CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
March 4, 2025

The Planning and Zoning Board met in formal session Tuesday, March 4, 2025, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Ashleigh Barnes, Vice-Chairperson and the following were present:

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| **1. Roll Call** | Ashleigh Barnes, Vice- Chairperson<br>Charles Pappas<br>Mike Davis<br>Carl Blow<br>Matthew Shaffer<br>Susan Johns |
| Absent: | Christina Tucker, Chairperson (Excused) |
| City Staff: | Amy Skinner, Director, Planning & Building Department<br>Jacob Fredriksson, Planning & Building Planner<br>Sarah Daugherty, Senior Planner<br>Isabelle Lopez, City Attorney<br>Michele Fudo, Recording Secretary |

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

none

**3. Approval of Minutes**

**MOTION**

**Mr. Pappas MOVED to APPROVE the February 4, 2025 minutes as presented. The motion was SECONDED by Mr. Blow and PASSED by UNANIMOUS VOICE VOTE.**

**4. Modification and Approval of Agenda**

Item 5.c asked for a continuation to the April 1, 2025 meeting

Item 6.a. was withdrawn by the applicant.

**MOTION**

**Mr. Pappas MOVED to APPROVE the Agenda with the following modifications: Item 5.c. PZB2025-0003 would be continued to the April 1, 2025 meeting and Item 6.a PZB2025-0005 had been withdrawn by the applicant. The motion was SECONDED by Mr. Shaffer and PASSED by UNANIMOUS VOICE VOTE.**

**5. Conservation Overlay Zone Development**

**5. (a) PZB2024-0087 – Tom Bartlett c/o Matthews | DCCM – Applicant**
**Agan Prameshuber – Owner**
**173 Inlet Drive**
**Continued from the February 4, 2025 Regular Meeting**

**To approve the construction of a retaining wall 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 Zones 1 & 2. This application is for the construction of a retaining wall and associated fill at 173 Inlet Drive / PID 213831-0010.

**Because the applicant had not provided the requested information staff was recommending Continuation for additional information or reconsideration or Denial of the application**.

Tom Bartlett reviewed the additional information for storm water retention which had not been submitted with the packet.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails received for the application.

Public hearing was opened.

Zig Ziegler advised the board that there had been a meeting with Ms. Skinner and the result of the meeting was positive as there had been a new screening put in and removal of the sand in the street. He felt that there should be clear rules and regulations to address the concerns with new construction.

Dr. Nathan P. Hale was opposed to the project as a resident in the area. He did not think that the proposed drainage plans made sense as they were pushing the water towards the street not the marsh. He wanted the board to insist that at least half of the water be pushed toward the marsh.

Mr. Bartlett provided his rebuttal.

Public hearing was closed.

The Board discussed:

- One third of the water would be directed to the river and the other two thirds would be directed to the street
- There were positive changes to the drainage plan
- Before the retaining wall was approved, water retention had to be adequate
- An explanation was given about the amount of water that would be retained in the underground storage
- The totals were cumulative and would meet the requirements for the storage and drainage for the site
- If staff found that this was adequate, would be in favor of the project.
- The staff had highlighted scale of development, drainage, and finished floor elevation as concerns
- No height information for the structure had been submitted
- The ranking system showed that this project was at 16 but had not been recalculated for the new proposal
- Confirmed that the applicant was not required to obtain a permit from the Water Management District (WMD)
- Confirmed that the system, as designed, would allow rainfall to percolate into the ground
- The proposed retaining wall extension was offset from the seawall
- The stormwater treatment system trench would be wrapped with fabric to keep sediment and other debris out of the system
- The pavers were permeable up to one thousand gallons per hour
- The finished floor height was twelve feet, and the garage was nine feet

Mr. Davis thought that this was a vast improvement from the last proposal. He said that about 9,000 gallons would be retained on site. He thought that during a normal rain event this system would work. He felt that this was the best that could be done for this project. He asked where the top of the swale would be in relation to the neighbor to the north and pointed out that in the swale there was a drainpipe to the marsh. He verified that the new system would not impact the existing drainpipe in the swale. He confirmed with staff that the review of the new plans was sufficient to go forward with approval.

