CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
July 2, 2024

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

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2. General Public hearings for Items Not on the Agenda

BJ Kalaidi 32 Avenida Menendez

3. Approval of Minutes

4. Modification and Approval of Agenda

Item 6.b was withdrawn by the applicant.

There was CONSENSUS with the Board to APPROVE the modified agenda

5. Variance

**5. (a) 2024- 0047 – Mike Wagner c/o MJ Wagner Construction – Applicant
Dr. Tim Steflik – Owner 63 Lemon Street**

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

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may either DENY the application as submitted or CONTINUE the request to allow the applicant to provide:

- Justification of the request,

- Details of the proposed use, and

- A parking plan which meets the City's off-street parking code or a variance request to specific requirements.

The applicant was not present, the Board agreed to move the item to later in the agenda.

Mr. Davis made a MOTION to move item 5a to a spot in the agenda before item 7. Ms. Tucker SECONDED, and the MOTION PASSED with UNANIMOUS VOICE VOTE.

Item heard prior to Item 7.

Mike Wagner reviewed the application answering the staff questions in the staff report

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Jennifer and John Alexander spoke together and were opposed to the variance request. Ms. Alexander sited the criteria that was to be met for the variance to go forward.

Melinda Rakoncay said that garages typically did not have setbacks as they were storage for vehicles or other items. She felt that there was a reason for setbacks in these neighborhoods so that people could maintain their privacy. She felt that this would be used as a short-term rental. She asked the Board to deny this request.

BJ Kalaidi asked the Board to deny the variance stating that the quality of life would change for the neighbors in the area.

Public hearing was closed.

The Board discussed:

- Confirmed that nothing had changed because of the bill that passed the legislature related to short term rentals, which was vetoed by the governor
- The purpose of the building and the variance request
- Would not be removing the tree as noted on the plans

Tim Steflik was sworn in for the record. He advised the Board that the intent of the variance request was to turn the home into a short-term rental. He wanted to increase the size of the home to allow families to stay in the home.

Board discussion continues:

- The main building was a duplex already
- Currently building was a long-term rental and had not been registered as a short-term rental
- Did not see justification for the request
- There were other areas on the property where the owner could expand
- A tree survey would have to be provided as well as a parking plan
- Testimony from neighbors stated they were not comfortable with a two-story building
- A new curb cut would not be required
- Was this building a contributing building
- To make the garage into a living space the variance had to happen
- Nothing in the criteria to support the variance
- Criteria was not met to support the variance

MOTION

Mr. Shaffer MOVED that item number 2024-0047 at 63 Lemon Street that the variance be DENIED. The motion was SECONDED by Mr. Pappas.

<u>VOTE ON MOTION:</u>
AYES: Shaffer, Pappas, Blow, Davis, Tucker
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

<u>6. Conservation Overlay Zone Development</u>

<u>6. (a) 2024-0024 – Ryan Carter c/o Carter Environmental Services, Inc. – Applicant</u>
<u>Lyndsay Watts c/o Watts Up Enterprises II LLC – Owner</u>
<u>Avery Street & Avery Street/PID 109390-0000</u>

To approve construction of a right of way extension and a new single-family home within Conservation Overlay Zones 2 & 3.

Prior to the staff report being presented, Ms. Daugherty reviewed some recent changes to the PZB staff report associated with

Conservation Overlay Zone Development requests. The changes were made with the goal of assisting the Board with evaluating Conservation Overlay Zone proposals, specifically focused on creating a means of comparison for the proposed development to the existing site conditions of an adjacent property.

Mr. Fredriksson read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zones 2 and 3 at the eastern end of Avery Street. This request is for the construction and extension of Avery Street at the eastern end of the existing road which would allow for the construction of a new single-family home at Avery Street / PID 109390-0000.

Ex Parte Communication: presented

23 certified notices were sent, 1 was returned in favor, 5 returned opposed and 19 had comments.

Ryan Carter reviewed the application

Public hearing was opened.

