

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

## **Aggregation Task Force Meeting**

**April 15, 2004**

The Aggregation Task Force met in formal session on Wednesday, April 15, 2004 at 3:21 p.m., in the de Aviles 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

Philip McDaniel, Affected member

Geoffrey Dobson, Zoning Attorney

Ronald Stafford, Non-affected member

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

Karen Rogers, Recording Secretary

### **2. Approval of Aggregation Task Force Minutes of March 4, 2004**

The minutes of February 5, 2004 Aggregation Task Force meeting were approved with the following amendment, page 2, right column, third paragraph from the bottom *Commissioner Dixon* was corrected to read *Mr. Dixon*.

### **3. Introduction of Ordinance by Geoffrey B. Dobson**

Mr. Dobson referred to item A. in the ordinance and stated that the item had to be added to retain the present meaning of the existing language. He explained that currently when nonconforming lots of record were transferred the existing use as a nonconforming lot continued, but if they were permitting the transfer of nonconforming lots they had to address the nonconformity.

Mr. Crichlow said that item A. allowed the sale of nonconforming lots, and they could be built on.

Mr. Dobson agreed and added that item A. was subject to the other items. He referred to item B. that allowed for building on single nonconforming lots of record as long as the lot was not created after April 29, 1975.

Mr. Dobson referred to item C. having to do with contiguous lots and said that if there were two contiguous lots under single ownership, each having a structure on it; the two could be conveyed separately.

Mr. Dobson referred to item D. and said that if there were two contiguous nonconforming lots of record and there was a single structure on one lot and the other nonconforming lot was vacant it would be combined with the existing house providing only to the extent that it was necessary to make the existing structure conform. He said that if initially the vacant lot was not required to obtain a building permit it could still be sold. He explained that item D. meant that if there were two nonconforming lots of record, and in order to obtain a permit to build a house on one lot part of the second nonconforming lot had to be used, the property owner could not sell that portion used to obtain the building permit.

Commissioner Crichlow questioned what the situation would be if a home was built on a nonconforming lot that exceeded the allowable lot coverage.

Mr. Dobson replied that the property owner could sell off any portion of the property that was not necessary to obtain a building permit.

Commissioner Crichlow stated that the house was built prior to 1975.

Mr. Dobson used the example of his home that was nonconforming, because it did not meet the setback requirements. He said that if the house was built after 1975 he would not be able to sell the remaining lot; however, if the house was built prior to 1975 and he had not needed the extra lot to get the building permit, the vacant lot could be sold.

Commissioner Crichlow questioned whether that was what Mr. Dixon had intended for the ordinance.

Mr. Dixon replied that if part of the other lot was cut off to make the required lot coverage etc. for the home to be conforming, the property owner could sell the remaining nonconforming lot, and the ordinance allowed for it to be sold; however, the lot coverage and height became proportional for the small lot making the lot not worth selling.

Commissioner Crichlow expressed confusion.

Mr. Dobson explained that if in 1978 he wanted to build on a lot and he needed an extra 10-foot for a building permit he could buy the adjacent lot, which precluded him from selling that portion of the lot that he had purchased to obtain his building permit. He said that the provision for existing nonconforming lots of record that could be sold would preclude building that was disproportionate to mass and scale, in other words it would reduce the height of a structure. He noted that mass and scale could be constitutionally upheld. He added that small lots would only have cottage type homes making the homes proportionate to the lot, which would eliminate the potential for tall skinny homes.

Commissioner Crichlow questioned where the ordinance addressed the issue of an existing house on 2-3 nonconforming lots and necessitating that only one house could exist on the lots at anytime.

Mr. Dobson replied that the issue was addressed in item D.

Commissioner Crichlow questioned whether the item indicated that one house on 2-3 nonconforming lots could not be torn down to build 2-3 houses. He added that was the scenario they wanted to prevent, unless the lots were replatted into conforming lots.

Mr. Dobson stated that they could add some clarification, but the reality was that by building on the two lots under the existing definitions it would be treated as one lot; therefore, when the house was torn down the property owner could not try to sell two lots as it would be forbidden, because that would be creating two nonconforming lots after 1975. He said that the property might be replatted but it had to be combined into one lot. He said that he would add an item E. clarifying that the creation of nonconforming lots by tearing down existing structures was not valid.

Commissioner Crichlow said that if one house was built on three nonconforming lots and the house was torn down, if the lots were big enough they could be replatted into two conforming lots. He said that ability to replat into conforming lots would always supersede anything, but if two lots were not big enough to replat to two conforming lots they would to have remain as one lot.

