

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE COMPREHENSIVE PLANNING AND ZONING BOARD** of the City of St. Augustine Beach, Florida, held Tuesday, April 16, 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, Steve Mitherz, Daniel Stewart, Senior Alternate David Bradfield, Junior Alternate Elise Sloan.

BOARD MEMBERS ABSENT: Michael Hale, Roberta Odom.

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

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

Mr. Stewart **MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING OF TUESDAY, MARCH 19, 2013.** The motion was seconded by Mr. Mitherz 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. 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.

Ms. Gill said there was some discussion at the City Commission meeting about putting a wireless communication tower on property owned by the City right here at City Hall.

Since the City has a 35-foot height limit on houses, she asked if a 35-foot height limit could be applied to anything in St. Augustine Beach. This would take care of the issue of wireless communication towers without specifically identifying them.

Mr. Burnett said federal law prohibits a limitation on the height of communication towers. Radio frequency (RF) studies generally regulate the height of such towers, as these studies substantiate the height needed for a tower to provide service capacity for a specific area. Wireless communication towers are generally prohibited in the City unless an applicant can provide an RF study which indicates there is a deficient area at the beach and no site outside the corporate limits of the City which will provide wireless telephone signals to the deficient area. The problem with the current restrictions is that if someone can provide an RF study which substantiates a deficient area and shows that wireless telephone signals will not otherwise be adequately available within the corporate limits of the City from a site outside the City limits, a tower may be allowed as a conditional use in commercial land use districts at locations more than 300 feet from any residential uses. This could result in a tower being built on a commercial piece of property on the east side of A1A Beach Boulevard, which would visually impact the scenic beauty of the Boulevard and the beach, so the purpose of the proposed ordinance is to add language to the current ordinance to prohibit towers east of the Boulevard and allow no towers greater than 40 feet in height within 300 feet of the western boundary of the Boulevard. Aside from this is the issue of whether a communication tower should be allowed on City property, which is a completely different issue from the ordinance before the Board tonight. If someone can justify putting up a tower in the City limits, the City may consider putting it on City property as an alternative to having it anywhere else, as there is an argument that a 150-foot-high monopole tower with a flag on it on City property is a better alternative to having a tower that doesn't have a flag on it at another location.

Mr. Crum said it's also a revenue stream.

Mr. Burnett said yes, it's a large revenue stream, anywhere from \$5,000-\$15,000 a month.

Ms. Gill said if she owned a piece of commercial property, had the necessary research study done, met all the guidelines for having a communication tower, and had a chance of getting \$12,000-\$15,000 a month, she'd be very unhappy if the City took this away from her. She's not for having towers at the beach or in the City at all, but she'd like to state for the record that she thinks they have to be very careful about commercial properties that comply with the guidelines for having a communication tower.

Mr. Crum asked for public comment. There was none.

Mr. Bradfield asked if any research has been done as to how other similar beach or coastal communities have dealt with this situation.

Mr. Burnett said the Federal Communications Commission (FCC) says communication towers can't be eliminated altogether but zones can be created designating where they can go, and they can be regulated. The City's regulations only allow them by conditional use,

so in reality, only one tower, if any, would ever be put up within the City limits. As conditions can be put on conditional uses, one of the main conditions would be to require co-location on the tower. Generally, six different cellular companies are co-located on one tower, so this would eliminate tower wars between cellular companies, along with the need for more than one tower. Another advantage to requiring co-location is that it increases the revenue stream to the property owner, as each cellular company pays a fee.

Mr. Guido **MADE A MOTION TO RECOMMEND THE CITY COMMISSION PASS ORDINANCE NO. 2013-05 ON SECOND AND FINAL READING.** The motion was seconded by Ms. Gill and passed 7-0 by unanimous voice-vote.

**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, 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 now has the assistance of a Flagler College professor who has moved to the beach and has participated in this kind of study, and she's also working with Robin Moore, historic research coordinator for St. Johns County, and David Nolan, local author and historian. They've got a lot of research done, but there's still a lot more to do. She'd appreciate any help she could get, and asked everybody to share any articles they've read about historic criteria and structures and pass on any ideas they may have to her.

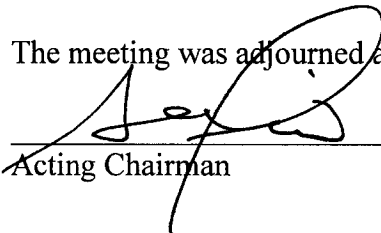
#### **VIII. BOARD COMMENT AND DISCUSSION**


Mr. Mitherz said last month, he asked about the bollards that were supposed to be put up between the parking and the outside seating at Ripe Bistro in Anastasia Plaza, and Mr. Larson said he'd try to contact the owners to find out what's going on with this. He also asked about the pump house that was supposed to be taken down, but is still there, on the oceanfront property on 9th Street, which Mr. Larson said was a code enforcement issue.

Mr. Larson said the bollards are an issue between the owner of Ripe Bistro and Regency Centers, the owners of Anastasia Plaza, as to whether Regency Centers wants to put up the bollards in their parking lot. It may be a hazard to Regency Centers' insurance policy if somebody hits the bollards and damages their vehicle. He hasn't gotten a final answer on this yet, but Anastasia Plaza is private property. As to the pump house on 9th Street, he'll look into this and have more information for the Board at next month's meeting.

#### **IX. ADJOURNMENT**

The meeting was adjourned at 7:25 p.m.

  
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Acting Chairman

  
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Recording Secretary