AGENDA
PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING
TUESDAY, SEPTEMBER 19, 2023, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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 AUGUST 15, 2023

V. PUBLIC COMMENT

VI. NEW BUSINESS

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

B. First reading of proposed code changes to the City’s Land Development Regulations, Section 6.01.04, pertaining to building height measurement, exceptions and applications, and to add Section 6.01.05, pertaining to drainage requirements for new development

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

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

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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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Hulsey Bray, Conner Dowling, Larry Einheuser, Victor Sarris, Junior Alternate Rhys Slaughter.

BOARD MEMBERS ABSENT: Vice-Chairperson Chris Pranis, Hester Longstreet, Senior Alternate Gary Smith.

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

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF JULY 18, 2023

Motion: to approve the minutes of the Board’s meeting of July 18, 2023. Moved by Conner Dowling, seconded by Larry Einheuser, passed 6-0 by unanimous voice-vote.

V. PUBLIC COMMENT

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

VI. NEW BUSINESS

A. Land Use Variance File No. VAR 2023-11, for a front yard setback reduction from 20 feet to 12 feet and a street side yard setback reduction from 12 feet to 8 feet for proposed new construction of a 300-square-foot covered front porch and street side handicap-accessible ramp addition to an existing single-family residence in a medium-low density residential land use district on Lot 1, Block 57, Coquina Gables Subdivision, at 400 E Street, St. Augustine Beach, Florida, 32080, Kathleen J. Bice and Marvin D. Krohn, Applicants

Jennifer Thompson: This first order of business is a variance application for 400 E Street. The applicants are requesting a reduction in the front setback from the required 20 feet
to 12 feet, and a reduction of the street side setback, as this is a corner lot, from the required 12 feet to 8 feet. These requested setback reductions are for a proposed 300-square-foot addition for a covered porch and a covered wheelchair-accessible ramp.

Kevin Kincaid: Any questions? Hearing none, may we hear from the applicants, please?

Yuliia Moiseeva, 405 Treaty Oak Lane, St. Augustine, Florida, 32092, Agent for Applicants: I am the agent for the applicants, who are the owners of 400 E Street. We are asking for setback reductions to add a covered porch and handicap-accessible ramp. The covered porch will be a wood-frame structure, and the ramp is for elderly persons in wheelchairs.

Conner Dowling: Will the new porch and ramp be built on the same foundation?

Yuliia Moiseeva: The wooden wheelchair-accessible ramp will be built on the side of the house, and it will be elevated up to the porch addition and made level with the front door, so the elderly persons will have easy wheelchair access from the ramp leading up to the covered front porch and then to the front door of the house. The porch and ramp will be built on a wood pier or post foundation with a wood frame porch structure on top.

Rhys Slaughter: Is there a precedent for doing this under the circumstances that it is only used as a covered porch and a wheelchair ramp, so that moving forward, say in 10 years or so, this won’t become a complete remodel with all of this additional square footage converted to enclosed space within the setbacks allowed by this variance, if approved?

Brian Law: If this variance is granted, the approval will be very specific to what the applicants are requesting to build per the variance application. If the property is sold down the road, the new owners would not be able to enclose the porch without a permit, and ideally, as part of their due diligence, zoning would look at that for assessment of an impact fee adjustment for new conditioned space, and there would be a record of how the porch and wheelchair ramp were allowed to be built, per the variance application and approval. This doesn’t mean current or future owners couldn’t apply to build something else down the road, but to do so, they would have to go through the variance process to change anything not specifically allowed per the approval of this current variance request.

Kevin Kincaid: So, this does not give current or future owners an automatic right to build anything they want within the setback reductions that would be granted by this variance. The variance, if granted, would be specifically limited to what the applicants are requesting to build per the submitted variance application and accompanying plans.

Brian Law: Yes. If the Board decides to grant this variance, I recommend the motion to approve include language stating construction shall be in accordance with the submitted plans, or something of that magnitude. Keep in mind, if the house is destroyed by a natural disaster, terrorist act, or something like that, this variance would no longer exist.

Conner Dowling: What will happen to the little porch currently located at the entrance to the house on the E Street side? This little porch is not raised up but is built at grade.
Yuliia Moiseeva: The porch itself is no longer there, but the concrete slab is still there.

Conner Dowling: I was just curious, as I saw that an enclosed porch not elevated to the level of the house used to be there. It appears, without a graphic scale in my hand, that the new addition will extend slightly beyond the area where that porch slab is, correct?

Yuliia Moiseeva: Yes, the covered porch addition will extend a little further out and to the west of this slab.

Kevin Kincaid: I saw a significant number of names on the petition in support of this variance included in the variance application submittal. I assume nothing has been submitted opposing the variance, as we have nothing in our packets in opposition to this.

Jennifer Thompson: No. We have not received anything in opposition to this.

Kevin Kincaid: I went by and looked at this property, and it looks like the proposed porch and handicap ramp would fit fine in the location the applicants are asking to build them.

Brian Law: Going backwards a little bit, I would like to ask the applicants or their agent to state on the record that they have no intention of doing anything aside from what has been submitted and requested in the variance application and accompanying documents, and that there will be no future enclosures or anything of that nature.

Kevin Kincaid: Okay. Could you state on the record that you have no intention of creating anything different from what is shown on the submitted plans for the variance request?

Yuliia Moiseeva: I would like to ask my clients this, if I may. After checking with them, they have no other plans for this addition aside from what is shown in the application.

Victor Sarris: And just so we don’t get ourselves into any trouble, this hardship that is defined in item number one of the considerations for the granting of a variance, as stated on page four of the application, meets the City’s criteria for hardships, right?

Brian Law: Only the Board can answer that question.

Kevin Kincaid: I actually had a problem with the hardship, and the way it was written in the application, because the hardship can’t be the rule. It’s like, if I get a speeding ticket, the hardship can’t be the speed limit. Elsewhere in the application, however, it states the proposed addition is for wheelchair access for occupants who are 85 and 95 years old, so I was able to pull that over to the hardship, and for myself, it met my criteria for a hardship. However, one of the first things I noticed in this variance application was the way the hardship stated the setback rules won’t allow the porch and handicap-accessible ramp addition that the applicants want to build, but the hardship cannot be the rule.

Yuliia Moiseeva: The hardship is wheelchair access as stated by the Americans with Disabilities Act (ADA), that every person in a wheelchair must have an access.
Jeremiah Blocker: The ADA would not apply here, because the property is not a public facility, and it doesn’t meet the threshold for ADA accessibility. I think the premise, and you have already gotten there, is that you have elderly people needing wheelchair access. The ADA would not apply in these circumstances, but we still want to make sure, when the Board puts the reasoning behind its decision on the record, that the hardship is legally sufficient. It has already been stated that it is for wheelchair access for elderly persons.

