

AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, October 1, 2019 at 2:00 p.m.

**Alcazar Room, City Hall
75 King Street**

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
- 4. Variance**

(a) 2019-0085 Mike Davis, A.D. Davis Construction – Applicant
Solar Stik Properties LLC – Owner
13 N. Leonardi Street
To reduce the minimum side yard setback from 5' to 1.6' and to increase maximum building height from 15' to 22' for a second story addition.

- 5. Conservation Overlay Zone Development**

(a) 2019-0079 Charlene Morgan, Brandon Eklund – Applicant
(originally July 2, 2019) C/o Brandon Construction
Mike Germond – Owner
7 Ponce De Leon Ave
To approve the removal of two (2) significant trees (Hackberry/Sugarberry tree) within Conservation Overlay Zone 3.

(b) 2019-0082 John Long –Owner/Applicant
Fiddler Crab Ln / PIN # 158571-9060
To approve the removal of nine (9) significant trees (nine Southern Red Cedars) within Conservation Overlay Zone 3.

(c) 2019-0083 Ryan Carter – Applicant
 c/o Carter Environmental Services, Inc.
 Patricia & Roland Anderson - Owners
4 Lighthouse Avenue
 To approve the construction of a three hundred foot (300') long dock with two (2) associated boat lifts within Conservation Overlay Zone 1.

(d) 2019-0086 Scott Patrou – Applicant
 c/o Ginn & Patrou Holdings, LLC
 Curt Fenelon – Owner
 c/o Augustine Bluff Associates, LLC
435 Flagler Boulevard
 To approve the construction of a four hundred sixty five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2.

7. Other Business

- (a) Discussion and Recommendation of Ordinance to Amend Sec. 28-29(b)(1) VARIANCES, to allow lot coverage variances for required accessibility in zoning districts HP-1, HP-2 and HP-3
- (b) Discussion of changes to the future land use designation of properties located within the *Public/Semi-Public* future land use category and the proposed addition of *Institutional* future land use category.
- (c) Discussion and Recommendation of Ordinance 2019-38 HEMP, regulating the cultivation, distribution and retail sale of hemp to comply with State Law.

8. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven

days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **VARIANCE #2019-0085**

AGENDA ITEM 4(a)

APPLICANT & OWNER Solar Stik LLC

LOCATION 13 N. Leonardi Street

REQUEST To reduce the minimum side yard setback from 5' to 1.6' and to increase maximum building height from 15' to 22' for a second story addition.

LAND USE Industrial

ZONING Industrial & Warehousing (IW)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-226. – Industrial and warehousing: IW

(5) *Minimum yard requirements:*

- a. Front, none.
- b. Side, five (5) feet.
- c. Rear, five (5) feet.

(7) *Maximum height of structures.*

- Thirty-five (35) feet for buildings and structures set back at least twenty (20) feet from the front property line or public right-of-way.
- Thirty (30) feet for buildings and structures set back at least fifteen (15) feet, but not more than twenty (20) feet, from the front property line or public right-of-way.
- Twenty-five (25) feet for buildings and structures set back at least ten (10) feet, but not more than fifteen (15) feet, from the front property line or public right-of-way.
- Twenty (20) feet for buildings and structures set back at least five (5) feet, but not more than ten (10) feet, from the front property line or public right-of-way.
- Fifteen (15) feet for buildings and structures set back not more than five (5) feet, from the front property line or public right-of-way.

STAFF SUMMARY AND ANALYSIS

The applicant seeks to reduce the minimum side yard setback requirement from 5' to 1.6', this request only memorializes the site as it currently exists and allow for the eastward expansion of an open air work shop (Site plan is included as attachment 2), as well as to allows for the variance request from the maximum building height of 15' to 22 feet. This would allow for the renovation and retrofitting of an existing structure to accommodate a growing business within the City.

In particular, the applicant is proposing relief from the following side yard standard:

Request	Code	Existing	Proposed
(Min) Side Yard	5 feet	1.6 feet	1.6 feet
Maximum Building Height	15	13.83	22 feet

Although the applicant has applied for variance relief from both the side yard setback and the maximum building height Staff notes that if the request were altered to request a side yard setback variance from 10' to 1.6 feet, there would be no need for a maximum building height variance, given the maximum building height for structures set back 10' from the side yard line in IW zoning is 25'. This would result in variance relief from only one zoning requirement instead of two.

Staff interpretation of findings of fact in *italics*.

1. Variance to decrease the minimum side yard building setback for a proposed single family home addition.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes there is a singular disadvantage in this situation. The physical location of the buildings limits any reconstruction/repurposing of the building. Based on the buildings location, in order to make an addition that meets code standards, the entire structure would have to be relocated at a minimum 3.3' away from the side yard line, and this would still limit the structure to fifteen feet (15') of maximum height. This potentially creates a situation where the structure is limited to its current location which would be considered nonconforming to the minimum setback. .

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The physical location of the existing building on the lot does not allow for its renovation due to current code standards.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The applicant did not originally construct the building and thereby did not create the disadvantage.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance would not be contrary to the public interest or affect neighboring properties due to the nature of the request and the existing industrial use of the structure on the lot. The spirit, intent, and purpose of the zoning district is for manufacturing and industrial uses and therefore this is in harmony, intent, and purpose of this Section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to decrease the side setback from five (5) feet to one point six (1.6) feet for the existing structure and eastward expansion of an open air work shop as well as a variance to increase the maximum height of the existing structure to twenty two feet (22') at 13 N Leonardi St / PIN # 111420-0000.

SUPPLIMENTS

Attachment 1 – Application & Applicant Information
Attachment 2 – Location Maps / Property Appraiser Information
Attachment 3 – Site Photos
Attachment 4 – Site Plan & Setback Info

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

RECEIVED

AUG 09 2019

Planning/Building Dept.

Application Fee: 350.00 (plus advertising costs) Project Number: 2019-0085

Receipt Number: 1068687 Meeting Date: 9-3-19

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: MIKE DAVIS Contact Number: 904 824 3533

Business (if applicable): A-D. DAVIS CONSTRUCTION CORP.

Address: 3940 LEWIS SPEEDWAY Suite 220 City: ST. AUGUSTINE State: FL Zip: 32084

E-Mail Address: mikedavis@addavis.com

2. NAME OF PROPERTY OWNER: see attached Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: see attached Block: _____

Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 13 N. LEONARDI ST.

5. SPECIFIC PROPOSED USE: _____

6. ACTION REQUESTED:

Conservation Zone Development Appeal of Staff Determination

Exception Land Use Plan Amendment

Variance Rezoning

Other: _____

7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHMENT

8. JUSTIFICATION FOR ACTION REQUESTED: SEE ATTACHMENT

ST AUGUSTINE
ACTION TO PLANNING AND ZONING BOARD

RECEIVED

AUG 09 2019

Planning/Building Dept.

330.00 (plus advertising costs) Project Number: 2019-0085
Number: 1068687 Meeting Date: 9-3-19
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: MIKE DAVIS Contact Number: 904 824 3533
Business (if applicable): A-D. DAVIS CONSTRUCTION CORP.

Address: 3940 LEWIS SPEEDWAY Suite 221 City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: mikedavis@addavis.com

2. NAME OF PROPERTY OWNER: see attached Contact Number: _____

Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: see attached Block: _____
Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 13 N. LEONARDI ST.

5. SPECIFIC PROPOSED USE: _____

6. ACTION REQUESTED:

<input type="checkbox"/> Conservation Zone Development	<input type="checkbox"/> Appeal of Staff Determination
<input type="checkbox"/> Exception	<input type="checkbox"/> Land Use Plan Amendment
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Other: _____	

7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHMENT

8. JUSTIFICATION FOR ACTION REQUESTED: SEE ATTACHMENT

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: YES
WE ARE REPURPOSING AN EXISTING BUILDING THAT HAS CURRENT SETBACKS AT 16'.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: YES THE CURRENT BUILDING NEEDS TO BE RENOVATED & UPGRADED
INCLUDING ADDING MORE SPACE FOR ADMINISTRATIVE & CORPORATE OFFICES. THE NEW BUILDING ON SITE WILL COMPLY WITH ZONING SETBACKS AND HEIGHTS.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: THE EXISTING BUILDING WAS BUILT IN 1985 - PRIOR TO THE CURRENT OWNERS PURCHASING THE BUILDING.

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: SEE ATTACHMENT

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

8/6/19
Date


Signature of Property Owner

8/6/19
Date



CITY OF ST. AUGUSTINE DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Michael A. Davis

Print name of applicant

Michael A. Davis

Signature of applicant

8/6/19

Date



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AUG 09 2019

Planning/Building Dept.

Owner's Authorization For Agent

Mike Davis is/are hereby authorized TO ACT ON BEHALF OF Solar Stk, the owner(s) of those lands described within the attached application, or described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at:

BY: _____

Signature of Owner

Stephanie Hollis

Print Name of Owner

904.315.8765

Telephone Number

State of Florida

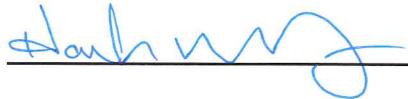
County of St. Johns

Signed and sworn before me on this 7th day of August, 2019

By Stephanie Hollis

Identification verified:

Oath sworn: ✓ Yes _____ No _____

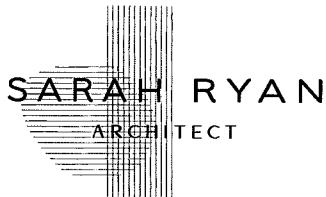
Notary Signature: 



HANNAH MURRAY
Commission # GG 226585
Expires June 23, 2022
Bonded Thru Budget Notary Services

My Commission expires:

June 23, 2022



RECEIVED

AUG 09 2019

Planning/Building Dept.

August 9th 2019

To: Planning and Zoning Board, City of St Augustine

Re: 13 N. Leonardi Street - Variance Application

Description and Justification of Action Request:

We are requesting a side yard setback and height variance at 13 N Leonardi St.

There is an existing 1-story building on the site. A second story is proposed on a portion of the existing building (as shown in photos and drawings) that will align over the first floor. The second floor addition maintains the existing 1.6' setback to the wall and .9' to the roof overhang. The allowable side setback is 5'-0" in the IW zone for new construction. The property backs up to the Florida Coast Railway and therefore will not conflict or affect adjacent neighbors. The site is currently vacant and the proposed buildings and renovations will upgrade the site. The renovated building and new second floor will be used for administrative and corporate offices for Solar Stik, Inc.

The height variance request is to increase the current height of 13.83' to 22.0' for the second story. Per IW zoning the allowable height is 15.0'.

There is a second portion of the existing building that will be used for machinery and a new outdoor workshop. The existing height of this building is 18.0'. We will maintain the 18.0' height for the covered outdoor workshop (please reference drawings).

Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity.

Yes, we are repurposing an existing building that has current setbacks at 1.6'.

Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property?

Yes, the current building needs to be renovated and upgraded including adding more space for the administrative and corporate offices. The new building on the site complies with zoning setbacks and heights.

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AUG 09 2019

Planning/Building Dept.

Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant?

The existing building was built in 1985 - prior to the current owners who purchased the property in 2018.

Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section?

The renovations and addition will be a tremendous improvement to the site and surrounding neighbors. The neighbors include other 2-story industrial / warehouse buildings to the west and the Florida Coast Railway to the North. The variance will not be contrary to the public interest and will not adversely affect other property in the vicinity. The renovation and addition is in harmony with the spirit and intent of the zone.

Including this Cover letter - please see included in this application:

- Existing Site Survey
- Two Proposed Site Surveys (partial and full)
- Floor Plans for existing building renovation and second floor addition
- Proposed Elevations
- Existing Photos with descriptions.

End of Memo

Attachment 2
Location Map(s) /
Property Appraiser Info.

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID	1114200000
Location Address	13 N LEONARDI ST SAINT AUGUSTINE 32084-0000
Neighborhood	West King St (COM) (487.01)
Tax Description*	DANCY TRACT BLK 1 RE-SUB LOT 5 BLK 4 (EX N40FT TO FEC RY) & ALL BLK 5 (EX N50FT TO FEC RY) OR4617/525
<small>*The Description above is not to be used on legal documents.</small>	
Property Use Code	Open Storage (Owner Occupied) (4905)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.900
Homestead	N

Owner Information

Owner Name [Solar Stik Properties LLC 100%](#)
Mailing Address 226 WEST KING ST
SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2019
Building Value	\$77,698
Extra Features Value	\$20,776
Total Land Value	\$97,478
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$195,952
Total Deferred	\$0
Assessed Value	\$195,952
Total Exemptions	\$0
Taxable Value	\$195,952

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$46,183	\$15,138	\$97,478	\$0	\$0	\$158,799	\$146,441	\$12,358	\$146,441
2017	\$48,682	\$12,783	\$97,478	\$0	\$0	\$158,943	\$133,128	\$25,815	\$133,128
2016	\$51,179	\$13,784	\$97,478	\$0	\$0	\$162,441	\$121,025	\$41,416	\$121,025
2015	\$53,678	\$14,788	\$97,478	\$0	\$0	\$165,944	\$110,023	\$55,921	\$110,023
2014	\$43,567	\$13,199	\$43,255	\$0	\$0	\$100,021	\$100,021	\$0	\$100,021
2013	\$44,437	\$13,199	\$43,255	\$0	\$0	\$100,891	\$100,891	\$0	\$100,891
2012	\$45,741	\$13,199	\$43,255	\$0	\$0	\$102,195	\$102,195	\$0	\$102,195
2011	\$46,610	\$13,199	\$47,580	\$0	\$0	\$107,389	\$107,389	\$0	\$107,389
2010	\$48,398	\$13,199	\$54,069	\$0	\$0	\$115,666	\$115,666	\$0	\$115,666

Building Information

Building	1	Roof Structure	Wood Truss
Actual Area	1368	Roof Cover	Modular Metal
Conditioned Area	1344	Interior Flooring	Carpet
Actual Year Built	1985	Interior Wall	Drywall
Use	Office Buildings	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Block	Baths	

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	1344	1344
POINTER	0	0
CANOPY (COMMERCIAL)	0	24
Total SqFt	1344	1368

Building	2	Roof Structure	Wood Truss
Actual Area	2040	Roof Cover	Modular Metal
Conditioned Area	1800	Interior Flooring	Concrete Finish
Actual Year Built	1964	Interior Wall	Minimum
Use	Garage	Heating Type	
Style	04	Heating Fuel	
Class	N	Air Conditioning	
Exterior Wall	Concrete Block	Baths	

Category	Type	Pct
----------	------	-----

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Minimum	100%
Interior Flooring	Concrete Finish	100%
Frame	Masonry	100%
Plumbing	O Fixtures	100%
Electrical	Minimum	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	1800	1800
LOADING PLATFORM	0	240
Total SqFt	1800	2040

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Metal Fence 6'	0	0	0	0	987
Asphalt Paving	0	0	0	0	7900
Storage Building	0	0	0	0	705

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Owner Occupied Open Storage	0	0	38991	SF	\$97,478

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/26/2018	9/25/2018	\$225,000.00	WD	4617	525	Q	I	AMERIGAS PROPANE LP	SOLAR STIK PROPERTIES LLC
	8/22/2001	\$0.00	CO	1681	1724	U	I	NATIONAL PROPANE LP	NATIONAL PROPANE LP (SEE NOTE)
	6/26/1996	\$135,200.00	WD	1200	960	U	I	GOOD HOUSEKEEPING GAS CO	NATIONAL PROPANE LP
	1/1/1978	\$20,000.00		394	197	U	I		GOOD HOUSEKEEPING GAS CO

Area Sales Report

Recent Sales in Area

Sketch Information

Attachment 3
Site Photographs





08/26/2019 15:41





Indoor/Outdoor
Storage Facility

Utilities Substation

Fuel/Oil Supply &
Storage Facility

Railroad
Subject Property

NOTICE

A PUBLIC HEARING CONCERNING
THE USE AND DEVELOPMENT OF THE PROPERTY LOCATED ON THIS
SITES, WHICH IS OWNED BY THE CITY OF ST. AUGUSTINE,
PROPERTY WILL BE HELD BY THE
PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE
ON TUESDAY, SEPTEMBER 3, 2019, 2:00PM
TELEPHONE 825-1065
FOR INFORMATION ON # 2019-0005

08/26/2019 15:40



Attachment 4 Site
Plan/Floor plan

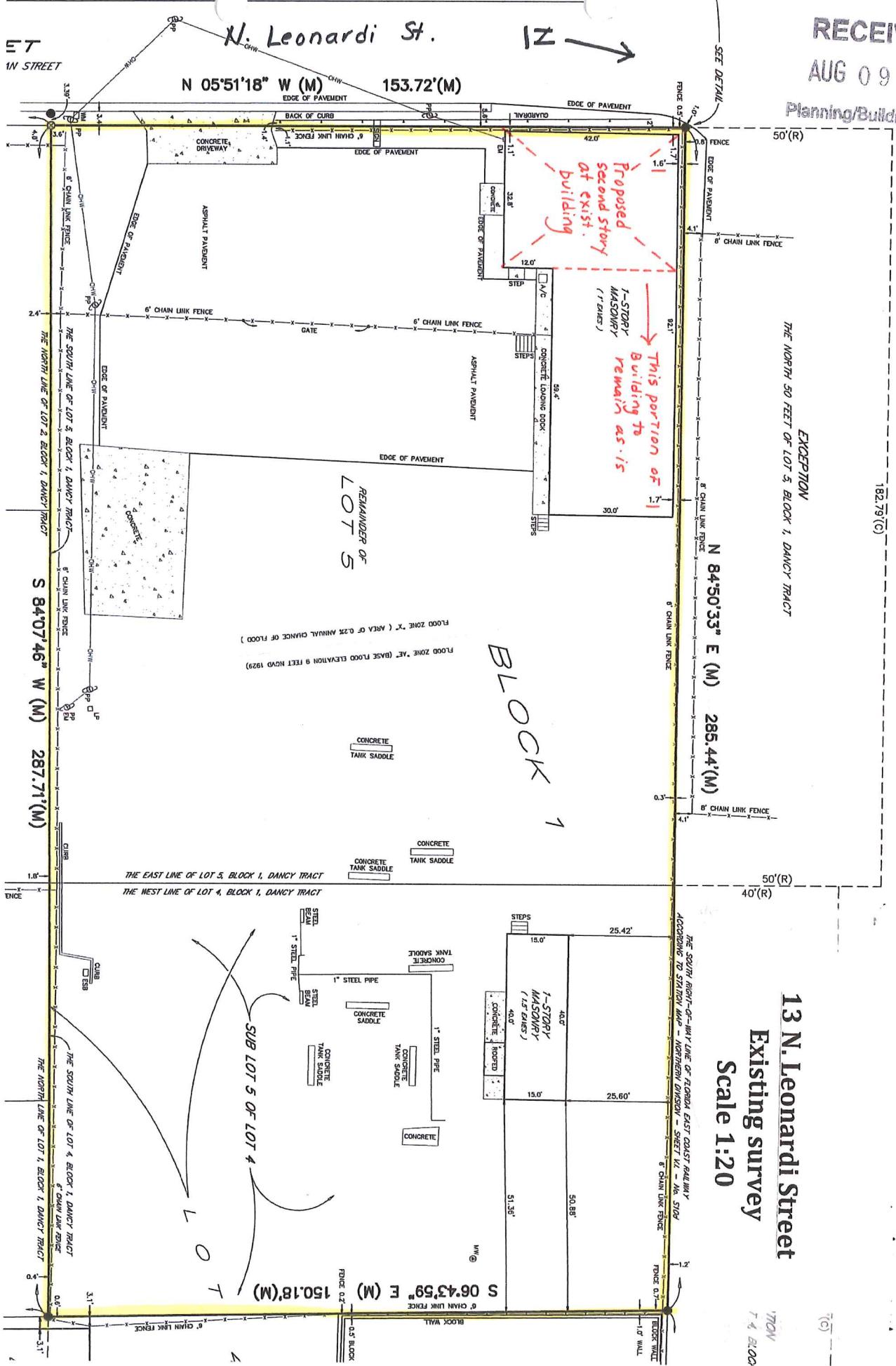
RECEIVED
AUG 09 2019

Planning/Building Dept.

*EXCEPTION
THE NORTH 50 FEET OF LOT 5, BLOCK 1, DANCY TRACT*

13 N. Leonard Street
Existing survey
Scale 1:20

Now
It's
Bloch



RECEIVED

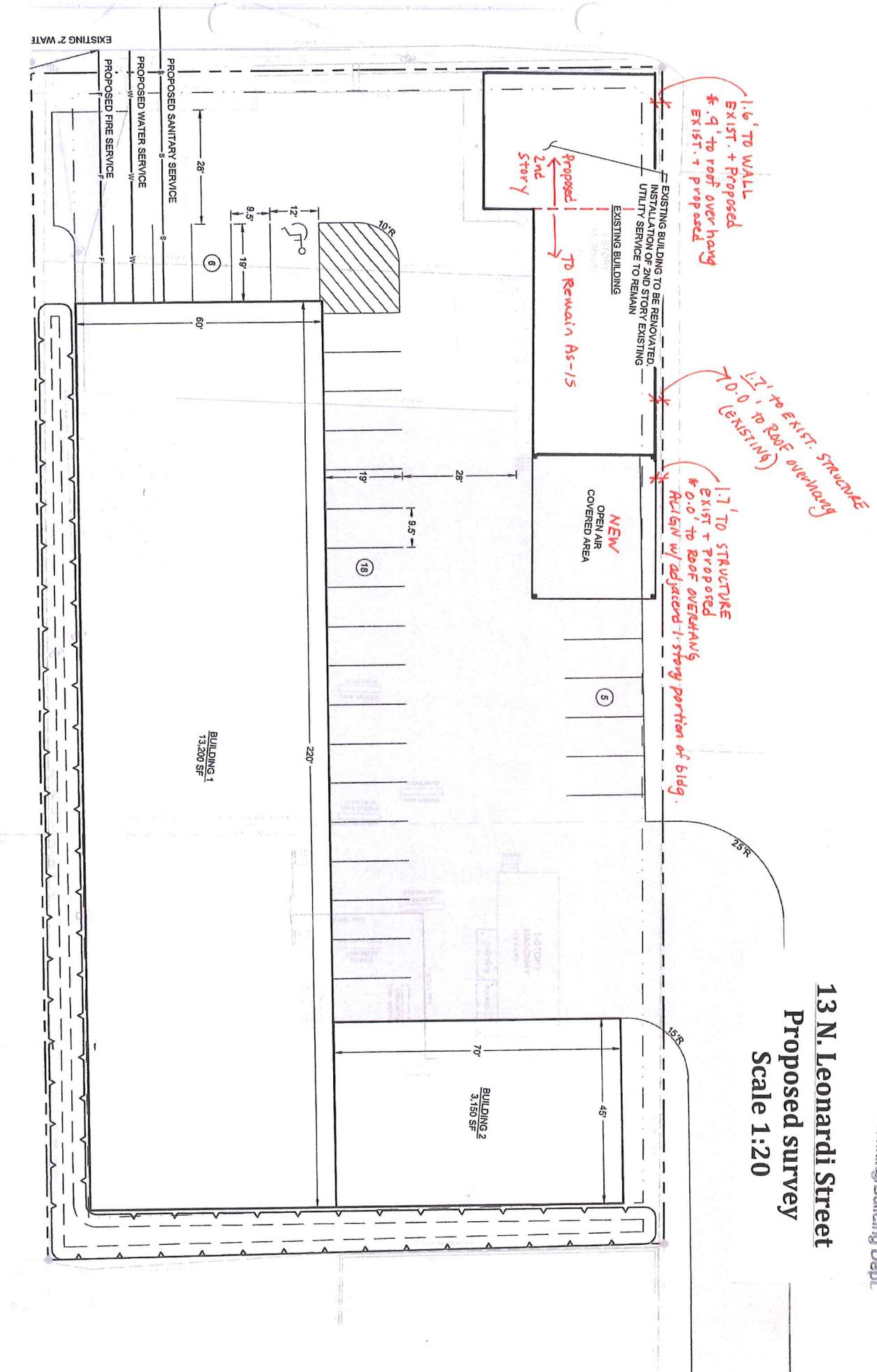
AUG 09 2019

Planning/Building Dept.

13 N. Leonard Street

Proposed survey
Scale 1:30

Scale 1:20



OFFICE
1/2"

59-5"

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SOLAR STK
BRIAN + STEPHANIE HOUSS
226 W. KING STREET
ST AUGUSTINE FL 32084

RECEIVED

AUG 09 2019

Planning/Building Dept.

36'-1 1/2"

SECOND FLOOR PLAN

1/16 Scale

32'-8 1/2"

59-5

35'-O"

FIRST FLOOR PLAN

1/16 Scale

A101
SHEET NUMBER

SHEET NUMBER

9/3/19 P21

FLOOR PLANS

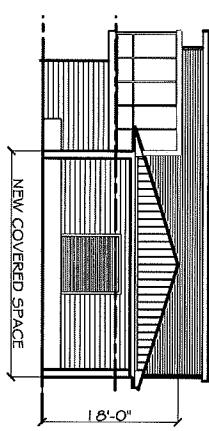
13 N LEONARDI STREET
ST AUGUSTINE FL 32084

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AUG 09 2019

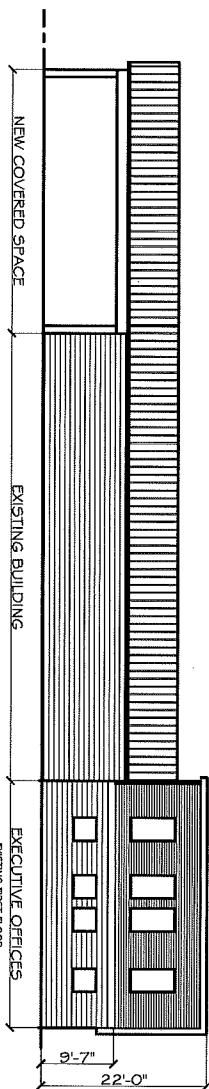
Planning/Building Dept.

