AGENDA
PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING
TUESDAY, AUGUST 25, 2020, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

NOTICE TO THE PUBLIC

THE PLANNING AND ZONING BOARD HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE BOARD UNDER "PUBLIC COMMENTS."

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF JULY 21, 2020

V. PUBLIC COMMENT

VI. NEW BUSINESS

A. Request to remove a 60-inch diameter-at-breast-height (DBH) oak tree in the building footprint of a proposed new single-family residence in a low density residential land use district on Lot 35, Block 1, Woodland Estates Unit 2, at 2 Quail Court, Matthew Conner, Agent for Richard L. and Kathryn L. White, Applicants

B. Request to remove a 42-inch DBH oak tree and a 32-inch DBH oak tree in the building footprint and a 38-inch DBH oak tree in the pool paver footprint of a proposed new single-family residence in a low density residential land use district on Lot 113, Anastasia Dunes Unit 2, at 394 Ocean Forest Drive, Cora M. Johnston, Agent for Terence W. and Mary C. Burns, Applicants

C. Ordinance No. 20-__, passed on first reading by the City Commission at its regular monthly meeting of August 3, 2020, to amend Section 6.02.03, Rights-of-way, of the City's Land Development Regulations, to establish a permitting process for right-of-way permits for the protection, use, vacation and regulation of City rights-of-way
D. Rescheduling of the Board’s October 20, 2020 regular monthly meeting to proposed new meeting date of Tuesday, October 13, 2020, at 6:00 p.m. at City Hall, due to use of the City Hall meeting room October 19-31, 2020 for early voting for the November 3, 2020 general election

VII. OLD BUSINESS

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager’s Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email sabadmin@cityofsab.org

For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager’s office for a $5.00 fee. Adobe Acrobat Reader will be needed to open the file.
I. CALL TO ORDER
Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL
BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Larry Einheuser, Hester Longstreet, Dennis King, Steve Mitherz, Chris Pranis, Junior Alternate John Tisdall.

BOARD MEMBERS ABSENT: Senior Alternate Victor Sarris.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Executive Assistant Bonnie Miller, Recording Secretary Lacey Pierotti, Crime Prevention Officer Ed Martinez.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JUNE 16, 2020

Motion: to approve the minutes of the June 16, 2020 meeting. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT
There was no public comment pertaining to anything not related to an agenda item.

VI. NEW BUSINESS
A. Request to remove a 32-inch diameter-at-breast height (DBH) oak tree in the building footprint of proposed new construction of a single-family residence and a 30-inch DBH oak tree in the pool/pool deck footprint on Lot 47, Ridge at St. Augustine Beach, at 339 Ridgeway Road, Riverside Homes of North Florida Inc., Applicant

Mr. Law said the request to remove the two trees highlighted on the survey is for new single-family construction on Lot 47 in the Ridge, at 339 Ridgeway Road. Riverside Homes, the contractor for this project, has verified that these two trees are 30-inches DBH or larger, and both are clearly in the building footprint of the proposed house and pool area, and there's no way to shift the house or pool around to save these trees. City Code is very specific that if a tree is located in an area where a structure or improvement may be placed in accordance with other development provisions in the Code, and retention of the tree is such that no reasonable economic use can be made of the property without removal of the tree, removal of the tree is completely authorized, and the property owner has every right to ask that the tree or trees be removed in order to develop his or her property.
Mr. Kincaid asked if there are any questions from the Board, or if anyone needs to hear from the applicant.

Ms. Longstreet said specifically in the Ridge, flexible setbacks are allowed to save trees, so she asked if the applicant has made any attempt to move the house to try to save these trees.

Mr. Law said a blanket variance was granted for flexible setbacks to save trees in the Ridge a few years ago, and this was such a good idea it was later adopted in the Land Development Regulations (LDRs) to apply to all single-family residential lots in the City. Unfortunately, however, there is no way to move the house to save the two trees requested for removal and still comply with the minimum 25-foot front and rear and 10-foot side setbacks.

Mr. Pranis asked if the pool could be moved around to avoid taking out the tree in the pool area.

Mr. Law said any which way the pool area could be moved, the tree would still be in the way of the pool deck and the root system would most likely be compromised by the excavators digging the hole for the pool. The tree would eventually uproot and cut through the pool and deck pavers and potentially breach the wall of the pool.

Motion: to approve the removals of a 32-inch DBH oak tree and a 30-inch DBH oak tree as requested for new construction of a single-family residence and pool on Lot 47, Ridge at St. Augustine Beach, at 339 Ridgeway Road.

Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by the Board by unanimous voice-vote.

B. Land Use Variance File Nos. VAR 2020-07 and VAR 2020-08, for reduction of minimum 25-foot front and rear yard setback requirements to 20 feet each and reduction of minimum 10-foot east side yard setback requirements to five feet each for proposed new construction of a two-story, single-family residence on each of Lots 15 and 16, Block 18, Chautauqua Beach Subdivision, in a medium density residential land use district at 130 4th Street and 129 5th Street, Eric R. Kenney, Applicant

Ms. Miller said these two variance applications were put on the agenda together as one item, as they both request the same thing, setback reductions for new construction of a single-family home on two adjacent lots, Lots 15 and 16, Block 18, Chautauqua Beach Subdivision, at 130 4th Street and 129 5th Street. These are two corner lots with 2nd Avenue adjacent to the west side of each lot. Both lots have a permanent drainage easement granted to the City of St. Augustine Beach for ingress, egress and public utilities over and across the most westerly 15 feet of each lot. These lots qualify as small-platted lots in the overlay district, because they were originally platted as 50-foot-by-93-foot lots, but the overlay district setbacks for small platted lots would not help in this case because of the 15-foot easement, which cannot be reduced, on the west sides of both lots. The applicant is therefore requesting a variance for each lot and asking for side setback reductions to five feet on the east sides of both lots, and 20-foot front and rear setbacks, which are the front and rear setbacks allowed for small-plotted lots in the overlay district. With the 15-foot easement on the west side of both lots and a five-foot setback on the east side, the houses built on these lots will have a combined total of 20 feet for the side setbacks, which is more than the combined total of 15 feet, or 7.5 feet on each side, that is allowed for small-platted lots in the overlay district.

Mr. Mitherz asked for clarification on the small-platted and standard-platted lots in the overlay district, and what the difference is between these two types of lots. He also asked why the 7.5 feet of the vacated alley adjacent to the rear of each of these lots is not included as part of the total square footage of the lots. The LDRs define small-platted lots as having a maximum lot size of 4,650-square feet, so with the additional square footage of the vacated alley, the lots for which the variances are requested are 5,000-square feet, which to him make them standard-platted lots, defined per the LDRs as lots that are greater than 4,650 square feet, not small-platted lots.

Ms. Miller said the 7.5 feet of the vacated alley is not included because the small-platted lots are considered as the originally platted 50-foot-by-93-foot lots. It has been the City Commission’s interpretation that even if alleys behind such lots have been vacated, they still qualify as small-platted lots, as vacating an alley does not change the way the lot was originally platted. The 7.5-foot portion of the vacated alley is like the 15-foot permanent easement, as nothing can be built in the vacated portion of an alley, but it can be used for setback requirements.
Mr. Law said the current overlay district regulations were created a few years ago when the City hired the consulting firm with Lindsay Haga to revise the LDRs. The key thing to remember with the small-platted lots is that they were originally platted as 50-foot-by-93-foot lots, so any alley behind these lots, whether it's been vacated or not, was not platted with the lot, but given to the adjacent properties owners if it was vacated based on the City no longer having any need for it. This came up and was discussed in great detail by the City Commission, which determined that the residential lots specified in the overlay district are the platted lots themselves. These lots for which the variance applications have been submitted are unique, however, due to the 15-foot permanent easement on the westerly side of each lot, so the reduced setbacks allowed in the overlay district for small-platted lots wouldn't work. The applicant is requesting variances for reduction of the east side setback on both lots to five feet, so the lots will still have a combined total of 20 feet in side yard setbacks with the 15-foot easement on the west side and a five-foot setback on the east side. This combination of 20 feet total for side setbacks is the same as what is allowed per the LDRs for flexible setbacks to save trees on residential lots. Construction will still be subject to all the other regulations in the LDRs for medium density residential, including maximum lot coverage of 35 percent and maximum total impervious surface ratio (ISR) coverage of 50 percent.

Mr. Kincaid said the flexible setbacks allowed to save trees require a total of 20 feet for combined side yard setbacks, and a minimum of 15 feet between adjacent structures. He asked if there will be a minimum of 15 feet between adjacent structures if the variances are granted to allow five-foot east side setbacks on these lots.

Mr. Law said the lots to the east of both of these lots qualify as small-platted lots in the overlay district, and the same applicant, Mr. Kenney, is applying for reduced overlay district side setbacks on these lots to 7.5 feet, so if these two variances are granted, there will be 12.5 feet between buildings. Reducing the east side yard setbacks of Lots 15 and 16 to five feet does not violate anything in the Florida Building Code regarding fire separation.

Mr. Kincaid said the minimum combined total for front and rear setbacks to save trees is 50 feet, but if the variances for Lots 15 and 16 are granted, there would be a combined total of 40 feet for front and rear setbacks. He sees the hardship with this, with the 15-foot permanent easement that limits what can be built on these lots.

Mr. King asked if the applicant will be limited to building only two-story homes on these lots, if the variances are granted.

Mr. Law said he'd say yes, as the supplemental information submitted with the variance applications show possible examples of two-story homes. If the applicant wanted to build a three-story home and the variance applications are approved for two-story homes, he'd say a three-story house wouldn't comply with the approval order of this Board. He doesn't want to get into the architectural details, because he doesn't even know if they have the legal authority to do that, but the supporting documentation submitted with the variance applications definitely show two-story houses, so this can be made a condition for approving the variances.

Mr. Taylor said the Board has the authority to include this as a condition of approval, or not.

Eric Kenney, 6 Oceanside Drive, St. Augustine Beach, Florida, 32080, applicant, said he had two possible sets of plans designed for the homes he'd like to build on these lots, one of which is 30-feet-wide-by-56-feet-deep, and a second design which is 30-feet-wide-by-51-feet deep. Both of these designs are well within the requested 20-foot front and rear setbacks, and the 30-foot widths will fit on the 50-foot-wide lots with the 15-foot street side setbacks required on the west side with the permanent easement and five-foot setbacks on the east sides of the lots. He only wants to build two-story houses, so he's fine with this as a condition for approval.

