

CITY OF ST. AUGUSTINE, FLORIDA

Regular Planning and Zoning Board Meeting
January 6, 2004

The Planning and Zoning Board met in formal session at 2:00 p.m., Tuesday, January 6, 2004, at St. Johns County School Board Meeting Room, 40 Orange Street. The meeting was called to order by Matthew Baker, Chairman, and the following were present.

1. ROLL CALL

Matthew Baker, Chairman
Gerald Dixon
Leanna Freeman
Todd Grant
Roxanne Horvath
Harvey Simms

Excused: James Solana

City Staff: James Wilson, Esq., City Attorney
Mark Knight, Director, Planning and Building Department
James Whitehouse, Staff Attorney
David Birchim, Planning Manager
Pam Halterman, Recording Secretary

2. APPROVAL OF MINUTES
(December 2, 2003 - Regular Meeting)

Minutes of the December 2, 2003 regular meeting were approved as presented.

Mr. Baker thanked the St. Johns County School Board for allowing the PZB to use their facility.

3. VARIANCES

Item 3(a) 2003-1125

John Valdes

Ingrid Robbins

12 Sevilla Street

To encroach into the required rear yard setback and to reduce the required drive aisle width and maneuverability for a garage apartment.

Mr. Baker advised that the applicant had withdrawn his application.

Item 3(b) 2003-1245

David Mancino

Rosalie Gordon Mills

77 Park Place

To encroach into the required side yard setback and to exceed the maximum lot coverage for residential construction.

Mr. Birchim reported that the applicant had requested a variance to exceed the maximum lot coverage and to encroach into the side yard setback for a residential addition. He noted that the property was located in the RS-2 district, which had 30% maximum lot coverage and a ten foot minimum side yard setback. He stated that the proposed addition brought the lot coverage to 33.9% and the proposed addition would be placed

within two feet of the property line. He said the property was a conforming lot by width and area, and larger than surrounding properties and it did not appear to suffer a unique physical disadvantage. He stated that based on review of Section 28-29, staff found that the board could deny the request for a variance to exceed the maximum lot coverage and to encroach into the required side yard setback at 77 Park Place.

David Mancino, 2450 Old Moultrie Road, was sworn in. He submitted photographs to the board members and noted that the owner had lived in the house seventy-four years. He advised that Ms. Gordon-Mills had not built the house, but had purchased the property when it was five years old. He explained that the house had been renovated between the 1950's and 1960's. He stated that they desired to remain within the character and style of the neighborhood, although the house was a single story structure, unlike the neighboring two-story homes. He noted that the proposal consisted of a modest addition to the sunroom. He advised that the structure predated the zoning codes and the proposed addition would follow the building line of the structure. He explained that the proposed addition would be placed behind the adjacent property owners' house line; therefore, the homes would not be placed side-by-side.

Mr. Baker opened the public hearing but there was no response from the public. He noted that twenty-seven written response forms had been sent to surrounding property owners with two returned in favor and two returned in opposition to the application.

Mr. Grant asked if the garage apartment was being used as rental property.

Mr. Mancino affirmed that the garage apartment was currently being used.

In response to an inquiry from Mr. Grant, Mr. Mancino advised that the playhouse was currently being used as a shed for storage. He advised that the owner desired to keep the playhouse on the property. He explained that moving the existing floor plan would create a hardship, because it would result in the demolition of eighty square feet of structure, which would cause the relocation of a bathroom and closet. He noted that the proposed addition consisted of three-hundred square feet and would follow the line of the existing house. He stated that the playhouse was one-hundred square feet; therefore, if demolished it would still not allow them to remain within the required lot coverage.

Ms. Horvath questioned whether the opposition was adjacent to the subject property.

Mr. Grant noted that neither resident opposed to the application lived adjacent to the subject property.

Mr. Mancino advised that the owner had spoken with the adjacent property owner located at 75 Park Place who had indicated to the applicant that he would not be opposed to the application.

Ms. Horvath noted that the adjacent property owner was not opposed to the application and the proposed addition would follow the house line. She stated that she was

comfortable with (inaudible due to technical difficulties).

Mr. Simms suggested that the addition could be placed in the rear for a more aesthetic view that would eliminate the setback issue.

Mr. Mancino stated that the proposed addition would be placed with the existing sunroom at the southeast corner of the structure in order to take advantage of sunlight on the east and south sides of the house.

Mr. Dixon stated that the location of the proposed addition was appropriate for the function of the sunroom and would follow the architectural line of the existing structure. He stated that he could support the application if the playhouse was removed.

Ms. Freeman stated that it would be a minimal lot coverage increase and suggested that the existing building created the hardship for the owner.

Mr. Baker stated that lot coverage was a concern for the board members. He suggested that a compromise could be met.