Mr. Dobson repeated that he would add item E. to clarify existing nonconforming lots with structures that were proposed for demolition.

Commissioner Crichlow noted that the last section of the ordinance addressed height as being proportionate to the width of the lot.

Mr. Dobson said that it referred to whatever the zoning frontage was and meant that it would be proportionate to the reduction and the height would go down. He said that as Mr. Dixon pointed out, at a certain point in proportion no house could be built on a small lot.

Mr. Crichlow suggested that the task force members provide input regarding the ordinance.

Mr. McDaniel questioned what the sequence of the ordinance was and where they were going. He questioned whether the task force would take the ordinance to the City Commission and if approved introduce it for public hearing, or would the task force take it to the public first.

Mr. Dobson explained that normal procedure was that the task force would bring the ordinance to the Commission for approval, if they approved the ordinance on first reading it would go to the Planning and Zoning Board, and the PZB would hold a public hearing and make a recommendation to the City Commission, at which point the ordinance would go back to the City Commission for second reading that included public hearing. He said that if there were any changes made to the ordinance between the first and second reading it would generate a third public hearing.

Mr. Stafford stated that the task force was not in the loop of public hearings.

Mr. Dobson replied not from a legal view point. He said that the City Commission could delegate the task force to conduct public hearings before making a recommendation to the Commission.

Mr. McDaniel stated that he was not certain whether the task force would go out and hold some town meetings with the neighborhoods.

Mr. Dobson clarified that any public meeting the task force held would not be considered formal in the sense that they were legally required, but they could present the matter to the public.

Commissioner Crichlow stated that if the legal procedure was followed and the ordinance was approved none of it would determine where the ordinance would be applied.

Mr. Dobson stated that where the ordinance would apply would be determined by the way the ordinance was written, as it was an amendment to the definition of nonconforming lots of record; therefore, in one sense easing up the rules related to nonconforming lots of record. He said the height restriction was only within residential districts; therefore, in nonresidential districts a nonconforming lot of record could be built to the height permitted in that zone. He said that if they wanted the ordinance to apply to particular residential districts they would have to be identified.

Commissioner Crichlow suggested that would have to happen before they went to the Commission.

Mr. Dobson agreed in the case of the ordinance applying to less than all residential zoning.

Commissioner Crichlow noted that Mr. Dobson had written the ordinance to apply to all residential zoning.

Mr. Dobson said there was a possible interpretation of the City Code that had not been applied stating that there was a provision for aggregation indicating that two nonconforming lots of record that had gone into common ownership could not be subdivided, but the City had not interpreted it that way for 25-years; therefore, it would be unfair to change the interpretation.

Mr. McDaniel stated that he would like the general consensus.

Mr. Dixon stated that when the task force began the discussion it was around no building at all on nonconforming lots, the lots could not be sold and generally the ordinance was restrictive. He said at that time he had been supportive of community input; however, as the ordinance was currently written property owners could build and sell nonconforming lots based on certain conditions, and the height restrictions based on proportion had been added. He said that the ordinance was limited to residential and not commercial; therefore, the normal procedure with public hearings

for an ordinance was sufficient; therefore, the task force really did not need to hold town hall meetings.

Mr. McDaniel stated that he wanted to be sure the task force was not handing a bomb to the Commission and PZB where they would get blasted.

Mr. Dixon agreed that there would be some controversy.

Mr. Stafford stated that he thought that was the purpose of the task force.

Mr. Dixon said that the task force's job was to provide direction.

Mr. Stafford stated that he thought the Commission wanted to take the heat out of the kitchen and look at the fire from a distance.

Mr. Dixon replied that was the Commissioners job, and they had voted themselves a big pay raise for the job.

Mr. Stafford said the task force had gone to the table stating that they would accept the job.

Mr. Dobson said the public would definitely bring controversy to the City Commission no matter what the task force did.

Mr. Stafford stated that he thought the Commission wanted the task force to find out how the citizenry would respond to the ordinance; therefore, if the Commission knew what the issues were they could prepare themselves.

Mr. Dixon stated that was the leadership's job.

Mr. Stafford suggested that the task force should never have been the loop.

Commissioner Crichlow questioned how the ordinance would negatively affect LincolNville.

Mr. Dobson replied that regarding LincolNville the negative impact would be strictly on the existing vacant lots, because the houses in LincolNville were all built before 1975; moreover, the impact would be strictly on the height of future structures.