Mr. Kincaid suggested the Board table the motion and not vote on the variance applications for these two lots until the Board reviews the next agenda item, as what the applicant is requesting for the four lots adjacent to the east ties into what he's requesting in these variance applications. He motioned to table the variance applications until the Board goes through the application for the next agenda item, and then the Board can address these applications all at the same time. Unless he's missing something, it appears to him that they are all sort of
dependent upon each other, as they’re building almost an entire neighborhood here. If they haven’t discussed the second part of this yet, he’s a little confused as to where the Board wants to go with the first part.

Mr. Law said the next application is actually an overlay district application, not a variance, for the next four lots adjacent and to the east of the two lots for which the variances are requested. Reduced setbacks and regulations for the overlay district are allowed per City Code, subject to the Board’s review for compliance to the Code.

Mr. Taylor said as a point of procedural information, the Board can table the variance applications and move on to the next application on the agenda, but they do need to be voted on separately, as they are separate applications. All the Board has to do is table the variance applications, discuss the second application on the agenda, and then bring the first applications, which are the variances, off the table for a motion and vote.

Mr. Kincaid said that’s what he’d like to do. He asked for public comment.

Dan Jung, 10 Linda Mar Drive, St. Augustine Beach, Florida, 32080, said he reviewed the proposed house plans, thinks aesthetically, they’d look nice in this area. If the homes can be kept to a two-story level, and not three stories, he thinks most people will be pretty happy with them, but what’s built needs to be consistent, as he wouldn’t like to see a two-story house on one lot and a three-story house next door. He’s a licensed contractor in the construction industry for over 30 years, and he’d like to see the Board give the applicant a fair shake on this.

Mr. Kincaid said if there is no objection, the Board will table the applicant’s variance applications and bring this agenda item back up after they’ve heard the application for the next agenda item.

C. Overlay District File No. OD 2020-01, for overlay district setbacks of minimum 20-foot front and rear yard setback requirements and minimum 7.5-foot side yard setback requirements for proposed new construction of a two-story, single-family residence on each of four lots, Lots 11, 12, 13, and 14, Block 18, Chautauqua Beach Subdivision, in a medium density residential land use district at 122 14th Street, 121 5th Street, 126 4th Street, and 125 5th Street, Eric R. Kenney, Applicant

Ms. Miller said this is an overlay district application filed by the same applicant, Mr. Eric Kenney, who submitted the variance applications that were just tabled. This application is for Lots 11, 12, 13, and 14, Block 18, Chautauqua Beach Subdivision, addressed as 122 14th Street, 121 5th Street, 126 4th Street, and 125 5th Street, respectively, which are also small-platted lots per the overlay district regulations in Section 3.08.00 of the City’s LDRs. Unlike a variance, demonstration of a hardship is not required for overlay district reduced setbacks, as this section of the Code says overlay district applications shall be approved by this Board upon review and determination that the application complies with the regulations for overlay district development per Section 3.08.00. The applicant requests the reduced setbacks allowed for construction on the small-platted lots in the overlay district, which are a minimum of 20 feet for front and rear yard setbacks and a minimum of 7.5 feet for side yard setbacks.

Eric Kenney, 6 Oceanside Drive, St. Augustine Beach, Florida, 32080, applicant, said going back to the previous variance applications, if it wasn’t for the 15-foot easement on the westerly sides of these lots, he’d be including those two lots in this overlay district application. Because of the 15-foot easement, however, he’s requesting variances for the two most westerly lots, and on these other four lots, he’s applying for reduced overlay district setbacks for small-platted lots as allowed per City Code. He has different possible house plans along the same lines as those presented for the variance applications, and again, the plans are for two-story homes approximately 28.5 feet in height, 35-feet wide and ranging in depth from 48 feet to 56 feet, with square footage totals from 2128 square feet to 2501 square feet. These plans were specifically designed for the size of these lots with the overlay district setbacks of 20 feet front and rear and 7.5 on sides, subject to this Board’s review and approval.

Ms. Longstreet asked if the 28.5-foot height of the proposed homes is dependent on the pitch of the roof, and if the applicant knows if any fill dirt will have to be added to any of the lots he’s proposing to build these houses on.
Mr. Kenney said these houses are already fully designed, and the lots are flat. He thinks Ms. Longstreet’s question is where the 28.5-foot height measurement starts, and on at least two of the lots, the elevation is such that about 1.5 feet to 2.5 feet of fill dirt will be required. It’s Mr. Law’s call as to at what elevation the height measurement begins, but he’s not asking to put 20 feet of dirt on the lots and then start measuring the height from there.

Mr. Law said similar to what was done to the development of the lots north of the Courtyard by Marriott, he will authorize one clearance permit to sculpt the elevation of the six lots Mr. Kenney is applying to develop, to maintain positive drainage. This is a very simple development, and he believes there is a series of catch basins adjacent to the two most westerly lots, so staff will be working with the Public Works Director, Mr. Tredik, on the drainage. To answer Ms. Longstreet’s questions, the single-family homes built on these lots will not breach the City’s 35-foot height maximum. Mr. Kenney will be paving part of the westerly portion of 4th Street in order to provide access to the lots, prior to energization, with the Public Works Department, as this portion of 4th Street was never paved. The County Fire Department will be involved with this as well, to ensure there is fire truck accessibility.

Mr. Kincaid said it’s his understanding that the Board is required to approve overlay district applications that clearly meet the regulations and requirements set forth in City Code, and if there is nothing contrary to the Code.

Mr. Law said yes, the Code is very clear that if an overlay district application complies with the intent of the overlay district regulations, the Board must approve it, unless it is deemed that there is nonconformance to the Code.

Mr. Kincaid said as far as he can tell, everything Mr. Kenney is asking to do on these lots is allowed per City Code for small-platted lots within the overlay district. He asked if the Board can approve this application with the condition that the homes built on these lots be limited to two stories, as they’ve proposed doing for the approval of the variance applications for reduced setbacks for the two lots with the 15-foot easement on their west sides.

Mr. Law said there are restrictions on three-story buildings in the beachside medium density overlay district, which is in the medium density residential land use district on the east side of A1A Beach Boulevard, but for small-platted lots on the west side of the Boulevard, there is no provision prohibiting three-story buildings. With variances, however, the Board is well within its rights to put any conditions the Board sees fit as part of the Board’s approval.

Motion: to approve Overlay District File No. OD 2020-01, for overlay district minimum setback requirements of 20 feet front and rear and 7.5 feet sides for proposed new construction of a single-family residence on each of four lots, Lots 11, 12, 13, and 14, Block 18, Chautauqua Beach Subdivision, in a medium density residential land use district at 122 4th Street, 121 5th Street, 126 4th Street, and 125 5th Street. Moved by Mr. Kincaid, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

Mr. Kincaid said if there are no objections, he’ll now move to bring the tabled variance applications back up for discussion. The requested variances for 20-foot front and rear setbacks will put the houses built on these lots in line with the lots just approved for the same overlay district setbacks, and just a little closer to the houses on the east sides, as the variances request five-foot side setbacks on the east sides of Lots 15 and 16. For the record, the demonstrated hardship is the 15-foot permanent easement on the westerly side of both lots. The statement on the applications stating the applicant is asking for the previous setbacks allowed before the setbacks were changed can’t be the hardship, as this basically puts the Board in a bad position, because the Board can’t do anything about the current setbacks, this is something that needs to be brought back up to the City Commission. The 15-foot easement on the westerly sides of these lots actually qualifies as a hardship, however, because this permanent easement can’t be moved and nothing can be built within it, making it difficult for the owner to use his property.

Ms. Longstreet suggested the roof pitch remain the same as shown on the conceptual house plans submitted by the applicant as part of the variance applications.

Motion: to approve Land Use Variance File Nos. VAR 2020-07 and VAR 2020-08 as requested for reduction of front and rear minimum setbacks to 20 feet each and reduction of minimum east side setbacks to five feet each
for proposed new construction of a two-story, single-family residence on each of Lots 15 and 16, Block 18, Chautauqua Beach Subdivision, in a medium density residential land use district at 130 4th Street and 129 5th Street, subject to the conditions that the new single-family residences be limited to two stories in height and the roof pitch for each shall be consistent with the conceptual house plans submitted as part of the applications. Moved by Ms. Odom, seconded by Mr. Einheuser, passed 6-1 by voice-vote, with Mr. Mitherz dissenting.

D. Overlay District File No. OD 2020-02, for overlay district setbacks of minimum 20-foot front and rear yard setback requirements and minimum 7.5-foot side yard setback requirements for proposed new construction of a two-story, single-family residence on Lot 1, Block 33, Chautauqua Beach Subdivision, at 202 A Street, Richard Mottola and Mark Nugent, Agents for Centerpoint Homes LLC, Applicant

Ms. Miller said this an overlay district application for a lot at 202 A Street adjacent to the City plaza on the corner of A Street and 2nd Avenue. This lot is also an originally platted 50-foot-by-93-foot lot, and the applicant is applying for reduced overlay district setbacks of 20 feet front and rear and 7.5 on each side to build a new two-story single-family residence in conformance to all overlay district regulations for small-platted lots per Section 3.08.00 of the City's LDRs. The 15-foot-wide alley behind this lot has been vacated.

Mr. Law said height of the building at this point is not relevant as long as it complies with the height regulations per City Code, and the applicant is requesting the reduced overlay district setbacks of 20 feet front and rear and 7.5 feet on each side for small-platted lots. At this point, based on what was submitted, he sees nothing that is not in compliance with the overlay district regulations per Section 3.08.00 of the LDRs, but he advised everyone to keep in mind that this is a medium density residential property, so all new development will also have to comply with medium density regulations per the LDRs. The building permit application was submitted for the single-family home the applicant proposes to build on this lot without the contractor knowing it was not in compliance with the current setbacks, as this same contractor built a house across the street and a little further to the west on A Street prior to the setback changes that reverted the setbacks to a minimum of 25 feet and rear and 10 feet on the sides. The contractor was told to apply for overlay district setbacks for the design of the house to the previous minimum setbacks of 20 feet front and rear and 7.5 feet on sides, which is how they got here.