Mr. Pappas reviewed the concerns that the board had previously had with the application focusing on the significant tree that was near the retaining wall.

Mr. Bartlett said that the tree would remain, and every effort would be made to leave the tree undisturbed.

**MOTION**

**Mr. Davis MOVED to APPROVE application PZB2024-0087 at 173 Inlet Drive as per the amended plan with the house elevation at twelve feet and the garage at nine feet including all the swales that have been included and the nineteen inch oak tree would be protected with the arborist report. The motion was SECONDED by Mr. Shaffer.**

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

**5. (b) PZB2024-0092 – Ryan Carter c/o Carter Environmental Services – Applicant**
**Kyle Cregan – Owner**
**67 Water Street**
**Continued from the February 4, 2025 Regular Meeting**

**To approve a request to construct a dock 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 Zones 1& 2. This application is for the construction of a dock at 67 Water Street/PID 196000-0000.

Ryan Carter reviewed the application.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails received for the application

Public hearing was opened.

Joseph Weed stated that he had two practical problems with the design. He said that moving the dock north blocked the egress to the creek and that three hours would have to pass to get a boat past the dock.

Hurley Hayward said that the design of the proposed dock would prohibit him from getting his boat into the creek. He said that the clearance between the two docks was not enough to get the boat to the dock. He was asking that the dimensions be changed to allow him to be able to get to his dock easily.

Jim Rappaport said that he was not opposed to a dock in the area; however, this design was not appropriate.

Jeremiah Mulligan spoke on behalf of the residents of the Water Street area. He repeated the concerns of the previous speakers but continued to show that the property line was incorrect. He did not think that all the information was available for the board to make an informed decision.

BJ Kalaidi talked about the conservation areas and advocated for docks everywhere to be removed.

Mr. Carter provided his rebuttal.

Public hearing was closed.

Kyle Cregan was sworn in for the record to speak to problems of this application. He felt that this hearing should be based on the merits of the application and the design provided by Mr. Carter. He noted that the bulkhead had already been approved and built, and the house was currently under construction. He said that the neighbors had not discussed the afore mentioned issues prior to the first meeting for the application.

The Board discussed:

Mr. Shaffer made the comment that it would be helpful to get emails from the public prior to meetings so Board members could review them.

- Floating dock at low tide would be sitting on the bank of the creek
- Did the proposed dock impede access for the neighbor to an existing dock

Ms. Lopez explained the riparian access to the waterway and that owners had a right to wharf out to the navigable waterway.

Mr. Carter advised that equitable apportionment of the riparian line existed in this area.

Mr. Shaffer asked for clarity on the following items: 1) Ingres and egress for the neighbor's dock, 2) Boat being tied at the floating dock and 3) Agreement on the survey presented

- The survey provided had been placed on the state plain coordinates and this would be the best version
- Riparian rights gave the right to get to the water but did not address the size of the boat getting access
- Removing the lift and adding a slightly larger floating drive on dock was an idea to consider
- The proposed dock was north of the property line
- The revised proposal met the criteria
- Supportive of the proposal as presented
- This was a modest dock being proposed

**MOTION**

**Mr. Blow MOVED to APPROVE application PZB2024-0092 at 67 Water Street with the following conditions: 1) any vessel tied to the eastbound side of the dock was restricted to active loading and unloading and 2) the size of the vessel would be limited to twenty feet long and eight feet wide, and after extensive review, the seventeen criteria had been met. The motion was SECONDED by Mr. Pappas.**

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

**<u>5. (c) PZB2025-0003 – William Schaefer c/o Dominion Engineering Group – Applicant Michael Braren, Manager c/o Ponce Commercial, LLC – Owner</u>**
**<u>4000 US Highway 1 N/PID 073430-0032 and US Highway 1 N/PID 073430-0035</u>**
**Continued from the February 4, 2025 regular Meeting**

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

This item requested a continuance to the April 1, 2025 Regular Meeting. See item 4.

