



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

CMT/Virtual Hearing

Tuesday, September 1, 2020 at 2:00 p.m.

Pursuant to the Charter of the City of St. Augustine and Resolution 2019-21, as modified and amended by Resolution 2020-23 and Resolution 2020-25. The procedures adopted provide for the use of Communications Media Technology (CMT) under the authority granted by the Governor of the State of Florida pursuant to Executive Order 20-69, as amended.

The Alcazar Room at City Hall will be open for attendance with limited capacity consistent with the public health, and life safety requirements as promulgated by the CDC. These include mandated capacity and distancing requirements. Physical attendance will be prioritized as follows until maximum capacity is reached:

Commission Members

City Attorney

City Manager

City Clerk

Required staff for public records and multi-media operation

Public participants

HOW TO VIEW THE MEETING:

The meeting will be broadcast live at:

The City's website <http://CityStAugTV.com>

Government Comcast Channel 3

FOR ITEMS REQUIRING A SEPARATE PUBLIC HEARING: these items include quasi-judicial hearings, second readings of ordinances, and resolutions or other matters identified in the agenda as requiring separate public hearings pursuant to law.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (5:00pm ONE BUSINESS DAY PRIOR TO MEETING). All public comment will be limited to three (3) minutes.

The City Staff will forward all written public comments to each Board Member, and preserve all written comment consistent with Florida Public Records law, but will only read into the record the equivalent of three (3) minutes or 400 words. Any public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

- **PHONE**

Members of the public who wish to participate utilizing CMT are requested to dial in 904-293-4330 only when prompted for the specific item on the agenda or at open public comment. The callers will be placed on hold and queued for each agenda item public comment period.

All other Rules of Decorum shall apply to the extent they do not conflict or are not applicable. The meeting moderator will monitor adherence to the Rules of Decorum and may mute any persons determined to be in violation.

FOR REGULAR BUSINESS ITEMS ON THE AGENDA: these items include first readings of ordinances, most resolutions or other matters identified in the agenda as requiring a vote or decision of the City Commission, but not requiring a separate public hearing.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Staff will forward all written public comments to each Board Member, and preserve all written comment consistent with Florida Public Records law, but will only read into the record a brief synopsis of each written comment and a tally of the number of comments in support or in opposition to the agenda item. Any public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

FOR GENERAL PUBLIC COMMENT: this comment period is for items not on the agenda, nor anticipated for a vote or decision of the City Commission.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Staff will forward all written public comments to each Board Member and preserve all written comment consistent with Florida Public Records law. If multiple comments received relate to a common identifiable issue, the City Clerk will tally the number of comments in support of, or in opposition to, the issue and read that tally into the record. Any public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

- 1. Roll Call**

- 2. General Public Comments for Items Not on the Agenda**

- 3. Approval of Minutes**

- a. CMT/Virtual Hearing Minutes from August 4, 2020.

- 4. Variance**

- a. 2020-0092

Jamie Hoffnagle – Owner/Applicant

7 Inlet Place

To approve a variance to the front and side yard setbacks for the expansion of a single family detached garage, as per RG-1, within Commercial low-two (CL-2) zoning.

- b. 2020-0093

Christopher Gemmell – Owner/Applicant

9 Sevilla St

To approve a variance to rear and side yard setbacks to allow for the construction of a guest house within Residential, general-one (RG-1) zoning.

c. 2020-0096

Francis Cuthbertson – Applicant
c/o – CKG Architectural Studio
Gerard Gruber – Owner
c/o Cms Re Holdings LLC

100 Lincoln St

To approve a variance to reduce the front and side yard setbacks and to exceed the maximum lot coverage to allow for a home addition within Residential, single-family-two (RS-2) zoning.

5. Use by Exception

a. 2020-0086

Taylor Cook – Applicant
c/o Scooter Bros
North Shore Property Management – Owner

56 S Dixie Hwy

To approve a use by exception for auto sales (scooter and electric cart rentals) as per the definition of auto sales within Commercial Medium-two (CM-2) zoning.

b. 2020-0091

Mark Allen – Applicant
c/o All Florida Safety Institute
Kanti Patel – Owner
c/o – Vista Hotel IV

1800 N Ponce De Leon Blvd

To approve a use by exception for auto & boat sales within Commercial medium-two (CM-2) zoning.

c. 2020-0094

Matt Baker – Applicant
c/o Veritas Classical Private School, Inc.
St. Johns County Welfare Federation – Owner

169 Martin Luther King Ave

To approve a use by exception for a private school within Residential, single-family-two (RS-2) zoning.

d. 2020-0095

James Whitehouse – Applicant
c/o – St. Johns Law Group
Red Moon Properties, LLC – Owner

9 Aviles St

To approve a use by exception for a special event venue and a use by exception for a cocktail lounge/tavern within Historic Preservation (HP-2) zoning.

6. Other Business

- a. Selection of Chair and Vice Chair.
- b. Discussion of LDC Sec. 28-160 “Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2)” and proposed amendment to minimum 5/12 roof pitch requirement.
- c. Discussion and recommendation related to amending the definition of Commercial Sign Zone 4 in Chapter 3 the Sign Code.

7. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City’s ongoing Florida Public Records and Government in the Sunshine compliance, and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Communications Media Technology Meeting August 4, 2020

The Planning and Zoning Board met in formal session Tuesday, August 4, 2020, at 2:00 p.m. via Communications Media Technology (CMT) and with limited capacity in the Alcazar Room at City Hall. The meeting was called to order by Karen Zander, Chairperson and the following were present:

1. Roll Call: Karen Zander, Chairperson
Jon DePreter, Vice Chairperson
Grant Misterly
Sarah Ryan
Christina Opsahl
Mike Davis
Carl Blow

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Denise May, City Attorney
Candice Seymour, Recording Secretary

2. General Public comment for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVED the July 7, 2020, minutes as presented. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Ryan, DePreter, Blow, Davis, Opsahl, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

After the motion, Mr. Blow noted a missing "not" on page 6, first column, under Chief Barry Fox's statement.

MOTION

Ms. Ryan MOVED to APPROVE the July 7, 2020, minutes as amended. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Ryan, Davis, Blow, Opsahl, Misterly, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

4. (a) 2020-0083 – James Whitehouse – Applicant
David Watkinson – Owner
8 DeSoto Place

To approve the removal of six (6) significant trees (5 red cedars and 1 live oak) within Conservation Overlay Zone 3.

Mr. Doty read the staff report and said based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the

removal of removal of six (6) significant trees (5 red cedars and 1 live oak) within Conservation Overlay Zone 3 located at **8 DeSoto Place / PIN 203230-0000**.

James Whitehouse, representing the owner, and Daniel LeBlanc, arborist, were available for questions.

The Board provided their ex parte communications.

15 certified notices were sent, 1 was returned in favor, and 2 had comments. Additionally, Ms. Zander paraphrased an e-mail from George Gardner asking that the Board be diligent in response to the application.

Public hearing was opened.

B.J. Kalaidi spoke against the application as a negative impact to the environment and concern for parking issues.

Public hearing was closed.

Mr. Whitehouse responded to public comment noting that there would be driveways and garages that did not impact the trees directly. He added that there were tree credits on the property and the landscape plan included additional trees.

The Board discussed:

- Preference to include cedar trees in landscape plan which the applicant confirmed would be included
- Health of trees proposed for removal
- Tree numbered 1, the live oak, had an adequate amount of root protection space to be saved and the applicant was not opposed to keeping it
- Noted retention pond was intended for dry retention and could potentially be used as a planting area

MOTION

Ms. Ryan MOVED to APPROVE Conservation Overlay Zone Development application 2020-0083 to approve the removal of five red cedars within Conservation Overlay Zone 3. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl, Misterly, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2020-0079 – Ryan Carter, Carter Environmental Services – Applicant Jason Hoffnagle – Owner 7 Inlet Place

To approve the expansion of an existing dock to extend the dock platform, to add two (2) enlarged platforms, to add a boat lift, and to add a floating dock and associated gangway within Conservation Overlay Zone 1.

Mr. Doty read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the expansion of an existing dock to extend the dock platform, to add two (2) enlarged platforms, to add a boat lift, and to add a floating dock and associated gangway in Conservation Overlay Zone 1 located at **7 Inlet Place / PIN 214090-0000**.

Ryan Carter reviewed the application.

The Board provided their ex parte communications.

21 certified notices were sent, 3 were returned in favor.

The Board discussed:

- Concern that the extension of the dock could block access to neighboring docks
- Proposed extension reached

approximately eight inches of additional water depth

- Recommendation to put the floating dock on the north side to allow access for a dock to the south

Public hearing was opened.

Barry Pitts, owner of 17 Salt Run Court, thanked the Board for their diligence in considering his dock during the hearing. He noted that he intended to rebuild his dock with a necessary extension to reach water depth. He was generally in favor of the application but asked that some consideration be given to his ability to extend his dock.

B.J. Kalaidi spoke against the application citing negative impacts to the scenic vista.

Public hearing was closed.

Mr. Carter responded to public comments, stating that he would be able to move the floating dock to the north side as recommended by the Board to lessen impacts to the neighboring docks. He detailed the change as moving to the north side an 8 foot offset from the boardwalk, then 22 feet long to a 3 foot wide gangway to a 12 foot by 20 foot floating dock.

The Board discussed:

- Properties owned by Mr. Pitts, including underwater lots, one of which the subject dock sits on
- Mr. Pitts did not object to the application so long as approval did not hinder his ability to reach deeper water with a dock in the future and he was in favor of mirroring the dock as recommended by the Board
- Concern that approval of the application could lead to future issues between neighboring property owners
- Possibility of continuing the application to allow Mr. Carter and

neighboring property owners to discuss the dock design and clarify property ownership

Mr. Carter described the existing alignment of the area docks that allowed for equitable use of the waterway and added that there was a license agreement being processed with the City for the platted roadway that the subject dock is built over.

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development application 2020-0079 with the condition that the proposed extension be moved to the north side as described by the applicant. The motion was SECONDED by

Mr. Misterly and Ms. Zander advised that they would be voting against the motion based on criteria number two, the sites relationship to adjacent properties, and number 12, the impact of development on vistas and scenic opportunities by linear feet.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan, DePreter

NAYES: Misterly, Zander

MOTION CARRIED 5/2

4. (c) 2020-0080 – Ryan Carter, Carter Environmental Services – Applicant
Stefan Johansson, Winward Shipyard, LLC – Owner
Dockside Drive – PID 134230-0030, 127920-0000

To approve the expansion of an existing marina facility by expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1.

Mr. Doty read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the expansion of an existing marina facility by

expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1 located at **Dockside Drive – PID 134230-0030, 127920-0000**.

Mr. Carter reviewed the application.

The Board discussed:

- Distance of the floating dock from channel which was predicated on what was allowed per the state

The Board provided their ex parte communications.

14 certified notices were sent, 1 was returned in favor.

Public hearing was opened.

B.J. Kalaidi spoke against the application and suggested that the fuel stations be removed from the plan. She also cited concern for negative impacts to traffic and scenic vistas.

Public hearing was closed.

Mr. Carter responded to public comment noting that the San Sebastian River was intended for working waterfront and the application supported that use.

Mr. Blow detailed his discussion with Mr. Carter prior to the meeting which included little concern for the proposed fueling station because of the Clean Marina designation from the Florida Department of Environmental Protection, concern for impacts of the project on dredging efforts, and support for continued efforts to preserve the working waterfront.

The Board discussed:

- Lifts were proposed to limit saltwater corrosion damage to boats and would not greatly impact

scenic vistas due to elevated uplands in the area

- Layout of the proposed dock did not include finger-piers for safety purposes as the current could make it difficult to dock
- Recommendation for a breakaway dock and removal of boat lift 1 for dredging operations

Mr. Carter responded to recommendations for ease of dredging, stating that he would be in favor of installing a breakaway floating dock that could be moved during dredging operations as well as temporarily removing boat lift 1 on the rare occasions dredging occurred along the river.

MOTION

Mr. Davis MOVED to APPROVE application 2020-0080 provided that the applicant include the breakaway dock and remove lift from slip 1 during dredging operations at the applicant's expense. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Blow, Opsahl, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

5. Use by Exception

5. (a) 2020-0058 – Don Crichlow – Applicant
Hewlett Enterprises, LP – Owner
24 Avenida Menendez

To approve a use by exception for lounge/tavern within Historic Preservation (HP-2) zoning district.

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the

¹ Brief recess from 5:07p.m. to 5:17p.m.

amended use by exception for a lounge/tavern at **24 Avenida Menendez / PIN 196310-0020**. He also clarified previous concerns regarding public works seating classifications, noting that they were based on water-flow rate fees and did not preclude the seats from being used for a bar, which, as a classification, would have been a lower fee.

Don Crichlow and Jim Wilson reviewed the application and clarified the liquor licensing, noting that the bed and breakfast, restaurant, and bar were operated by the same company under a single license, but had separate names to differentiate the uses.

Ms. Zander expressed concern that the proposed number of seats at the establishment was an intensification of the previous bar use approval.

The Board provided their ex parte communications.

Public hearing was opened.

B.J. Kalaidi was concerned that the business did not adhere to the previous hours, but now wanted to extend the hours. She added that the police department would be responsible for enforcing those later hours.

Public hearing was closed.

Mr. Wilson reiterated that the reason for the original 10:00p.m. limit was to match the neighboring bed and breakfast which had been and remained closed.

The Board discussed:

- Concern for the number of bars downtown
- Current poor economic situation of restaurants and bars

MOTION

Mr. Blow MOVED to APPROVE Use by Exception application 2020-0058. The motion was SECONDED by Ms. Opsahl.

Mr. Blow clarified that the exception would run with the applicant with the hours as presented.

There was discussion regarding the possibility of adding an additional condition wherein after a certain number of violations within a stated period the applicant would have to return to the Board for a reevaluation of the approval.

Ms. Zander voiced her concern regarding approval of the application due to overall concerns with excessive alcohol service downtown.

Ms. May suggested a condition that if there were 3 violations of the approved hours of operation within a one year period, that the application would be brought back before the PZB for review and potential Revocation.

Mr. Wilson stated the applicant would be amenable to such a condition.

Mr. Blow AMENDED the motion to include the additional condition as stated by Ms. May.

Ms. May clarified, at the Board's request, that violations would be those documented by the police department.

VOTE ON MOTION:

**AYES: Blow, Opsahl, Davis, Ryan,
Misterly, DePreter, Zander**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2020-0062 – Christopher Gugel – Applicant
Gregory Dettra – Owner
213 W King St

To approve a use by exception for light manufacturing for a winery and off-site parking within Commercial, medium-two

(CM-2) zoning district. Or a variance to eliminate the required on-site parking.

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception for light manufacturing at **213 W. King St / PIN 119860-0010**; and, based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the variance to eliminate the additional on-site parking requirement at **213 W. King St / PIN 119860-0010**.

Christopher Gugel and Gregory Dettra reviewed the application.

The Board discussed parking options for the applicant, including a curb-cut along King Street that led to an area on the east side of the property that could be used for parking.

Ex Parte Communication:

(None)

MOTION

Ms. Ryan MOVED to APPROVE Use by Exception application 2020-0062 To approve a use by exception for light manufacturing for a winery and Variance application 2020-0062 to eliminate one required on-site parking space. The motion was SECONDED by Mr. DePreter.

The Board was advised that public comment had not yet been opened for the item.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing continuing parking issues in the area.

Public hearing was closed.

Mr. Gugel responded to public comment concerns for parking, describing his efforts to obtain parking at surrounding properties.

Mr. Dettra noted he did have property in the area with three parking spaces that would be available after 6:00p.m.; however, he believed it to be outside of the allowed radius.

Staff clarified that Mr. Dettra's lot was within the allowed radius and could be leased.

Ms. Ryan WITHDREW her original motion.

MOTION

Ms. Ryan MOVED to APPROVE Use by Exception application 2020-0062 for light manufacturing for a winery and off-site parking for one parking spot at 225 West King Street within Commercial, medium-two (CM-2) zoning district. The motion was SECONDED by Ms. Opsahl.

The Board discussed:

- Mr. Dettra providing parking spaces on his property for use by the subject business
- Hours of operation for both the subject business and Mr. Dettra's business to ensure they did not conflict
- Encouraging signage for the additional parking space

Ms. Ryan AMENDED her motion to include requiring signage denoting the location of the additional parking space.

VOTE ON MOTION:

AYES: Ryan, Opsahl, Blow, Davis, Misterly, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (c) 2020-0063 – Greg Lord Jr – Applicant

Jimmy Wells Long – Owner

303 S Ponce de Leon Blvd

To approve a use by exception for auto & boat sales within Commercial, medium-two (CM-2) zoning district.

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for auto & boat sales at **303 S. Ponce De Leon Boulevard**.

Gregory Lord reviewed the application.

Ex Parte Communication:

(None)

18 certified notices were sent; however, there were no responses.

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

MOTION

Mr. Blow MOVED to APPROVE Use by Exception application 2020-0063 as presented.

Ms. Ryan suggested a sundown period of 2-3 year because she did not believe the request was the highest and best use of the property; however, it was determined if the exception ran with the applicant, then another business owner would have to return for an exception to continue the use and that it may not be within the Board's purview to place such a condition on the exception.

Ms. May clarified that any condition placed on an approval had to have a rational nexus to a Board concern.

The Board discussed:

- Ensuring the applicant was not limited by the site plan as presented
- There would be no car repairs on the property
- Recommendation to include single-story car storage as a condition of approval

Mr. Blow AMENDED his motion to APPROVE Use by Exception application 2020-0063 for auto & boat sales within Commercial, medium-two (CM-2) zoning district to run with the applicant, with the conditions that there be no repairs on site and no multi-level car or boat stacking. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: Blow, Davis, Opsahl, Misterly, DePreter, Zander

NAYES: Ryan

MOTION CARRIED 6/1.

5. (d) 2020-0077 – Nache Nielson, Coldwater Capital – Applicant and Owner 520 S Ponce de Leon Blvd a.k.a Lot 12

To approve a use by exception for a parking lot & drive aisles within Residential, Single Family two (RS-2) zoning.

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **DENY** the use by exception for a parking lot & drive aisles within Residential, Single Family two (RS-2) zoning at **520 S Ponce de Leon Blvd / Lot 12 - PIN 127400-0000**. He clarified that the exception would be for drive aisles, as the proposed parking lot was on a portion of the applicant's property zoned commercial.

Nache Nielson, Dan Nebeker, and Mark Mobley reviewed the application.

Board discussion included:

- 10 cars could be removed from queuing on the street
- Cars utilizing the free vacuums were not causing the traffic concerns that triggered the request
- Hours of operation were 8:00 A.M. to 8:00 P.M. and traffic concerns peaked between 11:00 A.M. to 3:00 P.M.

- History of the property
- Approval would allow the drive aisle and any use already allowed by right per code

The Board provided their ex parte communications.

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

Public hearing was opened.

Judy Norris spoke against the application as commercial encroachment that would negatively impact the neighborhood due to exhaust fumes and noise from the vehicles.²

Ron Norris spoke against the application citing light and noise pollution.

B.J. Kalaidi spoke against the application.

Public hearing was closed.

Dan Nebucher noted that the application was meant to alleviate traffic issues on River Road and explained that the Aviles Road entrance was closed to allow for more on-property queuing and reduce traffic on Aviles Road and Ponce de Leon Boulevard.

Mark Mobley added that public safety was the main reason for the request.

The Board discussed:

- Clarification that the property had two different land uses and zoning designations, Commercial and Residential
- Changes to the site plan to close the Aviles Road access which may require review by the fire department and public works
- Residents most affected were opposed

² Pictures provided by the speaker were provided to the Board and attached to the original packet

- Possibility of the applicant reaching out to the neighbors to come up with a solution

Mr. Nielson expressed an interest in continuing the application to allow time for outreach to the surrounding residents in attempts to come up with a solution to the problem.

Ms. Ryan pointed out that the proposed drive aisle use was not allowed within RS-2, and an exception would only cover parking lots in RS-2 zoned properties under the current code.

Mr. Nielson noted that the original site plan depicted parking spots on the residentially zoned lots; however, the parking was removed to allow space for required stormwater retention.

The applicants desired to withdraw the application rather than have the Board deny the request.

MOTION

Ms. Opsahl MOVED to APPROVE the applicant's request to withdraw their application. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Opsahl, Davis, Blow, Ryan, Misterly, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

6. Preliminary Plat

6. (a) 2020-0081 – Kevin Dooley, Gulfstream Design, Inc – Applicant

³ Brief recess from 6:37p.m. to 6:42p.m.

**Philip A. Fremento, D.R. Horton, Inc. -
Jacksonville – Owner
Lewis Speedway – PID 102820-0009**

To approve a preliminary subdivision plat for one hundred two (102) multi-family units within Residential and General Office (RGO) zoning district.

Mr. Doty read the staff report and said Based on a review of the applicable city codes, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the preliminary subdivision plat for this property as submitted.

Kevin Dooley and John Gislason were available for questions.

Staff confirmed that the Archeological Zone and Conservation Overlay Zones were protected in totality in the plat and the development as presented would not require a tree removal application.

The Board discussed the following:

- No issues relating to proximity from to the high school
- Public works had comments regarding the plat which had already been provided to the applicant
- Fill impact would be minimal as the site had already been cleared and filled after approval of a previous application
- Possible connectivity with the school
- Water retention pond was pre-existing

Ex Parte Communication:

(None)

19 certified notices were sent; however, none were returned. An additional two e-mailed comments were received.⁴

⁴ Attached to original packet

Public hearing was opened.

B.J. Kalaidi asked whether the development would be affordable housing and noted that the City did not charge a mobility fee/impact fees for the roadway.

Public hearing was closed.

The Board discussed:

- Multifamily housing fit the zoning category and would overall be more affordable than single-family homes
- Access to the county road through private property and impacts to county infrastructure

MOTION

Mr. DePreter MOVED to APPROVE Preliminary Subdivision Plat application 2020-0081. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: DePreter, Ryan, Blow, Davis, Opsahl, Mysterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Member Comments

Ms. Zander thanked B.J. Kalaidi for her civic involvement. She announced that her term ended in September, but she would not be able to attend the meeting.

Mr. Doty requested that the Board members return meeting binders so they can be recycled for future meetings.

Ms. Ryan thanked Ms. Zander for her service on the Board. She added that she had researched the history of the 5/12 roof slope requirement for non-conforming lots in RS-1 and RS-2, and still desired to revisit the law because of current building heights and flood elevation requirements and a desire to allow for design creativity.

Mr. Birchim stated he would prepare a draft ordinance regarding the proposed roof slope changes for PZB review at a future meeting.

Mr. Blow thanked Ms. Zander for her service as Board Chair.

7. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 7:13 P.M.⁵

Karen Zander, Chairperson

⁵ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **VARIANCE #2020-0092**

AGENDA ITEM 4(a)

APPLICANT & OWNER Jamie Hoffnagle

LOCATION 7 Inlet Place / PIN 214090-0000

REQUEST To approve a variance to the front yard setback for the expansion of a single family detached garage, as per RG-1, within Commercial low-two (CL-2) zoning.

LAND USE Commercial Low Intensity

ZONING Commercial Low Two (CL-2)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-207. - Commercial low-two: CL-2.

j. *Single-family dwellings as for RG-1 (section [28-163](#)).*

Sec. 28-163. - Residential, general-one: RG-1.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. *Front, fifteen (15) feet.*
2. *Side, ten (10) feet.*
3. *Rear, ten (10) feet.*

STAFF SUMMARY AND ANALYSIS

The initial request stated the necessity for a front and side yard setback reduction, however per LDC Sec. 28-348(1)(c), the garage has a three-foot (3') setback and as proposed meets that requirement. The applicant seeks to reduce the front yard setback to accommodate the expansion of the existing garage to an approximate eight-foot (8') front yard setback (in line with the existing garage, which is at a skewed angle). Please refer to the site plan, included as attachment 2, for the dimensions of the garage. Single family homes are permitted as per RG-1, however, the front yard setback for both CL-2 and RG-1 is 15'.

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed
Front Yard Setback	15'	6.6'	8'

Staff interpretation of findings of fact in italics.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes there is no singular disadvantage in this situation. The property shares a similar configuration and topography of the majority of the residential properties located in the vicinity. The physical location of the existing garage allows for two off street parking spaces (however per the applicant, 8' wide garage doors are not sufficient size for their vehicles).

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

As there is no disadvantage to this particular property, the property owner has been able to make reasonable use of this property, in this case, either park in or in front of the existing two car garage.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

While the applicant did not originally construct the garage, however, the applicant does create the condition by proposing an expansion into the front yard setback.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the location of the addition (being part of an existing garage). The spirit, intent, and purpose of the zoning district (RG-1) is to apply to neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports low density residential use.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **DENY** a variance to the front yard setback for the expansion of a single family detached garage, as per RG-1, within Commercial low-two (CL-2) zoning. at 7 Inlet Place / PIN 214090-0000.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jamie Hoffnagle Contact Number: 303-597-8435

Business (if applicable): _____

Address: 7 Inlet Place City: St Augustine State: FL Zip: 32080

E-Mail Address: jamiehoffnagle@gmail.com

2. NAME OF PROPERTY OWNER: SAME Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 137 Block: 1

Subdivision: Carvers Sub Parcel Number: 2140900000

4. PROJECT STREET ADDRESS: 7 Inlet Place

5. SPECIFIC PROPOSED USE: Garage addition; see attached site plan and survey

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Respectfully request 4 ft. addition to right side (south)
and 8 ft. addition to rear (east) side of existing 1950's garage.

8. JUSTIFICATION FOR ACTION REQUESTED: Existing 1950's garage has two 8 ft. wide
doors which are too small for today's larger vehicles. The current garage is only good
for storage and parking space is limited in front of the garage. The added width will
allow for parking inside the garage by providing two 10 ft. wide doors. The added depth will allow for recreational storage.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: Existing 1948 garage was designed with 8 ft. wide garage doors that do not accommodate today's larger vehicles.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Widening the garage will allow for 10 ft. wide garage doors so two vehicles can park and occupants can open the vehicle doors to exit. Currently, we cannot do that.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The garage has been there since 1948.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Granting the variance will be favorable for the public since vehicles can now be parked inside the garage. The exterior parking space will be adequate for guest parking. Currently, guest have to park on the street.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

Application for dock modification by Ryan Carter on Tuesday, August 4, 2020.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

James H. Bragle
Signature of Applicant

05 AUG 2020

Date

James H. Bragle
Signature of Property Owner

05 AUG 2020

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Jamie Hoffnagle

Print name of applicant

A handwritten signature in black ink, appearing to read "Jamie Hoffnagle".

Signature of applicant

05 AUG 2020

Date

MAP OF SURVEY

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AND FLOOD ZONE "AE" (COASTAL FLOOD PLAN BASE FLOOD ELEVATION 7 AND 8 FEET NAVD 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP NO. 1209C-0318-J, COMMUNITY NO. 125145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2016. <http://www.gis.boccc.coast-johns.fl.us/map/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTHWESTERLY LINE OF LOT 137 HAVING AN ASSUMED BEARING OF N 62°57'00" E.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:

JASON M. HOFFMAGLE AND JAMIE L. HOFFMAGLE

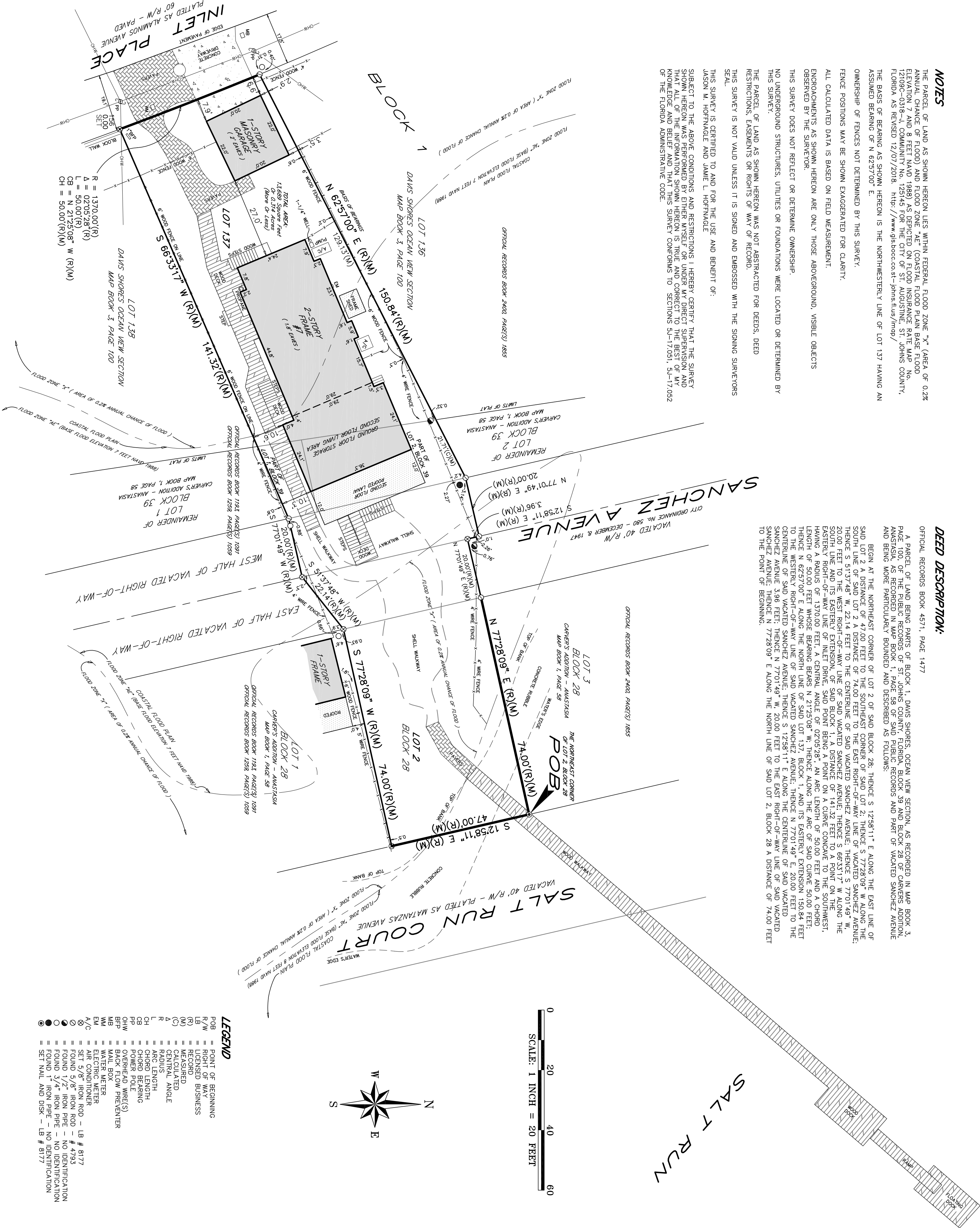
SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA AND THAT THIS SURVEY CONFORMS TO SECTIONS 54-17.051, 54-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

DEED DESCRIPTION:

OFFICIAL RECORDS BOOK 4571, PAGE 1477

A PARCEL OF LAND BEING PARTS OF BLOCK 1, DAVIS SHORES, OCEAN VIEW SECTION, AS RECORDED IN MAP BOOK 3, PAGE 100, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BLOCK 39 AND BLOCK 28 OF CARVER'S ADDITION, ANASTASIA, AS RECORDED IN MAP BOOK 1, PAGE 58 OF SAID PUBLIC RECORDS AND PART OF VACATED SANCHEZ AVENUE AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 28; THENCE S 12°58'11" E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 47.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S 77°28'09" W ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 74.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF VACATED SANCHEZ AVENUE; THENCE S 51°37'48" W, 22.14 FEET TO THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE; THENCE S 66°33'17" W ALONG THE SOUTH LINE AND ITS EASTERLY EXTENSION, OF SAID BLOCK 1, A DISTANCE OF 141.32 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INLET DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 02°05'28", AN ARC LENGTH OF 50.00 FEET AND A CHORD LENGTH OF 50.00 FEET WHOSE BEARING BEARS N 21°25'08" W, THENCE ALONG THE ARC OF SAID CURVE 50.00 FEET; THENCE N 62°57'00" E ALONG THE NORTH LINE OF SAID LOT 137, BLOCK 1, AND ITS EASTERLY EXTENSION 150.84 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID VACATED SANCHEZ AVENUE; THENCE N 77°01'49" E, 20.00 FEET TO THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE; THENCE S 12°58'11" E ALONG THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE; 3.96 FEET; THENCE N 77°01'49" W, 20.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID VACATED SANCHEZ AVENUE; THENCE N 77°28'09" E ALONG THE NORTH LINE OF SAID LOT 2, BLOCK 28 A DISTANCE OF 74.00 FEET TO THE POINT OF BEGINNING.



SEAL

DATE SIGNED:

ANCIENT CITY SURVEYORS
LB # 8177

ACS

PROFESSIONAL
LAND SURVEYORS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086

email: acs-surveyors@comcast.net PHONE: 904-797-9967

BOUNDARY SURVEY

#7 INLET PLACE
ST. AUGUSTINE, FLORIDA, 32080

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/09/2020
FIELD BOOK/PAGE(S):	478/45-47
DRAWING SCALE:	1" = 20'
JOB NUMBER:	20-351
7/27/2020 - SET CORNERS - FB 479/32	
07/13/2020 3:20PM F:\Autocad\2020\20-351\dwg\20-351.dwg	

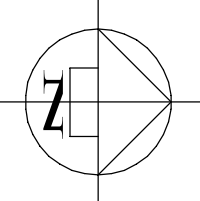
REVISIONS

Attachment 2

Site Plan

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AND FLOOD ZONE "AE" (COASTAL FLOOD PLAIN BASE FLOOD ELEVATION 7 AND 8 FEET NAVD 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP NO. 12109C-0318-J, COMMUNITY NO. 12145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018.