Rick Mottola, 307 Orchis Road, St. Augustine, Florida, 32086, agent for applicant, said the width of the house proposed on this lot is 34 feet, which is wider than the current minimum 10-foot side setbacks allow, so this is why they've applied for this overlay district application for reduced setbacks.

Mr. Mitherz said from the site plan submitted with the overlay district application, it looks like there are some trees that will be removed in the driveway of the proposed new home. Her asked if this will be a gravel driveway.

Mr. Mottola said it will actually be a paver driveway, and the trees that will be removed are mostly cabbage palms and non-protected trees.

Mr. Kincaid asked for public comment.

Denny Dean, 205 A Street, St. Augustine Beach, Florida, 32080, said he was a little confused about this application, because it seemed like it was for a variance, but as he understands now, it's an overlay district application, which does not require a hardship. He lives across the street from the lot at 202 A Street, and built his house 30 years ago, in 1990, so he's very familiar with A Street, which has a lot of traffic. Pushing houses closer to the street creates a lot of problems, he's seen a dog on a leash get run over because cars were going 40 miles per hour on it, and it also allows houses to be that much closer to the houses across the street. Also, most of the houses built on A Street were built with a 25-foot front setback, and he thinks it's important to keep the street line consistent.

Michel Cloward, 204 A Street, Unit A, St. Augustine Beach, Florida, 32080, said she and her husband have a four-year-old and a one-year-old, so sleep in their house is very important, and she has a huge concern with what's about to be built next door. She's grown to love the lot next door, as there are so many birds and wildlife there,
and having this vacant lot next door has been very peaceful for her family. She’s very sorry to see it will no longer be a vacant lot, as she’ll be sad to see all the trees go. With the request to build the new home with a 7.5-foot side setback, her bedroom window will be less than 20 feet away from this new house. She lives across the street from Mr. Dean, who just spoke, and shares the same concerns about danger from traffic that won’t slow down.

Mr. Kincaid said he wants to remind everyone that because this is an overlay district application, the Board doesn’t have the ability to say no if it meets all of the requirements for the overlay district per the LDRs, so the decision-making process he thinks some people are looking for may not be available as an option for the Board.

Mr. Law said Section 3.08.00.B.2 of the LDRs states, “The Comprehensive Planning and Zoning Board of the City shall be responsible for reviewing all applications. The Board shall be required to approve any and all applications that clearly meet the requirements set forth in this section.”

Ms. Cloward asked if the rules changed after the houses that are already on A Street were built.

Mr. Law said several years ago, the setbacks were a minimum of 25 feet front and rear and 10 feet on the sides, but in 2013, the setbacks were reduced to a minimum of 20 feet front and rear and 7.5 feet on the sides. In 2018, the City Commission voted to return the setbacks to the original minimum 25 feet front and rear and 10 feet on the sides. The overlay district was adopted as part of the draft code of revisions to the LDRs, which the City spent serious resources to have done. Part of the problem with the 50-foot-by-93-foot lots is that if you follow the minimum 25-foot front and rear and 10-foot side setback requirements, buildings are basically limited to only 28 percent lot coverage. The Code allows a maximum of 35 percent lot coverage for residential buildings, so there was a discord in the Code, but in lieu of changing the Code for a blanket statement, lots platted before the adoption of the Code were incorporated in the overlay district which made them eligible for reduced setbacks per application, review and approval from this Board that the application meets the overlay district regulations.

Brian Del Rey, 203 1st Street, St. Augustine Beach, Florida, 32080, said he also thought this was a variance. His reason for being here is because he hopes if this lot is developed, it will be done to present standards. He presumes the pushback for the setbacks to go back to what they were originally was because people were getting fed up with the “McMansions” that were going up and disrupting neighborhoods and the nature around them. This lot is a beautiful lot, so he hopes what’s built on it will be in line with all the other homes on A Street.

Cynthia Pennington, 203 A Street, St. Augustine Beach, Florida, 32080, said she thinks everyone was under the impression they were coming here tonight for a variance for 20-foot front and rear and 7.5-foot side setbacks, but as explained, this is an overlay district application, which is exempt from the conversation. She asked what the point was in putting a sign up on the lot when the application will be approved, regardless of what the public has to say about it. The request for a 20-foot front setback will put the house 20 feet back from the sidewalk, not the street, as there are sidewalks on the north side of A Street. This is what concerns her, because she thinks putting the house that much closer to the sidewalk in front of it is going to cause problems. She can see where this might fit on a different street, where there’s not a ton of traffic going up and down as there is on A Street nowadays.

Chris Pennington, 203 A Street, St. Augustine Beach, Florida, 32080, said he and his wife have lived here for 20 years, and like how the politics are run here in the City, you just make a decision, and it’s done. He has a concern with the drainage, as they have a terrible drainage problem in this area, and it’s been a problem for years. Also, as his wife said, moving the house forward will put it that much closer to the sidewalk in front of it, so he advised City staff to approach the County to see if they will widen this sidewalk, and the Police Department needs to work on slowing traffic down on A Street. All the houses on A Street are uniform, as Mr. Dean said. No one else in the neighborhood has gotten a variance for reduced setbacks between properties, and it should stay this way.

Mr. Mottola said to address concerns about moving the house closer to the sidewalk in front, which is something he tends to agree with, there’s plenty of room to move the house back, as it is not too incredibly long. He doesn’t have a problem with moving it back five feet, so it has a 25-foot front setback that matches the other houses.
Sally Nichols, 115 15th Street, St. Augustine Beach, Florida, 32080, said she owns the property next door at 204 A Street, and having a house built 7.5 feet away from her property line is hard on the people who live there. She asked how this can be handled so her tenants can live in peace while this house is being built so close to them.

Mr. Kincaid said this Board only has the ability to regulate per the rules and regulations in the LDRs, and if an applicant is not proposing an exception or anything outside of these rules and regulations, and if the application meets all the requirements in the LDRs, the Board is required to approve an overlay district application.

Ms. Nichols asked if what Mr. Kincaid is saying is that looking to the future, changing the law or the code is the only way to change this.

Mr. Kincaid said he’d imagine there is always this option, yes.

David Kfoury, 339 Arricola Avenue, St. Augustine, Florida, 32080, said he’s actually the next applicant up on the agenda, and thinks what they have here is a fundamental misunderstanding across the board with the misinterpretation of the rules. The way this should be is that if someone wants to build on a 50-foot-by-93-foot lot located within the overlay district, they should just have to submit an application to the Building Department for review and approval or denial at this level, without having to incur the cost of an application fee, making 14 copies of the application, plans, and other submittal documents, and having to appear before this Board. This would save the applicant time and money, save the time of the people who came to this meeting to speak, because their efforts are futile, and if they really have an issue, their only alternative is to petition the City Commission to try to get things changed. The way overlay district applications are currently handled is obsolete, in his opinion.

Mr. Law said as some of the Board members may recall, he did try to eliminate the overlay districts and install reduced setbacks for 50-foot-by-93-foot lots, but this was met with some resistance, so the City Commission ended up not taking action on it. Every effort was made to revise the current regulations to eliminate the overlay districts, but this did not get any traction, so the Commission was concerned about eliminating them.

Mr. Mitherz thanked the applicant for volunteering to put the house back to the 25-foot front setback line. He thinks this was a very nice thing to do and it may help with some of the neighbors’ concerns.

Ms. Longstreet said she thinks this is kind of necessary to maintain the uniform look of the properties. If all of the other properties on A Street have conformed to the normal setbacks, and one property is allowed to have a 20-foot front setback, it’s going to look completely off. This street is dangerous, as everybody goes ridiculously over the speed limit and the speed ramps aren’t slowing traffic down. She didn’t even realize the overlay district actually extended as far as 2nd Avenue, but in any case, she thinks the front setback should be no less than 25 feet.

Mr. Kincaid said he doesn’t think the Board can put any conditions on this, they need to either approve it or deny it. Without a reason to deny it, the Board is required to approve it.

Ms. Longstreet said she thinks the Board can put conditions on the approval, because aesthetically, the setbacks are not the norm, and what the applicant proposes to build does not go with everything else on the entire street.

Mr. Kincaid said the LDRs say if an application meets the rules and regulations for development in the overlay district, the Board has to approve it. The rules do not say anything about matching the other neighboring houses.

Ms. Longstreet asked if this application will go to the City Commission.

Mr. Law said no, this is a one-stop-shop-and-drop. If the application complies with the overlay district regulations, the Board is required by the LDRs to approve it. The applicant has voluntarily and verbally said he’d be more than happy to move the house back, but to the best of his understanding, and the City Attorney can back him up on this or tell him he’s wrong, the Board has no authority to grant any specific conditions. If this were a variance or
conditional use application, yes, the Board could dictate the terms, but this is purely an overlay district application which the Board is charged with reviewing for conformance to the overlay district regulations per the LDRs.

Ms. Odom asked if it would be acceptable if the wording in the motion included the statement made by the applicant that he agreed to move the house back so that it would have a 25-foot front setback.

Mr. Law said he’ll ask the City Attorney to weigh in on this, but he’d say no, because you can only enforce what the Code is. Staff has had nothing but good dealings with this builder, and he expects he’ll honor his word.

Mr. Taylor said he would not advise the Board to do this, as he thinks it would be opening it up to legal issues.

**Motion:** to approve Overlay District File No. OD 2020-02, for overlay district minimum setback requirements of 20 feet front and rear and 7.5 feet sides for proposed new construction of a single-family residence on Lot 1, Block 33, Chautauqua Beach Subdivision, at 202 A Street. *Moved by Mr. Kincaid, seconded by Ms. Odom, passed 6-1* by voice-vote with Ms. Longstreet dissenting.

E. Overlay District File No. OD 2020-03, for overlay district setbacks of minimum 20-foot front and rear yard setback requirements and minimum 7.5-foot side yard setback requirements for proposed new construction of a two-story, single-family residence on Lot 13, Block 49, Coquina Gables Subdivision, at 314 B Street, David Kfoury, Agent for 904 Ventures LLC, Applicant

Ms. Miller said this application is also an overlay district application for a small-platted lot, Lot 13, Block 49, Chautauqua Beach Subdivision, at 314 B Street. The applicant is asking to build a two-story house with reduced overlay district setbacks of 20 feet front and rear and 7.5 feet on the sides.

