

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting February 4, 2025

The Planning and Zoning Board met in formal session Tuesday, February 4, 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
Absent Ashleigh Barnes, Vice- Chairperson (Excused)
Charles Pappas
Mike Davis
Carl Blow
Matthew Shaffer
Susan Johns

City Staff: Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning Manager, Planning and Building
Sarah Daugherty, Senior Planner, Planning and Building
Isabelle Lopez, City Attorney
Michele Fudo, Recording Secretary

2. General Public hearings for Items Not on the Agenda

Kimberly Grane advised the Board of an email that had been sent to each of them and the contents of the same.

3. Approval of Minutes

MOTION

Mr. Pappas MOVED to APPROVED the January 7, 2025 minutes as presented. The motion was SECONDED by Matthew Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Modification and Approval of Agenda

Item 5.b PZB2024-0092 67 Water Street requested continuance to the March 4, 2025 meeting.

Item 11.a PZB2025-0008 1500 Arapaho Avenue was administratively continued to the March 4, 2025 regular meeting.

MOTION

Mr. Pappas MOVED to APPROVE Continuance of item 5.b PZB2024-0092 at 67 Water Street and item 11.a PZB2025-0008 rezoning Windward Shipyard to the March 4, 2025 meeting and MOVED to APPROVE the Agenda as amended. 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 January 7, 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 and 2. This application is for the construction of a retaining wall and associated fill at 173 Inlet Drive / PID 213831-0010.

Tom Bartlett reviewed the application.

Ex Parte Communication: none

Ms. Tucker advised that no additional notices were sent, and no emails were received for the application.

Public hearing was opened.

Zig Ziegler at 170 Inlet Drive across the street from the property. He reviewed photos of the property at 171 Inlet showing that the silt barriers were no longer in place, and the dirt had washed into the road. He voiced concern that the dirt that was blowing around would continue to accumulate on his house requiring continual washing and extra cleaning for the pool.

Ms. Tucker asked staff if the city had any control over erosion issues. She encouraged Mr. Ziegler to continue to work with the city staff.

Public hearing was closed.

The Board discussed:

- There had been some improvements in the plan, but it was not ideal
- Questioned the calculations for the capacity of the underground tanks and how much rainfall could be held in them
- The tanks exist to dissipate the energy of the flowing water; two were required for the flow rate that would come through the area

- No calculations for the bioswales
- Water was being retained on the site against the toe wall and was being directed to the front of the property
- The house would be constructed on fill and slab
- Suggested pier foundation
- The plan appeared to tie in with the neighbors on both sides
- It appeared that with the latest changes the plan met the seventeen criteria
- The grading plan showed twelve feet and the civil plan showed thirteen feet
- Confirmed that the finished floor would be twelve feet
- Verified that the height of the building would not exceed thirty-five feet
- The retaining wall would be adjusted to accommodate the live oak tree
- There was no water being retained on the property
- Some of the yard needed to be lower so water would be retained on the property
- Wanted to see the grade come down to keep the water from flooding other properties in the area
- Thought there should be a storm system under the pool deck
- No issue with raising the wall, needed more effort in keeping water on the site
- Retention systems under the higher grade was a possibility

Mr. Johnson, the builder for the applicant, was sworn in for the record.

Mr. Bartlett requested a continuance to the March 4, 2025 meeting.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2024-0087 to the March 4, 2025 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Tucker, Pappas, Johns, Shaffer, Blow, Davis
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 January 7, 2025
Regular Meeting

**To approve a request to construct a dock
within Conservation Overlay Zones 1 & 2..**

This applicant had requested a continuance
to the March 4 2025 meeting. See item 4.

**5. (c) 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
Continued from the January 7, 2024
Regular Meeting

**To approve the construction of 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 & 2. This application is for
the construction of a dock at 415 S. Ponce
de Leon Boulevard / PID 119530-0000.

There was consensus with the board to move
this to the last item to give time for the
applicant to get to the meeting.

This item was heard after item 6.a. after a
motion by the Board that passed
unanimously.

Bart Peniaz reviewed the application.

Ex Parte Communication: none

Ms. Tucker advised that no additional notices
were sent and no emails were received for
the application.

