

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
May 19, 2003
Continued from May 12, 2003

The City Commission met in a continued formal session Monday, May 19, 2003, at 5:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Commissioner Lennon, and the following were present:

1. Roll Call:

William Lennon, City Commissioner
Errol D. Jones, City Commissioner
Donald A. Crichlow, City Commissioner

Absent: George Gardner, Mayor/City Commissioner
Susan Burk, City Commissioner

William B. Harriss, City Manager
Jack E. Cubbedge, Assistant City Manager
James P. Wilson, City Attorney
Martha V. (Nell) Porter, City Clerk (Recording)
Timothy A. Burchfield, Director, General Services/Acting City Clerk
Mark Knight, Director, Planning and Building Department
Mark Litzinger, Director, Financial Services
Dr. William Adams, Director, Heritage Tourism
Paul Williamson, Director, Public Affairs
William H. Harding, Director, Public Works
John Regan, Director, Utilities
James Whitehouse, Staff Attorney
David Shoar, Chief of Police
James Owens, Fire Chief
Orfeo Paolini, Sound Technician

Commissioner Jones suggested that it would be appropriate for senior Commissioner William Lennon to chair the meeting in the Mayor's absence.

2. Continued Public hearing and appeal of a Planning and Zoning Board decision relative to property located at 231 San Marco Avenue.

Commissioner Lennon stated that because the item was continued and public hearing had been conducted on

May 12, 2003 there would be no further public input.

Commissioner Jones questioned whether the Commission could reopen the public hearing.

Mr. Wilson replied that the public hearing had been closed unless the majority of the Commission wanted further input from the public. He said that it was time for the Commissioners to discuss the matter among themselves.

After a brief discussion it was determined that the public hearing would be opened for two citizens who had indicated they wished to speak.

Susan Fromm, 2 Bayview Drive, was sworn and pointed out that there was a parking problem on Bayview Drive because of the restaurant. She noted that the restaurant had a sign that said additional parking was available at the San Marco Inn. She questioned whether the motel was being built with the neighborhood in mind.

Commissioner Jones questioned what she meant.

Ms. Fromm said that the proposed building would be three stories, and she questioned whether that height would continue to be built in the future. She said that some of the motels had been renovated to blend in nicely with the neighborhood. She said that she would like to see the motel blend in with the Florida School for the Deaf and Blind and Old North City.

Commissioner Crichlow explained that the new entrance corridor guidelines would protect the neighborhoods, but the motel in question had been approved before the guidelines were passed into law.

Ms. Fromm questioned whether there would be other 35-foot tall structures allowed on San Marco Avenue.

Mr. Harriss replied that the board would look at the individual properties for compatibility.

Ms. Fromm questioned the height of the D&B school buildings, and the reply was lower than 35-feet.

Commissioner Crichlow suggested that they limit the comments to parking and tree removal for the appeal.

Ms. Fromm reiterated that the parking situation on Bayview Drive was fragile.

Elaine Betts, 229 Monterey Avenue, was sworn and stated that she owned and rented the home at 11 Bayview Drive and the backyard abutted the proposed parking lot, which would reduce the value of her property. She added that she would not like to see the trees removed either. She questioned how they could put a big parking lot next to a residential neighborhood.

Commissioner Lennon pointed out that the property was zoned commercial.

Ms. Betts noted that her tenants would be disturbed with people coming going all night long.

Commissioner Lennon questioned how it had been in the past, as there had been a motel in that location for years.

Ms. Betts said the majority of the parking had been on San Marco Avenue and had not disturbed the neighborhood. She stated that she did not think it was right to have that kind of public parking next to a house. She questioned whether there would be trees or anything to block the noise.

Commissioner Crichlow noted that there was a six foot masonry wall required.

Ms. Betts questioned whether the wall would minimize the noise.

Commissioner Lennon asked whether the Commissioners had any questions regarding the appeal.

Commissioner Crichlow said the parking requirements listed in the Code for RG-1 by exception had nothing to do with off-site parking; they pertained to parking lots period. He said that one of the regulations was that there would be no movement in a parking lot from 11:00

p.m. until 7:00 a.m., but there had been no discussion regarding that regulation during the PZB meeting. He said that there also was no reference to the regulation in the staff report. He said the lack of consideration for that criterion created a problem. He asked the applicant whether the site plan could be developed putting the residence and retention in the RG-1 area, eliminating any need for an exception. He suggested that the residence be placed on the southeast corner of the property, and place the retention on the northeast corner in effort to save some of the trees and avoid intrusion into a residential district.

Bruce Dufresne, Chairman, Planning and Zoning Board, was sworn and stated that the issue of no movement in the parking lot during specific hours had not been discussed, because previously there had been a motel building where the parking lot was intended, and the board believed that the parking lot was a substantially less intensive commercial use. He said the hotel would then be able to retain all of their parking, plus the lot would not be full year round and probably only up to 90-95% in season. He added that the parking from the restaurant had nothing to do with the motel.

Commissioner Jones questioned whether Mr. Dufresne's interpretation of the Codes regulation was the same as Commissioner Crichlow's.

Mr. Dufresne replied that frankly the matter had not been brought up, but it might need to be addressed with an ordinance in the future. He added that the proposed plan only had a portion of the parking in the rear, and there was no reason that staff could not park there.

Commissioner Crichlow said that redeveloping the site plan as he suggested could be an option. He

questioned whether there was a reason the site plan could not be developed as he suggested in attempt to save some of the trees.

