

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE COMPREHENSIVE PLANNING AND ZONING BOARD** of the City of St. Augustine Beach, Florida, held Tuesday, January 15, 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; Amy Vo, City Attorney; Max Royle, City Manager; Bonnie Miller, Recording Secretary.

**IV. APPROVAL OF MINUTES OF TUESDAY, DECEMBER 18, 2012 REGULAR MONTHLY MEETING**

Mr. Stewart **MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING OF TUESDAY, DECEMBER 18, 2012.**  
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. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COMPREHENSIVE PLANNING AND ZONING BOARD**, per Section 11.02.02.H.3 of the City of St. Augustine Beach Land Development Regulations, as amended by Ordinance No. 11-02, the election of chairman and vice-chairman will take place every year as the first order of business at the regularly scheduled meeting for the month of January.

Mr. Crum asked for nominations for chairman.

Ms. Gill nominated Mr. Guido for chairman.

Ms. Odom nominated Mr. Crum for chairman.

Mr. Crum asked for any other nominations for chairman. There were none. He asked the Board members to write their choice for chairman on the ballot sheets, and to pass them down to staff to tally.

Mr. Royle announced Mr. Crum's re-election as chairman, 4-3 by signed ballot vote.

Mr. Crum thanked the Board members for the honor of serving as chairman for the year 2013. He asked for nominations for vice-chairman.

Ms. Gill nominated Mr. Guido for vice-chairman.

Mr. Crum asked for any other nominations for vice-chairman. There were none. By unanimous oral consensus, Mr. Guido was re-elected as vice-chairman.

**2. LAND USE VARIANCE FILE NO. VAR 2013-01**, filed by Gary Allen Register, Better Built Homes, 1800 State Road 207, St. Augustine, Florida, 32086, agent for Otto and Adrienne L. Tittle, applicants, 5068 Abington Ridge Lane, Franklin, Tennessee, 37607, 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 15 (fifteen) feet in the front and 10 (ten) feet in the rear, for proposed demolition of an existing two-story multi-family (duplex) residence and new construction of a two-story, 2,880-square-foot single-family residence at 105 F Street, PERTAINING TO LOT 2, BLOCK 60, COQUINA GABLES SUBDIVISION, REAL ESTATE PARCEL NUMBER 171800-0000, AKA 105 F STREET, SECTION 3, TOWNSHIP 8, RANGE 30, AS RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Gary Allen Register, 1800 State Road 207, St. Augustine, Florida, 32086, agent for applicants, said he represents Better Built Homes, the builder for the applicants, Otto and Adrienne Tittle. Mr. Tittle currently has a duplex on his lot at 105 F Street, and is trying to beautify the neighborhood by taking the duplex down and building a new single-family residence. Unfortunately, the lot has a depth of only 53 feet, so with the required 25-foot front and rear yard setbacks, he could only build a home that is three feet wide, which is why they are asking for a variance for reduced front and rear setbacks.

Ms. Gill said she went by the property today and there was no zoning sign posted on it.

Otto Tittle, 5068 Abington Ridge Lane, Franklin, Tennessee, 37607, applicant, said he took down the sign on Sunday, as he was told it was supposed to be posted for one month, or 30 days, and on Sunday, the 30 days had expired.

Mr. Register said he put the sign up on the property over a month ago, back in December.

Mr. Crum asked if there is a problem with the sign not being posted on the property between Sunday and today.

Mr. Larson deferred this question to Ms. Vo, who asked for a few minutes to look into it.

Mr. Mitherz said he didn't see an elevation drawing of the proposed new house in the application information. He asked what the height of the new home will be.

Mr. Register said floor plans for the proposed two-story home were submitted with the application, and he just received an elevation drawing, which he passed out to the Board members, from his engineer yesterday. The house won't exceed 30 feet in height, it will probably be about 28 feet high, from the ground to the peak of the roof.

Mr. Guido asked Mr. Larson if he considers this application to be complete, without elevation drawings.

Mr. Larson said there is an existing building on the lot, and existing floor plans for the proposed new structure. The elevations are not a concern, as the structure is only two stories, and won't exceed 35 feet in height. The owners are going to tear the existing structure down, and build a new single-family home within the existing footprint.

Mr. Crum said it's his understanding that the Board has granted a number of variances for lots on the south side of F Street, due to their depth.

