



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, May 4, 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 April 6, 2021.

4. **Use by Exception**

- a. 2021-0044

Christopher Mury – Owner/Applicant

263 Riberia Street

To approve one (1) off-site parking space at 256 Riberia Street (Oasis Boat Yard) for a short term rental.

- b. 2021-0049 Susan Bebry – Applicant
Ribossa Property Management, LLC - Owner
[63 Saragossa Street](#)
To approve three (3) parking spaces on Saragossa Street for a short term rental.
- c. 2021-0050 Corinne Hardisty – Applicant
B & B Family, LLC - Owner
[50 South Dixie Hwy, Suite 5](#)
To approve a wholesale (non-THC CBD hemp products) business at this location.
- d. 2021-0053 Daniel Brown – Applicant
Courtney and Jarrod Depriest - Owners
[90 DeHaven Street](#)
To approve two (2) parking spaces in the municipal parking garage for a short term rental.
- e. 2021-0054 Windstar 195, LLC –Owner/Applicant
[195 W. King Street, 16 Everett Street and PID#118550 0050](#)
To approve a candy manufacturing and warehouse use at this location.

5. Conservation Overlay Zone Development

- a. 2021-0040 R.E. Chip Mitchell – Applicant
(Continued from April 6 PZB meeting) California Trends, LLC - Owner
[70 Florida Avenue](#)
To approve the construction of a retaining wall in Conservation Overlay Zone 2.
- b. 2021-0045 Martin Cicero – Owner/Applicant
[6 Coleman Drive](#)
To remove two (2) significant trees (oaks) adjacent to a single family home.

6. Variance/Conservation Overlay Zone Development

- a. 2021-0052 Mark McConnel – Owner/Applicant
[S. Leonardi Street \(PID# 119920 0350\)](#)
To remove two (2) significant trees (laurel oaks) and to approve a variance to encroach into the required side and rear yard building setbacks for a garage/guesthouse.

7. Rezoning

- a. 2021-0051 Gary Davenport, PA – Applicant
36 Granada, LLC- Owner
[36 Granada Street](#)
To rezone the property from Commercial Low-one (CL-1) to Commercial Low-two (CL-2).

8. Other Business

- a. Discussion of Building Code Task Force proposed Land Development Code Amendments
- b. Discussion and Recommendation of Change to the Definition of “Bar, cocktail lounge, saloon or tavern”. (Sec. 28-2 Definitions)

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 April 6, 2021

The Planning and Zoning Board met in formal session Tuesday, April 6, 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
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

Absent: Christina Opsahl, excused

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

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Mr. Misterly MOVED to APPROVE the March 2, 2021 minutes as presented. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2021-0022 – Sander Kaplan – Applicant and Owner 19 Joiner Street

To approve a variance for reduced side and rear yard setback for a guest house within Residential, Single family-one (RS-1) zoning district.

Application was withdrawn prior to the meeting.

4. (b) 2021-0041 – George A. Selmont – Applicant and Owner 339 Charlotte Street

To approve a variance to the required side and rear yard setbacks and the maximum lot coverage within Residential, Single-family, one (RS-1) zoning.

Mr. Doty read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required side and rear yard setbacks and the maximum lot coverage within

Residential, Single family-one (RS-1) zoning
at **339 Charlotte Street / PIN 201080-0000.**

George Selmont reviewed the application.

The Board provided their ex parte
communications.

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

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

The Board discussed:

- Porch on the north side would be rebuilt as interior space rather than a screen porch
- Application appeared to meet the intent of variance code
- Addition would be one story
- Trees in the rear of the property (1 oak and 1 hackberry) would be trimmed and evaluated

MOTION

Mr. Masson MOVED to APPROVE variance application 2021-0041. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Conservation Overlay Zone Development

5. (a) 2021-0032 – William R. Smith, R. Smith Construction, LLC – Applicant
Dianne Kirschner – Owner
Riberia Street – PID 206540-0000

To approve the removal of two (2)
significant trees (hackberry) within

Conservation Overlay Zone 3 for the construction of a single-family home.

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 two (2) significant trees at the subject property within Conservation Overlay Zone 3 located at **Riberia Street / PID 206540-0000.**

William Smith reviewed was available for questions.

The Board provided their ex parte
communications.

16 certified notices were sent, 3 were
returned opposed and 3 had comments.

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

The Board discussed:

- Site was tight and heavily treed
- Foundation would be a stem wall foundation to preserve remaining trees on the property
- Small paver driveway along the front of the house was intended
- Only trees within in the footprint of the home were proposed to be removed
- Clarification regarding numbering of tree survey
- One single family residence proposed

MOTION

Mr. Blow MOVED to APPROVE application 2021-0032. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5. (b) 2021-0035 – Kyle Newton, Miner's
Marine Construction – Applicant
Ashley & Jonathan Foley – Owner
152 Frontera Drive**

To approve the construction of a retaining wall within Conservation Overlay Zone 2.

Mr. Doty read the staff reports and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a retaining wall within Conservation Overlay Zone 2 located at **152 Frontera Drive / PIN 102823-0540, 148 Frontera Drive / PIN 102823-0520, and 144 Frontera Drive / PIN 102823-0520.**

Kyle Newton and Bruce Liddy were available for questions on items 5(b), 5(c), and 5(d).

The Board provided their ex parte communications.

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

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

The Board discussed:

- Application met the criteria
- Drainage pipe in vicinity of 144 Frontera would not be affected
- Existing wood retaining wall on 144 Frontera
- Retaining wall would not affect existing setbacks
- Adjacent bulkhead was further out and would not be connected to the proposed retaining walls
- Necessity of the retaining walls for protection from wave action
- No negative impact to environment

- Sites may have been previously filled when the subdivision was developed
- Impacts to neighbors without retaining walls was minimal as the land curved back upland and there was little erosion on those lots
- No archeological review required

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 2 development application 2021-0035. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5. (c) 2021-0036 – Kyle Newton, Miner's
Marine Construction – Applicant
Charlotte & Wayne Bohanan – Owner
148 Frontera Drive**

To approve the construction of a retaining wall within Conservation Overlay Zone 2.

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

Find ex parte communications, public comment, and board discussion under item 5(b).

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 2 development application 2021-0036. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (d) 2021-0039 – Kyle Newton, Miner’s Marine Construction – Applicant Andrew & Heather Vreeland – Owner 144 Frontera Drive

To approve the construction of a retaining wall within Conservation Overlay Zone 2.

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

Find ex parte communications, public comment, and board discussion under item 5(b).

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 2 development application 2021-0039. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (e) 2021-0037 – Kathryn Whittington, Whittington Law, PLLC – Agent Dennis Winzeler, Fairfield Development Co., Ohio – Applicant Thomas Jones, East San Sebastian, LLC – Owner 3300 N Ponce de Leon Blvd

To approve development related impact to 3.21 acres of wetlands within Conservation Overlay Zone 1. To approve the removal of trees within Conservation Overlay Zone 3.

Mr. Doty read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the development related impact to 3.21 acres of wetlands within Conservation Overlay Zone 1 located at 3300 N Ponce de Leon Blvd; 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 Conservation Overlay Zone 3 located at **3300 N Ponce de Leon Boulevard**.

Kathryn Whittington reviewed the application with a brief presentation.¹

The Board provided their ex parte communications.

17 certified notices were sent, 1 was returned opposed.

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

The Board discussed:

- Lack of significant trees on the site as the site was previously developed
- Concern for wetlands mitigation outside of the city limits which did not align with the Comprehensive Plan

Dennis Winzeler clarified that it was the intent of the local property owners to put a traffic light at US1 and Sebastian View

Brett Anderson clarified that the wetlands being impacted were low-quality wetlands likely created by the railroad tracks adjacent to the property. He added that the mitigation would benefit wetlands within the City limits, although the mitigation bank was outside of the city limits.

Brett Goddard clarified that the significant trees noted on site were low-quality.

Board discussion continued regarding the following:

- Large, significant oak was in the center of a large cluster of trees and was of poor quality

¹ Attached to original packet

- Explanation of mitigation banks governed by the Water Management District and wetland mitigation credits
- Recommendation to make buffer along US1 as densely treed as possible
- Clarification of the location of the wetlands on the inland side of the railroad tracks
- Concern for loss of freshwater wetlands within the City Limits
- Poor quality of wetlands on the property

MOTION

Mr. Masson MOVED to APPROVE application 2021-0037. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Masson, Blow, Davis, Ryan, DePreter

NAYES: Misterly

MOTION CARRIED 5/1

**5. (f) 2021-0038– Ryan Carter, Carter Environmental Service – Applicant
Scott Patrou, GP Salt Run, LLC and Linda Gager – Owner
435 Flagler Boulevard & 27 Comares Avenue**

To approve the construction of a dock with fourteen (14) boat lifts, an access gangway and a floating dock with an overall length of 558' within Conservation Overlay Zone 1. To approve the construction of a bulkhead within Conservation Overlay Zone 2.

Mr. Doty read the staff report and said based on a review of section 11-29, and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a dock with fourteen (14) boat lifts, an access gangway and a floating dock with an overall length of 558' within Conservation Overlay Zone 1

and the construction of a bulkhead within Conservation Overlay Zone 2 at **435 Flagler Boulevard & 27 Comares Avenue.**

Scott Patrou and Ryan Carter reviewed the application.

The Board provided their ex parte communications.

54 certified notices were sent, 4 were returned opposed and 3 had comments. Additional written comments were included in original packet.

Public hearing was opened.

Clyde Murphree said that Corona del Mar, whom he represented, supported the application asking that the building permit clearly state the setback from the Corona del Mar dock as detailed in the application for the dock, lifts, and docked boats.

Public hearing was closed.

The Board discussed:

- Property to the south was being purchased and the existing dock on that property would be demolished
- Site plan would have to be confirmed, and each slip would be required to be deeded to a condominium unit
- License agreement with the City would no longer be necessary as the dock would no longer be crossing city right-of-way
- Appreciation for the applicant heeding Board comments on past applications for the property
- Concern that number of slips was greater than number of potential residential units
- Application was improvement to the impact of the condominium slips to the north
- If purchase of the property to the south did not occur, the applicant

would need to re-work the application

- No code restrictions on the number of slips per residential unit
- Parking requirements would not change due to the number of boat lifts as they were private and tied to the residential units on the property
- Future condo units may come back before the Board if they meet criteria triggering Board review

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 1 and 2 development application 2021-0038 as submitted. The motion was SECONDED by Mr. Blow.

There was discussion whether the applicant would need to construct all the boat lifts to finalize the dock permit as a whole and whether failure to build the lifts in a timely manner might incur code enforcement action if a complaint were received.

Mr. Patrou stated that the intent was for the lifts to be permitted and constructed as the units were sold so that buyers could choose the type of lift to install. He added that the lifts were almost necessary to safely keep boats along the dock and the intent was to make every proposed slip a lift. He was concerned that approving solely the lifts might force an unreasonable time limit on the construction of the dock with all lifts as proposed.

Mr. Birchim advised that, to avoid such conflict, the motion could be amended to state "slips and lifts" which would allow the applicant to permit the slips separately.

Discussion continued regarding the possibility of limiting the length of boats, regardless of the presence of lifts.

Mr. Murphree came forward to voice concern about slips without lifts which could be utilized by boats that would overhang

into the agreed-upon setback. He produced a photo that illustrated the difficulties of maneuvering his 50-foot catamaran off the Corona del Mar dock if the setback was breached.²

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

5. (g) 2021-0040 – R. E. Chip Mitchell – Applicant
Eileen Alexon – Owner
70 Florida Ave

To approve the construction of a retaining wall within Conservation Overlay Zone 2.

Mr. Doty read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a retaining wall within Conservation Overlay Zone 2 located at **70 Florida Avenue / PIN 109290-0090**.

Chip Mitchell reviewed the application.

The Board provided their ex parte communications.

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

Public hearing was opened.

Zeke Williams was concerned with the elevation change and whether it would negatively impact drainage in the area.

Public hearing was closed.

² Picture attached to original minutes

³ Brief recess from 4:03p.m. to 4:18p.m.

Mr. Mitchell clarified that the retaining wall was designed to stabilize the soil and protect the wetlands and that it would not affect the water table.

The Board discussed:

- Desire to see topographic information that detailed the elevations in the area
- Heavy metals in the area were not a concern and the applicant withdrew his statements regarding heavy metals
- Retaining wall was located in an upland area
- The building permit for the project would require a grading plan and the applicant would have to prove that they were not shedding water onto neighboring properties
- Retaining wall would change the setback to the wetlands; however, the lot was already considered buildable
- King tides flooded the property
- Water would still be able to come around the wall and up Florida Avenue
- Concern for erosion where the retaining wall ended
- Applicant may need to clarify the location of the wetland delineation line
- Underdrain system was not intended for the proposed retaining wall, though it may help maintain natural water flow
- Request from the board for more clarification regarding where water would be shed, grading, and elevation/topography

Eileen Alexon, the property owner, explained that the purpose of the wall was to protect the property and very little fill was being brought in for the construction of a new house. She said she was not changing the natural flow of water as her property was on the higher end of a slope.

The Board detailed desired information as follows:

- Confirm location of wall in relation to the wetland line
- Natural and proposed drainage patterns and elevations of the property and surrounding area that could be affected
- Proposed soil stabilization methods

MOTION

Mr. Blow MOVED to CONTINUE application 2021-0040 to the May 4, 2021 meeting. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2021-0033 – Stephanie Goodman – Applicant
Lindsey Peake, Wild Moose Investments, LLC – Owner
16 Mulvey Street

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

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 off-site parking within the municipal parking for short term rentals for two short term rentals at **16 Mulvey Street / PIN 206060-0000**.

Lindsey Peake reviewed the application.

The Board provided their ex parte communications.

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

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

The Board discussed:

- Property was in close proximity to the garage
- Garage parking would put less pressure on parking in the street
- Applicant had reached out to lease spaces from an adjacent property owner with no success

MOTION

Mr. Masson MOVED to APPROVE the application 2021-0033. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2021-0042 – Nicholas Migliaccio, Diamond Deluxe Suds – Applicant Thomas Migliaccio – Owner 265 S. Matanzas Boulevard

To approve a use by exception for a home occupation providing auto detailing within Residential, Single family-one (RS-1) zoning.

Mr. Doty read the staff report and said based on a review of Section 28-29 and 28-347, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a home occupation for auto detailing at **265 S. Matanzas Boulevard / PIN 221330-0000.**

Nicholas Migliaccio was available for questions.

The Board provided their ex parte communications.

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

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

Mr. Migliaccio

The Board discussed:

- Car detailing would take place in a recessed driveway and a garage
- Hours of operation were fluid, and tools used for detailing were electric or manual and would not cause noise issues
- Concern for the impacts of the business to the residential neighborhood
- Concern for run-off from the soaps used for washing the cars which applicant responded was an all-natural citrus-based cleaner
- Possible limit of no more than 10 cars per week
- Applicant would dam run-off from moving into the street

MOTION

Mr. Blow MOVED to APPROVE application 2021-0042 with the conditions that if within 12 months three written code complaints were submitted then the application would return to the board for review, that the applicant does not use gas-powered equipment, and that the applicant service no more than 14 vehicles per week. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Preliminary Plat

7. (a) 2021-0034 – William Woodward – Applicant

William T. & Rebekah B. Woodward – Owner

59 Weeden Street

To recommend approval for a replat of a residential, Single Family two (RS-2) parcel into two conforming lots.

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

William Woodward reviewed the application.

Ex Parte Communication:

(None)

22 certified notices were sent, 8 were returned opposed and 7 had comments.

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

The Board discussed:

- Lots could be split into two RS-2 conforming lots
- Parcels would be subject to City's Floodplain ordinances
- Other lots along Weeden Street were approximately 50 feet wide
- Applicant intended to build a single-family home on one lot and possibly sell the other
- Concern for the lack of parking in the area
- Neighborhood concerns regarding congestion and traffic

MOTION

Mr. DePreter **MOVED** to **APPROVE** Preliminary Plat application 2021-0034. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Other Business

8. (a) Review and recommendation related to the proposed updates and revisions to Chapter 3 Sign Code of the City of St. Augustine Land Development Code

Amy Skinner gave a brief overview of the subject.

The Board discussed the following regarding preferences for residential temporary signs:

- Current proposed definition of two 24 x 18 inch signs
- Concern for overzealous reporters who may overuse code enforcement
- Possibly 4 sign limit rather than two
- Concern for restricting speech by limiting signs and the solution of no regulations

There was board consensus of no regulation for residential interval signs.

MOTION

Mr. Davis **MOVED** to **RECOMMEND** the proposed Sign Code revisions to the City Commission with no regulation for residential interval signs. The motion was **SECONDED** by Mr. Blow and **APPROVED BY UNANIMOUS VOICE VOTE.**

8. (b) Discussion of Building Code Task Force proposed Land Development Code Amendments

Mr. Birchim advised that the item could be moved to next month to allow for a full board discussion.

Board members commended citizens that participated in the Task Force.

Board discussion on the subject included:

- Recommendation to release the report to Contractors and Real Estate agents prior to formal discussion of the subject
- Possibility of increasing incentive to 10% lot coverage and potentially a height incentive
- Code amendments would need to apply to new construction and the lifting of existing houses
- Clarification that lot coverage referenced only area under-roof
- Requirements needed to trigger lot coverage incentives which may be too strict for practical application
- Examples of how the impervious surface ratio would be implemented

Board Member Comments

The members of the Board thanked Mr. DePreter and their fellow members for smoothly run meetings with positive and constructive discussion.

Mr. DePreter announced the departure of Mr. Doty from the City and the Board thanked him for his service and wished him well in his future endeavors.

9. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 6:26 P.M.⁴

Jon DePreter, Chairperson

⁴ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **USE BY EXCEPTION– 2021-0044**

AGENDA ITEM 4(a)

APPLICANT Christopher Mury

OWNER Christopher Mury

LOCATION 263 Iberia Street (short term rental location)
256 Iberia Street (parking lot location)

REQUEST To approve a use by exception for off-site parking within 400 feet of the premises.

LAND USE 263 Iberia Street - Residential Medium Density
256 Iberia Street - Industrial

ZONING 263 Iberia Street – Residential General one (RG-1)
256 Iberia Street – Industrial and Warehouse (IW)

APPLICABLE CODES/ORDINANCES

Sec. 28-2. Definitions

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.

(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 400 feet of the premises

Short Term Rental location – 263 Riberia Street

Parking location – 256 Riberia Street (Oasis Boatyard and Marina)

The parking lot located at 256 Riberia Street (The Oasis Boatyard and Marina) is approximately 86 feet from the short term rental property at 263 Riberia Street.

The Oasis Boatyard is a private, gated boatyard for the storage and repair of boats. The parking lot proposed for lease is outside the gated area and it has direct vehicular and pedestrian access to Riberia Street.

The parking requirements for Oasis Boatyard is 1 parking space per 10 dry boat slips and 1 parking space per 2 wet boat slips, there are no charter fishing or restaurant boats licensed at this site. The Oasis Boatyard has approximately 40 wet slips and 40 dry slips.

The total parking requirement for the Oasis Boatyard is 24 parking spaces. The property contains at least 20 parking spaces inside the gated area and 12 parking spaces outside the gated area.

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 three bedroom house with two on-site parking spaces located on a nonconforming lot. With the existing site configuration there is space on site to provide two parking spaces. This property contains a house with three bedrooms requiring three (3) parking spaces to accommodate the short term rental use.

The annual registration renewal will require the applicant to provide proof of current, valid parking space rental agreement with Oasis Boatyard & Marina. If the applicant fails to renew the parking rental agreement, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

The use of one parking space at 256 Riberia Street for the short term rental at 263 Riberia Street is generally appropriate. These are existing commercial parking spaces that appear to comply with city requirements for materials and landscaping and these spaces are not required for the Oasis Boatyard and Marina. The Oasis Boatyard and Marina is in on the west side of Riberia Street with commercial properties to the north (St. Augustine Gas) and to the south (Xynides Boatyard). The short term rental property is on the east side of Riberia Street and there is a sidewalk and crosswalk that directly links the parking lot to the short term rental property.

STAFF RECOMMENDATION

Based on a review of Section 28-2 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for one (1) off-site parking space within 400 feet of the premises for a short term rental at 263 Riberia Street / PIN 211800-0000.



Amy Skinner, AICP
Deputy Director Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0044
Receipt Number: 2074700 Meeting Date: May 4, 2021
Advertising Costs: \$ 68.85 Paid On: 4/16/21 Receipt Number: 2097032

1. NAME OF APPLICANT: Christopher Mury Contact Number: 9049821772
Business (if applicable): _____
Address: 251 Riberia Street City: St. Augustine State: FL Zip: 32084
E-Mail Address: cmury2@gmail.com

2. NAME OF PROPERTY OWNER: Christopher Mury Contact Number: 9049821772
Business (if applicable): _____
Address: 251 Riberia Street City: St. Augustine State: FL Zip: 32084
E-Mail Address: cmury2@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4 Block: 3
Subdivision: Buena Esperanza Parcel Number: 2118000000

4. PROJECT STREET ADDRESS: 263 Riberia Street St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Short Term Rentals

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

7. DESCRIPTION OF ACTION REQUESTED: Sufficient on-site parking is not feasible. I am applying to the Planning and Zoning Board for a use by exception for offsite parking. I have secured a leased parking space at a nearby business (Oasis Boat Yard & Marina). Please see the attached lease agreement and image of the parking space with the home in the background. The proposed parking space is less than 400ft from the home.

8. JUSTIFICATION FOR ACTION REQUESTED: Sufficient on-site parking is not feasible.

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

Date



Signature of Property Owner

Date

04/18/2019

PARKING SPACE RENTAL AGREEMENT

I. **The Parties.** This agreement dated March 16 2021 is by and between Oasis Boat Yard & Marina with a mailing address of 256 Riberia St, St. Augustine, Florida, 32084 (Hereinafter known as the 'Lessor') and Christopher Mury with a street address of 251 Riberia Street, St. Augustine, Florida, 32084 (Hereinafter known as the 'Lessee') for one (1) parking space located at 256 Riberia Street, St. Augustine, Florida, 32084. Other Details: Reserved space at North end of Riberia Street parking lot.

II. **Term.** The tenancy shall be on a fixed term.

This agreement begins on April 1 2021 and ends on April 31 2022.

III. **Rent.** The payment of rent by the Lessee to the Lessor shall be due on annually on April 1st in the amount of \$360. Payment shall be delivered to the Lessor by the Lessee in the following manner: Rent shall be sent via check to the Lessor's mailing address provided.

IV. **Subletting.** The Lessee is not allowed to sublease (sublet) the space without the direct written consent from the Lessor.

V. **Current Registration & Insurance.** Lessee may only use the space for vehicles that are up-to-date with all State and local registration. In addition, all vehicles must maintain current with insurance that is legal under the State of registration.

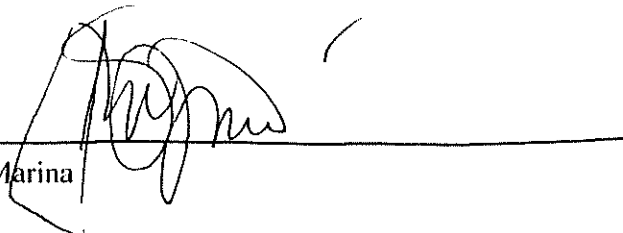
VI. **Maintenance.** No repairs of any type are allowed on the parking space and, if needed, must be towed to a location that allows such activities.

VII. **Use of Space & Damage.** The use of the space may only be for the parking of a vehicle that is owned/leased by the owner or Lessee's authorized guest. No storage of personal property may be allowed in the space. Lessor is not liable for any damage done to the vehicle or personal property taken from it. All liability to the vehicle and personal property will be responsibility of the Lessee/Lessee's guest.

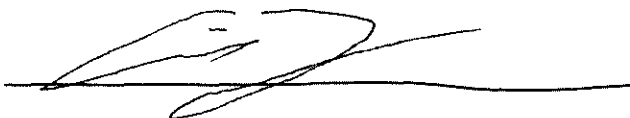
VIII. **Governing Law.** This agreement shall be governed under the laws in the State of Florida.

This agreement was signed on March 16 2021.

Lessor's Signature
Oasis Boat Yard & Marina



Lessee's Signature
Christopher Mury







04/16/2021 08:32





04/16/2021 08:33



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary



Parcel ID	2118000000
Location Address	263 RIBERIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Buena Esperanza (624)
Tax Description*	BUENA ESPERANZA SUB CITY LOT 4 BLK 3 (EX R/W TRI PT IN OR3514/612) OR5129/1196 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Buena Esperanza Subdivision
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	Marshburn Kevin Et AL 25% Marshburn Betzaida 25% Mury Christopher Joseph 25% Mury Abigail Ruth 25%
Mailing Address	251 RIBERIA ST - APT A SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$203,504
Extra Features Value	\$14,484
Total Land Value	\$163,638
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$381,626
Total Deferred	\$0
Assessed Value	\$381,626
Total Exemptions	\$0
Taxable Value	\$381,626

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	\$180,595	\$12,250	\$130,910	\$0	\$0	\$323,755	\$323,755	\$0	\$323,755
2019	\$166,115	\$10,800	\$130,910	\$0	\$0	\$307,825	\$307,825	\$0	\$307,825
2018	\$164,466	\$11,100	\$120,840	\$0	\$0	\$296,406	\$296,406	\$0	\$296,406
2017	\$166,144	\$12,564	\$108,756	\$0	\$0	\$287,464	\$287,464	\$0	\$287,464
2016	\$167,822	\$12,953	\$94,406	\$0	\$0	\$275,181	\$275,181	\$0	\$275,181
2015	\$0	\$0	\$75,525	\$0	\$0	\$75,525	\$66,462	\$9,063	\$66,462
2014	\$0	\$0	\$60,420	\$0	\$0	\$60,420	\$60,420	\$0	\$60,420
2013	\$0	\$0	\$46,826	\$0	\$0	\$46,826	\$44,862	\$1,964	\$44,862
2012	\$0	\$0	\$40,784	\$0	\$0	\$40,784	\$40,784	\$0	\$40,784
2011	\$0	\$0	\$47,025	\$0	\$0	\$47,025	\$47,025	\$0	\$47,025
2010	\$0	\$0	\$52,250	\$0	\$0	\$52,250	\$52,250	\$0	\$52,250

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	1760	Roof Cover	Composite Shingle
Conditioned Area	1604	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	2015	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Concrete Siding	Baths	2
Roof Structure	Gable Hip		

Category	Type	Pct
Foundation	Perimeter Foundation with Pads	100%
Floor System	Concrete Slab	100%
Frame	Wood Frame	100%
Exterior Wall	Concrete Siding	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Carpet	50%
Interior Flooring	Ceramic Tile	50%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Good	100%
Plumbing	9 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	856	856
FINISHED OPEN PORCH	0	78
FINISHED UPPER STORY	748	748
FINISHED OPEN PORCH	0	78
Total SqFt	1604	1760

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Brick Pavers (0-500)	0	0	0	0	380
Masonry Garage	0	20	20	0	400

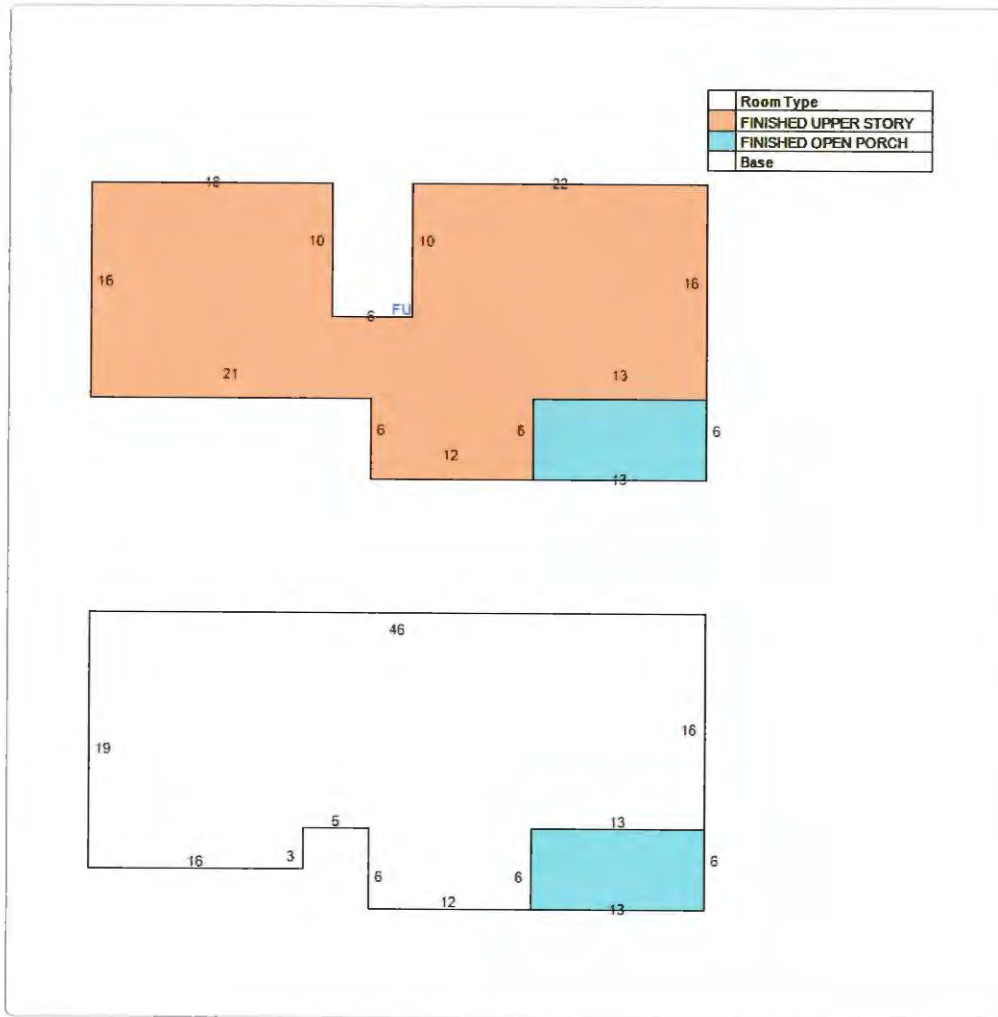
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	53	110	53	EF	\$163,638

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/18/2020	12/17/2020	\$455,000.00	WARRANTY DEED	5129	1196	Q	I	HOLMES RENEE K	MARSHBURN KEVIN ET AL
12/18/2020	10/14/2019	\$0.00	DEATH CERTIFICATE	5129	1189	U	I	FERNANDEZ DAVID PATRICK (DECD)	FERNANDEZ DAVID PATRICK (DECD)
1/15/2019	1/11/2019	\$100.00	WARRANTY DEED	4667	1051	U	I	FERNANDEZ DAVID ESTATE	HOLMES RENEE K
12/18/2020	10/14/2016	\$0.00	WILL	5129	1191	U	I	FERNANDEZ DAVID P ESTATE	FERNANDEZ DAVID P ESTATE
12/18/2020	10/14/2016	\$0.00	LETTERS OF ADMN	5129	1190	U	I	FERNANDEZ DAVID P (DECD)	FERNANDEZ DAVID P ESTATE
7/28/2015	7/22/2015	\$300,000.00	WARRANTY DEED	4063	922	Q	I	DETTRA LIVING TRUST UAD: 11-30-07	FERNANDEZ DAVID
11/13/2013	11/4/2013	\$65,000.00	WARRANTY DEED	3813	774	Q	V	PETERSON CHARLES M & TOHBE SUSAN	DETTRA LIVING TRUST UAD: 11-30-07
	10/17/2005	\$0.00	WARRANTY DEED	2564	1937	U	V	HARRIS RHONDA	PETERSON CHARLES M & TOHBE SUSAN
	10/14/2005	\$165,000.00	WARRANTY DEED	2564	1935	Q	V	HARRIS MICHAEL D	PETERSON CHARLES M & TOHBE SUSAN
	11/8/1991	\$7,200.00	WARRANTY DEED	945	747	Q	V	CHURCH OF GOD	HARRIS MICHAEL D, RHONDA D

Sketch Information



No data available for the following modules: Exemption Information.

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Version 2.3.112



Overview



Legend

□ Parcels

Parcel ID	2118000000	Physical Address	263 RIBERIA ST	Building Value	\$203,504	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$14,484	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	MARSHBURN KEVIN ET AL	Value		12/17/2020	\$455000	01	Q
Acres	0.13		251 RIBERIA ST - APT A	Total Land Value	\$163,638	7/22/2015	\$300000	01	Q
			SAINT AUGUSTINE FL	Just Value	\$381,626				
			32084-0000	Total Deferred	N/A				
				Assessed Value	\$381,626				
				Total	N/A				
				Exemptions					
				Taxable Value	\$381,626				

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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GEOSPATIAL



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Overview



Legend

□ Parcels

Parcel ID	2118000000	Physical Address	263 RIBERIA ST	Building Value	\$203,504	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE MARSHBURN KEVIN ET AL	Extra Feature Value	\$14,484	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	251 RIBERIA ST - APT A SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$163,638	12/17/2020	\$455000	01	Q
Acres	0.13			Just Value	\$381,626	7/22/2015	\$300000	01	Q
				Total Deferred	N/A				
				Assessed Value	\$381,626				
				Total	N/A				
				Exemptions					
				Taxable Value	\$381,626				

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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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **USE BY EXCEPTION– 2021-0049**

AGENDA ITEM 4(b)

APPLICANT Susan Bebry

OWNER Ribossa Property Management LLC

LOCATION 63 Saragossa Street

REQUEST To approve three (3) parking spaces on Saragossa Street for a short term rental at 63 Saragossa Street.

LAND USE Residential Medium Density

ZONING Residential General one (RG-1)

APPLICABLE CODES/ORDINANCES

Sec. 28-2. Definitions

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.
 - (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

A Summary of the City's Residential Reserved Parking "Hang Tag" and Parking "Sticker" Policy and how it applies to 63 Saragossa Street

1. The owner or tenant of every residential unit on Saragossa Street can purchase a total of four (4) street parking permits. This consists of no more than two (2) parking stickers, which are intended to be issued to the owner of the property or long term tenant, and no more than two (2) parking hang tags, which are intended to be used by guests of the property.
2. The parking stickers are registered with the city to specific vehicles and the city asks for documentation that links the owner of the vehicle to the property where the sticker is registered. This documentation can be the city utility bill, for example.
3. Every residential unit is also eligible to pay for two (2) parking hang tags, for use by anyone associated with the residential unit (the owner, a guest, someone working on the property, etc.). Parking hang tags are not registered with specific vehicles.
4. If the parking hang tags are to be used for short term rental parking, it must be approved by the Board. There is language on the hang tag that reads, "This parking pass cannot be used for short term rental parking until approved by the City Planning and Zoning Board". Owners of Hang tags that were issued without this language were sent a sticker with this language to be placed on the inside of the hang tag.
5. There are 2 residential units at 63 Saragossa Street, the main house that has an address of 63 Saragossa Street and an accessory apartment that has an address of 63½ Saragossa Street.
6. The main house is a four (4) bedroom house which is used solely as a short term rental. This requires a total of four (4) parking spaces and the property has one (1) parking space on site, in the driveway.
7. The accessory apartment, identified as 63½ Saragossa Street, is in the back yard and it is occupied by a long term tenant. The long term tenant of 63½ Saragossa Street has obtained one (1) parking sticker and two (2) parking hang tags, which is consistent with the City's current policy.
8. The property owner has applied for the use of three (3) street parking spaces for the short term rental. He has not specified parking stickers or parking hang tags. Issuing three (3) parking hang tags would not be consistent with current city policy.
9. There are currently no approved street parking passes for any short term rental units on Saragossa Street.
10. The City has issued a total of 30 parking stickers and 44 parking hang tags for the reserved parking spaces on Saragossa Street. There are a total of 31 reserved street parking spaces on Saragossa Street from Ponce de Leon Boulevard to Cordova Street.

Use by Exception – On-street Residential Parking
Short Term Rental location – 63 Saragossa Street

City code requires a use by exception when on-site, stabilized parking is not available, per 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 four (4) bedroom house with one (1) on-site parking space located in the driveway and one (1) accessory apartment (63½ Saragossa Street) in the rear of the main house.

If approved by the Board, the annual parking pass renewal will require the applicant to maintain any approved residential street parking pass. If the applicant fails to renew the parking pass, 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 City Policy and Section 28-2 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for two (2) parking hang tags for a short term rental at 63 Saragossa Street with consideration for an additional one (1) off site parking space to be located at the City Parking Garage, which would require readvertising and approval by the Board.



David Birchim, AICP
Director, Planning and Building Department





CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0049
 Receipt Number: 2078487 Meeting Date: May 4, 2021
 Advertising Costs: \$ 97.20 Paid On: 4/15/21 Receipt Number: 2095721
24 sent

1. NAME OF APPLICANT: Susan L Bebry Contact Number: 516-319-5635
 Business (if applicable): Ribossa Property Mgmt LLC
 Address: 425 Escalante Court City: St. Augustine State: FL Zip: 32086
 E-Mail Address: SLBangel2@aol.com
2. NAME OF PROPERTY OWNER: Susan L Bebry Contact Number: 516-319-5635
 Business (if applicable): Ribossa Property Mgmt LLC
 Address: 425 Escalante Court City: St. Augustine State: FL Zip: 32086
 E-Mail Address: SLBangel2@aol.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 11 Block: F
 Subdivision: City E Parcel Number: 204310-0000
4. PROJECT STREET ADDRESS: 63 Saragossa Street, St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Long term rental and Air BNB
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Request for parking permits for street parking (3)
7. DESCRIPTION OF ACTION REQUESTED: We currently use the house as a 4 bedroom Air BNB
We are requesting that the renters for the Air BNB be allowed to park on the street for 3 of the rooms, as use by exception,
as we have a driveway that can accommodate one of the bedrooms.
8. JUSTIFICATION FOR ACTION REQUESTED: This has been an Air BNB for at least the
last 5 years, and though the rules have changed the parking on the street at Saragossa
has never caused a problem and realistically it is open to the public to park after 9:00
PM to 7:00 AM. so I would think it would be better to have registered visitors parking
on the street, as opposed to random strangers who could essentially park there all
night if they wished to.

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.

Susan L. Bebery 3/23/21
Signature of Applicant Date

Susan L. Bebery 3/23/21
Signature of Property Owner 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.

