

CITY OF ST. AUGUSTINE

City Commission Workshop Meeting  
Wednesday, July 13, 2005

The City Commission met in a workshop session Wednesday, July 13, 2005, at 5:00 p.m. in the County Auditorium, St. Johns County Administration Complex, 4020 Lewis Speedway. The meeting was called to order by Mayor George Gardner, and the following were present:

**1. Roll Call:**

George Gardner, Mayor/City Commissioner  
Susan Burk, Vice Mayor/City Commissioner  
Joe Boles, City Commissioner  
Donald A. Crichlow, City Commissioner  
Errol D. Jones, City Commissioner

Absent: Susan Burk, Vice Mayor/City Commissioner

Aggregation Task Force Members:

Irene Arriola  
Donald A. Crichlow  
Ronald Stafford  
Geoffrey Dobson, Attorney for the Aggregation Task Force

Absent: Gerald Dixon  
Philip McDaniel

Staff: John Regan, Chief Operations Officer  
Mark Knight, Director, Planning and Building Department  
David Birchim, Planning Manger  
Martha V. (Nell) Porter, City Clerk  
James P. Wilson, City Attorney  
Cooper Helm, Project Coordinator  
Karen Rogers Recording Secretary

**2. Presentation by the Aggregation Task Force regarding proposed Ordinances 2005-19 and 2005-20 regulating height of structures and aggregation of lots in single-family residential districts.**

Mayor Gardner stated that on July 25, 2005 the Commission would determine the next step, amend the proposal or move the ordinance forward to second reading and public hearing on August 8, 2005.

Commissioner Boles clarified that everyone would get their say. He explained that it would be the first presentation to the Commission regarding the ordinances. He said that the Commission had not reviewed or

taken action, as the ordinances were currently being proposed to the Commission. He said that he was interested in the public's position regarding the ordinances and whether the speakers were affected by the proposal.

Irene Arriola began the presentation as follows:

▪ INTRODUCTION <sup>1</sup>

We the task force are assembled today to present to the Mayor, the Commissioners and the citizens of St Augustine a proposed

---

<sup>1</sup> Script provided by Irene Arriola

Aggregation Lot Ordinance. Both the task force and the City Commission have promised the public a workshop where the proposal would be presented and the input of the citizens would be heard. Today is that day.

#### ▪ HISTORY OF THE ORDINANCE

In the summer of 2003 a draft of a comprehensive ordinance known as the Aggregation Lot Ordinance was heard by the PZB, approved and forwarded to the Commission for a first reading which does not include a public hearing. Many citizens turned out for this meeting, where a great deal of confusion, misunderstanding and resistance was displayed, and so the Commission remanded this proposed ordinance back to PZB for a public hearing.

#### ▪ HISTORY OF THE TASK FORCE

Based on the volume of community input during the initial PZB public hearing in the summer of 2003, the PZB recommended that a task force be formed in order to review the ordinance, make changes and finally to present a recommendation to the City Commission. This task force was to include a Commissioner, a member of PZB, an affected homeowner, a non-affected homeowner, a member of the real estate community and an attorney versed in the laws of zoning.

Don Crichlow was the natural choice from the Commission as he had crafted the original ordinance draft. The rest of us were appointed and we were all tasked with the following responsibilities: to more clearly identify the problem that the ordinance was intended to address; to dissect all aspects of the ordinance seeking out flaws, loopholes, exceptions and preclude possible injustices and to do all of this with a goal of fairness and impartiality.

At our first meeting in October of 2003 the citizens in attendance strongly recommended that we apply "what if" analysis to this ordinance as far as it would take us. As a

group we agreed that it was our responsibility to educate the citizens about the perceived problem, the scope of the ordinance and the ramifications of the cure so that their input would be based on something tangible.

We have met as a task force at least sixteen times and individually we have made presentations to neighborhood groups at their invitation.

#### ▪ THE PROBLEM

The perceived problems which inspired this ordinance were based on real events as near as the beaches of Jacksonville and as far as the west coast, the Midwest and the northeast and the fear that St Augustine would be next.

The zoning laws that currently govern us were created in 1975. Lots platted before this date and smaller than allowed by the 1975 code were deemed to be non-conforming but were still developable. The majority of lots in the City are, in fact, non-conforming. Since 1975 nothing in this respect has changed but real estate values have advanced tremendously.