Mr. Larson said yes, these lots were platted in the 1920's, and are only 55 feet deep.

Mr. Guido asked why the St. Johns County Property Appraiser's card lists this property as a single-family residence.

Mr. Tittle said this property was a duplex when he bought it, so he doesn't know why it's listed as a single-family residence. He and his family want to spend more time here, and they don't want to use the house as a duplex. Remodeling it would cost almost as much as it costs to put up a new single-family home, so this is what they've decided to do.

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

Ms. Vo said regarding Ms. Gill's question about the zoning sign for the variance not being posted on the property between Sunday and today, it's her understanding that as long as the sign was up for 30 days, it's okay.

Ms. Gill asked Mr. Larson if he's received any reaction from any of the neighbors.

Mr. Larson said no, there has been no comment.

Mr. Guido said the elevation drawing Mr. Register passed out to the Board doesn't match the footprint of the floor plans that were submitted with the application.

Mr. Register said the submitted floor plans show a porch on the end of the home, but the elevation drawing only shows a porch on the top floor, with steps coming down the side. The ground floor porch, which would have faced Mr. Tittle's neighbor, has been omitted, but this doesn't change anything as far as the front setback from the road goes.

Mr. Larson said the proposed structure is actually eight inches wider than the existing structure, but it still falls within the setbacks the applicants are requesting, and it meets the required 10-foot side setbacks on each side. All the applicants are asking to do is to tear down the existing duplex and rebuild it as a single-family residence.

Ms. Gill said question three in the variance application asks if the property was acquired after parts of the current Land Development Regulations, which are relevant to the requested variance, were adopted. The applicant's reply to this question is stated as, "No, the property was purchased well before the new setbacks were created." According to the St. Johns Property Appraiser's documents, however, the property was purchased in 2005. She asked if the City has changed the setback requirements since 2005.

Mr. Crum said no, he doesn't think so.

Mr. Hale said as he understands it, the proposed new house will stay within the current footprint, and the applicants are just asking to tear down one house to put up another. He doesn't even think there should be any more discussion about this, so he made a motion to approve the variance request.

Mr. Stewart seconded the motion.

Mr. Crum asked for any discussion on the motion. There was none.

**Mr. Hale MADE A MOTION TO APPROVE LAND USE VARIANCE FILE NO. VAR 2013-01 FOR FRONT AND REAR YARD SETBACK REDUCTIONS FROM 25 (TWENTY-FIVE) FEET TO 15 (FIFTEEN) FEET IN THE FRONT AND TO 10 (TEN) FEET IN THE REAR FOR PROPOSED DEMOLITION OF AN EXISTING TWO-STORY MULTI-FAMILY (DUPLEX) RESIDENCE AND NEW CONSTRUCTION OF A TWO-STORY SINGLE-FAMILY RESIDENCE AT 105 F STREET.** The motion was seconded by Mr. Stewart and passed unanimously 7-0 by roll-call vote.

**3. OVERLAY DISTRICT FILE NO. 2013-01**, filed by Michael Stauffer, 303 Lions Gate Drive, St. Augustine, Florida, 32080, agent for Bruce Kreis, 314 E Street, St. Augustine Beach, Florida, 32080, applicant, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for proposed new construction of a three-

story, 3,635-square-foot single-family residence with a reduced east side yard setback from 10 (ten) feet to 7 (seven) feet for second and third-story cantilevered decks, balconies, and stairwells from the third-story decks to the second-story decks and from the second-story decks to the ground floor; and a front yard setback reduction from 25 (twenty-five) feet to 23.5 (twenty-three-and-one-half) feet for a third-story sunroom bay window bump-out at 12 B Street, PERTAINING TO LOT 11 AND THE SOUTH 7.5 (SEVEN-AND-ONE-HALF) FEET OF THE VACATED ALLEY LYING NORTH IN BLOCK 34, COQUINA GABLES SUBDIVISION, SECTION 3, TOWNSHIP 8, RANGE 30, REAL ESTATE PARCEL NUMBER 170130-0000, AKA 12 B STREET, AS RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Mr. Crum said for anyone in the audience or watching this meeting at home, this application is different from a variance. It is an overlay district application, based on the overlay district ordinance.

