



**AGENDA  
PLANNING AND ZONING BOARD MEETING  
CITY OF ST. AUGUSTINE BEACH  
FEBRUARY 16, 2016 7:00 PM.**

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

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NOTICE TO THE PUBLIC

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

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF JANUARY 19, 2016
- V. PUBLIC COMMENT
- 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 3<sup>rd</sup> Avenue, and west of 2<sup>nd</sup> Avenue, to incorporate said alley in the square footage of the property owners adjacent to and abutting or adjoin said alley, Barbara Feldman, Applicant
  - 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, Christopher Way, Applicant
- VII. OLD BUSINESS
- VIII. BOARD COMMENT
- IX. ADJOURNMENT

NOTICES TO THE PUBLIC

*In accordance with the Americans with Disabilities Act, persons requiring special accommodations to participate in this proceeding should contact the City Manager's Office at least 24 hours in advance of the meeting date and time at the address listed above, or telephone 904-471-2122, or email [sabadm@cityofsub.org](mailto:sabadm@cityofsub.org)*

*or more information on any of the above agenda items, please call the City of St. Augustine Beach Building & Zoning Department at 904-471-8758. The agenda information may also be accessed from the meeting schedule information on the City's website at: [www.staughbeach.com](http://www.staughbeach.com)*

February 2, 2016

To the City Commissioners and the members of the Planning and Zoning Board of Saint Augustine Beach,

We wish to thank you for your recent deliberations and decisions concerning the request for a Conditional Use Permit for the property at 101 F Street, the Kookaburra Coffee Shop.

We realize it must be hard to balance the needs of business owners with the needs of homeowners in our small and growing community. This was an instance that challenged all of you, as the business is local and obviously popular. It was evident that the members of the PZB and the City Commission listened to the presentations from the business and to the concerns of the nearby residents, and really deliberated and weighed both sides of the issue. They asked many questions of the public and city staff in their efforts to grasp the situation. The conditions put on the permit by the PZB reflected the concerns of the citizens as to noise, lighting, traffic, and alcohol service, as well as the dilemma of the immediate neighbors to the property and their desire for privacy.

The City Commissioners also came to the meeting well-informed as to the issues involved with granting this permit. Several had made site visits, talked to staff and to individuals involved, some had watched the recording of the PZB meeting, and all had read letters pro and con from the business and the public. It is clear that all of this took a lot of time from the lives of these civic servants who volunteer on our city boards.

In the end, Mayor O'Brien seemed to sum up the situation, expressing sympathy with small business owners, but stating that safety issues "trump" other concerns.

We love our community, and love having locally run businesses that make us unique. It seems this was a case of the right business in the wrong place. We hope they find a way to remain in our community, even if it means moving to another location or re-configuring their parking.

We appreciate your time and thoughtful regard for the citizens and businesses in our city. Thank you for your efforts on our behalf.

All the best,  
Tom and Linda Ringwood  
8 F Street  
St. Augustine Beach, FL 32080



**MINUTES  
CITY OF ST. AUGUSTINE BEACH  
PLANNING AND ZONING BOARD  
REGULAR MONTHLY MEETING  
TUESDAY, JANUARY 19, 2016, 7 P.M.**

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

**I. CALL TO ORDER**

Chairman Steve Mitherz called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**BOARD MEMBERS PRESENT:** Chairman Steve Mitherz, Vice-Chairman Jane West, David Bradfield, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander, Senior Alternate Jeffrey Holleran.

**BOARD MEMBERS ABSENT:** None.

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

**IV. APPROVAL OF MINUTES OF NOVEMBER 17, 2015 REGULAR MEETING**

**Motion:** to approve the minutes of the November 17, 2015 regular monthly meeting. **Moved** by Roberta Odom, **seconded** by Karen Zander, **passed 7-0** by unanimous voice-vote.

**V. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2016**

Mr. Mitherz said while he's enjoyed being the Board's chairperson most of the time, at this point, he thinks it's time for some new blood, so if anyone was planning on nominating him, he'd like to just be a regular Board member. He opened the floor for nominations for chairman for 2016.

Mr. Thomas nominated Ms. West.

Ms. West nominated Mr. Bradfield.

Mr. Whitehouse read the signed ballot sheets and announced the election of Ms. West as the Board's new chairperson by majority signed ballot vote.

Ms. Sloan nominated Mr. Bradfield for vice-chairman.

Ms. Zander nominated Ms. Odom for vice-chairman.

Ms. Odom thanked Ms. Zander, but declined to accept the nomination, and nominated Ms. Zander for vice-chairman.

Ms. Zander declined to accept Ms. Odom's nomination.

Mr. Bradfield was elected vice-chairman, as there were no other nominations.

VI. PUBLIC COMMENT

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

VII. NEW BUSINESS

- A. Land Use Variance File No. VAR 2016-01, for proposed construction of a six-foot-high picket-style fence in the front setback area of a single-family residence on an oceanfront lot at 1 E Street, St. Augustine Beach, Florida, 32080, Terence and Bettina Lally, Applicants

Mr. Larson said the variance request before the Board is to increase the height of a fence allowed in the front setback area from 42 inches to six feet, because the applicants have a service dog they are currently training. They're requesting the six-foot high fence to prevent the dog, which can easily jump a 42-inch-high fence, from jumping over the fence and becoming a nuisance.

Mr. Whitehouse said staff included information regarding the Americans with Disabilities Act (ADA) in the Board members' packets, for their understanding as to what questions they may ask relating to medical conditions, and not necessarily because the ADA is applicable. The ADA is applicable regarding access to public buildings, not private residences, which is the case here.

Bill Freeman, 3210 Cross Creek Place, St. Augustine, Florida, 32086, said he's speaking on behalf of the applicants, Terry and Bettina Lally, as the contractor for the work being done at their home at 1 E Street. One of the key points of this work is to have the yard ready for the service dog. They're allowed to have up to an eight-foot-high fence along the rear and side yard property lines, but are limited to only a 42-inch-high fence forward of the front building wall facing the dunes and along the sides. To keep their dog from escaping and possibly being picked up by St. Johns County Animal Control, they're asking to increase the overall height of the fence from 42 inches to six feet, as it takes a lot of time and money to train a service dog, and they don't want to lose it.

Ms. Zander said as a point of order, the Board has nothing in the application packet information showing Mr. Freeman is authorized to speak on behalf of the applicants.

Terry Lally, 1 E Street, St. Augustine Beach, Florida, 32080, said he and his wife, Bettina, are the property owners, and give Mr. Freeman, as their contractor, permission to speak on their behalf.

Mr. Freeman said the type of fence they're proposing meets the requirements of the City's Land Development Regulations, as it will be a picket-style fence which will look nice, blend in with the surroundings, and not cut off the view of the dunes from this property or neighboring properties.

Mr. Bradfield said one of the photographs submitted with the application shows an existing open picket-style fence adjacent to E Street, and it certainly looks like this fence is higher than 42 inches.

Mr. Larson said the variance request is to replace the white fence, as shown in the photograph referred to by Mr. Bradfield, which runs along the dunes, as the front of the house on an oceanfront lots is considered to face the ocean. The six-foot-high open picket-style fence running along the side of the house adjacent to E Street, as seen in this photograph, is allowed, as fences in side and rear yards can go up to a height of eight feet. Staff recommends approval of this variance request.

Ms. Odom said on page two of the ADA information provided to the Board, it says service animals must be under control. She asked if this requirement applies in this case to the variance request.

Mr. Whitehouse said no. As he said earlier, the ADA applies to access to public buildings, so this information was only provided as guidance for asking questions about someone's disability.

Ms. Zander said according to the tax records, the applicants bought this property in March 2015. She asked Mr. Freeman if he was then retained by the applicants to build their house.

Mr. Freeman said the home was already there. He was retained to do some work on the house, including potentially changing the fence height in the front, along the dunes and facing the ocean.

Ms. West opened the floor for public comment on this agenda item.

