



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, July 2, 2019 at 2:00 p.m.

**Alcazar Room, City Hall
75 King Street**

-
- 1. Roll Call**
 - 2. General Public Comments for Items Not on the Agenda**
 - 3. Approval of Minutes**
 - 4. Use by Exception**
 - (a) 2019-0067 Ron MacGillivray - Applicant
C/o Stogies Smoke Shop
St George St Investments LLC – Owner
[6 St George Street \(a.k.a 2 St George Street\)](#)
[PIN #: 1972400000](#)
To approve a use by exception for a bar/tavern.
 - 5. Variance**
 - (a) 2019-0069
Applicant requested Continuance Donald Crichlow – Applicant
C/o Don Crichlow & Associates
John and Joanne Rosenberg – Owners
[39 Water Street](#)
To approve a variance to decrease the minimum side yard and secondary front yard building setbacks and increase the maximum lot coverage for a home addition and a proposed detached garage with a studio.
 - (b) 2019-0068 Edward Bowman– Applicant
Edward Bowman – Owner
[21 Miruela Avenue](#)
To approve a variance to decrease the minimum side yard building setback for a proposed workshop with a covered patio onto an existing garage.

(c) 2019-0070

Applicant requested Continuance

Troy Blevins and Anish Patel– Applicant

C/o Best Western

Vista Hotel III, Inc./Kanti Patel – Owner

16 Avenida Menendez

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

6. Other Business

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

8. 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.

CITY OF ST. AUGUSTINE

Planning and Zoning Board and Historic Architectural Review Board Special Meeting March 14, 2019

The Planning and Zoning Board and Historic Architectural Review Board met in formal session Thursday, March 14, 2019, at 9:00 a.m. in the Alcazar Room at City Hall. The meeting was called to order by Catharine Duncan, Chairperson of the Historical Architectural Review Board and the following were present:

1. Roll Call: Planning and Zoning Board

Grant Misterly, Chairperson
Karen Zander, Vice Chairperson
Carl Blow
Jon DePreter
Christina Opsahl

Absent: Sarah Ryan, excused
Maurice Morrisette, excused

Historic Architectural Review Board

Catharine Duncan, Chairperson
Barbara Wingo, Vice Chairperson
Toni Wallace
Jon Benoit
Paul Weaver

City Staff: David Birchim, Director, Planning & Building Department
Amy Skinner, Senior Planner, Planning & Building Department
Jenny Wolfe, Historic Preservation Officer
Dr. Andrea White, City Archeologist
Kelli Mitchell, Historic Preservation Planner
Catharine Simms, Archeologist
Isabelle Lopez, City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Discussion and Public Comment related to the Draft Historic Preservation Element of the Comprehensive Plan including Draft Goals, Objectives, and Policies

Amy Skinner presented the topic and facilitated discussion regarding the following:¹

- Desire to see an outline or table of contents that breaks down the policies and goals in the draft documents

¹ Presentation attached to original minutes

- Further streamlining for Comp Plan discussion format
- Impacts of new development and tourism on the historic Town Plan and surrounding neighborhoods
- Prioritizing resources to educate the public that may be in the process of affecting existing historic properties such as contractors, real estate agents, and potential buyers
- Importance of holistic consideration of historic resources in the City limits, particularly neighborhoods under pressure of infill and redevelopment
- Creating a plan that recognized the need for growth while allowing for protection of historic resources
- Creating codes that help maintain historic integrity such as streetscapes by providing guidelines for changes such as raising structures for hazard mitigation purposes
- Need for appropriate mapping of historic resources
- Education should be an integral part of all other listed goals
- Desire to see a condensed version or executive summary to preface the larger Comprehensive Plan element for ease of public access and understanding
- Existing historic resource survey was starting to become outdated
- Applying more clear headings and shortening policies
- How the goals of the Comprehensive Plan will act as a regulatory document by guiding the creation of future code regulations
- Recommendation of having a strike-through/underline and a clean version of the Comprehensive Plan for comparison

Public comment was opened and the Boards heard from the following members of the public:

- Mark Torkos
- Kalina Shirley
- Melinda Rakoncay
- Pamela Linder

Public Comment was closed.

The Board continued discussion regarding the following:

- Integrating the Historic Preservation Master Plan with the revised Comprehensive Plan and the creation of subsequent ordinances consistent with both documents
- Streamlining the review process and clarifying the language of the Comprehensive Plan²

There was Board consensus to continue with the ten goal items as outlined in the presentation while taking into account Board discussion and recommendations.

4. Discussion and Public Comment related to Evaluating and Ranking Historic Preservation Master Plan Work Plan Objectives for FY 2019/2020 and their Consistency with the Comprehensive Plan

Jenny Wolfe and Dr. Andrea White gave a presentation of the subject and facilitated discussion regarding the following:

- Use of GIS data for historical and archeological resources and importance of keeping the data up-to-date
- Desire to see a breakdown or outline to clarify the work-plan document
- Determine how work-plan items would be feasible and prioritized based on budget constraints
- Completed and in-progress projects
- Determining endangered historically significant structures as a priority

² Brief recess from 10:28a.m. to 10:37a.m.

- Building condition assessments for structures within the City based on the current Comprehensive Plan
- Determining threats and hazard mitigation for City-owned properties with possible prioritization of vacant structures
- Upgrading curation of archeological artifacts and the digital database³
- Educating the public on historic building and archeological resources
- Archeological and permitting fees still left the Building Department funds in a deficit
- Importance of determining how to make storm and flood endangered structures more resilient and creating a pre-storm plan to protect historic structures
- Prioritization of determining and attempting to save structures in danger of demolition

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

The Board discussed prioritization of work plan tasks as follows:

- Support to move hazard mitigation, identifying endangered properties and developing preservation strategies, and public education of archeological resources forward on the priority list
- Consideration of task items that may have an impact on the budget or require additional outside funding
- Character studies for historic neighborhoods may require a consultant
- Focusing on task items that will help HARB and City staff make determinations in the short-term
- Encouraging adaptive re-use to aid in structure preservation
- Considering steps that the Public Works Department was taking to

protect infrastructure and determine if any of those tactics would work for the preservation of historic resources

- Maintaining and updating website information

MOTION

Mr. Weaver MOVED to APPROVE the Task List as discussed. The motion was APPROVED BY UNANIMOUS VOICE VOTE.

5. Adjournment

Having no further business, Ms. Duncan adjourned the meeting at 12:08 P.M.⁴

³ Ms. Opsahl departed at 11:34a.m.

⁴ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting June 4, 2019

The Planning and Zoning Board met in formal session Tuesday, June 4, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call:

Grant Misterly, Chairperson
Karen Zander, Vice Chairperson
Sarah Ryan
Carl Blow
Jon DePreter (Arrived 2:09p.m.)
Christina Opsahl
Maurice Morrisette

City Staff:

David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning & Building Department
Jenny Wolfe, Historic Preservation Officer
John Cary, Assistant City Attorney
Candice Seymour, Recording Secretary

2. General Public Comments for Items Not on the Agenda

The Board heard comments from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the April 2, 2019 minutes as presented. The motion was SECONDED by Mr. Blow and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Mr. Blow MOVED to APPROVE the April 25, 2019 minutes as presented. The motion was SECONDED by Ms. Ryan and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Ms. Ryan MOVED to APPROVE the May 7, 2019 minutes as presented. The motion was SECONDED by Mr. Blow and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Ms. Ryan MOVED to APPROVE the May 21, 2019 minutes as presented. The motion was SECONDED by Mr. Blow and APPROVED BY UNANIMOUS VOICE VOTE.

4. Use by Exception

4. (a) 2019-0060 – Ark Youth Ministries – Applicant and Owner 307 Anastasia Boulevard

To approve a use by exception to allow for a private school.

Mr. Birchim 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** an Exception to allow for a private school within the Commercial Low 2 (CL-2) zoning category located at **307 Anastasia Boulevard**.

Terry King reviewed the application.

The Board provided their ex parte communications.

13 certified notices were sent, 1 was returned in favor, 2 returned opposed and 3 had comments.

Public hearing was opened.

Luther Stewart owner of neighboring Stewarts Market, stated that the applicant did not want beer and wine sales next to his property but that alcohol sales had been ongoing at his business which had a current license to sell beer and wine recently approved by the City and State.

Luther Stewart Sr. confirmed that there had been alcohol sales on the Stewarts Market property in the past and there was a current license. He noted that the subject school had been operational for some time. He felt that the applicant just wanted to keep future lessors of the Stewart's building from having alcohol sales.

Alan Pitickney, owner of the neighboring retail business, stated that the school had been operating for many years and the ages were gradeschool through college-age. He said that the students would sometimes come visit his business and the school was quiet.

Philip Smith, lessor of the Stewart's building said he had legally obtained a beer and wine license. He said that Mr. King had not been licensed to run the school which had been operational since 2007 and there had never been an issue with alcohol sales before.

Andrew Broskie, an employee of Ark, said he was at the City review of Mr. Smith's beer and wine license where he was told that there was no guarantee that it would be allowed. He stated that the plans for the Ark building back in 2007 were for it to open as a school.

B.J. Kalaidi spoke regarding the internet café and spoke in favor of the application for the school as a better choice for the neighborhood.

Elizabeth Hernandez, attorney for Philip Smith, stated that Mr. Smith had gone through the legal process to open up a bar and the applicant had filed the Use by Exception application to keep Mr. Smith from opening the business. She stated that approving the application could cause Mr. Smith undue hardship.

Mr. Stewart Sr. clarified that he owned the parking lots to the rear of the Stewart's building and Mr. Stewart owned the building separately.

Public hearing was closed.

At the request of the Board, Mr. Birchim explained that there was a licensed internet café at 311 Anastasia Boulevard in the Stewart's Market building which had since been closed by the Police Department. He continued that prior to the application for a Use-by-Exception being heard, the business owner at 311 Anastasia Boulevard applied for and received a state license for the sale of beer and wine.

Mr. Cary stated that approval of the school use would not invalidate the existing beer and wine license, but would prevent a future tenant from applying for and receiving a license to sell alcohol.

The Board discussed:

- Lack of a definition for school within the code
- Use by exception criteria

- No code enforcement case which triggered the application
- Applicant had originally applied for a social services center
- No shared parking between Stewarts and the applicant
- Concern with taking away the neighbor's right to have a beer and wine license

Mr. King fielded questions from the Board stating that a diploma received by his school was recognized by the State and the school was accredited through a national organization. He felt that the classification as a social services center was a clerical error and the school had been operating for ten years. He noted that hours of operation were 8:30a.m. to 6:00p.m. with college hours from 6:00p.m to 10:00p.m.

There was further discussion regarding classroom sizes and parking requirements which could be reviewed administratively.

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception application 2019-0060 based on the fact that the business qualifies as a school and based on the business operating for the past ten years as such with public testimony that they were a good neighbor. The motion was SECONDED by Mr. Blow.

Mr. Blow requested that the definition of a school within the code be clarified.

