

CITY OF ST. AUGUSTINE

Planning and Zoning Board Meeting  
September 2, 2008

The Planning and Zoning Board Meeting met in a formal session Tuesday, September 2, 2008 at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Deltra L. Long, Chairperson and the following were present:

**Roll Call:**

Deltra L. Long, Chairperson  
John Valdes, Vice Chairperson  
Carl Blow  
Grant Misterly  
Gerald Dixon  
Bill Leary

**City Staff:**

Mark Knight, Director, Planning & Building Department  
David Birchim, Planning Manager  
Robin Upchurch, Assistant City Attorney  
Carly Mason, Recording Secretary

**2. Approval of Minutes**

The minutes of the Planning and Zoning Board meeting of July 16, 2008 was approved as presented, and the August 5, 2008 were approved as amended.

Page 5, Mr. Blow said his motion should include *whichever occurred first* at the end of his motion.

Page 6, Mr. Valdes said to include that he *suggested that the City Commission should further scrutinize the height of the buildings.*

**3. Exception**

**3. (a) 2008-0024 – Joseph Homann  
Scooter Pro, LLC- Applicant  
Philip Martocci- Owner  
551 Anastasia Boulevard<sup>1</sup>**

**To allow scooter rental, sales and repairs.**

Mr. Birchim delivered the staff report and said that the application was tabled due to an ongoing lawsuit associated with the business.

Ms. Upchurch said that currently an appeal through Judge Traynor was in process. She said the item could be heard in November and suggested tabling the item until then.

**MOTION**

**Ms. Long MOVED to table 2008-0024 until November 4, 2008. The motion was SECONDED by Mr. Blow.**

**VOTE ON MOTION**

**AYES: Long, Blow, Misterly, Valdes  
Dixon, Leary**

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**4. (b) 2008-0107 – Warren Merrill –  
Applicant  
Henri A. Erkelens III etal – Owner  
16 Castillo Drive**

<sup>1</sup> Staff report attached to original minutes

**To allow a bar/tavern with food service as a permissible use by exception.**

Mr. Birchim delivered the staff report and stated that based on a review of section 28-29 staff found that the board could approve a use by exception to allow a bar/tavern at the location as long as the board found no negative impacts that would affect the surrounding properties.<sup>2</sup>

Exparte Communication:

Ms. Long and Mr. Blow reported that they were familiar with the site.

Mr. Valdes questioned whether the applicant was planning on purchasing the property, and the response was affirmative.

Public hearing opened, but there was no response.

Mr. Dixon said that the property backed-up to the Historic Preservation District, and he would like the noise issue discussed. He said the parking lot across the street was owned by the Parks Department, and it closed daily at 5:30 p.m.; however, there were other parking lots around the city including the parking garage.

Warren Merrill, Applicant, said he would have a musician playing guitar outside, and the noise level would not be a problem.

Mr. Leary asked staff about the parking requirements for the downtown district, and the response was that businesses were exempt from parking.

Mr. Blow questioned what the applicants intent was for the building and the response was that he would be working within the footprint and remodeling the interior, and perhaps he would add a second story in the future.

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<sup>2</sup> Staff report attached to original minutes

Ms. Long asked if the applicant would serve food outside on the patio area, and the response was affirmative.

Mr. Blow questioned the square footage of the building, and the response was 1,394 square feet.

Mr. Leary questioned whether he would use the space in front of the building for parking, and the response was no that it would be used as an outside patio.

Mr. Blow questioned whether the location was surrounded by City property, and the response was that the property was surrounded by the State and City owned lots.

Mr. Misterly said that the application was consistent with the surrounding businesses. He said that he would also like the noise level to be considered.

Mr. Merrill said that the back of the property consisted of an eight foot high coquina wall that was 2.5 feet wide, which would block the noise.

Michelle Shelby Spinaweber, realtor for Warren Merrill, said she was in favor of the project. She said that the State and City were both aware that the property was for sale, but they showed no interest in purchasing it.

Mr. Leary questioned whether the applicant planned on keeping the same business plan as proposed in a previous application, and the response was affirmative.