Mr. Stafford exclaimed that was good.

Mr. Dobson stated that there would be people who purchased lots in LincolNville who would want to build 35-foot high homes. He added that the prices in LincolNville had gone sky high and property owners would want to build huge homes on small lots, but the ordinance would restrict height on nonconforming lots.

Mr. Dixon pointed out that the situation would make the scale of the new houses in line with the existing houses.

Mr. Dobson stated that basically any nonconforming lot would have a shorter house.

Mr. Dixon added that the lots could be built on.

Commissioner Crichlow questioned whether it was characteristic to have a 35-foot tall house in Lincolnville.

Mr. Stafford stated that it was trying to become characteristic.

Ms. Arriola stated that there were areas that had 2.5 story framed vernacular homes on nonconforming lots.

Mr. Stafford stated that a two story house was different from a three story house. He added that those tall homes that were currently being built appeared to be a fire hazard due to the height and closeness.

Commissioner Crichlow questioned whether they were new homes.

Mr. Stafford said they were existing homes that had been remodeled. He said they cut the roof off of existing homes, created a monster and put the same roof back on top.

Commissioner Crichlow repeated his question whether the ordinance would change the character of Lincolnville.

Mr. Stafford stated that the character was changing without the ordinance.

Mr. Dixon stated that no matter what was written the character would be changed.

Commissioner Crichlow questioned what would happen if they did not include Lincolnville in the ordinance.

Mr. Dobson stated that if they did not do something the character would change anyway.

Mr. Dixon stated that the ordinance would allow the use of the property, but it would control what property owners could do with the property.

Commissioner Crichlow suggested that the character of Lincolnville could be preserved through architectural controls.

Mr. Dobson pointed out that the ordinance would preclude architectural control.

A brief discuss resulted regarding the HP districts.

Mr. Dobson said that the history of the HP districts and architectural controls had resulted in a basic change in the character of the City.

Mr. Dixon stated that Zoning Codes that referred to building height, lot coverage and setbacks were so much easier to define, and if property owners did not meet the Code they had to go before the PZB including a public hearing for approval. He added that architectural guidelines were subjective, and it would be wrong to think

that they would protect the City. He used the example of a Bed and Breakfast on Cuna Street that was 35-feet with three stories that did not meet the HARB guidelines, but the board had approved it, plus it had not been necessary to go before the PZB. He repeated that the Zoning Code dealt with mass and scale and guidelines addressed appearance.

Commissioner Crichlow stated that the guidelines could be objective. He said that if they were to determine that there would only be framed vernacular in a neighborhood they could define vernacular specifically.

Mr. Dobson agreed that it could be defined, but the problem nationwide was that Architectural Review Boards approved things they liked and visa versa regardless of guidelines.

Mr. Dixon agreed and stated that the approval process would vary from one board to another over the years.

Mr. Stafford agreed that they would be changing as they went along.

Ms. Arriola agreed and said that was occurring in St. Augustine currently.

Mr. Dobson said that if they became too restrictive with the guidelines they would end up with the homogeneous community similar to some of the apartment complexes in Jacksonville known as cookie cutter buildings.

Mr. Stafford stated that architectural guidelines had nothing to do with the situation, as it was about the height and lot conformity.

Mr. Dixon said that there was a Zoning Code issue that addressed some of the concerns, and it was not as restrictive as when the task force began. He added that he thought there was something happening at an administrative level regarding architectural guidelines, and if the community wanted that it was an issue outside of what the task force was addressing.

Commissioner Crichlow agreed.

Mr. Stafford pointed out that the City Commission could add, delete or dispose of anything the task force presented them.

Commissioner Crichlow stated that the object was to present them something that they would approve.

Mr. Dixon pointed out that the difficulty of leadership in an elected society was having the fortitude to address issues where no matter what one did, not everyone would agree, but if one got the majority it meant re-election.

Ms. Arriola stated that although it was not widely accepted during the previous meeting the matter had to be brought to the street with town hall meetings at the Willie Galimore Center and inviting the people from Lincolntonville. She said that she had thought about the matter, and the task force had originally divided the City of St. Augustine into 18 geographic neighborhoods. She said that Davis Shores could be

one presentation, as well as Lincolnville and West Augustine etc. She stated that it was not up to the task force to decide whether the ordinance was a good thing for the neighborhoods. She said that there was little left of the original premise, but they were close to what they believed would be palatable to the greatest number of citizens without depriving landowners the use of their property, but controlling the use. She said that the ordinance would not hurt the widows and orphans; and if they were in agreement about the ordinance the next step would be to talk to the citizens.

