

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board / Historic Architectural Review Board Workshop Meeting
September 28, 2004

The Planning and Zoning Board and Historic Architectural Review Board met in a workshop session at 3:00 p.m., Tuesday, September 28, 2004, in The Alcazar Room at City Hall, St. Augustine, Florida. The meeting was called to order, and the following were present.

1. ROLL CALL

Matthew Baker
Gerald Dixon
Leanna Freeman
Roxanne Horvath
Deltra Long

Dana Ste. Claire
Roy Barnes
Peter Rumpel
Paul Weaver

Absent:

Todd Grant
Harvey Simms
Antoinette Wallace

City Staff:

Mark Knight, Director, Planning and Building Department
David Birchim, Planning Manager
Kim Del Rance, Historic Planner
James Whitehouse, Staff Attorney
Pam Halterman, Recording Secretary

Also present:

Donald Crichlow, Commissioner
William Adams, Director, Dept. of Heritage Tourism
Robert Hall, Resident

**2. POWER POINT PRESENTATION
BY STAFF WITH OVERVIEW OF
EXISTING AGHP AND ZONING
REGULATIONS IN THE HISTORIC
DISTRICTS**

Mr. Birchim explained that he would present an overview of the AGHP and zoning in the Historic Preservation Districts. He noted that the board members would then return to the table to open the public hearing and discussion.

Mr. Birchim explained that two components existed with development in the Historic District:

- 1) Architectural guidelines for historic preservation, which was handled by the HARB
- 2) Zoning regulations in the Code, which were handled by the PZB

Mr. Birchim noted the following points regarding the AGHP guidelines¹:

- The AGHP were the guidelines for historic preservation and a reference document that the HARB used to determine if changes to the HP Districts were appropriate
- The “Houses of St. Augustine, by Manucy” document had been codified as one of the resource documents the HARB could also use to determine whether changes were appropriate
- The AGHP defined all the architectural styles that were present in St. Augustine and features for each style
- The AGHP covered the demolition of buildings, relocation of buildings, signs, paint colors, fences, landscape features, etc
- The guidelines specified what features were involved with framed vernacular style houses and new construction
- Soft regulatory terms were involved in the guidelines, which were difficult to regulate and enforce

Mr. Birchim explained that the overview was a very broad understanding of what the HARB would review involving the AGHP. He noted that the PZB only reviewed zoning matters. He stated that HP 1, 2 and 3 Districts had the same zoning regardless of the architectural style. He explained that the zoning standards were based on the theory that all new construction would be Colonial architecture, because at one point in time all new construction had to be Colonial style.

¹ Mr. Barnes arrived at 3:03 pm, Mr. Rumpel at 3:05 pm, Ms. Freeman at 3:07 pm and Mr. Adams at 3:08 pm.

He noted that minimum lot size, setbacks, lot coverage and height had been based on the assumption that all construction in the HP Districts would be Colonial.

Mr. Birchim stated that building heights were measured from the base flood elevation, established by FEMA, to the peak of the roof. He explained that, in the Historic Districts, the height of buildings were measured by the maximum height of flat and peaked roof buildings and the number of stories one could construct with a flat roof or peaked roof building. He added that flat roof buildings were only allowed two stories at a maximum height of thirty feet and a peaked roof was allowed two and one-half stories at a maximum height of thirty-five feet. He noted that secondary structures were defined by their height with a maximum of fifteen feet. He stated that a definition of a half-story was necessary, due to the difficulty in determining the size of a full or half story for a structure. He summarized the following details regarding Historic Preservation Districts:

- Lot coverage on main buildings was 50% with a maximum of 2,500 square feet
- Total square footage for all buildings including secondary buildings was 7,000 square feet or 70% lot coverage
- Setbacks had been designed for Colonial architecture so a building must be placed on the street frontage with three foot minimum rear and side setbacks; however, Spanish Colonial construction guidelines also specified no windows and a zero setback on the north property line and a six foot setback on the south property line,

because Spanish people had believed the devil always came from the north

- It was necessary to detail setbacks for styles other than Colonial, due to the newly adopted ordinance that allowed construction of other than Colonial style architecture in the HP Districts