In the summer of 2003 the skyrocketing value of waterfront lots pushed the non-conformance problem to the forefront. Older homes which occupied two or more non-conforming lots were being purchased, razed and replaced by multiple new homes being built on the individual lots. Because of the expense of the lots and their reduced footprint possibilities, designs became narrower and taller, often pushing the 35-foot limit in order to get the desired square footage. New construction requires a base elevation dictated by FEMA and so these new homes would often be well over 35 feet after the necessary fill was added to the lot and would loom over the surrounding homes. In 2005 the price of vacant lots anywhere in the City has reached unprecedented numbers and the County's recent impact fee increase has made vacant land in the City even more valuable. It has been argued that no one in

their right mind will buy a tall skinny house but recent building permit applications seem to suggest otherwise.

Those of you who regularly read the St Augustine Record have seen the recent outcry about the number of demolitions requested monthly. Inherent to the City's charms are the rich and varied neighborhoods all over St Augustine which boast both simple and ornate architecture from the 1800s through the mid 1900s. The bungalow, the Victorian, the Spanish Colonial, the Mediterranean Revival, the rare Territorial style – large or small – these are all on display as part of St Augustine's heritage and are partly what our visitors come to admire and covet and where many of us are fortunate to live. The fear is that when a home in an "historic" or established neighborhood is torn down, the replacement is often times not in a compatible style with the rest of the area. Does this trend lead to a decline in property values? The National Trust for Historic Preservation believes that it can and does in many instances.

The teardown epidemic is considered to be a nationwide problem and is addressed in great detail by the National Trust for Historic Preservation. Their publication – Protecting America's Historic Neighborhoods: Taming the Teardown Trend – was a resource during our meetings. Protection against the teardown trend is not as comprehensive in St Augustine at present as it is in some 2,300 communities around the country where stricter historic preservation ordinances have been enacted.

It is undeniable that the pressure of money has forced this problem on us and will not go away. Our search for solutions has educated us of the complexities and hidden pitfalls of creating a local protection system. The proposal presented today attempts to meet the objections and answer the questions while giving us a usable guideline for shaping the future of St Augustine's residential neighborhoods.

Following the conclusion of Ms. Arriola's report, Commissioner Boles questioned whether all the photographs in the power point presentation depicted homes built on nonconforming lots, and the response was affirmative.

Commissioner Crichlow continued the presentation using the power point projection to explain the ordinances; some significant points of his presentation were as follows: <sup>2</sup>

#### ORDINANCE 2005-20 AGGREGATION

- The ordinance only affected those homes in RS-1 and RS-2 zoning districts
- For example - there was the potential for locations that currently had nine homes and 18 cars to increase to 37 homes with 74 cars – the ordinance would limit that potential increase to 20 homes with 40 cars
- The intent of the ordinance was to manage growth
- Conforming lots in RS-1 had 75' minimum width and 10,890 square feet
- Conforming lots RS-2 had 50' minimum width and 5,450 square feet
- Nonconforming lots did not meet the aforementioned square footage
- In the instance of an existing home occupying two or more nonconforming lots and the home was torn down the lots would remain combined into conforming lots
- Secondary structures, such as a shed or pool, on separate lots did not aggregate or combine lots
- The ordinance also served to save trees
- The Ordinance would not affect people that wanted to tear down their homes to build bigger houses
- The ordinance would not affect height
- Variance was available

#### ORDINANCE 2005-19 HEIGHT RESTRICTION

---

<sup>2</sup> Power Point presentation attached to original minutes

- The height ordinance would not affect building on conforming lots
- Height would be reduced in proportion to the width of a lot's front yard.
- A 40' wide lot would limit height to 28'
- The intention of the ordinance was to keep mass and scale relative to other houses in the neighborhood
- The ordinance would also pertain to additions to existing homes
- Variance was available

Commissioner Crichlow stated that initially the task force had taken on more than they could deal with, and the public could not deal with that much change at one time. He said that small steps were in order, and the proposed ordinances represented two small steps. He stated that the ordinances were designed to preserve the character, density and livability of the neighborhoods. He concluded that zoning was about preserving what was best for the community.

