CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
January 7, 2025

The Planning and Zoning Board met in formal session Tuesday, January 7, 2025, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Christina Tucker, Chairperson and the following were present:

1. Roll Call:

Christina Tucker, Chairperson
Ashleigh Barnes, Vice- Chairperson
Charles Pappas
Mike Davis
Carl Blow
Matthew Shaffer
Susan Johns

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

Tom Reynolds was concerned with safety issues around the Arricola area. He wanted the board to consider the vacation rentals. He felt that parking should be on one side of the road because of blocked traffic flow. He said that there seemed to be a problem at the pub with the noise as well.

Steve Hill wanted to highlight some opportunities that the city may have for improving communications between the city and the citizens. He said that the city permitting process did not allow enough time for review of items on the agenda. He thought that some of the codes needed clarification, especially in the case of docks and bulkheads.

Ann Westfield thought that the area near Arricola was too dark and felt that there should be more lighting provided by the city. She also mentioned the parking issues near her home.

BJ Kalaidi wanted to know where people could go to get answers to some of the issues mentioned.

Ms. Lopez suggested that people reach out to the assistant city manager Reuben Franklin as he would be the one to handle these issues. She said that contacting their commissioner was another option.

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVE the November 5, 2024 minutes as presented. The motion was SECONDED by Ms. Tucker and PASSED by UNANIMIMOUS VOICE VOTE.

MOTION

Mr. Davis MOVED to APPROVE the December 3, 2024 minutes as presented. The motion was SECONDED by Mr. Pappas and PASSED by UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

Item 6.a. at 3 South Street requested a continuance to the February 4, 2025 meeting.

Item 5.a at 173 Inlet Drive requested a continuance to the February 4, 2025 meeting

Item 6.c was withdrawn.

MOTION

Ms. Tucker MOVED to CONTINUE item 5.a and 6.a to the February 4, 2025 regular meeting. The MOTION was SECONDED by Ms. Johns and PASSED by UNANIMOUS VOICE VOTE.

MOTION

Mr. Pappas MOVED to APPROVE the Agenda as modified. The motion was SECONDED by Mr. Davis 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 December 3, 2024 Regular Meeting

To approve the construction of a retaining wall within Conservation Overlay Zones 2 & 3.

This item requested a continuance to the February 4, 2025 meeting. See item 4.
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 and 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 submitted the requested information, staff recommends Continuation for additional information or reconsideration or Denial of the application.

5. (b) PZB2024-0092 – Ryan Carter c/o Carter Environmental Services – Applicant
Kyle Cregan – Owner
67 Water Street

Continued from the December 3, 2024 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 and 2. This application is for the construction of a dock at 67 Water Street / PID 196000-0000.

Ryan Carter reviewed the application and showed the changes to the previous plans.

Ex Parte Communication: none

No new notices were sent; however, Ms. Tucker read into the record the comments received via mail.

Public hearing was opened.

BJ Kalaidi advised the gallery that there were agenda packets available for people just coming into the meeting.

Steve Hill pointed out that the diagrams showed incorrect riparian and property lines. He thought that the dimensions still impeded the access to others and boats would be damaged. He said that the DEP had given a permit for dredging, which had been done. He felt that the proposed project was not practical.

Ms. Tucker asked how much room the speaker needed to get past the proposed dock.

Mr. Hill said that thirty-two feet was needed.

Mr. Blow followed up with a question about the dredging and how much had been done.

Mr. Hill said that only ten feet had been allowed.

Mr. Davis asked the speaker how often he went out at low tide.

Mr. Hill said that they usually go out three hours on either side of the high tide.

Joseph Weed said that the ingress and egress was the most important issue. He advised the board that the information provided by Mr. Carter regarding the mean low tide was not accurate.

Jeremiah Mulligan representing Mr. Hill, spoke of the information that had been provided and said that there was an issue with matching the survey to the property line. He questioned the accuracy of the submitted proposal. He said that there had been no discussion with the residents.

Susan Weed endorsed the concerns of the other neighbors, and she also confirmed that there would be no egress.

Public hearing was closed.