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

The Board discussed:

- All requested information had been provided
- Department of Environmental Protection (DEP) nor the Army Core of Engineers permits had been obtained
- Confirmed that the dock would be for residential use only, not commercial.

MOTION

**Mr. Davis MOVED to APPROVE
application PZB2024-0094 pending DEP
and Army Core of Engineer permitting as
long as the dock had the same essential
design that was approved at this time, any
significant changes would necessitate a
return to the PZB. The motion was
SECONDED by Mr. Blow.**

VOTE ON MOTION:

**AYES: Davis, Blow, Johns, Shaffer,
Pappas, Tucker**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5. (d) PZB2025-0003 – William Schaefer
c/o Dominion Engineering Group –
Applicant**

**Michael Braren, Manager c/o Ponce
Commercial, LLC – Owner
4000 US Highway 1 N / PID 073430-0032
and US Highway 1 N / PID 073430-0035**

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

Mr. Fredriksson read the staff report and said
staff recommended that the following be
provided prior to an approval of this request:

1. An accurate/corrected survey
documenting all existing trees on -site.
 - a. Each tree on-site will be identified with
a number.

2. A table that corresponds to the above referenced site plan, with details of tree species, diameter at breast height (d.b.h.), and health condition.
 - a. Each tree in this table to be provided will be labeled either "REMOVE" or "PRESERVE."
 - b. For Cabbage Palms, the height will need to be included as there are additional deficits for those trees over twelve (12) feet tall.
3. Documentation of FDEP (Florida Department of Environmental Protection) requirement for removal of the entire tree canopy.
 - a. Specific location of significant trees on the parcels and justification for their proposed removal for those outside of the FDEP remediation area.

Each parcel will be required to meet mitigation, bufferyard, and parking area landscaping requirements regardless of the Board's decision during the development plan review process.

Review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3 along US Highway 1 N. / PID 073430-0032 & 073430-0035.

William Schaeffer reviewed the application. He requested continuance; however, he wanted to hear the Board comments.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Kimberly Grane brought forth the concerns of the residents of the area to include tree mitigation and barriers for sound and light.

She said that the developers were in communication with the residents.

Larry Perez was concerned about any flooding that would occur in the area, and he wanted to mention that wildlife seemed to be disappearing. He said that there had been vagrants and vagrant camps in the area and asked for more awareness of that.

Public hearing was closed.

The Board discussed:

Mr. Shaffer appreciated the applicant requesting the continuance as there was a lot of information to take in on the application. He asked if the board would be viewing the parcels individually or as a whole.

Ms. Lopez advised that the owner could sell commercial property at will. She said that the entire property was zoned PUD and could have many different uses to include commercial. She told the Board that they could request additional more detailed information if necessary.

Mr. Davis questioned what criteria was being used to determine the outcome on this application.

Ms. Lopez told the Board that they needed to look at the terms of the PUD first. She said for this application, the current regulations for trees and tree removal would have to be adhered to.

Ms. Tucker said that the staff had provided a good outline of the documentation that would be needed for a future presentation.

Mr. Schaefer said that a set of engineering plans for construction had been submitted showing the development of the parcel in the application that would be related to the water, sewer, and storm. He said that there were areas that had contaminated soil and that soil had to be removed, and to accommodate the correction of the

contaminated soil, clear cutting the property in those areas would be necessary.

Ms. Tucker asked if the contaminated soil samples and remediation plan had been included in the packet as justification for the tree removal.

Mr. Schaefer advised that the information had been provided to the city.

Mr. Blow wanted to know if the driver for the request to remove all of the trees was the order from DEP to have to come in with fill dirt.

Mr. Schaefer said that to put in the ponds, a certain elevation had to be met as required by the DEP.

Ms. Tucker asked that the plans showing the discharge structure and tailwater conditions as the justification for the elevations. She also asked for the grading plan.

Ms. Johns asked about the proposed drainage for the area as there were no drainage basins shown on the plans.

Mr. Schaefer advised that there would be shared ponds to handle the drainage for the project.

Ms. Lopez advised the applicant to provide one map that showed the trees being removed, the trees that would be kept, the DEP green line that delineates the area where the soil needed to be removed, and the fill that would be brought in for the retention ponds at the next meeting to avoid any further continuances.

