

CITY OF ST. AUGUSTINE, FLORIDA

Aggregation Task Force Meeting

December 15, 2003

The Aggregation Task Force met in formal session at 3:05 p.m., Monday, December 15, 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 Gerald Dixon, PZB member

Philip McDaniel, Affected member

Ronald Stafford, Non-affected member

Absent: Geoffrey Dobson, Zoning Attorney

Irene Arriola, Realtor

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

Karen Rogers, Recording Secretary

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

The minutes of November 24, 2003 Aggregation Task Force meeting were approved as presented.

3. Discussion regarding the main emphasis of the proposed ordinance

Commissioner Crichlow said that it was the third task force meeting, and a public hearing had been held during the second meeting. He said that the members of the task force were charged with defining their intention for the ordinance, and he suggested that perhaps they could define the purpose of the ordinance at that time. He opened the subject for discussion.

Mr. Dixon stated that they were to define what they were talking about and then determine how to notify the public. He said they had to be clear about what they were saying before trying to notify the public. He referred to a publication for St. Augustine Beach; however, it was determined that it was not published by the City of St. Augustine Beach. He added that the City had published a newsletter in the past.

Mr. Knight reported that Ms. Arriola had been able to get access to City property owners mailing labels.

Mr. McDaniel stated that it was necessary for them to have a common understanding of the main emphasis of the proposed ordinance. He read a list of ideas based on the discussions from the previous meetings as follows:

- Maintain character of the neighborhoods
- Limit growth, density, traffic etc.
- Patterning protection by limiting developers ability to change the nature of a block by putting up tall skinny houses in an area where the architecture was currently single story dwellings
- Maintain quality of life for residents including environmental impacts on new development in RS-1 and RS-2 neighborhoods

Mr. Dixon stated that he agreed with Mr. McDaniel, and he described a house on Dolphin Drive that was a legal example of what the City did not want in terms of character and scale within a neighborhood. He questioned whether some of the issues should be addressed through zoning criteria.

Mr. Stafford stated that he saw the ordinance in a different light. He said that the ordinance seemed to define the use of property. He said that from the introduction until the ordinance was passed people could utilize their property to build single family dwellings, but after that point the lots could be used, but only a certain amount of square footage could be placed on those lots. He said that if a person owned a lot with a house on it with an adjacent lot, that lot could not be used, and after the ordinance was passed, if the lot abutted other lots all the property would become one lot. He said that meant if a house was torn down a person could not build multiple homes on the lots. He said that people who had 3-4 lots in an area and they wanted to tear down the existing home to build a larger home it would take away from the character of the neighborhood. He said that, as he understood it, the ordinance would allow for more multifamily residents like apartments.

Mr. Dixon stated that zoning laws determined what could be put on property in terms of single or multi family and lot coverage; therefore, the ordinance did not address that issue. He pointed out that the proposed ordinance was an early draft.

Mr. Stafford agreed that the ordinance should not address those issues if zoning covered them.

Commissioner Crichlow stated that the ordinance would not be changing any of the zoning requirements. He suggested that the proposed ordinance was not concrete; therefore, they should not continue to reference it.

Mr. Stafford said that was all he had to go by.

Mr. Dixon explained the inception of the ordinance and organization of the task force to determine what an ordinance should entail.

Commissioner Crichlow stated that Mr. McDaniel's philosophy was good, but the problem was how to achieve that philosophy. He said that generally no one wanted speculative development.

Mr. Dixon said that was a zoning issue, and he referred to a development occurring on Anastasia Boulevard that he thought was awful and perfectly legal. He said that type of development had nothing to do with the proposed ordinance.

Commissioner Crichlow said that people were objecting to not being able to build on an adjacent nonconforming lot; therefore, currently he did not believe it was a good idea to eliminate that ability. He added that if everyone with that existing situation were to build it would not have a great impact. He said that his concern was if a house built on three nonconforming lots was torn down and three houses were built on those nonconforming lots. He said that he would like an ordinance containing language that if a house touched three or more different lots there could only be one house on those lots from that point on, unless the lots were divided into conforming lots.

Mr. Dixon pointed out that they were not subdividing land; moreover, he was against that. He pointed out how Howard Davis had taken a big lot and subdivided. He said that he would have preferred to see that big house on the grand estate, but Mr. Davis had been allowed to subdivide legally. He referred to the Knights of Columbus, which was an open space with one building contained on six conforming lots, and he stated that six houses would be built on that property. He questioned whether the ordinance would handle that sort of situation.

