

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board Special Meeting
January 9, 2008

The Planning and Zoning Board met in formal session at 2:00 p.m., Wednesday January 9, 2008, in the Alcazar Room at City Hall, St. Augustine, Florida. The meeting was called to order by John Valdes, Vice-Chairperson, and the following were present.

1. ROLL CALL: John Valdes, Acting Chair
Carl Blow
Leanna Freeman
Grant Misterly

Absent: Gerald Dixon
William Leary
Deltra Long, Chairperson

City Staff: Mark Knight, Director, Planning and Building Department
David Birchim, Planning Manager
Ron Brown, City Attorney
Dianna Polland, Recording Secretary

2. APPROVAL OF MINUTES
(None)

3. REZONING

2007-0317

Donna Wendler – Applicant
Donna and Scott Wendler – Owners
130 King Street, 132 King Street
134 King Street, 136 King Street
131 Oviedo Street, 133 Oviedo Street
135 Oviedo Street, PID # 204580 0040

To rezone the property from Commercial Low Two (CL-2) and Residential General One (RG-1) to Planned Unit Development (PUD) to construct an 80 room hotel.

Mr. Valdes questioned exparte communication, and Mr. Blow replied that he had spoken to several people opposed and in favor of the project, and Mr. Valdes said he had also as well as talked with the applicants.

Mr. Valdes explicated the process, format and order of the meeting, and announced who would speak for the city. He added that the public would be limited to 3 minutes

for presentation due to the anticipated large number of speakers.

Attorney Ron Brown briefed the board on their role by pointing out the differences of the Planning and Zoning Board's and Historic Architectural Review Board's role as it related to the properties, what had occurred, and the application for re-zoning. He explained that HARB had denied an application for a demolition permit, and the applicant had appealed. He added that the HARB application and appeal was separate from the PZB's application and decision, because the Planned Unit Development was predicated on the assumption that HARB or a court that reviewed HARB's decision, or the City Commission would reverse the denial and allow the destruction of the properties. He emphasized that evaluation would be based on whether the properties met code standards for a PUD approval. He added that comments regarding the demolition should be restricted, and because of previous lengthy meetings; it would be helpful for participants to keep to the relevant issues. He concluded that those testifying should have fact based knowledge or expert opinion in order to demonstrate substantial support,

since decisions must be based on substantial and competent evidence. He requested that all refrain from negative comments of participants, and he reassured that due process would be observed.

Staff reported the following:

The King Street application to rezone 8 properties to a PUD be for the construction of an 80 room hotel. King Street was currently zoned Commercial Low two (CL-2) and Oviedo Street, Residential General One (RG-1). The application included a site plan and architectural elevations showing the proposed hotel and interior layout schemes. The PUD document included a Development Plan Narrative that described the projects' perimeters, height, setbacks, lot coverage, signage, parking and landscape buffering. The narrative described the project in relation to the existing structures proposed for removal. He said that applications to rezone a property to PUD followed code format, as rezoning was an act of the City Commission by recommendation of PZB.

The applicants and expert witnesses were sworn in.

Ellen Avery-Smith, Rogers Towers, 170 Malaga Street, attorney for applicant, introduced expert witnesses as follows:

- Steve Mackey, Dixon and Associates, (project architect)
- Rob Matthews, Matthews Design Group (project civil engineer)
- Bill Schilling and Ian Reardon, Kimberly Horn Associates (project traffic engineers)
- Kevin Setzer from Setzer Development Associates

Ms. Smith said the proposed re-zoning was for 1.29 acres to a PUD, allowing for the construction of an 80 room Boutique Hotel that would include a restaurant, bar area and art gallery. She said that the parking facility would be underground. She pointed out two changes as follows:

- Page 1, the submittal date revised to Jan 8, 2008
- Page 4, section B, 2, maximum building height the word grade was changed to floor elevation

Ms. Smith said the two reasons for the re-zoning were as follows:

- CL-2 zoning, (King Street properties) had a front setback of zero to 15 feet, but architecturally it was determined that the hotel would look better if there was a 45 foot front lawn
- RG 1 category (Oviedo Street side) allowed development of up to 30 hotel rooms by a zoning exception

Ms. Smith pointed out the zoning of the properties and said the 5 lots that had S's were single family within the RG 1 block, therefore she said the subject and 5 properties were single family, but the rest were multi-family and used as apartments.

