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, Dennis King, Hester Longstreet, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris [Recording Secretary's Note: Board Member Larry Einheuser arrived at 6:05 p.m. and was not present for roll call or the approval of the February 18, 2020 minutes. Senior Alternate Victor Sarris substituted for Mr. Einheuser, who sat in the audience as an alternate for the remainder of the meeting].

BOARD MEMBERS ABSENT: Junior Alternate John Tisdall.

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

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF FEBRUARY 18, 2020

Motion: to approve the minutes of the February 18, 2020 meeting. Moved by Mr. Mitherz, seconded by Ms. Odom, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

A. Request to remove a 36-inch diameter-at-breast-height (DBH) oak tree in the proposed footprint of the front paver driveway and a 37-inch DBH oak tree adjacent to the building footprint of a proposed new single-family residence in a low density residential land use district on Lot 11, Spanish Oaks Subdivision, at 104 Spanish Oaks Lane, Terry Lee and Teresa Carr Dillinger, Applicants

Ms. Miller said this is a tree removal request to remove two oak trees greater than 30 inches DBH that will need to be removed for the construction of a new single-family residence at 104 Spanish Oaks Lane in Spanish Oaks Subdivision, off of 11th Street across from Island Hammock Subdivision. Per Section 5.01.02.E of the City's Land Development Regulations (LDRs), any tree having a trunk greater than or equal to 30 inches in DBH requires permit approval from the Planning and Zoning Board. As shown on the site plan on the overhead projector, there is a 37-
inch DBH oak tree right next to the back wall of the covered lanai at the back of the proposed new home, and a 36-inch DBH oak tree in the paver driveway in front of the house. The applicants and property owners, Mr. and Mrs. Dillinger, are here to answer any questions the Board may have for the requested tree removals.

Mr. Pranis asked approximately how many trees are being removed in the construction of this house.

Ms. Miller said it looks like a significant number of trees, and most of the larger trees, will be removed, but these trees are in or near the building footprint. Trees less than 30 inches DBH that need to be removed for construction of improvements do not need approval from this Board. There are several smaller trees that will be preserved, including 15-inch and 11-inch DBH oaks in the northeast corner, and smaller oaks along the northern lot line.

Terry Dillinger, 603 Mariposa Street, St. Augustine Beach, Florida, 32080, applicant, said this is a unique situation, obviously, because there are so many trees that are being removed. They tried to save as many trees as possible, but per the neighborhood's homeowners association (HOA), the house dimensions have to be 2,500 square feet, so with the setbacks and lot size, it's really difficult. They're planting more trees, but there's just not a whole lot they can do with the trees within the footprint of the house, as they don't have room to move anything around.

Mr. Mitherz asked if the 36-inch DBH oak is located just too far into the paver driveway to save.

Mr. Dillinger said yes, and this tree is actually a double-cluster tree, with the 36-inch tree hanging over where the house would be, and the 20-inch tree located toward the front of the driveway and the street. The elevation site at the location of these trees is 13.5 feet, so it's just too high to build around these trees.

Ms. Odom asked Mr. Sarris, who lives in Spanish Oaks Subdivision, if he knows this lot.

Mr. Sarris said yes, and he's actually met Mr. and Mrs. Dillinger before, at an HOA meeting, so he's familiar with this lot, and is fine with the proposed construction and tree removals.

**Motion**: to approve the removal of both the 36-inch and 37-inch DBH oak trees for the proposed new construction of a single-family residence at 104 Spanish Oaks Lane. **Moved** by Ms. Odom, **seconded** by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

B. Conditional Use File No. CU 2020-01, for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, Terra & Acqua, in a Planned Unit Development in Seagrove Unit 4, Replat #2, on parcels G, H, and I, in the Seagrove Town Center at 134 Seagrove Main Street, Simone and Monica Parisi, Applicants

Ms. Miller said this is an application for renewal of a current conditional use permit for outside dining at Terra & Acqua Restaurant at 134 Seagrove Main Street in the Seagrove Town Center. Monica and Simone Parisi have owned this restaurant for five years and were granted a conditional use permit for outdoor dining in May 2015, for a period of five years, so this conditional use permit expires in May 2020. They're requesting a renewal of the conditional use permit for as long as they own the restaurant. In the five years they've operated Terra & Acqua, there have been no complaints, no noise issues, no police issues as far as she knows, and no code enforcement issues. The Building Department has no problem with a recommendation from this Board to the City Commission to renew the current conditional use permit for as long as Mr. and Mrs. Parisi own and operate the restaurant.

Mr. Mitherz asked if the current outside seating arrangement and table placement will remain the same.

Ms. Miller said yes. The applicants included a sketch of the current outdoor seating, and as no additional seating is requested, staff has not recommended any additional conditions be imposed on the conditional use renewal.

