



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, June 1, 2021 at 2:00 p.m.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from May 4, 2021.
4. **Use by Exception**
 - a. 2021-0065
Alon Ben Israel & Itzhak Ben Shimol - Applicants
St. George Street Properties, LLC – Owner
[30 St. George Street](#)
To approve a bar/tavern as a permissible use by exception.
 - b. 2021-0062
Ellen Avery-Smith, Esq. - Applicant
Windward Shipyard Land Holdings, LLC and
Windward Shipyard, LLC - Owners
(portions of Diesel Road, Dockside Drive, Shipyard
Way and S. Ponce de Leon Blvd. aka “the
Shipyards”)
[PID# 127910 0000, 128090 0010, 134230 0011,
134230 0030, 134230 0000, 134230 0020](#)
To approve off-site parking within the overall
property as a permissible use by exception.
 - c. 2021-0067
Susan Bebry - Applicant
Ribossa Property Management, LLC – Owner
[63 Saragossa Street](#)
To approve three (3) off-site parking spaces at the
municipal parking garage for a short term rental at
63 Saragossa Street.

5. Variance

a. 2021-0066

Kirby Booth – Applicant

KRB Construction

George A. Hill – Owner

[67 Lighthouse Avenue](#)

To approve a variance to exceed the maximum lot coverage and a variance to encroach into the required side yard building setbacks for a residential addition.

6. Conservation Overlay Zone Development

a. 2021-0040
(Continued from April 6 PZB meeting)

R.E. Chip Mitchell – Applicant

California Trends, LLC - Owner

[70 Florida Avenue](#)

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

b. 2021-0052

Mark McConnel – Owner/Applicant

[S. Leonardi Street \(PID# 119920 0350\)](#)

To remove three (3) significant trees (2 laurel oaks, 1 southern red cedar) for construction of a garage/guesthouse.

c. 2021-0064

Jonathan Ayres – Owner/Applicant

[7 Ponce de Leon Avenue](#)

To remove three (3) significant trees (1 laurel oak, 1 southern magnolia, 1 hackberry) for construction of a single family home.

d. 2021-0068

Ryan Carter – Applicant

Carter Environmental Services, Inc.

John Encinas - Owner

[209 S. Matanzas Boulevard](#)

To approve a dock with a floating terminal end and floating boat platform.

e. 2021-0069

Ryan Carter – Applicant

Carter Environmental Services, Inc.

Louis Herrera - Owner

[38, 44 and 50 Villa Calissa Court](#)

To approve a cantilevered deck over wetlands/open water attached to a bulkhead.

f. 2021-0071

David Ott – Owner/Applicant

83 Comares Avenue, unit 7B

To approve a boatlift to an existing boat slip.

7. Other Business

- a. Discussion and Recommendation – Ordinance 2021-12 Amending Short Term Rental Ch. 28
- b. Discussion regarding Historic Preservation Work Plan FY 2021-2022.
- c. Discussion and Recommendation - Amendments to Chapter 28 Zoning, Sec. 28-89 *Criteria for certificate of appropriateness or demolition review* and Sec. 28-90 *Administration and records*

8. 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 May 4, 2021

The Planning and Zoning Board met in formal session Tuesday, May 4, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

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

Absent: Carl Blow, excused

City Staff: David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning & Building Department
Denise May, City Attorney
Candice Seymour, Recording Secretary
Elyse Anderson, Recording Secretary

Modifications to the Agenda

Mr. DePreter announced that applicant-requested continuance of item 5(a).

MOTION

Mr. Misterly **MOVED** to **CONTINUE** application 2021-0040 to the June 1, 2021 meeting. The motion was **SECONDED** by Mr. DePreter

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

Mr. DePreter asked that the motion for item 6(b) be checked, as he believed a condition for the applicant to be the sole employee had been omitted and staff advised they would review the audio and make changes as appropriate.

MOTION

Ms. Ryan **MOVED** to **APPROVE** the April 6, 2021 minutes as amended. The motion was **SECONDED** by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Use by Exception

4. (a) 2021-0044 – Christopher Mury – Applicant and Owner 263 Riberia Street

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

Ms. Skinner read the staff report and said 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.

Christopher Mury was available for questions.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Parking in close proximity to the rental was preferred over renting space in the parking garage
- Existing parking on the site was not sufficient for short term rental requirements
- Application met exception criteria for approval

MOTION

Mr. Masson MOVED to APPROVE application 2021-0044. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (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.

Mr. Birchim read the staff report and said 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) offsite parking space to be located at the City Parking Garage, which would require readvertising and approval by the Board.

Susan Bebry reviewed the application.

Ex Parte Communication:

(None)

24 certified notices were sent, 1 was returned in favor, 3 returned opposed and 3 had comments.

Public hearing was opened.

Sonia Mayo testified that the rental was four individual rooms for rent, and not a single house for rent. She added that there had been no parking complaints in the area due to the listing which had utilized residential parking passes for the past 5 years.

Billy Dedmon Jr. provided evidence that the property had previously caused parking issues and had even blocked his driveway.

Joe Cheseck spoke in opposition to the application stating that parking had historically been an issue on Saragossa Street, particularly during events. He felt that non-resident property owners should not be able to take parking way from year-round residents.

Barbara Tanner noted the scarcity of parking along Saragossa Street pre-Covid. She stated that guests who rent in the area leave their cars parked along the street the entire time of their stay, making it difficult for full-time residents to find parking. She added that she has been unable to use her own parking passes along the street because of vacationers taking up the spaces.

Guy Courter felt that all residential permit holders along Saragossa Street should be notified of applications such as this. He stated that the residential parking pass program was intended for residents and their guests and not renters from out of town. He felt vacationers should use the parking garage and spoke in opposition to the application.

Mattie Harms understood the concerns and impacts of short-term rentals. She felt the Board should be vigilant when considering approval of such applications.

Victor De Pallo said it was clear that parking passes should be granted only in the parking garage for vacation renters.

Nancy Pellicer noted that traveling down Saragossa Street was difficult with the cars parked along the street. She felt that off-street parking should be provided by the property owner or that guests should park in the garage.

Melinda Rakoncay felt that short term rentals were businesses allowed in residential neighborhoods. She noted the staff report which indicated a maximum of two residential parking guest passes. She added that state law limited the City's ability to regulate vacations rentals, parking was one way to regulate it. She said the city needed to do everything they could to protect residential neighborhoods from commercial encroachment.

Public hearing was closed.

Ms. Bebry responded to public comment stating that she had purchased the property as a vacation rental, she paid local taxes, and utilizing the driveway was infeasible as the rooms in the building were rented separately.

The Board discussed:

- Parking garage spots as an alternative to the residential guest parking passes since Saragossa Street was in close proximity to the garage
- Application did not meet criteria for approval
- Properties were not considered commercial enterprises and permanent residents had a right, per the parking rental program, to two parking spaces and two guest passes
- Seventy-four existing parking permits for the 31 existing spots on Saragossa Street
- Applicant may have a right to two guest parking passes as a property owner

- Application would need to be re-advertised and re-heard if changed to parking garage passes
- Denial of the application still left the applicant with the option to lease parking garage passes
- Application did not meet criteria for an exception

MOTION

Ms. Opsahl MOVED to DENY application 2021-0049 for three (3) parking spaces on Saragossa Street for a short-term rental at 63 Saragossa Street. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**4. (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

Mr. Birchim read the staff report and said based on a review of Section 28-29 and 28-209, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a wholesale business at **50 S. Dixie Highway Ste. 5 / PIN 1269750000.**

Corinne Hardisty reviewed the application.

Ex Parte Communication:

(None)

14 certified notices were sent, 2 were returned in favor.

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

The Board discussed:

- No state regulation on the CBD products proposed for wholesale
- Applicant rented a suite in the property
- Condition that there be no direct sale of product to the general public on the property
- Application met criteria for an exception
- Recommendation to define “consumable” in city code

MOTION

Ms. Ryan MOVED to APPROVE Use by Exception application 2021-0050 for a wholesale (non-THC CBD hemp products) business at 50 S Dixie Highway with the exception that there be no store-front or public access/sales. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**4. (d) 2021-0053– Daniel Brown – Applicant
Courtney and Jarrod Depries – Owner
90 DeHaven Street**

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

Mr. Birchim read the staff report and said 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.**

Daniel Brown reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

Billy Gowan said that parking restrictions were the most effective way to limit short-term rentals and spoke in opposition to the application.

Public hearing was closed.

The Board discussed:

- Applicant's limited parking options in the area made the parking garage the last resort
- Applicant should have been aware of parking deficiencies prior to purchase of the property for short-term rental use
- Concern that vacation rentals have been taking available workforce housing
- Parking in the area would be problematic at regardless of use
- Long distance from municipal garage could reduce the likelihood that guests would use the passes over seeking on-street parking
- Potential future state regulations that could supersede city ordinances
- Options of the applicant, if denied, included a variance request, appeal to the City Commission, or change of use to long-term rental
- Parking garage use for short-term rentals aligned with the City's Mobility Plan

MOTION

Ms. Opsahl MOVED to APPROVE application 2021-0053. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Opsahl, Masson, Ryan, Misterly, DePreter

NAYES: Davis

MOTION CARRIED 5/1

4. (e) 2021-0054– Windstar 195, LLC – Applicant and Owner
195 W. King Street, 16 Everett Street and
PID#118550 0050

To approve a candy manufacturing and warehouse use at this location.

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

Jeremy Marquis reviewed the application.

Ex Parte Communication:

(None)

19 certified notices were sent, 4 were returned in favor, and 2 had comments.

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

Jeremy Marquis responded to submitted written comments noting that the existing access along King Street and Everett Street would be used. He said that added jobs would be a benefit to the community. He added that operation hours had not been finalized; however, they were not expected to be unusual hours.

The Board discussed:

- Facility was not anticipated to be open to the public
- Property was surrounded by other commercial uses
- Clarification that LLC did not need to be verified to approve the application
- Concern that if the business were opened to the public, it would negatively impact parking and traffic
- Ample parking on the property for ancillary uses such as retail
- Recommendation that potential traffic problems be mitigated if the business became open to the public
- Board desire to see additional information from the applicant including hours of operation
- Existing parking would limit intensity of any future ancillary uses
- Allowable uses in Commercial Medium 2 (CM-2) could be more intense than the proposed use
- Adjacent properties were zoned CM-2

Mr. Marquis asked for Board guidance regarding traffic mitigation in the area.

MOTION

Mr. Masson MOVED to APPROVE application 2021-0054 for a candy manufacturing and warehouse business at that location. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Conservation Overlay Zone Development

5. (a) 2021-0040 – R.E. Chip Mitchell – Applicant **California Trends, LLC – Owner** **70 Florida Avenue**

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

Applicant requested continuance until June Meeting. See Modifications to the Agenda for motion continue.

5. (b) 2021-0045 – Martin Cicero – Applicant and – Owner **6 Coleman Drive**

To remove two (2) significant trees (oaks) adjacent to a single-family home.

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

Martin Cicero reviewed the application.

The Board provided their ex parte communications.

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

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

The Board discussed:

- Desire to see an arborist report for the condition of the trees; however, this was not required per code
- History of water oaks to weaken over time as they get larger which could damage the applicant's or the neighboring properties that they leaned towards

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone Development application 2021-0045 to remove two (2) significant trees (oaks) adjacent to a single-family home. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Variance/Conservation Overlay Zone Development

6. (a) 2021-0052 – Mark McConnel – Applicant and Owner S. Leonardi Street (PID# 119920 0350)

Ms. Ryan recused herself as a business associate of the applicant.¹

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.

Mr. Birchim 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 variance to encroach into the required side and rear yard building setbacks for a garage/guesthouse located at **S. Leonardi Street / PID# 119920-0350**. He noted that the tree removal portion of the application needed to be re-advertised and would be heard at a subsequent meeting.

Mark McConnel reviewed the application.²

Ex Parte Communication:

(None)

¹ Form attached to original minutes

² Presentation attached to original minutes

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

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

The Board discussed:

- Trees D, E, and F would be protected if the variance were approved
- Construction would be stem-wall with crawl space
- Preference to see the entire application (tree removal and variance) at one time
- Applicant's creative solutions to stormwater retention were laudable
- Variance request met criteria for approval

MOTION

Mr. Masson MOVED to APPROVE Variance application 2021-0052 to encroach into the required side and rear yard building setbacks for a garage/guesthouse. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Masson, Opsahl, Davis, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

7. Rezoning

7. (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).

³ Brief recess from 3:56p.m. to 4:11p.m.

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

Gary Davenport, representing the applicant, reviewed the application.

The Board provided their ex parte communications.

8 certified notices were sent; however, none were returned. Additional submitted comments were provided with the meeting packet.

Public hearing was opened.

Bob Fajen spoke in favor of the application having attended the neighborhood meeting and noting that the applicant seemed to care about the area. He voiced concern with parking, but if the proposed staggering of business hours moved forward, parking may not be a problem.

Lauren Giber stated that the applicant should understand the zoning prior to purchasing a property. She added that changing the zoning could be detrimental to neighboring property owners. She spoke against rezoning applications in downtown St. Augustine, noting that approving the application may set a precedent to request similar rezonings.

Mattie Harms spoke against the application and stated the major concern of the application was the zoning of the property. She questioned whether the application met the expectations of the City's Vision Plan.

Mike Grossman was impressed by the applicant's neighborhood presentation and was in favor of a neighborhood coffeehouse/restaurant and hoped the business would succeed as an improvement to the neighborhood.

Patrick Crocetta was impressed by both the applicant's presentation and other locations of the business which he visited. He spoke in favor of the application.

Melinda Rakoncay was concerned about the zoning change which would intensify the zoning for the foreseeable future. She said the application was spot zoning and that similar applications had been denied. She noted that all other businesses in the area were CL-1, and if the application were approved, other businesses would apply. She felt that the business would not be a low-impact restaurant and she believed the proposed uses could easily operate under CL-1.

J.C. Sullivan felt that the applicant had given a lot of thought into being a positive addition to the neighborhood and spoke in favor of the application.

Judy Rente spoke in favor of the application, stating the proposed building and uses would be a positive contribution to the community.

Public hearing was closed.

Mr. Davenport noted that many speakers felt the facility was unique and would be a good addition to the area. He added that operating in CL-1 would require the businesses to be broken-up. He said that to maximize the use of the property, the rezoning was necessary.

James McGarvey, the developer for the property clarified the application, how the business would operate, and the intent to cater more to the local community rather than tourists.

The Board discussed:

- Concept was positive; however, there was a lack of need and justification for the change

- Justification for the change could be tied to the size of the building and how to maximize use of the existing building
- Adjacent CL-1 businesses were much smaller in square footage
- Application aligned with the Comprehensive Plan and City Goals in the following ways:
 - Revitalize the building
 - Preserve the character of the neighborhood
 - Help economic development
 - Encourage redevelopment
 - Discourage urban sprawl
 - Encourages mixed uses
 - Diversified the local economy
 - Aesthetic improvement
 - Compatible with urban character of the City
- Property was surrounded by commercial zoning and uses
- Nearby Dog Rose Brewery was zoned CL-2
- Possible alternatives to rezoning while still allowing proposed use
- A rezoning would allow for all uses approved under CL-2 zoning
- Possibility of a PUD application rather than a straight rezoning
- Concern for setting a precedent
- Other surrounding CL-2 zoned properties including the St. Augustine Record Building and the parking lot along Washington
- History of the Lincolnville commercial corridor in the area which included higher intensity uses than proposed
- Parking requirements
- Hours of operation would be 7:00 a.m.-11:00 p.m. split the coffee-shop, bakery, and restaurant
- Applicant was willing to place a deed restriction on the property that would preclude certain uses allowed in CL-2; however, City could legally not enforce deed restrictions
- Building was not intended to be used by the applicant as an events venue

- HARB would not review changes to the site
- Desire to attempt to match the surrounding architectural character
- Conditions could not be placed on a rezoning
- The long-term benefits may outweigh concerns of the rezoning
- Corazon Movie Theater failed after being denied the previous rezoning request to CL-2 and facing damage from several flooding events
- Applicant's willingness to engage with the community
- Approval of the rezoning would not guarantee that the proposed project would be developed
- Size and layout of the existing structure was more compatible with CL-2 zoning
- Property could be operated effectively under CL-1 zoning

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of application 2021-0051 to the City Commission to rezone the property from Commercial Low-one (CL-1) to Commercial Low-two (CL-2) with the findings that it meets the criteria for a need and justification for the change, the relationship of the rezoning to the general planning program and consistency with the Comprehensive Plan. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Davis, Opsahl, Masson

NAYES: Ryan, Misterly, DePreter

MOTION FAILED 3/3, DEFACTO DENIAL

8. Other Business

Mr. Birchim advised that discussion item 8(b) required action by the Board; however, item 8(a) could be postponed. He recommended a special meeting to discuss

the subject when the entire board could participate.

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

(Not discussed)

8. (b) Discussion and Recommendation of Change to the Definition of “Bar, cocktail lounge, saloon or tavern”. (Sec. 28-2 Definitions)

Ms. May gave a brief overview of the subject.

The Board discussed the following:

- Concern that lumping “every place that one can serve and/or drink alcohol on site” encompassed restaurants as well
- Leave “primarily” in the code, to specify establishment that are devoted primarily to the service of alcohol
- Add “not clearly defined elsewhere in the code,” to clearly delineate definition from other defined establishments that serve alcohol
- Referencing % of alcohol sales was not feasible

MOTION

Ms. Opsahl **MOVED** to **RECOMMEND APPROVAL** of the revised definition of “Bar, cocktail lounge, saloon or tavern,” with the suggested changes of leaving in “primarily in the business of,” and adding the statement “and not otherwise defined in the code.” The motion was **SECONDED** by Mr. Misterly.

VOTE ON MOTION

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

Board Member Comments

Mr. DePreter announced the departure of Candice Seymour as the Recording Secretary for the Board and introduced Recording Secretary Elyse Anderson.

9. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 5:32 P.M.⁴

Jon DePreter, Chairperson

⁴ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **USE BY EXCEPTION– 2021-0065**

AGENDA ITEM 4(a)

APPLICANT Alon Ben Israel and Itzak Ben Shimol
Vintage Cigars Co.

OWNER St. George Street Properties, LLC

LOCATION 30 St. George Street

REQUEST **To approve a bar/tavern as a permissible use by exception.**

LAND USE Historic Preservation
ZONING Historic Preservation-three (HP-3)

SURROUNDING USES Retail, Food and Beverage Service, Lodging

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. 28-185. Historic preservation district: HP-3.

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

(3) Permitted uses by exception:

b. Cocktail lounges, taverns.

General Zoning Standards

Sec. 28-181. – Purpose

The historical heritage of the city is one of its most valued and important assets. It is therefore the purpose of the historic district regulations:

1. To safeguard the heritage of the city by preserving the district(s) which reflect noteworthy elements of the cultural, educational, social, economic, political and/or architectural history.
2. To educate the citizen to realize, understand, and appreciate the city's rich heritage.
3. To stimulate a greater awareness and sense of pride in the founding of the city and the contributions it has made to the state and nation.
4. To develop an atmosphere and feeling of old, historic St. Augustine by encouraging the preservation and restoration of historic structures within the districts.
5. To improve the environmental quality and overall livability of the historic section of St. Augustine.
6. To stabilize and improve property values in the district and to allow uses that encourage the restoration and conservation of historic sites and structures.
7. To promote the use and preservation of the district for the education, welfare and pleasure of residents of St. Augustine and St. Johns County, and of the state and nation as well.
8. That these aforementioned goals and objectives of the historic district be achieved and implemented through the establishment of and enforcement of the general district guidelines and specific district regulations.

STAFF SUMMARY AND ANALYSIS

The applicants operate a retail business within the 2 story building at 30 St. George Street.

The applicants intend to use a portion of the second floor space of this building for a cigar bar that will serve beer and wine. This will include the second floor balcony extending over St. George Street with approximately 10 seats. (see attached photograph)

The applicants have indicated there will be not be live music at this business. The floorplan does show a restroom on the first floor of the building.

The applicants have obtained a waiver from the State of Florida Building Commission to the requirements of the Florida Americans with Disabilities Accessibility Implementation Act to allow the occupancy of the second floor without an elevator. (see attached)

Sec. 28-2 Exception

Sec. 28-2 “a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood”

There are over 60 businesses that have alcohol licenses in the downtown historic districts, which include restaurants, bars and cigar bars. (number)

30 St. George Street is in an area dominated by tourism oriented commercial uses including many bars. (area)

The specific location for this proposed bar does not appear to negatively impact surrounding properties. (location)

Sec. 28-2 “would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare”

A small cigar bar may promote the general prosperity of this business district.

STAFF RECOMMENDATION

Based on a review of Section 28-2, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for a bar at **30 St. George Street**, as submitted.



David Birchim, AICP

Director, Planning and Building Department



05/19/2021 09:33



CITY OF ST. AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

MAY 05 2021

Planning/Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0065
 Receipt Number: 2108188 Meeting Date: June 1, 2021
 Advertising Costs: \$ 149.40 Paid On: 5/17/21 Receipt Number: 2116931

1. NAME OF APPLICANT: Alon Ben Israel / Itzhak Ben Shimol Contact Number: 786-223-8233
 Business (if applicable): FSA Investments, Inc, DBA Vintage Cigars Co.
 Address: 30 St George St City: St. Augustine State: FL Zip: 32084
 E-Mail Address: cs@licensedmart.com
2. NAME OF PROPERTY OWNER: Linda Black Contact Number: 904-669-8554
 Business (if applicable): ST. GEORGE STREET PROPERTIES, LLC
 Address: 147 San Marco Ave City: St. Augustine State: FL Zip: 32084
 E-Mail Address: lblack@leonards.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: LOT 5 ALL LOT 6 & LOT 25 (EX PT SOLD IN OR 160/34) & 13 OF W/PT OF LOT 26 Block: 12
 Subdivision: City of St Augustine Parcel Number: 1973400000
4. PROJECT STREET ADDRESS: 30 St George St
5. SPECIFIC PROPOSED USE: Beer and Wine Sales for Consumption on Premises.
6. ACTION REQUESTED:

☐ Conservation Zone Development	☐ Appeal of Staff Determination
☒ Exception	☐ Land Use Plan Amendment
☐ Variance	☐ Rezoning
☐ Other: _____	
7. DESCRIPTION OF ACTION REQUESTED: Beer and Wine Sales for Consumption on Premises.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

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:

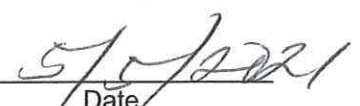
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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.

 ALON 
Signature of Applicant Date

 
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.

ALON BEN ISRAEL

Print name of applicant

ALON vintage cigars

Signature of applicant

5/5/21

Date

FSA Investments Inc.

3401 N 29th Ave STE 102 – Hollywood, FL 33020

Date 05/04/2021

To Whom It May Concern:

Vintage Cigars Co.

The Business is currently selling Cigars and Cigars Accessories, We allow our customers to seat on the balcony and enjoy smoking their cigar, to complete the experience we want to add the ability to offer Beer and Wine for Consumption on premises by the glass, We will serve only in disposable Plastic cups, We will not serve any food along with the beer or wine.

We will not have any live music performances.

We do Have Restroom on premises to offer our customers, for when the city restrooms that are 40 ft. south of us, are close.

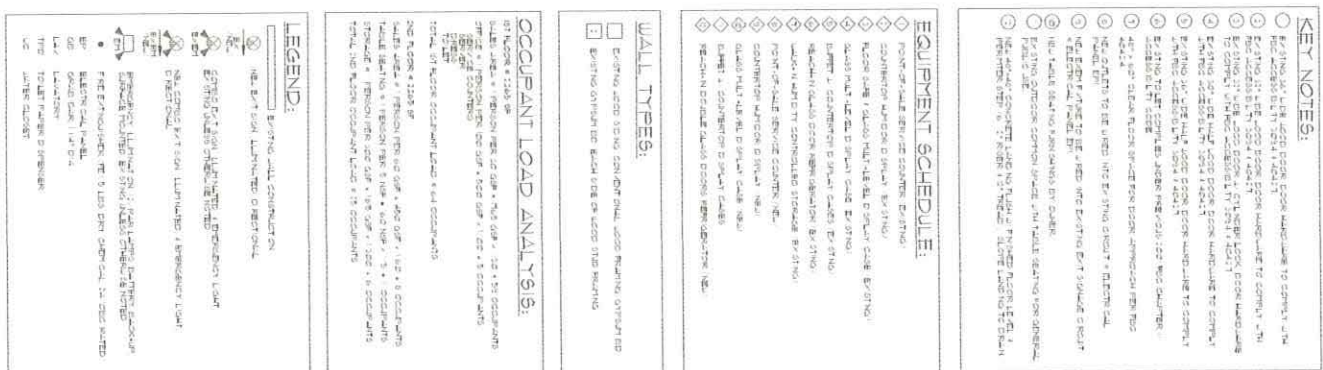
Thank you,



Alon Ben Israel

President

786-223-8233



**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of
VINTAGE
30 St. George Street
St. Augustine, FL 32084:

VW 2021-054

Alon Ben Israel,
Petitioner.

FINAL ORDER

The Application for Waiver by Petitioner, Alon Ben Israel, came for consideration before the Florida Building Commission (Commission) in accordance with section 553.512(1), Florida Statutes, and chapter 61G20-4, Florida Administrative Code,¹ at the meeting of the Commission on April 13, 2021, upon the recommendations of the Accessibility Advisory Council (Council). At that meeting, the Commission made the following findings of fact:

1. The Owner is Alon Ben Israel, 3401 N. 29th Avenue, Suite 102, Hollywood, FL 33020 (Petitioner).
2. The Applicant is Robert Maurer, architect for the project, 1636 N. Laura Street, Jacksonville, FL 32206 (Applicant).
3. Applicant appeared telephonically before the Council on April 1, 2020.
4. The project for which the Applicant is seeking a waiver consists of the alteration of an existing two-story, 2,265 square foot historic commercial building. The project is currently in plan review.
5. Applicant provided a letter from the Department of State confirming that the structure is historic in nature, and that providing vertical accessibility would negatively impact

¹ Unless otherwise indicated, all citations to Florida statutes refer to the 2020 codification of *Florida Statutes*, and all citations to Florida administrative rules refer to the latest version of the final adopted rule presented in *Florida Administrative Code*

VINTAGE
30 St. George Street
St. Augustine, FL 32084

historically-significant features. Applicant asserts that the owner will incur substantial financial costs if the installation of an elevator were to be required.

6. The requirements from which the Applicant seeks a waiver are those in the Florida Americans with Disabilities Accessibility Implementation Act (the Act), Section 553.509, Florida Statutes, which require the Petitioner to provide vertical accessibility to all levels above and below the occupiable grade level of a building, structure, or facility. Specifically, Applicant requests a waiver from providing vertical accessibility to the second floor of an existing historic commercial building.

7. Section 553.512(1), Florida Statutes provides for a waiver of the accessibility requirements set forth in Section 553.509, Florida Statutes upon a determination of "unnecessary, unreasonable, or extreme hardship."

8. Based on consideration of the foregoing information, the description of the construction, the representations by the Applicant, and the applicable legal requirements, the Council recommended that the Request for Waiver be granted under the provisions of Section 553.512, Florida Statutes, on the grounds that adherence to the literal requirements of the Act would cause unreasonable and economic hardship due to the historic nature of the building.

Having considered the foregoing information, together with the recommendation of the Council, the Commission hereby agrees with the Council's recommendation and concludes that the Applicant's Request for Waiver should be, and hereby is, GRANTED.

This Final Order is intended for the enforcement of the Florida Americans With Disabilities Accessibility Implementation Act, as amended, Section 553.501 et seq., Florida Statutes, and, other than as modified by this Final Order, any construction or post-construction

VINTAGE
30 St. George Street
St. Augustine, FL 32084

activities which deviate from the requirements of that Act will be deemed to be a violation of this Final Order.

Responsibility for the enforcement of this Final Order and for enforcement of the Americans with Disabilities Accessibility Implementation Act shall rest with the Building Official of the local government with permitted authority for the project. §553.513, Florida Statutes. Nothing in this Final Order shall be construed to relieve the Owner of any duties it may have under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, § 42 U.S.C. 12101 et seq., or other applicable regulations. Any waiver granted in this Final Order shall expire one year from the date of the Order unless the construction has commenced within that time.

DONE AND ORDERED this 16 day of APRIL, 2021 in St. Augustine, St. Johns County, State of Florida.


JAMES R. SCHOCK
Chairman, Florida Building Commission

VINTAGE
30 St. George Street
St. Augustine, FL 32084

NOTICE OF RIGHT TO APPEAL

Petitioner and any substantially affected parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Florida Statutes, and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

VINTAGE
30 St. George Street
St. Augustine, FL 32084

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished to the persons listed below this 21st day of April, 2021.



Agency Clerk's Office
Department of Business and Professional
Regulation & Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

By U.S. Mail:

Alon Ben Israel
3401 N. 29th Avenue, Suite 102
Hollywood, FL 33020

Robert Maurer
1636 N. Laura Street
Jacksonville, FL 32206

David Birchim
75 King Street, Lobby B, 4th Floor
St. Augustine, FL 32084

By Electronic Mail:

Chip Sellers
Codes & Standards Office
Department of Business & Professional
Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Chip.sellers@myfloridalicense.com



Owner's Authorization For Agent

Alon Ben Israel / Itzhak Ben Shimol is/are hereby authorized TO ACT ON BEHALF OF Linda Black, 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: Linda T. Black
Signature of Owner
Linda T. Black
Print Name of Owner
904-669-8554
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 5th day of MAY, 2021.

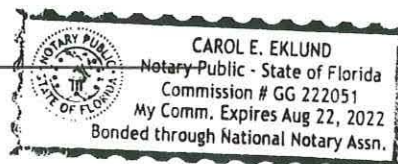
By LINDA T. BLACK

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: Carol E. Eklund

My Commission expires: 08/22/2022





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

12/4/2020

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

Parcel ID	1973400000
Location Address	30 ST GEORGE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City St Aug ON St George St (COM) (610.07)
Tax Description*	CITY OF ST AUG S13FT LOT 5 ALL LOT 6 & LOT 25 (EX PT SOLD IN OR160/34) & 13 OF W9FT OF LOT 26 BLK 12 OR2728/144 & 146 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.170
Homestead	N

Owner Information

Owner Name	St George Street Properties 100%
Mailing Address	PO BOX 1928 SAINT AUGUSTINE, FL 32085-1928

Map



Valuation Information

	2021
Building Value	\$276,298
Extra Features Value	\$0
Total Land Value	\$648,340
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$924,638
Total Deferred	\$251,652
Assessed Value	\$672,986
Total Exemptions	\$0
Taxable Value	\$672,986

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	\$310,853	\$0	\$648,340	\$0	\$0	\$959,193	\$611,805	\$347,388	\$611,805
2019	\$212,911	\$0	\$660,600	\$0	\$0	\$873,511	\$556,186	\$317,325	\$556,186
2018	\$196,533	\$0	\$587,200	\$0	\$0	\$783,733	\$505,624	\$278,109	\$505,624
2017	\$131,022	\$1,407	\$587,200	\$0	\$0	\$719,629	\$460,558	\$259,071	\$460,558
2016	\$131,022	\$1,407	\$286,260	\$0	\$0	\$418,689	\$418,689	\$0	\$418,689
2015	\$137,573	\$1,407	\$286,260	\$0	\$0	\$425,240	\$411,819	\$13,421	\$411,819
2014	\$86,714	\$1,407	\$286,260	\$0	\$0	\$374,381	\$374,381	\$0	\$374,381
2013	\$91,531	\$1,407	\$286,260	\$0	\$0	\$379,198	\$379,198	\$0	\$379,198
2012	\$96,349	\$1,407	\$286,260	\$0	\$0	\$384,016	\$384,016	\$0	\$384,016
2011	\$101,166	\$1,407	\$317,455	\$0	\$0	\$420,028	\$420,028	\$0	\$420,028
2010	\$105,984	\$1,407	\$352,320	\$0	\$0	\$459,711	\$459,711	\$0	\$459,711

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	5660	Roof Cover	Wood Shingle
Conditioned Area	5292	Interior Flooring	Ceramic Tile
Actual Year Built	1880	Interior Wall	Drywall
Use	Mixed Use (City/Historical)	Heating Type	Air Duct
Style	04	Air Conditioning	Central
Class	N	Bedrooms	
Exterior Wall	Stucco, Wood	Baths	
Roof Structure	Gable Hip		
Category		Type	Pct
Exterior Wall		Stucco	20%
Exterior Wall		Wood	80%
Roofing Structure		Gable Hip	100%
Roofing Cover		Wood Shingle	100%
Interior Walls		Drywall	100%
Interior Flooring		Ceramic Tile	100%
Heating Type		Air Duct	100%
Air Conditioning		Central	100%
Frame		Wood Frame	100%
Plumbing		7 Fixtures	100%
Electrical		Average	100%
Foundation		Piers and Posts	100%
Floor System		Wood Frame	100%
Condition		Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	2250	2250
CANOPY (COMMERCIAL)	0	168
BASE AREA	792	792
CANOPY (COMMERCIAL)	0	200
FINISHED UPPER STORY	2250	2250
Total SqFt	5292	5660

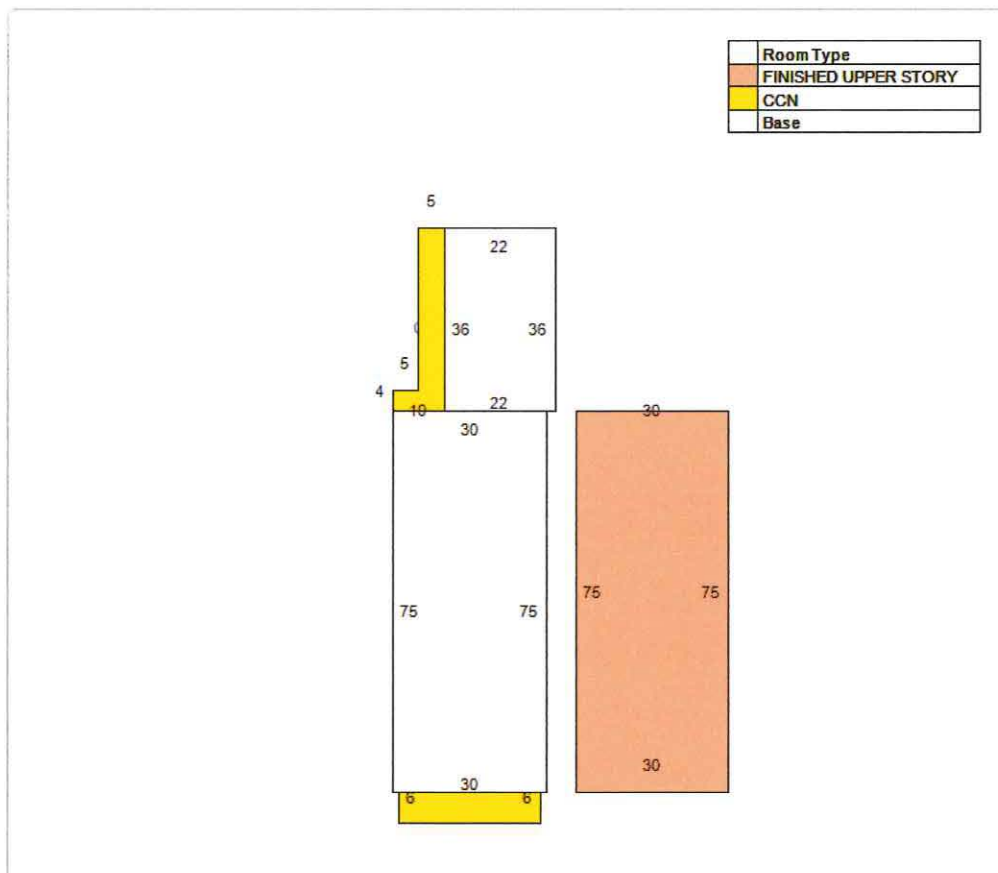
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	35	180	4224	SF	\$422,400
Mixed Use (Store/Office/Residential Combo)	13	80	3476	SF	\$225,940

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	10/31/2005	\$0.00	WARRANTY DEED	2728	146	U	I	TUCKER LEONARD R SR,RUTH S/TR LEONARD'S TRUST	ST GEORGE STREET PROPERTIES LLC
	10/31/2005	\$550,000.00	WARRANTY DEED	2728	144	U	I	TUCKER LEONARD R SR,RUTH S/TRUSTEES RUTH TRST	ST GEORGE STREET PROPERTIES LLC
	5/19/1993	\$100.00	WARRANTY DEED	992	995	U	I	TUCKER LEONARD R,RUTH S TRUSTEES	TUCKER LEONARD R
	5/19/1993	\$100.00	WARRANTY DEED	992	992	U	I	TUCKER LEONARD R,RUTH S TRUSTEES	TUCKER LEONARD R,RUTH S TRUSTEES
	5/19/1993	\$100.00	WARRANTY DEED	992	990	U	I	TUCKER LEONARD R,RUTH S	TUCKER LEONARD R,RUTH S TRUSTEES

Sketch Information



No data available for the following modules: Exemption Information, Extra Feature 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: 5/6/2021, 12:17:34 AM

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 Schneider
 GEOSPATIAL

Version 2.3.119



Overview



Legend

□ Parcels

Parcel ID	1973400000	Physical Address	30 ST GEORGE ST	Building Value	\$276,298	Last 2 Sales			
Property Class	1200 - Mixed Use (Store/Office/Residential Combo)	Mailing Address	SAINT AUGUSTINE ST GEORGE STREET PROPERTIES	Extra Feature Value	N/A	Date	10/31/2005	Price	\$550000
Taxing District	City of St Augustine	Address	PO BOX 1928 SAINT AUGUSTINE FL 32085-1928	Total Land Value	\$648,340		n/a	0	n/a
Acres	0.17			Just Value	\$924,638	Reason	11	Qual	U
				Total	\$251,652		n/a	n/a	n/a
				Deferred Assessed Value	\$672,986				
				Total	N/A				
				Exemptions					
				Taxable Value	\$672,986				

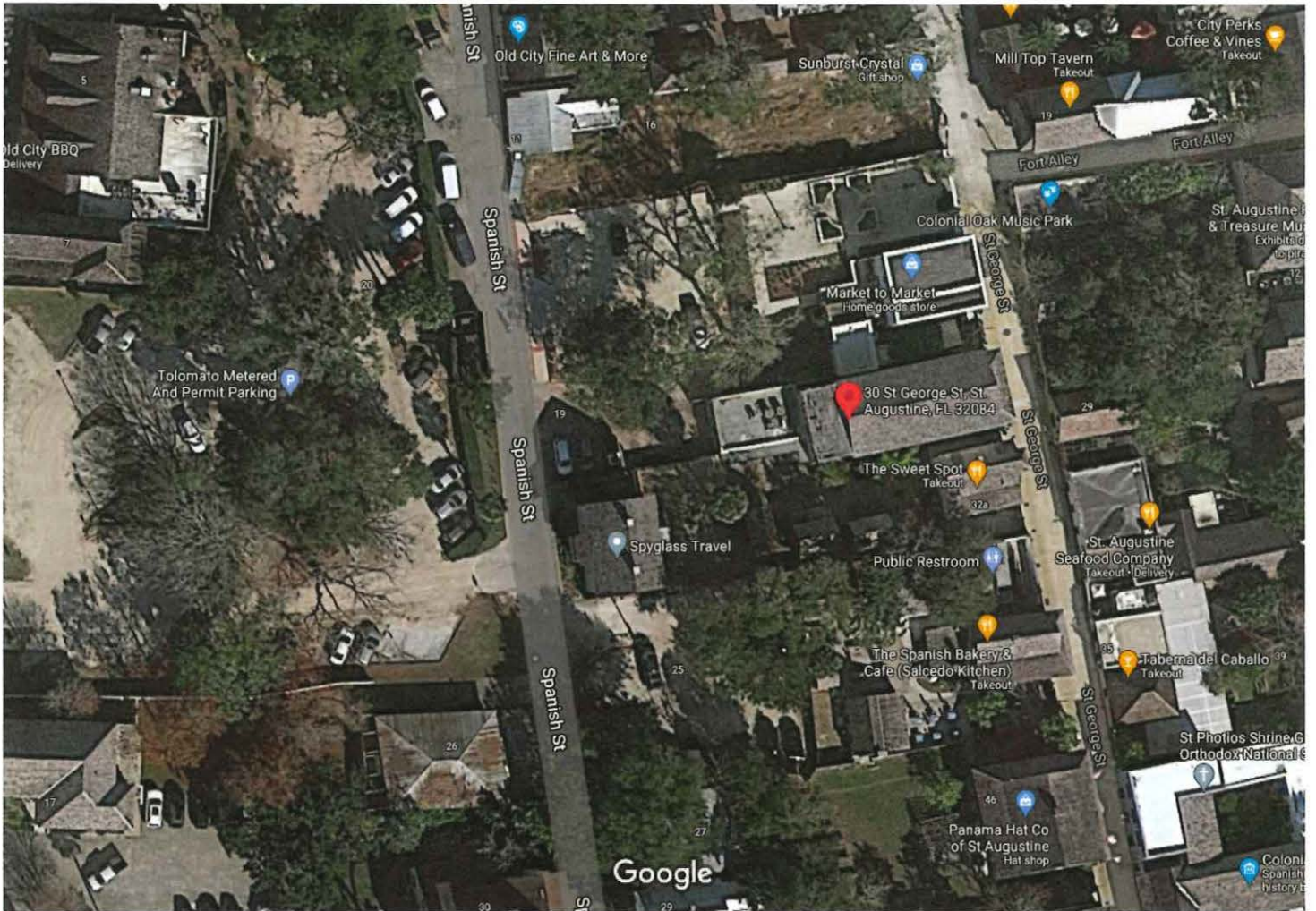
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Date created: 5/6/2021

Last Data Uploaded: 5/6/2021 12:17:34 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 30 St George St



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



30 St George St

St. Augustine, FL 32084
Building



Directions



Save



Nearby



Send to your
phone



Share

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **USE BY EXCEPTION– 2021-0062**

AGENDA ITEM 4(b)

APPLICANT Ellen Avery-Smith, Esq.

OWNER Windward Shipyard Land Holdings, LLC
Windward Shipyard, LLC

LOCATION PID # 127910 0000, 128090 0010, 134230 0011,
134230 0030, 134230 0000, 134230 0020 (aka the
“St. Augustine Shipyards”)

REQUEST **To approve off-site parking within the overall
property as a permissible use by exception.**

LAND USE Residential Medium Density Mixed Use
ZONING Residential General Office (RGO)

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.

Parking

Sec. 28-371. Location.

(a) A required off-street parking and loading facility shall be located on the same lot or parcel of land it is intended to serve. However, an off-street parking and loading facility within four hundred (400) feet of the premises may be allowed as a permitted use by exception.

(b) The planning and zoning board may grant an exception when practical difficulties prevent the placing of all or part of the facility on the premises they are designated to serve. The board shall review the proposal for impact upon pedestrian and vehicular traffic patterns and user safety, impact upon surrounding properties from noise, glare, visual quality, nuisance and traffic generation.

Sec. 28-372. Joint use of parking facilities.

Nothing in this chapter shall be construed to prevent the joint contractual use of off-street parking facilities by two (2) or more structures or uses when such facilities provide the number of spaces required for all uses or structures.

STAFF SUMMARY AND ANALYSIS

The St. Augustine Shipyards property is a master planned, mixed-use development with residential components and a mix of commercial components, which could include apartments, townhouses, restaurants, offices, a marina, retail and other uses.

On April 26, the City Commission approved an amended Development Agreement with the owners of the St. Augustine Shipyards. In Section 5 *Shared Parking* (p.7) it allows for shared parking for the various uses within the development to be located anywhere within the development boundaries, if approved by the Planning and Zoning Board. Joint use parking lots can be constructed and when each component of the project is developed, the parking requirement will be accounted for in these facilities. This allows for a better overall design of the project and more efficient parking facilities can be centrally located to server multiple users.

The amended Development Agreement also requires the property owner to submit tracking tables to account for the parking requirements of each individual component of the project and ensure that parking is in place prior to a Certificate of Occupancy being issued for individual uses.

The standard for review for a use by exception for off-site parking is the following; (*staff response in italics*)

- **practical difficulties prevent the placing of all or part of the facility on the premises they are designated to serve**

There is a practical difficulty in requiring each individual user to provide parking on individual sites within a master planned, mixed-use community in which components can be sold and developed by individual users.

- **board shall review the proposal for impact upon pedestrian and vehicular traffic patterns and user safety, impact upon surrounding properties from noise, glare, visual quality, nuisance and traffic generation**

The use of joint-use parking facilities for multiple users will improve the overall pedestrian and vehicular traffic patterns and improve user safety and reduce the overall impact of parking noise, glare, visual quality, nuisance and traffic generation in comparison to multiple, individual commercial parking lots scattered throughout the property.

STAFF RECOMMENDATION

Based on a review of Sec. 28-371 and 28-372, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for off-site parking at **the St. Augustine Shipyards** as per the amended Development Agreement.



David Birchim, AICP

Director, Planning and Building Department



05/18/2021 12:02



ATTORNEYS AT LAW

Ellen Avery-Smith

904 . 824 . 0879 . x5207
EAverysmith@rtlaw.com

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396 . 0663 Fax
www.rtlaw.com

April 28, 2021

RECEIVED

APR 28 2021

VIA HAND DELIVERY

Planning/Building Dept.

