

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
May 6, 2025

The Planning and Zoning Board met in formal session Tuesday, May 6, 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
Charles Pappas
Mike Davis
Carl Blow
Matthew Shaffer
Susan Johns

Absent Ashleigh Barnes, Vice- Chairperson (Excused)

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

2. General Public hearings for Items Not on the Agenda

BJ Kalaidi said that the PZB should modify the WCCRA plan to leave Oyster Creek in its natural condition, to not allow for parking on West King Street and dining on the sidewalks on West King Street.

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVED the April 1, 2025 minutes as presented. The motion was SECONDED by Mr. Pappas and PASSED by UNANIMOUS VOICE VOTE.

MOTION

Mr. Blow MOVED to APPROVED the February 19, 2025 Special Meeting minutes as presented. The motion was SECONDED by Mr. Pappas and PASSED by UNANIMOUS VOICE VOTE.

MOTION

Mr. Blow MOVED to APPROVED the December 18, 2024 Special Meeting minutes as presented. The motion was SECONDED by Mr. Pappas and PASSED by UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

MOTION

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

5. Conservation Overlay Zone Development

**5. (a) PZB2025-0018 – Svend E. Pelch – Applicant
Pelch Family Trust – Owner
28 N. St. Augustine Boulevard**

Continued from the April 1, 2025 Regular Meeting

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 Zones 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 COZ 2 & 3 at 28 N. St. Augustine Boulevard / PID 213490-0000.

Steve Lawrence reviewed the application.

Ex Parte Communication: none

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

The Board discussed:

- Confirmed the number of check valves at four located on the seawall
- There would be no fill added
- The elevation question had been answered
- The height of the seawall seemed to be appropriate
- The application met the criteria
- There had been no objections from the property owner on the north side
- The height of the wall on the north property line would be thirty inches

MOTION

Ms. Tucker MOVED to APPROVE application PZB2025-0018 for the construction of a seawall on top of an existing bulkhead and to construct a flood wall within Conservation Overlay Zones 2 and 3. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) PZB2025-0019 – Amanda Mishoe c/o Robert Chalk Construction Company Inc.

– Applicant

Amelia Duddington – Owner

Spring Street / PID 108880-0221

Continued from the April 1, 2025 Regular Meeting

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.

Amanda Mishoe and Robert Chalk reviewed the application.

Ex Parte Communication: none

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

The Board discussed:

- Confirmed that there were eight trees being removed of which three were significant trees

Mr. Shaffer asked how the trees were positioned on the property in relation to the proposed structure.

A brief discussion followed to determine which trees were going to be removed according to the documents provided by the applicant.

- Agreed that it was necessary to remove the trees listed
- No fill would be added to the site

MOTION

Mr. Shaffer **MOVED** to **APPROVE** application **PZB2025-0019** at **Spring Street** for the **removal of significant trees within Conservation Overlay Zone 3**. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (c) PZB2025-0021 – Kenan Wang c/o TWP Management LLC DBA K. Nan Construction – Applicant
Li Fang and Mei Hua He – Owner
21 Hibiscus Ave / PID 149870-0221

Continued from the April 1, 2025 Regular Meeting

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 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 Hibiscus Avenue / PID 149870-0221.

Kenan Wang reviewed the application.

The Board presented their Ex Parte Communication.

Public hearing was opened.

BJ Kalaidi asked about the status of the tree canopy. She wanted a better description provided.

Public hearing was closed.

The Board discussed:

- It appeared that the arborist report was still missing
- Trees on the side of the property were being removed because they were deemed not healthy and others were in the footprint of the structure

Mr. Wang reviewed the arborist report for the board along with the tree survey.

- The water oak was within the footprint of the building
- Wanted clarification of the proposed grading plan
- It appeared that the property would be clear cut
- The trees on the west side of the property could be saved
- The plan was to use stem wall construction
- Confirmed that most of the fill would be on the east side of the lot
- Wanted to have more clarity with the application prior to approval.

Ms. Lopez advised the applicant to provide an oversized paper version of the tree survey to include the footprint of the house.

Mr. Shaffer suggested continuing the application so additional documentation could be provided for review.

