

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board Meeting
January 2, 2008

The Planning and Zoning Board met in formal session at 2:00 P.M., Wednesday, January 2, 2008, in the Alcazar Room at City Hall. The meeting was called to order by Deltra Long, Chairperson, and the following were present:

1. ROLL CALL

Deltra Long, Chairperson
John Valdes, Vice-Chairman
William Leary
Carl Blow
Leanna Freeman
Grant Mysterly

Absent: Gerald Dixon

City Staff: Mark Knight, Director, Planning & Building Department
David Birchim, Planning Manager
Robin Upchurch, Assistant City Attorney
Karen Rogers, City Clerk
Dianna Polland, Recording Secretary

**2. APPROVAL OF MINUTES -
December 4, 2007 REGULAR MEETING**

Ms. Rogers said that the plan was to reduce the minutes to a more concise summarized manner; however, the prior meeting's minutes met legal requirements, but they were bare bones. She added that the clerk's office would work closely with the board in the effort to reduce minutes without losing content. She concluded that the new digital equipment for audio recording during the meetings would go into effect by the next meeting.

Mr. Leary requested that the minutes reflect the reason for decisions, and he added particularly with respect to any denials.

MOTION

Ms. Freeman MOVED to approve the minutes of the December 4, 2007, Regular Meeting. Motion seconded by Ms. Long and approved by a unanimous voice vote.

Ms. Long questioned if there had been any withdrawals, and Mr. Birchim replied that the applicant of item 2007-0316, Almeria Street, requested tabling the matter until the next Planning and Zoning Board meeting.

MOTION

Mr. Blow MOVED to table case 2007-0316 until February 5, 2008. The motion was seconded by Mr. Leary and approved by UNANIMOUS VOICE VOTE

3. Variance/Exception

Item 3 (a) 2007- 0328
Don Crichlow, Architect – Applicant
Diocese of St. Augustine – Owner
259 and 265 St. George Street

To exceed the maximum building size for a new kindergarten and gymnasium addition (expansion of a use by exception).
Mr. Birchim reported the following:

Cathedral Parish School would like to expand in order to add a new kindergarten as well as other additions. The HP1 zoning district limited the size of main buildings to 2,500 square feet. Currently the buildings were over the 2,500 square foot limit. Therefore, in order to increase the size of these structures, they must obtain a variance. A variance to increase the size of a main building would be allowed in the HP-1 area for churches, schools and government buildings, following approval of the design by HARB. HARB approved the architecture on November 15th. In addition, churches and schools were a use by exception in HP-1; therefore, their expansion must be reviewed as a use by exception. Based on a review of section 28-29, staff found that the board could approve a use by exception and variance for Cathedral Parish School without the support of evidence to the contrary.

Don Crichlow, 24 Cathedral Place was sworn in and addressed the results from a traffic study and a proposed list of mitigation procedures. He read the letter from Mr. Arthur Moore favoring the project, and remarking that if the parking spaces between Bridge Street and St. Francis were eliminated, St. George Street would be wide enough to accommodate two lanes of traffic.

After discussion, it was determined that removal of the spaces would open up a lane for traffic but it would be a last resort, and hopefully the mitigation procedures proposed would negate the need.

Mr. Crichlow described the current traffic situation and listed six mitigation remedies as follows:

1. Relocation of the Charlotte Street entrance gate to reduce vehicles backed up on Charlotte Street
2. Double stacking in the front lot to remove cars from the street
3. Utilization of school staff to direct traffic

4. Parking lot at the convent location used as a staging lot for stacking up to 20 cars (10 to be released at one time)

Ms. Freeman questioned if redirecting cars to the convent lot would occur every day, and the answer was affirmative.

Mr. Leary questioned if the stacking in the sister's lot would apply to both St. George Street and Charlotte Street traffic, and the answer was St. George Street only. He also enquired, with regard to staggered times for the students, if both age groups would go to both locations.

Mr. Crichlow answered yes and continued as follows:

5. To institute staggered release times; grades K through 5 would be picked up at 2:30; 6 through 8 at 2:45. (the implementation would result in K through 5 being picked up at both locations)

Mr. Leary questioned if the drivers picking up the children would be assigned a location and a time; the answer was affirmative.

Ms. Long questioned the impact on people arriving at the school for appointments.

Mr. Crichlow said that it would not affect appointments, as they would be scheduled after 3:00 P.M. He continued as follows:

6. Construction of a bus pull-off on Bridge Street

Mr. Crichlow said that if two or three of the suggestions were implemented, the traffic problem would probably be solved; however, the school was prepared and willing to implement all 6 if necessary. He said the early release of the children and staggered release times with the utilization

of the sister's lot and bus-pull off would be best to implement initially.

Ms. Freeman added that the improvements were for the current enrollment of students and Mr. Crichlow agreed, and said that the student enrollment had declined over the years.

Ms. Long commented on the notices and reiterated that 71 were sent, 6 were returned in favor, 4 apposed and 7 had comments and one copied legal notice in favor.

She opened the public hearing; there was no response.

She questioned if there had been any exparte communication.

Mr. Blow said that he had talked with Mr. Moore and confirmed that he expressed exactly what was in his letter.

Ms. Freeman questioned what the board's recommendations should be, given the potential for maintaining some control.

Mr. Knight said that the board could approve the variance/exception with a condition that, the school implement a traffic management plan containing at least two, if not all, of the proposed mitigation factors and continue to implement factors as problems occurred.

Ms. Freeman replied that she was in favor of giving the school flexibility, but at the same time wanted reassurance of resolution.

Mr. Leary said that he had a conversation with Mike Davis, contractor for the school and a parent.

Ms. Long said that she spoke with Principal Morton.

Mr. Knight said that as long as it was a condition of approval, the burden was lifted from the driver and put on the school to keep the traffic flowing.

Following a discussion, it was agreed that four of the six remedies should be implemented as follows:

- 1) Relocation of gate
- 2) Double stacking of the cars
- 3) Utilization of staff to direct traffic
- 6) Bus pull off

MOTION

Ms. Freeman MOVED to approve case 2007-0328 to expand the maximum building size and implement 1, 2, 3, and 6 mitigation factors, with 4 and 5 to be utilized as necessary to maintain the flow of traffic and public right-of-ways. The motion was seconded by Mr. Valdes.

VOTE ON MOTION

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Variance

Item 4 (b) 2007-0335

Drayton Shealy – Applicant

**Florida Pest Control and Chemical Co. –
Owner**

128 Masters Drive (PID # 110640 0000)

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

Mr. Birchim gave the following report:

The application was for a variance to encroach into the required side yard building setback for a commercial addition. The property, in the Commercial Low one (CL-1) zoning category had the minimum

side building setback of 10 feet and the applicant would like to reduce the setback to 2 feet, which would be in line with the existing structure. A variance would be a determination that the property suffered from a unique physical hardship based on size, shape, topography or other physical conditions that would cause the strict application of the code to be unreasonable.