Mr. McDaniel stated that his question was whether it was the task force's responsibility to take the ordinance to the various entities or to the Commission.

Mr. Dobson suggested that they ask the City Commission for guidance.

Mr. Stafford agreed that the Commission should make that decision.

Mr. McDaniel stated that the integrity was different when going through formal channels. He explained that people that went to Commission and board meetings were traditionally those who were affected by the contents of the meeting. He said that it was part of the education of an awareness campaign as to whether it would be better to bring the information to the neighborhoods.

Mr. Dixon agreed that the affected parties would be in attendance for public hearings. He said the process would generate some press and people would attend that supported or opposed the issue and the matter would have to be decided, which was the Commissioner's job. He admitted that he had been against the ordinance in the beginning, but the ordinance was watered down enough that he would prefer to let it go through the legislative process.

Commissioner Crichlow stated that he thought they should go to the public with the ordinance either before or after presenting it to the Commissioners.

Ms. Arriola stated that before sounded like a much better idea.

Commissioner Crichlow stated that the only negative was that they could go to the public with the ordinance but when it went to the Commission they could amend the contents, and he wondered whether they would have to go back to the public.

Ms. Arriola said that would not be the task forces fault.

Mr. Stafford stated that the Commission would have to go back to the public.

Mr. Dixon said that it was easy to say "take the matter to the public", but who would make the presentations, because he did not want to.

Mr. Dobson pointed out that the reality was that no matter what direction they chose, objections would be voiced after the ordinance was approved.

Commissioner Crichlow stated that it came down to making a decision that they honestly thought was best for the City, and there would always be people who would not agree, but they had to be firm.

Mr. Dobson stated that the person who wanted to build a 35-foot structure on a nonconforming lot would be screaming regardless.

Mr. Dixon said the person who wanted to tear down a house on two nonconforming lots would be doing the same thing; therefore, opposition would be considerable.

Mr. Stafford stated that the ordinance provided various options with limitations.

Commissioner Crichlow stated that there were things in the ordinance that he did not agree with. He said that he would not vote for it in the current form, because it did not address density. He reiterated the contents of the ordinance and stated that his problem was in the event of numerous contiguous nonconforming lots where numerous houses could be built. He said that would significantly change the density of a neighborhood, even if they were small houses. He stated that he believed there was a market for small houses.

Mr. Dixon suggested that there were not many examples of the Commissioner's concern. The two gentlemen verbally bantered in disagreement.

Ms. Arriola stated that there were instances of the Commissioner's concern everywhere.

Mr. Dixon stated that he thought they had finally gotten the ordinance to a point of agreement, but they were back to where they started.

Commissioner Crichlow countered that he had never agreed to the ordinance, and he would never vote for it.

Mr. Dobson stated that the alternative was to write a true aggregation ordinance, which stated that two or more nonconforming lots under common ownership would be treated as one lot.

Commissioner Crichlow said unless the property could be subdivided into conforming lots.

Mr. Stafford said that he thought the ordinance said that, and it provided the opportunity to build.

Commissioner Crichlow stated that the ordinance allowed for building on any nonconforming lot.

Mr. Stafford pointed out that the structure would have to meet the conformity of the lot.

Mr. McDaniel questioned whether the Commissioner had a problem with that.

Commissioner Crichlow said that he objected to the potential situation of four houses in a row on nonconforming lots. He said that situation would not only change the density, it would also change the character of the neighborhood.

A discussion resulted regarding potential situations and how much restriction was possible in terms of controlling density.

Mr. Stafford pointed out that the density problem in Lincolnville was the result of converting single family structures into apartments.

Commissioner Crichlow pointed out that multiple unit housing was not allowed in all zoning districts.

Ms. Arriola stated that there was RG-1 zoning in Lincolnville, as well a lot of grandfathered stuff. She continued that she had a lot of time to think, because she had sat in traffic everywhere she had tried to go that entire week. She questioned what the citizens of St. Augustine were going to do. She said that they could not prevent residents of the county from coming into the City. She referred to the "Save the Ponce" movement and noted that if the City had not annexed the property Mr. Stokes would still have initiated his project, the density would still have increased and those residents would still come to town. She said forget the parking; she questioned what they were going to do about the traffic. She said that she was thinking outside the task force responsibilities, because they could go to the public, whether after or before talking to the Commission, and say to people look at what was happening to the City. She said that there could not be a single citizen that had not been impacted by traffic in some way in the past four months. She said they could tell the public that the proposed ordinance was one of the things that the City Commission had charged them with looking at, because if St. Augustine was not a nice place to live it would cease to be a nice place to visit. She said that would be awful, because one could not make a living in the City unless you were one of the lucky few to be self employed or work for the City. (Laughter)

Mr. Dobson noted that actually most City employees could not afford to live in the City.

