

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 Lincolnville. She added that the original intent of the building was to allow

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

elderly residents in Lincolnville to age with dignity. She was in support of encouraging 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.

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

⁵ Form attached to original minutes

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.

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

A handwritten signature in black ink, appearing to read 'Jon DePreter', written over a horizontal line.

Jon DePreter, Acting Chairperson

⁶ Transcribed by Candice Seymour