

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting

April 1, 2025

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

2. General Public hearings for Items Not on the Agenda

None

3. Approval of Minutes

MOTION

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

4. Modification and Approval of Agenda

There were no modifications to the agenda

MOTION

Mr. Pappas MOVED to APPROVE the Agenda as presented. The motion was SECONDED by Mr. Blow and PASSED by UNANIMOUS VOICE VOTE.

5. Conservation Overlay Zone Development

5. (a) PZB2025-0003 – William Schaeffer 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

Continued from the March 4, 2025 Regular Meeting

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

No new information had been received as of March 15, 2025. Staff recommends a continuance to a date uncertain or a Denial to allow the applicant time to produce the necessary information for the Board.

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 reference site plan, with details of tree species, diameter at breast height (d.b.h.), and health condition
 - a. Each tree in this table 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 requirement for removal of the entire tree canopy.
 - a. Specific location of significant trees on the parcels and justification for their proposal removal for those outside of the FDEP remediation area.

Each parcel would 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 was sworn in for the record.

Mr. Blow asked about the dozer work that was being done in the area. He wanted to know who was supervising the work.

Mr. Schaeffer advised that there was some environmental prework to fill low areas on the site.

Ms. Tucker asked if there was a way to inspect the work that was being done. She asked the board if they wanted to hear the presentation.

Mr. Davis confirmed that if they heard the presentation, they would also have to allow public comment.

Ellen Avery-Smith served as legal counsel for the applicant. She advised the board that she and the applicant understood that this would be continued to at least May but asked that the presentation be heard as well as the public comment.

William Schaeffer gave his presentation.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi said that if there were emergencies such as a storm, there were extensions available and the work may not be completed in a timely manner.

Grace Miner asked the board to be equal in applying decisions when hearing applications that involve the removal of significant trees.

Kimberly Grane said that the concerns expressed in the previous letter remained and she did not feel that there had been adequate information presented. She told the board that they had not had a chance to review the information submitted today. She advised the board that the St. Johns Water Management District permit was still pending.

Carla Gogel said that although Tennis Village was in the county she wanted to be sure that the residents were given consideration as they were very much a part of the Madeira area.

Nancy VanPelt was concerned about the wildlife in the area.

Larry Perez told the board that they had the ability to make decisions that would affect the residents of the city in the future.

Renee Josef said that there were no surprises with the proposed development and questioned if the people who were opposed to the tree removal had the same concern when building their own homes.

John Weizman said he was distressed that so many trees had been removed in St. Augustine over the years.

Public hearing was closed.

Ellen Avery-Smith presented her rebuttal, stating that she was a land use attorney representing Ponce Commercial.

Mr. Blow confirmed that the commercial parcels would not be platted.

Doug Maher was sworn in for the record to answer questions for the real estate side of the parcel. He advised that ninety percent of the parcels were under contract. He advised that the parcel sizes would not be changed as they had already been determined and identified.

Mr. Blow identified the significant trees that were to be removed and said that the removal should be permitted as the future builders went forward with their respective projects.

Mr. Schaeffer explained the process by which the trees had been selected for removal.

Mr. Davis said that he would not vote to remove a significant tree if there was a possibility that a change in the plans could save those trees. He said that if the arsenic testing revealed that there was no arsenic present then the plans could change. He advised the applicant that the Board wanted to know which trees could be saved.

Mr. Maher explained the arsenic remediation.¹

The Board discussed:

Mr. Pappas asked for reassurance from the applicant that the parcels would be built as presented on the plans. He asked that the applicant clarify the size of the trees that would be put back on the property. He expressed concern that the plantings would not build a canopy or help the wildlife in the area.

Mr. Shaffer had spoken to Ms. Skinner about the work that was done at the site to confirm that it had been approved. He confirmed that CM-2 regulations would be used for commercial construction.

Ms. Lopez explained how the parcels would be sold. She advised that commercial lots did not have to be platted and that meets and bounds described the property and location.

Ms. Avery-Smith advised that each parcel would have to provide the setbacks, parking, and other requirements.

Ms. Tucker wanted to see the site plan with the proposed development as well as the grading plan to include water retention.

Mr. Schaeffer advised that the Water Management District permit was in place.

Ms. Tucker said that overall, she did not see any creativity that would result in the retention of any of the live oaks on the property. She wanted to see that the applicant had at least tried to design parking around the trees, she added that if it was not possible, she wanted to see that the effort had been made with documentation.

