

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 5, 2023

The Planning and Zoning Board met in formal session Tuesday, December 5, 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
Christine 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
Isabelle Lopez, City Attorney
Michele Fudo, Recording Secretary

2. General Public hearings for Items Not on the Agenda

none

3. Approval of Minutes

none

4. Modification and Approval of Agenda

MOTION

Mr. Davis MOVED to postpone agenda item 5.a. to allow the applicant time to arrive. The motion was SECONDED by Mr. DePreter.

MOTION CARRIED by UNANIMOUS VOICE VOTE

5. Preliminary Plat Approval

5. (a) 2023-0090 Brandon Shugart – Applicant John McLain – Owner 41 ½ Madeore Street

To approve a preliminary subdivision plat to create three (3) new conforming lots

with a Residential General-One: RG-1 zoning designation.

Item 5.a. heard after item 6.a.

Mr. Fredriksson read the staff report and said based on a review of applicable City codes staff finds that the Board may recommend APPROVAL of the preliminary subdivision plat at 41 ½ Madeore Street / PID 123591-0030 to the City Commission. Additionally, staff recommends including conditions, ones that do not impact potential housing development, that ensure the continued preservation of the historic wall along S Whitney Street.

William Deese reviewed the application

The Board presented their ex parte communication.

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

Public hearing was opened.

John McLain advised the Board that the wall on Whitney Street was not a historical wall.

Public hearing was closed.

The Board discussed:

- Property was replatted in 2015
- The wall was a major issue because of historical significance
- Was the information provided correct
- Would like to see something in writing stating that the owners' claims were legitimate

Ms. Lopez suggested that the planning staff clarify why the wall was considered historic. She asked if it was because of its placement or the materials used to build it. She referenced the inventory form that identified the wall as a fence of locally produced rusticated concrete block. She said that the wall could be made of a material other than coquina and still have historic significance.

Ms. Tucker felt that the applicant had conveyed that because of the due diligence they had conducted, they had been advised that the wall was not of historical significance. She asked if the HARB Board could provide information to clarify.

- If recommendation goes to the commission, needed to save as much of the wall as possible
- Did not agree that drainage plans met the city's requirements
- Were there any plans to remove any trees on the property that would be considered significant
- Reluctant to overturn a previous board's decision
- Felt the wall needed to stay in place to preserve the history of the neighborhood
- Did not support the replatting of the property
- No evidence or proof to contradict the City on the wall
- Did not want to see three more curb cuts

MOTION

Mr. DePreter MOVED to DENY a recommendation for application 2023-0090. The decision is based on no new evidence presented since 2015, staff report advised a conflict with the historical significance of the site, and Board discussion. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Variance

6. (a) 2023-0093– Scott & Mary Siefken – Applicant and Owner 66 Saragossa Street

To approve a variance to the side yard setback requirement for an addition on a property with a Residential General-One: RG-1 zoning designation.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board can APPROVE the variance request to reduce the side yard setback requirement of ten (10) feet down to three (3) feet at 66 Saragossa Street / PID 203640-0000.

Scott Siefken reviewed the application.

Ex Parte Communication: none

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

Public hearing was opened.

Barbara Tanner stated that she lives on the east side of the house. She told the Board that the house was in disrepair, and she felt that the changes would be an invasion of the privacy of her home. She added that the house had not been touched since she

moved into her home. She asked the Board to deny the application.

David Sellers advised the board that he had been in the neighborhood for many years. He said that the current owner had owned the home for 5 years and had never maintained the property properly. Mr. Sellers also asked the Board to deny the application.

Public hearing was closed.

The applicant presented his rebuttal.

The Board discussed:

Mr. Pappas asked if the property was listed as a contributing building in the area.

Mr. Fredriksson advised the Board that this was a contributing building.

- Plans that were submitted to the Board show that some walls may be load bearing
- Applicant may not be able to achieve what was presented in the drawings
- Needed to engage an architect

Ms. Skinner advised that the applicant, if approved, would have one year to act upon the variance.

