

CITY OF ST. AUGUSTINE, FLORIDA

Regular Planning and Zoning Board Meeting  
December 3, 2002

The Planning and Zoning Board met in formal session at 2:00 p.m., Tuesday, December 3, 2002, in The Alcazar Room at City Hall. The meeting was called to order by Bruce Dufresne, Chairman, and the following were present:

**1. ROLL CALL**

Bruce Dufresne, Chairman  
Matthew Baker  
Gerald Dixon  
Roxanne Horvath  
Harvey Simms  
James Solana

Resigned: Larry Griggs

Also Present: James Wilson, Esq., City Attorney  
David Birchim, Senior Planner  
Nancy Brilliant, Recording Secretary

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Ms. Brilliant informed the board that Mr. Griggs had submitted a letter of resignation to the City Clerk's Office.

**2. APPROVAL OF MINUTES**  
**(November 5, 2002 - Regular Meeting)**

Ms. Horvath directed attention to page eight, left column and asked that the word "deep" be added in front of "water".

**MOTION**

**Ms. Horvath moved to approve the minutes as corrected. Mr. Baker seconded.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

**3. EXCEPTIONS**  
**Item 3(a) 2002-1117**  
**Douglas Stinson/Phil Martocci**

**551 Anastasia Boulevard**  
**To allow a service station with auto repair as a permissible use by exception.**

Mr. Dufresne asked for the applicant to approach the podium, however, there was no response. He asked staff if the application had been withdrawn.

Mr. Birchim stated that to his knowledge the applicants had not withdrawn their application.

Mr. Dufresne suggested that Item 3A be tabled until later in the meeting.

\* see page 2 for hearing, motion and vote.

**Item 3(b) 2002-2248**  
**Shawncrea Fulwood**  
**237 W. King Street**

**To allow a church as a permissible use by exception.**

Shawncrea Fulwood, 175 North McLaughlin Street was sworn in.

Mr. Dufresne asked staff for their report and summary on Item 3B.

Mr. Birchim reported that the application involved allowing a church as a permissible use by exception. He added that an exception was a determination that a specific use could be allowed if it did not negatively impact neighboring properties and would be beneficial to the community. He noted that a parking lot existed on the property that would accommodate the use. In addition, he noted that the church would front West King Street which was a commercial artery and it did not appear to be a problem for the residential area. He stated that churches of all congregations were an essential part of any community. He advised that for those reasons, staff found that the board could approve the application for an exception.

Ms. Fulwood stated that the church would be a positive change and they desired to be effective in the surrounding community.

Mr. Dufresne opened the public hearing but there was no response from the public.

**MOTION**

**Mr. Simms moved to approve the application as submitted. Mr. Baker seconded.**

Mr. Dixon added that the board was following the recommendation of approval made by staff.

**MOTION CARRIED UNANIMOUSLY**

**Item 3A continued from page 1**

Mr. Baker noted that several people had arrived at the meeting and he suggested that the Chairman proceed with Item 3A.

Phil Martocci, 1802 Lakedge Drive, Middleburg, Florida and Douglas Stinson, 25 Coquina Avenue were sworn in.

Mr. Dufresne asked staff for their report and summary on Item 3A.

Mr. Birchim reported that the application involved allowing a service station with auto repair as a permissible use by exception. He noted that an exception normally remained with the applicant and if the ownership of the property changed, it would require a return to the board for further review and approval. In the case of 551 Anastasia Boulevard, he advised that it was an existing service station which had been previously approved by the board in 1985 and 1996. He added that the board had made the determination that the particular use at that location was appropriate. He articulated that nothing had changed since the last PZB approval. He said that the application was necessary due to the change in ownership of the property. He affirmed that staff recommended approval to allow the service station to continue at its' location. He explained that the board could ask the new owners to bring the landscaping up to

compliance which would involve the following:

- ❖ Front: four trees and twenty shrubs
- ❖ Rear: five trees and sixteen shrubs
- ❖ West: ten trees and thirty shrubs
- ❖ East: seven trees and twenty-one shrubs

Mr. Martocci stated that he and Mr. Stinson had purchased the property and it had mandated several requirements prior to finalizing the purchase. He noted that they had paid five years of back taxes and obtained a contract from the DEP for environmental cleanup on the property. He stated that they had started the cleanup process. He advised that planting trees in the front of the property would be difficult due to the lack of available ground, however, they planned to add palm trees and plenty of landscaping on the sides and rear of the property. He noted that the property had been used as a service station and clarified that it would remain the same use. He stated that they had spoken with surrounding neighbors and found them to be in support of the application and he added that they had a signed petition in support which he submitted to the board. He noted that the operation would be seven days per week and their plans included installing antique pumps in the future.