Mr. Stafford stated that it sounded as though they were taking on a situation that was a zoning issue.

Mr. Dixon stated that he did not believe that aggregation was the problem.

Commissioner Crichlow disagreed.

Mr. Stafford said that he could see aggregating property if the ordinance stated that if the three lots with one house sitting on them were sold the three lots aggregated to one piece of property that could not be replatted into conforming lots and could only be utilized following the conformed zoning laws set in place at that time.

Mr. Dixon said that putting a greater burden on the Zoning Code could create legal issues.

Commissioner Crichlow stated that his intention was that aggregate lots could be replatted to constitute conforming lots.

Mr. Stafford agreed with that idea.

A brief discussion revealed that the task force agreed that an adjacent nonconforming lot must be buildable or could be sold, and the ordinance would not affect the person owning a single nonconforming lot, but the task force must reach an agreement of how to address the situation of 2-6 or more combined nonconforming lots.

Mr. McDaniel said that he would like to define how many people had bought multiple nonconforming lots for investment in their future or family.

The task force examined the maps available to them.

Mr. Dixon stated that the ordinance still would not stop people from building tall, skinny, ugly houses.

Mr. Stafford said that when dealing with aggregation they would have to use specific language to avoid loopholes.

The task force once again looked at the maps indicating a few of the neighborhoods in question, which did not show RS-1 or RS-2, and discussed potential scenarios.

Mr. Dixon said that he was still struggling with an adjacent nonconforming lot that the owner was allowed to sell, and the buyer built a three story house that was out of character and scale with the neighborhood. He said that he believed the situation had to be handled through architecture.

Commissioner Crichlow said there were not many situations where that could occur.

Mr. McDaniel said that they had to consider each individual neighborhood according to its uniqueness.

Commissioner Crichlow read some of the inserts from ordinances drafted by other cities to demonstrate how the wording had been crafted to make the ordinances more flexible.

Mr. Dixon said that he did not totally agree that tearing down three houses on nine nonconforming lots would lead to nine skinny houses, because the houses would get so small that the developer would have to build townhouses. He said that the threshold of building on nonconforming lots should be tied to some sort of architectural guidelines. He said that there were federal laws protecting modular homes; therefore if they wanted to control that situation they had to come up with something, which the PZB had been struggling with. He said that he was not certain that Commissioner Crichlow's concerns were that big of a problem, because people wanted bigger homes not smaller homes. He maintained that the matter was for architectural guidelines that could be incorporated into the ordinance.

Commissioner Crichlow stated that architectural guidelines had been suggested for Lighthouse Park but the idea had been totally rejected; therefore, he could not see incorporating the issues.

Mr. Dixon said the rules kept getting bigger every year, and the administration was getting complicated.

Mr. Stafford said that no matter how they worked it, someone stood to lose.

Further discussion revealed that the language they needed to work on was how to stop someone from buying a couple of homes built on six nonconforming lots, tearing down the two homes and building six homes.

Mr. McDaniel stated that he was not in favor of increased government, but on the other hand property values had gotten out of sight; therefore, the rules were changing, and they had to address the situation on a more refined basis.

Mr. Dixon stated that the biggest problems were on Salt Run and Lincolntonville.

Commissioner Crichlow added Nelmar Terrace, and again the task force referred to the maps noting the number of trees that could potentially be eliminated with increased density.

Mr. Dixon again defended his position that the potential problem would lead to building smaller houses, but people would build three stories high, which went back to architectural guidelines to control scale and mass.

Commissioner Crichlow disagreed stating that it would encumber their intention; however, he agreed with the idea of neighborhood guidelines, but he added that it would be tougher to get public consensus on guidelines.

Mr. Dixon questioned the best way to achieve their goal. He said the common ground was that they did not want houses torn down and a row of nonconforming architecture built, which was currently permissible. He said the question was how big the issue was and how to attack it.

The task force referred to the map of the Lighthouse Park area and addressed Mike Davis' situation and discussed alternatives, as well as the existing entrance corridor guidelines, neighborhood conformity and citizens resistance to guidelines.

Mr. Dixon said that the task force needed to communicate the potential problems and clarify the language.

Mr. McDaniel said that if the task force could agree on the fundamental principles and agree that the situation was important, there was a good chance that the community would agree. He said they had to communicate that they wanted to maintain the character of the neighborhoods, and that they did not want to tell people what they could not do or limit their ability to sell their property or limit the return on their investment.