Mr. Ryan provided his rebuttal. He requested a continuance to the February 4, 2025 meeting.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2024-0092 to the February 4, 2025 meeting with the condition of providing a mapping of any oyster beds that may exist in the area. The motion was SECONDED by Mr. Pappas.
VOTE ON MOTION:

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

5. (c) PZB2024-0095 – Scott Michaels – Applicant & Owner
89 Dolphin Drive
Continued from the December 3, 2024 Regular Meeting

To approve the modification of an existing bulkhead and construct a new 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 and 2. This application is for the modification of an existing bulkhead and construction of a dock at 29 Dolphin Street / PID 219910-0000.

Rob Fullack reviewed the application.

Ex Parte Communication: none

Public hearing was opened.

BJ Kalaidi complimented the applicant for the wonderful job that had been done with the proposal.

Zachary Ramsey felt that any applications should be presented by individuals that lived in the area.

Public hearing was closed.

The Board discussed:

- Clarified that the actual elevation in the proposal would be five feet eight inches
- Established the elevation was from the mean high-water line
- The applicant had addressed the concerns of the board from the previous meeting

- The excavation would take place on the land side of the wall to install filter cloth and would be three to four feet
- Needed to see a revised drawing showing that the fill would remain at the existing level; not the height of the new wall when submitting for the permit
- The plan was to raise the bulkhead, but not add fill to the height of the new bulkhead height
- Be sure to fix note about the filter cloth and request that the composite rebar be used
- The applicant agreed to use the composite rebar

Ms. Lopez confirmed that with the requested information, the application could be approved administratively

MOTION

Mr. Davis MOVED to APPROVE application PZB2024-0095 at 89 Dolphin Drive, to approve the modification of an existing bulkhead and construct a new dock within Conservation Overlay Zones 1 & 2, with the condition that upon permitting a drawing was provided that shows no fill dirt on the back side of the bulkhead and the bulkhead was raised eighteen inches and that an elevation of the bulkhead is made clear for baseline comparison. The motion was to include that composite rebar would be used in the construction and the note that filter cloth would be three feet below mean high water line be modified. The motion was SECONDED by Mr. Blow.

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

5. (d) PZB2024-0094 – Charles Burgan c/o Charles Burgan LLC – Applicant
George Chryssaidis c/o Georgies Fresh Market LLC – Owner
415 S. Ponce De Leon Boulevard

To approve the construction of a new dock within Conservation Overlay Zones 1 and 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 415 S. Ponce De Leon Boulevard / PID 119530-0000

Charles Burgan reviewed the application.

Ex Parte Communication: none

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

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

The Board discussed:

- The application appeared to be consistent with the comprehensive plan
- There was a request from staff to provide information as to what the effect would be on the mangroves in the area
- Placement of the dock would be consistent with the area in which it was forty years ago, there was a cut in the mangroves existing in that area
- Wanted to see a plan with an aerial view for further understanding of the proposal
- The drawing of the dock included a gazebo that did not appear on the survey and that would need to be corrected
- Wanted to see a cross section of the dock showing mean high water
- Confirmed that the application had been submitted to the Corp of Engineers and the Department of Environmental Protection (DEP)
- There was not a lot of room in this area, and this was a federal channel

- Should this application be deferred until there was interaction with the other agencies
- Needed to have the requested information to proceed
- The outline of the property from the property appraiser did not match the outline provided by the applicant
- Wanted to see a comparative proposal showing what had been there to what was proposed
- Needed more detail for the mangroves in the area
- Confirmed that this was a residential dock

MOTION

Mr. Davis MOVED to CONTINUE application PZB2024-0094 at 415 S. Ponce de Leon Boulevard to the February 4, 2025 meeting. The motion was SECONDED by Mr. Pappas.

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

5. (e) PZB2024-0111 – City of St. Augustine – Applicant & Owner
111 Avenida Menendez

To approve the rehabilitation of the existing seawall within Conservation Overlay Zone 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 modification of an existing seawall at 111 Avenida Menendez / PID 219910-0000 and 196200-0010.

Jessica Beach reviewed the application.

Ex Parte Communication: none

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

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

The Board discussed:

- Confirmed where FDOT took over the seawall rehabilitation project
- This project was grant funded
- Consistent with the Comp Plan
- Funding had prohibited the project being completed previously
- The check valves were needed to alleviate flooding on Avenida Menendez
- The plan during construction was to limit traffic closures in the area
- The completion of this project would leave potential for flooding in Davis shores and the Lincolnville neighborhoods
- The City was currently studying those effects
- The timeline going forward was construction would start in the next few months and the anticipated completion was planned for later this year

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2024-0111. The motion was SECONDED by Mr. Pappas.

