

CITY OF ST. AUGUSTINE, FLORIDA

Aggregation Task Force Meeting

November 24, 2003

The Aggregation Task Force met in formal session at 3:00 p.m., Monday, November 24, 2003 in The Alcazar Room at City Hall. The meeting was called to order by Commissioner Donald Crichlow and the following were present:

1. ROLL CALL

Members: Donald Crichlow, Commissioner Irene Arriola, Realtor Gerald Dixon, PZB member

Philip McDaniel, Affected member

Ronald Stafford, Non-affected member

Geoffrey Dobson, Zoning Attorney

City Staff: Mark Knight, Director, Planning and Building Dept.

Karen Rogers, Recording Secretary

Commissioner Crichlow questioned who should conduct the meeting and whether it made a difference.

Mr. Knight pointed out that the task force had not elected a chairperson.

Mr. Dobson advised that they could elect a chairperson if they wished.

Mr. Dixon pointed out that Commissioner Crichlow had taken the lead, but considering the Commissioner was senior officer of sorts it did not bother him.

Commissioner Crichlow stated that they would go ahead then.

2. Approval of Aggregation Task Force Minutes of October 23, 2003

The minutes of October 23, 2003 Aggregation Task Force meeting were approved as presented.

3. Public Hearing Concerning Ordinance 2003-22

Commissioner Crichlow stated that during the first meeting the task force had tried to identify the purpose of the ordinance and the problems, concerns and fears surrounding it. He said that most of the lots in RS-1 and RS-2 zoning were nonconforming, or they were not up to the standards of the 1975 zoning requirements. He explained that in RS-1 the requirement was 75-foot frontage with 10,890 square foot lot size, and in RS-2 the requirement was 50-foot frontage with 5,450 square foot lot size. He said that most lots in the City had been platted below the aforementioned standards, and as a result people had bought more than one lot to accommodate a large home. He said the situation had not been a problem until land values increased, making it economically feasible for someone to buy one of the older homes built on 4-5 lots, tear the home down and build a home on each small nonconforming lot. He said that was not in the best interest of the City's neighborhoods due to increased density and traffic, lost trees and general impact on the neighborhoods. He said the ordinance was an effort to correct the situation, and they were there to discuss how to accomplish the intent of the ordinance. He emphasized that the ordinance did not include any single nonconforming lot, but pertained to multiple lots owned by the same person.

Commissioner Crichlow noted that there were neighborhoods where most homes were built on single nonconforming lots, such as in Lincolnville and continuing the pattern would be acceptable, as it would be keeping the architectural character of the neighborhood. He said there were neighborhoods in which that would not be a good idea.

Mr. Dixon stated that the board had been organized by the recommendation of the Planning and Zoning Board and he represented the PZB. He said that an ordinance had been drafted by a member of the City Commission and the Commission had sent it to the PZB for review; however, the board had not reached a conclusion and recommended a task force to discuss whether there was a problem and if so how it might be addressed.

Mr. Dixon said that his position was that the City did not have a problem. He said that referral to Davis Shores was unique, but it was only one portion of the City. He said that the PZB had a constant flow of citizens applying for variances as a result of the size of homes that had been built in the 1940's and 1950's. He said lifestyles had changed and people wanted larger homes, hence the number of requests for lot coverage and setback exceptions. He pointed out that it did not make sense to tear down an adequate house to build two smaller houses. He suggested that the only locations the proposed situation might occur would be waterfront lots. He said that there was zoning to oversee the situation of lot coverage, setback and trees in the case of building a house on a nonconforming lot.

Mr. Dixon suggested that the problem was truly reversed, because as an architect he had experienced people in RS-2 wanting to buy the house next door to theirs in order to combine both houses to create a larger home. He suggested that, that kind of situation could become a problem. He added that he was not aware of any physical examples of the

suggested problem in the City.

Mr. Dixon said that the ordinance was a detriment to people who had purchased property for investment purposes, which had to be considered. He stated that the ordinance changed the rules in midstream. He questioned how many lots fell into the category. He clarified that he would like to see a map of the whole City in that regard. He added that he wanted to see some examples, as he considered the situation a perceived problem, and he did not appreciate government trying to protect citizens from perceived problems.

