

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting June 4, 2024

The Planning and Zoning Board met in formal session Tuesday, June 4, 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
Christine Tucker, Vice- Chairperson
Mike Davis
Carl Blow
Matthew Shaffer
Ashleigh Barnes

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

BJ Kalaidi

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVE the May 7, 2024 minutes as presented. The motion was SECONDED by Ms. Tucker and APPROVED by UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

Item 6.a. at 273 S. Matanzas Boulevard requested a continuance to the July 2nd meeting.

MOTION

Mr. Davis MOVED to CONTINUE item 6.a. at 273 S. Matanzas Boulevard. The motion was SECONDED by Ms. Tucker and PASSED by UNANIMOUS VOICE VOTE.
MOTION

Mr. Davis MOVED to APPROVE the modified Agenda. The motion was SECONDED by Mr. Blow and PASSED by UNANIMOUS VOICE VOTE.

5. Use by Exception

5. (a) 2024- 0022 – Jonathan Velarde – Applicant c/o Ancient City Golf Cart Rentals WVC Properties LLC – Owner Address 3 Sebastian Avenue
Continued from the May 7, 2024 Regular Meeting

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

Jonathan Velarde reviewed the application.

The Board presented their Ex Parte Communication.

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

The Board discussed:

- As per previous discussion a corrected site plan had been provided
- Site plan from staff showed that the parking was adequate
- Not in favor of adding more vehicles to the area
- Inconsistent with the mobility plan
- Golf carts had the same footprint as a car
- Contrary to the idea of making the city more pedestrian friendly

Mr. Davis wanted to know, if approval was given, would the applicant be required to provide a formal site plan before they could go forward with their business.

Mr. Fredriksson advised that a civil site plan review was required. He said that this hearing was for the applicant to obtain the Use by Exception.

Ms. Barnes asked for clarification of the definition of a low-speed vehicle.

Ms. Lopez described the difference between true golf carts and low speed vehicles, which look like golf carts, but were street legal. She said they were recognized in the state statutes.

Discussion continued:

- Wanted to restrict the type of vehicle to the low-speed vehicle
- This was infill development
- The building had not been vacant for an extended period
- The building would be used as an office for the primary business which was valet parking
- Cart rental would be housed in the same building

- There was a review, in general, of Use by Exception
- Restrict to only low speed vehicles that would be rented, and only four total vehicles would be permitted.
- The use would stay with the applicant

MOTION

Mr. Davis MOVED to APPROVE Use by Exception 2024-0022 at 3 Sebastian Avenue providing low-Speed Vehicle rentals only; no sales of any vehicles including cars, trucks, boats or any other vehicle that was not a low-speed vehicle. Only four low speed vehicles would be stored on site. This motion would stay with the applicant not the property. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

AYES: Davis, Barnes, Shaffer, Tucker

NAYES: Blow, Pappas

MOTION CARRIED 4/2

5. (b). 2024-0043 – Peter E. Schirduan – Applicant & Owner 19 Sevilla Street

To approve two (2) off-street parking spaces within private parking facility

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 two (2) off-street parking spaces for 19 Sevilla Street 205580-0200 within four hundred feet located at 27 Sevilla Street to satisfy the requirements of Sec. 28-151.

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

1. Approval of this use by exception for two (2) parking spaces within four hundred (400) feet is contingent upon providing proof of parking agreement at the time of vacation rental registration.

2. When registering the short-term rentals at 19 Sevilla Street, proof of agreement for parking within four hundred (400) feet for the duration of the vacation rental registration period is to be provided to Code Enforcement Division.

Peter Schirduan reviewed the application.

Ex Parte Communication: none

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

Public hearing was opened.

Karen Wood said that the area was already congested, and the proposed parking lot was also congested. She wanted to know where the Board would draw the line for short-term rentals and offsite parking. She felt that more would come to ask for additional parking and thought that only onsite parking should be allowed for short-term rentals.

Public hearing was closed.

