



## MINUTES

### PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, SEPTEMBER 19, 2023, 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice Chairperson Chris Pranis, Hulsey Bray, Conner Dowling, Larry Einheuser, Hester Longstreet, Victor Sarris, Senior Alternate Gary Smith, Junior Alternate Rhys Slaughter.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Building Official Brian Law, City Attorney John Steinmetz, Planner Jennifer Thompson, Recording Secretary Bonnie Miller.

IV. **APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF AUGUST 15, 2023**

**Motion:** to approve the minutes of the Board's meeting of August 15, 2023. **Moved by** Conner Dowling, **seconded by** Victor Sarris, **passed 7-0** by unanimous voice-vote.

V. **PUBLIC COMMENT**

There was no public comment pertaining to anything not on the agenda.

VI. **NEW BUSINESS**

- A. Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and rebuild to a new 54,964-square-foot store and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Patrick McKinley, Agent for Regency Centers and MCW-RC-FL-Anastasia LLC, Applicant

Jennifer Thompson: This first new business item is the major development application for Publix located in Anastasia Plaza, owned by Regency Centers, for the demolition of the existing Publix store to replace it with a new 54,964-square-foot building, and

additionally, to improve the existing parking lot. In June of this year, the Board heard the concept review application and approved a variance application for three variances for this project. The St. Johns County Fire Marshal's Office and St. Johns County Utility Department, as well as the City's engineer, have done cursory reviews of these plans and given comments and notes on things that need to be changed or provided. The applicants are here tonight to answer any questions the Board or members of the public may have.

Steve Diebenow, Driver, McAfee, Hawthorne & Diebenow, PLLC, Attorney for Regency Centers, One Independent Drive, Suite 1200, Jacksonville, Florida, 32202: My partner, Staci Rewis, is the one who put this application together, but she is not able to be here with us tonight. With me are Patrick McKinley and Chris Ruen, of Regency Centers, and Wade Olszewski, the civil engineer for the project. We are available to address any questions or concerns members of the Board or community may have. We have responded to many inquiries from City staff and produced updated elevations [EXHIBIT A] and additional information we would be happy to discuss and review with you.

Kevin Kincaid: If this works for everyone else, can we go through the changes that have occurred since this came before the Board in June?

Wade Olszewski, Professional Engineer, CPH Corporation, 5200 Belfort Road, Suite 212, Jacksonville, Florida, 32256: I don't think there have been any significant changes made to the overall site plan, but we addressed some of the concerns, one of which was flooding to the north. We've added an inlet, which is more detailed on the grading plans, on the north side of the property behind Publix, and this drains to the stormwater pond. Curbing has also been added along this back area, so that no water goes offsite to the north.

Conner Dowling: Just to confirm, there will be new concrete curbs all along the north side?

Wade Olszewski: Yes.

Conner Dowling: Would you mind pulling up the grading plans and putting them on the overhead, to show us how the grading plan along the north side works?

Wade Olszewski: Sure. Sheet C1.6, included in the plans in the application submittal, shows the curbing running from behind the proposed new Publix building all along the north side of the Regency Centers property. The new inlet is designed to catch water run-off flowing from the northeast side of the property to the west and put it into the re-worked stormwater pond on the northwest side of the property behind the new Publix building. We've also added a few more dumpsters that will be fully enclosed, with doors on the front of them, and there have been minor changes made to the kiosk area to the south and east of the new Publix. The kiosk area has been relocated slightly and it will have a roof connecting it to the adjacent retail area on the southeast corner of the new Publix, to better cover the outdoor patio area between the kiosk and the retail area.

Conner Dowling: I'm presuming the west entry off A1A South was originally more of a

back entrance when the shopping center was first built, but as the community has grown up, it seems to now be the more predominantly used entrance for a lot of people. That slope turning off of A1A South into the shopping center is quite steep, and I think this is the basis of some of the concerns expressed at the June meeting. I noticed in one of the drawings submitted in the application that there is a change in the grade of about 3 feet, from approximately 9 feet at the bottom of the new curb at the street level to approximately 12 feet at the top of the slope. Is there any way that slope could be lessened? I think from a traffic standpoint, it would be better, as folks would be able to enter the site a little quicker. Right now, you have to come in and immediately slow down to ramp up the slope, which becomes sort of a hazard to northbound traffic on A1A South.

Wade Olszewski: Yes, and that happened because the Florida Department of Transportation (FDOT) widened the road, so there was some taking there that shortened the drive aisle of the west entry and made it steeper. There is an inlet in the middle of that drive aisle that we are going to lower a little so the slope can be softened a bit.

Conner Dowling: Okay. I know the overall width of this drive aisle has increased, based on the truck turning radius, which I hope will also help in the long run.

Wade Olszewski: Other than that, there has been much more detail added to the plans, as far as dimensions, grading, and the landscaping plans are concerned. The overall site plan, however, is pretty close to what the Board saw before.

Kevin Kincaid: Has the estimated time of when this might start and when it might be finished been tightened up?

