



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, October 6, 2020 at 2:00 p.m.

HEALTH AND SAFETY PROTOCOLS FOR IN-PERSON PUBLIC MEETINGS AND HEARINGS

Pursuant to Resolution 2020-21, the City Manager is designated and authorized to implement all Health and Safety Protocols deemed necessary or recommended under the authority granted in Resolution 2020-10.

Based upon the current CDC guidelines and the local conditions, the following Health and Safety Protocols will apply to all in-person public meetings and hearings. These Health and Safety Protocols will be published on the City's website and with all public meeting notices. All Health and Safety Protocols will be fully enforced.

1. All meeting rooms will be configured to maintain the 6-foot social distancing radius recommended by the CDC.
2. All meeting rooms will be sanitized by wiping all flat surfaces and chairs prior to each meeting.
3. All members of the public, City Commission, staff, and appointed boards or committees are required to wear a face covering over the nose and mouth at all times while in the meeting room. If necessary, a face covering may be lowered in order to be audible while actively speaking but must replace the face covering over nose and mouth immediately after speaking.
4. Face masks and hand sanitizer will be made available as needed prior to entry.
5. Face coverings include a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or full-face shields.
6. Participants requesting accommodation due to a disability which prevents the use of face coverings may use alternative face coverings. Alternative face coverings include scarves, other loose face covering, or full-face shield.
7. Participants unable to wear a face covering will be required to remain outside of the meeting hall where they may audibly observe the meeting or hearing. Participants will be allowed to participate in any public comment period and will be escorted to the podium and must exit the room after comment.

8. Capacity for physical attendance within the Alcazar Room will be reduced based on the 6-foot social distancing. Physical attendance will be prioritized as follows until maximum capacity is reached:
 - a. Commission Members
 - b. City Attorney
 - c. City Manager
 - d. City Clerk
 - e. Necessary staff
 - f. Applicants (one at a time)
 - g. Public participants
9. Applicants appearing before a board for hearing will be asked to queue outside the meeting room and enter with any witnesses or agents upon the calling of their application for hearing.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. CMT/Virtual Hearing Minutes from September 1, 2020.
4. **Use by Exception**
 - a. 2020-0105 Kawtar “Kathy” Cresci – Applicant
Siminee Schmidt - Owner
6 Grove Avenue
To approve a use by exception for a home occupation for a hair salon in Commercial Low-two (CL-2) Zoning.
 - b. 2020-0106 William Earnest - Applicant
Oyster Creek LLC - Owner
Lewis Blvd – PIN 118910-0300
To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

5. Other Business

- a. Selection of Chair and Vice Chair.

6. 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 Communications Media Technology Regular Meeting September 1, 2020

The Planning and Zoning Board met in formal session Tuesday, September 1, 2020, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Acting Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Acting Chairperson
Sarah Ryan
Christina Opsahl
Mike Davis
Carl Blow

Absent:

Grant Misterly

City Staff:

David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning and Building
Patrick Doty, Senior Development Review Planner
Denise May, City Attorney
Laura Morse, Recording Secretary
Maria Lopes, Office Assistant
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi.

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVE the August 4, 2020 minutes as presented. The motion was SECONDED by Mr. Davis and APPROVED BY UNANIMOUS VOICE VOTE.

Mr. DePreter reviewed meeting procedures.

4. Variance

4. (a) 2020-0092 – Jamie Hoffnagle – Applicant and Owner 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.

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 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.**

Jamie and Jason Hoffnagle reviewed the application.

Ex Parte Communication:

(None)

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

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

Mr. Blow asked for clarification regarding the applicant's ability to add on to the existing structure to widen the garage doors to which the applicant answered in the affirmative. He felt the applicant did have the singular disadvantage of being located across the street from an intense commercial use. He added that the existing garage already encroached into the setback.

Mr. Davis observed that there was no room for on-street parking in the area that the applicant could utilize.

Mr. DePreter agreed with staff's determination that there was no singular disadvantage on the property. He noted there may be a way for the applicant to make an expansion to the garage without needing a variance; however, staff clarified that such development might require a tree removal review by the Board.

Ms. Opsahl asked for a more detailed site plan of the proposed changes.

Ms. Ryan agreed with staff's determination that there was no singular disadvantage on the property. She offered alternative options for the applicant that would not require a variance.

Ms. Hoffnagle responded to Board discussion, noting that the four-foot expansion would not harm any of the trees on the property.

There was further Board discussion regarding the site plan.

MOTION

Ms. Opsahl MOVED to APPROVE Variance application 2020-0092 because there is a singular disadvantage or hardship based on the proximity of the property to a commercial area, busy street, and heightened traffic flow. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Opsahl, Blow, Davis

NAYES: Ryan, DePreter

MOTION CARRIED 3/2

4. (b) 2020-0093 – Christopher Gemmell – Applicant and Owner
9 Sevilla Street

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.

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 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**.

Les Thomas and Christopher Gemmell reviewed the application.

The Board provided their ex parte communications.

Public hearing was opened; however there was no response.

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

Mr. Davis was in favor of the application based on discussions with the neighboring property owner.

Mr. DePreter did not feel that the property had a singular disadvantage.

Ms. Opsahl noted that staff had recommended continuance to allow time for review of further information provided by the applicant.

Ms. Ryan agreed with staff that a continuance was necessary to allow staff time to review recently received information. She also confirmed with staff that the property was considered a non-conforming lot in RG-1 but did not necessarily have the same limitations as a non-conforming RS-1 or RS-2 lot.

Mr. Blow noted that the application did not meet the criteria for a variance; however, the situation with the existing structure being built on the property-line would be alleviated by the proposed changes.

MOTION

Mr. Davis MOVED to CONTINUE application 2020-0093, for 9 Sevilla Street 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 to the October 6, 2020 meeting to give staff time to review the latest information submitted by the applicant. The motion was SECONDED by Mr. Blow.

Ms. Ryan asked that the footprint of the main house be accurately portrayed on the site plan.

VOTE ON MOTION:

AYES: Davis, Blow, Opsahl, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (c) 2020-0096 – Francis Cuthbertson, CKG Architectural Studio – Applicant Gerard Gruber, Cms Re Holdings LLC– Owner 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.

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 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 a 295 square foot addition to the existing single-family home at **100 Lincoln St / PIN 209700-0000.**

Francis Cuthbertson reviewed the application.

The Board provided their ex parte communications

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

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

Mr. DePreter agreed with staff's report that the parcel did not have a singular disadvantage or hardship.

Ms. Opsahl also agreed that there was no disadvantage to the property.

Ms. Ryan agreed that there was no disadvantage to the property and had concerns about the proximity of the proposed structure to the property in the rear, as it could limit access for maintenance purposes.

Mr. Blow noted a three-foot easement between the property and the Blue Hen and

asked the applicant for clarification to which Mr. Cuthbertson replied that the proposed plans did respect the easement space. He also agreed with staff's analysis that the application did not meet the criteria for a variance.

Mr. Cuthbertson responded to Board comments and felt the Board was telling him that the owner was stuck with the existing footprint and would have to damage the original ceiling of the home and build above of they wanted more living space.

Mr. Davis agreed with other Board members and also expressed concern for the large increase in lot coverage should the application be approved.

MOTION

Ms. Ryan MOVED to DENY Variance application 2020-0096 at 100 Lincoln Street based on the physical conditions discussed, concern for increased lot coverage, and close proximity to other structures. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Ryan, DePreter, Blow, Davis, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Use by Exception

5. (a) 2020-0086 – Taylor Cook, Scooter Bros – Applicant
North Shore Property Management – Owner
56 South Dixie Highway

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 (CM2) 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 **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.**

Taylor Cook reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

B.J. Kalaidi asked for clarification regarding the location of the warehouse on the property, the business's relationship to neighboring businesses, as well as whether there would be golf carts and scooters on the property.

Public hearing was closed.

Mr. Cook responded to public comment, stating that there would be no street facing signage and the facility would be utilized to sanitize and store vehicles.

Ms. Opsahl asked how vehicles would be delivered to customers. She asked the Board to consider approval conditions to have the exception run with the applicant and that scooters/golf carts be delivered via truck or trailer rather than driven off the property for delivery or return for traffic safety purposes.

Ms. Ryan agree with Ms. Opsahl's recommendations for approval conditions.

Mr. Blow also agreed with the other members of the Board. He asked the applicant to clarify how they would ensure that renters were competent to drive such vehicles prior to renting.

Mr. Cook responded that upon delivery they would confirm the age of the driver as well as

ensure the driver was able to operate the vehicle by observing them prior to allowing the rental.

Mr. Davis and Mr. DePreter also agreed with other members of the Board.