COMER,
SARAH
DRAK, STPHANE HOUIS
22 E. KING STREET
ST AUGUSTINE FL 32084
PROJECT LOCATION:
13 N. LEONARDI STREET
ST AUGUSTINE FL 32084
CONTRACTORS:
AD. DAVIS
3940 Hwy 161
Lawn Speedway
ST AUGUSTINE FL 32084
604-924-3533
ARCHITECT:
SARAH RAY ARCHITECT, LLC
20 OWNERS AVE
ST AUGUSTINE 32080
904-824-73430
CIVIL ENGINEERS:
MATTHEWS DESIGN GROUP, INC
5400 5TH STREET
ST AUGUSTINE FL 32084
904-824-1534



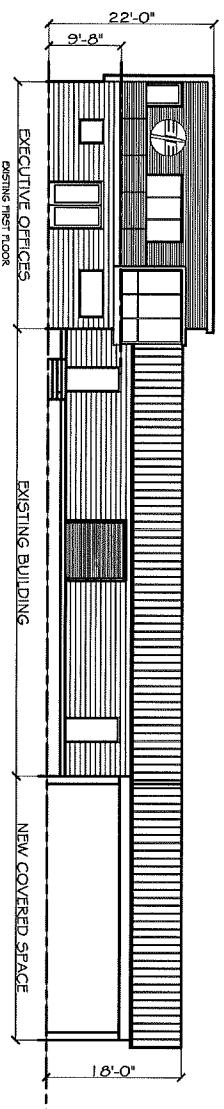
EAST ELEVATION

1/16 Scale 2



NORTH ELEVATION

1/16 Scale 1



SOUTH ELEVATION

1/16 Scale 1

9/3/19 PZB

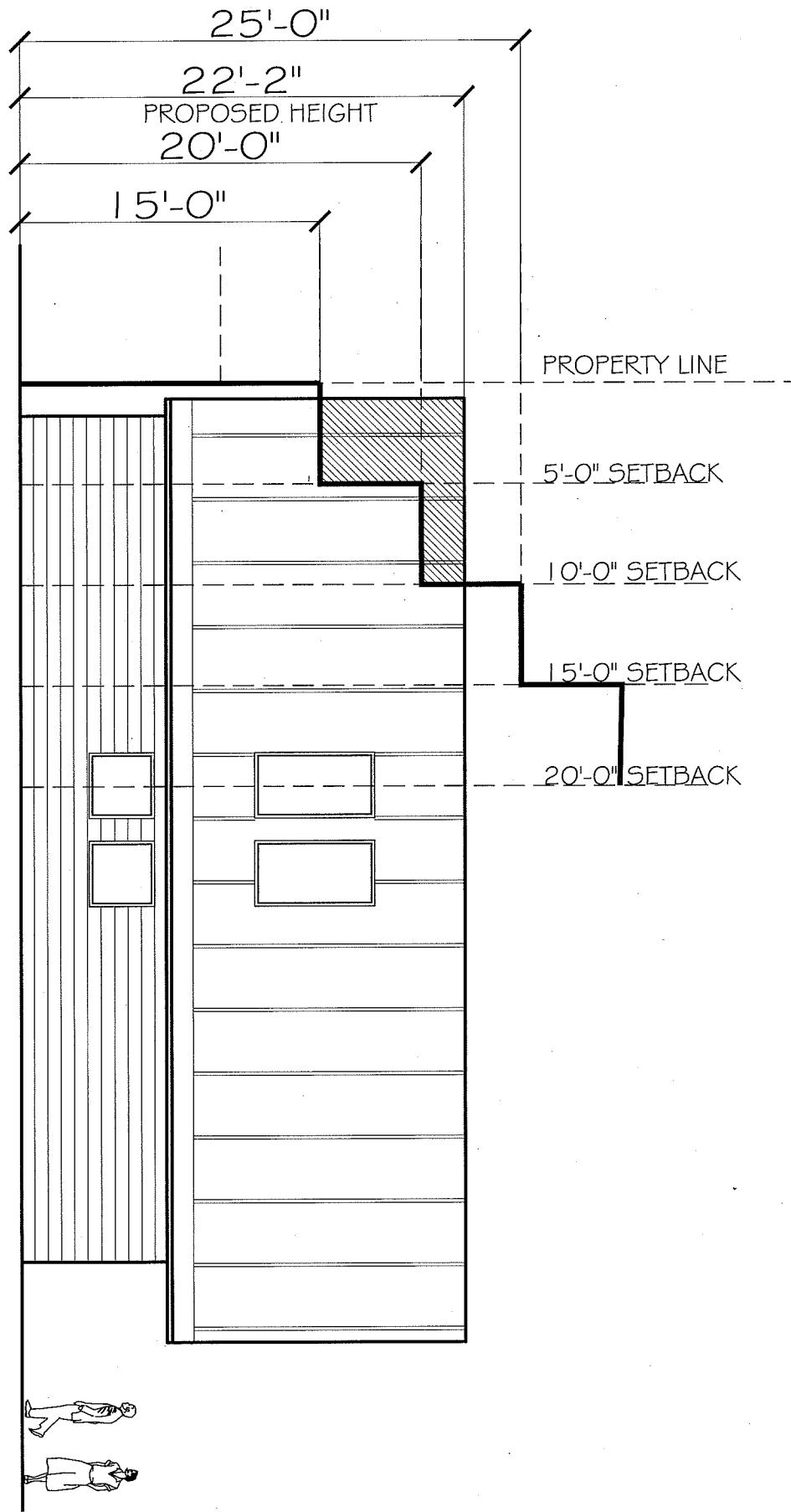
PROPOSED ELEVATIONS

13 N LEONARDI STREET
ST AUGUSTINE FL 32084

A201

SHEET NUMBER

WEST ELEVATION - Stepped Height Diagram



CITY OF ST. AUGUSTINE

S T A F F R E P O R T & R E C O M M E N D A T I O N

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2019-0079**

AGENDA ITEM	5(a)
APPLICANT	Charlene Morgan c/o Brandon Eklund, Brandon Construction
OWNER	Mike Germond
LOCATION	7 Ponce de Leon Ave / PIN#:157140-0000
REQUEST	To approve removal of two (2) significant tree (Hackberry/Sugarberry) within Conservation Overlay Zone 3.
PLANS DATED	August 16, 2019
LAND USE	Residential Low Density
ZONING	Residential Single Family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

(1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a preserved tree.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization.
Water quality and aquifer recharge.
Ecological impacts.
Noise pollution.
Air movement.
Air quality.
Wildlife habitat.
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to construct a single family home and associated driveways and walkways on site which includes the removal of nine (10) trees on site; this includes one (1) dead tree (Cedar), two (2) trees that have been deemed diseased and unsafe (Laurel Oaks), and two (2) significant trees (two Hack/Sugarberrys) within Conservation Overlay Zone. A tree removal plan indicating removal and preservation of trees along with an arborist report completed by the applicant's arborist has been included in the packet. This indicates the applicant is removing these trees due to their location and close distance within the building footprint and driveways/walkways. See credit/debit chart below:

* - Indicates tree in right of way; **Bold** indicates significant trees

Tree Condition	Diameter	Name	Credit	Debit
Diseased	19"	Laurel Oak	n/a	n/a
Diseased	32"	Laurel Oak	n/a	n/a
Dead	8"	Cedar	n/a	n/a
Healthy	18"	Southern Magnolia	3	
Healthy	19"	Southern Magnolia	3	
Healthy	16"	Sugarberry		1.5
Healthy	18"	Sugarberry		1.5
Healthy	13"	Sugarberry	3	
Healthy	14"	Sugar Berry	3	
Healthy	9"	Sugar Berry		1
Healthy	7"	Laurel Oak		1
Healthy	14"	Live Oak		1.5
Healthy	7"	Cherry Laurel		1
1 credit per native tree = 4			16	7.5

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate removed trees on site [Ref. LDC Sec. 25-53(d)(2)].

1. Conservation Overlay Zone 3 Development to remove two (2) significant trees (Hack/Sugarberry) within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

According to the Arborist report, the two (2) laurel oaks are at the end of their life span and diseased therefore, they pose a threat to person or property and should be removed, therefore these trees would not be included in the tree mitigation calculations (as per HB1159). The remaining trees on site were deemed as healthy and viable by the arborist report dated July 11, 2019, however placement of the home and driveways will necessitate removal of the trees because they fall within the footprint or could be impacted by the proposed home and associated driveway and sidewalks.

b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

The removal appears to be necessary to construct the home as the trees developed branches would fall within the footprint of the home. The Applicant is proposing to only remove one (1) co-dominant significant tree (reflected as two trees in the table above and on the site plan).

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the site will be developed per City development standards, issues related to erosion will be lessened. A drainage plan is reviewed by the Building Official during the building permit review process to ensure stormwater runoff flows to the proper conveyance.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have a mature tree canopy and removal of the two trees would thin this canopy, however, the applicant is retaining as many trees as possible on site and removing only the trees necessary to build a home.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

Four (4) of the thirteen (13) trees are designated as significant trees; the applicant proses removal of two of these trees (which is a co-dominant hack/sugarberry tree) on site. The three (3) trees deemed dead or dangerous are not included in this determination.

- f. Impact upon the urban and natural environment, including:

Ground and surface water stabilization. – *Any new construction must retain surface water.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*

Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*

Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*

Air movement. – *This project should not substantially affect air movement.*

Air quality. – *This project should not affect air quality.*

Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

This could be difficult because of the size of the home, the applicant is proposing only to remove the two trees that would impact the envelope of the proposed home.

The number of debits for tree removal is – **7.5 debits**.

The number of credits for tree preservation is **16 credits**.

The number of credits for tree plantings (incl. relocation) is **0 credits**

The number of remaining debits after calculating tree preservation and plantings: **N/A**

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of the trees at the subject property including two (2) significant trees (Hack/Sugarberrys) within Conservation Overlay Zone 3 located at 7 Ponce de leon Ave / PIN#: 15740-0000.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Arborist Report

Attachment 4 – Updated Tree Removal & Site Plan

Attachment 5 – Architectural Renderings

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165.00 (plus advertising costs) Project Number: 2019-0079

Receipt Number: 1645905 Meeting Date: August 6, 2019

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Charlene Morgan Contact Number: 904.392.9288

Brandon:
993-8232

Business (if applicable): Brandon Eklund

Address: 7 Arunta St City: St. Avg State: Fl Zip: 32084

E-Mail Address: Charlene@brandonbuilding.com

2. NAME OF PROPERTY OWNER: Mike Germond Contact Number: 614-581-2274

Business (if applicable): _____

Address: 12800 Lake Sawyer Ln City: Windermere State: Fl Zip: 34786

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 9 Block: 6

Subdivision: Carver's Sub Anastasia Parcel Number: 1571400000

4. PROJECT STREET ADDRESS: 7 Ponce De Leon Ave, 32080

5. SPECIFIC PROPOSED USE: Residential

6. ACTION REQUESTED:

Conservation Zone Development Appeal of Staff Determination
 Exception Land Use Plan Amendment
 Variance Rezoning
 Other: _____

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JUL 05 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: Tree Removal for new construction

8. JUSTIFICATION FOR ACTION REQUESTED:

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: N/A

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: N/A

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: N/A

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, please give date and final disposition below.

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JUL 05 2019
Planning/Building Dept.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Signature of Property Owner

7-5-19

Date

7/6/19

Date



CITY OF ST. AUGUSTINE DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Charlene Morgan

Print name of applicant

Charlene Morgan

Signature of applicant

7-05-19

Date

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JUL 05 2019
Planning/Building Dep't.

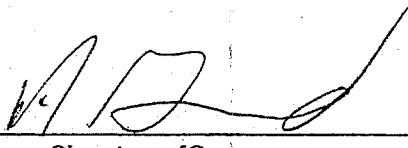


ST AUGUSTINE
EST. 1565

Owner's Authorization For Agent

Brandon Construction is/are hereby authorized TO ACT ON BEHALF OF Michael Germond, the owner(s) of those lands described within

the attached application, or described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at:

BY: 

Signature of Owner

Michael Germond

Print Name of Owner

616-581-2274

Telephone Number

State of FLORIDA

County of ORANGE

Signed and sworn before me on this 1st day of July, 2019

By Michael Germond

Identification verified:

Oath sworn: Yes No

Notary Signature: Georgia K. Kellogg

My Commission expires:

01/17/2022



Georgia K. Kellogg
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG176132
Expires 1/17/2022

Rev:022117

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JUL 05 2019

Planning/Building Dept.

Attachment 2
Property Appraiser Information & Location Map



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID	1571400000
Location Address	7 PONCE DE LEON AVE SAINT AUGUSTINE 32080-0000
Neighborhood	Carvers (713)
Tax Description*	1-58 CARVERS SUB ANASTASIA LOT 9 BLK 6 OR4432/418
*The Description above is not to be used on legal documents.	
Property Use Code	Vacant Residential (0000)
Subdivision	Anastasia, Map Of
Sec/Twp/Rng	58-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.090
Homestead	N

Owner Information

Owner Name	Germond Mike, Charlotte Hope 100%
	Germond Charlotte Hope 100%
Mailing Address	12860 LAKE SAWYER LN WINDERMERE, FL 34786-0000

Map



Valuation Information

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$109,494
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$109,494
Total Deferred	\$0
Assessed Value	\$109,494
Total Exemptions	\$0
Taxable Value	\$109,494

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$108,388	\$0	\$0	\$108,388	\$108,388	\$0	\$108,388
2017	\$0	\$0	\$89,586	\$0	\$0	\$89,586	\$89,586	\$0	\$89,586
2016	\$0	\$0	\$89,586	\$0	\$0	\$89,586	\$89,586	\$0	\$89,586
2015	\$0	\$0	\$77,420	\$0	\$0	\$77,420	\$77,420	\$0	\$77,420
2014	\$0	\$0	\$64,812	\$0	\$0	\$64,812	\$64,812	\$0	\$64,812
2013	\$0	\$0	\$49,770	\$0	\$0	\$49,770	\$47,301	\$2,469	\$47,301
2012	\$0	\$0	\$43,001	\$0	\$0	\$43,001	\$43,001	\$0	\$43,001
2011	\$0	\$0	\$47,779	\$0	\$0	\$47,779	\$47,779	\$0	\$47,779
2010	\$0	\$0	\$53,088	\$0	\$0	\$53,088	\$53,088	\$0	\$53,088

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	56	75	56	EF	\$109,494

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/6/2017	9/1/2017	\$159,000.00	WD	4432	418	Q	V	SMITH TREVOR,SARAH	GERMOND MIKE,CHARLOTTE HOPE
12/29/2015	12/23/2015	\$135,000.00	WD	4129	1675	Q	V	FILLER REBECCA,STUART	SMITH TREVOR,SARAH
10/14/2014	8/29/2014	\$119,000.00	WD	3942	42	Q	V	WHITE JAY	FILLER REBECCA,STUART
2/17/2014	2/12/2014	\$108,000.00	WD	3846	817	Q	V	MITCHELL MANAGEMENT INC	WHITE JAY
7/10/2013	7/8/2013	\$100,000.00	WD	3759	193	Q	V	BLAIR DONALD RICHARD	MITCHELL MANAGEMENT INC
8/24/2011	5/16/2011	\$100.00	WD	3467	1217	U	V	BLAIR DONALD D,CATERINA G	BLAIR DONALD RICHARD
3/1/1986		\$10,500.00		700	770	Q	V		BLAIR DONALD D,CATERINA G
1/1/1984		\$9,500.00		625	830	Q	V		

Area Sales Report

Recent Sales in Area

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

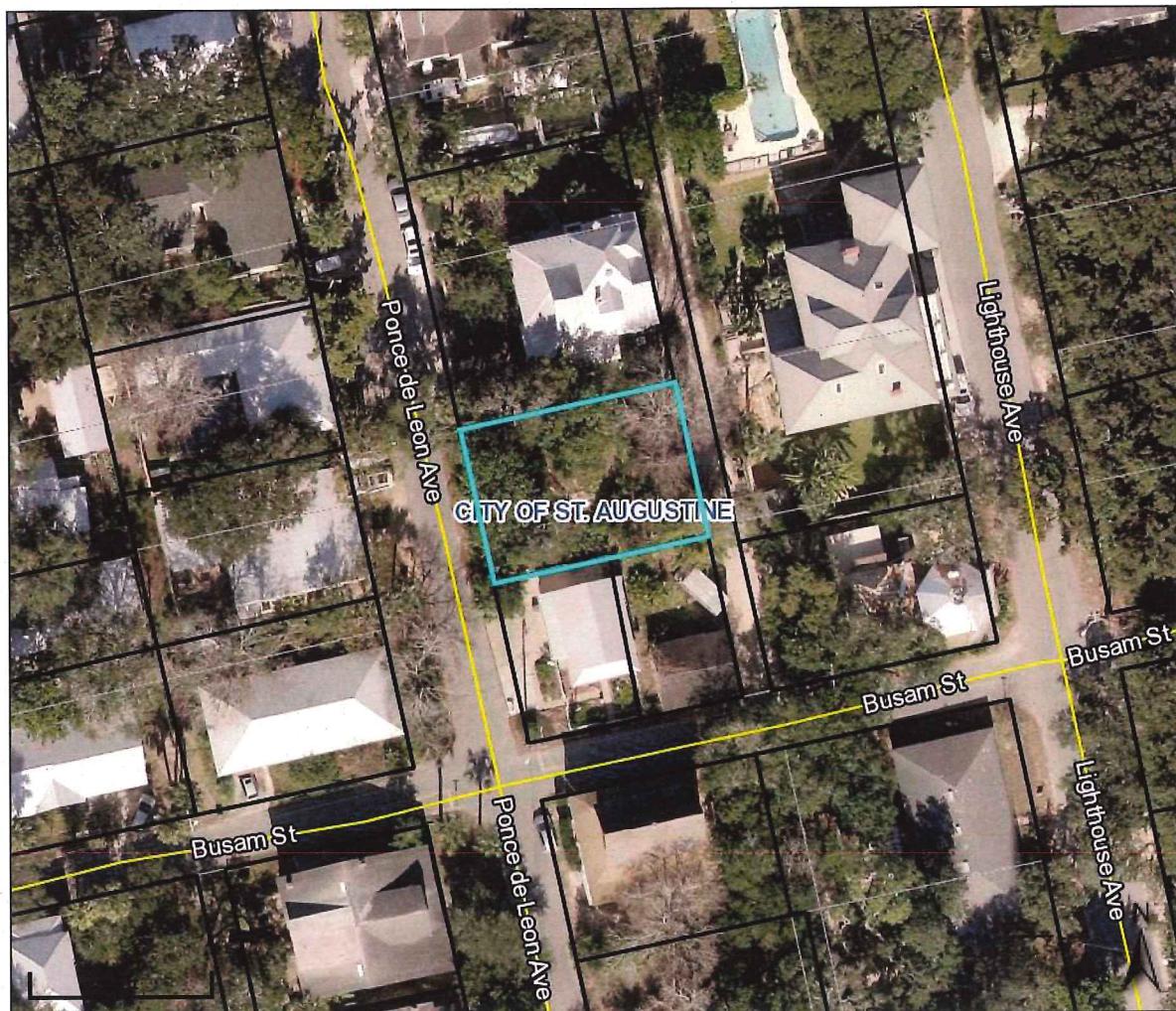
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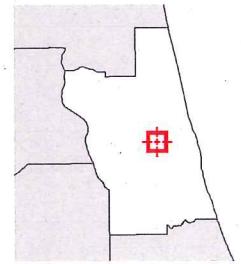
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Developed by
 Schneider
GEOSPATIAL

St. Johns County, FL



Overview



Legend

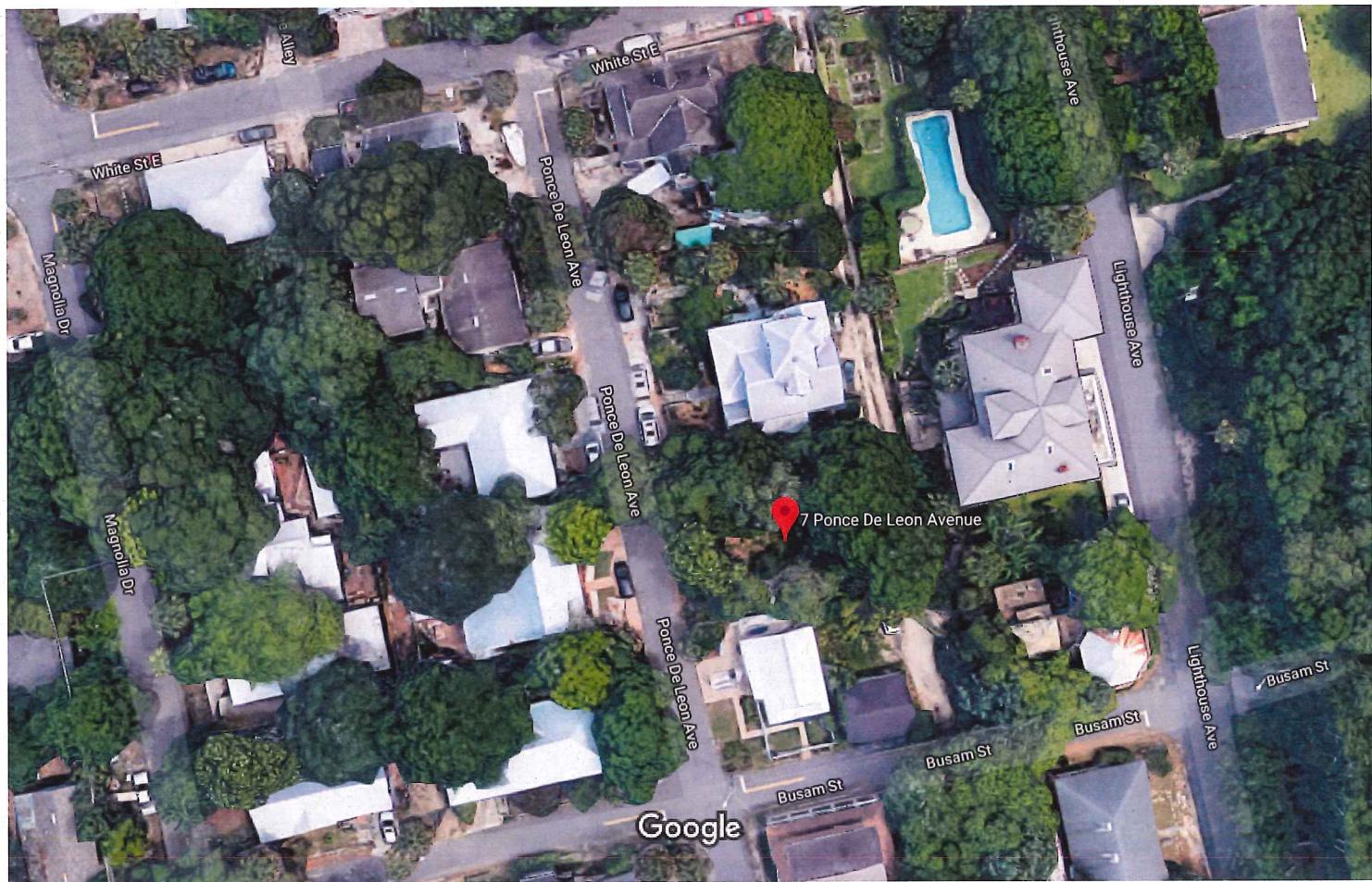
- Parcels
- Cities

Parcel ID	1571400000	Physical Address	7 PONCE DE LEON AVE SAINT AUGUSTINE GERMOND MIKE, CHARLOTTE HOPE 12860 LAKE SAWYER LN WINDERMERE FL 34786-0000	Building Value	N/A	Last 2 Sales Date		Reason	Qual
Property Class	0000 - Vacant Residential	Mailing Address	GERMOND MIKE, CHARLOTTE HOPE 12860 LAKE SAWYER LN WINDERMERE FL 34786-0000	Extra Feature	N/A	9/1/2017	\$159000	01	Q
Taxing District	City of St Augustine			Value		12/23/2015	\$135000	01	Q
Acres	0.09			Total Land	\$109,494				
				Value					
				Just Value	\$109,494				
				Total	N/A				
				Deferred					
				Assessed	\$109,494				
				Value					
				Total	N/A				
				Exemptions					
				Taxable	\$109,494				
				Value					

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

Date created: 7/8/2019
Last Data Uploaded: 7/5/2019 10:58:55 PM

Google Maps 7 Ponce De Leon Ave



Imagery ©2019 Google, Map data ©2019 20 ft



7 Ponce De Leon Ave

St. Augustine, FL 32080



Directions



Save



Nearby



Send to your



Share



VPP6+X8 St. Augustine, Florida

Attachment 3
Arborist Report

Early Piety
CERTIFIED ARBORIST



INTERNATIONAL SOCIETY
OF ARBORCULTURE

ARBORIST REPORT

July 11, 2019

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JUL 26 2019

Planning/Building Dept.

PD - 9:00 am

Brandon Eklund
Brandon Construction, LLC
7 Arenta Street
Saint Augustine, FL 32084

Job Location: 7 Ponce De Leon Ave. St. Augustine, FL 32080

I have inspected the trees on Lot 7, Ponce De Leon Ave. in St Augustine. The 32" Laurel Oak and the 19" Laurel Oak at the north property boundary are alive, however they are nearing the end of their life span and they are diseased and pose a threat to person and property and should be removed. There is a 7" Cedar at the SE corner of the property that is dead and needs to be removed as well. The other Live Oaks, Magnolias, Hackberrys & Cherry Laurel are incorrectly identified as Bay & Elm trees are healthy and viable.

Should you have any further questions please call us.

Early Piety, President
Specialty Tree Surgeons, Inc.
ISA Certified Arborist #SO-0584A

Attachment 4
Architectural
Renderings &
Site Photos







08/26/2019 15:21



08/26/2019 15:22

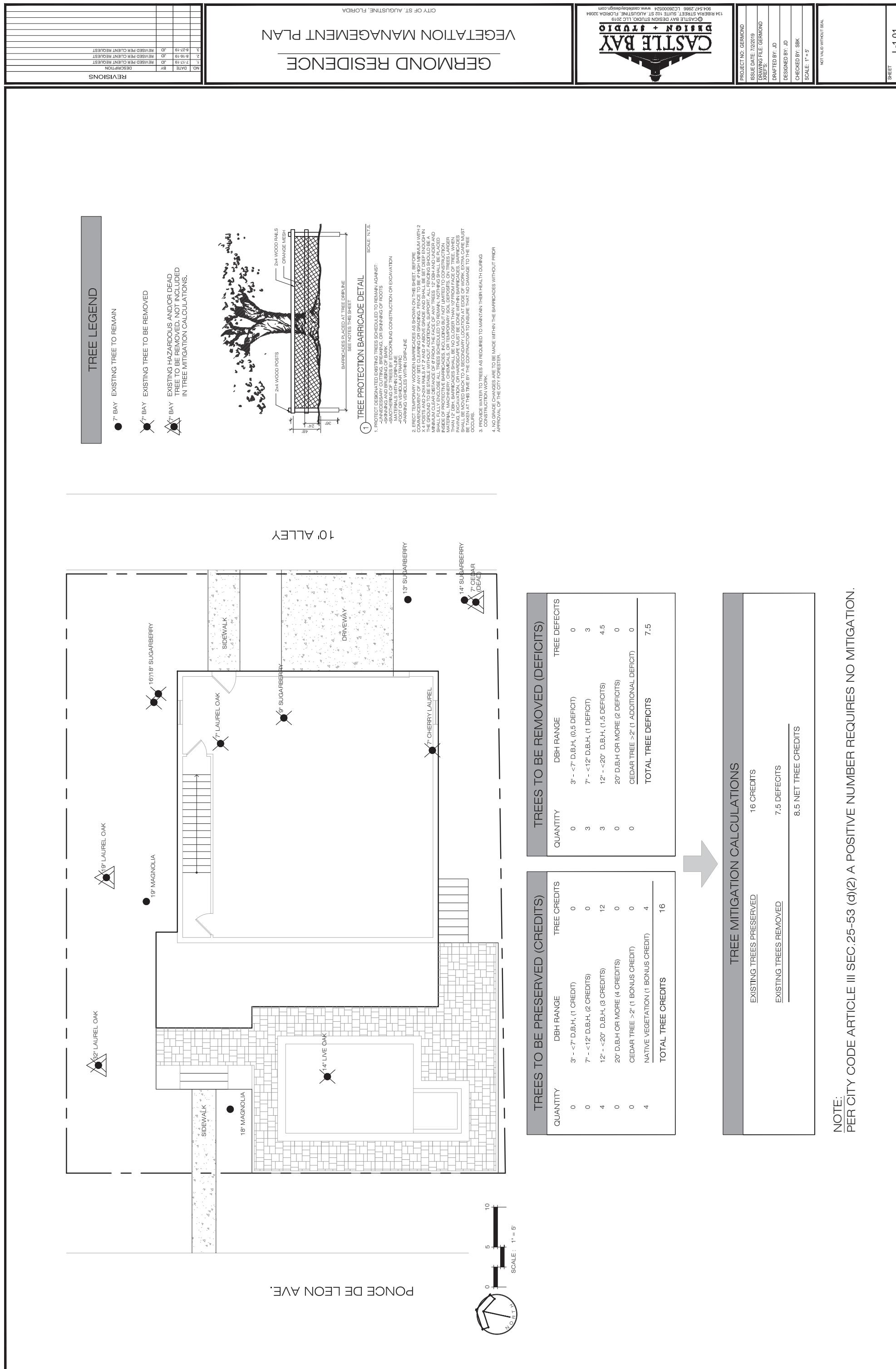
NOTICE
A PUBLIC HEARING CONCERNING
To rezone the corner of 1st and Seminole
Streets (Cherry/Smathers) from Within Conservation
to Overlay Zone 3
Planning and Zoning **BOARD**
OF THE CITY OF ST. AUGUSTINE
ON Tuesday, September 3, 2019 at 2:00 pm
TELEPHONE 825-1065
FOR INFORMATION ON # 2019-0079