MOTION

Mr. Shaffer **MOVED** to **CONTINUE** application **PZB2025-0021** to the **June 3, 2025** meeting. The motion was **SECONDED** by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (d) PZB2025-0022 – Kenan Wang c/o TWP Management LLC DBA K. Nan Construction – Applicant

Li Fang and Mei Hua He – Owner
23 Hybiscus Ave / PID 149870-0240

Continued from the April 1, 2025 Regular Meeting

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 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 23 Hybiscus Avenue / PID 149870-0240.

The Board presented their Ex Parte Communication.

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

The Board discussed:

Mr. Blow asked staff about the purchase of mitigation credits.

Ms. Lopez advised that there were no mitigation banks available in the city in the basin.

MOTION

Ms. Tucker MOVED to CONTINUE application PZB2025-0022 at 23 Hybiscus Avenue to the June 3, 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. (e) PZB2025-0024 – Nathan Bussey c/o Pivot Construction LLC – Applicant

William Woodward – Owner
Weeden St / PID 206871-0020

Continued from the April 1, 2025 Regular Meeting

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.

Public hearing was opened.

BJ Kalaidi asked if it was permitted to provide donations to the mitigation fund. She also wanted to know if it was possible to donate trees to be planted in the Lincolnville area.

Ms. Daugherty advised that code did not allow for donations to be counted as tree mitigation credits. She said that the applicant had enough credits in the updated proposal.

Public hearing was closed.

The Board discussed:

- Currently there were no trees on the lot
- The plan was reviewed as presented in the packet
- Were there trees that would grow faster to replace the canopy on the lot
- The proposed plan met the requirements for tree mitigation; the plan was a good solution
- The staff summary indicated that 5 significant trees were removed
- FPL requested that there be an easement in the front right of way

- Planning and Building would coordinate with the CRA for the placement of the trees

MOTION

Mr. Blow **MOVED** to **APPROVE** application **PZB2025-0024** for the replacement of three six-inch live oaks on the east end of the lot and two cabbage palms; the applicant would provide five live-oak trees, four-inch caliper to the city of St Augustine to be planted in Lincolville to be determined by the city staff or a monetary settlement to be negotiated between the applicant and the staff. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (f) PZB2025-0028 – Ryan Carter c/o Carter Environmental Services – Applicant
Joe Tringali – Owner
211 Inlet Drive

To approve modification to an existing 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 Zone 1 and 2. This application is for the modification of a dock at 211 Inlet Drive / PID 213710-0000.

Ryan Carter reviewed the application.

The Board presented their Ex Parte Communication.

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

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

The Board discussed:

- The requested modifications appeared necessary
- Any unnecessary pilings would be removed after the modifications were complete
- The application met criteria
- Clarified the distance between the proposed dock and the channel

MOTION

Mr. Davis **MOVED** to **APPROVE** application **PZB2025-0028** at 211 Inlet Drive for modifications to an existing dock within Conservation Overlay Zone 1 & 2 because it met the seventeen criteria. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (g) PZB2025-0029 – Kevin M Marks c/o Shoreland Home Builders – Applicant
Ron and Pam Bowman – Owner
201 Pelican Reef Dr. / PID 158573-0010

To approve the removal of significant trees 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 removal of significant trees at 201 Pelican reef Drive / PID 158573-0010.

Kevin Marks reviewed the application.

The Board presented their Ex Parte Communication.

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:

- If the driveway was reconfigured, it seemed that some of the trees could be saved
- The consensus with the arborist was that the trees would eventually be negatively affected
- Four of the cedar trees would be saved
- Most of the trees would be negatively affected because of the fill, which was necessary to bring the garage to base flood elevation
- Recognized the challenges for the builder; however, trying to rework the plan could potentially save a few more trees
- Felt that the driveway could be reconfigured to save an eleven-inch oak and a twelve-inch cedar
- There would still be adverse conditions, and the trees would likely have to be removed later
- Verified the location of the ten cedar trees
- At this time there was no plan for a retaining wall
- Needed to provide clarification to the applicant to leave the 11-inch oak

MOTION

Mr. Pappas MOVED to APPROVE application PZB2025-0029 at 201 Pelican Reef Drive for the removal of six significant trees to construct a single-family home with the condition that tree number two and tree number six would be saved. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (h) PZB2025-0030 – Ryan Pereira – Applicant & Owner 201 Inlet Drive

To approve the construction of 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 Zone 1 & 2. This application is for the construction of a dock at 201 Inlet Drive / PID 213750-0000.