Ms. Arriola said she knew that, but at least they got a steady pay check.

Commissioner Crichlow noted that the 1975 zoning allowed an increase in density. He pointed out a block of ten houses on Davis Shore, and said that if those ten houses burnt down the property could probably be re-divided to build 13-15 houses.

Mr. Dixon interjected that the ordinance addressed that type of situation. He added that people could not do anything they wanted.

Commissioner Crichlow continued to present potential situations stating that density would increase. He emphasized that they were trying to control density, and he thought that in the instance of building on nonconforming lots it should not be allowed. He clarified that one nonconforming lot could be built on, but two or more could not be without replatting to conform.

Mr. Stafford pointed out that density would still be increased.

Commissioner Crichlow replied that he was making a compromise.

Mr. Stafford stated that a property owner could own ten nonconforming lots that were not aggregate in a two block area, which could be built on and would increase density.

Ms. Arriola said as a group they had determined that it was not fair to penalize a person with a single nonconforming lot.

Mr. Stafford stated that if a property owner owned ten nonconforming lots that were not contiguous they were lucky.

Ms. Arriola replied that was the trade off for not taking people's property rights away.

Mr. Stafford questioned why they were discussing density when it was going to happen anyway.

Commissioner Crichlow replied that it would happen to a degree, but it would happen more if a person owned five aggregate nonconforming lots, which could be built on.

Mr. Dobson pointed out that the houses would be reduced in size.

Commissioner Crichlow stated that was all it would do.

Mr. Dobson said that if there was an existing structure on any of the lots the situation would be different.

Mr. Stafford said that he thought that was a part of it.

Commissioner Crichlow stated that if a person owned five lots and there was no existing structure all five lots could be built on.

Mr. Stafford said that he thought that five contiguous lots would have to replatt to conforming lots before construction, which was the same as having a home on a lot.

Mr. Dobson stated that would entail a pure aggregation ordinance.

Mr. Stafford said that the lots should conform.

Mr. Dixon said that if he owned the five lots he would establish five corporations and sell one lot to each corporation.

Mr. Dobson added that maneuver was typically done.

Commissioner Crichlow said that was why they had wanted the ordinance to be retroactive.

Mr. Dixon said that with the restriction the houses would be two bedroom, one bath homes with small kitchens, which there was no market for. He added that 2/3 of the PZB meetings dealt with variance for setbacks and lot coverage.

Commissioner Crichlow said that Mr. Dixon had described a condominium, which people bought fast as they could.

Mr. Dixon stated that condominiums were getting to be 2,000 square feet.

Commissioner Crichlow said that people would like to have a home condo size without having the direct neighbor. He said that they would like that separate little house with a yard.

Mr. Dixon stated that they were back to the shotgun houses in Lincolnton, which was in keeping with the character of the City.

Commissioner Crichlow said that he did not have a problem with the height requirements in the ordinance.

Mr. Dobson stated that he would amend the existing ordinance to encompass tearing a house down and draft a pure aggregation ordinance that would permit a property owner to build on an existing single nonconforming lot of record in common ownership that was not contiguous. He said that constituted a pure aggregation ordinance.

Commissioner Crichlow clarified that it would pertain to a single nonconforming contiguous lot also.

Mr. Dobson said that in a pure aggregation ordinance if there were two nonconforming lots that were contiguous they would be treated as a single lot.

Commissioner Crichlow stated that was right. He said that all they were doing was asking people with those lots to bring them into conformity with the 1975 zoning.

Mr. McDaniel stated that he wanted to be certain that it would not constitute a taking.

Mr. Dobson assured him. He explained how a person could get around the ordinance as Mr. Dixon had mentioned.

Commissioner Crichlow questioned how they could deal with that issue.

Mr. Dobson replied that it was almost impossible.

Mr. Dixon said that there were not that many numbers of lots that were not built on Davis Shores, but there were houses built on multiple lots. He said that Commissioner Crichlow's idea was so broad that he would probably get a lot of opposition.

Ms. Arriola stated that from a real estate point of view there was a tremendous market for 1,000 square foot two-bedroom, two-bath cottages.