Mr. Blow questioned the hours of operation, and the applicant replied 11:00 a.m. to 1:00 a.m.

**MOTION**

**Mr. Valdes MOVED to approve modification of a Planned Unit Development for application 2008-0107. The motion was SECONDED by Ms. Long.**

**VOTE ON MOTION:**

**AYES: Valdes, Long, Misterly, Blow  
Dixon, Leary**

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**4. Variance/Exception**

**4. (a) 2008-0110 – VNS Builder’s Inc.  
(Scott Di Gregorio) - Applicants  
Renate K. Quigley- Owners  
153 Washington Street<sup>3</sup>**

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

Mr. Birchim delivered the staff report and said that based on a review of section 28-29, staff found the board could approve a variance at 153 Washington Street, without the support of evidence to the contrary.

**Exparte Communication:**

Ms. Long reported that she visited the site, and Mr. Blow said he drove by the site.

Ms. Long stated that 18 certified notices were mailed, three were returned in favor, none were opposed, and one had comments including the following:

- Would like the open space between the homes to remain free of construction debris

Public hearing opened; however, there was no response.

<sup>3</sup> Staff report attached to original minutes

Ms. Long questioned whether the applicant would be enclosing the porch and the response was no, he would be extending the existing back porch.

Mr. Birchim said that anything over 30 feet would require a variance.

Mr. Dixon questioned whether the area with roof coverage on the porch would constitute additional lot coverage, and the response was affirmative.

**MOTION**

**Mr. Leary MOVED to approve application 2008-0110 as consistent with the previously approved applications, to complete the shape of the existing home to allow an addition and meet the requirements. The motion was SECONDED by Mr. Valdes.**

**VOTE ON MOTION:**

**AYES: Leary, Valdes, Misterly, Blow,  
Dixon, Long**

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**4 (b) 2008-0096 – Newcastle Homes-  
Applicant  
William A. & Terri A. Stewart  
41 Sanford Street<sup>4</sup>**

**To encroach into the required side yard building setback to construct a garage/office.**

Mr. Birchim delivered the staff report and said that staff found the board could approve a variance at 41 Sanford Street, without the support of evidence to the contrary.

**Exparte Communication:**

Mr. Blow said he drove by the site, and Ms. Long reported that she visited the site.

<sup>4</sup> Staff report attached to original minutes

Public hearing opened; however, there was no response.

Mr. Blow asked if the structure was two stories and if the dotted red line on the map represented the setbacks.

Mr. Chad Smith affirmatively said the office would be located on the second floor with a 10 foot setback from the Magnolia tree.

Ms. Long questioned whether the addition would be for a fourth apartment or an office and if they intended to eliminate the three apartments, and the response was that the addition would accommodate an office, and it was believed the owners intended to eliminate the apartments when they retired.

Mr. Valdes asked if the property was grandfathered for a triplex, and the response was Mr. Birchim would do more research for the answer.

Mr. Valdes questioned the square footage of the office, and the response was there would be two rooms separated by a bathroom, with 500 square feet of living space.

Mr. Misterly asked if the garage could be accessed from the front, and the response was no.

Ms. Long announced that 20 certified notices were mailed, three were returned in favor, none opposed, and one had comments:

Mr. Leary asked staff what would stop the structure from having a fourth apartment, and the response was that the structure was zoned for the three apartments; therefore, the owner would have to go through the rezoning process to add a fourth apartment.

Mr. Knight added that normally staff would receive complaints from neighbors about such matter, followed by enforcement staff

visiting the location to ask whether additional people lived at the residence.

Ms. Long said that tenants could share a kitchen with another tenant if the fourth unit became occupied, and staff responded that the issue would be handled by the Fire Marshal.

Mr. Blow asked the applicant whether the owner's planned to keep the existing garage, and the response was that he did not know the owner's intent.

Mr. Dixon requested a site and floor plan of the building before voting on the item.

Mr. Valdes said he would like to know if the property was a grandfathered for a triplex.

Ms. Long asked if the applicant would take the board's concerns back to the owners, and the response was affirmative.

