

CITY OF ST. AUGUSTINE, FLORIDA

Regular Planning and Zoning Board Meeting
August 1, 2006

The Planning and Zoning Board met in formal session at 2:00 p.m., Tuesday, August 1, 2006, in The Alcazar Room at City Hall, St. Augustine, Florida. The meeting was called to order by Roxanne Horvath, Chairperson, and the following were present.

1. ROLL CALL

Roxanne Horvath
Carl Blow
Gerald Dixon
Leanna Freeman
Bill Leary
John Valdes

Excused:

Deltra Long

City Staff:

Mark Knight, Director, Planning and Building Department
David Birchim, Planning Manager
Robin Upchurch, Assistant City Attorney
Pam Halterman, Recording Secretary

**2. APPROVAL OF MINUTES
(July 5, 2006 - Regular Meeting)**

Mr. Leary directed attention to page 12 and 13 of the minutes and commented that the motion had included the issue of ten or more units; however, the discussion did not reference that item. He asked that it be included in the minutes for a better understanding of the issue.

Minutes from the July 5, 2006 regular meeting were approved as amended.

Item 4a, 2006-0666, 47 Florida Avenue

Mr. Birchim advised that the applicant for Item 4a had asked that his application be withdrawn.

3. EXCEPTIONS

**Item 3(a) 2006-0517
City of St. Augustine
Trinity United Methodist Church**

19 DeSoto Place

To allow a parking lot in a residential district as permissible use by exception.

John Regan, Chief Operations Officer for the City of St. Augustine, was sworn in. He stated that he represented the City and offered the following information to the board:

- Proposed parking lot had been an element involved with the City Commission's approved Parking and Traffic Master Plan for the City
- Theory of the master plan involved the deficiency of parking space inventory which resulted in the construction of the new parking facility at the VIC
- One-hundred public parking spaces would be constructed at the San Sebastian property
- The Lightner Museum lot had been remodeled which included the

Customer Service Center at 50 Bridge Street

- › Overall emphasis for the City was to become more customer oriented
- › The proposed parking garage to be located behind the Lightner building had become a contentious issue in 2003
- › The City had a parking inventory loss of approximately 500 spaces over the past decade
- › The old Record Newspaper building parking lot would be eliminated in September 2006 which was critical to the City's operations
- › The City Commission and PAT Committee had recognized a loss of available public parking inventory south of King Street; therefore, the "others to be identified" element had been added to the City's Parking and Traffic Master Plan
- › The new parking facility was and should not be considered a "silver bullet" solution
- › 450 right-to-hunt parking passes would be issued to Flagler College students on August 24, 2006 which was a fifty percent increase over the City's original projection
- › The City and its employees needed to be the leaders in utilizing the new parking facility
- › The City currently had ten employees utilizing the satellite parking and staff had started to review each City employee position to see who could be served by the parking facility and shuttle service
- › Staff planned to work with future tenants of the Lightner Museum

building to utilize the parking facility and shuttle service

- › Shuttle loop stop would be placed in front of the Casa Monica hotel
- › The City commitment for right-to-hunt permits involved 192 people but did not include City Commissioners, board members or City Directors
- › Parking inventory totaled 139 spaces to service the 192 issued permits
- › Current parking space overbooking was at 38%; however, the system worked
- › Currently 5,000 square feet in the Lightner Museum building was not occupied
- › The National Guard contract included thirty right-to-hunt parking passes which the City was obligated to provide
- › The parking situation would worsen around the Lightner area with the loss of the Record building lot and simultaneously gaining the National Guard contractual parking requirement
- › Board members would not likely obtain a parking space in the area to attend future board meetings
- › The City needed time in order to obtain Federal funding, create a workable plan for more parking in the City Hall area and adjust the shuttle service schedule
- › Adding twenty-three parking spaces from the church lot would bring the City's overbooking factor down to 1.72 spaces
- › The church lot was currently used for parking
- › The City would furnish infrastructure improvements for the parking lot

- Needed to balance the issues with the general goal of adapted reuse of historic structures
- The National Guard was currently located in a residential area with approximately forty vehicles parking in a residential neighborhood
- The church parking lot would involve vehicles utilizing artery roads such as M.L. King Avenue, Granada Street and Riberia Street
- A key element of the City's Parking and Traffic Master Plan included seeking parking spaces south of King Street
- Obtaining surface parking lots would sustain the City for the next five years in order to allow time to follow the Master Plan and incorporate other public infrastructure in place

Mr. Regan asked the board to vote in favor of the exception request.

Ms. Horvath opened the hearing to public comment.