Terri Pereira, Ryan LaConte, Marie Lipuria reviewed the application.

Ex Parte Communication: none

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

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

The Board discussed:

- Confirmed the proposed changes were to expand from a four-foot-wide boardwalk to a five-foot-wide boardwalk with an added ten by twelve upland platform
- Confirmed that the lot was not being split
- The original drawing showed 260 feet but did not include the terminal end platform, the actual length was 295 feet

MOTION

Mr. Davis MOVED to APPROVE application PZB2025-0030 at 201 Inlet Drive for the construction of a dock within Conservation Overlay Zone 1 & 2 as it met

the seventeen criteria. The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

There was a request by James McGarvey to have item 8.b. PZB2025-0034 heard earlier in the agenda.

MOTION

Mr. Davis made a **MOTION** to move item 8.b. earlier in the agenda. The motion was **SECONDED** by Ms. Tucker and **PASSED WITH A VOICE VOTE OF 5/1**

6. Variance

6. (a) PZB2025-0026 – Mike Koppenhafer c/o Fisher Koppenhafer Architecture + Interior Design – Applicant Robert and Georgiana Pulak – Owner 134 Oneida Street

To approve a variance request to the front and side yard setbacks and to increase the maximum lot coverage.

Mr. Fredrikson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may approve the variance request for

- A secondary front yard setback of four (4) feet
- A side yard setback of six (6) feet eight (8) inches along the western property line,
- A side yard setback of three (3) feet eight (8) inches along the northern property line, and
- A maximum lot coverage of forty-nine and seven tenths (49.7) percent at 134 Onieda Street / PID 211200-0000.

¹ Break 3:03 – 3:16 pm

Mike Koppenhafer and Rob Pulak reviewed the application.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi said she was concerned that that the size of the addition was too large for the lot and that neighbors might be affected negatively.

Public hearing was closed.

The Board discussed:

- The proposed porch addition would be about one foot above the fence line
- The addition would be one story
- This was a non-conforming lot
- The current lot coverage was thirty-five-and one-half percent
- Confirmed removal of all pavers
- The size of the porch could be scaled down
- This was a small lot measuring .08 acres
- Did not see the justification for the setback variance on the north side of the property
- Needed to bring the proposed addition in line with the required setback on the north side to a five-foot setback
- Confirmed that the construction would be on CMU piers
- The house was on a stem wall

Ms. Lopez advised that the board could articulate the underlying facts, such as the removal of the pavers and the specific facts for the reason of the approval.

Mr. Davis said that the reason the board was considering approving the lot coverage

above thirty-five percent was this was a small, non-conforming lot, and the type of construction of the house was stem wall, which allowed for better drainage.

MOTION

Mr. Shaffer MOVED to APPROVE application PZB2025-0026 based on the modified proposal, which reduced the size of the addition and factored in the type of construction that was proposed as well as existing. No variance would be granted for the north setback, and the addition would be in line with the current northern elevation; the type of construction would be on piers as the existing house was. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (b) PZB2025-0032 – Kelley Gudahl Sinclair – Applicant & Owner
208 Alcazar Street**

To approve a variance request to increase the maximum fence height within the front yard setback.

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

- APPROVE the variance request for a fence with a height of eight (8) feet as the practical difficulty or unnecessary hardship is so substantial, serious and compelling due to the layout of this property or
- DENY the variance request for a fence with a height of eight (8) feet as there is no singular, unique disadvantage identified at 208 Alcazar Street / PID 216700-0000

Jason and Kelly Sinclair reviewed the application

The Board presented their Ex Parte Communication.

17 certified notices were sent, 4 were returned in favor, 0 were returned opposed and 3 had comments.

