

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting April 2, 2024

The Planning and Zoning Board met in formal session Tuesday, April 2, 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

Christina Tucker (excused)

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building Planner
Sarah Daugherty, Senior Planner
Isabelle Lopez, City Attorney
Michele Fudo, Recording Secretary

2. General Public hearings for Items Not on the Agenda

None

3. Approval of Minutes

MOTION

Mr. Davis MOVED to APPROVED the February 6, 2024, minutes with one change to include removing Mike Davis as adjourning the meeting and adding Charles Pappas as adjourning the meeting. The motion was SECONDED by Mr. Pappas.

MOTION CARRIED BY UNANIMOUS VOICE VOTE

4. Modification and Approval of Agenda

6.a. 2024-0022 Use by Exception was not advertised in the newspaper and could not be heard.

Mr. Pappas MOVED to CONTINUE item 6.a. 2024-0022 to the May 7, 2023, Regular Meeting. The Motion was SECONDED by Mr. Blow and PASSED by UNANIMOUS voice vote.

10.a 2024-0012 Requested a continuance to a date uncertain to provide the information the Board had previously requested.

Mr. DePreter moved to CONTINUE item 10.a. 2024-0012 to date uncertain. The Motion was SECONDED by Mr. Blow and PASSED by UNANIMOUS voice vote.

7.a. 2024-0020 was not advertised correctly in the paper. The applicant would like to move forward with the tree removal, but the variance could not be heard.

Mr. Pappas MOVED to CONTINUE the VARIANCE portion of 2024-0020 for maximum lot coverage to the May 7, 2024, Regular Meeting and to hear the tree removal portion in the order of the current agenda. The motion was SECONDED by

Mr. Shaffer and PASSED by UNANIMOUS voice vote.

8.b Withdrawn by applicant.

8.a. 2024-0002 There was consensus with the Board to move item further down in the agenda.

Mr. Pappas MOVED to APPROVE the Modified Agenda. The Motion was SECONDED by Mr. Davis and PASSED by UNANIMOUS voice vote.

5. Variance

5. (a) 2024-0030 – Charles Moorhouse – Applicant c/o Moorhouse Construction, LLC – Shannon Lynch – Owner 14 Mulberry Street

To approve variance requests to allow for the addition of a bathroom to an existing structure.

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff find that the Board can APPROVE as variance criteria is met for the variance request to the side yard setback at 14 Mulberry Street / PID 195320-0000.

The Board presented their Ex Parte Communication.

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

Charles Moorehouse reviewed the application.

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

The Board discussed:

- Proposed addition did not reduce the overall setback
- Owner did not create the condition
- Bathroom addition was reasonable use of the property

- Site had two entrances off the street
- Variance would run with the land
- Would it be difficult to change to short term rental
- Must provide parking for the number of bedrooms
- Property was already listed as a short-term rental
- Short term rental expansion would have an impact on the neighborhood

Michael Hubbard was sworn in for the record. He described the intent of the homeowner as using the house as a short-term rental. He said that the owner left the house when it was in use as a short-term rental but would rather not leave the house. He said that adding the bathroom would give the owner the opportunity to continue to have a short-term rental but as they originally intended. To rent the space while the owner was still in residence.

Mr. Pappas asked about the homestead of a structure when a portion was used for short term rental.

Ms. Lopez said that the property appraiser prorated the portion of the structure that was used for homesteaded purposes and the portion that was used for short term rental.

Discussion continued:

- There was concern for the public good
- Unable to place restrictions on a variance
- Could be good to have the extra room; however, it would be possible to create a second dwelling within the structure
- A permit would be required and would trigger a review
- Structure was zoned RS-2
- Suffered a singular disadvantage per criteria
- Would addition of the bathroom be contrary to the public good
- Site plan showed two bathrooms, the addition would be the third
- Bathroom could be built in the family room that already existed in the house

MOTION

Mr. Shaffer MOVED to APPROVE variance 2024-0030 14 Mulberry Street to allow for the addition of a bathroom to an existing structure. The motion was SECONDED by Ms. Barnes.

Ms. Barnes said that she would have a better idea for this item if there had been more of a response from the neighboring properties.

Mr. Blow Stated that he saw a way for the applicant to accomplish their goals without the variance.