Mr. Blow questioned if the homestead exemption was considered in the determination of what was single family, and the reply was no. He continued that upon looking on the tax assessor's site, the determination of single-family homes was not the same as Ms. Smith's.

Ms. Freeman questioned how many were legally multi-family, and Mr. Knight replied, research would need to be done going back to 1975. He added that one would need to identify those designated as multi-family, and that the designation remained for one year.

A discussion determined that there was a mixed use on Oviedo Street.

Mr. Valdes questioned the reason for the use by exception zone designation of the Wendler's property, and the reply was for a computer school, explaining the adjacent lot.

Ms. Smith continued that the applicant would not commence demolition until the city approved the construction plans for the hotel; moreover, the applicant's PUD approval would be contingent upon the 7 certificates of demolition. She added that the future land use designation on King Street, (commercial low) allowed maximum lot coverage of 60% and a density of up to a 50-room hotel, and the Oviedo Street (residential medium) allowed maximum lot coverage of 35%, and density of up to 30 rooms; therefore, they were requesting 80 rooms. She said the hotel would be completed in one phase, and within 4 years using the effective PUD date, if the demolition permit applications were approved. She said that the hotel project would be consistent with the St. Augustine Vision Planning Project, as it too focused on art culture, historic resources, public safety, recreation, leisure, residential housing, tourism, visitor management, economic development through increased employment opportunities, encouragement of new businesses, and enhancement of existing businesses, plus a hotel with a restaurant and art gallery would help revitalize the area. She said she retrieved police reports pertaining to 128, and 136 King Street properties, (both vacant) and there were 25 complaints in 2006 and 2007. She concluded that in-support letters and petitions were submitted.

Steve Mackey, Dixon and Associates, Architectural Designer, explained the reasons for the Curbside Model Style selection as follows:

- Importance of the Entry Corridor
- Destination City
- Curbside (turn of the century structure) was compatible with existing structures
- Fit well on a site that bordered commercial and residential
- Flagler's involvement with the Curbside design
- One of the best examples of the turn of the century Bosart Style homes

- Neo-classical style incorporated art for public view
- Aligned with Flagler's principle of a house/art gallery
- Design incorporated a courtyard and large entrance

A discussion about setbacks revealed the following:

- Existing homes were 26 feet from right of way; the proposed structure would be twice that distance
- Proposed setbacks were established in accordance with entrance corridor guidelines and appearance of entire street
- Code minimum setback was 45 feet
- Discrepancy of proposed setbacks, 45 listed on PUD text, but 55 (correct proposed setback) on the site plan
- Concern that increasing front setback would diminish Oviedo Street
- Setback per code was 20 feet off Oviedo Street
- Setback off Oviedo Street proposed at 24 feet
- Oviedo Street setback established to align with remaining structures
- Scale and facade with individual structures for more neighborhood compatibility
- Rear setback provided minimum for proposed PUD and 20 feet in rear

To demonstrate that the hotel would be compatible, Mr. Mackey identified the residential and business properties.

A conversation about elevations determined the following:

- Concern for residents related to Oviedo Street elevations
- To maintain the neo classical architecture, vary the three projecting facades yet provide scale compatible with the other structures in the area utilizing the 2 to 2 ½ story requirement

- Ground level elevation would be 6 to 6 ½ feet but would vary according to look of each facade
- King Street center line elevation was 5 feet
- Oviedo Street elevation would be 3 feet lower than top of south elevation
- Tower at 100 to 155 feet as allowed
- King and Oviedo Street's approximate height of buildings would be 30 feet above existing grade
- Oviedo Street setback to the front of the northernmost projection would be 20 feet to line
- Setback on Oviedo expanded to save trees

In response to board questions, the following was determined:

- Difference in elevation between the existing ridgeline and proposal would be 5 feet
- 225 feet regarding length from King to Oviedo
- Lots width were 50 by 150
- Structure created a larger buffer for the neighbors to the West
- The West side would have an opaque barrier plant, which was a wall with landscaping
- Wall height was 6 feet, but 8 feet was allowable
- The attic space with dormers would house 22 of the 80 hotel rooms, and situate toward the courtyard
- There would be a central air chiller, screened by a 5 foot wall to the East of property
- Roll away trash bins would be located in a screened area, functionally adjacent to kitchen, but not facing King or Oviedo Streets
- Deliveries would be brought through the rear loading zone near the kitchen

Rob Matthews, 7 Waldo Street, Owner and President of Matthews Design group, said the hotel height would be 35 feet above the

9-foot allowable FEMA finished floor elevation. He cited the heights of the surrounding structures from existing grade as follows:

- New Flagler Union Building, 47 feet
- Markland house, set back 100 feet was approximately 40 feet, with a chimney 44 feet
- Post Office , 22 feet
- First United Methodist Church, intersection of King and Riberia Streets, 43 feet, chimney was 44 feet
- Large building on 88 Riberia Street, 52 feet
- FEC Building, the North and middle buildings, approximately 70 feet
- San Sebastian Winery, 44 feet

Mr. Matthews concluded that the proposed building would be smaller, given the setbacks, which would also be in keeping with surrounding structures of the King Street corridor.

Mr. Matthews described the storm water treatment site, as it pertained to handling ground water, during the parking garage construction as follows:

- Meet all local and state storm water management requirements
- Permitted through the St. Johns River Water Management District and City of St. Augustine Public Works Department
- Managed on site in a sub-surface vault for quality and quantity control
- During garage construction, would need to pump water down, creating a de-watering system
- After construction, structure waterproofed with no negative impact on the ground water table
- Hotel weight on parking garage avoided a floating issue

Mr. Matthews described the hotel's proposed parking as follows:

- Most parking underneath building

- All parking done by mandatory valet
- Parking garage spaces would have lifts, except the ADA spaces
- Twice amount of spaces than shown on plan due to lifts
- Two entrances to garage with valet stands
- Parking met city code
- Surface and sub-surface parking areas met ADA handicap requirements

Mr. Valdes questioned the entrance used for deliveries to the hotel, and the reply was that Oviedo Street would not be used for large deliveries, but staging areas adjacent to Iberia Street would be used.

Bill Schilling, Kimberly Horn Associates, Civil Engineer, specializing in traffic and transportation, said there was no requirement to submit a concurrency or formal traffic study to the City; however, given the traffic issue, they conducted preliminary traffic work. He explained that level of service evaluation and how roadways operated, listed in the City Concurrency Ordinance, was done using PM peak hours, defined as the highest hours of traffic between 4 and 6. He said that the net trip increase associated with the proposed hotel during PM peak hours was 9, and added that a preliminary model run, using the metropolitan planning organizations model, determined where the trips were destined and coming from. He reported that the current estimation of King Street, West of Malaga Street, was 4 additional peak hour trips, and East, one additional peak hour trip. He added that in traffic terms, those amounts were insignificant; showing little impact given the existing capacity of King Street, as it represented slightly less than .3 of 1% of capacity. He said that assuming PZB approved, the next step would be to meet the City's Concurrency Ordinance, thus demonstrating that the four additional trips would not create a detrimental or significant impact. He said, based on preliminary research retrieved from the Florida Department of Transportation, King Street

trip counts had declined from 1991 to 2006; therefore, it was their belief that they could show that the additional four trips would fall within the 11 ½% allowable thresholds, additionally meeting the service level. He concluded that they would conduct a formal count for the concurrency review.