Marta Hahn showed pictures of the area that would be affected by the proposed project. She questioned what the situation going forward was with Florida Avenue. She felt that this was not the time to build in coastal areas or marshes.

Debra Ingram was not in favor of the proposed development as flooding would continue to be a problem. She wanted the greenspace to remain untouched.

Maureen Long thought that the tree removal was premature. She spoke of the resiliency that older trees provided for the area. She stated that the home would be built entirely in the FEMA flood zone.

Grace Cheney expressed concern that the area from Theodore Street to Avery Street looked like it was going to be developed as a whole and she wanted to see all the proposed development at one time.

Melinda Rakoncay said this was not an ordinary lot and it was identified as a wetland area. She felt that the staff report questioned some of the same things that the residents of the area were.

Haley Martenhauf felt that the new home would cause other homes in the area to be placed in a significantly higher risk of detrimental flood damage.

Daniel Pillen asked for clarification on the wetland permitting for the proposed house. He thought that waiting until the resiliency workshop was completed would give a better idea for the effects of the new home in the area.

Angelina Taylor spoke in opposition of the proposal due to the increase of the flooding in the area.

Victor Zimet made mention of the fact the storm water seems to be coming higher and higher each year and was concerned about his house being flooded.

Joseph Martenhauf said he was opposed to the project.

Laura Kaffel wanted to clarify if this project was related to the Theodore Street project.

BJ Kalaidi listed several concerns mentioned in the staff report.

Public hearing was closed.

Mr. Ryan presented his rebuttal; he confirmed that according to the St. Johns River Water Management District (SJRWMD) the land was considered uplands.

The Board discussed:

- Previously expressed concerns for development east of Florida Avenue
- There were several criteria that were not met in the application
- Flooding in the area was an issue
- Opposed to the development
- Millings already existed on Avery Street, so it was somewhat impervious
- Would have liked to see plans for the home
- The proposed home was not on pilings, which did not allow for water to drain properly
- Swales would show mitigation for the fill in the area
- Letter showed that there was no significant wildlife; however, it was from 2023
- Pier construction was an option for the applicant to consider
- Favored open pier construction for application to be considered
- Public works would have to review the project to determine if there was to be any changes to the stormwater and sewage
- Right of way on the east side of the property was Florida Avenue
- Understood the right of the owner to develop the property
- Not enough information provided to justify approval
- Stem wall and fill dirt were not a good choice for the property

Mr. Carter said, because of the board discussion, he would like to continue the application.

MOTION

Mr. Davis MOVED to CONTINUE application 2024-0024 to the August 6, 2024 meeting. The motion was SECONDED by Mr. Blow.

Mr. Shaffer stated that he was opposed to a continuation as the proposed piling construction would not have enough impact on his decision not to support the application.

Mr. Pappas advised that he wanted to see how the water was going to be held during a rain event.

VOTE ON MOTION:
AYES: Davis, Blow, Tucker, Pappas
NAYES: Shaffer
MOTION TO CONTINUE CARRIED 4/1

6. (b) 2024-0037 – John Valdes c/o John Valdes and Associates – Applicant
John Andrews – Owner 273 Matanzas Boulevard
Continued from the June 4, 2024, Regular Meeting

Withdrawn by the applicant 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 S Matanzas Boulevard / PID 221360-0000.

Because the applicant has 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. (c) 2024-0045 – Autumn Martinage c/o Matthews | DCCM. – Applicant
Giselle Thompson – Owner 101 Coquina Avenue

To approve a request to construct a masonry wall and fence 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 of a perimeter wall and fence with flood gates at 101 Coquina Avenue / PID 223390-0000.

Autumn Martinage reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Giselle Thompson, owner of the subject property, told the Board that she had experienced flooding four times in the last fifteen years.

James Pantling spoke of the actual height of the water in the area and supported the applicant.

Public hearing was closed.