Mr. Dufresne asked if Mr. Stinson had anything to add.

Mr. Stinson stated that they had received an outpouring of support from the Davis Shore community. He noted that it had been a limited amount of time since the purchase of the property, however, they continued to remain on the property as late as midnight to

clean up the place and get everything in order.

Mr. Dufresne opened the public hearing but there was no response from the public. He noted that two written response forms were returned, one in favor and one opposed to the application.

Mr. Dufresne directed his comments to the applicant and stated that the board had attempted to assure that automobile repair services remained in the CM-2 zoned areas, which were located on Ponce de Leon Boulevard, a small section of King Street in the City limits and South Dixie Highway. He affirmed that the applicant's location had been maintained as a service station for a very long time. He explained that anytime an exception was applied for with a change of ownership, it triggered a new set of regulations that included landscaping requirements.

Mr. Dixon said that car sales was not allowed at the location and suggested that there should be a limit to the number of days an untagged vehicle as allowed to remain on the lot.

Mr. Simms asked the applicant if the facility was registered in the State cleanup plan.

Mr. Martocci stated that the facility was not registered, although, there had been a recorded spill in 1999 that required the cleanup. He noted that the purchasers' agreement included money for the cleanup.

Mr. Simms questioned whether the previous owner supplied the funding for the cleanup.

Mr. Martocci stated that the purchasers' contract was with the DEP and explained that if one were to purchase property with a contamination problem, the DEP offered an incentive to purchase property and complete the cleanup.

Mr. Simms asked the applicant how extensive the recorded spill was.

Mr. Martocci advised that the property had been rated nine on a scale of thirty, hence, it was low on the scale of cleanups and he informed the board that the spill was recorded three years earlier. He added that they were not required to retest the land to qualify for the pre-purchase agreement.

Mr. Baker questioned whether DEP stipulated a deadline for the completion of the cleanup.

Mr. Martocci explained that many problems existed with the property which included, but was not limited to, compliance with pumps and some of the lines from the tanks to the pumps. He noted that they were given thirty to one-hundred and twenty days to comply with those issues, at which time they would handle the bigger issue of contamination. He added that a time limit for the contamination cleanup did not exist. Mr. Simms asked Mr. Wilson if the approval and order could be issued for the current owner of the property.

Mr. Wilson advised that the order and approval would only involve the new owner of the property.

**MOTION**

**Mr. Simms moved to approve the application as submitted. Mr. Dixon seconded and amended the motion to include the following conditions:**

- 1. No car sales**
- 2. No unregistered vehicles parked on the lot for an extended period of time**

**Mr. Simms accepted the amendment to his motion.**

**MOTION CARRIED UNANIMOUSLY**

**Item 3(c) 2002-1120**

**Charles Sampson**

**76 Washington Street**

**To allow off-site parking as a permissible use by exception.**

Charles Sampson, 141 Segovia Road was sworn in.

Mr. Dufresne asked staff for their report and summary on Item 3C.

Mr. Birchim reported that the request for off-site parking was related to the requirement to provide on-site parking to accommodate tenants. He explained that the ground floor on the two-story building would change from vacancy to two apartments. He noted that three parking spaces would be required by Code and the applicant could not provide the on-site parking, therefore, the applicant had leased adjacent property to fulfill that parking requirement. He reported that the use of off-site parking was by exception only and must be located within four hundred feet of the affected property. He added that the off-site

parking site was directly adjacent to 76 Washington Street and would meet all the dimensional requirements stated in the Code and the applicant had agreed to bring the property into compliance regarding the landscaping and surfacing. He said that for those reasons, staff found that the board could approve the request for off-site parking.

Mr. Sampson stated that he had been investing in properties located around the Washington Street area. He questioned whether they should shy away from properties that had inadequate on-site parking.

Mr. Dufresne advised that he would not necessarily need to due to the off-site parking allowance granted with an exception.

Mr. Dufresne opened the public hearing but there was no response from the public.

Mr. Dufresne commented that he had watched the transformation and work the applicant had completed on the property and noted that it was magnificent and added that it would be a wonderful use for the property. He advised that there were five written response forms returned in favor and none opposed.

Ms. Horvath asked staff what would happen if the applicant lost the lease for the off-site parking location.

