

## CITY OF ST. AUGUSTINE

### Planning and Zoning Board Regular Meeting May 7, 2024

The Planning and Zoning Board met in formal session Tuesday, May 7, 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  
Christina Tucker, Vice- Chairperson  
Mike Davis  
Jon DePreter  
Carl Blow  
Matthew Shaffer  
Ashleigh Barnes

#### **City Staff:**

Amy Skinner, Director, Planning & Building Department  
Jessica Beach, Deputy Director, Public Works  
Jacob Fredriksson, Planning Manager  
Sarah Daugherty, Senior Development Review Planner  
Isabelle Lopez, City Attorney  
Michele Fudo, Recording Secretary

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#### **2. General Public hearings for Items Not on the Agenda**

BJ Kalaidi told the Board that there were times when she could not get to PZB meetings on time because of other meetings she attended. She said lawyers and developers were affected as well. She felt that those people that could not appear at the time that shown on the agenda should be moved to the end of the meeting.

Shannon Lynch, owner of 14 Mulberry Street, an application that was before the Board at a previous meeting, wanted to clear any misconceptions from that meeting. She felt that none of the discussion had been related to the application that was presented to the Board at the time and stated that the home was not going to be a short-term rental.

Ms. Lopez advised the Board not to make any public comment regarding this statement. She said that this was not a public hearing for this item, it had been

heard at a previous meeting and there was an appeal process available.

#### **3. Approval of Minutes**

##### **MOTION**

**Mr. DePreter MOVED to APPROVE the March 5, 2024, minutes as presented. The motion was SECONDED by Mr. Davis.**

**The Motion PASSED by UNANIMOUS VOICE VOTE.**

##### **MOTION**

**Mr. DePreter MOVED to APPROVE the April 2, 2024, minutes as presented. The motion was SECONDED by Mr. Davis. The Motion PASSED by UNANIMOUS VOICE VOTE.**

#### **4. Modification and Approval of Agenda**

8.a. PZB 2024-0023 Applicant requested continuance to the July 2, 2024, Regular Meeting.

## MOTION

Mr. Davis MOVED to CONTINUE item 8.a. 2024-0023 to the July 2, 2024, Regular Meeting. Mr. Shaffer SECONDED the motion. Motion PASSED by UNANIMOUS VOICE VOTE.

## MOTION

Mr. DePreter MOVED to APPROVE the Modified Agenda. The Motion was SECONDED by Mr. Blow. Motion PASSED by UNANIMOUS VOICE VOTE.

### 5. Variance

5. (a) 2024-0020 – Bryan Freier c/o Bryan The Builder USA Inc. – Applicant Anna Gulledege – Owner 148 Oyster Catcher Circle

**To approve a variance request to exceed maximum lot coverage.**

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 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.

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 said that the same questions came before the Board whenever it concerned the Pelican Reef development. She felt that property owners, especially in Pelican Reef, needed to complete their due

diligence. She wanted the Board to continue the application.

Public hearing was closed.

The Board discussed:

- Total living space was 5,257 square feet.
- Not convinced all conditions had been met
- Not enough evidence shown for approval
- Minor modifications to plans would make the structure more conforming
- Nothing showed that the disadvantages met the test
- Did not appear that the application met the presented criteria
- Not convinced the calculations were correct for impervious coverage
- Did not see a particular disadvantage
- Specifically, criteria A was not met
- Felt that the applicant could make reasonable use of the property
- Changing the size of the proposed structure would allow for reasonable use of the property

## MOTION

**Mr. Blow MOVED to DENY application 2024-0020 based on the fact that it did not meet code. The motion was SECONDED by Mr. DePreter.**

Mr. Shaffer asked if the denial could be presented without prejudice.

Ms. Lopez said that it could be done that way. She added that realistically, the one-year period could be waived.

### VOTE ON MOTION:

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**5. (b) 2024-0035 – Robert Orender – Applicant & Owner 46 Dolphin Drive**

**To approve a variance request to exceed the maximum lot coverage and reduce rear yard setback requirements.**

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board can CONTINUE until the applicant has explored other options that may reduce the encroachment into the setbacks and lot coverage, DENY as variance criteria is not met, or APPROVE as variance criteria is met for the variance request to the minimum side yard setback and maximum lot coverage at 46 Dolphin Drive / PID 219840-0000.

Robert Orender reviewed the application.

Mr. Pappas asked for clarification on what would be going into the setback. He confirmed that the footprint of the house was within the setbacks.