Commissioner Crichlow pointed out that the current discussion resembled the discussion from the first meeting. He said that the other side of the discussion was that the problem was real, as most cities in the state had already enacted similar ordinances years earlier. He said that he had documented 60 cities that had the ordinance in effect, because the problem had occurred, and they envision over development and enacted an ordinance. He said that if St. Augustine had not seen it yet, it was only because it had not happened, but inevitably it would happen. He suggested that the City should be proactive rather than reactive.

Mr. Crichlow continued that in situations of a home built on two lots with a separate lot adjacent that the owner would like to build on or sell, there would be exceptions for building or sale. He said they were trying to prevent overall massive exploitation of the neighborhoods that would destroy the character of areas of town. He said the task force had also discussed public input and how to make the necessary information available to the public and to ask for more input. He questioned how many people were interested in speaking.

The following people were opposed to the ordinance:

- Jill Leslie, Lighthouse Park
- Emily Fontaineau
- Kayla Douglas, 74 Lighthouse Avenue
- Barbara Benniger, Davis Shores
- Peter Aronchick, 26 Ponce de Leon Avenue
- Sandra Nelson, 22 East Park Avenue
- Jim Zimmerman, 3 Palm Row
- Tom Mitchell, 26 Riberia Street
- David White, 224 St. George Street
- George Haynes, 27 Riberia Street
- Steven Rayfield, no address

Some of the statements made by the citizens opposed to the ordinance were as follows:

- Advertisement for the aggregation ordinance was sneaky, because the average citizen would need more information to comprehend what the ordinance was about.
- The public needed to be more informed about the intention of the ordinance.

- The houses on Davis Shores were getting obnoxiously big; therefore, it was unlikely that people would be interested in small houses on small lots.
- The task force could not compare the impact of a neighbor enjoying looking at someone else's vacant lot, without paying for it or paying taxes, to the person who had purchased the property, and the property owner was suddenly told he/she could not build or sell the property by a group of people trying to prevent perceived happening that were not happening but might happen.
- The people in St. Augustine cared about the place they lived.
- Exceptions could be denied when a property owner applied for one to sell or build.
- Do not take away the value of private property from owners unless they were compensated for the property anyway they wanted.
- If they were worried about people tearing down historic homes address that issue.
- Many people bought multiple lots with the intention of selling them one at a time, and relieving people of the ability to make a profit on their property amounted to improper conduct, as citizens should be able to profit from their property.
- There were enough ordinances protecting property, and the City did not need the proposed ordinance.
- The abomination should be abandoned.
- The ordinance should be published in such a way that the community knew what was going on.
- If the ordinance was to be retroactive to the previous July the citizens should have been notified first to have the ability to sever the property lines and create individual lots and re-title the property; in other words citizens should be provided with various options to get around all this foolishness.
- Whoever introduced the ordinance should be held accountable.
- Many family members had inherited lots and were planning on selling them for investment in their future.
- How can the Commission determine that a citizen should pay property taxes on property they have no control over.
- There was no conformity to the architecture on Davis Shores.
- People's property should be theirs and government had no business telling the people what to do with their property, because government was not paying the citizens bills.
- How did the task force plan to notify everyone in the City about the ordinance; considering the magnitude of the proposal it should be voted on by the people as opposed to a few people making the decision?
- What was the current status of the ordinance regarding the retroactive aspect of the proposed ordinance?
- The task force should have a clear stated goal and consider what it wanted to accomplish for the City in general.
- Why should a 35-foot lot in Lincolnville be buildable.
- Would a new ordinance automatically reconfigure multiple lot parcels into new lot lines of conforming size?
- The ordinance had to be valid and clear, as a vague ordinance would not help with containing bad development.
- Was there an ordinance or not, and if there was who proposed it

