



**MINUTES
CITY OF ST. AUGUSTINE BEACH
PLANNING AND ZONING BOARD
REGULAR MONTHLY MEETING
TUESDAY, FEBRUARY 16, 2016, 7 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chairperson Jane West called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Jane West, Steve Mitherz, Roberta Odom, Elise Sloan, Zachary Thomas, Junior Alternate Hester Longstreet.

BOARD MEMBERS ABSENT: Vice-Chairman David Bradfield, Karen Zander, Senior Alternate Jeffrey Holleran.

STAFF PRESENT: Building Official Gary Larson, City Attorney James Whitehouse, City Manager Max Royle, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF JANUARY 19, 2016 REGULAR MEETING

Motion: to approve the minutes of the January 19, 2016 regular monthly meeting. **Moved** by Roberta Odom, **seconded** by Elise Sloan, **passed 6-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment regarding any issue not on the agenda.

VI. NEW BUSINESS

- A. Vacating Alley File No. V 2016-01, for vacation of the 15-foot-wide alley in Block 46, Coquina Gables Subdivision, lying north of D Street, south of C Street, east of 3rd Avenue, and west of 2nd Avenue, to incorporate said alley into the square footage of the property owners adjacent to and abutting or adjoining the alley, Barbara J. Feldman, Applicant

Mr. Larson said the applicant requests the vacation of the 15-foot-wide alley in Block 46, Coquina Gables Subdivision, which lies between C Street and D Street and 2nd Avenue and 3rd Avenue. The application lists the justifications for vacating the alley, and per Ordinance No. 15-05, which is attached, the written consent of a minimum of 70 percent of the property owners

bounding and abutting the alley is required. The applicant has obtained the written consent of 10 out of 11 property owners, which is 90 percent. The concerns the City normally has regarding vacating an alley have to do with drainage issues, and whether the City will ever have to utilize the alley for an easement. In his comments, Public Works Director Joe Howell states he supports the application to vacate the alley, as he's looked at it and there are no unforeseen water run-off or standing water issues, and the City is not planning to utilize the easement in any way. Traffic also will not be affected by the vacating of the alley, thus, staff recommendation is for approval.

Barbara Feldman, 5516 Sunset Landing Circle, St. Augustine, Florida, 32080, applicant, said her parents owned lots in this block since the mid-1960s, and now her nephew, her sister, and she each own one. Many blocks in Coquina Gables have already vacated the alleys, giving property owners abutting them the added square footage. Lots adjacent to alleys that haven't been vacated are 93-feet-by-50-feet, while lots incorporating vacated alleys are 100-feet-by-50-feet, so it's a matter of simplification to vacate the alley, as right now, this land really belongs to no one, and nobody cares about it. They started this process of vacating the alley in 2013, but there was one hold-out who wouldn't sign. This person wasn't very communicative, and basically said he didn't want to talk to them about this, as he'd asked their mother to sign something once, and she wouldn't sign, so he wasn't ever going to sign. Without this property owner's signature, they had to walk away from vacating the alley when 100 percent of signatures of adjacent property owners was required, but now that the ordinance has been changed and only requires a minimum of 70 percent of signatures of adjacent property owners, they were able to move forward with it.

Ms. West asked if the additional square footage that will be added to each adjacent property owner's lot allows for the expansion of building footprints, and also if adjacent property owners will be able to fence this additional square footage and if it can be used for setback requirements.

Mr. Larson said if the alley is vacated, adjacent property owners can use the additional square footage for setback requirements, but they're still held to the 35 percent lot coverage maximum. Property owners are allowed to fence in the additional square footage of a vacated alley.

Ms. West asked the applicant if it is her intention to expand the building footprint on her lot.

Ms. Feldman said no, not really, because as she understands it, with the 35 percent lot coverage maximum, the building footprint can't really be changed. Putting the house further back on the lot so a permeable driveway could be put in front is about all vacating the alley would allow.

Ms. Odom asked if the applicant and adjoining property owners understand they will now be responsible for maintaining the alley and paying any additional taxes on the extra square footage.

Ms. Feldman said they currently maintain and mow the alleyway now. Vacating the alley really won't change anything except the legal description of the adjacent properties, which will include, if the alley is vacated, the incorporation of the additional square footage of the alley.

Ms. Sloan said she has an ex parte communication to disclose, as she talked to Glenn Brown in the Building & Zoning Department about this alley today. Mr. Brown pulled up a map from the County's website of a bird's-eye view of the alley, which shows fences as well as some sheds

and other small buildings already encroaching into the alley. She thinks vacating the alley is a good idea, as homeowners would probably run into problems if they tried to sell their properties but there are fences and other structures encroaching into an alley that hasn't been vacated.

Ms. West asked for public comment. There was none.

Motion: to recommend the City Commission approve the vacation of the alley as submitted in the application for Vacating Alley File No. V 2016-01. **Moved** by Hester Longstreet, **seconded** by Zachary Thomas, **passed 6-0** by unanimous voice-vote.

- B. Conditional Use File No. CU 2016-02, for renewal of a conditional use permit granted for outside seating for food and/or beverage service and consumption outside of an enclosed building on the premises of an existing restaurant, Coquina Beach Surf Club, in a commercial land use district at 451 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, filed by Barnacle Bill's Inc., Christopher Way, Applicant

Mr. Larson said the information pertaining to the renewal of the applicant's existing conditional use permit is in the Board members' packets. Staff recommends removal of condition number four, which prohibits any outdoor music, in the existing conditional use order, as the City Attorney has determined outdoor music is allowed, as long as the music is in conformance with the City's noise ordinance. He received two complaints about noise coming from Coquina Beach Surf Club in the past year, which resulted in letters sent to the applicant, Mr. Way, to which he responded and addressed the noise issues. Since then, there have been no further complaints. Staff recommendation is to recommend the City Commission renew the conditional use permit for outside seating for five years, with the removal of condition number four.