Susan L Bebry

Print name of applicant

Susan L. Bebry
Signature of applicant

3/19/2021

Date



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary



Parcel ID 2043100000
 Location Address 63 SARAGOSSA ST
 ST. AUGUSTINE 32084-0000
 Neighborhood Model Land/City (0800) (610.31)
 Tax Description* 2-39 MODEL LAND CO SUB CITY E 50FT OF LOT 11 BLK F OR4717/572
 *The Description above is not to be used on legal documents.
 Property Use Code Multi-Family (Less than 10 Units) (0800)
 Subdivision Model Land Co.'s Subdivision Of Blocks E
 Sec/Twp/Rng 18-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.4926
 Acreage 0.110
 Homestead N

Owner Information

Owner Name Ribossa Property Mgmt LLC 100%
 Mailing Address 54 CARRERA ST
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$226,511
Extra Features Value	\$300
Total Land Value	\$123,975
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$350,786
Total Deferred	\$4,220
Assessed Value	\$346,566
Total Exemptions	\$0
Taxable Value	\$346,566

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	\$209,310	\$300	\$105,450	\$0	\$0	\$315,060	\$315,060	\$0	\$315,060
2019	\$136,956	\$300	\$105,450	\$0	\$0	\$242,706	\$242,706	\$0	\$242,706
2018	\$141,064	\$300	\$105,450	\$0	\$0	\$246,814	\$245,879	\$935	\$245,879
2017	\$143,117	\$1,361	\$105,450	\$0	\$0	\$249,928	\$223,526	\$26,402	\$223,526
2016	\$133,201	\$1,512	\$91,575	\$0	\$0	\$226,288	\$203,205	\$23,083	\$203,205
2015	\$120,841	\$1,663	\$83,250	\$0	\$0	\$205,754	\$184,732	\$21,022	\$184,732
2014	\$105,083	\$1,814	\$83,250	\$0	\$0	\$190,147	\$167,938	\$22,209	\$167,938
2013	\$106,493	\$1,965	\$83,250	\$0	\$0	\$191,708	\$152,671	\$39,037	\$152,671
2012	\$72,558	\$300	\$65,934	\$0	\$0	\$138,792	\$138,792	\$0	\$138,792
2011	\$73,759	\$300	\$73,260	\$0	\$0	\$147,319	\$147,319	\$0	\$147,319
2010	\$76,160	\$300	\$81,400	\$0	\$0	\$157,860	\$157,860	\$0	\$157,860

Building Information

Building	1
Actual Area	1444
Conditioned Area	1278
Actual Year Built	1918
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	Ceramic Tile, Pine Wood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	4
Baths	3

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	80%
Interior Flooring	Ceramic Tile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	12 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1112	1112
FRAME UTILITY	0	72
FINISHED DECK	0	16
FINISHED ENCLOSED PORCH	166	208
FINISHED DECK	0	36
Total SqFt	1278	1444

Building	2
Actual Area	786
Conditioned Area	336
Actual Year Built	1979
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Siding, Wood
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Composite Shingle
Interior Flooring	Sheet Vinyl, Wood Laminate
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	1
Baths	1

Category	Type	Pct
Exterior Wall	Concrete Siding	50%
Exterior Wall	Wood	50%
Roofing Structure	Gable Hip	100%

Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Wood Laminate	80%
Interior Flooring	Sheet Vinyl	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	336	336
FINISHED DECK	0	16
OUTSIDE STAIRS	0	42
FINISHED DECK	0	56
FINISHED STORAGE	0	336
Total SqFt	336	786

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Concrete Paving	0	0	0	0	160
Residential Fence	0	0	0	0	230

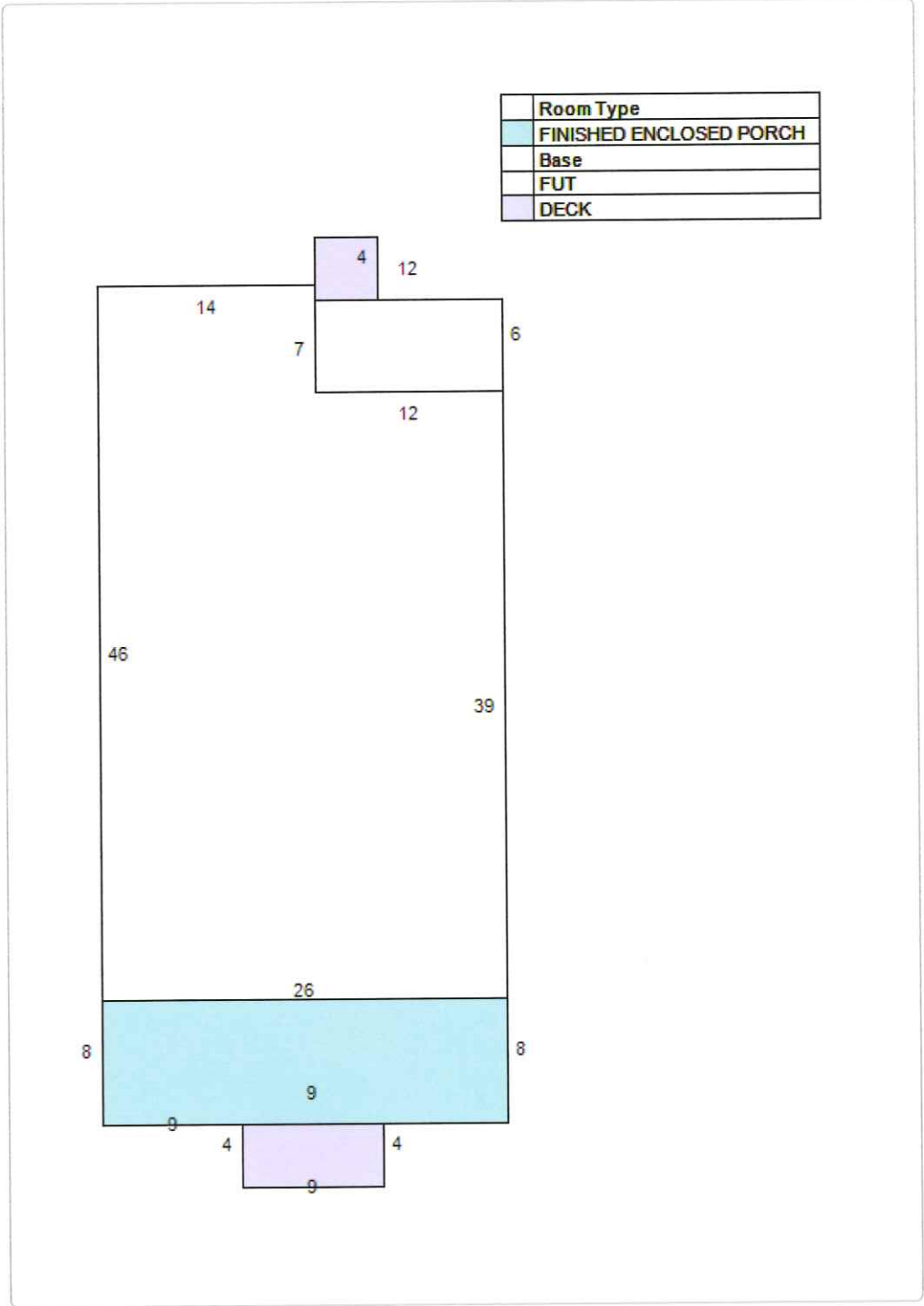
Land Information

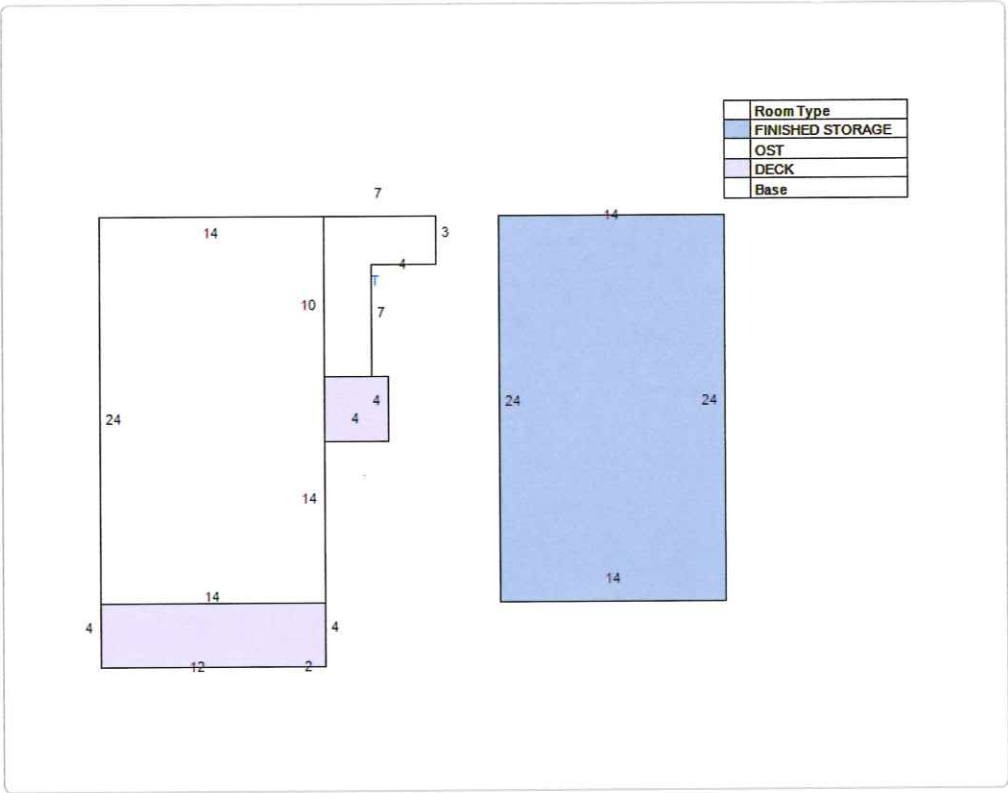
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	50	89	50	EF	\$123,975

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/1/2019	4/29/2019	\$419,000.00	WARRANTY DEED	4717	572	Q	I	STRANGE TORY VERNON	RIBOSSA PROPERTY MGMT LLC
5/1/2019	4/29/2019	\$100.00	WARRANTY DEED	4717	570	U	I	STRANGE EDWARD S & STRANGE TORY VERNON (JTRS)	STRANGE TORY VERNON
	3/26/2001	\$150,000.00	WARRANTY DEED	1580	1069	Q	I	AEPPLI RICK L & DOROTHY	STRANGE EDWARD S & STRANGE TORY VERNON (JTRS)
	3/24/1994	\$100.00	WARRANTY DEED	1046	598	U	I	AEPPLI RICK L	AEPPLI RICK L,DOROTHY
	11/1/1990	\$64,000.00		875	806	Q	I		AEPPLI RICK L
	6/1/1987	\$60,000.00		749	1432	Q	I		

Sketch Information





No data available for the following modules: Exemption Information.

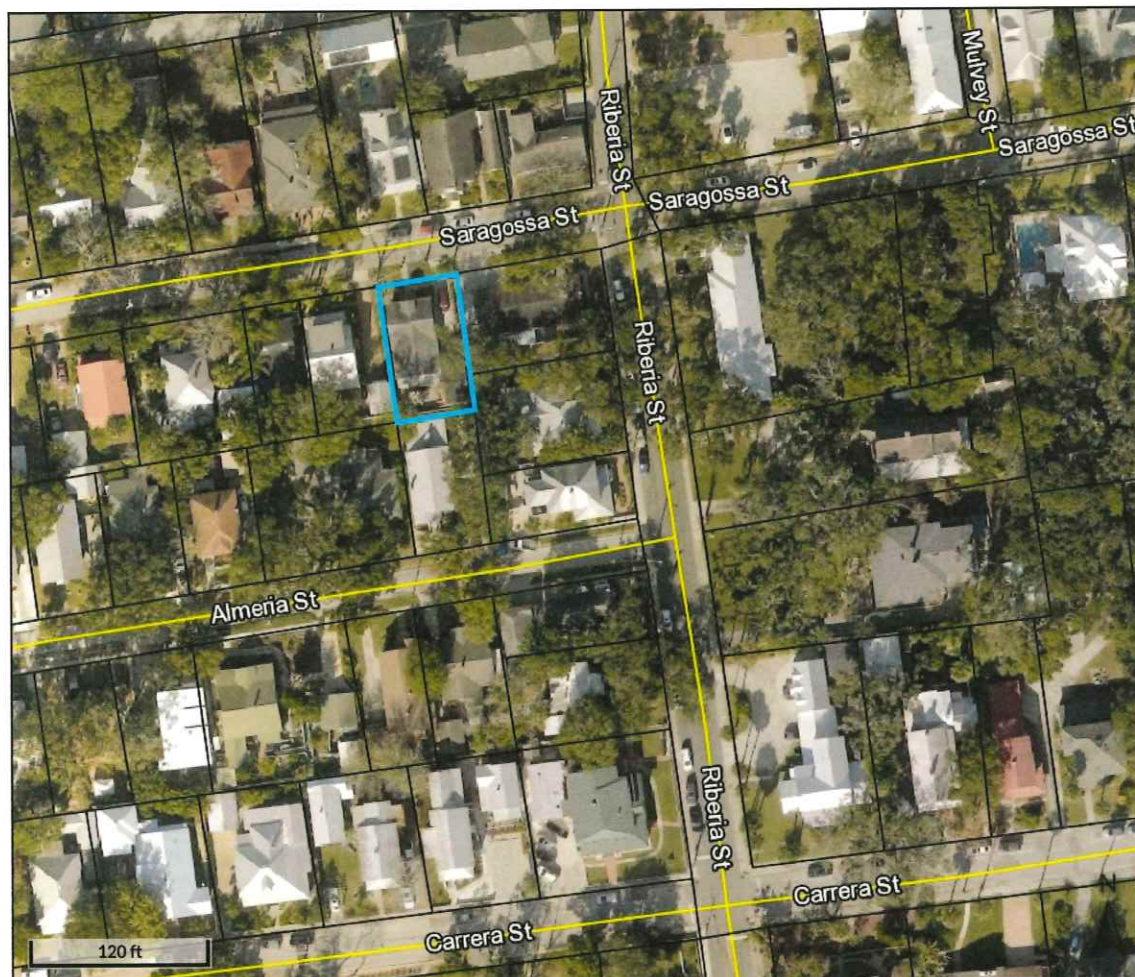
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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Last Data Upload: 3/24/2021, 12:56:12 AM

Developed by
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Version 2.3.112



Overview



Legend

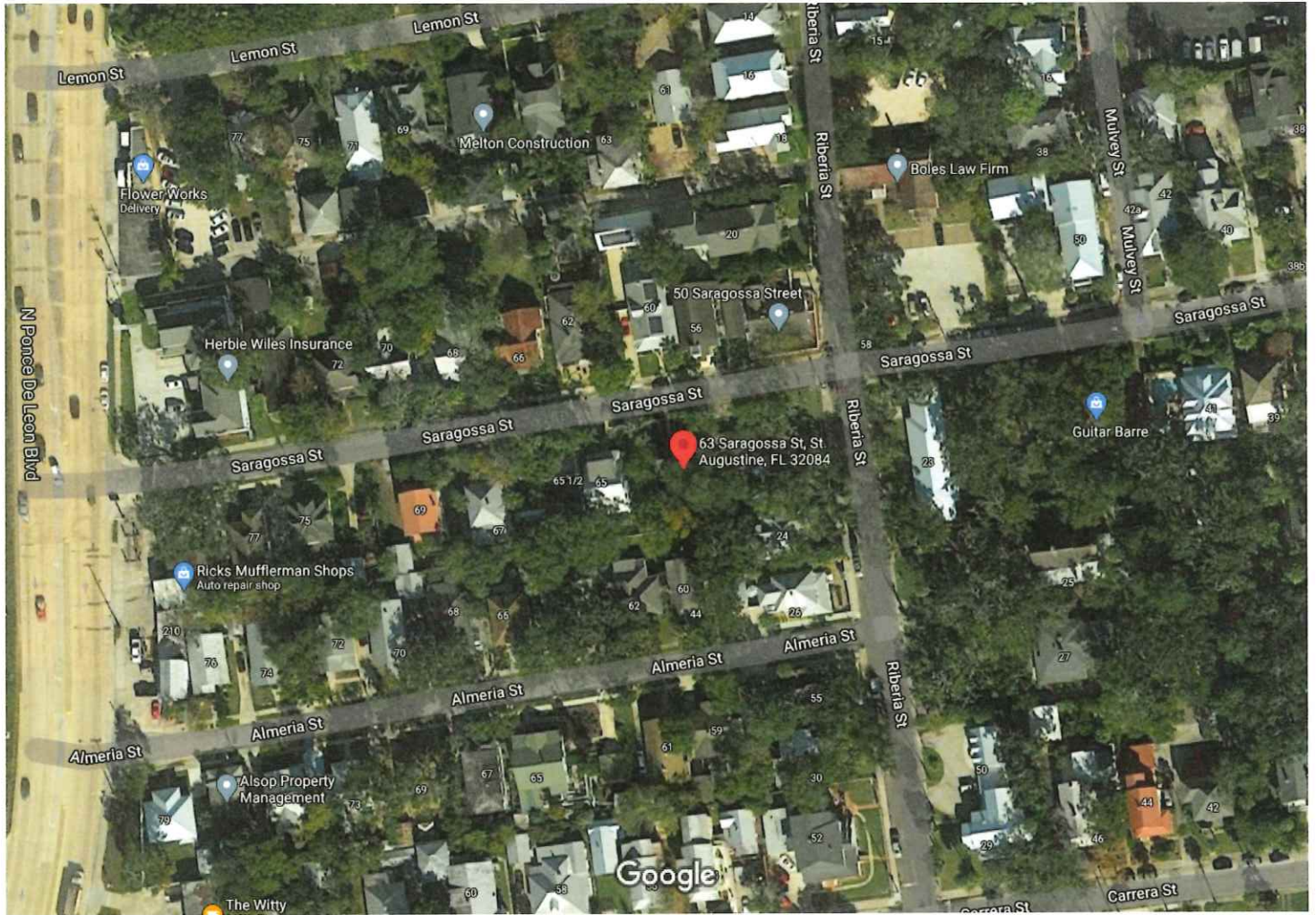
□ Parcels

Parcel ID	2043100000	Physical Address	63 SARAGOSSA ST ST. AUGUSTINE	Building Value	\$226,511	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	RIBOSSA PROPERTY MGMT LLC	Extra Feature Value	\$300	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	54 CARRERA ST SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$123,975	4/29/2019	\$419000	01	Q
Acres	0.11			Just Value	\$350,786	3/26/2001	\$150000	01	Q
				Total	\$4,220				
				Deferred Assessed Value	\$346,566				
				Total	N/A				
				Exemptions					
				Taxable Value	\$346,566				

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Date created: 3/24/2021
Last Data Uploaded: 3/24/2021 12:56:12 AM

Developed by  **Schneider**
GEOSPATIAL



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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **USE BY EXCEPTION #2021-0050**

AGENDA ITEM 4(c)

APPLICANT Corinne Hardisty
c/o Dodi Wholesale LLC

OWNER B & B Family LLC

LOCATION 50 S. Dixie Highway / PIN 1269750000

REQUEST To approve a wholesale (non-THC CBD hemp products) business at this location.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-two (CM-2)

SURROUNDING USES Business offices, automotive repair shops

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. 28-209. - 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.*

b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.

Sec. 28-2 Definitions

“Legally available marijuana shall mean any form or variant or species of the cannabis plant including but not limited to cannabis sativa L., C. ruderalis, C. indica and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD) commonly referred to as marijuana, that is currently legal to possess, or may become legal to possess in the State of Florida, whether such possession is direct or indirect. A person or entity who is in possession of legally available marijuana in this context includes any person or entity who legally possesses any form of marijuana, including but not limited to, patients prescribed marijuana for medical treatment and their caregivers, anyone legally cultivating the marijuana plant or its seeds, anyone legally manufacturing, producing, processing or creating any goods or foods utilizing any part of the marijuana plant including buds, leaves, roots or seeds, or making available for legal sale, trade, gift, display, storage, delivery or on-site commercial consumption any part of the marijuana plant including buds, leaves or seeds in any processed or unprocessed form. **Cannabis sativa L. subsp. sativa var. sativa is the variety of cannabis sativa with THC levels below 0.5% grown for non-consumable industrial uses such as hemp cloth products and hempcrete concrete building blocks, and is not intended to be included in this definition.”**

STAFF SUMMARY AND ANALYSIS

The proposed wholesale business sells non-THC hemp products which are not regulated under the City's marijuana ordinance because they are non-consumable, such as in use for skin creams and body lotions.

This business is operating within a suite of commercial units. (see photographs)

The types of businesses in this commercial complex that exist now and have historically operated at this location include; building contractors, food service and food production, auto repair, retail sales, wine and spirits distribution and mobile auto detailing office.

Staff finds the applicant has demonstrated that the proposed use will be scaled to the existing commercial uses in the area, provide a benefit in the improved appearance of a vacant building, and is located within an established commercial corridor with access to US-1.

STAFF RECOMMENDATION

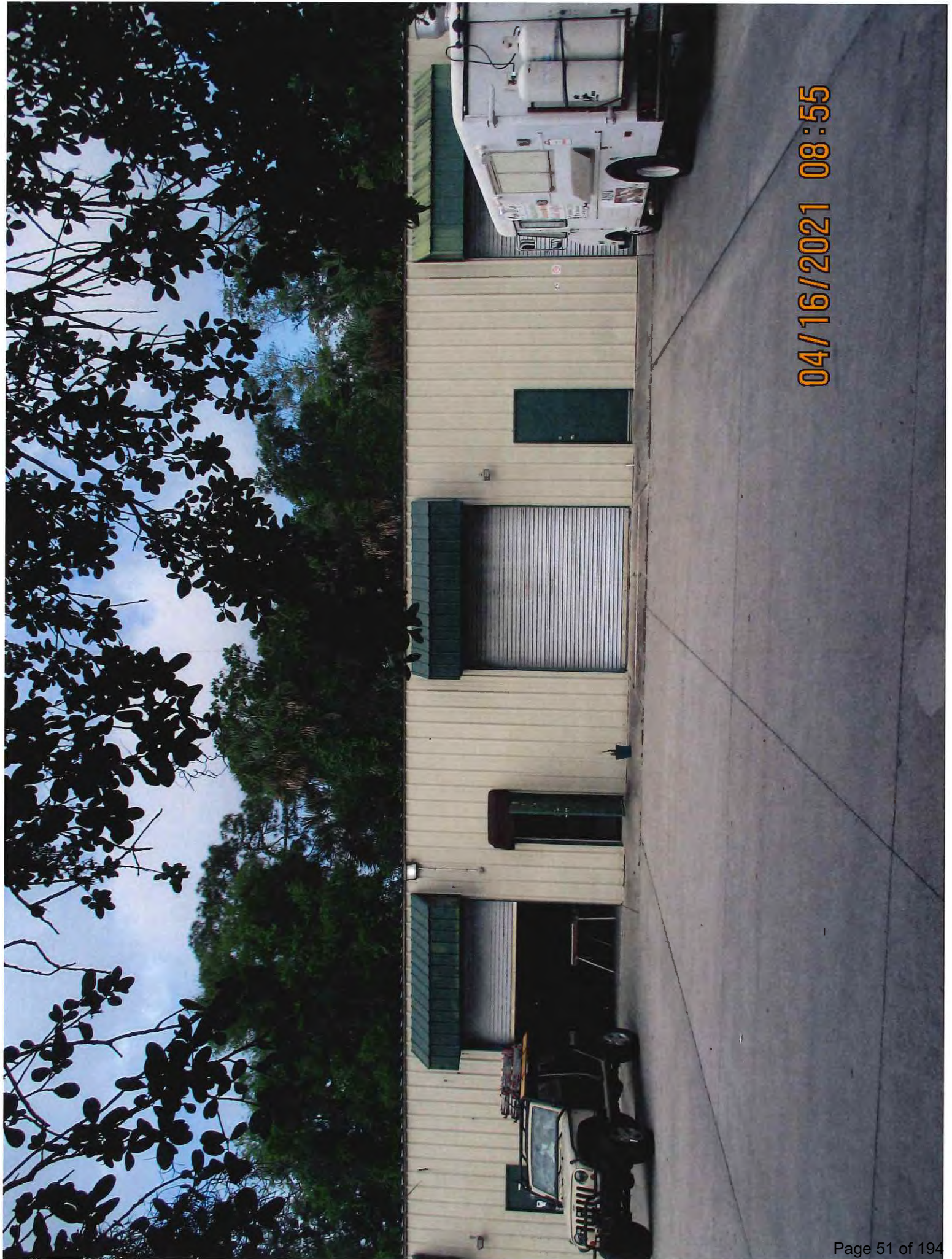
Based on a review of Section 28-29 and 28-209, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a wholesale business at **50 S. Dixie Highway / PIN 1269750000**.



David Birchim, AICP
Director Planning and Building Department



04/16/2021 08:55



04/16/2021 08:55



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

MAR 30 2021

Planning/Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0050
 Receipt Number: 208 8379 Meeting Date: May 4, 2021
 Advertising Costs: \$ 56.70 Paid On: 7/16/21 Receipt Number: 2096 956

1. NAME OF APPLICANT: Corinne Hardisty Contact Number: 415-488-3552
 Business (if applicable): Dodi Wholesale LLC
 Address: 50 South Dixie Hwy Unit 5 City: St Augustine State: FL Zip: 32080
 E-Mail Address: dodiwholesale@gmail.com

2. NAME OF PROPERTY OWNER: B & B Family LLC Contact Number: 904-794-9100
 Business (if applicable): North Shore Property Management
 Address: 2155 Old Moutrie Road Suite 106 City: St. Augustine State: FL Zip: 32086
 E-Mail Address: jobrien@northshoreprop.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1 Block: 20
 Subdivision: Huertas Grant, East 1/2 Parcel Number: 1269750000

4. PROJECT STREET ADDRESS: 50 South Dixie Hwy Suite 5

5. SPECIFIC PROPOSED USE: Utilize suite for a wholesale business

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

7. DESCRIPTION OF ACTION REQUESTED: We would like a permit to be a wholesale business based out of St. Augustine.
We are sellers of a non- nicotine, non- THC CBD Hemp product. We would like to be permitted to make business to business
sales based out of St. Augustine. This will not be a retail business. There will be no customers walking into the business.
We will not sell direct to consumer. We will sell our Hemp based product to businesses
that do not sell to individuals who are under 21.

8. JUSTIFICATION FOR ACTION REQUESTED: We would like to be approved to sell
hemp based products following Florida's laws and regulations, both state and local.
We not negatively impact the surrounding area. The warehouse where we are located is
next to a car repair shop, a storage facility for a shutter business,
and a food truck (mobile business). Additionally, we are across from industrial businesses.

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.

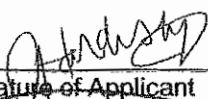
11. AGREEMENT:

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.

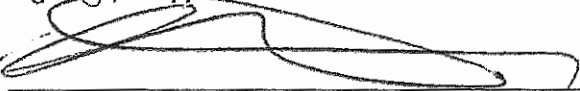
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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

3/29/2021

Date


Signature of Property Owner

3/29/2021

Date

04/18/2019



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

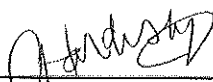
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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.

Corinne Hardisty

Print name of applicant



Signature of applicant

03/29/2021

Date



Owner's Authorization For Agent

CORRINE HARDISTY is/are hereby authorized TO ACT ON BEHALF OF B+B FAMILY 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]
Signature of Owner
Thomas E Bennett Jr.
Print Name of Owner
904-829-6855
Telephone Number

State of FLORIDA

County of St Johns

Signed and sworn before me on this 29th day of March, 2021.

By Thomas E Bennett Jr.

Identification verified:

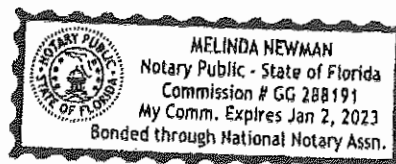
Oath sworn: ☒ Yes ☐ No

Notary Signature:

Melinda Newman

My Commission expires:

Jan 2 2023





St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

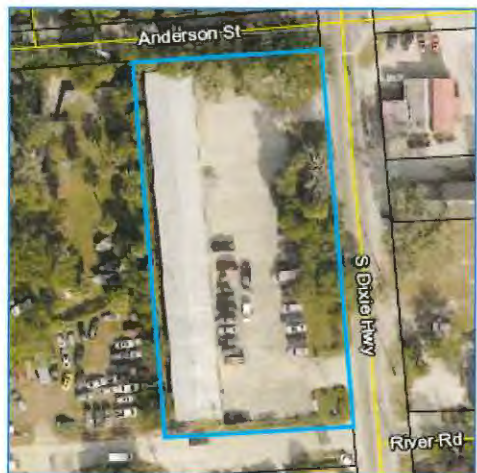


Parcel ID	1269750000
Location Address	50 S DIXIE HWY SAINT AUGUSTINE 32084-0000
Neighborhood	South Dixie (COM) (686.01)
Tax Description*	5-A E1/2 HUERTAS GRANT SUBD PT OF LOT 7 BLK 20 - 150FT ON ANDERSON ST X 300FT ON SOUTH DIXIE HWY (INCL LOT 7-A) OR2321/239
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Repair Service Shops (Non-automotive) (2500)
Subdivision	Huertas Grant, East 1/2
Sec/Twp/Rng	38-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	1.030
Homestead	N

Owner Information

Owner Name	B And B Family LLC 100%
Mailing Address	2875 US HIGHWAY 1 S SAINT AUGUSTINE, FL 32086-6303

Map



Valuation Information

	2021
Building Value	\$279,179
Extra Features Value	\$40,942
Total Land Value	\$291,785
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$611,906
Total Deferred	\$163,393
Assessed Value	\$448,513
Total Exemptions	\$0
Taxable Value	\$448,513

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	\$287,769	\$43,702	\$291,785	\$0	\$0	\$623,256	\$407,739	\$215,517	\$407,739
2019	\$151,291	\$46,461	\$291,785	\$0	\$0	\$489,537	\$370,672	\$118,865	\$370,672
2018	\$159,696	\$49,220	\$291,785	\$0	\$0	\$500,701	\$336,975	\$163,726	\$336,975
2017	\$151,275	\$51,976	\$141,750	\$0	\$0	\$345,001	\$306,341	\$38,660	\$306,341
2016	\$156,077	\$54,735	\$135,000	\$0	\$0	\$345,812	\$278,492	\$67,320	\$278,492
2015	\$88,280	\$29,895	\$135,000	\$0	\$0	\$253,175	\$253,175	\$0	\$253,175
2014	\$87,619	\$16,663	\$135,000	\$0	\$0	\$239,282	\$239,282	\$0	\$239,282
2013	\$90,640	\$17,966	\$135,000	\$0	\$0	\$243,606	\$243,606	\$0	\$243,606
2012	\$95,172	\$19,270	\$135,000	\$0	\$0	\$249,442	\$249,442	\$0	\$249,442
2011	\$75,056	\$14,362	\$146,250	\$0	\$0	\$235,668	\$235,668	\$0	\$235,668
2010	\$77,365	\$14,719	\$168,750	\$0	\$0	\$260,834	\$260,834	\$0	\$260,834

Building Information

Building	1	Roof Structure	Steel Frame
Actual Area	9625	Roof Cover	Modular Metal
Conditioned Area	2200	Interior Flooring	Concrete Finish
Actual Year Built	1985	Interior Wall	
Use	Repair Service Shops (Non-Automotive)	Heating Type	Air Duct
Style	06	Air Conditioning	Central
Class	N	Bedrooms	0
Exterior Wall	Aluminum Vinyl	Baths	
Roof Structure	Steel Frame		

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Flooring	Concrete Finish	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Steel	100%
Plumbing	23 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%
Insulation	2" Fiberglass	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	7425
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
WAREHOUSE OFFICE (FINISHED)	200	200
Total SqFt	2200	9625

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Metal Fence 6'	0	0	0	0	291
Concrete Paving (Commercial)	0	0	0	0	20765
Steel Door	0	0	0	0	1100
Stops	0	0	0	0	15

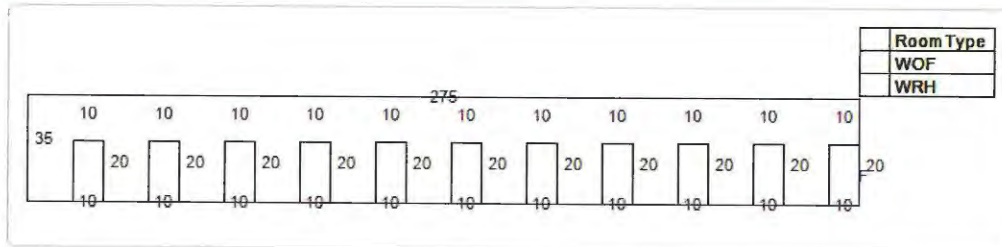
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Repair Service Shops (Non-automotive)	300	150	44890	SF	\$291,785

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/4/2004	\$100.00	WARRANTY DEED	2321	239	U	I	BENNETT THOMAS E SR,MARIE,THOMAS JR,DEBORAH	B AND B FAMILY LLC
	2/8/2001	\$100.00	WARRANTY DEED	1565	1823	U	I	BENNETT THOMAS E SR & MARIE M	BENNETT THOMAS E SR & MARIE M ETAL
	6/1/1985	\$0.00		677	1352	U	I		BENNETT THOMAS E SR,MARIE M
	2/1/1983	\$0.00		575	376	U	I		

Sketch Information



No data available for the following modules: Exemption Information.

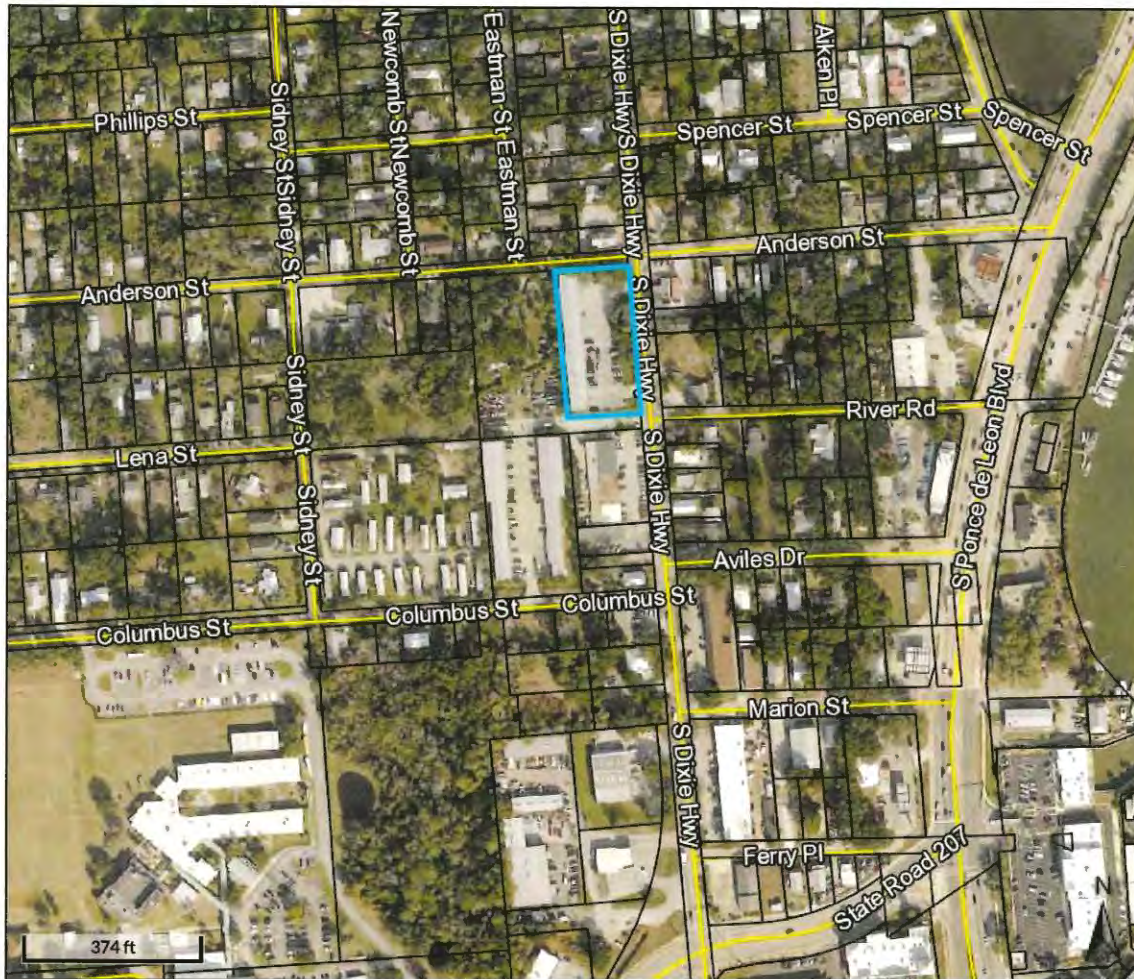
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Version 2.3.114



Overview



Legend

□ Parcels

Parcel ID	1269750000	Physical Address	50 S DIXIE HWY	Building Value	\$279,179	Last 2 Sales			
Property Class	2500 - Repair Service Shops (Non-automotive)	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$40,942	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	B AND B FAMILY LLC	Total Land Value	\$291,785	n/a	0	n/a	n/a
Acres	1.03		2875 US HIGHWAY 1 S	Just Value	\$611,906	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL	Total	\$163,393				
			32086-6303	Deferred Assessed Value	\$448,513				
				Total Exemptions	N/A				
				Taxable Value	\$448,513				

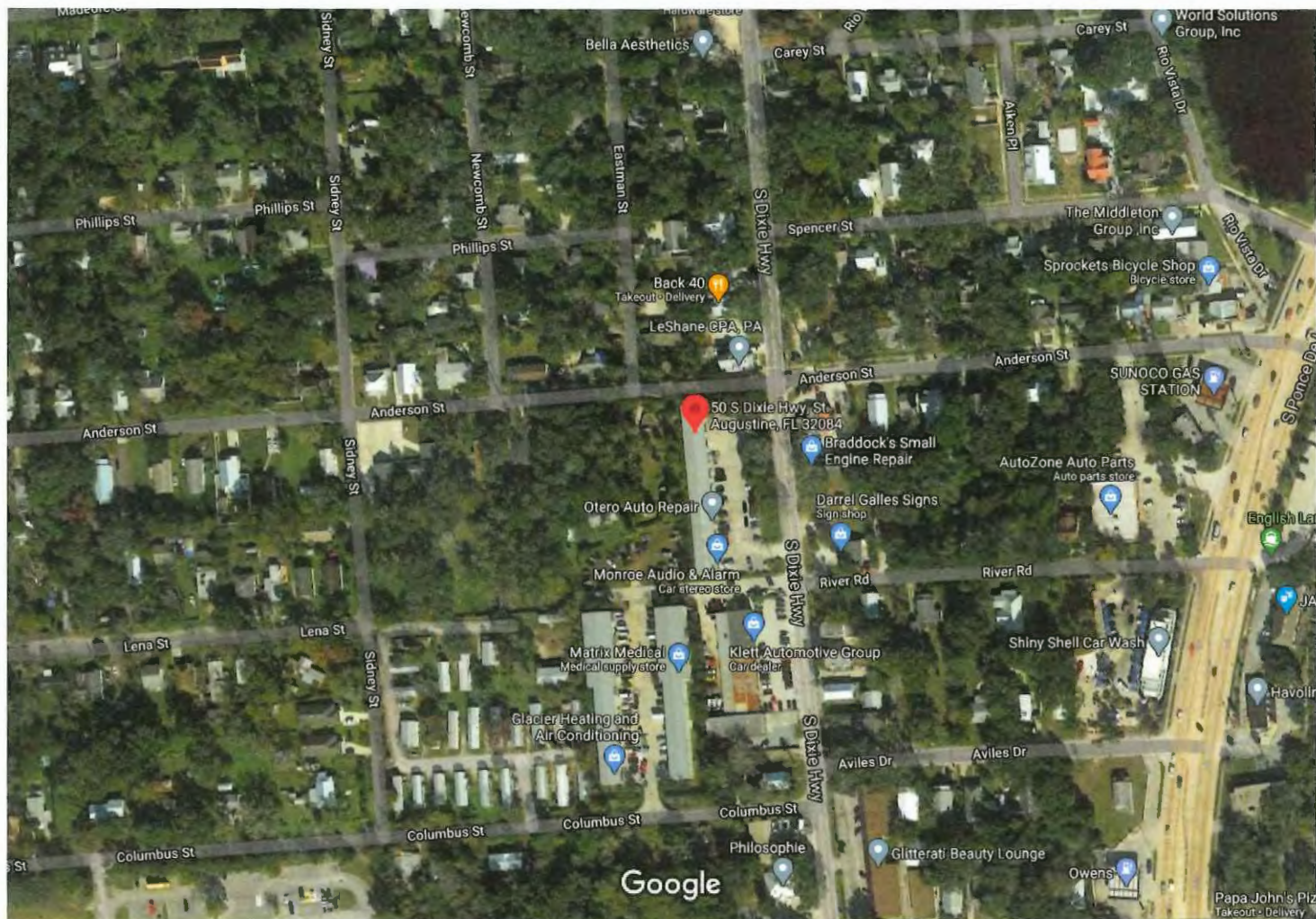
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Date created: 4/1/2021

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Google Maps 50 S Dixie Hwy



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 100 ft



50 S Dixie Hwy

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: May 4, 2021

RE: **USE BY EXCEPTION– 2020-0053**

AGENDA ITEM 4(d)

APPLICANT Daniel Brown

OWNER Courtney and Jarrod Depriest

LOCATION **90 De Haven Street**

REQUEST To approve two (2) parking spaces in the municipal parking garage for a short term rental.