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

6. Variance

6. (a) PZB2024-0100 – Julia Moiseeva – Applicant

[1] Break 2:54 – 3:05

Craig Van Horn – Owner
3 South Street
Continued from the December 3, 2024 Regular Meeting

To approve a variance request to the maximum square footage of a guest house and reduce the side yard setback.

This item requested a continuance to the February 4, 2025 meeting.

See item 4.

6. (b) PZB2024-0102 – Elizabeth & Samuel Snyder – Applicant
Samuel Snyder – Owner
4 Locust Street

To approve a variance request to eliminate required off-street parking for a retail establishment.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE** the variance request to minimum off-street parking requirements at 4 Locust Street / PID 194930-0000 if the existing off-street parking spaces are maintained, or **DENY** the variance request to minimum off-street parking requirements at 4 Locust Street / PID 194930-0000 if it finds that the owner is still able to make reasonable use of their property despite their cited disadvantage.

Elizabeth Snyder reviewed the application.

The Board presented their Ex Parte Communication.

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

One email was received with comment.

Public hearing was opened.

Jeffrey Pepper was concerned that this new business would cause a problem with parking in the area as cars were parking in the yellow line area and the police response was too slow. He said that sometimes patrons were abusive and uncooperative. He felt that if there was no parking then there should be no business.

Michelle Powers lived around the corner from the proposed business. She spoke in favor of the variance saying that the quality of life was improved.

Melinda Rakoncay said that Chez Lamour, a local business that had offered parking, was selling their parking spaces.

Public hearing was closed.

Ms. Snyder provided her rebuttal.

The Board discussed:

- The applicant had completed due diligence for the parking at other businesses
- Clarified why the current parking was not preferred on site
- Preferred having a parking agreement with any other business in the area
- Did not support the variance
- This was a residential building, to get it to meet the commercial code, there were several things that needed to happen; the area would need to be paved, there needed to be handicap access and other things
- This building did not meet any of the commercial code
- If it were to become a short-term rental there was sufficient parking
- If this was zoned commercial, the city was depriving use
- Not all commercial businesses should be in certain areas
- Would like to see a more holistic approach to the parking issue
- Denial of the request did not prohibit reasonable use as this had already operated as a business

- Wanted to know how a CL-2 zoning with Residential Low-Density land use existed as this was not consistent
- Potential oversight during the last Comp Plan update

Ms. Skinner explained that after a review of the records, this was determined to be zoned CL-2, she confirmed that the RL-1 was incorrect.

Ms. Lopez advised that there was no way to grant development approval that was not consistent with the current Comprehensive Plan. She recommended a continuance to allow time to discern a way forward for the applicant.

Ms. Snyder did not agree with a continuance but acquiesced as she was advised that this would allow time to resolve the problem.

Ms. Lopez advised that the Comp Plan would have to be revised to allow for the applicants' request.

Mr. Pappas said that the request would likely have to be rewritten.

MOTION

Mr. Shaffer MOVED to CONTINUE application PZB2024-0102 to the February 4, 2025 meeting. The motion was SECONDED by Mr. Pappas.

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

<u>6. (c) PZB2024-0103 – Harvey Stringer – Applicant</u>
<u>Henri Frederick Erkelens – Owner</u>
<u>22 N. St. Augustine Boulevard</u>

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

This item was withdrawn. See item 4.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **DENY** the variance request for reduced side yard setback requirements at 22 N. St. Augustine Boulevard / PID 213470-0000 as no singular disadvantage has been identified.

<u>6. (d) PZB2024-0107 – Michael Welch – Applicant</u>
<u>Michael and Maria Welsh – Owner</u>
<u>33 Palmer Street</u>

To approve a variance request to reduce the side and rear yard setback requirements.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE** the variance requests to reduce the minimum required side and rear yard setbacks at 33 Palmer Street / PID 104350-0000.

Brooklyn Reynolds 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.

One email was received with comment.

