

# **CITY OF ST. AUGUSTINE, FLORIDA**

## **Aggregation Task Force Meeting**

**January 14, 2004**

The Aggregation Task Force met in formal session on Wednesday, January 14, 2004 at 3:40 p.m., in the fourth floor conference 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

Irene Arriola, Realtor

Ron Brown, Zoning Attorney

Absent: Philip McDaniel, Affected member

Ronald Stafford, Non-affected member

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

Karen Rogers, Recording Secretary

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### **2. Approval of Aggregation Task Force Minutes of December 15, 2003**

The minutes of December 15, 2003 Aggregation Task Force meeting were approved as presented.

### **3. Further Discussion regarding the main emphasis of the proposed ordinance**

Commissioner Crichlow distributed and read a handout of language drafted by himself and Mr. Knight for the proposed ordinance as follows:

*In the Residential, single-family-one (RS-1) zoning district, the minimum lot width is 75 feet and the minimum lot area is 10,890 square feet. In the Residential, single-family-two (RS-2) zoning district, the minimum lot width is 50 feet and the minimum lot area is 5,450 square feet.*

*A nonconforming lot is a lot that does not have the minimum lot width or lot area for the zoning district it is located within. A single-family dwelling unit can currently be built on a nonconforming lot that was established prior to April 29, 1975.*

*The proposed ordinance would eliminate the possibility of building multiple single-family homes on multiple nonconforming lots when there is currently a single-family home or other structure located on the multiple nonconforming lots. The proposed ordinance would also eliminate the possibility of building two dwelling units on two vacant nonconforming lots when such lots are adjacent to each other and under common ownership; however, two dwelling units could be built on three nonconforming lots adjacent to each other and under common ownership, but only two dwelling units could be built on four nonconforming lots adjacent to each other and under common ownership (i.e., not more than two vacant nonconforming lots under common ownership would be aggregated). In addition, the proposed ordinance would require architectural review and approval by the Historic Architectural Review Board (HARB) to ensure neighborhood compatibility for single-family homes built on nonconforming lots when said lots are adjacent to or abutting other lots under common ownership.*

Commissioner Crichlow summarized that if there was a home built on 2-3 nonconforming lots with a vacant nonconforming lot adjacent the property owner could build on the adjacent lot. He said that if there were two nonconforming lots adjacent, only one structure could be built on the two lots unless there was enough property or another lot that would allow them to divide the property into two conforming lots. He noted that a landowner could always replat to conforming lot sizes.

Mr. Dixon noted that under state and City statutes HARB could only review architecture in the HP districts. He noted that there was an ordinance in the works regarding architectural character addressing mass and scale.

Commissioner Crichlow exhibited a sketch of structures that would be built on the six conforming lots where the Knights of Columbus currently existed. He noted that there was nothing wrong with the houses, but they were quite tall and large and currently there was no structure over one story tall within two blocks of the site.

Mr. Dixon stated that there was going to be a PZB/HARB workshop dealing with architectural character and guidelines, taking into consideration the Jacksonville ordinance. He said that, playing the devils advocate, if people wanted architectural controls they should live in a gated community.

Mr. Crichlow stated that he did not believe that architectural control should be part of the ordinance.

Mr. Dixon said that the matter was being considered and perhaps it would come together. He introduced an analysis regarding aggregate lots. He noted that the task force was in agreement that tearing down one home on three nonconforming lots to build three homes was not acceptable. He pointed out that a homeowner with a home on a nonconforming lot with two adjacent nonconforming lots could sell the two adjacent lots to two separate buyers, which would become separate entities that could build houses on the nonconforming lots; thereby, circumventing the ordinance.

Commissioner Crichlow said that the ordinance could not be circumvented in that manner after a certain date.

Mr. Dixon stated that he supported not being allowed to tear down one house on two nonconforming lots to build two houses. He emphasized that most of the time lots were too small and currently people wanted large houses, negating the theory regarding density from nonconforming lots, or people would maximize lot coverage with a three story flat roof structure, which concerned mass and scale. He stated that the matter was complicated.

Commissioner Crichlow referred to the Sanibel density situation that had been distributed during the previous meeting. He said the bottom line was increased density in the neighborhoods. He said that he realized that Mr. Dixon thought it would go in the opposite direction, but he could not agree considering property values.