Discussion continued:

- Board has been lenient in the past with variances
- Elevator could be placed at the rear of the building, eliminating the need for a variance
- Opposed the application as it was contrary to the public interest
- Elevator footprint would be approximately twenty-five square feet
- Understood neighbors concerns, however, the board had no purview
- If application was approved, it gave a chance for the home to be improved
- Wanted to see architectural drawings before an approval was granted

- Advised applicant that an elevator added at the rear of the building would be easier
- Setbacks would remain the same
- Other options exist for the owner to accomplish their goals
- Property not suffering a unique disadvantage
- Not enough information at this time to approve

MOTION

Mr. Shaffer MOVED to Deny without prejudice the application for variance 2023-0093 for the reasons stated. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2023-0094 – Coastal Getaway Homes, LLC – Applicant and Owner Pelican Reef Drive/ PID 158573-0090

To approve a variance to the rear yard setback requirement to allow for a deck on a property with a Residential Single-Family-Two: RS-2 zoning designation.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may DENY the variance request to reduce the rear yard setback requirement of ten (10) feet down to seven (7) feet at Pelican Reef Drive / PID 158573-0090.

Carolyn Haslam reviewed the application

Scott Branscom and Patrick Barker builder and developer were present as well.

Ex Parte Communication: none

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

Public hearing was opened; however, there was no response

The Board discussed:

- Deck had already been constructed
- No significant trees were removed
- Noted the size of the lot compared to the size of the home as well as the patio, pool deck and the viewing deck
- There was Water Management District approval
- Reviewed the criteria
- Did not want to create a precedent for residents to start putting cantilevered decks on their property
- Not on a navigable waterway
- Conditions for the variance are cumulative
- City had already approved a larger cantilevered deck in a different area on the property

Mr. Blow wanted to talk about the retaining wall and asked Ms. Lopez if that would be appropriate.

Ms. Lopez told the Board that it had not been noticed for this hearing; however, if the applicant wanted to bundle the two, it could be continued to a later date. She said the applicant had the right to go forward with the current application as it had been noticed. She added that the Board could request clarification if it was difficult to read the exhibits presented.

Mr. Blow asked if the initial drawing, that was approved, included a retaining wall.

Mr. Fredriksson advised that the approved site plan in the packet did not show a retaining wall. Mr. Blow asked the applicant for clarification if the original plan included a retaining wall as it appeared that there was none.

Ms. Skinner advised the Board that when the original site plan was reviewed, there was not an understanding that there was a retaining

wall in place, the rear setback would have been measured to the property line so there was no setback issue for the rear deck. She explained that when a separate permit was submitted for the pool, there was an indication of a retaining wall, and the planning staff became aware of it at that time that a significant retaining wall bulkhead had been built. She said that the retaining wall, bulkhead, and rip rap would come before the board on January 2, 2024, if the application was submitted in a timely manner.

Mr. Blow asked if the current site plan had been approved by the St. Johns River Water Management District.

Ms. Haslam advised the Board that the retaining wall was not within the conservation district, and they did not have to go back to the Water Management District.

Mr. Shaffer asked that the variance be made as specific as possible.

MOTION

Mr. Davis MOVED to APPROVE variance 2023-0094 at 214 Pelican Reef Drive as per the as built drawing that was submitted to the Board, that the setback and variance are allowed to be exactly what was on the as built drawing. Specifically the sundeck and the pergola sitting on top of the sundeck. The motion was SECONDED by Mr. Blow.

Mr. Blow commented that it was very difficult to work outside of your own area and he did not feel that this was an attempt to skip any steps with the city and the requirements that were in place.

VOTE ON MOTION:

AYES: Davis, Blow, Shaffer, Barnes, Pappas

NAYES: DePreter, Tucker

MOTION CARRIED

7. Use by Exception

7.(a) 2023-0082- Bryan & Theresa Polleschultz – Applicant and Owner 120 Twine Street

Continued from the November 5th Regular Meeting

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 / PID 210150-0000 to satisfy the requirements of Sec. 28-151.

In the event this request is approved by the Board staff also recommends the following conditions:

1. Approval of this use by exception for one (1) parking space within the Municipal Parking Garage is valid for one (1) fiscal year, and
2. When registering the short-term rental at 120 Twine Street, proof of purchase of a yearlong garage pass, paid in full, will be provided to the Code Enforcement Division.

