CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
March 5, 2024

The Planning and Zoning Board met in formal session Tuesday, March 5, 2024, 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 Mike Davis Jon DePreter Carl Blow Matthew Shaffer Ashleigh Barnes
Absent	Christine Tucker, Vice- Chairperson (Excused)
City Staff:	Amy Skinner, Director, Planning & Building Department Jacob Fredriksson, Planning Manager Sarah Daugherty, Planning & Building Planner Isabelle Lopez, City Attorney R. Buddy Schauland Jr. CBO, CFM 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. Davis MOVED to APPROVE the January 2, 2024 minutes as presented. The motion was SECONDED by Mr. Blow and APPROVED by UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

Item 5.a. and 5.b. at 26 and 28 Mc Millan Street were administratively withdrawn.

Item 7.c. at 214 Pelican Reef had requested a continuance to the April 2, 2024, meeting.

Mr. DePreter moved to CONTINUE item 7.c. 214 Pelican Reef Drive to the April 2, 2024, PZB meeting the motion was SECONDED by Mr. Davis and APPROVED by UNANIMOUS VOICE VOTE

Item 7.h. 71 Masters Drive was withdrawn by the applicant.

Item 8.a. Nix Boat Yard Road requested to be the first application heard due to a scheduling conflict.

Staff requested that item 9.a. be presented before other agenda items.

Motion

Mr. Blow MOVED to APPROVE the Modified Agenda moving the Building Official to the first item and the review of 2024-0012 Nix Boat Yard. The motion was SECONDED by Mr. Davis and APPROVED by UNANIMOUS VOICE VOTE.

5. Variance
5. (a) 2024-0017 – Mattbeth Construction LLC – Applicant St Augustine Flips LLC – Owner 26 Mc Millan Street

Administratively Withdrawn, see item 4

To approve a variance to the maximum height of a fence on the perimeter of the property in the front yard of a residential structure within the Industrial and Warehousing: IW zoning district.

5. (b) 2024-0018 – Mattbeth Construction LLC – Applicant St Augustine Flips LLC – Owner 28 Mc Millan Street

Administratively Withdrawn, see item 4

To approve a variance to the maximum height of a fence on the perimeter of the property in the front yard of a residential structure within the Industrial and Warehousing: IW zoning district.

5. (c) 2024-0021 – Kawtar Cresci – Applicant & Owner 6 Grove Avenue

To approve a variance to the required side and rear yard setbacks to allow for construction of additional habitable space.

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff find that the Board can CONTINUE until the applicant has explored other locations that may reduce the encroachment into setbacks, DENY as variance criteria is not met, or APPROVE as variance criteria is met for the variance request to the side yard setback at 6 Grove Avenue / PID 194460-0000.

Kawtar Cresci reviewed the application.

The Board presented their Ex Parte Communication.

12 certified notices were sent, 0 were returned in favor, 2 were returned opposed and 1 had comments.
Public hearing was opened.

Nancy Reimer owned the neighboring property and expressed concerns because of the second floor. She felt that it would detract from the charm of the neighborhood, and also created the potential for fire safety issues. She stated that she was opposed to this application.

Public hearing was closed.

Ms. Cresci presented her rebuttal.

The Board discussed:

- A variance could be granted; however, it needed to meet certain criteria
- The situation was not unique to the neighborhood
- Reasonable use of the property could be maintained
- Variance would be contrary to the public interest
- Refocus the project from a garage to a 450 sq ft apartment
- Needed to evaluate the shade shadow
- Was the structure strong enough to support a second floor
- Needed an engineer report to show that the building would hold a second floor
- Possible tear down and rebuild
- Very hesitant to go to a second floor
- No singular disadvantage existed on the property
- Not in the public interest
- Could not support the application
- The neighbor could deny access

MOTION

Mr. DePreter MOVED to DENY application 2024-0021 as per Board discussion it had been found the property did not meet the four criteria specifically disadvantage and contrary to the public interest and that the owner

was unable to make reasonable use of the property. The motion was SECONDED by Mr. Shaffer.