Mr. Mitherz asked what the height of the proposed two-story residence will be.

David Kfoury, 339 Arricola Avenue, St. Augustine, Florida, 32080, agent for 904 Ventures LLC, applicant, said the height of the proposed single-family residence is 20 feet.

Mr. Kincaid asked if this overlay district application meets all of the overlay district requirements per the LDRs.

Mr. Law said yes, as far as he understands. He’d like to bring to the Board’s attention that Mr. Kfoury has designed a house that is actually a little bit narrower than what the overlay district setbacks allow. The overhangs don’t seem to be an issue and neither is the overall total height. As Mr. Kfoury stated, this proposed two-story house is in no jeopardy of breaching, or even coming close, to the 35-foot-maximum building height allowed in the City.

Mr. Kfoury said essentially, he’s asking for a vote from the Board for something that has to be approved if it meets the overlay district regulations per City Code. The house he proposes to build is an 1,800-square-foot house, like many other houses of similar size 904 Ventures LLC has built many within the City limits, at 401 B Street, 403 B Street, 405 B Street, 400 C Street and 402 C Street, to name a few. None of these home exceed 1,800 square feet, and anytime his company builds west of A1A Beach Boulevard, they always try to maintain the integrity of the neighborhoods, save as many trees as possible and not build any three-story homes or homes that go up over 20 feet in height. Much like the other houses they’ve built on the west side of the Boulevard, this home will fit right in, and the lot has already been cleared, as there was previously a one-story home on it that straddled this lot and the corner lot next door to the west, addressed as 316 B Street, which has since been sold.

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

**Motion:** to approve Overlay District File No. OD 2020-03, for overlay district minimum setback requirements of 20 feet front and rear and 7.5 feet sides for proposed new construction of a single-family residence on Lot 13, Block 49, Coquina Gables Subdivision, at 314 B Street. *Moved by Ms. Odom, seconded by Mr. Pranis, passed 7-0* by unanimous voice-vote.
F. Mixed Use File No. MU 2020-02, for post-permit modifications for parking reconfiguration and 1,117-square-foot ground floor wood deck and retention wall additions to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved per Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13th Street, Richard Thomas Marsh, Agent for Sunsation Real Estate LLC, Applicant

Mr. Law said the Board members were given copies of memorandums from the City’s Public Works Director, Bill Tredik, which staff did not receive until 4:40 p.m. today, regarding Mr. Tredik’s comments on the parking reconfiguration and his request for some landscaping, which will be discussed later on. The application is for post-permit modifications to a mixed use development approved by the Planning and Zoning Board in November 2017 for a mixed use building with two businesses on the first floor and two residential units on the second floor. There were some design issues with this property which included lowering the pitch of the roof to get it into compliance with the maximum building height, for which signed and sealed letters were provided to the City by surveyors and architects to verify the height of the building. During construction, staff noticed while driving by the rather large deck included as part of the post-permit modifications. This deck was not on the original plans submitted with the mixed use application approved by this Board in November 2017. The Board was also given copies of what was originally approved and plans for the post-permit modifications consisting of the deck, retaining wall and a revised parking plan, which was reviewed by St. Johns County Fire Department, which had no significant concerns with it.

Mr. Mitherz asked if all of the parking spaces for the mixed use building will be on 14th Lane.

Mr. Law said the revised parking plan has eight parking spaces and a handicap space on the north side adjacent to 14th Lane, and four parking spaces on the south side, off 13th Street. Public Works Director Bill Tredik is asking for a five-foot landscape buffer to be installed along the south and east sides of the northern parking lot.

Mr. Mitherz asked if the four parking spaces on the south side of the building are on the Oceans Thirteen property, or on the right-of-way.

Mr. Law said the four parking spaces on the south side adjacent to 13th Street are partially on the Oceans Thirteen property and partially on the City-owned right-of-way of 13th Street, which is why Mr. Tredik is involved in this. During the initial design phase approved by the Planning and Zoning Board in 2017, he believes there was a lot of discussion about the closeness of the Oceans Thirteen building to the duplex behind it. Architect Dave Mancino designed the Oceans Thirteen building for extensive fire-rating in compliance with the Florida Building Code. There also was an issue with the staircase on the north side of the building encroaching into the original parking site on the north side adjacent to 14th Lane, basically rendering it unworkable, so while the zoning review was approved by the Planning and Zoning Board, it was left to the Building Department to make the building and the parking work, which is part of the reason this application for post-permit modifications was required. Another reason is the front doors on the west side of the building facing the Boulevard swing out, which could be potentially dangerous for a wheelchair to transit across the handicap ramp from the one handicap parking space, and also navigate the columns coming down from the second-story in front of the building.

Ms. Longstreet asked why the front doors cannot swing in, instead of out. She also asked about the retaining wall, which wasn’t part of the original approval of this building.

Mr. King asked if he is correct in saying that this deck is already built.

Mr. Law said traditionally, commercial doors swing out to provide better egress for getting out of the building. The retaining wall is part of the post-permit modifications, as a new structurally-engineered retaining wall will be put into place pending the Board’s approval of this application. The deck was built without a permit, and a stop work order was posted on the deck about a month ago. The contractor was notified to cease and desist any further work on the deck. The interior work has been allowed to continue as it does not affect the deck.
Tom Marsh, 22 Soto Street, St. Augustine, Florida, 32086, agent for applicant and contractor for Oceans Thirteen, said basically what is requested are post-permit modifications to provide handicap access to the commercial entrances of the building. During the construction of this building, it was found to be a particular challenge to try to get to the elevation of the entrances, given the short amount of real estate of the site, so after consultation with Mr. Tredik, who provided some good ideas as to how they could accommodate a ramp for handicap access, the handicap parking space has been relocated from the original location on the south side of the building to the north side, to allow enough horizontal distance to accommodate a ramp to get to the finished floor elevation of the building. The original application provided means of a five-foot-wide concrete access to the commercial spaces but by and large did not provide adequate detail on how to get there and get around the columns in front of the building facing the Boulevard from what was the original handicap parking space on the south side.

Mr. Mitherz asked why the handicap parking is proposed partially on the right-of-way of 14th Lane, and not totally on the Ocean’s Thirteen property.

Mr. Marsh said the original location of the handicap space on the south side of the building was partially on the right-of-way of 13th Street, but the post-permit parking modifications include moving the handicap space to the north side of the property site, adjacent to 14th Lane, where the handicap space and eight standard-size parking spaces are located entirely on the Oceans Thirteen property site. There are four additional standard-size parking spaces on the south side of the Oceans Thirteen building, and these are partially on the 13th Street right-of-way.

Mr. Pranis asked if the relocation of the handicap space and the transition to the ramp basically came about because the first floor level of the building is too high to actually have the slope on the south side of the building.

Mr. Marsh said the finished floor elevation of the new Oceans Thirteen building under construction is identical to the duplex building directly behind it to the east, but it wasn’t until the new building was up that they realized it was kind of difficult to get handicap access from that close proximity between the building and the actual space available. As Mr. Law indicated, for handicap access you’ve got to have a lot of lawn to get that rise out of the ramp, so they found there’s a lot more space where the handicap space has been relocated on the north side to allow them to get to that elevation to match the existing duplex to the east and behind the new building.

Mr. King asked why the deck appears to be so much larger than what would be required for accessibility.

Mr. Marsh said the application for post-permit modifications requests eight feet for the deck width to the west carried around the corner to eleven feet on the north side to allow them to get the ramp and deck in that space.

Mr. King asked if the corners could be cut so handicap access could still follow the contour of the deck access.

Mr. Marsh said he doesn’t see why not. In other words, what Mr. King is asking is if the deck could potentially be dog-eared. As this really isn’t his call, he’d like to ask one of the owners who is here for his input on this.

Doug Carr, 111 Marshside Drive, St. Augustine, Florida, 32080, said he’s one of the owners of Oceans Thirteen. He met with Mr. Tredik and Mr. Marsh after being out of town for 10 days and finding that the deck had been erected by a secondary contractor. He shut the work down immediately and shaved the deck back, so as intrusive as it is now, it was much more so before. He’d agree to cut the corners of the deck off to allow the access point where you get to the stop sign at 14th Street and A1A Beach Boulevard, to be able to see traffic coming and going along the Boulevard, which can be an extremely busy road, so clear vision of pedestrians, bicyclists and vehicular traffic is important. Utilizing the north side of the site for most of the parking makes sense as this allows the handicap space and ramp to be more easily accessible. The deck is the only way to make the site handicap accessible. The handicap parking space is 30-feet-long-by-20-feet-wide, with total access on all sides.

Ms. Longstreet asked if the handicap parking space is on the alley side on the north side of the property adjacent to 14th Lane, is this much deck then needed on the south side of the Oceans Thirteen property?
Mr. Marsh said what you don’t see if you go to this property site now is that there will be a set of stairs on the south side leading to the second floor of the building. That staircase extends four feet off the building, and that deck coming around the south side of the building at eight feet will go around that staircase and not end at the staircase, so there won’t be an edge at the bottom of the staircase, but the deck will be there to allow adequate passage for people coming up and down the staircase. The originally approved plans for this building always had two separate residential units upstairs, and right now, there’s only a temporary set of construction stairs on the north side. There will be a permanent staircase on the north side and a permanent staircase on the south side of the building, and both of these staircases will be four feet wide, so their proposal with the deck at eight feet at the Boulevard side is to come around using that same eight feet and go past that staircase with four feet of width.

Mr. Pranis asked why, with the relocation of the handicap parking spot and eight parking spaces to the north side of the property site, there are four additional parking spaces now on the south side of the building.

Mr. Marsh said the goal was to not lose any parking spaces, as the mixed use approval for this development was specific to a certain number of parking spaces. The net number of parking spaces for the reconfigured parking plan is identical to the number of parking spaces originally approved for this mixed use building.

Mr. Kincaid asked Mr. Law if he has any issues with any of the proposed post-permit modifications.

Mr. Law said he has no objections to the parking reconfiguration on the south side. Handicap accessibility is one of their biggest concerns, and as for dog-earring the deck, five feet is the standard handicap width, because this is the minimum for turning space for a wheelchair to spin. One thing he hasn’t asked is if there is going to be a secondary set of stairs to get up to the deck area on the south end.