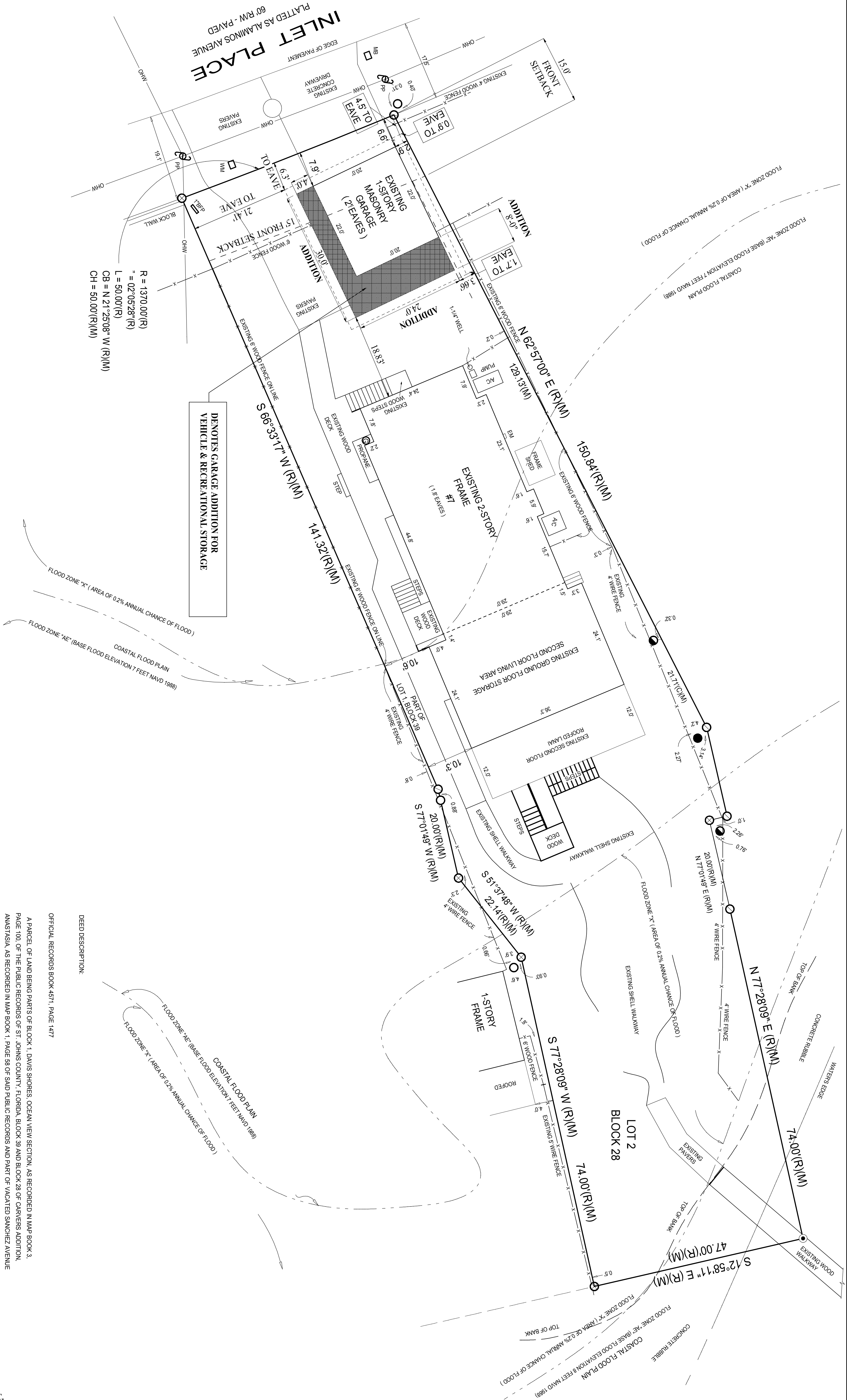


SITE PLAN

SCALE: 1" = 10'

LOT INFORMATION:

ZONING: COMMERCIAL LOW-MID (C1-2)
SETBACKS: 15 FT. FRONT / 10 FT. SIDES AND REAR
MAXIMUM 35% BUILDING COVERAGE
13,889 SQ. FT. LOT X 35% = 4,791 SQ. FT. MAXIMUM BUILDING COVERAGE ALLOWED
2,849 SQ. FT. EXISTING HOUSE FOOTPRINT + 440 SQ. FT. EXISTING GARAGE + 280 SQ. FT. = 3,569 SQ. FT. BUILDING COVERAGE = 26% COMPLIES
NO CHANGES TO GRADING
NO TREES BEING REMOVED



DEED DESCRIPTION:

OFFICIAL RECORDS BOOK 4571, PAGE 1477

A PARCEL OF LAND BEING PARTS OF BLOCK 1, DAVIS SHORES, OCEAN VIEW SECTION, AS RECORDED IN MAP BOOK 3, PAGE 100, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BLOCK 39 AND BLOCK 28 OF CARVERS ADDITION, AMASTASIA, AS RECORDED IN MAP BOOK 1, PAGE 58 OF SAID PUBLIC RECORDS AND PART OF VACATED SANCHEZ AVENUE AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 28; THENCE S 12°58'11" E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 47.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S 77°28'09" W ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 74.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF VACATED SANCHEZ AVENUE; THENCE S 51°37'48" W, 22.14 FEET TO THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE; THENCE S 77°01'49" W, 20.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID VACATED SANCHEZ AVENUE; THENCE S 66°33'17" W ALONG THE SOUTH LINE AND ITS EASTERLY EXTENSION, OF SAID BLOCK 1, A DISTANCE OF 141.32 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INLET DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1070.00 FEET, A CENTRAL ANGLE OF 02°05'28", AN ARC LENGTH OF 50.00 FEET AND A CHORD LENGTH OF 50.00 FEET WHOSE BEARING BEARS N 21°25'08" W; THENCE ALONG THE ARC OF SAID CURVE 50.00 FEET; THENCE N 82°57'07" E ALONG THE NORTH LINE OF SAID LOT 137, BLOCK 1, AND ITS EASTERLY EXTENSION 150.84 FEET TO THE WESTERN RIGHT-OF-WAY LINE OF SAID VACATED SANCHEZ AVENUE; THENCE N 77°01'49" E, 20.00 FEET TO THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE; THENCE S 12°58'11" E ALONG THE CENTERLINE OF SAID VACATED SANCHEZ AVENUE 3.96 FEET; THENCE N 77°01'49" W, 20.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID VACATED SANCHEZ AVENUE; THENCE N 77°28'09" E ALONG THE NORTH LINE OF SAID LOT 2, BLOCK 28 A DISTANCE OF 74.00 FEET TO THE POINT OF BEGINNING.

SITE PLAN / GARAGE ADDITION

7 INLET PLACE
CITY OF ST. AUGUSTINE, FLORIDA

GARAGE ADDITION:
JASON & JAMIE HOFFNAGLE

PLAN DESIGNER:



4220 South Francis Road
St. Augustine, Florida 32092

(904) 669-4904 cell
karencowardta@gmail.com

REVISIONS:

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **VARIANCE #2020-0093**

AGENDA ITEM 4(b)

APPLICANT & OWNER Christopher Gemmell

LOCATION 9 Sevilla St / PIN 206430-0000

REQUEST To approve a variance to rear and side yard setbacks to allow for the construction of a guest house within Residential, general-one (RG-1) zoning.

LAND USE Residential Medium Density

ZONING Residential, General One (RG-1)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Guest house means an attached or detached structure intended to be used by a guest for sleeping and sanitation purposes but not for cooking. A guest house is not a dwelling unit and is a maximum of five hundred (500) total square feet of gross floor area.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-163. - Residential, general-one: RG-1.

(6) Minimum yard requirements:

a. Residential uses:

- 1. *Front, fifteen (15) feet.*
- 2. *Side, ten (10) feet.*
- 3. *Rear, ten (10) feet.*

STAFF SUMMARY AND ANALYSIS

The applicant seeks a variance to the rear and side yard setbacks to allow for the construction of a guest house over the existing garage, at the rear of the property. Per LDC Sec. 28-348(1)(b), “accessory structures for residential purposes such as guesthouses shall not be located in any required yard.”

Please refer to the site plan, included as attachment 2, for the dimensions of the proposed guest house.

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing (garage)	Proposed
Rear yard setback	10'	1.83'	1.83'
Side yard setback	10'	1.83	1.83'

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity.

Staff believes there is no singular disadvantage in this situation. The property shares a similar configuration and size of the majority of the properties located in the vicinity.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

As there is no disadvantage to this particular property, the property owner has been able to make reasonable use of this property as it is developed with a duplex.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

While the applicant did not originally construct the garage, the applicant does create the condition by proposing habitable space within both the side and rear yard setback

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the location of the addition (being added above an existing garage). The spirit, intent, and purpose of the zoning district (RG-1) is to apply to neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports medium density residential use.

Following public notice, Staff was made aware of a private property line dispute that places the location of the existing garage (specifically its setbacks from the property lines) in question. The recommendation below reflects this, however, should the garage be site on the subject property as presented, Staff was recommending denial based on the lack of a hardship.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board should **CONTINUE** the request for a variance to rear and side yard setbacks to allow for the construction of a guest house within Residential, general-one (RG-1) zoning at 9 Sevilla St / PIN 206430-0000.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Site Plan & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2020-0093
 Receipt Number: 1919737 Meeting Date: Sept. 1, 2020
 Advertising Costs: \$ 292.00 Paid On: 8/17/20 Receipt Number: 1925753
\$72.90

1. NAME OF APPLICANT: Christopher "Red" Gemmell Contact Number: 978-204-7379
 Business (if applicable): N/A
 Address: 9 Sevilla St. City: St. Augustine State: FL Zip: 32084
 E-Mail Address: CLGemmell@gmail.com

2. NAME OF PROPERTY OWNER: Christopher "Red" Gemmell Contact Number: 978-204-7379
 Business (if applicable): N/A
 Address: 9 Sevilla St. City: St. Augustine State: FL Zip: 32084
 E-Mail Address: CLGemmell@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 9 Sevilla St. St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Above existing garage guest house.

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____

RECEIVED

AUG 10 2020

Planning / Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: _____
Alter an existing, free standing garage at the rear of the property into a garage with a small guest house above it.
Staying within the same foot print.

8. JUSTIFICATION FOR ACTION REQUESTED: _____
Additional living space for visiting family and guests.

04/18/2019

9. IF APPLYING FOR A VARIANCE PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

The property is of a nonconforming lot size, creating a disadvantage.

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

Reasonable use is restricted because of this nonconforming lot size.

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

All current structures on the property have been built prior to purchase.

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: The property directly to the north has a studio extending southward, the property to the south has this same above garage living space.

There would be minimum impact on the neighboring properties. This is a common feature throughout the neighborhood and would be at all out of place.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

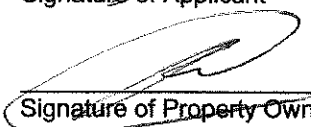
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

08/07/2020

Date


Signature of Property Owner

08/07/2020

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Christopher L. Gemmell

Print name of applicant



Signature of applicant

08/07/2020

Date

10/31/17



Owner's Authorization For Agent

Les Thomas is/are hereby authorized TO ACT ON BEHALF OF Christopher Gemmell, the owner(s) of those lands described within

☒ the attached application, or ☐ described within the previously filed

Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 9 Sevilla St. Saint Augustine, FL 32084

BY: _____

Signature of Owner

Christopher "Red" Gemmell

Print Name of Owner

978-204-7379

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 7th day of August, 2020

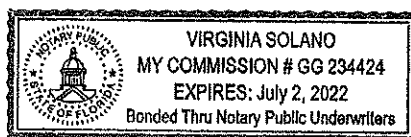
By Christopher "Red" Gemmell

Identification verified: _____

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____



ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

I, the undersigned Applicant or Agent, and Property Owner, hereby acknowledge and agree that:

- Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency hearing procedures.
- Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative Hearing Procedures.
- CMT procedures are held only during a declared State of Emergency by the Governor. Such procedures may or may not comply with Florida Statutes or Case Law governing Quasi-Judicial, Legislative or Administrative Hearings.
- Applicant and/or Property Owner knowingly waives the right of cross-examination of witness or commenters choosing to participate in the hearing utilizing CMT.
- Decisions and Orders of any board or commission may be subject to challenge by private parties, government agencies, and affected or aggrieved persons. Further, such Orders or Decisions are subject to be overturned by a court of competent jurisdiction. Applicant and/or Property Owner agree to indemnify and hold harmless the City of St. Augustine, its boards and commission, staff, and appointed and elected officials, for any claims arising out of Applicant and/or Property Owner's decision to proceed to hearing utilizing CMT procedures. Applicant and/or Property Owner agree to pay all attorneys fees and costs incurred by the City in defending Decisions or Orders utilizing CMT procedures related to their hearing.
- Applicant and/or Property Owner fully understand the risks and costs of litigation and have independently assessed these risks and costs and choose to proceed with hearing of the application utilizing CMT procedures.

Applicant and/or Property Owner further acknowledges that he/she has had an opportunity to consult with and be represented by counsel of their choosing and is advised to do so. Applicant and/or Property Owner is fully aware of procedures and rights waived above. Applicant and/or Property Owner freely, without duress or coercion, and based on Applicant and/or Property Owners own judgment wish to proceed with hearing of their application utilizing CMT hearing procedures.

[Signatures Appear on Following Page]



PROPERTY OWNER

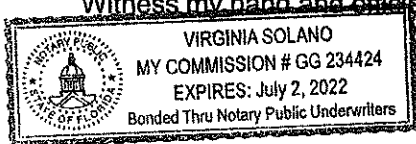
Christopher L. Gemma II
(Print Name)

[Signature]
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, Christopher Red Gemma II, who is personally known to me or who has produced FL ID as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 7th day of August, 2020.



[Signature]
Notary Public, State of Florida

APPLICANT OR APPLICANT'S AGENT

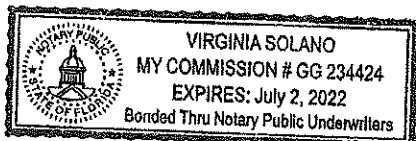
Christopher L. Gemma II
(Print Name)

[Signature]
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, Christopher "Red" Gemma II, who is personally known to me or who has produced FL ID as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 7th day of August, 2020.



[Signature]
Notary Public, State of Florida



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 2064300000
Location Address 9 SEVILLA ST
 SAINT AUGUSTINE 32084-0000
Neighborhood Model Land/City (MF) (610.33)
Tax Description* MODEL LAND CO SUB CITY RE-SUB OF LOTS 9 & 10 BLK N LOT 10-B PLAT IN DB43/89 OR4209/1803
**The Description above is not to be used on legal documents.*
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision Model Land Company - Resubdivision of Lo
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.120
Homestead Y

Owner Information

Owner Name Gemmell Christopher Lawrence 100%
Mailing Address 9 SEVILLA ST
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$200,423
Extra Features Value	\$2,268
Total Land Value	\$138,225
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$340,916
Total Deferred	\$3,841
Assessed Value	\$337,075
Total Exemptions	\$50,000
Taxable Value	\$287,075

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$188,891	\$2,381	\$138,225	\$0	\$0	\$329,497	\$329,497	\$50,000	\$279,497
2018	\$191,550	\$2,495	\$138,225	\$0	\$0	\$332,270	\$332,270	\$50,000	\$282,270
2017	\$196,872	\$2,608	\$138,225	\$0	\$0	\$337,705	\$337,705	\$0	\$337,705
2016	\$160,968	\$2,722	\$120,037	\$0	\$0	\$283,727	\$283,727	\$0	\$283,727
2015	\$146,140	\$2,835	\$109,125	\$0	\$0	\$258,100	\$217,218	\$90,882	\$167,218
2014	\$127,652	\$2,948	\$109,125	\$0	\$0	\$239,725	\$207,257	\$82,468	\$157,257
2013	\$118,199	\$3,062	\$109,125	\$0	\$0	\$230,386	\$197,324	\$83,062	\$147,324
2012	\$98,337	\$3,175	\$86,427	\$0	\$0	\$187,939	\$187,939	\$50,000	\$137,939
2011	\$90,364	\$1,364	\$96,030	\$0	\$0	\$187,758	\$187,758	\$50,000	\$137,758
2010	\$91,693	\$1,364	\$106,700	\$0	\$0	\$199,757	\$199,757	\$50,000	\$149,757

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building 1
 Actual Area 1400
 Conditioned Area 1295
 Actual Year Built 1900
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Structure Gable Hip
 Roof Cover Composite Shingle
 Interior Flooring Hardwood, Sheet Vinyl
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths 1

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	80%
Interior Flooring	Sheet Vinyl	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA (HOMESTEAD)	1084	1084
FINISHED ENCLOSED PORCH (HOMESTEAD)	86	108
ENCLOSED GLASS PORCH (HOMESTEAD)	125	208
Total SqFt	1295	1400

Building 2
 Actual Area 1041
 Conditioned Area 840
 Actual Year Built 1900
 Use Duplex
 Style 01
 Class N
 Exterior Wall Wood

Roof Structure Gable Hip
 Roof Cover Composite Shingle
 Interior Flooring Hardwood, Sheet Vinyl
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths 1

Category	Type	Pct
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%
Frame	Wood Frame	100%
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Hardwood	80%
Interior Flooring	Sheet Vinyl	20%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Average	100%
Plumbing	5 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	784	784
FINISHED ENCLOSED PORCH	56	70
OUTSIDE STAIRS	0	66
FINISHED DECK	0	121
Total SqFt	840	1041

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Low)	0	21	18	0	378

Land Information

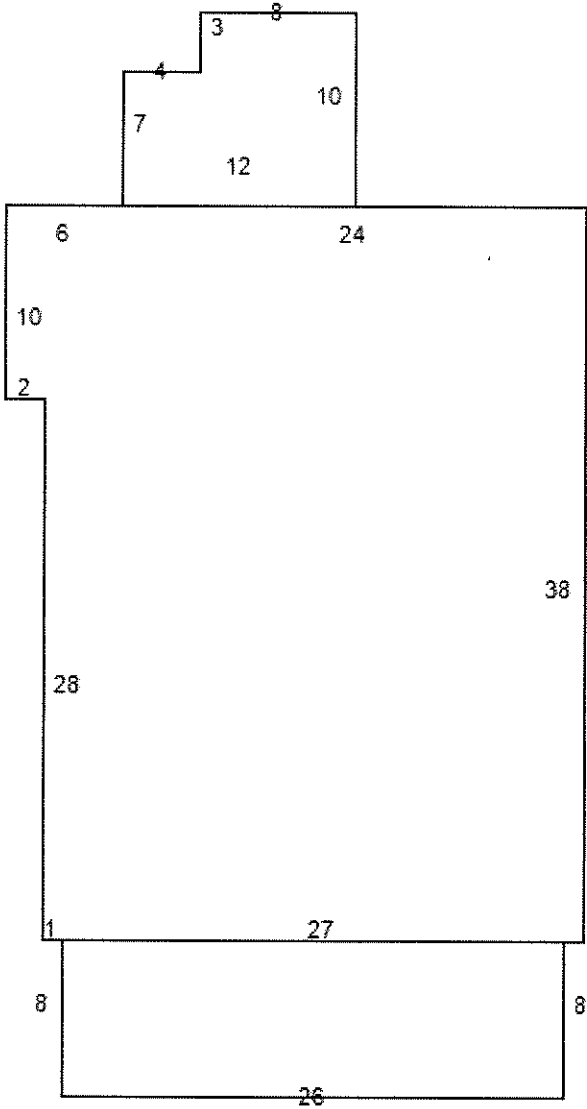
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	30	113	30	EF	\$82,935
Multi-Family (Less than 10 Units)	20	113	20	EF	\$55,290

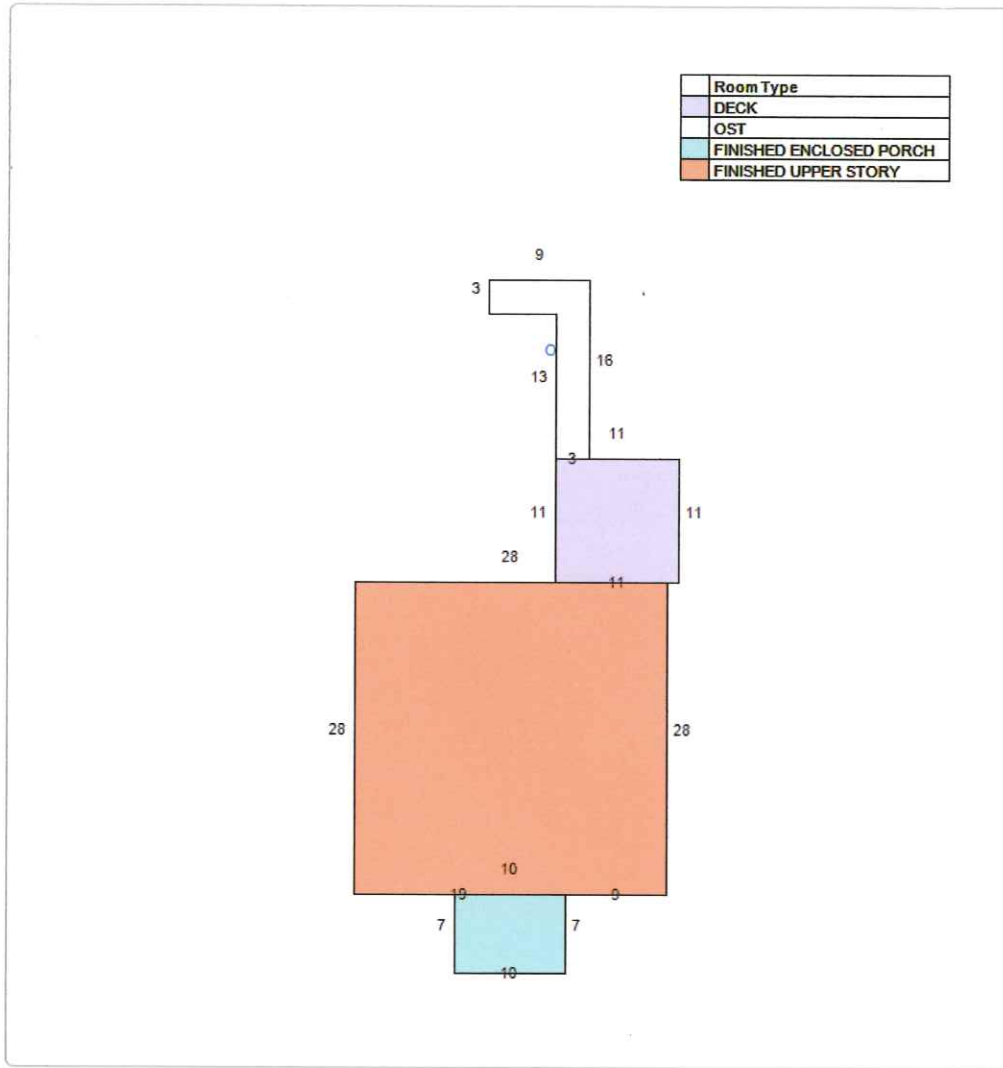
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/20/2016	6/7/2016	\$389,000.00	WD	4209	1803	Q	I	TOOL SANDRA CLARE TRUST	GEMMELL CHRISTOPHER LAWRENCE
7/15/2011	7/14/2011	\$100.00	WD	3455	404	U	I	TOOL SANDRA CLARE TRUST	TOOL SANDRA CLARE TRUST
	3/3/2010	\$100.00	WD	3292	840	U	I	TOOL SANDRA C	TOOL SANDRA CLARE TRUST
	12/15/2000	\$0.00	FJ	1551	1002	U	I	TOOL H RAYMOND	TOOL SANDRA C
	1/8/1999	\$135,000.00	WD	1377	1314	Q	I	NETTO DANIEL JOSEPH & EUGENIA M	TOOL H RAYMOND & SANDRA C
	5/1/1996	\$0.00	QC	1170	854	U	I	CASTRO MARY A ***	NETTO DANIEL JOSEPH & EUGENIA M
	11/25/1991	\$100.00	WD	916	205	U	I	CASTRO MARY A***	CASTRO MARY A ***
	1/1/1980	\$52,000.00		464	702	U	I		CASTRO MARY A***
	1/1/1980	\$42,700.00		456	434	U	I		

Sketch Information

Room Type
HXR
HXE
HXB





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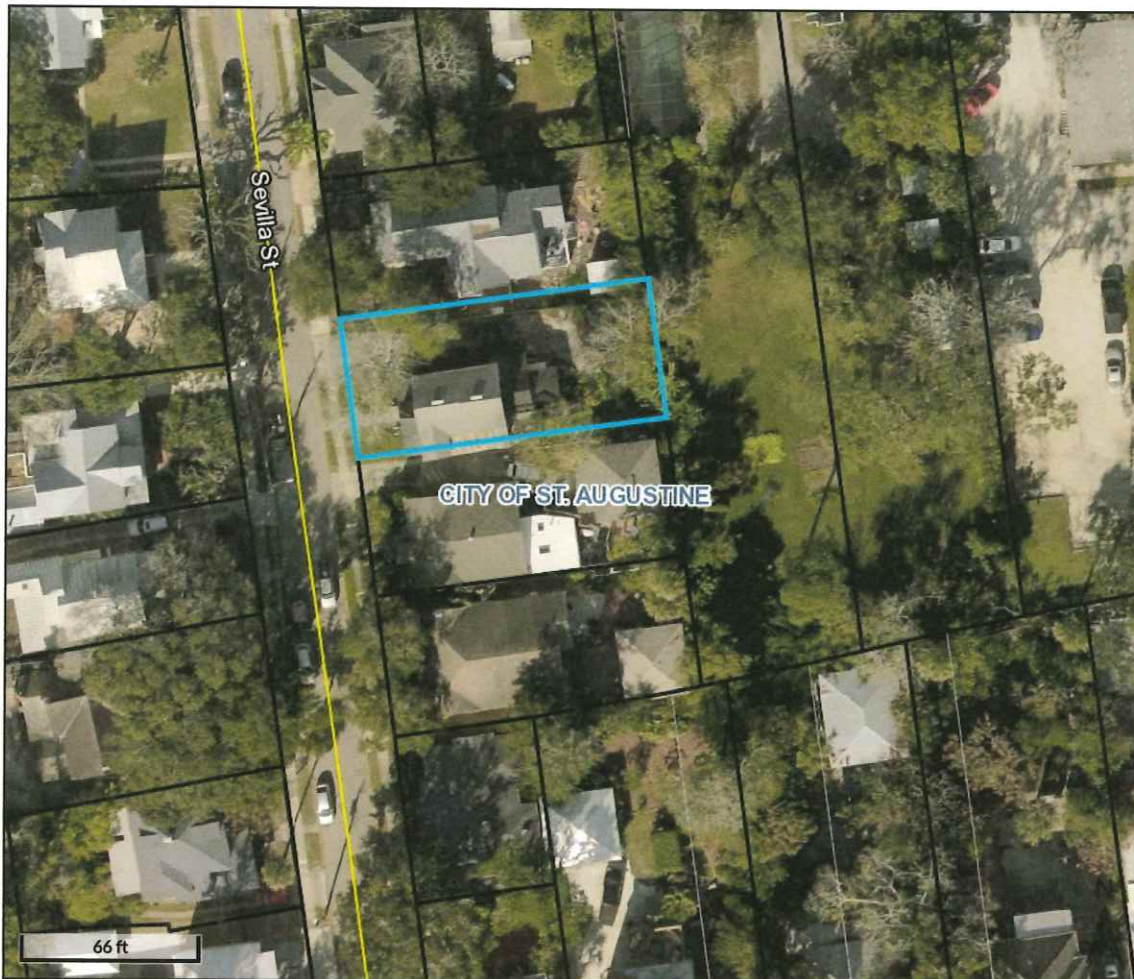
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Developed by

Schneider
 GEOSPATIAL

[Version 2.3.74](#)



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2064300000	Physical Address	9 SEVILLAST	Building Value	\$200,423	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$2,268	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	GEMMELL CHRISTOPHER LAWRENCE	Total Land Value	\$138,225	6/7/2016	\$389000	01	Q
Acres	0.12		9 SEVILLAST	Just Value	\$340,916	1/8/1999	\$135000	01	Q
			SAINT AUGUSTINE FL 32084-0000	Total	\$3,841				
				Deferred Assessed Value	\$337,075				
				Total Exemptions	\$50,000				
				Taxable Value	\$287,075				

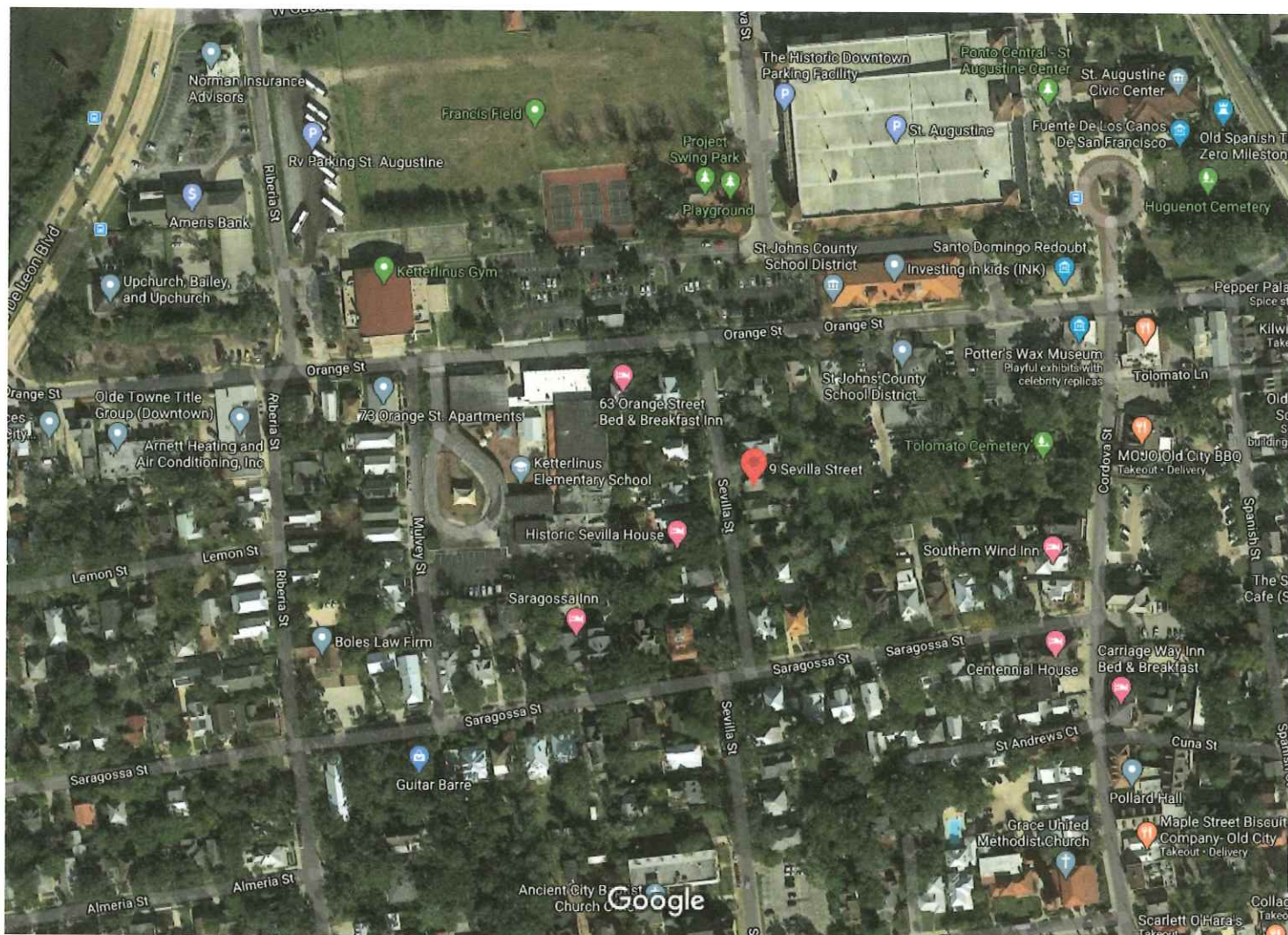
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/10/2020

Last Data Uploaded: 8/8/2020 12:07:59 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 9 Sevilla St



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

100 ft



9 Sevilla St

St. Augustine, FL 32084

Building



Directions



Save



Nearby



Send to your
phone



Share

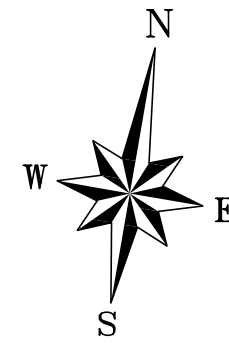
Attachment 2

Site Plan

ORANGE STREET

R/W VARIES - PAVED

MAP OF SURVEY



0 20 40 60
SCALE: 1 INCH = 20 FEET

DEED DESCRIPTION:

OFFICIAL RECORDS BOOK 3455, PAGES 404 THROUGH 407
THAT PART OF LOTS NINE (9) AND TEN (10) OF BLOCK "N", MODEL
LAND COMPANY SUBDIVISION OF CITY OF ST. AUGUSTINE, DESCRIBED AS
FOLLOWS:

BEGINNING AT A POINT ON EAST LINE OF SEVILLA STREET 196 FEET
SOUTH OF SOUTHEAST CORNER OF SEVILLA AND ORANGE STREETS,
THENCE RUN SOUTH ALONG EAST SIDE OF SEVILLA STREET 50 FEET TO
LAND NOW OR FORMERLY OF MACDONNELL, THENCE EASTERLY ALONG
MACDONNELL'S NORTH LINE 111 FEET, MORE OR LESS, TO THE EAST
LINE OF LOT 9, THENCE NORTH ALONG EAST LINE OF LOT 9, 47 FEET,
THENCE WEST 111 FEET, MORE OR LESS, TO POINT OF BEGINNING.