**LEGAL RAMIFICATIONS OF THE ORDINANCES** - Geoffrey Dobson, Attorney for the Aggregation Task Force indicated that:

- In the instance of lots combined by a common use or structure on multiple lots the courts held that Cities and Counties could lawfully treat the lots as combined into one lot
- A taking was the result of substantial reduction of economic use of property
- City ordinances provided for variances for situations of economic hardship

Commissioner Boles said that he had a neighbor with a home built on five 25' lots, and he could not imagine that anyone could realistically build a house on a 25' lot, but if it was possible he would not want five such houses across the street from his house. He questioned the rationale behind a house sitting on five 25' lots.

Mr. Dobson replied that the existing Code provided that the existing house could be torn down and five townhouses built on the

property. He said that people wanted a home that was proportionate to the value of the property, and the rule of thumb was four times. He said that in some areas of the country building 50' tall thin elevator townhouses was not considered inconsistent. He added that they had heard the argument that a similar situation would not happen in St. Augustine; however, the trend toward height for increased square footage was currently occurring in St. Augustine. He stated that the theory of nonconforming lots was that, by attrition, everything would become conforming. He pointed out that the proposed ordinance only affected those lots that had been combined through the construction of houses. He said he did not believe it had been conceived that people would build houses that looked like a single-wide trailer.

Commissioner Crichlow said that as an architect he had just built a 14' wide by 86' long home on a 21' wide lot that would sell for \$8-900,000. He said that the property was on the water, but it was not in a RS-1 or RS-2 zoning district.

### **3. Public comments regarding proposed Ordinances 2005-19 and 2005-20.**

Mayor Gardner opened the public hearing.

The following people spoke in support of the ordinances:

- Kathy Schirmacker, 27 Locust Street
- Gina Burrell, 27 Seminole Drive
- Gary McMahon, 8 Vedder Street (Ordinance 2005-20)
- John Marples, 314 St. George Street
- Lynn Gilchrist, 7 Andrews Court
- Toni Wallace, 342 Charlotte Street
- Sarah Page, 202 Oglethorpe Boulevard
- Nancy Sikes-Kline, 15 Miruela Avenue
- John Valdes, 138 Markland Place
- Gale Burnick, 101 Kings Ferry Way
- Virginia Whetstone, 297 St. George Street (Ordinance 2005-20)
- Patricia Merrett, 28 Water Street
- Irene Arriola, 81 Magnolia Avenue

Some of the comments made in support of the ordinances were as follows:

- The ordinances were needed to preserve the character, integrity and livability of the City
- They needed to protect the City from becoming Jacksonville
- The ordinances were reasonable
- Solve the problem by putting the ordinances on the voter's ballot
- The ordinances would protect the citizens property rights
- Without the ordinances the population and traffic density would increase
- The character of the neighborhoods should be allowed to remain
- Without the ordinances the citizens lived in fear of out-of-town developers
- I believe in everyone's property rights
- Commissioner Crichlow's concern was already happening
- Without the ordinances the history and character of the neighborhoods would be lost
- The City needed and Architectural Review Board, as they would get better results with a board than with the ordinances, because they would get ugly buildings
- Buildings were being built in neighborhoods that through mass, height, density and design were tearing apart the fabric of the neighborhoods
- The ordinances were simple enough to explain and understand
- Developers were snatching up property with the intention of making money and they would maximize their profit by building on nonconforming lots
- The task force had done a fine job
- Currently people could build whatever they wanted
- There was a huge problem that the City had to address
- How would they handle an Architectural Review Board

The following people spoke against the ordinances:

- William Lennon, 27 Dolphin Drive
- Brian Eckstein, 100 Carver Street
- Henry Warner, 700 Pinehurst Place
- Kayla Douglas 74 Lighthouse Avenue
- Gary McMahon, 8 Vedder Street (Ordinance 2005-19)
- Buddy Haynes, 69 Almeria Street
- Jill Leslie, 22 Ponce de Leon Avenue
- C. L. Reigle, 138 Markland Place
- B. J. Kalaidi, 8 Newcomb Street
- Shawn Douglas, 39 Cincinnati Avenue
- Elizabeth Holiday, 11 Aviles Street
- Steven Schuyler, 7 Inlet Place
- Harry Waldron, 112 Colon Avenue
- Tom Wright, 410 Arredondo Avenue
- Emili Fonteneau, 26 Ponce de Leon Avenue
- John Valdes, 138 Markland Place
- Virginia Whetstone, 297 St. George Street (Ordinance 2005-19)
- John Cahill, 155 Oneida Street
- Patricia Orsini, 214 N. Matanzas Boulevard

Some of the comments against the ordinances were as follows:

- The aggregation ordinance was instigated because of a disagreement between two neighbors
- Another Commissioner besides Commissioner Crichlow should have represented the Commission on the task force, because Commissioner Crichlow's campaign manager had been involved in the disagreement between the two neighbors resulting in the proposed ordinances

Commissioner Crichlow denied any involvement with a disagreement between neighbors and said that Carl Blow and Wilton Rooks had brought the matter to him as a City wide concern, and he had recognized the threat to the City.

