CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
November 7, 2023

The Planning and Zoning Board met in formal session Tuesday, November 7, 2023, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Charles Pappas, Chairperson and the following were present:

1. Roll Call:

Charles Pappas, Chairperson
Christina Tucker, Vice- Chairperson
Mike Davis
Jon DePreter
Carl Blow
Matthew Shaffer
Ashleigh Barnes

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building Planner
Kelly Trainor, Assistant City Attorney
Jamie D. Perkins, Manager, Neighborhood Services & Community Redevelopment Agency
Michele Fudo, Recording Secretary

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2. General Public hearings for Items Not on the Agenda

(none)

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVE the September 5, 2023, minutes as presented. The motion was SECONDED by Mr. DePreter.
Motion PASSED by UNANIMOUS voice vote.

Mr. DePreter MOVED to APPROVE the September 19, 2023, minutes as presented. The motion was SECONDED by Mr. Blow.
Motion PASSED by UNANIMOUS voice vote.

Mr. Davis MOVED to APPROVE the October 3, 2023, minutes as presented. The motion was SECONDED by Ms. Tucker.
Motion PASSED by UNANIMOUS voice vote.

4. Modification and Approval of Agenda

(none)

5. Appeal of a Staff Determination and Variance

5. (a) 2023-0088 – James G. Whitehouse, Esq. – Applicant c/o St. Johns Law Group Ryan Rice – Owner c/o Ryan Rice Industries, LLC 111 Colon Avenue

To appeal staff's determination that an accessory dwelling unit is not an allowed use at this location within the Residential Single-Family-One (RS-1) zoning district. To approve a variance to reduce the side and rear setback requirements for an accessory structure including a guesthouse.

Mr. Fredrikkson read the staff report and said based on a review of Section 28-29 staff finds that the Board may APPROVE a variance request to decrease the side and rear setback requirements from 15' to 1' and 20' to 1' respectively on a property for a guesthouse accessory structure within a property with a Residential Single-Family-One: RS-1 zoning designation at 111 Colon Avenue.

Mr. Whitehouse reviewed the application.

The board provided their ex parte communication.

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

Public hearing was opened.

Steve Petersen noticed a trend in the city that properties were being rented out by the day. He said he had contacted Code Enforcement several times and nothing had been done. He was concerned that the neighborhood was being degraded. He added that the Board was in place to protect the community and work with code enforcement.

BJ Kalaidi wanted to clarify who owned the property when an application was filed with Planning and Zoning in April of 2019. She pointed out that the work on the accessory building had not been permitted. She asked the Board to deny the appeal and the variance.

Public hearing was closed.

Mr. Whitehouse presented his rebuttal.

The Board discussed:
Mr. Shaffer asked if just the appeal was under consideration.

Ms. Skinner advised the Board that Planning and Zoning did not consider the accessory structure a second dwelling unit. She said that the additional structure could be used as a guest house but could not have a kitchen or exceed five-hundred square feet. She said the variance would allow for the structure to be within the setbacks.

Board discussion continued:

- Supported the City staff recommendation
- There were no drawings for the second structure
- Certificate of completion recognized the work was done but did not determine compliance
- The Zoning Department did not review the application initially
- It appeared that there were no mistakes made from the standpoint of the City

Ms. Tucker questioned the purpose of the second structure and if the Board denied the appeal what the structure would become.

Mr. Fredrikkson advised the structure would be used as a storage building.

Mr. Whitehouse felt that there was sufficient evidence to allow the building to remain and be used as a guest house.

The Board continued:

- Not enough evidence to show the building was previously used as an additional dwelling unit
- There was no basis for approval as an accessory building
- If variance was approved footprint of structure would have to be reduced and kitchen removed

MOTION

Mr. DePreter MOVED to support the staff recommendation for 2023-0088 to DENY the appeal for the accessory structure and APPROVE the variance for the structure as it meets compliance as a guest house. The motion was SECONDED by Mr. Shaffer

VOTE ON MOTION:

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

6. Variance

6. (a) 2023-0085 – Thomas "Nick" Lee – Applicant c/o T.N. Lee Services, LLC Gary Northrup – Owner c/o Komorebi Bonsai Garden 550 West King Street

To reduce the building size and required glazing amount required under the King Street Design Standards for Entry Corridors for the proposed building within the King Street Entry Corridor.

Nick Lee reviewed the application.

The Board provided their ex parte communication.

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

Public Hearing was opened.

BJ Kalaidi wanted to know if a wall would be built next to the building.

Public hearing was closed.

Mr. Lee advised the Board that the Corridor Review Committee (CRC) had suggested a masonry knee wall be placed on the property to increase the building frontage. He said that no wall had been included in the plans and the CRC had approved the plan.