MOTION

Mr. Baker moved to approve the application with the condition that the playhouse / storage shed be removed. Ms. Horvath seconded.

In response to an inquiry regarding the size of the playhouse, Mr. Mancino advised that the structure measured approximately ten-by-twenty feet with an attached porch for a

total of 265 square feet. He noted that the proposed addition consisted of 360 square feet, which resulted in continuing to be over the maximum lot coverage percentage.

Mr. Baker questioned whether the removal of the playhouse could be a workable solution.

Mr. Mancino asked to confer with Ms. Gordon-Mills, which was granted by Mr. Baker.

Mr. Mancino advised that the owner had recently spent over \$2,000.00 in restoring the playhouse for her grandchildren. He suggested that the three percent increase in lot coverage was a modest request.

Mr. Baker stated that the board was concerned with lot coverage, but had previously made allowances that were within reason with mitigation efforts by the applicant. He said it was a difficult decision; however, he would not retract his motion.

Mr. Simms suggested that the playhouse could be moved to another location without it being damaged. He noted that the owner currently exceeded the maximum lot coverage.

Mr. Mancino advised that the property consisted of two lots. He suggested that if the owner sold one lot, a house with thirty percent lot coverage could be placed on the property taking the lot coverage for both parcels to sixty percent.

Mr. Dixon advised that the board could grant a variance only after an applicant had proven hardship.

Ms. Freeman stated that the owner had a hardship, because the structure had been built years earlier. She noted that moving a two-hundred square foot building was in itself a hardship for the owner.

Vote on the motion.

In Favor

Baker

Horvath

Dixon

Freeman

Simms

Opposed

Grant

Motion carried with a 5/1 vote.

Item 3(c) 2003-1235

William Qualls & Michael Cymbaluk

C.Q. Constructors

Dr. William Morse

947 Lew Boulevard

To encroach into the required side yard setback for residential construction.

Mr. Birchim reported that the applicant had requested a variance to encroach into the side yard setback for construction of a third-story on an observation platform. He noted that the property was located in the RS-1 district, which required a minimum fifteen foot side yard setback. He stated that the proposed construction would be placed approximately 7.8 feet from the side lot line. He explained that the property was conforming by width and area and it did not appear to suffer from a unique disadvantage. He stated that staff found that the board could deny a variance to encroach into the side yard setback at 947 Lew Boulevard.

Michael Cymbaluk, 425 Jasmine Road, was sworn in. He stated that the existing stairs were the only item located within the fifteen foot setback area. He explained that the proposal included placing new stairs over the existing stairs. He noted that the lot was one-hundred feet wide and very deep going toward Salt Run. He stated that the south adjacent neighbor had installed a similar deck on his property. He advised that the rise and run requirement resulted in a four foot landing on the east and west sides of the existing stairs in order to handle the turns from the second to the third story deck.

Mr. Baker opened the public hearing but there was no response from the public.

Mr. Simms questioned whether the stairs could be switched to face the east, which would remove the need for a variance.

Mr. Cymbaluk advised that the owner desired to keep the stairway at its present location to avoid blocking the view. He reiterated that only the stairs were located within the fifteen foot setback area.

Mr. Birchim advised that the variance was needed for the new stairs and landing. He suggested that it was possible to redesign the stairway in order to eliminate the need for a variance.

Mr. Cymbaluk advised that the owner had met with the adjacent neighbor and the neighbor had agreed that the new stairway should be built over the existing stairway to prevent the view from being blocked.

Mr. Dixon stated that the owner had created their own hardship and suggested that other solutions existed.

Mr. Baker stated that he had first thought that moving the stairway to the east would be a good solution. He noted that eight written response forms had been sent to surrounding property owners with two returned in favor and none returned in opposition to the application. He stated that the southern adjacent neighbor would be the only person affected by the stairs, and that neighbor had no opposition to the application. He noted that the proposal involved stacking stairs upon existing stairs and said he was not opposed to the application.

Ms. Horvath stated that she was not comfortable with the third story of stairs.

Mr. Cymbaluk reiterated that the owners' neighbor had installed a very similar stairway at his house. He stated that the stairway was not visible from the roadway.

Mr. Knight advised that in order for the board to grant a variance, the application must meet the hardship criteria of the ordinance. He noted that the applicant provided a hardship reason on his application.

Mr. Cymbaluk noted that the written hardship on the application involved the width of the lot at only one-hundred feet. He affirmed that the owner had said that moving the stairs to the east would obstruct his view from the first and second story windows. He noted that the rise and run of

the stairs would be affected if the deck landing was shortened.

Mr. Simms questioned whether Mr. Cymbaluk desired to speak to the owner in regards to moving the stairs to the east side.

Mr. Cymbaluk stated that the owner was adamant about keeping the stairs at their present location. He noted that there existed an ornamental gold fish pond and plants on the east side of the structure.