- The task force created a problem that did not exist

- Currently people that were tearing down houses were building bigger houses
- People had a right to build big and tall homes
- The City needed an Architectural Review Board that would solve a lot of the problems the Commission expressed concern about
- The height restriction would negatively impact the scale and mass for structures built on nonconforming lots of record<sup>3</sup>
- The height limitation would render construction that was consistent with history impossible
- The height ordinance would prevent a properly pitched roof
- The height restriction would encourage a style of construction that would negatively impact the neighborhoods
- The height restriction would encourage flat roof structures

Mayor Gardner stated that height reduction would not mandate flat roofs as variance would be available.

- Increased height would increase density
- The aggregation ordinance would cause great economic loss
- The aggregation ordinance would deprive the City of tax income
- Over crowding would be self limiting
- Solve the height problem by eliminating the variance for elevators
- The aggregation ordinance was taking away citizen property rights
- The ordinance affected people that wanted to buy in St. Augustine
- Some of the beautiful Two story Victorian homes could not be replicated
- Aggregation for 25' lots was fine, but for 50' lots it was discriminating
- Variances were not easy to obtain and would create animosity between neighbors<sup>4</sup>

---

<sup>3</sup> Photographs attached to the original minutes were displayed supporting the comment

<sup>4</sup> End of audio tape one

- The Aggregation Ordinance represented a Civil Rights violation
- The majority of the public were against the ordinances
- The ordinances confused the issues and took away from the charm of the neighborhoods<sup>5</sup>
- Investments in some of the nonconforming lots were made up to 100-years earlier, and they were intended for the children of the future
- Would St. Augustine become a gated community
- The issues were horribly presented
- The Commission should be careful what they wished for
- There was too much government telling people what they could not do
- The aggregation ordinance was bad and no one understood it
- The ordinances would not do what the task force suggested they would
- The ordinances would affect affordable housing
- Both ordinances were too simplistic to handle the problems that were occurring
- Enforcing the existing ordinances would help with many of the concerns
- Architectural differences in neighborhoods blended nicely

Mayor Gardner closed the public hearing.

Commissioner Crichlow stated that the idea of an Architectural Review Board was not new, plus it would increase property values. He said that the task force had been asked to consider looking at architectural overlay zones, and he thought that would be a wonderful idea, although it would be much harder to implement than the proposed ordinances. He said that legislating taste would be tough, and it would have to be handled by each neighborhood setting the criterion. He concluded that the task force thought the ordinances would help until an overlay zone was established, because if

---

<sup>5</sup> A brief recess from 6:42 until 6:55 p.m.

they waited much longer bad things were going to happen in the neighborhoods.

Commissioner Jones reserved comment until a later date and welcomed further input from the public.

Commissioner Boles explained the process for the ordinances saying that the Commission would have time to discuss the ordinances further during the subsequent Commission meeting, and there would be another public hearing on the second reading of the ordinances in August. He noted that the ordinances had not garnered the favor of the majority. He said that he was an aging baby boomer, and he wanted a big one story house; therefore, he expressed concern about lot coverage. He stated that the aggregate ordinance limited smaller houses and the height ordinance encouraged smaller houses, which demonstrated an internal inconsistency that bothered him. He said that a suggested Architectural Review Board would be different from the existing Historic Architectural Review Board, and it might be the answer to the concerns. He invited the public to contact him with their input.

Mayor Gardner said that the Commission would be determining whether to pass the ordinances during the subsequent Commission meeting and should they approve them the public would be heard again on August 8, 2005. He thanked the public for attending.

#### **4. Adjournment**

There being no further business, the meeting was adjourned at 7:58 p.m.<sup>6</sup>

---

<sup>6</sup>Transcribed by Karen Rogers, Recording Secretary

---

MAYOR

---

CITY CLERK