The Board discussed:

- The application met the criteria for the variance
- CRC had already approved the application
- Property had some disadvantages, irregular shaped lot, drainage ditch, parking
- Applicant had made an effort to increase frontage by adding a sign
- Reduced glazing was acceptable

MOTION

Mr. Davis MOVED to APPROVE variance 2023-0085 at 550 West King Street to reduce the building size and required glazing amount required under the King Street Design Standards for Entry Corridors for the proposed building within the King Street Entry Corridor. The motion was SECONDED by Mr. Blow.

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

6. (b) 2023-0089 – Shane Jackson – Applicant and Owner 75 Dr. Martin Luther King Jr. Avenue PID# 207310-0000

To approve a variance to the maximum height of a fence on the perimeter of the property in the front yard within the Residential Single-Family-Two (RS-2) zoning district.

Mr. Fredrikkson read the staff report and said based on a review of Section 28-29 staff finds that the Board can DENY a variance request to increase the allowed height of a fence on the perimeter of the property and within the front yard of a property with a Residential Single- Family-Two: RS-2 zoning designation at 75 Dr. Martin Luther King Jr. Avenue.

Shane Jackson reviewed the application.

The Board provided their Ex Parte Communication:

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

Mr. Pappas asked for clarification of the maximum height allowed for the fence.

Mr. Fredrikkson advised that the applicant was allowed a maximum height of eight feet.

Public hearing was opened.

BJ Kalaidi asked the Board to follow the rules that were already in place. She said that people needed to continue to contact Code Enforcement until results were obtained.

Lauren Giber suggested landscaping the front of the property for more privacy.

Public hearing was closed.

Mr. Jackson provided his rebuttal.

The Board discussed:

Ms. Tucker asked for a recommendation to address the problems with the neighboring property.

Mr. Fredrikkson said that the applicant would have had to file a complaint with Code Enforcement, which would then investigate.

Mr. Jackson advised that he had been in contact with the code enforcement office many times over the last several years.

Board discussion continued:

- Felt there were public safety issues with the neighboring property
- Suggested a vegetation barrier
- Felt that the variance request did not meet the criteria
- Felt that the applicant met the requirements of a unique situation
- Code had no avenue to address a building that was constantly in disrepair

Mr. Blow questioned what the City code was, when a building had fallen in to disrepair.

Ms. Skinner advised that the building was protected by the fact that it was in the Lincolnville National Register District and a Community Redevelopment Agency area. She said that if the building was secure and not open to trespass, code enforcement would not pursue the issue.

Ms. Trainor advised the Board that if the variance was not approved, the option for the applicant was to use a natural barrier.

MOTION

Mr. Davis MOVED to APPROVE variance 2023-0089 as it meets the criteria in the code and will be six feet six-inch fence for the length of the property and no farther towards the street than what is currently installed. The motion was SECONDED by Mr. Pappas.

<u>VOTE ON MOTION:</u>
AYES: Davis, Pappas, Shaffer, Barnes, Blow, Tucker
NAYES: DePreter
MOTION CARRIED

<u>7. Use by Exception</u>

<u>7. (a) 2023-0082 – Bryan & Theresa Polleschultz – Applicant and Owner c/o Sweetlife 120 Twine Street</u>

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

Mr. Fredrikkson read the staff report and said Based on a review of Section 28-29 staff finds that the Board can APPROVE a use by exception request for one (1) parking space within the Municipal Parking Garage at 120 Twine Street to satisfy the requirements of Sec. 28-151

Theresa Polleschultz reviewed the application.

The Board presented their Ex Parte Communication:

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

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

The Board discussed:

Mr. Pappas asked if there had been any communication with the neighboring church regarding the parking issue.

Ms. Polleschultz said that she had sent a letter to the church, and they denied a request to allow parking.

Mr. Davis did not have a site plan to verify that there were no other options for parking. He asked if there was any way to double park on the site. He said that he would rather see the site plan and did not want to approve variance without verification.

Mr. Fredrikkson said that a site plan had been reviewed by Code Enforcement and they had determined that there was no room for a fourth car at the site. He advised the Board that he will include site plans going forward for these types of requests.
Discussion continued:

- All advertisements should be specific about available parking.
- Needed to provide a letter from the neighboring property that there was an agreement in place to provide an additional parking space
- Agreed that the site plans needed to be evaluated before a decision could be made
- Would like to see more due diligence on the part of the applicant.