Mr. Wilson advised that the applicant would return to the board for approval of another location for off-site parking.

Mr. Birchim explained that the applicant had two options; locate parking within four hundred feet of the property or return to the board and request a variance to eliminate the parking requirement.

Mr. Baker asked the applicant if he currently had a lease agreement.

Mr. Sampson stated that he had obtained a lease agreement.

#### **MOTION**

**Mr. Baker moved to approve the application as submitted. Ms. Horvath seconded.**

Ms. Horvath asked for the length of time on the parking lease agreement.

Mr. Sampson advised that the lease was written for two years with an option for additional time.

#### **MOTION CARRIED UNANIMOUSLY**

#### **4. CONSERVATION ZONE DEVELOPMENT**

##### **Item 4(a) 2002-2115**

##### **Scott Cole / Bill Brown**

##### **Masters Drive PID#094243-0000**

**To allow tree removal in Conservation Zone Three.**

Mr. Dufresne summarized that the application had been tabled with the request that a topographical survey be completed along with a tree count. He noted that the

board had before them the documents regarding wetlands impact and a tree count.

Bill Brown, 234 Nesmith Street was sworn in.

Mr. Dufresne asked staff if the applicant had furnished the requested documents.

Mr. Birchim advised that the applicant had supplied the requested documentation. He reported that the removal of trees could be completed in one of two ways: 1) By obtaining a tree removal permit if the trees were less than twenty inches in diameter, that required the owner to replace the trees on a one to one basis. 2) He noted that for heavily wooded properties, it would be best to follow the credit and debit system found in the City Code. He explained that in order to use the system, the board must approve the application as Conservation Zone Development. He noted that in the case of the applicant there existed more credits than debits and the trees to be removed were located in the area to be developed which allowed the majority of the property to remain in a natural preserved state. He stated that staff found that the board could approve the application for Conservation Zone Three development as submitted.

Mr. Dixon commented that he was concerned about the elevations.

Mr. Brown affirmed that he had submitted staff a tree survey that included the elevations and they ranged from eleven feet on Masters Drive to six feet east towards the intercoastal waterway and he added that generally, the land was flat and slowly tapered downward.

Mr. Dixon reiterated that he had a concern regarding the fill and questioned how much fill would be required to raise the building to the minimum nine foot elevation.

Mr. Dufresne noted that the development construction was oriented towards Masters Drive.

Mr. Brown advised that the plan had been adjusted by way of moving the stormwater pond to an upper location and further east, which would help to avoid wetlands impacts.

Mr. Dixon commented that the solution for the property was excellent compared with the issues the applicant needed to deal with.

Mr. Brown stated that due to the slope of the property towards the east, it was not practical for development in that area and the wetlands issues made it difficult to obtain a permit. He reiterated that the proposed small development closer to Masters Drive was appropriate for the property.

#### **MOTION**

**Mr. Dixon moved to approve the application as submitted. Mr. Solana seconded.**

#### **MOTION CARRIED UNANIMOUSLY**

#### **Item 4(b) 2002-2244**

#### **Paul Thompson**

#### **188 Pelican Reef Drive**

**To allow seventeen boat slips and lifts on an existing dock.**

Paul Thompson, 83 Comares Avenue, Pierre Thompson, 206 Pelican Reef and Jack Ratkovic, 83 Comares Avenue were sworn in.

Mr. Dufresne asked staff for their report and summary on Item 4B.

Mr. Birchim reported that the application was a request for seventeen boat slips and lifts on an existing dock. He noted that the multi-slip dock was intended for the use by the residents of the subdivision of Pelican Reef, therefore, they would not be required to install bathrooms, parking facilities and other facilities as required with commercial marinas. He explained that there existed a number of technical and environmental questions that would be asked as part of the application, however, the City did not staff professional biologists or environmental engineers to review those details, therefore, the City relied upon the State of Florida, Department of Environmental Protection to provide that level of review and in doing so, no construction would be allowed until the DEP approved the application after their review. He stated that apart from the technical environmental aspect of the application, there could be a determination that the dock, slips and lifts would not impact scenic vistas. He added that the scenic vista impact could be evaluated to some degree from the reaction by neighboring property owners to the proposed boatlifts at the public hearing that day, although, it would not necessarily be included in the staff report. He reported that staff found that the board could approve the application to construct seventeen boat slips and lifts on the existing dock.

