



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, February 2, 2021 at 2:00 p.m.

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

Consistent with the Governor of Florida's Executive Order No. 20-51 and 20-52, as extended, modified, or amended, under the authority granted by the City of St. Augustine's Charter, Article IV, Division 4, and pursuant to Resolution 2020-10, the City Manager, or the Assistant City Manager as designated by the City Charter, or their designee, may make administrative orders and rules that have the full force and effect of local law during the pendency of a federal, state or local emergency or public health emergency. All existing laws, ordinances, and rules inconsistent with the provisions of sections 252.31-252.90, Florida Statutes, or identified as inconsistent with the directives of the State Health Officer and Surgeon General pursuant to their authority under Chapter 381, Florida Statutes, shall be suspended during the period of time and to the extent that such conflict exists. The City Manager, Assistant City Manager, or their designee, may issue administrative orders in support of these public health emergency directives to provide more efficient and orderly preparedness and recovery. Consistent with public health emergency directives of the State of Florida, the City Manager or designee may waive the procedures and formalities otherwise required, when reasonably necessary to preserve the health and welfare of the public.

Consistent with City of St. Augustine Resolutions 2020-20, 2020-21, and 2020-39 the City Manager, or their designee, specifically authorizes the following health and safety protocols:

- 1) All meeting rooms will be configured to maintain the 6-foot social distancing radius recommended by the CDC.
- 2) All meeting rooms will be sanitized by wiping all flat surfaces and chairs prior to each meeting.
- 3) All members of the public, City Commission, staff, and appointed boards or committees are required to wear a face covering over the nose and mouth at all times while in the meeting room.
- 4) Face masks and hand sanitizer will be made available as needed prior to entry.
- 5) Face coverings include a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.

Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or full-face shields.

- 6) Participants requesting accommodation due to a disability which prevents the use of face coverings may use alternative face coverings. Alternative face coverings include scarves, other loose face covering, or full-face shield.
- 7) Participants unable or unwilling to wear a face covering will be required to remain outside of the meeting hall where they may audibly observe the meeting or hearing.
- 8) Participants unable or unwilling to wear a face covering will be allowed to participate in any public comment period from a microphone outside the meeting room and audible to the Commission or Board.
- 9) Capacity for physical attendance within the Alcazar Room will be reduced based on the 6-foot social distancing and air flow 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. Necessary staff
 - f. Applicants (one at a time)
 - g. Public participants
- 10) Applicants appearing before a board for hearing will be asked to queue outside the meeting room and enter with any witnesses or agents upon the calling of their application for hearing.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in public meetings should contact the City not later than seven (7) days prior to the meeting.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from January 5, 2021.
4. **Variance**
 - a. 2021-0005

Don Crichlow – Applicant
 91 Oneida, LLC – Owner
[93 Oneida St](#)
 To approve a variance to the required front and side yard setbacks within Residential, Single family-two (RS-2) zoning district.

5. Use by Exception

- a. 2021-0001 Jeremiah Mulligan – Applicant
c/o Coquina Law Group, P.A.
Elite Hospitality, LLC - Owner
[N Ponce de Leon Blvd – PID #190200-0000](#)
To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.
- b. 2021-0006 Blake Souder – Applicant & Owner
78 Dumas St
To approve a use by exception for off-site parking within the municipal parking garage for a short term rental.

6. Conservation Overlay Zone Development

- a. 2021-0002 Ryan Carter – Applicant
c/o Carter Environmental Services
Erik Worthmann – Owner
[134 Pelican Reef Dr](#)
To approve a reconfiguration of an existing dock and terminal platform to extend the access pier, add three (3) boatlifts, and a ten (10') foot by twenty (20') foot floating dock accessed by a gangway within Conservation Overlay Zone 1. To approve the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2.
- b. 2021-0003 Ryan Carter – Applicant
c/o Carter Environmental Services
Alan Stevenson – Owner
c/o Sta Beach Investments, LLC
[34 N. St. Augustine Blvd](#)
To increase the size of a boat lift from 12' x12' to 16' x 16' within Conservation Overlay Zone 1.

c. 2021-0004

Ryan Carter – Applicant
c/o Carter Environmental Services
GP Salt Run, LLC– Owner

[435 Flagler Blvd](#)

To approve the construction of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645', within Conservation Overlay Zone 1.

7. Rezoning, Use by Exception & Conservation Overlay Zone Development

a. 2020-0127

Ellen Avery-Smith – Applicant
c/o Rogers Towers, P.A.
Ryan Carter – Applicant
c/o Carter Environmental Services
Patris YC, LLC- Owner

[110 Carver St E](#)

A request to rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). To approve a use by exception to allow for a neighborhood recreational facility. To approve the construction of a six foot (6') wide by three hundred one (301') foot long dock with a twenty foot (20') long access gangway to a twenty five (25') foot by eighty five (85') foot long dock within Conservation Overlay Zone 1. To approve the construction of a bulkhead within Conservation Overlay Zone 2.

8. Other Business

a. Discussion related to updating prioritized Land Development Code sections.

9. Adjournment

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

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

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

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

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting January 5, 2021

The Planning and Zoning Board met in formal session Tuesday, January 5, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Chairperson
Christina Opsahl, Vice-Chairperson
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

City Staff:

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

Mr. Doty explained the health and safety protocols for public meetings.

2. General Public hearings for Items Not on the Agenda

Heard after item 3.

The Board heard from the following members of the public:

- B.J. Kalaidi¹

3. Approval of Minutes

MOTION

Ms. Ryan **MOVED** to **APPROVE** the December 1, 2020 minutes as presented. The motion was **SECONDED** by Mr. Misterly.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

4. (a) 2020-0128 – Janet Whitmill, RLA – Applicant

Dan Zarkovacki, Forest Ridge Properties, LLC, Park Hill Properties, LLC – Owner
San Sebastian View / N Ponce De Leon Blvd - PID 073581-0005

To approve the removal of thirteen (13) significant trees including southern red cedars and crape myrtles in conservation overlay zone 3, within Commercial medium-two (CM-2) zoning.

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 thirteen (13) significant trees at the subject property within Conservation Overlay Zone 3

¹ Notes attached to original minutes

located at **San Sebastian View/PID 073581-0005**.

Janet Whitmill reviewed the application.

The Board provided their ex parte communications.

10 certified notices were sent; however, there were no responses. One additional e-mail received was provided with the original packet.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

Public hearing was closed.

The Board discussed:

- Cedar trees along the west boundary meant to screen the property from the residential apartments in the rear
- More cedar trees could be planted in other locations on the property
- Recommendation to increase the density of the buffer along US1
- Ryan Carter's clarification of trees that may need to be removed because of proposed construction nearby
- Fill on the site and saving certain trees if possible, clarified by Matt Malcore
- Desire to know for certain which trees would be removed
- Trees numbered 40-15, 16, and 17 were crape myrtles, were requested to be removed, but were easily replaced
- Water treatment tanks that would utilize city sanitary system
- Stormwater system was pre-approved off-site and would be reviewed prior to permitting
- Some water recycling would be done on-site

MOTION

Mr. Blow MOVED to APPROVE application 2020-0128 for tree removal with the condition that the 12" cedar be kept. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**4. (b) 2020-0129 – Ryan Carter, Carter Environmental Services – Applicant
George Leone, Cldg Hendricks Commercial, LLC – Owner
San Sebastian View, PIDs 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000**

To approve a kayak launch within conservation overlay zone 1. To approve construction of an amenity center, four (4) apartment buildings and a walkway within Conservation Overlay zone 2. To approve the removal of significant trees within a brownfield remediation area and for the development of apartment buildings 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** a kayak launch within Conservation Overlay Zone 1 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000**; and; based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** an amenity center, four (4) apartment buildings and a walkway within Conservation Overlay Zone 2 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000**; and, based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the removal of

significant trees within a brownfield remediation area and for the development of apartment buildings within Conservation Overlay Zone 3 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000.**

Billy Zeits, Fremont Latimer, and Ryan Carter reviewed the application.

The Board provided their ex parte communication

10 certified notices were sent, 1 was returned opposed.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing concerns for the destruction of the San Sebastian River by development.

Public hearing was closed.

The Board discussed:

- Clarification that kayak and walking trails were designated for residents of the proposed neighborhood and not opened to the public
- Natural shoreline intended for all but the area designated for the kayak dock, which would require a small retaining wall
- Multi-family apartments would be more reasonably priced than the previously proposed single-family homes
- Concerns that future shoreline armoring may be sought to protect structures built in Conservation Overlay Zone 2
- Existing recorded conservation easements, which required approval by the St. Johns River Water Management District for any changes, did not grant public access
- Existing and proposed grading on the property

- Areas that may flood on the property around the proposed amenity center
- Large natural buffer to protect structures from flooding

MOTION

Mr. Davis MOVED to APPROVE application 2020-0129 as presented. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

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

NAYES: Misterly

MOTION CARRIED 6/1

5. Use by Exception

5. (a) 2020-0118 – Connie Fuller, Key Lime Oasis, LLC – Applicant and Owner
9 Saragossa St

To approve a use by exception for three (3) short term rentals for offsite parking in the municipal parking garage.

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 three (3) short term rentals for offsite parking in the municipal parking garage for **9 Saragossa St / PIN 205530-0000.**

James Whitehouse reviewed the application.

The Board provided their ex parte communications.

Public hearing was opened.

B.J. Kalaidi asked for clarification that the attorney representing the applicant had submitted the appropriate forms.

Tom Day spoke in favor of the application noting that the short-term-rental ordinance allowed for such a request.

Public hearing was closed.

The Board discussed that the change from on-street parking to the garage in was response to the Board's previous discussion.

MOTION

Ms. Ryan MOVED to APPROVE the application 2020-0118, 9 Saragossa Street, to approve a use by exception for three (3) short term rentals for offsite parking in the municipal parking garage. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2020-0126 – Stephanie Goodman – Applicant
Benoit Therrien, Therrien-Peake Family Trust – Owner
15 Iberia Street

To approve a use by exception for a parking lot within Residential, General-one (RG-1).

Application was withdrawn by the applicant prior to the meeting.

5. (c) 2020-0125 – Stephanie Goodman – Applicant
Benoit Therrien, Wild Moose Investments, LLC – Owner
16 Mulvey Street

To approve a use by exception for off-site parking within the municipal parking garage and on a residential parking lot located at 15 Iberia for short term rentals.

Mr. Doty noted that due to the previous application being withdrawn, the applicant was asking only for off-site parking within the parking garage. He 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 off-site parking within the municipal parking garage for short term rentals for **16 Mulvey St / PIN 206060-0000**.

Stephanie Goodman reviewed the application and noted that she had already purchased her parking garage passes.

Ex Parte Communication:

19 certified notices were sent, 2 were returned in favor, and 2 had comments. An additional e-mail received was provided with the original packet.

Public hearing was opened.

Van Cogley asked for clarification regarding the application for 15 Iberia Street, which had been withdrawn.

Public hearing was closed.

There was Board discussion noting that any public concern regarding what the Short Term Rental ordinance allowed would need to be addressed by the City Commission.

MOTION

Ms. Opsahl MOVED to APPROVE application 2020-0125 for off-site parking within the municipal parking garage for short term rentals. The motion was SECONDED by Mr. DePreter

Mr. Misterly noted that the subject property was in close proximity to the parking garage.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

**6. Rezoning & Conservation Overlay
Zone Development**

**6. (a) 2019-0126 – Ellen Avery-Smith –
Applicant**

**SA Marina Holdings, LLC, Seavin, Inc. –
Owners**

**Sebastian Harbor Dr – PIDs 203350-0000,
203350- 0010, 203350-0030, 203470-0000**

To amend the Sebastian Inland Harbor PUD (Ord. 2007-14 & Ord. 2016-15) to allow for a maximum of 165 multi-family apartment units, a maximum of 167 hotel units, a maximum of 27,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approx. 24,060 square feet of commercial space). To approve a 65-slip marina within Conservation Overlay Zone 1. To approve the construction of multi-family housing, retail/ commercial space, and a hotel within Conservation Overlay Zone 2.

Mr. Doty read the staff report and said staff does not make recommendations concerning the rezoning of land.

Ellen Avery-Smith, Doug Skiles, and Jeremy Marquis, reviewed the application with a presentation.³

The Board provided their ex parte communications.

43 certified notices were sent, 1 was returned in favor. Additional e-mails received were provided with the original packet.

Public hearing was opened.

² Recess from 3:46p.m. to 4:03p.m.

³ Attached to original minutes

Gail Wisler requested that the plan be scaled back to help maintain quality of life.

Bruce McGuire noted that benefits presented by the applicant were previously approved. He noted parking and traffic concerns. He observed that existing winery operations on the property overfilled the proposed parking for the use.

Lauren Giber spoke against the application citing parking, traffic, emergency services response, and quality-of-life concerns.

Van Cogley asked for clarification regarding the multi-family apartment units and voiced his concern for how they would be rented and whether they could be short-term rental units.

Tom Day noted the density and size of the project, but added that such density may be necessary to make a profit. He stated the property was too viable to not be developed, but heavy consideration should be given to what was put there. He also voiced concern for the loss of shrimping industry history along the San Sebastian River.

Robin Lahiri spoke in favor of the application. He felt there were infrastructure issues and concerns that needed to be mitigated. He felt that workforce housing was a necessity for the City's quality of life. He noted the increasing tourism demand in the City and the necessity for the City to consider that strain on the infrastructure.

B.J. Kalaidi asked for clarification regarding the CRA and whether legal action from the owners of the winery had been settled. She voiced concern with parking enforcement and spoke against the application as being too dense and not created for the workforce.

Public hearing was closed.

Ms. Avery-Smith responded to public comment noting that the project had been approved as a PUD since 2004 and the proposed modification decreased the density

and thus reduced traffic from what was previously approved. She added that parking was required to meet City Code, and the request for a reduction was for shared parking. She added that the property had been filled for years and did not maintain any wetlands. She advised that some of the public benefits had been modified and added-upon.

The Board discussed:

- Clarification that the PUD language did not include a maximum impervious surface ratio; however, the maximum lot coverage by buildings was set at 75% of the property and the project included approximately 5 acres of open space
- Stormwater attenuation would be handled on-property, would include run-off from Sebastian Harbor Drive, maintain stormwater treatment from the existing police department site, and meet all city and state requirements
- On-street parking for the businesses on the property needed to be clearly stated in the PUD Narrative
- No toxic soil needed to be removed from the site
- Proposed underground utilities
- Water and sewer fees for the project for capacity upgrade to the City did not include the cost of constructing utilities on the site
- Clarification from Charles Cox regarding use of the European Market which would include an open space with various vendors
- Short-term rentals would be allowed on the property
- Changes made in response to previous Board comments were improvements to the project
- Clarification that improvements along Sebastian Harbor Drive would be done by the applicant and the city through potential cost-share agreements

- Parking requirements for the proposed uses
- Existing marina would remain unchanged with the exception of beautification and would be maintained by the applicant
- History of the project with a concept that had not substantially changed since the early 2000s
- Board concern with changes to the lot coverage in response to Comprehensive Plan changes which provided maximum flexibility but may cause too much impervious surface area
- Complete streetscape with recommendation to widen the street
- Desire for design review for portions of the project visible from the street that were not already under the jurisdiction of a design review board
- Protection of neighboring properties from storm water during and after construction
- Concern for short-term rental usage on the property competing with residents who rely on vacation rental income
- Existing tour trolley stop would be maintained
- Riverwalk would be mainly pedestrian with multimodal traffic allowed on Sebastian Harbor Drive
- Clarification regarding bicycle parking/storage, with possibility of secure bicycle storage in the parking garage

MOTION

MOVED to RECOMMEND APPROVAL of application 2019-0126 to the City Commission with the following

considerations for concerns addressed by the Board:

- Whether the 30 metered spots would be included in the total parking requirement for uses on the property
- The 50% versus 75% change in lot coverage as updated in the Comprehensive Plan and its effect on the property
- Short-term rentals as allowed and the difference between individually owned condos versus apartments
- Width of the street for a complete streetscape on Sebastian Harbor Drive
- Articulation of design for architectural review partially including the garage and its view from the entry corridor along King Street
- Emphasis on bicycle and multi-modal transportation

Jon DePreter, Chairperson

The motion was **SECONDED** by Mr. DePreter

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Other Business

7. (a) Review and Adoption of 2021 hearing dates

The Board did not indicate any conflicts regarding the proposed schedule.

8. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 6:15 P.M.⁴

⁴ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **VARIANCE #2021-0005**

AGENDA ITEM 4(a)

APPLICANT Don Crichlow
c/o Don Crichlow & Assoc.

OWNER 91 Oneida, LLC

LOCATION 93 Oneida St / PIN 208010-0000

REQUEST To approve a variance to the required front and side yard setbacks within Residential, Single family-two (RS-2) zoning district.

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

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

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

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

(b) Variances:

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

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

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

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

Sec. 28-1119. – 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:

(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.

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

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

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

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the front and side yard setbacks. There is an existing home (c. 1910) on site that sits within both the front and side yard setbacks. This request seeks to reduce the front yard setback encroachment by 3' 10", which will result in a reduction of the nonconformity in the front yard setback. The side yard setback is proposed to be maintained, just shifted back along the existing setback. Please reference the site plan, attachment 2, for the proposed site configuration. In summary, this request is to allow an existing building footprint to be shifted back 3' 10". This item was reviewed and approved by HARB on January 21, 2021.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Existing	Proposed
Front Yard	15'	2'6"	6'4"
Side Yard	4'*	2'9"	2'9"

*- LDC Sec. 28-119 - nonconforming to lot width allows a min. 4' setback.

Staff interpretation of findings of fact in *italics*.

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

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

Staff believes there is a singular disadvantage in this situation. The structure is located on a 30' wide lot and was constructed well before any established zoning regulations.

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

The owner is requesting this change to relocate the existing structure on site, the owner could leave the structure in it's current location, the single family home could be renovated in its current location to make reasonable use of the property.

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

This property has existing in this form for well over a century and as such, the applicant did not create the disadvantage.

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

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the overall minimal change to the site. The spirit, intent, and purpose of the zoning district (RS-2) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports low density residential use.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required front and side yard setbacks in Residential, single-family-two (RS-2) zoning at **93 Oneida St / PIN 208010-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Attachment 3 -1975 Plat Map

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

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JAN 07 2021

Planning / Building Dept.

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0005
Receipt Number: 2025390 Meeting Date: FEB. 2, 2021
Advertising Costs: \$ H 300 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Don Crichlow Contact Number: 904 377-0913
Business (if applicable): Don Crichlow and Associates
Address: 302 St. George St. City: St. Augustine State: FL Zip: 32084
E-Mail Address: crichlow@comcast.net

2. NAME OF PROPERTY OWNER: 91 Oneida, LLC Contact Number: 386 527-6365
Business (if applicable): _____
Address: 511 South Ridgewood Ave, Suite 201 City: Port Orange State: FL Zip: 32127
E-Mail Address: aclark@goallaboard.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 6 Block: J
Subdivision: Dumas Tract Parcel Number: 2080100000

4. PROJECT STREET ADDRESS: 93 Oneida St.

5. SPECIFIC PROPOSED USE: Residential

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

7. DESCRIPTION OF ACTION REQUESTED: Approval is requested to move the existing residence back from the street 3'10". This will align it with the front of 95 Oneida St. and give it a little space between the street and the house and provide for a more typical streetscape. The side yard setbacks will remain the same.

8. JUSTIFICATION FOR ACTION REQUESTED: Although the front yard setback will still be less than the allowable 15 ft., it will align it with the adjacent residences and provide a buffer between the street and the residence. This will be more in keeping with the typical streetscape on Oneida St.

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

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

The lot at 93 Onelda St. is non-conforming in area (2030 s.f.), width (29 ft.), side yard setbacks (2.8 ft. north and 0 ft. south) and front yard setback (.2 ft.). At 27.7 % lot coverage it is just under the allowable of 30%. This creates a unique disadvantage.

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Because of the lot size, setbacks and lot coverage restrictions the property is at a serious disadvantage for reasonable use of the property.

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The property was purchased by the owner in 2019 and the the non-conformities pre-existed at that time.

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: The requested variance will provide a more typical setback and along with the proposed renovations become an asset to the neighborhood.

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.

Donald A. Cricklaw
Signature of Applicant

1/5/21
Date

D. Andrew Clark
Signature of Property Owner D. ANDREW CLARK, MANAGER

1-5-2021
Date

04/18/2019



Owner's Authorization For Agent

RONALD A. CRICHTON is/are hereby authorized TO ACT ON BEHALF OF 91 ONEIDA, LLC, the owner(s) of those lands described within ☐ the attached application, or ☒ described within the previously filed Application number: 2021-0005, 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: 93-95 ONEIDA ST., ST. AUGUSTINE, FL

BY: 91 ONEIDA, LLC
[Signature]
Signature of Owner
D. ANDREW CLARK, manager
Print Name of Owner
386-527-6365
Telephone Number

State of FLORIDA

County of VOLUSIA

Signed and sworn before me on this 15 day of JANUARY, 2021.

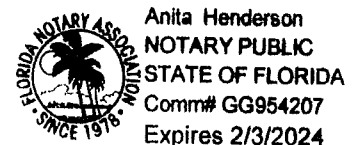
By D. ANDREW CLARK

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: Anita Henderson

My Commission expires: 2/03/2024



Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

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

2019 TRIM Notice

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

Summary

Parcel ID 2080100000
Location Address 93 ONEIDA ST
95 ONEIDA ST
SAINT AUGUSTINE 32084-0000
Neighborhood Dumas Tract with part City St Aug (622)
Tax Description* DUMAS TRACT CITY LOTS 6 & 7 BLK J DB205/567 & OR5005/1669
*The Description above is not to be used on legal documents.
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision Dumas Tract
Sec/Twp/Rng 19-7-30
District City of St Augustine (District 452)
Millage Rate 19.4926
Acreage 0.130
Homestead N

Owner Information

Owner Name 91 Oneida LLC Etal 100%
Mailing Address 5111 S RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127-0000

Map



Valuation Information

	2021
Building Value	\$18,917
Extra Features Value	\$0
Total Land Value	\$162,864
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$181,781
Total Deferred	\$0
Assessed Value	\$181,781
Total Exemptions	\$0
Taxable Value	\$181,781

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
2020	\$18,917	\$0	\$162,864	\$0	\$0	\$181,781	\$143,861	\$37,920	\$143,861
2019	\$15,379	\$0	\$162,864	\$0	\$0	\$178,243	\$130,783	\$47,460	\$130,783
2018	\$15,073	\$0	\$150,336	\$0	\$0	\$165,409	\$118,894	\$46,515	\$118,894
2017	\$15,073	\$297	\$135,302	\$0	\$0	\$150,672	\$108,085	\$42,587	\$108,085
2016	\$15,073	\$297	\$117,450	\$0	\$0	\$132,820	\$98,259	\$34,561	\$98,259
2015	\$12,927	\$297	\$93,960	\$0	\$0	\$107,184	\$89,326	\$17,858	\$89,326
2014	\$15,271	\$297	\$75,168	\$0	\$0	\$90,736	\$81,205	\$9,531	\$81,205
2013	\$15,271	\$297	\$58,255	\$0	\$0	\$73,823	\$73,823	\$0	\$73,823
2012	\$30,541	\$297	\$50,738	\$0	\$0	\$81,576	\$81,576	\$0	\$81,576
2011	\$30,541	\$297	\$56,376	\$0	\$0	\$87,214	\$87,214	\$0	\$87,214
2010	\$30,541	\$297	\$62,640	\$0	\$0	\$93,478	\$93,478	\$0	\$93,478

Building Information

Building 1
Actual Area 1684
Conditioned Area 1456
Actual Year Built 1910
Use Single Family Residence
Style 01
Class N
Exterior Wall Aluminum Vinyl
Roof Structure Gable Hip

Roof Structure Gable Hip
Roof Cover Composite Shingle
Interior Flooring Carpet, Pine Wood
Interior Wall Drywall
Heating Type Forced Air
Air Conditioning None
Bedrooms 0
Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	50%
Interior Flooring	Pine Wood	50%
Heating Type	Forced Air	100%
Air Conditioning	None	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	836	836
FINISHED OPEN PORCH	0	108
FINISHED OPEN PORCH	0	60
POINTER	0	0
FINISHED UPPER STORY	620	620
FINISHED OPEN PORCH	0	60
Total SqFt	1456	1684

Building 2
Actual Area 641
Conditioned Area 546
Actual Year Built 1910
Use Single Family Residence
Style 01
Class N
Exterior Wall Wood
Roof Structure Gable Hip

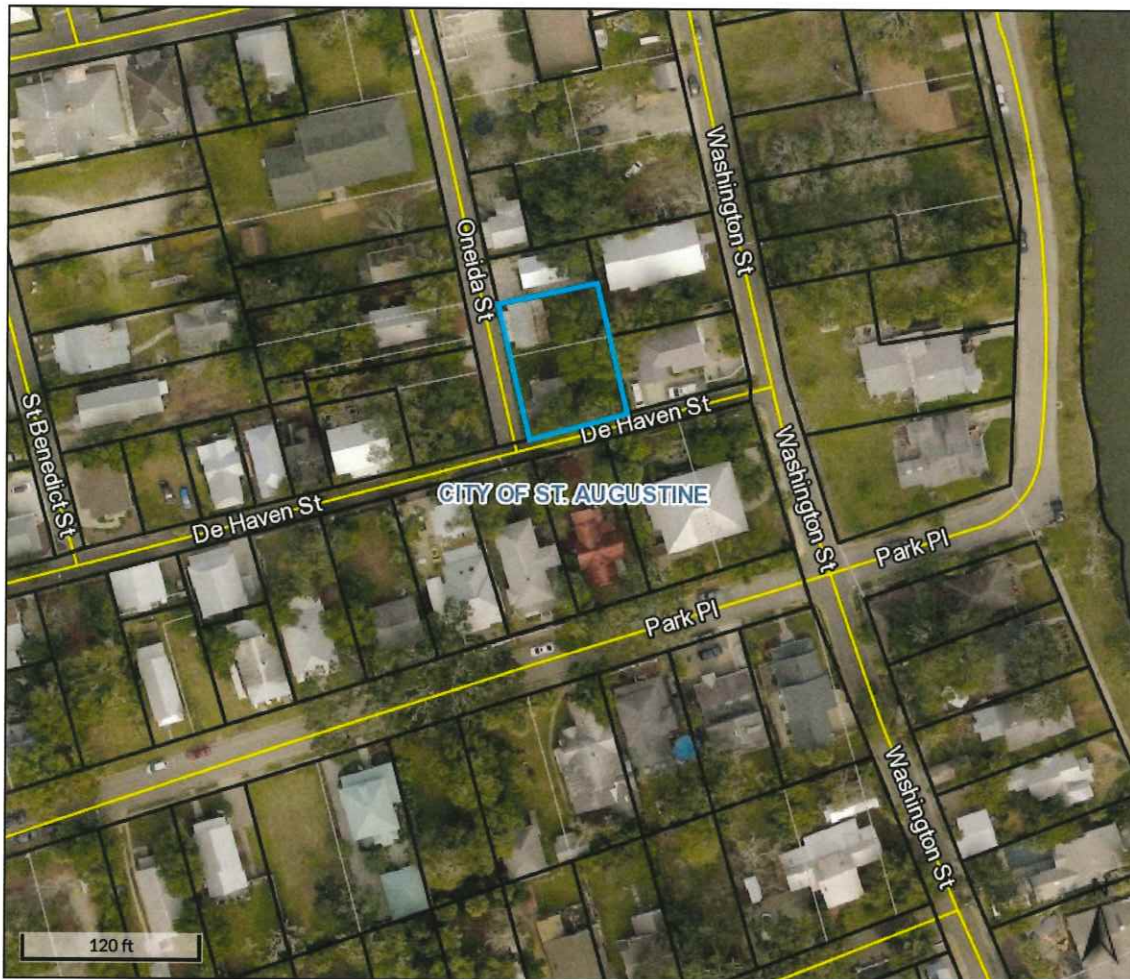
Roof Structure Gable Hip
Roof Cover Metal
Interior Flooring Pine Wood
Interior Wall Drywall
Heating Type Forced Air
Air Conditioning None
Bedrooms 0
Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Forced Air	100%
Air Conditioning	None	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
POINTER	0	0
FINISHED OPEN PORCH	0	95
BASE AREA	546	546
Total SqFt	546	641

Extra Feature Information

Code	Description	BLD	Length	Width	Height	Units
	Residential Fence	0	0	0	0	324



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2080100000	Physical Address	95 ONEIDA ST SAINT AUGUSTINE	Building Value	\$18,917	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	PETERSON ANTHONY	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	5111 S RIDGEWOOD AVE STE 201 PORT ORANGE FL 32127-0000	Total Land Value	\$162,864	7/30/2020	\$271000	16	U
Acres	0.13			Just Value	\$181,781	7/13/2020	\$125000	16	U
				Total	N/A				
				Deferred Assessed Value	\$181,781				
				Total	N/A				
				Exemptions					
				Taxable Value	\$181,781				

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

Date created: 1/8/2021

Last Data Uploaded: 1/8/2021 12:21:55 AM

Developed by Schneider
GEOSPATIAL

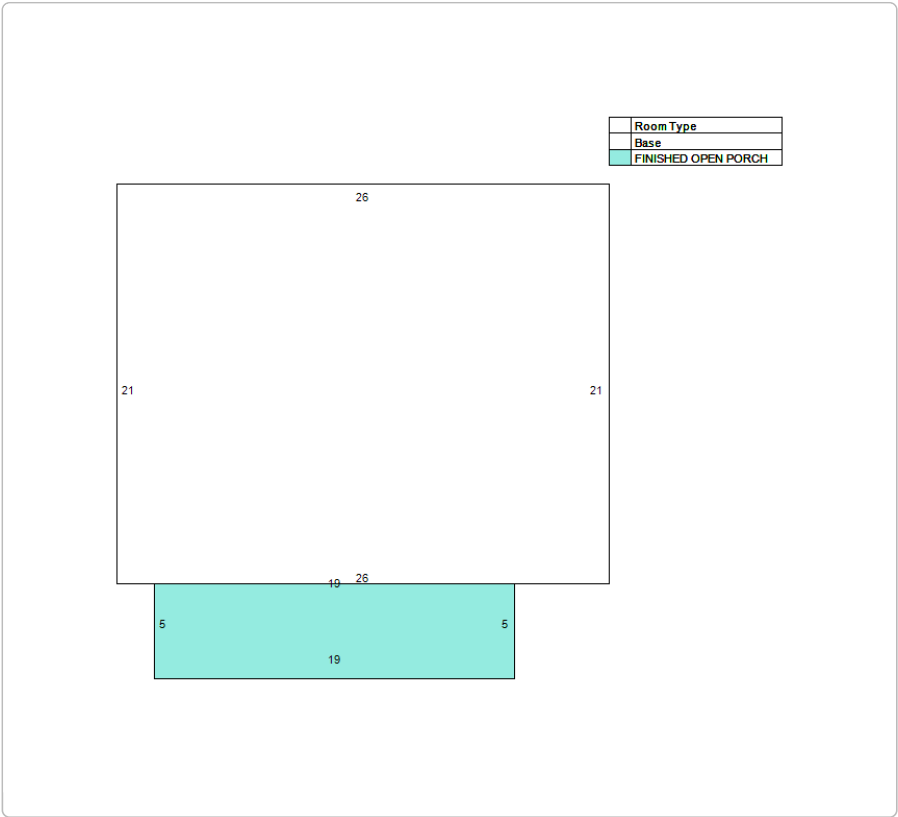
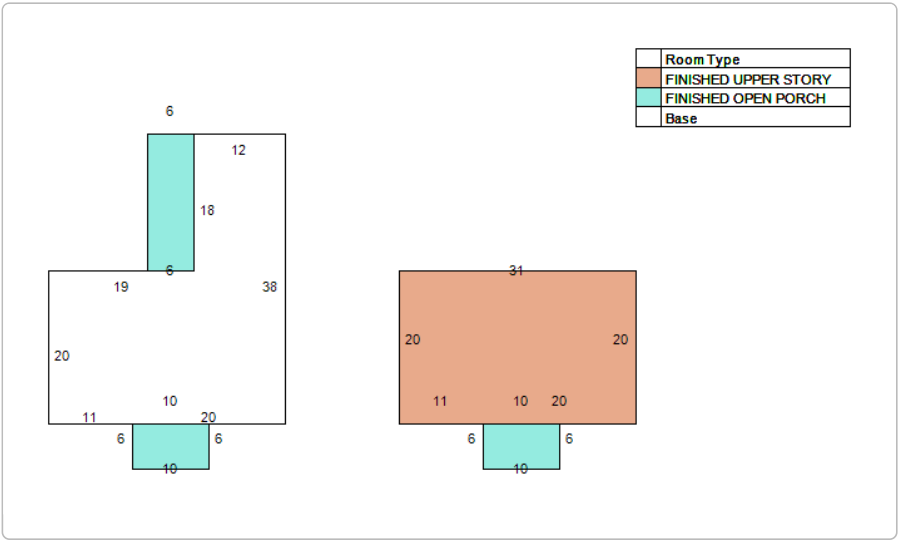
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	72	90	72	EF	\$162,864

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/4/2020	7/30/2020	\$271,000.00	WARRANTY DEED	5005	1669	Q	I	DIRECTO HOME BUYER 1 INC	91 ONEIDA LLC
7/17/2020	7/13/2020	\$125,000.00	WARRANTY DEED	4992	892	Q	I	DAVENPORT PRISCILLA ET AL	DIRECTO HOME BUYER 1 INC
3/23/2020	3/21/2020	\$0.00	SUMMARY ORDER ADMIN	4907	1859	U	I	PETERSON BARBARA ESTATE	WILLIAMS JAMES
9/20/1993	3/31/1992	\$100.00	PERSONAL REP	1011	1689	U	I	MARS LYNWOOD ESTATE	DAVENPORT PRISCILLA ET AL

Sketch Information



No data available for the following modules: Exemption Information.