Patrick McKinley, One Independent Drive, Suite 114, Jacksonville, Florida, 32202, Agent for Regency Centers, Applicant: We will try to go as fast as we can, and do as much as we can, before we actually shut the current Publix down. This is what the community wants, what we want, and what Publix wants. We will probably do some phasing of the parking lot work, as the whole parking lot will be changed, and we will begin to do some of that work, along with some of the electrical work, ahead of time, while the current store is still open. The plan is for the current store to be torn down and the reconstruction to start sometime around the middle of next year. The store will actually be closed for approximately a year. The entire project will take longer than that, but we will try to get the current store shut down and the new one built and opened as soon as possible.

Hester Longstreet: Has there been a decision about having a temporary pharmacy?

Patrick McKinley: Publix has decided that they are not going to be able to do a temporary store pharmacy.

Hester Longstreet: So, what will people with prescriptions have to do?

Patrick McKinley: I think they will be able to transfer to other Publix locations, like the Publix on State Road 312, which is probably the next closest store, or the one at the Old

Moultrie shopping center. Publix has done temporary pharmacies at other locations, but this is their decision, it is not a decision Regency Centers can make. Publix notified us this morning that it was decided not to have a temporary pharmacy at Anastasia Plaza. Logistically, it would be pretty challenging, as far as safety goes, with the demolition of the old store, construction of the new one, and the reconfiguration of the parking lot.

Hester Longstreet: I know Publix is going to have a lot of flak from that, just in talking to a lot of the citizens about this. This is one of the community's biggest concerns.

Patrick McKinley: I'll ask Publix if they will reconsider. Regency Centers has tried in the past to buy the land in back of Publix, so the existing store could be kept open while the new one is being built, and then the old store could be torn down when the new one is finished. Obviously, however, that is not in the cards anymore. The current plan is really the best we can do to get the community a new Publix as quickly as possible.

Kevin Kincaid: Are there any other questions or comments from the Board? Hearing none, do we have any public comment?

Francine Fix, 318 South Ocean Trace Road, St. Augustine Beach, Florida, 32080: I have been in St. Augustine Beach since 1988, and Publix has been a definite asset to the community. My two concerns about the proposed new construction are focused on services to the community. First, I am hoping accommodation will be made to keep the Publix pharmacy on the Island during construction, possibly in a vacant space in the Plaza, or there have to be other places near here that can accommodate the pharmacy. Second, I am concerned about Publix employees. Please consider their importance to the community and their hard work and loyalty to Publix and St. Augustine Beach. My hope is that all employees are offered the opportunity to continue their employment in one of Publix's many stores, if this is agreeable to them and they are able to do so.

Kevin Kincaid: Can I just clarify that there is no one here from Publix who can speak on behalf of Publix's policy-making decisions? The Board is here to look over the plans and the operation of the proposed project, and to see what will be done with the construction of the new store. As to the business decisions that have to be made, I would encourage everybody to contact Publix corporate and let them know what your feelings, concerns and desires are, because I am not sure this Board can hold Regency Centers, as the property owner of Anastasia Plaza, accountable for what will happen to Publix employees.

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, Florida, 32080: I am glad that the stormwater issues are being addressed by trying to contain stormwater run-off so that it doesn't go onto A1A, and minimize impacts to Hammock Dunes Park. At the public forum meeting held at City Hall a week ago, I mentioned the barrier wall or fence, which is required along Regency Centers' property and Hammock Dunes Park as part of the variances granted for this project, which I commend the Board for. My concern is, unless it is worked out in the lease agreement between Regency Centers and Publix, there will be a loading dock that may be operating 24 hours a day, seven days a week, with refrigerated trucks unloading their products, so I encourage the City to consider requiring

some type of barrier wall around the truck loading dock area. I know there will be sidewalks and everything, and this may be sufficient, based on the evaluation of the engineers involved in this project, but the Board may want to consider requiring some type of barrier wall to minimize the impacts to neighboring properties.

Kevin Kincaid: Is there any other public comment? Hearing none, is there any other Board comment?

Hester Longstreet: I know at the last meeting we talked about the shrubbery and the landscaping. Will this be addressed in the rebuilding of the new Publix? We previously talked about how you cannot see, going in and out, from the south entrance.

Patrick McKinley: We actually cut the shrubbery back, because there were complaints a couple of years ago.

Hester Longstreet: Yes, but it has grown up again since then.

Patrick McKinley: We can definitely modify that, and the fact this this entrance will be wider will also help.

Hester Longstreet: Also, I know you said Regency Centers cannot do anything about the pharmacy, but I would encourage anybody listening to contact Publix about having a temporary pharmacy, and I would appreciate you letting Publix know this is a big concern.

Patrick McKinley: We did offer vacant space for a temporary pharmacy. Operationally, there is space for a temporary pharmacy, so we will ask Publix to reconsider their decision.

Kevin Kincaid: Okay. Is the Board's action tonight a recommendation to the City Commission to move forward with this application?