Mr. Dixon said that he did not believe there would be a problem with Davis Shores, but he could see a potential problem in Lincolnville or Lighthouse Park.

Commissioner Crichlow stated that he would like to see the task force reach an agreement about language for an ordinance and then examine the areas of the City that it would apply to and whether the language would need to be modified for other areas of the City. He suggested that the task force would have to go to the neighborhoods to find out.

Mr. Dixon stated that 90% of the cases before the PZB concerned lot coverage issues for bigger houses.

Ms. Arriola said that currently there were four 35 X 50 foot lots in Lincolnville that were on the market. She said that there was a house on the lots that would be torn down, but the lots were being marketed for four houses. She said that she was astonished about what was happening with property in the City, as if it cost \$80-90,000 to buy a 30 X 50 foot lot the buyer would have to build a three story building. She agreed that mass and scale should not be a part of the proposed ordinance.

Commissioner Crichlow added that there was a lot of low income housing being constructed on Masters Drive.

Ms. Arriola stated that Masters Drive was all commercial.

Commissioner Crichlow agreed and clarified that he meant Whitney Street, as well as east of Masters Drive. He said that it was an area to look at when considering the ordinance.

Ms. Arriola stated that looking at it economically Lincolnville was a destination and had been for ten years. She said that people wanted to live there as they were priced out of the City proper, and they did not want to go to North City because it was expensive too. She said that the property surrounding Masters Drive was still affordable and developers would not put up a two or three story house because they could not sell it. She added that they were cutting down on cost to bring the building price down because of the cost of the lot.

Commissioner Crichlow questioned the name of the area surrounding Poinciana Drive.

Ms. Arriola replied that it was called Fort Moosa or Moosa Gardens.

Commissioner Crichlow stated that was another neighborhood to consider. He said they needed a majority support on what they wanted to do and then see where it had to be applied, or maybe just get feedback.

Ms. Arriola said that the proposed ordinance would also eliminate the possibility of building two dwelling units on two vacant nonconforming lots when such lots were adjacent and under common ownership; however, two dwelling units could be built on three nonconforming lots.

Commissioner Crichlow clarified that could happen if the three lots could be replatted into two conforming lots.

Ms Arriola continued that only two dwelling units could be built on four adjacent nonconforming lots and under common ownership. She stated that was assuming that three conforming lots could not be created.

Commissioner Crichlow agreed and added that if they could be replatted to three conforming lots it would be allowed. He added that the wording might not be correct.

Ms. Arriola stated that the language had confused her.

Mr. Knight took responsibility for the language.

Commission Crichlow suggested that they word it that one could build on a nonconforming adjacent lot or adjacent property could be replatted to conforming lots to build on.

Mr. Dixon said that was more comprehensive.

Ms. Arriola stated that the issue was about money, as in how much money the property owner was going to lose, how much the property values would be affected and how resale would be affected. She said that once they agreed on a working ordinance they had to examine the economics, because she was not entirely convinced that the financial repercussions were as dramatic as some people thought. She noted that there was not much pressure on West Augustine at that point, which was the only area providing relatively affordable housing.

Commissioner Crichlow pointed out the argument presented by the Habitat organization, as they received single nonconforming lots to build their houses on, and he said they did not want to interfere with that process.

Ms. Arriola questioned whether they were crossing any lines and creating a legal issue if they started to dictate the economics of neighborhoods.

Mr. Brown questioned whether she was referring to property values.

Ms. Arriola said in terms of property values, affordability of houses and the directions neighborhoods were going in.

Mr. Brown replied that the economic considerations would be whether they were doing anything to damage the owner expectations about the economic use of the property. He said the City could not do anything to substantially diminish that. He said that they could diminish it some, but not substantially, because that was when "taking" occurred by regulating a situation where the owner's expectation was defeated.

Commissioner Crichlow noted that Mr. Dobson had said that their intention was within the law.

Mr. Brown stated that some factual distinctions might arise.

Mr. Knight offered that Ms. Arriola was questioning whether regulations could be put on Lincolnville and North City and different regulations on West Augustine and whether that introduced the discrimination factor.

Mr. Brown said that there was always equal protection type of issues.

