



COMMUNICATIONS MEDIA TECHNOLOGY (CMT) MEETING

Pursuant to the Charter of the City of St. Augustine and Resolution 2019-21, an Emergency Meeting of the City of St. Augustine City Commission was held on Monday, April 27, 2020 at 10:00 a.m. The Emergency Meeting allows for the use of Communications Media Technology (CMT) under the authority granted by the Governor of the State of Florida pursuant to Executive Order 20-69.

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

- a. Commission Members
- b. City Attorney
- c. City Manager
- d. City Clerk
- e. Required staff for public records and multi-media operation
- f. Public participants

HOW TO VIEW THE MEETING:

The meeting will be broadcast live at:

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

Government Comcast Channel 3 HOW TO PROVIDE PUBLIC COMMENT:

EMAIL

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at cityclerk@citystaug.com. All comments must be received by (2 HOURS PRIOR TO MEETING). All public comment will be limited to three (3) minutes. The City Clerk will receive and preserve all written comment consistent with Florida Public Records law but will only read into the record the equivalent of three (3) minutes or 400 words.

PHYSICALLY PRESENT

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

PHONE

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

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



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, SEPTEMBER 28, 2020 - 5:00 PM
ALCAZAR ROOM
COMMUNICATIONS MEDIA TECHNOLOGY (CMT)**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A.** Proclamation 2020-11: Proclaims October 4-10, 2020 as National Fire Prevention Week. *(T. Upchurch, Mayor)*

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

- 6.A.** Appeal of the Planning and Zoning Board's denial of the construction of a new dock at 34 North St. Augustine Boulevard. *(D. Birchim, Director Planning and Building)*

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.B.1. Report and discussion on flood elevations experienced during the nor'easter on September 19 - 23, 2020. (*R. Franklin, Director Public Works*)

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. Ordinance 2020-26: Amends Section 3-23 of the City Code to provide the start and end dates for the display of Nights of Lights. (*I. Lopez, City Attorney*)

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. Ordinance 2020-25: Removes a requirement for certain roof pitch for structures built on non-conforming lots in single-family districts (RS-1 and RS-2). (*A. Skinner, Deputy Director Planning and Building*)

9.A.2. Ordinance 2020-28: Amends the boundaries of commercial sign zone 4. (*D. Birchim, Director Planning and Building*)

9.B. Resolutions

9.B.1. Resolution 2020-27: Adopts a fee schedule for the registration fees, annual renewal fees, late fees and re-inspection fees for short term (vacation) rentals. (*D. Birchim, Director Planning and Building*)

9.B.2. Resolution 2020-34: Sets the dates for the traditional Nights of Lights celebration and the specific dates for Nights of Lights 2020. (*J. Regan, City Manager*)

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion and requested approval of the lease agreement between the Florida Department of Environmental Protection and the City for the management of Fish Island; providing an update on the status of the work done on Fish Island, discussion regarding the opening, public workshop and management plan, results from the website questionnaire and recommendation of name for the property. *(R. Franklin, Director Public Works)*

10.B. Presentation of a perpetual easement at the intersection of Zorayda Avenue and Anastasia Boulevard to the Florida Department of Transportation for the construction and maintenance of a crosswalk. *(R. Franklin, Director Public Works)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

12.A. Request for two appointments to the Planning and Zoning Board. *(D. Galambos, City Clerk)*

12.B. Request for one appointment to the Civil Service Board. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

14.A. Discussion regarding the creation of a Resolution concerning the management and stewardship of Fish Island. *(L. Freeman, Commissioner)*

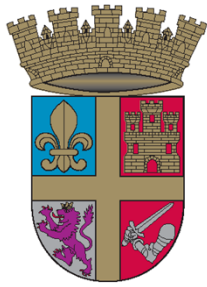
15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. 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.

CONSENT AGENDA - SEPTEMBER 28, 2020

- CA.1. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 12, 2020:**
Ordinance 2020-25
Ordinance 2020-26
- CA.2. Reminder of Upcoming Meetings :**
- October 12, 2020, Regular City Commission Meeting
 - October 26, 2020, Regular City Commission Meeting
 - November 9, 2020, Regular City Commission Meeting
 - December 7, 2020, City Commission Reorganization Meeting
 - December 14, 2020, Regular City Commission Meeting
- CA.3. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**
- August 10, 2020, Regular City Commission Meeting
- CA.4. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.**
- CA.5. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.6. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**
- CA.7.** Approval of a 60-day extension of the Franchise Agreement between the City and Ripley Entertainment, Inc. (*M. Breidenstein, Assistant City Manager*)
- CA.8.** Approval of the Cost Share Agreement between the City and Ormond Land Development, LLC for the construction of facility improvements at Prawn and Heron Streets as a result of the proposed construction of the Tribute Hotel to be located at 5 Prawn Street. The City's proportionate fair share of the public facilities improvements is equal to the amount of **\$100,000.00.** (*R. Franklin, Director Public Works*)
- CA.9.** Approval and authorization for the City Manager to execute the Interlocal Agreement between the City and the University of Florida required to conduct a grant funded study which will assess the vulnerability of on-site treatment and disposal systems to sea level rise and storm surge. (*R. Franklin, Director Public Works*)
- CA.10.** Approval of request to name a public park in Lighthouse Park. (*M. Wissel, Communications Manager*)

End of Consent Agenda



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, since 1922, Fire prevention week has been observed on the Sunday through Saturday period in which October 9th falls, and Fire Prevention Week is the longest running public health and safety observance on record; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and according to the National Fire Protection Association, during 2017, fire departments across the United States responded to 357,000. These fires caused 2,630 civilian deaths; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking, and more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, St. Augustine residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, St. Augustine first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; the 2020 Fire Prevention Week theme, “**Serve Up Fire Safety in the Kitchen!**” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, The City Commission of the City of St. Augustine do hereby proclaim October 4-10, 2020, as **NATIONAL FIRE PREVENTION WEEK** throughout this city, and urges all the people of St. Augustine to establish and practice an escape plan, and to support the many public safety activities and efforts of St. Augustine’s fire and emergency services during Fire Prevention Week.

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 28th day of September in the year of our Lord two thousand twenty and the four hundred and fifty fifth year of the founding of St. Augustine, the Nation's Oldest City.

2020-11

Tracy Upchurch, Mayor

*“Most Loyal and Valorous”
Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715*

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 28, 2020

RE: Appeal of Planning and Zoning Board (PZB) – Denial Conservation Overlay Zone One (Construction of a New Dock) at 34 N. St. Augustine Boulevard

The City's Planning and Zoning Board (PZB) is responsible for approving development within Conservation Overlay Zones. Part of this responsibility is to approve new docks in the city. Docks are located within Conservation Overlay Zone One and the review criteria for this is found in Sec. 11-29 of the City Code.

On June 2, 2020, the Planning and Zoning Board (PZB) continued an application to construct a new dock at 34 N. St. Augustine Boulevard for more detailed drawings comparing the proposed dock to other docks in the area, more details on the size of the subject property and more information on the area channel depths.

On July 7, 2020, the Planning and Zoning Board (PZB) denied the application to construct a new dock at 34 St. Augustine Boulevard because it found the new dock design to be in conflict with the following sections;

- Sec. 11-29(11) – “Impact of development by linear feet and percent of site”
- Sec. 11-29(12) – “Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.”

The basis for this finding was the size of the terminal end of the proposed new dock, which is designed to be 64 feet in width (this includes jet ski lift on the south side and a boat lift on the north side) and a total dock length of 132 feet. See attached

Neighboring property owners at 36 N. St. Augustine Boulevard spoke in opposition to this dock design and their testimony is contained in the transcript that is attached to this appeal. There are also with written statements dated May 29, 2020 and July 6, 2020 which were presented to PZB by the neighboring property owner which are included for your information. See attached

Section 28-29 (g) Review of board decisions by commission

An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.

The appellant has requested a modification to the action under appeal. An amended dock design has been submitted with this appeal application. This new design shows a terminal end 52 feet in total width with both the boat lift and jet ski lift on the north side. This new design also extends the total length of the proposed dock from 132 feet to 155 feet. See attached

The city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.

Verbatim transcripts of the hearings have been included in the appeal application.

The appellant is the property owner, so a sufficiency hearing is not required.

Please place this appeal on the September 28, 2020 City Commission agenda. If you have any questions, please let me know.

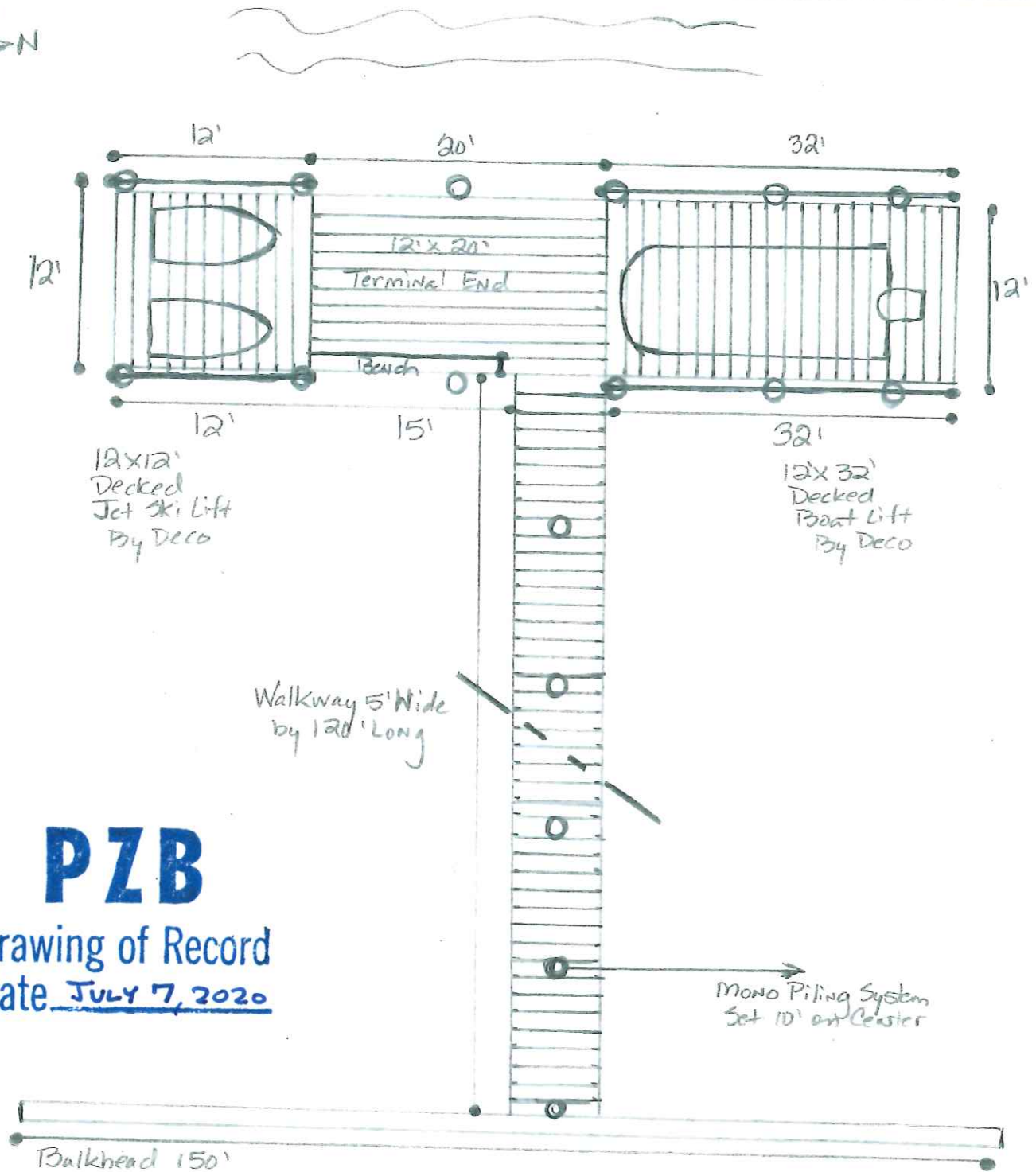


David Birchim, AICP
Director, Planning and Building



RECEIVED

By Patrick Doty at 12:50 pm, Jun 23, 2020



PZB

Drawing of Record
Date JULY 7, 2020

Mono Piling System
Set 10' out Center

Bulkhead 150'

Yelton Construction Company, Inc.
State Certified Building Contractor
CBC 1251736

2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086

Office (904) 819-9141

Fax (904) 819-9141

Plan View

Alan Stevenson
34 N. St. Augustine Blvd.
St. Augustine, FL 32080

JOB NO: 19

Scale: Not to Scale

Date: 02/12/20

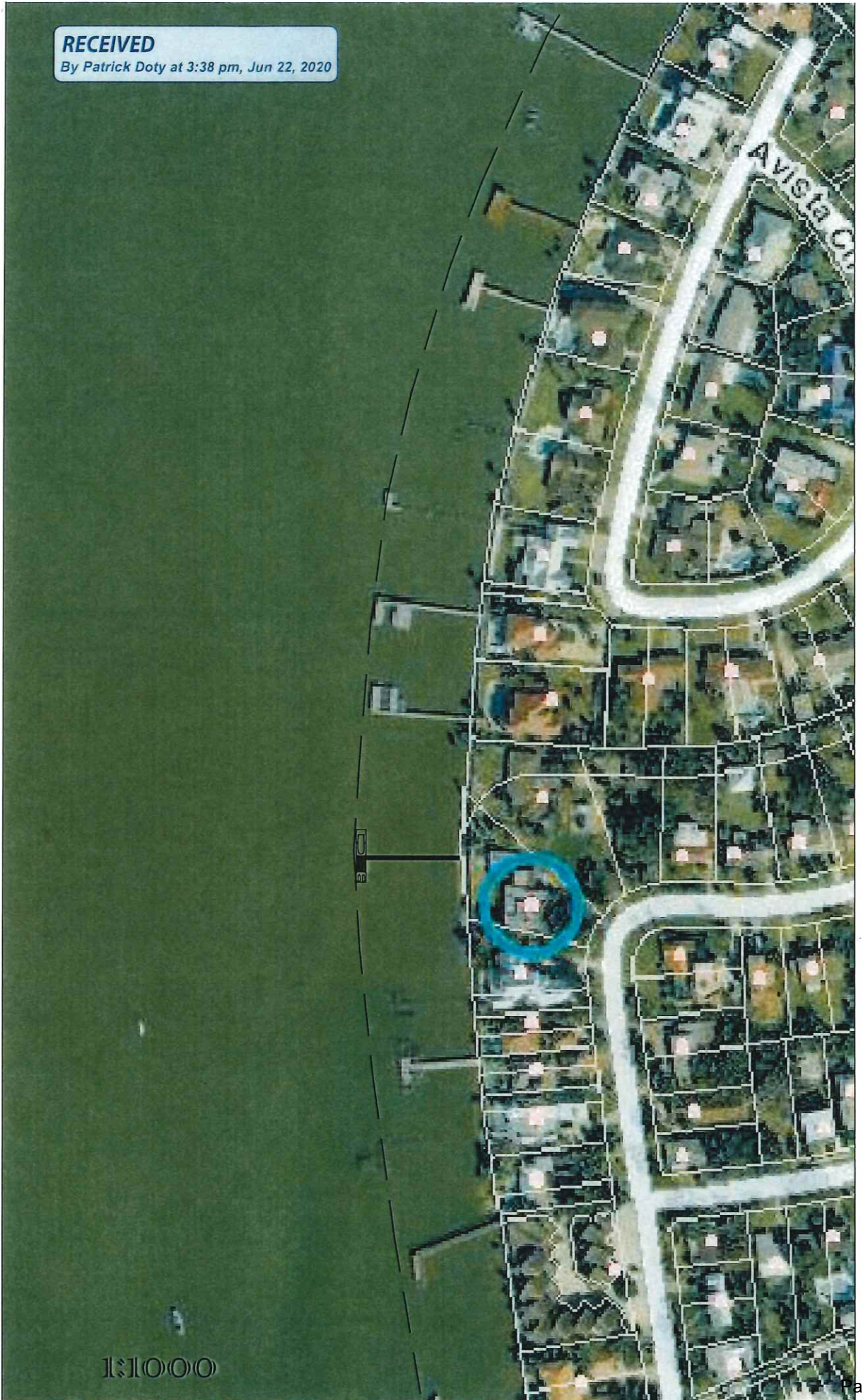
DENIED BY PZB

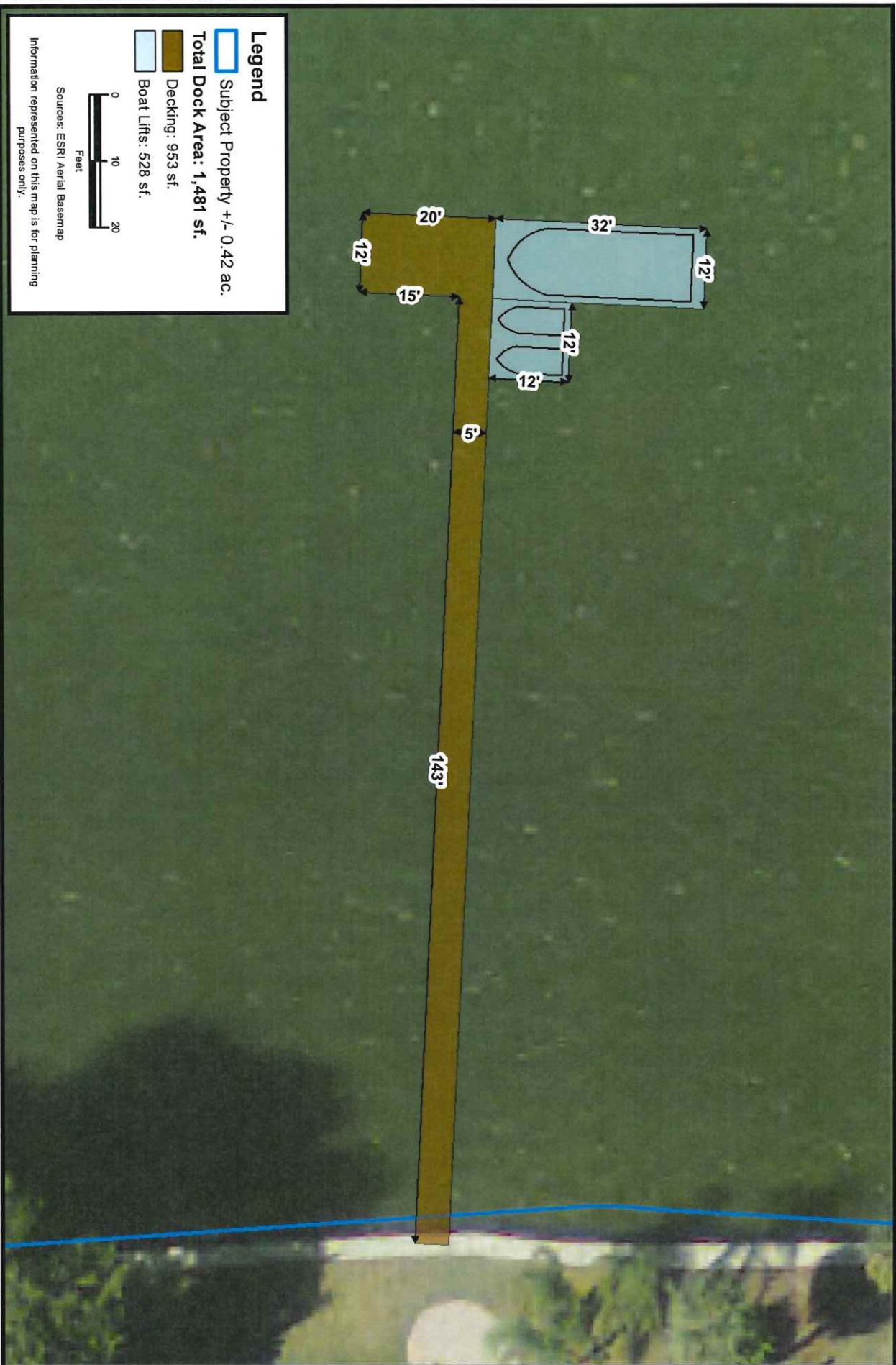


RECEIVED

By Patrick Doty at 3:38 pm, Jun 22, 2020

DENIED BY PZB





CARTER ENVIRONMENTAL SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Dimensions

34 N. St. Augustine Blvd.

Project: 5.20282

St. Augustine, FL

Date: Jul 30 2020

Figure:

4



NEW DESIGN - SUBMITTED WITH APPEAL

POOL HOUSE ROOF PLAN



POOL HOUSE TRELLIS PLAN



POOL HOUSE PLAN



Sheet Number	A1.01
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SITE PLAN &
POOL HOUSE
PLANS

No.	Date	Description	Reaction
1	7-10-20	SODIUM HYDROXIDE	
2	7-10-20	SODIUM HYDROXIDE	
Scale		AS NOTED	
Sheet title			

MIEP ENGINEER:
Powell & Hinkle Engineering
1409 Kingsley Ave # 12A
Orange Park FL 32073
904-264-5570

STRUCTURAL ENGINEER:
Hulsberg Engineering, Inc
12058 San Jose Blvd. #1001
Jacksonville, FL 32223
904-886-2401

ARCHITECT:
Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
352.267.2100

CONTRACTOR:
RUGGERI CONSTRUCTION
811 State Road 20
East Unit #4

PROJECT LOCATION
25 13 Street
St. Augustine Beach FL 32080
(804) 826-7242

OWNER CONTACT

From: [Edmiston & Edmiston PA](#)
To: PZB@citystaug.com
Subject: Comments Re Proposed Dock at 34 N St Augustine Blvd
Date: Friday, May 29, 2020 4:49:00 PM

Planning & Zoning Board Members,

My name is Margaret Edmiston and I am responding as owner of the property at 36 N St Augustine Blvd adjacent and north of 34 N St Augustine Blvd. By way of this email, I am providing my family's response concerning the proposed dock under Application # 2020-0035.

As communicated via the Response Form we submitted last month, we do not oppose a dock being built, but do object to the size and layout of the terminal platform and lifts. We request that the second, smaller boat lift be placed alongside the larger lift in order to reduce the overall width of the terminal end. Described below are comparisons to other docks within a few houses on either side which illustrate this request is more in line with neighboring docks.

The dock application shows a terminal platform which, including the two boat lifts at either side of the platform, totals a width of 64'. This total width is larger than that of other docks in this area. The two docks on the two properties north of our property have a terminal end width of approximately 34' and allow for two boat lifts. The smaller width is accomplished by placing the jet ski lift to the east (towards the seawall) of the larger boat lift. This design reduces the intrusion of the boats and dock to the sightline of beautiful St Augustine. To the south, there is a larger "shared" dock for 26 & 28 N St Augustine Blvd. This shared dock which is located on the lot line for those two properties has a total terminal end width of approximately 60' (4' less than the proposed in the application). Since this dock is owned jointly, each property has a 30' wide terminal as compared to the proposed 64' terminal end.

We request that the dock design be revised to a width in the range of 30' to 34', similar to the other docks along this stretch of Matanzas Bay. A 12' reduction to the width could be achieved by moving the location of the jet ski lift alongside (to the east of) the 32' boat lift. A further reduction could be accomplished by either limiting or moving the Terminal End, or re-orienting the larger boat lift. As you can see from the applicant's sketch, due to the atypical configuration of our lot and the applicant's lot and the resulting angled lot line, the placement of the dock at the midpoint of the applicant's bulkhead property line, rather than the center of their lot, results in the proposed platform extending in front of a significant portion of our property. Our only request is that the dock and terminal platform not be larger than that of our neighbors.

As longtime residents of St Augustine, we are also concerned about the potential impact to the view from historic downtown. If the majority of homes directly across from the historic area build large docks, the historic view across the water will be further compromised.

We kindly request the board consider our concerns in reviewing the application.

Margaret Edmiston

From: [Edmiston & Edmiston PA](#)
To: PZB@citystaug.com
Subject: Comments re Proposed Dock at 34 N St Augustine Blvd; Applic # 2020-0035
Date: Monday, July 06, 2020 12:09:00 PM

Planning & Zoning Board Members,

My name is Margaret Edmiston and I am responding on behalf of my mother and family, as owner of the property at 36 N St Augustine Blvd adjacent and north of 34 N St Augustine Blvd. By way of this email, we are again responding with our family's concerns regarding the proposed dock under Application # 2020-0035.

According to Sec 11-29, under Standards for review, the planning and zoning board *"is authorized to impose limitations in the nature and manner of construction .. to avoid blocking or disrupting vistas and scenic opportunities.."* While we understand that any dock will impact the scenic opportunities, we are simply requesting that the dock design be comparable to neighboring docks, and not unduly impact our view. From the perspective of a neighboring homeowner, the proposed dock with a terminal platform, including boat lifts, that is 64' wide is not consistent with neighboring docks, and would adversely impact our scenic vista of the historic Bridge of Lions and downtown St Augustine. We do not concur with the staff analysis for criteria 12 addressing the impact on *"vistas and scenic opportunities by linear feet, height, mass and percent of site."* Last month's staff response of "Minimal, due to multiple existing docks in the area, including to the north and south" has been expanded to state that the proposed dock is consistent in **length** to other docks, but does not address the expanse, or width, of the proposed terminal end, including the boat lifts. The terminal ends of the neighboring docks are half the width of the proposed dock, unless shared by two properties.

Prior to, and at, last month's meeting, we communicated our objection to the size and design of the proposed dock structure. Our concern is heightened due to the unusual, angled lot line between our properties. It appears that our neighbor may now share our concern over a boat impairing the view, as they have chosen to flip their design moving the boat lift, rather than the smaller jet skis, in front of the far triangle at the north end of their property, less prominently in their view but certainly more prominently in ours.

Needless to say, we are more opposed to this new design. In fact, the revised design shifts the terminal end/boat lifts 5' to the north, as the 32' boat lift extends from the northern edge of the dock. Previously, the 32' northern portion (which in the prior application held the terminal platform and jet ski lifts) started at the south edge of the 5' wide dock. This "mirror image" design thus moves the northern edge of the terminal end 5' further in front of our property. Since no public notice was made notifying us of the design change, we request the applicant's mirror image design not be accepted.

At the June meeting, the Applicant noted the need to have sufficient water depth, with 4' the suggested minimum depth for boats. The first page of Attachment 3 shows various water depths, starting at 120' from the bulkhead where the depth at low tide is 4'. We see that the applicant did not provide water depths closer to the bulkhead to measure the feasibility of an alternative jet ski lift

location. There was a question at the last meeting about the water depth needed for jet skis. While generally jet skis do not require as much depth, our research (<https://www.jetdrift.com/how-shallow-can-a-jet-ski-run/>) indicates that 3' is the recommended depth for operating a jet ski. Presumably, the low tide measurement at 120' of 4' depth would indicate sufficient depth for relocating the jet ski lift closer to the bulkhead.

Looking at the aerial picture with the sketch of the proposed dock (last page of applicant's Attachment 3), there is a "shared dock" to the south of the applicant. This dock has boat lifts which appear to be 10' to 15' closer to the bulkhead than the applicant's proposed design, with the jet ski lift even closer (approx. 80' from the bulkhead).

For comparison, we provide the following descriptions of the neighboring docks to the north and south, with estimates of the sizes based on the Property Appraiser website:

- The two docks at the two properties just to the north of our lot are very similar. Both have boat lifts to the east of the terminal platform which is approx. 34' wide. The design of placing the boat lift closer to the bulkhead (but still at around 120') allows for a total width of the dock structure at 34'. Placing the terminal platform alongside the boat lift creates a somewhat longer total dock, at almost 140'. This design places the jet ski lift to the bulkhead side of the boat lift (with midpoint of the jet ski lift at approx 100' from the bulkhead).
- The "shared" dock that two properties to the south own jointly uses a 'T-shape' design with the terminal platform between the two boat lifts, similar to the Applicant's proposed design. The terminal platform has a total width, including opposing boat lifts, of approx. 60' (since this dock is jointly owned, each property has a 30' wide terminal end). The total length to the end of the terminal platform is less than 110'. For this shared dock, the jet ski lifts are alongside and to the east of the boat lifts, with the midpoint of the jet ski lift at approx. 82' from the bulkhead.

We maintain our opposition to a 64' wide dock structure. As proposed (original or revised), the dock would extend in front of a significant portion of our property, impairing our sightlines. This is illustrated on the last page of Attachment 3. At the previous meeting, we proposed the dock design be revised to a width in the range of 30' to 34', similar to the other docks along this stretch of Matanzas Bay. A 12' reduction to the width could be achieved by placing the jet ski lifts on the south side of the dock, to the east of, and on the same side as the boat lift, separated by a walkway to create distance and access. In addition, we hoped the terminal platform would not be as large, currently proposed at 20' wide, or redesigned so as not to create such a large total width which is much greater than the neighboring docks.

As longtime residents of St Augustine, we are concerned about the precedent being set for such wide platforms and lifts for docks directly across from the historic downtown area of St Augustine. If the majority of homes directly across from this area build large docks, the historic view across the water will be further compromised. Our only request is that the dock and terminal platform not be larger than that of our neighbors.

We kindly request the board consider our concerns in reviewing the application.

Margaret Edmiston

CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION

RECEIVED

AUG 06 2020

Planning / Building Dept.

1. APPLICANT FEE:

\$200.00

2. PROJECT NUMBER:

PL 2020-0090

3. RECEIPT NUMBER:

1917654

PLEASE PRINT OR TYPE

4. APPLICATION TO APPEAL DETERMINATION(S) OF THE FOLLOWING:

☒ Planning and Zoning Board

☐ City Manager

☐ Historic Architectural Review Board

☐ Planning and Building Director

☐ Building Official

☐ Other (please specify):

☐ Fire Marshal

5. NAME OF APPELLANT: STA Beach Investments, LLC

Phone: ()

| Business (if applicable):

Address: 841 S. Ponce de Leon Blvd. Unit 6 | City: St. Augustine

State: Florida

| Zip: 32084

6. LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS APPEAL:

Lot: | Block: | Subdivision:

Parcel No.: 213510-0000

Other (attach copy, if necessary):

7. PROPERTY STREET ADDRESS: 34 N. St. Augustine Boulevard

8. PROPERTY OWNER: See 5.

Phone: (904) 808-9978

| Business (if applicable):

Address: | City:

State: | Zip:

9. DESCRIPTION OF ACTION BEING APPEALED: Denial of Conservation Zone permit
for dock.

(e.g.: "Approval of a variance by the Planning and Zoning Board regarding lot coverage to construct a shed" or "Denial of a Certificate of Appropriateness by the Historic Architectural Review Board for metal roof for an addition.")

10. DATE OF ACTION BEING APPEALED: July 7, 2020

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

Denial of reasonable riparian use of dock right, consistent with the Conservation Zone Ordinance.

In many instances, an appeal may only be filed by an aggrieved person, and the reviewing authority must find whether in its opinion error was made in order to reverse or modify the action appealed.

12. SPECIFIC GROUNDS FOR THE APPEAL:

The denial was inconsistent with CZP Ordinance criteria. (continued on attachment)

Section 28-29 of the Code of the City of St. Augustine, in part, states: "State with particularity, specific grounds for the appeal, including the factual and legal basis, which must be based on established law as it relates to the action taken by the official, board or commission upon which the appeal is filed. The official, board or commission which will hear the appeal as the reviewing authority may review the application for appeal prior to hearing and may request that additional information be filed, in writing in the form of a brief or other formal statement. Based upon the application for appeal and such other information that is filed, such reviewing authority may summarily affirm the order to be reviewed if the authority finds that no preliminary basis for reversal has been demonstrated, or may summarily reverse the order to be reviewed if the reviewing authority finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal." Attach additional information, if necessary.

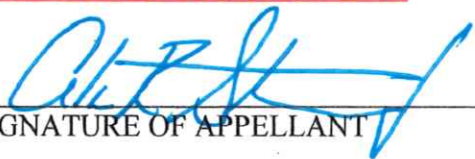
13. SPECIFIC ACTION BEING REQUESTED:

Grant dock permit based on revised footprint with T-Head changed to "stacked" boatlift and jet skis.

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

In accordance with s. 286.0105, Florida Statutes: "If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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."

A VERBATIM TRANSCRIPT IS REQUIRED AND INCLUDED WITH THIS APPEAL. THE DEADLINE FOR THE TRANSCRIPT IS THE SAME AS THE DEADLINE FOR THE APPEAL.

15. 
SIGNATURE OF APPELLANT

RECEIVED

AUG 06 2020

Planning / Building Dept.

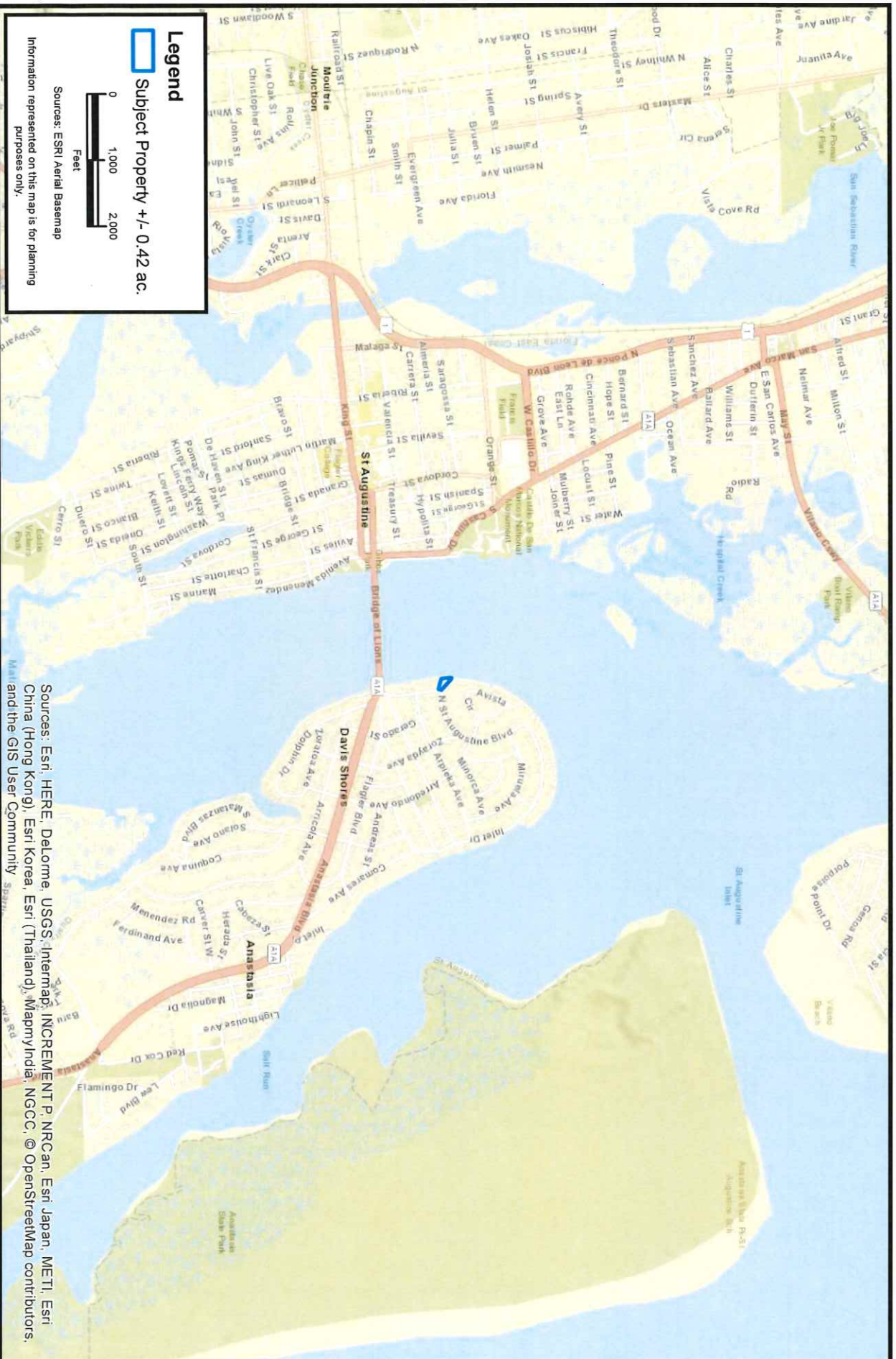
12. SPECIFIC GROUND FOR THE APPEAL: (continued from application form)

The PZB order cites CZO subsections (4) and (12). Subsection (4) does not apply, because it concerns discharges. No one objected on that ground. The record shows the grounds were (11) and (12). Those subsections address impacts on (11) shoreline and (12) vistas and scenic opportunities. While the application called for a T-head whose percentage of shoreline frontage was smaller by far than nearby docks in relation to lots and the largest sidelot setbacks to adjacent lots by far, we propose modifications consistent with subsection (g)(4) of the appellate ordinance. The modifications "stack" the boatlift and jet skis, reducing the terminal platform by twelve feet, and slide the dock between ten and twelve feet south. The platform moves out to navigable depth as well, but is still consistent with lengths or nearby docks.

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AUG 06 2020

Planning / Building Dept.



Legend
 Subject Property +/- 0.42 ac.