Mr. Marsh said yes.

Ms. Odom said aesthetically, the building will look better if the deck on both sides looks the same.

Mr. Law said definitely, he’d say the angles should be made to be the same on each side, but he is requesting a five-foot minimum for handicap accessibility. He has no objections to the deck, as he knows the applicant and the contractor have worked excessively with Mr. Tredik on the site plan for the deck and the reconfigured parking. If the post-permit modifications are approved by the Board, he’d recommend the approval be subject to Mr. Tredik’s comments in his staff memo dated today, July 21, 2020, to install a five-foot landscape buffer south of the north parking lot along 14th Lane, and he suggested this landscape buffer be comprised of Florida-friendly plants.

Ms. Longstreet said she thinks the applicants need to go before the City’s Beautification Advisory Committee (now renamed SEPAC, Sustainability and Environmental Planning Advisory Committee) for that.

Mr. Law said only landscape plans along the Boulevard are reviewed by SEPAC, as this committee does not have the authority to review landscaping plans along side streets. However, if SEPAC wants to make recommendations for the landscaping, it is well within the Board’s purview to subject approval to that specific condition.

Mr. Kincaid asked for public comment.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, Florida, 32080, said she lives a block to the west of the Oceans Thirteen property, and she and a couple of her neighbors have been following this project since 2017. Basically, it just looked like there was way too big of a building on way too small a lot, which is probably why the applicant is here asking for more concessions for the parking and deck. The bottom line is that the building is just too big for this piece of land. She went to all the meetings concerning this project and remembers specifically the parking issue, because it didn’t seem adequate for the duplex that was already there and the additional new building with commercial units on the first floor and residential units above. It just didn’t seem like the numbers were going to work. She specifically remembers, after a lot of wrangling, that the handicap parking space was allowed on the 13th Street side of the property, basically on the right-of-way. The way this got permitted was that this property
is actually three combined lots, with the duplex directly to the east of the new mixed use building, and she remembers hearing that these two buildings would not be separated, as they are almost touching each other. There is a zero setback at the rear wall of the new mixed use building, and now the duplex is up for sale by itself. Considering the whole thing was calculated as one unit or parcel, to get all the square footage, parking, and setbacks to work, she’s just not sure how the duplex can be sold by itself. She has no horse in this race or stake in the property, she’s just a citizen who has watched this site go from a vacant lot to what’s there now, and in all honesty, she’s seen this sort of thing happen all over the beach. This particular building caught her eye because it’s just right there off the Boulevard. She knows it’s up to the Board to approve or deny the current application for the parking and the deck, but she wanted to state her case as to what’s been done here from her perspective.

Mr. Kincaid said the Board did have some discussion at its meeting last month about the separation of the two properties, the duplex and the new mixed use building, all of which have been built on this one parcel. The Board was given the understanding that the properties were combined and advised at the time by the City Attorney and the Building Official that any sale of any part of the property was outside of the Board’s purview.

Mr. Law said it is also outside the Building Department’s authority to intervene in a private property sale. There’s nothing in the previously approved mixed use order saying the property can’t be sold, and even if there was, he believes that could be challenged in a legal scenario. If the Board had issued an order saying the property could not be sold, and someone chose to try to sell it in 10 years, he believes the City could quite possibly be guilty of a government taking of property. He’s sure the applicant and owner are more than capable of explaining what’s going on with this property, as the Building Department does not have any purview in private property sales.

Michael Longstreet, 11 13th Street, St. Augustine Beach, Florida, 32080, said he’s a former St. Augustine Beach City Commissioner and also has extensive experience as a land surveyor. He’s surprised this project was ever approved in the first place, and if this was all because of a loophole in the City’s building codes, that loophole really needs to be closed. He’s concerned about the project causing future flooding issues on 13th Street, and the handicap accessibility and retaining wall and deck, built without a permit, should have all been part of the original plans and application approved years ago. He doesn’t know how these properties could be broken up and sold separately when the rooflines overlap, the parking for the mixed use building is on the right-of-way, and the drainage for the commercial part of the mixed use building is on the duplex’s property. If this is an example of a builder trying to completely get around the City’s Building Department, he asked the Board to please take a stand for the City and do what can be done to not approve this, with the exception of the handicap accessibility modifications.

Ms. Odom asked the City Attorney if she can ask the owners to clarify the question about the sale of the property. Mr. Taylor said yes, definitely.

Mr. Carr said they’re not selling the property, the intent is to sell the interior space of the duplex as condominiums. He’s been a realtor for 30 years and has done this several times. They’ve been put in a situation where they just simply can’t carry the entire project, and they have the ability, by law, to do this. They’ve completed 99 percent of the mandates required by State law to convert the duplex into condominiums and will be getting an application in through their attorney very shortly. This does not mean they’re selling out the project, and they’d never try to enclose the duplex and sell it off separately, because the three lots the duplex and the mixed use building are on are one property, and nothing was approved separately. They recently spent an extraordinary amount of money renovating the entire exterior of the duplex, including all the fences, landscaping, sprinkler systems, parking spaces, and the drainage system. It is not that they did not plan for the handicap accessibility and drainage, the modifications are simply the result of the way things are laid out in the City and the way things are evolving.

Allan Richmond, 103 13th Street, St. Augustine Beach, Florida, 32080, said he has concerns about the parking, because on weekends, there are no less than nine cars parked on that corner, four for the duplex and five for the vacation rental across the street, so he doesn’t know where four more cars are going to park, unless they’re Mini-
Coopers, they're just not going to fit. As for the deck, he asked why the doors can't be redesigned, as there are all kinds of bi-folding and sliding doors. An eight-foot-wide deck to accommodate handicap access is not needed.

Ms. Longstreet said she has a problem with the parking, because as the gentleman who lives on 13th Street said, 13th Street, and 14th Lane as well, is crazy, there are children riding bicycles and scooters up and down the street and if you're not really careful, it's hard to see them. Then there is the vacation rental across the street from the Oceans Thirteen property on 13th Street, and this rental has five bedrooms, and anywhere from 10 to 25 people in it at any given day. Even though there are "No Parking" signs posted on the street, cars are parked along there all the time, so she does not see how 13th Street can handle or hold any more cars or traffic.

Ms. Odom said the new mixed use building is required to have the minimum number of parking spaces per City Code and as approved by this Board when this project came before the Board and was approved in 2017.

Mr. Law said yes, the number of parking spaces as shown on the site plan when approval for this development was given by this Board in 2017 has to be maintained. He shares Ms. Longstreet's concerns about public safety, but parking is also a requirement. Just for the record, he asked if the western side of the front of the deck will have a two-foot setback off the Oceans Thirteen property line. A minimum two-foot setback is required for decks per City Code, as the City reserves the right for a two-foot easement around lot lines for hardscaping. Staff has also recommended that the corners of the deck be dog-eared a minimum of five feet not to exceed six feet.

Mr. Marsh said yes, the deck right now extends eight feet off the face of the building wall.

Mr. Kincaid said his understanding is that they're not taking any parking spaces away but leaving the same number of spaces as were approved during the original approval of this project in 2017. The parking has been reconfigured specifically for handicap access, and some of the spaces moved around from one side of the site to the other.

Mr. Mitherz said it is still a big issue for him that the parking spaces are not all on the Oceans Thirteen property.

Ms. Odom said right or wrong, the parking for the duplex has always gone over the property line and extended into the right-of-way. Ms. Longstreet makes a valid point for safety, as there is a lot of activity on the streets in this area east of A1A Beach Boulevard, but it will be the people parking at the Oceans Thirteen building who will have to pay attention to all the traffic and activity, not the owners or the developers.

Motion: to approve Mixed Use File No. MU 2020-02, for post-permit modifications for parking reconfiguration and ground floor wood deck and retention wall additions to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved per Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13th Street, subject to the following conditions: 1) The corners of the ground-floor wood deck addition shall be cut back to a minimum of five feet of useable space not to exceed a maximum of six feet; 2) The landscaping on the north side of the Oceans Thirteen property site shall be reviewed by the City's Sustainability & Environmental Planning Advisory Committee (SEPAC) for SEPAC's recommendations regarding the landscaping for the required five-foot landscape buffer; 3) Materials used for the retaining wall shall be consistent with materials used for the existing retaining wall; 4) The staff comments and recommendations from Public Works Director William Tredik in his memos dated July 21, 2020 to Building and Zoning Director Brian Law regarding the proposed post-permit modifications to Oceans Thirteen shall be adhered to and incorporated as part of the approval of these modifications, and these memos shall also be forwarded to SEPAC. Moved by Mr. Kincaid, seconded by Ms. Odom, passed 5-2 by roll-call vote, with Mr. Kincaid, Ms. Odom, Mr. Einheuser, Mr. King, and Mr. Pranis assenting, and Ms. Longstreet and Mr. Mitherz dissenting.

VII. OLD BUSINESS

There was no old business.
VIII. BOARD COMMENT

Mr. Kincaid reminded everyone that the Board’s next meeting has been rescheduled to Tuesday, August 25, 2020, due to early voting for the primary election being held in this meeting room on the Board’s usual meeting date.

Mr. Mitherz said it’s his opinion that if the vacated portion of an alley is added onto the size of a small-platted lot, it is no longer a 50-foot-by-93-foot small platted lot, as an additional 7.5-feet is then added to the length of the lot, making it 50-feet-by-100.5 feet. This is just his own personal opinion, but he does not think this is fair or right.

Mr. Law said these lots still qualify as small-platted lots, because they were originally platted as 50-foot-by-93-foot lots. Whether an alley behind a lot has been vacated or not, the vacated portion of the alley is not part of that individually platted lot. This was discussed in 2018, and while the vacated square footage of an alley can be used for setbacks, lot coverage, and ISR coverage, nothing can be built in the square footage of a vacated alleyway. With any application that asks to build up to a vacated alley, the owner is asked to sign a statement acknowledging, for example, that even the footers of a pool or screen enclosure can’t encroach into the 7.5 feet of a vacated alley.