When questioned about FDOT counts, the following facts were given:

- FDOT counts were daily 24 hour counts
- 150 feet West of Iberia Street, FDOT count station 5007, revealed the decrease
- In 1991, total count was 20,533 and 2005, 18,000
- Conjecture for decrease: 312 was carrying some of the East/West traffic that King Street carried in the early 90's
- Slight decrease over 17 year history since the original comp plan was adopted
- Current Street system allowed the public to use alternate routes
- No anticipated traffic deficiencies would occur on Oviedo Street or surrounding streets; therefore, no concurrency issues outside of King Street

Mr. Schilling reported the following as it related to hotel access and deliveries:

- FDOT reviewed driveways and how connections operated accessing State Roads
- Currently there were 4 driveways on King Street
- Some of the driveways had no turn around on the site necessitating backing out and slowing traffic on King Street
- The project would eliminate two driveways on King Street
- 55 foot setback would provide a circular driveway; important for stacking, loading, and unloading

- Some deliveries up front, such as FEDEX, UPS, but most would occur in the back
- Creative delivery drivers would find fastest route, and the PUD did not place limitations for use, so they would use King Street or Oviedo Streets
- Patrons used valet only, and valet stand would have ability to direct traffic

Mr. Matthews answered questions pertaining to employee parking as follows:

- Staff would park at grade level (7 spaces available)
- Additional employees would be underneath

Questions to staff wanting clarification pertaining to newspaper article stating that 168 additional vehicles would be on Oviedo and King Streets lead to the following answers:

- City's evaluation and appraisal report indicated 168 more vehicles daily on Oviedo and King Streets
- Number of cars would be over the limit after the additional 11 ½%
- No capacity left on constrained King Street
- Data based on daily counts, not peak hour evaluation, and that was the reason for 9 more trips during PM peak Hours versus 168 more vehicles Daily
- Traffic management plan or shuttle system plan should be incorporated into the PUD for a binding effect

Mr. Blow questioned what happened if the street failed during or after construction, and the reply was that the City would repair it if it involved general use, but if the street was used under a right-of-way permit for example, the City would have placed a Condition for Rehabilitation, thereby making the other party responsible.

Mr. Matthews replied, that another reason to place the place building east would be to minimize traffic issues from King Street, and impacts to Oviedo Street during construction.

A conversation about power lead to the following fact:

- Additional transformer for increased power – would like to place lines underground eventually

Donna Wendler, 5483 Atlantic View, referring to the City's Vision Plan, in 1995, and the hotel project coincided with the plan's objectives. The following reasons for the project were as follows:

- Entry Corridor location improvement
- Vacant buildings with for sale and for rent signs – haven for vagrants
- Condition and appearance of area inhibited pedestrian traffic
- Great need for economic revival in blighted areas
- Galleries and shops needed an anchor business, such as the hotel
- Project would protect the existing businesses from further blight
- Prevalent homelessness worsened resulting in fear for safety and discouraging visitors
- Proposed hotel with activity and security would create a safer environment
- Hotel would provide safer egress ability
- Fire code would mandate fire sprinkler systems specifically for revised use, resulting in less fire vulnerability
- Project's design collaboration opportunity for City
- Feasibility study determined that an art oriented type hotel would be successful, and a perfect St. Augustine fit
- Other hotels in the area offered a high price point, but the proposed project would offer quality at a lesser

rate, creating economical revitalization

- Boutiques/art hotel concept very well received by community and in popular demand
- Additional growth would bring additional bed tax monies that could be used for arts and tourism
- Added tax base could relieve tax burdens so projects such as road improvements could occur
- Hotel would provide 50 to 75 new jobs
- Hotel might provide extra parking, whereby alleviating parking issues
- Key objectives in the Vision Plan such as: to improve the Entry Corridor, encourage economic development, support arts by bringing all arts together, and ensure public safety, would be the project's objectives
- Family business, but professionally managed
- Intent to be in City's best interest

Mr. Misterly questioned the benefit, not only patrons visiting the hotel, but others, and Ms. Wendler replied that local artists were involved in the project, and the hotel not only included an art gallery, but art throughout the facility would be for sale. She expounded on the art related potential, and concluded that she hoped the Cultural Arts Counsel utilized space to exhibit quality museum-like art. She added that she wanted to give back to the City.

Ms. Freeman questioned if the hotel's restaurant would serve breakfast, lunch, and dinner, and the reply was affirmative.

Mr. Valdes questioned the Oviedo Street deliveries, and how they obtained favorable letters for the project, and the response was that they would use local vendors and specific delivery times, and they had distributed information sheets for a response to the project.