Mike Stauffer, 303 Lions Gate Drive, St. Augustine, Florida, 32080, agent and architect for the applicant, Bruce Kreis, said in essence, the proposed single-family residence is in compliance with the guidelines outlined in the overlay district ordinance, which allows cantilevered decks and balconies to encroach up to three feet within the side yard setbacks. In addition, there is an allowance for balconies to cantilever out into the front setback, and they are asking to project eighteen inches in the front for a third-story bay window bump-out. The cantilevered balconies on the side are on the third floor, and there's a stairwell that connects the third-story cantilevered balconies to the second-floor porch, and then a stairwell that connects the second-floor porch to the ground floor. He noticed the drawing submitted with the application does not show this stairwell, but it is intended, as per Mr. Larson's memo, to continue the stairwell down to the ground floor.

Mr. Guido said on the architectural standards checklist in the application, it is checked off that the proposed structure meets the standard in the overlay ordinance that says the third level cannot exceed 70 percent of the second level. He asked if this is correct.

Mr. Stauffer said yes. There is a vaulted ceiling over the second-floor living room, so the effective heated-and-cooled interior space of the third floor is actually only about 35 percent of the heated-and-cooled interior space of the second floor.

Ms. Gill said the overlay district ordinance states no bathrooms, just garage space, will be allowed on the ground floor. The first-floor site plan shows a recreation room, a kitchenette, a bathroom, a shop, and a garage, and looks like it could be rented separately.

Mr. Larson said this property is not seaward of the Coastal Construction Control Line (CCCL) or in a velocity (VE) zone, it is in an AE-9 flood zone, so it is exempt from the section in the overlay ordinance Ms. Gill is referring to. What has been submitted is in accordance with the requirements of the overlay.

Mr. Guido asked how the height of the proposed structure has been measured.

Mr. Stauffer said the height, which does not exceed the City's 35-foot height maximum, has been measured from one foot above the crown of the road, which is allowed, to the top of the railings of the upper observation deck, which is above the highest roof ridge.

Mr. Mitherz said he noticed, when he tried to measure the height of the structure, that the scale on the large-scale drawings is off.

Mr. Stauffer said yes, it looks like when the drawings were blown up for the Board members' packets, they were not blown up to scale, but Mr. Larson can confirm that the scaled drawing that was submitted with the application is correct.

Mr. Crum asked for public comment.

David Johnson, 10 B Street, St. Augustine Beach, Florida, 32080, said he was a little concerned about the cantilevered decks, but after hearing the presentation, he thinks the questions he had have been answered. However, he does have a question about the alley behind the applicant's lot, and asked if this alley has been vacated.

Mr. Larson said the survey submitted with the application shows that this alley has been vacated. If Mr. Johnson had a new survey of his property done, it would probably show the vacated alley, as the applicant's survey shows that it has been vacated all the way down to Mr. Johnson's lot, giving him an extra seven-and-one-half feet in the back.

Ms. Gill said to officially see if that alley has been vacated behind his lot, Mr. Johnson can look at his tax assessment bill, because if it has been vacated, he will be charged taxes for the extra seven-and-one-half feet that has been added to his property.

Mr. Johnson said he also wanted his prospective new neighbors to be aware that he and his wife bought their home at 10 B Street 20 years ago, come down here seasonally, and always had intentions of taking this home down, and building something higher. In the meantime, he has no problem with the proposed cantilevered decks extending three feet into the side setback next to his property, which is on the east side of their property.

Mr. Larson said he received an email from Tom Coates, who owns the property on the southeast corner of B Street and A1A Beach Boulevard, at 720 A1A Beach Boulevard. Mr. Coates requested the Board to vote "no" to this overlay application, as he felt a 35-foot-high house was not in place. Mr. Coates' building is 27 feet high.

Ms. Gill said they've been working on the revision of the overlay ordinance for awhile, and asked when the newly revised edition of this ordinance will be passed.

Mr. Larson said some of the wording in a few places has to be changed, per Commissioner Pawlowski's recommendations. When this is done, it will come back to the Board for review and the Board's recommendation to the City Commission.

Mr. Crum asked for any additional comments or discussion. There were none.

Mr. Stewart made a motion to approve this overlay district application.

Ms. Odom seconded the motion.

Mr. Crum asked for discussion on the motion.

Mr. Guido asked Mr. Stewart if he would consider amending his motion to include the condition that the approval includes all the materials submitted with the application and presented by the applicant as part of the record.

Mr. Stewart agreed to amend his motion as stated by Mr. Guido.