Mr. Grant questioned whether the owner could reduce the size of the decking to allow for the stairs.

Mr. Baker stated that moving the stairs to the back or the north side would not require a variance. He noted that both options were un-palatable to the owner. He suggested that the case lacked merit in order to table the application.

MOTION

Mr. Simms moved to deny the application as submitted. Mr. Grant seconded.

Vote on the motion.

In Favor
Simms
Grant
Dixon
Horvath
Freeman

Opposed
Baker

Motion carried with a 5/1 vote.

4. VARIANCES / EXCEPTIONS

Item 4(a) 2003-1173

Ian G.L. MacDonald

81 San Marco Avenue

To encroach into the required side yard setback and to allow off-site parking as a permissible use by exception.

Mr. Birchim reported that the applicant had requested a variance to encroach into the required side yard setback for a commercial addition and a use by exception for off-site parking to accommodate the proposed addition. He noted that the property was located in the CL-2 district, which required a minimum five foot side yard setback and said the owner would like to reduce the setback to 2.5 feet. He advised that the property was non-conforming by width and area and smaller than surrounding properties. He stated that the size of the property constituted a hardship based on its physical condition. He said staff found that the board could approve a variance to reduce the required side yard setback as requested. He explained that the addition of 414 square feet of commercial space required one additional on-site parking space, but that space could not be accommodated on the subject property. He noted that the applicant had secured one off-site parking space across the street at the Raintree Restaurant, which was within four-hundred feet and it had met the requirements for a use by exception for off-site parking. He stated that staff found that the board could approve a use by exception to allow off-site parking at 81 San Marco Avenue in conjunction with the expansion of the commercial property.

Ian MacDonald, 23 Water Street, was sworn in. He stated that the lot was not wide, and that an indent had been created in the line of the building. He said the desire was to follow the current line, which would be more architecturally pleasing. He explained that the gap along the structure consisted of a French drain system and the elevations of the courtyard and finished floor were nearly the same. He noted that the drain system was an important part of the structure, which helped to keep water away from the building.

Mr. Simms questioned whether the applicant had parking spaces on the property.

Mr. MacDonald advised that he did have parking spaces on the property.

Mr. Baker opened the public hearing but there was no response from the public.

Mr. Dixon stated that the property was a unique site and located in a commercially zoned area. He said he could support the request.

Mr. Baker noted that seven written response forms had been sent to surrounding property owners with three returned in favor and none returned in opposition to the application.

MOTION

Mr. Simms moved to approve the application as submitted based on the hardship caused by the size and shape of the property. Mr. Dixon seconded.

MOTION CARRIED UNANIMOUSLY

5. EXCEPTIONS

Item 5(a) 2003-1221

Rick Crabbe

300 Anastasia Boulevard

To allow automobile sales as a permissible use by exception.

Ms. Freeman recused herself from the application.

Mr. Birchim reported that the applicant had requested a use by exception to allow the sale of automobiles at an existing transmission repair shop. He stated that the property was located in the CL-2 district, which allowed automobile sales as a use by exception and the board had previously approved car sales at that location in 1992. He noted that the previous use by exception ran with the former owner of the property; therefore, it was necessary for the current owner of the property to obtain the boards' permission for the use by exception. He said based on the previous approval by the board and review of Section 28-29, staff found that the board could approve the request for a use by exception to allow automobile sales up to five vehicles at 300 Anastasia Boulevard.

Rick Crabbe, 300 Anastasia Boulevard, was sworn in. He stated that after he had purchased the property in 1992, he had understood that he was allowed to sell vehicles from that site and had not realized that the granted use by exception ran with the previous owner of the property. He submitted copies of his occupational licenses, which indicated that he sold motor vehicles. He explained that at times he found that a customer could not afford the

repair bill; therefore, he would invest in the vehicle and attempt to sell it. He stated that he did not desire to change his business from the automotive repair shop, but wanted the ability to use some of the property to generate income. He noted that he would attempt to sell late model, high dollar vehicles and would not be a "buy here, pay here" business. He stated that he wished to be granted what he believed he was allowed since his purchase of the business in 1992.

Mr. Baker opened the public hearing but there was no response from the public.

Mr. Baker stated that since he had been on the board, the PZB had reviewed several automotive type businesses within the "Entrance Corridor" areas. He explained that precedence had been set to disallow any kind of expansion or new automotive usage where one might not have previously existed in the entrance corridor areas. He disclosed ex-parte communications with Bruce Dufresne, a past Chairman of the PZB, who had voiced his opposition regarding the application.