MOTION

Ms. Opsahl MOVED to APPROVE Exception application 2020-0086 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 (CM2) zoning with the conditions that the Use by Exception run with the applicant and that applicant transport vehicles to client via truck or trailer rather than driving them off the property for rental or return to the property to control the area, location, relation to the neighborhood to promote the public health and safety. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Opsahl, Davis, Blow, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2020-0091 – Mark Allen, All Florida Safety Institute – Applicant
Kanti Patel, Vista Hotel IV – Owner
1800 N Ponce De Leon Blvd

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

Ms. Ryan recused herself from the application.¹

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 an exception for auto sales within

Commercial Medium two (CM 2) zoning at 1800 N. Ponce de Leon Blvd.

Mark Allen was available for questions.

Ex Parte Communication:

(None)

6 certified notices were sent, 2 were returned in favor.

Public hearing was opened.

B.J. Kalaidi was concerned about access to the property and how boats would be transported to and from the property; and whether that may impact the nearby trolleys. She also asked for clarification regarding the maximum number of vehicles to be parked on the property.

Mr. DePreter read a letter citing concerns regarding access to Missouri Avenue from Kimberly Kiff, General Manager and Property Representative for the Red Train Tours into the record.²

Public hearing was closed.

Mr. Allen responded to public comments noting that the business being referenced by Ms. Kiff was a different business that utilizes a portion of Missouri Avenue that this business would not use.

Mr. Blow felt the exception should run with the applicant and remembered previous issues with the use of Missouri Avenue. He felt if the Board approved the exception, a condition should be included that if there were three complaints tied to the applicant's business blocking Missouri Avenue then the application would return to the Board for review.

Mr. Davis was concerned with heavier traffic along US1 and San Carlos Avenue, though

¹ Form attached to original minutes

² Included in the meeting packet.

the use was consistent with businesses previously on the property.

Mr. DePreter agreed that the property had been utilized for automobile sales. He noted the applicant intended to use US1 for primary ingress and egress; however, he supported Mr. Blow's complaint-driven condition.

Ms. Opsahl requested that any complaints be verified through law or code enforcement and Ms. May and Mr. Birchim clarified that law enforcement would ticket vehicles blocking the roadway which could be tracked.

Mr. Allen clarified that the subject property did not utilize the portion of Missouri Avenue most often blocked by other businesses, he had no control over Portions of Missouri Avenue not adjacent to his property, and he had concerns that his business would be found at-fault for the actions of others if Missouri Avenue was blocked.

Board discussion continued regarding the following:

- Condition that three formal citations from the Police Department would trigger review of the application with confirmation that the citation was directly caused by the use at the subject property.

MOTION

Ms. Opsahl MOVED to APPROVE Use-by-Exception application 2020-0091 to approve a use by exception for auto & boat sales within Commercial medium-two (CM-2) zoning with the conditions that it run with the applicant and that if there are three complaints verified by law enforcement with a probable cause determination by either citation or notice to appear and that it is from the applicant, then the application would have to come back before the board. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Opsahl, Blow, Davis, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

5. (c) 2020-0094 – Matt Baker, Veritas Classical Private School, Inc. – Applicant
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.

Mr. Doty read the staff report and said 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.

Matt Baker and Scott Gottfried reviewed the application.

The Board provided their ex parte communications.

39 certified notices were sent, 2 were returned in favor, 7 returned opposed and 7 had comments.

Mr. DePreter announced an additional 29 e-mails were received: 28 opposed and 1 in favor.

Public hearing was opened.

Ann Murdock was concerned with traffic safety on a nearby corner where drivers frequently ignored the stop sign. She was also concerned with heavy traffic coming in and out of Lincolnvile. She added that the original intent of the building was to allow elderly residents in Lincolnvile to age with dignity. She was in support of encouraging

³ Brief recess from 3:49p.m. to 4:00p.m.

students from the neighborhood if the school moved forward.

Julie Risenhoover spoke against the application citing concerns for the accuracy of the traffic study, additional traffic, over-utilization of surrounding neighborhood streets, and negative impacts to the character of the neighborhood.

B.J. Kalaidi spoke against the application and asked for clarification regarding the application.

Larry Lake, CEO of Bayview Healthcare, spoke his support for the Veritas School, and the importance of the sale of the property to the to St. Johns County Welfare Federation Programs.

Darren Vorhees, neighbor of the existing Veritas School location, felt that concerns brought up in comments and e-mails would not be an issue.

Sara Bloomberg voiced several concerns including traffic and neighborhood impacts and the inclusivity and diversity of the school.

Eric Barkely asked for clarifications regarding any additional development required for the expansion of the school on the site as well as details about the school's staff and tuition, school demographics, and other community experiences with the school.

Albert Greco voiced concern for traffic impacts, particularly with the horse-drawn carriages, public school busses, and narrow residential streets. He asked what kind of after-school activities might be held at the school.

Alanna Gowens stated that there had been no outreach by the applicant to discuss potential impacts with the neighborhood. She was concerned with parking when extracurricular activities occurred, as well as high-schoolers that may drive to school. She said that the nearby park was utilized often.

She was also concerned with ingress and egress for residents of Duero Street where cars would likely queue for drop-off and pick-up of students.

Lauren Giber stated that the applicant did not make any contact with Lincolnville residents regarding the proposal for the school. She cited traffic concerns which would be exacerbated by other developments in the area as well as the proposed school. She added that the existing school on SR 16 was situated off the road where cars did not need to block traffic to queue.

Sue Agresta noted that the traffic study had too many suppositions to be accurate and would need to be redone.

Public hearing was closed.

Mr. Baker responded to public comments with the following statements:

- There was some attempt to reach out to the neighborhood regarding the proposal; however, it was hampered by the current COVID-19 situation which prevented hosting any sort of public meeting on the subject and limited canvassing of the neighborhood and there was no intent to avoid being transparent.
- There was diversity within the existing student body, but he did not have exact statistics
- The school would operate as a regular school
- He hoped COVID-19 would not be an issue by the time the school opened in the area and the traffic study did not account for temperature-taking for that reason
- There would be no student drivers allowed
- There would be no expansion of the building
- The school had no affiliation with other schools or churches

- A fence may be erected in the future for the security of a small play area for younger students

Mr. Gottfried addressed traffic concerns stating that the traffic study as presented was repeatable at the new location. He said the afternoon queuing had been altered from the existing school to ensure avoidance of long delays. He added that although the streets were narrow, vehicles can pass each other. He added that horse-drawn carriages had not been observed in the area during the course of the traffic study. He noted that four-way-stop at M.L. King Boulevard may benefit from additional traffic as it would cause drivers to slow down and heed the stop sign. He added that the likelihood of school-attendees causing trash problems was small.

Ms. Ryan felt that the proposed school was an intensification of the area. She suggested the possibility of the school encouraging parents not to use Duero Street. She asked for detailed information regarding school operating hours and drop-off/pick-up times. She was concerned with off-site parking and its effect on safe pedestrian access to the park. She recommended off-street parking, if possible, for staff. She was also concerned with fencing around the facility and voiced concern regarding potential flooding of the structure.

Mr. Blow noted that there had always been traffic concerns in the area. He felt that a school may be a benefit to the neighborhood as it would attract younger families to the area.

Mr. Davis was in favor of re-purposing the building but said he also understood residents' concerns. He said efficient pick-up and drop-off was possible. He added that there was more traffic in the Lincolnville area during the 70s and 80s because there was a heavier presence of everyday services.

Mr. DePreter felt there were assumption in the traffic report that should be substantiated. He said that experience

working with R.B. Hunt Elementary School was that parents would sometimes use the more efficient route regardless of the school's requests to avoid certain streets. He noted that parking was also difficult to enforce. He asked for details clarifying the road's designation as a collector road. He received clarification from the applicant that the proposed school would replace the existing one on SR 16. He voiced concern for the increased density in comparison to other proposed uses. He also recommended that the applicant reach out to the neighborhood to provide details and find solutions for concerns.

Ms. Opsahl observed that the existing location of the school worked well. She encouraged the applicant to reach out the community. She was in favor of re-purposing the property and described the different options that had been previously presented. She was in favor of not allowing student drivers and would condition an approval to that affect. She recommended that the applicant consider staggering drop-off and pick-up times to limit traffic impacts; although, staggering would increase the length of time that traffic to and from the school would occur. She felt that the school would be an improvement to the neighborhood through re-purposing of the building.

Board continued discussion with the following subjects:

- Pick-up and drop-off procedures and mitigating traffic impacts
- Possibility of bussing or shuttling to avoid traffic issues
- Consideration of approving a school with less students than proposed
- If continued, the applicant should consider bussing as a solution to traffic concerns as well as make further efforts to meet with the neighborhood to address concerns

MOTION

Mr. Davis **MOVED** to **APPROVE** Use by Exception application 2020-0094 To approve a use by exception for a private school within Residential, single-family-two (RS-2) zoning. The motion was **SECONDED** by Ms. Opsahl.