Mr. Shaffer asked how the house was non-conforming.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Ilsa Fullcox wanted to know how tall the proposed house would be and how close it would be to the fence on her property.

Anne Martin-Fletcher shared the concern for the height of the building. She was in favor of increasing lot coverage as opposed to going to a second story building.

Public hearing was closed.

The Board discussed:

Mr. Pappas asked for clarification that if the enclosure was not attached to the house, it would not be a problem.

Mr. Fredriksson said that if the enclosure was detached from the house and separated by ten feet it could be three feet from the property line as an accessory structure.

- If a variance was granted and the property sold in the future, someone could build a two-story house at that time
- If the project scope was changed the variance would not be needed
- Variance would stay with the property.

Ms. Lopez said that this application provided for the variance for that specific location and that specific structure, that being the pool enclosure at that location. She told the Board that the variance did not create an ongoing condition for the main structure.

Discussion Continued:

- No guarantee that the presented design would get built
- Confirmed lot coverage
- House was approximately 2,100 square feet

Ms. Tucker asked if the house would be built on fill.

Mr. Orender said that he would build a retaining wall with drainage on the sides and fill within the retaining wall

- No issue with the type of house or the screen enclosure
- Property had no singular disadvantage
- reasonable use of the property would be possible

Mr. Davis asked if the house had been flooded and how high the house would be

built. He said that he had no issue with what the applicant was trying to do.

Mr. Orender told the Board that the house had flooded during Matthew. He provided the current and proposed elevations to the Board.

Discussion continued:

- Lot coverage excluded the screened area structure of the roof
- Felt that the lot dimensions did show that there was a disadvantage
- Should not adversely affect other properties
- Neighbors were in support of the application

Mr. Blow reminded the Board that there was no way to place conditions on the variance.

#### **MOTION**

**Mr. Shaffer MOVED that variance request 2024-0035 at 46 Dolphin Drive to approve a variance request to exceed the maximum lot coverage to twenty nine percent and reduce the rear yard setback requirement be APPROVED. The motion was SECONDED by Mr. Davis.**

Mr. Blow stated that he would not be voting in favor of the motion as there could be no conditions on the variance, however he said that he did not dislike what the applicant was trying to do.

Ms. Barnes said that she would vote for the setback, but not the lot coverage.

#### **VOTE ON MOTION:**

**AYES: Shaffer, Davis, Pappas**

**NAYES: Barnes, Blow, DePreter, Tucker**  
**MOTION DID NOT CARRY 3/4**

Mr. Pappas asked the applicant if there could be changes made to the plan.

There was a brief discussion prior to the new motion being presented.

#### **MOTION**

**Mr. DePreter MOVED to DENY application 2024-0035 as it did not meet the four criteria specifically 1) did not suffer a singular disadvantage and 2) applicant could still make reasonable use of the property. The Motion was SECONDED by Ms. Barnes.**

#### **VOTE ON MOTION**

**AYES: DePreter, Barnes, Blow, Tucker**

**NAYES: Shaffer, Davis, Pappas**

**MOTION TO DENY PASSED 4/3**

Mr. Pappas advised the applicant that the application was denied, and he had the right to appeal the decision.

**5. (c) 2024-0038 – Andrew Miller – Applicant & Owner 350 Charlotte Street**  
**To approve a variance request to reduce front yard setback requirements.**

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff find that the Board can APPROVE the application as variance criteria is met for the variance request to the front yard setback at 350 Charlotte Street/ PID 200620-0000

Karen Cowart reviewed the application.

The Board presented their Ex Parte Communication.

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

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

The Board discussed:

- Footprint of new house would be slightly to the west; width was the same

- Existing house was ten inches off the property line
- No fire wall rating was required if house was three feet off the property line

#### **MOTION**

**Ms. Barnes MOVED to APPROVE application 2024-0038 350 Charlotte Street, to approve the front setback from 20 feet to 14.1 feet. The motion was SECONDED by Mr. DePreter.**

#### **VOTE ON MOTION:**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

#### **5. (d) 2024-0040 – Sarah Ryan Architect – Applicant Marianne Scheiner & Mark Wainwright – Owners 4 Tremerton Street**

**To approve a variance request to reduce yard setback requirements.**

Mr. Fredriksson read the staff report and said based on a review of SEC. 28-29 staff find that the Board can APPROVE this application as variance criteria is met for the variance request to the front yard and side yard setback at 4 Tremerton Street/ PID 201310-0000

Mark Wainwright and Sam Fidello reviewed the application

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.