93 ONEIDA ST.



93 ONEIDA ST.

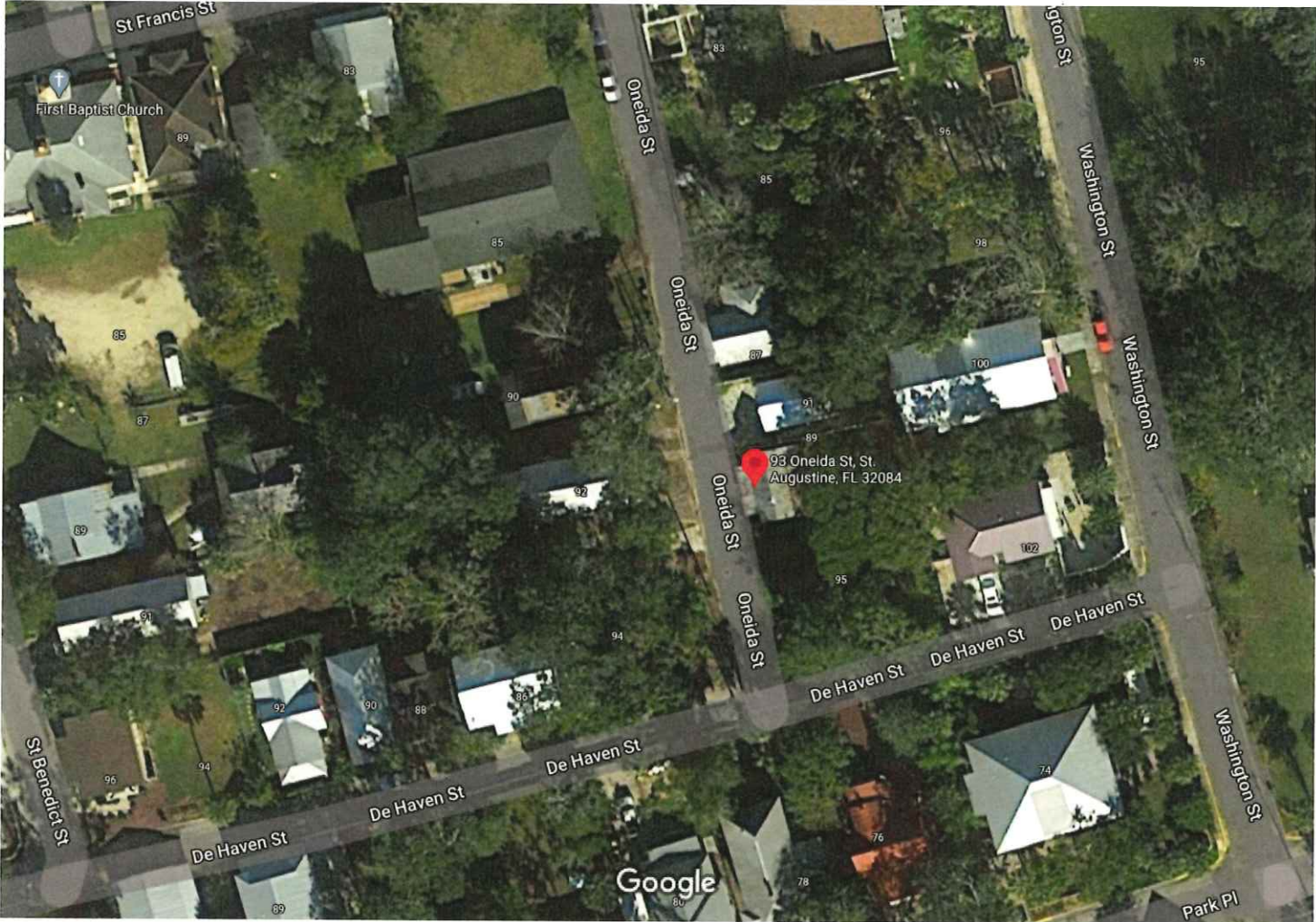


93 ONEIDA ST.



93 ONEIDA ST.

Google Maps 93 Oneida St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google 20 ft



93 Oneida St
St. Augustine, FL 32084

- 
Directions
- 
Save
- 
Nearby
- 
Send to your
phone
- 
Share

Detail by Entity Name

Florida Limited Liability Company

91 ONEIDA LLC

Filing Information

Document Number	L20000143256
FEI/EIN Number	NONE
Date Filed	05/26/2020
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	08/03/2020
Event Effective Date	NONE

Principal Address

5111 S. RIDGEWOOD AVENUE SUITE 201
PORT ORANGE, FL 32127

Mailing Address

5111 S. RIDGEWOOD AVENUE SUITE 201
PORT ORANGE, FL 32127 AX

Registered Agent Name & Address

CLARK, DOUGLAS A
5111 S RIDGEWOOD AVENUE
SUITE 201
PORT ORANGE, FL 32127

Name Changed: 08/03/2020

Authorized Person(s) Detail

Name & Address

Title AMBR

CLARK, MOLLIE J
5111 S RIDGEWOOD AVENUE SUITE 201
PORT ORANGE, FL 32127

Annual Reports

No Annual Reports Filed

Document Images

[08/03/2020 -- LC Amendment](#)

[View image in PDF format](#)

[05/26/2020 -- Florida Limited Liability](#)

[View image in PDF format](#)

Attachment 2

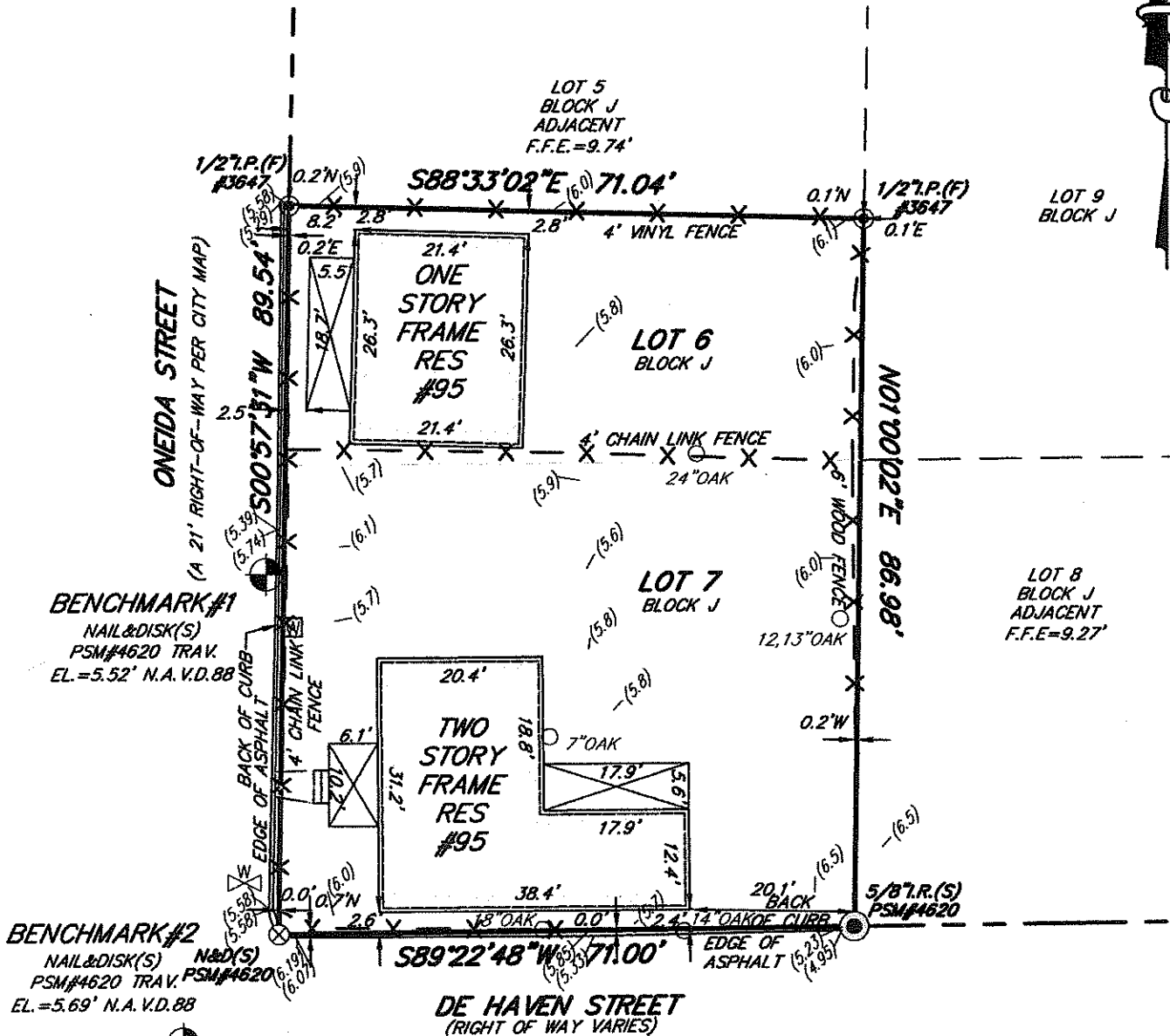
Survey & Site Plan

mm width 50'
 " area 3450"
 30% lot coverage
 15' front
 10' side
 10' rear

MAP SHOWING SURVEY OF

LOTS 6 AND 7, BLOCK J, DUMAS TRACT, ACCORDING TO THE OFFICIAL MAP OF
 THE CITY OF ST. AUGUSTINE ON FILE IN THE OFFICE OF THE CLERK OF THE
 CIRCUIT COURT, ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
 91 ONEIDA LLC
 DUANE C. ROMANELLO, P.A.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



LEGEND

A/C - AIR CONDITIONER PAD
 ID. - IDENTIFICATION
 N.A. V.D. - NORTH AMERICAN VERTICAL DATUM
 sq. ft. - SQUARE FEET
 I.P.(F) - IRON PIPE FOUND
 I.R.(F) - IRON ROD FOUND
 I.R.(S) - 5/8" IRON ROD SET (PSM #4620)

RES. - RESIDENCE
 C - CENTERLINE
 + - DENOTES NOT TO SCALE
 W - WATER METER
 [] - EXPOSED CONCRETE
 [] - COVERED AREA
 (W) - WELL
 [X] - WATER VALVE
 O - TREE

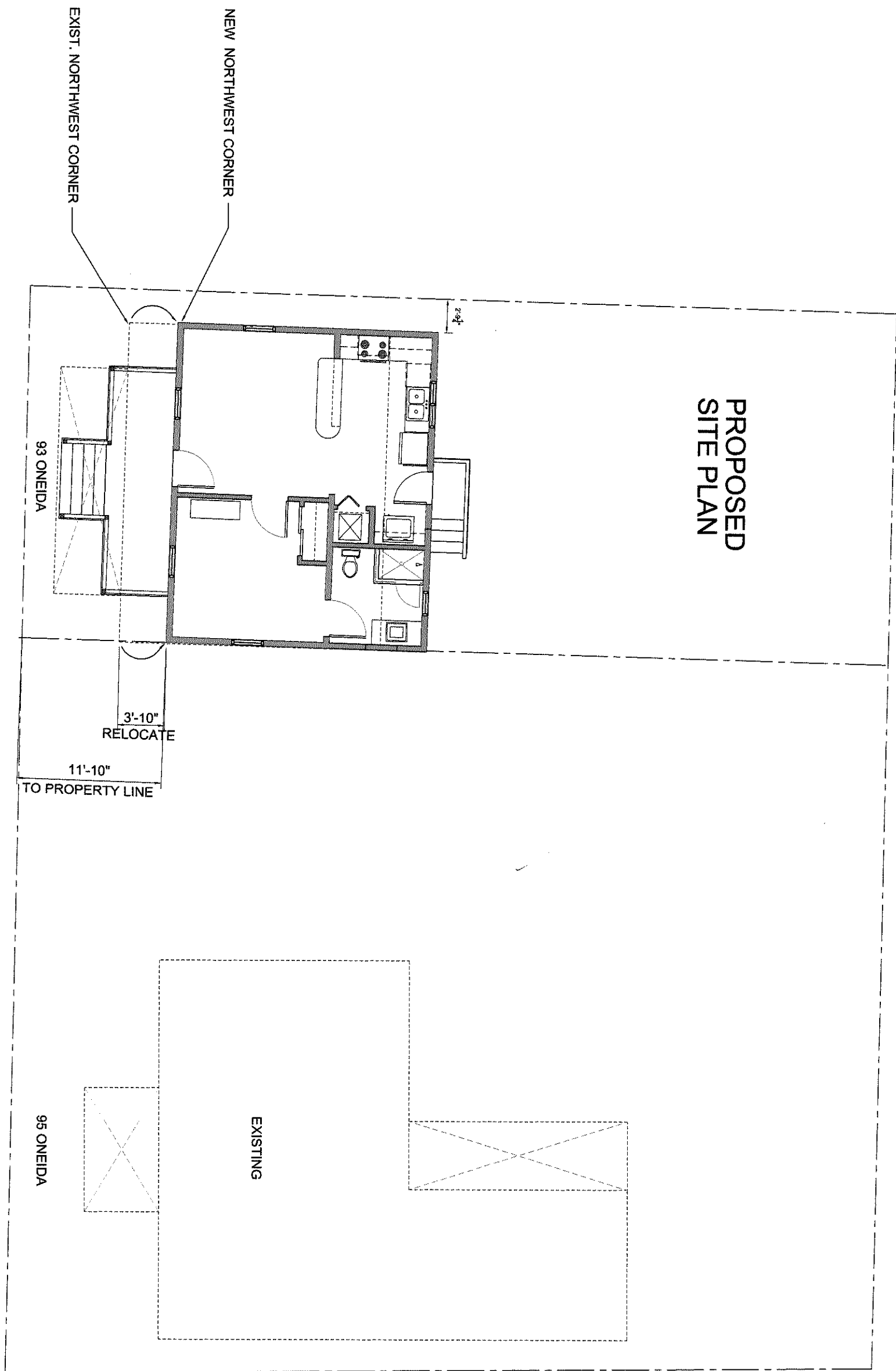
AREA = 0.14 ± ACRES
 OR 6,263 ± sq. ft.

GRAPHIC SCALE



1"=20'

PROPOSED SITE PLAN



PROPOSED
SITE PLAN - RESIDENCE
1/4"=1'-0"
NORTH

ONEIDA STREET

DE HAVEN STREET

REGISTRATION SEAL

SHEET
A3

ARCHITECT
DON CRICHLAW & ASSOCIATES
302 1/2 ST. GEORGE STREET
ST. AUGUSTINE, FL 32084
PH. (904) 824-5785

EXISTING RESIDENCE
93 ONEIDA STREET
ST. AUGUSTINE
FLORIDA, 32084

PROPOSED
SITE PLAN

DRAWN BY:
N. GOLDBERGER
SCALE: AS NOTED
DATE: 15 DEC 2020

WE HEREBY EXPRESSLY RESERVE THE
PROPERTY RIGHTS TO THIS DRAWING AND
IT IS NOT TO BE REPRODUCED, COPIED
IN ANY FORMAT OR MANNER WHATSOEVER
WITHOUT FIRST OBTAINING OUR EXPRESS
WRITTEN PERMISSION AND CONSENT...



Attachment 3
City Plat Map

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **USE BY EXCEPTION # 2021-0001**

AGENDA ITEM 5(a)

APPLICANT Jeremiah Mulligan
c/o Coquina Law Group, PA

OWNER Elite Hospitality LLC

LOCATION N Ponce de Leon Blvd / PIN 190200-0000

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

LAND USE Commercial Medium Intensity

ZONING Commercial, Medium-two (CM-2)

SURROUNDING USES Single-family residential, Vacant commercial

APPLICABLE CODES/ORDINANCES

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

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

(a) Zoning exceptions:

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

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

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

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

General Zoning Standards:

Complete zoning information is included as attachment 3.

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

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

- (3) *Permissible uses by exception.*
k. Uses and Structures as for RG-1 (section 28-163)

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

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

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

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a use by exception to construct a single-family home within Commercial Medium two (CM-2) zoning. The subject property is a platted lot of record in the 1975 City plat maps (attachment 4). The zoning requirements for single family home in CM-2 are prescribed in the RG-1 zoning standards. The subject property is located within the commercial corridor along US Highway 1 and abuts an area that is predominantly residential with a mix of zoning districts in the immediate areas, including Residential General One (RG-1) and Commercial Low-two (CL-2) zoning districts. The property is adjacent to single family homes to the east, and vacant commercial to the north and south, with a restaurant west (across US 1) from this parcel. A single-family home at this location is consistent with the surrounding uses and would provide a lower impact to adjacent residential properties, however, it would place a single family home along a heavily trafficked commercial corridor. The anticipated impacts of the proposed use would be compatible with adjacent properties and provide a viable use of the site while preserving the overall characteristics of the immediate area.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for a single family home, per RG-1, at **N Ponce de Leon Blvd / PIN 190200-0000**.

Attachments

Attachment 1 – Application & Supporting Information
Attachment 2 – Survey
Attachment 3 – CM-2 & RG-1 Zoning Standards
Attachment 4 – 1975 City Plat Map of Lot 3

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

Attachment 1

Application & Supporting Information

Received 12/09/20 TMW
via email



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: _____
Receipt Number: 2001935 Meeting Date: Feb. 2, 2021
Advertising Costs: \$ 44.55 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jeremiah Mulligan Contact Number: 904-810-1025
Business (if applicable): Coquina Law Group, P.A.
Address: 24 Cathedral Pl., Ste 502 City: St. Augustine State: FL Zip: 32084
E-Mail Address: jeremiah@coquinlawgroup.com

2. NAME OF PROPERTY OWNER: Elite Hospitality, LLC Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 3 Block: 9
Subdivision: Garnett Addition Parcel Number: 190200-0000

4. PROJECT STREET ADDRESS: N. Ponce de Leon

5. SPECIFIC PROPOSED USE: Residential

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

7. DESCRIPTION OF ACTION REQUESTED: The property is zoned CM-2, and the applicant would like to build a single family home on the property.

8. JUSTIFICATION FOR ACTION REQUESTED: The parcel is located in a neighborhood with other single family residences and this would be the highest and best use of the parcel

04/18/2019

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

Signature of Applicant

12/9/2020

Date

Signature of Property Owner

12/17/20

Date

04/18/2019



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

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

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

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

Jeremiah Mulligan
Print name of applicant

[Signature]
Signature of applicant

11/13/20
Date



Owner's Authorization For Agent

Jeremiah Mulligan is/are hereby authorized TO ACT ON BEHALF
OF Elite Hospitality, LLC, 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:
N. Ponce de Leon Blvd.

BY: [Signature]
Signature of Owner
Manoj Bhoolia
Print Name of Owner
386 258 2577
Telephone Number

State of Florida

County of Volusia

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

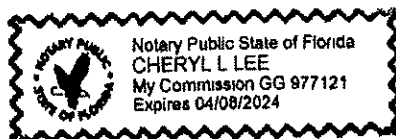
By Manoj Bhoolia

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: 04/08/2024





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

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

2019 TRIM Notice

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

Summary

Parcel ID 1902000000
 Location Address N PONCE DE LEON BLVD
 SAINT AUGUSTINE 32084-0000
 Neighborhood Ponce Boulevard North (COM) (681.01)
 Tax Description* GARNETT ADDN ALL LOT 3 BLK 9 (EX E10FT & R/W RD 5) OR493/469 & 493/475 (Q/C) &4181/360(Q/C)
**The Description above is not to be used on legal documents.*
 Property Use Code Vacant Commercial (1000)
 Subdivision Garnett Division, Plan Of
 Sec/Twp/Rng 7-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.4926
 Acreage 0.080
 Homestead N

Owner Information

Owner Name [Elite Hospitality LLC](#) 100%
 Mailing Address 45 SETON TRAIL
 ORMOND BEACH, FL 32176-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$36,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$36,000
Total Deferred	\$63
Assessed Value	\$35,937
Total Exemptions	\$0
Taxable Value	\$35,937

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
2020	\$0	\$0	\$36,000	\$0	\$0	\$36,000	\$32,670	\$3,330	\$32,670
2019	\$0	\$0	\$36,000	\$0	\$0	\$36,000	\$29,700	\$6,300	\$29,700
2018	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2017	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2016	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2015	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2014	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2013	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2012	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2011	\$0	\$0	\$30,600	\$0	\$0	\$30,600	\$30,600	\$0	\$30,600
2010	\$0	\$0	\$34,200	\$0	\$0	\$34,200	\$34,200	\$0	\$34,200

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	40	90	3600	SF	\$36,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/22/2016	4/22/2016	\$100.00	QUIT CLAIM DEED	4181	360	U	V	NINE-T-GOLD ASSOCIATES LTD	ELITE HOSPITALITY LLC
	5/1/1981	\$0.00		493	475	U	V		NINE-T-GOLD ASSOCIATES LTD
	5/1/1981	\$925,000.00		493	469	Q	V		

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

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

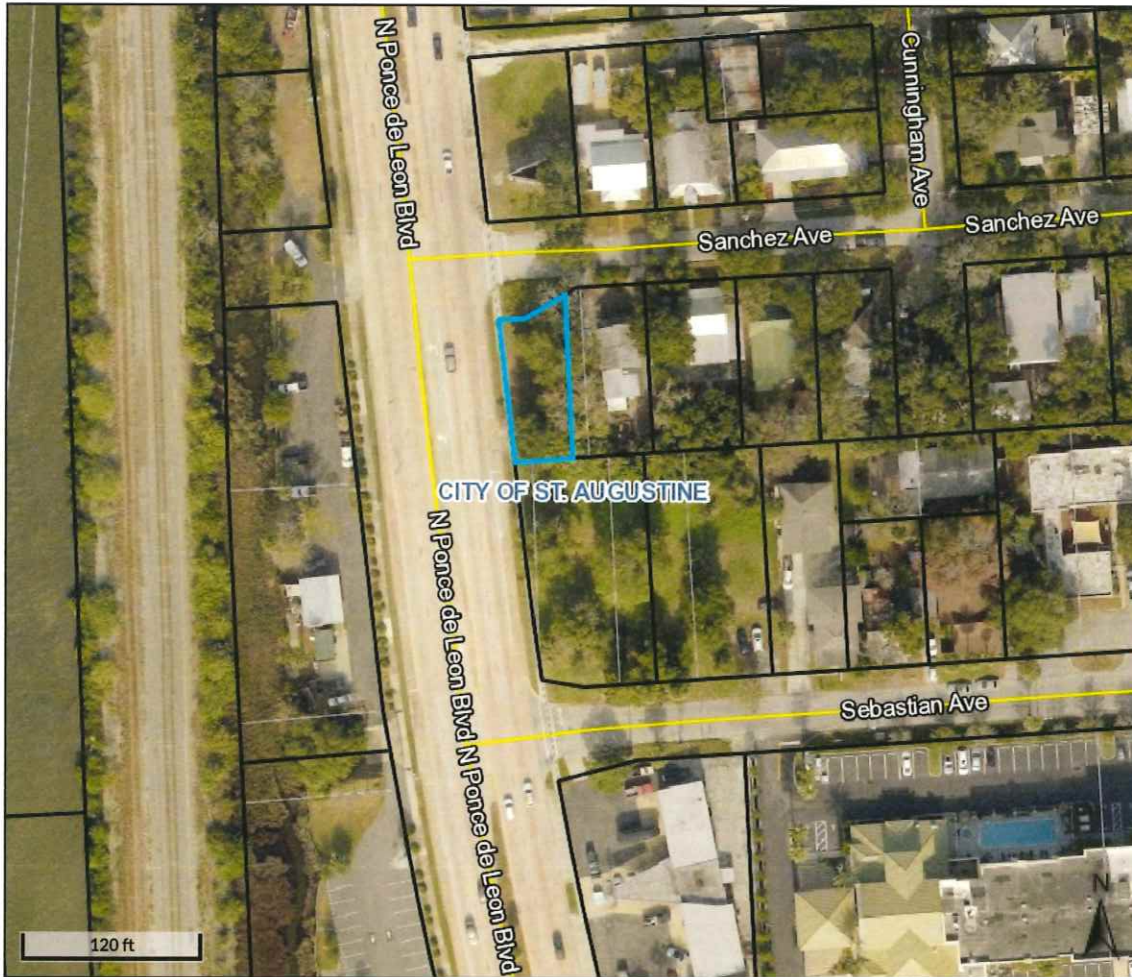
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Version 2.3.100

Developed by

Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1902000000	Physical	N PONCE DE LEON BLVD	Building Value	N/A	Last 2 Sales			
Property	1000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Commercial	Mailing	ELITE HOSPITALITY LLC	Value		5/1/1981	\$925000	05	Q
Taxing	City of St Augustine	Address	45 SETON TRAIL	Total Land Value	\$36,000	n/a	0	n/a	n/a
District			ORMOND BEACH FL	Just Value	\$36,000				
Acres	0.08		32176-0000	Total Deferred	\$63				
				Assessed Value	\$35,937				
				Total	N/A				
				Exemptions					
				Taxable Value	\$35,937				

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

Date created: 1/6/2021

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Developed by Schneider
GEOSPATIAL

Prepared Without Opinion of Title By:
John L. Whiteman, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, Florida 32080

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made and executed as of the 22nd day of April, 2016, by Farid Ashdji, the sole surviving general partner, of **NINE-T-GOLD ASSOCIATES, LTD.**, a dissolved Florida limited partnership, whose mailing address is 1111 Ponce de Leon Blvd., St. Augustine, FL 32084 ("**Grantor**") to **Elite Hospitality, LLC**, a Florida limited liability company ("**Grantee**"), whose mailing address is 45 Seton Trail, Ormond Beach, Florida 32176. This Quit Claim Deed is made pursuant to F.S. §620.1803, to wind up the affairs and activities of the partnership.

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, quit claims, remises, releases and transfers unto Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, all right, title, interest, claim and demand that Grantor has in and to the following described property:

Parcel 1:

All of Lot 3, lying east of U.S. Highway No. 1, in Block 6 of Garnett's Subdivision of the City of St. Augustine, Florida, according to the Official Map of said City dated January 1, 1905, filed in the Office of the Clerk of the Circuit Court of St. Johns County, Florida. Parcel ID #189970-0000.

Parcel 2:

In the City of St. Augustine, beginning at the intersection of the West right-of-way line of U.S. Highway No. 1 as now established, and the north line of Dismukes Street, a vacated street, thence run North 21° 30' West 112 feet along the West line of said U.S. Highway No. 1 to an iron pipe, thence run South 89° 11' West 79.15 feet to an iron pipe on the East line of the Florida East Coast Railway Company right of way, thence run South 25° 45' East along the East line of said Florida East Coast Railway Company right of way 116.8 feet to an iron pipe on the North line of said Dismukes Street, thence run North 88° 20' East 69.7 feet along the North line of said Dismukes Street to an iron pipe on the West line of said U. S. Highway No. 1 and the point of beginning. Together with the North half of Dismukes Street lying adjacent to the foregoing described land, which street was vacated by Ordinance Number 92-A of the City of St. Augustine, Florida on June 9, 1958. Parcel ID #156880-0000.

Parcel 3:

Lot 2 of Block A of Fort Moosa Gardens, according to the plat recorded in Map Book 3, page 71, of the public records of St. Johns County, Florida, excepting therefrom the right of way for U.S. Highway No. 1 conveyed to the State of Florida in that deed recorded in Deed Book 210, page 189 of the public records of St. Johns County, Florida. Parcel ID #149640-0000.

Parcel 4:

All of Lot 3, except the East 10 feet, of Block 9, Garnett Addition, City of St. Augustine, Florida, according to the map thereof filed in the Office of the Clerk of the Circuit Court for St. Johns County, Florida, and except that part conveyed to the State of Florida by Warranty Deed recorded in Deed Book 209, page 78 of the public records of St. Johns County, Florida. Parcel ID #190200-0000.

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto, and all improvements now located on said property, if any;

TO HAVE AND TO HOLD the same forever.

GRANTOR has duly executed this instrument as of the day and year first written above.

Signed in the presence of these witnesses:

Witness: [Signature]
Print Name: John L. Whiteman

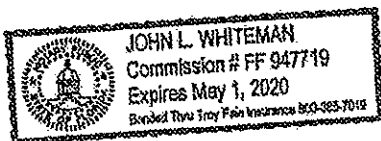
Witness: [Signature]
Print Name: Morris F. McEvoy IV

NINE-T-GOLD ASSOCIATES, LTD., a
dissolved Florida limited partnership

By: [Signature]
Farid Ashdji

STATE OF FLORIDA)
) ss.
COUNTY OF ST. JOHNS)

The foregoing instrument was acknowledged before me this 22nd day of April, 2016, by Farid Ashdji, the sole surviving general partner of NINE-T-GOLD ASSOCIATES, LTD, a dissolved Florida limited partnership, on behalf of the partnership. He is personally known to me or produced a valid Florida Driver's License as identification.



[Signature]
NOTARY PUBLIC
State of _____
Name: _____
Commission No: _____
Expiration: _____

[NOTARY SEAL]

Attachment 2

Survey

PARCEL 4 MAP OF BOUNDARY SURVEY

All of Lot 3, except the East 10 feet, of Block 9, Garnett Addition, City of St. Augustine, Florida, according to the map thereof filed in the Office of the Clerk of the Circuit Court for St. Johns County, Florida, and except that part conveyed to the State of Florida by Warranty Deed recorded in Deed Book 209, page 78 of the public records of St. Johns County, Florida.

- SURVEYOR'S NOTES:
1. THIS IS A BOUNDARY SURVEY ONLY.
 2. NO UNDERGROUND UTILITIES, IMPROVEMENTS OR INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 3. THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP. UNLESS OTHERWISE NOTED, ANY PORTION OF THE SUBJECT PARCEL THAT MAY OR MAY NOT BE DEEMED AS WETLANDS BY THE APPROPRIATE STATE OR OTHER GOVERNING AGENCIES, HAS NOT BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
 4. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 5. FOR BUILDING SETBACKS CALL THE BUILDING CODES ENFORCEMENT OFFICE OF SAID COUNTY.
 6. USE OF THIS SURVEY FOR PURPOSES OTHER THAN THAT WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE THE SURVEY WAS PREPARED FOR.
 7. UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN HAVE BEEN CALCULATED FROM A CLOSED FIELD TRAVERSE OR DIRECT FIELD MEASUREMENT.

FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM	
COMMUNITY PANEL NO.	125147 0314 J
ZONE X & AE (G)	DATED 12-07-2018



- LEGEND
- FOUND 1/2" IRON ROD
 - SET 1/2" IRON ROD LB 8100
 - (P) PLAT
 - (M) MEASURED
 - ID. IDENTIFICATION
 - D.B. DEED BOOK
 - P.G. PAGE
 - CB CATCH BASIN
 - 4"x4" CONCRETE MONUMENT
 - RM RIGHT OF WAY
 - (R) RECORD
 - CO POWER POLE
 - F.I.P. FOUND IRON PIPE
 - F.I.R. FOUND IRON ROD
 - AC AIR CONDITIONER
 - MH MANHOLE

RGS LAND SURVEYING, INC.