There was Board discussion to include conditions to the motion including:

- Drop-off and pick-up hours as presented
- Applicant consider bussing as a means to limit traffic impacts
- Limiting roads which parents were allowed to use for pick-up and drop-off
- No student drivers
- Possibility of capping enrollment
- 25-30 minute drop-off and pick-up periods in the mornings and afternoons
- Off-site parking to maintain greenspace on the property which would require an additional application

Mr. Davis **AMENDED** his motion to include the conditions that there be no student drivers and a 25-minute drop-off time-limit in the morning and 25-minute pick-up time-limit in the afternoon. Ms. Opsahl **SECONDED** the amended motion.

VOTE ON MOTION:

AYES: Davis, Opsahl, Blow

NAYES: Ryan, DePreter

MOTION CARRIED 3/2⁴

5. (d) 2020-0095 – James Whitehouse, St. Johns Law Group – Applicant
Red Moon Properties, LLC – Owner
9 Aviles Street

To approve a use by exception for a special event venue and a use by exception for a cocktail lounge/tavern.

Ms. Ryan recused herself from the hearing.⁵

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 to allow for a lounge/tavern at **9 Aviles St / PIN 198930-0000**; and, 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**.

James Whitehouse reviewed the application.

The Board provided their ex parte communications.

12 certified notices were sent, 1 was returned in favor, 2 returned opposed and 4 had comments.

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

At Mr. Davis' request, Mr. Birchim clarified the reasoning behind requesting approval for both special events and bar/cocktail lounge was to allow the applicant to serve alcohol during special events since it was not a licensed restaurant. He added that additional conditions could be placed on the application to ensure the establishment did not operate as a regular bar.

Mr. DePreter felt the application met the criteria for approval.

Ms. Opsahl noted that as a special events venue, the hours would be constrained per code.

⁴ Brief recess from 6:23p.m. to 6:34p.m.

⁵ Form attached to original minutes

MOTION

Ms. Opsahl MOVED to APPROVE application 2020-0095 to approve a use by exception for a special event venue and a use by exception for a cocktail lounge/tavern. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Opsahl, Blow, Davis, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Other Business

6. (a) Selection of Chair and Vice Chair.

Item administratively postponed to the October meeting.

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.

Heard after item 6(c)

Amy Skinner, Deputy Director of Planning and Building, and Ms. Ryan reviewed the subject including different options for the Board to consider to remove the 5/12 roof pitch or to tie the roof pitch to whether the structure would be built above freeboard requirements.

The Board discussed:

- Option two would discourage a third floor
- History of the roof pitch requirement
- Removing roof pitch requirement would not change codes regarding consolidation of lots

- Eliminating the 5/12 pitch requirement would be cleanest from an administrative perspective

There was Board consensus to eliminate roof pitch

6. (c) Discussion and recommendation related to amending the definition of Commercial Sign Zone 4 in Chapter 3 the Sign Code.

Mr. Birchim and Mr. Whitehouse presented the topic.

Public comment was opened and the Board heard from the following member of the public:

- B.J. Kalaidi

Public comment was closed.

The Board discussed:

- Type of illuminated lighting currently allowed could be less desirable than proposed
- Concern for setting a precedent with approval
- Proposed letter size did not appear to be over-large
- Possible inclusion of other parcels in the area
- No illuminated box-signs
- Preference for least obtrusive signage
- Travelers use technology to navigate rather than signage

Mr. Birchim noted that any recommendation to the City Commission could include recommended changes or additions to the language.

There was Board consensus to recommend the amendment to the City Commission with the addition of not allowing illuminated box signs.

Board Member Comments

After a brief discussion, there was Board consensus to return to live, regular meetings in the Alcazar Room, rather than virtual meetings, beginning in October.

7. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 7:49 P.M.⁶

Jon DePreter, Acting Chairperson

⁶ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 6, 2020

RE: **USE BY EXCEPTION # 2020-0105**

AGENDA ITEM 4(a)

APPLICANT Kawtar “Kathy” Cresci

OWNER Siminee Schmidt
c/o Dallas Handy Man LLC

LOCATION 6 Grove Ave / PIN 194460-0000

REQUEST To approve a use by exception for a home occupation for a hair salon in Commercial Low-two (CL-2) Zoning.

LAND USE Commercial Low Intensity

ZONING Commercial, Low-two (CL-2)

SURROUNDING USES Single-family Residential, Hotel, Scooter Rental Business

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.

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:

Complete zoning information is included as attachment 3.

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

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

- (3) *Permissible uses by exception.* See [section 28-347](#).
c. Child care center, **home occupations** or private school, all as provided in [section 28-347](#).

Sec. 28-347. - Supplementary regulations for certain uses:

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (1) Home occupations. The intent of a home occupation is to allow those uses that may be conducted within a residential premise that will not affect the residential character of the structure or the neighborhood. Home occupations are a permissible use by exception in any district subject to all the following conditions:

Staff response are below in *Italics*.

a. No person other than members of the family residing on the premises shall be engaged in such occupation. No home occupation shall be conducted in any accessory building or structure or any open porch or carport which is attached to and a part of the principal structure.

The applicant will be living in the residence while operating the proposed home occupation.

b. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.

The use of a home occupation for a one chair hair salon will not change the residential character of this structure. Only one portion of the home will be utilized for this home occupation (attachment 2) with the remainder of the structure being where the applicant dwells.

c. There shall be no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign may be permitted, not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.

The applicant is requesting a sign that will comply with the above requirements.

d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements of this Code in other than the required front yard.

The applicant is proposing only one vehicle/client at a time, there is sufficient onsite parking at the home.

e. No equipment or process shall be used in such home occupation 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.

The applicant will not create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.

f. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at the same time.

Not applicable, the applicant will be serving one client at a time.

g. Fabrication of articles such as are commonly classified under the terms of arts and handicraft may be deemed a home occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the dwelling unit.

The applicant will not be conducting retail sales at the residence.

h. The member of the family residing on the premises engaged in such occupation shall not employ more than one (1) person for the sole purpose of providing clerical and receptionist services.

The applicant does not intend to hire an employee.

i. No home occupation shall occupy more than twenty-five (25) percent of the floor area of the dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for living quarters.

The home occupation will not exceed (25) percent of the floor of the dwelling unit. The applicant will be conducting business in the front room of the home in a space that is approximately 260 square feet, or about 18% of the home, the entire home is 1,438 square feet according to the St. Johns County Property Appraiser.

j. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises shall be determined to be a home office, private, and shall be a permitted use in any district subject to conditions stated above.

The applicant is proposing to have one client at a time with appointments lasting between 45- to 180-minute (.75-3 hours) appointment length.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a home occupation for a one chair hair salon in their residence with scheduling one client at a time for 45 minutes to three-hour long appointments. This will generate one vehicle per session which does not appear to have a major impact on traffic flow for this neighborhood. Parking will be provided on site, as shown in the site plan of the property and photos of the site. There is sufficient parking for three cars on site, one in the garage and two in the driveway. The area is characterized by a mix of uses and this home is located adjacent to a Hotel (under construction) and a scooter rental business.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and 28-347, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a home occupation for a single seat salon as a permitted use by exception at **6 Grove Ave / PIN 194460-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan & Floor Plan

Attachment 3 – CL-2 Zoning Standards

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: KAWTAR (KATHY) CRESCI Contact Number: 404 422 7339

Business (if applicable): _____

Address: 6 Grove Ave City: St Augustine State: FL Zip: 32084

E-Mail Address: _____

2. NAME OF PROPERTY OWNER: _____ Contact Number: 404 422 7339

Business (if applicable): _____

Address: 6 Grove AV City: St Aug State: FL Zip: 32084

E-Mail Address: CresciKawtar@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____

Block: _____

Subdivision: _____

Parcel Number: _____

4. PROJECT STREET ADDRESS: 6 Grove AV

5. SPECIFIC PROPOSED USE: Home Occupation / Hair Studio Salon.

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: permission for home occupation / Home Hair Salon.

7. DESCRIPTION OF ACTION REQUESTED: when purchasing this Home I would like to use it for my family and I to live in and to have a small designated area for me to take care of clients Hair, it would be one client at time so extra parking is not necessary as the Drive way should be more than enough for parking as I understand the Rules and regulations of

8. JUSTIFICATION FOR ACTION REQUESTED: the city of St Augustine.

Thank you for considering my application as the purchase of this location depends on it.

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: no

(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.

Kaun
Signature of Applicant

8/31/2020
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.