Ms. Longstreet said she thinks the overlay district needs to be addressed with the City Commission, as the Board heard a lot of public comment tonight from people who have valid concerns about their neighborhoods even though the Board has no choice to not approve an overlay district application if it meets the requirements in the LDRs. People are coming and pouring out their hearts about something the Board has no control over, so she doesn’t see the point in letting the public speak when the Board can’t do anything but rubberstamp an application.

Mr. Law said as for rubberstamping overlay district applications, he doesn’t agree with this. It is the Board’s responsibility to review the site plans submitted with an overlay district application for conformance to overlay district regulations per the LDRs. Staff may make recommendations and provide technical expertise, but the Board members are the ones challenged with reviewing the submittal documents for conformance to the Code.

Ms. Odom asked for an update on the Island Donuts building, and an estimated opening date.

Mr. Law said he is proud to say this building just passed a meter-can inspection and is in the process of being energized under limited power to allow the air-conditioning systems to be energized. Inside, the majority of the trim work is done, and the next phase is to energize the entire building so the hood systems can be balanced and installed. He’s not sure about an opening date, as construction on this site has already gone on for over a year.

IX. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

__________________________________________
Kevin Kincaid, Chairperson

__________________________________________
Lacey Pierotti, 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.)
Matthew Conner, M L Conner Construction LLC, agent for Richard L. and Kathryn L. White, property owners of Lot 35, Block 1, Woodland Estates Unit Two, at 2 Quail Court, St. Augustine Beach, Florida, 32080, requests approval from the Board per Section 5.01.02.E of the City’s Land Development Regulations (LDRs) to remove a 60-inch diameter-at-breast height (DBH) oak tree in the garage building footprint of a new single-family residence proposed on this lot.

Sections 5.01.02.C.3 and 5.01.02.C.4 of the LDRs address conditions for tree removal which include removal of trees located in an area where a structure or improvement may be placed in accordance with other development provisions in City Code, such as the primary building pad, primary roof line, primary foundation line, swimming pool and swimming pool patio pad. Section 5.01.02.E requires review and approval of the Planning and Zoning Board to remove any trees greater than or equal to 30-inches DBH, even if such trees are in a location described in Sections 5.01.02.C.3 and 5.01.02.C.4.

The site plan showing the 60-inch DBH oak tree in the garage building footprint at the front of the proposed new home is included with this request for approval from the Board to remove this tree. The site plan also shows the other trees that will be removed in the construction of the new home, as well as the trees that will be preserved, which include 32-inch, 30-inch, 26-inch and two 22-inch DBH oak trees in the back yard and a 24-inch DBH oak tree on the east side yard.

Sincerely,

Bonnie Miller
Executive Assistant
Building and Zoning Department
TREE REMOVAL PERMIT APPLICATION
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PERMIT # 16315/0350
PARCEL # 16315/0350

JOB SITE ADDRESS 2 Quail Ct. St. Augustine Beach, FL 32080

LEGAL DESCRIPTION: 14/13-17 WOODLAND ESTATES UNIT TWO LOT 35 BLK 1 OR2104/204.3028/1933

OWNER'S NAME AND ADDRESS: Richard L. & Kathryn L. White, 4 Quail Court

USE OF BUILDING: (X) SINGLE FAMILY ( ) MULTI FAMILY ( ) COMMERCIAL ( ) OTHER

NUMBER OF AND TYPE OF TREES TO BE REMOVED: 7 - Type Oak and Magnolia

ESTIMATED COST OF TREE REMOVAL $4500 ESTIMATED TIME OF COMPLETION Sept 1st 2020

PLANS FOR DISPOSAL: Haul away

AN INSPECTION OF THE TREE OR TREES TO BE REMOVED SHALL BE DONE BEFORE A PERMIT IS ISSUED.

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT FOR TREE REMOVAL ON PRIVATE PROPERTY LOCATED WITHIN THE CITY OF ST. AUGUSTINE BEACH. SUBMITTAL OF THE APPLICATION DEMONSTRATES ACKNOWLEDGEMENT OF THE CITY’S LAND DEVELOPMENT REGULATIONS SECTION 5.01.00 THROUGH SECTION 5.01.08.

CONTRACTOR: ML Cooper Construction LICENSE NUMBER CBC 1217078E PHONE 904-692-4180

ADDRESS OF CONTRACTOR: 1709 Castle St. St. Augustine, FL 32080 EMAIL ADDRESS: mlcoopercollection.com

WETLANDS CERTIFICATION: I UNDERSTAND ONLY A FIELD INSPECTION OF THE SITE CAN REVEAL AREAS THAT ARE INUNDATED OR SATURATED OFTEN ENOUGH TO SUPPORT A PREVELANCE OF VEGETATION ADAPTED FOR LIFE IN SATURATED SOILS. I ALSO UNDERSTAND CONSTRUCTION IN SUCH WETLANDS IS SEVERELY RESTRICTED AND REQUIRES PRIOR APPROVAL OF THE REGIONAL OF FEDERAL WETLANDS AGENCY HAVING JURISDICTION AND THAT NO CITY PERMIT MAY SUPERSEDE OR REPLACE THIS.

ANSWER EACH STATEMENT BELOW BY CIRCLING YES OR NO

1) I AM THOROUGHLY FAMILIAR WITH THE SITE FROM FIELD INSPECTIONS AND LOOKED FOR MARSHY, SWAMPY, BOGGY OR VEGETATIVE CONDITIONS THAT MAY INDICATE WETLANDS. YES NO

2) MY OBSERVATIONS INDICATE A WETLANDS CONDITION MAY EXIST ON THE PROPOSED SITE. YES NO

IF THE ANSWER TO QUESTION #2 IS "YES" I UNDERSTAND A FORMAL PRELIMINARY WETLANDS EVALUATION FROM A CONSULTING ENGINEER OR FROM THE REGIONAL FEDERAL WETLANDS AGENCY HAVING SITE JURISDICTION MUST BE SUBMITTED STATING THAT THE EXACT PROPOSED SITE LIES OUTSIDE WETLANDS BEFORE THE CITY CAN ISSUE A PERMIT OR A FORMAL PERMIT ALLOWING THE PROPOSED CONSTRUCTION IN THE WETLANDS ISSUED BY THE FEDERAL/REGIONAL WETLANDS AGENCY OF SITE JURISDICTION HAS BEEN OBTAINED BY THE APPLICANT OR IS ATTACHED, SINCE NO CITY PERMIT CAN AUTHORIZE WETLANDS USE.

I HEREBY CERTIFY THE ABOVE TO BE TRUE INFORMATION AND AGREE TO PERFORM SAID WORK IN ACCORDANCE WITH PLANS AND THE ABOVE DETAILS, WHICH ARE CONSIDERED A PART OF THE AGREEMENT AND TO COMPLY WITH THE ORDINANCES AND THE CITY OF ST. AUGUSTINE BEACH CODE. ANY ALTERATIONS OR DEVIATIONS FROM THE ABOVE DETAILS SHALL BE SUBMITTED IN WRITING AND PERMISSION GRANTED BEFORE MAKING CHANGES.

PROVIDED IS THE EMAIL ADDRESS TO THE U.S. FISH & WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY:
https://www.fws.gov/wetlands/Data/Mapper.html

PROVIDED IS THE EMAIL ADDRESS TO THE U.S. FISH & WILDLIFE SERVICE ENVIROMENTAL CONSERVATION ONLINE:

NOTICE: THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

TREE REMOVAL PERMIT 20-01
OWNER'S AFFIDAVIT: I certify that all foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Signature: ________________________________

Owner or Owner's Agent/Contractor

STATE OF FLORIDA, COUNTY OF ST. JOHNS

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of [ ] physical presence or [ ] online notarization, this 17th day of July, 2020, by (print name of person signing above) Matthew Conner, who is personally known to me [ ] or has produced the following type of identification

Signature of Notary Public, State of Florida

THIS SPACE FOR CITY OF ST. AUGUSTINE BEACH PERSONNEL ONLY

APPROVAL OF BUILDING OFFICIAL OR DESIGNEE

DATE

NOTICE: THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

TREE REMOVAL PERMIT 20-01
**Parcel ID:** 1631510350  
**Location Address:** 2 QUAIL CT, SAINT AUGUSTINE 32080-0000  
**Neighborhood:** Woodland Estates (658)  
**Tax Description:** 14/66-67 WOODLAND ESTATES UNIT TWO LOT 35 BLK 1 OR 2104/264 & 3028/1933  
*The Description above is not to be used on legal documents.*  
**Property Use Code:** Vacant Residential (0000)  
**Subdivision:** Woodland Estates-Unit Two  
**Sec/Twp/Rng:** 34.7.30  
**District:** City of St Augustine Beach (District 551)  
**Millage Rate:** 16.9195  
**Acreage:** 0.400  
**Homestead:** N  
**Owner Information:**  
- **Owner Name:** White Kathryn L Rev Trust 100%  
- **Mailing Address:** 4 QUAIL CT, SAINT AUGUSTINE, FL 32080-0000  

### Valuation Information

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Values listed are from our working tax roll and are subject to change.

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<td>WHITE KATHRYN L REV TRUST</td>
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No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.
This Warranty Deed made this 1st day of January, 2008, between RICHARD LAVERNE WHITE AND KATHRYN LINDSEY WHITE, HUSBAND AND WIFE, whose post office address is 4 Quail Court, St. Augustine, FL 32080, as grantor, and KATHRYN L. WHITE and RICHARD L. WHITE, Trustees of The Kathryn L. White Revocable Trust u/t/a dated October 30, 2000, whose post office address is 4 Quail Court, St. Augustine, FL 32080, as grantee:

WITNESSETH, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida to-wit:

LOT 35, BLOCK 1, WOODLAND ESTATES, UNIT TWO, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN MAP BOOK 14, PAGES 66 AND 67, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

Parcel Identification Number: 163151-0350

Scrivener's Notes: The Husband and Wife have transferred this unencumbered property to the Wife's Revocable Trust solely for Estate Planning purposes.

This Transfer is not subject to Florida documentary stamp tax pursuant to Rules 12B-4.013(29)(c) F.A.C. as a gift in trust of unencumbered property and 12B-4.013(29)(i) F.A.C., as a deed to a trustee from a Grantor who has the power to revoke the trust instrument.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006 and all covenants, restrictions and easements of record, if any.