- and under what authority.
- Nonconforming lots were generally lots that could not be built on without an exception.
 - If the ordinance and meeting had been better advertised there would be a lot more people in attendance.
 - People should not be penalized if they owned multiple nonconforming lots, as there could be some retaliation regarding rights of property.
 - Give citizens time to react to an ordinance that might affect their investment.
 - Where were the concerned citizens that wanted the ordinance in place, besides Mr. Rooks and Mr. Blow?
 - Trying to make the ordinance retroactive prevented citizens from protecting their investment, and it was preventing people from being able to build on their property as they intended.
 - If a citizen was to pay \$8,000-\$10,000 for water and sewer now would he/she be able to build on aggregate nonconforming lots.
 - It seemed that the issue started in the Lighthouse Park area, as some of those residents had single issue problems and were looking at their particular point, but there were many other areas to consider
 - The cost of rezoning the City might cost more than the taxpayer could bear.
 - The proposed ordinance ignored the patterns of neighborhoods.
 - The ordinance as written would cause a lot of hardship for many people.
 - The ordinance would hinder Habitat housing.
 - The ordinance would cut into Mr. Rayfield's retirement portfolio, and he wondered whether the City would compensate him for his loss.
 - How did the task force intend on notifying people who owned lots and did not receive utility bills, perhaps the information should be included in citizen's tax bill to be certain property owners were notified.

Some comments from the task force regarding the statements from the citizens opposed to the ordinance were as follows:

- Commissioner Crichlow stated that he had several complaints recently regarding houses being built. Mr. Dixon asked him to site an example. Commissioner Crichlow replied behind Hayes Pharmacy three houses were being built on three nonconforming lots, and there were plans for four houses on four nonconforming lots on Inlet Drive.
- Mr. Stafford said that he saw more homes, in the Lincolnville area, on multiple lots being torn down by developers and single family homes being built on each lot for student housing and investment purposes.
- Commissioner Crichlow stated that the bottom line was protection of the neighborhoods.
- Ms. Arriola assured the public that every property owner would be affected by the ordinance, and the task force intended on communicating the situation effectively to every citizen of the City,

- as the City had no intention of being sneaky.
- Commissioner Crichlow stated that the ordinance was in a draft form and in a state of flux.
- Ms. Arriola stated that available space in St. Augustine was limited, which encouraged developers to potentially tear down homes and build numerous ones on the property, because the money they could make was phenomenal. However, she had not found a concrete trend in that direction yet.
- Commissioner Crichlow said there would probably be exceptions for adjacent nonconforming lots that would allow property owners to build or sell, or they could find a way that such situations would always be granted.
- Commissioner Crichlow stated that before an ordinance was approved it would go the PZB for public hearing, and if approved it would go before the City Commission for two more public hearings before approval.
- Mr. Dixon stated that the task force was investigating a need for the proposed ordinance, but they had to be careful not to suggest that the need had already been established and an ordinance was in the works.
- Commissioner Crichlow stated that the Commission was mandated to control profiting from property anyway a citizen could or else the City would not exist in a livable condition.
- Commissioner Crichlow said there were no rules in place to stop what could happen without a similar ordinance.
- Mr. Dixon said that if the proposed ordinance was approved nonconforming lots would not be buildable.
- Mr. Dixon pointed out that Mr. Davis had been a developer, and he filled-in and developed Davis Shores.
- Commissioner Crichlow explained that RS-1 and RS-2 zoning had been established to facilitate conformity in neighborhoods and prevent density.
- Commissioner Crichlow stated that it was the City's business to protect the way the City developed, as overdevelopment was bad for everyone.
- Commissioner Crichlow said that the City might notify citizens of the ordinance through their utility bill, but the information was available through the City website and the newspaper.
- Mr. Dixon pointed out that not everything could be determined by referendum, as it was expensive and time consuming; therefore, the people had to really consider who they voted for.
- Commissioner Crichlow emphasized that the Commission was not going to mandate the ordinance.
- Mr. McDaniel stated that it was the charge of the task force to find a way to notify all the citizens of the City about the proposed ordinance.
- Mr. Knight stated that the City operated under the current law regardless of the ordinance.
- Commissioner Crichlow stated that he had proposed the ordinance as a City Commissioner, because they had to start someplace, and they were looking for language for the ordinance that was acceptable by the public, but if the public objected there might not be an ordinance.