Monica Parisi, 151 Pelican Reef Drive, St. Augustine, Florida, 32080, applicant, said she and her husband would really like to keep using the patio for outdoor dining in the same way they've been doing for the past five years. To answer Mr. Mitherz's question a little further, they don't generally move tables or seating around, unless
they’re asked to move tables together for a larger group or a special dinner. However, when this is done, no more tables or seating are added to the outdoor patio, so there is not a crowding issue. Their customers like the outdoor dining on the patio so they’d love to have the opportunity to renew the conditional use permit for outdoor dining and service for as long as they own and operate the restaurant. They just recently signed a new 15-year lease.

Ms. Odom said she’s very happy Terra & Acqua has been in business for the past five years, it’s a great restaurant.

Mr. Kincaid asked if a time limit is normally put on conditional use permits.

Mr. Law said as the Board’s purview is to make a recommendation to the City Commission, if the Board members see fit to specify a time frame or limit on the conditional use permit, they may do so, or they could recommend it be renewed for as long as the current applicants own and operate the restaurant.

**Motion:** to recommend the City Commission approve renewal of the current conditional use permit for Terra & Acqua, 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080, for 15 years, subject to the conditions that it be granted as non-transferable and valid only to the current restaurant owners and applicants, and subject to possible revocation by the City Commission upon review of complaints or issues regarding the conditional use permit. **Moved** by Ms. Longstreet, **seconded** by Ms. Odom, passed 7-0 by unanimous voice-vote.

Mr. Taylor said for the record, he wants to make it clear that public comment on this agenda item was available, but there was no one who wanted to make a public comment.

C. **Mixed Use File No. MU 2020-01,** for proposed new construction of a two-story, 19,072-square-foot building consisting of 9,536-square-feet of retail/mercantile units on the first floor and 9,536-square-feet of office units on the second floor, in a commercial land use district in the mixed use district on Lots 1-10, Block 18, Chautauqua Beach Subdivision, on the west side of A1A Beach Boulevard between 4th and 5th Streets at 621 A1A Beach Boulevard, Michael Stauffer, Agent for Scott M. Patrou, Applicant

Ms. Miller said this application is for a two-story commercial building that is roughly 19,072-square feet with a mixture of retail and office space. Per the staff memo to the Board, they’ve met all the requirements for parking and setbacks, and presented a landscape plan showing compliance with the City’s requirements. Information from St. Johns County Utility Department showing both water and sewer availability has been provided, and concurrency information is also included from the County’s Growth Management Department stating the project is not triggering any kind of overflows in regard to traffic or transportation issues. Michael Stauffer, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, agent for applicant and architect for the project, said as stated by Ms. Miller, this is a two-story commercial building that is roughly 19,072-square feet with a mixture of retail and office space. Per the staff memo to the Board, they’ve met all the requirements for parking and setbacks, and presented a landscape plan showing compliance with the City’s requirements. Information from St. Johns County Utility Department showing both water and sewer availability has been provided, and concurrency information is also included from the County’s Growth Management Department stating the project is not triggering any kind of overflows in regard to traffic or transportation issues.

Mr. Mitherz noticed the project will have two signs on the property, and asked what these signs will look like, as per the LDRs, signage for mixed use development is subject to approval from the Planning and Zoning Board. Also, he didn’t see on the site plan where the air-conditioning units will be placed, and he asked for clarification on the grass-crete pavers that will be used for the parking spaces on the north and west sides of the property site.
Mr. Stauffer said as they don’t really know right now what the mix of tenants will be, they don’t have any signage design to present to the Board, as the building is not going to have one particular single use, but multiple uses. However, tenants will certainly be one-hundred percent compliant with any sign regulations when signage is designed. The air conditioning units will be placed on the roof, to try to minimize site coverage and also because this is very efficient. All of the Seagrove Town Center buildings with the exception of the library have the air-conditioning units on the roofs. Grass-crete pavers have been used in multiple projects around town, such as Salt Life Restaurant, where they have asphalt road paths with grass-crete but instead of grass growing in it, it’s got gravel in it, because trying to grow grass is nearly impossible in a parking lot with cars sitting on top of it all the time. As grass-crete has a 40-percent pervious ratio, it’s basically being used to minimize ISR coverage. Obviously, everything will be in full compliance, and they’ll have civil engineers handling the permitting through St. Johns River Water Management District and all applicable agencies for stormwater and other required infrastructure.

Mr. Mitherz asked if the height of the building will not exceed 35 feet.

Mr. Stauffer said correct, the highest point of the building is the tower feature, which is right at 35 feet, on the northeast side of the building, but other elements of the building and roof do not exceed 35 feet.

Mr. Mitherz asked if the six-foot-high fence shown on the west property line abutting the medium-density lots to the west of the proposed mixed use development could be increased to an eight-foot-high fence.

Mr. Stauffer said he thinks City Code only allows up to a six-foot-high fence, but if the Code allows them to go up to eight feet, they’d be happy to do so.

Mr. Law said City Code allows fences up to eight feet in height.

Mr. Stauffer said that is no problem then.

Mr. King asked about the second-floor porch roof canopy, and what the setbacks are for the front porch areas.