VOTE ON MOTION:

AYES: Shaffer, Barnes

NAYES: DePreter, Blow, Davis, Pappas

MOTION FAILED 2/4

Mr. Blow MOVED to DENY application 2024-0030 as it did not meet the criteria that a. the property because of the size, shape and topography suffered a singular disadvantage through the operation of this section, which disadvantage did not apply to other properties in the vicinity and b. because of this disadvantage the owner was not able to make reasonable use of the property, as it was shown that the owner could make reasonable use of the property and concern with criteria d. that the variance would not be contrary to the public interest. There were other issues in the neighborhood with storm water and it appeared that the applicant could achieve their goal by adding the bathroom within the existing footprint of the building. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Davis, Pappas

NAYES: Shaffer, Barnes

MOTION CARRIED 4/2

6. Use by Exception

6. (a) 2024-0022 – Jonathan Velarde – Applicant c/o Ancient City Golf Cart Rentals WVC Properties LLC – Owner 3 Sebastian Avenue

Continued to May 7, 2024, meeting. See item 4.

To approve a use by exception request to allow for the sales and rentals of automobiles.

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 business that offers for sale new or used automobiles, trucks, boats and tractors within Commercial Medium Two: CM-2 zoning district at 3 Sebastian Avenue/ PID 190430-0000.

• With the condition that the applicant provide a site plan clearly showing where the required four (4) parking spaces are located separate from the where the golf carts for rent will be parked.

7. Variance and Conservation Overlay Zone Development

7. (a) 2024-0020 – Bryan Freier – Applicant c/o Bryan the Builder USA Inc. Anna Gullede – Owner 148 Oyster Catcher Circle Continued and amended, from March 5, 2024, Regular Meeting

To approve requests to remove significant trees within Conservation Overlay Zone 3 and a variance to maximum lot coverage.

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. Based on a review of Sec. 28-29 staff find that the Board can CONTINUE until the applicant demonstrates meeting the variance criteria or DENY as variance criteria is not met for the variance

request to the lot coverage requirements at 148 Oyster Catcher Circle/PID 158571 2090.

Ex Parte Communication: none

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

Nicholas Frier reviewed the application.

Public hearing was opened.

BJ Kalaidi was in favor of a denial; she thought that both items should be heard at the same time.

Public hearing was closed.

The Board discussed:

Mr. Blow asked Ms. Lopez about the recorded covenants and restrictions regarding the removal and replacement of cedar trees in the Pelican Reef subdivision.

Ms. Lopez responded and advised that the city did not enforce private covenants and restrictions, only the development conditions.

Discussion continued:

- Conditions may be placed on an Overlay Zone Development, not on a variance
- Would prefer a more comprehensive review
- Referred to site plan to get clarification on the location of trees to be removed and where the new ones would be planted
- Would support approval with some type of restriction

MOTION

Mr. Davis MOVED to APPROVE the removal of ten cedar trees for application 2024-0020 148 Oyster Catcher Circle provided that if the house was not built the ten cedar trees must be replaced, with

the understanding that if the applicant did not replace the trees any future development would include the replacement of the ten Red Cedar Trees. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Conservation Overlay Zone Development

8. (a) 2024-0002 – Carolyn Haslam – Applicant c/o Akerman LLP Coastal Getaway Homes, LLC – Owner 214 Pelican Reef Drive/PID158573-0090 Continued from March 5, 2024 Regular Meeting

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 riprap may reduce the drainage impacts into the adjacent marsh

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

Given that no new information has been provided by the applicant as of March 27th, 2024, staff finds that the Board may

CONTINUE this request to a date uncertain to allow both time for the applicant to supply the previous requested information and readvertise this application and request.

David Taylor and Paul Thompson were sworn in for the record.

The Board presented their Ex Parte Communication.

Carol Haslam reviewed the new information for the application.

Mr. Thompson provided a history of the Pelican Reef area.

Mr. Carter reviewed a presentation highlighting the rip rap on the property and the meetings with the Water Management District.

David Taylor presented information to explain the drainage plan that was used for the property.

Public hearing was opened.

BJ Kalaidi expressed concern about the entire project, especially the after the fact approval request. She also mentioned the lateness of additional information for the Board to review without staff being able to do the same.

Public hearing was closed.

Mr. Pappas summarized two letters from the public, one in support and one that asked questions about water drainage.

The Board discussed:

- If the solution presented for the spreader swale issue was not accepted, what was the next step
- A permit amendment would be needed to get the project into compliance
- Did the original wetland lines match today's lines

- District policy would accept the wetland line as surveyed in perpetuity if the project was in compliance
- An explanation of the process involved in determining the wetland line was presented
- Flags on the property indicated the conservation easement, no new wetland delineation was conducted
- Swale was designed to facilitate water flow
- House was built on a stem wall
- There was concern as the staff had requested additional time

Mr. Fredriksson advised the Board that the request for additional time was to prepare a staff report.