Mr. Pappas said that the board had the ability to allow for variances in the setbacks if necessary that could result in saving some of the trees.

¹ Fire alarm 2:10 – 2:18 pm

Mr. Blow said that until there was some definitive information about the development, the tree removal should be delayed.

Mr. Davis asked for confirmation of the amount of fill that would be placed on the site. He confirmed that no ponds would be filled or moved as they were functioning well in their current locations.

Ms. Johns clarified that parcel one would be developed. She agreed that the applicant should try to reconfigure the parking to allow for some of the trees to be saved.

MOTION

Mr. Davis MOVED to CONTINUE application PZB2025-0003 to the June 3, 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. (b) PZB2025-0018 – Svend E. Pelch – Applicant Pelch Family Trust – Owner 28 N. St. Augustine Boulevard

To approve the construction of a seawall on top of an existing bulkhead and to construct a flood 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 Zone 2 and 3. This application is for the construction of a seawall on top of an existing bulkhead and to construct a flood wall within Conservation Overlay Zone 2 and 3 at 28 N. St. Augustine Boulevard / PID 213490-0000.

Svend Pelch reviewed the application

Ex Parte Communication: none

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

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

The Board discussed:

- These types of applications had typically been approved in the past
- Photographs would be helpful to see what the condition of the existing wall was
- Drawings provided were not from an engineer
- The plan was to duplicate the wall next to the property
- No fill would be added to the property
- The bulkhead should match the height of the existing wall next to it
- How high was the wall on the north side of the property and what material was it made of, that information was needed to go forward with the application.
- Where was the water going to be directed that fell on the property
- If the water was going out into the intercoastal or the bay, that would be acceptable
- Needed to see a drawing showing the planned drainage

Richard Lawrence was sworn in for the record and said that there were pipes in the seawall and no water would be diverted to any other property as it would be retained on the property.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2025-0018 to the May 6, 2025 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. (c) PZB2025-0019 – Amanda Mishoe c/o
Robert Chalk Construction Company Inc.
– Applicant
Amelia Duddington – Owner
Spring Street / PID 108880-0221

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

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3. This application is for the removal of one significant tree at Spring Street / PID 108880-0221

Robert Chalk and Amanda Mishoe 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.

Paula Sullivan lived on Spring Street, and she explained that the trees proposed to be removed housed many owl species. She said that there was a concern that there would be increased traffic in the area. She said that it appeared that the house was going to be an Air B&B. She said that this was one of the few wooded areas in the city.

BJ Kalaidi said that this was in the West City CRA area and needed to be protected. She echoed the concern of the increased traffic.

John Weizman said that there was a substantial number of trees marked for removal and while some would have to be removed, clear cutting was not acceptable.

Molly Krube lived next door to the property and spoke against the proposed tree removal and construction.

Ann Soloman was not a fan of the Air B&B, she thought that if this new house was going to be affordable housing, she would be more forgiving; however, she wanted to be sure that unchecked development was not allowed in the west city area.

Vincent Goggins lived across the street from the proposed project. He said that the demographic in the area was changing very rapidly and was not in favor of having another Air B&B in the area.

Public hearing was closed.

Ms. Mishoe and Mr. Blake provided their rebuttal

The Board discussed:

- Clarified which trees were to be removed
- Reviewed the criteria that applied to trees proposed for removal
- Needed a plan that showed the proposed construction as well as the trees proposed for removal
- Trees 7-11 were either in the footprint of the house or very close to it
- Did not see a way to move the house around to save the cedar trees in the middle of the lot
- There had been no owls' nests found in the trees as the tops had been destroyed in the last wind event
- Concern that there would be fill added to the site to correct the drainage plan
- Questioned how the drainage would move from east to west
- Requested a grading plan be provided
- Maximize the use of the existing swale at the rear of the property
- The lot was zoned RS-2 with 5,450 square feet
- There were eight trees to be removed of which three were significant

- Clarified that ten trees would be removed of which five were significant, seven trees would be kept that included three significant trees
- Advised that the Board had no control over Air B&Bs
- Needed to combine the tree survey overlayed with the house plan
- Wanted to see pictures of the trees slated for removal
- Confirmed that the lot backed up to apartments
- Wanted the applicant to recheck trees 1,3,4 and 5 to see if they could be saved

MOTION

Mr. Davis **MOVED** to **CONTINUE** application PZB2025-0019 to the May 6, 2025 meeting. 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) PZB2025-0021 – Kenan Wang c/o TWP Management LLC DBA K. Nan Construction – Applicant Li Fang and Mei Hua He – Owner 21 Hybiscus Avenue / PID 149870-0221

To approve the placement of fill within Conservation Overlay Zone 1 for the construction of a single-family residence and approve the removal of a significant tree canopy within Conservation Overlay Zone 2.