Sources: ESRI Aerial Basemap
 Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

Location Map

34 N. St. Augustine Blvd.

Project: 5.20282

St. Augustine, FL

Date: Jul 28 2020

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Aerial Map

34 N. St. Augustine Blvd.

Project

5.20282

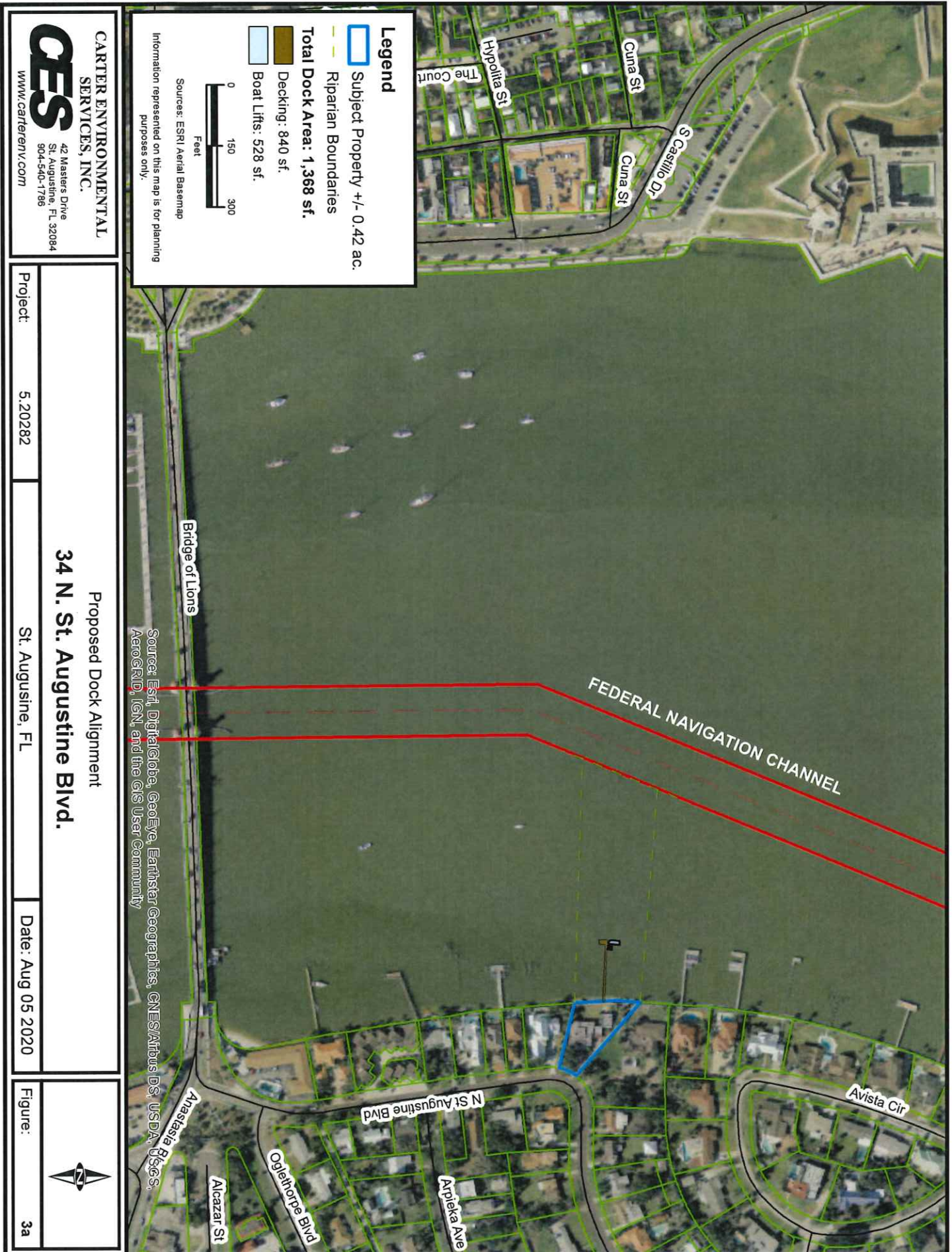
St. Augustine, FL

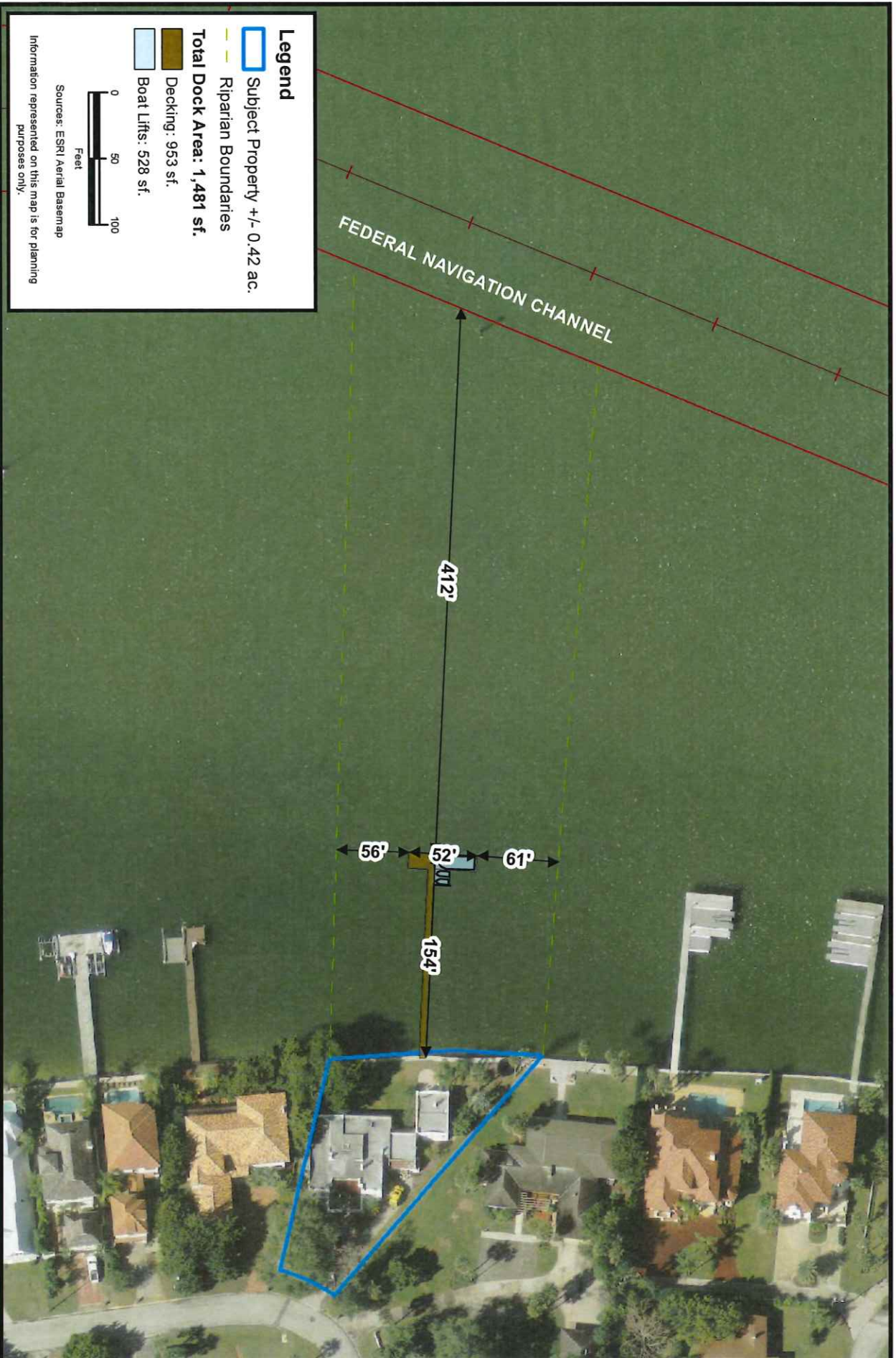
Date: Jul 28 2020

Figure:

2







CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

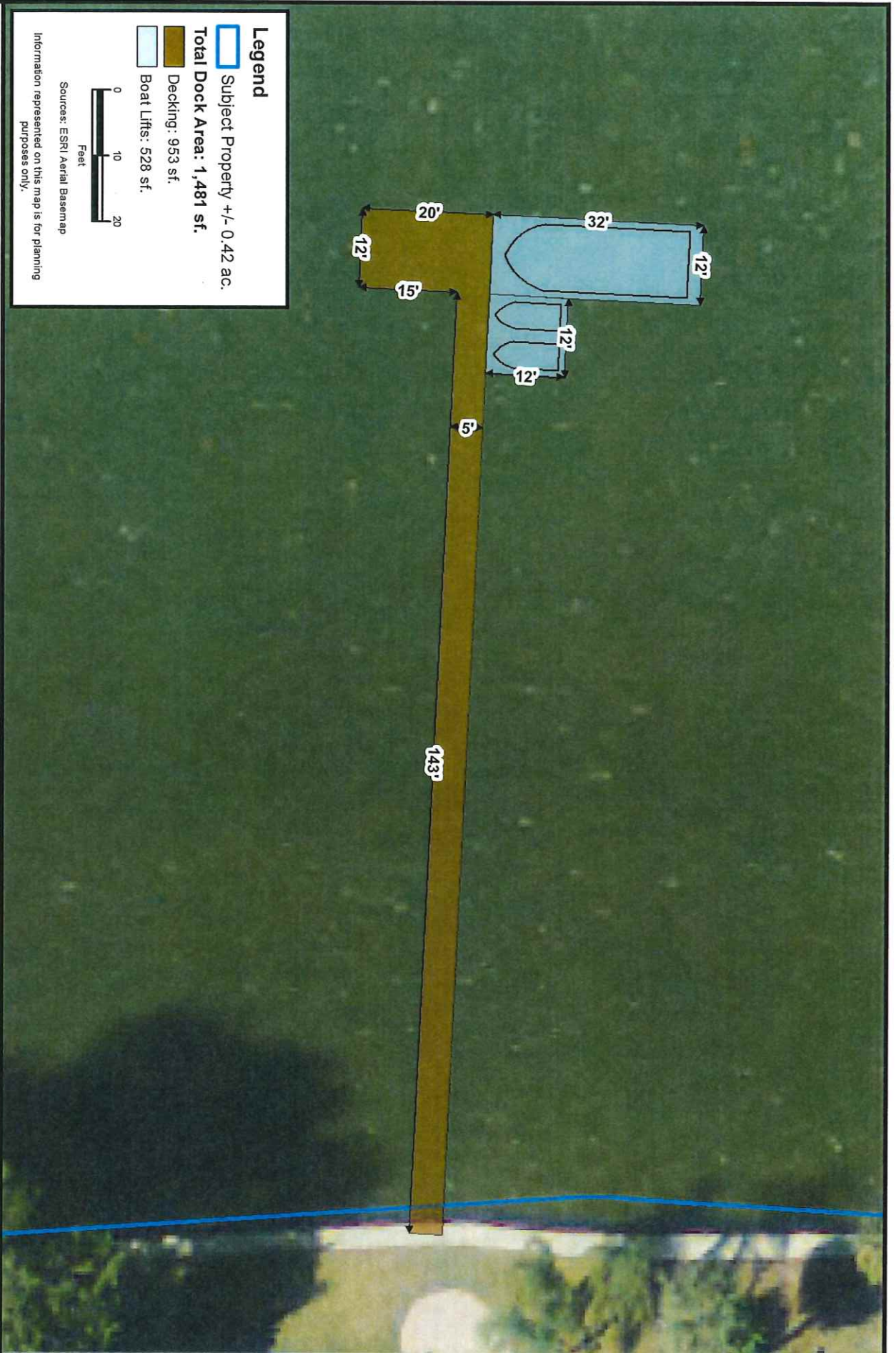
Proposed Dock Alignment
34 N. St. Augustine Blvd.

Project: 5.20282

St. Augustine, FL

Date: Jul 30 2020

Figure: 3b



CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 804-540-1786
 www.carterenv.com

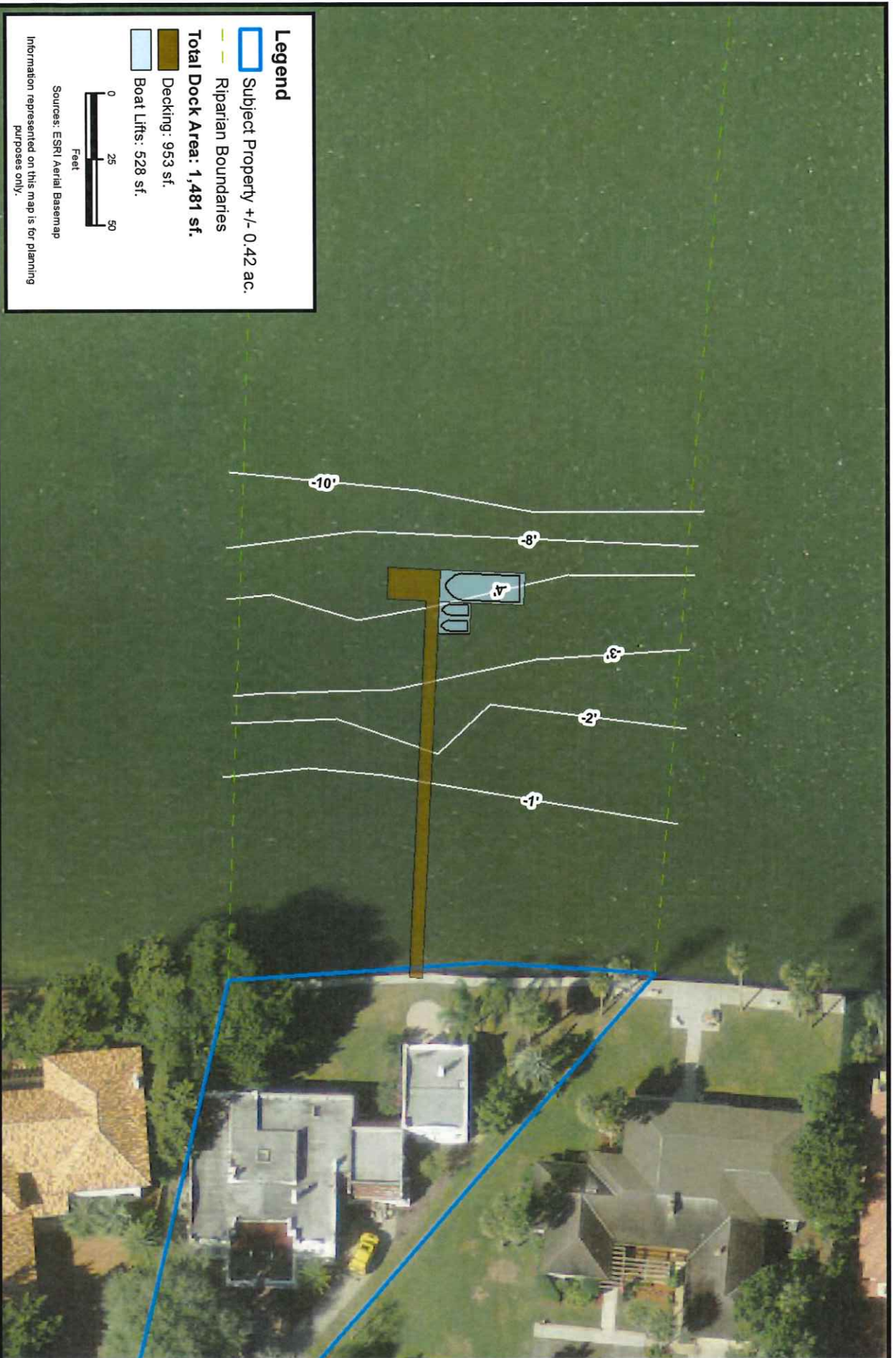
Project: 5.20282

Proposed Dock Dimensions
34 N. St. Augustine Blvd.

St. Augustine, FL

Date: Jul 30 2020

Figure: 4

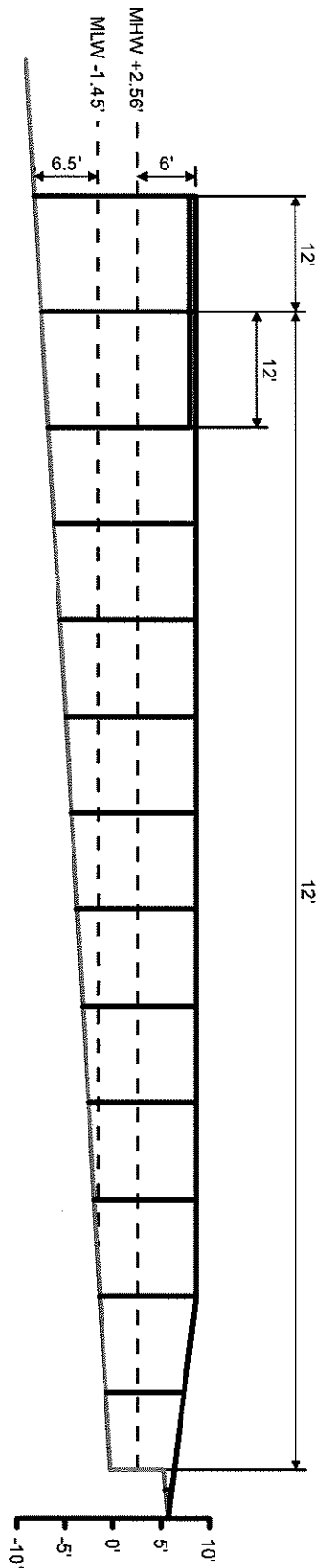


CARTER ENVIRONMENTAL SERVICES, INC.
CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Project: 5.20282
St. Augustine, FL
Proposed Dock Bathymetry (Depths Below MLW)
34 N. St. Augustine Blvd.

Date: Jul 30 2020

Figure: 5



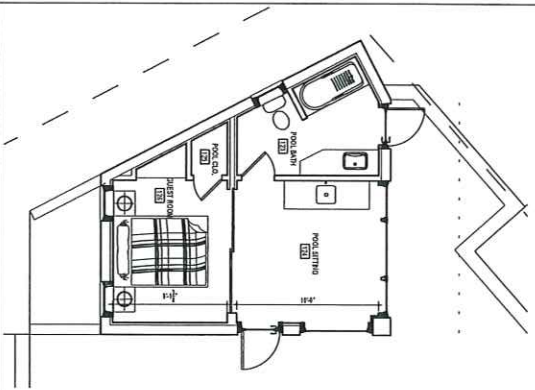
Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

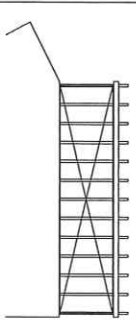
Project: 5.20282
 Proposed Dock Profile View
 34 N. St. Augustine Blvd.
 St. Augustine, FL
 Date: Jul 28 2020

Figure: 5

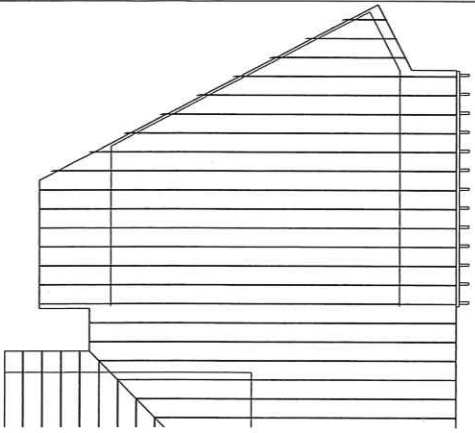




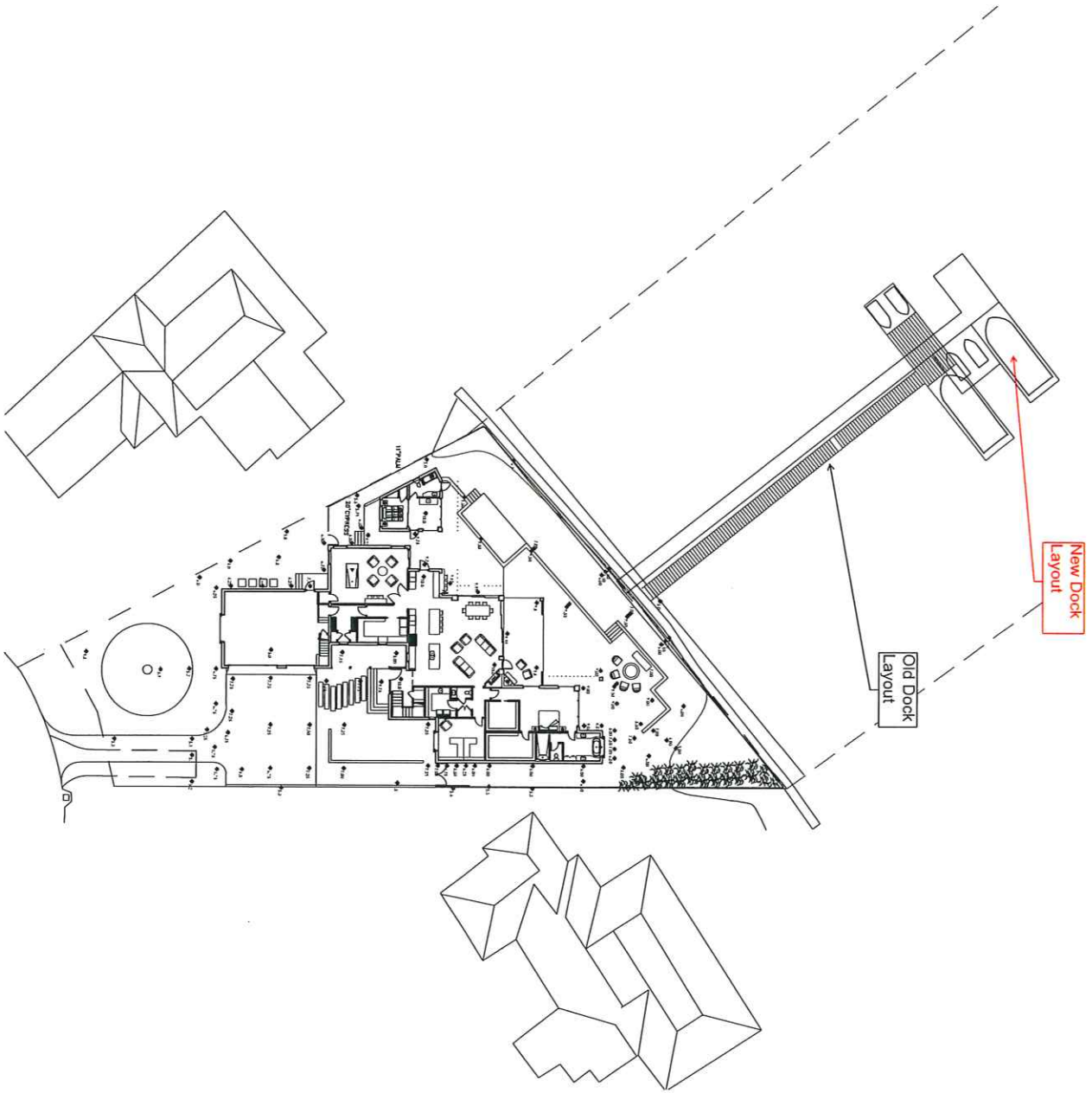
POOL HOUSE PLAN



POOL HOUSE TRELLIS PLAN



POOL HOUSE ROOF PLAN



SITE PLAN

STEVENSON
RESIDENCE

OWNER CONTACT

ALAN & JENNIFER
STEVENSON
2515 S.W. 10th St.
St. Augustine Beach FL 32080
(904) 826-7245

PROJECT LOCATION

5410 N. St. Augustine Blvd
St. Augustine, FL 32080

CONTRACTOR

RUGGIERI CONSTRUCTION
6111 Shaw Road 20
St. Augustine FL 32086
(904) 797-0201

ARCHITECT

St. Augustine Architect, LLC
201 Owens Ave
St. Augustine FL 32080
(904) 477-9430

STRUCTURAL ENGINEER

THOMAS E. BROWN, INC.
12058 San Jose Blvd. #1001
Jacksonville, FL 32223
(904) 886-2401

M/E/P ENGINEER

Fowell & Hinkle Engineering
409 Knightway Ave # 124
St. Augustine FL 32080
(904) 284-5570

No.	Desc.	Quantity	Unit
1	CONCRETE	1200	sq. ft.
2	CONCRETE	1200	sq. ft.

Scale

AS NOTED

SITE PLAN &
POOL HOUSE
PLANS

Sheet
Number

A1.01

NOT FOR
CONSTRUCTION

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICATION WAIVER

- The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 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.

Alan Stevenson

ALAN R. STEVENSON JR.

PRINT NAME OF APPLICANT



SIGNATURE OF APPLICANT

8-4-20

DATE

RECEIVED

AUG 06 2020

Planning / Building Dept.



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

Detail by Entity Name

Florida Limited Liability Company

STA BEACH INVESTMENTS, LLC

Filing Information

Document Number L17000042020
FEI/EIN Number 82-4151930
Date Filed 02/22/2017
Effective Date 02/17/2017
State FL
Status **ACTIVE**

Principal Address

841 S PONCE DE LEON
UNIT 6
ST. AUGUSTINE, FL 32084

Mailing Address

841 S PONCE DE LEON
UNIT 6
ST. AUGUSTINE, FL 32084

Registered Agent Name & Address

STEVENSON, JENNIFER L
841 S PONCE DE LEON
UNIT 6
ST. AUGUSTINE, FL 32084

Authorized Person(s) Detail

Name & Address

Title MGR

STEVENSON, JENNIFER L
841 S PONCE DE LEON, UNIT 6
ST. AUGUSTINE, FL 32084

Title MGR

STEVENSON, ALAN R, JR.
841 S PONCE DE LEON, UNIT 6
ST. AUGUSTINE, FL 32084



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2135100000
Location Address	34 N ST AUGUSTINE BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-97 DAVIS SHORES LOT 15 BLK 1 & LOT 13 BLK 6 AVISTA SUB OF DAVIS SHORES MB7/7 OR4832/556 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.420
Homestead	N

Owner Information

Owner Name	Sta Beach Investments LLC 100%
Mailing Address	580 A1A BEACH BLVD SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$31,935
Total Land Value	\$967,356
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$999,291
Total Deferred	\$0
Assessed Value	\$999,291
Total Exemptions	\$0
Taxable Value	\$999,291

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	\$15,922	\$781,200	\$0	\$0	\$797,122	\$797,122	\$0	\$797,122
2018	\$0	\$15,977	\$781,200	\$0	\$0	\$797,177	\$797,177	\$0	\$797,177
2017	\$146,546	\$16,032	\$781,200	\$0	\$0	\$943,778	\$761,480	\$232,298	\$711,480
2016	\$278,287	\$14,776	\$781,200	\$0	\$0	\$1,074,263	\$856,793	\$267,470	\$806,793
2015	\$226,976	\$14,776	\$781,200	\$0	\$0	\$1,022,952	\$850,837	\$222,115	\$800,837
2014	\$216,434	\$14,776	\$781,200	\$0	\$0	\$1,012,410	\$844,084	\$218,326	\$794,084
2013	\$222,056	\$14,776	\$781,200	\$0	\$0	\$1,018,032	\$831,610	\$236,422	\$781,610
2012	\$204,433	\$14,776	\$598,500	\$0	\$0	\$817,709	\$817,709	\$50,000	\$767,709
2011	\$206,988	\$14,776	\$584,010	\$0	\$0	\$805,774	\$805,774	\$50,000	\$755,774
2010	\$172,850	\$14,776	\$648,900	\$0	\$0	\$836,526	\$836,526	\$50,000	\$786,526

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	0	0	0	1644

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	156	175	156	FF	\$967,356

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/15/2019	11/15/2019	\$1,200,000.00	WD	4832	556	Q	V	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)	STA BEACH INVESTMENTS LLC
	2/27/2004	\$1,350,000.00	WD	2148	1895	Q	I	SCHNEIDER ELIZABETH M	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)
	10/1/1990	\$0.00		873	223	U	I		SCHNEIDER FREDERICK E JR
	10/1/1990	\$435,000.00		873	223	Q	I		
	8/1/1988	\$0.00		792	679	U	I		
	8/1/1988	\$250,000.00		791	246	Q	I		

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

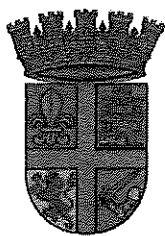
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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Last Data Upload: 8/8/2020, 12:07:59 AM

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Version 2.3.74



CITY OF
ST. AUGUSTINE
— EST. 1565 —

July 7, 2020

Yelton Construction Company, Inc.
Herbert VanderMark
2435 Dobbs Rd.
St. Augustine, FL 32086

Re: Conservation Overlay Zone Development – 34 N St. Augustine Blvd. – Case
Number 2020-0035

Dear Applicant:

On Tuesday, July 7, 2020, the Planning and Zoning Board (PZB) met and discussed your application for a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts in Conservation Overlay Zone 1.

Specifically, based upon evidence presented, the PZB **denied** your application as described in the attached copy of the executed Order.

Pursuant to 28-29(g), City of St Augustine Code, an appeal may be taken by any person aggrieved by the decision of the board provided such appeal is filed with the Planning and Building Department within thirty (30) days.

Please contact the Planning and Building Department at 904-825-1065 for questions you may have regarding this matter.

Sincerely,

David Birchim, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| <u>One/Two/Three</u> | ☐ Rezoning |
| ☐ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2020-0035

Applicant: Herbert Vandermark c/o Yelton Construction

Owner: Alan Stevenson c/o St. Augustine Beach Investments, LLC.

Address: 34 N St. Augustine Blvd

Parcel Number: 2135100000

RE: Conservation Overlay Zone Development, pursuant to Section 28-29, City of St. Augustine Code, to approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts in Conservation Overlay Zone 1.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON JULY 7, 2020, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the July 7, 2020 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family-One (RS-1).
4. The above-described Conservation Overlay Zone Development is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS** / **DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES** / **DENIES** / **CONTINUES** the Applicant's request to approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts in Conservation Overlay Zone 1.

Subject to the following conditions:

- DOES NOT COMPLY WITH
- SEC. 11-(4)
- SEC 11-(12)
- _____
- _____
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 7 day of JULY, A.D., 2020, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2020-0035

REQUEST **APPROVED** / **DENIED** / CONTINUED

Sign Name

KAREN ZAUNDER

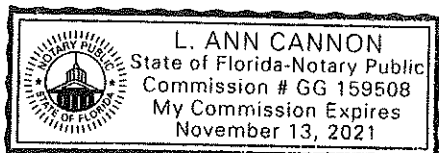
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Karen Zaunder, by means of ☒ physical presence or ☐ online notarization, who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 10 day of July, A.D., 2020.



L. Ann Cannon
Notary Public, State of Florida

CITY OF ST. AUGUSTINE

Planning and Zoning Board Communications Media Technology Meeting July 7, 2020

The Planning and Zoning Board met via Communication Media Technology (CMT) Tuesday, July 7, 2020, at 2:00 p.m. with limited 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
Isabelle Lopez, City Attorney
Maria Lopes, Office Assistant
Laura Morse, Recording Secretary
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

Ms. Ryan MOVED to APPROVE the March 3, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Ms. Ryan MOVED to APPROVE the May 5, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Ms. Ryan MOVED to APPROVE the June 2, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2020-0032 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0270

To reduce the required side yard setback from 10' to 7'.

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 **APPROVE** a variance to reduce the side yard setback in RS-2 zoning district at **Davis St / PIN 119920-0270**

Kurt McAteer reviewed the application.

The Board provided their ex parte communications.

20 certified notices were sent and 7 were returned opposed and 2 had comments.

The Board asked questions and made comments regarding the following:

- The possibility of filling a portion of the pond on the property to increase buildable area and remove the necessity of a variance
- Confirmation that applicant would only be removing one cabbage palm and avoiding two other trees by shifting the house as proposed
- Proposed shift would move the house farther away from that of the concerned neighboring property owner

Public hearing was opened.

B.J. Kalaidi spoke against the application, stating that the owner was aware of the site limitations prior to purchasing the property and that there was no qualifying hardship. She also voiced concerns regarding vehicular safety.

Public hearing was closed.

Mr. McAteer felt the application qualified as a geographical hardship. He confirmed that the new structure would not impose on the existing

The Board discussed:

- Application met the four requirements for a variance, particularly for site topography
- Applicant had met recommendations by the Board from the last meeting, shifting the home to protect most of the trees on the lot
- State and local tree removal regulations

MOTION

Mr. DePreter MOVED to APPROVE application 2020-0032 because the application met the four requirements for a Variance in section 28-29. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: DePreter, Ryan, Davis, Misterly, Zander

NAYES: Blow

MOTION CARRIED 6/1.

5. Conservation Overlay Zone Development

5. (a) 2020-0021 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0270

To approve the removal of two (2) significant trees (live oaks) within Conservation Overlay Zone 3.

Applicant withdrew the application prior to the meeting.

5. (a) 2020-0022 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0250

To approve the removal of one (1) significant tree (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** removal of one (1) significant tree at the subject property within Conservation Overlay Zone 3 located at **Davis Street / PID: 119920-0250**.

Mr. McAteer reviewed the application.

The Board provided their ex parte communications.

25 certified notices were sent, 1 was returned in favor, 8 returned opposed and 1 had comments.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

Bridget Yunker spoke against the application citing that the lot was unbuildable due to the tree and the applicant was aware of the lot's condition when they bought it. She recommended that the size of the home be reduced to keep the tree on the property.

Public hearing was closed.

Mr. McAteer responded that the lot was not unbuildable and it was not uncommon for trees to be removed to allow for the construction of a home.

The Board discussed:

- Proposed structure met code in terms of lot coverage

MOTION

Ms. Ryan **MOVED** to **APPROVE** application 2020-0022, to approve the removal of one significant tree within Conservation Overlay Zone 3. The motion was **SECONDED** by Ms. Opsahl.

VOTE ON MOTION:

AYES: Ryan, Opsahl, David, Misterly, DePreter, Zander

NAYES: Blow

MOTION CARRIED 6/1

5. (b) 2020-0035 – Herbert Vandermark, Yelton Construction – Applicant
Alan Stevenson, St. Augustine Beach Investments, LLC – Owner
34. N St. Augustine Blvd

Ms. Ryan recused herself from the application.¹

To approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts in 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 construction of a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1 located at **34 N. St. Augustine Blvd. / PIN 213510-0000**.

Herbert Vandermark and Sidney Ansbacher reviewed the application.

The Board provided their ex parte communications.

Public hearing was opened.

¹ Form attached to original minutes

Margaret Edmiston spoke in opposition to the width of the terminal end of the dock and asked that the size of the terminal end be reconsidered.

Ann Fitzgibbons also spoke against the size of the terminal end of the dock as blocking neighborhood scenic vistas. She asked that the Board consider the application based on reasonable access to the waterway.

B.J. Kalaidi gave a brief history of the property and spoke against the application, voicing concern that a dock permit was being pulled prior to a permit for a house, which was a city requirement.

Public hearing was closed.

Mr. Birchim addressed Ms. Kalaidi's concern that a dock permit was being pulled prior to the permit for a home, noting that approval of Conservation Overlay Zone development was only part of the permit approval process and that the final permit for a dock would be held until construction of a house had begun.

Mr. Vandermark said that the proposed dock was moving 5 feet farther from Ms. Edmiston's family property. He felt that the application was in compliance with City requirements.

The Board discussed

- Terminal platform appeared to be excessive in size and was larger in comparison to all neighboring docks
- Possibility of putting the jet-ski lift on the same side as the boat lift to decrease the width of the terminal platform
- Terminal platform size was determined using percentage of property width
- Both lifts were designed to be within deepest portion of the channel to mitigate future issues with shoreline shifting

Mr. Vandermark responded that the dock appeared to be within appropriate setbacks. He added that the owner of the property was adamant about maintaining the design as submitted.

MOTION

Mr. Misterly **MOVED** to **DENY** Conservation Overlay Zone 1 Development application 2020-0035 because it does not meet criteria 11, the impact of development by linear feet, and 12, the impact of development on scenic vistas by linear feet. The motion was **SECONDED** by Mr. DePreter.

There was a brief discussion regarding setbacks from the property line which was not an issue for the Board to consider.

VOTE ON MOTION:

AYES: Misterly, DePreter, Blow, Davis,

NAYES: Opsahl, Zander

MOTION CARRIED 4/2.

5. (c) 2020-0057 – Ryan Carter, Carter Environmental Services – Applicant
Joe Tringali – Owner
211 Inlet Drive

To approve the expansion of an existing dock to allow for a one hundred twenty nine (129') foot long by five foot (5') wide dock with two (2) boat lifts, a ten foot (10') by thirty six foot catwalk between them, a fourteen (14') by twenty six foot (26') terminal platform and a forty foot (40') by twelve foot (12') floating dock accessed by a thirty foot (30') long by four foot (4') wide gangway in 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 allow for a one hundred twenty nine (129') foot long by five foot (5') wide dock with two (2) boat lifts, a ten foot (10') by thirty six foot catwalk

between them, a fourteen (14') by twenty six foot (26') terminal platform and a forty foot (40') by twelve foot (12') floating dock accessed by a thirty foot (30') long by four foot (4') wide gangway in Conservation Overlay Zone 1 located at **211 Inlet Drive / PIN 213710-0000**.

Ryan Carter reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

B.J. Kalaidi spoke against the application stating the dock was too big and may be for sale to be used for commercial purposes.

Public hearing was closed.

Mr. Ryan responded to public comment stating that whether the property was for sale was not germane to the application, and the dock was being built for residential use only.

The Board discussed:

- Concern for construction material and size of the floating dock
- Applicant's intent to construct a modular floating dock system
- Consideration to redesign the gangway to pull the floating dock in closer to the main dock and lessen impacts to the scenic vista
- Length of 30 foot gangway was predicated on the slope of the gangway at low tide and could not be shorter without being unsafe

MOTION

Mr. Blow MOVED to APPROVE application 2020-0057 with the stipulation that the floating dock be constructed

utilizing a plastic modular floating dock system as discussed. The motion was SECONDED by Ms. Opsahl.

Mr. Misterly voiced concern for the approval of larger and larger docks in Davis Shores and felt that he could not support the application as submitted.

There was a brief discussion regarding the options of the applicant if the motion failed.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan, Zander

NAYES: Misterly, DePreter
MOTION CARRIED 5/2²

6. Use by Exception

6. (a) 2020-0037 – Shane Sheltra, Pizzalley's, LLC – Applicant
Baker Revocable Trust – Owner
121 St. George St

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

Mr. Doty read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception to allow for a lounge/tavern at **121 St. George St / PIN 196920-0000**; 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 **121 St. George St / PIN 196920-0000**.

Shane Sheltra reviewed the application.

Chief Barry Fox addressed Ms. Zander's concerns in reference to liquor licensing and stated that his only concern was that there

² There was a brief recess from 4:08p.m. to 4:19p.m.

was a large opening between the Roosevelt Room and Prohibition Kitchen, and it would be difficult to enforce prohibiting utilizing that space as overflow for Prohibition Kitchen. He noted that the Police Department had worked any complaints in reference to inappropriate alcohol service at the applicant's other establishments.

The Board provided their ex parte communications.

19 certified notices were sent, 1 returned opposed, and 1 had comments.

Public hearing was opened.

Al Akras voiced concerns regarding a gazebo constructed on the property without a permit. He was advised to file a formal complaint with the Planning and Building Department.

B.J. Kalaidi said that the application should not be heard via Zoom meeting and recommended the item be tabled. She added she was concerned about the negative impact of nightlife on the livability of the City.

Public hearing was closed.

The applicant responded to late-night alcohol sales concerns by noting the hour restrictions set by code for special event venues which required a closing time of 11:00 P.M.

Board discussion included:

- Business only currently operating as a breakfast location without serving alcohol
- Details regarding state liquor licensing
- Applicant sought additional event venue exception to be able to host events without complaint
- Reasons for having an events venue and restaurant in the same space to

allow for additional uses in the space at different times

- Occupancy of 49 people was determined via square footage and based upon the fire code and established by the Fire Marshal
- Brunch hours versus special events hours
- Possible conditions to include in the approval

MOTION

Ms. Opsahl MOVED to APPROVE use by exception application 2020-0037 for a lounge/tavern with closing hours of 10:00 P.M. Sunday-Thursday and 11:00 P.M. Friday, Saturday and recognized holidays and with the condition that the approval runs with the applicant. The motion was SECONDED by Mr. Davis.

There was a brief discussion regarding occupancy with a Board consensus to let the Fire Marshall determine occupancy per fire code.

VOTE ON MOTION:

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

NAYES: Zander

MOTION CARRIED 6/1

MOTION

Mr. Blow MOVED to APPROVE use by exception application 2020-0037 for a special event venue with closing hours of 10:00 P.M. Sunday-Thursday and 11:00 P.M. Friday, Saturday and recognized holidays and with the condition that the approval runs with the applicant. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

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

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the amended use by exception for a lounge/tavern at **24 Avenida Menendez / PIN 196310-0020**.

Don Crichlow reviewed the application.

There was discussion regarding seating for the lounge/tavern use which appeared to be designated for restaurant use according to City records.

Chief Barry Fox noted that the Tini Martini Bar had been notified of non-compliance and failed to respond in the past. He clarified that the 4COP existing for the business was tied to 51% of room sales and not the restaurant use, which would require a different liquor license. He advised that clarification of the liquor license was necessary and the applicant may need to re-file with the State. He said the application before the Board was his recommendation to the applicant to take appropriate steps towards clarifying the licensing and use.

The Board provided their ex parte communications.

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

The Board discussed:

- Possibility that the city classified the seats under a restaurant use as the higher rate for utility services,

including areas that were bar seats with food service

- Need to clarify lounge/tavern site plan
- Previous use by exception was approved for 16 bar seats
- Concerns that the business owners had not taken steps to come into compliance after being notified of the issues by the police department.

Jim Wilson, attorney representing the business owner, responded to Board concerns noting that he was not aware of non-compliance issues and said he would work with the owner to bring the business into compliance. He added that in many cases the entire property was registered with the state for alcohol sales and service and he would look more into the status of the existing state license.

MOTION

Mr. DePreter MOVED to CONTINUE application 2020-0058 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2020-0059 – John Tipton, Altmed Florida – Applicant
Phillip Forbes – Owner
400 S. Ponce de Leon Blvd

To approve a use by an exception for a legally available marijuana dispensary 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 28-209, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the by exception for a legally available marijuana dispensary at **400 S. Ponce De Leon Ave / PIN 118940-0000**.

Jesse Balaity, a representative for the applicant, was available for questions.

The Board provided their ex parte communications.

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

Public hearing was opened.

B.J. Kalaidi spoke against the application citing concerns for the businesses proposed location at an entrance to the City.

Public hearing was closed.

Mr. Balaity addressed public comment, stating the architectural design of the site could be beautified and its location would be considered within the design.

The Board discussed:

- Potential drive through would be reviewed during the permitting process
- Proposed ATMs within the store.
- Controlling crowding within the parking lot
- Desire to have signage that did not include "medical cannabis"
- Concern with creating a cluster of dispensaries in the same area
- Limited area along US1 that allowed for medical marijuana dispensaries per city code
- Distance from nearest existing dispensary was approximately 1,500 feet

Mr. Balaity addressed concerns about signage on the property, stating the company name was approved as-is, and the company would need to seek an exception from the state to change it. He added they may be able to have a primary sign without "cannabis" in the title, and a smaller sign with the full name.

MOTION

Mr. Blow MOVED to APPROVE exception application 2020-0059 on the basis that it will run with the applicant. The motion was SECONDED by Mr. DePreter.

There was further discussion regarding possible prohibition of marijuana or cannabis on the signage.

VOTE ON MOTION:

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

NAYES: Misterly

MOTION CARRIED 6/1.³

**6. (d) 2020-0061 – James Whitehouse – Applicant
Patti Southard, Casa De Vino 57 and
Dept of State – University of Florida –
Owners
57 Treasury St**

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

Mr. Doty read the staff report and said Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the amended use by exception for a lounge/tavern at **57 Treasury St / PIN 197730-0000**

James Whitehouse reviewed the application.

The Board discussed the following:

- Request was to allow amplified music
- Occupancy of interior and exterior of the business
- Placing a condition that the application return for review if three or more complaints were submitted within a year

³ Brief recess from 6:30p.m. to 6:40p.m.