**<u>6. Variance</u>**

**<u>6. (a) PZB2025-0005 – Henri A Erkelens – Applicant & Owner</u>**
**<u>22 N Saint Augustine Boulevard</u>**
**Continued from the February 4, 2024 Regular Meeting**

**To approve a variance request to the side yard setback requirement.**

This item was withdrawn by the applicant, see item 4.

**<u>6. (b) PZB2025-0012 – John Fountain and Carol Fountain c/o 4 F Retreat, LLC – Applicant</u>**
**<u>4 F Retreat, LLC – Owner</u>**
**<u>37 Miruela Avenue</u>**

**To approve a variance request to the side yard setback requirement.**

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may APPROVE the variance request for a reduction of the side yard setback to 5.7 feet at 37 Miruela Ave /PID 215040-0000.

Carol Fountain reviewed the application

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails received for the application.

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

The Board discussed

- The four criteria were reviewed, verifying that all were met for the application
- Confirmed that this was not a Short-Term Rental and was in fact a second home
- There would be no addition to the existing footprint

After a brief discussion there was consensus with the board for approval.

**MOTION**

**Mr. Shaffer MOVED to APPROVE application PZB2025-0012 at 37 Miruela Avenue for a variance to the side yard setback requirement. The motion was SECONDED by Mr. Pappas.**

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

**7. Variance and Use by Exception**

**7. (a) PZB2025-0009 – Melissa Gangemi c/o Ponce De Le Rollin – Applicant Thomas Gangemi – Owner 201 Anastasia Boulevard**

**To approve a use by exception for a commercial recreational facility and approve a variance request to eliminate off-street parking requirements.**

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may APPROVE or APPROVE with conditions, a use by exception request for a commercial recreational or entertainment facility within CL-2 zoning district and a variance for parking requirements at 201 Anastasia Boulevard / PID 219130-0000.

James Whitehouse spoke on behalf of the owner and applicant and reviewed the application.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails for the application.

Public hearing was opened.

Edward Westfield cited city code regarding the distance of the parking to the facility. He stated that any agreements with other businesses could be terminated at will and therefore they were worthless.

Tyrone Bennett felt that this was a good way to divert tourists to the other side of the bridge. He stated that the applicant had done the due diligence for this application.

Ann Westfield spoke against the application. She asked where the buses would park while assisting people that attend the skating rink.

[1] Break 3:31 – 3:43

Emma Gangemi said that she was in favor of this new business because it would give her something new to do in the area.

Audry Altheiser said that there was very little for young people to do in the area and was in favor of this business.

Bradley Cook said that this would be a nice place to go in the winter especially.

Ava Grundvig was an avid roller skater and was in favor of the application as it would make it closer to home.

Carrie Morgan spoke in favor of the application. She felt like there were a lot of creative ways to find parking in the area.

Donna Dove had no objection to the proposed business; however, she had an issue with the potential for added parking in the Davis Shores area. She said that the pedestrians could be in danger walking at night.

Erica Faye suggested that bike riding and other non-motor vehicles were a great way to travel in the area to combat the parking problem.

Joseph Largay said that the town was not just for tourists, and he looked at the arial and noted that there was additional parking available in different areas.

Samantha Prevek said that there was an arrangement with the skating rink to allow preschool students to attend.

Adam Lynn, the owner of the Old Town Connect, related his experience in other large cities and mentioned the additional ways to travel the city that did not involve a car. He said that there were not enough activities for young people.

BJ Kalaidi thought that the original plan was to be within 400 feet however the proposed parking was more than 1000.

Ryan Kunsch said that he understood how residents felt about people parking in front of their houses; however, he thought that if the city were to designate areas for parking this problem could be solved.

Mr. Whitehouse provided his rebuttal.

Public hearing was closed.