Ex Parte Communication: none

Ms. Polleschultz reviewed the application

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

The Board discussed:

- The Board had requested more due diligence from the applicant
- Continuance was to give the applicant time to provide documentation
- Asked the applicant to use caution when renting so that others in the

neighborhood would not be inconvenienced

- Needed to clarify that the advertisement for the rental should include the actual parking available
- Did not see the parking structure as a viable option
- Code Enforcement had demonstrated that if parking was added at the site, many of the trees would be lost

MOTION

Mr. DePreter MOVED to APPROVE application 2023-0082 as had been demonstrated by the applicants' actions, Board discussion, and staff analysis, that the applicant had in fact tried four options and the only one that fit was the municipal parking garage, also any advertising for the site would state that the fourth parking spot would be in the municipal parking garage. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

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

NAYES: Shaffer

MOTION CARRIED

8. Conservation Overlay Zone Development

8.(a) 2023-0097- Ryan Carter – Applicant Robert Finvarb - Owner 255 Diesel Road

To approve the construction of a new retaining wall within Conservation Overlay Zones 1 & 2 and the installation of lift slips 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 255 Diesel Road. The requested review is for the:

- proposed construction of approximately 556 linear feet of new retaining wall and
- 26 in water or lift slips located in the previously approved dockage facility.

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.

Mr. Masters reviewed the application for the Board.

Ex Parte Communication: none

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:

There was consensus with the Board that the application met all the required criteria.

Mr. Davis asked about the size of the boats and was advised that the city maximum was twelve thousand pounds and thirty-two feet in length.

Mr. Blow suggested that bigger slips should be considered for future use and could possibly be handled by a variance.

Ms. Lopez advised the applicant that if approval was granted, to be sure to have the proper submerged land lease for any modified areas.

MOTION

Mr. DePreter MOVED to APPROVE application 2023-0097 as through Board discussion and previous review of this application it conforms to the seventeen criteria. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8.(b) 2023-0091- Travis Smith – Applicant and Owner 180 Spartina Avenue

To approve the construction of a new bulkhead within Conservation Overlay Zones 1 & 2 and the removal of trees within Conservation Overlay Zone 3.

Mr. Fredriksson 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 retaining wall construction and tree removal at 180 Spartina Avenue / PID 158571-1130. The requested review is for the:

- Proposed construction of a retaining wall, and
- removal of eleven (11) trees comprised of three (3) Cedar trees, seven (7) Palm trees, and one (1) unidentified 4" tree.

Travis Smith reviewed the application.

Ex Parte Communication: none

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

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

The Board discussed:

Mr. Davis asked for an explanation of where the bulkhead would be in relation to the neighboring properties.

Mr. Travis explained to the Board where the bulkhead would be located and also how drainage would flow off of the property.

Ms. Tucker asked about the tree requirement. She noted that none of the trees being removed were significant.

Mr. Travis said that three cypress trees were in the footprint of the house and the four feet of fill being brought in would destroy them as well as the cabbage palms.

Ms. Tucker continued saying that the requirements of the criteria was that at least twenty-five percent of the trees on site and all healthy trees larger than twelve inches in diameter or fifty percent of the trees on site should be kept. She asked if there was a possibility of placing a condition in the application to replace trees as part of the plan.

Mr. Travis advised that he had a landscape plan.

Mr. Blow asked staff about the requirement of the Pelican Reef area to plant cedar trees and how it impacted this application.

Mr. Fredriksson advised that Board that the applicant would have to plant ten cedar trees before the permit would be approved.

MOTION

Mr. DePreter MOVED to APPROVE application 2023-0091 as with Board discussion and the applicant's discussion that it meets the seventeen criteria. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8.(c) 2023-0095- Ryan Carter – Applicant – Carter Bayly - Owner 97 Coquina Street

To approve the construction of a bulkhead replacement within Conservation Overlay Zones 1 & 2.

Mr. Fredriksson 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 bulkhead replacement at 97 Coquina Avenue / PID 223370-0000.

Mike Carpenter reviewed the application

The Board provided their ex parte communication.

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

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

The Board discussed:

Mr. Shaffer asked how the height of the bulkhead related to the neighboring property to the north.

Mr. Carpenter explained that the property to the north did not have a bulkhead, and this would tie into a retaining wall that existed two feet off the property line.

- No issue with the bulkhead, however, the lot was problematic
- Noted the following criteria: the sites relationship to adjacent properties, bodies of water and surrounding conservation zones; natural and proposed drainage patterns and; impact on flood plains

Mr. DePreter asked staff what the process was, related to fill on the property.