Mr. Birchim offered the following topics which had been brought up by members of the public and staff:

- Height limits and how they were measured
- Potential for different street and sidewalk treatments based on zoning categories
- Balcony heights on Colonial reproduction structures
- New construction in HP-3 regarding necessary setbacks
- Regulations for kiosks
- Board to review color scheme for larger development projects
- New hurricane building codes regarding shutters
- Need for pre-approved roof materials

The members returned to the board table and roll call was taken. It was noted that one member from the HARB and two members from the PZB were absent.

3. DISCUSSION REGARDING POSSIBLE CHANGES TO THE AGHP AND ZONING REGULATIONS IN THE HISTORIC DISTRICTS

Mr. Ste. Claire advised that the meeting would be open for public participation. He explained that Robert Hall had approached the HARB on a number of occasions

regarding a workshop on possible changes to the AGHP and zoning regulations in the HP Districts.

Mr. Birchim noted that the first issue identified involved changing the maximum height for new construction from thirty-five feet to twenty-seven feet and to change the way a building was measured from the base flood elevation to the average adjoining ground level, which Mr. Hall had asked the board to consider. He suggested that it would dramatically reduce the height of new construction in the downtown area.

Mr. Ste. Claire noted that, at some point, the issue had been before both boards and the City Commission. He asked staff to explain the concerns that were raised and how the proposed height reduction would be affected by the current FEMA regulations.

Mr. Birchim advised that the FEMA regulations for new construction would remain at the finished floor elevation of nine feet or wherever FEMA stated the flood elevation should remain, because that was how insurance was obtained in St. Augustine. He affirmed that a concern was noted regarding building heights of two new hotels which had been constructed on San Marco Avenue. He noted that it was voiced that new buildings were out of scale with the existing buildings, and the proposed reduction of the maximum height of thirty-five feet would have made the buildings more compatible with the surrounding structures.

Mr. Ste. Claire noted that people in attendance would like to speak on the issues,

and he suggested that the meeting be kept as informal as possible.

Len Weeks, 62 Hypolita Street, stated that, until last year, he had been a resident for many years in the downtown area. He said he was acutely aware of the proposed changes to the height limits. He suggested that measuring building heights from the ground level would substantially change the use of a structure. He stated that FEMA guideline flood levels continued to rise. He voiced that if the measurement started from the ground, each time FEMA changed its height limits it would eliminate property rights for owners. He noted that he owned many properties in the downtown area, and he would like to develop those properties at some point; however, removing two or three feet from the building would limit the use of a building. He suggested that one could not have a commercial business on the first floor with a residence on the second story when the building height was limited to twenty-seven feet, which would remove the space for the one-half story. He asked that the board members not take away the owners property rights, because he had bought property with the understanding that he would be able to create a certain development; however, if the rules were changed most property owners would not be able to use their properties as they would currently. He suggested that the board consider enforcing and strengthening design standards to accomplish their desires.

In response to an inquiry from Mr. Weaver, Mr. Weeks noted that the Augustin Inn was designed as a two and one-half story structure; however, it was completed as a three story structure, which he suggested

was a design flaw and not a height issue. He suggested that it could have been addressed under the current architecture guidelines.

Mr. Hall stated that if forefathers had enforced regulations, the City would not be in a position of trying to reinvent some of its history. He voiced that as an educator, he had a strong mission to preserve the uniqueness of the City. He suggested that one needed a perspective that went beyond ten years. He said they had the responsibility to treasure what they had. He stated that HP-3 was primarily the restored area, which should have the strictest design guidelines to maintain the "Manucy" appearance.