Mr. Stauffer said the balcony on the southeast side of the building protrudes out about three to three-and-a-half feet. The center front section of the building recesses a little bit, so that roof canopy over the second-floor porch balcony projects out another few feet toward the east from this center section.

Mr. Law said allowable setbacks for retail and business uses in the mixed use district run from zero to 25 feet or more, and the minimum setback for a two-story structure with a second level porch or balcony is five feet, with the porch not exceeding five feet in depth. Maximum height allowed to the roof ridge is 27 feet within the setback area from zero to 15 feet, and between 15 to 25 feet or more, the allowable height is 35 feet to the roof ridge. The metal roof canopy in the center of the building is really just an architectural illustration, as that balcony protrudes past that back porch. However, the balcony on the south side of the front of the building is a roof balcony that will comply with the 27-foot-height maximum when they get into the design phase.

Mr. Pranis asked if there are any concerns with both the entrance and exit being off 5th Street, considering the size of the property and proposed building.

Mr. Law said staff does not have a concern with that, and has reached out to Jan Trantham, Senior Transportation Planner for St. Johns County Growth Management, who recommends a sidewalk be constructed on the 5th Street side of the property, which is something he’s sure the applicants would be more than happy to provide. The Board would have to require this sidewalk be put in along 5th Street as a condition of approval of the mixed-use application, and keep in mind, the sidewalk would be built on City-owned right-of-way adjacent to 5th Street.

Mr. Stauffer said he also wanted to mention the proposed site plan for this project was sent to the St. Johns County Fire Marshal’s Office and reviewed by PJ Webb, who checked to make sure entrances and exits work for firetrucks and emergency vehicles. Mr. Webb saw no issues with the site plan or parking design.
Mr. Mitherz said a very nice diagram and drawing of the front of the building was submitted, but nothing that shows what the back of the building will look like.

Mr. Stauffer said the back of the building will be a mirror image of the front.

Mr. Kincaid asked for public comment.

Raina Greening, 209 6th Street, St. Augustine Beach, Florida, 32080, said she’s concerned as to what kind of retail businesses will occupy the retail space, because in her opinion, the City has more than enough beach supply stores. Another issue she has is with traffic, as it’s been mentioned that the only accesses in and out of the property site will be off 5th Street. She lives on 6th Street and has to turn onto either 5th Street or 7th Street to get to A1A Beach Boulevard. She recently found out five lots that were part of one parcel on 7th Street are being split up to have single-family homes built on them, so people will be backing up out of their driveways on 7th Street. With this large retail space being built with traffic accessing it from 5th Street, she’s sure people will try to park in this new building’s parking lot and go to the beach. She’s also concerned about what the air-conditioning units on the roof will sound like in her community, if the trash and dumpster will back up to her neighborhood, and if the owners and tenants will be responsible with having the trash picked up. She moved here because she likes the small-town feel of the City, and obviously, growth is an issue. If growth continues, she wonders if the City will end up looking like Daytona or Jacksonville Beach with multiple retail stores all along the Boulevard. She’s all for having retail space, but she’d just like to know what the retail units will be. Instead of some cheap bucket store she’d like to see eco-friendly retail uses worthy of the community, like a yoga studio or beach bike rentals or something similar.

Mr. Mitherz said the dumpster as shown on the first-floor site plan is on the northwest corner of the property.

Ma. Longstreet said there’s a six-foot-high fence shown on the site plan along the entire west property line, but an eight-foot-high fence was just discussed and recommended, as this, along with the landscaping hedge inside the fence, will help screen the dumpster from the adjacent neighborhood.

Mr. Kincaid said he’s pretty sure putting the air conditioning units on the top of the building is standard for commercial buildings and won’t be any noisier than if the units are on the ground behind the building or anywhere else. It’s just aesthetically more pleasing because the units will be up on the roof and behind the parapet wall.

Ms. Greening asked about the traffic and the entrances and exits for this new retail building all being on 5th Street. With all the new homes she just heard about going up on 7th Street, she asked if there is a way to fix that.

Mr. Stauffer said 4th Street is currently undeveloped, so right now, it’s a cracked, two-hundred-foot long strip of nothing. Until the City builds out 4th Street, this street is not accessible to his client’s building, because it’s really not a road at this time, so they really had no choice but to put the entrance and exit off 5th Street. Keep in mind there are six lots zoned residential, three on each side adjacent to 4th and 5th Streets west of the proposed commercial building, that will be buffered by the fence and landscaping at the rear of the site. If he’s not mistaken, he thinks all of the air-conditioning units for the Courtyard by Marriott, north of this proposed mixed use development between 5th and 7th Streets, are on the roof, and he doesn’t know if the neighborhood behind the Marriott has any issues with the units on the roof, but residents would probably hear them more significantly than the units on his client’s building, because they’ve got the whole parking lot as a buffer and this building is all the way up front toward the Boulevard with the parking behind it. If the neighbors behind the Marriott aren’t hearing the units on the roof of the hotel, they’re not going to hear the units on the roof of his client’s commercial building.