The Board discussed:

- The board would not use the property appraiser's classification
- RS-1 zoning
- House was constructed as a multi-family structure
- City code should be followed
- Multi-family determination, there were two electric meters and two water meters
- Confirmed property address and address of proposed parking
- There was verification of no additional parking available on site
- The applicant had provided a letter from the church confirming an agreement was in place
- Parking was contingent on providing the parking agreement at the time of registration and other conditions recommended by staff

- Understood the comments of the local resident; however, the state had restricted the city
- Thought that signage designating the spaces should be posted in the church lot
- Verified that there were two spaces on site

MOTION

Mr. Pappas MOVED to APPROVE item 2024-0043, two off-site parking spaces at 27 Sevilla Street, with the condition that all advertising include location information for off-site parking and that signage was provided designating the spaces allowed. Proof of the rental agreement for the spaces was required. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Overlay Zone Development

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

Continued from the May 7, 2024 Regular Meeting

Continued to the July 2, 2024 Regular Meeting. See Item 4.

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.

Because the applicant had not provided the requested information, staff recommends that the application be continued until elevations of the site and adjacent properties are provided, or the applicant requests another action by the PZB.

6. (b) 2024-0031 – Donald Gullion – Applicant c/o Dream Finders Homes
Ronnie McGraw – Owner
215 Pelican Reef Drive/PID 158573-0030
Continued from the May 7, 2024 Regular Meeting

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 the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 2 and 3 at 215 Pelican Reef Drive/PID 158571-2090.

If the board approves the application for Conservation Overlay Zone development staff recommends the following conditions:

1. Clarify the status of trees UD413 and UD423
2. Retain the following trees: UD410, UD420, and UD419,
3. Plant eight (8) 4-inch cedar trees,
4. Place the retaining wall sufficiently landward of the conservation easement to accommodate a double silt-fence and ensure the drainage pipe does not encroach into the easement.

Ryan Carter reviewed the application and provided answers to questions posed at the previous meeting.

Ex Parte Communication: none

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

The Board discussed:

Mr. Blow was concerned with the missing trees on the site plan; however, he was able to locate them and understood that they would have to be removed as they would be in four feet of fill.

Mr. Davis said that all the information the Board had previously requested had been provided.

The other Board members agreed.

MOTION

Mr. Davis MOVED to APPROVE application 2024-0031 for Conservation Overlay Zone Development at 215 Pelican Reef Drive with the condition that exhibits are updated to match. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2024-0044 – Michael W. Foster Jr., P.E. – Applicant c/o Florida Department of Environmental Protection
Duane Kent, P.E. – Owner c/o St. Johns County Florida
15 Fort Mose trail

To approve the removal of significant trees within Conservation Overlay Zones 2 & 3.

Ms. Daugherty read the staff report and said review of Section 11-29 was the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 2 and 3 at 15 Fort Mose Trail/PID 164310-0000.

If the board approves the application for Conservation Overlay Zone development staff recommends the following conditions:

- The applicant will retain the following trees: P1, P2, P3, and P4

Michael Foster and Ryan Malke reviewed the application

Ex Parte Communication: none

22 certified notices were sent, 1 was returned in favor, 1 was returned opposed and 2 had comments.

Public hearing was opened.

BJ Kalaidi asked why the trees would have to be removed, she wanted to know if there was some way to preserve the trees.

Public hearing was closed.

Mr. Foster provided his rebuttal.

The Board discussed:

Mr. Davis asked the applicant to explain the plans for the trees in more detail.

Mr. Ryan explained that the trees to be removed were notated in red on the design plans, which were two pine and two oak trees. He also pointed out the trees that would be preserved.

Discussion continued:

- Explanation of the plan details showed that there was a moat feature represented that was historic
- Appeared that the best spot to mitigate the removal of many of the trees had been selected
- Arborist report supported the tree removal

- This was an important project; it was unfortunate that trees must be removed

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone Development 2024-0044 15 Fort Mose Trail to approve the removal of significant trees in Conservation Overlay Zones 2 & 3. The motion was SECONDED by Mr. Blow

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Conservation Overlay Zone Development & Variance

7. (a) 2024-0042 – Tripp Means – Applicant c/o Means Engineering, Inc.

Laura Stevenson Dumas – Owner c/o Flagler College, Inc 59 Valencia Street

To approve the removal of significant trees within Conservation Overlay Zone 3 and a variance to allow off-site tree mitigation.

Mr. Davis and Ms. Barnes recused themselves from this item.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. Based on a review of Sec. 28-29 staff find that the Board can APPROVE as the variance criteria has been met for off-site tree mitigation at 59 Valencia/PID 204420-0000.