LEGEND

- POC = POINT OF COMMENCING
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY
- LB = LICENSED BUSINESS
- (R) = RECORD
- (M) = MEASURED
- PP = POWER POLE
- OHW = OVERHEAD WIRE(S)
- WM = WATER METER
- EM = ELECTRIC METER
- ⊙ = FOUND 1/2" IRON ROD - # 894
- ⊙ = FOUND 1/2" IRON ROD - # 2674
- = FOUND 3/8" IRON ROD - NO IDENTIFICATION
- = FOUND 1/2" IRON PIPE - NO IDENTIFICATION
- ⊙ = FOUND 1" IRON PIPE - NO IDENTIFICATION
- ⊙ = FOUND RAILROAD SPIKE
- = FOUND BOLT IN CONCRETE
- ⊗ = SET 5/8" IRON ROD - LB # 7111

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE
"AE" (BASE FLOOD ELEVATION 9 FEET NGVD 1929) AS DEPICTED ON FLOOD
INSURANCE RATE MAP No. 12109C-0314-H, COMMUNITY No. 125145 FOR THE
CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 09/02/04.
<http://www2.gis.bocc.co.st-johns.fl.us/imap/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTHERLY RIGHT-OF-WAY
LINE OF SARAGOSSA STREET HAVING AN ASSUMED BEARING OF N 79°00'00" E.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE
OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR
DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS,
DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE
SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
CHRISTOPHER LAWRENCE GEMMELL
AMERIS BANK
LION TITLE, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT
THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY
DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT
THIS SURVEY CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA
ADMINISTRATIVE CODE.

SEVILLA STREET

R/W VARIES - PAVED

SARAGOSSA STREET

R/W VARIES - PAVED

OFFICIAL RECORDS BOOK 4104, PAGE(S) 885

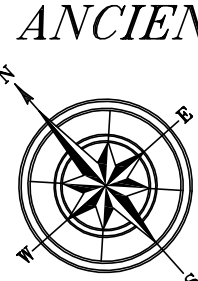
OFFICIAL RECORDS BOOK 3868, PAGE(S) 667

OFFICIAL RECORDS BOOK 237, PAGE(S) 511

DATE SIGNED:

SEAL

MICHAEL A. PISCOPO PLS
Professional Land Surveyor #4793



ANCIENT CITY SURVEYING
ACS
SURVEYORS * ENGINEERS
LAND PLANNERS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9987 FAX: 904-797-6027

BOUNDARY SURVEY

#9 SEVILLA STREET
ST. AUGUSTINE, FLORIDA, 32084

TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 05/25/2016
FIELD BOOK/PAGE(S): 387/59-61
DRAWING SCALE: 1" = 20'
JOB NUMBER: 16-304

05/25/2016 2:51PM \\Front\projects\Autocad\2016\16-304\dwg\16-304.dwg

REVISIONS

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **VARIANCE #2020-0096**

AGENDA ITEM 4(c)

APPLICANT Francis Cuthbertson
c/o CKG Architectural Studio

OWNER Gerard Gruber
c/o CMS Re Holdings, LLC

LOCATION 100 Lincoln St / PIN 209700-0000

REQUEST To approve a variance to reduce the front and side yard setbacks and to exceed the maximum lot coverage to allow for a home addition within Residential, single-family-two (RS-2) zoning.

LAND USE Residential Low Density

ZONING Residential, Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-161. – Residential, single-family-one: RS-2.

(5) *Maximum lot coverage by all buildings and structures.* Thirty (30) percent.

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, fifteen (15) feet.
- b. Side, ten (10) feet.
- c. Rear, ten (10) feet.

STAFF SUMMARY AND ANALYSIS

The applicant seeks to exceed the maximum lot coverage, the front yard setback and side yard setback of the subject property to accommodate a renovation of the existing home for a 295 square foot addition. The applicant is also proposing a 57 square foot deck that is below 30” in height and would not be included in the lot coverage calculation. The survey as well as the existing and proposed site plans are included as attachment 2.

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed addition
Maximum Lot Coverage ¹	35%	34.2%	46.4%
Secondary Front Yard Setback ²	8’	1’1”	1’6”
Side Yard Setback ³	4’	9’ 3”	2’

¹ - Maximum lot coverage for nonconforming RS-2 lots is 35% per LDC. Sec 28-160.

² - Secondary front yard setback on non-conforming corner lots shall not be less than 8 feet per LDC Sec. 28-119(6)(b)

³ - Nonconforming side yard setback, 10% of lot width per LDC Sec. 28-119(a)

Staff interpretation of findings of fact in italics.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes there is no singular disadvantage in this situation. The subject property is a nonconforming lot, however, many properties in the area are on similarly sized lots (the subject property is 2, 399 sq. ft) with similarly sized structures.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

As there is no singular disadvantage to this particular property and a single-family home has existed on this property since 1900, the property owner is able to make reasonable use of this property.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

While the applicant did not originally construct the building, the property owner purchased the property on June 30, 2020 in its current configuration. The applicant does create the condition that necessitates this variance request by proposing an expansion beyond the secondary front yard setback, side yard setback and maximum allowed lot coverage.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest by allowing an intensity over the prescribed zoning allowance, but likely would not affect neighboring properties in a significant way due to the existing make-up of the neighborhood and general vicinity. The spirit, intent, and purpose of the zoning district is for low density single family uses, to maintain a stable low intensity residential character. Therefore, this use and addition would be in harmony with the intent, and purpose of this section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **DENY** a variance to exceed the front and side yard setbacks and to exceed the maximum lot coverage to allow for a home addition in the RS-2 zoning district for the construction of an 295 square foot addition to the existing single-family home at 100 Lincoln St / PIN 209700-0000.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Site Plan & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Francis C. Luthbertson Contact Number: 267-218-2231
Business (if applicable): CKG Architectural Studio
Address: 323 Wilder Street City: PHILA. State: PA. Zip: 19147
E-Mail Address: fluthbertsonckgarchitects.net
2. NAME OF PROPERTY OWNER: Gerard Gruber Contact Number: 610-506-4201
Business (if applicable): NA
Address: 11 3RD ST (A) City: St. Augustine State: FL Zip: 32080
E-Mail Address: gerrygpf@gmail.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 12 Block: C
Subdivision: NA Parcel Number: NA
4. PROJECT STREET ADDRESS: 100 Lincoln St. St. Augustine, FL.
32084
5. SPECIFIC PROPOSED USE: Single Family Home
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Master bedroom addition (295 GSF)
with adjacent 57 SF open Deck.
8. JUSTIFICATION FOR ACTION REQUESTED: Additional square footage
needed for new owner. The existing building
is difficult to build a second floor due to open ceilings
throughout.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: The expanded Master Bedroom will allow for a growing family.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The existing property is too small for a growing family.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: expected family growth.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: The addition will have similar finishes, windows, roof slopes, roof finish, and exterior lighting as the existing property.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

F. C. Whit
Signature of Applicant

8-6-2020
Date

x Gene P. Guler
Signature of Property Owner

8/6/20
Date



Owner's Authorization For Agent

FRANK Cuthbertson
CKG Architects is/are hereby authorized TO ACT ON BEHALF
OF GERARD GRUBER, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: Gerard P. Gruber
Signature of Owner
GERARD GRUBER
Print Name of Owner
610-506-4201
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 7th day of August, 2020

By GERARD PETER GRUBER

Identification verified:

Oath sworn: Yes No

Notary Signature: _____

My Commission expires: 4-30-2021





**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Francis C. Guthbertson Jr.

Print name of applicant

F-C G

Signature of applicant

8-6-2020

Date

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

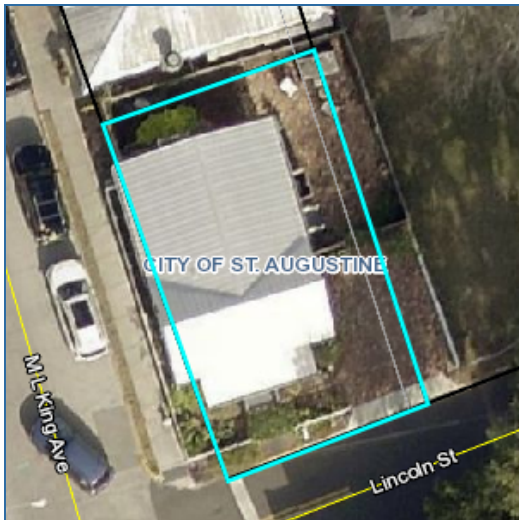
Summary

Parcel ID	2097000000
Location Address	100 LINCOLN ST SAINT AUGUSTINE 32084-0000
Neighborhood	Genovar Addition (627)
Tax Description*	GENOVAR ADDN CITY LOT 12 BLK C & W 3FT LOT 10 BLK C LY E OF LOT 12 OR4964/1926 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Genovar Addition
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.054
Homestead	Y

Owner Information

Owner Name	Cms Re Holdings LLC 100%
Mailing Address	11 3RD STE #A SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$106,986
Extra Features Value	\$0
Total Land Value	\$90,116
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$197,102
Total Deferred	\$51,707
Assessed Value	\$145,395
Total Exemptions	\$50,000
Taxable Value	\$95,395

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$94,523	\$0	\$90,116	\$0	\$0	\$184,639	\$142,126	\$92,513	\$92,126
2018	\$93,643	\$0	\$83,184	\$0	\$0	\$176,827	\$139,476	\$87,351	\$89,476
2017	\$94,649	\$751	\$74,866	\$0	\$0	\$170,266	\$136,607	\$83,659	\$86,607
2016	\$95,656	\$808	\$64,988	\$0	\$0	\$161,452	\$133,797	\$77,655	\$83,797
2015	\$2,859	\$117	\$51,240	\$0	\$0	\$54,216	\$47,722	\$6,494	\$47,722
2014	\$2,251	\$141	\$40,992	\$0	\$0	\$43,384	\$43,384	\$0	\$43,384
2013	\$18,013	\$164	\$31,769	\$0	\$0	\$49,946	\$49,946	\$0	\$49,946
2012	\$18,462	\$188	\$27,670	\$0	\$0	\$46,320	\$46,320	\$0	\$46,320
2011	\$19,363	\$211	\$30,744	\$0	\$0	\$50,318	\$50,318	\$0	\$50,318
2010	\$20,264	\$234	\$34,160	\$0	\$0	\$54,658	\$54,658	\$0	\$54,658

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	900	Roof Cover	Metal
Conditioned Area	816	Interior Flooring	Ceramic Tile, Hardwood
Actual Year Built	1900	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood	Baths	1

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	90%
Interior Flooring	Ceramic Tile	10%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	360	360
FRAME ADDITION	456	456
FINISHED DECK	0	16
FINISHED OPEN PORCH	0	68
Total SqFt	816	900

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	100
Residential Fence	0	0	0	0	32

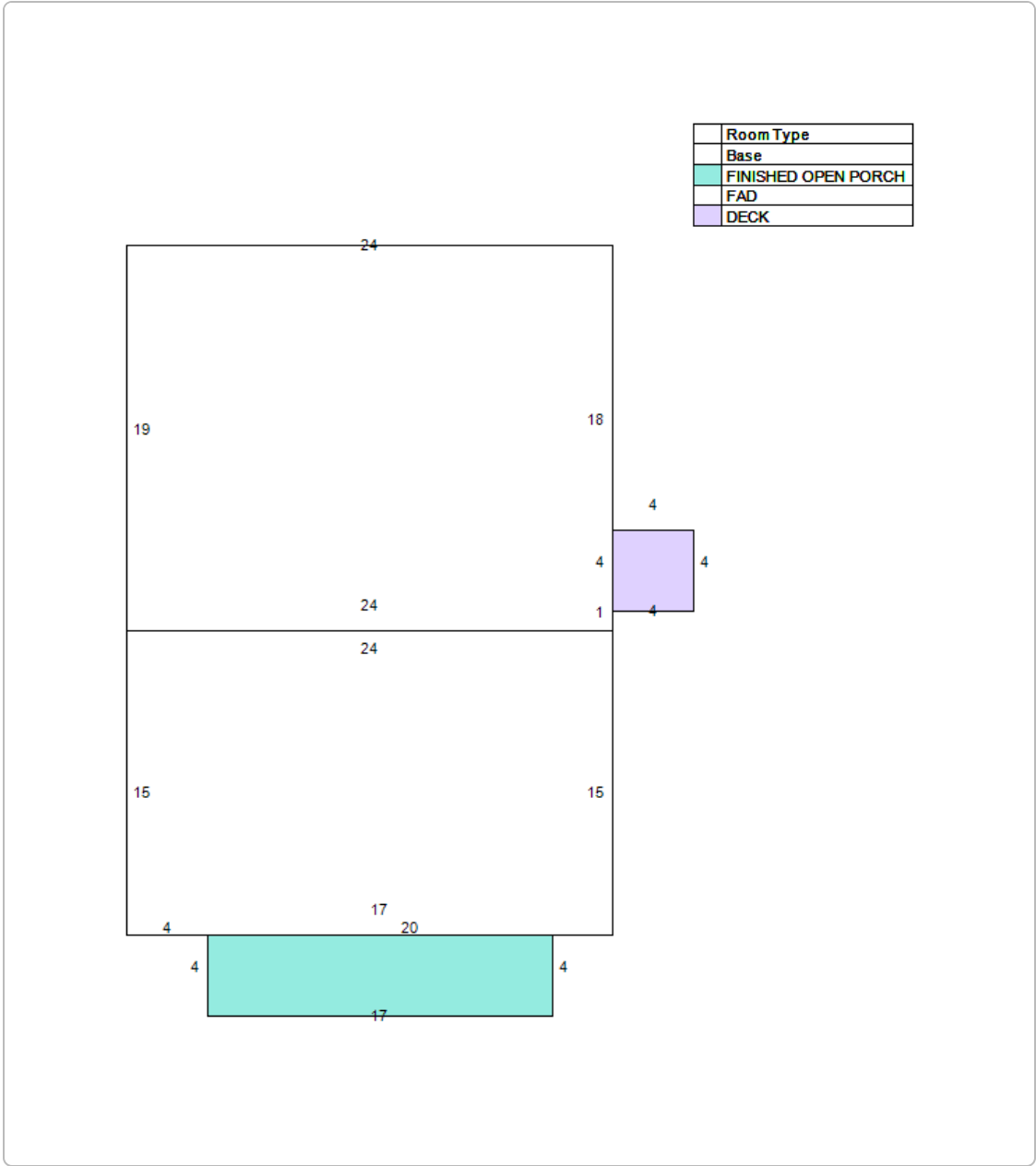
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	61	38	61	EF	\$88,816
Single Family	61	3	0.5	EF	\$1,300

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/15/2020	6/15/2020	\$325,000.00	WD	4964	1926	Q	I	WILLIAMS CYNTHIA A	CMS RE HOLDINGS LLC
10/22/2015	10/15/2015	\$100.00	CD	4101	1181	U	I	DIXON RONALD L DMD PA	WILLIAMS CYNTHIA A
10/16/2015	10/15/2015	\$235,000.00	WD	4099	737	Q	I	DIXON RONALD L DMD PA	WILLIAMS CYNTHIA A
10/16/2015	10/15/2015	\$100.00	WD	4099	732	U	I	THORPE DAVID J	DIXON RONALD L
10/16/2015	10/14/2015	\$0.00	EM	4099	733	U	I	DIXON RONALD L	THORPE DAVID J
1/3/2014	12/27/2013	\$57,000.00	WD	3832	157	Q	I	BUTTERBAUGH JERRY L	DIXON RONALD L DMD PA
	9/23/1996	\$5,000.00	WD	1197	1093	U	I	CARSWELL CARRIE ESTATE - MOORE CHRISTINE L (R	BUTTERBAUGH JERRY L
	7/17/1996	\$0.00	LA	1189	512	U	I	CARSWELL CARRIE *** (DECEASED 3/27/88)	CARSWELL CARRIE ESTATE
5/2/1997	3/27/1988	\$0.00	DC	1237	686	U	I	CARSWELL CARRIE	
	8/1/1984	\$0.00		653	1902	U	I		CARSWELL CARRIE

Sketch Information



The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 8/8/2020, 12:07:59 AM](#)

Developed by
 **Schneider**
GEOSPATIAL

[Version 2.3.74](#)

Detail by Entity Name

Florida Limited Liability Company
CMS RE HOLDINGS, LLC

Filing Information

Document Number	L18000151938
FEI/EIN Number	83-0987095
Date Filed	06/20/2018
Effective Date	06/13/2018
State	FL
Status	ACTIVE

Principal Address

11 3RD STREET
APT A
ST AUGUSTINE, FL 32080

Mailing Address

11 3RD STREET
APT A
ST AUGUSTINE, FL 32080

Registered Agent Name & Address

GRUBER, GERARD
11 3RD ST
APT A
ST AUGUSTINE, FL 32080

Name Changed: 02/13/2019

Authorized Person(s) Detail

Name & Address

Title President

Gruber, Gerard
11 3RD STREET
APT A
ST AUGUSTINE, FL 32080

Annual Reports

Report Year	Filed Date
2019	02/13/2019
2020	04/24/2020

Document Images

[04/24/2020 -- ANNUAL REPORT](#) [View image in PDF format](#)

[02/13/2019 -- ANNUAL REPORT](#) [View image in PDF format](#)

[06/20/2018 -- Florida Limited Liability](#) [View image in PDF format](#)

Attachment 2

Site Plan

The logo for CE Architects features the letters 'CE' in a large, bold, sans-serif font. The 'C' and 'E' are stylized with a thick, dark outline and a lighter, textured fill. To the right of the 'CE' is a vertical rectangle containing the word 'ARCHITECTS' in a smaller, all-caps, sans-serif font. A diagonal line runs from the top right corner of the 'CE' down to the bottom left corner of the 'ARCHITECTS' box.

ARCHITECTURAL DESIGN STUDIO
323 WILDER STREET, PHILADELPHIA, PA 19147
PHONE: 267-218-2331 FAX: 215-387-2011

GENERAL NOTES

LOT AREA = 2,399 SF
EXIST. BUILDING FOOTPRINT=819 GSF
EXIST. LOT COVERAGE = 34.2%
EXIST. OPEN SPACE = 65.8%
NEW ADDITION = 295 GSF
NEW DECK = 57 GSF
NEW LOT COVERAGE = 46.4%
NEW OPEN SPACE = 53.5%

THE REAR YARD SETBACK IS CHANGING
FROM 12'-1½" TO 2'-0"

THE BUILDING FOOTPRINT IS CHANGING
FROM 34.2% TO 46.4%

Seals:

LICENSE NO. AR100880

Revisions

Date _____

100 LINCOLN
STREET
ST. AUGUSTINE, FL. 32084

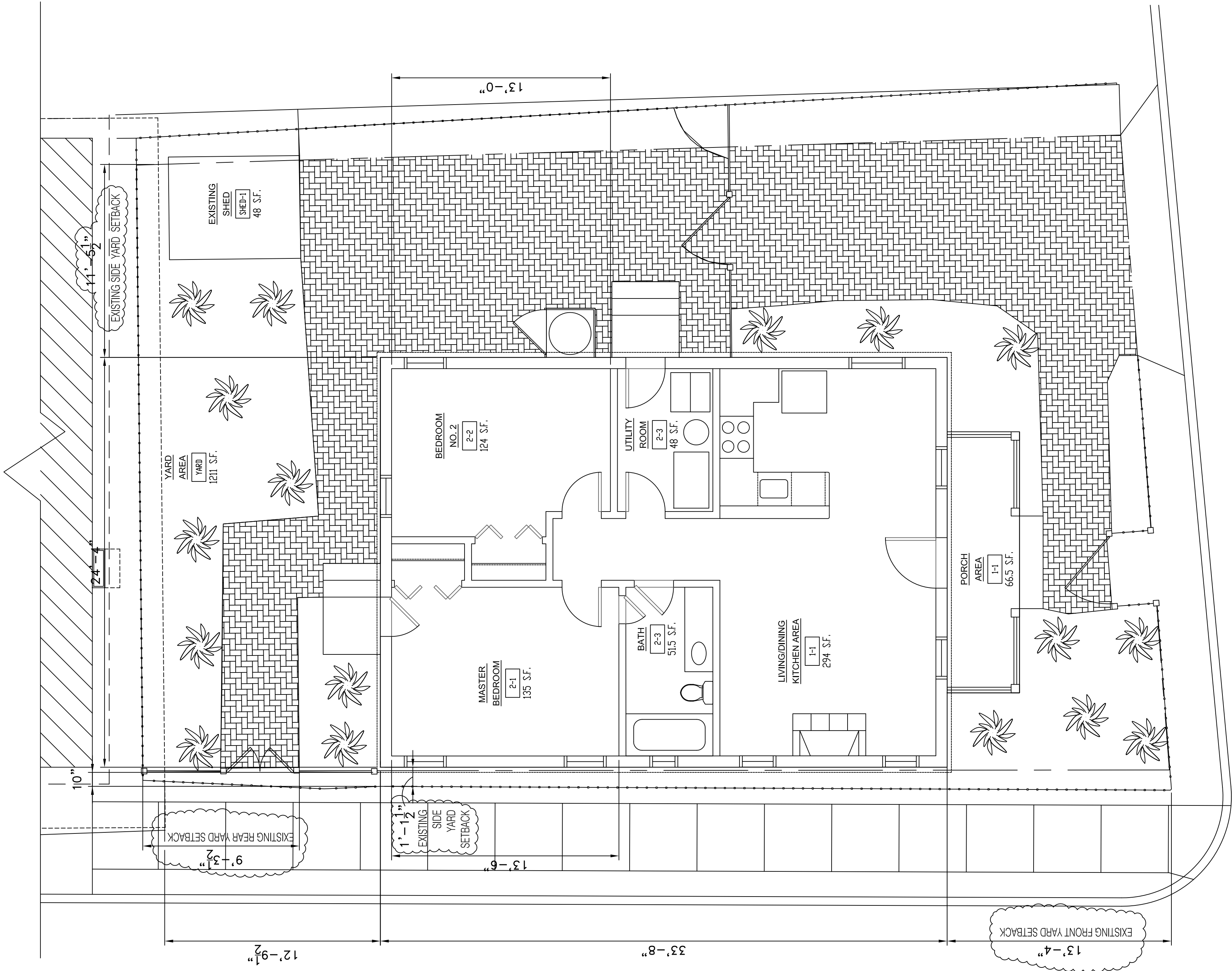
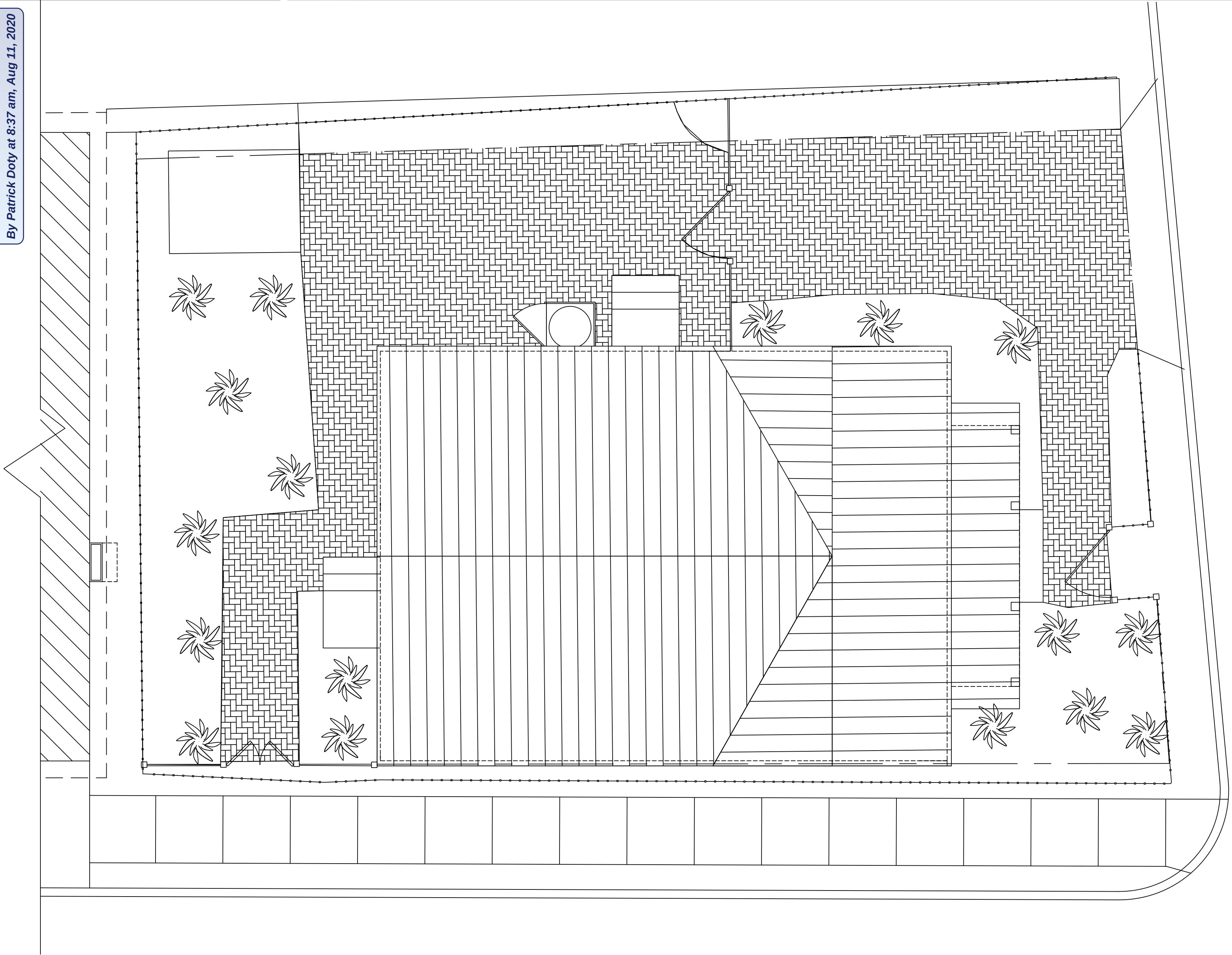
Project #:	2020.12
Scale:	AS NOTED
Date:	JULY 27
Drawn By:	FCC
Approved By:	FCC

Project #:	2020.12
Scale:	AS NOTED
Date:	JULY 27, 2020
Drawn By:	FCC
Approved By:	FCC

Project:	100 LINCOLN STREET
Drawing Title:	FIRST FLOOR AND ROOF PLANS
Drawing Number:	

A100E

RECEIVED
By Patrick Doty at 8:37 am, Aug 11, 2020



LINCOLN STREET

FIRST FLOOR PLAN (EXISTING)

1/4"=1'-0" (819 G.S.F.)

LINCOLN STREET

ROOF PLAN (EXISTING)

1/4"=1'-0" (819 G.S.F.)

PLANNING AND ZONING REVIEW DRAWINGS

Contractors shall verify and be responsible for all field dimensions and conditions and shall notify CKG Architects of any discrepancies before proceeding with the project.

CKG

ARCHITECTS

ARCHITECTURAL DESIGN STUDIO

333 WILDER STREET, PHILADELPHIA, PA 19147

PHONE: 267-218-2851 FAX: 215-387-2011

GENERAL NOTES

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LICENSE NO. AR100880

Revisions

Date

100 LINCOLN STREET

ST. AUGUSTINE, FL. 32084

Project #:
2020.12

Scale:
AS NOTED

Date:
JULY 27, 2020

Drawn By:
FCC

Approved By:
FCC

NORTH

Project: 100 LINCOLN STREET

Drawing Title: FIRST FLOOR AND ROOF PLANS

Drawing Number:

A100N

2'-0"

3'-0"

NEW REAR YARD SETBACK

NEW ADDITION

16'-8"

NEW SIDE YARD SETBACK

18'-5"

NEW ADDITION

15'-4"

NEW DECK

6'-4"

EXISTING SIDE YARD SETBACK

11'-6"

NEW DECK

6'-4"

NEW ROOF

15'-4"

NEW ROOF

11'-11"

NEW ROOF

2'-0"

1'-6"

NEW SIDE YARD SETBACK

1'-12"

EXISTING SIDE YARD SETBACK

1'-4½"

REAR YARD SETBACK AT DECK

9'-0"

14'-8½"

ALTERATION

2'-0"

NEW CLOS.

23'-2½"

EXISTING PARKING SPACE

MASTER BEDROOM NO. 1-8 203 S.F.

MASTER CLOSET NO. 1-7 33 S.F.

BATH NO. 1-5 93.5 S.F.

BATH NO. 1-4 51.5 S.F.

LIVING/DINING KITCHEN AREA NO. 1-1 294 S.F.

PORCH AREA NO. 1-1 66.5 S.F.

EXISTING FRONT YARD SETBACK

13'-4"

NEW FULL BATH NO. 1-6 121 S.F.

UTILITY ROOM NO. 1-3 48 S.F.

EXISTING SHED NO. 1-2 48 S.F.

YARD AREA NO. 1-2 62 S.F.

EXISTING SIDE YARD SETBACK

11'-6"

NEW DECK

6'-4"

NEW ADDITION

16'-8"

NEW SIDE YARD SETBACK

18'-5"

NEW ADDITION

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NEW DECK

6'-4"

NEW ROOF

15'-4"

NEW ROOF

11'-11"

NEW ROOF

2'-0"

1'-6"

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1'-12"

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EXISTING SIDE YARD SETBACK

11'-6"

NEW DECK

6'-4"

NEW ROOF

15'-4"

NEW ROOF

11'-11"

NEW ROOF

2'-0"

1

FIRST FLOOR PLAN (NEW)

A100N

1/4"=1'-0" (1,114 G.S.F.)

2

ROOF PLAN (NEW)

A100N

1/4"=1'-0" (987 G.S.F.)