Mr. Dixon stated that in 1992 the board was opposed to the requested exception; however, the PZB allowed up to five vehicles on the lot with the condition that the exception remained with the property owner. He noted that no signs or advertising would be placed on those vehicles, which the previous owner had agreed with. He suggested that if the board approved the application, he would prefer the agreement to be narrow and very restrictive.

Mr. Crabbe noted that when he obtained the property it was in a dilapidated state, but he

had since upgraded the building and had made many improvements. He explained that he did not have the funding to expand his business, but needed a way to access capital when the construction of the Bridge of Lions started. He said that he was not looking to be involved in a fulltime car sales business and there would be no advertising on the vehicles, because the vehicles would be sold on a website. He stated that he did not intend to make the site a used car business, but needed to generate income to pay for his taxes that had tripled in the past ten years. He reiterated that he had changed the old gas station to an aesthetically pleasing, three bay repair facility, which had help the appearance of the entrance corridor. He suggested that a restaurant located across the street should be condemned if the City desired to create a pleasing corridor entrance.

Mr. Simms asked the applicant if he would be content if the board limited the vehicles to five.

Mr. Crabbe stated that he would be satisfied with two or three vehicles, which was the amount the previous owner had handled.

Mr. Baker stated that the property had been well handled since 1992; although similar businesses were in the vicinity, he noted that he was not in favor of the application. He explained that the City had attempted to go in the direction of eliminating or scrutinizing those types of businesses in the entrance corridors. He stated that although the applicant would present the situation on a limited scale and in a professional manner, precedence was recently made by the board. He said he would respond to the recent precedence more readily than a decision that

had been rendered twelve years earlier. He suggested that to allow the request would open the door to incrementalism. He stated that his opinion did not carry any aspersions toward the applicant or how the applicant would run the business.

Mr. Crabbe reiterated that the vehicles would appear as if included in his repair business, due to no advertising sign being placed on the vehicles.

Mr. Baker stated that he respected that and knew that he would follow through, but if allowed it would create a difficult control situation for the City.

Ms. Horvath stated that she could not agree to five additional vehicles on the property. She noted that the property was not very large and suggested that due to the size of the property it would be difficult to place any additional vehicles on site.

Mr. Crabbe advised that the property consisted of five lots with an additional ten feet of vacated area. He noted that he would be allowed to construct six additional bays on his building if he had the funding.

Mr. Grant affirmed that much room existed on the south side of the property. He noted that a tire shop currently existed in the area and would remain in the entrance corridor for a long time. He stated that he could support the application if contingencies were involved, which included such restrictions as no signage on the vehicles and not more than five vehicles on site at one time.

Mr. Crabbe advised that he would be satisfied with being allowed two or three vehicles.

Mr. Dixon noted that the previous owner had been allowed two to three vehicles. He stated that he would not desire to exceed what had been previously allowed.

Mr. Baker noted that much emphasis had been placed on how the entrance corridors were being handled and suggested that one question that must be asked would be: if the situation involved a new venture on a vacant piece of property would the PZB agree with the proposal.

Mr. Simms stated that he had struggled with whether to vote in favor of the request. He noted that the City Commission had not changed the zoning in order to help the PZB create the desired entrance corridors.

Mr. Baker stated that the boards' role and responsibility was to not allow an expansion of a new service to an existing business.

Mr. Dixon noted that more attempts to control the development and aesthetics of the entrance corridors to improve upon the character of the City had occurred in recent years.

Mr. Crabbe advised that he was under the impression at the time of purchasing the business, that he would be able to sell a few vehicles on site. He stated that he would have applied for the use by exception at that time if he had been aware of the situation. He noted that his occupational licenses had indicated vehicle sales since 1992.

Ms. Horvath stated that the situation was worrisome.

MOTION

Mr. Baker moved to deny the application as submitted, because the requested usage was not appropriate for the area. Mr. Dixon seconded.

Vote on the motion.

<u>In Favor</u>	<u>Opposed</u>
Baker	Grant
Dixon	Simms
Horvath	

Motion carried with a 3/2 vote.¹

Item 5(b) 2003-1241

Joseph L. Boles, Jr., PA

Michel Roux

43 Cordova Street

To allow an inn as a permissible use by exception.

Mr. Dixon noted that he owned property adjacent to the subject property and questioned whether he should recuse himself from the application.

Mr. Wilson advised that Mr. Dixon should recuse himself from the application, because

¹ Mr. Baker called a break at 3:27 pm and reconvened at 3:40 pm.

the boards' decision could cause a benefit or be a detriment to the property he owned.