Mr. David Birchim
Planning and Building Director
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

Re: Shipyards Application for Zoning Exception for Off-Site Parking

Dear David:

Our firm represents Windward Shipyard, LLC and Windward Shipyard Land Holdings, LLC (collectively, "Windward"), which are the owners of property located west of the San Sebastian River and east of U.S. Highway 1 commonly known as the St. Augustine Shipyards (the "Property").

Windward has filed an Amended and Restated Shipyards Development Agreement with the City (the "Amended Agreement") to modify that certain Shipyard Development Agreement dated January 28, 2019 and recorded in Official Records Book 4734, Page 782, Public Records of St. Johns County, Florida. The City Commission voted on April 26 to conduct a public hearing on the Amended Agreement on May 10. Section 5 of the Amended Agreement allows for shared parking for parcels located within the Property, with the City Planning and Zoning Board's approval of a zoning exception for such parking.

Windward respectfully submits the enclosed application for a zoning exception for the purpose of providing shared parking throughout the Property, pursuant to the provisions of the Amended Agreement. Enclosed with the application are a copy of the Amended Agreement, a written summary of the request, an Overall Parking Site Plan, ownership information for the Property and an application fee in the amount of \$250.00, payable to the City of St. Augustine.

We appreciate the City's continued assistance with the St. Augustine Shipyards Property. Please do not hesitate to contact me if you have any questions about the enclosed application documents.

Sincerely yours,

Ellen Avery-Smith

Mr. David Birchim

April 28, 2021

Page 2

cc: Stefan Johansson
 Chris Simon
 Karl Masters
 Scott Knowles



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0062
 Receipt Number: 2103341 Meeting Date: June 1, 2021
 Advertising Costs: \$ 153.55 Paid On: _____ Receipt Number: _____

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

2. NAME OF PROPERTY OWNER: Windward Shipyard Land Holdings, LLC and
Windward Shipyard, LLC Contact Number: 305-298-2967
 Business (if applicable): _____
 Address: 2999 NE 191st St., Suite 800 City: Aventura State: FL Zip: 33180
 E-Mail Address: stefan@staugustinemarine.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: See attached PIN list.

4. PROJECT STREET ADDRESS: Portions of Diesel Road; Dockside Drive, S. Ponce de Leon Blvd. and Shipyard Way

5. SPECIFIC PROPOSED USE: The Owners seek a zoning exception for off-site parking for parcels within the Overall Property.

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: The Owners seek a zoning exception for off-site parking for parcels within the Overall Property to allow parking for the Development to either be provided on each parcel or be located within 400 feet of each parcel within the Overall Property, as permitted by City Code.

8. JUSTIFICATION FOR ACTION REQUESTED: The proposed development on the Overall Property will include a variety of land uses, including residential, commercial, office and light industrial, as permitted by the Residential Medium Density/Mixed Use future land use designation and Residential General Office zoning of the Overall Property. The project will be developed in a unified manner, consistent with the Conceptual Development Plan enclosed with the application package. The Owners seek a zoning exception for off-site parking for parcels within the Overall Property to allow for parking for the Development to either be provided on each parcel or be located within 400 feet of each parcel within the Overall Property, as permitted by City Code.

RECEIVED

04/18/2019

APR 28 2021

Planning/Building Dept.

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 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.

Signature of Applicant

Date

Signature of Property Owner

Date

04/18/2019

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

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

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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:

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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.

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Signature of Applicant

Date

Signature of Property Owner

Date

Stefen Johansson
Hearing Member
Windward Shipyard Land Holdings LLC.

04/18/2019

Supplement to City of St. Augustine Application to Planning and Zoning Board for
Shipyards Zoning Exception Application April 2021

Windward Shipyard, LLC Parcel Numbers:

127910-0000

128090-0010

134230-0011

134230-0030

Windward Shipyard Land Holdings, LLC Parcel Numbers:

134230-0000

134230-0020



Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of
Rogers Towers, P.A.

_____ is/are hereby authorized TO ACT ON
BEHALF OF, Windward Shipyard Land Holdings, LLC the owner(s) of those
lands described Within the attached application, 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

☒ Planning and Zoning Board

property located at PIN Nos.: 134230-0000 and 134230-0020

BY: _____

Signature of Owner

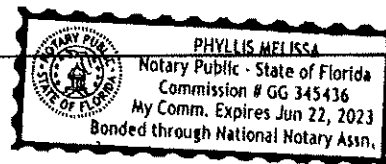
Stefan Johansson
Print Name of Owner

305 298 2967
Telephone

Sworn to and subscribed before me on this 20th day of April, 2021

Notary Public: _____

My Commission expires on _____





Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of
Rogers Towers, P.A.

_____ is/are hereby authorized TO ACT ON
BEHALF OF, Windward Shipyard, LLC the owner(s) of those
lands described Within the attached application, 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

☒ Planning and Zoning Board

property located at PIN Nos.: 127910-0000; 128090-0010; 134230-0011 and 134230-0030

BY: _____

Signature of Owner

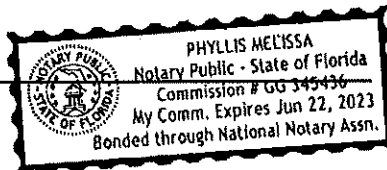
Stephen Johansson
Print Name of Owner

305 298 2967
Telephone

Sworn to and subscribed before me on this 20th day of April, 2021

Notary Public: _____

My Commission expires on _____



Shipyards Application for Zoning Exception for Off-Site Parking

Summary of Request

The proposed development of the approximately 34-acre property located along the San Sebastian River east of U.S. Highway 1 commonly known as the “Shipyards” (the “**Overall Property**”) will include a variety of land uses, including residential, commercial, office and light industrial, as permitted by the Residential Medium Density/Mixed Use future land use designation and Residential General Office zoning of the Overall Property (the “**Development**”). The project will be developed in a unified manner, consistent with the Conceptual Development Plan enclosed with the application package.

The owners of the Overall Property (the “**Owners**”) have submitted an application for an Amended and Restated Shipyards Development Agreement (the “**Development Agreement**”) to the City. The City Commission conducted the first reading of the Development Agreement on April 26 and is scheduled to hold the public hearing for the second reading of the Development Agreement on May 10. The Development Agreement requires the Owners to obtain a zoning exception to allow for off-site parking for all parcels located within the Development. That is why this application is being filed.

The Conceptual Development Plan shows the proposed locations of various uses within the Overall Property. Buildings within the Development may be located on separate parcels within the Overall Property. The Owners’ intent is to allow parking for the Development to either be provided on each parcel or be located within 400 feet of each parcel within the Overall Property, as permitted under City Land Development Code Section 28-371. The purpose of this zoning exception application is to allow off-site parking within 400 feet of each parcel within the Overall Property.

The Development Agreement provides that if the City Planning and Zoning Board (“**PZB**”) approves this exception application to allow for off-site parking, each specific parcel, at the time of its construction plan submittal, shall identify: (i) its per-Code parking needs, (ii) the off-site parking location to be used within the Development for such parcel and if the location complies with the City Code’s distance requirements, (iii) the available number of parking spaces at that location, and (iv) the availability of such parking spaces no later than at the time the City issues a certificate of occupancy or its equivalent for the related use. The Owner will be required to notify the City when it allocates parking spaces within the Development to a specific parcel and will submit tables tracking allocations of parking spaces with each construction plan submittal to the City, so the City can track the Development’s compliance with Code parking provisions.

AMENDED AND RESTATED SHIPYARDS DEVELOPMENT AGREEMENT

THIS AMENDED AND RESTATED SHIPYARDS DEVELOPMENT AGREEMENT (the “**Agreement**”) is made and entered into on this ____ day of _____, 2021, by and between WINDWARD SHIPYARD, LLC, a Delaware limited liability company (“**Windward**”), and WINDWARD SHIPYARD LAND HOLDINGS, LLC, a Delaware limited liability company (“**Land Holdings**”, and together with Windward, their successors and assigns, “**Owner**”), and THE CITY OF ST. AUGUSTINE, FLORIDA, a Florida municipal corporation (the “**City**”).

A. The Owner is the successor in interest to Greenwood Property, LLC, a Florida limited liability company (“**Greenwood**”), in ownership of a majority of the real property subject to that certain Shipyards Development Agreement between the City and Greenwood dated January 28, 2019 and recorded in Official Records Book 4734, Page 782, Public Records of St. Johns County, Florida (the “**Original Agreement**”).

B. The Owner attests and warrants that it is the sole owner in fee simple title of the property described in **Exhibit “A”** attached hereto and incorporated herein by this reference, which is located within the City of St. Augustine, St. Johns County, Florida (the “**Property**”), and that Robert Finvarb, as Manager of Windward Shipyard Manager, LLC, a Delaware limited liability company, which is Manager of Windward Shipyard, LLC and Windward Shipyard Land Holdings, LLC, is authorized to execute all binding documents on behalf of Owner.

C. The parcel owned by St. Augustine Shipyard, LLC (St. Johns County Parcel Identification No. 134230-0010) will remain subject to the Original Agreement.

D. The Property has been annexed into the City pursuant to Ordinance No. 2018-41.

E. The Property has been given a Future Land Use Map (“**FLUM**”) designation of Residential Medium Density/Mixed Use and a zoning district of Residential General Office (“**RGO**”). The Property will be developed in accordance with these applicable future land use and zoning designations (the “**Development**”). The Property does not include other land owned by the Owner that is wetland and designated Open Land on the City’s FLUM.

F. The Owner desires to develop the Property in an innovative, unified manner, with a mixture of residential, commercial, office and light industrial uses, with residential densities and non-residential intensities consistent with the Residential Medium Density/Mixed Use FLUM designation. Some land uses will be combined in one building or a series of buildings and on the same parcel or parcels within the Property.

G. The Owner will construct certain public roadway, utility and other improvements, both on the Property and off-site, to mitigate for impacts of the Development, as set forth herein.

H. The Owner and the City desire to enter into this Agreement to (i) allow the assignment of development rights and related parking and stormwater within the Property to individual parcels within the Development, regardless of parcel ownership; and (ii) to provide for the provision of certain site improvements that will benefit the Development and the public concurrently with the portion of the Development to be served by such improvements.

I. This Agreement is consistent with the City's Charter, the City's Comprehensive Plan and Municipal City Code, as well as, with provisions of Chapter 163, Florida Statutes, Chapter 166, Florida Statutes, Chapter 187, Florida Statutes and Article VIII, Section 2(b), Constitution of the State of Florida, and other applicable law, and serves a public purpose.

J. The City has determined that the requirements of Section 163.3231, Florida Statutes, have been met in that:

i. The City has adopted a local Comprehensive Plan that is in compliance.

ii. The proposed development of the Property is consistent with the City of St. Augustine Comprehensive Plan, including the Future Land Use Map, and complies with applicable provisions of the City's Land Development Regulations and Municipal Code (the "**City Code**").

iii. This Agreement constitutes a binding commitment on the part of the Owner, its successors and assigns, to develop the Property consistent with the Comprehensive Plan and applicable provisions of the City Code.

K. The following is the Public Facility Schedule applicable to the development of the Property through the thirty (30) years of this Development Agreement, to 2051:

i. Transportation. Transportation capacities will be provided by the City or other agency as set forth in its regulations and Capital Improvement Program, as amended from time to time, and in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

ii. Potable Water and Sanitary Sewer. The City will provide adequate water and wastewater service to the Property in accordance with local government development orders that have been and will be issued for development of the Property from time to time. The Owner will construct water and sewer line extensions necessary to serve the Property, as well as other improvements in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

iii. Solid Waste. The City will provide solid waste disposal to the Property.

iv. Drainage. Concurrently with development of the Property or portions thereof, the Owner will provide drainage in accordance with St. Johns River Water Management District rules and in accordance with local government development orders that have been and will be issued for development of the Property from time to time, as well as other improvements in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

v. Parks / Open Space. Concurrently with development of the Property or portions thereof, the Owner and the City will provide parks and open space as required in applicable provisions of the City Code.

L. The population densities, building intensities and maximum height possible for the Development under its FLUM and zoning designations and current City Code include all uses in the RGO zoning district, including restaurants, hotels and conference centers, apartments or condominiums up to a maximum of 16 units per developable acreage, with a lot coverage maximum of fifty percent (50%) and a maximum building height of fifty (50) feet (with additional height for architectural features, mechanical equipment and the like, in conformance with applicable City Code provisions).

M. This Agreement strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation and comprehensive planning and reduces the costs of development.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Findings of Fact.** The Recitals set forth above are true and correct and are incorporated herein by reference as Findings of Fact.

2. **Purpose and Intent.** The Owner and the City desire to enter into this Agreement to address their respective responsibilities for both on-site and off-site improvements related to the Development. The parties intend to utilize this Agreement to identify the methodology to be used for allocating costs for the potable water system, the sanitary sewer system, the stormwater system and the transportation system. In addition, the Agreement identifies the available credits to the Owner, the potential for future credits, and the City's share of financial responsibility for improvements that may benefit the City's overall utility, stormwater and transportation systems beyond that needed for this Development. The parties do not intend to vest the Development to current land development regulations, and Owner or its successors and assigns will be required to meet all applicable codes at the time individual development orders or permits are sought.

3. **Public Facility Improvements.** The Owner agrees that Owner or the developer of each parcel, as it is developed, within the Property, shall pay the water/sewer connection/tap costs/fees for lots, units or structures within the Development at the time of issuance of a building permit for the particular improvement. The Owner agrees that Owner or the developer of each parcel, as it is developed, within the Property, shall abide by all applicable federal, state and local codes, design, permitting and construction standards, requirements, policies, rules and regulations for civil site plan, utilities, stormwater and buildings. The water, sanitary sewer, stormwater and transportation system improvements detailed in this Section 3 shall be provided concurrently with the portion of the Development such systems are designed to serve. In addition, the parties agree to the following utility and infrastructure improvements:

- a. City Potable Water System.
 - i. Owner shall comply with all codes, laws and regulations necessary for the development of the Property applicable at the time each development permit is issued and will pay all usual and customary costs associated with providing potable water on-site to the Property for its intended uses.
 - ii. If, at the time Owner applies for a development permit related to the provision of potable water to the Property, the City determines that off-site improvements related to development of the Property are beneficial to the City's potable water system, Owner will pay for fifty percent (50%) of the costs associated with the City's upgrade to off-site improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy for that development permit. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property.
 - iii. Owner agrees to provide to the City any additional easements on, under and across the Property necessary for the construction, operation and maintenance of the potable water system.
- b. City Sanitary Sewer System.
 - i. Owner shall comply with all codes, laws and regulations necessary for the development of the Property applicable at the time each development permit is issued and will pay all usual and customary costs associated with providing sanitary sewer onsite to the Property for its intended uses.
 - ii. If, at the time Owner applies for a development permit related to the provision of sanitary sewer to the Property, the City determines that off-site improvements related to development of the Property are beneficial to the City's sanitary sewer system, Owner will pay for fifty percent (50%) of the costs associated with the City's upgrade to off-site improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy for that development permit. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property. However, any design changes by the City for the long-term efficacy of Pump Station 67 shall be borne solely by the City.
 - iii. Owner agrees to provide to the City any additional easements on, under and across the Property for the construction, operation and maintenance of the sanitary sewer system.
- c. Stormwater System.
 - i. Owner shall comply with all codes, laws and regulations necessary for the development of the Property applicable at the time each development permit is issued and will pay all usual and customary costs associated with providing

stormwater capture, retention and treatment onsite to the Property for its intended uses.

- ii. If, at the time Owner applies for a development permit related to the provision of stormwater capture, retention or treatment to the Property, the City determines that oversizing on-site improvements for accepting the City's off-site stormwater flow are beneficial to the City's stormwater system, the City will pay one hundred percent (100%) of the costs associated with the oversizing costs to on-site improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy for that development permit.
- iii. City will grant Owner one hundred percent (100%) credit for 295,309 square feet (6.78 acres) of historical impervious area.
- iv. City will grant Owner thirty percent (30%) credit for on-site treatment of stormwater runoff.
- v. City will grant Owner an additional discount proportionate to the City's use of the oversized on-site improvements per the engineering sizing calculations submitted to the City as part of the permitting.
- vi. Owner agrees to provide to the City any additional easements on, under and across the Property necessary for the construction, operation and maintenance of the stormwater system. However, such easements shall not relieve Owner of the duty to construct, maintain and operate the onsite stormwater facilities.

d. Transportation System.

- i. Owner shall comply with all codes, laws and regulations necessary for the development of the Property applicable at the time each development permit is issued and will pay all usual and customary costs associated with providing mobility, access, transportation and roadway system improvements to the Property for its intended uses.
- ii. If, at the time Owner applies for a development permit related to mobility, access, transportation or roadways to the Property, the City or other permitting agency determines that off-site improvements related to development of the Property are beneficial to the transportation system, the City will be responsible for payment not to exceed \$500,000.00 of the costs associated with the upgrade to off-site improvements and Owner will be responsible for all other costs associated with the offsite transportation and roadway system improvements. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property.
- iii. Owner may be eligible to apply for credits for transportation or mobility improvements, if the City has a system for such credits available in its codes and regulations at the time of permitting the off-site improvements. Nothing herein implies that a credit system will be in place at the time of permitting, nor that the

City is otherwise required to implement such a system. Once the offsite improvements are built, inspected and approved, no credits will be applied retroactively.

- iv. Owner agrees to provide to the City any additional easements on, under, and across the Property necessary for the construction, operation and maintenance of the transportation system. However, such easements shall not relieve Owner of the duty to construct, maintain, and operate the onsite transportation facilities.

4. Property Development Rights. For the purposes of the Agreement, the Property shall have the following development rights, as calculated below:

a. The Property includes approximately 33.85 developable acres, as depicted on the conceptual development plan attached hereto as **Exhibit "B"** and incorporated herein by this reference (the "**Conceptual Development Plan**"). Based on the approximately 33.85 developable acres within the Property, the maximum residential density for the Development will be 541 units, pursuant to the future land use and zoning designations (the "**Residential Development Rights**"). The maximum non-residential intensity for the Development shall not exceed the 50 percent lot coverage by buildings for the overall Property, less the lot coverage by residential buildings (the "**Non-Residential Development Rights**", and collectively with the Residential Development Rights, the "**Development Rights**");

b. The Development shall not be permitted to exceed 50 percent lot coverage by buildings, as calculated over the 33.85 developable acres within the Property.

c. The Owner shall be permitted to allocate some or all of the Development Rights to one or more parcels within the Property, regardless of the size of such parcel or parcels. The Owner shall notify the City when it allocates any portion of the Development Rights to a parcel within the Property and shall record an assignment of such portion of the Development Rights against title to the applicable parcel in the Public Records of St. Johns County, Florida. The Owner shall also submit tables tracking allocations of the Development Rights with each construction plan submittal to the City, so that the City will know how many cumulative Development Rights have been allocated as of the date of each construction plan submittal.

d. Permitted uses within the Development shall be those allowed by right in the Residential Medium Density/Mixed Use future land use category and RGO zoning district.

e. Lot coverage by buildings and impervious surface shall be measured within the Property as a whole, and not by individual parcel or parcels.

f. Stormwater ponds and structures may be shared among parcels within the Property.

g. Trash dumpsters and other facilities may be located outside of any parking garage or garages that may be constructed on the Property so that garbage trucks do not have to enter such garage(s).

5. **Shared Parking.** The Development will include a variety of land uses, including residential, commercial, office and light industrial, and will be developed in a unified manner, consistent with the Conceptual Development Plan. Due to its mixed-use nature, the Development shall be permitted to have parking for various parcels within the Property located anywhere within the Development, if approved by the City Planning and Zoning Board (“PZB”) as a use by exception. If the entire Development is approved by the PZB as a use by exception for off-site parking, each specific parcel, at the time of its construction plan submittal, shall identify (i) its per-Code parking needs, (ii) the off-site parking location to be used within the Development for such parcel and if the location complies with the City Code’s distance requirements, (iii) the available number of parking spaces at that location, and (iv) the availability of such parking spaces no later than at the time the City issues a certificate of occupancy or its equivalent for the related use. The Owner shall notify the City when it allocates parking spaces within the Development to a specific parcel and shall submit tables tracking allocations of parking spaces with each construction plan submittal to the City, so the City can track the Development’s compliance with Code parking provisions. Nothing herein is intended to vary, modify or waive any Code criteria, nor to imply the preemptive approval or disapproval of a use by exception or other quasi-judicial hearing process. If the Development is not approved by the PZB as a use by exception for off-site parking, each parcel within the Development will have to comply with Code parking requirements on-site.

6. **Development Timing.** Project development has commenced with the construction of the Culinary Outfitters restaurant and Windward Marina dry stack storage facility. Because the Property has an RGO zoning designation, no Development phasing or completion dates are required by the Code. The City shall review the Development at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with this Agreement, pursuant to Section 163.3235, Florida Statutes.

7. **Authority and Duration.** This Agreement is made and granted pursuant to Sections 163.3220-163.3243, Florida Statutes, and is effective through the thirtieth (30th) anniversary of the Effective Date of this Agreement, and any extension of this Agreement.

8. **Amendment, Extension of Agreement.** If state or federal laws are enacted after the execution of this Agreement that are applicable to and preclude the parties’ compliance with the terms of this Agreement, this Agreement shall be modified or revoked as necessary to comply with the relevant State or federal laws, pursuant to Section 163.3241, Florida Statutes, as may be amended from time to time. The duration of this Agreement may be extended by the City pursuant to law and after conducting a public hearing in the manner specified in Section 163.3225, Florida Statutes, as may be amended from time to time.

9. **Necessity to Obtain Permits.** The Owner acknowledges its obligation to obtain all necessary federal, state and other local development permits (not mentioned herein) for development of the Property. The failure of this Agreement to address any particular permit, condition, term or restriction applicable to development of the Property shall not relieve the Owner or any successors or assigns of the necessity of complying with federal, state, and other local permitting requirements, conditions, terms or restrictions as may be applicable.

10. Agreement Consistent with Comprehensive Plan and Section 163.3180, Florida Statutes (2020). The City hereby acknowledges and agrees that (i) the Development is consistent with Florida Statutes and with the City's Comprehensive Plan and Land Development Regulations, and (ii) that the City's Comprehensive Plan is in compliance with the State of Florida Comprehensive Plan.

11. Remedies. Each party to this Agreement shall be entitled to seek enforcement of this Agreement against the other party consistent with Section 163.3243, Florida Statutes, as may be amended from time to time. .

12. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. When Owner is used in this Agreement, it includes Owner and any successors and assigns owning any rights to the Property, jointly and severally assuming all the Owner obligations set out in the Agreement, unless the obligations have been fully discharged. Payments or credits due to Owner by City pursuant to the terms of this Agreement will be disbursed or assigned to WINDWARD SHIPYARD LAND HOLDINGS, LLC. City shall have no duty to apportion or assign any payments or credits from this Agreement to successors or assigns, and said successors or assigns shall only look to WINDWARD SHIPYARD LAND HOLDINGS, LLC for reimbursement, credit or apportionment.

13. Applicable Law: Jurisdiction and Venue. This Agreement and the rights and obligations of the City and Owner under this Agreement shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida (2020). This Agreement may be enforced as provided in Section 163.3243, Florida Statutes, as may be amended from time to time. Venue for any litigation pertaining to the subject matter of this Agreement shall be exclusively in St. Johns County, Florida. If any provision of this Agreement, or the application of this Agreement to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the Development contemplated by this Agreement shall not relieve Owner or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

14. Joint Preparation. Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

15. Exhibits. All exhibits attached to this Agreement contain additional terms of this Agreement and are incorporated into this Agreement by reference.

16. Captions or Paragraph Headings. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision of this Agreement.

17. **Counterparts.** This Agreement may be executed in counterparts, each constituting a duplicate original; such counterparts shall constitute one and the same Agreement.

18. **Effective Date and Recordation.** This Agreement shall become effective fifteen (15) days after it has been recorded in the Public Records of St. Johns County (the “**Effective Date**”).

19. **Amendment.** This Agreement may be amended, cancelled or revoked consistent with the notice and hearing procedures of Section 163.3225, Florida Statutes, and the terms of Section 163.3237, Florida Statutes, as may be amended from time to time.

20. **Further Assurances.** Each party to this Agreement agrees to do, execute, acknowledges and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances in a manner and to the degree allowed by law, as shall be reasonably requested by the other party in order to carry out the intent of and give effect to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the City, the parties declare their intention to cooperate with each other in effecting the purposes of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

21. **Notices.** Any notices or reports required by this Development Agreement shall be sent to the following:

For the City: City Manager
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

With copy to: City Attorney
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

For Owner: Windward Shipyard, LLC
Windward Shipyard Land Holdings, LLC
2999 NE 191st Street, Suite 800
Aventura, Florida 33324

With copy to: Ellen Avery-Smith
Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

[Signatures on Following Pages]

Passed and Duly Adopted by the City Commission of the City of St. Augustine, Florida
this ____ day of _____, 2021.

Attest:

CITY OF ST. AUGUSTINE, FLORIDA, a
municipal corporation

By:

John P. Regan, P.E., City Manager

Approved as to form, legal sufficiency and
execution:

By:

Isabelle Lopez, City Attorney

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

WINDWARD SHIPYARD, LLC, a Delaware
limited liability company

Name: _____

By:
Name: _____
Its: _____

Date:

Name: _____

STATE OF _____

COUNTY OF _____

The forgoing instrument is hereby acknowledged before me by means of ____ physical presence or ____ online notarization this ____ day of _____, 2021, by _____ as _____ of Windward Shipyard, LLC, a Delaware limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

WINDWARD SHIPYARD, LLC, a Delaware
limited liability company

By:

Name: _____

Name: _____

Its: _____

Date:

Name: _____

STATE OF _____

COUNTY OF _____

The forgoing instrument is hereby acknowledged before me by means of ____ physical presence or ____ online notarization this ____ day of _____, 2021, by _____ as _____ of Windward Shipyard Land Holdings, LLC, a Delaware limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC

EXHIBIT "A"

Legal Description of Property

A TRACT OF LAND COMPRISED OF PORTIONS OF SEMINOLE PARK, ACCORDING TO THE MAP RECORDED IN MAP BOOK 3, PAGE 87, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3818, PAGE 1150, AND OFFICIAL RECORDS BOOK 3757, PAGE 1474, LYING IN SECTIONS 19 AND 40, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (A 150 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 11°24'27" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 23.06 FEET TO ITS INTERSECTION WITH THE OUTHEASTERLY RIGHT-OF-WAY LINE OF IROQUOIS AVENUE (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 41°44'18" EAST ALONG SAID SOUTHEASTERLY RIGHT-WAY-LINE, BEING THE SAME AS THE NORTHWESTERLY LINE OF BLOCK H OF SAID SEMINOLE PARK, 178.02 FEET; THENCE SOUTH 48°13'13" EAST, DEPARTING LAST SAID LINE, 139.93 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 5, BLOCK H OF SAID SEMINOLE PARK; THENCE NORTH 41°43'22" EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 5, ACROSS FORMER MOHAWK STREET, VACATED PER OFFICIAL RECORDS BOOK 189, PAGE 372, SAID PUBLIC RECORDS, ALONG THE NORTHWESTERLY LINE OF LOTS 6 AND 7 BLOCK D OF SAID SEMINOLE PARK, 390.21 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 6, LOCATED IN THE FORMER SOUTHWESTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, NOW CLOSED BY ORDINANCE 88- 45, AS RECORDED IN OFFICIAL RECORDS BOOK 791, PAGE 281, OF SAID PUBLIC RECORDS; THENCE NORTHEASTERLY ACROSS SAID FORMER CHEROKEE STREET, NORTH 37°39'55" EAST, 40.00 FEET, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET; THENCE NORTH 52°23'36" WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, 162.43 FEET, TO THE FORMER CENTERLINE OF IROQUOIS AVENUE A 50 FOOT RIGHT OF WAY, CLOSED PER ORDINANCE NO. 2014-12, OFFICIAL RECORDS BOOK 3947, PAGE 881; THENCE NORTH 41°41'26" EAST, ALONG SAID FORMER CENTERLINE OF IROQUOIS AVENUE, AND ITS NORTHEASTERLY PROLONGATION, 262.96 FEET TO ITS INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SAN SEBASTIAN RIVER; THENCE DEPARTING SAID FORMER CENTERLINE AND ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES: 1) SOUTH 61 °54'54" EAST, 104.04 FEET; 2) SOUTH 58°45'38" EAST, 28.45 FEET; 3) SOUTH 70°11'24" EAST, 24.70 FEET; 4) SOUTH 71 °07'34" EAST, 34.35 FEET, TO AN ANGLE POINT ON A CONCRETE BULKHEAD; THENCE ALONG SAID CONCRETE BULKHEAD THE FOLLOWING COURSES 1) SOUTH 47°00'58" EAST, 4.27 FEET; 2) SOUTH 47°48'58" EAST, 46.07 FEET; 3) SOUTH 48°59'40" EAST, 21.08 FEET; 4)

NORTH 41°05'02" EAST, 32.76 FEET; 5) SOUTH 49°43'25" EAST, 12.94 FEET; 6) SOUTH 40°23'47" WEST, 40.65 FEET; 7) SOUTH 49°20'34" EAST, 50.59 FEET; 8) NORTH 45°30'16" EAST, 43.37 FEET; 9) NORTH 42°32'05" EAST, 64.53 FEET; 10) NORTH 78°18'13" EAST, 63.60 FEET; 11) SOUTH 67°31'53" EAST, 150.30 FEET; 12) NORTH 27°54'01" EAST, 2.25 FEET; 13) SOUTH 63°34'52" EAST, 293.82 FEET; 14) SOUTH 68°57'26" EAST, 214.62 FEET; 15) SOUTH 06°23'08" EAST, 1.79 FEET; 16) SOUTH 59°47'29" WEST, 72.11 FEET; 17) SOUTH 39°36'26" EAST, 67.83 FEET; 18) NORTH 54°53'59" EAST, 70.90 FEET; 19) SOUTH 35°37'46" EAST, 71.43 FEET; 20) SOUTH 12°20'53" EAST, 24.82 FEET; 21) SOUTH 10°25'04" EAST, 21.99 FEET; 22) SOUTH 29°37'36" EAST, 16.43 FEET, TO THE END OF SAID CONCRETE BULKHEAD; THENCE SOUTHWESTERLY, ALONG THE MEAN HIGH WATER LINE OF THE SAN SEBASTIAN RIVER 1,060 FEET MORE OR LESS AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN AFOREMENTIONED OFFICIAL RECORDS BOOK 3757, PAGE 1474; THENCE ALONG SAID SOUTH LINE THE FOLLOWING 3 CALLS; 1) SOUTH 53°25'25" WEST, 581.92 FEET; 2) NORTH 39°35'58" WEST, 248.32 FEET; 3) SOUTH 52°47'10" WEST, 153.71 FEET; THENCE NORTH 26°51'17" WEST, DEPARTING LAST SAID LINE AND ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4143, PAGE 863 SAID PUBLIC RECORDS, 638.42 FEET; THENCE SOUTH 63°08'43" WEST, DEPARTING LAST SAID LINE AND ALONG THE NORTHERLY LINE OF THE LAST SAID LANDS, 291.11 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED ARAPAHO AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 4 CALLS; 1) NORTH 26°52'42" WEST, 205.14 FEET; 2) NORTH 68°29'21" WEST, 403.09 FEET; 3) NORTH 53°15'10" EAST, 8.50 FEET; 4) NORTH 68°21'25" WEST, 251.47 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 35.03 ACRES MORE OR LESS.

LESS AND EXCEPT THE RESTAURANT PARCEL OWNED BY ST. AUGUSTINE SHIPYARD, LLC:

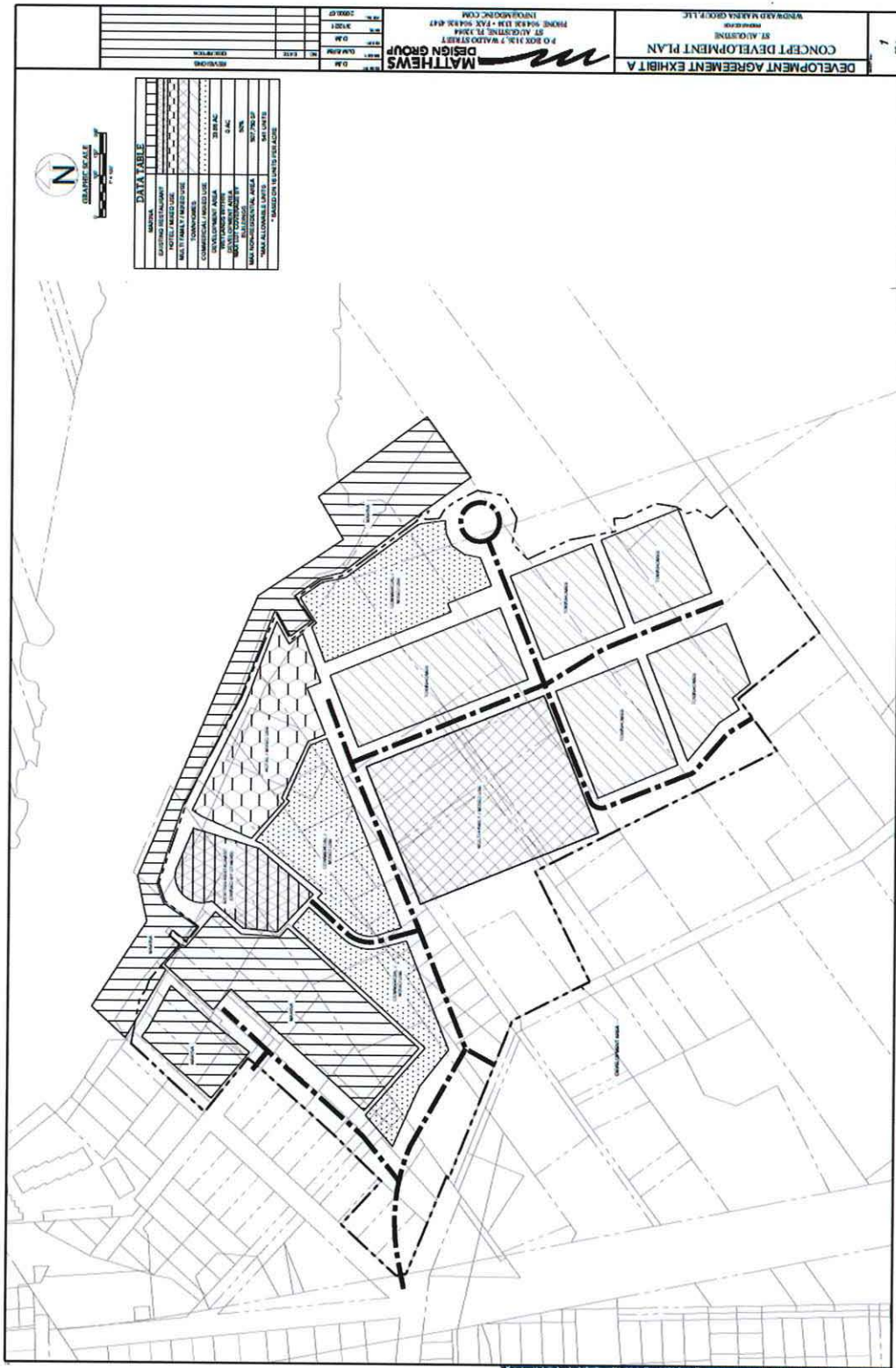
A TRACT OF LAND COMPRISED OF A PORTION OF SEMINOLE PARK, ACCORDING TO THE MAP RECORDED IN MAP BOOK 3, PAGE 87, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND A PORTION OF SECTION 40, BEING IN TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A POINT IN THE NORTHEASTERLY RIGHT OF WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED) LOCATED IN THE WESTERLY MOST CORNER OF LOT 6, BLOCK "H" OF SAID SEMINOLE PARK SUBDIVISION; THENCE NORTH 41°43'22" EAST, ALONG THE NORTHERLY BOUNDARY OF LOTS 6 AND 5 IN SAID BLOCK "H" ACROSS THE RIGHT OF WAY LINE OF MOHAWK STREET (A 50 FOOT RIGHT-OF-WAY, VACATED PER OFFICIAL RECORDS BOOK 189, PAGE 372 OF SAID PUBLIC RECORDS), AND ALONG THE NORTHERLY BOUNDARY OF LOT 7, BLOCK "D" OF SAID SEMINOLE PARK, 296.69 FEET; THENCE CONTINUE ALONG SAID NORTH LINE OF LOT 7 AND THE NORTH LINE OF LOT 6 OF SAID BLOCK "D", NORTH 41°43'22" EAST, 240.84 FEET TO THE

NORTHERLY CORNER OF SAID LOT 6, LOCATED IN THE FORMER SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHEROKEE STREET, NOW CLOSED BY ORDINANCE 88-45, AS RECORDED IN OFFICIAL RECORDS BOOK 791, PAGE 281, OF SAID PUBLIC RECORDS; THENCE NORTHEASTERLY ACROSS SAID FORMER CHEROKEE STREET, NORTH 37°40'55" EAST, 103.59 FEET; THENCE SOUTH 48°16'32" EAST, 20.80 FEET; THENCE NORTH 41°43'32" EAST, 32.77 FEET; THENCE SOUTH 48°10'30" EAST, 9.45 FEET; THENCE NORTH 41°43'09" EAST, 207.32 FEET THENCE SOUTH 47°48'58" EAST, 46.07 FEET; THENCE SOUTH 48°59'40" EAST, 21.08 FEET; THENCE NORTH 41°05'02" EAST, 32.76 FEET; THENCE SOUTH 49°43'25" EAST, 12.94 FEET; THENCE SOUTH 40°23'47" WEST, 40.65 FEET; THENCE SOUTH 49°20'34" EAST, 84.12 FEET; THENCE SOUTH 41°39'47" WEST, 45.57 FEET; THENCE SOUTH 48°21'14" EAST, 39.31 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 41°44'47" EAST, 76.65 FEET; THENCE NORTH 12°30'32" WEST, 20.11 FEET; THENCE NORTHEASTERLY, DEPARTING LAST DESCRIBED LINE, AND ALONG THE ARC OF A CURVE, NON-TANGENT TO THE LAST DESCRIBED LINE, A CURVE CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 63.07 FEET, THROUGH A CENTRAL ANGLE OF 109°45'10" AN ARC DISTANCE OF 120.82 FEET, TO THE END OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 52°21'25" EAST, 103.17 FEET; THENCE SOUTH 67°12'53" EAST, DEPARTING SAID CURVE, 99.52 FEET; THENCE SOUTH 16°05'52" WEST, 191.38 FEET; THENCE SOUTH 37°36'13" WEST, 155.80 FEET; THENCE NORTH 50°12'31" WEST, 7.55 FEET; THENCE NORTH 29°32'06" WEST, 38.35 FEET; THENCE NORTH 51°20'00" WEST, 115.22 FEET; THENCE NORTH 06°30'10" EAST, 55.41 FEET; THENCE NORTH 41°44'47" EAST, 54.65 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.18 ACRES MORE OR LESS.

EXHIBIT "B"

Conceptual Development Plan





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	1279100000
Location	117 DOCKSIDE DR
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax	3-87 SEMINOLE PARK LOTS 1 2 3 4 & ALL LOTS 5 & 6 (EX SE'LY PT IN OR88/640 & 4665/1736Q/C) & SEBASTIAN BLVD ADJ TO LOTS 1,4,5 VACATED IN
Description*	DB203/27 BLK B & E HALF OF IROQUOIS AVE VACA IN OR3947/881 OR4829/784
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Seminole Park
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	1.170
Homestead	N

Owner Information

Owner Name	Windward Shipyard LLC 100%
Mailing Address	2999 NE 191 ST STE 800 AVENTURA, FL 33180-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$412,775
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$412,775
Total Deferred	\$0
Assessed Value	\$412,775
Total Exemptions	\$0
Taxable Value	\$412,775

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$412,775	\$0	\$0	\$412,775	\$412,775	\$0	\$412,775
2019	\$0	\$1,346	\$380,520	\$0	\$0	\$381,866	\$211,379	\$170,487	\$211,379
2018	\$0	\$1,346	\$380,520	\$0	\$0	\$381,866	\$192,163	\$189,703	\$192,163
2017	\$0	\$1,346	\$173,348	\$0	\$0	\$174,694	\$174,694	\$0	\$174,694
2016	\$0	\$1,346	\$173,348	\$0	\$0	\$174,694	\$174,694	\$0	\$174,694
2015	\$0	\$6,620	\$173,348	\$0	\$0	\$179,968	\$179,968	\$0	\$179,968
2014	\$0	\$18,289	\$153,750	\$0	\$0	\$172,039	\$172,039	\$0	\$172,039
2013	\$0	\$18,516	\$153,750	\$0	\$0	\$172,266	\$172,266	\$0	\$172,266
2012	\$0	\$18,744	\$153,750	\$0	\$0	\$172,494	\$172,494	\$0	\$172,494
2011	\$17,639	\$18,971	\$168,750	\$0	\$0	\$205,360	\$205,360	\$0	\$205,360
2010	\$18,305	\$19,198	\$187,500	\$0	\$0	\$225,003	\$225,003	\$0	\$225,003

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	250	175	43441	SF	\$412,690
Wetlands	0	0	0.17	AC	\$85

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$18,000,000.00	WARRANTY DEED	4829	784	Q	I	GREENWOOD PROPERTY LLC	WINDWARD SHIPYARD LLC
1/29/2016	1/29/2016	\$0.00	COVENANTS AND RESTRICTIONS	4143	885	U	V	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ETAL
8/20/2015	8/13/2015	\$100.00	QUIT CLAIM DEED	4074	187	U	V	7700 SOUTH TAMIA MI TRAIL CORP	GREENWOOD PROPERTY LLC
2/9/2015	1/27/2015	\$0.00	COVENANTS AND RESTRICTIONS	3985	1785	U	V	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ET AL
10/29/2014	10/27/2014	\$0.00	VACATION OF R/W	3947	881	U	V	CITY OF ST AUGUSTINE	GREENWOOD PROPERTY LLC
2/26/2014	2/18/2014	\$100.00	QUIT CLAIM DEED	3849	1620	U	V	MAC DAVITT LLC	GREENWOOD PROPERTY LLC
2/26/2014	2/18/2014	\$225,000.00	WARRANTY DEED	3849	1617	Q	I	MAC DAVITT LLC	GREENWOOD PROPERTY LLC

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

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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	1280900010
Location Address	1007 S PONCE DE LEON BLVD SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	3-87 SEMINOLE PARK A PORTION OF LOTS 2 & 4 & ALL OF LOT 3 BLK H OR4829/784 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Seminole Park
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.550
Homestead	N

Owner Information

Owner Name	Windward Shipyard LLC 100%
Mailing Address	2999 NE 191 ST STE 800 AVENTURA, FL 33180-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$361,320
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$361,320
Total Deferred	\$0
Assessed Value	\$361,320
Total Exemptions	\$0
Taxable Value	\$361,320

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$361,320	\$0	\$0	\$361,320	\$361,320	\$0	\$361,320
2019	\$0	\$0	\$240,880	\$0	\$0	\$240,880	\$240,880	\$0	\$240,880

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	24088	SF	\$361,320

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$18,000,000.00	WARRANTY DEED	4829	784	Q	I	GREENWOOD PROPERTY LLC	WINDWARD SHIPYARD LLC
10/4/2018	10/1/2018	\$0.00	CORRECTIVE DEED	4622	751	U	V	ANCIENT CITY PARTNERSHIP LTD	GREENWOOD PROPERTY
10/2/2018	10/1/2018	\$300,000.00	WARRANTY DEED	4621	26	Q	V	ANCIENT CITY PARTNERSHIP LTD	GREENWOOD PROPERTY

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

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St. Johns County, FL

Sales Questionnaire Form

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Sales Questionnaire

Summary



Parcel ID	1342300011
Location Address	83 SHIPYARD WAY SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	2-1 PT OF SEMINOLE PARK MB3/87 & PTS OF STR 40-7S-30E SOLANA GRANT OR4829/784 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Seminole Park
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	4.390
Homestead	N

Owner Information

Owner Name	Windward Shipyard LLC 100%
Mailing Address	404 RIBERIA ST UNIT A SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$78,204
Total Land Value	\$1,267,905
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,346,109
Total Deferred	\$0
Assessed Value	\$1,346,109
Total Exemptions	\$0
Taxable Value	\$1,346,109

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$1,267,905	\$0	\$0	\$1,267,905	\$1,267,905	\$0	\$1,267,905

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	399	12	0	4788
Concrete Paving	0	0	0	0	7470

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	131987	SF	\$1,267,075
Lake & Pond Easements	0	0	1.36	AC	\$680
Rivers, Lakes & Submerged Lands	0	0	0.3	AC	\$150

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$18,000,000.00	WARRANTY DEED	4829	784	Q	I	GREENWOOD PROPERTIES LLC	WINDWARD SHIPYARD LLC

No data available for the following modules: 2019 TRIM Notice, Exemption Information, Building Information, Sketch Information.

