

CITY OF ST. AUGUSTINE

Planning and Zoning Board Workshop  
January 21, 2009

The Planning and Zoning Board Workshop met in a formal session Wednesday, January 21, 2009 at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by John Valdes, Chairperson and the following were present:

**1. Roll Call:**

John Valdes, Chairperson  
Carl Blow, Vice Chair  
Grant Misterly  
Bill Leary  
David Toner  
James McCune

Absent: Deltra L. Long (Excused)

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

**2. Discussion of New Board Operating Protocol**

Bill Harriss, City Manager, said that he understood the board was meeting to correct some inconsistencies in the Code. He agreed that from a staff point of view it would be nice to fix the inconsistencies. He said he would like a positive outcome from the workshop to present to the City Commission. He asked that the board consider the economy when thinking of hiring a consultant. He noted that Mr. Leary had a legal background and was willing to work on the Codes, but he would need direction from the board and staff.

Mr. Valdes asked if the board had any comments or improvements to make regarding the new board operating protocol. He indicated that they were discussing the basic protocol for the Planning and Zoning

Board to help address the meetings length. A brief discussion addressed the following:

- Staying on task
- Make a motion and see where it would lead
- Exercising Discipline
- A simple “yes” or “no” would not always work, sometimes details would be needed

Mr. Valdes indicated that with the slowing economy it was a good time for the board to work on other issues. He said the Zoning Codes were the fundamental building blocks for the board.

Mr. Leary commented on the editorial that Chairman Valdes wrote for the St. Augustine Record. He said the board would be looking at problems and how to correct them by applying the Code.

### **3. Discussion of New Telecommunications Tower Ordinance**

Ron Brown, City Attorney, summarized the Quincy, Florida ordinance regarding cell tower telecommunications, and board addressed the following:<sup>1</sup>

- Under priority listing CM-2 should be listed before "OL" Open Land
- Letter received from Connie Hansen, resident, regarding possible height and health concerns
- Height limitations when applying the Code
- Applicant assistance with cost to analyze a cell tower application
- Setting precedence with the ordinance
- Add the following reason for denial of an application stating that *the tower would conflict with the existing residential nature of the surrounding properties in respect to the zoning of the land*
- Limiting the location of the towers from a safety standpoint
- Potential disapproval for conflict with the public's use or enjoyment of open land zoning
- Closeness between two towers should be considered
- Making sure an ordinance was put in place
- Cell towers could bring additional revenue to the City
- Consider high winds during balloon testing

Mr. Brown provided the board with examples of different telecommunications.

Mr. Leary questioned whether March was an acceptable time for the item to be discussed. He asked that staff summarize the ordinance, post it on the City's website

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<sup>1</sup> Ordinance attached to original minutes.

and make it available to the St. Augustine Record.

Mr. Harriss indicated that the February meeting would be preferable to address the item. He said the ordinance would be a positive addition for the City.

Mr. Toner asked staff to provide the number of existing towers, City owned properties available for towers, and the properties zoned IW.

Mr. Harriss replied that staff would provide the board with a map that would show all of the locations. He indicated that existing towers should be listed before government land.

### **4. Discussion of List of Possible Code Amendments**

The following was a list provided by staff for possible Code Amendments:

- Definition of Marina vs. Community Dock vs. Private Dock
- Conservation Zone Development criteria for dock length, width, terminal end, location on property and in the water, etc.
- Submittal requirements for docks (i.e. hand rail details, cross sections, neighboring docks within xx feet, etc.)
- Objective criteria for evaluating a Use by Exception
- Changing the criteria for a Variance to match the statutory definition of Wavier/Variance found in F.S. 120 (to include economic hardship language)
- Definition of Bar and the terms used in each zoning category
- Definition of lot coverage as applied to decks, multi-story decks, etc.
- Front setback requirements in CM-2 along major roadways

- San Marco Avenue Business District parking requirements - residential decal system and amended commercial parking requirements
- Detailed breakdown of motor vehicle definitions and sales/rental/repair aspects reviewed in each zoning category

Public hearing opened.

