

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting October 3, 2023

The Planning and Zoning Board met in formal session Tuesday, October 3, 2023, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mike Davis, Chairperson and the following were present:

1. Roll Call:

Mike Davis, Chairperson
Charles Pappas, Vice- Chairperson
Jon DePreter
Christina Griggs
Matthew Shaffer

Absent:

Carl Blow
Ashleigh Barnes

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning Manager, Planning & Building
Tracey Mullins, Planner II, Planning & Building
Jamie D. Perkins, MPA, PMP, Manager, Neighborhood Services
and Community Redevelopment Agency
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary
Michele Fudo, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Mr. Pappas MOVED to APPROVED July 5, 2023, minutes as presented and the August 1, 2023 minutes as presented. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

AYES: Pappas, DePreter, Shaffer, Tucker, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Modification and Approval of Agenda

MOTION

Mr. DePreter MOVED to CONTINUE item 7.c to the November 7, 2023 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Tucker, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a) 2023-0074-Todd Lambdin – Applicant & Owner 32 Half Moon Drive

To reduce the rear setback to allow for the construction of a pool screen enclosure.

Ms. Mullins read the staff report and said based on a review of Section 28-29 and without the support of evidence to the

contrary, staff finds that the Board can APPROVE a variance to reduce the required rear setback from 10ft. to 4ft. to allow for the construction of a pool screen enclosure at 32 Half Moon Drive/ PIO 161252-0540.

Todd Lambdin reviewed the application.

Ex Parte Communication:

(None)

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

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

After a brief discussion it was agreed all were in support of the application.

MOTION

Ms. Tucker MOVED to APPROVE variance 2023-0074 to reduce the rear setback to allow for the construction of a pool screen enclosure. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Tucker, DePreter, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (b) 2023-0078-Karen Cowart – Applicant c/o Karen Cowart Design Associates Inc Steven Bloom – Owner 138 Markland Place, Unit A

To reduce the rear setback to allow for the construction of an approximate 561 square foot addition onto an existing single- family residence.

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 rear yard setback requirements of 20 feet to 6 ½ feet at 138 Markland Place Unit A / PID 201580-0120 to allow for the construction of an addition to an existing single-family home.

The Board provided their ex parte communication

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

Public hearing was opened.

Jeffrey Bashar spoke in opposition to the proposed variance as he felt that drainage and water run off would be affected in a negative way and become a burden for neighboring properties.

BJ Kalaidi questioned if the purpose of the addition to the property was for short term use.

William Hatcher noted that the proposed addition would be four to six feet from the back of his yard. He was concerned that the addition would cause more water to come into his yard.

Mr. DePreter asked if the water was coming from an external source or coming off the buildings.

Mr. Hatcher replied that there was no outside source for the water.

Public hearing was closed.

Karen Cowart, Chelsea Bloom, Steven Bloom presented their rebuttal

The Board discussed:

- Impervious coverage and lot coverage codes were met
- Variance request was for setback only
- Need to submit a drainage plan to address concerned neighbors

- Water appeared to be retained on site from surrounding properties per a site visit

Ms. Tucker asked if the city consultant would inspect an addition to an existing building. She questioned what was planned for the rear of the house and property, as there was no room to regrade the depression area.

Mr. Fredrikkson advised that an inspection would be conducted.

Ms. Cowart explained the plan to fill the depression area but not add any additional fill to the lot which would help retention of water. She stated that neighbors to the west had a garage with no windows and neighbor to the north had walls with no windows.

Discussion continued:

- Privacy of neighbors was a concern
- Suggested working with neighbors to resolve the drainage problem

Mr. Shaffer questioned if something could be included in the motion to address the drainage issue.

Ms. Lopez advised that a condition could not be added, but wording could be included in the motion that the process had to be completed through the building department which would look at drainage and other site and building issues.

MOTION

Mr. Depreter MOVED to APPROVE variance 2023-0078. Board discussion looked at the factors and there was concern for one factor as contrary to the public interest, but in board discussion it was noted that the drainage problem mentioned by the neighbors would be addressed in the public works part of the application. The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Tucker, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (c) 2023-0081 Marcel Vizcarra – Applicant Maracuya By Llama Staci Cleveland et al – Owner-260 W King Street

To approve a variance to off-street parking and loading requirements.