- Decibel restrictions set per code
- No directional speakers out to St. George Street
- Concern that applicant did not follow original condition for no amplified music as detailed in the original exception approval

Chief Fox advised that the application was a direct result of officers noticing that amplified music was not approved under their use by exception. He added that there had not been any complaints or calls against the business. He recommended that the Board consider approving a lower level of amplification. He noted that the business had an external speaker directed out towards the street; however, the applicant fixed the issue immediately once notified of the problem.

The Board provided their ex parte communications.

17 certified notices were sent, 1 returned opposed and 1 had comments. In addition, the applicant submitted three letters in support of the application from surrounding residents just prior to the meeting⁴.

Public hearing was opened.

B.J. Kalaidi spoke against the application, stating that the city didn't need amplified music downtown.

Van Cogley spoke against the application citing that music at the subject location was heard down Treasury Street.

Mr. Whitehouse responded to public comment noting that the applicant was asking for amplified music that ended by 10:00 p.m. and they would be willing to point all speakers into their property. He understood board and public concerns; however, the request was made to come into compliance with city codes and to maintain a business during difficult economic times.

⁴ Attached to original minutes

Public hearing was closed.

The Board discussed:

- Material need for amplified music was mainly due to performers who brought their own amplification with no intent to broadcast it outside of the property
- Condition that the exception run with the applicant

MOTION

Mr. DePreter MOVED to APPROVE use by exception application 2020-0061 to allow electronic/amplified music with the conditions that there be no music after 10:00 P.M., the approval retains the existing conditions including hours of operation as identified in the application, three noise complaints in 12 months would cause the application to return before the Board for consideration, the speaker directions would be directed internal to the property and not out towards the street, and the exception will run with the applicant. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Davis, Opsahl, Ryan

NAYES: Misterly, Zander
MOTION CARRIED 5/2.

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

To approve a use by an exception for light manufacturing for a winery 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** the use by exception for light manufacturing at 213 W. King St / PIN 119860-0010.

Chris Gugel and Gregory Dettra reviewed the application.

There was a brief discussion wherein the applicant clarified that a 2COP license was still required for him to have a tasting room on the premises.

The Board provided their ex parte communications.

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

Public hearing was opened.

B.J. Kalaidi asked for further clarification of the application and was concerned with the lack of parking and traffic safety in the area.

Bridget Yunker, who lived nearby, spoke in favor of the application and offered to rent two of her own parking spaces for the business if needed.

Public hearing was closed.

Mr. Gugel responded to public comment clarifying that his intent was not to have a full-fledged bar; however, the 2COP license was required for him to provide tastings.

The Board discussed:

- Concern for lack of parking for the use which could include beer and wine service as well as a winery
- Possibility of limiting alcohol sales to wine only, which could be problematic from an enforcement perspective
- Desire to see applicant return with parking solutions and clarification of

the business since the 2COP with potential beer and wine service were not clearly presented in the original application

- If parking could not be found, then a variance to eliminate parking requirements or a use by exception for off-site parking may be required

There was discussion regarding how the application related to governor's orders limiting the operation of bars, and the possibility of approving the manufacturing use separate from the tasting room use.

MOTION

Mr. DePreter **MOVED** to **CONTINUE** the application 2020-0062 to the August 4, 2020 meeting to allow the applicant time to return with further information regarding parking requirements for wine-tasting aspect of the business. The motion was **SECONDED** by Mr. Blow

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (f) 2020-0063 – Greg Lord Jr – Applicant
Jimmy Wells Long – Owner
303 S Ponce de Leon Blvd

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

Mr. Doty advised that the application was incomplete, and staff recommended continuing the item.

MOTION

Mr. Blow **MOVED** to **CONTINUE** application 2020-0063 to the August 4, 2020 meeting. The motion was **SECONDED** by Ms. Opsahl.

VOTE ON MOTION:

**AYES: Blow, Opsahl, Davis, Ryan,
Misterly, DePreter, Zander**
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

7. Preliminary Plat

7. (a) 2020-0060 – James Whitehouse –
Applicant
David Watkinson – Owner
8 DeSoto Place

To approve a preliminary subdivision plat for 5 townhomes within Residential, General-one (RG-1) zoning district.

Ms. Lopez clarified the administrative nature of preliminary plat review at the request of the Board.

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.

James Whitehouse was available for questions.

The Board provided their ex parte communications.

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

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

MOTION

Mr. Blow MOVED to APPROVE preliminary subdivision plat for application 2020-0060. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

**AYES: Blow, DePreter, Davis, Opsahl,
Ryan, Misterly, Zander**
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. Rezoning

8. (a) 2020-0023 – James Whitehouse –
Applicant
Sea-wall Motor Lodge, Inc. – Owner
32 Avenida Menendez

Ms. Zander, Ms. Ryan, and Mr. Davis recused themselves.⁵

To amend the Hilton Bayfront Inn PUD (Ord 2009-02) to increase the maximum lot coverage.

Mr. Doty read the staff report and said Staff does not make recommendations concerning the rezoning of land. He added, if the PZB required a second public hearing, then the PZB should announce the required second public hearing date for the item beginning at 2:00 P.M. on August 4, 2020, Alcazar Room, City Hall, 75 W. King St., Saint Augustine, FL; or, if the PZB did not require a second public hearing, and the Board **CAN** find there was a need and justification for the rezoning and it finds that the rezoning **DOES** support the general planning program and Comprehensive Plan then the Board **CAN** approve the rezoning; or, if the PZB did not require a second public hearing, and the Board **CANNOT** find there was a need and justification for the rezoning and it finds that the rezoning **DOES NOT** support the general planning program and Comprehensive Plan then the Board **CANNOT** approve the rezoning.

Mr. Whitehouse reviewed the application.

The Board provided their ex parte communications.

16 certified notices were sent, 1 returned opposed and 1 had comments.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

⁵ Forms attached to original minutes

Public hearing was closed.

There was Board consensus that the applicant's request was minor.

MOTION

Ms. Opsahl MOVED to APPROVE rezoning application 2020-0023 to amend the Hilton Bayfront Inn PUD (Ord 2009-02) to increase the maximum lot coverage and to waive the second hearing. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Opsahl, Blow, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Future Land Use Map Amendment and Rezoning

9. (a) 2020-0039 – Ross Galbraith, KPM Franklin – Applicant
Phyllis Fitzpatrick, ABC Liquors, Inc. – Owner
1830 A1A S

To request to amend the Future land Use Map (FLUM) designation from St. Johns County Commercial Land Use to Commercial Medium Intensity in conjunction with an annexation from St. Johns County. A request to rezone the parcel from St. Johns County Commercial, General (CG) zoning to Commercial Medium-two (CM-2) zoning in conjunction with an annexation from St. Johns County.

Mr. Doty read the staff report and said staff does not make recommendations regarding amending the land use of property or the rezoning of land.

Ross Galbraith, Steve Rivera, and John Kelly reviewed the application.

The Board provided their ex parte communications.

9 certified notices were sent 1 returned opposed and 1 had comments. In addition, 38 written comments were received opposed.⁶

Ms. Zander read comments into the record.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing that it provided no benefit to the city through impact fees because the city did not assess them.

Paul Dixon spoke in opposition to the application citing concerns for the lack of congruency with surrounding zoning designations, tree removal on the property, and intensity of the proposed car wash use.

Maureen Long spoke in opposition to the application citing loss of significant trees and tree canopy, as well as negative impacts to the surrounding area from the high intensity use including loud sound and traffic issues.

Public hearing was closed.

The applicant expressed interest in continuing their application to allow for neighborhood outreach and to respond to feedback received by the Board which they had not yet seen.

The Board discussed:

- ABC Liquor would maintain ownership and operation of the proposed car wash
- Justification of the car wash was to compliment the storage facility across the street and county zoning did not allow a car wash
- CM-1 appeared to be a more appropriate zoning category based on surrounding zoning categories

⁶ Comments attached to original minutes

- Concern for which government entity would have jurisdiction over the access roadway surrounding the property in reference to emergency response, since the neighboring parcels remained under county jurisdiction
- Annexation of the property would increase City tax income

Karen Zander, Chairperson

MOTION

Mr. Misterly MOVED to CONTINUE Rezoning/Future Land Use Map Amendment application 2020-0039 to the September 1, 2020 meeting. The motion was SECONDED by Ms. Opsahl

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Member Comments

Ms. Ryan requested that the Board reconsider the portion of the code relating to nonconforming lot sizes in RS-1 and RS-2 that limited roof slope to 5 and 12. She proposed a code change to allow lower roof slopes because the height limit for nonconforming sites was already shorter at 30 feet and limited creativity on houses.

Mr. Davis cautioned the Board to monitor their tone towards applicants, particularly during longer meetings.

Ms. Zander thanked staff for facilitating the virtual meeting.

10. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 9:25 P.M.⁷

⁷ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: July 7, 2020 (continued June 2, 2020)

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2020-0035**

AGENDA ITEM 5(b)

APPLICANT Herbert Vandermark
c/o Yelton Construction

OWNER Alan Stevenson

LOCATION 34 N. St. Augustine Blvd. / PIN 213510-0000

REQUEST To approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty-foot (20') terminal platform with two (2) associated boat lifts.

PLANS DATED February 12, 2020 rev. June 23, 2020

LAND USE Residential Low Density
ZONING Residential Single Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This proposed five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts (one will be a dual jet ski lift, the other for a boat). The configuration of the proposed dock has not changed, however, the location of the two lifts have switched, with the jet ski lift proposed on the southern side of the dock and the boat lift on the north side of the dock (previous version was reversed). See attachment 2 graphics for details for the request.

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently vacant with an existing bulkhead.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks and platforms with boat lift.

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change since improvements are over the water.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the existing dock.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area.

- (11) Impact of development on shoreline by linear feet and percent of site.

It would be limited to the five-foot-wide dock attached to the existing bulkhead. The proposed dock width of 5' accounts for approximately 1.6% of the existing improved shoreline.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, due to multiple existing docks in the area, including to the north and south. This dock is proposed at a length that is generally consistent with the length of nearby docks, the closest dock to the north is approximately 140' in total overall length, which exceeds the proposed overall length of 132' for this dock and platform.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels.

The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The proposed dock, platform and lifts meet all standards set forth in LDC Sec. 11-29. The overall height of the dock does not exceed 6 feet above the mean highwater line. The proposed boat lifts will be rated at a maximum 12,000 pounds and will be low-profile. This request was continued at the June PZB hearing with the request to provide improved graphics of the proposed dock in relation to other docks and properties in the area, as well as providing the depth of the water along the proposed dock as a justification of the placement of the lifts. This supplementary information is provided under attachment 3.

The dock as proposed cannot be constructed until there is a permitted single-family home for the lot; if approved, this would be for the design and configuration of the dock only.

STAFF RECOMMENDATION

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 construction of a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1 located at 34 N. St. Augustine Blvd. / PIN 213510-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Attachments

Attachment 1 – Application & Property Record Card

Attachment 2 – Conservation Overlay Zone Narrative & Graphics

Attachment 3 - Supplemental information requested at the June 2, 2020 Hearing.

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

Attachment 1
Application & Property Record Card

- April 13th deadline -



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

By Patrick Doty at 11:16 am, Mar 19, 2020

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

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Herbert Vendermark Contact Number: 904-819-9141

Business (if applicable): Yelton Construction Company, Inc.

Address: 2435 Dobbs Rd. Ste. A City: St. Augustine State: FL Zip: 32080

2. NAME OF PROPERTY OWNER: Alan Stenzen Contact Number: 904-826-7242

Business (if applicable): Sta. Beach Investments, LLC - 1011

Address: 590 AIA Beach Blvd City: St. Augustine State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 15 + 13 Block: 1 + 6

Subdivision: Davis Shores Ocean View Subd. Parcel Number: 2135100000

4. PROJECT STREET ADDRESS: 34 N. St. Augustine Blvd. St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: S/F Private Dock

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: S/F Private Dock

7. DESCRIPTION OF ACTION REQUESTED: Construct a S/F Private Dock totaling 1,368 sqft +
(2) two docked lifts, 5'x120' walkway, 12'x20' terminal end + 12'x12' + 0 12'x32'
docked lifts.

8. JUSTIFICATION FOR ACTION REQUESTED: S/F Private Dock

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: N/A
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: N/A
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: N/A
- (d) If granted, will the variance adversely affect other property in the area:
Please explain fully: NO
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: Yes

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

Date

Signature of Property Owner

Date

10/31/17



**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 Ch. 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.

Herbert Vandenberg

Print name of applicant

[Signature]

Signature of applicant

2/26/20

Date



St. Johns County, FL

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID	2135100000
Location Address	34 N ST AUGUSTINE BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	OR4832/556 3-97 DAVIS SHORES LOT 15 BLK 1 & LOT 13 BLK 6 AVISTA SUB OF DAVIS SHORES MB7/7 *The Description above is not to be used on legal documents.
Property Use Code	Vacant Residential (0000)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.420
Homestead	N

Owner Information

Owner Name	Sta Beach Investments LLC 100%
Mailing Address	580 A1A BEACH BLVD SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$14,776
Total Land Value	\$781,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$795,976
Total Deferred	\$0
Assessed Value	\$795,976
Total Exemptions	\$0
Taxable Value	\$795,976

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	\$15,922	\$781,200	\$0	\$0	\$797,122	\$797,122	\$0	\$797,122
2018	\$0	\$15,977	\$781,200	\$0	\$0	\$797,177	\$797,177	\$0	\$797,177
2017	\$146,546	\$16,032	\$781,200	\$0	\$0	\$943,778	\$761,480	\$232,298	\$711,480
2016	\$278,287	\$14,776	\$781,200	\$0	\$0	\$1,074,263	\$856,793	\$267,470	\$806,793
2015	\$226,976	\$14,776	\$781,200	\$0	\$0	\$1,022,952	\$850,837	\$222,115	\$800,837
2014	\$216,434	\$14,776	\$781,200	\$0	\$0	\$1,012,410	\$844,084	\$218,326	\$794,084
2013	\$222,056	\$14,776	\$781,200	\$0	\$0	\$1,018,032	\$831,610	\$236,422	\$781,610
2012	\$204,433	\$14,776	\$598,500	\$0	\$0	\$817,709	\$817,709	\$50,000	\$767,709
2011	\$206,988	\$14,776	\$584,010	\$0	\$0	\$805,774	\$805,774	\$50,000	\$755,774
2010	\$172,850	\$14,776	\$648,900	\$0	\$0	\$836,526	\$836,526	\$50,000	\$786,526

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	0	0	0	1644

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	140	175	140	FF	\$781,200

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/15/2019	11/15/2019	\$1,200,000.00	WD	<u>4832</u>	<u>556</u>	Q	V	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)	STA BEACH INVESTMENTS LLC
	2/27/2004	\$1,350,000.00	WD	<u>2148</u>	<u>1895</u>	Q	I	SCHNEIDER ELIZABETH M	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)
	10/1/1990	\$0.00		<u>873</u>	<u>223</u>	U	I		SCHNEIDER FREDERICK E JR
	10/1/1990	\$435,000.00		<u>873</u>	<u>223</u>	Q	I		
	8/1/1988	\$0.00		<u>792</u>	<u>679</u>	U	I		
	8/1/1988	\$250,000.00		<u>791</u>	<u>246</u>	Q	I		

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

The St. Johns County Property Appraiser's Office is a public agency. All information provided is for public use only. It is not to be used for any other purpose without the express written consent of the Property Appraiser's Office.

User Privacy Policy
GDPR Privacy Notice

Last Data Upload: 2/14/2020, 11:18:25 PM

Version 2.3.40





Owner's Authorization For Agent

Herb Vandemark is/are hereby authorized TO ACT ON BEHALF
OF Man Stevenson, 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

Man Stevenson
Print Name of Owner

904-8260-7242
Telephone Number

State of Florida

County of St. Johns

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

By Alan Stevenson

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

[Signature]

My Commission expires:

June 17, 2022

Rev:022117



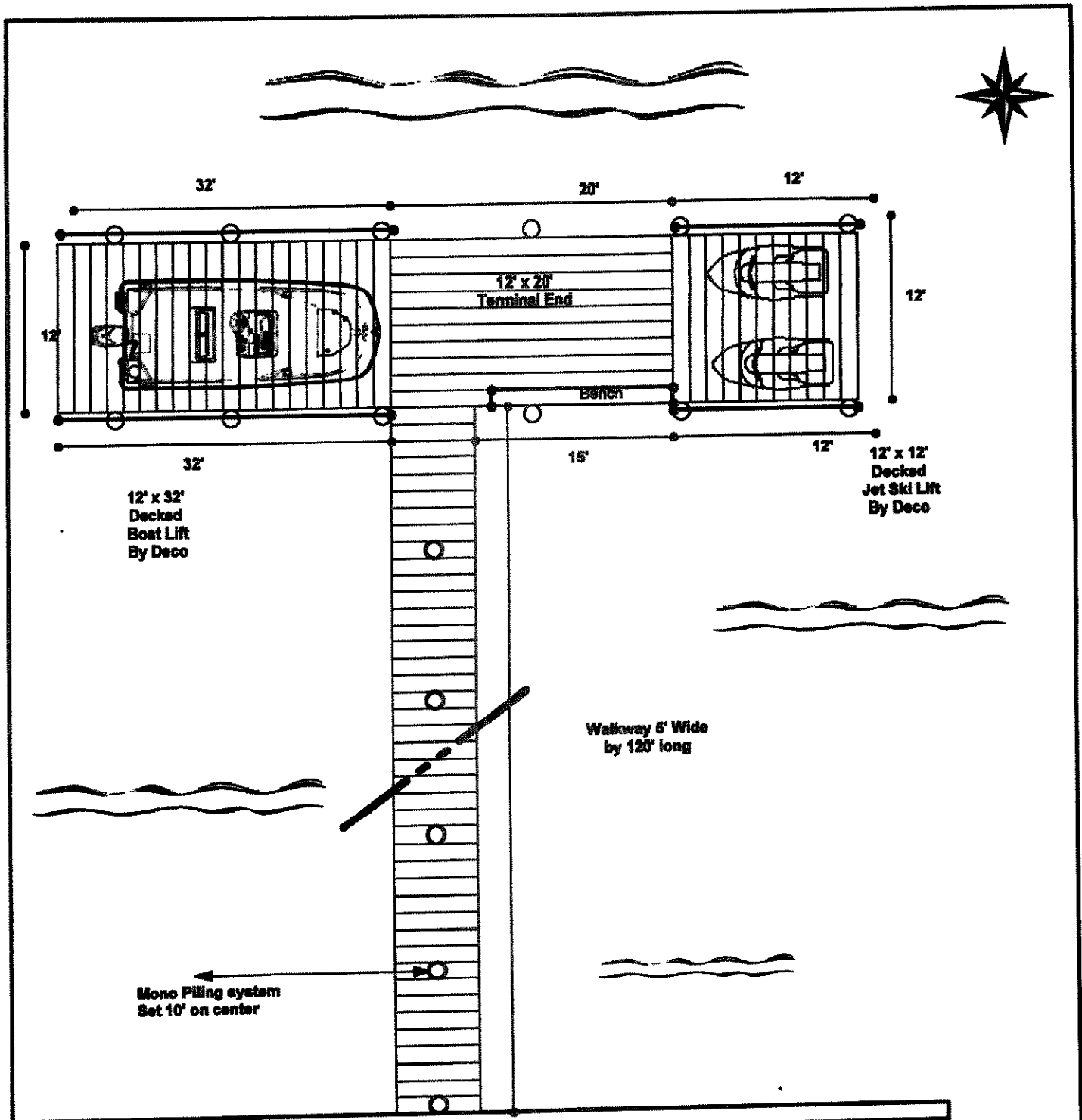
Personal Present

Attachment 2
Conservation Overlay Zone
Application Narrative & Graphics

restoration plan(s) shall be developed to achieve the fifty (50) percent criteria. For those sites already disturbed, if altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions. *All work to take place using barge / crane to construct s/f private dock.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *N/A*
- (3) Natural and proposed drainage patterns. *NONE*
- (4) Effect of point and nonpoint discharge in the marine environment. *NONE - All materials discharge to remain in waterway.*
- (5) Proposed soil stabilization and erosion control methods. *NONE - No stabilization or erosion for s/f dock.*
- (6) Impact on floodplain. *NONE - All water to remain in intercoastal waterway.*
- (7) Impact of development on vegetative and animal communities. *N/A No vegetation + /w animals present.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *NONE*
- (9) Effect of shade on vegetation and shellfish. *N/A No vegetation or shellfish present.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *N/A All works via barge + turbidity curtains will be used if necessary. No shoreline erosions.*
- (11) Impact of development on shoreline by linear feet and percent of site. *NONE*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *will be in compliance with city ordinance.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *NONE*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *NONE No habitats present.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *All works to take place via barge/crane. All works to remain intercoastal waterway.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *NONE - No present.*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or single framing private dock will be constructed in compliance with the city ordinance.



32x12=384
 20x12=240
 12x12=144
 5x120=600
 Total 1,368 SQ FT.

Yelton Construction Company, Inc.
 State Certified Building Contractor
CBC 1251736
 2435 Dobbs Rd. Ste. A
 St. Augustine, FL 32086
 Office (904) 819-9141 Fax (904) 819-9144

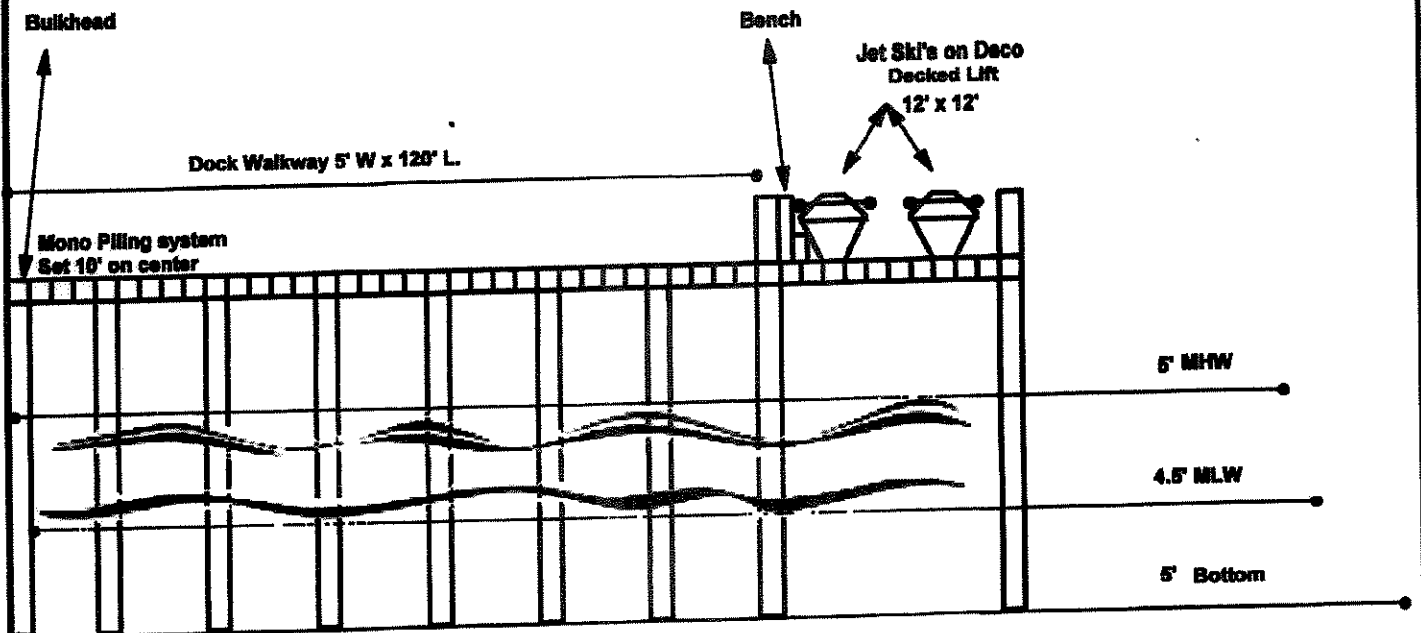
Plan View

Alan Stevenson
 34 N. St. Augustine Blvd.
 St. Augustine, FL 32080

JOB NO.: 20-014

Scale: Not to Scale

Date: 02/12/20



Yelton Construction Company, Inc.
State Certified Building Contractor

CBC 1251736
2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086

Office (904) 819-9141

Fax (904) 819-9144

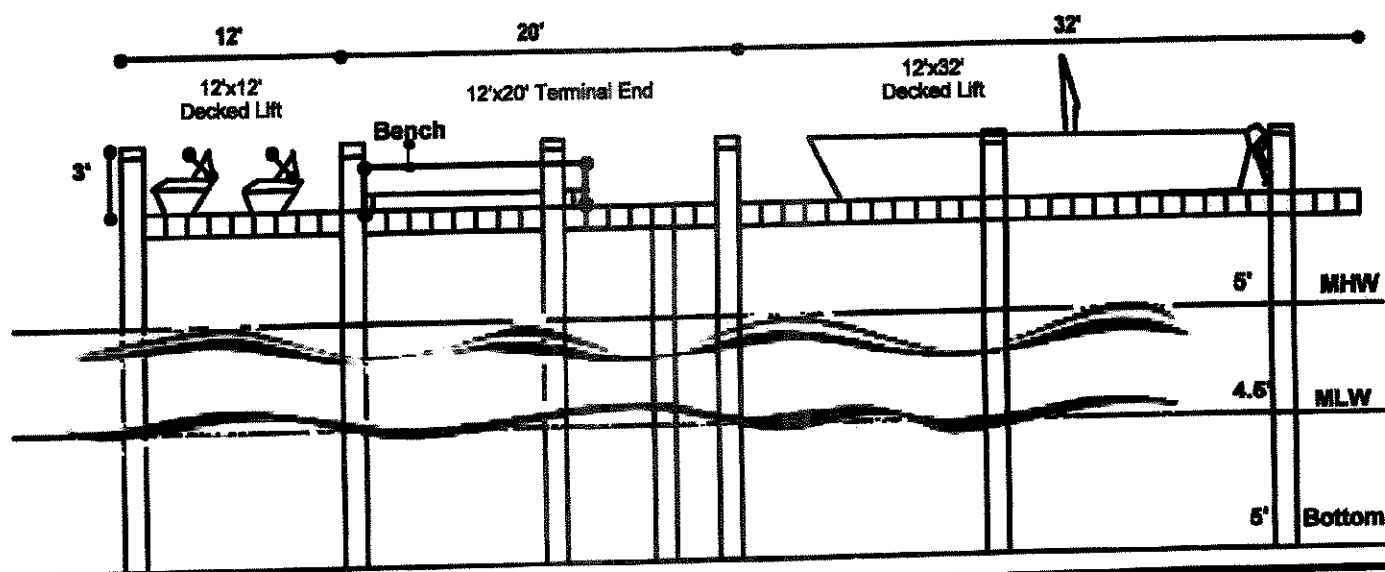
Profile View

Alan Stevenson
34 N. St. Augustine Blvd.
St. Augustine, FL 32080

JOB NO.: 20-014

Scale: Not to Scale

Date: 02/13/20



Yelton Construction Company, Inc.
State Certified Building Contractor
CBC 1251736



2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086
Office (904) 819-9141 Fax (904) 819-9144

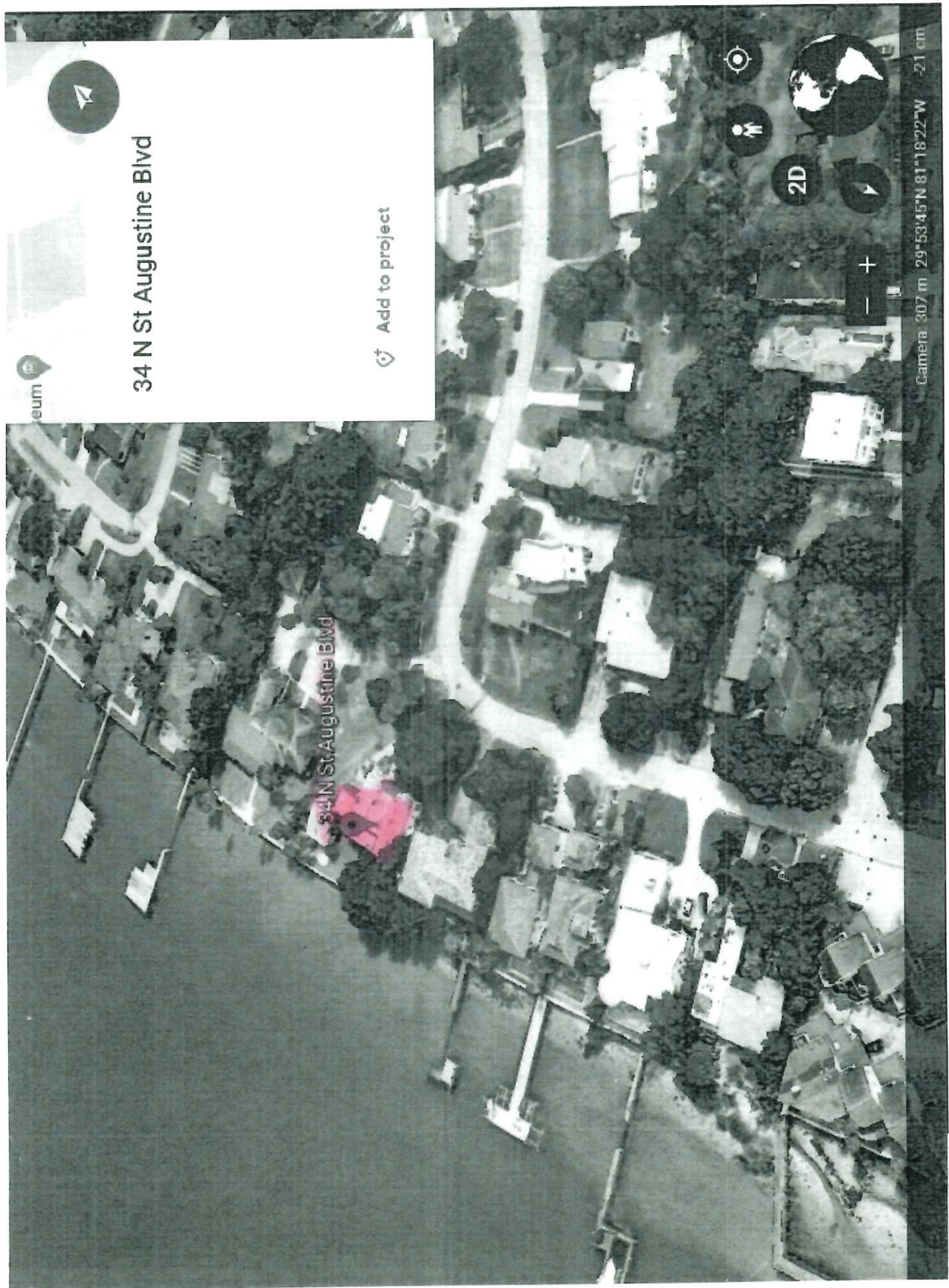
Cross Section

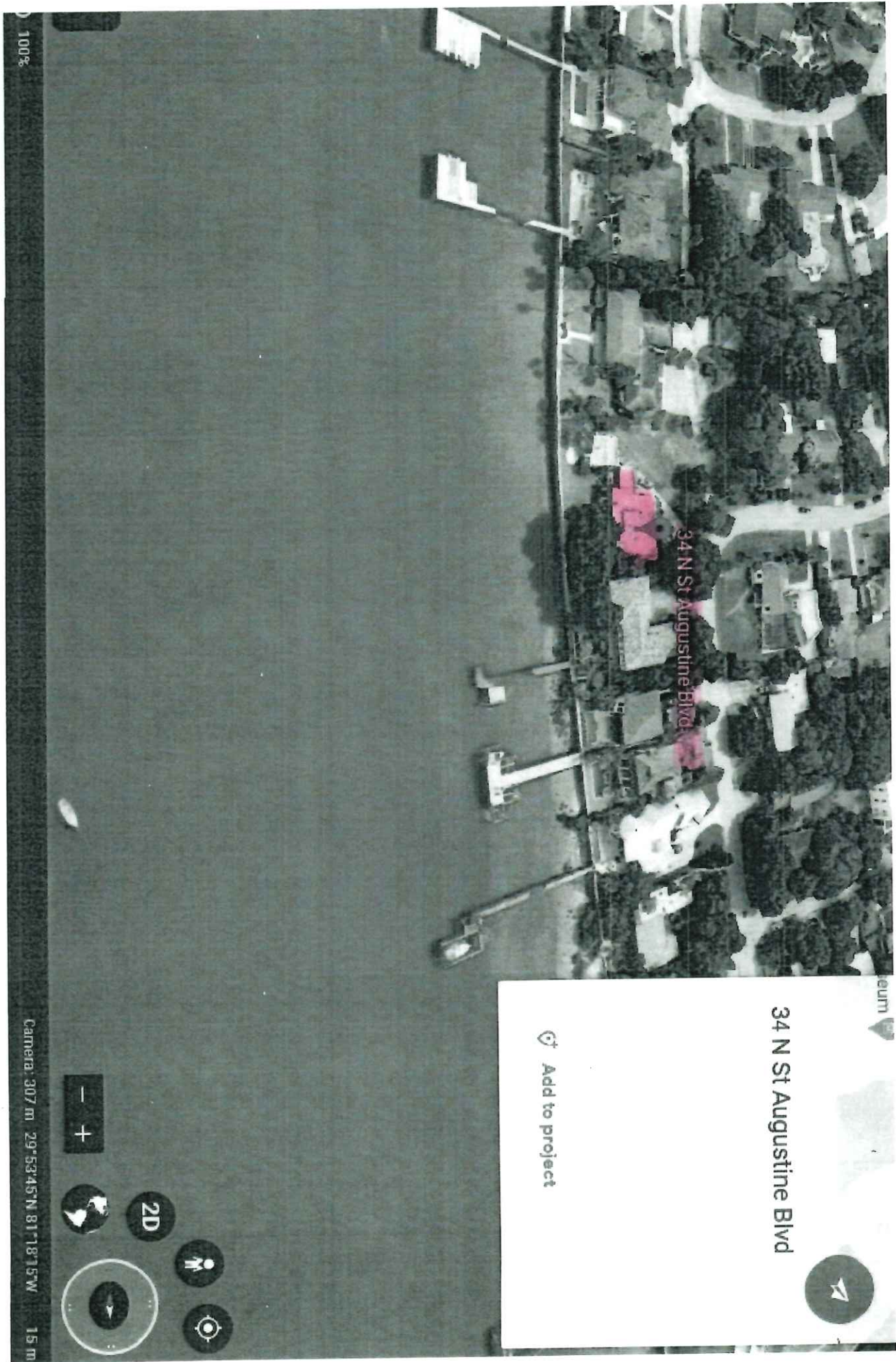
Alan Stevenson
34 N. St. Augustine Blvd.
St. Augustine, FL 32080

JOB NO.: 20-014

Scale: Not to Scale

Date: 02/13/20





leum

34 N St Augustine Blvd

Add to project



Camera: 307 m 29°53'45"N 81°18'15"W 15 m



St. Johns County, FL

PROPERTY APPRAISER
Edie Dwyer

ALAN STEVENSON

34 N ST. AUGUSTINE BLVD.



Attachment 3

Supplemental information requested at the June 2, 2020 Hearing

From: [Ellen Hagar](#)
To: [Patrick Doty](#)
Subject: Re: Agenda for July PZB
Date: Monday, June 22, 2020 4:38:28 PM
Attachments: [image001.jpg](#)

We have mirror imaged the dock, but the size and layout remains the same 32' on both sides for a total of 64'.

Water depths from the bulkhead measuring out:
at 120 feet there is 4' of water depth at low-tide.
at 132 feet there is 4' 9" of water depth at low-tide
at 142 feet there is 4' of water depth at low-tide
at 152 feet there is (drop of at the canal) over 6' at low-tide

On Mon, Jun 22, 2020 at 3:37 PM Patrick Doty <pdoty@citystaug.com> wrote:

Received. Just to be clear, there is no redesign of the dock layout?

And I will look for the water depth survey tomorrow.

Patrick Doty, CFM

Senior Planner

E: pdoty@citystaug.com | P: 904.209.4331 | W: www.CityStAug.com



City of St. Augustine
P.O. Box 210

St. Augustine, FL 32085

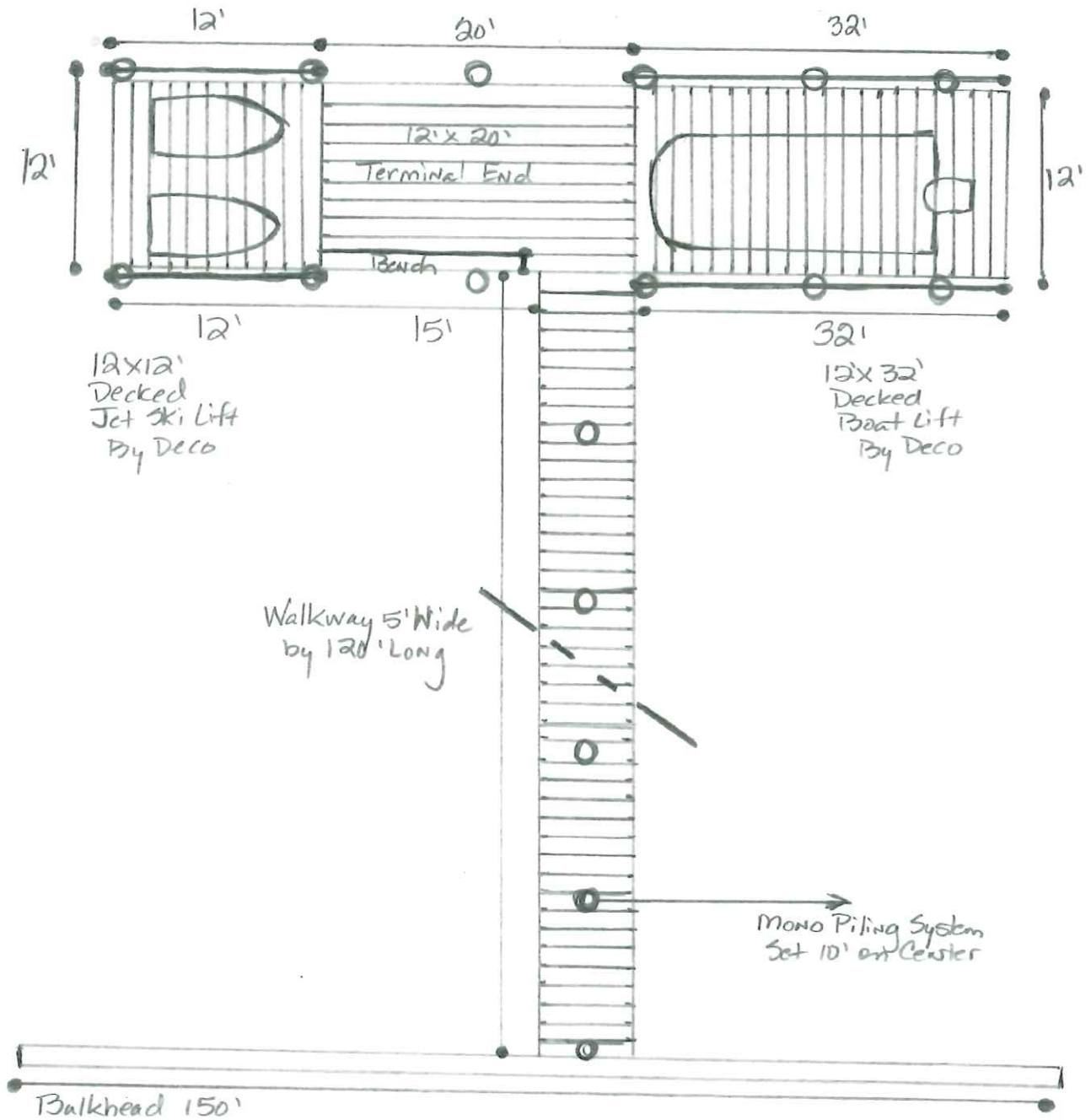
Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Ellen Hagar <office@yeltonconstruction.com>
Sent: Monday, June 22, 2020 3:27 PM
To: Patrick Doty <pdoty@citystaug.com>
Subject: Re: Agenda for July PZB

Attached please find the overlay views of the dock in comparison to the neighbors. Taylor and Herb will provide the water depth by the morning.