Mr. Dixon noted that some larger structures had been turned down by the PZB, which would have appeared similar to the two hotels located on San Marco Avenue. He said he hoped that such proposed buildings would be covered under the recently changed guidelines to help the mass and scale issue. He agreed that structure proportions were changed when the floor elevation reached nine feet. He noted that the elevation measured five feet on the bayfront around the Monson Inn, but did vary along Avenida Menendez. He submitted photographs which showed the original Monson Inn building which was huge compared to the current structure. He articulated that balconies were placed much higher on a building due to the higher FEMA regulated elevation limits. He voiced that higher balconies had become a slight advantage with the access necessary for larger trucks, such as trash and fire engines traveling on city streets. He suggested that more definitive thoughts were

needed during the design process and prior to the HARB's review.

Mr. Weaver asked Mr. Hall what was his basis for the twenty-seven foot height limit.

Mr. Hall noted that the City Commission had chosen the largest Colonial structure, which was the Kirby-Smith building, to use as the standard for height limits for new construction. He stated that his own house was an average size Colonial building; therefore, they were building a city that could never have existed. He said the largest buildings would normally be located in the plaza area; however, larger buildings were currently being constructed near the City Gates. He reiterated that stricter guidelines were necessary in the HP-3 District.

After some explanation, Mr. Dixon affirmed that in order to meet flood elevations, balconies would be placed too low for most buildings.

Ms. Horvath clarified that the first floor would be four feet above the ground, and in order to obtain a full story and balcony on the second floor, the balcony would exceed the outside level of nine feet.

Mr. Rumpel suggested that the proposed reduction in height would remove an entire story; therefore, it would eliminate two and one-half story Colonial structures. He noted that part of the problem was the size of the building, because people were constructing one huge single building. He stated that the proposed parking facility would be obnoxious. He said the proposed parking facility would be the largest building in St.

Augustine and would be a disaster. He noted that nothing had been said about the size of the proposed parking structure. He said one should be concerned with the number of huge new projects being developed. He voiced that no need existed for the proposed parking facility to be four levels. He stated that he would like to see building heights reduced in the HP-3 District; however, each building should be reviewed on an individual basis. He reiterated that the scale in relation to the height should be reviewed.

Mr. Hall reiterated that the height standard should not be thirty-five feet.

Mr. Rumpel suggested that buildings be constructed on a smaller footprint.

Mr. Weaver agreed that the problem was not only the height but also involved the mass of a building. He noted that the concept of preservation had changed over the years. He stated that during the 1980's the HARB's concept was to restore Colonial buildings and to reconstruct on their footprint in a similar mass. He noted that with the construction of the Columbia Restaurant that concept had changed, which resulted in a less accurate reproduction of Colonial buildings.

Mr. Dixon added that property values and taxes forced people to maximize their properties.

Mr. Weaver suggested that new Colonial structures were not being constructed to their original architecture in terms of lot coverage and mass.

Mr. Hall noted that the pressure had been great on the board members and the City Commission.

Mr. Weaver noted that ever since Colonial time, people had sought to raise the ground level and had encountered the same problems that currently existed.

Mr. Dixon noted that the original Monson Hotel was huge compared to its current appearance. He questioned where one would stop the line of history.

Mr. Weaver stated that the City had identified HP-3 as a priority and as the Colonial restoration and reconstruction area.

Mr. Ste. Claire stated that the half-story definition issue was the emphasis for the current discussion, which would probably be resolved. He suggested that the challenge was reconciling the loss of functional space with architectural compatibility. He noted that the City needed to ensure that developers planning to build in the future were not restricted by the functionality of the property. He reiterated that the issue had previously been before the City Commission and it had received much discussion. He said the conclusion, at that time, was to remain at the thirty-five foot height limit, which had worked well.

Mr. Weaver questioned whether the board was able to review the context of a building and deny the application if a building was noticeably out of scale with surrounding buildings.

Mr. Knight affirmed that the board could deny an application for the general mass and

scale of a proposed structure, but the decision could be appealed to the City Commission.

Mr. Weaver suggested that photographs be provided to the board in order to help the board determine the mass and context of the surrounding area. He agreed that it should be reviewed on a case-by-case basis.