Peter Romano, President of the Lincolnvile Neighborhood Association, 62 Sanford Street, was sworn in. He submitted documents and stated the following comments to the board:

- ❖ The City had not followed procedure because they had not paid the application fee
- ❖ The property had been posted for the July meeting but not for the August meeting
- ❖ Staff's report had indicated the City as the property owner; however, the St. Johns County Property

website showed Trinity United Methodist Church as the property owner

- ❖ State of Florida, Registry of Corporations did not show the church as a non-profit organization
- ❖ Had the church grant its approval for the City to represent the church in the application
- ❖ A list of notified property owners had not been included in the documentation request on July 19, 2006 from the Planning and Building Department
- ❖ Was the City allowed to represent a private landowner with application requests for exceptions or variances
- ❖ How did the City measure the 400 foot distance between the structure and parking lot to allow the parking lot use by exception
- ❖ The new parking facility was not filling to its capacity
- ❖ DeSoto Place was located in Lincolnvile which was registered as a National Historic Place
- ❖ All entries into Lincolnvile would soon be surrounded by parking lots
- ❖ No study regarding traffic or impact issues had been conducted
- ❖ If allowed it would remove taxable property which could be redeveloped into viable projects
- ❖ The City had already demonstrated a lack of concern by constructing the drive-thru Customer Service facility on the border of Lincolnvile which could have been a desirable real estate tax-paying development contributing to Lincolnvile as a vibrant neighborhood

In response to an inquiry, Mr. Romano stated that he had sent copies of the submitted documents to the entire Lincolnville Neighborhood Association community and had received responses in agreement with his opposition to the exception request.

Ellen Cook, representative for Inns on Cedar Street, was sworn in. She suggested that the City set an example by requiring City employees to park in the garage.

Ms. Horvath closed the public hearing. She noted that twenty-nine written response forms had been sent to surrounding property owners with three returned in favor and two returned in opposition.

In response to an inquiry, Mr. Knight advised that a formal check request would not been done because the application fee would involve an internal transfer from General Fund to General Fund. He affirmed that the property owner on record was the church; however, the City had a contract with the church to utilize the property as a parking lot; therefore, staff had been assigned as representative of the church to go before the PZB with the exception request. He stated that the City had the church's permission to use the property as a parking lot but not to present the application to the board.

Ms. Upchurch advised that the City's contract with the church obligated staff to maintain the property. She noted that

the property was currently being used as a parking lot and the church desired to maintain that use. She stated that the City was attempting to satisfy their contractual obligations with the church but also obtain permission for the use.

Mr. Blow questioned whether the church paid real estate taxes on the property.

Mr. Knight advised that the church was a 501(c)3 not-for-profit organization and not obligated to pay taxes. He said the church had owned the property for a long time. He explained that the surrounding neighbors had been notified by mail about the application request, and the site was well within the four-hundred foot requirement.

Ms. Horvath questioned whether an impact study had been completed.

Mr. Regan advised that no formal study had been completed.

Mr. Knight explained that National Guard personnel currently drove twice as far through neighborhood streets to reach their work building; however, the proposed parking lot would result in half the driving distance through City neighborhoods.

Ms. Freeman asked whether the church, on their own, could use the lot for parking and be able to lease the property to the City for the same purpose.

Mr. Knight affirmed that the lot had been grandfathered in and used for parking since prior to 1975 which was over thirty

years. He advised that the church could directly lease the lot for parking to anyone without obtaining approval from the board.

Ms. Freeman pointed out that the parking issue was not new to the property, and the church could lease the lot to anyone.

Mr. Dixon noted that the PAT Committee had recognized the need for parking south of King Street. He stated that granting the exception for the parking lot was a short-term solution that would benefit the area.

Ms. Freeman emphasized that the issue was simple, because the property was currently used as a parking lot for the church.

Mr. Valdes agreed that the thirty existing National Guard personnel would travel less through City streets and neighborhoods to the proposed location, and he pointed out that those vehicles were currently parking on neighborhood streets. He acknowledged that Lincolnville was an important historic area; however, the Lightner building was an important structure as well. He pointed out that the unoccupied portion of the building, such as the 5,000 square feet in the Lightner building, would degrade over time. He stated that the money received to lease the unoccupied portions of the Lightner building would help to maintain the structure. He noted that the church could lease the lot for parking without the boards' approval.