The Board discussed:

- Had the applicant proposed to use the building for approved use as listed in the code, the applicant would not have to ask for the variance and the exception.
- The proposed hours of operation would be after school until 9pm and on the weekend 11am – 9pm.
- There was no way the building could be built today with the current code
- Success would be based on how well the business was run
- Needed to include the condition that there be signage indicating where the additional parking was located
- If the attendance exceeded fifty people, it appeared that it would be capacity
- The proposed parking arrangement was adequate
- Mr. Whitehouse had provided conditions that appeared to be necessary
- The applicant was showing initiative
- This was less intensive use than others that would be allowed
- This was more for the residents of the city as well as tourists
- There was ample space for buses to park in different areas of the city
- This would be a great addition to the community
- Creative solutions had been provided by the applicant
- This was a positive thing for families in the area
- The parking lease language was a concern; however, the conditions that Mr. Whitehouse had presented would support the protection of the city and not

create a situation where the variance runs with the land

Mr. Blow asked if the city would be protected from any legal action in the future by residents if the city failed to enforce the proposed conditions.
Ms. Lopez advised that there was no private right to force code enforcement; however, there was a right to appeal the decision of the board.

- Supported approval with the conditions cited by Mr. Whitehouse included in the motion. As well as the hours of operation

**MOTION**

**Mr. Davis MOVED to APPROVE application PZB2025-0009 for Use by Exception at 201 Anastasia Boulevard including that the exception is for the recreational use and the variance for offsite parking are granted to the applicant, specifically "Ponce de le Rollin, LLC"; It shall only apply for that applicant/operator; Such operator MUST AT ALL TIMES maintain a lease for A MINIMUM OF 25 additional parking spaces within four blocks of the property; If this operator ceases to be the operator of this approved recreational use or if this operator fails to continue to maintain leases providing for the minimum 25 additional offsite parking spaces, then this grant shall be null and void, and the right to the use may be ended by the city; the hours of operation would be 2pm to 10pm Monday thru Friday and Saturday and Sunday 10 am to 10 pm; the nine parking spaces on the west side of the building could not be rented during the hours of operation and those nine spaces could be rented before 2pm and after 10pm and met the code as required in Section 28-2. The motion was SECONDED by Ms. Barnes.**

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

**MOTION**

**Mr. Davis MOVED to APPROVE application PZB2025-0009 at 201 Anastasia Boulevard within the CL-2 zoning district a request for off-street parking requirements at 201 Anastasia Boulevard that would reference back to all items passed for the Use by Exception and this application met all the four criteria. The motion was SECONDED by Mr. Blow based on the fact that this motion had all of the conditions that were stated in Use by Exception.**

**<u>VOTE ON MOTION:</u>**
**AYES: Davis, Blow, Johns, Shafer, Pappas, Barnes**
**NAYES: NONE**
**MOTION CARRIED UNANIMOUSLY**

**<u>8. Use by Exception</u>**

**<u>8. (a) PZB2025-0010 – Heather Greyling c/o Greyling Properties LLC – Applicant & Owner</u>**
**<u>8 Saint Andrews Court</u>**

**To approve a use by exception for one (1) off-site parking space within the Municipal Parking Garage.**

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board can APPROVE a use by exception for one (1) parking space within the Municipal Parking Garage at 8 saint Andrews Court / PID 205440-0000.

Heather Greyling reviewed the application.

Ex Parte Communication: none

Ms. Barnes reviewed the certified notice responses and emails for the application.

