



**MINUTES
CITY OF ST. AUGUSTINE BEACH
PLANNING AND ZONING BOARD
REGULAR MONTHLY MEETING
TUESDAY, APRIL 21, 2015**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chairman Steve Mitherz called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Steve Mitherz, Vice-Chairman Jane West, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander, Senior Alternate Mary McCarthy.

BOARD MEMBERS ABSENT: David Bradfield, Junior Alternate Jeffrey Holleran.

IV. APPROVAL OF MINUTES JANUARY 29, 2015 REGULAR MONTHLY MEETING

Motion: to approve the minutes of the January 29, 2015 regular monthly meeting. **Moved** by Karen Zander, **seconded** by Elise Sloan, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

Mr. Mitherz asked for public comment pertaining to anything not on the Board's agenda.

Leeann Kendall, 7 C Street, St. Augustine Beach, Florida, 32080, said there is a new house being built right next door to her, at 5 C Street, with the reduced setbacks that were changed last year, which allow this new 35-foot-high house to be five feet in front of her house, so it blocks any view she had. The side yard setbacks were reduced along with the front and rear yard setbacks, which means the space required between her house and the new house has also decreased. She didn't know anything about the new setbacks until this house started going up next door, and while it's too late to prevent it from being built, she hopes it's not too late to be proactive in creating a vision that maintains the lifestyle she and many others came here for. She'd like to see the reduced setbacks changed back to the previous setbacks the City had in place for the past 30-40 years, which were 25 feet in the front and rear and 10 feet on the side. She's also concerned about the drainage coming off a 35-foot-high building with reduced setbacks. She thinks there are quality of life issues here, which she'd like to discuss with the Planning and Zoning Board at a workshop meeting. She's personally affected and thinks the future value of her property may also be significantly affected by the new construction right next door, but she also cares about St. Augustine Beach as a whole, and would really like to address future growth in the City.

Craig Thomson, 6-A D Street, St. Augustine Beach, Florida, 32080, said he's also here regarding last year's zoning changes, which reduced the setback requirements significantly. In January of this year he gave a similar presentation to the City Commission to indicate the new setbacks allow more than a one-third increase in the bulk of a house, and they also allow new construction to block views in established neighborhoods. He built his three-story house on D Street 20 years ago, and the front of the house steps back off the street, with plenty of trees and landscaping, so it feels very private. As the lots in his neighborhood were platted in the early 1920's and the existing zoning has been in effect since the 1950's, his main question is why the setbacks have been so significantly changed at this time. He wrote a letter today to Mr. Royle and Mayor Samuels, copies of which he provided to the Board members and staff, as an appeal for a public workshop to be held to discuss ways to curb the adverse effects of the new setback requirements on established neighborhoods. He provided diagrams on the overhead projector of standard 50-foot-wide lots, showing the original setbacks for a three-story house, which were 12 feet on each side and 25 feet in the front and rear. The setback revisions which were passed and approved reduced the front and rear yard setbacks to 20 feet and the side yard setbacks to 7.5 feet, and also allow cantilevered decks and/or porches to encroach into these setbacks. There's a big difference between having a three-story house 12 feet off your side property line versus only 7.5 feet off your side property line. The lot coverage also jumps from 27.6 percent to 39.7 percent, which is an issue because maximum lot coverage for residential property is 35 percent. He showed a photo of the three-story house being built next door to Ms. Kendall's two-story house on C Street, and said this new house is 4,053 square feet, has 1,343 square feet of porches, an additional 900-square-foot roof deck on top of the third floor with a cantilevered stairway going up to it, five bedrooms, five-and-one-half bathrooms, and requires five parking spaces. The question is whether or not this is what they want St. Augustine Beach to become. He's lived here for 20-30 years and seen all the growth, and thinks this is a concern. He also thinks there are environmental concerns with all the drainage runoff that will be directed into the street, as this could cause flooding on adjacent properties, if they are low. His letter includes proposals he'd like considered to curb these adverse effects, such as maintaining a minimum 25-foot front yard setback for all residential properties in the City; maintaining a minimum 10-foot side yard setback for two-story construction and a minimum 12-foot side yard setback for all three-story construction; maintaining a swale in the road right-of-way for each residential property; reducing the lot coverage for three-story construction to 30 percent; and restricting roof decks to a maximum size and height above grade, because as far as he knows, there are no regulations on roof decks, or anything to control roof decks being built higher and higher.