Mr. Dufresne noted that sixteen written response forms were returned with fifteen in favor and one in opposition to the application.

Mr. Dufresne opened the hearing to public comments.

Alan Mooney, Ashville, North Carolina was sworn in and asked if the boat slips would be for primary residences.

Mr. Dufresne affirmed that the boats would not be allowed as live-aboards and that also was part of the City's requirement. He added that to qualify for a slip the person must own property at Pelican Reef.

Ms. Horvath stated that one could own an undeveloped parcel and dock a boat on a slip.

Mr. Dufresne asked the applicant if one were to use a boat slip would they need to live in Pelican Reef.

Mr. Mooney suggested that if it was in the authority of the board, they could add that condition to the application.

Mr. Paul Thompson specified that one would need to own a lot or built a house in Pelican Reef, and property owners were allowed twenty-four months to build on their vacant lot. He noted that out of one hundred and twenty-five lots in Pelican Reef, twenty-one were waterfront property. He explained that the application was a modification to their existing dock permit. He disclosed that in 1991 the plans they had involved a scaled down City marina,

however, after a wind and wave study, it was determined that the location of the marina would be subject to sever damage by waves, storms and wakes from boats; therefore, they had scrapped that idea. He stated that their alternative design involved a t-dock with two floats. He explained that the Pelican Reef Association residents had convinced them not to install the floating docks because of the damage that could happen during storms. He added that one resident had removed his ten-by-forty foot floating dock that had been damaged and replaced it with a boat lift. He noted that every applicant from Pelican Reef that had requested approval of a lift had received permission. He described the dock slips to the board members and noted that they had approval from DEP and were waiting on the approval from the Army Corp of Engineers, which should become available within the next couple of weeks. He disclosed that the dock had been moved toward the west to allow more room for backing out larger boats.

Mr. Dixon noted that immediately across from their dock was a condominium project that had been rejected twice by the board. He commented that he had a problem with allowing boat lifts. He said that the board would not be consistent if they rejected a request for a boat lift across from Pelican Reef and then allowed the applicant their request for seventeen lifts. He stated that until the ordinance was changed, he would not vote in favor of a boat lift.

Mr. Simms asked how the applicant had decided to ask for seventeen boat slips and lifts when they had been approved for only twelve slips.

Mr. Paul Thompson stated that they placed the dock at their riparian line and designed the project with ten smaller boats on the inside and seven larger boats on the outside.

Mr. Dixon and Ms. Horvath agreed that they would not like to view seven large boats up in the air on lifts.

Mr. Baker stated that he was not opposed to the dock, however, he voiced concern about boat lifts because he had previously voted against three applications for lifts.

Mr. Solana commented that the City had weight limits of 12,000 pounds on the boat lifts.

Responding to Mr. Solana's comment, Mr. Dixon stated that he was totally opposed to the thirty-six foot Sport-Fisherman boats and did not want to view them on lifts, out of the water.

Mr. Dufresne suggested tabling the issue of the lifts until weight restrictions were reviewed.

Mr. Simms stated that if the larger boats were eliminated and the applicant remained with the smaller boats, it would not be bad, and he suggested that it be offered to the applicant as a compromise.

Mr. Dixon agreed that he could support that compromise.

Mr. Ratkovic explained that immediately south of the location was Mr. Pierre Thompson's home and property to the north belonged to a neighbor. He read the written

comment from that neighbor, which stated that his property was located by the fishing pier and the proposed docks. He continued reading the letter that stated the neighbor would prefer to keep his boat at the dock rather than the rear of his property and that the owners that reside on the waterfront were in favor of the lifts.

Mr. Dixon reiterated that the board had rejected a request for boat lifts across the waterway because one could view them from the water side.

Mr. Ratkovic stated that he had a thirty foot boat that weighed 16,000 pounds and would not consider putting it on a lift. He noted that most boats that would be on the lift would meet the City's limit of 12,000 pounds or less and be of low profile and would not be more than twenty to twenty-eight feet in length. He commented that the scenic vista from across the waterway was approximately 3000 meters away.

Mr. Simms suggested allowing ten lifts for the inside boats that were smaller in size and permit docking for the larger, outside boats.

Mr. Ratkovic stated that they would be willing to listen, although, they would attempt to limit boats larger than thirty feet at the dock.

Mr. Pierre Thompson stated that he previously had concerns, however, he was comfortable with the application. He noted that the Pelican Reef community had a vista of the City's sewer plant. He added that to the east of Pelican Reef Drive was open marsh and no houses existed directly opposite of them.