Mr. Schaefer asked for clarification for the chapter 11 (tree removal) and chapter 25 (tree mitigation) for the trees in the code that was being used.

Mr. Fredriksson explained chapter 11 was referenced for tree removal and tree canopy,

he continued saying that chapter 25 was for tree mitigation.

MOTION

Mr. Blow MOVED to CONTINUE application PZB2025-0003 to the March 4, 2025 meeting. The motion was SECONDED by Ms. Johns.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (e) PZB2025-0004 – Ethan Davis c/o A. D. Davis Construction – Applicant
Ken Morrison – Owner
36 N. St. Augustine Boulevard

Mr. Davis recused himself from this application as he was the contractor.¹

To approve a modification to the existing bulkhead 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 bulkhead at 36 N. St. Augustine Boulevard / PID 213520-0000.

Ethan Davis and Brad Beach reviewed the application.

The Board presented their Ex Parte Communication.

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

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

¹ Recusal form attached to original minutes

The Board discussed:

- Confirmed that no trees would be impacted
- Confirmed the finished height of the bulkhead to be seven and one-half feet
- No fill
- Weepholes for drainage
- Modifications would match the wall that was approved on the south side of the property
- Met the seventeen criteria

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2025-0004 for modification to the existing bulkhead within Conservation Overlay Zone 2 at 36 N. St. Augustine Boulevard. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Shaffer, Tucker, Johns, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Variance

6. (a) PZB2024-0100 – Julia Moiseeva – Applicant Craig Van Horn – Owner 3 South Street

Continued from the January 7, 2025 Regular Meeting

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

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 an increase in size of a guest house by one hundred twenty-nine (129) square feet and the reduction of the side yard setback down to five feet at 3 South Street / PID 201230-0000.

Julia Moiseeva reviewed the application.

The Board presented their Ex Parte Communication.

Ms. Tucker advised that no additional notices were sent and no emails were received for the application.

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

The Board discussed:

- Confirmed that there was no need for the side yard setback to be changed
- Confirmed that the new guest house would be added on top of the existing structure
- Confirmed that no trees would be affected
- This type of addition had been allowed previously because it was going up instead of on the ground
After a brief discussion, there was consensus with the Board for approval.

MOTION

Mr. Pappas MOVED to APPROVE application PZB2024-0100 at 3 South Street for the increase of 129 square feet and the side yard setback to five feet. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

6. (b) PZB2024-0107 – Michael Welsh – Applicant Michael & Maria Welsh – Owner 33 Palmer Street

Continued from the January 7, 2025 Regular Meeting

² Break from 3:03 – 3:13 pm

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 down to eight (8) and five (5) feet respectively.

Mike Welsh reviewed the application.

Ex Parte Communication : none

Ms. Tucker advised that no additional notices were sent and no emails were received for the application

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

The Board discussed:

- Seeking an after the fact approval
- Concerned that it appeared that work had been done without anyone knowing and no permits had been issued
- The property would still have to go through the permit process
- After a review of the survey and pictures that were provided, it was clear that reasonable use would be difficult without variance
- There was a need for long-term rentals in the area and this appeared to be one
- This would not be a short-term rental
- Confirmed that the purchase of the house was May of 2024
- The property was zoned CL-1

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2024-0107 to reduce the side and rear yard setbacks as noted, as the physical aspects of the lot would limit expansion in a different location on the

lot. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Shaffer, Tucker, Johns, Pappas, Davis

NAYES: Blow

MOTION CARRIED 5/1

6. (c) PZB2024-0113 – Garrett Schiavone
c/o Real Peel Pizza LLC – Applicant

Greg Dettra – Owner
213 W. King Street

**Continued from the January 7, 2025
Regular Meeting**

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 APPROVE the variance request to eliminate the setback requirement from Davis Street for this specific mobile food dispensing vehicle and applicant at 213 W. King Street / PID 119860-0000.

Garrett Schiavone reviewed the application.

Ex Parte Communication: none

Ms. Tucker advised that no additional notices were sent and no emails were received for the application.

Public hearing was opened.