Ms. Skinner had no recommendation regarding limiting fill. She said that she walked through the property with a building inspector and there were questions about the weeping holes in the wall and concerns whether that would cause flooding on the adjacent property. She said the final grading

would have to allow for the water to be retained on the property.

Discussion continued:

- The wall built to contain the fill dirt interrupted the flow of the neighborhood
- Project did not take into consideration neighboring properties
- The water displacement would be profound
- A crawl space would help to relieve the possibility of flooding on neighboring properties
- Current design would interrupt the natural drainage pattern
- Water would spill into the street
- Needed to find ways to assist applicants to point them in the right direction
- Supported raising houses
- Supported giving relief to homeowners, however, there needed to be some type of limitation in order to protect other homeowners that were not able to do the same to their own property
- Felt that certain areas should be treated separately because of known existing flood problems
- Would like to see more buildings on piers

Mr. Blow asked if the applicant was able to appeal to the City Commission depending on what the Board decided.

Ms. Lopez advised the Board that the applicant was able to appeal, but also, they needed to have an opportunity to present a rebuttal.

The applicant requested a continuance.

MOTION

Mr. Davis MOVED to CONTINUE application 2023-0095 97 Coquina Drive to the January 2, 2024, meeting with the option to move it to the February 6, 2024, meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8.(d) 2023-0096- Ryan Carter – Applicant Carter Bayly - Owner 99 Coquina Street

To approve the construction of a bulkhead replacement within Conservation Overlay Zones 1& 2.

Mr. Fredriksson 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 bulkhead replacement at 99 Coquina Avenue / PID 223370-0060.

Ex Parte Communication: none

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

Public hearing was opened.

BJ Kalaidi asked how the applicant would be able to return to subsequent meetings if they did not remove some of the fill on the property. She felt that when it came to some of the projects in the area, the people that the owners hire to do the work should provide better guidance to their clients.

Public hearing was closed.

The applicant requested a continuance.

MOTION

Mr. Davis MOVED to CONTINUE application 2023-0096 to either January 2, 2024, or the February 6, 2024, meeting depending on the applicant's ability to respond to the questions that the Board had. The motion was SECONDED by Ms. Barnes

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

Mr. Pappas had been asked to review the size of boat lifts approved in the city. He said that the code currently was specific to residential.

Mr. Blow was concerned primarily with a commercial marina and possibly at a condominium location. He asked if changes could be made by variance.

Ms. Lopez was not sure if a variance would be the right way to approach this topic. She asked the Board to allow time to see if a variance would help on a case-by-case basis. She said that she and the staff would take a look at the subject and come back with some recommendations for discussion.

Ms. Lopez provided a legislative update for Short Term Rentals. She highlighted Senate Bill 280 and advised that it was filed and voted on in its first committee. She noted the new proposed bill would continue to grandfather in RS-1, RS-2 and HP-1 limitations on frequency of rental, allow for continued registration of short-term rentals. She said parking could not be regulated differently than regular residential and enforcement of existing short-term rental occupancy would no longer be permitted. She advised that rules could not be imposed on short-term rentals that were not consistent with rules for regular residential homes.

Board discussion followed:

Mr. Davis asked if this would create the need to update residential parking requirements.

Mr. Fredrikkson advised that the single-family home parking requirements had not been changed; however, they were exploring the residential parking program as an option.

Ms. Barnes asked for clarification of the occupancy rules, as well as changes to the parking program.

Mr. Fredrikkson advised that the City was exploring ways to make the residential parking program more robust.

Ms. Skinner told the Board that the parking requirement for a single-family residence was two. She said the parking code update reduced the multifamily parking code requirements.

Mr. Davis spoke regarding an overlay for South Davis Shores, and volunteered to sit with staff and others to discuss how to allow for some fill on the properties where homes were to be raised. He asked for an update on the Florida Avenue property.

Ms. Lopez advised the Board that the City had purchased the property at the Florida Avenue location. She also told the Board that the Detra PUD had filed for an appeal and she asked the Board not to discuss the matter.

Ms. Skinner advised the Board that there were two new staff members coming on board for the department. They will start employment on December 11, 2023.

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 3:51 P.M.¹



Charles Pappas, Chairperson

¹ Transcribed by Michele Fudo