Mr. Dixon stated that he would not support boat lifts and suggested that the board be consistent with their vote on lifts.

Mr. Simms commented that the boats were of smaller size, thus twenty-seven feet verses ten feet.

A discussion ensued between board members regarding lifts and trailerable boats.

Mr. Solana asked Mr. Wilson if the application would be in compliance with the current ordinance that the City had regarding boat lifts and docks.

Mr. Wilson advised that as long as the lifts met the City's criteria, they would be in compliance.

Mr. Solana questioned why they would penalize an applicant that would abide by that ordinance if the board had an ordinance that allowed 12,000 pounds lifts.

Ms. Horvath stated that there was a difference between asking for three lifts on a 150 foot dock, compared to the intensity of seventeen lifts.

Mr. Baker suggested that the ordinance needed to be reviewed. He stated that the ordinance was targeted towards single boat lifts on private docks rather than a greater intensity of boat lifts of twelve or more at one location. He said that the board did not seem to have a problem with the dock.

Mr. Simms asked if the board could conduct a public hearing and review the lift ordinance.

Mr. Wilson advised that the board needed to deal with the current ordinance and how it related to the application that was before the board that day. He noted that the board could take into consideration the close proximity of the boat lifts to the residents and the scenic vista evaluations. He stated that it was not outside the boards' authority to turn down boat lifts if they thought there was a vista issue. He explained that the board could not delay an approval or denial based on what the board might like to see included with the ordinance.

Mr. Dufresne suggested that there were two issues before the board that included seventeen boat slips and an equivalent number of boat lifts, which were two separate and distinct items.

Mr. Wilson stated that Mr. Dufresne was correct.

Mr. Paul Thompson commented that they interpreted the slips and lifts as the same item.

Mr. Dufresne reiterated that the items were not the same. He said it was possible that the board could approve seventeen boat slips and reject the seventeen boat lifts.

#### **MOTION**

**Mr. Dixon moved to approve the application for seventeen boat slips, however, tabled the seventeen boat lifts for 120 days. Mr. Simms seconded.**

Mr. Solana asked if Mr. Dixon would amend his motion to allow the ten smaller boat lifts.

Mr. Dufresne advised that Mr. Dixon was attempting to separate the items to allow the applicant to construct the boat slips.

#### **MOTION CARRIED UNANIMOUSLY**

Mr. Dufresne asked if Mr. Dixon would make a motion to table the boat lifts to a time certain.

Mr. Dixon commented that he would prefer to handle the application in that manner.

Mr. Ratkovic asked if the board could approve the smaller boat lifts.

Mr. Dixon stated that the board had not previously approved a multi-lift application and that should be considered in their decision.

Mr. Dufresne stated that the board was not attempting to turn down the project or delay it for a year, although, the board would table the boat lift portion of the application until April 1<sup>st</sup>, 2003 PZB meeting.

Mr. Ratkovic reiterated that the reason that they adjusted the original permit was due to safety purposes that had been detailed on the wind study they had completed.

Mr. Dufresne advised that the applicant's request was a first for the board and it had placed them in a position that they had not previously been in.

Mr. Dixon commented that due to high land values and residents wanting docks, it had forced people to install docks at inappropriate locations.

Mr. Dufresne stated that he was in favor of the dock because of the effect it would have on the erosion issue at Pelican Reef. He apologized for the delay in a decision, however, he said the board needed time to evaluate and review the issue prior to making a decision.

Although a formal motion was not made, the Chairman asked the secretary to call the roll, and the board voted as follows:

**Ayes: Dixon, Simms, Baker, Horvath, Solana, Dufresne**

**Nays: None**

**Vote was unanimous.**

**The consensus of the board was to table the application for boat lifts to April 3<sup>rd</sup>, 2003.<sup>1</sup>**

**Item 4(c) 2002-1114**

**Joseph Tringali**

**1630 US 1 South**

**To construct a bulkhead in Conservation Zone One and Two.**

Joe Tringali, 354 Marsh Point Circle, was sworn in.

Mr. Dufresne asked staff for their report and summary on Item 4C.

<sup>1</sup> Mr. Dufresne called a break at 3:45 PM and reconvened the meeting at 3:58 PM.