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

The Board discussed

- Confirmed that there would be a pass for the parking garage
- Any advertisement must include that the additional parking was offsite in the municipal garage
- Felt that the garage was not an adequate alternative for parking
- It appeared that the applicant had performed the required due diligence

**MOTION**

**Mr. Davis MOVED to APPROVE application PZB2025-0010 a use by exception for one (1) parking space within the municipal parking garage at 8 St. Andrews Court, provided that all advertising stated that parking at the municipal garage was the only allowed space. The motion was SECONDED by Mr. Blow**

**VOTE ON MOTION:**
**AYES: Davis, Blow. Johns, Pappas, Barnes**
**NAYES: Shaffer**
**MOTION CARRIED 5/1**

**8. (b) PZB2025-0011 – Jack Banks – Applicant & Owner**
**8 Grant Street**
**To approve a use by exception for one (1) off-site parking space within the Municipal Parking Garage.**

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board can APPROVE the use by exception for on (1) parking space within the Municipal Parking Garage at 8 Grant Street / PID 156600-0000.

Jack Banks reviewed the application.

Ex Parte Communication: none

Ms. Barnes reviewed the certified notice responses and emails for the application.

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

The Board discussed

- This was how affordable housing was being lost in the city
- This building was half Short-Term Rental and half Long-Term Rental
- The number of STR's in the area was becoming problematic
- Thought that all the options had been not been explored
- Granting the Use by Exception would be contrary to the public interest due to the health and safety concerns that would arise when the parking garage met capacity; other options needed to be explored
- The local businesses were concerned with liability and there were solutions available to the applicant
- This was not in the public interest to grant this exception
- Both units were one bedroom and one bath
- There was no off-street parking

**MOTION**

**Ms. Barnes MOVED TO CONTINUE application PZB2025-0011 for 8 Grant Street to the May 6, 2025 meeting. The motion was SECONDED by Mr. Davis.**

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

**8. (c) PZB2025-0013 – Jenna and Jarrod Boyter c/o Ink & Barley – Applicant**
**Jenna and Jarrod Boyter c/o Ink & Barley/Boyter Properties LLC – Owner**
**203 W King Street / PID 118510-0000**

**To approve a use by exception for off-site parking spaces within a private parking facility.**

Mr. Fredriksson read the staff report and said Based on a review of Sec. 28-29 staff finds that the Board may APPROVE the use by exception request for four (4) off-site parking spaces within four hundred (400) feet at 198 W. King Street to allow for the owner to apply for a business license for a bar use at 203 W. King Street / PID 118510-0000.

The Board presented their Ex Parte Communication.

Jarrod Boyter reviewed the application.

Ms. Barnes reviewed the certified notice responses and emails for the application.

Public hearing was opened.

Douglas Farrell 205,207, and 209 King Street advised the board that two of his business trucks had been hit by passing vehicles several times in the past. He asked if there would be handicapped parking available.

Caleb Cooper spoke in support of the application. He thought that it was important the Board support local businesses.

Trevor Worley was in favor of the application.

Chris Brown supported the owners and their new location on King Street.

Ginger Williamson said that there was a problem with trash being dumped on their side of the street from the business, and that there had been other altercations with the people associated with Ink and Barley.

Ryan Kunsch advised the Board that there was no parking in the area near the new business and any business owner would have to come before the board for parking.

BJ Kalaidi felt that this application should be denied because she thought that the Broudy lot would be filled and when the garage was constructed there would be no parking.

Mr. Boyter provided his rebuttal.

Public hearing was closed.

The Board discussed

- Many of the public objections were not related to parking
- Zoning was CM-2 and thus the applicant did not have to ask for permission to serve alcohol
- For every twenty-five spaces there needed to be one handicapped space

Mr. Fredriksson advised that there needed to be one space for every three patrons.

- Confirmed that any conditions could be added that were reasonably related to the request
- This was a relocation of the business within the city
- Confirmed that there was a long-term tenant in an adjacent building
- Confirmed that the hours of operation were Tuesday through Saturday from noon to eight, Sunday noon to six and Monday was for administrative work.
- Confirmed that the lease was comprehensive
- Felt that this would be a positive for the community
- There had been no complaints at the existing location
- The current location had approximately twenty seats, the new location had a similar footprint but a better floor plan

Mr. Davis explained that the exception goes with the owner. He said that there must be advertising that stated that parking was located across the street and reiterated that any code violations within one year would require that the applicant return to the board.

