distance of approximately 350 feet to the point of beginning of this easement.

Parcel ID 1348320030 and 1348320010 and 1348210000

PARCEL FOUR:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK, 126, PAGE: 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N 24°05'59" W ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS 200.00 FEET; THENCE N 62°31'18" E, 185.81 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE N 77°31' 30"E, 211.62 FEET; THENCE N 08°03' 12" W. 162.03 FEET; THENCE N 81°56'48" E, 32.33 FEET; THENCE N 08°03'12" W, 219.08 FEET; THENCE N 78°05'23" W, 133.61 FEET; THENCE S 06°47'16" W, 231.56 FEET; THENCE S 02°22'50" W, 70.22 FEET; THENCE S 08°52'34" W. 156.95 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 1.62 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO THE TERMS OF THAT CERTAIN DECLARATION OF ACCESS EASEMENT AND COST SHARING AGREEMENT DATED OCTOBER 20, 2011 ANO RECORDED IN O.R. BOOK 3512, PAGE 317 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL FIVE:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N 24°05'59" W ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS 200.00 FEET; THENCE N 62°31'18" E, 185.81 FEET, THENCE N 77°31'30" E, 211.62 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE N 08°03'12" W. 162.03 FEET; THENCE N 81°56'4" E, 32.33 FEET; THEN N 08°03'12" W. 219.08 FEET; THENCE S 78°05'23" E, 257.11 FEET; THENCE S 14°58'58" E, 203.00 FEET; THENCE S 78°56'19" W ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 OF SAID PUBLIC RECORDS, 202.66 FEET; THENCE S 14°58'58" E ALONG THE WEST UNE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 A DISTANCE OF 55. 75 FEET; THENCE DUE SOUTH ALONG SAID WEST LINE 18.25 FEET; THENCE S 77°31 '30" W. 100.57 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 1.7 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO THE TERMS OF THAT CERTAIN DECLARATION OF ACCESS EASEMENT AND COST SHARING AGREEMENT DATED OCTOBER 20, 2011 ANO RECORDED IN O.R. BOOK 3512, PAGE 317 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCELS 4 AND 5 DESCRIBED HEREON ARE TOGETHER WITH AND SUBJECT TO A 20 FOOT INGRESS/EGRESS EASEMENT WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST. ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE RUN DUE: EAST ALONG THE NORTH LINE OF THOSE: LANDS DESCRIBED IN O.R. BOOK 786, PAGE 619 OF SAID PUBLIC RECORDS, 14.36 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED CENTERLINE; THENCE NORTH 20°04'50" EAST, 136.93 FEET; THENCE NORTH 08°52'34" EAST, 141.40 FEET TO POINT "A"; THENCE CONTINUE: NORTH 08°52'34" EAST, 156.96 FEET; THENCE NORTH 02°22'50" EAST, 70.22 FEET; THENCE NORTH 06°47'16" EAST, 231.56 FEET TO A POINT OF TERMINUS FOR THE NORTH SECTION OF THIS EASEMENT; THENCE RETURN TO AFOREDESCRIBED POINT "A" AND RUN NORTH 77°31'30" EAST, 312.19 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 777, PAGE 938 OF SAID PUBLIC RECORDS, SAID POINT BEING THE POINT OF TERMINUS FOR THE EAST SECTION OF THIS EASEMENT.

THE ABOVE DESCRIBED PARCEL FOUR AND PARCEL FIVE TOGETHER BEING MORE PARTICULARLY DESCRIBE0 AS FOLLOWS:
(SURVEYOR'S DESCRIPTION):

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EASTERL Y MOST CORNER OF THOSE LANDS DESCRIBED AS PARCEL 5, RECORDED IN OFFICIAL RECORDS BOOK 3541, PAGE: 943 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 14°58'58" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL 5, A DISTANCE OF 203. 00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 5; THENCE NORTH 78-05'23" WEST, ALONG THE NORTHERL Y LINE OF SAID PARCEL 5 AND ALONG THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AS PARCEL 4, RECORDED IN SAID OFFICIAL RECORDS BOOK 3541, PAGE 943 OF SAID PUBLIC RECORDS, A DISTANCE OF 390. 73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL 4, THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE 1, SOUTH 06°47'16" WEST, 231.56 FEET; COURSE 2, SOUTH 02°22'50" WEST, 70.22 FEET; COURSE 3, SOUTH 08°52'34" WEST, 156.95 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 4; THENCE NORTH 77°31'30" EAST, ALONG THE SOUTHERLY LINES OF SAID PARCELS 4 AND 5, A DISTANCE: OF 312.19 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 5; THENCE NORTHERLY AND EASTERLY ALONG THE: EASTERLY AND SOUTHERLY LINES OF SAID PARCEL 5, THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE 1, DUE NORTH, 18.25 FEET; COURSE 2, NORTH 14°58'58" WEEST, 55.75 FEET; COURSE 3, NORTH 78°56'19" EAST, 202.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO A 20 FOOT INGRESS AND EGRESS EASEMENT AND DESCRIBED IN OFFICIAL RECORDS BOOK 1305, PAGE: 1761 ANO OFFICIAL RECORDS BOOK 2319, PAGE 1028, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

SUBMERGED LAND PARCEL
(PER DEED OF RECORD):

BEING SITUATE IN THE NORTHEAST CORNER OF THE G. W. PERPALL GRANT, SECTION FORTY ONE (41), TOWNSHIP SEVEN (7) SOUTH, RANGE: THIRTY (30) EAST, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF A DITCH AND THE MARGIN OF THE MARSH ON THE SOUTH SIDE: OF GONZALO-MENDEZ CREEK, SO-CALLED, AND RUNNING THENCE EAST FIVE HUNDRED NINETY EIGHT (598) FEET TO AN IRON PIPE; THENCE NORTH THREE HUNDRED FIFTY FOUR (354) FEET TO A IRON PIPE; THENCE NORTH FIFTEEN (15) WEST TWO HUNDRED NINETY NINE: (299) FEET TO A POINT; THENCE: NORTH SEVENTY EIGHT (78) DEGREES WEST SIX HUNDRED TWENTY NINE (629) FEET TO A POST; THENCE SOUTH TWENTY-FOUR (24) DEGREES WEST TWO HUNDRED NINETY EIGHT (298) FEET; THENCE SOUTH TWENTY SEVEN (27) DEGREES EAST TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING PARCELS, TO WIT:

BOOK 464, PAGE: 645, BOOK 1464, PAGE 1104, BOOK 1475, PAGE: 35, BOOK 1699, PAGE 1, BOOK 1710, PAGE: 227, BOOK 1938, PAGE 721, BOOK 2319, PAGE 1024, BOOK 3161, PAGE: 1167, BOOK 3518, PAGE: 1602, BOOK 3541, PAGE 908, BOOK 3541, PAGE: 918, BOOK 3541, PAGE 929, AND BOOK 3541, PACE 939, ALL AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LESS AND EXCEPT ANY LANDS LYING WA TERWARD OF THE MEAN HIGH WATER LINE OF THE GONZALO-MENDEZ CREEK AND SAN SEBASTIAN RIVER.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

SURVEYOR'S DESCRIPTION

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE: 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EASTERLY MOST CORNER OF THOSE LANDS DESCRIBED AS PARCEL 5, RECORDED IN OFFICIAL RECORDS BOOK 3541, PAGE 943 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 89°20'18" EAST, ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 OF SAID PUBLIC RECORDS, A DISTANCE OF 236 FEET MORE OR LESS; THENCE NORTH 3°22'53" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 156 FEET MORE OR LESS; THENCE NORTH 75°73'57" WEST, A DISTANCE OF 287 FEET MORE OR LESS; THENCE SOUTH 87°38'57" WEST, A DISTANCE OF 122 FEET MORE OR LESS TO A POINT LYING ON THE NORTHERLY LINE OF SAID PARCEL 5; THENCE SOUTH 78°05'23" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 123.16 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 5; THENCE SOUTH 14°58'58" EAST, ALONG THE EASTERLY LINE OF SAID PARCEL 5, A DISTANCE OF 203.00 FEET TO THE POINT OF BEGINNING.

THE AFORE0ESCRIBED PARCEL CONTAINS 1.2 ACRES MORE OR LESS.

LESS AND EXCEPT ANY LANDS LYING WATERWARD OF THE MEAN HIGH WATER LINE OF THE GONZALO-MENDEZ CREEK AND SAN SEBASTIAN RIVER.

EXHIBIT "B"

(Graphic Depiction of Annex Property)

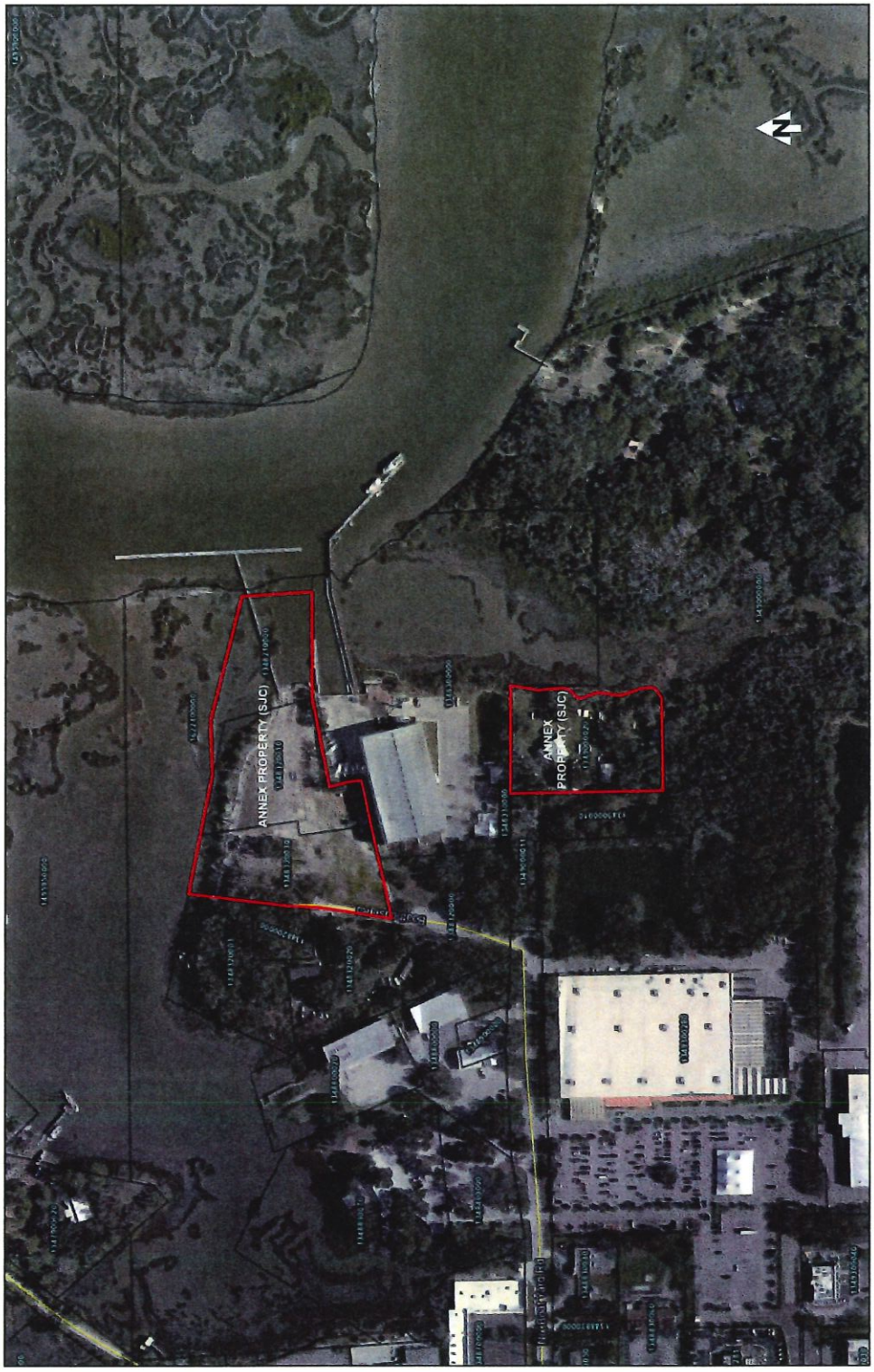


EXHIBIT "C"

(Graphic Depiction of Existing Cat's Paw PUD Property)

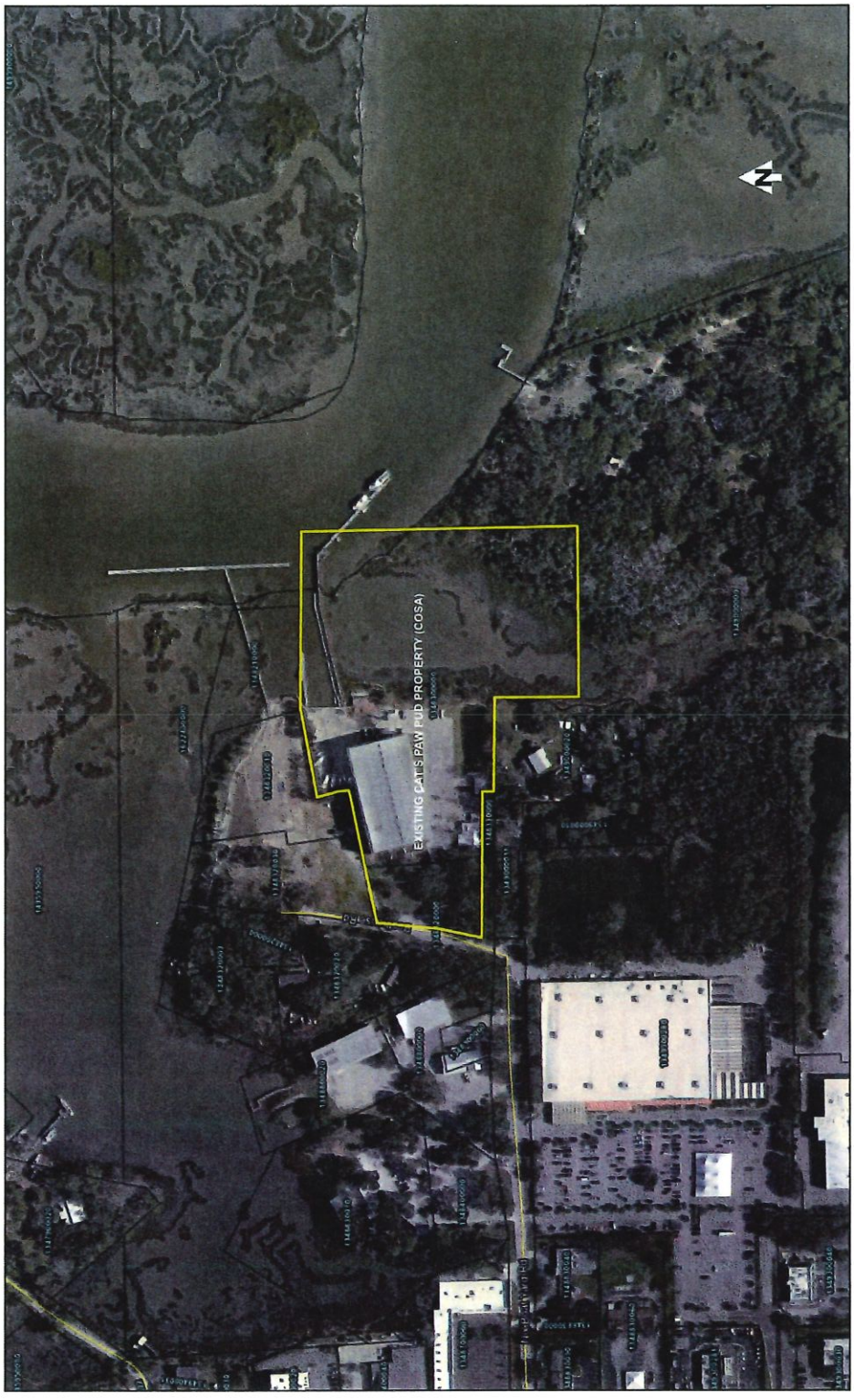


EXHIBIT "D"

(Graphic Depiction of Annex Property and Existing Cat's Paw PUD Property)

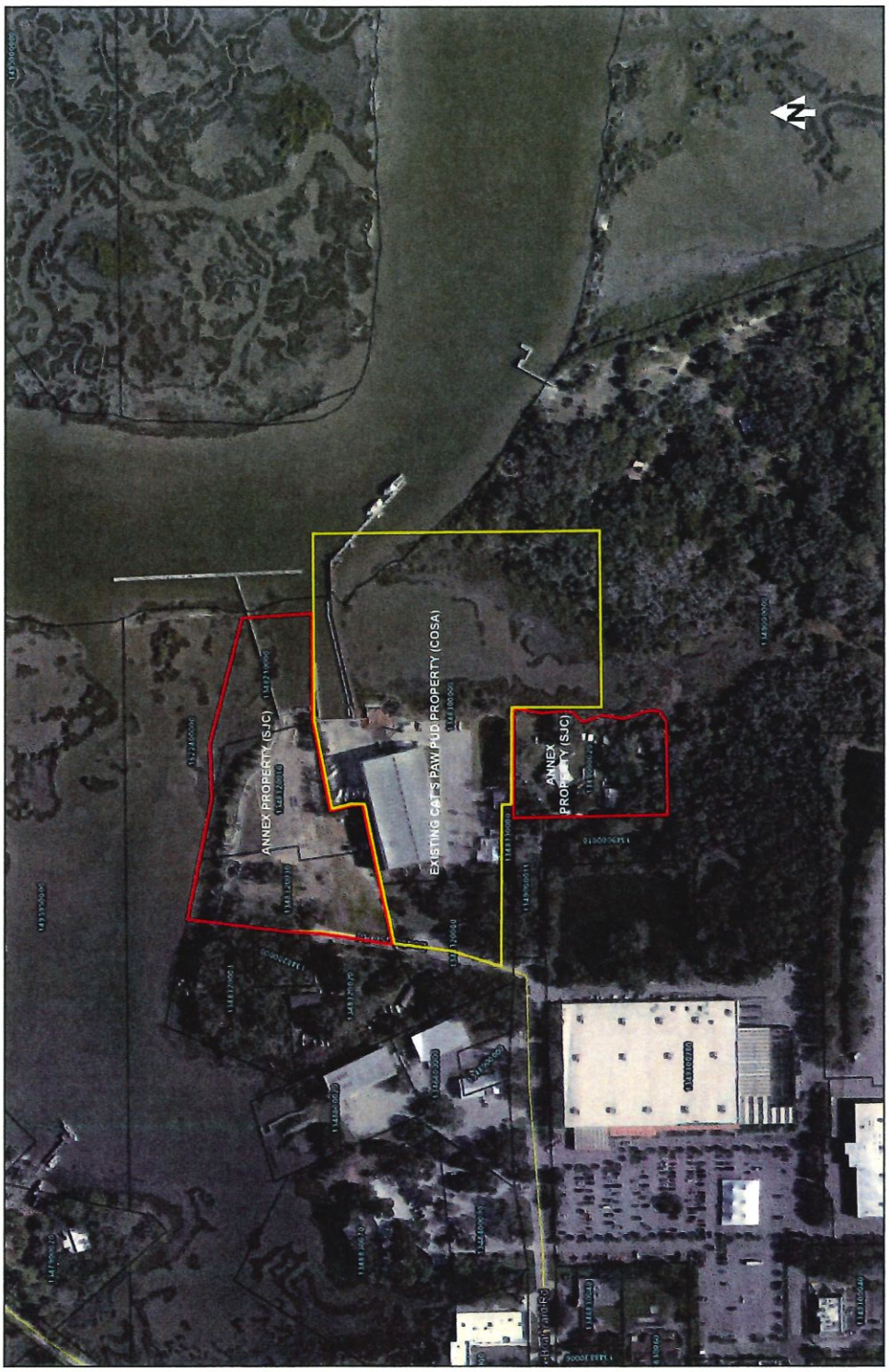


EXHIBIT "E"

(Conceptual Site Plan with Aerial)

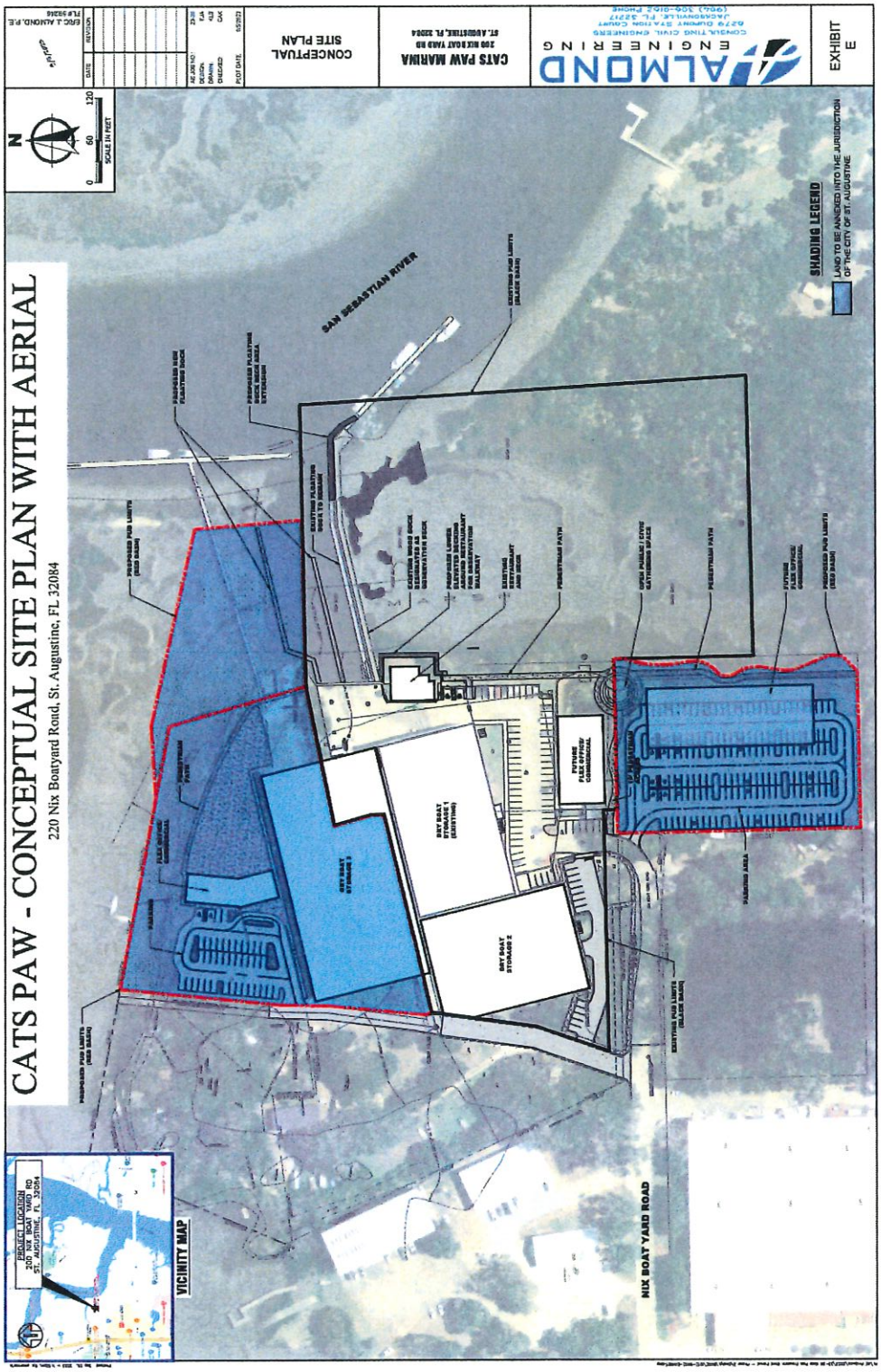


EXHIBIT "F"

(Composite Legal Notice, Map and County Notice)

To remain blank at this time

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT made an entered into this _____ day of _____ 2023 between the CITY OF ST. AUGUSTINE, FLORIDA (the "City"), a municipal corporation, Post Office Drawer 210, St. Augustine, Florida 32085-0120, and BDEP LAND LLC, whose address is 4230 Ortega Boulevard, Jacksonville, FL 32210, and 200 NIX BOAT YARD, LLC, whose address is 205 Commercial Drive, Unit 2, St. Augustine, FL 32092 ("Owners").