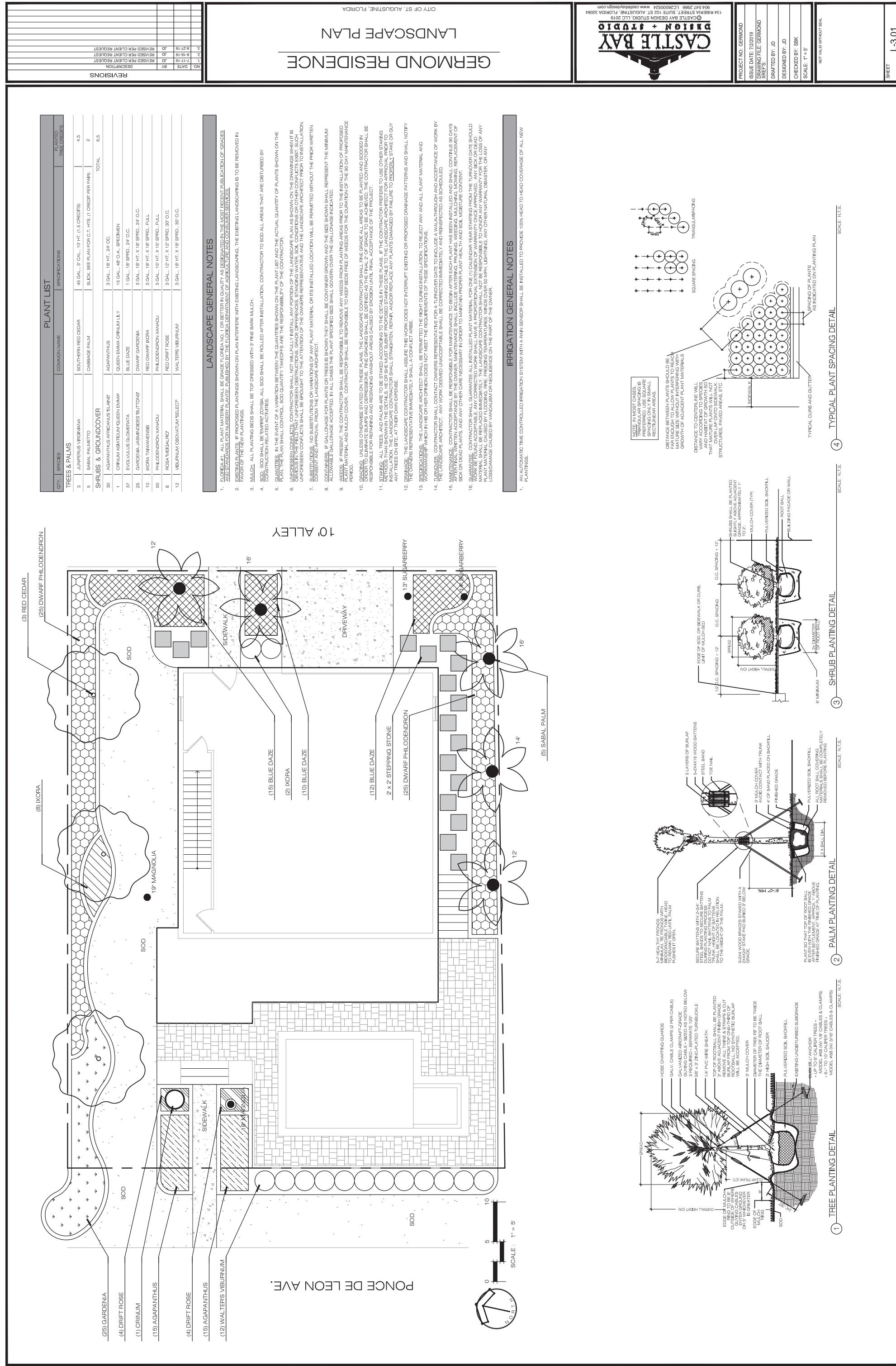
08/26/2019 15:21

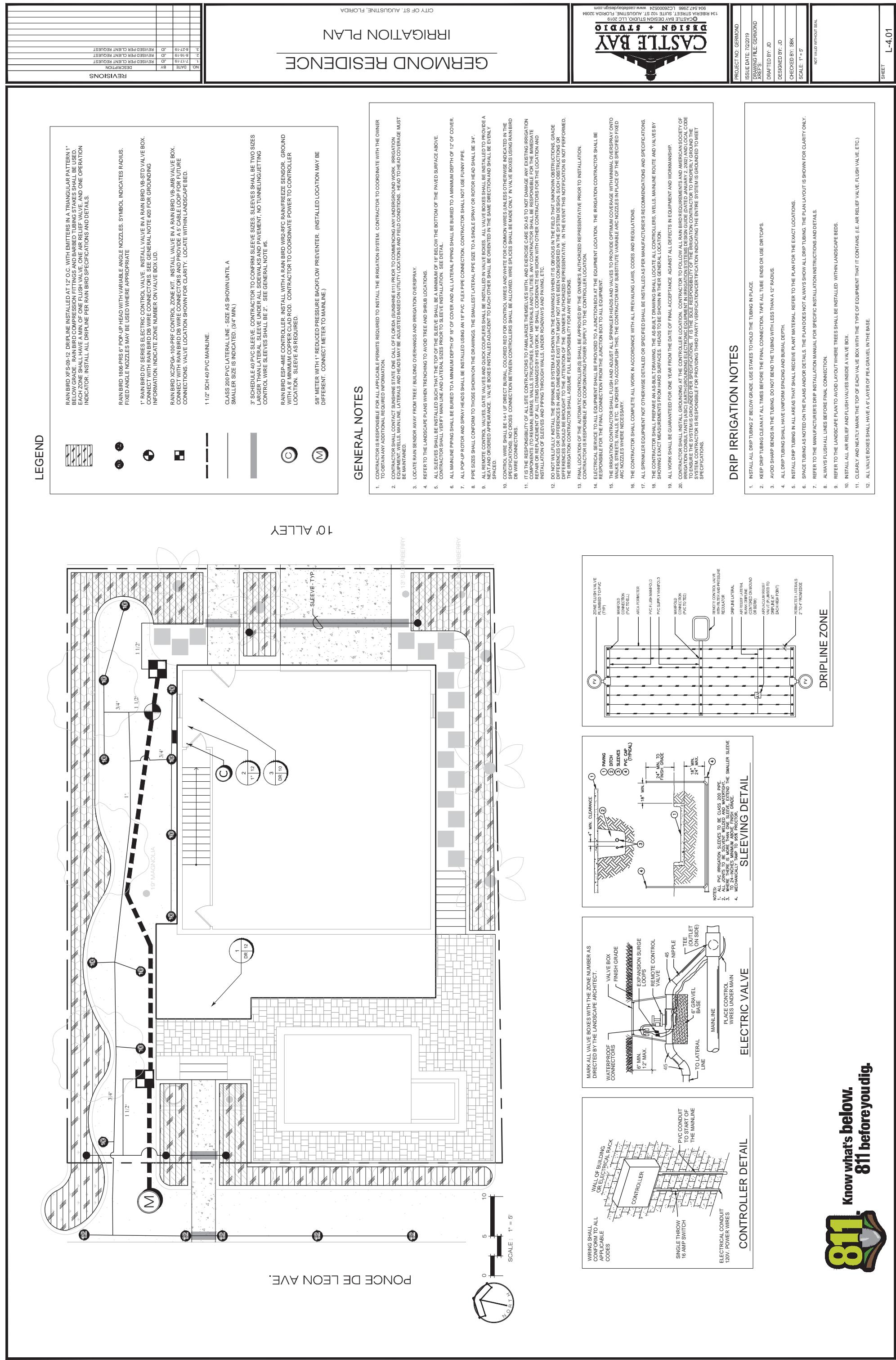


Attachment 5

Tree
Removal &
Site Plan







CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2019-0082**

AGENDA ITEM	5(b)
APPLICANT/OWNER	John E. Long
LOCATION	Fiddler Crab Ln / PIN#:158571-9060
REQUEST	To approve the removal of eight (8) significant trees (Southern Red Cedars) within Conservation Overlay Zone 3.
PLANS DATED	August 15, 2019
LAND USE	Residential Low Density
ZONING	Residential Single Family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

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(1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a preserved tree.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to construct a single family home and associated driveways on site which includes the proposed removal of eight (8) trees on site; this includes eight (8) significant southern red cedar trees within Conservation Overlay Zone. A tree removal plan indicating removal and preservation of trees along with an arborist report completed by the applicant's arborist has been included in the packet. This indicates the applicant is removing these trees due to their location and close distance within the building footprint and driveways/walkways. See credit/debit chart below:

* - Indicates tree in right of way; **Bold** indicates significant trees

Tree Health	Diameter	Name	Credit	Debit
Good	19"	Southern Red Cedar	3	
Good	19"	Southern Red Cedar	3	
Good	10"	Laurel Oak	2	
Good	10"	Laurel Oak	2	
Good	19"	Southern Red Cedar	3	
Good	19"	Southern Red Cedar	3	
Poor	17"	Southern Red Cedar		1.5
Good	17"	Southern Red Cedar	3	
Good	18"	Southern Red Cedar		1.5
Fair	15"	Southern Red Cedar		1.5
Good	20"	Southern Red Cedar		2
Good	14"	Southern Red Cedar		1.5
Good	12"	Southern Red Cedar		1.5
Fair	14"	Southern Red Cedar		1.5
Fair	14"	Southern Red Cedar		1.5
n/a	12"	Southern Red Cedar	3	
<i>Southern Red Cedar Multiplier (+1/-1 per tree)</i>			6	8
			28	20.5

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate by planting new trees. [Ref. LDC Sec. 25-53(d)(2)].

1. Conservation Overlay Zone 3 Development to remove more than fifty (50) percent of the tree canopy, including eight (8) southern red cedars for a total of eight (8) significant trees being removed within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

The arborist completed a spreadsheet of tree on site (one tree was omitted by error). All trees but one are in fair to good health.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

The removals appear to be necessary to construct a home and driveway.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the site will be developed per City development standards, issues related to erosion will be lessened. A drainage plan is reviewed by the Building Official during the building permit review process to ensure stormwater runoff flows to the proper conveyance.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have an established tree canopy and removal of trees would thin this canopy, however, the removals are necessary for home construction. There is a requirement to maintain a minimum of ten (10) southern red cedar trees on site, the applicant would have to plant four (4) southern red cedars back on site to maintain this requirement (as established by Appeal 95-0187, included as an attachment 3).

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

Fourteen (14) of the sixteen (13) trees are designated as significant trees, all of which are southern red cedars; the applicant proposes removal of eight (8) significant trees on site.

- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*
 - Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 - Air movement. – *This project should not substantially affect air movement.*
 - Air quality. – *This project should not affect air quality.*
 - Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

The applicant has altered the location of the driveway to accommodate one of the southern red cedars initially proposed to be removed. The majority of the removed trees fall within the proposed footprint of the home, with the exception of one (1) significant southern red cedar tree proposed to be removed for a proposed pool. The applicant will be replanting a minimum of four (4) additional to meet the requirements of Appeal 95-0187.

The number of debits for tree removal is – **20.5 debits**.

The number of credits for tree preservation is **28 credits**.

The number of credits for tree plantings (incl. relocation) is **N/A**

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of the trees at the subject property including eight (8) significant trees (southern red cedars) within Conservation Overlay Zone 3 located at Fiddler Crab Ln / PIN#: 158571-9060.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Appeal 95-0187

Attachment 4 – Site & Tree Removal Plan

Attachment 5 - Arborist Report

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

RECEIVED

AUG 06 2019

Planning/Building Dept.

Application Fee: \$165 (plus advertising costs)

Project Number: 2019-0082

Receipt Number: 1665691

Meeting Date: Sept 3, 2019

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: John E Long Contact Number: 904-687-6436

Business (if applicable): _____

Address: 273 Pescado Dr City: St. Augustine State: FL Zip: 32095

E-Mail Address: john.long @ pfbic.com

2. NAME OF PROPERTY OWNER: Same as above Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 6 Block: 9

Subdivision: Pelican Reef Parcel Number: 1585719060

4. PROJECT STREET ADDRESS: 112 Fiddler Crab Ln, St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: Single Family Residential

6. ACTION REQUESTED:

Conservation Zone Development Appeal of Staff Determination

Exception Land Use Plan Amendment

Variance Rezoning

Other: Tree Removal

7. DESCRIPTION OF ACTION REQUESTED: Removal of 9 trees

8. JUSTIFICATION FOR ACTION REQUESTED: Trees are within footprint
of proposed single family residence.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

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JUN 06 2019

Planning/Building Dept.

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

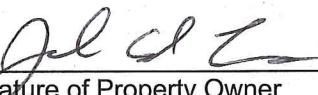
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

08-06-2019

Date


Signature of Property Owner

08-06-2019

Date

Attachment 2
Property Appraiser Information & Location Map



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID	1585719060
Location Address	FIDDLER CRAB LN SAINT AUGUSTINE 32080-0000
Neighborhood	Pelican Reef (628)
Tax Description*	55/31-32 PELICAN REEF LOT 6 BLK 9 OR4558/180
Property Use Code	Vacant Residential (0000)
Subdivision	Pelican Reef V
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.350
Homestead	N

Owner Information

Owner Name	Long John E,Christina N 100%
	Long Christina N 100%
Mailing Address	273 PESCAZO DR SAINT AUGUSTINE, FL 32095-1605

Map



Valuation Information

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$130,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$130,000
Total Deferred	\$0
Assessed Value	\$130,000
Total Exemptions	\$0
Taxable Value	\$130,000

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2017	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$108,900	\$6,100	\$108,900
2016	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$99,000	\$16,000	\$99,000
2015	\$0	\$0	\$90,000	\$0	\$0	\$90,000	\$90,000	\$0	\$90,000
2014	\$0	\$0	\$89,100	\$0	\$0	\$89,100	\$89,100	\$0	\$89,100
2013	\$0	\$0	\$89,100	\$0	\$0	\$89,100	\$89,100	\$0	\$89,100
2012	\$0	\$0	\$89,100	\$0	\$0	\$89,100	\$89,100	\$0	\$89,100
2011	\$0	\$0	\$99,000	\$0	\$0	\$99,000	\$99,000	\$0	\$99,000
2010	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$130,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/5/2018	5/30/2018	\$155,000.00	WD	4558	180	Q	V	THOMPSON PIERRE D REV TRUST	LONG JOHN E,CHRISTINA N
6/22/2010		\$100.00	WD	3326	1412	U	V	THOMPSON PIERRE D(1/2 INT)	THOMPSON PIERRE D REV TRUST

Area Sales Report

Recent Sales in Area

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

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

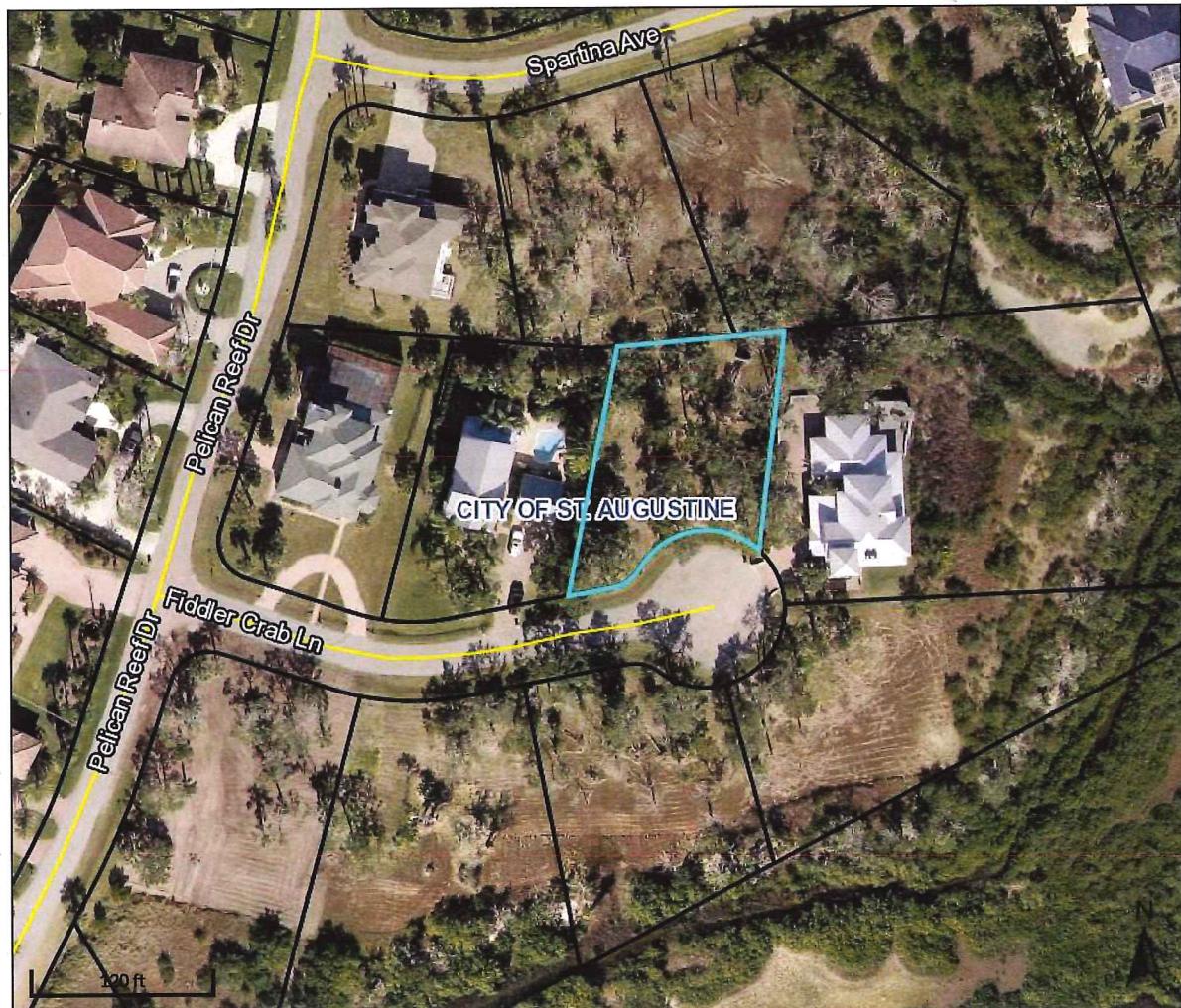
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Developed by
 Schneider
GEOSPATIAL

Version 2.2.36

St. Johns County, FL



Parcel ID	1585719060	Physical Address	FIDDLER CRAB LN	Building Value	N/A	Last 2 Sales		
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason Qual
Class	Residential	Mailing Address	LONG JOHN E,CHRISTINA	Value		5/30/2018	\$155000	01 Q
Taxing District	City of St Augustine	Address	N	Total Land Value	\$130,000	n/a	0	n/a n/a
Acres	0.35		273 PESCADO DR	Just Value	\$130,000			
			SAINT AUGUSTINE FL	Total Deferred	N/A			
			32095-1605	Assessed Value	\$130,000			
				Total	N/A			
				Exemptions				
				Taxable Value	\$130,000			

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

Date created: 8/8/2019
Last Data Uploaded: 8/7/2019 11:31:17 PM

Developed by  Schneider GEOSPATIAL

Google Maps 112 Fiddler Crab Ln



Imagery ©2019 Google, Map data ©2019 200 ft



112 Fiddler Crab Ln

St. Augustine, FL 32080



Directions



Save



Nearby



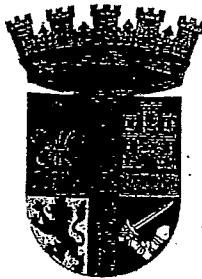
Send to your phone



Share

Attachment 3

Appeal 95-0187



City of St. Augustine

St. Augustine, Florida



Planning/Building

April 5, 1995

Pierre Thompson
Pelican Reef Development Co.
93-D Orange Street
St. Augustine, Florida 32084

RE: Appeal of a Staff Determination/Variance 95-0187
 Pelican Reef Subdivision (124 Spartina Avenue)

Dear Mr. Thompson:

On Tuesday, April 4, 1995, the Planning and Zoning Board (PZB) met and discussed your application to appeal a staff determination to enforce the provisions of the Trees and Landscaping Code and to reduce the minimum tree and landscape requirements for a subdivision at Pelican Reef Subdivision.

Specifically, the PZB approved your application to waive the requirement to plant approximately 1600 Southern Red Cedar trees to replace trees removed as a result of the development of infrastructure for the subdivision. In addition, the PZB approved your request to fill mosquito control ditches within the subdivision and to place fill on the subdivision lots up to a maximum height of 6' above mean sea level without obtaining a building permit. The PZB made its determinations with the stipulations that you will require lot owners to maintain a minimum of 10 Southern Red Cedar trees on their individual lots, and that no additional trees may be removed without an approved tree removal permit. The PZB did not provide a variance or waiver to the requirements of the Trees and Landscaping Code as they pertain to the individual lot owners.

Should you have questions regarding this matter, please contact the Planning and Building Division at 825-1060.

Sincerely,

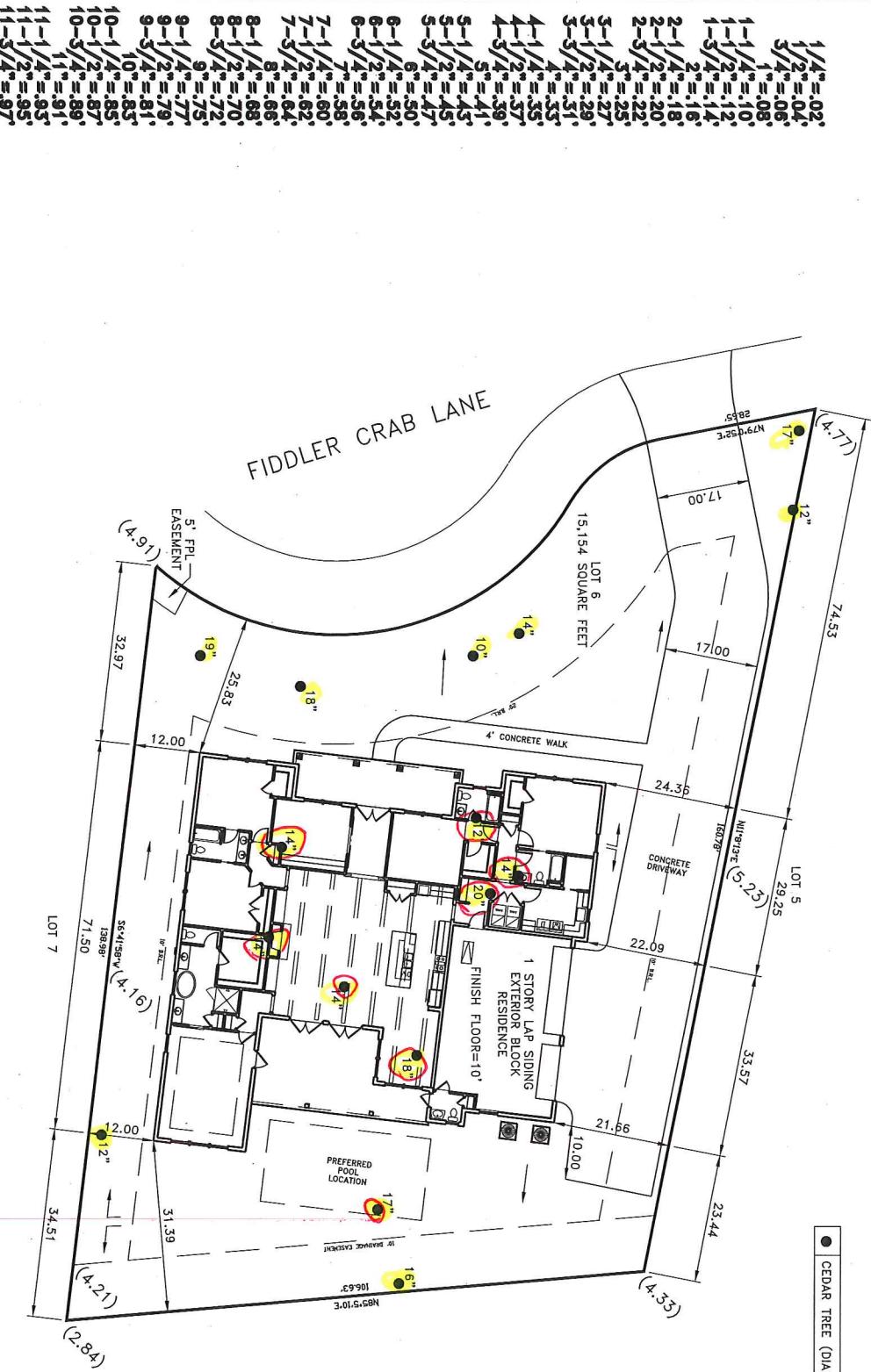
Jean Carver

Jean Carver
Citizen Boards Technician

jc

cc: Joseph Pomar, Jr., City Manager
 Michael Griffin, CBO, Planning and Building Manager
 BDAC File 95-0187

Attachment 4
Site & Tree
Removal Plan



TYPE 'B' DRAINAGE

ADDRESS: 112 FIDDLER CRAB LANE
LOT & COMMUNITY: LOT 6 PELICAN REEF

SCALE: 1"=20.0'
DRAWN BY: R.A.M.
DATE: 08.15.19



112 Fiddler Crab LN - Tree Mitigation Calculations

Trees to be Preserved (Credits)

Quantity	DBH Range	Credits
2	7" - < 12"	4
6	12" - < 20"	18
6	Cedar > 2" (1 Bonus Credit)	6

Total Tree Credits **28**

Trees to be Removed (Deficits)

Quantity	DBH Range	Tree Deficits
7	12" - < 20"	10.5
1	20" DBH or More	2
8	Cedar > 2" (1 Addl Deficit)	8

Total Tree Deficits **20.5**

Tree Mitigation Calculations

Existing Trees Preserved **28 Credits**

Existing Trees Removed **20.5 Deficits**

7.5 Net Tree Credits

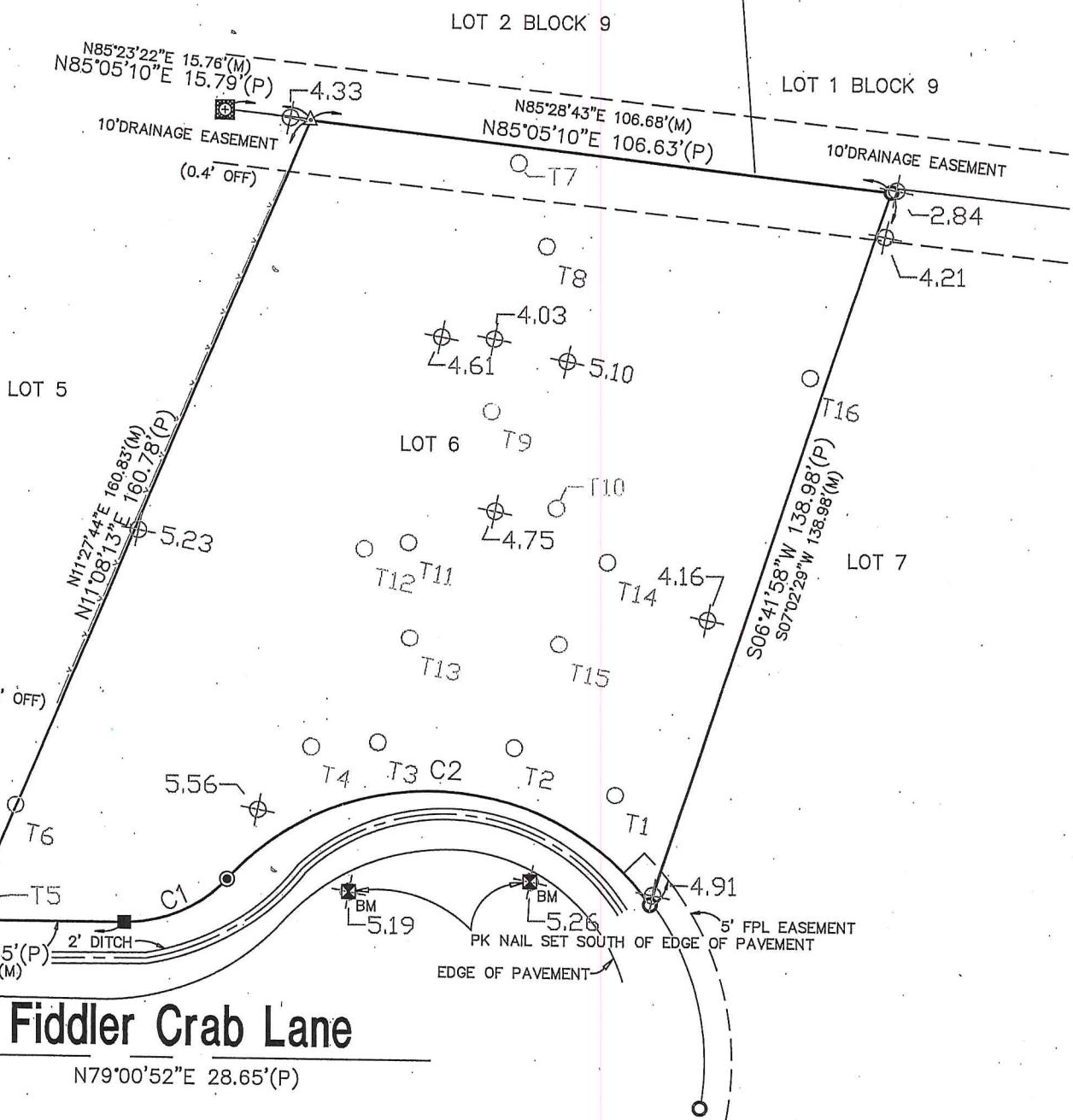
TREE TABLE	
TREE NUMBER	TREE DESCRIPTION
T1	19" CEDAR
T2	18" CEDAR
T3	10" OAK
T4	14" OAK
T5	17" CEDAR
T6	12" CEDAR
T7	16" CEDAR
T8	17" CEDAR

TREE TABLE	
TREE NUMBER	TREE DESCRIPTION
T9	18" CEDAR
T10	14" CEDAR
T11	20" CEDAR
T12	14" CEDAR
T13	12" CEDAR
T14	14" CEDAR
T15	14" CEDAR
T16	12" CEDAR

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Planning/Building Dept.