In response to an inquiry, Mr. Regan affirmed that after the National Guard lease was fulfilled 5,000 square feet of building would be unoccupied. He explained that the secret to off-site or satellite parking involved the shuttle system. He voiced that he agreed with the City being the leader in utilizing the new parking structure. He stated that the change would take time and adjustments with the sophisticated shuttle system. He pointed out that to ride the shuttle service currently cost \$2.30 per person, and the future of the shuttle would involve Federal funding. He reported that the Council on Aging agency had submitted shuttle proposals; however, the COA was ranked last due to high cost and proposed routes. He cautioned that if the City allowed the parking compression factor to rise too high, it would eliminate many of the public parking spaces available in the downtown area and result in the need for a second parking garage. He stated that the City currently had a total of sixteen positions slated to utilize the parking garage and shuttle service. He advised that staff needed time to evaluate the parking situation to be able to create a workable solution for everyone.

In response to an inquiry, Mr. Regan affirmed that people did not want to lease the unoccupied space at the Lightner Museum building due to the lack of available parking and the City's inability to provide parking.

Mr. Blow asked for the amount being charged the National Guard to lease the second floor of the Lightner building.

Mr. Regan advised that the National Guard would pay approximately \$180,000.00 annually.

Mr. Dixon pointed out that the rent would help to maintain the building. He explained that the new parking facility was not designed to resolve all of the parking problems in the City. He stated that the National Parks Service future plans involved eliminating the 150 parking spaces in front of the Fort and using the new parking facility.

MOTION

Mr. Dixon moved to approve the application as submitted.

Mr. Blow pointed out that the City had a good lease and tenant with the National Guard. He stated that the property in question was an existing parking lot and nothing would prevent the church from continuing its grandfathered use.

Ms. Horvath stated that using the old Bass Cab property for parking, which she voted in favor of, made much sense and would also serve as a short-term fix for the City.

In response to the request from Mr. Romano to address the board again, Mr. Valdes pointed out that Ms. Horvath agreed that she would allow rebuttal from Mr. Romano.

After a brief discussion between board members and staff, Ms. Horvath allowed Mr. Romano to speak again.

Mr. Romano pointed out that lots 8 and 15 were zoned RS-2, and he questioned how the property owner was allowed a parking lot in a residentially zoned area.

Ms. Freeman questioned whether Mr. Romano understood that the parking lot was a grandfathered use.

Mr. Romano stated that property records had not indicated the grandfathered use as a parking lot.

Ms. Freeman asked Mr. Romano if he acknowledged that the property had been used as a parking lot for over thirty years.

Mr. Romano commented that he did not. He stated that he rode by the property almost every day and it appeared to be a vacant lot. He said the church was undergoing difficult financial times and attempting to do something with the property. He insinuated that the City was removing residential zoning in their attempt to allow a parking lot.

In response to an inquiry, Mr. Knight affirmed that the property had been used by the church for their parking and it had never been occupied with a structure. He explained that to allow the continued use, the property had to be used as a parking lot prior to 1975 and continually used since 1975 without a twelve-month increment abandonment as a parking lot. He advised that the

church had been in existence since prior to 1975 and the lot was the only parking area for the church.

Mr. Romano directed attention to Section 28-2, and asked how approving the exception would benefit Lincolnvile.

After a brief discussion between staff and board members, Mr. Valdes explained that thirty less vehicles would transverse through the Lincolnvile residential streets if the exception was allowed. He pointed out that the National Guard personnel would only transverse through three blocks if the exception was approved by the board. He noted that the issue was not easy but the proposal would benefit Lincolnvile. He stated that the Lightner Museum building was an important historic structure, and the City was obligated to maintain the building.

Mr. Romano questioned why the City renovated the old fire station at 50 Bridge Street if they had unoccupied space in the Lightner building that they intended to lease.

Ms. Horvath pointed out that the use for 50 Bridge Street involved less stops for the public and installation of the drive-thru customer service window had eliminated some of the need for parking.

Mr. Blow agreed with Ms. Horvath.

Mr. Leary said he agreed with board members comments and seconded the motion.

MOTION CARRIED UNANIMOUSLY

4. VARIANCES

Item 4(a) 2006-0666

Robert T. Powers

47 Florida Avenue

To encroach into the required side yard building setback for a residential addition.

The application was withdrawn by applicant.

Item 4(b) 2006-0683

Don Crichlow

Rosella O. Marchand

c/o Ernest Marchand

335 Charlotte Street

To encroach into the required front and side yard building setbacks and to exceed the maximum lot coverage for residential additions.

Don Crichlow, 24 Cathedral Place, was sworn in.

Mr. Birchim reported that the applicant had requested a variance to encroach into the required side and front yard building setbacks and to exceed lot coverage for a residential addition. He noted that the property was a non-conforming lot in the RS-1 District and measured 57 feet in width and 4,950 square feet in area. He explained that the property had a minimum front setback of twenty feet; however, the applicant would like to reduce it to sixteen feet. He pointed out that the RS-1 District had a minimum side setback of six feet but the applicant

wanted to reduce it to three feet. He advised that the maximum lot coverage was twenty-nine percent, and the applicant had proposed lot coverage at thirty-three percent. He stated that the property was small in size and less than ½ the size needed to be a conforming lot; therefore, it created a disadvantage which qualified the property for a variance. He said, based on review of Section 28-29, staff found that the board could approve variances at 335 Charlotte Street.

