

**AGENDA
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA
REGULAR MONTHLY MEETING
TUESDAY, APRIL 16, 2013, 7:00 P.M.
CITY HALL, 2200 STATE ROAD A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA 32080**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF MINUTES OF TUESDAY, MARCH 19, 2013
REGULAR MONTHLY MEETING**
- V. PUBLIC COMMENT**
- VI. NEW BUSINESS**

1. ORDINANCE NO. 2013-05

Passed on first reading by the City Commission at its regular monthly meeting held on Monday, April 1, 2013, this proposed ordinance amends Section 3.02.03.A.11 of the City of St. Augustine Beach Land Development Regulations to add additional restrictions on the location of wireless communication towers to protect the vision and scenic beauty of A1A Beach Boulevard and the beaches.

VII. OLD BUSINESS

**1. CONSIDERATION OF CRITERIA FOR DETERMINATION OF
HISTORIC BUILDINGS/SITES IN THE CITY**

Continued from the Board's regular monthly meeting held on Tuesday, March 19, 2013, the Board shall consider and discuss developing criteria to define and preserve historic buildings and sites within the City.

VIII. BOARD COMMENT AND DISCUSSION

IX. ADJOURNMENT

For more information on any of the above agenda items, please call the City of St. Augustine Beach Building & Zoning Department at 904-471-8758. Persons requiring special assistance should call this number at least 24 hours in advance of the meeting date and time.

MINUTES OF THE REGULAR MONTHLY MEETING OF THE COMPREHENSIVE PLANNING AND ZONING BOARD of the City of St. Augustine Beach, Florida, held Tuesday, March 19, 2013, at 7:00 p.m. in the City Commission Meeting Room, City Hall, 2200 State Road A1A South, St. Augustine Beach, Florida, 32080.

I. CALL TO ORDER

Chairman Greg Crum called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Greg Crum, Vice-Chairman Alfred Guido, Patricia Gill, Michael Hale, Steve Mitherz, Roberta Odom, Daniel Stewart, Senior Alternate David Bradfield, Junior Alternate Elise Sloan.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Gary Larson, Building Official; Max Royle, City Manager; Bonnie Miller, Recording Secretary.

IV. APPROVAL OF MINUTES OF TUESDAY, FEBRUARY 19, 2013 REGULAR MONTHLY MEETING

Mr. Stewart **MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING OF TUESDAY, FEBRUARY 19, 2013.**
The motion was seconded by Ms. Odom and passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT AND DISCUSSION

Mr. Crum asked for public comment on any issue not on the agenda. There was none.

VI. NEW BUSINESS

1. OVERLAY DISTRICT FILE NO. 2013-04, filed by John N. O'Brien, 58 Douglas Avenue, St. Augustine, Florida, 32084, applicant, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for front and rear yard setback reductions from 25 (twenty-five) feet, per Section 6.01.03 of the City of St. Augustine Beach Land Development Regulations, to 23 (twenty-three) feet, for proposed new construction of a one-story, 1,887-square-foot heated-and-cooled single-family residence with an 885-square-foot attached garage and storage area and an 885-square-foot heated-and-cooled carriage house above said garage and storage area; and a west side yard setback reduction

from 10 (ten) feet, per Section 6.01.03 of the City of St. Augustine Beach Land Development Regulations, to 5.5 (five-and-one-half) feet, for a second-story cantilevered porch extending from the carriage house above said garage and storage area, at 11 2nd Street, PERTAINING TO LOTS 12 AND 14, BLOCK 10, CHAUTAUQUA BEACH SUBDIVISION, SECTION 34, TOWNSHIP 7, RANGE 30, REAL ESTATE PARCEL NUMBER 168940-0000, AKA 11 2ND STREET, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Carey Bettis, 2 South Roscoe Boulevard, Ponte Vedra Beach, Florida, 32082, said he's the builder for the applicant, John O'Brien, and will speak on his behalf. They're trying to build a one-story home that will accommodate Mr. O'Brien's needs, which they can almost do within the 25-foot front and rear yard setback requirements. The front roof ridge is at 16 feet, which is allowed per the overlay district ordinance, and the back deck off the rear of the house encroaches a little into the rear yard setback. They tried to keep the house as close to the allotted setbacks as possible, but just needed a little more space to make it all work, so they're asking for front and rear setback reductions to 23 feet.

Mr. Crum said the house includes a carriage house over the garage, all built on two lots. He asked if the carriage house will be separately metered, or just be a guest house. .