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

6. Use by Exception

6. (a) 2024- 0013 – Tim & Ashley Owens – Applicant c/o Old Coast Pickleball LLC
Windward Shipyard LLC – Owner 76 Dockside Drive

To allow for the use of a commercial recreational and entertainment facility within the Residential General Office: RGO zoning district as a 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 a commercial recreational and entertainment facility within Residential General Office: RGO zoning district.

Ashley Owens reviewed the application.

Ex Parte Communication: none

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

Public hearing was opened.

BJ Kalaidi asked if there was going to be any alcohol served in the facility, and if so, was it allowed.

Steve Mask said that there was excitement for this project and supported the applicant.

Public hearing was closed.

Ms. Owens responded to Ms. Kalaidi's question and said that they had not yet made a decision regarding the service of alcohol.

Mr. Pappas asked if serving alcohol was permitted.

Ms. Daugherty advised that alcohol was permitted use for this zoning district.

The Board discussed:

- This was a good plan
- Good use of the property
- Clarified the units that were being proposed were units 106 to 108
- What type of alcohol was allowed so that the applicant would not have to return to the Board
- RGO allowed for taverns and bars
- If beer and wine sales were allowed by right, the applicant would only have to return if there were certain conditions for a Use by Exception

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2024-0013 with the language; that the sale of alcohol over 14% would be prohibited at the court. The motion was SECONDED by Mr. Davis.

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

7. Conservation Overlay Zone Development

7. (a) 2023-0095 – Ryan Carter – Applicant c/o Carter Environmental Services
Carter Bayly – Owner 97 Coquina Avenue

Continued from January 2, 2024 Regular Meeting

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

Mr. Fredriksson read the staff report and said Staff finds that the Board can take the following actions for Conservation Overlay Zone Development at 97 Coquina Avenue / PID 223370-0000:

1. CONTINUE the application to allow time for the applicant to provide additional information and for the city to potentially engage in review services of an environmental consultant.

2. APPROVE the application based on the material provided by the applicant showing it meets the criteria of Sec. 11-29. An approval would still require a grading plan to be submitted before any building permits for a new single-family home are issued.
3. DENY the application based on material provided by the applicant showing it does not meet the criteria of Sec. 11-29.

Ryan Carter and Carter Bayly were sworn in for the record.

Mr. Carter reviewed the application for the Board, he addressed the previous concerns that the Board had put forth at the last meeting.

The Board presented their Ex Parte Communication.

Public hearing was opened.

Linda Winkle gave a brief presentation regarding the ecosystem that existed at the location of the proposed structures. She was concerned that if the bulkhead was built 18 inches waterward, the ecosystem would be destroyed. She showed pictures of the site and asked where the placement of the docks would be.

BJ Kalaidi asked the Board what would happen if the application was denied. She agreed that waterways needed to be protected.

Public hearing was closed.

Mr. Carter presented his rebuttal.

The Board discussed:

- No evidence to support information provided for criteria number three, natural and proposed drainage patterns
- No data to support reference to finished floor elevation for neighboring property
- No current topographical map (TOPO)
- Looking for evidence that supported the application
- Highlighted report provided by the flood plain manager, regarding how criteria number six was evaluated as it related to impacting the flood plain
- Flood water would be dispersed around the wall on the property
- Erosion on either side of the property could be a problem
- Retaining walls were built to retain something on one side of the wall. Fences were built between 2 properties on even ground
- Concerned that neighboring properties would experience additional flooding
- Stem wall with a crawl space was a better option
- Significant issues related to criteria number six
- Questioned where the bulkhead ended
- Felt that the issue of the fence/retaining wall had not been properly resolved

Mr. Pappas said that the Board needed to address the application that was before the Board, which was the bulkhead construction.

Discussion continued:

- Needed to illustrate how the bulkhead was going to tie into the wall, no tiebacks were shown on the drawing
- Without tiebacks there would be significant erosion into the jurisdictional wetlands

Mr. Carter responded to the questions the Board had put forth.