LAND USE Residential Low Density

ZONING Residential, Single Family-two (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.

(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 off-site parking. The application to the Planning and Zoning Board for a use by exception for off-site 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 garage for short term rentals.

City code requires a use by exception for off-site parking when on-site, stabilized parking is not available, per Sec 28-151(iii). Three options are provided for off-site parking for short term rentals:

- 1) use by exception for off-site parking (within 400 feet per Sec. 28-371).
- 2) parking permits to the municipal parking garage
- 3) On-street parking permits within established Residential Permit Program Areas.

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 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.

- The property at 90 De Haven Street is a two (2) bedroom single family home built in 1910.
- It is required to provide 2 parking spaces for use as a two (2) bedroom short term rental.
- The house is approximately 4 feet from De Haven Street and it is setback 6 feet from the property line on the west side and 6 inches on the east side. (see attached survey)
- The property does not have enough space to accommodate any on-site parking.

Parking Requirements Summary

- 1) Use by exception for off-site parking (within 400 feet per Sec. 28-371).
 - a. *There are two gravel parking lots (marked with red arrows) within 400 feet of the subject property (marked with a red circle), one is a small lot on the south side of the St. Paul AME Church at 91 Dr. Martin Luther King, Jr. Avenue and the other is a small lot on St. Benedict Street on the south side of the First Baptist Church at 89 St. Francis Street (see attached aerial photo) The applicant has tried to make contact with the owners of the parking lots to inquire about the availability of leasing 2 parking spaces but has not been able to meet with them.*
- 2) parking permits to the municipal parking garage.
 - a. *The applicant is requesting two (2) spaces within the municipal parking garage.*
- 3) On-street parking permits within established Residential Permit Program Areas.
 - a. *There is no established residential parking permit program on DeHaven Street.*

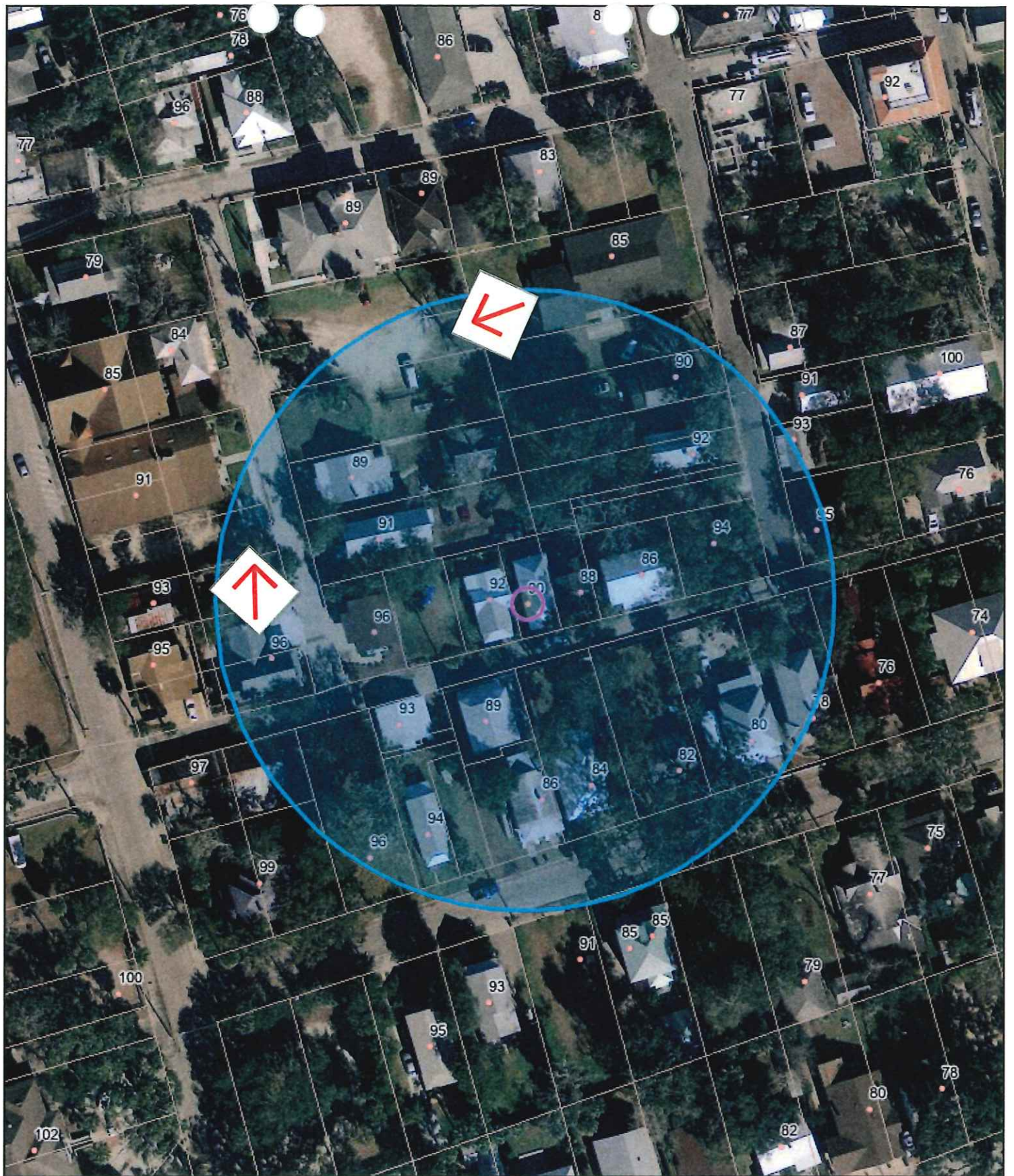
Information Only: As of the date of this report, the Planning & Zoning Board has approved 12 off-site parking spaces within the municipal parking garage, this application, if approved, would result in a total of 14.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for two (2) off-site parking spaces within the municipal parking for the short term rental property at 90 De Haven Street, PID#207560 0000.



David Birchim, AICP
Director, Planning & Building Department



Map created with St. Johns County's iMap

DISCLAIMER:
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date Created: 4/21/2021

400 ft radius around 90 DeHaven St.



A photograph of a two-story house with a white porch and a yellow door. A black metal railing runs along the porch. A date and time stamp '04/16/2021 08:40' is visible in the bottom right corner.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0053
Receipt Number: 2090693 Meeting Date: May 4, 2021
Advertising Costs: \$ 101.25 Paid On: 7/10/21 Receipt Number: 2096955

1. NAME OF APPLICANT: Daniel Brown Contact Number: 904-686-4824
Business (if applicable): Ancient City Hideaways
Address: 400 Sawmill Landing Dr City: St. Augustine State: FL Zip: 32086
E-Mail Address: danny@ancientcityhideaways.com

2. NAME OF PROPERTY OWNER: Courtney Depriest Contact Number: 562-212-0800
Business (if applicable): _____
Address: PO Box 2807 City: Edwards State: CO Zip: 81632
E-Mail Address: courtdepriest@yahoo.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 8 Block: H
Subdivision: Dumas Tract Parcel Number: 2075600000

4. PROJECT STREET ADDRESS: 90 De Haven St, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Off-site parking for short term rental

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

7. DESCRIPTION OF ACTION REQUESTED: Allow for the purchase and use of two (2) municipal
parking garage spaces to satisfy short term rental parking requirements for the 2 bedroom home located at 90 De Haven St

8. JUSTIFICATION FOR ACTION REQUESTED: The subject property has no on-site parking spaces

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 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.

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.

Daniel Brown

4/9/21

Signature of Applicant

Date

[Handwritten Signature]

4-8-21

Signature of Property Owner

Date

04/18/2019



Owner's Authorization For Agent

Daniel Brown is/are hereby authorized TO ACT ON BEHALF
OF Courtney Depriest, 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

Courtney Depriest

Print Name of Owner

562-212-0800

Telephone Number

State of COLORADO

County of EAGLE

Signed and sworn before me on this 8 day of April, 2021

By Courtney Depriest

Identification verified:

Oath sworn: X Yes No

Notary Signature: _____

My Commission expires: _____

December 28, 2024

NAYELI GAVINA SALAZAR-SERNA
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20204044743
MY COMMISSION EXPIRES DEC 28, 2024



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary



Parcel ID 2075600000
Location Address 90 DE HAVEN ST
SAINT AUGUSTINE 32084-0000
Neighborhood Dumas Tract with part City St Aug (622)
Tax Description* DUMAS TRACT CITY W 1/2 OF LOT 8 BLK H OR 5184/1082
**The Description above is not to be used on legal documents.*
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 0.040
Homestead N

Owner Information

Owner Name Depriest Courtney, Jarrod 100%
Depriest Jarrod 100%
Mailing Address PO BOX 2807
EDWARDS, CO 81632-0000

Map



Valuation Information

	2021
Building Value	\$280,231
Extra Features Value	\$7,467
Total Land Value	\$50,024
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$337,722
Total Deferred	\$17,634
Assessed Value	\$320,088
Total Exemptions	\$0
Taxable Value	\$320,088

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	\$71,130	\$0	\$50,024	\$0	\$0	\$121,154	\$121,154	\$0	\$121,154
2019	\$53,406	\$0	\$50,024	\$0	\$0	\$103,430	\$50,297	\$78,430	\$25,000
2018	\$33,911	\$0	\$46,176	\$0	\$0	\$80,087	\$49,359	\$55,728	\$24,359
2017	\$31,699	\$0	\$41,558	\$0	\$0	\$73,257	\$48,344	\$49,913	\$23,344
2016	\$33,174	\$0	\$36,075	\$0	\$0	\$69,249	\$47,350	\$46,899	\$22,350
2015	\$33,911	\$0	\$28,860	\$0	\$0	\$62,771	\$47,021	\$40,750	\$22,021
2014	\$27,866	\$0	\$23,088	\$0	\$0	\$50,954	\$46,648	\$29,306	\$21,648
2013	\$28,446	\$0	\$17,893	\$0	\$0	\$46,339	\$45,959	\$25,380	\$20,959
2012	\$29,607	\$0	\$15,584	\$0	\$0	\$45,191	\$45,191	\$25,000	\$20,191
2011	\$38,576	\$0	\$17,316	\$0	\$0	\$55,892	\$55,436	\$30,892	\$25,000
2010	\$39,169	\$0	\$19,240	\$0	\$0	\$58,409	\$54,617	\$33,409	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	896	Roof Cover	Metal
Conditioned Area	776	Interior Flooring	Ceramic Tile, Wood Laminate
Actual Year Built	1910	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	2
Exterior Wall	Wood	Baths	2
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Wood Laminate	70%
Interior Flooring	Ceramic Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	9 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	776	776
FRAME DECK	0	15
FINISHED OPEN PORCH	0	63
PATIO	0	42
Total SqFt	776	896

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Deck (Unattached)	0	0	0	0	300
Spa / Hot Tub	0	0	0	0	1

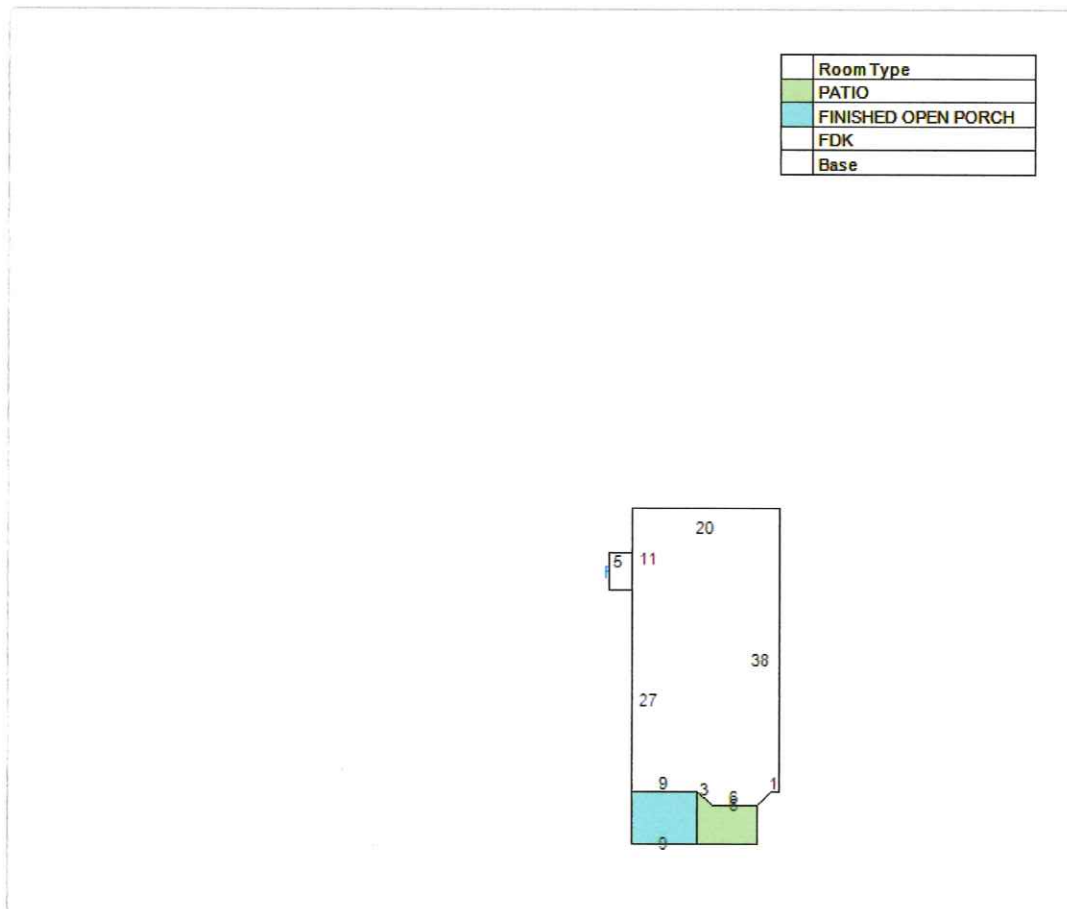
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	26	64	26	EF	\$50,024

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/19/2021	2/5/2021	\$405,500.00	WARRANTY DEED	5184	1082	Q	I	LEMON TREE COTTAGE	DEPRIEST COURTNEY,JARROD
8/20/2019	8/16/2019	\$150,000.00	WARRANTY DEED	4781	321	Q	I	CAMPOS ALBERTO R	LEMON TREE COTTAGE
	5/24/2001	\$47,900.00	WARRANTY DEED	1614	1673	Q	I	MAGINNIS WILFRED R	CAMPOS ALBERTO R
	3/5/1999	\$32,000.00	WARRANTY DEED	1393	501	U	I	DELAWARE SAVINGS BANK FSB	MAGINNIS WILFRED R
	10/13/1998	\$100.00	CERTIFICATE OF TITLE	1355	935	U	I	DERAY BRUCE & MARION E	DELAWARE SAVINGS BANK FSB
	5/1/1996	\$44,900.00	WARRANTY DEED	1208	166	Q	I	TUSEO NORBERT TRUSTEE	DERAY BRUCE & MARION E
	4/16/1996	\$32,000.00	WARRANTY DEED	1208	164	U	I	GARRARD W C J,NANCY	TUSEO NORBERT TRUSTEE
	1/24/1995	\$41,900.00	WARRANTY DEED	1092	1337	U	I	TUSEO NORBERT TRUSTEE	GARRARD W C J,NANCY
	11/29/1994	\$15,500.00	QUIT CLAIM DEED	1090	1091	U	I	GOLDEN ELVIS K,JEAN M	TUSEO NORBERT TRUSTEE
	11/29/1993	\$24,900.00	WARRANTY DEED	1023	1375	Q	I	GENOVAR PHILIP R	GOLDEN ELVIS K,JEAN M
	4/14/1992	\$100.00	WARRANTY DEED	938	1337	U	I	MC MILLON CORNELL	GENOVAR PHILIP R
	11/6/1991	\$6,000.00	PERSONAL REP	938	1333	U	I	MC MILLON ANNIE M	MC MILLON CORNELL

Sketch Information



No data available for the following modules: Exemption Information.



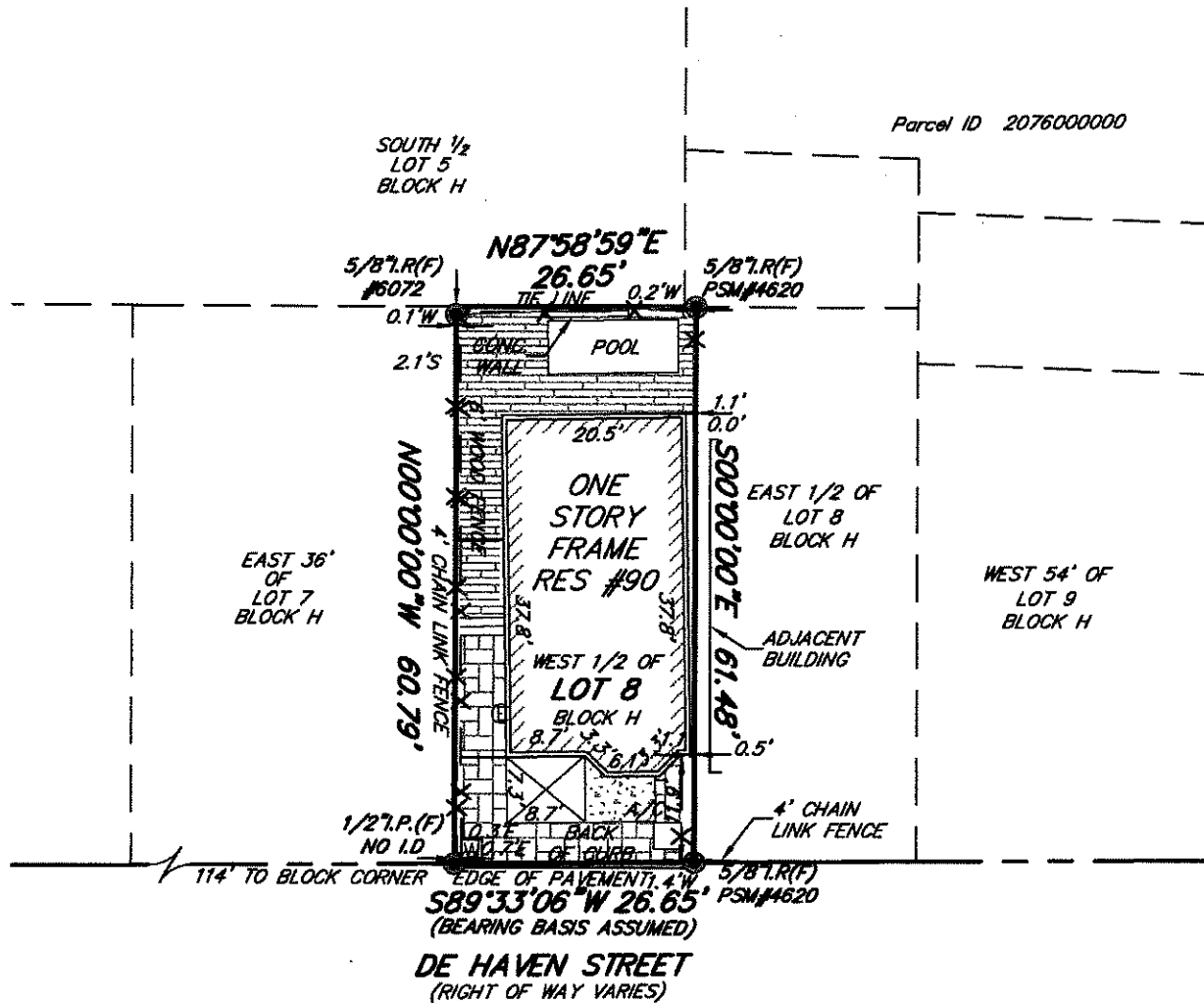
☐ **Parcels**

Developed by  **Schneider**
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MAP SHOWING SURVEY OF

THE WEST 1/2 OF LOT 8, BLOCK H, DUMAS TRACT, A SUBDIVISION OF THE CITY OF ST. AUGUSTINE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR ST. JOHNS

CERTIFIED:
JARROR DEPRIEST & COURTNEY DEPRIEST
GINN & PATROU, PA
OLD REPUBLIC NATIONAL TITLE 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)
W - WOOD POWER POLE
OHE - OVERHEAD ELECTRIC
CONC. - CONCRETE

RES. - RESIDENCE
CL - CENTERLINE
+ - DENOTES NOT TO SCALE
W - WATER METER
X - EXPOSED CONCRETE
/ - COVERED AREA
W - WELL
TYP. - TYPICAL
BRICK PAVERS

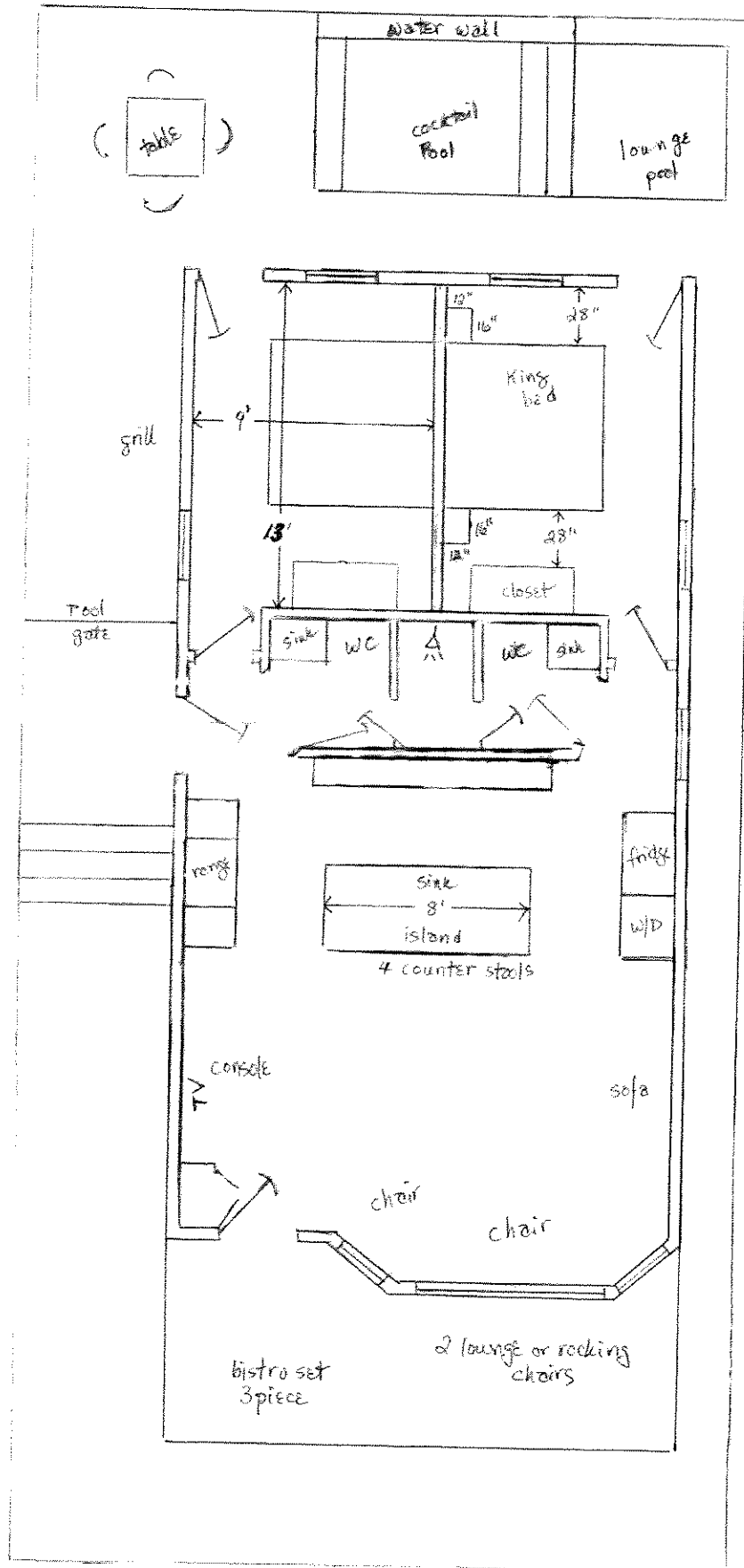
AREA = 0.04 ± ACRES
OR 1,557 ± sq. ft.

GRAPHIC SCALE

20 0 10 20

1" = 20'

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **USE BY EXCEPTION #2021-0054**

AGENDA ITEM 4(e)

APPLICANT Windstar 195 LLC

OWNER Windstar 195 LLC

LOCATION 195 West King Street, 16 Everett Street and
PID# 118550 0000

REQUEST To approve a candy manufacturing and warehouse
business at this location.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-two (CM-2)

SURROUNDING USES retail, tattoo studio, oil and gas distribution,
automotive repair shop

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. 28-209. - 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.*

b. Wholesale, warehouse, or storage use, to include mini warehouses, and self-storage facilities.

e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.

PARKING REQUIREMENTS

Storage – 1 parking space per 2,000 square feet

3,016 square feet of storage = 1.5 parking spaces = 2 parking spaces

Warehouse – 1 parking space per 2,000 square feet

3,422 square feet of warehouse = 1.7 parking spaces = 2 parking spaces

Production – 1 parking space per 1,000 square feet

3,782 square feet of production space = 3.7 parking spaces = 4 parking spaces

Single family residence at 16 Everett Street = 2 parking spaces

If this space were to be converted into office space = 2 parking spaces

Total required parking spaces = 10

Total parking spaces provided = 31

STAFF SUMMARY AND ANALYSIS

The property at 195 W. King Street and PID#118550 0050 were most recently used as Solar Stik, a solar energy equipment business. This business did not get a use by exception for light manufacturing but they did assemble component parts into finished solar energy products.

The proposed use of the property is for a candy manufacturing facility. The warehouse use of the property is limited to the candy business, it will not become leasable warehouse space.

The property at 16 Everett Street is a single family home zoned CM-2. According to a representative of the owner, there are no plans to use 16 Everett Street at this time, but in the future, it may be used as an office or for light storage.

Staff finds the applicant has demonstrated that the proposed use will be scaled to the existing commercial uses in the area, a manufacturing business has been successful at this location without any complaints and is located within an established commercial corridor with access to US-1.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and 28-209, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a candy manufacturing and warehouse business at **195 W. King Street, PID# 118550 0000 and 16 Everett Street.**

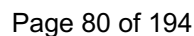


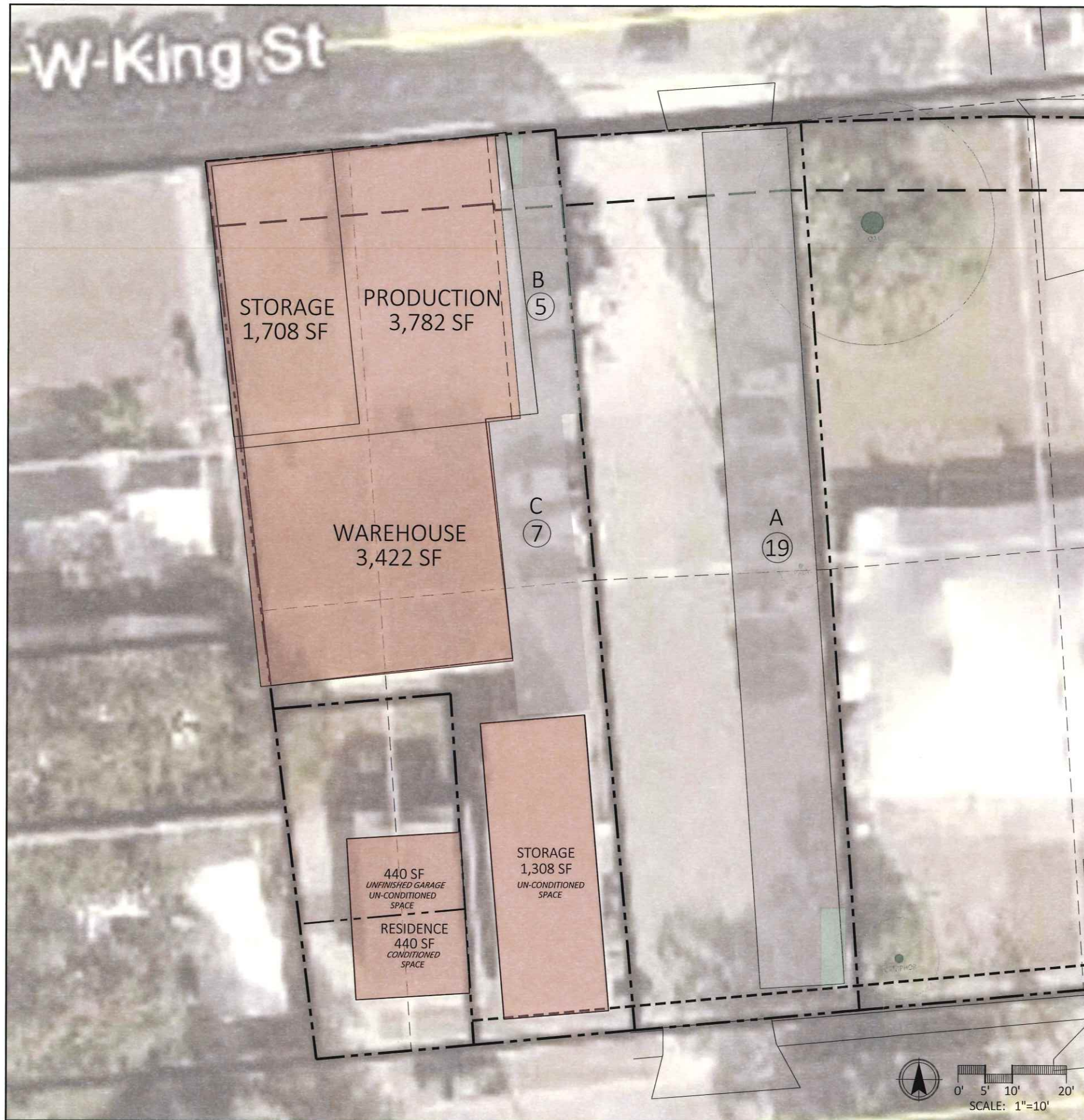
David Birchim, AICP
Director Planning and Building Department





04/16/2021 08:50





APPLICATION TO PLANNING AND ZONING BOARD
USE BY EXCEPTION
PROPERTIES: 195 W. KING STREET + 16 EVERETT ST

SEC. 28-209 - COMMERCIAL MEDIUM-TWO: CM-2
(3) PERMISSIBLE USES BY EXCEPTION:
e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.

OFF-STREET PARKING REQUIREMENTS: Sec 28-373 (21) + (28)
OFF-STREET PARKING CODE:
MANUFACTURING: 1/1000 + 1 PER STORED COMPANY VEHICLE AS REQUIRED
WAREHOUSE USE: 1/2000 + AS REQUIRED FOR OFFICE

PARKING NEEDS:
PRODUCTION: 3,782 SF:
 $3,782/1000 + 0$ COMPANY VEHICLES = 4 SPACES
STORAGE: 1,708 SF
 $1,708/2000 = 1$ SPACE
WAREHOUSE: 3,422 SF
 $3,422/2000 + 0$ FOR OFFICE = 2 SPACES

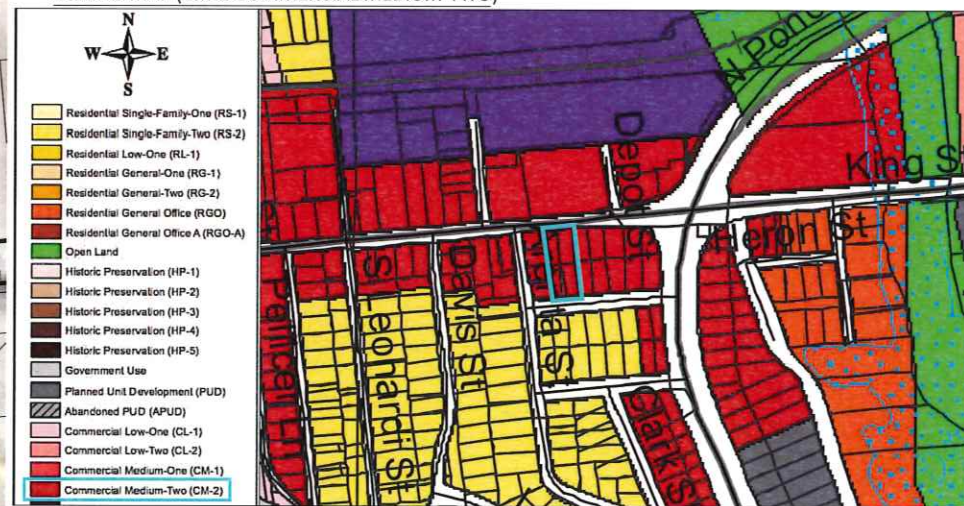
EXISTING PARKING:
AREA A: 19 spaces
AREA B: 5 spaces
AREA C: 7 spaces
31 spaces

PARKING SPACES NEEDED: 7
PARKING SPACES PROVIDED: 31

CONTEXT MAP: 195 W. KING STREET + 16 EVERETT ST



ZONING MAP (CM-2 COMMERCIAL MEDIUM-TWO)



ML+H
Marquis Latimer + Halback, Inc.
34 Cordova Street, Suite A
St. Augustine, FL 32084
Ph 904.825.6747 www.halback.com
LC0000391

JEREMY MARQUIS
LIC. # 6667110 SEAL
DRAWN BY: AC/JM

WINDSTAR 195 LLC
195 W King St & 16 Everett St, St. Augustine, Florida
APPLICATION TO PZB FOR USE BY EXCEPTION

PZB APPLICATION 04.27.21
SYM DESCRIPTION DATE

SIZE: ANSI D
PRIME PROJECT #:
ML+H PROJECT #: 20.12.0

DRAWING NO.:



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250.00 (plus advertising costs)

Project Number: 2021-0054

Receipt Number: 2090474

Meeting Date: May 4, 2021

Advertising Costs: \$76.95

Paid On: 4/20/21

Receipt Number: 2098403

1. NAME OF APPLICANT: Windstar 195 LLC Contact Number: 904-347-3170

Business (if applicable):

Address: 1 Dolphin Dr City: St. Augustine State: FL Zip: 32080

E-Mail Address: vaw297@me.com

2. NAME OF PROPERTY OWNER: Windstar 195 LLC Contact Number: 904-347-3170

Business (if applicable):

Address: 1 Dolphin Dr City: St. Augustine State: FL Zip: 32080

E-Mail Address: vaw297@me.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: see attached sheets

Block: see attached

Subdivision: see attached

Parcel Number: 1185500050, 1185500000, 1185400000

4. PROJECT STREET ADDRESS: 195 W King St & 16 Everett St.

5. SPECIFIC PROPOSED USE: Warehouse and candy manufacturing

6. ACTION REQUESTED:

RECEIVED

☐ Conservation Zone Development

☐ Appeal of Staff Determination

APR 09 2021

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

Planning/Building Dept.

☐ Other:

7. DESCRIPTION OF ACTION REQUESTED: Requesting zoning exception to allow for warehousing and candy manufacturing at the above street addresses,

8. JUSTIFICATION FOR ACTION REQUESTED: Building currently rents to Solar Stixs which does manufacturing of solar energy products. This exception fits in with a similar manufacturing use and would be a good fit for this business district. A Claude's Chocolate would be the tenant but I want the use exception with the property owner.