VOTE ON MOTION:

**AYES: Misterly, Blow, Morrisette,
Opsahl, DePreter, Zander**

NAYES: Ryan

MOTION CARRIED 6/1

5. Other Business

5. (a) Consideration and recommendation to amend Section 28-29 zoning exceptions, variances and

appeals to include a requirement for separate applications for time period waivers; providing for a fee for a waiver application

Mr. Birchim reviewed the item which was in response to a Board request to review the process for time waiver applications.

The Board discussed:

- Applications for waiver could be heard on the same agenda as the variance or exception application, but would be a separate item
- Reasons for reviewing the process including to allow for better public noticing and that the public would be able to speak during a hearing for the waiver as well as the subsequent application of the waiver were approved
- Board still had the ability to continue the item if they felt that public noticing was not adequate
- Concern that applicants would take advantage of the ability to apply for a waiver
- Waiver process has been in place since the adoption of the Zoning Code
- Waiver process may undermine Board decisions
- Planning and Zoning Board was charged with vetting cases for the City Commission, and the appeal process should be considered a last resort
- Waiver process may have been included to allow for new applicants to apply for a variance or exception on a property that may have previously been denied
- Additional application fees and 30 day appeal deadline would be inhibitors to utilizing the waiver process
- Striking the criteria to facilitate proper development of the city and

better defining the criteria for injustice

- Possibility of using criteria similar to the Commission's criteria for appeals
- Concern for setting a precedent and maintaining consistency among hearings

Public comment was opened.

Charles Pappis felt that the waiver and subsequent application should be heard at two separate meetings.

Public comment was closed.

There was consensus to reconsider the language to strengthen the process.

5. (b) Discussion regarding tree mitigation fund administration and fees

Mr. Birchim introduced the subject regarding the tree mitigation fund process and how to determine donation amounts.

The Board discussed:

- How to determine retail costs of trees
- Simplification of the ordinance to charge per caliper inch
- Information provided to property owners so that trees are replanted with proper spacing from structures and other trees
- Recommendation to use Jacksonville's cost calculations
- Tree Master Plan
- Possibility of creating a program where owners could elect to have tree fund trees planted on their property

5. (c) Discussion and public comment related to the draft Historic Preservation Element Goals, Objectives and Policies for the Comprehensive Plan

Ms. Skinner gave a brief overview of the subject.

The Board discussed:

- Specific design criteria for neighborhoods outside of the historic preservation districts was not included
- Specifics regarding economic hardship were part of the land development code
- Goal 6, policy 6.1.1
- Policy 9.1.5 Continued support for 4 staff positions may be too detailed
- Tying the element to the Historic Preservation Master Plan
- Community tools were a positive addition
- Including sea level rise and hazard mitigation under key issues and assumption
- Redundancies in the document
- Incentivizing restoration but not micro-managing construction in neighborhoods
- Affordable housing within the City
- Policy of review for demolition of structure fifty years of age or older

Ms. Skinner gave an overview of the next steps in the process which were to review other elements of the Comprehensive Plan and the Board would not review the Historic Preservation element again until the completed draft was brought before the Board for review.

Board Member Comments

Ms. Ryan was impressed with new information provided to planning and zoning applicants.

Mr. Morrisette stated that in the case heard today, as well as others, it would have been helpful to inform the Board of any issues outside of the required application.

Mr. Birchim noted that the information was not included because it was likely not relevant to the specific criteria for application review, but that he would look into the possibility of including some of that background information in the future.

6. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 4:23 P.M.¹

Grant Misterly, Chairperson

¹ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: July 2, 2019

RE: **USE BY EXCEPTION #2019-0067**

AGENDA ITEM 4(a)

APPLICANT Ron MacGillivray
Stogies Smoke Shop

OWNER St. George Street Investments, LLC.

LOCATION **6 St. George Street**

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

PLANS DATED June 3, 2019

LAND USE Historic Preservation
ZONING Historic Preservation three (HP-3)
SURROUNDING USES Commercial

Plan review indicates that the applicant is requesting a beer and wine license for a cigar shop. The board had previously approved a beer and wine license at this location for a coffee shop (City Perks Coffee) on November 4, 2014.

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

- (1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).
- (2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed 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 any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of 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 exceptions. The violation of the terms of an exception, 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. 28-185. Historic preservation district: HP-3.

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

(1) Boundaries. This district is bounded as follows:

- a. North. Commence at the intersection of Castillo Drive and Cordova Street; thence easterly to San Marco Avenue; thence southerly along San Marco Avenue to the intersection of the projection of a line running along the northern boundary of the Castillo de San Marcos National Monument Reservation; thence easterly along this projection line to Matanzas River or Bay.
- b. East. Matanzas River or Bay.
- c. South. Hypolita Street easterly to Charlotte Street; thence northerly along Charlotte Street to Cuna Street; thence easterly along Cuna Street to the Matanzas River or Bay.
- d. West. Cordova Street between Hypolita Street and Castillo Drive.

(2) Permitted uses and structures:

- a. Single-family.
- b. Multifamily.
- c. Tourist homes.
- d. Retail sales (excluding rental of motorized vehicles):
 1. New.
 2. Antique.
 3. Souvenir.
 4. Gift.
 5. Craft such as specialty food stores (including beer and wine 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,

cameras, florist or gift shop, sundries and notions, business office supplies, records and tapes, furniture, art supplies and similar uses.

e. Service. Restaurants with lounges; interior decorator; hair salon; photographic, art, craft, dance or music studios; tailoring; catering and clothing rental.

f. Museums.

g. Professional and business offices.

h. Rooming and boarding houses.

i. Housing for the elderly.

j. Home office, private.

(3) Permitted uses by exception:

a. Fowl and hoofed animals in the area of HP-3 district bounded as follows: On the south by Hypolita Street; on the east by Charlotte Street; on the north by Orange Street and Avenida Menendez; on the west by Spanish Street; provided the fowl and hoofed animals are used solely for display purposes in accordance with the purpose and intent of the historic district regulations without any sale, resale or commercial use thereof.

b. Cocktail lounges, taverns.

c. Home occupations.

d. Hotels/motels/inns.

STAFF SUMMARY AND ANALYSIS

This is an existing cigar shop in a multi-unit commercial building at the northern end of St. George Street. The cigar shop is within an interior courtyard, not adjacent to St. George Street.

The other businesses in the building include retail stores and an inn.

The consumption of beer and wine at this location is low scale and does not appear to negatively impact adjacent businesses. There is a common seating area in the interior courtyard of the property.

The board approved a use by exception for a wine bar for the St. George Inn on October 4, 2016 at this business complex.

The board approved a use by exception for a coffee shop (City Perks) at this specific suite (6 St. George Street) at this business complex on November 4, 2014. (see attached minutes and order)

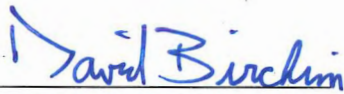
This is a new owner for an existing cigar shop business (Stogies Smoke Shop). The existing Stogies business does sell beer, but they did not obtain a use by exception. There have been no complaints regarding beer and wine consumption from the existing cigar shop or the St. George Inn at this business complex.

The applicant has offered the following conditions;

- Hours of Operation – 10am to 7pm
- There will be no live music or a guitar player.
- There is a bathroom in the common area.
- Beer and wine are sold in the bottle, there will be no pouring of drinks.
- Seating is outside in the common area, no inside seating.
- There will be no tabs.

STAFF RECOMMENDATION

Based on a review of Section 28-2 and 28-29, staff finds that the board can APPROVE a use by exception for beer and wine sales at 6 St. George Street with the conditions offered by the applicant.



David Birchm, AICP
Director, Planning and Building



06/24/2019 14:08

for this school was provided by way of the parking being approved at the December 8, 2014 City Commission meeting and a variance to exceed the maximum lot coverage and to encroach into the required front and side yard setbacks at 85 Martin Luther King Avenue, as well as the property having a stormwater review and an arborists approval regarding the retention of the Live Oak tree and it's condition and the involvement of Mr. Michael Crocker who resides next door to this property. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

AYES: Long, Blow, Brown, Dixon, Shaffer, Agresta

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Use by Exception

5. (a) 2014-0112 – Karen L. Wright, Inc./City Perks Coffee Shop – Applicant St. George Street Investments – Owner 6 St. George Street

To allow a beer and wine bar as a permissible use by exception.

Mr. Birchim read the staff report and said based on a review of Section 28-29(a) and without the support of evidence to the contrary, staff found that the Board could **APPROVE** a use by exception for a beer and wine bar at **6 St. George Street**.

Michael Cox stated that he wanted to assure the Board that there would be a very low consumption of alcohol. He said that they would not be expanding their business hours, which were 7:30 a.m. until 8:00 p.m., and they had no outside entertainment. He stated that he had the communicated with the surrounding business and that they were supportive of the application.

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

Public comment was opened; however there was no response and Public hearing was closed.

Ex Parte Communication:

None.

Ms. Brown asked if the wine and beer would be on served outside.

Mr. Cox stated that they would like for customers to be allowed to take the beverages into the private courtyard.

Mr. Birchim stated that outdoor dining was acceptable as long as it was contained within the private courtyard.

Ms. Long asked if they were looking to expand their beverage selection for economic reasons.

Mr. Cox said yes as they currently served coffee, espresso and frozen coffee based.

Mr. Blow asked if they were a tenant and if the landlord had given approval.

Mr. Cox replied that was correct and that he have spoken with the owner and obtained approval.

Mr. Shaffer clarified that this application would go with the applicant and not the property.

MOTION

Mr. Dixon MOVED to APPROVED the application 2014-0112. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Dixon, Blow, Brown, Long, Shaffer, Agresta

NAYES: NONE

MOTION CARRIED UNANIMOUSLY



1565 - 2015

450 years

November 12, 2014

Steven Benninger
Karen L. Wright, Inc.
City Perks Coffee Shop
6 St. George Street
St. Augustine, FL 32084

Re: Exception – 6 St. George Street – 2014-0112

To Whom It May Concern:

On Tuesday, November 4, 2014, the Planning and Zoning Board (PZB) met and discussed your application to allow a beer and wine bar as a permissible use by exception for property located at 6 St. George Street.

Specifically, 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.

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, AICP
Director, Planning & Building

DB:sp
Attachment

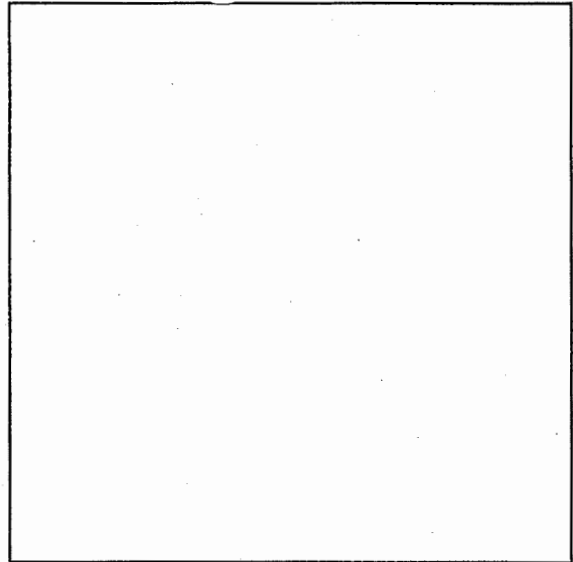
cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Alison Ratkovic, City Clerk
BDAC File

This instrument prepared by:
City of St. Augustine
75 King Street
Post Office Drawer 210
St. Augustine, FL 32085

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

**ORDER TO APPROVE
ZONING EXCEPTION**

CASE NO. 2014-0112



IN THE MATTER OF:

APPLICANT: Karen L. Wright, Inc.
City Perks Coffee Shop
6 St. George Street
St. Augustine, FL 32084

OWNER: Steven Binninger

RE: Zoning Exception under Section 28-29 City of St. Augustine Code, to allow a beer and wine bar as a permissible use by exception.