Mr. Stewart **MADE A MOTION TO APPROVE OVERLAY DISTRICT FILE NO. 2013-01 FOR AN EAST SIDE YARD SETBACK REDUCTION FROM 10 (TEN) FEET TO 7 (SEVEN) FEET FOR CANTILEVERD SECOND- AND THIRD-STORY BALCONIES AND DECKS, AND STAIRWELLS FROM THE THIRD-STORY DECKS TO THE SECOND-STORY DECKS AND FROM THE SECOND-STORY DECKS TO THE GROUND FLOOR; AND A FRONT YARD SETBACK REDUCTION FROM 25 (TWENTY-FIVE) FEET TO 23.5 (TWENTY-THREE-AND-ONE-HALF) FEET FOR A THIRD-STORY BAY WINDOW BUMP-OUT FOR PROPOSED NEW CONSTRUCTION OF A THREE-STORY SINGLE-FAMILY RESIDENCE AT 12 B STREET, SUBJECT TO COMPLIANCE WITH ALL MATERIALS SUBMITTED WITH THE APPLICATION AND PRESENTED BY THE APPLICANT AS PART OF THE RECORD.** The motion was seconded by Ms. Odom and passed 7-0 by unanimous voice-vote.

**4. ORDINANCE NO. 13-02**, for the Board's review and recommendation to the City Commission as to whether this proposed ordinance, which adopts the St. Johns County School Board's five-year district facilities work-plan by reference in the Capital Improvements Element of the City of St. Augustine Beach Comprehensive Plan, should be adopted.

Mr. Crum asked for discussion on this proposed ordinance. There was none.

Mr. Guido **MADE A MOTION TO RECOMMEND THE CITY COMMISSION ADOPT ORDINANCE**

**NO. 13-02.** The motion was seconded by Mr. Stewart and passed 7-0 by unanimous voice-vote.

**5. DISCUSSION TO REQUIRE SUPERMAJORITY VOTE TO EXCEED THE CITY'S 35-FOOT BUILDING HEIGHT MAXIMUM,** for the Board's discussion and recommendation to the City Commission as to whether the City of St. Augustine Beach Land Development Regulations should be amended to require a supermajority vote by the City Commission, or both the City Commission and the Planning and Zoning Board, to exceed the City's 35-foot building height maximum.

Mr. Crum said an alternative suggestion made by a City Commissioner was to amend the City Charter, as well as the Land Development Regulations, to require a supermajority vote to exceed the City's 35-foot building height maximum, which is something the voters would have to approve in the 2014 election. This particular section of the Land Development Regulations also addresses what the Board discussed at its last meeting regarding the determination of the starting point from which to measure building height.

Mr. Guido said the thing that took them all by surprise at last month's meeting was that the building height could be measured from the wavecrest, which could allow buildings that are over 50 feet high, under the existing Land Development Regulations.

Mr. Larson said Section 6.01.03.F of the Land Development Regulations says the 35-foot building height maximum shall be measured from the minimum required coastal elevation, which is determined by the Department of Environmental Protection (DEP). The issue that was before the Board last month had to do with a 16 foot, nine-inch designed coastal elevation, so based on Section 6.01.03.F, the structure on this lot could go up 35 feet from there, which would put the height at over 50 feet.

Mr. Guido asked if the Board could solve this problem by recommending this section be revised.

Mr. Larson said yes, changing the verbiage in this section would solve the problem.

Mr. Crum asked if this would fly with the DEP and everyone else.

Mr. Larson said he can't answer for the DEP. Legal research and opinion would be required to revise this section of the Land Development Regulations.

Mr. Guido said he thinks the issue of where you start measuring the building height from is a lot more critical than whether or not you need a supermajority of the City Commission and/or the Planning and Zoning Board to exceed 35 feet in height. For the future, if the City wishes to keep the 35-foot building height maximum, where the building height is measured from has to be addressed, and it probably should be in the City Charter, which would make it a lot more difficult to exceed it, rather than requiring a supermajority vote of either the City Commission or this Board or both to exceed it.



However, this may be academic, if, as Mr. Larson has brought up, people can still go up to that 50-foot level, with or without a supermajority vote.

Mr. Hale said since he's been on the Board, going over 35 feet has just been a taboo issue, so he asked what's driving the Commission to require a supermajority vote at this time.