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

Date

Signature of Property Owner

Date

RECEIVED

APR 09 2021

Planning/Building Dept.



Owner's Authorization For Agent

Marquis Halback + Latimer
Virginia Whetstone

is/are hereby authorized TO ACT ON BEHALF
OF Windstar 195 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 Historic Architectural Review Board, for an application

related to the structure located at:

195 W. King St. and 16 Everett St.

BY: _____

Signature of Owner

Virginia Whetstone

Print Name of Owner

904-347-3170

Telephone Number

State of Florida

County of St John S

Signed and sworn before me on this 19th day of April, 2021

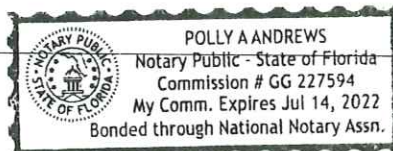
By Virginia Whetstone

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____



RECEIVED

APR 19 2021

Planning/Building Dept.



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

12/9/2020



Parcel ID 1185500000
Location Address 195 W KING ST
SAINT AUGUSTINE 32084-0000
Neighborhood W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description* 1-133 WILDWOOD PARK N22FT OF LOT 1 ALL LOT 2 LOT 3 (EX W 14.2 OF S78FT) & ALL LOT 4 BLK A OR4741/1524
**The Description above is not to be used on legal documents.*
Property Use Code Light Manufacturing (4100)
Subdivision Wildwood Park, Map Of
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 19.4926
Acreage 0.280
Homestead N

Owner Information

Owner Name [Windstar 195 LLC](#) 100%
Mailing Address 1 DOLPHIN DR
SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$400,089
Extra Features Value	\$19,894
Total Land Value	\$185,250
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$605,233
Total Deferred	\$0
Assessed Value	\$605,233
Total Exemptions	\$0
Taxable Value	\$605,233

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	\$411,591	\$20,936	\$185,250	\$0	\$0	\$617,777	\$617,777	\$0	\$617,777
2019	\$244,648	\$21,978	\$98,800	\$0	\$0	\$365,426	\$321,946	\$43,480	\$321,946
2018	\$170,859	\$23,019	\$98,800	\$0	\$0	\$292,678	\$292,678	\$0	\$292,678
2017	\$150,702	\$24,061	\$98,800	\$0	\$0	\$273,563	\$273,563	\$0	\$273,563
2016	\$158,468	\$12,603	\$98,800	\$0	\$0	\$269,871	\$243,212	\$26,659	\$243,212
2015	\$166,234	\$811	\$98,800	\$0	\$0	\$265,845	\$210,298	\$55,547	\$210,298
2014	\$164,791	\$811	\$52,488	\$0	\$0	\$218,090	\$191,180	\$26,910	\$191,180
2013	\$171,074	\$811	\$52,488	\$0	\$0	\$224,373	\$173,800	\$50,573	\$173,800
2012	\$95,692	\$4,890	\$57,418	\$0	\$0	\$158,000	\$158,000	\$0	\$158,000
2011	\$95,692	\$4,890	\$64,172	\$0	\$0	\$164,754	\$164,754	\$0	\$164,754
2010	\$95,692	\$4,890	\$72,278	\$0	\$0	\$172,860	\$172,860	\$0	\$172,860

Building Information

Building	1
Actual Area	5856
Conditioned Area	3782
Actual Year Built	1945
Use	Light Manufacturing
Style	04
Class	N
Exterior Wall	Aluminum Vinyl, Concrete Stucco
Roof Structure	Wood Truss

Roof Structure	Wood Truss
Roof Cover	Composite Shingle
Interior Flooring	Vinyl Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	80%
Exterior Wall	Aluminum Vinyl	20%
Roofing Structure	Wood Truss	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Vinyl Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	7 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
CANOPY (COMMERCIAL)	0	366
BASE AREA	3782	3782
UNFINISHED BASE	0	1708
Total SqFt	3782	5856

Building	2
Actual Area	3422
Conditioned Area	3422
Actual Year Built	1961
Use	Warehouse - Storage
Style	04
Class	N
Exterior Wall	Concrete Block
Roof Structure	Rigid Frame

Roof Structure	Rigid Frame
Roof Cover	Built Up
Interior Flooring	Concrete Finish
Interior Wall	Minimum
Heating Type	None
Air Conditioning	
Bedrooms	
Baths	

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	100%
Interior Walls	Minimum	100%

Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Frame	Masonry	100%
Plumbing	0 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	3422	3422
Total SqFt	3422	3422

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Steel Door	0	0	0	0	80
Commercial Storage Building	0	62	21	0	1302

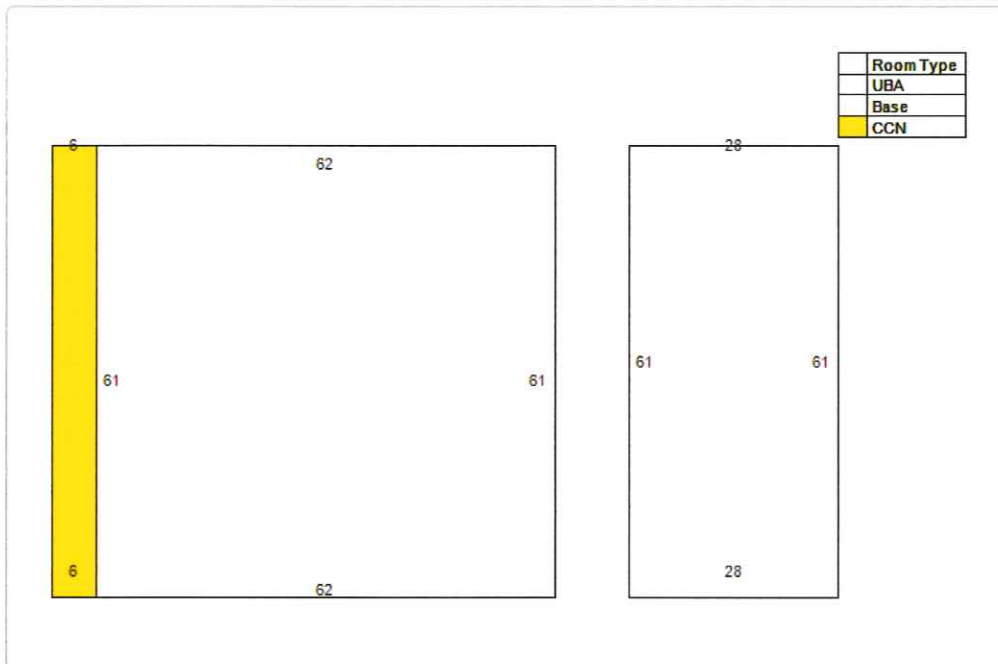
Land Information

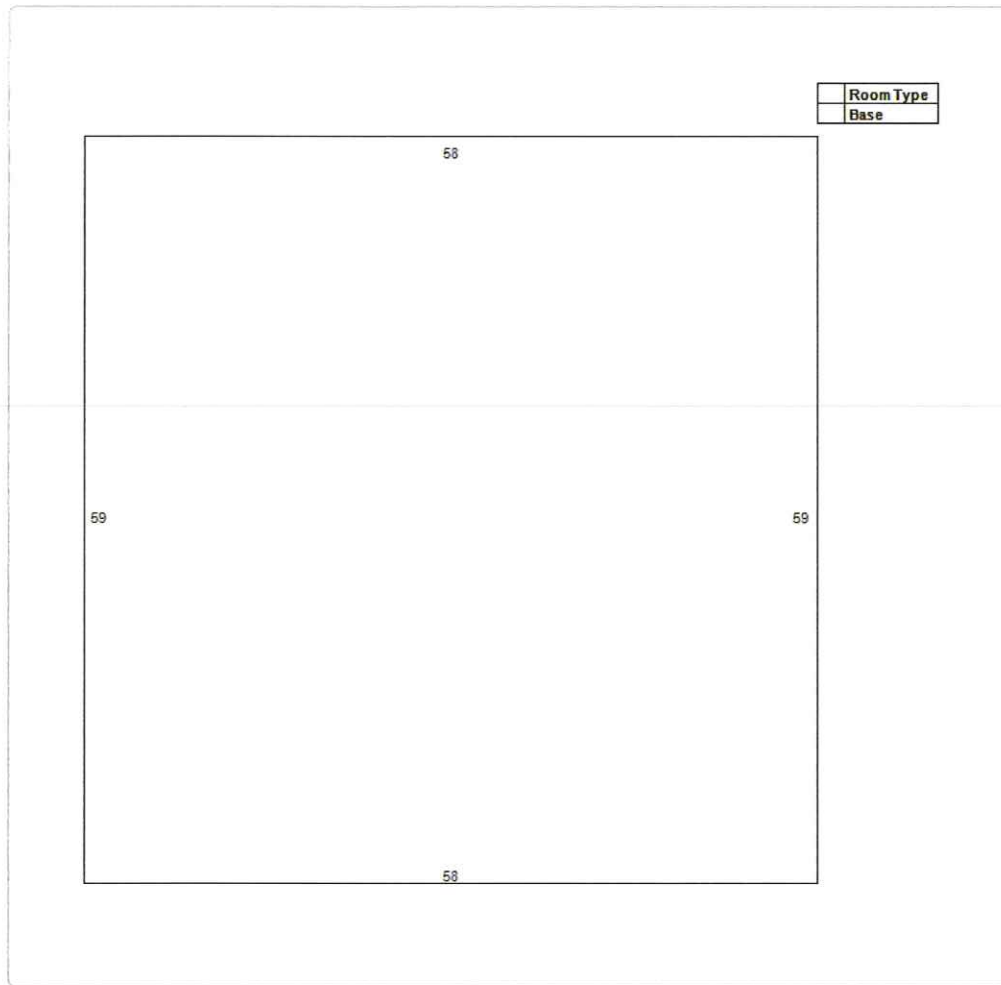
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Light Manufacturing	0	0	12350	SF	\$185,250

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/14/2019	6/13/2019	\$1,200,000.00	WARRANTY DEED	4741	1524	U	I	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT	WINDSTAR 195 LLC
6/30/2017	6/28/2017	\$100.00	WARRANTY DEED	4398	23	U	I	MORRISON IRVINE E	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT
	12/31/1994	\$100.00	WARRANTY DEED	1030	573	U	V	MORRISON IRVINE E ETAL	MORRISON IRVINE E
	6/24/1988	\$100.00	WARRANTY DEED	786	1978	U	I	MORRISON KENTON F,ERMA A ESTATE	MORRISON IRVINE E ETAL

Sketch Information





No data available for the following modules: Exemption Information.

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Version 2.3.116



Overview



Legend

□ Parcels

Parcel ID	1185500000	Physical Address	195 W KING ST	Building Value	\$400,089	Last 2 Sales			
Property Class	4100 - Light Manufacturing	Mailing Address	SAINT AUGUSTINE WINDSTAR 195 LLC	Extra Feature Value	\$19,894	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	1 DOLPHIN DR SAINT AUGUSTINE FL 32080-0000	Total Land Value	\$185,250	6/13/2019	\$1200000	43	U
Acres	0.28			Just Value	\$605,233	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$605,233				
				Total	N/A				
				Exemptions					
				Taxable Value	\$605,233				

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St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary



Parcel ID	1185500050
Location Address	W KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description*	1-133 WILDWOOD PARK LOTS 5 & 6 BLK A (EX R/W OF RD 5 IN DB249/653) OR4741/1524 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Parking Lots (2810)
Subdivision	Wildwood Park, Map Of
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.220
Homestead	N

Owner Information

Owner Name	Windstar 195 LLC 100%
Mailing Address	1 DOLPHIN DR SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$16,941
Total Land Value	\$141,075
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$158,016
Total Deferred	\$0
Assessed Value	\$158,016
Total Exemptions	\$0
Taxable Value	\$158,016

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	\$18,783	\$141,075	\$0	\$0	\$159,858	\$159,858	\$0	\$159,858
2019	\$0	\$20,625	\$94,050	\$0	\$0	\$114,675	\$114,675	\$0	\$114,675
2018	\$0	\$11,258	\$94,050	\$0	\$0	\$105,308	\$105,308	\$0	\$105,308
2017	\$0	\$8,181	\$94,050	\$0	\$0	\$102,231	\$68,171	\$34,060	\$68,171
2016	\$0	\$9,202	\$94,050	\$0	\$0	\$103,252	\$61,974	\$41,278	\$61,974
2015	\$0	\$10,225	\$94,050	\$0	\$0	\$104,275	\$56,340	\$47,935	\$56,340
2014	\$0	\$11,247	\$39,971	\$0	\$0	\$51,218	\$51,218	\$0	\$51,218
2013	\$0	\$12,270	\$39,971	\$0	\$0	\$52,241	\$52,241	\$0	\$52,241
2012	\$0	\$11,129	\$42,500	\$0	\$0	\$53,629	\$53,629	\$0	\$53,629
2011	\$0	\$11,129	\$47,500	\$0	\$0	\$58,629	\$58,629	\$0	\$58,629
2010	\$0	\$11,129	\$53,500	\$0	\$0	\$64,629	\$64,629	\$0	\$64,629

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	11778
Masonry Wall	0	0	0	0	800

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Parking Lots	0	0	9405	SF	\$141,075

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/14/2019	6/13/2019	\$1,200,000.00	WARRANTY DEED	4741	1524	U	I	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT	WINDSTAR 195 LLC
6/30/2017	6/28/2017	\$100.00	WARRANTY DEED	4398	23	U	V	MORRISON IRVINE E	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT
	12/31/1994	\$100.00	WARRANTY DEED	1030	573	U	V	TRIAY MARION M ETAL	MORRISON IRVINE E
	1/11/1994	\$0.00	PERSONAL REP	1032	61	U	V	MORRISON ERMA A	TRIAY MARION M ETAL

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

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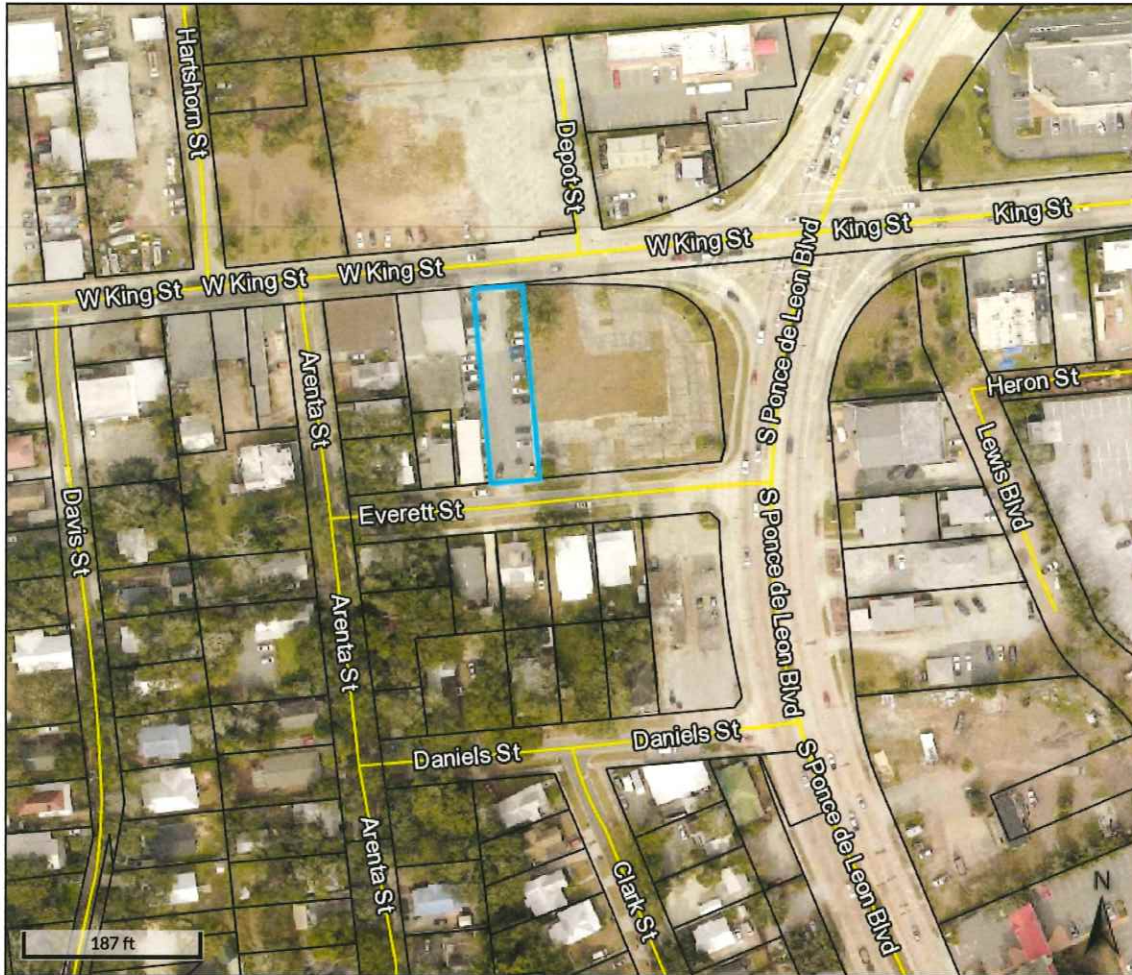
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Version 2.3.116



Overview



Legend

□ Parcels

Parcel ID	1185500050	Physical	W KING ST	Building Value	N/A	Last 2 Sales			
Property	2810 - Parking	Address	SAINT AUGUSTINE	Extra Feature	\$16,941	Date	Price	Reason	Qual
Class	Lots	Mailing	WINDSTAR 195 LLC	Value		6/13/2019	\$1200000	43	U
Taxing	City of St	Address	1 DOLPHIN DR	Total Land Value	\$141,075	n/a	0	n/a	n/a
District	Augustine		SAINT AUGUSTINE FL	Just Value	\$158,016				
Acres	0.22		32080-0000	Total Deferred	N/A				
				Assessed Value	\$158,016				
				Total	N/A				
				Exemptions					
				Taxable Value	\$158,016				

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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St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary



Parcel ID	1185400000
Location Address	16 EVERETT ST SAINT AUGUSTINE 32084-0000
Neighborhood	Bravo Park (684)
Tax Description*	1-133 WILDWOOD PARK S78FT OF LOT 1 & W14.2 OF S78FT OF LOT 3 BLK A OR4741/1524 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Wildwood Park, Map Of
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.070
Homestead	N

Owner Information

Owner Name	Windstar 195 LLC 100%
Mailing Address	1 DOLPHIN DR SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$50,800
Extra Features Value	\$0
Total Land Value	\$53,505
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$104,305
Total Deferred	\$6,720
Assessed Value	\$97,585
Total Exemptions	\$0
Taxable Value	\$97,585

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	\$48,124	\$0	\$40,590	\$0	\$0	\$88,714	\$88,714	\$0	\$88,714
2019	\$47,557	\$0	\$23,062	\$0	\$0	\$70,619	\$68,278	\$2,341	\$68,278
2018	\$48,046	\$0	\$23,062	\$0	\$0	\$71,108	\$62,071	\$9,037	\$62,071
2017	\$48,537	\$110	\$17,712	\$0	\$0	\$66,359	\$56,428	\$9,931	\$56,428
2016	\$40,542	\$115	\$11,808	\$0	\$0	\$52,465	\$51,298	\$1,167	\$51,298
2015	\$0	\$0	\$9,778	\$0	\$0	\$9,778	\$9,778	\$0	\$9,778
2014	\$0	\$0	\$9,778	\$0	\$0	\$9,778	\$9,778	\$0	\$9,778
2013	\$0	\$0	\$9,714	\$0	\$0	\$9,714	\$9,714	\$0	\$9,714
2012	\$0	\$0	\$9,714	\$0	\$0	\$9,714	\$9,714	\$0	\$9,714
2011	\$34,760	\$903	\$10,793	\$0	\$0	\$46,456	\$46,456	\$25,000	\$21,456
2010	\$44,624	\$903	\$11,992	\$0	\$0	\$57,519	\$57,519	\$32,519	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	880	Roof Cover	Composite Shingle
Conditioned Area	440	Interior Flooring	Concrete Finish
Actual Year Built	2015	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	1
Exterior Wall	Concrete Stucco	Baths	1
Roof Structure	Gable Hip		

Category	Type	Pct
Foundation	Concrete Slab	100%
Floor System	Concrete Slab	100%
Frame	Masonry	100%
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Concrete Finish	100%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Average	100%
Plumbing	5 Fixtures	100%
Wind	1 Story Masonry	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	440	440
UNFINISHED GARAGE	0	440
Total SqFt	440	880

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	18

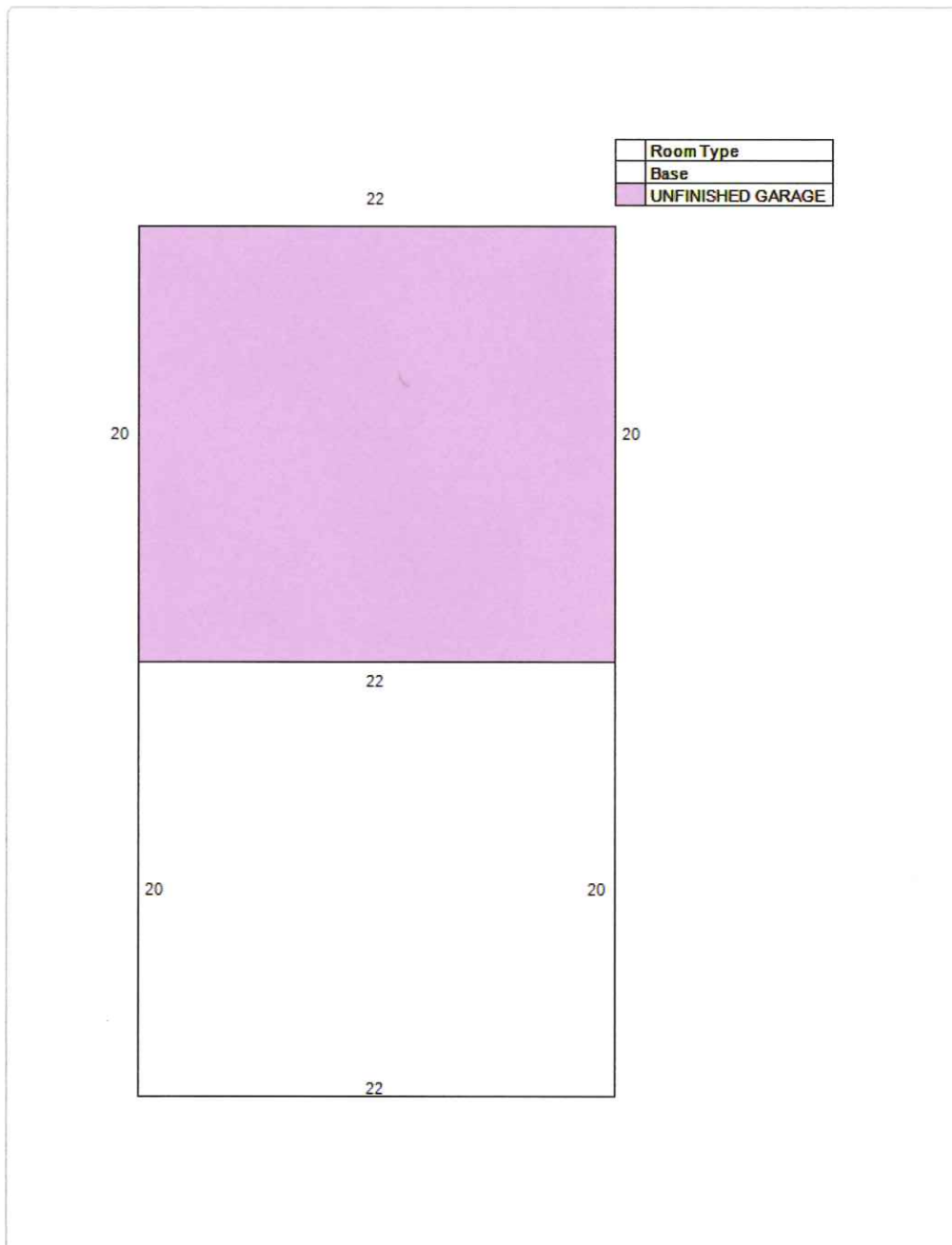
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	45	78	45	EF	\$53,505

Sale Information

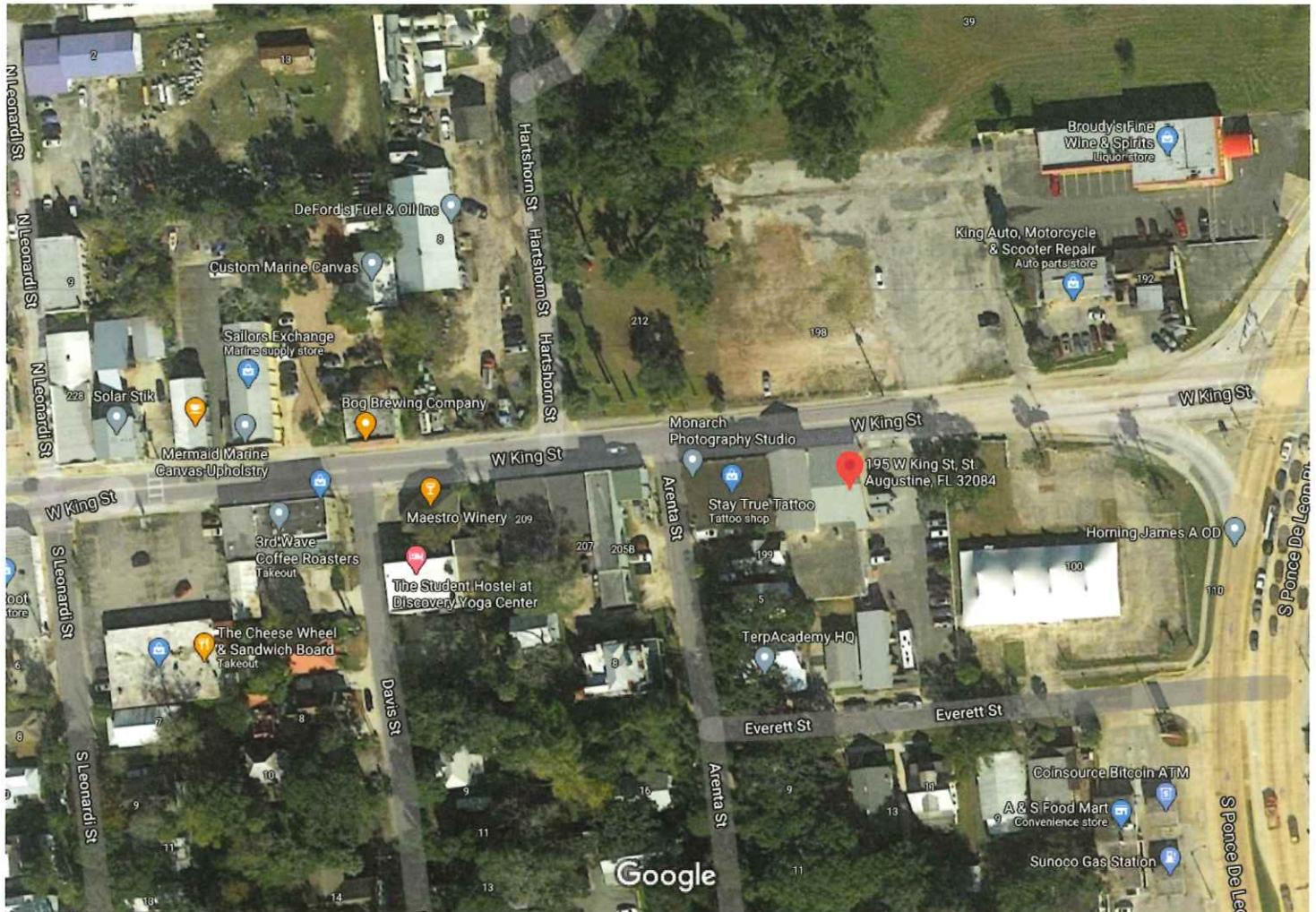
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/14/2019	6/13/2019	\$1,200,000.00	WARRANTY DEED	4741	1524	U	I	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT	WINDSTAR 195 LLC
6/30/2017	6/28/2017	\$100.00	WARRANTY DEED	4398	26	U	I	MORRISON IRVINE, HELEN	MORRISON HELEN B REVOCABLE LIVING TRUST AGRMT
8/16/2011	8/15/2011	\$20,000.00	WARRANTY DEED	3464	1881	Q	I	ROADEN LAURA	MORRISON IRVINE, HELEN
6/28/2011	6/24/2011	\$0.00	OTHER INSTRUMENT	3449	597	U	I	PROSPERITY BANK	ROADEN LAURA
11/30/2010	11/9/2010	\$0.00	LIS PENDENS	3380	1894	U	I	PROSPERITY BANK VS:	ROADEN LAURA, ST JOHNS COUNTY ETAL
	1/25/2002	\$79,500.00	WARRANTY DEED	1717	41	Q	I	O'NEAL CARLTON & FRANCES F TRUSTEES	ROADEN LAURA
	10/18/1999	\$100.00	WARRANTY DEED	1449	873	U	I	O'NEAL CARLTON & FRANCES F	O'NEAL CARLTON & FRANCES F TRUSTEES
	8/1/1983	\$0.00		599	511	U	I		O'NEAL CARLTON, FRANCES F

Sketch Information



No data available for the following modules: Exemption Information.

Google Maps 195 W King St



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

50 ft



195 W King St

St. Augustine, FL 32084



Directions



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Nearby



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phone



Share

70 FLORIDA AVENUE

REQUEST FOR CONTINUANCE UNTIL JUNE 1

David Birchim

From: Chip Mitchell <customhomeplan@gmail.com>
Sent: Friday, April 23, 2021 4:06 AM
To: Patrick Doty
Cc: David Birchim
Subject: Re: 70 Florida Ave - Materials needed

Good morning Patrick. I was confident that everyone would have everything back to me in a timely manner but to no avail. I need to push this back one month since everyone is still ridiculously backed up. Thanks in advance.

Have a great weekend.

Chip :)

On Tue, Apr 6, 2021 at 5:03 PM Patrick Doty <pdoty@citystaug.com> wrote:

Chip,

Following the hearing the Board determined you need the following information/documentation:

- Wetland delineation with determined wetland line
 - Including as site plan with the proposed wall
- Topographic Survey
- Drainage plan (pre & post development).
- Address subsections 3 & 5 of the 16 criteria ([linked here](#))

Please correspond with David for this information.

Patrick Doty, CFM

Senior Planner

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

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2021-0045**

AGENDA ITEM 5(b)

APPLICANT Martin Cicero

OWNER Martin Cicero

LOCATION **6 Coleman Drive**

REQUEST To remove of two (2) significant trees (25" dbh oak and 20" dbh oak) adjacent to a single family home.

PLANS DATED March 22, 2021

LAND USE Residential Low Density

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

APPLICABLE CODES/ORDINANCES

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 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards of Review. *Staff review in Italics*

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

(1) Site specific conditions.

6 Colman Drive is a single-family home built in 1996 and both of the oak trees in question are directly adjacent to the rear of the home and are leaning over the property lines that also contain single-family homes. (see attached photo)

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

The property is located in an established single-family neighborhood and it is not a waterfront property.

(3) Natural and proposed drainage patterns.

The site has established drainage on site flows to city ROW.

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

N/A

(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.

This request does impact existing, established vegetation on site. There are two (2) significant trees requested to be removed, there is a very large oak tree and a palm tree in the front yard that are not being removed. (see attached photo)

(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.

N/A

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

N/A

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

N/A

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

N/A

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

There are two (2) trees proposed for removal and there is a very large oak tree and a palm tree in the front yard that are being preserved.

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
The site and surrounding neighborhood are already developed and there will be no significant loss in habitat except from the removal of the trees on site.

- (15) Impact of development on water quality.
N/A

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

- (17) Specific conditions applicable to docks.
N/A

Conservation Overlay Zone 3 Development to remove one (1) significant tree (22" Live Oak).

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

An arborist report was not submitted with this application. The photos indicate living trees that are leaning over neighboring homes.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

Removal of these trees is to prevent these trees from falling onto neighboring properties.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

The trees are located very close to existing homes and the removal of these two trees will not have any effect on erosion, soil moisture retention, diversion, surface waters or the city master drainage plan..

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have an established tree canopy and removal of these two trees does not appear to significantly alter the area tree canopy.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

These are two significant oak trees. The species of oak tree has been identified by the owner as water oaks but an arborist report has not been submitted. According to Sec. 11-27 Definitions – "Significant Tree" all species of oak trees 20" dbh and 25" dbh are "significant trees" and their removal must be approved by the Planning and Zoning Board.

<i>Quercus hemisphaerica</i>	oak, laurel	15 to 36
<i>Quercus laurifolia</i>	oak, laurel (swamp)	15 to 36
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Quercus nuttallii</i>	oak, nuttall	18
<i>Quercus spp.</i>	oak, other unlisted species	18
<i>Quercus stellata</i>	oak, post	18
<i>Quercus falcata</i>	oak, red (southern red oak)	18
<i>Quercus geminate</i>	oak, sand live	10
<i>Quercus shumardii</i>	oak, shumard	18
<i>Quercus laevis</i>	oak, turkey	18
<i>Quercus nigra</i>	oak, water	15 to 36
<i>Quercus phellos</i>	oak, willow	18

- f. Impact upon the urban and natural environment, including:
 Ground and surface water stabilization. – *no impact*
 Water quality and aquifer recharge. – *no impact*
 Ecological impacts. – *The removal of the tree(s) will temporarily impact ecology.*
 Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 Air movement. – *This project should not substantially impact air movement.*
 Air quality. – *This project should not impact air quality.*
 Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

The trees are being removed within a developed area. The property owner is concerned that the trees are leaning over neighboring homes and could fall on neighboring homes.

STAFF SUMMARY AND ANALYSIS

This application is for the removal of two (2) significant oak trees, a 20" dbh oak tree and a 25" dbh oak tree of unknown type.

An arborist report was not submitted but the attached photographs seen to indicate healthy trees.

The vegetation on both trees are concentrated towards the tops of the trees and both trees are leaning significantly over the property lines, one over the north property line and the other over the west property line.

A tree survey was not submitted, so an overall credit/debit comparison can not be completed. However, it is clear that a very large oak tree and a palm tree are in the front yard of the property and are being preserved, so credit can be given for their preservation.

The number of debits for tree removal is **- 4 debits.**

The number of credits for tree preservation is **- 4 credits.**

The number of credits for tree plantings (incl. relocation) is **N/A**

STAFF RECOMMENDATION

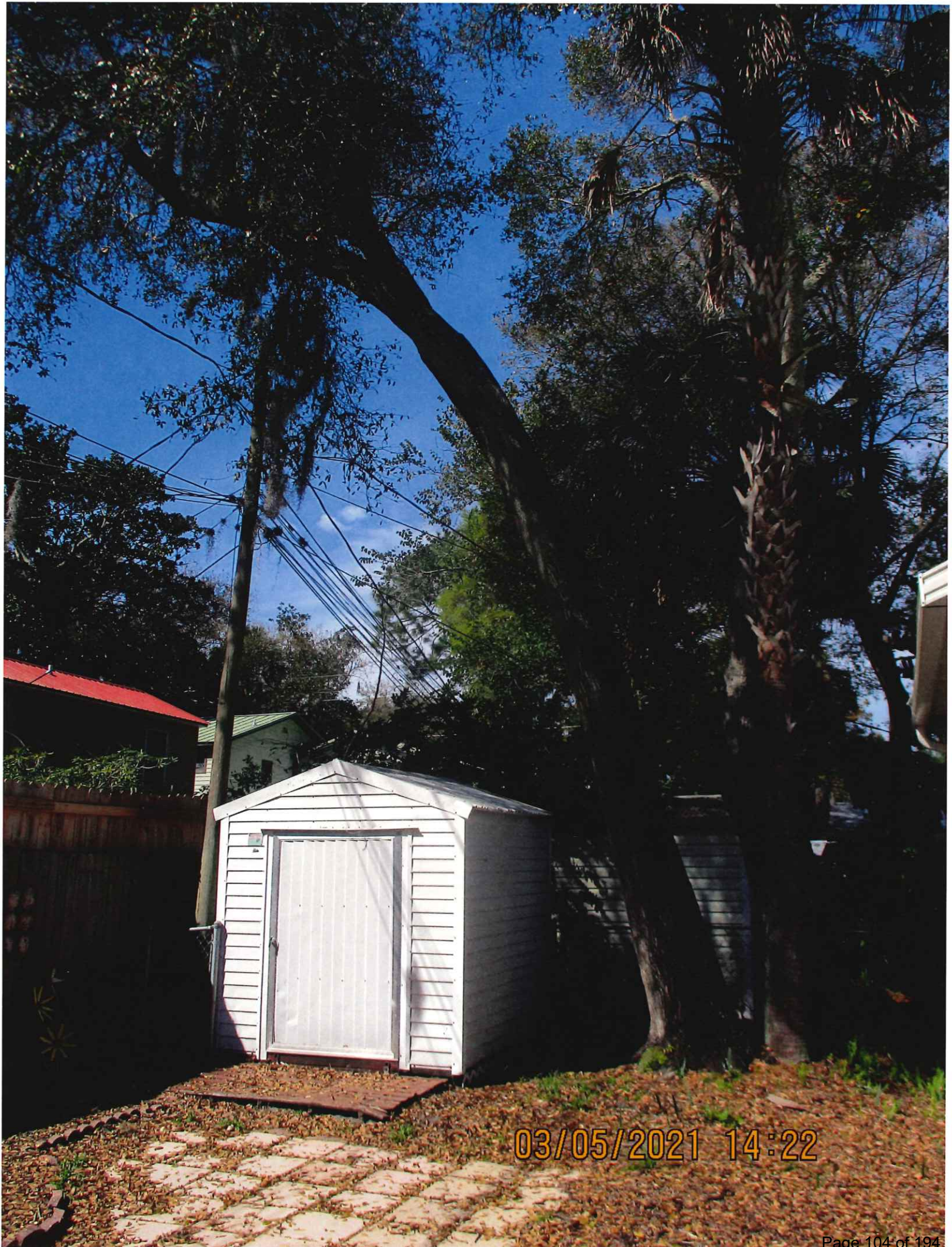
Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the removal of two (2) significant oak trees within Conservation Overlay Zone 3 located at **6 Coleman Drive / PID# 192015-0000**.