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

The Board discussed:

- If the variance was denied, would the owner be able to do the work they wanted to do
- Confirmation of what type of building would be allowed by code
- Accessory buildings used for residential use could not be within the setbacks
- Would lot coverage be exceeded if the variance was granted
- Was there sufficient parking on the site

- Did not see a disadvantage, the applicant needed to do the due diligence
- Confirmed that the apartment was there when the applicant purchased the property; however, the work had not been permitted
- Confirmed the reason for the application before the board
- More information was needed
- Supported a continuance with clarity of requirements
- Needed to have a survey for reference
- Many more details needed to be provided

The board had consensus to continue the application advising what information would need to be added to the application.

MOTION

Mr. Davis MOVED to CONTINUE application PZB2024-0107 to the February 4, 2025 meeting provided that that gives the applicant sufficient time to gather the requested information. The motion was SECONDED by Mr. Pappas.

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

<u>6. (e) PZB2024-0109 – John Valdes c/o John Valdes & Associates, Inc – Applicant</u>
<u>John Valdes & Charlu Reigle – Owner</u>
<u>Lewis Boulevard / PID 118860-0000</u>

To approve a variance request to increase the maximum lot coverage.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **DENY** the variance request to the maximum lot coverage at Lewis Boulevard / PID 118860-0000 as no singular disadvantage has been identified.

John Valdes 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.

BJ Kalaidi said that there was no reason that a home couldn't be built as is on the property. She requested a denial.

Public hearing was closed.

Mr. Valdes provided his rebuttal.

The Board discussed:

- Clarified that a two percent increase in the lot coverage would be equivalent to eighty-four square feet
- This was a non-conforming lot
- The property line had been rotated to make the lot less pie shaped, the survey in the packet was the correct representation
- There would be no fill dirt
- The idea of incentivizing construction techniques to address the water flow was excellent
- Did not agree that eighty-four square feet was a disadvantage
- Confirmed that the proposed square feet was 1,326 per floor
- The size of the lot was very small and presented a disadvantage to the owner
- The method of construction was a benefit to the public
- The application met the four criteria for variance and did not interfere with any required setbacks
- No trees would be impacted
- The variance would only be good for the applicant and must be initiated within 1 year

Ms. Lopez advised that stating that this variance was granted based on the evidence that was presented and only the evidence would be cause for a new hearing for a new variance in the future.

MOTION

Mr. Davis MOVED to APPROVE application PZB2024-0109 at Lewis Boulevard because it met the criteria stated during the discussion, but also because it sets a precedent for granting a small percentage of increased lot coverage to mitigate flooding. This was based on the plans presented by Mr. Valdes and was only for Mr. Valdes and if the plans changed, this would have to come back before the board. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:
AYES: Davis, Shaffer, Johns, Blow, Pappas, Barnes, Tucker
NAYES: NONE
MOTION CARRIED UNANIMOUSLY[2]

6. (f) PZB2024-0113 – Garrett Schiavone c/o Real Peel Pizza LLC – Applicant
Greg Dettra – Owner
213 W. King Street

To approve a variance request to the right of way setback requirement for a mobile food vendor.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **CONTINUE** the variance request to reduce the setback requirement from right-of-way for a mobile food dispensing vehicle at 213 W. King Street / PID 119860-0000. A continuance would allow time for the applicant to provide a to scale site plan, which could demonstrate that the proposed location of the mobile food dispensing vehicle is the best option for making reasonable use of the property at 213 W. King Street.

Garrett Schiavone reviewed the application. He advised that a site plan had been submitted to planning and zoning.

The Board presented their Ex Parte Communication.
16 certified notices were sent, 0 were returned in favor, 0 were returned opposed and 0 had comments.

Fifty-four emails were received with comments.

Public hearing was opened.

Guy Ripike thanked the board for their service. He spoke in favor of the applicant as well as the business.

Alex Paramous said that the business was important to the community and asked for consideration from the board.

Ryan Kunsch owner of Mugsy's wanted to confirm where the right of way began and ended. He pointed out that this was on a one-way street and did not impede traffic. He spoke of the relationship that the business had with the people in the community. He has instructed his delivery people to use a different street for deliveries.

BJ Kalaidi said that the bar owner allowed an unlicensed food truck to park on the property and said the owner was negligent. She said that there were ordinances being violated.

Public hearing was closed.