Rosalee Cochi addressed the concerns that the board had put forward after the last meeting. She reiterated that there was no sidewalk to block, and the property had unique lines. She said that the location of the garbage cans was a plus.

BJ Kalaidi said that the applicant did not perform due diligence prior to moving the food truck to the property. She listed several things that the business had not done that were required. She showed pictures from

previous years to show that the business had not been following code.

Public hearing was closed.

The Board discussed:

- The truck was right on the curb
- Did not like that trash cans were always on the curb as well
- Did not see the issue with the location of the food truck
- Confirmed that there was no sidewalk at the location in question
- All requested information had been provided
- Current zoning allowed for construction on the property line
- Variance would have no effect on future ownership
- If West King businesses were going to thrive, the board would have to work with them

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2024-0113 variance request to the right-of-way setback requirement for a mobile food vendor and to permanently mark the location of the food truck. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (d) PZB2025-0001 – Sarah Nowlin – Applicant
Hudson G Kennedy – Owner
34 Florida Avenue

To approve a variance request to the side 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 to reduce the minimum required side yard setback at 34 Florida Avenue / PID 108030-0000 from ten (10) feet down to five (5) feet.

Sarah Nowlin reviewed the application

Ex Parte Communication: none

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

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

The Board discussed:

- All criteria had been met
- There would be no encroachment in the setback
- Property would remain RS-2 and the owner lived on the property

Hudson Kennedy was sworn in for the record.

- The applicant had not considered tearing the structure down
- Any changes in the future would theoretically be found by the building department
- The board had consistently approved this type of application
- The neighbor had no objection to the application
- Confirmed the square footage for the variance to be approximately fifty-four square feet.

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2025-0001 a variance request to the side yard setback requirement at 34 Florida Avenue with the clarification that this only applied to the existing structure and any new structure would have to meet the code requirements for setbacks or apply for an

additional variance. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

6. (e) PZB2025-0005 – Henri A Erkelens III
– Applicant and Owner
22 N. St. Augustine Boulevard

To approve a variance request to the side 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 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.

Rick Erkelens reviewed the application.

Ex Parte Communication: presented

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

Public hearing was opened.

Hannah Rolo was concerned about the impervious surface that was not provided in the packet. She said that the property flooded frequently.

Public hearing was closed.

The Board discussed:

- Confirmed that the applicant was not demolishing the existing house, only moving the house back on the property. She did not see the hardship when looking at the criteria.

- Bill Miller was sworn in for the record and tried to provide a clearer explanation of the proposed work.
- It appeared that there were two options
- The first option was the existing house staying where it was currently and adding approximately ten feet to the side of the house
- Option two was to take down the existing house or add a bigger addition
- There was no clarity on what would be approved
- Maintaining the existing home and expanding it back to the east
- There was missing information as to how much space would be added to the existing structure
- The application was too confusing
- The board should provide a way forward for the applicant.
- There needed to be a clear picture for the request
- Would this be a one- or two-story structure
- Confirmed that the applicant was seeking the variance to increase the value of the property
- The applicant needed to provide exact architectural drawings

The applicant requested a continuance.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2025-0005 to the April 1, 2025 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Variance and Conservation Zone Development

³ Break from 4:27 – 4:47 pm

7. (a) PZB2025-0007 – Autumn Martinage
c/o Matthews | DCCM – Applicant
Turner Ace St. Augustine, Inc. – Owner
11 Garnett Avenue

To approve a variance request to eliminate required off-street parking and approve the removal of significant trees within Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said review of Sec. 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3.

Based on a review of Sec. 28-29 staff finds that the Board may APPROVE the variance request to either:

- Reduce the minimum requirements for off-street automobile parking spaces at 11 Garnett Avenue / PID 190060-0000 down to four (4), or
- Eliminate the minimum requirements for off-street parking spaces at 11 Garnett Avenue / PID 190060-0000

Autumn Martinage, Mitchell Turner, Eric Lanehart and Tom Bartlett reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Dan Valone spoke about the beehive in one of the trees that was proposed for removal. He requested that if the bees needed to be removed, have it done by a professional. He questioned the need for additional parking as the lot was never full now.