Mr. Birchim added that the property's location would be a physical condition of the property and the building. He said that building two feet from the side property line would require a variance to construct an addition. He added that granting a variance based on a physical condition of the property would be in harmony with the spirit and intent of the code. He concluded that based on review of section 28-29, staff found that the board could approve a variance.

Drayton Shealy, 128 Masters Drive, was sworn in and said that he was an authorized representative for the owner and had no comments.

Ms. Long opened the public hearing, but no one responded.

Ms. Long reported that there had been 8 notices sent to the adjacent residences, and one was sent back in favor with comments. She added that the person in favor was the owner of 111 and 127, 134, and 136 Masters Drive and was in the process of purchasing 138 Masters Drive.

Ms. Long questioned the board's exparte communication, and Mr. Blow and Mr. Mysterly reported that they drove by the site.

Ms. Long said she visited the site and spoke with representatives.

Mr. Blow questioned if lots 157 and 155 were zoned RS 2, as it was evident that lots 158, 156, (the applicant's property) had been zoned CL-1.

Mr. Birchim replied that the lot to the east of the building, owned by applicant had been zoned RS 2, but the proposed project was contained on the commercial-1 zoning parcel.

Mr. Blow questioned whether rezoning would be required to build a parking lot.

Mr. Birchim replied yes; that parking lots were zoned as 'use by exception' in the residential category. He concluded that rezoning and a land use amendment would be required in the event of expanding the building or further construction.

Mr. Blow questioned if there would be a need for a variance if the applicant wanted to use part of the RS-2 property for a storm water retention.

Mr. Birchim replied that there was no plan for that; however, if they did, they would have to obtain a 'use by exception'.

Mr. Blow said that, since the applicant owned lots 157 and 155, could the objective be achieved by increasing the size of the building to keep the 10 foot separation, utilizing the two lots. He added that the 10 foot setback was important because the adjacent building was close to the property line.

Mr. Shealy responded that the variance was to keep the building in line while maintaining the retention area on the commercial site. He added that the variance was needed to maintain the flow of the building design. He concluded that there was no plan to expand in the parking area.

Mr. Blow said that if the building could be re-designed; the encroachment onto the RS-2 lots could be utilized for the storm water retention, and result in the discontinuance of non-conformity.

Ms. Long said that Mr. Shealy indicated that the addition would not go past the parking lot that was currently zoned commercial.

Mr. Blow remarked that the issue was dependent on the future usage plans of the RS-2 Zone.

Ms. Long said that she understood there would be no changes, as the parking area benefited the employees and the visitors.

Mr. Leary questioned the conformity and if it was commercial property, and the response was commercial property. He asked if the lots behind the property were residential, and the reply was yes. He questioned if the handicap space and parking shown on Theodore Street was necessary under the code for the addition, and the response was yes. He expressed difficulty granting variances so readily, given the criteria requiring uniqueness and hardship; particularly if there was an alternative. He appreciated the applicant wanting to extend the building line, acknowledging the history of granting variances for just that; however, he added that it was usually done for non-conforming lots. He concluded that he wanted to explore other means to avoid granting the variance.

Quoc Mai, engineer for the applicant was sworn in and said that the applicant had explored the option of expanding into the RS-2 parcel; however, during discussions it was agreed that a variance would be easier to obtain than changing the zoning. He added that the parcel was being used as an overflow parking lot and the owner desired to maintain that use with no intention to change. He added that the applicant owned the other lots on the opposite side of Masters Drive, used for overflow parking, and a neighboring Church used it on Sunday. He concluded that the lots had been turned down by the city for rezoning; therefore, obtaining the variance for the addition was their last resort.

Mr. Leary questioned what lots the applicant owned were in addition to 156, 158, 155 and 157, owned, and the response was 181 and 183.

Mr. Leary questioned if lots 155, 157, 181, and 183 were being used for spill-over parking, and the response was affirmative. He concluded by asking if the lots became full during the day.

Mr. Shealy replied that the company had 29 employees using the lot and 25 work vehicles parked there. He continued that the lot did not fill, but they needed the extra parking in anticipation of losing some spaces for the addition and new retention area.

Mr. Valdes said the floor plan indicated that the company planned on adding staff office space. He noted that the four foot minimum setback was to avoid difficulty maintaining a two foot setback from the property line. He pointed out that the applicant could add a second story resulting in a potential 20 foot tall building two feet from the property line.

Mr. Leary said that he had a problem granting a variance for an extension of a building that was only 2 feet from the property line.

Mr. Misterly questioned the intended use of the space, and the response was several separating crew rooms.

Mr. Leary questioned if the noise from the project would affect the adjacent property, and the reply was no.

Mr. Valdes questioned the distance of the retention pond from the property line, and it was indicated that there was no setback for retention.

Mr. Blow questioned if the area within the normal setback was 300 square feet, and the answer was yes. He continued that if the applicant added on the west wall toward

the retention area, 8 ½ feet would be added for expansion, assuming that it was a dry retention pond.

Mr. Mai said yes, and added that the applicant had applied to the city for a building permit to expand; however, they were not aware that a site development and improvement plan was required, or a storm water treatment plan. He concluded that, when he came aboard, the site had been designed, and the owner desired to retain the proposed plan and contractor.

Mr. Blow said that if the applicant took 360 square feet off the north end to achieve compliance of the 10 foot setback, and the proposed increase onto the west end of the building, (possibly using a paved over retention system) the whole project would remain within the 10 foot setback.

A discussion on retention indicated that:

- There was a variety of storm water ponds that could be used
- The system could be placed under the parking lot
- The system would have to be a surface storm water system
- The current system had a release mechanism
- If an underground system was used, it might need a pump system added

Mr. Mai explained that in attempts to minimize destruction and to increase the buffer, they were removing 13% of impervious surface, and to meet code, 8 trees and 11 low-head shrubs would be planted. He added that currently the surface was 100% impervious resulting in the water running straight into Masters Drive and Theodore Street.

A discussion about parking spaces determined that:

- There would be no loss of spaces if the retention was placed underground in the residential area
- There were 6 spaces required for the addition proposal
- If there was a loss of one space for the addition, it could be added on the commercial side
- It would be best not to relocate the handicap space
- A 10 foot setback would require removal of one space and add it to another parcel

Mr. Birchim said the creation of a new commercial parking space would have to be created on Masters Drive, and it would need to meet all code requirements pertaining to servicing, landscaping and retention. He added that the board's proposal was worth exploring, however, he cautioned that if the building was moved, encumbrance of another property might occur.

Mr. Blow remarked that the building would be too close to the adjacent property line raising concern in the event of a fire.