RECITALS

1. Owners are the fee simple owners of certain real property described on Exhibit "A", located in St. Johns County, Florida, contiguous to, but outside of, the corporate limits of the City (the "Property").

2. Owners have filed a petition with the City seeking to have the Property voluntarily annexed to the City.

3. Owners have or will file an application for a Comprehensive Plan Amendment (the "CPA Application") to change the land use designation of the Property to Marine Industrial (MI) or a comparable designation and a companion application to rezone the Property to Planned Unit Development (the "PUD Application") to allow the Property, upon annexation, to be incorporated into the existing Cat's Paw Marina PUD originally approved by Ordinance 2005-02, and as modified by Ordinance 2017-34 and Ordinance 2023-20 (the "Cat's Paw PUD").

4. As a condition to such annexation, Owners request the City diligently and expeditiously process the CPA Application and the PUD Application to incorporate the Property into the Cat's Paw PUD and to facilitate further expansion of the Cat's Paw boat storage, marina facilities and infrastructure, including but not limited to commercial office, retail and restaurant uses (the "Project"), and Owners shall provide for payment of water/sewer connection fees and stormwater fees at the time of issuance of a building permit.

5. Owners understand and agree the Property shall be subject to all laws, ordinances, and regulations in force in the City and that any existing or proposed uses or structures on the Property shall be lawfully permissible use and/or structure upon the effective date of annexation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein set forth, the parties mutually agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects.

2. **Zoning Application.** City shall diligently and expeditiously process, to conclusion, at the Owners' expense, the Owners' PUD Application for the zoning classification applicable to the Property. City does not warrant any particular outcome of the required public hearings.

3. **Payment of Water/Sewer Connection/Stormwater Fees and other Permit Fees and Costs of Infrastructure.** The Owner/developer of the property shall pay water/sewer connection/tap and stormwater fees for lots, units or structures within the Project at the time of issuance of a building permit for the particular improvement. Any cost incurred to extend municipal services to the Project will be paid for by the Owner/developer as previously stated and described. Owner/developer shall be responsible for payment of all other fees and costs at the time of permitting. Owner/developer may contribute in-kind improvements, as approved in advance and found compliant for acceptance by the City's Public Works Department, in lieu of payment for fees and costs of infrastructure improvements. Each request for contribution of in-kind improvements shall be reviewed and approved or disapproved on a case-by-case basis by the City. Owner/developer may be required to provide supplemental documentation, to include but not limited to, performance and maintenance bonds for any in kind contribution in a form acceptable to the City.

4. **Comprehensive Plan Amendments.** City will diligently and expeditiously process, to conclusion, at the Owner/developer expense, the CPA Application to establish a future land use designation(s) for any undeveloped land within the Property which would allow development consistent with the Project. City shall also process at the Owner/developer expense, additional future Comprehensive Plan amendments as necessary, to permit the relocation of uses within the Property as may be permitted. City does not warrant any particular outcome of the required public hearings.

5. **Assessment.** The Owner/developer will comply with an pay any non-ad valorem assessment adopted by the City for this Property.

6. **Applicable Law.** This agreement shall be governed and construed under the laws of the State of Florida.

7. **Effective Agreement.** This agreement shall run with the Property and all its terms and conditions shall be binding upon the respective successors and assigns of the parties hereto and this agreement shall be recorded in the public records of St. Johns County, Florida.

8. **Entire Agreement.** No prior or present agreements or representations shall be binding upon the parties unless included in this agreement. No modification or change in this agreement shall be valid or binding upon the parties unless in writing and executed by the party or parties to be bound thereby.

9. **Waiver.** The failure of either party to take any action with respect to any breach of any term, covenant or condition contained therein, or any instance of default shall not be deemed to be a waiver of any default or breech.

10. **Notices.** Any notice necessary under this agreement shall be in writing and sent by U.S. or express mail or hand delivered to the parties at the following addresses and shall be deemed given upon receipt:

CITY: David Birchim, AICP
City Manager
P.O. Box 210
St. Augustine, FL 32085-0210

OWNERS: BDEP LAND, LLC
4230 Ortega Blvd.
Jacksonville, FL 32210

and,

200 NIX BOAT YARD, LLC,
205 Commercial Drive, Unit 2,
St. Augustine, FL 32092

11. **Binding Effect.** This agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties.

12. **Section Headings.** The Section Headings in this agreement are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this agreement or any of its provisions.

13. **Judicial Interpretation**. Should any of the provisions of this agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself through its agents prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the dates set forth below.

BDEP LAND, LLC, a Florida Limited Liability Company, c/o On Board B, LLC.

By (Signature): _____

Print Name: Gayle Bulls Dixon

Title: Manager, On Board B, LLC.

200 NIX BOAT YARD, LLC, a Florida Limited Liability Company.

By (Signature): _____

Print Name: Kevin Seeling

Title: Manager

CITY OF ST. AUGUSTINE, FLORIDA, a Municipal Corporation.

By: _____

Title: City Manager

Date: _____

ATTEST:

_____

City Clerk

[SEAL]

Approved as to Form and Content:

_____

City Attorney

Exhibit A

Legal Description

Parcel ID 1349000020

A parcel of land situate within a portion of Lot 5 of the G.W. Perpall Grant, Section 41, Township 7 South, Range 30 East, as recorded in sheet 21, map of New Augustine dated June, 1918, in the public records of St. Johns County, Florida, and being a portion of that land conveyed to Bartola Genovar, as recorded in Deed Book 52, page 531, public records of St. Johns County, Florida, and more particularly described as follows: Commencing for a POINT OF BEGINNING at the Northeast corner of that certain property described in the Lease with Option to Purchase recorded in Official Records Book 548, at page 154-159 of the public records of St. Johns County, Florida; from said point of beginning thence run Easterly along the north line of said Lot 5 a distance of 220 feet more or less to a point on the West boundary of a marsh, and being the Northeast corner of the herein described parcel; thence meander Southerly along the West boundary of the marsh a distance of approximately 350 feet to a point, (which point is located exactly 350 feet from the nearest point on the north boundary line of said Lot 5), and being the Southeast corner of the herein described parcel; from said Southeast corner of the herein described parcel thence run Westerly and on a line parallel to and exactly 350 feet distant from the north boundary line of the herein described parcel a distance of 220 feet more or less to a point (which is the Southeast corner of the property described in Official Records Book 548, page 154-159), and being the Southwest corner of the herein described parcel; thence run northerly along the East boundary line of the property described in Official Records Book 548, page 154-159, a distance of 350 feet to the point of beginning and close.

TOGETHER WITH a perpetual and nonexclusive easement for ingress, egress and access contained in O.R. Book 1460, Page 1955, Public Records of St. Johns County, Florida.

SUBJECT TO a perpetual and nonexclusive easement reserved by EUGENIA Y. GENOVAR a/k/a EUGENIA YONKO GENOVAR, on behalf of herself, her heirs, successors and assigns, for vehicular and pedestrian use, for ingress, egress and access, over and across a strip of land thirty (30) feet in width, contiguous with and lying west of the west boundary of the marsh, described as follows: Commencing for a POINT OF BEGINNING of this easement at the southeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, thence run west along the south boundary line of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, a distance of thirty (30) feet to a point, thence run northerly on a line at all points thirty (30) feet distant from the meander line of the west boundary of the marsh a distance of approximately 350 feet to a point on the north boundary line of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, which point is (30) feet distant from the northeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708; thence run easterly along the north boundary of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, a distance of thirty (30) feet to a point, which point is the northeast corner of the parcel described in Exhibit "A" of the deed recorded in O.R. Book 748, Page 1708, thence run southerly and meander along west line of the marsh a distance of approximately 350 feet to the point of beginning of this easement.

Parcel ID 1348320030 and 1348320010 and 1348210000

PARCEL FOUR:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK, 126, PAGE: 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N 24°05'59" W ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS 200.00 FEET; THENCE N 62°31'18" E, 185.81 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE N 77°31' 30"E, 211.62 FEET; THENCE N 08°03' 12" W. 162.03 FEET; THENCE N 81°56'48" E, 32.33 FEET; THENCE N 08°03'12" W, 219.08 FEET; THENCE N 78°05'23" W, 133.61 FEET; THENCE S 06°47'16" W, 231.56 FEET; THENCE S 02°22'50" W, 70.22 FEET; THENCE S 08°52'34" W. 156.95 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 1.62 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO THE TERMS OF THAT CERTAIN DECLARATION OF ACCESS EASEMENT AND COST SHARING AGREEMENT DATED OCTOBER 20, 2011 ANO RECORDED IN O.R. BOOK 3512, PAGE 317 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL FIVE:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE N 24°05'59" W ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS 200.00 FEET; THENCE N 62°31'18" E, 185.81 FEET, THENCE N 77°31'30" E, 211.62 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE N 08°03'12" W. 162.03 FEET; THENCE N 81°56'4" E, 32.33 FEET; THEN N 08°03'12" W. 219.08 FEET; THENCE S 78°05'23" E, 257.11 FEET; THENCE S 14°58'58" E, 203.00 FEET; THENCE S 78°56'19" W ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 OF SAID PUBLIC RECORDS, 202.66 FEET; THENCE S 14°58'58" E ALONG THE WEST UNE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 A DISTANCE OF 55. 75 FEET; THENCE DUE SOUTH ALONG SAID WEST LINE 18.25 FEET; THENCE S 77°31 '30" W. 100.57 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 1.7 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO THE TERMS OF THAT CERTAIN DECLARATION OF ACCESS EASEMENT AND COST SHARING AGREEMENT DATED OCTOBER 20, 2011 ANO RECORDED IN O.R. BOOK 3512, PAGE 317 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCELS 4 AND 5 DESCRIBED HEREON ARE TOGETHER WITH AND SUBJECT TO A 20 FOOT INGRESS/EGRESS EASEMENT WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST. ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT AT THE

SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE RUN DUE: EAST ALONG THE NORTH LINE OF THOSE: LANDS DESCRIBED IN O.R. BOOK 786, PAGE 619 OF SAID PUBLIC RECORDS, 14.36 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED CENTERLINE; THENCE NORTH 20°04'50" EAST, 136.93 FEET; THENCE NORTH 08°52'34" EAST, 141.40 FEET TO POINT "A"; THENCE CONTINUE: NORTH 08°52'34" EAST, 156.96 FEET; THENCE NORTH 02°22'50" EAST, 70.22 FEET; THENCE NORTH 06°47'16" EAST, 231.56 FEET TO A POINT OF TERMINUS FOR THE NORTH SECTION OF THIS EASEMENT; THENCE RETURN TO AFOREDESCRIBED POINT "A" AND RUN NORTH 77°31'30" EAST, 312.19 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 777, PAGE 938 OF SAID PUBLIC RECORDS, SAID POINT BEING THE POINT OF TERMINUS FOR THE EAST SECTION OF THIS EASEMENT.

THE ABOVE DESCRIBED PARCEL FOUR AND PARCEL FIVE TOGETHER BEING MORE PARTICULARLY DESCRIBE0 AS FOLLOWS:
(SURVEYOR'S DESCRIPTION):

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EASTERL Y MOST CORNER OF THOSE LANDS DESCRIBED AS PARCEL 5, RECORDED IN OFFICIAL RECORDS BOOK 3541, PAGE: 943 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 14°58'58" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL 5, A DISTANCE OF 203. 00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 5; THENCE NORTH 78-05'23" WEST, ALONG THE NORTHERL Y LINE OF SAID PARCEL 5 AND ALONG THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AS PARCEL 4, RECORDED IN SAID OFFICIAL RECORDS BOOK 3541, PAGE 943 OF SAID PUBLIC RECORDS, A DISTANCE OF 390. 73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL 4, THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE 1, SOUTH 06°47'16" WEST, 231.56 FEET; COURSE 2, SOUTH 02°22'50" WEST, 70.22 FEET; COURSE 3, SOUTH 08°52'34" WEST, 156.95 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 4; THENCE NORTH 77°31'30" EAST, ALONG THE SOUTHERLY LINES OF SAID PARCELS 4 AND 5, A DISTANCE: OF 312.19 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 5; THENCE NORTHERLY AND EASTERLY ALONG THE: EASTERLY AND SOUTHERLY LINES OF SAID PARCEL 5, THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE 1, DUE NORTH, 18.25 FEET; COURSE 2, NORTH 14°58'58" WEEST, 55.75 FEET; COURSE 3, NORTH 78°56'19" EAST, 202.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO A 20 FOOT INGRESS AND EGRESS EASEMENT AND DESCRIBED IN OFFICIAL RECORDS BOOK 1305, PAGE: 1761 ANO OFFICIAL RECORDS BOOK 2319, PAGE 1028, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

SUBMERGED LAND PARCEL
(PER DEED OF RECORD):

BEING SITUATE IN THE NORTHEAST CORNER OF THE G. W. PERPALL GRANT, SECTION FORTY ONE (41), TOWNSHIP SEVEN (7) SOUTH, RANGE: THIRTY (30) EAST, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF A DITCH AND THE MARGIN OF THE MARSH ON THE SOUTH SIDE: OF GONZALO-MENDEZ CREEK, SO-CALLED, AND RUNNING THENCE EAST FIVE HUNDRED NINETY EIGHT (598) FEET TO AN IRON PIPE; THENCE NORTH THREE HUNDRED FIFTY FOUR (354) FEET TO A IRON PIPE; THENCE NORTH FIFTEEN (15) WEST TWO HUNDRED NINETY NINE:

(299) FEET TO A POINT; THENCE: NORTH SEVENTY EIGHT (78) DEGREES WEST SIX HUNDRED TWENTY NINE (629) FEET TO A POST; THENCE SOUTH TWENTY-FOUR (24) DEGREES WEST TWO HUNDRED NINETY EIGHT (298) FEET; THENCE SOUTH TWENTY SEVEN (27) DEGREES EAST TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING PARCELS, TO WIT:

BOOK 464, PAGE: 645, BOOK 1464, PAGE 1104, BOOK 1475, PAGE: 35, BOOK 1699, PAGE 1, BOOK 1710, PAGE: 227, BOOK 1938, PAGE 721, BOOK 2319, PAGE 1024, BOOK 3161, PAGE: 1167, BOOK 3518, PAGE: 1602, BOOK 3541, PAGE 908, BOOK 3541, PAGE: 918, BOOK 3541, PAGE 929, AND BOOK 3541, PACE 939, ALL AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LESS AND EXCEPT ANY LANDS LYING WA TERWARD OF THE MEAN HIGH WATER LINE OF THE GONZALO-MENDEZ CREEK AND SAN SEBASTIAN RIVER.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

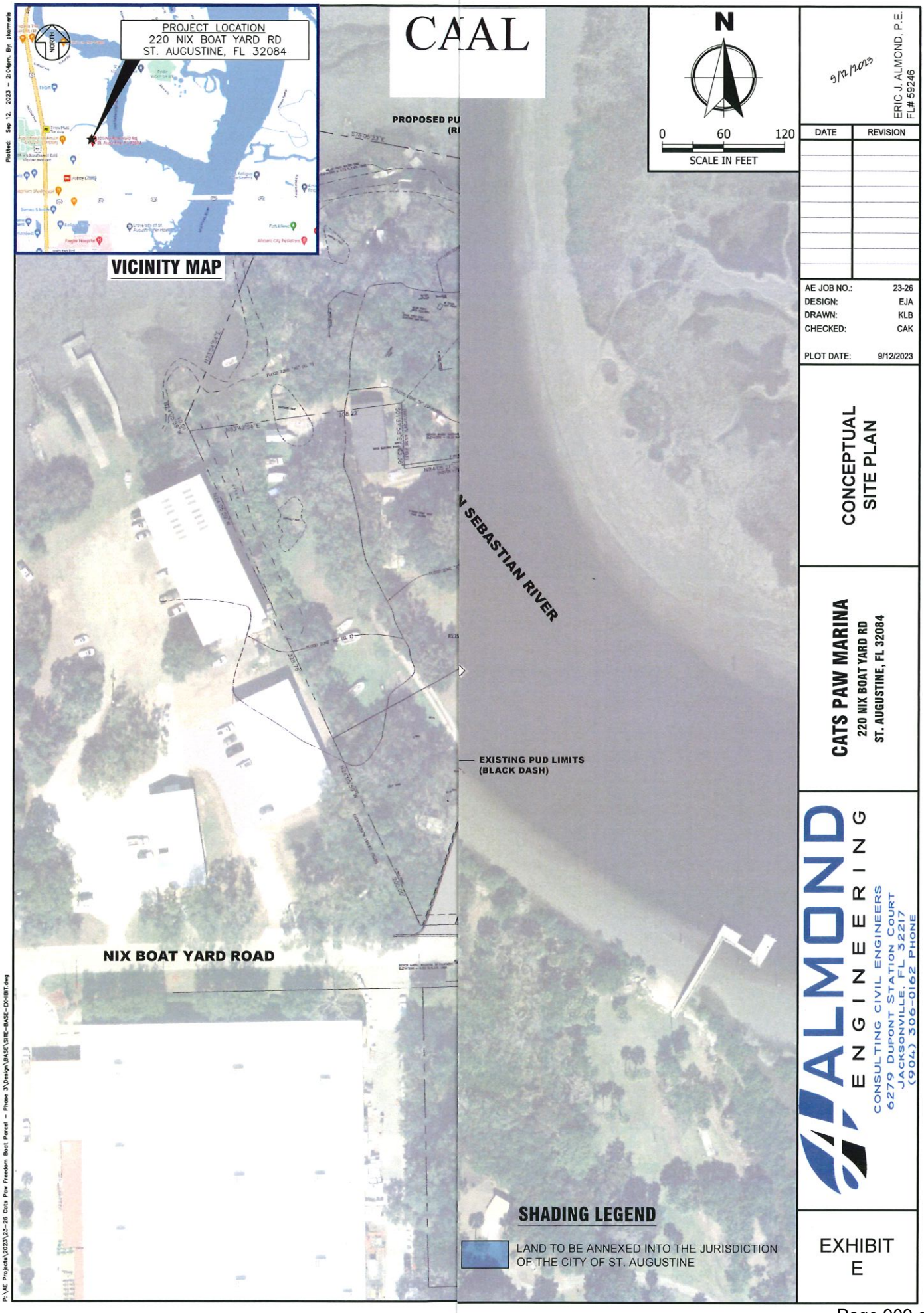
SURVEYOR'S DESCRIPTION

A PARCEL OF LAND SITUATED IN THE G. W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE: 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EASTERLY MOST CORNER OF THOSE LANDS DESCRIBED AS PARCEL 5, RECORDED IN OFFICIAL RECORDS BOOK 3541, PAGE 943 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 89°20'18" EAST, ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 777, PAGES 938 AND 939 OF SAID PUBLIC RECORDS, A DISTANCE OF 236 FEET MORE OR LESS; THENCE NORTH 3°22'53" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 156 FEET MORE OR LESS; THENCE NORTH 75°73'57" WEST, A DISTANCE OF 287 FEET MORE OR LESS; THENCE SOUTH 87°38'57" WEST, A DISTANCE OF 122 FEET MORE OR LESS TO A POINT LYING ON THE NORTHERLY LINE OF SAID PARCEL 5; THENCE SOUTH 78°05'23" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 123.16 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 5; THENCE SOUTH 14°58'58" EAST, ALONG THE EASTERLY LINE OF SAID PARCEL 5, A DISTANCE OF 203.00 FEET TO THE POINT OF BEGINNING.

THE AFORE0ESCRIBED PARCEL CONTAINS 1.2 ACRES MORE OR LESS.

LESS AND EXCEPT ANY LANDS LYING WATERWARD OF THE MEAN HIGH-WATER LINE OF THE GONZALO-MENDEZ CREEK AND SAN SEBASTIAN RIVER.