Kevin Kincaid: The Board has been careful about this in the past, because if we approve this variance, we are approving something that goes on in perpetuity, whereas the people requesting the variance may not. We have declined, in the past, to use medical conditions strictly as a hardship, because medical conditions don’t last, but once a variance is approved, the building goes on and the variance lasts for however long the building exists.

Jeremiah Blocker: The Board can deviate, and rely on the humanitarian impacts, but the applicants are not running a business here, so do not rely on the ADA for your decision.

Victor Sarris: So, are we saying that this isn’t specific to a medical condition?

Kevin Kincaid: I think the medical condition contributes to it, along with the ability of the occupants to fully utilize their property.

Victor Sarris: Is the medical condition the hardship then?

Kevin Kincaid: Probably, yes, the age and medical conditions of the elderly persons.

Conner Dowling: I would also see the property site and the constraints of this corner lot as a hardship. There are obviously good reasons for the corner street side setbacks, but if this wasn’t a corner lot, the side setbacks would be 7.5 feet each, based on the City’s current Land Development Regulations (LDRs), and the applicants would not need a variance for a reduction of the required 12-foot street side yard setback to 8 feet.

Kevin Kincaid: Correct, they would only need a variance for the front yard setback.

Conner Dowling: There is a great example on the overhead right now of the aerial view of this property and adjacent properties on this block of E Street, where you can see that the fronts of the houses are all consistent and the roofs are all in a line. This develops a street corridor and these types of neighborhood character things. This is not to say that you can’t have front porches extending beyond that, but I think keeping the depth of the proposed front porch to a maximum of 8 feet is a good number, as this still allows a comfortable size porch on which you could have a table and chairs. One other thing I saw, from just a streetscape perspective, so that this addition doesn’t come across as so glaring and something that needs a variance, is that potentially, completing the gable of the roofline of the new addition could be done as opposed to continuing up to the top of the existing house gable. This would reduce the scale a little bit, and I think this would make the streetscape potentially better. Also, a couple of other things could be done to the design. We are not here to critique the design, but when you are pushing into a setback,
I feel it is the Board’s job to think about things like this and how they will affect the street and the neighbors. To me, these are overall small things that could be done while still achieving the square footage needed for the front porch and handicap ramp addition.

Kevin Kincaid: I know we approved another similar variance maybe last year, on F Street?

Brian Law: You actually just approved one even more recently.

Jennifer Thomspn: Yes, this was for 607 11th Street, where a variance was granted to reduce the rear setback from 20 feet to 16 feet, 5 inches for an addition.

Kevin Kincaid: All right, any other questions or comments? Hearing none, do we have a motion?

Rhys Slaughter: I’ll motion to approve Land Use Variance File No. VAR 2023-11, as it has been submitted.

Larry Einheuser: I’ll second that.

Kevin Kincaid: We have a motion and a second. Any discussion on the motion?

Conner Dowling: I personally would like to see that front addition as an 8-foot-wide porch and the gable roofline changed, for the reasons I stated previously. Otherwise, I would be in favor of approving this.

Kevin Kincaid: My only thought about this is that people will be trying to turn a wheelchair around in this space, and if the applicants are actually going to accomplish what they want and allow people in wheelchairs to use the porch and get around tables and whatever, reducing the width of the porch might make this pretty tight. It would be different if there were complaints from the neighborhood, but the applicants have really made the effort to get the petition in support of this from pretty much everyone around them, and we’ve heard no opposition to this. I understand what you are saying, but I do not think asking for a front setback reduction to 12 feet for the porch is unreasonable in this case.

Larry Einheuser: I agree.

Yuliia Moiseeva: The proposed additions are designed the way they are because there are electrical wires on the left side, and an electrical pole on the wall. The existing roof is elevated and further extended so as not to interrupt or interfere with any electrical issues.

Conner Dowling: The electrical meter is on the exterior wall in that location?

Yuliia Moiseeva: Yes.

Jeremiah Blocker: Mr. Chair, before the Board votes, I want to make sure we open the floor for public comment.
Kevin Kincaid: Good point. Is there any public comment? Hearing none, we have a motion and a second. Conner, do you want to create an amendment to the motion?

Conner Dowling: Yes, I’ll amend the motion to change the roofline, because the issue, to me, is the streetscape and encroachment into the front setback, and seeing that roofline stick out. Reducing the porch depth to 8 feet, which I feel is still acceptable for a porch, and changing the roofline would minimize the impact and visibility of this addition.

Brian Law: There was a motion made and a second to this motion, so that motion needs to run its course, or the motion needs to be withdrawn, and another motion made and seconded, if the original motion on the floor is to be amended.

Jeremiah Blocker: The original maker of the motion would have to agree to amend the motion that was made. This is commonly known as a friendly amendment, and then there would have to be a second to this friendly amendment.

Rhys Slaughter: Perhaps I was the wrong one to make this motion, because honestly, if the applicants were asking for this wheelchair ramp because they have relatives who visit twice a year, I would say yes to it. They should be allowed to have whoever they want, including anyone who is wheelchair-bound, to be able to come into their home, and if this is what they feel is necessary, I just feel like we are not giving up setback areas all the way to the street for a ramp or anything like that. For me personally, it makes sense to move forward on this as requested by the applicants in their variance application. I am not completely disagreeing what you are saying with the proposed amendment to the motion, but I also think it is the applicants’ house, and they are the ones who have to look at it every day, and maybe the suggestion itself is enough to motivate them to at least look into what has been suggested in the proposed amendment to the motion. They are the ones who have to deal with wheelchair-bound people in their house every day, and I think they may need a little more space and flexibility to make what they want to do work.

Brian Law: Okay, so we have the original motion that was made and seconded, and the maker of this motion does not seem willing to amend his motion. However, this motion can still run its course, and if the Board’s vote is not favorable and the motion does not pass, another motion can be made and seconded and the Board can vote on that. But the original motion must run its course now, and the Board needs to vote on it.

Kevin Kincaid: Okay, we have a motion and a second. The motion is to approve the variance in accordance with the application documents and plans as submitted. Is there any more discussion on this motion? Hearing none, may we have a vote, please?

**Motion**: to approve Land Use Variance File No. VAR 2023-11, for a front yard setback reduction from 20 feet to 12 feet and a street side yard setback reduction from 12 feet to 8 feet, for proposed new construction of a 300-square-foot covered front porch and street side handicap-accessible ramp addition to an existing single-family residence in a medium-low density residential land use district on Lot 1, Block 57, Coquina Gables Subdivision, at 400 E Street, St. Augustine Beach, Florida, 32080, in accordance with the
documents and plans submitted in the variance application. Moved by Rhys Slaughter, seconded by Larry Einheuser, passed 5-1 by the Board by voice-vote, with Conner Dowling dissenting.