If the board approves the application for Conservation Overlay Zone development, staff recommends the following conditions:

¹ Recusal form attached to original minutes

- The applicant will plant three (3) live oak trees with a 3-inch dbh on Flagler campus as specified in the application

Tripp Means and Michael Blink reviewed the application.

Ex Parte Communication: none

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

Public hearing was opened.

BJ Kalaidi asked for clarification on the number of trees being removed.

Public hearing was closed.

The Board discussed:

- Arborist report described the tree proposed for removal as poor
- Area for the proposed building was very small
- Trees would be planted in the courtyard across from the library, behind the Tinlin house, and near the chapel on campus
- Trees were being removed for safety reasons and were in the footprint of the proposed building
- Sites for the new trees were selected so trees could have full canopy development
- Landscaping would be added around the building
- Looking at a more concise site plan would make it possible to see if there was any room for a tree on the site of the proposed building
- There was a wraparound sidewalk to meet Americans with Disabilities Act (ADA) requirement
- The elevation requirement made it necessary to have the additional length for the ADA ramp
- The proposed mitigation was adequate

MOTION

Mr. Blow **MOVED** to **APPROVE** application 2024-0042 based on the mitigation plans submitted by the college. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

8. Rezoning

8. (a). 2024-0041 Ellen Avery Smith, Esq. – Applicant c/o Rogers Towers, P.A.

Kasam Hospitality – Owner

24 Cathedral Place/PID 197160-0000 & Charlotte Street/PID 197200-0000

Second Hearing from the May 7, 2024 Regular Meeting

Freemont Latimer and John Regan

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 read the staff report and 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.

² Break 2:35 pm – 2:44 pm

- 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.

Ellen Avery-Smith, attorney, reviewed the application and focused on the requested information from the previous meeting. She also reviewed the phasing of the project to clarify the time frame of the project.

John Regan reviewed the portion of the application that dealt with parking and mobility. His presentation concentrated on the availability of spaces throughout the day from 11 am to 10 pm.

Freemont Latimer reviewed the portion of the application concerning the design of the parking garage and the inclusion of the bike share as well as the building elevations.

The Board presented their Ex Parte Communication.

33 certified notices were sent, 2 were returned in favor, 1 was returned opposed, and 1 had comments.

Public hearing was opened.

Melinda Rakoncay was concerned that the new plans had not been before the HARB Board.

BJ Kalaidi asked if the developer would be receiving tax credits. She felt that this project represented over development in the area and was not in favor.

Public hearing was closed.

Ms. Avery-Smith presented her rebuttal.
The Board discussed:

Ms. Tucker asked about the previous review of the HARB board.

Ms. Avery-Smith told the Board that the discussion was about the correct style of the architecture, colonial or Spanish colonial. She said that the HARB discussion was not finalized as the applicant was advised to come to the PZB first.

Ms. Tucker asked the board if there could be a consideration to not allow the public to use the garage for parking unless they had reservations at the restaurant. She thought that this would allow guests and employees of the hotel to have access to parking consistently. She questioned if there would be any apartments included in the plan for the public benefit.

Mr. Regan agreed that more resident's downtown was in the public interest; however, that discussion was not a part of this application.

Ms. Avery-Smith noted in the PUD text that employees would park in the garage or take a shuttle in from outside parking.

Mr. Pappas summarized comments from people he had been speaking to in the

community, and their concern with how much the city had moved toward tourism. He said he had attended HARB meetings and HARB had voiced concerns with density and the proper architectural style and height for the area.

Mr. Blow asked about the phasing of the project. Phase one; the original building at 24 Cathedral Place, and phase two would be the new buildings including the hotel that would wrap the garage. He verified that renovation time could not be more than three years from the start of the project. He said that the worst case would be the applicant would have to wait ten years to start, and if you include both projects it could take as many as twenty-three years to complete. He discussed the financing plan for the part of Charlotte Street that was not adjacent to the building. He wanted the wording to be amended to say that the thirty-three percent included in the PUD would be contingent on the cost at the time that road construction would start.

Ms. Avery Smith said that the applicant would provide the \$464,640.00, which would be deposited with the city when the permits were pulled for the renovations at 24 Cathedral Place. She added that language could be considered to pay the \$464,640 earlier if; the applicant commencing development by getting permits from the city for phase one; or the city commenced the street scape improvements from Treasury to Avenida Menendez.

Mr. Blow supported this project; however, he was concerned that HARB may have a different point of view as it related to the size and scale.