David Birchim, AICP

Director, Planning & Building Department





03/05/2021 14:22



03/05/2021 14:28



04/16/2021 09:27



CITY OF ST. AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2021-0045
Receipt Number: 2078312 Meeting Date: May 4, 2021
Advertising Costs: \$ 56.70 Paid On: 4/16/21 Receipt Number: 2097071

1. NAME OF APPLICANT: Martin Cicero Contact Number: 407-314-7507
Business (if applicable): N/A
Address: 6 Coleman Drive City: St Augustine State: FL Zip: 32084
E-Mail Address: Martin_cicero@hotmail.com
2. NAME OF PROPERTY OWNER: Same As Above Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4-54 MIRAMAR BLK 6 LOT 3 Block: _____
Subdivision: Miramar Parcel Number: 1920150000
4. PROJECT STREET ADDRESS: 6 Coleman Drive, St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Residence
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Tree Removal
7. DESCRIPTION OF ACTION REQUESTED: Looking to remove two trees.
8. JUSTIFICATION FOR ACTION REQUESTED: One tree is leaning over and in danger of falling on my neighbor direct to my North. The second tree is also leaning and in danger of falling on my neighbor direct to my West. See details + imager with tree permit report completed by Code Enforcement Officer, Robert Van Mierop.

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: 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.

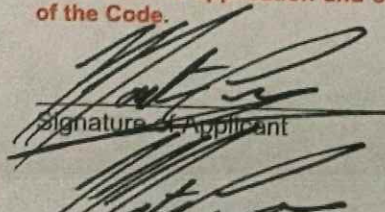
11. AGREEMENT:

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.

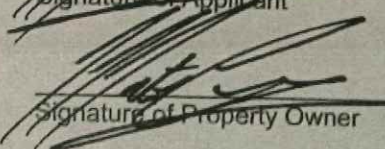
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

3/22/21
Date


Signature of Property Owner

3/22/21
Date



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

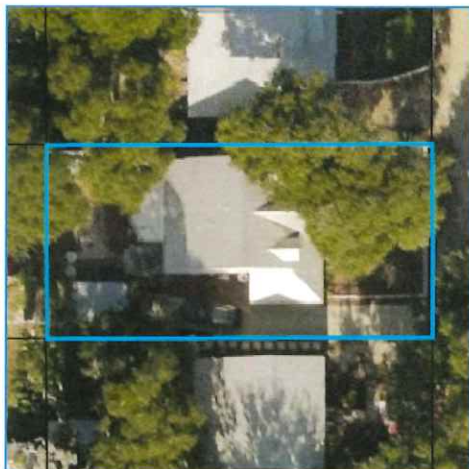


Parcel ID	1920150000
Location Address	6 COLEMAN DR SAINT AUGUSTINE 32084-0000
Neighborhood	Miramar (600)
Tax Description*	4-54 MIRAMAR BLK G LOT 3 OR3831/1401 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Miramar
Sec/Twp/Rng	52-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.110
Homestead	Y

Owner Information

Owner Name	Cicero Martin,Halsey 100%
	Cicero Halsey 100%
Mailing Address	6 COLEMAN DR SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$229,856
Extra Features Value	\$1,040
Total Land Value	\$90,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$320,896
Total Deferred	\$74,339
Assessed Value	\$246,557
Total Exemptions	\$50,000
Taxable Value	\$196,557

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	\$243,235	\$1,089	\$80,000	\$0	\$0	\$324,324	\$243,153	\$131,171	\$193,153
2019	\$228,964	\$700	\$80,000	\$0	\$0	\$309,664	\$237,686	\$121,978	\$187,686
2018	\$231,690	\$730	\$78,000	\$0	\$0	\$310,420	\$233,254	\$127,166	\$183,254
2017	\$214,953	\$1,492	\$62,250	\$0	\$0	\$278,695	\$228,456	\$100,239	\$178,456
2016	\$190,244	\$1,595	\$56,500	\$0	\$0	\$248,339	\$223,757	\$74,582	\$173,757
2015	\$166,945	\$1,698	\$56,500	\$0	\$0	\$225,143	\$222,202	\$52,941	\$172,202
2014	\$151,528	\$1,802	\$51,250	\$0	\$0	\$204,580	\$204,580	\$0	\$204,580
2013	\$119,827	\$1,317	\$50,625	\$0	\$0	\$171,769	\$125,157	\$96,612	\$75,157
2012	\$122,646	\$1,418	\$50,625	\$0	\$0	\$174,689	\$123,065	\$101,624	\$73,065
2011	\$123,055	\$1,517	\$56,250	\$0	\$0	\$180,822	\$119,481	\$111,341	\$69,481
2010	\$123,055	\$1,618	\$62,500	\$0	\$0	\$187,173	\$117,715	\$119,458	\$67,715

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2320	Roof Cover	Metal
Conditioned Area	1757	Interior Flooring	Ceramic Tile, Hardwood
Actual Year Built	1996	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Aluminum Vinyl	Baths	2
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	70%
Interior Flooring	Ceramic Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Wind	2 Story Frame	100%

Description	Conditioned Area	Actual Area
FINISHED SCREEN PORCH	0	96
FINISHED OPEN PORCH	0	195
BASE AREA	973	973
FRAME DECK	0	48
FINISHED SCREEN PORCH	0	66
FINISHED UPPER STORY	784	784
ENCLOSED GLASS PORCH	0	158
Total SqFt	1757	2320

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Carport	0	20	11	0	220
Residential Fence	0	0	0	0	60
Residential Fence	0	0	0	0	104

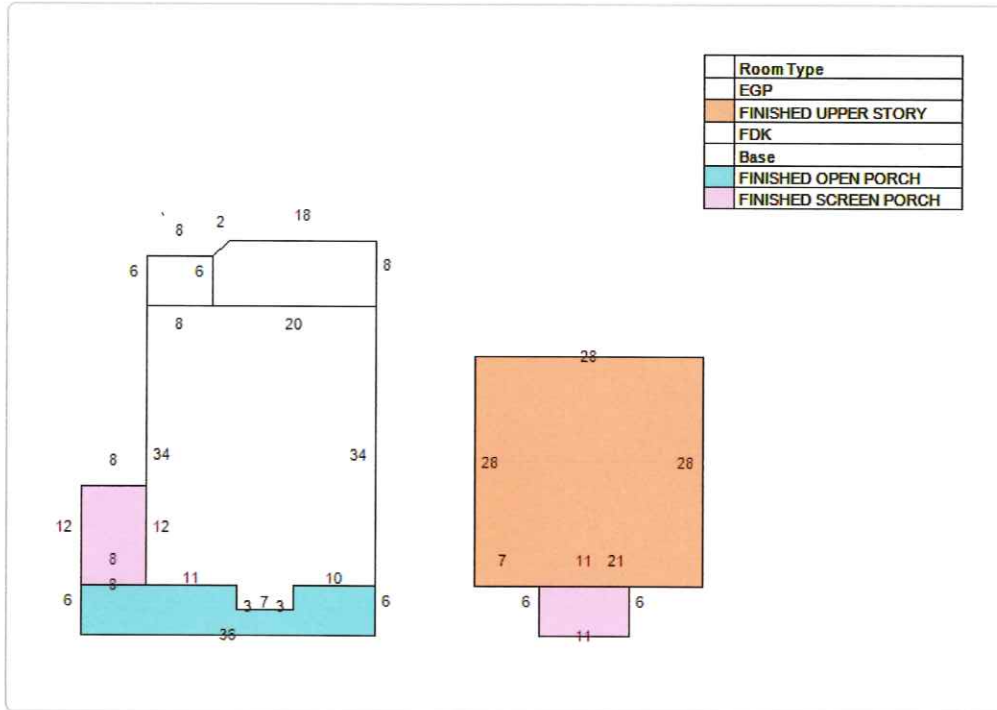
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	50	100	50	FF	\$90,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/2/2014	12/31/2013	\$275,000.00	WARRANTY DEED	3831	1401	Q	I	HARROLD JOSEPH G & RUTH A	CICERO MARTIN, HALSEY
	5/2/1996	\$22,500.00	WARRANTY DEED	1172	1956	U	V	COLEMAN W H	HARROLD JOSEPH G & RUTH A
	7/16/1993	\$214.00	CORRECTIVE DEED	1012	427	U	V	FALCONER KENNETH M & HELEN	COLEMAN W H
	7/16/1993	\$120,000.00	WARRANTY DEED	1003	223	Q	V	FALCONER KENNETH M, HELEN H	COLEMAN W H

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.

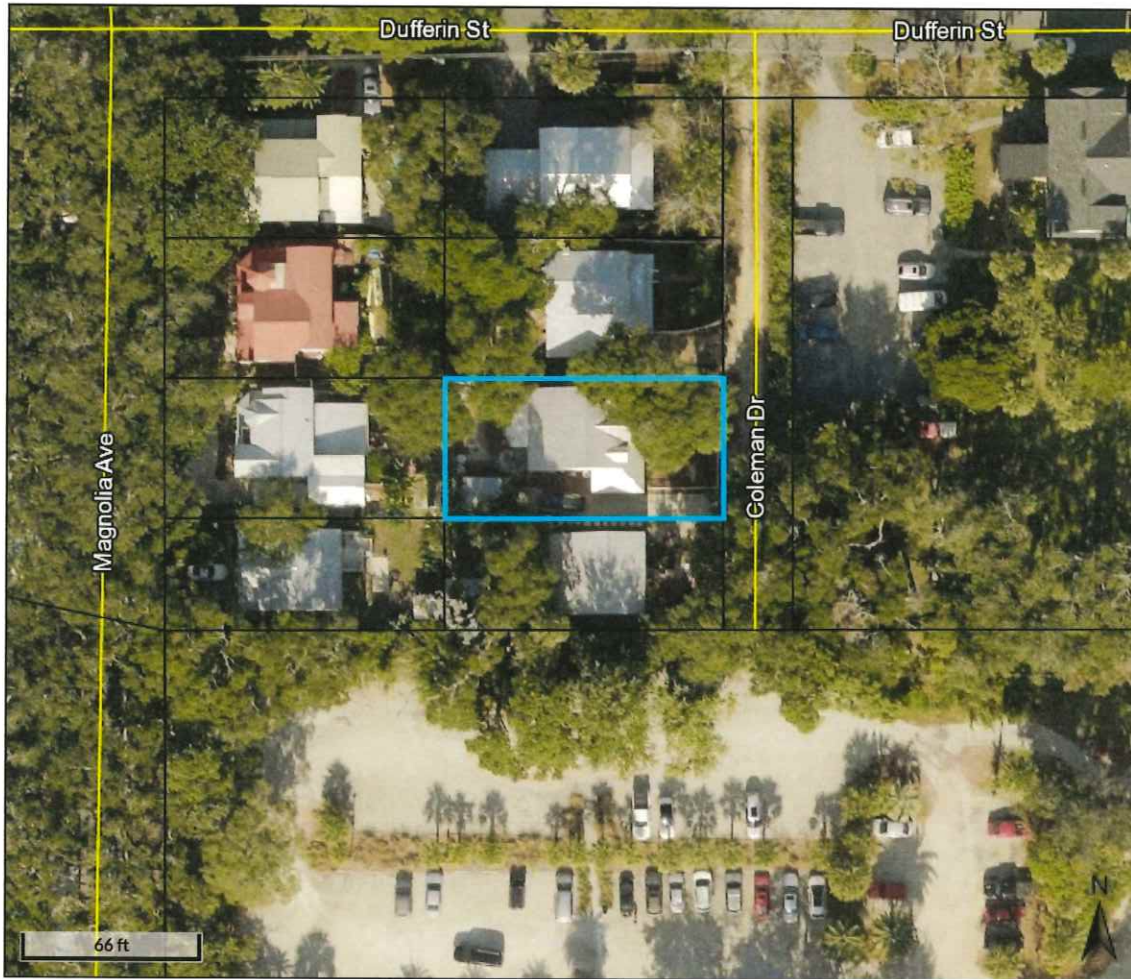
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[GDPR Privacy Notice](#)

Last Data Upload: 3/23/2021, 1:14:40 AM

Developed by



Version 2.3.112



Overview



Legend

□ Parcels

Parcel ID	1920150000	Physical Address	6 COLEMAN DR	Building Value	\$229,856	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$1,040	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	CICERO MARTIN, HALSEY	Total Land Value	\$90,000	12/31/2013	\$275,000	01	Q
Acres	0.11		6 COLEMAN DR	Just Value	\$320,896	5/2/1996	\$22,500	11	U
			SAINT AUGUSTINE FL	Total Deferred	\$74,339				
			32084-0000	Assessed Value	\$246,557				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$196,557				

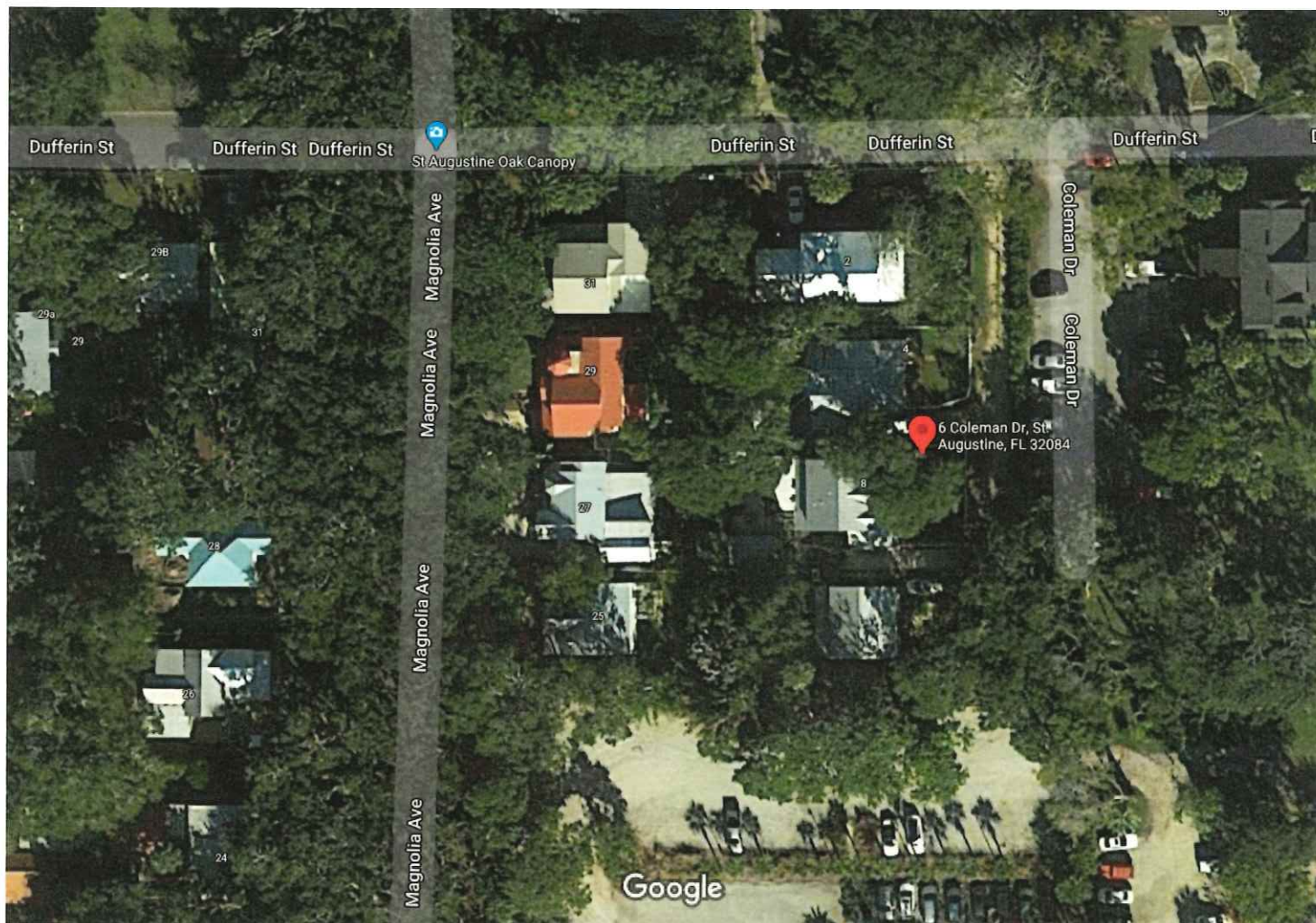
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/23/2021

Last Data Uploaded: 3/23/2021 1:14:40 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 6 Coleman Dr



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



6 Coleman Dr



Directions



Save



Nearby

Send to your
phone

Share



6 Coleman Dr, St. Augustine, FL 32084

<https://www.google.com/maps/place/6+Coleman+Dr,+St.+Augustine,+FL+32084/@29.9082589,-81.3160986,114m/data=!3m1!1e3!4m13!1m7!3m6!1s>

Tracey Mullins

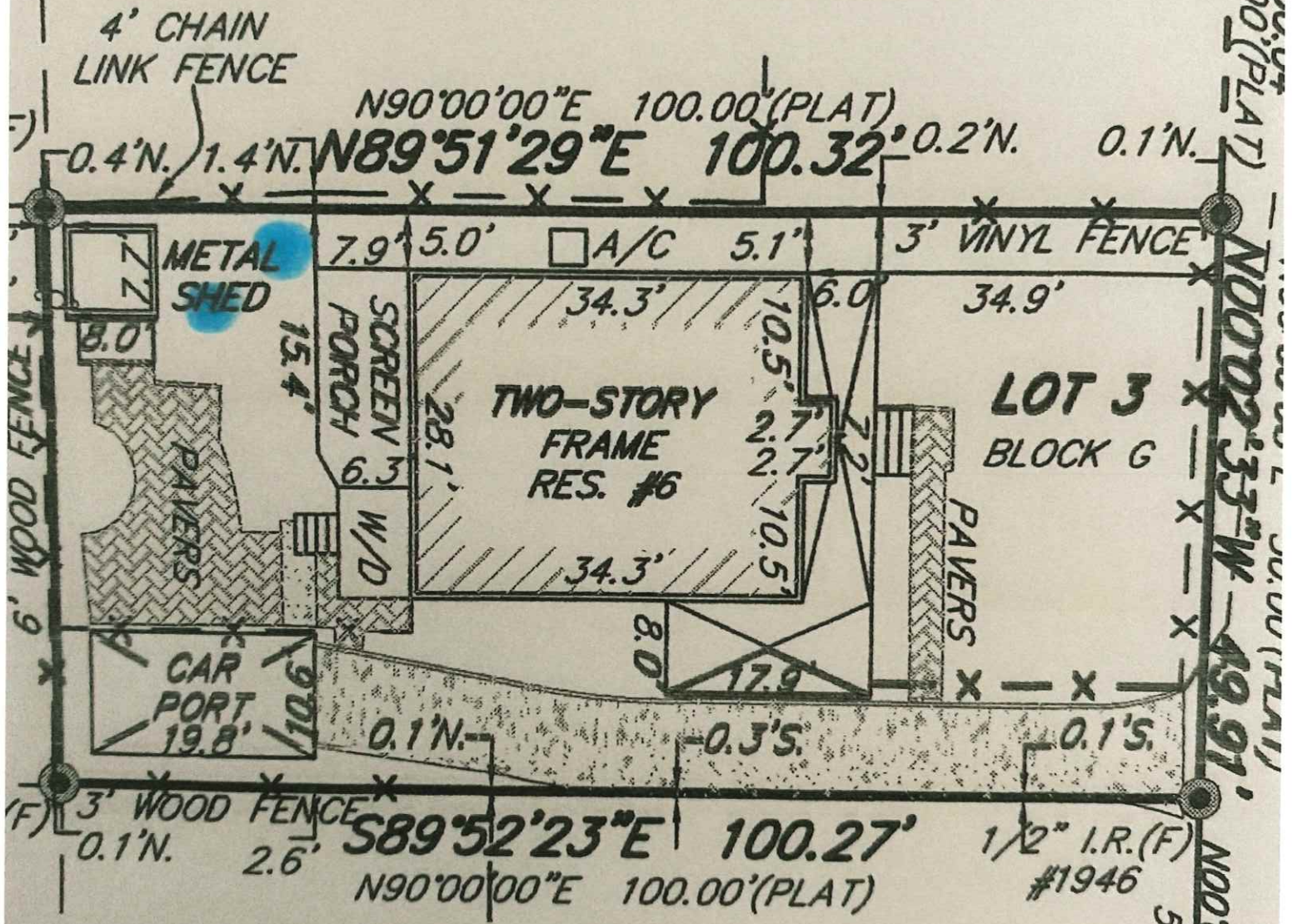
From: Martin Cicero <martin_cicero@hotmail.com>
Sent: Tuesday, March 23, 2021 11:33 AM
To: Tracey Mullins
Cc: Meredith H. Randolph; Robert Vanmierop
Subject: Re: 6 Coleman Dr - Tree Permit

Hi Tracey,

The two subject trees are represented by the two blue dots on the survey. See a full survey image along with a close up of the location. Both trees are Water Oaks near the end of their life expectancy. One is 20" in diameter and the other is 25". This and additional information can be found on the previously provided Tree Removal Permit Application completed by Robert. What is the next step? Thanks again!

1/2" I.R.(F)
#1946

LOT 2
BLOCK G



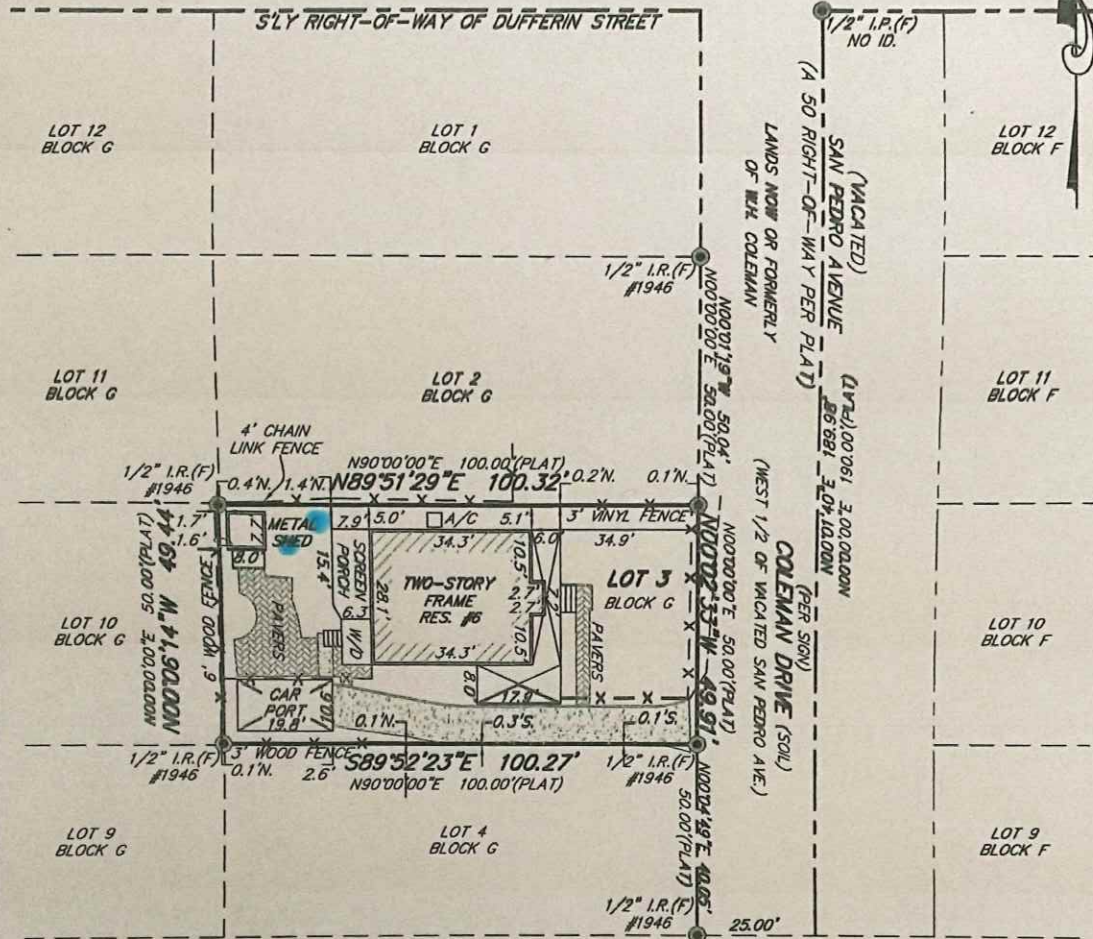
LOT 4
BLOCK G

1/2" I.R.(F)
#1946

MAP SHOWING SURVEY OF

LOT 3, BLOCK G, MIRAMAR, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 4, PAGE 54, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
BANK OF AMERICA, N.A.
CHICAGO TITLE INSURANCE COMPANY
PARADISE TITLE OF ST. AUGUSTINE, LLC
MARTIN CICERO, AND HALSEY CICERO, HUSBAND AND WIFE



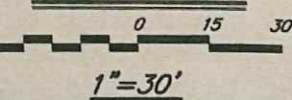
LEGEND

A/C - AIR CONDITIONER PAD
ID - IDENTIFICATION
N.G.V.D. - NATIONAL GEODETIC 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 (LANDTECH)
+ - BREAK LINE

RES. - RESIDENCE
W/D - WOOD DECK
● - FOUND PROPERTY CORNER AS NOTED
○ - SET PROPERTY CORNER AS NOTED 30
⊗ - WATER METER
⊕ - WOOD POWER POLE
⊞ - EXPOSED CONCRETE
⊟ - COVERED AREA

AREA = ±0.11 ACRES
OR ±4,982 sq. ft.

GRAPHIC SCALE



THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- The specific rights implied by this survey are not transferable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- 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 this surveyor. Nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- This survey is certified to the last field date.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTES:

- According to the Federal Emergency Management Agency FIRM Map No: 125145 0312 H effective date: 09/02/04, the property described hereon appears to lie in Zone
- Basis of bearing structure: BEARINGS BASED ON THE WLY R/W OF COLEMAN DR. ASSUMED AS BEING NORTH 00°00'00\" WEST
- Basis of elevations: N.G.V.D.

JOB NO.	LAST FIELD DATE	SCALE:	F.B./PAGE	CHK. BY:	DWG. BY:
13-0810	12/24/13	1\"=30'	665/56,57	N.H.F.	M.P.F.

TYPE: BOUNDARY

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LANDTECH
Associates, Inc.
LAND SURVEYOR'S

5100 A1A SOUTH, SUITE A
ST. AUGUSTINE, FLORIDA 32080
(904) 471-6877 FAX (904) 471-6878

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

Nicholas H. Franklin
NICHOLAS H. FRANKLIN, P.L.S. #4620
FOR LANDTECH AND ASSOCIATES L.B. #7537

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **VARIANCE/CONSERVATION OVERLAY ZONE DEVELOPMENT
#2021-0052**

AGENDA ITEM 6(a)

APPLICANT Mark McConnel

OWNER Mark McConnel

LOCATION **S. Leonardi Street (PID# 119920 0350)**

REQUEST To remove of two (2) significant trees (laurel oaks) and to approve a variance to encroach into the required side and rear yard building setbacks for a garage/guesthouse. * **THIS APPLICATION WAS UPDATED AFTER THE ADVERTISING DATE AND THE REQUEST IS NOW TO REMOVE THREE (3) SIGNIFICANT TREES – TREE REMOVAL MUST BE RE-ADVERTISED AND ADDRESSED BY THE BOARD AT THE JUNE 1, 2021 PZB MEETING**

PLANS DATED March 22, 2021
LAND USE Residential Low Density
ZONING Residential, Single family-two (RS-2)

LOT INFORMATION

Lot Width 85 feet
Lot Width (Minimum in RS-2) 50 feet

Lot Area 5,100 square feet
Lot Area (Minimum in RS-2) 5,450 square feet

Side Yard Building Setback (Proposed) 3 feet
Side Yard Building Setback (Required) 8.5 feet

Rear Yard Building Setback (Proposed) 5 feet
Rear Yard Building Setback (Required) 10 feet

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.

(2) Written application. All applications for variance from this chapter shall be in writing and in such form as may be determined 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 an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such 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 variances. The violation of the terms of a variance, 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. 28-119. Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter April 29, 1975 may be used in accordance with the following:

- (1) A single-family dwelling may be constructed on any such lot, lots or portion of a lot or lots which are located in a district where such use is permitted or permitted by exception.
- (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.

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.

Sec. 28-348. Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:
 - b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.

c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.

STAFF SUMMARY AND ANALYSIS

This is a vacant non-conforming lot that measures 85 feet in width and 60 feet in depth.

- The minimum side yard building setback is 8.5 feet (measured from the roof overhang to the lot line) and the owner would like a variance to reduce this building setback to 3 feet.
- The minimum rear yard building setback is 10 feet and the owner would like a variance to reduce this building setback to 5 feet.
- Reducing the side and rear building setbacks for the garage/guesthouse moves the building closer to the corner of the lot and it allows for the preservation of three (3) laural oak trees, labeled “D”, “E” and “F” on the site plan. The site plan shows where the building can be constructed without a variance (outlined in red) and it’s proximity to these trees.

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;
This property is unusual in shape in that it is a wide but shallow lot. This 5,000 square foot lot contains 18 trees, which is a very large number of trees compared to the surrounding properties which include a church and parking lot and a established single family neighborhood.
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;
The unique shape of the property and the large number of trees makes development of the site and accompanying tree preservation a challenge and it is not unreasonable to allow a building setback variance to save trees.
- c. This disadvantage does not exist because of conditions created by the owner or applicant
The owner did not create the unique lot shape nor did the owner plant the large number of trees on the property.
- 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 a building setback variance in order to save trees is in the public interest and does not appear to adversely affect property in the vicinity.

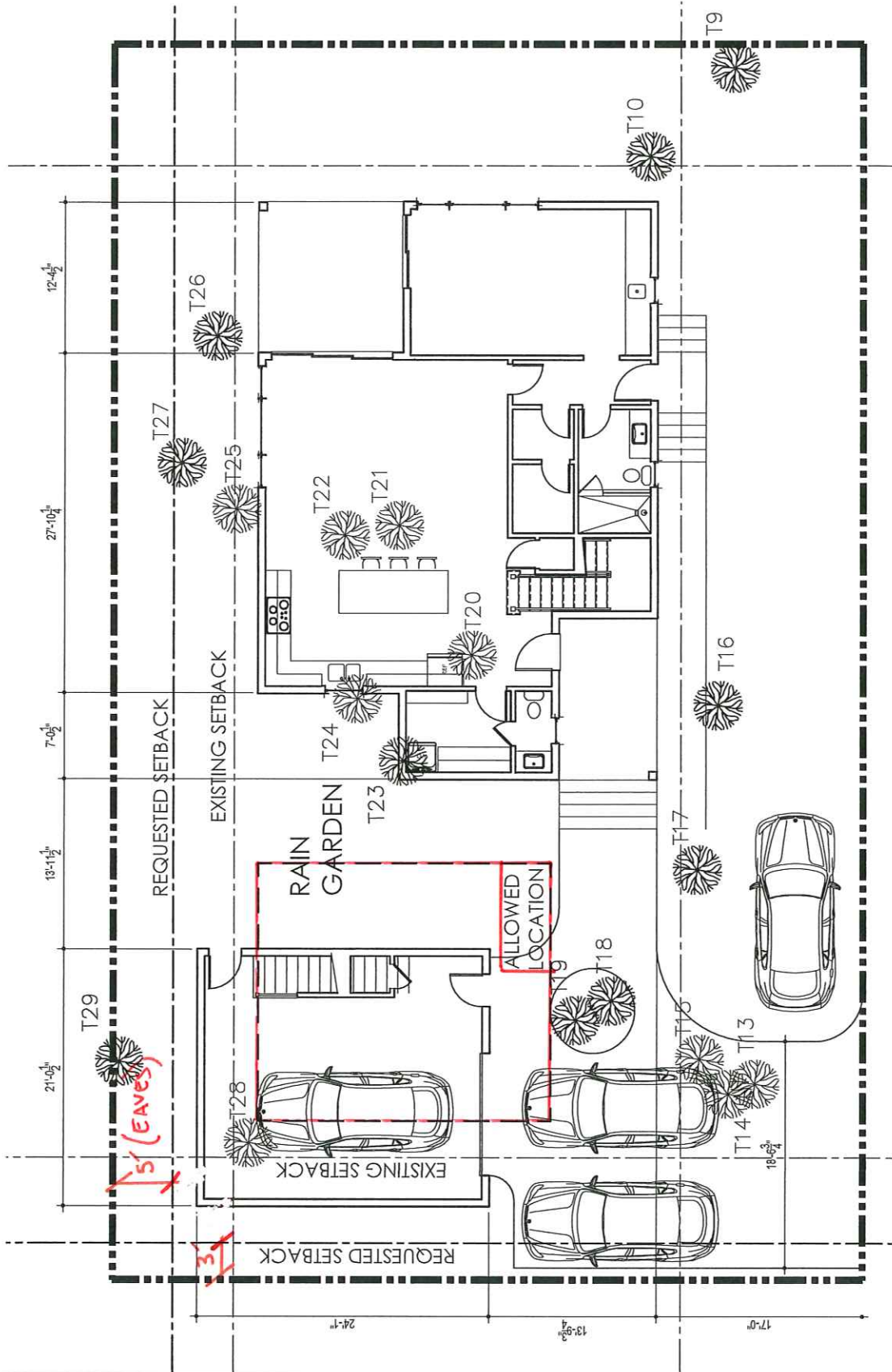
STAFF RECOMMENDATION

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 variance to encroach into the required side and rear yard building setbacks for a garage/guesthouse located at **S. Leonardi Street / PID# 119920-0350**.

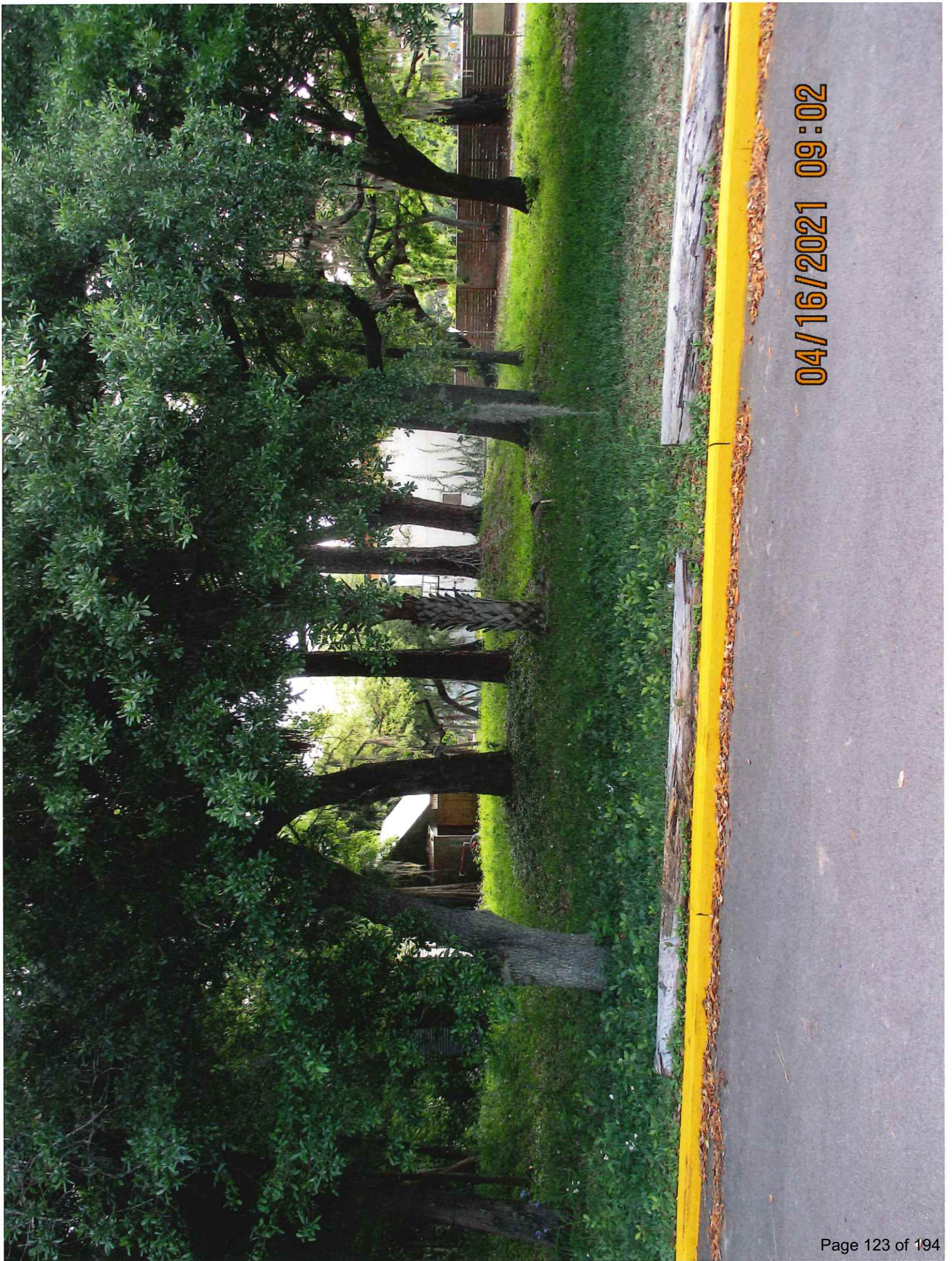
A handwritten signature in blue ink that reads "David Birchm". The signature is written in a cursive, flowing style.