Ms. Long asked Mr. Shealy if he had consulted with Ms. Wilson, whom resided beside the proposed project, and the response was yes; moreover, she approved and would be willing to put it in writing.

Mr. Valdes asked if the applicant could gain his objective if the board denied the request.

Mr. Shealy replied that the reason for the proposal was to maintain the flow of the building.

Mr. Valdes verified with the applicant that the single story building's floor plan as proposed amalgamated into the existing floor plan.

Mr. Leary said that the situation was interesting because it was commercial, and the property owner owned surrounding areas for parking. He added that the board

was required to protect the code and variance criteria, and he could not see the applicant meeting the criteria. He concluded that the board had heard four preferred options that would allow the applicant to obtain the additional space without encroaching on the property line, as follows:

1. Move the retention pond underground at either of two locations: the residential property or underneath the parking spaces
2. The additional parking space lost by moving the building could be accommodated on one of the other properties
3. An allowance to reduce parking by one space

Mr. Valdes said the board's decision could be one of the following:

1. Deny (the applicant could build a two story building)
2. Approve (could make the problem worse)
3. Table (asking the applicant to consider the suggestions and come back next month)

Following a lengthy discussion among the board regarding the 2 foot setback concern and possible remedies for the addition, it was agreed that the suggestions would be forwarded to the owner with his decision or feedback brought back to the board next month.

MOTION

Mr. Blow MOVED to table case 2007-0335 until February 5, next PZB meeting to discuss the mitigation of a parking space and or other remedies for the addition that would meet the zoning code. The

motion was seconded by Mr. Valdes and approved by a unanimous vote.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Item 4 (c) 2007-0338

Bonnie Lindgren – Applicant

Raymond D. Lindgren, etal – Owner

224 Kenan Street

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

Mr. Birchim reported the following:

The application was for a variance to encroach into the required side yard building setback for a residential addition. The property was located in the RS-2 zoning district, requiring a side yard building setback of 10 feet.

Mr. Birchim said that the existing building was approximately 5 feet from the side property line and the proposed addition approximately 3 feet from the side property line.

He continued that a variance would be a determination that the property suffers from a unique physical hardship based on its size, shape, topography, or other physical conditions that make the strict application of the code unreasonable. He added that the property was situated on a curvature of the street; tapering from 60 feet wide at the front setback to 25 feet at the rear.

He said the unusual shape of the property constituted a unique physical hardship that was not created by the owner. He concluded that granting a variance based on a unique physical hardship would be in harmony with the spirit and intent of the code, and based on a review of section 28-

29, staff found that the board could approve a variance.

Bonnie Lindgren, 226 Kenan Street, was sworn in and said that she had nothing to add to the staff report.

Ms. Long opened the public hearing; there was no response.

Ms. Long questioned any exparte communication, and Mr. Blow and Mr. Misterly stated that they drove by the site.

Ms. Long reported that 16 notices were sent, none were returned in opposition.

Mr. Valdes asked if the lot was conforming, and the reply was yes, but irregular in shape. He added that he would support the request for a variance.

MOTION

Ms Freeman MOVED to approve case 2007-0338. The motion was seconded by Ms. Long and approved by UNANIMOUS VOICE VOTE.

Mr. Leary said he would approve the variance, because the case was factually different in the following ways:

1. It was a residential property
2. It was irregularly shaped
3. The board had approved 6 or 7 identical situations on Davis Shore

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Item 4 (d) 2007-0346

Jennifer E.L. Baya – Applicant

Lorraine E. Baya – Owner

53 Osceola Street

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

Mr. Birchim's report was as follows:

The application was for a variance to encroach into the required side yard building setback for an addition on an existing home. The property was located in the RS-2 zoning district, requiring a side setback of 10 feet. The house and proposed new addition were approximately 6 feet from the side and property line.

Mr. Birchim continued that a variance was a determination that the property suffered from a unique physical hardship based on its size, shape, topography, or other physical conditions that made the strict application of the code unreasonable. He explained that the home, built in 1905, had not met the setback requirements and was not parallel to the side property line; therefore, the owner was unable to construct an addition onto the rear of the home without a variance. He concluded that by granting a variance based on the physical location of the residence was in harmony with the spirit and intent of the code, and based on a review of section 28-29, staff found that the board could approve a variance for the addition.

Jennifer E. L. Baya, 53 Osceola Street was sworn in and said that she had nothing to add.

Ms. Long opened the public hearing, but there was no response.

Ms. Long questioned if there had been any exparte communication; Mr. Blow and Mr. Misterly stated that they drove by the site and Ms. Long said she visited the site.

Mr. Leary said the lot was not irregularly shaped; however, the house was irregularly placed on the lot.

Ms. Long noted that 31 certified notices were mailed, 8 were returned, out of those 4 had favorable comments, and one was

against the proposal. Ms. Long read the opposing letter from the resident who lived at 26 Mulberry Street.

MOTION

Mr. Leary MOVED to approve case 2007-0346. The motion was seconded by Mr. Valdes.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Conservation Zone Development

Item 5 (a) 2007-0333

Matthews design group, Inc. – Applicant
Beta Two of Alachua LLC- Owner
PID #213150 0010, 213150 0000

To construct boat storage buildings in conservation overlay zone two.

Ms. Long recused herself, appointing Mr. Valdes as the Chair for item 2007-0333.

Mr. Knight reported the following:

- The application was to construct boat storage buildings in conservation overlay zone two
- The land use was marine industrial zoning, considered Industrial Warehouse
- Surrounding uses were commercial and residential
- The site plan and information provided by the applicant addressed the issues of conservation zone developments, specifically the 17 criteria
- The site plan indicated four buildings: Building A: 358 square feet in length, total of 25,000 square feet, Building B: 14,625 square feet, Building C: 4,636 square feet, Building D 3,725 square feet.

- The site plan indicated the portion of the 12 parking spaces on the north side of the property that were within the city of St. Augustine utility easement, requiring upgrade of those utilities if there was a parking lot above ground
- It appeared that 25 parking spaces would be either inside or under Building A
- Building C would be an amenity center, raising question regarding parking
- The 17 criteria and the location of the buildings would be the focus of the meeting

Mr. Valdes asked if there had been any exparte communication, and Mr. Blow replied that he drove by the site, and Mr. Misterly said that he drove by the site, and spoke with Rob Matthews about the location and general concept of the project.

The expert team, representing the applicant was sworn in.

Ellen Avery Smith, Rogers Towers, 170 Malaga Street, said that she was present on behalf of Dale Wentzel, the contract purchaser of the property called the Oasis Marina. She announced the names of those present:

- Rob Matthews, Civil Engineer, Matthews Design Group
- Bill Schilling and Ian Reardon, Kimberly Horn, Project Engineers
- Ryan Carter, Project Environmental Consultant, Environmental Services Inc.