Mr. Larson said the Commission wants to put this in the City Charter, which he feels would be a grave mistake. This would prohibit things like parapets walls. For example, there are condominiums on 16th Street with 160 air-conditioning units screened by parapet walls up on the roof. If these units were on the ground, instead up on the roof behind the parapet walls, the noise pollution would violate the City's noise ordinance. He has one case in the City where there is a neighborhood feud going on over the noise an air-conditioning compressor makes, as it exceeds the allowable decibels, per City Code.

Mr. Mitherz asked if what Mr. Larson is talking about regarding the coastal elevation mostly affects oceanfront property, or property seaward of the CCCL.

Mr. Larson said right, the CCCL runs about three lots back from the ocean, and the wavecrest elevation basically disappears west of this line. There are roughly seventeen DEP markers in the City, and each one has a different wavecrest elevation per the DEP.

Mr. Crum suggested the Board make three or four recommendations to the Commission. The first would be on the supermajority vote, which he's okay with for both this Board and the Commission. He'd also recommend talking with three to five architects to get their opinions as to what a common-sense height limit is and why, and to get some feedback and education on how building height is determined. After consideration of this input and information, the Board can make a recommendation to the Commission as to whether a change should be made to include the 35-foot building height limit in the City Charter, which the voters would then have to approve in the 2014 election. Lastly, the Board could make a recommendation to amend the language in the Land Development Regulations regarding building height, to define the starting point as one foot above the crown of the road or the natural ground level, and define livable space so it can be clearly determined that livable space doesn't go above the 35-foot building height maximum.

Mr. Hale said the Board could also not even make any recommendations. He asked why they should monkey around and try to fix something that's not broke and not a problem.

Mr. Crum said from his perspective, in reading the section in City Code referred to by Mr. Larson, which says the 35-foot building height can be measured from the minimum coastal elevation or minimum flood elevation, the height could be determined in the manner in which the applicant at the Board's last meeting was trying to determine it.

Mr. Hale said even if you have a supermajority, that's not going to affect this.

Mr. Crum said he thinks there have been occurrences in the past with things exceeding 35 feet. A supermajority would require four out of five Commissioners in favor and five out

of seven Board members in favor, instead of just a simple majority, in the future.

Ms. Gill asked if the minimum required coastal elevation changes as the beach is refurbished, and where the definition of the minimum required coastal elevation is found.

Mr. Larson said no, the coastal elevation hasn't changed with the refurbishment of the beach. If you go to the DEP website, you can pull up the markers for St. Augustine Beach, each of which has a certain number and an assigned wavecrest.

Mr. Guido said to answer Mr. Hale's question, he doesn't think most people know that the coastal elevation could be used as the definition for measuring building height, but now that all this publicity about building height has come up, it has raised the whole issue of the possibility of having a series of 50-foot-high structures right along the coast, on the first lots down every street. He doesn't think a supermajority or unanimous vote is going to stop that from happening in any case, if they're stuck with the definitions he's hearing from Mr. Larson. No matter what the vote may be, you could still put up a 50-foot-high structure on the first oceanfront lot, even if everything behind you is only 27 feet high.

Mr. Larson said you have to keep in mind that the wavecrest designation varies throughout the City, so the circumstances that came up at the Board's last meeting were very rare, as there are probably only about three or four lots in the whole City that are affected by the definition of the building height as measured from the coastal elevation. He has been very successful in keeping everybody at 35 feet, and with the give-and-take that can be done with the overlay, people are able to build a valuable structure.

Mr. Guido said he thinks it's basically the consensus of the Board to keep the building height at 35 feet. They've raised a number of legal questions that can't be resolved tonight, but he thinks they can reaffirm that the 35-foot height maximum should be enforced by whatever legal method the Commission chooses, whether this is by putting it in the City Charter, or by requiring a supermajority vote to exceed it. Putting it in the City Charter would probably be more effective, as even a unanimous vote couldn't change it.

Mr. Crum asked for public comment.