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St. Johns County, FL

Sales Questionnaire Form

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Sales Questionnaire

Summary



Parcel ID	1342300030
Location Address	76 DOCKSIDE DR 117 DOCKSIDE DR SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	3/87 SEMINOLE PARK PTS OF BLK B & BLK D & VACA ALLEY & PTS OF SEC 40 SOLANA GRANT UNPLATTED SUB OR4829/784 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Transit Terminals (2000)
Subdivision	Seminole Park
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	3.520
Homestead	N

Owner Information

Owner Name	Windward Shipyard LLC 100%
Mailing Address	404 RIBERIA ST UNIT A SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$4,830,754
Extra Features Value	\$523,392
Total Land Value	\$1,840,416
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$7,194,562
Total Deferred	\$0
Assessed Value	\$7,194,562
Total Exemptions	\$0
Taxable Value	\$7,194,562

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	\$4,884,317	\$523,392	\$1,840,416	\$0	\$0	\$7,248,125	\$7,248,125	\$0	\$7,248,125
2019	\$0	\$0	\$306,736	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

Building	1
Actual Area	106985
Conditioned Area	6136
Actual Year Built	2016
Use	Warehousing - Flex Space
Style	06
Class	N
Exterior Wall	Aluminum Vinyl
Roof Structure	Steel Frame

Roof Structure	Steel Frame
Roof Cover	Modular Metal
Interior Flooring	Concrete 6-8"
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Steel	100%
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Flooring	Concrete 6-8"	100%
Interior Walls	Drywall	100%
Insulation	2" Fiberglass	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Average	100%
Plumbing	20 Fixtures	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	75604
WAREHOUSE OFFICE (FINISHED)	3068	3068
POINTER	0	23776
CANOPY (COMMERCIAL)	0	472
CANOPY (COMMERCIAL)	0	472
WAREHOUSE OFFICE (FINISHED)	3068	3068
CANOPY (COMMERCIAL)	0	105
CANOPY (COMMERCIAL)	0	105
CANOPY (COMMERCIAL)	0	105
CANOPY (COMMERCIAL)	0	105
CANOPY (COMMERCIAL)	0	105
Total SqFt	6136	106985

Building	2
Actual Area	1588
Conditioned Area	1156
Actual Year Built	2016
Use	Marina Offices
Style	04
Class	N

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	

Exterior Wall Concrete Siding, Concre. Jucco
Roof Structure Gable Hip

Baths

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Wood Frame	100%
Exterior Wall	Concrete Siding	90%
Exterior Wall	Concrete Stucco	10%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Flooring	Ceramic Tile	100%
Interior Walls	Drywall	100%
Insulation	2" Fiberglass	100%
Electrical	Good	100%
Plumbing	14 Fixtures	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	1156	1156
CANOPY (COMMERCIAL)	0	432
Total SqFt	1156	1588

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	1	0	0	0	6454
Concrete Paving (Commercial)	1	0	0	0	2605
Concrete Paving 8-10" Reinforced	1	0	0	0	22848
Asphalt Paving	1	0	0	0	32955
Curb	1	0	0	0	1629
Sprinkler Wet	1	0	0	0	81740
Steel Door	1	0	0	0	1890
Hanger Door	1	0	0	0	1800
Sprinkler Wet	2	0	0	0	210
Commercial Metal Fence 4'	2	0	0	0	216
Gate (Commercial)	2	26	6	0	156
Bulkhead (Average)	2	155	12	0	1860
Concrete Paving (Commercial)	2	0	0	0	1805

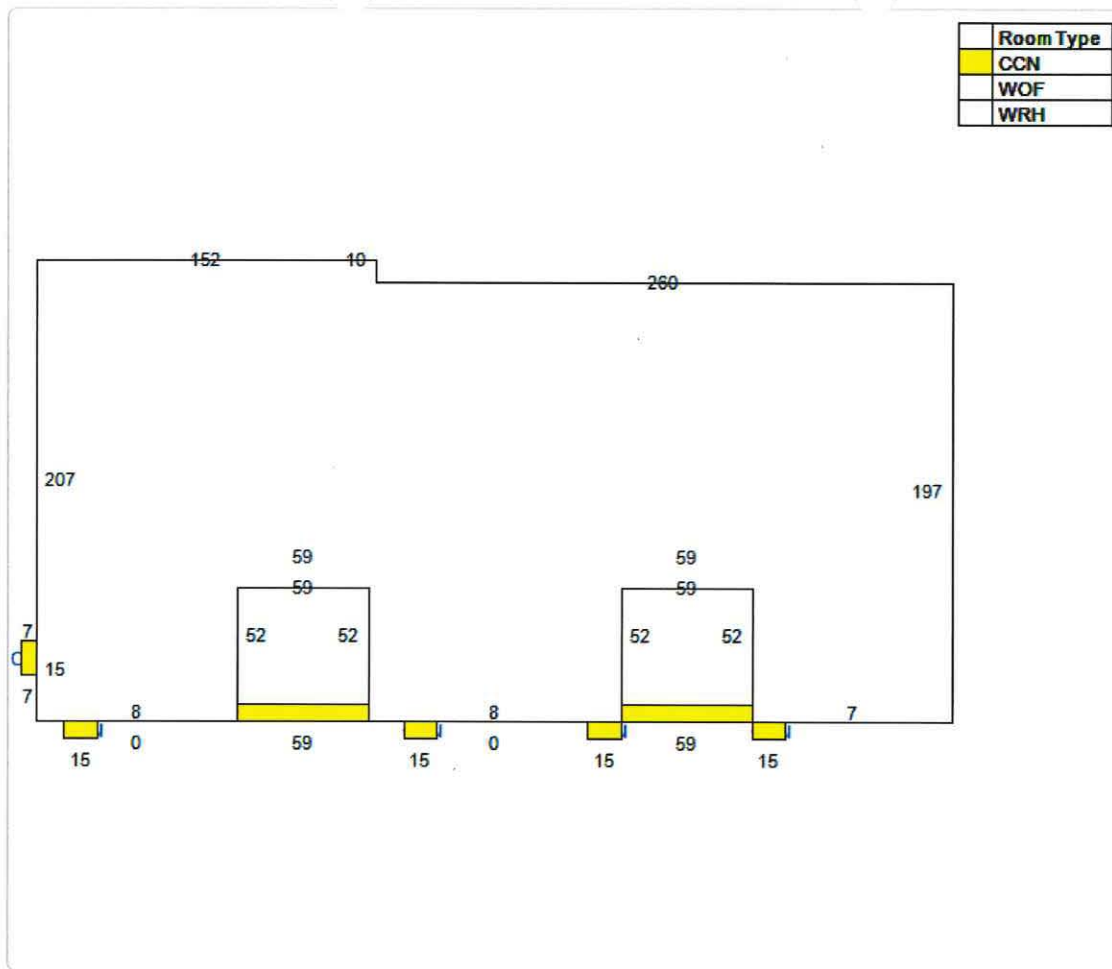
Land Information

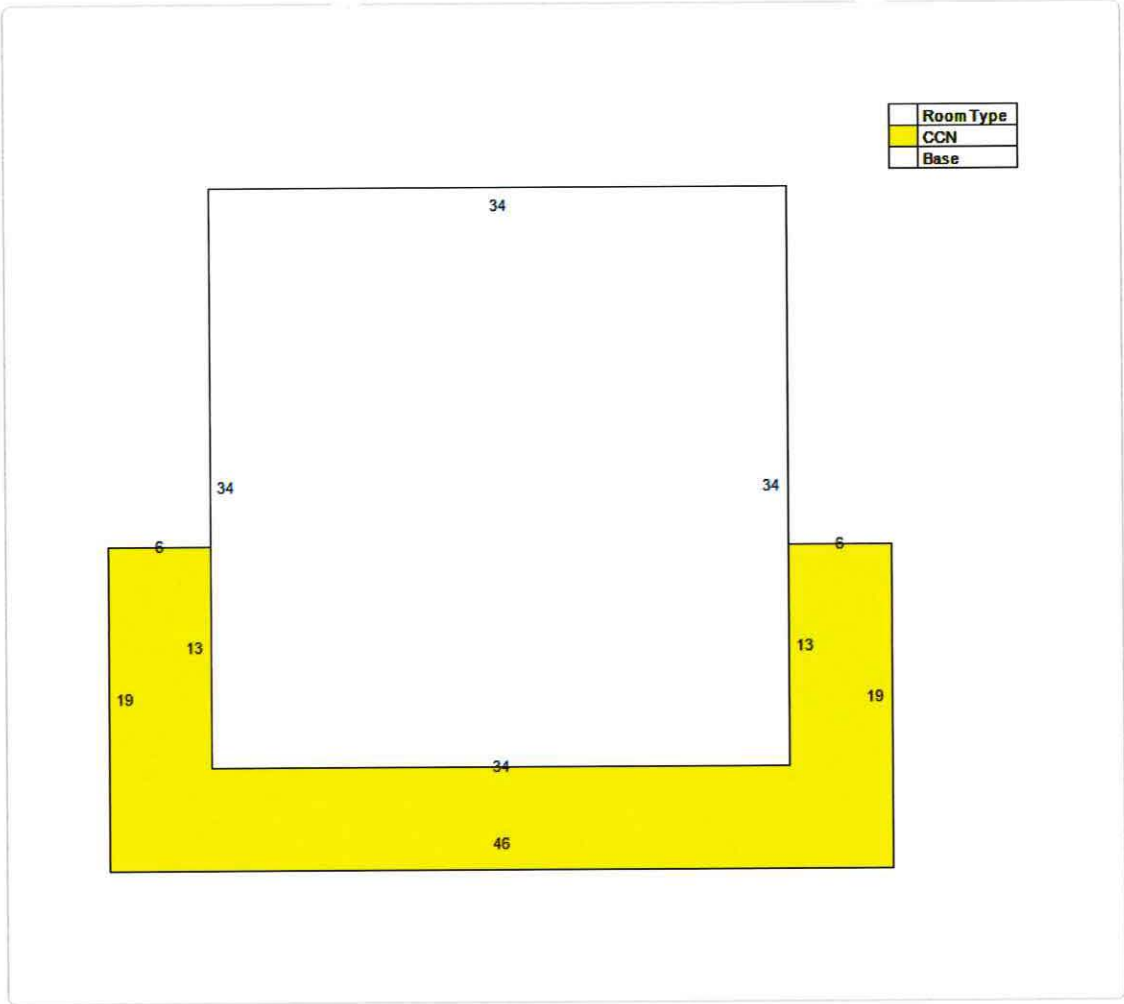
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	153368	SF	\$1,840,416

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$18,000,000.00	WARRANTY DEED	4829	784	Q	I	ST AUGUSTINE SHIPYARD LLC	WINDWARD SHIPYARD LLC
1/10/2019	1/7/2019	\$100.00	QUIT CLAIM DEED	4665	1736	U	V	GREENWOOD PROPERTY LLC	ST AUGUSTINE SHIPYARD LLC

Sketch Information





No data available for the following modules: 2019 TRIM Notice, 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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Version 2.3.116

Prepared By/Record and Return To:
Susan S. Bloodworth, Esquire
Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086-5755
FN19-27/7710900
Consideration: \$18,000,000.00

SPECIAL WARRANTY DEED
(Barn Property)

THIS INDENTURE is made this 8th day of November, 2019, between **GREENWOOD PROPERTY, LLC**, a Delaware limited liability company, formerly known as All Seasons, LLC, a Delaware limited liability company and **ST. AUGUSTINE SHIPYARD, LLC**, a Delaware limited liability company (collectively, "Grantor"), whose address is 117 Dockside Drive, St. Augustine, Florida 32084, and **WINDWARD SHIPYARD, LLC**, a Delaware limited liability company, ("Grantee"), whose address is 404 Riberia St., Unit A, St. Augustine, FL 32084;

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described land (the "Land"), situate, lying and being in the County of **St. Johns**, State of Florida:

See Exhibit "A" attached hereto and by this
reference made a part hereof.

Property Appraiser's Parcel ID Numbers: 127910-0000, 127920-0000, 127930-0000, 128090-0010 and a portion of 134230-0010.

Together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the permitted encumbrances listed on Exhibit "B" attached hereto and by this reference made a part hereof (the "Permitted Encumbrances").

To have and to hold the Property in fee simple forever.

Except as set forth in the Permitted Encumbrances, the said Grantor does hereby fully warrant the title to said Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

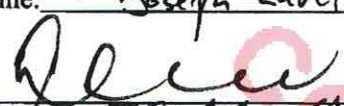
IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in his/hers/its name, the day and year first above written.

GREENWOOD PROPERTY, LLC, a
Delaware limited liability company

By: Colco Corp., a Colorado corporation, its
Manager/Sole Member


Name: Joseph Lavelle

By: 
Name: Gary Vose
Title: President

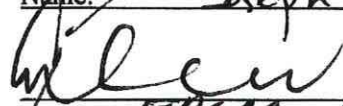

Name: EDGAR BALBIN

ST. AUGUSTINE SHIPYARD, LLC, a
Delaware limited liability company

By: Colco Corp., a Colorado corporation, its
Manager/Sole Member


Name: Joseph Lavelle

By: 
Name: Gary Vose
Title: President


Name: EDGAR BALBIN

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

- 2 -

Deed - Shipyards Overall - Greenwood:3054442_2

On November 4, 2019, before me, Natalie Azik, Notary Public (insert name and title of the officer) personally appeared GARY VOSE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



Exhibit "A"

BARN PARCEL:

A TRACT OF LAND COMPRISED OF PORTIONS OF SEMINOLE PARK, ACCORDING TO THE MAP RECORDED IN MAP BOOK 3, PAGE 87, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3818, PAGE 1150, AND OFFICIAL RECORDS BOOK 3757, PAGE 1474, LYING IN SECTIONS 19 AND 40, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (A 150 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH $11^{\circ}24'27''$ WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 23.06 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF IROQUOIS AVENUE (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH $41^{\circ}44'18''$ EAST ALONG SAID SOUTHEASTERLY RIGHT-WAY-LINE, BEING THE SAME AS THE NORTHWESTERLY LINE OF BLOCK H OF SAID SEMINOLE PARK, 178.02 FEET; THENCE SOUTH $48^{\circ}13'13''$ EAST, DEPARTING LAST SAID LINE, 139.96 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 5, BLOCK H OF SAID SEMINOLE PARK; THENCE NORTH $41^{\circ}43'22''$ EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 5, ACROSS FORMER MOHAWK STREET, VACATED PER OFFICIAL RECORDS BOOK 189, PAGE 372, SAID PUBLIC RECORDS, ALONG THE NORTHWESTERLY LINE OF LOTS 6 AND 7 BLOCK D OF SAID SEMINOLE PARK, 390.21 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 6, LOCATED IN THE FORMER SOUTHWESTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, NOW CLOSED BY ORDINANCE 88- 45, AS RECORDED IN OFFICIAL RECORDS BOOK 791, PAGE 281, OF SAID PUBLIC RECORDS; THENCE NORTHEASTERLY ACROSS SAID

FORMER CHEROKEE STREET, NORTH 37°39'42" EAST, 40.03 FEET, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET; THENCE NORTH 52°23'36" WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, 162.43 FEET, TO THE FORMER CENTERLINE OF IROQUOIS AVENUE A 50 FOOT RIGHT OF WAY, CLOSED PER ORDINANCE NO. 2014-12, OFFICIAL RECORDS BOOK 3947, PAGE 881; THENCE NORTH 41°41'26" EAST, ALONG SAID FORMER CENTERLINE OF IROQUOIS AVENUE, AND ITS NORTHEASTERLY PROLONGATION, 262.96 FEET TO ITS INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SAN SEBASTIAN RIVER; THENCE DEPARTING SAID FORMER CENTERLINE AND ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES: 1) SOUTH 61°54'54" EAST, 104.04 FEET; 2) SOUTH 58°45'38" EAST, 28.45 FEET; 3) SOUTH 70°11'24" EAST, 24.70 FEET; 4) SOUTH 71°07'34" EAST, 34.35 FEET, TO AN ANGLE POINT ON A CONCRETE BULKHEAD; THENCE ALONG SAID CONCRETE BULKHEAD THE FOLLOWING COURSES 1) SOUTH 47°00'58" EAST, 4.27 FEET; 2) SOUTH 47°48'58" EAST, 46.07 FEET; 3) SOUTH 48°59'40" EAST, 21.08 FEET; 4) NORTH 41°05'02" EAST, 32.76 FEET; 5) SOUTH 49°43'25" EAST, 12.94 FEET; 6) SOUTH 40°23'47" WEST, 40.65 FEET; 7) SOUTH 49°20'34" EAST, 50.59 FEET; 8) NORTH 45°30'16" EAST, 43.37 FEET; 9) NORTH 42°32'05" EAST, 64.53 FEET; 10) NORTH 78°18'13" EAST, 63.60 FEET; 11) SOUTH 67°31'53" EAST, 150.30 FEET; 12) NORTH 27°54'01" EAST, 2.25 FEET; 13) SOUTH 63°34'52" EAST, 76.69 FEET; THENCE SOUTH 40°25'09" WEST, DEPARTING LAST SAID BULKHEAD LINE, 953.91 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED ARAPAHO AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 3 CALLS; 1) NORTH 68°29'21" WEST, 340.95 FEET; 2) NORTH 53°15'10" EAST, 8.50 FEET; 3) NORTH 68°21'25" WEST, 251.47 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.55 ACRES MORE OR LESS.

TOGETHER WITH APPURTENANT EASEMENTS AS SET FORTH IN DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS AS RECORDED IN OFFICIAL RECORDS BOOK 3985, PAGE 1785, FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 4143, PAGE 885 AND SECOND AMENDMENT OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 4238, PAGE 169, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL CONTAINS PORTIONS OF THE VACATED ROAD RIGHT OF WAYS FOR ICE PLANT ROAD, DIESEL ROAD, MOHAWK STREET, CHEROKEE STREET, SAN SEBASTIAN BOULEVARD AND IROQUOIS AVENUE; AS SAID RIGHT OF WAY LIE WITHIN THE BOUNDS OF THE ABOVE DESCRIBED PARCEL.

LESS AND EXCEPT THE FOLLOWING PARCEL:

(RESTAURANT PARCEL):

A TRACT OF LAND COMPRISED OF A PORTION OF SEMINOLE PARK, ACCORDING TO THE MAP RECORDED IN MAP BOOK 3, PAGE 87, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND A PORTION OF SECTION 40, BEING IN TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A POINT IN THE NORTHEASTERLY RIGHT OF WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED) LOCATED IN THE WESTERLY MOST CORNER OF LOT 6, BLOCK "H" OF SAID SEMINOLE PARK SUBDIVISION; THENCE NORTH $41^{\circ}43'22''$ EAST, ALONG THE NORTHERLY BOUNDARY OF LOTS 6 AND 5 IN SAID BLOCK "H" ACROSS THE RIGHT OF WAY LINE OF MOHAWK STREET (A 50 FOOT RIGHT-OF-WAY, VACATED PER OFFICIAL RECORDS BOOK 189, PAGE 372 OF SAID PUBLIC RECORDS), AND ALONG THE NORTHERLY BOUNDARY OF LOT 7, BLOCK "D" OF SAID SEMINOLE PARK, 296.69 FEET; THENCE CONTINUE ALONG SAID NORTH LINE OF LOT 7 AND THE NORTH LINE OF LOT 6 OF SAID BLOCK "D", NORTH $41^{\circ}43'22''$ EAST, 240.84 FEET TO THE NORTHERLY CORNER OF SAID LOT 6, LOCATED IN THE FORMER SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHEROKEE STREET, NOW CLOSED BY ORDINANCE 88-45, AS RECORDED IN OFFICIAL RECORDS BOOK 791, PAGE 281, OF SAID PUBLIC RECORDS; THENCE NORTHEASTERLY ACROSS SAID FORMER CHEROKEE STREET, NORTH $37^{\circ}40'55''$ EAST, 103.59 FEET; THENCE SOUTH $48^{\circ}16'32''$ EAST, 20.80 FEET; THENCE NORTH $41^{\circ}43'32''$ EAST, 32.77 FEET; THENCE SOUTH $48^{\circ}10'30''$ EAST, 9.45 FEET; THENCE NORTH $41^{\circ}43'09''$ EAST, 207.32 FEET THENCE SOUTH $47^{\circ}48'58''$ EAST, 46.07 FEET; THENCE SOUTH $48^{\circ}59'40''$ EAST, 21.08 FEET; THENCE NORTH $41^{\circ}05'02''$ EAST, 32.76 FEET; THENCE SOUTH $49^{\circ}43'25''$ EAST, 12.94 FEET; THENCE SOUTH $40^{\circ}23'47''$ WEST, 40.65 FEET; THENCE SOUTH $49^{\circ}20'34''$ EAST, 84.12 FEET; THENCE SOUTH $41^{\circ}39'47''$ WEST, 45.57 FEET; THENCE SOUTH $48^{\circ}21'14''$ EAST, 39.31 FEET, TO THE POINT OF BEGINNING; THENCE NORTH $41^{\circ}44'47''$ EAST, 76.65 FEET; THENCE NORTH $12^{\circ}30'32''$ WEST, 20.11 FEET; THENCE NORTHEASTERLY, DEPARTING LAST DESCRIBED LINE, AND ALONG THE ARC OF A CURVE, NON-TANGENT TO THE LAST DESCRIBED LINE, A CURVE CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 63.07 FEET, THROUGH A CENTRAL ANGLE OF $109^{\circ}45'10''$ AN ARC DISTANCE OF 120.82 FEET, TO THE END OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $52^{\circ}21'25''$ EAST, 103.17 FEET; THENCE SOUTH $67^{\circ}12'53''$ EAST, DEPARTING SAID CURVE, 99.52 FEET; THENCE SOUTH $16^{\circ}05'52''$ WEST, 191.38 FEET; THENCE SOUTH $37^{\circ}36'13''$ WEST, 155.80 FEET; THENCE NORTH $50^{\circ}12'31''$ WEST, 7.55 FEET; THENCE NORTH $29^{\circ}32'06''$ WEST, 38.35 FEET; THENCE NORTH $51^{\circ}20'00''$ WEST, 115.22 FEET; THENCE NORTH $06^{\circ}30'10''$ EAST, 55.41 FEET; THENCE NORTH $41^{\circ}44'47''$ EAST, 54.65 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.18 ACRES MORE OR LESS.

EXHIBIT "B"
Permitted Exceptions

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
2. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
3. Easements as set forth in instrument recorded in Deed Book 102, Page 529; and Quit Claim Deed recorded in Official Records Book 1733, Page 1969, Public Records of St. Johns County, Florida.
4. Easement recorded in Deed Book 205, Page 211 and Deed Book 206, Page 195, Public Records of St. Johns County, Florida.
5. Easements as set forth in Warranty Deed recorded in Deed Book 181, Page 300, Public Records of St. Johns County, Florida.
6. Easement recorded in Official Records Book 978, Page 1794.
7. Right of Way Easement, Perpetual, No. 21262 by the State of Florida through the Trustees of the Internal Improvement Fund of the State of Florida in favor of the St. Augustine Port, Waterway, and Beach District, established pursuant to chapter 18879, Laws of Florida, 1937, approved by referendum on May 3, 1938.
8. Restrictions, covenants, conditions and easements, as contained in that certain Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 3985, Page 1785; First Amendment recorded in Official Records Book 4143, Page 885 and Second Amendment recorded in Official Records Book 4238, Page 169, Public Records of St. Johns County, Florida; and as may be subsequently amended.
9. Easement as set forth in instrument recorded in Official Records Book 4143, Page 863.
10. Terms and Conditions of that Declaration of Access Easement recorded in Official Records Book 4220, Page 852.
11. Terms and Conditions set forth in Shipyards Development Agreement recorded in Official Records Book 4734, Page 782.
12. Unrecorded City of St. Augustine Submerged Lands Lease by and between the City of St. Augustine, Florida, a municipal corporation (Lessor) and Greenwood Property, LLC (Lessee) dated October 8, 2018.
13. The nature, extent or existence of riparian rights is not insured.
14. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's

control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.

15. Rights of tenants, as tenants only, under recorded and unrecorded leases.
16. Recorded Notice of Environmental Resource Permit recorded in Official Records Book 4143, Page 410 and Official Records Book 4165, Page 1538, Public Records of St. Johns County, Florida.

COPY



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Detail by Entity Name

Foreign Limited Liability Company
WINDWARD SHIPYARD, LLC

Filing Information

Document Number M19000010442
FEI/EIN Number APPLIED FOR
Date Filed 10/29/2019
State DE
Status ACTIVE

Principal Address

2999 NE 191ST ST., STE 800
AVENTURA, FL 33180

Mailing Address

2999 NE 191ST ST., STE 800
AVENTURA, FL 33180

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Authorized Person(s) Detail

Name & Address

Title MGR

JOHANSSON, STEFAN
2999 NE 191ST ST., STE 800
AVENTURA, FL 33180

Title MGR

FINVARB, ROBERT
2999 NE 191ST ST., STE 800
AVENTURA, FL 33180

Annual Reports

Report Year	Filed Date
2020	04/07/2020
2021	03/19/2021

Document Images

03/19/2021 -- ANNUAL REPORT	View image in PDF format
04/07/2020 -- ANNUAL REPORT	View image in PDF format
10/29/2019 -- Foreign Limited	View image in PDF format

Florida Department of State, Division of Corporations



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	1342300000
Location	255 DIESEL RD
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax	7 8 9 10 & 11 SOLANA GRANT SUB ALL OF LOTS 2 & 3 LYING E OF ARAPAHO AVE INCL LOTS 1 THRU 9 TAYLOR SUB & INCL PTS OF SEMINOLE PARK
Description*	MB3-87 SE'LY 9FT OF LOT 8 & ALL LOTS 9 THRU 16 BLK B LOTS 6 THRU 12 BLK D LOTS 5 THRU 8 BLK H & PT OF VACATED SAN SEBASTIAN BLVD IN DB203/27 & MOHAWK & CHEROKEE ST IN OR189/372 (EX NORTH PARCEL IN OR3818/1144 & 1150) (EX PT OF CHEROKEE ST IN VACATED IN OR791/281 ORD 88-45) (EX PT IN OR4360/380) OR4829/835 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Seminole Park
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	2.940
Homestead	N

Owner Information

Owner Name	Windward Shipyard Land Holdings LLC 100%
Mailing Address	2999 NE 191 ST STE 800 AVENTURA, FL 33180-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$43,619
Total Land Value	\$511,860
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$555,479
Total Deferred	\$0
Assessed Value	\$555,479
Total Exemptions	\$0
Taxable Value	\$555,479

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	\$38,095	\$511,860	\$0	\$0	\$549,955	\$549,955	\$0	\$549,955
2019	\$0	\$28,203	\$255,930	\$0	\$0	\$284,133	\$231,937	\$52,196	\$231,937
2018	\$0	\$29,965	\$255,930	\$0	\$0	\$285,895	\$210,852	\$75,043	\$210,852
2017	\$0	\$31,728	\$195,478	\$0	\$0	\$227,206	\$227,206	\$0	\$227,206
2016	\$13,317	\$18,445	\$195,479	\$0	\$0	\$227,241	\$227,241	\$0	\$227,241
2015	\$34,568	\$39,812	\$195,479	\$0	\$0	\$269,859	\$269,859	\$0	\$269,859
2014	\$61,134	\$36,964	\$195,479	\$0	\$0	\$293,577	\$293,577	\$0	\$293,577
2013	\$339,675	\$256,892	\$817,319	\$817,319	\$628,196	\$1,224,763	\$1,224,763	\$0	\$1,224,763
2012	\$383,771	\$258,043	\$817,319	\$817,319	\$628,196	\$1,270,010	\$1,270,010	\$0	\$1,270,010
2011	\$425,088	\$258,618	\$908,132	\$908,132	\$628,196	\$1,311,902	\$1,311,902	\$0	\$1,311,902
2010	\$471,729	\$259,193	\$908,132	\$908,132	\$628,196	\$1,359,118	\$1,359,118	\$0	\$1,359,118

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	307	12	0	3684

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	127965	SF	\$511,860

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$6,000,000.00	WARRANTY DEED	4829	835	Q	V	GREENWOOD PROPERTY LLC	WINDWARD SHIPYARD LAND HOLDINGS LLC
1/29/2016	1/29/2016	\$0.00	COVENANTS AND RESTRICTIONS	4143	885	U	V	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ETAL
2/9/2015	1/27/2015	\$0.00	COVENANTS AND RESTRICTIONS	3985	1785	U	I	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ET AL
11/21/2013	7/25/2013	\$0.00	OTHER INSTRUMENT	3816	940	U	I	ALL SEASONS LLC	GREENWOOD PROPERTY LLC
7/8/2013	7/2/2013	\$1,956,900.00	WARRANTY DEED	3757	1474	U	I	LUHRS CORPORATION	ALL SEASONS LLC

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

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

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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	1342300020
Location Address	DIESEL RD SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	11-1 SOLANA GRANT SUB PT OF LOTS 2 & 3 LYING E OF ARAPAHO AVE & PT OF UNPLATTED PT OF STR 19-7-30 LYING TO THE NE OR4829/835 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	M Solana Grant Uplatted
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.650
Homestead	N

Owner Information

Owner Name	Windward Shipyard Land Holdings LLC 100%
Mailing Address	2999 NE 191ST ST STE 800 AVENTURA, FL 33180-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$113,672
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$113,672
Total Deferred	\$0
Assessed Value	\$113,672
Total Exemptions	\$0
Taxable Value	\$113,672

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$113,672	\$0	\$0	\$113,672	\$113,672	\$0	\$113,672
2019	\$0	\$0	\$255,762	\$0	\$0	\$255,762	\$255,762	\$0	\$255,762
2018	\$0	\$0	\$255,762	\$0	\$0	\$255,762	\$255,762	\$0	\$255,762
2017	\$0	\$0	\$35,522	\$0	\$0	\$0	\$0	\$0	\$0

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	28418	SF	\$113,672

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	11/8/2019	\$6,000,000.00	WARRANTY DEED	4829	835	Q	V	GREENWOOD PROPERTY LLC	WINDWARD SHIPYARD LAND HOLDINGS LLC
9/30/2019	7/23/2019	\$1,285,400.00	WARRANTY DEED	4803	1255	U	V	VOSE SUSAN J TRUST	GREENWOOD PROPERTY LLC
4/18/2017	4/6/2017	\$1,200,000.00	WARRANTY DEED	4360	380	U	V	GREENWOOD PROPERTY LLC	VOSE SUSAN J TRUST
1/29/2016	1/29/2016	\$0.00	COVENANTS AND RESTRICTIONS	4143	885	U	V	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ETAL
2/9/2015	1/27/2015	\$0.00	COVENANTS AND RESTRICTIONS	3985	1785	U	I	GREENWOOD PROPERTY LLC	SHIPYARD VILLAGE LLC ETAL
11/21/2013	7/25/2013	\$0.00	OTHER INSTRUMENT	3816	940	U	I	ALL SEASONS LLC	GREENWOOD PROPERTY LLC
7/8/2013	7/2/2013	\$1,956,900.00	WARRANTY DEED	3757	1474	U	I	LUHRS CORPORATION	ALL SEASONS LLC

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

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

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Last Data Upload: 4/10/2021, 12:12:55 AM

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 Schneider
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Version 2.3.116

Prepared By/Record and Return To:
Susan S. Bloodworth, Esquire
Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086-5755

FN19-27/7710900

Consideration: \$6,000,000.00

SPECIAL WARRANTY DEED

(Non-Barn Property)

THIS INDENTURE is made this 8th day of November, 2019, between **GREENWOOD PROPERTY, LLC**, a Delaware limited liability company, f/k/a All Seasons, LLC, a Delaware limited liability company, **ST. AUGUSTINE SHIPYARD, LLC**, a Delaware limited liability company and **ST. AUGUSTINE SHIPYARD PROPERTY COMPANY**, a dissolved Florida corporation (collectively, "Grantor"), whose address is 117 Dockside Drive, St. Augustine, Florida 32084, and **WINDWARD SHIPYARD LAND HOLDINGS, LLC**, a Delaware limited liability company, ("Grantee"), whose address is 404 Riberia St., Unit A, St. Augustine, FL 32084;

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described land (the "Land"), situate, lying and being in the County of **St. Johns**, State of Florida:

See Exhibit "A" attached hereto and by this
reference made a part hereof.

Property Appraiser's Parcel ID Numbers: 134230-0000, 134230-0020, 134340-0000, 134390-0000, 134390-0010, 134410-0000, 134600-0000, 134630-0000, 134650-0000, and 134770-0000.

Together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the permitted encumbrances listed on Exhibit "B" attached hereto and by this reference made a part hereof (the "Permitted Encumbrances").

To have and to hold the Property in fee simple forever.

Except as set forth in the Permitted Encumbrances, the said Grantor does hereby fully warrant the title to said Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

This deed is given in connection with the winding up of the affairs of the **ST. AUGUSTINE SHIPYARD PROPERTY COMPANY**, a dissolved Florida corporation, which was administrative dissolved by the Colorado Secretary of State on November 14, 2017.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in his/hers/its name, the day and year first above written.

Signed and Sealed in
Our Presence:

“GRANTOR”

GREENWOOD PROPERTY, LLC, a
Delaware limited liability company

By: Colco Corp., a Colorado corporation, its
Operating Manager/Sole Member

By: Gary Vose
Name: Gary Vose
Title: President

Name: Joseph Cavell
Name: EDGAR BALDWIN

ST. AUGUSTINE SHIPYARD, LLC, a
Delaware limited liability company

By: Colco Corp., a Colorado corporation, its
Manager/Sole Member

By: Gary Yose
Name: Gary Yose
Title: President

Name: Joseph Lavelle
Allen
 Name: EDGAR BALBIN

**ST. AUGUSTINE SHIPYARD PROPERTY
COMPANY, a dissolved Florida corporation**

By: _____
Name: Gary Vose
Title: President

Name: Joseph Lawelle
Name: ERGAN DALBIN

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On November 4, 2019, before me, Natalie Azik, Notary Public (insert name and title of the officer) personally appeared GARY VOSE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Signature] (Seal)



Exhibit "A"

SOUTH PARCEL:

A TRACT OF LAND COMPRISED OF PORTIONS OF SEMINOLE PARK, ACCORDING TO THE MAP RECORDED IN MAP BOOK 3, PAGE 87, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3818, PAGE 1150, AND OFFICIAL RECORDS BOOK 3757, PAGE 1474, LYING IN SECTIONS 19 AND 40, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (A 150 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 11°24'27" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 23.06 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF IROQUOIS AVENUE (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 41°44'18" EAST ALONG SAID SOUTHEASTERLY RIGHT-WAY-LINE, BEING THE SAME AS THE NORTHWESTERLY LINE OF BLOCK H OF SAID SEMINOLE PARK, 178.02 FEET; THENCE SOUTH 48°13'13" EAST, DEPARTING LAST SAID LINE, 139.96 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 5, BLOCK H OF SAID SEMINOLE PARK; THENCE NORTH 41°43'22" EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 5, ACROSS FORMER MOHAWK STREET, VACATED PER OFFICIAL RECORDS BOOK 189, PAGE 372, SAID PUBLIC RECORDS, ALONG THE NORTHWESTERLY LINE OF LOTS 6 AND 7 BLOCK D OF SAID SEMINOLE PARK, 390.21 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 6, LOCATED IN THE FORMER SOUTHWESTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, NOW CLOSED BY ORDINANCE 88- 45, AS RECORDED IN OFFICIAL RECORDS BOOK 791, PAGE 281, OF SAID PUBLIC RECORDS; THENCE NORTHEASTERLY ACROSS SAID FORMER CHEROKEE STREET, NORTH 37°39'42" EAST, 40.03 FEET, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET; THENCE NORTH 52°23'36" WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE STREET, 162.43 FEET, TO THE FORMER CENTERLINE OF IROQUOIS AVENUE A 50 FOOT RIGHT OF WAY, CLOSED PER ORDINANCE NO. 2014-12, OFFICIAL RECORDS BOOK 3947, PAGE 881; THENCE NORTH 41°41'26" EAST, ALONG SAID FORMER CENTERLINE OF IROQUOIS AVENUE, AND ITS NORTHEASTERLY PROLONGATION, 262.96 FEET TO ITS INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SAN SEBASTIAN RIVER; THENCE DEPARTING SAID FORMER CENTERLINE AND ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES: 1) SOUTH 61°54'54" EAST, 104.04 FEET; 2) SOUTH 58°45'38" EAST, 28.45 FEET; 3) SOUTH 70°11'24" EAST, 24.70 FEET; 4) SOUTH 71°07'34" EAST, 34.35 FEET, TO AN ANGLE POINT ON A CONCRETE BULKHEAD; THENCE ALONG SAID CONCRETE BULKHEAD THE FOLLOWING COURSES 1) SOUTH 47°00'58" EAST, 4.27 FEET; 2) SOUTH 47°48'58" EAST, 46.07 FEET; 3) SOUTH 48°59'40" EAST, 21.08 FEET; 4) NORTH 41°05'02" EAST, 32.76 FEET; 5) SOUTH 49°43'25" EAST, 12.94 FEET; 6)

SOUTH 40°23'47" WEST, 40.65 FEET; 7) SOUTH 49°20'34" EAST, 50.59 FEET; 8) NORTH 45°30'16" EAST, 43.37 FEET; 9) NORTH 42°32'05" EAST, 64.53 FEET; 10) NORTH 78°18'13" EAST, 63.60 FEET; 11) SOUTH 67°31'53" EAST, 150.30 FEET; 12) NORTH 27°54'01" EAST, 2.25 FEET; 13) SOUTH 63°34'52" EAST, 76.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID BULKHEAD THE FOLLOWING COURSES: 1) SOUTH 63°34'52" EAST, 217.13 FEET ; 2) SOUTH 68°57'26" EAST, 214.62 FEET; 15) SOUTH 06°23'08" EAST, 1.79 FEET; 3) SOUTH 59°47'29" WEST, 72.11 FEET; 4) SOUTH 39°36'26" EAST, 67.83 FEET; 5) NORTH 54°53'59" EAST, 70.90 FEET; 6) SOUTH 35°37'46" EAST, 71.43 FEET; 7) SOUTH 12°20'53" EAST, 24.82 FEET; 8) SOUTH 10°25'04" EAST, 21.99 ; 9) SOUTH 29°37'36" EAST, 16.43 FEET, TO THE END OF SAID CONCRETE BULKHEAD; THENCE SOUTHWESTERLY, ALONG THE MEAN HIGH WATER LINE OF THE SAN SEBASTIAN RIVER 1,081 FEET MORE OR LESS TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN AFOREMENTIONED OFFICIAL RECORDS BOOK 3757, PAGE 1474; THENCE ALONG SAID SOUTH LINE THE FOLLOWING 3 CALLS; 1) SOUTH 53°25'25" WEST, 483.98 FEET; 2) NORTH 39°35'38" WEST, 248.32 FEET; 3) SOUTH 52°47'10" WEST, 153.71 FEET; THENCE NORTH 26°51'17" WEST, DEPARTING LAST SAID LINE AND ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4143, PAGE 863 SAID PUBLIC RECORDS, 638.42 FEET; THENCE SOUTH 63°08'43" WEST, DEPARTING LAST SAID LINE AND ALONG THE NORTHERLY LINE OF THE LAST SAID LANDS, 291.11 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED ARAPAHO AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING CALLS; 1) NORTH 26°52'42" WEST, 205.14; 2) NORTH 68°29'21" WEST, 62.14 FEET; THENCE NORTH 40°25'09" EAST, DEPARTING LAST SAID LINE, 953.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 25.67 ACRES MORE OR LESS.

EXHIBIT "B"
Permitted Exceptions

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
2. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
3. Easement recorded in Deed Book 205, Page 211 and Deed Book 206, Page 195, Public Records of St. Johns County, Florida.
4. Easements as set forth in Warranty Deed recorded in Deed Book 181, Page 300, Public Records of St. Johns County, Florida.
5. Easement recorded in Official Records Book 978, Page 1794.
6. Right of Way Easement, Perpetual, No. 21262 by the State of Florida through the Trustees of the Internal Improvement Fund of the State of Florida in favor of the St. Augustine Port, Waterway, and Beach District, established pursuant to chapter 18879, Laws of Florida, 1937, approved by referendum on May 3, 1938.
7. Restrictions, covenants, conditions and easements, as contained in that certain Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 3985, Page 1785; First Amendment recorded in Official Records Book 4143, Page 885 and Second Amendment recorded in Official Records Book 4238, Page 169, Public Records of St. Johns County, Florida; and as may be subsequently amended.
8. Easement as set forth in instrument recorded in Official Records Book 4143, Page 863.
9. Terms and Conditions of that Declaration of Access Easement recorded in Official Records Book 4220, Page 852.
10. Terms and Conditions set forth in Shipyards Development Agreement recorded in Official Records Book 4734, Page 782.
11. Unrecorded City of St. Augustine Submerged Lands Lease by and between the City of St. Augustine, Florida, a municipal corporation (Lessor) and Greenwood Property, LLC (Lessee) dated October 8, 2018.
12. The nature, extent or existence of riparian rights is not insured.
13. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.
14. Rights of tenants, as tenants only, under recorded and unrecorded leases.

15. Recorded Notice of Environmental Resource Permit recorded in Official Records Book 4143, Page 410 and Official Records Book 4165, Page 1538, Public Records of St. Johns County, Florida.

COPY



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

Detail by Entity Name

Foreign Limited Liability Company

WINDWARD SHIPYARD LAND HOLDINGS, LLC

Filing Information

Document Number M19000010381
FEI/EIN Number APPLIED FOR
Date Filed 10/28/2019
State DE
Status ACTIVE

Principal Address

2999 NE 191ST STREET, STE 800
AVENTURA, FL 33180

Mailing Address

2999 NE 191ST STREET, STE 800
AVENTURA, FL 33180

Registered Agent Name & Address

GIVNER LAW GROUP, LLP
19495 BISCAYNE BOULEVARD, SUITE 702
AVENTURA, FL 33180

Authorized Person(s) Detail

Name & Address

Title MGR

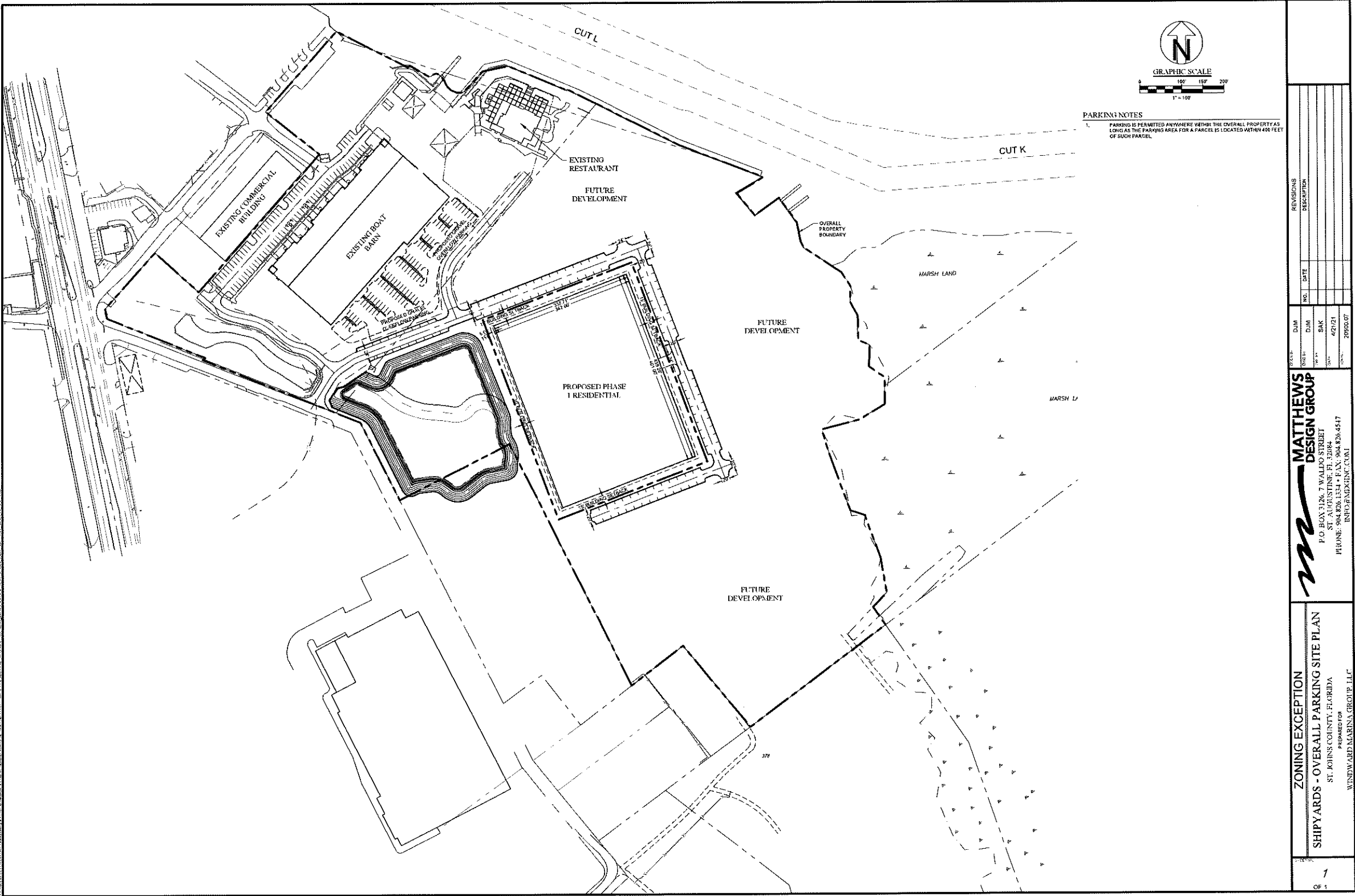
FINVARB, ROBERT I
2999 NE 191ST STREET, STE 800
AVENTURA, FL 33180

Annual Reports

Report Year	Filed Date
2020	04/07/2020
2021	03/19/2021

Document Images

03/19/2021 -- ANNUAL REPORT	View image in PDF format
04/07/2020 -- ANNUAL REPORT	View image in PDF format
10/28/2019 -- Foreign Limited	View image in PDF format



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **USE BY EXCEPTION-- 2021-0067**

AGENDA ITEM 4(c)

APPLICANT Susan Bebry

OWNER Ribossa Property Management LLC

LOCATION 63 Saragossa Street

REQUEST To approve three (3) off-site parking spaces at the municipal parking garage 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

Use by Exception – Off-site parking at the municipal garage Short Term Rental location – 63 Saragossa Street

On May 4, 2021, the Planning and Zoning Board denied a use by exception to allow three (3) parking spaces in residential street parking spaces on Saragossa Street for this vacation rental. At that time, the applicant was advised to re-apply to the board for consideration of using the municipal garage for off-site parking.