Steve Alexander, 2 F Street, St. Augustine Beach, Florida, 32080, said he and his wife have owned their home since 1986. As an attorney, he sees a lot of service animals coming into the courthouse, and they're usually the most well-behaved, well-mannered dogs. Normally, they're trained to stay in the home with the person they're assigned to, so to say you need a higher fence to contain a service dog wandering around a yard seems, to him, to be a little bit ludicrous. He found out tonight you can go on the internet and have any type breed of dog named as a service animal in about a week to 10 days. However, the real issue is that every property owner of an oceanfront lot and lots on the east side of A1A Beach Boulevard have to deal with people trespassing on their properties to get to the beach, using their outdoor showers, and taking things from their yards. He asked the Board to consider making a recommendation to the City Commission to change the current fence ordinance to allow see-through, picket-style fences up to six feet in front yards, so people can put up a six-foot high fence without having to come up with a bogus reason for applying for a variance. The applicants' request for a six-foot-high fence is a valid one, but the way they're going about it is wrong, as he doesn't think it at all fits the description or reason for a hardship.

Ms. West said Mr. Alexander will be happy to know the City is in the process of hiring a land use planner to make recommendations as to appropriate changes to the laws they're all governed by.

Ms. Odom said she thinks the positive comments in favor of the variance for the six-foot-high fence should be read aloud for the record. Correspondence from Rick and Martha Fey, 2 E Street, Unit 9, Sea Oats Villas, dated January 19, 2016, says, "We are pleased with the improvements that have already been made and fully support the proposed removal of the existing white board fencing and the addition of new fencing. When the work is completed our view will be greatly enhanced."

Mr. Thomas said he has some of the same concerns as Mr. Alexander, as service dogs are usually well-trained and expensive, so he asked if the dog for which the fence is requested has a history of running away. If the variance is requested for this reason, the regulations for fences should be looked into further, so this isn't something that's brought before the Board continuously.

Ms. Sloan said the Board has to find a hardship in order to approve this variance, as according to the way the City's rules for fences are established, there's no other way to allow a fence higher than 42 inches in a front yard at the present time. She understands the variance request for a higher fence in the front yard is for a service dog, but also understands from the questions asked that the applicants were aware, or should have been aware, of the current zoning laws when they purchased the property, which is part of the Board's consideration in the granting of a variance.

Mr. Bradfield said his confusion is in Mr. Larson's determination of recognizing the front of the house as being the seaward side facing the beach, as opposed to the side facing the street. He interpreted that the 42-inch height maximum for fences in front yards was enforced between the property and the street, not the property and the beach, so he thought this variance for a six-foot-high fence was for the fence located between the front door of the home and E Street, as in every other scenario other than oceanfront lots, this is where the 42-inch fence height maximum applies.

Mr. Larson said that is correct. Oceanfront lots are determined to have their front yards facing the ocean, because these lots are 50 feet wide from the street to their north or south property lines, and 93 feet deep, from the east to west property lines. If the side adjacent to the street was considered the front, you could only build a 10-foot-wide house with 20-foot front and rear yard setbacks.

Ms. Zander said when considering variances, the Board is required to follow the Code, which has seven criteria for granting variances. Having a fence that looks good is not a criterion, nor is liking the person applying for a variance. The criteria for granting a variance is very clear and needs to be applied, so the Board's decision is legally defensible. In other words, if the Board doesn't apply this criteria, the City can get sued for the decisions made by the Board. The criteria says the Board must first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved, which in this case, it clearly does not. The specific required considerations for the granting of a variance state the presence of a single factor shall not warrant either the granting or denial of the application, instead, the Board shall weigh each factor as to whether the public health, safety and welfare warrant the granting or denial of the application. The burden of demonstrating factually that the granting of the application is warranted is on the applicant. The first of the seven criteria to be considered by the Board in the granting of a variance is the nature of the hardship, as to whether it is a result of an inability to make reasonable economic use of the property consistent with the provisions of the Land Development Regulations, it being the intent of this provision that an inability to make reasonable economic use of the property acts in favor of the granting of the variance, and personal hardship and hardship in common with others act against the granting of the variance. Clearly, this would act against the granting of the variance. The second criteria addresses the precedential effect of the variance, it being the intent that the prior granting of similar variances to persons similarly situated shall act in favor of the granting of the variance and the prior denial of similar variances shall act against the granting of the variance. She asked Mr. Larson if there has ever been a similar variance request, and if so, if it was granted.

Mr. Larson said he'd have to go back and look at the records, as he cannot say offhand.

Ms. Zander said the third criteria says the creation of a precedent shall act against the granting of the variance. If the Board grants this variance, it will be setting a precedent, which acts against the granting of the variance. The fourth criteria addresses whether the hardship is self-created, as to whether the applicant acquired the property following the adoption of the Code from which the variance is sought, which is clearly the case here, so this, too, acts against the granting of the variance. The fifth criteria addresses whether the variance requested is the minimum variance that will permit the reasonable economic use of the property, which is something she'll get back to. The sixth criteria says the absence of an effect on neighboring properties will act in favor of the granting of the variance, and an adverse impact upon neighboring properties or the immediate neighborhood will act against the granting of the variance. She thinks it could very easily be argued that this is going to have an adverse impact upon neighboring properties, because they can't do the same thing unless the property owners also come before the Board for a variance. Going back to whether the variance requested is the minimum variance that will permit the reasonable economic use of the property, the City's legal counsel said earlier the ADA can't be considered here, as it does not apply to residential buildings. The applicants bought their house in March 2015, so clearly the current Land Development Regulations were in effect. It appears they're doing a lot of work and upgrades, based on the photos submitted with the application, which is great, so the Board is not denying the applicants from making reasonable economic use of the property, nor are they saying the applicants can't have a service animal, or that the service animal cannot be on their property. She asked what's stopping anyone with an aggressive dog, or a dog that can jump a fence, from getting a variance for a higher fence, as the hardship they're claiming is that their dog can jump a 42-inch fence, so therefore, a higher fence is needed. However, this isn't a hardship, it's a dog-training issue. They can put a shock collar on the dog, put it on a leash, or train it not to jump the fence, the point is, there are plenty of options, so this is not a hardship. It must take a lot of time and money to train a service dog, so she'd sure like to think it could also be trained not to jump a fence. Mr. Alexander made some excellent points, and as an attorney, he could be the one who starts to hold this Board to legally defensible positions, which this clearly would not be, if the Board granted the variance, based upon the criteria for variances in City Code.

Mr. Freeman said one of things he heard discussed was that the applicants clearly knew what the City's Land Development Regulations were when they bought their property, but he doesn't know anyone who knows all the codes and regulations when they buy anything, especially with residential property, as codes and regulations are not usually common knowledge. Most people barely know if they live in an area that has a homeowners association. If the applicants' service dog does escape, it may be picked up by St. Johns County Animal Control, which goes around checking for nuisances and dogs running loose, and the service dog is not the only dog owned by the applicants, who just want to make sure the dogs they own are not going to escape.

Ms. Zander asked how many service dogs the applicants have.

Mr. Freeman said one.

Mr. Lally said when he and his wife purchased their home, they had no idea of the specific codes and land uses, or that they would not be able to build a higher fence in the front consistent with

the fence they have in the back and along the sides. He'd like to be on record as stating many property owners don't have a clue as to codes and regulations when buying property, as there are so many other things involved in a property purchase transaction. Specific to the dog's ability to get over the fence, Mr. Alexander talked about the number of people coming onto beachfront properties, and two weeks ago, they had an issue with someone coming onto their property, and their dog, not their service dog, but their other dog, pulled his wife across the fence and into the dune area, trying to go after the individual trespassing on their property, so there is a very specific reason as to why they're requesting this variance, as they've already had an incident.

Ms. Zander asked if it was the service dog that was the problem in this instance.

Mr. Lally said no, the problem was the person trespassing on their property. He understands their home was vacant for a long time, from 2003 until when they bought it in 2015, and there've been vagrants who've trespassed on the property, used the showers, and perhaps slept in the house back when it was vacant for over a decade. Someone tried to come in two weeks ago, and one of their dogs, not the service dog, cleared the fence and pulled his wife along, trying to go after this person.