B. Land Use Variance File No. VAR 2023-12, for rear and north side yard setback reductions from 10 feet to 5 feet for proposed new construction of a 645-square-foot pool, deck, and screen enclosure addition to an existing single-family residence in the Seagrove Planned Unit Development (PUD) on Lot 7, Seagrove St. Augustine Beach Unit 1, at 508 Weeping Willow Lane, St. Augustine Beach, Florida, 32080, Carmen Pollitz, Agua Construction, Agent for Gary T. and Cynthia A. Oslin, Applicants

Jennifer Thompson: The next item on the agenda is a variance application for 508 Weeping Willow Lane, in the Seagrove PUD. This request is for setback reductions from the 10-foot rear and north side setback requirements for pools, screen enclosures and decks, per Seagrove’s PUD ordinance, to 5 feet. In the past, the Board has seen several similar variances in Seagrove, as the setback restrictions per the PUD ordinance are more restrictive than the City’s setbacks per the LDRs for pools, screen enclosures, and decks.

Kevin Kincaid: So, the only reason we are here is because the PUD ordinance has more restrictive setbacks than the City’s LDRs require. If this property were anywhere else but Seagrove, a variance would not be required for the pool, screen enclosure, and deck.

Jennifer Thompson: Correct. The Seagrove Architectural Review Board did sign off and approve the proposed plans submitted by Agua Construction, agent for the applicants.

Kevin Kincaid: Has there been any opposition to this?

Jennifer Thompson: No. Correspondence in support of the variance from the property owners of 852 Tides End Drive and 611 Poinsettia Street has been submitted.

Kevin Kincaid: So there has been no opposition at all, and this is similar to other variances the Board has approved recently for properties in Seagrove.

Jennifer Thompson: Correct.

Kevin Kincaid: Okay, may we hear from the applicant, please?

Carmen Pollitz, Agua Construction, 2550 North State Street, Bunnell, Florida, 32110, Agent for Applicants: I am Carmen Pollitz, and I represent Agua Construction and the applicants, who are the owners of the property at 508 Weeping Willow Drive. Basically, this variance request is no different from others that have been applied for and granted in Seagrove. The lot is atypical in shape, and the footprint of the house is skewed on the property, so there is not really much of a backyard at all. The pool will still be small, even with the requested setback reductions to 5 feet for the rear and north side setbacks. There is no lot or structure behind this property, as it backs up to A1A South.
Kevin Kincaid: Are there any questions for the applicant’s agent, or any public comments?

Kathleen Elizabeth, 931 A1A Beach Boulevard Unit 201, St. Augustine Beach, Florida, 32080: Will any significant trees be cut down to build what the applicants propose?

Carmen Pollitz: No, there are no trees being cut down. A couple of tree limbs may need to be trimmed or taken off, but that is all.

Kevin Kincaid: Any trees with diameters-at-breast-height (DBH) of 30 inches or greater would require approval from this Board before they could be removed, correct?

Brian Law: Yes, any tree with a DBH of 30 inches or greater that is requested to be removed requires application to the Planning and Zoning Board, and the Board’s approval of the tree removal request, per the tree regulations in Article V of the LDRs.

Kevin Kincaid: Any other comments, or questions? Hearing none, do we have a motion?

Motion: to approve Land Use Variance File No. VAR 2023-12, for rear and north side yard setback reductions from 10 feet to 5 feet for proposed new construction of a 645-square-foot pool, deck, and screen enclosure addition to an existing single-family residence in the Seagrove Planned Unit Development (PUD) on Lot 7, Seagrove St. Augustine Beach Unit 1, at 508 Weeping Willow Lane, St. Augustine Beach, Florida, 32080, in accordance with the documents and plans submitted in the variance application. Moved by Kevin Kincaid, seconded by Victor Sarris, passed 6-0 by the Board by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

There was no further Board comment.

IX. ADJOURNMENT

The meeting was adjourned at 6:24 p.m.

Kevin Kincaid, Chairperson

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER’S OFFICE AT 904-471-2122).
Major Development file #2023-01 is an application to replace the existing Publix grocery store located at 1033 A1A S. in the Anastasia Plaza owned by Regency Centers. The existing Publix will be demolished and replaced with a new 54,964 square foot building. Additionally, the parking lot will be improved in phases to keep businesses in the plaza operational during the rebuild process.

At the June 20, 2023, Planning and Zoning meeting, the board reviewed the Concept Review for the Publix rebuild and Anastasia Plaza remodel. During this meeting, the Planning and Zoning Board granted variances for this project which are attached.

St. Johns County Fire Department and St. Johns County Utilities have included comments regarding this project, and the applicants are aware of the requirements set forth by these agencies.

Sincerely,

Jennifer Thompson, CFM
Planner
Planning and Zoning Division
To: Planning & Zoning Division  
From: Brian Law, Director of Building & Zoning  
Date: 09/12/2023  
Re: 1033 A1A Beach Blvd. Final Development Order

The 2020 Florida Building Code has no objection to the requested remodel/rebuild of the Publix located in the Regency Plaza at 1033 A1A Beach Blvd. The Building Division will review the completed architectural and engineered plans upon submittal for a building permit.

Brian W. Law
Brian W. Law, CBO, CFM, MCP  
Director of Building & Zoning
TO: Bonnie Miller, Senior Planner
FROM: Jason D. Sparks, P.E., Engineering Director
DATE: August 31, 2023
SUBJECT: Major Development Review for Publix Rebuild and Anastasia Plaza

Engineering reviewed the proposed grading and storm drainage and stormwater pollution prevention plan and offers the following:

- This is an existing privately owned and maintained drainage system permitted through the St. Johns River Water Management District (SJRWMD).
- Provide the approved SJRWMD permit modification and associated documentation reflecting proposed improvements.
- Indicate the pond outfall location on the plans.
- Upon completion, provide drainage system inspection results and construction certification of completion signed and sealed by a licensed professional engineer registered in the State of Florida.
- Ensure all roof drains, downspouts, associated piping and appurtenances conform with the latest edition of the Florida Plumbing Code.
- No objection to modifying, upgrading and rehabilitating the existing stormwater drainage system as per the SJRWMD permitted documents.
Good afternoon,

Below are the rejected Fire comments. Please resubmit to Fire in person with 2 copies of the below comments, answered, signed and dated by the person that completes them along with 2 copies of any plan sheets that will need to be slip sheeted into the set we have here.

St. Johns County Fire Rescue Department  
Fire Marshal Office  
Plans Review Comment Sheet

Project Name: Publix  
Project Address: 1033 A1A Beach Blvd.  
Contractors Name  
Contractors Phone Number  
Sprinkler Contractor  
Underground  
Fire Alarm Contractor  
FHID: 13440

To help speed the review process you may include a written comment response summary to clarify or illustrate where corrections were made on plans. Please remember to use the Florida Fire Prevention Code 7th Ed for all code reference in a response to comments. The fire plans examiner does not use or have a copy of the Florida Building Code.