Brian Law: Yes. This Board is tasked with making a motion to recommend approval or denial of this final development application to the City Commission.

Larry Einheuser: I motion to approve it.

Husley Bray: I second the motion.

Kevin Kincaid: We have a motion and a second. Is there any discussion on the motion?

Chris Pranis: Should we include the information and comments from the St. Johns County Fire Marshal's Office and St. Johns County Utility Department as part of the motion?

Brian Law: All correspondence with other agencies will be provided to the City Commission. These are technical reviews, and outside the scope of this Board, but every document the City has pertaining to this application will be included in the application information that will be provided to the City Commission when this comes before it.

Kevin Kincaid: And any requirements these agencies have will have to be met anyway.

Brian Law: Right. The City will probably issue a civil plan permit first, to begin the phased development of the parking lot, and allow work to begin on the rehabilitation of the existing stormwater pond. That will be a separate permit that will once again be approved by the Utility Department, the Fire Marshal, the City's engineer, and then, finally, me, as the City's Building Official. All of that will be signed off by at least four different agencies, and when the permit application for the new Publix building itself comes in, it will be handled and signed off by myself and the St. Johns County Fire Marshal's Office.

Kevin Kincaid. Okay, thank-you. Any other discussion on the motion? Hearing none, may we have a vote on the motion please?

**Motion:** to recommend the City Commission approve Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and reconstruction of a new 54,964-square-foot store, and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080. **Moved** by Larry Einheuser, **seconded** by Hulsey Bray, **passed 7-0** by the Board by unanimous voice-vote.

- B. First reading of Ordinance No. 23-XX, proposed code changes to the City's Land Development Regulations (LDRs), Section 6.01.04, pertaining to building height measurement, exceptions, and applications, and to add Section 6.01.05, pertaining to drainage requirements for new development

Jennifer Thompson: This is for proposed code changes to Section 6.01.04, which refers to building height, and to add a new section, 6.01.05, to the LDRs. City-wide, the maximum building height per Section 6.01.04 is 35 feet. However, current regulations allow specific architectural features to extend 10 feet above the 35-foot height maximum. The code changes to this section limit this to commercial uses only, not including transient rentals, and would not allow specific architectural features such as cupolas, steeples, spires, chimneys, vents, flag poles, parapet walls, and various other items, to extend an additional 10 feet above the 35-foot height maximum in residential zoning districts.

Kevin Kincaid: I know there are exceptions for air conditioning units on roofs, so do the proposed code changes limit the height of mechanical equipment on residential roofs, so that mechanical equipment cannot exceed the maximum height allowance of 35 feet?

Jennifer Thompson: Yes.

Kevin Kincaid: And the 35-foot maximum height is measured from one foot above the crown of the road?

Jennifer Thompson: The height is measured from one foot above the higher of either the existing front grade or the crown of the road. This is where the height of a building starts.

Victor Sarris: I thought there was a consideration from the Fire Marshal's Office in regard to the 35-foot height limit. Is this part of the reason for having the 35-foot height limit?

Brian Law: The 35-foot height limit is traditionally always used in residential construction. Once you exceed three stories, you are no longer in the residential Florida Building Code (FBC), and Chapter 9 of the commercial FBC, which would then take precedence, requires all residential occupancies exceeding three stories to have sprinkler systems. The Fire Marshal is equipped to handle more than 35 feet, as some of the County's Planned Unit Developments (PUDs) have maximum heights of 55 feet. But once you get above 35 feet, it becomes really problematic to build houses, and most of the residential development over 35 feet in the County is done by national builders, as local builders are not equipped nor probably willing to spend that kind of money. The code changes presented by Ms. Thompson are simply a way to close out a loophole in the code pertaining to parapet walls, which are pretty common with commercial occupancies, like hotels, which have parapet walls on their roofs to shield all the mechanical equipment from public view. In the residential sector, however, this is a different animal, and the current code could right now be utilized to provide a loophole to that. Third-story decks are perfect examples of this. Building height is limited to 35 feet at the height of the handrails, so no extra height allowance is in the code for that, but if someone wanted to have a solid parapet wall, they would be allowed to go up to 10 feet higher. The height of the building would still be limited to 35 feet, but you could add a 3 to 4-foot-high parapet wall with handrails on top of it. I can assure you if this was ever permitted using this loophole, it would be pandemonium in this town, and rightfully so. I've instructed staff that if something like this comes in, it will be sent to the Planning and Zoning Board for a more detailed review. These code changes have been proposed as a way to try to close this loophole so that it cannot be utilized in residential development. The variance application and procedure to appear before this Board to demonstrate the hardship for a variance is the appropriate method for anyone who wants to exceed the 35-foot height limit in residential areas.

Kevin Kincaid: There is a house on 12<sup>th</sup> Street, near the beach, I think, with a rooftop deck and wall around the entire roof. Will the code changes eliminate this type of rooftop deck? This house with the deck on the entire roof basically has an extra story of space.