Mr. Bettis said it will be a guest house. The O'Briens have a big family, so the carriage house will basically provide a place for the family to stay. It will be connected with a breezeway to the house. They will be separate structures, but architecturally, they've tried to blend them in so they look like one structure on the two lots, to have a nice facade.

Mr. Mitherz asked what the impervious surface coverage will be.

Mr. Larson said it will be less than what is allowed, which is 50 percent maximum.

Mr. Mitherz asked the length of the breezeway connecting the two structures.

Mr. Bettis said the breezeway will be a roof connector, basically an A-framed covered roof, over a paved walkway. It will be open on the sides, and it is about six feet long.

Mr. Mitherz asked the length of the cantilevered deck on the side of the carriage house.

Mr. Bettis said the carriage house deck is about five feet deep, and about 14 feet long.

Mr. Crum said the overlay ordinance allows decks to extend three feet into side setbacks.

Mr. Bettis said that's correct, so they're asking for a two-foot exception to allow this deck to extend five feet into the west side yard setback.

Mr. Guido said it's his interpretation that this is another application in which the overlay ordinance is being used to bypass the variance process. The overlay ordinance allows second-story decks and porches to bump-out three feet into allowable setbacks on sides

of structures, but the second-story deck proposed in this application extends four-and-a-half or five feet into the west side yard setback, so it doesn't comply with the ordinance. However, the applicants have bypassed the variance procedure because they know they can't meet the criteria for a variance, which requires proving a hardship that is not self-imposed. He has problems with applications that don't meet the ordinance criteria when the applicants know what's in the ordinance before they start designing. This application is not for the reconstruction of an existing facility, which is one of the principal reasons for the creation of the overlay ordinance, but for new construction on two lots.

Mr. Bettis said he understands Mr. Guido's concerns. One of the criteria in designing this home was to keep it at one-story, as Mr. O'Brien does have some health issues, but to be honest, he thought they were okay in asking to apply under the overlay ordinance.

Mr. Larson said the only thing in this application that does not meet the conditions of the overlay ordinance is the request for the second-story porch to extend four-and-a-half feet off the west side of the carriage house into the west side yard setback. If the applicants wish to cut this porch back so that it will only extend three feet into the west side yard setback, the application will be in total compliance with the overlay ordinance.

Mr. Stewart said the covered connector between the main house and the garage and carriage house is six feet, so if the garage and carriage house were pulled closer to the main house, they could keep the five-foot-wide second-story deck on the carriage house.

Mr. Bettis said they were trying to keep some separation between the main house and the carriage house, so he thinks they'd prefer to shrink the porch rather than move the garage and carriage house closer to the main house.

Mr. Crum asked if staff has received any letters or correspondence from neighboring property owners who were notified, by mail, of this application.

Mr. Larson said no, staff has received nothing.

Mr. Crum asked for public comment.

Frank O'Rourke, 10 D Street, St. Augustine Beach, Florida, 32080, said he sold Mr. O'Brien these two lots, and has been working with him for about a year now, in looking for a property that could accommodate his needs with the type of house he wanted to build. Mr. O'Brien had originally planned to buy both lots, build on one, and sell the other. Potentially, there could have been two structures built up to 35 feet on these two lots, as Mr. O'Brien could have opted to put an elevator in his house instead of keeping it at one-story, and they would then have had the issues of mass and scale that they have with the building built by Mr. Braly on 1st Street, directly behind Mr. O'Brien's lots. Mr. O'Brien opted not to do this, but chose instead to apply under the overlay ordinance, as this ordinance allows flexibility in setbacks and building requirements with a potentially non-conforming use. Mr. O'Brien is proposing to do exactly what the City wants by building a single-story home on two lots, and leaving a lot of open and green space. As

Mr. Guido correctly pointed out, the second-story deck extending from the west side of the carriage house encroaches further than the overlay ordinance allows, but he thinks the Board has to look at this request as to whether it benefits the City or not. If the intent of the overlay ordinance is to allow flexibility, this application is the perfect case of allowing flexibility to the betterment of everyone in the neighborhood and the City.

Mr. Hale said he applauds the fact that the main structure is only one level instead of two, which usually results in a lot of the neighbors coming before the Board crying about their views being obscured. This adds a lot of positives to this application, in his opinion.

Mr. Crum agreed. He said he loves the design of the house, and thinks it's unfortunate that the deck encroaches two feet further into the allowable side setback.

Ms. Odom said it's her understanding that it's really only one-and-a-half or two feet that doesn't comply, but she thinks Mr. Bettis said he could reduce the deck so it will comply, and only encroach three feet into the allowable side setback, to make everybody happy.