Plans for the demolition of an existing Publix and some of the neighboring retail space, to re-build a slightly larger Publix. The existing store is 48,555sf with 55,663sf or retail. The proposed store is 54,964sf with 48,761 of retail.

1. Identify on the plans that the building will be provided with fire sprinklers.
2. How will egress be maintained for the existing occupancies while the concrete in front of the existing retail building is removed and replaced?
3. Please pass on to the design professional of the building an evaluation for a radio enhancement system is required for new buildings over 12,000 square feet and/or underground areas. NFPA 1:11.10 and NFPA 1225 (2022 ED.)
4. On utility plan, clearly label where public utility stops and beginning of point of service (POS) for private fire main in accordance with FS 633.102(24). (This is where main serves fire protection exclusively.)
5. On utility plan, place note: FDC shall be 5" Storz connection with 30 degree downward deflection.
6. Place this statement prominently on all utility pages:
   This civil utility plan is provided for DRC (civil) review only. Approval of these plans do not include approval for private underground water main, hydrants, and fire sprinkler mains. Civil drawings illustrate layout only and do NOT show full compliance with the respective Fire Codes. For Fire Marshal underground permit, detailed shop drawings must be prepared and submitted by the installing underground fire contractor I, II or V showing complete compliance with, but not limited to, NFPA 24, (Standard for Installation of Private Fire Service Mains and their Appurtenances.)

Kindest regards,

Dawn Lyons
Administrative Assistant/Fire Permit Specialist
Fire Rescue/Fire Prevention
St. Johns County Board of County Commissioners
4040 Lewis Speedway, St. Augustine FL 32084
904-209-1712 | www.sjcf.us
From: Chad J. Smith <cjsmith@sjcfl.us>
Sent: Monday, September 11, 2023 3:30 PM
To: Melissa Caraway <mcaraway@sjcfl.us>
Subject: RE: City of St. Aug Beach Publix plans

Missy,

Below are the comments for the St Augustine Beach Publix:

1. Provide existing square footage that will be demolished.
2. Provide arch/plumbing plans of new building.
3. Clarify ownership of new 1 & ½” water meter. This plaza is master metered so the new meter could be a privately owned meter to deduct usage from master meter. SJCU does not allow publicly owned meters on private water mains.
4. Provide grease trap spec sheets for review by SJCU Pre-treatment Dept.

Thank you,

Chad J Smith
Utility Review Specialist
Utilities Development Group
St. Johns County Board of County Commissioners
1205 SR 16, St. Augustine FL 32084
904-209-2632 | www.sjcfl.us
BEFORE THE COMPREHENSIVE PLANNING
AND ZONING BOARD OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA

In RE:

APPLICATION OF PATRICK MCKINLEY, AGENT
FOR REGENCY CENTERS AND MCW-RC-FL-
ANASTASIA LLC, FOR A LAND USE VARIANCE
PERTAINING TO RECONFIGURATION OF THE
EXISTING ANASTASIA PLAZA SHOPPING
CENTER PARKING LOT IN A COMMERCIAL
LAND USE DISTRICT AT 1033 A1A BEACH BOULEVARD,
ST. AUGUSTINE BEACH, FLORIDA, 32080

ORDER APPROVING VARIANCE FILE NO. VAR 2023-10

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on Tuesday, June 20, 2023, upon Application (File No. VAR 2023-10) by Patrick McKinley, Agent for Regency Centers and MCW-RC-FL-Anastasia LLC, Applicant, for a land use variance for existing non-conforming uses for minimum parking space size of 9-feet-by-20 feet, per Section 6.03.05.B of the City of St. Augustine Beach Land Development Regulations, to 9.5-feet-by-18; reduction of the northern landscape buffer, per Section 6.06.04 of the City of St. Augustine Beach Land Development Regulations, to five (5) feet to accommodate the proposed new truck dock; and to lower the existing non-conforming impervious surface ratio (ISR) coverage but still exceed the maximum 70% ISR coverage allowed in a commercial land use district, per Section 6.01.02 of the City of St. Augustine Beach Land Development Regulations, for proposed reconfiguration of the existing Anastasia Plaza shopping center parking lot to create additional parking spaces for the shopping center, Parcel Identification Number 174200-0020, at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080. The Planning and Zoning Board having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the variance was approved based upon the following findings and subject to the following conditions:

1. The required considerations for the granting of a variance as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact, as a result of the finding that the hardship granted is due to the acquisition of the property preceding the adoption of the regulations from which the variance is sought, which shall act in favor of the granting of the variance per Section 10.02.03.B.4 of the City of St. Augustine Beach Land Development Regulations.
2. A land use variance shall be granted for the allowances as stated above for the proposed reconfiguration of the existing Anastasia Plaza shopping center parking lot on the property described above in a commercial land-use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, subject to the condition that a barrier fence be installed along the northern buffer area of the Anastasia Plaza property adjacent to Hammock Dunes Park.

3. A violation of the conditions listed above shall void the variance approval granted herein.

Any appeal of this decision may be made by filing an application for appeal to the St. Augustine Beach City Commission within thirty (30) days of the date of this Order.

DONE AND ORDERED this 28th day of June, 2023, at St. Augustine Beach, St. Johns County, Florida.

COMPREHENSIVE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

By: ____________________________
    Kevin Kincaid, Chairperson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this 28th day of June, 2023, by (print name of person signing above) Kevin Kincaid, who is personally known to me [ ] or has produced the following type of identification ____________________________

[Signature of Notary Public, State of Florida]
BEFORE THE CITY COMMISSION OF
ST. AUGUSTINE BEACH, FLORIDA

In RE:

APPLICATION OF PATRICK MCKINLEY, AGENT
FOR REGENCY CENTERS AND MCW-RC-FL-
ANASTASIA LLC, FOR REBUILD OF THE PUBlix
GROCERY STORE, 1033 A1A BEACH BOULEVARD,
ST. AUGUSTINE BEACH, FLORIDA, 32080, AND
RECONFIGURATION OF THE ANASTASIA PLAZA
SHOPPING CENTER PARKING LOT, 1001 A1A BEACH
BOULEVARD, ST. AUGUSTINE BEACH, FLORIDA,
32080