Ms. Horvath suggested that measuring twenty-seven feet from the flood plain would have been more of a compromise than measuring from the street level. She noted that one needed to work with the flood plain.

Mr. Hall suggested that the context would keep expanding and the applicant would keep pushing to enlarge structures.

Mr. Dixon voiced that the one-story Spanish Period structure had almost been eliminated because of land values.

Mr. Rumpel said he could support a twenty-seven foot height limit above flood plain in the HP-3 District for Colonial structures, because it already existed in the district.

Commissioner Crichlow stated that at the time the City Commission reviewed the height limits they had found that the thirty-five foot limit worked well. However, he voiced that the City had since seen many new buildings constructed that did not need to be thirty-five feet tall. He noted that the board did not need to allow all new structures to be thirty-five feet in height. He suggested that applicants should be required to convince the board with reasonable rational that the proposed building needed to

be thirty-five feet tall. He stated that if the property had an elevation of eight or nine feet then the structure did not need to be thirty-five feet in height; thereby making the height of the structure closer to the building style. He voiced that ceilings did not always need to be eleven feet high, but could be lowered to remain within the building height limits. He explained that both hotels located on San Marco Avenue had been grandfathered in prior to the implementation of the Entrance Corridor Guidelines. He noted that both he and Mr. Dixon were representatives on the Aggregation Ordinance Task Force Committee, which had started to review the size of residences on small lots. He said they were also considering other ways to handle mass and scale. He suggested that it would hurt the City if they changed the height limit to twenty-seven feet.

Mr. Ste. Claire suggested that it would be possible to implement an ordinance to allow new construction "up to" a height of thirty-five feet based on surrounding context and architecture and on a case-by-case basis. He said he was not comfortable with a twenty-seven foot height limit, because many times thirty-five feet was appropriate.

Mr. Crichlow questioned whether FEMA offered exceptions to the nine foot elevation for historical reproductions. He affirmed that one could ask for a flood variance from the Code Enforcement Adjustments and Appeals Board.

Mr. Ste. Claire explained that FEMA offered exceptions to existing historic structures and rehabilitated structures, but not for new construction.

Mr. Knight clarified that those exceptions would be granted under a variance request.

Mr. Weaver stated that a structure would need to be certified as historic in order to obtain a variance. He noted that post 1935 structures would not be eligible for certification.

Mr. Knight affirmed that the Code Enforcement Adjustments and Appeals Board would grant the variance, after which the State of Florida audited all variances granted by that board.

Mr. Ste. Claire noted that several variances and exceptions were allowed for historic buildings that involved such items as sprinkler systems. He questioned whether staff was aware or could implement exemptions for historic structures.

Mr. Birchim advised that one would be required to pay a significant increase in insurance premiums if they did not construct their building at the nine foot FEMA regulated elevation limit.

Mr. Knight explained that the City had entered into an agreement with FEMA in order to obtain flood insurance. He noted that the program was based on a point system, whereas the less points the better the discount rates. He said the City was rated at eight, but to be in the system one had to rate at least a ten, which was the maximum. He clarified that one point was worth five percent and a one point rating offered fifty percent off flood insurance cost.

Mr. Ste. Claire suggested that the solution remained with a review of context rather than a blanket ordinance.

Mr. Weeks noted that all his property was located in the HP-2 and 3 Districts. He said he had worked for over twenty-five years in order to purchase the property; however, the board, in one afternoon, was talking about lowering his property value substantially. He asked that the board members remember that the people who owned property had worked hard and had purchased the property based on the current guidelines. He noted that he had already processed plans through the HARB for buildings that measured thirty-five foot high. He questioned the rationale for limiting HP-2 and HP-3 districts at two different heights. He encouraged the board to retain the thirty-five foot height limitation, but to strengthen the review process. He noted that he currently had a 12/12 roof, but if he was forced to lower the height, he would just "squat" the roof down, which would be allowed under the current guidelines. He suggested that changing the height limits would negatively impact many property owners.