Mr. Pranis asked what the average square footage of the first-floor retail units will be.

Mr. Stauffer said the individual units are roughly 2600-2700 square feet each, but if a large retail entity wanted to combine units for more space, the walls will have columns and be flexible to accommodate this.

Ms. Longstreet asked if the downstairs space might be considered for a restaurant. She commended Mr. Stauffer
and his client for designing the proposed development with the building in the front, along the Boulevard, and the parking in the rear behind the building, so the parking lot isn’t as visible from the Boulevard.

Mr. Stauffer said restaurants are complicated, as you get into grease traps, hood vents, and the proposed site plan would have to be reevaluated and revisited from a parking perspective. Restrictions from a restaurant seating capacity would change the dynamic and require the applicants to come back before this Board for a modification to the mixed use application that has been submitted. One of the great things about the mixed use ordinance is that it encourages parking in the back by allowing a reduction of the front setback, and this, combined with other issues, allows for the design of a nice building façade along the Boulevard with the parking in the back.

Ms. Odom asked Mr. Law for clarification as to how the Board can incorporate the recommendation that a sidewalk be built along 5th Street.

Mr. Law said as a mixed use application, the Board has wide latitudes as to what can be required for mixed use approval. His recommendation, if the Board sees fit to add the requirement that the sidewalk along 5th Street be constructed, is to incorporate into the mixed use order that pedestrian sidewalks with connection to A1A Beach Boulevard be put in. Basically, the Board can just add to the mixed use order that approval is contingent upon the applicant providing a five-foot-wide, ADA-accessible sidewalk along the entirety of the commercial lots adjacent to 5th Street. This is a great idea from Jan Trantham at the County, as it will let the employees working in both the mercantile and business offices have sidewalk access to get to the Boulevard to go for walks throughout the day. The residents behind 2nd Avenue could also use it to walk to the Boulevard, and possibly, when the single-family homes on the lots on 7th Street are built, sidewalks could be built along 7th Street to access the Boulevard as well, but at this time, there is no requirement for a single-family residence to build a sidewalk in the City-owned right-of-way. However, if a sidewalk is there, odds are people will connect to it, so it’s a great idea.

Motion: to approve Mixed Use File No. MU 2020-01 as submitted subject to the requirements than an eight-foot-high fence be constructed along the entirety of the west property line and a five-foot-wide, ADA-accessible sidewalk be built along the entirety of the commercially-zoned lots of the mixed use property site adjacent to 5th Street, as recommended by St. Johns County Transportation and Growth Management Department. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

D. Final Development File No. FD 2020-01, for proposed modification to Sea Colony Subdivision Units I, II, III, and IV final development orders for amendment to stipulate regulations and specifications for building setbacks, total ground coverage and building height for various lots and housing types in all phases of Sea Colony Subdivision, in a low density residential land use district at 100 Sea Colony Parkway, James N. McGarvey and Timothy S. McGarvey, Agents for Sea Colony Architectural Review Board/Sea Colony Neighborhood Association Inc., Applicants

Ms. Miller said this is a final development application to modify all the final development orders issued for Sea Colony Subdivision, which was built in four phases. Sea Colony is zoned low-density residential, it’s not a Planned Unit Development (PUD), as most people think, but was developed as what was called back in the 1990’s as a “cluster development,” a term that is no longer in the current LDRs. Mr. Law can explain more about this, as she believes the term ‘cluster development” was used as a floodplain management tool back at that time with the intent to keep the overall density the same, but build on the good land, and leave the land that doesn’t drain so well, or is prone to flooding, open. For example, Sea Colony does not exceed the maximum four units per acre allowed in low density residential land use districts, but the majority of the development is clustered together and built on the good land, with the rest of the land undeveloped, so the maximum overall density of four units per acre is not exceeded. The proposed final development modifications are in no way intended to exceed the design parameters Sea Colony already has in place and has been utilizing since the inception of its development in the late 1990’s. The final development modifications are intended to protect the residents of Sea Colony in the event of a natural disaster that could cause substantial damage to existing structures. If there was a major storm
or flooding event, most of the homeowners in Sea Colony would not be able to rebuild their houses on their current footprints because the setbacks, building heights and impervious surface ratios are not referenced in most of the final development orders issued for Sea Colony. Some of the final development orders reference setback requirements, but none of them address building height or total lot coverage ratios. As Mr. Law is much more of an expert in regard to Sea Colony’s design code and standards, as well as the City’s floodplain manager, at this point, she’ll defer to him, and Mr. McGarvey, representative for the applicants, Sea Colony Architectural Review Board (ARB) and Sea Colony Neighborhood Association Inc., to answer any questions regarding this application.