○ 4.80 - EXISTING GROUND ELEVATION DESCRIBED AS SHOWN ON SURVEY

○ T4 - EXISTING TREE AS DESCRIBED ON TREE TABLE AS SHOWN HEREON

PLEASE SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION, CERTIFICATIONS, FHA/VA WELL AND SEPTIC TANK DIMENSIONS (if applicable), LEGEND, SYMBOLS, ABBREVIATIONS, NOTES, SIGNATURE AND SEAL ETC.

SHEET 2 OF 2 ALONE DOES NOT CONSTITUTE A FLORIDA BOUNDARY SURVEY

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

Sheet 2 of 2

Boundary Survey # 052218.2

Attachment 5
Arborist Report

112 Fiddler Crab LN
Tree Assessment

Tree #	Species	DBH (inches)	Health	Structure	Mallet test	Specimen Tree?	Observations	Observations	Notes	TPZ diameter (radius in feet)	Date
1	Red cedar, Southern	19	Good	Fair	Positive	yes	Cavity/Decay - Appears Extensive		9.5	8/20/19	
2	Red cedar, Southern	19	Good	Excellent	Negative	yes			9.5	8/20/19	
3	Oak, Live	10	Good	Good	Negative	no			5	8/20/19	
4	Oak, Laurel	10	Good	Poor	Positive	no	Cavity/Decay - Appears Extensive		5	8/20/19	
5	Red cedar, Southern	19	Good	Fair	Positive	yes	Cavity/Decay - Appears Moderate		9.5	8/20/19	
6	Red cedar, Southern	19	Good	Fair	Positive	yes	Cavity/Decay - Appears Moderate		9.5	8/20/19	
7	Red cedar, Southern	17	Poor	Fair	Negative	yes	Cavity/Decay - Appears Moderate	Dying tree. Mostly dead. Recently dug trench on north side is likely cause of tree necrosis.	8.5	8/20/19	
8	Red cedar, Southern	17	Good	Fair	Positive	yes	Cavity/Decay - Appears Moderate	Small compact canopy.	8.5	8/20/19	

112 Fiddler Crab LN
Tree Assessment

Tree #	Species	DBH (inches)	Health	Structure	Mallet test	Specimen Tree?	Observations	Observations	Notes	TPZ diameter (radius in feet)	Date
9	Red cedar, Southern	18	Good	Good	Positive	yes	Cavity/Decay - Appears Small			9	8/20/19
10	Red cedar, Southern	15	Fair	Good	Negative	yes	Small Crown to Trunk Ratio	Upper canopy dieback		7.5	8/20/19
11	Red cedar, Southern	20	Good	Fair	Positive	yes	Cavity/Decay - Appears Extensive	Column of decay.	10	8/20/19	
12	Red cedar, Southern	14	Good	Fair	Positive	yes	Cavity/Decay - Appears Extensive	Column of decay.	7	8/20/19	
13	Red cedar, Southern	12	Good	Good	Negative	yes	Cavity/Decay - Appears Small		6	8/20/19	
14	Red cedar, Southern	14	Fair	Poor	Negative	yes	Cavity/Decay - Appears Extensive	Upper canopy dieback	7	8/20/19	
15	Red cedar, Southern	14	Fair	Fair	Negative	yes	Cavity/Decay - Appears Small	Upper canopy dieback	7	8/20/19	



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0083**

AGENDA ITEM	5(c)
APPLICANT	Ryan Carter c/o Carter Environmental Services, Inc.
OWNER	Patricia & Roland Anderson
LOCATION	4 Lighthouse Ave / PIN#:157080-0040
REQUEST	To approve the construction of a three hundred foot (300') long dock with two (2) associated boat lifts within Conservation Overlay Zone 1.
PLANS DATED	July 25, 2019
LAND USE	Residential Low Density
ZONING	Residential Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special

concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.
 - (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

This dock is proposed to be constructed to total overall length of 300' which will be comprised of a two hundred sixty two foot (262') long access pier five feet (5') in width, two (2) eight foot (8') by twelve foot (12') platforms along with two (2) no-profile boatlifts that will not exceed a 12,000 pound lift rating, nor accommodate vessels larger than thirty two feet (32') in length. The overall coverage area of the proposed dock and boat lifts will encompass approximately 2,412 square feet. Also, the new dock would be considered consistent with the existing vistas and scenic opportunities as it is similar in layout and design as neighboring docks to the north and south of the subject property.

1. Conservation Overlay Zone Development (*Staff analysis in italics*)

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently occupied by a single family home, and if approved, the proposed dock and platform.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms.

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change since improvements are over the water.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.,

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities with the exception of disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the approved dock

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area and is located within a "no wake zone." Shoreline erosion is not a significant potential issue in this situation.

(11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at 5'

(12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

(13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

(14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

(15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile

boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

As proposed, the dock meets all standards. The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff is in agreement with this narrative and their interpretation.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of an extended dock platform in Conservation Overlay Zone 1 located at 4 Lighthouse Avenue / PIN: 157080-0040.

SUPPLIMENTS

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Location Maps & Dock plans
Attachment 4 – Site Photos

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application
& Narrative

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No. 2019-0083

Receipt No. 1666351

Meeting Date: Sept. 3, 2019

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Patricia and Roland Anderson Daytime Telephone: _____

Business (if applicable): _____

Address: 4 Lighthouse Ave. City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 4 & 5 Block: 5

Subdivision: Anastasia Parcel Number: 1570800040

4. PROJECT STREET ADDRESS: 4 Lighthouse Ave

5. SPECIFIC PROPOSED USE: Proposed dock

6. ACTION REQUESTED

RECEIVED

AUG 07 2019

Exception Appeal of Staff Determination

Rezoning Variance

Land Use Plan Amendment Conservation Zone Development

Planning/Building Dept.

Other: _____

PD

7. DESCRIPTION OF ACTION REQUESTED:

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully.

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully.

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully.

(d) If granted, will the variance adversely affect other property in the area? Please explain fully.

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?

Please explain fully.

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.



12.

Signature of Applicant

7-29-19

Date

13.



Signature of Property Owner

Date

**4 Lighthouse Ave.
Overlay Zone Development Application Supplement
August 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and boat lifts at 4 Lighthouse Ave. The proposed dock will allow the owners access to Salt Run. Total dock and lift area over open water/salt marsh will be approximately 2,412 sq. ft. The height of the dock will be 6' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is a small strip of salt marsh vegetation between the uplands and open water (approx. 40 ft.). The dock will be constructed 6' above mean high water, high enough as to not over shade any vegetation.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 125 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

a) No boathouse, roofed structure or wall shall be constructed on any dock.

There are no proposed plans for any boathouse, roofed structure or wall within the dock.

b) The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.

The deck will be built at 6' above MHW.

c) Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.

Boat lifts will be low-profile and not exceed 12,000 pounds.

Attachment 2
Property Appraiser Information & Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

TRIM Notice

[TRIM Notice](#)

Summary

Parcel ID	1570800040
Location	4 LIGHTHOUSE AVE
Address	SAINT AUGUSTINE 32080-0000
Neighborhood	CARVERS INTERCOASTAL (713.42)
Tax Description*	1-58 CARVERS ANASTASIA N41FT LOT 4 & ALL LOT 5 BLK 5 & E2FT OF VACATED ALLEY LYING W IN OR324/606 & ALSO W PT OF LIGHTHOUSE AVE LYING E OF LOTS 3 4 & 5 BLK 5 & THAT PT OF 4TH ST N OF LOT 5 BLK 5 OR1007/1005
*The Description above is not to be used on legal documents.	
Property Use	Single Family (0100)
Code	
Subdivision	Anastasia, Map Of
Sec/Twp/Rng	58-7-30
District	C'ty of St Augustine (District 452)
Millage Rate	20.4933
Acreage	0.290
Homestead	Y

View Map

Owner

Owner Name	Anderson Patricia M 100%
	Anderson Roland J,Patricia M 100%
Mailing Address	4 LIGHTHOUSE AVE SAINT AUGUSTINE, FL 32080-4630

Valuation

	2018
Building Value	\$80,630
Extra Features Value	\$0
Total Land Value	\$507,840
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$588,470
Total Deferred	\$341,273
Assessed Value	\$247,197
Total Exemptions	\$50,000
Taxable Value	\$197,197

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

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2017	\$65,999	\$0	\$507,840	\$0	\$0	\$573,839	\$242,113	\$381,726	\$192,113
2016	\$66,970	\$0	\$507,840	\$0	\$0	\$574,810	\$237,133	\$387,677	\$187,133
2015	\$68,911	\$0	\$507,840	\$0	\$0	\$576,751	\$235,485	\$391,266	\$185,485
2014	\$56,373	\$0	\$507,840	\$0	\$0	\$564,213	\$233,616	\$380,597	\$183,616
2013	\$57,938	\$0	\$507,840	\$0	\$0	\$565,778	\$230,164	\$385,614	\$180,164
2012	\$58,722	\$0	\$402,408	\$0	\$0	\$461,130	\$226,317	\$284,813	\$176,317
2011	\$59,504	\$0	\$447,120	\$0	\$0	\$506,624	\$219,725	\$336,899	\$169,725
2010	\$60,287	\$0	\$496,800	\$0	\$0	\$557,087	\$216,478	\$390,609	\$166,478

Exemptions

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1
Actual Area	2371
Conditioned Area	1402
Actual Year Built	1986
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Carpet, Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Heating Fuel	
Air Conditioning	Central
Baths	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	70%
Interior Flooring	Ceramic Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
FINSH DECK	0	564
BASE AREA	1046	1046
F UP STORY	356	356
F OPN PRCH	0	60
F OPN PRCH	0	84
F OPN PRCH	0	21
F GARAGE	0	240
Total SqFt	1402	2371

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	115	78	115	FF	\$507,840

Sales

Recording Date	Instrument		Book	Page	Qualification	Vacant/Improved	Grantor	Grantee	
	Sale Date	Sale Price	Number						
8/20/1993	\$192,500.00		WD	1007	1005	Q	I	WEST JUDSON B JR, ANNELLE M	ANDERSON ROLAND J, PATRICIA M

Area Sales Report

Recent Sales in Area

Clerk of Court

Clerk of Court

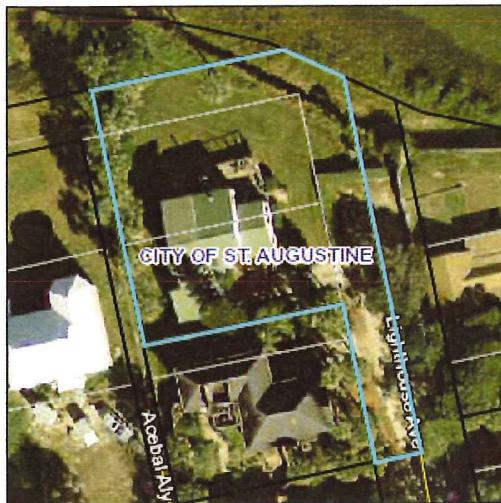
Tax Collector

My Tax Bill

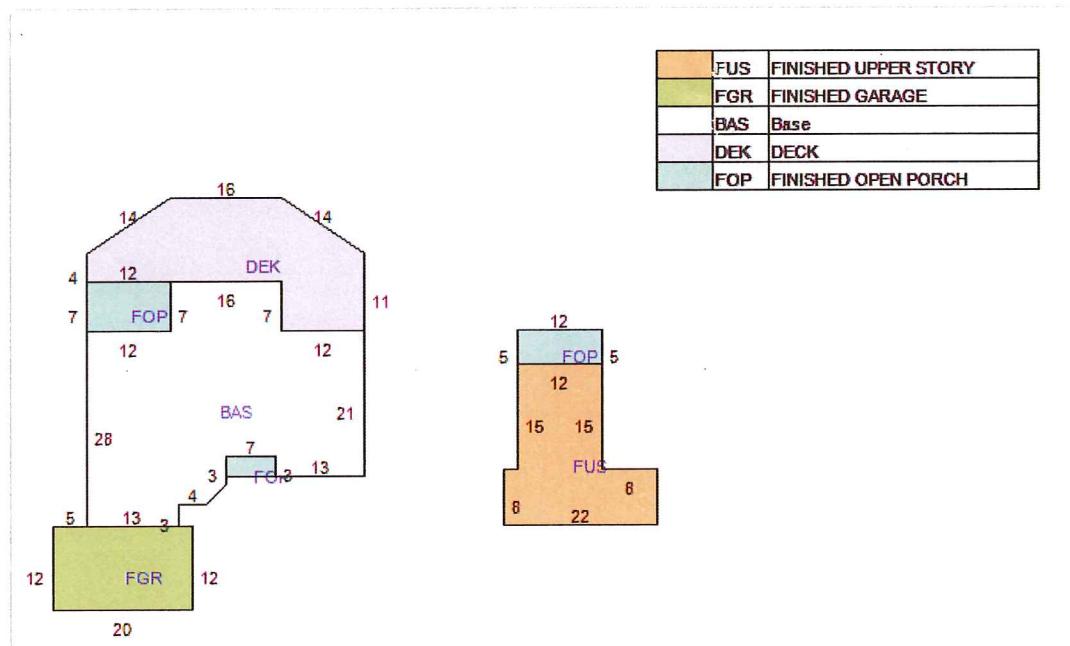
Tax Estimator

Tax Estimator

Map



Sketches



No data available for the following modules: Extra Features.

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St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID	1570800040
Location	4 LIGHTHOUSE AVE
Address	SAINT AUGUSTINE 32080-0000
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Tax Description*	1-58 CARVERS ANASTASIA N41FT LOT 4 & ALL LOT 5 BLK 5 & E2FT OF VACATED ALLEY LYING W IN OR324/606 & ALSO W PT OF LIGHTHOUSE AVE LYING E OF LOTS 3 4 & 5 BLK 5 & THAT PT OF 4TH ST N OF LOT 5 BLK 5 OR1007/1005
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Property Use	Single Family (0100)
Code	
Subdivision	Anastasia, Map Of
Sec/Twp/Rng	58-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.290
Homestead	Y

Owner Information

Owner Name	Anderson Roland J,Patricia M 100%
	Anderson Patricia M 100%
Mailing Address	4 LIGHTHOUSE AVE SAINT AUGUSTINE, FL 32080-4630

Map



Valuation Information

	2019
Building Value	\$102,810
Extra Features Value	\$30,323
Total Land Value	\$607,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$740,333
Total Deferred	\$488,439
Assessed Value	\$251,894
Total Exemptions	\$50,000
Taxable Value	\$201,894

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$97,915	\$0	\$607,200	\$0	\$0	\$705,115	\$247,197	\$507,918	\$197,197
2017	\$65,999	\$0	\$507,840	\$0	\$0	\$573,839	\$242,113	\$381,726	\$192,113
2016	\$66,970	\$0	\$507,840	\$0	\$0	\$574,810	\$237,133	\$387,677	\$187,133
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2014	\$56,373	\$0	\$507,840	\$0	\$0	\$564,213	\$233,616	\$380,597	\$183,616
2013	\$57,938	\$0	\$507,840	\$0	\$0	\$565,778	\$230,164	\$385,614	\$180,164
2012	\$58,722	\$0	\$402,408	\$0	\$0	\$461,130	\$226,317	\$284,813	\$176,317
2011	\$59,504	\$0	\$447,120	\$0	\$0	\$506,624	\$219,725	\$336,899	\$169,725
2010	\$60,287	\$0	\$496,800	\$0	\$0	\$557,087	\$216,478	\$390,609	\$166,478

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2371	Roof Cover	Metal
Conditioned Area	1402	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	1986	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood	Baths	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	70%
Interior Flooring	Ceramic Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
FINISHED DECK	0	564
BASE AREA	1046	1046
FINISHED UPPER STORY	356	356
FINISHED OPEN PORCH	0	60
FINISHED OPEN PORCH	0	84
FINISHED OPEN PORCH	0	21
FINISHED GARAGE	0	240
Total SqFt	1402	2371

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	205	12	0	2460

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	115	78	115	FF	\$607,200

Sale Information

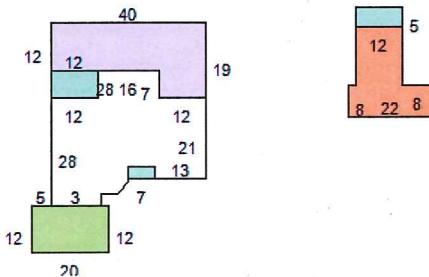
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/20/1993		\$192,500.00	WD	1007	1005	Q	I	WEST JUDSON B JR, ANNELLE	ANDERSON ROLAND J, PATRICIA M

Area Sales Report

Recent Sales in Area

Sketch Information

Room Type	Area
FINISHED GARAGE	0
FINISHED OPEN PORCH	0
FINISHED UPPER STORY	0
Base	0
DECK	0



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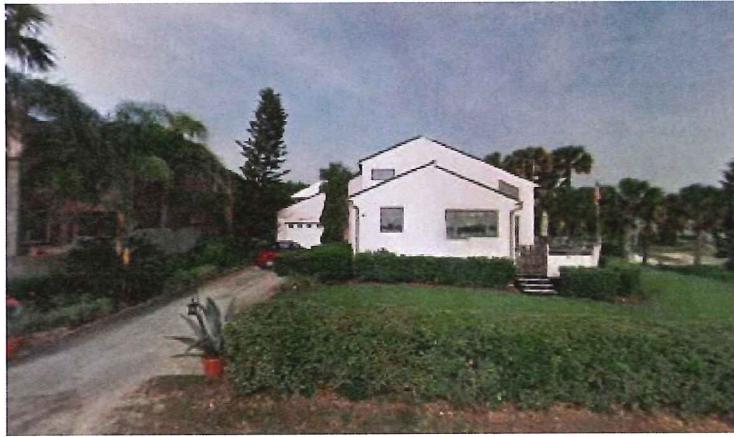
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Google Maps 4 Lighthouse Ave



Imagery ©2019 Google, Map data ©2019 200 ft



4 Lighthouse Ave

St. Augustine, FL 32080



Directions



Save



Nearby

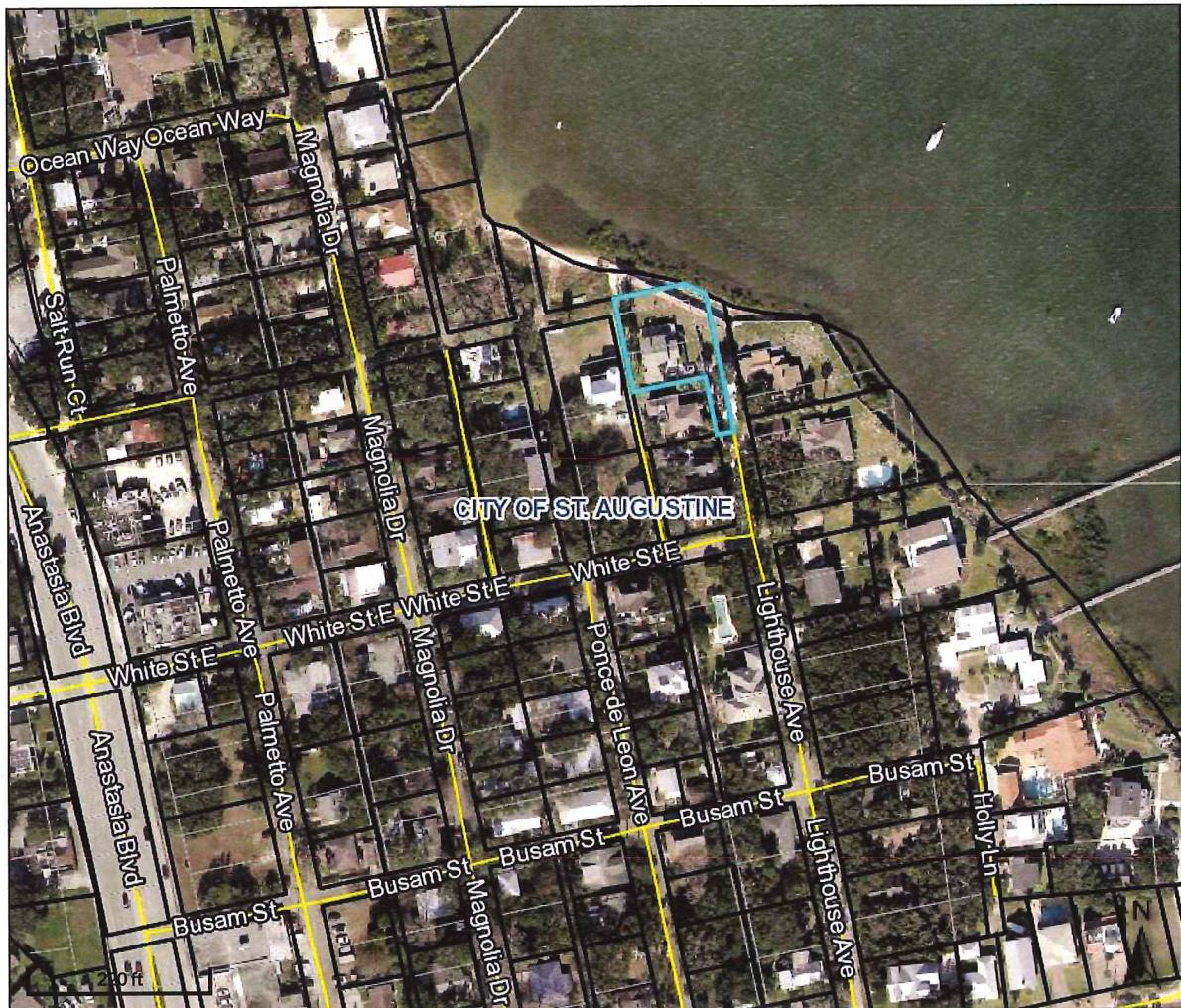


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St. Johns County, FL



Overview



Legend

- Parcels
- Cities

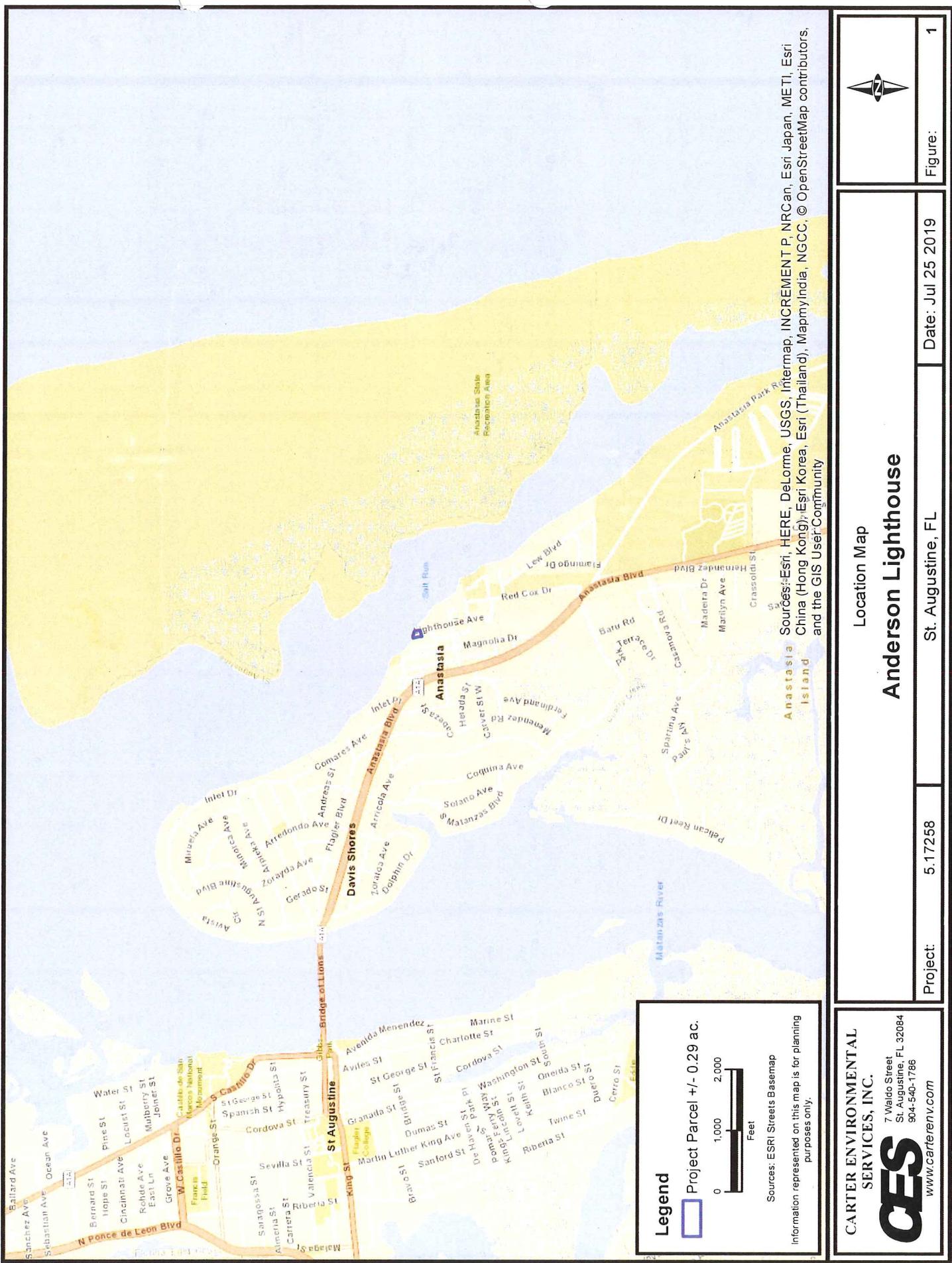
Parcel ID	1570800040	Physical Address	4 LIGHTHOUSE AVE SAINT AUGUSTINE ANDERSON ROLAND J, PATRICIA M	Building Value	\$102,810	Last 2 Sales	
Property	0100 - Single	Mailing Address	4 LIGHTHOUSE AVE SAINT AUGUSTINE FL 32080-4630	Extra Feature Value	\$30,323	Date	Price
Class	Family			Total Land Value	\$607,200	8/20/1993	\$192500
Taxing	City of St			Just Value	\$740,333	01	Q
District	Augustine			Total Deferred	\$488,439	n/a	n/a
Acres	0.29			Assessed Value	\$251,894		
				Total	\$50,000		
				Exemptions			
				Taxable Value	\$201,894		