David Bradfield, 3 4th Street, St. Augustine Beach, Florida, 32080, senior alternate for the Planning and Zoning Board, said he agrees with the general consensus of the Board to keep the vertical building height to a maximum of 35 feet. What he's hearing from Mr. Larson is that there is a window of liability in City Code that would allow someone to legally build a structure up to 50 feet high using the mean coastal elevation required seaward of the CCCL, but he thinks there is a conflict here because this violates many of the other things in the Code relevant to vertical maximum height, such as measuring the building height from a foot above the crown of the road, or from the average elevation of the lot. At the end of the day, it's about vertical mass, and the amount of structure visually going up and blocking everyone else's views from the west. They can prevent this forever by putting in the City Charter that if there is a conflict with lots seaward of the CCCL, such that the minimum required coastal elevation pushes the vertical max beyond

35 feet above one foot above the crown of the road or the average elevation, it won't be approved. He doesn't think requiring a supermajority vote to exceed the 35-foot vertical maximum is a good idea, as they shouldn't have the right to change something they've all pretty much agreed to, and whether a structure is oceanfront or not, the height shouldn't be varied from. Certainly, there are circumstances where it makes sense, such as the Hampton Inn and other hotels and condominiums, which they've accommodated to allow parapet walls up to 42 feet to screen mechanical equipment and noise, and this has been workable within the current Code. However, a caveat or something should be put in the City Charter to prevent people from using the kinds of wiggles that have been mentioned to get around the Code to build things he doesn't think anyone wants to see here.

Robert Samuels, 110 Mickler Boulevard, St. Augustine Beach, Florida, 32080, said he'd like to thank Mr. Hale for his comments, as he doesn't know what the problem is that they have to find a solution for. A problem doesn't exist, it's hype, politics, a response to the "stop the skyscrapers" slogan. He hasn't seen any applications for skyscrapers in this community. Once something is put in the City Charter, it can never be amended or changed. If a structure, like a new hotel such as the Marriott, needed an extra foot or two, it wouldn't be possible if this was put in the City Charter. Will the City Charter read like the City's Land Development Regulations, and have every single detail, possible description, and definition in it, he asked? It shouldn't, as this isn't what City Charters are about, this is what the Land Development Regulations are about. He believes the concept of a supermajority was to relieve the fears that were created by the "stop the skyscrapers" slogan, and thinks the Board members, who were appointed by the City Commissioners, who were elected by the citizens, should have some respect in the community, and they should be able to rely on the Board's good judgment, and sense of community values.

Mr. Guido said this may or may not be a political issue, but the City Charter is not cast in stone, it certainly can be amended, by law, every 10 years or so, so to anticipate what's coming down 20 years from now is for somebody else to worry about, it's not for them. He agrees with Mr. Hale, as he doesn't think anything's broke, so if the Commission wants to do something, and if, as Mr. Samuels said, this seems to be a political issue, then he suggests they let the Commission settle it politically, and the best this Board can do is reaffirm that they agree the 35-foot building height maximum should be maintained, if at all possible. He doesn't think the Board should go any further than that, and if in fact this is a political issue, he suggests the Board let the City Commission, which was elected politically, make the decision, as this isn't the Board's role.

Mr. Crum said as the City Commission asked for a recommendation on whether a supermajority vote from the City Commission or both the City Commission and the Board should be required to exceed the City's 35-foot building height maximum, he'll make a motion to recommend to the Commission that the Land Development Regulations be amended to require a supermajority vote from both the Commission and this Board to exceed the 35-foot building height maximum. The motion died for lack of a second.

Mr. Hale made a motion for the Board to not make any recommendations. This motion also died for lack of a second.

Ms. Gill suggested the motion be amended by stating that the Board does not want to make any recommendations at this time.

Mr. Hale said that would be okay by him.

**Ms. Gill MADE A MOTION TO MAKE A STATEMENT TO THE CITY COMMISSION THAT THE BOARD HAS NO RECOMMENDATIONS TO MAKE AT THIS TIME.** The motion was seconded by Mr. Hale but failed to pass with a 2-5 roll-call vote.

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

Mr. Guido said he'll make a motion for the Board to reaffirm its position that the 35-foot height limit be maintained by whatever method the Commission deems appropriate.

Mr. Crum seconded the motion, and called for discussion on the motion.

Mr. Mitherz said it really bothers him that there's still a legal way, with the wavecrest, to build to 50 feet, or even higher, but he doesn't know if, or how, this can be changed.

Mr. Crum said this can be the Board's next recommendation.

**Mr. Guido MADE A MOTION THAT THE BOARD REAFFIRM ITS POSITION THAT THE 35-FOOT BUILDING HEIGHT MAXIMUM BE MAINTAINED, BY WHATEVER METHOD THE CITY COMMISSION DEEMS APPROPRIATE.** The motion was seconded by Mr. Crum and passed 6-1 by roll-call vote.