Ms. West said this actually is a really tough Board when it comes to the issuance of variances. Since she's been on the Board, she's learned having skin cancer does not actually constitute a hardship, which was kind of a rude awakening for her, but since then, she's taken a very strong and hard look at the requirements for a variance, and Ms. Zander is spot on in stating the applicable law. She agrees it's incumbent upon this Board, in making a decision on this, to look very clearly at the seven factors to be considered for a variance, which include the nature of the hardship; the precedential effect of the variance; whether granting the variance is going to set a precedent; whether the hardship is self-created; whether the variance requested is the minimum variance that will permit the reasonable economic use of the property; the effect of the variance on neighboring properties; and whether the variance will increase congestion on surrounding streets and/or increase the danger of fire or flooding. Personally, she had a hard time thinking a disease is some sort of a self-created hardship, instead of a circumstance allowing for humanity and exceptions, but she understands people may disagree with her on that. She doesn't think the last factor, as to whether the variance will increase congestion on surrounding streets and/or increase the danger of fire or flooding, which acts against the granting of the variance, is applicable at all. She encouraged the Board to strongly look at the criteria, as each factor must be weighed as to whether the public health, safety, and welfare warrant the granting or denial of the application, and unfortunately, or fortunately, for the applicants, the presence of just a mere single factor alone shall not warrant either the granting, or the denial, of the application, as the Board has to look at this cumulatively.

Ms. Zander said it's clear to her there's more than one dog the applicants are trying to contain, and not knowing the Code when you purchase the home is on the buyer, not on the City. As this clearly does not meet the criteria for variances, she made a motion to deny the variance request, based on the fact that it doesn't meet the criteria for a variance and therefore would not be legally defensible.

**Motion:** to deny the request for the variance as submitted in the application for Variance File No. VAR 2016-01, based on the determination that it does not meet the criteria for a variance and therefore would not be legally defensible. **Moved** by Karen Zander, **seconded** by Zachary



Thomas, **passed 6-1** by roll-call vote, with Mr. Bradfield, Ms. Odom, Ms. Sloan, Mr. Thomas, Ms. Zander, and Mr. Mitherz assenting, and Ms. West dissenting.

- B. Conditional Use File No. CU 2016-01, for a conditional use permit for outside seating on the premises of an existing building in a commercial land use district at 101 F Street, St. Augustine Beach, Florida, 32080, filed by 101 F Street LLC/Frank O'Rourke, Applicant

Mr. Larson said the applicant is requesting to build a small wood deck between his building and A1A Beach Boulevard, to be used by patrons of "The Kookaburra," which specializes in coffee, donuts, cookies, etc. There's no food preparation onsite, so it isn't a commercial business required by the State to have a food preparation license, but is considered a retail business. The applicant wants to put picnic tables on the deck to give customers a place to sit to eat and drink their carry-out goods, on the building's east side, facing the Boulevard. Staff recommendation is for approval.

Frank O'Rourke, 101 F Street, St. Augustine Beach, Florida, 32080, applicant, said he owns the building, and one of the businesses, at 101 F Street. His new coffee shop tenant has been at this location about five months. The square footage inside the coffee shop is approximately 250 square feet. It has a counter from which coffee and muffins are sold, and a few seats inside, but no table service, as everything is sold as take-out. They've had several requests from customers asking if they could sit outside to drink their coffee and eat their muffins, hence the request before the City.

Ms. West asked for any ex parte communication disclosures from the Board members regarding this application. She said she met with an adjacent property owner at her office, who provided a photograph taken from their porch, which she displayed and submitted to the recording secretary.

Ms. Sloan said she's been to the coffee shop, and wants to say it is delightful.

Mr. Mitherz said he went by the coffee shop to look it over before tonight's meeting.

Ms. West opened the floor for public comment on this agenda item.

Linda Ringwood, 8 F Street, St. Augustine Beach, Florida, 32080, said she's here to encourage the Board to deny this application, and wrote a letter to the Board and City Commission, which she hopes they all received a copy of. Reading from her letter, she said City Code defines a conditional use permit as a use that would not usually be appropriate, but if controlled as to number, area, location, or relation to the neighborhood, promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. She can't see that any of these things would be promoted by allowing this outdoor seating. Also, the Land Development Regulations say a conditional use permit shall not be granted if the proposed use is not compatible with other uses existing in the neighborhood or will conflict with the public interest. Most of the neighborhood surrounding the coffee shop is residential, and while she knows the coffee shop is commercially-zoned, there are lots of other commercial ventures that could go there that wouldn't involve outdoor seating, or the noise and extra lighting involved with it. She's visited the coffee shop, which is very small inside, and has very nice coffee, but the nice young lady who served her said they were excited because they were talking about wine and beer service. If the shop is

expanded to include beer and wine, she can't see how the existing nine parking spaces would be adequate for the clientele and employee parking. The coffee shop is already open seven days a week until 10 p.m., and outdoor noise and lighting this late every night isn't something she sees as benefitting or enhancing the neighborhood. She urged the Board to vote "no" to the application.

Renee Trinca, 7 F Street, St. Augustine Beach, Florida, 32080, commended Ms. Ringwood, as she said she covered just about everything she wanted to say. Her major issue and concern is the lack of parking in this area of F Street. She and her husband Len have lived on F Street for over 30 years, and it just seems the parking situation is getting worse and worse all the time. They own eight vacant lots directly across the street from the coffee shop, on the west side of A1A Beach Boulevard between E Street and F Street, but after consulting with some professionals, they were advised to not allow people to park there, because of the consequences of problems that might occur if there was a situation where somebody got hurt, and they could be sued. They put up tow-away signs today to prohibit parking on these lots, which she hates to do, as they used to let surfers and people going to the beach park there, but it's no longer possible, due to the liability issue.

Betty Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080, said she has the same concerns expressed by Ms. Ringwood about the possibility of beer and wine being sold at the coffee shop, and the noise and lighting on the outdoor seating if it's open until 10 p.m. seven days a week.

Michael English, 115 F Street, St. Augustine Beach, Florida, 32080, said he and his wife Paula go to the coffee shop and enjoy their coffee, but their primary concern is what the outside seating involves and what's coming down the road. There's been word that alcohol may be served in the future, and if this is true, they wouldn't like that. As questions have already been raised about the noise, he'd like to know what kind of sound system, if any, would be installed on the outdoor deck.

Otto Tittle, 105 F Street, St. Augustine Beach, Florida, 32080, said he lives next door to the coffee shop, and is very much exposed to this business, which is open every day from 7 a.m. until about 10 p.m. They used to have peace and quiet, but don't feel comfortable sitting outside on their deck anymore, or leaving their windows open. Their privacy needs to be protected, so outside deck or no outside deck, he wants the side door adjacent to his property line, which is the entry door to the coffee shop, removed and relocated. He's very much against the outdoor deck, as once it's built, his privacy will be jeopardized even more. The City's already dealing with a very tough parking situation, as there simply is not enough parking. A small building houses both the coffee shop and Mr. O'Rourke's realty business, with a total of nine parking spaces for both businesses. According to his information, the coffee shop has a restaurant license, so according to City Code, an additional 20 seats on the outside deck would require 10 more parking spaces, for a total of 19 spaces.

Adrienne Tittle, 105 F Street, St. Augustine Beach, Florida, 32080, submitted photographs of the coffee shop from their porch next door. She said they've been coming to St. Augustine for the past 30 years with their children, spending summers here, to find peace and quiet, and they recently built their dream home at 105 F Street, to retire here. The business next door used to be a hair salon, which operated from 10 a.m. to 6 p.m., five days a week, and last year, it was a soft-serve ice-cream shop, which operated with limited hours about five days a week. One day they just woke up to coffee shop's opening with car doors slamming and people coming and going. Their living room and two of their bedrooms look out onto the side of the coffee shop, so they really feel

their privacy and peace is being comprised. Yesterday, as they were looking out their window, a beer tap was moved into the building, so obviously, they're intending to serve alcohol on the outdoor deck they're proposing to build. She displayed a photograph of the alleged beer tap being moved into the coffee shop building. Also, at night, the lights from the coffee shop are so bright, they shine into the rooms of their house. The City's Land Development Regulations define a noise disturbance as any sound which causes actual and unreasonable interference with the use and peaceful enjoyment of a residence by disrupting normal daily activities such as reading or studying. Their home used to be a peaceful retreat, they'd wake up in the morning and have quiet reflection, but now they have kids standing under their front porch. She hopes the Board will consider all of the rules and regulations that have been submitted and apply to this request, as they did with the previous application, in making a decision to allow, or not allow, the proposed outdoor seating.