Ms. Longstreet asked if Mr. Way should redo his application to ask that this condition be removed, as his application doesn't specifically say he's asking that it be removed.

Mr. Larson said staff recommendation is for removal of condition number four because the City Attorney ruled this condition basically doesn't exist, as the City's noise ordinance addresses it.

Mr. Whitehouse said the interpretation was that you can't have an across-the-board prohibition on outdoor music, because the City has a noise ordinance to regulate that. In this particular case, as the City has allowed outdoor music at a number of other places in the same general vicinity, the ruling was it may not be appropriate to have this condition prohibiting outdoor music, unless there is a specific reason, which would require testimony and evidence on the record as to that.

Ms. West said she actually thinks Ms. Longstreet's question was a lot simpler, as she just wanted to know if it would be appropriate, procedurally, for the Board to vote on a recommendation to the Commission regarding something that is not technically in the actual application.

Mr. Whitehouse said his answer to this would be that the Board, as well as the City Commission, has the ability to put conditions on conditional use permits, whether the conditions are in the application or not. Any conditions that are added or deleted from the current conditional use will

be in the final order granting renewal of the conditional use, so there will be new documentation.

Ms. Longstreet said that's actually all she wanted to know, that if this conditional use permit renewal is granted, there will be updated paperwork as to the order granting the use.

Mr. Mitherz asked if the applicant is willing to abide by all of the conditions in the existing order granting the conditional use, with the exception of number four, pertaining to outdoor music. He pointed out that condition number seven says the south side of the building shall be repainted.

Chris Way, 39 Avista Circle, St. Augustine, Florida, 32080, applicant, said he didn't ask for condition number four to be included five years ago, when the conditional use permit for outside seating at Coquina Beach Surf Club was previously granted. Obviously, if outdoor music doesn't comply with the City's noise ordinance, there's a remedy for that. As for painting the south side of the building, that was a condition put in the order granted five years ago, so this has already been done. Also, the existing order granting the conditional use refers to the application of Barnacle Bill's Inc., which is his parent company, but he'd like it to reference Barnacle Bill's Inc. doing business as (DBA) Coquina Beach Surf Club, to avoid confusion between Coquina Beach Surf Club and Barnacle Bill's, which is his restaurant in downtown St. Augustine.

Ms. Odom asked if condition number 11 in the existing conditional use order, which says the use shall be non-transferable, is still acceptable to Mr. Way, or if he'd like to change this.

Mr. Way said if the conditional use could be granted as transferable, that would be fine. The City has laws and regulations in place if he, or a new owner, were to break any ordinances.

Mr. Mitherz said he'd like to keep the condition that the use shall be non-transferable.

Ms. West asked for public comment. There was none.

Ms. Odom said five years ago, when Mr. Way first applied for this conditional use permit, it was a very lengthy discussion, but as Mr. Way has proven, with only two complaints over the last five years, he can comply with the conditions in the existing order, so she'd like to compliment him on that, and also on his restaurant, as it's a very nice place to dine and spend an evening.

Ms. Longstreet said she's a music teacher and loves music, and can hear the music playing at Coquina Beach Surf Club from her house. For the most part, she enjoys the bands that play there, and likes the fact that the restaurant closes at 9:00 p.m., so she also hears when the music stops.

Motion: to recommend the City Commission approve the application submitted for Conditional Use File No. CU 2016-02, subject to amendment of the current conditional use order granted by the City Commission on March 7, 2011, with the removal of conditions four and seven. **Moved** by Mr. Thomas, **seconded** by Mr. Mitherz, **passed 6-0** by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT


Ms. Sloan said she went to the last City Commission meeting, and wanted to comment on something former Board chairmen Mr. Mitherz and Mr. Guido used to state frequently, which is that often, the Board works hard on something, and they don't always feel the Commission has read or looked at what they've done. At the Board's last meeting, they spent a lengthy amount of time on an issue that was then forwarded to the Commission, but the Board's recommendation wasn't even mentioned until Vice-Mayor George finally read part of it aloud. She'd simply like to express her dismay that the Board spent a lot of time on this item, and thinks what the Board forwarded, in terms of the conditions and restrictions they recommended, which she felt addressed a lot of the community's concerns, should have been read at the Commission meeting.

Ms. West said she's glad Ms. Sloan brought this up, as the Board members were given copies of a letter dated February 2, 2016, from Tom and Linda Ringwood, 8 F Street, St. Augustine Beach, Florida, 32080, which was really complimentary about the process. The Ringwoods seemed grateful for all of the consideration the Board gave the application referred to by Ms. Sloan. Also, she'd like Mr. Larson to know she really appreciates him taking the time to put together a staff presentation for each application that comes before the Board, as she thinks this provides a sense of clarity not only to the Board, but to members of the public who attend meetings but don't necessarily have copies of the packet information the Board is provided with. If Mr. Larson is making a similar staff presentation at City Commission meetings, she'd echo Ms. Sloan's sentiments and ask that part of this presentation include a quick blurb on all the angst, agony and hours the Board spent on a particular item, as a sort of thumbnail sketch as to what the Board, as the Commission's advisory board, has considered and ultimately recommended. She thinks this would be helpful and instructive to the Commissioners, because it's possible they may not know how much time the Board spent on an application or issue forwarded to them.

Mr. Mitherz said he concurs with these comments. He knows the Board's recommendations are usually in the Commission's agenda information, but they're not always verbalized at meetings.

X. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.



David Bradfield, Acting Chairman

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM OR BY CONTACTING THE OFFICE OF THE CITY MANAGER AT 904-471-2122.)