Mr. Crichlow directed attention to the submitted photographs indicating that the building addition would be in line with the adjacent property; therefore, he suggested that the addition would not negatively impact the streetscape. He stated that the front façade appearance would improve and the side portion of the addition would be in line with the existing structure.

Ms. Horvath opened the public hearing but there was no response. She noted that seventeen written response forms had been sent to surrounding property owners with four returned in favor and none returned in opposition.

Mr. Blow recused himself from the application due to a potential conflict.

MOTION

Mr. Valdes moved to approve the application due to the non-conforming property. Mr. Dixon seconded the motion.

MOTION CARRIED WITH MR. BLOW RECUSING HIMSELF FROM THE APPLICATION

Item 4(c) 2006-0701

Robert C. Ferran

Robert C. Ferran Revocable Trust

2 Coquina Avenue

To encroach into the required side yard building setback to construct a residential addition.

Robert Ferran, 2 Coquina Avenue, was sworn in.

Mr. Birchim reported that the applicant had requested a variance to encroach into the required side yard building setback to construct a residential addition. He noted that the property was non-conforming and located in the RS-1 District which had a seven foot minimum side yard building setback. He explained that the applicant had proposed a three foot side yard building setback and the property qualified for a variance due to the hardship with its unusual shape. He stated that, based on review of Section 28-29, staff found that the board could approve a variance to encroach into the required side yard building setback at 2 Coquina Avenue. He added that Mr. Ferran was the owner of the adjacent property.

Ms. Freeman disclosed that she had previously owned the property but had sold it to Mr. Ferran approximately 1-1/2 years earlier; however, she had not known of his plans for the addition; moreover, she was not part of the application.

Ms. Horvath opened the public hearing but there was no response. She noted that twenty-two written response forms had been sent to surrounding property owners with three returned in favor and one returned in opposition.

Mr. Valdes asked the applicant whether the addition involved single-story construction.

Mr. Ferran affirmed that the addition would involve two-stories.

In response to an inquiry, Mr. Ferran explained that he planned to occupy both houses; however, his family currently resided at 4 Coquina Avenue while they renovated the other structure. He explained that 4 Coquina Avenue would be used as a guesthouse for visiting relatives and friends.

MOTION

Mr. Leary moved to approve the application as submitted. Mr. Blow seconded.

MOTION CARRIED UNANIMOUSLY¹

Item 4(d) 2006-0709

Rob A. Matthews III

Matthews Properties 2, LLC

4 Waldo Street

To encroach into the required side yard building setback to construct a commercial addition.

¹ Ms. Horvath called a break at 3:32 p.m. and reconvened at 3:47 p.m.

Rob Matthews, 304 16th Street, was sworn in.

Mr. Birchim reported that the applicant had requested a variance to encroach into the required side yard building setback to construct a commercial addition. He noted that the building had been a church, and constructed prior to the adoption of the Zoning Code. He stated that the minimum side yard building setback was five feet; however, the applicant would like to construct the addition three feet from the property line. He noted that the location of the structure on the property was a physical condition of the property and was unlike other properties in the vicinity. He stated that the condition constituted a hardship that limited the construction of the addition without obtaining a variance; therefore, staff found that the board could approve a variance to encroach into the side yard building setback at 4 Waldo Street.

Mr. Matthews affirmed that the building had been a church for some time and he had acquired the property in February 2006. He stated that he would like to convert the structure into professional offices with a residential appearance.

Ms. Horvath opened the public hearing but there was no response. She noted that fifteen written response forms had been sent to surrounding property owners with four returned in favor and one returned in opposition.

In response to an inquiry, Mr. Matthews explained that the building would be extended twelve feet; however, it would be angled toward the lots' interior and away from the property line. He stated that his engineering office would involve approximately 4,500 square feet of the building with enough room remaining for another smaller business office that would be leased to a similar type company.

Ms. Horvath asked the applicant to explain the appearance of eight tandem parking spaces.

Mr. Matthews affirmed that the parking was tandem; however, parking requirements had been met without placing the four additional spaces on the property. He noted that the lot was created with coquina shell, and he wanted to create a more organized parking area for employees.

MOTION

Mr. Leary moved to approve the application as submitted because it would be an enhancement to the neighborhood. Mr. Valdes seconded.