Plotted: Sep 12, 2023 - 2:04pm, By: pkomeris

P:\AE Projects\2023\23-26 Cats Paw Freedom Boat Parcel - Phase 3\Design\BASE\SITE-BASE-EXHIBIT.dwg

9/12/2023
ERIC J. ALMOND, P.E.
FL# 59246

DATE	REVISION

AE JOB NO.:	23-26
DESIGN:	EJA
DRAWN:	KLB
CHECKED:	CAK
PLOT DATE:	9/12/2023

CONCEPTUAL SITE PLAN

CATS PAW MARINA
220 NIX BOAT YARD RD
ST. AUGUSTINE, FL 32084

ALMOND ENGINEERING
CONSULTING CIVIL ENGINEERS
6279 DUPONT STATION COURT
JACKSONVILLE, FL 32217
(904) 306-0162 PHONE

EXHIBIT
E

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: October 12, 2023

RE: City Commission Code Enforcement Program Update and Update Regarding Short Term Rental Program

It is my understanding that at the September 25, 2023, City Commission meeting, the City Commission asked for an update on the city's Code Enforcement program and the city's Short Term Rental program. Please see below and attached for a summary. Staff will be available at the meeting for a presentation and discussion.

Currently within the Planning and Building Department there is the Building and Code Enforcement Divisions supervised by the Building Official and the Code Enforcement Manager. In addition to the Code Enforcement Manager there are three (3) full-time Code Enforcement Officers and an Administrative Coordinator. One (1) of the Code Enforcement Officers is specifically assigned to focus on Short Term Rentals among other duties.

The city's Code Enforcement Officers are responsible for ensuring compliance with the city's codes and ordinances regarding violations concerning real property. This includes responding to citizen complaints and working with other city departments to gain compliance. The Code Enforcement Officers also review and inspect fence permits, sign permits, and tree removal permits throughout the city limits.

The Building Official and the Code Enforcement Manager are the administrative support for the Code Enforcement Adjustments and Appeals Board (CEAAB). This is a citizen board, appointed by the City Commission to hear cases after compliance driven efforts have failed, variances to the City's Floodplain Management ordinance, and is designated as the local administrative board of adjustments and appeals for the Florida Building Code and the Florida Fire Prevention Code.

The CEAAB hears cases presented by the building official, appropriate staff member, or city attorney, issues findings of fact, based on evidence of record and conclusions of law, and then issues orders consistent with its powers. The CEAAB has the authority to subpoena alleged violators, witnesses, and evidence to be presented at a hearing, take testimony under oath, and

issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

The Code Enforcement Division has also been involved with the potential "nightlife ordinance" and has played a significant role recently with the city's Homeless Outreach efforts. This included incorporating a Community Outreach Specialist staff member, and helping to facilitate the acquisition and organization of property that will eventually be a daytime drop-in center with wrap around services to assist those experiencing homelessness. Staff is also currently working to draft a Homeless Strategic Plan for the city with help from the Florida Housing Coalition and other local stakeholders.

Code Enforcement staff has also increased support for the Archaeology Division, Historic Preservation, Environmental Compliance, and the Police Department.

It is important to note that State Statutes preempt the city's ability to limit or regulate Short Term Rentals (STRs) within the city. The city does have some regulations in place. However, the city is limited to enforcing these issues that are addressed in the city code. We do have a contract with a firm that helps us register and monitor STRs, but the system does have some limitations.

Please place this item on the October 23, 2023, City Commission Agenda under Staff Reports and Presentations.

If you have any questions, please contact me or Barry Fox, Code Enforcement Manager.

Amy McClure Skinner, AICP
Director
Planning and Building Department



Code Enforcement Division

Staff
City of St. Augustine

City Commission Meeting
October 23, 2023

CITY OF ST AUGUSTINE EST. 1565

Code Enforcement Division

Division Staffing:

- **One Manager**
- **One Administrative Coordinator**
- **Three Code Enforcement Inspectors**
- **One Short Term Rental Inspector**
- **One Homeless Outreach Worker (Part Time)**

Division Core Responsibilities:

- **Code Enforcement**
- **Short Term Rental Management**
- **Homeless Outreach**
- **Assist with Natural Disaster Response**

CITY OF ST AUGUSTINE EST. 1565

Code Enforcement

Inspections:

- **Code Enforcement Permit Inspections for FY 2023:**
  - **Fence Inspections: 35**
  - **Sign Inspections: 25**
  - **Tree Inspections: 131**

Service Requests:

- **Service Requests for FY 2023: 497**
- **Service Requests for FY 2022: 568**

Cases:

- **Code Enforcement Cases for FY 2023: 255**
- **Code Enforcement Cases for FY 2022: 151**

Code Enforcement

Natural Disaster Response:

- **Natural Disaster Responses for FY 2023:**
  - **Hurricane Nicole (Nov. 7, 2022)**
    - **Pre Storm-Information Distribution**
    - **Construction Site Preparedness Assurance**
    - **Post Storm Damage Assessments: Approx. 350 Homes**
  - **Hurricane Idalia (Aug. 30, 2023)**
    - **Pre Storm-Information Distribution**
    - **Construction Site Preparedness Assurance**

Code Enforcement Programs

New Roles:

- Homeless Outreach Program
  - Homeless Survey/Reunification Program
  - Development of COSA Homeless Strategic Plan
- Archaeology Division communication support

Increased Supporting Roles:

- Increased efforts in supporting the Environmental Compliance Division
- Increased efforts in supporting the Historic Preservation Division
- Increased efforts in supporting St. Augustine Police Department

Code Enforcement Programs

Continuing Efforts:

- Continued Development and Implementation of Policies and Procedures
- Striving for National Accreditation
- Development and Build-out of the Homeless Daytime Drop-in Center
- Phase I initiated – Clean up property, address safety and security concerns for the property, establish conditions to eventually move Dining with Dignity
- Enhancement of Records Management
- Continued Testing, Evaluating, and Improving of the Case Tracking Software Program (CityWorks)

Short Term Rental

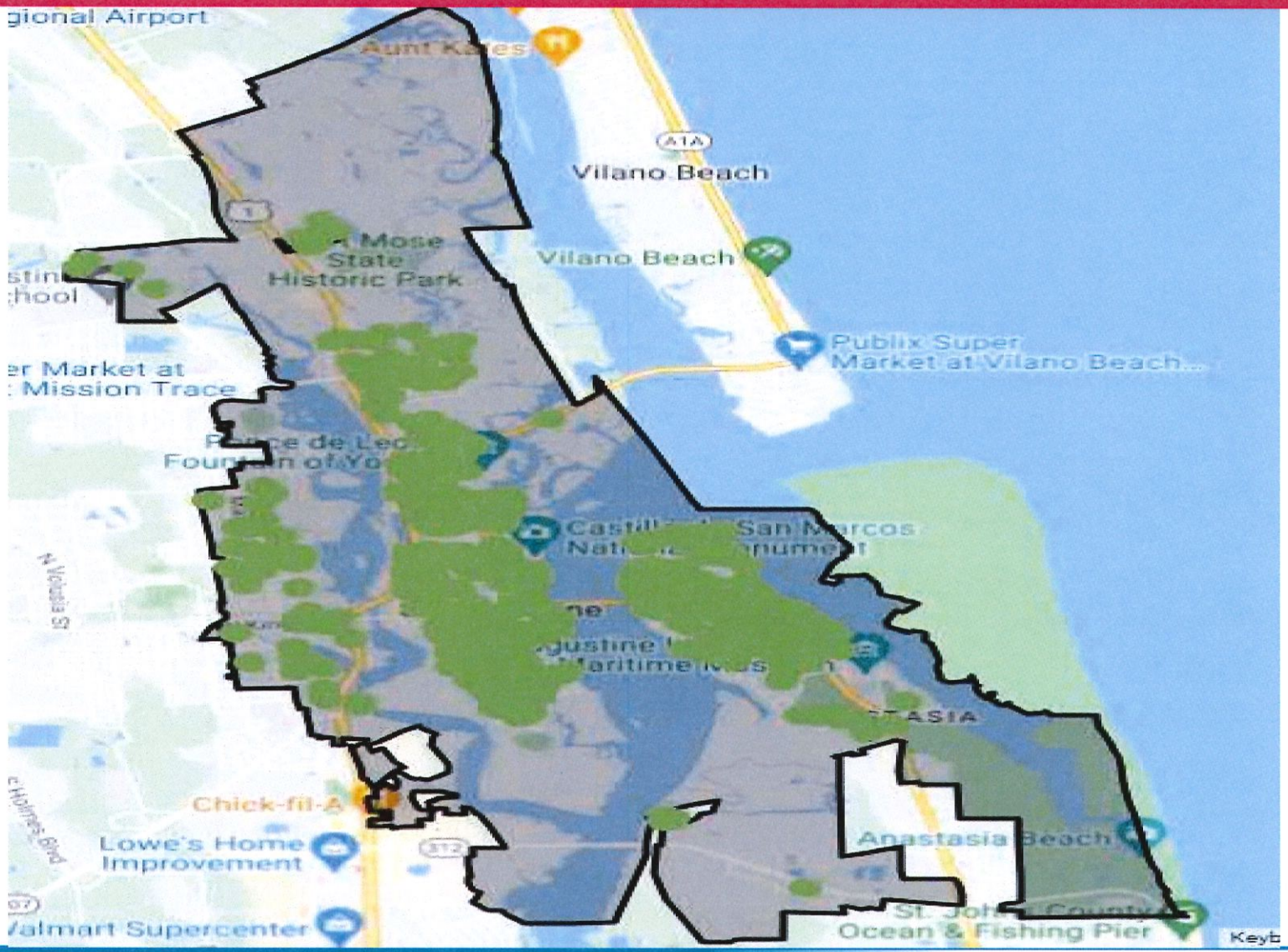
Short Term Rentals:

- **Short Term Rental Registrations for FY 2023: 744**
  - **Inspections: 109**
- **Short Term Rental Registrations for FY 2022: 648**
- **Short Term Rental Registrations for FY 2021: 482**

Short Term Rental Complaints (Hotline):

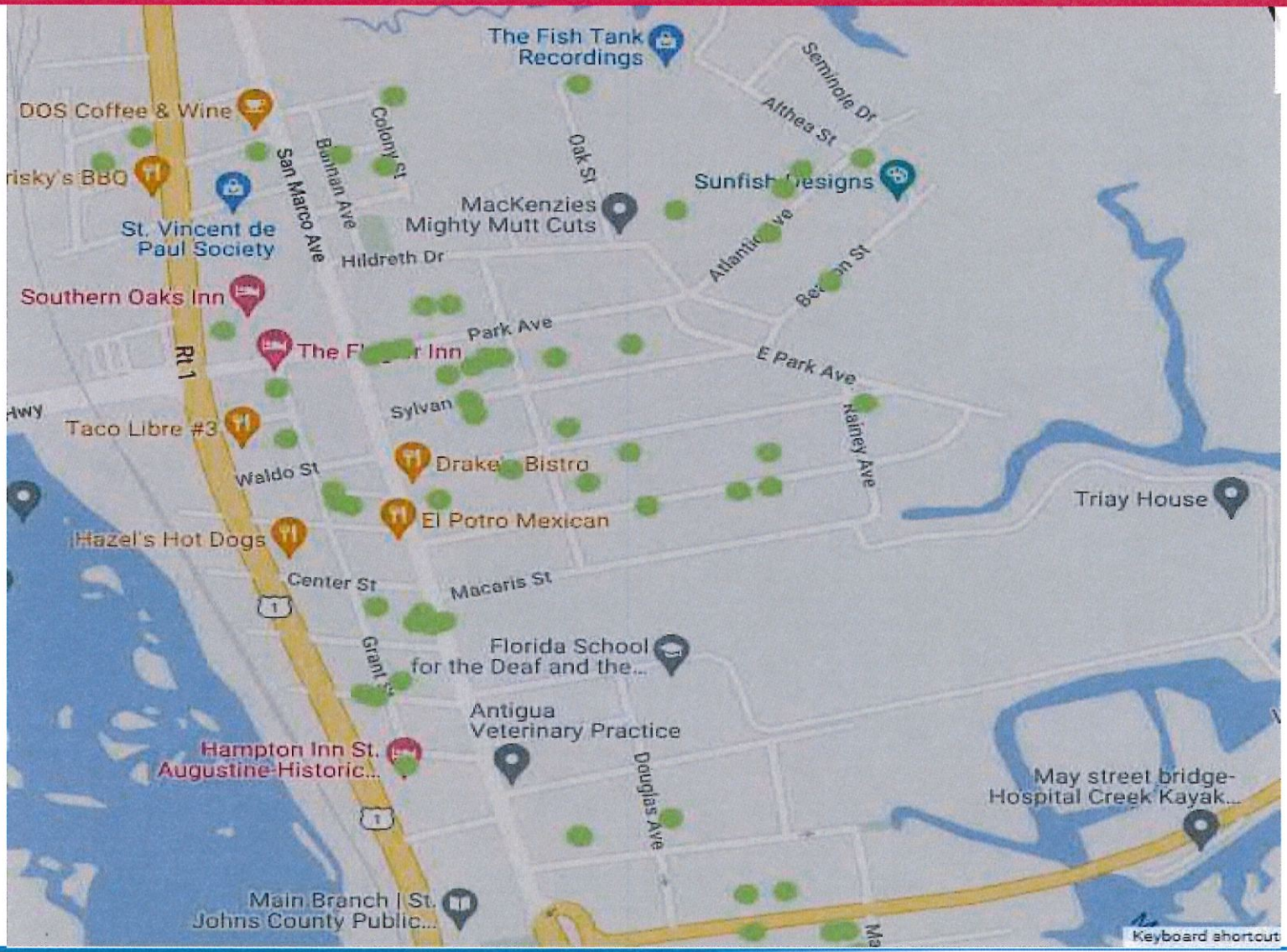
- **Complaints for FY 2023: 222**
- **Complaints for FY 2022: 228**
- **Complaints for FY 2021: 151**

Short Term Rental Distribution Citywide



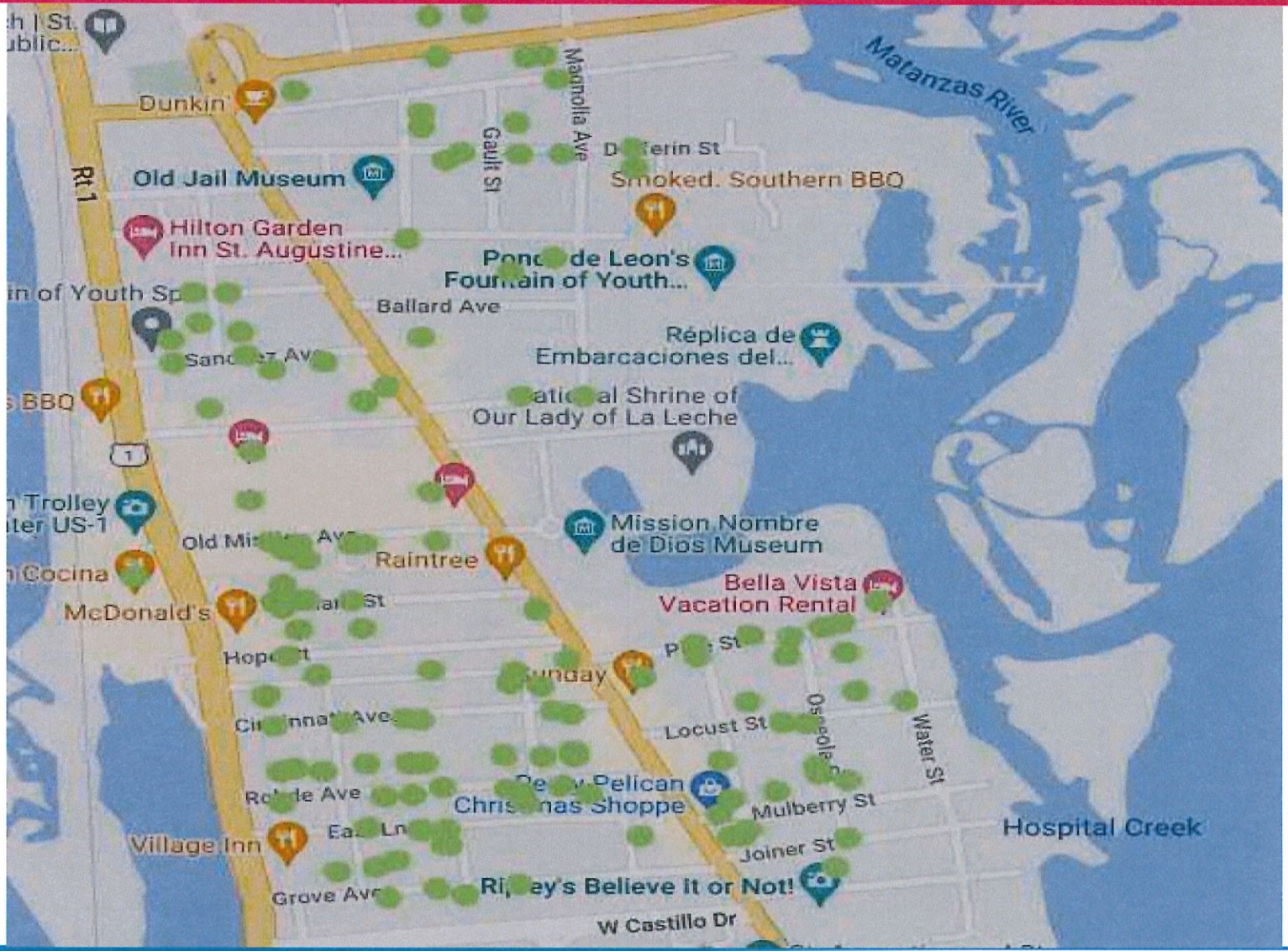
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: North City and Fullerwood Neighborhood



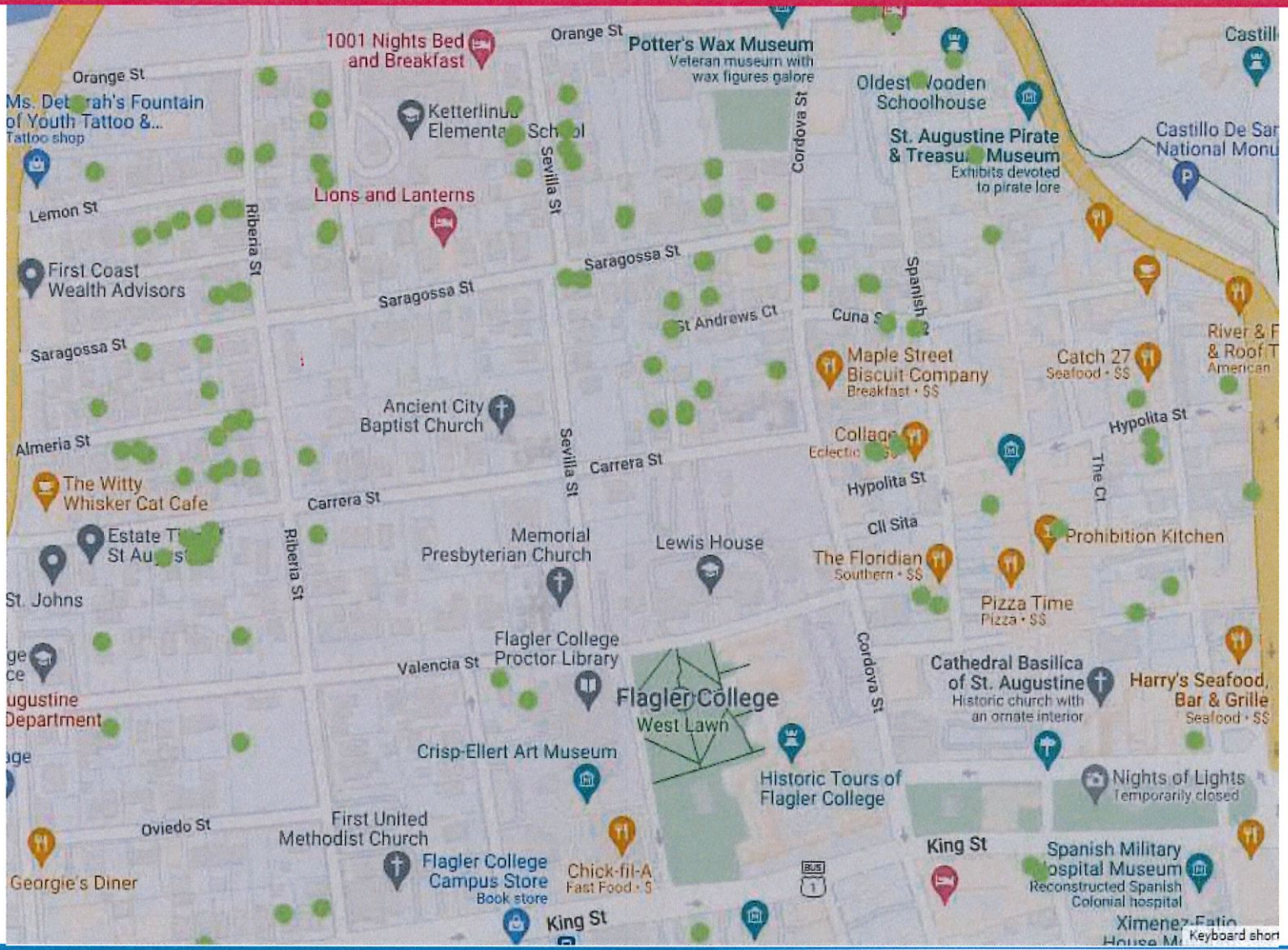
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: Uptown Neighborhood