DESCRIPTION OF SITE OF ZONING EXCEPTION:

6 St. George Street

LEGAL DESCRIPTION: CITY OF ST AUGUSTINE LOTS 1 2 & 3 BLK 11
OR1611/200.

PARCEL NUMBER: 197240-0000

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON NOVEMBER 4, 2014, 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

- under oath.
2. A public hearing was held, with notice given as required by law, and no members of the public spoke on this issue.
 3. The subject property has a land use designation of Historic Preservation and a zoning classification of Historic Preservation three (HP-3).
 4. The above-described zoning exception is an exception under Section 28-89 of the Code of the City of St. Augustine.

ORDER

1. Based upon the evidence presented the Planning and Zoning Board determined that the requested action meets the requirements of Section 28-29 (a), City of St. Augustine Code, and grants the Applicant's request for a zoning exception to allow a beer and wine bar as a permissible use by exception.
2. That the following conditions are applied to the zoning exception granted herein, as follows:
 - None.
3. That the exception **shall not** be transferable to subsequent owners.

DONE AND ORDERED, at a public hearing on the 4th day of November A.D., 2014, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

ZONING EXCEPTION REQUEST APPROVED.


SUE ELLEN AGRESTA, CHAIRPERSON
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

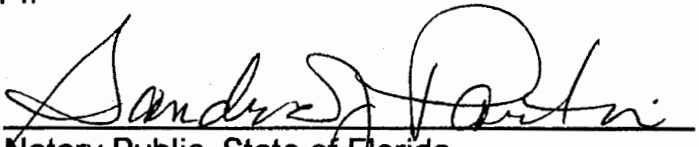
STATE OF FLORIDA, COUNTY OF ST. JOHNS

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

Witness my hand and official seal, this 17th day of November, A.D., 2014.



SANDRA J. PARTIN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF118112
Expires 4/30/2018


Notary Public, State of Florida



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250.00 (plus advertising costs) Project Number: 2019-0067
 Receipt Number: 1624945 Meeting Date: July 2, 2019
 Advertising Costs: \$ 79.90 Paid On: 6/21/19 Receipt Number: 1636971

1. NAME OF APPLICANT: Ron MacGillivray Contact Number: 770-313-9100
 Business (if applicable): Stogies Smoke Shop
 Address: 6 St. George St. #105 City: St. Augustine State: FL Zip: 32084
 E-Mail Address: rjmacg@yahoo.com

2. NAME OF PROPERTY OWNER: St. George St. Investments LLC Contact Number: 904 377-9999
 Business (if applicable):
 Address: 17 Cordova St City: St. Aug State: FL Zip: 32084
 E-Mail Address: binningers@bellsouth.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1, 2, 3 Block: 11
 Subdivision: city Parcel Number: 1972400000

4. PROJECT STREET ADDRESS: 6 St. George St, Unit 105

5. SPECIFIC PROPOSED USE: Beer & Wine Sales

6. ACTION REQUESTED:

- | | |
|---|--|
| ☒ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☒ Exception | ☐ Land Use Plan Amendment |
| ☐ Variance | ☐ Rezoning |
| ☐ Other: _____ | |

RECEIVED

JUN 03 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: We need to apply for a
use by exception

8. JUSTIFICATION FOR ACTION REQUESTED: We need the use by
exception because we just purchased the
business. We are transferring the business
license, but need our use by exception first
because we sell beer and wine.

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 APPLICATIONS:

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.

Signature of Applicant

Date

Signature of Property Owner

Date

04/18/2019

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JUN 03 2019

Planning/Building Dept.

5/29/19

6-1-19



**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.

Ren MacGillivray

Print name of applicant

RfH

Signature of applicant

5/29/19

Date

RECEIVED

JUN 03 2019

Planning/Building Dept.



Owner's Authorization For Agent

Ronald MacGillivray is/are hereby authorized TO ACT ON BEHALF OF, the owner(s) of those lands described Within the attached application, 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:

☐ Historic Architectural Review Board

☒ Planning and Zoning Board *

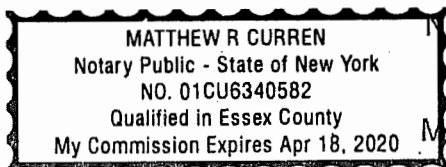
property located at 6 St. George Street - Unit 105

BY: Joan Elizabeth Binning
Signature of Owner

Joan Elizabeth Binning
Print Name of Owner

904-377-9994
Telephone

Sworn to and subscribed before me on this 14 day of June, 2019



Notary Public: [Signature]

My Commission expires on 04/18/2020

& ONLY: For use by exception for sale of alcohol/IB



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
ST. GEORGE STREET INVESTMENTS, L.L.C.

Filing Information

Document Number L01000005916
FEI/EIN Number 59-3716622
Date Filed 04/17/2001
State FL
Status ACTIVE

Principal Address

17 CORDOVA STREET
ST. AUGUSTINE, FL 32084

Mailing Address

17 CORDOVA STREET
ST. AUGUSTINE, FL 32084

Registered Agent Name & Address

BAILEY, JOHN DJR.
780 NORTH PONCE DE LEON BLVD.
ST. AUGUSTINE, FL 32084

Authorized Person(s) Detail

Name & Address

Title MGRM

FRASER, JOHN W
108 ISLAND HAMMOCK WAY
ST. AUGUSTINE, FL 32080

Title MGRM

BINNINGER, JOAN E
114 HERONS NEST LANE
ST. AUGUSTINE, FL 32080

Title MGRM

FOUNTAIN OF YOUTH PROPERTIES, INC.
17 CORDOVA STREET
ST. AUGUSTINE, FL 32084

Title MGR

BINNINGER, STEVEN P
114 HERONS NEST LANE
ST AUGUSTINE, FL 32080

Annual Reports

Report Year	Filed Date
2017	01/25/2017
2018	01/30/2018
2019	02/14/2019

Document Images

02/14/2019 -- ANNUAL REPORT	View image in PDF format
01/30/2018 -- ANNUAL REPORT	View image in PDF format
01/25/2017 -- ANNUAL REPORT	View image in PDF format
02/13/2016 -- ANNUAL REPORT	View image in PDF format
02/09/2015 -- ANNUAL REPORT	View image in PDF format
01/23/2014 -- ANNUAL REPORT	View image in PDF format
02/05/2013 -- ANNUAL REPORT	View image in PDF format
03/13/2012 -- ANNUAL REPORT	View image in PDF format
04/27/2011 -- ANNUAL REPORT	View image in PDF format
02/11/2010 -- ANNUAL REPORT	View image in PDF format
01/19/2009 -- ANNUAL REPORT	View image in PDF format
02/06/2008 -- ANNUAL REPORT	View image in PDF format
02/07/2007 -- ANNUAL REPORT	View image in PDF format
02/27/2006 -- ANNUAL REPORT	View image in PDF format
02/12/2005 -- ANNUAL REPORT	View image in PDF format
03/06/2004 -- ANNUAL REPORT	View image in PDF format
04/03/2003 -- ANNUAL REPORT	View image in PDF format
01/21/2002 -- ANNUAL REPORT	View image in PDF format
04/17/2001 -- Florida Limited Liabilites	View image in PDF format

Tracey Mullins

From: Barb MacGillivray <barbmacg@yahoo.com>
Sent: Monday, June 03, 2019 3:42 PM
To: Tracey Mullins
Cc: Ron MacGillivray
Subject: Information Requested for Stogies - 6 St. George Street. #105

