

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting February 6, 2024

The Planning and Zoning Board met in formal session Tuesday, February 6, 2024, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Chales 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
Sarah Daughtery, 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

none

5. Variance

5. (a) 2024-0003 – Dawn Phillips DuBose – Applicant & Owner 65 Sanford Street

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

Ms. Daughtery read the staff report and said based on a review of Sec. 28-29 staff find that the Board can APPROVE the variance

request to reduce the side yard setback requirement for RS-2 lots of ten (10) feet to seven (7) feet at 65 Sanford Street / PID 207050-0000.

Dawn Dubose reviewed the application.

The Board presented their Ex Parte Communication.

18 certified notices were sent, 3 were returned in favor, 0 returned opposed and 1 had comments.

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

The Board discussed:

There was consensus amongst the Board to allow this variance.

MOTION

Mr. Shaffer MOVED to APPROVE variance 2024-0003, 65 Sanford Street to the side yard setback, finding that 1. The property

suffers a singular disadvantage 2. Recognizing that the owner cannot make reasonable use of the property without the variance 3. The disadvantage does not exist because of conditions created by the owner and 4. Granting the variance will not be contrary to the public interest. The motion was **SECONDED** by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5.(b) 2024-0004 – Erica Tangren – Applicant & Owner 472 Arricola Avenue

To approve a variance to the side yard setback requirement for a proposed addition of front and rear porches 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 can **APPROVE** the variance request to reduce the side yard setback requirement for this non-conforming RS-2 lot of five (5) feet to two (2) feet six (6) inches at 472 Arricola Avenue / PID 221780-0000.

Erica Tangren reviewed the application.

The Board presented their Ex Parte Communication.

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

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

The Board discussed:

- Verified the footprint of the new house
- Leaving existing slab and creating a crawl space
- Felt that the change would make reasonable use of the property

- Same footprint just adding porch
- The plans presented met criteria

Mr. Blow asked the staff to review the 50% destruction of structures policy and verify if owners were still required to build back to the current code.

Ms. Lopez offered to ask a building official and follow up at the next meeting.

Discussion continued:

- Not contrary to the public good
- Property appraisal did not adjust for inflation
- Setback was not being reduced from the existing setback

MOTION

Mr. DePreter **MOVED** to **APPROVE** application 2024-0004 472 Arricola Ave, as had been shown in Board discussion, staff review, and public comment it met the criteria. The motion was **SECONDED** by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2024-0001 – Karen Smith – Applicant & Owner 172 Cordova Street Unit 3

To approve one (1) off-site parking space at the Municipal Parking Garage within the Residential General-One: RG-1 zoning district as a permitted use by exception.

Ms. Daugherty 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 172 Cordova Street Unit 3 / PID 199990-0103 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 contingent upon providing proof of parking pass renewal at the time of vacation rental registration.

2. When registering the short-term rentals at 172 Cordova Street, Unit 3, proof of purchase of a parking pass for the duration of the vacation rental registration period is to be paid in full and provided to the Code Enforcement Division.

Patti Kaye reviewed the application.

Ex Parte Communication: none

36 certified notices were sent, 3 were returned in favor, 0 returned opposed and 0 had comments.

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

The Board discussed:

- Large multi-unit building with limited parking
- Applicant approached four businesses and was unsuccessful in getting approval for off-site parking
- Hesitant to grant approval without letters from businesses
- Nothing available for renters on site
- Not an acceptable option as the parking garage closed during busy seasons and a space may not be available when it was needed
- If the information for the business owners that were approached was provided, the Board would have done its due diligence

Ms. Kaye had to contact the applicant to obtain the name of the businesses that had

been contacted for offsite parking permission.

The Board agreed, with the exception of Mr. Shaffer, to recess this application until after the next item, 2024-0002, per the advisement of Ms. Lopez.

After the recess, Ms. Kaye provided the names of the businesses the applicant had contacted to request permission for offsite parking: Old City Inn, Manager Juan; Collector Inn, Manager Richard; Recorder Apartments, Manager Debbie; Casa Monica, Valet Manager McKenzie.