The Board discussed:

- A masonry wall would work better and there were others in the neighborhood
- Connecting the different materials should not prove difficult
- The proposed wall was close to the home
- The problem started with the construction on the neighboring property
- Needed to allow the property owner to move forward so that the home would be protected
- Property to the south was a large city right of way
- Agreed the problem started at 99 Coquina
- Neighbors had to react to that problem
- Confirmed with the applicant that the water would be pumped out to the creek or onto the undeveloped neighboring property
- Status on the property to the north was the owner had decided not to build and the fill would stay on the property

Mr. Blow questioned if it would be prudent to hire a consultant to assist in finding solutions to this issue

Ms. Lopez advised that there were budgeted dollars for expert information

Amy Skinner said she had several discussions with Ms. Beach, the city's resiliency officer. She said there were several ongoing studies to address concerns. She referenced the criteria that staff had developed to assist the Board in the review of applications and highlighted a study of the impact that higher seawalls would have on neighboring properties.

Ms. Daugherty pointed out that there was no way at this time to make changes systemwide so they would have to approach changes incrementally along the shoreline.

Ms. Lopez summarized for the Board the point system and how it would allow for easier comparison, for applications.

Ms. Skinner confirmed that there were dollars available to hire an outside consultant.

Mr. Davis said he was sympathetic to the applicant; however, he was still very concerned about the impact on the adjacent neighbors.

Mr. Shaffer felt that each application should be dealt with separately.

MOTION

Mr. Shaffer MOVED to APPROVE application 2024-0045 at 101 Coquina Avenue. The motion was SECONDED by Mr. Pappas.

<u>VOTE ON MOTION:</u>
AYES: Shaffer, Pappas, Blow, Tucker

NAYES: Davis
MOTION CARRIED 4/1

6. (d) 2024-0046 – James Pantling – Applicant & Owner 81 Coquina Avenue

To approve a request to construct a dock and boat lift within Conservation Overlay Zone 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. This application is for the after-the-fact installation of a boatlift at 81 Coquina Avenue / PID 221410-0000.

Because the application is after-the-fact and is inconsistent with the requirements of Section 11-29 (c)(17) for boatlifts, staff recommends denial of the application.
James Pantling, prior to reviewing the application, asked for an explanation of the vista.

Ms. Lopez explained that the only vista protected was the public, not the private

Ex Parte Communication: none

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

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

The Board discussed:

- After the fact application was problematic
- The dock was not low profile
- No documentation showing that the dock was not higher than six feet above mean high water
- Previous discussions were to raise the allowed height to 8 feet
- Dock was permitted prior to the change in the code
- Needed more information to make a decision
- Code had been changed to raise the maximum height for docks from six to eight feet
- Code allowed for low profile, or no profile boat lifts
- Not a low-profile lift and that would have kept application from being approved
- Low profile lift should not exceed three feet above the dock level
- Structures were not allowed on the dock within the city limits
- Criteria seventeen stated all boat lifts shall be limited to a certain capacity and shall be low profile or no profile
- Needed to find that criteria number seventeen had been met.
- Needed to know the height of the dock

MOTION

Mr. Blow MOVED to CONTINUE application 2024-0046 to the August 6, 2024 meeting. The motion was SECONDED by Mr. Shaffer.

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

6. (e) 2024-0048 – Peter Burkhardt c/o Jimrn Properties LLC – Applicant & Owner 111 Inlet Drive

To approve a request to construct a bulkhead and retaining wall 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 of a vinyl bulkhead within eighteen (18) inches of an existing bulkhead and two (2) wing walls at 111 Inlet Drive / PID 213920-0070.

Peter Burkhardt and Rob Pollack of P&G Construction reviewed the application.

The Board presented their Ex Parte Communication.

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

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

The Board discussed:

Mr. Davis said that he did not have a plan that showed how the mitigation was going to be handled and there was no site plan detailing the drainage system.

Mr. Pollack explained the drainage system as proposed and explained that water would be dispersed from the middle of the property to the marsh and the street depending on what side of the home the water fell.

Mr. Blow confirmed that new construction was required to have a grading plan that showed there would be no new water on the adjoining private property.