Mr. Bayly advised the Board that the fill height was necessary so he could obtain insurance on the property.

Mr. Davis still felt that there could be a creative solution to the problem of the fill.

MOTION

Mr. DePreter MOVED to DENY WITHOUT PREJUDICE Conservation Overlay Zone Development 2023-0095 as it did not meet criteria 6 per the guidance from the flood plain expert and the applicant had not met the burden of proof to convince the Board due to the lack of evidence provided. The motion was SECONDED by Mr. Shaffer.

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

7. (b) 2023-0096 – Ryan Carter – Applicant c/o Carter Environmental Services
Carter Bayly – Owner 99 Coquina Avenue
Continued from January 2, 2024 Regular Meeting

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

Mr. Fredriksson read the staff report and said Staff finds that the Board can take the following actions for Conservation Overlay Zone Development at 99 Coquina Avenue / PID 223370-0060:

1. CONTINUE the application to allow time for the applicant to provide additional information and for the city to potentially engage in review services of an environmental consultant.

2. APPROVE the application based on the material provided by the applicant showing it meets the criteria of Sec. 11-29. An approval would still require a grading plan to be submitted before any building permits for a new single-family home are issued.

3. DENY the application based on material provided by the applicant showing it does not meet the criteria of Sec. 11-29

Ex Parte Communication:

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

The Board discussed: see item 7a

MOTION

Mr. DePreter MOVED to DENY WITHOUT PREJUDICE application 2023-0096 as per Board discussion it did not meet criteria 6 specifically, using guidance from the flood plain manager, there would be reduced flood storage capacity, possible increased erosion, and increased run-off to other properties. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:
AYES: DePreter, Shaffer, Barnes, Blow, Davis, Pappas
NAYES: NONE
MOTION CARRIED UNANIMOUSLY[1]

7. (c) 2024-0002 – Carolyn Haslam – Applicant c/o Akerman LLP
Coastal Getaway Homes LLC – Owner
214 Pelican Reef Drive / PID 158573-0090

[1] Break 4:24 pm – 4:42 pm; Mr. Davis left the meeting.

Continued from February 6, 2024 Regular Meeting

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

Requested a continuance to the April 2, 2024 PZB Regular Meeting. See motion under item 4.

7. (d) 2024-0005 – Amber Halcrow – Applicant c/o 1565 Woodworks, LLC
Erik Worthmann – Owner 134 Pelican Reef Drive
Continued from February 6, 2024 Regular Meeting

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

Prior to leaving the meeting, Mr. Davis recused himself from item 7.d..[2]

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 an addition to an existing home and modification of the driveway which would require the on-site relocation of two (2) significant Red Cedar trees at 134 Pelican Reef Drive / PID 158571-4060.

Amber Halcrow reviewed the application and presented an arborist report.

Ex Parte Communication: none

Public hearing was opened.

BJ Kalaidi asked if there were really ten cedars on the lot and if so, where would they be located.

Public hearing was closed.

Ms. Halcrow showed the Board and the gallery where the trees would be located and verified that there would be ten on the property.

The Board discussed:

- Felt that the applicant had addressed the concerns the Board had previously brought forth
- Hopeful that the trees would survive the move on the property

There was consensus with the Board to approve the application

MOTION

Mr. Shaffer MOVED to APPROVE application 2024-0005 134 Pelican Reef Drive to relocate significant trees within conservation overlay zone three with the condition that the applicant met the requirement of the ten cedars trees whether they were existing trees or future plantings as described in the applications presentation. The motion was SECONDED by Ms. Barnes

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

7. (e) 2024-0023 – Ryan Carter – Applicant c/o Carter Environmental Services, Inc
City of St. Augustine & Alison Turner– Owner Theodore Street; 3 Theodore Street/PID 110430-0000; Florida Avenue/ PID 110440-0000

To approve construction of a right of way extension and new single-family home within Conservation Overlay Zone 2 and removal of significant trees and tree canopy within Conservation Overlay Zone 3.

