

CITY OF ST. AUGUSTINE

Planning and Zoning Board Meeting July 6, 2010

The Planning and Zoning Board met in a formal session Tuesday, July 6, 2010 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
Grant Misterly, Vice Chairperson
James McCune
David Toner
Deltra Long
John Valdes
Gerry Dixon

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

2. Approval of Minutes

Mr. Misterly stated that *Mr. Blow* adjourned the meeting.

Mr. Blow asked that *Gerry Dixon* be added to the roll call and the time noted when he arrived.

The minutes of the June 1, 2010 Regular PZB meeting were approved as amended.

3. Conservation Overlay Zone Development

3. (a) 2010 - 0047 – Michael Rubin, St. Johns County – Applicant St. Johns County – Owner 180 Marine Street¹ (Previously Tabled)

To approve a 1,320 square foot observation platform over the Matanzas River.

Mr. Birchim stated that based on a review of section 11-29, staff found that the board

could approve a dock and observation platform (without roofed covering) with the condition that all necessary federal, and state permits and building permits were obtained prior to construction.

Mr. Blow and Mr. Dixon recused themselves, due to a conflict of interest.²

Ryan Carter, Natural Resource Consultants, LLC, said the water management permit was pending approval.

Exparte Communication:

Ms. Long reported that she had a brief conversation with Mr. Carter.

Mr. Misterly reported that he also had a brief conversation with Mr. Carter regarding the height of the pier covering the marsh land.

Mr. Valdes and Mr. Toner noted that they had conversations with staff regarding the project.

¹ Staff report attached to original minutes

² Gerry Dixon arrived at 2:10 p.m.

Ms. Long pointed out that the roof would not meet Code, and she questioned whether the applicant would still seek approval.

Mr. Carter replied that he understood the Code requirements, and he asked to use a canopy at the terminal end.

Mr. Misterly questioned whether the May 2010 drawing was accurate, and the response was affirmative.

Mr. McCune questioned the purpose of the dock.

Mr. Carter replied that the dock would be used as an observation pier for viewing the waterway including public access

Mr. Misterly said 67 certified notices were mailed and six were returned in favor, four were opposed, and nine had comments.

Public hearing opened.

Harvey Stringer said he was in favor of the application, and he asked that debris be kept to a minimum.

Mr. Misterly questioned whether the diagram of the dock would block access to the waterway, and the response was no.

Public hearing closed.

Mr. McCune asked staff whether the board had the authority to approve the roof, and the response was no.

Mr. Valdes noted that the size of the dock was not a concern, the lighting would be controlled by the ordinance, and the dock would not impede the waterway.

Mr. Misterly requested additional information regarding the Conservation Easement.

Mr. Knight replied that granting the application would be separate from the easement.

MOTION

Mr. McCune MOVED to APPROVE application 2010-0047 without a roof. The motion was SECONDED by Mr. Toner.

VOTE ON MOTION:

AYES: McCune, Toner, Long, Valdes, Misterly

NAYES: None

MOTION CARRIED UNANIMOUSLY

3. (b) 2010 - 0051 – Ryan Cornelison – Corner Construction Service – Applicant Charles and Jeri Jewell – Owners 56 Coquina Avenue³ (Previously Tabled)

To remove a 24 inch (dbh) cedar tree for the construction of a new garage.

Mr. Birchim stated that based on a review of section 11-12 and without the support of evidence to the contrary, staff found that the board could approve removal of a 24 inch (dbh) Cedar Tree in conjunction with the development of a garage at 56 Coquina Avenue, with the condition that two Southern Red Cedar replacement trees be planted on the property.

Ryan Cornelison, applicant, said the owners had owned the home since the 1970's. He said the owners had seven Cedar Trees on the property, but they would like to build a garage.

Mr. Blow reported that 16 certified notices were mailed and seven were returned in favor.

³ Staff report attached to original minutes

Exparte Communication:

Mr. Blow stated that he drove by the site.

Mr. Blow said staff had taken pictures of the tree, provided a map from Lantech, and a property appraisers map for the board's review. He said the property backed up to a drainage easement, and he questioned whether the garage could be moved closer to the easement, which would avoid tree removal.

Dave Jewell, Property Owner, said the drainage ditch was 12 feet wide and 18 feet from the proposed garage. He felt that the placement of the garage would not justify salvaging the tree.

Mr. Valdes suggested building the garage contiguous to the home.

Mr. Jewell replied that he did not want the garage attached to the structure, due to increasing property taxes.

Ms. Long asked if the property owner had any problems with replanting the number of required trees, and the response was no.

Mr. Valdes clarified that the garage would be 25 feet wide by 20 feet deep.

Mr. Dixon questioned the distance of the tree from the side yard property line, and the response was 25 feet.

Mr. Blow questioned the size requirements for Red Cedar trees.

Mr. Knight replied that Southern Red Cedars were rare. He said the largest tree found would be acceptable. Public hearing opened; however, there was no response.