Mr. Fredrikkson read the staff report and said the approval of the variance request in regard to off-street parking requirements at 260 W King Street promotes a more sustainable economic environment, allows for the operation of a neighborhood scale commercial use, and encourages adaptive reuse of an existing structure. 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 five (5) parking spaces, a reduction of interior maneuverability requirements, and the elimination of minimum parking space size requirements at 260 W King Street / PID 111870-0000.

Stacy Cleveland and Marcel Vizcarra reviewed the application.

Ex Parte Communication:

(None)

10 certified notices were sent, 19 were returned in favor, 0 returned opposed and 1 had comments.

Public hearing was opened.

BJ Kalaidi asked how business could be conducted without parking. She questioned where the customers would park. She stated she supported development in west city but had observed numerous code violations.

Tyrone Bennett pointed out the difference between downtown St Augustine and West Augustine regarding parking. He mentioned the poor conditions of the city lots on the west side and asked if there was a policy in place for west side vendors to keep them from having to come before the board.

The following individuals spoke in support of the applicant and the new restaurant:

Tira Kindler
Carol Ternava
Anthony Rosca
Chip Richard

Public hearing was closed.

The Board discussed:

- Questioned how many seats inside the restaurant
- Asked how many parking spaces were required, and how many were currently on the property
- Questioned how many parking spaces were located off-site, and if there were agreements in place with those businesses
- Asked if parking on Travis Lane was permitted

Mr. Vizcarra said that he had spoken with homeowners and other businesses to obtain off-site parking and there was parking on Travis Lane.

Ms. Cleveland advised the Board that through social media they had informed the public where parking was available. She said that after approval was received there would be two spaces available on-site, one would be marked employee and the other would be for handicap. She added that there were agreements with surrounding businesses for off-site parking.

Mr. Fredriksson informed the Board that the applicant had shown evidence of off-site

parking, however, it could not be recognized as it did not meet current City Code.

Board discussion continued:

- All Board members were in support of the application
- Fits into the shared parking plan
- Asked if off-site lots could be brought into code
- Area would likely be a parcel-by-parcel approval process

MOTION

Mr. DePreter MOVED to APPROVE variance 2023-0081 as with board discussion and public conversation with staff and applicant it will meet the four criteria. It has disadvantages CM-2 zoning, unable to make reasonable use of the affected property, only two parking spaces, disadvantages do not exist because of conditions. It is not contrary to the public interest. On that basis it meets the four criteria. The motion was SECONDED by Mr. Pappas

Mr. Shaffer added that he would like to see shared parking used in this area.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Tucker, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2023-0080 – Kenneth S. Garcia – Applicant & Owner 163 School Street

To approve one (1) off-site parking space at the Lincolnville Museum and Cultural Center within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception for a short-term rental.

Ms. Mullins read the staff report and said based on a review of Section 28-29, and

without the support of evidence to the contrary, staff finds that the Board can APPROVE one (1) off-site parking space at the Lincolnville Museum and Cultural Center within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception for a short-term rental at 163 School Street/ PID 208750-0000.

Kenneth Garcia reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- One on-site parking space was allowed
- Use by exception was the only parking option for this applicant
- Lease term was for one year and would require renewal at the end of the term
- No pass available for residential parking on the street unless resident was permanent
- Parking was within the 400-foot requirement for off-site parking
- For future reference, would be helpful to have information regarding required parking versus actual parking in lots

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2023-0080 as it has been documented in Board discussion and conversation with staff and the applicant that of the four options available to the homeowner this is the best one. The Use by Exception for off-street parking within 400 feet. There was a signed letter from the receiving end of it. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Tucker, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Conservation Overlay Zone Development

7. (a) 2023-0070- Ryan Carter – Applicant c/o Carter Environmental Services Inc. Brandon Howlett – Owner 160 Ancient Island Drive

To modify an existing dock approval for after the fact construction of a boat lift, floating dock, and gangway within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29, staff finds that the board can APPROVE the after the fact modification to an existing dock to add a floating dock and boat lift at 160 Ancient Island Drive / PID 161252-0040.

Ryan carter reviewed the application

Ex Parte Communication:

(None)

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

Public hearing was opened.

BJ Kalaidi did not like after the fact approvals since owners were able to hire someone to come and present to the board on their behalf. She felt that individuals had no respect for the rules. She felt a review was needed as this seemed to be happening in the city all too often. She asked what the fine was for an after the fact situation.