Mr. Blow questioned whether the owner's could sign an affidavit when applying for a building permit to release their grandfathering rights to the property.

Ms. Upchurch replied that research was needed; however, changing the use of the grandfathering status would be questionable.

Ms. Long said that she would like the applicant to find out the intentions for the garage.

Mr. Leary requested that the site plan included the access from the road to the proposed garage.

## MOTION

**Mr. Leary MOVED to table application 2008-0096 until October 7, 2008. The motion was SECONDED by Ms. Long.**

**VOTE ON MOTION:**

**AYES:** Leary, Long, Misterly, Valdes  
Blow, Dixon

**NAYES:** NONE

**MOTION CARRIED UNANIMOUSLY**

**5. Rezoning**

**5. (a) 2008-0094 – Scott Cole-Applicant  
Islander St. Augustine, LLC- Owner  
100 Islander Drive<sup>5</sup>**

**To rezone the property from Commercial  
Medium one (CM-1) to Planned Unit  
Development (PUD), including  
conservation zone development and  
preliminary subdivision plat approval.**

Mr. Birchim delivered the staff report and said that staff found applications to amend zoning were acts of the City Commission after a recommendation by the PZB. He concluded that staff did not make recommendations concerning the rezoning process.

The applicant requested that the application be tabled until the October 7, 2008 PZB meeting.

**MOTION**

**Ms. Long moved to table item F2008-0094 until the October 7, 2008 meeting. The motion was carried by a 5/1 voice vote.**

**VOTE ON MOTION:**

**AYES:** Long, Valdes, Misterly, Blow,  
Leary

**NAYES:** Dixon

**MOTION CARRIED 5/1**

**5 (b) 2008-0111 – Elwood L. Renn –  
Applicant  
Renn Properties, LLC – Owner  
7 Blanche Lane<sup>6</sup>**

<sup>5</sup> Staff report attached to original minutes

<sup>6</sup> Staff report attached to original minutes

**To rezone the property from Industrial  
and Warehousing (IW) to Residential  
Single Family Two (RS-2).**

Mr. Birchim delivered the staff report and stated that staff found the rezoning process was a legislative act of the City Commission. The Planning and Zoning Board was responsible for making formal recommendations to the City Commission concerning rezoning. Staff would not make recommendations concerning legislative acts.

Ms. Long questioned whether the applicant was present, and the response was no.

**Exparte Communication:**

Mr. Blow and Ms. Long reported that they drove by the site.

Public hearing opened.

Isabelle Jenkins said she approved of the application, but she had concerns about the parking situation and wanted to discuss the matter with the applicant.

Mr. Blow asked if the area had been residential and her reply was affirmative.

Mr. Leary asked if most of the parking in the neighborhood was on the street, and the response was affirmative.

Mr. Valdes said the CM-2 would be a use by exception and questioned whether a multi-family unit could be built on the property, and the response was affirmative; however, the lot was not large enough for more than one unit.

Mr. Dixon said the applicant would have to abide by the current code and the setbacks would be an issue requiring off-street parking. He said if the lot was changed to a CM-2 by exception that would allow the board some discretion.

Ms. Long said to her knowledge the neighborhood had always been zoned residential. She asked staff if the other lots were zoned industrial warehouse, and the response was that the northern part was zoned industrial/warehouse and the southern part was zoned CM-2.

**MOTION**

**Mr. Leary MOVED to table item 2008-0111 until October 7, 2008. The motion was SECONDED by Mr. Valdes.**

**VOTE ON MOTION:**

**AYES: Leary, Valdes, Misterly, Blow,  
Dixon, Long**

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY**

**6. Other Business**

Mr. Knight presented Mr. Dixon with a commemoration coin from the City for his 14 years of service on the Planning and Zoning Board.

Mr. Leary presented a resolution of acknowledgement to Mr. Dixon.

**7. Appeals**

(NONE)

**8. Conflict of Interest Statements**

(NONE)

**9. Adjournment**

Having had no further business, Ms. Long adjourned the meeting at 3:15 P.M.<sup>7</sup>

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Deltra L. Long, Chairperson

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<sup>7</sup> Transcribed by Carly Mason