Discussion continued:

- Lot coverage was less than thirty percent
- Storage tanks were twelve inches tall. Water table was three feet, elevation of the tanks was seven feet
- There were many houses in Pelican Reef that were more than seventy-five feet in width
- Agreed with the measuring process for the Wetland Jurisdictional Line.
- A platted wetland jurisdictional line existed for the property

Mr. Shaffer questioned the position of the city with the jurisdictional wetland line.

Ms. Lopez confirmed that the jurisdictional line was on the plat for the property. She reminded the Board that the rules for the criteria still stand and must be applied accordingly.

- Did not appear to be any unresolved issues
- Drainage plan and stormwater treatment was fine
- Bulkhead scale and how it would influence future development
- Width of the house would not be a problem with precedent

- Did the Board feel that the applicant had demonstrated compatibility with other structures in the area
- Finished floor elevation had to be nine feet
- Size of the house was not new to the development

Ms. Lopez advised the Board that language could be included in the motion that would support the decision.

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 2024-0002 to approve after the fact, the construction of a bulkhead within Conservation Overlay Zones 1 & 2 with the understanding that the reason that this was closer than would normally be was the Cedar trees that were saved on the street side of the house. Any impact to the swale would be taken care of in accordance with the Saint Johns River Water Management District. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Davis, Blow, Shaffer, DePreter, Pappas

NAYES: Barnes

MOTION CARRIED¹

8. (b) 2024-0016 – Matthews | DCCM – Applicant Meredith B. Schwarz – Owner c/o Trinity Church 2 Artillery Lane/PID 199220-0000 Continued from March 5, 2024 Regular Meeting

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 the City's applicable Land Development Codes staff finds that the Board may CONTINUE this request for Conservation Overlay Zone 3 Development

to remove a significant 31"/29" dbh Oak tree at 2 Artillery Lane / PID 199220-0000 in order to determine its current health and condition so as to evaluate this request as required by the City's Code of Ordinances more effectively.

8. (c) 2024-0027 – Carter Environmental Services – Applicant Thomas Hartman – Owner 7 Lighthouse Avenue

To approve a request for development within Conservation Overlay Zone 1.

Ms. Daughtery 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 1 and 2. This application is for the construction of a dock at 7 Lighthouse Avenue / PID 157030-0000.

Ex Parte Communication: none

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

Mr. Ryan reviewed the application.

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

The Board discussed:

- Application was previously approved in 2022
- There were no changes since previous approval

MOTION

Mr. Davis MOVED to APPROVE application 2024-0027 at 7 Lighthouse Avenue as was permitted before. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

¹ Break 4:20 – 4:43 PM

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

8. (d) 2024-0029 – Carter Environmental Services – Applicant Kyle Cregan – Owner 67 Water Street

To approve a request for development within Conservation Overlay Zone 2.

Ms. Daughtery 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 1 and 2. This application is for the construction of a bulkhead and the placement of fill at 67 Water Street / PID 196000-0000.

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.

Ryan Carter reviewed the application.

Karen Cowart presented information regarding the slope to the marsh and any drainage issues.

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

The Board discussed:

- No concerns with the design, however, did the bulkhead need weepholes
- Very good design
- Fill on the property matched the neighbors fill
- Height of the bulkheads matched
- Would there be any changes to the drawings showing the drainage plan
- The drawing showed the exact flow of the water. The profile that was drawn gave all

the elevations for the grading and the existing grades

- Eight-foot wall would not be built
- It had been made plain that the drainage plan as well as the erosion criteria were met
- Drainage plan was good with one foot differential between the two properties.
- Twelve-inch-high wall currently existed between neighboring properties
- No water would be going toward the neighbors, front and back flow only
- House would be stem wall construction

MOTION

Ms. Barnes MOVED to APPROVE application 2024-0029 a request for development within Conservation Overlay Zone 2. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (e) 2024-0025 – Kevin Finn – Applicant & Owner c/o Sea Breeze Homes of the First Coast LLC 125 Spoonbill Point Court

To approve a request to remove a significant tree within Conservation Overlay Zone 3.

Ms. Daughtery 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 single-family home at 125 Spoonbill Point Court/ PID 158571-6100.

The Board presented their Ex Parte Communication.

16 certified notices were sent, 4 were returned in favor, 0 were returned opposed and 3 had comments.

Kevin Finn reviewed the application.

Public hearing was opened.

BJ Kalaidi referenced the requirement to maintain ten Red Cedar trees on the lots in the Pelican Reef neighborhood. She felt that the Board may not have all the information needed to make decisions regarding tree removal and placement.

Public hearing was closed.

Ms. Lopez reviewed the city ordinance regarding the cedar tree requirement that the city enforces.