Brian Law: As long as the wall is no higher than 35 feet, it would be allowed. What would not be allowed is a blanket permission to build a 35-foot-high roof and then add a parapet on top of it, which the code right now supports. Mathematically, it is possible to build a three-story house with a flat roof, rooftop deck and handrails that do not exceed 35 feet.

Conner Dowling: For residential construction, I have concerns about chimneys, solar panels, and special ventilation fans. Typically, you want a chimney to be higher than the roof peak, which could be at 35 feet. Chimneys are a very residential feature that are not part of most commercial structures. Adding solar panels, which are probably only 8-10 inches high, to a roof could be problematic, if this pushes the height over 35 feet.

Brian Law: Solar panels, 99% of the time, would be lower than the 35-foot maximum roof peak. There are new FBC rules calling for the placement of a three-foot walkway around

on solar panels, so in the event of a fire, fire personnel have the option to get on this walkway. In my time at both this City and the County, I have never seen a height issue result from a solar panel, because they are so low profile. I would agree that it is not the intent of these changes to limit chimneys on houses, so maybe we could simply say, after the phrase that states the building height limitation shall not apply to fire or parapet walls, that this is for commercial buildings only. That way, it is specific to parapet walls only, and chimneys would still be allowed to exceed the 35-foot maximum building height by up to 10 feet, because we don't want residents to have to apply for variances for that. We are simply trying to limit the use of parapet walls in residential sectors, where somebody could now have a 45-foot tall elevator shaft. And that's the other question, does the Board want to continue to allow elevator shafts to be 10 feet higher than a 35-foot-high building? An elevator shaft has a roof, and about a year or two ago, a contractor was floating an idea with us, as he wanted an elevator shaft and that justified the parapet wall, but there was no limitation on the size of the elevator shaft, so now the elevator shaft was around 300 square feet, because he had the elevator equipment in there, and he was utilizing the code. I'm not concerned with skylights, monuments, cupolas, domes, belfries, steeples, church spires, solar energy collectors, or water towers, which are obviously commercial. We're really not trying to limit any of these things, just the parapet walls. So, my recommendation would be to move the phrase in the proposed code change that says this applies to commercial occupancies not including transient rentals so that it follows the phrase referring to fire or parapet walls, and specify that this is for commercial structures only, not including transient rentals. That way, the code stays in place, and we simply just limit that one section, so that residential construction would not be allowed to have parapet walls that exceed 35 feet in height. This still leaves elevator shafts open, and elevators are becoming more prevalent in three-story homes. Traditionally, traction elevators, which are bolted to the inner walls, are being utilized. There is no code that prohibits putting an elevator shaft on top of a three-story flat-roofed building right now. Then, if you need a 300-square-foot elevator room, as I mentioned earlier, this could turn into a tiki bar. People will build what they can, as that is their right.

Conner Dowling: The proposed code changes would keep the top of the handrails at 35 feet, even in that case, correct?

Brian Law: Yes, sir.

Kevin Kincaid: And by saying that that this will be allowed for commercial uses only, how will short-term rentals be excluded?

Brian Law: A short-term rental is actually a residential building. The way the City classifies a short-term rental as a commercial operation is of no implication to the FBC.

Kevin Kincaid: So, when a conditional use permit is granted to allow a residential structure in a commercial land use district, there is no argument for it to be considered as a commercial establishment.

Brian Law: It would still be in a commercial zoning district, but it is a residential building,



as it is built to the residential FBC. If it wasn't, the building would have to be retrofitted with sprinkler systems. As far as I understand, the Florida Building Commission has taken no action on this. I don't know if they even want to hear about it, because short-term rentals operate in a state of limbo. They are being used for rental purposes but are built as single-family or duplex residences, or as townhouses, or something of that magnitude, per the residential FBC. A conditional use permit does not change the zoning of a property, it simply allows a residential building to be built in a commercial zoning district.

Kevin Kincaid: My question is based on short-term rentals not being included as commercial occupancies that are allowed to have special features exceeding 35 feet. I just want to make sure property owners won't have an argument when plans are submitted for a residence, but they want the additional height allowed for special features because the property is in a commercial land use district.

Brian Law: The zoning of a property has no bearing on the FBC, which is why I operate on three different fronts in this City, zoning, building, and code enforcement. So, I have to know which hat I'm wearing to make a ruling based on the codes we have.

Victor Sarris: Just to be clear, the proposed code changes would not prohibit a parapet on a residence, it just could not exceed 35 feet in height.

Brian Law: Correct.

Jennifer Thompson: There is another part to the ordinance for the proposed code changes, and that is to add another section, Section 6.01.05, to the LDRs, for drainage requirements for new development. Part A of this section states, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage," and Part B states, "Roof gutters are required for two-story or greater buildings." This is just for new development, not for pre-existing properties.

Connor Dowling: Is there any back story to this, or specifically, any issues staff is seeing?

Jennifer Thompson: It is just to cut down on drainage issues. Basically, this gives the Building and Zoning Department the power to address any drainage issues at the time of permitting for new construction.