EMAIL: RGS.LB8100@GMAIL.COM
(904) 472-3888 WEBSITE: RGS.LANDSURVEYING.COM
3624 CRAZY HORSE TRAIL, ST. AUGUSTINE, FL. 32086

FIELD WORK COMPLETED MAP ORIGINALLY SIGNED
DATE 11-15-2020 DATE 11-25-2020
MICHAEL T. DANTZLER, P.S.M., FLORIDA CERT. NO. 6265
RGS LAND SURVEYING, INC. LICENSED BUSINESS NO. 8100

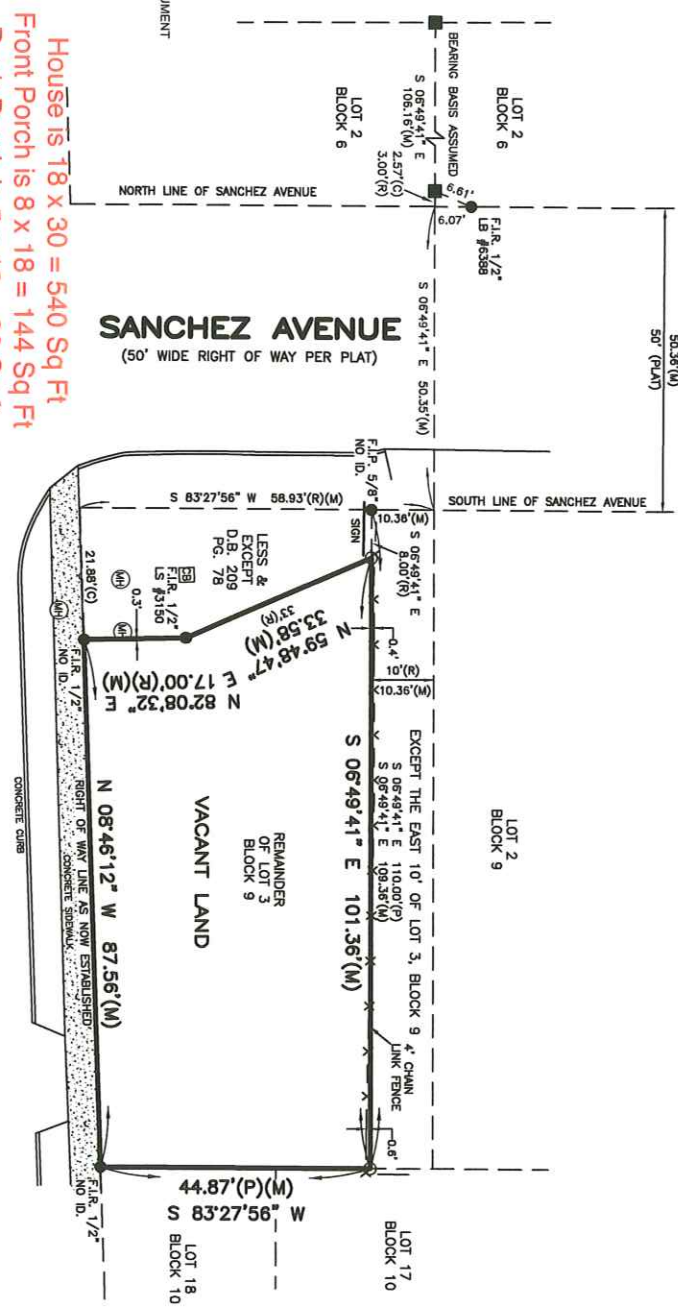
CERTIFIED TO:
ROBIN ARNOLD

House is 18 x 30 = 540 Sq Ft
Front Porch is 8 x 18 = 144 Sq Ft
Back Porch is 5 x 18 = 90 Sq Ft

U.S. HIGHWAY NO. 1
NORTH PONCE DE LEON BOULEVARD
STATE ROAD 5
(100' WIDE RIGHT OF WAY)
(PAVED)

PARCEL AREA
SQ. FEET 4278.6±
ACRES 0.10±

SANCHEZ AVENUE, ST. AUGUSTINE, FL. 32084
PARCEL NUMBER 1902000000
FIELD BOOK 17 PAGE 8
CHECKED BY RGS



Attachment 3
CM-2 & RG-1 Zoning Standards

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

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

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

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

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

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

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

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

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

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

(1) *Permitted uses and structures:*

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

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

(3) *Permissible uses by exception:*

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

(4) *Minimum lot requirements:*

a. *Single-family dwellings:*

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

b. *Multiple-family dwellings:*

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

c. *Nonresidential uses:*

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

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

(6) *Minimum yard requirements:*

a. *Residential uses:*

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

b. *Nonresidential uses:*

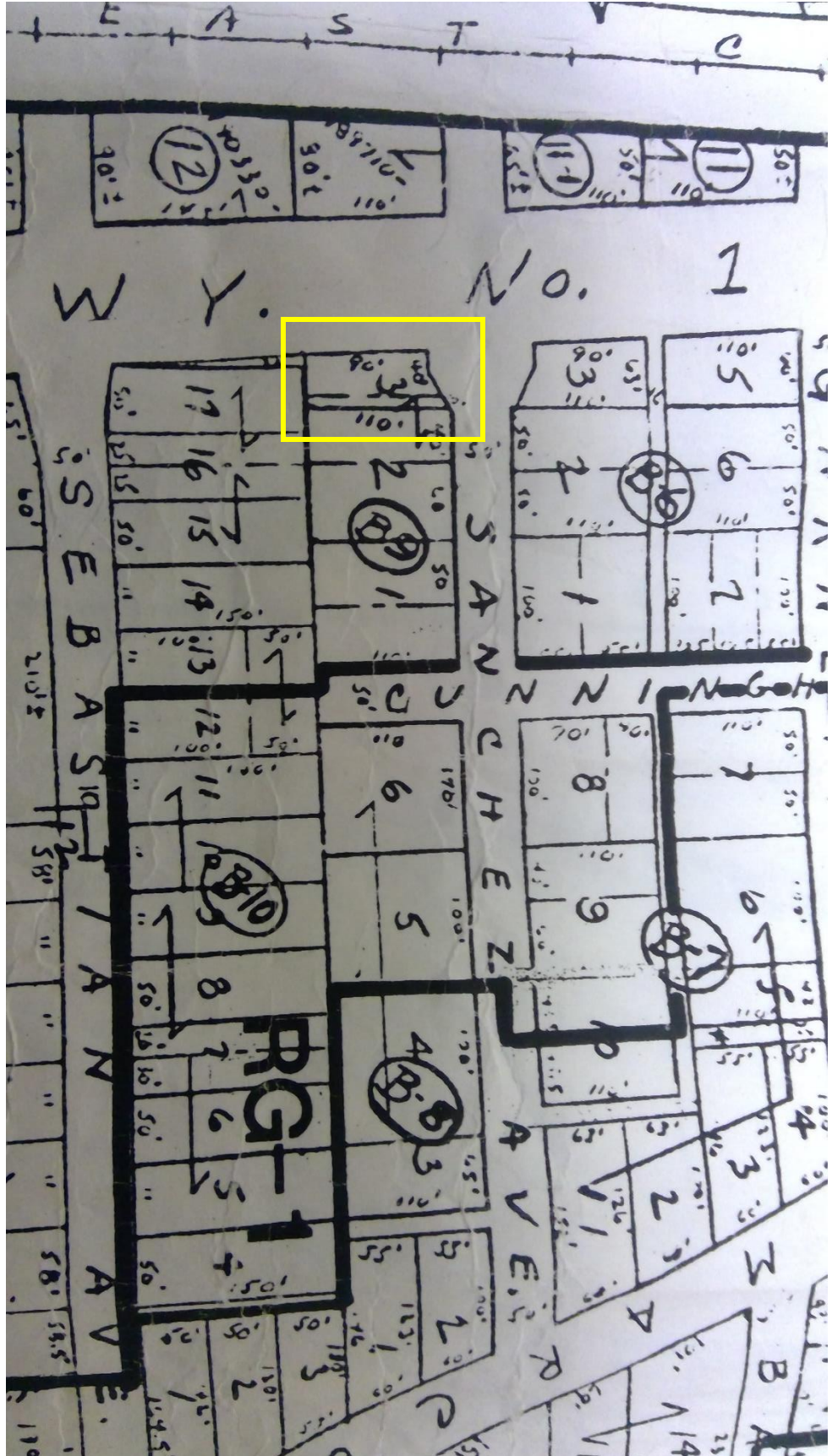
1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

(7) *Maximum height of structures:*

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

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

Attachment 4
City Plat Map



N Ponce De Leon Ave - Lot 3 - PID 190200-0000

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **USE BY EXCEPTION– 2021-0006**

AGENDA ITEM 5(b)

APPLICANT & OWNER Blake Souder

LOCATION 78 Dumas St / PIN 207360-0000

REQUEST To approve a use by exception for off-site parking within the municipal parking garage for a two-bedroom short term rental.

LAND USE Residential Low Density

ZONING Residential, single-family-to (RS-2)

APPLICABLE CODES/ORDINANCES

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

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

(a) Zoning exceptions:

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

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

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

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

Sec. 28-151 Parking [for short term rentals]

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. The application to the Planning and Zoning Board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

STAFF SUMMARY AND ANALYSIS

Use By exception - Off-site Parking within the Municipal parking for Short Term Rentals.

City code requires a use by exception when on-site, stabilized parking is not available, per LDC Sec 28-151(iii). The approval of short-term rental registrations is contingent upon being able to provide parking at a rate of one stabilized parking space per bedroom.

The subject property contains a two bedroom house located on a nonconforming lot that is approximately 24' wide and occupies most of the lot. With the existing site configuration there is no space on site to provide parking. This property contains a house with two bedrooms requiring two (2) parking spaces to accommodate the short term rental use.

The annual registration renewal will require the applicant provide proof of current, valid parking passes to the city parking garage. If the applicant fails to renew parking permits, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

STAFF RECOMMENDATION

Based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for off-site parking within the municipal parking garage for a two-bedroom short term rental at 78 Dumas St / PIN 207360-0000.

ATTACHMENTS

Attachment 1 – Application, Property Record Card, Supporting Information

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

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JAN 07 2021 PD

Application Fee: \$ 250 (plus advertising costs) Project Number: 2021-0006 Planning / Building Dept.
Receipt Number: 2025485 Meeting Date: 2/2/21
Advertising Costs: \$ 101.25 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: BLAKE ROMEYN SOUDER Contact Number: (434)-249-1897

Business (if applicable): _____

Address: 78 DUMAS STREET City: ST. AUGUSTINE State: FL Zip: 32084

E-Mail Address: blakesouder@yahoo.com

2. NAME OF PROPERTY OWNER: BLAKE SOUDER Contact Number: (434)-249-1897

Business (if applicable): _____

Address: 78 DUMAS STREET City: ST. AUGUSTINE State: FL Zip: 32084

E-Mail Address: blakesouder@yahoo.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: S1/2 OF LOT 12

Block: G

Subdivision: DUMAS TR

Parcel Number: 2073600000

4. PROJECT STREET ADDRESS: 78 DUMAS STREET SAINT AUGUSTINE, FL 32084

5. SPECIFIC PROPOSED USE: VACATION RENTAL/SHORT-TERM RENTAL(STR)

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: USE BY EXCEPTION

7. DESCRIPTION OF ACTION REQUESTED: APPROVE TWO(2) MUNICIPAL GARAGE PARKING PERMITS.

8. JUSTIFICATION FOR ACTION REQUESTED: 1) MY PROPERTY HAS ZERO(0) ON-SITE PARKING.

2) IT'S IMPOSSIBLE TO CREATE ON-SITE PARKING BECAUSE OF THE HOUSE & HISTORIC MASONRY WALL LOCATION TO THE FRONT PROPERTY LINE.

3) DUMAS STREET DOES NOT HAVE AN ESTABLISHED PARKING PROGRAM & THEREFORE I DO NOT QUALIFY TO REQUEST ON-STREET PARKING PERMITS.

4) SEC.28-151 PARKING PROVIDES FOR PERMITS TO THE MUNICIPAL GARAGE.

5) PARKING PERMITS FOR THE MUNICIPAL GARAGE ARE MY ONLY OPTION.

6) zero(0) Commercial Parking lots within 400 feet of my Property.

04/18/2019

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

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

YES.

ST.-STREET

ONLY LIVEABLE HOUSE ON ST. WHERE ON-SITE PARKING IS IMPOSSIBLE.

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

I CANNOT REGISTER MY VACATION RENTAL WITHOUT SATISFYING THE PARKING REQUIREMENT.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: YES. COSA=CITY OF SAINT AUGUSTINE

COSA RECENTLY ADOPTED VACATION RENTAL PARKING REGULATIONS. MY HOUSE WAS BUILT IN 1905. I HAVE OWNED MY PROPERTY SINCE 2009.

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: YES. THE NEW VACATION RENTAL PARKING OPTIONS HAVE BEEN VETTED BY THE STR COMMITTEE AND CITY COMMISSION.

The City Commission(CC) appointed a Short-Term Rental Committee to make recommendations & ultimately the CC reviewed & adopted new parking regulations.

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.

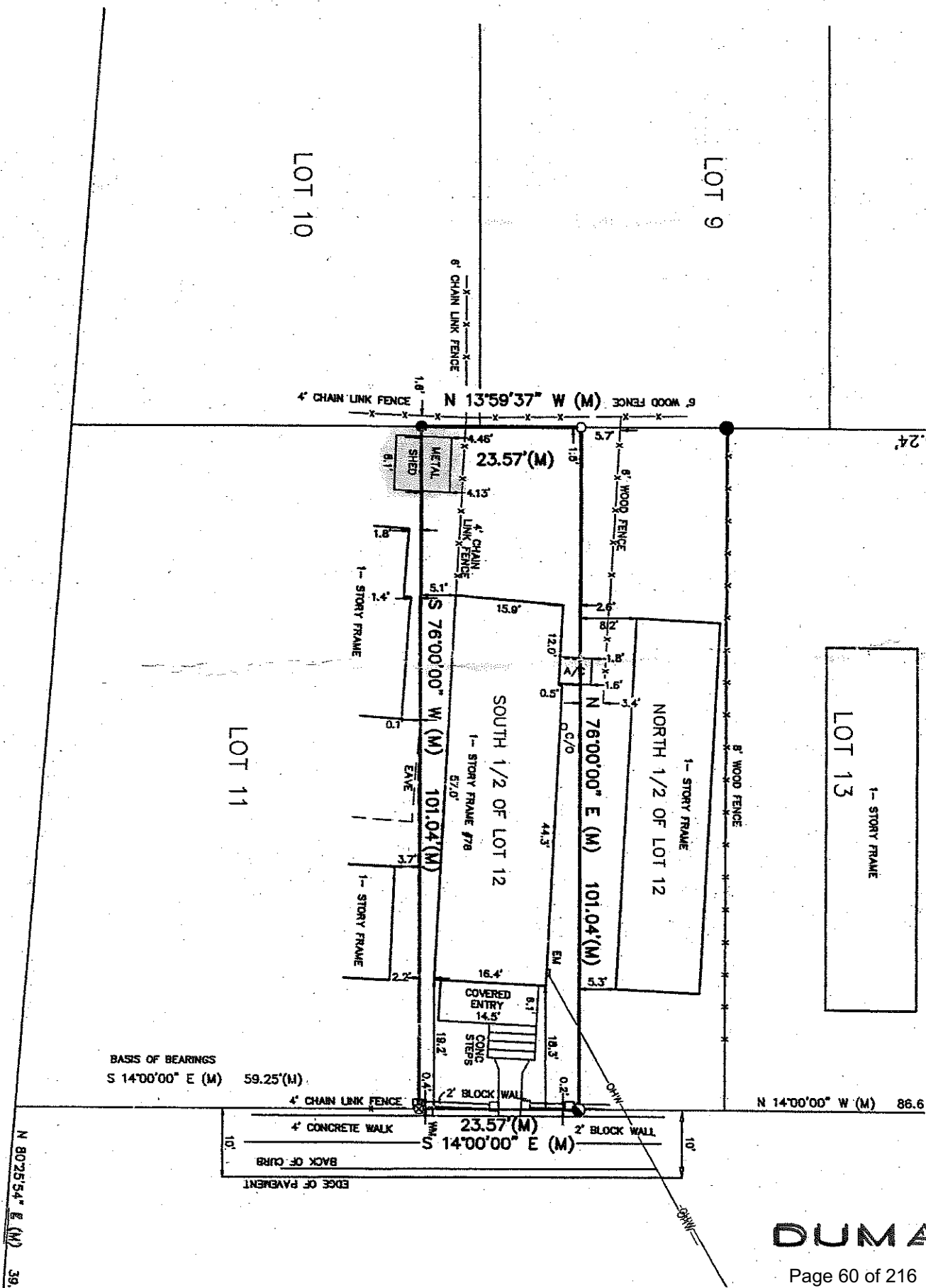
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided 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.

Blaise Romeyn Sorder
Signature of Applicant

January 7, 2021
Date

Blaise Romeyn Sorder
Signature of Property Owner

January 7, 2021
Date





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

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

2019 TRIM Notice

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

Summary

Parcel ID	2073600000
Location Address	78 DUMAS ST SAINT AUGUSTINE 32084-0000
Neighborhood	Dumas Tract with part City St Aug (622)
Tax Description*	DUMAS TR CITY S1/2 OF LOT 12 BLK G OR3223/233 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Dumas Tract
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.050
Homestead	N

Owner Information

Owner Name	Souder Blake 100%
Mailing Address	78 DUMAS ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$61,051
Extra Features Value	\$179
Total Land Value	\$55,614
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$116,844
Total Deferred	\$0
Assessed Value	\$116,844
Total Exemptions	\$0
Taxable Value	\$116,844

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
2020	\$63,086	\$179	\$55,614	\$0	\$0	\$118,879	\$118,879	\$0	\$118,879
2019	\$53,072	\$179	\$55,614	\$0	\$0	\$108,865	\$108,865	\$0	\$108,865
2018	\$53,664	\$179	\$51,336	\$0	\$0	\$105,179	\$105,179	\$0	\$105,179
2017	\$54,489	\$1,128	\$46,202	\$0	\$0	\$101,819	\$101,819	\$0	\$101,819
2016	\$56,141	\$1,233	\$40,106	\$0	\$0	\$97,480	\$97,480	\$0	\$97,480
2015	\$56,966	\$1,338	\$32,085	\$0	\$0	\$90,389	\$52,788	\$65,389	\$25,000
2014	\$46,158	\$1,443	\$25,668	\$0	\$0	\$73,269	\$52,369	\$48,269	\$25,000
2013	\$46,809	\$1,548	\$19,893	\$0	\$0	\$68,250	\$51,595	\$43,250	\$25,000
2012	\$48,109	\$1,654	\$17,326	\$0	\$0	\$67,089	\$50,733	\$42,089	\$25,000
2011	\$47,608	\$179	\$19,251	\$0	\$0	\$67,038	\$46,721	\$45,317	\$21,721
2010	\$24,462	\$179	\$21,390	\$0	\$0	\$46,031	\$46,031	\$25,000	\$21,031

Building Information

Building 1
 Actual Area 1148
 Conditioned Area 884
 Actual Year Built 1935
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Metal
 Interior Flooring Pine Wood
 Interior Wall Drywall
 Heating Type Forced Air
 Air Conditioning None
 Bedrooms 0
 Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Forced Air	100%
Air Conditioning	None	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	884	884
FINISHED DECK	0	180
FINISHED OPEN PORCH	0	84
Total SqFt	884	1148

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	42
Residential Fence	0	0	0	0	188

Land Information

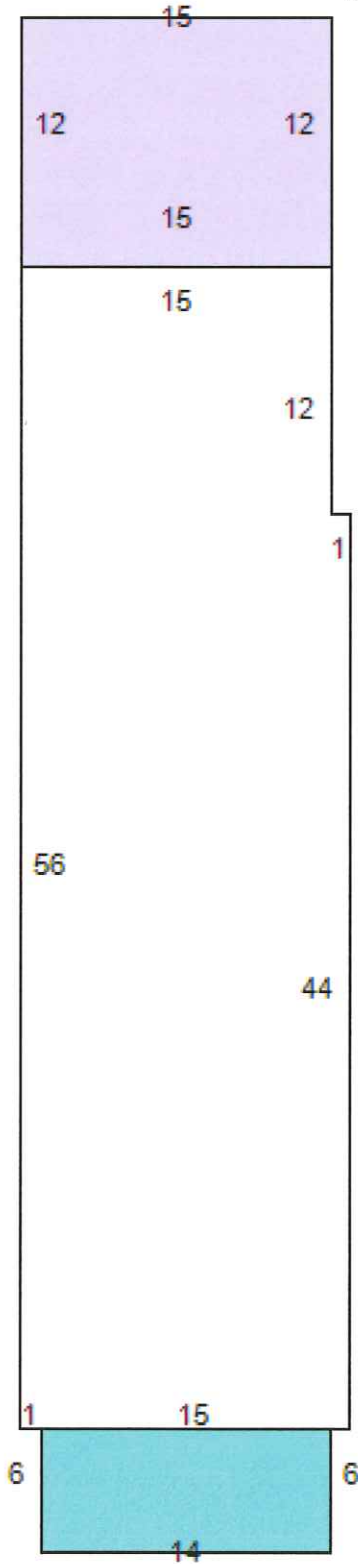
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	23	101	23	EF	\$55,614

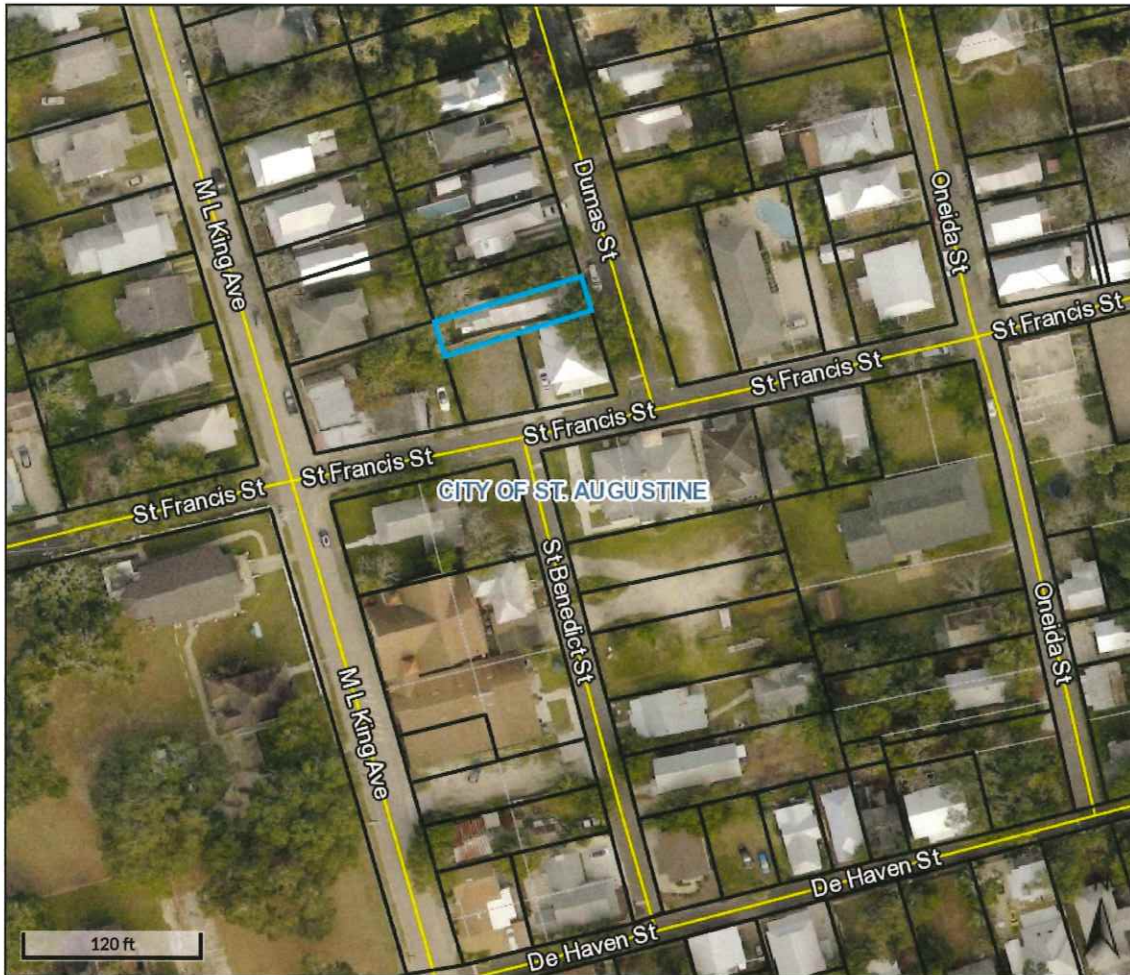
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/24/2009	\$75,000.00	WARRANTY DEED	3223	233	U	I	BALCH ROBERT K	SOUDER BLAKE
	1/5/2009	\$0.00	LIS PENDENS	3151	1388	U	I	US BANK NAT'L ASSOC TRUSTEE	BALCH ROBERT K
	8/1/2001	\$100.00	QUIT CLAIM DEED	1634	633	U	I	VREELAND MILDRED C BALCH	BALCH ROBERT K
	5/8/1997	\$3,000.00	QUIT CLAIM DEED	1247	295	U	I	GLENN H ALLEN JR	BALCH ROBERT K & MILDRED C
	5/8/1997	\$1,300.00	QUIT CLAIM DEED	1247	293	U	I	MAYACOL INC	BALCH ROBERT K & MILDRED C
	3/28/1997	\$8,300.00	WARRANTY DEED	1247	292	U	I	CHRISS GEORGE S MD PA TRUSTEE	GLENN H ALLEN JR ETAL
	5/1/1985	\$0.00		673	791	U	I		CHRISS GEORGE S MD PA TRUSTEE

Sketch Information

	Room Type
	Base
	FINISHED OPEN PORCH
	DECK





Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2073600000	Physical	78 DUMAS ST	Building Value	\$61,051	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$179	Date	Price	Reason	Qual
Class	Family	Mailing	SOUDER BLAKE	Value		7/24/2009	\$75000	38	U
Taxing	City of St	Address	78 DUMAS ST	Total Land Value	\$55,614	5/8/1997	\$3000	11	U
District	Augustine		SAINT AUGUSTINE FL 32084-	Just Value	\$116,844				
Acres	0.05		0000	Total Deferred	N/A				
				Assessed Value	\$116,844				
				Total Exemptions	N/A				
				Taxable Value	\$116,844				

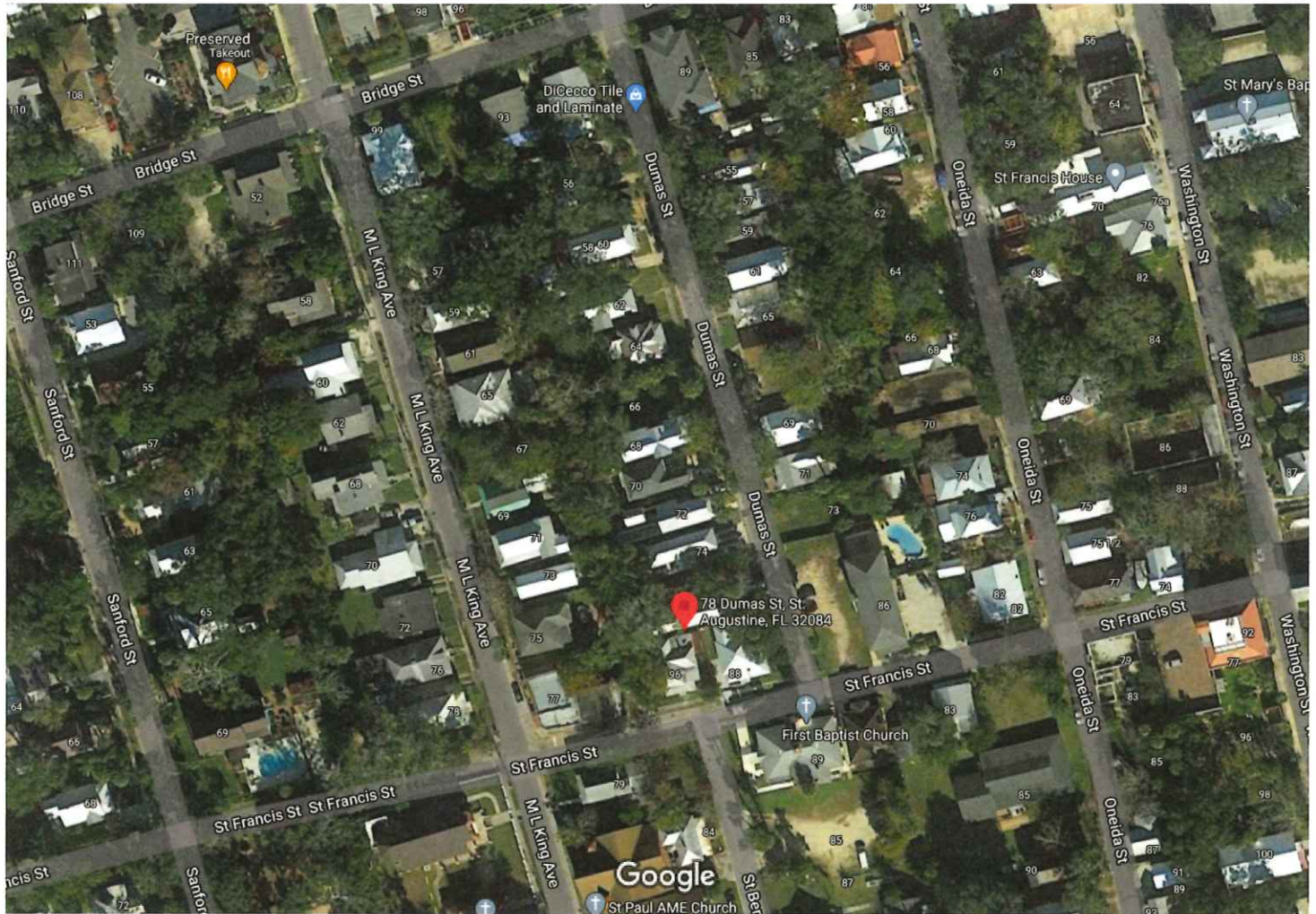
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 1/8/2021

Last Data Uploaded: 1/8/2021 12:21:55 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 78 Dumas St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google 50 ft



78 Dumas St

St. Augustine, FL 32084

Building



Directions



Save



Nearby

Send to your
phone

Share

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **CONSERVATION OVERLAY ZONE 1 & 2 DEVELOPMENT #2021-0002**

AGENDA ITEM 6(a)

APPLICANT Ryan Carter
c/o Carter Environmental Services

OWNER Erik Worthmann
c/o St. Augustine Beach Investments, LLC

LOCATION 134 Pelican Reef Dr / PIN 158571-4060

REQUEST To approve a reconfiguration of an existing dock and terminal platform to extend the access pier, add three (3) boatlifts, and a ten (10') foot by twenty (20') foot floating dock accessed by a gangway within Conservation Overlay Zone 1. To approve the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2.

LAND USE Residential Low Density
ZONING Residential Single Family-two (RS-2)

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3 and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the

impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

(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 request is to reconfigure an existing dock and terminal platform to extend the access pier, add three (3) boatlifts, and a ten (10') foot by twenty (20') foot floating dock accessed by a gangway within Conservation Overlay Zone 1 as well as the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2. Please see attachment 2 for full details of 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 developed with a single family home, a rip rap shoreline and an existing family dock.

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

Other neighboring sites have docks and platforms with boat lifts.

- (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.

The proposed dock width of 5' accounts for less than 1% of the existing improved shoreline.

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

This dock is proposed at a length that is similar to other docks in the area. The terminal platform and associated boat lifts has a total width of approximately 40', which comprises ~37% of the 109'. The existing dock on site is approximately 38' wide.

- (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 32' or less and rated at a maximum 12,000 pounds and will be low-profile.

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 reconfiguration of an existing dock and terminal platform to extend the access pier, add three (3) boatlifts, and floating dock accessed by a gangway within Conservation Overlay Zone 1 and to approve the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2 at 134 Pelican Reef Dr / PIN 158571-4060.

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

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 –Conservation Overlay Zone documents & 1993 dock approval letter

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

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084
E-Mail Address: Ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Erik Worthmann Contact Number: 352-226-0246
Business (if applicable): _____
Address: 6412 NW 128th ST City: Gainesville State: FL Zip: 32563
E-Mail Address: Erik@comforttemp.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 6 Block: 4
Subdivision: Pelican Reef Parcel Number: 1585714060

4. PROJECT STREET ADDRESS: 134 Pelican Reef Dr.

5. SPECIFIC PROPOSED USE: Boating access

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

7. DESCRIPTION OF ACTION REQUESTED: Please see attached narrative

8. JUSTIFICATION FOR ACTION REQUESTED: Please see attached narrative

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

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

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

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

10. PREVIOUS APPPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

REPORT THE DECISION: Within the meeting date set above you and a legal notice will be published or posted. The application will be presented at the meeting at the scheduled hearing date. If the applicant has not been notified, the decision to grant or deny the application will be decided by a vote of the board at the meeting or hearing date. The applicant or a duly authorized representative will not be held liable for 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 variance, the applicant or a duly authorized representative will be notified of the decision. The applicant or a duly authorized representative will be notified of the decision. The applicant or a duly authorized representative will be notified of the decision. The applicant or a duly authorized representative will be notified of the decision.



12-16-20

Signature of Applicant

Date



Signature of Property Owner

12-10-2020

Date



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

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

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

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

Ryan Carter

Print name of applicant

A handwritten signature in black ink, appearing to read "R. A. Carter".

Signature of applicant

12-16-20

Date



Owner's Authorization For Agent

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

BY: 

Signature of Owner

Erik Worshmann

Print Name of Owner

352-226-0246

Telephone Number

State of _____

County of _____

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

By _____

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____

Attachment 2
Conservation Overlay Zone
Narrative & Graphics

**134 Pelican Reef Dr.
Overlay Zone Development Application Supplement
December 2020**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and three boat lifts at 134 Pelican Reef Dr. The proposed dock will allow the owners access to the Matanzas River.

The proposed dock will encompass a 6' wide access pier leading to three lifts, a terminal platform seating area and gangway leading to a floating dock. Total area over open water will be 3,033 square feet. In addition, the applicant is proposing to place a vinyl sheet-pile retaining wall, approximately 7' landward of the MHW line with a 2' face, at the top of the existing riprap. Please see attached drawings for design details. The structure will be built six feet above mean high water and have a minimum depth below the boat lifts of four feet at mean low water. Turbidity control measures such as floating turbidity curtains, siltation fences and hay bales may be employed during construction, but impacts will be temporary, and no long-term erosional impacts should occur.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The proposed dock does not cross any vegetation.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 109 feet of river frontage. The shoreline is armored with riprap.