Mr. Birchim reported that the applicant had requested a use by exception to allow an inn at that location. He noted that the property was located in the HP-3 district, which allowed hotels, motels and inns by exception only. He stated that the use of the property as an inn appeared to be appropriate. He said that after publication of the staff report, a neighboring property owner had expressed concerns regarding the possibility of guests at the inn blocking access to a common driveway. He noted that the concern had been taken seriously by staff and the recommendation of approval was in no way meant to minimize the neighbors' concern. He advised that the current City Code did not require businesses in the historic districts to provide parking or loading zones. He stated that if the PZB approved the application, the board had the authority to impose conditions on the approval, which might address the adjacent property owners' concern. He said that if the board found that the use did not fall within the perimeters for approval of a use by exception, specific findings should be included with the determination.

Joseph Boles, 19 Riberia Street, stated that the owner of the property was Michele Roux and the proposed buyer of the property was Ms. de Velazquez. He noted that permitted uses included tourist homes, restaurants with lounges, rooming / boarding houses and houses for the elderly. He said Cordova Street consisted of mostly commercial businesses with the exception of Mr. Dixon's house. He explained that the Banta family had sold the property but had

reserved an easement across the land in order to access the property located in the rear, which still belonged to James Banta. He advised that the proposed buyer would be the owner/manager and would live on site. He stated that over many years inns had been encouraged to locate on and near Cordova Street. He suggested that in order to regulate and control people from parking in Mr. Banta's driveway signage should be placed in the area.

Mr. Simms questioned whether Mr. Boles had attempted to discuss the issue with Mr. Banta.

Mr. Boles stated that Mr. Banta had voiced that he was concerned with people attempting to park in the rear where only two spaces were available. He stated that one space would be for the new owner of the property and the other for Mr. Banta. He said Mr. Banta's situation involved people pulling into the drive and blocking access to his property. He suggested that many solutions existed, but they had not agreed upon a specific one. He stated that the use by exception for an inn was the issue and not the parking situation.

Mr. Baker opened the hearing to public comment.

The following citizens spoke in opposition to the application:

- Robert Hall, 42 Spanish Street
- Lynn Gilchrist, 7 St. Andrews Ct
- Gerald Dixon, 45 Cordova Street
- Bill Rose, 33 Valencia Street
- Robert Brackett, 44 Spanish Street
- James Banta, 43 ½ Cordova Street

Those citizens offered the following reasons to deny the application:

- Lacked information regarding parking for guests of the inn
- Commercial deliveries would become problematic
- Only four residential homes remained on that block
- Neighbor forced to install a wall to prevent lights and people looking into his windows
- Too many Bed & Breakfast Inns in the City
- Lack of available parking
- Cordova Street already handled tour trains and horse and carriages along with regular vehicle traffic
- Negatively impact Mr. Banta's and surrounding properties
- Code required that a certain percentage of a Bed & Breakfast inns must be 50 years old, which had not been addressed
- Site plan not submitted in order to change the use from single-family to a commercial use
- Mr. Banta's easement dated back to 1918 to allow egress and ingress to the rear of his property
- 43 and 43 ½ Cordova Street shared the same driveway
- Installation of signage did not work to prevent people from parking in the driveway, blocking ingress and egress
- Area for commercial deliveries not available
- Egress from driveway extremely dangerous
- 65 name petition to deny the application submitted to board

Mr. Baker closed the public hearing. He noted that twenty written response forms had been sent to surrounding property owners with two returned in favor and seven returned in opposition to the application.

Mr. Boles stated that parking was not required in the HP-3 district and as a City, that issue had not been addressed. He noted that the district was zoned for mixed use. He advised that many uses were allowed for that area, such as a bookstore, food stores that included beer and wine, restaurants with lounges, hair salons, dance studios, rooming and boarding houses, museums, etc. He stated that if the goal was to encourage preservation and restoration of historic homes, one could not suggest that a Colonial reproduction house was a danger to residents, because of its location on the lot line. He suggested that the City needed to rethink that issue. He stated that the board should not deny the request just because Mr. Banta or his guests could not pull out of his driveway. He suggested that the permitted use of a restaurant with a lounge would be more objectionable for Mr. Banta and the surrounding community than a Bed and Breakfast business.

Mr. Simms stated that he liked the idea of placing a Bed & Breakfast at that location; however, he was troubled by the personal disruption to Mr. Banta. He suggested that it would be helpful if Mr. Boles and his client had spoken with Mr. Banta prior to the hearing in order to work out some type of agreement. He suggested that every Bed & Breakfast along Cordova Street had available parking. He stated that it would be irresponsible for the board to allow an inn

without the requirement that the applicant obtain parking for their guests. He said he could not support the request.

Ms. Horvath disclosed ex-parte communications with Mr. Banta and a visit to the site. She agreed that a restaurant would be far worse for the area, but the parking issue needed to be resolved. She asked what the full build-out would be for the B & B.