RECEIVED

By Patrick Doty at 12:50 pm, Jun 23, 2020



Yelton Construction Company, Inc.
State Certified Building Contractor
CBC 1251736

2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086

Office (904) 819-9141 Fax (904) 819-9148

Plan View

Alan Stevenson
34 N. St. Augustine Blvd.
St. Augustine, FL 32080

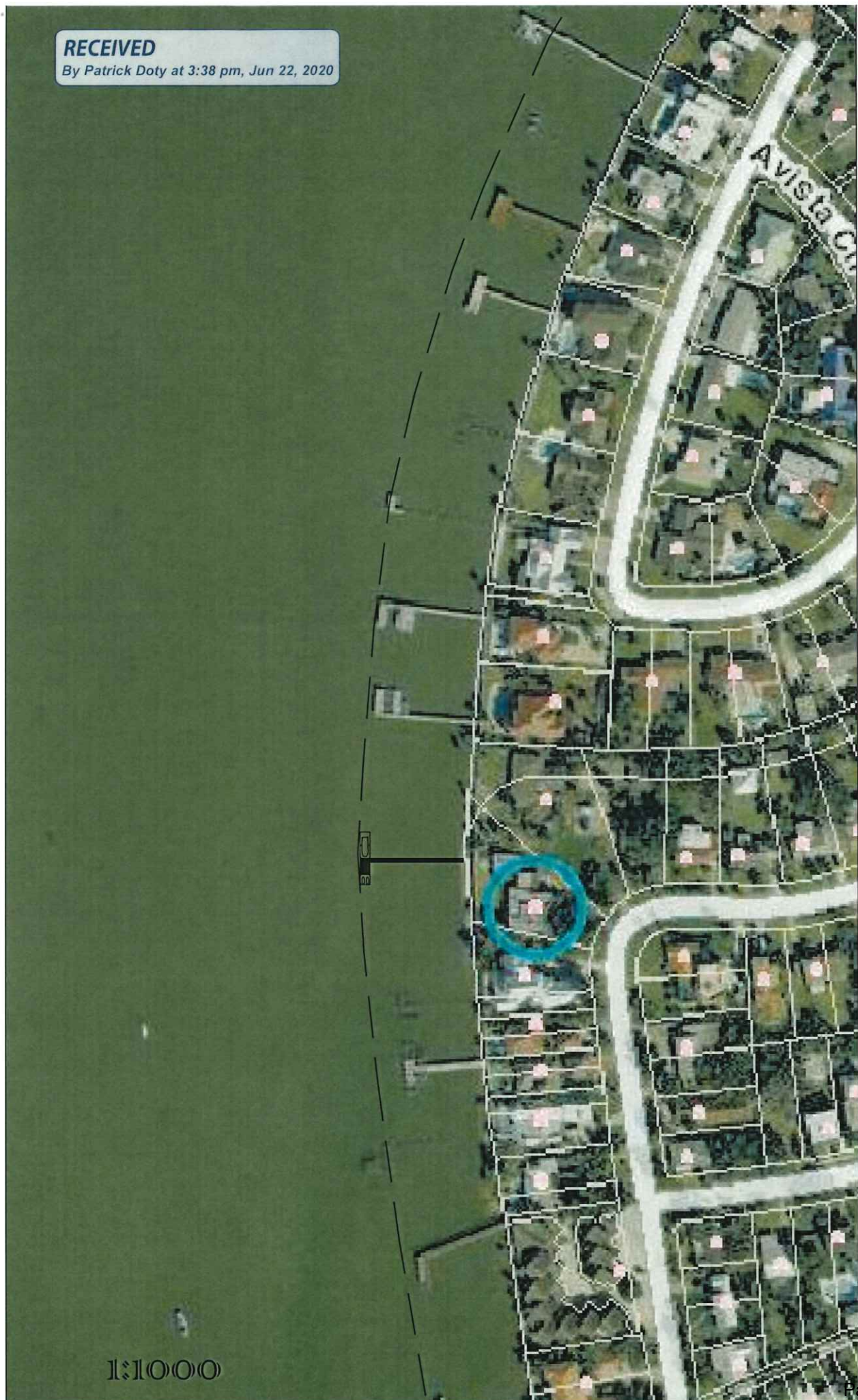
JOB NO19

Scale: Not to Scale

Date: 02/12/20

RECEIVED

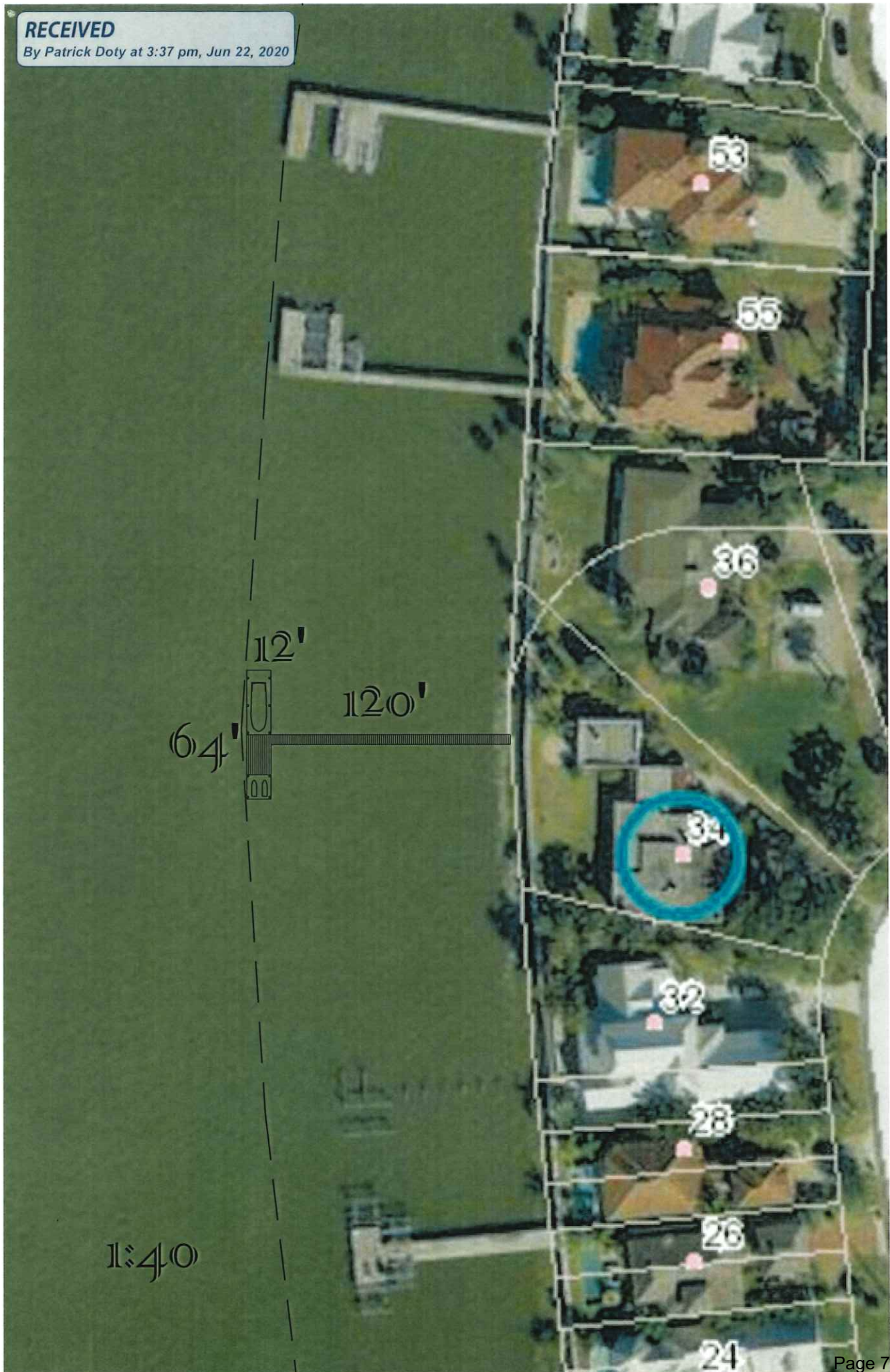
By Patrick Doty at 3:38 pm, Jun 22, 2020



1:1000

RECEIVED

By Patrick Doty at 3:37 pm, Jun 22, 2020



1

2

REGULAR MEETING OF THE

3

CITY OF ST. AUGUSTINE PLANNING & ZONING BOARD

4

VIA COMMUNICATIONS MEDIA TECHNOLOGY (CMT)

5

ST. AUGUSTINE, FLORIDA

6

ON TUESDAY, JULY 7, 2020

7

RE: CONSERVATION OVERLAY ZONE DEVELOPMENT 2020-0035

8

* * * * *

9

BOARD MEMBERS PRESENT:

10

KAREN ZANDER, Chair Commissioner

JON DePRETER, Vice-Chair

11

SARAH SHIPP RYAN, Board Member (Recused)

CHRISTINA OPSAHL, Board Member

12

CARL BLOW, Board Member

MIKE DAVIS, Board Member

13

GRANT MISTERLY, Board Member

14

* * * * *

15

STAFF PRESENT:

16

DAVID BIRCHIM, Director of Planning & Zoning

PATRICK DOTY, Senior Development Review Planner

17

18

* * * * *

19

ALSO PRESENT:

20

SIDNEY ANSBACHER, ESQUIRE

Upchurch, Bailey and Upchurch, P.A.

21

780 North Ponce de Leon Boulevard

St. Augustine, Florida 32084

22

* * * * *

23

ST. AUGUSTINE COURT REPORTERS

24

1510 NORTH PONCE DE LEON BOULEVARD, SUITE A

ST. AUGUSTINE, FLORIDA 32084

25

(904) 825-0570

1 CHAIRPERSON ZANDER: Moving on to Item 5.b.,
2 Conservation Overlay Zone 2020-0035,
3 Herbert Vandermark, care of Yelton Construction.
4 Alan Stevenson, owner, care of St. Augustine Beach
5 Investments, LLC. 34 North St. Augustine
6 Boulevard.

7 This was continued from our June 2nd, 2020,
8 meeting. The ask is to approve a 5-foot by
9 120-foot dock with a 12-foot by 20-foot terminal
10 platform with two associated boat lifts in COZ 1.

11 BOARD MEMBER RYAN: Ms. Zander, I will have to
12 recuse myself again. I'm just going to be on mute.

13 CHAIRPERSON ZANDER: Thank you, Ms. Ryan.

14 Applicant, could you please state your name
15 and address and be sworn in, please?

16 RECORDING SECRETARY: Mr. Yelton [sic], you're
17 muted.

18 MR. VANDERMARK: Is that better?

19 RECORDING SECRETARY: Yes.

20 (Whereupon, Herbert Vandermark was sworn in by
21 the recording secretary and responded "I do" to the
22 oath.)

23 RECORDING SECRETARY: And your name and
24 address for the record, please.

25 MR. VANDERMARK: Herbert Vandermark, 300 Pine

1 Lane, St. Augustine, Florida, 32086.

2 CHAIRPERSON ZANDER: Thank you, sir.

3 Is there anyone else that we need to swear in
4 on this?

5 MR. DOTY: Yes, ma'am. Ms. Chair, there is an
6 additional representative. We did receive
7 documentation today via a CMT waiver and owners
8 authorization from Mr. Ansbacher.

9 UNIDENTIFIED SPEAKER: Mr. Ansbacher is an
10 attorney. He doesn't need to be sworn in.

11 CHAIRPERSON ZANDER: Correct. Correct.

12 Okay. So, Mr. Ansbacher, will you be handling
13 this application or will Mr. Vandermark?

14 MR. ANSBACHER: Mr. Vandermark insofar as you
15 asked for him to respond to certain questions from
16 the board.

17 CHAIRPERSON ZANDER: Thank you. I'm assuming
18 you'll just pipe up when you feel the need to?

19 MR. ANSBACHER: And pray God not at all.

20 CHAIRPERSON ZANDER: Thank you.

21 All right. Ex parte communications. Board
22 members?

23 BOARD MEMBER BLOW: Madam Chair, I went by the
24 site on my boat just to look at the water depths.

25 BOARD MEMBER MISTERLY: I don't know if this

1 counts as ex parte or not, but I looked at Google
2 Earth to measure the size of some of the docks
3 around the property.

4 CHAIRPERSON ZANDER: Thank you.

5 Patrick, can you give the staff report,
6 please?

7 MR. DOTY: Yes, Madam Chair.

8 As stated, this request was heard by the board
9 on June 2nd. The applicant is still proposing the
10 same dimensions of a dock. We did receive updated
11 graphics which have been provided to all of you at
12 the end of your staff report.

13 The notable change would be the flip between
14 the north and south lifts. Now the northern lift
15 will be for the boat and the southern lift would be
16 for the two jet skis. That was discussed in great
17 detail at the last hearing.

18 The applicant also provided a list of water
19 depths at certain lengths out past the dock, and I
20 provided that e-mail to you all as well.

21 With that, I have reviewed the request based
22 on requirements of Land Development Code Section
23 11-29 and find that the board can approve the
24 proposed dock within Conservation Overlay Zone 1.

25 If you have any questions, I'm happy to answer

1 them.

2 CHAIRPERSON ZANDER: Applicant, would you like
3 to add anything to Patrick's staff report?

4 MR. VANDERMARK: No, other than the -- maybe
5 the reasoning for the flip-flop. Mr. Stevenson
6 is -- is a new boater, and I just wanted to give
7 him the utmost advantage for coming and going onto
8 his lift. You know, I discussed with him that the
9 outgoing tide typically is worse than the incoming,
10 and base -- based on the dock design, it was
11 basically a mirror image. It didn't matter whether
12 we flipped it one way or the other -- or doesn't
13 seem to. So I just told him it'd be prudent for
14 him to have the bigger boat on the burden side, if
15 you will.

16 CHAIRPERSON ZANDER: Thank you.

17 Board, any questions of staff or the
18 applicant?

19 (None.)

20 CHAIRPERSON ZANDER: Okay. Let's move on to
21 public -- or public comments. Is there anyone in
22 the Alcazar Room who would like to address this
23 application, please?

24 RECORDING SECRETARY: Yes, Madam Chair. One
25 moment while we'll get them set up.

1 (Whereupon, Margaret Edmiston was sworn in by
2 the recording secretary and responded "yes" to the
3 oath.)

4 RECORDING SECRETARY: Name and address for the
5 record, please.

6 MARGARET EDMISTON: My name is Margaret
7 Edmiston. My address is 134 Pelican Reef Drive,
8 St. Augustine, Florida, 32080. Can I begin?

9 I'm here on behalf of my mother and family,
10 owners of 36 North St. Augustine Boulevard. As
11 stated previously, we do not oppose a dock being
12 built. We do object to the design, specifically
13 the width of the terminal end of the dock.

14 Most docks in the area across from this
15 historic downtown area have a width of 30 to
16 34 feet with the exception of a shared dock to the
17 south, which would divide to 30 feet per property
18 owner.

19 The applicant's design has a terminal platform
20 including the two lifts creating a total width of
21 64 feet. This is approximately twice that of the
22 neighboring docks.

23 While the staff report states the length of
24 the dock is consistent with the other neighboring
25 docks, it is not the length we object to. It's the

1 size of the terminal end which at twice the width
2 is not comparable.

3 You may have noticed in looking at the last
4 page of the Attachment 3, which includes the sketch
5 of the proposed dock, the unusual shapes of our two
6 lots. You can see from the dimensions of the lot,
7 which is 46 feet at the street, expanding to
8 (inaudible) water the extreme angle of our shared
9 line. The placement of the dock in the midpoint of
10 the bulkhead results in the terminal end being
11 closer to our home doing to this -- due to this
12 extreme angle of the lot line. If the dock were in
13 line with the center of the lot, the dock would be
14 shifted significantly to the south. Alternatively,
15 a modification of the terminal end design would
16 help mitigate the obstruction to our view.

17 If the dock design was similar to that of the
18 neighboring docks, the jet ski lift would be moved
19 to the east towards the bulkhead of the larger boat
20 lift with a deck for safety and access between the
21 two lifts. This design could reduce the total
22 width to less than 40 feet, depending on the size
23 of the terminal platform to the north of the boat
24 lift.

25 We provided to you in our submitted comments a

1 reference which states that although not required,
2 the recommended water depth for an operating jet
3 ski is 3 feet. The water depth measures provided
4 by the applicant indicate more than the 3-foot
5 water depth.

6 Having the boat lift and jet ski lift side by
7 side is very common. Look at the neighboring docks
8 as well as other marinas in the area such as the
9 Pelican Reef Marina used by many homeowners.

10 We understand the applicant is now requesting
11 the mirror image of his previously submitted
12 design. Our thought was, unless the boat's only
13 used when the current is running in one direction,
14 it's hard to understand any safety needs.
15 Mr. Vandermark has addressed that, but I'm thinking
16 that he would probably be able to handle the
17 boat -- current direction in either -- either way.

18 We can see that this change shifts the
19 terminal end, including the lifts, 5 feet to the
20 north than the original design; and, therefore, it
21 is now an even larger visual obstruction to our
22 vista. In fact, the northern boat lift is now
23 almost directly in front of the southern end of our
24 house.

25 And we also didn't receive any public notice

1 of this change, if it should have been required.

2 (Inaudible.)

3 CHAIRPERSON ZANDER: Ma'am, I believe the
4 timer is going off.

5 MARGARET EDMISTON: Yes. We thank you.

6 CHAIRPERSON ZANDER: Thank you. I'm sorry to
7 interrupt you. Thank you.

8 Madam Secretary, any other commenters in the
9 Alcazar Room, please?

10 RECORDING SECRETARY: Yes, Madam Chair.

11 (Whereupon, Ann Fitzgibbons was sworn in by
12 the recording secretary and responded "yes" to the
13 oath.)

14 RECORDING SECRETARY: And your name and
15 address for the record, please.

16 ANN FITZGIBBONS: Ann Fitzgibbons, and I'm
17 living at 36 North St. Augustine Boulevard.

18 I would like to briefly echo my sister's
19 concerns about the design and the width of the
20 proposed dock structure. We believe the
21 Section 1129 standard, which authorizes the board
22 to impose limitations in the nature and manner of
23 construction to avoid blocking or disrupting vistas
24 and scenic opportunities, is most important to this
25 area of our city waterfront, which shares the bay

1 with our historic downtown and fort.

2 While not an expert, I understand riparian
3 rights give a homeowner reasonable access to
4 waterways. A keyword here is "reasonable." The
5 land under the water is still owned by the city.
6 And these rights run perpendicular to the channel
7 because the Matanzas is classified as a river.

8 At the last meeting, the applicant defended a
9 64-foot-wide terminal platform by comparing it to
10 the length of his bulkhead. We believe that the
11 protections provided by Section 1129 as to shared
12 views should provide some common limitation just as
13 homes share a common height limit. Even though our
14 property has twice the acreage, our house cannot be
15 twice the height of our neighbors; thus a larger
16 bulkhead does not warrant a larger terminal
17 platform.

18 So I would like to suggest the board base
19 their decision on what is reasonable access to the
20 waterway.

21 Is a 64-foot-wide terminal platform design
22 necessary and is it consistent with the neighboring
23 designs?

24 As multi -- multi-generational citizens of
25 St. Augustine, we request the city consider what

1 they want their view from the historic city to look
2 like years from now and what, if any, action should
3 be taken now to preserve the vista.

4 Thank you.

5 CHAIRPERSON ZANDER: Thank you, ma'am.

6 Are there any other public commenters in the
7 Alcazar Room, please?

8 RECORDING SECRETARY: Yes, Madam Chair, at
9 least one more.

10 B.J. KALAIDI: B.J. Kalaidi, 8 Newcomb Street.

11 I hope you could hear what these two ladies
12 said. The technology here is muffle, muffle,
13 muffle. At least they took off their masks while
14 they're standing away from other people. I don't
15 know how you all could understand with the people
16 at the other one that had their masks on. It's not
17 how to handle these -- business in the city.

18 34 North St. Augustine Boulevard, an LLC paid
19 \$1.2 million in November 2019 for this vacant lot.
20 Page 5 staff report states, "Dock can't be
21 constructed until there is a permit for a house."

22 This is cart before the horse or maybe cart
23 before the house. The LLC has not obtained, as far
24 as I can tell, permit in eight months.

25 Deny the dock request in conservation zone

1 since procedure is not followed. We're building
2 docks before we got a house, and you say they're
3 supposed to get a permit for a house before this
4 can be done?

5 These ladies are very concerned. So if you
6 did not hear what they said, because there's an
7 echo and they're trying to get it all said, I would
8 ask the board members to ask them some questions if
9 you didn't hear. We are not allowed to rebut like
10 the lawyers who don't have to be sworn in.

11 Thank you very much.

12 CHAIRPERSON ZANDER: Thank you, Ms. Kalaidi.

13 I'm only going to speak for myself, but I had
14 no issue hearing either of the prior speakers.

15 Any other public speakers?

16 RECORDING SECRETARY: Not in the Alcazar Room,
17 Madam Chair.

18 CHAIRPERSON ZANDER: Thank you.

19 As far as comments received via mail or
20 e-mail, we received one e-mail from
21 Margaret Edmiston, and I'm not going to read it
22 because she reiterated everything. It is on file
23 in the city offices.

24 Is there anyone on the phone who would like to
25 address this application?

1 UNIDENTIFIED SPEAKER: Madam Chair, we do not
2 have any callers.

3 CHAIRPERSON ZANDER: Thank you.

4 Before we go back to applicants, staff, David
5 maybe, can you just address Ms. Kalaidi's concern
6 about the dock permit prior to the pulling of the
7 permit for the structure?

8 MR. BIRCHIM: They -- she's correct, they have
9 to have a -- primary use of the structure, which is
10 a single-family house, before they can build a
11 dock. And so we would hold the dock permit until
12 they commence construction of their single-family
13 home.

14 My understanding is that they're close to
15 submitting their permits for their new home. So
16 they're just asking for permission from the board
17 to get that process started today.

18 CHAIRPERSON ZANDER: Thank you.

19 So to clarify, permission from the board is
20 not the permit for the dock?

21 Thank you.

22 All right. Applicant, would you like to
23 address anything in public comment?

24 MR. VANDERMARK: Yes. She had made a
25 comment -- one of the two ladies had made a comment

1 about flipping the dock, causing the actual walkway
2 to be closer to her side, and that's incorrect.
3 It's actually moving 5 feet to the south away from
4 their place in its current position. So if we were
5 to flip it back to the -- what we proposed
6 originally, the actual walkway would be 5 feet
7 closer to their house.

8 And, lastly, the width of a lot determines the
9 size of just about everything. If you have a
10 150-foot lot with 8-foot setbacks, you can put a
11 larger house than you could if you had a 100-foot
12 lot with 8-foot setbacks typically.

13 We are covering 40 percent of the frontage of
14 Mr. Stevenson's lot, which is in keeping with all
15 of the other neighbors down the road.

16 Other than that, I think we conform to the
17 city standards, all the lifts are compliant, the
18 lengths are in accordance with what has been used
19 as a precedent. It's all on -- they're all on the
20 same line. I just don't see any other things that
21 we need to add. This is the design that
22 Mr. Stevenson wishes to build. And that's --
23 that's where I'm going to leave it.

24 CHAIRPERSON ZANDER: Thank you, sir.

25 All right. Let's bring it back to the board

1 for discussion. Board?

2 BOARD MEMBER MISTERLY: This is Grant here. I
3 wasn't at the meeting last time, but I did review
4 the minutes from the last meeting. And in looking
5 at this application, my first reaction was similar
6 to what the public testified to, that the terminal
7 platform is large. And when I compared it to
8 adjacent properties, I came to about the same --
9 the same decision that the public did, that, you
10 know, it seemed like the other docks in the area
11 were in the -- had a 30- to 40-foot-wide terminal
12 platform with the exception of a dock to the south
13 that's shared with homes, and that one was about
14 60 feet, split between two homes.

15 So at 64 feet, this seems like too wide of a
16 terminal platform to me and, in my opinion, doesn't
17 comply with Criteria 11 or 12 that we judge these
18 by; 11 being impact of the development on shoreline
19 by linear feet and percent of site, And Number 12,
20 impact of development on vistas and scenic
21 opportunities by linear feet. And it's specific to
22 the width of the terminal platform that -- the
23 applicant mentioned the length of the dock, and I
24 would agree that the length seems consistent with
25 other docks in the area, but it's the width of that

1 terminal platform that does not seem consistent to
2 me.

3 CHAIRPERSON ZANDER: Thank you, Mr. Misterly.

4 Any other board members like to weigh in at
5 all?

6 Please, Mike.

7 BOARD MEMBER DAVIS: I've got the same comment
8 as Grant. And I -- I really would love to see the
9 jet skis on the same side as the boat. I just
10 think that it's just too wide. And you don't have
11 anything in that area that is that wide of a
12 terminal end.

13 CHAIRPERSON ZANDER: Thank you.

14 Board, any other comments?

15 (None.)

16 CHAIRPERSON ZANDER: Applicant, any additions?

17 MR. VANDERMARK: Other than wider lot, wider
18 dock. Everybody -- everybody in the neighborhood
19 has a 100-foot or less lot.

20 So the setbacks -- you know, we have 46-foot
21 setbacks from the neighbors. If you continue the
22 lines -- the property lines out, we have 46-foot
23 setbacks. Nobody else -- nobody else has that.
24 Everybody else -- the dock to the north has a
25 24-foot setback off the property line. The dock to

1 the south has a 20-foot setback on each side.

2 Now, granted, it's two properties -- the one
3 that's 60 feet, it's two properties. The combined
4 lot is still only 100 feet. And their frontage is
5 60 feet.

6 We have 157 feet of frontage, and we're going
7 64 feet, 4 feet -- 4 feet bigger than the
8 neighboring 100-foot lot.

9 I'm not an attorney. I'm a dock builder.
10 Simple mind. That -- you know, it just -- that's
11 all I have to say. Maybe Sid has -- has something
12 to add to it, but from my standpoint, that's where
13 I'm at.

14 CHAIRPERSON ZANDER: Thank you.

15 Mike, please.

16 BOARD MEMBER DAVIS: So, Herb, there's no way
17 to put the jet skis on the same side as the boat,
18 put them closer to the land and the boat, and that
19 way you've got a dock that the terminal ends
20 more -- more in conformity with everybody else in
21 that area?

22 MR. VANDERMARK: Absolutely. That's not what
23 my customer wants to build. That's -- you know,
24 I'm not advocating that this is the only solution
25 here. You know, there's -- there's many, many ways

1 to configure a dock.

2 This is the dock that our customer would want,
3 and he finds that to be -- as far as view from his
4 house as well, to be the best for him.

5 CHAIRPERSON ZANDER: Carl?

6 BOARD MEMBER BLOW: Madam Chair?

7 CHAIRPERSON ZANDER: Yes, Carl.

8 BOARD MEMBER BLOW: Quick question for
9 Mr. Vandermark.

10 You're absolutely right; you've got a ton of
11 frontage here, like you say, with 157 feet. And
12 would your client consider shifting the dock -- the
13 entire dock to the south, say, maybe 10 feet since
14 you've got that much frontage along the water?

15 MR. VANDERMARK: It is not something that I've
16 run by him. I'm not saying he wouldn't. I can't
17 speak for him. This is the design that he wanted
18 me to present to you all -- to the board. And he
19 was pretty adamant about it. So that -- that's --
20 that's where I'm at, Carl.

21 BOARD MEMBER BLOW: Thank you, Herb.

22 BOARD MEMBER OPSAHL: And if it were shifted,
23 it would just encroach closer onto the property to
24 the south.

25 I guess my -- last time we spoke at the last

1 meeting, the reason for the width of this
2 particular dock is because you have a proportional
3 or a larger lot size that is -- if you look at the
4 percentages to the others, are consistent with the
5 percentage of the width of the dock to your -- your
6 frontage. And the purpose of keeping, I would
7 imagine, the width of the dock to that percentage
8 is so that you're not closer to another property
9 line.

10 And that's, I think, how we left it last time,
11 that I was -- I felt better about it after hearing
12 your explanation of the percentage of the frontage
13 rather than just looking at the feet number of
14 the -- of the dock.

15 MR. VANDERMARK: Right. And both -- both
16 lifts are in the deepest portion of the channel.
17 And -- and when I say "deepest," we're not talking
18 about a lot of water here to begin with. We're
19 talking about 4 1/2 feet of water.

20 So, you know, to Carl's point, yes, we could
21 move -- we could move the dock over or we could --
22 we could move the jet ski lift inside. It's going
23 to be in shallower water. Who knows what's
24 happening with the shoreline. Is the shoreline
25 shifting? I suspect it is probably getting

1 shallower.

2 So, you know, from a design standpoint, you
3 know, you -- you try to put everything in the same
4 depth of water and the deepest part of the water.
5 So it's -- it's that simple from my standpoint.

6 CHAIRPERSON ZANDER: Thank you.

7 Board Members, discussion? Motion?

8 BOARD MEMBER MISTERLY: I can make a motion if
9 you all would like.

10 CHAIRPERSON ZANDER: Please.

11 BOARD MEMBER MISTERLY: I make a motion to
12 deny Conservation Overlay Zone 1 Development
13 2020-0035 in that it does not meet -- I lost my
14 code here -- it does not meet Criteria 11 or 12; 11
15 being impact of development on shoreline by linear
16 feet, and 12 being impact of development on vistas
17 and scenic opportunities by linear feet.

18 CHAIRPERSON ZANDER: Second?

19 VICE-CHAIR DePRETER: I'll second it.

20 CHAIRPERSON ZANDER: Thank you.

21 Board, any quick discussion before we go to a
22 vote on this?

23 BOARD MEMBER BLOW: Well, Madam Chair, just a
24 quick discussion.

25 On this issue about the distance between the

1 dock and the property line, you know, the setback,
2 that's -- that's basically a DEP stipulation, isn't
3 it, Herb?

4 MR. VANDERMARK: It is. I was just -- I'm
5 simply -- I'm not talking from a legal standpoint.
6 I'm just saying from a standpoint of offsets,
7 we're -- we have a greater offset than probably
8 90 percent of the docks in the neighboring -- in
9 the neighborhood.

10 So I'm just making a point that, okay, we
11 might be a few feet wider. We still have the
12 offsets to the property line, thereby, you know,
13 allowing the scenic vista to continue, if you will.

14 BOARD MEMBER BLOW: Yeah, I guess my comment
15 is the -- you know, St. Augustine has always had
16 additional dock regulations over and above than
17 what the DEP requires, and for that matter, I
18 think, St. Johns County. That's -- that's where we
19 get into this sometimes very challenging decision.

20 MR. VANDERMARK: St. Johns County doesn't
21 require a dock permit.

22 BOARD MEMBER BLOW: Correct. Yeah, St. Johns
23 County --

24 MR. VANDERMARK: Thank God.

25 BOARD MEMBER BLOW: -- you get a DEP permit,

1 and you're good to go.

2 MR. VANDERMARK: Right.

3 CHAIRPERSON ZANDER: Carl, is there -- is that
4 all or can we --

5 BOARD MEMBER BLOW: Yes, ma'am. I'm finished.

6 CHAIRPERSON ZANDER: Okay. Let's call for the
7 vote, please.

8 RECORDING SECRETARY: Grant Misterly?

9 BOARD MEMBER MISTERLY: Yes.

10 RECORDING SECRETARY: Jon DePreter?

11 VICE-CHAIR DePRETER: Yes.

12 RECORDING SECRETARY: Carl Blow?

13 BOARD MEMBER BLOW: Yes.

14 RECORDING SECRETARY: Mike Davis?

15 BOARD MEMBER DAVIS: Yes.

16 RECORDING SECRETARY: Christina Opsahl?

17 BOARD MEMBER OPSAHL: No.

18 RECORDING SECRETARY: Sarah Ryan? Oh, that's
19 right. Sorry. She recused.

20 And Karen Zander?

21 CHAIRPERSON ZANDER: No.

22 So motion passes, which would be to deny.

23 All right. Applicant, we'll move on to the
24 next agenda item.

25 (Hearing was concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
)
COUNTY OF ST. JOHNS)

I, Melissa Schroeder, Court Reporter, certify
that I was authorized to and did transcribe the
foregoing proceedings from a CMT; and that the
transcript is a true and complete record of my
stenographic notes to the best of my ability.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 26th day of July, 2020, in
St. Johns County, Florida.

Melissa Schroeder
Melissa Schroeder
Court Reporter

ANN FITZGIBBONS: [1] 9/16 B.J. KALAIDI: [1] 11/10 BOARD MEMBER BLOW: [10] 3/23 18/6 18/8 18/21 20/23 21/14 21/22 21/25 22/5 22/13 BOARD MEMBER DAVIS: [3] 16/7 17/16 22/15 BOARD MEMBER MISTERLY: [5] 3/25 15/2 20/8 20/11 22/9 BOARD MEMBER OPSAHL: [2] 18/22 22/17 BOARD MEMBER RYAN: [1] 2/11 CHAIRPERSON ZANDER: [31] MARGARET EDMISTON: [2] 6/6 9/5 MR. ANSBACHER: [2] 3/14 3/19 MR. BIRCHIM: [1] 13/8 MR. DOTY: [2] 3/5 4/7 MR. 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CITY OF ST. AUGUSTINE

Planning and Zoning Board Communications Media Technology (CMT) Meeting June 2, 2020

The Planning and Zoning Board met in formal session Tuesday, June 2, 2020, at 10:00 a.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
Sarah Ryan
Christina Opsahl
Mike Davis
Carl Blow (arrived 10:10 a.m.)

Absent: Grant Misterly

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Denise May, City Attorney
Darlene Galambos, City Clerk
Laura Morse, Recording Secretary
Maria Lopes, Office Assistant
Candice Seymour, Recording Secretary

Mr. Doty reviewed participation procedures for the virtual meeting.

2. General Public hearings for Items Not on the Agenda

After a brief pause to mitigate technical difficulties, the Board heard from the following member of the public:

- Ed Slavin

3. Conservation Overlay Zone Development

3. (a) 2020-0038 – Brian Spahr – Applicant Steven Stewart – Owner 259 S. Matanzas Boulevard / PIN 221310-0000

To approve a five-foot (5') by three hundred ten (310') long dock with a fifty

foot (50') by twenty foot (20') terminal platform and a three foot (3') by twenty four (24') foot finger pier to support a single boatlift within Conservation Overlay Zone 1.

Ms. Ryan recused herself from the item.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 construction of the advertised dock layout with a single boatlift within Conservation Overlay Zone 1 located at **259 S. Matanzas Blvd / PIN 221310-0000** adding, alternatively, staff finds that the Board can **APPROVE** the construction of the revised dock layout with two boat lifts and a floating submitted after the date of advertising, May 20, 2020, (as it is a

¹ Form attached to original minutes

reduction in overall size) within Conservation Overlay Zone 1 located at **259 S. Matanzas Blvd / PIN 221310-0000**.

Brian Spahr reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed clarification of the dock length which was 330 feet and similar in length to surrounding docks.

MOTION

Mr. Blow MOVED to APPROVE application 2020-0038 based on the revised drawing presented by staff and with the condition that the dock be a maximum of 330 feet as depicted in the aerial photo in the meeting packet. The motion was SECONDED by Mr. DePreter.

Mr. Doty clarified that the platform was 330 feet with an addition 10-foot floating dock for a total length of 340 feet.

Mr. Blow AMENDED his motion to reflect that the dock be a maximum of 340 feet as the additional 10-foot floating dock would not inhibit traffic along the waterway. The amendment was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Davis, Opsahl, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

3. (b) 2020-0035 – Herbert Vandermark, Yelton Construction – Applicant
Alan Stevenson – Owner

34 N. St. Augustine Boulevard / PIN 213510-0000

To approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty-foot (20') terminal platform with two (2) associated boat lifts.

Ms. Ryan recused herself from the item.²

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 construction of a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty-foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1 located at **34 N. St. Augustine Boulevard / PIN 213510-0000**.

Herb Vandermark reviewed the application.

The Board provided their ex parte communications.

21 certified notices were sent, 5 were returned in favor, and 1 had comments.

Public hearing was opened.

Margaret Edmiston, representing owners of the neighboring property was opposed to the length and width of the dock.

Anne Edmiston-Fitzgibbons offered an alternative design to reduce the total width of the lift.

Public hearing was closed.

Mr. Vandermark responded to public comment, citing the proposed design allowed the boats to access the deepest water and alterations would access shallower waters. He added that the proposed plan was in keeping with city

² Form attached to original minutes

requirements and was comparable to other docks in the area.

The Board discussed:

- Environmentally friendly pilings
- Connection to the pilings was substantial to avoid uplift
- Alternative configurations that may lessen the width without impacting desired use of the dock, some of which may cause boating safety concerns
- Desire to see detailed drawings comparing the proposed dock to other docks in the area, the size of the subject property, and area channel depths

MOTION

Mr. Blow **MOVED** to **CONTINUE** application 2020-0035 to the July 7, 2020 meeting to allow the applicant time to provide requested drawings. The motion was **SECONDED** by Ms. Opsahl.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

3. (c) 2020-0042 – Ryan Carter, Carter Environmental Services – Applicant
Caleb King – Owner
2 Tremerton Place / PIN 201290-00000

To approve a one hundred four (104') linear foot bulkhead 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 construction of a one-hundred-four (104') linear foot bulkhead within Conservation Overlay Zone 1 located at **2 Tremerton Place / PIN 201290-0000**. He added that this

staff recommendation was the same as those for items 3(d) and 3(e).

Ryan Carter reviewed application.

Ex Parte Communication:

(None)

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

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

The Board discussed the bulkheads in relation to the adjacent properties.

MOTION

Mr. Davis **MOVED** to **APPROVE** Conservation Overlay Zone 1 Development application 2020-0042 for a one hundred four (104') linear foot bulkhead at 2 Tremerton Place. The motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

3. (d) 2020-0043 – Ryan Carter, Carter Environmental Services – Applicant
Forrest Myers – Owner
1 Tremerton Street / PIN 201410-0000

To approve a sixty (60') linear foot bulkhead 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 construction of a sixty (60') linear foot bulkhead within Conservation Overlay Zone 1 located at **1 Tremerton Street / PIN 201410-0000**.

Mr. Carter reviewed the application.

Ex Parte Communication:

(None)

22 certified notices were sent, 3 were returned in favor, and 1 had comments.

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

MOTION

Ms. Ryan **MOVED** to **APPROVE** Conservation Overlay Zone 1 application 2020-0043 for a sixty (60') linear foot bulkhead at 1 Tremerton Street. The motion was **SECONDED** by Ms. Opsahl.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

3. (e) 2020-0044 – City of St. Augustine – Applicant and Owner
0 Tremerton Place / PIN 196150-0001

To approve a bulkhead at the eastern R-O-W terminus of Tremerton Place 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 construction of a thirty-seven (37') linear foot bulkhead within Conservation Overlay Zone 1 located at **0 Tremerton Place / PIN 196150-0001**.

Ex Parte Communication:

(None)

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

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

MOTION

Mr. Davis **MOVED** to **APPROVE** Conservation Overlay Zone 1 Development application 2020-0044 a bulkhead at the eastern R-O-W terminus of Tremerton Place. The motion was **SECONDED** by Ms. Ryan.

VOTE ON MOTION:

AYES: Davis, Ryan, Blow, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Use by Exception

4. (a) 2020-0045 – Todd B. Wilson – Applicant
97 Masters, LLC, T & B Properties, LLC – Owners
97 & 99 Masters Dr / PIN 110060-0000 & 110090-0000

To approve a use by an exception for building trades contractor not requiring outside storage.

There was a brief discussion which determined that Brenda Wilson, as a registered representative for the LLCs that own the subject properties, had the authority to speak as applicant.

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 a building trades contractor not requiring outside storage at **97 & 99 Masters Dr / PIN 110060-0000 & 110090-0000**.

Brenda Wilson reviewed the application, confirming that the business would be relocating to the subject location rather than operating from two locations.

The Board provided their ex parte communications.

14 certified notices were sent, 4 were returned in favor, and 1 had comments.

Public hearing was opened.

Public hearing was closed.

The Board discussed:

- Fenced parking area for installation trucks when not being used
- Type of fencing along Avery St. would be a solid white privacy fence and the side had existing wood fencing
- Landscaping and fencing buffer requirements as well as parking requirements which would be reviewed for compliance with city codes during the permitting process
- Clarification that the parking of vehicles was not considered outside storage
- Details regarding the shop area which would store materials for pending jobs and not be used to fabricate materials
- Exception approval would run with the applicant

MOTION

Mr. Blow **MOVED** to **APPROVE** Use y Exception application 2020-0045 with the condition that the approval run with the applicant. The motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board member comments

Ms. Zander thanked city staff for their efforts in streamlining the virtual meeting process. She asked that Board opinion regarding virtual meetings be sought if the Commission revisits the decision to continue holding virtual meetings.

Mr. Blow and Mr. Davis also thanked staff and Ms. Zander for facilitating the meeting.

5. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 11:48 A.M.³

Karen Zander Chairperson

³ Transcribed by Candice Seymour

REGULAR MEETING OF THE
CITY OF ST. AUGUSTINE PLANNING & ZONING BOARD
VIA COMMUNICATIONS MEDIA TECHNOLOGY (CMT)
ST. AUGUSTINE, FLORIDA
ON TUESDAY, JUNE 2, 2020

RE: CONSERVATION OVERLAY ZONE DEVELOPMENT 2020-0035

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BOARD MEMBERS PRESENT:

KAREN ZANDER, Chair Commissioner
JON DePRETER, Vice-Chair
SARAH SHIPP RYAN, Board Member (Recused)
CHRISTINA OPSAHL, Board Member
CARL BLOW, Board Member
MIKE DAVIS, Board Member

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STAFF PRESENT:

DENISE MAY, Assistant City Attorney
DAVID BIRCHIM, Director of Planning & Zoning
PATRICK DOTY, Senior Development Review Planner

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ST. AUGUSTINE COURT REPORTERS
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1 P R O C E E D I N G S

2 CHAIRPERSON ZANDER: Okay. So, let's go to
3 Agenda Item Number 3.b., Conservation Overlay Zone
4 Development 2020-0035. Herbert Vandermark, care of
5 Yelton Construction. Alan Stevenson, owner, care
6 of St. Augustine Beach Investments, LLC. 34 North
7 St. Augustine Boulevard, to approve a 5-foot by
8 120-foot dock with a 12-foot by 20-foot terminal
9 platform with two associated boatlifts within
10 Conservation Overlay Zone 1.

11 Applicant, if you could state your name and
12 address and be sworn in, please.

13 MR. VANDERMARK: My name's Herb Vandermark.
14 My address is 300 Pine (inaudible), St. Augustine,
15 Florida, 3 (inaudible).

16 RECORDING SECRETARY: And do you swear or
17 affirm that the testimony you give today will be
18 the truth, the whole truth, and nothing but the
19 truth?

20 MR. VANDERMARK: Yes, I do.

21 CHAIRPERSON ZANDER: Thank you.

22 BOARD MEMBER RYAN: Ms. Zander, I need to
23 recuse myself also on this case.

24 Again, like the first one, I don't have
25 anything to do with the dock but I'm contracted

1 with the owner. So I'll go on mute.

2 CHAIRPERSON ZANDER: Thank you, Ms. Ryan.

3 Okay. Any ex partes, board members?

4 BOARD MEMBER BLOW: Yes, ma'am. I had a brief
5 discussion with a member of Yelton staff yesterday.
6 I'm can't remember the lady's name.

7 CHAIRPERSON ZANDER: Thank you, Carl. Anyone
8 else?

9 (None.)

10 CHAIRPERSON ZANDER: Okay. Patrick, staff
11 report, please?

12 MR. DOTY: This item is a request for a
13 120-foot-long dock with a 12 by 20 terminal
14 platform and two associated lifts, one to
15 accommodate jet skis and one to accommodate boats.

16 This item was reviewed on the 17 criteria
17 required for City Code 11-29, and I found that it
18 is in compliance with all of those requirements.
19 And with that, should this application be approved,
20 the City does not make a representation, approval,
21 or claim to riparian rights to any party, and staff
22 can make a recommendation that the board can
23 approve the dock as proposed.

24 If you have any questions, I'm happy to answer
25 them. And I also have the dock graphics pulled up,

1 so I can share the screen if the board so chooses.

2 Thank you.

3 CHAIRPERSON ZANDER: Applicant, do you have
4 any questions -- or, sorry. Do you have anything
5 that you'd like to add to Patrick's staff report?

6 MR. VANDERMARK: No. The -- the only thing
7 out of the ordinary, if you will, with the dock is
8 it's going to be a single-pile design. We're going
9 to have a monopile every 10 foot, thereby reducing
10 the -- the amount of piles going down the walkway
11 by 50 percent.

12 And everything is going to be fiberglass, so
13 we're not going to have any pressure-treated piles
14 (inaudible) and it's going to be like (inaudible).

15 CHAIRPERSON ZANDER: Thank you, sir. Board
16 members, do you have any questions for Patrick?

17 BOARD MEMBER BLOW: Madam Chair?

18 CHAIRPERSON ZANDER: Yes, Carl.

19 BOARD MEMBER BLOW: I just want to confirm
20 that the existing pressure-treated wooden pilings
21 that we're using are environmentally acceptable and
22 there's no issues with those going forward.

23 MR. VANDERMARK: Oh, they are -- they are
24 environmentally friendly. There are obviously more
25 environmentally friendly items, and that -- and

1 we're using that in this particular case, and
2 that's why I bring it up.

3 CHAIRPERSON ZANDER: Thank you, sir. Anyone
4 else have any questions of Patrick?

5 (None.)

6 CHAIRPERSON ZANDER: Okay. Any other
7 questions for the applicant, board members?

8 BOARD MEMBER BLOW: One quick question -- one
9 more quick question, Madam Chair.

10 CHAIRPERSON ZANDER: Please, Carl.

11 BOARD MEMBER BLOW: Herb, on the single-pile
12 construction, are you addressing uplift? Because
13 as you know, when we've had these hurricanes
14 before, there were some issues with the deck being
15 lifted up by the -- so is this deck tied to that
16 single pile?

17 MR. VANDERMARK: Yes, it is. Some of the
18 issues we've had with some of the other monopile
19 systems were the concrete systems which are no
20 longer in place.

21 These -- these -- I call them a hybrid. It's
22 a wood upper structure that's attached with a --
23 with a bolt-on aluminum structure to the piles. So
24 there's -- there's -- there's a solid connection to
25 the piles in this design.

1 BOARD MEMBER BLOW: Okay. Thank you. Yeah, I
2 think that addresses that uplift problem we've seen
3 before.

4 MR. VANDERMARK: Gotcha. Yes.

5 CHAIRPERSON ZANDER: You're good, Carl?

6 Okay. This is a public hearing. Is there
7 anyone in the Alcazar Room who would like to
8 address this application?

9 RECORDING SECRETARY: Madam Chair, we do have
10 two public speakers. Let me queue them up. Hang
11 on one second.

12 MARGARET EDMISTON: My name is Margaret
13 Edmiston and the address (inaudible).

14 CHAIRPERSON ZANDER: I'm sorry. We can't hear
15 this public speaker.

16 MARGARET EDMISTON: Excuse me?

17 RECORDING SECRETARY: Can you hear us?

18 MR. DOTY: We can. You might need to get
19 closer to the microphone if you're going to speak
20 quietly.

21 MARGARET EDMISTON: Can you hear me okay?

22 CHAIRPERSON ZANDER: You'll just have to speak
23 a little louder, ma'am. You're very faint.

24 MARGARET EDMISTON: Okay. I will try to.

25 My name is Margaret Edmiston. My address is

1 134 Pelican Reef Drive, St. Augustine, Florida,
2 32080.

3 RECORDING SECRETARY: (Inaudible.)

4 MARGARET EDMISTON: Yes.

5 I am here on behalf of my mother and our
6 family, owners of the adjacent lot, 36 North
7 St. Augustine Boulevard.

8 As stated in the written comments that we
9 submitted last week, we do not oppose a dock being
10 built. We do object to the design and specifically
11 the width of the (inaudible) docks in the area
12 across from the historic downtown area have a width
13 of 30 to 34 feet with the exception of a shared
14 dock to the south which two property owners had
15 constructed on the property line, and it would
16 equate to 30 feet per property owner.

17 The dock proposed for 34 North
18 St. Augustine Boulevard has a terminal platform
19 including the lifts creating a full width of
20 64 feet. 64 feet would be approximately twice the
21 width of the neighboring docks.

22 We believe that the Section 11-29 standard
23 allowing the board to impose limitations to avoid
24 blocking and disrupting vistas and scenic
25 opportunities is most important to this area of our

1 city waterfront which shares the bay with our
2 historic downtown and port.

3 There are two items in the summary -- the
4 staff summary and analysis which address the impact
5 on the vista. Number 12, the impact of the
6 development on vistas and scenic opportunities by
7 the linear feet, height, mass, percent site, the
8 staff response was, "Minimal due to multiple
9 existing docks in the area including the north and
10 the south." And this followed the response to
11 Item 10, "No additional effects since the proposal
12 is similar to other residential docks in the area."

13 With those statements, the staff response
14 implies that those docks' impact on the vista is
15 similar to others in the area. We feel
16 differently, as the neighboring dock platforms are
17 about half the width of the proposed dock, except
18 the one shared by two lot owners.

19 The last page of the applicant's packet
20 included the sketch of the proposed dock, and you
21 can see from the dimensions of his lot (inaudible)
22 lot there is 46 feet at the street and it expands
23 to 156 feet at the water. The shared lot line with
24 our property is thus very much at an angle to the
25 water.

1 The placement of the dock in the middle of the
2 bulkhead results in the terminal end being much
3 closer to our home and in front of our property due
4 to this angle, and a modification of the terminal
5 end design would help mitigate the obstruction to
6 our view. And we requested this modification in
7 our written comments submitted last week.

8 Am I correct that my time is up?

9 CHAIRPERSON ZANDER: Yes, ma'am, I think you
10 did.

11 MARGARET EDMISTON: Okay. Well, thank you for
12 your consideration.

13 CHAIRPERSON ZANDER: Thank you, ma'am. And,
14 Candace, we have another public commenter; is that
15 right?

16 RECORDING SECRETARY: Yes, Madam Chair.

17 CHAIRPERSON ZANDER: Can you please bring
18 them?

19 ANN FITZGIBBONS: I'm Ann Edmiston
20 Fitzgibbons, and I recently sold my home about two
21 weeks ago and so I am temporarily staying at
22 36 North St. Augustine Boulevard.

23 RECORDING SECRETARY: Do you swear or affirm
24 that the testimony you give today will be the
25 truth, the whole truth, and nothing but the truth?

1 ANN FITZGIBBONS: I do. And we're sisters, in
2 case you didn't recognize the resemblance.

3 Our submitted written response, which provided
4 the relative sizes of the neighboring docks,
5 proposed a design similar to that of the
6 neighboring docks that we believe would meet the
7 applicant's need of two boatlifts.

8 It suggests moving the jet skis (inaudible)
9 larger boatlift towards the bulkhead of the larger
10 boatlift, which is a design you see frequently
11 along the waterfront. And then you'd have a deck
12 between which would provide access between the two
13 lifts. This would help narrow the total width of
14 the platform.

15 In our nonexpert opinion, it would actually
16 benefit the homeowner by providing a deck alongside
17 each lift for better access to the boat and the
18 jet skis. This design would reduce the total width
19 to between 40 feet possibly down to 30 feet,
20 depending on the size of the terminal platform
21 (inaudible) 20 feet.

22 Being multi-generation citizens of
23 St. Augustine, our opinions are heavily influenced
24 by the desire to preserve the historic look of our
25 nation's first city.

1 In the 1980s, our father had an office
2 building built on Cordova Street in the historic
3 district. This was done with a priority to enhance
4 and be part of the downtown area. He was proud of
5 his contribution to historic St. Augustine.
6 Preserving the historic look includes preserving
7 what could be viewed from the bayfront from the
8 ancient city.

9 If homeowners across the bay are all allowed
10 to build these larger docks, we wonder what the
11 view might end up from the bayfront. We request
12 the City consider what they want this view from the
13 historic city to look like years from now and what
14 if any actions should be taken to preserve that
15 vista. Thank you, very much.

16 CHAIRPERSON ZANDER: Thank you, ma'am.
17 Candace, are there any other public commenters in
18 the Alcazar Room?

19 RECORDING SECRETARY: No, Madam Chair, there
20 are no other commenters present in the Alcazar Room
21 at this time.

22 CHAIRPERSON ZANDER: Okay. Thank you.

23 Written notices, the City sent out written
24 notices, received five (inaudible) received five,
25 all in favor, they're on file. Although the one

1 response from Ms. Edmiston did have concerns on the
2 size and layout being larger than the neighbors, as
3 she spoke today.

4 Patrick -- I'm sorry. Is there anyone on the
5 phone who would like to address this application?

6 RECORDING SECRETARY: Madam Chair, can you
7 hear me?

8 CHAIRPERSON ZANDER: I can hear you.

9 RECORDING SECRETARY: There is no one on the
10 phone.

11 CHAIRPERSON ZANDER: And if I'm understanding
12 correctly, Denise, we've already taken time to give
13 them time to call in?

14 MS. MAY: Yes. The two public commenters I
15 think (inaudible).

16 CHAIRPERSON ZANDER: Thank you, Denise.

17 All right. So, applicant, you have the
18 opportunity to address public comment if you wish.

19 MR. VANDERMARK: No, I -- I just want to say
20 that here at Yelton when we design a dock, we
21 design with the lot size and the water depth in
22 mind.

23 Mr. Stevenson has 157 feet of frontage that
24 allowed us to keep both of the lifts in the deepest
25 possible water for the maximum use for the maximum

1 amount -- amount of time.

2 Sometimes we do move lifts to the inside.

3 If -- in this case if we do that, we're going to be
4 in shallower water. The dropoff where the water
5 gets deep is going to be way nearer to that lift,
6 and in the future, there's so much sediment, I can
7 tell you the case -- Mr. Way had to extend his dock
8 by over 70 feet just around the corner.

9 So part one is we try to put both lifts in the
10 deepest water possible; and, two, as long as we're
11 maintaining our setbacks, and in this case we have
12 (inaudible) of lot size, which is in keeping with
13 all the rest of the neighbors. If you -- if you
14 look at the width of all the neighbors compared to
15 their width of their lots, the average is about
16 40 percent, and that's where Mr. Stevenson is.

17 So he's -- he's in compliance with the city
18 and he's -- he's also within -- in keeping with the
19 average dock in the neighborhood.

20 CHAIRPERSON ZANDER: Thank you, sir. Is there
21 anything else that you'd like to address or --

22 MR. VANDERMARK: I -- I think -- I think that
23 says about everything, in my opinion.

24 CHAIRPERSON ZANDER: Okay. Thank you.

25 Let's bring it back to the board for a

1 discussion. Board members, do you have any
2 comments on this, questions for Patrick, questions
3 for the applicant?

4 (None.)

5 CHAIRPERSON ZANDER: Okay. Any motion?

6 BOARD MEMBER BLOW: Madam Chair, I was kind of
7 holding back to see if anyone had any comments, but
8 I -- you know, and Ms. Annisons (sic) made some
9 pretty good points.

10 And I'm just looking at the drawings here and,
11 Mr. Vandermark, I mean, I hear what you're saying
12 about the water depth issue, but looking at the
13 drawings for the -- if you were to move the jet ski
14 lift next to the big lift, you've still got, what,
15 five feet of water at low tide? I mean, that's --
16 isn't that plenty of water to launch jet skis?

17 MR. VANDERMARK: Right this second, it is.

18 When -- when we built Mr. Way's dock, he had
19 plenty of water at that time. We have since in the
20 last I think in 2019 had to extend his dock by over
21 (inaudible) or I think 70 feet to get to five feet
22 of water. So, giving up, you know, a foot and a
23 half of water at this point in -- in my opinion
24 doesn't make sense.

25 There's a little bar that runs on the outside

1 of all those lifts. So if you go out a little bit
2 further, it actually gets a little bit shallower.
3 So we're right inside of a trough, if you will,
4 that runs north and south running just in front of
5 Mr. Green's dock.

6 So from that standpoint, it just makes the
7 most sense to have that -- both of those lifts in
8 the deepest possible channel.

9 BOARD MEMBER BLOW: Well, the -- let me ask
10 you this. Maybe we could let you go out another
11 12 feet and put both lifts on the south side and
12 get you in a little deeper water. Are you saying
13 there's a bar further to the east -- or further to
14 the west?

15 MR. VANDERMARK: Correct. It -- it's hard to
16 see. If you -- if you pull up on Google,
17 Google Earth, you can kind of see the -- the little
18 bar that's running to the west of all of those
19 docks.

20 And we've had issues before just north -- just
21 north of Henry Green's dock with -- with previous
22 docks. So if you go out another 12 feet, you're
23 actually going to be in a little bit shallower
24 water.

25 BOARD MEMBER BLOW: Well, I hate to do this to

1 you, but, you know, we -- if we're going to get
2 into this discussion, we almost need a hydrographic
3 survey of that -- that area to see where the deep
4 water is and where the bars are.

5 You know, I -- it's -- it doesn't seem to be
6 an unreasonable request on the part of the
7 Annistons (sic) to shift that over, but I'll -- I'd
8 like to hear from my fellow board members.

9 MR. VANDERMARK: I would -- I -- let me ask
10 you this. So, shifting that, wouldn't that give
11 more obstruction to the neighbor to the south?
12 Putting both lifts in his field of view?

13 BOARD MEMBER BLOW: Well, it looks like from
14 what I've got in the package here, the -- the
15 docks -- it's not -- is it in the center of the
16 157 feet of frontage or is it a little --

17 MR. VANDERMARK: Yes.

18 BOARD MEMBER BLOW: -- to the north?

19 MR. VANDERMARK: No. It -- it's our intent to
20 put it in the center of the lot.

21 BOARD MEMBER BLOW: Well, fellow board
22 members, anybody want to weigh in?

23 VICE-CHAIR DePRETER: Yeah. I just want to
24 make a comment, not necessarily on approval or not,
25 but I would say that in this case, I -- we don't --

1 this is a little unusual we don't have a drawing.

2 This drawing that's in here, unless I'm
3 missing it, does not have a simulation of the dock
4 in real space like, say, the one we just had at
5 259 Matanzas. Does anybody else have that? I
6 don't see it.

7 So it's a little difficult for me to ascertain
8 how much wider it is because I don't have any
9 relative scale on the -- on the application here.
10 So I think that I'm concerned about what the
11 neighbor said next door. I was going to bring it
12 up (inaudible) in the letter, but she actually
13 spoke.

14 So I'm interested if we are adding any
15 documents to this, I would feel more comfortable,
16 because I can't really see it on a boat because I
17 don't have a boat so I've got to look from the
18 road.

19 So it helps me a lot if there's a simulation
20 of how that dock would look next to the other
21 docks, and it would just make it a little bit
22 easier for me in the long run. So if we are asking
23 for more material, I just want to throw that out
24 for conversation.

25 CHAIRPERSON ZANDER: Carl, I don't have any

1 comments to add to this, so if you're looking for
2 any from me, I -- I don't have any.

3 BOARD MEMBER OPSAHL: And I -- I agree with
4 John.

5 I think initially on looking at it, it says
6 it's reasonable in comparison to the other docks.
7 Of course hearing from the other adjacent property
8 owners, it sounds like it's a lot bigger. But then
9 it's a compelling argument if it's a percentage of,
10 you know, the lot size that it is to go on. But I
11 would like to see that to see that comparison for
12 myself.

13 CHAIRPERSON ZANDER: So are you looking for a
14 continuance in order to get that information, it
15 sounds like?

16 BOARD MEMBER OPSAHL: If -- if the applicant
17 would like to continue it. I think right now with
18 what we have, I don't know that I would have enough
19 to -- well, let's see what Mike has to say.

20 CHAIRPERSON ZANDER: Yeah, Mike?

21 BOARD MEMBER DAVIS: Thank you. I -- I just
22 have a question.

23 If it's the width of the dock that's a concern
24 and you've got a boat that's 32 feet, then why
25 can't you turn that so that it's 12 feet? I -- and

1 I'm not a boat guy, and so, Herb, you'll have to
2 answer this and Carl will.

3 But if you turn that so that it ran parallel
4 and not perpendicular to the dock itself, does that
5 then make the end of the dock small enough that
6 we -- we've cut down on that size but still makes
7 it a workable functioning dock?

8 MR. VANDERMARK: It can -- it can be done.
9 It -- from my standpoint, from a boating
10 standpoint, it's a safety issue.

11 It is far easier to come with and against the
12 current than perpendicular to it. There's far less
13 likelihood of any kind of incident coming with and
14 against the current.

15 If -- if any of you have ever spoken with
16 Mr. Green, he'll tell you he regretted the day that
17 he turned his dock east and west. Any time we have
18 lot frontage -- and in this case we do, we have
19 157 foot of frontage -- we try to turn the docks
20 and the lifts to go with the current and against
21 the current. It is 100 percent safety issue.

22 BOARD MEMBER BLOW: Madam Chair?

23 CHAIRPERSON ZANDER: Yes.

24 BOARD MEMBER BLOW: On that issue, I agree
25 with Mr. Vandermark.

1 Basically, if you turn that boatlift so it's
2 perpendicular to the -- to the tidal flow and the
3 current in there, you're not -- you're no longer
4 docking your boat, it's a controlled crash.

5 CHAIRPERSON ZANDER: Okay. So, what do we
6 want to do, board? Do you want more information?
7 And, applicant, would you be willing to continue
8 this and come back with the type of scaled overview
9 that they're (inaudible)?

10 MR. VANDERMARK: Yeah. Can you clarify
11 exactly what you're looking for? I know I have
12 a -- I have a customer who's antsy to get this over
13 with, who's very adamant about his design and
14 doesn't wish to change his design at all.

15 However, you know, we're not going to go
16 against the grain. If -- if it's not going to get
17 approved, it's not going to get approved, but it
18 seems to me it's -- it's within the City's
19 limitations and boundaries.

20 CHAIRPERSON ZANDER: Well, granting a
21 continuance has to -- you have to be okay with --
22 with getting a continuance. So it -- the ball is
23 really in your court if you'd like us to vote on
24 whether we do a continuance.

25 Mr. DePreter used as an example the previous

1 agenda item, which was 3.a. at 259 South Matanzas,
2 and I believe he was looking at Figure 5. Is that
3 right, Mr. DePreter, on that? You're looking
4 similar to (inaudible).

5 VICE-CHAIR DePRETER: Yes, I am.

6 MR. VANDERMARK: Yeah. And I don't know what
7 that looks like.

8 CHAIRPERSON ZANDER: So, it's just an aerial.
9 It looks like a -- kind of a Google aerial with the
10 proposed dock imp -- superimposed --

11 MR. VANDERMARK: Uh-huh.

12 CHAIRPERSON ZANDER: -- as if it were there,
13 that this one was shown in red so that you can see
14 it's a scale overlay. So you can see it with maybe
15 two or three docks on each side.

16 BOARD MEMBER OPSAHL: And I believe those are
17 on -- online, right, Patrick?

18 MR. DOTY: Yeah. All those are available
19 online, and I'm also going to e-mail Yelton
20 Construction a couple of copies of what y'all are
21 describing just so they can have a good frame of
22 reference for what Mr. DePreter is requesting.

23 CHAIRPERSON ZANDER: Would you be open to --
24 to grant -- to us granting you a continuance to
25 come back and provide that information or do you

1 want us to vote on it at this meeting?

2 MR. VANDERMARK: Well, again, tell me what
3 happens if y'all vote on it and -- and don't pass
4 it. Where are we at then?

5 CHAIRPERSON ZANDER: Ms. May?

6 MS. MAY: If -- if it's voted down, you would
7 have to wait to bring your application back for one
8 year.

9 You have a right to request a vote today. You
10 may also agree to a continuance. But that is at
11 your pleasure. As the applicant you have a right
12 to have your application heard and voted upon, or
13 you can grant a continuance and bring back more
14 materials. But again, if you do get voted down,
15 your application is delayed for one year.

16 CHAIRPERSON ZANDER: Does he have the right to
17 appeal?

18 MS. MAY: He does have a right to appeal to
19 the city commission for any adverse action.

20 MR. VANDERMARK: Again, you know, I'm not a
21 regular at this.

22 BOARD MEMBER BLOW: Madam --

23 MR. VANDERMARK: Go ahead, Carl.

24 CHAIRPERSON ZANDER: Yes, Carl?

25 BOARD MEMBER BLOW: Well, I'm just going to

1 throw this out as an idea.

2 I'm willing to make a motion that we approve
3 this subject to shifting the jet ski lifts to the
4 south side of the -- south side of the dock
5 adjacent to the larger lift.

6 If -- if that was to pass, the applicant would
7 have a choice of either appealing that or accepting
8 it and getting his dock built. I'm just throwing
9 that out and assuming that my fellow board members
10 would -- would support that motion.

11 CHAIRPERSON ZANDER: Hang on. Ms. May, if he
12 gets a -- an approval on a motion, does he have a
13 right to appeal?

14 MS. MAY: He does if it's not, again, what
15 he's applied for. It sounds like the motion would
16 be for not the design he intended. He still has a
17 right to appeal that decision. Now, it's unusual
18 that he would appeal a grant, but it was a grant
19 not of his asking, but he has that right.

20 CHAIRPERSON ZANDER: So I know we've thrown a
21 lot at you, applicant, but if the -- the ball
22 really is in your court. So you can have us vote
23 on what you presented today.

24 We could potentially take a vote if someone
25 wanted to make a motion on Carl's latest suggestion

1 to move the jet ski platform. Or you can ask for a
2 continuance and you can come back with the aerial
3 similar to what the previous agenda packet had. I
4 know you're not looking at that, but it's not a
5 difficult --

6 MR. VANDERMARK: Right. Yeah. Yeah, I can --
7 I can picture it now.

8 I think -- I think we're going to be forced to
9 do a continuance. I can tell you that our -- our
10 client is not going to waver on the design that
11 he's asking for.

12 I personally think it's within the guidelines.
13 I think it's in keeping (inaudible) amount of
14 percentage for (inaudible) for (inaudible). So, I
15 think that's where we're at.

16 CHAIRPERSON ZANDER: Okay. So, if we make a
17 motion to grant to a continuance and you're granted
18 that, then I know that Patrick understands very
19 clearly what the board is looking for, and you can
20 get with him as well to give you more examples of
21 what particularly Mr. DePreter was looking to see.

22 And then I would ask that you also just keep
23 in mind the discussion today so that you're aware
24 of some of the ideas and thoughts that were thrown
25 around and that --

1 MR. VANDERMARK: Sure.

2 CHAIRPERSON ZANDER: -- you're prepared to
3 address those.

4 MR. VANDERMARK: Sure.

5 CHAIRPERSON ZANDER: And, Patrick, I don't
6 have the next meeting dates, so I don't know when
7 that would be.

8 MR. DOTY: The next meeting date would be
9 July 7th.

10 BOARD MEMBER BLOW: Madam Chair, I'll make a
11 motion we continue this to our next meeting on
12 July 7th, which I really hope is not using Zoom,
13 but we're actually in the room there.

14 BOARD MEMBER OPSAHL: And I'll second it.

15 CHAIRPERSON ZANDER: Could you call for a
16 vote, Candace?

17 RECORDING SECRETARY: Carl Blow?

18 BOARD MEMBER BLOW: Yes.

19 RECORDING SECRETARY: Christina Opsahl?

20 BOARD MEMBER OPSAHL: Yes.

21 RECORDING SECRETARY: Mike Davis?

22 BOARD MEMBER DAVIS: Yes.

23 RECORDING SECRETARY: Jon DePreter?

24 VICE-CHAIR DePRETER: Yes.

25 RECORDING SECRETARY: Karen Zander?

1 CHAIRPERSON ZANDER: Yes.

2 So applicant you're good? You understand what
3 we're --

4 MR. VANDERMARK: Yes.

5 CHAIRPERSON ZANDER: Okay. I appreciate your
6 patience. Thank you.

7 MR. VANDERMARK: Thank you. Thank you.

8 CHAIRPERSON ZANDER: Ms. Ryan, if you can move
9 back (inaudible).

10 MR. DOTY: All right. Herb, I'm going to go
11 ahead and send y'all out a follow-up. And send me
12 an e-mail, if you don't mind, or have Ellen send me
13 an e-mail and we will --

14 MR. VANDERMARK: Perfect.

15 MR. DOTY: -- and submit it to the board.

16 MR. VANDERMARK: Sounds good. Thank you.

17 MR. DOTY: Thanks.

18 (Hearing concluded.)

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1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF ST. JOHNS)

4

5 I, JANET M. BEASON, RPR-CP, RMR, CRR, do hereby certify

6 that the foregoing pages constitute a true and complete

7 transcript of the proceedings transcribed by me to the best

8 of my ability in the aforementioned cause at the time and

9 place herein set forth.

10 I further certify that I am not a relative, employee,

11 attorney, or counsel of any of the parties, nor am I a

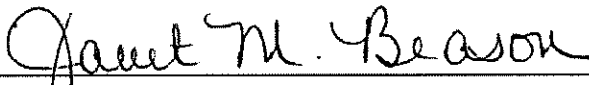
12 relative or employee of any of the parties' attorneys or

13 counsel connected with the action, nor am I financially

14 interested in the action.

15 Dated this 26th day of July, 2020.

16

17 
18 JANET M. BEASON, RPR, RMR, CRR

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ANN FITZGIBBONS: [2] 9/19 10/1 BOARD MEMBER BLOW: [18] 3/4 4/17 4/19 5/8 5/11 6/1 14/6 15/9 15/25 16/13 16/18 16/21 19/22 19/24 22/22 22/25 25/10 25/18 BOARD MEMBER DAVIS: [2] 18/21 25/22 BOARD MEMBER OPSAHL: [5] 18/3 18/16 21/16 25/14 25/20 BOARD MEMBER RYAN: [1] 2/22 CHAIRPERSON ZANDER: [46] MARGARET EDMISTON: [6] 6/12 6/16 6/21 6/24 7/4 9/11 MR. DOTY: [7] 3/12 6/18 21/18 25/8 26/10 26/15 26/17 MR. VANDERMARK: [27] 2/13 2/20 4/6 4/23 5/17 6/4 12/19 13/22 14/17 15/15 16/9 16/17 16/19 19/8 20/10 21/6 21/11 22/2 22/20 22/23 24/6 25/1 25/4 26/4 26/7 26/14 26/16 MS. 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**CITY COMMISSION – APPEAL OF PLANNING AND ZONING BOARD
DENIAL OF CONSERVATION OVERLAY ZONE ONE (Construction of a New Dock)
34 N. ST. AUGUSTINE BOULEVARD**

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER:

- No new evidence is to be presented; this is an appeal on the record of the Historic Architectural Review Board hearing based on the right to appeal the denial of a certificate of appropriateness and partial demolition to the City Commission pursuant to section 28-90 (f).
- Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the HARB hearing.

Required findings by the City Commission:

- City Code Section 28-29(g)(5) states that, “the city commission shall find whether in its opinion error was made and within the terms of this section **affirm, reverse or modify the action** appealed.”

City Code Section 28-29(g)

(4) An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. **The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal.** If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.

(5) **The city commission shall find whether in its opinion error was made** and within the terms of this section **affirm, reverse or modify the action appealed** as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.

(6) **The decision of the city commission shall be the final administrative action**, and appeals from the decision of the city commission shall be appealed to the circuit court.

The standard of review for a quasi-judicial decision requires all of the following:

- a) procedural due process was afforded to the applicant,
- b) the Historic Architectural Review Board applied the correct law, and
- c) the decision was supported by competent, substantial evidence in the record.

3. STAFF PRESENTATION

- overview presented by Planning and Building Director (*or other staff presentation*)

20 minutes

4. PUBLIC COMMENT* (*can be before or after Appellant*)

- limited to argument on the record below, no new testimony or evidence.

3 minutes per speaker

5. APPELLANT PRESENTATION*

(if public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal)

- limited to argument on the record below, no new testimony or evidence.

20 minutes

(if Appellant is not the Property Owner, the Property Owner will be given an opportunity to present a rebuttal)

20 minutes

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

- Motion to approve the appeal, finding that the Historic Architectural Review Board committed an error and the City Commission reverses the HARB order (City Commission grants the application for certificate of appropriateness and partial demolition)

or

- *If a modification is presented, City Commission may a) deny the modification, or b) approve the modification, or c) motion to remand back to HARB to have the Board review and consider the modification*

or

- Motion to deny the appeal and confirm the Historic Architectural Review Board order (City Commission denies the application for certificate of appropriateness and partial demolition)

- *The City Commission through the Chair/Mayor may extend the courtesies of the floor and allow for more time for an issue specific presentation, as it deems necessary to ascertain the relevant facts in the record and law at issue consistent with due process.*

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 22, 2020

RE: Nor'easter Flooding

To bring you up to date, Reuben Franklin, Director Public Works will give a report regarding the flood elevations experienced during the nor'easter the City and surrounding areas recently encountered.

A handwritten signature in blue ink, appearing to read "John P. Regan", is written over a horizontal line.

John P. Regan, P.E.
City Manager

FOR

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 22, 2020

RE: Nor'easter Flooding

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John P. Regan

John P. Regan, P.E.
City Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 18, 2020

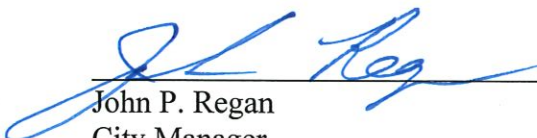
RE: Ordinance 2020-26
Resolution 2020-34

Staff has been working with the business community on planning for the Nights of Lights season. We have had numerous discussions with businesses and, due to the loss of business because of the COVID-19 pandemic, the holiday season takes on even larger importance. Per our discussion at the September 14, 2020 Regular City Commission Meeting, I am presenting Ordinance 2020-26 for 2nd reading. This Ordinance sets the earliest start date of the first Saturday in November and latest end date of the first Sunday in February for the Nights of Lights.

Also included tonight is Resolution 2020-34 which sets the specific dates for the 2020 Nights of Lights season for November 14, 2020 through January 31, 2021.

Please let me know if you have any questions on the Ordinance or the Resolution.

Thank you for your consideration.



John P. Regan
City Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 17, 2020

RE: **Planning and Zoning Board (PZB) Recommendation related to a 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.**

On Tuesday, September 1, 2020 the Planning and Zoning Board (PZB) discussed and recommended the removal of language in Section 28-160 of the Zoning Code that required a certain roof pitch for structures built on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

The PZB initiated the potential amendment at their August 4, 2020 Planning and Zoning Board (PZB) meeting to remove the 5/12 roof pitch requirement in the code. The item was discussed on September 1, 2020 and the PZB recommended that staff draft an ordinance to remove the language. The Board discussed the difficulty in meeting the roof pitch requirement for new structures because of the finished floor and freeboard requirements, and the definition of height since the City's experience with Hurricanes Matthew and Irma. Because of the hurricanes, many property owners are interested in elevating the finished floors of structures making it difficult to maintain the 5/12 roof pitch requirement.

Please find attached Ordinance 2020-25 to remove this requirement. Also find attached additional information related to roof pitch, and the measurement of height that is intended to follow the discussion regarding the roof pitch requirement currently in the Zoning Code for non-conforming lots in the zoning districts RS-1 and RS-2.

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

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

I respectfully request that this item be placed on the September 28, 2020 City Commission Agenda for Introduction and First Reading.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com or contact David Birchim at (904) 209-4323 or dbirchim@citystaug.com.

A handwritten signature in black ink, appearing to read "Amy McClure Skinner", written over a horizontal line.

Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

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

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

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

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

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

...

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

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

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

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

(6) *Minimum yard requirements:*

a. Front, twenty (20) feet minimum.

b. Side, fifteen (15) feet minimum.

c. Rear, twenty (20) feet minimum.

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

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

...

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

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

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

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

a. Thirty (30) percent.

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

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures:*

a. Thirty-five (35) feet.

These are the standards in the code that are considered “conforming” lot sizes for these zoning districts. If an existing platted lot does not meet these size standards for lot area and/or width, in other words if it is smaller in one or both of these standards the lot is considered

“nonconforming” by definition and is then regulated or limited by the height restrictions outlined in **Sec. 28-160**.

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

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

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

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

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

- (1) A single-family dwelling may be constructed on any such lot, lots or portion of a lot or lots which are located in a district where such use is permitted or permitted by exception.
- (2) A multiple-family dwelling containing not more than two (2) dwelling units may be constructed on any lot or lots which are not less than fifty (50) feet in width, not less than five thousand (5,000) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (3) A multiple-family dwelling containing not more than four (4) dwelling units may be constructed on any such lot or lots which are not less than fifty (50) feet in width, not less than seventy-five hundred (7500) square feet in area, and located in a district where such use is permitted or permitted by exception.

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

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

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

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

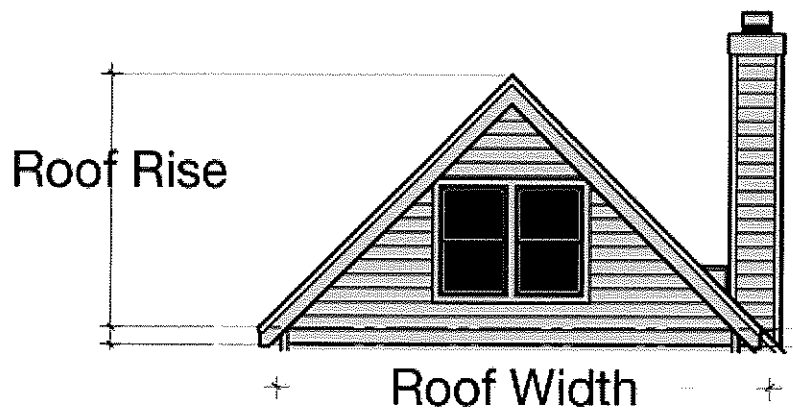
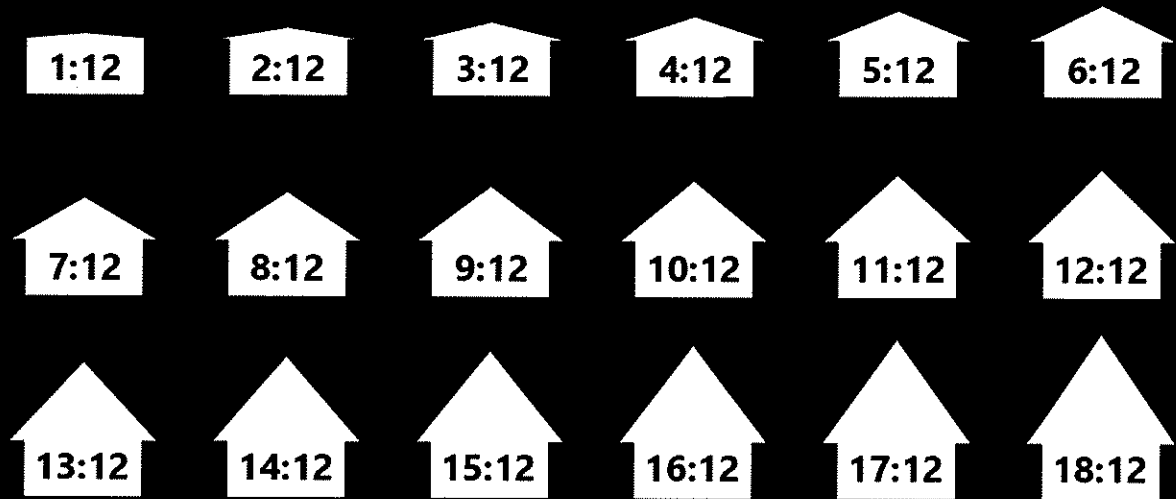
Height, building, means the vertical distance measured from the mandatory freeboard requirement of one (1) foot above the base flood elevation as determined by the Federal Emergency Management Agency to the top of the highest point of the roof or parapet, exclusive of chimneys or other building accessories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

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

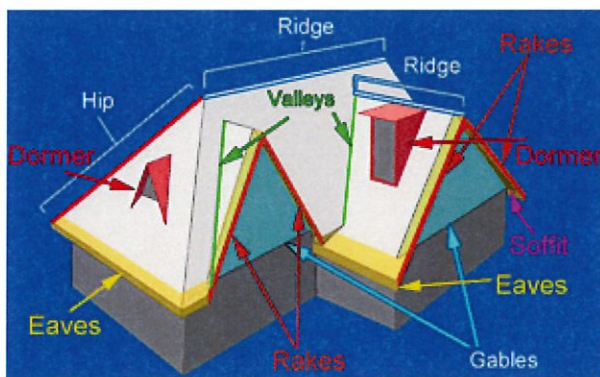
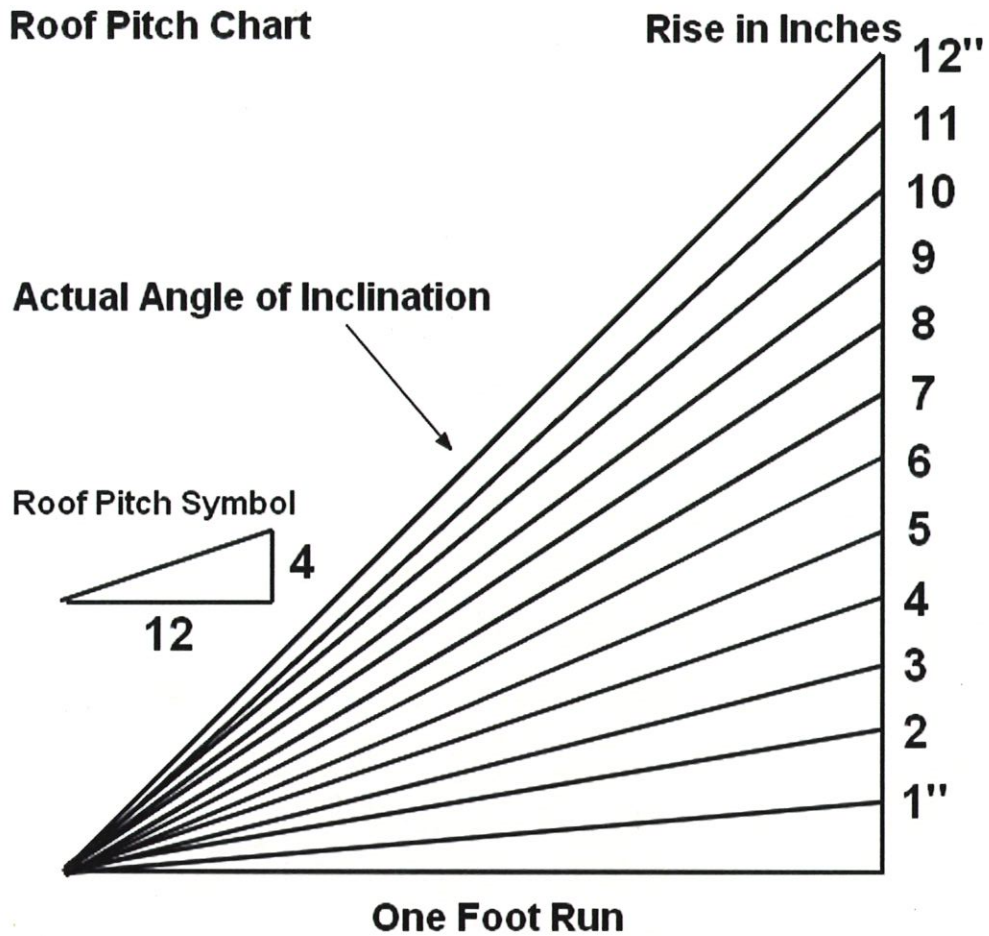
The height limitations contained in article III, district regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; provided, however,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

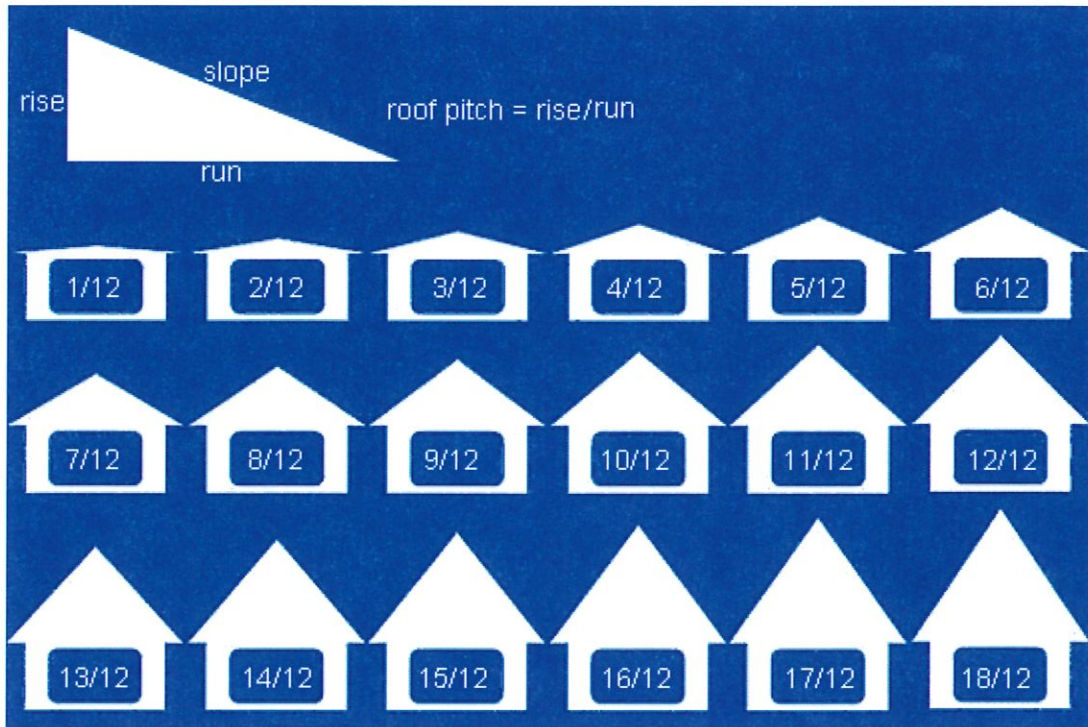
- (1) *Fifty-five (55) feet;* or
- (2) Elevations as may be prescribed by the Federal Aviation Administration; or
- (3) Elevations as may be prescribed by the State of Florida unless the applicable permit has been issued.