Ms. Lopez told the board that city code said specifically that a PUD or PUD amendment should first be reviewed by the Planning and Zoning Board followed by the HARB as such review was required.

Mr. Shaffer felt density and height could be reviewed by PZB, he added that style was more for the HARB.

Ms. Lopez referenced the PUD code.³

Mr. Davis said that historically there had been a large hotel on the property. He felt that there should be dedicated parking on site for one hundred percent of the employees of the hotel.

Ms. Avery-Smith read in the PUD text that employee parking would be provided either within the property or via a shuttle from off-site parking areas. She confirmed the language regarding the one hundred percent for employee parking.

Mr. Davis confirmed the existing PUD had been started in 2013. He thought that in addition to the monies the applicant was contributing for the road work on Charlotte Street, that there should be language included in the PUD that addressed the rehabilitation of the Anderson circle as well.

Mr. Latimer advised that the applicant offered to do a thirty percent cost share for that work.

Mr. Davis continued and questioned what the west elevation would look like, noting that nothing had been presented to show what the final image would be. He said that he wanted to see more specific information.

Ms. Avery-Smith said the language in the PUD text was as follows: architecturally treated and landscaped, there would also be windows for ventilation.

Mr. Davis's final ask was to remove the antennas on top of the building. He said also that the type of screening for the roof top pool needed to be addressed.

Ms. Barnes questioned the contractual arrangement that would be in place for the

³ Mr. Blow was not present from 4:09 – 4:34

shuttle parking for employees and where that parking would be located. She expressed concern for the additional traffic the two-way portion of Charlotte Street would create. She wanted to make sure that HARB would be supportive of the project. She asked how the phasing would impact the local businesses.

Ms. Barnes was concerned about housing for residents. She felt that there were enough hotels in the area and wanted to see more housing provided for the residents of St. Augustine.

Mr. Shaffer shared concerns with the public as well as the other board members; however, he did not think that those concerns should be applied to this project. The proposed parking was sufficient for guests and employees, leaving some spaces for the public. He would not want to prohibit public parking in the proposed garage. He asked to confirm the height of the pergola being 45 feet from the zero mark.

Ms. Skinner described the HP-2 zoning district and said the Spanish Colonial style was required and that retail shops and restaurant uses were allowed in the HP-2 district.

MOTION

Mr. Pappas MOVED to CONTINUE application 2024-0041 to the July 2, 2024 meeting. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁴

Mr Shaffer left the meeting

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

9. (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/PID134832-0030 (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); Nix Boat Yard Road/PID 134832-0001 (County); 200 Nix Boat Yard Road Unit E/PID 134832-0020 (County); 200 Nix Boat Yard Road/PID134832-0003 (County); 200 Nix Boat Yard Road/PID 134820-0000(County); Nix Boat Yard Road/PID 134833-0000 (County).

To amend the current land use of Mixed-Use District (County) to Marine Industrial (City) and Open Land (City), rezone approximately 10 acres of property currently zoned Open Rural (OR) (County), Commercial Highway Tourist (CHT) (County), Residential Mobile Home (RMH) (County) to Planned Unit Development (PUD) (City), amend the existing Planned Unit Development (PUD) (City Ordinance No. 2023-20) to incorporate the property into the Cat's Paw Marina Planned Unit Development (PUD) (City) to total approximately 19.9 acres, and approve construction within Conservation Overlay Zones 1,2, & 3; all subject to a Voluntary Petition for Annexation and Pre-annexation Agreement.

Mr. Fredriksson read the staff report and 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.

⁴ Break 4:56 pm – 5:12 pm Mr. Shaffer left the meeting

- a. The proposed PUD does not adversely affect the orderly development of the city, 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, as well as a determination for additional public hearings, before making a recommendation to the City Commission.

Brad Wester reviewed the application

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi wanted to know if it would be possible to either plant a tree or paint a tree on the side of the building that would be visible as you cross the 312-bridge going west. She said that she was in favor of this project.

Terry Dillinger was in favor of the project; however, he had a concern about access to the county boat ramp that already existed. He felt that there would be a need for a traffic light at Nix Boat Yard Road in the future to help with traffic flow.

Public hearing was closed.

Mr. Wester presented his rebuttal.

Mr. Davis asked where the county boat ramp would be located.

Mr. Wester described the location.