Mr. Birchim reported that the application would be to allow construction of a bulkhead in Conservation Zone One or Two. He noted that the bulkhead would be constructed along the wetlands line as indicated on the survey. He advised that the exact location was not known, however, the bulkhead would be located within Conservation Zone One or Two or both and the exact location would be determined after an engineering report was completed and the DEP permit was issued. He added that the DEP would require that the chosen location be the least impact to wetlands. He explained that the bulkhead was needed to prevent stormwater from flowing through the commercial lot into the wetlands. For that reason, he stated that staff found that the board could approve the application as submitted.

Mr. Tringali disclosed that the plans involved building a carwash on the site and included retaining all the water through retention to aid in maintaining a cleaner appearance.

Mr. Dufresne opened the public hearing but there was no response from the public.

Mr. Dixon stated that he was not opposed to giving permission to build a bulkhead, however, he was not willing to approve the application without further documentation from the applicant. He reviewed the document that indicated the vegetative line and questioned how much of that area would be disturbed. He referenced the bulkhead at the ABC Liquor store and commented that he was offended everyday because of its visibility.

Ms. Horvath questioned how the board approved the bulkhead at the ABC Liquor store location.

Mr. Dixon stated that the board would discuss that at a later time.

Mr. Simms asked what type of retention the applicant planned to install.

Mr. Tringali explained that they would follow City Code and City Engineering requirements for the retention area. He disclosed that they would pave most of the area and finish with some landscaping. He stated that he had a copy of the permit with the bulkhead outlined on the property line. He submitted that document to the board members.

Mr. Simms asked the applicant if they would install a recycling type of system for the carwash.

Mr. Tringali explained that they had attended a formal meeting with the City and were informed that they would be able to utilize the City's system.

Mr. Birchim affirmed that the recycling system did not truly recycle and the sand based filtering into the sewage system would be more effective than attempting to recycle the gray water on site.

Mr. Simms asked if plans included sending the gray water with all the particles directly to the sewage system.

Mr. Birchim clarified that the gray water would be treated on site prior to reaching the City's sewage system.

A discussion occurred between Mr. Dufresne and Mr. Dixon regarding the plans before the board.

Mr. Dixon commented that one of the positive items with the bulkhead was that the plans showed that it would be a wooden type, however, the document did not indicate the location of the bulkhead.

Mr. Tringali stated that the bulkhead location had been marked on the property with flags.

Mr. Dixon affirmed the location on the submitted document.

Ms. Horvath asked if the facility would include a waiting area for customers.

Mr. Tringali responded affirmatively. He continued to describe the design of the building and site layout to the board members.

Mr. Dixon questioned whether the applicant would be required to return to the board for any reason.

Mr. Birchim advised that the applicant would submit to the Planning and Building Department the necessary items such as State and Federal permits and construction plans, which would not trigger a return to the board.

Mr. Dixon stated that the bulkhead line appeared to be below the bank and at the edge of the vegetation line. He questioned

whether the applicant would handle the impact to the vegetation area with City staff.

Mr. Birchim affirmed that any tree removal could be completed administratively with tree replacement on a one-to-one basis or if that was not possible, the applicant would return to the board.

Mr. Dixon asked for the height of the bulkhead wall.

Mr. Tringali stated that the wall would be about three and one-half feet tall.

#### **MOTION**

**Mr. Dixon moved to approve the application with the condition that the wall of the bulkhead would be constructed with wood and to make every effort to retain the natural vegetation on site. Mr. Baker seconded.**

#### **MOTION CARRIED UNANIMOUSLY**

### **5. REZONING / LAND USE PLAN AMENDMENT**

#### **Item 5(a) 2002-2243**

#### **Harry Maxwell**

#### **28 N. Whitney Street**

**To rezone the property from Industrial Warehouse (IW) and County designation to Residential General-One (RG-1) and to amend the land use accordingly.**

Mr. Dufresne asked that the applicant approach the podium but there was no response.

Mr. Birchim indicated that the City would like to continue with the hearing even though the applicant was not present.

Mr. Dufresne asked Mr. Wilson if the board could conduct the hearing without the applicant present.

Mr. Wilson advised that the board had the authority to hold the hearing and that the applicant had been notified regarding the date of the hearing. He noted that the applicant had the option to appeal to the City Commission if he did not agree with the board's decision.

Mr. Dufresne asked staff for their report and summary on Item 5A.