[2] Recusal form attached to original minutes.

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 Zones 2 and 3. The proposed work in this application is to improve a section of the Theodore Street right-of-way to allow for the construction of a new single-family home at 3 Theodore Street / PID 110430-0000.

Staff recommends CONTINUING this request until a tree mitigation proposal is provided.

Ryan Carter reviewed the application. He said that the applicant was happy to do the tree mitigation but needed to know where the city wanted the plantings to be.

The Board presented their Ex Parte Communication.

24 certified notices were sent, 1 was returned in favor, 11 returned opposed and 11 had comments.

Public hearing was opened.
BJ Kalaidi said that this item was brought up at the Friday Review meetings and Mr. Carter did mention where the city wanted to put trees. She asked what was meant by tree canopy.

Maddie Cheney expressed concerns with the water intrusion that was already bad in the area. She was concerned with how it would change when the trees were removed. She said that there were other homes in the area that had dirt drives and wondered if it was necessary for the road to be paved. She suggested that the city consider purchasing the property using funds from the property acquisition plan.

William Knight stated that flooding was a real problem in this area. He also spoke of the problems that the area had with waste removal.
Grace Cheney stated that she was opposed to this project. She read a list of her concerns to the Board. The list included the grading adjacent to the wetlands as well as the proposed maintenance of the buffer and how it would be maintained undisturbed in perpetuity. She asked about a drainage plan and flood plain compensation. She said that the roadside swales would not be sufficient to collect stormwater run-off and that there appeared to be no culvert included in the plans. She asked for an independent review of the wetland line and whether gravel or pervious pavement would be considered to offset the flooding. She suggested that this lot as well as the Florida Street property be considered for purchase by the city.

Sarah Grimm opposed the application. Her property was adjacent to the conservation zone. She said that the green belt was there to help mitigate flooding in the area.

Melissa Mundell reiterated the flooding problem in the area and showed the Board pictures that illustrated the problem.

Richard Lucas said that this project was about more than cutting down a tree. He said that this was a wildlife conservation area. He felt that building in this area was contrary to the purpose of the conservation area.

Haley Marjenhoff told the Board that eight trees would have to be removed to put the road in the area. She said the flooding in the area was very bad and was not in favor of the project.

Angelina Taylor stated she bought her property because she was told that the property was backed up to a preserve. She was opposed to the project as she felt that it would add to the flooding problem in the area.

Joseph Marjenhoff opposed the removal of any trees as it would reduce the natural protection that they provide.

Don Penn told the Board that the sewage was a problem in the area because of the

flooding. He wanted to know who was going to pay for the paving of the road.

George Watts told the Board that the area could not connect to the drainage because it was inadequate. He felt that the trees were a natural barrier for high winds.

Mr. Karan told the Board that the land would have to be raised to build the proposed house. He said that it would cause severe flooding.

Marta Hahn: Secretary for the Ravenswood Neighborhood Association shared information from an association meeting in which a city official had given a presentation that highlighted the areas that experienced flooding and also had drainage issues.

Maureen Long said her first concern was that every tree on the proposed extension of Theodore Street would be removed which would completely remove the tree canopy. She thought that it would be helpful to have a tree mitigation proposal as well as an urban tree canopy assessment. She felt that a more recent formal wetland determination was needed.

Ms. Kafel presented pictures of her own yard that was flooded during Hurricane Nicole. She advised the Board that one acre of wetlands held 1.5 million gallons of water. She said that the flooding had gotten worse every year and now extends into her front yard. She thought that the city should purchase this property.

Susan Creek said that there seemed to be a lot wrong with this proposal. She was concerned that the road would take over a portion of the yards in the area. She told the Board that development in that area needed to be controlled.

Public hearing was closed.

Mr. Carter presented his rebuttal.