Mr. Pappas asked what would happen when the parking garage was constructed.

Mr. Fredriksson explained that they had been working to keep applicants out of the proposed footprint of the garage.

Ms. Lopez advised that the city would work with Mr. Broudy to accommodate any patrons for parking.

**MOTION**

**Mr. Davis MOVED to APPROVE application PZB2025-0013 at 203 W King Street for a Use by Exception for four parking spaces as per the Sec 28-29 review by staff with the following conditions: this exception goes with this owner; the hours would be noon to nine pm Monday through Sunday; the applicant needed to advertise the location of the parking spaces; Identify the parking spaces with signage; provide a copy of the lease for the parking spaces to the city; and three complaints within a year would require a return to the Board, if there were no complaints this condition would be removed. The motion was SECONDED by Mr. Pappas.**

**<u>VOTE ON MOTION:</u>**
**AYES: Davis, Pappas, Johns, Shaffer, Blow, Barnes**
**NAYES: NONE**
**MOTION CARRIED UNANIMOUSLY**[2]

**<u>8. (d) PZB2025-0014 – Ryan Kunsch c/o Alfred's – Applicant</u>**
**<u>Ryan Kunsch c/o Alfred's/ Kunsch Properties LLC– Owner</u>**
**<u>222 W King Street</u>**

**To approve a use by exception for off-site parking spaces within a private parking facility.**

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may APPROVE the use by exception request for twenty (20) off-site parking spaces within four hundred (400) feet at 198 King Street to allow the owner to apply for, and staff to review, building permits for a proposed restaurant at 222 W. King Street / PID 111330-0000.

Ryan Kunsch reviewed the application.

Ex Parte Communication: none

Ms. Barnes reviewed the certified notice response and emails for the application

Public hearing was opened.

BJ Kalaidi advised that there was a stop work order at this address and the applicant would be before the magistrate on March 5, 2025.

Carley Zervis had been working with the business owner to help facilitate the parking agreement. She said that this was a new business and advised that Mr. Broudy was very cooperative with the businesses in the area. She noted that the parking spaces would have signage as well as social media notifications for parking.

Public hearing was closed.

The Board discussed

- Confirmed that the code violations were related to the lack of parking for workers
- The restaurant would serve pizza, pasta, sandwiches and beer and wine
- Hours of operation were estimated to be 9-11 pm during the week noon to 11pm on the weekends and five to six days a week
- There would be approximately forty seats in the restaurant
- Confirmed that the number of parking spaces was twenty
- Verified that the applicant had two buildings, and one was a rented café that closed at 2pm and was not open on Mondays and Tuesdays.

[2] Break 6:30 – 6:50

**MOTION**

**Mr. Shaffer MOVED to APPROVE application PZB2025-0014 at 222 W. King Street for Use by Exception for twenty off-site parking spaces within a private parking facility with the following conditions: this was for a restaurant with up to eighty seats; the applicant maintained the lease for those parking spaces with the parking spaces identified with signage; to note on the business website where additional parking was located; if the business were to have more than three code violations, that would require a return to the board and after one year if there were no violations this condition would be removed; and the hours of operation were not later than midnight seven days a week The motion was SECONDED by Mr. Pappas.**

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

**9. Rezoning**

**9. (a) PZB2025-0008 – Mark Shelton, AICP c/o Kimley-Horn and Associates, Inc. – Applicant**
**Toll Southeast LP company, Inc. – Owner Arapaho Avenue / PID 134780-0000; 1500 Arapaho Avenue / PID 134770-0001 and 1510 Arapaho Avenue / PID 134790-0000**
**Continued from the February 4, 2025 Regular Meeting**

**To approve a PUD modification to allow for the removal of significant trees within Conservation Overlay Zone 2 & 3.**

Mr. Fredriksson read the staff report and said The Planning and Zoning Board is required to provide a report and recommendation to the City Commission showing that the Board has studied and considered:

1. The need and justification for the change
2. The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission
3. Consistency with the comprehensive plan.