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

The property is adjacent to other single-family homes within the Pelican Reef Neighborhood. The Matanzas River is located to the west.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: None

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the adjacent areas.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be negligible.

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

The shoreline is armored with riprap, no vegetation is present, depth is adequate and the associated traffic will not differ from neighboring users so additional boat traffic should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

The access pier will be 6' wide.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: None

Negative: None

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

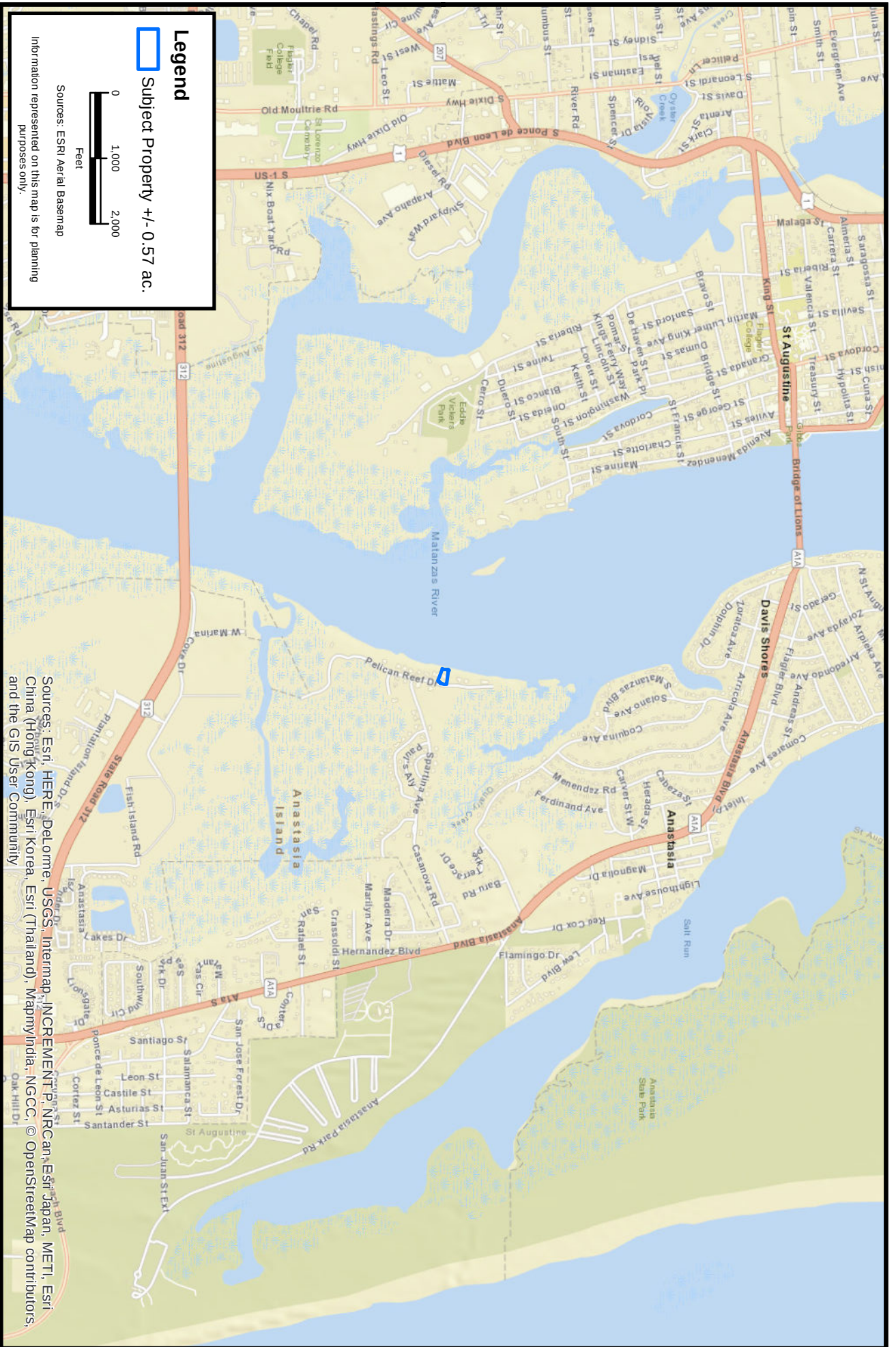
There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be built 6' above MHW.

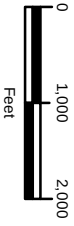
- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.



Legend

Subject Property +/- 0.57 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

134 Pelican Reef Dr.

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Project:

5.20361

St. Johns County, FL

Date: Nov 12 2020

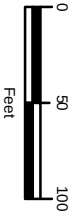
Figure:

1



Legend

 Subject Property +/- 0.57 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

Aerial Map

134 Pelican Reef Dr.

Project:

5.20361

St. Johns County, FL

Date: Nov 12 2020

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.

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

Proposed Dock Alignment

134 Pelican Reef Dr.

Project:

5.20361

St. Johns County, FL

Date: Dec 09 2020

Figure:

3





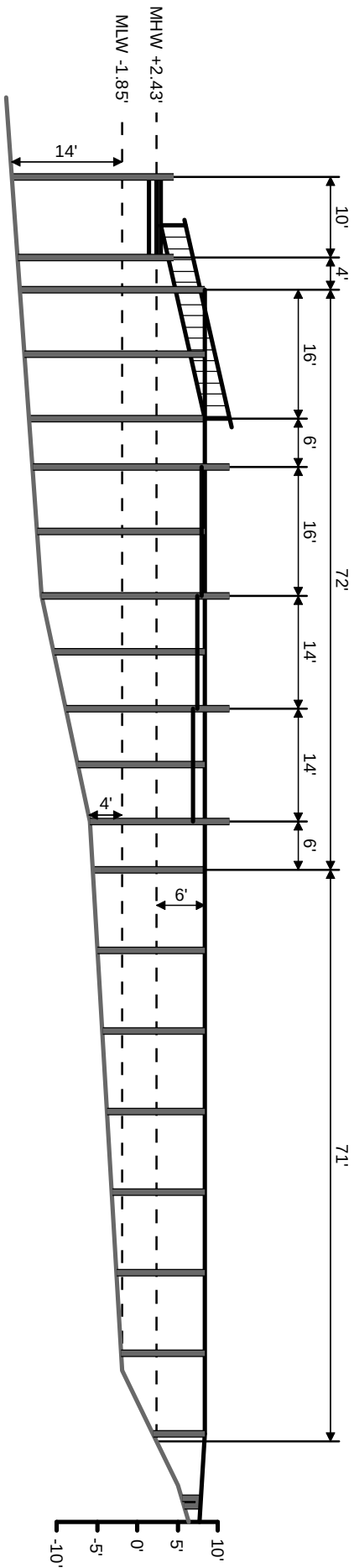
CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

Project: 5.20361

Proposed Dock Dimensions
134 Pelican Reef Dr.
 St. Johns County, FL

Date: Dec 09 2020

Figure: 4



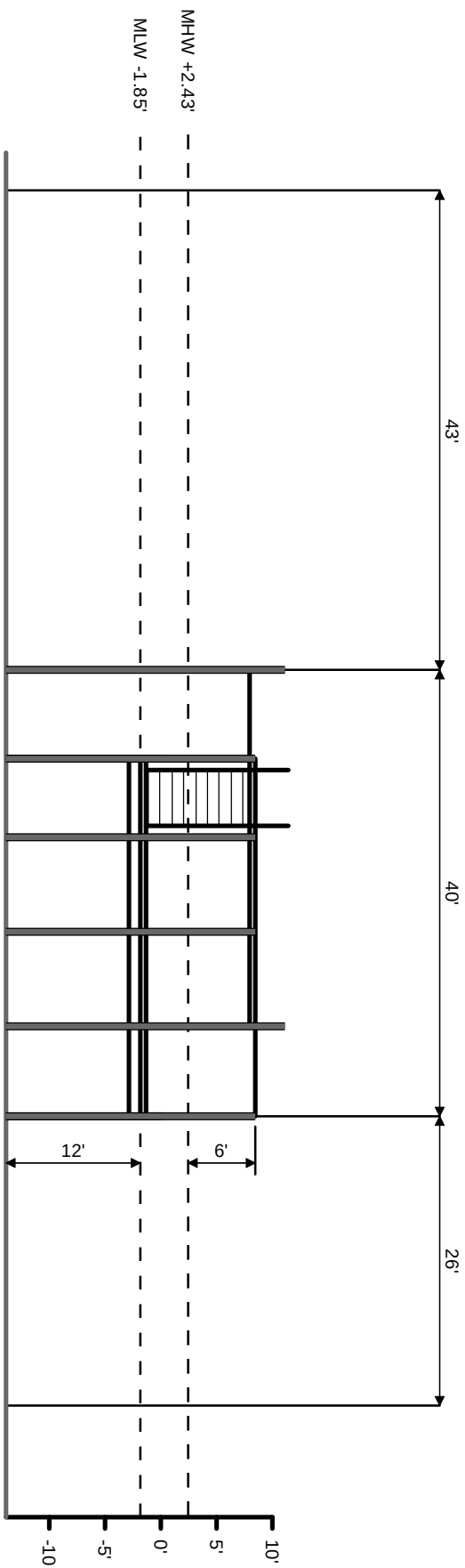
Information represented on this map is for planning purposes only.

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

Project: 5.20361
 Proposed Dock Profile View
 134 Pelican Reef Dr.
 St. Johns County, FL
 Date: Dec 09 2020



Figure: 5



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

Proposed Dock Cross-Section

134 Pelican Reef Dr.

Project: 5.20361

St. Johns County, FL

Date: Dec 09 2020



Figure:

6



**CARTER ENVIRONMENTAL
SERVICES, INC.**

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

Proposed Upland Retaining Wall Location

134 Pelican Reef Dr.

Project:

5.20361

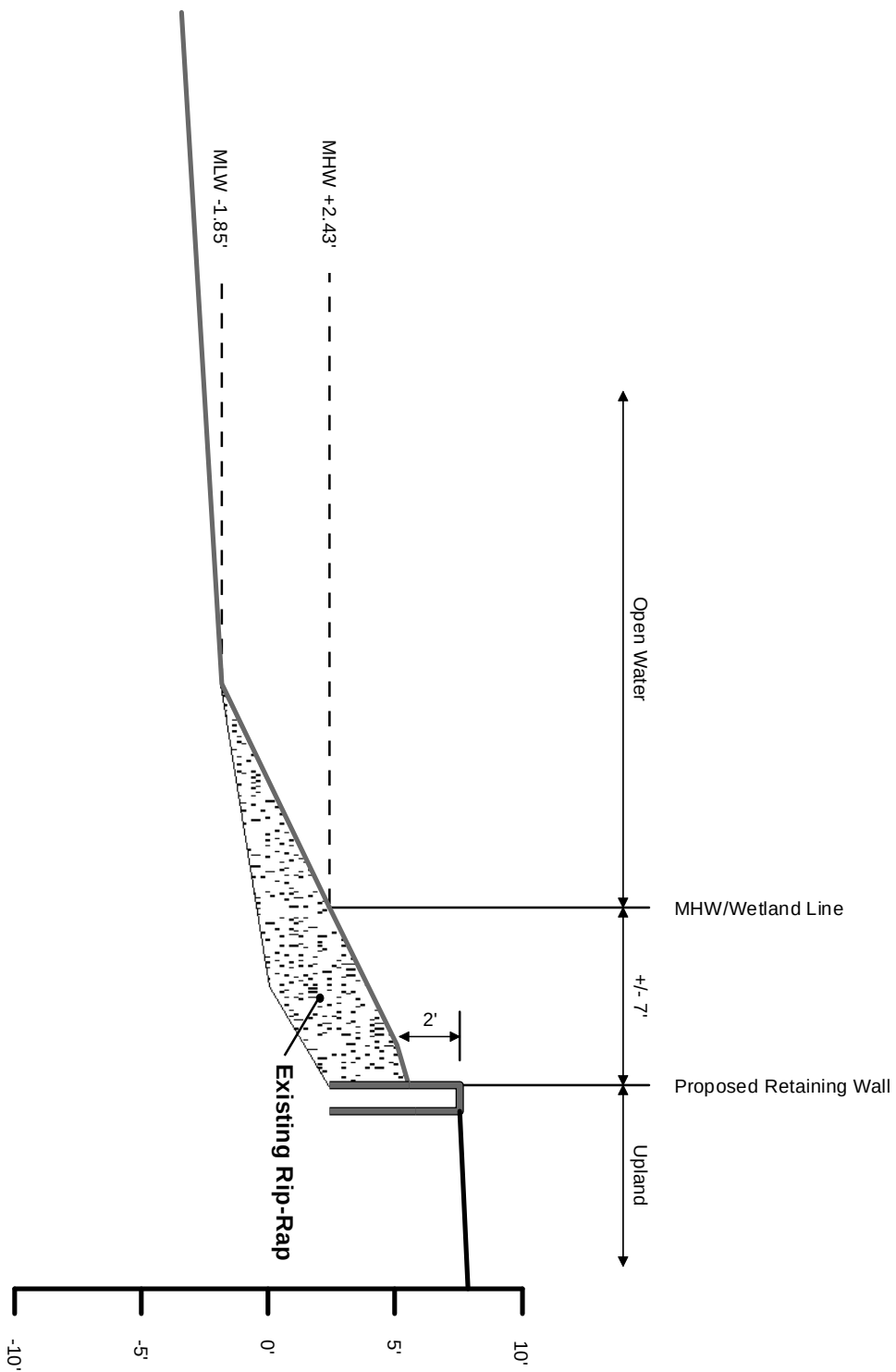
St. Johns County, FL

Date: Dec 09 2020

Figure:

7





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

Proposed Retaining Wall Cross-Section

134 Pelican Reef Dr.

Project:

5.20361

St. Johns County, FL

Date: Dec 09 2020

Figure:

8



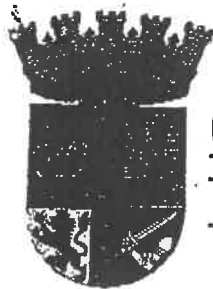
Attachment 3
Photo documentation sheet











City of St. Augustine



St. Augustine, Florida

Planning/Building

September 8, 1993

Doran Dean Yelton
Yelton Construction Co., Inc.
705 Belden Court
St. Augustine, Florida 32086

RE: Conservation Zone Development 93-0578
134 Pelican Reef Drive

Dear Mr. Yelton:

On Tuesday, September 7, 1993, the Planning and Zoning Board (PZB) met and discussed your application for Conservation Zone Development approval at 134 Pelican Reef Drive.

Specifically, the PZB approved your application for Conservation Zone Development approval to construct a dock. Conservation Zone Development approval is valid for one (1) year. If at the end of one (1) year a Building Permit has not been issued, a new application must be submitted to the Planning and Building Division.

A review of your file indicates that an Application for Building Permit and construction plans for the dock must be submitted and the Planning and Building Division must review and approve the plans before a Building Permit may be issued. In addition, notarized copies of required regulatory agency permits or letters of no jurisdiction must be submitted to the Planning and Building Division before a Building Permit may be issued. No construction may begin until a Building Permit has been issued by the Planning and Building Division.

Doran Dean Yelton

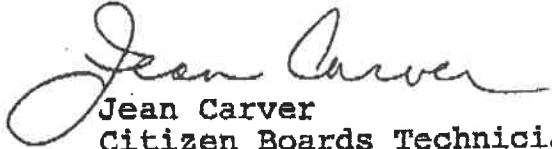
RE: Conservation Zone Development 93-0578

September 8, 1993

Page 2

Should you have questions regarding this matter, please
contact the Planning and Building Division at 825-1060.

Sincerely,



Jean Carver
Citizen Boards Technician

jc

cc: Joseph Pomar, Jr., City Manager
Michael Griffin, CBO, Planning and Building Manager
BDAC File 93-0578

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2021-0003**

AGENDA ITEM 6(b)

APPLICANT Ryan Carter
c/o Carter Environmental Services

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

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

REQUEST To increase the size of a boat lift from 12' x12' to 16' x 16' within Conservation Overlay Zone 1.

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 request is to amend the size of the approved 12' x 12' jet ski lift to a 16' x 16' jet ski lift only. The configuration of the remainder dock was approved at the November 3, 2020 PZB hearing and is not proposed to be altered with this application. The total overall length will not change with this request. The description below is the review for the existing, approved dock and the increased size of the jet ski lift.

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 lifts.

- (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.

This dock is proposed at a length that is longer than other docks in the area, the closest dock to the north is approximately 140' in total overall length, or 15' shorter. The increased length does increase the impacts on vistas and scenic opportunities.

- (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.

The revised configuration of this dock with the 12' by 12' jet ski lift was approved at the November 3, 2020 PZB hearing, this request asks to increase the size of the approved jet ski lift from 12' by 12' to 16' by 16'.

The dock and associated lift, as proposed, cannot be constructed until there is a permitted single-family home for the lot.

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 16' x 16' jet ski lift within Conservation Overlay Zone 1 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 & Supporting Information

Attachment 2 – Previously submitted Conservation Overlay Zone documents

Attachment 3 - Updated Conservation Overlay Zone Graphics

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



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

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

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

E-Mail Address: ryan@carterenv.com

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

Business (if applicable): St. Beach Investments, LLC

Address: 580 A1A Beach Blvd City: St. Augustine State: FL Zip: 32084

E-Mail Address: arstevensonjr@yahoo.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 15+13 Block: 1+6

Subdivision: Davis Shores Oceanview Parcel Number: 213510 0000

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

5. SPECIFIC PROPOSED USE: single family dock

6. ACTION REQUESTED:

☒ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: construct a single family dock

8. JUSTIFICATION FOR ACTION REQUESTED: dock for boat and enjoyment

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

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

N/A

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

N/A

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

N/A

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

N/A

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.

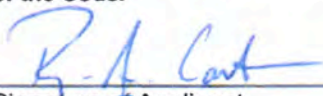
11. AGREEMENT:

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

10-22-20

Date


Signature of Property Owner

10-22-20

Date



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

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

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

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

Ryan Carter

Print name of applicant

[Signature]

Signature of applicant

10-22-20

Date



Owner's Authorization For Agent

RYAN CARTER is/are hereby authorized TO ACT ON BEHALF
OF ALAN 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

ALAN R. STEVENSON JR.
Print Name of Owner

904-826-7242
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 22ND day of OCTOBER, 2020

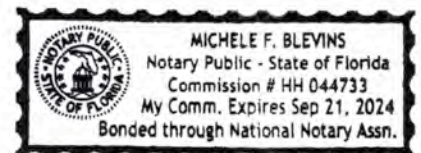
By ALAN R. STEVENSON

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: Michele F. Blevins

My Commission expires: 9/21/2024

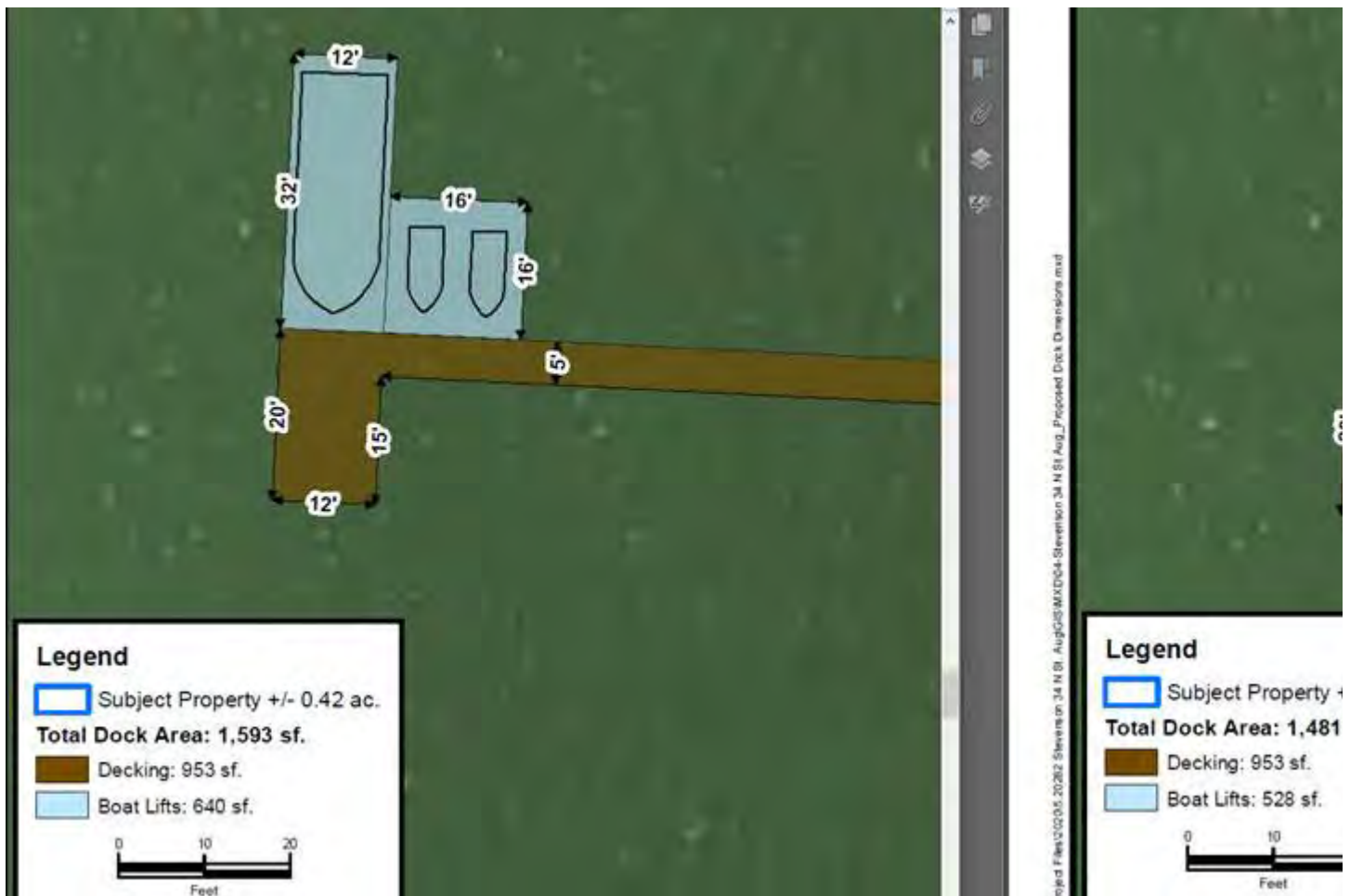


Patrick Doty

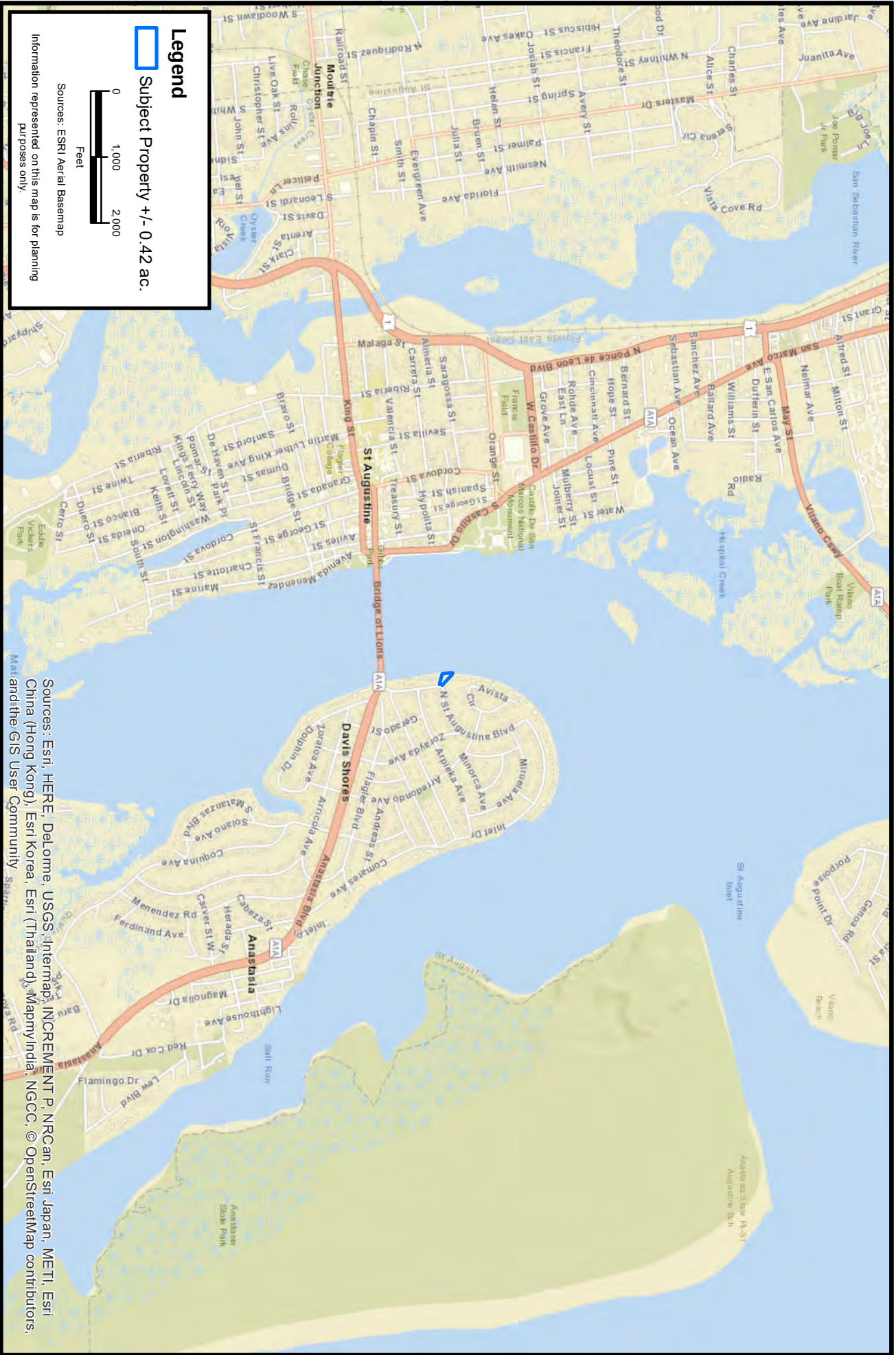
From: Ryan Carter <ryan@carterenv.com>
Sent: Thursday, January 14, 2021 2:04 PM
To: Patrick Doty
Subject: 34 N St. Augustine Blvd - Only Difference

Patrick,

As discussed, the only difference between the previously approved dock and the new dock is the jet ski lift is proposed as 16 X 16 (on left) versus the previously approved dock has a 12 X 12 jet ski lift (on right) below. Please contact me with any questions. Thanks.



Sincerely,
Ryan A. Carter
Carter Environmental Services, Inc.
42 Masters Drive
St. Augustine, Florida 32084
904-540-1786
www.carterenv.com



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.

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Project:

5.20282

St. Augustine, FL

Date: Jul 28 2020

Figure:

1





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

Aerial Map

34 N. St. Augustine Blvd.

Project:

5.20282

St. Augustine, FL

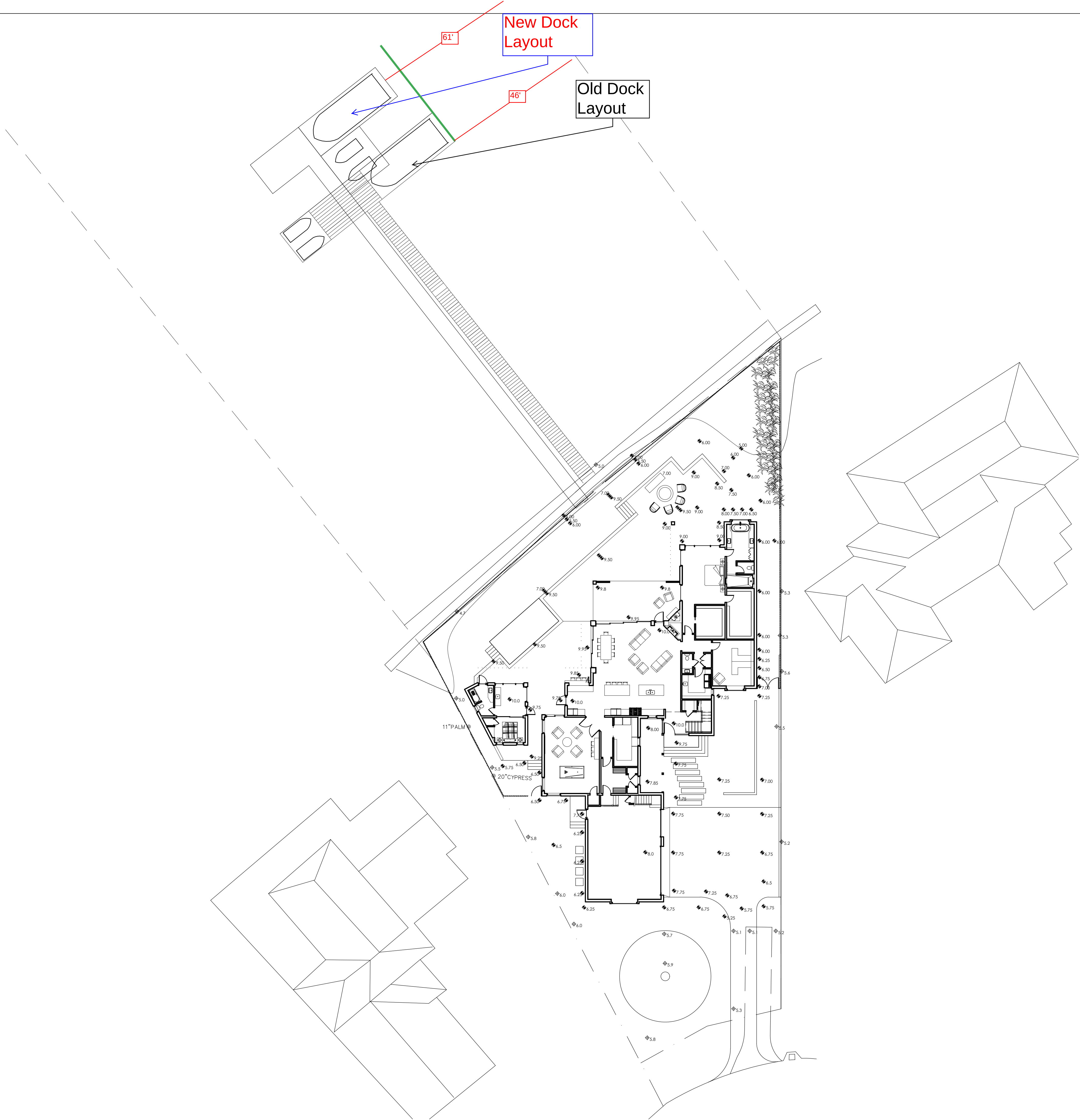
Date: Jul 28 2020

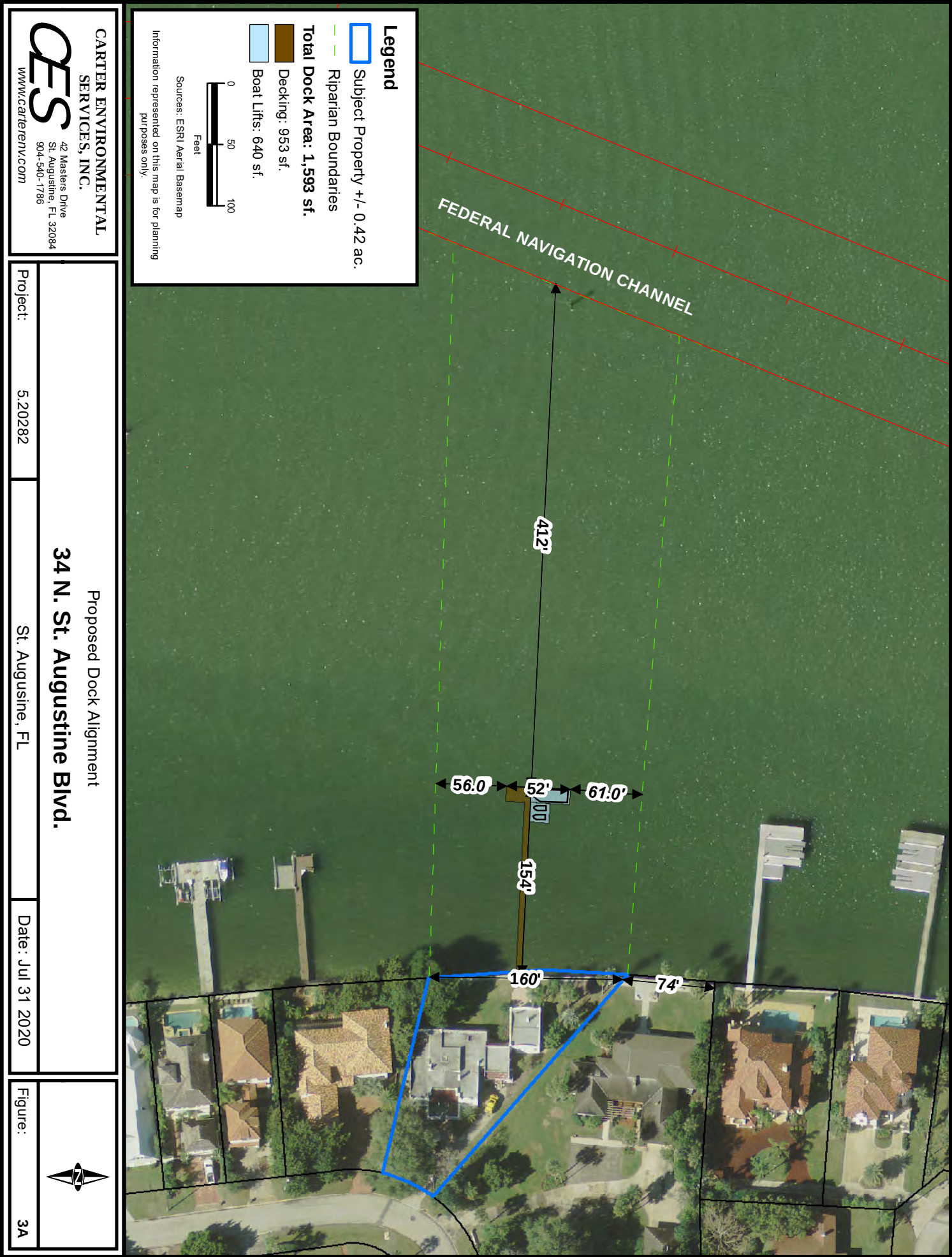
Figure:

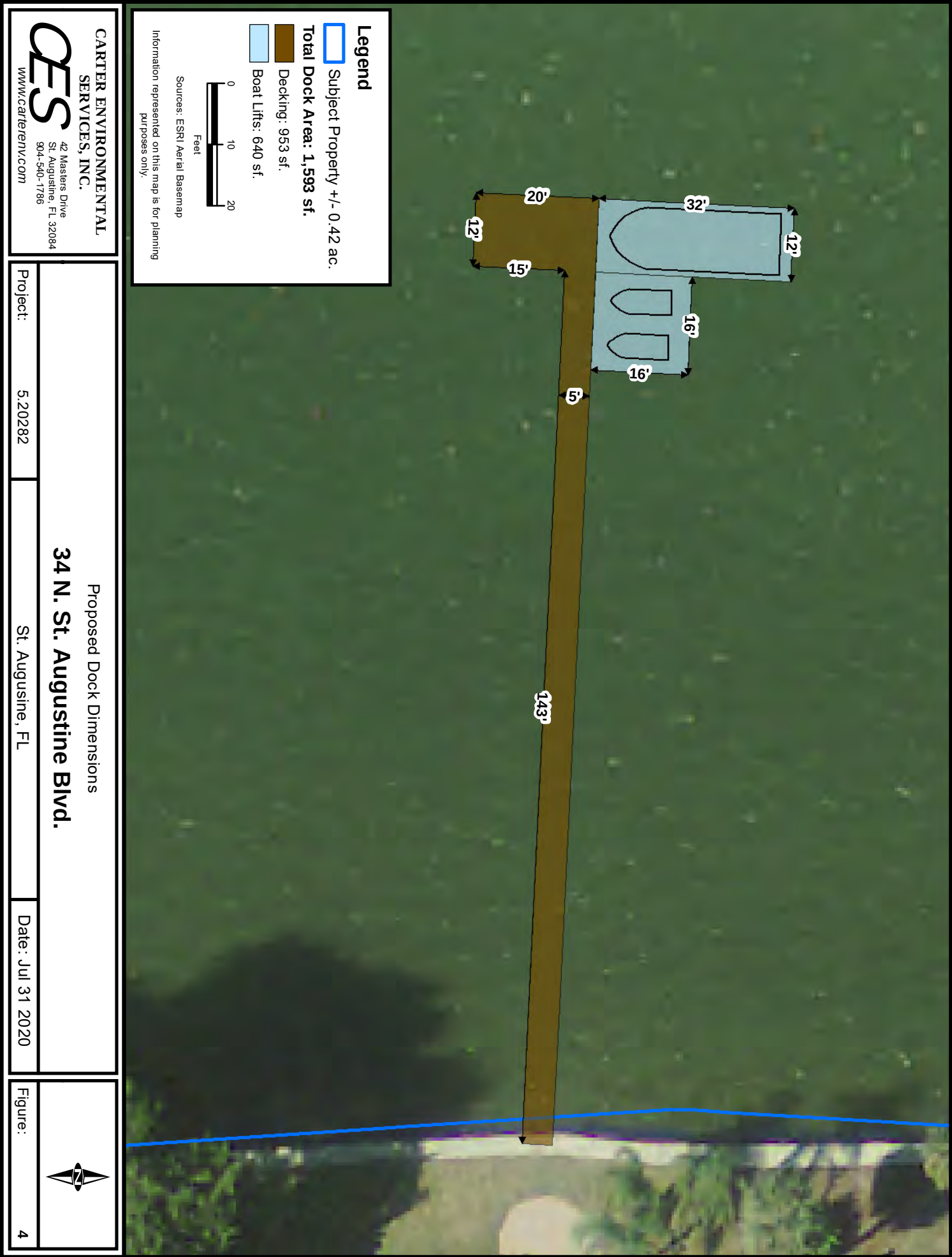
2

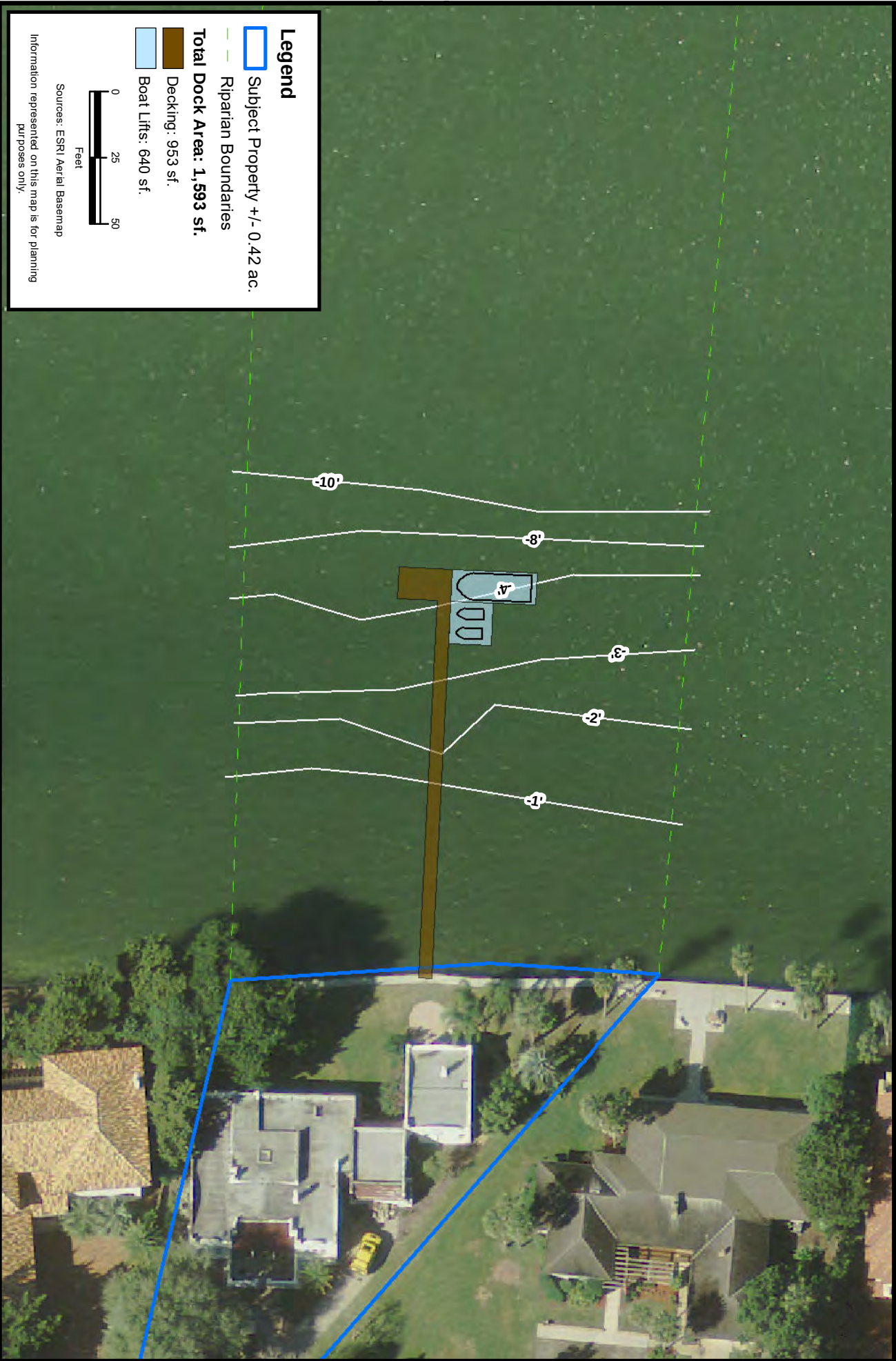


Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community









Legend

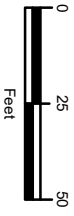
Subject Property +/- 0.42 ac.

Riparian Boundaries

Total Dock Area: 1,593 sf.

Decking: 953 sf.

Boat Lifts: 640 sf.



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

Proposed Dock Bathymetry (Depths Below MLW)

34 N. St. Augustine Blvd.

Project:

5.20282

St. Augustine, FL

Date: Jul 30 2020

Figure:

5





Legend

- Subject Property +/- 0.42 ac.
- Riparian Boundaries

Total Dock Area: 1,593 sf.

- Decking: 953 sf.
- Boat Lifts: 640 sf.

0 150 300
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CARTER ENVIRONMENTAL SERVICES, INC.

CES

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

Project: 5.20282

Proposed Dock Alignment

34 N. St. Augustine Blvd.

St. Augustine, FL

Date: Jul 31 2020

Figure: 

3B

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2021-0004**

AGENDA ITEM 6(c)

APPLICANT Ryan Carter
c/o Carter Environmental Services

OWNER Scott Patrou
c/o GP Salt Run, LLC

LOCATION 435 Flagler Blvd / PIN 218480-0000

REQUEST To approve the construction of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645' within Conservation Overlay Zone 1.

LAND USE Residential Medium Density
ZONING Residential General- one (RG-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

The proposed dock will consist of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645'. The overall coverage area of the proposed docks and boat lifts are approximately 6,535 sq. ft. The applicant has provided a conservation overlay zone narrative and graphics package to supplement this request in attachment 2.

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 vacant (existing structure was demolished) with a bulkhead on site.

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

The property to the north contains a multi-slip dock to accommodate the condominiums on site and the single family home to the south contains a dock and associated pilings. Further south, a condominium project containing 30 boat slips has been approved and is under construction. As proposed, and shown in figure 8 of attachment 2, there will be constraints created with this proposed dock in relation to other built and approved docks in the vicinity.

- (3) Natural and proposed drainage patterns.

Patterns are not expected to change since improvements are over the water. There is an approved bulkhead on the property.

- (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. The application is proposing no removal or trimming of mangroves, as stated in the provided narrative.

- (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.

The proposed dock width of 6' accounts for 10% of the existing improved shoreline.

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

The terminal platform and associated boat lifts has a total width of approximately 40', which comprises ~66% of the 60' lot width. There will be impacts to the scenic vista from the terminus of Flagler Blvd with the construction of this proposed dock and its relation to other built and approved docks in the immediate area. The impact on the scenic opportunities will result from the more than 50% of the lot's width containing a terminal structure along with an elevated 6' wide access pier at 6' above mean high water mark extending the 554' into Salt Run to access the terminal platform with boat lifts and floating dock. The public vistas and scenic opportunities will be significantly impacted.

- (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 applicant will install low or no-profile boat lifts not to exceed 12,000 pound lift rating, however, **as proposed the lifts are larger than 32 feet in length, proposed at 34 feet in length, which is not complaint with the requirements listed in sub section 17.***

STAFF RECOMMENDATION

In summary, the issues with the proposed configuration result in a design that does not meet the following requirements within LDC Sec. 11-29:

- 2) The proposed location of the dock, in relation to existing built and approved docks, may create physical impediments within the area
- 12) The dock does pose impacts to the scenic vista from Flagler Blvd due to the overall length, height of the access pier, and mass/percent of site that the terminal platform would occupy.
- 17) The proposed 34' boat lifts exceed the maximum length allowed (max. 32').

Based on a review of section 11-29, and without the support of evidence to the contrary, staff finds that the board can **CONTINUE** a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock within Conservation Overlay Zone 1 at 435 Flagler Blvd / PIN 218480-0000 based on the aforementioned concerns with the proposed design and configuration of the dock.

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

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 –Conservation Overlay Zone documents

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

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786

Business (if applicable): Carter Environmental Services

Address: 42 Masters Dr. City: St. Augustine State: FL Zip: 32084

E-Mail Address: ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Scott Patrou Contact Number: 904-461-3000

Business (if applicable): GP Salt Run LLC

Address: 770 A1a Beach Blvd, Ste D City: St. Augustine State: FL Zip: 32080

E-Mail Address: spatrou@ginnpatrou.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 15 Block: 32

Subdivision: Davis Shores Parcel Number: 2184800000

4. PROJECT STREET ADDRESS: 435 Flagler Blvd

5. SPECIFIC PROPOSED USE: Multi-Family Dock

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: See attached

8. JUSTIFICATION FOR ACTION REQUESTED: See attached

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

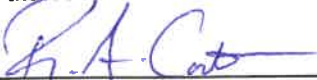
11. AGREEMENT:

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

12-16-20

Date


Signature of Property Owner

12/15/20

Date

04/18/2019



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

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

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

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

Scott Patrou

Print name of applicant

[Signature]

Signature of applicant

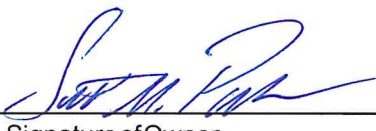
12/15/20

Date



Owner's Authorization For Agent

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

BY: 
Signature of Owner
Scott Patrou
Print Name of Owner
904 461 3000
Telephone Number

State of Florida

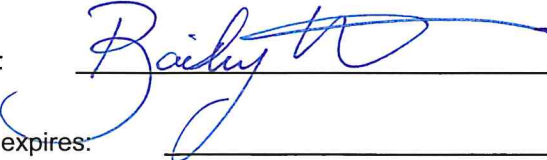
County of St. Johns

Signed and sworn before me on this 15 day of December, 2020.

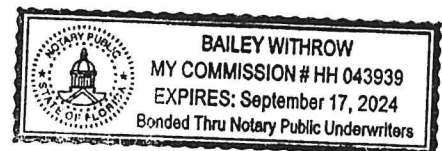
By Scott Patrou

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: 

My Commission expires: _____



Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

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

2019 TRIM Notice

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

Parcel ID	2184800000
Location Address	435 FLAGLER BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-100 DAVIS SHORES LOT 15 & E 47.81FT LOT 16 BLK 32 OR4828/1103 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	16-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.240
Homestead	N

Owner Information

Owner Name	Gp Salt Run LLC 100%
Mailing Address	770 A1A BEACH BLVD STE D SAINT AUGUSTINE, FL 32080-0000

Map



Attachment 1
Overlay Zone Application
Narrative & Graphics

**435 Flagler Blvd. Dock
Overlay Zone Development Application Supplement
December, 2020**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and retaining wall at 435 Flagler Blvd. The proposed dock at this property is for planned multi-family residences associated with the property.

The proposed dock will consist of a 554' x 6' access pier leading to three 14' x 34' lifts with 4' wide catwalks in between. The end of the dock will lead to a gangway and 13' x 40' floating dock for temporary loading/unloading access. Total area over open water will be 6,535 square feet. The access pier will be built six feet above mean high water and have a minimum depth below the floating platform of five feet at mean low water. Turbidity control measures such as floating turbidity curtains, siltation fences and hay bales may be employed during construction, but impacts will be temporary, and no long-term erosional impacts should occur.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

The community will gain multi-family residences with boat dockage amenities, and revitalize an old, dilapidated property.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

Dock will be built 6' over mean high water to allow adequate light penetration and in an alignment that does not disturb mangroves.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The proposed dock will allow residents a place to enjoy views of Salt Run.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 65 feet of river frontage on Salt Run. The bottom substrate is sand/silt, and the shoreline is comprised of salt marsh vegetation with oyster colonies further waterward.

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

The property is adjacent to other single-family and multi-family homes as well as commercial uses along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact to the floodplain associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: No impact

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: There may be a minor increase in noise, but the area is already heavily trafficked.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials.

9. *Effect of shade on vegetation and shellfish.*

The dock will be built 6' above mean high water. In addition to the east-west orientation, this should allow ample light penetration for vegetation underneath. The access pier will be aligned in such a way that no mangroves will need to be trimmed or removed. Effects of shading on vegetation and shellfish should be minimal.

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

This area is a no wake zone so effects of boat wake should be minimal.

11. *Impact of development on shoreline by linear feet and percent of site.*

The proposed dock is 6' wide, or 11% of the shoreline.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Negligible

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: Minimal shading

- c) The effects of the project on water fowl are as follows

Positive: None anticipated

Negative: None anticipated

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

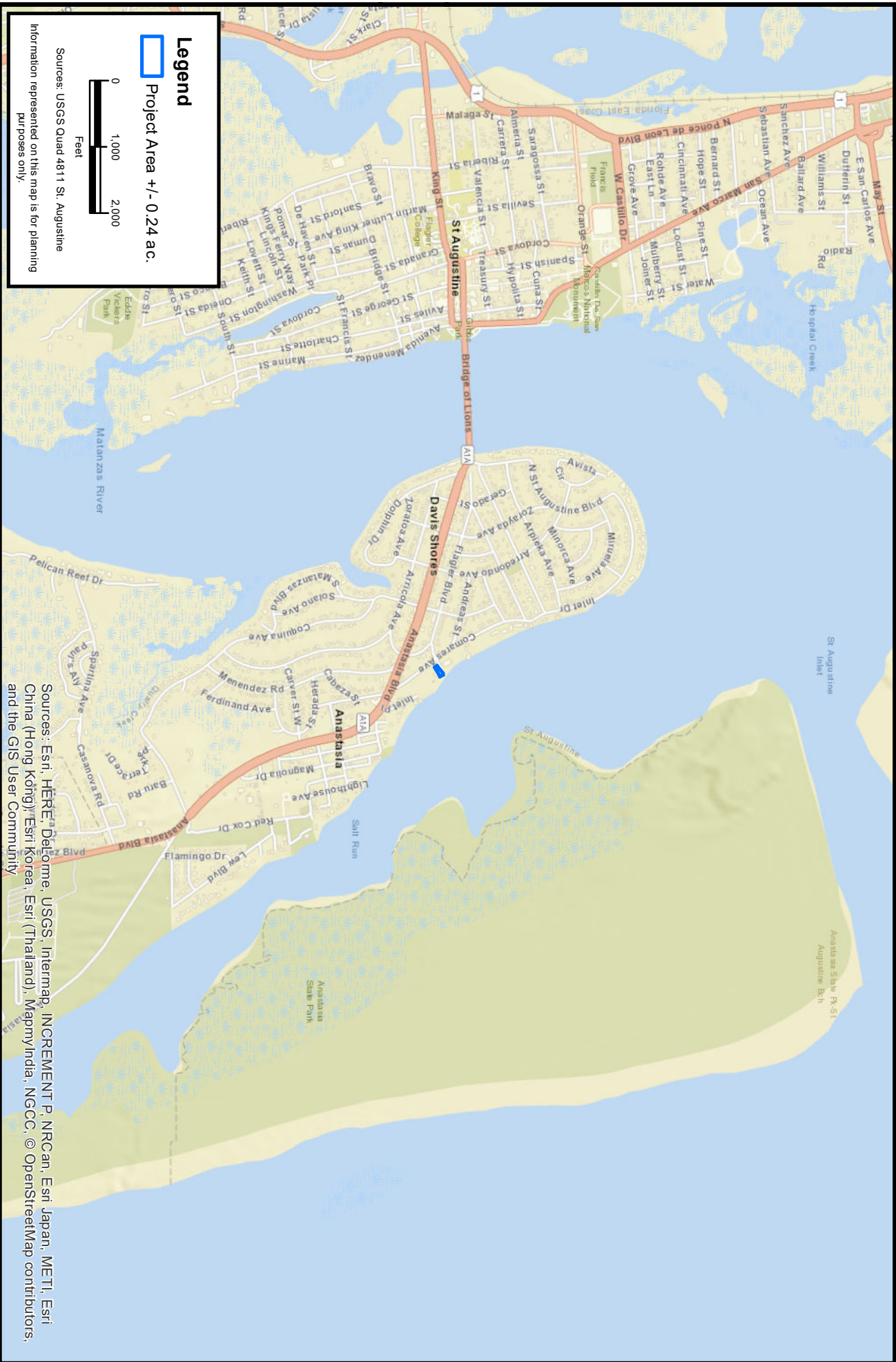
The deck access pier will be built 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

The boat lifts will not exceed 12,000 lbs. in capacity.

Attachment 2

Overlay Zone Application Graphics



CARTER ENVIRONMENTAL SERVICES, INC.

CES

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



Legend

 Project Area +/- 0.24 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

Aerial Map

435 Flagler Blvd.

Project:

5.20148

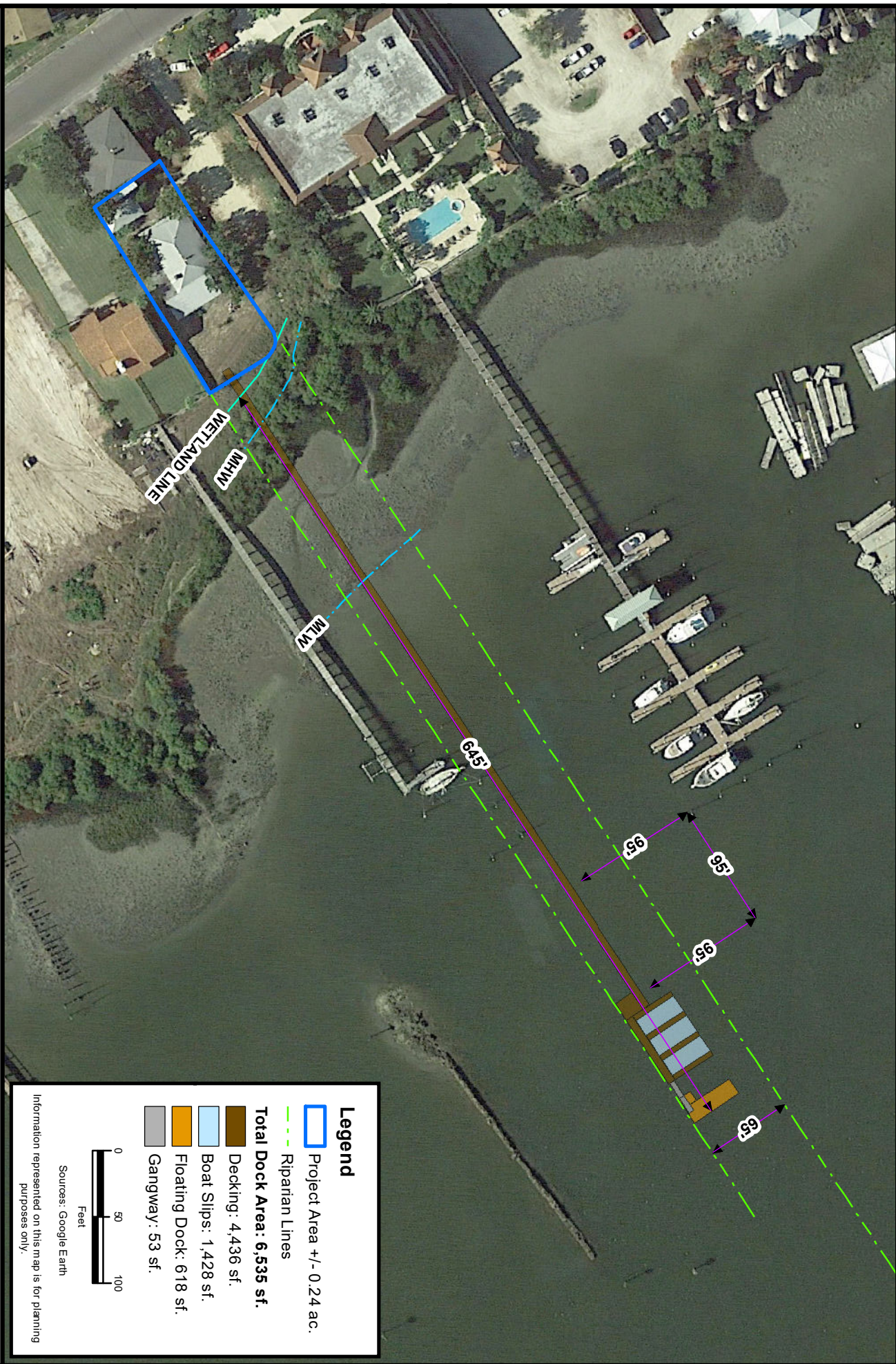
St Augustine, FL

Date: Dec 04 2020

Figure:

2





Legend

- Project Area +/- 0.24 ac.
- Riparian Lines

Total Dock Area: 6,535 sf.

- Decking: 4,436 sf.
- Boat Slips: 1,428 sf.
- Floating Dock: 618 sf.
- Gangway: 53 sf.

0 50 100
Feet

Sources: Google Earth

Information represented on this map is for planning purposes only.

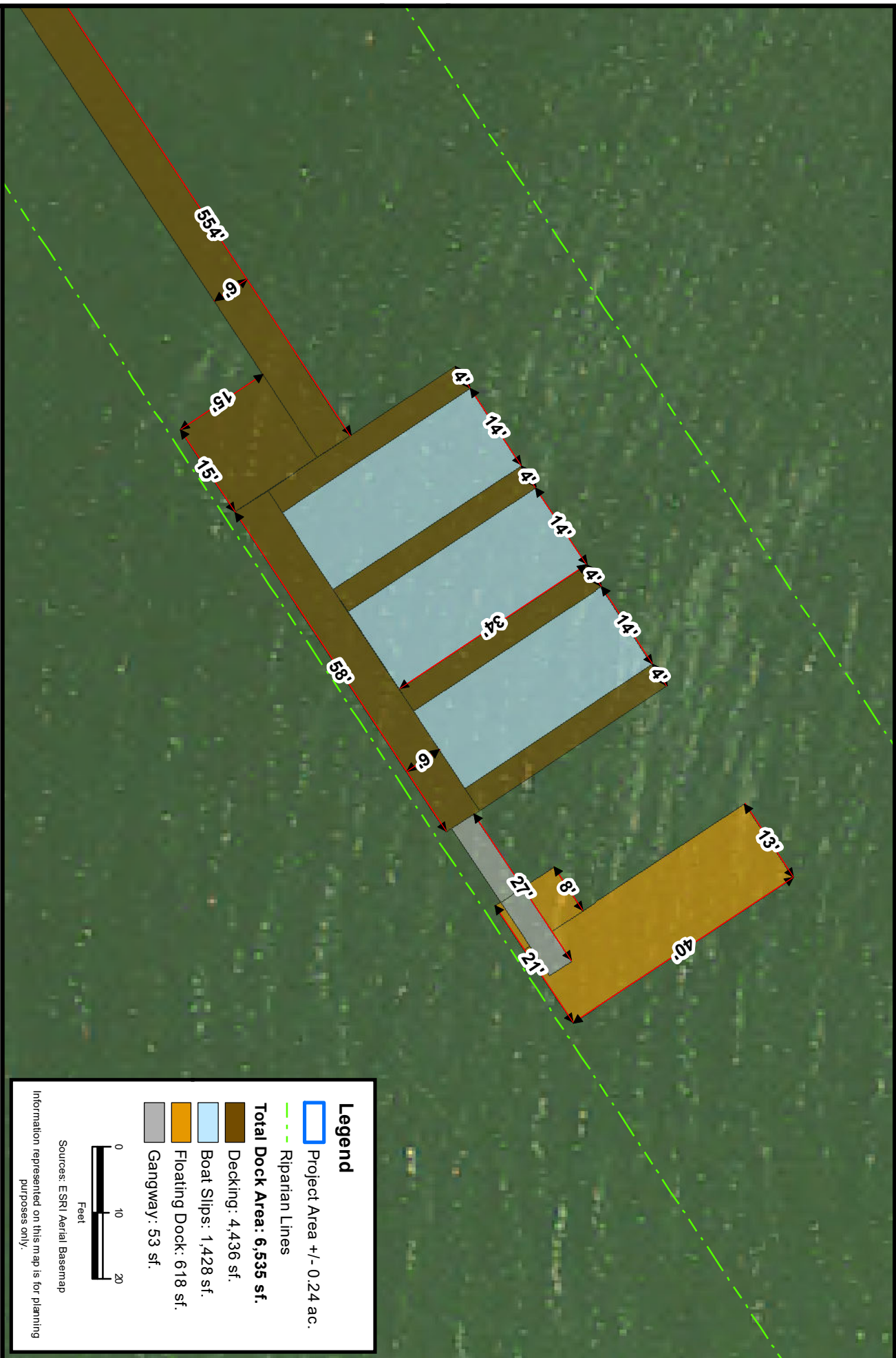
CARTER ENVIRONMENTAL SERVICES, INC.
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

Project: 5.20148

Proposed Dock Alignment
435 Flagler Blvd.
 St Augustine, FL

Date: Dec 04 2020

Figure: 3



**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

Proposed Dock Dimensions

435 Flagler Blvd.

Project:

5.20148

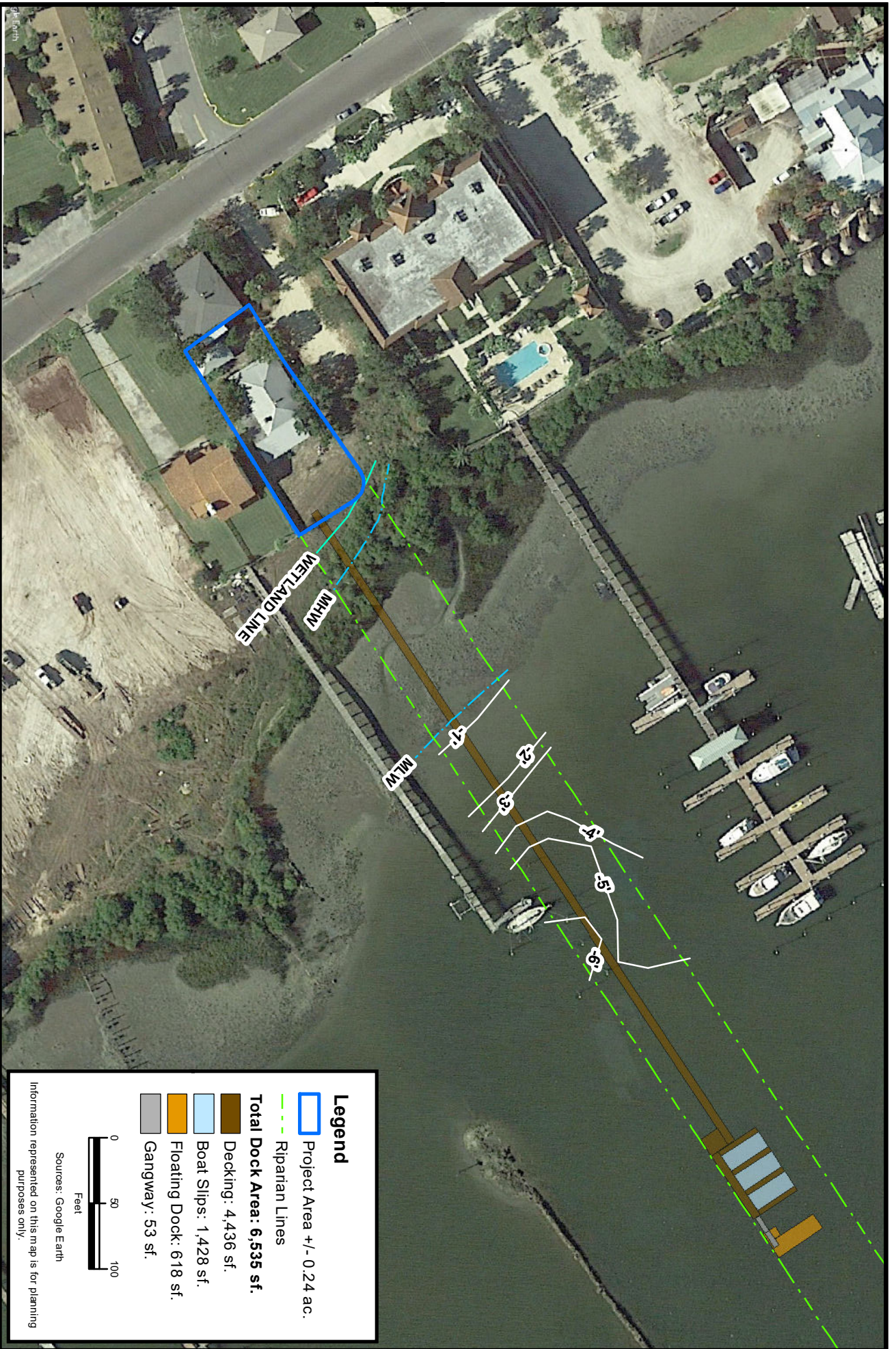
St Augustine, FL

Date: Dec 04 2020

Figure:

4





Legend

Project Area +/- 0.24 ac.