Kathy Avery, 108 F Street, St. Augustine Beach, Florida, 32080, said she's concerned about the many families in the area with young children who ride their bikes, skateboard, and carry their surfboards to the beach. She has eight grandchildren, and it's already a nightmare crossing A1A Beach Boulevard in the crosswalk, as sometimes cars stop, and sometimes they don't. Now that the free parking on the lots across the street from the coffee shop are no longer available, traffic is only going to be that much worse on this corner, and she's concerned about people parking in front of her home. If they're going to have beer and wine there, this will only cause more problems, and she doesn't know why anyone would want to have outside seating on a busy road like the Boulevard anyway. She doesn't see anything good coming out of this, and is totally against it.

Leonard Lyons, 10 E Street, St. Augustine Beach, Florida, 32080, said he's here to speak in opposition to the proposed outside seating at the coffee shop. He agrees with everything said by previous public speakers, as in general, the proposed outside seating is not appropriate for the structure and business in this location. In his opinion as a resident, the worse thing the coffee shop owners could do for their business, because of the parking limitations placed upon them, is provide seating for customers to stay. Especially now with the free parking across the street no longer available, no parking allowed on the paved asphalt of the road, per the signs he's observed up and down F Street, and the limitation of only nine parking spaces, he'd think they'd want to move their clientele on and get them in and out as quickly as possible, instead of encouraging them to sit with their laptops and cups of coffee for who knows how long while their car sits in one of the nine parking spaces. He also sympathizes with the owners of the house next door, as he wouldn't want people coming and going at all hours of the night seven days a week next door to his property, and the fact remains, the residence was there before the coffee shop opened. He submitted a letter to the Board and asked that a copy be passed on to the City Commission, and is looking forward to the Board's decision and the City Commission's decision when this comes before the Commission.

Robin Streit McGuire, 114 D Street, St. Augustine Beach, Florida, 32080, said she's lived at this address since 1997, and when she moved in, there was a business which still exists on the corner of D Street and A1A Beach Boulevard, which formerly was an Italian restaurant, and now is a Mexican restaurant. In the almost 20 years she's lived here, she's never had any problem with people parking on D Street or on the City parkettes next to her house. The coffee shop is a commercially-zoned property, and there are commercial businesses, restaurants and retail services all along A1A Beach Boulevard that provide outside seating. The area is getting busier with more tourists coming here from downtown St. Augustine and new hotels coming in, so she believes the

City should support new businesses like "The Kookaburra" and allow them the same opportunities for outside seating that other existing businesses have.

Mike Hinson, 111 F Street, St. Augustine Beach, Florida, 32080, said this coffee shop is a lot different than a restaurant, as it faces F Street, not A1A Beach Boulevard, and in front of the coffee shop, there are really only three parking spaces, with the rest of the parking in front of the real estate office, so he doesn't think it has enough parking, especially if more seating is being added outdoors. There's also a noise problem, as the side entry door to the coffee shop is always open, with noise always coming out of the shop. If the entry door were on the A1A Beach Boulevard side, it would be fine. The previous businesses in this location always kept this door closed and were very quiet, low-key, nine-to-five operations. He's also concerned about increased trash with more customers, and asked if the coffee shop is going to get a dumpster and put it in the back adjacent to the neighboring residences, which is the only place it could go. He's worried about whether or not the coffee shop has sufficient restrooms, and if it has egress doors, so people can get out if there's a fire. This is just more commercial encroachment on the residential side, which has lots of children in the area. If alcohol is brought in, it's probably going to be a serious problem.

Steve McGuire, 114 D Street, St. Augustine Beach, Florida, 32080, said they're talking about a deck on the east side of the building, between the sidewalk running along A1A Beach Boulevard and the coffee shop building. He asked if the Board allowed the Marriott hotel to be built where it is, as the neighbors around the coffee shop are talking about noise and lights, but what about what the Marriott has done? Are they going to vote to not allow fireworks in the summertime, because they go off too late, and people's dogs bark? The coffee shop is a business that's trying to grow, so he thinks they ought to be given a shot, because if it's legally zoned for what they want to do, they have a right to do it. They're not applying for a beer and wine permit right now, if, in the future, this comes up, at that point, it will be addressed. Many people, including himself and his wife, walk or ride their bikes to the shop to get their coffee, they're not going to drive, so he thinks the Board should seriously consider this as an opportunity and vote "yes" to allow it.

Paula English, 115 F Street, St. Augustine Beach, Florida, 32080, said the Mexican restaurant a previous speaker talked about has four lots, with one lot dedicated just for parking, so that's a big difference to having no parking. If the coffee shop isn't going to serve alcohol, why were beer taps brought in last night, she asked? Her friend who owns the property across the street from the coffee shop is no longer allowing people to park on these lots, as it's her private property, and a lot of the coffee shop customers did park there, so where are they all going to park now, in front of all the neighboring residents' houses, she asked? A hair salon, that's different, it has two or three clients at a time, and a real estate office may have a car or two parked out front and then they go out with a client and look at houses, but letting a restaurant expand is a bad, bad idea.

Mr. O'Rourke said there was a cooler brought into the building yesterday, as when "The Kookaburra" purchased the equipment from the ice cream shop, with it they purchased a cooler or refrigeration unit that failed, so they had to replace it. It doesn't have beer in it, but refrigerated milk and other things used in making coffee, so unfortunately, there's a lot of misinformation and hearsay, which he can understand, as neighbors see change, and instead of coming in and asking questions, they hypothesize and believe something is going to happen, when in fact, it's not. To clarify, his building is surrounded by commercial property. Otto Tittle built his house on

commercially-zoned property. The Ringwoods at 8 F Street are in medium density residential zoning, immediately adjacent to commercially-zoned property all the way to A1A Beach Boulevard. He's sensitive to this because he's been a business owner here for 30 years, and previously owned "The Beachcomber" at 2 A Street. Back in 1987, they had the same problem, as they were a growing restaurant surrounded by residences, and they had to figure out a way to keep the residents happy, and still grow their business. They did a very successful job of this, and since expanding, there have been zero problems. His next venture was Premier Properties, in which he built a very successful real estate company, and a building that was recognized by the City. He's a City resident and business owner, and takes great pride in what he does. Now they have an opportunity for a coffee shop, which isn't a bar, although down the road they may want to sell beer and wine. The coffee shop use is compatible with the surrounding commercial property, and is across the street from a hotel and a miniature golf park. The lights at the miniature golf park are on until 10 p.m. each night, and you can see these lights from the pier, so he doesn't think the coffee shop lights will be any brighter than that. He's checked with the Chief of Police, and they've had zero noise complaints, zero accidents, and zero traffic incidents, so these arguments, to him, don't mean anything. They're proposing the deck on the east side of the building to respect Mr. Tittle's privacy, and not talking about having amplified music, any outside speakers, or sit-down table service. This is a little retail shop where people come in and get their goods, and either take them with them and leave in their cars, or they go outside with them and take a walk on the beach.

Mr. Thomas said he's less concerned with what they're serving, whether it's just coffee or coffee and beer and wine, as the building is in a commercial zoning district. What concerns him more are the parking issues, and if the coffee shop will be able to accommodate, and still comply, with the parking requirements with additional seating on the outside deck.

Ms. Zander the parking requirements actually go by the square footage of the building, not by the number of seats.