George McClure, 170 Malaga Street, representative for the applicant, said the proposed site plan might not be specific. He said they were talking about a parking lot when in fact a motel was a permissible use by exception. He said that his client could put the building to the rear and the parking in the front of the property to avoid the parking time issue; however, that was why they thought the requirements for off-site parking did not apply, as the alternative appeared less intrusive by not having the massive building adjacent to the residents. He said that the parking spaces to the rear of the property would typically fill last, as they were a distance from the motel, also the spaces could be designated for employees.

Mr. McClure said the proposal had been configured to avoid traffic circulation on Bayview Drive and the proposed location of the pond reflected that intention. He said that it could be possible to reconfigure the site plan as Commissioner Crichlow had suggested and have enough room for all the parking in the pond area. He said the risk was that the parking would be near Bayview Drive, and there could be some spaces pointing in the direction of the residence, which would require a turn around or exit on to Bayview Drive.

Mr. McClure added that he still did not agree that the appeal included tree protection; however, his client had been able to preserve three of the seven trees slated for removal, and he indicated on the site plan which trees.

Commissioner Crichlow stated that in his mind there was room to grant the appeal based on PZB's error of not considering the Code parking

regulations. He said that he did not want to delay the project any further; however, he would like to see his suggestion acted on to provide a better buffer to the residential area.

Commissioner Lennon questioned the situation of traffic circulation on Bayview Drive.

Commissioner Crichlow stated that he was not certain that traffic would have to be directed unto Bayview Drive.

Mr. McClure replied that in all fairness he was not certain that traffic would have to be circulated onto Bayview Drive. He stated that his client would prefer to make the decision based on the proposed site plan. He said that it was three weeks until the subsequent meeting, plus they would have to have the engineer examine the plan. He added that money was being wasted.

Mr. Crichlow pointed out that if they followed his suggestion Mr. McClure's client would not require an exception.

Mr. Harriss said that if they did follow Commissioners Crichlow's suggestion they could route traffic onto Bayview Drive without permission from the City.

Commissioner Crichlow stated that he would like to think that could be avoided.

Deborah Andrews, representative for the appellants Bob and Gina Burrell, pointed out that the water management permit indicated a different pond configuration, which was not consistent with the plan before the Commission.

Commissioner Crichlow noted that there would be more area with his suggestion that could help that situation, and perhaps it could be a dry pond. He questioned how they could handle his suggestion legally.

Mr. Wilson said the item could be remanded to PZB or the Commission could vote to reconfigure the site plan to reflect the Commissioners suggestion, which would essentially move the appeal. He said they could table the matter with those instructions and by June 9th the applicant would have to comply or go back before the Commission to demonstrate that the reconfiguration would not work and why.

Mr. McClure said that in the event that the site plan could be reconfigured, so that an exception was not necessary, he would not care what the ruling was. He said that if they revised the site plan and went before the Commission the issue would be moot. He said that if they could not revise the plan to fit entirely on the site, then the Commission would have to make a decision on whether his client could continue as proposed.

Mr. McClure pointed out that Kanti. Patel, his client's uncle and advisor had made history in trying to cooperate with the neighbors. He said they had spoken to the neighbors about the fence and would continue to work with the neighbors. He said that if it made sense to revise the site plan to move the pond and the house his client would do so. He said that his client had pointed out that they would have to figure out where to put the dumpster. He stated that his client did not want to be in the current situation two months from that point, considering the loss of money. He stated that he wanted a vote during the meeting, because if the vote was in his client's favor they would still work with the neighborhood, but if the vote was against his client he would evaluate whether the site plan could be revised, and if it could not they would have to go to court. He stated that his client's position was strong; therefore, he was entitled to a vote. He said that he hoped that the Commission would vote on the

merits of the case instead of what they thought they could leverage his client into doing. He said the case would be the last before the new Corridor Guidelines were in place. He said his client was demolishing an old hotel that was an eyesore, and they wanted to get moving. He requested that the Commission sustain the decision of the PZB.

Commissioner Jones questioned the Code regulations regarding the parking situation.

Mark Knight, Director, Planning and Building Department, stated that the matter had not been in the staff report. He said that basically in a use by exception for commercial parking in a residential neighborhood, traffic would be prohibited from circulating on a parking lot between the hours of 11:00 p.m. until 7:00 a.m., but he was not aware of any enforcement action on any other parking lot of that nature.

Commissioner Lennon clarified that it had not proven to be a serious problem

Commissioner Knight replied not in the five years that he had been with the City.

Mr. Crichlow stated that there would be no way to restrict traffic circulation in a motel parking lot during those hours, including loading and unloading automobile trunks with the accompanied noise.

Commissioner Lennon pointed out that Mr. McClure had said the employees could park there.

Commissioner Crichlow pointed out that there were no employees during those hours except the night clerk

MOTION

Commissioner Crichlow MOVED to uphold the appeal based on the fact that PZB had erred by not considering all the requirements of off-street parking and residential zoning; specifically that the board had not considered the fact that there would be activity in the parking lot between 11:00 p.m. and 7:00 a.m. MOTION FAILED FOR LACK OF A SECOND. MOTION

Commissioner Jones MOVED that the applicant redesign the site plan per Commissioner Crichlow's suggestion or to that effect, and move the parking to the commercial part of the property, and if traffic had to circulate on Bayview Drive so be it.

Commissioner Crichlow noted that the applicant should get all the parking out of RG-1.

Commissioner Jones added that the residential structure and the holding pond would be in the residential zone, and they should do what was necessary regarding vehicular movement.

Commissioner Crichlow SECONDED the motion.

VOTE ON MOTION

AYES: Jones, Crichlow,

NAYES: Lennon

MOTION CARRIED 2/1

13. Adjournment

There being no further business, the meeting was adjourned at 5:45 p.m. ¹

MAYOR

¹Transcribed by Karen Rogers, Recording Secretary

CITY CLERK