The Board discussed:

- Only four Cedar trees would be removed
- Arborist report showed that only one tree was healthy
- Healthy tree was in the middle of the proposed driveway
- Agreed with other comments from the Board
- Change the impact of the driveway to save the tree on the front of the property
- One significant tree was being removed; however, ten trees were going to be planted

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2024-0025 after Board discussion and reviewing the arborist report as well as the staff report, criteria had been met. The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Barnes, Davis

NAYES: Blow

MOTION CARRIED ²

8. (f) 2024-0028 – Carter Environmental Services – Applicant Agan Prameshuber

– Owner 171 Inlet Drive Lot A/PID 213831-0010

To approve a request for development within Conservation Overlay Zone 1.

Ms. Daughtery 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 1 and 2. This application is for a modification to the previously approved application by the Planning and Zoning board for a dock on September 6, 2022, at 171 Inlet Drive Lot A/PID 213831-0010.

Ex Parte Communication: none

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

Mr. Carter reviewed the application.

Public hearing was opened.

BJ Kalaidi asked why the applicant was changing the plan for the dock.

Public hearing was closed.

Mr. Carter advised that the dock had not been built and the applicant felt this was a better design.

There was consensus with the Board to approve.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2024-0028 as a site modification from a previously approved dock and met all the required criteria. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

² Break 2:22 – 2:32 PM

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

**9. Comprehensive Plan Land Use
Amendment & Rezoning**

**9. (a) 2024-0026 – Sipho Holden –
Applicant S Holden, Old City Trust –
Owner 64 Palmer Street**

**To amend the current land use of
Residential Low Density to Residential
Medium Density and to rezone the
property from Residential Single-Family:
Two: RS-2 to Residential General-One:
RG-1.**

Mr. Fredriksson advised that staff does not make recommendations concerning amendments of the City's Future Land Use Map or rezonings, instead the Board is tasked with making recommendations to the city commission which shall show that the Board has studied and considered:

- (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 plan.

Sipho Holden reviewed the application.

The Board presented their Ex Parte Communication.

18 certified notices were sent, 0 were returned in favor, 1 was returned opposed with comment. Three additional emails were received.

Public hearing was opened.

BJ Kalaidi said that people had left the meeting because of time constraints. She said that she appreciated the time taken to read into the record the letters sent by the public.
Public hearing was closed.

The Board discussed:

Mr. Davis asked for an explanation of the current zoning for the area in question.

Mr. Fredriksson showed the Board, on the map, the different zones in the area.

Mr. Davis asked about the reference to the quadplex instead of a duplex.

Ms. Holden provided clarification advising that currently a single family rental was in the unit.

Ms. Barnes asked for an explanation of the comprehensive plan.

Ms. Lopez explained that there were many rules that were not part of the comp plan, however those rules did encompass the general planning principles of the city.

- Decision would be based on the need and justification for the change
- This was a good effort to bring the structure in accord with the zoning
- Concern as this was a single-family area primarily
- RS-2 to RG-1 could be a problem as the change from weekly rentals to nightly rentals would be problematic
- RS-2 area to the south would make it hard to support
- One of the city's goals was to increase housing
- Neighbors' comments had a bearing on the decision
- Legally the lot could be subdivided, however, it would be very expensive
- Rezoning would bring in mutli-family unit
- Confirmation that the Board was making a recommendation to the commission

MOTION

Mr. Shaffer MOVED to recommend to the City Commission that Comprehensive Plan Land Use Amendment 2024-0026 to Residential Medium Density be DENIED due to the intensity of allowable uses. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Shaffer MOVED that the rezoning request 2024-0026 at 64 Palmer Street to rezone from RS-2 to RG-1 be DENIED by the City Commission due to the intensity of the allowable uses under that zoning. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Ms. Lopez advised Ms. Holden that the requests were recommended for denial, and she would have to appeal to the City Commission.

9. (b) 2024-0032 – City of St. Augustine – Applicant

Jeanne Moeller – Owner c/o Emergency Services Homeless Coalition of St. Johns County 523 W King Street

To amend the current land use of Residential-D to Commercial Medium Intensity (City) and to rezone the property from Residential Single Family: RS-3 (County) to Commercial Medium- Two: Cm-2 (City).

Mr. Fredriksson advised that staff does not make recommendations concerning amendments of the City's Future Land Use Map or rezonings, instead the Board is tasked with making recommendations to the

city commission which shall show that the Board has studied and considered:

(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 plan

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi advised the Board that she had researched these properties on the property appraiser's website. She asked about the payments they make to the fire department.

Public hearing was closed.

Amy Skinner reviewed information for the three properties listed in the following items.