THE Trustees named herein are hereby fully vested with the power and authority to protect, conserve, sell, lease, encumber, and otherwise manage and dispose of the real property described herein pursuant to Section 689.071 of the Florida Statutes. In the event KATHRYN L. WHITE or RICHARD L. WHITE should die, become incompetent, or
otherwise fail to serve for any reason whatsoever, then the remaining Trustee shall serve alone. In the event both
KATHRYN L. WHITE and RICHARD L. WHITE should die, become incompetent, or otherwise fail to serve for any
reason whatsoever, then SUSAN L. LAWERENCE shall act as Successor Trustee, with all the powers and authority
granted to the original Trustee.

IN WITNESS WHEREOF, grantor has hereunto set grantor’s hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

Witness Name: Donna L. Watkins

[Signature]
Witness Name: Donna L. Watkins

[Signature]
Witness Name: Donna L. Watkins

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me the 4th day of January, 2007, by Richard
Laverne White and Kathryn Lindsay White, who are personally known to me or have produced a Driver’s License as
identification.

[Notary Seal]
Owner's Authorization Form

Matthew Conner is hereby authorized TO ACT ON BEHALF OF Richard L. & Kathryn L. White, the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

2 Qua. C+

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s) Richard L. White

Printed Name(s) Richard L. White

Address of Owner(s) 4016 Towne

Telephone Number of Owner(s) 904-531-7231

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 17th day of July, 2020 by Richard Laverne White, who is personally known or who has produced identification (type of identification produced) Florida Driver’s License.

Signature of Notary Public—State of Florida Bonnie Jean Miller

Notary Stamp/Seal/Commission Expiration Date: }
To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller, Executive Assistant  
CC: Brian Law, Building Official  
Date: 08-17-2020  
Re: Tree removals at 394 Ocean Forest Drive for new single-family residence and pool

Cora Johnston, Generation Homes LLC, agent for Terence W. and Mary C. Burns, property owners of Lot 113, Anastasia Dunes Unit 2, at 394 Ocean Forest Drive, St. Augustine Beach, Florida, 32080, requests approval from the Board per Section 5.01.02.E of the City’s Land Development Regulations (LDRs) to remove a 42-inch diameter-at-breast height (DBH) oak tree and a 32-inch DBH oak tree in the building footprint and a 38-inch DBH oak in the pool paver footprint of a new single-family residence proposed on this lot.

Sections 5.01.02.C.3 and 5.01.02.C.4 of the LDRs address conditions for tree removal which include removal of trees located in an area where a structure or improvement may be placed in accordance with other development provisions in City Code, such as the primary building pad, primary roof line, primary foundation line, swimming pool and swimming pool patio pad. Section 5.01.02.E requires review and approval of the Planning and Zoning Board to remove any trees greater than or equal to 30-inches DBH, even if such trees are in a location described in Sections 5.01.02.C.3 and 5.01.02.C.4.

The site plan showing the 42-inch DBH oak tree and 32-inch DBH oak tree in the building footprint at the front of the proposed new home and the 38-inch DBH oak tree in the pool paver footprint is included with this request for approval from the Board to remove these trees. The site plan also shows the other trees that will be removed in the construction of the new home, as well as the 18-inch and 15-inch DBH oak trees that will be preserved on either side of the front of the new home.

Sincerely,

Bonnie Miller  
Bonnie Miller  
Executive Assistant  
Building and Zoning Department
City of St. Augustine Beach Building and Zoning Department

Tree Removal Application for Comprehensive Planning and Zoning Board Approval

to Remove Trees Greater Than or Equal to 30 Inches in Diameter at Breast Height (DBH)

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM BLDG. & ZONING (904)471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the tree removal is being sought:
   Lot(s) _113_ Block(s) UNIT 2 Subdivision ANASTASIA DUNES
   Street Address 394 OCEAN FOREST DR.

2. Parcel identification number (PIN): 1724911130

3. Name and address of owner(s) as shown in St. Johns County Public Records:
   TERRANCE & MARY BURNS
   151 OCEANVIEW DR., ST. AUGUSTINE, FLORIDA 32080

4. Current land use district classification:

5. Number of, type, and size of tree or trees requested for removal:
   1- 38" OAK IN POOL PAVEMENT AREA
   1- 42" OAK IN HOUSE PAD AREA
   1- 32" OAK IN HOUSE PAD AREA

6. Reason for request to remove tree(s) described above:
   THE PRESENCE OF THIS TREE WILL CAUSE A SUBSTANTIAL LIKELIHOOD OF
   STRUCTURAL DAMAGE TO AN EXISTING OR PROPOSED PERMANENT BUILT STRUCTURE OR SWIMMING
   POOL.

7. Supporting data which should be considered by the Comprehensive Planning and Zoning Board:
   SITE PLANS SUBMITTED

Per Section 5.01.02.E.b of the City’s Land Development Regulations, “Any tree having a trunk greater than or equal to thirty (30) inches in diameter at breast height (DBH) shall require permit approval from the Comprehensive Planning and Zoning Board.”

Conditions for removal of any tree with a DBH of 30 inches or greater must also comply with Section 5.01.02 of the City’s Land Development Regulations.

City of St. Augustine Beach Tree Removal Application to Remove Trees Greater Than or Equal to 30” DBH 08-20
Section 5.01.02. Conditions for tree removal.

A. Permit Application. Permits for removal or relocation of trees associated with a site plan for a development shall be obtained by making application for permit for the development to the City Planning and Zoning Department. The application shall be accompanied by a site plan indicating the location, species, and diameter at breast height (DBH) of each tree to be preserved, relocated, or removed. For removal of a tree, justification for removal accompanied by a certification from an ISA-certified arborist may be provided to justify removal of trees. The submitted plans shall depict tree protection and calculations demonstrating applicable tree mitigation for trees removed.

B. Exceptions to Requirement of Permit. No permit under this section is required for:

1. The tree is diseased, injured, in danger of falling or is endangering existing structures, utility services or creates unsafe vision clearance; or

2. It is found to be in the interest of the general public's health, safety and welfare that the tree or trees be removed and that there is no other remedy provided in this Code.

C. Criteria for Issuance of a Permit. The City Building Official shall issue the permit for removal of a tree if one (1) of the following reasons for removal is found to be present and mitigation provided in accordance with this Code.

1. Removal of the trees is necessary to construct proposed improvements in order to comply with a final development order issued pursuant to Section 12.02.04 or 12.02.10 hereof; or

2. The presence of the tree will cause a substantial likelihood of structural damage to an existing or proposed permanent built structure, or swimming pool.

3. The tree is located in an area where a structure or improvement may be placed in accordance with other development provisions in the City Code, and retention of the trees and such that no reasonable economic use can be made of the property without removal of the tree, and the tree cannot be reasonably relocated on or off the property because of its age or size.

4. The tree or tree cluster is located within the primary building pad, primary roof line, primary foundation line, swimming pool and swimming pool patio pad, or the portion of the driveway within fifteen (15) feet of the garage or carport entrance and these structures cannot be relocated.

5. The tree is shown to be blocking the installation or proper working condition of a solar energy system (this does not authorize a property owner to remove a tree from neighboring property). Trees permitted to be removed pursuant to this subsection shall not require replacement under Section 5.01.03. For a new solar energy system installation, any permit issued shall be issued conditionally and only become effective upon review by a certified arborist and upon the installation and final inspection of the solar energy system being properly working and permitted.

6. The tree is a palm tree or group of palm trees. A property owner may in any twelve-month period remove up to ten (10) percent of the palm trees located on their property or at least one (1) palm tree without having to be subject to the requirements of Section 5.01.03.
In filing this application for removal of a tree or trees that have a DBH of 30 inches or greater, the undersigned acknowledges it becomes part of the official record of the City of St. Augustine Beach Building and Zoning Department and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

Print name (applicant or his/her agent)

Signature/date

Owner/agent address

 Applicant/agent address

Phone number

Phone number

Email address

Email address

Application Fee: $50.00

Date Paid: 6-17-2020

Received by: Bennie Miller

Invoice Number:

Check Number or type of credit or debit card: VISA

City of St. Augustine Beach Tree Removal Application to Remove Trees Greater Than or Equal to 30” DBH 08-20
St. Johns County, FL

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2020 TRIM Notice

2020 TRIM Notice(PDF)

2019 TRIM Notice

2019 TRIM Notice(PDF)

Summary

Parcel ID 1724911130
Location Address 394 OCEAN FOREST DR
SAINT AUGUSTINE 32080-0000
Neighborhood Anastasia Dunes (2314.02)
Tax Description 42/14-18 ANASTASIA DUNES UNIT 2 LOT 113 OR4975/1394
"The Description above is not to be used on legal documents.
Property Use Code Vacant Residential (0000)
Subdivision Anastasia Dunes Unit Two
Sec/Twp/Rng 3-8-30
District City of St Augustine Beach (District 551)
Millage Rate 16.9195
Acreage 0.320
Homestead N

Owner Information

Owner Name Burns Family Trust D: 09/22/2014 100%
Burns Terence W CO-Trustee 0%
Burns Mary C CO-Trustee 0%
Mailing Address 151 OCEANVIEW DR
SAINT AUGUSTINE, FL 32080-0000

Map

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## Land Information

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No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
This Warranty Deed

Made this June 29, 2020 A.D. By
Annick A. Verbeeck, Individually and as Trustee, of the Annick A. Verbeeck Revocable Living Trust, dated April 18, 2013 hereinafter called the grantor,
to Terence W. Burns and Mary C. Burns, as Co-Trustees of Burns Family Trust, dated September 22, 2014, whose post office address is: 151 Oceanview Drive, St. Augustine, Florida 32080, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that Grantor, for the sum of Ten Dollars and no cents ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee the following described property:

Lot 113, Anastasia Dunes, Unit Two, according to the Map thereof as recorded in Map Book 42, Pages 14 through 18, inclusive, of the Public Records of Saint Johns County, Florida.

Parcel ID Number: 172491-1130

The trustees herein named have the full power and authority to protect, conserve, and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in the recorded instrument pursuant to F.S. § 689.071.

Grantor warrants that said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon as defined by Article X, Section 4 of the Florida Constitution, nor is it adjacent to or contiguous with any of his/their homestead(s) and that the property described herein is not now, nor has it ever been, the primary residence/homestead of the owner or the owner's spouse or dependent child, if any.