Ms. Smith indicated that the presentation would be based on the 17 criteria in code section 11-29. She said that the project, known as the Oasis Marina, had a proposed facility use for dry stacked boat storage with office and boat maintenance buildings that were related to 34 existing wet slips. She referred to the site plan and stated that the

working water front property's future land use designation was marine industrial, allowing maximum lot coverage of 80% with a maximum height of 30%. She added that the proposed facility was within those parameters, and would meet the 35 foot height requirement. She continued that the Industrial Warehouse zoning designation would not allow the proposed buildings to be oriented perpendicular to the river instead of parallel to the water front, but the option provided views of the water front.

Ms. Smith stated that the project met each of the 17 criteria, but because the proposed buildings were located within the uplands, some of the criterion was not fully applicable. She stated that private boat docks, fishing piers, and boardwalks should benefit the public, and they would be open to the public. She noted that there was a need for vessel storage within the city. She pointed out that the new facilities would replace the outdoor boat storage yard along with visible vessel maintenance. She added that Ryan Carter would review the environmental impacts of such maintenance as well as the positive environmental effects of maintenance within an enclosed area. She said that the proposed structures would not block or disrupt the vistas, but the plan needing no approval would block all views. She concluded that currently, there were numerous boats stored on the property disrupting the scenic vista.

Mr. Matthews testified that the proposed site plan was created to maintain some scenic views. He said the proposed enclosed building with large doors would allow a view from Riberia Street when opened.

He noted that the property owners design reflected that he wanted to be a good neighbor. He said that the property was currently a boat yard and marina resulting in noise, fumes and the potential for run-off pollutants into the river. He said the proposed plan would eliminate the current conditions. He continued that there had been a change to the proposed site plan;

that Building C would not be the amenity center, but the service building, and Building D would be the amenity/office center.

Mr. Valdes questioned the amenity building.

Dale Wentzel, applicant, responded that it would be a yacht club facility with a gym and sauna. Following other questions, he clarified that Building D would be an owner's lounge with a juice bar, private for people who lease space but open to outside boat owners as well. He added that they would not have a bar. He replied to the parking questions by stating that parking would be underneath the building, and if there were not enough allotted, they could easily create additional parking by removing boat spaces on the bottom floor.

Mr. Knight responded that the parking proposed might not be adequate; but the final plan would be required for determination.

Mr. Valdes said it was not a simple parking issue, but the purpose of Building D was important, because it could affect the quality of lives as pertained to traffic, and noise etc.

Ms. Smith replied that they would refine the site plan later, but the conservation overlay zone approval had not included parking in the code.

Mr. Matthews addressed Sec. 11-29, Standards for Review, listed in the Staff Report and Recommendations as follows:

C, #2:

- The site adjacent to the river and wetlands had no buffers between the upland development and wetlands
- The adjacent properties were as follows: North – a gas company, East – Riberia Street, (single family homes) South – a marina, West – San Sebastian River

- The proposed site provided buffers between Building D and a portion of C and the wetlands, returning the current disturbed buffer area to a natural state
- To minimize future disturbances on the shoreline, the buildings were placed as far back as possible

C, #3:

- Storm water currently discharging to the river and wetlands
- Proposed project would capture all storm water on the upper impervious areas and would route it to retention areas for quantity and quality control
- Applicable permits would be obtained from St. Johns River Water Management District and the Florida Environmental Protection

C, #4:

- Same two bulleted answers given to answer for C, #3

C, #5:

- All standard practices of erosion protection would take place during construction
- Once buildings were constructed, pervious areas would be stabilized with plantings to prevent soil loss and erosion

C, #6:

- No impact or reduction to flood plane because no fill would be used
- They would reduce the developable area

C, #15:

- The site's impact on water quality would be reduced by changing the land use from outdoor boat storage to indoor boat storage
- All storm water would be stored and treated according to state and federal requirements

Mr. Leary questioned the setback requirements for conservation zone two, and staff replied that it was 100 feet, but the minimum setback for undisturbed would be 25 feet, and most of the shoreline had been disturbed.

Mr. Blow questioned where the retention ponds would be located and if there would be a visible vault system.

Mr. Matthews replied that it would not be visible, but that the pond would be located within the building; it would be three sided, and created with stone and filtered fabric.

Mr. Blow had several questions pertaining to elevation that were answered by Mr. Matthews as follows:

- Was the 35 foot elevation of the proposed buildings measured from the 9 foot base elevation; the reply was 6 or 7 feet
- Would the finished floor be inside the buildings; reply was not necessarily a finished floor elevation, as it had to be above flood plane in the boat storage and service buildings
- Would the finished floor elevation of Building C and D be 9 feet; reply was if they needed to bring it up to the ground, the base would be close to 9 feet
- What would the elevation of the crown on Riberia Street be, the reply was less than 9', around 6' or 7', and according to public works, Riberia Street would be enhanced to a three lane section in the next several years

Ms. Freeman asked if structure B was on the property and Mr. Matthews replied that it was 5 feet from the property line meeting requirements but the building would be replaced.

Mr. Valdes questioned if the loading of the boats would be located at the open corridor between Building A and B, and the answer was yes and the fire department liked that part of the design as well.

Mr. Valdes questioned if the travel lift would continue and if any boat maintenance other than engine repair would be performed at the new facility.

Mr. Wentzel replied that the travel lift would continue to service sail boats in the area. The existing wet slips already there could be utilized for larger boats, but the majority of the maintenance would be indoors.

Mr. Blow had the following questions for Mr. Wentzel and he replied as follows:

Would the facility provide service to 30 or 40 foot sailboats - reply was sure.

Where on the site plan would those vessels be staged during service - reply was in front of the service department and travel lift - depending on the work involved.

Could one rent a spot, stage their vessel and work on it - reply was no and confirmed that boats would be halled out for a quick bottom job only.

Mr. Wentzel stated that the intent was to do as much work as possible inside the buildings, as it would not be a 'do it yourself boat yard' anymore.

Mr. Blow questioned if there was a wall between Buildings A and B.

Mr. Matthews replied that he was addressing line work, drawn to demark the edge for the concrete pad used for getting the boats in and out of the water. He added that the fire department had requested keeping it connected for better flow in between the parking lot and the access area to provide ingress on one side and egress on the other.

Mr. Blow questioned if the vista would be impacted by a fence or wall if one stood at Riberia Street, and looked between Buildings A and B.

Mr. Matthews replied that there was no intent for a fence, but there might be a chain to deter vehicles, but not to impede the view corridor.

Mr. Valdes commented that for emergency rescue purposes, the area would need to be open to provide access and egress.

Mr. Blow referred to the existing travel lift and asked if there would be a separate place constructed for forklifts to lift the boats in and out.

Mr. Matthews replied that the forklifts would remain in the same location, but not used at the same time as the travel lift. He added that the travel lift was wide.