Mr. Law when he became Building Official for the City about two-and-a-half years ago, a permit application and plans came in for a house in Sea Colony, and he had many questions about the design code for this subdivision, so he went all the way back to the beginning of its development, when it was called the Fleeman Tract, back in the 1990’s. This property site has a pretty interesting history, and as it turns out, most of the Sea Colony residents and members of the neighboring community think Sea Colony was developed as a PUD, but it was not. The first final development order issued for Sea Colony refers to it as a cluster development, and the rest refer to it as low density residential, so by that logic, it has to adhere to the City’s LDRs, however, most of what has been built in Sea Colony hasn’t done this. As Sea Colony is an oceanfront community, in the event of a natural disaster, if any of the buildings were substantially damaged by 50 percent or greater, the zoning code will not allow those structures to be rebuilt, so they would have to come into compliance with the current code. There are certain phases in Sea Colony that were designed with five-foot setbacks, so this final development modification application is an attempt to bring the structures in Sea Colony into compliance with the permits the City’s been issuing for over 20 years, as the subdivision is nearly built-out. Just like what was done in Anastasia Dunes Subdivision last year, it’s time to bring what was actually built in Sea Colony into compliance, so in the event of a natural disaster, homeowners are not coming before the Board with 122 or more variances. Regarding cluster developments, that is a floodplain management tool that is an effective use of existing property to build on the good land and let the rest of the land become passive or used for some kind of recreation, conservation, or drainage. Sea Colony is one of the best laid-out subdivisions he’s ever seen in regard to the Coastal Construction Control Line (CCCL) and high velocity wave action. It doesn’t have big floodplain issues, but that’s where cluster developments come from, so in conjunction with that, between the Sea Colony ARB, HOA and the subdivision’s developer, documentation has been submitted out of Sea Colony’s design manual for this final development modification application, as the City should not be responsible for architectural profiling or anything like that for single-family residences. This application addresses regulations for setbacks, total lot coverage and ISR, along with building height for the tower and scenery loft structures in Sea Colony. The different square footages for these towers and scenery lofts are based on specific lot types, and while this has not been submitted as part of this final development modification application, he strongly suggests the square footages for these structures be specified for the various lot types. Those towers and scenery lofts can go up to 42 feet, and are part of the way this subdivision has been built, as from what he understands, towers and scenery lofts were part of the City’s LDRs back in the 1990’s. At this point, Sea Colony is trying to bring the subdivision into compliance, this is not an attempt to build anything bigger than what they’ve been building, and the Sea Colony ARB still has architectural control over what is built, but the Building Department suffers a little because staff isn’t sure what codes are to be used in reviewing plans for permit applications. He spoke with the former City Attorney over a year-and-a-half ago and was instructed by him that any attempt to now stop what has currently been built in Sea Colony would bring liability on the City. There’ve been a couple of houses permitted since he’s been here, and they’ve complied with the City’s 35 percent maximum lot coverage for residential land uses, 40 percent maximum ISR coverage for low density residential land use districts, and the use of the additional 15 percent ISR coverage allowed if pervious pavers with 10 percent or greater permeability are used. He pointed out that in the final development amendment documents, the flag lots are not shown as having any specific setbacks, due to the unique characteristics of these lots. Mr. McGarvey can speak more extensively on this, as it’s problematic from an enforcement standpoint, because he does not like unknowns when he reviews site plans. He recommends five-foot minimum side setbacks, which will help with compliance to the Florida Building Code’s fire separation table.
Mr. Mitherz asked who provided the three pages titled, “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases,” which show the sketches of building footprints and setbacks. He also asked how many vacant lots are left in Sea Colony.

Mr. Law said this was provided as a collaborative effort on the part of the developer and Sea Colony ARB and HOA. The sketches came out of the Sea Colony ARB design code, and show the different setbacks allowed on various lot types. Regarding lot coverage, some subdivisions do not utilize lot coverage and ISR coverage as individual coverage, as engineered subdivisions will allow for total coverage. Seagrove is a perfect example, because residential construction in Seagrove is allowed up to 60 percent lot coverage, which basically lets you build in compliance with the designated square footages and setbacks for the hardscaping, which includes building footprints, driveways, and everything built in developing the subdivision as a whole. All of Sea Colony is one entity, so 65 percent total coverage, which is what Sea Colony is asking for in its final development modification application, is not unheard of in engineered subdivisions. He can’t answer as to how many vacant lots are left in Sea Colony, but he’s sure Mr. McGarvey, or someone from Sea Colony ARB or HOA, can provide that information.

Mr. Pranis asked if it is going to be a challenge to figure out the new numbers when houses come in for permits.

Mr. Law said no, if this final development modification application is approved as submitted or with his recommendations regarding the towers and flag lots and any recommendations the Board wants to make, when a permit application comes in, staff will identify what type of lot it is, and then go to the final development modification amendment document specifying the setbacks, lot coverage and building height for that particular lot. However, without this final development modification amendment, there’s nothing to save Sea Colony in the event of a natural disaster or allow what’s been built to be rebuilt on existing building footprints.

Mr. King said per the submitted amendment document, there are only eight specified flag lots.

Mr. Law said he’d have to look at the map, but with flag lots, he strongly recommends they institute minimum five-foot side setbacks.