The Board discussed:

- Developing this property would have an effect on the scenic vistas
- Jurisdictional wetland line could be contested
- The tree canopy would be affected
- Very strong concerns about developing the area[3]
- Wanted public works to advise if the road could be smaller and also infrastructure for the area
- Wanted to see a tree survey for the footprint of the house
- How was the foundation for the house being constructed
- Surface type of the road
- One more house on the sewage system
- Twenty-five-foot setback
- Inconsistency with the swales
- Lot coverage compared to wetland, was there a credit or mitigation plan
- Concerned about opening this parcel up for construction, this could spark new development on another parcel that was very close
- Wanted to see setbacks and how the house would sit on the site
- Needed a new formal wetland survey to determine if this was a buildable lot

MOTION

Mr. DePreter MOVED to CONTINUE application 2024-0023 to the May 7, 2024 meeting for the applicant to demonstrate understanding of the criteria. The motion was SECONDED by Ms. Barnes.

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

7. (f) 2024-0015 – Matthews / DCCM – Applicant Gary Northrup– Owner c/o Komorebi Bonsai Garden 550 West King Street

[3] Mr. Shaffer left the meeting at 7:00 pm

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

Ms. Daugherty 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 commercial enterprise at 550 West King Street / PID 112610-0000.

Tom Bartlett reviewed the application.

The Board presented their Ex Parte Communication.
16 certified notices were sent, 1 was returned in favor, 0 were returned opposed and 1 had comments.

Public hearing was opened.

BJ Kalaidi asked which arborist had provided the report. She felt that the applicant was removing trees so they could build whatever they wanted. She said the canopy on the west side of St Augustine was as important as the canopy near the water.

Public hearing was closed.

Mr. Bartlett provided his rebuttal.

The Board discussed:

- Property had a large sloping area
- Applicant had done a good job developing a difficult piece of property
- Trees proposed for removal appeared distressed

MOTION

Mr. Blow MOVED to APPROVE application 2024-0015 for the tree removal plan submitted on page three of the application. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

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

7. (g) 2024-0016 – Matthews / DCCM – Applicant Meredith B. Schwarz – Owner c/o Trinity Parish 2 Artillery Lane / PID 199220-0000

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

Mr. Fredriksson read the staff report and said based on a review of the City's applicable Land Development Codes staff finds that the Board can APPROVE the request for Conservation Overlay Zone 3 Development to remove a significant 31"/29" dbh Oak tree at 2 Artillery Lane / PID 199220-0000 as mitigation requirements of Chapter 25 will need to be met prior to approval of any construction plans.

Tom Bartlett reviewed the application.

The Board presented their Ex Parte Communication

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

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

The Board discussed:

- Needed to reconcile elements in the comprehensive plan regarding the removal of a significant tree
- Needed a report stating the condition of the tree
- Needed more information showing the need to remove the tree to increase economic use of the property
- Confirmed that the property was in an Historic District
- Favored leaving the tree where it was

- Landscaping plan provided did not include the addition of any significant trees for the future
- Landscaping plan met the minimum requirements

MOTION

Mr. DePreter MOVED to CONTINUE application 2024-0016 to the April 2, 2024, meeting with the condition that the applicant would provide an arborist report specific to the laurel oak and additionally that the applicant would possibly replace significant trees in the parking plan. The motion was SECONDED by Ms. Barnes.

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

7. (h) 2024-0019 – Seth Augustine – Applicant c/o TBL Construction Chad Smith – Owner 71 Masters Drive

Withdrawn by the applicant see item 4.

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

Mr. Fredriksson read the staff report and said based on a review of Sec. 11-29 staff finds that the Board should CONTINUE the request for Conservation Overlay Zone 3 Development for additional information on the condition of the tree and to demonstrate the need to remove the tree to allow for reasonable economic use of the property at 71 Masters Drive / PID 109480-0000.

7. (i) 2024-0020– Bryan Freier – Applicant c/o Bryan The Builder USA Inc. Anna Gulledge – Owner 148 Oyster Catcher Circle

This application was heard before item 7c per consensus from the Board.