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

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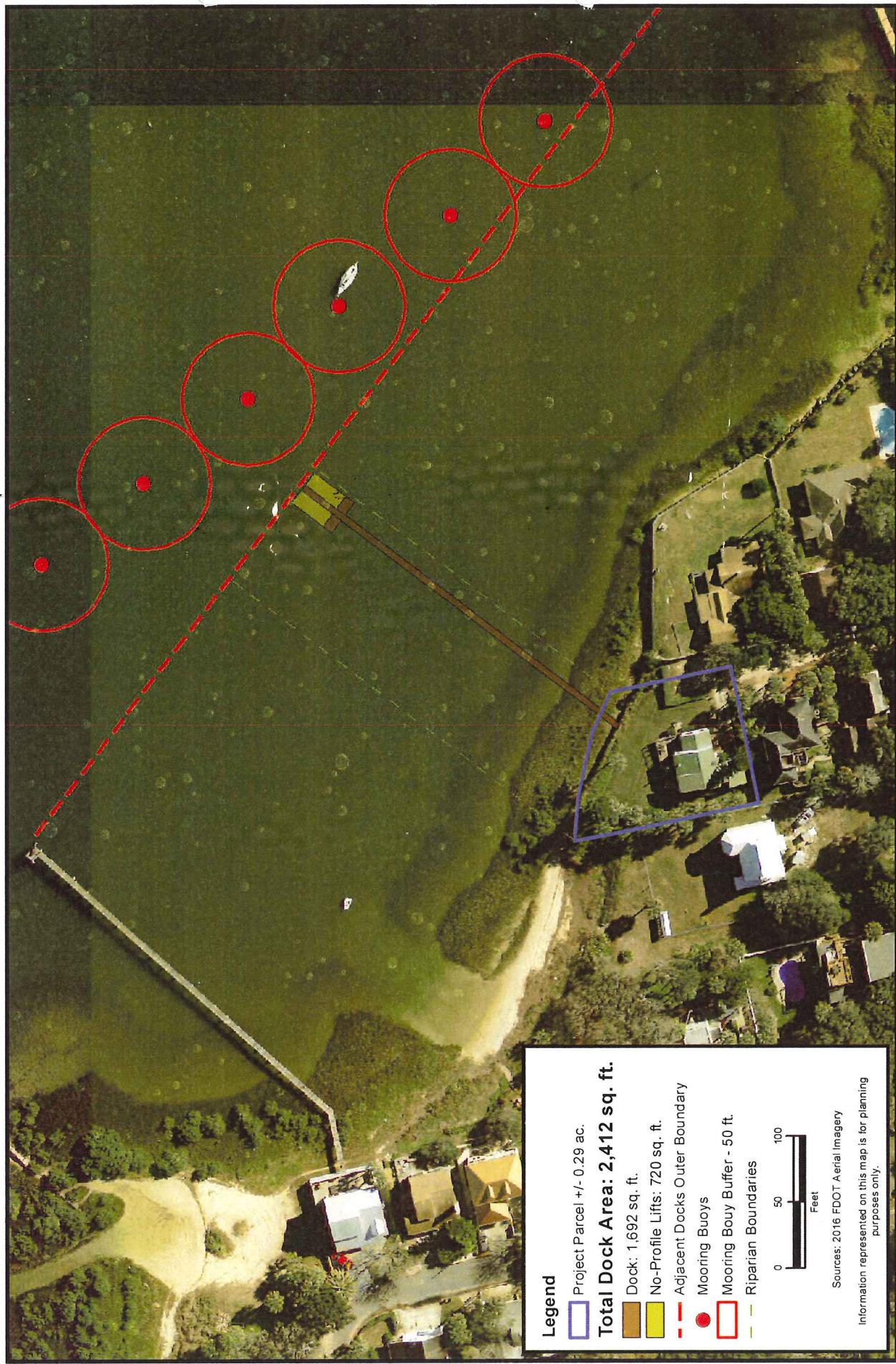
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Attachment 3
Proposed Dock Plans & Graphics

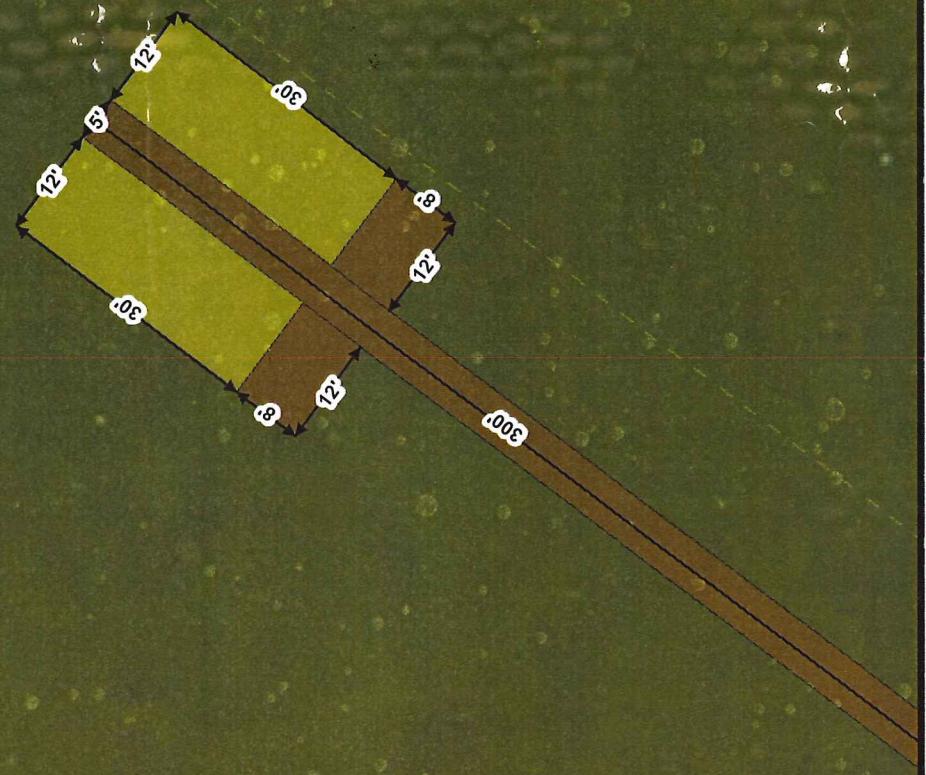




<p>Aerial Map</p>	<p>Anderson Lighthouse</p>	<p>Project: 5.17258 St. Augustine, FL Date: Jul 25 2019</p>
		<p>Figure: 2</p>



Proposed Dock Alignment Anderson Lighthouse		Date: Jul 25 2019 Figure: 3
Project:	5.17258	
St. Augustine, FL		



Legend

Total Dock Area: 2,412 sq. ft.

Dock: 1,692 sq. ft.
No-Profile Lift: 720 sq. ft.
Riparian Boundaries

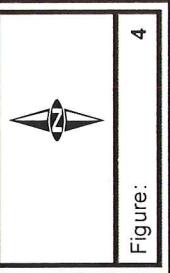


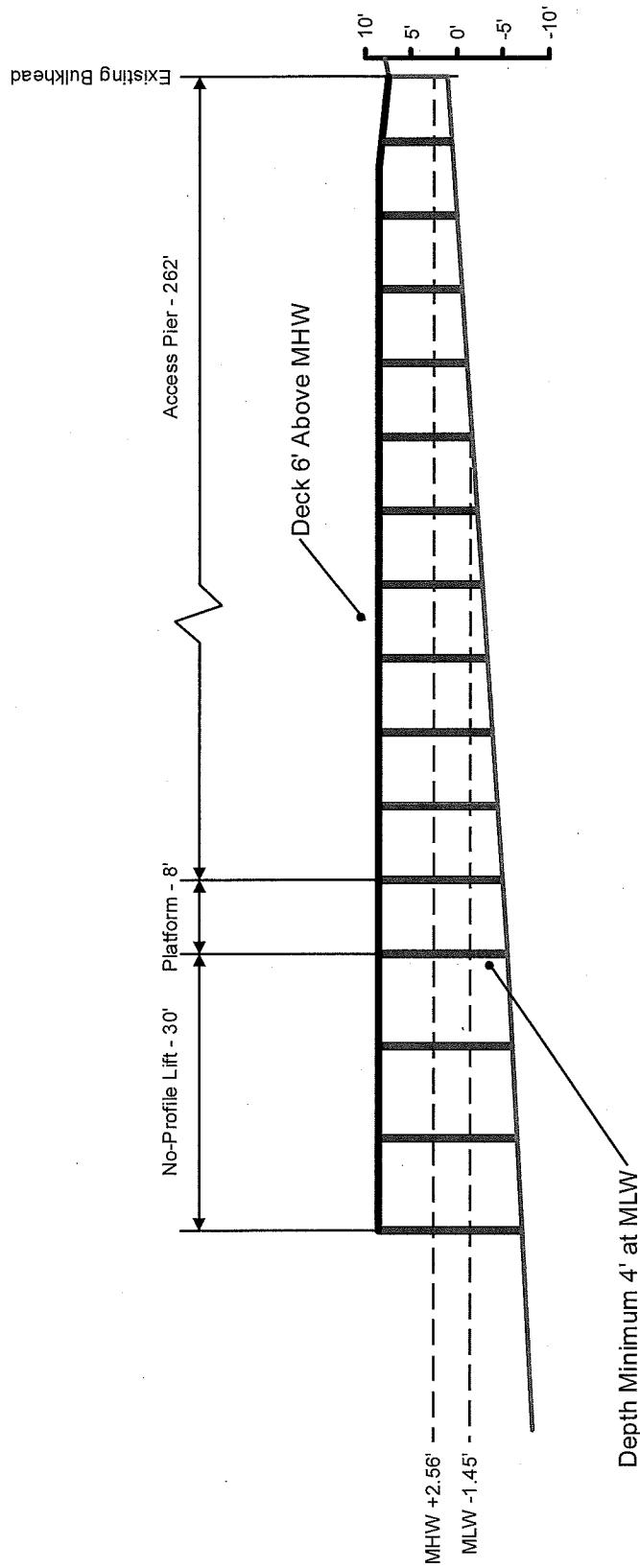
Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
7 Waldo Street, FL 32084
St. Augustine, FL 32086
904-540-1786
www.carterenv.com

Proposed Dock Dimensions
Anderson Lighthouse

Project:	5.17258	St. Augustine, FL	Date: Jul 25 2019
Figure:	4		





Information represented on this map is for planning purposes only.

Attachment 4
Site Photos







CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0086**

AGENDA ITEM	5(d)
APPLICANT	Scott Patrou c/o Ginn & Patrou Holdings, LLC
OWNER	Curt Fenelon c/o Augustine Bluff Associates LLC
LOCATION	435 Flagler Blvd / PIN#: 218480-0000
REQUEST	To approve the construction of a four hundred sixty five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2. To approve removal of two (2) significant southern cedar trees in Conservation Overlay Zone 3.
PLANS DATED	September 20, 2019
LAND USE	Residential Medium Density
ZONING	Residential General - One (RG-1)

APPLICABLE CODES/ORDINANCES

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

The Planning and Zoning Board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid

blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction

of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead, or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.

(c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:

- (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
- (2) Fifty (50) percent of the tree canopy on the site is retained.

(d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

(a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

(b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged

shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.
 - (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - (9) Effect of shade on vegetation and shellfish.
 - (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - (11) Impact of development on shoreline by linear feet and percent of site.
 - (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

This applicant is proposing development within Conservation Overlay Zone 1 & 2, in the form of a three (3) unit, three (3) story condominium building and bulk head that runs along the east/northeastern edge of the property and is located solely on the uplands, landward of the mean high water line (MHWL). The applicant is also proposing development dock is proposed to be constructed to total overall length of 465' which will be comprised of a four hundred fifty seven foot (457') long access pier six feet (6') in width, an eighteen foot (18') by twenty two foot (22') seating area, a gangway leading to an eight foot (8') by thirty eight foot (38') floating dock with three (3) boat slips accommodating two (2) boat lifts and associated pilings for a single wet slip. The Applicant will install low or no-profile boat lifts not to exceed 12,000 pound lift rating, and to not accommodate a vessel larger than 32 feet in length.

The overall coverage area of the proposed dock and boat lifts was not provided, however Staff calculated the coverage area as approximately 4,286 sq. ft. The proposed dock would be considered consistent with the existing vistas and scenic opportunities as it there are neighboring docks to the south of the subject property, and larger docks (condominium dock) and marina facilities to the north (Conch House Marina)

1. Conservation Overlay Zone 1 Development (*Staff analysis in italics*)

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions:

The site is currently occupied by a duplex multifamily unit. If approved, the site will have three (3) condominiums, the proposed dock and platform.

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms. There is a Single Family Home to the south of this property and a Condominium to the North

(3) Natural and proposed drainage patterns.

Patterns will be minimally impacted given the similar footprint of the proposed condominium building to the existing source on site. The development will have to meet all City Code requirements and will maintain stormwater runoff on site, partially from the proposed bulkhead.

(4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.

(5) Proposed soil stabilization and erosion control methods.

N/A

(6) Impact on floodplain.

N/A

(7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities with the exception of disturbance during the construction process.

(8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

(9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the proposed dock.

(10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area and is located within a "no wake zone." Shoreline erosion is not a significant potential

issue in this situation. There is also a submerged rip-rap groin to the east/southeast of the proposed dock.

(11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at six feet (6') in width. The proposed bulkhead is shown at the landward edge of the mean high water line, however no length was provide for the proposed bulkhead.

(12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

(13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

(14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

(15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above

the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The applicant has provided a narrative associated with the application. Staff was not provided with any plans for the proposed elevation of the dock or square footage coverage of the dock, however, the Applicant has been made aware of the requirement for the dock to be no higher than six feet (6') above the Mean High Water Line (MHWL) and have agreed that the proposed dock, when submitted for permitting, will not exceed six feet (6') above the MHWL. A dock with different dimensions had been permitted by Florida Department of Economic Opportunity and applied for with the US Army Corp of Engineers in 2007, the permit and application are included.

The Applicant has also provided an alternate configuration of the dock, different to that configuration as applied/noticed for, to potentially accommodate safer travel between this proposed dock and pilings associated to the neighboring dock to the south, the plan as proposed provides for 20 feet of separation, the extended configuration to 475' would allow for 28' of separation.

Conservation Overlay Zone 2, Development of the building & site improvements including a bulkhead

The applicant has provided documentation indicating the construction of a bulkhead, a three story, three (3) unit condominium and associated garage. The site improvements result in no additional drainage to the marsh and no significant alteration to surface water hydrology due to the proposed bulk head and City stormwater management requirements. Also, the existing, native significant southern red cedar trees on site are being maintained on the site (one four inch tree is proposed to be removed). Pictures have also been provided which shows present rip-rap along the water's edge. Since the bulkhead is being added to the site there is no need for the Board to approve the building and site improvements. Our Code allows for any improvements to be approved by this Department.

Conservation Overlay Zone 3, Development to remove a preserved tree(s).

The applicant is proposing to remove two (2) significant southern red cedar trees from the site. An arborist report has been provided by the applicant which indicates that both trees are in poor condition.

The applicant did provide an arborist report (attached), however, they had not provided a tree removal plan, site plan with tree locations, landscape plan with tree replacement plan or a mitigation table at the time of this report was drafted, therefore no recommendation has not been made. This aspect of the application was not publicly advertised with the original scope of work.

In determining whether or not a permit required by this section should be issued, the PZB shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

According to the Arborist report both trees are in poor condition.

b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

The applicant did not provide a tree removal plan regarding the location of the trees in relation to the proposed condominiums.

c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

The effect of these trees being removed on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan, however, there is no evidence that it would be significantly detrimental.

d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The applicant is proposing to remove 50% of trees on site. This should lead to a better tree coverage and increase marketable property values when the smaller Live Oaks in the plans continue to grow.

e. Whether the tree has been designated a significant tree.

Both trees being removed are significant trees.

f. Impact upon the urban and natural environment, including:

Ground and surface water stabilization. – *Any new construction must retain storm water on site.*

Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*

Ecological impacts. – *Given the poor condition of the trees, the removal should not substantially affect ecology.*

Noise pollution. – *The removal of the tree should not increase noise pollution.*

Air movement. – *This project should not affect air movement.*

Air quality. – *This project should not affect air quality.*

Wildlife habitat. – *The removal of the tree should not substantially affect habitat.*

g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed. *This cannot be determined given the lack of a tree removal plan on the site plan.*

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of an dock platform & three (3) boat slips with two boat lifts, as proposed, in Conservation Overlay Zones 1 and the construction of a bulkhead and a three (3) unit condominium building in Conservation Overlay Zone 2 on the subject property located at 435 Flagler Blvd / PIN: 128480-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Attachments

- Attachment 1 – Application & Narrative
- Attachment 2 – Property Appraiser Information
- Attachment 3 – Site Photos
- Attachment 4 – Proposed Dock Plans, Site Plan
- Attachment 5 – Arborist Report
- Attachment 6 – 2007 DEP Permit & USACE Dock Application

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application
& Narrative



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Scott Patrou Contact Number: 904 461-3000

Business (if applicable): _____

Address: 770 A1A Beach blvd., Ste D City: St. Augustine State: FL Zip: 32080

E-Mail Address: spatrou@gmail.com

2. NAME OF PROPERTY OWNER: Augustine Bluff Associates Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: lot 15 and East 40.53' of 16 Block: 32

Subdivision: _____ Parcel Number: 2184800000

4. PROJECT STREET ADDRESS: 435 Flagler Blvd.

5. SPECIFIC PROPOSED USE: Multifamily Dwelling

6. ACTION REQUESTED:

Conservation Zone Development Appeal of Staff Determination

Exception Land Use Plan Amendment

Variance Rezoning

Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Development of property located in Conservation Zone 1, 2, and 3 for the construction of a 3-story multifamily dwelling consisting of three units. one unit per floor. an ancillary garage building, a bulkhead along the eastern property line to prevent soil erosion and reduce potential for flooding, and a fence around boundary lines.

8. JUSTIFICATION FOR ACTION REQUESTED: Subject property is zoned RG-1. Multifamily dwelling are permitted by right within such zoning. Furthermore, the building currently sitting on the property is a dilapidated duplex which was damaged by flooding in Hurricane Matthew and Irma. The removal of this existing structure and construction of a new building will constitute a redevelopment of a blighted area as outlined in the City's future land use comp plan.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, please give date and final disposition below.

There is currently a an application for the subject property pending, for the development of a dock on the COZ 1.

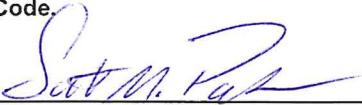
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

9/10/19
Date

Signature of Property Owner

Date



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs)

Project Number: 2019-0086

Receipt Number: 1668615

Meeting Date: Sept. 3, 2019

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Scott Patrov Contact Number: 904 540 3779

Business (if applicable): Ginn & Patrov Holdings

Address: 770 AIA Beach Blvd Ste D City: St. Augustine State: FL Zip: 32080

E-Mail Address: SPatrov@ginnpatrov.com

2. NAME OF PROPERTY OWNER: Curt Fenelon Contact Number: _____

Business (if applicable): Augustine Bluffs Associates

Address: 664 Ponte Vedra Beach City: Ponte Vedra State: FL Zip: 32082

E-Mail Address: _____

RECEIVED

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

AUG 08 2019

Lot: 15 & East 40.53' of 16

Block: 32

Planning/Building Dept.

Subdivision: _____

Parcel Number: 2184800000

4. PROJECT STREET ADDRESS: 435 Flagler Blvd

5. SPECIFIC PROPOSED USE: Multi Family

6. ACTION REQUESTED:

Conservation Zone Development Appeal of Staff Determination

Exception

Land Use Plan Amendment

Variance

Rezoning

Other: Dock Permit - CO21

7. DESCRIPTION OF ACTION REQUESTED: Building of dock containing
3 boat slips (20') 465'

8. JUSTIFICATION FOR ACTION REQUESTED:

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

Yes No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

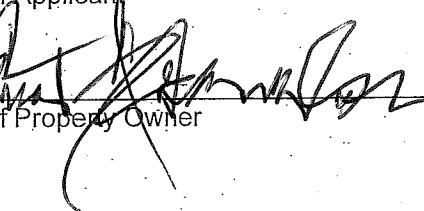
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

8/19/19
Date


Signature of Property Owner

8/19/19
Date

RECEIVED
Planning/Zoning Dept
AUG 13 2019



CITY OF ST. AUGUSTINE DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Scott Patrow

Print name of applicant

Scott M. Patrow

Signature of applicant

8/9/19

Date

Exhibit A

435 Flagler Blvd Project

applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

1. Site specific conditions.
 - a. Site is comprised of mainly uplands with two existing residential buildings. There is approximately .01 acres of salt marsh within the parcel boundaries as reflected in the survey attached.
 - b. The topography of the site is relatively flat and slopes to the east. The elevation of the uplands range from approx. +8ft to +5ft NGVD.
 - c. During the initial site visit to review on-site habitat, ESI biologists surveyed the project site for wildlife utilization. No wading birds were observed on-site and no evidence of any endangered or threatened animal species or species of special concern was noted within the project limits. In addition no critical or unique wildlife habitat occurs within the project limits.
2. The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - a. The site currently has two single story buildings consisting which currently extend beyond the 10' side setbacks, the proposed new structure will comply with current setbacks. Additionally, as demonstrated on the attached site plan the building will comply with the upland buffer requirements in relation to its proximity to the water.
3. Natural and proposed drainage patterns.
 - a. The proposed new building will have less of an impervious area impact than the current structures. Furthermore, the construction of a bulkhead will assist in the diversion and prevention of unintended drainage into the coastal waterway.
4. Effect of point and nonpoint discharge in the marine environment.
 - a. See answer 3 above.
5. Proposed soil stabilization and erosion control methods.
 - a. Use of landscaping, specifically St. Augustine Grass (*Stenotaphrum secundatum*) as used in the adjacent properties in conjunction with a bulkhead will insure proper soil stabilization.
6. Impact on floodplain.
 - a. See Information provided in environmental package provided in/with dock application.
7. Impact of development on vegetative and animal communities.

- a. See answer 1c above. Additionally property is currently developed.
- 8. Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - a. Based on the proposed use no storage of pollutants or use of poisonous chemicals are planned. Additionally, all prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bails and floating turbidity screens as necessary.
- 9. Effect of shade on vegetation and shellfish.
 - a. See Information provided in environmental package provided in/with dock application.
- 10. Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - a. Subject property is located directly in line with a no wake zone which will result in minimal boat wake impacts to the area. The additional boat traffic will be minimal as only two boat lifts and one slip are contemplated with this project. Additionally, this project is located along the waterway path to the nearest public boat ramp and within 500 yards of a large marina (Conch House Marina) accordingly this is already a high boat traffic area.
- 11. Impact of development on shoreline by linear feet and percent of site.
- 12. Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - a. Scenic vistas impact will occur to the property directly to the west. Properties to the north and south will have minimal impacts as a result of the existing structures on either side of the present site already obstructing such vistas.
- 13. Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - a. Limited native plants currently exist on the subject property.
- 14. Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - a. As a result of an overall reduction in the developed sqft of the property there is no potential loss in acres or percent of site to plant and animal habitat.
- 15. Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - a. A Gravity Main stormwater line currently runs adjacent to the northern property line down Flagler Blvd. A two unit duplex currently exists on the property, the proposed new development is for a three unit complex. Accordingly the addition of one more unit should have minimal effect on the water quality.

16. Impact of development on shellfish and on commercial and sport fish and waterfowl.

- a. See Information provided in environmental package provided in/with dock application.

Narrative

Main Building: The proposed construction includes a 3-story building measuring approximately 38' wide by 36' long with one unit on each floor consisting of three bedrooms and two bathrooms (the "Main Building").

Ancillary Building: An ancillary building behind the Main Building is a smaller one-story building measuring approx. 30' by 25' for the creation of two one car garages.

Bulkhead: A bulkhead running along the easterly side of the property in line with the existing bulkhead on the adjacent lot is also proposed for construction.

Dock: Running East from the property out into Salt Run is a proposed dock 465' in length as further described within the original application.

Fence: Construction of a fence around the property which will act as a buffer and provide additional security to the residents requiring parties to enter and exit through one of the provided for entrance/exits which can be monitored by camera.