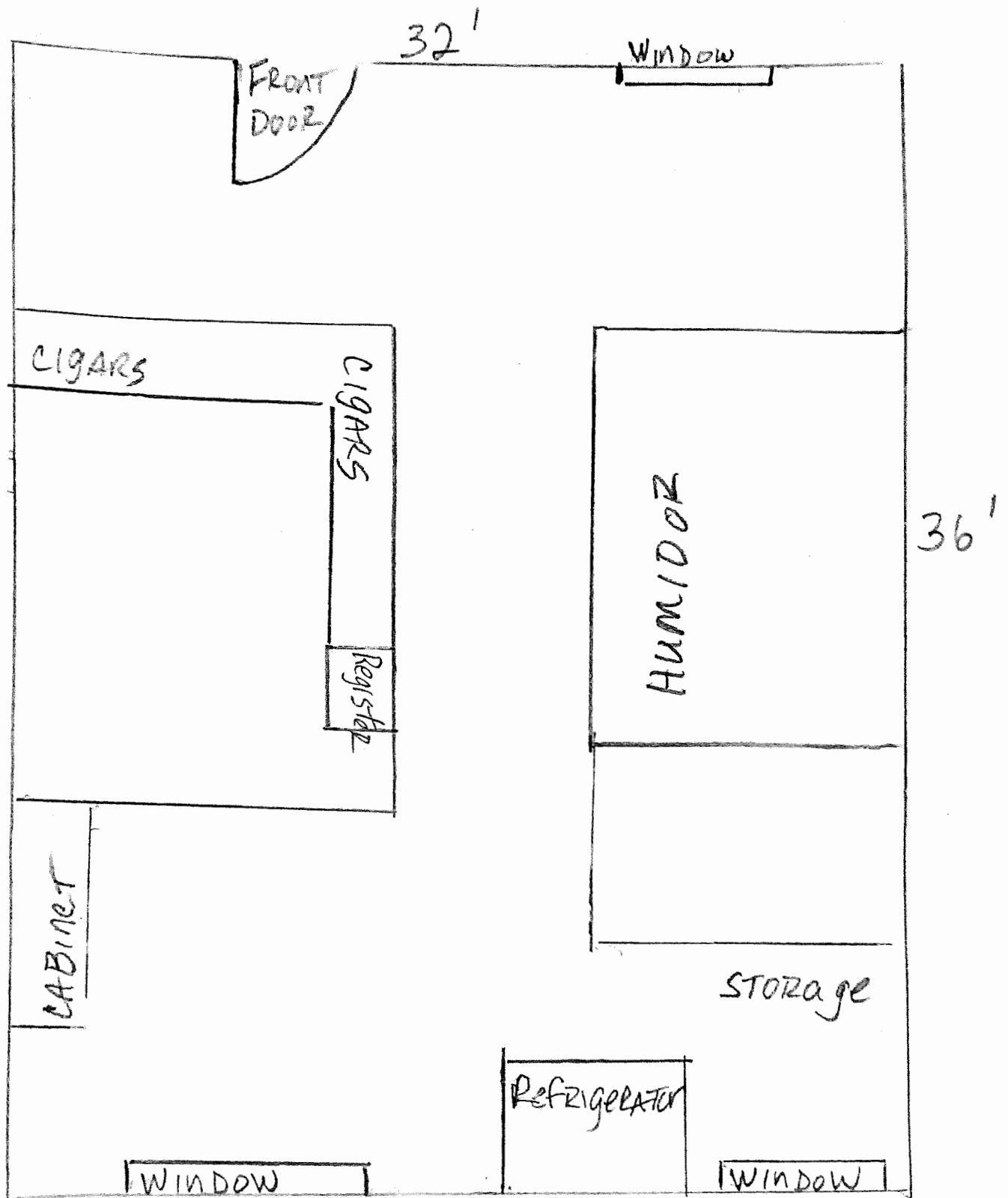
Hi Tracey,

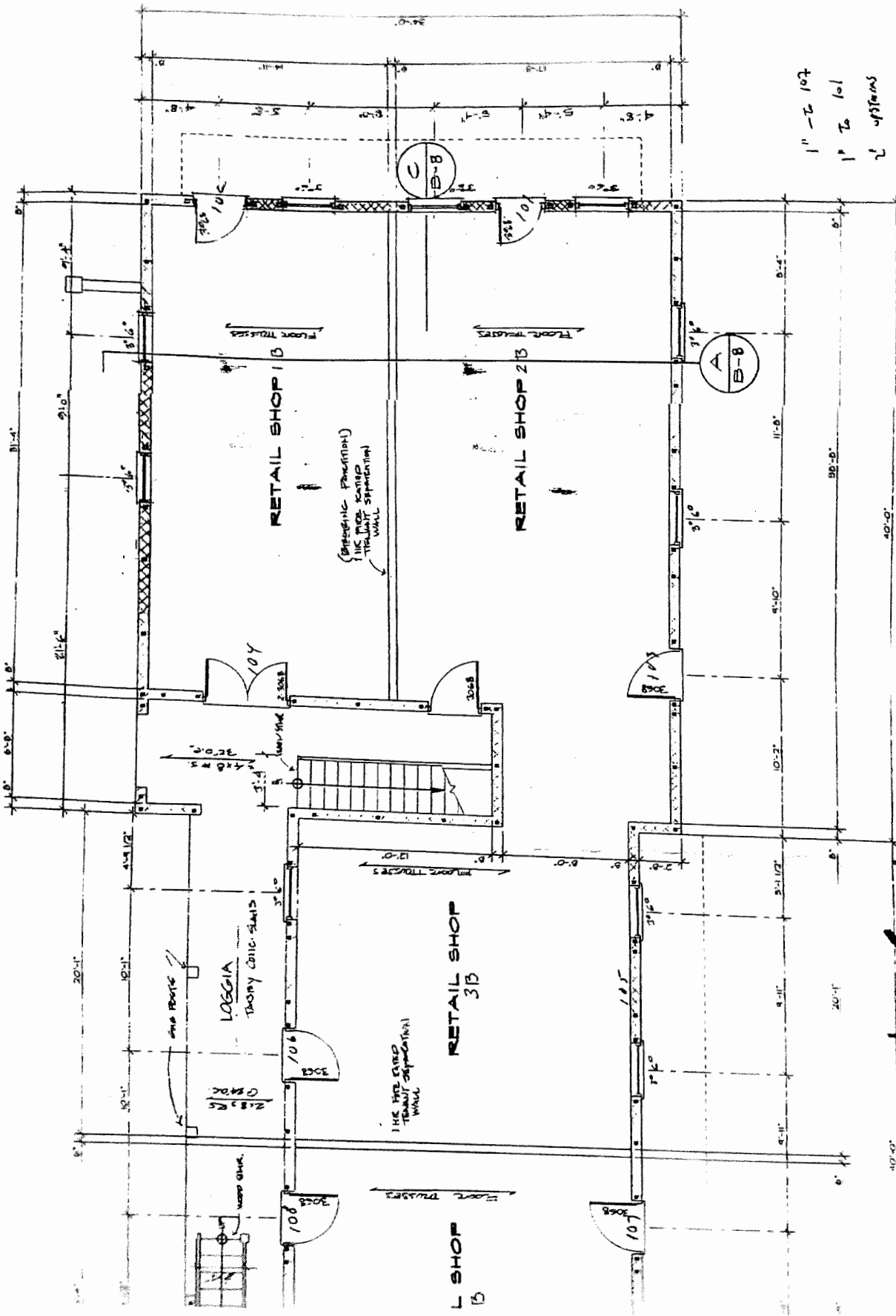
It was nice meeting you today. Here's the information requested on Stogies. We will be keeping the business run the same (and under the same business name) as it was run before. Please let me know if you need further information.

- The hours of operation would be 10 am - 7 pm, daily (Sunday - Saturday)
- There would be no live music or a guitar player there.
- There is no bathroom on the premises. The employees use the bathroom for all businesses in the common area.
- The beer will be sold by the bottle. The wine will be sold in small bottles as well. We will not be pouring the drinks.
- The seating is outside in a common area. There are no seats inside.
- There will be no tabs.

Thank you,
Ron and Barb MacGillivray
Cell: 770-313-9100

Stogies Smoke Shop





SWITCH
101 2 1
101 2 1

24 = 36 1 = 16
2 = 16 30

BUILDING 2 FIRST FLOOR PLAN

FIRST FLOOR	2500 S.F.
SECOND FLOOR	1945 S.F.
THIRD FLOOR	1320 S.F.
TOTAL	5825 S.F.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1972400000
Location Address 2 ST GEORGE ST
Neighborhood SAINT AUGUSTINE 32084-0000
Tax Description* City St Aug ON St George St (COM) (610.07)
 CITY OF ST AUGUSTINE LOTS 1 2 & 3 BLK 11 OR1611/200
**The Description above is not to be used on legal documents.*
Property Use Code Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision City of St Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.370
Homestead N

Owner Information

Owner Name St George Street Investments 100%
Mailing Address 17 CORDOVA ST
 SAINT AUGUSTINE, FL 32084-3618

Map



Valuation Information

	2019
Building Value	\$1,258,951
Extra Features Value	\$21,078
Total Land Value	\$968,760
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$2,248,789
Total Deferred	\$367,436
Assessed Value	\$1,881,353
Total Exemptions	\$0
Taxable Value	\$1,881,353

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
2018	\$1,288,925	\$21,078	\$1,049,490	\$0	\$0	\$2,359,493	\$1,710,321	\$649,172	\$1,710,321
2017	\$1,344,071	\$21,078	\$1,049,490	\$0	\$0	\$2,414,639	\$1,554,837	\$859,802	\$1,554,837
2016	\$1,202,500	\$9,584	\$581,256	\$0	\$0	\$1,793,340	\$1,413,488	\$379,852	\$1,413,488
2015	\$1,216,322	\$10,265	\$524,746	\$0	\$0	\$1,751,333	\$1,284,989	\$466,344	\$1,284,989
2014	\$836,286	\$11,648	\$645,840	\$0	\$0	\$1,493,774	\$1,168,172	\$325,602	\$1,168,172
2013	\$845,579	\$13,030	\$645,840	\$0	\$0	\$1,504,449	\$1,061,975	\$442,474	\$1,061,975
2012	\$557,460	\$14,413	\$393,559	\$0	\$0	\$965,432	\$965,432	\$0	\$965,432
2011	\$565,202	\$15,098	\$435,942	\$0	\$0	\$1,016,242	\$1,016,242	\$0	\$1,016,242
2010	\$572,944	\$16,481	\$484,380	\$0	\$0	\$1,073,805	\$1,073,805	\$0	\$1,073,805

Building Information

Building 4
 Actual Area 7669
 Conditioned Area 6336
 Actual Year Built 2002
 Use Mixed Use (Store/Office/Residential Combo)
 Style 04
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Wood Truss
 Roof Cover Wood Shingle
 Interior Flooring Carpet, Hardtile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	80%
Interior Flooring	Hardtile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	27 FIXTURES	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
CANOPY (COMMERCIAL)	0	126
CANOPY (COMMERCIAL)	0	112
CANOPY (COMMERCIAL)	0	352
CANOPY (COMMERCIAL)	0	250
FINISHED UPPER STORY	2201	2201
FINISHED UPPER STORY	1345	1345
CANOPY (COMMERCIAL)	0	364
BASE AREA	2790	2790
CANOPY (COMMERCIAL)	0	129
Total SqFt	6336	7669

Building 5
 Actual Area 7140
 Conditioned Area 6164
 Actual Year Built 2002
 Use Mixed Use (Store/Office/Residential Combo)
 Style 04
 Class N
 Exterior Wall Concrete Stucco, Wood

Roof Structure Wood Truss
 Roof Cover Wood Shingle
 Interior Flooring Carpet, Hardtile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	50%
Exterior Wall	Wood	50%
Roofing Structure	Wood Truss	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	80%
Interior Flooring	Hardtile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	25 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
CANOPY (COMMERCIAL)	0	303
BASE AREA	2718	2718
CANOPY (COMMERCIAL)	0	150
FINISHED UPPER STORY	1269	1269
CANOPY (COMMERCIAL)	0	60
FINISHED UPPER STORY	2177	2177
CANOPY (COMMERCIAL)	0	303
CANOPY (COMMERCIAL)	0	160
Total SqFt	6164	7140

Building 6
 Actual Area 6996
 Conditioned Area 6242
 Actual Year Built 2002
 Use Mixed Use (Store/Office/Residential Combo)
 Style 04
 Class N
 Exterior Wall Concrete Stucco, Wood

Roof Structure Wood Truss
 Roof Cover Wood Shingle
 Interior Flooring Carpet, Hardtile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	50%
Exterior Wall	Wood	50%
Roofing Structure	Wood Truss	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	80%
Interior Flooring	Hardtile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	25 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	2641	2641
CANOPY (COMMERCIAL)	0	377
FINISHED UPPER STORY	2071	2071
CANOPY (COMMERCIAL)	0	377
FINISHED UPPER STORY	1530	1530
Total SqFt	6242	6996

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	64
Pole Light	0	0	0	0	13
Wood Fence	0	0	0	0	70
Brick Pavers (1001-3000)	0	0	0	0	2647
Fountain (Good)	0	0	0	0	1

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	47	105	4935	SF	\$296,100
Mixed Use (Store/Office/Residential Combo)	101	111	11211	SF	\$672,660