Brian Law: This is also a directive from the City Commission. A couple of months ago, a conditional use application to tear down an existing house and build a new one came before this Board and the Commission, and the issue of drainage was brought up. The Commission asked me to create a code that requires gutters for any new construction that is two stories or greater and bring it before this Board for first reading. The concern is valid, as the higher the structure, the more energy water coming off the roof has, and this water is very heavy. With 7.5-foot side yard setbacks on 50-foot-wide lots, we are unable to get effective swales. We are seeing the use of underground drainage a lot more with pop-ups, which seem to be very effective. By putting these requirements in the

code, the builders now become aware, when houses are designed, that gutters and other drainage methods may be required. The use of retaining walls will be implemented more and more, as the City is essentially an in-fill community now. A prime example of this is A Street, where one lot may be three feet higher or lower than the lot next door. This is a remnant of the old dunes that were here long before any of us. The proposed code changes are just a way to keep stormwater from running onto neighboring properties.

Victor Sarris: After being collected by gutters and downspouts, the drainage situation is improved to some extent, but where does water go when it exits the downspouts?

Brian Law: Gutters channel water run-off to a downspout where the water will come out and gradually dissipate. This way, the water will not have all the kinetic energy it picks up when it falls from 35 feet high in the air to the ground.

Victor Sarris: But that kinetic energy is really lost when the water hits the ground.

Brian Law: Potentially, some of it, but gutters will allow us to control the run-off a little bit better. Gutters do cost money, and builders are probably not going to be happy with this, but we are seeing gutters being installed on most of the taller houses anyway.

Kevin Kincaid: This new rule means gutters will not be optional, based on the drainage situation. This will require gutters for any new building that is two-stories or higher.

Brian Law: Yes, and construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage may be required by the Director of Building and Zoning or designee for any new development. Gutters are a good thing, but they are labor-intensive, because you have to clean and maintain them. This is an attempt to control drainage on 50-foot-wide lots with 7.5-foot side setbacks. Almost every property now has the maximum lot and ISR coverage allowed, along with the use of permeable pavers and pools permitted in conjunction with new houses.

Victor Sarris: Typically, you can't drain onto someone else's property. There is a cost incurred for putting in a retaining wall, if there is a significant difference in grade. You certainly want to be considerate of your neighbors, as far as not flooding their houses or the streets, but in my experience, retaining walls have been significantly effective.

Brian Law: They are. We like retaining walls, because they keep the grade natural on both sides of new development. There is a significant cost involved, as retaining walls are expensive, but this is the cost of doing development in an in-fill community, where it is getting more and more challenging to protect existing residences and properties from water run-off. We simply cannot just rely on or expect builders to do the right thing, we have to help them and work with all builders equally to steer them to the correct solution.

Kevin Kincaid: Do we need to clean up the discrepancies between the language in the staff memo, which states drainage requirements including gutters, retaining walls, underdrains, swales, or any other methods deemed necessary by the Director of Building

and Zoning **may** be required, and the language in the proposed ordinance, which states these things **are**, or shall or will; be required? I want to make sure we are not sending confusion forward to the Commission, or putting something out there that is not clear.

Brian Law: For a point of clarity, the reason the proposed code changes are written the way they are in Parts A and B for Section 6.01.05 is because there may be the possibility of requiring gutters on a one-story building. For example, lots in Sea Colony have reduced setbacks, and Sea Colony has a multitude of setbacks for different lots, including one section of lots which have no specific setbacks, as this is the way these lots were originally designed. Part A would give the Building and Zoning Department the opportunity to require gutters for even a one-story building, to make the drainage plan work. In Part B, gutters are simply required for all buildings that are two stories or greater.

Kevin Kincaid: Okay. If everyone is comfortable with this, I'm good with it too.

Rhys Slaughter: Is there any stipulation as to what builders may be forced to do, for example, if a two-story house is required to have gutters, does this mean one gutter, or gutters around the whole house?

Conner Dowling: Good point, I was about to ask the same thing. Brian, would you require gutters for the entire perimeter of a roof, regardless of the slope or pitch?

Brian Law: If the water doesn't drain to that part of the roof, for example, say it is a gable end, I am not going to require it to be guttered, as it is not the intent of this code to require gutters on something that is only a few feet wide. We do have engineers at our disposal when we need technical help with lot grading and things like that, and the intent is not to micromanage development, but to utilize gutters as a drainage mechanism. To address that concern, we could simply put, only in Section B, that roof gutters are required for two-story or greater buildings as deemed necessary by the Building and Zoning Department. This would require gutters but allow the option to require only what is deemed necessary by the Building and Zoning Department. That way, when you have a cupola or an elevator shaft, like we just talked about, we are acknowledging a 50-square-foot section of roof is not going to cause significant drainage issues if it is not guttered. The intent is to encapsulate the majority of the drainage from a roof that sheds water to a reduced setback such as the 7.5-foot side setbacks that are allowed on smaller lots.

Kevin Kincaid: Okay. Do we have any public comment?