- Wanted to verify the height requirements of the new bulkhead
- Water was being contained on the property and draining out to the wetland as clear water
- Drainage system collected water around the perimeter and directed the water to the marsh, and it was clear, not turbid

MOTION

Mr. Davis MOVED to APPROVE PZB2024-0048 at 111 Inlet Drive to construct a bulkhead and retaining wall within Conservation Overlay Zones 1&2 provided that the drainage plan presented was a part of the plan for the building permit and installed. The motion was SECONDED by Mr. Blow.

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

6. (f) 2024-0049 – Amy Vo c/o Cedar Street Property, LLC – Applicant & Owner
121 Cedar Street & 133 Cedar Street

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

Mr. Fredriksson read the staff report and said Review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3 at 121 and 133 Cedar Street.

Staff recommends that the Board CONTINUE this request to allow time for the applicant to accurately identify the trees on-site and accurately document each tree as either proposed for retention or removal.

Matt Lotte and Mike Donnell reviewed the application

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Melinda Rakoncey lamented the fact that the proposed development had no historical significance and she added that the trees being removed was regrettable.

BJ Kalaidi pointed out that there was insufficient parking and no sidewalks on Cedar Street. She felt that the quality of life

[1] Break 3:49 pm to 4:05 pm

should be taken into consideration when developers come into Lincolnville. She said that this should be denied or continued.

Public hearing was closed.

Mr. Lotte provided his rebuttal, stating that the drainage plan had been approved and a permit issued by the SJRWMD, he added that the project met the city's public works criteria.

The Board discussed:

- After visiting the site, it appeared that there were trees that could be preserved
- The density of the property was being maximized
- Would like to see a plan with the proposed site improvements
- Most of the trees appeared to be in the center of the site
- Pervious area was in line with the city requirements, under seventy percent
- Landscape plan showed mitigation and, trees around the perimeter were being preserved
- Agreed that most of the trees were in poor condition
- Did not think that the development fit the area
- Wanted to know if tree number seven could be saved
- Trees were in the center of the property
- Grade had to be raised because of ERP requirements
- Fill would be approximately eighteen inches and would make it difficult for the trees to survive
- Twenty-six trees were being removed and twenty-eight trees were being preserved
- New trees to be planted numbered approximately 26
- Raise the caliper of the trees from two to four inch
- This was a lot of development for the property

MOTION

Mr. Shaffer MOVED to APPROVE item 2024-0049 at 121 Cedar Street and 133 Cedar Street with the modification that the replacement Live-Oak trees be four inches in diameter. The motion was SECONDED by Ms. Tucker.

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

7. Rezoning

7. (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
Continued from the June 4, 2024 Regular Meeting

Freemont Latimer and Mike Copenhague

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.

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 advised the Board that she would be covering the questions from the previous meeting in the interest of time. She highlighted parking and transit, bike share program, financial benefit to the city, minimization or removal of roof utilities, what the west side of the parking garage would look like.

Mike Copenhague discussed the changes made to the plans in relation to the parking garage and the entrance paths to the property. He added information for the bike share. He talked about the elevations and the roof elevations. He told the Board that the visual of the Treasury building would be lost if the height of the building went above 30 feet.

Freemont Latimer highlighted the changes to the landscape plan.

The Board presented their Ex Parte Communication.

33 certified notices were sent, 3 were returned in favor, 1 was returned opposed and 2 had comments.

Public hearing was opened.

Leslee Keys described the historical uses of the Treasury Building and said that as proposed, the building would not be an asset. She stated that she was in opposition to the project.

Melinda Rakoncay told the Board that the 2013 PUD was crafted to allow the sale of alcohol and adding telecommunications to the roof area of the building. She said that this was not a modification, but a new PUD. She felt that the project was not a renovation but a repurposing.

Susan Phillips, President and CEO of the St. Johns County Visitors and Convention Bureau, said she supported the project as it would benefit the visitors that wanted to have an extended stay in the city, providing increased tax revenue for the city.

Sabine J. **(inaudible),** 8 Cathedral Place spoke in favor of the project

Don Craven spoke in favor of the project, he felt that this type of project would elevate the kind of visitors that would come.