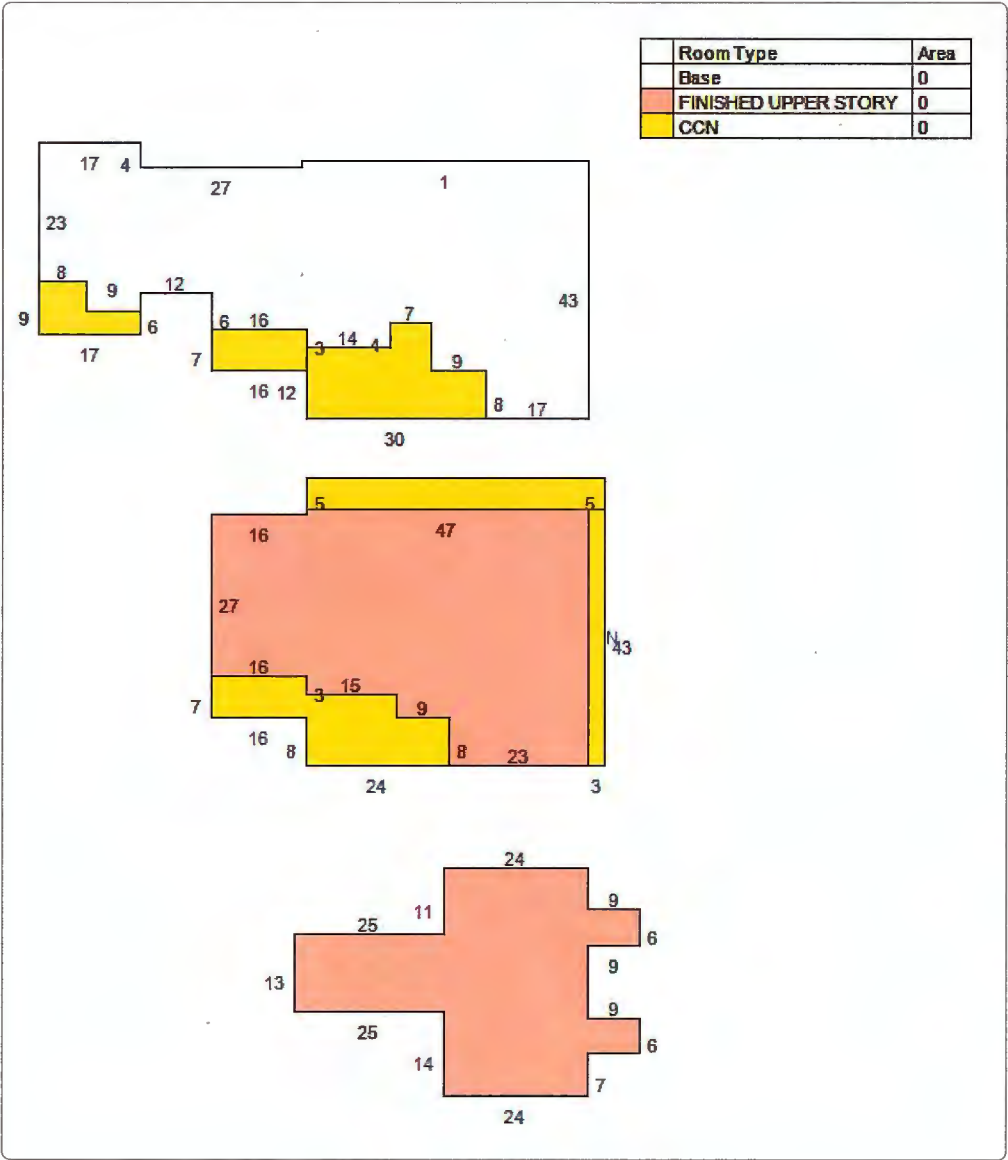
Sale Information

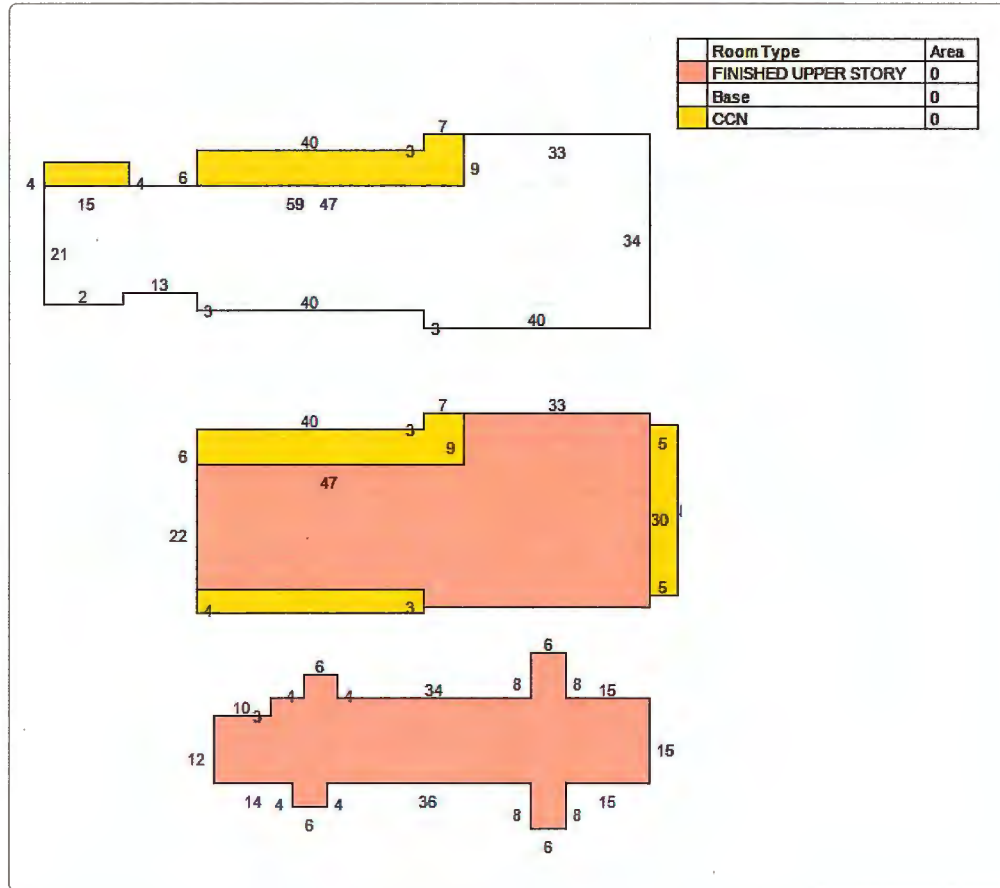
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/17/2001	4/17/2001	\$450,000.00	WD	1611	200	U	I	FRASER JOHN W ETAL	ST GEORGE STREET INVESTMENTS LLC
4/13/2001	4/13/2001	\$229,500.00	WD	1593	627	U	I	FRASER JOHN R (HIS 51% INT)	FRASER JOHN W, BINNINGER JOAN, FOUNTAIN OF YOUTH
2/7/1995		\$0.00	FJ	1095	1086	U	I	FRASER JOHN R &	FRASER JOHN R
1/7/1995	1/7/1995	\$697,000.00	WD	1358	963	U	I	FRASER JOAN S	FRASER JOHN R
12/1/1988		\$0.00		805	428	U	I		FRASER JOHN R &
1/1/1977	1/1/1977	\$70,000.00		359	47	U	V		
1/1/1977	1/1/1977	\$70,000.00		354	447	U	V		