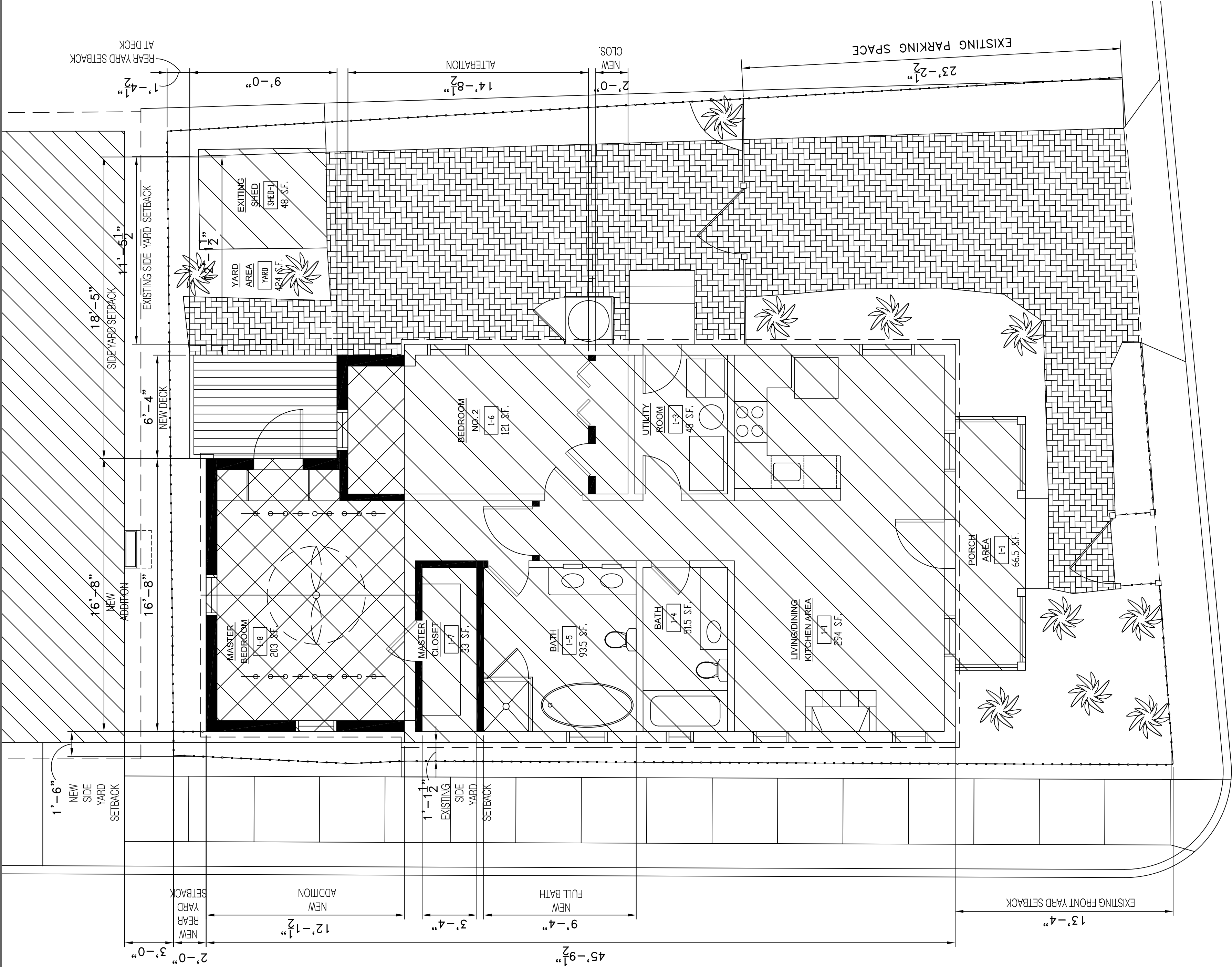
LINCOLN STREET

LINCOLN STREET

PLANNING AND ZONING REVIEW DRAWINGS

Page 61 of 172

RECEIVED
By Patrick Doty at 8:37 am, Aug 11, 2020



LINCOLN STREET

1 FIRST FLOOR PLAN (NEW)
A100N 1/4"=1'-0" (1,114 G.S.F.)

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ARCHITECTURAL DESIGN STUDIO
333 WILDER STREET, PHILADELPHIA, PA 19147
PHONE: 267-218-2851 FAX: 215-387-2811

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Seals:

LICENSE NO. AR100880

Revisions

Date

100 LINCOLN STREET
ST. AUGUSTINE, FL. 32084

Project #: 2020.12
Scale: AS NOTED
Date: JULY 27, 2020
Drawn By: FCC
Approved By: FCC

Project: 100 LINCOLN STREET
Drawing Title: GRAPHICS PLAN
Drawing Number:

A100GP

MAP SHOWING SURVEY OF

LOT 12, BLOCK "C", GENOVAR ADDITION, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH A PORTION OF THE WEST THREE (3) FEET OF LOT 10, BLOCK "C", OF SAID GENOVAR ADDITION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

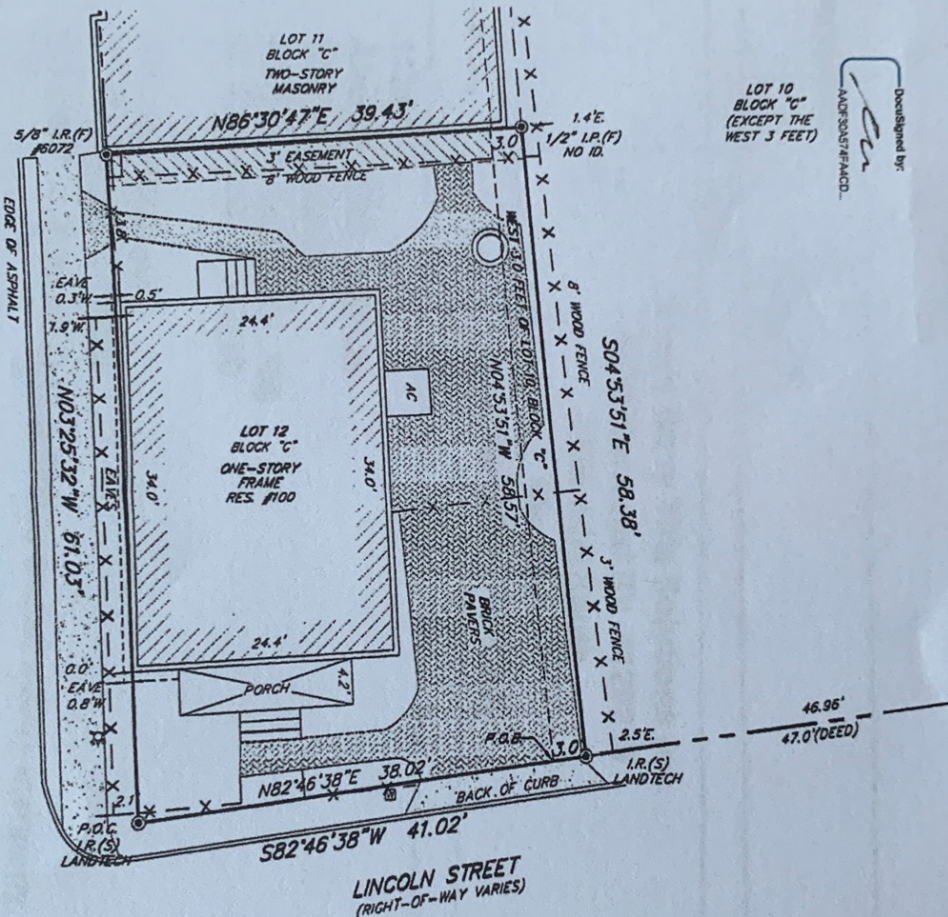
FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF LOT 12, BLOCK "C" OF SAID GENOVAR ADDITION; THENCE NORTH 82°46'38" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN STREET, A DISTANCE OF 38.02 FEET TO THE SOUTHEAST CORNER OF LOT 12, BLOCK "C" OF SAID GENOVAR ADDITION AND THE POINT OF BEGINNING; THENCE NORTH 04°33'31" WEST 58.57 FEET ALONG THE EASTERLY LINE OF SAID LOT 12, BLOCK "C", A DISTANCE OF 58.57 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK "C" OF SAID GENOVAR ADDITION; THENCE NORTH 88°10'47" EAST, A DISTANCE OF 3.00 FEET; THENCE SOUTH 04°33'31" EAST, A DISTANCE OF 58.38 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN STREET; THENCE SOUTH 82°46'38" WEST, A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING PLUS OR MINUS 175.4 SQUARE FEET.

SUBJECT TO AN EASEMENT ALONG THE NORTHERLY THREE (3) FEET OF LOT 12, BLOCK "C", GENOVAR ADDITION, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
CYNTHIA A. WILLIAMS
ISLAND TITLE OF ST. AUGUSTINE LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DR. MARTIN LUTHER KING JR. AVE.
(RIGHT-OF-WAY VARIES)



AREA = ±0.06 ACRES
OR ±2,399 sq. ft.

LEGEND

A/C - AIR CONDITIONER PAD	P.O.B. - POINT OF BEGINNING
ID. - IDENTIFICATION	P.O.C. - POINT OF COMMENCEMENT
N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM	RES - RESIDENCE
Sq. Ft. - SQUARE FEET	FH - FIRE HYDRANT
I.R.(F) - IRON PIPE FOUND	WM - WATER METER
I.R.(F) - IRON ROD FOUND	EC - EXPOSED CONCRETE
I.R.(S) - 5/8" IRON ROD SET (LANDTECH)	CA - COVERED AREA

GENERAL NOTES:

- This survey made without benefit of or abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not detected this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the substance of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor, making herein shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes hereunder shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plot measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standard.
- Unrecorded claims as shown herein are only those above ground, visible objects observed by the surveyor.
- This survey is certified to the last field date.
- This survey does not reflect or determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTE:

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE, AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency FIRM Map No. 120148 0214 N effective date: 02/02/04, the property described herein lies in Zone "AE" 1'

Base of bearing structure: SEE SURVEY

Job Address: 100 LINCOLN STREET ST. AUGUSTINE, FL 32084

Base of elevations: M.G.V.D.

Job No. 15-0029 Date 10/25/15 Scale 1"=10' Elevation 662.77' Date by N.M.F. Date by N.M.F.

THIS BOUNDARY

© COPYRIGHT 2015, BY LANDTECH & ASSOCIATES, INC. ALL RIGHTS RESERVED

LANDTECH Associates, Inc. LAND SURVEYOR'S

5100 A1A SOUTH, SUITE A ST. AUGUSTINE, FLORIDA 32080 (904) 471-6877 FAX (904) 471-6874

NICHOLAS H. FRANKLIN, P.L.S. 4620 FOR LANDTECH AND ASSOCIATES L.B. #7537

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **USE BY EXCEPTION #2020-0086**

AGENDA ITEM 5(a)

APPLICANT Taylor Cook
c/o Scooter Bros

OWNER North Shore Property Management
B and B Family, LLC

LOCATION 56 S Dixie Hwy

REQUEST To approve a use by exception for auto & boat sales (scooter and electric cart rentals) as per the definition of auto sales within Commercial medium-two (CM-2) zoning.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium Two (CM-2)

SURROUNDING USES Commercial, Retail, Single Family Homes

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions if specific provision for such exception is made in the district regulations of this chapter.

Automobile means motor vehicle as defined in F.S. § 322.01.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(3) *Permissible uses by exception.*

k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

STAFF SUMMARY AND ANALYSIS

This site is currently occupied by multiple tenants. The applicant intends to store, service and sanitize their scooters and electric carts at this location, no customers are anticipated at this location. The applicant will deliver the vehicles around the City and use this as a storage for the vehicles. Please refer to the brief summary of operations on page one of the application.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by an exception for auto sales (scooter and electric cart rentals) within Commercial Medium-two (CM-2) zoning at **56 S Dixie Hwy.**

Attachments

Attachment 1 – Application & Property Record Card

Patrick Doty, CFM
Senior Planner

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2020-0086
 Receipt Number: 1905775 Meeting Date: Sept. 1, 2020
 Advertising Costs: \$ 113.40 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Taylor Cook Contact Number: (407) 969-4819
 Business (if applicable): Scooter Bros
 Address: 740 Tides End Dr City: St. Augustine State: FL Zip: 32080
 E-Mail Address: Taylor.s.cook89@gmail.com
2. NAME OF PROPERTY OWNER: North Shore Property Management Contact Number: (904) 794-9100
 Business (if applicable): North Shore Property Management
 Address: 2155 Old Moultrie Rd City: St. Augustine State: FL Zip: 32086
 E-Mail Address: rpowell@northshoreprop.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY: Warehouse, Industrial, Office.
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: _____
4. PROJECT STREET ADDRESS: 56 S Dixie Hwy, St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Property: storage, clean/sanitize, service equipment.

6. ACTION REQUESTED:

- | | |
|--|--|
| ☐ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☒ Exception | ☐ Land Use Plan Amendment |
| ☐ Variance | ☐ Rezoning |
| ☐ Other: _____ | |

RECEIVED

AUG 07 2020

Planning / Building Dept.

7. DESCRIPTION OF ACTION REQUEST:

We would be providing high-end moped and golf cart rentals through a premium delivery service for hotels, motels, B&B's, vacation rentals etc. The customer will call us and we'll provide a delivery and pickup of rental vehicles, all included in our service. The warehouse space would simply be used as a space to store, clean/sanitize, and service our equipment. It would not be a store front, and no customer(s) would need to come to and from our location, as we bring the product right to their door step. We are looking to ease the rental process in these ever changing times, while limiting any unnecessary exposure, following all CDC recommendations & guidelines for proper sanitation. We will provide more of a "hands-free approach" with safety being our main goal. Our aim is to take away/alleviate any stress and/or anxiety, our customers, St. Augustine's tourist, may have, so that they may better enjoy/experience what St. Augustine truly has to offer. I think it's safe to say we all know how stressful any traveling experience/vacation can be, so if we can make it just a little bit easier/stress free & safe, that's what we intend to do. We hope to become part of the wonderful St. Augustine community, and look forward to hearing from you all soon. Thank you.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

RECEIVED

AUG 07 2020

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☐ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Taylor Cook

Signature of Applicant

07/13/2020

Date

Signature of Property Owner

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Taylor Cook

Print name of applicant

Taylor Cook

Signature of applicant

07/13/2020

Date



Owner's Authorization For Agent

_____ is/are hereby authorized TO ACT ON BEHALF
OF _____, the owner(s) of those lands described within
☐ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: _____

Signature of Owner

Print Name of Owner

Telephone Number

State of _____

County of _____

Signed and sworn before me on this _____ day of _____, 20__.

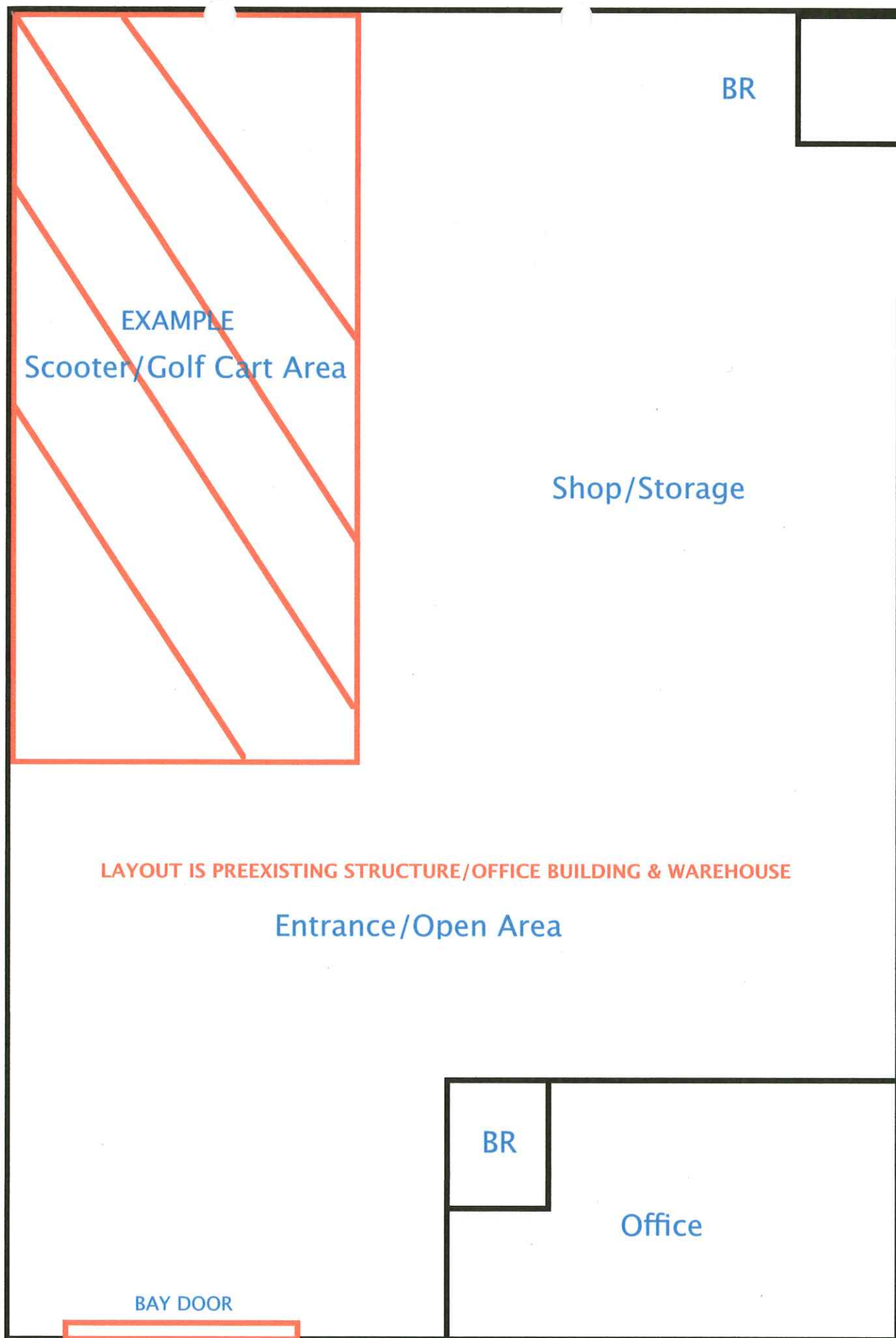
By _____

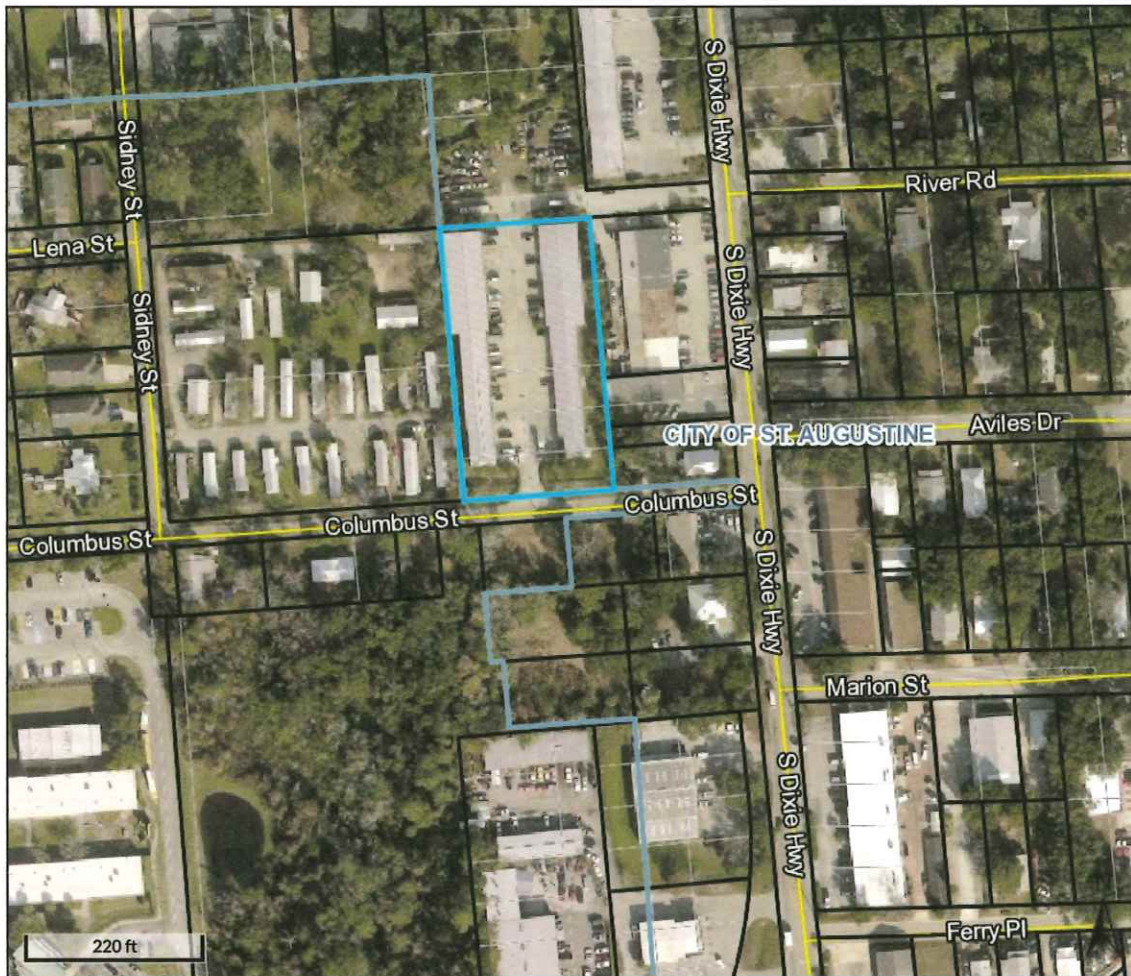
Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____





Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1269500000	Physical Address	56 S DIXIE HWY	Building Value	\$810,120	Last 2 Sales			
Property Class	4810 - Warehousing - Flex Space	Mailing Address	Saint Augustine	Extra Feature Value	\$31,279	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	B AND B FAMILY LLC	Total Land Value	\$171,192	4/1/1989	\$25000	01	Q
Acres	1.31		2875 US HIGHWAY 1 S	Just Value	\$1,012,590	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL	Total Deferred	\$325,653				
			32086-6303	Assessed Value	\$686,938				
				Total	N/A				
				Exemptions					
				Taxable Value	\$686,938				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/5/2020

Last Data Uploaded: 8/5/2020 12:43:20 AM

Developed by  Schneider
GEOSPATIAL



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1269500000
Location Address 56 S DIXIE HWY
 Saint Augustine 32084-0000
Neighborhood South Dixie (COM) (686.01)
Tax Description* (3)&(6) E1/2 HUERTAS GRANT SUB LOTS 3 4 & 4A & ALL LOT 5 (EX E150FT) OR2321/247 &2732/1154 (C/D) &2738/1235(C/D)
**The Description above is not to be used on legal documents.*
Property Use Code Warehousing - Flex Space (4810)
Subdivision Huertas Grant, East 1/2
Sec/Twp/Rng 45-7-29
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 1.310
Homestead N

Owner Information

Owner Name [B And B Family LLC](#) 100%
Mailing Address 2875 US HIGHWAY 1 S
 SAINT AUGUSTINE, FL 32086-6303

Map



Valuation Information

	2020
Building Value	\$810,120
Extra Features Value	\$31,279
Total Land Value	\$171,192
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,012,591
Total Deferred	\$325,653
Assessed Value	\$686,938
Total Exemptions	\$0
Taxable Value	\$686,938

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$537,804	\$33,446	\$171,192	\$0	\$0	\$742,442	\$624,489	\$117,953	\$624,489
2018	\$543,780	\$35,614	\$171,192	\$0	\$0	\$750,586	\$567,717	\$182,869	\$567,717
2017	\$392,728	\$37,782	\$85,596	\$0	\$0	\$516,106	\$516,106	\$0	\$516,106
2016	\$415,044	\$39,950	\$85,596	\$0	\$0	\$540,590	\$540,590	\$0	\$540,590
2015	\$419,508	\$42,118	\$85,596	\$0	\$0	\$547,222	\$547,222	\$0	\$547,222
2014	\$399,030	\$32,022	\$85,596	\$0	\$0	\$516,648	\$514,257	\$2,391	\$514,257
2013	\$376,933	\$33,509	\$57,064	\$0	\$0	\$467,506	\$467,506	\$0	\$467,506
2012	\$376,933	\$34,995	\$57,064	\$0	\$0	\$468,992	\$468,992	\$0	\$468,992
2011	\$326,506	\$37,692	\$62,770	\$0	\$0	\$426,968	\$426,968	\$0	\$426,968
2010	\$329,870	\$39,253	\$62,770	\$0	\$0	\$431,893	\$431,893	\$0	\$431,893

Building Information

Building 1
 Actual Area 10200
 Conditioned Area 0
 Actual Year Built 2007
 Use Warehousing - Flex Space
 Style 06
 Class N
 Exterior Wall Aluminum Vinyl

Roof Structure Steel Frame
 Roof Cover Modular Metal
 Interior Flooring Concrete Finish
 Interior Wall Drywall
 Heating Type None
 Heating Fuel
 Air Conditioning N/A
 Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	N/A	100%
Electrical	Average	100%
Insulation	2" Fiberglass	100%
Plumbing	28 FIXTURES	100%
Condition	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Steel	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	10200
Total SqFt	0	10200

Building 2
 Actual Area 10200
 Conditioned Area 0
 Actual Year Built 2007
 Use Warehouse - Storage
 Style 06
 Class N
 Exterior Wall Aluminum Vinyl

Roof Structure Steel Frame
 Roof Cover Modular Metal
 Interior Flooring Concrete Finish
 Interior Wall Drywall
 Heating Type None
 Heating Fuel
 Air Conditioning N/A
 Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	N/A	100%
Electrical	Average	100%
Insulation	2" Fiberglass	100%
Plumbing	28 FIXTURES	100%
Condition	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Steel	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	10200
Total SqFt	0	10200

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Concrete Paving	0	0	0	0	22710
Steel Door	0	0	0	0	2160

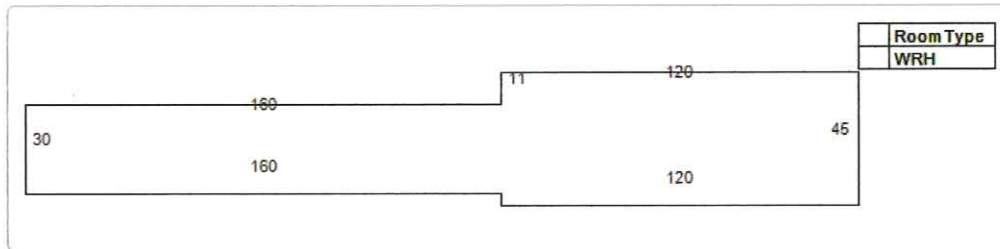
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Warehousing - Flex Space	180	250	57064	SF	\$171,192

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	6/23/2006	\$100.00	CD	2738	1235	U	V	BENNETT THOMAS E JR,DEBORAH,THOMAS SR,MARIE	B AND B FAMILY LLC
	6/23/2006	\$100.00	CD	2732	1154	U	V	BENNETT THOMAS E JR,DEBORAH,THOMAS SR,MARIE	B AND B FAMILY LLC
	11/4/2004	\$100.00	WD	2321	247	U	V	BENNETT THOMAS E JR,DEBORAH,THOMAS SR,MARIE	B AND B FAMILY LLC
	2/8/2001	\$100.00	WD	1565	1833	U	V	BENNETT THOMAS E JR & THOMAS E SR	BENNETT THOMAS E JR & DEBORAH L ETAL (T/C)
	2/8/2001	\$100.00	WD	1565	1831	U	V	BENNETT THOMAS E JR & THOMAS E SR	BENNETT THOMAS E JR & DEBORAH L ETAL (T/C)
	3/9/1998	\$0.00	OI	1317	1991	U	I	ANNEXATION INTO CITY OF ST AUGUSTINE	ORD #98-04
	4/1/1989	\$25,000.00		818	1365	Q	I		BENNETT THOMAS E JR

Sketch Information



No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

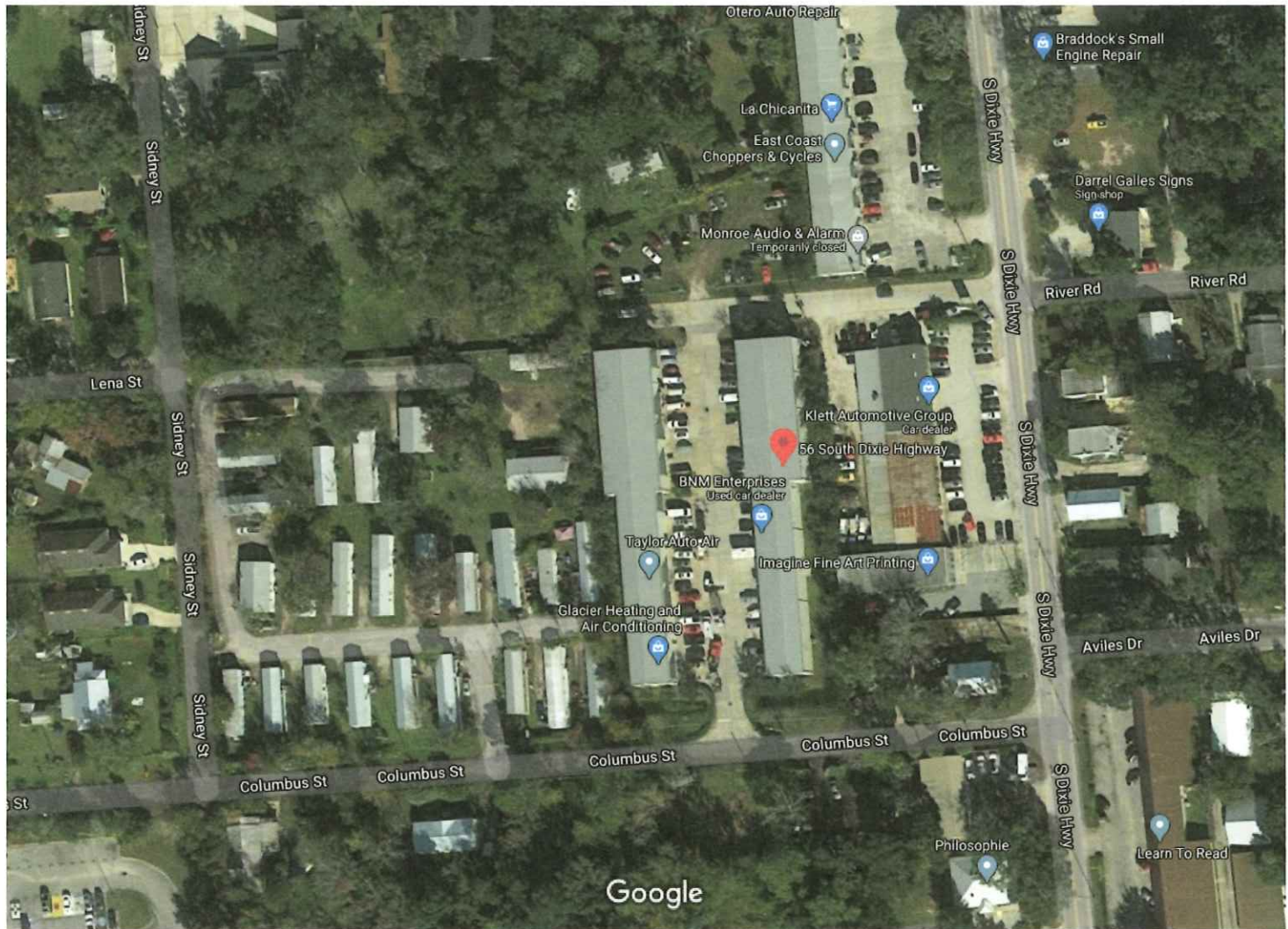
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Version 2.3.73

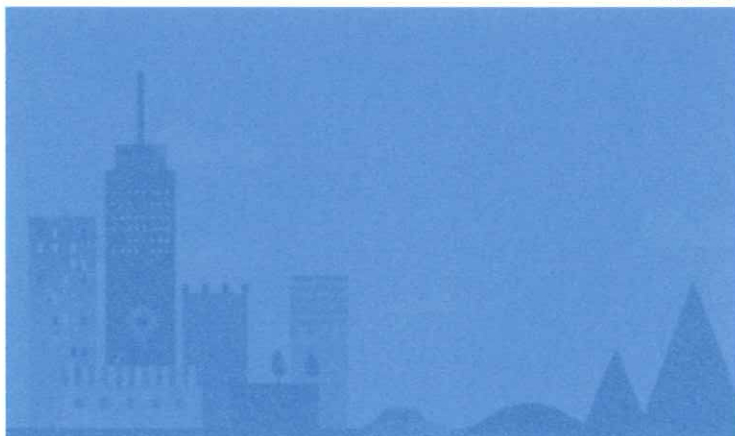
Developed by
 Schneider
 GEOSPATIAL

Google Maps 56 S Dixie Hwy



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

50 ft



56 S Dixie Hwy

St. Augustine, FL 32084
Building



Directions



Save



Nearby

Send to your
phone

Share



Owner's Authorization For Agent

Taylor Cook is/are hereby authorized TO ACT ON BEHALF
OF Bob Family, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: _____

Signature of Owner

Tommy E. Bennett Jr.

Print Name of Owner

904-794-9100

Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 24th day of AUGUST, 2020

By TOMMY E. BENNETT JR.

Identification verified:

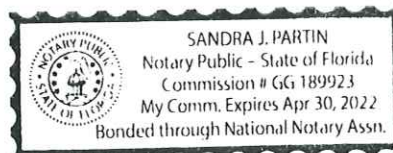
Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

Sandra J. Partin

My Commission expires: _____

04/30/2022



PROPERTY OWNER

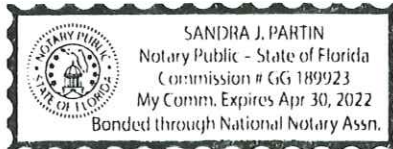
Tommy E Bennett Jr.
(Print Name)

[Signature]
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, _____, who is personally known to me or who has produced FLORIDA DRIVERS LICENSE as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 24th day of AUGUST, 2020.



[Signature]
Notary Public, State of Florida

APPLICANT OR APPLICANT'S AGENT

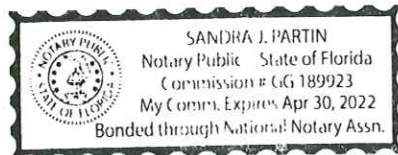
Taylor Cook
(Print Name)

[Signature]
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, FLORIDA DRIVERS LICENSE, who is personally known to me or who has produced FLORIDA DRIVERS LICENSE as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 24th day of AUGUST, 2020.



[Signature]
Notary Public, State of Florida

ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

I, the undersigned Applicant or Agent, and Property Owner, hereby acknowledge and agree that:

- Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency hearing procedures.
- Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative Hearing Procedures.
- CMT procedures are held only during a declared State of Emergency by the Governor. Such procedures may or may not comply with Florida Statutes or Case Law governing Quasi-Judicial, Legislative or Administrative Hearings.
- Applicant and/or Property Owner knowingly waives the right of cross-examination of witness or commenters choosing to participate in the hearing utilizing CMT.
- Decisions and Orders of any board or commission may be subject to challenge by private parties, government agencies, and affected or aggrieved persons. Further, such Orders or Decisions are subject to be overturned by a court of competent jurisdiction. Applicant and/or Property Owner agree to indemnify and hold harmless the City of St. Augustine, its boards and commission, staff, and appointed and elected officials, for any claims arising out of Applicant and/or Property Owner's decision to proceed to hearing utilizing CMT procedures. Applicant and/or Property Owner agree to pay all attorneys fees and costs incurred by the City in defending Decisions or Orders utilizing CMT procedures related to their hearing.
- Applicant and/or Property Owner fully understand the risks and costs of litigation and have independently assessed these risks and costs and choose to proceed with hearing of the application utilizing CMT procedures.

Applicant and/or Property Owner further acknowledges that he/she has had an opportunity to consult with and be represented by counsel of their choosing and is advised to do so. Applicant and/or Property Owner is fully aware of procedures and rights waived above. Applicant and/or Property Owner freely, without duress or coercion, and based on Applicant and/or Property Owners own judgment wish to proceed with hearing of their application utilizing CMT hearing procedures.