Attachment 2

Property Appraiser Information

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2184800000
Location Address	435 FLAGLER BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-100 DAVIS SHORES LOT 15 & E 40.53FT LOT 16 BLK 32 OR2746/1360
	*The Description above is not to be used on legal documents.
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	16-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.240
Homestead	N

Owner Information

Owner Name Augustine Bluff Associates LLC 100%
Mailing Address 189 SEA HAMMOCK WAY
PONTE VEDRA BEACH, FL 32082-0000

Map



Valuation Information

	2019
Building Value	\$95,949
Extra Features Value	\$6,814
Total Land Value	\$239,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$342,163
Total Deferred	\$0
Assessed Value	\$342,163
Total Exemptions	\$0
Taxable Value	\$342,163

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$97,360	\$6,814	\$239,400	\$0	\$0	\$343,574	\$343,574	\$0	\$343,574
2017	\$100,182	\$3,869	\$239,400	\$0	\$0	\$343,451	\$343,451	\$0	\$343,451
2016	\$80,428	\$3,869	\$239,400	\$0	\$0	\$323,697	\$323,697	\$0	\$323,697
2015	\$67,009	\$3,869	\$239,400	\$0	\$0	\$310,278	\$310,278	\$0	\$310,278
2014	\$64,136	\$3,869	\$239,400	\$0	\$0	\$307,405	\$307,405	\$0	\$307,405
2013	\$66,274	\$3,869	\$239,400	\$0	\$0	\$309,543	\$309,543	\$0	\$309,543
2012	\$61,225	\$3,869	\$239,400	\$0	\$0	\$304,494	\$304,494	\$0	\$304,494
2011	\$63,168	\$3,869	\$233,604	\$0	\$0	\$300,641	\$300,641	\$0	\$300,641
2010	\$64,140	\$3,869	\$259,560	\$0	\$0	\$327,569	\$327,569	\$0	\$327,569

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2578	Roof Cover	Metal
Conditioned Area	2124	Interior Flooring	Ceramic Tile, Carpet
Actual Year Built	1948	Interior Wall	Drywall
Use	Duplex	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood	Baths	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	50%
Interior Flooring	Carpet	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	10 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
FRAME ADDITION	490	490
FINISHED OPEN PORCH	0	54
BASE AREA	1074	1074
FINISHED OPEN PORCH	0	120
UNFINISHED GARAGE	0	280
FRAME ADDITION	560	560
Total SqFt	2124	2578

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Finished (Average)	0	0	0	0	312

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	70	160	70	FF	\$239,400

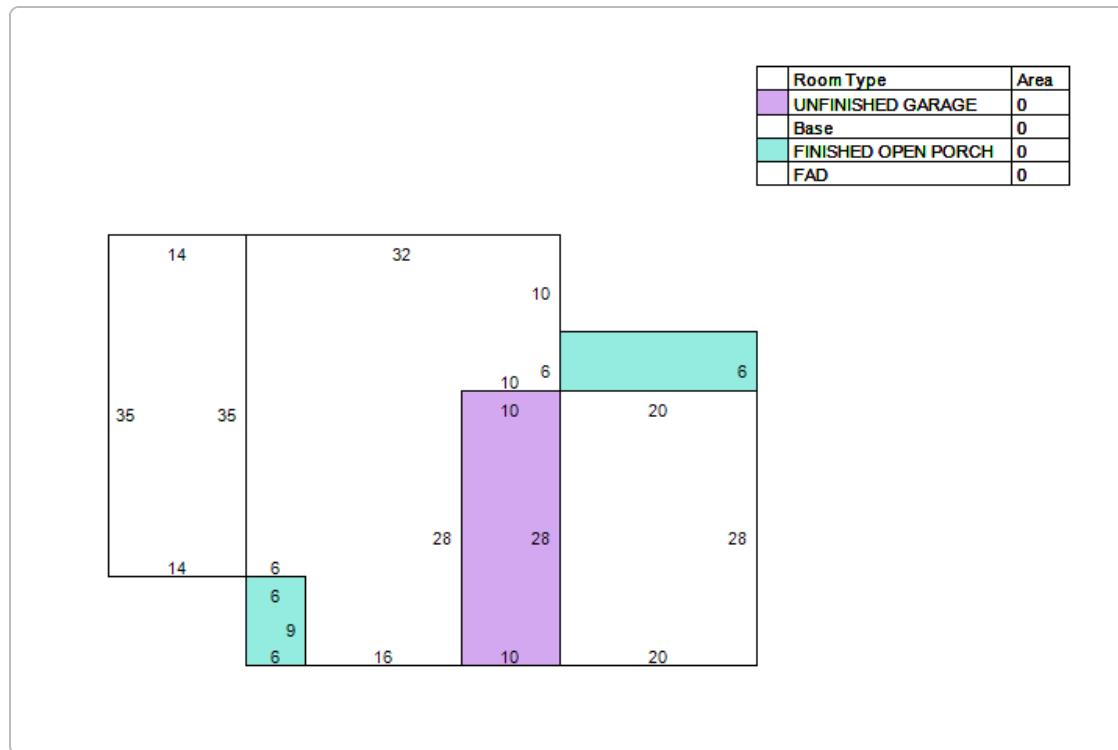
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Qualification			Vacant/Improved	Grantor	Grantee
				Book	Page	Qualification			
	7/14/2006	\$800,000.00	WD	2746	1360	Q	I	SCHREIBER TERRY & JAMES	AUGUSTINE BLUFF ASSOCIATES LLC
	6/30/2004	\$499,000.00	WD	2244	741	Q	I	DRAKE MARTHA O	SCHREIBER TERRY & SCHREIBER JAMES (T/C)
	3/6/1998	\$221,000.00	WD	1302	826	Q	I	MC DANIEL SARA C	DRAKE MARTHA O

Area Sales Report

Recent Sales in Area

Sketch Information



No data available for the following modules: Exemption Information.

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

[User Privacy Policy](#)

[GDPR Privacy Notice](#)

Last Data Upload: 8/27/2019, 11:37:10 PM

Version 2.3.1

Developed by
 Schneider
GEOSPATIAL

Attachment 3
Proposed Dock

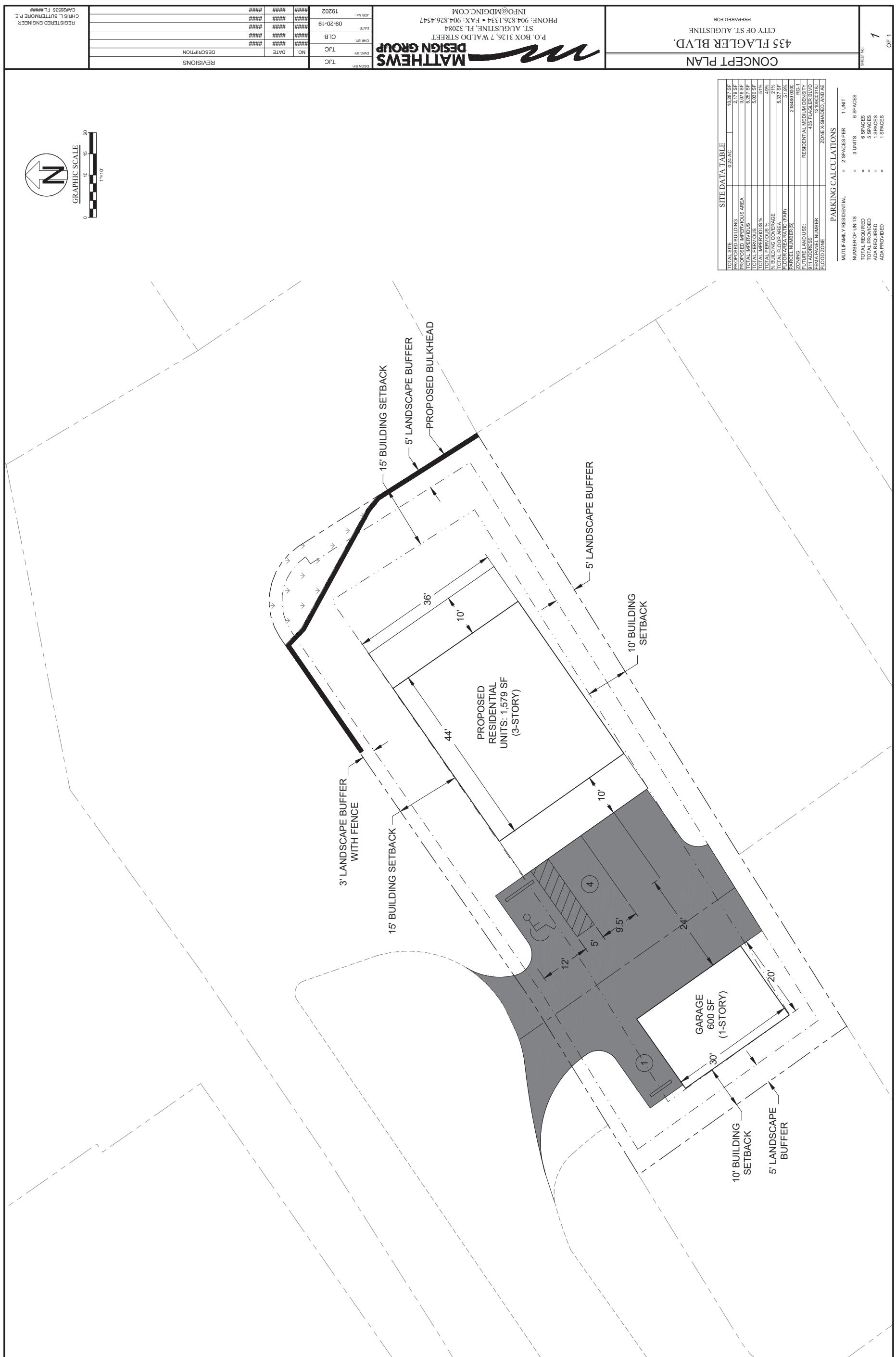
435 Flagler Blvd

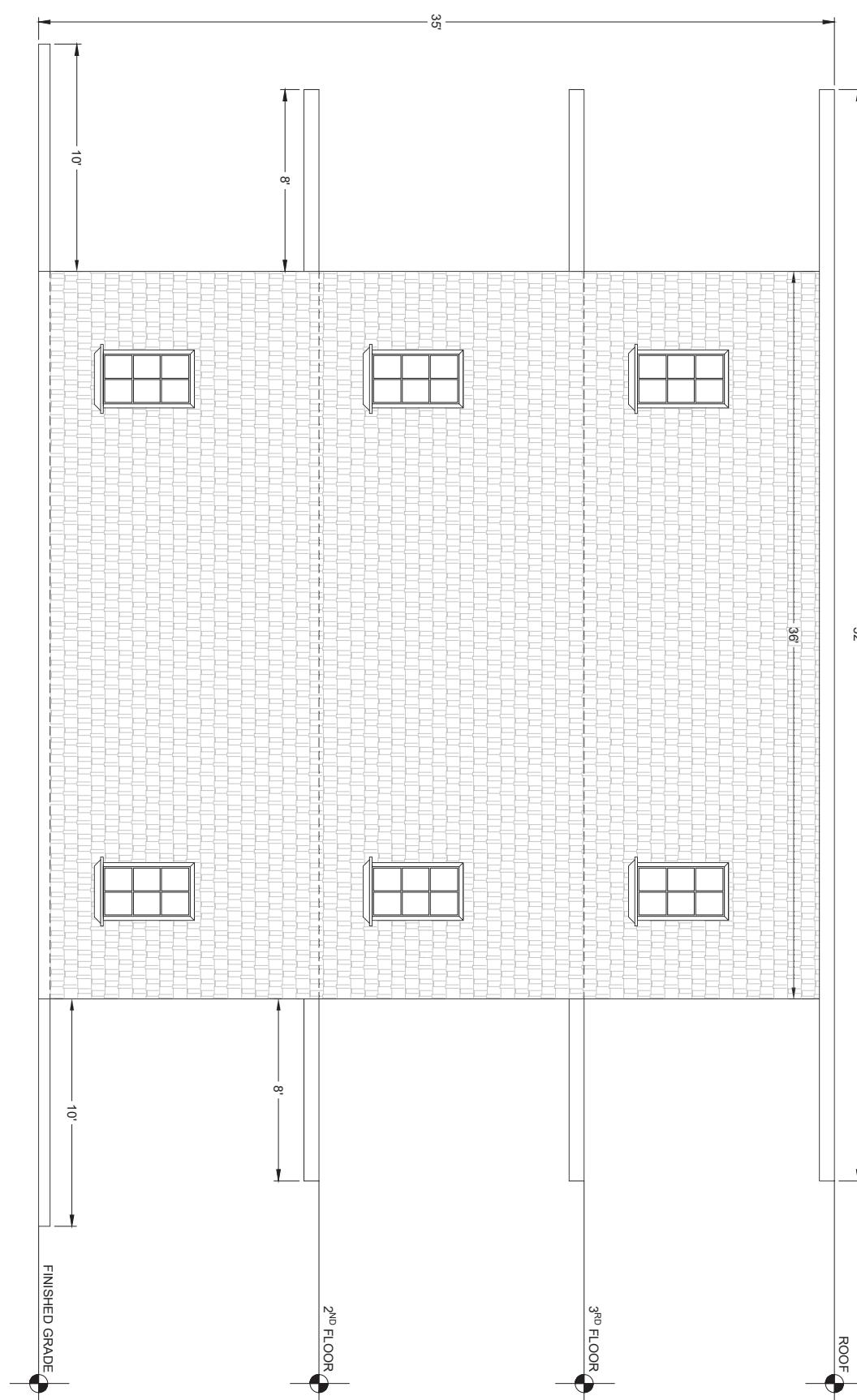


Map created with St. Johns County's Map

DISCLAIMER:
This map is for reference use only. Data provided is derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date: 8/20/2019





Attachment 4

Site Photos

2019 & 2007







08/26/2019 15:26



08/26/2019 15:26



08/26/2019 15:27



08/26/2019 15:27



Photo 1: facing south from northern property boundary



Photo 2 – facing north from southern property boundary



Photo 3 – facing east



Photo 4 – facing east



Photo 5 – facing north towards existing dock on adjacent property

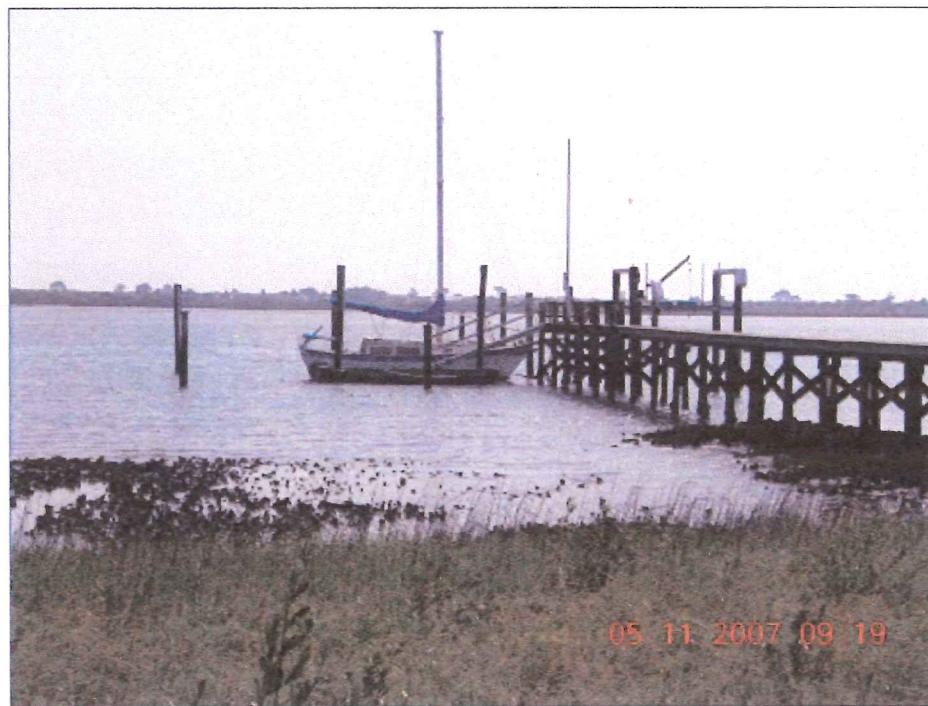


Photo 6 – facing south towards adjacent dock

Attachment 5
Arborist Report



City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant tree as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT Edward Conlon

ISA Certification # FL0829

Business (if applicable) Tree Medic Tree Surgeons, Inc.

Address 3400 US Highway 1 Suite A

City St. Augustine State FL Zip Code 32080

Daytime Telephone 904 794 0003 Other Phone _____

Email Address treemedicoffice@yahoo.com

PROPERTY INFORMATION

STREET ADDRESS 435 Flagler Blvd.

Legal Description: Lot 15 and 16 Block 32 Subdivision

Parcel 2184800000

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.

TREE INVENTORY(attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
multi	Southern Red Cedar	Poor	Not a good candidate for saving
20"	Southern Red Cedar	Good	Protect if possible
14"	Southern Red Cedar	Poor	Removal and replacement
4"	Southern Red Cedar	Dead	Removal
multi	Southern Red Cedar	good	Prune and protect

TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)

Patrick Doty

From: Scott Patrou <spatrou@ginnpatrou.com>
Sent: Wednesday, September 11, 2019 7:22 AM
To: Patrick Doty
Subject: Fwd: Tree assessment 435 Flagler

See below.

Scott M. Patrou, Esq.
Shareholder, Ginn & Patrou, P.A.
Phone [\(904\) 461 - 3000](tel:(904)461-3000)



Office Locations:
St. Augustine Beach
770 A1A Beach Blvd, Ste. D
[St. Augustine, FL 32080](mailto:St.Augustine,FL32080)
[904-461-3000](tel:904-461-3000)

On Sep 10, 2019, at 5:26 PM, eddie conlon <treemedicinc@yahoo.com> wrote:

Ginn and Patrou law

Site address: 435 Flagler Blvd.,
Saint Augustine,
FL 32084

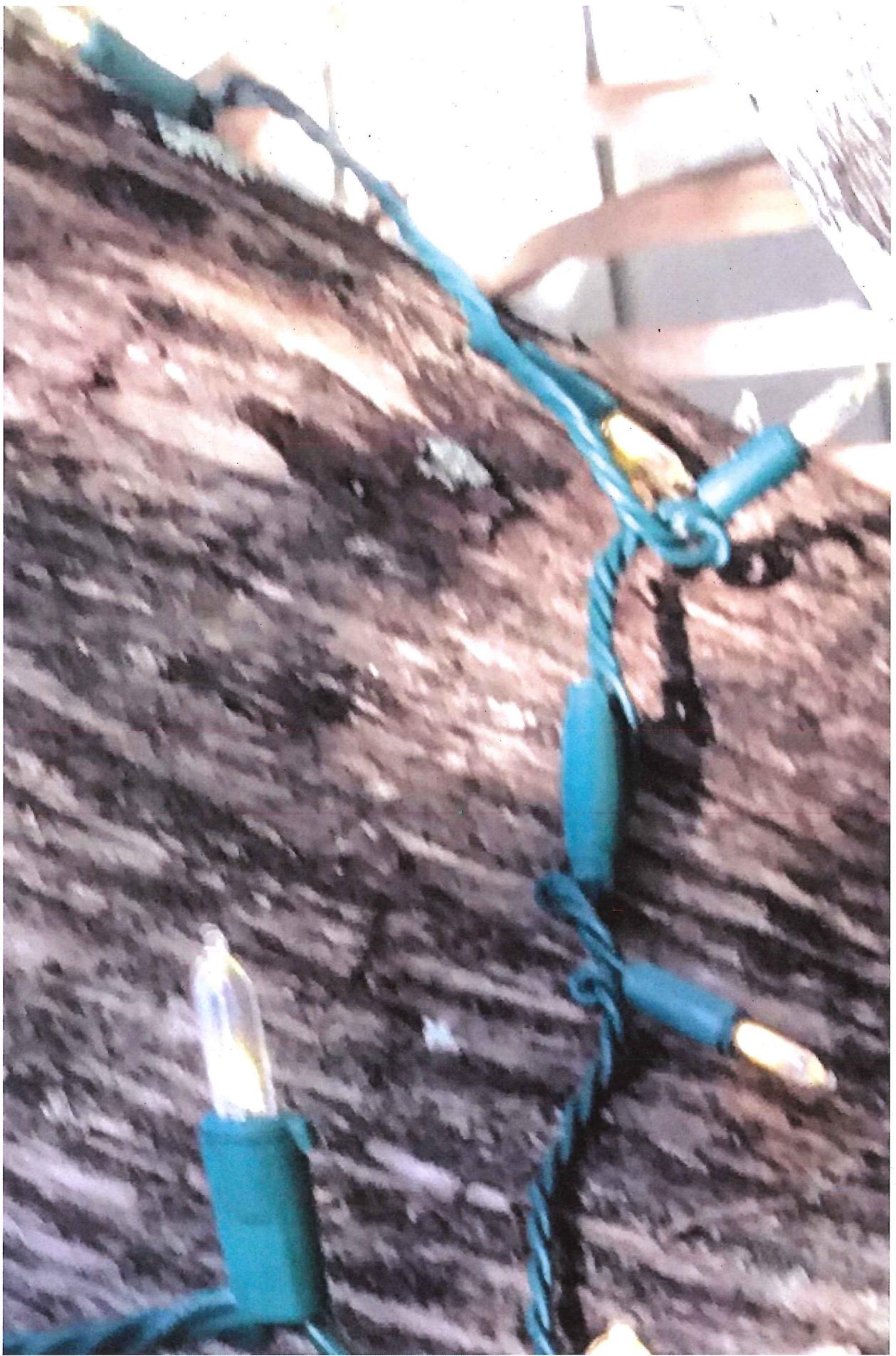
1, Specie: southern red Cedar (*Juniperus virginiana*)

Location: North west corner property

Condition: poor. This tree consist of approximately seven small trees growing out of one stump area with weak attachment points at approximately 1 foot high with decay evident at multiple crotches. The canopy is green. crossing limbs and past limb failure throughout due to competition and improper pruning.

Recommendation: due to the trunk condition and competition (included bark).
Not a good candidate for

saving.



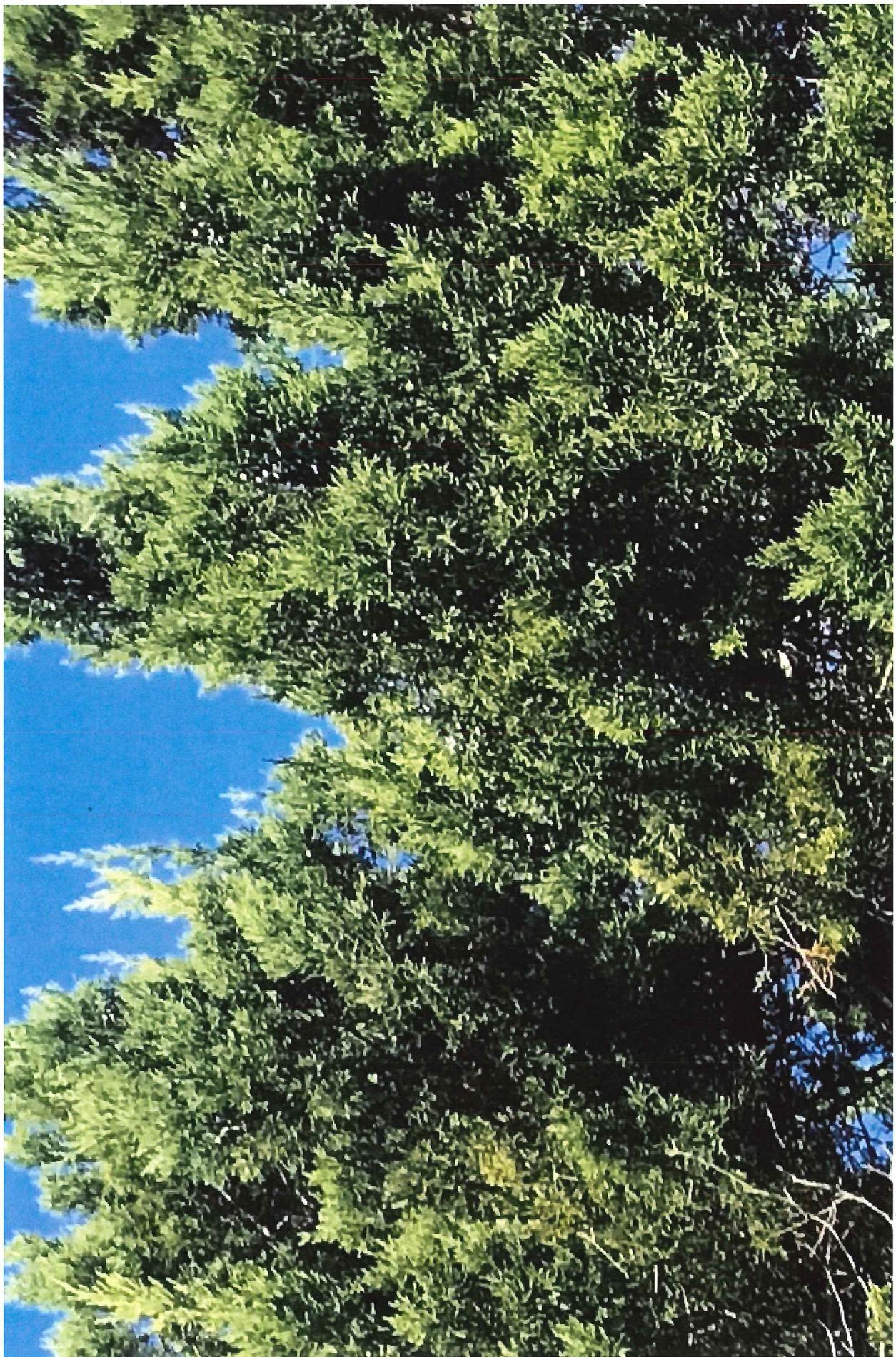


2. 20 inch. Southern red cedar(*Juniperus virginiana*)

Location: North center of property close to roadway.

Condition: good. Although there is some wood rot and broken limbs from past storms. This tree should be protected if possible.

Recommendation: protect with fencing approximately at the drip line edge



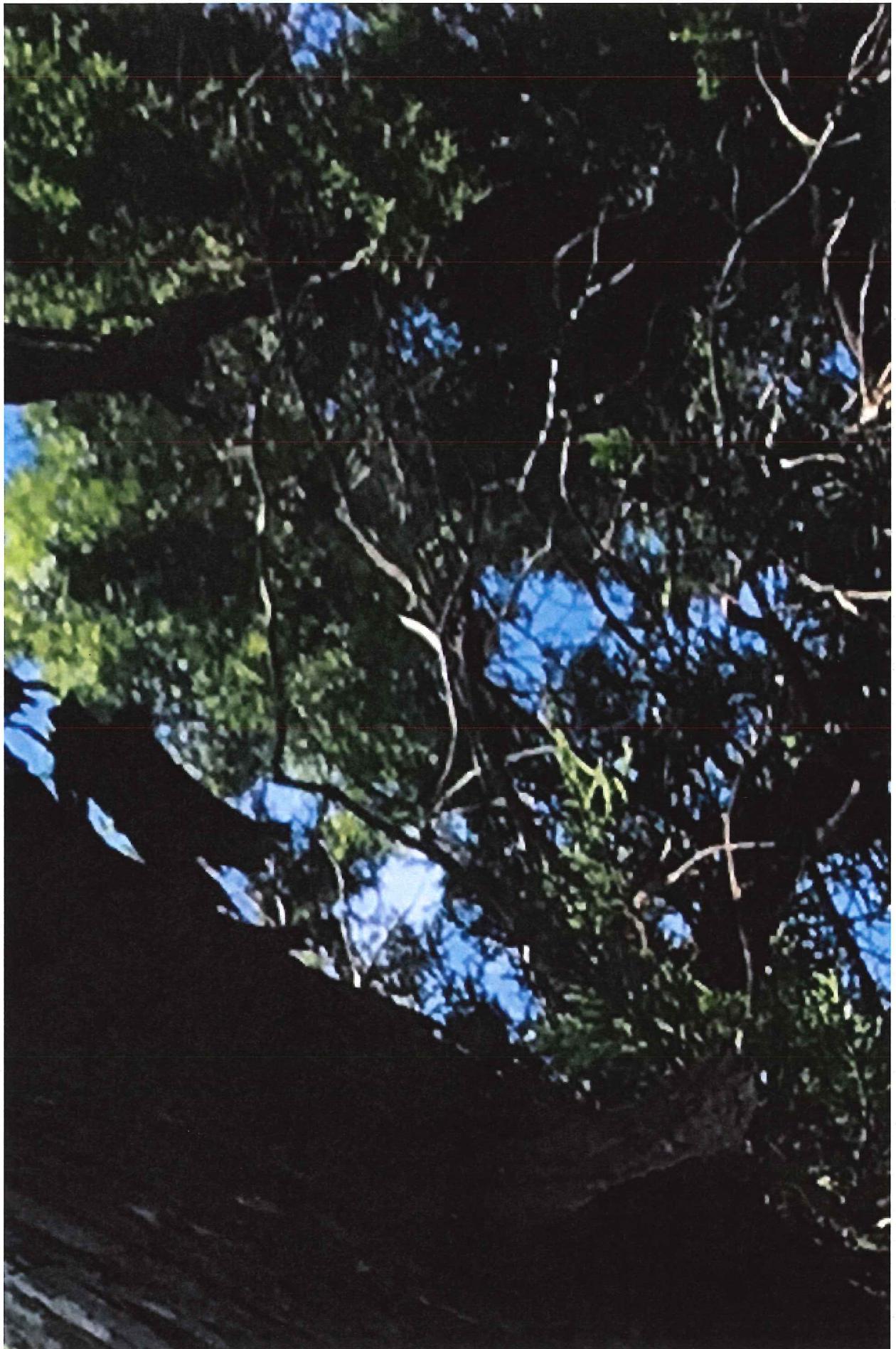
3. 14 inch dbh Southern Red Cedar (*Juniperus virginiana*)

Location: North east side of property close to existing structure.

Condition: poor. This tree has major trunk and canopy failure with Wood rot at base.

The canopy is green but the attachment points throughout the existing limbs have multiple areas of the facts as well as broken limbs and dead wood.

Recommendation: removal and replacement due to the extent of damage throughout the entire tree.