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 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 retaining wall and fill to build a single-family home at 148 Oyster Catcher Circle / PID 158571-2090

Nicholas Freier reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi felt that the Conservation Overlay Zones were being destroyed. She wanted to know if the trees were being removed to build a house. She questioned the arborist report.

Public hearing was closed.

Eddie Conlon, the arborist that provided the report for the application, was sworn on for the record. He said that the trees on the lot consisted of Black Willows and Pepper trees. He advised the Board that salt water had permeated the property and had caused the trees in question to not be viable. He added that the condition was so bad that the trees would not survive any additional fill on the property.

The Board discussed:

- Wanted to see where the proposed Cedar trees would be located
- The majority of the lot will be raised
- Grading plan for the lot

Mr. Blow read into the record the letter from April 5, 1995 that referenced an appeal of Staff determination for variance 95-0187 Pelican Reef subdivision. The letter stated that all lot owners of Pelican Reef Subdivision would be required to maintain a minimum of ten Southern Red Cedar Trees on an individual lot.

Discussion continued:

- Saltwater intrusion was causing many of the trees to flounder
- Confirmed that lot coverage was forty percent
- Unfortunate that the trees had to come out, but the arborist was hard to deny
- Understood the rationale for raising the lot
- Had the arborist recommended the chosen replacement trees
- There would be a retaining wall on two sides of the property

MOTION

Mr. DePreter MOVED to CONTINUE application 2024-0020 to the April 2, 2024, meeting. The applicant will return with an arborist approved site plan showing the location of the ten cedar trees. The motion was SECONDED by Mr. Blow.

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

8. Conservation Overlay Zone Development, Comprehensive Plan Land Use Amendment, & Rezoning

8. (a) 2024-0012 – Brad C. Wester– Applicant c/o Driver McAfee Hawthorne & Diebenow, PLLC, BDEP Land, LLC & Nix Boat Yard LLC – Owners
199 Nix Boat Yard Road / PID 134900-0020 (County); 200 Nix Boat Yard Road / PID 134832-0010 (County); 200-1 Nix Boat Yard Road / PID 134832-0030 (County); Nix Boat Yard Road/ PID 134821-0000 (County); 200 Nix Boat Yard Road/ PID 134832-0000 (City); 220-B Nix Boat Yard Road/ PID 134830-0000 (City)

This item was heard prior to item 5.c (see item 4)

To amend the current land use of Mixed-Use District (County) to Marine Industrial (City), to rezone the approximately 1.8-acre Property from Open Rural (OR) and the approximately 4.49 acres Commercial Highway Tourist (CHT) (County) to Planned Unit Development (PUD) (City), to approve construction within Conservation Overlay Zone 1, 2, & 3 all subject to a Voluntary Petition for Annexation and Pre-annexation Agreement. To amend the existing Cat's Paw Marina PUD, Ordinance No. 2023-20, at 200 and 220 Nix Boat Yard Road to include the above referenced proposals.

Mr. Fredriksson read the staff report and said As part of this public hearing the PZB may request additional information before making a recommendation to the City Commission. In addition to any additional material requested by the Board, staff recommends that the following documentation also be provided prior to the second public hearing:

1. An overall, legible, and detailed tree protection/removal plan.

2. A landscaping plan, currently the PUD – Master Plan does not show any new landscaping and Section 3 of the PUD narrative, Intended Plan of Development, only states that "native landscaping and low impact design elements will complement the Cat's Paw Marina facilities."

3. A clear explanation of the proposed development for the southernmost property, 199 Nix Boat Yard Road / PID 134900-0020.

4. Lot coverage and impervious surface ratio calculations to be included on the PUD – Master Plan site plan.

Brad Wester reviewed the application and highlighted expansion plans to include landscape plans as well, notating that there had been changes made to accommodate the location of certain trees.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi asked what the applicant could do in the city that may not have been possible in the county. She expressed concern about the number of trees that would have to be removed to make this project happen on the west side of the river. She said that she would like to see a before picture as well as an after picture so everyone could see what was happening in the conservation zones.