Jay McGarvey, 81 Ponte Vedra Boulevard, Ponte Vedra Beach, Florida, 32082-1311, said he developed Sea Colony. There are eight flag lots in Sea Colony, and the flag lot setbacks are the same as the oceanfront lot setbacks, which have 7.5-foot side setbacks. The only difference for flag lots is that they may have the garage designated as a courtyard garage, otherwise, all of the other oceanfront lots have a front-in garage. So, the idea of allowing exceptions for the eight flag lots is only to allow them to have a courtyard garage, otherwise, the same setbacks for oceanfront lots apply to flag lots, including minimum 7.5-foot side setbacks.

Mr. Law said he has no objection to flag lots having the same setbacks as oceanfront lots.

Ms. Odom said last month, the Board reviewed a variance application for a pool in Sea Colony. She asked if the proposed final development order modifications will have any effect on that at all.

Mr. Law said that pool permit is still in the review process, as it has a couple of technical issues that have to be worked through before it can be approved for permitting. However, if the proposed final development order modifications are approved as submitted, lots in Sea Colony will be allowed to have 65 percent maximum ISR coverage, and Sea Colony would not be subject to the 465-square-foot exception which was recently approved to allow for pool and pool deck additions only in low density residential land use districts, which are limited to 40 percent maximum ISR coverage, because Sea Colony would already be allowed to have up to 65 percent ISR coverage. A perfect example, again, is Seagrove, which, as one of the City’s few PUDs, is allowed to have up to 60 percent ISR coverage, and it doesn’t matter what other revisions and/or regulations to the City’s LDRs are passed, as PUDs are governed by the rules and regulations in their own PUD ordinances. In all honesty, Sea Colony should have been developed as a PUD, as it’s designed as a PUD, but for whatever reason, when it was developed in the 1990’s, it just didn’t get there. The total ISR coverage of 60-65 percent is pretty generous, but if the Board feels
the 465-square-foot exception allowed for pools in low density residential only should also apply to Sea Colony, the Board can recommend this to the City Commission. His recommendation is to take the components of the design code as submitted as modifications to the Sea Colony final development orders, but what he doesn’t want is to include a blanket 42-foot building height for tower and scenery lofts without giving guidelines or restrictions on maximum square footages for these structures. If the Sea Colony ARB has been enforcing this, he feels comfortable that’s what the City should be doing, but he doesn’t feel it would be prudent to not bring up the square-foot totals allowed for towers or scenery lofts on the various lot types. He’d also recommend, if the flag lots are designated to have the same setbacks as oceanfront lots, that all other restrictions for oceanfront lots also be moved to the flag lots, and if the maximum 65 percent total lot coverage is approved, a condition is put on the final development order modification amendment that no variances shall be allowed to exceed the maximum lot coverage and ISR. This would stop anyone from going up to, for example, 85 percent total coverage.

Mr. Kincaid asked if they can put a pre-condition on this that says you can’t file for a variance.

Mr. Law said that’s a good question for the City Attorney. Variances, in his opinion, can be applied for and requested for anything, but this application is asking for modifications to existing final development orders.

Mr. Taylor said by putting this in the final development modifications, it’s a suggestion, so it’d have some merit, but it wouldn’t preclude a variance in the future, it’s just basically information that the current Board wouldn’t be interested in entertaining variances in Sea Colony. This won’t limit the power of the Board down the road to grant a variance, but it would set a precedent that the Board isn’t interested in granting variances in Sea Colony.

Mr. McGarvey said these final development modifications really come forward at the request of City staff, to make staff’s job easier, and basically, they’re an identical copy of what’s in the Sea Colony ARB design code. Flag lots are oceanfront lots anyway, so it’s really no problem to regulate them as oceanfront lots. This is simply a tool that will allow this Board and Mr. Law and his staff to make good decisions relative to Sea Colony. To answer Mr. Mitherz’s question, there are no unsold lots in Sea Colony, but not all of the lots have been built on. Sea Colony originally had a final build-out date, but when the great recession hit, this was relaxed, because the people who owned these lots were their customers and real human beings, and it didn’t make any sense to put them into any sort of peril or harm’s way. As everyone knows, he’s developed a number of communities around here, and final build-out dates were relaxed in all of their communities, so there is no build-out date at this point in Sea Colony, property owners are just supposed to keep their lots in a park-like condition. Actually, there are no changes in the final development order modifications to anything that is currently built or regulated by the Sea Colony ARB and design code. This application is simply a housekeeping matter to clarify that what is in the design code is also in the Sea Colony final development orders, so it’s a request to modify the final development orders because they did not include this information. Sea Colony has been built and governed by the same information since day one.

Mr. Kincaid said this is bringing the final development orders into line with the community guidelines and design code that already exist.

Mr. Mitherz asked why the information on the 42-foot building height maximum and square footage restrictions for towers and scenery lofts on the various lot types were not included in the submitted application information.