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

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2024-0001 172 Cordova Street to approve one offsite parking space at the municipal garage as the applicant has exhausted all other available options. Approval of this use by exception for one parking space within the Municipal Parking Garage is contingent upon 1. providing proof of parking pass renewal at the time of vacation rental registration. 2. When registering the short-term rentals at 172 Cordova Street, Unit 3, proof of purchase of a parking pass for the duration of the vacation rental registration period is to be paid in full and provided to the Code Enforcement Division., and 3. Available parking must be included in any advertisement. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: Shaffer

MOTION CARRIED

7. Conservation Overlay Zone Development

7. (a) 2024-0002 – Carolyn Haslam – Applicant c/o Akerman LLP Coastal Getaway Homes, LLC – Owner 214 Pelican Reef Drive / PID158573-0090

To approve, after the fact, the construction of a bulkhead within Conservation Overlay Zones 1 & 2.

Mr. Fredriksson read the staff report and said Review of Section 11-29, specifically the 17 criteria for Conservation Overlay Zone Development, is the responsibility of the Planning and Zoning Board for the requested, and constructed, development at 214 Pelican Reef Drive / PID 158573-0090.

- Staff finds that the use of a rip-rap shoreline is beneficial,

- Staff views the drainage of stormwater into the adjacent marsh as somewhat concerning, however the constructed bulkhead and rip-rap may reduce the drainage impacts into the adjacent marsh, and

- Staff is unsure about potential implications of the bulkhead's scale and how it will influence future development within the Pelican Reef Subdivision.

Carolyn Haslam reviewed the application, Clark Foraker and Patrick Jolley were sworn in for the record.

Ms. Haslam continued reviewing the criteria required to obtain approval.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi asked if this was a retaining wall or bulkhead. She felt that Coastal Getaway Homes had not followed the policies set forth

by the city and further, after the fact approvals were happening too often. She felt that this item should be denied.

Public hearing was closed.

The Board discussed:

- The retaining wall was necessary
- Multiple iterations of site plans
- Felt that applicant was aware of city requirements regarding review and approval of changes in site plans
- Did the Board think an environmental inspection was needed
- No issue with criteria being met regarding the retaining wall
- Efforts should be made, with after the fact approvals, to provide all documentation and communication from other agencies, such as the Water Management District and if applicable the Corp of Engineers
- PZB approval could not be based on the approval of another agency
- Clarification of what the board was approving
- Review was to verify that the development met the requirement of Chapter Eleven of the city code as well as Overlay Zone Two
- Felt the retaining wall met the criteria
- Distance of the bulkhead/retaining wall from the wetlands jurisdictional line
- Future development potentially could be affected

Mr. Fredriksson advised the Board that this application could set the standard for development in this section of the Pelican Reef subdivision.

Ms. Lopez explained that every applicant had to meet the same seventeen criteria. She said the criteria are specific to a particular site and added that each applicant would have differences in relation to the criteria, for example, would the placement of the rip rap be appropriate in relation to an adjacent property going forward, those types

of issues would have to be determined on an individual basis.

Ms. Barnes asked for a further explanation of the review.

Ms. Lopez pointed out the section of the staff report that highlighted Chapter 11 in the city code, specifically item four that stated: structures must demonstrate a reasonable and compatible scale to similar structures in the neighborhood.

Mr. Pappas asked if approval was granted, was there a way to make sure this was not the standard going forward.

Ms. Lopez advised that if the findings were presented in detail for this application, there would be a record for the next applicant that would include the reasons why this particular application was approved.

Discussion continued:

- The existing house was just over eighty feet wide
- Houses in Pelican Reef were built to a higher flood elevation
- Concern that the pool deck is fairly large and the grade seems to be high
- Plans show twenty percent lot coverage
- Conservation easement was included in calculation of lot coverage

Ms. Skinner explained that lot coverage would include roof area only and Pelican Reef was allowed forty percent coverage. She added that the buildable area was landward of the most restrictive jurisdictional line, that was the point by which setbacks and lot coverage would be determined. She said that with future development, setbacks would be considered if the properties were to be adjacent.