FINAL DEVELOPMENT FILE NO. FD 2023-01

This CAUSE, pertaining to 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Parcel Identification Number 174200-0020, PERTAINING TO PARCEL A, ALL THAT PORTION OF THE NORTH ONE-HALF AND THE SOUTH ONE-HALF OF GOVERNMENT LOT 1 AND GOVERNMENT LOT 2, SECTION 10, TOWNSHIP 8 SOUTH, RANGE 30 EAST, WHICH LIES BETWEEN COUNTY ROAD A1A BEACH BOULEVARD AND STATE ROAD A1A SOUTH, AND PARCEL B, THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING PART OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 30 EAST, PARCEL IDENTIFICATION NUMBER 174200-0020, AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board on the 19th day of September, 2023, and before the St. Augustine Beach City Commission on the 2nd day of October, 2023, upon Application of Patrick McKinley, Agent for Regency Centers, Jacksonville, Florida, and MCW-RC-FL-Anastasia LLC, San Antonio, Texas, Applicants, for review and final development approval for major development, per Sections 12.02.05--12.02.13 of the City of St. Augustine Beach Land Development Regulations, for the property described above in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, for the demolition of the existing 48,555-square-foot Publix grocery store to be rebuilt as a 54,964-square-foot Publix grocery store and reconfiguration of the existing Anastasia Plaza shopping center parking lot to create additional parking spaces for the shopping center, subject to compliance with Land Use Variance File No. VAR 2023-10, granted for existing non-conforming uses for minimum parking space size; reduction of the northern landscape buffer to accommodate the proposed new truck dock; and to maintain but lower the existing non-conforming impervious surface ratio coverage, per Sections 6.03.05.B, 6.06.04, and 6.01.02, respectively, of the City of St. Augustine Beach Land Development Regulations. The Comprehensive Planning and Zoning Board and the City Commission, having reviewed and considered the Application, the report of the Building and Zoning Department, the testimony, statements, and evidence presented before the Comprehensive Planning and Zoning Board and the City Commission by the Applicants and the Applicants’ Authorized Agent and other persons speaking at the public hearings, including public comments, and the City Commission finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, upon motion duly made, seconded and passed, the Application was approved and determined as follows:
FINDINGS OF FACT

The Comprehensive Planning and Zoning Board and City Commission find that the Application for Final Development File No. FD 2023-01 for the demolition of the existing 48,555-square-foot Publix grocery store to be rebuilt as a 54,964-square-foot Publix grocery store and reconfiguration of the existing Anastasia Plaza shopping center parking lot to create additional parking spaces for the shopping center, subject to compliance with Land Use Variance File No. VAR 2023-10, granted for existing non-conforming uses for minimum parking space size; reduction of the northern landscape buffer to accommodate the proposed new truck dock; and to maintain but lower the existing non-conforming impervious surface ratio coverage, per Sections 6.03.05.B, 6.06.04, and 6.01.02, respectively, of the City of St. Augustine Beach Land Development Regulations, at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, conforms to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except as may be required to be cured herein, with all applicable City of St. Augustine Beach Land Development Regulations.

The application and accompanying documents submitted for Final Development File No. FD 2023-01 demonstrate the proposed final development plans for major development at the above-referenced property do not degrade the prescribed Levels of Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. FD 2023-01, prepared for the Final Development Application File No. FD 2023-01, submitted by Regency Centers, Jacksonville, Florida, and MCW-RC-FL-Anastasia LLC, San Antonio, Texas, as represented by its Authorized Agent Patrick McKinley, Regency Centers, Jacksonville, Florida, for final development approval for major development, per Sections 12.02.05--12.02.13 of the City of St. Augustine Beach Land Development Regulations, unless modified by a subsequent final development order, is approved for the parcel of land as described above at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, and shall not be effective except upon ratification of each and every one of the following conditions.

ORDERED as follows:

1. Nothing contained herein shall be deemed to waive the requirement that the proposed final development plans for major development on the parcel of land as described above at 1001 and 1033 A1A Beach Boulevard comply with current State of Florida Building Codes and conform to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and the City of St. Augustine Beach Land Development Regulations, with the exception of the variance approval granted per Land Use Variance File No. VAR 2023-10 for the subject property, and the provisions of all other applicable agencies.

2. Production of evidence satisfactory to the Building Official of receipt by the Applicant of permits deemed necessary allowing development in accordance with this Final Development Order and accompanying drawings, if required, from the Army Corps of Engineers, the Florida Department of Environmental Protection, St. Johns River Water Management District, St. Johns County Fires Services, and St. Johns County Utility Department, shall be issued and in effect prior to the issuance of any permits for the parcel of land as described above at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080.
3. Essential services such as electricity, telephone, cable and other communication lines and street lighting must be in place prior to issuance of any Certificate of Occupancy for the subject property development. Water and sewer connection fees shall be paid and in place prior to the issuance of any building permits. Screening of any utility apparatus placed above ground shall be required. Fire hydrants shall also be in place prior to issuance of any building permits.

4. Applicant/Owner shall undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to and during all development activities immediately adjacent to the right-of-way and utility easements and the issuance of any infrastructure or utility permits. Clearing and/or tree removal permits will not be issued prior to acceptance of a completed application for a building permit for site work.

5. Applicant/Owner shall be responsible for all repairs of curbs and/or damage to City of St. Augustine Beach, St. Johns County, and Florida Department of Transportation roadways.

6. This Final Development Order shall be effective for a period of five (5) years from its effective date, at which time the applicant/owner shall have completed one hundred (100%) percent of all development construction on the site.

7. Successors and assigns of the Applicant/Owner shall be bound by the terms and conditions of this Final Development Order. However, persons acquiring property do so with notice that although under appropriate circumstances, owners of property have vested rights, changes in the City of St. Augustine Beach Land Development Regulations affecting use would not be acquired under the transfer of ownership.

8. Any appeal of this decision may be made by filing an application for appeal to the St. Johns County Circuit Court within thirty (30) days of the date of this Order.

DONE AND ORDERED this ________ day of ____________________, 20 23, at St. Augustine Beach, St. Johns County, Florida.

CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

Attest:____________________________________ By:____________________________________
Max Royle, City Manager Donald Samora, Mayor

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.04 OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

Sec. 12.06.04.C. “Appeals from the decision of the City Commission shall be appealed to the circuit court.”
City of St. Augustine Beach Building and Zoning Department
Major Development Application
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 major development is being sought:
Lot(s) _______ Block(s) _______ Subdivision
Street Address 1033 A1A Beach Blvd, St. Augustine, FL 32080

2. Location (N, S, W, E): West Side of (Street Name): A1A Beach Blvd

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☒ No (Circle one)

4. Real estate parcel identification number: 1742000020

5. Name and address of owner(s) as shown in St. Johns County Public Records:
MCW-RC-FL-Anastasia, LLC
One Independent Dr, Suite 114, Jacksonville, FL 32202

6. Current land use classification: Commercial

7. Section of land use code from which major development is being sought: Land Development Regulations
Sections 12.02.05--12.02.15

8. Reasons for which major development is being sought: Replacing the existing grocery store with a newer and better building to serve the community, improved parking and look of the shopping center.