Possible Code Amendments addressed by:

- Debra Valenti-Epstein
- Steven Schuyler
- Robert Hall

Topics addressed by speakers were as follows:

- Sensitivity toward the zoning in Lincolnton
- Concerned about the overlay zone
- Codes were outdated
- HP Districts should be reviewed

Mr. Valdes said the remaining items would be discussed at the February PZB meeting, due to the time limit set for the meeting.

Mr. Misterly expressed frustration about moving the remaining code amendments to the February meeting, as he was prepared to address them during the workshop, and he felt that they were being put-off.

Mr. Valdes noted that the remainder of the workshop would be spent on the Tree and Landscape Ordinance.

### **5. Discussion of Amendments to Trees and Landscape Ordinance**

Mr. Knight said staff met with the Street Tree Advisory Committee. He indicated that Chuck Lippi had drafted a new ordinance with modifications. He said a list of trees, sizes, and diameters had been given to PZB. He indicated that the committee had

made the following recommendations regarding the ordinance:

- Change the ordinance wording so that the ordinance would correspond to Tree species rather than stating that a Protected Tree was 20 inches in diameter and a Preserved Tree was 30 inches in diameter
- Institute tree trimming program
- Develop greater standards for protecting a preserved tree

Chuck Lippi made the following recommendations:

- Proper enforcement of tree pruning
- Under Tree Preservation a certified arborist or a landscape architect would provide advice on taking care of the roots
- Florida Power & Light was the biggest offender for not properly pruning trees
- Definitions would need to be clarified for different viewpoints
- Putting a layer of mulch down with the proper irrigation to avoid soil compaction
- Concerns that the ordinance could restrict the ability to renovate buildings
- Clarification regarding irrigation

The board recommended that the Street Tree Committee provide the items that they would change in the Code.

Mr. Valdes questioned the level of authority the City would have with FPL, and the response was none.

Gina Burrell, Street Tree Committee, suggested that the City negotiate tree pruning with the renewal of the FPL franchise agreement.

Mr. Leary requested that the Tree Ordinance be summarized and put on the City website for review.

Mr. Knight said he would ask Mr. Lippi to summarize the ordinance for the City website. He said there were three concepts blended into one ordinance as follows:

- What was considered a preserved tree
- Changes to protect a preserved tree
- Changes required to create a tree trimming program

Mr. Brown said the public meeting would be held on January 22, 2009 regarding the FPL Franchise agreement, and tree pruning could be discussed at that time.

Mr. Blow noted that Jacksonville Electric Authority used brackets on power lines to keep the pruning to a minimum.

The following discussion was held regarding FPL tree pruning:

- FPL was allowed to trim ten feet from the power lines
- Notice should be provided to homeowners regarding pruning
- FPL hire an arborist for pruning to avoid butchering tree limbs near power lines

Mr. Brown explained that delivery trucks in the downtown area were not always able to access a street due to the tree overhang, which could possibly constitute a safety issue.

Mr. Valdes suggested that the City Commission appoint a citizens committee to look at zoning regulations and provide information to the Planning and Zoning Board. He asked if the board members would be willing to make the recommendation to the City Commission to appoint a temporary committee to review

the Code section by section. He indicated that the board's workload prohibited them from completing a review. He concluded that residents would be willing to participate.

Mr. Leary said there would need to be some sort of control.

Mr. Valdes questioned staff's opinion regarding the matter.

Mr. Knight pointed out the burden that appointing another committee would create for staff. He added that often times a committee's intentions and ideas were positive; however, a considerable amount of staff time would be involved.

Mr. Brown pointed out that at the end of February the Planning and Building Department would also be short one staff member.

Mr. Blow said he would like for the board to tackle the 10 items, and from that point the board would be able to make decisions.

Mr. Knight clarified that the remainder of the items would be moved to the February PZB meeting.

Mr. Toner asked if the items would be handled as agenda items or a workshop, and the response was as agenda items.

Mr. Leary asked that a time limit be attached to each item to avoid running into problems. He suggested that the items be limited to an hour.

Mr. Valdes said he would discuss a time limit per item at the beginning of the February PZB meeting.

**6. Adjournment**

Having had no further business, Mr. Valdes adjourned the meeting at 4:18 P.M.<sup>2</sup>

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John Valdes, Chairperson

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<sup>2</sup> Transcribed by Carly Mason