Ms. Sloan said she empathizes with all the people who have spoken, as the City is growing, and they're getting rated on every popular list in the country, and so it keeps growing. She knows they all have families and they'd like to protect the residential quality-of-life. This lot is zoned commercial, the City's plan for A1A Beach Boulevard is commercial, and she thinks it's to the applicant's benefit that he's proposing the outside seating on the Boulevard street side, and not on the residential side, of the property. The coffee shop is little, so it'd be nice if it had more seating. She has a question about picnic tables, as she's noticed there's already a picnic table outside, and asked if the applicant needs permission for the picnic table to be placed outside in the grass.

Mr. Larson said he'd have to defer to the City Attorney on this, to see if the City has any regulations prohibiting the placement of picnic tables in yards.

Mr. Whitehouse said first of all, this isn't part of the application, as they don't really deal in hypothetical situations when evaluating an application that's before the Board. Obviously, whether or not they can have a picnic table would be subject to the land development code, but he thinks outside seating, depending on what they're doing at the picnic table, could be interpreted under the Code to be covered under this particular use, which requires a conditional use permit for consumption of food and beverages outside on the premises of a commercial establishment.

Mr. Bradfield said the business is described as not requiring any type of food service licensure from the State, even though they're obviously serving drinks and some kind of food. He asked how many seats are inside the coffee shop, and if there are any plans for additional parking. Eight out of 10 neighbors spoke in total opposition to the outdoor seating, for a variety of reasons, which include possibly expanding to allow beer and wine, and the already limited amount of parking. He's uncertain as to how a beer and wine permit could be obtained by a retail vendor that's not a licensed food service establishment in any way, shape, or form, and asked if this was even possible.

Mr. Larson said the business previously at this location was a gelato shop, which the State determined was actually a service establishment. The coffee shop falls under the same criteria, as no food is prepared there, so it is not classified by the State as a restaurant. To clarify this right now, they will never be able to sell beer and wine there, because a business has to be a restaurant and have food service for the City to approve the sale of beer and wine. Stand-alone sales of alcohol without food service basically constitutes a bar, which is a prohibited use within the City.

Mr. O'Rourke said there are approximately 10 seats inside the coffee shop. Right now, there are no plans for additional parking. A lot of hotel rooms have been added along the Boulevard, there's a hotel right across the street, and many customers are walk-ins from the neighborhood, so not everyone drives. He understands the concerns about parking and having beer and wine, but they're not here asking for a beer and wine license, they're asking for outside seating on a deck.

Mr. Mitherz said in addition to the 10 seats inside the shop, the applicant is asking to put 20 seats on a 15-foot-by-30-foot outdoor deck. He's sure with this many more seats, there will be more drive-in customers, as well as walk-ins. Personally, he doesn't feel there will be enough parking.

Ms. Zander said per Section 3.02.04 of the Land Development Regulations, maximum lot coverage for commercial zoning is 40 percent. She asked what the lot coverage is on this parcel, if a pervious deck is considered as part of the maximum lot coverage, and where the fire exit door is located.

Mr. Larson said 40 percent coverage applies to new construction. He thinks when Mr. O'Rourke's building was built, around 1985, maximum lot coverage for commercial zoning was 50 percent. Maximum impervious surface coverage for commercial zoning is 70 percent. A pervious deck is not considered as part of the maximum lot coverage. Per his estimation, the businesses in Mr. O'Rourke's building are not required to have a fire-exit door, except for one door, based on the square footage. The main doors to the real estate office and the coffee shop are all that are needed.

Ms. Zander asked if it is correct to say that the sheer number of people in support of or against an agenda item cannot truly be a determining factor.

Mr. Whitehouse said that's right.

Ms. Zander asked Officer Martinez, as the City's police representative, if he sees any safety issues with the outdoor deck as it's proposed, such as sight visibility triangle issues or ingress-egress issues, from a public-safety perspective.

Officer Martinez said he'd have to look up statistics from the past year to see if there've been any

accidents in this area or any pedestrian issues.

Mr. Larson said the vision triangle for clear visibility is 15 feet, and the proposed outdoor deck is beyond the 15-foot vision triangle.

Ms. Zander asked if the outdoor deck, as proposed, will be located between the building and the existing sign on the east side of the building.

Mr. O'Rourke said that's correct.

Ms. Zander asked if there are any issues with setbacks for the deck, if any landscaping is proposed between the deck and the sidewalk along the Boulevard, and the coffee shop's hours of operation.

Mr. Larson said there are no issues with setbacks, and actually, anything 12 inches or less in height isn't subject to any setback requirements.

Mr. O'Rourke said he probably won't put any landscaping between the deck and the Boulevard. There's an existing plant bed with palm trees on the building's north side, and an existing plant bed on the front of the east side of the building, between the building and the proposed deck, which he'll probably redo, and hedges on the south side, between the building and Makarios townhomes. The coffee shop tenants are here, and can answer the question about hours of operation.

Spencer Hooker, 127 Coronado Street, St. Augustine, Florida, 32080, said they're open seven days a week, from 6:30 a.m. until 8:00 to 9:00 p.m. on weekdays, and until 10:00 p.m. on Fridays and Saturdays. Those are the stated hours, but in reality, they've been closing earlier on Fridays and Saturdays, as they haven't had much business this late. They offer specialty coffee drinks, baked goods such as muffins, brownies, cookies, savory Aussie pies, and Australian desserts. Everything is served at room temperature except the Aussie pies, which are served out of a pie warmer.

Ms. Zander asked what materials are proposed for the deck, and if it will have any railings.

Mr. O'Rourke said the deck will be made of wood, and yes, the deck drawings submitted with the application show see-through picket or spindle-style railings, built to Code.

Mr. Bradfield asked if a conditional use permit is required to build this deck, or if Mr. O'Rourke could build it simply as an improvement to his property.

Mr. Larson said no, a conditional use permit is not required to build the deck, which could be constructed as an improvement to the property.

Mr. O'Rourke said he's glad Mr. Bradfield brought this up, because he wanted to know if he could build a deck for his real estate office, and put some picnic tables on top of the deck.

Mr. Whitehouse said he'd have to defer to staff and agree if Mr. O'Rourke wanted to build a deck for his real estate clients, he'd be allowed to do this, but in practicality, if the deck is being used by the other business in his building, clearly, the way you situate a property can't be used to subvert

the Code. If the coffee shop customers are sitting out on the deck, and Mr. O'Rourke didn't have a conditional use permit for this outside seating, he'd probably get a code enforcement action brought against him, if somebody complained about it. He thinks it's clear a conditional use permit for the requested action on this application is necessary per the Code, if the applicant wants to have outside seating for consumption of the goods sold inside the retail establishment.

Ms. Zander asked if Mr. O'Rourke's real estate office is considered a professional office, per City Code, and based on what's been said, "The Kookaburra" is considered as a service business, not a restaurant, regarding how the parking requirements are determined.

Mr. Larson said yes, Mr. O'Rourke's real estate office is a professional office, and "The Kookaburra" is considered a retail sales use, not a service business, but the parking requirements are the same, requiring one parking space per every 250 square feet of gross floor area. He does not consider "The Kookaburra" as a restaurant, as it's not licensed by the State as a restaurant.

Ms. Zander asked Mr. Whitehouse if he agrees they should not be considering "The Kookaburra" as a restaurant, regarding interpretation of City Code for parking requirements.

Mr. Whitehouse said yes, if this is how the City's professional staff has interpreted this.

Ms. Zander asked Mr. O'Rourke what the lease duration of "The Kookaburra" is, and if he'd be open to the conditional use permit being granted to the coffee tenants, instead of him, as the owner of the building. Normally, the tenants are the applicants, unless a business is owner-operated. She also asked the City has the ability to regulate any music played on the outdoor deck.

Mr. O'Rourke said the lease information is probably confidential between himself and his tenants, but they'd be willing to make the conditional use non-transferable, and not have any outside music.

Ms. Zander said Mr. O'Rourke provided information that his real estate office space is 800 square feet, and coffee shop space is 250 square feet. Per the City's parking requirements for professional offices and retail uses, one parking space is required for every 250 square feet of gross floor area, so inclusive of the addition of the outdoor deck, with nine existing parking spaces, the site meets the parking requirements. A restaurant is required to have one parking space for every 55 square feet of gross floor area, but as the coffee shop is considered a retail business, it has enough parking.