Mr. Blow questioned if the hotel would have a full liquor bar, and the reply was yes

Ms. Smith requested rebuttal time at the end of the hearing, and said she would question credentials from expert witnesses.

Mr. Valdes said he would call experts to speak first, and he said the board received two letters in support, one with request to be read. He continued that Mr. Cook's family owned 137 Oviedo Street for some time, and he was concerned about the change the hotel would bring to the neighborhood related to flooding, traffic issues, as well as damage to the brick street.

Mr. Valdes said 21 notices were mailed, and 3 returned were in favor, 4 opposed, and 6 with comments.

Public Hearing opened.

Those that spoke against the project shared the following:

- Oviedo Street served as a multi-family buffer between commercial King Street and Valencia Street, and that would be lost
- Valencia Street has several homes in the process of being historically restored
- What effect would the San Sebastian project and Flagler dormitory office building have on traffic
- More side streets would be used
- 80 room hotel along with meeting rooms and deliveries would have huge impact on neighborhood
- Noise issues
- Diminished property values
- Oviedo Street would become what Grove Avenue became when Barnicle Bills restaurant opened
- Concerns the project not necessary, given there are two other projects at same end of town
- Diminished Quality of Life for those in the neighborhood
- Flooding problems worsen
- Neighborhood effected on several streets due to proposed deliveries

- Building too large for Oviedo Street regardless of meeting setback requirements
- Restoration of the 7 houses proposed for demolition would improve corridor, discouraging vagrants
- Loss of King Street's existing fabric
- Parking problems, deliveries, walls, dumpsters, ac equipment would all be on Oviedo Street
- Inadequate amount of parking spaces allotted (7) for 50 to 75 employees, thereby adding to parking problems
- Oviedo Street would be forced to become a residential parking street
- Ambiance of City created through the restoration of historic buildings would be altered
- Deny by remembering Model Land Company
- Proposed hotel would not fulfill a need, just an investment for investors
- Future national recognition that St. Augustine does not compromise for investment conveniences
- Preservation of City lost, and changes would generate proliferation of same
- Need to draw line, as board of realtors would by protecting residential areas
- 168 additional trips daily was too much for Oviedo Street
- Parking would be necessary on both sides of Oviedo Street making the street a narrow one lane
- Both side parking already occurred when Flagler College was in session
- Flooding on King Street blocks off U.S.1, and Riberia Street, forcing traffic down Oviedo street
- Traffic counsel areas need updating for accurate King Street counts pertaining to both directions before a decision should be made concerning traffic capacity
- Traffic count on Oviedo Street was not an accurate reflection
- Consider exhaust from kitchen and underground garage as environmental issues
- Displeasure of living behind a hotel
- Potential drunken guests
- Consider the money being invested in restoration of homes in the area
- Potential of vehicles parked on sidewalk
- 150 seat restaurant and bar would take away from the area
- Hotel not downtown, thus would not attract the arts
- Hotel would not promote safety
- Consider safety for drivers or walkers with 168 additional cars per day
- Cannot compare height of proposed building to others in the area as it would be taller than the standard house in the neighborhood
- 80 room hotel, 50 to 75 employees and a 150 seat restaurant with potential of 200 people at one time visiting the hotel would create huge traffic and parking issues
- Driving time from corner of King Street and Cordova Street to King Street and US 1 was no less than 15 min at peak times, and sometimes 20-30 minutes; therefore, little weight should be given the information regarding traffic decreasing over a 17-year period
- No guarantee that the favorable petitions were signed by neighborhood, town or state locals
- Absurd comparison that living 200 feet from hotel was same as down the street from tennis courts
- Unlikelihood of timed deliveries
- Would not provide higher paying jobs, as most would be service positions, a few higher paid managers
- Traffic detour to Valencia during storms and flooding
- Unanswered questions as to where water would go
- Unanswered questions regarding exact number of parking spaces