MOTION

Mr. Valdes MOVED to APPROVE application 2010-0051 as submitted to include the addition of two Red Cedar Trees per City Code. The motion was SECONDED by Ms. Long.

VOTE ON MOTION:

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

4. Amendment to a Planned Unit Development

4. (a) 2010-0052 – Roger W. Scharf – Owner/Applicant 60 West Avenue⁴

To amend the current Planned Unit Development to allow medical and professional offices and retail.

Mr. Birchim said the amendment to the Planned Unit Development represented a change to the current zoning, which would be a legislative act of the City Commission upon a recommendation by the Planning and Zoning Board. Staff would not make recommendations concerning amendments to a PUD.

Mr. Birchim advised that the property owner lived out of state and would not be present.

Mr. Dixon questioned whether the change in zoning represented better marketability.

Mr. Birchim replied that the property would be leased; however, the PUD zoning for the property would need to be defined.

⁴ Staff report attached to original minutes

Ms. Long said the Planned Unit Development (PUD) language should be clarified.

Mr. Valdes said it would be better to approve the application versus the property sitting vacant.

Mr. Birchim replied that the owner would like the option to lease the property to a doctor, small retail store, or professional office. He noted that a Pain Management Clinic had inquired about the property use.

Mr. Misterly asked if the application would affect the entire property or whether there was risk involved with the approval, and the response was no.

Public hearing opened; however, there was no response.

Mr. Blow reported that 6 certified notices were mailed and one was returned in favor with comments.

Exparte Communication:

Mr. Blow said he was familiar with the applicant.

MOTION

Mr. Misterly MOVED to APPROVE and recommend application 2010-0052 to the City Commission. The motion was SECONDED by Mr. Dixon.

VOTE ON MOTION:

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

5. Other Business

5. (a) Consideration of Ordinance 2010-18, Amending HP Policy 1.4 (criteria for amending the AGHP)

Mr. Knight said the City Commission asked that the amendment process be kept at the local level. He explained that future public hearings would take place 30 days apart for the Planning and Zoning Board and the Historic Architectural Review Board. He said the City Commission would hold two public hearings for reviews, which would provide four formal meetings before amending the Architectural Guidelines.

Mr. Blow said the only change made to the policy seemed to be the timeframe change from 45 days to 30 days.

Mr. Misterly asked for clarification regarding the definition of the Architectural Guidelines for Historic Preservation (AGHP). He questioned whether changes could be made to the document.

Mr. Birchim replied that the Historic Architectural Review Board (HARB) referenced the AGHP book when reviewing applications.

Mr. Dixon said the AGHP was used to define the HP Districts and displayed different periods of architecture. He said an amendment to the policy would be positive.

Mr. Birchim reiterated that all amendments would go before HARB, and the proposed ordinance would provide HARB, PZB and the Commission a review process before granting approval.

Mr. Knight said staff was working on additional language for the AGHP, which would go before the PZB for review.

MOTION

Mr. Toner MOVED to forward the amended Ordinance 2010-18 to the City Commission. The motion was SECONDED by Mr. Valdes and APPROVED by a UNANIMOUS VOICE VOTE.

5. (b) Discuss a Code Amendment Making Vehicle Sales a Use by Exception in the CM-2 Zoning District

Mr. Knight said the PZB had discussed making all used vehicle sales a use-by-exception in CM-2. He said surrounding cities offered a variety of sales lots; however, there was no consistency. He concluded that Mr. Dixon had suggested making the sales a use-by-exception in the CM-2.

After a brief discussion a decision was made to approve the item.

MOTION

Mr. Toner MOVED to FORWARD the Code Amendment regarding vehicle sales in CM-2 to the City Commission. The motion was SECONDED by Ms. Long and APPROVED by a UNANIMOUS VOICE VOTE.

Non-Agenda Items:

Require crawl spaces for all residential new construction projects

Mr. Valdes said he would prefer that all new residential construction include crawl spaces, which would reduce flooding. He questioned whether the Planning and Zoning board would be responsible for reviewing the suggestion.

Mr. Knight said a Flood Code currently existed, and the PZB would review the item

due to the land development aspect, as far as lot fill was concerned.

After a brief discussion Mr. Knight agreed to provide additional information at a subsequent meeting.

Discussion regarding Amendment 4:

Mr. Blow said Amendment Four would be listed on the November election ballot. He voiced concern regarding the process changes if the amendment was passed.

Mr. Birchim said that if the amendment passed, it would allow voters to approve transmittal of a Comprehensive Plan Amendment to Tallahassee.

Mr. Blow questioned whether staff could research the number of different permits requested.

Mr. Knight replied that staff could research the request; however, it would be a lengthy process.

6. Adjournment

Having no further business, Mr. Blow adjourned the meeting at 3:28 P.M.⁵

Carl Blow, Chairperson

⁵ Transcribed by Carly Mason