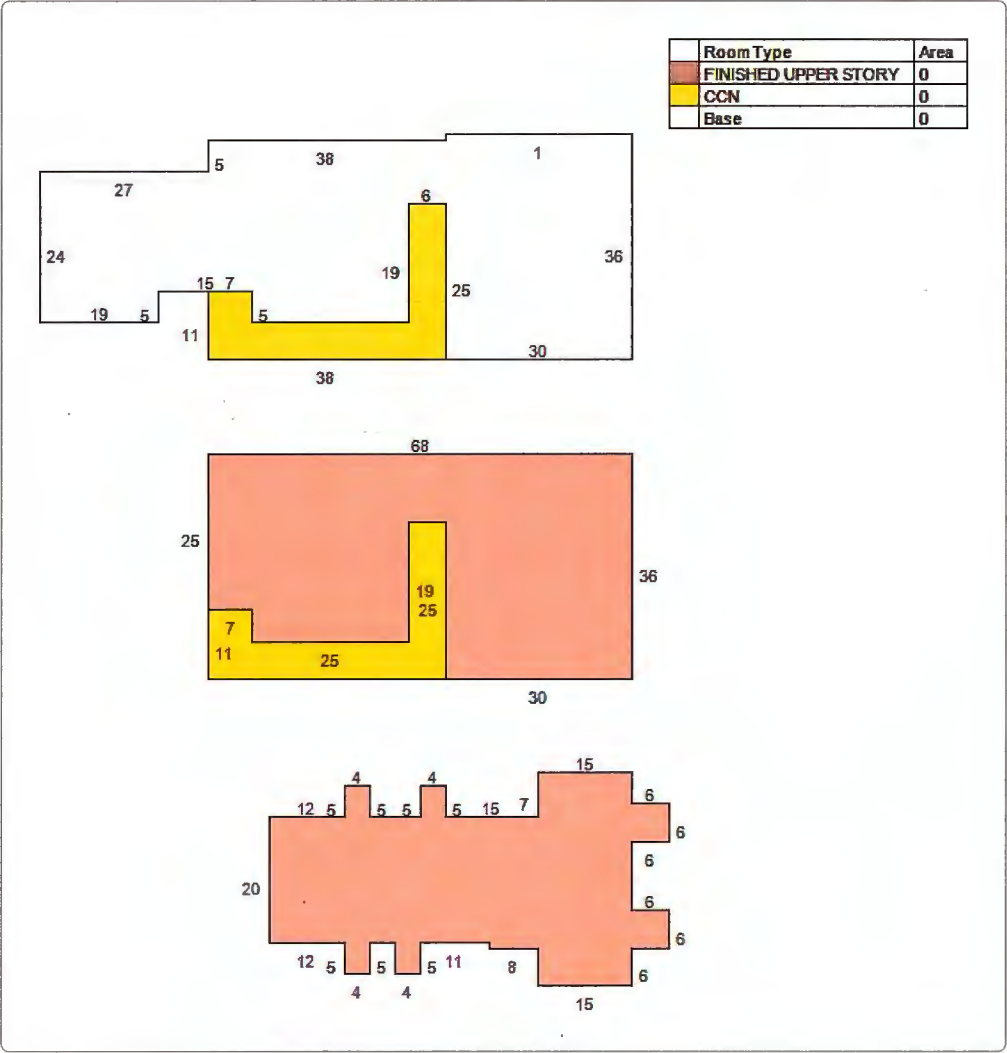
Area Sales Report

Recent Sales in Area

Sketch Information







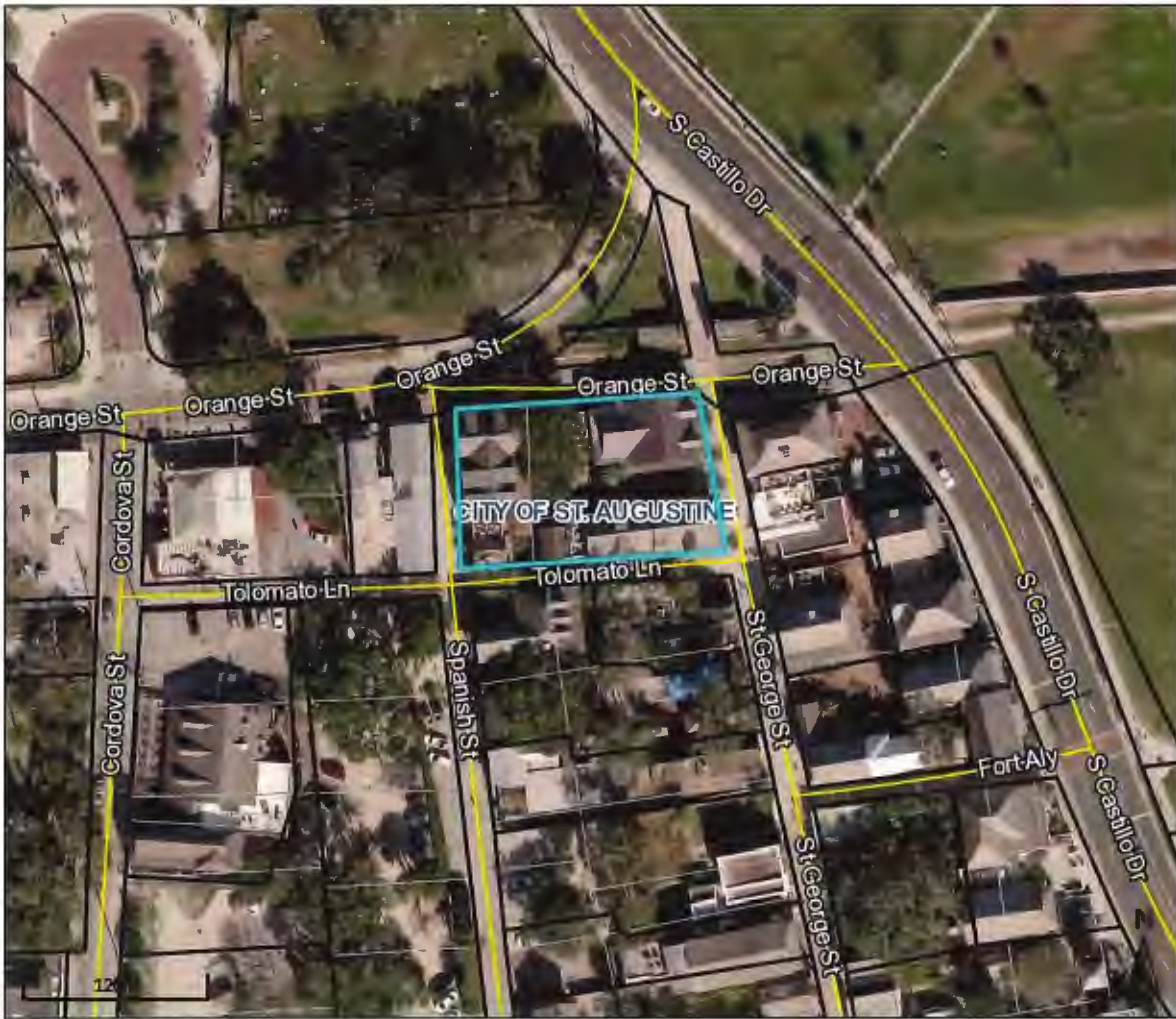
No data available for the following modules: Exemption Information.

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.

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Version 2.2.22



Overview



Legend

- Parcels
- Cities

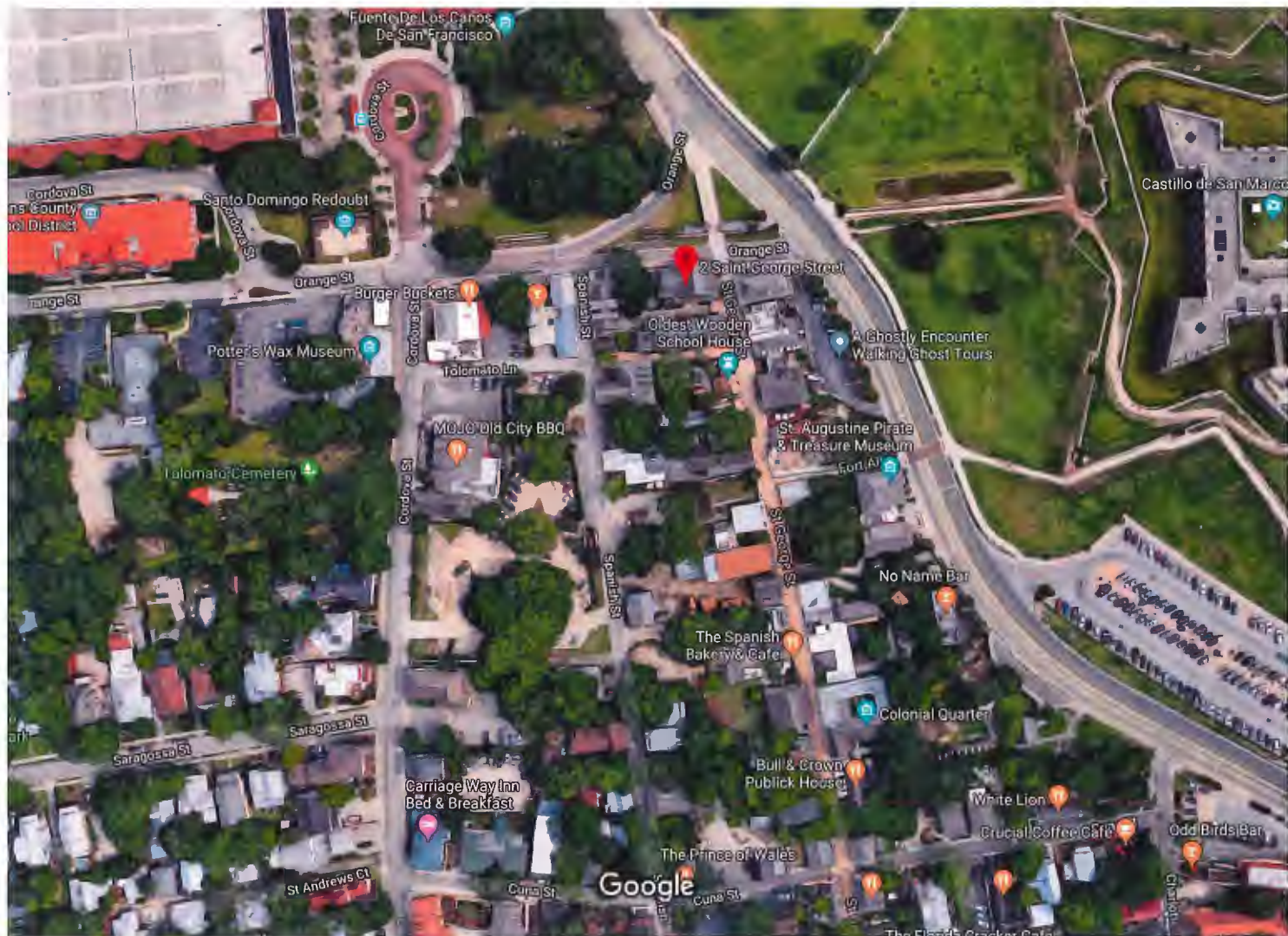
Parcel ID	1972400000	Physical Address	2 ST GEORGE ST	Building Value	\$1,258,950	Last 2 Sales			
Property Class	1200 - Mixed Use (Store/Office/Residential Combo)	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$21,078	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	ST GEORGE STREET INVESTMENTS			4/17/2001	\$450000	11	U
Acres	0.37		17 CORDOVA ST			4/13/2001	\$229500	11	U
			SAINT AUGUSTINE FL 32084-3618	Total Land Value	\$968,760				
				Just Value	\$2,248,790				
				Total	\$367,436				
				Deferred Assessed Value	\$1,881,350				
				Total	N/A				
				Exemptions					
				Taxable Value	\$1,881,350				

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: 6/3/2019
Last Data Uploaded: 5/31/2019 11:00:44 PM

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GEOSPATIAL

Google Maps 2 St George St



Imagery ©2019 Google, Map data ©2019 Google 100 ft



2 St George St
St. Augustine, FL 32084

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share

David Birchim

From: Don Crichlow <crichlow@comcast.net>
Sent: Friday, June 21, 2019 10:33 AM
To: David Birchim
Subject: 39 Water St.

David, due to certain issues that have come to light, I am requesting that the PZB application for 39 Water St., scheduled for the July 2 meeting, be continued to the August 6 meeting. I will revise the application and resubmit. Thanks, Don Crichlow

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: July 2, 2019

RE: **VARIANCE #2019-0068**

AGENDA ITEM 5(b)

APPLICANT Edward Bowman

OWNER Edward Bowman

LOCATION **21 Miruela Avenue**

REQUEST To approve a variance to decrease the minimum side yard building setback for a proposed workshop with a covered patio.

PLANS DATED June 4, 2019

LAND USE Residential Low Density
ZONING Residential Single Family one (RS-1)
SURROUNDING USES Residential

Side Yard Building Setback (Minimum) 15 feet

Side Yard Building Setback (Proposed) 5 feet

Lot Area	11,761 square feet
Building Area (Existing)	2,472 square feet
Building Area (Proposed)	2,940 square feet
Lot Coverage (Maximum Allowed)	25%
Lot Coverage (Existing)	21.4%
Lot Coverage (Proposed)	24.9%

Plan review indicates that the applicant would like to build a 306 square foot workshop onto the back of a garage, with a 162 square foot open cooking area (covered patio) on the west side of the workshop. The workshop/cooking area addition is approximately 5 feet from the side property line.

APPLICABLE CODES/ORDINANCES

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.

(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. 28-161. Residential, single-family-one: RS-1.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses, so as to create and maintain a stable low intensity residential character.

- (1) Permitted uses and structures. Single-family dwelling; home office, private.
- (2) Permitted accessory uses and structures. See section 28-348.
- (3) Permissible uses by exception. See section 28-347.
- (4) Minimum lot requirements (width and area):
 - a. Minimum lot width, seventy-five (75) feet.
 - b. Minimum lot area, one-quarter acre (10,890 square feet).
- (5) Maximum lot coverage by all buildings and structures. Twenty-five (25) percent.
- (6) Minimum yard requirements:
 - a. Front, twenty (20) feet minimum.
 - b. Side, fifteen (15) feet minimum.
 - c. Rear, twenty (20) feet minimum.
- (7) Maximum height of structures. Thirty-five (35) feet.

STAFF SUMMARY AND ANALYSIS

This property was granted a side yard setback variance to build a garage 6 feet 8 inches from the side property line on February 3, 1998 based on the irregular shape of the lot and the location of the existing home on the property.

At that hearing, the board determined that the property owners could not make reasonable use of the property because of this disadvantage and they further determined that the disadvantage was not created by the owner and granting the variance was not contrary to the public interest because accessory structures (detached) can be located within 3 feet of a side property line. (see attached order)

This application is an addition to the same garage that a previous board granted a setback variance for and the criteria for establishing a hardship and granting a variance has not changed.

Staff agrees with the analysis made by the PZB in 1998 and believes the same analysis can be applied to this application and the board can reach the same conclusion.

STAFF RECOMMENDATION

Based on a review of Section 28-2 and 28-29 and PZB Case 98-0028, staff finds that the board can APPROVE a variance to reduce the side yard building setback for a workshop and covered patio at 21 Miruela Avenue as submitted.

A handwritten signature in blue ink that reads "David Birchm".