Mr. Dixon stated that he did not have a problem with the small cottages, but he did have a problem with a three story building on a lot sized for a cottage; therefore, he supported the ordinance as it was.

A discussion ensued regarding nonconforming lots.

Commissioner Crichlow pointed out that if Mr. Dixon was correct and there were not that many contiguous nonconforming lots, then implementing the ordinance would not affect many people.

Mr. Dobson said that there probably were not that many, but the real problem was mass and scale. He said that when land values were so high that people were paying \$100,000 for a micro-lot the rule of thumb was that they wanted to build a house four times the value of the lot; therefore, it would have to be quite a large home.

Commissioner Crichlow said that their other mission, should they decide to accept it, was architectural guidelines.

Ms. Arriola said the one thing they could not stop was the example of a one story massive house on a number of lots that would be demolished and replaced with a massive three story home.

Mr. Dobson said that his research had revealed that other areas of the country restricted the physical square footage of a house. He pointed out that when mega houses developed in a neighborhood it drove the value of the remaining properties up to the point of being unaffordable for the people living in the area.

Mr. Stafford clarified that the taxes got so high they could not afford to live there.

Mr. Dobson continued that suddenly the City employees of the City of St. Augustine could not afford to live inside the City limits.

Multiple discussions commenced simultaneously.

Mr. Dobson pointed out that the reduction of density created urban sprawl, and the Regional Comprehensive Plan required that they infill.

Commissioner Crichlow stated that he agreed with the Ordinance, but they needed to address density and the nonconforming contiguous lots of common ownership that should be brought into conformity.

Mr. Dobson stated that he would provide the amended version of the current ordinance and a pure aggregation ordinance and the task force could wrestle with the situation or the City Commission could make a determination.

Mr. Stafford stated that density was increasing in Lincolntonville, because people were building apartment complexes not because people were building single family homes.

Mr. Dobson said that problem could be alleviated with a Comp Plan amendment.

Commissioner Crichlow questioned where there were apartment complexes.

Mr. Stafford replied all over Lincolntonville. He said that many of the houses that had been two story had been renovated to be three stories of apartments.

Mr. Dobson stated that in that instance redefining the definition of family would help, and he was informed that the City had recently done that. He said that the City of Deland had recently gone through that process, as the problem generally occurred in college towns.

Commissioner Crichlow said that people could not have a house with rooms rented out and only one kitchen.

Mr. Stafford said that the apartments were self contained, and they were legal.

Commissioner Crichlow stated that the only solution would be to change the zoning.

Ms. Arriola stated that redefining the definition of family had actually impacted about ten houses; therefore, the citizens had not reclaimed the neighborhoods. She said that there were so many grandfathered multifamily structures in RS-1 and RS-2 and they were allowed to continue to exist, plus there was RG-1 zoning where it was legal.

Mr. Stafford noted that the issue had nothing to do with aggregation.

Mr. McDaniel stated that the challenge was looking at density as a whole to determine the elements that were increasing the density. He said that they had to break the matter into pieces to find solutions.

Multiple conversations took place simultaneously.

Mr. Stafford suggested that it would be better to have small homes on the nonconforming lots in Lincolnville rather than more three story apartment complexes.

Commissioner Crichlow suggested that they address the matter of the task force attempting to tackle the architectural guidelines.

Mr. McDaniel pointed out that the task force had agreed that they would take on the matter, by direction of the Commission, when they completed the aggregation ordinance.

Commissioner Crichlow said that they could draft a laundry list.

Mr. McDaniel repeated that they would do so after they completed the aggregation ordinance.

Commissioner Crichlow said that could take a year.

Mr. Dixon stated that it would provide the impetus to get the job done.

Mr. McDaniel agreed and stated that the matter would be so sensitive for the public that dealing with the aggregation ordinance would allow them to observe what was going on in the community, and they might get some feedback from the citizens about architectural guidelines.

Commissioner Crichlow stated that there was a lot of pressure to address the architectural guidelines.

Ms. Arriola stated it was a huge proposition, a massive undertaking that would not be fun. She said that the density issue was upon them and she did not know what to do, but meeting with the public about the aggregation ordinance would allow them to get the pulse of the people to see how they would react to architectural guidelines. She said that the public might wake up and acknowledge a common problem.

Commissioner Crichlow stated that St. Augustine had something that everybody wanted, and they were finding a way to cram themselves into the City, which led to over building and the ultimate loss of popularity.