9. Architect’s name and address: Fisher Architects 2315 Belleair Rd. Clearwater, Fl 33764

10. Contractor’s name and address: TBD

City of St. Augustine Beach Major Development Application 07-22
11. Please check if the following information required for submittal of the application has been included:

(✓) Survey including legal description of parcel submitted for major development

(✓) Copy of warranty deed

( ) Owner Authorization Form (if applicable)

(✓) List of names and addresses of all property owners within 300-foot radius (see instructions on page 4 of this application)

(✓) First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius (see instructions on page 4 of this application)

(✓) Survey to include all existing structures and fences

( ) Other documents or relevant information to be considered

(✓) Fourteen (14) copies of the completed application including supplemental documentation and/or relevant information

In filing this application for major development, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board and/or City Commission and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

The application must be signed by either the owner or the owner’s authorized agent. If an authorized agent’s signature is used, a notarized written authorization approving such representation must accompany the application.

Patrick McKinley
Print name (owner or his/her agent)  Print name (applicant or his/her agent)

Signature /date  Signature /date

One Independent Dr, Suite 114, Jacksonville, FL 32202
Owner/agent address  Applicant/agent address

904-598-7000  Phone number  Phone number

City of St. Augustine Beach Major Development Application 07-22
All agents must have notarized written authorization from the property owner(s).

Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board and/or City Commission does not constitute approval for variation from the covenants and restrictions.

Major Development File #: 2023-01

Applicant’s name: MCW-RC-FL-Anastasia, LLC

Applicant’s address: One Independent Dr, Suite 114, Jacksonville, FL 32202

Applicant’s phone number and email address: 904-598-7000 patrickmckinley@regencycenters.com

For major development at: 1033 A1A Beach Blvd, St. Augustine, FL 32080

Fee Schedule for Major Development Application

Major Development Application Fee: $350.00 if under 2 acres/$500.00 if 2 acres or more

Legal Notice Sign: $10.00

Review of Preliminary Plat: $150.00 plus $2.00 per lot with a $400.00 minimum

Final Plat Approval: $5.00 per lot plus the cost of conformity with Chapter 177 F.S. by a professional surveyor and mapper either employed by or under contract to the City of St. Augustine Beach. The estimated cost shall be deposited with the City at the time of application and any costs in excess of the estimated amounts shall be paid by the applicant prior to execution of the plat by the City.

Amount Paid 510.00 Date 08-21-2023

Invoice # I2303312 Received by Jennifer Thompson

Check # or type of credit or debit card payment VISA

City of St. Augustine Beach Major Development Application 07-22
Instructions for Applying for Major Development

1) Per Section 12.02.06, all major developments, per the criteria in Section 12.02.05 of the City’s Land Development Regulations (LDRs), must be submitted to concept review. The applicant/developer shall file a completed application and a concept plan as a prerequisite to obtaining major development approval.

2) All major development shall be reviewed by the Comprehensive Planning and Zoning Board for recommendation of approval or denial to the City Commission, based on determination of whether the plan satisfies the requirements of the City’s LDRs, with the final hearing and final determination of approval or denial to be made by the City Commission.

3) The major development application shall be placed on the agenda of the next meeting of the Comprehensive Planning and Zoning Board that allows the giving of required notice. Notification of all property owners within a radius of 300 feet of the property for which major development is being sought shall be mailed by the Building and Zoning Department. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which major development is requested. This list of names and addresses of all property owners within 300 feet is to include the applicant’s name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size (4-inch-by-9½-inch) envelopes with the major development application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary.

4) After review and recommendation to the City Commission of approval or denial by the Comprehensive Planning and Zoning Board, the major development applications shall be placed on the agenda of the next meeting of the City Commission, with the final hearing and final determination of approval or denial to be made by the City Commission.

Required Information for Major Development Application

Per Section 12.02.07.D of the City’s LDRs, final development plans for major development shall include the information required in a preliminary (concept) plan plus the following additional or more detailed information:

1) Existing conditions.
   a. A map of vegetative cover including the location and identity by common name of all protected trees, including existing protected trees within areas of proposed improvements.
   b. A topographic map of the site clearly showing the location, identification, and elevation of benchmarks, including at least one (1) benchmark for each major water control structure.
   c. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through or from the project area.
d. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.

e. The location of any underground or overhead utilities, culverts and drains on the property and within one-hundred (100) feet of the proposed development boundary.

f. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.

g. The one-hundred (100) year flood elevation, minimum required floor elevation and boundaries of the one-hundred (100) year floodplain for all parts of the proposed development.

h. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through or around the project.

2) Proposed development activities and design.

a. Generally.
   1. Area and percentage of total site to be covered by an impervious surface.
   2. Grading plans specifically including perimeter grading.
   3. Construction phase lines.

b. Buildings and other structures.
   1. Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
   2. Front, rear and side architectural elevations of all buildings.
   3. Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
   4. Minimum floor elevations of buildings within any one-hundred (100) year floodplain.
   5. The location, dimensions, type, composition, and intended use of all other structures.

c. Potable water and wastewater systems.
   1. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
   2. The boundaries of proposed utility easements.
   3. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
   4. Exact locations of on-site and nearby existing and proposed fire hydrants.

d. Streets, parking and loading.
   1. The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
   2. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street
   3. The location of all exterior lighting.
   4. The location and specifications of any proposed garbage dumpsters.
   5. Cross sections and specifications of all proposed pavement.
   6. Typical and special roadway and drainage sections and summary of quantities.

City of St. Augustine Beach Major Development Application 07-22
e. **Tree removal and protection.**
   1. All protected trees to be removed and a statement of why they are to be removed.
   2. Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
   3. A statement of the measures to be taken to protect the trees to be retained.
   4. A statement of tree relocations and replacements proposed.

f. **Landscaping.**
   1. Location and dimensions of proposed buffer zones and landscaped areas.
   2. Description of plant materials existing and to be planted in buffer zones and landscaped areas.

 g. **Stormwater management.**
   1. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
   2. A description of the proposed stormwater management system, including:
      (a) Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
      (b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
      (c) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
      (d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
      (e) Linkages with existing or planned stormwater management systems.
      (f) On and off-site rights-of-way and easements for the system including locations and a statement of the nature and of the reservation of all areas to be reserved as part of the stormwater management system.
      (g) The entity or agency responsible for the operation and maintenance of the stormwater management system.
   3. The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that will be incorporated into or used by the proposed project, showing the names and address of the owner of the facilities.
   4. Runoff calculations shall be in accord with the stormwater management manual.

h. **Environmentally sensitive lands.**
   1. The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavations or fill materials computed from cross sections, proposed within a protected environmentally sensitive zone.
   2. Detailed statement of other materials showing the following:
      (a) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
      (b) The distances between development activities and the boundaries of the protected environmentally sensitive zones.
   3. The manner in which habitats of endangered and threatened species are protected.
i. **Signs.**

1. Two (2) blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the building official by a licensed sign contractor for standard signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by St. Augustine Beach. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

2. For regulated ground signs, a plan, sketch, blueprint, blueline print or similar presentation drawn to scale which indicates clearly:
   
   (a) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
   
   (b) All regulated trees that will be damaged or removed for the construction and display of the sign.
   