Ms. West asked when the reduced setbacks occurred, and what exactly changed regarding the setback requirements. She also asked how property owners were notified of the setback rollbacks, and if notices were mailed individually to each and every property owner within the City.

Mr. Larson said the setbacks were reduced in 2013, from 25 feet to 20 feet front and rear, and allowances were also made for second- and third-level porches. He said the setback revisions were put on meeting agendas and legally advertised, and the agendas are on the City's website, but notices were not mailed individually to each and every property owner within the City.

Ms. West said she thinks this is a legitimate concern, as everyone purchases their property with a certain expectation of how far away their adjacent neighbor is going to be, so they don't expect to suddenly find out, through the construction of a much larger footprint of a house, that things have changed without really being notified, other than the changes being placed on an agenda.

Obviously, there's nothing that can be done in this particular situation, as the house being built on C Street is well underway and it's going to be constructed, but she thinks the Board would be doing the City a service if they revisited this issue in a workshop meeting, and at least advise property owners that things have changed. If this isn't a change they like, they might want the City to revert back to the previous setback requirements to keep its small-town charm intact.

Mr. Larson said he wants everyone to understand that the house being built next door to Ms. Kendall's does not have 7.5-foot side yard setbacks. It has a 10-foot side yard setback on the east side, and if he's not mistaken, as he doesn't have the plans in front of him right now, it has a 9.5-foot side setback on the west side, which is the side adjacent to Ms. Kendall's house.

Motion: to recommend the City Commission consider a workshop meeting to evaluate the setback rollbacks that occurred in 2013. **Moved** by Vice-Chairman Jane West, **seconded** by Roberta Odom, passed 6-1 with Karen Zander opposed.

VI. NEW BUSINESS

- A. Conditional Use File No. CU 2015-01, for a conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of a new restaurant, Terra & Acqua, in a Planned Unit Development in the Sea Grove Town Center at 134 Sea Grove Main Street, Simone and Monica Parisi, Applicants

Mr. Mitherz asked for ex parte communication disclosure from the Board members pertaining to this application.

Ms. West said she posted the applicants' menu and information on both the official, and unofficial, Sea Grove websites.

Ms. Sloan said she has not met or talked to the applicants, but lives right across from the new restaurant, and has talked to other Sea Grove residents about it and emailed the menu around. She's also talked to Michael, owner of Tim's Wine Market, in Sea Grove, about the new restaurant.

Ms. West said "ditto."

Mr. Mitherz said he's also talked to Michael, who's told him a little bit about the restaurant, as he shops at Tim's Wine Market.

Simone and Monica Parisi, 484 High Tide Drive, St. Augustine Beach, Florida, 32080, said they are indeed opening up a new restaurant, Terra & Acqua, at 134 Sea Grove Main Street, in the Sea Grove Town Center, in a few weeks. Ms. Parisi said the restaurant has an existing patio area which she understands has been used by the last three occupants of this site, for outdoor dining and beverage service and consumption. They are asking for permission for this same use, and in reading what was in the previously granted conditional use permit, which has expired, they haven't changed the number of seats, and are asking to have a full-service restaurant outside, with similar hours to what was previously granted for The Groove, which she believes was the first restaurant on this site. The Groove was allowed to have outdoor music from 10 a.m. to 10 p.m., Monday

through Sunday, which is more than enough for them, and she doesn't see anything else in the expired conditional use permit which would be different from anything they're asking for, with the exception that they would like to have the permit granted for five years, versus three years, as they have a five-year lease on the restaurant building. She knows the site doesn't have a great track record, but they're determined to be the ones who actually stay, so it would be nice to have the conditional use permit granted for the same five years as their lease on the property.