Mr. Larson said that's correct.

Ms. West said she counted 10 members of the public against this application and two in favor, with the opposition ranging from lack of parking, concerns about congestion, hurting children, noise factors, and lack of privacy, all of which she thinks are legitimate concerns voiced by the public. Based on the public interest factor alone, she personally doesn't think the application meets the standards for the issuance of a conditional use permit. That being said, she'd like to put a mediation hat on, and make some suggestions. A lot of the concerns she heard from the public, notwithstanding the parking issues, included the placement of the side entry door to the coffee shop. Quite honestly, it is physically awkward to have entry into the coffee shop on the west side of the property, the real estate office in the middle, and the outside seating on the east side, along



the Boulevard. She asked Mr. O'Rourke if he'd consider switching things around, and getting the side entry door to coffee shop away from the residential impact, by moving it closer to the high volume traffic area along the Boulevard, so there will be less friction between those two uses of high intensity commercial and residential. She thinks this might go a long way in solving some, though not all, of the neighbors' concerns. She'd like to give Mr. O'Rourke the opportunity to evaluate that option, and meet with the Tittles and other neighboring property owners to try to address their concerns. She'd be willing to entertain a motion to continue this until Mr. O'Rourke can get this done, so when he does go before the City Commission, he can present a united and amicable package for the Commission's consideration of his conditional use permit application.

Mr. O'Rourke said aside from the expense of relocating the door, the entry door to the coffee shop is on the side is because there's parking in front of the building, and there's a safety issue with moving the door to the front where vehicles pull in and out. The fact is, the property next to coffee shop is zoned commercial, and the neighbors decided to build a house on a commercially-zoned property, so this really shouldn't restrict his commercial property rights. When you build in a commercial zone, there's an inherent chance something like a McDonald's could be built next door. He bought the building two years ago, and with it came expenses, including a total interior build-out, replacement of the roof, new siding, new paint, new air-conditioning, and new landscaping. He'd like to continue to beautify the property, and has no problem with putting a landscaped buffer screen on the residential side. He's sensitive to the residential neighbors, which is why the deck and outdoor seating are proposed on the street side, where all the road noise is.

Mr. Bradfield said as he thinks Mr. O'Rourke, as a business owner, has a conditional use right within some control parameters that address the public's concerns, he recommends approval, subject to no beer or wine being served out of this location. Another thing relevant to the conditional use approval should be a control on the hours of use of the outdoor deck, and an expiration date for the conditional use, such as one year, so at the end of this time period, the terms and conditions of the conditional use permit can be reevaluated. Also, a landscaped buffer should be put up to address the aesthetic issues between "The Kookaburra" and the neighboring residence, and the outdoor deck should have some kind of low-level safety lighting, as you can't just ban outdoor lighting. This would be a safety hazard after dark, and in the winter, it's dark at 6:00 p.m.

Ms. Zander said she wants to point out that the City's Vision Plan encourages connectivity and outdoor dining, and they have local owners and small-business people here who want to expand an existing local business, which is what she thinks the City wants, as opposed to chain restaurants and things like that. Frankly, she doesn't agree there's enough parking, but she fought for more parking with Embassy Suites, and found you can't hold an applicant to having more parking than what the Code requires. Per the Code, the applicant and his tenants have enough parking.

**Motion:** to recommend the City Commission approve the conditional use permit application for outside seating for take-out food and/or beverage service and consumption on a proposed exterior deck outside of an enclosed building in a commercial land use district at 101 F Street, subject to the following conditions: 1) The conditional use permit shall be granted with a one-year expiration date; 2) The conditional use permit shall be granted only to the current tenant, "The Kookaburra," and shall not be transferable to a new tenant; 3) There shall be no usage of the outdoor deck after 9:00 p.m. Sunday through Thursday nights, and after 10:00 p.m. Friday and Saturday nights; 4)

There shall be no alcohol consumption on the premises; 5) Deck materials must remain pervious and be uncovered, aside from portable tables and umbrellas; 6) Appropriate low-level safety lighting only shall be installed on the exterior deck; 7) A mature, native landscape buffer shall be installed between the property at 101 F Street and the residence adjacent to the west property line within 60 days of the issuance of the conditional use permit. **Moved** by Ms. Zander, **seconded** by Ms. Sloan, **passed 5-2** by roll-call vote with Ms. Odom, Ms. Sloan, Mr. Thomas, Ms. Zander, and Mr. Bradfield assenting, and Mr. Mitherz and Ms. West dissenting.

C. Review of proposed amendment to Section 2.00.00 of the City of St. Augustine Beach Land Development Regulations to provide a definition for alternative porous paving materials

Mr. Larson said staff's recommendation is that this should be tabled until the land use planner to be hired by the City is on board, as this is what they're retaining the services of a land planner for.

Craig Thomson, 6 D Street, St. Augustine Beach, Florida, 32080, said he serves on the City's Tree Board, whose scope of work is to try preserve trees and the tree canopy. Impervious surface coverage is a big issue especially in the Coquina Gables and Chautauqua Beach neighborhoods, which have 50-foot-wide lots, and what they're recognizing is that the larger homes now being built on these lots due to the new setbacks typically affects the parking required. One of the foundations of zoning is lot coverage, and while impervious surface coverage is defined in City Code, unfortunately, in the process of developing these larger homes, there has been a tendency to use paving systems that take up the entire lot in order to have enough parking. The maximum impervious surface coverage allowed on medium density residential zoning is 50 percent, to prevent water run-off. There is a section in the Code under impervious surface coverage which allows for the use of alternative paving systems, which are not counted as impervious surface coverage, but there is no definition in the Code for what constitutes an alternative paving system. He has no problem with the work of Mr. Larson, but he thinks there's a policy issue here, as in multiple instances, Mr. Larson has interpreted that concrete pavers can be considered a porous surface. When he spoke before the Board awhile back, he tried to demonstrate the difference between porous paving systems, and showed that a porous concrete paving system drains three to eight gallons of water per minute straight through, so the key thing here is that if you have 50 percent impervious surface coverage, you want the rest of the property to absorb water, so it doesn't run off, as the goal is to prevent water run-off. As the maximum impervious surface coverage allowed is being circumvented by the section in the Code that says if porous paving materials are used, the area covered with porous paving materials shall not be counted as impervious surface coverage, he's suggesting a definition for porous paving materials, based on assigning a porosity value to the paving materials. If, indeed, a paving material drains three to eight gallons of water per minute, it's a porous paving material. He read aloud the proposed definition drafted for an alternative porous paving system, which states, "A paving system which allows for the absorption of water at the rate of four gallons per minute per square foot of area, thus controlling stormwater runoff comparable to sodded areas of a site. The use of alternative porous paving shall be limited to no more than 25 percent of the total area of a property." He's asking the Board to forward this proposed definition to the City Commission, with the recommendation that the Commission have it reviewed by the land use planner, to get it in the Code as an amendment to Section 2.00.00 of the City's Land Development Regulations.

Neil Armingeon, 291 Cubbedge Road, St. Augustine, Florida, 32086, said he's the Matanzas Riverkeeper, and his job is simply to look after the Matanzas River, from the St. Augustine Inlet, to seven miles south of the Matanzas Inlet. One of the biggest threats to the river is urban run-off and stormwater, so he agrees with Mr. Thomson and certainly supports anything that can be done to limit direct run-off into the river. The Matanzas River watershed now has two of the fastest growing counties in the State, and sadly, a lot of the development is in and around the river. The reason they have a very limited oyster harvest area is due to run-off from urbanized areas. They're down to harvesting oysters only between State Road 206 and the Flagler County line, which is one of only three places left in northeast Florida where one can actually harvest and consume oysters, so he'd certainly appreciate and support anything the City can do to protect and preserve the river.

Ms. Odom said she thinks the Board should move this forward to the Commission with the recommendation that the proposed definition for alternative porous paving materials be reviewed by the land use consultant, as she knows Mr. Thomson and others have worked very hard on this.