[Signatures Appear on Following Page]

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **USE BY EXCEPTION #2020-0091**

AGENDA ITEM 5(b)

APPLICANT Mark Allen
c/o All Florida Safety Institute

OWNER Kanti Patel
c/o Vista Hotel IV

LOCATION 1800 N. Ponce de Leon Blvd

REQUEST To approve a use by exception for auto & boat sales within Commercial medium-two (CM-2) zoning.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium Two (CM-2)

SURROUNDING USES Commercial, Retail

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions if specific provision for such exception is made in the district regulations of this chapter.

Automobile means motor vehicle as defined in F.S. § 322.01.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

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(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(3) *Permissible uses by exception.*

k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

STAFF SUMMARY AND ANALYSIS

This site is currently vacant but has been operated as used car lot in the past. The applicant intends to operate a driving school and sell used vehicles at the property. Please refer to the brief summary of operations on page one of the application.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by an exception for auto sales within Commercial Medium-two (CM-2) zoning at **1800 N. Ponce de Leon Blvd.**

Attachments

Attachment 1 – Application & Property Record Card

Patrick Doty, CFM
Senior Planner

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2020-0091
Receipt Number: 191776 Meeting Date: Sept. 1, 2020
Advertising Costs: \$ 24.30 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: MARK ALLEN Contact Number: 904-806-8334
Business (if applicable): ALL FLORIDA SAFETY INSTITUTE
Address: 1800 N PONCE DELEON BLVD City: ST AUGUSTINE State: FL Zip: 32084
E-Mail Address: MARK@ALLFLORIDASAFETY.COM

2. NAME OF PROPERTY OWNER: KANTI PATEL Contact Number: 904-669-7901
Business (if applicable): VISTA HOTEL IV
Address: 32 AVENDA MENEDEZ City: ST AUGUSTINE State: FL Zip: 32084
E-Mail Address: KANTI.PATEL@JALARAMHOTELS.COM

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 7, 8, 9 Block: _____
Subdivision: SANCHEZ TRACT Parcel Number: 1896700000

4. PROJECT STREET ADDRESS: 1800 N PONCE DELEON BLVD

5. SPECIFIC PROPOSED USE: DRIVING SCHOOL/CAR LOT

RECEIVED

6. ACTION REQUESTED:

AUG 07 2020

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: APPROVAL OF CURRENT ZONING

Planning / Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: APPROVAL FOR CURRENT PROPERTY USE
CODE OF SALES & SERVICE, REPAIR, RENTAL & STORAGE (AUTO, MARINE, MOBILE HOME & FARM EQUIPMENT)
(2700)

8. JUSTIFICATION FOR ACTION REQUESTED: NO CHANGE IN ZONING. SAME AS
PRIOR USE OF SALES & SERVICE, REPAIR, RENTAL & STORAGE (AUTO,
MARINE, MOBILE HOME & FARM EQUIPMENT (2700)

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. **PREVIOUS APPPLICATIONS:**

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. **AGREEMENT:**

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

07/31/20

Date

Signature of Property Owner

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

MARK ALLEN

Print name of applicant



Signature of applicant

07/31/20

Date



Owner's Authorization For Agent

MARK ALLEN is/are hereby authorized TO ACT ON BEHALF
OF VISTA HOTEL IV, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
1860 N PONCE DE LEON BLVD, ST AUGUSTINE, FL 32084

BY: _____

Signature of Owner

KANTI PATEL

Print Name of Owner

904-669-7901

Telephone Number

State of _____

County of _____

Signed and sworn before me on this _____ day of _____, 20__.

By _____

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1897500000
Location 1800 N PONCE DE LEON BLVD
Address SAINT AUGUSTINE 32084-0000
Neighborhood Auto Sales Countywide (COM) (647.7)
Tax GARNETT ADDITION CITY LOT 4 & ALL LOT 5 (EX R/W OF RD #5 IN DB218/156) BLK 1 & SANCHEZ TRACT CITY LOTS 7 & 9 (EX R/W OF RD #55 IN DB211/224 & 521 & PT TO STANDARD OIL CO IN OR10/349) & W17 OF S 22FT LOT 5& S23FT LOT 6 OR2857/1161
Description* **The Description above is not to be used on legal documents.*
Property Use Sales & Service, Repair, Rental & Storage (Auto, Marine, Mobile Home & Farm Equipment) (2700)
Code
Subdivision Garnett Division, Plan Of
Sec/Twp/Rng 47-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.590
Homestead N

Owner Information

Owner Name [Vista Hotel IV Inc](#) 100%
Mailing Address 32 AVENIDA MENENDEZ
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$34,185
Extra Features Value	\$31,685
Total Land Value	\$332,891
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$398,761
Total Deferred	\$121,031
Assessed Value	\$277,730
Total Exemptions	\$0
Taxable Value	\$277,730

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$28,321	\$34,057	\$332,891	\$0	\$0	\$395,269	\$252,482	\$142,787	\$252,482
2018	\$21,241	\$17,558	\$307,284	\$0	\$0	\$346,083	\$229,529	\$116,554	\$229,529
2017	\$22,420	\$18,848	\$204,856	\$0	\$0	\$246,124	\$208,663	\$37,461	\$208,663
2016	\$23,601	\$21,221	\$204,856	\$0	\$0	\$249,678	\$189,694	\$59,984	\$189,694
2015	\$24,781	\$23,595	\$204,856	\$0	\$0	\$253,232	\$172,449	\$80,783	\$172,449
2014	\$24,434	\$17,106	\$115,232	\$0	\$0	\$156,772	\$156,772	\$0	\$156,772
2013	\$26,906	\$20,495	\$109,530	\$0	\$0	\$156,931	\$156,931	\$0	\$156,931
2012	\$28,251	\$20,546	\$109,530	\$0	\$0	\$158,327	\$158,327	\$0	\$158,327
2011	\$29,148	\$20,596	\$121,700	\$0	\$0	\$171,444	\$171,444	\$0	\$171,444
2010	\$30,045	\$20,647	\$133,870	\$0	\$0	\$184,562	\$184,562	\$0	\$184,562

Building Information

Building	1	Roof Structure	Prestressed Concrete
Actual Area	1772	Roof Cover	Built Up
Conditioned Area	1204	Interior Flooring	Carpet
Actual Year Built	1964	Interior Wall	Minimum
Use	Office Class C	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Prestressed Concrete	100%
Roofing Cover	Built Up	100%
Interior Walls	Minimum	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
CANOPY	0	264
POINTER	0	0
CANOPY	0	264
POINTER	0	0
CANOPY	0	40
BASE AREA	1204	1204
Total SqFt	1204	1772

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Pole Light	0	0	0	0	160
Concrete Paving	0	0	0	0	15882
Metal Fence 6'	0	0	0	0	60

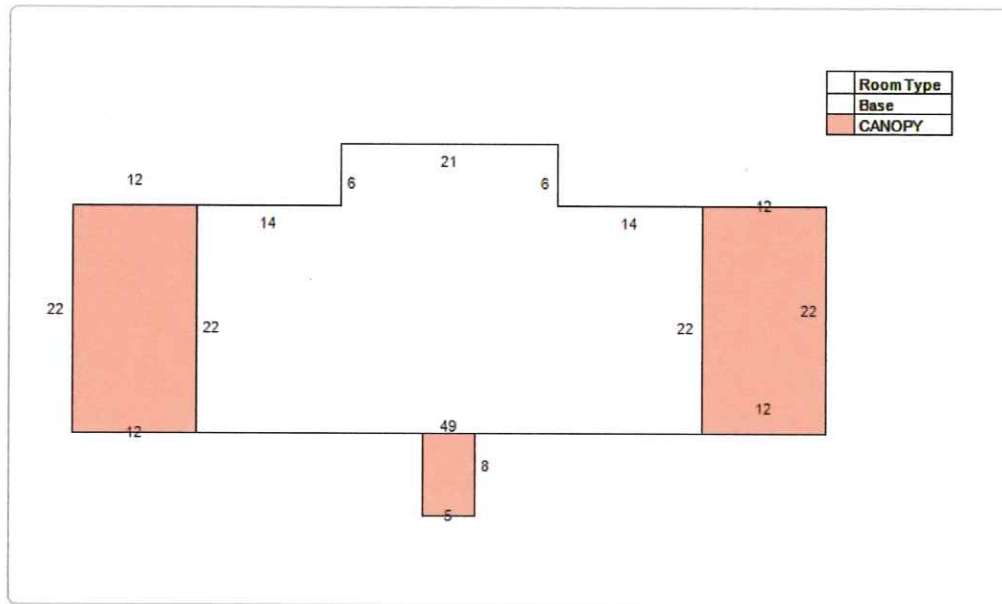
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Sales & Service (Automotive)	0	0	25607	SF	\$332,891

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	1/23/2007	\$2,781,400.00	WD	2857	1161	Q	I	BOZARD LAND LLC	VISTA HOTEL IV INC
	3/30/2006	\$100.00	WD	2674	801	U	I	BOZARD FRED III	BOZARD LAND LLC (12 PARCELS)
	8/1/1985	\$150,000.00		682	1755	Q	I		BOZARD FRED III
	10/1/1981	\$176,000.00		513	419	Q	I		

Sketch Information



No data available for the following modules: Exemption Information.

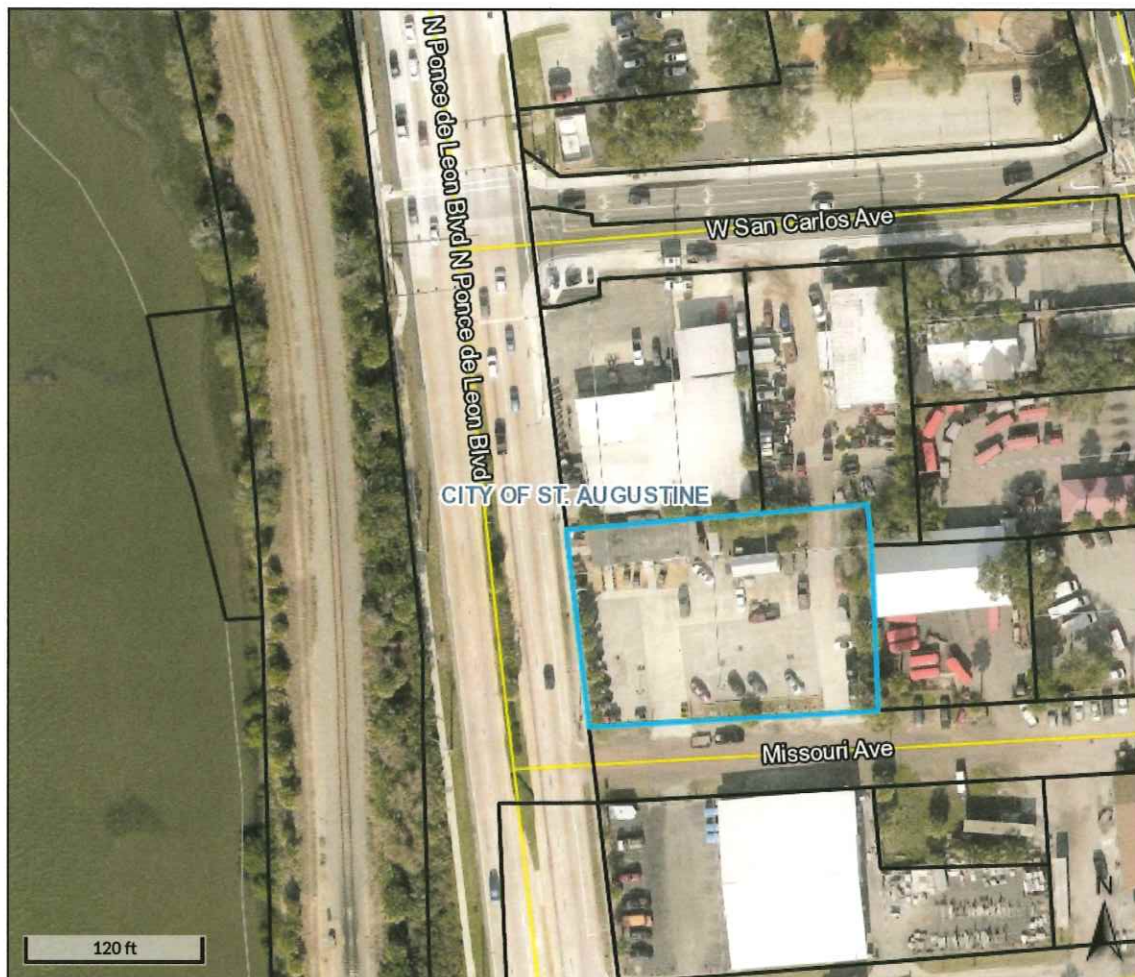
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1897500000	Physical Address	1800 N PONCE DE LEON BLVD	Building Value	\$34,185	Last 2 Sales			
Property Class	2700 - Sales & Service (Automotive)	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$31,685	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	VISTA HOTEL IV INC	Total Land Value	\$332,891	1/23/2007	\$2781400	05	Q
Acres	0.59		32 AVENIDA MENENDEZ	Just Value	\$398,761	8/1/1985	\$150000	05	Q
			SAINT AUGUSTINE FL	Total	\$121,031				
			32084-0000	Deferred Assessed Value	\$277,730				
				Total	N/A				
				Exemptions					
				Taxable Value	\$277,730				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/7/2020

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GEOSPATIAL

Google Maps 1800 N Ponce De Leon Blvd



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50 ft



1800 N Ponce De Leon Blvd

St. Augustine, FL 32084



Directions



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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **USE BY EXCEPTION #2019-0133**

AGENDA ITEM 5(c)

APPLICANT Matt Baker
c/o Veritas Classical Private School, Inc.

OWNER St. Johns County Welfare Federation

LOCATION 169 M.L. King Ave / PIN 212280-0000

REQUEST To approve a use by exception for a private school within Residential, single-family-two (RS-2) zoning.

LAND USE Public / Semi-Public until 9/24/20
(Proposed: Institutional in Comp Plan 2040)

ZONING Residential, Single Family-two (RS-2)

SURROUNDING USES Single Family Homes

APPLICABLE CODES/ORDINANCES

Sec. 28-2.

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Schools. Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible uses by exception in all residential districts.

Institutional

It is the intent of this district that certain lands, which are private institutional uses and are used for a purpose which is beneficial to the public, such as, nursing homes, community centers, religious institutions and similar uses, shall be designated Institutional.

The density and intensity will adhere to the most restrictive adjacent land use designation.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

- (1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).
- (2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.
- (3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28- 162. - Residential, single-family-two: RS-2.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

(3) Permissible uses by exception. See [section 28-347](#).

28-347(5) *Schools.* Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible uses by exception in all residential districts.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a use by exception for a private school. The Applicant provided a narrative (attachment 2) to provide context of how this request will meet the provisions of a use by exception. The site is the location of the previous Buckingham Smith Nursing home, which

operated as far back as 1969. In a brief summary, the Applicant is requesting the use by exception to operate the building as private school, the narrative describes enrollment at approximately 112 students, with goals to expand their operation to upwards of 180 students by 2025. The applicant is proposing that the existing facilities be renovated to accommodate twelve (12) classrooms, two (2) offices, and the existing kitchen/cafeteria space to be renovated, to provide meals for students.

Staff was provided with a site plan (attachment 3) that showed 30 total parking spaces on site (14 existing parking spaces on-site with a new parking area that would accommodate 16 new parking spaces), which meets the required number of spaces calculated based on the proposed uses. Staff has not reviewed the plan for code compliance, this would be completed through civil site plan review through the City's Public Works, and Planning and Building Departments.

Staff finds that this use could be an intensification of the site, however, under the proposed institutional land use, this would be a consistent use as it is institutional use that provides a public benefit in the form of a school. Furthermore, the City's comprehensive plan does encourage adaptive re-use of existing buildings.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff finds the Board can **APPROVE** the use by exception for a private school within Residential, Single Family-two (RS-2) zoning at 169 M.L. King Ave / PIN 212280-0000.

Attachments

Attachment 1 – Application & Property Appraiser Information

Attachment 2 – Use by Exception Narrative, Floor Plan

Attachment 3 – Survey with Existing/Proposed Parking

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2020-0094
Receipt Number: 1919687 Meeting Date: 9/1/2020
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Veritas Classical Private School, Inc. Contact Number: 904-810-1050
Business (if applicable): Veritas Classical School (dba)
Address: 253 State Road 16 City: St. Augustine State: FL Zip: 32084
E-Mail Address: office@veritasclassicalschool.org
2. NAME OF PROPERTY OWNER: St. Johns County Welfare Federation Contact Number: 904-584-1562
Business (if applicable): _____
Address: 161 Marine Street City: St. Augustine State: FL Zip: 32084
E-Mail Address: llake@bay-view.org
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 9-17 Block: 6
Subdivision: Buena Esperanza Parcel Number: 2122800000
4. PROJECT STREET ADDRESS: 169 Martin Luther King Avenue, St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: school

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

RECEIVED

AUG 10 2020

Planning / Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: This request is for a use by exception to the RS-2 Zoning for a private school.

8. JUSTIFICATION FOR ACTION REQUESTED: Please see attached addendum.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

No previous applications concerning this subject property have been submitted by this applicant.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Matt Baker, Chairman
Signature of Applicant

8/6/20
Date

[Signature], VP of Finance
Signature of Property Owner

8-7-20
Date

Addendum

8. Justification For Action Requested

The use of a property as a private school can be a compatible use within Residential Low Density districts according to Future Land Use Policy. School uses are widely seen as being beneficial to the community through the offering of additional educational opportunities to families with children. Additionally, the Future Land Use Policy stipulates that the City "...shall encourage, to the maximum extent possible, the location of schools in conjunction with public facilities such as parks, libraries and community centers...". The Buckingham Smith facility is proximate to the Willie Gallimore Center and Eddie Vickers Park and the associated City recreational fields, which would be optimal for student sports and recreation.

Veritas Classical School began in 2017 and currently has approximately 112 students in grades K-9. It is anticipated that moving to the Buckingham Smith property, if accepted, would allow for an enrollment of approximately 185 students in grades K-12 by 2025. Parking requirements based upon number of classrooms, offices and the existing kitchen, will be sufficiently met on site and a coherent plan for safe drop off and pick up of students has been designed so as to prevent traffic backup. The current design of the facility lends itself well to non-structural improvements aimed at ensuring the safety and security of the students and teachers.

The Buckingham Smith facility has been an important part of the Lincolnville neighborhood since 1969. However, since the discontinuance of operations as an Assisted Living Facility, the property has fallen into some disrepair. The building, which itself is highly suitable to repurposing as an educational facility, would be completely renovated and the grounds attractively landscaped. The result would be a property that would add to the beautiful aesthetic of this historic neighborhood and a use that would contribute to its already strong vibrancy.



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Matt Baker

Print name of applicant

Matt Baker

Signature of applicant

8 | 6 | 20

Date

PROPERTY OWNER

James Norman
(Print Name)

[Signature]
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, James Norman, who is personally known to me or who has produced personally known as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 7th day of August, 2020.



Chelsea Gleiter Bloom
Notary Public, State of Florida

APPLICANT OR APPLICANT'S AGENT

Matt Baker
(Print Name)

Matt Baker
(Signature)

STATE OF FLORIDA
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, Matt Baker, who is personally known to me or who has produced personally known as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 7th day of August, 2020.

Chelsea Gleiter Bloom
Notary Public, State of Florida

ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

I, the undersigned Applicant or Agent, and Property Owner, hereby acknowledge and agree that:

- Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency hearing procedures.
- Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative Hearing Procedures.
- CMT procedures are held only during a declared State of Emergency by the Governor. Such procedures may or may not comply with Florida Statutes or Case Law governing Quasi-Judicial, Legislative or Administrative Hearings.
- Applicant and/or Property Owner knowingly waives the right of cross-examination of witness or commenters choosing to participate in the hearing utilizing CMT.
- Decisions and Orders of any board or commission may be subject to challenge by private parties, government agencies, and affected or aggrieved persons. Further, such Orders or Decisions are subject to be overturned by a court of competent jurisdiction. Applicant and/or Property Owner agree to indemnify and hold harmless the City of St. Augustine, its boards and commission, staff, and appointed and elected officials, for any claims arising out of Applicant and/or Property Owner's decision to proceed to hearing utilizing CMT procedures. Applicant and/or Property Owner agree to pay all attorneys fees and costs incurred by the City in defending Decisions or Orders utilizing CMT procedures related to their hearing.
- Applicant and/or Property Owner fully understand the risks and costs of litigation and have independently assessed these risks and costs and choose to proceed with hearing of the application utilizing CMT procedures.

Applicant and/or Property Owner further acknowledges that he/she has had an opportunity to consult with and be represented by counsel of their choosing and is advised to do so. Applicant and/or Property Owner is fully aware of procedures and rights waived above. Applicant and/or Property Owner freely, without duress or coercion, and based on Applicant and/or Property Owners own judgment wish to proceed with hearing of their application utilizing CMT hearing procedures.

[Signatures Appear on Following Page]



Owner's Authorization For Agent

James Norman is/are hereby authorized TO ACT ON BEHALF
OF St. Johns County Welfare Federation, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: [Signature]
Signature of Owner

James Norman, VP of Finance
Print Name of Owner

904-584-1562
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 7th day of August, 2020

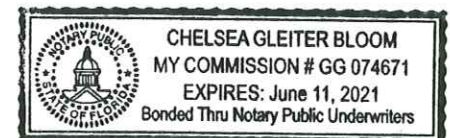
By James Norman

Identification verified:

Oath sworn: _____ Yes ☒ No

Notary Signature: Chelsea Gleiter Bloom

My Commission expires: 6/11/21





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

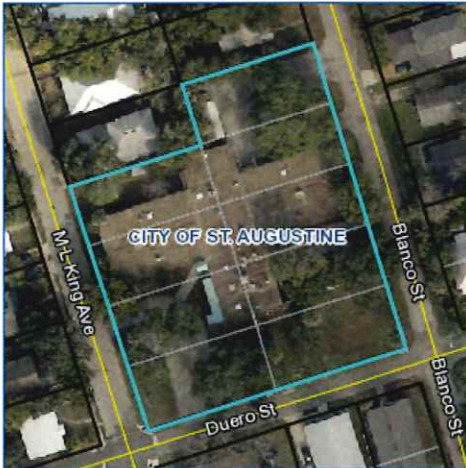
Summary

Parcel ID 2122800000
Location Address 169 MARTIN LUTHER KING AVE
 SAINT AUGUSTINE 32084-0000
Neighborhood (Older) Assisted living (2006.14)
Tax Description* BUENA ESPERANZA SUB CITY LOTS 9 THRU 17 BLK 6 OR1339/1237Q/C
**The Description above is not to be used on legal documents.*
Property Use Code Assisted Living (Owner Occupied) (7415)
Subdivision Buena Esperanza Subdivision
Sec/Twp/Rng 19-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 1.120
Homestead N

Owner Information

Owner Name St Johns County Welfare Federation 100%
Mailing Address PO BOX 1379
 SAINT AUGUSTINE, FL 32085-1379

Map



Valuation Information

	2020
Building Value	\$461,788
Extra Features Value	\$24,072
Total Land Value	\$725,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,211,260
Total Deferred	\$94,157
Assessed Value	\$1,117,103
Total Exemptions	\$0
Taxable Value	\$1,117,103

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$437,600	\$24,072	\$725,400	\$0	\$0	\$1,187,072	\$1,015,548	\$1,187,072	\$0
2018	\$388,294	\$21,931	\$513,000	\$0	\$0	\$923,225	\$923,225	\$923,225	\$0
2017	\$400,620	\$15,733	\$513,000	\$0	\$0	\$929,353	\$929,353	\$929,353	\$0
2016	\$412,947	\$15,916	\$513,000	\$0	\$0	\$941,863	\$941,863	\$941,863	\$0
2015	\$425,274	\$16,100	\$513,000	\$0	\$0	\$954,374	\$951,309	\$954,374	\$0
2014	\$411,859	\$16,284	\$513,000	\$0	\$0	\$941,143	\$864,826	\$941,143	\$0
2013	\$423,461	\$16,469	\$346,275	\$0	\$0	\$786,205	\$786,205	\$786,205	\$0
2012	\$416,384	\$17,334	\$346,275	\$0	\$0	\$779,993	\$779,993	\$779,993	\$0
2011	\$460,803	\$18,200	\$567,506	\$0	\$0	\$1,046,509	\$1,046,509	\$1,046,509	\$0
2010	\$473,428	\$19,065	\$630,562	\$0	\$0	\$1,123,055	\$1,123,055	\$1,123,055	\$0

Building Information

Building 1
 Actual Area 14789
 Conditioned Area 13857
 Actual Year Built 1969
 Use Assisted Living Facilities with memory (older)
 Style 04
 Class N
 Exterior Wall Concrete Block

Roof Structure Rigid Frame
 Roof Cover Built Up
 Interior Flooring Carpet, Vinyl Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	80%
Interior Flooring	Vinyl Tile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	100 FIXTURES	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Condition	Average	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	12803	12803
CANOPY	0	540
CANOPY (COMMERCIAL)	0	208
MASONRY UTILITY	0	120
CANOPY (COMMERCIAL)	0	32
BASE AREA	1054	1054
CANOPY (COMMERCIAL)	0	32
Total SqFt	13857	14789

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	8250
Curb	0	0	0	0	553
Commercial Metal Fence 4'	0	0	0	0	40
Handicap Ramp	0	0	0	0	490
Pole Light	0	0	0	0	20
Steel Building	0	0	0	0	360

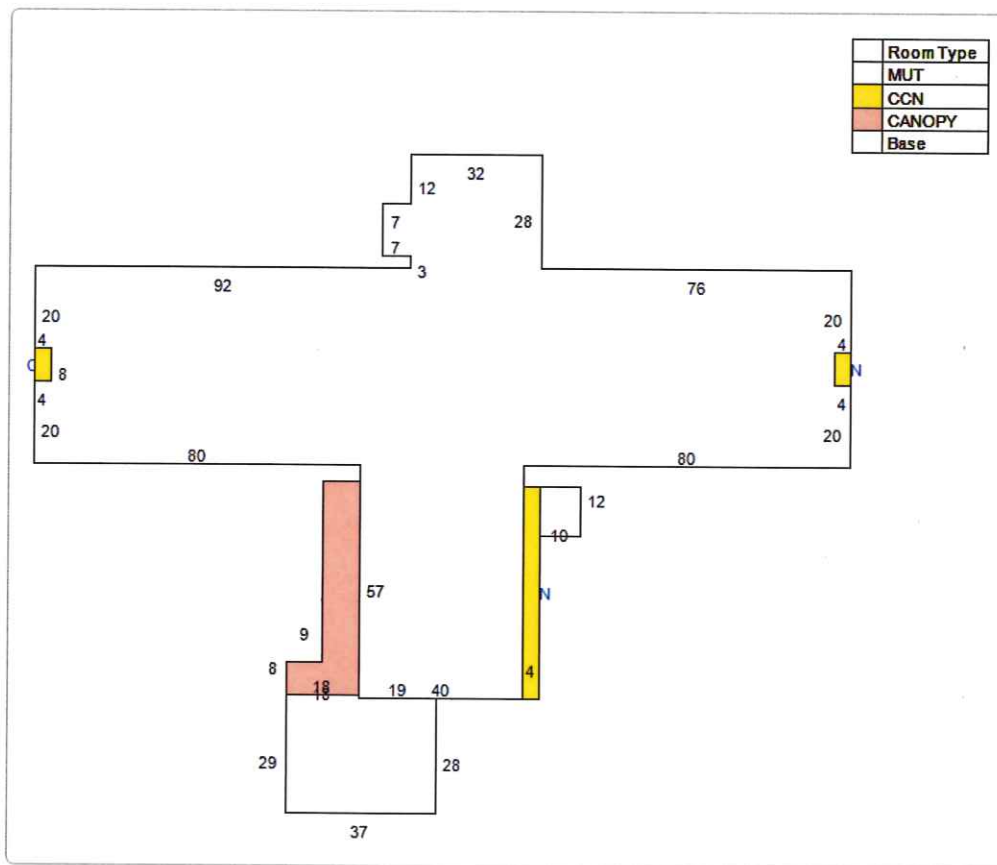
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Assisted Living Facilities	450	110	450	EF	\$725,400

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/31/1998	\$100.00	QC	1339	1237	U	I	BUCKINGHAM SMITH BENEVOLENT ASSOCIATION	ST JOHNS COUNTY WELFARE FEDERATION

Sketch Information



No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

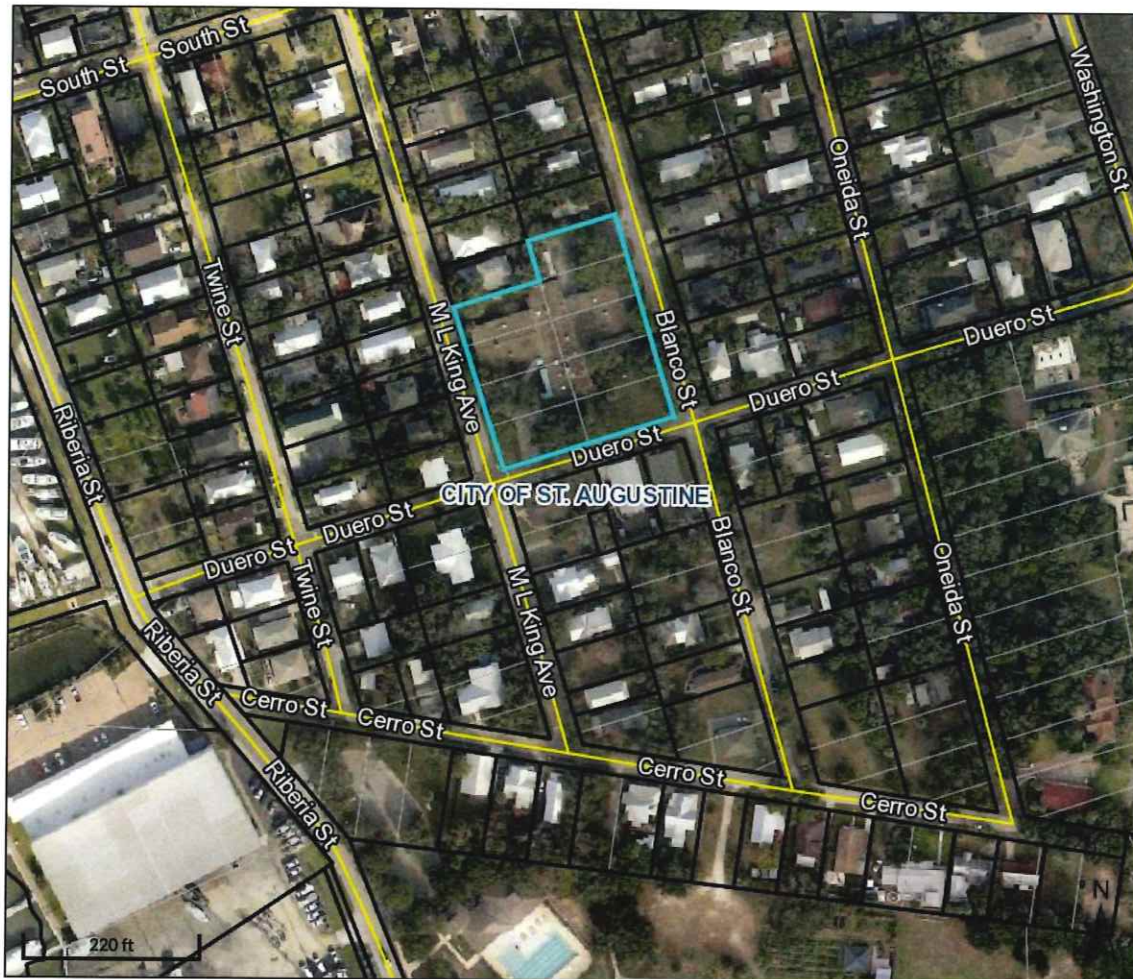
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[GDPR Privacy Notice](#)

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Version 2.3.74



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2122800000	Physical Address	169 MARTIN LUTHER KING AVE	Building Value	\$461,788	Last 2 Sales			
Property Class	7415	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$24,072	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	ST JOHNS COUNTY WELFARE FEDERATION	Total Land Value	\$725,400	n/a	0	n/a	n/a
Acres	1.12		PO BOX 1379	Just Value	\$1,211,260	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32085-1379	Total Deferred	\$94,157				
				Assessed Value	\$1,117,100				
				Total	N/A				
				Exemptions					
				Taxable Value	\$1,117,100				

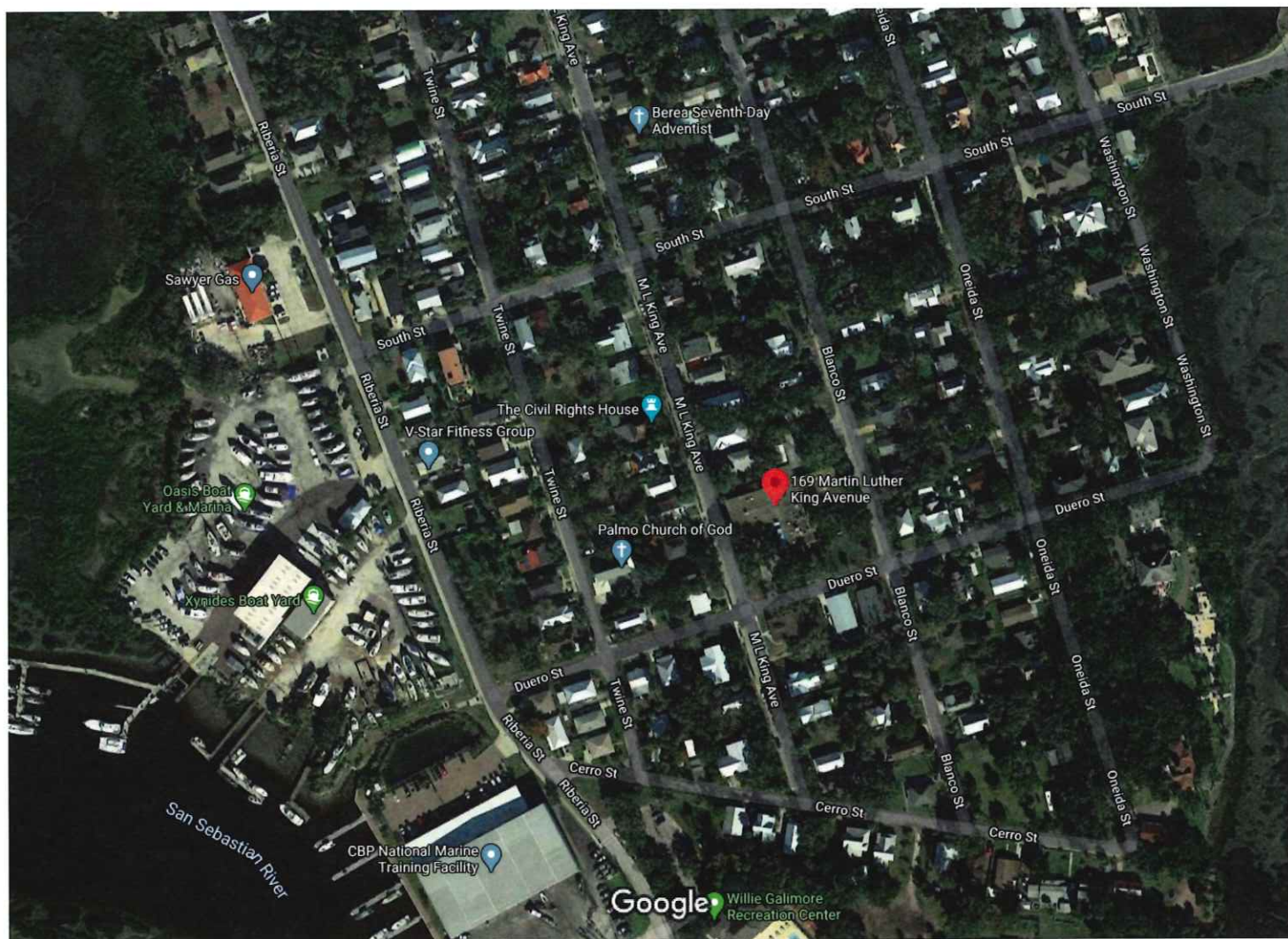
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Date created: 8/10/2020

Last Data Uploaded: 8/8/2020 12:07:59 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 169 M L King Ave



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 100 ft



169 M L King Ave

St. Augustine, FL 32084
Building

Directions



Save



Nearby

Send to your
phone

Share

Attachment 1

Site Plan & Supporting Information

Attachment 2

Site Plan

MAP OF SURVEY

CITY PARKING REQ.