Mr. Larson said staff recommends approval of the conditional use permit for five years, as requested.

Ms. Zander said she thinks it's only fair to grant the conditional use permit for five years, as the applicants have a five-year lease. She asked Mr. Larson if she is correct in saying that outdoor music is no longer a part of the Board's discussion on conditional use permits for outside seating.

Mr. Larson said that's correct, as basically, outdoor music is an allowed use, as long as it complies with the City's noise ordinance.

Mr. Mitherz said another consideration is whether the conditional use permit for outside seating should be non-transferable, and granted only to the current applicants.

Motion: to recommend the City Commission approve this conditional use permit application for food and/or beverage service and consumption outside of an enclosed building at 134 Sea Grove Main Street, for a period of five (5) years, concurrent with the applicants' lease, subject to the condition that it be non-transferable, and granted only to the current applicants. **Moved** by Karen Zander, **seconded** by Roberta Odom, passed 7-0 by unanimous roll-call vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Odom asked who regulates mixed use applications, or who she could check with, when someone has come before the Board with plans that have been put out, looked at and discussed by the Board to build something, but then when it's done, what's built is not what's been approved.

Ms. Zander said she's wondering about not only mixed use applications, but about other things that have come before, and been granted, by the Board.

Mr. Whitehouse said he doesn't advise the Board to talk about specific instances, obviously, but as a hypothetical example, if somebody comes in and asks to rezone some land to straight commercial, and tells the Board whatever it is they're thinking about doing, and the land is then rezoned to commercial, they could actually do whatever is allowed in that land use and zoning category, per the City's Land Development Regulations. He doesn't know the particular cases being referred to by the Board members, but this may or may not be the case in some of them, as it may be that the applicants changed their minds about what they wanted to do with the property, or have since sold it, but what's being done is still legal for the zoning and land use category. If

the Board members have questions about something that's come before them, he thinks the best avenue would probably be to talk to either Mr. Larson or Mr. Royle, and to get a little bit of information on it, so if it's something that can be dealt with by code enforcement, Mr. Larson's office can deal with it. If it needs to be discussed by the Board, the people involved have the right to due process, which includes being notified if it's coming back up before the Board.

Ms. Sloan asked if anything has been submitted yet for the new St. Johns Law Group building. Everyone keeps asking her how many trees will be taken down in the construction of this building.

Mr. Larson said yes, the permit for this new building in Sea Grove has been issued. He'd have to look at the plans, but Mr. Burnett is making a very substantial effort to preserve every tree he can.

Ms. West said they've had a couple of specimen oaks in the Sea Grove common area that have died, which an arborist said was a result of the impact in the areas around the tree root systems of heavy construction equipment brought in when Sea Grove was first being developed. They've lost one magnificent oak and are about to lose another, so to avoid losing more trees in the future, she asked that every effort possible be made to minimize the effect of construction equipment on trees.

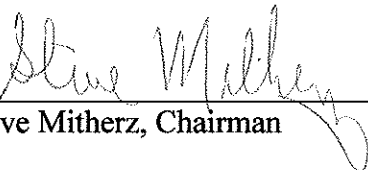
Mr. Larson said per the City's new tree ordinance, trees that are to be saved are to be fenced around the tree canopy line to prevent root systems from being damaged by construction equipment.

Mr. Thomas said there also was an issue with this at the new Courtyard by Marriott, on 6th Street. One of the trees that was supposed to be saved on this site is not in a good position right now.

Mr. Larson advised the Board members to have all the facts before they start speculating on anything. He can get documentation from the U.S. Forestry Service and another arborist as to the problem with this tree on the Courtyard by Marriott site. He's been with this project since day one, and every morning he makes sure all the fences are up around that tree, and no equipment has ever gotten anywhere near it. The tree is eaten up with carpenter ants, which is the number one problem, and the second thing is that all the dead branches and the branches crossing over the power lines had to be taken out, because the power lines were burning the complete upper structure of the tree.

IX. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.


Steve Mitherz, Chairman


Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM OR BY CONTACTING THE OFFICE OF THE CITY MANAGER AT 904-471-2122.)