

CITY OF ST. AUGUSTINE

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

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

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

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

2. General Public comment for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

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

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

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

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

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

The Board provided their ex parte communications.

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

Public hearing was opened.

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

Public hearing was closed.

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

The Board discussed:

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

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

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

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

Ryan Carter reviewed the application.

The Board provided their ex parte communications.

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

The Board discussed:

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

- Proposed extension reached approximately eight inches of additional water depth
- Recommendation to put the floating dock on the north side to allow access for a dock to the south

Public hearing was opened.

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

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

Public hearing was closed.

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

The Board discussed:

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

- Possibility of continuing the application to allow Mr. Carter and neighboring property owners to discuss the dock design and clarify property ownership

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

MOTION

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

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

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan, DePreter

NAYES: Misterly, Zander

MOTION CARRIED 5/2

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

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

Mr. Doty read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff

finds that the board can **APPROVE** the expansion of an existing marina facility by expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1 located at **Dockside Drive – PID 134230-0030, 127920-0000.**

Mr. Carter reviewed the application.

The Board discussed:

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

The Board provided their ex parte communications.

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

Public hearing was opened.

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

Public hearing was closed.

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

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

The Board discussed:

- Lifts were proposed to limit saltwater corrosion damage to boats and would not greatly impact scenic vistas due to elevated uplands in the area
- Layout of the proposed dock did not include finger-piers for safety purposes as the current could make it difficult to dock
- Recommendation for a breakaway dock and removal of boat lift 1 for dredging operations

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

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

5. Use by Exception

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

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

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

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

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

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

The Board provided their ex parte communications.

Public hearing was opened.

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

Public hearing was closed.

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

The Board discussed:

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

MOTION

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

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

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

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

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

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

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

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

To approve a use by exception for light manufacturing for a winery and off-site parking within Commercial, medium-two (CM-2) zoning district. Or a variance to eliminate the required on-site parking.

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

Christopher Gugel and Gregory Dettra reviewed the application.

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

Ex Parte Communication:

(None)

MOTION

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

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

Public hearing was opened.

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

Public hearing was closed.

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

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

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

Ms. Ryan WITHDREW her original motion.

MOTION

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

The Board discussed:

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

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

Jimmy Wells Long – Owner
303 S Ponce de Leon Blvd

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

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

Gregory Lord reviewed the application.

Ex Parte Communication:

(None)

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

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

MOTION

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

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

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

The Board discussed:

- Ensuring the applicant was not limited by the site plan as presented
- There would be no car repairs on the property

- Recommendation to include single-story car storage as a condition of approval

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

VOTE ON MOTION:

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

NAYES: Ryan

MOTION CARRIED 6/1.

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

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

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

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

Board discussion included:

- 10 cars could be removed from queuing on the street
- Cars utilizing the free vacuums were not causing the traffic concerns that triggered the request

- Hours of operation were 8:00 A.M. to 8:00 P.M. and traffic concerns peaked between 11:00 A.M. to 3:00 P.M.
- History of the property
- Approval would allow the drive aisle and any use already allowed by right per code

The Board provided their ex parte communications.

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

Public hearing was opened.

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

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

B.J. Kalaidi spoke against the application.

Public hearing was closed.

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

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

The Board discussed:

- Clarification that the property had two different land uses and zoning designations, Commercial and Residential
- Changes to the site plan to close the Aviles Road access which may

require review by the fire department and public works

- Residents most affected were opposed
- Possibility of the applicant reaching out to the neighbors to come up with a solution

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

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

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

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

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

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

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

6. Preliminary Plat

**6. (a) 2020-0081 – Kevin Dooley,
Gulfstream Design, Inc – Applicant
Philip A. Fremento, D.R. Horton, Inc. -
Jacksonville – Owner
Lewis Speedway – PID 102820-0009**

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

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

Kevin Dooley and John Gislason were available for questions.

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

The Board discussed the following:

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

Ex Parte Communication:

(None)

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

Public hearing was opened.

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

Public hearing was closed.

The Board discussed:

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

MOTION

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

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Member Comments

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

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

Ms. Ryan thanked Ms. Zander for her service on the Board. She added that she had researched the history of the 5/12 roof slope

⁴ Attached to original packet

requirement for non-conforming lots in RS-1 and RS-2, and still desired to revisit the law because of current building heights and flood elevation requirements and a desire to allow for design creativity.

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

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

7. Adjournment

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



~~Karen Zander~~, Chairperson

Jon DePreter, Acting

⁵ Transcribed by Candice Seymour