Mr. Bettis said yes, that's correct. If this is an issue, they will agree to alter and reduce the width of the deck extending from the west side of the carriage house from four-and-a-half feet to three feet, to come into compliance with the overlay district ordinance.

Mr. Crum asked staff if this is something that can be amended here tonight.

Mr. Larson said yes, if the applicants so agree, this can be stated in the written order.

Mr. Guido said that would answer his concerns, but he'd like to remind everyone that the Board has the final say on overlay district applications, so whatever the motion is, they should be sure all the criteria they want in the motion is, in fact, stated in the motion.

Ms. Gill said for the applicant's information, one of the problems the Board has had in the past is that people come before them with their plans, but then as they go forward, the plans are changed. The Board is reluctant to allow that to happen, so the applicant has to build according to what he says he's going to do. She doesn't have any problems with the second-level porch extending four-and-a-half-feet from the carriage house into the side yard setback, so she'd be fine moving forward with the plans as they are.

Mr. Mitherz said he'd like the application to be compliant in all matters, so if the applicant is willing to reduce the deck so that it complies, he'd prefer that.

Ms. Odom said yes, she agrees with the proposed reduction to the deck.

Mr. Guido said that's fine with him, as long as the application is within the criteria.

Mr. Hale said he's for the application as it has been submitted.

Mr. Stewart said he'll make a motion to approve this application, as stated in the request,

with the amendment that the second-level deck extending from the west side of the carriage house shall only encroach three feet into the west side yard setback.

Mr. Guido seconded the motion.

Mr. Crum said the deck would actually then be seven feet off the west side property line. He asked for any further discussion on the motion. There was none.

**Mr. Stewart MADE A MOTION TO APPROVE
OVERLAY DISTRICT FILE NO. 2013-04 AS RE-
QUESTED, SUBJECT TO AMENDMENT OF
THE PLANS SO THAT THE SECOND-STORY
CANTILEVERED DECK EXTENDING FROM
THE CARRIAGE HOUSE SHALL ONLY EN-
CROACH THREE (3) FEET INTO THE WEST-
SIDE YARD SETBACK.** The motion was second-
ed by Mr. Guido and passed 6-1 by roll-call vote.

Ms. Odom	Yes
Mr. Guido	Yes
Mr. Stewart	Yes
Mr. Crum	Yes
Mr. Mitherz	Yes
Mr. Hale	No
Ms. Gill	Yes

VII. OLD BUSINESS

1. CONSIDERATION OF CRITERIA FOR DETERMINATION OF HISTORIC BUILDINGS/SITES IN THE CITY, continued from the Board's regular monthly meeting held on Tuesday, February 19, 2013, for the Board's discussion and consideration of criteria to define and preserve historic buildings and sites within the City limits.

Ms. Gill said she's started working with Robin Moore, historic research coordinator for St. Johns County, and he has sent her some data to look up. She brought to the Board's attention that the City owns a 72-year-old building made of coquina which, according to the engineering study she has for this building, will need about \$6,000 worth of work to be put into proper condition for it to be used. She thinks it's absolutely disgraceful if they're talking to the citizens about letting the City identify historic buildings, while at the same time, they're looking at tearing down a historic building owned by the City. She'll continue to work ahead with a plan for what they could do if the citizens agree to let them identify historic houses and structures, and maybe they can get some kind of brochure or something done in time for the City of St. Augustine's 450th birthday celebration in 2015.

2. PROPOSED REVISIONS TO ORDINANCE NO. 08-30, for the Board's review of the latest draft of proposed revisions to this ordinance, which provides architectural and

site criteria for new and remodel construction within the overlay district, consisting of that portion of the medium density residential land use district located east of A1A Beach Boulevard and lying between the north property boundaries of 16th Street and the south property boundaries of F Street.

Mr. Larson said he's shortened the current overlay ordinance down to five pages from seven or eight pages, and taken out all the fluff that was in the old ordinance. The biggest change he made was to put a definition for "footprint" into the ordinance, which describes how a footprint definition is to be determined. He also added a section addressing building height, which he has basically broken down into how to arrive at a height determination for everything east of A1A Beach Boulevard, including properties both east and west of the Coastal Construction Control Line (CCCL), in all the different flood zones. In the section addressing setbacks, instead of allowing front and rear yard setback reductions to 15 feet for new construction, he's revised the setback allowances to allow 20-foot front and rear yard setbacks and 10-foot side yard setbacks. Second-level and third-level decks will still be allowed to encroach five feet into the front and rear setbacks, and three feet into side setbacks. He has also defined the setbacks in regard to vacated alleyways, and the 70 percent ratio for the third-level still applies.