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

The Board discussed:

- Initially had a concern with the streetscape, however after viewing the presentation, supported the application
- Lot was non-conforming
- Request was not unreasonable
- Granting the variance would not be contrary to the public good
- Advised the applicant to enforce the suggestions of the arborist
- Met the requirements for a variance
- The bath in the plans did not trigger any issue to block approval

#### **MOTION**

**Mr. DePreter MOVED to APPROVE application 2024-0040 4 Tremerton Street as per content of the application, Board discussion, and staff presentation that the 4 criteria were met. The motion was SECONDED by Mr. Blow.**

#### **VOTE ON MOTION:**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

#### **6. Use by Exception**

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

**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 following condition:

The applicant provide a site plan clearly showing where the required four (4) parking spaces were located separate from where the golf carts for rent would be parked.

Michelle Thrower reviewed the application.

The Board presented their Ex Parte Communication

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

Public Hearing was opened.

BJ Kalaidi wanted to confirm that there would be no sales and only rentals.

Public hearing was closed.

The Board discussed:

- Needed to show parking to scale
- Did not appear that there was enough room for the proposed parking
- Met the requirements for use by exception other than the parking
- There had been a lot of work done on the mobility plan
- Putting more vehicles on the road did not seem like a public benefit
- Agreed that the proposed parking did not appear to be sufficient
- The request was not to grant a specific use for golf carts only, included were automobiles, boats, and tractors
- Needed to use caution as this did not mesh with the mobility plan
- Location was not ideal
- Use-by-Exception could be limited to only golf carts

Ms. Lopez advised the Board that there could be reasonable conditions placed on the use if they were rational and proportionate.

Ms. Thrower asked if an engineer drawing was required or could a scale drawing be provided.

Ms. Tucker said that she would accept a scale drawing for the parking with dimensions. She added that it would have to meet city code.

Mr. Shaffer said that he would support adding conditions that were in line with the applicants' stated use.

## **MOTION**

**Mr. DePreter MOVED to CONTINUE Use by Exception application 2024-0022 to the June 4, 2024 regular meeting with instructions and agreement from the applicant to return with a scaled drawing, showing the movements on the property and that it met code for the Board to review, including language limiting vehicles to low speed vehicles and a description of the business, limiting the number of vehicles to four. The motion was SECONDED by Mr. Davis.**

## **VOTE ON MOTION:**

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

**NAYES: Blow, Pappas**

**MOTION CARRIED 5/2**

## **7. Variance and Conservation Overlay Zone Development**

### **7. (a) 2024-0039 – Louis & Annie Kines – Applicant & Owners** **119 Ferdinand Avenue**

**To approve a variance request to exceed the maximum lot coverage and remove significant trees within Conservation Overlay Zone 3.**

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 demonstrates meeting the

variance criteria, DENY as variance criteria is not met, or APPROVE as variance criteria is met for the variance request to exceed the maximum lot coverage. Review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3 at 119 Ferdinand Avenue / PID 222420-0100

Mr. Kines said he had retracted the request to increase the maximum lot coverage and only went forward with the tree removal. He reviewed the application.

Mr. DePreter asked Mr. Kines if the trees were in the building footprint.

Mr. Kines explained that the area in question was the future location of the septic system.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Theresa Spurley told the Board that there were virtually no trees on the property and that fill would have to be brought in as the property was very low in the center.

BJ Kalaidi asked why there were still septic systems in the city. She asked if the Board had the ability to require that the applicant should put trees back after the removal.

Public hearing was closed.

Ms. Daugherty advised that two trees must be planted for every one that was removed, and applicants must show a positive number of tree credits for mitigation.

The Board discussed:

- There were no sewer lines in the area where the applicant was going to build
- Trees would be replaced in a two to one ratio
- Confirmed construction to be elevated with gravel underneath
- Two arborist reports were included indicating that the trees were diseased and needed to be removed
- Confirmed request was for tree removal only
- All the houses in the area were on septic systems
- Lot coverage was adequate without a variance

#### **MOTION**

**Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2024-0039 as per Board discussion the application had met the criteria for the two trees to be removed with additional support from the arborist report. The lot coverage request had been removed from the application. The motion was SECONDED by Mr. Pappas.**

#### **VOTE ON MOTION:**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

#### **8. Conservation Overlay Zone Development**

**8. (a) 2024-0023 – Ryan Carter c/o Carter Environmental Services – Applicant**  
**City of St. Augustine & Alison Turner – Owner**