Public hearing was closed.

Mr. Wester responded to Ms. Kalaidi's questions advising that the City had a Marine Industrial Land Use and the County did not. He brought up the photograph of the property that had been included in the application showing the view from the Hwy 312 bridge.

The Board discussed:

- Wanted to see a better description of the tree removal in conservation overlay zone 2 as well as the arborist report
- Parking would be addressed in the updated Plan Use Development (PUD)

Mr. Blow wanted to see the final plan for the PUD. He said the applicant could come back to make changes. He asked Ms. Lopez if that was the process.

Ms. Lopez agreed and explained that a larger PUD would have less details, however a smaller PUD that was more site specific would contain a higher level of detail.

Mr. Blow referred to the Live Oak trees at the entrance to the property and questioned if they were going to be removed. He also asked about egress for an adjacent property owner in the area that only had access using a road that crossed the applicant's property. Finally, he asked about the coordination that existed between the county, the city and the developer when discussing the property to the east that had access from Hwy 312 and Nix Boat Ramp Road.

Mr. Wester told the Board that the driveway had been adjusted to allow the Live Oak trees to remain. He showed the drawing that pictured the access road on the property, he advised that it was protected by a permanent easement. In regard to the access road from 312, Mr. Wester advised the Board that the County had plans for improvements in the future and they were working with their plans, which were still in the development stage. He said that he had the ability to coordinate with both the City and the County on this project.

Discussion continued:

- Public view shed would be changed
- Impervious surface did not appear to be consistent
- Elaborate on the lot coverage
- Location of the pedestrian walk and how it would flow through the property
- Fifty-foot height restriction from flood
- Proposed structure would be part of the Conservation Zone review by the Board
- Proposed a subsurface rain tank system
- Everything would feed into storm water

MOTION

Mr. DePreter MOVED to CONTINUE application 2024-0012 to a second hearing as per discussion the applicant will receive guidance for Board requests. The motion was SECONDED by Mr. Blow.

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

9. Other Business

9.(a). City of St. Augustine Building Official information related to code stipulations regarding the fifty (50) percent rule for single-family home renovation within flood zones.

This item was heard before all other applications.

Mr. Schauland gave a brief analysis of the Building Code relevant to the fifty percent rule as well as the cumulative substantial improvement rule. He stated that there was a common misconception that when the fifty percent of value mark was reached, that the rest of the structure had to be brought up to code as well. He said that was not the case. He explained that substantial improvement was defined as the cost of construction equal or exceeding 50% of the market value of one structure and that did not include the property or any other buildings on the property. He went on to define market value as the actual cash value, (like in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or a tax assessment value determined by the St. Johns County property appraiser plus ten percent. He advised the Board that the cumulative substantial improvement had been removed from the code as it had been determined that it may cost prohibitive to certain homeowners.
Mr. Blow commented that the Board had had the concern that the citizens would be unduly harmed by the regulation. He felt that the city had done everything that they could to put in place rules that would provide mitigation for the property owners, and there were limits because of the Florida building code and FEMA regulations.

Ms. Barnes asked about the modification of the 10% and what the rationale was for the change.

Mr. Schauland explained that the property appraiser would set the percentage because of the market fluctuations after big storms. He also advised the Board that the reason for not including the cumulative substantial improvement was to assist lower income homeowners who would not be able to do repairs on their homes because of flood mitigation requirements.

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 7:54 P.M.[4]

Charles Pappas, Chairperson

[4] Transcribed by Michele Fudo

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
DAVIS MICHAEL ALAN	PLANNING AND ZONING
MAILING ADDRESS 23 PARK TERRACE DR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY ST. AUGUSTINE COUNTY ST. JOHNS	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 3/5/24	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MICHAEL DAVIS, hereby disclose that on MARCH 5, 20 24:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE ARBORIST WORK FOR ME ON ANOTHER PROJECT

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

MARCH 5 2024
Date Filed

Michael Davis
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.