Tony Carcaba said that the big strong oak trees disperse the concentration of the wind

and was concerned that the homes would suffer damage from high winds.

Dorothy Valone did not understand the need for additional off or on street parking. She felt that parking in the area would impede walkers. She had concerns about the effect new parking would have on the drainage in the area.

Public hearing was closed.

The Board discussed

- Cannot support the application because of the variance request for parking
- The commission had pulled the parking ordinance and there should be no changes on a case-by-case basis with the parking
- Described the property as a commercial property in the middle of a residential area
- Lot coverage was 60 percent maximum, which would include the buildings only
- It would be preferred to give up parking in the back of the building and save the oak tree.
- There was a vacant building that was currently empty in the area that had parking available
- Agreed that parking had never been shown to be an issue
- Parking at the back of the building was for employees only; however, the rear access was necessary for deliveries
- The parking requirements were outdated
- Reviewed the arborist report

Mr. Lanehart described the location of the beehive and advised that the tree might still be deemed dangerous after a second evaluation.

Ms. Martinage suggested a redesign to save the oak and advised that they would remove the bees to allow for a closer assessment of tree #2. She requested a continuance for two months to give them time to relocate the bees.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2025-0007 to the April 1, 2025 meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Applications Involving 4 Locust Street

8. (a) PZB2024-0102 – Elizabeth and Samuel Snyder – Applicant Samuel Snyder – Owner 4 Locust Street

Continued from the January 7, 2024 Regular Meeting

To amend the current land use from Residential Low Density to Commercial Low Intensity and approve a variance request to eliminate required on-site off-street parking for a retail establishment.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 and Sec. 28-30 staff finds that the Board may

- RECOMMEND the land use plan amendment request to the City Commission
- APPROVE a variance request to minimum off-street parking requirements at 4 Locust Street / PID 194930-0000

Staff Note: If the Board recommends the land use amendment, the associated variance will be effective contingent on the adoption of the land use amendment by the City Commission.

Elizabeth Snyder reviewed the application.

The Board presented their Ex Parte Communication.

Ms. Tucker reviewed the certified notice responses and emails for the application. Public hearing was opened.

Matt Brown spoke in favor of the applicant; he said that the neighborhood had become more walkable and was improved by having a small business rather than an Air B&B.

Genai Master told the board that her business was in the same building and felt very positive that the addition of the new business would be an asset to the neighborhood.

Harper Kane spoke in favor of the applicant. She did not think that parking had ever been an issue and felt that the new business would be a gathering place for the area residents.

Public hearing was closed.

The Board discussed:

- Confirmed the current use of the building; upstairs housed a one-bedroom Air B&B that was currently registered as such, the downstairs would be a small retail store.
- The store was not open at this time.
- The staff parked off-site or rode bicycles, scooters, and the like; there would be one or two staff on site at a time
- Options presented were off-site parking or no parking required
- Chez L'amour had agreed to allow patrons to park in their lot
- The land use amendment was a correction and recommendation for the change should be automatic

Ms. Lopez advised that zoning had always been commercial. She said that there had been an error in the GIS mapping that had mistakenly rezoned the property.

- Zoning was established in the early seventies and the growth management plan came about in the eighties

Ms. Skinner advised the board that the original zoning for the property was commercial. She said that when the Comprehensive Plan was adopted the property was still zoned commercial. She continued and said that in 2020 when the GIS imported data from the county, there were errors in the land use designation.

- Shared parking with Chez L'amour seemed like a good idea
- Supported making the recommendation to the City Commission for the Land Use amendment
- Should a lease agreement be required to show the parking would be provided at Chez L'maour

Mr. Davis asked if the application could have a condition of either parking at Chez L'amour or at the parking garage.

Mr. Fredriksson advised that off-site parking was a use by exception and that could not be done at Chez L'amour as they did not have any excess parking. He said the variance would allow parking at Chez L'amour; the use by exception would allow for parking at the municipal garage.

Mr. Davis stated that the result should be to create a long-term solution for the parking, so the issue did not reoccur if the parking agreement with Chez L'amour, at 45 San Marco Avenue, fell through.