David Birchm, AICP
Director, Planning and Building

This instrument was prepared under the supervision
and direction of James P. Wilson, City Attorney, P.O.
Drawer 210, St. Augustine, FL, 32085

BEFORE THE PLANNING
AND ZONING BOARD

FOR THE

CITY OF ST. AUGUSTINE, FLORIDA

ORDER APPROVING VARIANCE

CASE NO. 98-0028

IN THE MATTER OF:
LEN WEEKS, Applicant
MR. & MRS. DAVID GREEN, Owners

RE: VARIANCE OF CITY CODE
SECTION(S): 28-161(6)b

DESCRIPTION OF VARIANCE:

To reduce the size of a required side
setback to construct a garage.

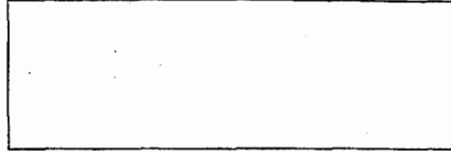
ADDRESS: 21 Miruela Avenue

LEGAL DESCRIPTION: See Attached Exhibit "A"

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED
EVIDENCE AT A PUBLIC HEARING HELD FEBRUARY 3, 1998, AND BASED ON THE
EVIDENCE, THE PLANNING AND ZONING 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 following applicant(s) was present at the February 3, 1998, Planning and Zoning Board meeting and testified under oath:

Len Weeks, Applicant

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 current land use designation of Residential Low Density, and a current zoning classification of Residential Single Family-One (RS-1).
4. The above-described variance is a variance from Sections 28-161(6)b of the Code of the City of St. Augustine.

ORDER

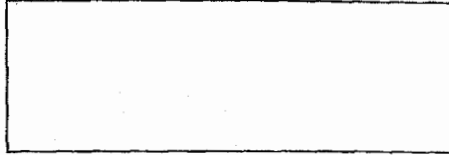
1. Section 28-29(b)(1) of the City Code states that: The Board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted. The Board hereby finds that:

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, to-wit:

The property suffers a disadvantage because of the size, pie shape and the current location of the existing structure. The side yard area is greatly reduced by the existing structure.

b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property, to-wit:

Because of the shape, the property owners cannot reasonably place a garage on other parts of the lot.



c. This disadvantage does not exist because of conditions created by the owner or applicant, to-wit:

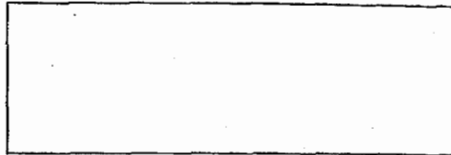
The current property owners purchased the property as existing.

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 the Code of the City of St. Augustine, to-wit:

No conflict is created since an accessory structure may be located within three (3) feet of said property line. All six (6) written responses received from the neighbors were in favor of the application.

2. Therefore, the variance to section(s) of the Code of the City of St. Augustine is hereby granted, as follows:

To allow a 6'8" side yard setback from the required 15 ft. to construct an attached garage and porch.



DONE AND ORDERED, this 3rd day of February, A.D., 1998, in an open session at the City Commission Meeting Room, 75 King Street, St. Augustine, Florida.

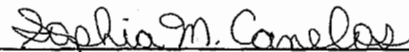
VARIANCE REQUEST APPROVED.

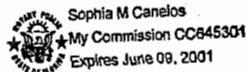

GERALD DIXON, CHAIRPERSON
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

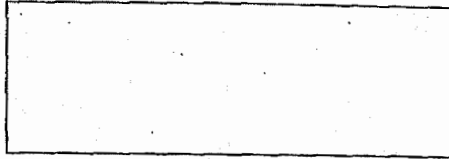
STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Gerald Dixon, personally known to me, and who is the person 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 11th day of February, A.D., 1998.


Notary Public, State of Florida





Legal Description - 21 Miruela Avenue

Lot 17 and 18, Block 6, Davis Shores Subdivision according to plat recorded in Map Book 3, Page 97, Public Records of St. Johns County, Florida.



06/24/2019 13:42

NOTICE
A REALTY PARTNER HAS BEEN
IDENTIFIED FOR THE
PROPERTY AND IS AVAILABLE FOR
A TOUR OF THE PROPERTY
OR FOR MORE INFORMATION
CALL 118-888-8888

06/24/2019 13:42



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350.00 (plus advertising costs) Project Number: 2019-0068
Receipt Number: 1626083 Meeting Date: July 2, 2019
Advertising Costs: \$ 100.39 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: EDWARD BOWMAN Contact Number: (561) 352-0408
Business (if applicable): _____
Address: 21 MIRUELA AVE City: ST. AUGUSTINE State: FL Zip: 32080
E-Mail Address: EDBOWMAN52@gmail.com

2. NAME OF PROPERTY OWNER: SAME 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: 21 MIRUELA AVE

5. SPECIFIC PROPOSED USE: WORK SHOP / COVERED PATIO

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____

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JUN 04 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHED

8. JUSTIFICATION FOR ACTION REQUESTED: 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: SEE ATTACHED
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: SEE ATTACHED
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: SEE ATTACHED
- (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: SEE ATTACHED

10. PREVIOUS APPLICATIONS:

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.

Edward Bowmar
Signature of Applicant

5/30/19
Date

Edward Bowmar
Signature of Property Owner

5/30/19
Date

City of St Augustine

Application to Planning and Zoning Board

7. Description of Action Requested: Attach a combination work shop/open patio cook area to the back of the existing garage. The new structure will be concrete block to match the existing structure and painted the same color as the existing house and garage. The roofline will conform to the same pitch and height as the existing garage. Under the current code an attached structure should be 15 feet from the property line, I'm asking for a variance from this code.

8. Justification for action requested: This will provide me with a dedicated work shop to pursue my retirement hobbies of wood working, carpentry projects and antique motorcycle restoration. Additionally I will have a covered area to grill dinners and not have to stand in the rain with an umbrella.

9. (a) No

(b) No

(c) No

(d) Adding the work shop will in no way adversely affect surrounding property values. It will increase the value of our property and therefore positively affect the surrounding property. Again, the new structure will be concrete block to match the existing structure and painted the same color as the existing house and garage. The roofline will conform to the same pitch and height as the existing garage.

The work shop will blend in with the existing structure and look very nice.

Additionally, no cedar trees will need to be removed.

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Planning/Zoning Dept.



**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.

Edward Bowmar

Print name of applicant

Edward Bowmar

Signature of applicant

5/30/19

Date

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Planning/Building Dept.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID	2150800000
Location Address	21 MIRUELA AVE SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores North (589.01)
Tax Description*	3-97 DAVIS SHORES LOTS 17 & 18 BLK 6 OR3989/1265(TR/D) *The Description above is not to be used on legal documents.
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.270
Homestead	Y

Owner Information

Owner Name	Bowman Edward S, Mary F 100% Bowman Mary F 100%
Mailing Address	21 MIRUELA AVE SAINT AUGUSTINE, FL 32080-3863

Map



Valuation Information

	2019
Building Value	\$126,392
Extra Features Value	\$0
Total Land Value	\$178,087
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$304,479
Total Deferred	\$68,340
Assessed Value	\$236,139
Total Exemptions	\$50,000
Taxable Value	\$186,139

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
2018	\$121,246	\$0	\$168,714	\$0	\$0	\$289,960	\$231,736	\$108,224	\$181,736
2017	\$124,613	\$0	\$152,311	\$0	\$0	\$276,924	\$226,970	\$99,954	\$176,970
2016	\$126,298	\$0	\$152,311	\$0	\$0	\$278,609	\$222,302	\$106,307	\$172,302
2015	\$121,974	\$0	\$117,162	\$0	\$0	\$239,136	\$123,594	\$165,542	\$73,594
2014	\$118,126	\$0	\$98,416	\$0	\$0	\$216,542	\$122,613	\$143,929	\$72,613
2013	\$119,790	\$0	\$79,670	\$0	\$0	\$199,460	\$120,801	\$128,659	\$70,801
2012	\$123,118	\$0	\$70,227	\$0	\$0	\$193,345	\$118,782	\$124,563	\$68,782
2011	\$124,782	\$0	\$78,030	\$0	\$0	\$202,812	\$115,322	\$137,490	\$65,322
2010	\$126,445	\$0	\$86,700	\$0	\$0	\$213,145	\$113,618	\$149,527	\$63,618

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2750	Roof Cover	Composite Shingle
Conditioned Area	2046	Interior Flooring	Pine Wood
Actual Year Built	1960	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Block	Baths	2

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1469	1469
FINISHED GARAGE	0	604
FRAME ADDITION	222	222
MASONRY ADDITION	355	355
FINISHED OPEN PORCH	0	100
Total SqFt	2046	2750

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	91	133	91	EF	\$178,087

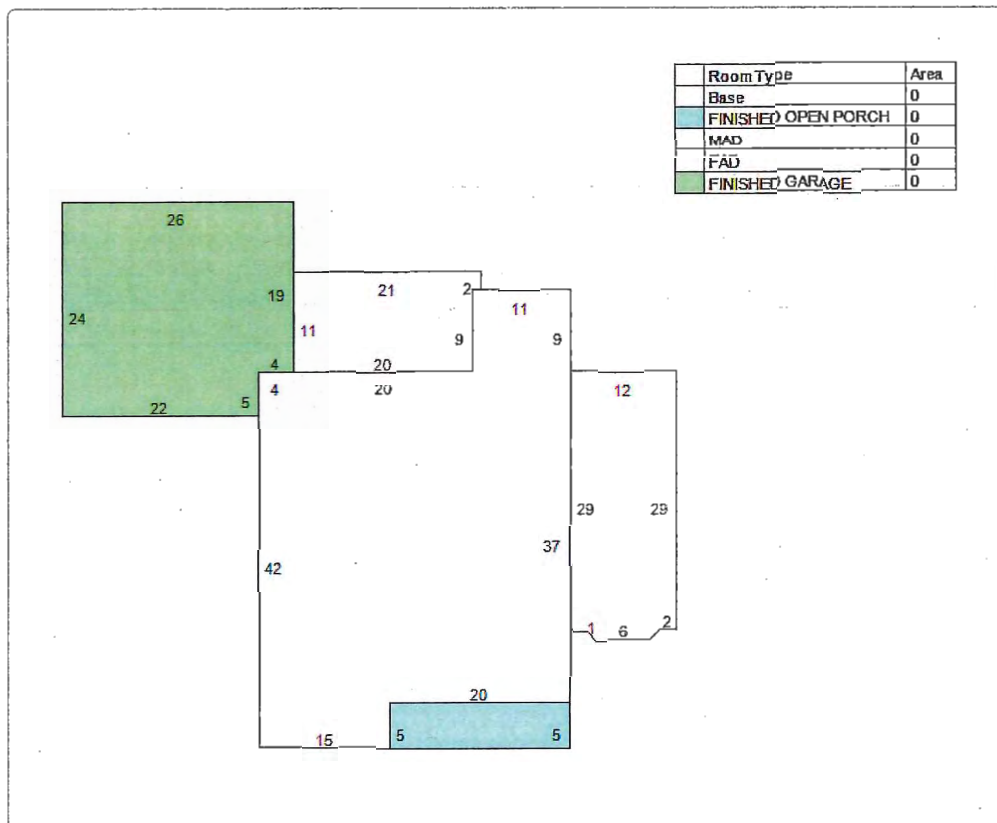
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/19/2015	2/16/2015	\$290,000.00	WD	3989	1265	Q		GREEN MASTER TRUST	BOWMAN EDWARD S, MARY F
2/19/2015	12/20/2014	\$0.00	DC	3989	1256	U		GREEN MARY REBECCA (DECD)	GREEN MARY REBECCA (DECD)
2/19/2015	12/13/2014	\$0.00	DC	3989	1255	U		GREEN DAVID BENJAMIN JR (DECD)	GREEN DAVID BENJAMIN JR (DECD)
	11/28/1995	\$100.00	WD	1141	1072	U		GREEN DAVID B, REBECCA W	GREEN DAVID B
	5/1/1984	\$54,500.00		647	1068	Q			GREEN DAVID B, REBECCA W

Area Sales Report

Recent Sales in Area

Sketch Information



No data available for the following modules: Extra Feature 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.