Mr. Ste. Claire clarified that the board's approach was to retain the thirty-five foot height limit, but to review the context of surrounding architecture with a provision to allow building heights up to the thirty-five foot limit. He suggested that the City Commission could not deny Mr. Weeks rights to construct his building at a height of thirty-five feet.

Street paving materials and street widths in the HP Districts

Mr. Birchim advised that a belief existed that the City desired to restore brick streets and portions of brick streets currently covered with asphalt. He stated that a problem existed which involved the lack of available brick pavers. He noted that the City had searched for brick pavers to match the installed pavers, but they were difficult to find and very expensive; however, the City would continue to work toward the goal of restoring some of the brick streets, which would change the texture and feel of some streets in the Historic District. He suggested that if the board desired to differentiate zoning categories, one could place a band of different materials between the two zoning category areas. He affirmed that separating areas with two different paving materials would become very expensive and difficult for city crews to maintain, especially during emergencies. He stated that the City had followed a more uniform approach. He advised that restoring the brick streets would be a good first step. He affirmed that the City would focus on Charlotte, Treasury, Aviles and St. George Streets. He said he would hate to limit the endeavor by mandating a particular street material in a certain area. He suggested that one could differentiate neighborhoods by placing signage, street furniture, lamp styles or street bands, etc.

Mr. Hall suggested that the program to differentiate historic districts would be a long-term goal.

Mr. Ste. Claire noted that a more immediate concern was using asphalt as a quick fix. He suggested that one of the most compelling underlying concerns was how the local economy was affected by covering

the streets and chipping away at the historic fabric, and when the historic integrity of the City was compromised at any level historic tourist would take notice and not frequent the area, which had been proven in a number of studies. He said it was a good idea to retain the historic brick streets whenever possible, and maintaining the brick streets was a more reasonable goal for the City.

Mr. Hall suggested that one of the unique elements of the city was the narrow streets; however, that element was being chipped away.

Mr. Dixon stated that part of the long term transit and parking plan involved the removal of vehicles from the streets to allow more pedestrian friendly streets, but that could not be accomplished until the City offered alternative parking.

Balcony heights

Mr. Hall stated that the streetscape should be oriented as a more historic element. He suggested that larger trucks be shuttled away from certain streets in order to retain the historic balcony appearance.

Mr. Birchim said he had spoken to the director of Public Works, who told him that trash trucks required twelve feet of clearance. He stated that one needed to take that element into consideration.

Mr. Knight affirmed that while reviewing a development at the north end of St. George Street, it was determined that the balconies needed to be raised to fourteen feet in order to allow fire trucks access to the street which was just as much an issue as trash

trucks. He noted that his department received routine complaints about vehicles stopping to make a quick delivery while another driver attempted to drive around, but would drive into a sign or other object to quickly avoid other vehicles.

Mr. Weaver noted that many houses such as the O'Reilly House had balconies that had been damaged by trucks.

Mr. Rumpel stated that it would be impossible to lower the balconies on most structures and at the same time maintain flood plain elevations.

Ms. Horvath suggested that balconies should not be placed on the corner of a building where trucks turned.

Mr. Barnes suggested that it boiled down to the board members needing to be more in tune to what they approved and include mass and scale when reviewing a project. He said the boards were a steering committee, because if someone did not receive what they asked for they sued the City in court. He suggested that it was an unfair burden to the tax payers. He said development was linked to the viability of the community. He suggested that the City needed teeth in current ordinances, because it reflected poorly on everyone when the City was sued and the private citizen won. He said the best way to deal with the issue of mass and scale was when the application came before the boards. He stated that the City needed to live in the real world and the courts had proven that by siding with the individual citizen. He noted that pre-approved roofs and hurricane shutters were important issues that needed immediate

attention due to the hurricane damage the City and its citizens had endured. He suggested that a multitude of choices should be offered to an applicant, where it involved hardware, windows or paint colors.