KAUTAR CRESCI (KATHY)

Print name of applicant

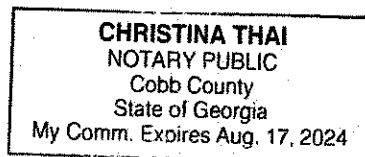
Kautar
Signature of applicant

Kautar

8/31/2020
Date

9/2/20

Christina Thai
Notary
9/2/2020



Siminee Schmidt
D.C. WEST
Dallas West

10/31/17



Owner's Authorization For Agent

Kawtar Cresci (Kathy) is/are hereby authorized TO ACT ON BEHALF OF Siminee Schmidt/Dallas West 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
Siminee Schmidt
Print Name of Owner
(303) 669-2124
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 4th day of September, 2020

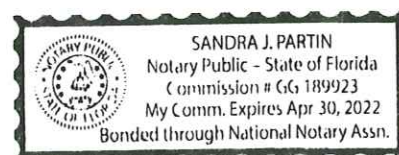
By Siminee Schmidt

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature: Sandra J. Partin]

My Commission expires: 4/30/2022



Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2020 TRIM Notice

2020 TRIM Notice(PDF)

2019 TRIM Notice

2019 TRIM Notice(PDF)

Summary

Parcel ID	1944600000
Location Address	6 GROVE AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Cherry (605)
Tax Description*	3-6 CHERRY SUB CITY LOT 4 (EX PT IN OR7/ 728 & 28/584) OR4380/913(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Cherry Subdivision Of Lot 48 Of The King
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Dallas Handy Man LLC 100%
Mailing Address	77 BROOKSIDE DR PALM COAST, FL 32137-0000

Map



Valuation Information

	2020
Building Value	\$129,880
Extra Features Value	\$1,890
Total Land Value	\$113,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$244,870
Total Deferred	\$53,193
Assessed Value	\$191,677
Total Exemptions	\$0
Taxable Value	\$191,677

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	\$98,076	\$630	\$113,100	\$0	\$0	\$211,806	\$174,252	\$37,554	\$174,252
2018	\$43,268	\$631	\$104,400	\$0	\$0	\$148,299	\$148,299	\$0	\$148,299
2017	\$61,144	\$1,383	\$104,400	\$0	\$0	\$166,927	\$166,284	\$643	\$166,284
2016	\$58,123	\$1,694	\$91,350	\$0	\$0	\$151,167	\$151,167	\$0	\$151,167
2015	\$50,956	\$1,937	\$82,650	\$0	\$0	\$135,543	\$134,636	\$907	\$134,636
2014	\$45,317	\$2,041	\$75,038	\$0	\$0	\$122,396	\$122,396	\$0	\$122,396
2013	\$46,281	\$2,352	\$75,038	\$0	\$0	\$123,671	\$119,178	\$4,493	\$119,178
2012	\$43,138	\$2,664	\$62,542	\$0	\$0	\$108,344	\$108,344	\$0	\$108,344
2011	\$43,138	\$1,604	\$69,491	\$0	\$0	\$114,233	\$114,233	\$0	\$114,233
2010	\$51,763	\$1,808	\$77,212	\$0	\$0	\$130,783	\$130,783	\$0	\$130,783

Building Information

Building 1
Actual Area 1915
Conditioned Area 1438
Actual Year Built 1910
Use Single Family Residence
Style 01
Class N
Exterior Wall Wood

Roof Structure Gable Hip
Roof Cover Composite Shingle
Interior Flooring Pine Wood, Sheet Vinyl
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths 2

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Sheet Vinyl	20%
Interior Flooring	Pine Wood	80%
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%
Condition	Average	100%

Description	Conditioned Area	Actual Area
UNFINISHED GARAGE	0	435
BASE AREA	1438	1438
FINISHED OPEN PORCH	0	42
Total SqFt	1438	1915

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	104
Deck (Unattached)	0	0	0	0	406
Residential Fence	0	0	0	0	56

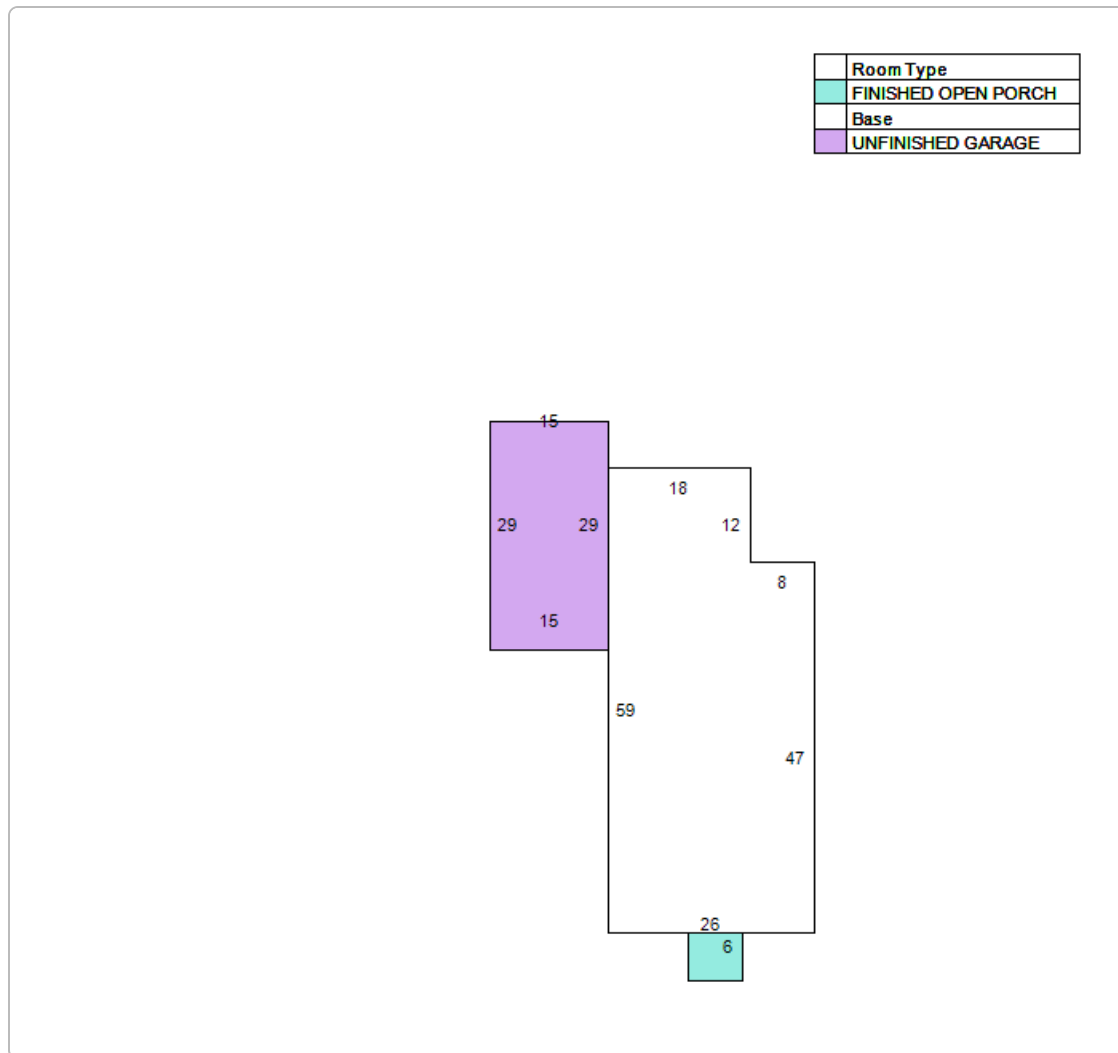
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	50	90	50	EF	\$113,100

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/30/2017	5/15/2017	\$181,100.00	WD	4380	913	U	I	ARNS INC	DALLAS HANDY MAN LLC
5/30/2017	5/15/2017	\$100.00	QC	4380	911	U	I	ARLP TRUST 2	ARNS INC
5/30/2017	5/11/2017	\$100.00	QC	4380	910	U	I	ARLP SECURITIZATION TRUST	ARLP TRUST 2
11/12/2015	10/29/2015	\$176,600.00	OI	4111	931	U	I	LANTZ MICHAEL	ARLP SECURITIZATION TRUST
7/9/2014	7/7/2014	\$0.00	OI	3901	1592	U	I	BANK OF AMERICA NA	LANTZ MICHAEL
3/26/2012	3/20/2012	\$0.00	LP	3540	178	U	I	BANK OF AMERICA NA	LANTZ MICHAEL
	2/24/2009	\$0.00	FJ	3167	1946	U	I	LANTZ MICHAEL(SANDRA-BENE)	LANTZ MICHAEL
	6/1/2007	\$100.00	QC	2929	92	U	I	BURDETT R H	LANTZ MICHAEL
	8/1/1985	\$0.00		682	1506	U	I		BURDETT R H,H LOUISE
	8/1/1983	\$0.00		625	239	U	I		

Sketch Information



No data available for the following modules: Exemption Information.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
DALLAS HANDY MAN LLC

Filing Information

Document Number L16000070010
FEI/EIN Number N/A
Date Filed 04/08/2016
Effective Date 04/08/2016
State FL
Status ACTIVE