**Theodore Street; 3 Theodore Street/ PID 110430-0000; Florida Avenue/ PID 110440-0000**

**Continued from the March 5, 2024 Regular Meeting**

Continued to July 2, 2024. See Item 4

**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.**

**8. (b) 2024-0037 – John Valdes c/o John Valdes and Associates – Applicant**  
**John Andrews – Owner**  
**273 S. Matanzas Boulevard**

**To approve a proposed modification to an existing seawall within Conservation Overlay Zones 1 & 2.**

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 1 and 2. This application is for the construction to raise an existing seawall at 273 Matanzas Boulevard / PID 221360-0000.

Mr. Valdes reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

John Andrews, property owner, said the house was on a concrete slab and could not be raised.

Public hearing was closed.

The Board discussed:

- Wanted to be sure that storm surge would not be diverted on to neighboring properties
- Garden type wall would be circling the property

Mr. Valdes advised that the wall would surround the property but offered the opportunity for others to be able to adapt to

it. He told the Board that the lot to the south would remain empty for the foreseeable future.

Discussion continued:

- Did not want to set precedent
- Wall would go to the setback of the right of way line
- Panels would drop into the wall by the driveway
- Seawall extended past the property
- Concern that a perimeter wall would alter drainage patterns
- No topography was available to determine drainage patterns
- Criteria number three needed to be considered
- Felt that there could be creative ideas regarding the water problem
- Application was for the bulkhead/seawall
- Confirmation that the application was for the modification to the seawall only, was provided by Ms. Skinner and no fill would be brought in
- Confirmed grade elevation was 4.53 feet and the house elevation was 4.72 feet
- Bulkhead elevation was 4 feet
- A cap would be placed to 6 feet, panels to 8 feet.
- Concerned with the protection of one when others might realize negative effects
- Try to find middle ground
- Drainage versus displacement
- Garden wall was not on the agenda.
- Bulkhead would be capped to 6 feet and would have two-foot panels at the top
- A perimeter wall was being proposed and that could cause enough displacement of water to affect neighbors
- A review of a topographic map of the property would be helpful
- Agreed that additional evidence was needed

Ms. Lopez advised the Board that if they felt that additional third-party information was needed, staff should be made aware of the request.

Mr. Pappas said it appeared that the Board was moving toward a continuance.

**MOTION**

**Mr. DePreter MOVED to APPROVE application 2024-0037 with the understanding that the approval was for the bulkhead to be raised two feet with the removable two-foot barrier and it met the seventeen criteria. The motion was SECONDED by Mr. Blow.**

Mr. Shaffer would oppose the motion as he was not convinced that the seventeen criteria were met, specifically number three.

**VOTE ON MOTION**

**AYES: DePreter, Blow**

**NAYES: Shaffer, Barnes, Davis, Tucker, Pappas**

**MOTION FAILED 2/5**

Mr. Pappas asked for a new motion to continue or deny.

**MOTION**

**Mr. Blow MOVED to CONTINUE application 2024-0037 to the June 4, 2024 meeting and requested the applicant provide evidence that criteria number three had been satisfied. The motion was SECONDED by Ms. Barnes.**

**VOTE ON MOTION**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY<sup>1</sup>**

**8. (c) 2024-0036 – Carter Environmental Services – Applicant Gregory Trunnell – Owner 33 Dolphin Drive**

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<sup>1</sup> Break 4:17-4:41

**To approve the construction of a new dock within Conservation Overlay Zone 1.**

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 1. This application is for the construction of a dock at 33 Dolphin Drive / PID 220050-0000

Mr. Carter reviewed the application.

Ex Parte Communication: none

26 certified notices were sent, 5 were returned in favor, 0 were returned opposed and 0 had comments.

Public hearing was opened.

Anne Fletcher lived next to the property that would be building the new dock. She asked if there could be modifications to the application and still get approval. She was concerned that there might be a vertical mass intrusion and the possibility of light intrusion on her property.

Public hearing was closed.

Mr. Ryan presented his rebuttal.