Ms. Lopez told the Board that in the pre-1925 charter the properties were in the city. She said that by an act of the Florida Legislature the 1925 Charter changed, and the boundaries were changed placing these properties outside of the city. She advised that the city was now trying to create a clean boundary and essentially move the boundary back to the pre 1925 lines.

Ms. Skinner advised that the first item would be a recommendation for a land use change from the county to the city and a recommendation for a zoning change.

MOTION

Mr. DePreter MOVED to APPROVE comprehensive plan and land use amendment and rezoning 2024-0032 to

amend the current land use from Residential (County) to Commercial Medium Intensity (City). The motion was **SECONDED** by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter **MOVED** to **REZONE** application 2024-0032 to rezone the property from Residential Single Family-RS-3 (County) to Commercial Medium to CM-2 (City). The motion was **SECONDED** by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. (c) 2024-0033 – City of St. Augustine – Applicant Bill Lazar – Owner c/o St Johns Housing Partnership 525 W King Street; 527 W King Street

To amend the current land use of Residential- D (County) to Commercial Medium Intensity (City) and to rezone the property from the Sunnyside House PUD (County Ordinance Number 2003-40) to Commercial Medium – Two: CM-2 (City).

Mr. Fredriksson advised that staff report and said staff does not make recommendations concerning amendments of the City's Future Land Use Map or rezonings, instead the Board is tasked with making recommendations to the city commission which shall show that the Board has studied and considered:

(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 plan.

Ex Parte Communication: none

11 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.

MOTION

Mr. DePreter **MOVED** to **RECOMMEND** to the City Commission to amend the current land use of Residential-D (County) to Commercial Medium Intensity (City) for application 2024-0033. The motion was **SECONDED** by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter **MOVED** to rezone the property from Sunnyside House PUD (County Ordinance Number 2003-40) to Commercial Medium – Two: CM-2 (City). Motion was **SECONDED** by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. (d) 2024-0034 – City of St. Augustine – Applicant Joseph Logan – Owner c/o Smith SDW Masonic Lodge 545 W King Street

To amend the current land use of Residential-D (County) to Commercial Medium Intensity (City) and to rezone the

property from Residential Single Family: RS-3 (County) to Commercial Medium – Two: CM-2 (City).

Mr. Fredriksson advised that staff report and said Staff does not make recommendations concerning amendments of the City's Future Land Use Map or rezonings, which shall show that the Board w Board is tasked with making recommendations to the city commission instead the has studied and considered:

(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 plan.

Ex Parte Communication: none

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

Johnathan Logan said that he was glad to see that the City was finally moving the area back to how it was when his forefathers built the building they still use.

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

MOTION

Mr. DePreter MOVED to recommend APPROVAL of application 2024-0034 to amend the current land use Residential-D (County) to Commercial Medium Intensity (City) as the need and justification for the change is the City is annexing this property. The justification is this is the most appropriate zoning because of the surrounding area, the relationship of the amendment to rezoning to general planning is made clear as this will be

rezoned and the land use will correspond with the surrounding properties. The staff had noted that this was consistent with the comprehensive plan. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to send a recommendation to APPROVE to the City Commission to rezone the property from Residential Single Family: RS-3 (County) to Commercial Medium – Two: CM-2 (City). The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

10. (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 Boar 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 continued to a date uncertain and will be readvertised 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.

11. Other Business

11.(a) Discussion and Recommendation to amend Chapter 11 Article II Conservation Overlay Zone Development related to boatlifts and other types of docks not associated with single – family use and the maximum height of docks from six (6) feet to eight (8) feet.

Sarah Daugherty opened the discussion for the Board.

Ms. Skinner advised that the planning board had discussed this item previously. She said that there was proposed language to move forward. She said that this was related to adding language for different types of docks that would accommodate different sizes of boats in other commercial areas or community type docks for larger boats. She advised the board that there would also be language to allow for a height change from six feet to six feet. She added that the addition of the Pine Tree to the list of significant trees would be included in the changes put forth to the commission.

Mr. Blow observed that the size of boats was increasing. He said the reason was that owners no longer wanted to leave boats in the water. He felt that damage to docks could be reduced with the height change.

Mr. Shaffer asked if docks would still come before the Board for construction approval.

Ms. Skinner advised that no procedures would change regarding construction.

Mr. Davis raised the question of having lighting on docks and was advised that language already existed to address dock lighting.

There was consensus on the Board to make a recommendation to the City Commission to move forward with the changes to Chapter 11 Article II.

12. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 6:02 P.M.³



Charles Pappas, Chairperson

³ Transcribed by Michele Fudo