MOTION

Mr. Blow MOVED to CONTINUE application 2023-0082 to the December 5, 2023, meeting. The applicant should provide a site plan showing the amount of parking that could be obtained using a stacked method and in addition provide evidence of attempts to secure offsite parking. The motion was SECONDED by Mr. Pappas

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

8. Conservation Overlay Zone Development

8. (a) 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
Continued from the October 3 rd Regular Meeting

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

Mr. Fredrikkson read the staff report and said Review of Section 11-29, specifically the evaluation of the 17 criteria for Conservation Overlay Zone Development, is the responsibility of the Planning and Zoning Board for the proposed construction at 255 Diesel Road. The requested review is for the:

• proposed construction of approximately 10,680 square foot dockage facility, including the thirty-six (36) wet slips,

• the advertised 563 foot retaining wall (indicated in red on the Figure 3B visual aid) sections to serve as shoreline stabilization,

• proposed salt marsh dredging,

• and proposed upland excavation

The Board's review must determine that this proposal is to be to the benefit of the public as a whole and as having no significant negative impact on natural systems, by either individual or cumulative effect. Review of the 556-foot retaining wall (indicated in green on the Figure 3B visual aid) will take place at a future public hearing once it has been properly noticed and advertised.

Mr. Carter reviewed the application.

The Board provided their Ex Parte Communication.

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

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

The Board discussed:

- Reviewed the criteria to verify that the application fit
- Appreciated the presentation of the mitigation on the property
- Appeared to meet the criteria
- Proper permits were in place
- Public walkway would be extended to go past the travel lift basin
- No plan for kayak launching
- No issue with navigation lane
- No plan for boat lifts

MOTION

Mr. DePreter MOVED to APPROVE application PZB2023-0077 as it meets, per Board discussion and staff review and applicant presentation, meets the seventeen criteria with a note that the review of the 556-foot retaining wall will take place at a future meeting. The motion was SECONDED by Mr. Davis

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

8. (b) 2023-0083 – Ryan Carter – Applicant c/o Carter Environmental Services Inc Jonathan Wasson – Owner 25 Dolphin Drive

To modify an existing dock by constructing a 160 square foot floating dock, a 60 square foot gangway, and two (2) 60 square foot cantilevered decks within Conservation Overlay Zone 1.

Mr. Fredrikkson read the staff report and said Review of Section 11-29, specifically the evaluation of the 17 criteria for Conservation Overlay Zone Development, is the responsibility of the Planning and Zoning Board for the proposed construction at 25 Dolphin Drive. The Board's review must determine that this proposal is to be to the benefit of the public as a whole as well as having no significant negative impact on natural systems, by either individual or cumulative effect.

Ex Parte Communication: none

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

Mr. Carter reviewed the application.

Public hearing was opened.

Judith Lennon said that there was concern in the neighborhood regarding the cantilever style of dock. She felt that the application should be clarified and resubmitted. She did not object to the extension of the dock, however she was concerned that the proposed cantilevered style dock would encroach on her yard.

Public hearing was closed.

Mr. Carter provided his rebuttal

The Board discussed:

Mr. Davis asked if the Board had previously approved a cantilevered deck in the past.

Mr. Blow said that an approval was issued in the past with similar circumstances.

Discussion continued:

- Property line was where the sea wall was and that would put it on the cities property
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- Cantilevered dock was described as a floating deck hanging off of the sea wall
- Supports dock and gangway not new deck

MOTION

Mr. DePreter MOVED to APPROVE PZB2023-0083 for the floating dock and gangway, and to NOT APPROVE the cantilevered structures that have been proposed specifically on criteria eleven, impact of development on shoreline by linear feet and percent of sight and criteria twelve, impact of development on vistas and scenic opportunities by linear feet, height, mass, and percent of sight, and as the Board has discussed the scenic view is the view from the river back to public access. The motion was SECONDED by Mr. Shaffer

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

8. (c) 2023-0084 – Ricky Garmon – Applicant and Owner 515 Arricola Avenue

To remove a significant Cedar tree within Conservation Overlay Zone 3.

Mr. Fredrikkson read the staff report and said Review of Section 11-29 staff finds that the Board may APPROVE a request for Conservation Overlay Zone 3 development to remove a significant Cedar tree at 515 Arricola Avenue to allow for the construction of a new single-family home. Approval of a future building permit application will require the replanting of two (2) Cedar trees to meet the requirements of Section 25-56. – Tree removal and replacement.

Rick Garmon reviewed the application.

Ex Parte Communication: none

15 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.

Public hearing was closed.

The Board discussed:

- House had been demolished, however tree still remained
- Needed location of the new cedar trees
- Plenty of room for new trees
- There was a fifteen-foot set back variance on this property
- Did not support removal of the current cedar tree
- Wanted to see a site plan
- Arborist report indicating the tree was in bad shape
- Wanted to see more information either to continue or deny
- Burden of proof was on the applicant
- Needed more information to justify tree removal

Ms. Skinner explained that this applicant was part of the flood mitigation grant and funds had been received for this project. She said the applicant may not have much flexibility.