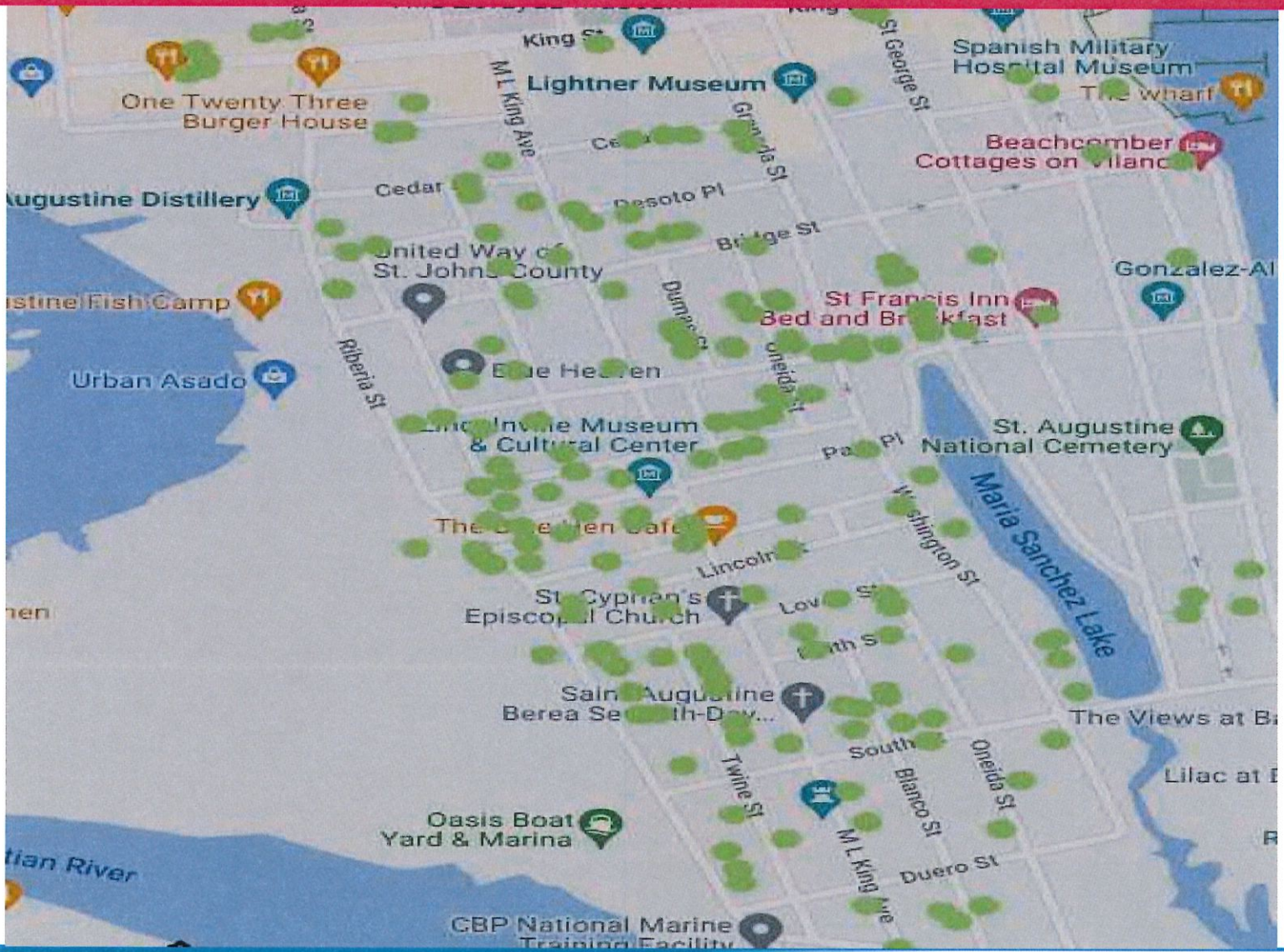
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: Model Land Tract/Downtown Neighborhood



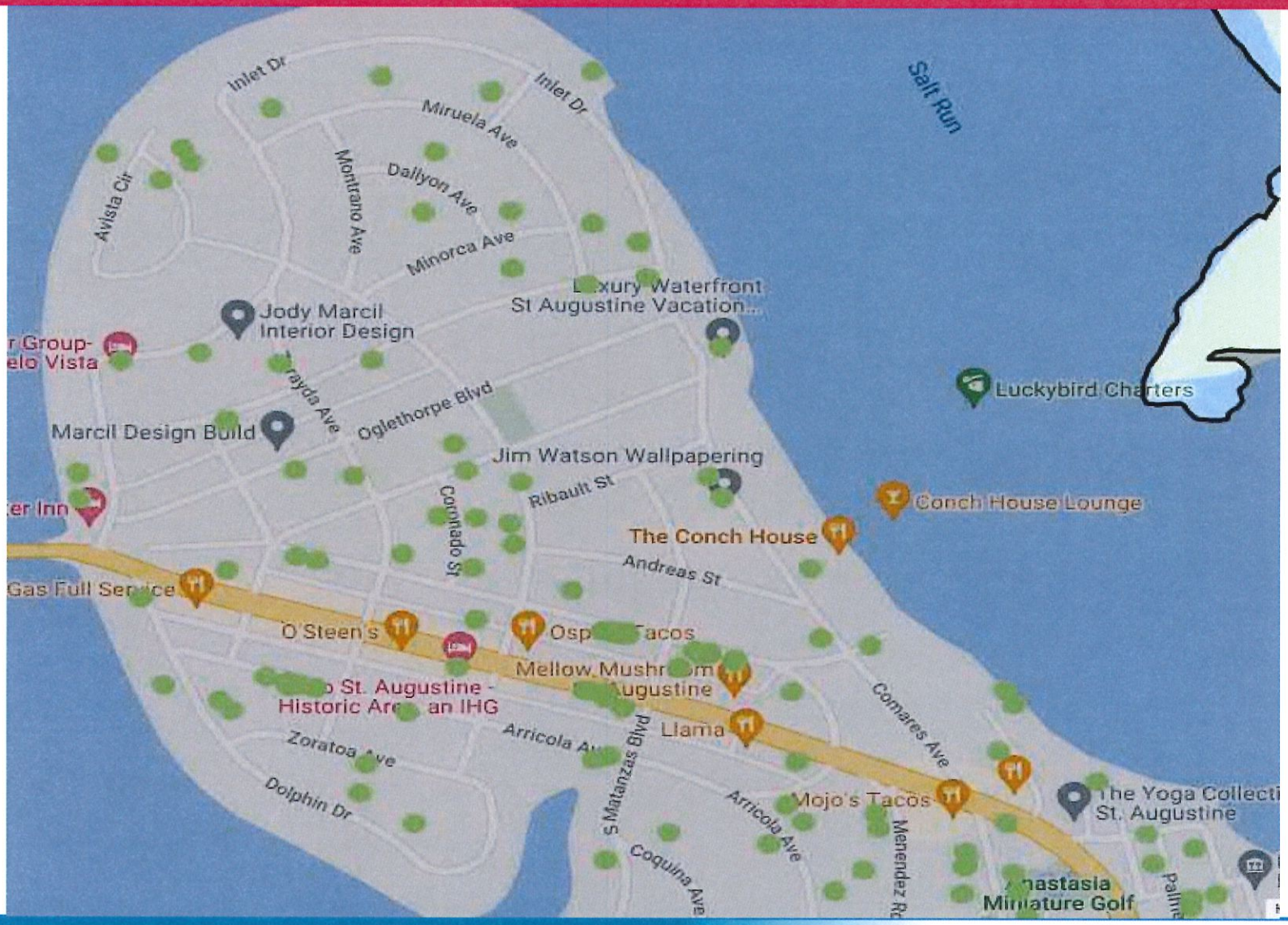
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: Lincolnville and Old City Neighborhood



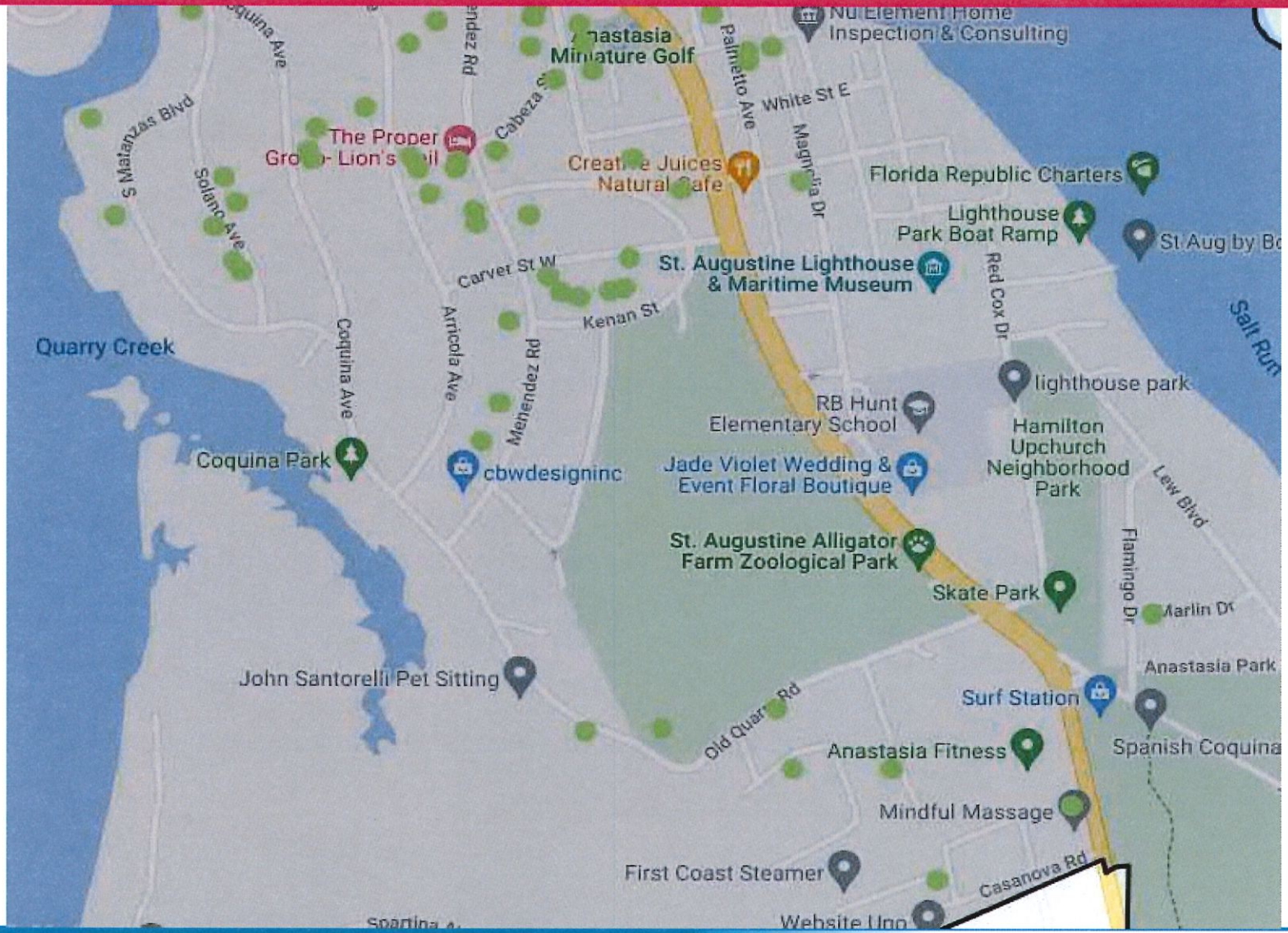
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: North Davis Shores Neighborhood



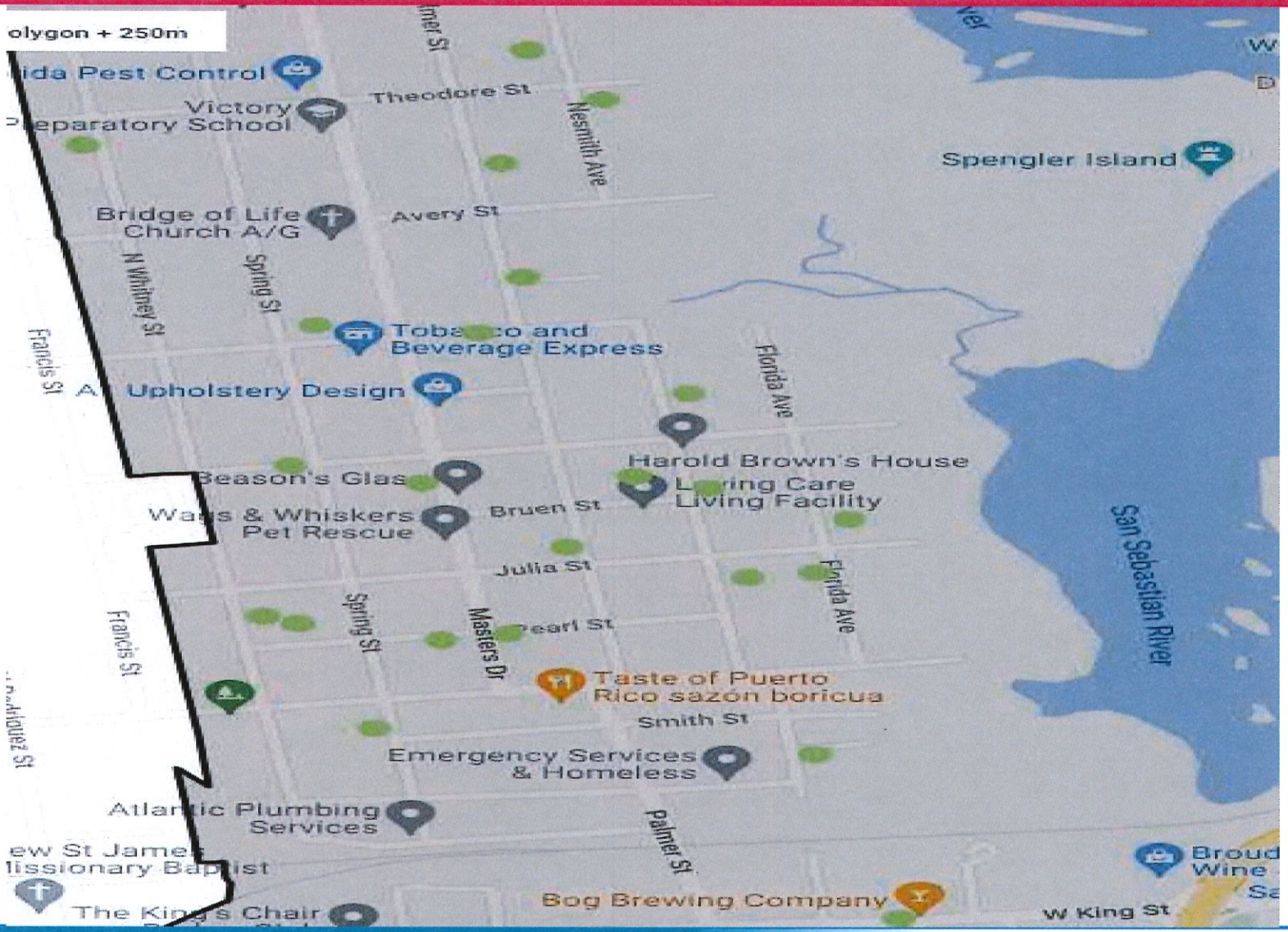
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: South Davis Shores Neighborhood



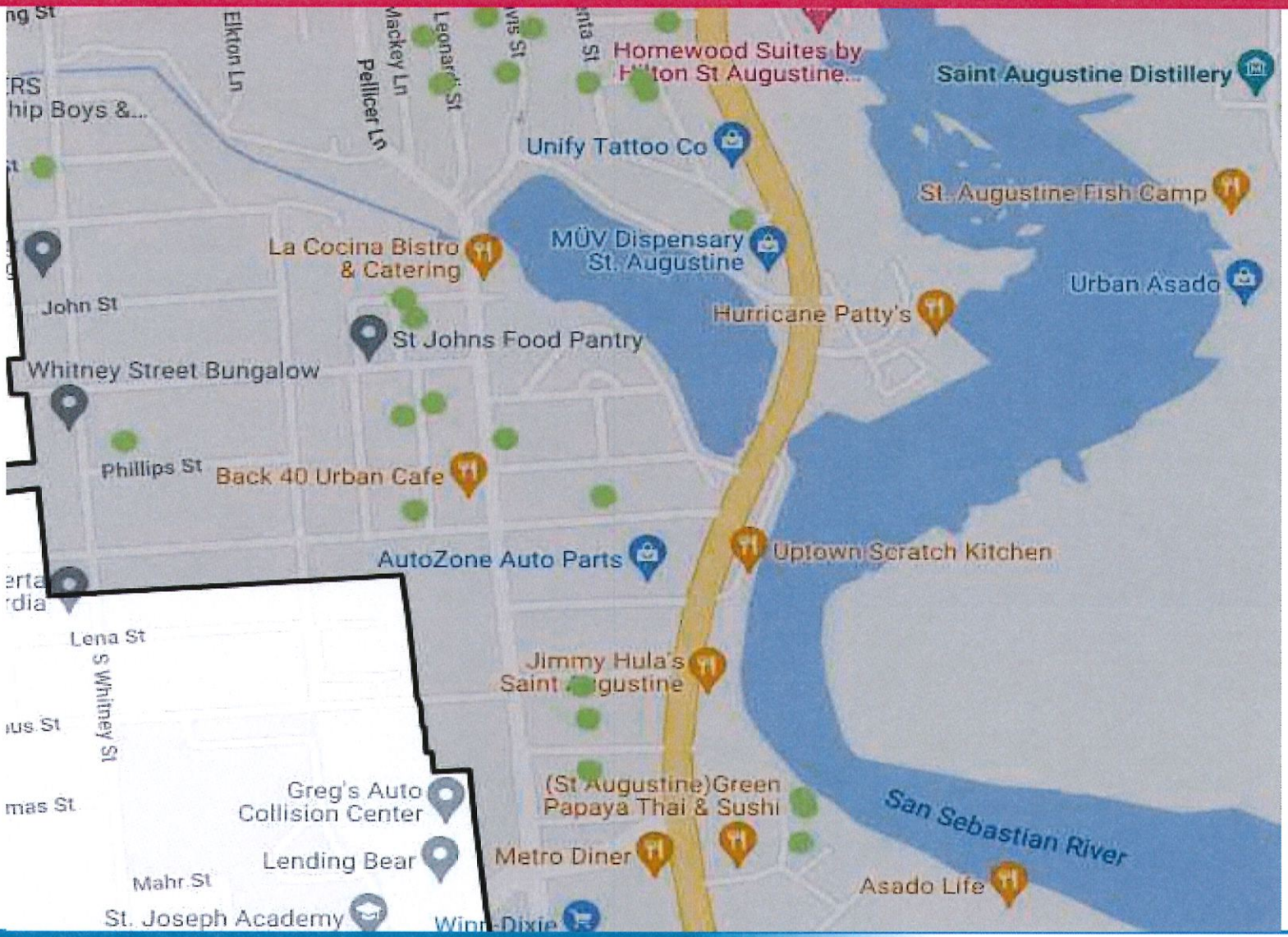
CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: Masters Drive Neighborhood



CITY OF ST AUGUSTINE EST. 1565

Short Term Rental: Oyster Creek Neighborhood



CITY OF ST AUGUSTINE EST. 1565

Any Questions?

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: October 10, 2023

RE: Notification of Three (3) Upcoming Term Expirations – Code Enforcement, Adjustment and Appeals Board (CEAAB)

Notification is being made to the Commission relevant to three (3) term expirations on the CEAAB. The terms are currently held by Charlu "CeCe" Reigle, Thomas Day, and Larry Weeks and will expire on December 27, 2023. Ms. Reigle and Mr. Day have served one full term and are eligible for reappointment. Mr. Weeks has served two consecutive terms and is not eligible for reappointment.

Requests for applications will be placed in the St. Augustine Record, in accordance with Board advertising policies, and posted on the City's website.

Attached is the current Code Enforcement Adjustment and Appeals Board roster, Board profile and responsibilities.

Darlene Galambos

Darlene Galambos
City Clerk

xc: Clerk's Office

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Meets Monthly, 2nd Tuesday - 3:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
Irvin C. Rubin Engineer	224 St. George Street,32084 352-275-4087 Irvin_rubin@hotmail.com	4/25/2022 fill vacancy	12/27/2024
Jan Marie Kelly Lawyer	174 Oneida Street, 32084 937-307-4493 Jan.elections@icloud.com	2/14/2022 fill vacancy	12/27/2024
Charlu "Cece" Reigle Realtor	186 Oneida Street 904-315-3150 ccreigle@gmail.com	2/26/2018 fill vacancy 12/14/20 1st full term	12/27//2023
Marilyn Meade Garrett	8 E. Park Ave.,32084 904-814-2199 merrilyn61@att.net	12/13/2021 fill vacancy 12/12/2022 1st full term	12/27/2025
Karen Valachovic Realtor/Registered nurse	38 Carrera St.,32084 904-923-6053 karenvsells@gmail.com	2/10/2020 1st full term 12/12/2022 2nd full term	12/27/2025
Thomas Day Retired	19 Saragossa St. 32084 904-819-9711 tomday1@comcast.net	01/14/19 fill vacancy 12/14/20 1st full term	12/27/2023
Larry Weeks Director of BS and Campus Planner/Flagler	106 Inlet Drive 32080 904-810-5313 larryd.weeks@gmail.com	01/08/18 1st full term 12/14/20 2nd full term	12/27/2023

Updated 01/11/23

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Authorization:	Chapter 2, Article V, Division 2, Code of the City of St. Augustine.
Number of Members:	Seven 7
Terms of Office:	To establish staggered terms, original appointments were two 2 for one 1 year; three 3 for two 2 years; and two 2 for three 3 years. Thereafter, all appointments are for three 3 years.
Appointment:	By City Commission.
Reappointment:	Normal appointments expire December 27 of each year. Members may serve two 2 consecutive full terms only.
Qualifications:	When possible, shall include: architect, businessperson, engineer, general contractor, subcontractor, and realtor. **Resident of the city.**
Duties:	Hear cases presented by the local governing body attorney or by a member of the administrative staff of the local governing body. At the conclusion of the hearing, the board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The board shall have the power to: 1 Adopt rules for the conduct of its hearings, 2 Subpoena alleged violators and witnesses to its hearings, Subpoenas may be served by the Police Dept., 3 Subpoena evidence, 4 Take testimony under oath, 5 Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
Attendance:	Ordinance 2018-11 amended Sec. 2-191 to remove the language regarding meeting attendance and instead states "Members of Boards may be removed by majority vote of the Commission, upon notice of the intent to remove the Board member mailed to the address on record at the office of the city clerk by certified U.S. mail, return receipt requested, and a hearing before the City Commission providing the member an opportunity to be heard".
Meetings:	Second Tuesday of each month, the Alcazar Room, 3:00 P.M.

Updated 01/11/23

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: October 10, 2023

RE: Notification of Board Term Expirations – St. Augustine Firefighters' Pension Trust Fund

Notification is being made to the St. Augustine Firefighters' Pension Trust Fund Board of Trustees relevant two (2) term expirations, which expire on January 1, 2024. Current members Micah A. Clukey, Jr. and Richard M. Hernandez are eligible for reappointment.