In addition, staff requests that the added language "or off project site" be included on Page 8 of the PUD under both s. Landscaping and t. Tree Mitigation either include specific information of what the intention is or that it be removed prior to appearing before the City Commission.

Given the scale and complicated nature of PUD's the PZB shall require review of planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. Staff finds that this request is indeed eligible for the PZB to exercise their right to require only on (1) public hearing, if deemed appropriate by the PZB.
Mark White, Mark Shelton and Justin Scarberry were sworn in for the record and reviewed the application with Ryan Carter.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails for the application.

Public hearing was opened.

Joseph Largay had a concern that the trees had been lost. He felt that there should be more than a change in the verbiage.

BJ Kalaidi wanted to know if the trees would be replaced with significant trees or would the credits be enough to mitigate the loss of the trees.

Mr. Carter provided his rebuttal.

Mr. Shelton reviewed the revised landscape plan. He respectfully asked the board to limit this to one hearing as the staff report advised that this was possible.

Public hearing was closed.

The Board discussed:

Mr. Blow said that he had visited the site to observe the trees. He felt that the trees had been pruned too far back at the root and this was the reason they died. He was in favor of revisiting the entire PUD before proceeding any further.

Mr. Davis asked when the trees fell compared to when the original work was done on the trees. He wanted to know if the arborist who explained how the work would be done was the arborist that conducted the work. He agreed that the whole project should be shut down until the tree issue was resolved with a better solution.

Ms. Johns said that it appeared that the work had been done in this fashion to save money.

Mr. Pappas said he realized that the current owner hadn't started this project; however, they had bought into it, and they needed to provide a better plan going forward. He said that clearly the arborist was not skilled in the scope of the work. He stated that there would have to be more than one hearing to find the solution.

Mr. Shaffer said that any conservation overlay zone development required careful consideration, and the board needed to have information regarding the process with the trees to move forward.

Mr. Scarberry told the board that as the new owner of the property (PUD), he engaged an arborist when the trees were still standing because he felt that they did not look healthy.

Mr. White told the board how he had evaluated the trees and explained that because of the new root growth on the root ball, it appeared that the previous work had been done approximately one year prior.

Ms. Johns asked for clarification on the timing of Mr. White's evaluation.

Mr. White described the process of moving a large tree. He told the board that he had observed the trees while they were still standing about one year prior.

Mr. Shaffer pointed out that the modification to the PUD was not going to be sufficient to address the concerns that the Board had.

Ms. Skinner clarified the zoning changes with the PUD.

Ms. Lopez advised the board that the current owner of the PUD would be responsible as the PUD was no longer in compliance. The current owner was requesting a modification of the PUD and the board would be looking at what mitigation would be appropriate or any additional concessions could be made.

Ms. Skinner advised that there would be a second hearing and that would be readvertised.

**MOTION**

**Ms. Barnes MOVED to CONTINUE application PZB2025-0008 to the April 1, 2025 meeting. The motion was SECONDED by Mr. Pappas**

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

**<u>9. (b) PZB2025-0015 – James G. Whitehouse, Esq. – Applicant</u>**
**<u>Ethical Markets Media LLC – Owner</u>**
**<u>10 Carrera Street</u>**

**To approve a rezoning from Residential Single-Family-One (RS-1) to 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 Borad has studied and considered:

1. No adverse effect finding meaning,
   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 meaning.
   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 meaning,
   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 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 effective transition between adjacent development uses.

Given the scale and complicated nature of PUD's the PZB shall require review of a planned unit development final development plan and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission.

James Whitehouse reviewed the application.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice response and emails for the application.