MOTION CARRIED UNANIMOUSLY

5. CONSERVATION ZONE DEVELOPMENT

Item 5(a) 2006-0673
F and A Marine Construction Inc.
Dennis E. and Kay S. Abercrombie
33 Comares Avenue, Unit #202, Slip #4

To install a floating dock.

George Frenz, 134 Riberia Street, was sworn in.

Mr. Birchim reported that the applicant had requested permission to install a floating dock onto an existing dock and between two existing boat slips at 33 Comares Avenue. He noted that the proposed floating dock measured 28.5 feet in length and would be six feet wide. He stated that, based on review of Section 11-29, staff found that the board could approve a floating dock at the subject location with the condition that all Federal, State and City permits were obtained prior to construction, and by approval of the application the City did not make representation, approval or claim of riparian rights to any party.

Mr. Frenz submitted documents to the board members and stated that the property owner would like to install the floating dock to reach the existing pilings in the water.

Ms. Horvath opened the public hearing but there was no response. She noted that twenty-six written response forms had been sent to surrounding property owners with five returned in favor and none returned in opposition.

Mr. Blow questioned whether the dock would be made of wood and whether the proposed dock had been approved by the Homeowners Association.

Mr. Frenz advised that the floating dock would be primarily made of wood, and

the property owner had already received permission from the Homeowners Association.

MOTION

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

MOTION CARRIED UNANIMOUSLY

Item 5(b) 2006-0708
Doran D. Yelton II
Yelton Construction Company Inc.
219 South Matanzas Boulevard
To construct a dock.

Leland Yelton, 3977 Susan Drive, Green Cove Springs, was sworn in.

Mr. Birchim reported that the applicant had requested permission to construct a dock seventy feet long with a fixed dock twenty feet in length, a gangway measuring twenty feet and a thirty foot long floating dock. He advised that, based on review of Section 11-29, staff found that the board could approve the proposed dock with the condition that all applicable Federal, State and City permits were obtained prior to construction, and by approval of the application the City did not make representation, approval or claim of riparian rights to any party.

Mr. Yelton stated that during the PZB June 2006 meeting, the board had asked them to review the dock length with the originally submitted application. He noted that they had redesigned the

dock and found that a shorter length was possible with an added gangway. He said the State and Federal permits had been obtained prior to their first appearance on the matter in June 2006; although, they would need to obtain approval from the DEP for dock modifications. He explained that several existing docks in the area measured well over seventy-five feet in length; however, the proposed dock only measured seventy feet. He noted that the water was very shallow and they were still located thirty feet from the channel. He stated that they would comply with Code in regards to the low profile boat lift.

Ms. Horvath expressed that the current application appeared more appropriate. She noted that twelve written response forms had been sent to surrounding property owners with three returned in favor and none returned in opposition. She opened the hearing to public comment.

Jesse Barnhill, 217 S. Matanzas Boulevard, was sworn in. He stated that he was not opposed to a dock; however, the proposed length was too long because the basin had just been dredged which allowed shorter dock lengths. He advised that he had made arrangements to shorten his dock to fifty feet.

Linda Barrera, 140 Summerhill Drive, was sworn in. She stated that she owned the subject property. She noted that Mr. Barnhill's dock measured well beyond fifty feet and the proposed dock

was identical to Mr. Barnhill's existing dock. She advised that, although Mr. Barnhill mentioned that he would shorten his dock, changes had yet to be made to the length of his dock.

In response to an inquiry, Mr. Yelton advised that the water measured three feet at the mean high water depth waterward at 60 feet and 72 feet. He stated that a boat would be able to dock only at high tide; otherwise, not enough water existed. He pointed out that no water would exist at the dock at low tide.

Mr. Dixon pointed out that the neighbors' dock measured seventy feet in length; therefore, the current property owner should also be allowed the same length.

In response to an inquiry, Ms. Barrera stated that she had asked Mr. Yelton to design a dock that he would be satisfied with if he lived at the residence.

After a brief discussion between the applicant and board members, Chip Yelton, 509 11th Street, was sworn in. He advised that the property owner had an in-board boat and at low tide would dredge up silt while wading through ten more feet of area to reach their dock. He pointed out that the neighboring dock measured seventy-two feet in length. He noted that the proposed dock would only be sixteen inches off the water.

Mr. Valdes expressed that he did not have a problem with the proposed dock

because it would not obstruct the channel or scenic vista.

Mr. Dixon agreed with Mr. Valdes' comment.

MOTION

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

Mr. Blow stated that, if the dredging company had remained on-site, he would have pressed the issue of additional dredging; however, that was not the case.