Ms. Gill said on page one, under the purpose clause, the revised ordinance states, "The overlay also provides for new construction on the vacant, platted lots within the district." She doesn't understand why they are allowing these reduced setbacks and everything for new construction. On page three, the last sentence in the footprint definition section states, "Should an applicant request from the Board approval to construct over a questionable space, the applicant must have evidence that a roof existed over the floor space that is in question in order to rebuild over that footprint." She doesn't know that just having a roof over a garage would, in fact, include the garage as part of the original footprint of the house, so she has some questions about this. Under the building height section on page three, she'd like the wavecrest height to be defined in the third paragraph listed under this section, as this is new vocabulary for the Board. The last sentence in this section states, "Height is measured to the roof ridge or roof features such as porch railings." Many houses in the City have been built up to 35 feet and then have an open porch on the roof, especially in Sea Colony, so she has some questions about this also. On page four, the last paragraph under the section addressing setbacks states, "Vacated alleyways will be considered part of the property but no construction shall be allowed in this vacated portion of the lot." There's a little bit of a question there as to whether a vacated alley is part of a setback, which it should be. She'd like this to be more clearly defined, so that if the alley has legally been vacated, and the property owners are paying taxes on it, the 20-foot rear yard setback begins from the centerline of the vacated alley.

Mr. Crum said this latest draft revision has a number of changes from what the Board had originally talked about. He thinks the most notable changes have to do with the undecided height issue, which is going to be an ongoing issue for the City Commission.

Mr. Larson said the Department of Environmental Protection (DEP) established wavecrest cannot be changed. The DEP has to issue a notice to proceed prior to any construc-

tion seaward of the CCCL and design factors must be in total compliance with DEP rules. He can't make the verbiage any clearer than it is in paragraph three under building heights, which states, "The structure height will be determined from what will be the finished site grade." Building height will be measured from wherever the finished site grade is to the roof ridge, so this the starting point for the 35-foot height maximum.

Mr. Crum said as this is something that will also be put in the section of the Land Development Regulations that addresses building height, couldn't the overlay ordinance just refer to this, and say building height will be determined by this section? That way, if this section in the Land Development Regulations changes again in the future, they won't have to remember to change the height restrictions in the overlay district ordinance.

Ms. Gill said she likes the idea of making the overlay ordinance and the section in the Land Development Regulations that refers to building height compatible with each other.

Mr. Guido said he thinks they have a pretty good draft here, so he'll make a motion for the Board to recommend the draft that's before the Board tonight of overlay ordinance revisions be forwarded to the City Commission for the Commission's consideration.

Ms. Odom seconded the motion.

Mr. Crum called for discussion on the motion.

Mr. Mitherz said he noticed the three-foot-high picket fence requirement along the front, which is in the current overlay ordinance, has been taken out of the revised draft.

Mr. Larson said he's revising the current fence ordinance to allow picket fences in the front of every lot in the City. He's being bombarded by calls from people who have kids and dogs and they want to put up fences in the front to protect their families and property.

Mr. Crum said to clarify other changes that have been made, front and rear yard setbacks have been increased from 15 feet to 20 feet, and the verbiage in the current ordinance stating structures shall be allowed a 15-foot front and rear setback providing that the structure is one level with a roof ridge not exceeding 16 feet in height to the 25-foot setback, and the area between the 15-foot and 25-foot front setback area shall be limited to two levels with the roof ridge not exceeding 27 feet, has been taken out. In the architectural requirements section, the statement that says the City shall encourage the use of "gingerbread" effects for architectural styling, the requirement that all new structures are to have a one-car garage at a minimum, and the paragraph that says structures will be allowed a screen porch with a wood deck or a floor constructed with brick pavers to ensure a pervious surface, have all been deleted. In the site requirements section, the paragraphs that say no parking shall be allowed in front yards except on established driveways, all properties requesting an overlay modification will create an off-street parking space, and each lot shall provide a 36-inch fence with the design of the fence being at the owner's discretion, which they just talked about, have also all been taken out. He asked how the fourth paragraph under the architectural requirements

section in the revised draft, which says that the adjacent housing structures determine the number of levels allowed in the overlay, and the higher of the two elevations will be used to determine a two-story or a three-story new residence, will be enforced and applied.

Mr. Larson said as an example, if a lot in the overlay district had a one-story house on one side of it and a two-story house on the other, an applicant would be allowed to build a three-story house, based on the higher of the two adjacent structures.