Mr. Ryan Carter testified that the proposed structure would have no significant negative impact on natural systems by either individual or cumulative effects, which included the adjacent salt marshes and the vegetative communities. He stated that approximately .23 acres of uplands would be restored and planted with native vegetation. He added that the buffer would provide for increased wildlife utilization; therefore, the project would have a positive effect.

He addressed the following items in the Staff Report and Recommendations as related to Sec. 11-29:

A, #2:

The Oasis Marina currently had said did not have any upland buffers between the developed area and the wetlands; the applicant was proposing to grade and replant upland buffer areas along the San Sebastian River to provide protection where possible.

C, #7:

The existing Oasis Marina had no upland buffers.

C, #8:

Maintenance work currently performed on the boats caused noise, fumes, and possible discharges of chemicals and solvents into the marine environment.

Mr. Leary questioned if analysis had been done to determine those aforementioned environmental impacts, and the reply was no. He questioned if there would be a need for an environmental permit and if so, had they applied for one.

Mr. Carter replied that they had not applied for the water management or DEP permits, but they would be for the storm water aspects. He added that the current wetland's condition was formerly delineated by using a GPS, and it would be reviewed by the Florida Department of Protection.

Mr. Leary reiterated by questioning whether the current operation was subject to a permit from EPA, DEP or the water management district or Corps of Engineers.

Ms. Smith replied that Mr. Wentzel had been doing the environmental work.

Mr. Leary appreciated that the project would be more environmentally benign and understood that to be a rationale for approval; however, he added that it was difficult to make a judgment about the extent of the site's pollution without better understanding the base line. He concluded that the base line would be determined if the current condition was under review.

Mr. Wentzel replied that he had completed phase one and two of an environmental analysis, and found layers of contamination that were presently under contract to be cleaned

Mr. Leary questioned the contaminants that were found, and Mr. Wetzel replied toluene, arsenic, and ground water contamination; however, he did not have the report.

Mr. Leary questioned if the site was a brown field site and the actions taken to address the contamination; and whether there had been a review by an environmental entity, and the replies were no, not a brown field site, but that the actions would provide for a 'new clean phase one'.

Mr. Wentzel added that experts recommended the biological agents that had recently been introduced, as a result of two contaminated wells.

Mr. Leary questioned if there would be an entity such as DEP, Corps of Engineers or the water management determining if the cleaned-up was up to applicable standards, and the reply was that the site was required to reach either a clean phase one or three to continue with construction. He said he would like to know if a permit was required as there might also be a requirement to assess whether the project would contribute more pollution.

Following a discussion about DEP's role as it pertained to the storm water treatment and the pollution issues occurring on the property, it was determined that:

- DEP would require a permit for the storm water treatment
- It was typical of DEP to question the soil quality assessment report relating to the pollution occurring on the property
- After clean-up was completed, a fact clean-up report would be sent to DEP

Mr. Blow asked if the contamination might have been caused by past activity on the property.

Mr. Matthews replied that historically the site had been an active boat yard, so it could have happened years ago. He added that the report would not verify the age of contamination, nor how much there was, just the requirements for clean up.

Mr. Leary commented that some projects were presented in phases that provided a different answer to the cumulative effects that could be relevant to their decision making.

Mr. Wentzell said that the existing slips had been installed during the past year, and the current owner had maximized use of the property.

Mr. Blow said that it appeared that there was a 25 foot offset edge cut off the channel.

Mr. Matthews said that the proposal maximized what could be achieved and there was no room for more.

Mr. Blow questioned whether there would be more slips, based on the Corps requirements.

Mr. Matthews replied that there were 32 wet slips and that they would be unable to supply the appropriate justifications for additional slips and meet the Corps requirements.

Mr. Carter continued to address C, #10 as follows:

There has been an established no wake zone within the limits of the existing docking facility and the property was not located in a manatee protection zone. (Studies indicated that the no-wake zones allowed manatees the time to swim away from boats, preventing accidents).

Mr. Leary questioned whether manatees frequented the area, and the answer was no, but he was sure they visited the stretch.

Mr. Leary asked if there had been any accidents involving manatees on the site, and the reply was no; he had not pulled the manatee fatality maps.

Mr. Leary questioned the number of dry slips and size limit, as well as the environmental impact from boat traffic considering the proposal.

Mr. Matthews replied that most of the boats put in the water would not be housed on site. He said that there would be approximately 290 dry slips accommodating up to 45 foot boats. He added that currently there were approximately 83 boats on the upland portion of the site, and it appeared that currently the yard handled 55-60 foot boats.

In response to questions about stacking and wet slips, it was determined that smaller docks had more problems but the current proposal allowed for good stack ability and some of the wet slips would be used for stacking, but stacking would be addressed on the operational level.

Mr. Carter continued addressing C, #10 as follows:

The marsh was currently exposed to wakes all day long, but additional boats would exit south into the intercoastal. The additional boats stored on the uplands would use the existing boat launch site negating impact on vegetation, shellfish, wildlife, or shoreline erosion.

C, #11:

Upland buffers would reduce impact on the shoreline, and create buffer areas possibly adding protection of wetlands and provide additional habitat for wildlife.

C, # 12:

The existing storage and maintenance facilities were of similar height, large boats were currently scattered on the site obstructing the view. The applicant proposed to place the storage and office building perpendicular to the river and street to maximize the view.

C # 13:

The applicant intended to create buffers on the wetlands and landscape areas on the parking facility using native vegetation.

C, #14:

The proposed redevelopment would decrease the existing footprint, include a .23 acre upland buffer and provide increased wildlife utilization without negative wetland impacts.

C, #16:

Proposed plan avoided impact on the existing marsh, and the proposal would obtain the Florida Department of Environmental Protections Clean Water designation (aforementioned program description in application packet).

A brief discussion determined that there would be no fuel available for tenants on the site, but there would be sewage pump-out available for a fee.

Ms. Freeman questioned if there would be a wall or fence along the street, and the reply was no.

Mr. Valdes asked if there would be doors that closed in the building, and the reply was yes.

Mr. Knight said that the fire department would not close off the access, but a gate might be required.

In answer to a question, Mr. Matthews said that the same number of slips would be proposed for each site plan, but concept A plan maximized the efficiency of the site while maintaining the view, but B could be

built by rights without the approval of the board.

Mr. Leary questioned the view considering the plan B example that would not accommodate the vista and did not require the board's review.

Mr. Matthews reiterated that by placing buffers, maximizing the vista, dressing up the end of the buildings and allowing parking in the front with landscaping, they demonstrated that the owner was trying to be a good neighbor. He added that they desired collaboration with the board to achieve the best site plan solution.

Mr. Matthews replied, it would not be as nice looking as plan A, but from a functionality point of view, it would be fine. He added that the unit count would be equal comparing the plans, at 290 plus or minus.