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

Mr. Mitherz said he doesn't know if it's possible, legally, to revise the example in Section 6.01.03.F of the City's Land Development Regulations which allows the building height

to be measured from the wavecrest elevation, so that a home could be built up to 45-55 feet high, but he'd like to propose that this be done, in some way, to prevent this.

Mr. Guido suggested the Board ask Mr. Larson to work with the City Attorney to see what recommendations they could make so that the wavecrest part of the building height definition cannot be the controlling factor in establishing building height.

Mr. Crum asked if that would be a recommendation to the City Commission to research how to solidify the fact that the building height should be measured from one foot above the crown of the road or the natural base elevation.

Mr. Guido said his recommendation is that the Board request Mr. Larson and the City Attorney to work on a draft ordinance which the Board can then make a recommendation to the Commission on. He agrees with Mr. Mitherz, as this wavecrest thing scares him.

**Mr. Guido MADE A MOTION THAT THE BOARD ASK MR. LARSON TO WORK WITH THE CITY ATTORNEY ON RECOMMENDATIONS TO THE BOARD AS TO HOW SECTION 6.01.03.F OF THE CITY'S LAND DEVELOPMENT REGULATIONS CAN BE REVISED SO THAT THE MINIMUM COASTAL ELEVATION IS NOT THE CONTROLLING FACTOR IN ESTABLISHING BUILDING HEIGHT.** The motion was seconded by Mr. Mitherz and passed unanimously 7-0 by roll-call vote.

Mr. Crum said he thinks that covers it, and they won't even bother making a recommendation about the City Charter.

Ms. Odom asked for clarification, before they move on. In his memo to the Board, Mr. Royle said the Board may also want to discuss two related questions, whether the supermajority requirement should be only in the Land Development Regulations, or whether the Charter Review Committee later this year and in 2014 should consider having the supermajority requirement as one of the proposed changes to the City Charter for the voters to decide in the 2014 election. She asked if the Board could recommend a supermajority vote be required just from the Board, and not the City Commission, or vice-versa, when the Board makes a decision as to what to recommend to the Commission.

Mr. Royle said 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, December 18, 2012, 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 not ready with a proposal on this issue yet, but will try to have something done on this for next month's meeting.

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

Mr. Mitherz asked why there has been no activity on the 7-Eleven convenience store/gas station on the corner of Pope Road and A1A South for the last six weeks.

Mr. Larson said he just received the fourth revision of the plans for his review today, so work will resume shortly on this project.

Mr. Mitherz asked if there's any news on the Salt Life and Marriott Courtyard projects.

Mr. Larson said he believes the plans for Salt Life have been reviewed and gone through St. Johns County Fire Marshal's Office, but they're still working with the Utility Department. As far as he knows right now, the Marriott Courtyard project is dead in the water.

Mr. Crum asked when the Marriott Courtyard approval expires.

Mr. Larson said the Marriott Courtyard approval was granted for five years, and he thinks it expires in July of this year. The Salt Life approval expires in March.

Mr. Guido asked if the approval given for the development of the Runk property, on the southeast corner of 11th Street and Mickler Boulevard, has expired.

Mr. Larson said no, he believes this was given a 10-year extension, but this may be back before the Board again in the near future.

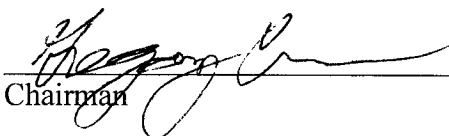
Mr. Stewart said before the meeting is adjourned, he'd like to commend Mr. Crum for his leadership over the past year.

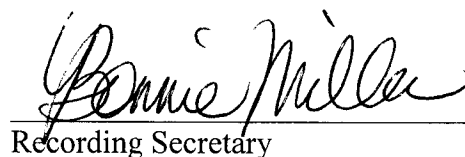
Ms. Odom said at the Board's last meeting, there was some discussion about preparing for the upcoming year and focusing on some possible goals for 2013. As Mr. Crum has been re-elected as chairman, she asked if he has any goals in mind.

Mr. Crum said he's open to any suggestions from the Board. His main goal is to get the overlay district ordinance revisions done. He'd also like to review the variance process, and as suggested by other Board members, the sign ordinance and parking regulations.

### **IX. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

  
Chairman

  
Recording Secretary