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

The Board discussed:

- It was clear that the fence needed to be replaced
- Expressed sympathy regarding the increased traffic in the area as well as the privacy and security
- There were no objections from the neighbors
- Preferred replacing the fence with six-foot height and using natural screening
- The backyard was the side yard as well, which created a disadvantage

MOTION

Mr. Pappas MOVED to APPROVE application PZB2025-0032 for the variance request for the maximum fence height as the singular disadvantage was the house being on a corner lot. The motion was SECONDED by Mr. Blow

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (c) PZB2025-0033 – Andrew Douglas – Applicant & Owner
201 Kenan Street**

To approve a variance request to increase the maximum fence height within the front yard setback.

Mr. Fredrikson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may either APPROVE the variance request for a fence with a height of six (6) feet as the practical difficulty or unnecessary hardship is so substantial , serious and compelling due to the layout of this property OR DENY the variance request for a fence with a height of six (6) feet as there is no singular, unique disadvantage identified at 201 Kenan Street / PID 222550-0000.

The applicant was not present.

Mr. Davis made a MOTION to move item 6.c. to the end of the agenda. The motion was SECONDED by Mr. Pappas and APPROVED by UNANIMOUS VOICE VOTE.

Mr. Pappas said that this would go to Code Enforcement since the applicant was still not present and this was an after the fact approval.

Mr. Shaffer suggested that the application be denied without prejudice.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

Donna Dove said that the fence blocked the view on the road from either side. She felt that this intersection needed to have clear visibility, and this was not possible with the fence height at six feet.

BJ Kalaidi said that there was an ordinance that regulated the height of the fence at four feet tall.

Public hearing was closed.

The Board discussed:

Mr. Shaffer confirmed that there was an ordinance that regulated the height of fences.

Mr. Pappas advised that he had been by the site and agreed that the visibility for drivers was compromised with the fence height.

MOTION

Mr. Shaffer MOVED to DENY WITHOUT PREJUDICE application PZB2025-0033 a variance request to increase the maximum fence height within the front yard setback at 201 Kenan Street. The reason for the denial was that the request did not meet criteria part D that granting of the variance would not be contrary to the public interest and would not adversely affect other property in the vicinity. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Use by Exception

7. (a) PZB2025-0011 – Jack Banks – Applicant & Owner **8 Grant Street**

Continued from the March 4, 2025 Regular Meeting

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

Mr. Fredrikson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may APPROVE the use by exception request for one (1) off-site automobile parking space within the Municipal Parking Garage at 8 Grant Street / PID 156600-0000.

In the event of this request is approved by the Board, staff also recommends the following conditions:

- Approval of this use by exception for one

(1) automobile parking space within the Municipal Parking Garage is contingent upon providing proof of a parking pass at the time of vacation rental registration
- When registering the short-term rental at 8 Grant Street, proof of purchase for a parking pass with the same duration as that of the vacation rental registration period shall be provided to the Code Enforcement Division

Jack Banks reviewed the application.

The Board presented their Ex Parte Communication.

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

The Board discussed:

- The parking garage needed to be listed in the advertisement as a potential place to park
- The applicant had completed the due diligence
- The parking garage was inconsistent with health and safety concerns

MOTION

Mr. Blow MOVED to APPROVE application PZB2025-0011 with the stipulation that the advertising for the short-term rental clearly stated that the only available parking was located at the Municipal Parking Garage. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Blow, Tucker, Johns, Davis

NAYES: Shaffer, Pappas

MOTION CARRIED 4/2

7. (b) PZB2025-0031 – Jacob Throneburg c/o Curaleaf FI, LLC – Applicant Layth Adamo c/o PV Commercial Management LLC – Owner 1280 N. Ponce de Leon Boulevard

To approve a use by exception for a medical marijuana dispensary.

Mr. Fredriksson read the staff report and said based on a review of Dec. 28-29 staff finds that the Board may APPROVE, with or without conditions, a medical marijuana treatment center use by exception request within the CM-2 zoning district at 1280 N. Ponce de Leon Boulevard / PID 190630-0000.

Jacob Throneburg reviewed the application.

The Board presented their Ex Parte Communication.