Mr. Birchim reported that the property was located partially inside and partially outside the City limits and had been indicated on the documents provided to the board. He noted that the application was in conjunction with the annexation of the portion of property located outside of the City limits. He stated that the applicant planned to build affordable housing units on the property and the applicant already maintained a number of high quality affordable housing units nearby as shown on the survey. He noted that in order to accomplish that task, the zoned land use must allow multi-family housing. He added that the current zoning was Industrial Warehouse, which did not allow for multi-family housing. He explained that the applicant would like to rezone the property to Residential General-One and to amend the land use to allow the housing. He said that property with RG-1 zoning was adjacent to the property and the need for affordable housing existed in the

community. He explained that the board could only recommend approval or denial to the City Commission for rezoning and land use amendments. He stated that staff found that the board could recommend approval to the City Commission. He reported that a portion of the property included trees, therefore, the possibility existed that the applicant would return to the board in the future for review of tree removal. He disclosed that the project was in conjunction with a grant that involved a timeframe and delaying an approval would jeopardize the grant that was necessary for the construction of affordable housing.

Mr. Dixon and Mr. Dufresne agreed that it was an unusual piece of property.

Mr. Dixon commented that the property line went through a one-story apartment building.

Mr. Birchim advised that the project would be an attempt to clean up that prior mistake. He noted that the site location was just south of a very old and historic Jewish cemetery and adjacent to the Florida East Coast Railroad right-of-way railroad tracks. He stated that staff found it to be a good project for the City and community.

## **MOTION**

**Ms. Horvath moved to recommend approval of the application to the City Commission. Mr. Simms seconded.**

Mr. Dufresne advised that the public hearing was not held, therefore, he opened the hearing to public comment.

Alan Mooney<sup>2</sup>, Asheville, North Carolina stated that he supported the application and suggested that the board “un-zone” the area completely, instead of just rezoning one lot.

Mr. Dufresne advised that the City did not list that classification in their zoning.

Mr. Mooney reiterated that he supported the concept of affordable housing with an unlimited number of units involved. He began to describe the direction that his hometown had followed regarding affordable housing and its impact with surrounding properties.

Mr. Dixon stated that Mr. Mooney had some good ideas and suggested that he attend the next City Commission meeting.

Mr. Mooney disclosed that he was present that day because he had heard that there existed a significant change in power that had taken place and he was interested in the effects that might develop.

Mr. Dixon explained that the reality was that the board only administered pre-existing policies formed by the City Commission.

Mr. Dufresne advised that there was a motion and a second on the floor and asked the secretary to call the vote.

## **MOTION CARRIED UNANIMOUSLY**

**Item 5 (b) 2002-1129**  
**C. Gordon Smith, P.E.**  
**CGS Consulting Engineers, Inc.**  
**6 Willard Drive**

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<sup>2</sup> Mr. Mooney was previously sworn in that day.

**To rezone the property from County designation to City Commercial Medium Two (CM-2) and to amend the land use accordingly.**

Gordon Smith, CGS Consulting Engineers, Inc., 24 Cathedral Place, Suite 208, was sworn in.

Mr. Birchim reported that the project involved rezoning the parcel from County designation to City Commercial Medium-Two and to amend the land use accordingly. He noted that the property was adjacent to the University of St. Augustine, School for Health Sciences' parking lot, adjacent to SR 312 Mini-warehouse complex and a stormwater pond at the base of the SR 312 bridge on the southwest corner. He stated that the applicant's plans included the construction of a doctor's office complex and the zoning and land use must be amended to allow for doctor offices which would be consistent with other zoning in the vicinity. He explained that the site was wooded and the applicant might be required to return to the board for tree removal. He advised that the board only recommended approval or denial of rezoning and land use amendments to the City Commission. He noted that staff found that the board could recommend approval to the City Commission.

Mr. Smith stated that he represented the Orthopedic Association. He submitted documents and showed a display of the proposed building to the board members. He noted that the project was located on the west side of the SR 312 bridge base. He said that two-thirds of the undeveloped site contained pine trees with typical coastal

trees that grew along the Matanzas River. He explained that the owners had asked for a site plan analysis and study of what would be appropriate for that site. He stated that the proposed use would be a medical office facility with a possible surgical center. He described that the entrance would be off Willard Drive and would involve an easement through the parking lot of the University of St. Augustine to access the site. He distributed documents that showed details of the proposed project and summarized some items like the enlarged retention pond and elevated land. He explained that their plans included taking advantage of the marsh view near the Matanzas River, protection of the natural resources in the front and little disruption of the property as possible. He noted that they had the land surveyed and had DEP indicate the wetlands area. He disclosed that they were reviewing several options for the building that included a two or three-story building.