Following a question regarding plan B not needing approval, Mr. Knight replied that he had not seen the plan until that day, but it appeared that the exact lay out could not be done; however, he added that there could be a boat storage facility built that could potentially block every angle of scenic views.

Ms. Smith reminded the board that they addressed the 17 criteria in order to point out the evaluation points, and their response to them. She requested rebuttal time for the end of the public comment period as she would want to address new issues.

Public Hearing opened, and citizens planning to speak were sworn in. Comments by the citizens against the item included the following:

- Oasis Marine had been a good neighbor until the proposal
- Sailboats posed a scenic vista and enhanced quality of life

- The foot print of plan A alone was more than ½ acre in size
- Buildings would eliminate the scenic vista
- They would block sunlight and natural air circulation
- Increased noise
- Increase vehicle and boat traffic
- Potential parking problems
- Contribute to deterioration or the quality of life as a whole
- Unknown where the quantity and quality controlled storm water run-offs would be
- Unknown number of personnel, office facilities, and maintenance departments
- Unknown type of storage to be used inside the buildings to control contaminants
- Unknown storm water retention design
- Unknown effects on animal and plant life and the balance of the ecological system
- 47 thousand square feet was a gigantic footprint
- Impact would be negative on Lincolnville
- Traffic increase would add to the current grid-lock on King Street and to more deterioration of Riberia Street
- Traffic increase would elevate air and noise pollution
- Huge buildings would impact the Willie Galimore Center, a widely used outdoor facility
- Traffic would cause a problem for children bicycling
- The development would impact property values
- 47,956 sq foot buildings would not add to the historic character or ambiance of the neighborhood
- No positive gain to the neighborhood
- No long term future benefit for the neighborhood or city
- We should be looking at what could be done to develop an inner city rather than what the purpose of the area had been years ago (historically a shrimp industry; was that the future of the city)
- Should not be looking at a deal that had not happened, but looking at the consequences to the neighborhood
- Focus should be on the 62 signatures of neighbors living on Riberia, Twine Streets and Martin Luther King Avenue
- Industrial zoning should be changed in the neighborhood.
- Small businesses should be invited, not big industry
- Area already abused by dumping
- Real estate taxes should be more of a residential tax base
- Limited water front property
- Statements from land use lawyers, should be focused on
- No future development should take place on the west side of Riberia Street in Lincolnville until a full state environmental assessment took place
- The people who wanted the development had no vested interest in the area except to make money
- 300 boats would be going into the proposed buildings for stack storage
- If there should be a fire, it would be hard to contain, as fiberglass boats explode
- Manatees would not be benefited if 4 or 5 hundred more boats were in the water
- The traffic with 4 or 5 hundred boats on the San Sebastian Harbor would harm the wildlife
- Hangers would add to pollution
- Sun would be blotted out in the late afternoon
- The extent of the contamination was troubling
- Applicant had the burden of proof, and they had not reported the

contamination to EPA, nor provided scientific evidence of any kind

- No research or documentation provided pertaining to the contamination
- Concept of environmental justice was not to inflict on projects or citizens
- There should be a moratorium on any further industrial development in Lincolnvile
- The experts that read statements to the board lacked credibility
- Lincolnvile could not handle that size building
- Concept A compared to Concept B was used to manipulate
- Would like the city to do a square footage analysis of plan B to see how viable it really was as a second option

In response to questions from the board, addressed to expert and non expert speakers, the speakers, who were asked, were not in agreement with either plan A or plan B. Considerable concern was expressed regarding the scenic view, noise, the light/shading factor when considering the mass and scale of the project, as well as potential traffic problems, impact on the neighborhood's quality of life and the environmental/wildlife impact including pollution.

Ms. Smith cross examined the speakers to determine whether they had expert qualification and noted that most testimony would not be considered expert; however, the Board noted that the testimony was from the neighbors that would be impacted by the project.

Public Comment Hearing closed.

Mr. Leary asked for clarification pertaining to the rebuttal process, and Ms. Upchurch replied that the applicant's attorney could address any comments, arguments,

testimony and answer any questions from the Board.

Mr. Valdes reported that 29 notices were mailed, one in favor, three apposed, and three had comments.

In response to a question it was clarified that the maximum height of the buildings would be 35 feet from the FEMA flood plan elevation, which could be 9 feet over the 35 foot FEMA requirement, depending on the surrounding grade.

Ms. Smith asked to see the two documents that had been presented to the board, and commented that the signatures on the petition indicated two and three from the same household.

Ms. Smith continued that she would answer the questions raised by the public and wanted to point out issues of relevancy as they pertained to the hearing. She acknowledged that the issue was an emotional one for residents of Lincolnvile. She said that the conservation overlay zone did not address traffic, however Bill Schilling, and Erin Reardon from Kimberly Horn Associates could speak about the minimal effects on traffic, if the board desired, but the information legally would not be allowed for consideration as it was not Sec 11-29 criteria.

The board agreed to hear the presentation.

Mr. Schilling reported that Kimberly Horn had been retained by the applicant to review the traffic impacts associated with the proposed 207 dry slips. He continued that data had been collected from a similar marina and based on multiple weekday counts during peak hours. He added that it would amount to slightly less than 2% of Riberia's Street's capacity, which was pretty negligible, and that they would work with staff and move forward to the concurrency review as required before permits would be issued.

Mr. Leary questioned what analysis had been done on Riberia Street and the reply none, as they would be done as part of the concurrency review in the future, and he reiterated that it was not part of today's criteria.

Mr. Misterly questioned the specifics of the study used for the similar marina, and the reply was that they used Tuesdays, Wednesdays and Thursdays as weekends were usually off-traffic times in relation to office, and home to work trips.

Following a discussion about potential trailer parking on Riberia Street, Mr. Wentzel testified that:

- Boats would get to the marina by water
- People launched from public facilities
- The storage facility would have no room for trailer storage
- Trailers would remain at home or at facilities
- When trailers were used, the boat was usually kept on the trailer

Following a discussion about leasing space at the new facility, the determinations were as follows:

- If there was space at the new storage facility, one could rent a space for summer only; however, a yearly lease would be encouraged
- If occupancy rate was 98% in Summer and dropped to 50% in Winter, the project would not be viable
- Tenant turnover rate was every 12 months

The following facts addressed questions pertaining to the storm water retention ponds:

- The storm water ponds would be located inside building A and B
- They would be ground level flush down depressions within the buildings.
- The pavement would be sloped towards depression areas for the conveyed water to travel for treatment and infiltration
- The treated water would discharge back to the San Sebastian River.
- Water Management District and DEP requirements would be complied with
- The ponds would be sized accurately with appropriate treatment volume in order to meet a pre-impost discharge criteria for both State and local requirements
- Systems included an infiltration system and an overflow structure to treat rainfall before it was introduced to the salt water environment.
- Currently rain water ran off untreated into the marsh
- All water including boat washing water would travel to the storm water treatment system

Answers from questions pertaining to the size of the buildings in cubic feet determined the following:

- The center building would be under 1 million cubic feet
- One building would be 400 thousand cubic feet
- One building just over ½ million cubic feet.