Mr. Dixon noted that the Florida Building Code stated that any window within fourteen feet of a property line needed to be a protected opening. He said manufacturers did not produce protective windows that operated and were historic with a divided pane. He stated that hurricane proof wood shutters should be obtainable.

Ms. Horvath suggested that it should be possible to build a shutter of wood with metal interior that would be appropriate.

Mr. Rumpel stated that the shutters needed to be tested to see whether they met Florida Code. He said he would like to see a shutter be developed in order to meet Code to eliminate granting an exception for true-divided lights.²

Mr. Birchim advised that after the packet had been distributed a company who developed a wood shutter claimed that it could pass hurricane criteria. He noted that the board had approved metal brackets with metal corrugated panels for the Monterey Inn; however, that style of hurricane shutter would not be appropriate for Colonial style structures. He suggested that it appeared that everyone was heading in the direction of wood shutters.

Mr. Barnes stated that it was a hardship on the property owner.

² Mr. Whitehouse departed at 4:45 pm.

Topics presented by Staff

Mr. Birchim advised that staff would like to present language that defined setbacks for other than Colonial style structures. He noted that it would be simple, such as the front setback would be the average of their neighbors' setback. He said staff would return with language for the board to review.

Mr. Birchim stated that staff would like the board to consider pre-approved roofing materials based on architectural styles. He offered an example for framed vernacular style structures, which were allowed metal, shingle, etc. roofs. He explained that if someone with an asbestos roof had to remove the roof because of damage, they would be required to come before the board with whatever new roofing material they would like to use. He said in some cases the board would approve the roof material; however, the owner was penalized by having to wait. He noted that in the interim owners were afraid of further damage to their building because they had to wait for an architectural board to approve the material. He stated that it might be possible for the board to pre-approve roof materials. He reiterated that staff would return to the board with new language.

Mr. Weaver suggested that photographic and/or physical evidence of historical materials be included in the language.

Mr. Birchim affirmed that staff would offer language to the board in the future.

Paint scheme for larger projects

Mr. Birchim explained that the Monson Inn developer had spent much time with staff going over pre-approved paint and trim colors at the time they were ready to decide on a paint scheme for the buildings. He affirmed that the developer had come before the HARB and had obtained an approval for a paint color not on the pre-approved list. He stated that after that situation, staff had realized that a development could be constructed perfectly; however, if the paint scheme was not correct the development would not appear appropriate.

Mr. Knight explained that the City had a very limited number of pre-approved paint colors for Colonial structures. He said if an owner desired a color not listed he would be required to obtain an approval from the HARB. He noted that staff had made revisions on the paint colors and had finally developed a limited color palette; however, staff desired to create a larger color palette for larger projects such as the Monson Inn development.

Non-agenda Item

After some discussion regarding trees, electrical lines and FPL, Mr. Knight advised that the City would not handle trees close to power lines; however, after the hurricane the City had started to deal with the situation by placing FPL on notice, through a letter from the CEAAB, about tree limb issues with power lines. He noted that the City was also attempting to obtain an arborist and a representative from FPL to offer Code Enforcement Officers a training session on what could and should be done.

Mr. Dixon noted that several city blocks had electrical lines placed underground, and he questioned why the entire power service for the City had not been placed underground.

Mr. Crichlow noted that FPL had shared the cost for that previous installation; however, the program had since ended, whereas if the City desired to place power underground the City would be required to fund the entire cost. He advised that FPL did not prefer underground service due to the many problems involved with repairs and cost to such service; therefore, he said it was not a cure-all. He noted that it was very expensive to install, but he would like to see underground service in historical areas. He suggested that, although new subdivisions were installing underground service, one should wait fifteen years to see how many problems surfaced with the service.

Mr. Dixon noted that transformers were placed on ground, which created a new problem for property owners and property rights.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:07 PM.

Matthew Baker, PZB Chairman

Dana Ste. Claire, HARB Chairman

Pam Halterman, Recording Secretary