Commissioner Crichlow argued that they were not trying to change anything; they were trying to preserve what existed. He said there were different neighborhoods with different densities and they wanted to preserve the density, which was what zoning did; therefore, they were not trying to impose anything that did not already exist. He said they wanted to continue the same pattern of development in all areas.

Ms. Arriola questioned whether their proposal would change who would purchase the property. She said a developer would be interested in two nonconforming for profit but the "end user" might not share the same interest. She said that if that was the biggest change the economics would not be staggering, as a lot of real estate was priced for the "end user", as an investor could not make it work. She said that when they agreed on a mission statement they would have to consider it, as the public would ask that question.

Commissioner Crichlow said that when they got the language organized the question was how to make the public aware and get their input.

Mr. Dixon questioned whether the Commissioner had received any response from his editorial.

Commissioner Crichlow replied that he had received some telephone calls.

Mr. Dixon said that it was on the City web site.

Ms. Arriola stated that she would have the mailing labels for the subsequent meeting.

Commissioner Crichlow noted that they had talked about going out into the field and setting up workshops. He suggested maybe setting one up at the public library or maybe one at the Elks for Davis Shores and perhaps some place in Lincolnville.

Ms. Arriola stated that they could not do too much, and any public forum would be ideal. She questioned how they would break that up. She said perhaps a couple of

task force members could attend so they did not have to try to get the six of them together.

Commissioner Crichlow stated that they could not do that.

Ms. Arriola said that they would have to have a presenter to explain the situation.

Commissioner Crichlow replied that it would have to be a task force member.

Mr. Knight noted that decisions could not be made in that type of situation.

Ms. Arriola said that it was an opportunity to go out into the field without the entire task force.

Commissioner Crichlow said that to stay within the sunshine the meeting would have to be for the entire task force.

Mr. Knight pointed out that if the task force split up for public meetings each of the presentations would be entirely different considering the dynamics of the group.

Mr. Dixon said that he wanted to maintain the situation in which a citizen had purchased multiple lots for investment purposes. He added that he did not agree with the time limit idea suggested by Commissioner Crichlow. He described a situation from a PZB meeting regarding lot coverage, and suggested that perhaps property could not be sold if there was a lot coverage threshold. He added that there had to be some minimum in set backs and lot coverage that could not be exceeded, and he would talk with Mr. Knight about it.

Commissioner Crichlow said he was not opposed to the suggestion, but he questioned how the public would accept it. He said he did not want the ordinance to be cumbersome.

The three task force members referred to the analysis provided by Mr. Dixon to consider possible scenarios of aggregation, lot coverage and procedure. It was determined that there was no consideration for lot coverage or set backs in the current language.

Ms. Arriola described a situation in which there was a large home that had a vacant conforming lot and the homeowner thought of selling the lot, but after research it had been determined that by selling the lot the homeowner would devalue the home as a house of that size required a lawn.

The task force members discussed different existing situations of large homes, lot coverage, setbacks and neighborhood character.

Commissioner Crichlow said that the ultimate result was density; therefore, they would work on the ordinance, but he did not know where to go from there.

Mr. Dixon suggested that they examine what they agreed on. He suggested considering cubic feet, as some Cities had done so making homes built close to the property line lower than homes built back from the property line.

Mr. Knight said that was talked about in the Sanibel guidelines.

Ms. Arriola said that they had agreed the best mission statement was the easiest to understand. She said they had to reach all residents of the City, as they would all be affected.

Mr. Dixon said that he would articulate his thoughts regarding lot coverage for the subsequent meeting. He concurred that something had to be done, although he did not believe the situation was as dramatic as the Commissioner suggested.

Commissioner Crichlow agreed that it was not currently a problem, but he suggested that it would be a problem in ten years.

Mr. Dixon disagreed using Davis Shores as an example stating that the 1950's homes were small and did not conform to current life styles; therefore, people would tear them down and build large homes.

Carl Blow offered his experience with use of cubic feet.

Commissioner Crichlow suggested that they try to decide and reach an agreement during the subsequent meeting, and decide about reaching the public.

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

(Not discussed)

#### **5. Discussion of Next Meeting Date**

After discussion, the consensus of the task force was to hold the next meeting on February 5, 2004 at 3:00 p.m.

#### **6. Adjournment**

The meeting adjourned at 4:58 p.m.