Mr. Boles stated that only two guest rooms were planned thus far. He said he desired to be fair to his client and inform her that the review process normally was not handled in such a way. He noted that in the HP districts, parking was not scrutinized and not used as a reason to deny a use. He suggested that if the board started to require the submittal of a parking plan with applications for the HP districts, the City must specify that requirement to everyone that applied for businesses in those districts and not just his client. He agreed that the parking situation was an issue and should be an issue with every application for the HP districts, but that was a policy decision to be made by the City Commission. He noted that he had mentioned that to inform his client that the rules they had been dealing under had just shifted.

Ms. Freeman stated that, although a parking plan was not required, it would help the board to determine whether the use would promote the public's health, welfare, morals and convenience.

Mr. Boles suggested that Mr. Banta's situation would not be helped if they had obtained ten parking spaces at the VIC. He

stated that unless the driveway was closed people would still park at that location and block Mr. Banta's access.

Ms. Freeman noted that it would become a public safety issue if guests stopped in the middle of the street to unload at the Bed & Breakfast location.

Mr. Boles agreed that it was a safety issue but stated that if the board denied the application for that reason the board should include all deliveries, etc that had stopped in the middle of the street. He asked that the board not start with his client.

Mr. Grant disclosed ex-parte communications with Mr. Banta and a visit to the site. He agreed with Mr. Boles' opinion that parking was not the issue, but the issue was the exception request. He stated that the only way for him to approve the request would be to include some type of remedy for Mr. Banta.

Mr. Boles stated that he was not aware that parking was an issue for Mr. Banta until the night prior to the meeting. He questioned whether Mr. Banta had notified the City in an effort to control the situation. He suggested that the parking issue could be fixed; however, they could not change the entire philosophy of the HP-3 district.

Mr. Baker said he agreed with Mr. Boles' statement. He stated that similar types of uses had been established on Cordova Street. He said that, although parking was problematic in the City, that issue should be removed from the discussion. He voiced concern about the hardship placed on Mr. Banta regarding the parking situation and

suggested that unless a compromise was worked out with the applicant and Mr. Banta, he could not support the request.

MOTION

Mr. Simms moved to deny the application based on the negative impact to Mr. Banta. Mr. Grant seconded.

Mr. Baker questioned whether the board would be willing to table the application to allow the applicant time to work out the parking situation with Mr. Banta.

Mr. Simms withdrew his motion to deny the application. Mr. Grant agreed to withdraw his second to the motion.

MOTION

Mr. Simms moved to table the application until the meeting on February 3rd, 2004 in order to allow the applicant time to find a workable solution to the parking issue with Mr. Banta. Ms. Horvath seconded.

Ms. Freeman asked Mr. Simms to amend his motion to include plans being submitted for parking.

Mr. Simms stated that he did not desire to include that stipulation in the motion; however, he asked the applicant to consider Ms. Freeman's concern.

Mr. Boles asked what the board desired to review if a workable solution was not successful.

Mr. Knight advised that an approval from HARB would be required with any design change due to the location of the structure in the HP-3 district.

Ms. Freeman stated that she was not satisfied with the parking issue. She acknowledged that a parking plan was not required from the applicant; however, criteria for public safety remained a concern. She questioned whether the only concern the board had involved parking and how it might affect Mr. Banta. She suggested that other permitted uses that did not require approval, like restaurants, might be more favorable for the city due to increased foot traffic but not necessarily good for Mr. Banta. She questioned whether other Bed & Breakfast businesses furnished at least one area for picking up or dropping off guests and luggage.

MOTION CARRIED UNANIMOUSLY²

6. CONSERVATION ZONE DEVELOPMENT

Item 6(a) 2003-1249

Frederick Halback

Scott Cole

1010 SR 312

To remove trees in Conservation Zone Three for multi-family residential construction.

Mr. Birchim reported that the applicant had requested tree removal in Conservation Overlay Zone Three. He noted that the property had been mostly cleared except for a stand of scrub oaks located in the northeast

² Mr. Simms departed at 4:52 pm.

corner of the property. He stated that the applicant had requested removal of more than fifty-percent of the tree canopy, which required board approval. He advised that the total number of trees on-site was 812, and of that total 134 would be preserved. He stated that 390 trees would be mitigated for the project. He advised that the applicant would accomplish that task with a combination of replanting scrub oak habitat in open areas and would provide the required perimeter and internal landscaping. He stated that replanting of native scrub oak habitat was an innovative and desirable method to mitigate tree loss on the property and was a method encouraged by Code and the Comprehensive Plan. He said that based on review of applicable Sections of Chapter 11 and 28, staff found that the board could approve tree removal at that location as submitted.