STANDARD ROOF PITCHES



Roof Pitch Chart





ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-160 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE THE REQUIREMENT FOR A MINIMUM ROOF PITCH OF 5/12 FOR STRUCTURES BUILT ON NON-CONFORMING LOTS OF RECORD IN SINGLE-FAMILY RESIDENTIAL DISTRICTS (RS-1 AND RS-2); PROVIDING FOR INCLUSION IN CHAPTER 28, ZONING, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, s. 166.041, Florida Statutes, provides for procedures for adoption of an ordinance which is a regulation of general and permanent nature and enforceable as local law; and

WHEREAS, s. 163.3202, Florida Statutes, requires that local land development regulations contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan;

WHEREAS, on September 1, 2020, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, recommended to the City Commission the revision of Section 28-160 to eliminate the requirement for structures to be built with a minimum roof pitch of 5/12 on non-conforming lots of record in single-family residential districts (RS-1 and RS-2) of the Code of the City of St. Augustine;

WHEREAS, on September 1, 2020, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, determined that certain flood

elevation requirements and the related definition of the measurement of height of structures made it impractical to require a minimum roof pitch for structures built on non-conforming lots of record in single family residential districts (RS-1 and RS-2);

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Amending the Code of the City of St. Augustine. Section 28-160 including specific height restrictions on non-conforming lots of record in single family residential districts (RS-1 and RS-2) of the Zoning Code of the City of St. Augustine is hereby amended, as follows:

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

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

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Zoning, of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 28, 2020

RE: Ordinance 2020-28 - Amending the Boundaries of Commercial Sign Zone 4 to Include 5 Prawn Street and 10 Prawn Street and allowing only certain types of illuminated signage at these locations.

James Whitehouse, Esq. of St. Johns Law Group approached the City Commission with a request to sponsor an amendment to the boundaries of commercial sign zone 4 to include the property at 10 Prawn Street, which is a Hilton Homewood Suites (under construction). The property directly adjacent to the north, at 5 Prawn Street, is a Marriott Hotel which is under review for permitting and they have also requested a boundary change to be included in Commercial Sign Zone 4.

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

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

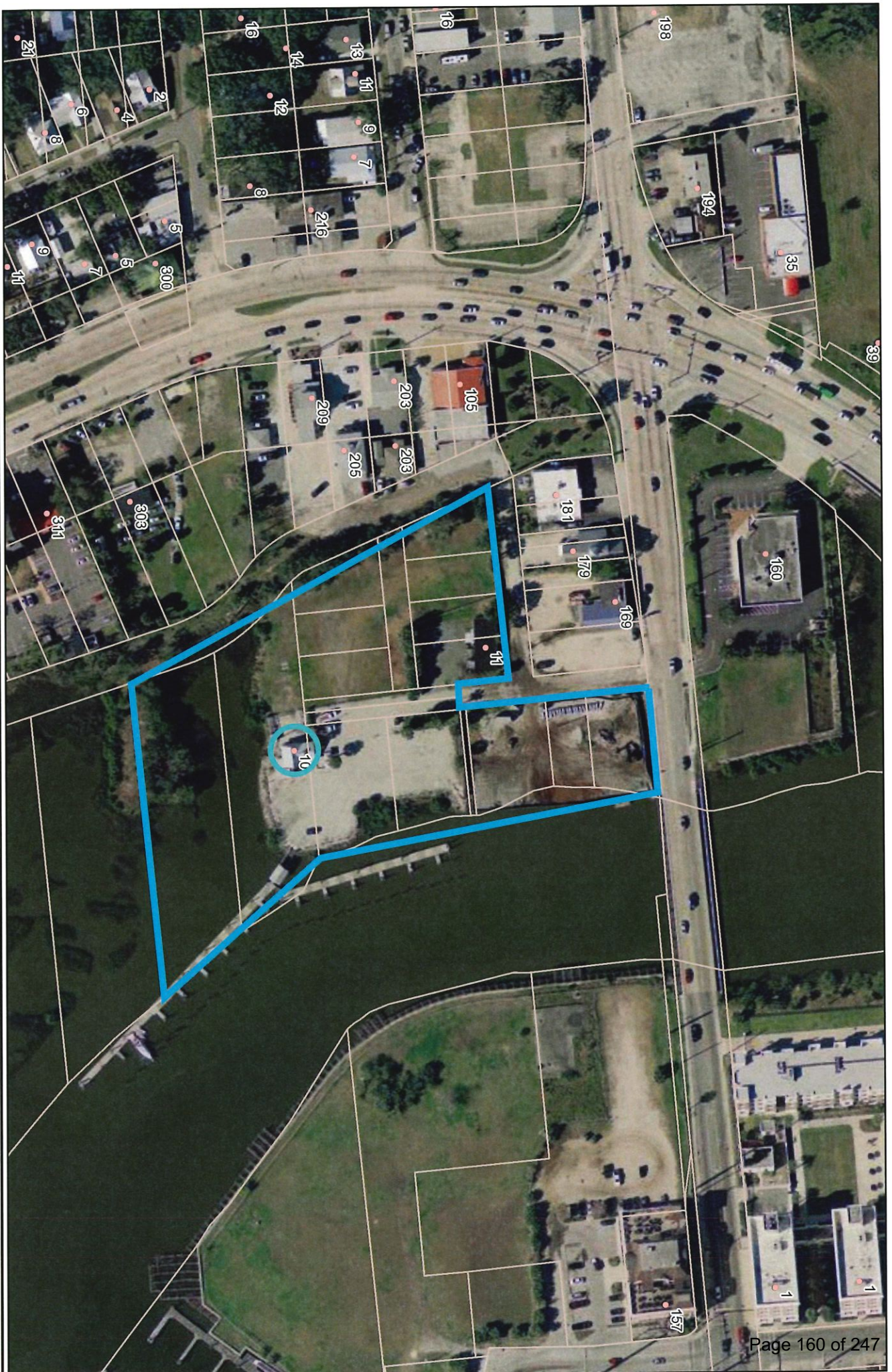
On August 10, 2020, the City Commission remanded this proposed code amendment to the Planning and Zoning Board for review and a formal recommendation by the board. The City Commission, in remanding this matter to the Planning and Zoning Board, wished to express to the board that they did not endorse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

On September 1, 2020, the Planning and Zoning Board made a recommendation to amend the boundaries of Commercial Sign Zone 4 to include 5 Prawn Street and 10 Prawn Street and the board proposed language that would restrict illuminated signs at 5 Prawn Street and 10 Prawn Street. The board's recommendation is to allow externally illuminated back lit signs, externally illuminated up lit signs or externally illuminated down lit signs but not to allow internally illuminated signs for these properties, in addition to the sign types that are currently permitted in Sign Zone 4.

If you have any questions, please let me know.

A handwritten signature in blue ink that reads "David Birchim". The signature is written in a cursive, flowing style.

David Birchim, AICP
Director, Planning and Building

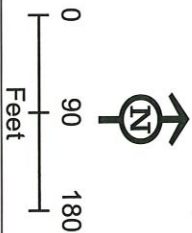


Map created with St. Johns County's iMap

DISCLAIMER:

This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown herein.

Date: 9/18/2020



ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 3, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO ADVERTISING AND SIGNS; AMENDING SECTION 3-22, DEFINITIONS; AMENDING THE DEFINITION OF COMMERCIAL ZONE 4; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, commercial structures are being developed in Commercial Sign Zone 1 which does not allow wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof; and

WHEREAS, Commercial Sign Zone 4 allows for signs to be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.

WHEREAS, on September 1, 2020, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, made recommendation to the City Commission for the amendment of Chapter 3, Advertising and Signs, expanding the boundary of Commercial Zone 4; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following sections be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 3, Article II, Section 3-22. Chapter 3, Article II, Section 3-22 of the Code of the City of St. Augustine is hereby amended to read as follows:

“Sec. 3-22. Definitions.

(...)

Sign zones means

(...)

- (4) *Commercial Zone 4.* All commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River, as well as lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

“Sec. 3-66. Commercial zone signs.

(...)

(d) *Commercial Zone 4.*

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

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall signs, except that within this zone the sign may be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.

i. Illuminated nonflashing, electrical, and as applied to lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands, this is further restricted to externally illuminated back lit, externally illuminated up lit and externally illuminated down lit fixtures for signage.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 28, 2020

RE: Resolution 2020-27 Establishing Registration Fees, Annual Registration Renewal Fees, Late Fees for Annual Registration Renewal and Re-Inspection Fees for Short Term (Vacation) Rentals

On January 27, 2020, the City Commission passed Ordinance 2019-50, which regulates short term (vacation) rentals.

Currently there are approximately 600 short term (vacation) rental units in the city. If we add up the costs for the annual administration of this program and divide this number by 600, then it comes out to approximately \$500 per rental unit.

On July 27, 2020, the City Commission considered a \$500 flat fee for initial registration and a \$500 annual registration renewal fee to be paid each subsequent year after the initial registration. The City Commissioners directed staff to research a tiered fee approach based on property size and by properties which have a homestead tax exemption.

City staff has researched vacation rental fees from other cities and the research has shown that some communities charge a flat fee per property, some charge a flat fee per unit (ex. a duplex is 2 units), some communities charge using a tiered fee schedule based on square footage and some use a tiered approach based on the number of bedrooms and at least one community (Sebastian) does not charge any fees.

Per State law, a residence that has a homestead tax exemption can not be rented for more than 30 days per calendar year for 2 consecutive years and maintain their homestead tax exemption. (F.S. 196.061)

A property owner with a homestead tax exemption can remove a portion of their residence from the homestead tax exemption (ex. a guesthouse, a bedroom, etc.) and use that portion as a vacation rental while maintaining the remainder of the house under their homestead tax exemption.

If a homesteaded property owner rents a portion of their property as a vacation rental, the St. Johns County Property Appraiser will reassess that portion of the property and adjust the property taxes accordingly. With that in mind, there is no requirement that the property owner

remains “on site” when the property is rented. The number of homesteaded properties that are renting a portion of their home as vacation rental units is not known.

If the City Commission wants to pursue a tiered approach to fees one method would be to have a rate schedule tied to the number of rental bedrooms. If the tiered rate system is applied to square footage, it may lead to confusion and animosity regarding what should (and what should not) be included in the square footage (ex. Do porches count?, Do rooms with no access to a visitor count?, Do stairwells count?, Can a property owner appeal the square footage determination? Does the City have to physically measure each space or does it rely on the St. Johns County Property Appraiser?)

If the tiered fee schedule is based on the number of bedrooms, that figure will be identified on the registration form and it will be verified by the annual inspection. In addition, a base rate can be reviewed and approved by the City Commission each year to account for administrative expenses related to the program. The FY 2020/2021 tiered rate schedule is broken down in the attached table.

Option # 1 – No Fees

Option # 2 – Flat Fee - \$500 per unit for Registration and Annual Renewal and \$100 Late Renewal Fee and \$50 Re-Inspection Fee

Option # 3 – Tiered Rate Schedule - \$73.81 per rental bedroom + a Base Rate of \$294.48 and \$100 Late Renewal Fee and \$50 Re-Inspection Fee

- Studio Rental- \$294.48
- One Bedroom- $(\$294.48 + \$73.81) = \$368.29$
- Two Bedrooms- $(\$294.48 + \$147.62) = \$442.10$
- Three Bedrooms- $(\$294.48 + \$221.43) = \$515.92$
- Four Bedrooms- $(\$294.48 + \$295.24) = \$589.73$
- Five Bedrooms- $(\$294.48 + 369.05) = \663.54

Please place Resolution 2020-27 on the September 28, 2020 City Commission agenda.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

FY 2020/2021 Short Term Rental Registration Rates

Host
Compliance
Identified
STRs

621

Bedrooms	% of Total from Host Compliance Report	# of homes with bedrooms type	adjusted for unknown bedrooms	# of total bedrooms	Total cost per unit based on # of bedrooms
0	5%	31	48	0	\$ 294.48
1	21%	130	147	147	\$ 368.29
2	29%	180	197	393	\$ 442.10
3	21%	130	147	441	\$ 515.92
4	6%	37	54	215	\$ 589.73
5	2%	12	29	145	\$ 663.54
unknown	16%	99			
	100%	621	621	1341	

Salary & Benefit Estimates	Total Cost of Program	Included in Base Rate	Included in Per Bedroom Rate
Fire Inspector	67,000	16,750	50,250
Code Enforcement	65,000	16,250	48,750
Vacation Rental Mgr	70,000	70,000	-
Special Magistrate	15,000	15,000	
Host Compliance	34,862	34,862	
1/2 Admin Staff	30,000	30,000	
	281,862	182,862	99,000

Total Units 621

Base Rate \$ **294.48**

Total Bedrooms 1341

Per Bedroom Rate \$ **73.81**

Late Fee \$ **100.00**

RESOLUTION NO. 2020-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ADOPTING A FEE SCHEDULE INCLUDING REGISTRATION FEES, ANNUAL REGISTRATION RENEWAL FEES, LATE FEES FOR ANNUAL REGISTRATION RENEWAL AND RE-INSPECTION FEES FOR SHORT TERM (VACATION) RENTALS IN THE CITY OF ST. AUGUSTINE, THEREFORE HEREBY ADOPTING THE FEE SCHEDULE AS PER SEC 28-63 SCHEDULE OF FEES, OF THE CODE OF THE CITY OF ST. AUGUSTINE.

WHEREAS, Ordinance 2019-50 requires the registration and annual inspection of short term (vacation) rentals in the City of St. Augustine; and

WHEREAS, the costs to administer the program to monitor, register and inspect short term (vacation) rentals should be born by the owners of such short term (vacation) rentals; and

WHEREAS, a fee schedule needs to be adopted to reflect fees for short term (vacation) rental registration, short term (vacation) rental annual registration renewal and late fees for annual registration renewal; and

WHEREAS, fees can be adopted and amended by the City Commission from time to time; and

WHEREAS, the fees that are imposed by the city are rationally related to, and proportionate with, the actual costs of administering all aspects of the ordinances creating such regulations; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. Upon the effective date of this resolution the fee schedule, shall be adopted by resolution of the City Commission.

Section 2. Short Term (Vacation) Rental Fees

1. Base fee of \$294.48 per rental unit and a fee of \$73.81 per rental bedroom (per rental unit) for initial registration. This fee will also apply to the annual registration renewal for each rental unit and for each rental bedroom for each subsequent year after the initial registration, calculated using the City of St. Augustine's adopted Fiscal Year (Sept 31-Oct1)
2. Late Fee for Annual Registration Renewal - \$100
3. Re-Inspection Fee for Code Compliance Inspection and/or Fire-Safety Inspection - \$50 per re-inspection upon failure of initial unit inspection by either the City Code Enforcement Division or the City Fire Department or their Designated Representatives

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this resolution.

Section 4. Effective Date. This resolution shall become effective on October 1, 2020.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2020.

CITY OF ST. AUGUSTINE, FLORIDA

Tracy Upchurch, Mayor-Commissioner

ATTEST:

City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 18, 2020

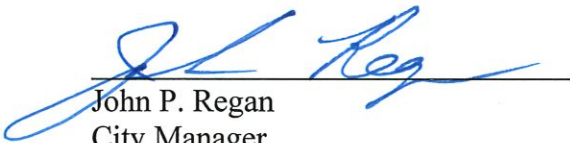
RE: Ordinance 2020-26
Resolution 2020-34

Staff has been working with the business community on planning for the Nights of Lights season. We have had numerous discussions with businesses and, due to the loss of business because of the COVID-19 pandemic, the holiday season takes on even larger importance. Per our discussion at the September 14, 2020 Regular City Commission Meeting, I am presenting Ordinance 2020-26 for 2nd reading. This Ordinance sets the earliest start date of the first Saturday in November and latest end date of the first Sunday in February for the Nights of Lights.

Also included tonight is Resolution 2020-34 which sets the specific dates for the 2020 Nights of Lights season for November 14, 2020 through January 31, 2021.

Please let me know if you have any questions on the Ordinance or the Resolution.

Thank you for your consideration.


John P. Regan
City Manager

RESOLUTION NO. 2020-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA SETTING THE DATES FOR THE TRADITIONAL NIGHTS OF LIGHTS CELEBRATION AND THE DATES FOR NIGHTS OF LIGHTS IN 2020.

WHEREAS, Section 3-23 of the Code of the City of St. Augustine allows the City Commission to set the dates for illumination standards for seasonal light displays in the historic districts during the period between the first Saturday in November until the first Sunday of February in the ensuing year; and,

WHEREAS, the annual Nights of Lights celebration occurs during the time period described in Section 3-23 of the municipal code; and,

WHEREAS, in recent years the Nights of Lights celebration dates have changed in response to challenges and pressures caused by adverse economic conditions and natural disasters; and

WHEREAS, the COVID-19 pandemic caused the loss of traditional avenues of revenue to the City's economy due to cancelled festivals and holiday events; and,

WHEREAS, the City Commission finds that setting the traditional dates of the Nights of Lights celebration absent a special year change will assist in the routine planning for the event and the community's expectations without need to adopt a redundant resolution year-to-year; and,

WHEREAS, a special year change to the dates of the Nights of Lights celebration is appropriate in response to the exceptional circumstances experienced in 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The traditional dates for the seasonal illumination display and celebration of the Nights of Lights are from the third Saturday of November through January thirty-first of the ensuing year.

Section 2. The 2020 seasonal illumination display and celebration of Nights of Lights is from Saturday, November 14th, 2020 through Sunday, January 31st, 2021, inclusive of those dates.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2020.

CITY OF ST. AUGUSTINE, FLORIDA

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

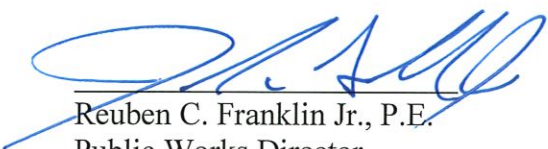
DATE: September 16, 2020

RE: Agenda Item for September 28, 2020 City Commission Meeting;
FDOT Perpetual Easement for Crosswalk at Zorayda Avenue and Anastasia Blvd

The City of St Augustine seeks commission approval to grant the Florida Department of Transportation a perpetual easement at the intersection of Zorayda Avenue and Anastasia Blvd for the sum of one dollar (\$1.00) for the purpose of constructing and maintaining a crosswalk.

Attached for commission review are the Parcel Information Sheet, Parcel Sketch along with the Perpetual Easement Assignment between COSA and FDOT.

Please let me know if you have any questions or concerns regarding this agenda item.



Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Perpetual Easement Assignment
Parcel Information Sheet
Parcel Survey

Parcel Information Sheet
NOT A DEED - INFORMATION PURPOSES ONLY

T. S. No. N/A
R/W Map Sheet No. (Sketch)
Tax Parcel No. N/A

Section No. 78040 State Road No. A1A – Anastasia Blvd. St. Johns County
F.P. No. 4405521

Parcel No. 800

Perpetual Easement

A perpetual easement for the purpose of constructing and maintaining the installation of electronic stop signs, a pull box and buried electric lines in conduit, in, over, under, upon and through the following described land in St. Johns County, Florida, to wit:

Part "A"

A Part Of Zorayda Avenue (A 60.00 Foot Right Of Way, As Per Plat Of Davis Shores, As Recorded In Map Book 3, Pages 97 Through 102 Of The Public Records Of St. Johns County, Florida), Lying In Section 17, Township 7 South, Range 30 East, City Of St. Augustine, St. Johns County, Florida, Being More Particularly Described As Follows:

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Containing 189 Square Feet, More Or Less.

ALSO:

Part "B"

A Part Of Zorayda Avenue (A 60.00 Foot Right Of Way, As Per Plat Of Davis Shores, As Recorded In Map Book 3, Pages 97 Through 102 Of The Public Records Of St. Johns County, Florida), Lying In Section 17, Township 7 South, Range 30 East, City Of St. Augustine, St. Johns County, Florida, Being More Particularly Described As Follows:

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Containing 480 Square Feet, More Or Less.

Parcel Description Verified By:

Rhonda Roberson

Date: 08/13/2020

Title Information
INFORMATION CONTAINED BELOW TO BE VERIFIED BY
RIGHT OF WAY ACQUISITION AGENT

Based upon a title search through 00/00/0000
Updated through 00/00/0000

Homestead Property: ☐ Yes ☐ No

Marital Status: ☐ Married ☐ Single ☐ Separated ☐ Other _____

OWNED BY: (07-PE.13) City of St. Augustine

Grantor's Mailing Address: _____

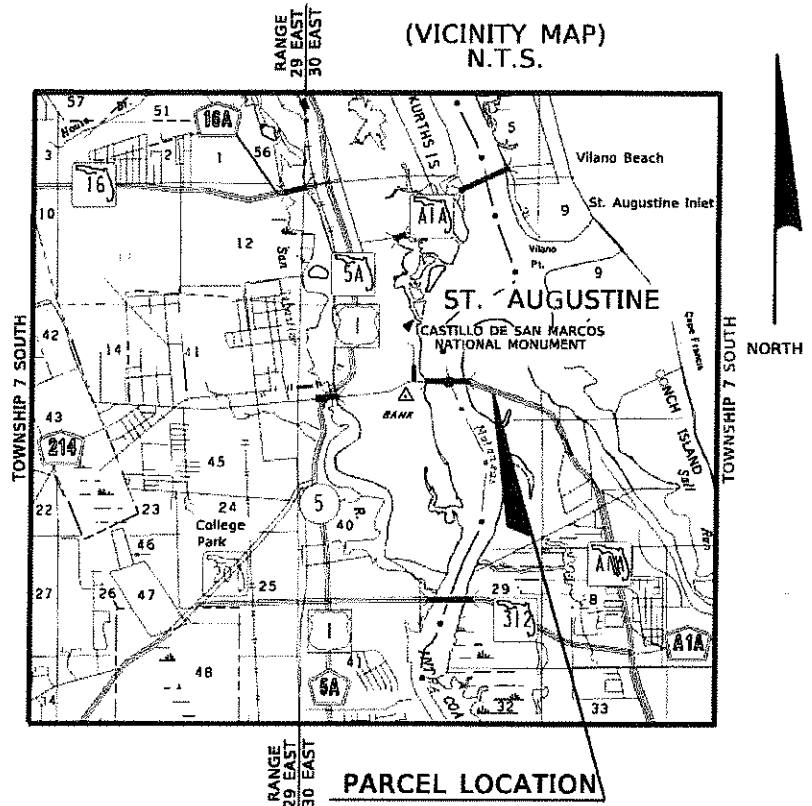
Subordinate Interests: N/A

SKETCH AND DESCRIPTION FOR PARCELS 800A & 800B

LEGEND

&	= AND
B	= BASELINE
(C)	= CALCULATED
CONC.	= CONCRETE
E:	= EASTING
EXIST.	= EXISTING
F.D.O.T.	= FLORIDA DEPARTMENT OF TRANSPORTATION
FND.	= FOUND
F.P.	= FINANCIAL PROJECT (NUMBER)
ID.	= IDENTIFICATION
L.B.	= LICENSED BUSINESS
M.B.	= MAP BOOK
MON.	= MONUMENT
N:	= NORTHING
N/A	= NOT APPLICABLE
NO.	= NUMBER
N.T.S.	= NOT TO SCALE
O.R.B.	= OFFICIAL RECORD BOOK
(P)	= PLAT
PG./PGS.	= PAGE/PAGES
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.S.M.	= PROFESSIONAL SURVEYOR AND MAPPER
R/W	= RIGHT OF WAY
SEC.	= SECTION
S.R.	= STATE ROAD
STA.	= STATION
W/	= WITH
800	= PARCEL NUMBER

(VICINITY MAP)
N.T.S.



GENERAL NOTES:

1. THIS SKETCH IS NOT A FIELD OR BOUNDARY SURVEY.
2. THE SOLE PURPOSE OF THIS SKETCH AND DESCRIPTION IS TO GRAPHICALLY ILLUSTRATE AND DESCRIBE THE PERPETUAL EASEMENT PARCELS TO BE OBTAINED.
3. THE BEARINGS, DIMENSIONS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1986 ADJUSTMENT, DERIVING A BEARING OF $573^{\circ}46'14''E$ ON THE BASELINE OF SURVEY, S.R. No. A1A BETWEEN STATION 52+00.00 AND STATION 54+00.00. ALL FLORIDA STATE PLANE COORDINATES SHOWN HEREON ARE U.S. SURVEY FOOT AND BASED ON SAME.
4. REFERENCE IS MADE TO STATE ROAD No. A1A F.D.O.T. RIGHT OF WAY MAP, SECTION 78040, F.P. No. 2102551 AND F.D.O.T. ELECTRONIC DATABASE 7804008 ON FILE IN F.D.O.T. DISTRICT 2, SURVEYING AND MAPPING DEPARTMENT, LAKE CITY FLORIDA.

COVER SHEET
NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH AND DESCRIPTION-PARCELS 800A & 800B

STATE ROAD NO. A1A - ANASTASIA BOULEVARD

ST. JOHNS COUNTY

PREPARED BY:
DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FL 32256 LB#2648

DATA SOURCE:
7804008

REVISION BY DATE

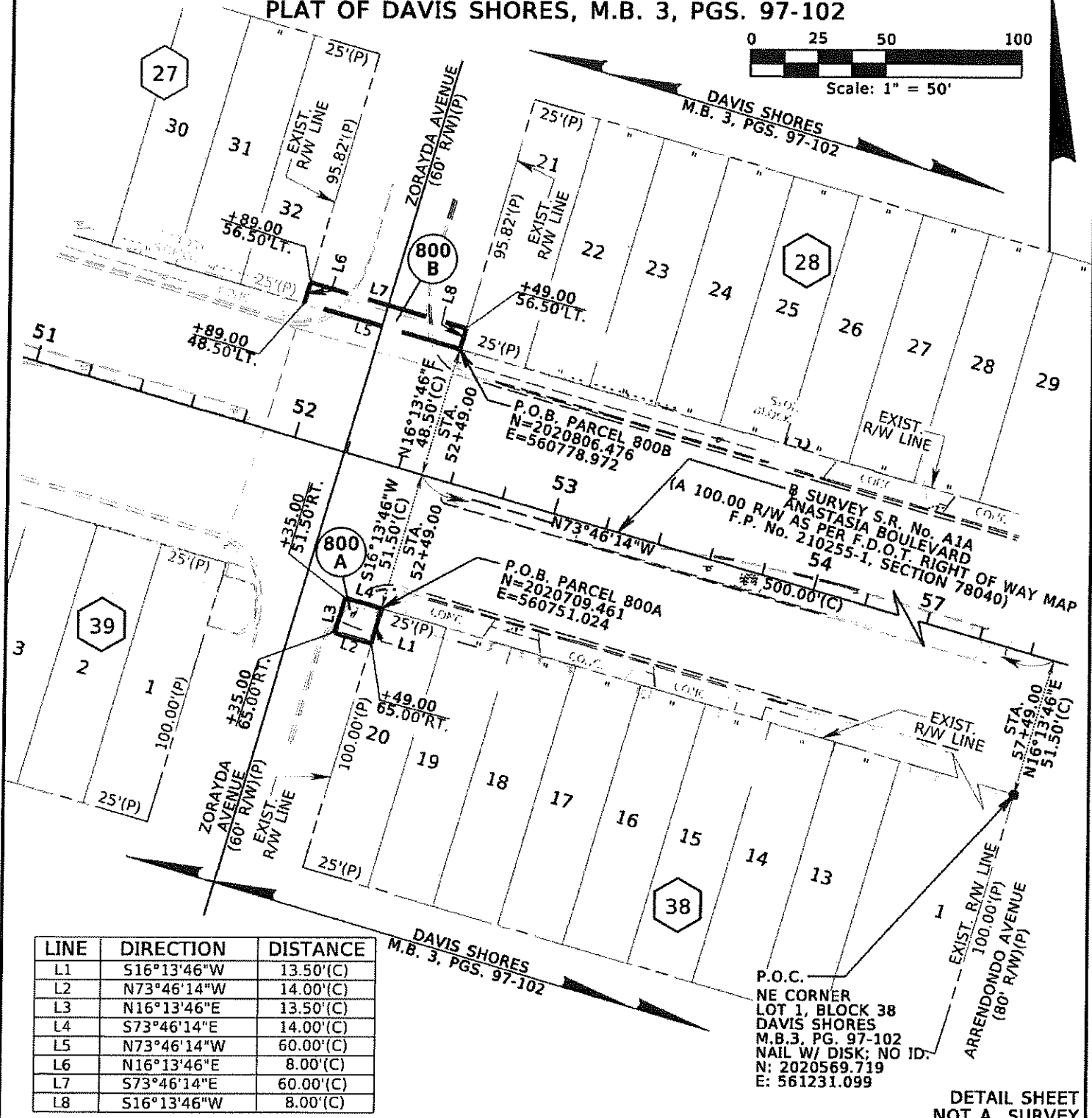
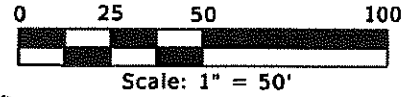
DRAWN BY SRN 02-20-19
CHECKED BY JAA 02-20-19

F.P. No. 4405521

SECTION 78040

SHEET 1 OF 4

SECTION 17, TOWNSHIP 7 SOUTH, RANGE 30 EAST
PLAT OF DAVIS SHORES, M.B. 3, PGS. 97-102



LINE	DIRECTION	DISTANCE
L1	S16°13'46"W	13.50'(C)
L2	N73°46'14"W	14.00'(C)
L3	N16°13'46"E	13.50'(C)
L4	S73°46'14"E	14.00'(C)
L5	N73°46'14"W	60.00'(C)
L6	N16°13'46"E	8.00'(C)
L7	S73°46'14"E	60.00'(C)
L8	S16°13'46"W	8.00'(C)

DETAIL SHEET
NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH AND DESCRIPTION-PARCELS 800A & 800B

STATE ROAD NO. A1A - ANASTASIA BOULEVARD

ST. JOHNS COUNTY

PREPARED BY:
DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FL 32256 LB#2648

DATA SOURCE:
7804008

DRAWN BY SRN 02-20-19
CHECKED BY JAA 02-20-19

F.P. No. 4405521

SECTION 78040

SHEET 2 OF 4

ST. JOHNS COUNTY

PERPETUAL EASEMENT

SECTION 78040
F.P. No. 4405521

STATE ROAD NO. A1A

ST. JOHNS COUNTY

DESCRIPTION

PARCEL No. 800B

PERPETUAL EASEMENT

A Part Of Zorayda Avenue (A 60.00 Foot Right Of Way, As Per Plat Of Davis Shores, As Recorded In Map Book 3, Pages 97 Through 102 Of The Public Records Of St. Johns County, Florida), Lying In Section 17, Township 7 South, Range 30 East, City Of St. Augustine, St. Johns County, Florida, Being More Particularly Described As Follows:

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Containing 480 Square Feet, More Or Less.

I Hereby Certify That To The Best Of My Knowledge And Belief This Sketch And Legal Description Is True, Accurate, And Was Prepared Under My Direction. I Further Certify That Said Legal Description Is In Compliance With The Standards Of Practice As Set Forth By The Florida Board Of Professional Surveyors And Mappers, Pursuant To Section 472.027, Florida Statutes.

 8/7/20
C. William Faust, Jr. Date

Florida Professional Surveyor And Mapper No. 6600
8001 Belfort Parkway, Suite 200
Jacksonville, Florida, 32256
(904) 641-0123

This Description And Copies Thereof Are Not Valid Without The Surveyor's Signature And Original Raised Seal.

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH AND DESCRIPTION-PARCELS 800A & 800B

STATE ROAD NO. A1A - ANASTASIA BOULEVARD

ST. JOHNS COUNTY

PREPARED BY:
DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FL 32256 LB#2648

DATA SOURCE:
7804008

DRAWN BY SRN DATE 02-20-19

CHECKED BY JAA DATE 02-20-19

F.P. ID. 4405521

SECTION 78040

SHEET 4 OF 4

REVISION

BY

DATE

07-PE.13-Date: August 18, 2020

T. S. No. N/A
R/W Map Sheet No. (sketch)
Tax Parcel No. N/A

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 800.1
SECTION NO. 78040
F.P. NO. 4405521
STATE ROAD NO. A1A-Anastasia Blvd.
COUNTY OF St. Johns

PERPETUAL EASEMENT

THIS EASEMENT, made this _____ day of _____, 2020, by the CITY OF ST. AUGUSTINE, FLORIDA, a municipality of the State of Florida, Post Office Box 210 (75 King Street), St. Augustine, Florida 32085-0210 grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining the installation of electronic stop signs, a pull box and buried electric lines in conduit in, over, under, upon and through the following described land in St. Johns County, Florida, to wit:

SEE **Exhibit "A"**, attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: _____
Darlene Galambos
Its City Clerk

The City of St. Augustine

BY: _____
Tracy Upchurch
Its Mayor

Signed, sealed and delivered in
the presence of:

Witness:
Print Name: _____

Witness:
Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2020, by Tracy
Upchurch, Mayor, ☐ who is personally known to me or ☐ who has produced
_____ as identification.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

Exhibit "A"

Section No. 78040 State Road No. A1A – Anastasia Blvd. St. Johns County
F.P. No. 4405521

Parcel No. 800

Perpetual Easement

Part "A"

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Containing 189 Square Feet, More Or Less.

ALSO:

Part "B"

A Part Of Zorayda Avenue (A 60.00 Foot Right Of Way, As Per Plat Of Davis Shores, As Recorded In Map Book 3, Pages 97 Through 102 Of The Public Records Of St. Johns County, Florida), Lying In Section 17, Township 7 South, Range 30 East, City Of St. Augustine, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A Nail And Disk, With No Identification, Marking The Northeast Corner Of Lot 1, Block 38, As Per Plat Of Davis Shores, As Recorded In Map Book 3, Pages 97 Through 102 Of The Public Records Of St. Johns County, Florida, Lying In Section 17, Township 7 South, Range 30 East, City Of St. Augustine, St. Johns County, Florida, Being The Intersection Of The Westerly Existing Right Of Way Line Of Arrendondo Avenue (An 80.00 Foot Right Of Way, As Per Said Plat Of Davis Shores) With The Southerly Existing Right Of Way Line Of State Road No. A1A, Anastasia Boulevard (A 100.00 Foot Right Of Way, As Per Florida Department Of Transportation Right Of Way Map, Section 78040, F.P. No. 210255-1); Thence North 16°13'46" East, A Distance Of 51.50

Feet To The Baseline Of Survey Of Said State Road No. A1A; Thence North $73^{\circ}46'14''$ West, Along Said Baseline Of Survey, A Distance Of 500.00 Feet; Thence North $16^{\circ}13'46''$ East, A Distance Of 48.50 Feet To The Intersection Of The Northerly Existing Right Of Way Line Of Said State Road No. A1A With The Easterly Existing Right Of Way Line Of Zorayda Avenue (A 60.00 Foot Right Of Way, As Per Said Plat Of Davis Shores) And To The **Point Of Beginning**; Thence North $73^{\circ}46'14''$ West, A Distance Of 60.00 Feet To The Westerly Existing Right Of Way Line Of Said Zorayda Avenue; Thence North $16^{\circ}13'46''$ East, Along Said Westerly Existing Right Of Way Line, A Distance Of 8.00 Feet; Thence South $73^{\circ}46'14''$ East, A Distance Of 60.00 Feet To Said Easterly Existing Right Of Way Line Of Zorayda Avenue; Thence South $16^{\circ}13'46''$ West, Along Said Easterly Existing Right Of Way Line , A Distance Of 8.00 Feet To The **Point Of Beginning**.

Containing 480 Square Feet, More Or Less.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 17, 2020

RE: Request for **TWO (2)** appointments for the PLANNING AND ZONING BOARD (PZB)

Notification was previously given regarding term expirations on the Planning and Zoning Board, which will expire September 30, 2020.

Advertisements requesting applications were placed in the St. Augustine Record and posted on the City's website. Applications were received from the following:

Jon DePreter (current board member)
William Masson
Matthew Shaffer
Lauren Giber

Attached are the applications received, in addition to the current PZB roster, board profile and responsibilities.



Darlene Galambos
City Clerk

Xc: City Clerk Files

Jon DePreter

73 Magnolia Drive
St. Augustine, Florida
jondepreter@gmail.com
845.901.9065

July 26, 2020

Dear City Clerk and City Commissioners,

I am submitting this application in the interest of renewing my current position on the Planning and Zoning Board of the City of St. Augustine.

Please find the two forms required by COSA along with this cover letter and my resume.