Mr. Dufresne opened the public hearing but there was no response from the public.

Mr. Simms suggested that the dumpster be moved back with shrubbery placed near it in an attempt to obscure it from view.

Ms. Horvath stated that she was familiar with the property because she had worked with Dr. Paris on conceptual ideas, and she suggested that the offices would be a good use for the property.

**MOTION**

**Mr. Simms moved to recommend approval of the application to the City Commission. Mr. Baker seconded.**

**MOTION CARRIED UNANIMOUSLY**

Mr. Dixon asked the applicant if the building would be design built.

Mr. Smith stated that the owners were reviewing other options and had contacted a Jacksonville company to build thirty percent conceptual plans.

**6. LAND USE PLAN AMENDMENT**

**Item 6(a) 2002-1079**

**City of St. Augustine**

**Old Mission Avenue (lots 2A-16)**

**To amend the land use from Residential Low Density and Public / Semi-Public to Commercial Low Intensity.**

Mr. Dufresne asked staff for their report and summary on Item 6A.

Mr. Birchim reported that the current zoning on the south portion of Old Mission Avenue was Commercial Low-One and it included the properties of attorney offices, the Limelight Theatre, a large real estate office and a mixed use complex. He noted that the CL-1 zoning was not consistent with residential land use. He explained that the applicant was the City of St. Augustine and all directly affected property owners had signed the application as owners and he added that the amendment would be a housecleaning effort to maintain consistency between the City's zoning and comprehensive plan. He stated that staff recommended approval of the land use amendment to the City Commission.

Mr. Dufresne added that thirteen years earlier the board had designated the incorrect land use classification and he agreed that it was a housecleaning effort.

Mr. Dufresne opened the hearing to public comment.

Alan Mooney<sup>3</sup> stated that his concern was that the City might ban future residential use if it would be classified as commercial only.

Mr. Birchim advised that the Commercial Low-One district allowed single and multi-family applications. He clarified that it would be a permitted use.

**MOTION**

**Mr. Simms moved to recommend approval of the application to the City Commission. Ms. Horvath seconded.**

Mr. Solana stated that he owned property on Old Mission Avenue and questioned whether he needed to recused himself.

Mr. Wilson advised that a possible change in value of the property could happen based on the rezoning and suggested that he recuse himself.

Mr. Solana recused himself due to the ownership of property on Old Mission Avenue.

**MOTION CARRIED UNANIMOUSLY**

**7. OTHER BUSINESS**

<sup>3</sup> Mr. Mooney was previously sworn in that day.

Mr. Simms urged staff to arrange a workshop regarding docks.

Mr. Dufresne explained that the board served at the direction of the City Commission and the board had not received any input concerning their wants or desires. He noted that the board had a unique advantage because three members of the current City Commission had previously served as members of the Planning and Zoning board and would bring to the City Commission a unique perspective that members of the PZB might not have. He stated that he expected instructions from the City Commission through the City Manager and City Attorney's office.

Mr. Dixon suggested that the board send a memo to the City Manager regarding the issues that the board would like to address.

Mr. Dufresne agreed with Mr. Dixon.

Mr. Birchim advised that an appeal from Views at Baypointe was on the City Commission's Monday agenda. He noted that the board's Chairman had been invited to attend that meeting to answer any questions the Commission might have and suggested that Mr. Dufresne could express at that time the board's desire to hold a workshop regarding docks.

Mr. Dufresne stated that if he was provided encouragement in that direction from the City Commission then he would be delighted to visit that issue.

Mr. Simms questioned whether the board members could direct the Chairman to write

a formal letter asking for public input on dock and lift issues.

Several members of the board suggested that it would be possible and agreed that it should be done.

Mr. Birchim advised that he had researched and reviewed how other communities handled dock issues and suggested that the board involve the community during discussions.

Mr. Dufresne asked if a formal letter would be required from him.

Mr. Wilson indicated that it would not be necessary.

Mr. Simms explained that the reason for a public workshop was because the PZB forum did not lend itself much public attendance due to the time limit and situation.

Mr. Dufresne suggested that the workshop be scheduled at a more convenient time to allow the public to attend.

**a) Discussion regarding educational seminar for board members.**

Mr. Birchim suggested that the educational seminar be placed on hold until a new member for the PZB was appointed.

Consensus of the board was to wait until the new member of the PZB was seated.

**8. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING**

None.

**9. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:10 PM.

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Bruce Dufresne, Chairman

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Pam Halterman, Recording Secretary