Parking spaces required – 4 parking spaces

Parking spaces provided on-site – 1 parking space

Parking spaces requested off-site – 3 parking spaces in the municipal garage

Parking Requirements Summary

- 1) Use by exception for off-site parking (within 400 feet per Sec. 28-371).
 - a. *There are two commercial parking lots (marked with red arrows) within 400 feet of the subject property (marked with a red circle), one is at 400 N. Ponce de Leon Boulevard and the other is at 19 Riberia Street (see attached aerial photo) The property at 400 N. Ponce de Leon Boulevard is an 8,500 square foot professional office (Herbie Wiles Insurance) with eight (8) parking spaces on-site and the balance of their required parking in a commercial lot to the north. The feasibility of leasing parking in the 8 space parking lot at 400 N. Ponce de Leon Boulevard for the vacation rental at 63 Saragossa Street is not known. The parking lot at 19 Riberia Street is the Boles Law Firm. The feasibility of leasing parking at this location is not known.*
- 2) parking permits to the municipal parking garage.
 - a. *The applicant is requesting three (3) spaces within the municipal parking garage.*
- 3) On-street parking permits within established Residential Permit Program Areas.
 - a. *The Board denied the use of street parking in the Saragossa Street Residential Parking area for this applicant on May 4, 2021.*

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.

The annual registration renewal will require the applicant to maintain any approved municipal garage parking permits. If the applicant fails to renew the parking permits, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

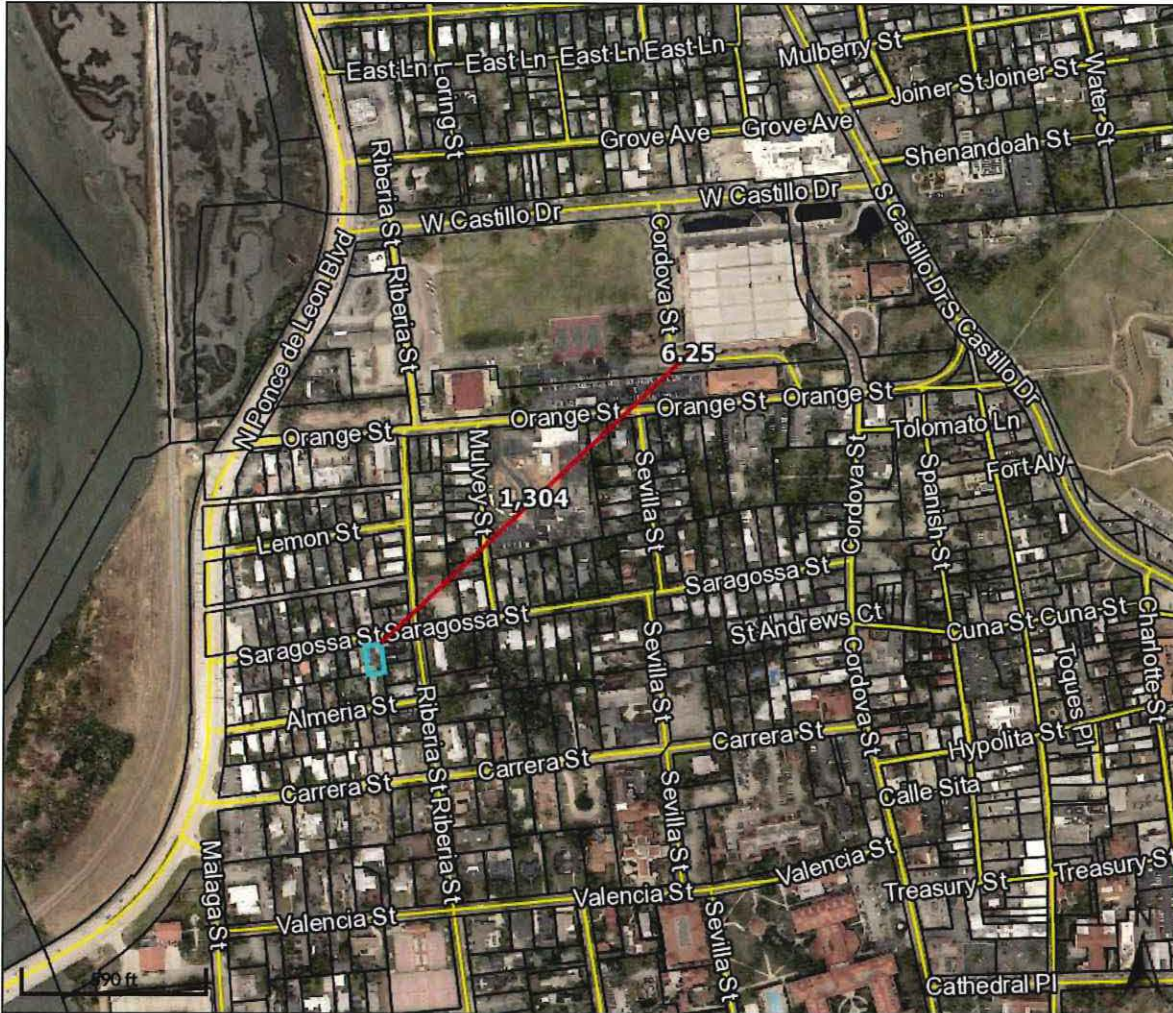
Information Only: As of the date of this report, the Planning & Zoning Board has approved 14 off-site parking spaces within the municipal parking garage, this application, if approved, would result in a total of 17.

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 three (3) off-site parking spaces at the municipal garage for a short-term rental at 63 Saragossa Street.



David Birchim, AICP
Director, Planning and Building Department



Overview



Legend

☐ Parcels

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

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: 5/13/2021

Last Data Uploaded: 5/13/2021 8:34:45 AM

Developed by  **Schneider**
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CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
MAY 07 2021
Planning/Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0067
Receipt Number: 2111265 Meeting Date: June 1, 2021
Advertising Costs: \$ 99.60 Paid On: 5/17/21 Receipt Number: 2116960

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 use by exception for off-site parking at the Municipal Garage

7. DESCRIPTION OF ACTION REQUESTED: We currently use the house as a 4 bedroom Air BNB
We are requesting that 3 of the guests for the Air BNB be allowed to park in the Municipal garage, 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 over 5 years, and
though the rules have changed and the parking on the street at Saragossa was
originally granted to us when we got the license with the City of St. Augustine,
apparently that has been taken away. rather unfairly I might add. I would, therefore,
like to request 3 parking permits to allow our guests for 3 of the bedrooms to park in
the municipal parking garage in St. Augustine.

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.

May 4 - application for parking permits for street parking was denied

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. Beby
Signature of Applicant

5/08/2021

Date

Susan L. Beby
Signature of Property Owner

5/08/2021

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.

Susan L Bebry

Print name of applicant


Signature of applicant

5/08/2021

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 <i>*The Description above is not to be used on legal documents.</i>
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

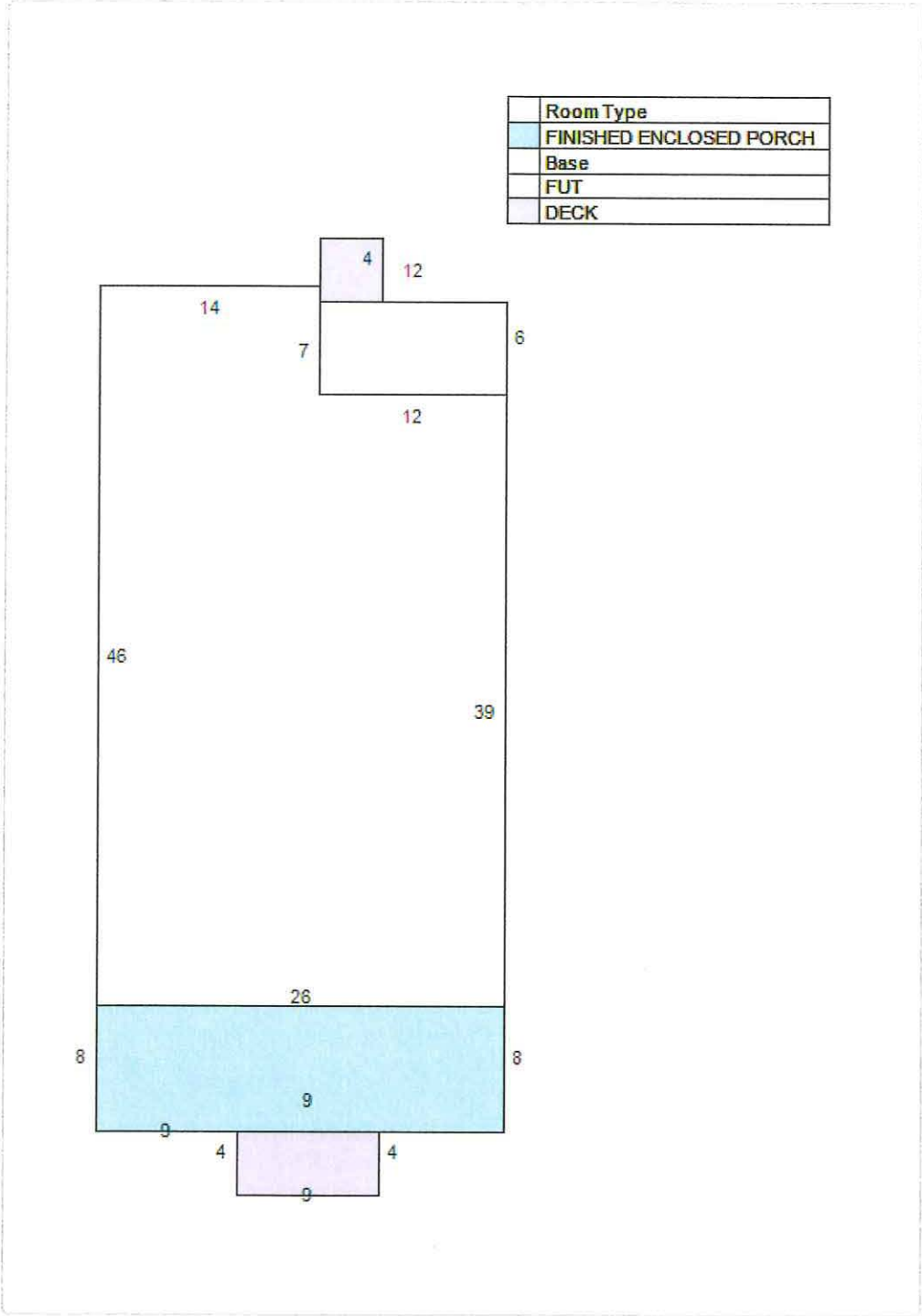
Land Information

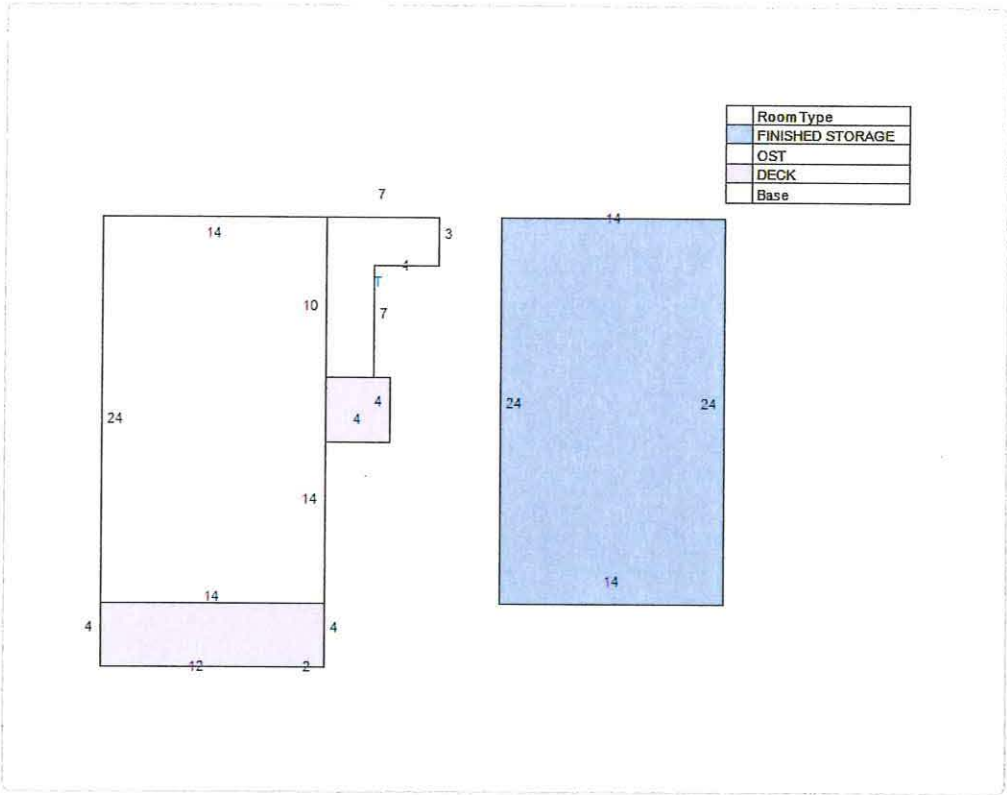
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	50	89	50	EF	\$123,975

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.

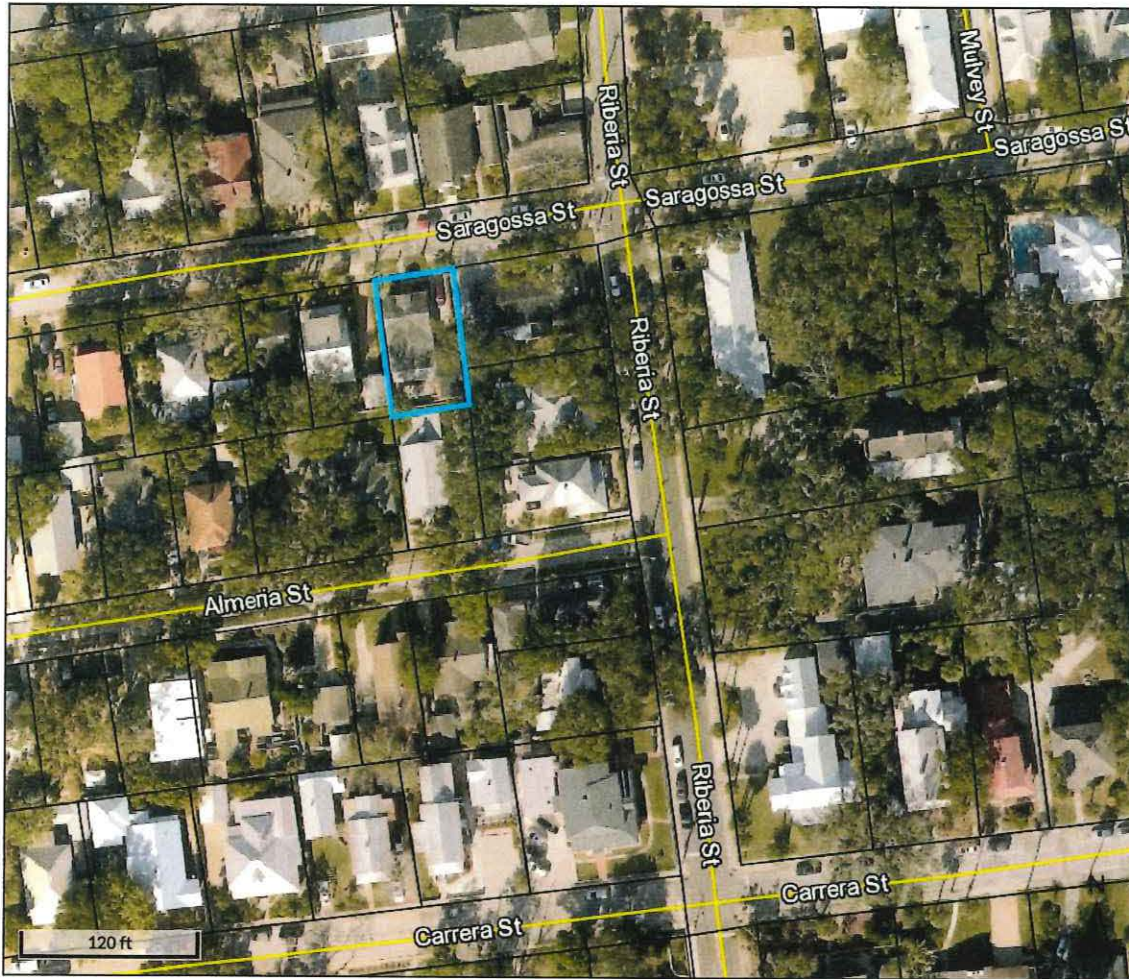
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[Last Data Upload: 3/24/2021, 12:56:12 AM](#)

Developed by
 Schneider
GEOSPATIAL

Version 2.3.112



Overview



Legend

Parcels

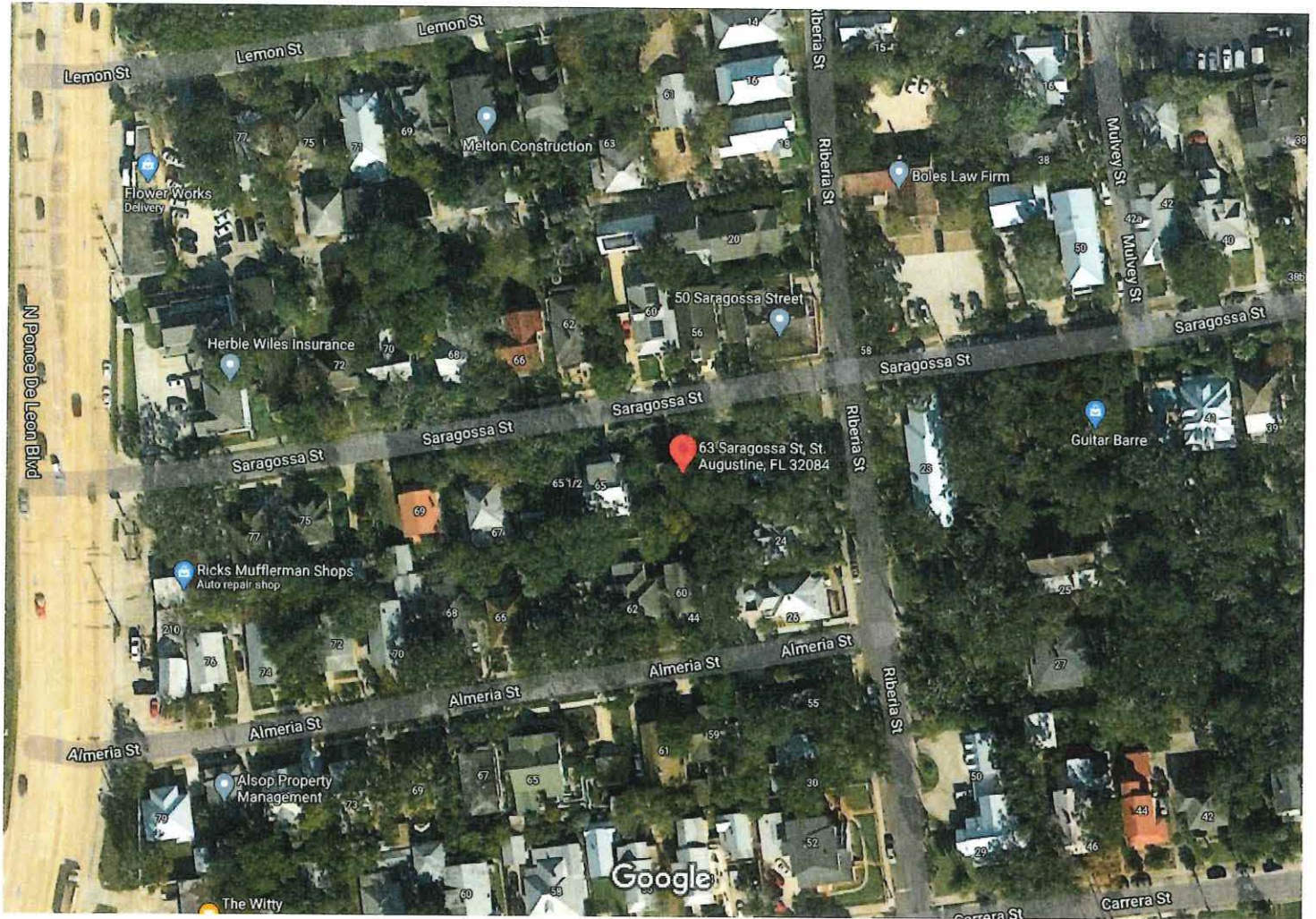
Parcel ID	2043100000	Physical Address	63 SARAGOSSA ST ST. AUGUSTINE	Building Value	\$226,511	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	RIBOSSA PROPERTY MGMT LLC	Extra Feature Value	\$300	Date	Price	Reason	Qual
Taxing District	City of St Augustine					4/29/2019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

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: 3/24/2021

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: June 1, 2021

RE: **VARIANCE– 2021-0067**

AGENDA ITEM 5(a)

APPLICANT Kirby Booth
KRB Construction

OWNER George A. Hill

LOCATION 67 Lighthouse Avenue

REQUEST **To approve a variance to exceed the maximum lot coverage and a variance to encroach into the required side yard building setbacks for a residential addition.**

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

LOT INFORMATION

Lot Width (measured) 49.68 feet
Lot Area 8,804 square feet

This is a non-conforming RS-1 lot.

Building Area (Existing) 2,622 square feet
Building Area (Proposed) 4,046 square feet

Lot Coverage (Maximum Allowed) 29%
Lot Coverage (Existing) 29.7%
Lot Coverage (Proposed) 45.9%

Side Yard Building Setbacks (Required) 5 feet, measured from property line to roof overhang
North Side Building Setbacks (Existing) 1 foot 10 inches (1'10")
North Side Building Setbacks (Proposed) 1 foot 10 inches (1'10") (new deck addition)
North Side Building Setbacks (Proposed) 6 feet 2 inches (6'2") (new elevator)

South Side Building Setbacks (Existing) 8 feet 8 inches (8'8")
South Side Building Setbacks (Proposed) 4 feet 8 inches (4'8")

APPLICABLE CODES/ORDINANCES

Sec. 28-2. Definitions

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.

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

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

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

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:

(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.

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.

STAFF SUMMARY AND ANALYSIS

This is a non-conforming RS-1 lot.

The minimum width for a RS-1 lot is 75 feet.

This lot is 49.68 feet in width.

The minimum area for a RS-1 lot is 10,890 square feet.

This lot is 8,804 square feet in area.

- If this property had the minimum required area (10,890 square feet), the additions proposed in this application would result in 37% lot coverage, still requiring a variance.

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

(Staff response in italics)

- 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 is a non-conforming lot of record and it appears that neighboring properties are larger and consist of multiple lots.

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

Because of the small size of this lot, the owner can not make any additions to the house without a variance to exceed the maximum lot coverage. The proposed 45.9% lot coverage is a high ratio, which may or may not be a reasonable request. The building setbacks variance on the north side make the deck addition in line with the existing house. The building setback variance on the south side is negligible, it is only encroaching by 4 inches.

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

The owner did not create the non-conforming nature of this 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 variance based on non-conforming lot width and area is not contrary to the public interest. This variance may adversely affect other property in the vicinity by bringing this structure, and the additional living space proposed for the rear addition closer to neighboring properties, however, the public hearing may generate more input on public interest.

STAFF RECOMMENDATION

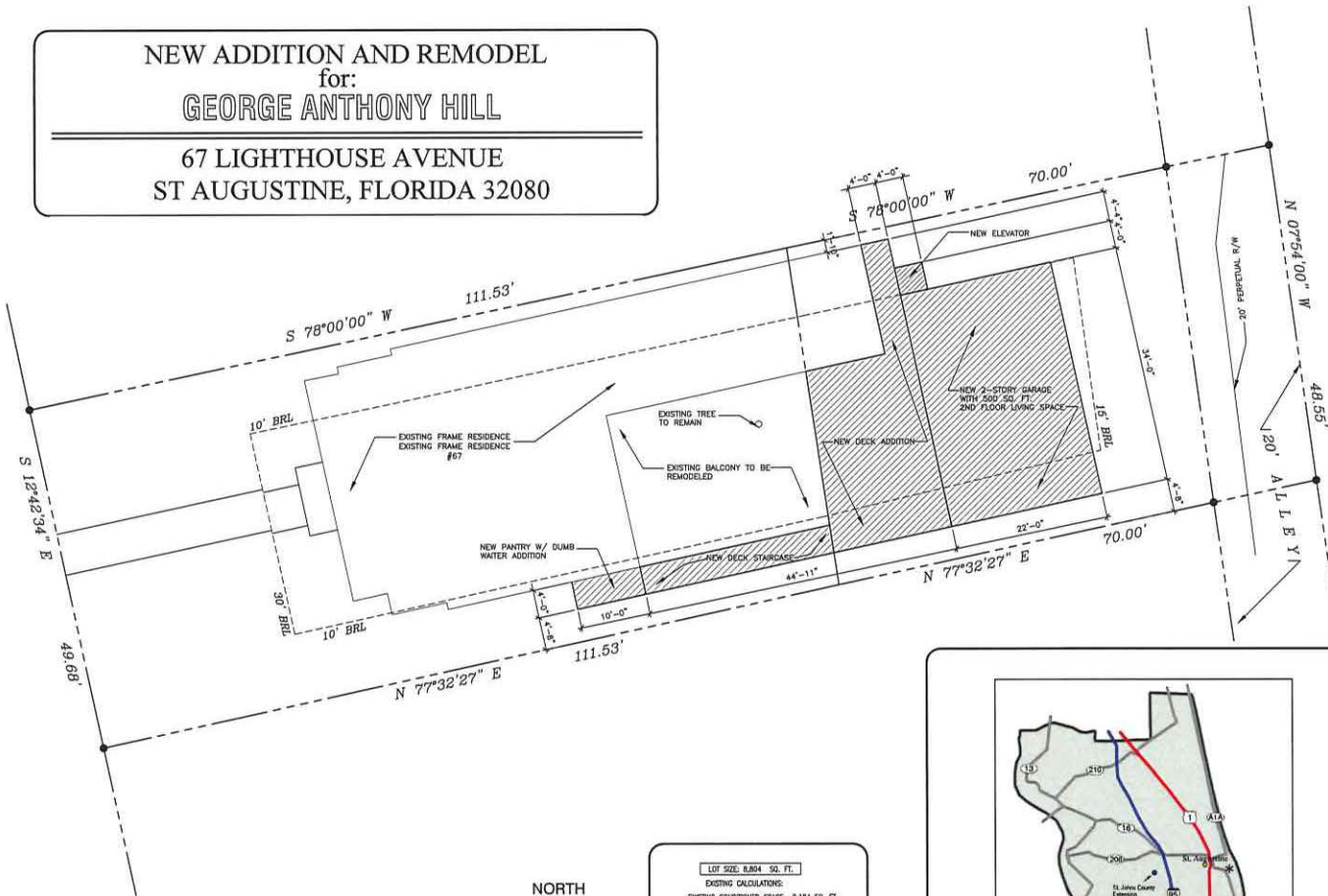
Based on a review of Section 28-29(b), and without the support of evidence to the contrary, staff finds;

1. the Board can **APPROVE** a variance to exceed the maximum lot coverage and encroach into the side yard building setbacks at **67 Lighthouse Avenue** if it determines that a unique singular disadvantage exists, that 45.9% lot coverage is a reasonable request and that granting the variance will not adversely affect other property in the vicinity.
2. the Board can **DENY** a variance to exceed the maximum lot coverage and encroach into the side yard building setbacks at **67 Lighthouse Avenue** if it determines that a unique singular disadvantage does not exist, or that 45.9% lot coverage is not a reasonable request or that granting a variance will adversely affect other property in the vicinity.



David Birchm, AICP
Director, Planning and Building Department

NEW ADDITION AND REMODEL
for:
GEORGE ANTHONY HILL
67 LIGHTHOUSE AVENUE
ST AUGUSTINE, FLORIDA 32080



SITE PLAN

SCALE: 1/8" = 1' - 0"

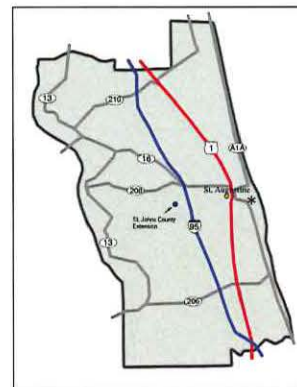


SITE PLAN NOTES

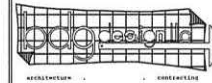
1. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO STAKE-OUT PERIMETER OF NEW ADDITION & FIELD VERIFY ALL SETBACKS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. THE ADDITION ON THIS SITE PLAN IS FOR KEYPLAN REFERENCE ONLY. EXACT BUILDING FOOTPRINT LOCATION OF ADDITION & ORIENTATION TO BE VERIFIED IN FIELD.
3. VERIFY ALL CODES & RESTRICTIONS WITH STATE & LOCAL MUNICIPALITIES PRIOR TO CONSTRUCTION.

LOT SIZE: 8,804 SQ. FT.	
EXISTING CALCULATIONS:	
EXISTING CONDITIONED SPACE	2,184 SQ. FT.
EXISTING PORCH	40 SQ. FT.
EXISTING BALCONY	398 SQ. FT.
TOTAL TOTAL LOT COVERAGE 2,622 SQ. FT.	
2,622 - 8,804 SQ. FT. = 28% EXISTING	
NEW ADDITION:	
NEW PANTRY ADDITION	40 SQ. FT.
NEW BALCONY ADDITION	604 SQ. FT.
NEW GARAGE ADDITION	748 SQ. FT.
NEW ELEVATOR	16 SQ. FT.
TOTAL NEW ADDITION 1,408 SQ. FT.	

1,408 - 8,804 SQ. FT. = 16% NEW ADDITION
MAX. LOT ADDITION COVERAGE ALLOWED IS 18%



VICINITY MAP
* INDICATES PROJECT LOCATION



don 350453
jacksonville, florida 32235
phone: (904) 982-3393
fax: (904) 982-7949
email: bdydesign@comcast.net

project name:
**NEW ADDITION & REMODEL
for:
GEORGE ANTHONY HILL
67 LIGHTHOUSE AVE.
ST AUGUSTINE, FL 32080**

project number: BDG2127

consultants:

drawn / signature:

BDG DESIGN

revision item: date:

drawn by: cmg/bdy

checked by: bdy

computer file name: bdg2126

issue date: 05.13.2021

sheet title:

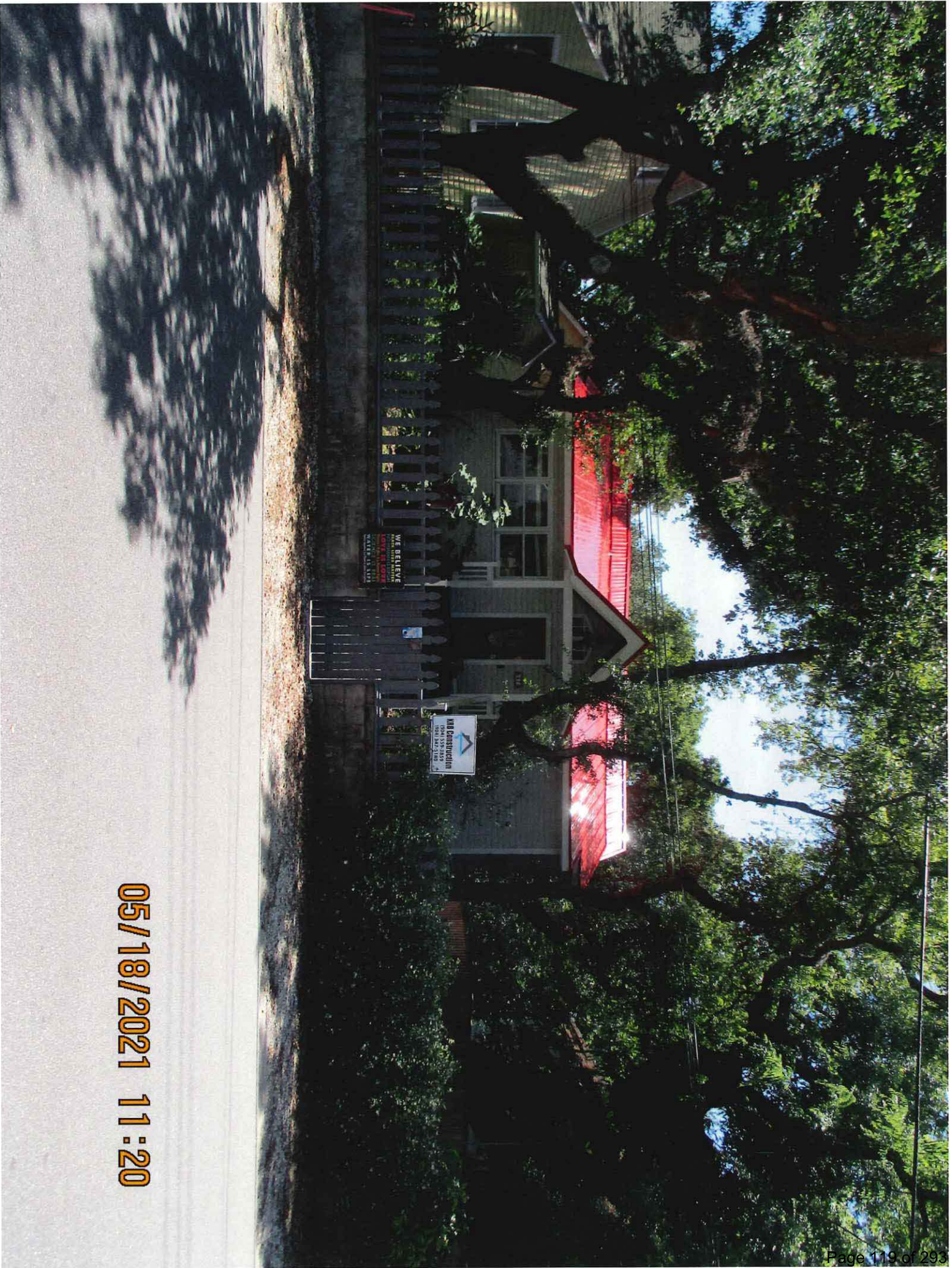
SITE PLAN

SCALE:

SCALE AS NOTED

sheet number:

SP1.1



05/18/2021 11:20



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0066
 Receipt Number: 2109095 Meeting Date: June 1, 2021
 Advertising Costs: \$ 74.70 Paid On: 5/17/21 Receipt Number: 2117033

1. NAME OF APPLICANT: KIRBY BOOTH/CHRIS SCHWANNING Contact Number: 904 347 5780
 Business (if applicable): KRB CONSTRUCTION
 Address: 1010 CHEYENNE City: ST AUG State: FL Zip: 32086
 E-Mail Address: SCHWANNING72@GMAIL.COM

2. NAME OF PROPERTY OWNER: GEORGE HILL Contact Number: _____
 Business (if applicable): _____
 Address: 67 LIGHTHOUSE AVE City: ST AUG State: FL Zip: 32080
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1-858 LAVER'S SUBD LOT 5 Block: 1 PART OF GOVT LOT 2
 Subdivision: _____ Parcel Number: 156960000

4. PROJECT STREET ADDRESS: 67 LIGHTHOUSE AVE

5. SPECIFIC PROPOSED USE: SINGLE FAMILY (0100)

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

7. DESCRIPTION OF ACTION REQUESTED: BUILD A 4'X10' ADDITION ON THE SOUTH SIDE OF HOME. ALSO WE WOULD LIKE TO BUILD A 22'X34 FOOT GARAGE WITH A SECOND FLOOR WITH TWO BATH ROOMS ALSO A TOP DECK FOR OBSERVATION DECK

8. JUSTIFICATION FOR ACTION REQUESTED: _____



**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.

KIRBY BOOTH

Print name of applicant

[Signature]
Signature of applicant

4/29/21
Date

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

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

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: NO COVERED PARKING ON ~~SEMI~~ SECURE

(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: MOST PROPERTY'S ARE BUILT TO SAME LOT COVERAGE

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



Owner's Authorization For Agent

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

BY: _____

Signature of Owner

Print Name of Owner

Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 6 day of May, 2021

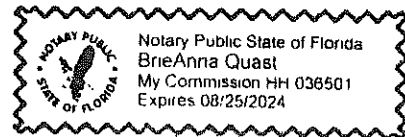
By George Hill

Identification verified: FLDL

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____





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	1569600000
Location Address	67 LIGHTHOUSE AVE SAINT AUGUSTINE 32080-0000
Neighborhood	Carvers (713)
Tax Description*	1-58 CARVER'S SUBD ANASTASIA LOT 5 BLK 1 & PART OF GOVT LOT2 SEC 21-7S-30E 70FT LYING E OF LOT 5 BLK 1 OR5061/446 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Anastasia, Map Of
Sec/Twp/Rng	58-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.200
Homestead	N

Owner Information

Owner Name	Hill George Anthony II 100%
Mailing Address	67 LIGHTHOUSE AVE SAINT AUGUSTINE, FL 32080-4648

Map



Valuation Information

	2021
Building Value	\$311,670
Extra Features Value	\$1,024
Total Land Value	\$246,240
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$558,934
Total Deferred	\$0
Assessed Value	\$558,934
Total Exemptions	\$0
Taxable Value	\$558,934

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	\$251,707	\$1,024	\$205,200	\$0	\$0	\$457,931	\$450,519	\$62,912	\$395,019
2019	\$235,908	\$1,024	\$205,200	\$0	\$0	\$442,132	\$440,390	\$56,742	\$385,390
2018	\$238,785	\$1,024	\$203,832	\$0	\$0	\$443,641	\$432,179	\$61,462	\$382,179
2017	\$252,634	\$1,024	\$169,632	\$0	\$0	\$423,290	\$423,290	\$50,000	\$373,290
2016	\$255,643	\$1,024	\$169,632	\$0	\$0	\$426,299	\$426,299	\$0	\$426,299
2015	\$246,177	\$1,024	\$147,744	\$0	\$0	\$394,945	\$275,251	\$169,694	\$225,251
2014	\$205,897	\$1,024	\$123,120	\$0	\$0	\$330,041	\$273,066	\$106,975	\$223,066
2013	\$173,615	\$1,024	\$94,392	\$0	\$0	\$269,031	\$269,031	\$50,000	\$219,031
2012	\$105,881	\$230	\$81,997	\$0	\$0	\$188,108	\$134,171	\$142,577	\$45,531
2011	\$107,509	\$230	\$91,109	\$0	\$0	\$198,848	\$134,252	\$150,654	\$48,194
2010	\$110,767	\$230	\$101,232	\$0	\$0	\$212,229	\$136,281	\$175,948	\$36,281

Building Information

Building 1
 Actual Area 4076
 Conditioned Area 2129
 Actual Year Built 1900
 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 Hardwood
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 3
 Baths 3.5

Category	Type	Pct
Exterior Wall	Wood	50%
Exterior Wall	Concrete Siding	50%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	13 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1512	1512
FINISHED DECK	0	720
FRAME ADDITION	617	617
UNFINISHED STORAGE	0	617
UNFINISHED STORAGE	0	523
OUTSIDE STAIRS	0	27
FINISHED OPEN PORCH	0	20
FINISHED OPEN PORCH	0	40
Total SqFt	2129	4076

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	1
Masonry Wall	0	0	0	0	200

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	48	180	48	EF	\$246,240

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/2/2020	10/2/2020	\$660,000.00	WARRANTY DEED	5061	446	Q	I	FILLER STUART L,REBECCA G	HILL GEORGE ANTHONY II
3/26/2019	3/25/2019	\$100.00	WARRANTY DEED	4699	825	U	I	FILLER STUART L,REBECCA G	FILLER STUART L,REBECCA G
2/15/2016	2/12/2016	\$510,000.00	WARRANTY DEED	4149	1556	Q	I	DEBUSK WILLIAM F,PATRICIA A	FILLER STUART L,REBECCA G
8/20/2012	8/17/2012	\$355,000.00	WARRANTY DEED	3603	1124	Q	I	RAHNER THOMAS P,AGNES A	DEBUSK WILLIAM F,PATRICIA A

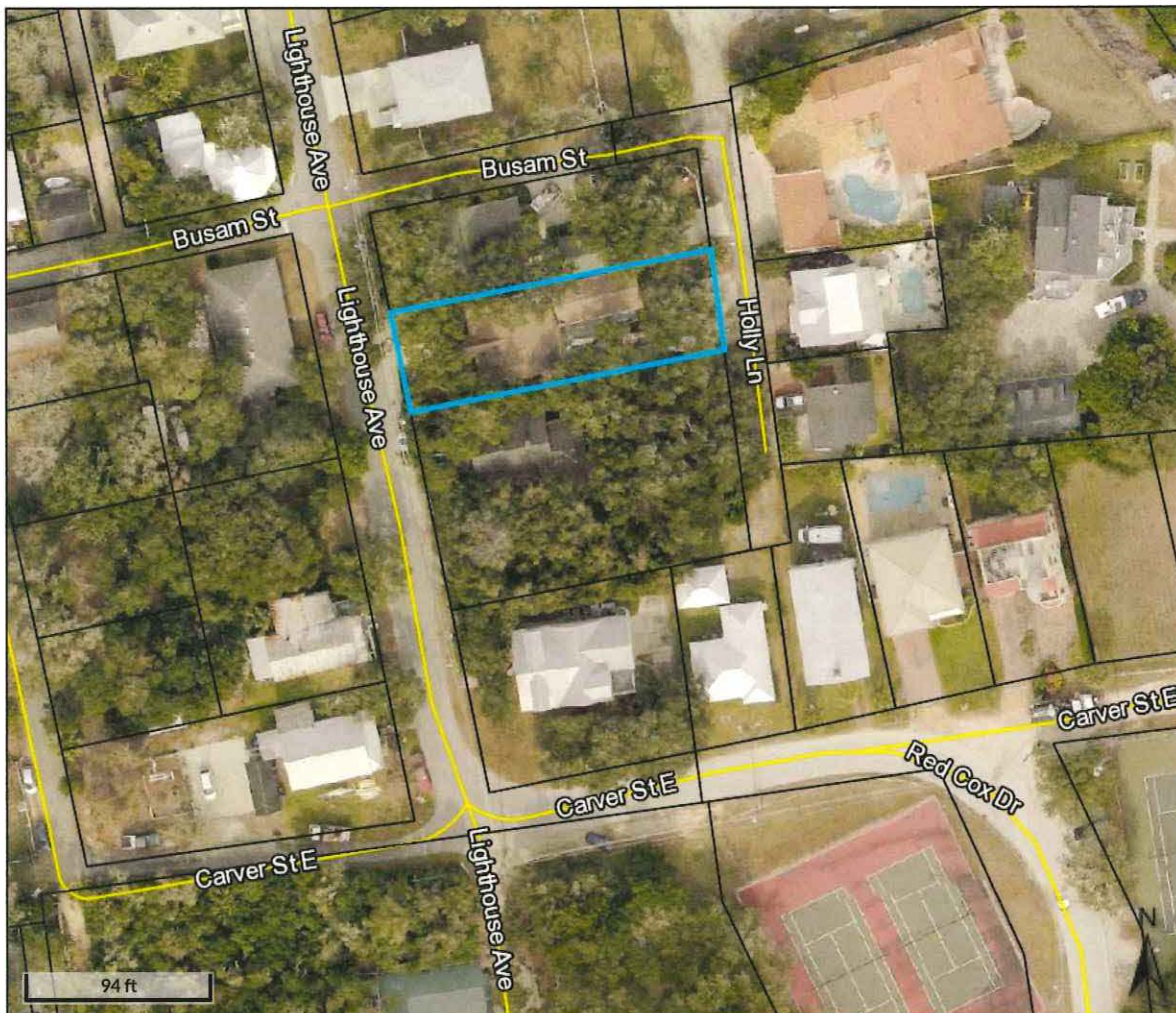
Room Type
FINISHED OPEN PORCH
OST
UNFINISHED STORAGE
FAD
DECK
Base

Floor plan diagram showing room layouts and area numbers. The plan includes a central white area (Base) with a purple section (DECK) and green sections (UNFINISHED STORAGE). A light blue section (FINISHED OPEN PORCH) is at the bottom. Numbers 1-19 are placed throughout the plan. A legend table is in the top right.