   (c) The speed limit on adjacent streets.

3. For regulated building signs, a plan, sketch, blueprint, blueline print or similar presentation drawn to scale which indicates clearly:
   
   (a) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
   
   (b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
   
   (c) A building elevation or other documentation indicating the building dimensions.

j. **Subdivision.**

Proposed number, minimum area and location of lots, if development involves a subdivision of land.

k. **Land use and dedications.**

1. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.

2. Amount of area devoted to all existing and proposed land uses, including school, open space, churches, residential and commercial, as well as the location thereof.

3. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.

l. **Welfield protection.**

Location of onsite wells, and wells within one-thousand (1,000) feet of any property line, exceeding one-hundred-thousand (100,000) gallons per day.

m. **Historic and archaeologic sites.**

The manner in which historic and archaeologic sites on the site, or within on-thousand (1,000) feet of any boundary of the site, will be protected.
Per Section 12.02.07.E of the City’s Land Development Regulations, final development plans for subdivision of land shall comply with the requirements of this section. Per Section 12.02.07.F of the City’s Land Development Regulations, final development plans for commercial structures requires the front, rear and side architectural elevations for commercial structures to demonstrate compliance with the following criteria:

1) The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

2) The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

3) The proposed structure is in conformity with the standards of these Land Development Regulations and other applicable ordinances so far as the location and appearance of the buildings and structures are involved. Conditions may be applied when the proposed building of structure does not comply with the above criteria and shall be such as to bring the structure or project into conformity. If any application is disapproved, the Comprehensive Planning and Zoning Board shall detail in its findings the criterion or criteria that are not met. The actions taken by the Board shall be reduced to writing, signed by the chairman and a copy thereof made available to the applicant upon request.

4) The proposed structure or project is in harmony with the proposed developments in the general area, with the Comprehensive Plan for the City and with the criteria set forth in any supplemental criteria and procedural rules of the Comprehensive Planning and Zoning Board, as the same may be from time to time amended and revised. Any decision of the Board must comply with such supplemental criteria and rules of the Board may be amended from time to time by ordinance regularly adopted upon action initiated by the City Commission.

5) The proposed landscape and irrigation design shall promote water conservation. Water requirements may be reduced by providing for:
   a. Preservation and reestablishment of native plant communities.
   b. The use of drought-tolerant, site specific, and shade producing plants.
   c. Design and maintenance of irrigation systems which eliminate waste of water due to over application or loss from damage.

6) Renovations to the exterior of a commercial structure shall comply with the criteria and supplemental criteria for Community Appearance Standards; provided, however, than an application for final development approval for a renovation of an existing structure shall only require such information as may reasonably be required by the Building Department or the Comprehensive Planning and Zoning Board to demonstrate compliance with the criteria and supplemental criteria for Community Appearance Standards and shall not be required to provide information as to areas not proposed for renovation except as provide for an understanding of the proposed changes or alterations to the structure.

7) Definitions. As used in this section 12.02.07.F and as used in the Supplemental Criteria for Community Appearance Standards, the following terms and phrases shall have the meanings indicated:

*Commercial structure* shall mean a structure located within a commercially zoned area regardless of its actual size.
**Renovation** shall mean a change or alteration to a material element of a structure that changes or alters (a) a major structural or architectural feature of a building including changes to roof lines, porches, location or size of windows or doors; or (b) the exterior of a building requiring the submittal of plans signed and signed by a registered architect or engineer.

Per Section 12.02.08 of the City’s Land Development Regulations, a master plan for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the final development plan for the first phase of the development and must be approved as a condition of approval of the final plan for the first phase. A final development plan must be approved for each phase of the development under the procedures for development review prescribed above.

Per Section 12.02.09 of the City’s Land Development Regulations, a master plan is required for a major development which is to be developed in phases. A master plan shall provide the following information for the entire development as specified in this section. Review of final development plans for major developments shall comply with Section 12.02.10.

Per Section 12.02.10.B, Amendment to final development plans, “If a major development has received a final development order or other approval, the amendment, modification or extension of such a final development order or approval shall only be by the same process as the order or approval was originally obtained (except that the concept review process does not have to be repeated) and the review fee shall also be the same. For Planned Unit Developments, strikethrough and underlined sections of the proposed changes shall be submitted. Expired final development orders are not eligible for renewal.”

Per Section 12.02.13, each administrative hearing shall conform to the following procedures, as supplemented by law, rule or decision.

A. **Burden and nature of proof.** The applicant for any development permit must prove that the proposal satisfies the applicable requirements and standards of this Code.

B. Order of proceedings.

1. The Comprehensive Planning and Zoning Board and City Commission shall:
   a. Determine whether it has jurisdiction over this matter.
   b. Determine whether any member must abstain or is disqualified. Abstaining from voting or disqualification because of conflict of interest must be declared in accordance with Part III of
   c. Chapter 112, Florida Statutes.

Where proposed minor or major development includes the subdivision of land, platting shall conform to the requirements of Section 12.02.14 of the City’s LDRs. Final approval of the development plan by the Comprehensive Planning and Zoning Board shall be made contingent upon approval by the St. Augustine Beach Commission of a plat conforming to the development plan.

City of St. Augustine Beach Major Development Application 07-22
Refurbish existing D/F internally illuminated pylon sign. Existing pylon to new fabricated aluminum elements added to top portion of sign. New 1" thick routed acrylic letters pin mounted off horizontal embellishment. External upwards illumination by white L.E.D.s. Existing tenant cabinet to receive new L.E.D. illumination. Bottom portion of cabinet to receive new fabricated aluminum "slat" elements. Pole covers to be repainted.
D/F internally illuminated pylon sign with .063" aluminum skin over 2" x 2" aluminum tube frame. 1" thick routed acrylic letters pin mounted off horizontal embellishment. Sign to have 8' x 8' D/F illuminated tenant cabinet with 1 1/2" T-bar dividers. 1" thick routed acrylic letters pin mounted off horizontal embellishment. External upwards illumination by white L.E.D.s. Sign to have automotive grade painted finish and installed with single steel support pole into concrete footer.
CONSTRUCTION PLANS FOR
ANASTASIA PLAZA PUBLIX REBUILD
1033 A1A BEACH BLVD ST. AUGUSTINE BEACH FL, 32080
SECTION 22 - TOWNSHIP 3 NORTH - RANGE 28 EAST
PARCEL ID: 181416 1110

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CASE "A" CROSSING

1. The sidewalk path for the wheelchair user will be constructed from the roadway center line to the corner.
2. Location of handicap sign.
3. The construction of the sidewalk shall be in accordance with the Florida Building Code.
4. If the construction of the sidewalk is not in accordance with the Florida Building Code, the owner shall be responsible for the cost of the necessary work.