The Board discussed:

- Application appeared to meet the criteria
- This dock was typical of the docks that had been approved previously
- Scenic vista could be affected however, the criteria only addressed public view not private

**MOTION**

**Ms. Barnes MOVED to APPROVE application 2024-0036 at 33 Dolphin Drive for the Conservation Overlay for the dock. The motion was SECONDED by Ms. Tucker**

**VOTE ON MOTION**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**8. (d) 2024-0031 – Donald Gullion c/o  
Dream Finders Homes – Applicant  
Ronnie McGraw – Owner  
215 Pelican Reef Drive / PID158573-0030**

**To approve the construction of a new  
single – family home within  
Conservation Overlay Zones 2 & 3.**

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of Planning and Zoning Board for the proposed development within Conservation Overlay Zone 2 at 215 Pelican Reef Drive / PID 158571-2090.

Because of the inconsistent and missing data, staff recommend that the application be continued until the applicant can provide the following information:

1. The height and structural diagrams of the retaining wall, and
2. Measures proposed to prevent impacts to the conservation easement during construction of the retaining wall,
3. A tree survey and arborist report including trees onsite with a dbh of 3-inches and over,
4. A list of trees being removed and retained, as well as,
5. The type of tree, dbh, and health of each.

Betina Payote, Ellena Trimer, Ronnie "Chip" McGraw reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi asked about the reference to the arborist report that did not appear in the application. She said that the plan designer included only trees with a diameter of six inches or greater. She did not think that the county tree requirements were the same as the city and asked for clarification.

Public hearing was closed.

Mr. Pappas confirmed that the city required tree surveys to include trees with a diameter of three inches and above.

Mr. McGraw advised the Board that the developer had done a lot to protect the trees on the property.

The Board discussed:

- Could the house be positioned in a different place to save some of the trees
- Without a full tree survey deciding would be difficult
- Wanted the applicant to look at a possible change in the design of the house and provide a tree survey
- Needed to provide the dimensions of the retaining wall
- The Board was willing to work with the applicant to advance the project
- Would like to see a landscape plan

Mr. Shaffer questioned the survey provided, as it only listed trees that were six inches and above.

Ms. Daugherty told the Board that there was conflicting information when looking at the tree survey and the arborist report. She said that to complete tree mitigation an accurate list of trees was required.

Mr. Blow felt there was no need for rip rap around the retaining wall. He advised the applicant that the Board had no way to modify the Water Management District rules.

## MOTION

Mr. DePreter MOVED to CONTINUE application 2024-0031 to the June 4, 2024 PZB meeting as per Board discussion; advising the applicant that they must provide the height, structure, and diagrams of the retaining wall; measures proposed to prevent impact to the conservation easement during construction; a complete tree survey and arborist report; a list of trees being removed and retained including the type of tree with dbh and health of each. The motion was SECONDED by Mr. Blow.

## VOTE ON MOTION

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

## 9. Rezoning

9. (a) 2024-0041 – Ellen Avery – Smith, Esq. c/o Rogers Towers, P.A. – Applicant Kasam Hospitality – Owner 24 Cathedral Place/ PID 197160-0000; Charlotte Street/ PID 197200-0000

To rezone approximately 1.06 acres of property from the 24 Cathedral Place Planned Unit Development (PUD) (Ordinance No. 2013-22) to the Amended and Restated 24 Cathedral Place Planned Unit Development (PUD).

Mr. Fredriksson said the Board is tasked with making recommendations to the City Commission which shall show that the Board has studied and considered:

- 1) No adverse effect finding
- a. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.

- 2) Consistency with the Comprehensive Plan and PUD regulations finding.

- a. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of Sections 28-286 through 28-292, as applicable.

- 3) Need and justification finding.

- a. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

As part of this public hearing the PZB may request additional information before making a recommendation to the City Commission.

The PZB should make a determination on the need for a second hearing.

Mr. Freemont Latimer reviewed the application giving some of the history of the treasury building and presenting renderings for the future planned streetscapes. Ms. Avery-Smith continued the review as it related to the existing PUD. Mike Copenhafer explained that the goal of the PUD was to keep everything in step with the style that is already in place.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Farid Ashdji spoke in favor of the project as a fellow developer.

Karen Zander talked about the expense of saving, redeveloping, and retrofitting older buildings and said the cost was typically passed on to the taxpayer. She said that the project presented in this item was not seeking any funds from the city and urged the Board to move the project forward.

Angela Taylor was a small business owner in the area and wanted to know what the developer would be doing to assist the local businesses during the period of construction. She was supportive of the project.

Pat Dobosz was supportive of the project and was looking forward to seeing the finished product.

Shane Sheltra was a local business owner in the St. Augustine area. He said that he supported the project as presented.

Isabelle Renault, president of the St. Johns County Chamber of Commerce, supported the project.