The Board discussed:

- Confirmed that the proper licensing was in place
- Felt that there were other places that the truck could be parked
- Mr. Schiavone said that the food truck was not in the street as much as other cars parked for other purposes

[2] Break 4:45 – 5:04

Ms. Skinner advised that there was not a city business license in place and the city code dictated that food trucks be ten feet off of the property line.

Ms. Lopez explained the differences in the various rights of way in the city. She said that Florida law allowed the city to use any property that they maintain.

Ms. Skinner explained where the measurement would start to determine the right of way.

- Felt that sometimes these issues come down to safety
- Needed to see a survey to see the distances so that the food truck did not block the sidewalk
- The city may own other things in the right of way such as a water main for example, there could be other issues in relation to safety
- Shaffer asked if staff was able to offer any more insight
- Advised the applicant that all the four criteria would have to be met for the variance to be granted
- Needed to see the completed site plan
- Needed clarification of how large the variance would be

Ms. Lopez said that the site plan to scale was a requirement that had been asked of the applicant from staff.

- The sale of food was a positive for the community
- The argument could be made that since the road was one-way there did not need to be a ten-foot variance
- Did not see a threat to the public with the location of the food truck

Ms. Lopez advised the applicant that the important thing was fitting the truck inside the private property line.

MOTION

Mr. Pappas MOVED to CONTINUE application PZB2024-0113 to the February 4, 2024 meeting. The motion was SECONDED by Ms. Tucker.

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

<u>6. (g) PZB2024-0106 – Binh Dao c/o Cottage Homestay LLC– Applicant & Owner 26 Vedder Street</u>

To approve a variance request to the rear yard setback requirement.

Mr. Fredriksson 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 reduced rear yard setback requirement at 26 Vedder Street / PID 155240-0000.

Binh Dao reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened; however, there was no response

The Board discussed:

- This was an after the fact conversion of an existing garage
- Confirmed the zoning allowed for this type of use in the area
- Clarified that the setback request was because the building was being used as a rental or apartment
- This was CM-2 and there were no staff objections
- There was room to build within the setbacks, however it would increase the

lot coverage, which was currently under the minimum

- Wanted an explanation of why the applicant needed the additional space
- Confirmed that the applicant bought the property with the structure already in place
- Confirmed that the applicant would be using the second structure for short term rental and would be living in the front house on the property
- There was enough parking on the property to support a short-term rental

MOTION

Mr. Pappas MOVED to APPROVE application PZB2024-0106 for the variance to the rear yard setback as it goes to improving the livability by adding living space and is an improvement to the area. The motion would adopt the findings of the staff report. The motion was SECONDED by Mr. Davis.

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

7. Use by Exception

7. (a) PZB2024-0104 – Melissa Gangemi – Applicant
Thomas Gangemi c/o Rock Beach Vacation Homes, LLC & JC17 Enterprises, LLC – Owner
201 Anastasia Boulevard

To approve a use by exception for a commercial recreational facility.

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 at 201 Anastasia Boulevard / PID 119280-0000.

Melissa and Thomas Ganagemi reviewed the application.

The Board presented their Ex Parte Communication.

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

One email was received with comment.

Public hearing was opened.

Edward Westfield said that all the notice signs had not been posted in the proper locations for the meeting. He felt that the application should be denied because of the improper noticing. He said that parking was going to be an issue in the area.

Tim Cooley, owner of O'Steens, said that the parking was a serious problem. He did not allow other businesses to use his parking lot for any reason and after 11 pm you would be towed.

Caroline Summer said that the skating rink was an excellent idea for children in the area as well as the parents as it would encourage community involvement.

BJ Kalaidi she suggested that the business should be allowed however there would not be any parking available for clientele. They would have to bus or shuttle in their patrons.

Ann Westfield did not agree that no parking would be a good idea as people would park in the residential area. She asked what the hours of operation would be.

Public hearing was closed.

Ms. Ganagemi provided her rebuttal, explaining their ticket sales idea and how they would be able to control the parking as the building would only accommodate approximately fifty patrons.

The Board discussed:

Mr. Pappas asked about the legal noticing.

Ms. Lopez indicated that the street in question was an alley and had different requirements. Since it was not an actual street, a posted notice was not required.