Bill Tredik, 24 Ocean Pines Drive, St. Augustine Beach, Florida, 32080: I like Brian's comments about staff having some discretion. For medium density residential zoning districts, I think this would be great, especially with in-fill lots. When I was with the City as the Public Works Director, we had a lot of problems with the smaller, 50-foot-wide lots, but with larger lots that have 100 or 120 feet of frontage, it is just not necessary to gutter homes, and certainly not necessary to gutter the fronts of these houses. A lot of these homes are on rural streets that do not have curbs and gutters, so the water is going into the yards anyway, it is not going out to the streets or anywhere else. I think the gutter

requirement is appropriate for medium density residential lots, but I am not sure how appropriate it is for low density residential lots, except in certain situations. I encourage you to give the Building and Zoning Department the authority to make exceptions so that homeowners do not have to go through the variance process. My concern was that the proposed code changes seemed to be pretty cut-and-dried, by saying two-story and higher houses will have gutters, but if staff is given the authority to deem gutters unnecessary when drainage is not an issue, that would be a welcome addition to the code.

Brian Law: If the Board will indulge us, we are going to try to encapsulate the recommended revisions to the proposed code changes based on the Board's discussion.

Jennifer Thompson: Based on the discussion we've heard, Part A of Section 6.01.05, for drainage requirements for new development, is amended to state, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage." Part B is amended to state, "Roof gutters are required for two-story or greater residential buildings as deemed necessary by the Building and Zoning Department."

Hester Longstreet: I personally liked this better as it was originally written to require roof gutters for all two-story or greater buildings. I think it is kind of common sense that a two-story or greater building should have gutters, but it is also common sense to not expect something like a cupola to be guttered. I also don't think there is anywhere in St. Augustine Beach considered to be a rural area anymore, so the more we build to almost zero lot lines, the more drainage issues we will have. I prefer to leave the requirement that all two-story or greater buildings are to be guttered the way it is, and not change it.

Kevin Kincaid: Okay. Are there any other comments or questions? Hearing none, do we have a motion?

Brian Law: As this is the first reading of the ordinance for the proposed code changes, the City Attorney is required to read the preamble, or ordinance title, aloud.

John Steinmetz: "An ordinance of the City of St. Augustine Beach, Florida, relating to building height measurement and drainage requirements for new development; amending the Code of the City of St. Augustine Beach, Chapter 6, Buildings and Building Regulations, to amend, revise and restate the Sections 6-01 of the City Code; and providing an effective date."

**Motion:** to approve Ordinance No. 23-XX, for proposed code changes to the City's Land Development Regulations, Section 6.01.04, pertaining to building height measurement, exceptions, and applications, as amended per discussion by the Board, and to add Section 6.01.05, pertaining to drainage requirements for new development, as amended per discussion by the Board, on first reading. **Moved** by Victor Sarris, **seconded** by Larry Einheuser, **passed 6-1** by the Board by voice-vote, with Kevin Kincaid, Chris Pranis, Husley Bray, Conner Dowling, Larry Einheuser, Victor Sarris, and Hester Longstreet dissenting.

1. C. Discussion of proposed code changes to the City's Land Development Regulations, Section 3.02.05, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district

Jennifer Thompson: This item was put on tonight's agenda because the issue of parking requirements for businesses applying for special event permits recently came up. A local business wanted to have a special event on their property, however, after reviewing the code, special events are only allowed if they meet the criteria in Section 3.02.05 of the LDRs. This applies to special events hosted on privately-owned commercial property. Business owners are required to submit a special event permit application, which is reviewed and either approved or denied by the Planning and Zoning Division. Unfortunately, the business that recently wanted to have a special event could not meet the criteria in Section 3.02.05.F, which requires at least 25 on-site parking spaces available for parking by the public, with parking for special events not allowed on public streets, rights-of-way, or off-site locations. With the number of small parking lots we have in the City, this really limits the number of businesses that can have special events, so staff wanted to present this to the Board to discuss possibly changing the code so that smaller businesses that do not have 25 on-site parking spaces could also hold special events.

Kevin Kincaid: I think we have an obligation here to protect not only the local businesses but also the citizens and residents that are going to be impacted by people parking in front of their houses and on their lawns and everywhere else people park during a special event. I know when the City has a special event, there is parking at Ron Parker Park and other places with shuttles available to shuttle people back and forth. Is there a way we can require businesses to get a permit to allow people to park at Ron Parker Park or City Hall, to provide additional parking for special events? I don't think it is a good idea to ignore the requirement that at least 25 on-site parking spaces must be provided for parking by the public for special events, because this will just encourage every little shop down here to have a special event and this is going to overrun our neighborhoods.

Jennifer Thompson: Ron Parker Park is owned by St. Johns County, so I am not sure what the County's rules are in regard to allowing parking for special events for local businesses.

Kevin Kincaid: How does the City do it, when we have a City event that provides shuttle service? Is this the City, or the County that does that?