Mr. Matthews said that a sprinkler would be placed over every row of boats, and they would work with the fire department to go beyond requirements.

Mr. Wentzel addressed the questions pertaining to the number of boat slips, number of personnel, and where the boat maintenance chemicals would be stored:

- 270 and 290 dry boat slips, depending on the design, plus the existing 34 wet slips, but some of those slips would be used for staging
- Typically a facility that size required between 9 and 10 full time year employees year round and two to three more during peak season
- Chemicals would be stored in a fire proof chemical cabinet

Mr. Misterly questioned what happened to the sanding and dust created currently, but the reply addressed the situation indoors indicating that the debris would be washed off and filtered, the floor would be concrete and drop cloths would be used. He questioned if there was any oversight with regard to maintenance, and the reply was OSHA would oversee chemicals and fire protection. He added that they would obtain clean air status through the Florida Marine Act.

Ryan Carter addressed the no wake verses wake zones near the properties as follows:

- Within the 34 slips, once a boat entered the double channel, it was a no wake zone
- A boat entered the no wake zone from south of the St. Augustine Marina to King Street Bridge

Mr. Carter answered questions pertaining to the environmental issues and the presence of manatees, alligators, and various birds near the property as followed:

- Abundance of wildlife but some species had a home range spanning from NE Florida to the Southern Hemisphere
- Species that have a smaller home range would gain from the .23 acres upland buffers

- Small birds would build nests in the uplands
- Eagles had a large home range but nest and feed near the marsh
- Ospreys fed off the fish in the river
- Roseate Spoonbills eat crustaceans in the oyster beds and salt tidal marsh
- Specific to this particular site, species such as crustaceans, fiddler crabs, and juvenile fish breed there
- All wildlife associated with the tidal marsh eco-system would be affected by the development

Mr. Carter referred to the effect of shade on vegetation and shellfish in a conservation zone:

- At sun rise there was about a 3-4 hour period when the tidal marsh was shaded
- A pine forest or live oak hammock, adjacent to the marsh, with species 35 to 40 feet tall, would cast a similar type of shading effect on the marsh as 35 foot buildings

Ms. Freeman questioned if the million cubic foot building was as good as a live oak tree, and the reply was that the building was oriented East/West, but if it was oriented in a southern direction, the shade would be much denser, but not unlike a pine forest or Live Oak Hammock. .

Further discussion determined that light/shade would be dependent on the time of year.

Mr. Matthews addressed parking calculations verifying that they met code as follows:

- Based on the 10 to 1 requirements for the 290 dry slips and 2 to 1 for 34 spaces

- Calculated parking for office, service and equipment space and all uses pertaining to the project
- The amenity center was ancillary to the other uses

Mr. Matthews added that there were plans for Iberia Street to be improved, but if not they would improve utilities, mainly storm water pipe from South Street, and a City lift station at the corner of the properties.

Ms. Smith expressed sympathy to the issues, but pointed out that they needed to follow the land use and the zoning of the code and respect the vested rights with the property, as well as her client's effort to comply.

A brief discussion determined that the property had been zoned as it was in the 1960-1970's to accommodate the shrimping industry.

Ms. Upchurch said the question was whether the proposal complied with lot coverage.

Mr. Valdes said that that the proposal would probably improve the site, but they were losing an old boat yard that was a part of the fabric of the community.

Ms. Freeman agreed and reiterated concerns such as massive structure, the need for a shade study, the scenic vista, impact on the residents, wildlife, plant and shellfish and stated that she was not in favor of the proposal.

Mr. Valdes said that the major overwhelming factor of the 17 criteria and the thing that affected him most was the vista, but at the same time, the city needs water fronts without huge buildings. He agreed the shadow line was a concern. He concluded that he had a different vision for the area.

Mr. Misterly said that he shared the sentiment regarding the vista, but some items the residents spoke against were not significant.

Mr. Valdes suggested that the codes should have been upgraded to avoid a million cubic foot building proposal.

Ms. Upchurch said that the zoning currently applied and statements from citizens wanting coffee shops, restaurants and stores were not appropriate to address under the current circumstance.

Mr. Blow concurred that they must not forget the property was zoned industrial warehouse, and it was also for water dependent activities. He added that he was troubled that they would lose a facility that served deep draft water dependent vessels and replacing it with a facility that served trailered vessels. He concluded that vista issues troubled him also. He said that site plan B might be more presentable if the largest building was eliminated to allow a better vista.

Mr. Leary referred to following:

- They were stuck with zoning classifications
- They could hold a workshop seeking public comment for changes to zoning
- Well aware of civil rights history of the area
- According to code the Board could not determine that the area should be a park
- The code described the 17 criteria, in Sec. 11-29 B Standards for Review
- He took the Board's charge seriously
- The vista concern was the most troubling
- Residents did not have expertise on habitat impacts

- Residents were considered to be expert witnesses with respect to the vista
- 8 people testified with respect to the impact of the project on vista
- 52 signatures of residents who addressed the vista issue
- Environmental impacts, shade impacts from the buildings on tidal marsh - Mr. Carter judged the impact insignificant
- Contamination on the site was troubling
- Wanted to understand the existing contamination situation before determining it better or worse
- The applicant went before the board before going to the environmental agencies for their permit
- Needed the benefit of an environmental assessment

Mr. Leary concluded that he had too many questions to vote in favor of the proposal.

MOTION

Ms. Freeman MOVED to deny case 2007-0333 based on Sec 11-29, paragraphs C 9, 12, 14, 16 based on the testimony given, The motion was seconded by Mr. Leary.

Mr. Blow and Mr. Leary said they differed on the grounds for denial, and Mr. Knight replied that the opinions could differ for the vote.

Mr. Blow said that his sole issue was number 12.

Ms. Upchurch said, if one felt the record supported the approval or denial, then that was how they should vote.

Mr. Blow questioned whether he had to agree with the listed items, because his sole issue was item 12.

Mr. Valdes said that his two concerns were 9, and 12.

Mr. Leary stated that items 8 and 14 were most important because of the potential contaminated drainage, plus a good deal of testimony had been given with respect to vista.

Mr. Misterly said that the main concern was the scenic vista; however, his vote would reflect the zoning, as it was zoned industrial and the applicant had taken measures to provide view corridors.

VOTE ON MOTION

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

NAYES: Misterly

MOTION CARRIED 5/1

Item 5 (b) 2007-0345

Bradley Recore – Applicant

Bradley Recore, etal – Owner

238 Riberia Street

To construct a single family residence in conservation overlay zone two.