I am applying to renew my position because I want to continue serving this unique community. Our City is a wonderful mix of neighborhoods, businesses and non profits that draws people from all over the country and the world. I feel my experience on the PZB to date has increased my understanding of our regulations and allowed me to understand some of the issues and concerns that face our business and residential communities on a city wide basis. I would like to use that experience to continue to try to make good planning decisions for the City of St. Augustine.

Please feel free to contact me if you have any questions regarding my viability for this position.

Thank you for your consideration,



Jon DePreter
73 Magnolia Drive
St. Augustine, Florida
845.901.9065
jondepreter@gmail.com

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee.

1. APPLICANT NAME JON DE PRETER
2. BOARD/COMMITTEE DESIRED PZB
3. RESIDENCE (Address) 73 MAGNOLIA DRIVE
4. PHONE 845-901-9065 E-MAIL JONDEPRETER@GMAIL.COM
5. BUSINESS OWNED (Address) RETIRED
6. BUSINESS PHONE N/A E-MAIL _____
7. PROPERTY OWNED (Address) 73 MAGNOLIA DRIVE
8. PREFERRED MAILING ADDRESS 73 MAGNOLIA DRIVE 32080
9. OCCUPATION (include resume if available) RETIRED (SEE ATTACHED)
10. PROFESSIONAL QUALIFICATIONS (you are encouraged to submit a cover letter) SEE ATTACHED RESUME
11. OTHER COMMENTS OR INFORMATION _____

12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.		
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No		
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.		
RACIAL CATEGORY (Check as many as apply)		
☐ American Indian or Alaska Native	☒ Asian	☐ Native Hawaiian or Other Pacific Islander
☐ Black or African American	☒ White	

13. SIGNATURE OF APPLICANT

Jon

DATE 7/25/20

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

Jon
Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☐ Real Estate Broker, w/ County occupational license | ☐ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | ☒ RETIRED |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

Jon DePreter

73 Magnolia Drive
St. Augustine, Florida
jondepreter@gmail.com
845.901.9065

EDUCATION

MFA Univ. Of Colorado, Boulder 1980
BFA California State University, Chico 1974

PLANNING AND ZONING EXPERIENCE

2019 - 2020 City of St. Augustine PZB Vice Chairperson

2018 - 2020 City of St. Augustine PZB member

2004 - 2009 **Planning Board Member (Town of Pine Plains, NY)** *During my time on the Planning Board, the Town faced an unprecedented number of building applications, from simple sub divisions to a proposed development from the Manhattan based Durst Corporation for a 2,200 acre parcel that would have almost doubled the housing units in the Township.*

2005 - 2007 **Chairman - Zoning Commission (Town of Pine Plains, NY)** *The Town of Pine Plains was one of the last townships in New York State without zoning. After passing a new Comprehensive Plan, The Town Board decided to appoint a committee of residents and business owners to draft a first time zoning law for the Town. I was appointed the Chairman of this group and worked directly with the Town Planner, Town Attorney and Town Engineer. As Chairman I also set the agenda, conducted and moderated all public hearings, and liasoned with the Town Board. Our finished Zoning Law included provisions for conservation sub divisions to protect valuable natural resources (wet lands, steep slopes, soils of agricultural significance, animal habitat, etc.), Mixed use Main Street concepts to help promote a healthy business area, and a "New Hamlet" land designation to protect open spaces by steering large development into tighter and denser arrangements.*

2002 - 2004 **Member - Comprehensive Plan Review Committee (Town of Pine Plains, NY)**

BUSINESS EXPERIENCE

1989 - 2012 **Owner /Operator - Depreter Designs Sign and Graphic Studio, Pine Plains, NY**
Sign Business that developed signage and graphics for property owners, municipalities, non-profits and small to medium size businesses in New York, Ct. and Mass.

1974 - Now **Exhibiting Artist**

ST. AUGUSTINE COMMUNITY EXPERIENCE

2014 - 2018 **President Lighthouse Park Neighborhood Association**

2015 **Anastasia State Park Management Plan Advisory Group Member**

August 10, 2020

Mayor and Commissioners,

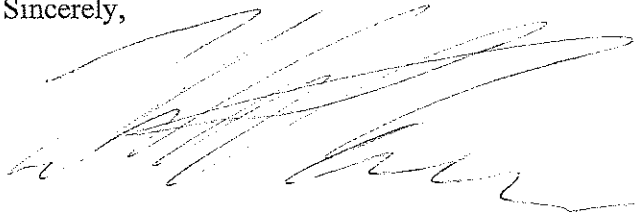
Please accept this letter as well as the attached resume and application as my complete application for the vacancy on the Planning and Zoning Board (PZB).

I am a lifelong resident of St. Augustine and passion for the city and its well-being is in my blood. My parents have been involved in this community since moving here decades ago and they instilled in me a passion for public service and a desire to give my time and talents towards being stewards of our town. I believe I can do that well as a member of PZB.

Beyond my love of St. Augustine and my desire to be a good steward, I bring professional qualifications to the table. I am a practicing attorney and a member in good standing of the Florida Bar. I was admitted to practice in April 2017 and have been working without interruption since then. While being an attorney does not *sua sponte* make me qualified for a seat on PZB, it has provided me with the tools necessary to view those issues before the board with a critical eye and to appreciate the potentially far-reaching consequences of the board's decisions, much as I have done in my time on the Code Enforcement, Adjustment and Appeals Board.

All of this is to say, I am a St. Augustine native with the time, talent, and passion to serve the City in this capacity and it would be a pleasure to do so. I appreciate your time and consideration and I anxiously await your decision.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William S. Masson', with a stylized, sweeping flourish extending to the right.

William S. Masson, Esq.

William S. Masson
35 Park Avenue, St. Augustine, FL 32084
(904) 687-8403
Williemasson@gmail.com

Qualifications

- Member in good standing of the Florida Bar – Florida Bar Number 0127164

Education

- **Bachelor of Science in International Affairs**, August 2012
Florida State University, Tallahassee, FL
Overall GPA: 3.5
- **Honors**: 2010, 2011, 2012 FSU Dean's List
- **Florida State University College of Law**, August 2012 – January 2013
- **Juris Doctor**, December 2016
Florida Coastal School of Law, Jacksonville, FL

Experience

- **Attorney**, Boles Law Firm, September 2019 – Present
 - Practicing primarily elder law including estate planning, pre-Medicaid eligibility, etc.
- **Attorney**, Delgado and Romanik, PLLC, January 2018 – August 2019
 - Practice areas included divorce, child custody, and other collateral family matters, with emphasis on criminal defense
 - Handled cases ranging from civil traffic citations to first degree murder
 - Worked as part of a team of seven attorneys and helped manage an office of ~20 people
- **Assistant State Attorney**, 7th Circuit, Daytona Beach, FL, April 2017 – Present
 - Misdemeanor ASA
 - Attended court every week for Arraignment, Pre-Trial, Case Management, Domestic Violence/In-Custody Arraignment, etc.
 - Regularly represented the State at hearings on motions to suppress and dismiss as well as bond hearings, violation of probation hearings, and all other matters in which the state requires representation
 - Organized and participated in trial including jury selection, witness management, presentation of evidence, argument and all other facets of trial
 - Attended the Gerald T. Bennett Prosecutor/Public Defender Trial Training program, TSRP Basic DUI preparation (for law enforcement officers), and TSRP Advanced DUI Seminar
- **Intern**, State Attorney's Office, 7th Circuit, St. John's County, FL, January 2016 – December 2016
 - Prepared sentencing guideline scoresheets
 - Drafted motions and responses to motions
 - Argued at hearings on motions to dismiss, motions in limine, and a motion to suppress
 - Participated in multiple jury selections and trial with supervising attorneys
- **General Manager**, First Colony Exhibition, September 2013-August 2014
 - Oversaw all functions of museum and retail operation, including:
 - Financial management, budgeting, marketing
 - Maintaining the exhibit and providing reports and feedback to Florida Museum of Natural History and the University of Florida

Activities

- Pi Kappa Phi Fraternity Risk Management Chairman, Spring 2011-Summer 2012
- Member of the Catholic Charities of St. Augustine Advisory Board and the Code Enforcement, Adjustment and Appeals Board.
- Current member of the St. Augustine Business Coalition and Sister Cities St. Augustine, and prospective member of Rotary International.
- Studied abroad in Valencia, Spain in Summer 2011
- Producer of "The COA Show with Joe Boles"

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee.

1. APPLICANT NAME William S. Masson
2. BOARD/COMMITTEE DESIRED Planning & Zoning
3. RESIDENCE (Address) 35 Park Avenue, St. Augustine, 32084
4. PHONE 904-687-8403 E-MAIL WSmasson@outlook.com
5. BUSINESS OWNED (Address) None
6. BUSINESS PHONE N/A E-MAIL N/A
7. PROPERTY OWNED (Address) N/A
8. PREFERRED MAILING ADDRESS Same as Residence
9. OCCUPATION (include resume if available) Attorney
10. PROFESSIONAL QUALIFICATIONS (you are encouraged to submit a cover letter) Member in good standing of the Florida Bar
11. OTHER COMMENTS OR INFORMATION Please see attached letter.
12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.		
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No		
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.		
RACIAL CATEGORY (Check as many as apply)		
☐ American Indian or Alaska Native	☐ Asian	☐ Native Hawaiian or Other Pacific Islander
☐ Black or African American	☒ White	

13. SIGNATURE OF APPLICANT



DATE 8/10/20

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

WSM
Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☐ Real Estate Broker, w/ County occupational license | ☒ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee.

1. APPLICANT NAME MATTHEW SHAFFER
2. BOARD/COMMITTEE DESIRED PZB
3. RESIDENCE (Address) 7 NELLAR AVE, ST AUG 32084
4. PHONE 904 806-5020 E-MAIL matthew.shaffer@att.net
5. BUSINESS OWNED (Address) —
6. BUSINESS PHONE 904 825-2700 E-MAIL —
7. PROPERTY OWNED (Address) HOME / RESIDENCE
8. PREFERRED MAILING ADDRESS HOME (SEE ABOVE)
9. OCCUPATION (include resume if available) REALTOR w/ RE/MAX 100 REALTY
10. PROFESSIONAL QUALIFICATIONS (you are encouraged to submit a cover letter) MBA w/ FINANCE FROM WAYNE STATE UNIV; 14 YRS EXP IN CONSTRUCTION; 9 YRS EXP REALTOR
11. OTHER COMMENTS OR INFORMATION SERVED 6 YRS ON CO SA PZB incl 1 YR AS CHAIR
12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

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Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.

RACIAL CATEGORY (Check as many as apply)

<u>—</u> American Indian or Alaska Native	<u>—</u> Asian	<u>—</u> Native Hawaiian or Other Pacific Islander
<u>—</u> Black or African American	<u>X</u> White	

13. SIGNATURE OF APPLICANT

[Signature]

SEP 10 2020

DATE 9/10/20

CITY CLERK

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

[Initials]
Initial

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Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☒ Real Estate Broker, w/ County occupational license | ☐ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

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Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

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Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

LAUREN A. GIBER
257 Iberia Street, St. Augustine, FL 32084
Cell: 954.547.5181 • E-mail: lgiber@yahoo.com

Commissioners of the City Counsel of St Augustine
City of St. Augustine
75 King Street
St. Augustine, FL 32084
September 15, 2020

Dear Madams and Sirs,

Why I would like to be a member of the Planning and Zoning Board.

My resume and background are design and design management. But this skill set involves problem analysis in both qualitative and quantitative thinking.

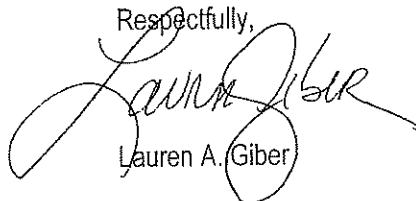
It encompassed creating, capturing and researching solutions. Understanding the why, the how, the how much, and analysis of the big picture, while researching the goals, the past endeavors, the present concerns, and the planning for the future.

I am a dedicated candidate with a Masters in Professional Studies from Pratt Institute, NYC. Our study was similar to that of an MBA with course work in operations, financial, marketing, organization and human resources, and management of innovation and change.

My professional career became one with how to research, how to extrapolate, how to achieve meaningful and desirable outcomes based on facts. The Planning and Zoning Board decisions are based on facts, with logic and common sense used to create and achieve collaborative outcomes.

I am passionate about being a part of the greater good as the 21st century continues to unfold and create positive change in this city that I now call home. And I welcome the opportunity to be able to join in a meaningful way.

Respectfully,



Lauren A. Giber

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

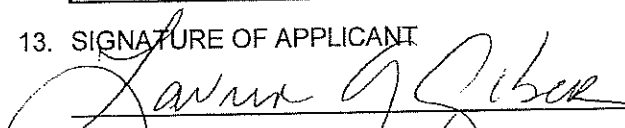
The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee.

1. APPLICANT NAME Lauren A Giber
2. BOARD/COMMITTEE DESIRED PZB
3. RESIDENCE (Address) 257 Riberia St., St A, FL 32084
4. PHONE 954-547-5181 E-MAIL lgiber@yahoo.com
5. BUSINESS OWNED (Address) _____
6. BUSINESS PHONE _____ E-MAIL _____
7. PROPERTY OWNED (Address) same as above
8. PREFERRED MAILING ADDRESS same as above
9. OCCUPATION (include resume if available) retired Design Manager and Graphic Designer
10. PROFESSIONAL QUALIFICATIONS (you are encouraged to submit a cover letter) Attached
11. OTHER COMMENTS OR INFORMATION Attached

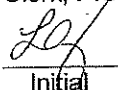
12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.		
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No		
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.		
RACIAL CATEGORY (Check as many as apply)		
☐ American Indian or Alaska Native	☒ Asian	☐ Native Hawaiian or Other Pacific Islander
☐ Black or African American	☒ White	

13. SIGNATURE OF APPLICANT

 DATE 9/15/2020

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.


Initial

PZB/HARB/CRC Application 2020.
Updated 12/04/2019

LAUREN A. GIBER

257 Riberia Street, St. Augustine, FL 32084
Cell: 954.547.5181 • E-mail: lgiber@yahoo.com

Goal driven, results oriented professional with experience in complex assignments I bring enthusiasm, passion and skill to my work.
Proven ability to execute organizational strategies and creative processes to drive timelines and rollout products to market.
Consistently able to identify problems and implement solutions with diplomatic and graceful outcomes.

Education & Computer Skills

- Masters/Design Management: Pratt Institute, New York City, 2000
- Certificate in Project Management
- Bachelor of Fine Art/Graphic Design: School of Visual Arts, New York City
- Fluency in Macintosh and PC programs, including: PhotoShop, Illustrator, Acrobat, and Microsoft Office

Work Experience

Think. Create. Market. – St. Augustine, FL

Consultancy in Product and Design Management

- Temp Freelance Project Manager for Office Depot at Boca Raton, HQ
- Retired Full Time. Taking on fun projects, pro bono for good causes and creating some of my own products

Daymon Worldwide – Pleasanton, CA

Project Manager for Daymon Worldwide @ Safeway Retail Grocer

- Proactively leads and communicates the tracking of associated project tasks to ensure on time project completion, progress of new and existing packaging development activities and potential process challenges related to speed-to-market to key stakeholders
- Develop plans to communicate strategy by writing creative briefs, BLUE work flow management, new item bulletins, and obtain materials needed for new product kick-offs and design meetings
- Ability to grasp the customer's new initiatives for re-branding, new and maintenance product for different brands and teams from Eating Right Kids, BSAT (Beverage, Snack, Alcohol and Tobacco) and both Main Meal teams
- Leads and assists organizing team and strategy meetings with vendors, design team and internal product teams
- Mentors new team members on internal Daymon and Safeway processes

Albertsons' – Boise, ID

Packaging Design Manager for Albertsons' Our Own Brands

- Responsible for developing and executing complex design projects in accordance with design objectives and brand integrity guidelines, package development and brand strategies for Albertsons' premium essensia™ brand as well as other corporate banners
- Project management of products including frozen meals and desserts, center store grocery, deli service, fresh and commercial bake
- Create and implement design briefs with brand and outside design teams
- Partner and collaborate with all internal cross-functional teams and external partners to effectively and efficiently complete projects
- Effectively evaluate design presentations objectives and communicate project direction with all internal cross-functional teams and external partners to insure an overall cohesive brand presence

Mega Color Corporation – Deerfield Beach, FL

Senior Graphic Designer/Project Manager for printing company/direct mail facility

- Create, develop and supervise implementation of collateral design, advertising and several brand identification projects for clients (including jewelry, home products and fashion) and in-house promotional materials
- Technical knowledge of B/W and 4/C plus sheet-fed offset printing, film and plate specifications, paper selection, color separations, specialty printing, finishes and bindery. Maintained highest quality printing through constant printer contact, cost-effective specifications, pre-production and quality control press supervision

Florida Business Network – Ft. Lauderdale, FL

Manager, Creative Services for company specializing in niche marketing and event planning

- Creation of divergent teams of print and web designers to work on advertising campaigns for clients
- Manage project work flow, coordinate outside production and printing of all advertising materials to support clients' promotional and marketing strategies including new magazine and events: Community Expo and Charity Cruise
- Spearhead brand development and advertising support materials for corporate identity and sales endeavors
- Develop database for tracking client projects and created 200-page telephone and advertising directory which increased sales and doubled advertising clients

Lauren Associates – NYC, NY

Design Principal owned and operate design firm specializing in graphic design consulting

- Emphasis on new product development and marketing, collateral and packaging for clientele in industries of: publishing, home fashion, cosmetics, information and financial services, retail and manufacturing, technology, fashion, education, food and beverage and hospitality, as well as special projects for non-profit clients
- Create numerous collateral materials including catalogs, books, direct mail campaigns and in-store POP and POS materials for F. Schumacher brands including Village, Waverly and Gramercy, Condé Nast Publications, Columbia University, Dean & DeLuca, Scholastic Publishing and Fordham University
- Direct client contact resulting in additional gains in yearly billings and increase to client base
- Art directed photography shoots for clients including hiring talent and scouting locations
- Designed direct mail pieces for Standard & Poor's, resulting in annual increase of 20% over 3-year period
- Manage a team of designers and freelancers
- Desi 12 award

Bruce Wasserman & Associates, Ltd. – NYC, NY

Art Director and Design Studio Manager for an industrial design firm

- Successfully manage staff of five full-time employees, as well as coordination of freelance talent, such as photographers, artists, printers and stylists, for special projects
- Prepare strong presentations, resulting in new clients, including: Unisys, increasing revenue by 20%
- Responsible for fee negotiations, budgets, client relations, production, scheduling, creation of design and project implementation of approved design from start to finish
- Effectively produce high-quality, cost effective work in a timely manner meeting all promised deadlines

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☐ Real Estate Broker, w/ County occupational license | ☐ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | ☒ Other |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

FOR MORE LOCAL AFRICAN AMERICAN HISTORY.

Don't miss **Fort Mose** (Moh-Say) outside St. Augustine's North gate entrance on US #1. It is the site of the first free Black settlement in the USA (f. 1738). The Spanish Governor Montiano promised freedom to run-aways providing they serve in the militia and converted to Catholicism. The inhabitants included enslaved Africans, who fled from Colony of Carolina plantations and made the horrendous trip to St. Augustine.
<http://www.fortmose.org>



SOURCES

Rivers, L. Omar, Florida's Black Heritage. (2007) VisitFlorida.com. Retrieved 12/29/17 <http://dos.myflorida.com/historical/preservation/heritage-trails/black-heritage-trail/>
Wikipedia. (2017) Civil Rights Movement. Retrieved 12/14/17 from https://en.wikipedia.org/wiki/St._Augustine_movement
National Parks Service. (2017). Retrieved 12/14/17 from <https://www.nps.gov/places/florida-lincolnvile-historic-district.htm>
Wikipedia. (2017) Lincolnvile Historic District. Retrieved 12/14/17 from https://en.wikipedia.org/wiki/Lincolnvile_Historic_District
<http://www.floridamemory.com/blog/2016/08/19/the-forgotten-history-of-lincolnvile-fla/>

CREDITS

Created by Dr. Deeh Israel
Photography: John Powell
Graphic Design: L. Giber | thinkcreatemarket@gmail.com
Consultant: SeaQuills Writing Group
Special Thanks to St. Augustine Historical Society
Research Library

For further information contact:
Lincolnvile Museum & Cultural Center
(904) 824-1191
lmccstaug@gmail.com

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Lincolnvile

is part of the rich history and culture
that makes up St. Augustine.

Walk with us and explore the
dynamic story of our
past, present and future.



Emancipation Day photo by Richard A. Twine, January 1, 1923
Courtesy of the St. Augustine Historical Society

PLANNING & ZONING BOARD

Meets Monthly, 1st Tuesday - 2:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
J. Carl Blow Commercial Real Estate Property Manager	100 Santa Monica Ave, 32080 829-6985 710-2655 john.carl.blow@gmail.com	12/09/19 fill vacancy	09/30/2021
Jon DePreter Retired	73 Magnolia Dr., 32080 845-901-9065 jondepreter@gmail.com	08/27/18 fill vacancy	09/30/2020
Christina Opsahl Attorney	P.O. Box 3743, 32085 904-907-7011 opsahl@opsahlaw.com	09/24/18 1st full term	09/30/2021
Michael Davis General Contractor	3940 Lewis Speedway, Ste. 2201, 32084 904-824-3533 mikedavis@addavis.com	09/23/19 1 st full term	09/30/2022
Sarah S. Ryan Architect	252 S. Matanzas Blvd, 32080 547-9430 sshipp@gmail.com	11/10/14 fill vacancy 09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
Grant Misterly Professional Engineer	3 Alfred Street, 32084 904-501-9345 gmisterly@gmail.com	09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
VACANT			09/30/2020

PLANNING & ZONING BOARD

Authorization:	Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57 Amended 4.14.2003, Ordinance 2003-14.
Number of Members:	Seven (7)
Terms of Office:	Three (3) years Original appointments staggered. No member may be appointed for more than two (2) consecutive full terms.
Appointment:	By City Commission
Reappointment:	Normal terms to expire on September 30 of each year.
Qualifications:	All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two 2 consecutive full terms. Member composition: architect, Florida registered; planner member APA or AICP; real estate broker, with County occupational license; educator, college level; engineer, Florida registered; landscape architect Florida registered; preservation organization officer; environmental or land use organization officer; attorney, Florida Bar; merchant/business person, City occupational license; or contractor, City contractor's license.
Duties:	The Planning & Zoning Board is established as the St. Augustine Local Comprehensive Planning Agency. The board may grant zoning exceptions and variances as provided in the zoning code ordinances; hear appeals of any decision of the Planning and Building Department; recommend to the Commission in the rezoning of land and changes to the Comprehensive Plan.
Attendance:	Absences unexcused by the chairman for two (2) of three (3) consecutive meetings shall constitute a resignation of the position.
Meetings:	First Tuesday of each month, 2 P.M., the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 17, 2020

RE: Request for appointment to the CIVIL SERVICE BOARD

Notification was previously given regarding the term expiration of ONE (1) position on the Civil Service Board, which expired January 1, 2020.

Advertisements requesting applications were placed in the St. Augustine Record and posted on the City's website. Applications were received from the following:

Leslie "Les" Stern (current board member)
Bethany Groves Smith

Attached are the applications, in addition to the current Civil Service roster and board profile, responsibilities.



Darlene Galambos
City Clerk

Xc: City Clerk Files

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT LESLIE E. "LES" STERN
2. RESIDENCE
(address) 1100 KILMARIN COURT, 32084 PHONE (904) 824-2638
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) (SAME AS ABOVE)
5. MAILING ADDRESS PREFERRED (SAME AS ABOVE)
6. E-mail Address FCS11924@GMAIL.COM
7. BOARD DESIRED CIVIL SERVICE
8. OCCUPATION (include resume if available) RETIRED

9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)

- a) TAUGHT ENGLISH HISTORY SOCIAL STUDIES GRADES 7-12, 1969-1982
- b) SERVED AS A DEPUTY SHERIFF, ST. JOHNS COUNTY, 1982-1998
- c) LAW ENFORCEMENT ACADEMY STAFF, ST. JOHNS BLUE STATE COLLEGE, 1998-Present

10. OTHER COMMENTS OR INFORMATION

- a) PRESIDENT, SONS OF ISRAEL CONGREGATION, 161 CORADOVA ST.
- b) VP, SONS OF ISRAEL CEMETERY ASSOCIATION, 111 EUSABEEN AVE.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes ☒ No ☐	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT

Leslie E. Stern

DATE 07-17-2020

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT Bethany Groves Smith
2. RESIDENCE
(address) 80 Corunna Street St. Augustine, FL 32084 PHONE 904-826-7435
3. BUSINESS OWNED (Address) _____ PHONE 904-547-3869
4. PROPERTY OWNED (Address) _____
5. MAILING ADDRESS PREFERRED Home
6. E-mail Address grovesbethany@yahoo.com
7. BOARD DESIRED Civil Service Board
8. OCCUPATION (include resume if available) Elementary Principal

9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)

As a principal, part of my responsibilities is to engage in supporting employees with compliance in rules and procedures, structures and expectations.

I regularly have to address areas to improve with employees, engage in discipline and balance a fairness between the rights of the employee with the needs of the organization. Compassion, yet consistency is always required.

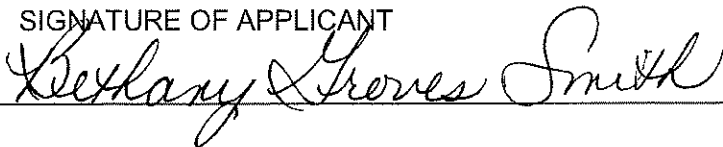
10. OTHER COMMENTS OR INFORMATION

I have lived in St. Augustine for 15 years, am a home owner and an employee of the county school district for 15 years.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

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Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native ☐	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT



DATE 7-28-20

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.

By
Initial

CIVIL SERVICE BOARD

Meets 3rd Wednesday in January and June at 2:00 P.M. and on call
Alcazar Conference Room, City Hall

Board Member	Contact information	Appointment	4-Year Appointed Terms Expire
Steve Moranda CHAIR Retired	4220 Wicks Branch Road 32086 794-2780 794-0296 sssmoranda@gmail.com	12/12/04 12/08/08 12/10/12 12/12/16	01/01/2021
Loran Lueders Retired	llueders@staugpd.com	12/12/16 filled vacancy	01/01/2021
Leslie "Les" Stern Instructor/Coordinator Criminal Justice Prog	1100 Kilmarin Court 32084 824-2638 fcsi1924@gmail.com	02/24/14 filled vacancy 12/14/15	01/01/2020

Elected Board Members	Contact Information	Election Date	3-Year Term Expiration
Mark Samson Police Representative	825-1070 msamson@staugpd.com	12/09/13 11/21/14 12/07/15 12/2016 3/17/20	01/01/22
Brandon Seymour Fire Representative	825-1098 bseymour88@ymail.com	2//2018 3/17/20	01/01/23

EX-OFFICIO MEMBERS

Barry Fox Chief of Police	825-1075 bfox@staugpd.com
Carlos Aviles Fire Chief	825-1099 caviles@citystaug.com

CIVIL SERVICE BOARD

Authorization:	City Charter, Article X.5
Number of Members:	Five 5; with two 2 ex-officio members police and fire chiefs with voice in proceeding but no vote.
Terms of Office:	Commission appointed members – four 4 years; elected members – three (3) years. <i>(Ord. 2019-19: Referendum question regarding the extension of term limits for police and fire representatives to 3 years passed at the March 17th, 2020 Presidential Preference Primary election)</i>
Appointment:	Three 3 appointed by City Commission; one 1 elected from within Police Dept; one 1 elected from within Fire Dept.
Re-appointments:	Normal terms expire in January.
Qualifications:	Must be of different vocations; not employed by the City in any capacity, official or otherwise.
Duties:	Adopt, enact, and amend a code of rules and regulations. The code covers the regulations for the conduct and direction of the members of the police and fire departments and prescribes discipline and control; provides for examinations and lists of those eligible for employment and promotion; hears appeals of discharged and suspended employees.
Attendance:	Section 2-191 of the Code of Ordinance Provides that absences unexcused from three 3 consecutive meetings are sufficient cause for removal by the City Commission.
Meetings:	Meets third Wednesday each January and June for annual reorganization; thereafter meets on call.



Fish Island Update

J.B. Miller
Land Management Coordinator
City of St. Augustine

St. Augustine City Commission Meeting
September 28, 2020





Fish Island

01/11/2019

© All Pictometry



CITY OF
ST. AUGUSTINE
EST. 1565

Page 210 of 247

Partners

- Department of Environmental Protection – Division of State Lands
- City of St. Augustine
- North Florida Land Trust
- Matanzas Riverkeeper
- Save Fish Island
- St. Johns Audubon
- Keepers of the Coast

Special thanks to:

- Governor DeSantis and Cabinet, Senator Rob Bradley and Representative Travis Cummings
- St Augustine City Commission
- Jim Young and Sid Ansbacher
- All of the amazing volunteers that joined together to remove trash from Fish Island



Clean-Up Efforts



- On January 11, 2020 there was an amazing volunteer clean-up day. Over 25 cubic yards of trash were removed by over 250 energetic and happy volunteers.

- The state of Florida required the property to have the trash removed as part of the acquisition process.
- The City and the seller split the costs to hire a contractor to remove trash
- The contractor removed over 300 cubic yards of trash, equivalent to 60 dumpsters.



What's Next?

- Execute the lease with the Department of Environmental Protection (October 2020).
- Obtain permission to construct a temporary parking area – Phase I (October-November 2020).
- Construct parking area and open the property to the public with a trail system (November-December 2020). Begin offering interpretive programs.
- Complete the draft management plan (October-November 2020).
- Conduct a public workshop (November-December 2020).
- Convene a Management Advisory Group meeting (November-December 2020).
- Submit draft plan to state's Acquisition and Restoration Council (ARC) for approval (December 2020). Be on ARC agenda for approval in either April or June 2021.
- Get plan approved by the City Commission (after ARC approval in 2021).
- Install additional recreational amenities.



**Questionnaire was open for 39 days
July 17 – August 23, 2020**

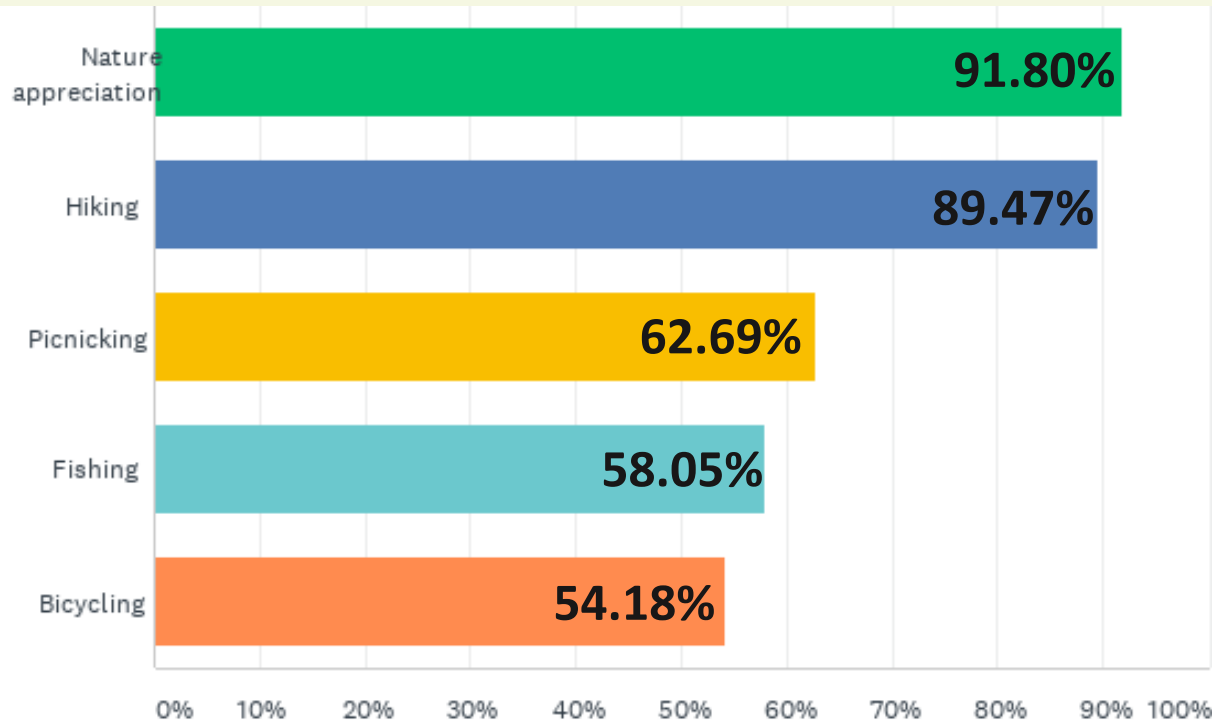
653 Responses



Fish Island Public Input Questionnaire

Q1: What types of recreational activities would you like to have at Fish Island? Please check all that apply.

Answered: 646 Skipped: 7



Other: 120

Top 3 Responses:

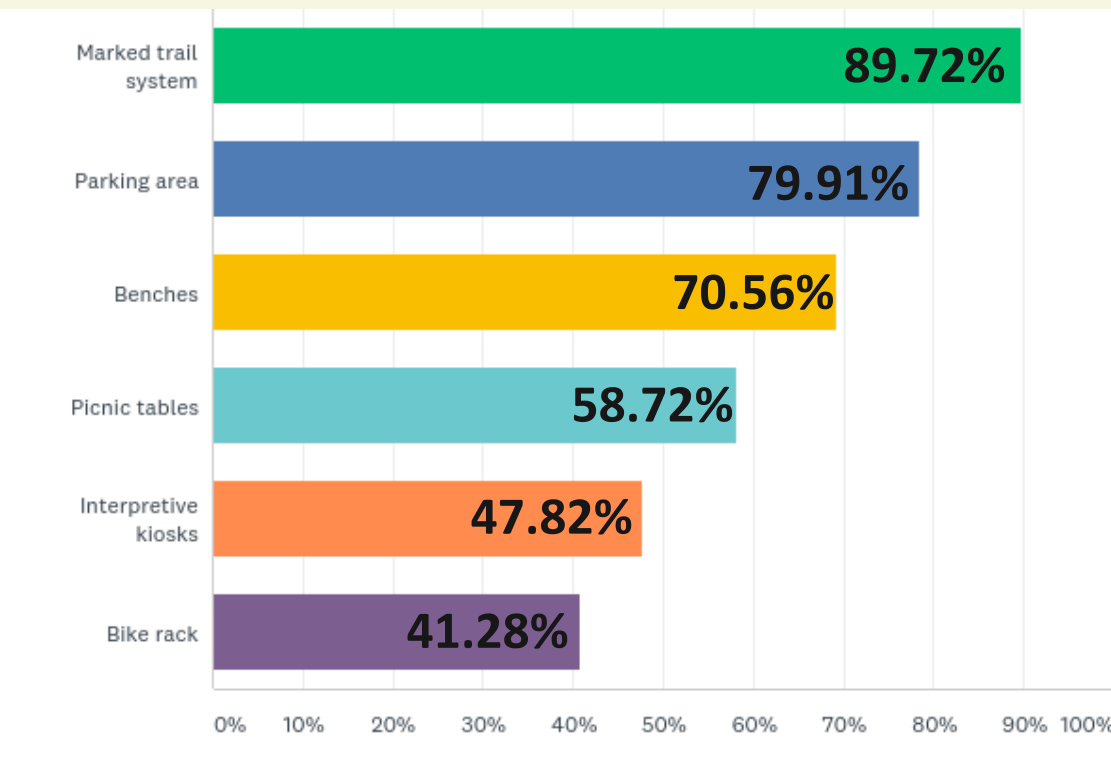
1. Water Access
2. Birding
3. Trails



Fish Island Public Input Questionnaire

Q2: What types of recreational amenities would you like to have at Fish Island? Please check all that apply.

Answered: 642 Skipped: 11



Other: 79

Top 3 Responses:

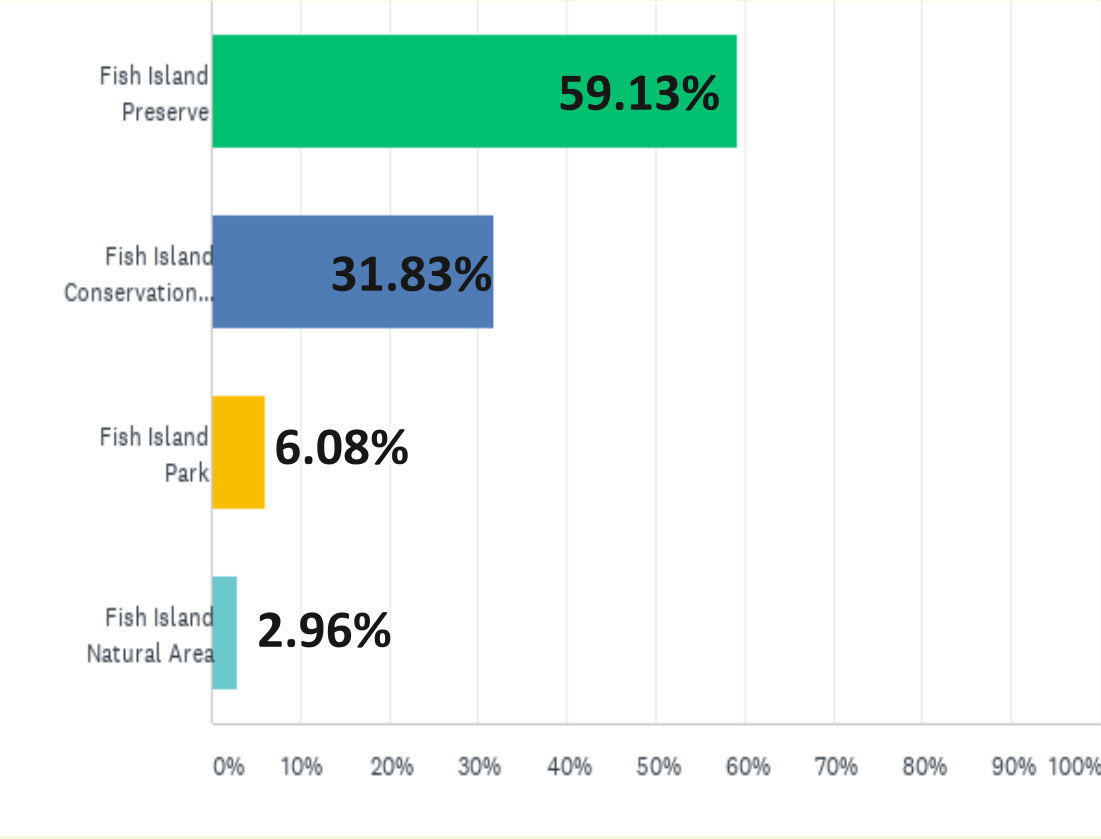
1. Water Access
2. Restrooms
3. Trails



Fish Island Public Input Questionnaire

Q3: What would you like the property to be called?

Answered: 641 Skipped: 12



Other: 17

Top 3 Responses:

- 1. Historic Fish Island Preserve
- 2. Jesse Fish Preserve
- 3. Fish Island Nature Sanctuary (FINS)



Any Questions?



CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 10, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, August 10, 2020 at 5:00 P.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Hunter Camp of Memorial Presbyterian Church delivered the invocation, and Mayor Upchurch led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch noted the addition of Item 7.B. to the agenda which provided a monument update.

MOTION

Commissioner Sikes-Kline **MOVED** to approve the Agenda. The motion was **SECONDED** by Commissioner Horvath

and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

(None)

4. Public Comment

4.A. Public comment on agenda action items not requiring a separate public hearing (In person in the Alcazar Room, 3 minutes per individual), (Email/written comments summary and tally support/oppose by Clerk)

Item heard with Item 4.B.

4.B. General public comment on items not on the agenda (In person in the Alcazar Room, 3 minutes per

individual), (Email/written comments tally by clerk if identifiable common issue)

The Commission heard from the following members of the public:

In person:

- Sandra Parks
- Seber Newsome
- BJ Kalaidi
- Jason Davis
- James Fulgium
- Evelyn Hammock
- Christine Humphries
- Janine (last name not provided)
- Wade Ross
- Hugh Washington
- Doug Russo
- Michael Boen
- Jaime Parham
- Elaina Parham
- Luis Miguel
- David Hines
- Shawn Morrison
- Jennifer Chaplin
- Chris Fulmer
- Dave Heimgold
- Richard White
- Rhonda Brennan
- Jenna Bernstein
- Deborah Rachel Kemper
- BJ Kalaidi

Darlene Galambos, City Clerk, summated emails received by the Clerk's Office regarding the City Manager's recommendation for monument relocation. She noted the emails stating opposition echoed the sentiments spoken today during public comment.¹

Emails supporting:

- Drew Burchenal
- Ed and Lynn Richardson
- Denise Rohdin
- Maureen Winkler

Emails opposing:

- Robin Green
- Ann Pearrow
- Brianne Sanders
- Barbara Beals Shapiro
- William C. McRea
- Ladies Memorial Association of Florida
- Lunelle McCallister
- 'Save Their Honor' group
- Jay and Marlene Piriz
- Carl Ferraro
- Bill Schlegel

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CONSENT AGENDA - AUGUST 10, 2020

CA.1. Preview of upcoming Commission meetings.