Mr. McGarvey said on the third page of the proposed amendments to the final development orders, under the subtitle “Building Heights,” it is stated that these scenery lofts are allowed to reach a maximum height of 42 feet, so he thought this was clear enough, and this is the height limit that has been enforced for the last 20 years.

Ms. Longstreet asked how many houses that are yet to be built are supposed to have these towers.

Mr. McGarvey said he doesn’t know that, specifically, but any vacant lots with the exception of villa and sanctuary lots are allowed to have towers or scenery lofts. He thinks there are a few vacant estate lots and a few vacant oceanfront lots, and these lots are allowed to have towers or scenery lofts per the limitations in the design code.
Mr. Kincaid asked for public comment.

Chris LaValley, 864 Ocean Palm Way, St. Augustine Beach, Florida, 32080, said he just bought a lot in Sea Colony and has also been a Sea Colony resident for the past four-and-a-half years. He wants to ensure he’s playing by the same rules he thought he had when he bought his lot. Sea Colony is almost completely built-out, there are only a few vacant lots left, of which his lot is one, and while he intends to build sooner rather than later, with the current COVID-19 virus situation, things may be a little delayed. He intends to have a tower and just wants to make sure the rules he thought were in place still apply, that’s really his biggest concern. If this is just basically adopting what’s already in the design code and putting it into the final development orders, then so be it, but if this is taking a footprint for something just to make someone’s job easier, he doesn’t think that’s really fair, in terms he may not be afforded the same rights all the other homeowners in the community had. He’s familiar with the Sea Colony design code, which is why he bought his lot, as he knew the rules he’d be playing by, and he doesn’t want them pulled out from under him at the last minute, especially after making such a substantial investment.

Mr. Law said this does not make his job any easier by any means, this is bringing an existing subdivision and its development orders and merging them, so they are compliant. This is no attempt on his part to make the rules stricter or easier, all they’re trying to do is ensure that what’s built in the subdivision matches the development orders in the event of a natural disaster. If what’s recommended is approved, Mr. LaValley would be entitled to the same rights to which the entire subdivision was constructed, but it’s not an opinion that this is something that will make his life easier. Easier are medium density residential 10-foot side setbacks and 25-foot front and rear setbacks, and then you’re out the door. This is just bringing the existing buildings into compliance, so they don’t turn into a non-conforming status in the event of a natural disaster if they become more than 50 percent damaged.

Mr. LaValley said that’s his biggest concern, he just wants to make sure that in the event he builds and then loses his home, he can rebuild it the same way without having to go through a bunch of hurdles. He wants to know that the rules will apply to him today, tomorrow and 10-20 years from now, because he loves the community so much. He actually plans on building a bigger home in Sea Colony, as this is his retirement, and this is what he wants.

Mike Stauffer, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, said he’s been involved with Sea Colony since 1998, as he actually worked with Mr. McGarvey as an architect and wrote the design guidelines, served on the ARB for at least 10 years, and designed probably at least 30 homes in Sea Colony. Essentially these rules that the Board members see before them are the same rules and guidelines he wrote with Mr. McGarvey in the beginning and followed as an architect who had to comply with the requirements. He and Mr. Law had conversations about this because he was doing a house that had a similar issue, as Mr. Law couldn’t find the codes and regulations that applied, so this is just basically bringing the rules that have been in place for 22 years or more to codify them to make them part of the final development order documents to ensure what’s been in the ARB design code basically becomes part of the City’s LDRs. He can say if you’ve ever been before this ARB, it’s the toughest ARB he’s ever been in front of, in that they comply with the design code rules very strictly and they’re very tough. It’s good to know the design code is finally going to be codified the way most people thought it already was, as they’ve been following it for the last 22 years or so. Doing some quick math, he estimates there might be 15 lots out of a total of 225 that haven’t been built on yet, so this would really be great for new construction, to be able to comply with the rules and design codes that have been in place. Obviously, in the event of a natural disaster, heaven forbid homeowners are not allowed to build back to their previously existing conditions.

Ms. Odom said to comment on the letter submitted by Sea Colony resident Marie Inge, who doesn’t like the 42-foot building height “specific to new home construction in the Sea Colony development,” she does doesn’t think anything is being changed, as this building height has been allowed for the towers in Sea Colony all along.

Mr. Law said yes, for specific lot types, the towers and scenery lofts have been allowed up to 42 feet all along. The design code does not allow towers or scenery lofts on villa and sanctuary lots. By that statement and the following limitations for towers and scenery lofts on the next two pages, these structures are allowed on any of the various
lots with the exception of villa and sanctuary lots per the design code. Just to make sure this is clear to everyone, to him, this means if you own either one of these two lot types, he shouldn't see any towers or anything higher than 35 feet built on these lots. The design code then goes through the limitations for towers and scenery lofts on oceanfront, dune, cottage, wooded, and estate lots, so the size of towers and scenery lofts is based on the lot type. For example, these structures on oceanfront lots are allowed to be 500 square feet total; on dune lots, 250 square feet total; cottage lots, 150 square feet total; and wooded and estate lots, 250 square feet total.