The applicant was not present and after a brief discussion Mr. Davis **MOVED** to place this item and 5.e. at the end of the agenda. The motion was **SECONDED** by Ms. Tucker and **PASSED** with **UNANIMOUS VOICE VOTE**.

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility

of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 1 and 2. This application is for the placement of fill and the removal of significant tree canopy within COZ 1 and 2 at 21 Hybiscus Avenue / PID 149870-0221.

Because the application is inconsistent, Staff recommends **CONTINUATION** for additional information or reconsideration, or **DENIAL** of the application.

The applicant should provide the following information:

- a. The tree survey and tree mitigation table should be updated with accurate and consistent information.
- b. The tree survey should include tree locations, dbh, species, and whether they are to be removed or retained and identify trees in arborist report.
- c. The tree survey should overlay the building footprint and limits of fill.

The Board presented their Ex Parte Communication.

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

Mr. Wang reviewed the application.

The Board discussed:

- The applicant needed to provide a tree survey as well as an arborist report for both 5.d and 5.e.
- The tree mitigation table and the tree survey did not match
- Information was not overlayed with the fill and arborist report
- The surveyor needed to provide elevations on the property
- Needed to know how much fill would be placed on the property

MOTION

Mr. Shaffer MOVED to CONTINUE application PZB2025-0021 To approve the placement of fill within Conservation Overlay Zone 1 for the construction of a single-family residence and approve the removal of a significant tree canopy within Conservation Overlay Zone 2. At Hybiscus Avenue, to the May 6, 2025 meeting. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Shaffer, Tucker, Blow Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (e) PZB2025-0022 – Kenan Wang c/o TWP Management LLC DBA K. Nan Construction – Applicant
Li Fang and Mei Hua He – Owner
23 Hybiscus Avenue / PID 149870-0240

To approve the placement of fill within Conservation Overlay Zone 1 for the construction of a single-family residence and approve the removal of a significant tree canopy 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 and 2. This application is for the placement of fill and the removal of significant tree canopy within COZ 1 and 2 at 21 Hybiscus Avenue / PID 149870-0221.

Because the application is incomplete Staff recommends **CONTINUATION** for additional information or reconsideration or **DENIAL** of the application.

The applicant should provide the following information:

- a. The tree survey should include tree locations, dbh, species, and whether they are to be removed or retained and identify trees in arborist report.

- b. The tree survey should overlay the building footprint and limits of fill

Kenan Wang reviewed the application.

The Board presented their Ex Parte Communication.

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

MOTION

Mr. Shaffer MOVED to CONTINUE application PZB2025-0022 at 23 Hybiscus Avenue to approve the placement of fill within Conservation Overlay Zone 1 for the construction of a single-family residence and approve the removal of a significant tree canopy within Conservation Overlay Zone 2. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Shaffer, Tucker, Blow, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (f) PZB2025-0023 – Elijah George c/o West King Studio – Applicant
McDowell Baptist Church – Owner
16 Bay View Drive

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

Mr. Fredriksson read the staff report and said review of Section 11-529 is the responsibility of the Planning and Zoning Board for the proposed removal of two (2) significant trees within Conservation Overlay Zone 3 at 16 Bay View Drive / PID 152740-0000

Elijah George and Ron Dupree 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; however, there was no response.

The Board discussed:

- Clarified the proposal was for the swale on the western side and stormwater pond on the north side of the property
- There had been no storm water storage on the property previously.
- Many of the trees would be preserved.
- There was a requirement to provide storm retention on site.
- The retention pond was designed to wrap around the live oaks in order to protect them
- There was an existing code that required stormwater treatment once the addition was in place
- The applicant had made a thoughtful effort to save as many trees as possible

Mr. Blow put forth an idea to use gravel cover for the additional driveway space rather than asphalt

Ms. Lopez advised that the code allowed for some flexibility for the board to use; however, there would have to be a separate request for a variance.