Elementary school

2 Rm classroom - 12x2 = 24 spaces
2 Rm office - 2x2 = 4 spaces
Kitchen - 2 - 2 spaces
PARKING REQ 30 spaces

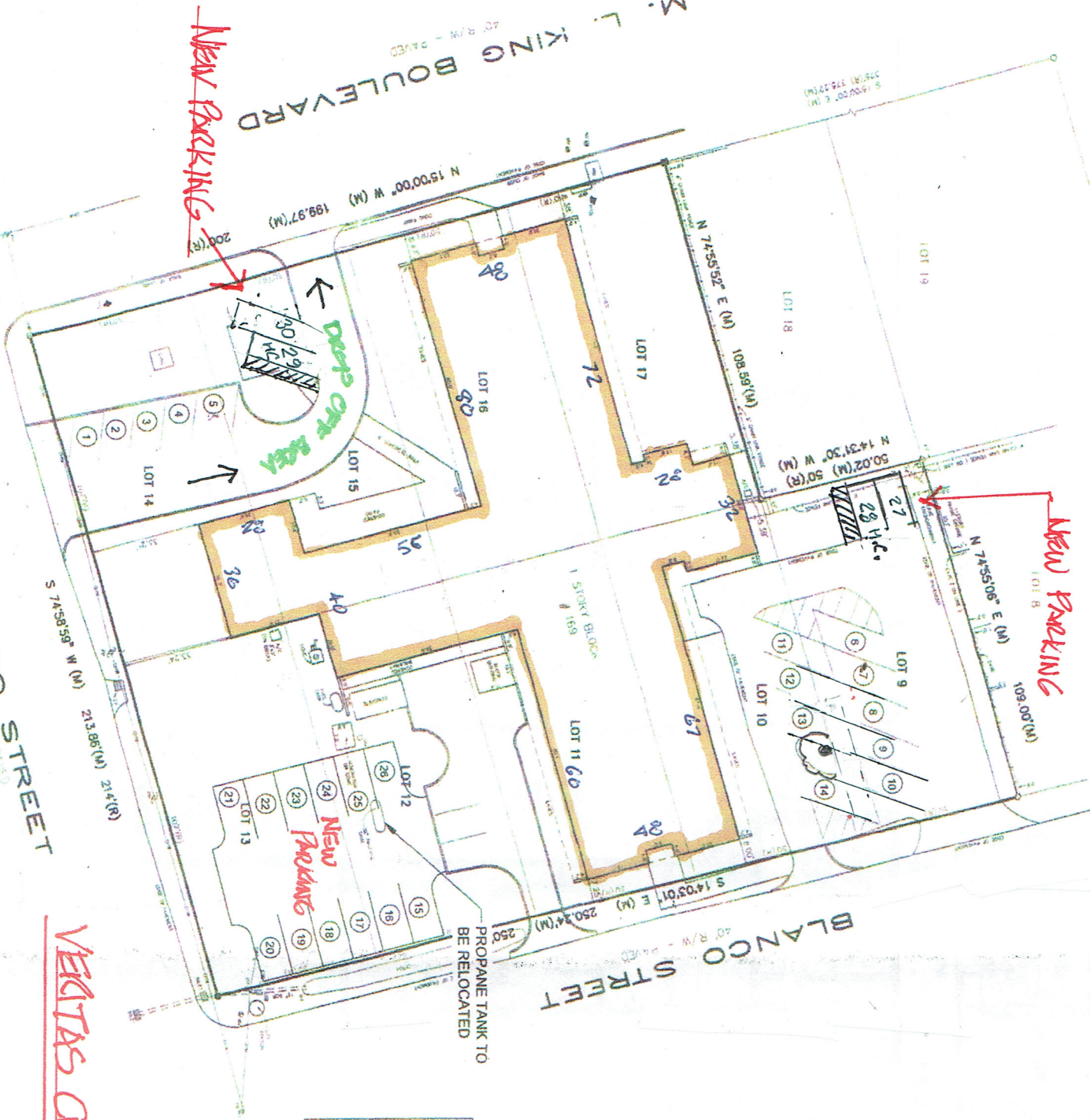
SOUTH STREET

M. L. KING BOULEVARD

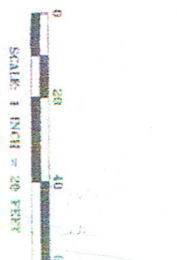
BLANCO STREET

DUERO STREET

VERITAS CLASSICAL SCHOOL



PARKING CALCS	
EXISTING PARKING = 14	
PROPOSED PARKING = 16	
TOTAL PARKING = 30	



DEED DESCRIPTION
(SEE DEED RECORDS BOOK 1379, PAGE 1237)
LOT 10 OF BLOCK 36 (2) IN THE SUBDIVISION OF THE
VERITAS CLASSICAL SCHOOL, TRACT 1000, IN THE CITY OF
ST. AUGUSTINE, FLORIDA, AND THE LOT (10) TOGETHER WITH THE
BUILT-UPON OF BLOCK 36 (2), TRACT 1000, AS SHOWN ON THE
PLAN AND MAP THEREON RECORDED IN DEED RECORDS OF ST. AUGUSTINE,
FLORIDA.

- LEGEND
- 1. RIGHT OF WAY
 - 2. EXISTING BUILDING
 - 3. EXISTING DRIVE
 - 4. EXISTING DRIVE
 - 5. EXISTING DRIVE
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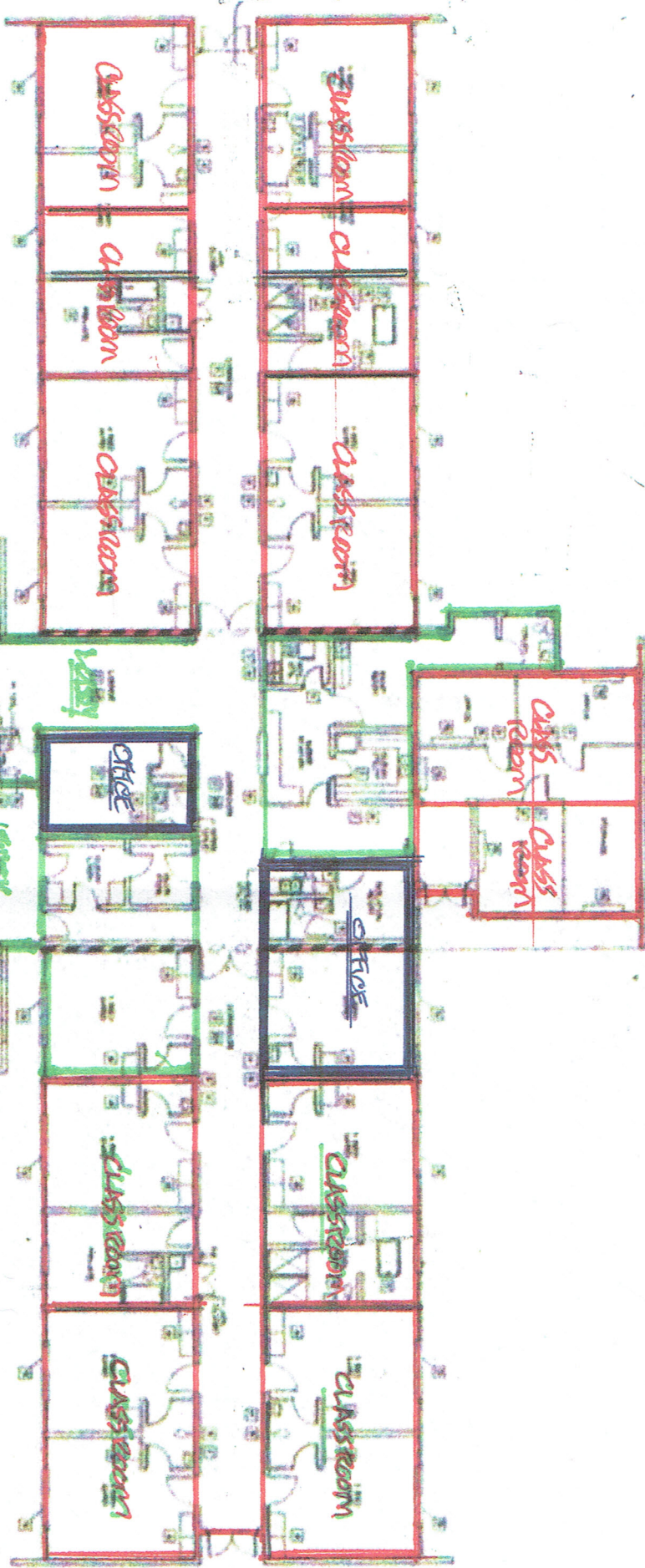
NOTES
THE BOUNDARY OF THE VERITAS CLASSICAL SCHOOL TRACT 1000, IN THE CITY OF ST. AUGUSTINE, FLORIDA, IS SHOWN ON THE PLAN AND MAP THEREON RECORDED IN DEED RECORDS OF ST. AUGUSTINE, FLORIDA, AND THE LOT (10) TOGETHER WITH THE BUILT-UPON OF BLOCK 36 (2), TRACT 1000, AS SHOWN ON THE PLAN AND MAP THEREON RECORDED IN DEED RECORDS OF ST. AUGUSTINE, FLORIDA.

VERITAS CLASSICAL SCHOOL
169 ML KING BLVD. ST. AUG.

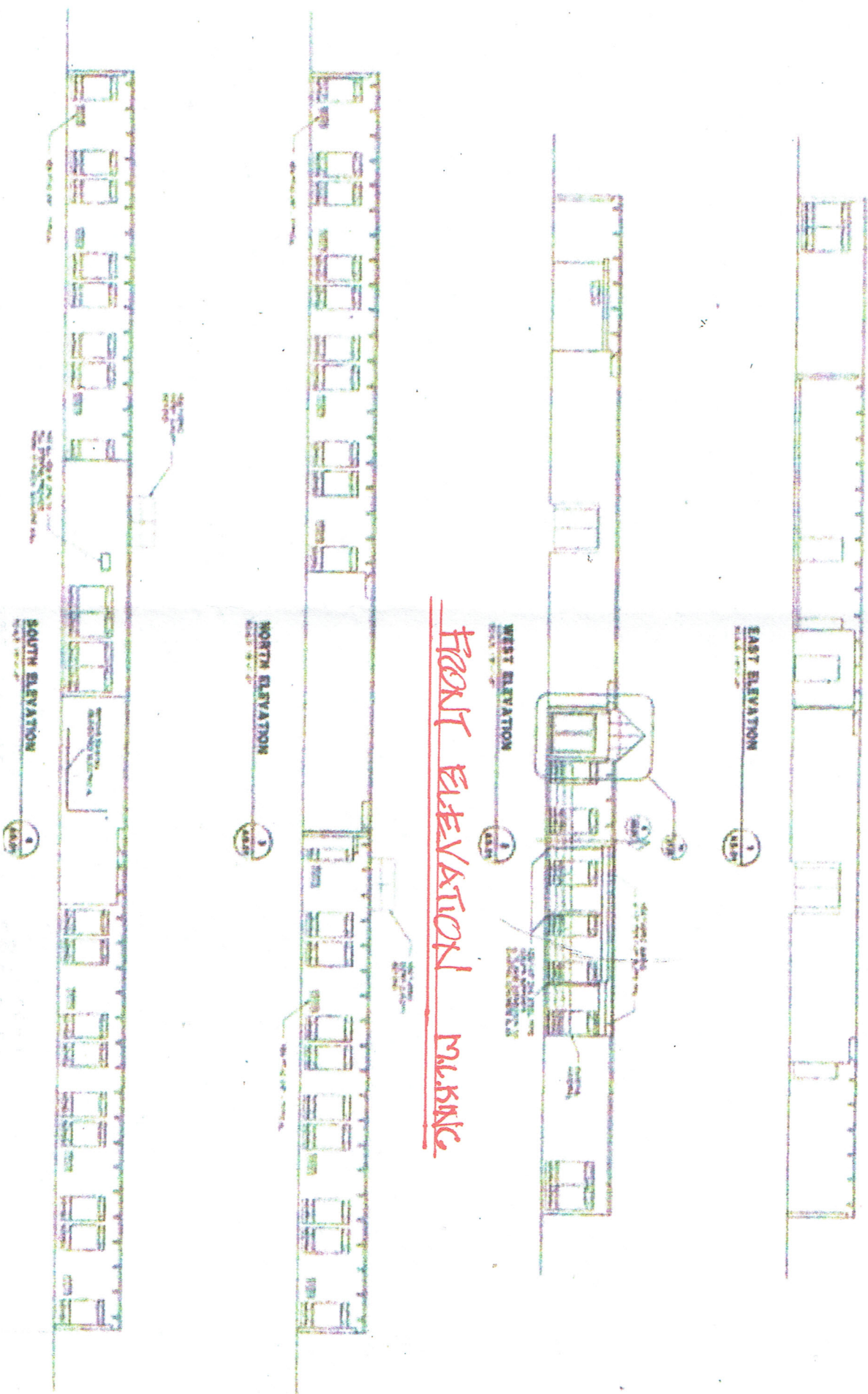
LES THOMAS
ARCHITECT
32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508

VERITAS CLASSICAL SCHOOL
169 ML KING BLVD. ST. AUG.

SHEET
A.1



- 1. 1/2" = 1'-0"
- 2. 1/4" = 1'-0"
- 3. 1/8" = 1'-0"
- 4. 1/16" = 1'-0"
- 5. 1/32" = 1'-0"
- 6. 1/64" = 1'-0"
- 7. 1/128" = 1'-0"
- 8. 1/256" = 1'-0"
- 9. 1/512" = 1'-0"
- 10. 1/1024" = 1'-0"
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FRONT ELEVATION MLKING

8-20-20

A.3

SHEET

Date: 8-20-20
Scale: AS NOTED
Drawn: J.
Title:

VERITAS CLASSICAL SCHOOL
169 MLKING BLVD. ST. AUG.

LES THOMAS
ARCHITECT

32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **USE BY EXCEPTION #2020-0095**

AGENDA ITEM 5(d)

APPLICANT James Whitehouse
c/o St. Johns Law Group

OWNER Red Moon Properties, LLC - Owner

LOCATION 9 Aviles St / PIN 198930-0000

REQUEST To approve a use by exception for a special event venue and a use by exception for a cocktail lounge/tavern within Historic Preservation (HP-2) zoning.

LAND USE Historic Preservation

ZONING Historic Preservation Two (HP-2)

SURROUNDING USES Restaurants, Retail

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions if specific provision for such exception is made in the district regulations of this chapter.

Special event venue is a business where the primary or ancillary or accessory use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events.

A special event venue may be indoors or outdoors and must comply with all applicable local codes including, but not limited to, life safety codes, building codes, zoning codes, alcoholic beverage codes, public works department, police department and fire department requirements. Occupancy and occupancy limitations for special event venues must comply with all applicable public safety codes and requirements. Government and military services and events are not special event venues. Special event venues may also be accessory or ancillary uses to other uses, such as, hotels or motels, bed and breakfasts or restaurants, for example.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

General Zoning Standards:

Sec. 28-181. - Purpose.

The historical heritage of the city is one of its most valued and important assets. It is therefore the purpose of the historic district regulations:

(1) To safeguard the heritage of the city by preserving the district(s) which reflect noteworthy elements of the cultural, educational, social, economic, political and/or architectural history.

(2) To educate the citizen to realize, understand, and appreciate the city's rich heritage.

(3) To stimulate a greater awareness and sense of pride in the founding of the city and the contributions it has made to the state and nation.

(4) To develop an atmosphere and feeling of old, historic St. Augustine by encouraging the preservation and restoration of historic structures within the districts.

(5) To improve the environmental quality and overall livability of the historic section of St. Augustine.

(6) To stabilize and improve property values in the district and to allow uses that encourage the restoration and conservation of historic sites and structures.

(7) To promote the use and preservation of the district for the education, welfare and pleasure of residents of St. Augustine and St. Johns County, and of the state and nation as well.

(8) That these aforementioned goals and objectives of the historic district be achieved and implemented through the establishment of and enforcement of the general district guidelines and specific district regulations.

Sec. 28-184. - Historic preservation district: HP-2.

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

(3) *Permissible uses by exception.*

c. Cocktail lounges/taverns.

g. Special event venue as per 28-347(8)

Application Summary and Analysis

There are two (2) requests related to this application:

c. Cocktail lounges/taverns.

The definition of a cocktail lounge/tavern in the zoning code is:

Bar, cocktail lounge, saloon or tavern means any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises, or any place other than a restaurant where alcohol is sold and consumed on-premises....

The applicant describes the proposed primary use of the property as an event venue that will serve alcohol in conjunction with special events (should that request be approved). There is no indication in the application materials that this request is intended to operate as a traditional bar. The application has provided a project description and justification that is included as attachment 2.

g. Special event venue as per [section 28-347\(8\)](#).

(8) *Special event venue.* All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses maybe subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources.

A special event venue shall be subject to the following conditions:

a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility and shall under no circumstances change the character of the primary or principal use.

The primary use of the property will be as a wedding venue and bar, and the special event venue would allow the applicant to host weddings, banquets, corporate meetings, rehearsal dinners, and fundraisers.

b. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event.

The applicant plans to operate the facility as a wedding venue with a bar and the outside appearance of the store front will reflect that.

c. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.

There will be no additional traffic generated should this request be approved because the use of the bar/restaurant and venue offset each other as the maximum occupancy is set by the fire Marshall and would be limited to this number regardless of proposed use based on the buildings layout.

d. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. Any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.

The proposed uses of the event venue would not warrant the use of any equipment resulting in mentioned effects; however, the applicant would be required to coordinate with the City on any potential impacts of this nature prior to their use.

e. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.

This number would be established by the City Building Official and Fire Marshal and shall, under no circumstances, exceed that amount.

f. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.

Not applicable.

g. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.

Not applicable, this is not a public site.

h. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.

Should the use by exception be approved, these hours will be required.

i. Pyrotechnics, including fireworks, sparklers and similar devices shall not be permitted as part of a special event venue.

Not applicable, this is an interior space.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a use by exception to allow for the use of the subject property as a special event venue as well as tavern/lounge, the property is currently under construction. The space is approximately 2,500 square feet. The size of the establishment will limit the number of patrons per Florida Fire Code requirements, the maximum number of occupants will be determined once the building is completely constructed and inspected (it is not known at the time of publishing this report).

Both requests are consistent with the established uses in the area, which are predominantly restaurants, bars and retail uses. A condition of approval for the special event venue would be operating under the following hours, as prescribed by City Code, 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays. Staff finds that this request is consistent with the other established uses in the vicinity and zoning district.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception to allow for a lounge/tavern at **9 Aviles St / PIN 198930-0000**.

Based on a review of Section 28-29 and 28-347(8) and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception to allow for a special event venue with the conditions outlined above at **9 Aviles St / PIN 198930-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Narrative

Attachment 3 - Renderings

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____
Receipt Number: _____ Meeting Date: _____
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 9044950400
Business (if applicable): St. Johns Law Group
Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: Red Moon Properties LLC Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 2 Block: 28
Subdivision: City of St. Augustine Parcel Number: 198930 0000

4. PROJECT STREET ADDRESS: 9 Aviles Street

5. SPECIFIC PROPOSED USE: Use by Exception for Special Event & cocktail lounge uses in HP-2

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

SEE ATTACHED

8. JUSTIFICATION FOR ACTION REQUESTED: _____

SEE ATTACHED

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☒ No If yes, please give date and final disposition below.

Companion Application for Use by Exception for Special Use Venue at 9 Aviles Street (This use will be in conjunction with that use)

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

Signature of Property Owner

Date



St. Johns County, FL

Tax Bill

Estimate Taxes

2019 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID	1989300000
Location Address	9 AVILES ST SAINT AUGUSTINE 32084-0000
Neighborhood	City St Aug S of Plaza (COM) (610.03)
Tax Description*	CITY OF ST AUGUSTINE S62FT OF LOT 2 IN OR6/536 62FT ON AVILES ST X 42FT ON ARTILLERY LANE BLK 28 OR4483/35 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.060
Homestead	N

Owner Information

Owner Name	Red Moon Properties LLC 100%
Mailing Address	1093 A1A BEACH BLVD #401 SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$208,320
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$208,320
Total Deferred	\$0
Assessed Value	\$208,320
Total Exemptions	\$0
Taxable Value	\$208,320

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$208,320	\$0	\$0	\$208,320	\$208,320	\$0	\$208,320
2018	\$174,575	\$0	\$208,320	\$0	\$0	\$382,895	\$382,895	\$0	\$382,895
2017	\$78,910	\$0	\$208,320	\$0	\$0	\$287,230	\$155,590	\$131,640	\$155,590
2016	\$56,815	\$0	\$84,630	\$0	\$0	\$141,445	\$141,445	\$0	\$141,445
2015	\$56,815	\$0	\$84,630	\$0	\$0	\$141,445	\$141,445	\$0	\$141,445
2014	\$33,422	\$0	\$84,630	\$0	\$0	\$118,052	\$118,052	\$0	\$118,052
2013	\$33,422	\$0	\$84,630	\$0	\$0	\$118,052	\$118,052	\$0	\$118,052
2012	\$33,422	\$0	\$84,630	\$0	\$0	\$118,052	\$118,052	\$0	\$118,052
2011	\$33,422	\$0	\$93,744	\$0	\$0	\$127,166	\$127,166	\$0	\$127,166
2010	\$33,422	\$0	\$104,160	\$0	\$0	\$137,582	\$137,582	\$0	\$137,582

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	62	42	2604	SF	\$208,320

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/28/2017	12/27/2017	\$490,000.00	WD	4483	35	Q	I	GRIFFIN SHAWN D,GINA M	RED MOON PROPERTIES LLC
12/15/2014	12/11/2014	\$0.00	WD	3964	1300	U	I	BURKE RUTH E INDIV & TRSTEE	GRIFFIN SHAWN D,GINA M
10/14/2010	10/6/2010	\$100.00	WD	3365	680	U	I	BURKE BILLY LEE,RUTH E	BURKE FAMILY TRUST
7/15/1974	7/15/1974	\$0.00	WD	258	319	U	I	HYDEN EDNA N	BURKE B L,RUTH ELIZABETH

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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 **Schneider**
 GEOSPATIAL

[Version 2.3.72](#)



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

JAMES G WHITEHOUSE

Print name of applicant

[Signature]

Signature of applicant

8/1/2020

Date



Owner's Authorization For Agent

ST. JOHNS LAW GROUP / JAMES G. WHITEHOUSE, ESQ. is hereby authorized TO ACT ON BEHALF OF **Red Moon Properties, LLC / Dave Bishop, Jr.** ^{Jennifer C. Bishop} ^{Harold D. Bishop Jr.} the owner of those lands described within the attached application and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine, for an application related to a land use issues, and any other matter related to properties located at **9 Aviles St., St. Augustine, FL**, and including the following Parcel No.: 198930 0000.

BY:

Jennifer C. Bishop
Signature of Owner

Jennifer C. Bishop
Print Name of Owner

904-615-7038, 904-679-8326
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 27 day of July, 2020

By Jennifer C. Bishop

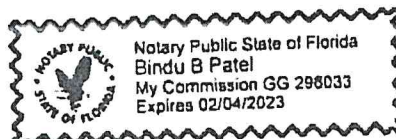
Identification verified:

Oath sworn: X Yes No

Notary Signature:

My Commission expires:

02/04/2023





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Detail by Entity Name

Florida Limited Liability Company
RED MOON PROPERTIES, LLC

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Principal Address

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Mailing Address

1093 A1A BEACH BOULEVARD
ST. AUGUSTINE, FL 32080

Registered Agent Name & Address

BISHOP, HAROLD D
1093 A1A BEACH BOULEVARD
ST. AUGUSTINE, FL 32080

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Name & Address

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Title AMBR

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Annual Reports

Report Year	Filed Date
2018	06/28/2018
2019	02/07/2019

2020

02/02/2020

Document Images

02/02/2020 -- ANNUAL REPORT

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02/07/2019 -- ANNUAL REPORT

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06/28/2018 -- ANNUAL REPORT

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05/04/2017 -- Florida Limited Liability

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Florida Department of State, Division of Corporations

Attachment 2

Narrative

9 AVILES STREET

EVENT VENUE IN ST AUGUSTINE AT THE NEWLY
RECONSTRUCTED 1911 SPANISH MISSION

Project Description and Justification

Applicant seeks approval of a use by exception at 9 Aviles Street which allows the owner to operate a venue providing space for special events of a size and scale commensurate with the confines of this magnificently reconstructed building that is a grand and historically accurate representation of the 1911 Spanish Mission building formerly on this site. The building's unique architecture, reconfigured interior and its special location along this commercial section of Aviles Street, a street which the city touts as the oldest street in the nation, make it a perfect place for both a café use as well as for special events. Further, this location is quite appropriate for people to gather for such events as this use reflects the city's promotion of Aviles Street as a gathering place which not only allows outdoor dining, but also is restricted to foot traffic for a number of special events either sponsored or promoted by the city, many of which include local musicians performing along the street. In fact, several of the city's marketing periodicals, including *Visit St. Augustine*, have stated that during these special events on Aviles Street, "dancing in the street is encouraged" and the many art galleries and sidewalk cafes are kept open for the visitors and those attending the special events. In sum, this is a very vibrant area and the addition of this newly reconfigured state of the art special event space will only add to the wonderful ambiance that the city made possible with its marvelous re-bricking project of this truly historic street.

This property is in HP-2 and is already approved for bed and breakfast uses, retail sales uses, multiple other service-type uses, and most notably for full restaurant use. Further, pursuant to section 28-184(3) of the City Code, this property is permitted for special use venues as a use by exception, under section 28-347 (8).

9 AVILES STREET

EVENT VENUE IN ST AUGUSTINE AT THE NEWLY
RECONSTRUCTED 1911 SPANISH MISSION

8/10/2020 Amended

Project Description and Justification

For compatible use by exception for cocktail lounge use in HP-2

In conjunction with the applicant's request which allows the owner to operate a venue providing space for special events of a size and scale commensurate with the confines of this magnificently reconstructed representation of the 1911 Spanish Mission building formerly on this site, they also need to request a compatible use by exception to allow a cocktail lounge in the historic district. As previously described in the initial request to operate the events venue, the building's unique architecture, reconfigured interior and its special location along this commercial section of Aviles Street, a street which the city touts as the oldest street in the nation, make it a perfectly compatible place to allow for the service of cocktails in conjunction with the special events. Further, as previously described, this location is quite appropriate for this use by exception for a cocktail lounge in conjunction with the special events at this location based upon the current uses in the area, particularly the cocktail lounges already approved in the vicinity. This very special street, Aviles Street, is a well-established gathering place which already allows outdoor dining and which promotes foot traffic for a number of special events either sponsored or promoted by the city, many of which include local musicians performing along the street. In sum, this is a very festive commercial area and the granting of an exception for this cocktail lounge use in conjunction with the allowance of a special events venue will merely add to the awesome ambiance of this very vibrant area.

This HP-2 property is already approved for bed & breakfast uses, retail sales uses, multiple service-type uses, and for full restaurant use. Further, pursuant to section 28-184(3) of the City Code, this property is permitted for cocktail lounges/taverns as a use by exception.



9 AVILES STREET

EVENT VENUE IN ST AUGUSTINE AT THE NEWLY
RECONSTRUCTED 1911 SPANISH MISSION

Summary

As afore stated, 9 Aviles will be a unique venue that brings the historic times of St. Augustine to the present. This location makes it a perfect place for a St. Augustine Event. This approval will allow the owner to operate a venue providing space for special events of a size and scale commensurate with the confines of this magnificently reconstructed building that is a grand and historically accurate representation of the 1911 Spanish Mission building formerly on this site. The building's unique architecture, reconfigured interior and its special location along this commercial section of Aviles Street, a street which the city touts as the oldest street in the nation, make it a perfect place for special events. Further, this location is quite appropriate for people to gather for such events as this use reflects the city's promotion of Aviles Street as a walkable, gathering place. This event space will be available for a number of events, including Art Events and Showings, Unique Weddings, Receptions, Anniversary Gatherings, etc.

In sum, this is a very vibrant area and the addition of this newly reconfigured state of the art special event space will only add to the wonderful ambiance that our city has made possible with its marvelous reconstruction and re-bricking of this truly historic street.

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Based upon the following restrictions and conditions, this use by exception to allow for the service of cocktails, in conjunction with the special events of a size and scale commensurate with the confines of this magnificently reconstructed representation of the 1911 Spanish Mission building formerly on this site, is an appropriate use in this location along this commercial section of Aviles Street, which is a well-established gathering area which already allows outdoor dining and promotes foot traffic:

- This special event venue allowing for cocktail services will be operated in a manner to assure compatibility with the Aviles corridor and to ensure the protection of the historic resources in the area.
- The uses will be in scale with the surrounding area and in compliance with applicable local codes.
- The uses requested will cause no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual events.
- The uses requested will not create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. Further, any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.
- The building will have the occupancy limitations, established by the local building official and/or fire marshal, clearly delineated and monitored during all events.
- As required in historic preservation districts, any special events will operate within normal business hours, including closing before 10:00 p.m. on Sunday through Thursday, and before 11:00 p.m. on Friday, Saturday and recognized holidays.

9 Aviles will be a unique venue that brings the historic times of St. Augustine to the present. Accordingly, as stated above, this location along the commercial section of Aviles, in conjunction with the owner's commitment to operate a special event venue allowing for the service of cocktails under the conditions outlined above, make it a perfect place for special events in our city. In sum, as previously described, this location is quite appropriate for this use by exception for a cocktail lounge in conjunction with the special events based upon the current uses in the area, particularly the cocktail lounges already approved in the vicinity.

Special event venues are defined by the City Code, as follows:

Special event venue is a business where the primary or ancillary or accessory use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. A special event venue may be indoors or outdoors and must comply with all applicable local codes including, but not limited to, life safety codes, building codes, zoning codes, alcoholic beverage codes, public works department, police department and fire department requirements. Occupancy and occupancy limitations for special event venues must comply with all applicable public safety codes and requirements. Government and military services and events are not special event venues. Special event venues may also be accessory or ancillary uses to other uses, such as, hotels or motels, bed and breakfasts or restaurants, for example.

Section 28-347 (8) goes on to state, as follows:

Special event venue. All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses may be subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources. A special event venue shall be subject to the following conditions:

a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility and shall under no circumstances change the character of the primary or principal use. ***Understood and Agreed. (See Summary).***

b. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event. ***Understood and Agreed. (See Summary).***

c. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.

Understood and Agreed. (See Summary).

d. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.

Understood and Agreed. (See Summary).

e. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.