Mr. Crum said okay. The setbacks for decks in the revised draft allow second-level and third-level decks to extend to the engineered width of a structure and to encroach five feet into front and rear setbacks, which he believes is new. He suggested rewording the first sentence under the setbacks section, which states, "Setbacks for all lots shall be 20 front and rear and sides 10 feet on each side for new construction," as he thinks this verbiage is a little odd. The only other verbiage in the draft that didn't read quite right to him was the third paragraph under the section referring to situations that conform to the overlay. He suggested breaking this paragraph up into two sentences and revising it as "Expansion defined by the City is any increase in square footage of a structure and must meet all applicable building codes. Expansion shall be within the setback allowances set forth by this ordinance." He asked for any further discussion on the motion. There was none.

Mr. Guido **MADE A MOTION TO RECOMMEND THE LATEST DRAFT OF PROPOSED REVISIONS TO ORDINANCE NO.08-30 BE FORWARDED TO THE CITY COMMISSION FOR THE COMMISSION'S REVIEW AND CONSIDERATION.** The motion was seconded by Ms. Odom and passed 7-0 by unanimous roll-call vote.

VIII. BOARD COMMENT AND DISCUSSION

Mr. Mitherz asked what is happening with the bollards that were supposed to be put up between the parking and the outside seating at Ripe Bistro in Anastasia Plaza.

Mr. Larson said he'll get in contact with Regency Centers of Anastasia Plaza and find out.

Mr. Guido asked how much time is left on the approval given for the new Marriott Courtyard, and when construction on the project has to begin before the approval expires.

Mr. Larson said he thought they had five years, but he'll have to check on this also.

IX. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Chairman

Recording Secretary

MEMORANDUM

TO: Greg Crum, Chairman
Alfred Guido, Vice-Chairman
Pat Gill
Michael Hale
Steve Mitherz
Berta Odom
Daniel Stewart
David Bradfield (Senior Alternate)
Elise Sloan (Junior Alternate)

FROM: Max Royle, City Manager 

DATE: April 2, 2013

SUBJECT: Review of Ordinance 13-05, to Restrict the Location of
Communication Towers

The City had received a proposal from a communication tower developer to locate a tower, 75 to 150 feet, on property east of A1A Beach Boulevard. The City Attorney has proposed an ordinance that would restrict the location of such tall towers east of the Boulevard, in order to protect the Boulevard's scenic beauty. The City Commission reviewed the ordinance, 13-05, at its April 1st meeting, and passed it on first reading then.

ACTION REQUESTED

As the Ordinance amends the City's Land Development Code, your review of it is required. We ask that you provide such a review and recommend to the Commission whether the Ordinance should be adopted on its second and final reading at the Commission's May 6th meeting.

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING TO APPENDIX A, ARTICLE III OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF ST. AUGUSTINE BEACH; AMENDING SECTION 3.02.03.11 TO ADD ADDITIONAL RESTRICTIONS ON THE LOCATION OF WIRELESS COMMUNICATION TOWERS TO PROTECT THE VISION AND SCENIC BEAUTY OF A1A BEACH BOULEVARD AND THE BEACHES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA:

Section 1. Section 3.02.03.11 of the Land Development Regulations of the City be, and the same is hereby amended to read as follow:

11. Wireless communication towers in all districts; provided, however, that such towers may be allowed as a conditional use in commercial districts at locations more than three hundred (300) feet from residential uses upon a showing by the applicant that wireless telephone signals will not otherwise be adequately available within the corporate limits of the city from a site outside the corporate limits of the city. Nothing in this section shall be deemed to prohibit towers for governmental use such as fire, police and public works. To protect the vision and scenic beauty of A1A Beach Boulevard and the beaches, as set forth in various studies and reports conducted by the City, including the Visioning Plan, no tower greater than forty (40) feet in height may be located within three hundred (300) feet of the western boundary of A1A Beach Boulevard or east of A1A Beach Boulevard.

Section 2. Other Code Sections Unchanged. Any section or sections of the Code of the City of St. Augustine Beach not specifically modified herein shall survive in full force and effect and remain unchanged unless a conflict arises in which case this Ordinance shall control.

Section 3. Severability. If any phrase, clause, sentence, subsection, section, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid, or unconstitutional the remaining phrases, clauses, subsections, or provisions of this Ordinance.

Section 4. Codification. Other than Section 1 hereof, this Ordinance shall not be codified, but a copy of this Ordinance shall be maintained in the offices of the City Manager.

Section 5. This ordinance shall take effect ten days following passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, upon
Second Reading this ____ day of _____, 2013.

**CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH**

ATTEST: _____
City Manager

By: _____
Mayor-Commissioner

First reading: April 1, 2013
Second reading: _____