MOTION

Mr. Davis MOVED to APPROVE application PZB2025-0023 at 16 Bayview Drive for the removal of significant trees within Conservation Overlay Zone 3 with the understanding that if there was a way to save the trees it should be used. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

MOTION CARRIED 6/1²

5. (g) PZB2025-0024 – Nathan Bussey c/o Pivot Construction LLC – Applicant
William Woodward – Owner
Weeden Street / PID 206871-0020

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

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 3. This application is for the removal of two significant trees at Weeden Street / PID 206871-0020.

Nathan Bussey reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi said she knew that the board would fix the after the fact removal of significant trees. She suggested that code enforcement should get involved. She felt that the board would help the applicant to put back significant trees.

Mr. Bussey provided his rebuttal.

Public hearing was closed.

The Board discussed:

- Most if not all the trees had been removed

Ms. Lopez advised that the general criteria were available to guide the board, such as, the number and density of trees existing in the adjacent neighborhood, numeric tree mitigation, and others.

² Break 4:12 – 4:22 pm

- Procedurally, if trees were removed that had not been approved, code enforcement could fine the developer up to \$5,000 per tree.
- Code enforcement was the only body that could levy a fine
- The applicant was short three- and one-half tree credits
- Would like to see multiples of seven-inch trees to go back on the property
- Suggested recommendation to code enforcement and let the remedy be there
- The applicant appeared to be willing to repair the damage
- Four twelve-inch oak trees would be an acceptable solution
- If the applicant agreed to place larger caliper trees on the property, that would be positive progress
- Felt that after the fact approval would create an environment that the city did not protect the local neighborhoods
- The applicant needed to come to the board with a plan for mitigation including a more mature tree
- Several larger caliper trees would be better than a larger quantity of trees

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2025-0024 to the May 6, 2025 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

**5. (h) PZB2025-0025 – Ryan Carter c/o Carter Environmental Services – Applicant
Josh Severt – Owner
239 S. Matanzas Boulevard**

To approve the modification of an existing dock within Conservation Overlay Zone 1 & 2.

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 1 & 2. This application is for the modification of a dock at 239 S. Matanzas Boulevard / PID 221220-0000.

Ryan Carter reviewed the application.

Ex Parte Communication: none

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

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

The Board discussed:

Mr. Davis asked if the dock that was farther back would eventually interfere with the proposed remodel.

Mr. Ryan advised that there was plenty of room for both to have docks out to deeper water using southern ingress and egress.

Mr. Blow asked if a shift of three degrees to the north would address any concerns with getting in the way of the dock to the south of the project.

Mr. Carter was amenable to that change if necessary.

MOTION

Mr. Davis MOVED to APPROVE application PZB2025-0025 at 239 S. Matanzas Boulevard to approve the modification of an existing dock within Conservation Overlay Zone 1 & 2. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

6. Variance

6. (a) PZB2025-0020 – Matthew Wall – Applicant & Owner **199 Whispering Brook Drive**

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

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 staff finds that the Board may DENY the variance request for a reduced rear yard setback at 100 Whispering Brook Drive / PID 102824-0450 as no singular disadvantage, which does not apply to other properties in the vicinity, has been identified.

Matthew Wall reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi commented that the applicant was more prepared than many others in the past.

Public hearing was closed.

The Board discussed:

- This project had already been approved by the Homeowners Association
- The singular disadvantage was the small lot size
- The screened porch area was reasonable use
- Confirmed that the lot size differences were within the same community
- The roof of the enclosure would be screened

MOTION

Mr. Davis MOVED to APPROVE application PZB2025-0020 at 199 Whispering Brook

Drive to approve the variance request for the rear yard setback as it met the four criteria. The motion was SECONDED by

VOTE ON MOTION:

AYES:

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Variance and Conservation Overlay Zone Development

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

Continued from the February 4, 2025 Regular meeting

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 Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed removal of significant trees within Conservation Overlay Zone 3 at 11 Garnett Avenue / PID 190060-0000.

Based on a review of Section 28-29 staff finds that the Board may APPROVE the variance request to eliminate the minimum requirements for the number of off-street automobile parking spaces at 11 Garnett Avenue / PID 190060-0000.

Autumn Martinage, Mitchell Turner and Eric Lanehart 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.

Dorothy Malone was concerned that the proposed project would have a negative effect on the drainage in the area.