Ms. Lopez explained that any time the code was violated, code enforcement could issue a fine. She continued to explain that sometimes there was no fine issued but an

opportunity was given to get the after the fact permit. She said there could be a fine issued for failing to get an approval.

Public hearing was closed.

The Board discussed

- Not in favor of this type of application
- Dock additions appeared to be in line with the neighbors
- Dock did not block the channel
- Fines were a code issue
- Dock seemed to be consistent with criteria
- Dock met the seventeen qualifications therefore, no issues with approval
- Additions were put on the dock within the last year

Mr. Pappas felt that the process in place in the City did not deal with the problems of the after the fact approval.

Ms. Lopez responded that the culture of the City has been to give individuals a second chance to get their projects corrected and into compliance.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0070 as in Board discussion and staff analysis it meets the seventeen criteria. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Tucker, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (b) 2023-0076- Ryan Carter – Applicant c/o Carter Environmental Services Inc. David Meck – Owner 130 Pelican Reef Drive

To approve a new dock, floating dock, gangway and two (2) no-profile deck lifts within Conservation Overlay Zone 1.

Ms. Mullins read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE a new dock, floating dock, gangway and two (2) no-profile deck lifts within Conservation Overlay Zone 1 at 130 Pelican Reef Drive / PID 158571-4070.

Ryan Carter reviewed the application

Ex Parte Communication:

(None)

6 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.

Mr. Shaffer asked how the Conservation Overlay Zone Development application supplement, which addresses each of the seventeen criteria, was submitted and who reviewed it.

Ms. Mullins replied that the applicant submitted their narrative, and the staff would conduct its own analysis.

After a brief discussion the Board was in consensus on the approval of this application.

MOTION

Ms. Tucker MOVED to APPROVE Conservation Overlay Zone Development 2023-0076 to approve a new dock, floating Dock, gangway, and two new no-profile deck lifts within Conservation Overlay Zone one as it met the seventeen criteria. The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Tucker, Pappas, Shaffer, DePreter Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

**7. (c) 2023-0077- Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Robert Finvarb – Manager/Owner
c/o Windward Shipyard Land Holdings
LLC 255 Diesel Road**

To approve a marine docking facility with approximately 563 feet of new retaining wall, approximately 10,680 square feet of proposed dock area including proposed open water and salt marsh dredging and upland excavation to total approximately 1.014 acres within Conservation Overlay Zones 1 and 2.

See Motion under item four.

**7. (d) 2023-0079- Fred R. Jones, Jr., P.E. –
Applicant c/o Matthews | DCCM Robert
Finvarb – Manager/Owner c/o Windward
Shipyard Land Holdings LLC 117
Dockside Drive**

To approve the development of a dry storage boat facility including the removal of a 52” Oak tree within Conservation Overlay Zones 2 and 3.

Mr. Fredriksson read the staff report and said based on a review of section 11-29, staff finds that the board can APPROVE the request to construct a dry storage building within Conservation Overlay Zone 2 and remove a significant Oak tree within Conservation Overlay Zone 3 at 117 Dockside Drive / PID 127910-0000.

Stephen Johannson, Paul Masters, Freedmont Lattimer, and Bryce Underhill reviewed the application.

The Board provided their ex parte communication.

18 certified notices were sent, 1 was returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened.

BJ Kalaidi felt that the neighbors included all of the people that came into the area. She said if the vista was closed to the public no one would be able to see the water. She was concerned that people on Arapaho Avenue would not have a view of the water, and if the size could be scaled down to maintain the vista.

Mr. Johannson advised that part of the plan was to build a boardwalk allowing the public to walk along the waterfront. He said this would provide a better view than what was currently available.

Public hearing was closed.

The Board discussed:

- Appreciated the new large trees
- Diagram with new plantings to scale was helpful
- Building was large but not out of scale to the area

Mr. Davis asked the following questions to the applicant:

- What was on the site prior to the proposed structure
- How big was the new building and specifically what was the width
- How many of the moved trees survived
- What were the dimensions of the building compared to the property line
- Where was the view shed
- Was there a change in the property grade

Mr. Masters replied that the lot was gravel currently, but previously there had been a building that was used for auxiliary storage. He informed the Board of the dimensions of

¹ Break 2:41p.m. – 2:54p.m.

the building as proposed; the width was approximately ninety-five feet.