Mr. Thomas said he agrees.

Ms. Sloan said she absolutely agrees, and likes that not only has alternative porous paving been defined, but the definition includes limiting the use of alternative porous paving on property sites.

Mr. Bradfield said he completely agrees the new verbiage should be adopted.

Mr. Mitherz said he's not opposed to amending the Code by adding this definition.

Ms. Zander said before making a recommendation to the Commission to have the land planner look at this, she'd like to better understand where the numbers for the rate of the absorption of four gallons of water per minute came from, and whether they're relevant to anything.

Mr. Thomson said concrete companies have come up with what's called a porous concrete paving, based on materials that have a drainage rate of three to eight gallons of water per minute. There are also permeable systems, but these are not the same animal. Soils engineers can tell you a better solution is sodded grass, which absorbs about five gallons of water per minute.

**Motion:** to recommend the City Commission provide a definition for alternative porous paving materials that is consistent with the materials and definition provided by Mr. Thomson, and for the Commission to instruct the land use planner/consultant to be hired by the City to adhere to the same. **Moved** by Ms. West, **seconded** by Ms. Sloan, **passed 7-0** by unanimous roll-call vote.

- D. Rescheduling of March 15, 2016 regular monthly meeting due to the Supervisor of Elections Office occupying the City Hall meeting room for the Presidential Preference Primary Election

The Board agreed, by general oral consensus, to reschedule its March 15, 2016 regular monthly meeting to Tuesday, March 22, 2016, at 7:00 p.m. at City Hall.

## VIII. OLD BUSINESS

There was no old business.

IX. BOARD COMMENT

Ms. Odom said at the Board's last meeting, she asked about the wavy flags at Cone Heads Ice Cream and Obi's Fillin' Station, which are still there.

Mr. Larson said this issue is going to have wait until the City gets new legal counsel on staff, as there are individuals who think their first amendment rights are being violated by the City telling them to take down these flags, so staff needs to find out what the limitations are in restricting them.

Ms. Sloan said she wants to thank Officer Martinez for being here tonight, as she greatly appreciates having the City's finest at their meetings.

Ms. Zander said for the benefit of the Commissioners, she'd like to read from page 13 of the Vision Plan. The consulting firm hired by the City to draft the Vision Plan recommended consideration of a base height limit of 40 feet plus an additional five feet to provide architectural detail, not to exceed 40 percent of the building perimeter, subject to Planning and Zoning Board approval, as this would provide some flexibility for roofline variations, particularly when ground floor uses would require extra height. To address concerns that this standard might open the door to mid-rise buildings, the Code should specify an absolute maximum limit of three stories. It also says at the time of writing of the Vision Plan, a suggestion was being considered to incorporate the maximum building height of 35 feet into the City Charter. Setting aside the reality that a 35-foot height limit is too tight for the well-designed hotels or mixed-use structures envisioned in the Vision Plan, the consultant urged that adoption of regulatory measures into a community charter is unadvisable, often leading to quandaries much greater, and consequences more unfortunate, than the measure was intended to prevent in the first place. She suggested, as the Commissioners continue to discuss the height limits, that they might want to look at the City's own Vision Plan.

Mr. Mitherz said clarified that the Vision Plan was never adopted by the City Commission.

Ms. West thanked the Board for electing her chairman, and said she's really honored, and will try to do her best.

X. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

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Jane West, Chairman

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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.)



## City of St. Augustine Beach

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### Memorandum

TO: Members of the Comprehensive Planning and Zoning Board  
FROM: Gary Larson, Building Official  
DATE: February 10, 2016  
RE: Vacating Alley File No. V 2016-01

The requested vacating is for the alleyway located in Block 46, located between C Street and D Street, and between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue. The justifications are found in the application under reasons for vacating or abandonment of street/alley easement, page 1.

Ordinance No. 15-05 is attached for your review and consideration of a recommendation to the City Commission regarding this request. The required 70 percent of property owners needed to sign and consent has been met, with 10 of the 11 property owners submitting their written consent to vacate the alley. For the Board's review, the St. Johns County Property Appraiser's list of owners is attached also.

Staff recommendation is to forward to the Commission the recommendation to vacate the alleyway.

**APPLICATION FOR VACATING STREET/ALLEY/EASEMENT**  
**CITY OF ST. AUGUSTINE BEACH, FLORIDA**

APPLICATION AND ZONING SIGN FEE: \$257.50      DATE: 1-11-2016

NAME OF APPLICANT: Barbara Feldman

ADDRESS: 5516 Sunset Landing Circle, St Augustine, FL  
32080

PHONE: 904-460-1165

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED: 15' alleyway easement

lying between D St. and C St. Abutting rear facing lots  
numbered 3 thru 13 on D St to the south and rear facing  
lots numbered 2 thru 15 to the north. Lying west  
of 2nd St and east of 3rd St in Block 46 of  
Coquina Gables neighborhood.

LOCATION: ON 15' alleyway easement SIDE OF between C and D streets  
for city of St Augustine Beach  
BETWEEN 2nd St AND 3rd St

RECORDED IN MAP BOOK: 3 PAGE(S): 30 OF THE PUBLIC RECORDS OF

ST. JOHNS COUNTY, FLORIDA

REASON FOR VACATION OR ABANDONMENT OF STREET/ALLEY/EASEMENT: \_\_\_\_\_

- (1) Recognizing the City of St Augustine Beach shall maintain access for  
drainage purposes, the current easement is not now nor in the  
past being utilized or maintained. Speaking with Joe  
Howell, director of public works, there are not any present  
or future plans to utilize this easement. This small  
alleyway appears to remain unusable by the city for  
any purpose. As property owners we will better maintain  
the vacated easement to beautify the surroundings.
- (2) There is precedent in the Coquina Gables neighborhood as  
many alleyway vacations of similar easements have  
been granted.

THE FOLLOWING ITEMS ARE INCLUDED WITH THIS APPLICATION:

- (✓) PLAT, MAP OR LOCATION DRAWING OF ALLEY/STREET TO BE VACATED
- (✓) NAMES AND ADDRESS OF OWNERS OF REAL PROPERTY ABUTTING AND ADJOINING THE ALLEY/STREET FOR WHICH THE VACATION IS REQUESTED (To be acquired from St. Johns County Real Estate/Survey Department, telephone number 904-209-0760)
- (✓) STAMPED AND ADDRESSED ENVELOPES OF OWNERS OF REAL PROPERTY ABUTTING AND ADJOINING THE ALLEY/STREET TO BE VACATED
- (✓) OTHER RELEVANT INFORMATION WHICH MAY BE REQUIRED BY THE CITY:
  - (A) Signed consent of 10 out of 11 owners = 90%.
  - (B) Statement regarding lack of adverse affects to the one property owner who didn't sign.
  - (C) Statement from St Augustine Beach Public Works Director supporting the petition to vacate.

NAME:

ADDRESS:

1. Baldwin Philip L, Catherine A  
32 Charlotte St, St Augustine, FL 32084-3646  
Deason Carol A
2. 208 D St, St Augustine, FL 32080  
Deason Clifford, Magda
3. 208 D St, St Augustine, FL 32080  
Feldman Barbara J
4. 5516 Sunset Landing Cir, St Augustine, FL 32080  
Floyd John A, Tracy S
5. PO Box 1031, New Smyrna Beach, FL 32170-1031  
Hebert Daniel C, Janice G
6. 181 Dorset St, Springfield, MA 01108-2819  
Liotta Family Rev Trust
7. 805 Garrison Dr, St Augustine, FL 32092  
Miller Anna F
8. 201 C St, St Augustine, FL 32080  
Shuler Edward Lowry III
9. 323 Arpieka St, St Augustine, FL 32080  
Weeks Claude L Jr
10. PO Box 3225, St Augustine, FL 32085-3225  
Murray Real Estate Holdings
11. 4071 C Street, St. Augustine, FL 32080-6827
12. \_\_\_\_\_

Per Ordinance No. 15-05, Section 18-51(e) of the St. Augustine Beach Code, which is attached to this application, the names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested and shall be taken from the current tax assessment roll. The written consent of each owner shall be obtained by the applicant and filed upon application with the office of the City Manager, but if 100% of the real property owners do not sign written consent, **then a minimum of 70% of the real property owners must sign a written consent and the applicant must demonstrate that the vacation will not adversely affect nor negatively impact those property owners who have not signed a written consent, which demonstration may necessitate the applicant obtaining the opinion of a traffic engineer, surveyor or other professional.** Nothing about this subsection changes the way in which vacated streets, alleys and/or easements vest property rights.