BJ Kalaidi asked if the developer would be receiving any tax benefits for restoring the building. She said that the city seemed to be trying to get rid of the cars so why would there need to be a garage. She felt that the conversations with Mr. Regan should be brought forward so that everyone could know what he had said regarding the project.

Public hearing was closed.

Ms. Avery-Smith presented her rebuttal. She added that any tax credits were to be determined sometime in the future.

The Board discussed:

Mr. Blow told the Board that in his conversation with Mr. Regan, they had discussed the concern he had with the direction the city was moving. He said that there were so many people coming into the city, it had become uncomfortable; however, he also said that having people coming to visit while spending a significant amount of money would be preferable to someone just clogging the roads with traffic.

Mr. Pappas said he thought the city was becoming an entertainment district; however, he liked the project. As a resident he felt that the city was missing an opportunity to provide housing for residents and thought that this project could be a mixed-use facility. He asked about the description of the termination date for the PUD.

Ms. Avery-Smith explained that when working with a PUD, flexibility needed to be built into the project. She said that the total time of construction could be six years from the time that the project was approved.

Ms. Tucker asked if there would be any available parking for the public in the proposed parking garage. She confirmed that Charlotte Street would be two ways up to the garage entrance but would convert to a one-way street past the garage. She questioned the selection of palm trees for the streetscape as she would like to see shade trees being planted. She asked the applicant to detail what type of construction equipment would be used and how long it would be in place.

Ms. Avery-Smith told the Board that parking in the garage would be dependent on the occupancy of the hotel. She explained that a large crane would be placed in the middle of the proposed garage during construction.

Mr. Latimer said that shade trees were not a good choice for the area as there was not enough room for the canopy. He said that

the Sylvester Palm had a wider spread than the Cabbage palm and should provide some shade for pedestrians.

Mr. DePreter said he had talked with Mr. Regan about the public good, financing, and the potential tax revenue for the city. He verified that the applicant was going to fully finance the renewal from Cathedral to Treasury Street. He confirmed that this was being offered as part of the public good in the PUD. He asked that a more detailed traffic study be provided. He wanted to see more specific reference for the public openings into the proposed building.

Ms. Lopez asked for clarification of the relationship of John Regan with the project for the public record.

Ms. Avery-Smith advised that he was acting as a private consultant.

Mr. Davis said his discussion with John Regan focused on the size and scope of the project as well as tax incentives for the project. He said that he had confidence in the applicant to build and maintain the property referencing his current properties in the city. He characterized Charlotte Street as a back of the house street and was glad to see that the proposed changes would make it more attractive. He was advised that the project would have to go before the HARB board. He added that he liked the proposed reuse of the Treasury Building.

Ms. Barnes said she would like to see information provided that addressed the transportation of visitors from the hotel to various parts of the city. She agreed with Mr. Pappas that providing housing was a good idea.

Mr. Shaffer said he was in support of the project. He told the Board that his conversations with Mr. Regan focused on the financial benefit for the community. He focused on parking, and appreciated the proposed 160 parking spaces; however, he pointed out that there was a privately owned

66 space lot that would no longer be available as well as 11 spaces on Charlotte Street. He felt that parking was needed in the evening hours and weekends. He wanted to know what the plan was to mitigate the loss of those spaces. He said that he wanted to see more dedicated parking available in the city.

Ms. Barnes expressed concerns about the traffic going into the plaza area from Charlotte Street.

## **MOTION**

**Mr. DePreter MOVED to CONTINUE rezoning application 2024-0041 to the June 4, 2024 meeting to give the applicant additional time to address the concerns the Board had discussed. The motion was SECONDED by Mr. Pappas.**

## **VOTE ON MOTION**

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

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY<sup>2</sup>**

## **10. Other Business**

**10.(a) Discussion related to the required Residential Lot Grading Plan and other issues related to Floodplain Management.**

Jessica Beach presented information to the Board regarding management of storm water on private property.

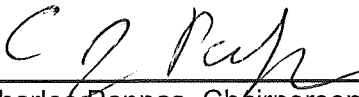
Mr. Davis said that he would like to see the City Commission give some type of standard of direction to PZB going forward.

## **11. Adjournment**

Having no further business, Mr. Pappas adjourned the meeting at 7:20 P.M.<sup>3</sup>

<sup>2</sup> Mr. Shaffer and Ms. Tucker left the meeting

<sup>3</sup> Transcribed by Michele Fudo

  
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Charles Pappas, Chairperson