Frederick Halback, 287 St. George Street, was sworn in. He noted that the plan involved the development of eighty condominium units in Conservation Zone Three. He stated that the property consisted of 7.4 acres and was located in the CM-1 district, which allowed uses like a gas station, tire shop and mini-warehouse. He noted that one was allowed to build up to one-hundred and sixteen units on the property, but they proposed to build only eighty units, which would be distributed throughout a series of smaller buildings. He explained that 4.5 acres of the 7.4 total acres would remain completely open, which included a one-acre lake and 1.9 acres of scrub habitat. He noted that on page L-1; two surveys had been included, which indicated the remaining trees in the non-scrub area and trees in the scrub area that

included a 100-by-100 foot survey grid. He described the following pages to the board members:

L-2; enlargement of the tree survey

L-3; delineation line indicating the scrub area, specific tree save areas, demarcation line showing the tree protection barricades, and existing grade and contours

L-4; colored rendering of the development, recreation of 24,000 square feet of scrub habitat throughout the condominium property, buffer yard requirements with 3 trees and 504 shrubs around the buffer, provision for 491 trees in excess of the 390 trees required

L-5; detailed enlargement of the landscape plantings, sixty-five gallon size oak trees to be planted in the island buffer located by the Anastasia Lakes community with a line of sycamore and live oak trees forming a dense entry, relocation of a road to create an island in order to preserve the oak tree grove on the property

L-6; recreated scrub near (inaudible due to technical difficulties)

L-7; enlargement of pool area and typical units with large sycamore trees in front of driveways that face the garages

L-8; details of plantings, native plants and scrub habitat

Mr. Halback advised that they had met with neighbors in the hall prior to the hearing and understood their concerns. He said they

were committed to finding a workable solution with those neighbors.

Mr. Baker opened the public hearing.

Will Rucker, 116 Anastasia Lakes Drive, was sworn in. He stated that the neighbors who attended the meeting had reviewed the plans outside the hearing room earlier and had been satisfied with the information provided by the applicant thus far. He noted that two concerns for the neighbors had been the quality of the lake and the buffer between the development and the Anastasia Lakes community. He stated that he currently favored the application request.

Mr. Baker closed the public hearing. He noted that twenty-six written response forms had been sent to surrounding property owners with six returned in favor and thirteen returned in opposition to the application.

In response to an inquiry from Mr. Grant, Mr. Halback advised that the pickerel weed would be placed near the lakes' edge to act as a shoreline.

In response to an inquiry from Mr. Grant regarding criteria for landscape success, Mr. Knight advised that City Code specified that 100% of landscaping must be maintained for three years.

Mr. Baker suggested that the plan was one of the best he had reviewed since joining the PZB and it was an innovative way to handle the scrub habitat on the property. He stated that he could support the application.

Mr. Dixon voiced that he had known Mr. Halback for many years and the project was

far superior than any he had reviewed concerning that area of St. Augustine. He stated that he was sure the developer would follow through with what had been promised and what the board reviewed.

Ms. Horvath stated that she agreed that the landscaping was nicely done, but she was concerned with the five, two-story buildings placed close to the north property line, because of the one-story buildings located to the north of the development. She explained that no trees were indicated that would buffer the northern side of the two-story buildings.

Mr. Halback directed attention to pages L-5 and L-6, which indicated a dense area of trees in front of unit two and unit five. He advised that ten feet of existing scrub habitat would remain in front of units 18, 19 and 20.

Ms. Horvath suggested that unit two was handled well; however, units 18 and 19 needed more buffer with larger trees.

MOTION

Mr. Baker moved to approve the application as submitted. Mr. Dixon seconded.

MOTION CARRIED UNANIMOUSLY

7. OTHER BUSINESS

NON-AGENDA ITEM REGARDING LOT COVERAGE

Mr. Knight advised that he had included a memorandum in the board's packet regarding modifying the Code for lot coverage. He noted that the issue had risen

during the hearing for the church located on Sevilla Street. He stated that in order to prevent additional errors from occurring, the Code needed to be modified with input from the board. He explained that certain situations involved roadways and parking lots adjacent to businesses, which might be considered by staff as one lot or could be split to calculate lot coverage.

Mr. Baker stated that his ideas had derived from the church case that the board had reviewed a month or two earlier. He suggested that property aggregation should be considered if both areas were under an identical zoning category. He stated that the usage of property should be uniform and supportive.

Ms. Freeman stated that many issues were involved with lot coverage. She suggested that crossing a collector road, such as San Marco Avenue or local road should not be considered accumulative and should require an off-site parking exception, which would allow the board to review public safety issues involved with submitted applications. She stated that alleys involved with lot coverage should be handled differently. She suggested that if an alley, collector road, or local road was not adjoining, one should be required to obtain an exception for off-site parking. She stated that it was not overly burdensome to require an applicant to come before the board to obtain an exception.

Mr. Dixon stated that the lot coverage issue generally did not involve parking.

Mr. Knight advised that staff would consider it one lot if an owner owned a business on

one side of an alley and a parking lot on the opposite side of the alley.