Principal Address

77 BROOKSIDE LN.
PALM COAST, FL 32137

Mailing Address

77 BROOKSIDE LN
PALM COAST, FL 32137

Registered Agent Name & Address

SCHMIDT, SIMINEE P
77 BROOKSIDE LN
PALM COAST, FL 32137

Authorized Person(s) Detail

Name & Address

Title Manager

WEST, DALLAS C
77 BROOKSIDE LN.
PALM COAST, FL 32137

Title Manager

Schmidt, Siminee Paige
77 BROOKSIDE LN.
PALM COAST, FL 32137

Annual Reports

Report Year	Filed Date
2018	03/31/2018



09/21/2020 08:41



09/21/2020 08:41

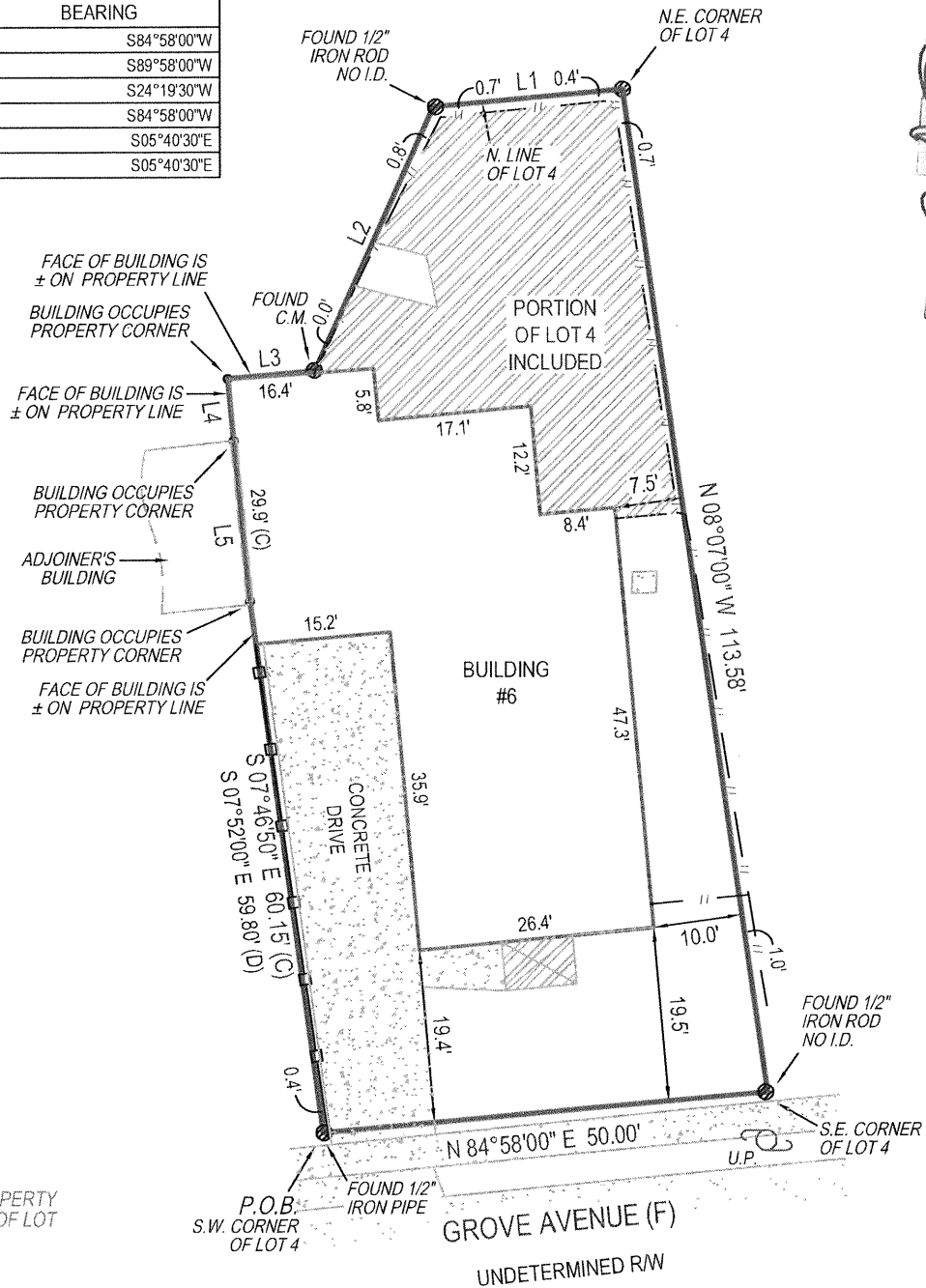


09/21/2020 08:41

Attachment 2

Site Plan & Floor Plan

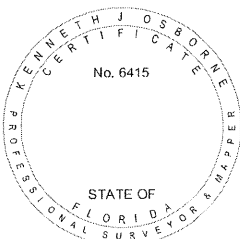
LINE TABLE		
LINE	LENGTH	BEARING
L1 (C)	21.30'	S84°58'00"W
L1 (D)	21.30'	S89°58'00"W
L2	32.40'	S24°19'30"W
L3	9.87'	S84°58'00"W
L4	7.00'	S05°40'30"E
L5	18.10'	S05°40'30"E



SCALE
1"=20'

SURVEY NOTES
CONCRETE DRIVE CROSSING PROPERTY
BOUNDARY ON SOUTHERLY SIDE OF LOT

THERE ARE FENCES NEAR THE
BOUNDARY OF THE PROPERTY



BOUNDARY SURVEY

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne

Digitally signed by Kenneth
Osborne
Date: 2018.04.19 16:50:27 -04'00'



LB #7893

SERVING FLORIDA

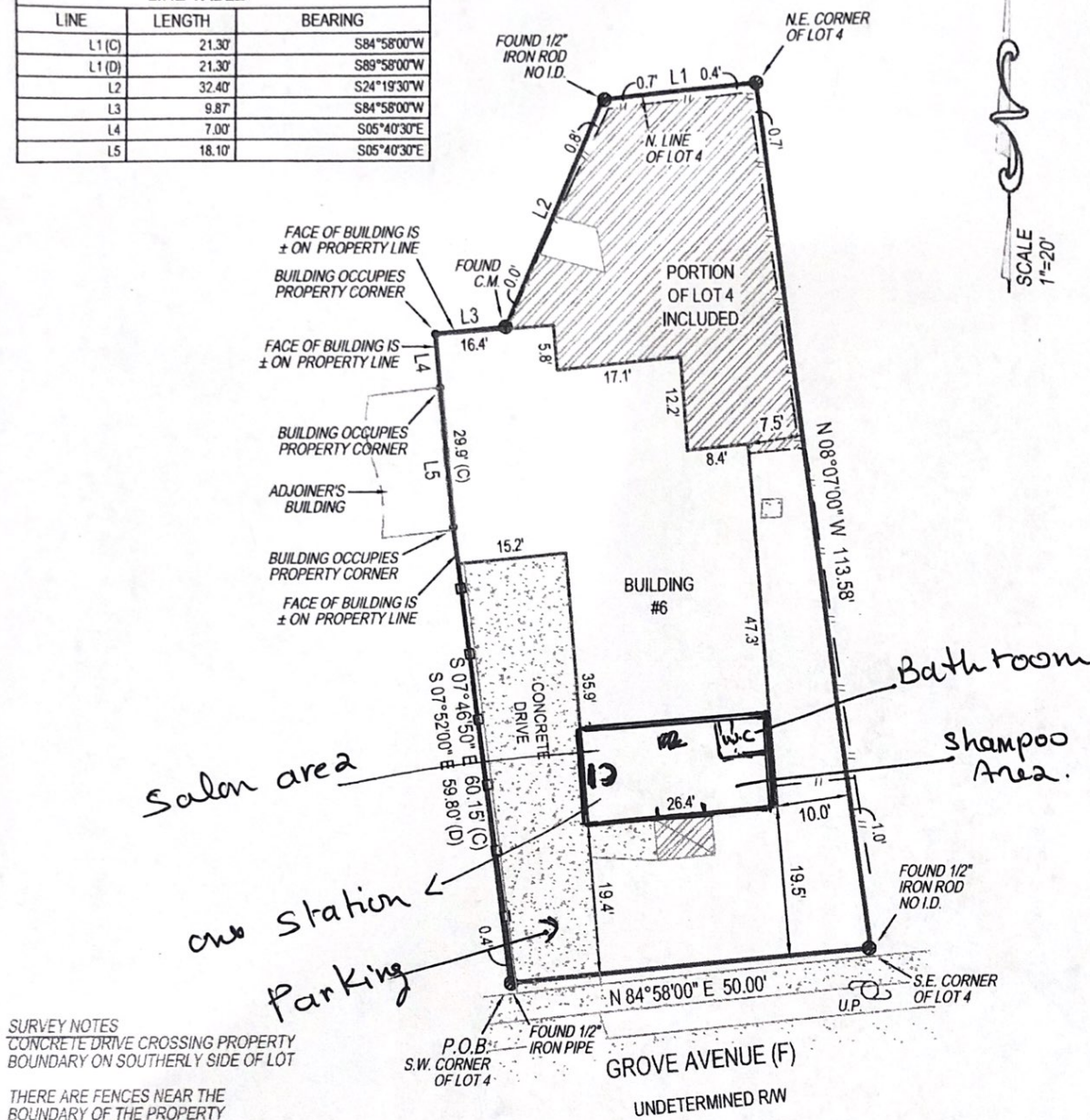
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