Mr. McDaniel said that the task force was trying to fix a tiny problem inside of a larger issue. He pointed out that the Cooksey development would increase the beach population 15%-20%.

Mr. Stafford stated that the City Commission should move to deal with the streets by widening them to move traffic.

Commissioner Crichlow stated that they could potentially destroy the uniqueness of the City.

Mr. Stafford replied that it was being destroyed anyway with crowded streets.

Mr. Dixon suggested that they could deal with some of the matter by making the Bridge of Lions a toll bridge.

Mr. Dobson said that could make it worse.

Commissioner Crichlow stated that he might have to pursue the architectural guidelines with a different group.

Ms. Arriola questioned what the pressure was.

Commissioner Crichlow replied that the pressure was from the Mayor who had tried to implement the architectural guidelines a couple of months earlier, but he received a lot of heat over the matter. He said he took the Mayor off the fire by saying that he would handle the matter and the Mayor was expecting the matter to be handled, and he was going to handle it. He said that if the task force thought the matter was too much to handle he could understand, but he had to move ahead. He said that he knew that Paul Weaver wanted to get involved with the matter, and he could find another 3-4 people to discuss it. He said that he could get Les Thomas and any number of people that wanted to look at architectural control, so he could deal with the issue in another way, even though he had discussed the matter of the task force addressing architectural guidelines with the Commission.

Ms. Arriola stated that she was not aware that there was a time constraint.

Mr. McDaniel added that he remembered that the Mayor had raised the issue, but it kind of went away. He said that it was an issue for the Mayor, but at the same time

he wanted to be certain that the task force completed the mission the Commission had charged them with.

Commissioner Crichlow stated that he did not have the luxury of zeroing in on one issue, he had fifteen issues that he had to deal with; therefore, he had to keep moving. He said that he would keep moving on the matter, but he might take it away from the task force and give it to another group.

Ms. Arriola stated that if she had been aware of a timetable she might have readjusted her thinking. She said that she would be willing to work on the matter, as on a certain level it was part and parcel of the aggregation issue.

Commissioner Crichlow agreed that the matters were closely related. He said that a lot of the problems they were looking at did not have to be solved through an aggregation ordinance; they could be solved through architectural guidelines.

Mr. McDaniel stated that he had done a Tour of Leadership St. Johns and they spent a day touring old Ponte Vedra. He said that during the tour they had passed an area of 1940-1950's cottages that were valued at \$4 million, and he had questioned why the cottages had not been torn down and replaced by huge homes, and he had been informed that the rules were specific as to what could be done. He said that was what he believed Commissioner Crichlow was aiming at.

Carl Blow informed Mr. McDaniel that the realtor had misinformed him, as he had grown up in the area and there were no such rules.

Mr. Stafford asked for clarity as to the architectural guidelines.

Commissioner Crichlow replied that he had thought the task force would address the matter of architectural guidelines concurrent with the aggregation ordinance, but it seemed that the task force thought that was too much to handle.

Mr. McDaniel questioned how close to the end of the aggregation ordinance they were.

Commissioner Crichlow stated that he could foresee 6-8 months, and he reiterated the formal process for approving an ordinance.

Ms. Arriola pointed out that the task force could work on the architectural guidelines while the aggregation ordinance was going through that process.

Mr. Stafford pointed out that the only issue the task force had with the aggregation ordinance was Commissioner Crichlow's issue.

Mr. Dobson suggested that the task force wear bullet proof vests when they took architectural guidelines to the neighborhoods.

Ms. Arriola said that it seemed to her that they were going back on the public hearings. She said that the group's original position had been that when they arrived at an ordinance they would bring it to the public before taking it to the Commission.

Mr. Stafford stated that it was not the task force's charge to bring the ordinance to the public.

Ms. Arriola said that they could bring it to the public.

Commissioner Crichlow pointed out that regarding the parking garage during the Commission meetings one would have thought that 90% of the City residents were against it, but public hearing revealed that sentiment was reversed.

Mr. McDaniel said that going through the legal process would attract only the interested people.

Ms. Arriola said that regardless of whether they wanted to or not they had signed on to deal with the aggregation ordinance, and they should go to the public for discussion. She said that if they did conduct public hearings the timing would be excellent to let people know that ordinance was the first idea of many to come in effort to retain the quality of life in St. Augustine, plus get a general consensus regarding potential architectural restrictions.

Mr. Stafford noted that architectural guidelines would make things pretty strict.