4. 4" dbh Southern Red Cedar (*Juniperus virginiana*)

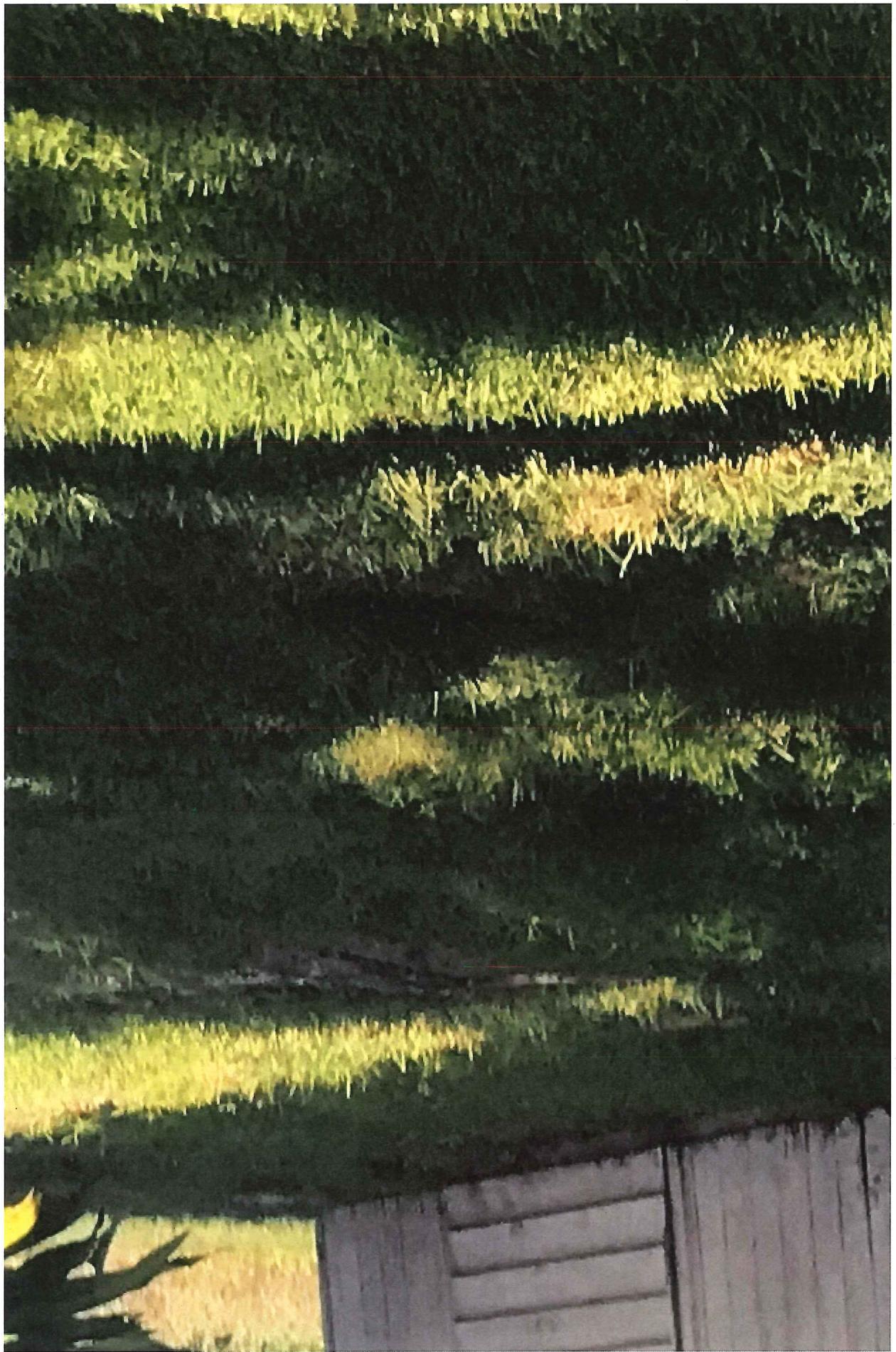
Condition: dead



5. Multi trunked Southern Red Cedar (*Juniperus virginiana*)

Location: Southern edge of property line.

Condition: good. Although this tree has multiple trunks starting at approximately 1 foot high, there is ample room for growth before bark inconclusion will be a problem. This tree should be pruned and protected.



6. There is an oak tree on the survey but does not exist on this property.

Edward Conlon.

Certified arborist. International Society Of Arboriculture.

Tree risk assessment qualified 2014

Member TCI

[Tree Experts St. Augustine FL | Tree Disease Diagnosis & Treatment in St. Augustine, Florida \(FL\) - Tree Medic Tree Surgeons, Inc.](#)

Tree Experts St. Augustine FL | Tree Disease Diagnosis & Treatment in St. Augustine, Florida (FL) - Tree Medic Tree Surgeons, Inc.

Since 1983, Tree Medic Tree Surgeons, Inc. in St. Augustine, FL, has been providing top-quality services. Our first priority is the health and safety of trees.

[Sent from Yahoo Mail for iPhone](#)

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<IMG_9003.jpeg>

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null

Attachment 6
2007 FL DEP Permit &
USACE Permit Application



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Voice 904-807-3300 FAX 904-448-4366

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

October 4, 2007

In the Matter of an Application
for Permit By:

Augustine Bluffs Associates, LLC
Mr. Curt Fenelon
664 Ponte Vedra Beach Blvd.
Ponte Vedra Beach, Florida 32082

DEP File No. 55-279144-001-ES
County: St. Johns

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 55-279144-001-ES to construct a single-family dock issued under Part IV, Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for mediation within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action;

and

- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

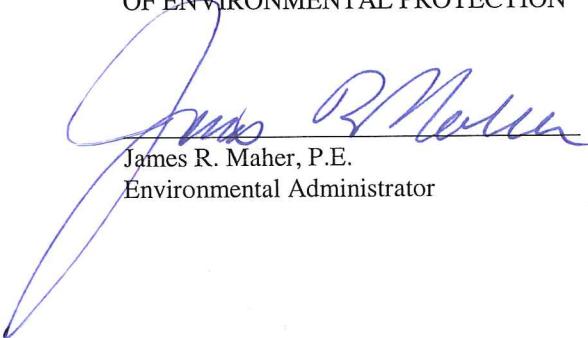
This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department.

Augustine Bluffs Associates, LLC
55-279144-001-ES

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


James R. Maher, P.E.
Environmental Administrator

cc: ACOE

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on 10/8/07 to the listed persons.

FILED, on this date, pursuant to Section 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Glenda Blatton 10/8/07
Clerk Dept



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Voice 904-807-3300 FAX 904-448-4366

ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Augustine Bluffs Associates, LLC
Mr. Curt Fenelon
664 Ponte Vedra Beach Blvd.
Ponte Vedra Beach, Florida 32082

PERMIT INFORMATION:

Permit Number: 55-279144-001-ES
Date of Issue: October 4, 2007
Expiration Date of Construction Phase:
October 4, 2012
County: St. Johns
Project: Construct a single-family dock

AGENT:

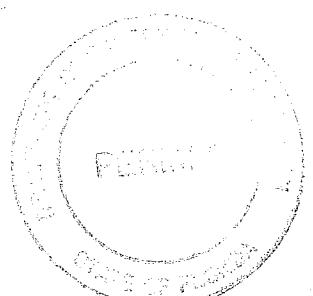
Mr. Ryan Carter
Environmental Services, Inc.
2825 Lewis Speedway, Suite 107
St. Augustine, Florida 32084

This environmental resource permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) for the regulatory authority to construct, alter, abandon, remove, maintenance, and operate the system [project activity and/or structure(s)] as described in the below Description of Project Activity and/or Structure(s). The appropriate proprietary authorization for the use of state-owned submerged lands is granted in accordance with Chapter 253 and Chapter 258, F.S., and Chapter 18-21, F.A.C., and Chapter 18-20, F.A.C., if located in an aquatic preserve,. The activity is not exempt from the requirement to obtain an environmental resource permit nor is the activity exempt from the requirement to obtain proprietary authorization. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. In addition, the project has been reviewed under a Coordination Agreement Between the US Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act and may contain Federal authorization to construct and operate the facility as described.

DESCRIPTION OF PROJECT ACTIVITY AND/OR STRUCTURE(S) -

This project is to construct a 4,040 square foot private, residential, 3-slip, single-family dock consisting of an 8' x 365' access pier, 2 boatslips each 8' x 20', an 8' x 100' floating dock with access ramp, and 6 mooring pilings on the ICCW at Salt Run at 435 Flagler Blvd, St Augustine, St Johns County, Florida, and not in an aquatic preserve, nor on state owned lands.

This project is located on at 435 Flagler Blvd., St. Augustine on the Intercoastal Waterway at Salt Run, a class III waterbody in Section 16, Township 07 South, Range 30 East at Latitude 29°53'30.31111", Longitude 81°17'40.028".



Augustine Bluffs Associates, LLC
55-279144-001-ES
October 4, 2007

REGULATORY AUTHORIZATION -

This permit constitutes the authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) to construct and operate the system described above and show on the attached drawing(s), survey, and/or documents.

This activity requires regulatory authorization under the provisions of Part IV, Chapter 373, Florida Statutes (FS). The above named permittee has affirmatively demonstrated that the project as described above is in compliance with the criteria set forth in section 373.414, FS.

The duration of the construction phase shall be for a period of five (5) years from the date of issuance of this permit, in accordance with section 62-343.110, subsection (1), paragraph (c), F.A.C. The operation and maintenance phase shall be perpetual in accordance with section 62-343.110, subsection (1), paragraph (d), F.A.C.

WATER QUALITY CERTIFICATION

This permit constitutes certification of compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

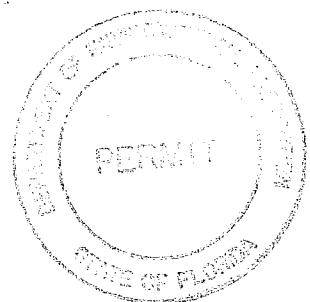
PROPRIETARY REVIEW

Your project does not occur on state-owned submerged lands and will not require authorization from the Department to use these lands for private purposes in accordance with section 253.77, Florida statutes.

SPGP - REVIEW

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings is **NOT in compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP)**. A copy of your notice also has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency**. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act".



Augustine Bluffs Associates, LLC
55-279144-001-ES
October 4, 2007

PERMIT CONDITIONS -

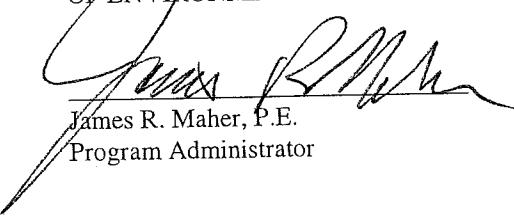
The above named permittee, Augustine Bluffs Associates, LLC, is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof, pending satisfactory execution of the sovereign submerged lands authorization documents. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions which are a binding part of this permit.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below and attached hereto.

Executed in Jacksonville, Florida.

Issued this 4th day of October, 2007.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


James R. Maher, P.E.
Program Administrator

Enclosed Regulatory General Conditions
 Regulatory Specific Conditions
 Proprietary General Consent Conditions
 Proprietary Specific Conditions as applicable
 SPGP General Conditions
 SPGP Specific Conditions as applicable

Copy to USACOE, Regulatory Section, Jacksonville

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT, Department File Number 55-279144-001-ES and all copies were mailed before the close of business on 10/8/07 to the listed persons.

**FILED, on this date, pursuant to Section 120.52,
FS., with the designated Department Clerk,
copy of which is hereby acknowledged.**

Andrea Blanton 10/8/07

REGULATORY GENERAL CONDITIONS

DEP File No.: 55-279144-001-ES

Augustine Bluffs Associates, LLC

(a) All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

(b) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(c) Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

(d) Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(e) Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(f) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a Construction Commencement Notice Form No. 62-343.900(3) indicating the actual start date and the expected completion date.

(g) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an Annual Status Report Form No. 62-343.900(4). These forms shall be submitted during June of each year.

(h) For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the Department for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

(i) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

REGULATORY GENERAL CONDITIONS

DEP File No.: 55-279144-001-ES

Augustine Bluffs Associates, LLC

(j) Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 62-343.900(5) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the Department. Submittal of the completed form shall serve to notify the Department that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
6. Existing water elevation(s) and the date determined; and
7. Elevation and location of benchmark(s) for the survey.

(k) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraph (i) above, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.

(l) Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Department of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(m) This permit does not eliminate the necessity to obtain any required federal, state, local and special Department authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.

REGULATORY GENERAL CONDITIONS

DEP File No.: 55-279144-001-ES

Augustine Bluffs Associates, LLC

(n) The permittee is hereby advised that section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(o) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

(p) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(q) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(r) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(s) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.

(t) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

REGULATORY SPECIFIC CONDITIONS

DEP File No.: 55-279144-001-ES

Augustine Bluffs Associates, LLC

1. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permittee shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the Department of Environmental Protection at 904-807-3300. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. The following excerpt from **872.05**
Unmarked Human Burials is provided for informational purposes:

872.05(4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN DURING AN ARCHAEOLOGICAL EXCAVATION --When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, **all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.**

2. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Submerged Lands and Environmental Resources Program, Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590.
3. All wetland areas or water bodies which are outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, scouring, excess turbidity, or dewatering. Turbidity curtains, hay bales, and other such erosion/turbidity control devices shall be installed pursuant to Chapter 6 of The Florida Land Development Manual, A Guide to Sound Land and Water Management, prior to the commencement of dredging, filling, or construction activity. The devices shall remain functional at all times and shall be maintained on a regular basis. Turbidity and/or sedimentation resulting from any activities associated with the project shall not be allowed to enter waters of the State.
4. Floating turbidity curtains, (FDOT Type II or equivalent), shall be used to surround all open water work areas and shall remain in place until such time as turbidity levels within these work areas have reduced sufficiently so as not to exceed the State water quality standard.
5. The waterward end of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.
6. The work shall be done during periods of average or low water.

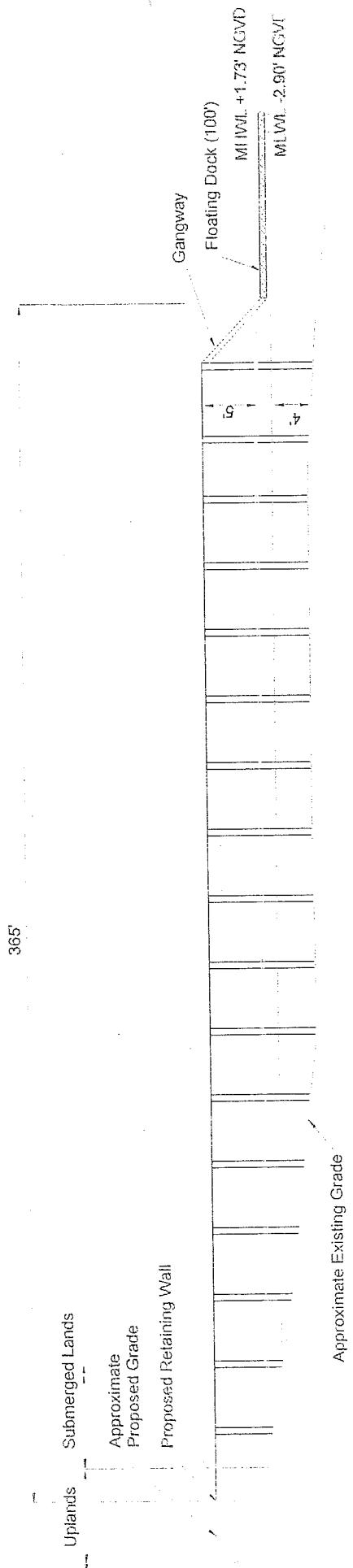
REGULATORY SPECIFIC CONDITIONS

DEP File No.: 55-279144-001-ES

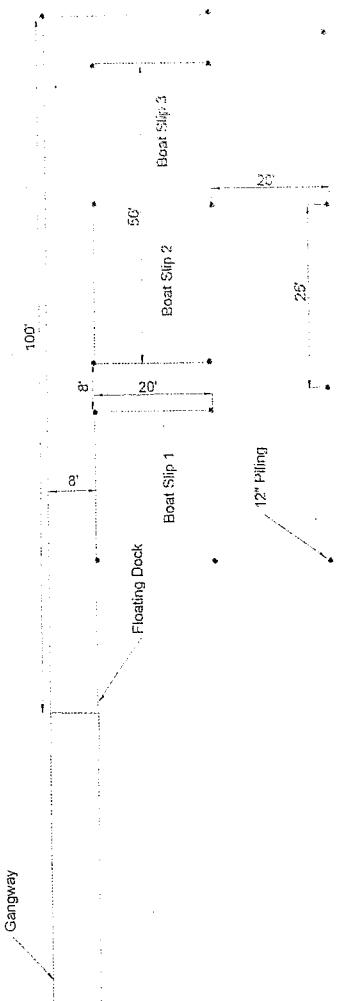
Augustine Bluffs Associates, LLC

7. No portion of the boat slip/mooring area shall be constructed over submerged grass beds.
8. The project shall comply with applicable State Water Quality Standards, namely:
 - a) Surface Waters, Minimum Criteria, General Criteria - **62-302.500**,
 - b) Class III Waters - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. - **62-302.400**.
9. Water depth at the mooring area shall be sufficient to prevent bottom scouring by boat propellers.
10. Outside the specific limits of construction authorized by this permit, any disturbance of or damage to wetlands or the littoral zone as a result of pier, dock, or bulkhead construction shall be corrected by restoring pre-construction elevations and planting vegetation of the same species, size, and density that exist in adjacent undisturbed wetland or littoral areas.
11. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.
12. The permittee is hereby relieved from the requirement to submit as-built drawings prepared by a registered professional, as required by General Condition (j), except where the services of a registered professional are used in the construction of the system. However, the permittee is still required, within 30 days of completion of construction, to submit a written notice to the Department of the date construction was completed, together with a copy of the permit drawings, modified as appropriate, to reflect the condition of the as-built structure. Such condition also shall not relieve the permittee from the responsibility for submitting all other information required by this permit.
13. The structure authorized by this permit shall not be placed on any property, other than that owned by the permittee, without the prior written approval of that property owner.

Cross-Section



Floating Dock Plan View



Information represented on this map is for planning purposes only and subject to review and approval by appropriate regulatory agencies.



2825 Lewis Speedway, Suite 107
St. Augustine, FL 32084
904-824-5494
FAX 904-824-5364

www.environmentalservicesinc.com

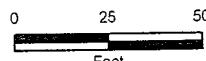
Dock Profile
Augustine Bluffs, LLC
St. Johns County, Florida

Project:	EG07029.00
Date:	May 2007
Drawn/Chkd:	DCH
Figure:	5



Legend

- Project Area
- Residential, Low Density (FLUCFCS110)+/- 0.06 ac.
- Fixed Single Family Units (FLUCFCS111)+/- 0.19ac.
- Saltwater Marsh (FLUCFCS642)+/-0.01 ac.



1 inch equals 50 feet

Sources: 2005 Aerial Photography Provided by FDOT Surveying & Mapping Office

Disclaimer: Information represented on this map is for planning purposes only and subject to review and approval by appropriate regulatory agencies.

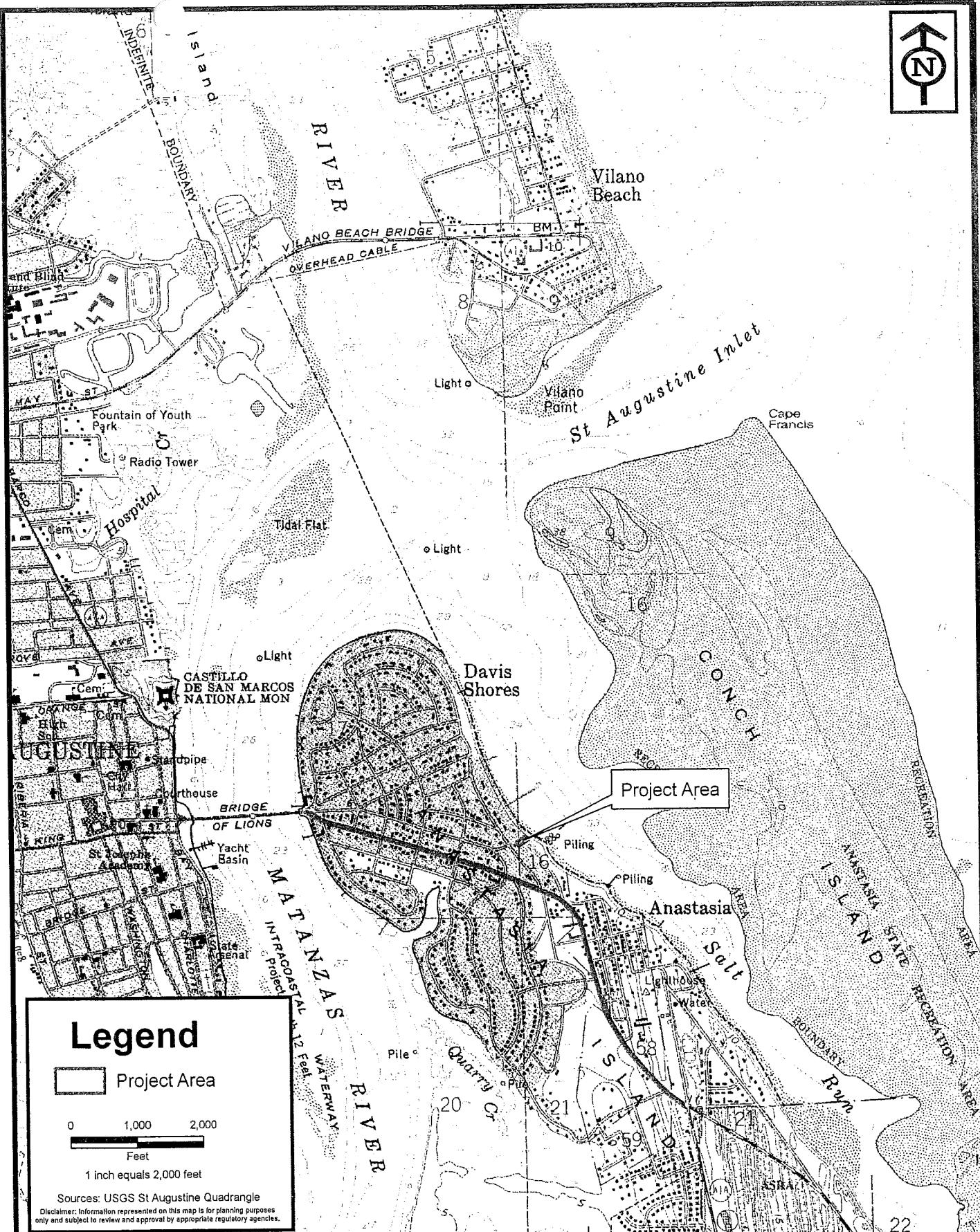


ENVIRONMENTAL
SERVICES, INC.

2825 Lewis Speedway
Suite 107
St. Augustine, FL 32084
904-824-5494
904-824-8364 FAX
www.environmentalservicesinc.com

Existing Site Conditions
Augustine Bluffs, LLC
St. Johns County, Florida

Project: EG07029.00
Date: April 2007
Drwn/Chkd: DCH
Figure: 3



Legend



0 1,000 2,000
Feet
1 inch equals 2,000 feet

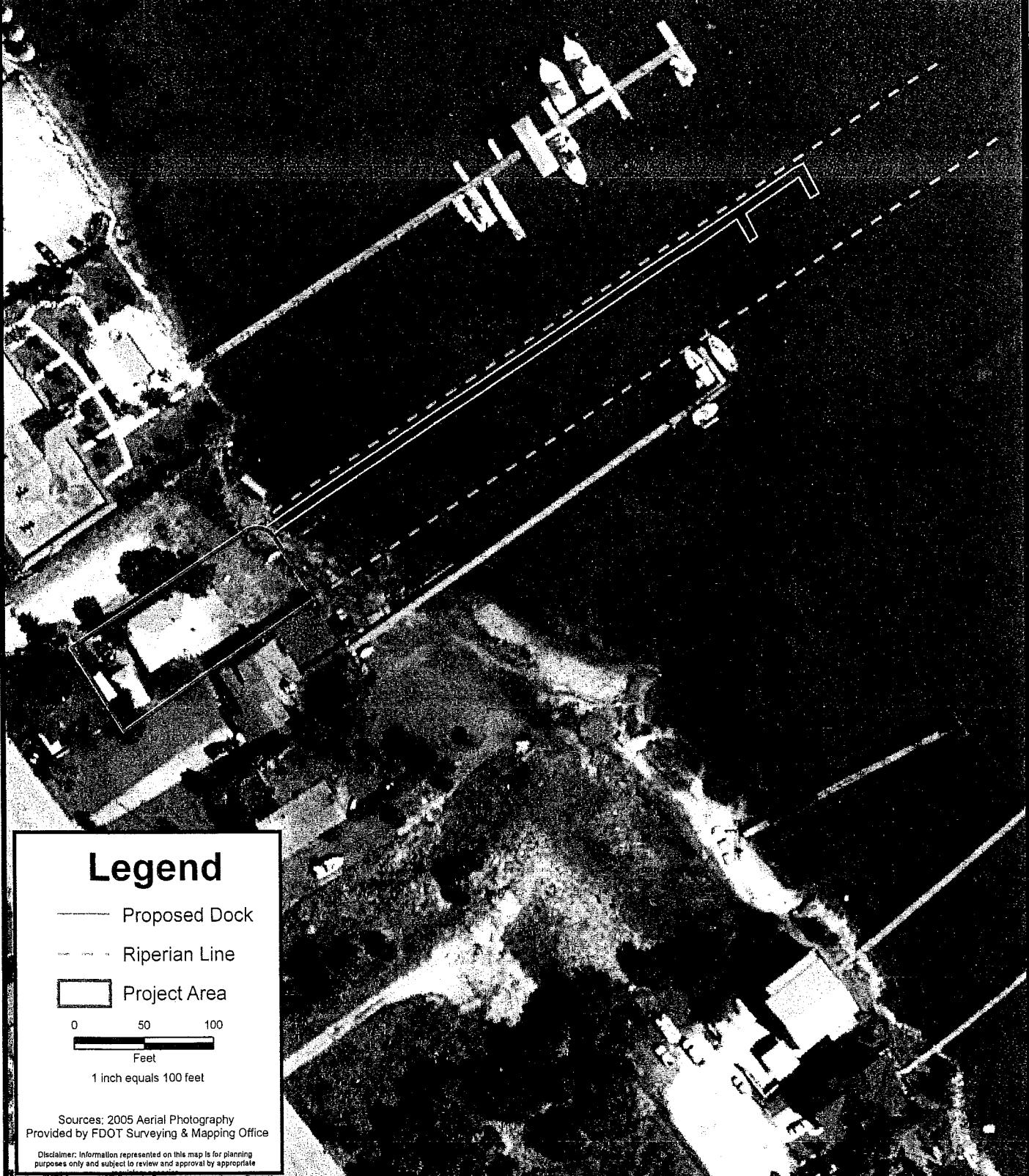
Sources: USGS St Augustine Quadrangle
Disclaimer: Information represented on this map is for planning purposes only and subject to review and approval by appropriate regulatory agencies.