Ms. Lopez stated that the options were to grant the variance under 8.a. to eliminate the required onsite parking contingent upon a parking agreement with 45 San Marco Avenue and should the applicant ever be unable to maintain the parking agreement, the board also would grant the option under 8.b. to allow two offsite parking spaces at the parking garage.

Mr. Davis said that the board would need to hear item 8.b. prior to making a determination.

Ms. Lopez suggested combining the two options for 8.a. and 8.b; however, there were two separate applications. She stated that the board could temporarily recess item 8.a. to formally open item 8.b. for public hearing, at which point both items could then be considered.

MOTION

Mr. Blow MOVED to recess application PZB2024-0102 (item 8.a.). The motion was SECONDED by Mr. Shaffer and PASSED by UNANIMOUS VOICE VOTE.

8. (b) PZB2024-0116 – Elizabeth & Samuel Snyder – Applicant Samuel Snyder – Owner 4 Locust Street

Continued from the January 7, 2025 Regular Meeting

To amend the current land use from Residential Low Density to Commercial Low Intensity, to approve two (2) off-site parking spaces outside of four hundred (400) feet within the Commercial Low - Two (CL-2) zoning district as a permitted use by exception and a distance variance from 400 feet to approximately 1,000 feet.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may

- RECOMMEND the land use plan amendment to the City Commission
- APPROVE the variance request to the distance limitation of four hundred (400) feet for off-site parking, and
- APPROVE the use by exception request for two (2) off-site parking spaces within the Historic Downtown Parking Facility to allow for the proposed commercial use at 4 Locust Street / PID 194930-0000

Staff note: If the Board recommends the land use amendment, the associated variance will be effective contingent on the adoption of the land use amendment by the City Commission.

Ex Parte Communication: none

Ms. Tucker advised that no additional notices were sent and no emails were received for the application.

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

MOTION

Mr. Davis MOVED to reopen 8.a so the board could settle items 8.a and 8.b at the same time. The motion was **SECONDED** by Mr. Pappas and **PASSED** by **UNANIMOUS VOICE VOTE**

MOTION

Mr. Davis MOVED to **RECOMMEND** to the City Commission that 4 Locust Street be changed from Residential Low Density to Commercial Low Intensity because of an error in the GIS system for the 2020 Land Use. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Davis MOVED to allow 4 Locust Street two offsite parking spaces within 400 feet at 45 San Marco Avenue with the caveat that if they ever lose the lease and they can find another parking location within 400 feet, that would be acceptable as long as they report the information to the City. If another location could not be found within 400 feet, they were allowed to go to the parking garage for two spaces, which is approximately 1,000 feet. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION

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

NAYES:

MOTION CARRIED UNANIMOUSLY

9. Use by Exception

9. (a) PZB2024-0112 – Brandt's Child Care Center, Inc. c/o Old City Academy– Applicant

Brian Kohn c/o Brandt realty LLC – Owner 142 Masters Drive

Continued from the January 7, 2025 Regular Meeting

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

Judah Mandel reviewed the application

The Board presented their Ex Parte Communication.

Ms. Tucker advised that no additional notices were sent, and no emails were received for the application

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

The Board discussed:

Ms. Johns confirmed that this was a continuation of an existing business with the same number of students in attendance and the same number of staff members.

There was consensus with the Board to approve the Use by Exception.

MOTION

Mr. Davis MOVED to **APPROVE** application PZB2024-0112 at 142 Masters Drive to approve a use by exception for a

daycare establishment. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Rezoning and Conservation Overlay Zone Development

10. (a) PZB2024-0115 – Florida Power and Light Company – Applicant and Owner 179 SR 16

To approve a rezoning to Open Land: OL and approve the construction of a retaining wall within Conservation Overlay Zone 2.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-30 staff finds that the Board may **RECOMMEND** the rezoning request at 179 State Route 16 / PID 093220-0000 to the City Commission as this substation is an existing and long – term use on this property.

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 flood wall 179 SR 16 / PID 093220-0000.

Josh Killian and Matt Schuling reviewed the application.