Developed by



Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID	1569600000	Physical Address	67 LIGHTHOUSE AVE	Building Value	\$311,670	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE HILL GEORGE ANTHONY II	Extra Feature Value	\$1,024	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	67 LIGHTHOUSE AVE SAINT AUGUSTINE FL 32080-4648	Total Land Value	\$246,240	10/2/2020	\$660000	01	Q
Acres	0.2			Just Value	\$558,934	2/12/2016	\$510000	01	Q
				Total Deferred	N/A				
				Assessed Value	\$558,934				
				Total Exemptions	N/A				
				Taxable Value	\$558,934				

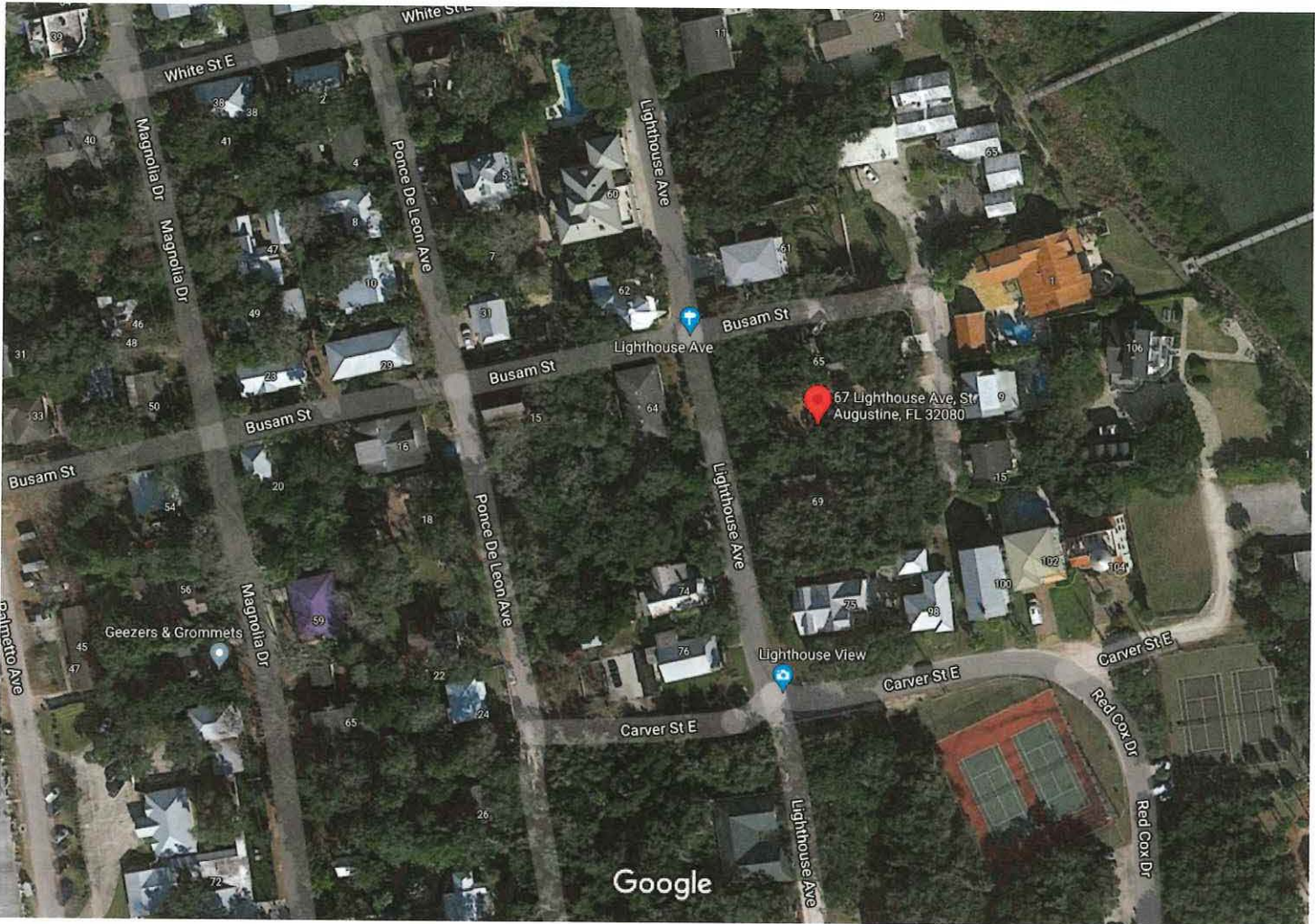
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 5/6/2021

Last Data Uploaded: 5/6/2021 12:17:34 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 67 Lighthouse Ave



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



67 Lighthouse Ave

St. Augustine, FL 32080
Building

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

David Birchim

From: Chip Mitchell <customhomeplan@gmail.com>
Sent: Sunday, May 23, 2021 4:23 PM
To: David Birchim; Tracey Mullins
Subject: Re: 70 Florida Ave - Materials needed

Good afternoon folks. We will have to push 70 Florida Avenue off till the next meeting as all the folks we need stuff from are slammed and have not returned all the data that we need to provide the items Patrick Doty put in his email to present to the board.

Thanks in advance.

Chip :)

On Fri, Apr 23, 2021 at 8:25 AM David Birchim <dbirchim@citystaug.com> wrote:

Mr. Mitchell,

Patrick no longer works for the City of St. Augustine. I will be handling your case.

I will update the board with your request to be moved to the June 1 meeting.

Thanks very much.

David Birchim, AICP

Director, Planning and Building Department

From: Chip Mitchell <customhomeplan@gmail.com>
Sent: Friday, April 23, 2021 4:06 AM
To: Patrick Doty <pdoty@citystaug.com>
Cc: David Birchim <dbirchim@citystaug.com>
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 :)

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

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

AGENDA ITEM 6(b)

APPLICANT Mark McConnel

OWNER Mark McConnel

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

REQUEST To remove of three (3) significant trees (2 laurel oaks, 1 southern magnolia) for construction of a garage/guesthouse.

PLANS DATED March 22, 2021

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

TREE INFORMATION

Total number of trees on the property	18
Total number of trees to be removed	7 (3 significant trees & 4 other trees)
Total number of trees to be preserved	11

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.

This is a vacant lot of irregular shape that was granted a variance to allow a garage/guesthouse to encroach into the side and rear yard building setbacks to preserve trees on the site.

(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 three (3) significant trees and four (4) other trees that are requested to be removed, there will be a total of eleven (11) trees on the property that will not be 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 three (3) significant trees and four (4) other trees proposed for removal and eleven (11) trees to be preserved on the site.
- (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 submitted with this application indicating the significant trees to be removed are in poor health.

- 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 necessary to build the house and garage/guesthouse.

- 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 removal of these trees do not appear to 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.

There are two significant laurel oak trees and one significant southern red cedar proposed for removal.

- 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 site plan has been designed to preserve eleven (11) out of eighteen (18) trees on a site that is 85 feet wide and 60 feet in depth.

STAFF SUMMARY AND ANALYSIS

This application is for the removal of three (3) significant oak trees, a 24" dbh laural oak tree and a 17" dbh laurel oak tree and a 10" dbh southern red cedar.

An arborist report has been submitted that indicate the condition of these significant trees;

- The 24" laurel oak tree has heart rot decay that extends from the base of the tree upwards to approximately 8 feet. The decay is visible on the west side of the tree. There is a large amount of armillaria growing in this area.
- The 17" laurel oak tree has multiple decay pockets on the north side of the root flare. One decay pocket is oozing organic material and insect frass is present.
- The 10" red cedar tree has multiple decay pockets on the east side of the root flare.

The number of debits for tree removal is **- 9.5 debits.**

The number of credits for tree preservation is **- 32 credits.**

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

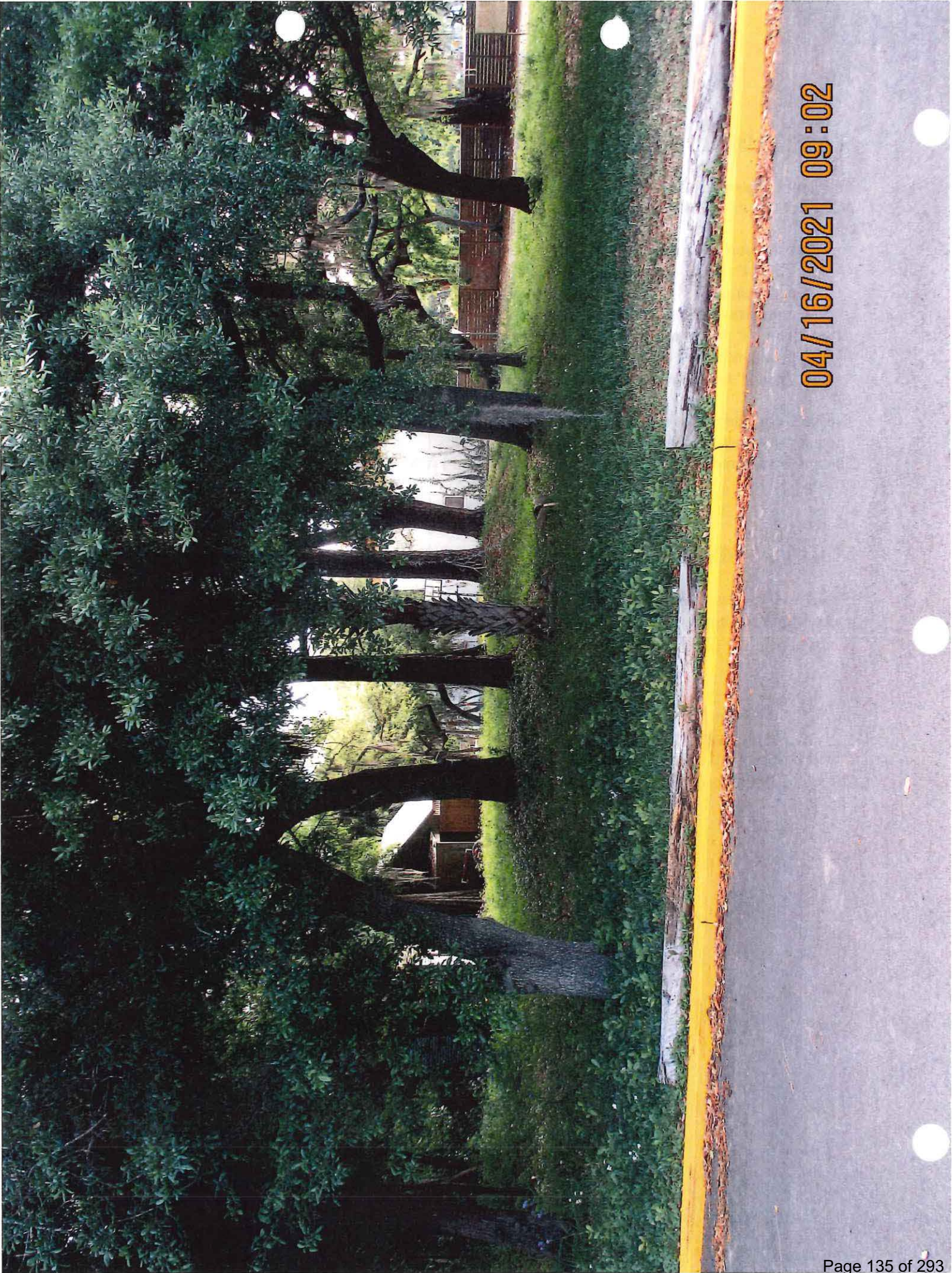
STAFF RECOMMENDATION

Based on a review of Section 11-29 and the health of the trees as expressed in the arborist's report, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the removal of three (3) significant trees located at **S. Leonardi Street / PID# 119920-0350**.



David Birchim, AICP

Director, Planning & Building Department



Tracey Mullins

From: mm@sarahryanarchitect.com
Sent: Thursday, May 6, 2021 9:10 AM
To: Tracey Mullins
Subject: Leonardi continuation
Attachments: A100a.pdf; Mark McConnell - 0 S. Leonardi Street - Mitigation Letter.pdf; REVISED TREES V2.pdf

Tracey –

Attached are the revised documents for the tree removal request for the next PZB meeting. After the comment I heard from one of the board members, I revisited the site and figured out how I can retain additional trees so the information changed a little. Ironically, the number of significant trees I need to remove is still three.

Of the 18 trees on the property, 8 are significant. Of the 18 total trees, I need to remove 7 and of the 8 significant trees, I need to remove 3.

Please let me know if you need anything else.

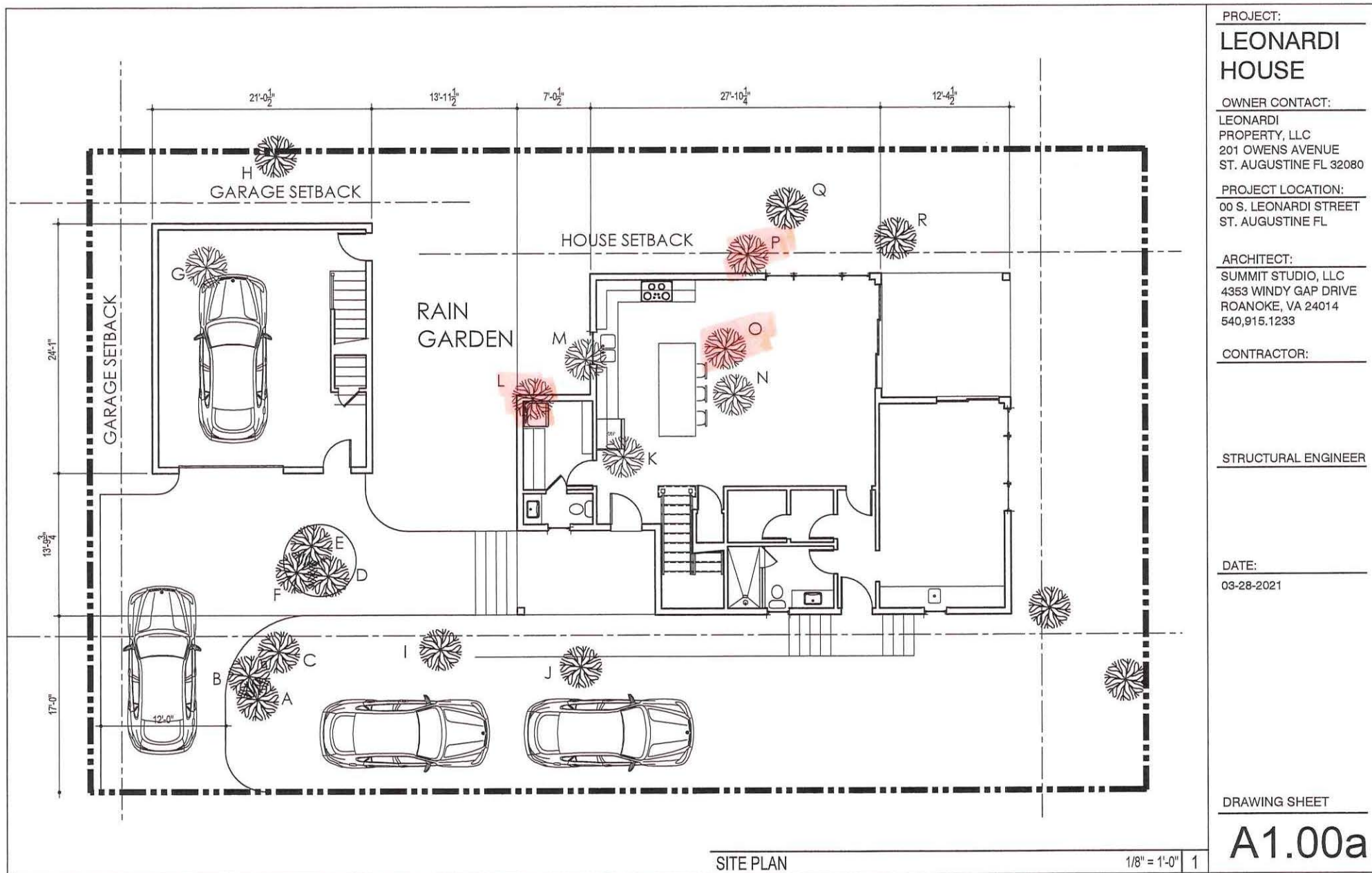
Regards

Mark

Mark McConnel, AIA, LEED AP
Sarah Ryan, Architect LLC
201 Owens Avenue
St. Augustine, FL 32080
mm@sarahryanarchitect.com
540.915.1233



Do you really need to print this e-mail?





Marc White / I.S.A. Certified Arborist FL-5641-A

0 S. Leonardi Street
RE# 1199200350
St. Augustine, FL 32084

Per your request we have visited the property at the above address on 4/15/2021 and our findings are as follows:

- A. T13 - 10" D.B.H. laurel oak (*Quercus laurifolia*) – this tree is misidentified on the site plan as a *Quercus hemisphaerica*. The entire top of this tree that is near the power lines has broken off. Damage caused by a previous storm. Heart rot decay is present. Decay pockets are found in various areas on the trunk of the tree. Slime flux disease and insect frass are present.
- B. T14 - 14" D.B.H. laurel oak (*Quercus laurifolia*) – tree is misidentified on the site plan as a *Quercus hemisphaerica*. This tree had no visible pre-existing health or structural issues at the time of inspection.
- C. T15 – 17" D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as an 18" DBH *Quercus hemisphaerica*. This tree has a large decay pocket on the trunk where there is a large amount of response growth where the trunk makes a sharp bend. There is ooze and slime flux disease in this area.
- D. T18 - 10" D.B.H. laurel oak (*Quercus laurifolia*) – this tree is misidentified on the site plan as a *Quercus hemisphaerica*. This tree has decay pockets on the trunk. The largest decay pocket is visible on the left side of the trunk. Slime flux disease and insect frass are present.
- E. T19 – 22" D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 24" DBH live oak. This tree has small decay pockets on the trunk. Slime flux disease is present.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

- F. 14" D.B.H. laurel oak (*Quercus laurifolia*) – this tree was not on the site plan but is on the property. This tree was added to the site plan by The Branch Manager. This tree has a large decay pocket on the trunk that is visible from the west side of the tree near the base.
- G. T28 – 11" D.B.H. camphor (*Cinnamomum camphora*) – this species is not protected.
- H. T29 – 31" (15"+16") D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 35" DBH *Quercus hemisphaerica*. This tree is codominant and shows evidence that the union has started to split near the included bark which is visible from the southeast side of the tree. On the north side of the union there is a large amount of response wood which is an indicator the tree has started to fail at the codominant union.
- I. T17 – 11" D.B.H. red cedar (*Juniperus virginiana*) – this tree is measured incorrectly on the site plan as a 9" DBH. This tree has several small decay pockets at the root flare. A large amount of dead wood is found in the canopy where the tree has been aggressively pruned over the years for power line clearing.
- J. T16 – 12" D.B.H. live oak (*Quercus virginiana*) – this tree is misidentified and measured incorrectly on the site plan as a 14" DBH *Quercus hemisphaerica*. This tree had no visible pre-existing health or structural issues at the time of inspection.
- K. T20 – 11" D.B.H. sabal palm (*Sabal palmetto*) – this tree was measured incorrectly with the boots on as a 14" DBH. This tree had no visible pre-existing health or structural issues at the time of inspection.
- L. T23 – 24" D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 31" DBH *Quercus hemisphaerica*. This tree has heart rot decay that extends from the base of the tree upwards to approximately 8'. The decay is visible on the west side of the tree. There is a large amount of armillaria growing in this area.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

- M. T24 – 19” D.B.H. slash pine (*Pinus elliottii*) – this tree is misidentified and measured incorrectly on the site plan as a 28” DBH short leaf pine. This tree had no visible pre-existing health or structural issues at the time of inspection.
- N. T21 – 14” D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 11” DBH live oak. This tree had no visible pre-existing health or structural issues at the time of inspection.
- O. T22 – 17” D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 15” DBH live oak. This tree has multiple decay pockets on the north side of the root flare. One decay pocket is oozing organic material and insect frass is present.
- P. T25 – 10” D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified and measured incorrectly on the site plan as a 9” DBH bald cypress. This tree has multiple decay pockets on the east side of the root flare.
- Q. T27 – 10” D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as an 11” DBH *Quercus hemisphaerica*. This tree had no visible pre-existing health or structural issues at the time of inspection.
- R. T27 – 32” (15”+17”) D.B.H. laurel oak (*Quercus laurifolia*) – this tree is measured and identified incorrectly on the site plan as a 17” DBH live oak. This tree is codominant and has a large amount of decay on one of its sections. There is a large amount of response wood on both sides of the section. It appears that included bark extends down to the root flare.

Trees A, C – I, L, O, P, R are non-mitigable.

Trees B, J, K, M, N, Q are mitigable.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com

MARK	COMMON NAME	LATIN NAME	CALIPER	PRESERVED	MITIGABLE	CREDIT POINTS	DEFICIT POINTS
A	LAUREL OAK	QUERCUS LAURIFOLIA	10		NO	2	
B	LAUREL OAK	QUERCUS LAURIFOLIA	14		YES	3	
C	LAUREL OAK	QUERCUS LAURIFOLIA	17		NO	3	
D	LAUREL OAK	QUERCUS LAURIFOLIA	10	10	NO	2	
E	LAUREL OAK	QUERCUS LAURIFOLIA	22	22	NO	4	
F	LAUREL OAK	QUERCUS LAURIFOLIA	14	14	NO	3	
G	CAMPHOR	CINNAMOMUM CAMPHORA	11		NO		1
H	LAUREL OAK	QUERCUS LAURIFOLIA	31	31	NO	4	
I	RED CEDAR	JUNIPERUS VIRGINIANA	11	11	NO	2	
J	LIVE OAK	QUERCUS VIRGINIANA	12	12	YES	3	
K	SABAL PALM	SABAL PALMETTO	11		YES		1
L	LAUREL OAK	QUERCUS LAURIFOLIA	24		NO		2
M	SLASH PINE	PINUS ELLIOTTII	19		YES		1.5
N	LAUREL OAK	QUERCUS LAURIFOLIA	14		YES		1.5
O	LAUREL OAK	QUERCUS LAURIFOLIA	17		NO		1.5
P	RED CEDAR	JUNIPERUS VIRGINIANA	10		NO		1
Q	LAUREL OAK	QUERCUS LAURIFOLIA	10	10	YES	2	
R	LAUREL OAK	QUERCUS LAURIFOLIA	32	32	NO	4	
						32	9.5



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 sent 49.80 second notices 5/17/21 recpt # 2116795

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: markmcconnelaia@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: markmcconnelaia@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, GETBACKS 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 DISPURSED 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 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.

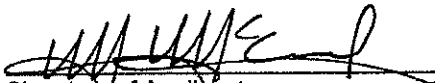
11. AGREEMENT:

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.

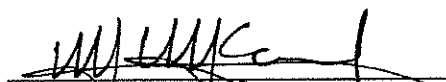
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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.


Signature of Applicant

04.08.21
Date


Signature of Property Owner

04.08.21
Date

04/18/2019



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 OR5117/394 <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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Overview



Legend

□ Parcels

Parcel ID	1199200350	Physical Address	S LEONARDI ST	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	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 Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	\$92,278				

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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2021-0064**

AGENDA ITEM 6(c)

APPLICANT Jonathan Ayres

OWNER Jonathan Ayres

LOCATION 7 Ponce de Leon Avenue

REQUEST To remove of three (3) significant trees (1 laurel oaks, 1 southern magnolia, 1 hackberry) for construction of a single family home.

PLANS DATED May 3, 2021

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

TREE INFORMATION

Total number of trees on the property	13
Total number of trees to be removed	8 (3 significant trees, 5 other trees)
Total number of trees to be preserved	5

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.

This is a vacant, non-conforming lot. The lot is approximately 55' x 75' in size.

(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 three (3) significant trees and five (5) other trees that are requested to be removed, there will be a total of five (5) trees on the property that will not be removed.

(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 three (3) significant trees and five (5) other trees proposed for removal and five (5) trees to be preserved on the site. There is also a 17" oak and a 15" palm that are identified in the city right of way directly in front of the property which are being shown on the site plan as 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 submitted with this application. The arborist's report indicates the hackberry tree is "undesirable and would be hazardous in high winds", the 19" laurel oak is described as "full of decay and canopy mistletoe, both indicators of stress and decline. This tree is hazardous.". The 18" southern magnolia is described as being "in bad shape", "It's main trunk is hollow. The canopy is dying back an indicator the trees (sic) health is declining."

- 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 necessary to build the house, they are in the building footprint and it is small lot, 55' x 75' with little room to shift the building footprint to save trees.

- 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

- 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.

There is one (1) significant laurel oak tree, one (1) significant southern red cedar tree and one (1) significant hackberry tree proposed for removal.

- 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 site plan has been designed to preserve five (5) out of thirteen (13) trees on a site that is 55' x 75' in size.

STAFF SUMMARY AND ANALYSIS

This application is for the removal of three (3) significant oak trees, a 19" dbh laurel oak tree, a 18" dbh southern magnolia tree and a 18" dbh hackberry tree.

An arborist report has been submitted that indicate the condition of these significant trees;

- The 19" laurel oak tree is *"full of decay and canopy mistletoe, both indicators of stress and decline. This tree is hazardous."*
The 18" southern magnolia tree is *"in bad shape", "It's main trunk is hollow. The canopy is dying back an indicator the trees (sic) health is declining."*
- The 18" hackberry tree is *"undesirable and would be hazardous in high winds"*.

The number of debits for tree removal is **- 9.5 debits.**

The number of credits for tree preservation is - **14 credits.**

STAFF RECOMMENDATION

Based on a review of Section 11-29 and the health of the trees as expressed in the arborist's report, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the removal of three (3) significant trees located at **7 Ponce de Leon Avenue**.



David Birchim, AICP
Director, Planning & Building Department



05/18/2021 11:32



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$16500 (plus advertising costs) Project Number: 2021-0064
Receipt Number: 2107481 Meeting Date: June 1, 2021
Advertising Costs: \$ 99.60 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jonathan Ayres Contact Number: 904-401-3489
Business (if applicable): _____
Address: 122 Ponce St. City: St. Augustine State: FL Zip: 32084
E-Mail Address: jaysroots@gmail.com
2. NAME OF PROPERTY OWNER: Jonathan Ayres Contact Number: 904-401-3489
Business (if applicable): Roots Woodworking LLC
Address: 122 Ponce St. City: St. Augustine State: FL Zip: 32084
E-Mail Address: jaysroots@gmail.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 9 Block: 6
Subdivision: Carvers Parcel Number: 157140-0000
4. PROJECT STREET ADDRESS: 7 Ponce de Leon Ave
5. SPECIFIC PROPOSED USE: Residential Single Family Home
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Tree Removal For New Construction

8. JUSTIFICATION FOR ACTION REQUESTED: The trees requested for
removal sit within the proposed footprint of the new construction
home.

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:

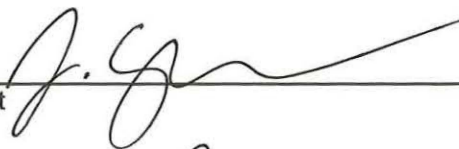
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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



May 3, 2021
Date

Signature of Property Owner



May 3, 2021
Date



City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant trees as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT Jack Leake
 ISA Certification # FL 9493 A
 Business (if applicable) Affordable Tree and Landscape
 Address 540 Wood Chase Drive
 City St. Augustine State FL Zip Code 32084
 Daytime Telephone 904-687-9856 Other Phone _____
 Email Address jclaffordable@yahoo.com

PROPERTY INFORMATION

STREET ADDRESS 7 Ponce de Leon Ave
 Legal Description: Lot 9 Block VI Subdivision Carvers
 Parcel 157140-0000

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.

- Health assessment of trees for removal.
 - Removal because of potential hazard to property or within proposed building footprint.

TREE INVENTORY (attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
	<u>See Attached</u>		

TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

- See Attached

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)



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: 4/28/2021

Location of examined trees





Map created with St. Johns County's iMap

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

Date Created: 4/28/2021

Approximate Canopy Coverage pre-development





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: 4/28/2021

Approximate Canopy Coverage Post-Development.





**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.

Jonathan Ayres

Print name of applicant

[Signature]

Signature of applicant

May 4, 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

12/4/2020

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Parcel ID	1571400000
Location Address	7 PONCE DE LEON AVE SAINT AUGUSTINE 32080-0000
Neighborhood	Carvers (713)
Tax Description*	1-58 CARVERS SUB ANASTASIA LOT 9 BLK 6 OR 5165/1284 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Anastasia, Map Of
Sec/Twp/Rng	58-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.090
Homestead	N

Owner Information

Owner Name	Roots Woodworking LLC 100%
Mailing Address	122 POMAR ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$143,780
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$143,780
Total Deferred	\$23,337
Assessed Value	\$120,443
Total Exemptions	\$0
Taxable Value	\$120,443

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$109,494	\$0	\$0	\$109,494	\$109,494	\$0	\$109,494
2019	\$0	\$0	\$109,494	\$0	\$0	\$109,494	\$109,494	\$0	\$109,494
2018	\$0	\$0	\$108,388	\$0	\$0	\$108,388	\$108,388	\$0	\$108,388
2017	\$0	\$0	\$89,586	\$0	\$0	\$89,586	\$89,586	\$0	\$89,586
2016	\$0	\$0	\$89,586	\$0	\$0	\$89,586	\$89,586	\$0	\$89,586
2015	\$0	\$0	\$77,420	\$0	\$0	\$77,420	\$77,420	\$0	\$77,420
2014	\$0	\$0	\$64,812	\$0	\$0	\$64,812	\$64,812	\$0	\$64,812
2013	\$0	\$0	\$49,770	\$0	\$0	\$49,770	\$47,301	\$2,469	\$47,301
2012	\$0	\$0	\$43,001	\$0	\$0	\$43,001	\$43,001	\$0	\$43,001
2011	\$0	\$0	\$47,779	\$0	\$0	\$47,779	\$47,779	\$0	\$47,779
2010	\$0	\$0	\$53,088	\$0	\$0	\$53,088	\$53,088	\$0	\$53,088

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	56	75	56	EF	\$143,780

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/29/2021	1/29/2021	\$205,000.00	WARRANTY DEED	5165	1284	Q	V	GERMOND MIKE, CHARLOTTE HOPE	ROOTS WOODWORKING LLC
9/6/2017	9/1/2017	\$159,000.00	WARRANTY DEED	4432	418	Q	V	SMITH TREVOR,SARAH	GERMOND MIKE, CHARLOTTE HOPE
12/29/2015	12/23/2015	\$135,000.00	WARRANTY DEED	4129	1675	Q	V	FILLER REBECCA,STUART	SMITH TREVOR,SARAH
10/14/2014	8/29/2014	\$119,000.00	WARRANTY DEED	3942	42	Q	V	WHITE JAY	FILLER REBECCA,STUART
2/17/2014	2/12/2014	\$108,000.00	WARRANTY DEED	3846	817	Q	V	MITCHELL MANAGEMENT INC	WHITE JAY
7/10/2013	7/8/2013	\$100,000.00	WARRANTY DEED	3759	193	Q	V	BLAIR DONALD RICHARD	MITCHELL MANAGEMENT INC
8/24/2011	5/16/2011	\$100.00	WARRANTY DEED	3467	1217	U	V	BLAIR DONALD D,CATERINA G	BLAIR DONALD RICHARD
	3/1/1986	\$10,500.00		700	770	Q	V		BLAIR DONALD D,CATERINA G
	1/1/1984	\$9,500.00		625	830	Q	V		

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

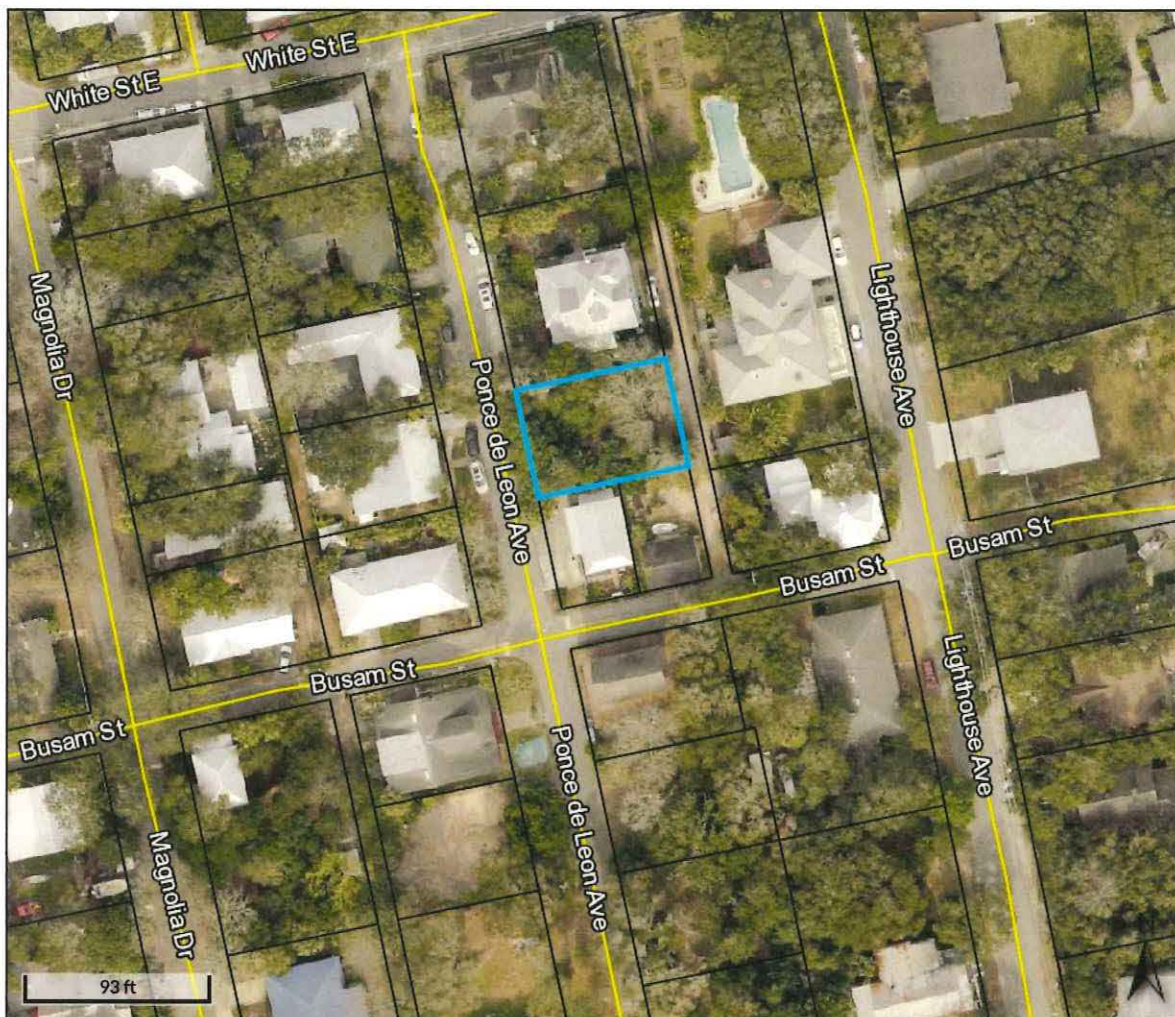
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Overview



Legend

Parcels

Parcel ID	1571400000	Physical	7 PONCE DE LEON AVE	Building Value	N/A	Last 2 Sales			
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Residential	Mailing	ROOTS WOODWORKING	Value		1/29/2021	\$205000	01	Q
Taxing	City of St Augustine	Address	LLC	Total Land	\$143,780	9/1/2017	\$159000	01	Q
District			122 POMAR ST	Value					
Acres	0.09		SAINT AUGUSTINE FL	Just Value	\$143,780				
			32084-0000	Total Deferred	\$23,337				
				Assessed Value	\$120,443				
				Total	N/A				
				Exemptions					
				Taxable Value	\$120,443				

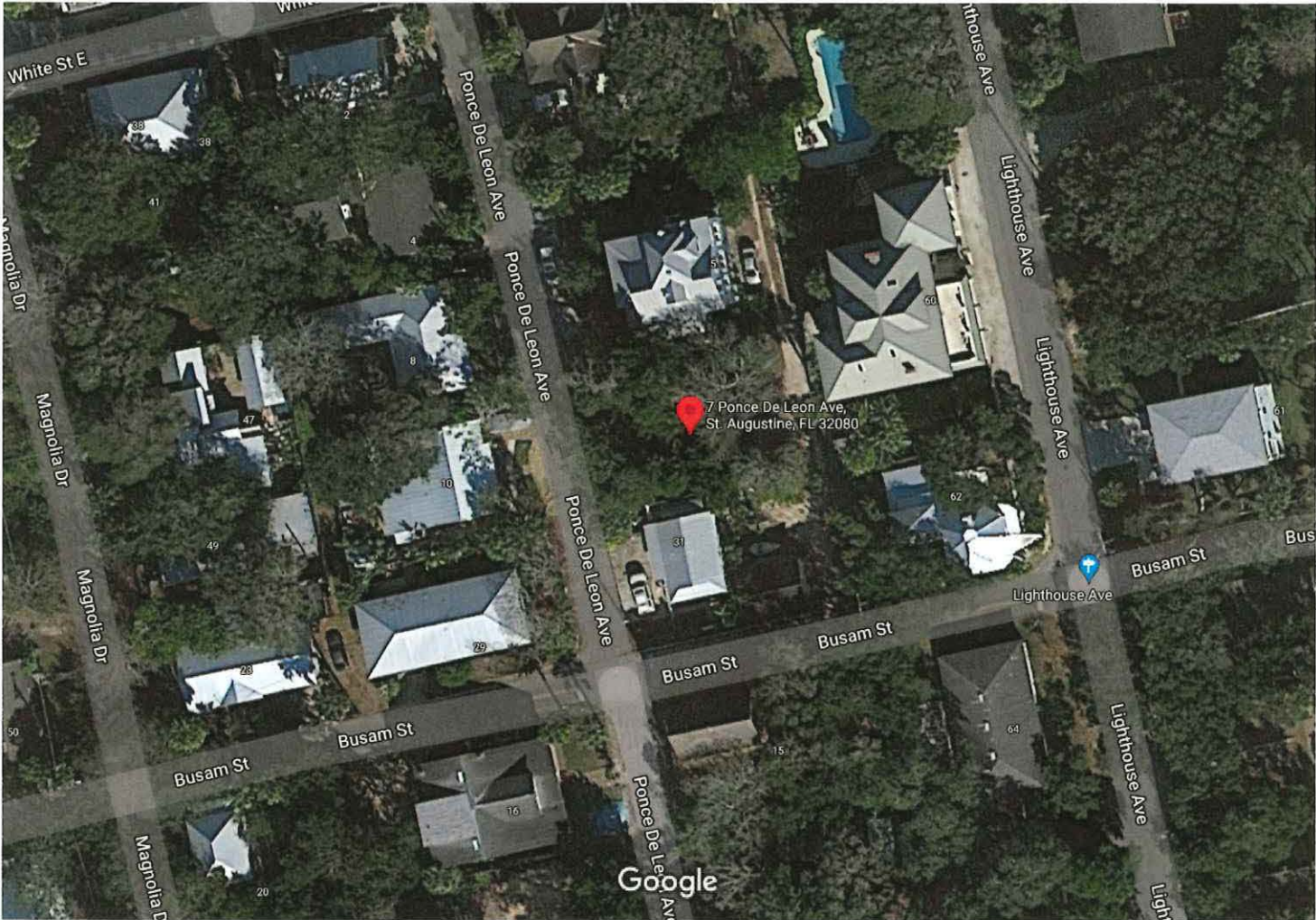
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Date created: 5/6/2021

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GEOSPATIAL

Google Maps 7 Ponce De Leon Ave



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



7 Ponce De Leon Ave

St. Augustine, FL 32080

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

Tree Inventory
7 Ponce de Leon

			<i>Credits</i>	<i>Debits</i>
19" Southern Magnolia	Good	Remain	3 Credit	
18" Southern Magnolia	Poor	Remove		1.5 Debit
14" Live Oak	Good	Remain	3 Credit	
14" Laurel Oak	Good	Remain	3 Credit	
32" Laurel Oak	Fair	Remain	4 Credit	
19" Laurel Oak	Poor	Remove		1.5 Debit
8" Laurel Oak	Fair	Remove		1 Debit
6" Cherry Laurel (bay)	Fair	Remove		.5 Debit
7" Cherry Laurel (bay)	Good	Remove		1 Debit
4" Cedar	Good	Remain	1 Credit	
18"/17" Hackberry (elm)	Fair	Remove		1.5 Debit
14" Hackberry (elm)	Poor	Remove		1.5 Debit
11" Hackberry (elm)	Good	Remove		1 Debit
			<i>Totals</i>	
			14	9.5



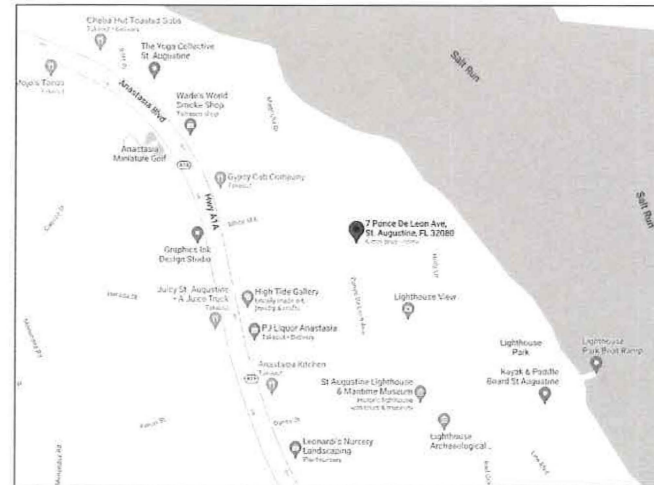
4/28/21

This is an Arborist report for Jay Ayres owner of 7 Ponce de Leon Ave., St. Augustine, FL 32080. Jay has asked me for a health assessment of his trees. He plans to build a home here. There are several trees on site the owner would like to preserve so I've only described the ones I feel need to be removed, most because they are either hazardous or dying. There are 2 trees in the center of the lot. An 8" Laurel Oak (*quercus laurifolia*) and a 10" Hackberry (*celtis occidentalis*) that would be in the footprint of the home. There is a 26" Hackberry (*celtis occidentalis*) whose main trunk splits into 2 stems 4' off the ground. We refer to this as codominant and it's considered a defect. A tree with a single trunk is more stable than a tree with 2 stems. The 2 stems each have large bifurcations just a few feet up from the first so the tree is actually 4 stems. Structurally speaking this hackberry is undesirable and would be hazardous in high winds due to these large forks in the branches. The next tree inspected was a 19" Laurel Oak (*quercus laurifolia*). This particular oak is unhealthy and hollow with a broken top. The trunk is full of decay and the canopy mistletoe, both indicators of stress and decline. This tree is hazardous. Next to the oak is an 18" Southern Magnolia (*magnolia grandiflora*). The magnolia is also in bad shape. It's main trunk is hollow. The canopy is dying back an indicator the trees health is declining. The oak and magnolia are both close to the end of their life span. There's not much we can do to enhance their health.

Thank you,

Jack Leake
904-687-9856
Affordable Tree and Landscape, LLC
ISA Certified Arborist # FL9493A
International Society of Arboriculture member

VICINITY MAP NOT TO SCALE



PROJECT DATA

ZONING

RG-1
FLOOD ZONE X

APN:

1571400000

SETBACKS

FRONT = 15 FT
SIDE = 5 FT
REAR = 15 FT

MAP/LOT

LOT: 9
BLOCK: 6
SUB. DIV: ANASTASIA/CARVERS

MAX. HT.