Commissioner Crichlow stated that he had brought up the matter of introducing architectural guidelines in Lincolnville a few years earlier. He said that he had suggested starting easy by restricting certain things like tin roofing on the side of a house or using prefab carports in the front yard; however, the idea had vanished, as there were some residents that had gotten upset.

Mr. Stafford said that they were not trying to tell people what to do they were trying to bring conformity to the community.

#### **4. Discussion concerning how to reach the public regarding the proposed ordinance**

Mr. McDaniel questioned the sequence of how the matter would get to the public.

Ms. Arriola said that they would be finished with the ordinance at the subsequent meeting, at which time they should establish a time table to get the ordinance to the public.

Commissioner Crichlow questioned whether she meant before or after going to the Commission, and he requested the attorney's opinion.

Mr. Dobson replied that they should ask the City Commission. He said that if they presented the ordinance to the public they would want to make the presentations to the residential districts. He said that some neighborhoods might be receptive and some might not.

Mr. McDaniel said that part of the issue had to do with timing and prioritization, as the Mayor had put the pressure on to deal with the guidelines. He said that the task force had done a lot of which might be the best use of their time. He questioned

whether it was the best use of their time to go out to the neighborhoods, or was there another entity or body that could do that while the task force proceeded.

Ms. Arriola questioned who that entity would be.

Mr. McDaniel replied that he did not know but suggested perhaps staff.

Commissioner Crichlow agreed that perhaps the preservation planner could do it. He said that maybe one of the task force members could go to one meeting and another member go to another presentation etc.

Mr. Stafford said that he thought the City Commission had charged them with creating the aggregate ordinance to bring to the Commission for their determination.

Mr. Dobson pointed out that they currently had a modified aggregate ordinance, but he would present them with another ordinance to choose from.

Commissioner Crichlow stated that the next ordinance should include just about everything that was in the current ordinance with the addition of how to deal with existing vacant aggregated lots that should be treated as conforming lots to the extent necessary.

Mr. Stafford said that in his mind they had talked about going to the public to hear their opinion on aggregation and then build an ordinance, but they had worked through the ordinance.

Ms. Arriola said that was not necessarily true.

Commissioner Crichlow pointed out that the public hearing might make the task force decide to change the ordinance. He added that they had to have some place to start.

Ms. Arriola said that after every meeting she had talked with people about their accomplishments and listened to their opinion, and she felt that the ordinance they created came from those discussions.

Mr. Stafford stated that they had said they would go out into the communities regarding the ordinance and then build an ordinance.

Ms. Arriola said that they had reversed the order. She said that judging from the response the public made to the City Commission regarding the ordinance, the public was hideously misinformed. She said that for them to go to the public without some form of an ordinance would have been pointless.

Commissioner Crichlow noted that many Cities would not allow a property owner to build on a nonconforming lot at all. He suggested that they were being lenient.

Mr. Blow suggested treating homesteaded property differently from non-homesteaded property.

Mr. Dobson said that would be difficult to defend legally, as it would be discriminatory, and he explained the three types of homestead.

A brief discussion resulted regarding homesteading.

Ms. Arriola stated that the issue was huge, and they did not want to see neighborhoods divided by it.

Another a brief discussion ensued regarding new and old residents of the City.

Mr. Blow suggested sending the ordinances to the officers of the Neighborhood Associations and let them bring it to the people.

Commissioner Crichlow said that could happen and maybe one of the task force members should attend the meetings to be certain that it was presented in the right way.

Ms. Arriola said that they should be done the following month, and they should present it to the City Commission and ask them how they wanted the task force to proceed. She said that the credibility of Commissioner Crichlow, the group as a whole and the members individually would be affected by the outcome of the ordinance. She said that based on the Commissioner's determination she had no objection to looking at the architectural guideline issue. She added that the neighborhood associations should be involved.

Mr. McDaniel added that when they brought the ordinances to the neighborhood associations they should be written in such a way that the average person could understand them.

Commissioner Crichlow noted that he had held a town hall meeting where he had explained that the ordinance was in the works and what it was about and it had taken about 30-minutes.

Mr. Blow stated that it had been excellent and the simple drawings had helped the public visualize the situation.

A discussion ensued regarding how to help the public understand.

Ms. Arriola stated that they had the opportunity to set the tone for future things to come.

- 
- 
- 
- 

## **5. Other Business**

(None)

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

After discussion it was determined that Mr. Dobson would commence work on a pure aggregation ordinance and when he completed the work a meeting date would be set.

#### **7. Adjournment**

The meeting adjourned at 5:19 p.m.