

CITY OF ST. AUGUSTINE

Planning and Zoning Board
Special Meeting
December 18, 2009

The Planning and Zoning Board met in a formal session Friday, December 18, 2009 at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Carl Blow, Chairperson and the following were present:

1. Roll Call: Carl Blow, Chairperson
Bill Leary, Vice Chair
James McCune
Grant Misterly
Deltra L. Long
David Toner
John Valdes

City Staff: Mark Knight, Director, Planning & Building Department
David Birchim, Planning Manager
Ron Brown, City Attorney
Carlos Mendoza, Assistant City Attorney
Carly Mason, Recording Secretary

2. Conservation Zone Development

2. (a) 2009-0094 – Patrick Smith – Owner/Applicant **431 Arricola Avenue¹**

To remove trees for construction of a swimming pool.

Mr. Birchim delivered the staff report and noted that the application was for removal of two preserved Cedar Trees, one was 17 inches in diameter and the other was 24 inches in diameter. He said both trees were within the footprint, and he noted that staff recommended approval.

Public hearing opened; however, there was no response.

Mr. Blow said 16 certified notices were mailed and two were returned in favor.

Exparte Communication:

Mr. Valdes said he visited the site and discussed the issue with the applicant and various people.

Mr. Blow said he visited the site to view the trees in question.

Mr. Long, Mr. Leary, Mr. Toner, Mr. McCune, Mr. Misterly, and Mr. Blow all received a letter from the applicant.

Patrick Smith, applicant, said he was requesting removal of two trees to install a pool.

Ms. Long asked if the pool would be enclosed.

Mr. Smith replied that the yard would be fenced in; however, he would not have an enclosure.

¹ Staff report attached to original minutes

Mr. Misterly asked if the trees would be replaced in accordance with the Code, and the response was affirmative.

Mr. Valdes said the proposed site was the only available location to install a pool considering the size of the property. He said the only other option would be for the applicant to lease the adjacent City owned property.

Mr. Knight replied that the applicant currently held a license per use for the adjacent City property; however, the property title might be questionable considering the platting for the property.

Ms. Long asked if the license ran with the homeowners, and the response was that the license could be revoked at any time.

Mr. Blow confirmed the tree replacement numbers and noted a ditch that ran along the property line.

Mr. Knight replied that the replacement number would be two for one, requiring the applicant to plant six Cedar Trees.

Mr. Valdes asked if the replacement trees could be planted on the licensed property, and the response was affirmative.

Mr. Smith noted that the replacement trees would be planted inside of the property line.

Ms. Long asked if Red Cedar had to be replaced with the same type of tree, and the response was affirmative.

Mr. Blow said one of the trees in the photo appeared to be stressed or dying and questioned whether it was one of the trees in question, and the response was affirmative.

MOTION

Mr. Valdes MOVED to APPROVE the Conservation Zone Development F2009-0094 as submitted. Motion SECONDED by Mr. Toner.

VOTE ON MOTION:

AYES: Valdes, Toner, Long, McCune, Misterly, Leary, Blow

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Discussion by Ron Brown regarding proposed time change for alcohol sales:²

Ron Brown, City Attorney, said the County had passed an ordinance concerning the opening and closing hours for the sales of alcohol. He asked the board members for feedback as members of the public.

Mr. Misterly said an article in the folio weekly noted that Jacksonville Beach was trying to change the time from 2:00 a.m. to midnight. He explained that the business owner's felt that their property was being devalued. He noted that the City should be prepared that if the time was changed that they might not be able to return to the original times.

Mr. Brown said the current Code allowed service from 7:00 a.m. until 1:00 a.m. except for Sundays when alcohol sales were prohibited until 1:00 p.m. He said the one exception was New Year's Eve when businesses were allowed to stay open until 2:00 a.m. He said some local business owners argued that they were unable to sell Bloody Mary's with a brunch menu on Sunday's until 1:00 p.m.

Mr. Blow questioned the County's new policy.

² Ron Brown arrived at 2:11 p.m.

Mr. Brown replied that the times to purchase alcohol within the County limits would be from 6:00 a.m. until 2:00 a.m. seven days a week.

Mr. Misterly asked if the change was driven by economics.

Mr. Brown replied that business owners were concerned that people would leave the City limits to go to another jurisdiction that allowed later sales.

Mr. McCune said he had only heard positive feedback.

Ms. Long asked what the ordinance would involve.

Mr. Brown replied that the time for alcohol sales would be changed to 2:00 a.m. except for Sunday.

Mr. Valdes questioned the progress regarding the Aviles Street project, and the response was that the project was moving forward.

3. Adjournment

Having no further business, Mr. Blow adjourned the meeting at 2:21 P.M.³

Carl Blow, Chairperson

³ Transcribed by Carly Mason