Advertisements requesting applications will be placed in the St. Augustine Record in accordance with board advertising policies and posted on the City website.

Attached is the current Board roster, along with a profile of the qualifications, duties and responsibilities as by ordinance.

Darlene Galambos
City Clerk

Xc: Clerk's Office

BOARD OF TRUSTEES
ST. AUGUSTINE FIREFIGHTER'S PENSION TRUST FUND

Meets quarterly, February, May, August and November – 1:00 P.M.
Communications Conference Room, Elevator Lobby "B," 2nd Floor, City Hall

Board Member	Contact information	Election Date	2-Year Terms Expire
Dustin Hamilton **VICE-CHAIR/Secretary**	101 Malaga Street 808-3369 dhamilton@citystaug.com	12/2022	01/01/2025
Sean Crofutt **CHAIR**	101 Malaga Street 829-1098 cro103@yahoo.com	02/2018 11/2019 12/2021	01/01/2022 01/01/2024

Appointed Board Members	Contact Information	Appointment	2-Year Term Expiration
Micah A. Clukey, Jr.	30 Seminole Drive, 32094 669-7618 mclukey@clukeyandtebault.com	02/28/2022	01/01/24
Richard M. Hernandez	215 S. Matanzas Blvd, 32080 669-0153 islandmasonry@comcast.net	3/11/2012 12/09/2013 1/11/2016 12/11/2017 12/13/2021	01/01/22 01/01/24
JoLinda LeVeck BOARD APPOINTED	276 Sunshine Drive, 32086 669-4182 jolindaleveck@protonmail.com	1/8/2020 2/8/2023 (CC Minist. Approv.. 02/27/23)	01/01/23 01/01/25

Pedro Herrera
Sugarman & Susskind, P.A.
100 Miracle Mile ste 300
Coral Gables, FL 33134
305-613-5302
pherrera@sugarmansusskind.com

Brendon Vavrica
AndCo Consulting
340 West Central Ave, Ste 300
Winter Haven, FL 33880
836-293-8289
BrendonV@andcoconsulting.com

Doug Lozen
Foster & Foster, Inc.
13420 Parker Commons Blvd, Ste 104
Fort Myers, FL 33912
239-433-5500
Doug.Lozen@foster-foster.com

Kimberly Kutlenios
Fifth Third Bank
200 E. Robinson St, 9th Floor
Orlando, FL 32801
407-999-3027
Kimberly.kutlenios@53.com

02/28/23

BOARD OF TRUSTEES
ST. AUGUSTINE FIREFIGHTER'S PENSION TRUST FUND

Authorization:	Article V, Chapter 20, Code of Ordinances
Number of Members:	Five (5)
Terms of Office:	Elected and appointed members Two (2) year terms.
Appointment:	**Two (2) legal residents of the city appointed by City Commission**: two (2) member representatives elected by the firefighters; and **one (1) selected by previous four** (4).
Qualifications:	None stated in ordinance
Duties:	The general administration, management, and responsibility for the proper operation of the retirement system, and for construing and making effective the provisions thereof.
Attendance:	Ordinance 2018-11 amended Sec. 2-191 to remove the language regarding meeting attendance and instead states "Members of Boards may be removed by majority vote of the Commission, upon notice of the intent to remove the Board member mailed to the address on record at the office of the city clerk by certified U.S. mail, return receipt requested, and a hearing before the City Commission providing the member an opportunity to be heard".
Meetings:	Quarterly in February, May, August, November

CITY OF ST. AUGUSTINE

City Commission Special Meeting
Monday, August 21, 2023

The City Commission met in formal session Monday, August 21, 2023, at 9:00 A.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Barry Fox, Code Enforcement Manager
Todd Grant, Director, Public Works
Amy Skinner, Director, Planning and Building
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Anthony Cuthbert, Assistant Police Chief
Abby Pedigo, Fire Marshall
Elyse Wiemann, Recording Secretary

Commissioner Horvath suggested having public comment after the presentation and discussion to allow the public to respond to any proposed changes.

Ms. Lopez advised the Commission to reorganize their agenda.

Commissioner Garris asked for the public comment to be prioritized by individuals who may need to leave to be heard first.

MOTION

Commissioner Horvath MOVED to reorganize the agenda to hear the presentation prior to public comment. The motion was SECONDED by Commissioner Springfield and APPROVED by UNAMIOUS VOICE VOTE.

2. General Public Comments

Heard as item 4

The Commissioners heard from the following members of the public:

- Jayson Befort
- Thomas Day
- Tracey Kaufman
- Warren Merrill
- Jeanna Cebollero
- Scott York
- Jackie Hird
- Virgina Whetstone
- Melinda Rakoncay
- Steven Hutson

- Martha Mickler
- Martin Clary
- Rob Crabtree
- Tira Kindler
- Bruce McGuire
- BJ Kalaidi

3. Proposed Nightlife Ordinance

3.A. Overview (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director, reviewed the topic. She provided the history, overview of the ordinance and the proposed changes.

Commissioner Blonder clarified the maps being shown for clarity. She said the smaller dots identified licensed alcohol locations and the overlay was the heat map identifying the police calls.

Ms. Skinner noted this was for a two-year time frame between midnight to 2:30 a.m. She said all the licenses shown were related to alcohol but not all were open from midnight to 2:30 a.m.; package stores or retail licenses were not included. She reported the number of police calls between the hours of midnight and 2:30 a.m.

Ms. Skinner added the ordinance would establish that businesses that sold alcohol would have to obtain a permit to sell alcohol between the hours of midnight and 2:00 a.m. and had certain requirements they had to meet and would have to be renewed annually. She said the fire department submitted additional information related to fire inspections and crowd management training.

At the request of Mayor Sikes-Kline, Abby Pedigo City Fire Marshall, said the Florida Fire Prevention Code required a certified crowd manager for all assembly occupancies, which was anything over fifty occupants. She said their role was to keep the peace in emergencies.

Commissioner Springfield asked if having a crowd manager and annual fire inspections was a requirement in the code.

Ms. Pedigo replied both were in the code; however, having a crowd manager was not enforced, except in establishments exceeding 250 occupants.

Todd Grant Public Works Director discussed the interactive maps, which were available online for the public, concerning the businesses that served alcohol. He reiterated there were a total of 188 license holders for consumption of alcohol on premises, and twenty-seven open past midnight. He said the maps would identify these locations.

Commissioner Springfield noted the ordinance would cover more than the bars downtown and it would incorporate all those located in the City as well as Arnold's and Anastasis Island.

4. DISCUSSION AND RECOMMENDATION(S) RELATED TO THE DRAFTED NIGHTLIFE ORDINANCE LANGUAGE AND ACTION MOVING FORWARD

Commission Discussion:

- Provided data showed the complaints between a range of time; however, felt not all were alcohol related
- Patrons should be responsible and mindful of their alcohol consumption
- Neighbors concerned with the noise level
- Felt DUI's could not be solely blamed on bars
- Unsure if an ordinance should be passed if it was not in the best interest of the entire community
- Felt most establishments regulated themselves and had training programs in place
- Noise should not be included in the ordinance as it was already in the code

- Should clarify the time allowed to be open
- Did not feel the establishments could control what people did outside or before entering
- Should enforce the crowd management as it was a requirement from the state
- Monies collected from businesses opened from midnight to 2:00a.m. was minuscule and would not affect the City budget
- Supportive of the changes being proposed; however, should enforce the ordinances that were already in place
- Felt some items included in the ordinance were impossible to enforce
- Should follow-up with the lighting, rideshare and employee parking for safety
- Suggested a reduced permit fee for individual events or nights along with the staff recommended holidays
- Suggested having the City recognize establishments that have met certain standards in security, training, crowd training, met fire codes etc.

Commissioner Blonder asked for an explanation regarding DUI's and how long it took for processing. She noted a monthly report with yearly comparisons, and she asked for a brief summary regarding the change in DUI's.

Chief Michaux, City of St. Augustine Police Chief, replied that a DUI stop could range in between one to four hours depending on the level of intoxication. She said traffic warning and citations had increased significantly, crashes had decreased, and DUI's had increased. She said that could be contributed to having specialized individuals that worked in the evenings hours that focused on DUI's. She said over the last year, there had been a significant increase.

Commissioner Blonder noted the graphs showed different times period and there was an increase in DUI's by 84% after midnight. She said there could be a possible relationship between DUI's and bars closing.

Chief Michaux clarified that the chart for the past two years showed in the downtown area there had been forty-two DUI's alone.

Discussion continued:

- Felt there were three different economies in the City: daytime, evening, and late night
- Each had separate needs and should have their own rules and regulations
- Was challenging to create a balance
- Should create a safe nightlife for everyone
- Nightlife study by results provided many safety concerns
- Downtown businesses were to create an alliance to work with the City; however, that had not been created
- Ordinance should be clear and not overreaching

Discussion after Public Comment:

At the request of Commissioner Springfield, Chief Michaux replied between the hours of midnight and 2:00 a.m. there was one sergeant and six officers for the entire City.

Mayor Sikes-Kline asked how many zones the City had and how many the City would have.

Chief Michaux replied there were a total of four permanent zones and a bike unit was added for a total of five. She said the hours the bike units worked were from noon to midnight or 10:00a.m.-10:00p.m. depending on the day.

At the request of Commissioner Springfield, Ms. Breidenstein advised the cost of an entry level police officers salary was around $78,000, which included benefits; however, that did not include

vehicle, weapons, uniforms, and other items needed to perform the position.

Commissioner Blonder questioned the cost of the permit if the ordinance passed.

Ms. Skinner responded the cost had not been discussed but they were unable to charge more than the administrative cost to administer the program. She said most of the fees were nominal. She said there had been discussion about connecting the fee to the business tax receipt or renewal of business tax receipts process. She said there may not be an associated fee but there would be an application that would be associated with the business tax receipts. She advised if there was a fee, it would range between $25-$100 depending on staff processing.

Mayor Sikes-Kline noted previous City Manager John Regan met with the community in March 2022 and discussed it could be $250 but it would have to be determined.

Commissioner Blonder advised if the ordinance was heard on first reading the associated fee should be noted.

Commissioner Garris questioned if noise complaints could be improved by hiring two more officers.

Assistant Chief Anthony Cuthbert provided an overview of what had to take place in order to enforce the noise ordinance. He said there was a program with Rutgers University which certified officers. He said they had two noise readers and thought if they had more officers certified it could help. He said noise complaints took time to investigate.

Commissioner Blonder questioned how the ordinance would be enforced. She asked if there would be a need to increase the staff in code enforcement.

Mr. Birchim replied it would be a combined effort between code enforcement and the police. He said if the current staff was used, it would take one away from their current daily duties.

Mayor Sikes-Kline commented in her experience with Responsible Hospitality Institute (RHI) that most communities wanted a vibrant, regulated, and safe nightlife and most had night managers. She said that would include a manager, public works, code enforcement, police, and public safety. She said there would be additional costs associated with this industry. She noted there were seventeen speakers with ten in favor, six opposed or provided suggestions, and one neutral.[1]

Mayor Sikes-Kline clarified that the City did not promote itself; it was the statutory responsibility of the Tourism Development Council and the Board of County Commissioners to use bed tax to advertise the City. She explained moving forward the ordinance would be heard without public hearing on first reading but that would allow the commission to provide feedback and discussion; second reading would have a public hearing with discussion, and any changes.

Discussion continued:

- Should enforce problems at night with ordinances the City had control over
- Should follow up with the RHI recommendations for lighting, and ride share
- Felt the more the police could enforce the calls and arrest would increase which was good as businesses and people were held accountable
- Asked for clarification regarding the trained staff member that had to be on site during business hours or just one that was trained

[1] Petition provided by citizen attached to original packet

- Wanted justification and clarification on the holiday waiver
- Felt the wedding industry was problematic between short-term rentals, trash, and intoxicated individuals
- Felt people needed to be more responsible and respectful of the entire community
- Felt training would make establishments be more responsible and not allow individuals to be over served
- Was a permit that required training and would provide a balance with a livable community and nightlife
- Permit would not be revoked if a business did not comply with the ordinance and would have opportunities to fix the issues
- Should move forward with the Social Economic Alliance as a mixed committee with staff and businesses
- Difficult to hear that safety was an issue
- Noise ordinance should be addressed
- Did not want to change hours for establishments but felt there was a need for structure
- Crowd manager was essential to an establishment and could help contain the crowd and implement safety
- Concerned with patrons leaving one establishment for another and entering venues with open drinks
- Concerned with people coming to town to party

Ms. Lopez advised it would be very helpful to have any recommendations for staff prior to the first reading. She felt there had been conflicting information reading noise and asked for clarification. She said the noise ordinance was written to where a noise control officer was able to help implement the code and did not require a police officer as it was a civil citation.

Commissioner Springfield asked if a business was allowed to be shut down due to a sound violation.

Ms. Lopez replied no; it was a civil citation. She explained Code Enforcement was done through county court and separate from the Code Enforcement Board. She noted the data regarding enforcement could be reviewed on the City website.

Mayor Sikes-Kline said residents and businesses were affected by the noise and she felt the noise portion of the ordinance should be kept at least through the first reading for additional discussion.

Commissioner Springfield and Commissioner Blonder agreed.

Mayor Sikes- Kline stated the prevision for the waiver of requirements should be added up to three times a year for a venue. She said there were locations that could benefit from it for fundraisers or venues that wanted to host a holiday event. She said it needed to be clearly stated that businesses could operate after midnight with a permit if alcohol were being sold. She agreed with staff that an establishment should be held responsible for behavior outside their location; however, was unsure how that would be enforced. She asked the City to reexamine the penalties regarding definitions.

Commissioner Springfield thanked staff and everyone for coming and providing feedback and data.

MOTION

Mayor Sikes-Kline MOVED with the proposed change the ordinance should be moved to first reading. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION:
AYES: Sikes-Kline, Blonder, Garris, Springfield, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

5. Adjournment

There being no further business, the meeting was adjourned at 11:42 A.M.[2]

Nancy Sikes-Kline, MAYOR

Darlene Galambos, CITY CLERK

DRAFT

[2] Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 28, 2023

The City Commission met in formal session Monday, August 28, 2023, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Cynthia Garris, City Commissioner

Absent: Barbara Blonder, City Commissioner, excused
Jim Springfield, City Commissioner, excused

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Corey Sakryd, Director, General Services
Amy Skinner, Director, Planning and Building
Julie Courtney, Historic Preservation Officer
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Carlos Aviles, Fire Chief
Elyse Wiemann, Recording Secretary
Michele Fudo, Recording Secretary

DRAFT

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Fred Pitts of Ancient City Baptist Church delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mr. Birchim announced under 7(b) Items of Great Public Importance he wanted to add a Hurricane Idalia briefing by Fire Chief Carlos Aviles and wanted to move an item CA. 9 Road Vacation for Mi Hogar Street to Item 10(c) staff reports.

Ms. Galambos advised a proposed proclamation should have been included on the consent agenda; however, it was not. She said it had been provided and was online for review but was unsure if the agenda had been updated with that information. She said it was a proclamation for St. Vincent DePaul Month, she noted if approved it would be presented September 11, 2023.

Mayor Sikes-Kline said item 10(b) was the Memorandum of Understanding between the City and West Augustine Gateway, LLC, regarding the intent to construct a

public garage at 198-212 West King Street. She asked if this should be moved to a future meeting or heard since there were two Commissioners unable to attend.

Commissioner Horvath and Commissioner Garris agreed that the full commission should be present as the item was too important.

Mayor Sikes-Kline suggested moving item 10(b) to a future meeting.

MOTION

Mayor Sikes-Kline MOVED to approve the Modifications to the Agenda as listed: remove item CA. 9 from the consent agenda, add item 7(b) items of great public importance update on hurricane Idalia, add a proclamation to the Consent Agenda as presented, and extension of item 10(b) to be presented at a future meeting. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

(None)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Arthur Colbert
- Sultana Rahim
- Robin Thomas
- Chirs Fullmer
- BJ Kalaidi

5. Consent Agenda

David Birchim, City Manager, read the Consent Agenda.
CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON SEPTEMBER 11, 2023: NONE.

CA.3. Reminder of Upcoming Meetings:
• September 11, 2023, 5:00pm, Regular City Commission Meeting
• September 14, 2023, 5:05pm, Special City Commission Meeting (Initial public hearing for 2024 budget and tentative millage rate adoption)
• September 25, 2023, 5:00pm, Regular City Commission Meeting
• September 28, 2023, 5:05pm, Special City Commission Meeting (final public hearing for 2024 budget and final millage rate adoption)

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:
• July 24, 2023, Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):
• 6 Lovett Street - Ann Reed

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).
• Proclamation 2023-32: Proclaims September 2023 as NATIONAL RECOVERY MONTH. (N. Sikes-Kline, Mayor)
• 2023-33 St. Vincent DePaul Month

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.8. Authorizes execution of the annual Nights of Lights operating agreements between the City of St. Augustine and Old Town Trolley Tours. (C. Sakryd, Director General Services)

End Consent Agenda

DRAFT

5.A. Additions, deletions or modifications to Consent Agenda

Item CA. 9 was removed from the Consent Agenda. See MOTION under item 2. A.

5.B. Approval of Consent Agenda

MOTION

Mayor Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

Chief Aviles provided a brief update regarding Hurricane Idalia. He advised the parking garage would be opened on Tuesday, August 29, 2023, at 5:00p.m. and sandbags would be available at Francis Field starting at 8:00a.m.

Mr. Birchim noted garbage pickup was on its regular schedule; however, recycling would not be picked up later this week.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2023-24: Amends the Land Development portion of the zoning Code to add definitions and update the Historic Preservation Section and clarify the code related to partial demolitions. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director presented Ordinance 2023-24.

Public hearing was opened, and Commissioners heard comments from the following members of the public:

- Charles Pappas
- Don Hine
- Grant Misterly

Commissioner Horvath asked for clarification regarding the strike outs in the Ordinance.

Julie Courtney Historic Preservation Officer replied they addressed the concerns that were brought up at the July 10, 2023, City Commission meeting. She said the strike outs did not eliminate the use of compatible materials but encouraged the use of historic materials. She felt it provided latitude to use compatible materials, but the preference was to use historic materials.

Mayor Sikes-Kline commented the additions helped for it to be interpreted flexibly, which provide more lead way which seemed to be a good compromise. She said the language added regarding the interior was important, but the outside was what was considered as it was what was visible from the outside.

Ms. Courtney noted that the interior language was in the code and PZB requested it to be removed; however, the Commission had asked for it to be kept. She said it was not reviewed often but it was there in case of an exception.

Mayor Sikes-Kline pointed out the Secretary of the Interior had standards for

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the interior and that was referenced in the code. She said the changes in the ordinance were to keep within the same pattern using compatible or substitute material.

Ms. Skinner agreed they were trying to have a balance with the understanding if there was an issue with obtaining materials. She said they would prioritize historic materials but recognized that the availability could be a concern.

Commission Horvath agreed this was a compromise and was in support of the Ordinance.

Commissioner Garris felt the concerns mentioned at the past meeting had been addressed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-24 on second reading read by title only. The motion was SECONDED by Mayor Sikes-Kline.

Ms. Lopez read the title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 ADDING DEFINITIONS RELATED TO ARCHITECTURAL TERMS, DEMOLITION AND RELOCATION; AMENDING CHAPTER 28, SECTION 28-87 CLARIFYING THE CRITERIA FOR HISTORIC LANDMARK AND PROVIDING FOR REVIEW OF PARTIAL DEMOLITION PERMITS; SECTION 28-88 CLARIFYING PROCEDURES AND APPLICATION REQUIREMENTS; SECTION 28-89 REVISING AND CLARIFYING CRITERIA FOR THE REVIEW OF CERTIFICATE OR OPINION OF APPROPRIATENESS, RELOCATION OR DEMOLITION; SECTION 28-90 ADDING REFERENCE TO PARTIAL DEMOLITION AND CLARIFYING DEPARTMENT REFERENCES; SECTION 28-91 ADDING REFERENCE TO HISTORIC LANDMARK OR LOCAL LANDMARK AND RELOCATION, DEMOLITION OR PARTIAL DEMOLITION; SECTION 28-92 ADDING REFERENCE TO PARTIAL DEMOLITION; ADOPTING EXHIBIT "A" AS AN ADDENDUM TO THE ARCHITECTURAL GUIDELINES FOR HISTORIC PRESERVATION (AGHP); PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE ON MOTION:
AYES: Horvath, Sikes-Kline, Garris
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.2 Ordinance 2023-25: mends section 2-77 of the City Code regarding competitive bids. (I. Lopez, City Attorney

Corey Sakryd, General Services, presented Ordinance 2023-25.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-25 on second reading read by title only as it would make the process more efficient. The motion was SECONDED by Commissioner Garris.

Ms. Lopez read the title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-77 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR BID SOLICIATION PROCEDURES AND PROCUREMENT THRESHOLDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

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VOTE ON MOTION:
AYES: Horvath, Garris, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2023-25: Authorizes City to participate in the Local Agency Program with the Florida Department of Transportation. (C. Sakryd, Director General Services)

Corey Sakryd presented Resolution 2023-25.

Mayor Sikes-Kline understood this would make the project more efficient and timelier.

Ms. Sakryd replied in the affirmative.

MOTION

Mayor Sikes-Kline MOVED to pass Resolution 2023-25. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris
NAYES: None
MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Update efforts to draft a HUD qualified Homeless Strategic Plan providing community input and requesting feedback. (A. Skinner, Director Planning and Building)

Ms. Skinner provided an update regarding the homeless drop-in day center. She noted the City was working with Florida Housing Coalition, St. Johns County Continuum of Care, and other agency representatives to develop a homeless Strategic Plan. She said by having the Strategic Plan in place more funding opportunities would be available. She noted the City had conducted a survey with community stakeholders, the public, and those who had experienced homelessness. She reviewed the survey results with the Commission.

Commissioner Horvath thanked Ms. Skinner for the work that had been done. She said the Strategic Plan would be beneficial as it would assist with funding.

Commissioner Garris stated she was glad to see this taking place and the homeless situation would be addressed.

Mayor Sikes-Kline stated she was looking forward to the next update in the fall.