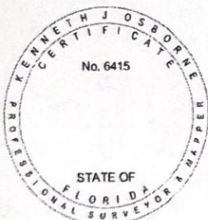
PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)

LINE TABLE		
LINE	LENGTH	BEARING
L1 (C)	21.30'	S84°58'00"W
L1 (D)	21.30'	S89°58'00"W
L2	32.40'	S24°19'30"W
L3	9.87'	S84°58'00"W
L4	7.00'	S05°40'30"E
L5	18.10'	S05°40'30"E



SURVEY NOTES
CONCRETE DRIVE CROSSING PROPERTY
BOUNDARY ON SOUTHERLY SIDE OF LOT

THERE ARE FENCES NEAR THE
BOUNDARY OF THE PROPERTY



BOUNDARY SURVEY

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne

Digitally signed by Kenneth
Osborne
Date: 2018.04.19 16:50:27 -04'00'

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)



TARGET SURVEYING, LLC

LB #7893

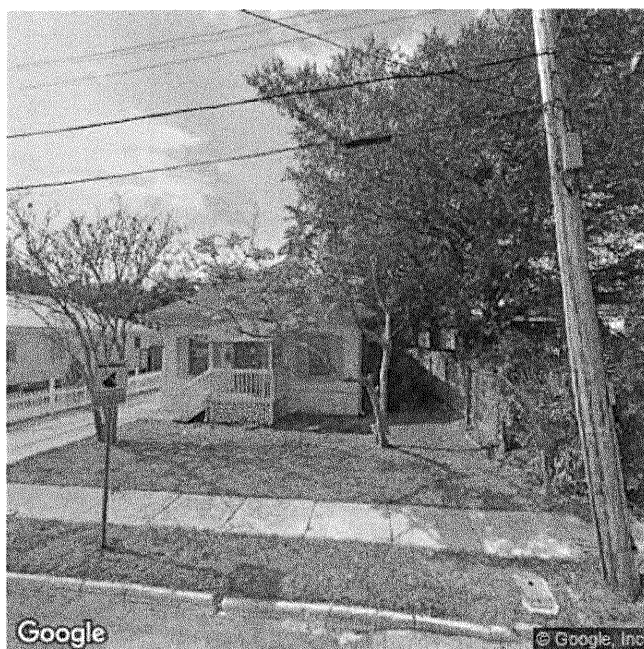
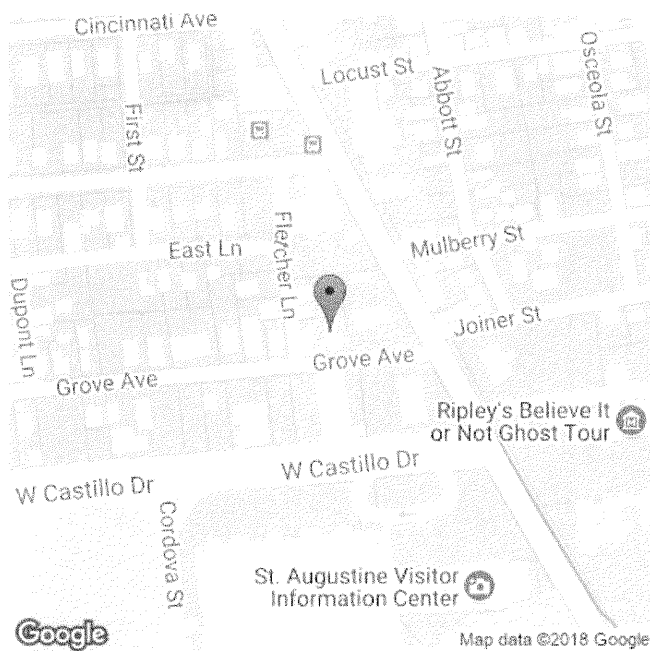
SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>



6250 NORTH MILITARY TRAIL, SUITE 102, WEST PALM BEACH, FL 33407 - (800) 226-4807
WWW.TARGETSURVEYING.NET

**LAND SURVEY PREPARED FOR DALLAS HANDY MAN, LLC
6 GROVE AVENUE, ST AUGUSTINE, FL 32084**



REQUESTED BY:

AGENTS CHOICE TITLE
4865 PALM COAST PKWY, NW UNIT 2
PALM COAST, FL 32137
PH. 386-445-4491

Attachment 3

CL-2 Zoning Standards

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

(1) *Permitted uses and structures:*

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.
- c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- d. All types of professional and business offices, union hall and similar uses.
- e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.
- f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).
- g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.
- h. Commercial parking lots, automobile parking garages.
- i. Hotels and motels without kitchenettes (maximum of fifty (50) units).
- j. Single-family dwellings as for RG-1 (section 28-163).
- k. Shopping plaza.
- l. Home office, private.
- m. Churches.
- n. Multiple-family dwellings as for RG-1.
- o. Tattoo parlor or studio.

- p. Micropigmentation clinic.
- (2) *Permitted accessory uses.* See section 28-348.
- (3) *Permissible uses by exception:*
 - a. Automobile service station (see section 28-338), repair garages, new or used automobile sales lot.
 - b. Drive-in restaurant and other drive-in uses.
 - c. Child care center, home occupations or private school, all as provided in section 28-347.
 - d. Housing for the elderly, roominghouses or boardinghouses and similar uses; all in compliance with section 28-163(4), for lot requirements, yards and other provisions.
 - e. Hospital and intermediate care facility.
 - f. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
 - g. Candy manufacturing.
 - h. Uses and structures as in RG-2 (section 28-164).
 - i. Shopping center.
 - j. Establishments for handcrafted small signs made primarily of wood. Such work to take place within a wholly enclosed building, such building not to exceed one thousand six hundred (1,600) square feet. The planning and building manager may establish, by rule, criteria for determination of the maximum size of signs to be produced in such establishments, taking into consideration the maximum size of signs permitted within the City of St. Augustine in the various commercial zones, including Historic Preservation Zones and taking into account that it is not the intent of this section to authorize, under any circumstances, internally illuminated signs, billboards or signs containing moveable parts and that the craftsmanship intended by this section is intended to be similar in skills required in cabinet making.
 - k. Tourist attraction.
 - l. Special event venue as per section 28-347(8).
 - m. Dormitory.
- (4) *Minimum lot requirements (width and area).* None, except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings.* Sixty (60) percent.
- (6) *Minimum yard requirements:*
 - a. Front, zero feet minimum, fifteen (15) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side, five (5) feet.

- c. Rear, five (5) feet.
- d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the Chart in the Design Standards.

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

(Code 1964, § 33-43; Ord. No. 93-35, § 1, 12-13-93; Ord. No. 96-34, § 1, 7-8-96; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 15-02, § 1, 12-14-15; 16-06, § 2, 2-8-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20)

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 6, 2020

RE: **USE BY EXCEPTION # 2020-0106**

AGENDA ITEM 4(b)

APPLICANT William Earnest

OWNER Oyster Creek LLC

LOCATION Lewis Blvd / PIN 118910-0300

REQUEST To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

LAND USE Commercial Medium Intensity

ZONING Commercial, Medium-two (CM-2)

SURROUNDING USES Single-family residential, 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.

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:

Complete zoning information is included as attachment 3.

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. Uses and Structures as for RG-1 (section 28-163)

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

Intent. This district is intended to apply to those 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.

- (1) *Permitted uses and structures:*
 - a. Single-family dwellings.
- (4) *Minimum lot requirements:*
 - a. *Single-family dwellings:*
 - a. Minimum lot width, fifty (50) feet.
- 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (6) *Minimum yard requirements:*
 - a. *Residential uses:*
 - 1. Front, fifteen (15) feet.
 - 2. Side, ten (10) feet.
 - 3. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
 - a. *Single-family dwellings.* Thirty-five (35) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a use by exception to construct a single-family home within Commercial Medium two (CM-2) zoning. The subject property is a platted lot of record in the 1975 City plat maps (attachment 4). The zoning requirements for single family home in CM-2 are prescribed in the RG-1 zoning standards. The subject property is located within a transitional area between commercial and residential zoning along US Highway 1 and a residential area surrounding oyster creek. The property is surrounded by single family homes, with the only retail use operating within a retrofitted single-family home. A single-family home at this location is consistent with the surrounding uses and characteristics of the neighborhood.

There are mature trees on site, if they are determined to be significant, any removal of these trees would require Planning & Zoning Board approval.