In addition, the property is not contiguous to such persons' homestead, which is located at:
411 Walnut Street, Unit 11253, Green Cove Springs, Florida 32043

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

[signature page to follow]
SUBJECT TO covenants, restrictions, easements, limitations and reservations of record, if any. However, this reference does not reimpose same. Subject to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes and assessments accruing subsequent to December 31, 2019.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

TWO DIFFERENT WITNESSES HAVE SIGNED BELOW (THE NOTARY MAY BE ONE OF THE TWO WITNESSES) AND NEITHER WITNESS NOR THE NOTARY IS RELATED TO THE GRANTOR(S) OR HAS A BENEFICIAL INTEREST IN THE SALE OF THIS PROPERTY DESCRIBED HEREIN.

Signed, sealed and delivered in our presence:

1. Cassie Klausner
   Witness Printed Name: Cassie Klausner
   Annick A. Verbeeck, Trustee, of the Annick A. Verbeeck Revocable Living Trust, dated April 18, 2013
   Address: 441 WACANT ST # 11253
   GREEN COVE SPRINGS, FL 32043

2. Mary White
   Witness Printed Name: Mary White
   Annick A. Verbeeck, Individually
   Address: 441 WACANT ST # 11253
   GREEN COVE SPRINGS, FL 32043

State of Colorado
County of Summit

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this June 26, 2020, by Annick A. Verbeeck, Individually and as Trustee, of the Annick A. Verbeeck Revocable Living Trust, dated April 18, 2013. Such person (notary must check applicable box):

□ is / are personally known to me.
☑ produced a current Florida Driver's license as identification.
□ produced ______________________________ as identification.

(NOTARY SEAL)

Cassie Klausner
Notary Public
Print Name: Cassie Klausner
My Commission Expires: 06/30/23
Owner's Authorization Form

Generation Homes
Terence Burns and Celeste Burns

is hereby authorized TO ACT ON BEHALF OF
Terence Burns and Celeste Burns, the owners(s) of the property described in
the attached application, and as described in the attached deed or other such proof of ownership as may be
required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning
or conditional or special use permit or other action pursuant to an application for:

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns
County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits
and/or termination of development activity.

Signature of Owner(s) Terence Burns Celeste Mary Burns
Printed Name(s) Terence W. Burns Celeste Mary Burns
Address of Owner(s) 151 Oceanview Drive St. Augustine, FL 32080
Telephone Number of Owner(s) 636-284-4595 636-284-7363

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 18th day of August, 2020, by
Terence W. Burns; Celeste Burns who is personally known or who has produced identification.

Type of identification produced

Signature of Notary Public—State of Florida

Notary Stamp/Seal/Commission Expiration Date:

[Notary Seal]
NOTE:
THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS OFFERED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS, NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:
- This survey is certified to the last field date.
- This survey does not reflect or determine any rights.
- This survey's validity shall cease if the parcel is not as stated by this survey.

This survey is certified to the last field date. This survey does not reflect or determine any rights.

The survey's validity shall cease if the parcel is not as stated by this survey.

- All distance, bearings, and angles are as measured.
- Deed Of plat measurements are noted if different.
- The measurement for this survey were made in accordance with the United States Standards.
- Encroachments shown hereon are only those above ground, visible objects observed by the surveyor.

According to the Federal Emergency Management Agency, this survey is certified to the last field date. The survey does not reflect or determine any rights, and the surveyor's validity shall cease if the parcel is not as stated by this survey.

NOTE:
THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS OFFERED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS, NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.
MEMORANDUM

TO: Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

FROM: Max Royle, City Manager

DATE: July 20, 2020

SUBJECT: Ordinance 20-XX, First Reading, to Amend Section 6.02.03 of the Land Development Regulations for Provisions to Permit the Access to Private Property from Dead-End Streets

BACKGROUND

Pyrus Street, east of State Road A1A, is a short street that dead ends at the western boundary of a home at 240 Bluebird Lane in the Island Hammock subdivision. At your June 1st meeting, some Pyrus Street residents complained to you about the 240 Bluebird Lane residents using the end of Pyrus for access to their property. The outcome of the discussion was that Mayor England would meet with the residents and Commander Ashlock of the Police Department to work on a solution. The Mayor asked the City staff for a City policy on accessing private property from dead-end streets.

Attached as page 1 is a brief memo from the Building Official, in which he proposed that Section 6.02.03 of the Land Development Regulations be amended to provide for a fee and a permit approved by the Public Works Director to access private property from a public right-of-way. You reviewed his proposal at your July 7 continuation meeting. Attached as page 2 is the discussion you had concerning it.

ACTION REQUESTED

The City Attorney has prepared an ordinance (pages 3-5). We ask that you review it and if it meets with your approval that you pass it on first reading.
TO: Max Royle
FROM: Brian Law
SUBJECT: Right of ways access and permitting
DATE: 6-19-2020

Max

As a result of the ongoing neighboring disputes between residents at Pyrus street and Bluebird Ln, I am proposing a code change to section 6.02.03 Rights-of-way of the City of St. Augustine Beach Land Development Regulations as directed by the City Commission. This proposed modification should provide another mechanism for the City to regulate its Rights-of-way. This permitting process will be approved by the Public Works Director and the fee shall be placed in the appropriate account as determined by the Finance Director. The current software, MCSJ, used by City Staff will have no problem handling this new transaction.

Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, Fl 32080
(904) 471-8758
blaw@cityofsab.org

Mayor England introduced Item 8 and explained that she met with people on Blueberry Street and Pyrus Street and then asked Building Official Law to give his staff report.

Building Official Law advised there is a neighbor dispute will pass last year. He explained that the rights-of-ways are under the Public Works Director purview and it would cost approximately a $250 fee and any fees would go to the Bridge and Road Fund. He commented that the application will be created.

Discussion ensued regarding whether to create another resolution for the fee schedule or keeping the fee in the ordinance; did staff analyze all the rights-of-ways that this apply to; on Pyrus Street make a horse type fence; and Police Department having a call every day on Pyrus Street.

Commissioner George asked if she should be recused because the Commission mentioned Pyrus Street. She said that creating an ordinance for the City she should be a part of because that is not one particular location.

Building Official Law advised that the Commission advised staff to build a barricade in a previous meeting.

Mayor England agreed and said that this was an administrative staff action and they could place barricades on the City’s rights-of-way where needed. She explained that the ordinance would go through the general process.

Building Official Law asked if the City Attorneys could draft the ordinance and bring it to the Comprehensive Planning and Zoning Board first and then to the Commission for three more meetings.

Commissioner Samora asked since the permit has a 30-day time limit; what would they do if they pass the 30 days.

Building Official Law advised that the property owner would have to reapply for another permit and pay for another permit.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked staff to moved forward with the ordinance procedures.
ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING THE CITY’S LAND DEVELOPMENT REGULATIONS SECTION 6.02.03 RIGHT OF WAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, in 1990 the City Commission approved Ordinance 90-24, which provided regulations for the transferring of money between accounts in a single department and between departments. Those regulations have been codified in the general City Code as Sections 2-103 and 2-104.

WHEREAS, the City Commission controls the use and regulation of its right of ways.

WHEREAS, the City Commission seeks to lessen disputes between neighbors.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Land Development Code of Saint Augustine Beach section 6.02.03 is amended as follows:

Sec. 6.02.03. - Rights-of-way.

A. Right-of-way widths. Right-of-way requirements for road construction shall be as specified in Table 6.02.02A of this Code. The right-of-way shall be measured from lot line to lot line.

B. Protection and use of rights-of-way:
   1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the St. Augustine Beach City Commission.
   2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in any applicable St. Augustine Beach regulations.
   3. Sidewalks and bikeways shall be placed within the right-of-way.

C. Vacation of rights-of-ways. Applications to vacate a right-of-way shall be approved by ordinance upon a finding that all of the following requirements are met:
   1. The requested vacation is consistent with the Transportation Circulation Element of the St. Augustine Beach Comprehensive Plan.
   2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
   3. The vacation would not jeopardize the current or future location of any utility.
   4. The proposed vacation is not detrimental to the public interest and provides a positive benefit to St. Augustine Beach.
   5. The proposed vacation was not acquired or dedicated for state, county or federal highway purposes.
6. The proposed vacation was not acquired or dedicated for utility purposes;
7. The proposed vacation does not provide access to the ocean and/or beach, or other recreational resource;
8. The proposed vacation does not provide access to public drainage facilities.
9. No portion of a street or alley lying between two (2) intersecting streets shall be vacated unless the entire portion of the street or alley between such intersecting streets is vacated.

D. Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in city rights-of-way.

E. Vehicular traffic through City Rights-of-Ways at the end of dead end or no access streets shall be prohibited except by:
   1. All governmental vehicles
   2. A Rights-of-Way permit as authorized by the Public Works Director, not to exceed 30 days for a fee of $250.00 dollars, extensions may be granted for 30 day intervals at a fee of $53.00 each as authorized by the Public Works Director.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18; Ord. No. 18-18, § 1, 1-7-19; Ord. No. 20-__, § 1, ___-20)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Saint Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ___ day of ___________ 2020.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK
EXAMINED AND APPROVED by me this ___ day of _________________, 2020.

________________________________________

MAYOR

Published in the _____________________________ on the ___ day of _______________, 2020. Posted on www.staugbch.com on the ___ day of ______________, 2020.
To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 08-19-2020
Re: PZB October 2020 Rescheduled Regular Monthly Meeting Date

Please be advised that due to the use of the City Commission Meeting Room for early voting for the November 3, 2020 general election, the PZB’s regular monthly meeting of Tuesday, October 20, 2020, needs to be rescheduled.

Early voting for the November 3, 2020 general election will be held in the City Commission Meeting Room at City Hall from October 19-31, 2020. As the meeting room is available on the second Tuesday of October, staff advises the October 20, 2020 regular monthly meeting be rescheduled to Tuesday, October 13, 2020, at 6:00 p.m. at City Hall.

As long as there is a quorum, which is a minimum of four Board members, who can attend the rescheduled meeting on Tuesday, October 13, 2020, staff just needs a general consensus from the Board to reschedule the October PZB meeting date.

Sincerely,

Bonnie Miller
Bonnie Miller
Executive Assistant
Building and Zoning Department