- Oviedo Street had 8 to 13 cars parked on it at 8:00 AM, when Flagler College was open, the street's parking spaces were full
- Unanswered questions pertaining to location of dumpster and delivery trucks
- Mixed uses on proposed site, with single family residences, businesses, condos, apartments; multi-family; however there was a delicate balance between residential and commercial use, and balance tipped by the proposed project created a negative impact
- Parking spots in neighborhood would be used before valet parking
- PUD suppose to benefit people and City; project not proven to
- PUD designed to maximize property values, but the proposed did
- City Code specified 1 parking spot per 1 hotel room, no consideration that two people would share a hotel room
- Size and scope for area over the top
- Stacking vehicles in underground parking would require a clearance that could increase the height of the proposed hotel
- True lot coverage significantly different than actual footprint of above ground building
- Recently hotels could not meet occupancy expectations
- Suspicion as to why most hotels were built in 2 years, but proposed hotel would be complete in 4
- Petitions available at winery and signed while being served wine should be considered null and void
- Hotel's franchise name not revealed; no proof of credentials to meet occupancy expectations
- Deteriorated area due to lack of upkeep to houses proposed for demolition
- Not all downtown tourist areas have a beautiful entry corridor
- Hilton pumps water out into the street

- Building's placement would create adverse shading effect
- Safety issues related to the homeless needed to be addressed by the City through policy changes; not a reason for proposed project
- Oviedo Street should not suffer to save blighted King Street
- FDOT data that supported fewer cars today than in 1991 did not pertain to peak traffic; therefore traffic counts in 2003, 2004 to 2005 to 2006, should be taken
- Concerns outweigh the potential increase in home values

Those that spoke in favor or the project commented as follows:

- Delivery times and vendor suppliers could be controlled
- Traffic could be controlled
- West side of King improved
- Vision plan for Model Land Company was commercial
- Development complies with all zoning uses
- No intrusion on a residential area as it had already been done
- Ms. Wendler accountable, she walks her talk
- Delivery trucks currently use Oviedo Street daily
- Less residential than any other zone
- Locals know how to use back roads
- Pros and cons outweigh each other
- Tourism would be boosted
- The City would keep moving in right direction
- Vacant buildings, homelessness would be lessened
- Tourist currently had negative experiences
- Each business that closes cause more burden on other store owners
- City needs to maintain infrastructure on any residences not maintained due to higher taxes
- Keep existing businesses operating in proposed project area

- Project was last hope for that part of town
- Destination place for artists, and other galleries could potentially benefit from the tourist and art collectors
- Could be worse for residents if different kind of business was created
- Best interest of city in mind
- Project's profit from plan could be achieved elsewhere
- All problems could be resolved
- Support of proposal deemed best for City and citizens
- Hotel perfect for the 450th birthday of St. Augustine
- Entry corridor looks shabby
- Hotel exemplifies Flagler's entrepreneurship
- Flagler hotels changed the ambiance of City forever
- Flagler would approve
- Universal fact, a strong commercial area supports the residential real estate and increases property values
- King Street partially zoned, highest and best use of land is not multi-family apartments
- Hotel offers benefits of higher revenue through property , sales and bed taxes
- 50 to 75 more jobs
- Give tourists more reasons to visit City
- Chance to stay in hotel modeled after historic residence
- San Sebastian project stalled; we are in a void
- Article about additional traffic-168 divided by 24 hours is 7 vehicles on King Street per hour
- Most traffic would be limited to a 12 hour period
- Good chance those associated with cars parked at hotel would walk to the Old City eliminating traffic on King Street
- Had the Casa Monica and Hilton not been built, we would be missing a walking population on St. George Street
- Project would revitalize a viable part of art district
- Ashamed of King Street
- Viable project, and people emotional about it
- Folks should not determine what Ms. Wendler can do with her property
- Cities are looking for a development like this one
- Understand why tourists do not walk past Flagler
- Markland does not fit in with our architecture or space but it was allowed
- Number of Flagler buildings in the area do not pay taxes
- Houses present on property account for \$60,000 yearly in taxes, the hotel would account for \$195 thousand
- ½ of neighborhood pays zero in taxes
- If neighborhood has issues, should have meetings
- No one visits businesses on the West King
- Majority of traffic was vagrant pedestrian traffic
- Homeless present because nothing else there
- Rather trade vagrants for a few extra cars
- Size of building appropriate and pretty
- Cannot improve without change
- Revitalization would occur
- Family business
- Vagrants bother employees, and doors need to be locked
- Hotel would bring safety
- Embarrassed by where I work
- Great for melding with history and adding elegance to City
- Great tribute to Henry Flagler
- No good reason to reject such a dynamic reconstruction project
- Should be approved because Ms. Wendler was one of the nicest

people in the world with no bad intentions

Ms. Freeman questioned if RG-1, use by exception, favored the applicant, and reply was that the burden was on the opposition to show negative impacts.