David Birchm, AICP
Director, Planning & Building Department

PROJECT: LEONARDI HOUSE		OWNER CONTACT: LEONARDI PROPERTY, LLC 201 OWENS AVENUE ST. AUGUSTINE FL 32080	PROJECT LOCATION: 00 S. LEONARDI STREET ST. AUGUSTINE FL	ARCHITECT: SUMMIT STUDIO, LLC 4353 WINDY GAP DRIVE ROANOKE, VA 24014 540.915.1233	CONTRACTOR:	STRUCTURAL ENGINEER	DATE: 03-28-2021	DRAWING SHEET A1.00a
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SITE PLAN 1





CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$ 350 (plus advertising costs) Project Number: 2021-0052
Receipt Number: 2090500 Meeting Date: May 4, 2021
Advertising Costs: \$ 48.60 Paid On: 4/15/21 Receipt Number: 2095709
12.5007

1. NAME OF APPLICANT: Mark McConnel Contact Number: 540-915-1233

Business (if applicable): _____

Address: 201 Owens Avenue City: St. Augustine State: FL Zip: 32080

E-Mail Address: markmcconnellaia@gmail.com

2. NAME OF PROPERTY OWNER: Mark McConnel Contact Number: 540-915-1233

Business (if applicable): _____

Address: 201 Owens Avenue City: St. Augustine State: FL Zip: 32080

E-Mail Address: markmcconnellaia@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 35

Block: _____

Subdivision: _____

Parcel Number: 1199200350

4. PROJECT STREET ADDRESS: 0 Leonardi Street

5. SPECIFIC PROPOSED USE: Single Family Residential

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED:

ACTION #1 - REMOVAL OF ONE SIGNIFICANT TREE. 9 TREES ARE
BEING PRESERVED ON SITE - (1) LAUREL OAKS FALLS WITHIN
THE BUILDING FOOTPRINT & NEEDS TO BE REMOVED.
ACTION #2 - ADJUSTMENT OF SETBACK LINE TO PRESERVE
24" LIVE OAK. SIDE SETBACK TO 3' AND REAR TO 5'
WILL ALLOW PRESERVATION OF THE OAK

8. JUSTIFICATION FOR ACTION REQUESTED:

SIGNIFICANT TREE IS WITHIN THE FOOTPRINT OF THE
PROPOSED STRUCTURE.

STRUCTURE IS PLANNED SO THAT 24" LIVE OAK CAN BE
SAVED PROVIDED SETBACKS ARE ALTERED.
9 ORIGINAL TREES ARE BEING PRESERVED.

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: Small

35'x80' BUILDABLE AREA CONTAINS AN UNUSUAL NUMBER OF TREES. UNIQUE TO THIS AREA.

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: WE WOULD RATHER NOT REMOVE THE OAK - USING ACCESSORY BUILDING, SETBACKS WILL ALLOW US TO SAVE THIS LIVE OAK. NO STRUCTURE COULD BE BUILT ON THIS SITE WITHOUT SIGNIFICANT TREE REMOVAL.

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: THE TREES ARE WIDELY DISPERSED ACROSS THE ENTIRE SITE & CANNOT BE AVOIDED.

- (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: SAVING THE LIVE OAK IS IN THE BEST INTEREST OF THE CITY

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.

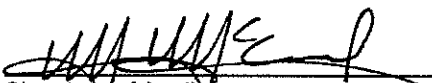
11. AGREEMENT:

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

04.08.21
Date


Signature of Property Owner

04.08.21
Date



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

12/9/2020

© CycloMedia (<https://cyclomedia.com/>)

Parcel ID	1199200350
Location Address	S LEONARDI ST SAINT AUGUSTINE 32084-0000
Neighborhood	Bravo Park (684)
Tax Description*	1-43 BRAVO PARK PT OF LOT 35 & VACA ROW LYING NW OF DAVIS ST OR 5117/394 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Bravo Park, Plat Of Property Known As
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Dettra Living Trust D: 11-30-2007 100% Dettra Richard P Trustee 0% Dettra Diane V Trustee 0%
Mailing Address	21 BERMUDA RUN WAY SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$92,278
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$92,278
Total Deferred	\$0
Assessed Value	\$92,278
Total Exemptions	\$0
Taxable Value	\$92,278

Values listed are from our working tax roll and are subject to change.

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	86	62	86	EF	\$92,278

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/7/2020	12/3/2020	\$100.00	WARRANTY DEED	5117	394	U	V	DETTRA LIVING TRUST D: 11-30-2007	DETTRA LIVING TRUST D: 11-30-2007

No data available for the following modules: 2020 TRIM Notice, 2019 TRIM Notice, Historical Assessment Information, 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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Last Data Upload: 4/9/2021, 12:46:08 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.116



Overview



Legend

□ Parcels

Parcel ID	1199200350	Physical Address	S LEONARDI ST	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant Residential	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	DETTRA LIVING TRUST D: 11-30-2007	Total Land Value	\$92,278	n/a	0	n/a	n/a
Acres	0.12		21 BERMUDA RUN WAY	Just Value	\$92,278	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32080-0000	Total Deferred	N/A				
				Assessed Value	\$92,278				
				Total Exemptions	N/A				
				Taxable Value	\$92,278				

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: 4/5/2021

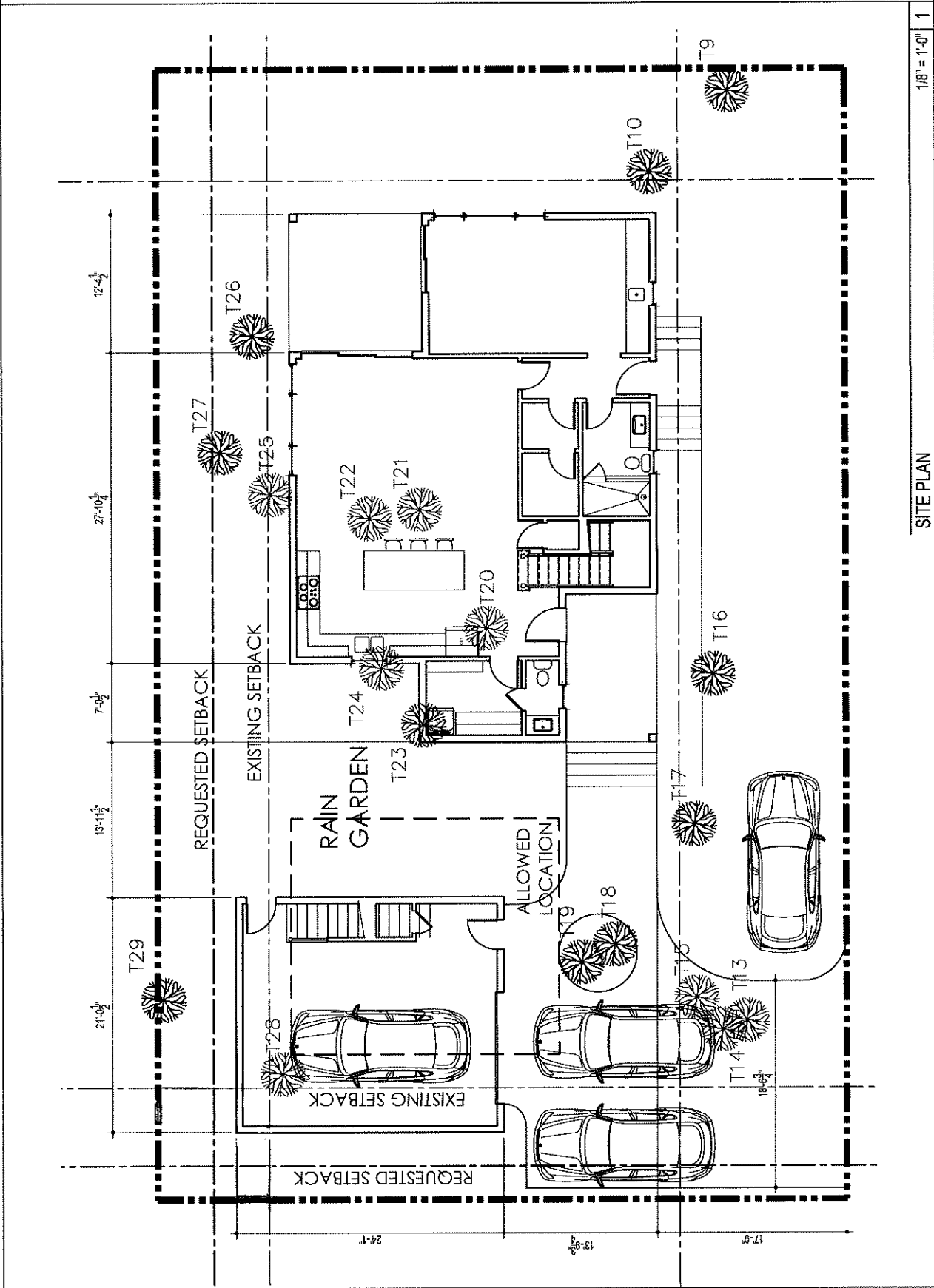
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Developed by  Schneider
GEOSPATIAL

DESIGN NARRATIVE – “Bravo Park”

0 Leonardi Street, St. Augustine

1. Complies with the draft recommendations from the Building Code Task Force Proposed Land Development Code Amendments
 - a. All roofs shed water to the interior Rain Garden
 - b. Site is not built up
 - c. House is on crawl space
 - d. Rain garden and no water shed directly on the neighbors
2. Mass of house is broken up allowing view through the site
3. Highest point is 28' from grade
4. Highest point of garage is only 24'
5. Retaining 9 existing trees and both viable specimen trees
6. Setback for RS-2 is 10'-0" for buildings.
7. Setbacks for true accessory structures is 3'-0" from the side and rear property lines
8. We are requesting 3'-0" setback from the side and 5'-0" from the rear.
9. Neighbors house to the north has the garage against the adjoining property line where this garage would be located.



PROJECT:

LEONARDI
HOUSE

OWNER CONTACT:

LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

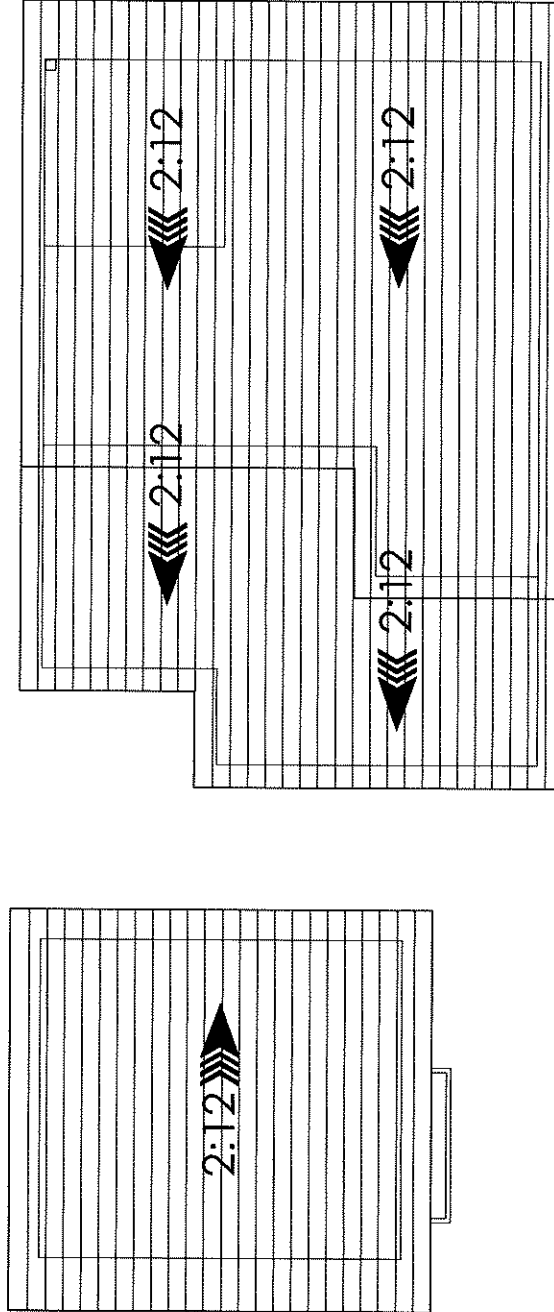
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

A1.00b



ROOF PLAN

1/8" = 1'-0"

1

1/4"=1'-0"	1
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PROJECT: **LEONARDI HOUSE**

OWNER CONTACT:
 LEONARDI PROPERTY, LLC
 201 OWENS AVENUE
 ST. AUGUSTINE FL 32080

PROJECT LOCATION:
 00 S. LEONARDI STREET
 ST. AUGUSTINE FL

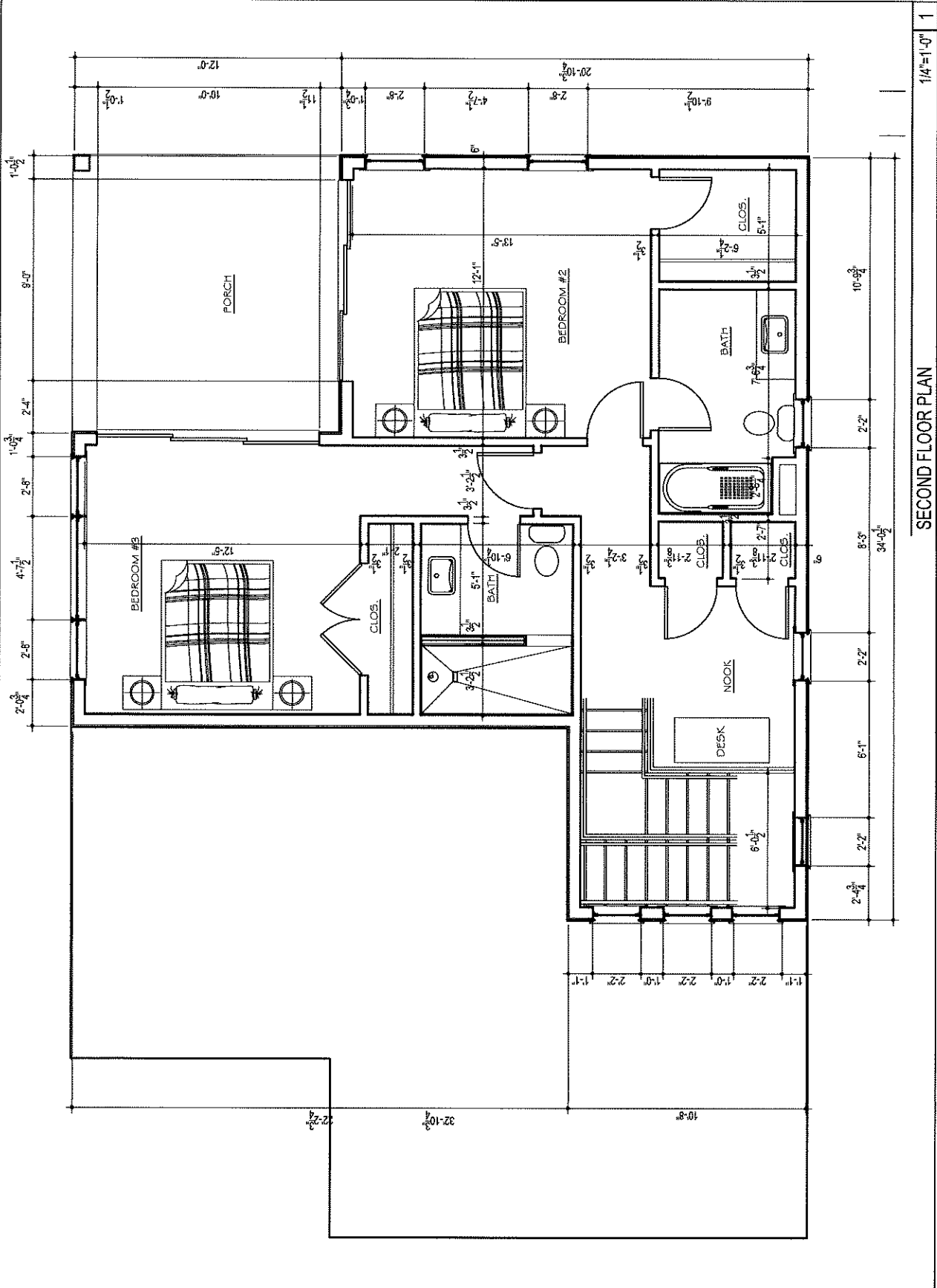
ARCHITECT:
 SUMMIT STUDIO, LLC
 4353 WINDY GAP DRIVE
 ROANOKE, VA 24014
 540.915.1233

CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
 03-28-2021

DRAWING SHEET
A1.02



PROJECT:

LEONARDI HOUSE

OWNER CONTACT:

LEONARDI PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

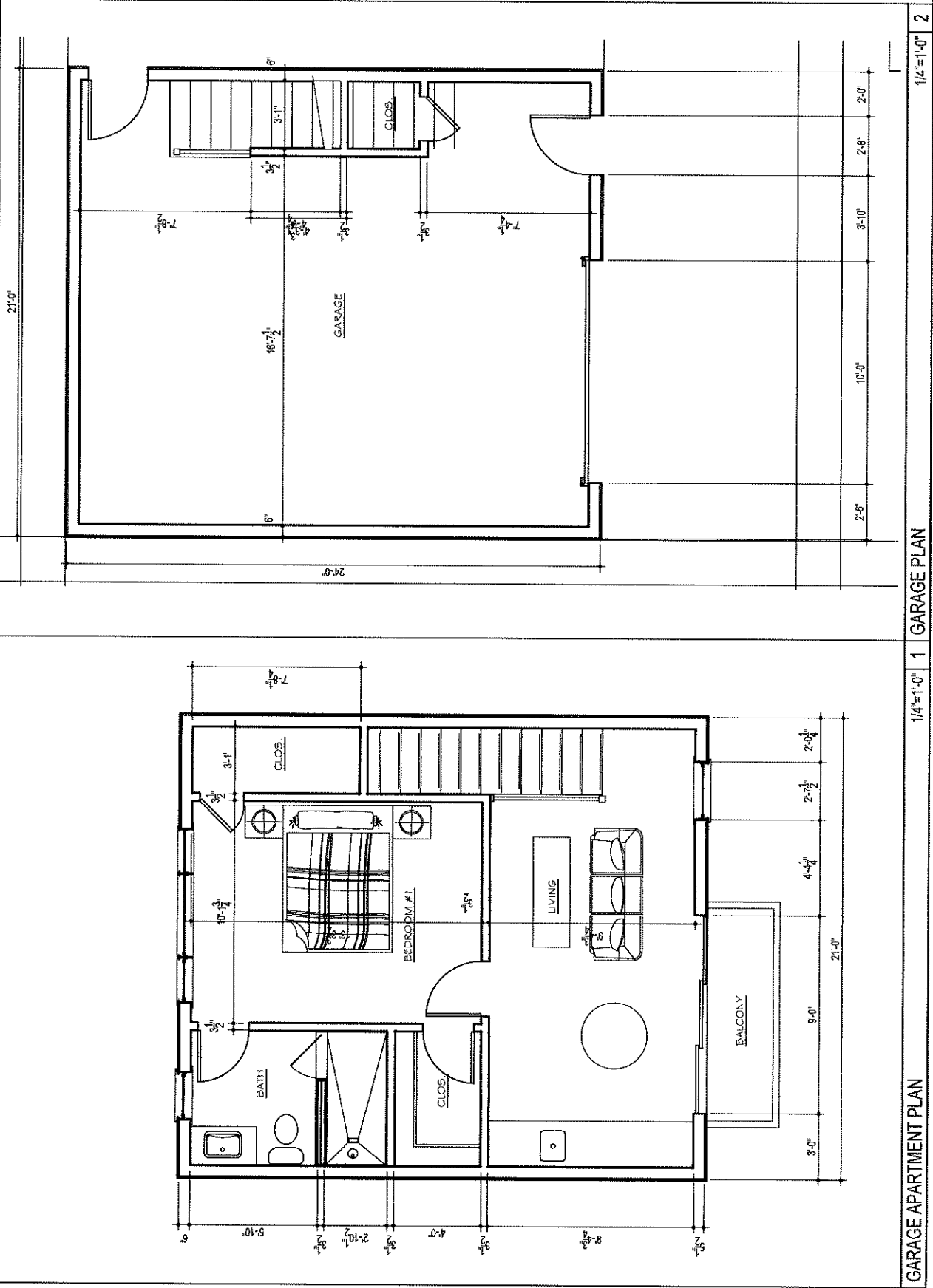
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

A1.03



PROJECT:

LEONARDI
HOUSE

OWNER CONTACT:

LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

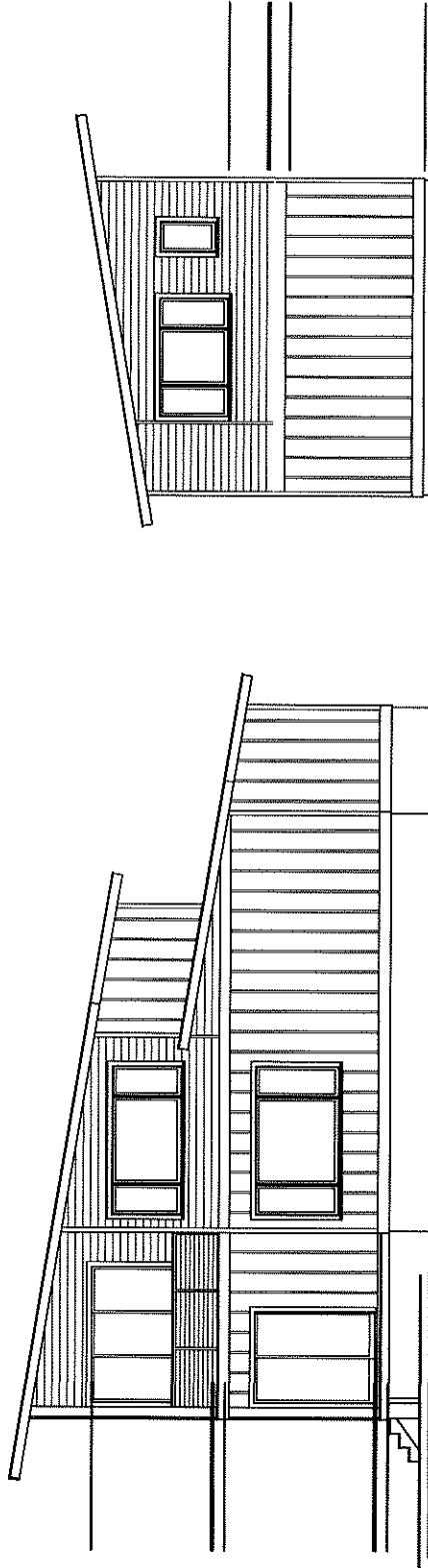
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

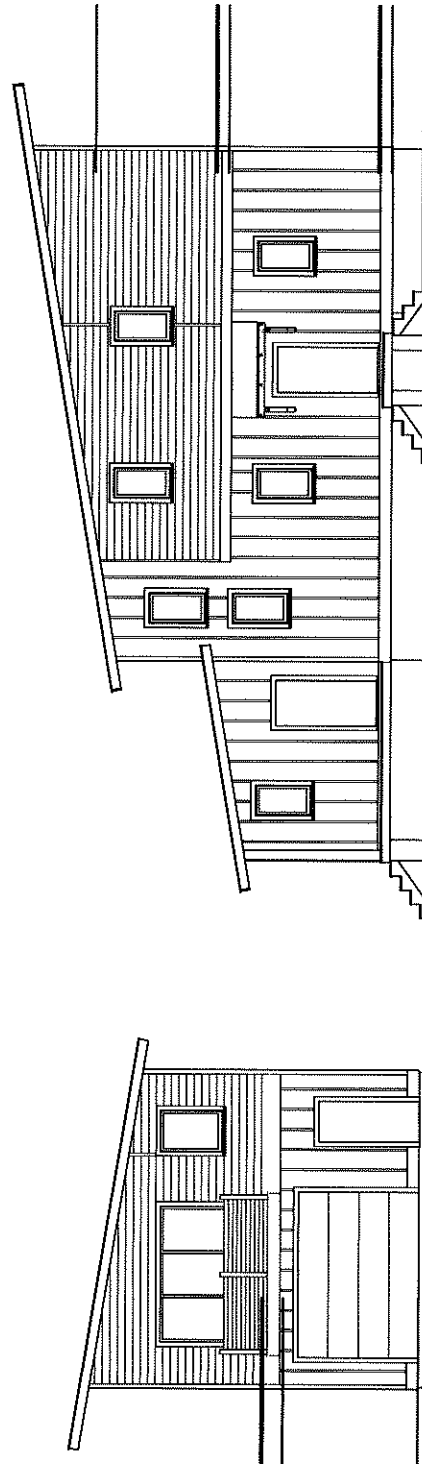
A2.01



REAR (EAST) ELEVATION

1/8"=1'-0"

1



FRONT (WEST) ELEVATION

1/8"=1'-0"

2

PROJECT:

LEONARDI
HOUSE

OWNER CONTACT:

LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

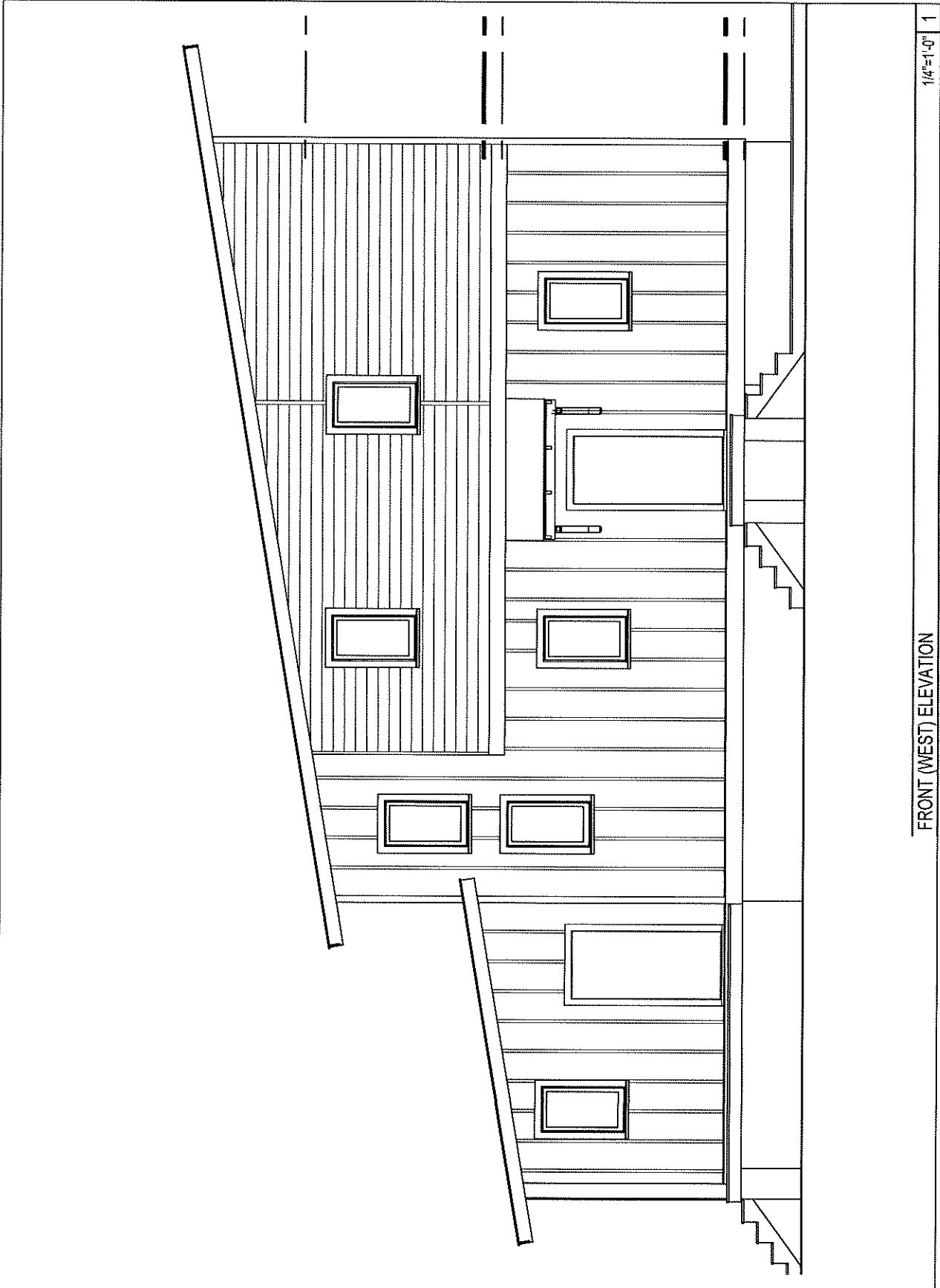
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

A2.02



FRONT (WEST) ELEVATION

1/4" = 1'-0"

1

PROJECT: **LEONARDI HOUSE**

OWNER CONTACT:
LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:
00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:
SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

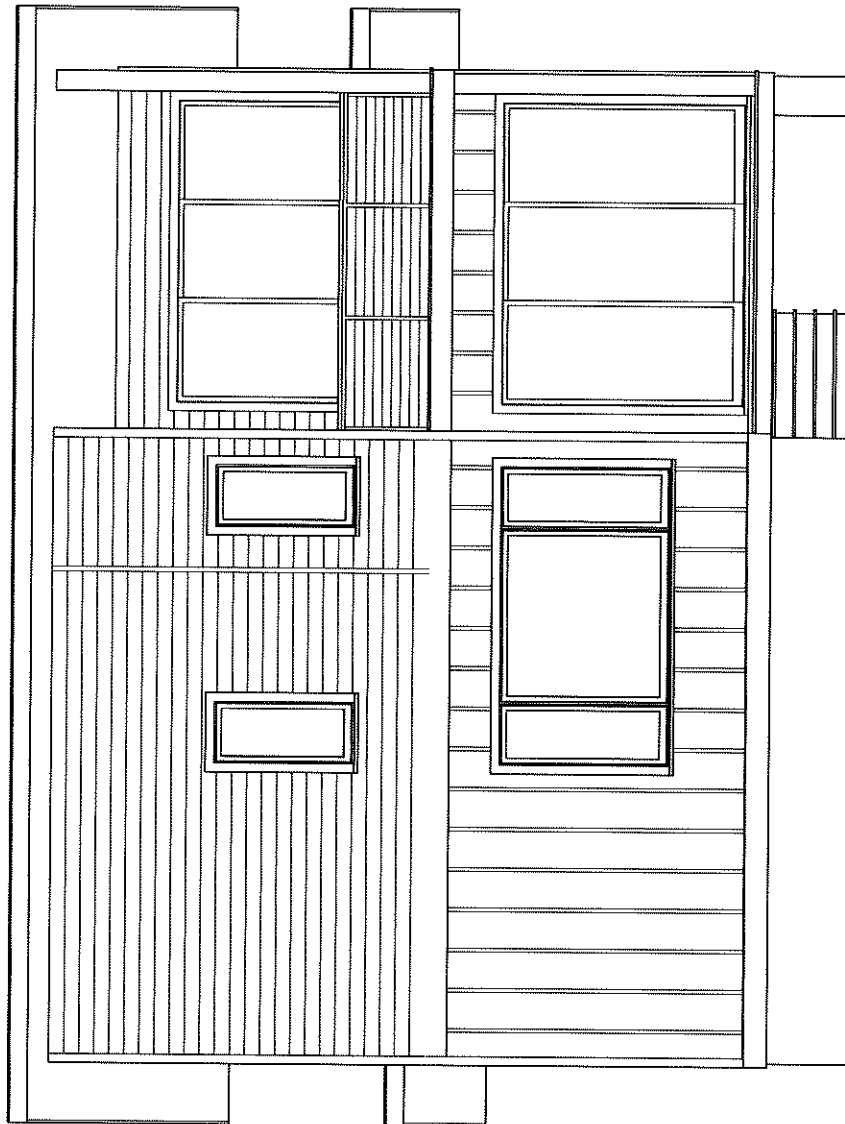
CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
03-28-2021

DRAWING SHEET

A2.03



RIGHT SIDE (SOUTH) ELEVATION

1/4" = 1'-0" 1

PROJECT:
**LEONARDI
HOUSE**

OWNER CONTACT:
LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:
00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:
SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

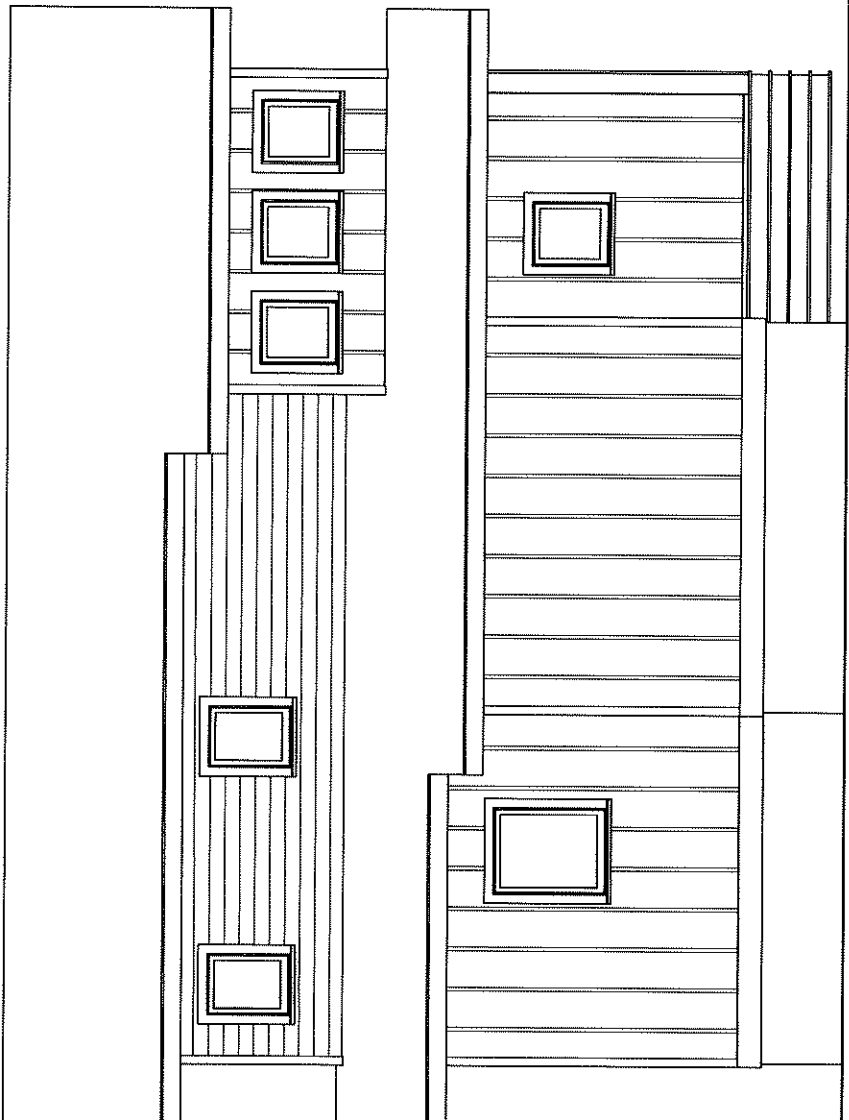
CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
09-28-2021

DRAWING SHEET

A2.04



LEFT SIDE (NORTH) ELEVATION

1/4"=1'-0" 1

PROJECT:
**LEONARDI
HOUSE**

OWNER CONTACT:
LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:
00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:
SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
03-28-2021

DRAWING SHEET

A2.05



REAR (EAST) ELEVATION

1/4"=1'-0" 1

PROJECT:
**LEONARDI
HOUSE**

OWNER CONTACT:
LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:
00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:
SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

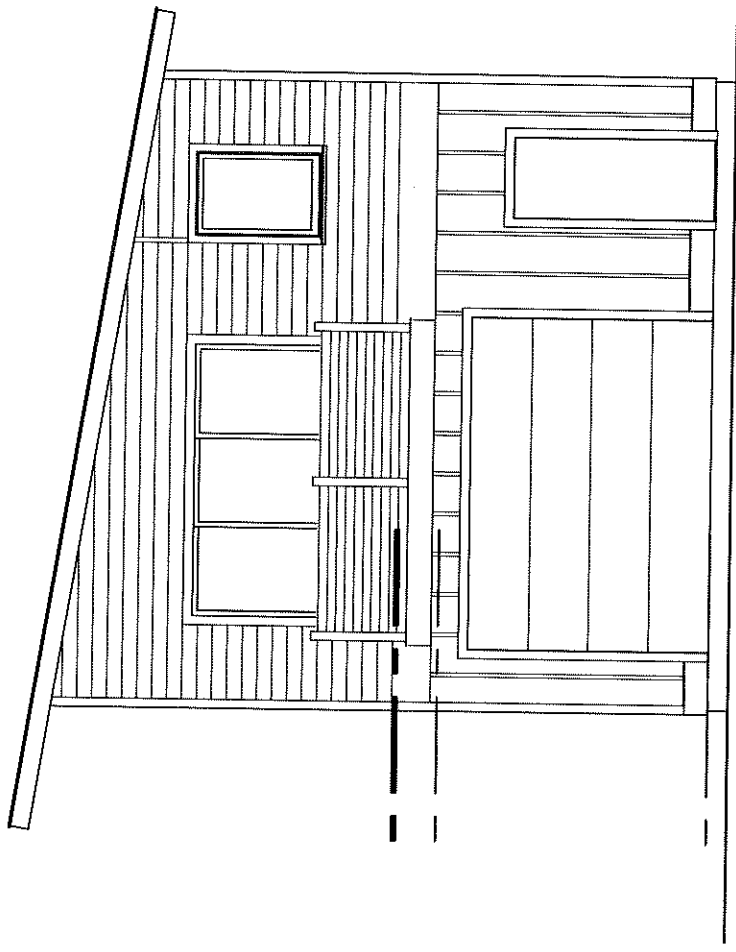
CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
03-28-2021

DRAWING SHEET

A2.06



GARAGE FRONT (WEST) ELEVATION

1/4"=1'-0" 1

PROJECT:

**LEONARDI
HOUSE**

OWNER CONTACT:

LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

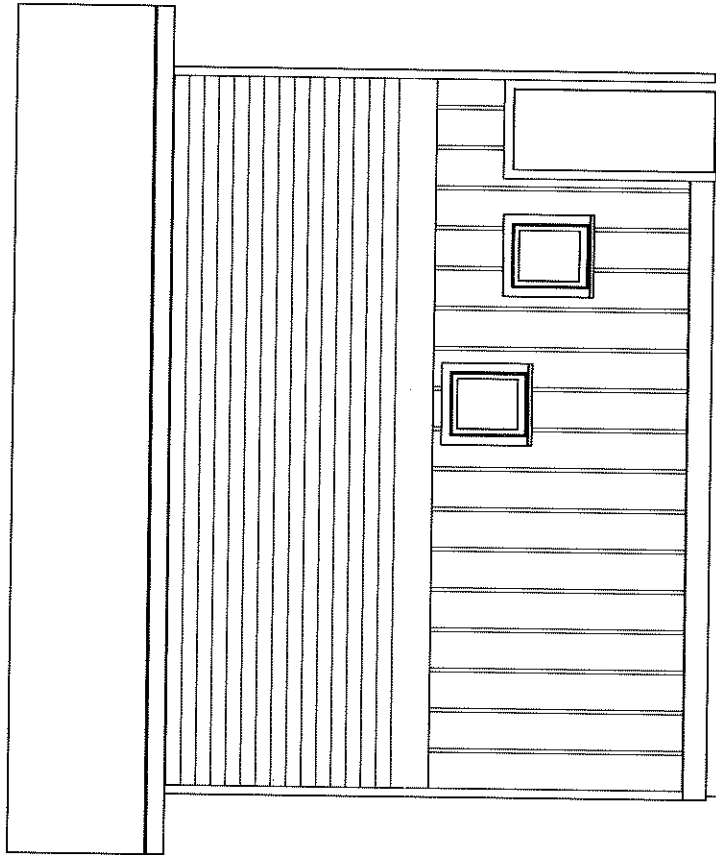
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