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

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

The Board discussed:

- Using the criteria, it appeared that this could be approved
- Verified that the five hundred feet was measured from door to door
- Confirmed the hours of operation to be Monday thru Saturday 10am -8:30pm and Sunday 10am-7pm

MOTION

Mr. Pappas MOVED to APPROVE application PZB2024-0031 use by exception for a medical marijuana dispensary. The motion was SECONDED by Mr. Shaffer

VOTE ON MOTION:

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

NAYES: NONE
MOTION CARRIED UNANIMOUSLY²

7. (c) PZB2025-0035 – Star Song School – Applicant
James N Sheils c/o FBM Holdings, LLC – Owner
101 Masters Drive

To approve a use by exception for a school.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may APPROVE, with or without conditions, a school use by exception request at 101 Masters Drive / PID 110110-0000.

Irene Arriola reviewed the application.

The Board presented their Ex Parte Communication.

10 certified notices were sent, 1 was 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 met the criteria
- There had been no complaints from neighboring businesses regarding traffic problems
- This property had been a school for a number of years
- The proposed school had a lessor attendance than previously
- Student pickup could be off the street
- A Use by Exception stays with the applicant, so no conditions were necessary

MOTION

² Break 4:52 – 5:11 pm

Ms. Tucker MOVED to APPROVE application PZB2024-0035 for a Use by Exception for a school at 101 Masters Drive. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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 April 1, 2025 Regular Meeting

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

Mr. Fredriksson read the staff report and said based on Sec. 28-29 of the City'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
2. The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time

to time be adopted by the city commission

3. Consistency with the comprehensive plan.

In addition, staff requests that in order to ensure that the proposed mitigation plan exceeds typical City requirements, the rationale for choosing the types and quantities of trees proposed to be planted should be provided to serve as support for an acceptable mitigation plan prior to a Board recommendation

Mark Shelton, Jason Scarberry, Carl Masters, and Mark White reviewed the application.

Mr. Shelton reviewed the language that had been changed in the PUD after negotiations with the city.

Ex Parte Communication: presented

Public hearing was opened.

BJ Kalaidi said that she had not seen the additional text changes and asked that this section be read out loud for those that were not in attendance.

Ms. Lopez advised that she had not been involved in the process for the PUD. She said that she had a conversation with Ms. Avery-Smith regarding the two separate conditions; that one should be specific to the PUD and a separate condition for the shipyard application.

Ms. Johns asked the applicant who had been in the negotiations.

Ms. Tucker advised that the language was online and the change to the language had not been affected in the changes presented.

Mr. Shelton advised that the language included a conversation with Ms. Lopez and the suggestions from the board.

Mr. Blow thought that the application should not be heard until the shipyard application was heard as they should be connected.

Mr. Pappas suggested moving this application to the second hearing and then they would be able to hear both applications at the same time.

Public hearing was closed.

The Board discussed:

Mr. Shaffer agreed with comments that were made. He thought that the language "natural causes" should be changed or removed.

Ms. Johns highlighted the language in the text stating that the trees were guaranteed "but for an act of God"

Ms. Tucker read the new language provided by the applicant into the record. She said that she was not in favor of waiving the second hearing. She reiterated that the reference to natural causes needed to be changed.

Mr. Davis asked if a reference to code enforcement should be included in the text.

Ms. Lopez agreed that code enforcement should be included.

Mr. Scarberry advised that the reference to "act of God" removed the ninety-day limit for replacement of trees should they die.

Ms. Johns asked for clarity in the language concerning replacement of trees if they were destroyed by an act of God.

Ms. Lopez asked the Board to give her an indication of what they wanted included in the text of the PUD regarding the modification.

The Board advised that the phrase natural causes needed to be removed, also the language regarding destruction by acts of God needed to clarify the time limits for replacement of trees.

MOTION

Mr. Pappas MADE A MOTION TO MOVE application PZB2025-0008 to a second hearing June 3, 2025. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (b) PZB2025-0034 – James McGarvey
c/o Real Estate Development – Applicant
James McGarvey – Owner
36 Granada Street**

To approve a PUD modification.

This item was heard prior to item 6.a.

Mr. Fredriksson read the staff report and said based on Sec. 28-29 of the City's Code, the Planning and Zoning Board (PZB) is required to provide a report and recommendation to the City Commission showing that the Board has studied and considered:

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

Given the scale and complicated nature of PUDs and based on Sec. 28-29 of the City's Code, the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission.