Brian Law: Melinda Conlon, the City's Communication and Events Coordinator, orchestrates events like Beach Blast-Off, which has vendors and shuttles, but these are not the events we are talking about here. We are talking about local businesses on privately owned commercial properties like the Sunshine Shop, which has been having sidewalk swimwear sales for years. Using the average commercial parking requirement of one space for every 250 square feet of gross floor area, a commercial building would have to be a minimum of 6,250 square if it were to have 25 on-site parking spaces. A new business, Outer Banks Boil Company, which recently opened in the City, wanted to have a special event for their grand opening, but the City could not approve a special event

permit for this because the business does not have the required 25 on-site parking spaces. Cindy's Gift Shop, on the corner of 13<sup>th</sup> Street and A1A Beach Boulevard, also would not be allowed to have a special event without 25 on-site parking spaces, even though this business is in a huge walk-up destination area. This is why we are trying to find a solution to help these smaller businesses that do not have a minimum of 25 on-site parking spaces. We are not changing the parking regulations, but maybe the fact that the City has public parking available every few blocks could be taken into consideration, along with the fact that the City's Police Department has the ability to ticket vehicles that are illegally parked. The City has been striving, with the evolution of the Vision Plan, to make a shift to a walk-up community. We've all seen the mixed use development, which allows buildings to be pushed forward, closer to the Boulevard, so you get that feel of a walk-up community, grow up over the years. We're just trying to find a way to help smaller businesses have little outdoor events. Right now, unless a business is a bank or in a strip mall or a shopping center, it cannot meet the minimum on-site parking spaces required for a special event.

Chris Pranis: My opinion is that as long as a business meets the minimum parking requirements, the City has public parking, as Brian just said, so then it becomes a parking enforcement issue, just like anything else. If someone goes to the beach and is illegally parked, the Police Department or whoever enforces that should take care of it.

Hester Longstreet: Right, and there are signs everywhere, down every street, designating where there is public parking and where no parking is allowed.

Kevin Kincaid: So, are we asking to get rid of paragraph F in Section 3.02.05, which requires at least 25 on-site parking spaces for special event permits?

Chris Pranis: We could modify it, instead of taking this whole paragraph out.

Jennifer Thompson: This is why we brought this to the Board, because we don't really know what the true intent of this code was when it was crafted. If the Board decides to stick with the 25 on-site parking space rule, one possible solution might be to alter this to state if the business has less than 25 parking spaces, only a certain number of them can be blocked off for a special event. This would basically ensure a business could not block off its entire parking lot to put merchandise or vendors outside during a special event.

Brian Law: My big concern is obviously always about providing accessible parking. Take, for example, the west side of A1A Beach Boulevard, where you see multiple strip businesses, with three or four suites per building. It is always a huge concern of my department that there is handicap-accessible parking available in that strip parking lot during a special event, as we would hate to see one of our business owners inadvertently end up in a lawsuit. Traditionally, we only issue a few special event permits per year. The Oasis Restaurant gets a couple a year, the Sunshine Shops gets one or two a year for their sidewalk sales, and a few other businesses have special events every now and then. But since it has now come to my attention that some special event permits have been allowed for businesses that do not have at least 25 on-site parking spaces, which is contrary to the code, this has been brought before the Board for discussion on amending the code.

Kevin Kincaid: As we are not expecting to be inundated with requests for special event permits, changing the code would not become a burden or cause issues, correct?

Brian Law: Correct, the intent is to keep the special events that have traditionally been happening, and then if new businesses, such as the Outer Banks Boil Company, wanted to hold a grand opening party and have little food stations outside, changing the minimum parking requirements for a special event permit could allow this to happen.

Chris Pranis: I'd like to suggest businesses must have 50 percent of existing parking spaces, as well as all handicap-accessible spaces, available for parking during a special event. That leaves the opportunity for all handicap-accessible parking and other spaces to be available, while still granting all businesses the possibility of having a special event.

**Motion:** to recommend Section 3.02.05.F of the LDRs, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district, be amended to require businesses to have 50 percent of existing parking spaces, and 100 percent of required accessible parking spaces, available for public parking for a special event. **Moved** by Chris Pranis, **seconded** by Larry Einheuser, **passed 7-0** by the Board by unanimous voice-vote.

**VII. OLD BUSINESS**

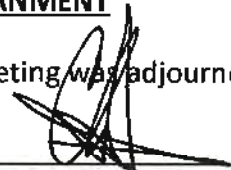
There was no old business.

**VIII. BOARD COMMENT**

There was no further Board comment.

**IX. ADJOURNMENT**

The meeting was adjourned at 7:14 p.m.