Commissioner Crichlow stated that they were going to tell the people who objected to the proposed ordinance that they could build on their adjacent nonconforming lot, but they were going to tell them what they could build on that lot.

Mr. Dixon said they were developing more definitions as zoning determined what could be built. He said they would define more scale and character in vague terms to maintain character of the neighborhood, and that would be the price to pay for building on a nonconforming lot. He suggested that they have a big public hearing regarding the matter and have the St. Augustine Record cover the hearing.

Commissioner Crichlow suggested discussing how they would get the information to the public.

Mr. McDaniel suggested a direct mail campaign starting with a tease to let the public know that something was coming, follow-up with a thorough document, and the third mailing with a call for action including a mail-in form. He said there could be a series of mailings to property owners through their monthly utility bill and supplement that with notice to property owners that did not receive a utility bill. He said they could do a series of formal and informal input sessions, and use part of neighborhood association meetings to inform the public and request their input.

Commissioner Crichlow said that maybe they could utilize neighborhood associations and have town meetings for areas where there were no associations.

Mr. Dixon pointed out that the record would cover the matter to generate interest. He agreed that a teaser was a good way to generate interest.

Mr. Stafford said they could use postcards for mailing to save money.

Mr. Dixon said that first they had to ascertain whether the community considered the situation a potential problem.

Mr. Stafford suggested that they look at the Zoning Code to see what was not included, but could be include within the ordinance to benefit the situation.

Mr. Dixon stated that people might be able to build on multiple nonconforming lots, but the buildings would have to be more in character and scale with community.

Commissioner Crichlow stated that the argument against the ordinance regarding people having bought property as an investment was valid, but he did not think that situation was large enough to represent any real impact, especially if they could put restrictions on the situation to remain in character with the community. He volunteered to work with Mr. Knight to draft language for discussion during the subsequent meeting.

Mr. Dixon stated that he did not think they needed to write an ordinance.

Mr. Knight said that generally one wrote a summary of what an ordinance accomplished, as an actual ordinance was difficult to read.

Commissioner Crichlow stated that the task force had to be satisfied with the ordinance before presenting it to the public.

Mr. Dixon agreed stating that the task force was still in opposition, as he felt they could achieve the goal architecturally to incorporate with an ordinance.

Discussion revealed further disagreement between the task force members but acknowledgement that they were close to the same idea.

Mr. Stafford questioned what happened to someone owning six aggregate nonconforming lots with nothing on them.

Commissioner Crichlow said that was a good question; however, he believed the lots would have to be reconfigured to be conforming lots.

Mr. Dixon stated that they could also allow six houses, but with mass and scale restrictions to comply with the character of the neighborhood

Commissioner Crichlow stated that some compromise had to be reached.

Mr. Dixon suggested that there was Commissioner Crichlow's way or his way or a combination of the two, which could be refined for the next meeting and then taken on the road for input, because without support from the community the Commission would not pass an ordinance.

Commissioner Crichlow suggested that the task force members read over the information about other communities that he had supplied at the previous meeting.

Mr. Dixon pointed out that those other communities Commissioner Crichlow referred to were just not like St. Augustine.

Commissioner Crichlow stated that without intervention the City would become the same in time.

Mr. McDaniel's questioned what the task force members would like him to do with the goals objectives he had outlined. He suggested that they should be circulated.

Commissioner Crichlow stated that the people would not object to the objectives, but they would object to how the task force achieved them.

Mr. Dixon said that they could approach the objectives through the methods of aggregation or architectural restriction in the Zoning Code dealing with mass and scale.

Commissioner Crichlow stated that the City had not been able to deal with mass and scale as Mr. Dixon was aware of. He said that he could agree with restrictions for building on nonconforming lots, but he wanted to control density to some reasonable degree. He said that he did not believe they could do that unless they stopped developers from building on aggregate nonconforming lots. He said that Mr. Dixon's suggestion would not deal with density, which would destroy the character of the neighborhood through increased traffic, loss of trees etc.

4. Reports from the Task Force members regarding their research on how to communicate with the public

(Discussed in conjunction with Item 3.)

5. Discussion of Next Meeting Date

After discussion, the consensus of the task force was to hold the next meeting on January 14, 2003 at 3:00 p.m.

6. Adjournment

The meeting adjourned at 4:45 p.m.