Staff report was as follows:

The application was for a conservation zone development and a variance to construct a single family home. The property was in the Open Land (OL) zoning district and contained wetlands. The property owner wanted to fill .06 acres of wetland for a residence on the property. The mitigation for the fill was the creation of .08 acres of wetland, and the placement of 4.3 acres of wetlands in a conservation easement to protect it from any future development. Conservation zone development was analyzed based on a review of section 11-29, that was in the staff report. The applicant was also requesting a variance to reduce the required side yard building setback from 20 feet to 11 feet 8 inches. Variances were analyzed based on the criteria found in section 28-29, also found in

the staff report. The justification for the variance was based on the non conforming lot width. Based on a review of the applicable codes, staff found that the board could approve conservation zone development and a variance to construct a single family residence at 238 Riberia Street.

Robert St. John, 733 Mackenzie Circle, was sworn in and said he had nothing to add to staff's summary.

Public Hearing was opened.

Mr. Misterly questioned how the public felt about the house being built on the property zoned open land with minimal setbacks, theoretically blocking views from Riberia.

Four residents spoke in favor of the proposal.

Mr. Leary said that in order to build the house, it would require filling a portion of the wetland. He expressed concern about filling wetland to allow houses.

Mr. Misterly commented on the zoning issues with regards to Riberia Street and said that the city needed to look at re-viewing the zoning in the area.

Ms. Long commented on the need to change the way things had been done in the past, and referred to a specific street that once had three zones designated to it.

Mr. Leary noted that the Evaluation Appraisal Report was on the agenda and that it was a periodic analysis of the city's comprehensive plan. He added that there would be public workshops, allowing citizens to bring up issues, and encouraged those present to attend.

Ed Slavin, said that the FDEP and Army Corps of Engineers were not protecting us, and the board needed to consider wetland issues carefully.

Public Hearing Closed.

Ms. Long reported that 12 notices mailed, were in favor, 2 were apposed and three had comments, One of the opposing comments said that the application would have conservation environmental impacts and obstructed views.

Ms. Long questioned exparte communication, and Mr. Blow and Mr. Misterly said that they drove by the site, and Ms. Long said she visited the site.

A letter opposing the project said that the additional construction would affect the marsh near her home and block views.

Mr. Blow, referring to the survey, questioned ownership of the lot north of the vacant lot, and Mr. Recore replied that he owned it along with the 8 acres that were being mitigated for a wetland buffer.

Mr. Blow questioned when the work would be completed; referring to the dates associated with the Army Corps of Engineer's and DEP permits, expressing concern for their compliance.

Mr. Knight said that the project could be approved stipulating that conditions spelled out in the permits would comply, while the city held the Certificate of Occupancy.

Mr. Leary expressed concern that a boardwalk and dock could be built, and questioned if the conservation easement would prevent that.

Mr. Knight replied that the conservation easement would not prohibit the potential new application, but the board's approval would be required prior to construction.

MOTION

Mr. Leary MOVED to approve case 2007-0345. The motion was seconded by Mr.

Blow, with a stipulation that, prior to the issuance of the Certificate of Occupancy, the conditions as listed in the U.S. Army Corps of Engineers' permit and the Fire Department Environmental Protection permit were met and accepted by the Corps and the DEP and that the required DEP conservation easement be recorded in the public record. Mr. Leary accepted that as an amendment to his motion.

VOTE ON MOTION

AYES: Leary, Blow, Valdes, Freeman, Misterly
NAYES: None
MOTION CARRIED UNANIMOUSLY

6. Rezoning Land Use Plan Amendment

Item 6 (a) 2007-0339
Boys and Girls Club, City of
St. Augustine – Applicants
City of St. Augustine – Owners
550 West King Street (112160 0000)
S. Rodriguez Street (121020 0000)
W. King Street (112430 0000), (112420 0000), (112350 0000)

Mr. Knight 's report was as follows:

The City of St. Augustine and F. Industries proposed to annex properties located along West King Street, adjacent to the city limits. The approval of the application would change the zoning on West King to CM-2 zoning and rezone the property for the proposed boys and girls club location to Planned Unit Development. The changes would allow the club to be built.

Public hearing opened; there was no response.

Ms. Long questioned exparte communication, and Mr. Blow, Mr. Leary and Mr. Misterly said they drove by the site. Ms. Long said 88 notices were mailed, and all that were returned were in support.

MOTION

Mr. Leary MOVED to approve case 2007-0339. The motion was seconded by Ms. Freeman and approved by a unanimous vote.

VOTE ON MOTION

AYES: Leary, Freeman, Blow, Valdes
Misterly, Long
NAYES: None
MOTION CARRIED UNANIMOUSLY

7. Other Business

D) School Concurrency Plan (Comprehensive Plan)

Mr. Knight said the city was state mandated to adopt the school concurrency. He added that the plan basically spelled out how much would be paid by the district if the school district did not have capacity. He added that if a district did not, the builder would have to pay a proportionate fair share for the construction of a new public school in advance. He added that school impact fees were about 3 thousand dollars per unit, and payment was required when acquiring the building permit, but proportionate fair share could be as much as 12 thousand dollars per unit and would be paid at the time of plat. He said charter schools were taken into account in the calculation of student generation rates. He said that most current projects would be vested, but others that were not would be subject to pay the proportionate fair share payment. He added that if the district was at capacity, one could look to any other districts in the county that were adjacent. He continued that, because St. Augustine was center in the county, it would be the last place to reach capacity. He said that currently the student generation rates were .26 for a single family home and in northwest Florida, about .78. Therefore, he explained, in other districts, one would have three times the impact fee when building a new house. He said that in regard to the level of service, the school board was at 100% capacity level of service. He added that the development

community would like more flexibility by having 105 or 110 capacity of school service.

Mr. Knight said that the school concurrency mandate had been worked on for two years, and they were the pilot program that incorporated an interlocal agreement between the city, the school board, and the county. He concluded that a workshop could be held for the board to gain more information if desired, but informed them that they needed to approve the plan to move forward or make recommendations on it.

Ms. Freeman questioned if decisions would be made next at the commissioner's level, and the reply was yes.

Mr. Leary commented that the plan was a financial incentive for those approved developments to be completed, which was good for our economy.

MOTION

Mr. Freeman MOVED to approve case 2007-0339. The motion was seconded by Mr. Leary.

MOTION CARRIED UNANIMOUSLY

It was suggested that the Evaluation and Appraisal Report Workshop be held on January 9, 2008.

8. Appeals

(None)

9. Conflict of Interest statements

(None)

10. Adjournment

Having had no further business, Ms. Long adjourned the meeting at 9:40 P.M.¹

Deltra Long, Chairperson

¹ Transcribed by Dianna Pollard