ADJUSTMENT OVER EXISTING UTILITIES
MECHANICAL RESTRAINTS

CASE "B" CROSSING

1. The sidewalk path for the wheelchair user will be constructed from the roadway center line to the corner.
2. Location of handicap sign.
3. The construction of the sidewalk shall be in accordance with the Florida Building Code.
4. If the construction of the sidewalk is not in accordance with the Florida Building Code, the owner shall be responsible for the cost of the necessary work.

ADJUSTMENT UNDER EXISTING UTILITIES
MECHANICAL RESTRAINTS

NOTED:
1. The construction of the sidewalk path shall be in accordance with the Florida Building Code.
2. The construction of the sidewalk shall be in accordance with the Florida Building Code.
3. The construction of the sidewalk shall be in accordance with the Florida Building Code.
4. The construction of the sidewalk shall be in accordance with the Florida Building Code.

EXTERIOR DOWNSPOUT COLLECTOR

TYPICAL HANDICAP SIGN
To: Comprehensive Planning and Zoning Board  
From: Jennifer Thompson, Planner  
CC: Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner  
Date: 09/12/2023  
Re: Proposed Code Changes Sections 6.01.04 & 6.01.05

Section 6.01.04 b. of the City’s Land Development Regulations currently allows for specific architectural features on buildings to exceed 10 feet above the building height limit of 35 feet. The new proposed code change would alter the code to only allow this for commercial occupancies not including transient rentals. This would prevent a residential building from exceeding 35 feet in height.

Section 6.01.05 is a new proposed section, which includes drainage requirements for new development which may include gutters, retaining walls, underdrains, swales, or any other methods deemed necessary by the Building Official or designee.

Sincerely,

Jennifer Thompson, CFM  
Planner  
Planning and Zoning Division
ORDINANCE NO: 23-XX

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO BUILDING HEIGHT MEASUREMENT & DRAINAGE REQUIREMENTS FOR NEW DEVELOPMENT; AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE BEACH, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, TO AMEND, REVISE AND RESTATE THE SECTIONS 6-01 OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021 (4), Florida Statutes.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA:

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

SECTION 2. Amend Chapter 6, Sections 6.01.04 and 6.01.05 of the Code of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:
Sec. 6.01.04. Building height measurement, exceptions, and applications.

b. The building height limitation shall not apply to architectural features or any roof structures for housing elevators, stairways, tanks, mechanical equipment, ventilation fans, solar energy collectors, or similar equipment, not to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, chimneys, vents or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however that such features and items shall not extend more than ten (10) feet above the structure for commercial occupancies not including transient rentals.

Sec. 6.01.05. Drainage Requirements for New Development

A. The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage.

B. Roof gutters are required for 2 story or greater buildings.

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

SECTION 4. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2023.

____________________
MAYOR

ATTEST:

____________________
CITY CLERK
EXAMINED AND APPROVED by me this ___ day of _______________, 2023.

__________________________________________________________

MAYOR

Published in the ___________________________________________ on the ___ day of __________________, 2023. Posted on www.staugbch.com on the ___ day of _____________, 2023.
To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner
Date: 09/12/2023
Re: Proposed Land Development Regulations Section 3.02.05

Section 3.02.05 of the City of St. Augustine Beach’s Land Development Regulations allows for permits to be issued for special events on privately owned property in the commercial land use district. Section 3.02.05 F requires that all vehicle parking shall be located on site of the business holding the special event and that there must be 25 parking spaces.

Many businesses in the city have parking lots that currently have less parking than 25 spaces. Therefore, businesses with less parking than 25 spaces are not allowed to host special events. Since many areas of our city are walkable and residents and visitors alike can take alternate forms of transportation to special events, the Planning and Zoning Division is suggesting that this code be changed and are asking for input from the Comprehensive Planning and Zoning Board.

Sincerely,

Jennifer Thompson, CFM
Planner
Planning and Zoning Division
Sec. 3.02.05. Special events—Business/promotional/sales.

A. The City Manager or his designee shall have the authority to issue permits for special events on privately owned property in the commercial land use district.

B. No person shall aid, form, stage or conduct any special event, unless the special event occurs on property in the commercial land use district, and with a permit having first been issued.

C. One (1) location, site, or business may have a promotional sale no more than five (5) times during a calendar year. When more than one (1) business is situated on a parcel, lot, or tract of land, all of the businesses situated on such site, or an association authorized to act on behalf of all of the businesses, shall be required to apply for a special event permit, and no more than five (5) promotional sales per calendar year will be allowed on any such site.

D. A special event may be held for one (1), two (2), or three (3) consecutive days, but no more than three (3) consecutive days, pursuant to a special event permit issued by the City Manager or designee.

E. A special event may be held for longer than three (3) consecutive days, but no more than thirty (30) consecutive days, with a conditional use permit. The comprehensive planning and zoning board shall have the authority to grant conditional use permits for special events lasting no more than thirty (30) consecutive days on privately owned land in the commercial land use district, and provided each such special event complies with all other requirements of this section, and applicable city codes. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to the grant or denial of a conditional use permit for a special event. The procedures and limitations provided under Chapter 10 of this Code shall apply to such conditional use permits, except that any reference to the city commission or commission shall be read as the comprehensive planning and zoning board. An appeal of any decision by the board may be made to the city commission.

F. All vehicle parking for a special event shall be located on the site of the business holding the special event. There must be at least twenty-five (25) on-site parking spaces available for parking by the public. Parking shall not be allowed on public streets, rights-of-way or off-site locations.

G. A special event permit shall not be issued unless the special event shall occur within one hundred eight (180) days of the date of issuance of the permit.

H. The application fee for a special event permit shall be fifty dollars ($50.00). The application shall be in writing and on a form prescribed by the City Manager or designee. A special event permit from the City Manager or designee shall not be necessary when a conditional use permit for a special event has been issued.

I. The sale, offer for sale, or display of merchandise, food or beverages may occur outside of an enclosed building or from a vehicle or trailer as part of a special event. Music or entertainment outside of an enclosed building shall not occur between the hours of 9:00 p.m. and 9:00 a.m. the following day during any special event.

J. The provisions of this section do not affect the regulation of special events occurring on property owned by the City of St. Augustine Beach or St. Johns County.

(Ord. No. 18-07 , § 1(Exh. 1), 5-7-18)