10.B. Memorandum of Understanding between the City and West Augustine Gateway, LLC regarding the intent to construct a public parking garage at 198-212 West King Street. (R. Franklin, Assistant City Manager)- future meeting in order for the whole Commission input

Moved to a future meeting.

10.C. Approval of Petition to Vacate a portion of Mi Hogar Street. (A. Skinner, Director Planning and Building)

Ms. Skinner presented the topic to the Commission and noted where vacation request was located. She reviewed the concerns from staff with the Commission.

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Commissioner Garris was not in support of granting the vacation. She said her concern was if this road was vacated others in the area would want theirs done as well. She said the City needed to keep access to this road as it could cause utility issues.

Commissioner Horvath agreed as there was always great concern with sea level rise and the need for utilities. She felt this would not be in the interests of the public good.

Mayor Sikes-Kline felt the recommendation from Public Works made her question the request.

MOTION

Mayor Sikes-Kline MOVED that the Petition to Vacate a portion of Mi Hogar Street be denied. The motion was SECONDED by Commissioner Garris and APPROVED BY UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Horvath wished a Happy Birthday to the City.

Mayor Sikes-Kline added today was the Feast of St. Augustine. She said it was the anniversary of the day Pedro Menendez de Aviles and his band sighted Florida. She said this was how St. Augustine received its name.

Commissioner Garris thanked her fellow Commissioners for the assistance with the things taking place on the West side of St. Augustine. She expressed her gratitude and felt they were stronger together.

Mayor Sikes-Kline reminded everyone to stay safe and follow the City's social media regarding updates during the storm.

15. Adjournment

There being no further business, the meeting was adjourned at 6:07 P.M.[1]

_____

Nancy Sikes-Kline, MAYOR

_____

Darlene Galambos, CITY CLERK

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[1] Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, September 11, 2023

The City Commission met in formal session Monday, September 11, 2023, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner (Via Teams)
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Todd Grant, Director, Public Works
Stephen Slaughter, Director, Utilities
Amy Skinner, Director, Planning and Building
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Carlos Aviles, Fire Chief
Elyse Wiemann, Recording Secretary

Mayor Sikes-Kline proposed to allow Commissioner Blonder to be able to participate in real time via Teams since she was unable to physically attend due to medical reasons.

MOTION

Commissioner Springfield MOVED to allow Commissioner Blonder to attend by zoom. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:
AYES: Springfield, Horvath, Garris, Sikes-Kline
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Jeff Gatlin, Freedom Baptist Church delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda as presented. The motion was SECONDED by Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

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• Certificate of Recognition 2023-17 CR: Recognizes the Honorable Marivi Monteserin, Mayor of Aviles and her delegation for their contributions to the cultural understanding and enrichment of our City and re-affirms the continuing sisterhood between Aviles Spain and the City. (N. Sikes-Kline, Mayor)

• Proclamation 2023-30: Designates September 15, 2023 - October15, 2023 as Hispanic Heritage Month. (J. Springfield, Commissioner)

• Proclamation 2023-32: Proclaims the month of September 2023, as National Recovery Month. (N. Sikes-Kline, Mayor)

• Proclamation 2023-33: Proclaims September 2023 as St. Vincent de Paul Month. (N. Sikes-Kline, Mayor)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Susan Creek
- Madeline Wise
- Chris Fullmer
- Vicki Pepper
- Nancy Murphy
- Jill Nittolo
- James Wilson
- Kyle Showalter
- Harris Nussbaum
- Warren Merril
- Zachary Ramsey
- Jayson Befort
- Anna Sauer
- Virgina Whetstone
- Karel Erika Wolberg
- Sebastian Sikora
- Bruce McGuire
- Jeanetta Cellallero
- Jared Rice
- Shane Sheltra
- Shannon Smith
- Mark Alexander
- Michael Alexander
- Trevor Ashworth
- James (Jim) White
- Wayne Ramsey
- Lee Rooney
- Lauren Giber
- Ryan Kunsch
- Michael Wright
- Aubri Kruger
- Nathan Goode
- Madison Morse
- James Rentz
- Melinda Rakoncay
- Brud Helhoski
- Matthew Morrison
- Alieen Larkin
- Pat Debose
- Laruen Gilliam
- Hugh Ward [1]
- David Wernicke
- Sara Keeler
- Ezra Miller
- Christopher Holland
- Miranda Smith
- Elizabeth Scott
- Vincent Lendering
- Martha Mickler
- Daniel Brennen
- Jim Johnston
- Richard Lepre
- Marcel Vizacarra
- Travis Shelta
- Jill Quincy Adams
- Lisa McPhillips
- Karen Zander
- Aaron Grove
- James Whitehouse
- BJ Kalaidi

5. Consent Agenda

David Birchim, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR

[1] Break from 6:58p.m.-7:17p.m.

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SECOND READING ON SEPTEMBER 25, 2023:
• Ordinance 2023-26 - Correcting Scrivener's Error - Cat's Paw
• Ordinance 2023-27 - Nightlife Ordinance
• Ordinance 2023-29 - Designating Code Enforcement Board as Nuisance Board
• Ordinance 2023-30 - Correcting Scrivener's Error – Shipyards

CA.3. Reminder of Upcoming Meetings:
•September 14, 2023, 4:30pm, Special CRA Budget Meeting
• September 14, 2023, 5:05pm, Special Meeting (Public Hearing for 2024 budget and tentative millage rate adoption)
• September 25, 2023, 5:00pm, Regular City Commission Meeting
• September 28, 2023, 5:05pm, Special Meeting (Final Public Hearing for 2024 budget and final millage rate adoption)
• October 9, 2023, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:
• Special City Commission Meeting - August 14, 2023
• Regular City Commission Meeting - August 14, 2023

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).
• Certificate of Recognition 2023-14CR: Recognizes the 50th Anniversary of EPIC Behavioral Healthcare. (N. Sikes-Kline, Mayor)
• Proclamation 2023-28: Proclaims September 17, 2023, through September 23,
2023 as Constitution Week in the City of St. Augustine. (N. Sikes-Kline, Mayor)
• Proclamation 2023-36: Proclaims the month of September 21, 2023 - October 20, 2023 as Compassionate Action Month. (N. Sikes-Kline, Mayor)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:
• Certificate of Recognition to People Helping People on their 35th anniversary of serving the community. (C. Garris, Commissioner)

CA.8. Ratification of collective bargaining agreement between the City and the Florida Carpenters Regional Council, Local 2038. (D. Hayes, Director Human Resources)

CA.9. Approval of Memorandum of Understanding between the City and the Nauti Institute of Spain regarding the implementation of cultural projects related to Sister Cities with Aviles, Spain. (N. Sikes-Kline, Mayor)

CA.10. Invoice from Cavendish Partners, P.A. for services in the Spadaro parcel swap matter for $522.00.
Invoice from Cavendish Partners, P.A. for services in the 68 Anderson Street Quiet Title matter for $899.00.
Invoice from Cavendish Partners, P.A. for services in the Marlowe v. City matter for $5,920.00.

End Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Blonder MOVED to approve the Consent Agenda. The motion was SECONDED by Mayor Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

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6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1.

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

Resolution 2023-31: Sets the final Fire Assessment Fee for residential and nonresidential properties for the fiscal year beginning October 1, 2023. (M. Breidenstein, Assistant City Manager)

Ms. Breidenstein presented Resolution 2023-31 with the Commission.

Public Comment was opened.

- BJ Kalaidi

Public Comment was closed.

At the request of Commissioner Springfield, Ms. Breidenstein advised they were unable to increase the fee of non-residential for the services they were not receiving. She said they were unable to increase one and not the other.

Commissioner Springfield said technically the City was reducing the Ad Valorum Tax by having non-profits participate in the Fire Assessment fee.

Ms. Breidenstein said this was how non-profit organizations participated in the cost of City services, including the fire department. She said this was a way to offset the Ad Valorum tax and millage that was charged.

Mayor Sikes-Kline clarified that this would help makeup the funds for the churches, institutions, government own land, non-profits that did not pay taxes.

Ms. Breidenstein replied in the affirmative; however, noted some federal and state properties were still exempt.

MOTION

Commissioner Horvath MOVED to pass Resolution 2023-31. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:
AYES: Horvath, Springfield, Garris, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9. Ordinances and Resolutions - No Public Hearing Required

9.A Ordinances – First Reading

9.A.1. Ordinance 2023-26: Amends Section 1.04 of the City Charter to correct a scrivener's error in the legal description of the annexed property of Cat's Paw Marina. (I. Lopez, City Attorney)

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Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Garris MOVED to pass Ordinance 2023-26 on first reading and moved to second reading. The motion was SECONDED by Commissioner Springfield.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2023-18 RELATING TO ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY LYING WEST OF THE EXISTING DEVELOPMENT REFERRED TO AS THE CAT'S PAW MARINA, NORTH OF NIX BOATYARD ROAD, SOUTH AND WEST OF THE SAN SEBASTIAN RIVERINE ENVIRONMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Garris, Springfield, Blonder, Horvath, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2023-29: Designates the Code Enforcement Board as the local nuisance board as required by Section 893.138, Florida Statutes. (I. Lopez, City Attorney)

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-29 on first reading and moved to second reading. The motion was SECONDED by Commissioner Springfield.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 2 ARTICLE I OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING SECTION 2-216 DESIGNATING THE CODE ENFORCEMENT BOARD AS THE NUISANCE BOARD PURSUANT TO STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Horvath, Springfield, Garris, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2023-27: Amends Chapter 4 of the Code creating a process and regulations for alcoholic beverage establishments to obtain a permit to sell and serve alcoholic beverages on site between the hours of midnight and two o'clock in the morning. (I. Lopez, City Attorney)

Mr. Birchim reviewed the Ordinance.
Mayor Sikes-Kline asked for clarification regarding item six in the proposed ordinance pertaining to extended hours alcohol permit, which would not apply during mandatory evacuations and curfew. She said during mandatory evacuations and curfews, the ordinance would not be applicable.

Mr. Birchim replied in the affirmative. He said if it was unclear, it could be clarified. He said if the governor or federal agency declared a curfew or evacuation order the permit would not trump state or federal law.

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At the request of Mayor Sikes-Kline, Ms. Lopez provided a brief overview of the October 1st legislation. She said Senate Bill 170 was a piece of legislation passed by the state and not vetoed by the governor. She said it would modify various sections of state law and would create a requirement for business impact statements, and created a cause of action against local governments with a prevision for attorney fees and cost which would be effective October 1, 2023.

Commissioner Springfield asked if businesses were allowed to sue the City.

Ms. Lopez said there was the Bert Harris Act and contractual disputes; however, this created a new cause of action and a new way for fees and cost, but it capped at $50,000 per cause of action.

Commissioner Springfield noted agenda item all the items in Senate Bill 170 were addressed to preempt the law even though it was not October 1st.

Ms. Lopez said the Florida Legue of Cities encouraged local governments to do a soft rollout even though the City was not required to include it until October 1st. She said there was a cost analysis for having a Night Manager and how it was related to the permit cost. She said the RHI study suggested funding this as well as administrating the program.

Commissioner Springfield asked if the position had been budgeted for in the upcoming year and if the position would be available regardless of the outcome of the ordinance.

Mr. Birchim replied if the budget was passed with that position added, it would stay.

Commissioner Springfield was disappointed at the comments about commissioners being unreachable and noted he had been contacted by many individuals and his information was available on the City website. He felt there had been a lot of misinformation provided and felt it should be clarified. He had concerns if the ordinance passed and one specifically was regulation of mini bars in a hotel. He said RHI noted some items that had not been addressed such as lighting, rideshare, and the amount of security in the community. He stated this ordinance would not hurt the bar owners but could potentially hurt the service workers and musicians. He asked the Commission to consider eliminating the permit, the fee, and the ability to close the location, and suggested adding fines which would affect the owners and not the workers. He stated he was opposed at this time but was in favor of adding fines to owners instead.

Commissioner Garris felt many businesses wanted to work with the City and thought surveys and other ways could provide more input besides the three minutes allowed at public comment. She reiterated the issue was the noise ordinance not being enforced. She pointed out some concerns were having a person to work the night shift, bathrooms being available until at least 3:00a.m., and trash. She felt most of these were fixable. She said people should be responsible regarding alcohol because DUI's could happen no matter what time a bar closed. She noted she was not in favor of moving the ordinance to the second reading.

Commissioner Blonder followed up regarding the removal of the noise section.

Ms. Lopez thought she was tasked to make the language in this ordinance conform to the existing noise ordinance in order for them to be consistent.

Commissioner Blonder felt the hospitality workers were passionate, committed, and part of the essential fabric of the City. She added the narrative heard tonight was incorrect. She said this was a permit to stay open between the hours of midnight and 2:00a.m. and there would not be an economic impact if the permit stipulations

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were followed. She said the need for a permit was because not all establishments consistently followed those conditions, which affected the quality of life for residents. She said if the ordinance went to second reading there would not be an economic hardship. She advised she was in support of moving this ordinance to second reading.

Commissioner Horvath agreed a lot of the information stated was incorrect. She felt the permit fee would not impact entertainers or the staff. She thought the noise ordinance in the code should be enforced. She said businesses owners wanted to work with the City and thought there were parts of the ordinance that were not well defined. She thought if there was more feedback provided from business owners, the ordinance could be better defined than what was proposed. She said the City had a lot to follow through on regarding lighting, bathroom access, rideshare, and trash collection. She felt the rideshare was important and would encourage less drunk driving. She added input from businesses was key to refine the language.

Mayor Sikes-Kline questioned the minibar situation and banquet room cameras intent in the ordinance.

Ms. Lopez advised the intent was to tie it to the site plan that was submitted to the state for the area where there would be onsite consumption, presumably not a bedroom or in a banquet room as those were normally private functions. She said the ordinance was not intended to cover either of those events.

Mayor Sikes-Kline felt the business community had every opportunity to discuss the ordinance with the commissioners as they were all readily available. She was pleased with the work that had taken place between the workshop and this meeting. She said they could have a frequently asked questions (FAQ) section on the City website regarding the ordinance to provide correct information. She thought it was encouraging to hear some businesses wanted to form an alliance for the industry. She thought the noise ordinance had been problematic over the years and should be evaluated. She said the short term was better enforcement and the long term was to reevaluate the ordinance.

Commissioner Springfield said the reason this was an issue for the hourly employees was if there were complaints to their owner, it could risk their livelihood. He said they did not have control over the noise or the training. He felt the reason for the permit was to shut down business from midnight to 2:00a.m. He thought the objective could be achieved without requiring a permit. He said imposing fines on the owners would help take care of the reoccurring violations.

At the request of Commissioner Horvath, Ms. Lopez noted fines could be applied without the permit. She said if instructed to draft the ordinance under chapter 162, standard Code Enforcement, the maximum fines were $250 per violation and $500 per repetitive violation per state statue. She explained the option was either standard fines and processes or use the supplemental methodology that did not include fines.

Mayor Sikes-Kline felt the ordinance would help bring balance and quality of life. She thought this would not hinder businesses or employees. She noted the ordinance had been worked on and improved by staff and many items had been clarified. She felt the ordinance could be moved forward, provide the FAQs on the website, and have a public hearing at second reading.

Commissioner Garris felt the workshop to discuss the ordinance felt like a regular meeting with public comments and not a round table discussion. She said the hours were not accommodating for the businesses to provide their input. She said

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a workshop was when everyone worked together.

Mayor Sikes-Kline noted the workshop provided valuable input as the ordinance had progressed.

MOTION

Mayor Sikes-Kline MOVED to pass Ordinance 2023-27 on first reading and moved to second reading. The motion was SECONDED by Commissioner Blonder.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4-1 PROVIDING DEFINITIONS; AMENDING SECTION 4-3 PROVIDING FOR RESTRICTED HOURS OF SALE AND OPERATION; PROVIDING FOR EXTENDED HOURS OF OPERATION PERMITS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING VIOLATIONS; PROVIDING FOR HEARINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Horvath noted they were hoping to hear more feedback from the public and business owners, based on the last version of the ordinance.

Mayor Skies-Kline advised this was no different from any other ordinance and changes were able to be made as long as there was no change to the title.

Ms. Lopez asked for directions regarding the language of the violation section.

Commissioner Blonder said the motion was to pass ordinance 2023-27 as written.

VOTE ON MOTION:
AYES: Sikes-Kline, Blonder, Horvath
NAYES: Garris, Springfield
MOTION APPROVED UNANIMOUSLY

Ms. Lopez advised a motion was needed to extend the meeting past 9:00p.m.

MOTION

Mayor Sikes-Kline MOVED to extend the meeting a maximum of forty-five minutes to 10:00p.m. The motion was SECONDED by Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.4. Ordinance 2023-30: Amends Section 1.04 of the City Charter to correct a scrivener's error in the legal description of the annexed property of the Shipyards. (I. Lopez, City Attorney)

Ms. Lopez reviewed the Ordinance.

MOTION

Mayor Sikes-Kline MOVED to pass Ordinance 2023-30 on first reading and moved to second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2023-10 RELATING TO ANNEXING APPROXIMATELY 14.79 ACRES OF PROPERTY LYING SOUTH OF THE EXISTING DEVELOPMENT REFERRED TO AS THE SHIPYARDS, EAST OF ARAPAHO AVENUE, NORTH AND WEST OF THE SAN SEBASTIAN RIVER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE

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CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY[2]

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Memorandum of Understanding between the City and West Augustine Gateway, LLC regarding the intent to construct a public parking garage at 198-212 West King Street. (R. Franklin, Assistant City Manager)

Mr. Franklin reviewed the memorandum of understanding (MOU) between the City and West Augustine Gateway, LLC regarding the parking garage at 198-212 West King Street.

Commissioner Garris asked if the STAR circulator would provide transportation from the garage to the downtown area.

Mr. Franklin confirmed that the STAR would be able to provide transportation. He said the STAR was currently only using route one and route two would include the proposed garage.

Tarak Paté discussed the MOU with the Commission. He said they had proposed conceptual design and budget for the project. He said they had worked closely with City staff, attorneys, and bond council regarding the MOU which they felt was a collaborative, transparent, and fair outline of the agreement. He said the MOU was to request the Commissions sincere interest in moving forward with the project. He noted except for certain limited previsions, it was not a binding agreement. He said the hope was to execute the lease in nine months. He said this would be a long-term lease agreement and the City would be the sole user and would retain control, all revenue, profits, and could purchase the garage at the end of the lease. He said after purchase the City would lease the land.

Board discussion:

- Felt the project would help revitalize West Augustine
- Parking garage was needed in the area and transportation could be provided to the downtown area by the STAR
- Questioned if Ad Valorem taxes would be collected on the property under the garage
- Parking for 200 spaces would have to provided even if the parking garage were not built and this would only gain 300 spaces for public use

Mr. Broudy advised Ad Valorem tax would be collected and there would be a total of 750 spaces. He said if he were to build only the required 200 spaces it would not have the same benefits as it would if it was built for the City.

Mr. Paté said the intent was to have action taken on the item for them to move forward.

Commissioner Springfield explained the issue was with the lease agreement. He said the rental rate of $300,000 or 3% should be adjusted for him to be in support of the agreement.

Mr. Paté clarified there was a land component to the overall rent, as this could not be done for free, and this would be the compensation to the landowner.

Mr. Broudy clarified the 3% increase would only be based on the land portion and not the mortgage to build the garage. He said there were two separate components.

[2] Commissioner Springfield was not present for vote.

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Commissioner Springfield noted he thought the land portion needed to be negotiated.

Mr. Paté clarified the 3% annually was in market range and would be how tenant increases happened overtime in commercial real estate. He said the $300,000 yearly was based on the land appraisal for vertical development.

Commissioner Springfield suggested negotiating a square foot price for rent once the building was built.

Mr. Paté said they wanted to narrow the scope instead of enlarging it.

Discussion:

- Suggested a 2.5% annual increase instead of 3% if there were no issues with the MOU
- Felt this was more of a starting point for a negotiation and not ready for action
- Agreement should work for the citizens of the community and a benefit to the tax payers
- Did not feel the City should be solely responsible for paying for share driveways or shared spaces
- Should retain the spirit of the proposal but the language needed to be tightened regarding the 200 publicly available spaces
- Should be mindful of the trees on the property
- Questioned how much the land would cost after the thirty-year lease and for how long

Mr. Paté replied the cost would be fair market value established at that time and there were three extension options for an additional thirty years for a total of sixty years.

Board discussion:

- Felt the best deal would be to purchase the land and build the parking garage
- Did not feel the applicant could build it for a lower cost or higher quality
- Did not feel this was a good deal for the City
- Felt the cost was expensive for half of the space in the garage
- Questioned how often the historic parking garage was full

Mr. Franklin advised consistently on weekends, particularly on Saturday it would close for a minimum of one hour and Nights of Lights it closed multiple times, but shuttles were used and Mr. Broudy's lot was one of the locations. He said most of the parking issues were around peak times.

Commissioner Horvath agreed that they all wanted West City to flourish; however, she was uncomfortable as it was complicated and expensive.

Mayor Sikes-Kline asked when there would be a positive revenue with the proposed scenario.

Mr. Franklin replied Walker Consultants provided an analysis. He said annually the garage would cost $2.8 million and a minimum would be a ten-dollar flat rate but if twenty dollars were charged there would be a profit. He noted this garage would not be generating revenue to fund itself but revenues from the entire City parking system would help support the annual fee.

Mayor Sikes-Kline agreed it was very costly but wanted to know how many years it would take.

Mr. Franklin advised he could provide more information. He said the main point of contention was whether the City was willing to enter into a land lease for the project as Mr. Broudy did not want to sell the property.

Mayor Sikes-Kline asked for clarification regarding the pay schedule in item seven which was the commitment from the City.

Mr. Paté replied in the affirmative.

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Commissioner Garris noted no payments would be made until the parking garage was built.

Commissioner Horvath asked if the $2.8 million dollars annually included the land lease.

Mr. Franklin advised in the MOU it was a little over $3 million dollars which included the land.

Commissioner Horvath said it would be a little over $90 million dollars for 500 public parking spaces and an unknown land lease amount based on fair market value for thirty years.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Request for confirmation of one appointment to the St. Augustine Police Officers' Retirement Board. (D. Galambos, City Clerk)

Ms. Galambos asked for ministerial approval for the fifth position on the St. Augustine Police Officers' Retirement Board. She noted one application from Stephen Fricke, a current Board member, had applied.