- Confirmed that the required parking would be twenty-five spaces
- There were currently only nine spaces
- Any conditions placed on the use by exception would have to reasonable and proportionate
- This was an existing non-conforming situation. The building was constructed in 1970 prior to the code being adopted
- If the building was being used as previously used, the parking would be grandfathered in; however, this was a use by exception and the current parking requirements had to be met
- The hours of operation would be Wednesday thru Sunday 4 pm to 9 pm, the weekends would be 11 am to 9 pm
- Attendance would be limited to certain blocks of time to include a maximum of fifty skaters on the rink
- Did not see a solution for the parking problem in the area
- Agreed with the residents that the parking was the issue that needed to be solved
- Hours of operation would put the business in competition for parking with the existing businesses in the area
- This was a community business and would bring people in from the local area

MOTION

Mr. Shaffer MOVED to DENY WITHOUT PREJUDICE application PZB2024-0104 at 201 Anastasia Boulevard because of the lack of parking effects on the public health, safety and convenience of the neighborhood. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:
AYES: Shaffer, Davis, Johns, Blow
NAYES: Pappas, Barnes, Tucker
MOTION CARRIED 4/3

7. (b) PZB2024-0112 – Brandt's Child Care Center, Inc c/o Old City Academy – Applicant
Brian Kohn c/ol Brandt Realty LLC – Owner
142 Masters Drive

To approve a use by exception for a daycare establishment.

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE, APPROVE with conditions**, a use by exception request for a childcare at 142 Masters Drive / PID 110710-0000.

The applicant was not present, so the board voted unanimously to move this item to the end of the meeting to allow time for the applicant to appear.

Because the applicant was not present after hearing item 8.a. the Board moved as follows:

MOTION

Mr. Davis MOVED to CONTINUE application PZB2024-0112 to the February 4, 2025 meeting. The motion was SECONDED by Ms. Barnes.

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

7. (c) PZB2024-0116 – Elizabeth and Samuel Snyder – Applicant & Owner
4 Locust Street

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

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 and Sec. 28-372 staff finds that the Board may **DENY** the use by exception request at 4 Locust Street / PID 194930-0000 for off-street parking located off-site at 43 San Marco Avenue / PID 194820-0000 based on the fact that the existing parking facility is unable to provide parking for both uses.

Continued to the February 4, 2025 meeting See item 6.d.

MOTION

Mr. Shaffer MOVED to CONTINUE application PZB2024-0116 to the February 4, 2024 meeting. The motion was SECONDED by Mr. Pappas.

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

8. Rezoning & Land Use Plan Amendment

8. (a) PZB2024-0108 – Beth Binns Schoellkopf c/o Ethical Markets Media, LLC – Applicant
Ethical Markets Media, LLC – Owner
10 Carrera Street

To amend the current land use from Residential Low Density to Residential Medium Density and approve a rezoning from Residential Single-family One: RS-1 to Residential General One: RG-1.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may recommend **APPROVAL** of the rezoning and land use plan amendment requests at 10 Carrera Street / PID 205300-0000 to the City Commission.
Beth Binns-Schoelkopf and Jeff Schoelkopf reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Ms. Marli said that she shared property line with the building in question. She was concerned with the future use of the property.

Anne Boucherie was concerned that any zoning change would be a bad decision and did not support the request. She felt that things had been made easy for the historical value of the area to be destroyed

Melinda Rakoncay reminded all present that the zoning change would stay with the property and would have a larger variety of uses.

Tom Day said that he was not in favor of the change because it could set off a chain of requests for the same type of changes. He wanted to be sure that the historic character was maintained in the area.

Nancy Pellicier was opposed to the change, any change, because of the massive amount of people in the area.

BJ Kalaidi asked if there was a way to give the applicants a variance or use by exception

Ms. Skinner and Ms. Lopez advised that this was not eligible for a variance.

Mr. Davis asked if there was a way to do a PUD

Public hearing was closed.

The applicant was amenable to discussing a PUD as a possible solution.

The applicant had withdrawn the application after board discussion to work on another solution related to a possible PUD.

9. Other Business

There will be a special meeting in February to discuss the outline of the discussion from the joint meeting

10. Adjournment

Having no further business, Ms. Tucker adjourned the meeting at 8:03 P.M.[3]

Christina Tucker, Chairperson

[3] Transcribed by Michele Fudo