Daniel and Victoria Lege were in favor of the project. They felt that visitors avoided Charlotte Street because it was currently an eyesore.

Len Weeks spoke in favor of the project. He provided positive feedback for the applicant.

John Arbizanni, currently working on the project at 44 Avenida Menendez, was supportive of this project.

Erica Patel owned a boutique hotel on Charlotte Street and was fully in favor of the project.

BJ Kalaidi felt that this should be denied as she thought that the city should have done something about the issues on Charlotte Street.

Ms. Skinner paraphrased a letter from Isabelle Renaut who was with the St. Johns Chamber of Commerce. Her comments were in support of the project.

Public hearing was closed.

Ms. Avery-Smith restated that HARB never took formal action on the application.

The Board discussed:

Mr. Davis asked what was on the back of the building; the Treasury Street side of the building.

Mr. Copenhague explained what people would see when they entered the lot on the Treasury Street side of the building.

Mr. Shaffer thought that this proposal had a lot to offer to the city and specifically to the area in question. He asked about the style of the pergola on the roof top of the building, as well as the phasing of the project.

Mr. Blow asked for clarification on the phasing. He said the PUD text now states that 2 phases have been combined to one and the total time for construction would be three years unless there was a need to extend due to a natural disaster.

Ms. Avery-Smith explained that the phasing changed from two to one, which would be ten years. She said that the construction, once commenced, would be completed within three years, allowing for an extension if there was a natural disaster or a shortage of materials.

Ms. Tucker had previously had concerns about the other businesses in the area during construction as well as parking. She said that her concerns had been alleviated with each presentation.

Ms. Lopez clarified again that the PZB reviews the PUD first and then it was sent to HARB.

Mr. Pappas trusted HARB to get the design right. He said the goal was to revisit history, but to also incorporate more contemporary things that bring character to the city. He said that the city started as a tourist destination with Henry Flagler, and he felt that this proposal continued to make this area better.

Mr. Blow said that based on the drawings that had been shown, he had no issue with the height of the building and parking was not required in HP districts. He spoke about the benefits to the community as it related to the upgrade to Charlotte Street. He provided language to be considered for the PUD text. He was concerned that inflation would be a problem going forward as the time frame could encompass decades.

Mr. Regan was sworn in for the record and explained that the plan had been based on today's dollars. He said it was not in the interest of the applicant to write a check today; however, he said that the city was ahead of the costs.

Ms. Avery-Smith said that section F on page fifteen could be revised to say that the funds would be paid within ninety days of the City Commission approval of the PUD, but leaving in the language that if the city did not spend the money within ten years of the payment, the developer would get their money back.

Mr. Davis pointed out that the timeline for the payment of the funds should be reviewed as there was a possibility that construction could not start on Charlotte because of construction delays with the building and the ten years could expire.

Mr. Blow asked for information on the size, ownership, and maintenance of the trash compactor.

Tony Blevins was sworn in for the record and he answered the question of the capacity of the trash compactor and told the Board that the city would own and maintain the compactor.

Ms. Lopez asked that any extension for the PUD be mirrored for the city when considering the repayment of the funds.
Shaffer

MOTION

Mr. Shaffer MOVED to RECOMMEND rezoning application 2024-0041 to include that Section 5 Item F of the PUD text be reviewed and determined between the applicant and City staff and have the Historic Architectural Review Board (HARB) review the rooftop pergola. The motion was SECONDED by Mr. Davis

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

8. Other Business

Mr. Davis wanted to work with staff to put together a community group and members of city staff to study the issue of building on Anastasia Island and how to deal with the flooding problem. He asked if there should be building regulations and a set of rules that must be adhered to in the future.

Mr. Blow asked if it would be worth hiring an outside source for the information.

Mr. Davis wanted to have consistency when looking at applications that involve that area. He wanted to deal with the construction methods when building in the areas that have a flooding problem.

There was consensus on the Board to make a recommendation to the City Commission to move this idea forward.

9. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 7:16 PM.[2]

Charles Pappas, Chairperson

[2] Transcribed by Michele Fudo