The Board continued:

- Felt that there would be an architectural review committee within the private community
- Burden of proof had not been met
- Needed more information for approval
- Did not agree that the retaining wall would necessarily be beneficial to the surrounding area
- Did not want to base approval on the fact that the structure had already been built
- Provide a legible set of plans, all correspondence between the applicant and the St. Johns River Water Management as well as the Corp of Engineers, an environmental analysis if one was available

Ms. Lopez advised that the continuance date would be March 5, 2024 which would give the applicant time to provide the requested information.

MOTION

Mr. Pappas MOVED to CONTINUE application 2024-0002 to the March 5, 2024, meeting of the PZB. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. (b) 2024-0005 – Amber Halcrow – Applicant c/o 1565 Woodworks, LLC Erik Worthmann– Owner 134 Pelican Reef Drive

To approve the removal of significant trees within Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said Review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3. The proposed work in this

¹ Break 3:15 pm to 3:33 pm

application is for an addition to an existing home and modification of the driveway which would require the removal of four (4) significant Red Cedar trees at 134 Pelican Reef Drive / PID 158571-4060.

Amber Halcrow reviewed the application.

Ex Parte Communication: none

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

Public hearing was opened.

BJ Kalaidi spoke about the removal of the four Red Cedar trees and asked if there were enough cedars on the property to still have the required ten Red Cedars that the neighborhood wanted.

Public hearing was closed.

Mr. Fredriksson advised that in order to be permitted, they would have to show the planting for the additional trees.

The Board discussed:

- Wanted to see an arborist report
- Proposed site plan showed a significant amount of impervious coverage
- Could plans for the driveway be changed to save the 18-inch Red Cedar
- Would like to see a clearer site plan so that there could be discussion of changes to plans to possibly save the trees

Mr. Pappas asked Ms. Halcrow to speak to the questions presented by the Board.

Ms. Halcrow explained that the 42- inch Cedar was in the place of the planned 2 car garage. She said that the 18-inch Cedar was in the path of the entryway of the home, and the 12- inch, on the back of the property, could be saved.

Discussion continued:

- Turn the garage and access it as a second driveway the 42-inch Red Cedar could be saved
- This subdivision had a Review Board and there were the city codes to consider
- Trees had been pruned, but appeared to be healthy
- Should have an arborist report
- Would like to see some attempt to save all of the noted trees
- The applicant stated that they had been approved by the neighborhood Architectural Review Board
- Would rather grant a variance for the setbacks than remove the trees
- Landscape plan showing the location of the ten cedars was a city requirement

MOTION

Mr. Davis MOVED to CONTINUE application 2024-0005 134 Pelican Reef Drive to the March 5, 2024 meeting of the PZB. The motion was SECONDED by Mr. Shaffer

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (c) 2024-0007 – Michael Reed – Applicant & Owner 327 Minorca Avenue / PID 215560-0030

To approve the removal of significant trees within Conservation Overlay Zone 3.

Ms. Daugherty 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 three significant Cedar trees at 327 Minorca 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) 2-inch Cedar trees to meet the requirements of Section 25-56. – Tree removal and replacement.

Michael Reed reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi said that everyone should keep in mind that St. Augustine was a tree city. She felt that the reason for a review was to keep that in place for all to enjoy.

Public hearing was closed.

The Board discussed:

- Needed more information
- Trees were located in the middle of the property and more would be planted
- Visited the site and if the trees were not removed, the lot would be unbuildable
- Replant three trees instead of two
- Consensus with the Board that the trees needed to be removed to build the house and replanting would be an acceptable exchange
- No need for an arborist

MOTION

Ms. Barnes MOVED to APPROVE application 2024-0007 to remove three significant trees 10-inch, 16-inch and 12-inch and require the planting of three additional cedars using horticultural practices, to include the findings according to the requirements A-G the necessity to make reasonable use of the property as well as the ease to alter. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (d) 2024-0009 – James St. George – Applicant & Owner c/o Ponk Mansion LLC 3000 N Ponce de Leon Boulevard

To approve the removal of a significant tree within Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said Review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3. The proposed work in this application is for the construction of a new parking facility layout at 3000 N Ponce de Leon Boulevard.