Staff requests that the applicant

1. Demonstrate the location of the four (4) feet of rock apron in relation to the jurisdictional wetland line and trees.
2. Provide top of wall elevations to determine floodplain impacts.
3. Clarify if tree removal will be required and to provide a tree survey indicating tree locations, dbh, species, and whether to be removed or retained

- a. Removal of significant trees, as defined in Sec. 11-27, will require approval from the Planning and Zoning Board.

Ex Parte Communication: none

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

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

The Board discussed:

- No trees would be removed
- The Gopher turtles had been relocated previously
- Needed some care with the existing trees at the site to make it look better
- Clarification of the potential for tree removal and any significant tree would have to come back to PZB
- The reason for the rezoning was that it had never been zoned in the past
- The photos that were provided were related to a previous expansion
- Confirmed that the height of wall would be ten feet

MOTION

Mr. Davis moved to RECOMMEND APPROVAL for PZB2024-0115 176 SR 16 a REZONING to OPEN LAND and make the recommendation to the City Commission. The motion was SECONDED by Ms. Tucker

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY
MOTION

Mr. Davis MOVED to APPROVE application PZB2024-0115 at 176 SR 16 the construction of a retaining wall within Conservation Overlay Zone 2.

The motion was **SECONDED** by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

11. Rezoning

11. (a) PZB2025-0008 – Mark Shelton, - AICP c/o Kimley-Horn and Associates – Applicant
Toll Southeast LP Company, Inc. – Owner
1500 Arapaho Ave / PID 134760-0000;
Arapaho Ave / PID 134770-0000; Arapaho
Ave / PID 134780-0000; 1510 Arapaho Ave
/ PID 134790-0000 and Arapaho Ave / PID
134650-0000

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

This item was administratively continued to the March 4, 2024 Regular Meeting. See item 4.

12. Other Business

12. (a) Discussion and Recommendation regarding proposed Ordinance 2025-01 to require a supermajority vote of the City Commission for PUD rezonings or amendments, and to discuss recommended staff report information and analysis related to PUD applications.

Amy Skinner gave a brief presentation for the Board to describe what the City Commission wanted to establish guidelines when gathering information that was included in a PUD. She said that the Commission wanted to see detailed explanations of deviations from established code. She advised that the Commission wanted to see additional details regarding the public benefit. She told the Board that the City Commission was considering changing the land development code to require a super majority to approve

PUD's. She asked the Board to consider a recommendation to the Commission to change the land use code.

Mr. Davis asked what was driving the change at the commission level for the super majority.

Mr. Blow was concerned that if the commission had a super majority requirement, it made it difficult to spend the time working with applicants to find the best solutions when developing a PUD.

Mr. Pappas stated he did not like super majority votes as they tended to push minority opinions. He said that PUD's were not bad and they had a purpose. He felt that a super majority vote would keep some of the ideas for the unique properties in the area from coming forward. He said that he would not support a super majority vote.

Mr. Shaffer agreed with Mr. Pappas and said that he would not support the super majority. He said that PUD's were a tool that was very useful and felt that the PZB was capable of handling the formation of good PUD.

Mr. Davis pointed out that requiring a super majority for the PUD could possibly bring challenges to other zoning changes that PZB had recommended. He did not support the super majority.

Mr. Shaffer said it appeared that there was consensus not to make a recommendation for the super majority.

Ms. Lopez summarized the discussion to confirm that there was unanimous consensus to not support a super majority and that the other items proposed were generally supported, but there was concern about the time commitments.

12. (b) Upcoming PZB Special Meeting Date.

13. Adjournment

Having no further business, Ms. Tucker
adjourned the meeting at 7:46 P.M.⁴

For 
Christina Tucker, Chairperson

⁴ Transcribed by Michele Fudo

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

LAST NAME—FIRST NAME—MIDDLE NAME DAVIS MICHAEL ALAN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING BOARD	
MAILING ADDRESS 23 PARK TERRACE DR ST. JOHNS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY ST. AUGUSTINE	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 2/4/25		NAME OF POLITICAL SUBDIVISION: CITY OF ST. AUGUSTINE	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MICHAEL A. DAVIS, hereby disclose that on FEB. 4, 20 25:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I'M THE CONTRACTOR FOR THE HOUSE CONSTRUCTION

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/4/25
Date Filed

Michael A. Davis
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.