(None)

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 24, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- August 14, 2020, 8:30am, Special CRA Meeting, Discussion regarding FY 2021 LCRA and HACRA tentative budgets
- August 14, 2020, 9:30am, Special Meeting, Discussion FY 2021 tentative budget
- August 24, 2020, 5:00pm, Regular City Commission Meeting
- September 3, 2020, 5:05pm, Public Hearing for FY 2021 tentative millage rate, budget adoption
- September 3, 2020, 6:00pm, CRA Public Hearing FY 2021 tentative millage rate and budget adoption for HACRA and LCRA

¹ Attached to original Minutes

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- June 8, 2020, Regular City Commission Meeting
- June 22, 2020, Regular City Commission Meeting
- June 26, 2020, Emergency City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- Proclamation 2020-10: Designates August 26, 2020 as Women's Equality Day. (R. Horvath, Commissioner)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Public Works and Utilities report for the third quarter. (R. Franklin, Director Public Works and T. Grant, Director Utilities)

CA.9. Approval of license agreement for a neighborhood community garden at Lighthouse Park. (J. Piggott, Director General Services)

End of Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

Progress report and recommendation regarding the relocation of the Confederate memorial from the Plaza de la Constitucion to the Trout Creek Fish Camp, accepting the proposal from Mr. Randy Ringhaver

Mr. Regan reviewed the topic and relocation options. He stated it was in the community's best interest to accept Mr. Ringhaver's offer, as the memorial would be relocated to private land allowing public access, and ownership with the means and desire to preserve the memorial consistent with the City Commissions' will.

Mr. Regan requested discussion of the Commission's preference to either transfer ownership through a Bill of Sale or to execute an Artifact Loan Agreement with Mr. Ringhaver.

Commissioner Sikes-Kline noted the following:

- Mr. Ringhaver's offer was very generous, he was well respected in community, monument would be in trustworthy hands and treated with respect and public access granted

- Supported moving the monument to Trout Creek Fish Camp with discussion of deaccession or Artifact Loan Agreement

Commissioner Horvath requested for Mr. Regan to answer the public's inquiry regarding a mason's structural study, and discuss the mover's qualifications, contract and liability coverage.

Mr. Regan discussed the mover, Jeremy Patterson of Progressive Construction:

- Fourth-generation structural mover, arguably the largest in the country, experienced in moving fragile large structures, buildings, towers and monuments
- Physically reviewed the structure and developed a detailed plan for a steel cage framing system with compression and technologically advanced industry equipment
- Carried a one million-dollar Riggers Liability Insurance Policy for care, custody and control of cargo
- Company at higher competency level and skill than others, knowledgeable of project and knew how to proceed
- Would take approximately two weeks to build system and engage onto memorial
- Goal was to move the memorial week of August 31st
- Monument was brick and mortar, requiring careful pick-up and moving with minimum vibration; therefore, it was difficult for a structural engineer to provide a good analysis

Commissioner Horvath inquired about President Trump's official order regarding monuments.

Isabelle Lopez, City Attorney, noted the following:

- Monument was on City property, not federal; therefore, President

Trump's recent decree was not applicable and was directed more towards vandalism

- U.S. Supreme Court deemed public park monuments as government speech with rights on how, when, and when not to utilize speech

Commissioner Valdes expressed the following concerns:

- Should remove plaster and determine mortar's condition, since his experience with structures dating 1890 to 1910 proved common for mortar powdering out since mixture comprised of local sand and water
- There was a 30% chance that the mortar was compromised, based on his restoration of 140 buildings; however, could not opine condition until mortar examined
- Planned to wrap obelisk in plywood encased in a steel frame; however, vibration during move would compromise the mortar and brick
- If unable to move because mortar compromised, needed a budget for brick by brick disassembly and reconstruction, which should be addressed in mover's contract
- Best location for monument was the current one, and it should be repurposed into a Civil War memorial
- Name changes were occurring and justified, like Robert E. Lee High School in Jacksonville; however, the high school was not bulldozed
- Black lives do matter and change was needed in the country; however, as former Commissioner Parks suggested, removing the plaques from the monument left it just a masonry structure of coquina
- The Civil War was a huge hole in our historic fabric; however, to spend \$230,000 or more of taxpayer money, depending on mortar condition, was not the right decision

- Although much of our history was wrong, two wrongs did not make a right, and moving monument versus repurposing was wrong
- Appreciated Mr. Ringhaver's offer, but could not support the move

Mr. Regan noted the following:

- Careful planning and analysis involved with the move, hence reason it would take two weeks
- Unforeseen circumstances with any job
- Contractor pursued a plan which was part of preservation architect Herschel Shepard and the assessment team
- Mortar would be checked the following day, and if the problems presented by Commissioner Valdes existed, the process would be halted

Commissioner Sikes-Kline stated the following:

- Experienced with brick and mortar from Lightkeeper's House project and Waterworks building
- Possibility existed that monument would require re-assembly after moving; however, was not convinced it would collapse
- Movers were experts and once disassembly started, necessary actions would be revealed
- Could not answer to cost of disassembly and reassembly, but should move forward with current information, and handle what came forward as necessary

Mayor Upchurch requested that Mr. Regan discuss conducting a mortar test with Mr. Patterson at the first opportunity.

Mayor Upchurch noted the following:

- Mover aware of political environment, had seen monument

and was an expert on historic structure relocation

- This was the best opportunity to accomplish the Commission's original intentions to relocate, not destroy or hide the monument
- Relocation proposal was excellent, Trout Creek was beautiful and park-like, and Mr. Ringhaver's offer gracious

Commissioner Horvath noted the following:

- Shared same sentiments and points as Commissioner Valdes
- Plaza was an open-air museum and removing monument removed a large part of our history
- Missing an opportunity to honor the African American community by placing Union soldier names who fought for St. Augustine on monument hence making it a Civil War monument
- Shared appreciation for Mr. Ringhaver's offer
- Requested 'Artifact on Loan' agreement

Commissioner Horvath expressed concern with the installation of a lynching monument representing something that never occurred in the City of St. Augustine. She stated this caused confusion and requested the Commission to reconsider the decision.

There was Commission consensus to discuss the lynching monument topic during a subsequent meeting.

MOTION

Commissioner Sikes-Kline MOVED to relocate the monument to the Trout Creek Fish Camp into the capable hands of Mr. Randy Ringhaver. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch,
Freeman

NAYES: Horvath, Valdes
MOTION APPROVED 3/2

Commissioner Sikes-Kline requested discussion of a Loan Artifact Agreement.

The Commission discussed:

- Artifact Loan Agreement was needed to ensure the monument was a loan and not a gift
- Agreement was a standard document that would not need to return to the Commission
- Mr. Regan's office worked with Mr. Ringhaver, who was comfortable with a Memorandum of Agreement
- Should a substantial issue occur during monument relocation, it was expected that Mr. Regan would notify the Commission

MOTION

Commissioner Sikes-Kline MOVED that moving the monument should require an Artifact Loan Agreement. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-01: Corrects technological scrivener's error in amendment to the City's Animal Code.

Ms. Lopez reviewed the Ordinance.

Public hearing was opened, and the Commission heard from the following:

- BJ Kalaidi

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-01 on second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;

AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2020-06: Honors Herbie and Annette Wiles by dedicating a park to be known as Herbie and Annette Wiles Park.

Reuben Franklin, Director, Public Works, reviewed the Resolution.

Commissioner Sikes-Kline thanked Mr. Franklin for his successful work on the Park, and she also thanked the neighborhood association and Kathy Brown who initiated the idea.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-06. The motion was SECONDED by Commissioner Freeman.

Mayor Upchurch noted the Commission would have the opportunity to speak about

the Wiles' family during the Park dedication.

VOTE ON MOTION

AYES: Sikes-Kline, Freeman, Horvath, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Request to amend the boundaries of Commercial Sign Zone 4 to include properties on Prawn Street allowing signage above the ground floor.

David Birchim, Director, Planning and Building, provided a presentation and a staff report on the topic.

Mayor Upchurch clarified that the proposed action was for Ms. Lopez to draft an appropriate Ordinance that would go to the Planning and Zoning Board (PZB) for input and comment, then return to the Commission.

The Commission discussed:

- Requested PZB's suggestions in the City's best interest, as they worked well through issues
- Concerned PZB would think the already drafted ordinance was approved by the Commission
- Sending to PZB for review may affect the timeline on approval
- Submit Mr. Birchim's presentation to PZB for review prior to drafting the Ordinance
- Comfortable with staff's ability to convey that PZB provide an objective opinion

The Commissioners MOVED to refer this topic to the Planning and Zoning Board for review and the motion was APPROVED BY UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

11.A. Discussion regarding pending foreclosure on property at 52 Spring Street.

Ms. Lopez reviewed the topic.

Commissioner Valdes' noted the following:

- Visited site on four occasions over the years and rapid building deterioration had occurred
- Saving the building required replacing 75% of structure with zero interior remaining except possible small staircase portion
- Looked at separating and selling two lots; however, one lot required expensive removal of two buildings
- Splitting Lot 11 into two lots required expensive removal of a portion of the historic house
- Private sector investor would not see enough margin and renovating and restoring property would exceed \$200,000
- Only possibility was for a building contractor who loved old buildings to purchase the property
- Lien would never be satisfied since City was listed third on a piece of property that would not find a buyer
- Purchase offer considered at \$.50 cents on the dollar; however, this placed acquisition costs of the property at about \$102,000
- Numbers did not work, and the City should back away from the deal

Ms. Lopez noted the following:

- Inquired about St. Johns County Community Redevelopment Agency (CRA) interest, whose West Augustine area of CRA was adjacent to property
- St. Johns County CRA planned to recommend the location back to their Historic Resources Review Board for listing as a local landmark, with potential tax credits

- Unsure if numbers would work

Irene Arriola, Real Estate Broker, provided an assessment of the property:

- Numerous active leaks noted
- Compromised ceilings
- Black mold present
- One-third of house required removal to release vacant lot and to restore original part of building
- Two other buildings on property in equally poor condition
- Rehabilitation was impossible, based on the time property had been neglected
- Cost to remove the buildings was \$40,750:
 - \$16,000 for house
 - \$8,500 for concrete block garage which encroached onto the Julia Street parcel
 - \$8,500 for concrete block house on Julia Street
 - \$7,750 for the other house
- Total investment into property would be \$142,000 to get return of \$75,000 to \$90,000
- Recent lot sales were from \$25,000 to \$35,000
- Concluded the math did not work
- Only optimistic option was the property being sold at auction on the courthouse steps

There was Commission consensus to direct Ms. Lopez to dismiss the property foreclosure with the liens remaining.

MOTION

Commissioner Freeman MOVED to follow the recommendations of the City Attorney. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Freeman, Valdes, Horvath, Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch expressed his appreciation for Commissioner Valdes' evaluation of the property.

12. ITEMS BY CITY CLERK

12.A. Notification of Board Term Expirations and Vacancies for the Civil Service Board, Board of Trustees 1977 City Employees' Retirement System of the City of St. Augustine, Florida and the Planning and Zoning Board.

Darlene Galambos, City Clerk, reviewed the topic.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch noted his recent personal experience with a large water leak that led to a substantial water bill. He suggested that for these unfortunate situations, in addition to allowing the customer to pay an excessive bill over several months, that the City forego profits by charging the wholesale price of the water usage.

There was Commission consensus in favor of the suggestion.

Ms. Lopez stated she needed to review the bond covenants, which were strict as to the available actions.

The Commission directed Mr. Regan and Ms. Lopez to review the topic and if possible, move forward under the bond covenants, then return to the Commission with a Resolution or appropriate measure.

15. Adjournment

There being no further business, the meeting was adjourned at 7:38 P.M.²

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: September 17, 2020

RE: Consent Agenda Item
Franchise Agreement Extension

Please place on the Consent Agenda for the September 28, 2020 Commission Meeting, a 60-day extension of the Franchise Agreement between the City of St. Augustine and Ripley Entertainment, Inc. This extension has been requested by the franchisee and will expire on November 30, 2020. The original Franchise Agreement and proposed extension are both attached for your review.

Feel free to contact me with any questions.

Sincerely,



Meredith Breidenstein
Assistant City Manager

Attachment

SHORT-TERM EXTENSION TO FRANCHISE AGREEMENT

This short-term extension to the Franchise Agreement is executed this ____ day of _____, 2020, between the **CITY OF ST. AUGUSTINE, FLORIDA** ("City") and **RIPLEY ENTERTAINMENT, INC.**, formerly known as, **ST. AUGUSTINE TRAINS, INC.** ("Franchisee").

WHEREAS, the Franchisee operates Sightseeing Motor Vehicles in the Historic District of, and throughout, the City under Ordinance No. 2001-22, approved by the City on final reading on July 13, 2001, and;

WHEREAS, on July 13, 2001 the City Commission granted St. Augustine Trains, Inc. a fifteen-year extension to its operations to run consecutively from expiration of Ordinance No. 77-18 on September 30th, 2005 until September 30th, 2020, and;

WHEREAS, on March 22, 2004 the City Commission approved the sale of assets and transfer of rights from St. Augustine Trains, Inc. to Ripley Entertainment, Inc.; and,

WHEREAS, Franchisee and City staff need additional time to process and comply with the requirements of the city code for performance renewal and public hearing on the codified findings necessary for a renewal of the franchise;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and conditions herein, the receipt of which is hereby acknowledged by the City, the parties agree as follows:

1. The existing Franchise Agreement between the City of St. Augustine and Ripley Entertainment, Inc., formerly known as, St. Augustine Trains, Inc. is extended for sixty (60) days from its current expiration date of September 30th, 2020 until November 29th, 2020.
2. Except as modified herein all items and conditions of the Franchise Agreement between the parties dated July 13, 2001, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the dates set forth below.

WITNESSES:

**RIPLEY ENTERTAINMENT, INC.,
FKA, ST. AUGUSTINE HISTORIC
TOURS, INC.**

By: _____

Printed Name

Printed Name

Date: _____

(Title)

Date: _____

Printed Name

Date: _____

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk

By: _____

John P. Regan, P.E.
City Manager

(SEAL)

Date: _____

Approved as to Form and Content:

Isabelle C. Lopez, City Attorney

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E., City Manager

DATE: September 17, 2020

RE: Consent Agenda Item for September 28, 2020 City Commission Meeting
Interlocal Agreement: City of St. Augustine and the University of Florida for the
Florida Department of Environmental Protection (FDEP) -Florida Resilient
Coastlines Program (FRCP)

The proposed interlocal agreement is between the City of St. Augustine and the University of Florida. This is necessary in order to conduct the grant funded study through the Florida Department of Environmental Protection's (FDEP) Florida's Resilient Coastline Program (FRCP). The FDEP grant will pay 100% of the costs to the City, for conducting a study to assess the vulnerability of on-site treatment and disposal systems (OSTDS) to sea level rise (SLR) and storm surge. The results of this analysis will be used to develop adaptation plans. The study will be conducted by the University of Florida. The maximum grant amount is \$75,000. The project must be completed by June 30, 2020. No work may begin on this project until the associated agreement is fully executed.

Staff has reviewed the interlocal agreement and recommends entering into the said agreement. As such, staff requests that the City Commission authorize the City Manager to execute this Agreement.

Sincerely,



Reuben C. Franklin, Jr. P.E.
Director, Public Works

Enclosure

cc: I. Lopez, City Attorney, T. Grant, Director, Utilities, M. Simpson, Finance, M. Breidenstein, Assist. City Manager, J. Beach, Engr, Corey Sakryd, Grants Admin.

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this _____ day of September, 2020, by and between the **University of Florida Board of Trustees**, a public body corporate of the State of Florida ("University"), whose address is 207 Grinter Hall, Gainesville, Florida 32611 and the City of St. Augustine, a municipal corporation/subdivision of the state, whose address is P.O. Box 210, St. Augustine, FL 32085, (collectively "the parties").

WITNESSETH

WHEREAS, Section 163.01, Florida Statutes, otherwise known as the Florida Interlocal Cooperation Act of 1969 ("Act"), permits public agencies to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the parties are entering into Agreement pursuant to the Act; and

WHEREAS, the research program contemplated by Agreement is of mutual interest and benefit to the parties and will further the instructional and research objectives of University in a manner consistent with its status as a non-profit, tax-exempt, land grant educational institution, and may derive benefits for both City of St. Augustine and University through inventions, improvements, and/or discoveries; and

WHEREAS, the parties desire to memorialize other responsibilities and agreements with respect to providing research services for vulnerability assessment, watershed assessment, and risk analysis of, including but not limited to, non-point source pollution, wastewater and stormwater, infrastructure and other critical resources, to the impacts of climate change including sea level rise, increased storm and flood events, and other impacts that may arise.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and conditions contained herein, it is mutually agreed by and between the parties to this Agreement as follows:

1. Recitals. The recitals contained above are true and correct and form a factual basis for the parties entering into Agreement.
2. Intent and Purpose. The intent and purpose of Agreement is to establish a relationship and responsibilities between the parties for continuing research services including, but not limited to, vulnerability assessment, watershed assessment, and risk analysis of, including but not limited to, non-point source pollution, wastewater and stormwater, infrastructure and other critical resources, to the impacts of climate change including sea level rise, increased storm and flood events, and other impacts that may arise.

INTERLOCAL AGREEMENT

3. Term. The effective start date of the Agreement is upon execution, and the first phase will end on June 30, 2021. The parties agree that the Agreement may be extended for future phases or projects by written agreement of the parties consistent with section 18 of this Agreement.
4. Definitions. As used in Agreement, the following terms have the following meanings:
 - a. "Project" means the description of the undertakings in the Specific Tasks as provided for in Appendix A to Agreement, and compensation for the Specific Tasks detailed in Appendix B to Agreement
 - b. "Principal Investigator" means the University faculty member who has the responsibility of monitoring the technical, scientific, programmatic, and administrative aspects of Agreement.
 - c. "Project Team" means University faculty, staff, students, and professional subcontractors selected by the parties to accomplish Project.
 - d. "Project Coordinator" means the individual selected by University to coordinate the efforts of the parties and subconsultants selected by the parties to accomplish Project.
 - e. "City of St. Augustine's Intellectual Property" means rights to inventions, improvements, and/or discoveries, whether patentable or copyrightable or not, relating to Project made solely by employees of City of St. Augustine.
 - f. "University Intellectual Property" means individually and collectively all inventions, improvements, and/or discoveries conceived and/or made and copyrighted and copyrightable works other than publications and reports, trademarks, and service marks by Project Team in performance of Project.
 - g. "Project Manager" means the City of St. Augustine Executive or designee, who will work with Project Coordinator and Principal Investigator in overseeing Project.
5. Research Work.
 - a. University will commence the performance of Project promptly on the effective start date provided in Section 3 of Agreement. University will use reasonable efforts to perform Project in accordance with the terms and conditions of Agreement.
 - b. In the event Principal Investigator becomes unable or unwilling to continue Project, and a mutually acceptable substitute is not available, University and/or City of St. Augustine will have the option to terminate Project.

INTERLOCAL AGREEMENT

6. Deliverables. Principal Investigator will deliver written Project progress reports as follows to Project Manager:

<u>Report Type</u>	<u>Due No Later than</u>
Quarterly Progress Report	Due no later than five (5) days following the completion of the quarterly reporting period. The quarterly reporting period ends on March 31, June 30, September 30 and December 31.
Tasks with Deliverables	As identified in Appendix A
Final Project Report	No later than June 30, 2021, unless otherwise agreed to in writing by the City of St. Augustine's <u>Technical Representative</u> .

These quarterly progress reports should provide an assessment of what has been accomplished during the reporting period. Additional tasks and deliverables with the associated due dates are identified in Appendix A. The final project report shall include an executive summary, methodology, outcome and further recommendations.

7. City of St. Augustine's Contributions.

- a. It is acknowledged and agreed by the parties that the funding contributions set forth in Appendix B to Agreement will be subject to adjustment each year to account for foreseeable and normal cost increases, such as increases in salaries and insurance.
- b. Upon receipt of each University invoice, City of St. Augustine agrees to pay University for the work to be conducted under Agreement in accordance with the schedule attached as Appendix B to Agreement, which may be amended as directed by City of St. Augustine.
- c. University invoices will be remitted to:

City of St. Augustine
Attn: Jessica Beach, P.E.,
Public Works Department
P.O. Box 210
St. Augustine, FL 32085

INTERLOCAL AGREEMENT

8. Scoping. Appendix A to Agreement provides Project's specific tasks to Agreement.
9. University Contributions.
 - a. University will provide leadership for administration and supervision of University employees, students, and professional subcontractors.
 - b. University will provide University employees, students, and professional subcontractors with training programs, as appropriate, to maintain effective service delivery.
10. Publicity. City of St. Augustine will not use the name of University, nor of any member of University's Project Team, in any publicity, advertising, or news release without the prior written approval of University. University will not use the name of City of St. Augustine, or any employee of City of St. Augustine, in any publicity without the prior written approval of City of St. Augustine's Project Manager. However, University is required by Section 1004.22 of the Florida Statutes to make available upon request the title and description of the Project, the name of the Principal Investigator, the name of the Sponsor, and the amount of funding
11. Publications.
 - a. City of St. Augustine recognizes that under University policy, the results of Project must be publishable and agrees that the Principal Investigator and/or Project Team will be permitted to present at symposia, national, or regional professional meetings, and to publish in journals, theses, dissertations, or otherwise of their own choosing, methods and results of Project, provided, however, that City of St. Augustine will have been furnished copies of any proposed publication or presentation at least thirty (30) days in advance of the submission of such proposed publication or presentation to a journal, editor, or other third party.
 - b. City of St. Augustine will have thirty (30) days, after receipt of said copies, to object to such proposed presentation or proposed publication because there is City of St. Augustine's Intellectual Property that needs protection. In the event that City of St. Augustine makes such an objection, Principal Investigator and/or Project Team will refrain from making such publication or presentation for a maximum of three (3) months from date of receipt of such objection in order for the parties to resolve the issues related to the disclosure of the City of St. Augustine's Intellectual Property, which may include University preparing and filing application(s) with the United States Patent and Trademark Office and/or foreign patent office(s).

INTERLOCAL AGREEMENT

- c. If City of St. Augustine does not respond within the thirty (30) days, Project Team will have the right to publish the results without further notification or obligation to the City of St. Augustine.

12. Intellectual Property.

- a. All rights and title to University Intellectual Property under Project will belong to University and will be subject to the terms and conditions of Agreement.
- b. Rights to inventions, improvements, and/or discoveries, whether patentable or copyrightable or not, relating to Project made solely by employees of City of St. Augustine will belong to the City of St. Augustine. Such inventions, improvements, and/or discoveries will not be subject to the terms and conditions of Agreement
- c. University will promptly notify City of St. Augustine of any University Intellectual Property conceived and/or made during the term of Project Agreement. If City of St. Augustine directs that a patent application or application for other intellectual property protection be filed, University will promptly prepare, file, and prosecute such U.S. and foreign application in University's name. City of St. Augustine will bear all costs incurred in connection with such preparation, filing, prosecution, and maintenance of U.S. and foreign application(s) directed to said University Intellectual Property. City of St. Augustine will cooperate with University to assure that such application(s) will cover, to the best of City of St. Augustine's knowledge, all items of commercial interest and importance. While University will be responsible for making decisions regarding scope and content of application(s) to be filed and prosecution thereof, City of St. Augustine will be given an opportunity to review and provide input thereto. University will keep City of St. Augustine advised as to all developments with respect to such application(s) and will promptly supply to City of St. Augustine copies of all papers received and filed in connection with the prosecution thereof in reasonable time for City of St. Augustine to comment thereon.
- d. If City of St. Augustine elects not to exercise its option as set forth in section 13.a., below, or decides to discontinue the financial support of the prosecution or maintenance of the protection, University will be free to file or continue prosecution or maintain any such application(s), and to maintain any protection issuing thereon in the U.S. and in any foreign country at University's sole expense and with no further obligation to City of St. Augustine.

13. Grant of Rights.

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- a. Pursuant to section 12.d. of this Agreement, University grants City of St. Augustine the first option, for consideration, a non-exclusive license or an exclusive license, on terms and conditions upon which the parties mutually agree. The option will extend for a time period of 90 days from the date of disclosure to City of St. Augustine.
 - b. University's Office of Technology Licensing will be the point of contact for disclosures and University Intellectual Property licensing agreements.
14. Office Policies.
- a. The parties will remain separately responsible for compliance with the Americans with Disabilities Act at their respective facilities. Each party remains responsible for providing access to any facility or building owned by such party in compliance with the Americans with Disabilities Act.
 - b. Principal Investigator will not be classified under a City of St. Augustine classification system.
 - c. The parties will cooperate to maintain a safe and comfortable workplace environment consistent with established workplace practices.
15. Subcontractors. From time to time, the continuing research services including, but not limited to, vulnerability assessment, watershed assessment, and risk analysis of, including but not limited to, non-point source pollution, wastewater and stormwater, infrastructure and other critical resources, to the impacts of climate change including sea level rise, increased storm and flood events, and other impacts that may arise will require University to contract with professional practitioners for execution of the projects and tasks appended to this Agreement. In those instances, the following will apply:
- a. University will establish minimum requirements and qualifications for the professional subcontractors to be selected. University will screen professional subcontractors to determine their qualifications and availability for consultation.
 - b. University will recommend to City of St. Augustine qualified professional subcontractors.
 - c. The parties will jointly agree on the professional subcontractors to be hired by University.
16. Independent Contractor. In the performance of all services hereunder:
- a. University is an independent contractor and, as such, University will not be entitled to any benefits applicable to employees of City of St. Augustine.

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- b. Neither party is authorized or empowered to act as agent for the other for any purpose and will not on behalf of the other enter into any agreement, contract, warranty, or representation as to any matter. Neither will be bound by the acts or conduct of the other.

17. Insurance.

- a. University warrants and represents that University has adequate liability insurance to the extent permitted under Florida Statute 768.28, such protection being applicable to officers, employees, and agents while acting within the scope of their employment by University, and University has no liability insurance policy as such that can extend protection to any other person.
- b. Each party hereby assumes any and all risks of personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees, and agents thereof.

18. Amendments. Agreement will only be amended through written consent of both parties to the Agreement by and through the Principal Investigator and the Project Manager.

19. Termination.

- a. Either of the parties may terminate this Agreement upon thirty (30) days prior written notice to the other.
- b. In the event that either of the parties commits any breach of or default in any of the terms or conditions of Agreement, and also fails to remedy such default or breach within sixty (60) days after receipt of written notice thereof from the other party hereto, the party giving notice may, at its option, and in addition to any other remedies that it may have at law or in equity, terminate Agreement by sending notice of termination in writing to the other party to such effect, and such termination will be effective as of the date of the receipt of such notice. Agreement will continue in full force and effect unless terminated by City of St. Augustine or University.
- c. Subject to Section 13, termination of Agreement by either party for any reason will not affect the rights and obligations of the parties accrued prior to the effective date of termination of Agreement. No termination of Agreement, however effectuated, will affect City of St. Augustine's rights and duties under Section 12 hereof, or release the parties hereto from their rights and obligations under Sections 7, 10, 11, 12, 13, and 16 of Agreement.

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- d. Upon any termination hereof, Principal Investigator will issue a final report that summarizes the progress made hereunder. City of St. Augustine will compensate University for the work accomplished through the date of termination and non-cancellable obligations properly incurred.
20. Notice. Any notice or other document required to be given pursuant to Agreement by one party to another will be in writing and will be delivered personally, or by recognized overnight courier or sent by certified mail, postage prepaid, return receipt requested, or by facsimile transmission with written confirmation. Written notice will be sent to the parties to Agreement at the addresses contained herein.
21. Severability. In the event any term or provision of Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision will be given its nearest legal meaning or be construed as deleted, as such authority determines, and the remainder of Agreement will be construed to be in full force and effect.
22. Governing Law. Agreement is governed by, and will be construed and interpreted in accordance with, the laws of the State of Florida. Venue for any litigation will be at a mutually agreeable location.
23. Successors in Interest. Agreement is binding upon and will inure to the benefit of the parties' successors and assigns. No party may assign its rights under Agreement without the prior written consent of the other party.
24. Public Records. Pursuant to applicable Florida law, each party's records associated with Agreement may be subject to Florida's public records laws, Florida Statutes 119.01, et seq., as amended from time to time. The parties agree to comply with all public records obligations set for in such laws, including those obligations to keep, maintain, provide access to, and maintain any applicable exemptions to public records, and University agrees to transfer all such public records in its possession to City of St. Augustine at the conclusion of Agreement, as provided for in Florida Statutes 119.0701.

INTERLOCAL AGREEMENT

IN WITNESS WHEREOF, the parties have executed or have caused Agreement to be duly executed in several counterparts, each of which counterpart is considered an original executed copy of Agreement, the day and year first written above.

UNIVERSITY:

University of Florida Board of Trustees

By: _____

Date: _____

ATTEST:

Date: _____

Seal:

**CITY OF STAUGUSTINE:
City of St. Augustine, Florida**

By: _____
[Local Government Executive]

Date: _____

ATTEST: [Local Government Clerk]

Date: _____

Seal:

Review of AGREEMENT as to form:

By: _____
[Local Government Attorney]

APPENDIX A

CITY OF ST. AUGUSTINE: WORK PLAN WITH TASKS **ASSESS VULNERABILITY OF OSTDS TO SLR AND STORM SURGE TO DEVELOP ADAPTATION PLANS – PHASE 1**

University's research capabilities reflect a substantial public investment as a part of its research and higher education mission as a public land-grant university. The research contemplated by this Agreement is aimed to produce results of mutual interest to University and Sponsor. Specifically, by advancing the instruction, research, and public service missions of University, and to Sponsor, through the potential to create or enhance technologies to assist in Sponsor's development of new products or processes.

Florida Department of Environmental Protection is providing funding to the City of St. Augustine in support of the project as described in the work plan below.

WORK PLAN

- 1. Project Summary:** This priority 3 project will assess the vulnerability and sensitivity of known and potential OSTDS to three potential sea level rise (SLR) scenarios and potential storm surge through comprehensive GIS modeling. Outputs include spatial analyses, a report of multiple WWT technologies including costs and funding opportunities, and results of public meetings to identify focus areas. This project will also identify areas that are suitable for development of Adaptation Action Areas (AAA's) because they are at risk of SLR, storm surge, or elevated groundwater tables. Development of AAA's can be addressed in phase two of the project.
- 2. Project Description:** The objectives of this project are to:
 - a. Identify areas at risk from near-term sea level rise or frequent inundation from significant weather events with special attention to locations served by OSTDS
 - b. Calculate nutrient export estimates from OSTDS
 - c. Work with area stakeholders to develop adaptation plans to increase resiliency and reduce impacts of sea level rise on nutrient exports from OSTDS.
 - d. Research, synthesize and present to stakeholders adaptation strategies and recovery activities from other areas.
 - e. Research, synthesize and present to stakeholders alternative wastewater treatment systems.
 - f. Develop methodology that will be transferable to coastal regions of Florida and similar coastal areas of the US and possibly around the world

Spatial Analysis: Using publicly available GIS data, spatial analysis will be performed to identify 1-foot, 2-foot, and 3-foot sea level rise potential inundation, storm surge potential, and elevated groundwater potential areas within the City of St. Augustine. Analysis will also include identification of wastewater treatment systems (using Florida Department of Health Florida Water Management Inventory data) at the parcel level to identify known septic or unknown and potentially septic systems at risk of impact from sea level rise, storm surge, and/or elevated ground water impacts.

Nutrient Export Calculations: Using ArcNLET, nutrient export calculations will be performed for the following groups:

- all OSTDS in the study area (base calculations)
- OSTDS within the 1-foot, 2-foot, and 3-foot SLR scenarios
- OSTDS at risk for elevated groundwater levels
- OSTDS at risk of increased flooding
- non-homesteaded parcels with OSTDS
- non-homesteaded parcels with OSTDS within the 1-foot, 2-foot, and 3-foot SLR scenarios
- non-homesteaded parcels with OSTDS vulnerable to changes in the groundwater table

Report of WWT Technologies: A comprehensive report on the range of wastewater treatment systems available (everything from basic OSTDS, advanced treatment units, package plants, fully developed municipal sewer systems), including pros and cons, cost estimates, and funding options will be compiled and provided to community workgroups

Public Meetings and Identification of Priority Focus Items: The data developed in the three areas above will be presented to the public to: 1) inform of potential impacts to address, 2) solicit feedback on what additional information they would like to see, and 3) public action to identify priorities for further action. These meetings will be scheduled at various times and locations to make them accessible to as many people as possible, with a minimum of 4 meetings for this phase of the project. Project reporting will also be provided at area stakeholders meetings such as the Guana Tolomato Matanzas Research Reserve quarterly Oyster and Water Quality Task Force meetings.

Publicly Available Project Information: All data developed and presented as part of this project will be made available, free of charge, in publicly accessible formats such as the public meetings, websites/story maps, and email listserv.

3. Description of Project Outcomes: Resulting from Project Outputs.

Research Outcomes

- maps and tabular summaries of individual spatial datasets
- maps and tabular summaries of dataset combinations that communicate spatial variability in risk, exposure, and vulnerability
- a report on alternative wastewater treatment opportunities and associated costs
- additional information from any identified knowledge gaps

Research results will be compiled in a final report, available to all stakeholders in an online Executive Summary webpage for use in development of adaptation strategies. The final report will contain the following:

- public links to data files of research outcomes
- a description of the project process, research and analysis methods with data sources
- reports of stakeholder meetings, suggestions from stakeholders to community leaders, and any proposed or completed actions by local governments

Learning Outcomes

- Stakeholders will be informed about relative levels of vulnerability from nutrient exports from OSTDS due to sea level rise within the City of St. Augustine
- Stakeholders will be informed about what available wastewater treatment technologies, benefits and detractions, potential costs, and potential funding sources.
- Workshop participants will be informed about assets at risk and how to value and prioritize adaptation strategies to reduce risks.

Action Outcomes

Action Outcomes for this project include stakeholder prioritizations of action recommendations for further development in adaptation planning workshops.

4. Tasks & Deliverables:

a. Spatial Analysis

- i) Goal - Identify OSTDS at risk of inundation from sea level rise, storm surge, and/or rising groundwater tables. Develop visual materials to communicate areas and nature of risk to the public.
- ii) Description - Using publicly available GIS data, spatial analysis will be performed to identify 1-foot, 2-foot, and 3-foot sea level rise potential inundation, storm surge potential, and elevated groundwater potential areas within the City of St. Augustine. Analysis will also include identification of wastewater treatment systems (using Florida Department of Health Florida Water Management Inventory data) at the parcel level to identify known septic or unknown and potentially septic systems at risk of impact from sea level rise, storm surge, and/or elevated ground water impacts.
- iii) Deliverables:
 - (1) Map: Areas at risk of 1-foot, 2-foot, and 3-foot sea level rise
 - (2) Map: Areas at risk of storm surge inundation
 - (3) Map: Areas at risk of elevating groundwater tables
 - (4) Map: Known and suspected OSTDS

b. Nutrient Export Calculations

- i) Goal - Calculate nutrient exports for OSTDS systems under various vulnerability scenarios. Communicate potential impacts to public for improved understanding of elevated nutrient impacts and risk to health, safety, and the environment
- ii) Description - Using ArcNLET, nutrient export calculations will be performed for the following groups:
 - (1) all OSTDS in the study area (base calculations)
 - (2) OSTDS within the 1-foot, 2-foot, and 3-foot SLR scenarios
 - (3) OSTDS at risk for elevated groundwater levels
 - (4) OSTDS at risk of increased flooding
 - (5) non-homesteaded parcels with OSTDS
 - (6) non-homesteaded parcels with OSTDS within the 1-foot, 2-foot, and 3-foot SLR scenarios

- (7) non-homesteaded parcels with OSTDS vulnerable to changes in the groundwater table
- iii) Deliverables:
 - (1) Software derived calculation outputs
 - (2) Software derived calculation outputs summarized to spreadsheet format
 - (3) Software derived calculation outputs translated into a plain English report
- c. Report of WWT Technologies
 - i) Goal - Compile a comprehensive body of knowledge, understandable to a non-technical audience, of the variety, purpose, costs and funding opportunities of wastewater treatment technologies available. Information will be used by the public to develop informed and place appropriate adaptation plans to reduce or eliminate impacts to septic systems from sea level rise, storm surge and/or rising groundwater tables
 - ii) Description - A comprehensive report on the range of wastewater treatment systems available (everything from basic OSTDS, advanced treatment units, package plants, fully developed municipal sewer systems), including pros and cons, cost estimates, and funding options will be compiled and provided to community workgroups
 - iii) Deliverables:
 - (1) Report (MS Word and PDF formats) of WWT technologies, applications, costs, and funding opportunities
- d. Public Meetings and Identification of Priority Focus Items
 - i) Goal - Present information developed in tasks 1-3 to the public to solicit feedback from the public on knowledge gaps they are interested in. In public meetings, use information developed to work towards identifying priority focus areas for resolution
 - ii) Description - The data developed in the three areas above will be presented to the public to: 1) inform of potential impacts to address, 2) solicit feedback on what additional information they would like to see, and 3) public action to identify priorities for further action. These meetings will be scheduled at various times and locations to make them accessible to as many people as possible. Project reporting will also be provided at area stakeholders meetings such as the Guana Tolomato Matanzas Research Reserve quarterly Oyster and Water Quality Task Force meetings
 - iii) Deliverables:
 - (1) Meeting minutes/report of activities
- e. Publicly Available Project Information
 - i) Goal - Make available to the project community and other communities the results of research activities, findings, and outcomes in order to assist communities in the development of adaptation plans focusing on OSTDS at

risk of impact from sea level rise, storm surge, and/or rising groundwater tables.

- ii) Description - All data developed and presented as part of this project will be made available, free of charge, in publicly accessible formats such as the public meetings, websites/story maps, and email listserv
- iii) Deliverables:
 - (1) Website with description of project, activities, research results, data, and priority focus items identified in public meetings
 - (2) Storymap with description of project, activities, research results, data, and priority focus items identified in public meetings

5. Project Timeline with Deliverable Due Dates:

Task ID	Task Title	Deliverable Due Date
a	Spatial Analysis	01/31/2021
b	Nutrient Export Calculations	02/28/2021
c	Report of WWT Technologies	02/28/2021
d	Public Meetings and Identification of Priority Focus Items	05/31/2021
e	Publicly Available Project Information	05/31/2021

APPENDIX B

BUDGET

CITY OF ST. AUGUSTINE: WORK PLAN WITH TASKS
**ASSESS VULNERABILITY OF OSTDS TO SLR AND STORM SURGE TO DEVELOP ADAPTATION
PLANS – PHASE 1**

Project Timeline with Deliverable Due Dates and Task Amount:

Task ID	Task Title	Deliverable Due Date	Task Amount
a	Spatial Analysis	01/31/2021	\$17,680.00
b	Nutrient Export Calculations	02/28/2021	\$17,680.00
c	Report of WWT Technologies	02/28/2021	\$17,680.00
d	Public Meetings and Identification of Priority Focus Items	05/31/2021	\$10,980.00
e	Publicly Available Project Information	05/31/2021	\$10,980.00
TOTAL			\$75,000

CITY MANAGER AUTHORIZATION:

Signature by:

Name: John P. Regan, P.E.

Title: City Manager

Date:

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E., City Manager

DATE: September 17, 2020

RE: Request to Name a Public Park in Lighthouse Park

In accordance with Resolution 2016-15 which outlines the process for the official naming of public parks and city facilities, I hereby submit the following request on behalf of Vice Mayor Leanna Freeman, who is sponsoring this request to name the conservation area in Lighthouse Park, south of Santa Monica Avenue, for Maria Andreu, the first female lighthouse keeper.

Per the resolution, following a time for suggestions to be received, a committee representing the Public Works Department, Planning and Building Department and Communications Department will meet to review public input and recommend a name to the City Manager for consideration by the City Commission.

This property was designated as Undeveloped Conservation Park Land in 2016; however, at that time, a name was not suggested.

Please place this item on the Consent Agenda for the September 28, 2020, City Commission meeting. If you have any questions or need additional information, please let me know. Should this item be accepted by the City Commission, the following timeline will be initiated:

- Friday, October 2 Call for submissions, through Friday, October 16 (two weeks)
- Tuesday, October 20 Committee review of submissions, make selection
- Thursday, October 29 Item placed on agenda for November 9 City Commission meeting
- Monday, November 9 City Commission considers recommendation



Melissa Wissel
Communications Manager