A2.07



GARAGE RIGHT (SOUTH) ELEVATION

1/4"=1'-0" 1

PROJECT:

**LEONARDI
HOUSE**

OWNER CONTACT:

LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:

00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:

SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

CONTRACTOR:

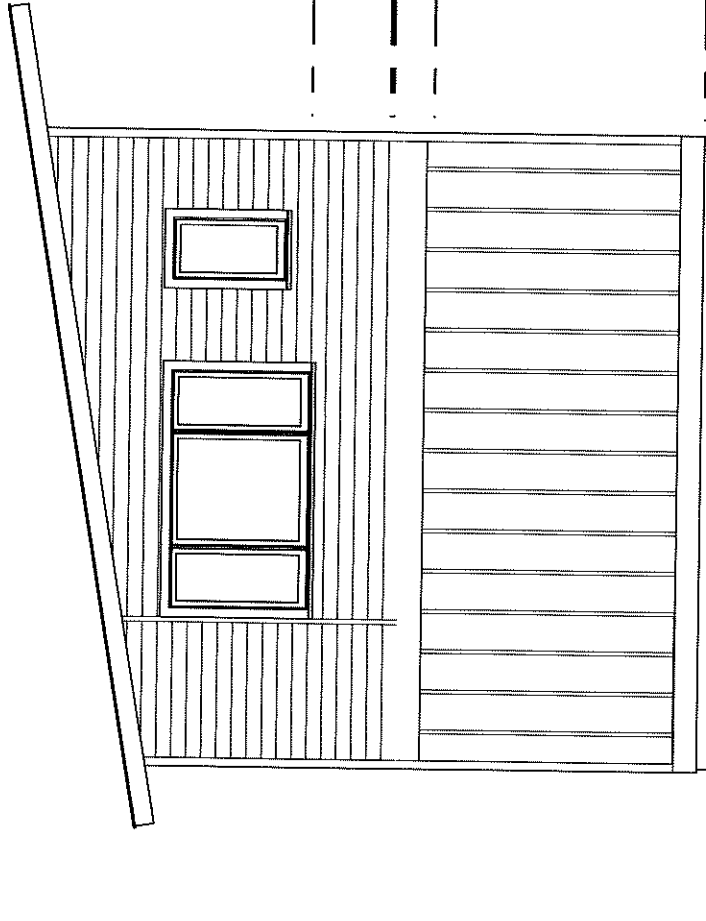
STRUCTURAL ENGINEER

DATE:

03-28-2021

DRAWING SHEET

A2.08



GARAGE REAR (EAST) ELEVATION

1/4" = 1'-0" 1

PROJECT:
**LEONARDI
HOUSE**

OWNER CONTACT:
LEONARDI
PROPERTY, LLC
201 OWENS AVENUE
ST. AUGUSTINE FL 32080

PROJECT LOCATION:
00 S. LEONARDI STREET
ST. AUGUSTINE FL

ARCHITECT:
SUMMIT STUDIO, LLC
4353 WINDY GAP DRIVE
ROANOKE, VA 24014
540.915.1233

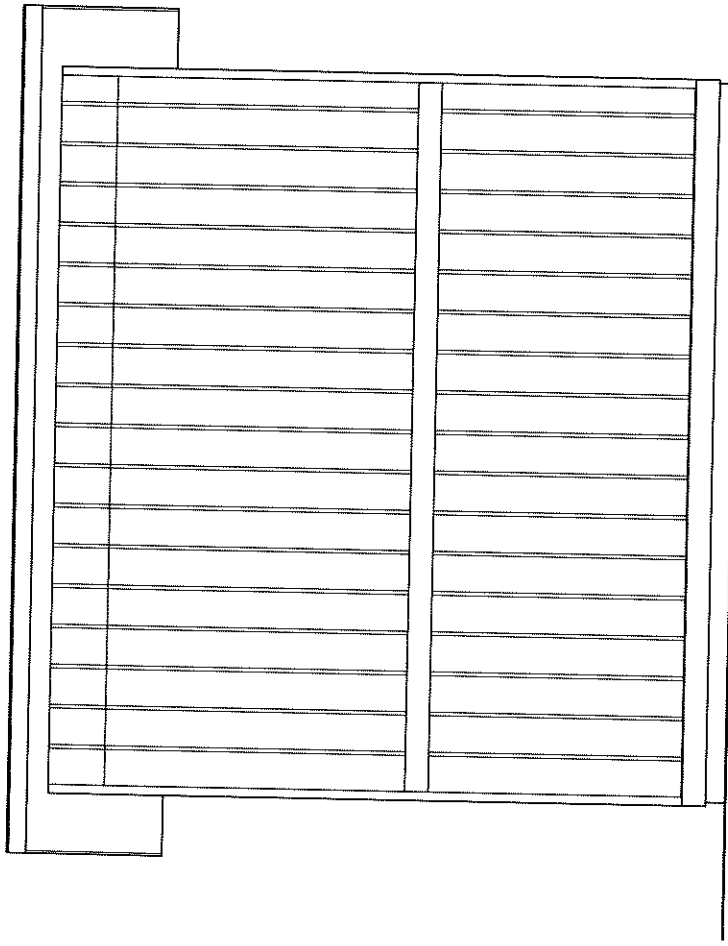
CONTRACTOR:

STRUCTURAL ENGINEER

DATE:
03-28-2021

DRAWING SHEET

A2.09



GARAGE LEFT NORTH) ELEVATION

1/4"=1'-0" 1

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 4, 2021

RE: **REZONING #2021-0051**

AGENDA ITEM 7(a)

APPLICANT Gary Davenport, PA

OWNER 36 Granada Street, LLC

LOCATION **36 Granada Street**

REQUEST To rezone the property from Commercial Low-one (CL-1) to Commercial Low-two (CL-2).

LAND USE Commercial Low Intensity

ZONING (Existing) Commercial Low-one (CL-1)

ZONING (Proposed) Commercial Low-two (CL-2)

SURROUNDING USES Restaurant, Short term rental, Museum, Government Offices, Parking lots

APPLICABLE CODES/ORDINANCES

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.

(e) *Limitations on rezoning of land:*

(1) No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.

(2) Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.

(3) Whenever the city commission has denied an application for the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.

(4) Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.

(f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

(g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.

(h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.

(i) *Process, public hearings and notification for comprehensive plan amendments (city commission public hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

ZONING DISTRICTS

Existing

Sec. 28-206. Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
- c. Tourist homes and bed and breakfast inns.
- d. All types of professional and business offices.
- e. Churches (except temporary revival establishments).
- f. Libraries and museums.
- g. Single-family dwellings as for RG-1 (section 28-163).
- h. Multiple-family housing.
- i. Rooming and boarding houses.
- j. Housing for the elderly.
- k. Home office, private.
- l. Antique shops.
- m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.
- n. Tattoo parlor
- o. The above uses are subject to the following limitations:
 1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
 2. Products to be sold only at retail.
 3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

- (2) Permitted accessory uses and structures:
 - a. See section 28-348.
 - b. Parking lots complying with section 28-347(3).
- (3) Permissible uses by exception:
 - a. Hotel/motel, maximum of thirty (30) units.
 - b. Plant nursery.
 - c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
 - d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
 - e. Medical/dental clinic, intermediate care facility.
 - f. Uses and structures as for RG-1 (section 28-163).
 - g. Indoor movie theatres.
 - h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
 - i. 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.
 - j. Micropigmentation clinic.
- (4) Minimum lot requirements (area and width). None, except as needed to meet other requirements specified herein.
- (5) Maximum lot coverage by all buildings. Fifty (50) percent.
- (6) Minimum yard requirements. All uses, except single-family dwellings:
 - a. Front. Ten (10) feet minimum, fifteen (15) feet maximum; except where lot width is less than one hundred (100) feet and buildings (if any) on adjacent lots have provided a lesser front yard, front yard shall be average of buildings on adjacent lots. 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. Ten (10) feet.
 - c. Rear. Ten (10) feet.
- (7) Maximum height of structures. Thirty-five (35) feet.

Proposed

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

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

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.
 - b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.
 - c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
 - d. All types of professional and business offices, union hall and similar uses.
 - e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.
 - f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).
 - g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.
 - h. Commercial parking lots, automobile parking garages.
 - i. Hotels and motels without kitchenettes (maximum of fifty (50) units).
 - j. Single-family dwellings as for RG-1 (section 28-163).
 - k. Shopping plaza.
 - l. Home office, private.
 - m. Churches.
 - n. Multiple-family dwellings as for RG-1.
 - o. Tattoo parlor or studio
 - p. Micropigmentation clinic.
- (2) Permitted accessory uses. See section 28-348.
- (3) Permissible uses by exception:
- a. Automobile service station (see section 28-338), repair garages, new or used automobile sales lot.
 - b. Drive-in restaurant and other drive-in uses.
 - c. Child care center, home occupations or private school, all as provided in section 28-347.
 - d. Housing for the elderly, roominghouses or boardinghouses and similar uses; all in compliance with section 28-163(4), for lot requirements, yards and other provisions.

- e. Hospital and intermediate care facility.
- f. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
- g. Candy manufacturing.
- h. Uses and structures as in RG-2 (section 28-164).
- i. Shopping center.
- j. Establishments for handcrafted small signs made primarily of wood. Such work to take place within a wholly enclosed building, such building not to exceed one thousand six hundred (1,600) square feet. The planning and building manager may establish, by rule, criteria for determination of the maximum size of signs to be produced in such establishments, taking into consideration the maximum size of signs permitted within the City of St. Augustine in the various commercial zones, including Historic Preservation Zones and taking into account that it is not the intent of this section to authorize, under any circumstances, internally illuminated signs, billboards or signs containing moveable parts and that the craftsmanship intended by this section is intended to be similar in skills required in cabinet making.
- k. Tourist attraction.
- l. Special event venue as per section 28-347(8).
- m. Dormitory
- (4) Minimum lot requirements (width and area). None, except as specifically required for certain uses.
- (5) Maximum lot coverage of all buildings. Sixty (60) percent.
- (6) Minimum yard requirements:
 - a. Front, zero feet minimum, fifteen (15) feet maximum.
 - 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.

STAFF SUMMARY AND ANALYSIS

A rezoning application for this property from CL-1 to CL-2 was denied by the Board on May 17, 2016. (see attached minutes). The specific intent of the 2016 rezoning request was to rezone the property so the owner could sell liquor. The CL-1 zoning limits alcohol sales and service to alcohol with a content of not more than 14° and permits this as a use by exception. The CL-2 zoning district allows all alcohol sales and service as a permitted use and only prohibits drive-in alcohol sales and service.

A site plan was submitted with this application which shows two parcels. The parcel at 36 Granada Street, which is the subject of this rezoning application and the parking lot on De Soto Street, which is not included in this rezoning application. The parking lot on De Soto Street is zoned Residential General-one (RG-1).

The CL-2 zoning category is more intensive than CL-1 zoning, but they share the same underlying future land use map designation of Commercial Low Intensity.

A zoning map has been included with this staff report which shows the distribution of zoning categories in the area.

The justification specified in the application for the zoning change is “To allow for adequate seating capacity for the 3 proposed uses.” The 3 proposed uses are described in the application as “premium coffee shop/bake shop/restaurant”.

Consistency with the Comprehensive Plan

As stated, both the CL-1 and CL-2 zoning districts fall under the same Commercial Low Intensity land use category.

This category is described in part in **FLUE Policy 6.5.1** as:

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses....

The Comprehensive Plan also states in **FLUE Policy 6.1.3** that:

Zoning districts in the City’s land development code (LDC) shall implement the future land use categories adopted in the comprehensive plan, including the types of uses and the densities and intensities of uses.

The intent statement from each zoning district are the guiding statements that implement the Comprehensive Plan and help to determine the zoning district's compatibility with the surrounding area.

Existing (Intent)

Sec. 28-206. Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

Proposed (Intent)

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

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

Additionally, when considering consistency with the Comprehensive Plan the PZB can look at several themes outlined within the Plan related to preserving neighborhood character, redevelopment, infill development, and economic development.

FLUE Objective 3.2

The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable,

FLUE Goal 5 Urban Sprawl

Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.

FLUE Policy 5.1.2

The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

FLUE Goal 9 Economic Development

Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Policy 9.1.2

The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area.

- This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses.
- This includes strengthening and diversifying the local economy.
- This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine.
- This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

The Comprehensive Plan 2040 does not appear to directly address this type of rezoning in which one parcel is intensified within a commercial district. The above references in the Comprehensive Plan 2040 apply to the Commercial Low Intensity land use, which is shared by both the CL-1 and CL-2 zoning districts.

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land.

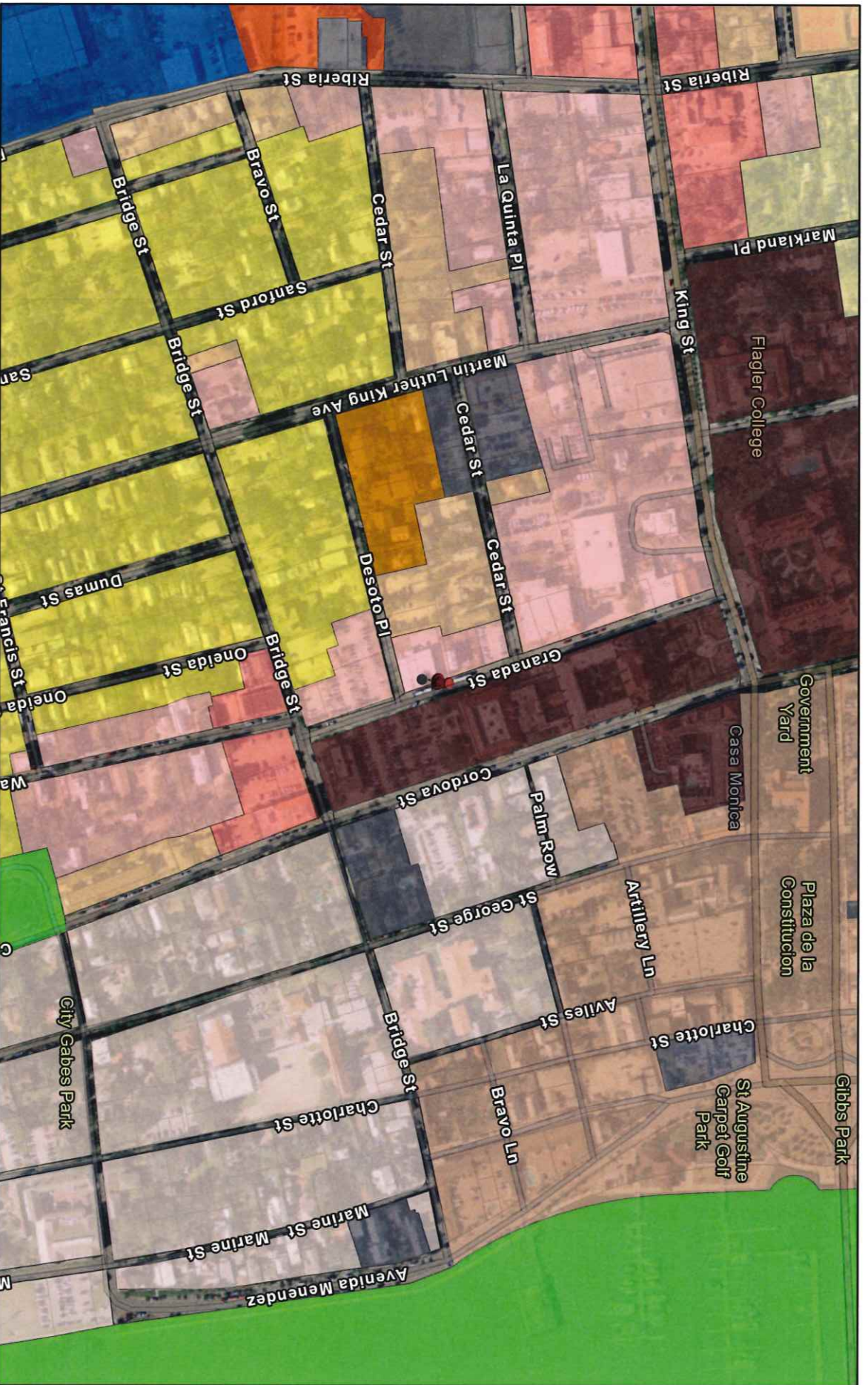
The Board is responsible for making a recommendation based on the following

- (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.



David Birchm, AICP
Director Planning and Building Department

36 Granada Street, Area Zoning Districts

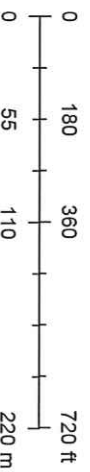


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Zoning Districts

- HP-1
- HP-2
- CL-1
- CL-2
- HP-4
- MU
- OL
- PUD
- RG-1
- RG-2
- RS-1
- RS-2
- Parcels

1:4,514



CITY OF ST. AUGUSTINE

Planning and Zoning Board Special Meeting May 17, 2016

The Planning and Zoning Board met in formal session Tuesday, May 17, 2016, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Sue Agresta, Chairperson and the following were present:

1. Roll Call: Sue Agresta, Chairperson
Matt Shaffer, Vice Chairperson
Deltra Long
Cathy Brown
Sarah Ryan

Absent: Jerry Dixon (excused)
Carl Blow (excused)

City Staff: David Birchim, Director, Planning & Building Department
Amy Skinner, Senior Planner, Planning & Building Department
Isabelle Lopez, City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Variance

3. (a) 2016-0058 – Jay Neumark – Applicant **Gerald & Jay Investments, LLC – Owner** **5 Sevilla Street**

To increase the allowed lot coverage to construct an accessory building on an existing residential property.

Ms. Skinner read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to exceed the maximum lot coverage at **5 Sevilla Street**.

Jay Neumark reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

David Toner was concerned with the setback requirements but spoke in favor of the application.

Public hearing was closed.

The Board discussed:

- Property no longer being multifamily
- Concern for the outbuilding to be used as a rental unit
- Setback requirements

MOTION

Mr. Shaffer MOVED to APPROVE application 2016-0058. The motion was SECONDED by Ms. Long.

VOTE ON MOTION:

AYES: Shaffer, Long, Ryan, Brown,
Agresta

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Use by Exception

**4. (a) 2016-0055 – J. Mike Baxter,
Riverboat Carwash – Applicant
Chartered Enterprises – Jacksonville,
LLC – Owner
520 South Ponce de Leon Boulevard (Lot
12, BLK A, Andalucia Parque)**

To allow a parking lot use in a residential district as a permitted use by exception.

Ms. Skinner read the staff report and said based on the City Commission denial of a substantially similar application for the use of this residentially zoned lot for a commercial drive-aisle in 2003, staff finds that the Board can **DENY** the proposed parking lot use as a permitted use by exception in a residential district at **520 South Ponce de Leon Boulevard**.

Mike Baxter reviewed the application.

The Board provided their ex parte communications.

21 certified notices were sent, 3 were returned in favor, 2 returned opposed and 3 had comments.

Public hearing was opened.

The following members of the public spoke against the application, citing concerns for commercial overdevelopment in a residential area, security and safety, traffic, and tree removal:

- B.J. Kalaidi¹
- Sara Fenwick
- Judy Thompson²

¹ Presented photographs attached to original minutes

² Presented photographs attached to original minutes

- Judy Shawless³

Wolfgang Schau spoke in favor of the application citing positive aesthetics and a solution to traffic problems.

Public hearing was closed.

Mr. Baxter reviewed some of the concerns voiced by the public. He stated the he did reach out to the neighborhood and received positive responses to the planned changes. He said security and lighting on the property were improved. He added he was not opposed to more landscaping, fencing, and other buffering elements.

The Board discussed:

- The term “parking lot use” to refer to the proposed drive aisle
- The traffic flow of the proposed
- Traffic congestion
- Potentially moving the detailing area
- The 2003 decision of the City Commission to deny a similar application

MOTION

Mr. Shaffer MOVED to DENY use by exception application 2016-0055. The motion was SECONDED by Ms. Long.

VOTE ON MOTION:

AYES: Shaffer, Long, Ryan, Brown,
Agresta

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Rezoning

**5. (a) 2016-0056 – Karla Wagner, The
Corazon Cinema & Café – Applicant
Karla and Robert Wagner, Corazon
Cinema & Café – Owner
36 Granada Street**

³ Presented photographs attached to original minutes

To change the current zoning category from Commercial Low-one (CL-1) to Commercial Low-two (CL-2) to allow the permitted use to sell or serve all alcohol beverages for the consumption on or off the premises.

Ms. Skinner read the staff report and stated that staff does not make recommendations concerning the changing of land-use or the rezoning of land.

Karla Wagner reviewed the application.

The Board provided their ex parte communications.

36 certified notices were sent, 4 were returned in favor, 5 returned opposed and 5 had comments.

Public hearing was opened.

Wolfgang Schau spoke in favor of the application.

Public hearing was closed.

The Board discussed

- Confirmation that all alcohol would be consumed on site
- The zoning history of the property
- Concern for the intensification of use on the property for the future, but not the alcohol sales

MOTION

Mr. Shaffer **MOVED** to **DENY** small scale rezoning application 2016-0056. The motion was **SECONDED** by Ms. Ryan.

VOTE ON MOTION:

AYES: Shaffer, Ryan, Brown, Long, Agresta

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Land Use Plan Amendment

6. (a) 2016-0057 – Paul Hoffman, Coastal Living Home Builder's, LLC – Applicant
Chris Klotz – Owner
0 Arrendondo Avenue (Parcel #2171700140, Lot 14, BLK 22 Davis Shores)

To amend the Future Land Use Designation from Public/Semi Public to Residential Low Density.

Ms. Skinner read the staff report and stated that staff does not make recommendations concerning the changing of land-use or the rezoning of land.

Paul Hoffman was available for questions.

The Board provided their ex parte communications.

14 certified notices were sent, 3 were returned in favor, and 2 had comments.

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

MOTION

Ms. Ryan **MOVED** to **RECOMMEND APPROVAL** of application 2016-0057 to amend the Future Land Use Designation from Public/Semi Public to Residential Low Density. The motion was **SECONDED** by Ms. Brown.

VOTE ON MOTION:

AYES: Ryan, Brown, Long, Shaffer, Agresta

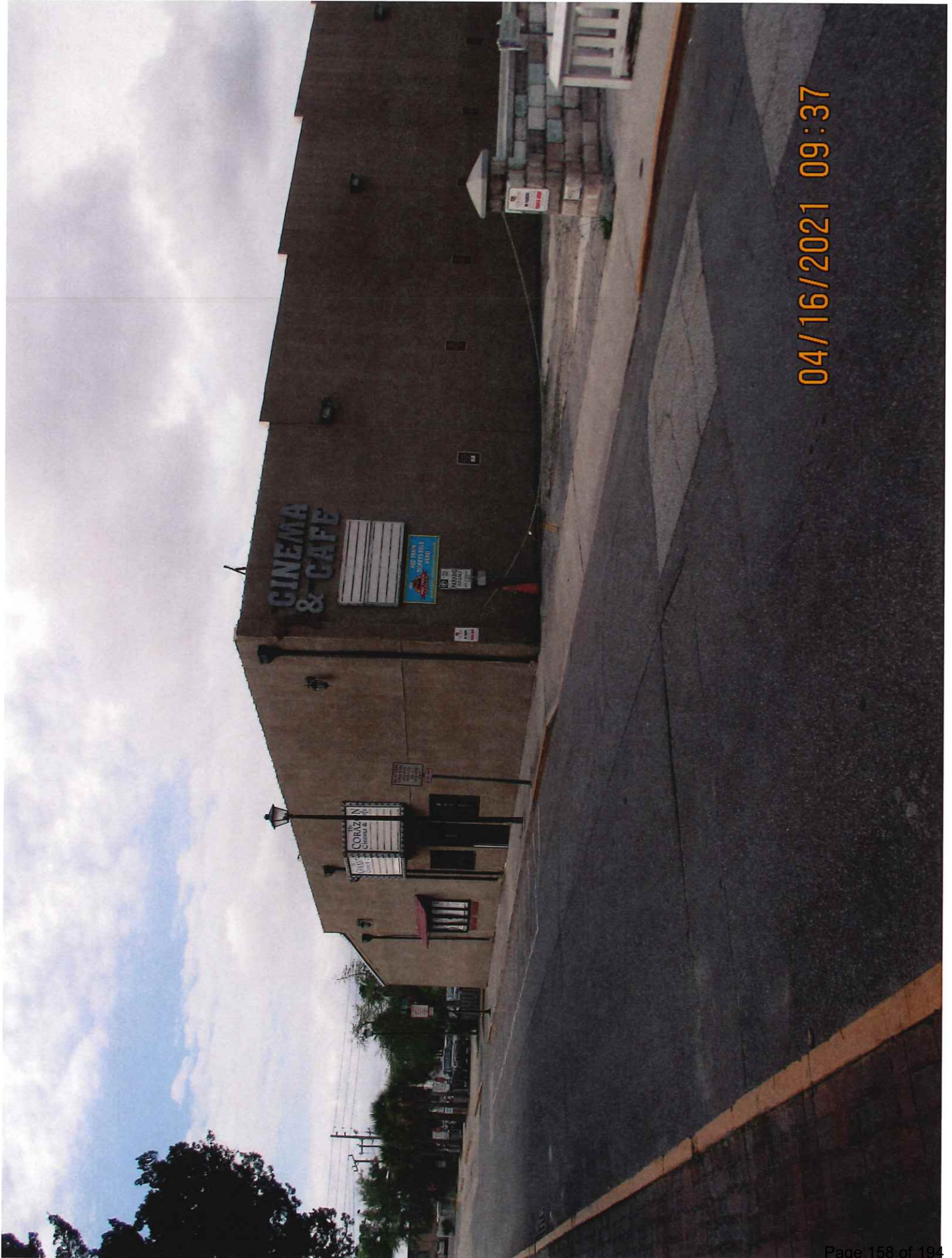
NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Adjournment

Having no further business, Ms. Agresta adjourned the meeting at 3:19 P.M.⁴

⁴ Transcribed by Candice Seymour



04/16/2021 09:37



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$300 (plus advertising costs) Project Number: 2021-0051
 Receipt Number: 2089302 Meeting Date: May 4, 2021
 Advertising Costs: \$ 32.40 Paid On: 4/15/21 Receipt Number: 2095829

1. NAME OF APPLICANT: Gary B Davenport Contact Number: 904 669 3186
 Business (if applicable): Gary B Davenport PA
 Address: 212 S Shadowwood Dr City: St Augustine State: FL Zip: 32086
 E-Mail Address: garybdavenport@gmail.com

2. NAME OF PROPERTY OWNER: 36 Granada LLC Contact Number: 904 669 2848
 Business (if applicable): c/o Alsop Properties
 Address: 77 Almeria St City: St Augustine State: FL Zip: 32084
 E-Mail Address: jk@alsopcompanies.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: Parts of Lots 8 & 9 Block: 46J
 Subdivision: _____ Parcel Number: 2032400000

4. PROJECT STREET ADDRESS: 36 Granada St, St Augustine FL, 32084

5. SPECIFIC PROPOSED USE: Premium coffee shop / bakery and restaurant.

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

7. DESCRIPTION OF ACTION REQUESTED: Rezoned from CL1 to CL2 to allow for premium coffee shop/bake shop/restaurant

8. JUSTIFICATION FOR ACTION REQUESTED: To allow for adequate seating capacity for the 3 proposed uses.
The coffee shop and bake shop will operate primarily in the morning and afternoon
while the restaurant will operate primarily in the evening. However the 3 uses
combined will require over 100 seats. CL1 is capped at 100 seats which is not
sufficient for the 3 proposed uses in the existing building that is over 6,500 square
feet.

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.

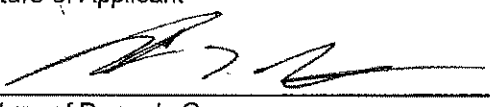
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

4/7/21
Date


Signature of Property Owner

4/7/21
Date

04/18/2019



Owner's Authorization For Agent

Gary Davenport is/are hereby authorized TO ACT ON BEHALF
OF 36 Granada Street, 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:
36 Granada Street, St. Augustine, FL 32084

BY: [Signature]

Signature of Owner

Andrew T. Worgart

Print Name of Owner

904-647-2619

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 7th day of April, 2021.

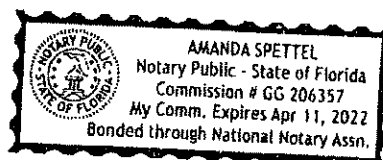
By Andrew Worgart

Identification verified: known

Oath sworn: _____ Yes X No

Notary Signature: [Signature]

My Commission expires: 4/11/2022



PREPARED BY AND RETURN TO:

Repass Law
111 Solana Road, Suite B
Ponte Vedra Beach, FL 32082

File: 20-4164

RECORDED
2021018822
County: St Johns
Date: 2/19/21 Time: 1:27pm

WARRANTY DEED

THIS WARRANTY DEED is executed as of February 16, 2021, by **Kabo Investments, LLC, a Florida limited liability company** whose address is **323 St. George Street, St Augustine, Florida 32084** hereinafter called the "Grantor"), in favor of **36 Granada, LLC, a Florida limited liability company** whose address is: **77 Almeria Street, St. Augustine, Florida 32084** (hereinafter called the "Grantee").

Wherever used herein, the terms "grantor" and "grantee" shall include the singular and plural, heirs, legal representatives, successors and assigns of individuals, and the successors and assigns of corporations, as the context requires.

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain land situated in **St. Johns County, Florida** (the "Property"), as more particularly described in the attached Exhibit "A".

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and that Grantor fully warrants the title to the Property, and will defend the same against the lawful claims of all persons whomsoever.

The Property is subject to future taxes, easements, encumbrances and matters of record; however, this reference shall not serve to reimpose same.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sign: [Signature]
Witness #1
Print: Curtis Hardy

Sign: D. R. Penn
Witness #2
Print: D. R. Penn

Kabo Investments, LLC, a Florida limited liability company

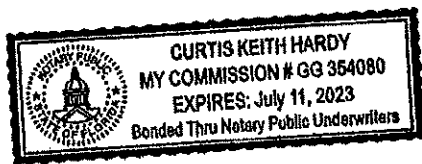
[Signature]
Robert F. Wagner, Manager

[Signature]
Karla A. Wagner, Manager

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I hereby certify that the foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12 day of February, 2021 by Robert F. Wagner and Karla A. Wagner, Managers of Kabo Investments, LLC, a Florida limited liability company. They ☐ are personally known to me or ☒ have produced DRIVERS LICENSE as identification.

Affix Notary Stamp or Seal Below:



[Signature]
NOTARY PUBLIC – signature above

Printed Name: _____

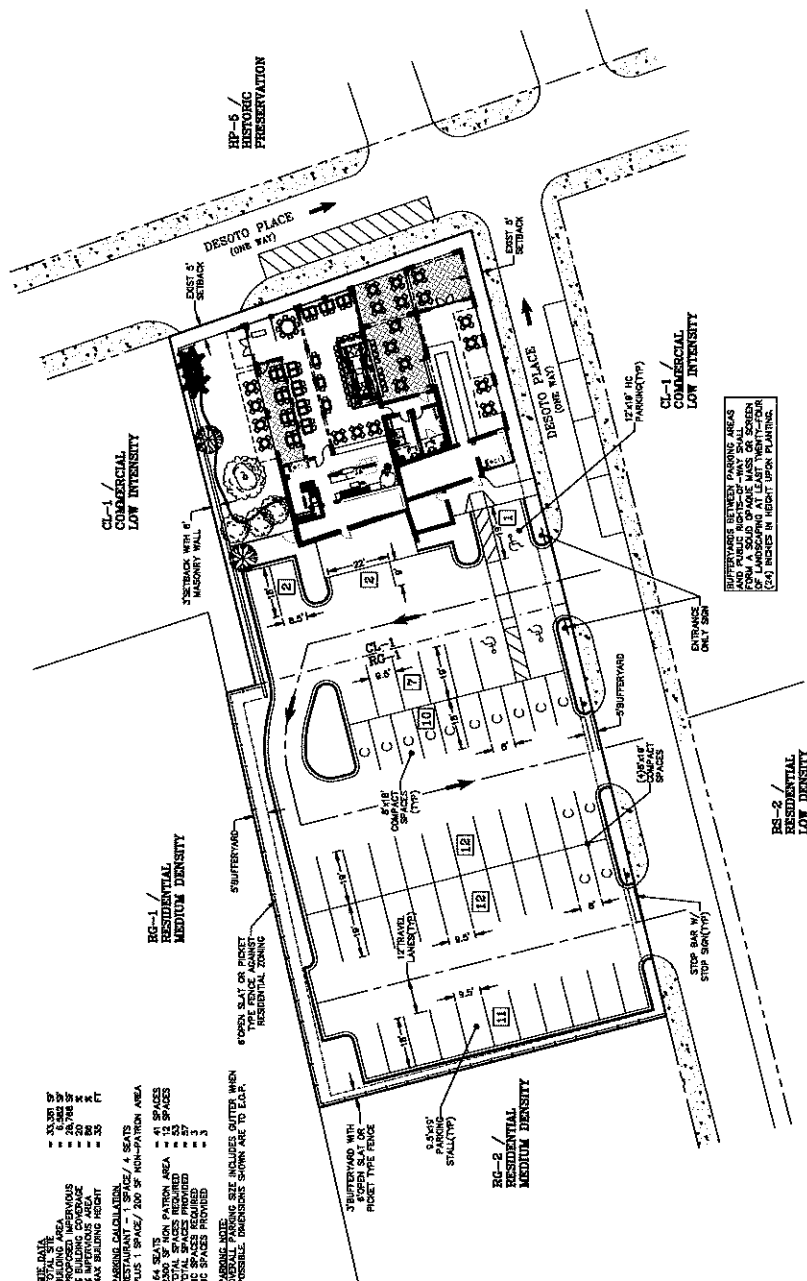
EXHIBIT "A"

PARCEL 1:

BEGINNING AT A POINT ON THE NORTH LINE OF DESOTO PLACE, 135 FEET WEST OF THE WEST LINE OF GRANADA STREET, SAID POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF PROPERTY OF PARRISH; RUN THENCE WEST ALONG THE NORTH LINE OF DESOTO PLACE 7 FEET TO A POINT, RUN THENCE NORTH AND PARALLEL TO THE EAST LINE OF PROPERTY DESCRIBED IN DEED BOOK 228, PAGE 200 AND AT ALL TIMES 7 FEET WEST THEREOF, A DISTANCE OF 124.7 FEET MORE OR LESS TO A FENCE, WHICH FENCE IS THE NORTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 228, PAGE 200; RUN THENCE EAST ALONG SAID FENCE LINE 7 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN DEED BOOK 228, PAGE 200; RUN THENCE SOUTH AND ALONG EAST LINE OF SAID PROPERTY DESCRIBED IN DEED BOOK 228, PAGE 200, 124.7 FEET TO POINT OF BEGINNING; SAID PROPERTY BEING A PORTION OF BLOCK 46-J, CITY OF ST. AUGUSTINE, FLORIDA.

PARCEL 2:

BEGINNING AT THE NORTH CORNER OF GRANADA STREET AND PLAZA DE SOTO PLACE, IN THE CITY OF ST. AUGUSTINE, RUNNING THENCE NORTHERLY ON THE WEST LINE OF GRANADA STREET, 123 FEET, MORE OR LESS, TO LAND OF FULLER; THENCE WESTERLY ON FULLERS SOUTH LINE 127 FEET; THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF THIS TRACT, KNOWN AS THE "BRAINARD TRACT", 123 FEET MORE OR LESS, TO THE NORTH LINE OF PLAZA DE SOTO PLACE; THENCE EASTERLY ON THE NORTH LINE OF PLAZA DE SOTO PLACE 133 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND: A STRIP OF LAND BEGINNING 113 FEET NORTH FROM THE SOUTHEAST CORNER OF BUILDING OF BARTOLO GENOVAR ON WEST SIDE OF GRANADA STREET, SAID BUILDING BEING LOCATED ON NORTHWEST CORNER OF GRANADA STREET AND DESOTO PLACE, THENCE WEST 127 FEET.

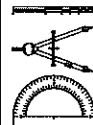


2:\BI01--604 36 GRANADA\CONCEPTUAL\36 GUERRADA--CON-7.DWG4/6/2021 4:49 PMC:\In Reply

[illegible]

Dunn & Associates, Inc.

CIVIL ENGINEERS / LAND PLANNERS
8547 Bayline Road, Suite 200
Jacksonville, Florida 32256
Phone: (904)383-8916 Fax: (904)383-
www.dunning.com



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Jacksonville, Florida 32256
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36 GRENADA

FOR:
ALSOB COMPANIES, LLC
CITY OF ST AUGUSTINE
ST JOHNS COUNTY, FLORIDA
PRELIMINARY SITE PLAN

Sheet No. 1 of 1

SP-1

VINCENT J. DUNN #H000881 WL 38438
DAVID M. TAYLOR #H000882 WL 44194
CLAREN R. WIKER #H000883 WL 81419

PREPARED BY AND RETURN TO:

Repass Law
111 Solana Road, Suite B
Ponte Vedra Beach, FL 32082

File: 20-4164

WARRANTY DEED

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WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain land situated in **St. Johns** County, Florida (the "Property"), as more particularly described in the attached Exhibit "A".

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IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sign: [Signature]
Witness #1
Print: Curtis Hardy

Sign: D. R. Kern
Witness #2
Print: D. R. Kern

Kabo Investments, LLC, a Florida limited liability company

R-F-Wagner
Robert F. Wagner, Manager

Karla A. Wagner
Karla A. Wagner, Manager

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I hereby certify that the foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12 day of February, 2021 by Robert F. Wagner and Karla A. Wagner, Managers of Kabo Investments, LLC, a Florida limited liability company. They ☐ are personally known to me or ☒ have produced Drivers License as identification.