Mr. Valdes questioned the seating in the restaurant, and Ms. Smith replied, 150 seats total, including the restaurant, bar area, and front porch

Ms. Freeman questioned if typically deliveries for various items such as veggies, bread, cans etc, were delivered by separate vendors, answer by expert witness was yes, but felt something could be arranged otherwise.

Mr. Valdes questioned if staff calculated required parking spaces, given that the 150 seating proposal had recently been introduced, and the determination process, and the reply was no; however, Mr. Birchim said that the typical restaurant parking calculation was 1 space for every four seats, and one space for every 200 square feet of non-patron areas. He added that a hotel with a restaurant would need to have 75% of the restaurant's requirement added to their parking space requirement, and he added that the PUD controlled parking.

Public Hearing closed.

Mr. Valdes said that his list of concerns were as follows:

- Traffic parking impacts
- Flagler and San Sebastian project's influence on traffic
- Impact on brick streets
- Possible inadequate amount of parking spaces for proposed project
- Possible inadequate parking availability for employees
- Double occupancy not included in parking space counts
- City not having the chance to review parking amount needed

- Lot coverage estimation potentially incorrect
- Many questions unanswered

Mr. Valdes added that he had questions, was on the fence, and tabling the item might be a good idea in order to have an opportunity to mull over all the information, as it would allow the rebuttal at the next meeting to be whole and all encompassing.

Ms. Smith replied that most answers related to the questions were in the submitted documents, and added that they had not wanted to belabor all the parking calculations, and traffic and storm water issues; however, they were prepared to go over them. She continued that it was their desire to have the appeal and PUD heard at the same City Commission meeting. She concluded that she wanted to get through as much as possible, as there had been previous delays.

Ms. Freeman added that there were considerations as well as questions that should be addressed by staff, and they not had time to review the parking calculations.

Mr. Valdes replied that his board position was serious, and because decisions related to the project could be far-reaching, and the impact potentially huge, he wanted time to consider all pertinent information before rendering a vote. He added that the issue was especially important to those living on Oviedo Street, and said the board was currently two members short, thus tabling would provide time to review the minutes and tapes before making a decision.

Ms. Smith questioned if they agreed to table until the next HARB meeting on February 5th, where in the process they would start and the reply from Attorney Brown was that there would be no more public comment, no more exparte, and the record would stand as it currently was.

Mr. Blow questioned when the board would be able to get required answers from staff, and the reply was the next meeting.

Ms. Smith questioned the absent board members' role, and reply from Mr. Brown was that if the members observed the tape's entirety, and reviewed the record and stated so under oath, they could deliberate.

Mr. Valdes questioned if it was the absent members' option to render a decision, and Mr. Brown replied that the court looked at evidence presented and qualifications to render, therefore, integrity of decisions were dependent on having the same experience. He added that at the next meeting, (if tabled) they would pick up at the same rebuttal stage.

Mr. Valdes questioned, if the applicant wanted a decision rendered, could they still table it, and Mr. Brown said if the board felt that additional information was required, they could request tabling; however, if the decision was demanded it must be made.

Ms. Smith said she respected the board's time and feelings, but they needed to meet certain deadlines, and asked to limit the rebuttal to 15 or 20 minutes in order to provide them with the parking and storm water information, as well as show them where the information was located in the documents. She continued, referring to the map that showed zoning of surrounding properties, to point out the uses by exception. She said the test to legally rezone needed to be consistent and compatible with surrounding properties, and pointing to the map, said that much of the surrounding area had been converted to commercial and multi-family residences with only 5 single family residences located on the block.