30 FT

LOT SIZE & COVERAGE

LOT: = .09 ACRE OR 4,078 SF
MAX LOT COVERAGE: = 35% OR 1,427 SF
PROPOSED COVERAGE: = 1,376 SF

OWNER

ROOTS WOODWORKING LLC
122 POMAR ST.
SAINT AUGUSTINE, FL 32084

CONTRACTOR

ROOTS WOODWORKING LLC
SAINT AUGUSTINE, FL 32084
(904) 401-3489

THIS PROJECT SHALL COMPLY WITH:

THE 7TH EDITION 2020 OF THE FLORIDA BUILDING CODE, AND ASSOCIATED CITY OF SAINT AUGUSTINE AMENDMENTS

SITE PLAN NOTES:

1. SITE SURVEY TO BE COMPLETED TO VERIFY PIN LOCATIONS AND HOME LOCATION PRIOR TO PLACEMENT OF ANY CONCRETE FOR FOUNDATIONS..
2. ALL SITE PLAN INFORMATION IS BASED ON SURVEY PROVIDED BY OWNER, DATED 4/25/2005
3. CALL BEFORE YOU DIG: DIAL 811 (SUNSHINE LOCATES)

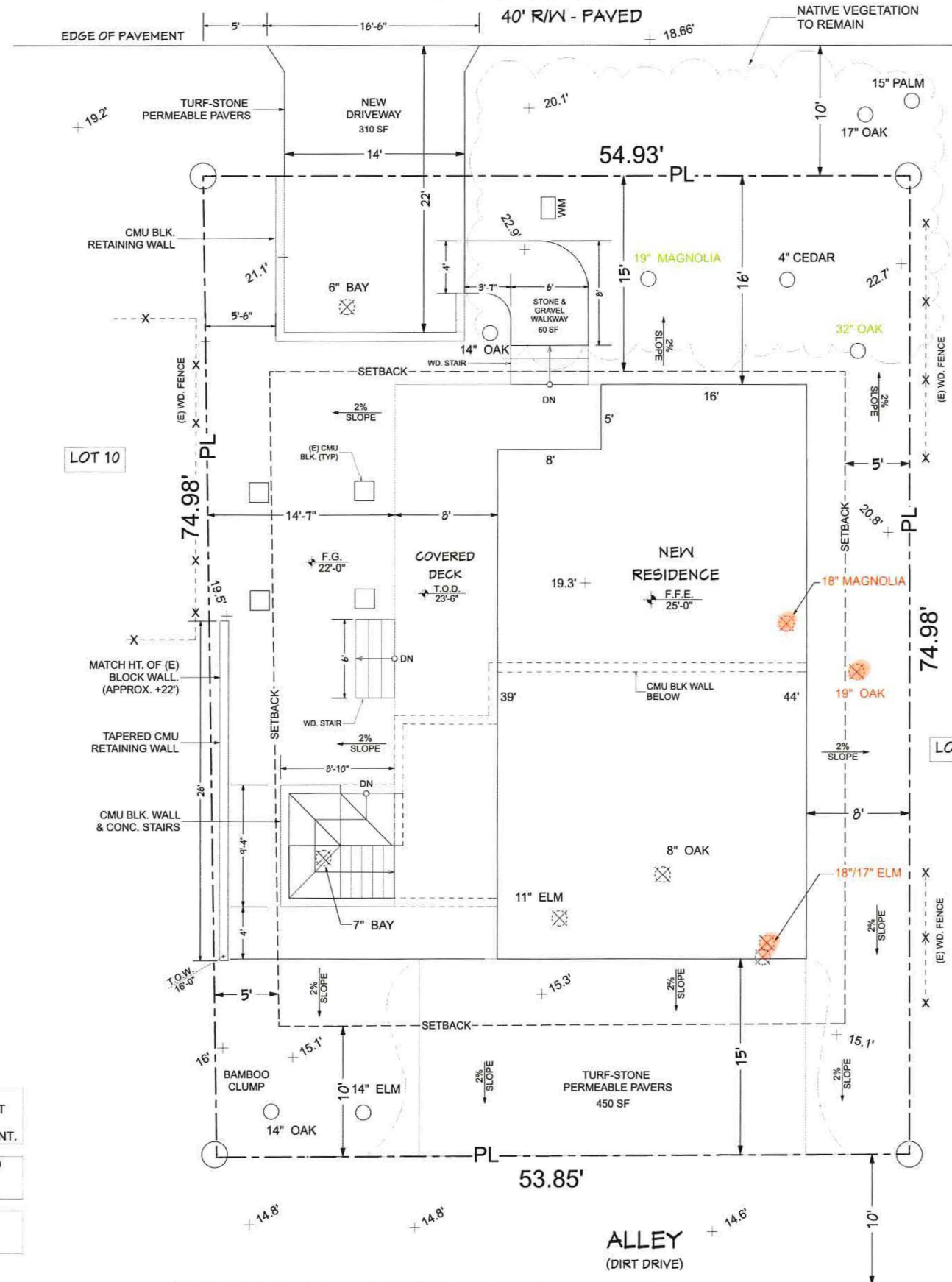
ALL AC PADS, PATIOS, STOOPS, INTERNAL SIDEWALKS, PAVER ETC. WILL MAINTAIN FIVE FEET FROM THE PROPERTY LINE. IMPROVEMENTS ARE NOT ALLOWED TO BE LOCATED WITHIN A EASEMENT.

MIN 3' SEPARATION BETWEEN THE DRIVEWAY AND PROPERTY LINE AND FIVE FEET SEPARATION AT RIGHT-OF WAY.

TREE SHALL HAVE PROTECTIVE BARRICADES PLACED AROUND THE TREE'S PROTECTED AREA. PER CITY OF SAINT AUGUSTINE CODE.

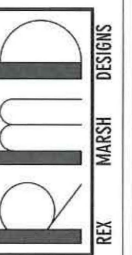
SC-1 SILT FENCE

PONCE DE LEON AVE.



PROPOSED SITE PLAN

SCALE: 1" = 5'



SITE PLAN
AYRES RESIDENCE
7 PONCE DE LEON AVE.
SAINT AUGUSTINE, FL 32080

REX MARSH DESIGNS
613 SANDS DRIVE
SAINT AUGUSTINE, FL 32080

DESIGNED: JA

DRAWN: RMD

SCALE: AS NOTED

DATE: 5/4/2021

SITE

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **CONSERVATION OVERLAY ZONE 2 DEVELOPMENT #2021-0068**

AGENDA ITEM	6(d)
APPLICANT	Ryan Carter Carter Environmental Services, Inc.
OWNER	John Encinas
LOCATION	209 S. Matanzas Boulevard
REQUEST	To approve a dock with a floating terminal end and floating boat platform.
LAND USE	Residential Low Density
ZONING	Residential Single Family – one (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

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

STAFF SUMMARY AND ANALYSIS

This request is for a dock with a floating terminal end and floating boat lift. The entire structure projects 84 feet from the seawall and it is 12 feet from an existing dock to the north and 6 feet from an existing dock to the south. (see "Proposed Dock Dimensions") Part of an existing dock will be utilized as an access pier to reach the floating platforms.

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

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

- (1) Site specific conditions:

This property has 40 feet of frontage on the water. There is an existing 45' x 5' access pier on the property and 6' of this pier will be removed and the new gangway and floating dock with floating boat platform will be installed.

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

This property is located in the "Yacht Basin" of the Matanzas River and there are existing docks and boatlifts on throughout the area.

- (3) Natural and proposed drainage patterns.

N/A.

- (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.

According to the applicant, there will be no impact on vegetative communities. The dock does not include any lighting that may be detrimental natural systems.

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

According to the applicant, no fueling stations nor the use of poisonous chemicals will be present and are not part of the proposed design.

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

According to the applicant, the proposed dock will be over open water and shading will not effect vegetation or shellfish.

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

This area is a man-made boat basin that was developed with seawalls and is subject to periodic dredging. As a result of this, there is very little vegetation present.

- (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.

The impact of the new dock on scenic vistas is not known.

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

N/A

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

There is no significant plant habitat due to periodic dredging. The impact of the new dock on animal habitat is not known.

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

N/A

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

According to the applicant, there will be a positive impact on fish, oysters and mussels.

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The proposed dock profile view shows the elevation of the proposed dock at around 5-6 feet above the mean high water line. According to the applicant, the boat lift has a 10,000 pound capacity and it is a low-profile design.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a dock with a floating terminal end and floating boat lift within Conservation Overlay Zone one located at **209 S. Matanzas Blvd.**



David Birchim, AICP
Director, Planning & Building Department



05/18/2021 11:13

RECEIVED

MAY 07 2021

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Planning/Building Dept.

Application Fee: \$330

BDAC Project No. 2021-0068

Receipt No. 2111231

Meeting Date: June 1, 2021

Adv. fees \$37.35

PLEASE PRINT OR TYPE

Paid on 5/17/21 Recpt. # 2116918

1. NAME OF APPLICANT: Ryan Carter

Daytime Telephone: 904-540-1786

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

Address: 42 Masters Drive

City: St. Augustine

State: FL

Zip: 32084

2. NAME OF PROPERTY OWNER: John Encinas

Daytime Telephone: 360-929-4665

Business (if applicable):

Address: 1348 Balda Rd.

City: Oak Harbor

State: WA

Zip: 98277

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 4

Block: 50

Subdivision: Davis Shores

Parcel Number: 2211300000

4. PROJECT STREET ADDRESS: 209 S Matanzas Blvd.

5. SPECIFIC PROPOSED USE: Construction of a residential dock

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other:

7. DESCRIPTION OF ACTION REQUESTED:

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: See Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?

Please explain fully. _____

10. PREVIOUS APPLICATIONS

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

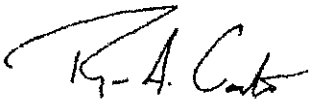
☐ Yes ☒ No If yes, give date and final disposition below.

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.

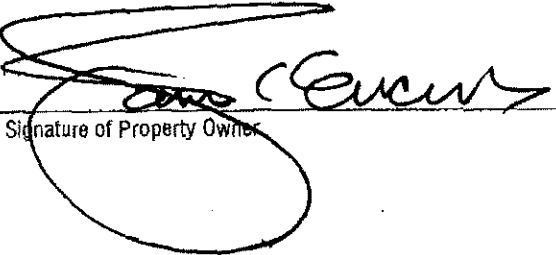
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.



5-4-21

12. _____
Signature of Applicant

Date

13. 
Signature of Property Owner

5/4/21
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 Ch. 166.033, Florida Statutes.

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

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

Ryan Carter

Print name of applicant



Signature of applicant

5-4-21

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	2211300000
Location Address	209 S MATANZAS BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-101 DAVIS SHORES LOT 4 BLK 50 OR5171/1506 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.170
Homestead	Y

Owner Information

Owner Name	Encinas John C 100%
Mailing Address	1348 BALDA RD OAK HARBOR, WA 98277-0000

Map



Valuation Information

	2021
Building Value	\$145,389
Extra Features Value	\$12,759
Total Land Value	\$180,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$338,148
Total Deferred	\$70,262
Assessed Value	\$267,886
Total Exemptions	\$50,000
Taxable Value	\$217,886

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	\$100,346	\$9,384	\$162,000	\$0	\$0	\$271,730	\$264,187	\$57,543	\$214,187
2019	\$93,910	\$5,451	\$162,000	\$0	\$0	\$261,361	\$255,939	\$55,422	\$205,939
2018	\$95,069	\$5,680	\$162,000	\$0	\$0	\$262,749	\$251,167	\$61,582	\$201,167
2017	\$48,114	\$3,826	\$162,000	\$0	\$0	\$213,940	\$204,549	\$59,391	\$154,549
2016	\$97,387	\$2,963	\$162,000	\$0	\$0	\$262,350	\$246,001	\$66,349	\$196,001
2015	\$79,318	\$2,973	\$162,000	\$0	\$0	\$244,291	\$244,291	\$50,000	\$194,291
2014	\$59,235	\$2,984	\$162,000	\$0	\$0	\$224,219	\$224,219	\$0	\$224,219
2013	\$54,793	\$2,994	\$178,200	\$0	\$0	\$235,987	\$78,890	\$235,987	\$0
2012	\$50,488	\$3,005	\$137,214	\$0	\$0	\$190,707	\$77,571	\$190,707	\$0
2011	\$39,919	\$3,383	\$152,460	\$0	\$0	\$195,762	\$75,312	\$195,762	\$0
2010	\$40,563	\$3,394	\$169,400	\$0	\$0	\$213,357	\$74,199	\$213,357	\$0

Exemption Information

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

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	1410	Roof Cover	Metal
Conditioned Area	1066	Interior Flooring	Ceramic Tile, Hardwood
Actual Year Built	1954	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	2
Exterior Wall	Concrete Stucco	Baths	1.5
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	80%
Interior Flooring	Ceramic Tile	20%
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	Wood Frame	100%

Description	Conditioned Area	Actual Area
FINISHED SCREEN PORCH	0	78
BASE AREA	1066	1066
FINISHED CARPORT	0	266
Total SqFt	1066	1410

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Boat Dock (Average)	0	0	0	0	225
Bulkhead (Average)	0	0	0	0	352
Deck (Unattached)	0	0	0	0	600
Residential Fence	0	0	0	0	144

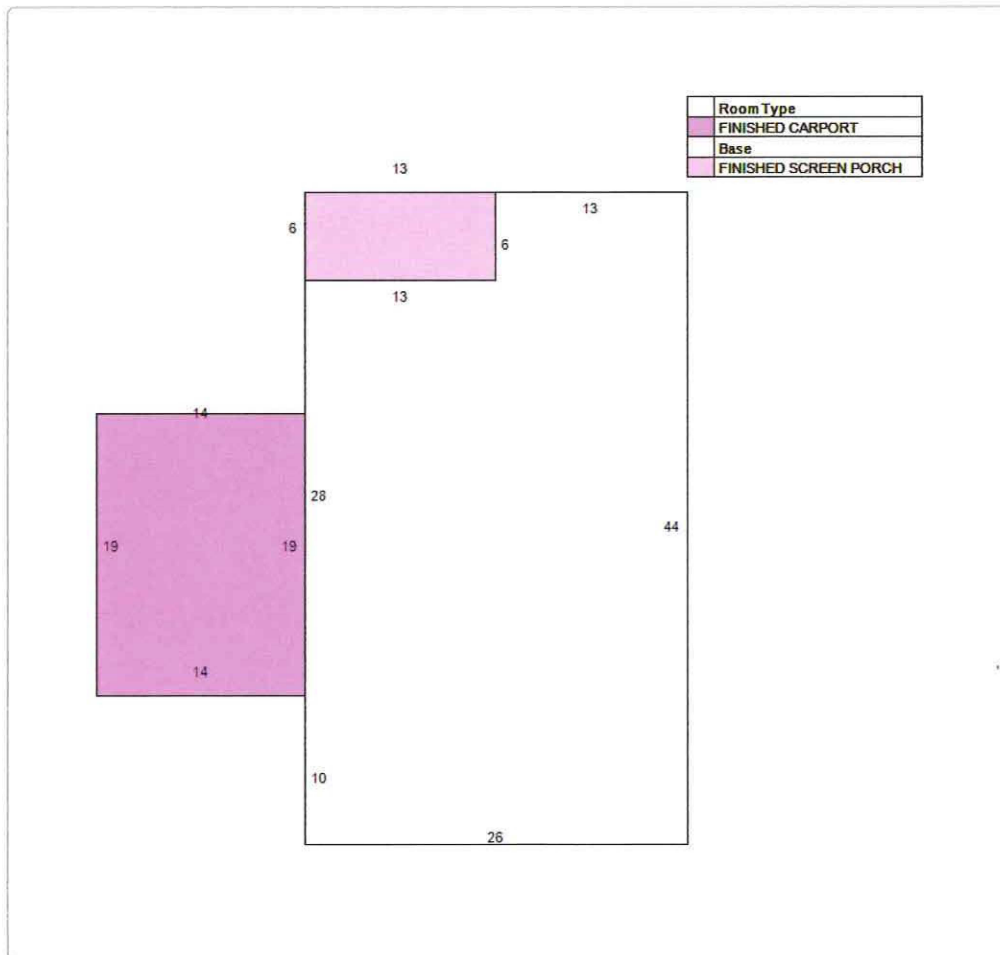
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	40	150	40	FF	\$180,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/4/2021	2/4/2021	\$655,000.00	WARRANTY DEED	5171	1506	Q	I	HEALY DENNIS J,ROBIN A	ENCINAS JOHN C
3/18/2014	3/14/2014	\$350,000.00	WARRANTY DEED	3857	539	Q	I	SANCHEZ RONALD A/AKA RONALD F SANCHEZ	HEALY DENNIS J,ROBIN A
	4/19/2013	\$0.00	DEATH CERTIFICATE	3857	538	U	I	SANCHEZ CATHERINE AGNES	
	8/4/2003	\$43,500.00	TRUSTEES DEED	2014	607	U	I	MOORE CAROL JEAN (HER BANKRUPTCY)	MOORE CAROL JEAN
	6/15/1998	\$0.00	QUIT CLAIM DEED	1326	414	U	I	SANCHEZ CATHERINE ***-SANCHEZ RONALD A (REM)	SANCHEZ CATHERINE *** SANCHEZ RONALD A ETAL
	7/12/1994	\$100.00	QUIT CLAIM DEED	1064	89	U	I	SANCHEZ CATHERINE ***	SANCHEZ CATHERINE ***
	4/7/1992	\$100.00	LIFE ESTATE	935	1719	U	I	SANCHEZ CATHERINE	SANCHEZ CATHERINE ***
	8/24/1961	\$0.00	DEATH CERTIFICATE	3092	289	U	I	SANCHEZ WILLIAM FRANCIS (DECEASED)	

Sketch Information



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Version 2.3.119

Developed by
Schneider
 GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID	2211300000	Physical	209 S MATANZAS BLVD	Building Value	\$145,389	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$12,759	Date	Price	Reason	Qual
Class	Family	Mailing	ENCINAS JOHN C	Value		2/4/2021	\$655000	01	Q
Taxing	City of St	Address	1348 BALDA RD	Total Land Value	\$180,000	3/14/2014	\$350000	01	Q
District	Augustine		OAK HARBOR WA 98277-0000	Just Value	\$338,148				
Acres	0.17			Total Deferred	\$70,262				
				Assessed Value	\$267,886				
				Total Exemptions	\$50,000				
				Taxable Value	\$217,886				

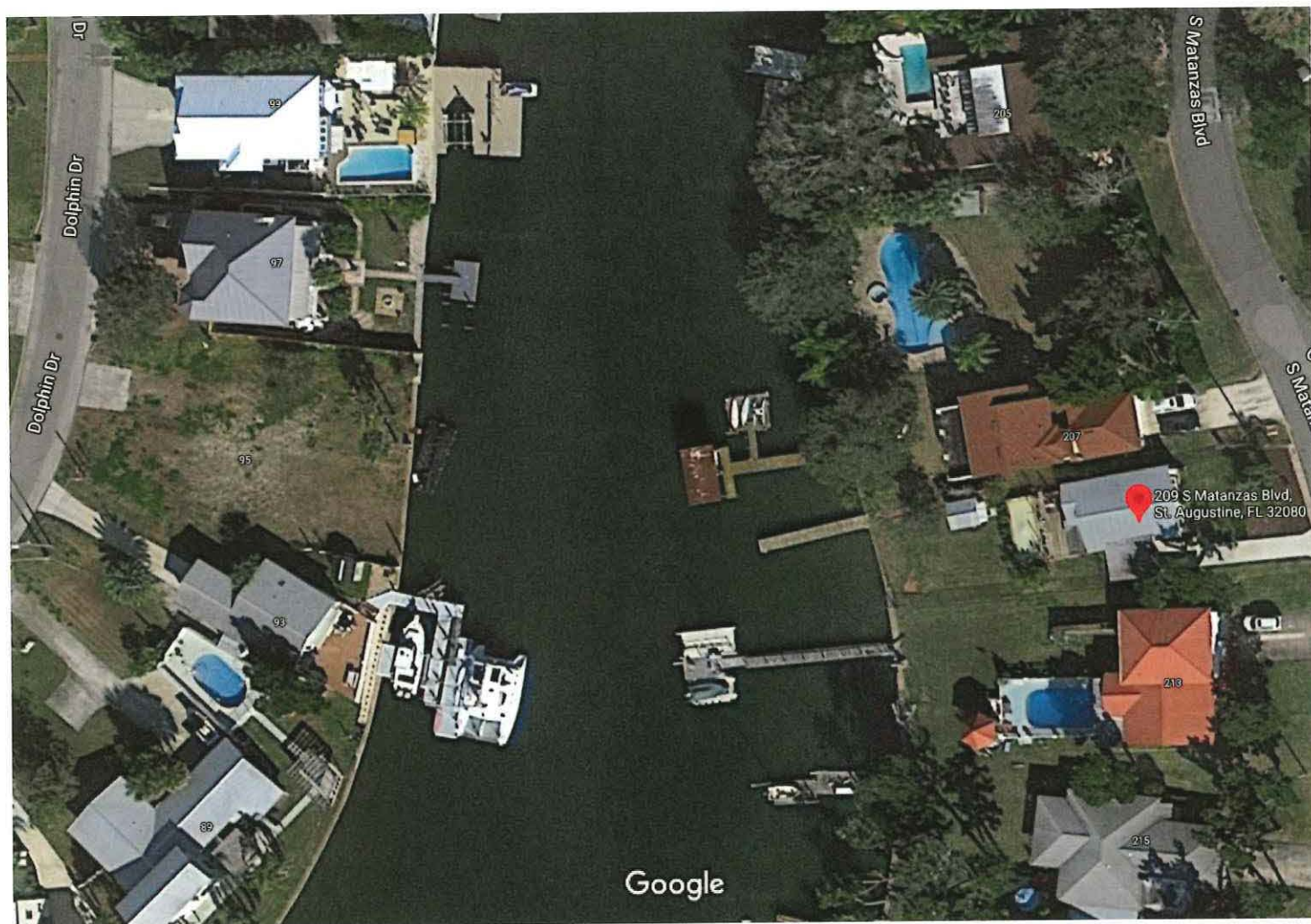
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Date created: 5/7/2021

Last Data Uploaded: 5/7/2021 12:42:03 AM

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GEOSPATIAL

Google Maps 209 S Matanzas Blvd



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



209 S Matanzas Blvd

St. Augustine, FL 32080
Building



Directions



Save



Nearby



Send to your
phone



Share

Attachment 1
Overlay Zone Application Narrative

**Encinas 209 S Matanzas Blvd.
Overlay Zone Development Application Supplement
May 2021**

This narrative is intended to supplement the Conservation Overlay Zone Development for a proposed single-family residential dock at 209 S Matanzas Blvd. The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

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

The dock will be for single family use and have no benefit to the public as a whole.

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

There are no direct (dredging or filling) wetland impacts to marsh. The dock will be built over open water on Matanzas cut, an artificial boat basin/canal.

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

The proposed dock design does not include any boat houses, or tall structures that would disrupt a scenic vista. Additionally, the surrounding views from the area are residential development. Therefore, no new blockages or disruptions to the scenic vista will result.

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

The majority of neighbors along the seawall have docks, so adding one more won't negatively impact the vista or scenic opportunity for the neighbors.

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

1. Site specific conditions.

The property has approximately 40 feet of water frontage and 55 feet of roadway frontage. The purpose of proposed dock is the add boat access for the residents. There is an existing 45' x 5' access pier on the property, approximately 6' of this will be removed. At the end a 4' x 20' aluminum gangway will connect the access pier to a 20' x 20' floating platform with a 20' x 12' floating boat cradle on the south side.. The total length of the dock will be approximately 75'.

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

The property is situated within a residential area on S Matanzas Blvd., adjacent to a man-made boat basin/canal that connects to the Matanzas River. It is situated over Conservation Overlay Zones 1 & 2.

3. Natural and proposed drainage patterns.

Rainfall will percolate through the deck boards. It will not alter any existing stormwater or drainage systems.

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

There is no effect of point or non-point discharge into the marine environment from the proposed dockage. No new water, sewer or utility service will be provided.

5. Proposed soil stabilization and erosion control methods.

Soil and erosion control may be necessary during construction, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

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

Vegetative impacts: There will be no vegetative impacts.

Lighting of the open water areas at night: The proposed dock does not include lighting.

Increased noise from day users: Boat traffic to and from the proposed dock would not vary from other neighboring residential boat users.

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

No storm water systems will be modified. Fueling stations or use of poisonous chemicals will be not present and are not part of the proposed design.

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

The proposed dock will be entirely over open water. Shading will not affect vegetation or shellfish.

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

The shoreline of the area is stabilized by seawalls. There is no vegetation or a very little scattered shellfish (oysters) in the mud on the shoreline.

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

The proposed dock will not involve any work along the shoreline.

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

The majority of neighbors along the seawall have docks, so adding one more won't negatively impact the vista or scenic opportunity for the neighbors.

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

No vegetation is present at the proposed construction area.

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

No vegetation is present at the proposed construction area.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the boardwalk leading to the dock on commercial and sport fish are as follows:

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

Negative: Extremely small loss of juvenile habitat from the placement of pilings. This loss will be temporary impacts to juvenile habitat and adult foraging areas during construction.

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

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

Negative: None.

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

Positive: The dock will be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat from the placement of pilings.

17.

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

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

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

The proposed boardwalk will meet the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers minimum of 5 feet above mean high water.

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

The proposed boat lift will be of 10,000 pound capacity and low-profile.

Attachment 2

Overlay Zone Application Graphics

F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21142 Encinas Matanzas\GIS\Map\201-Encinas Matanzas_Location Map.mxd



**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Location Map 209 S Matanzas Blvd.

Project: 5.21142

St. Augustine, FL

Date: Apr 30 2021

Figure:

1





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Aerial Map

209 S Matanzas Blvd.

Project: 5.21142

St. Augustine, FL

Date: Apr 30 2021

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Dimensions
209 S Matanzas Blvd.

Project: 5.21142

St. Augustine, FL

Date: May 06 2021

Figure:

3





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Dimensions
209 S Matanzas Blvd.

Project: 5.21142

St. Augustine, FL

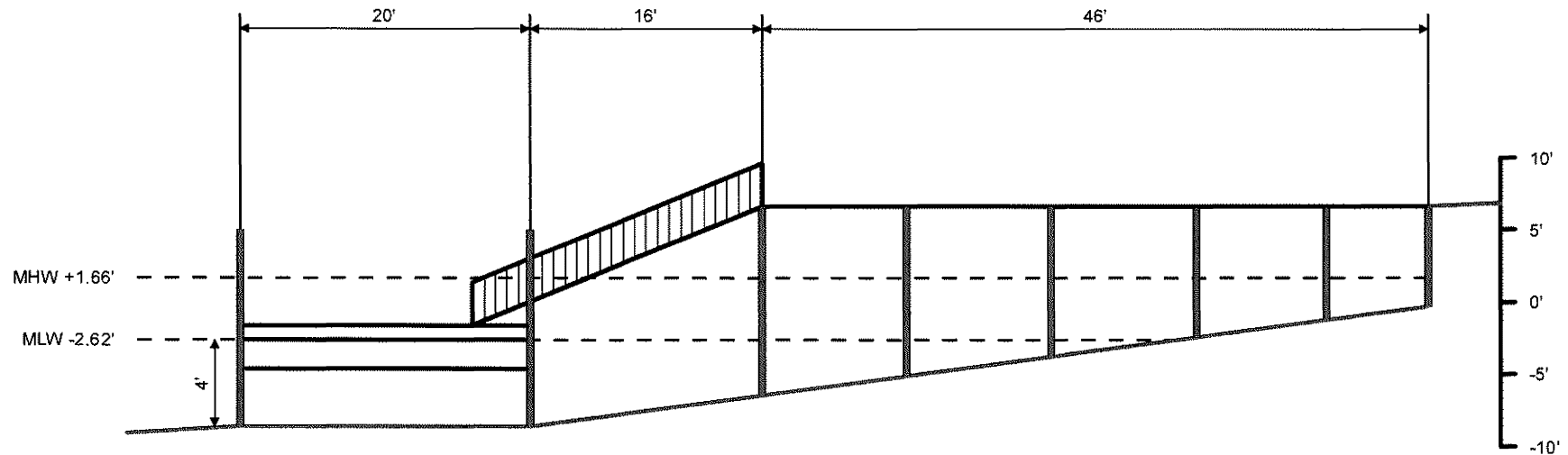
Date: May 06 2021

Figure:

4



F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21142 Encinas Matanzas\GIS\Map\XD05-Encinas Matanzas_Profile View.mxd



Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

**Proposed Dock Profile View
209 S Matanzas Blvd.**

Project: 5.21142

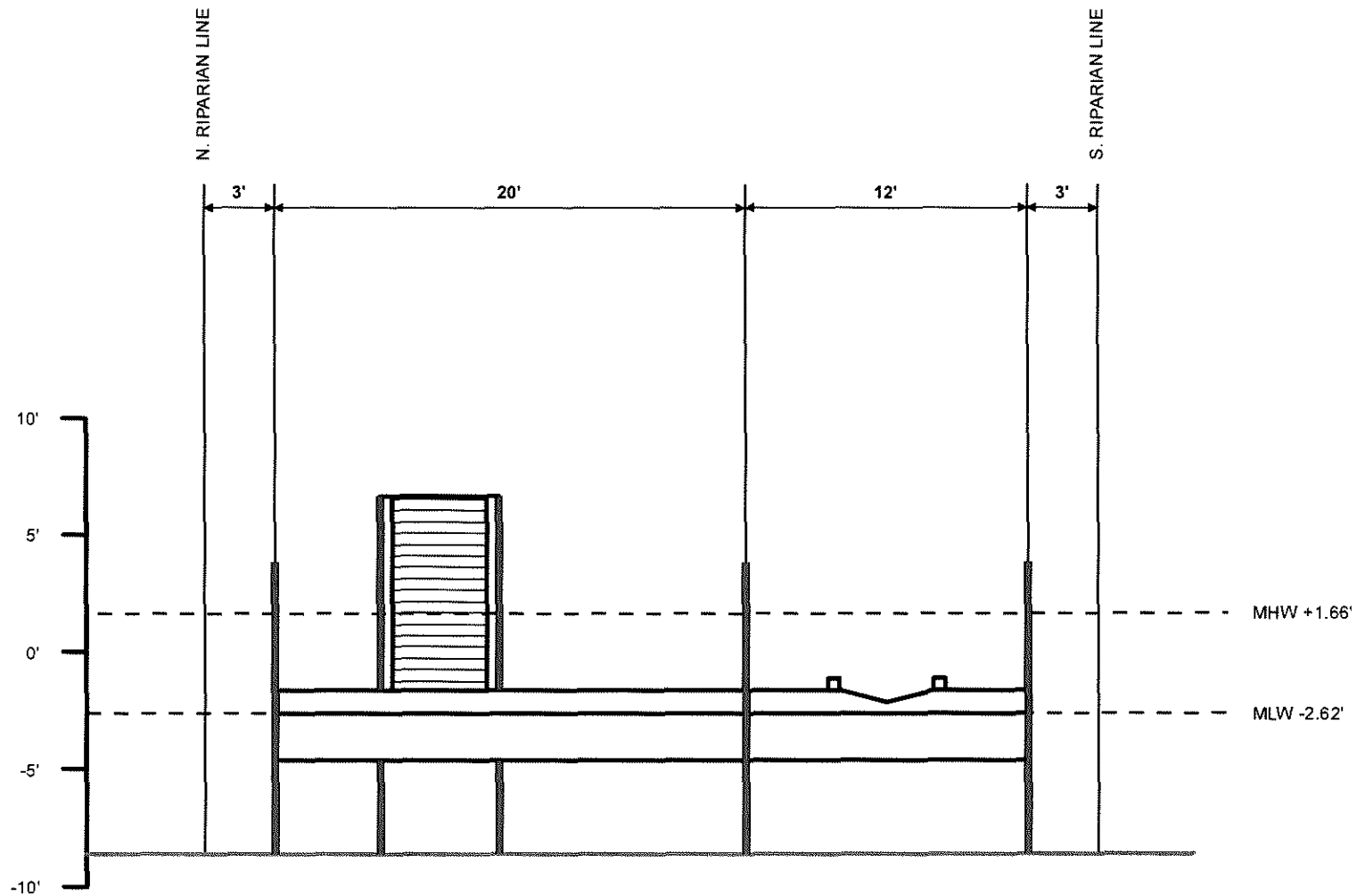
St. Augustine, FL

Date: May 06 2021

Figure:

5





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Cross-Section
209 S Matanzas Blvd.

Project: 5.21142

St. Augustine, FL

Date: May 06 2021

Figure:

6



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **CONSERVATION OVERLAY ZONE 2 DEVELOPMENT #2021-0069**

AGENDA ITEM 6(e)

APPLICANT Ryan Carter
Carter Environmental Services, Inc.

OWNER Louis Herrera

LOCATION 38, 44 and 50 Villa Calissa Court

REQUEST **To approve a cantilevered deck over
wetlands/open water attached to a bulkhead.**

LAND USE Residential Medium Density
ZONING Residential General-two (RG-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

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

STAFF SUMMARY AND ANALYSIS

This request is for a cantilevered deck over city owned property that is part of the San Sebastian River. The deck is 10 feet in width and 83 feet in length and partially covers salt marsh vegetation and mangroves.

The applicant has indicated he will discuss the environmental impacts of the shading from the proposed deck with the St. Johns River Water Management District, who are the State of Florida's permitting agency for this project.

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

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

- (1) Site specific conditions:

This is a townhouse community with eleven (11) residential units on the west side of the San Sebastian River. There is an existing bulkhead approximately 280 feet in length and a dock with 11 slips in place.

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

This property is located on the west side of the San Sebastian River. There are condominiums to the north of this property and a commercial marina to the south of the property.

- (3) Natural and proposed drainage patterns.

The proposed deck will not alter the existing drainage patterns from the uplands area.

- (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.

The area under the proposed deck has salt marsh vegetation and mangroves. The proposed deck will shade this vegetation. The impact of this shade on the salt marsh vegetation and mangroves is not known. The application indicates "The deck will be lit with low level directional lighting..." The city has standards for dock lighting, but by the city's definition, this proposed deck does not have to comply with the city dock lighting ordinance.

- (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.

The new deck will shade salt marsh vegetation and mangroves but the extent to which that will negatively impact the vegetation and mangroves has not been submitted with this application.

- (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.

The deck is 83 feet in length and there is approximately 280 feet of waterfront meaning it is projecting in front of 29.6% of the waterfront.

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

The proposed deck does not appear to impact any vistas and scenic opportunities.

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

N/A

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

The deck will be covering salt marsh vegetation and mangroves.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water

management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

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

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 **CONTINUE** this application until the applicant can provide sufficient documentation that the shading from the proposed deck will not negatively impact the salt marsh vegetation and mangroves.



David Birchim, AICP
Director, Planning & Building Department



05/18/2021 12:05



05/18/2021 12:05



05/18/2021 12:03

RECEIVED

MAY 07 2021

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Planning/Building Dept.

Application Fee: \$330

BDAC Project No. 2021-0069

Receipt No. 211228

Meeting Date: June 1, 2021

Adj. fees \$112.05

PLEASE PRINT OR TYPE

Paid on 5/17/21 Recpt # 2116920

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

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

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

2. NAME OF PROPERTY OWNER: Louis Herrera Daytime Telephone: 404-694-7148

Business (if applicable):

Address: 44 Villa Calissa Ct. City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 9, 10, 11

Block:

Subdivision: Villa Calissa Townhomes

Parcel Number: 1278810090, 1278810100, 1278810110

4. PROJECT STREET ADDRESS: 38, 44 and 50 Villa Calissa Ct. St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Proposed cantilevered deck

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other:

7. DESCRIPTION OF ACTION REQUESTED:

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: See Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, 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.

12. 
Signature of Applicant

5-2-21
Date

13. 
Signature of Property Owner

5-4-21
Date

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

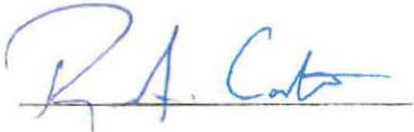
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

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

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

Ryan Carter

Print name of applicant



Signature of applicant

5-2-21

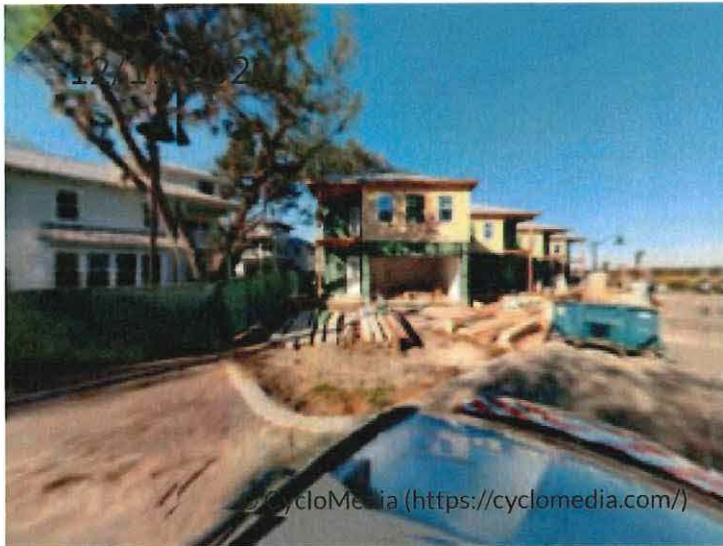
Date

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	1278810090
Location Address	38 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 9 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.090
Homestead	N

Owner Information

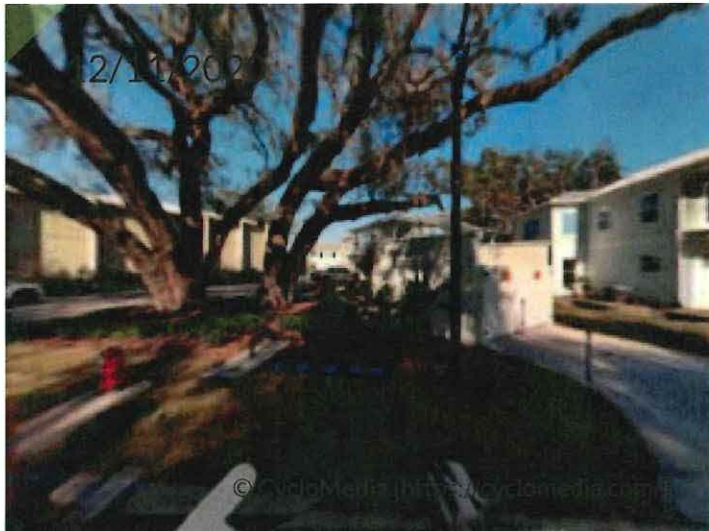
Owner Name	Cherokee Street Partners LLC 100%
Mailing Address	3236 BEACH BLVD JACKSONVILLE, FL 32207-0000

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	1278810100
Location Address	44 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 10 OR5037/1975 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family Townhouse (0130)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.070
Homestead	N

Owner Information

Owner Name	Herrera Louis Albert,Lisa Williams 100% Herrera Lisa Williams 100%
Mailing Address	44 VILLA CALISSA CT SAINT AUGUSTINE, FL 32084-0000

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	1278810110
Location Address	85 CHEROKEE ST 50 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 11 OR5027/331 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family Townhouse (0130)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.090
Homestead	N

Owner Information

Owner Name	Calissa Property LLC 100%
Mailing Address	697 BEACH AVE ATLANTIC BEACH, FL 32233-0000

Attachment 1
Overlay Zone Application Narrative

**Villa Calissa Proposed Cantilevered Deck
Overlay Zone Development Application Supplement
April 2021**

This narrative is intended to supplement the Conservation Overlay Zone Development for a proposed cantilevered deck. The proposed 798 sf. cantilevered deck will be over the San Sebastian River, extending from the existing permitted bulkhead. The proposed structure will extend 10' waterward and be approximately 10' above MHW and wetland vegetation. Deck plank spacing will be ½" to allow adequate light penetration. No mangroves will need to be removed as a result, but may need minor pruning. Due to the cantilevered design, no in-water work will take place. All work will be performed from the uplands or a floating barge over open water. Please see the attached graphics for design details.

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

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

The deck will be for private use by the townhome residents and guests.

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

No vegetation will be removed, however some mangrove trimming may be necessary. Deck plank spacing will be ½" to allow adequate light penetration.

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

The proposed deck will be at existing grade level and should not disrupt any scenic vistas.

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

The deck will be for private use by the townhome residents and guests.

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

1. *Site specific conditions.*

The site has an existing bulkhead approximately 10' above mean high water. The upland site of the wall is a turf grass area. Waterward of the wall is open water, with some salt marsh vegetation and mangroves.

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

The property is adjacent to the San Sebastian River to the North and Cherokee Street to the South, the approved Shipyards development to the East and Sebastian Harbor Villas to the West. It is situated over Conservation Overlay Zones 1 & 2.

3. *Natural and proposed drainage patterns.*

Rainfall will percolate through the deck boards. It will not alter any existing stormwater or drainage systems.

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

There will be no effect of point or non-point discharge into the marine environment from the proposed dockage.

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

Soil and erosion control should not be necessary due to the cantilevered nature.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

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

Vegetative impacts: There will be minor vegetative impacts from the trimming of mangroves and mild shading.

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

Increased noise from day users: Noise pollution should be minimal.

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

No storm water systems will be modified. There will be no storage of pollutants and the use of poisonous chemicals and materials.

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

The proposed deck will be constructed over approximately 359 sf. of salt marsh vegetation and 99 sf. of mangroves, the rest will occur over open water. Shading will be minimal to vegetation because the deck will be about ten feet above mean high water with plank spacing at $\frac{1}{2}$ ".

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

The proposed deck will not lead to the increase boat wake and boat traffic.

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

The deck totals approximately 83 linear feet. However, there's an existing seawall covering this frontage.

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

The deck will span about 83' with a railing height of 3'.

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

Native salt marsh vegetation exists seaward of the bulkhead and will remain.

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

Shading to the marsh will affect 458 sf.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the boardwalk leading to the dock on commercial and sport fish are as follows:

Positive: None anticipated

Negative: None anticipated

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

Positive: None anticipated

Negative: None anticipated

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

Positive: None anticipated

Negative: None anticipated

17.

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

There are no proposed plans for any boathouse, roofed structure or wall.

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

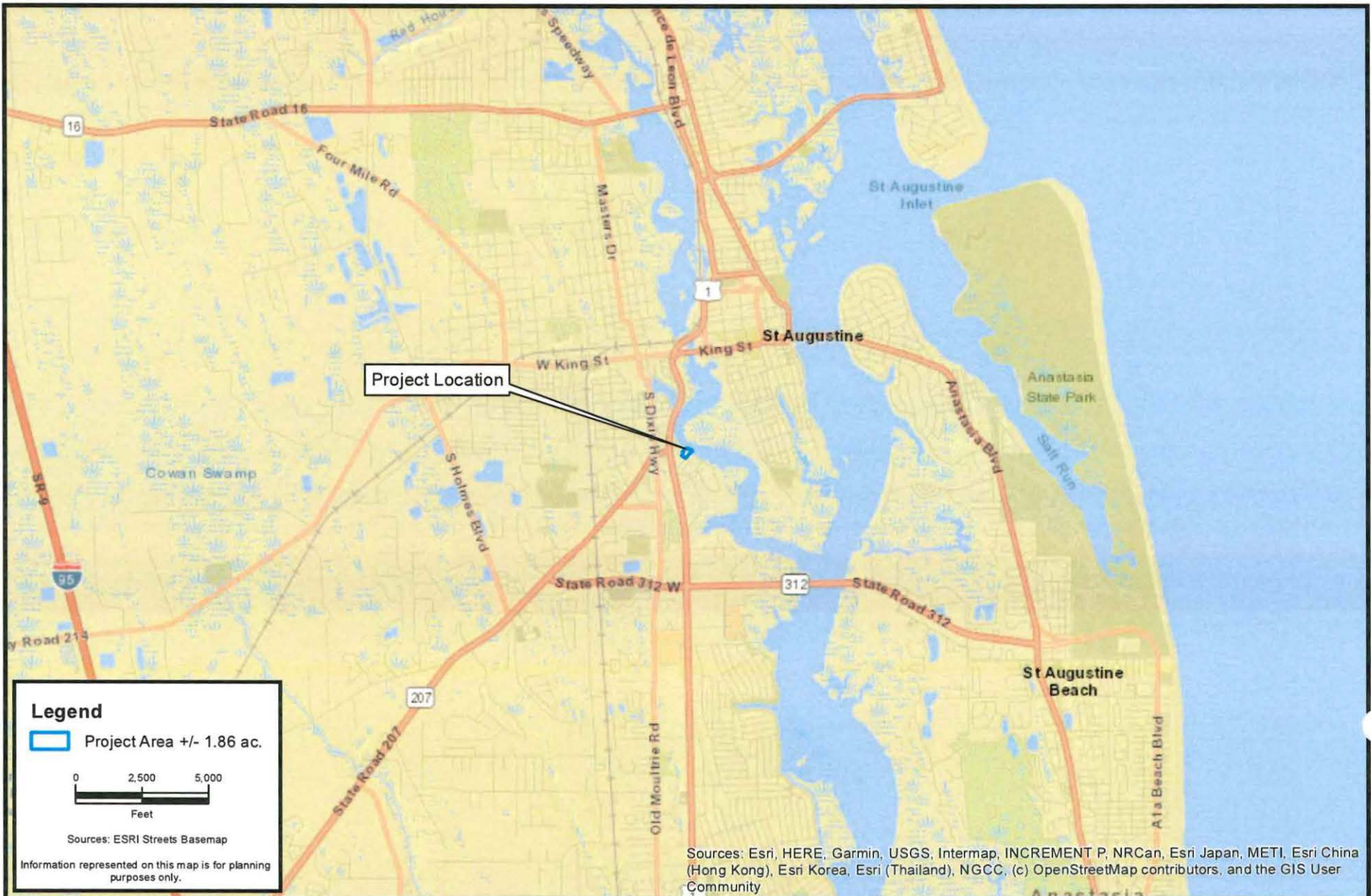
The proposed deck will be 10' above MHW.

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

Not applicable.

Attachment 2

Overlay Zone Application Graphics



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Project Location Map

Villa Calissa

Project: 5.13125

St. Augustine, FL

Date: Apr 27 2021

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

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

www.carterenv.com

Aerial Map
Villa Calissa

Project: 5.13125

St. Augustine, FL

Date: Apr 27 2021

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.