Affix Notary Stamp or Seal Below:



[Signature]
NOTARY PUBLIC – signature above

Printed Name: _____

EXHIBIT "A"**PARCEL 1:**

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St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

Sales Questionnaire

Summary



Parcel ID	2032400000
Location Address	36 GRANADA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Theatre COSA (COM) (610.26)
Tax Description*	CITY OF ST AUGUSTINE BLK 46-J E7FT OF LOT 8 & S113FT OF LOT 9 - 113FT ON GRANADA ST OR 5184/843 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Theaters (Owner Occupied) (3205)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.340
Homestead	N

Owner Information

Owner Name	36 Granada LLC 100%
Mailing Address	77 ALMERIA ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$399,095
Extra Features Value	\$406
Total Land Value	\$300,440
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$699,941
Total Deferred	\$0
Assessed Value	\$699,941
Total Exemptions	\$0
Taxable Value	\$699,941

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	\$410,028	\$406	\$300,440	\$0	\$0	\$710,874	\$710,874	\$0	\$710,874
2019	\$407,259	\$406	\$300,440	\$0	\$0	\$708,105	\$708,105	\$0	\$708,105
2018	\$439,689	\$446	\$300,440	\$0	\$0	\$740,575	\$740,575	\$0	\$740,575
2017	\$439,689	\$446	\$300,440	\$0	\$0	\$740,575	\$740,575	\$0	\$740,575
2016	\$451,735	\$446	\$300,440	\$0	\$0	\$752,621	\$752,621	\$0	\$752,621
2015	\$490,176	\$446	\$300,440	\$0	\$0	\$791,062	\$791,062	\$0	\$791,062
2014	\$449,360	\$0	\$300,440	\$0	\$0	\$749,800	\$319,541	\$430,259	\$319,541
2013	\$93,704	\$0	\$196,788	\$0	\$0	\$290,492	\$290,492	\$0	\$290,492
2012	\$89,630	\$4,693	\$207,242	\$0	\$0	\$301,565	\$301,565	\$0	\$301,565
2011	\$89,630	\$4,693	\$229,390	\$0	\$0	\$323,713	\$323,713	\$0	\$323,713
2010	\$96,800	\$4,693	\$253,120	\$0	\$0	\$354,613	\$354,613	\$0	\$354,613

Building Information

Building 1
 Actual Area 6578
 Conditioned Area 6534
 Actual Year Built 1880
 Use Theater
 Style 04
 Class N
 Exterior Wall Concrete Stucco
 Roof Structure Rigid Frame

Roof Structure Rigid Frame
 Roof Cover Modular Metal, Roll Composite
 Interior Flooring Concrete Finish, Vinyl Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Modular Metal	30%
Roofing Cover	Roll Composite	70%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	60%
Interior Flooring	Vinyl Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	12 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Slab	100%
Condition	Good	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	6534	6534
CANOPY (COMMERCIAL)	0	9
CANOPY (COMMERCIAL)	0	35
Total SqFt	6534	6578

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Concrete Paving	0	10	10	0	100
Concrete Paving	0	15	12	0	180

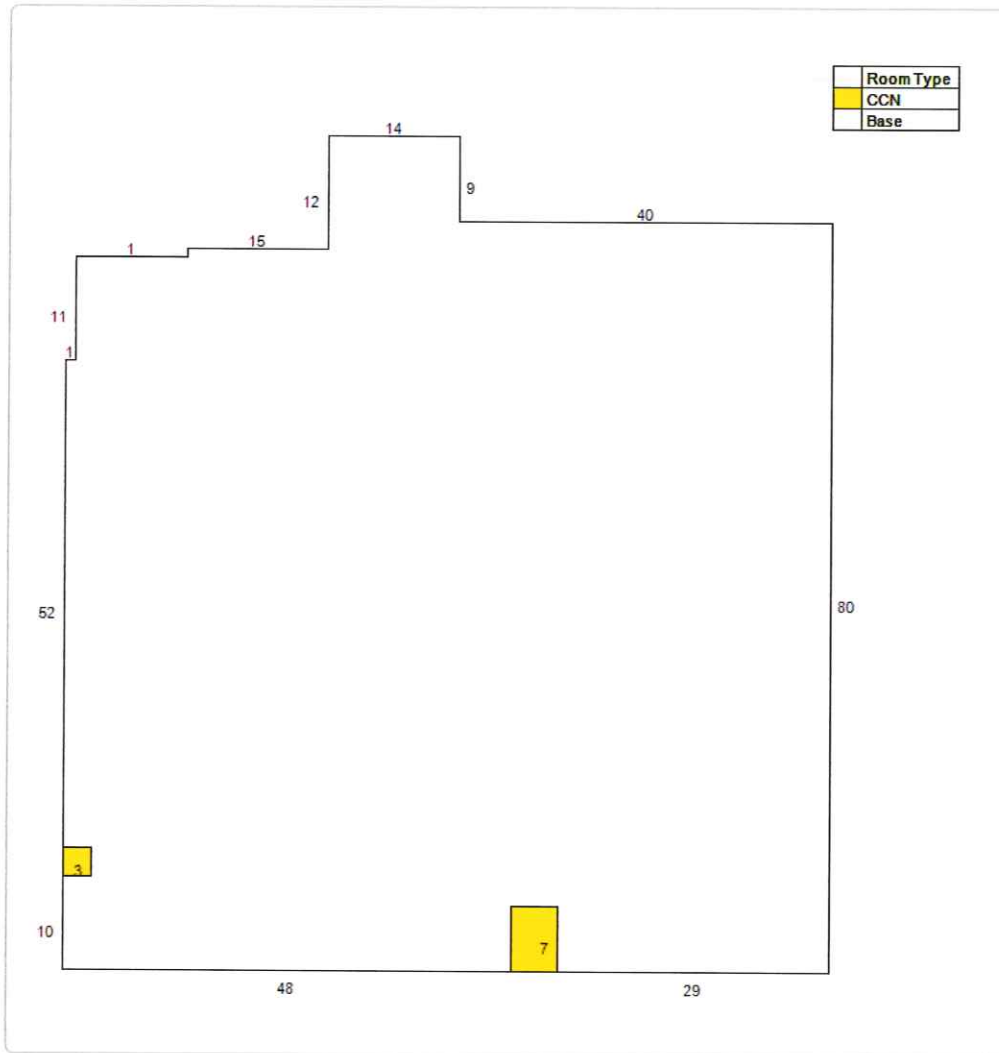
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Enclosed Theaters & Auditoriums	113	140	15022	SF	\$300,440

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/19/2021	2/16/2021	\$1,500,000.00	WARRANTY DEED	5184	843	Q	I	KABO INVESTMENTS LLC	36 GRANADA LLC
5/27/2014	5/23/2014	\$1,000,000.00	TRUSTEES DEED	3883	507	Q	I	BABY'S FAMILY TRUST D: 1-1-05 BY PIERCE RENEE L TRUSTEES	KABO INVESTMENTS LLC
	2/3/2005	\$100.00	WARRANTY DEED	2377	1238	U	I	PIERCE KENNETH L & EUNICE B	NEYBERT KENNETH G & PIERCE RENEE L TRUSTEES
	12/1/1982	\$100,000.00		565	766	U	I		PIERCE KENNETH L, EUNICE B
	1/1/1977	\$0.00		325	349	U	I		

Sketch Information



No data available for the following modules: Exemption Information.

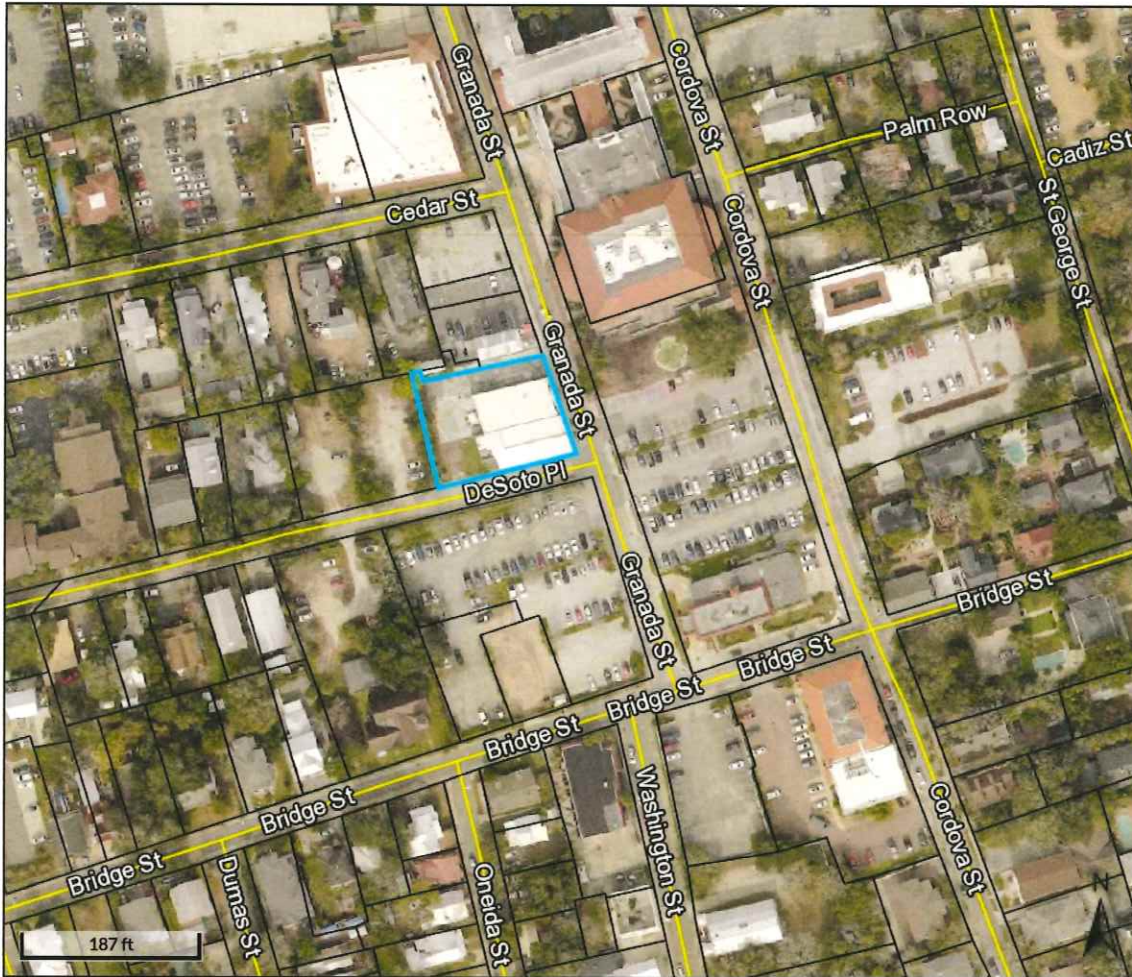
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 4/8/2021, 1:15:13 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.115



Overview



Legend

□ Parcels

Parcel ID	2032400000	Physical Address	36 GRANADA ST	Building Value	\$399,095	Last 2 Sales			
Property Class	3205	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$406	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	36 GRANADA LLC	Total Land Value	\$300,440	2/16/2021	\$1500000	01	Q
Acres	0.34		77 ALMERIA ST	Just Value	\$699,941	5/23/2014	\$1000000	03	Q
			SAINT AUGUSTINE FL	Total Deferred	N/A				
			32084-0000	Assessed Value	\$699,941				
				Total	N/A				
				Exemptions					
				Taxable Value	\$699,941				

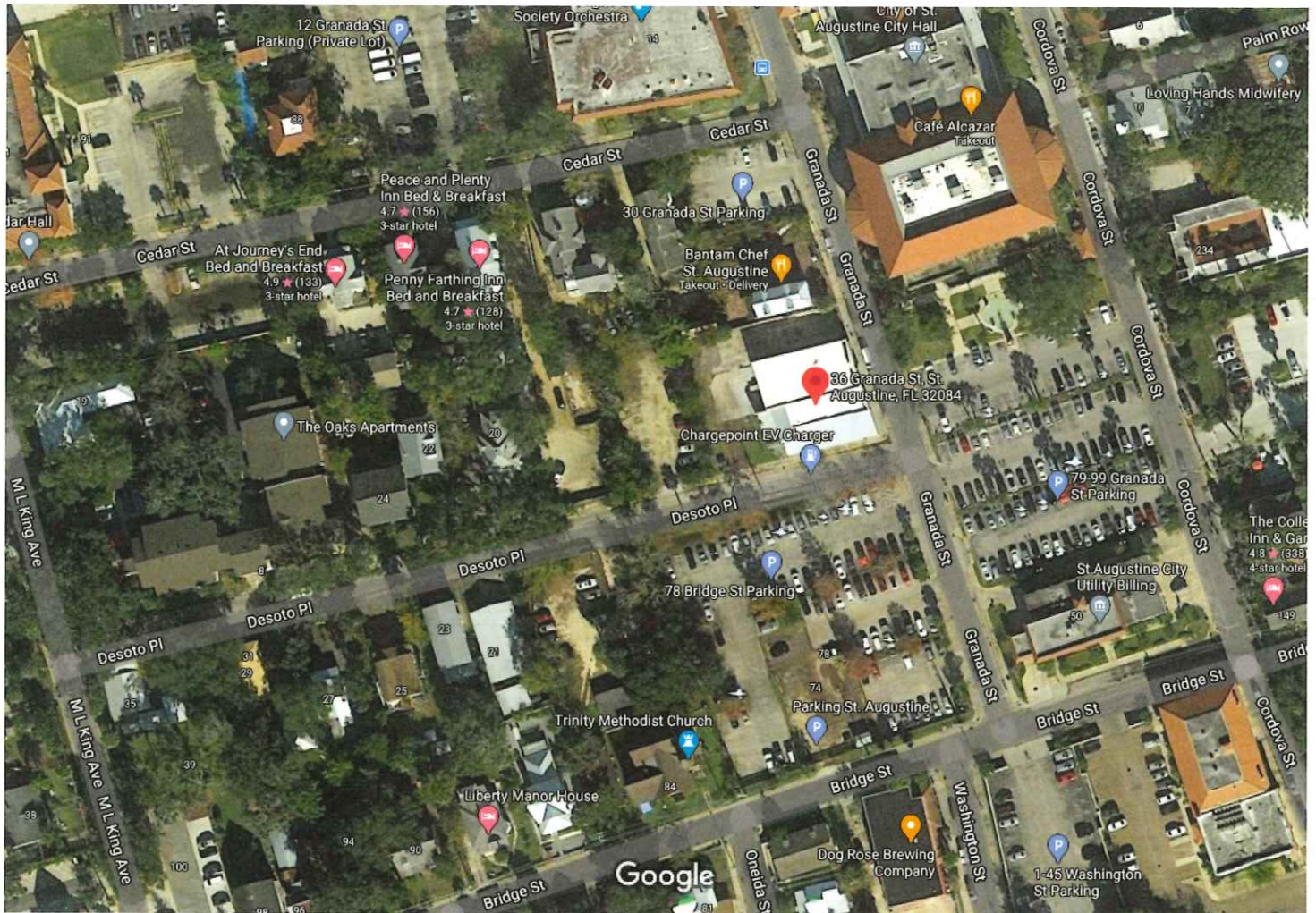
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:15:13 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 36 Granada St



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



36 Granada St

Building



Directions



Save



Nearby

Send to your
phone

Share

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: April 6, 2021

RE: **Building Code Task Force for Existing Properties – Final Report**

On November 9, 2020, the City Commission appointed the Building Code Task Force for Existing Properties. The task force is composed of seven citizen volunteers with backgrounds in architecture, real estate, contracting, engineering, archaeology and environmental science and it is chaired by Commissioner John Valdes. The task force was created to explore ways to update the city code related to flood protection and resiliency. To focus the scope of the project even further, the Task Force was given three specific goals.

Goal #1 – Protect older homes from the flooding impacts of new home construction.

Goal #2 – Provide incentives for property owners to use building techniques which do not require land filling for new home construction.

Goal #3 – Limit the amount of impervious surface that is allowed on residential lots.

The Task Force held four public meetings and produced a final report to the City Commission with their findings and recommendations.

On March 8, 2021, the City Commission accepted the final report of the Building Code Task Force. The City Commission has forwarded this report to the Planning and Zoning Board for the board's input and formal recommendation on the adoption of new land development codes.

I would like to use the April 6 meeting to introduce the project and review the final report. The board's formal recommendation on changes to the land development code will be scheduled for a future meeting as directed by the board.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building Department

Building Code Task Force for Existing Properties Final Report and Recommendations

The City Commission created the Building Code Task Force for Existing Properties to explore amendments to the city's land development code. Specifically, the intent of this project is to increase stormwater resiliency within the city's older, established neighborhoods.

The City Commission instructed the Building Code Task Force to focus on three goals.

1. Protecting older homes from the drainage impacts of new homes that are required to be built at higher elevations.
2. Providing incentives for property owners to use building techniques which do not require land filling for new home construction.
3. Limiting the amount of impervious surface that is allowed on residential lots.

GOAL #1 – PROTECTING OLDER HOMES FROM DRAINAGE IMPACTS OF ADJACENT DEVELOPMENT

RECOMMENDATION

A. An approved lot grading plan will be required for building and site development for all infill residential single-family development, except those private communities with master stormwater plans, according to the following rules. The intent of this section is to safeguard residential properties from the drainage impacts of new development. These regulations will not apply to private communities with approved master stormwater infrastructure.

1. Before a building permit is issued, a survey will be submitted to include spot elevations of the property, the location and size of all roofed areas and impervious surfaces of the property and the elevations of all neighboring properties 10 feet outside of the boundaries of the subject property. The survey will be produced by a licensed surveyor and will be used to design a lot grading plan.
2. The property owner, builder or general contractor will submit the proposed lot grading plan with the building permit submittal. The lot grading plan will demonstrate the following;
 - a. The lot grading plan will show that no stormwater drainage will occur on adjacent private properties as a result of site grading and new construction. Lot grading is intended to direct stormwater onto the subject property for storage but lot grading may be designed to direct stormwater into the public right of way or onto adjacent public properties, if there is no feasible way to

- store stormwater on site and if discharge in the city right of way or city property is approved by the city Public Works Department.
- b. The lot grading plan will maintain existing drainage patterns and will not disrupt or “dam” the natural flow of water from neighboring properties.
 - c. The lot grading plan can incorporate the use of gutters (downspouts and leaders), swales, retaining walls and similar methods to achieve stormwater drainage without adverse impacts, as approved by the city.
3. The lot grading plan is reviewed and approved by the city Public Works Department. If grading is not sufficient or feasible, then the use of gutters, swales, retaining walls or similar methods, may be required to divert or manage stormwater on the site and this must be approved by the city Building Official (Floodplain Manager) and the city Public Works Department.
 4. A lot grading inspection will be done by the city. The grading inspection can be done at the rough grading phase of the project. The inspection will be done prior to closing out of the building permit and prior to a Certificate of Occupancy or Certificate of Completion being issued by the city, if applicable. A self-certification of grading improvements can be conducted by a Florida licensed surveyor or a Florida licensed engineer and submitted to the city Planning and Building Department prior to final closing of the building permit, in lieu of an inspection by the city.
 5. Any new increase of 400 square feet or more of impervious surface on a residential lot, measured cumulatively within a 5 year period, will require an approved lot grading plan.
- B. A variance process will be created to allow relief from the above rules if it can be demonstrated that application of these rules is technically infeasible and if a property contains a unique physical characteristic in which deviance from the strict application of these rules will not create any off-site drainage impacts and will not intensify any existing drainage problems.**

GOAL #2 – PROVIDE INCENTIVES FOR PROPERTY OWNERS TO USE CONSTRUCTION TECHNIQUES WHICH DO NOT REQUIRE LAND FILLING

RECOMMENDATION

- A. Property owners in residential single-family districts RS-1 and RS-2 are eligible for an additional 5% lot coverage if they comply with all required conditions listed below.**
1. Pier foundation construction (open crawl space, without a slab under the structure) is the only allowable foundation type on the lot for all buildings, existing and proposed, to be eligible for this lot coverage bonus.

2. The installation of gutters, downspouts and leaders directing rainwater into the property and away from adjacent private properties is required to be installed and maintained on all structures with roofs or a lot grading plan must be approved by the city. Other techniques to retain stormwater on site can include rain barrels, rain gardens in swales and the use of native plant
3. The only materials allowed for driveways, walkways and patios are pervious or semi-pervious in nature.
4. The property owner must maintain a minimum of 1 Florida native shade tree on the property. (A minimum size (dbh) needs to be determined.) A list of acceptable Florida native shade tree species can be found in the St. Johns River Water Management District Xeriscape Plant guide and Sec. 11-27 *Definitions - Significant tree*.
5. The maximum impervious surface ratio for the property is 70%.
6. A natural bufferyard at least 5 feet in width must be maintained adjacent to all property lines. This bufferyard can contain utilities, driveway openings, walkway openings and fences, walls and gates but can not contain any other type of structure. If a fence or wall is proposed in the bufferyard, it must be demonstrated that the fence or wall will not alter any existing drainage patterns.

GOAL #3 – LIMIT THE AMOUNT OF IMPERVIOUS SURFACE THAT IS ALLOWED IN RESIDENTIAL DISTRICTS

RECOMMENDATION

- A. The maximum impervious surface ratio allowed for single family residential development in all residential districts, including accessory structures and uses is 70%. This regulation does not apply to residential communities with private master stormwater systems.
- B. Add the definitions of “Impervious Surface” and “Impervious Surface Ratio” in the City Code.

EDUCATION AND PUBLIC OUTREACH – A program to inform property owners and builders of any new rules and regulations shall accompany these city code changes. Additional promotion efforts including information and techniques for homeowners to become more resilient should also be done by the City.

**INTRODUCTION TO THE PROJECT -
GIVEN TO THE BUILDING CODE TASK
FORCE FOR REFERENCE**

Building Code Task Force for Existing Properties

David Birchim, AICP

Director, Planning and Building Department

City of St. Augustine, Florida

November 10, 2020



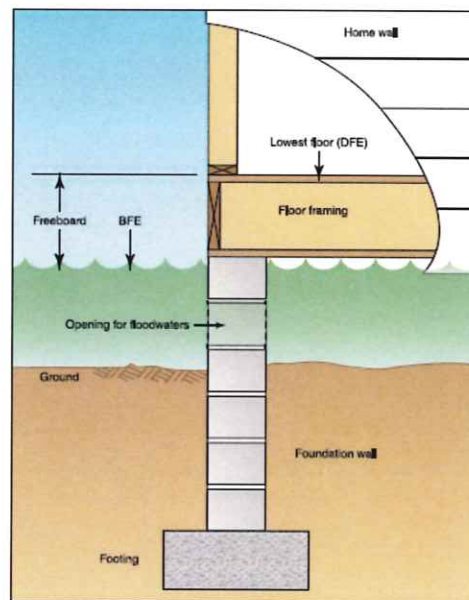
Introduction

On November 9, 2020, the City Commission appointed a task force to explore ways to protect existing, older homes from the drainage and flooding impacts of new infill development. This task force will be chaired by Commissioner John Valdes. As background, the State of Florida and the Federal Emergency Management Agency both have a role in regulating new home construction.

The State of Florida requires every local government to adopt the State Building Code and to employ a state licensed Building Official to enforce the State Building Code. The 2017 State Building Code, which is the current version, requires very specific construction methods and techniques. The State also specifically regulates which types of materials can be used for construction. The City's Building Official is Richard (Buddy) Schauland.

The Federal Emergency Management Agency (FEMA) requires every community that participates in the Federal Flood Insurance Program to adopt a Floodplain Mitigation Code. The City of St. Augustine has participated in the Federal Flood Insurance Program since 1972. The city's Floodplain Management Code is in Chapter 8 of the Municipal Code of Ordinances and it was most recently updated in 2017. FEMA requires the finished floor of new homes to be elevated above the flood plain identified in the Flood Insurance Rate Map. The City of St. Augustine has adopted a higher regulatory standard and requires the finished floor of new homes to be elevated one foot above the finished floor elevation, this is referred to as the one foot freeboard.

Any local government in Florida that wants to make changes to the State Building Code (for their jurisdiction) must have these changes approved by the State of Florida Building Commission. Changes to the Flood Mitigation Code must also be approved by the State of Florida Building Commission after a review and approval by FEMA.



The Key Issue

There is a concern that certain construction techniques for infill housing, that are allowed by the State Building Code, may result in flooding problems for adjacent homes and properties. This can be a result of the “damning” of natural drainage patterns when fill (dirt) is brought onto lots for construction of new homes. It can also result in the direct discharge of stormwater from new homes with higher elevations onto older homes at lower elevations. For example, when vacant lots are filled and “slab on grade” construction is used for new homes, it can dramatically alter the ground elevations between homes, which in some cases are very close to one another and this alters the natural drainage patterns of surrounding properties. According to FEMA, new homes must be elevated, so is there a way to allow new homes to be elevated while protecting older homes from drainage impacts?



Goals

On October 26, 2020, the City Commission approved the following goals as guidance for this task force:

Goal #1 – Protect older homes from the flooding impacts of new homes that are required to be constructed at higher elevations.

Goal #2 – Provide incentives for property owners to use building techniques which do not require land filling for new home construction.

Goal #3 – Limit the amount of impervious surface that is allowed on residential lots. There is currently no limit to the amount of paving a homeowner can do on their property.



The Building Code Task Force Process

1. The Building Code Task Force will meet for public debate, it will allow public input during the public hearing and it will produce recommendations that are contained in a Final Report of the Task Force.
2. The Final Report of the Task Force will be presented to the City Commission.
3. If the City Commission accepts the recommendations of the Task Force, they will forward these recommendations to the lower citizen boards. This could require a review (and further recommendations) by the Planning and Zoning Board (PZB), the Code Enforcement Adjustments and Appeals Board (CEAAB) and the Historic Architectural Review Board (HARB).
4. After all formal recommendations have been made by the citizen boards, the City staff will draft an ordinance addressing all recommended changes to the Building Code and/or Floodplain Management Code and submit the ordinance to the City Commission for their consideration and adoption.
5. The ordinance, if adopted, is then sent to the State of Florida and FEMA as appropriate.

The State and Federal Process

Building Code Amendments

To make local amendments to the adopted state building code, we have to produce evidence (or findings) as to why we need these changes. Once these changes are adopted by ordinance, the ordinance is sent to the Florida Building Commission. They will review the findings and the ordinance to verify that it was legally adopted. If the Florida Building Commission determines that the ordinance was legally adopted, it will be enforceable until the next code cycle (these are 3 year cycles). During the code development cycle, all local amendments are reviewed by the Florida Building Commission to see if they should be included in the next building code update and applied to the entire state. If they are not put in the updated code, the local amendments must be resubmitted to the commission for another 3 year cycle.

Floodplain Management Code Amendments

If there are changes to the floodplain management ordinance, i.e. no fill for residential properties in the flood zone, the ordinance needs to be written with the help of a Federal Emergency Management Agency (FEMA) contractor. City staff will facilitate that process. This constitutes a higher regulatory standard. When this ordinance is adopted, it is sent to the Florida Department of Emergency Management (FDEM) and the Florida Building Commission. FDEM will review it and then send it to FEMA for review and approval. These types of changes do not have to be resubmitted to the Building Commission every three years, they will continue to be enforceable.

Questions?

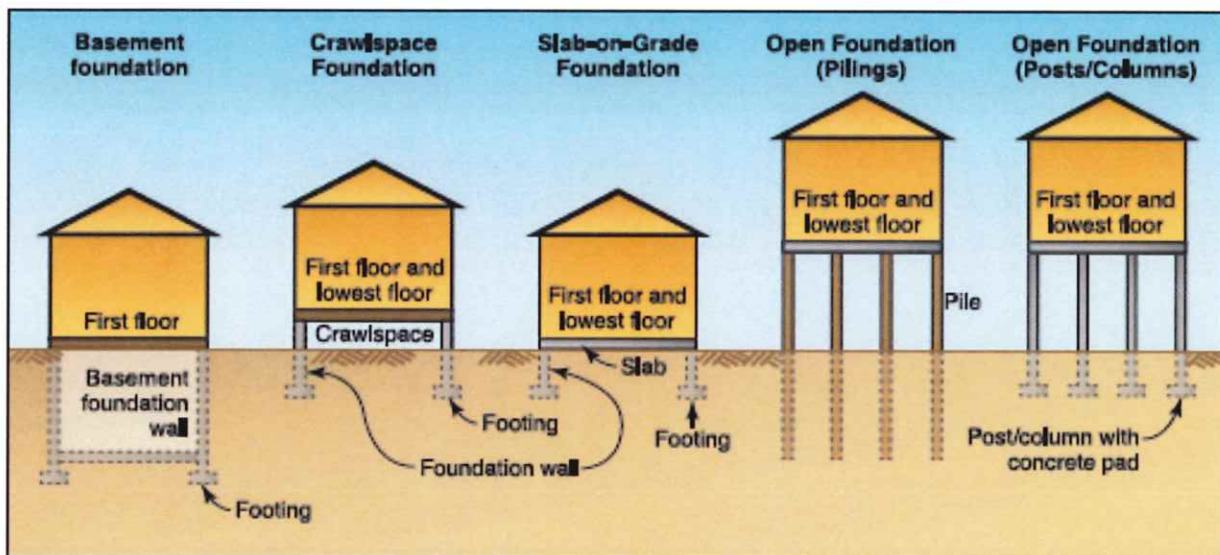
1. Can we require a new home builder to make off-site drainage improvements to the neighbor's property to mitigate potential flooding from the construction of the new home?
2. How feasible is it to require a fully engineered stormwater plan for single family homes?
3. Can trees and landscaping be used to mitigate stormwater runoff? Are property walls and berms appropriate?



Goal #1

Protect older homes from the flooding impacts of new homes that are required to be constructed at higher elevations.

The State Building Code allows various types of foundations to be used for new home construction, such as stem wall foundation, slab on grade foundation and pier foundation.



Questions?

1. If the city adopted a change that would prohibit slab on grade foundations for infill housing within floodplains, would that mitigate drainage and flooding problems on adjacent properties?
2. What are the consequences of that change to local builders, construction costs, insurance rates and handicap accessibility issues? Although vertical accessibility is not a requirement for residential construction, it can be an issue for the homeowner.

3. What specific change to the code would have to be adopted to prohibit slab on grade construction in floodplains for infill housing? Do we need to define infill housing?
4. Can landscaping and site design that manages stormwater also be used to mitigate flooding and drainage issues?

NOTES

Goal #2

Provide incentives for property owners to use building techniques which do not require land filling for new home construction in floodplains.

Instead of prohibiting slab on grade construction, can there be incentives for builders to use more “neighborhood friendly” construction techniques for new home building?

Examples for discussion:

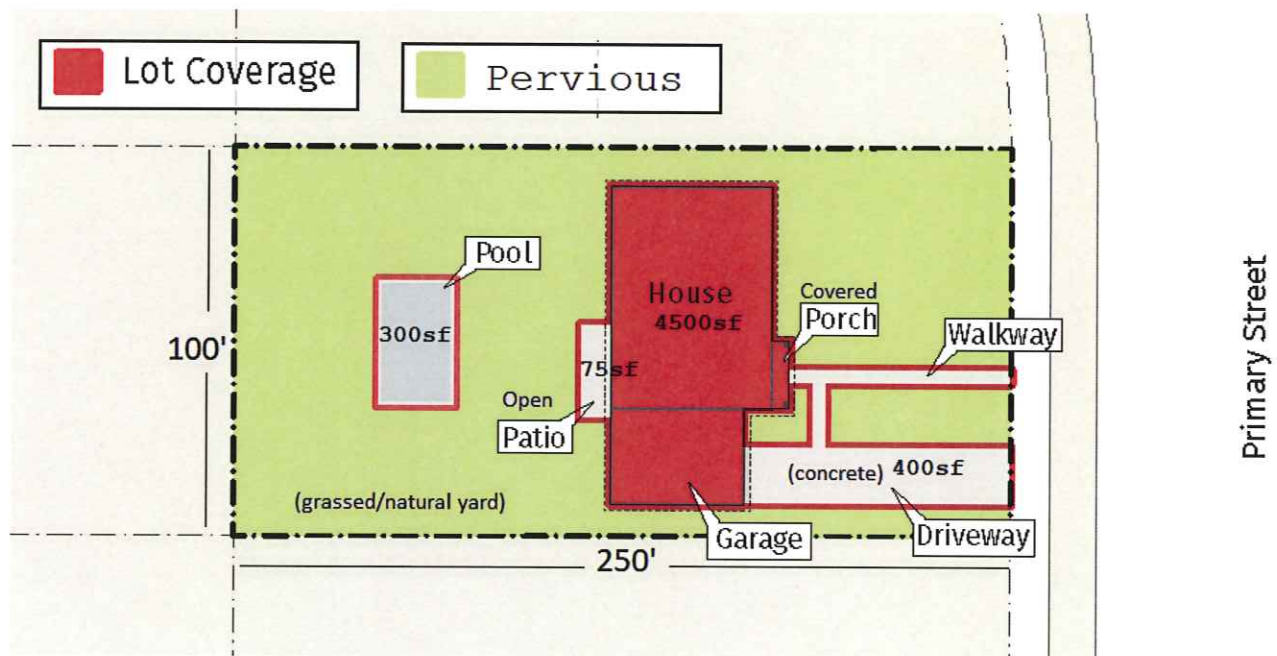
1. Allow additional building height (new foundation may be stormwater friendly but height might not be neighborhood friendly, could we be incentivizing a different problem?)
2. Allow an accessory dwelling unit on Single Family Residential zoned lots (RS-1 and RS-2)
3. Fast Track or Expedited Permitting

NOTES

Goal #3

Limit the amount of impervious surface that is allowed on residential lots. There is currently no limit to the amount of paving a homeowner can do on their property.

Each zoning district in the city defines how much an individual property can be covered “under roof” using a maximum lot coverage ratio but this does not limit the amount of paving that can be done on a property. With commercial properties, stormwater management is designed to account for the total impervious surface covering a property. Stormwater management is also engineered for new home construction in modern master planned subdivisions. This is not the case for our older, traditional neighborhoods such as Davis Shores, Lincolnville, Model Land Company, Fullerwood and others.



Total Lot Area 25,000 sf
Lot Coverage (4500sf) 0.18
Impervious Surface (5275sf) 0.21

Questions?

1. Would establishing a maximum impervious surface ratio (while maintaining the same maximum lot coverage or replacing lot coverage with an ISR) be a beneficial change to mitigate potential drainage and flooding for residential properties in our older neighborhoods?
2. If we establish a maximum impervious surface ratio for residential properties, how do we enforce it? For example, is there a practical way for the city to know if a homeowner has installed a brick patio in their back yard.
3. Can the city create a voluntary market (versus mandate) for low impact design concepts (rain water harvesting, green roofs, bio-swales, rain gardens, parking lot water capture, and pervious pavement)?



Working List of Resources

1. Link to City of St. Augustine interactive map layers including flood maps:
<https://staug.maps.arcgis.com/apps/webappviewer/index.html?id=23b4948e3b3b4380bd5f5075b6aac6be>
2. http://www.floridabuilding.org/fbc/thecode/2017-6edition/BASF_2017_flood_061217.pdf
3. Homeowner's Guide to Retrofitting: Six Ways to Protect your Home from Flooding
FEMA P-312, 3rd edition, June 2014 *includes graphics and definitions as well as considerations for how to floodproof residential buildings*
4. Resilient Heritage in the Nation's Oldest City www.citystaug.com/resilientheritage
includes guidance that can be applied to developed or undeveloped properties
5. City of Treasure Island Impervious Surface Ratio Worksheet



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: April 13, 2021

RE: **ORDINANCE 2021-08: BAR DEFINITION AMENDMENT**

Per the direction of the City Commission at its April 12, 2021 meeting, please find enclosed Ordinance 2021-08 that provides an amended definition of "bar, cocktail lounge, saloon or tavern" to be inclusive of any business that provides on-site sales and consumption of alcohol.

Please place Ordinance 2021-08 on the regular City Commission agenda for first reading on April 26, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Amends the definition of "bar, cocktail lounge, saloon or tavern" to be inclusive of any business that provides on-site sales and consumption of alcohol.

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 MODIFYING THE DEFINITION OF BAR, COCKTAIL LOUNGE, SALOON OR TAVERN; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the sale and on-premises consumption of alcoholic beverages is currently defined as a bar, cocktail lounge, saloon or tavern use in the City's zoning code definitions; and

WHEREAS, the intent of the existing definition is to regulate the location within the City of St. Augustine where the sale and consumption of alcohol is not allowed, allowed as a permitted use by right, or allowed after hearing as a use by exception; and

WHEREAS, the regulation of bars, cocktail lounges, saloons or taverns is a traditional Euclidean zoning use restriction; and

WHEREAS, the existing definition is not intended to focus on specific nomenclature, but rather actual zoning use and business practice; and

WHEREAS, the U.S. Supreme Court in the sign code case Reed v. Town of Gilbert, found that sign regulations should not regulate the content of the message on the sign surface; and

WHEREAS, the existing definition of bars, cocktail lounges, saloon or taverns includes reference to signs advertising the sale for consumption on-site of alcohol; and

WHEREAS, the City Commission wants to treat all similarly situated businesses transparently and equitably, no matter the nomenclature of the day used to describe them, and regardless of any changes in state permitting that may occur in the future; and

WHEREAS, the City Commission is aware that many new branding and marketing terms used to identify establishments that are in the business of sales and on-site consumption of alcohol have emerged since the original definitions in the City's code were enacted, and many new terms may evolve to describe similar activities and business practices in the future; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

"Sec. 28-2. - Definitions.

...

Bar, cocktail lounge, saloon or tavern means any establishment ~~devoted primarily to the in the business of~~ retailing and on-premises drinking of malt, vinous or other alcoholic beverages, or any place, ~~regardless of its underlying state licensing or marketing nomenclature~~ where ~~any sign is exhibited or displayed indicating that~~ alcoholic beverages are obtainable for sale and consumption on the premises, except for temporary alcohol permit locations, permitted special event venues, government and military services or events, ~~or any place other than~~ a restaurant where alcohol is sold and consumed on-premises; provided, however, that there shall be excluded from such definition any such establishment which suffers or permits:

- (1) Any female person, while on the premises of such establishment, to exposure to the public view that area of the human female breast at or below the areola thereof;
- (2) Any female person, while on the premises of such establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (1) above;
- (3) Any person, while on the premises of such establishment, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage; and provide further that such establishments shall hereinafter be referred to as "special cabarets."

..."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)