Anna Kephart said that she had never observed any parking in the back of the business. She wanted to keep the trees and the house that was already on the property.

William Carcoba said that the proposed parking area would be detrimental to the area.

Public hearing was closed.

Ms. Martinage provided her rebuttal.

The Board discussed:

- The applicant had provided the information that the board had requested
- The zoning for the property had been confirmed as commercial
- There was no mitigation plan for tree removal necessary
- The arborist report had confirmed that the tree with the bees was a danger
- The applicant had addressed all the board's concerns
- Made the observation that from a land use standpoint, there was nothing wrong with the proposal
- Wanted to see the retention ponds moved beyond the drip line of the oak tree
- The loss of parking would be approximately eight to ten spaces
- Moving the dumpster to the front of the business would take additional parking spaces

MOTION

Mr. Davis MOVED to APPROVE application PZB2025-0007 to approve a variance request to eliminate required off-street parking and approve the removal of significant trees within Conservation

Overlay Zone 3 with the condition that the retention pond, building and parking lot remain outside the dripline which appears to be a twenty-four foot radius from the significant tree noted as number one. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

8. Rezoning

**8. (a) PZB2025-0008 – Mark Shelton, AICP
c/o Kimley-Horn and Associates, Inc. –
Applicant
Toll Southeast LP Company, Inc. – Owner
Arapaho Ave / PID 134780-0000; 1500
Arapaho Ave / PID 134770-0001; 1510
Arapaho Ave / PID 134790-0000**

**Continued from the March 4, 2025 regular
Meeting**

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

Mr. Fredriksson read the staff report and said based on Section 28-289 of the COSA's Code, given the scale and complicated nature of PUDs, 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.

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

³ Break 6:25 – 6:34 Ms. Johns left the meeting

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 would request that the following concerns be addressed prior to a Board recommendation:

1. In the previously approved Tree Preservation and Relocation Diagram, under Exhibit "C" Tree Relocation Plan, there are seventeen (17) Red Cedar trees shown to be transplanted and one (1) Red Cedar tree to be "preserved in place". At this time staff is unsure of the location and status of these eighteen (18) red Cedar trees.

2. To ensure that the proposed mitigation plan exceeds typical City requirements, the rationale for choosing the typed and quantities of trees proposed to be planted should be provided to serve as support for an acceptable mitigation plan.

3. In the PUD test under "t. Tree Mitigation" is "...the owner shall record restrictions against title to each lot prohibiting the removal of any trees within a lot without the prior written approval of the HOA..." Staff request that the text be amended so that any future tree removal also requires City review and permitting

Carl Masters, Stephan Johansen, Jeremy Marquis, Justin Scarberry, Mark Shelton, Marc White, Ryan Carter and Ellen Avery-Smith reviewed the application.

Mr. Carter gave a brief presentation showing the oak trees on the property that had fallen and were no longer viable.

Mr. Johansen provided a chronology of the events that transpired and ultimately resulted in the loss of five significant trees on the property.

Mr. Masters described the process that included the sale of the property to Toll Brothers.

Mr. Scarberry advised that they had decided to build around the trees and leave them in place; however, after two hurricanes had passed three trees had fallen and a subsequent arborist report concluded that the remaining trees would not survive a move.⁴

Mr. Marquis explained a proposed plan to mitigate for the lost significant trees.

Mr. Shelton reviewed the changes to the language of the PUD with respect to the lost trees.

Mr. Blow advised the Board that he had given Ms. Avery-Smith information to review prior to the meeting.

Ms. Lopez asked if the applicant was going to imbed the new tree requirement including the caliper details in the text.

Ms. Avery-Smith proposed for the trees that would be replaced within the PUD property, those details would be put into the PUD revisions.

Ms. Lopez advised the board that all of the proposal should be included in the revised language of the PUD.

Mr. Marquis presented the revised landscape plan, highlighting the placement of the twenty-inch caliper trees in the townsquare and the additional trees that would be placed in the other portion of the project.

The Board presented their Ex Parte Communication.

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

⁴ 7:00 pm Ms. Barnes left the meeting

Public hearing was opened.

BJ Kalaidi asked what other avenue would be available for the applicants if there was no approval granted. She was also concerned that the housing was not necessarily affordable.

Ms. Lopez told the board that everything depended on what was in the PUD text.

Public hearing was closed.