Rob Matthews made the following points referring to flooding, and storm water:

- Project site had no storm water controls to help with the flooding issues typically caused by storm events; the project would address the matter for quantity and for quality purposes

- Vault system would connect into the City's system, and would reduce the current 8 lots contributable effect
- Currently most of the water went immediately into the roadways, that would change

Regarding de-watering, he said:

- Common practice and was a short term temporal effect for construction purposes only

Parking:

- Noted that St. Augustine's code requirements had been met, and they could ask the PUD to reduce the parking requirements, but they had not
- The required parking was 120 spaces

Mr. Knight clarified that the submitted plans that differed from what was previously proposed, so potentially the amount of parking spaces required was not accurate and the traffic analysis was on the hotel but not the restaurant resulting in the anticipated 168 more trips to possibly be inaccurate.

Ms. Smith said that Mr. Schilling had calculated the restaurant in his traffic calculations.

Ms. Freeman questioned if staff would be calculating the parking, and reply was, not necessarily, as the PUD allowed the applicant to change it; however, the testified amount needed, had not been confirmed by staff.

Mr. Blow commented that he was inclined to approve the item, however, he wanted to be comfortable that staff had adequately reviewed the parking and traffic increase and were satisfied with the applicant's numbers.

Mr. Birchim said that Rob's calculations had been based on the plan submitted that

evening, and based on stacked parking spaces, and the figure was 120 spaces.

Mr. Knight replied that he had not been aware that the plan was for a 150-seat restaurant in addition to a 80 room hotel, and added that the land use code on the traffic analysis was a hotel.

Ms. Smith requested to respectfully be included on the February 5th agenda with the understanding that the City PUD went to the City Commission for first reading on the 25th.

Mr. Brown addressed Ms. Smith's concern of running the second reading of an ordinance on the assumption of approval, saying it would come up as an ordinance as a recommendation at the same time of the appeal. He said that the staff and city had no position on the matter, and the second reading of the ordinance would be held simultaneously with the HARB appeal.

Ms. Freeman questioned if the second reading would be on February 25th, and Mr. Knight replied as soon as the PUD ordinance was expedited, it would be heard in conjunction with the HARB second reading of the appeal.

Requests related to concerns from the board before the next PZB meeting were as follows:

Ms. Freeman:

- That City staff calculate parking spaces needed and increased traffic

Mr. Misterly:

- Would like details on the ac units
- What measures would be taken around the dumpsters
- Would like to hear concrete plans to minimize deliveries

Mr. Misterly asked staff if valet parking was enforceable, and the reply was only if it was included in the PUD

Mr. Blow:

- Would like a surrounding cross section scale depicting buildings to compare heights
- Survey of brick street prior to construction and after start of construction
- Applicant responsible for any damages to street due to construction traffic
- An architectural review committee formed to make sure it actually ends up looking like Flagler's mansion

Mr. Valdes:

- Specifications of the exterior finishing on the building as part of the PUD
- Traffic and Parking Space concerns shared
- Brick Street Impact concerns - survey before and after construction and applicant compensating City if damaged
- Would like to know how many single occupancy rooms the hotel would provide
- How many double rooms
- Total population of hotel
- Number of rooms and parking requirements
- 35% lot coverage the footprint of the first floor or total garage area
- Compare the total lot coverage of the current 7 or 8 structures with hotel
- How does the true number effect flooding regarding impervious surfaces
- The company that operated the boutique hotels
- Wants to know the franchise, as hotels were only as good as their operator

MOTION

**Ms. Freeman MOVED to Table 2007-0317,
To rezone the property from Commercial
Low Two (CL-2) and Residential General
One (RG-1) to Planned Unit Development
(PUD) to construct an 80 room hotel.
until the February 5th Planning and
Zoning Board Regular meeting at 2:00
PM and place the item first on the
agenda. Seconded by Mr. Blow**

VOTE ON MOTION

**AYES: Ms. Freeman, Mr. Blow,
Mr. Misterly, Mr. Valdes**

NAYES: None

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Having had no further business, Mr. Valdes
adjourned the meeting at 10:20 P.M.¹

John Valdes, Acting Chair

¹ Transcribed by Dianna Polland