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 exception for a single family home, per RG-1, at **Lewis Blvd / PIN 118910-0300**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Survey

Attachment 3 – CM-2 & RG-1 Zoning Standards

Attachment 4 – 1975 City Plat Map of Lot 30

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

RECEIVED

SEP 08 2020

Planning / Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2020-0106
 Receipt Number: 1936544 Meeting Date: OCT. 6, 2020
 Advertising Costs: \$ 40.50 Paid On: 9/24/20 Receipt Number: 1949647

1. NAME OF APPLICANT: William Earnest Contact Number: 615 715 0059
 Business (if applicable): _____
 Address: 418 Camelia Trail City: St. Augustine State: FL Zip: 32086
 E-Mail Address: willgohever1@gmail.com
2. NAME OF PROPERTY OWNER: William Earnest Contact Number: 615 715-0059
 Business (if applicable): _____
 Address: 418 Camelia Trail City: St. Augustine State: FL Zip: 32086
 E-Mail Address: willgohever1@gmail.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 30 Block: C
 Subdivision: WILDWOOD PARK Parcel Number: 1189100300
BLVD
4. PROJECT STREET ADDRESS: Lewis ~~BLVD~~ ST. AUGUSTINE 32084
5. SPECIFIC PROPOSED USE: Residential
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Zoned Commercial &
USE EXEMPTION
would like it ~~to be~~ Residential
use.
8. JUSTIFICATION FOR ACTION REQUESTED: The rest of the street
has Residential homes on it. It
would not change the look of the neighborhood.
SERVES AS BUFFER BETWEEN COMMERCIAL
PROPERTY TO THE EAST AND RESIDENTIAL
PROPERTY TO THE WEST.

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: yes.
The property is zoned commercial and sits between other commercial property on one side and residential property on the other.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The owner proposes to build a single family residential structure not allowed by current zoning.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The commercial zoning was not created by owner. It predates ownership and is driven by proximity to US 1
- (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: A use exemption would allow the property to have a lower intensity use and would buffer the residential property to the west.

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]
Signature of Applicant

9/3/20
Date

[Signature]
Signature of Property Owner

9/3/20
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.

William Earnest
Print name of applicant

William R. Earnest
Signature of applicant

9/3/20
Date



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
OYSTER CREEK, LLC

Filing Information

Document Number L17000108359
FEI/EIN Number 82-1588253
Date Filed 05/16/2017
Effective Date 05/16/2017
State FL
Status ACTIVE

Principal Address

135 JENKINS STREET
 SUITE 105-B #182
 ST. AUGUSTINE, FL 32084

Mailing Address

135 JENKINS STREET
 SUITE 105-B #182
 ST. AUGUSTINE, FL 32084

Registered Agent Name & Address

EARNEST, WILLIAM R
 135 JENKINS STREET
 SUITE 105-B #182
 ST. AUGUSTINE, FL 32084

Authorized Person(s) Detail

Name & Address

Title MGR

EARNEST, WILLIAM R
 135 JENKINS ST., SUITE 105-B #182
 ST. AUGUSTINE, FL 32084

Title MGR

SUDHIPONG, VIMORNWAN
 135 JENKINS ST., SUITE 105-B #182
 ST. AUGUSTINE, FL 32084



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice\(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice\(PDF\)](#)

Summary

Parcel ID 1189100300
Location Address LEWIS BLVD
 SAINT AUGUSTINE 32084-0000
Neighborhood Bravo Park (684)
Tax Description* 1-133 WILDWOOD PARK LOT 30 BLK C OR296/421 & OR4369/1124(T/R) & 4733/1473
**The Description above is not to be used on legal documents.*
Property Use Code Vacant Residential (0000)
Subdivision Wildwood Park, Map Of
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.100
Homestead N

Owner Information

Owner Name Oyster Creek LLC 100%
Mailing Address 135 JENKINS ST
 STE 105-B #182
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$45,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$45,100
Total Deferred	\$0
Assessed Value	\$45,100
Total Exemptions	\$0
Taxable Value	\$45,100

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	\$25,625	\$0	\$0	\$25,625	\$25,625	\$0	\$25,625
2018	\$0	\$0	\$25,625	\$0	\$0	\$25,625	\$25,625	\$0	\$25,625
2017	\$0	\$0	\$19,680	\$0	\$0	\$19,680	\$19,680	\$0	\$19,680

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	50	80	50	EF	\$45,100

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/3/2019	5/31/2019	\$100.00	WD	4733	1473	U	V	EARNEST WILLIAM R ETAL	OYSTER CREEK LLC
5/4/2017	5/4/2017	\$235,000.00	TR	4369	1124	Q	I	SCHNEIDER JOHN B & MARY L TRUSTEES	EARNEST WILLIAM R ETAL
	7/23/1998	\$100.00	QC	1338	465	U	I	SCHNEIDER JOHN B	SCHNEIDER JOHN B & MARY L TRUSTEES

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.

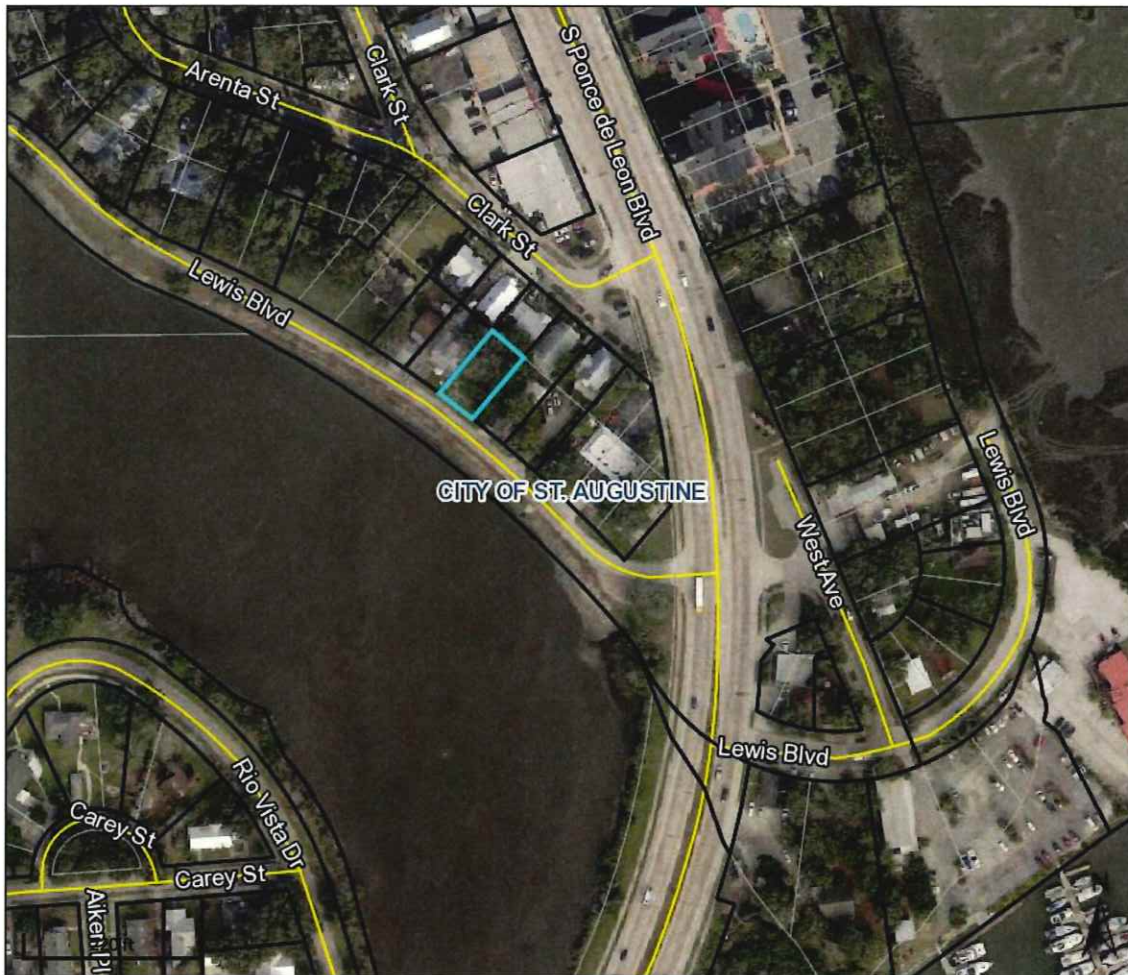
[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 9/7/2020, 11:26:15 PM

Developed by



Version 2.3.84



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1189100300	Physical	LEWIS BLVD	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Taxing	Residential	Mailing	OYSTER CREEK LLC	Value		5/4/2017	\$235000	04	Q
District	City of St Augustine	Address	135 JENKINS ST	Total Land Value	\$45,100	n/a	0	n/a	n/a
Acres	0.1		STE 105-B #182	Just Value	\$45,100				
			SAINT AUGUSTINE FL	Total Deferred	N/A				
			32084-0000	Assessed Value	\$45,100				
				Total	N/A				
				Exemptions					
				Taxable Value	\$45,100				