Ms. Avery-Smith and Ms. Lopez had a brief discussion of the proposed text for the PUD revision.

Mr. Johansen answered Ms. Kalaidi's question about affordable housing.

The Board discussed:

Mr. Shaffer recapped the proposal and asked for more details about the proposed trees on the Toll Brothers portion of the property. He confirmed that the size of the trees would be larger than previously proposed. He felt that the proposal was moving in the right direction and that as many of the changes as possible needed to be tied to the PUD.

Ms. Avery-Smith advised that the language in the presentation referencing the eight-inch caliper trees would be incorporated into the PUD.

Ms. Tucker asked for clarification of the original PUD including the prior zoning and the need and justification for the PUD. She did not support the language stating that the trees were critically damaged due to natural causes. She asked if an additional thirty-one inch live oak would be protected.

Ms. Lopez explained that an amendment to a PUD was processed in the same way an original PUD would be.

Ms. Avery-Smith explained that the original intent of the PUD had not changed. She told

the Board that the trees could still be relocated, and the PUD would be satisfied; however, because the trees were no longer viable, Toll Brothers had presented a plan to mitigate for the loss of the trees.

Mr. Scarberry advised the board that every precaution had been taken to ensure that the trees near the retaining wall were preserved.

Mr. Johansen questioned what would have happened if the trees had been relocated and still did not survive.

Mr. Blow provided a review of the PUD for the Board and photographs of the property prior to the development starting. He suggested a fine for the owner paid to the city to buy conservation land.

Mr. Davis confirmed that the nineteen proposed trees would have an increased caliper. He did not support the "natural causes" language proposed for the PUD.

Mr. Pappas said that he was moving in favor of the proposed amendments regarding the tree mitigation. He added that he wanted language that would provide for future replacement of trees in kind in perpetuity. He asked about the sidewalks and confirmed that they would be on both sides of the roads.

Mr. Davis said that the proposals presented were acceptable and the language of the text would be worked out with the legal team for approval.

Ms. Lopez reviewed the Board's comments and had a concern that the terms might not be attainable with respect to the replacement of trees. She said that the Memorandum of Understanding (MOU) would be difficult to enforce. She suggested that she and Ms. Avery-Smith should meet and put together the language that would be acceptable for all parties involved.

MOTION

Mr. Davis MOVED to CONTINUE application PZB2025-0008 at 1500 and 1510 Arapaho to approve a PUD modification to allow the removal of significant trees within Conservation Overlay Zone 2 and 3 to the May 6, 2025 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Davis, Pappas, Shaffer, Blow, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

a) Review and Recommendation related to the updated City of St. Augustine Vision Statement

Ms. Skinner highlighted the biggest changes in the vision statement that maintained the four themes: Livability Authentic Character, Vitality and Resiliency.

Mr. Shaffer wanted to wait to discuss the Vision Statement and confirmed that there was some flexibility with regard to the deadline.

Mr. Blow confirmed that there was a definite deadline for the Comp Plan and Vision Statement should complement the Comp Plan.

Mr. Davis suggested a special meeting to deal with these issues, specifically the Vision Statement and the recommendation for the fill limitations.

b) Discussion and Recommendation related to draft language to clarify construction techniques including potential fill limitations in flood prone areas

c) Discussion related to changing the Planning and Zoning Board (PZB) meeting start time to 9:00 am

Ms. Lopez asked if the members present currently would consider moving the meetings to a 9 am start time.

Ms. Tucker and Mr. Shaffer declined; however, Ms. Tucker was amenable to starting one hour earlier.

Mr. Blow brought up the subject of having complete applications prior to being placed on an agenda.

Mr. Davis agreed, adding that when an application included tree removal, there was specific information needed for approval.

Ms. Tucker asked about a hard stop on the meetings.

Ms. Lopez explained the quasi-judicial process, that if there was a pending application that had been noticed to be heard, it had to be heard. She added that a state statute had created a time frame for applications that required quasi-judicial hearing. She said that the state statute referenced completed applications, which she said tied into what the board was discussing.

There was a suggestion to limit the presentation time for each applicant and Ms. Lopez advised that due process had to be taken into consideration regarding the applicant. She suggested that the time limit should be applied to the board members' time to speak to the applicant.

10. Adjournment

Having no further business, Ms. Tucker adjourned the meeting at 8:57 P.M.⁵

⁵ Transcribed by Michele Fudo



Christina Tucker, Chairperson