MOTION CARRIED UNANIMOUSLY

6. REZONING

Item 6(a) 2006-0711
Raymond J. Spofford
England Thims and Miller, Inc.
Florida East Coast Railroad, LLC
North Ponce de Leon Boulevard
PID#084560-0000, 102990-0000,
102810-0000, 154880-0000, 154860-
0000, 155540-0000

To rezone the property from Open Land (OL) to Planned Unit Development (PUD) to construct 248 multi-family dwelling units.

Mr. Birchim reported that the property was located on the east side of the San Sebastian River, west of the railroad tracks and stretched from SR 16 to the northern boundaries of the city limits. He noted that the applicant would like to rezone the property from OL (open land)

to a Planned Unit Development (PUD). He advised that the proposal included 248 townhouse units, a tree survey with tree removal and preservation figures. He stated that the board was required to make a formal recommendation to the City Commission regarding the rezoning of property. He explained that the board had previously recommended a land use amendment from OL to residential low-density mixed-use for the site. He advised that the PUD application was tied to the adoption of the land use amendment and both issues would be considered by the City Commission pending the outcome of the PZB meeting. He stated that staff did not make recommendations regarding the rezoning of land.

George McClure, 81 King Street, Suite A, stated that he represented the applicant. He pointed out that the following people were part of the development team:

Fred Halback, Halback Design
Ray Spofford, England, Thims & Miller
Don Smith, England, Thims & Miller

Mr. McClure introduced Glen Marvin and Jose Gonzales, representatives for the property owners.

Mr. McClure offered the following information regarding the development and site:

- The site consisted of seventy-two acres with sixty-two acres of uplands
- Located at the north end of the city limits and extending to Lewis Speedway

- The property had been owned by the Florida East Coast Railroad for more than a century
- The property previously housed the Miller shops which serviced locomotives
- The property was a developable piece of land
- Vegetation had substantially grown on the site since the demise of the Miller shops as indicated in the submitted photographs
- A significant number of cedar tree stands existed on the site
- Trees measured approximately thirty-five to sixty feet in height
- The FECRR had already sold a portion of the northwest corner of the property located by the city/county line to St. Johns County
- Avenue D would be extended and intersect with US 1 across from the property formerly known as the Ponce de Leon Golf Resort
- A portion of the site had been leased to the mobile home sales business and it was already commercially zoned
- The southwest portion was located inside city limits and zoned CM-2 which allowed multi-family residential and non-residential uses
- They had requested and received, an amendment to the City's Comprehensive Plan from the DCA to include the lowest residential classification (eight units per acre)
- Confined the development footprint of habitable structures to a maximum density of 248 residential units

- › A major modification to the Comprehensive Plan would be required to increase the number of units on the property
- › The FECRR had announced the relocation of their headquarters to Jacksonville
- › Flagler College had purchased the circa 1912 buildings on Malaga Street with a substantial donation from the FECRR
- › The FECRR remained committed to the community

Mr. McClure introduced Fred Halback who would explain the design of the site.

Fred Halback, 287 St. George Street, was sworn in. He offered the following information to the board members:

- › Development involved reuse of an abandoned industrial area
- › It was not a prestige piece of property
- › St. Johns County government would expand and construct buildings just north of the subject property
- › Planned to retain the large stands of cedar trees on the site
- › Density would be limited to four units per acre
- › Property included 2,572 trees, of which 35% were pine trees, 22% cedar trees and the balance included other vegetation
- › Involved 6,000 tree credits and 1,686 tree debits for a total of 4,350 tree preservation credits
- › Development would have a single entrance

- › Retention ponds would be created to support the development of the complex
- › Active and passive recreational development would be included in the project
- › A small viewing dock would be constructed by the marshland
- › Buildings would not exceed thirty-five feet in height and would not be more than one-hundred and sixty feet in length
- › Proposal involved two-level structures with a variety of architectural features and designs
- › Sidewalks would be installed on both sides of the street including landscaping
- › Landscape buffering would be placed along the railroad tracks
- › No plastic or molded signs would be used and they would be externally lit only
- › The only people able to view the architecture would be residents of the development due to landscaping and location
- › Three billboards located on SR 16 would be eliminated

Ms. Horvath opened the public hearing but there was no response. She noted that nineteen written response forms had been sent to surrounding property owners with two returned in favor and none returned in opposition. She asked for clarification on the buffer measurement.

Mr. Birchim explained that the narrative specified a twenty foot buffer; however, the site plan had indicated more than

twenty-five feet from the jurisdictional line.

Mr. McClure affirmed that the buffer measured twenty-five feet or more everywhere on the site which would be corrected on the narrative. He explained that they were obligated to construct Avenue D and bids would return in approximately two to three weeks with construction starting as soon as permits were obtained. He stated that the road would be a four-lane divided road with a traffic light at US 1 and Avenue D. He advised that they intend to develop a linear park format along US 1 up to the former Ponce de Leon Golf Resort entrance which was intended to soften the entrance to the City; however, it was not part of the application before the board that day.