The Board continued:

- Could the house be closer to the tree since it was going to be on piers
- Lowest house on the street
- Had experienced repeated flooding

- Neighboring houses were raised and house was in a valley
- If tree was left in current position, it would create a problem with insurance
- Did not want the tree removed, however, after a review of the site plan, did not think it could be saved.

MOTION

Mr. Davis MOVED to APPROVE item 2023-0084 to remove a significant Cedar Tree within Conservation Overlay Zone three, provided that the owner put back four three-inch cedar trees not the required two. Referencing Criteria G; Ease with which the property owner can alter or revise the purpose of development and Criteria B the necessity of removing the tree to allow reasonable economic use of the property. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: Davis, Blow, Shaffer, Barnes, DePreter, Pappas
NAYES: Tucker
MOTION CARRIED[1]

9. Other Business

9. a. Discussion and Recommendation regarding the proposed Parking Code update.

Public comment was opened.

Melinda Reconcay asked the Board to not lesson the business requirements for parking until other downtown parking issues had been solved, this would continue to drive parking into the local neighborhoods. She asked if there were any numbers showing if the use of the shuttle had increased. She said she would like to see those numbers. If parking requirement was lowered, would the businesses start charging for parking. Many people did not feel that paying for parking in front of their homes was fair. She felt that special pricing for the garage during the week and for special events would help to fill the spaces there.

BJ Kalaidi said she was concerned about allowing businesses to go beyond the 400 feet for parking. She said that there were businesses on King Street that had painted over the American Disability Act (ADA) or handicap parking. She felt that the city needed to be careful to avoid a suit regarding the ADA.

Public hearing was closed.

The Board discussed:

- Felt that the business owners did not fully understand the proposed changes
- Liked shared parking
- Supported multi modal transportation uses
- Thought that infrastructure needed to be upgraded before the parking could be updated
- Needed to address the mobility issues in the city
- Ideally there would be parking garages on the perimeter of the city with adequate shuttled services
- Supported moving the ordinance to the commission with a disclaimer, stating the Board did not know the impact this would have on the neighborhoods in the near term
- Felt that there had been a lot of work done for this ordinance
- Suggested a wording change in Section 28-368 item C; lighting shall be installed to minimize glare, change to minimize light pollution and add including but not limited to adjacent properties
- Requested the commission do an outreach to the business engagement
- Policy for fees needed to be addressed separately
- Ordinance would help with the use of property that was dormant

[1] Break 4:04 – 4:22 pm

- Encouraged people to walk or bike if possible
- Needed a dedicated bike lane
- Option for the Board to approve additional parking if needed for businesses
- Agreed this was a good start to address parking problems
- There could be changes that would need to be addressed in the future
- Needed clarification on the way the fee in lieu of parking would be charged
- Revisit the fees at a later date
- Proper messaging to businesses as well as residents was important

Motion

Mr. Blow made a motion to move the ordinance to the commission with a disclaimer indicating that the Board did not know the impact this would have on neighborhoods in the near term. Motion was seconded by Mr. Davis.

VOTE ON MOTION:
AYES: Blow, Davis, Barnes, DePreter, Tucker, Pappas
NAYS: Shaffer
MOTION CARRIED

9. b. Planning and Zoning Board (PZB) acting as the local Planning Agency determination that the proposed update to the Historic Area Community Redevelopment Area (HACRA) Plan is consistent with the City of St. Augustine 2040 Comprehensive Plan

Mr. Blow asked to be excused from the remainder of the meeting.

Jamie D. Perkins reviewed the recommendation.

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

The Board discussed:

Mr. Shaffer questioned redevelopment of surface lots. He asked if this meant that parking would be reduced.

Ms. Perkins advised that the plan had been left flexible so that changes could be made as needed. She said there were no plans to reduce parking.

Mr. Depreter asked if the word schools be added to page 71 number three.

Ms. Perkins asked if instead of schools, the word institutions would be acceptable.

Motion

Mr. Davis moved to recommend moving the Historic Area Community Redevelopment Area (HACRA) to the City Commission. The motion was seconded by Mr. DePreter.

VOTE ON MOTION:
AYES: Davis, DePreter, Shaffer, Barnes, Tucker, Pappas
NAYS: NONE
MOTION CARRIES UNAMIMOUSLY

Ms. Skinner wanted to give an update to the Board regarding the new format for the Board packets for the staff reports and get their feedback.

Ms. Skinner presented the meeting schedule for 2024. The Board accepted the schedule as presented.

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 5:18 P.M.[2]

Charles Pappas, Chairperson

[2] Transcribed by Michele Fudo