CES

www.carterenv.com

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

Proposed Cantilevered Deck

Villa Calissa

Project: 5.13125

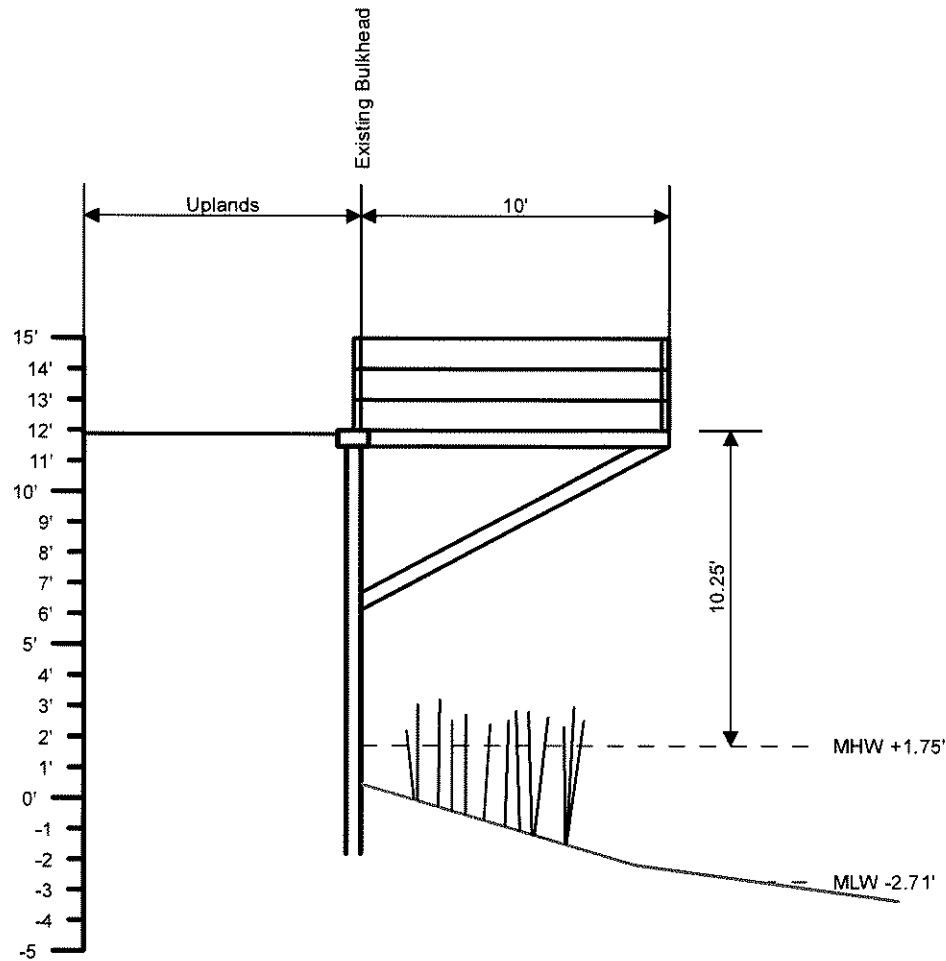
St. Augustine, FL

Date: Apr 28 2021

Figure:

3





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



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

www.carterenv.com

Proposed Cantilevered Deck Cross-Section

Villa Calissa

Project: 5.13125

St. Augustine, FL

Date: May 05 2021

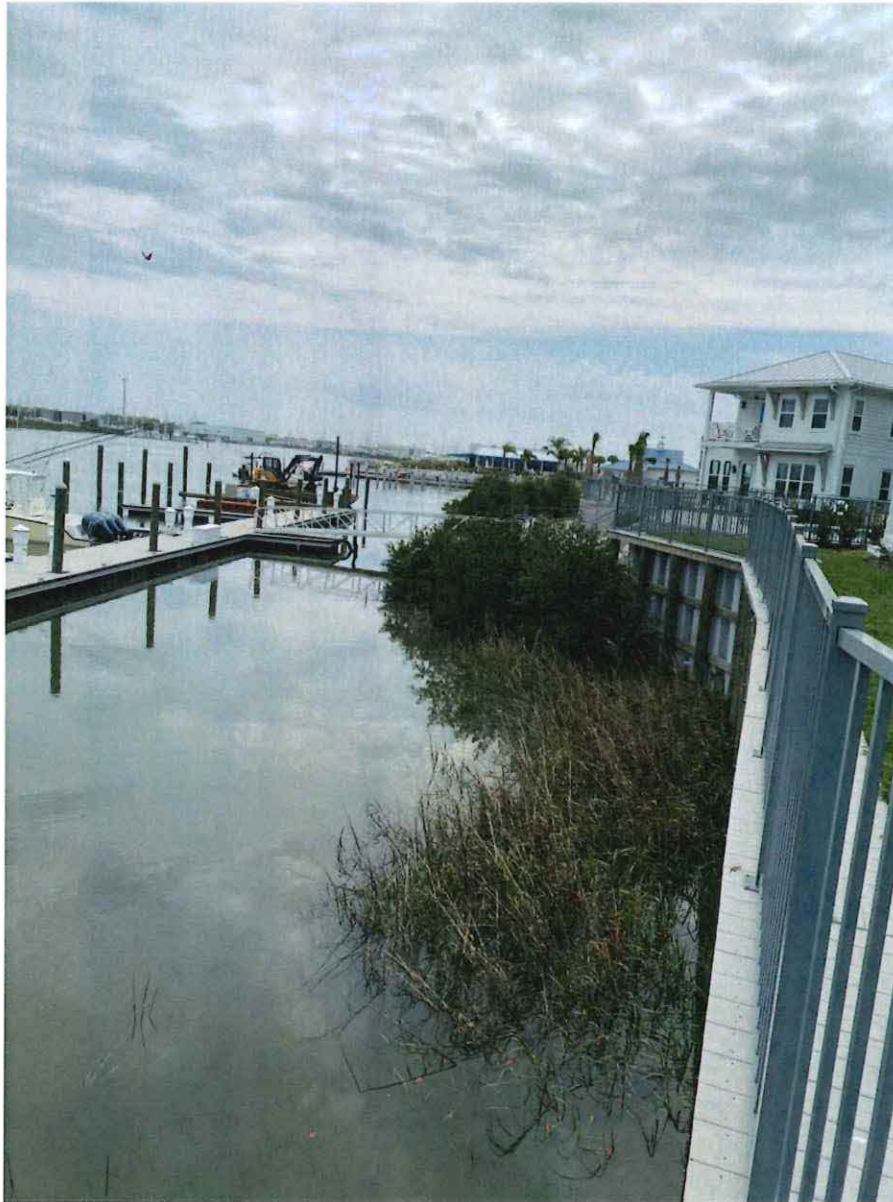


Figure:

4

Attachment 3
Photo documentation sheet









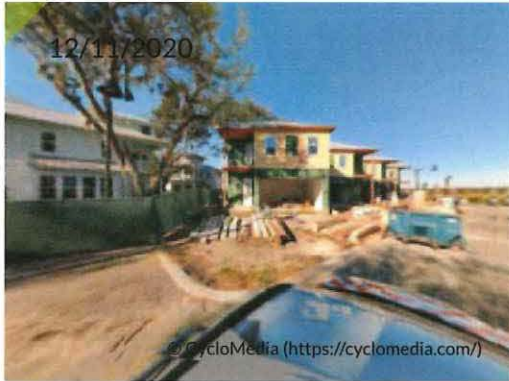
St. Johns County, FL

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	1278810090
Location Address	38 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 9 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.090
Homestead	N

Owner Information

Owner Name	Cherokee Street Partners LLC 100%
Mailing Address	3236 BEACH BLVD JACKSONVILLE, FL 32207-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$300,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$300,000
Total Deferred	\$0
Assessed Value	\$300,000
Total Exemptions	\$0
Taxable Value	\$300,000

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$300,000

No data available for the following modules: 2020 TRIM Notice, 2019 TRIM Notice, Exemption Information, Building Information, Extra Feature Information, Sale Information, Sketch Information.

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Overview



Legend

□ Parcels

Parcel ID	1278810090	Physical	38 VILLA CALISSA CT	Building Value	N/A	Last 2 Sales			
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Residential	Mailing	CHEROKEE STREET PARTNERS	Value		n/a	0	n/a	n/a
Taxing	City of St Augustine	Address	LLC	Total Land Value	\$300,000	n/a	0	n/a	n/a
District			3236 BEACH BLVD	Just Value	\$300,000				
Acres	0.09		JACKSONVILLE FL 32207-0000	Total Deferred	N/A				
				Assessed Value	\$300,000				
				Total Exemptions	N/A				
				Taxable Value	\$300,000				

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St. Johns County, FL

Sales Questionnaire Form

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[Sales Questionnaire](#)

Summary



Parcel ID	1278810100
Location Address	44 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 10 OR5037/1975 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family Townhouse (0130)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.070
Homestead	N

Owner Information

Owner Name	Herrera Louis Albert, Lisa Williams 100%
Mailing Address	Herrera Lisa Williams 100% 44 VILLA CALISSA CT SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$338,955
Extra Features Value	\$21,038
Total Land Value	\$300,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$659,993
Total Deferred	\$0
Assessed Value	\$659,993
Total Exemptions	\$0
Taxable Value	\$659,993

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2887	Roof Cover	Metal
Conditioned Area	2106	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	2020	Interior Wall	Drywall
Use	Single Family Townhouse	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Concrete Siding, Stucco	Baths	2.5
Roof Structure	Gable Hip		

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Wood Frame	100%
Exterior Wall	Stucco	50%
Exterior Wall	Concrete Siding	50%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Flooring	Carpet	30%
Interior Flooring	Ceramic Tile	70%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Very Good	100%
Plumbing	12 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	836	836
FINISHED UPPER STORY - FORCED	1270	1270
FINISHED GARAGE	0	433
FINISHED OPEN PORCH	0	71
FINISHED OPEN PORCH	0	112
FINISHED OPEN PORCH - FORCED	0	106
FINISHED OPEN PORCH - FORCED	0	59
Total SqFt	2106	2887

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Elevator - Residential (48"x48" - 3 Passenger)	0	0	0	0	1

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family Townhouse	0	0	1	UT	\$300,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/9/2020	9/9/2020	\$809,000.00	WARRANTY DEED	5037	1975	Q	I	CHEROKEE STREET PARTNERS LLC	HERRERA LOUIS ALBERT, LISA WILLIAMS

Sketch Information

	Room Type
	FPF
	FINISHED OPEN PORCH
	FINISHED GARAGE
	FUF
	Base

No data available for the following modules: 2020 TRIM Notice, 2019 TRIM Notice, Exemption Information.

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St. Johns County, FL

Sales Questionnaire Form

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[Sales Questionnaire](#)

Summary



Parcel ID	1278810110
Location Address	85 CHEROKEE ST 50 VILLA CALISSA CT SAINT AUGUSTINE 32084-0000
Neighborhood	Villa Calissa Townhomes (689.01)
Tax Description*	100/46-47 VILLA CALISSA TOWNHOMES REPLAT LOT 11 OR5027/331 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family Townhouse (0130)
Subdivision	VILLA CALISSA TOWNHOMES
Sec/Twp/Rng	40-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.090
Homestead	N

Owner Information

Owner Name	Calissa Property LLC 100%
Mailing Address	697 BEACH AVE ATLANTIC BEACH, FL 32233-0000

Map



Valuation Information

	2021
Building Value	\$339,329
Extra Features Value	\$21,038
Total Land Value	\$300,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$660,367
Total Deferred	\$0
Assessed Value	\$660,367
Total Exemptions	\$0
Taxable Value	\$660,367

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2898	Roof Cover	Composite Shingle
Conditioned Area	2106	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	2020	Interior Wall	Drywall
Use	Single Family Townhouse	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Concrete Siding	Baths	2.5
Roof Structure	Gable Hip		

Category	Type	Pct
Foundation	Concrete Perimeter Footing	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	30%
Interior Flooring	Ceramic Tile	70%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Very Good	100%
Plumbing	12 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	836	836
FINISHED UPPER STORY - FORCED	1270	1270
FINISHED GARAGE	0	433
FINISHED OPEN PORCH - FORCED	0	71
FINISHED OPEN PORCH - FORCED	0	112
FINISHED OPEN PORCH - FORCED	0	112
FINISHED OPEN PORCH - FORCED	0	64
Total SqFt	2106	2898

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Elevator - Residential (48"x48" - 3 Passenger)	0	0	0	0	1

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family Townhouse	0	0	1	UT	\$300,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/27/2020	8/27/2020	\$814,000.00	WARRANTY DEED	5027	331	Q	I	CHEROKEE STREET PROPERTIES LLC	CALISSA PROPERTY LLC

Sketch Information

	Room Type
	FPF
	FINISHED GARAGE
	FUF
	Base

No data available for the following modules: 2020 TRIM Notice, 2019 TRIM Notice, Exemption Information.

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Overview



Legend

□ Parcels

Parcel ID	1278810110	Physical Address	50 VILLA CALISSA CT SAINT AUGUSTINE	Building Value	\$339,329	Last 2 Sales			
Property Class	0130 - Single Family Townhouse	Mailing Address	CALISSA PROPERTY LLC	Extra Feature Value	\$21,038	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	697 BEACH AVE ATLANTIC BEACH FL	Total Land Value	\$300,000	8/27/2020	\$814000	01	Q
Acres	0.09		32233-0000	Just Value	\$660,367	n/a	0	n/a	n/a
				Total Deferred Assessed Value	N/A \$660,367				
				Total Exemptions	N/A				
				Taxable Value	\$660,367				

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Overview



Legend

□ Parcels

Parcel ID	1278810100	Physical Address	44 VILLA CALISSA CT SAINT AUGUSTINE	Building Value	\$338,955	Last 2 Sales			
Property Class	0130 - Single Family Townhouse	Mailing Address	HERRERA LOUIS ALBERT, LISA WILLIAMS	Extra Feature Value	\$21,038	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	44 VILLA CALISSA CT SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$300,000	9/9/2020	\$809,000	01	Q
Acres	0.07			Just Value	\$659,993	n/a	0	n/a	n/a
				Total	N/A				
				Deferred Assessed Value	\$659,993				
				Total	N/A				
				Exemptions					
				Taxable Value	\$659,993				

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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **CONSERVATION OVERLAY ZONE 2 DEVELOPMENT #2021-0071**

AGENDA ITEM 6(f)

APPLICANT David Ott

OWNER David Ott

LOCATION 83 Comares Avenue, unit 7B

REQUEST **To approve a boat lift in Conservation Overlay Zone 1.**

LAND USE Residential Medium Density
ZONING Residential General-one (RG-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

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

STAFF SUMMARY AND ANALYSIS

This request is for a low profile boat lift with a 10,000 pound capacity in a multi-slip residential dock.

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

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

- (1) Site specific conditions:

This property is a condominium complex with multi-slip boat dock, some of which have boat lifts. The Planning and Zoning Board has approved boat lifts at this dock in the past.

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

This property is in Davis Shores, it is an established condominium complex, it is on Salt Run and the boat dock and boat slip already exists, this application is for a boat lift within an existing slip.

- (3) Natural and proposed drainage patterns.

N/A

- (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.

It would be a minimal impact towards these communities as the multi-slip boat dock is in place.

- (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.

Adding a boat lift to an existing boat slip does not appear to intensify any shading effects.

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

The proposed boat lift will not create boat wake or increase boat traffic.

- (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.

The impact of this boat lift on vistas and scenic opportunities is not known, but the current scenic vista includes the multiple boat lifts already on this dock.

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

N/A

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

N/A

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

N/A

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

N/A

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The application identifies the lift as a low profile boat lift with a 10,000 pound capacity.

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** a boat lift at **83 Comares Avenue, unit 7B, slip D18** as submitted.



David Birchim, AICP
Director, Planning & Building Department



Overview



Legend

 Parcels

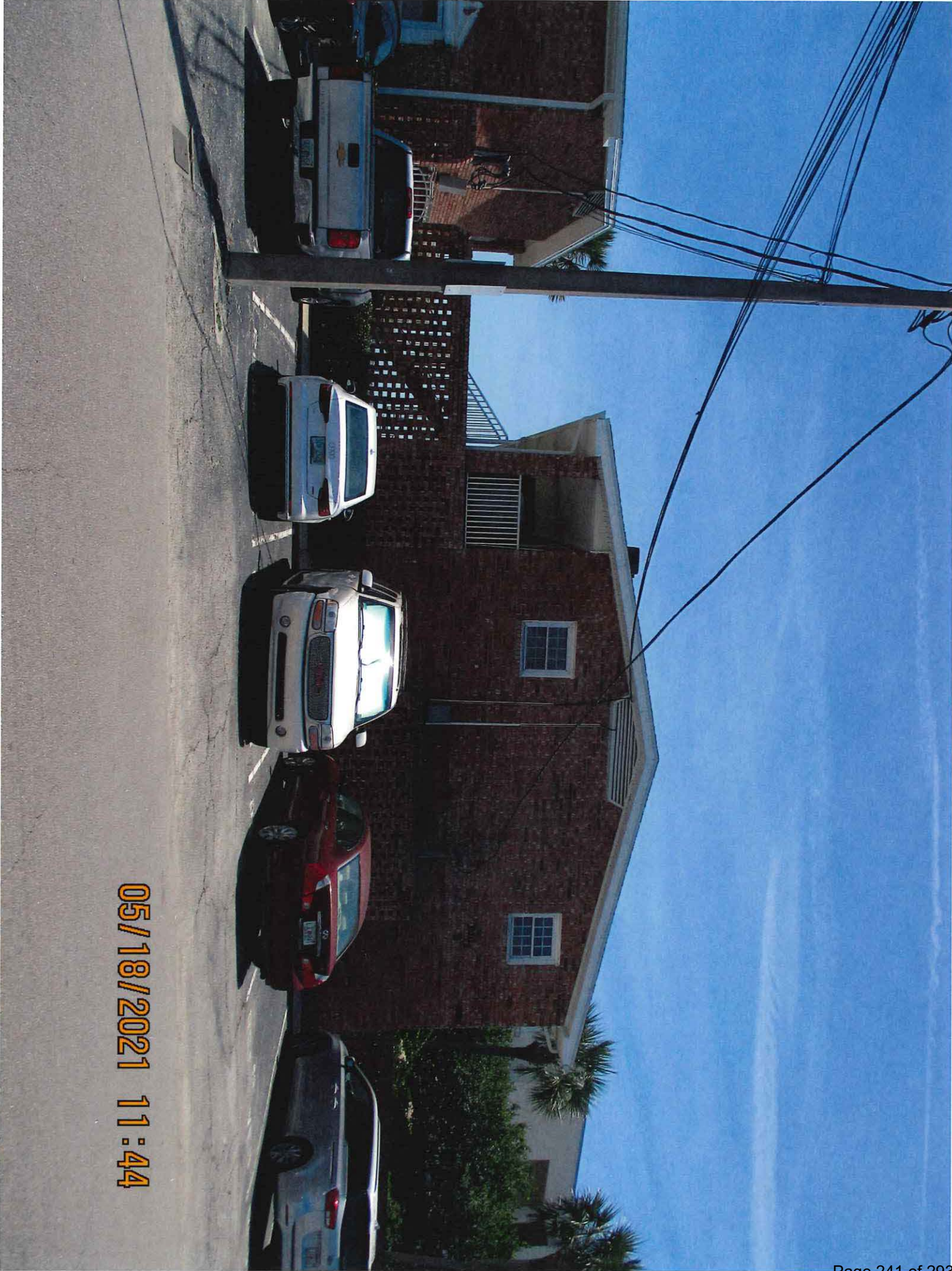
Parcel ID	2185619020	Physical Address	83 COMARES AVE	Building Value	N/A	Last 2 Sales			
Property Class	0902		SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	SALT RUN III CONDO	Total Land Value	N/A	n/a	0	n/a	n/a
Acres	0.08			Just Value	N/A	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	N/A				

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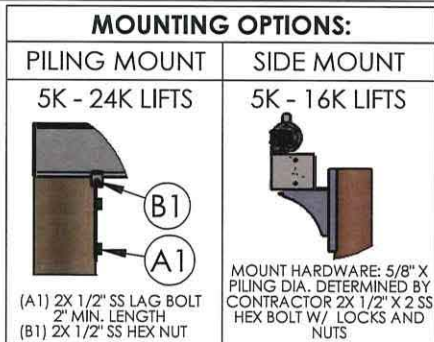
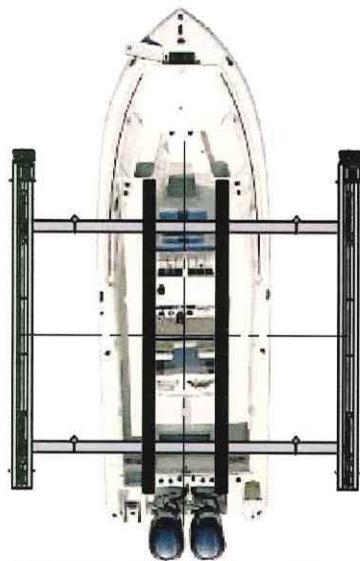
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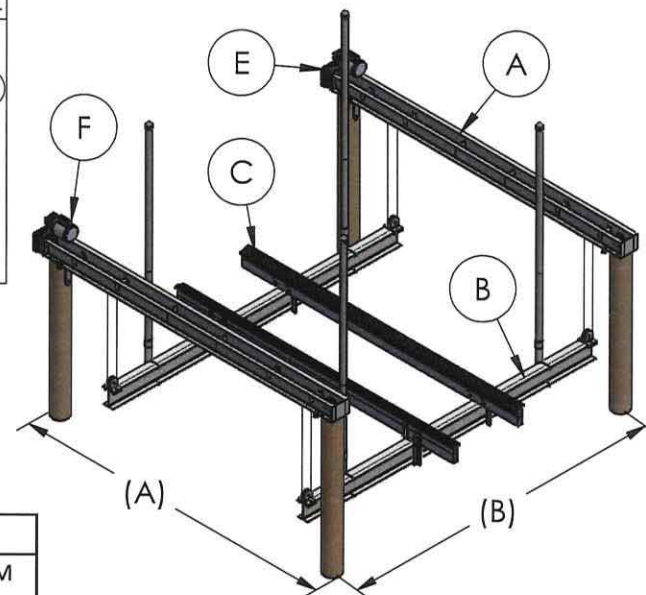
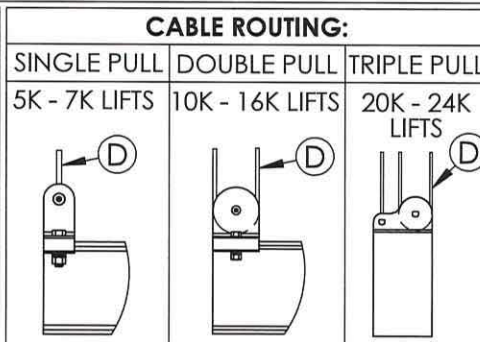
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05/18/2021 11:44



NOTE: LOAD SHOULD BE EVENLY
DISTRIBUTED BY POSITIONING THE CENTER
OF GRAVITY DIRECTLY IN THE CENTER OF THE
LIFTING BEAMS AS SHOWN IN THE ILLUSTRATION



4 PILING BOAT LIFT SPECIFICATION SHEET

2018	TOP BEAM (A)	CRADLE BEAM (B)	BUNKS (C)	CABLE SIZE (D)	DRIVE (E)	H.P. MOTOR (F)	DRIVE SHAFT	MINIMUM PILING (SIZE & QTY.)
5,000 LB.	5" CHANNEL X 12' 6"	4" X 6" X 10'	8" ALUM	5/16" SS 7/19 (.313) SINGLE PULL	DIRECT DRIVE	3/4 H.P. (QTY. 2) 220V 4.9A EACH	1-1/2" (SCH 40)	8" (QTY. 4)
7,000 LB.	6" CHANNEL X 12' 6"	4" X 6" X 12' 6"		5/16" SS 7/19 (.313) DOUBLE PULL		1 H.P. (QTY. 2) 220V 6.8A EACH		
10,000 LB.	7" CHANNEL X 12' 6"	5" X 8" X 12' 6"				3/4 H.P. (QTY. 2) 220V 4.9A EACH		
13,000 LB.						1 H.P. (QTY. 2) 220V 6.8A EACH		
16,000 LB.	8" CHANNEL X 12' 6"	6" X 10" X 14'	10" ALUM	5/16" SS 7/19 (.313) TRIPPLE PULL		3/4 H.P. (QTY. 2) 220V 4.9A EACH		10" (QTY. 4)
20,000 LB.	9" CHANNEL X 14' 6"	6" X 10" X 15'				1 H.P. (QTY. 2) 220V 6.8A EACH		
24,000 LB.		7" X 12" X 16'						

4 PILING BOAT LIFT PILING SPACING

FOUR PILING LIFTS	(A) BOW TO STERN (OUTSIDES)	(B) PORT TO STARBOARD (CENTERS)
5,000 LB.	12 FT 6 IN	10 FT
7,000 LB.		12 FT 6 IN
10,000 LB.		
13,000 LB.	14 FT 6 IN	14 FT
16,000 LB.		15 FT
20,000 LB.		
24,000 LB.		16 FT

TITLE:

5K-24K 4 POLE BOAT LIFT ENGINEERING SHEET

PH: 800-325-1116
FAX: 252-747-4377
TIDETAMER.COM
P.O. BOX 1118
SNOW HILL, NC 28580

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INCLUDING LEGAL FEES & APPELLATE FEES RESULTING FROM MATERIAL
FABRICATION, SYSTEM ERECTION & CONSTRUCTION PRACTICES BEYOND
THAT WHICH IS CALLED FOR BY LOCAL, STATE, & FEDERAL CODES & FORM
DEVIATIONS OF THIS PLAN, EXCEPT AS EXPRESSLY PROVIDED IN HEREIN, NO
CERTIFICATION OR AFFIRMATIONS ARE INTENDED.
PAUL WELCH, INC. HAS NOT VISITED THIS JOB SITE. INFORMATION CONTAINED
HEREIN IS BASED ON CONTRACTOR SUPPLIED DATA AND MEASUREMENTS.
PAUL WELCH, INC. SHALL NOT BE HELD RESPONSIBLE OR LIABLE IN ANY WAY
FOR ERRONEOUS OR INACCURATE DATA OR MEASUREMENTS. WORK SHALL
BE VERIFIED PRIOR TO CONSTRUCTION. PAUL WELCH, INC. SHALL BE NOTIFIED
AND GIVEN AN OPPORTUNITY TO REEVALUATE OUR WORK UPON DISCOVERY
OF ANY INACCURATE INFORMATION PRIOR TO MODIFICATION OF EXISTING
FIELD CONDITIONS AND FABRICATION AND INSTALLATION OF MATERIALS.

David Ott
Salt Run
83 Comares Unit 7B, Slip D18
St. Augustine, FL 32080
4 pole boat lift addition

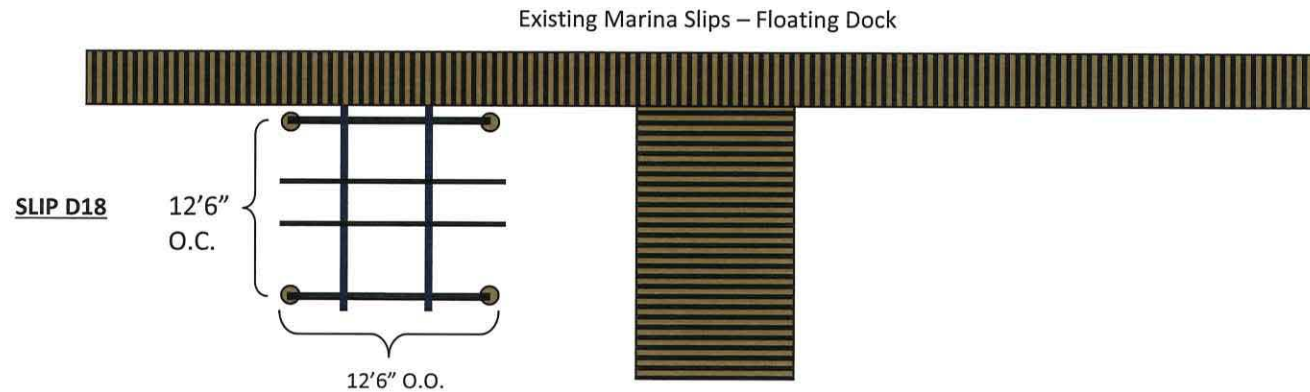
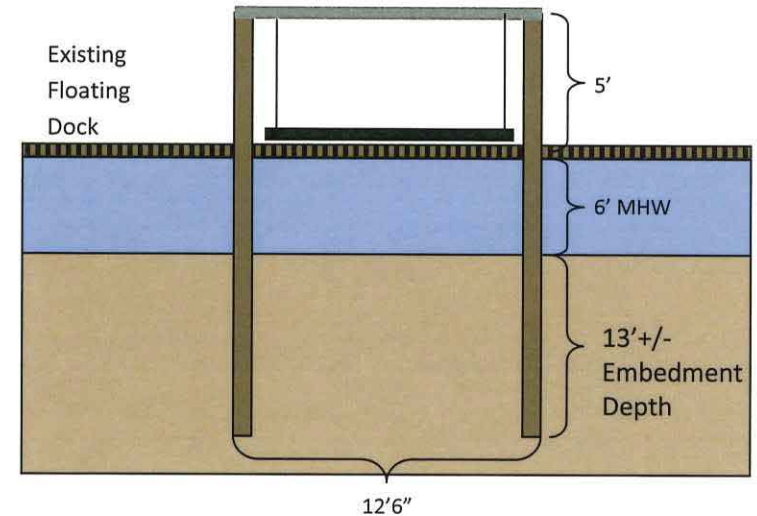
SIZE	DWG. NO.	REV
A	ENGINEERING	1
SCALE: AS NOTED	DRAWN BY: ACC	DATE: 12-6-18
		SHEET 1 OF 1

83 COMARES CONDO DOCK, SLIP D18
4-PILINGS & LOW PROFILE BOAT LIFT INSTALLATION
DAVID OTT, 83 COMARES, UNIT 7B

- 4 Lift Pilings are 25 ft long each, 8" butts, 2.5 CCA wood.

- Pilings to be set to maintain a "Low-Profile" Lift.

- Lift is a TideTamer 10,000 lb capacity cradle style 4-piling lift assembled & installed per manufacturer's specifications. Electrical wiring is required, but will be permitted & performed by licensed electrician.





CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

MAY 14 2021

Planning/Building Dept.

Application Fee: 165.⁰⁰ (plus advertising costs)

Project Number: 2021-0071

Receipt Number: 2115355

Meeting Date: June 1, 2021

Advertising Costs: \$ 199.20

Paid On: 5/17/21

Receipt Number: 2116783

1. NAME OF APPLICANT: David Ott Contact Number: 904-945-0434

Business (if applicable): _____

Address: 83 Comares Ave 7B City: St Aug State: FL Zip: 32080

E-Mail Address: David.ott@FloridaNetworkRealty.com

2. NAME OF PROPERTY OWNER: Jane Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: Salt Run III Condo Parcel Number: 218562-0207

4. PROJECT STREET ADDRESS: 83 Comares Ave 7B

5. SPECIFIC PROPOSED USE: Building Boat lift at our marina slip

6. ACTION REQUESTED:

☒ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Build boat lift in existing marina slip.

8. JUSTIFICATION FOR ACTION REQUESTED: Keep the boat out of water and protect against low tides



RECEIVED

MAY 14 2021

Planning/Building Dept.

**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.

David Ott

Print name of applicant

[Signature]

Signature of applicant

5-14-21

Date

MAY 14 2021

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 a unique 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



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	2185620207
Location Address	83 COMARES AVE UNIT 7B SAINT AUGUSTINE 32080-0000
Neighborhood	Salt Run III Condo (ICWFR) (596.03)
Tax Description*	SALT RUN III CONDO (PT OF OR564/234) UNIT 7-B OR5257/513 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Condos (0400)
Subdivision	SALT RUN 3 PH 1 BLDG B
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.000
Homestead	N

Owner Information

Owner Name	Ott David, Melissa 100%
	Ott Melissa 100%
Mailing Address	83 COMARES AVE UNIT 7B SAINT AUGUSTINE, FL 32080-0000

Map





Overview



Legend

□ Parcels

Parcel ID	2185619020	Physical Address	83 COMARES AVE	Building Value	N/A	Last 2 Sales			
Property Class	0902		SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	SALT RUN III CONDO	Total Land Value	N/A	n/a	0	n/a	n/a
Acres	0.08			Just Value	N/A	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	N/A				

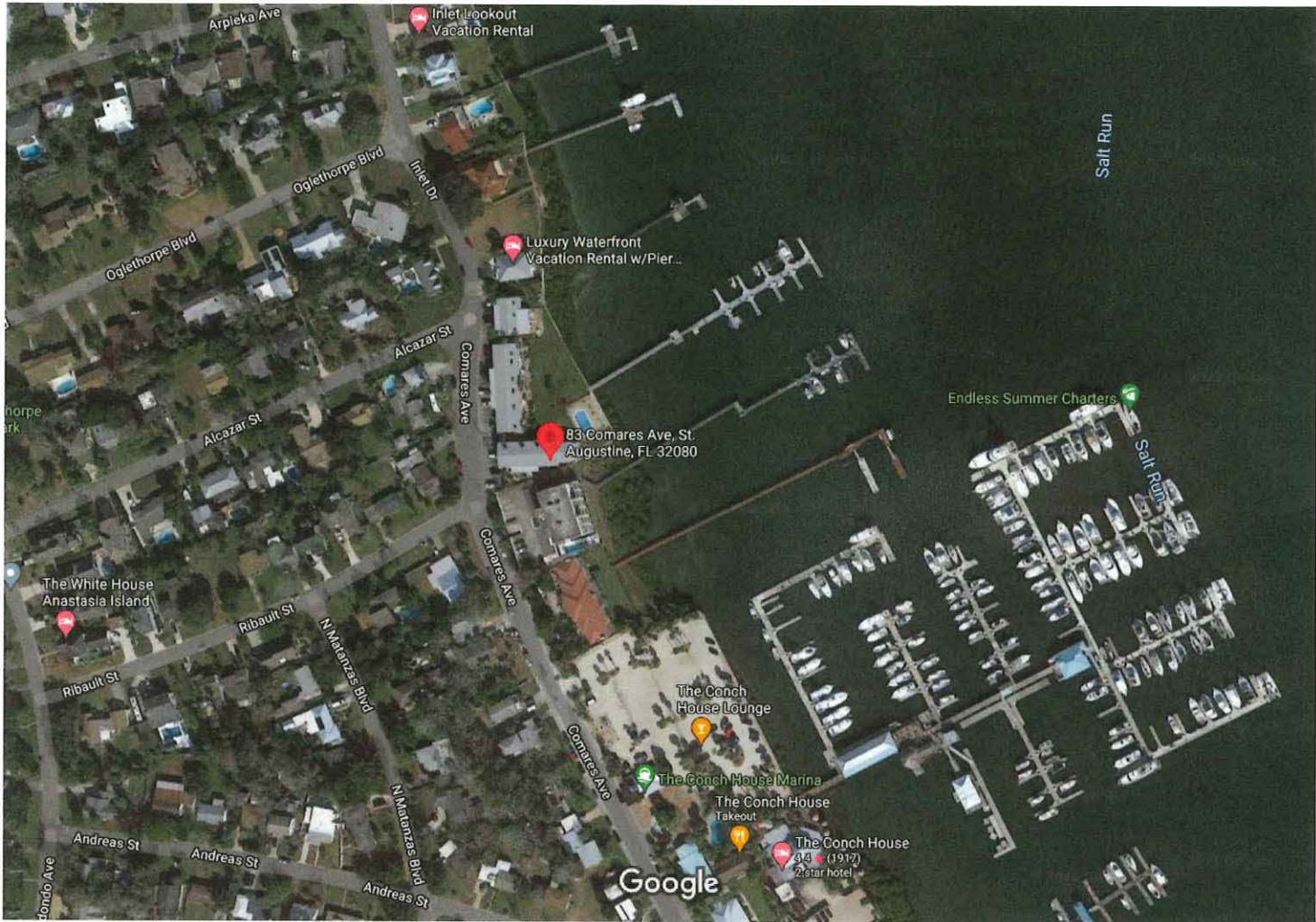
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 5/14/2021

Last Data Uploaded: 5/14/2021 1:50:02 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 83 Comares Ave



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



83 Comares Ave

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

83 Comares Ave, St. Augustine, FL 32080

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Chair, Vice Chair, and Members of the Planning and Zoning Board
DATE: May 25, 2021
RE: **AMENDMENTS TO CHAPTER 28, DIVISION 2, VACATION RENTALS**

The City Attorney's office conducted a review of the regulations adopted pursuant to Ordinance 2019-50 for the Regulation of Vacation Rentals. That review reveals the need for amendment to provide clarification of the intent and current practices of the city regarding required inspections and registration information in compliance with state law.

The amendments include:

- Remove "property maintenance code" from Section 28-147 "Annual Inspection" and provide clarification that registration information provided by an applicant will be verified on site for approval in Section 28-146 "Registration."
- Remove "zoning code" from Section 28-147 "Annual Inspection" and provide a requirement for the zoning designation of the vacation rental for the purpose of determining whether the rental is monthly, weekly, or requires a submerged land lease in Section 28-146 "Registration."
- Clarify the full language regarding Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-147 "Annual Inspection."
- Clarify the language of "alarm" versus "detector" as well as the full language of Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-150 "Life-Safety."

Thank you for your consideration of this matter. Please contact me if you have any questions or comments.

Thank you.



Denise C. May
Assistant City Attorney

xc: David Birchim, Planning & Building Director
Isabelle Lopez, City Attorney

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Commission found that regulation of Short-Term Rentals is in the best interest of public health, safety and general welfare by passage of Ordinance 2019-50; and

WHEREAS, in order to clarify the intent of the regulations, the City wishes to adopt an amendment of terms to clearly define the applicable law as the Florida Fire Prevention Code, Life-Safety Code, NFPA 101; and

WHEREAS, the amendment clarifies the intent of the City, and avoids any potential confusion on required registration information, required inspections, the practice of the City, and compliance with state law; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 2021 regular meeting; 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.

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

Section 1. Amending Chapter 28, Article III, Division 2., Section 28-146. Chapter 28, Article III, Division 2., Sections 28-146 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of

registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this code. The registration will include the following:

- (i) Address of the vacation rental.
- (ii) Name, address, and contact information of the property owner.
- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.
- (ix) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

Section 2. Amending Chapter 28, Article III, Division 2., Section 28-147. Chapter 28, Article III, Division 2., Sections 28-147 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the Florida Fire Prevention Code, lifeLife-safety-Safety codeCode, NFPA 101, as amended and adopted by the State Fire Marshal from time to time. zoning-code, and property maintenance-code.

Section 3. Amending Chapter 28, Article III, Division 2., Section 28-150. Chapter 28, Article III, Division 2., Sections 28-150 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke ~~detector~~alarm, a carbon monoxide ~~detector~~alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention

~~Code, life~~Life-safety Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~or building code.~~

- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~building code~~. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. Effective Date. This ordinance shall become effective ten (10) days following its effective date, 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)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **Agenda item 7(b) Discussion regarding Historic Preservation Work Plan
FY 2021-2022**

In October 2018 the City Commission adopted the Historic Preservation Master Plan and each year the progress is evaluated and goals are prioritized. The HARB reviewed the attached presentation and provided input that was incorporated into the 2021-2022 workplan. A brief introduction and status of last year's goals will also be presented to the Board at the meeting.

These materials are being presented to the Board in keeping with the City's commitment to an annual evaluation by the HARB and the PZB. When conditions return to normal this meeting will be held as a workshop with both boards present. If you have any questions you would like to discuss prior to the meeting feel free to contact me.

Jenny Wolfe
jwolfe@citystaug.com
904.209.4326
Historic Preservation Officer
Planning and Building Department



St. Augustine Historic Preservation Master Plan: FY 2021-2022 Work Plan

Jenny Wolfe, Historic Preservation Officer
Planning and Building Department
City of St. Augustine
June 1, 2021



CITY OF
ST AUGUSTINE
EST. 1565

Introduction

2018 Historic Preservation Master Plan

- Adopted in October 2018 following 14 public meetings and/or workshops, on-line surveys, and multiple reviews of draft documents
- Historic preservation plans are planning tools that respond to the goals set forth by the community and form the basis of the community's preservation program
- The St. Augustine HPMP was organized into 8 identified themes and supported by goals, strategies, and tasks
- The implementation matrix organized the tasks into 3 project types based on their priority, feasibility schedule, or logical project progression
- Projects, priorities, and budgets will impact each year's work plan which will support an evolving annual evaluation of the HPMP progress



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Strategies Outlined in the Historic Preservation Master Plan

A. City-Wide Planning

1. Incorporate Historic Preservation Elements in All Neighborhood, District & City-Wide Planning Initiatives
2. Incorporate Historic Preservation and Archaeology in all City Planning Initiatives

B. Historic Resource Inventory

1. Prepare Historic Resource Documentation
2. Utilize Documentation to Prioritize Designations & Resources
3. Utilize Documentation to Identify Endangered Properties, Landscapes & Vistas
4. Increase Access to Documentation
5. Prepare Detailed Documentation of the Most Significant Resources

C. Historic Preservation, Conservation & Zoning

1. Correlate Historic Preservation & Zoning Requirements
2. Consider Form-Based Zoning for National Register Historic Districts
3. Establish Zoning Overlays to Protect Vistas around Historic Resources
4. Balance Flood Mitigation & Historic Neighborhood Character
5. Revise HARB Application Review Procedures
6. Revise Architectural Guidelines for Historic Preservation & Associated Ordinances

D. Reducing Historic Building Demolition

1. Limit Properties that are Eligible for HARB Demolition Approval
2. Supplement Financial Hardship Review Process
3. Reduce Demolition-by-Neglect
4. Limit Replacement Building Size
5. Discourage After-the-Fact Demolition Applications
6. Clarify Demolition Review Requirements & Processes

E. Economics

1. Integrate Preservation into Commercial Revitalization
2. Create Preservation Reinvestment Opportunities
3. Promote Preservation Programs and Incentives
4. Promote Preservation Programs to Encourage Affordable Housing in Historic Neighborhoods

F. Hazard Mitigation

1. Participate in the Disaster Mitigation Planning Process
2. Plan Historic Preservation Disaster Response

G. Archaeology Program

1. Expand Archaeology Program
2. Enhance Support of the Archaeology Program

H. Education & Advocacy

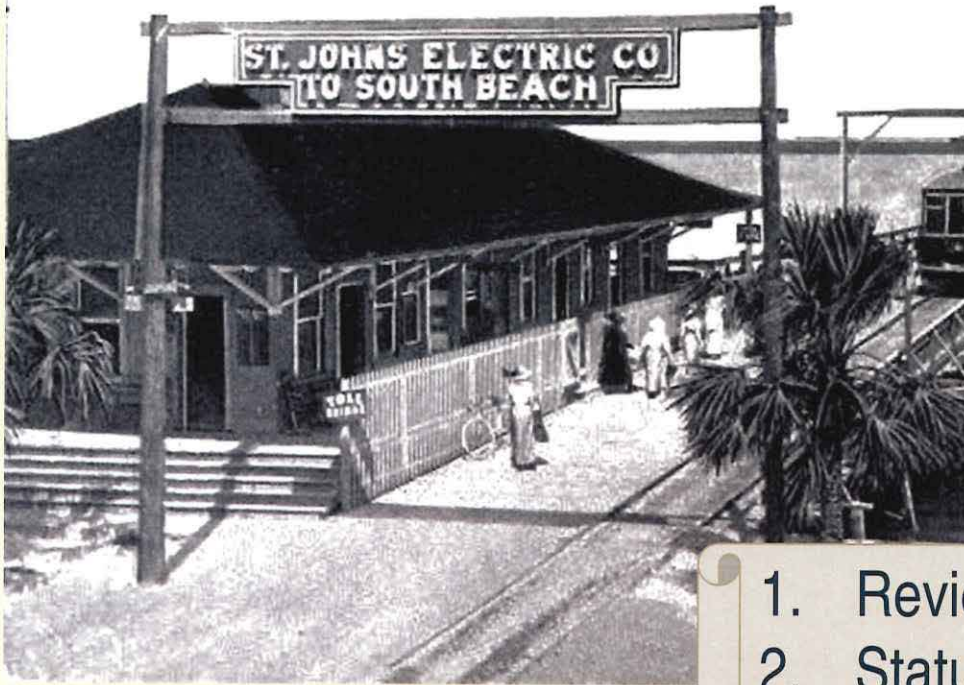
1. Increase Awareness of the Value of St. Augustine's Architectural, Archaeological & Cultural Resources
2. Increase Awareness of How Historic Preservation Positively Affects the City



CITY OF
ST AUGUSTINE
EST. 1565

FY 2020-2021 Work Plan Objectives:

Station for Anastasia, South, Chautauqua and
Crescent Beaches, St. Augustine, Fla.