Riparian Lines

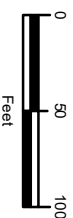
Total Dock Area: **6,535 sf.**

Decking: 4,436 sf.

Boat Slips: 1,428 sf.

Floating Dock: 618 sf.

Gangway: 53 sf.



Sources: Google Earth

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

Proposed Dock Bathymetry

435 Flagler Blvd.

Project:

5.20148

St Augustine, FL

Date: Dec 04 2020

Figure:

5

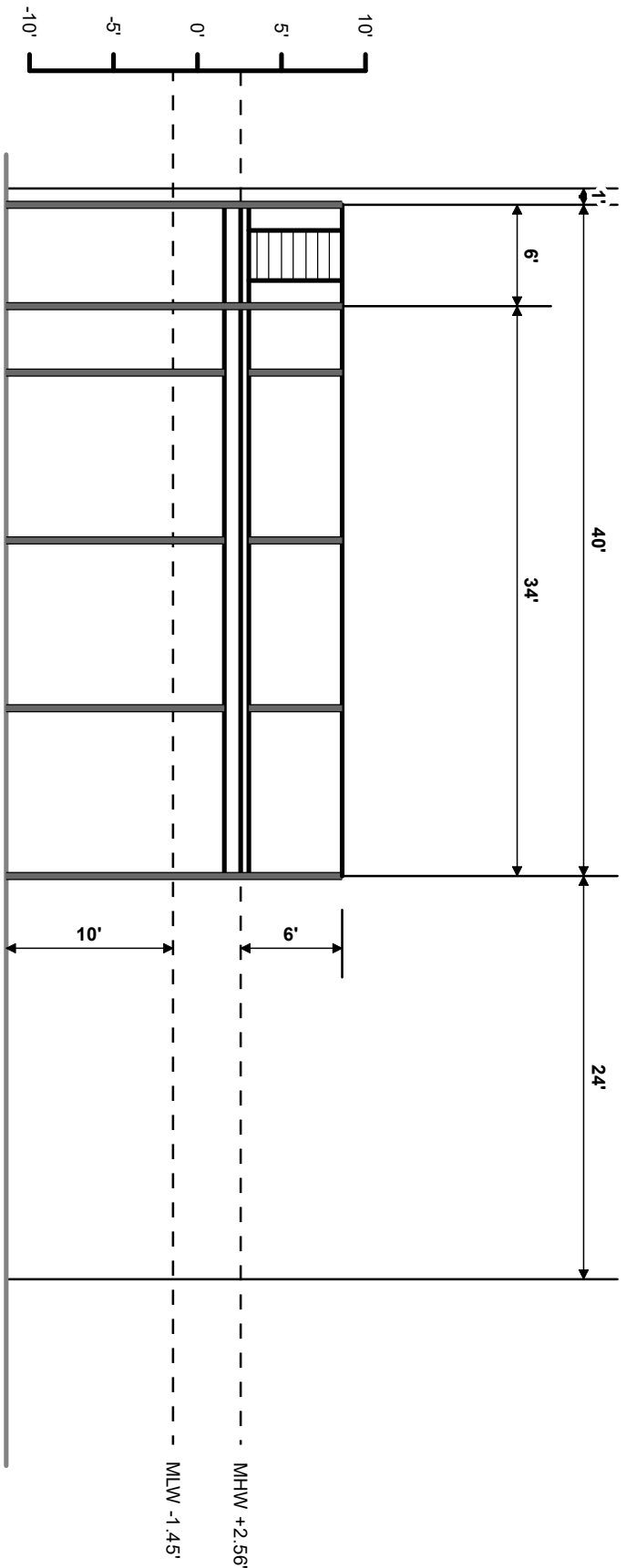
**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Figure: **6**



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

CES

Dock Cross-Section
435 Flagler Blvd.

Project: 5.20148

St Augustine, FL

Date: Dec 04 2020



Figure: 7



Legend

- Project Area +/- 0.24 ac.
- Riparian Lines

Total Dock Area: 6,535 sf.

- Decking: 4,436 sf.
- Boat Slips: 1,428 sf.
- Floating Dock: 618 sf.
- Gangway: 53 sf.

Sources: Google Earth

Information represented on this map is for planning purposes only.

0 50 100 Feet

Site Plan
Cortez on the Water
St Johns County, Florida

Date: 9-15-18



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

Adjacent Dock Alignment Overlay (Cortez Landing)

435 Flagler Blvd.

Project: 5.20148 St Augustine, FL Date: Dec 07 2020

Figure: 8

Attachment 3
Photo documentation sheet













LOT 15 AND THE EAST 47.81 FEET OF LOT 16, BLOCK 32, DAVIS SHORES OCEAN VIEW SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 3, PAGES 97 THROUGH 102, INCLUSIVE, EXCEPT THEREFROM ANY PORTION OF CAPTIONED PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 830, PAGE 676 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA.

[illegible]

1/2 W	RECORDED BUSINESS
1/2 W	RECORDED BUSINESS
(M)	MEASURED
(C)	CENTRAL ANGLE
R	RADIUS
L	CORD LENGTH
CH	CORD BEARING
PC	POINT OF INTERSECTION
PRC	POINT OF REVERSE CURVATURE
PP	POWER POLE
CHW	CHORD WIDTH(S)
●	FOUND 1/2" IRON ROD - # 894
○	SET 5' 0" IRON ROD - LA # 7111
○	FOUND 1/2" IRON ROD - NO IDENTIFICATION
○	FOUND 1/2" IRON PIPE - NO IDENTIFICATION
○	FOUND 1" IRON PIPE - NO IDENTIFICATION
○	FOUND 1-1/2" IRON PIPE - NO IDENTIFICATION
W-1	WETLAND DILATION FLAG AND IDENTIFICATION NUMBER
0 CEDAR	FREE - TRUNK DIAMETER - TYPE

THE BASIS OF BEARING AS SHOWN HEREON IS THE SOUTHERLY LINE OF LOT 16,
BLOCK 22, HAWAII AN ASSUMED BEARING OF N 89°03'00" E.
OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.
FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.
ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL
DAUM OF 1988 (+N.A.D.) - 1988).
TO CONVERT ELEVATIONS FROM NAAD 1988 TO NGVD 1929, ADD 1.07 FEET.
VERTICAL CURVE DATA OBTAINED FROM:
[HTTP://WWW.MSDCV.ORG/VTOOLS/VERTICAL/VERTICAL.HTML](http://www.msdcv.org/vtools/vertical/vertical.html)
ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENTS.
UNDERGROUND UTILITIES AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE
OBJECTS OBSERVED BY THE SURVEYOR.
THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP,
NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR
DETERMINED BY THIS SURVEY.
THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ASTRAYED FOR DEEDS, DEEDS,
RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND ENDORSED WITH THE SIGNING
SURVEYORS SEAL.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THIS
SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH THE STANDARDS OF THE
FLORIDA BOARD OF SURVEYING AND MAPPING AND ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND
CORRECT. I HAVE REVIEWED THE ENTIRE SURVEY AND AGREE TO THE RESULTS THEREOF.
I COMPARE TO SECTION 47.02(2) OF THE FLORIDA STATUTES AS AMENDED AND
1617-6 OF THE FLORIDA ADMINISTRATIVE CODE.

#435 FLAGLER AVENUE
ST. AUGUSTINE, FLORIDA

ACS SURVEYORS * ENGINEERS
LAND PLANNERS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9967 FAX: 904-797-6027

TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 05/30/2014
FIELD BOOK/PAGE(S): 347/40-44, 63
DRAWING SCALE: 1" = 20'
JOB NUMBER: 14-289

Page 147 of 216

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **REZONING, USE BY EXCEPTION & CONSERVATION OVERLAY ZONE
DEVELOPMENT – 2020-0127**

AGENDA ITEM 7(a)

APPLICANT Ellen Avery-Smith – Applicant
c/o Rogers Towers, P.A.

Ryan Carter – Applicant
c/o Carter Environmental Services

OWNER Patris YC, LLC

LOCATION 110 E Carver Street/ PIN 158730-0000

REQUEST A request to rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). To approve a use by exception to allow for a neighborhood recreational facility. To approve the construction of a six foot (6') wide by three hundred one (301') foot long dock with a twenty foot (20') long access gangway to a twenty five (25') foot by eighty five (85') foot long dock within Conservation Overlay Zone 1. To approve the construction of a bulkhead within Conservation Overlay Zone 2.

ZONING Residential, Single-family-one (RS-1)

FUTURE LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(a) *General.* This chapter may from time to time be amended, supplemented, or changed the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.

(b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board.

Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.

(c) ***Nature and requirements of board report.*** The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) **The need and justification for the change.**

(2) **The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.**

(3) **Consistency with the comprehensive plan.**

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

STAFF ANALYSIS & SUMMARY

Staff does not make a recommendation on rezoning applications, however all information provided will be submitted to the Board and analyzed by staff with a comparative analysis of the existing and proposed zoning districts. The applicant has stated that the rezoning request is to allow for a neighborhood recreation facility, associated dock for the recreation facility use and a single family home within the proposed zoning. Staff has provided an analysis of the existing zoning and the proposed zoning, as well as corresponding site development criteria of both Residential, Single-family-one (RS-1) and proposed Residential, Single-family-two (RS-2) zoning (attachment 2).

Future Land Use: The site has a future land use designation of Residential Low Density, which allows a maximum of 8 dwelling units per acre for residential uses. The requested RS-2 zoning district is a compatible zoning district within this future land use category.

PARCEL/EXISTING ZONING SUMMARY

The property's existing zoning is a Residential, Single-family-one (RS-1) and has been since 1975. The parcel is approximately 30,476 square feet or .70 acres of land per the provided survey by Robert D. Richards Surveying, Inc. dated 2/1/2018 (attachment 3). The parcel is comprised of three lots, lots 8&9 are occupied by a single family home and lot 7 is vacant, the parcel is split by a dirt drive for access to the adjacent property, 1 Holly Lane. The site contains a partial seawall and the remains of a damaged dock approximately 350 feet in overall length. The land use designation of this property is not proposed to be changed with this request.

Adjacent Zoning Districts

<u>Subject Property</u>	<u>Current Zoning – RS-1</u>	<u>Proposed - RS-2</u>
<u>North</u>	Residential, Single-family-one (RS-1)	
<u>South</u>	Government Use (GU)	
<u>East</u>	Open Lands (OL)	
<u>West</u>	Residential, Single-family-one (RS-1)	

Adjacent Land Use Designations

<u>Subject Property</u>	<u>Current FLU – Residential Low Density</u>
<u>North</u>	Residential Low Density
<u>South</u>	Recreation/ Open space
<u>East</u>	Open land
<u>West</u>	Residential Low Density

Surrounding Uses

<u>Subject Property</u>	<u>Current Use – Single Family home</u>	<u>Proposed – Single Family Home & Neighborhood Recreational Facility</u>
<u>North</u>	Residential/Single Family Home	
<u>South</u>	Yacht Club/City Park	
<u>East</u>	Open Water	
<u>West</u>	Residential/Single Family Home	

Allowed Uses Comparison

<u>USE</u>	<u>RS-1</u>	<u>RS-2</u>
<u>Single Family Dwelling</u>	Allowed	Allowed
<u>Neighborhood Recreational Facility</u>	Not allowed	Use by Exception
<u>Housing for the Elderly</u>	Use by Exception	Use by Exception

Density Comparison Table (based on current lot configuration)

<u>Residential Density</u>	<u>RS-1</u>	<u>RS-2</u>
<u>Single Family</u>	2 dwelling units	2 dwelling units

Site Development Comparison Table

	<u>RS-1</u>	<u>RS-2</u>
<u>Min. Lot Width</u>	75'	50'
<u>Min. Lot Area</u>	10,890 ft ²	5,450 ft ²
<u>Min. Setbacks (Front, Side, Rear)</u>	20'/5' ¹ /20	15'/10'/10'
<u>Max. Lot Coverage</u>	29% ²	30%
<u>Max. Building Height</u>	30' ²	35'

¹ – Lot 7 is a nonconforming RS-1 lot subject to LDC Sec. 28-119(6)(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.”

²- Lot 7 is a nonconforming RS-1 lot subject to LDC Sec. 28-160 regarding height and lot coverage which provide different requirements for maximum height and lot coverage.

Lot 7 would become conforming should the parcel be rezoned. Lots 8 & 9 would be considered to have a nonconforming structure if rezoned to be used as the recreation facility, as the setback for the existing structure is 4.7 feet from the southern property line while RS-2 zoning requires a minimum of 10' setback. The survey (attachment 3) indicates that the existing structure is constructed over lots 8 & 9, as a result of this, these lots are considered aggregated.

Rezoning requirements:

1. The need and justification for the change.

The application states that the rezoning is necessary to accommodate the proposed use of a neighborhood recreation facility as a use by exception.

2. The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

The city's general planning program promotes public access to the water, maintenance and preservation of existing neighborhood within the city, and infill development of parcels within the city.

3. Consistency with the comprehensive plan.

Several Goals, Objectives and Policies are provided for your consideration below.

- The Future Land Use goal is to “Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.
- Land Use The Coastal management goal is “To prevent loss of life and damage to property in the coastal areas from the effects of natural disasters, including sea level rise and intense rain events, **while encouraging appropriate public access to and use of coastal areas.**
- CCM Policy 1.1.3(a) – “Encourage developments such as infill, redevelopment, clustered and mixed-use developments.”
- CCM Objective 2.7 states “Permitted uses for shoreline and waterfront property **will continue to give priority to water-dependent uses and increase safe public access to Salt Run**, the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with land adjacent to the riverine environments.
- Housing Objective 1.2 states – “The useful life of the existing housing stock shall be conserved through effective implementation of regulatory action programs directed toward preserving neighborhood quality, including conservation of natural resources, maintenance of community facilities and code enforcement activities.”
- H Policy 3.2.2 states – “The city shall encourage neighborhood identity in an effort to preserve neighborhood character, address issues impacting neighborhoods, and encourage residents to live in their homes, continue the residential nature of the city, and contribute to the eclectic mix of St. Augustine.

The comprehensive plan contains the abovementioned goals, policies and objectives that promote the access to city waterfronts, but also seek to maintain and preserve the character of existing neighborhoods within the city. The policies may result in some conflict as the nature of some requests are multi-faceted. However, the Comprehensive Plan should be looked at in its entirety when reviewing this request to promote the plans overarching goals.

USE BY EXCPEITION APPLICABLE CODES/ORDINANCES

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

Neighborhood recreational facility means a facility designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities intended for use primarily by the residents of the neighborhood it serves.

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

(a) Zoning exceptions:

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

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

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

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

Proposed Site Zoning

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

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

(3) *Permissible uses by exception.* See [section 28-347](#); housing for the elderly; **neighborhood recreation facility**.

STAFF SUMMARY AND ANALYSIS – Use by Exception - Neighborhood recreation facility.

This request is dependent upon the rezoning of the property, which the Planning & Zoning Board will make a recommendation on and the City Commission will ultimately make a final decision upon. Any approvals of this request are wholly dependent on the outcome of the rezoning. A neighborhood recreation facility is not a permissible use within the properties current zoning of Residential, Single-family-one (RS-1), only within the requested zoning as a use by exception.

The applicant is requesting a use by exception to allow for a neighborhood recreation facility within RS-2 zoning. The proposed neighborhood recreation facility would be a youth sailing center. The proposed use is located adjacent to the St. Augustine Yacht Club. The applicant describes the main use of the proposed facility, as described in the provided narrative (attachment 4), as “a community sailing center [to] provide instructional boating and marine-related education and activity programs.” Other potential uses for the facility are listed as: “using the facilities for nautical education, fundraising and awards ceremonies. Classroom training will include power boating, sailing and racing skills, safety at sea, environmental stewardship, STEM, and possibly marine science activities.”

The definition of a neighborhood recreation facility states that the facility should be “designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities **intended for use primarily by the residents of the neighborhood it serves.**” The applicant is proposing that the primary focus will be “providing affordable access to boating for local youth, where no child is denied access to programs due to financial hardship.” Specifically, the narrative addresses the property’s use by the neighborhood residents as follows:

“The Foundation will offer sailing lesson discounts to resident members of the Lighthouse Park Neighborhood Association; will offer two sailing lesson scholarships per year to children of resident members of the Lighthouse Park Neighborhood Association; and will make the Property available for use for Lighthouse Park Neighborhood Association-organized daytime neighborhood events (including but not limited to an annual meeting, picnic or holiday party) two times per year based on availability.”

The application states that the site will be used for a single family home and a neighborhood recreation facility, however the location of the single family home and neighborhood recreation facility is not clarified within this application or supporting materials, or if the existing single family home will be retrofitted to accommodate the proposed use of neighborhood recreation facility. The intensity of the proposed use is also unknown with the provided application materials. This information would be needed to better understand the anticipated potential impacts to surrounding properties, the intensity of the proposed use along with the associated requirements for development with the use (landscaping, parking requirements, etc.). The existing house is approximately 2,032 square feet.

The parking demands for a sailing center is not defined within our code, however the city code defines a community center and marina which may serve as an appropriate parking rate calculation. The application does not provided sufficient information for staff to calculate an anticipated parking demand for the proposed use.

The applicant does not explain how this facility will serve and be primarily used by the neighborhood in which it is proposed to reside (Lighthouse Park) but does offer the above mentioned uses, as stated in Section 2.D. of the provided narrative, for the “resident members of the Lighthouse Park Neighborhood Association.” The narrative states that St. Augustine Yacht Club and the St. Augustine Yacht Club Foundation, Inc. has provided instruction since 2010 and that “the [sailing] instruction has always been made available to the entire St. Augustine community, with partial and full scholarships to those with limited financial ability. Since its inception, more than 1,000 St. Augustine children and adults have benefited from this program supported by the St. Augustine Yacht Club, which has fewer than 225 members.”

The applicant suggests the site would be used for “fundraisers” however, **this would constitute a special event venue which is not a permitted use within RS-1 or RS-2 and is not defined as part of a neighborhood recreation facility.** *Special event venue* is defined as a business where the primary or ancillary or accessory use is to host events such as ... fundraisers...and similar events.

While the proposed use is adjacent to a similar use, the surrounding area is predominantly residential with consistent zoning and uses. Furthermore, the scope of the request does not clearly delineate the location, intensity, configuration or design of the facility and single family home, nor how the use will primarily serve the residents of the neighborhood or how the facility is being designed to cater to the needs of the neighborhood, not just “resident members of the Lighthouse Park Neighborhood association.” The application demonstrates how the greater St. Augustine community has benefitted from the adjacent yacht club use, but not how the proposed neighborhood recreation facility at this location will promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare of the neighborhood and all of its residents.

Staff finds that the request does not sufficiently address the requirements of a use by exception for a neighborhood recreation facility. Additionally, the applicant will need to amend the request to remove any reference to any special event venue uses at the site (be it for the proposed youth sailing center or as a function of the neighborhood use) as this is not permissible within the requested zoning of RS-2.

The language included under section 1 of the provided narrative is not enforceable by the City and should not have any bearing in reviewing the requested use by exception.

CONSERVATION OVERLAY ZONE 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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

(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 request is dependent upon the rezoning and the use by exception portion of this staff report, which the Planning & Zoning Board will make a recommendation on and the City Commission will ultimately make a final decision upon. Any approvals of this request are wholly dependent on the outcome of the rezoning and use by exception. A neighborhood recreation facility is not a permissible use within the property's current zoning of Residential, Single-family-one (RS-1), only within the requested RS-2 zoning.

This request is for the construction of a six foot (6') wide by three hundred one (301') foot long dock with a twenty foot (20') long access gangway to a twenty five (25') foot by eighty five (85') foot long commercial dock within Conservation Overlay Zone 1. The dock is proposed to be approximately 346 feet in overall length. To approve the construction of a bulkhead to complete the existing bulkhead across the entirety of the shoreline within Conservation Overlay Zone 2. The site has the remnants of an existing damaged dock that is approximately 350 feet in overall length. Please see attachment 5 for full details of 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 developed with a single family home, a partial seawall and remnants of a damaged dock.

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

To the north of the subject property multiple single family docks with boat lifts exist. The property to the south contains an elevated pier along with a boat ramp and floating dock for the Lighthouse Park boat ramp and park facilities.

- (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.

See the applicant's narrative.

- (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. See the applicant's narrative.

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

See the applicant's narrative.

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

See the applicant's narrative.

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

The effects would be limited to those typically experience by boating traffic within the area, the area is a no wake zone that should limit impacts to manatees and shoreline erosion. The proposed dock will only house non-motorized vessels which also pose limited wake impacts.

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

The proposed dock width of 6' accounts for less than 1% of the existing improved shoreline.

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

The terminal platform has a total width of approximately 85', which comprises ~84% of the 102 feet of water frontage the site contains.

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

N/A, See the applicant's narrative.

- (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.)

See the applicant's narrative.

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

Minor impacts from the placement of pilings See the applicant's narrative.

- (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. There are no proposed boat lifts with this request.

Archaeological – Proposed Neighborhood Recreational facility & dock

- This property falls within Archaeological Zone IIIB. Any proposed ground disturbance greater than 3 inches in depth such as foundation work, retaining walls, plumbing, storm-water retention, site work, etc., requires archaeological review and testing prior to the commencement of construction activities. The archaeological review can be initiated with the submittal of an A-14 Application for Archaeological Review to the Planning and Building Department. The archaeological fee for projects in Zone III is 1% of the estimated construction cost. The Planning & Building Department and City Archaeology department can provide additional information upon request.
- The proposed dock abuts the Old St. Augustine Lighthouse/Watchtower Foundation archaeological site (8SJ03702), an archaeological site on city bottom lands. According to the Florida Master Site File form for archaeological sites, the full extent of the site boundaries is unknown. Detailed plans and/or additional archaeological work would be needed to assess any potential impacts to the site. Reusing the initial piles from the previous dock would certainly minimize any potential impacts to the archaeological site.

STAFF RECOMMENDATIONS

- Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.
- The requested use by exception for a neighborhood recreation facility and conservation overlay zone development for a bulkhead, pier and floating dock are a condition of the rezoning, therefore staff will not make a recommendation on these requests.

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

STAFF RECOMMENDATION

ATTACHMENTS

Attachment 1 – Application & Supporting Information
Attachment 2 – RS-1 & RS-2 Zoning District Standards
Attachment 3 – Survey Dated 2/1/2018
Attachment 4 – Use by Exception Narrative
Attachment 5 – Conservation Overlay Zone Narrative & Graphics

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

Attachment 1

Application & Supporting Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs) Project Number: _____
Receipt Number: _____ Meeting Date: _____
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ellen Avery-Smith, Esq. Contact Number: 904-825-1615
Business (if applicable): Rogers Towers, P.A.
Address: 100 Whetstone Place, Suite 200 City: St. Augustine State: FL Zip: 32086
E-Mail Address: eaverysmith@rtlaw.com

2. NAME OF PROPERTY OWNER: Patris YC, LLC Contact Number: _____
Business (if applicable): _____
Address: 1093 A1A Beach Blvd., #396 City: St. Augustine State: FL Zip: 32080
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: See attached legal Block: _____
Subdivision: _____ Parcel Number: Part of 158730-0000

4. PROJECT STREET ADDRESS: 110 Carver Street East, St. Augustine, Florida 32080

5. SPECIFIC PROPOSED USE: Single-Family Residential and Recreation Facility with Dock

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

7. DESCRIPTION OF ACTION REQUESTED: Owner seeks rezoning of the Property from RS-1 to RS-2 in order to allow for single-family residential use and a neighborhood recreation facility with dock for a not-for-profit sailing center. The neighborhood recreation facility requires a zoning exception. The dock for the sailing center requires Conservation Overlay Zone development (Zone 1 and 2) approval.

8. JUSTIFICATION FOR ACTION REQUESTED: Owner seeks rezoning of the Property from RS-1 to RS-2 in order to allow for single-family residential use and a neighborhood recreation facility for a not-for-profit sailing center, which will have a dock for sailing center boats.

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

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

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

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

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

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

11/23/2020

Date

Signature of Property Owner

Date

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

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

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Signature of Applicant

Date

Dail A. Jaylor

11-23-2020

Signature of Property Owner

Date

04/18/2019

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

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

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Signature of Applicant

11-19-20
Date

Signature of Property Owner

Date

04/18/2019

City of St. Augustine

Application to Planning and Zoning Board

Supplemental Information

Co-Applicant:

Carter Environmental Services, Inc.
42 Masters Drive
St. Augustine, Florida 32084
Phone: 904.540.1786
Email: ryan@carterenv.com



Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of Rogers Towers, P.A. is/are hereby authorized TO ACT ON BEHALF
OF Patris YC, LLC, the ^{managing member} 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:
110 Carver Street East, St. Augustine, Florida 32080

BY: Dail A. Taylor
Signature of managing member
DAIL A TAYLOR
Print Name of managing member
(904) 540-3756
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 23rd day of November, 2020

By DAIL A TAYLOR

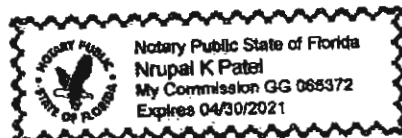
Identification verified:

Oath sworn: X Yes No

Notary Signature:

My Commission expires: 4-30-2021

Rev:022117





Owner's Authorization For Agent

Carter Environmental Services, Inc. is/are hereby authorized TO ACT ON BEHALF
OF Patris YC, LLC the ^{managing member} 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:
110 Carver Street East, St. Augustine, Florida 32080

BY: Dail A. Taylor
Signature of managing member
DAIL A TAYLOR
Print Name of managing member
(904) 540-3756
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 23rd day of NOVEMBER, 2020

By DAIL A TAYLOR

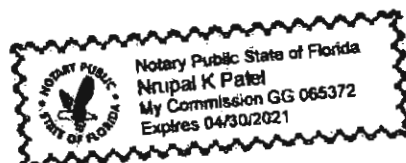
Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: 4-30-2021

Rev:022117





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

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

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

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

Ryan Carter

Print name of applicant

[Signature]

Signature of applicant

11-19-20

Date



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

Detail by Entity Name

Florida Limited Liability Company

PATRIS YC, LLC

Filing Information

Document Number L17000247051

FEI/EIN Number 20-5052554

Date Filed 12/01/2017

State FL

Status ACTIVE

Principal Address

1093 A1A BEACH BLVD. #396

ST. AUGUSTINE, FL 32080

Changed: 03/29/2020

Mailing Address

1093 A1A BEACH BLVD. #396

ST. AUGUSTINE, FL 32080

Changed: 03/29/2020

Registered Agent Name & Address

TAYLOR, DAIL A

316 REDWING LAND

ST AUGUSTINE, FL 32080

Name Changed: 03/29/2020

Address Changed: 03/29/2020

Authorized Person(s) Detail

Name & Address

Title MGR

TAYLOR, DAIL A

316 REDWING LANE

ST. AUGUSTINE, FL 32080

Annual Reports

Report Year	Filed Date
-------------	------------

2018	03/19/2018
2019	05/01/2019
2020	03/29/2020

Document Images[03/29/2020 – ANNUAL REPORT](#)[View image in PDF format](#)[05/01/2019 – ANNUAL REPORT](#)[View image in PDF format](#)[03/19/2018 – ANNUAL REPORT](#)[View image in PDF format](#)[12/01/2017 – Florida Limited Liability](#)[View image in PDF format](#)*Florida Department of State, Bureau of Corporations*

ST. AUGUSTINE YACHT CLUB FOUNDATION SAILING CENTER
LEGAL DESCRIPTION OF PROPERTY

LOT 8 AND 9, KEEGAN'S ADDITION TO ANASTASIA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 33, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF CARVER STREET VACATED BY ORDINANCE NO. 584 RECORDED IN DEED BOOK 186, PAGE 257 LYING ADJACENT TO LOTS 8, AND 9, KEEGAN'S ADDITION TO ANASTASIA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 33, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	1587300000
Location Address	110 CARVER ST E SAINT AUGUSTINE 32080-0000
Neighborhood	Keegans Addition (ICWFR) (630.42)
Tax Description*	6-33 KEEGANS ADDITION LOTS 7 8 & 9 OR 4673/1482 *The Description above is not to be used on legal documents.
Property Use Code	Single Family (0100)
Subdivision	Keegan's Addition To Anastasia
Sec/Twp/Rng	21-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.400
Homestead	N

Owner Information

Owner Name	Patris Yc LLC 100%
Mailing Address	100 SOUTHPARK BLVD STE 410 SAINT AUGUSTINE, FL 32086-0000

Map



Valuation Information

	2020
Building Value	\$103,570
Extra Features Value	\$0
Total Land Value	\$667,050
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$770,620
Total Deferred	\$0
Assessed Value	\$770,620
Total Exemptions	\$0
Taxable Value	\$770,620

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	\$112,743	\$13,672	\$667,050	\$0	\$0	\$793,465	\$793,465	\$0	\$793,465
2018	\$114,402	\$13,672	\$667,050	\$0	\$0	\$795,124	\$735,044	\$60,080	\$735,044
2017	\$96,948	\$12,892	\$558,382	\$0	\$0	\$668,222	\$668,222	\$0	\$668,222
2016	\$98,313	\$27,801	\$558,382	\$0	\$0	\$684,496	\$684,496	\$0	\$684,496
2015	\$101,044	\$27,801	\$558,382	\$0	\$0	\$687,227	\$243,997	\$543,730	\$143,497
2014	\$96,386	\$27,801	\$558,382	\$0	\$0	\$682,569	\$242,061	\$541,008	\$141,561
2013	\$73,253	\$22,060	\$558,382	\$0	\$0	\$653,695	\$238,484	\$515,711	\$137,984
2012	\$75,823	\$22,099	\$444,508	\$0	\$0	\$542,430	\$234,498	\$408,432	\$133,998
2011	\$77,108	\$22,137	\$493,898	\$0	\$0	\$593,143	\$227,668	\$465,975	\$127,168
2010	\$79,678	\$22,175	\$548,775	\$0	\$0	\$650,628	\$224,303	\$526,825	\$123,803

Building Information

Building 1
 Actual Area 3769
 Conditioned Area 2292
 Actual Year Built 1953
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Flat
 Roof Cover Built Up
 Interior Flooring Terrazzo
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Flat	100%
Roofing Cover	Built Up	100%
Interior Walls	Drywall	100%
Interior Flooring	Terrazzo	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	2032	2032
PATIO	0	741
UNFINISHED GARAGE	0	736
BASE AREA	260	260
Total SqFt	2292	3769

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	350
Boat Dock (Average)	0	0	0	0	2400
Boat Lift	0	0	0	0	80

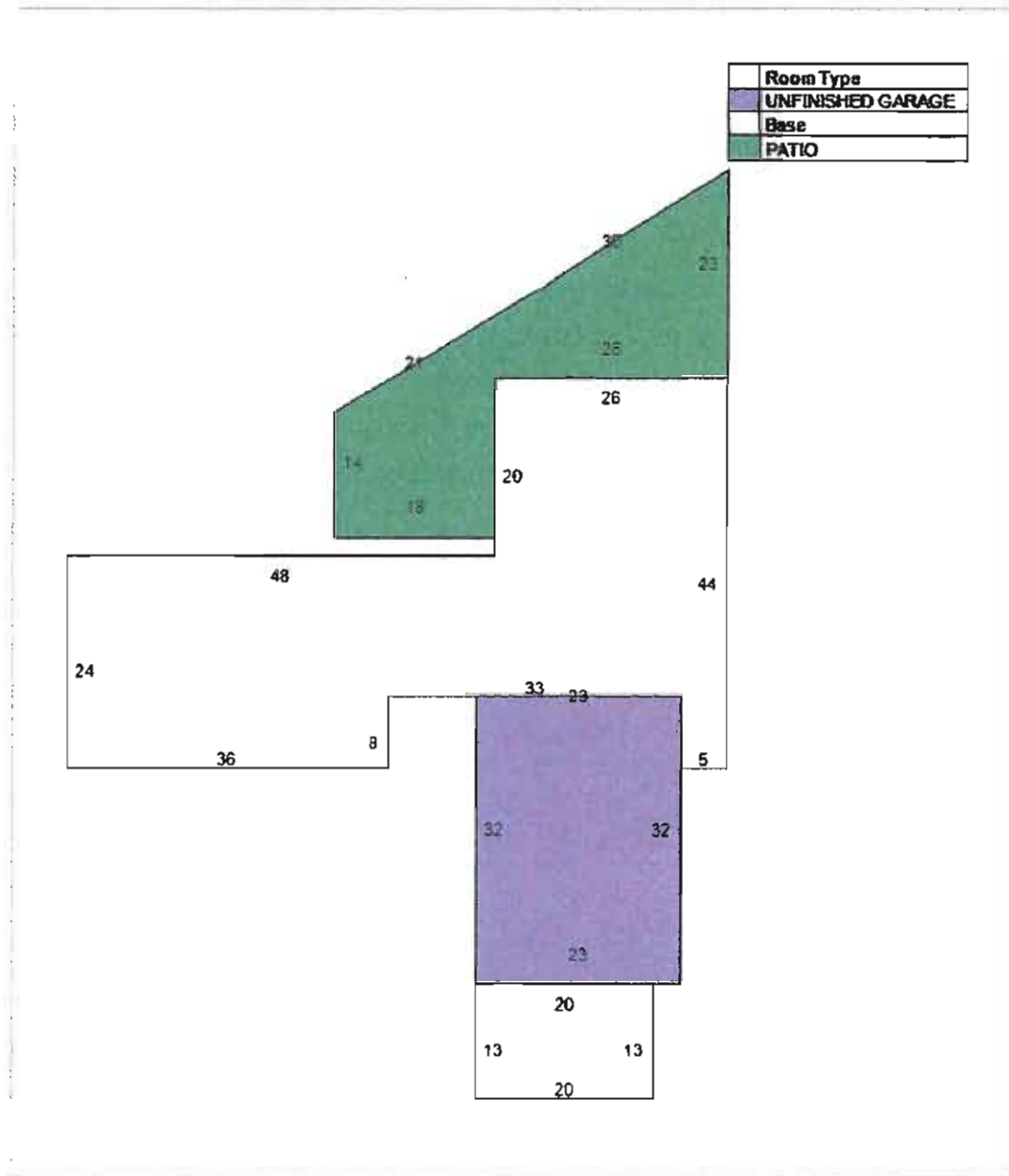
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	105	0	105	FF	\$571,725
Single Family	50	104	50	EF	\$95,325

Sale Information

Recording Date	Sale Date	Sale Price	Instrument		Qualification	Vacant/Improved	Grantor	Grantee	
			Type	Book	Page				
1/30/2019	1/30/2019	\$100.00	QC	4673	1505	U	I	LATHAM SARA L ET AL	PATRIS YC LLC
1/30/2019	1/30/2019	\$950,000.00	WD	4673	1482	Q	I	LATHAM SARA L ET AL	PATRIS YC LLC
10/24/2018	10/23/2018	\$0.00	CO	4630	1725	U	I	LIMBAUGH GENE L JR ESTATE	
10/24/2018	10/23/2018	\$0.00	CO	4630	1724	U	I	SMITH SUE LIMBAUGH ESTATE	
8/17/2018	4/26/2018	\$0.00	CO	4598	1248	U	I	PADGETT LOUISE LIMBAUGH ESTATE	JACKSON MARY CAROLYN
8/17/2018	3/16/2018	\$0.00	LA	4598	1247	U	I	PADGETT LOUISE LIMBAUGH ESTATE	PADGETT LOUISE LIMBAUGH ESTATE
1/29/2016	1/29/2016	\$0.00	LA	4143	447	U	I	URIBE MARGARET L GREEN ESTATE	LATHAM SHIRLEY (PERS REP)
4/6/2018	11/15/2015	\$0.00	HR	4528	97	U	I	URIBE MARGARET L GREEN ESTATE	LATHAM SARA ET AL
	4/1/1990	\$0.00		853	1173	U	I		URIBE RAFAELA, MARGARET L

Sketch Information



No data available for the following modules: Exemption Information.