Mr. Kincaid asked Mr. McGarvey if he owns any lots in Sea Colony at this time.

Mr. McGarvey said he has one lot under contract and scheduled to close in a week. This is actually a personal lot he bought 20 years ago, so it's a resale. At the time, he was hoping to build a house on this lot.

Mr. Law said for the record, he knew nothing about this lot until staff received the email from Sea Colony resident Marie Inge. The final development order modifications started over a year ago, with himself and Mr. Stauffer.

Mr. Longstreet asked if this is the lot sale Ms. Inge refers to in her email as being contingent upon the City approving this final development modification application.

Mr. Law said he can't answer that.

Mr. Kincaid asked should there be greater than 50 percent damage to any building in Sea Colony, many homeowners would not be able to rebuild their houses under the City's current LDRs.

Ms. Odom said that's what this final development modification application is for, to make sure that they can.

Mr. Law said yes, he prepares for the worst. If a hurricane comes ashore, Sea Colony is the most vulnerable subdivision in the City.

Mr. Kincaid said they would be looking at several hundred variances at this point, unless the final development orders are modified.

Mr. King said he thinks the tower information should have been included, but other than that, he agrees with what has been proposed.

Ms. Longstreet said she feels they've been blindsided on that, as she doesn't like not having all of the information. She thinks they should have gotten the documentation about the towers with the application submittal.

Ms. Odom said she doesn't want to agree or disagree, as they're not changing anything, just protecting Sea Colony residents in the event of a natural disaster. Mr. Law was just informing the Board of the situation with the towers.

Mr. Law said not presenting this to the Board would leave a loophole in the code, and as everybody knows, he doesn't like loopholes. However, staff will make sure this information is included when this is presented to the City Commission at its next meeting.

Motion: to recommend the City Commission approve Final Development File No. FD 2020-01 for modification to the final development orders issued for Sea Colony Subdivision as stipulated in Exhibit A, "Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases," subject to amendment to specify under "Building Heights" that the tower structures and scenery lofts shall be regulated per the building size limitations of the current Sea Colony Architectural Review Board Design Code, which limits the size and total square footage of such structures and shall be included as part of the final development modification submittal documents; flag lots shall be regulated as oceanfront lots pertaining to setbacks and tower and scenery loft construction; any variance requests outside of the final development order modifications shall demonstrate an undue hardship. Moved by Ms. Odom, seconded by Mr. King, passed 5-2 by roll-call vote, with Mr. Pranis, Mr. Kincaid, Ms. Odom, Mr. Sarris, and Mr. King assenting, and Mr. Mitherz and Ms. Longstreet dissenting.

11
E. Presentation by Public Works Director Bill Tredik regarding request by City Commission for the Board's recommendation to the Commission regarding prioritizing areas along A1A Beach Boulevard and adjacent streets for parking improvements for a five-year plan

Ms. Miller said Mr. Tredik's presentation has been continued to the Board's May 19, 2020 regular monthly meeting, which will be held at 6:00 p.m. at City Hall. As there are no new applications for the Board's April 21, 2020 regular monthly meeting, this meeting has officially been cancelled.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Miller asked Mr. Lex Taylor, one of the City’s new attorneys from Douglas Law Firm, to introduce himself and give the Board a brief biography of his law experience.

Mr. Taylor said he’s one of the attorneys at Douglas Law Firm, which was recently hired by the City Commission to represent the City as legal counsel, a responsibility they’re very proud to have. Charlie Douglas, as head of this law firm, has represented the Putnam County School Board for over six years, and he himself has previous experience working on the Joint Economic Committee in Washington D.C. and also in Hillsborough County as a legislative aide. The plan is that he’ll be the routine attorney for the City’s Planning and Zoning Board and Code Enforcement Board meetings, as he has a little bit more experience with some of the issues these boards handle than Mr. Douglas has, and Mr. Douglas will probably be the regular attorney for the general City Commission meetings. They want to make themselves available if the Board members have any questions, and they have a local office in St. Augustine at the St. Augustine Record building on the corner of State Road 312 and State Road 207, which is where he normally works. They’re working with staff to set up a Sunshine Law refresher course for any board members who might want to participate in that, and at this time they’re waiting to see what will happen with the COVID-19 virus. If this is a prolonged thing, future meetings will probably be done by some sort of virtual or telephonic means, which is something they’re working on with the City’s IT staff. Executive Order 20-69, issued by State of Florida Governor Ron DeSantis, allows Board members to attend meetings telephonically or electronically, so most likely, this will be done by some sort of WebEx Zoom or similar provider, and they believe this will be available by the Board’s May meeting. On his end as legal counsel, the one thing he wants to ensure is that they allow for meaningful public comment, and especially for this Board, for some meaningful way for people to bring demonstrations and evidence in, so they’ll work with all those things and hopefully have them in place by the Board’s next meeting. In the meantime, he’s available to anyone who would like to contact him.

IX. ADJOURNMENT

The meeting was adjourned at 7:26 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.)