MOTION

Mayor Sikes-Kline nominated Stephen Fricke. The motion was SECONDED by Commissioner Springfield and APPROVED BY UNAMINOUS VOICE VOTE.

12.B. Request to fill two appointments to the Planning and Zoning Board. (D. Galambos, City Clerk)

Ms. Galambos requested two appointments to the Planning and Zoning. She said two applications were received from two current Board members, Jon DePreter and Christina Tucker, both eligible for reappointment.

MOTION

Mayor Sikes-Kline nominated Jon DePreter and Christina Tucker. The motion was SECONDED by Commissioner Springfield and APPROVED BY UNAMINOUS VOICE VOTE.

Ms. Galambos stated a workshop to discuss the Development of a policy for Conservation Land Purchases to take place November 13, 2023, at 3:30 p.m. prior to the regular City Commission meeting.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

15. Adjournment

There being no further business, the meeting was adjourned at 10:03 P.M.[3]

_____
Nancy Sikes-Kline, MAYOR

_____
Darlene Galambos, CITY CLERK

[3] Transcribed by Elyse Wiemann

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CITY OF ST. AUGUSTINE

City Commission Special Meeting
Monday, September 14, 2023

The City Commission met in formal session Monday, September 14,2023, at 5:05 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner (via Teams/electronic)
Jim Springfield, City Commissioner

Absent: Cynthia Garris, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Todd Grant, Director, Public Works
Jennifer Michaux, Police Chief
Elyse Wiemann, Recording Secretary

Mayor Sikes-Kline announced there was physical quorum; however, due to a serious medical condition Commissioner Blonder would be present electronically. She asked for a motion to confirm.

MOTION

Commissioner Horvath MOVED to allow Commissioner Blonder to attend and participate electronically. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:
AYES: Horvath, Springfield, Blonder, Sikes-Kline

2. General Public Comments

The Commissioners heard from the following members of the public:

(None)

3. PUBLIC HEARING

3.A. Resolution 2023-26: Establishes the tentative millage rate for the Fiscal Year 2023-2024 budget. (M. Simpson, Director Finance)

Mr. Simpson presented Resolution 2023-26. He said the tentative mileage rate was 7.5 mills; however, the rollback rate was 6.6789 mills, and the increase was 13.48%.

Commissioner Blonder asked how the 7.5 mills would impact the previous proposed millage rate.

Mr. Simpson replied there would be no effect. He said the total Ad Valorum tax would remain the same.

The Commissioners heard from the following member of the public:

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- BJ Kalaidi

MOTION

Commissioner Springfield MOVED to Approve Resolution 2023-26. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:
AYES: Springfield, Sikes-Kline, Blonder, Horvath
NAYES: NONE

RESOLUTION 2023-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE TENTATIVE LEVY OF AD VALOREM TAXES FOR FISCAL YEAR 2023-2024.

WHEREAS, the City Commission of the City of St. Augustine, Florida has conducted a public hearing on its tentative millage rate of 7.5000 mills and has determined its rolled back rate is 6.6089 mills as required by Florida Statute 200.065;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine, Florida that:

The Fiscal Year 2023-2024 tentative millage rate of the City of St. Augustine, Florida is 7.5000 mills which represents an increase in the rolled-back rate of 6.6089 mills of 14.48 percent.

ADOPTED at a special meeting of the City Commission of the City of St. Augustine, Florida commenced following the 4:30 CRA Special Budget Meeting after 5pm this 14th day of September 2023.

4. PUBLIC HEARING

4.A. <u>Ordinance 2023-28</u>: Establishes the proposed budget for Fiscal Year 2023-2024 and the five-year Capital Improvement Plan. (M. Simpson, Director Finance)

Mr. Simpson presented Ordinance 2023-28. He noted the Code Enforcement/ Nightlife Manager was added but other than that the budget had not changed from the workshop in mid-August.

Mayor Sikes-Kline questioned if a sound study could take place to update the Sound Ordinance. She asked if the budget would allow that to take place.

Mr. Simpson advised there was an additional $130,000 available for other strategic items and that request could be accommodated.

Commissioner Springfield was concerned with the 'other miscellaneous revenues'; however, that was one item from the Department of Transportation for the STAR circulator.

Commissioner Blonder recalled at the workshop there would be a $50,000 recurring expenditure that would be reviewed annually for Land Conservation and did not see that listed in the budget.

Mr. Simpson noted it was in the City Commission operating budget.

Commissioner Horvath asked what the total budget was.

Mr. Simpson replied the total budget was $84,671,333 and located in the budget book.

Mayor Sikes-Kline asked for the amount in the reserve fund and general fund.

Mr. Simpson replied the reserves were calculated based on fiscal year (FY) end 2022. He said $1.25 million had been used in reserves in FY23. He said he did not have a surplus calculation for what would be left at the end of FY 23; however, unrestricted reserves were $3.7 million. He said after $1.5 million was used the

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balance left was approximately $2.5 million in this year's budget. He said $1 million of those reserves was appropriated for land conservation. He stated there was $1.5 million of unrestricted funds in the general fund; however, thought it would be around $2 million for FY 23, although the final numbers would not be available until late March. He reiterated it would be around $3.5 million in surplus.

The Commissioners heard from the following members of the public:

(None)

MOTION

Commissioner Horvath MOVED to approve Ordinance 2023-28 read entirely. The motion was SECONDED by Commissioner Springfield.

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RATIFYING, APPROVING AND ADOPTING THE ANNUAL BUDGET OR BUDGET ESTIMATES OF REVENUES AND EXPENDITURES FOR THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA AS FOLLOWS:

Section 1. The annual budget estimates of revenues and expenditures of the City of St. Augustine, Florida for the Fiscal Year 2023-2024, as prepared, amended and submitted to the City Commission of the City of St. Augustine, Florida by the City Manager, as considered and acted upon by said City Commission, under and by authority of the Charter of said City and the Laws of Florida, are hereby ratified, approved and adopted by the City Commission of said City, and the amounts of money set forth therein are hereby appropriated.

Section 2. The said budget of revenues and expenditures adopted for the ensuing Fiscal Year 2023-2024 shall be spread in full upon the minutes of the City Commission.

Section 3. The appropriations within an activity or sub-activity for Fiscal Year 2022-2023 and Fiscal Year 2023-2024 may be transferred within by the City Manager for the purpose of equalization, when necessary.

Section 4. All funds for the current Fiscal Year 2022-2023 and budgeted Fiscal Year 2023-2024 may over-expend adopted budgets to the extent that actual revenues exceed the adopted budget.

Section 5. All unencumbered appropriations, except for special projects or commitments, be and are canceled as of September 30, 2023, and the City Director of Finance is directed to transfer all appropriation credit balances to unappropriated surplus and place to the credit of all appropriation accounts which show a debit balance for the Fiscal Year 2022-2023 an amount from unappropriated surplus to balance same and to close all such accounts for the Fiscal Year 2022-2023.

Section 6. If any provisions of this Ordinance, or the application thereof to any person or circumstances, are held invalid, such invalidity shall not affect other provisions or applications of the Ordinances which can be given effect without this invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective upon passage.

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PASSED by the City Commission of the City of St. Augustine, Florida, in special session, at 5:05 p.m., this 28th day of September 2023.

VOTE ON MOTION:
AYES: Horvath, Springfield, Blonder, Sikes-Kline
NAYES: NONE

Mayor Sikes-Kline commented that the budget had been worked on since the beginning of the year. She said it was a lot of discussion and how it was shaped. She felt it was a sound budget and thanked the staff and commissioners for their hard work. She announced the next meeting for final adoption of the budget would take place on September 28, 2023, at 5:50 p.m.

5. Adjournment

There being no further business, the meeting was adjourned at 5:26 P.M.[1]

_____
Nancy Sikes-Kline, MAYOR

_____
Darlene Galambos, CITY CLERK

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[1] Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: October 4, 2023

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 1653 NATALIE ROAD**

Enclosed is a Satisfaction and Release of Mortgage for 1653 Natalie Road, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Abraham L. Nelson, Jr. The mortgage was recorded in the Public Records of St. Johns County on April 6, 2017. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the October 23, 2023 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Kelly M. Traynor
Assistant City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **ABRAHAM L. NELSON, JR.**, whose address is 1653 Natalie Road, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated March 2, 2017, recorded at Official Records Book 4355, Page 1944, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4355, Page 1944, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

_____
Darlene Galambos, City Clerk

By:_____
Nancy Sikes-Kline, Mayor-Commissioner

(S E A L)

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: 13-83,84 THE LAKES SUB LOT 4 OR4039/704 &4177/179

PARCEL ID NUMBER: 096701-0040

LOCATION ADDRESS: 1653 NATALIE ROAD, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2017024184
BK: 4355 PG: 1944
4/6/2017 4:06 PM
Recording $52.50
Doc M: $15.40
Int. Tax $8.70

UNIT CONNECTION FEE
MORTGAGE

THIS MORTGAGE, by and between **Abraham L. Nelson Jr.,** whose address is 1653 Natalie Road. St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $44.00 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 2nd day of March, 2017.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: John Augustus

Witness
Printed Name: Elise J. Hunter

BY: Abraham L. Nelson Jr.

(Printed Name) Abraham L. Nelson Jr.
(Address) 1653 Natalie Road
(Telephone) 904-679-4173

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Abraham L. Nelson Jr.,** who is personally known to me or who has produced Florida Driver's License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 2nd day of March, 2017.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

LEGAL DESCRIPTION

13-83,84 THE LAKES SUB LOT 4 OR4039/704 &4177/1795

Exhibit "A"

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Abraham L. Nelson Jr.**
ADDRESS: **1653 Natalie Road**
St. Augustine, FL 32084

$4,351.60 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **1653 Natalie Road St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **4,351.60 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.97 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **44.00 Dollars**, commencing on April 15, 2017 and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of March 2, 2017,** in the presence of:

John Augustus
Witness
Printed Name: _____

Witness
Printed Name: Elise J. Hunter
Elise J. Hunter

BY: Abraham L. Nelson Jr.

(Printed Name) Abraham L. Nelson Jr.
(Address) 1653 Natalie Road
(Telephone) 904-679-4173

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Abraham L. Nelson,** who is personally known to me or who has produced FL Driver's License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 2nd day of March, 2017.

Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David P. Birchim, AICP
City Manager

DATE: October 5th, 2023

RE: Consent Agenda Item: Dockage Agreement for Nao Victoria Foundation

Attached is the agreement between the City of St Augustine (City) and Nao Victoria Foundation (Vessel Owner) to bring the vessel Nao Trinidad to the St. Augustine Municipal Marina as part of the celebration of the relationship between St. Augustine and Aviles, Spain.

Trinidad is the replica of Magellan's flagship on his expedition that led to the first circumnavigation of the Earth, confirming for the first time that the Earth is round, which is considered the greatest maritime achievement in history. As you may know, the ship is a floating museum and has an exhibition on board for people to enjoy through their visit to the ship.

The Dockage Agreement has been reviewed by Corey Sakryd, Director of General Services.

If you concur, please place this item on the Consent Agenda for the City Commission meeting scheduled for Monday, October 23rd, 2023.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.

Eric Mauldin
St. Augustine Municipal Marina, Harbormaster

EJM
Encl: Dockage Agreement- Nao Victoria Foundation

xc: Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
file

DOCKAGE AGREEMENT

This Dockage Agreement is executed this _____, between the **CITY OF ST. AUGUSTINE, FLORIDA** ("City") and **NAO VICTORIA FOUNDATION VESSEL NAO TRINIDAD** ("Vessel Owner").

WHEREAS, the Vessel Owner owns and operates the vessel "Trinidad".

WHEREAS, the Vessel Owner provides staffed cultural and educational tours of the tall ship Trinidad at ports of call throughout the western hemisphere; and

WHEREAS, the Vessel Owner owns and operates other historical replica Spanish tall ships from its European homeport of Seville, Spain; and

WHEREAS, the Vessel Owner wishes to provide a North American homeport for the vessel Trinidad; and

WHEREAS, the availability of Spanish historical replica tall ships at the City Marina enhances the cultural and educational experience of the nation's oldest continuously occupied city and its rich maritime history; and

WHEREAS, the City owns, controls and operates as an Enterprise Fund structures in and around the waterways of the City of St. Augustine consisting of mooring fields, a marina and appurtenances collectively referred to as the "City Marina;" and

WHEREAS, Section 7-53 of the Ordinances of the City of St. Augustine reserves to the City Commission the authority to enter into a contract for dockage of vessels at the City Marina pursuant to such terms as are reasonable under the circumstances;

No/100 ($1.00) Dollar, the receipt of which is hereby acknowledged by the City, the parties agree as follows:

1. **Grant of Dockage.** There is hereby granted by the City to the Vessel Owner the privilege of dockage and operation at the City Marina, subject, however, to the terms and conditions herein set forth.

2. **Term.** The Term of this Dockage Agreement shall commence upon **Thursday, February 1st, 2024** and shall continue until and including **Wednesday, May 1st, 2024** ("Term"). This Dockage Agreement may be renewed at the end of the Term provided herein, if agreed to in writing by the parties, contingent upon Vessel Owner's adherence to the terms of this Dockage Agreement, including the payment of all Dockage Fees, and under such terms and conditions as the City may provide. Bases on availability, the vessel owner may arrive at an earlier pre-determined date with the approval of the City Manager and City Harbormaster, an addendum to this dockage agreement is required for an earlier arrival day than Thursday, February 1st, 2024.

3. **Condition of Dockage.** Vessel Owner agrees to dock and operate one Spanish historical replica tall ships pursuant to this Dockage Agreement and applicable ordinances and in strict compliance with the following provisions, which, it is understood and agreed, are material and go to the essence of this Dockage Agreement:

(a) Vessel Owner at all times shall comply with all provisions of the Dockage Agreement.

(b) Vessel Owner at all times shall maintain a current business license, if applicable.

(c) Vessel Owner shall operate its business strictly in accordance with all applicable ordinances and regulations of the City, as from time to time amended, including, but not limited to, all ordinances and regulations of the City regulating signs and signage.

(d) Vessel Owner shall endeavor to provide the City Marina with a minimum of three (3) months' notice in advance of a vessel's arrival for any dockage at the City Marina in order to allow the City a reasonable time to identify and reserve a berth for the ship and to prepare the City Marina for the arrival and dockage. The City shall make every reasonable effort to accommodate the dockage but shall retain final authority on the availability of dockage berths. The Vessel Owner shall make its tall ship(s) available for commercial income generating uses as described in this Dockage Agreement while docked at the City Marina.

(e) Vessel Owner shall not dock or operate more than one (1) tall ship at the City Marina at any one time, unless so authorized in advance by the City Manager and City Harbormaster pursuant to this Dockage Agreement.

(f) Vessel Owner shall be responsible for permitting and erecting removable gangway for safe pedestrian access from the City Marina dock to the vessel(s). The design, size, materials and location of this structure must be approved by the City, the United States Coast Guard and any other permitting agency prior to engaging in any commercial activity at the City Marina. This structure must be removed and stored at Vessel Owner's expense when the vessel(s) is not docked at the City Marina. In addition, Vessel Owner may use a portion of the dock area adjacent to the vessel for boarding ticket sales and related operations provided such area, including the gangway structure, does not exceed fifty percent (50%) of the width of the dock, provided that the gangway

assembly and any associated ticket sales and related operations do not impede the use of the dock by pedestrians, City Marina personnel or vessels using the vessel docking slip opposite and/or adjacent to the slip occupied by the Owner's Vessel and provided that the gangway and associated ticket sales and related operations otherwise do not prevent the rental of the vessel docking slip opposite and/or adjacent to the slip occupied by the Owner's Vessel. In the event the gangway or the associated ticket sales and related operations of the Owner's Vessel prevent the rental of the vessel slips located opposite and/or adjacent to the slip occupied by the Owner's Vessel, the Vessel Owner agrees to compensate the City for all rental losses thereby incurred by the City.

(g) Vessel Owner must obtain the City Harbormaster's approval of a storm event evacuation plan for each of its vessels docked at the City Marina during the Atlantic hurricane season. Vessel Owner acknowledges and agrees to abide by any evacuation or life safety order issued by the City Harbormaster.

(h) Vessel Owner will be assigned to slip 112. Slip 114, 110, 108 and 106 will remain vacant at arrival and throughout this term to allow for a vessel of this size (85) eighty-five feet to safely dock. It is advised from the City Harbormaster to arrive and depart during a slack high tide schedule.

4. <u>Fees.</u> Vessel Owner shall pay to the City each of the following for dockage, use and operation fees for each vessel docked at the City Marina:

(a) Vessel Owner shall pay to the City the greater of either, "option 1", ten percent (10%) of the net revenues of ticket sales for each visiting vessel docked at the City Marina or "option 2", the vessel slip rental for the term of dockage shall be $1,551.25 plus

FL sales tax and utilities per month. The Rental term is for (3) three months. Vessel arrival date shall be Monday, January 15th, 2024, after 11:00 a.m. and departure shall be Monday April 15th, 2024, before 11:00 a.m. Total dockage not including FL sales tax or utilities is $4,653.75. The slip rental fee does not include electrical service which shall constitute extra charges if provided to the vessel(s). The total cost of any conversion from European electrical standards to United States standards shall be the responsibility of Vessel Owner.

In the event two (2) or more vessels dock at one time, a dockage fee shall be due from each vessel at the rates established in this paragraph 4. Net revenues shall be defined as the amount of gross ticket sales less applicable sales taxes and brokerage commissions on ticket sales. All ticket sales shall be conducted by an established ticket broker agreeable to the parties. The agreement with the ticket broker shall include express language allowing the audit of the broker's records for the purpose of verifying the gross sales, sales taxes and brokerage commissions.

(b) Vessel Owner shall pay to the City fifteen percent (15%) of the facility fee for private events conducted aboard any vessel owned by the Vessel Owner while docked at the City Marina. As of the date of this Dockage Agreement, the parties agree that the facility fee is $5,000.00. The parties further agree that the parties may modify the facility fee by subsequent mutual agreement.

(c) The City reserves the right to conduct events on the vessel(s). The fee associated with these events shall be sixty (60%) percent of the facility fee for such events. These payments shall be deducted from the amount to be paid monthly by the Vessel Owner as described in paragraph 4(a), above. As of the date of this Dockage Agreement,

the parties agree that the facility fee is $5,000.00. The parties further agree that the parties may modify the facility fee by subsequent mutual agreement.

(d) The City shall receive fifty percent (50%) of the net revenues of the sale of Trinidad merchandise, including, but not limited to, clothing and souvenir items sold at City owned or operated points of sale. The City and the Vessel Owner shall agree, in writing, prior to the commencement of any sales activity, as to the methodology for determining net proceeds.

(e) Vessel Owner shall pay the Dockage Fee to the City monthly on the fifteenth day of each month following docking at the City Marina. Vessel Owner shall include with each monthly payment a report showing revenues for each category of fees, (a) through (d) hereinabove, for the prior month. In addition, the City shall have access at all reasonable hours to all of the Vessel Owner's accounting, financial and statistical customer records relating to the terms of the Dockage Fee. The City may conduct an audit of any Vessel Owner's records for the purpose of determining accuracy of the gross and net sales and rental fees reported by Vessel Owner.

(f) Vessel Owner is responsible for obtaining all State of Florida licensing and insurance required for catered and alcoholic beverage service events aboard its vessel(s).

(g) Vessel owner shall contact and comply with all required United States Coast Guard compliance and inspections needed prior to engaging in any commercial activity at the City Marina. These inspections shall include but not limited to the inspection of the gangway, fire safety and required life safety measures on board the vessel. Vessel owner shall notify the Harbormaster at the conclusion of the inspection.

(h) Vessel owner shall not violate or allow of its staff or guest to violate the City of St. Augustine's noise regulation, including but not limited to, any unnecessary, excessive, plainly audible, or exceeding 85db(A) noise within 25 feet of the vessel. Violation of this contractual requirement will result in an automatic termination of this Dockage Agreement.

(i) Vessel Owner may purchase fuel at a discounted rate at any time during their stay. The discount shall be $.10 cents off per gallon of fuel.

(j) Potable water and sewer pump out fees are included for no additional charge.

5. Damage to Marina Facilities. The parties acknowledge that the dimensions and displacement of the Owner's Vessel can damage Marina docking facilities. The parties expressly agree that the Vessel Owner shall be fully and financially responsible for all damage to the City Marina facilities arising out of or caused by the dockage of the Owner's Vessel(s), excluding, to the extent allowed by law, any damage caused by the negligent or intentional acts or omissions of the City. This provision shall not serve to waive the sovereign immunity of the City of St. Augustine or to extend or expand the limits of any statutory waiver of the statutory immunity regarding the negligent acts or omissions of the City of St. Augustine.

6. Indemnification. To the fullest extent permitted by law, Vessel Owner shall, at its own expense, defend, indemnify and hold harmless the City, its officers and employees from and against any and all claims, damages, penalties, losses, expenses or judgments arising from injury or death to any person, property or environmental damage

arising from any negligent or intentional act or omission of Vessel Owner, its officers, agents, servants or employees, except to the extent that such injury, death, property or environmental damage results from the negligent or intentional acts or omissions of the City, its officers, agents, contractors, subcontractors and employees. Vessel Owner will, at its own cost and expense, defend any and all such suits, actions or claims, whether just or unjust, which may be brought against the City, its officers, agents and employees or in which it or they may be impleaded with others. Such obligation of indemnity and defense shall not be construed to negate nor abridge any other right of indemnification or contribution which may benefit either Vessel Owner or the CITY. **This indemnification provision shall survive the expiration or termination of this Agreement**.

7. Insurance.

(a) Vessel Owner shall procure and maintain commercial general liability insurance, contractual and products liability insurance, insuring itself and the City for Vessel Owner's negligent acts or omissions during the time that it has rights under this Agreement against liability for claims arising out of its negligent acts or omissions in the use of the Premises, including One Million Dollars ($1,000,000.00) combined single limit commercial general liability, including contractual liability, and Five Million Dollars ($5,000,000.00) aggregate liability. The certificate of insurance evidencing such coverage must state, in language substantially either: 1) "the policy has been endorsed to name the City of St. Augustine as an Additional Insured" and a copy of the endorsement must come to the City of St. Augustine with the certificate, or 2) "the policy already includes an endorsement such as the General Liability Expansion Endorsement, by which the City of St. Augustine is, in fact, automatically made an additional insured." A Certificate which

merely has a box checked under "Additional Insured," or the like, or which merely states the City of St. Augustine is named as an Additional Insured, will not be acceptable.