Florida Memory Project

1. Review goals from last year
2. Status report
3. Proposed priorities for next fiscal year



CITY OF
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Goals from 2020-2021:

GOAL	STATUS:
1. INCLUDE PRESERVATION AS A PRIORITY IN HAZARD MITIGATION	• 2 National Park Service Grants for hazard mitigation to be completed June 2021 • Resilient Heritage in the Nation's Oldest City completed August 2020 • Building Code Task Force addressed existing/historic residential areas
2. REDUCE DEMOLITIONS	• Developed detailed guidance for preserving the 5 critical elements of the historic building envelope which will transition to ordinance update upon recommendation by PZB
3. EXPAND ARCHAEOLOGY	• Grant from Florida DHR to be complete June 2021 examining archaeological preservation ordinance • Volunteer program grew in numbers and capacity • Managed high profile archaeological investigations with multiple stakeholders • Technology upgrades and new field equipment deployed
4. COMPLETE CITY-WIDE RECON SURVEY	• NRHD nominations for Abbott Tract, Lincolnville, and Model Land, as well as Town Plan NHL will be complete June 2021
5. MAINTAIN AND ADVANCE GIS AS A TOOL	• Grant from Florida DHR to be complete June 2021 enhancing GIS data • New city permitting software being deployed including GIS
6. IMPROVE DIGITAL MEDIA MESSAGING	• Social media presence was noticeable this year and increased access to social media for the HP and Archaeology programs is underway • Grant from Florida DHR to be complete June 2021 creating dynamic digital media presentations
7. UPDATE THE ARCHITECTURAL GUIDELINES FOR HISTORIC PRESERVATION	• Scope of work and contract for the Part 1 update are underway and to be completed by December 2021 • NOTE: All 3 Design Standards for Entry Corridors completed

HPMP Strategies Addressed 2020-2021

A. City-Wide Planning

1. Incorporate Historic Preservation Elements in All Neighborhood, District & City-Wide Planning Initiatives
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1. Integrate Preservation into Commercial Revitalization
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3. Promote Preservation Programs and Incentives
4. Promote Preservation Programs to Encourage Affordable Housing in Historic Neighborhoods

F. Hazard Mitigation

1. Participate in the Disaster Mitigation Planning Process
2. Plan Historic Preservation Disaster Response

G. Archaeology Program

1. Expand Archaeology Program
2. Enhance Support of the Archaeology Program

H. Education & Advocacy

1. Increase Awareness of the Value of St. Augustine's Architectural, Archaeological & Cultural Resources
2. Increase Awareness of How Historic Preservation Positively Affects the City



CITY OF
ST AUGUSTINE
EST. 1565

GOAL:

RECOMMENDATION:

1. INCLUDE PRESERVATION AS A PRIORITY IN HAZARD MITIGATION

- Evaluate flood mitigation design best practices for ordinance updates

2. REDUCE DEMOLITIONS

- Codify building envelope review standards to minimize partial demolitions
- *Create preservation reinvestment opportunities (Economics)*
- *Incentives: in and out of the historic districts*

3. EXPAND ARCHAEOLOGY

- Update archaeological zone map based on grant findings
- Conduct feasibility study for archaeology lab
- Coordinate research findings with LAMP to locate submerged resources

4. COMPLETE CITY-WIDE RECON SURVEY

- AGHP update will include deployment of neighborhood inventory
- Convert data from historic surveys into accessible map

5. MAINTAIN AND ADVANCE GIS AS A TOOL

- Will continue as on-going basis

6. IMPROVE DIGITAL MEDIA MESSAGING

- Will continue as on-going basis

7. UPDATE THE AGHP

- Conduct Part 2 of AGHP update

8. INCREASE AWARENESS

- *Develop awards program in partnership with St. Augustine Historical Association*
- *Support historic preservation month window workshop*
- *Regenerating interest in trades programs*
- *Disseminate regulatory requirements and preservation procedures broadly prior to renovations ; real estate industry?*
- *Promote appreciation of the historic context*
- *Additional educated staff person available at the front counter see APA*
- *create more digital and paper handouts*
- *St. Augustine specific videos (you-tube and website) for educational purposes, how-tos for colors, fencing, windows, what happens when I buy a house in a historic district*



CITY OF
ST AUGUSTINE
— EST. 1565 —

Jenny Wolfe, Historic Preservation Officer
904.209.4326 jwolfe@citystaug.com
Andrea White, Ph.D City Archaeologist
904.823.2263 awhite@citystaug.com

Planning and Building Department
City of St. Augustine

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: June 1, 2021

RE: **Other Business Item 7(c)**

Discussion and Recommendation – Amendments to Chapter 28 Zoning Code of the City of St. Augustine related to HARB Demolition Code updates

Over the last few years as part of the review and adoption of the Historic Preservation Master Plan and the updated Historic Preservation Element of the Comprehensive Plan the Historic Architectural Review Board (HARB) has been discussing the issue of demolition and partial demolition. The implications of demolition on historic preservation within the community and community character also came to light after the devastating hurricanes of 2016 and 2017, and a subsequent increase in requests for demolition, partial demolition, and relocations of structures.

During the November 19, 2020 HARB meeting the board provided direction to staff to continue articulating the proposed partial demolition review procedures focusing on critical building elements. There were five critical elements of the historic building envelope identified: roof, windows, exterior finishes, porches/balconies/stoops, and foundations. The HARB gave feedback on which items could be considered for administrative approval and which items should require HARB approval. The direction to staff was to include graphics and examples so that the review procedure would be clear to the public, staff, and applicants alike.

Since that meeting, additional recommendations from individual board members have been received and incorporated. Information has been added to include a background of the need for this policy as well as providing directions to potential applicants and a glossary. The result is a stand-alone document that can be used as a guide for historic property owners considering alterations to their property. The goal is to encourage historic property owners to choose the path of rehabilitation and restoration of original features first and compatible new elements second. This work culminated in the attached document “Exterior Building Renovations for Historic Properties in St. Augustine” which is intended to be adopted by Resolution by the City Commission as an Addendum to the Architectural Guidelines for Historic Preservation (AGHP).

To be enforceable, changes to the city code are required. Attached is a “redline” version of the update to Chapter 28 so that the PZB can see the proposed changes in a format that shows inserts and changes, as well as, deletions to the text of Sections 28-89 and 28-90. It is assumed based on the incorporated AGHP Addendum that Section 28-2 will need to be revised to insert related definitions into Chapter 28 Zoning Code.

This item has been discussed extensively by HARB. The proposed revisions are based on HARB's recommendations and direction to staff.

Thank you for your attention to this matter. If you have any questions, please call Jenny Wolfe, Historic Preservation Officer at (904) 209-4326 or email at jwolfe@citystaug.com or myself at (904) 209-4320 or email at askinner@citystaug.com.

Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

DRAFT

EXTERIOR BUILDING RENOVATIONS FOR HISTORIC PROPERTIES IN ST. AUGUSTINE

How the City Preserves Historic Buildings and Neighborhoods outside of the downtown historic zoning districts

If you own a building that is a local landmark, listed in the National Register, or is a contributing property to a Historic District the attached standards will guide you through the review process by explaining the essential elements of the building's exterior fabric, known as the 'Building Envelope'

LOCAL LANDMARK...

A building, object, site, or structure of the highest historical, architectural, cultural, or archaeological importance and whose demolition, removal, relocation, or alteration would constitute an irreplaceable loss to the character and quality of the city.

A list of these resources is on file with city staff and available on the city's website.

NATIONAL REGISTER...

The official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support

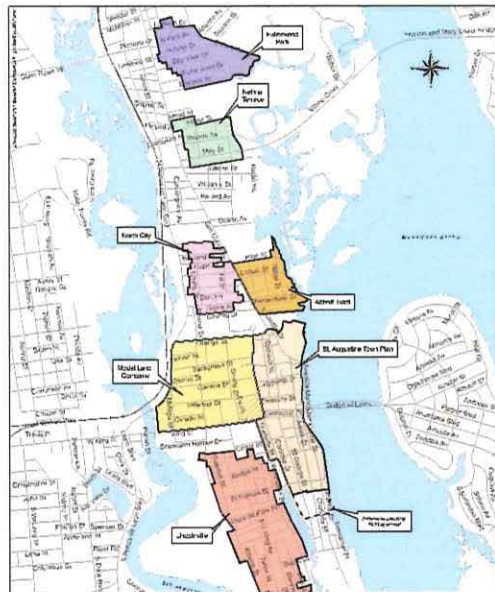
public and private efforts to identify, evaluate, and protect America's historic and archeological resources. Designated historic resources may be a building, district, object, site, or structure that meets the criteria of significance and integrity. A list and a map of these buildings is on file with city staff and available on the city's website.

CONTRIBUTING STRUCTURE...

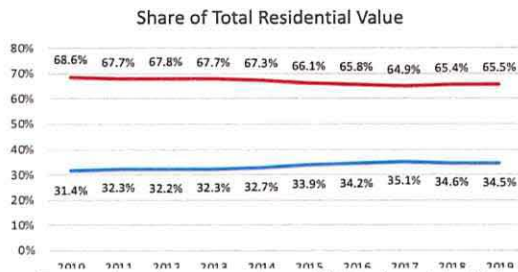
Adds to the historical or traditional cultural associations, historic architectural qualities, or archeological values for which a property or district is significant. Each of the city's National Register Historic Districts has a list and a map of contributing and non-contributing resources. Buildings marked Contributing and/or Contributing but Altered are considered designated buildings. These records are on file with city staff and available on the city's website.

A HISTORIC PROPERTY MEETS ONE OR MORE OF THE ABOVE CRITERIA

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(A full-size map is available online)



Economic value comparison of historic residential districts, from Resilient Heritage in the Nation's Oldest City, 2020.

WHAT: Standards of review are proposed to encourage the preservation of the historic building envelope which characterizes St. Augustine citywide landscape. In the city's preservation ordinance, HARB is charged with the responsibility to review demolition of properties 50 years old and older including partial demolition. In some cases, partial demolition is warranted and combined with the standards of review will result in an improved appearance that balances the existing historic character of the building. This design review authority only relates to partial demolition and is further limited only to design of replacement features on designated historic structures. It does not apply to undesignated buildings and in-fill development on vacant or developed lots regardless of location (except for HP zoning districts). This process is an opportunity for staff and the HARB to encourage property owners to recognize and celebrate the unique and original features of their historic building.

WHERE: These (proposed) standards for review apply to designated historic buildings including local landmarks, contributing buildings to a National Register Historic District, and buildings individually listed in the National Register. This is a small minority of the buildings in the city and the property owners of these structures are valued for their stewardship. Currently there is a total of 1,659 designated buildings which is about 20% of the buildings in the city. The historic districts are an even smaller percentage of the city's land mass at 7% which currently include the St. Augustine National Register Historic District, Model Land Company, Lincolnville, Abbott Tract, North City, Nelmar Terrace, and Fullerwood.

WHY: Incremental demolition of historic buildings or reconstruction of historic buildings from the inside out can eventually threaten the validity of the National Register Historic Districts. For example, Lincolnville has gone from a concentration of 81% of historic buildings to 67% when just considering full demolition and could be greater if buildings that have lost integrity through partial demolition are included. The purpose of these review standards is to increase the city's ability to protect and preserve the historic resources of the city's built environment, enhance the city's historic integrity, and promote an authentic and livable community amid changing economic and environmental circumstances (City of St. Augustine Comprehensive Plan, Historic Preservation Goal).

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*Lincolnton National Register Historic District:
127 Oneida Street before and after rehabilitation
which used the historic property tax exemption to
recoup almost \$150,000 in total property taxes
over the course of up to 10 years.*

The Historic Preservation Master Plan included specific tasks related to this goal to minimize demolition of historic buildings and provide clear guidance to applicants of the review process. Also, a 2020 economic study in *Resilient Heritage in the Nation's Oldest City* found that heritage tourism is driven largely by the volume of historic resources. A reduction of 10% of historic buildings in the city results in a 2% loss of visitor parties and a reduction of 50% of historic buildings in the city results in 34% loss of visitor parties. For property owners, property values in the historic districts account for 41% of the city's assessed property values and their value increases more than other areas of the city so it is in their individual, financial interests to preserve the historic character of their buildings. Finally, designated historic properties and contributing properties to a district are eligible for tax benefits and if the building or district is no longer historic this incentive would not be available which impacts current and future property owners of multiple historic properties across the city.

HOW: Historic preservation staff will review all building permits on buildings that are designated under this proposed policy. The staff is already reviewing most permits for exterior construction activity on buildings that are 50 years old or older. Through those reviews it was clear that historic properties are suffering from unintended consequences of partial demolition which is what prompted the need for more clarity in the demolition review process. The result of the proposed process will reduce the volume of permits that need to be reviewed by historic preservation staff by focusing only on full demolitions across the city and partial demolition only of designated buildings. From the applicant side this will expedite the building permit review process for undesignated buildings. Measuring partial demolition follows the National Park Service definitions of historic building integrity that consider the combination of location, design, setting, materials, workmanship, feeling, and association. Recognizing and celebrating significant features of a building discourages loss of integrity from incompatible alterations on designated historic buildings, protects the validity of the city's historic districts, and preserves their contribution to the local economy. The review process will require substantiation of the alterations to include an evaluation the replacement cost, life span of the replacement feature versus repair of the existing feature and its lifespan. When preservation actions are prioritized, there are financial incentives for historic property owners that are not available city-wide.

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If you own one of St. Augustine's historic buildings and need to make exterior changes this process provides guidance to encourage preservation of the historic character that makes your building and St. Augustine unique. Preservation standards accepted nationally and recognized in the St. Augustine Architectural Guidelines for Historic Preservation (AGHP) were used to establish protocols in this document.

1. Request a preliminary review with a historic preservation planner in the Planning and Building Department by sending photos, a sketch building and site plan, and material details to harb@citystaug.com. When the review process is activated in part from a visibility issue, note that a public right-of-way may be a local, state, or federally owned sidewalk, alley, street, or unimproved area.
2. Upon confirmation that the change is subject to the city's ordinance, the staff will guide you on whether or not the change can be administratively approved or whether a HARB review is required:
 - a. Administrative reviews (historic preservation planning staff approvals) will be limited to the approval authority described in this document and city ordinance. General guidance for approvable alterations will be provided by the historic preservation staff. Formal approval will be granted during the regular building permitting process. No additional paperwork or fees are required other than necessary documentation/fees for the building permit and any other associated agency reviews as normally required.
 - b. HARB reviews will require a Certificate of Appropriateness or a Certificate of Demolition and the associated fee to be submitted online at www.citystaug.com in the Document Center for the Planning and Building Department Permits and Applications. Some types of applications may qualify for the expedited agenda review process which is an abbreviated review process held at the very beginning of the meeting.
 - c. HARB is a public hearing by City Commission-appointed volunteer experts in related fields of historic preservation. Meetings are held once per month and application deadlines occur once per month, generally a month prior to the hearing. A staff report will supplement the application materials and be presented to the HARB for their review.
 - d. The HARB will approve, approve with conditions, deny, or continue the application to an additional hearing date if additional information is requested.
 - e. When proposed changes are required due to technical standards and/or material deficiencies that are sufficiently documented and the new feature/design/element matches the historic character of the building, the application will qualify for the expedited agenda review process if the change does not constitute full demolition.
3. After the changes are administratively approved or approved by HARB a building permit may be submitted and the permit will proceed through the regular review process. Any conditions set by ordinance or the HARB must be satisfied prior to issuance of the building permit.
4. Note that approved Certificates of Demolition have a mandated 30-day waiting period prior to issuance of a building permit and the Certificate of Demolition must be acted upon within one year of the approval. The waiting period may be waived for partial demolition.
5. As an incentive to encourage preservation strategies, historic preservation staff may assist with an ad valorem tax exemption application and expedite the review process. More information on this historic preservation incentive is in the AGHP.
6. The applicant is responsible for obtaining all other necessary approvals related to the project such as zoning requirements related to lot coverage, building setbacks, height, tree removal etc. as well as any archaeology review, building, fire, right-of-way, and utility codes.
7. The administrative decision (staff reviews) and/or a HARB determination on an application may be appealed as per city ordinance.

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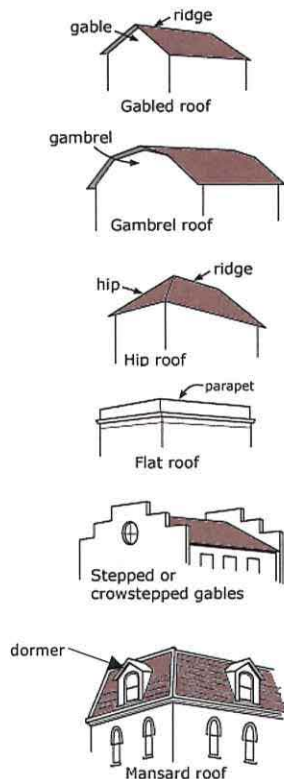
5 CRITICAL ELEMENTS OF THE HISTORIC BUILDING ENVELOPE:

FOR LANDMARK, NATIONAL REGISTER, AND CONTRIBUTING BUILDINGS TO DESIGNATED NATIONAL REGISTER HISTORIC DISTRICTS

Feature descriptions are taken from the National Park Service Technical Preservation Services publication of the
the Interior's Standards for Rehabilitation

Secretary of

Roof: the form of the roof (gable, hipped, gambrel, flat, shed, mansard, etc.) is significant as are its decorative and functional features (appurtenances like cupolas, parapets, chimneys, dormers and soffit elements), roofing material, and size, color, and patterning.



When the current exterior feature has existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove and change the following traditional roof coverings: clay or concrete tile, stamped metal shingle or diamond-patterned shingle systems
- ☐ remove decorative or functional features visible from a right-of-way
- ☐ change the configuration, shape and/or pitch on facades visible from a right-of-way
- ☐ and/or to remove 50% or more of the total roof structure (excluding roof sheathing)
- ☐ use a colored metal roofing material (ex: blue metal roof)

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the roof or roof feature significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the historic roof still the dominant visible feature; is there subtle but visible distinction of the new roof

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feature/element from the historic roof feature; does the new element match the size, scale, material/pattern of the historic roof?

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ routine roof and trim repairs not meeting the above thresholds
- ☐ removal of a decorative or functional feature not visible from a right-of-way
- ☐ replacement of roof sheathing up to 100% of the roofed areas for existing asphalt shingle roofs, galvalume/sheet metal type roof, and other modern roof cladding

Example: Full replacement of any asphalt shingle or metal roof with a new asphalt shingle roof or metal roof (respectively) using a traditional color will be approved administratively



Clay tile roof



Stamped metal shingle roof



Diamond-patterned roof



Wood shingle roof

Red shingle roof cladding

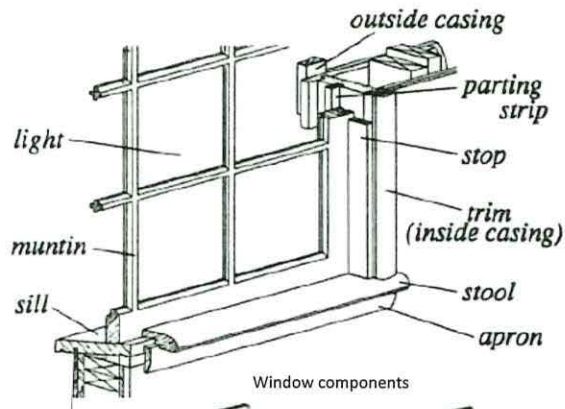
Barrel tile roof cladding



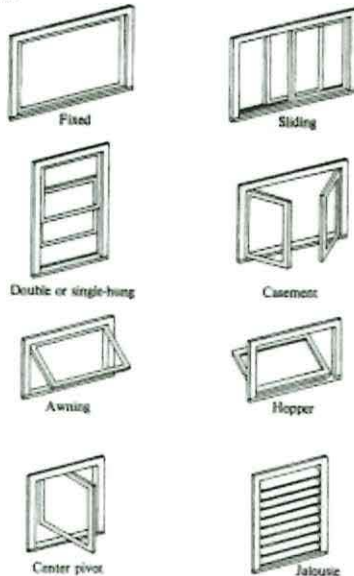
This building historically had a clay barrel tile roof matching the barrel tile still evident on the lower parapet roof. Previous proposed plans included restoring the barrel tile roof which would increase the historic integrity of the building.

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Windows: window materials and how the window operates (e.g. double hung, casement, awning, or hopper) are significant as are its components (sash, muntins, pane configuration, sills, mullions, casings, or brick moulds) and related features such as historic shutters/awnings.



Window components



Window operation types

When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove and change window materials, components, design, or change their operational direction (ex: up/down sash to swing) on facades visible from a public right-of-way
- ☐ and/or to remove 50% or more of all the building's windows (visible or not)

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the window feature or design significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ Window condition assessment and consideration of replacement cost and life service of the replacement window versus the repair cost and life service of the original window (see photo caption next page)
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value.

Example: Preferred window replacements, if required, that use characteristic exterior molding and muntin profiles may be approvable even if using different materials. Such changes may be recommended for an expedited hearing.

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Traditional wood, vertical sash window with a 6/6 lite pattern



Traditional wood, vertical sash window with 2/2 lite pattern

The window design is described by the number of glass panes called 'lites' as shown in these examples. These patterns are not interchangeable because they are unique to the style of the building.

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ repair and maintenance of windows not meeting the above threshold
- ☐ replacement of windows on facades not visible from a right-of-way under the 50% threshold
- ☐ replacement of non-historic windows with windows that match the design character of the building

Example: Removing a ranch-style picture window on a historic frame vernacular house and installing any vertical sash-type window will be approved by historic preservation staff



Hands-on training for DIY-ers



Original 3/1 and 4/1 lite vertical sash windows replaced with 1/1 across the entire building and would now require HARB approval if the building is designated historic.

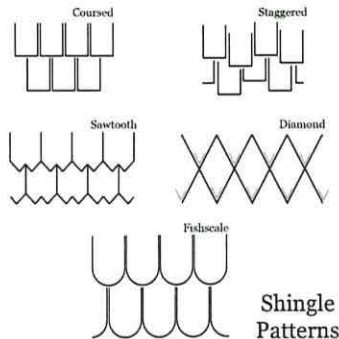


*Historic windows can be repaired and restored to last longer than the average replacement window. Therefore, when considering the lifetime cost of a window the original will be less expensive. Prices can range from \$500 to over \$1000 for restoration, comparable to replacement windows with a negative economic and historic impact.**

*See <https://savingplaces.org/stories/preservation-tips-tools-retrofitting-historic-windows/#X-4YhNhKh3A> and <https://austinhistorical.com/services/residential-window-restoration/> for data and analysis.

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Exterior finishes: wood and masonry exterior features (walls, siding, brackets, railings, cornices, window and door surrounds, steps, and columns) and repetitive exterior detailing are important in defining the overall historic character of a building.



Changing the shingle pattern to a staggered design would change the character of the historic building from Shingle Style to a Bungalow or Arts and Crafts style.

When the current exterior features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove and change wood and/or masonry wall finishes on facades visible from a public right-of-way

Example: removing wood horizontal siding, brick or brick veneer, stucco, coquina/coquina concrete and changing to a different material/pattern requires HARB approval

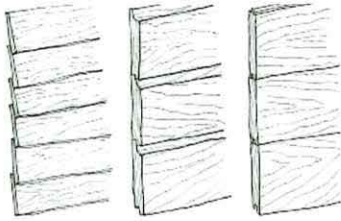
- ☐ and/or to remove 50% or more of these exterior features

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the finish material and/or design significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the exterior still the dominant visible feature and does it match the size, scale, material/pattern of the historic exterior?

Example: When necessary, replacing wood horizontal siding with composite horizontal siding maintaining a similar reveal and profile may be an approvable request and may be recommended for an expedited hearing.

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Weatherboard Drop-Lap Flush
Sample wood siding profiles that contribute to the unique scale and pattern on a historic building



Historic masonry finishes can be simple or highly detailed and have unique stucco texture



Staff will have the ability to approve the following during regular permit review:

- ☐ Repair and maintenance of wall cladding when it does not meet the above threshold

Example: Removing singular elements/portions of the exterior finish that is deteriorated beyond repair and replacing it with the same material and design will be approved administratively.

- ☐ Repair or replacement of features on facades not visible from a right-of-way
- ☐ Replacement of non-historic exterior features that match the design character of the building

Example: Removing asbestos siding and restoring/replacing traditional horizontal siding underneath will be administratively approved if it does not compromise the structural stability of the building

The siding on this building was altered (ca. 1930-50s) and shows the impact of replacement finishes that change the scale and detail of the building's historic character. Restoring the Queen Anne siding would be a staff-approvable request. Also note for reference the scale of historic horizontal siding shown on the adjacent historic building.



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Porches, balconies, stoops, loggias: these functional and decorative features along with their materials and features (doors, transoms, pilasters, columns, balustrades, stairs, roofs, canopies) are important in defining the overall historic character of a building.



Wrap-around porch with columns and balusters



Centered porch with turned balusters and folk-style bracketed posts



New front porch at the elevated floor height matching the historic character

When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove a historic porch, balcony, or stoop
- ☐ and/or to remove 50% or more of their materials and features
- ✓ *Exception: see staff approval for flood mitigation project*

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the feature significant enough that it should not be altered unless proven technically and/or materially required?

Example: Reconstructing a balcony or porch that is deteriorated beyond repair with matching materials and design may be approvable and recommended for an expedited hearing.

- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the existing porch/balcony/stoop still the dominant visible feature and do changes match the size, scale, material/pattern of the historic feature?

Example: Removing a balcony and constructing a larger balcony that maintains scale, design, and materials of the building may be approvable.

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Central arched portico and stoop with decorative trim



Two-story front porch undergoing repairs that are in-kind with its historic character which could be approved by staff.

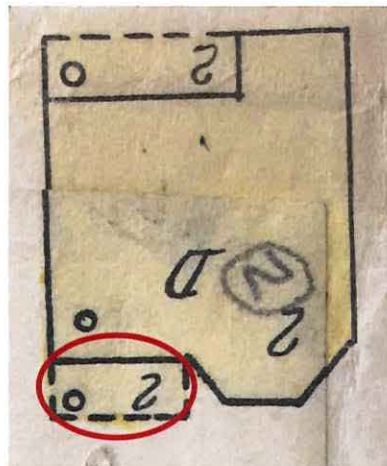
Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ Repair and maintenance of porches/balconies/stoops when it does not meet the above threshold
- ☐ Repair or replacement of porches/balconies/stoops facades not visible from a right-of-way
- ☐ Replacement of non-historic exterior features that match the design character of the building

Example: Restoring an enclosed porch to an open/screened porch will be staff approved if using/reinforcing the historic character of the building.

- ☐ Removal of porches or stoops when necessary for a flood mitigation project if using a best-practice approach

Example: Constructing a new but similar porch at the elevated location will be staff approved if it is context-sensitive and uses compatible materials.



Evidence on the Sanborn map (left) and the building shows there used to be a historic two-story frame porch likely removed ca. 1930-1950s when asbestos siding was added. Reconstructing a compatible porch could be approved by staff.

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Foundations: structural systems and visible features of such systems are important in defining the overall historic character of a building including the materials (wood, metal, and masonry), the type of system, and its features such as posts and beams, masonry columns, above-grade stone or masonry foundation walls or piers.



Coquina concrete block is a material unique to St. Augustine



A new brick pier foundation matches historic materials and scale

When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ Removing and changing the foundation type (ex: brick pier to stem wall) or exterior material (ex: brick to concrete masonry unit/block)
- ☐ and/or to remove 50% or more of the above-grade foundation system
- ✓ *Exception: see staff approval for flood mitigation project*

HARB approval will be based on:

- ☐ An evaluation of how removal of the foundation impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the original foundation significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of historic foundation still the dominant visible feature and do changes match its size, scale, material/pattern?

Example: Constructing a replacement brick pier foundation that restores structural soundness and matches the original design may be approvable and may be recommended for expedited hearing.

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A building elevation project revealed unique coquina stone piers (background) along with traditional brick piers (foreground)

Historic Preservation Staff will have the ability to approve the following during the regular permit review:

- ☐ Repair and maintenance of foundations that do not meet the above threshold

Example: Replacing a singular, deteriorated brick pier with a matching brick pier in the same basic location will be staff approved.

- ☐ Removal of a foundation when necessary for a flood mitigation project if using a best practice approach

Example: Constructing a new but similar foundation using the same materials and scale will be approved by staff.

NOTE: *Archaeological review may be required for any work that includes ground disturbances, consult the City Archaeologist and Archaeological Preservation Ordinance for more information.*



Foundation (and porch) was removed to allow for the building to be elevated to a new floor height for a flood mitigation project.

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The following information is presented as a reference to assist property owners in identifying the unique characteristics of their historic building. It is not a full representation of the types of buildings in St. Augustine but rather a set of limited examples with features that are easily identifiable and referenced in this document.



Character defining features:

*Asymmetrical two-story façade with multiple roof pitches and forms
Fenestration: Paired wood, 2/2 vertical sash windows and single doors
Novelty wood horizontal siding mixed with coursed shingle siding
Porch locations, size/scale, form
Posts that are a combination of turned and bracketed design
Baluster design/scale
Stoop placement/material
Foundation is obscured by contemporary screening but is likely a pier system
(Roof cladding is not historic so other materials could be allowable)*



Character defining features:

*Asymmetrical one-story form
Shed roofs in opposing position
Horizontal lines and brick stamped finish
Metal 1/1 vertical sash windows and corner windows
Likely a slab on grade foundation
(Roof cladding is not a prominent visual character)*

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Character defining features:

Three-block massing with vertical chimney feature
Gable and parapet roof types with clay tile cladding
Stucco finish and texture
Arched windows with fanlights
Open entry porch and stoop framed with square piers
Plaster friezes and openings in parapets
Likely a stem wall foundation



Character defining features:

Three-bay symmetrical façade with large shed roof dormer above under a gable roof with metal crimp cladding
Front porch (historically enclosed) with knee-wall under shed roof supported by block columns, could be fully opened with minimal impact
Simple 1/1 vertical sash windows
Horizontal siding
Stoop has been altered to accommodate a ramp and is easily reversible
Pier foundation

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Character defining features:

*Symmetrical design under single gable roof with composition shingles
Wood 6/1 vertical sash windows with operable louvered shutters
Entry portico with gable returns and paired Tuscan columns
Running bond brick veneer (unpainted) with soldier-coursed lintels
Likely a continuous wall foundation*



Character defining features:

*Asymmetrical form under single hipped roof with metal crimped roof
Wood 1/1 vertical sash windows with inset of stained glass and arched lintel
Rusticated, unpainted, concrete block exterior
Open porch under main roof with wood bracket and trim
Entry stoop with matching block piers
Likely a continuous wall foundation*

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KEY TERMS AND PRESERVATION PRINCIPLES

Archaeological Preservation Ordinance refers to Chapter 6 of the St. Augustine Code of Ordinances which identifies archaeological zones that requires archaeological review when the threshold of ground disturbance activity is met or exceeded with development and utility permits.

Contributing property a building, site, structure or object which adds to the historical architectural qualities, historic associations or archaeological values for which a district is significant because (a) it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; (b) is capable of yielding important information about the period; or (c) it independently meets the National Register of Historic Places criteria for evaluation.

Design compatibility refers to new construction or alterations to a historic building or setting that preserves significant materials, features and form, and preserves the building's historic character. For alterations to a historic building, repairs using historic materials is preferred; however, there are circumstances where substitute materials that imitate historic materials may be used (i.e. unavailability of historic materials or skilled craftspeople, inherent flaws in the original material, or code-mandated changes) if the appearance and properties of the historic materials can be matched closely and no damage to the remaining historic fabric will result. For new construction and additions, the materials and form should be harmonious with the historic building with just enough differentiation from the historic building to not be jarringly out of place or too similar to be confused as part of the original historic fabric.

Façade includes the face of a building and is most commonly referred to as a street façade and/or visible façade

Historic character refers to all visual aspects and physical features that comprise the appearance of historic properties and extends to the setting of historic properties to include a building's relationship to the environment and adjacent streets and buildings, landscape plantings, views, and the presence of accessory features.

Historic integrity is the authenticity of a property's identity, evidenced by the survival of physical characteristics that existed during the property's historic period including evaluation of any changes that may have occurred through time which could contribute to the building's later-acquired historic character and significance. An overall sense of past time and place are evident in the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association.

Historic period is the primary time line for which the historic building derived its historic association with an event, person, place, pattern of development or other historic context.

Material deficiency refers to the inability of the building material, or a majority of building materials that comprise a feature or structure, to serve its purpose and documented as beyond repair

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National Register of Historic Places is the list of historic properties significant in American history, architectural, archaeology, engineering and culture maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended. May be significant at the local, state, or federal level.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological values.

Relocation: The act of moving a building from its original location to another site, either on the same property or to another location entirely.

Restoration: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

Technical requirement refers to performance mandates established by local, state, or federal governments and their supporting regulatory documents

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U.S. Department of the Interior: Secretary of the Interior's Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 ADDING DEFINITIONS RELATED TO ARCHITECTURAL TERMS, DEMOLITION AND RELOCATION; AMENDING CHAPTER 28, SECTION 28-89 REVISING AND CLARIFYING CRITERIA FOR THE REVIEW OF CERTIFICATE OR OPINION OF APPROPRIATENESS, RELOCATION OR DEMOLITION; AMENDING CHAPTER 28, SECTION 28-90 ADDING REFERENCE TO PARTIAL DEMOLITION; 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 City of St. Augustine is recognized as the Nation's Oldest City; and

WHEREAS, the intent of the City's Comprehensive Plan, Historic Preservation Master Plan, and implementing land development codes and architectural guidelines are to preserve and protect historic structures, and the nature and character of the City's historic neighborhoods; and

WHEREAS, the City Commission is aware that new development, code requirements, full and partial demolitions, and relocations of structures can contribute to a change in the character of the historic downtown and historic neighborhoods of the City; and

WHEREAS, the historic assets of the city equate to an economic value of \$2.9 billion according to the 2020 publication *Resilient Heritage in the Nation's Oldest City*; 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.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot" or "parcel." The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word "land" includes the word "marsh," "water" or "swamp." The word "map" shall mean the "Zoning Maps of the City of St. Augustine, Florida" and the "city" shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...”

Note: The definitions section will be revised as necessary based on the recommendation of PZB related to the AGHP Addendum “Exterior Building Renovations for Historic Properties in St. Augustine”.

Section 2. Amendment to Chapter 28, Article II, Section 28-89. Chapter 28, Article II, Section 28-89 is hereby amended, as follows:

“Sec. 28-89. - Criteria for certificate or opinion of appropriateness, relocation or demolition review.

The criteria for opinion of appropriateness, certificate of appropriateness, relocation or demolition review shall be as follows:

(1) In reviewing an application ~~for a certificate of appropriateness~~, the board and/or building official and/or planning director shall consider the design and appearance of the structure, including ~~the interior visible from the outside~~, front, sides, rear and roof; materials, textures and colors; plat plan or site layout, including features such as walls, walks, terraces, plantings,

accessory structures, signs, lights, awnings, canopies, and other appurtenances. The decision to ~~approve or deny the proposed work issue or not to issue the certificate~~ shall be based on the conformance of the proposed work to the Architectural Guidelines for Historical Preservation (AGHP) or applicable entry corridor design standards of the City of St. Augustine as from time to time promulgated by the historic architectural review board or the city commission and approved by ordinance of the city commission, hereinafter referred to as 'AGHP,' and Albert Manucy's Houses of St. Augustine - 1565-1821, and the Design Standards for Entry Corridors. ~~When reviewing a certificate of relocation of a structure, consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located.~~ The board shall not exercise any control over land use, such as governed by this chapter, or over construction, such as is governed by the building code, unless such control is within the intent and scope of this chapter.

a. In the case of an opinion of appropriateness HARB shall make a determination that the general concept, preliminary construction plans, details or specifications of a project meet the architectural requirements of the AGHP, but that the information may be insufficient to meet the requirements of a certificate of appropriateness or to obtain a building permit.

b. In the case of a certificate of appropriateness HARB shall make a final determination that the details are sufficient, construction plans are complete, and details and specifications for a project meet the AGHP requirements. A certificate of appropriateness is required before a building permit may be issued. Only those plans and details approved by HARB may be reviewed by the Building Official during the building permit review process.

c. In the case of a certificate of relocation of a structure consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located, that the relocation of the structure will not adversely impact the city's historic preservation efforts or negatively affect the streetscape. If the building is going to be relocated on the same site, or moved to a new site in a locally designated historic preservation zoning district, then the process and plan requirements for a certificate of appropriateness also apply to the building's new location.

d. In the case of a certificate of demolition or partial demolition a determination is made that the demolition of the structure will not adversely impact the city's historic preservation efforts. The applicant may also be required to submit information on the structural condition of the building from an engineer or architect to justify the need for demolishing the structure.

(2) Before approving the plans for any proposed structure or signs located or to be located in a district, the board shall find:

a. In the case of a proposed alteration or addition to an existing structure, that such alteration or addition will not materially impair the architectural or historic value of the structure.

b. In the case of a proposed new structure, that such structure will not, in itself or by reason of its location on the site, materially impair the architectural or historic value of a structure on adjacent sites or in the immediate vicinity.

c. In the case of a proposed new structure, that such structure will not be injurious to the general visual character of the district or districts in which it is to be located.

d. In the case of the proposed demolition of an existing structure, that the removal of such structure will not be detrimental to the historic and architectural character of the city or that, balancing the interest of the city in preserving the integrity of the city and interest of the owner of the property, approval of the plans for demolition in the latter event the board may issue an order ~~to~~ postponing demolition for a period of not to exceed twelve (12) months after which the owner must reapply. The board may issue a second postponement with the total postponement period not to exceed two (2) twelve (12) month periods. If the board concludes that the demolition should be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the board to offer any evidence ~~he~~ they may desire to present concerning the proposed order. Within the period of postponement, the board shall ascertain what the city or other agency or organization may do to preserve such structure and shall make recommendations to that effect to the city commission or otherwise cause the structure to be preserved. This section shall not apply to any permit for demolition which has been applied for, in proper form, prior to the effective date of this section. If the building or structure is of exceptional significance, is a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places, the board can deny the demolition if the board finds the removal of such building or structure will be detrimental to the historic and architectural character of the city and the applicant has not proven the denial will cause an undue economic hardship. The destruction of colonial buildings listed on the Florida Master Site File, designated Local Landmarks, or buildings meeting the criteria for eligibility on the National Register of Historic Places must be approved by the city commission.

Additional application requirements:

1. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer.
2. Signs required. The planning and building department shall cause a sign or signs to be posted on any land upon which an application with respect to relocation or demolition has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall show the date of construction of the existing building and be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.
3. Mailed notices. Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application for a certificate of demolition is to be considered, the time and place of the public hearing shall be posted by United States mail by the applicant to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which the application is made. For the purpose of notice requirements to adjoining owners within one hundred fifty (150) feet, the names and addresses shall include information obtained from the St. Johns County Property

Appraiser records within ninety (90) days prior to the application date. Such list prepared for any required public hearing with the historic architectural review board, if appealed, shall also be used for a required public hearing with the city commission. A record of the date on which the list was compiled shall be provided to and maintained by the planning and building department.

4. Applications for a certificate of demolition, including partial demolition shall be presented to the historic architectural review board by the property owner or representative.

5. Applications for partial demolition of buildings listed in the National Register of Historic Places, contributing to a historic district in the National Register of Historic Places, listed as a local landmark pursuant to this code, listed as a potential landmark identified in the Historic Preservation Element of the Comprehensive Plan, Master Plan or identified by historic preservation planning staff as culturally significant within the recent past, may apply for the demolition of additional components of the building as part of a more comprehensive rehabilitation plan. Staff may require that the application be reviewed as a full demolition, however it may be recognized that applicants may encounter unforeseen building damage, site conditions, flood mitigation obstacles, or other significant and demonstrable reasons justifying a more extensive partial demolition as part of the rehabilitation. As a condition of In issuing a certificate of demolition/partial demolition, the board may include approval of both the partial demolition and potential related additional demolition and its require the rehabilitated replacement design under one application be approved by the board and that no permit be issued for the demolition of said structure until This will allow the approval of drawings sufficient for a building permit and that all necessary requirements for the new construction of a new building related to the partial demolition have been are submitted for the new construction permitting review and approval.

6. As a condition of issuing a certificate of demolition, including partial demolition the board may require, at the applicant's expense, salvage and preservation of significant building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The board may also require at the applicant's expense the recording of the structure for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and measured drawings.

7. If an owner/applicant fails to appear for three historic architectural review board meetings, the application may be considered as withdrawn.

e. In the case of any proposed new or altered sign, that the sign will not materially impair the architectural or historic value of any structure to which it is attached, nor any adjacent structure, and that such sign is consistent with the architecture of the building and the historical character of the area.

f. The board shall not have the authority to consider interior arrangements.

(3) Applications for certificate of demolition of a building or structure that is of exceptional significance, has been a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places shall require the following with the burden of proof to be on the applicant. The board may also require the following of structures considered to be contributing to the historical character of the city:

a. A report from an architect or structural engineer licensed in the State of Florida with demonstrated experience in restoration, rehabilitation or renovation as to the structural soundness of the building and its adaptability for continued use.

b. Proof of unreasonable or undue economic hardship. In any instance where an undue economic hardship, as defined in this chapter, is claimed by a property owner, the property owner may submit to the board any or all of the following information before the board makes a decision on the application for certificate of demolition:

1. An estimate of the cost of the proposed construction, alteration, demolition, or removal;

2. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

3. In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

4. The annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

5. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

6. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

7. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years;

8. The assessed value of the property according to the two (2) most recent assessments;

9. The real estate taxes for the previous two (2) years;

10. The form of ownership or operation of the property, whether an individual, sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;

11. Any other information considered necessary by the board to a determination as to whether the property does yield or may yield a reasonable return to the property owner. The board may require that the property owner furnish such additional information as the board believes is relevant to the board's determination of any alleged undue economic hardship. No decision of the board shall result in undue economic hardship for the property owner. In any case where undue economic hardship is claimed, the board shall make two (2) specific findings. First, the board shall determine if the owner would be entitled to a certificate of demolition without consideration of undue economic hardship. Second, the board shall determine whether the owner demonstrated an undue economic hardship.

(4) The building official and/or planning director may, based upon the AGHP and consistent with this article, make the decision to issue or not to issue the certificate for the following work:

a. Placement of utility service.

- b. Repainting with the same color if previously approved for painting with a color selected from the AGHP guidelines.
- c. Structural maintenance and repair utilizing the same materials and architectural character.
- d. Any structural maintenance, repair or remodeling which does not exceed two hundred fifty dollars (\$250.00).
- e. Exterior construction or equipment not visible.
- f. All signs and graphics.
- g. Landscape features, including fences, walls, walks, patios, decks, driveways, plant materials and ornamentation that does not exceed one thousand dollars (\$1,000.00).
- h. Placement of exterior utility support equipment, including air conditioning compressors, gas tanks, etc.

(5) Appeals from decisions of the building official and/or planning director under subsection (3) of this section may be taken to the board within fifteen (15) days from such decision.”

Section 3. Amendment to Chapter 28, Article II, Section 28-90. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

“Sec. 28-90. - Administration and records.

(a) Any necessary building or demolition permit and/or certificate of occupancy shall not be issued unless the building official and/or the planning director and/or the historic architectural review board approves the application for a certificate of appropriateness. Such permit shall be subject to the terms of such approval as well as other necessary provisions of this Code.

(b) Applications for certificates of appropriateness shall be submitted through the office of the building official and/or planning director and shall include, in duplicate, all plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon.

(c) Prior to issuance or denial of a certificate of appropriateness required by the board, the board shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. The board shall hold a public hearing concerning each application.

(d) Every decision of the board and/or building official and/or planning director in passing upon plans for structures or signs located or to be located in the district shall be in the form of a written order stating the finding of the board, its decisions and reasons therefor.

(e) The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

(f) An appeal may, within thirty (30) days thereafter, be taken by any aggrieved person to the city commission from the board's action in granting or denying a certificate of appropriateness or demolition. The appeal shall be as prescribed in [section 28-29\(g\)](#). Any appeal from the decision of the city commission shall be heard by the circuit court of the county, on writ of certiorari, as in the case of any other zoning decision from the city commission. All orders to approve certificates of demolition, except for partial demolition, shall become effective on the 31st day following the date of the rendered order, unless this waiting period is specifically granted a written waiver by the city commission or city manager. The owner-applicant of an order to approve a demolition certificate may request a hardship waiver to the city manager for emergency humanitarian reasons including the health and safety of the occupants of a structure in need of immediate emergency repairs, renovation or reconstruction. In the alternative, the owner-applicant of an order to approve a demolition certificate may request a waiver from the city commission if the delay in demolishing the structure would create an undue burden on the owner-applicant that would be greater than the public interest served in preserving the thirty-day waiting period. All decisions to grant or deny the waiver shall be rendered in writing within five days of the decision, mailed by standard U.S. mail to the owner-applicant and posted on the city's website. The decision of the city manager or city commission shall serve as the final administrative appeal of the waiting period.

(g) Any decision of the historic architectural review board certified by the planning director to be in conflict with a determination or decision of the planning and zoning board or of the board of adjustments and appeals; shall be reviewed by the city commission in the same manner as an appeal and the commission shall review the determination of the historic architectural review board, and the decision of the planning and zoning board or board of adjustments and appeals as to which it is certified to be in conflict and shall determine whether the decision of the historic architectural review board should be affirmed, modified or reversed and the decision of the commission shall supersede the decision reviewed. All affected persons shall be notified of the hearing by the city commission in the same manner as that provided for appeals from decisions of the planning and zoning board. The hearing before the commission shall be de novo.”

Section 4. 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. 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)