- Mr. Dobson explained that a nonconforming lot of record as of 1975 could be built on as an existing nonconforming use and could not be expanded on.
- Commissioner Crichlow said that if someone had a lot 35-foot wide with 3,000 square feet it could be built on without going to the PZB.
- Commissioner Crichlow explained that with the ordinance aggregate lots could be re-platted into conforming lots for building, but homes could not be built on each nonconforming lot.
- Commissioner Crichlow stated that he did not know what the ordinance would dictate, as that had to be determined by the task force.
- Mr. Dixon pointed out that the ordinance and meeting had been advertised in the newspaper, on the City website, and on the radio, and he suggested that it was important for the community to keep themselves informed; however, the task force was working on the matter.
- Mr. Dobson said that people would be aware if a notice was included in their water bill.
- Commissioner Crichlow stated that he had talked to dozens of concerned citizens, and they had been aware of the meeting, although they had not attended.
- Commissioner Crichlow stated that if he wanted to build a house on a nonconforming lot he would take into consideration how it would impact the neighborhood, as he could not be so selfish as to have total disregard for his neighbors.
- Commissioner Crichlow said that he did not know whether the Ordinance would be retroactive to the July 2003 date when it was introduced.
- Mr. Dobson stated that regarding retroactive portions of an ordinance citizens were put on notice of the possibility of approval, and if they did not get their permits prior to passage of the ordinance it could apply to their property.
- Mr. Knight noted that whether a property owner who currently connected water and sewer to an aggregate nonconforming lot had a claim for vested rights would depend on how the ordinance was written.
- Mr. Dobson explained that with vesting rights if significant expenditures had been made in reliance of the existing law and the Comp Plan was altered a citizen could apply for a vested determination for relief.
- Ms. Arriola suggested that developing the ordinance would be a long process, as they would have to find a method of notifying the entire public.
- Mr. Stafford suggested that if Mr. White was to take the necessary steps to build on his property his investment would probably be safe.
- Mr. McDaniel agreed that it would take several months to get the information to the public.

The following people supported the ordinance:

- Laurel Coon, 430 Arricola Avenue

- Wilton Rooks, 151 Santa Monica Avenue
- Carl Blow, 100 Santa Monica Avenue

Some of the statements made by the citizens in support of the ordinance were as follows:

- Property owners adjacent to nonconforming lots ended up with large houses one on top of the other close to their property line, and they wiped out all the trees, all of which affected property value.
- The potential type of development would be detrimental to the neighborhoods and posed a safety problem.
- People could make money by building on smaller lots, why not sell a larger lot for more money and build a better house.
- Please take care of the average people.
- In two or three years there would be plenty of examples of the proposed problem.
- When drafting an ordinance the future had to be taken into consideration.
- They were living with the non-decision made in 1975, and the question was whether to back up and make that decision looking forward and considering the best interest of St. Augustine.
- The ordinance was intended to protect residents from development activity
- Incorporate a provision in the ordinance whereby existing patterns would be developed and not destroyed by developers.
- As the trend developed the PZB would receive more requests for variances, because people wanted bigger houses; therefore, they would want bigger houses on smaller nonconforming lots.
- Mr. Blow used his property and the area that he lived, containing 18 lots and six owners, as a case study for what could happen if the ordinance was not approved and developers were allowed to exploit the property, and a discussion was held regarding the potential.
- The proposed ordinance or a similar ordinance should be adopted, or get rid of RS-1 and RS-2 and rezone the entire City to fit the old platted subdivisions.
- Consider the Mandarin area and think about what could happen to St. Augustine, because the demand was there and people were moving to the area.
- People did not realize what could happen; therefore, people should determine whether they were prepared to live with the potential density.
- Stormwater/flooding, trees and traffic problems should be addressed when considering the potential density.
- An ordinance would give the community a voice in how the City developed.

Some comments from the task force regarding the statements from the citizens supporting the ordinance were as follows:

- Mr. Dixon used the Porpoise Point development to point out that

- any development affected someone.
- Mr. Dixon noted the fallacy involved with Mr. Blow's case study, such as access, and pointed out the areas in which a developer would have to go to the board before developing, in which case the density that Mr. Blow was indicating would not have the impact he suggested, and the City would be in a position to protect the neighborhoods.

4. Discussion by the Task Force

Mr. McDaniel distributed information about offering information alternatives and receiving feedback alternatives. He suggested that the task force had to craft language to inform the public and look at different mechanisms to get the information to the people. He said that perhaps they should offer some history on aggregation within the state, talk about the pros and cons, and include a list of related websites. He said to receive input they could hold formal input sessions, provide mail-in forms for comments, have a voice mail box in City Hall for people's response, and an online questionnaire for feedback.