Understood and Agreed. (See Summary).

f. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.

Understood and Agreed. (See Summary).

g. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.

Understood and Agreed. (See Summary).

h. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.

Understood and Agreed. (See Summary).

9 AVILES STREET

Over 109 years of History

The Past

1911 -	Initial Building Construction
1914 -	City Electric
1918 -	St Johns Motor Company
1929 -	Central Produce
1922 -	St George Electric
1924 -	Vacant
1930 -	Thomas Motor Company
1937 -	Rollins Electric and Welding
1937 - 1965	Morris Friedman
1965 - 2017	Numerous businesses
2018 -	Red Moon Properties LLC purchases building

The Future

2019 -	Archaeological activities
2020 -	Reconstruction of building



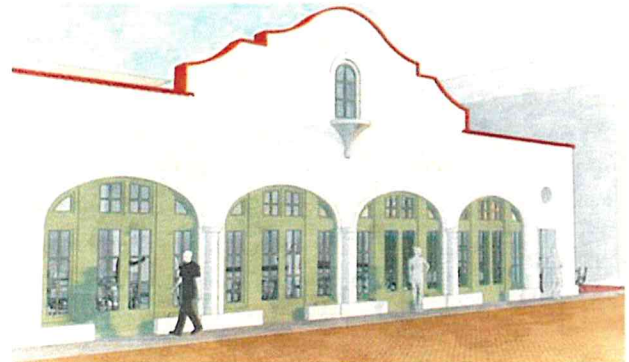
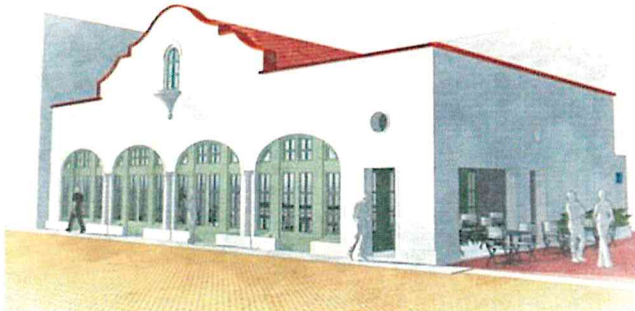
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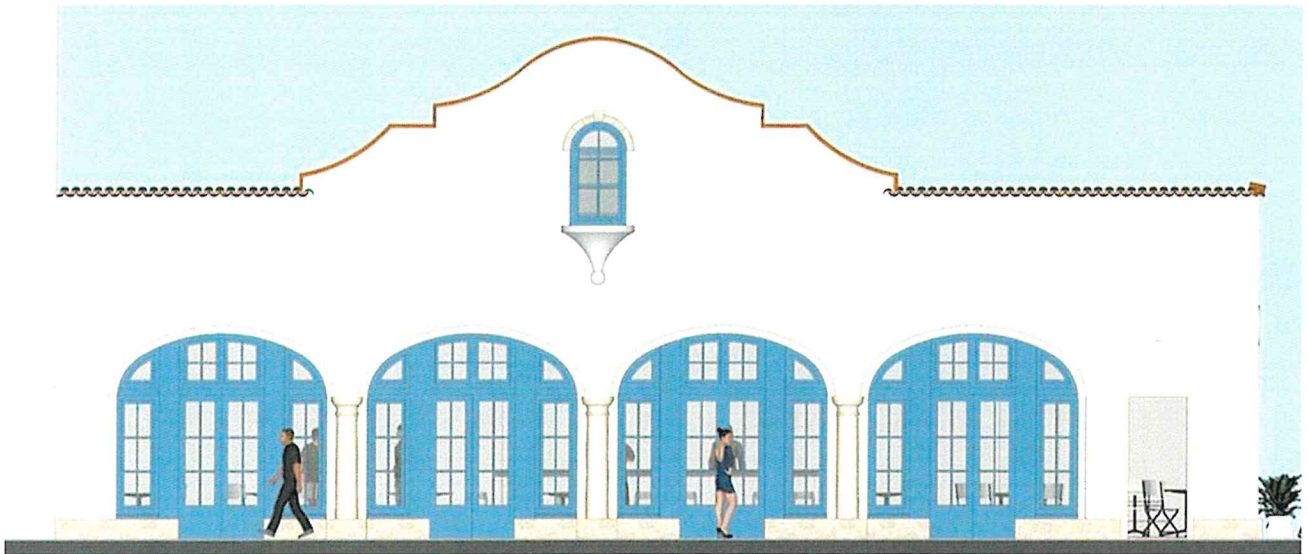
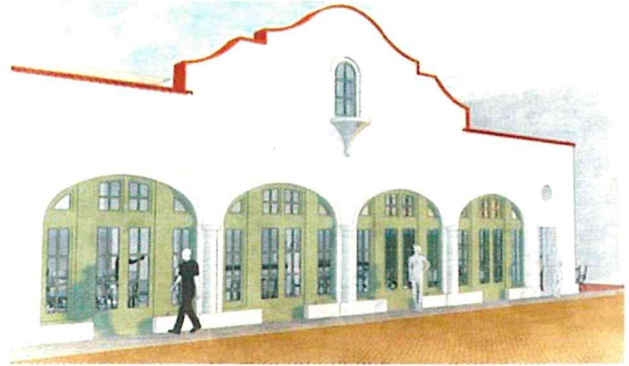
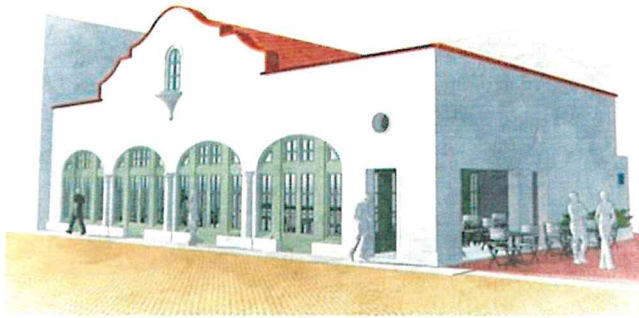
Renderings



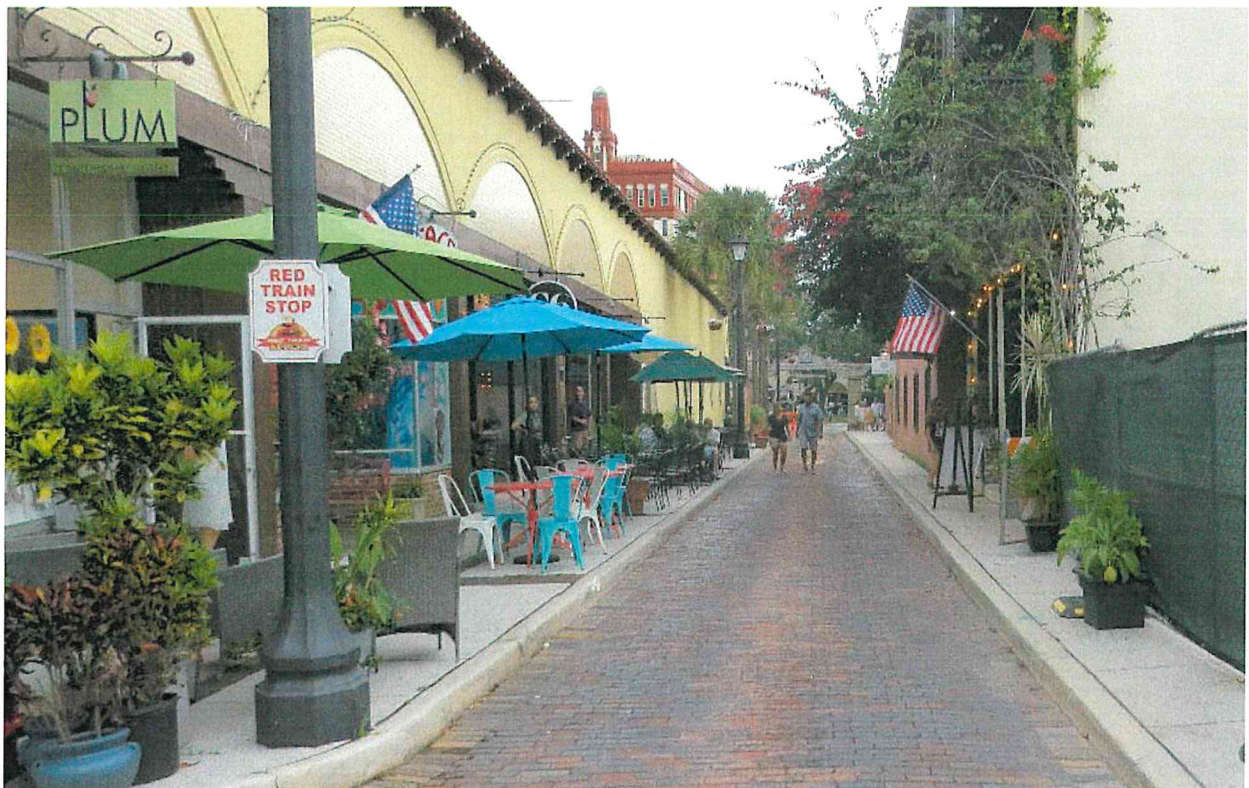
9 AVILES STREET

EVENT VENUE IN ST AUGUSTINE AT THE NEWLY
RECONSTRUCTED 1911 SPANISH MISSION









CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: **Other Business Item 6(b)**

Discussion of LDC Sec. 28-160 “Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2)” and proposed amendment to minimum 5/12 roof pitch requirement.

At the August 4, 2020 Planning and Zoning Board (PZB) meeting a conversation was initiated to discuss removing the 5/12 roof pitch requirement in the code. This memorandum is intended to follow the discussion regarding the roof pitch requirement currently in the Zoning Code for nonconforming lots in the zoning districts RS-1 and RS-2.

The current code requirement in Chapter 28 Zoning Code is (*emphasis added*):

Sec. 28-160. - Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

Notwithstanding any other provisions of this division 3, the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1 and RS-2) on a non-conforming lot of record *shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12, with dormers limited to twenty (20) percent of the eave length per side.* For the proposed structures subject to this provision, the maximum lot coverage shall be twenty-nine (29) percent in RS-1 and thirty-five (35) percent in RS-2.

The current lot standards for RS-1 and RS-2 in Chapter 28 Zoning Code are (*emphasis added*):

Sec. 28-161. - Residential, single-family-one: RS-1.

...

(4) *Minimum lot requirements (width and area):*

a. *Minimum lot width, seventy-five (75) feet.*

b. *Minimum lot area, one-quarter acre (10,890 square feet).*

(5) *Maximum lot coverage by all buildings and structures.* Twenty-five (25) percent.

(6) *Minimum yard requirements:*

a. Front, twenty (20) feet minimum.

b. Side, fifteen (15) feet minimum.

c. Rear, twenty (20) feet minimum.

(7) *Maximum height of structures.* Thirty-five (35) feet.

Sec. 28-162. - Residential, single-family-two: RS-2.

...

(4) *Minimum lot requirements (width and area):*

a. *Minimum lot width, fifty (50) feet.*

b. *Minimum lot area, one-eighth acre (5,450 square feet).*

(5) *Maximum lot coverage by all buildings:*

a. Thirty (30) percent.

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures:*

a. Thirty-five (35) feet.

These are the standards in the code that are considered “conforming” lot sizes for these zoning districts. If an existing platted lot does not meet these size standards for lot area and/or width, in other words if it is smaller in one or both of these standards the lot is considered “nonconforming” by definition and is then regulated or limited by the height restrictions outlined in **Sec. 28-160**.

The code definition of lot is (*emphasis added*):

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required, provided that certain nonconforming lots of record ("non-conforming lots of record"), at the effective date of this chapter (April 29, 1975), or any amendment to the zoning atlas of the city increasing the dimensional requirements of lots within the zoning district in which the lots are located, are exempted from certain of its provisions under the terms of this chapter (see [section 28-119](#)). Such lot shall have frontage on a public or private street and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter. As of the effective date of this article [Ord. 07-01, effective date 07-22-2007], any two or more nonconforming lots of record located in single-family residential districts RS-1 and RS-2 on which a residential or commercial structure exists, excluding accessory structures as defined by [section 28-348](#) of this Code, are considered combined and may not thereafter be divided into nonconforming lots by the removal or destruction of the structure or any portion thereof by any means whatsoever. Such lots, however, may be replatted so long as the replatted lots conform to the requirements of this chapter.

The City Zoning Code also recognized the potential existence of nonconforming lots when the original zoning code was adopted in April 1975, and allowed for considerations to be made as specifically outlined below in the Nonconforming section of the code.

Sec. 28-119. - Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

- (1) A single-family dwelling may be constructed on any such lot, lots or portion of a lot or lots which are located in a district where such use is permitted or permitted by exception.
- (2) A multiple-family dwelling containing not more than two (2) dwelling units may be constructed on any lot or lots which are not less than fifty (50) feet in width, not less than five thousand (5,000) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (3) A multiple-family dwelling containing not more than four (4) dwelling units may be constructed on any such lot or lots which are not less than fifty (50) feet in width, not less than seventy-five hundred (7500) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (4) An existing single-family dwelling constructed prior to the effective date of this chapter on a nonconforming lot of record may be converted to a duplex or to accessory apartments on any such lot or lots which are not less than fifty (50) feet in width, not less than five thousand (5,000) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (5) The minimum lot width requirement shall be waived by the planning and building department if the overall square footage of the nonconforming lot of record is above the minimum required for each multiple-family dwelling within the project. The intent of this section is to give the developer some flexibility in the total site plan. This section shall not apply to conforming lots of record, as described in [section 28-2](#).
- (6) The above uses are also subject to the following:
 - a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.
 - b. On a corner lot, the exterior yard adjoining the secondary street shall be considered a side yard but the width of the side yard shall not be less than eight (8) feet.
 - c. The front yard shall meet the requirements of the district where such use is permitted or permitted by exception unless the lot is subject to one (1) of the conditions as specifically modified elsewhere herein (see "yard, front," section [28-2](#)).

In 2005 the City became concerned about development pressures, demolitions and infill development on existing platted lots that would potentially lead to changing the more open character of some of the city's neighborhoods, mainly Davis Shores. Eventually an ordinance(s) was passed to maintain existing combined lots even if the structure was demolished (See included definition of lot) and the specific height limits with the roof pitch, but allowing higher lot coverage percentages in RS-1 and RS-2 zoning districts as outlined above in **Sec. 28-160** were established.

Over time and after the experiences of hurricanes Matthew and Irma height and how height it is measured in the City has become more of an issue related to lifting houses and new construction.

The definition of height in Chapter 28 Zoning Code is, as well as, the Section that allows for modifications are included below (*emphasis added*):

Height, building, means the vertical distance measured from the mandatory freeboard requirement of one (1) foot above the base flood elevation as determined by the Federal Emergency Management Agency to the top of the highest point of the roof or parapet, exclusive of chimneys or other building accessories or ornamental features, for buildings constructed within known flood zones and delineated on the Federal Emergency Management Agency Insurance Rate Map; provided, however, that in instances of buildings outside of such known flood zones, vertical distance shall be measured from the average contact ground level at the front wall of the building.

Sec. 28-332. - Modification and height regulations.

The height limitations contained in article III, district regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; provided, however, *that notwithstanding the permitted maximum height limitations allowed in the various zoning districts, no structure (including appurtenances and structures normally erected above roof level) shall be erected to a height above adjacent ground level exceeding the most restrictive of the following:*

- (1) Fifty-five (55) feet; or*
- (2) Elevations as may be prescribed by the Federal Aviation Administration; or*
- (3) Elevations as may be prescribed by the State of Florida unless the applicable permit has been issued.*

The City does not have an estimation of how many nonconforming lots exist, but there are many. Most of the older areas of the City were platted before 1975. In the Housing Element of the Comprehensive Plan it is noted that 31% of the City's housing stock was built before 1939 and 56% of the housing stock in total was built before 1970.

Included for your review are graphics that illustrate roof pitch, and a sketch provided by Board Member Sarah Ryan illustrating two (2) options for height measured without a roof pitch requirement.

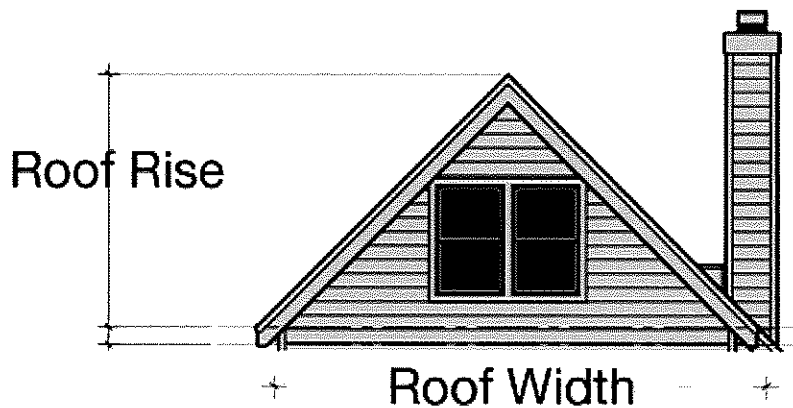
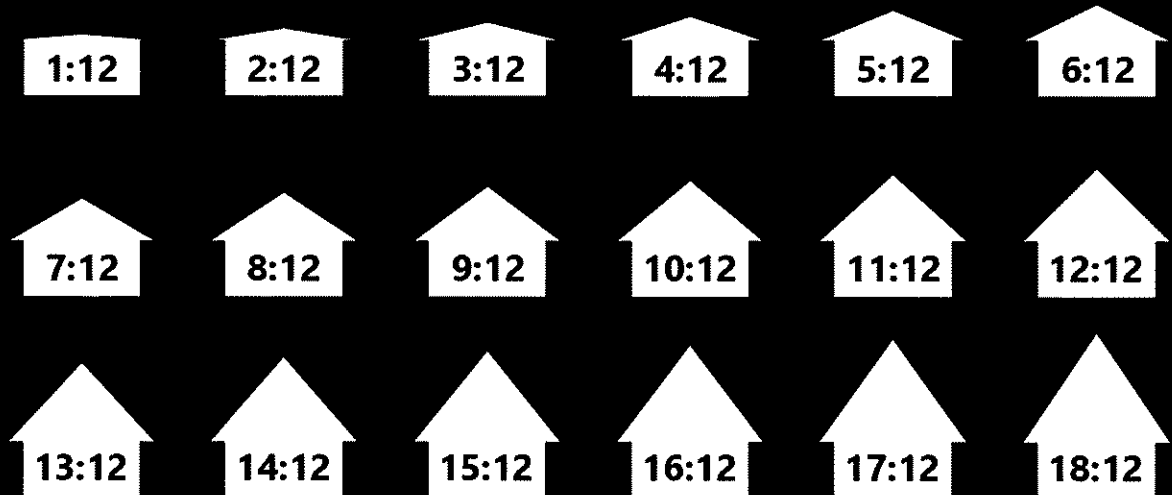
Staff would like the PZB to discuss this matter and provide direction regarding any potential change to the Zoning Code.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com.

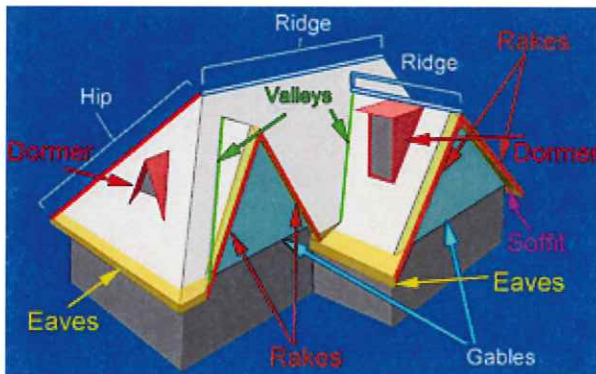
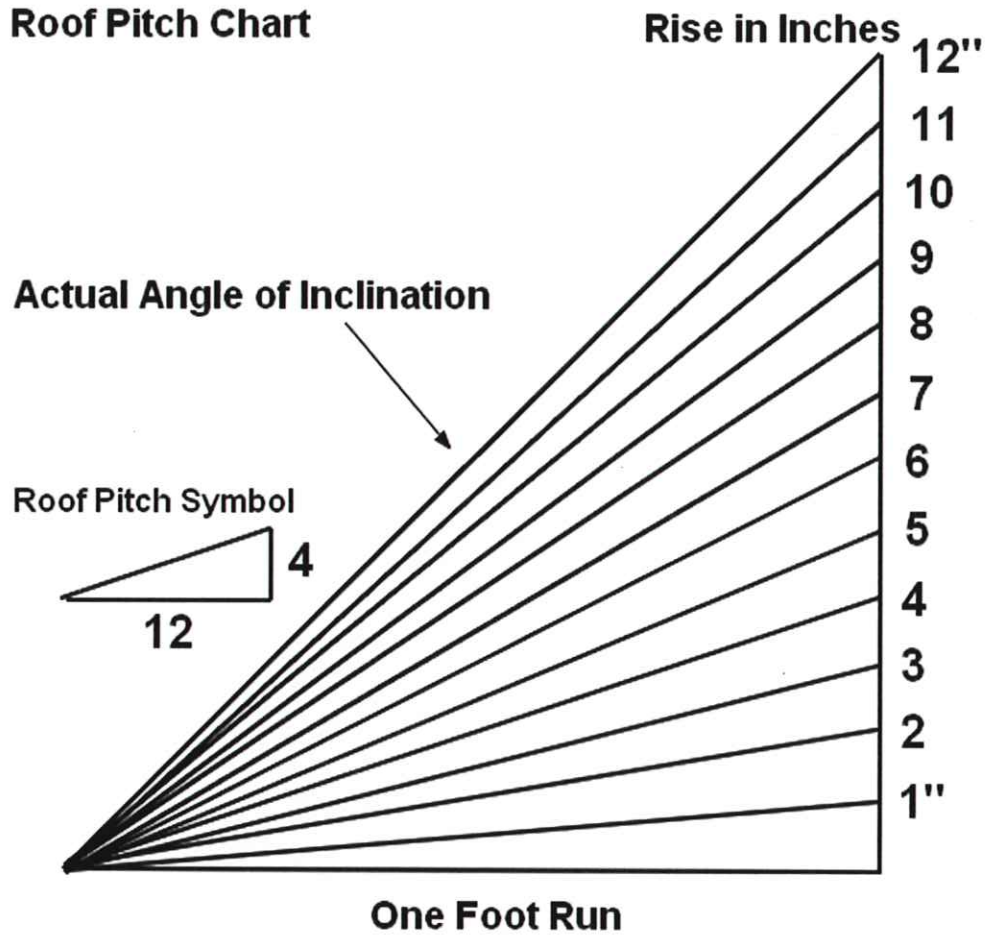


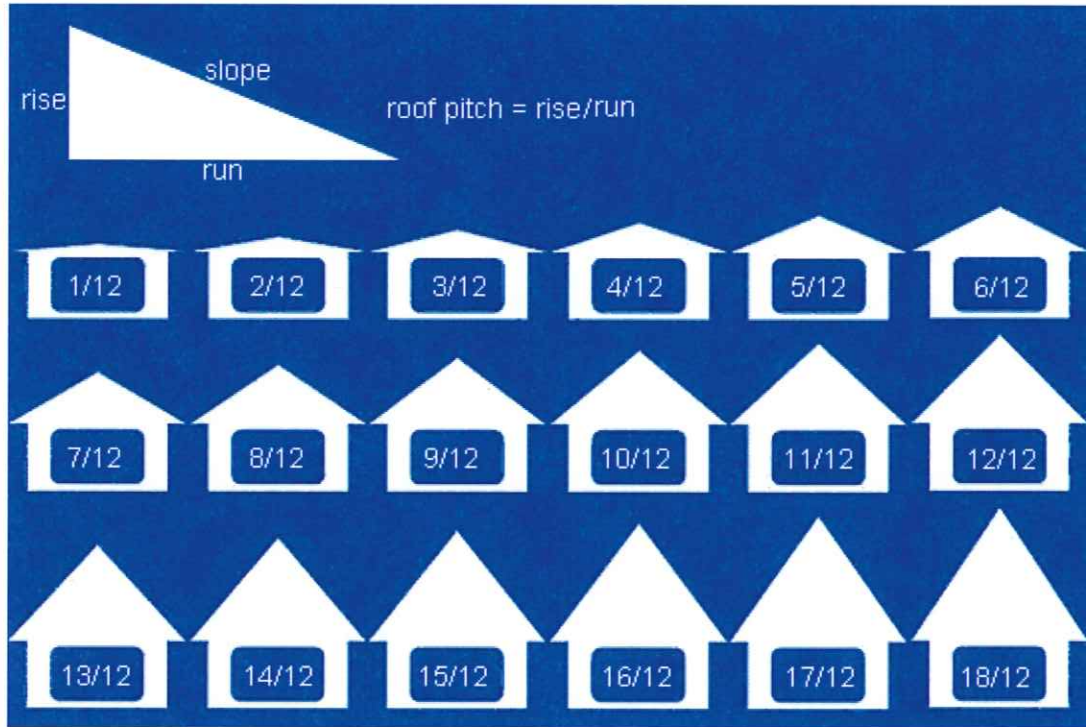
Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

STANDARD ROOF PITCHES



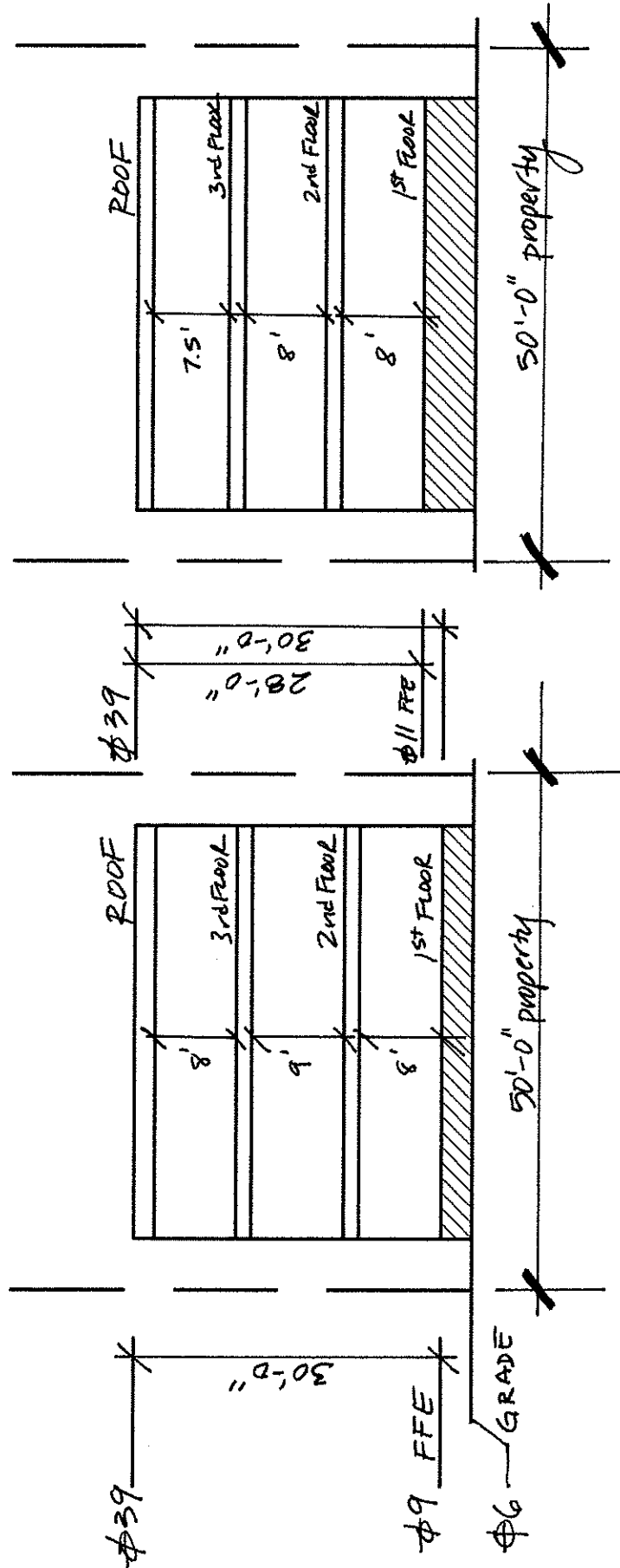
Roof Pitch Chart





Key:
 BFE: Base Flood Elevation
 FFE: Finished Flood Elevation

Sketch to remove 5:12^{roof}
 Slope from non-conforming
 RS.1 + RS.2



OPTION 1 (SECTION)

Remove 5:12 - no conditions
 BFE + 1'

OPTION 2 (SECTION)

Remove 5:12 - incentive
 BFE + 2' min.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 1, 2020

RE: Amending the Boundaries of Commercial Sign Zone 4 to Include 5 and 10 Prawn Street

Attached is a request from James Whitehouse, Esq. of St. Johns Law Group to amend the boundaries of commercial sign zone 4 to include the property at 10 Prawn Street, which is a Hilton Homewood Suites (under construction). The property directly adjacent to the north, at 5 Prawn Street, is a Marriott Hotel which is under review for permitting and the plans for this hotel also indicate signage which would require a boundary change to Commercial Sign Zone 4.

Commercial Sign Zone 4 allows for wall signs to be placed above the ground floor of a structure. The properties at 5 and 10 Prawn Street are currently in Commercial Sign Zone 1, which does not allow wall signs above the ground floor. Both the Hilton Hotel at 10 Prawn Street and Marriott Hotel at 5 Prawn Street have submitted plans which show wall signs on the top floor of their hotels, but they can not obtain a sign permit for these signs unless the boundaries of Commercial Sign Zone 4 are amended to include these properties. The current boundaries of Commercial Sign Zone 4 are to the northeast of these properties and they include the Flagler College Dormitories on Malaga Street and the City Fire Station on Malaga Street.

Changing the boundaries of Commercial Sign Zone 4 is a change to the city's land development code. Amendments to the city's land development code can only be initiated by a City Commissioner or a member of the city's Planning and Zoning Board. If this code amendment is sponsored, an ordinance to amend the sign code will be produced by city staff and reviewed by the city's Planning and Zoning Board. The Planning and Zoning Board will make a formal recommendation to the City Commission and the ordinance will be scheduled for consideration by the City Commission.

On July 27, the City Commission considered sponsorship of this code amendment and requested a staff report at the August 10 City Commission meeting.

On August 10, 2020, the City Commission remanded this proposed code amendment to the Planning and Zoning Board for review and a formal recommendation by the board. The City Commission, in remanding this matter to the Planning and Zoning Board, wished to express to the board that they did not endorse nor did they oppose this potential code amendment.

David Birchim, AICP
Director, Planning and Building

DIVISION 3. - COMMERCIAL ZONES^[4].

Sec. 3-66. - Commercial zone signs.

(a) *Commercial Zone 1.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.
- p. Affiliation.
- q. Menu board.
- r. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.
- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.

- n. Illuminated, flashing electrical.
- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	100
50—100 feet	4	150
Over 100 feet	5	200

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than eighty (80) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.
- (5) In addition to the above, businesses immediately abutting the San Sebastian River southerly of Bravo Street, are permitted one (1) business identification sign, a maximum size of one hundred forty (140) square feet, to be oriented toward the river.

(d) *Commercial Zone 4.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall signs, except that within this zone the sign may be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.
- p. Affiliation.
- q. Menu board.
- r. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.
- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.
- n. Illuminated, flashing electrical.

- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	100
50—100 feet	4	150
Over 100 feet	5	250

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred ten (110) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.
- (e) *Multiple frontage lots.* One (1) additional sign and an additional ten (10) percent of total square footage is allowed if the structure or use is located on multiple street frontages.
- (f) *Multi-occupancy complex.* The owner or agent shall designate primary and secondary frontages. Signage on a secondary frontage shall only include identification of the complex with one (1) ground-mounted sign not exceeding twenty-four (24) square feet on each secondary frontage.

Summary of Power Point Presentation

Slide 1 – Introduction

Slide 2 – Description of the issue that promulgated this code amendment. There are 2 hotels, one under construction and one under review for permitting, both of which are in commercial sign zone 1, which does not allow wall signs above the ground floor of a structure. Both hotels would like to install wall signs on the 4th floor (5th level) of their respective buildings. In order to do this, their properties must be changed from Commercial Sign Zone 1 to Commercial Sign Zone 4, which is nearby.

Slide 3 – Graph showing current Sign Zone 4 boundaries.

Slide 4 – Picture of Flagler College Dormitories with wall signs on their buildings in Sign Zone 4

Slide 5 – Proposed Sign Zone 4 boundaries as requested from James Whitehouse. This includes the current boundaries of the Flagler College Dormitories and the City Fire Station as well as adding the boundaries of 10 Prawn Street.

Slide 6 – Picture of 10 Prawn Street taken from the intersection of King Street and Prawn Street.

Slide 7 – Site Development Plan for 5 Prawn Street (Marriott Hotel) and 10 Prawn Street (Hilton Hotel).