James St. George reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi suggested to the Board that instead of just cement in the parking area to add trees to provide shade.

Public hearing was closed.

Mr. St. George advised the Board that there would be 28 trees on the property.

Mr. Pappas asked the applicant if there was a possibility of planting a live oak in a grassy area on the property.

Mr. St. George advised the Board that the location was where the signage for the business was going to be located.

Mr. Davis asked how many new trees would be planted after the significant tree was removed.

Brad Kuzolian was sworn in for the record. He said more than 15 new trees would be planted.

The Board agreed that the arborist report appeared to be accurate, and the significant tree should be removed.

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development 2024-0009 3000 N. Ponce de Leon Boulevard to remove a significant tree as it met the criteria for tree removal. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Rezoning

8.(a) 2024-0011 – Ray Lake – Applicant c/o DiMare Construction 36 Granada LLC – Owner 36 Granada Street

To approve modifications to the existing 36 Granada Planned Unit Development (PUD) related to building design elevations.

Mr. Fredriksson read the staff report and said Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following:

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the Comprehensive

Ray Lake and Jay McGarvey reviewed the application and discussed the existing Planned Unit Development (PUD).

Plan.Ex Parte Communication:

9 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:

- Verified that the change in the plan would eliminate any outside seating and make all seating indoors
- Verified the elevation changes
- Mural would be placed on the south side of the building

The Board agreed to make a recommendation to approve this application.

MOTION

Mr. Davis MADE A RECOMMENDATION to APPROVE rezoning application 2024-0011 at 36 Granada Street to approve the modifications to the existing 36 Granada Planned Unit Development related to building design elevations as per the submitted information to the Board, the mural would be on the south side of the building that was not on the plans before the Board but was included in the overall plan. The motion was SECONDED by Mr. DePreter with the addition that the need and justification as stated by the applicant, the relationship of the proposed amendment for the city planning program has not changed, and the consistency in the comprehensive plan was not being altered.

VOTE ON MOTION:

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

NAYES: Pappas
MOTION CARRIED

9. Other Business

9.(a) Board discussion and recommendation regarding adding a certain size of native pine tree to the list of protected trees.

Mr. Fredriksson stated that during the regular meeting of the City Commission on January 8, 2024, the Commission requested that staff explore adding the Long Leaf Pine to the city's list of significant trees. He noted that the city's list did not currently include pine trees. He explained the Long Leaf Pines were resilient to draught, fire, and high winds, and they provided habitat to endangered species. He added that the city was committed to preserving community trees, the urban forest, air quality, community health, quality of life, and energy conservation, and that protection of these trees was consistent with the objective as well as the intent of Chapter 11 of the City Code. He asked the Board to review the language being added to the city code, and if the Board made a positive recommendation, the staff would move forward with an Ordinance to the City Commission.

Mr. Pappas started the discussion with the Board stating that this was a good idea.

Mr. DePreter agreed that this was a good choice as it was a sturdy tree

Mr. Davis felt that there would be more requests to remove significant trees with the addition of the Long Leaf pine and residents that would not have had to come before the Board previously, would now be required.

Mr. Shaffer was in favor and added that the Board would be able to somewhat monitor tree removal. He thanked the Street Tree Advisory Committee for bringing this to the attention of the Board.

MOTION

Mr. DePreter MOVED to put forth a positive recommendation for adding the Long Leaf Pine to the list of significant protected trees. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

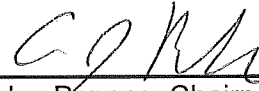
**AYES: DePreter, Pappas, Shaffer,
Barnes, Blow, Davis, Tucker**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 5:01 P.M.²



Charles Pappas, Chairperson

² Transcribed by Michele Fudo