(b) If the Vessel Owner provides sales, service and consumption of alcoholic beverages, the Vessel Owner shall provide liquor liability insurance naming the City as Additional Insured with respect to the negligent acts or omissions of said Vessel Owner. A copy of the certificate of insurance shall be provided to City.

(c) The City shall be named as an Additional Insured in all such policies with respect to the negligent acts or omissions of Vessel Owner.

(d) Vessel Owner will provide evidence of Workers' Compensation Insurance to the extent required by Florida law covering any applicable Vessel Owner employees.

(e) Vessel Owner will furnish certificates of insurance indicating that it has provided the coverage required herein a minimum of seven (7) days prior to the start of the Term. The City shall refuse immediately continued rental of the vessel dockage if Vessel Owner does not purchase the required insurance or if the certificates of insurance are not received a minimum of seven (7) days prior to the commencement of the Term.

(f) All certificates of insurance shall provide that they may not be canceled without thirty (30) days prior written notice to City.

(g) All insurance required by this Agreement shall be placed with insurers licensed to do business in the State of Florida and acceptable to the City. Such acceptance shall not be unreasonably withheld.

(h) In the event Vessel Owner provides the insurance required herein by means of a claims made, rather than an occurrence policy, the insurer shall provide the

City with the retroactive date of the policy, which may not be later than the first day Vessel Owner commences use of the Premises, as well as an "extended reporting period endorsement" which shall extend the time within which claims may be submitted to a period ending four (4) years from the last date of use of the vessel dockage by Vessel Owner.

(i) Vessel Owner shall be responsible for all work performed by its subcontractors or anyone hired or employed by Vessel Owner to perform services or provide supplies. All subcontractors of Vessel Owner shall provide public liability insurance in an amount of not less than One Million Dollars ($1,000,000.00) combined single limit for bodily injury and general liability and Four Hundred Thousand Dollars ($400,000.00) property damage per incident, naming the City of St. Augustine as an additional insured with respect to the subcontractors' negligent acts or omissions and workers' compensation insurance. A copy of the certificates of insurance must be on file at the Administrative Offices of the City of St. Augustine. The certificates must provide thirty (30) days written notice to the City of termination of insurance from the insurance company or agent. The CITY shall prohibit the Vessel Owner subcontractor's access to the vessel dockage if the certificates are not on file.

8. Assignment. Vessel Owner shall not, under any circumstances, assign any of its rights pursuant to this Dockage Agreement except in accordance with written agreement of the City. Notwithstanding, Vessel Owner may change the name of its corporate entity, so long as such name change does not substantially alter the terms and conditions of this Dockage Agreement, and notice of the successor named entity is sent to the City within ten days of the name change.

9. Modifications. Modifications of the provisions of this Dockage Agreement shall not be valid unless reduced to writing and executed by each party hereto.

10. Termination. Either party may terminate this Dockage Agreement for convenience and without cause by sending the other party advanced written notice received no later than thirty (30) days in advance of the date of termination.

11. Choice of Law. This Dockage Agreement shall be governed by the ordinances of the City of St. Augustine and the laws of the State of Florida and the United States of America. All terms and words used herein shall be given their ordinary meaning, in the American English language.

12. Personal Jurisdiction; Venue.

(a) Personal Jurisdiction. The parties agree that each shall submit to the personal jurisdiction of a court of competent jurisdiction located in St. Johns County, Florida for the resolution of any dispute regarding the interpretation or enforcement of any provision of this Agreement.

(b) Venue. Each party agrees that any action, controversy or cause of action arising out of the terms of this Agreement shall be brought in a court of competent jurisdiction in St. Johns County, Florida, regardless of the place of execution of the Agreement, and each party hereby waives any right to require that any action to enforce this Agreement be brought in any other jurisdiction or venue. No consideration shall be given to Florida's conflict of laws rules.

13. User License Agreement. This Dockage Agreement is supplemental and in addition to the St. Augustine Municipal Marina User License Agreement required by the City Marina for all vessels. The parties agree to incorporate the User License Agreement executed by the City and the Vessel Owner with this Dockage Agreement as Exhibit "A," attached hereto. All provisions of the User License Agreement shall be in full force and effect unless a term is specifically superseded by the terms of this Dockage Agreement. The Vessel Owner hereby agrees to adhere to all terms described in the User License Agreement unless any such term is superseded by the terms of this Dockage Agreement.

14. Notices. Any notices called for hereunder that are required to be delivered to City shall be mailed to City, postage prepaid, at the following address:

David Birchim
City Manager
City of St. Augustine
P.O. Box 210
St. Augustine, Florida 32085
United States of America

For purposes of any notices or correspondence to Vessel Owner, City shall mail same, postage prepaid, to the following address:

Eduardo Almagro Blanco
General Manager
Santa Maria
C/Progreso 20, 2° A
41013, Sevilla
Spain

15. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and no amendment or modification to this document shall be effective

unless made in writing and signed by all parties. No other agreements, representations or promises shall be binding on the parties except those agreements, representations and promises contained herein or in some future writing signed by the parties making such agreements, representations or promises. The parties expressly acknowledge and agree that they have neither made nor relied on any promise or representation except those expressly set forth in this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year hereinabove set forth.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

By: _____
David Birchim, City Manager

_____
Darlene Galambos, City Clerk

(SEAL)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

NAO SANTA MARIA

By: _____
Eduardo Almagro Blanco
General Manager

_____
Witness
Printed Name:_____

_____
Witness
Printed Name:_____

Approved as to Form, Content
and Legal Sufficiency:

_____
Isabelle C. Lopez, City Attorney

Photo of Nao Trinidad April 24th, 2021at St. Augustine Municipal Marina



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: October 11, 2023

RE: **QUARTERLY REPORT: 4TH QUARTER FY 2022-2023**

Please find enclosed the following documents reflecting the fiscal year 2022-2023 **4th quarter** in review for the City Attorney's office:

- **WORK LOG DRAFTING & REVIEW CHART *(193 ITEMS)***
- **PUBLIC MEETINGS ATTENDANCE CHART *(84.75 HOURS)***
- **CITY ORDINANCE VIOLATION DISPOSITION CHART *(172 CASES)***
- **STAFF & NEW BOARD MEMBER TRAINING CHART *(6 HOURS)***
- **ORDINANCE & RESOLUTION CHART *(22 ITEMS)***

This quarterly report mirrors the same categories as our annual report. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular matter, please do not hesitate to let me know.

Matters of ongoing civil litigation with retained outside counsel appropriated from General Fund Reserves, invoiced monthly and approved on consent agenda are:

1) Marlowe v. City *(Docks and the City's submerged lands and riparian ownership).* Appellate Court overturned the lower Court's summary judgement and returned the case to the lower Court for further trial.
2) City v. Peach and Orange, LLC and SJC Tax Collector *(Quiet Title)* A tax certificate was erroneously issued for the property located at 68 Anderson Street. The City entered into a stipulated settlement agreement with the Defendants confirming its ownership of the property and voiding subsequent deeds issued to other owners.

Matters of ongoing bankruptcy and civil litigation being handled in house are:

1) J. C. Penney Company, Inc. *(Unpaid utilities - Bankruptcy)*
2) NPC International, Inc. *(Unpaid utilities - Bankruptcy)*
3) Estate of Tony Emile Yanni *(Unpaid utilities – Probate)* The City filed a claim for the unpaid utilities. The Estate initially objected to the claim, but then later paid in full to avoid further litigation. This matter is now closed.
4) Bank of America v. Maypray *(Mortgage foreclosure in which the City has a CRA rehabilitation lien)*
5) Jerk & Curry Festival *(Small claims for unpaid fees for use of Francis Field and Police services)* A hearing was held in which the Defendant agreed to a payment plan to pay off the unpaid fees. This matter is now closed.

In addition, the Florida League of Cities provides coverage on some damages-based litigation.

Other litigation matters of note are:

1) Shafer v. City *(Writ of Certiorari); defense provided by City Attorney*: On November 14, 2022, Jessica Shafer filed a Petition for Writ of Certiorari seeking the Court's review of a final order issued by the City Commission denying her application for a conservation overlay zone development permit for a wall. An Order to Show Cause was issued by the Court on March 27, 2023 providing the City with thirty (30) days to file its Response Brief. The City filed its response on April 21, 2023. Petitioner filed her Reply Brief on May 17, 2023. On August 8, 2023, the Court entered an Order granting the Petition. The City Commission decided not to appeal the Court's decision.

Please place this quarterly report on the consent agenda for the October 23, 2023 City Commission meeting. The attached charts are included for the Commission's information, and I am available for a presentation if the Commission requests one.

Sincerely,

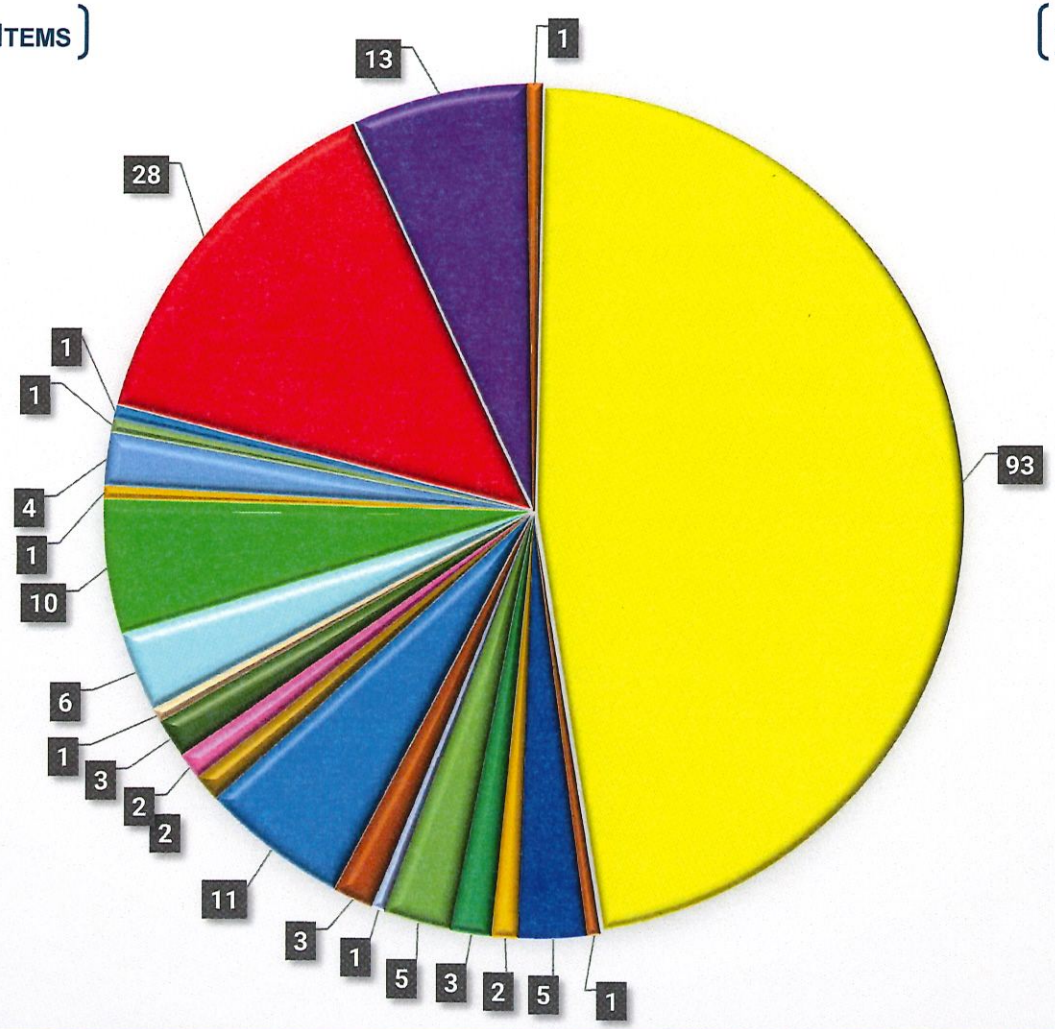
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 4TH QUARTER FY 2022-2023

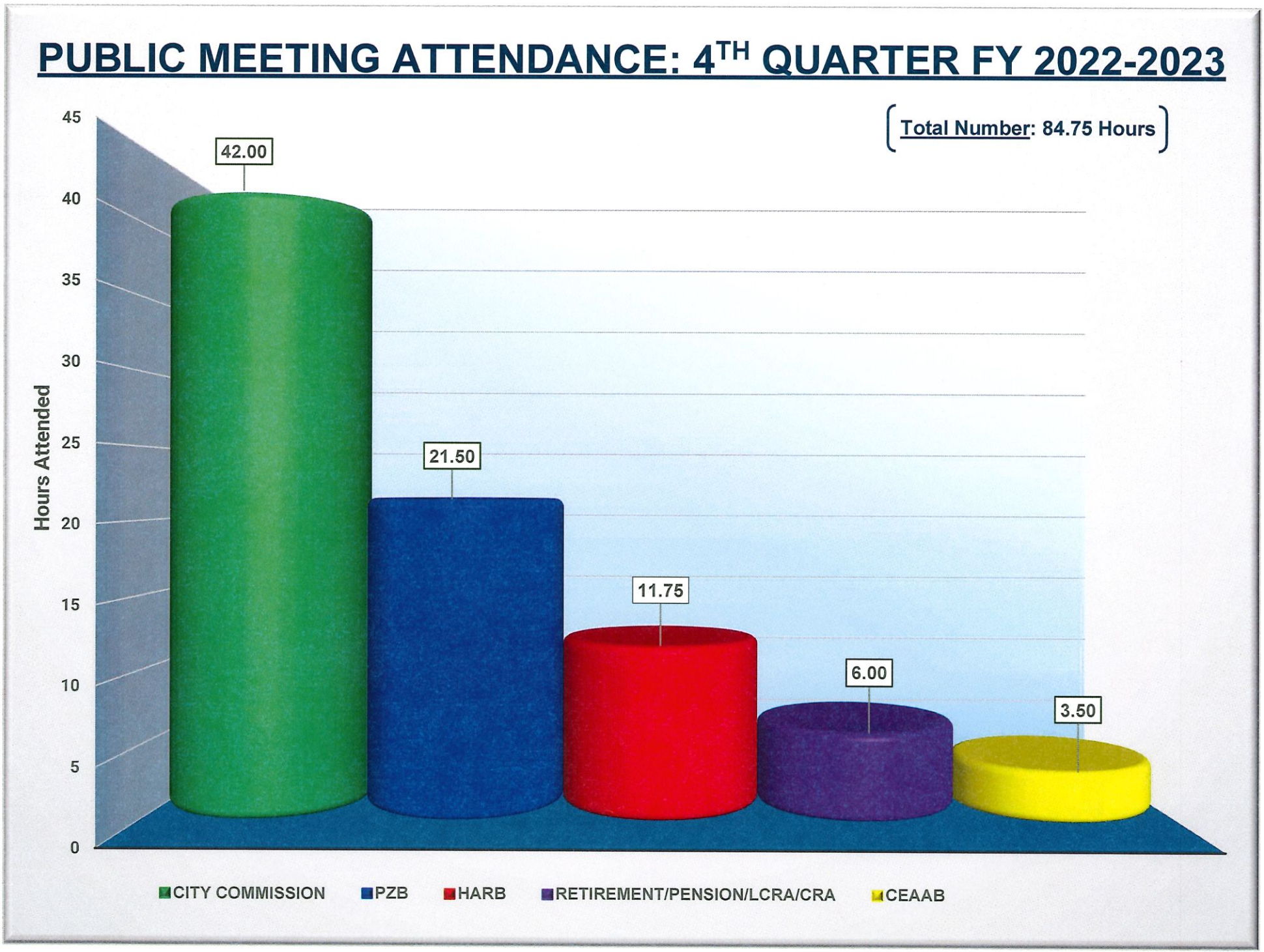
(BY NUMBER OF ITEMS)

(TOTAL: 193 ITEMS)

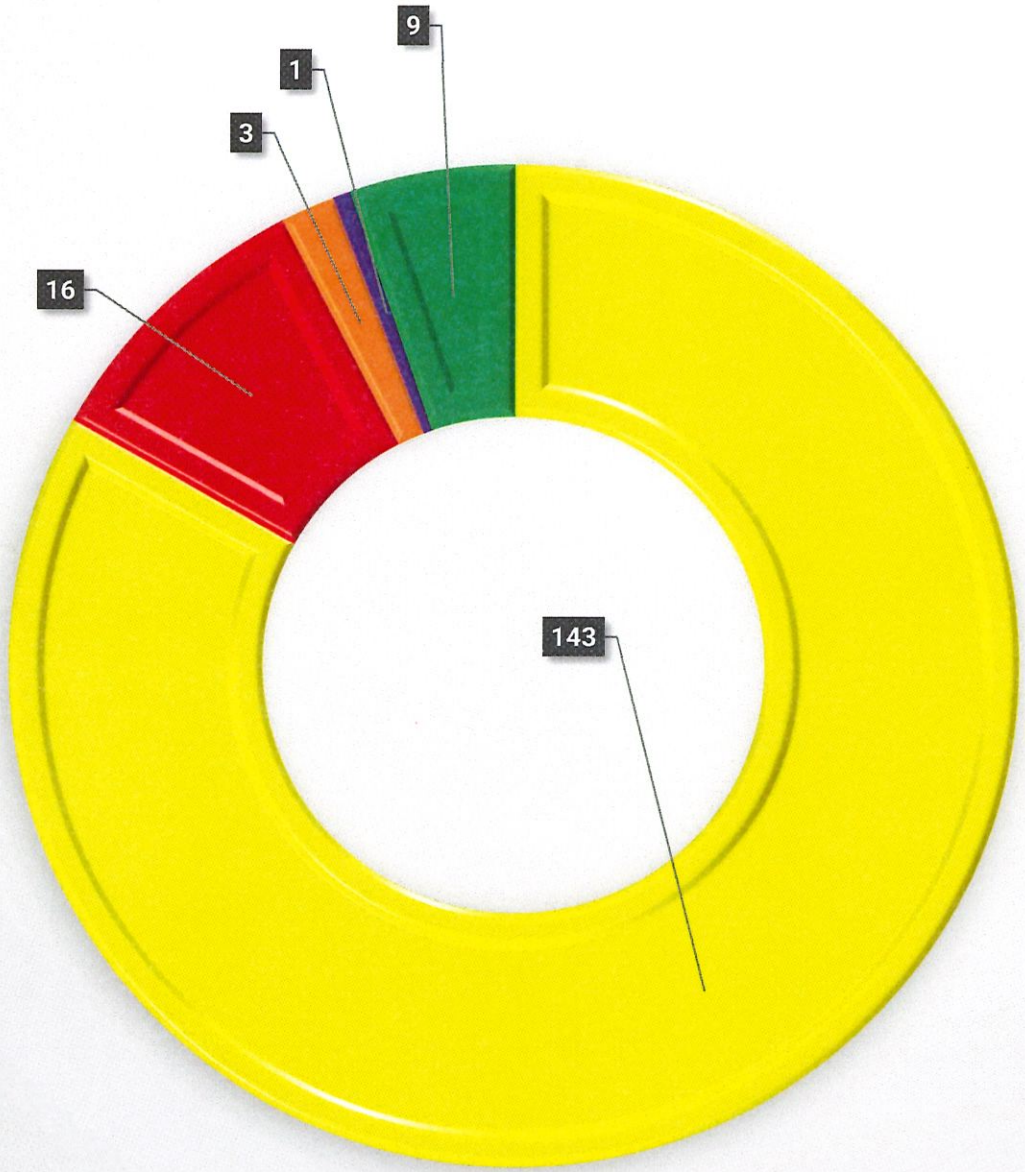


- Agreement - 93
- Bill of Sale - 1
- Contract - 5
- Correspondence - 2
- Deed - 3
- Easement - 5
- Form - 1
- Franchise - 3
- Lease - 11
- License - 2
- Lien Release - 2
- Maintenance Bond - 3
- Memorandum of Understanding - 1
- Order - 6
- Ordinance - 9
- Performance Bond - 1
- Policy - 1
- Release of Easement - 1
- Report - 1
- Research - 28
- Resolution - 13
- Submerged Lands Lease - 1

PUBLIC MEETING ATTENDANCE: 4TH QUARTER FY 2022-2023



CITY ORDINANCE VIOLATIONS: 4TH QUARTER FY 2022-2023



(BY NUMBER OF CASES)

(TOTAL: 172 CASES)

- Adjudicated Guilty - 143
- Adjudication Withheld - 16
- Dismissed - 3
- Paid Fine - 1
- Nolle Prossed - 9

*Three (3) offenders requested and completed community service hours in lieu of payment or a court hearing for their citations.

STAFF & NEW BOARD MEMBER TRAINING: 4TH QUARTER FY 2022-2023

(BY NUMBER OF HOURS)

(TOTAL: 6 HOURS)



ORDINANCES & RESOLUTIONS – 4TH QUARTER FY 2022-2023

(TOTAL: 22 ITEMS)

ORDINANCES

2023-23: Depot Street Vacation
2023-24: HARB Partial Demolition
2023-25: Competitive Bids
2023-26: Amend 2023-18 Scrivenor's Error
2023-27: Alcohol After Hours Permit
2023-28: Annual Budget
2023-29: Nuisance Board
2023-30: Amend 2023-10 Scrivenor's Error
2023-31: Police Retirement Referendum

RESOLUTIONS

2023-22: Land Exchange Agreement
2023-23: Request SJRWMD & FDEP to Reduce Permit Application Fees
2023-25: Apply for FDOT Assistance to SMART St. Augustine Project
2023-26: Tentative Millage
2023-27: Final Millage
2023-28: Utility Rate Adjustment
2023-29: SFU Stormwater Fee Increase
2023-30: Solid Waste Rates
2023-31: Fire Protection Assessments
2023-32: HACRA Annual Budget
2023-33: LCRA Annual Budget
2023-35: West Augustine Gateway Brownfield Designation
2023-37: Affordable Housing Property Designation