Mr. Dixon questioned whether the CI zoned area would be annexed into the city limits in the future.

Mr. McClure advised that they had anticipated that the proposed annexation would be offered during the hearing before the City Commission on the PUD matter in October 2006.

Mr. Dixon expressed that one excellent part of the development involved the retention of the natural environment and the removal of the billboards located on SR 16.

In response to an inquiry, Mr. Knight pointed out that zoning changes went before the PZB prior to reaching the City Commission.

Mr. Leary disclosed ex-parte communications by speaking with Fred Halback. He had asked the applicant to clarify the density issue under the newly adopted law.

Mr. McClure explained that some areas in the State were designated as Coastal High Hazard Areas (CHHA). He offered the board the following information:

- CHHA would be inundated in the event of a hurricane and most susceptible to property damage and loss of life as a result of hurricanes
- All barrier islands along the east coast were by definition CHHA
- The State had adopted a policy in the spring of 2006 that prohibited development in CHHA
- The Florida's Legislative body had defined criteria for mitigation involving CHHA with some uses permitted and had named it the "cosh" model
- They had agreed with the DCA to contour the site to six feet, limit the number of structures to 248, and the applicant would not construct habitable structures below the 5.7 foot elevation level

Mr. Leary questioned whether the billboards along US 1 would also be eliminated.

Mr. McClure advised that they would continue to discuss the issue with the owners of the billboards; however, they remained optimistic about the outcome.

In response to an inquiry, Mr. McClure clarified that residential development

was not Flagler Development Company's core business; however, the plan would involve a joint venture for the site with a residential development company. He advised that they had yet to determine unit pricing; although, workforce housing would be included in the development.

Mr. Blow disclosed ex-parte communications with Mr. McClure and Mr. Halback. He directed attention to section two of the narrative and questioned when commencement would occur.

Mr. Knight advised that the PUD would expire if activities specified in the narrative did not commence within eighteen months; however, the build-out involved many more elements.

Mr. Leary directed attention to page five of the narrative which defined "commencement" as "construction plan approval and commencement of construction of the extension of Avenue D".

Mr. Birchim advised that an expiration date did not exist other than the language specified in the narrative which had been defined as ten years.

Mr. Knight stated that the grading of Avenue D would start the clock for the approved PUD.

In response to an inquiry, Mr. McClure clarified that modifications would occur for egress and ingress from US 1 which was a State road requiring concurrence.

Mr. Blow questioned whether water from other properties would be treated prior to flowing into the retention ponds.

Mr. McClure explained that water would be treated on property located to the east.

While explaining Avenue D, Mr. McClure advised that the road would be dedicated to the County for maintenance purposes.

MOTION

Mr. Dixon moved to recommend to the City Commission approval of the application with the condition that a twenty-five foot buffer shall exist adjacent to the jurisdictional line.

Members of the board offered the following comments:

- Billboard removal was an added benefit to the City
- Proposed density was appropriate
- Development would include workforce housing

Mr. Valdes seconded the motion.

Ms. Freeman disclosed ex-parte communications with Mr. Halback.

Mr. Leary expressed that he agreed with many of the comments made by other board members; however, hurricanes had become worse and the proposed architecture was not appealing. He stated that he was uncomfortable with

the trend of developers selling a project to be constructed by other developers and companies. He voiced concern that the City would not be negotiating with the developer who had obtained the zoning on the property.

Mr. Blow directed attention to item 13.b in the narrative that specified architectural guidelines which the developer would need to adhere to.

Mr. Dixon pointed out that the development would include workforce housing and the density was limited to only 248 units.

Mr. Leary voiced that he would like to negotiate with the correct party.

Mr. McClure advised that increasing residential density in a CHHA was prohibited by the State. He disclosed that they did not have a contract for the site but would be seeking a joint venture partner for the development of the project. He pointed out that the architectural guidelines in the narrative needed to be followed; however, if a change was desired, one would need approval from the PZB. He affirmed that the proposed guidelines in the narrative were a part of the PUD.

Mr. Dixon noted that the subject project was isolated and surrounded by woods; therefore, he did not believe it was necessary to require the developer to come back before the board. He pointed out that workforce housing would not require as much architectural detail that one would expect with a higher-end product.

Following discussion regarding proximity of the railroad tracks to the site, Mr. McClure affirmed that workforce housing would be included in the project.

Mr. Valdes agreed that the project would be tucked away and only visible from the air.