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

The Board discussed

- This PUD would protect the neighborhood as well as the work being done in the home.
- This was good use for a PUD
- The PUD was keeping the authenticity and allowing someone to continue their business
- Understood the history of the property and the PUD seemed to be the best way to address the potential of zoning violations
- Verified that certain language had been removed in the narrative related to concerns of the board.
- There would be no signage on the property and was noted that it would follow city code for RS-1

**MOTION**

**Mr. Davis MOVED to RECOMMEND APPROVAL of application PZB2025-0015 to the City Commission with the following conditions: removing the highlighted section in maintenance; adding the prohibited use section; and changing the section related to signs in RS-1. The motion was SECONDED by Mr. Pappas.**

**<u>VOTE ON MOTION:</u>**
**AYES: Davis, Pappas, Johns, Shaffer, Blow, Barnes**

**NAYES: NONE**
**MOTION CARRIED UNANIMOUSLY**

**10. Preliminary Plat Approval**

**10. (a) PZB2025-0017 – Jeff Steinle c/o Clary & Associates, Inc. – Applicant William Lanius c/o Ponce Associates, LLC – Owner 4000 US Highway 1 N**

**To approve a preliminary subdivision plat at 4000 US Highway 1 N Madiera subdivision, North Pantano Drive and Lago Court and west of the Tolomato River to create fifty-six (56) lots.**

Ms. Daugherty read the staff report and said this is an existing Planned Unit Development, Madiera, that includes up to 749 residential units. The proposed subdivision plat is for the next phase of single-family development.

Based on a review of the adopted Ordinances pertaining to the Madiera PUD and applicable city codes, staff finds that the Board can APPROVE or APPROVE with conditions the preliminary subdivision plat (replat) at 4000 US Highway 1 N/Northern portion of 073430-0000.

Ellen Avery-Smith reviewed the application. Doug Mare, Bill Lanius and Jeff Steinle were sworn in for the record.

The Board presented their Ex Parte Communication.

Ms. Barnes reviewed the certified notice responses and emails for the application.

Public hearing was opened.

Jeff Fox advised that the board had the opportunity to make wise decisions. He had measured trees in the area to be greater than twenty inches, He asked the board not to be guided solely by the developers. He wanted to be sure that developers were advised that there were at least two hundred trees of significance on the property and that they should be taken into consideration prior to developing the property.

Ms. Avery-Smith provided her rebuttal.

Public hearing was closed.

The Board discussed

Mr. Shaffer said it was known, as per the PUD, that this area would be residential. He said once the plat was approved, each individual owner would have to come before the PZB for significant tree removal. He felt that if the lots were bigger, it would allow for more flexibility related to tree removal.

Ms. Avery-Smith advised that the site plan was approved in the PUD for phase three to include construction plans. She explained that this was a re-plat of an underlying plat.

Mr. Mare advised that construction was complete in the area and that affected the timing of the plat.

Ms. Skinner told the board that the minimum lot size met the requirement of the PUD, which was 55 ft wide by 100 ft deep at least. She said that the infrastructure had been completed and was based on a tree survey, she said that tree removal would be addressed by the developer after the platting.

Ms. Lopez advised that the state platting laws had been complied with.

Ms. Avery-Smith advised that any lot owner would have to get approval for tree removal and this was stated in the PUD.

Mr. Shaffer summarized the process that would be used for any future lot owner regarding the removal of significant trees as well as the location of conservation easements.

Ms. Barnes confirmed that all the concerns of the staff had been addressed by the applicant.

Mr. Davis felt that prior to any plat request, there should be a tree survey available for review so that property lines allow for significant trees to be closer to property lines.

**MOTION**

**Ms. Barnes MOVED to APPROVE application PZB2025-0017 preliminary subdivision plat at 4000 US Highway 1 N Madiera subdivision, North Pantano Drive and Lago Court and west of the Tolomato River to create fifty-six (56) lots. The motion was SECONDED by Mr. Blow.**

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

**11. Other Business**

**11. (a) Information regarding the update of the Vision Plan**

Ms. Skinner said that this item could be moved to another meeting. She asked the board to send any comments to her.

**12. Adjournment**

Having no further business, Ms. Tucker adjourned the meeting at 9:19 P.M.[3]

Christina Tucker, Chairperson

[3] Transcribed by Michele Fudo