Ms. Lopez explained that the view shed was the property that was accessible to the public.

Mr. Masters clarified that the view shed would be located at the corner of Cherokee Street and Iroquois Avenue.

Mr. DePreter pointed out that the owner was opening the view for the public with the boardwalk.

Mr. Underhill said that seventeen trees had been moved and all were doing well. He described the process that would bring the new trees onto the property.

Discussion continued:

- Not a lot of natural features left on the property
- The new oak trees would be planted forty feet from the one that is being removed
- Clarified the type of trees, palms, cedars, trees with a natural conical shape
- Did not receive a copy of the proposed building footprint with the oak tree that was being removed
- Would work with applicant to look at setbacks or parking requirements
- Extreme shift from the current regulations that were in place
- Conservation Overlay Zone 2 has additional requirements

Mr. Shaffer asked how many square feet of space would be sacrificed to save the oak tree.

Mr. Lattimer said that half of the building would be lost. He explained that the tree had other problems in that the canopy had a severe lean in one direction that would be a problem going forward.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0079 to approve the development of a dry storage boat facility including the removal of a fifty two-inch oak tree within conservation zones two and three. The removal of the tree was based on the fact that the tree would likely not be saved as discussed to counterbalance the size of the building, it will be replaced with two twenty four – inch oak trees that will have a better chance of surviving there. In regard to the building itself, the Board has discussed the scenic view, which seemed to be the largest issue, however, Mr. Davis has done a good job of identifying where the public view will be and the applicant would be providing public view the entire width of the property, this counterbalances the loss of the scenic view from the corner. The motion was SECONDED by Mr. Pappas.

Mr. Shaffer pointed out that the Board had given a lot of attention to proposed developments in Conservation Overlay Zone 2. He said that he did not feel an obligation to approve this dense of an application, and he felt that adjustments could be made to save the oak tree.

Mr. Davis said that he viewed this Conservation Overlay Zone 2 differently, because there was already a bulkhead, and a wall. He added they were not dealing with multiple trees or dealing with a flood plain. He noted the project was post development as the property had already been developed.

Mr. DePreter added that the site had a tremendous area that had already been disturbed.

VOTE ON MOTION:

**AYES: DePreter, Pappas, Tucker, Davis
NAYES: Shaffer**

8. Other Business

8. (a.) Review of the approved Voluntary Design Guidelines developed for the Lincolnville National Register District by the Lincolnville Community Redevelopment Area (LCRA)

Amy Skinner, Planning and Building Director, provided a presentation of the Lincolnville Community Development Area Steering Committee (LCRA):

- Guidelines were approved by the Steering Committee and the City Commission
- Would have the same format as the Architectural Guidelines for Historic Preservation (AGHP) and would be an addendum to them
- Guidelines were voluntary, not mandatory
- Guidelines would be promoted in the Lincolnville area and on the City website

Mr. Davis asked if the Historical Architectural Review Board (HARB) had reviewed the guidelines.

Ms. Lopez advised that these guidelines were strictly voluntary, however, the architectural part would possibly be adopted as part of the AGHP changes.

Mr. Davis inquired, if all was voluntary would projects have to come to the Planning and Zoning Board. He asked if it became mandatory would it still be voluntary if it was an actual architectural standard.

Ms. Lopez referenced the Partial Demolition Ordinance. She explained if the building was identified as historic it would be presented to the HARB for review.

Discussion continued:

- Guidelines were there as references for residents to design their projects
- Easy to understand, functioned very well
- Good idea however, questioned if it would help with after the fact issues in the area
- Community interaction and input

8. (b) Election of Chair and Vice-Chair for 2023/2024.

MOTION

Mr. Davis MOVED to nominate Mr. Pappas for Chairperson for 2023-24, The motion was SECONDED by Mr. DePreter

Mr. Shaffer commented that he was happy with the current Chairperson but was not opposed to the change.

VOTE ON MOTION:

AYES: Davis, DePreter, Shaffer, Tucker, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to nominate Ms. Tucker for the Vice Chair for 2023-24. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: DePreter, Davis, Shaffer, Tucker, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 3:57 P.M.²



Mike Davis, Chairperson

² Transcribed by Michele Fudo