James McGarvey reviewed the request for the amendment for the PUD, whichs was regarding the mural on the outside of the building. He proposed placing a framed pictorial history on the interior of the building.

The Board presented their Ex Parte Communication.

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

Public hearing was opened.

BJ Kalaidi expressed her concerns with PUD in general. She was against not painting the outside of the building.

Public hearing was closed.

The Board discussed

Mr. Shaffer felt that the reasoning for the justification for the change was acceptable, and he agreed with staff analysis of the proposed amendment, that it was consistent with requirements and consistent with the comprehensive plan.

Ms. Tucker asked staff about the parking language in the text.

Mr. Fredriksson advised that this was provisional in the event that the parking code was updated.

Mr. Blow thought that painting a feed store sign on the building would be confusing to the public.

Mr. Davis agreed that historical photos on the inside met the intent of the project and felt that this was a good compromise.

Mr. Pappas wanted some type of signage outside as this was supposed to be a mural of the past. He said that he did not support the change in the language for parking as it was designed to incorporate that parking

regulation at the time the PUD was established.

Mr. Shaffer had no issue with placing photos inside the facility rather than a mural on the outside.

Mr. Blow said that there had been much discussion regarding parking at this building and some relaxation of regulation had been incorporated in the PUD.

Ms. Lopez advised that what had been requested was effectively a self-amending provision so that when parking code was changed, the PUD would change with the new regulation.

A discussion followed to determine if a sign should be placed outside of the building to commemorate the different businesses that had existed in the past.

Ms. Tucker asked that applicant if that would be an acceptable compromise.

Mr. McGarvey listed the different uses that the building had housed over the many years that it had stood at the site. He advised the Board that this building had never been considered an historic building.

Ms. Lopez advised that since this was a PUD modification, the Board could add any conditions that would be stated to staff and those could be included in the recommendation to the city commission.

MOTION

Mr. Shaffer MOVED to RECOMMEND application PZB2025-0034 to the city commission to leave the current wording regarding parking as it exists in the current PUD and that in lieu of the mural there be an exterior historical reference to past uses of the building that had existed previously consistent with other markers in the city. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

9.(a) West City Community Redevelopment Area (WCCRA) plan adoption recommendation

Jaime D. Perkins provided the Board with a presentation of the proposal for the WCCRA. She highlighted Section five of the plan and advised the Board that their objective was to review this section and confirm that it complied with the city comprehensive plan and then make a recommendation to the Community Redevelopment Agency Board. She highlighted the modifications in the plan that had been made at the mayor's suggestion.

Ms. Tucker listed the concerns that Ms. Kalaidi had brought forth at the beginning of the meeting including no funding for the parking garage and leaving Oyster Creek in its natural state.

Ms. Perkins responded and advised that there were no certainties in the plan regarding specific projects or programs; however, it allowed for the plan to have flexibility. She advised that the city did not own West King Street, and the CRA/City Commission asked that there be no language in the plan regarding how the funds would be used.

Mr. Shaffer asked if there would be an opportunity for public input when determining how any monies would be allocated.

Ms. Perkins referred to the Statement of Project and Program Implementation in the plan that defined how projects would go forward and that the CRA would have the final say on those plans. She said that this was thirty-year plan and there may not be an opportunity to amend the plan in the future.

Mr. Davis asked what the real intent of the CRA would be.

Ms. Perkins advised that the CRA was being established to address slum and blight in the area and parking was part of the problem.

Mr. Davis asked if the Broudy parking garage was to go through, what year would the city be purchasing the garage.

Ms. Lopez advised that negotiations were ongoing and currently there was a tiered approach to having the opportunity to purchase that structure and later to purchase the land on a thirty- year time frame.

MOTION

Mr. Davis MOVED TO RECOMMEND the WCCRA plan as modified to the City Commission with the finding that it complied with the Comprehensive Plan. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Adjournment

Having no further business, Ms. Tucker adjourned the meeting at 6:27 P.M.³



Christina Tucker, Chairperson

³ Transcribed by Michele Fudo