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

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

Last Data Upload: 7/21/2020, 12:48:27 AM

Developed by
 **Schneider**
 GEOSPATIAL

Version 2.3.71

Prepared By/Record and Return To:

Susan S. Bloodworth, Esquire
Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

FILE: P7711-72761
PV18-03/6750537

Parcel No.: 158730-0000
Consideration: \$10.00

QUIT CLAIM DEED

This Quit Claim Deed is made, executed and delivered this 30th day of January, 2019, between **SARA L. LATHAM, SHIRLEY LATHAM, RONALD J. SMITH**, as the Personal Representative of the **ESTATE OF SUE LIMBAUGH SMITH, MARY CAROLYN JACKSON**, as the Ancillary Personal Representative of the **ESTATE OF LOUISE LIMBAUGH PADGETT, JEAN STEWART, LARRY LIMBAUGH, BRUCE ROCKSTROH, MOURETTE HODGE, PATRICIA DONOVAN, STEVE MCINTOSH, JACOB ALEXANDER SAM ALEXANDER, SHARON ALEXANDER SHROUT, BELINDA CART, CHARLES LIMBAUGH, JR., PATRICIA G. LIMBAUGH**, as the Personal Representative of the **ESTATE OF GENE A. LIMBAUGH, JR., JESSE L. LIMBAUGH, BRIAN LIMBAUGH, MICHAEL MOTHERWAY, and BRETT MOTHERWAY**, (collectively referred to as the "Grantor"), and **PATRIS YC, LLC**, a Florida limited liability company, whose address is 100 Southpark Boulevard, Suite 410, St. Augustine, Florida 32086 (hereinafter the "Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), in hand paid by the said Grantee, the receipt and sufficiency whereof is hereby acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said Grantee, and its successors and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

SEE **EXHIBIT "A"** ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

The purpose of this quit-claim deed is to convey any remainder interest the parties may have in and to the above-described property.

together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the land.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances of Grantor thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behoof of the said Grantee, its successors and assigns forever.

Grantor represent that Grantor does not now reside and has never resided on the property and has never filed for homestead exemption with respect thereto.

IN WITNESS WHEREOF, the said Grantor have hereunto set their seals the day and year first above written.

[Intentionally left blank; signatures begin on next page]

Deed signatures are on file with the City and are available upon request.

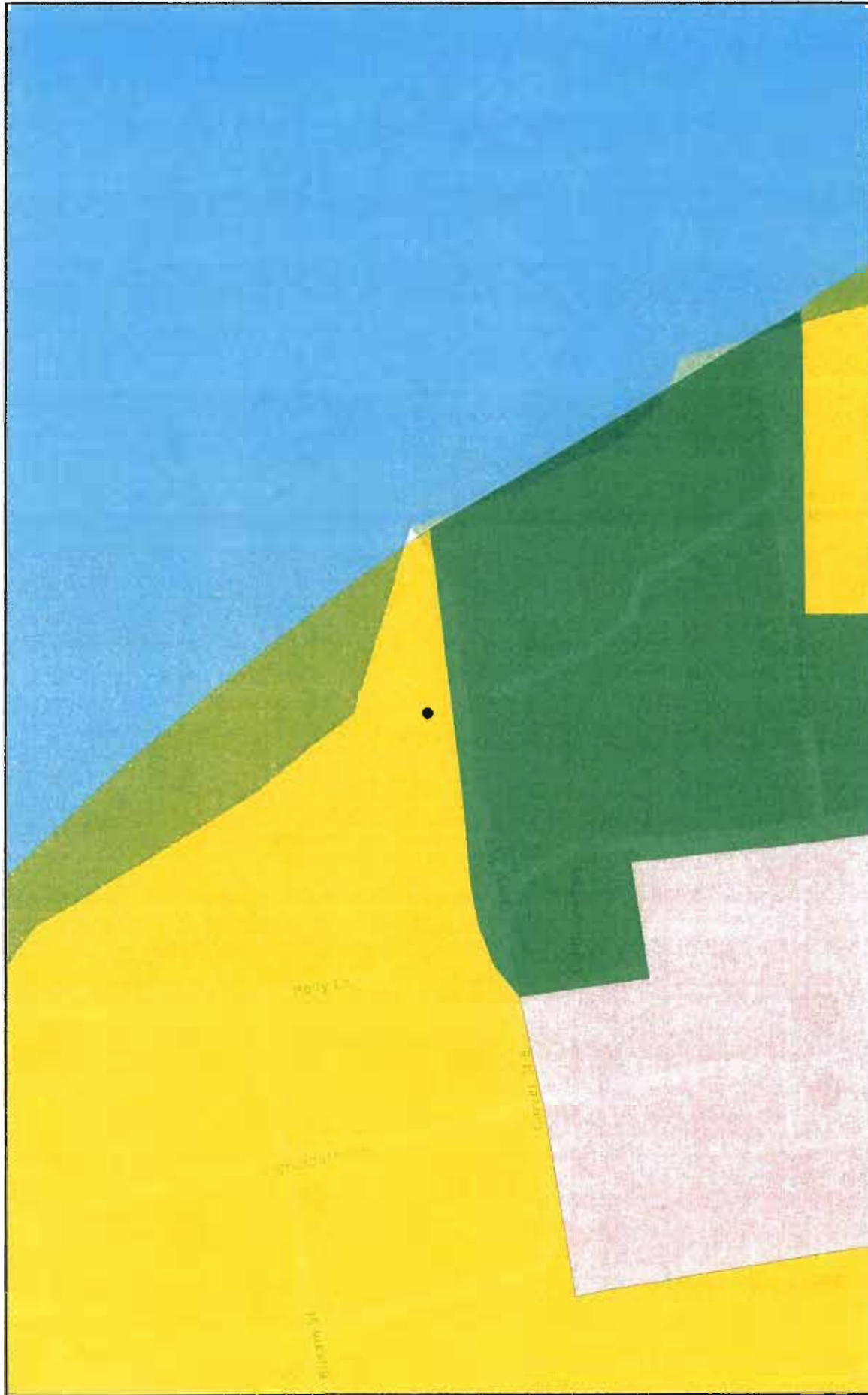
EXHIBIT "A"

LOT 7, 8, AND 9, KEEGAN'S ADDITION TO ANASTASIA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 33, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF CARVER STREET VACATED BY ORDINANCE NO.584 RECORDED IN DEED BOOK 186, PAGE 257 LYING ADJACENT TO LOTS 7, 8, AND 9, KEEGAN'S ADDITION TO ANASTASIA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 33 OF THE PUBLIC RECORDS OF ST JOHNS COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 158730-0000

Future Land Use Map



7/21/2020, 9:11:18 AM

Future Land Use



RESIDENTIAL LOW DENSITY



RESIDENTIAL MEDIUM DENSITY / MIXED USE



RECREATION / OPEN SPACE

1:2,257

0 0.01 0.03 0.05 0.06 mi

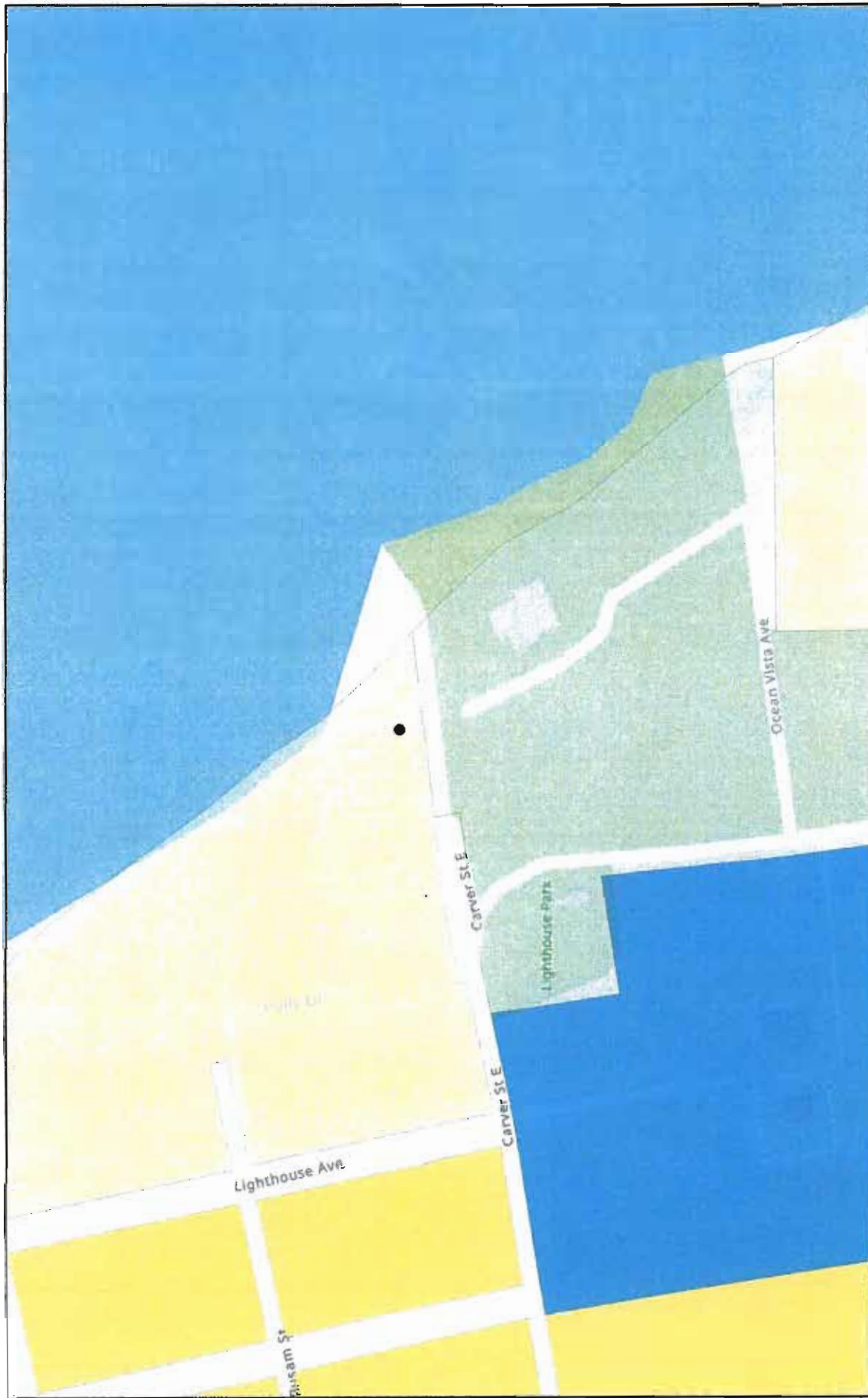
0 0.03 0.05 0.1 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

ArcGIS Web AppBuilder

Esri Community Maps Contributors, FDEP, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Florida Counties and Regional Planning Councils | FL SERT | Data content is created

Zoning Map



7/21/2020, 9:12:59 AM

Zoning Districts

GU	MU	RS-1	RS-2
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1:2,257

0 0.01 0.03 0.06 mi
0 0.03 0.05 0.1 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Esri Community Maps Contributors, FDEP, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METINASA, USGS, EPA, NPS, US Census Bureau, USDA | Florida Counties and Regional Planning Councils | FL SERT | Data content is created ArcGIS Web AppBuilder

Attachment 2
RS-1 & RS-2 Zoning District Standards

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

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

- (1) *Permitted uses and structures.* Single-family dwelling; home office, private.
- (2) *Permitted accessory uses and structures.* See section 28-348.
- (3) *Permissible uses by exception.* See section 28-347.
- (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.

(Code 1964, § 33-21; Ord. No. 99-05, § 2, 2-8-99)

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

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

- (1) *Permitted uses and structures.* Single-family dwellings; home office, private.
- (2) *Permitted accessory uses and structures.* See section 28-348.
- (3) *Permissible uses by exception.* See section 28-347; housing for the elderly; neighborhood recreation facility.
- (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.

(Code 1964, § 33-22; Ord. No. 99-05, § 3, 2-8-99)

Attachment 3
Survey dated 02/01/2018

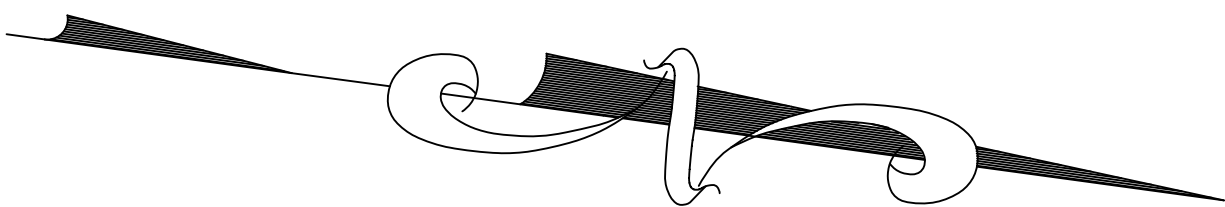
LYING IN

SAINT JOHN'S COUNTY, FLORIDA

33, OF THE

33, OF THE PUI

COUNTY, FLORIDA



GENERAL NOTES

- 3.) THIS MEAN HIGH WATER LINE SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.

- SURVEYOR.

- ADMINISTRATIVE CODE

DocuSigned by:

DocuSigned by:

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2/1/2018 | 1:28 PM EST

DRAWING: 18-100BNDY

ROBERT D. RICHARDS SURVEYING, INC.

PROFESSIONAL SURVEYING & MAPPING

LICENSE BUSINESS NO. 739

PHONE: (904) 940-0721 FAX: (904) 940-5896

Attachment 4
Use by Exception Narrative

St. Augustine Yacht Club Foundation

Justification for Application for Rezoning, Zoning Exception and Conservation Overlay Zone Development

The property subject to the referenced application (the “Property”, which includes a portion of St. Johns County Parcel Identification No. 158730-0000) is owned by Patris YC, LLC (“Patris”). Patris has agreed to donate the Property to the St. Augustine Yacht Club Foundation, Inc. (the “Foundation”) if the City of St. Augustine approves the application to permit use of the site as a not-for-profit sailing center.

The St. Augustine Yacht Club (“Club”) and its Foundation have been offering youth and adult sailing instruction since 2010. The instruction has always been made available to the entire St. Augustine community, with partial and full scholarships to those with limited financial ability. Since its inception, more than 1,000 St. Augustine children and adults have benefited from this program supported by the Club, which has fewer than 225 members.

The not-for-profit St. Augustine Community Sailing Center, Inc.’s mission will be to operate a community sailing center and provide instructional boating and marine-related education and activity programs. The primary focus will be providing affordable access to boating for local youth, where no child is denied access to programs due to financial hardship. Sailing Center activities may also include using the facilities for nautical education, fundraising and awards ceremonies. Classroom training will include power boating, sailing and racing skills, safety at sea, environmental stewardship, STEM, and possibly marine science activities.

The Property is located on the waterfront along Salt Run, adjacent to Lighthouse Park and the St. Augustine Yacht Club building. Thus, the Property is an ideal location to relocate the Foundation’s sailing center. Patris and the Foundation will construct a dock on the Property for use by Foundation sailing vessels, in the configuration set forth in the application materials.

Before the Property can be used for a sailing center, it is necessary to rezone it. The Future Land Use Map designation of the Property is Residential Low Density. In order to ensure that the Property can only be used for single-family residential and recreational uses – and not for commercial or high-intensity uses - Patris and the Foundation determined to leave the Future Land Use Map designation as Residential Low Density and rezone the land from Residential Single-Family One (RS-1) to Residential Single-Family Two (RS-2). The primary permitted use in both zoning districts is single-family residences. However, the RS-2 zoning district allows neighborhood recreational facilities as a use by exception. The RS-1 zoning district does not.

In order to obtain community input, Foundation members and Patris have met with nearby property owners and representatives of the Lighthouse Park Neighborhood Association to discuss the proposed sailing center on the Property. Following those discussions, the Foundation and Patris are willing to do the following, once the application and other permits required to operate the sailing center and construct the dock are approved and all appeal periods have expired without appeals being filed:

1. The deed from Patris to the Foundation will contain a reverter clause requiring the Property to automatically revert to Patris ownership in the event the Foundation ceases to operate a sailing center on the Property for a period of 12 consecutive months after the sailing center opens. Patris will have the legal right to enforce the reverter.
2. The Club and Foundation will consider some limitations on the use of the Property, including:
 - a. The Property can only be used as a sailing center for people of all ages. Use can include fundraising events for the Foundation, with such events not lasting later than 10 p.m.
 - b. Parking on the Property will be limited to the number permitted by the City of St. Augustine Code.
 - c. There will be no overnight parking on the Property, except for security vehicles.
 - d. The Foundation will offer sailing lesson discounts to resident members of the Lighthouse Park Neighborhood Association; will offer two sailing lesson scholarships per year to children of resident members of the Lighthouse Park Neighborhood Association; and will make the Property available for use for Lighthouse Park Neighborhood Association-organized daytime neighborhood events (including but not limited to an annual meeting, picnic or holiday party) two times per year based on availability.
 - e. The Foundation will maintain the Property in a safe and sanitary condition and will secure the Property against trespassers.
 - f. The Foundation can construct a dock on the Property to be used by the sailing center. Only boats associated with the Foundation can be tied up or otherwise use the dock.

Attachment 5

Conservation Overlay Zone Narrative & Graphics

**St. Augustine Yacht Club – Youth Sailing Center Dock
110 Carver Street East
Overlay Zone Development Application Supplement
November, 2020**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and retaining wall at 110 Carver Street East. The proposed dock will be used by the St. Augustine Yacht Club's Youth Sailing Center to access Salt Run.

The proposed dock at this property is for the St. Augustine Yacht Club's Youth Sailing Center. The design includes a 301' long x 6' wide access pier terminating with a gangway to a 25' x 85' floating dock. This floating platform will be used to launch and store the Sailing Center's small sailing dinghies. These nonmotorized sailing vessels are approximately 12-14' in length and are used in their instructional activities.

There was an existing dock associated with the property, built sometime around 1988, which received permit approval. This dock has been destroyed by storms over the years and only the pilings remain. The proposed access pier will remain in the same alignment as the previous dock. The piles for the initial +/- 250' of the access pier will remain in place and be re-used, leaving existing oyster colonies unaffected. In addition, the applicant would like to continue the existing wooden upland retaining wall to the southern boundary of the property to halt erosion seen in the included pictures. This wall will be placed landward of the wetland line. This shoreline stabilization will also keep any new safety fence, protecting visitors from the steep drop off, securely in place.

The access pier will be built six feet above mean high water and have a minimum depth below the floating platform of five feet at mean low water. Turbidity control measures such as floating turbidity curtains, siltation fences and hay bales may be employed during construction, but impacts will be temporary, and no long-term erosional impacts should occur.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

The community will gain facilities for sailing instruction, and revitalize and old dilapidated property.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is no vegetation present under the existing/proposed access pier alignment, and the existing piles will be used for the initial access pier which crosses oyster colonies.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 128 feet of river frontage. The bottom substrate is sand/silt with sparse salt marsh vegetation and oyster colonies present.

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

The property is adjacent to other single-family homes along Salt Run to the north, the Lighthouse Neighborhood to the west and City of St. Augustine property / Lighthouse Boat Ramp to the south.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: No impact

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: There may be additional exclamations of laughter and joy from the youth sailors attending the new Sailing Center.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials.

9. *Effect of shade on vegetation and shellfish.*

No vegetative shading will occur. Effects of shading on shellfish should be minimal.

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

The sailing dinghies are nonmotorized no produce no wake; their use should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

The applicant wishes to extend the existing wooden retaining wall (+/-34') to the southern boundary of the property (+/-94'). See attached Figure 3.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Negligible

b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: Minimal shading

c) The effects of the project on water fowl are as follows

Positive: None anticipated

Negative: None anticipated

17. Dock specifications:

a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

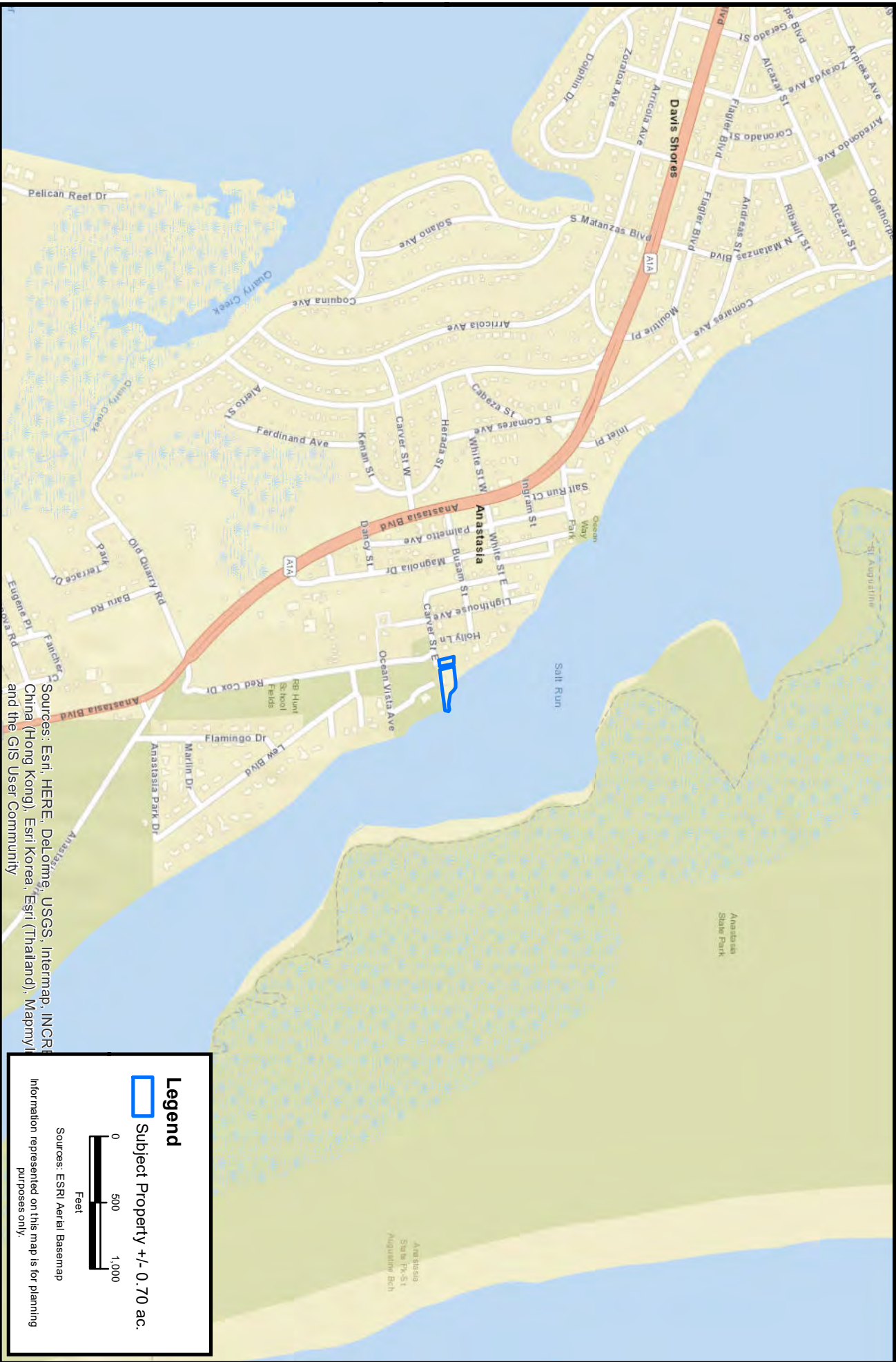
There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck access pier will be built 6' above MHW.

c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

No boat lift is proposed



**CARTER ENVIRONMENTAL
SERVICES, INC.**

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

Project:

5.19359

St. Augustine, St. Johns County, FL

Date: Nov 19 2020

Figure:

1





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, AeroGRID, IGN, and the GIS User Community, Esri, HERE contributors

Legend
☐ Subject Property +/- 0.70 ac.



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

Aerial Map

St. Augustine Yacht Club – Youth Sailing Center

CARTER ENVIRONMENTAL
 SERVICES, INC.

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 42 Masters Drive
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 904-540-1786
 www.carterenv.com

Project:

5.19359

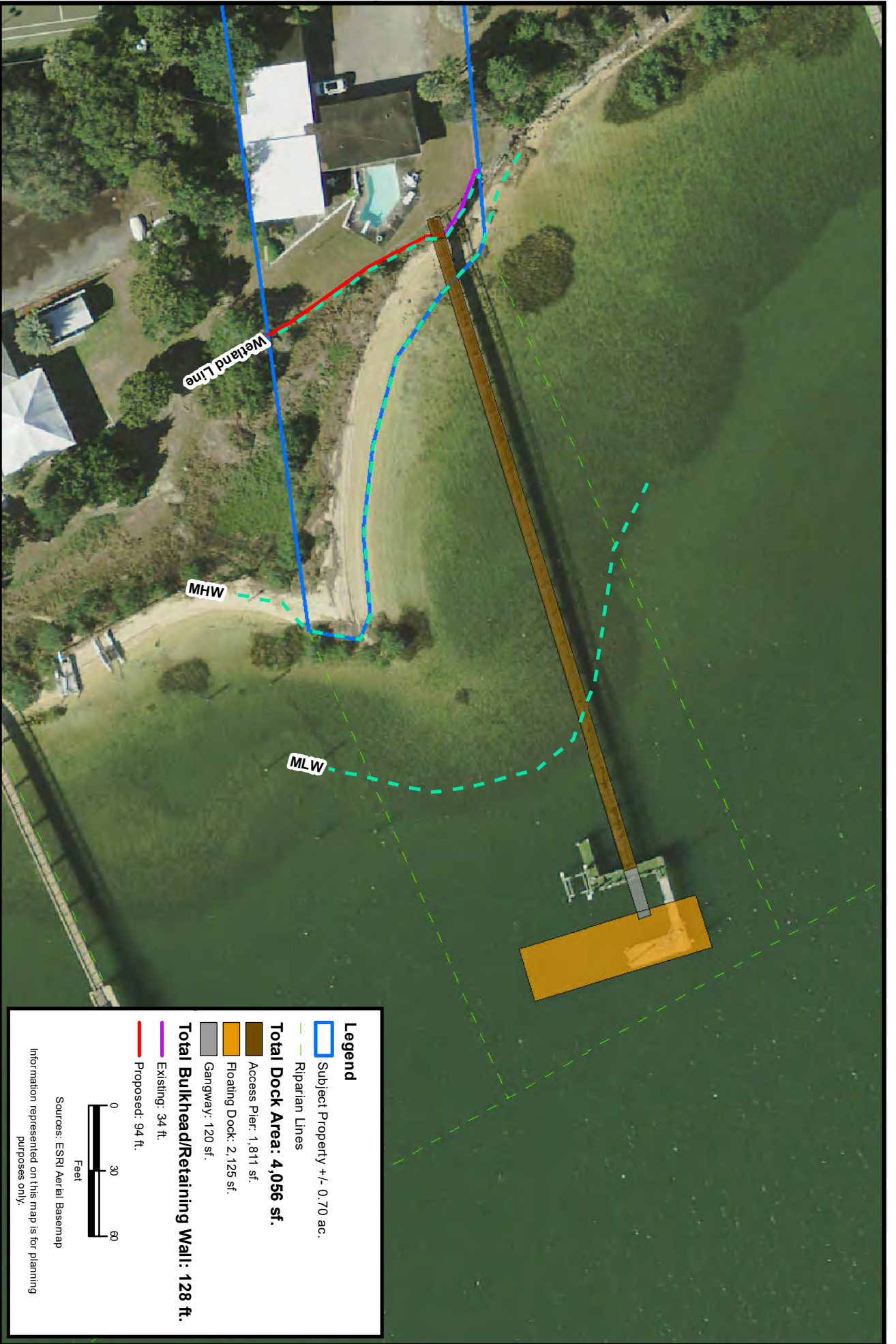
St. Augustine, St. Johns County, FL

Date: Nov 19 2020

Figure:

2





Legend

- Subject Property +/- 0.70 ac.
- Riparian Lines

Total Dock Area: 4,056 sf.

- Access Pier: 1,811 sf.
- Floating Dock: 2,125 sf.
- Gangway: 120 sf.

Total Bulkhead/Retaining Wall: 128 ft.

- Existing: 34 ft.
- Proposed: 94 ft.