The Board discussed:

- This was a much-needed facility for the county
- Verified that there was cooperation with the county
- There was a lot of activity in the area
- Nix was a county road
- There was no longer residential property behind the project area
- Water area had been dredged, which allowed for deep water
- Focus on how the depth would be maintained
- Concerned about the effect on the public view shed from Freedom Park
- There were options to mask the side of the building
- The building would provide storage for boats up to forty-five feet in length
- Ten septic tanks still existed on the property
- The property would be connected to a centralized water and sewer system to include stormwater

- Additional parcel was added after March 5

Ms. Lopez advised that there should be three recommendations, one for the comprehensive plan, the second for rezoning, and finally approval of the conservation overlay zone.

MOTION

Mr. Davis MOVED to RECOMMEND application 2024-0012 of the properties listed at Nix Boatyard Road To amend the current land use of Mixed-Use District (County) to Marine Industrial (City) and Open Land (City), rezone approximately 10 acres of property currently zoned Open Rural (OR) (County), Commercial Highway Tourist (CHT) (County), Residential Mobile Home (RMH) (County) to Planned Unit Development (PUD) (City), The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Davis, Pappas, Barnes, Blow, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Davis MOVED to RECOMMEND application 2024-0012 for all properties listed at Nix Boat Yard Road to amend the existing Planned Unit Development (PUD) (City Ordinance No. 2023-20) to incorporate the property into the Cat's Paw Marina Planned Unit Development (PUD) (City) to total approximately 19.9 acres. Ms. Tucker SECONDED the motion.

VOTE ON MOTION

AYES: Davis, Tucker, Barnes, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Davis MOVED for application 2024-0012 that all properties listed at Nix Boat Yard Road, to APPROVE construction within Conservation Overlay Zone 1, 2, and 3, all subject to a voluntary petition for annexation and pre-annexation agreement with the City. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION

AYES: Davis, Pappas, Blow, Tucker

NAYES: Barnes

MOTION CARRIED 4/1

Mr. Wester asked the Board to waive the second hearing.

Ms. Lopez advised that consensus was acceptable.

There was Consensus with the Board to waive a second hearing.

10. Other Business

10.(a) Discussion and recommendation Lopez regarding inserting language in the Land Development Code to address HB 1645: Energy Resources requirements for resiliency facilities.

Ms. Skinner made a brief presentation regarding adding the definition of Resiliency Facilities to the zoning code. She advised that the staff had looked at what areas and buildings would be appropriate for this type of use.

- Legislation was crafted to protect fossil fuels
- Needed to act quickly because after July 1, 2024, the city would be preempted from being able to take any action
- This was a Use by Exception, which would allow for rules and regulations
- There were no guidelines from the state regarding the size of tanks; however, above ground tanks were already

allowed in certain zoning sections as Use
by Exception

- This was related to public utilities only
- Zoning needed to be determined
- Government Use - GU, Industrial Warehouse - IW, CM-1 and CM-2

MOTION

Mr. Davis MOVED to make a recommendation to accept Resiliency Facilities as defined for the zoning categories of CM-1, CM-2 as an exception, GU, and IW. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION

AYES : Davis, Pappas, Barnes, Blow, Tucker

NAYES : NONE

MOTION CARRIED UNANIMOUSLY

11. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 6:24 P.M.⁵



Charles Pappas, Chairperson

⁵ Transcribed by Michele Fudo

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

NAME—FIRST NAME—MIDDLE NAME Barnes Ashleigh		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning Board	
MAILING ADDRESS 110 Bridge St		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY St Augustine	COUNTY St Johns	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 6/4/24		NAME OF POLITICAL SUBDIVISION:	
		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, Ashleigh Barnes, hereby disclose that on June 4th, 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:

I work as an adjunct professor for Flagler College.

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.

Date Filed

6/4/24

Signature

Ashleigh Barnes

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.

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

LAST NAME—FIRST NAME—MIDDLE NAME DAVIS MICHAEL A	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY PLANNING AND ZONING BOARD
MAILING ADDRESS 23 PARK TERRACE DR ST. JOHN	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY ST. AUGUSTINE COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 6/4/24	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

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 A. Davis, hereby disclose that on JUNE 4, 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:

MY COMPANY A.D. DAVIS IS CURRENTLY WORKING FOR
FLORIDA COLLEGE 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.

JUNE 4, 2024
Date Filed

Michael A. 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.