Mr. Dixon stated that he was more concerned with the lot coverage issue. He explained that the intent of the Code for lot coverage involved control of mass and scale.

In response to an inquiry regarding accumulative lot coverage, Mr. Knight advised that to be considered in the percentage with lot coverage the property would need to be located directly across the street from the subject property.

Mr. Dixon reiterated that he did not have a problem with including property located across an alley; however, if one required crossing a thoroughfare it became a matter of concern.

Mr. Birchim suggested that staff could draft language and present it to the board at a later date.

Mr. Baker suggested that the board had not reviewed such matters in regards to a residential area, but had reviewed such issues with more commercial institutional properties.

Mr. Knight advised that in the case when Debbie's Day Spa applied for (inaudible due to technical difficulties)

After much discussion it was determined that staff would draft language regarding lot coverage and present it to the board at a future date.

**NON-AGENDA ITEM REGARDING
MIXED USE IN A RESIDENTIAL
DISTRICT**

Mr. Knight explained that, as an example, the motel located at 251 San Marco Avenue had to obtain a use by exception for a parking lot, because it was believed that its location was in a single family district, although it was found to be located in a mixed use residential district. He stated that many commercial uses could be placed into a mixed use district, because items like retention ponds and landscaping buffers were found in mixed use districts and were approved administratively. He noted that staff desired to know whether the board considered such uses allowable in single family residential districts, because the Code only included "parking lot" as a use by exception in single family residential districts and did not include drive aisles, retention ponds associated with the parking lots, landscape buffers, etc. He stated that most times retention ponds and landscape buffers were attached to parking lot developments. He questioned whether the board desired to count landscape buffers toward the commercial requirements.

Mr. Baker suggested that retention ponds and landscape buffers were in conjunction with the development of a parking lot. He stated that if the board allowed a parking lot in a residential district, then the board should also support the uses that were necessary for the function of the parking lot, such as drive aisles, dry or wet retention areas and landscape buffers.³

Mr. Knight suggested that a scenario wherein if a developer placed a parking lot

in the commercial district, but placed the retention pond in the residential district. He asked if the board would desire to review the retention pond as a use by exception or not allow a retention pond in the residential district.

Mr. Baker suggested that disallowing a drive aisle did not make sense, because it was a necessary feature of a parking lot.

A discussion ensued between Mr. Dixon and Ms. Horvath, and both agreed that retention ponds should be reviewed separately and (inaudible due to technical difficulties).

Mr. Grant stated that he did not feel comfortable with any type of retention pond being created on a residential lot. He noted that if the commercial venture failed, what remained would be a retention pond on a residential lot that would need to be filled or altered in some way.

Ms. Horvath stated that the retention pond would need to remain in order to support a certain amount of intensity for a commercial business.

Mr. Grant questioned whether Code required impervious surfaces for parking lots.

Mr. Knight advised that removal of the concrete and building would be required. He stated that retention and/or off pavement retention (inaudible due to technical difficulties).

Mr. Birchim advised that a coquina shelled parking lot would be designed in a manner to act as a bowl to allow the rain water to

³ Mr. Wilson and Mr. Whitehouse departed at 5:48 pm.

percolate through the material. He noted that on a paved lot rain would flow to a separate retention area.

Mr. Grant stated that he was more comfortable with including the required landscaping, which would allow a parking lot to appear more aesthetically pleasing after 5:00 p.m. when no vehicles remained on the lot.

Mr. Baker questioned whether the board desired to keep drive aisles as a separate issue.

Ms. Freeman suggested that drive aisles would be an extension of a parking lot and should be treated as part of the parking lot.

Mr. Dixon suggested that the pressure the board was seeing had come from commercial ventures pushing into residential districts.

Mr. Knight advised that staff would present language to the board at the next meeting.

Mr. Knight advised that the Aggregation Ordinance Task Force had discussed small lot developments and incompatible styles in residential neighborhoods. He directed attention to a study, which had been completed by the City of Sanibel, Florida. He noted that Mayor Gardner had asked the board to review and submit feedback.

a) Discussion regarding date for workshop to review modular housing ordinance.

Mr. Birchim advised that staff would contact all members for the joint HARB/PZB workshop regarding modular homes.

Mr. Dixon asked staff to furnish the addresses involved with examples of modular homes located in the City.

Mr. Knight advised that staff would take photographs and furnish those to the board members. He stated that staff knew of five locations currently existing in the City.

8. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None

9. APPEALS OF PLANNING AND ZONING BOARD ACTIONS

- a) 13 River Road: Use by exception to allow a parking lot in a residential district
- b) 501 Plantation Island Drive South: Variance to exceed the maximum height

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:09 PM.

Matthew Baker, Chairman

Pam Halterman, Recording Secretary