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: 9/8/2020

Last Data Uploaded: 9/7/2020 11:26:15 PM

Developed by  Schneider
GEOSPATIAL



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 20 ft



09/21/2020 08:30



09/21/2020 08:31



09/21/2020 08:31



09/21/2020 08:31

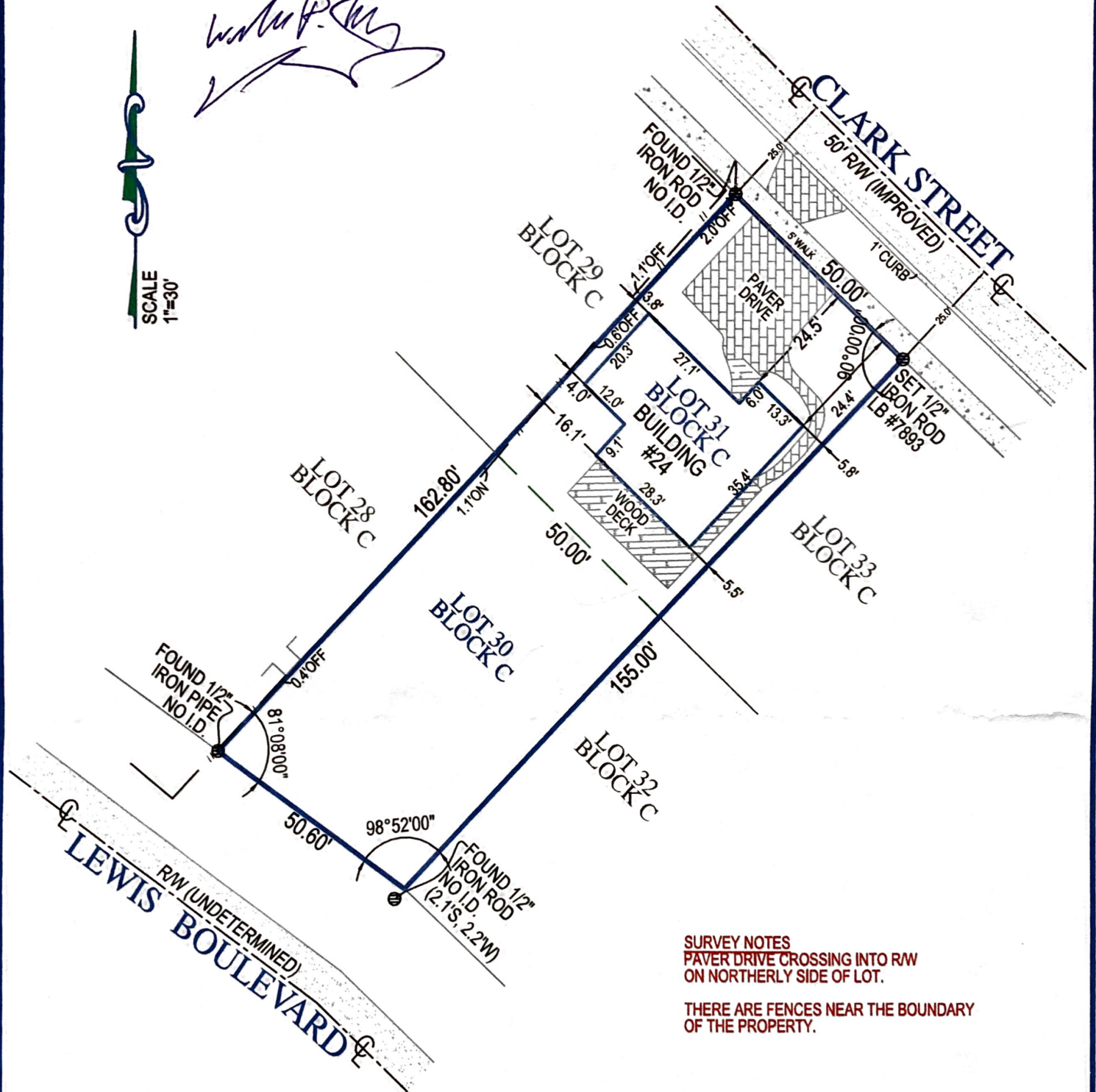
Attachment 2

Survey

BOUNDARY SURVEY



Handwritten signature



SURVEY NOTES
PAVER DRIVE CROSSING INTO RW
ON NORTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne
Digitally signed by
Kenneth Osborne
Date: 2017.04.21
13:46:12 -04'00'

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)



**TARGET
SURVEYING, LLC**
LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

LEGAL DESCRIPTION AND CERTIFICATION

Lot 30 AND 31, Block C, WILDWOOD PARK COMPANY'S SUBDIVISION IN THE SOUTHEAST PORTION OF AVICE AND VIEL GRANT, IN SECTION 37 IN TOWNSHIP 7 SOUTH, OF RANGE 30 EAST according to the Plat thereof, as recorded in Plat Book 1, Page 133, of the Public Records of ST JOHNS County, Florida.

Community Number: 125145 Panel: 12109C0314 Suffix: H F.I.R.M. Date: 9/2/2004 Flood Zone: AE(NGVD29) Field Work: 4/19/2017

Certified To:

WILLIAM R. EARNST AND VIMORNWAN SUDHIPONG; ISLAND TITLE OF ST AUGUSTINE LLC; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;

Property Address:

24 CLARK STREET
ST AUGUSTINE, FL 32084

Survey Number: 288474

Client File Number:

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL
(C)	CALCULATED	(L)	LENGTH
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE
D.H.	DRILL HOLE	N&D	NAIL & DISK
D/W	DRIVEWAY	N.R.	NOT RADIAL
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES

O.R.B.	OFFICIAL RECORDS BOOK
(P)	PLAT
P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVE
P.T.	POINT OF TANGENCY
R/W	RIGHT-OF-WAY
(R)	RADIAL / RADIUS
S.I.R.	SET IRON ROD
T.O.B.	TOP OF BANK
U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

Attachment 3

CM-2 & RG-1 Zoning Standards

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.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

- a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.
- b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
- c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
- e. Hotels and motels with or without kitchenettes.
- f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- g. Multifamily dwellings as for RG-1.
- h. Colleges.
- i. Shopping plaza or shopping center.
- j. Intermediate care facilities.
- k. Home office, private.

- l. Agricultural market, outdoor or indoor.
 - m. Special event venue as per section 28-347(8).
- (2) *Permitted accessory uses.* See section 28-348.
- (3) *Permissible uses by exception:*
 - a. As provided in section 28-347.
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.
 - h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
 - i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
 - j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
 - k. Uses and structures as for RG-1 (section 28-163).
 - l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, one hundred (100) feet.
 - b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.
- (6) *Minimum yard requirements:*
 - a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is

located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

- b. Side, five (5) feet.
- c. Rear, five (5) feet.
- d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

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

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § 1, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20)

Intent. This district is intended to apply to those 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.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception:*

- a. See section 28-347, special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(4) *Minimum lot requirements:*

a. *Single-family dwellings:*

- 1. Minimum lot width, fifty (50) feet.
- 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

b. *Multiple-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit to a maximum of sixteen (16) units per acre.

c. *Nonresidential uses:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

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

b. *Nonresidential uses:*

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

(7) *Maximum height of structures:*

- a. *Single-family dwellings.* Thirty-five (35) feet.
- b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

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: yes.
The property is zoned commercial and sits between other commercial property on one side and residential property on the other.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The owner proposes to build a single family residential structure not allowed by current zoning.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The commercial zoning was not created by owner. It predates ownership and is driven by proximity to US 1
- (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: A use exemption would allow the property to have a lower intensity use and would buffer the residential property to the west.

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

9/3/20
Date

Signature of Property Owner

9/3/20
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.

William Earnest
Print name of applicant

William Earnest
Signature of applicant

9/3/20
Date

PROPERTY OWNER

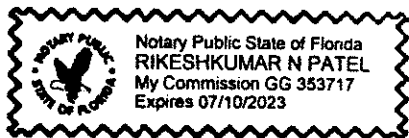
William Earnest
(Print Name)

William R. Earnest
(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, William Earnest, 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 4 day of SEP., 2020.



R. Patel
Notary Public, State of Florida

APPLICANT OR APPLICANT'S AGENT

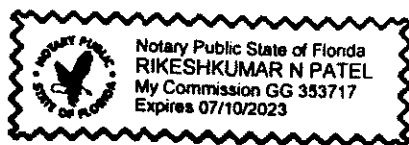
William Earnest
(Print Name)

William R. Earnest
(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, William Earnest, 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 4 day of SEP, 2020.



R. Patel
Notary Public, State of Florida

Attachment 4

1975 City Plat Map