MOTION CARRIED UNANIMOUSLY²

7. OTHER BUSINESS

7.a. Presentation by Prosser-Hallock

Lynn Buffington and Dick Prosser offered a limited presentation on the submitted draft report regarding Form-based Zoning for the City of St. Augustine.

Both Mr. Buffington and Mr. Prosser offered the following information to the board:

- Three different neighborhood assessments had taken place
- They had reviewed land use and zoning details
- The PZB reviewed between five-six variances, exceptions and rezoning change requests each month
- Public realm areas included parks, plazas, civic buildings, etc
- They had not met with citizens in the neighborhoods which should be mandatory to determine the wants and needs in a neighborhood

² Ms. Horvath called a break at 6:05 p.m. and reconvened at 6:14 p.m.

- › A great deal of the existing zoning did not fit the neighborhood
- › They had reviewed front setback measurements
- › They had reviewed design guidelines
- › Performance modules could be used as a tool by staff to quickly assess an application

Mr. Buffington advised that they could not make a final recommendation because they had not talked with neighborhood residents. He pointed out that discussion would continue with staff and the Commission.

After a brief discussion and consensus of the board, it was determined to conduct a workshop with a detailed presentation to assist the board's understanding of the Form-based Zoning study.

7.b. Request to change parking requirements for marinas

Virginia Whetstone, 297 St. George Street, requested support from the PZB to recommend a change in the ordinance regarding parking requirements for wet-slip marinas. She advised that the current wet-slip marina parking required one parking space for every wet-slip, a one to one ratio. She added that dry-slip marina parking requirements was one parking space for every ten dry-slips. She suggested that the ordinance should be changed to one parking space for every five wet-slips. She explained that dry-slip marinas had boats averaging twenty to forty feet in length; therefore, the boats were smaller

and local residents normally used dry-slips. She noted that wet-slip marinas usually had thirty foot or larger boats (yachts) and the owners generally did not live in the community but traveled up and down the coast or flew into the area to access their vessels. She pointed out that frequency of use with a wet-slip marina was less. She noted that wet-slip marinas were penalized more than restaurants because restaurants only required one parking space for every four seats.

In response to an inquiry, Mr. Knight advised that dry-slip marinas had evolved over time and the Code lacked a dry-slip category; however, those marinas were treated as a mini-warehouse or warehouse for calculation of parking requirements.

Mr. Dixon pointed out that dry-slip marinas had smaller, trailer-able boats measuring approximately twenty to thirty feet in length. He noted that larger boats (wet-slip marinas) carried many more people; therefore, creating a need for more parking spaces. He stated that the submitted document from Ms. Whetstone also included Donnie Douglas' signature; however, he pointed out that Mr. Douglas had been allowed only thirty-five boat slips at his marina but the aerial photograph indicated ninety-two boats docked at his marina.

Mr. Blow agreed that many more boats had been docked at Mr. Douglas' marina than had originally been permitted. He stated that the Department of Community Affairs had

hired the University of North Florida's Law School to develop a tool kit for local governments to help bring their Comprehensive Plan in compliance with the Florida Working Waterfront Act, which had been signed into law by Governor Bush in the summer of 2005. He suggested that the board needed to review and discuss the issue in detail.

Ms. Freeman pointed out that Ms. Whetstone's request could be addressed separately.

Mr. Dixon and Mr. Blow expressed that they were in favor of more boat slips in the area; however, more detailed information was needed to make an informed decision.

Ms. Whetstone pointed out that she could not house larger boats due to her dock situation, and the board had previously denied more slips for her marina. She advised that the potential existed within the City to expand the number of marinas along Riberia Street and the San Sebastian River.

Ms. Freeman suggested that the parking requirement for dry-slip marinas needed to be addressed, because ten slips for one parking space made no sense. She suggested that the City Commission address the dry-slip marina issue.

Mr. Valdes stated that parking requirement should be tied to the size of the slip because the larger the boat the more people it could carry.

Mr. Leary said the issue involved many elements and the board needed more information to be able to make a recommendation to the City Commission.

Ms. Freeman suggested that the board should recommend that the City Commission reevaluate the parking requirements for wet and dry slips.

Mr. Knight advised that staff could gather information for the board to review. He stated that staff could present more information within sixty days.

Ms. Whetstone affirmed that sixty days was a reasonable time delay.

7.c. Discussion regarding mobile food vending businesses and pedicab / rickshaw / conveyance type businesses

Due to the late hour, Mr. Knight advised that he would bring the matter back to the board at a later date.

8. CONFLICT STATEMENTS

- a) John Valdes, 273 S. Matanzas Boulevard

Mr. Valdes stated that he recused himself from the application because he was the property owner.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 PM.

Roxanne Horvath, Chairperson

Pam Halterman, Recording Secretary