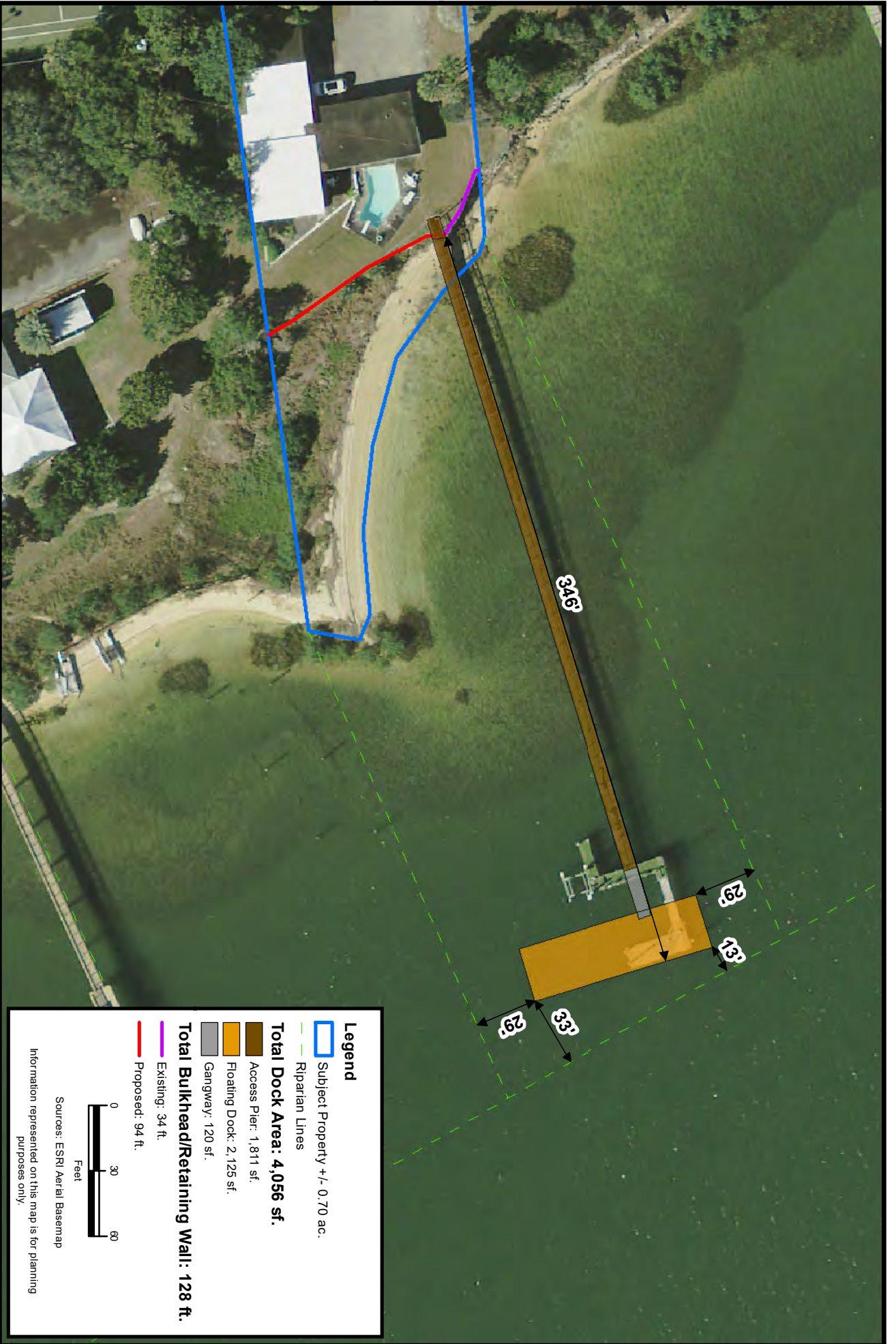
0 30 60
Feet

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

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Proposed Overview
St. Augustine Yacht Club – Youth Sailing Center
 Project: 5.19359 St. Augustine, St. Johns County, FL
 Date: Nov 19 2020

Figure: 3



**CARTER ENVIRONMENTAL
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Proposed Dock Alignment

St. Augustine Yacht Club – Youth Sailing Center

Project:

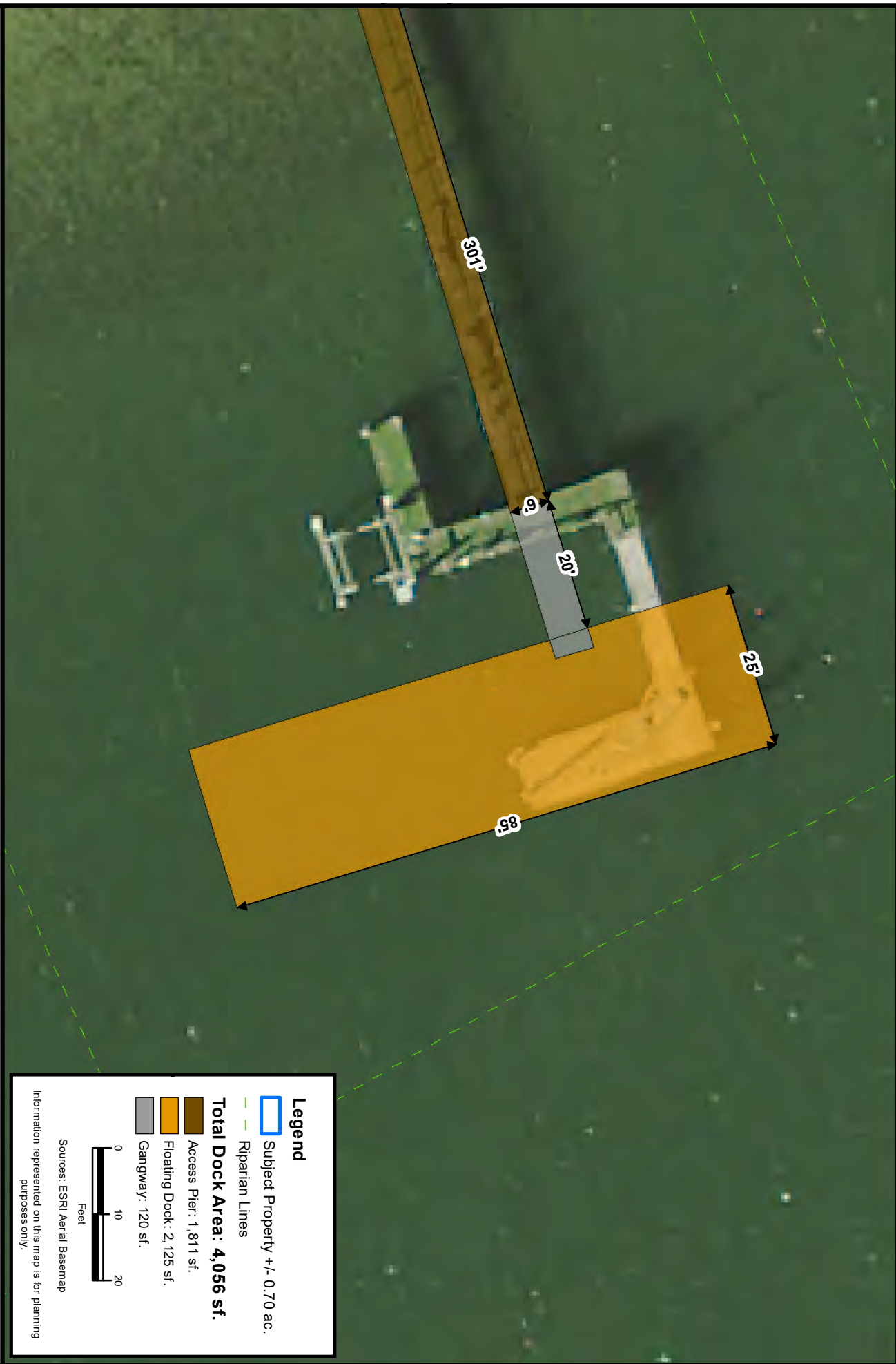
5.19359

St. Augustine, St. Johns County, FL

Date: Nov 19 2020

Figure:

4



Legend

- Subject Property +/- 0.70 ac.
- Riparian Lines

Total Dock Area: 4,056 sf.

- Access Pier: 1,811 sf.
- Floating Dock: 2,125 sf.
- Gangway: 120 sf.

Feet

0 10 20

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

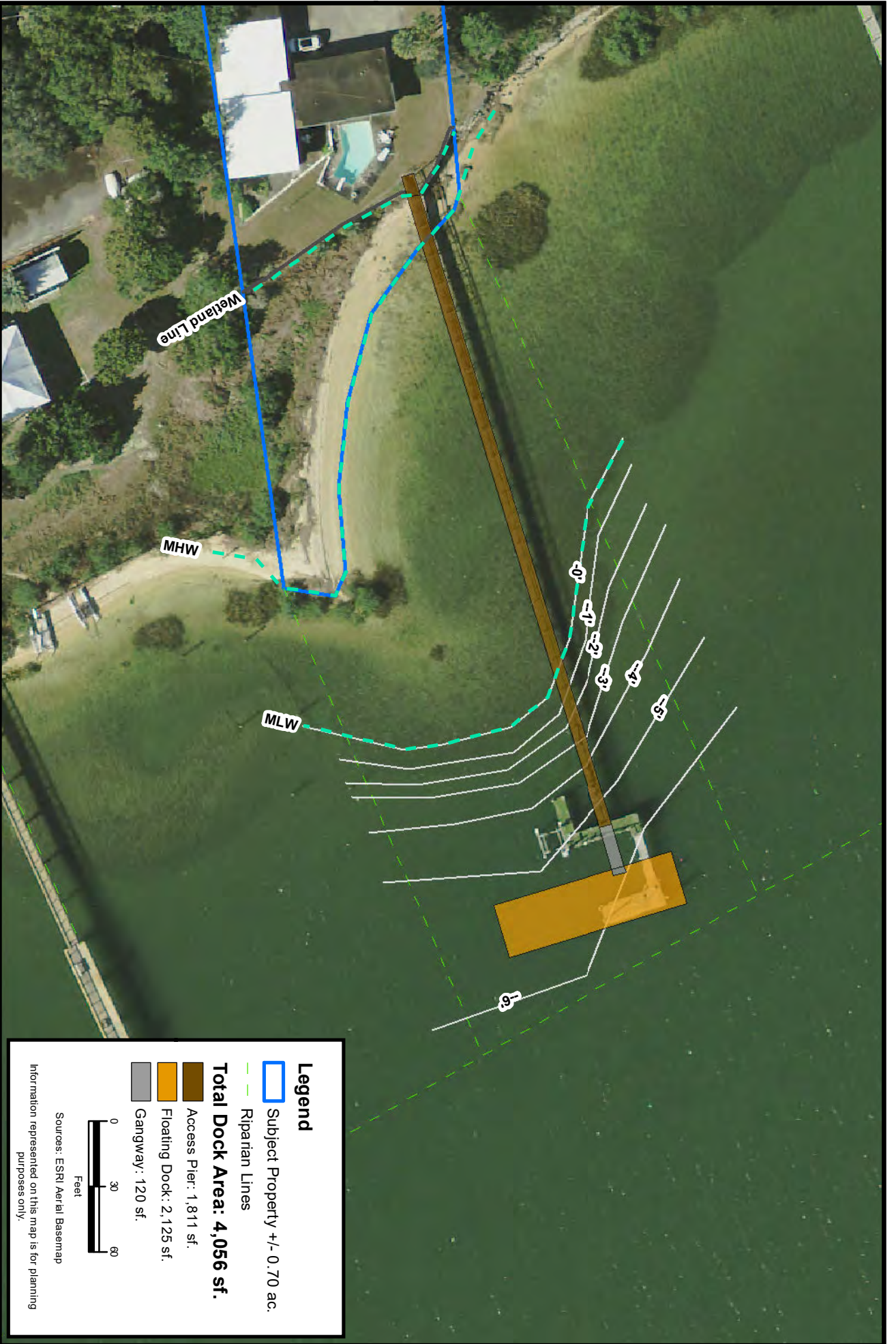
CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

Proposed Dock Dimensions

St. Augustine Yacht Club – Youth Sailing Center

Project: 5.19359 St. Augustine, St. Johns County, FL Date: Nov 19 2020

Figure: 5



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904-540-1786
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Proposed Dock Over Existing Bathymetry

St. Augustine Yacht Club – Youth Sailing Center

Project:

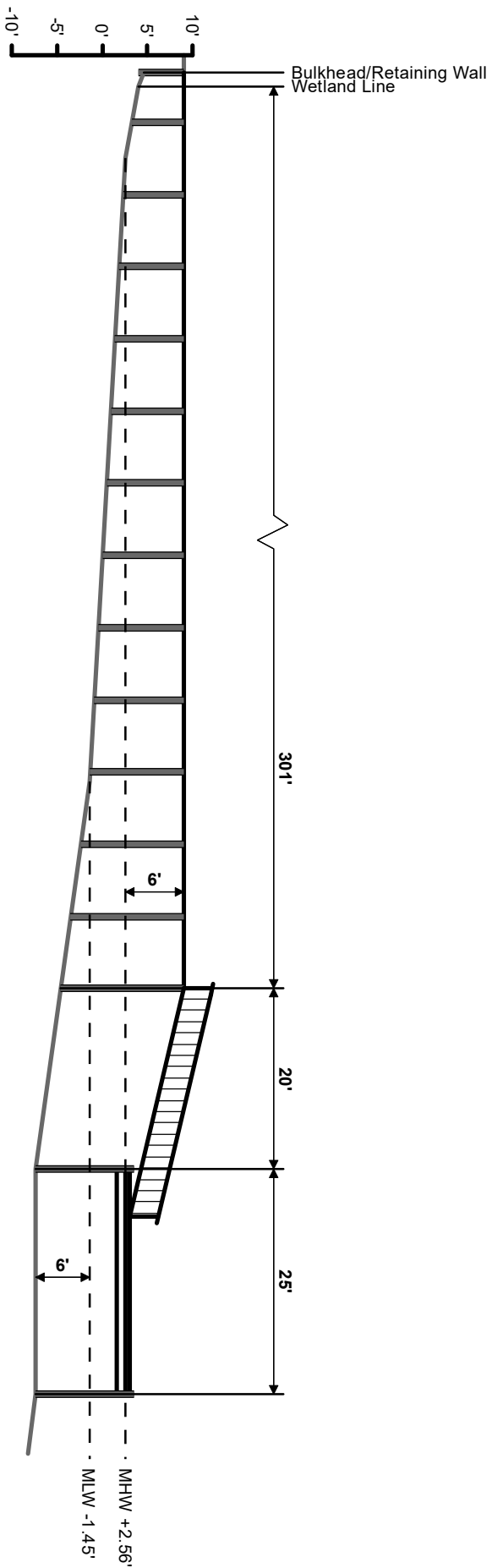
5.19359

St. Augustine, St. Johns County, FL

Date: Nov 19 2020

Figure:

6



Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
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904-540-1786
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Proposed Dock Profile View

St. Augustine Yacht Club – Youth Sailing Center

Project:

5.19359

St. Augustine, St. Johns County, FL

Date: Nov 19 2020

Figure:

7



**CARTER ENVIRONMENTAL
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Proposed Dock Cross-Section

Project:

5.19359

St. Augustine, St. Johns County, FL

Date: Nov 19 2020



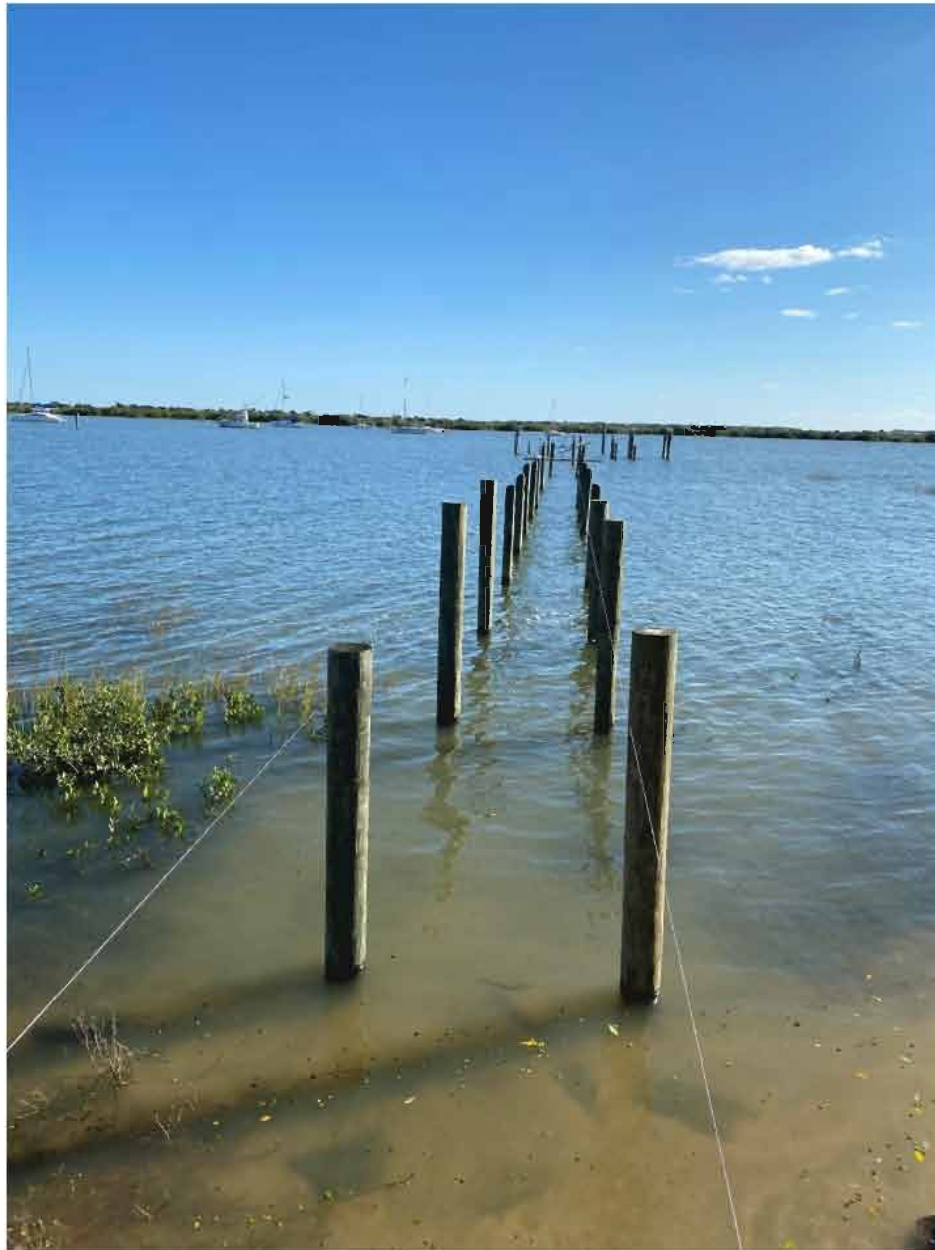
Figure:

8

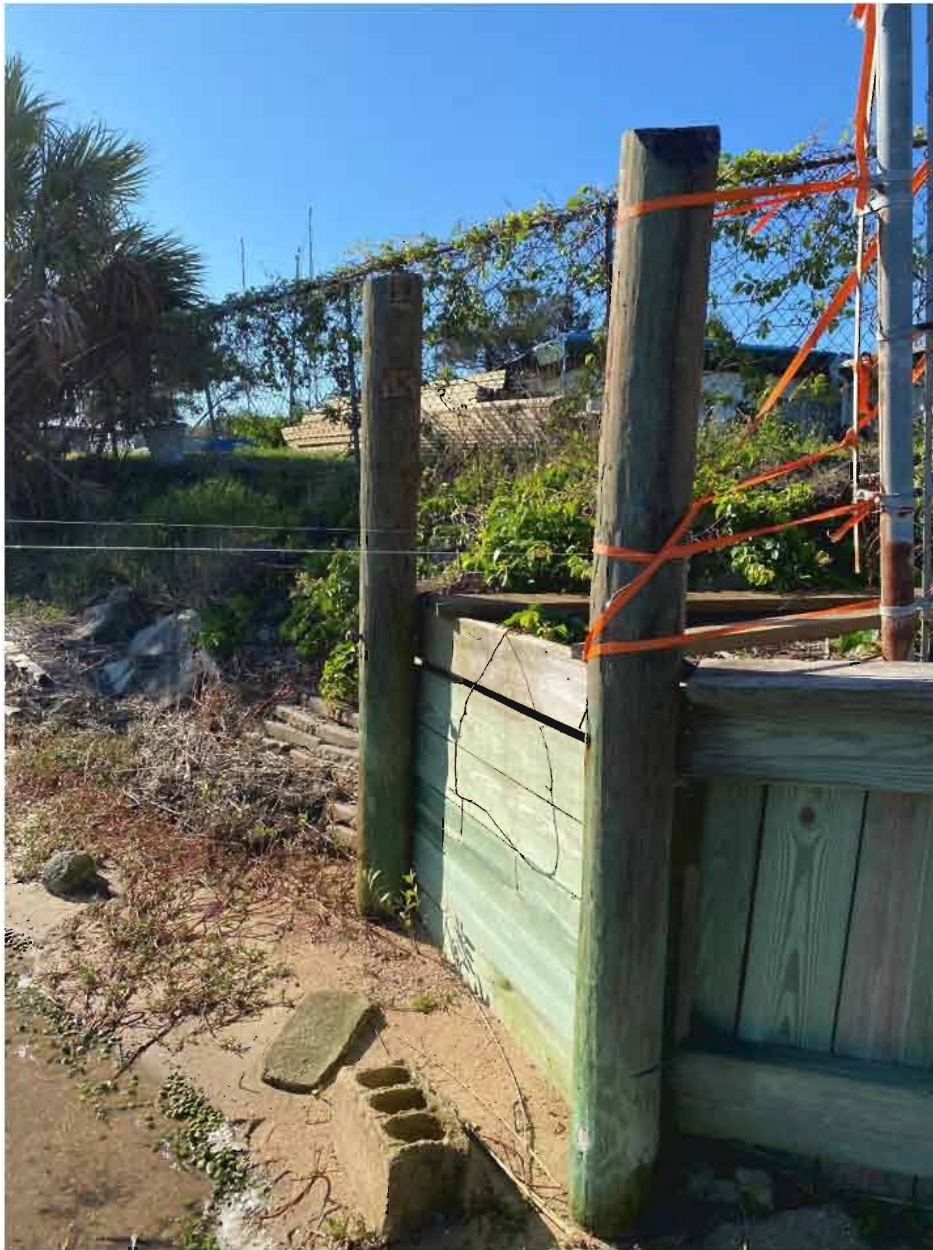






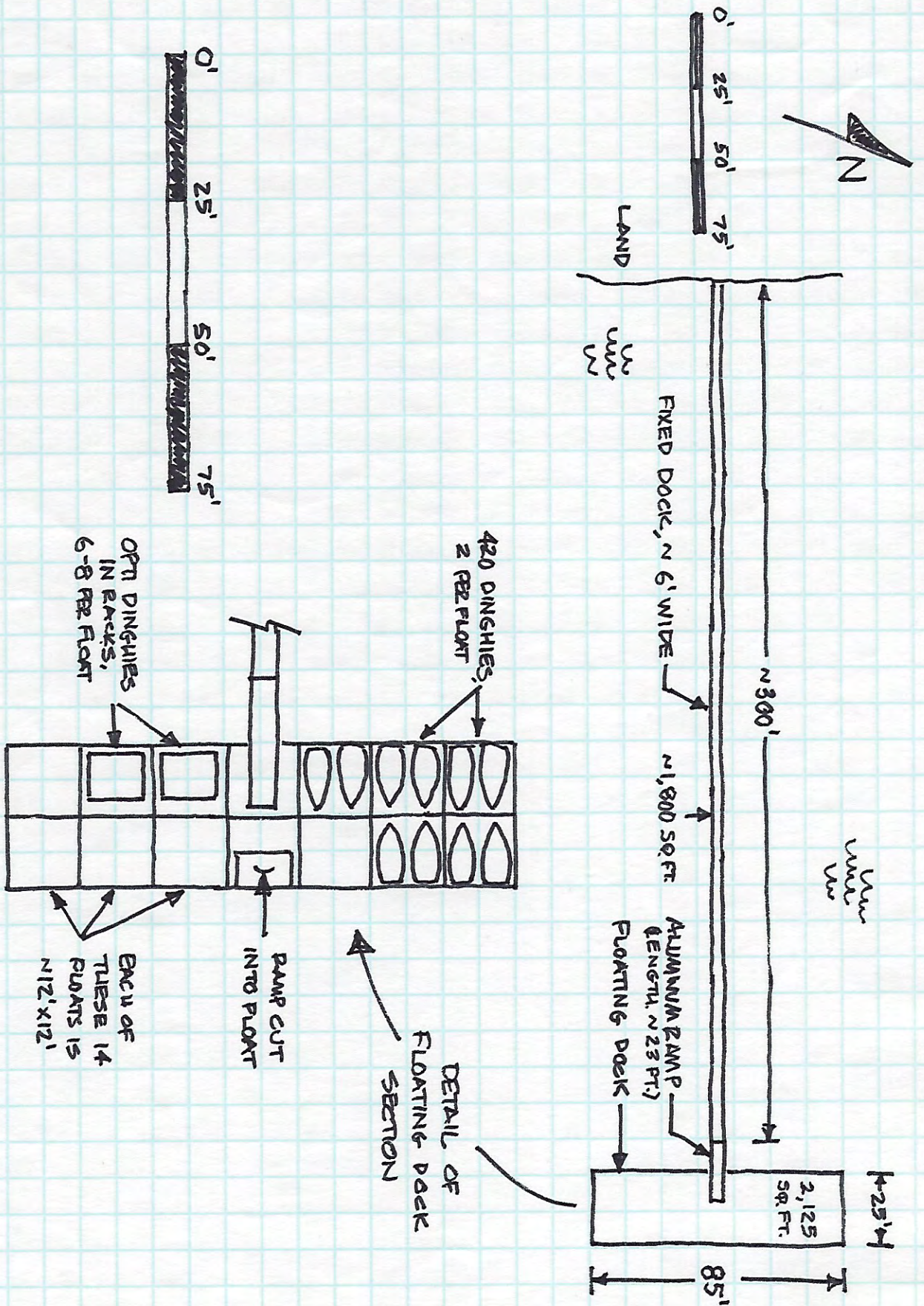








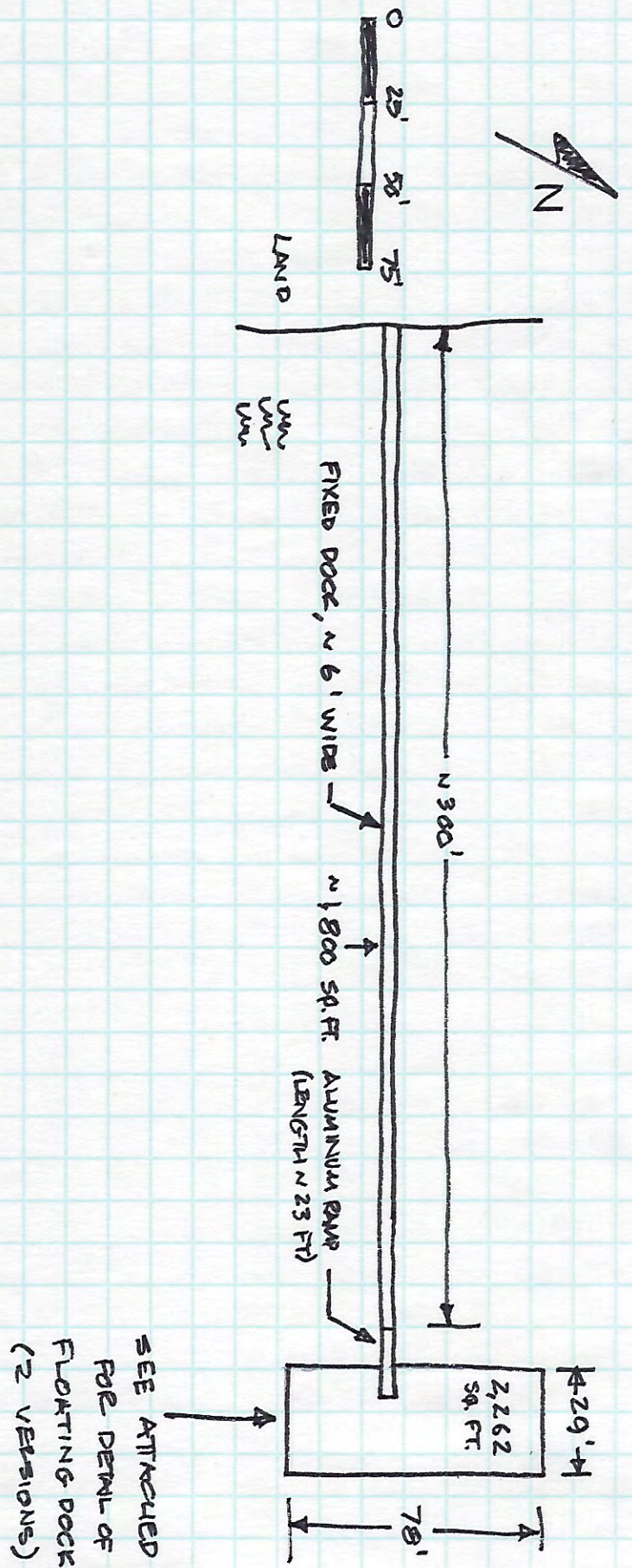
SAYC DOCK SYSTEM - WOOD VERSION

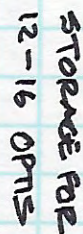


RECEIVED

By Patrick Doty at 8:31 am, Jan 19, 2021

SAYC DOCK SYSTEM - MODULAR PLASTIC VERSION





- 864 CUBES
- AREA $\approx 2,262 \text{ m}^2$

18 cubes
~ 29'



- 612 cubes
- AEEA $\approx 1,652$ A

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 2, 2021

RE: **Other Business Item 8(a)**

Discussion Related to Updating Prioritized Land Development Code (LDC) Sections

As you are aware the City's updated 2040 Comprehensive Plan was adopted by the City Commission in July 2020 and approved by the state Department of Economic Opportunity (FDEO).

The next step in this process is to prioritize updates for the land development code. Based on the Planning and Zoning Board (PZB) discussion at the December board meeting staff recommends the following order to proceed:

1. Review and recommendation related to the drafted Sign Code updates (a miscellaneous item, but required by a Supreme Court decision);
2. Review and recommendation related to incorporating food truck clarifications and requirements into the zoning code (a miscellaneous item, but required by adopted Florida Statute updates in 2020);
3. Review and recommendation related to adopting an ordinance to implement Mobility Planning as outlined in the Comprehensive Plan into the land Development Code (LDC);
4. Review and recommendation related to any required subsequent Parking Code updates based on the adopted Mobility Plan; and
5. Review and recommendation of any required changes to the LDC, as recommended, by the Building Code Task Force for New Construction.

Attached is a brief description of each of these LDC updates that may help the PZB consider proposed changes to these LDC Sections.

The Sign Code update is listed as the first item to be reviewed by the PZB for review and recommendation to the City Commission. However, the PZB can address these in their desired order.

Thank you for your attention to this matter. I look forward to working with you over the course of the new year. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com.

Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

Prioritized Land Development Code Update Items

Miscellaneous Code Updates

This includes identified updates below, and any other priority items, as well as general housekeeping items that are identified through the update process.

Item #1

Sign Code Chapter 3

This item for review and recommendation is currently drafted by the City Attorney. The Sign Code is required to be updated because of a Supreme Court decision in Reed v. Town of Gilbert, Arizona. This decision determined that “content-based” regulations related to types of signs is presumptively unconstitutional and requires a compelling governmental interest.

For example, directional signage that provides a message related to the time and location of a special event, conveying an idea about a special event is considered content-based, and not allowed to be regulated.

Therefore, the City’s existing Sign Code requires an extensive rewrite/update to meet the standards of the law to eliminate or revise content-based references included in the code, and presumably develop a Sign Code for the City that is considered “content neutral”.

Additionally, staff has included general clean up items in the draft.

Item #2

Food Truck Ordinance

This item is considered a miscellaneous item to be included in the Zoning Code. The city currently does not have any specific regulations related to food trucks. The city procedurally reviews food trucks in commercial zoning districts meeting certain zoning criteria, Public Works, building and fire codes or as agricultural markets.

In 2020 the Florida legislature passed a new law preempting the regulation of “mobile food dispensing vehicles” (food trucks) by local governments. This limits a local government’s ability to license, register or permit or prohibit the operation of food trucks throughout the local jurisdiction.

The city needs to develop and adopt a food truck ordinance consistent with state law and with implementing language consistent with current policy.

Mobility and Parking

This area of land development code updates are new, revised or updated sections to start to implement the city's new mobility planning efforts.

Item #3

Mobility Planning

This item is a major policy ordinance to implement the mobility plan adopted in the Transportation and Mobility Element (TME) of the Comprehensive Plan to replace the existing "concurrency" section in Chapter 21 of the land development code.

A consultant hired by the City helped to develop the City's Mobility Plan and drafted the new Goals, Objectives and Policies adopted in the TME. The next step in the process is to adopt an ordinance to enable the City to enforce, regulate and require compliance with the City's Mobility Plan.

The City's consultant is in the process of drafting this language. Following the adoption of this ordinance the city can consider adopting a Mobility Fee to charge developments for determined impacts on the city transportation system and develop programming to improve the "transportation" network, including alternative forms of transportation or other mobility options within the city.

The city could eventually develop "Complete street" design standards if recommended.

Item #4

Parking Code update

This item for review and recommendation is currently drafted by the city's Mobility consultant. Staff is in the process of reviewing the Parking Code update draft material. Some items are significantly different from the existing parking code, but are an attempt to align the parking code with the City's Mobility Plan.

This item should probably be reviewed by the PZB after the Mobility Plan ordinance or at least simultaneously to make sure that it accurately reflects the implementation language ultimately adopted in the LDC for mobility planning.

Sustainability/Resiliency

This area of land development code updates does more to recognize and encourage creativity related to addressing the new and continued threat of sunny day flooding and rising water and storm events.

Item #5

Recommendations related to Task Force

The City has formed a short term committee, the Building Code Task Force for New Construction, to discuss and possibly recommend code changes related to development/infill development and flooding, stormwater issues and resiliency. This Task Force may develop recommendations to change the LDC related to types of construction, reducing placement of fill dirt on properties, and other techniques that would need to be adopted into the LDC to address “sunny day” flooding, impacts of sea level rise and more resilient forms of construction.

The PZB will eventually be tasked with reviewing any recommendations from the Building Code Task Force for New Construction and developing recommendations for any required changes to the LDC.