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Site Location Map
Augustine Bluffs, LLC
St. Johns County, Florida

Project:	EG07029.00
Date:	April 2007
Drwn/Chkd:	DCH
Figure:	1



Legend

— Proposed Dock

- - - Riparian Line

Project Area

0 50 100
Feet

1 inch equals 100 feet

Sources: 2005 Aerial Photography
Provided by FDOT Surveying & Mapping Office

Disclaimer: Information represented on this map is for planning
purposes only and subject to review and approval by appropriate



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Proposed Site Conditions
Augustine Bluffs, LLC
St. Johns County, Florida

Project: EG07029.00
Date: April 2007
Drwn/Chkd: DCH
Figure: 4



CASSIA



Legend

 Project Area

0 25 50

Feet

1 inch equals 50 feet

Sources: 2005 Aerial Photography Provided
By FDOT Surveying & Mapping Office
USDA Soil Survey

Disclaimer: Information represented on this map is for planning purposes
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Soils Map

Augustine Bluffs, LLC

St. Johns County, Florida

Project: EG07029.00

Date: April 2007

Drwn/Chkd: DCH

Figure: 2



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Atlantic Permits Section
SAJ-2007-4013 (LP-NBF)

October 1, 2007

Permit Application No. SAJ-2007-4013 (LP-NBF)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Curt Fenelon
Augustine Bluffs Association, LLC
664 Ponte Vedra Beach Boulevard
Ponte Vedra Beach, Florida 32082

WATERWAY & LOCATION: The project is located at 435 Flagler Boulevard, in Section 18, Township 7 south, Range 30 East, St. Augustine, St. Johns County, Florida

LATITUDE & LONGITUDE: Latitude 29.891561 North
Longitude -81.294862 West

PROPOSED WORK: To construct a 5-foot-wide by 365-foot-long access walkway with a gangway leading to an 8-foot-wide by 100-foot-long floating dock with two 20-foot-long finger piers and pilings to create three boat slips.

ENDANGERED SPECIES: OPTION A: The U.S. Army Corps of Engineers (Corps) has determined the project may affect the West Indian Manatee or its designated critical habitat. The Corps will request initiation of formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. Our initial determination is that the proposed action would not have a

substantial adverse impact on EFH or Federally managed fisheries within Salt Run. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

IMPACT ON CULTURAL RESOURCES: Review of information provided by the applicant indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished.

This project is being evaluated for possible issuance pursuant to a letter of permission. Comments regarding the application should be submitted in writing to the District Engineer at the above address within 15 days from the date of this notice.

If you have any questions concerning this application, you may contact Norma Fouraker at the letterhead address, by electronic mail at norma.b.fouraker@usace.army.mil, or by telephone at 904-232-1679.

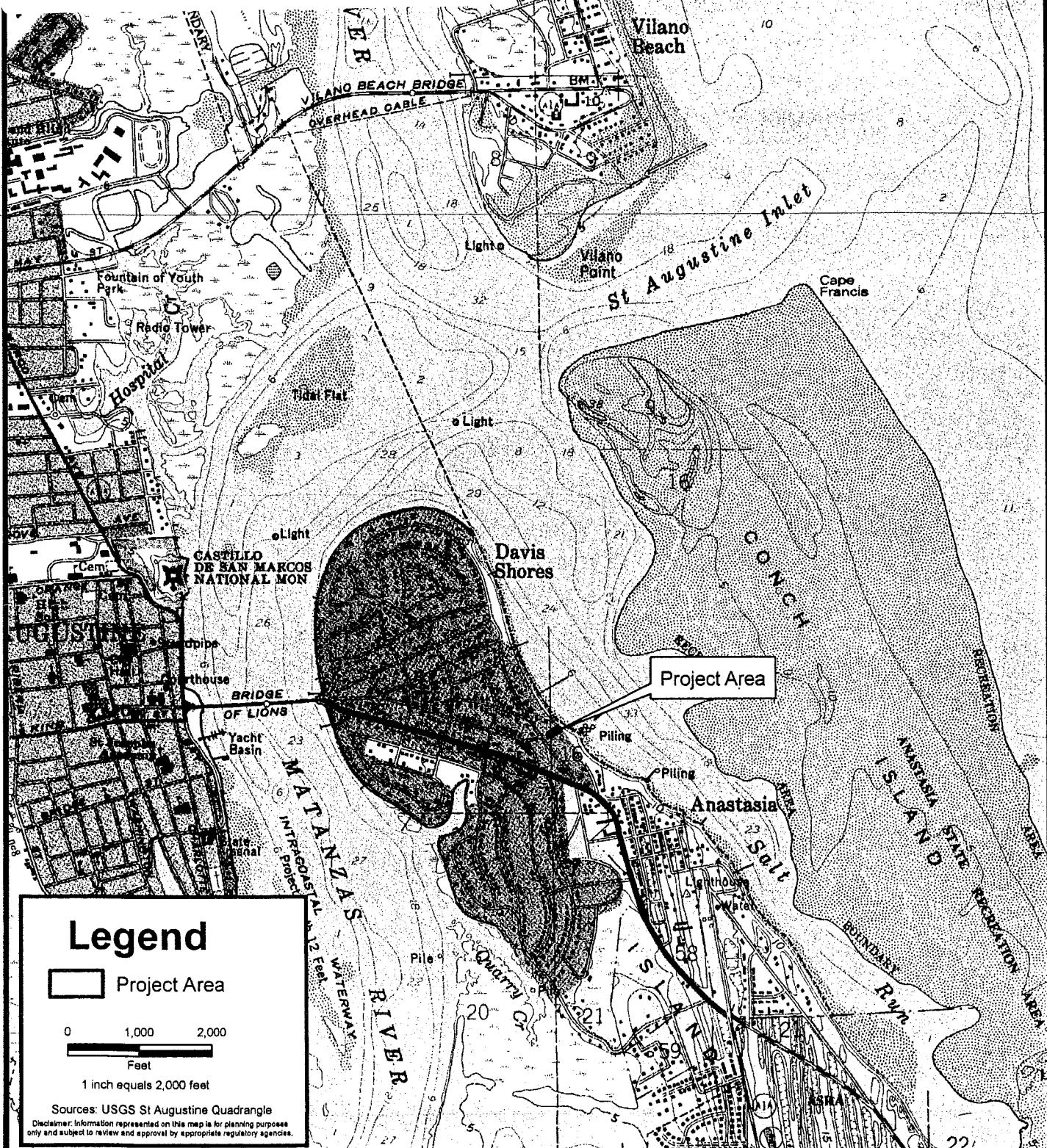
The decision whether to issue or deny this permit application will be based on the information received from this coordination and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as any compensatory mitigation proposed.



Norma Fouraker
Project Manager

Mailing Labels
for
SAJ-2007-4013

FWS, Jacksonville
NMFS, HCD, St. Petersburg
NMFS, 9741 Ocean Shore Boulevard, St. Augustine, FL 32080 8618
SHPO, RA Gray Building, 500 South Bronough Street, Tallahassee,
Florida 32399-0250
✓Curt Fenelon, Augustine Bluffs Associates, LLC, 664 Ponte Vedra
Beach Boulevard, Ponte Vedra Beach, Florida 32082
Michael Golubovich, Environmental Services, Inc., 2825 Lewis
Speedway, Suite 107, St. Augustine, Florida 32084
Gager, Linda Lawrence, 27 Comares Avenue, At. Augustine,
FL 32080-3726
City of St. Augustine, P.O. Box 210, St. Augustine, FL
32085-0210
Vernon & Susan Grandgeorge, 3432 Washington Drive, Falls Church
VA 22041-0000

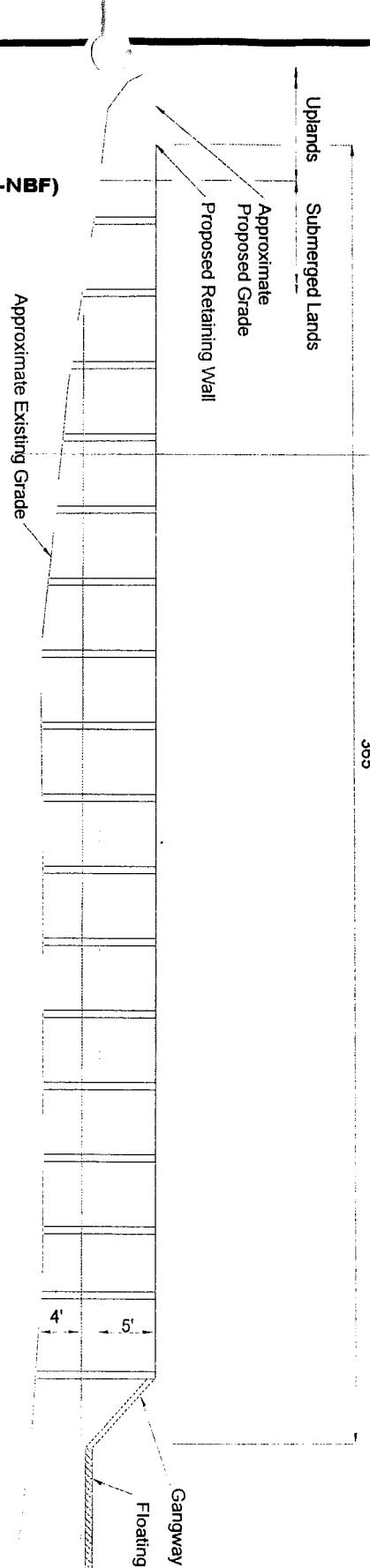


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904-824-8384 FAX
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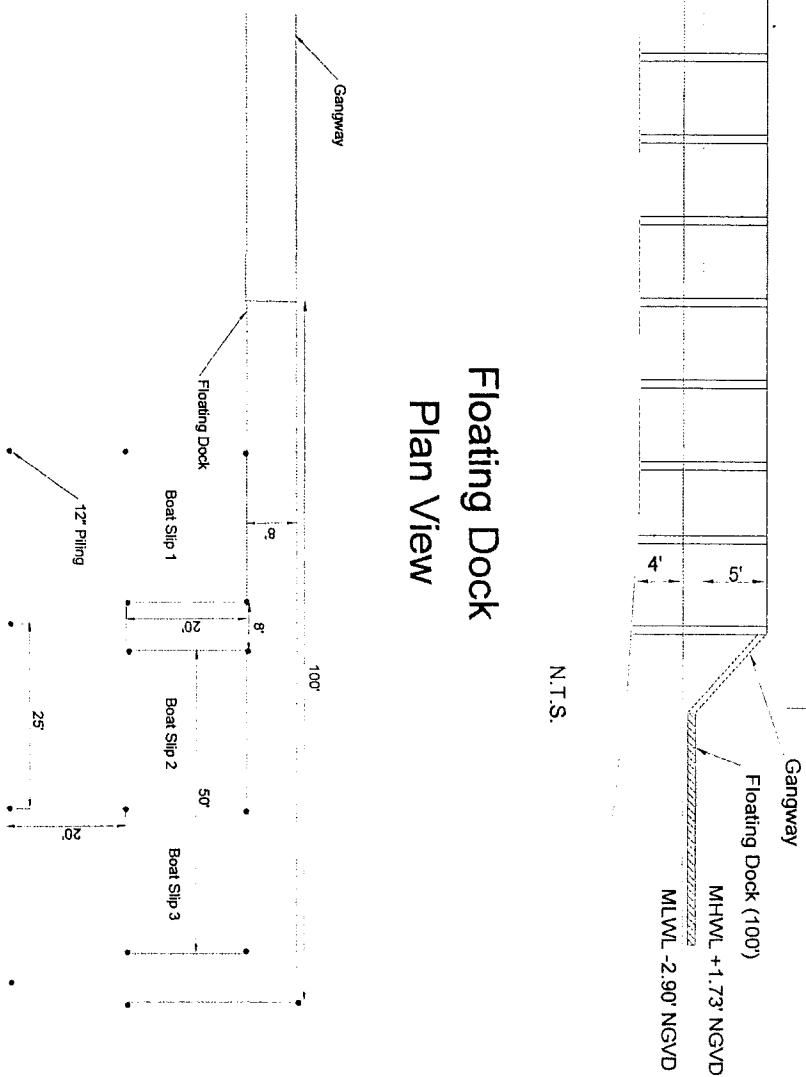
Site Location Map
Augustine Bluffs, LLC
St. Johns County, Florida

Project:	EG07029.00
Date:	April 2007
Drwn/Chkd:	DCH
Figure:	1

Cross-Section



Floating Dock Plan View



Information represented on this map is for planning purposes only and subject to review and approval by appropriate regulatory agencies.

**ENVIRONMENTAL
SERVICES, INC.**

2025 Lewis S. Sperryway, Suite 107

St. Augustine, FL 32084

FAX 904-824-5494



**Dock Profile
Augustine Bluffs, LLC**
St. Johns County, Florida

Project: EG07029.00
Date: May 2007
Drawn/Chkd: DCH
Figure: 5



US ARMY CORPS OF ENGINEERS
APPLICATION NUMBER SAJ-2007-4013L(LP--NBF)
DATE 10/1/07
DRAWING SHEET 3 OF 4

Legend

-  Project Area
-  Residential, Low Density (FLUCFCS110)+/- 0.06 ac.
-  Fixed Single Family Units (FLUCFCS111)+/-0.19ac.
-  Saltwater Marsh (FLUCFCS642)+/-0.01 ac.



Feet

1 inch equals 50 feet

Sources:2005 Aerial Photography Provided by FDOT Surveying & Mapping Office

Disclaimer: Information represented on this map is for planning purposes only and subject to review and approval by appropriate regulatory agencies.



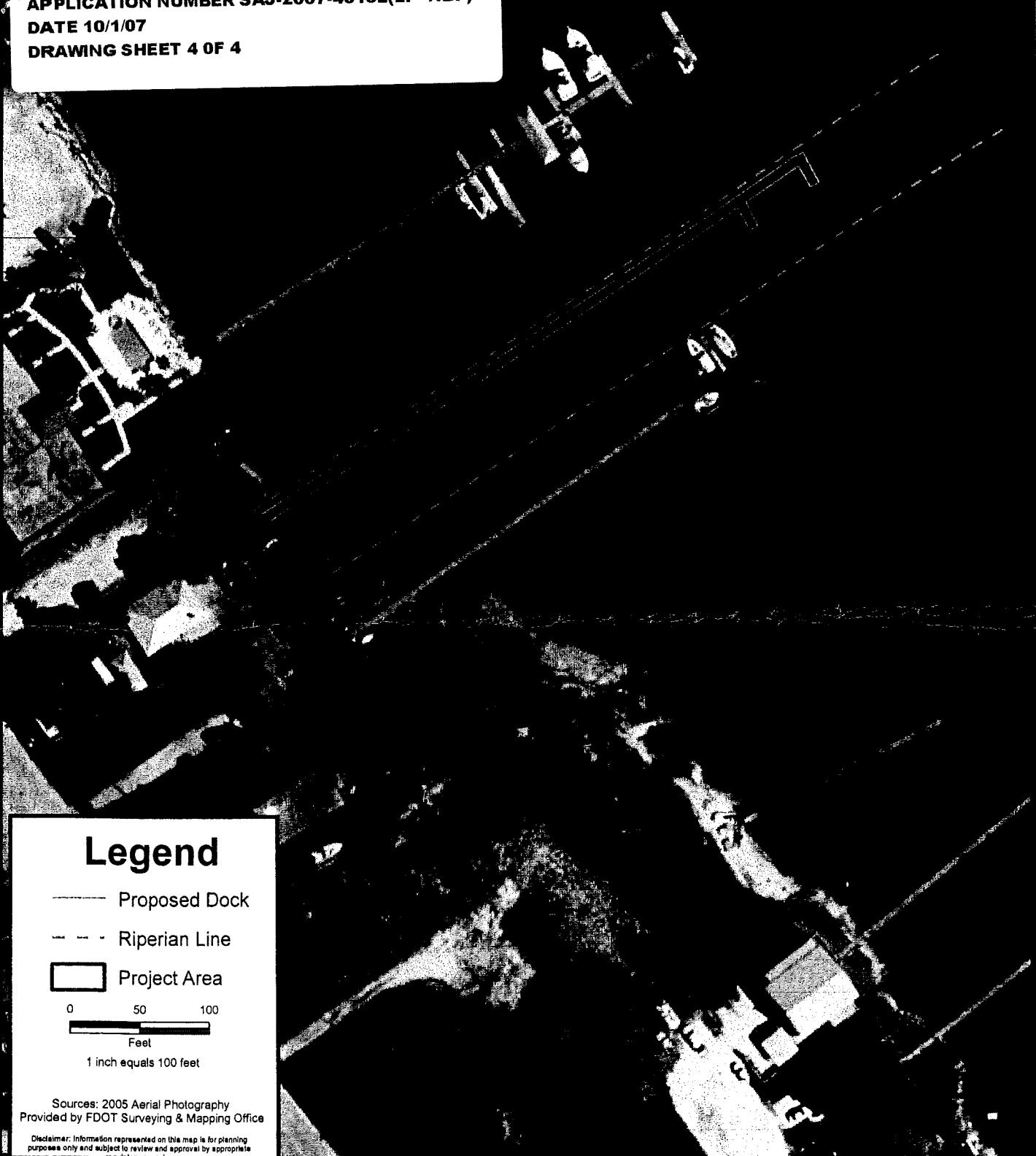
ENVIRONMENTAL
SERVICES, INC.

2825 Lewis Speedway
Suite107
St. Augustine, FL 32084
904-824-5494
904-824-8364 FAX
www.environmentalservicesinc.com

Existing Site Conditions
Augustine Bluffs, LLC
St. Johns County, Florida

Project:	EG07029.00
Date:	April 2007
Drwn/Chkd:	DCH
Figure:	3

US ARMY CORPS OF ENGINEERS
APPLICATION NUMBER SAJ-2007-4013L(LP--NBF)
DATE 10/1/07
DRAWING SHEET 4 OF 4



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Proposed Site Conditions
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Project: EG07029.00
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Figure: 4

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 1, 2019

RE: **Ordinance 2019-43 – Providing for Variances to Exceed the Maximum Lot Coverage for Handicapped Accessibility to Existing Structures in HP-1, HP-2 and HP-3**

At the August 6, 2019 Regular Planning & Zoning Board meeting, staff was directed by the Board to review and draft updates to the city code regarding variances to exceed the maximum lot coverage in zoning districts Historic Preservation 1, 2 and 3 for handicapped accessibility.

The current code states, “no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1,2 and 3, except variances may be obtained for school, church and government agency uses.”

An update would allow for structures that are existing (as of the effective date of this ordinance) and located within zoning districts Historic Preservation 1, 2 and 3, to apply to the Planning and Zoning Board for a variance to exceed the maximum lot coverage to accommodate handicapped accessibility requirements.

Attached please find a draft of Ordinance 2019-43, which updates Sec. 28-29(b)(1) for your consideration and recommendation to the City Commission.



David Birchim, AICP
Director, Planning and Building Department

ORDINANCE NO. 2019-43

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE,
FLORIDA AMENDING SECTION 28-29 OF THE CODE OF THE
CITY OF ST. AUGUSTINE PROVIDING THAT A LOT
COVERAGE VARIANCE MAY BE GRANTED FOR
HANDICAPPED ACCESSIBILITY IN HISTORIC
PRESERVATION DISTRICTS 1, 2 AND 3; PROVIDING FOR
INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE;
PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;
PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the code currently does not allow for lot coverage variances except for certain uses in Historic Preservation Districts 1, 2 and 3; and

WHEREAS, there are existing buildings within Historic Preservation Districts 1, 2 and 3 that may require additions or modifications to comply with handicapped accessibility requirements; and

WHEREAS, these existing buildings may also exceed lot coverage limitations or require additions which would exceed lot coverage limitations within Historic Preservation Districts 1, 2 and 3 in order to comply with handicapped accessibility requirements; and

WHEREAS, on October 1, 2019, the Planning and Zoning Board (PZB) for the City of St. Augustine made a recommendation to the City Commission for adoption of an ordinance which provides that a variance may be granted for lot coverage in Historic Preservation Districts 1, 2 and 3 related to the provision of handicapped accessibility; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment of Section 28-29 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, AS FOLLOWS:

Section 1. Amending Code Section 28-29. Section 28-29 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 28-29. Zoning exceptions, variances and appeals.

...

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained: 1) for school, church and governmental agency uses and 2) to provide for **handicapped accessibility**. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and

- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Severance of Invalid Provisions. 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. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this

____ day of _____, 2019.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 24, 2019

RE: **Item 7b**
Continued Discussion and Public Comment Related to the Future Land Use Element and the Public/Semi-Public land use designation

Find attached a Table outlining the properties identified as Public/Semi-public on the existing Future Land Use Map. It has been determined that some of the uses of the properties are inconsistent with the current Public/Semi-public land use designation as defined.

One of the proposed changes included with this Comprehensive Plan update is to clarify the Public land use category and create an Institutional Use category. This separates the “public” and “private” institutional type uses and includes assigning other uses a more appropriate land use designation based on the current use and zoning district. For example, churches residentially zoned should have a Residential land use category since churches are allowed in residential areas because they have historically contributed to the fabric of neighborhoods.

Attached is the proposed language for the Public land use categories, as described in the draft Goals, Objectives and Policies.

There are also a couple other clean up items included on the list. These include some inconsistencies, and some undesignated properties.

If you have any questions or require additional information please contact myself or David Birchim at our office by calling (904) 825-1065 or by email at either askinner@citystaug.com or dbirchim@citystaug.com.



Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

Address	Property Use	Current Land Use	Proposed Land Use	Current Zoning	Proposed Zoning	Notes
111 EVERGREEN AVE	CEMETERY	Public/Semi Public	Institutional	RS-2		
118 KING ST	CHURCH	Public/Semi Public	Commercial Low Intensity	CL-2		
12 GRANADA ST	FLAGLER COLLEGE	Public/Semi Public	Commercial Low Intensity	CL-1		
29 RAVENSWOOD DR	SINGLE FAMILY HOME	Public/Semi Public	Commercial Low Intensity	CL-1		
95 KING ST	FLAGLER COLLEGE	Public/Semi Public	Commercial Low Intensity	CL-1		
96 MASTERS DR	CHURCH	Public/Semi Public	Commercial Low Intensity	CL-1		
285 KING ST & PART OF 6	CHURCH	Public/Semi Public	Commercial Medium Intensity	CM-2		
WHITNEY ST	OFFICE BUILDING	Public/Semi Public	Commercial Medium Intensity	CM-2		
7 WALDO ST	PARK	Public/Semi Public	Recreation/Open Space	GU		
15 FORT MOSE TRL & PRADO AVE		Public/Semi Public	Residential Low Density & Commercial Low Intensity	RS-2 & CL-1		
110 MASTERS DR	CHURCH	Public/Semi Public	Residential Low Density	RS-2		
155 PALMER ST	SINGLE FAMILY	Public/Semi Public	Residential Low Density	RS-2		
89 ST FRANCIS, 85 ST BENEDICT ST, & 87	CHURCH	Public/Semi Public	Residential Low Density	RS-2		
14 Spring St	SINGLE FAMILY HOME	Public/Semi Public	Residential Low Density	RS-2		
169 M.L. KING	ASSISTED LIVING	Public/Semi Public	Institutional	RS-2		Buckingham Smith
18 SPRING ST	CHURCH	Public/Semi Public	Residential Low Density	RS-2		
25 OAK ST	SINGLE FAMILY	Public/Semi Public	Residential Low Density	RS-2		
27 OAK ST	SINGLE FAMILY	Public/Semi Public	Residential Low Density	RS-2		
21 MILTON ST	CHURCH	Public/Semi Public	Residential Low Density	RS-1		
27 SEVILLA ST	CHURCH	Public/Semi Public	Residential Low Density	RS-1		
36 SEVILLA ST	CHURCH	Public/Semi Public	Residential Low Density	RS-1		
42 ABBOTT ST	SINGLE FAMILY HOME	Public/Semi Public	Residential Low Density	RS-2		
6 MAY ST	CHURCH	Public/Semi Public	Residential Low Density	RS-1		
96/92 EVERGREEN AVE	SINGLE FAMILY	Public/Semi Public	Residential Low Density	RS-2		
57 ANDERSON ST	CHURCH	Public/Semi Public	Residential Low Density	RS-2		
180 MARINE ST	COMMUNITY CENTER	Public/Semi Public	Institutional	PUD		
161 MARINE ST	ASSISTED LIVING	Public/Semi Public	Institutional	RG-1/PUD		Assisted Living/Nursing Home
27 OCEAN AVE	CHURCH	Public/Semi Public	Institutional	OL		Mission Grounds
101 SAN MARCO AVE	CHURCH	Public/Semi Public	Institutional	OL		Mission Grounds
PINE ST PROPERTY	CHURCH	Public/Semi Public	Institutional	OL		Mission Grounds
16 ISABEL ST	SJCSB	Recreation/Open Space	Public Use	RS-2	GU	Food Pantry & Habitat for Humanity
1590 MASTERS DR	TOWN HOMES	Recreation/Open Space	Residential Low Density/Mixed	RL-1		
73 & 75 RIBERIA ST	CHURCH	Residential Low Density	Commercial Low Intensity	CL-1		
3 MILTON ST	MULTI FAMILY	Residential Low Density	Residential Medium Density	RG-1		
1420 US HWY 1	BANK	Undesignated	Commercial Medium Intensity	PUD		1.98 acres
1440 US HWY 1	RETAIL	Undesignated	Commercial Medium Intensity	PUD		15.58 acres
100 CENTER CREEK	COMMERCIAL	Undesignated	Commercial Low Intensity	PUD		2.49 acres

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 12, 2019

RE: **ORDINANCE 2019-38: HEMP**

Please find attached Ordinance 2019-38, which creates a new section in the zoning code to provide regulations for the cultivation, distribution, and retail sale of hemp and hemp extract. This ordinance is to comply locally with the new state hemp program, which legalizes and regulates the sale of certain hemp products.

The bill that created the state hemp program provided a definition of allowable hemp, which must contain a concentration of THC that is less than 0.3%. The ordinance adopts the state definitions for hemp and hemp extract. The ordinance also makes it a violation of the code to:

- Cultivate hemp without a license issued by the state;
- Distribute or sell hemp extract at anywhere other than a fixed-location retail business in a zoning category that allows retail sales as a permissible use; and
- Distribute or sell hemp extract without meeting the requirements of the state hemp program.

While the state statute provides potential enforcement mechanisms for the state, this ordinance makes a violation of the ordinance a violation of the city code enforceable by a code enforcement action with respect to a potential zoning violation.

Please place Ordinance 2019-38 on the regular City Commission agenda for first reading on September 23, 2019. The Planning and Zoning Board will review the ordinance at the October 1, 2019, meeting.

Agenda title: Ordinance 2019-38 creates section 28-355, providing regulations for the cultivation, distribution, and retail sale of hemp and hemp extract.

Thank you.

//s/ John M. Cary _____

John M. Cary

Assistant City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-38

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA,
CREATING SECTION 28-355 OF THE CODE OF THE CITY OF
ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE
CULTIVATION, DISTRIBUTION, AND RETAIL SALE OF HEMP
PRODUCTS; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID
PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the City of St. Augustine recognizes that the state of Florida, through Laws of Florida, Chapter Number 2019-132, codified in section 581.217, of the Florida Statutes, has created the “state hemp program” to regulate the cultivation of hemp in the state; and

WHEREAS, the state hemp program requires a municipal officer to enforce or assist in enforcing the state hemp program and any rules subsequently adopted by a state agency; and

WHEREAS, enforcement of the state hemp program is only practical to the extent that the product is sold at fixed retail locations; and

WHEREAS, the Planning and Zoning Board has reviewed and approved this ordinance at the October 1, 2019, meeting.

WHEREAS, the City Commission for the City of St. Augustine 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Creation of Chapter 28, Section 28-355. Chapter 28, Section 355 of the Code of the City of St. Augustine is hereby created, as follows:

Sec. 28-355. – Hemp cultivation and retail sale.

(a) “Hemp” and “Hemp extract” are defined by the state of Florida, subsection 581.217(3), of the Florida Statutes.

- (b) It is unlawful for a person to cultivate hemp without a license issued by the state of Florida, as required by section 581.217, of the Florida Statutes.
- (c) Hemp extract may only be distributed and sold within the city at a retail business at a fixed physical location in a zoning category that allows retail sales as a permissible use and that has a business license or business tax receipt issued by the city. The retail business must meet all of the requirements of subsection 581.217(7), of the Florida Statutes.
- (d) Violation the any provision of this section shall be punishable by code enforcement pursuant to chapter 2, article VI of the Code.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

ATTEST: _____ Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)