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Chris Pranis, Vice-Chairperson



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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 AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)



Exhibit A



PUBLIX FRONT ELEVATION

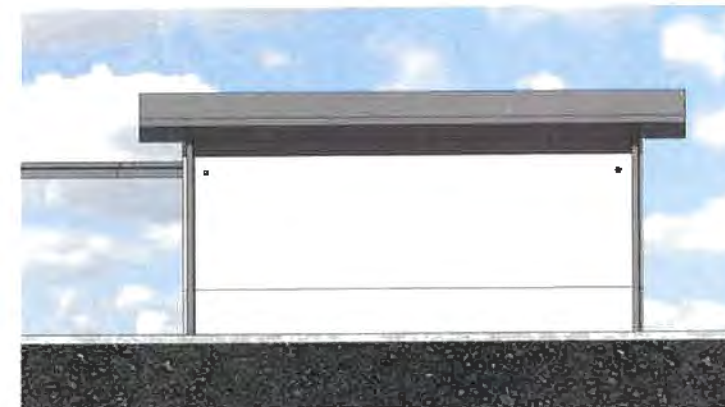
**SIGNAGE REQUIREMENTS**

PROVIDED: PUBLIX: 187.05 BOXED SF

Frontage	Number	Maximum Square Footage
0-45 feet	3	100
50-150 feet	4	150
Over 150 feet	5	200



KIOSK FRONT ELEVATION



KIOSK REAR ELEVATION



KIOSK RIGHT ELEVATION



KIOSK LEFT ELEVATION

	<b>PAINT</b> SW 7004 SNOW BOUND		<b>PAINT</b> SW 9548 SWEATER WEATHER		<b>PAINT</b> SW 9553 ALLEGORY		<b>METAL</b> PAC CLAD SLATE GRAY		<b>METAL</b> PAC CLAD MUSKET GRAY		<b>BRICK</b> GLEN GARY CHARLES - TON		<b>WOOD</b> KNOTWOOD CHESTNUT
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**ANASTASIA PLAZA PUBLIX**  
DESIGN DEVELOPMENT

ST. AUGUSTINE, FL

08.18.2023

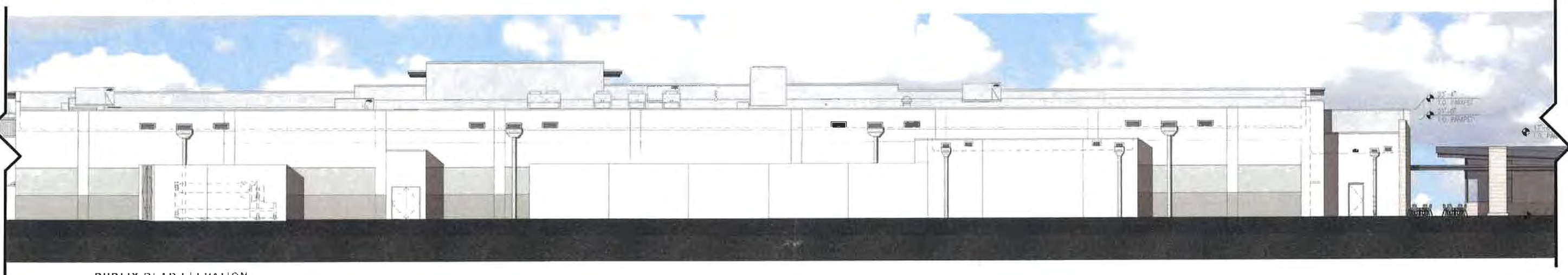
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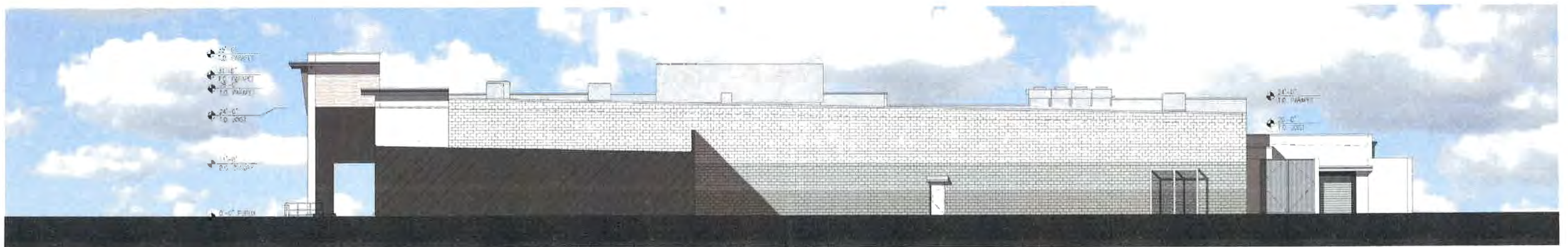
# Exhibit A



PUBLIX LEFT ELEVATION



PUBLIX REAR ELEVATION



PUBLIX RIGHT ELEVATION

	<b>PAINT</b>		<b>PAINT</b>		<b>PAINT</b>		<b>METAL</b>		<b>METAL</b>		<b>BRICK</b>		<b>WOOD</b>
SW 7004 SNOW BOUND		SW 9548 SWEATER WEATHER		SW 9553 ALLEGORY		PAC CLAD SLATE GRAY		PAC CLAD MUSKET GRAY		GLEN GARY CHARLES - TON		KNOTWOOD CHESTNUT	

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