Ms. Arriola suggested that if they had formal input sessions they should begin at 5:00 p.m. to facilitate public attendance.

Commissioner Crichlow stated that they needed to get the right information to the public. He said the City would be willing to include a flyer in the utility bill; however, that would not get to absentee property owners.

Mr. Dixon said they could find property owners in RS-1 and RS-2 via county records.

Mr. Knight mentioned the extent that process of reaching property owners would be.

Mr. McDaniel questioned whether there was a way to compare and contrast data bases using the county information relative to the City to avoid an exceptional mailing. He stated that it was critical to contact absentee land owners.

Mr. Knight replied that he was not certain whether they had that capability, but the City did utilize the county database for permitting etc. He said the City had done a mass mail in utility bills regarding tree protection, and other than that Code Enforcement Officers had walked the street and put information flyers in mailboxes.

A discussion resulted regarding reaching all property owners.

Mr. McDaniel suggested dividing the research amongst the task force for the subsequent meeting.

Ms. Arriola said that she would talk with the people at the county in

conjunction with the real estate programs she had.

Mr. McDaniel suggested that Mr. Knight talk to the county with regard to what the task force was attempting and see if they could provide the City with a program.

Mr. Knight suggested that getting a mailing for the entire City would be easier than delineating the properties in RS-1 and RS-2 districts, as it would be time consuming manual research.

A discussion determined that people not living in RS-1 and RS-2 should also have a voice in the matter.

Ms. Arriola said the task force had to determine their goal with the ordinance and whether it was valid, because the public deserved a simple concise explanation for the ordinance.

Commissioner Crichlow suggested that the task force write down what they thought the goal of the ordinance should be.

Ms. Arriola suggested that they needed to be prepared to answer all the "what ifs".

Mr. Stafford stated that he was trying to understand what the purpose of the ordinance was.

Commissioner Crichlow replied that it was about over development.

Mr. Stafford said that it seemed the ordinance would determine what people could do with nonconforming lots.

Commissioner Crichlow stated that maybe they should not be doing that, but he wanted to prevent a developer from buying three houses on 12 lots and building 12 townhouse on the lots. He said that maybe the ordinance should not address people who currently had a homestead.

Mr. Stafford suggested that they write the ordinance in such a way that developers could not exploit aggregate lots.

Ms. Arriola stated that they might discover that the time was not right for the ordinance, or the ordinance might become something completely different.

Mr. Dixon agreed that the situation was not black and white.

Mr. Stafford stated that they needed to go out into the community and hear what the people had to say.

Commissioner Crichlow suggested that they hold town hall meetings in the different areas of the City. He said that they would have to approach

the matter from different angles.

Mr. Stafford questioned where they perceived the problem could arise.

Commissioner Crichlow said that it could happen anywhere in RS-1 and RS-2.

Mr. Stafford pointed out that Lincolnville was being stretched out of its pattern and Masters Drive had become ridiculous.

Commissioner Crichlow summarized that the task force would write down the main emphasis of the ordinance, and Ms. Arriola would explore avenues of communication and report back.

Mr. McDaniel's said that he would explore communications also.

Ms. Arriola questioned whether they were looking for validity of the ordinance with the City as a homogenized property.

Commissioner Crichlow replied that the neighborhoods would have to be examined differently.

Mr. Dixon questioned how they could write and administer that.

Commissioner Crichlow said that it could have to do with the average number of homes per acre.

Mr. Stafford said that it would be like setting up different zones within the existing zones.

Commissioner Crichlow stated that they could end up with a RS-1A and RS-1B etc.

Ms. Arriola said that if they spoke with the people they would realize that everyone thought there was a problem, as they were asking government for assistance.

Mr. Dixon said or complaining about what the government was doing or not doing.

5. Discussion of Next Meeting Date

After discussion, the consensus was to hold the next meeting on December 15, 2003 at 3:00 p.m. for discussion among the task force members and the meeting would not include public hearing.

6. Adjournment

The meeting adjourned at 6:12 p.m.