Las: Data Upload: 6/4/2019, 12:01:17 AM

Version 2.2.22

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Schneider
GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	2150800000	Physical Address	21 MIRUELA AVE	Building Value	\$126,392	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	BOWMAN EDWARDS, MARY F			2/16/2015	\$290000	01	Q
Acres	0.27		21 MIRUELA AVE			5/1/1984	\$54500	01	Q
			SAINT AUGUSTINE FL 32080-3863	Total Land Value	\$178,087				
			3863 BOWMAN MARY F	Just Value	\$304,479				
			21 MIRUELA AVE	Total	\$68,340				
			SAINT AUGUSTINE FL 32080-3863	Deferred Assessed Value	\$236,139				
				Total	\$50,000				
				Exemptions Taxable Value	\$186,139				

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: 6/4/2019

Last Data Uploaded: 6/4/2019 12:01:17 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 21 Miruela Ave



Imagery ©2019 Google, Map data ©2019 100 ft



21 Miruela Ave

St. Augustine, FL 32080



Directions



Save

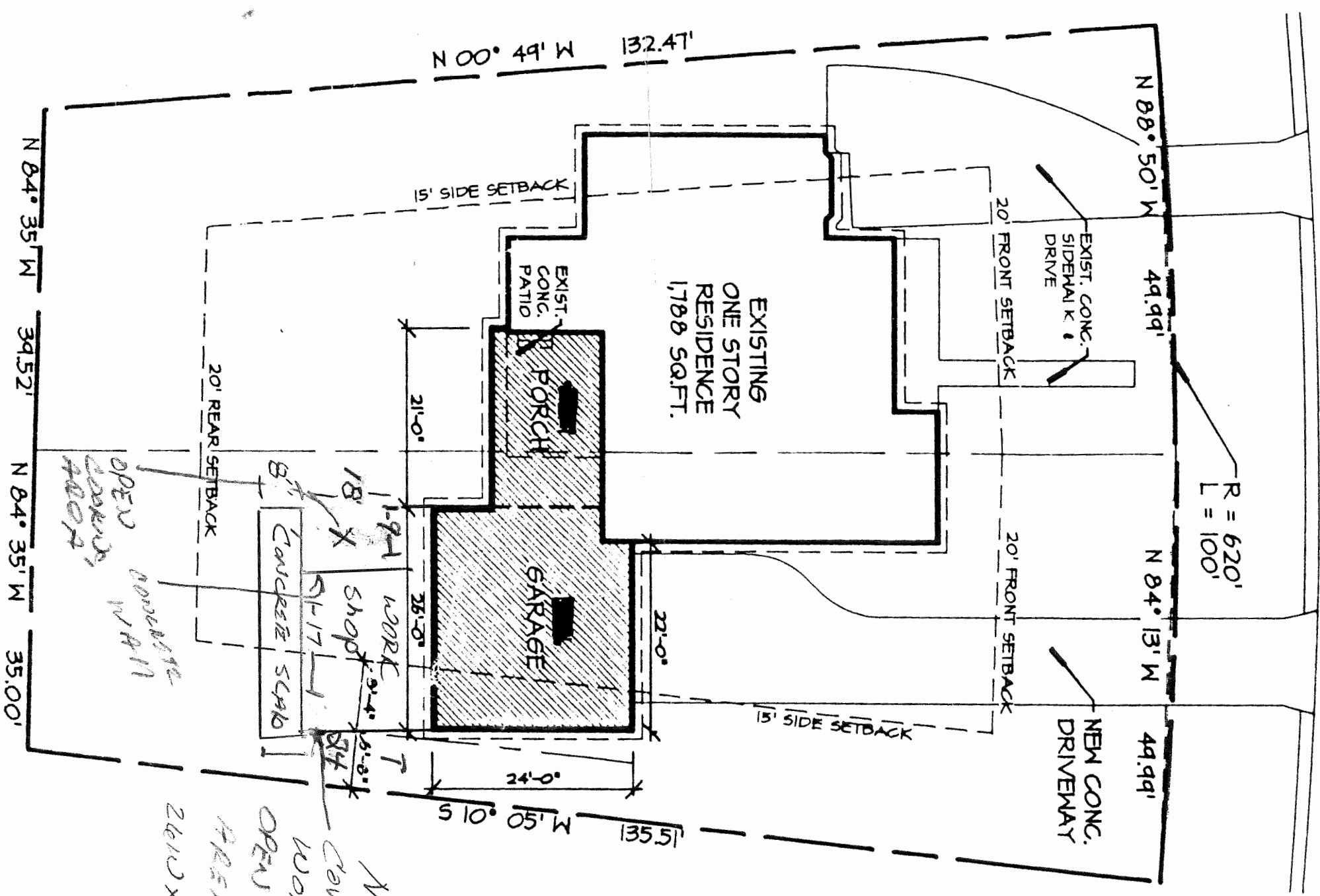


Nearby

Send to your
phone

Share

(60' RIGHT OF WAY)



NEW
COVERED
WORK SHOP
OPEN COOKING
AREA.
26'0" X 18'0"

OPEN
COOKING
AREA
11' X 11'

RECEIVED
JUN 04 2019
Planning/Building Dept.

David Birchim

From: Kanti Patel <kanti.patel@jalaramhotels.com>
Sent: Monday, June 24, 2019 11:24 AM
To: David Birchim
Subject: pzb meeting

David, I would like to move pzb meeting in October 2019

Kanti Patel
CEO
Jalaram Hotels Inc.
32 Aveinda Menendez Ave.
St. Augstine, FL 32084
904-826-5504 (C) 904-829-2627 (O)
[www.jalaramhotels.com](<http://www.jalaramhotels.com>)

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING ARTICLE I, SECTION 28-2 TO INCLUDE DEFINITIONS FOR AIRCRAFT AND PUBLIC AIRPORT; AMENDING ARTICLE III, DIVISION 6, SECTION 28-246 TO ALLOW PUBLIC AIRPORT AS A PERMITTED USE BY EXCEPTION IN OPEN LANDS DISTRICTS; CREATING ARTICLE IV, DIVISION I, SECTION 28-355 TO ESTABLISH ZONING LIMITATIONS FOR AIRPORTS AND AIRCRAFT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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, the City of St. Augustine has implemented district zoning regulations in order to the protect the public health, safety, and general welfare of the city; and,

WHEREAS, pursuant to Florida Statutes 330.36(2), a municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality; and

WHEREAS, Section 3.02 the Charter of the City of St. Augustine provides the City Commission with the authority to license and regulate all and every manner and kind of air vessels operated over the city; and to stipulate the height at, and the manner in which said air vessels may be operated above the area included in the city limits; and

WHEREAS, the City limits of the City of St. Augustine measure 12.74 square miles in area and there are 42 National Historic Landmarks designated by the National Register of Historic Places located within the City limits; and

WHEREAS, there are approximately 3.70 miles of waterway between the Mickler-O'Connell Bridge at State Road 312 and the Francis and Mary Usina Bridge at Vilano and located within this limited area are 84 privately owned docks and marinas, in addition to the City of St. Augustine Marina and mooring field; and

WHEREAS, more than 6.3 million tourists traveled to St. Johns County 2017, according to statistics provided by the St. Johns County Tourist Development Council, and 99% percent of tourists surveyed visited and walked through the historic sites of the City of St. Augustine; and

WHEREAS, the City's numerous historical landmarks, including the Castillo de San Marcos located just 85.5 feet from the Matanzas River, its heavily congested waterways, high volume of tourists, as well as its citizens are all vulnerable to damage or injury in the event of a crash or other malfunction during an airplane or seaplane takeoff or landing; and

WHEREAS, the Northeast Florida Regional Airport, originally owned by the City and transferred to the St. Augustine/St. Johns County Airport Authority by way of deed in 1965, is located approximately 4.22 miles north of the Francis and Mary Usina Bridge at Vilano and is a permitted public airport with safety equipment and an air traffic control tower that is available for use by both corporate and private aircraft, including a designated seaplane ramp; and

WHEREAS, after review the Planning and Zoning Board recommended approval of this ordinance at its July 2, 2019 regular meeting; 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 FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 28-2. Definitions.

...

Aircraft means any machine supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces and piloted from within the aircraft, including airplanes, seaplanes, helicopters, gyroplanes, gyrocopters, gliders, and hot air balloons.

...

Public Airport means a tract of land or water with facilities for the landing and takeoff of aircraft, as well as related ancillary shelter, supply and repair of aircraft, permitted

under state and federal law as an airport for public use. This definition does not include facilities used primarily for the manufacturing of aircraft, which are allowed under zoning districts for manufacturing and industrial uses.

...

Section 2. Amendment to Chapter 28, Article III, Division 6, Section 28-246. Chapter 28, Article III, Division 6, Section 28-246 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 28-246. - Open lands district: OL.

...

(3) Permitted uses by exception:

- a. See section 28-347.
- b. Radio or television broadcasting office, studio, transmitter, antenna and line-of-sight relay device.
- c. Racetrack for vehicles or animals.
- d. Animal hospital, veterinary clinic, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within two hundred (200) feet of any residence.
- e. Caretaker residence.
- f. Commercial hunting or fishing camp.
- g. Mobile home on individual lots provided that no subdivision plat shall be recorded for such use in this district.
- h. Restaurant and refreshment stand (but not drive-in).
- i. Public Airport, if not GU zoning.
- j. Not-for-profit clubs.
- k. Travel trailer park.
- l. Sale of antiques, gift, souvenir and craft shops.

...

Section 3. Creation of Chapter 28, Article IV, Division I, Section 28-355. Chapter 28, Article IV, Division I, Section 28-355 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-355. Zoning limitation of Airports and Aircraft.

Other than at lawfully permitted public airports in OL or GU zoning districts, no zoning district in the City allows for the construction, operation, or maintenance of an airport. Take off or landing an aircraft is limited to public airports in the allowable zoning districts. Emergency landings or take offs in support of the military, law enforcement, or medical teams is allowed in all zoning districts. Marinas or dock uses do not include seaplane take off and landing in that use.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-2, Section 28-246, and Section 28-355 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)