Slide 8 – East Elevation of Hilton Hotel showing sign on 4th floor (view from the San Sebastian River) and North Elevation of Hilton Hotel showing sign on 4th floor (view from King Street)

Slide 9 – West Elevation of Hilton Hotel showing sign on 4th floor (view from South Ponce de Leon Boulevard)

Slide 10 – Aerial photo of entire area

Slide 11 – Site plan of 5 Prawn Street (at intersection of King Street and Prawn Street) and North Elevation of Marriott Hotel showing sign on 4th floor (view from King Street)

Slide 12 – Total number of signs, total square footage and maximum sign size for 5 and 10 Prawn Street if these properties were included in Commercial Sign Zone 4

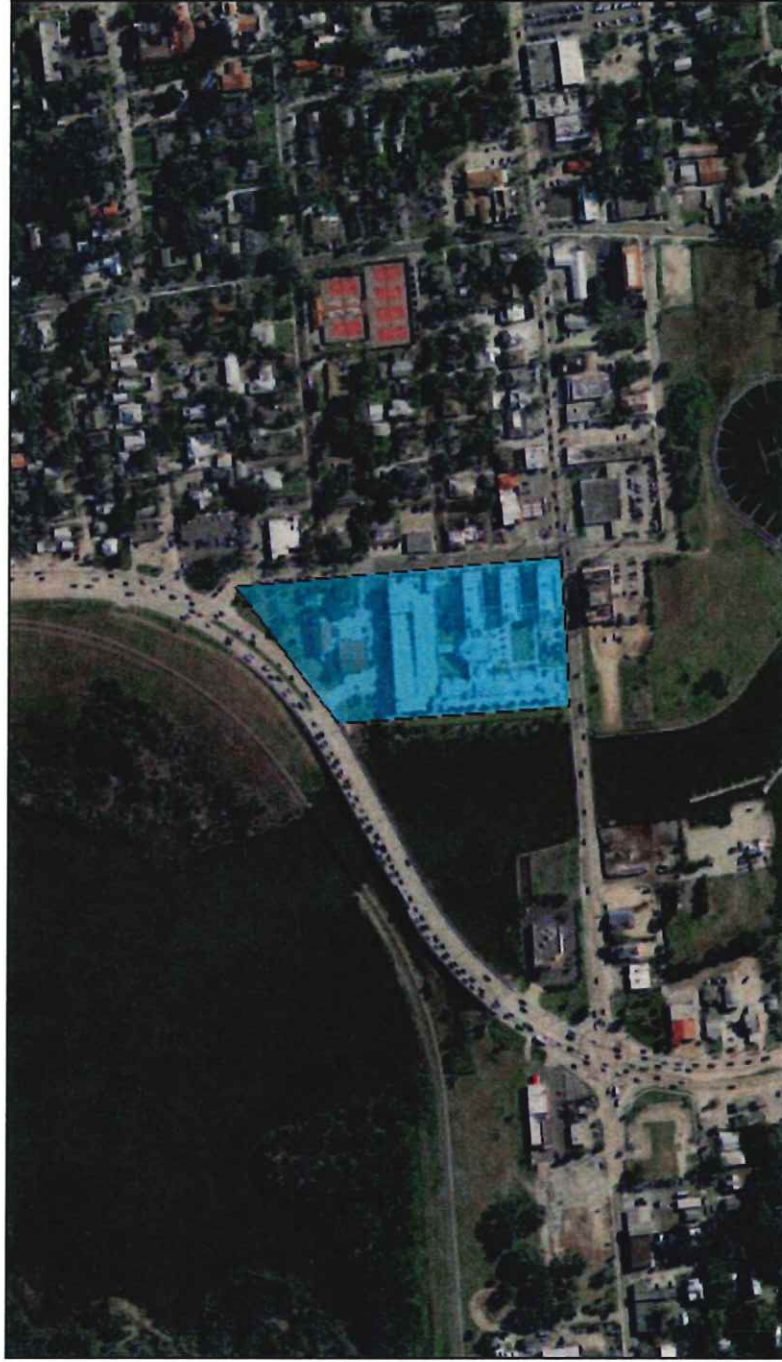
Amending Boundaries of Sign Zone 4

- City of St. Augustine
- City Commission
- August 10, 2020

The Issue

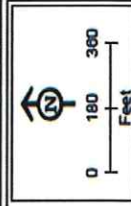
- Sec. 3-23. - Sign regulations generally.
- Location on a structure. No wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof. Signs consistent with the Anastasia Boulevard Design Standards may be installed above the ground floor.
- *Commercial Zone 4.*
- Wall signs, **except that within this zone the sign may be located above the ground floor** so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.²

SIGN ZONE 4 FLAGLER COLLEGE DORMITORIES (ABARE HALL)/CITY FIRE STATION



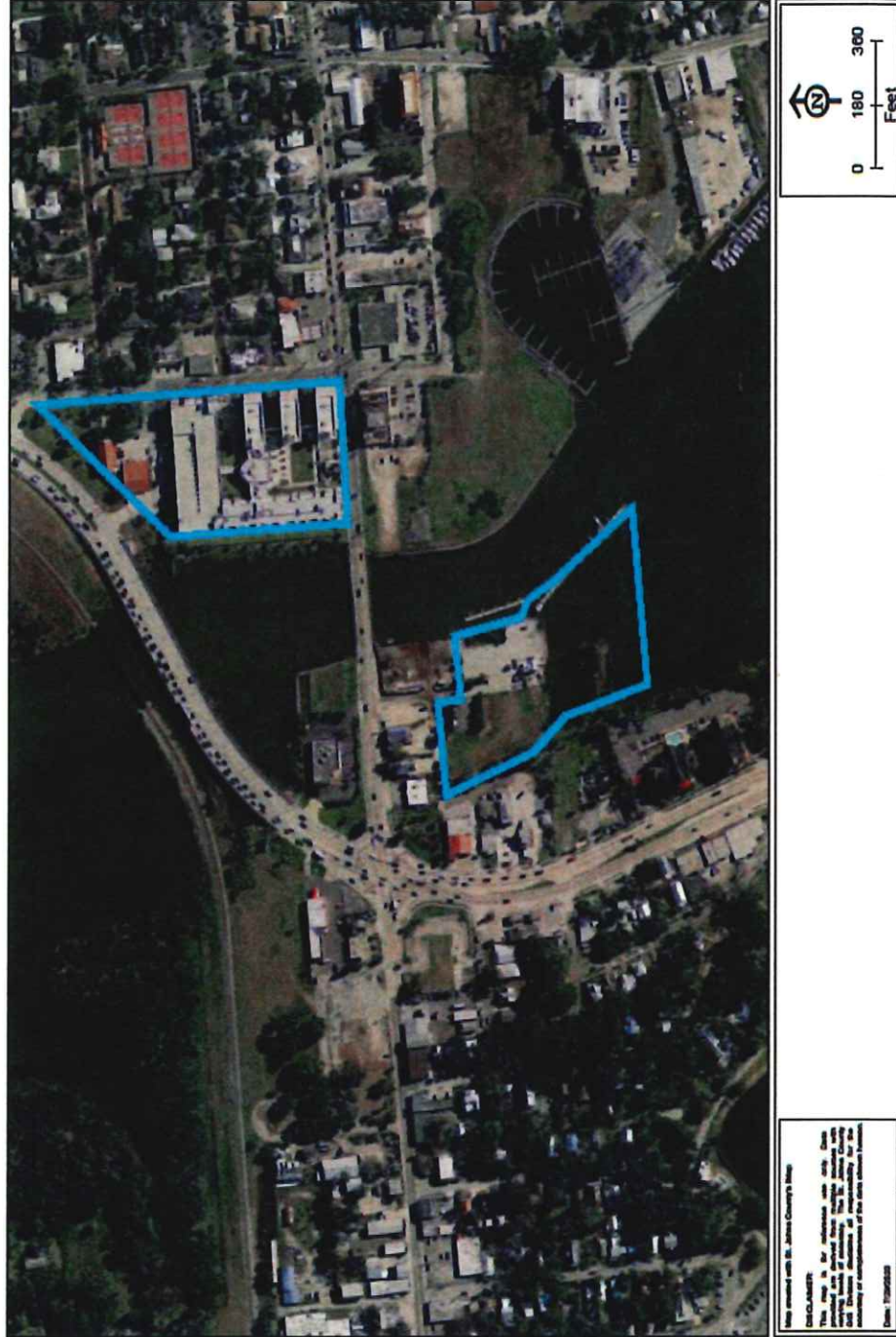
Map prepared with St. Johns County's Map
 DISCLAIMER:
 This map is for informational use only. It
 does not constitute a warranty of any kind, and
 the County is not responsible for any errors or
 omissions. The County is not responsible for
 any damages or losses resulting from the use
 of this map.

June 1998/2008

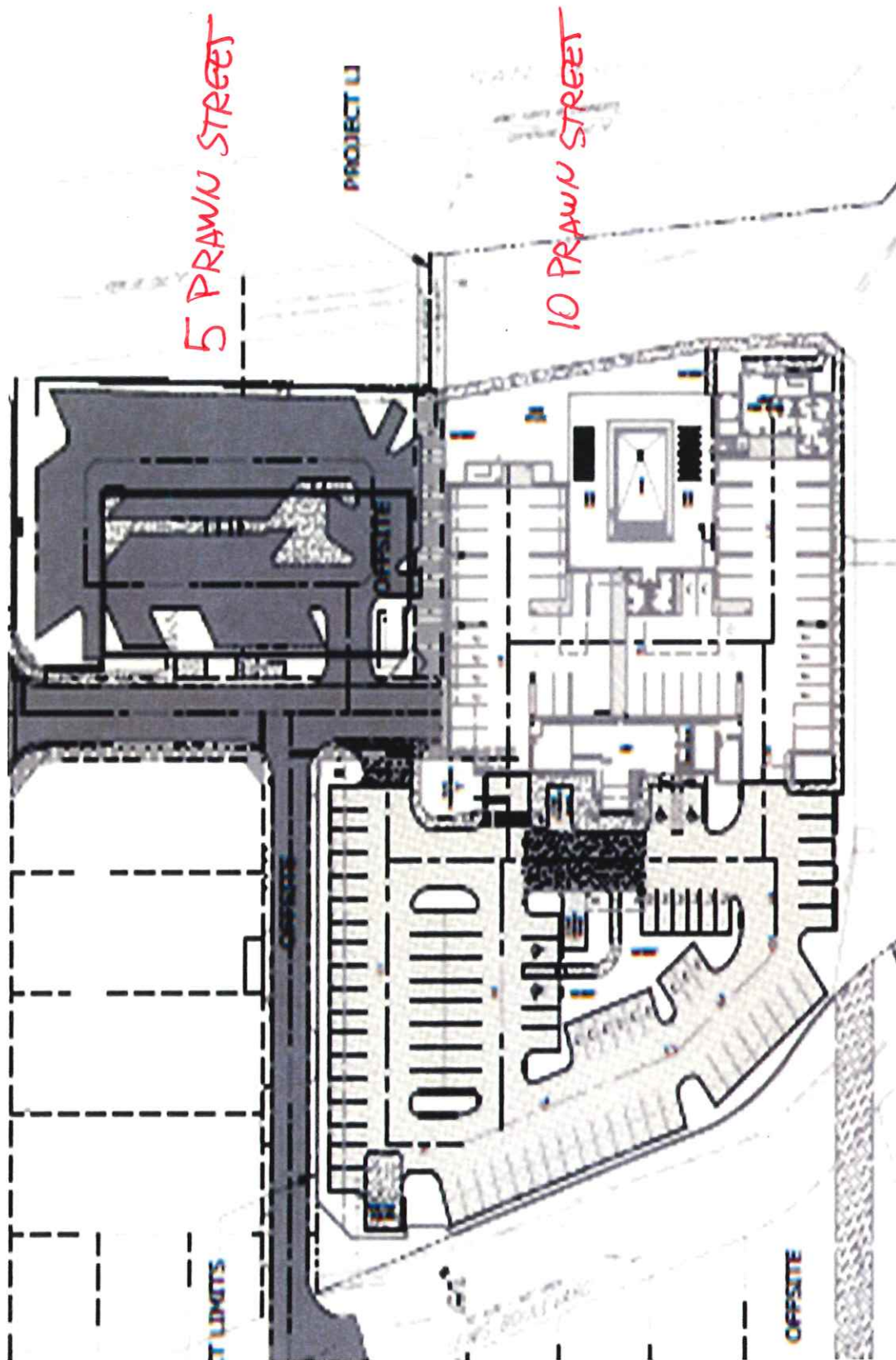


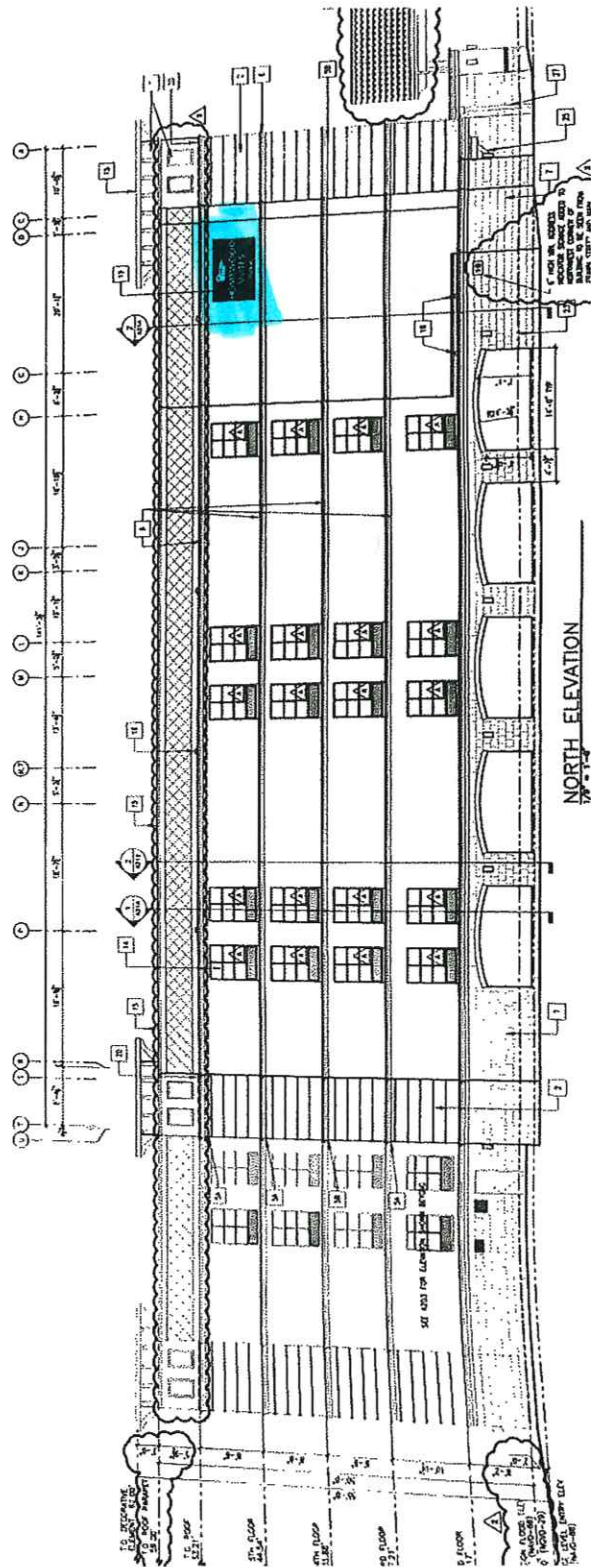
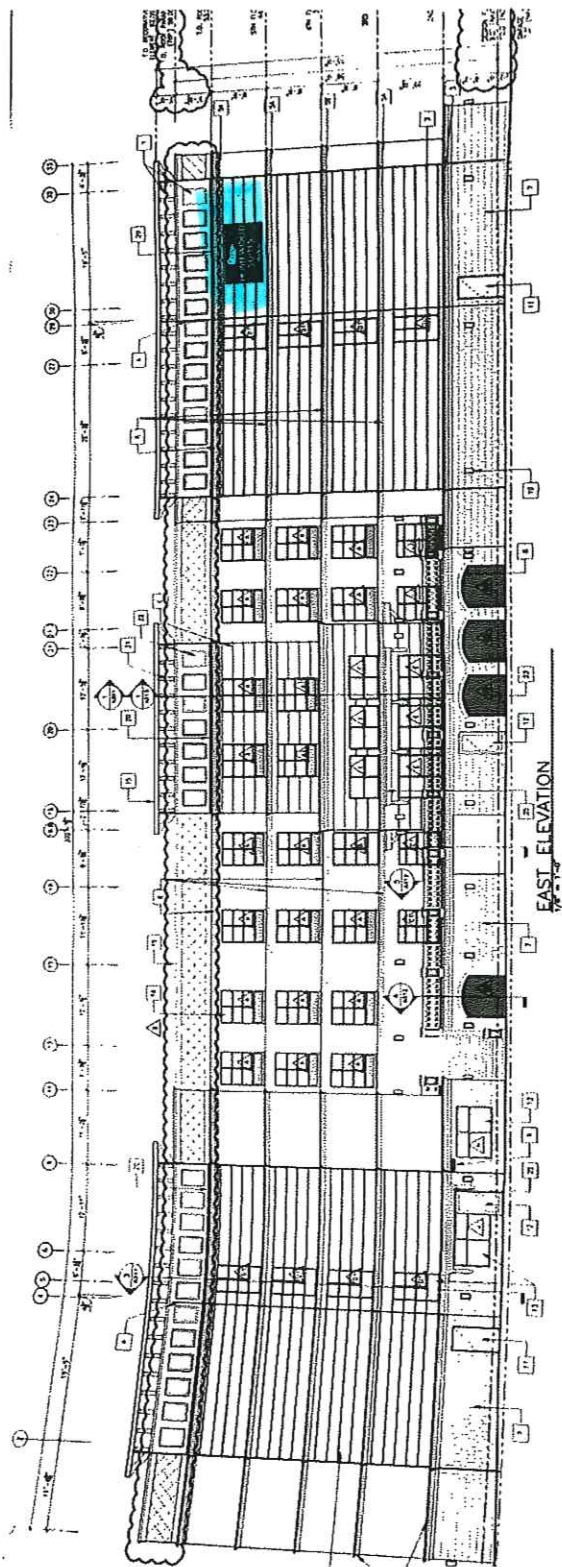


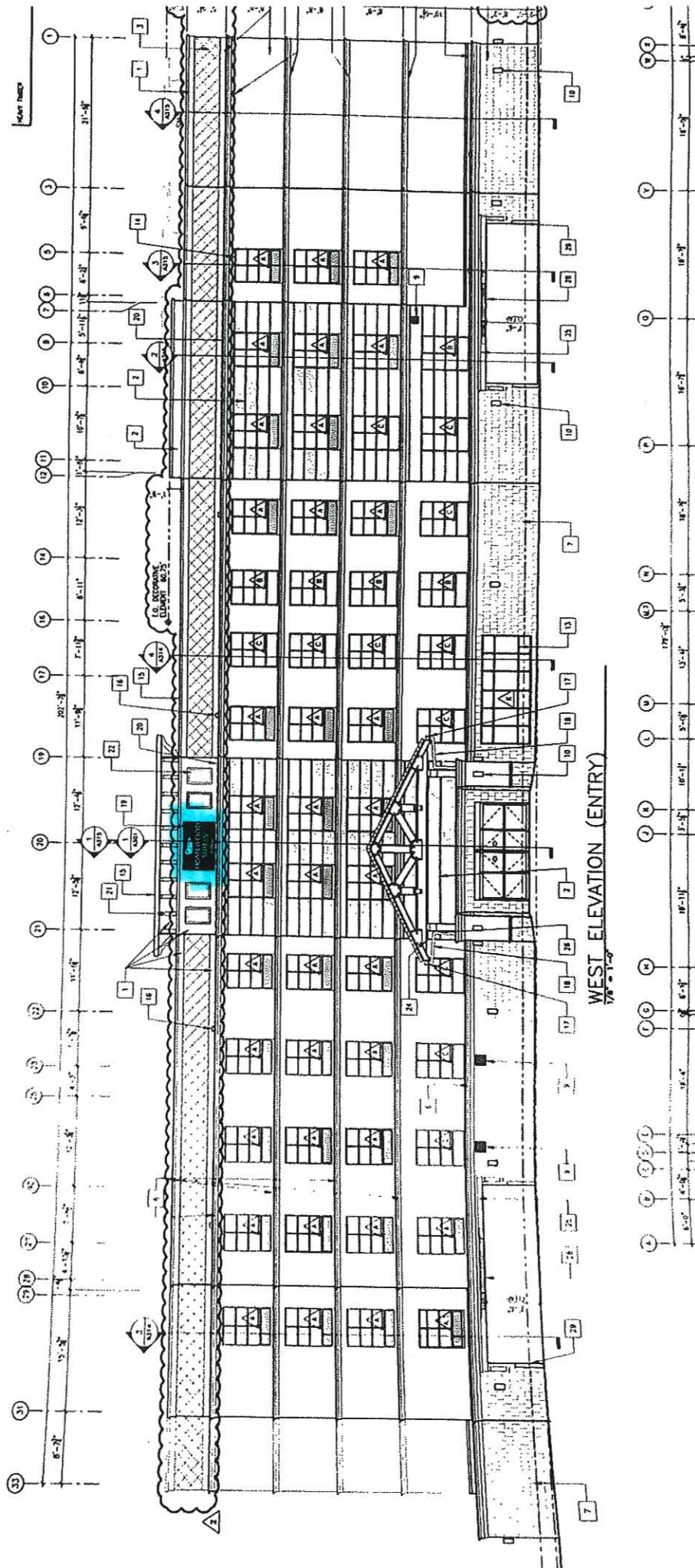
PROPOSED SIGN ZONE 4 – FLAGLER COLLEGE DORMS, CITY FIRE STATION AND
HILTON HOTEL AT 10 PRAWN STREET (which is currently in sign zone 1)

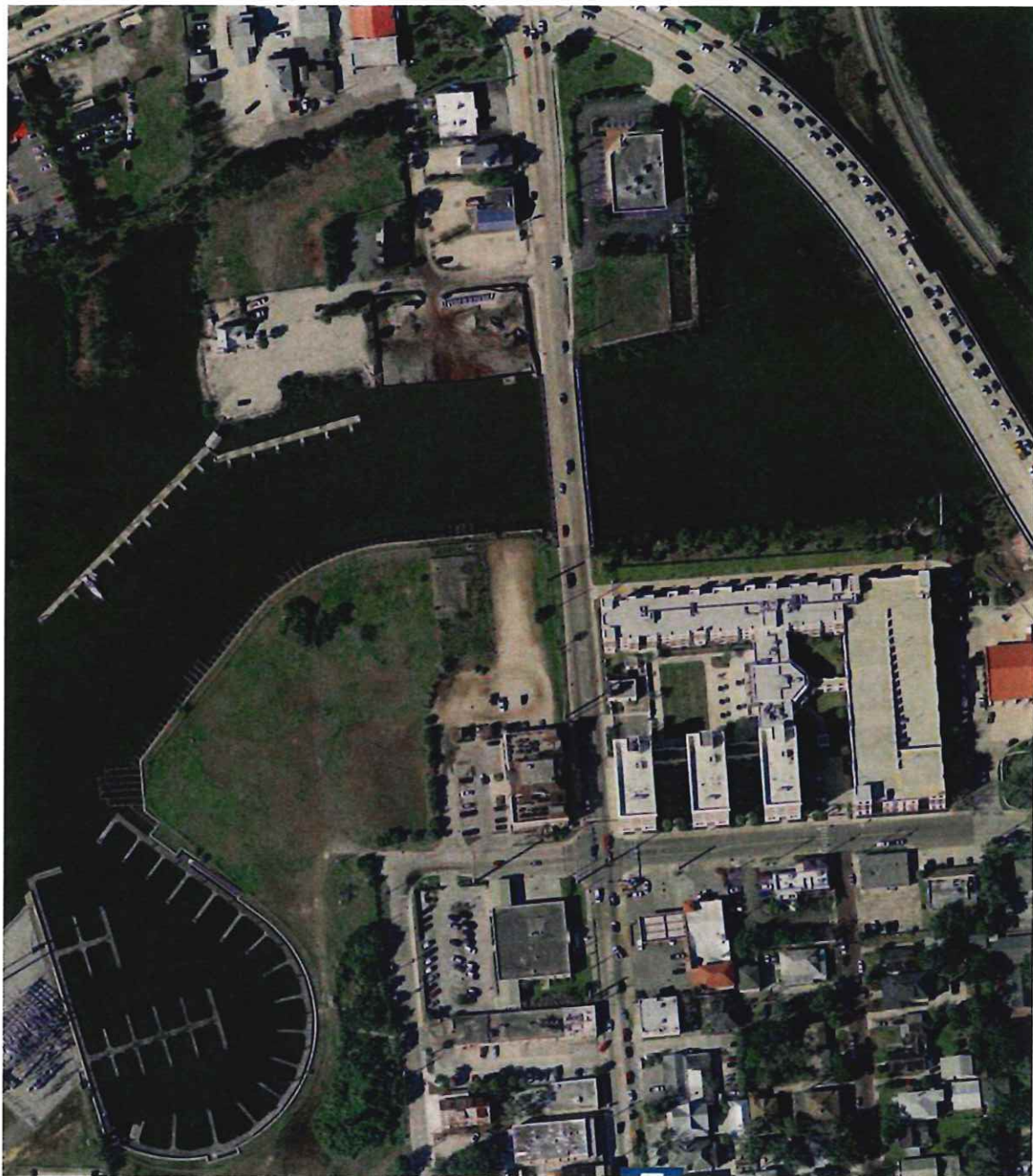






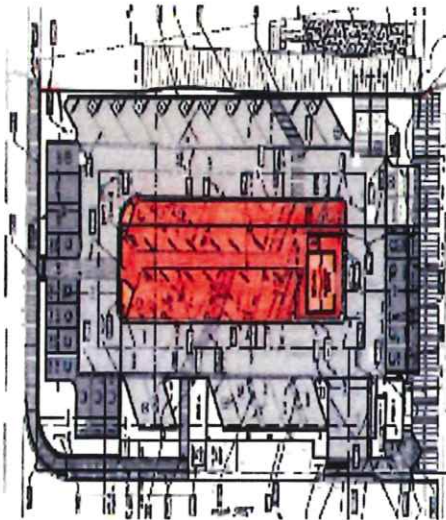




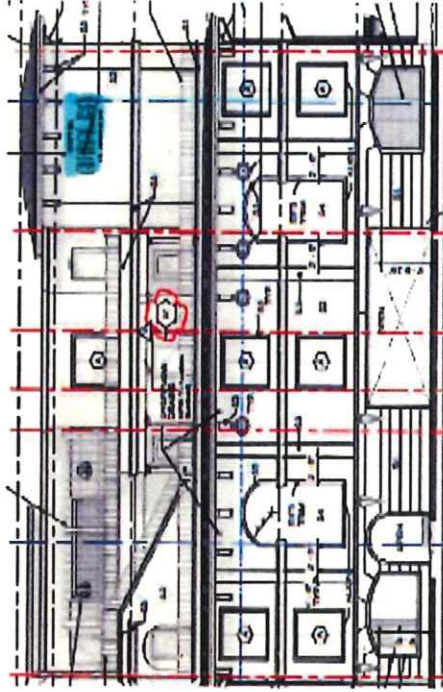


5 Prawn Street
Marriott Hotel

Site Plan



North Elevation



5 & 10 Prawn St. Allowable Signs (in Zone 4)

- Total of 6 signs (for each hotel)
- Total of 275 square feet for all signage (for each hotel)
- Max size for any one sign is 110 square feet

REQUEST TO AMEND SIGN CODE ORDINANCE

TO ADD APPROVED COMMERCIAL PROPERTY TO COMMERCIAL SIGN ZONE 4

(10 PRAWN STREET)



James G. Whitehouse, Esq.
Board Certified Expert in City, County and Local Government Law
St. Johns Law Group
www.sjlawgroup.com
(904) 495-0400
Representative for the Applicant

REQUEST TO AMEND SIGN CODE ORDINANCE

**TO ADD UNIQUELY LOCATED, BUT OBSCURED PRAWN STREET - SAN SEBASTIAN
COMMERCIAL PROPERTY TO COMMERCIAL SIGN ZONE 4**

(10 PRAWN STREET)

The applicant requests that their property be designated for Commercial Sign Zone 4 under the City's Sign Code (Ordinance No. 96-05). The City's Sign Code has been amended previously to add the Flagler buildings, located adjacent to Malaga Street and King Street, to Commercial Sign Zone 4, as well. The applicant's property is located in the same area as the Flagler buildings, diagonally across the San Sebastian River, and their location fits well and reasonably within this previously established Commercial Sign Zone 4. Specifically, the applicant's property is uniquely located at the end of Prawn Street (see attached aerial and diagrams), but it is unfortunately obscured from both the King Street and US-1 corridors due to the Mixed-Use Land Use and RGO Zoning District's configuration in that area. Moreover, they have limited to no access to appropriate identification of their commercial property under their current Sign Code categorization and their location makes their property a perfect fit for the established Sign Zone category of Commercial Zone 4, which inevitably allows them to have reasonable and appropriate signage on their building for commercial identification.

The method by which this appropriate revision is achieved would be through an amendment to the City's Sign Code Ordinance (Ord. No. 96-05). As was achieved when the Flagler buildings were added in 1996, the ordinance would be amended to merely add the description of this property to the Sign Zone definitions in Section 3-22 of the Code of the City of St. Augustine. The added description would be added to "(4) *Commercial Zone 4*" under "*Sign zones*"; thus, updating the code to include this property in Commercial Zone 4 in addition to the description of the area north and west of them that currently encompasses Commercial Zone 4 (see attached sign zone maps).

As you know, this high-class Homewood Suites by Hilton hotel, currently being completed at 10 Prawn Street, was previously approved by your Planning and Zoning board based upon the fact that it is located in a manner to drastically reduce the impact that the siting of a building on these lots could have on any vistas in this area. The building is located behind the approved hotel to the north, so there is limited or no additional infringements on the scenic vistas from King Street. Further, this property's location (nestled far behind and downhill from the properties that front on US-1 including the approved and built Trypp Hotel) and the fact that Lewis Blvd. remains unopened, both already place a number of visual barriers to any vista of the approved San Sebastian project to the east. Further, the applicant agreed to provide the public with an otherwise inaccessible view of these vistas by constructing a promenade/boardwalk area along the waterfront that is intended to connect to the northerly hotel waterfront and then wind around this property adjacent to the approved bulkhead, connect to the marina dock and then all the way around to the already approved walkway which will provide brilliant scenic views of the waterway and marshlands. As stated when approved, the applicant's intent was and is to provide this promenade/boardwalk and walkway to afford unparalleled scenic views of the waterway and marshlands and to connect to a provision of the same to the north, which in turn will connect to the King Street bridge and then across to the easterly bank where the promenade/boardwalk

is proposed to wind around in front of the San Sebastian project; thus, hopefully providing a continual scenic experience of this waterway to the public and those utilizing the hotels, the marina and the amenities proposed in the San Sebastian Project. Additionally, the applicant intends to operate the marina in a fashion that will provide public access to the waterways through rentals, water taxis across the San Sebastian, as well as docking for those wishing to access the west bank, hotels, restaurants, etc.

In sum, unfortunately upon previous approval, the applicant thought that the project was allowed to have the signs as located and depicted on the proposed project's diagrams and renderings that were approved; however, now learning that their uniquely-located, yet unfortunately-obscured property is actually located in Commercial Zone 1, they are here asking for your help in gaining the above-described, reasonable amendment to the Code as outlined to allow for reasonably visible commercial signage for this new high-class Homewood Suites by Hilton hotel, which consists of one building, meeting all of the city codes and regulations, including tree preservation, landscaping and parking. As aforementioned, the city has previously approved a similar amendment to the Sign Code Ordinance for the Flagler buildings, located diagonal to this property across the San Sebastian River. The configuration of only one building instead of two and the proposed location was approved because it drastically reduces any required lot coverage and any additional concerns with infringements upon the scenic vistas; however, the unique, but obscured location of the property requires the allowances of Sign Code, Commercial Zone 4. Moreover, the current proposal to amend the Sign Code Ordinance (Ordinance No. 96-05) is both appropriate and reasonable given the details outlined above and apparent in the diagrams and pictures attached, and it is very similar to the previously approved amendment for the adjacent Flagler buildings. Further, this request is fully consistent with the city's Comprehensive Plan and zoning codes for these properties; thus, the amendment, as proposed (also, see attached), will indeed allow this new commercial project to fit into the area very well and the current proposal will help the applicant to have appropriate and reasonable commercial signage and in turn, will allow the city to meet their objectives of providing a high class, economically viable project for both the applicant and the historic city, while also furthering the goals and objectives of the City's comprehensive plan in providing public access to the waterways and promoting otherwise inaccessible public access to the scenic vistas of the adjacent river and marshlands.

Thank you for your consideration of introducing this matter as quickly as possible for review by the full city commission in proposed ordinance form and for continuing to support commercial uses in their appropriate commercial areas.

I am available for any questions, comments or to provide any additional information, as needed, at any time.



James G. Whitehouse, Esq.
Board Certified Expert in City, County and Local Government Law
St. Johns Law Group
www.sjlawgroup.com
(904) 495-0400
Representative for the Applicant

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 3, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO ADVERTISING AND SIGNS; AMENDING SECTION 3-22, DEFINITIONS; AMENDING THE DEFINITION OF COMMERCIAL ZONE 4; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, commercial structures are being developed in Commercial Sign Zone 1 which does not allow wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof; and

WHEREAS, Commercial Sign Zone 4 allows for signs to be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.

WHEREAS, on September 1, 2020, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, made recommendation to the City Commission for the amendment of Chapter 3, Advertising and Signs, expanding the boundary of Commercial Zone 4; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following sections be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 3, Article II, Section 3-22. Chapter 3, Article II, Section 3-22 of the Code of the City of St. Augustine is hereby amended to read as follows:

“Sec. 3-22. Definitions.

(...)

Sign zones means

(...)

- (4) *Commercial Zone 4.* All commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River, as well as lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)