Barbara Feldman  
SIGNATURE OF APPLICANT

1-11-16  
DATE

STATE OF FLORIDA

COUNTY OF St. Johns

Sworn to (or affirmed) and subscribed before me this 11<sup>th</sup> day of JANUARY,  
2016, by BARBARA JO FELDMAN

who is personally known to me \_\_\_\_\_ or who has produced identification ✓.

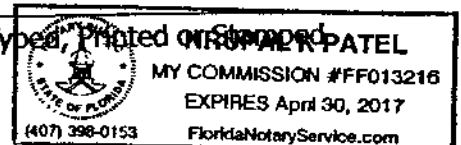
Type of identification produced FLORIDA DRIVERS LICENSE (F435-070-53-843-0)

[Signature]

Signature of Notary Public--State of Florida

NRUPAL K. PATEL

Name of Notary Public Typed



**FEE CHARGES**

VACATING ALLEY/STREET APPLICATION FEE: \$250.00 (Acct. #34120)

ZONING SIGN FEE: \$7.50 (Acct. #50471.515)

DATE PAID: 1/11/2016 CASH/CHECK #: 1579

RECEIVED BY: BM RECEIPT #: 25027



**ORDINANCE 15-05**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AMENDING THE CITY CODE, CHAPTER 18, STREETS AND SIDEWALKS, ARTICLE III, PROCEDURES FOR VACATING STREETS, ALLEYS AND EASEMENTS, AMENDING SECTION 18-51, APPLICATION REQUIRED; FORM; SPECIFICALLY AMENDING SUBSECTION 18-51(e), REGARDING THE WRITTEN CONSENT OF OWNERS ABUTTING THE VACATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

Section 1. Chapter 18, of the Code of the City of St. Augustine Beach, Florida, regulating Streets and Sidewalks, Article III, Procedures for Vacating Streets, Alleys and Easements, Section 18-51, Application Required; Form, be, and the same is hereby amended to specifically amend Subsection 18-51(e), as follows:

(e) The names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested. The names and addresses shall be taken from the current tax assessment roll. The written consent of each owner shall be obtained by the applicant and filed with the office of the city manager prior to final passage of any ordinance vacating any street, alley or other public easement. If 100% of the real property owners do not sign written consent, then a minimum of 70% of the real property owners must sign a written consent and the applicant must demonstrate that the vacation will not adversely affect nor negatively impact those property owners who have not signed a written consent, which demonstration may necessitate the applicant obtaining the opinion of a traffic engineer, surveyor or other professional. Nothing about this subsection changes the criteria vacated streets, alleys and easements vest property rights.

Section 2. Other Code Sections Unchanged. Any section or sections of the Code of the City of St. Augustine Beach not specifically modified herein shall survive in full force and effect and remain unchanged unless a conflict arises in which case this Ordinance shall control.

**Section 3. Severability.** If any phrase, clause, sentence, subsection, section, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid, or unconstitutional the remaining phrases, clauses, subsections, or provisions of this Ordinance.

**Section 4. Codification.** Other than Section 1 hereof, this Ordinance shall not be codified, but a copy of this Ordinance shall be maintained in the offices of the City Manager.

**Section 5.** This ordinance shall take effect ten days following passage.

**PASSED** by the City Commission of the City of St. Augustine Beach, Florida, upon  
Second Reading this 28 day of September, 2015.

**CITY COMMISSION OF THE CITY OF  
ST. AUGUSTINE BEACH**

**ATTEST**

  
City Manager

**By:**

  
Mayor-Commissioner

First reading: August 3, 2015.

Second reading: September 28, 2015

this section. The state, county and all local governmental entities shall be exempt from posting any bond and paying a permit fee.

(b) Each application shall be accompanied by a basic permit fee of fifteen dollars (\$15.00) which shall be for filing, engineering and inspections.

(c) The city shall make a reasonable charge for the inspection of such construction work during the period thereof and shall deduct the same from the cash bond should the permit fee be insufficient to cover the reasonable charge for the same.

(d) After all charges shall have been deducted from the cash bond, the balance shall be refunded to the person depositing same.

(e) In cases where the estimated cost of the project shall exceed two hundred fifty dollars (\$250.00), the building inspector may require a maintenance and construction bond to be filed with the application for a permit hereunder in an amount equal to one-half of the estimated cost of the project and conditioned that such work shall be done in accordance with the city's standard specifications and guaranteeing the same for a period of six (6) months, and those conditions provided for under subsection (a) of this section.

(f) The building inspector shall have the authority to require an applicant hereunder to file a bond conditioned to protect and save harmless the city from all claims for damages or injury to other persons by reason of damages or injury sustained during the actual course of such alteration work.

(Ord. No. 102, § 1(e)-(i), (k), 10-11-82)

**Secs. 18-40—18-49. Reserved.**

### **ARTICLE III PROCEDURES FOR VACATING STREETS, ALLEYS AND EASEMENTS\***

#### **Sec. 18-50. Purposes.**

The purposes of this article are to establish uniform procedures for the application to the

\*Editor's note—Prior ordinances codified herein include Ordinance No. 189.

city for the vacation and abandonment of city streets, alleys, and special purpose easements of the city; to designate those individuals who shall have the responsibility for the processing of such applications; and to provide the methods and procedures for processing said applications.

(Ord. No. 90-10, § 1, 7-2-90)

#### **Sec. 18-51. Application required; form.**

All requests for vacation and abandonment of city streets, alleys, and special purpose easements which the city may have in real property shall be made in writing upon an application form furnished by the city. Such application shall be executed in triplicate by the party or parties requesting the same, who shall verify under oath that the information contained in the application is true and correct. The application shall be filed with the building department and shall provide the following information:

(a) The name and address of the applicant or applicants.

(b) A complete and accurate legal description of the street, alley or special purpose easement, or any portion thereof, sought to be abandoned or vacated. Accompanying the legal description shall be a plat, map or drawing showing the general area involved and the location of the specific property to be abandoned or vacated.

(c) Whether the title or interest of the city in and to the property for which the vacation is requested was acquired by deed, dedication, or prescription, and if recorded in the public records, the book and page number thereof.

(d) The reason for the request of the abandonment or vacation.

(e) The names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested. The names and addresses shall be taken from the current tax assessment roll.

(f) The applicant shall certify that the property sought to be abandoned or vacated will not adversely affect other property owners or unreasonably limit access to their property.

(g) Such other relevant information as the city may require.

(Ord. No: 90-10, § 1, 7-2-90)

#### Sec. 18-52. Application fee.

(a) Each application filed with the building department, other than an application initiated by the city commission, shall be accompanied by payment of a fee of two hundred fifty dollars (\$250.00) to pay for the costs of administrative review, site analysis and investigation, published notices of meetings for consideration of the vacation request, and any recording fee.

(Ord. No: 90-10, § 1, 7-2-90)

#### Sec. 18-53. Processing of application.

(a) *Action by the building department.* Upon receipt of the application and the fee, the building department shall review the application for completeness and for compliance with the requirements of this article. The building department may reject the application if a similar application for the same property has been considered at any time within six (6) months of the date when the later application is submitted. Upon proper submittal, the building department shall proceed as follows:

- (1) Advise the public works director, fire chief, police chief, and various utility authorities and companies, including Cable-TV, of the application by forwarding a copy thereof to their attention and request their review and recommendations for approval or disapproval thereof, which shall be made to the building department within twenty (20) days of the date the notice is sent by the department.
- (2) Schedule the applicant's request for the vacation for a hearing before the comprehensive planning and zoning board within thirty (30) days after the expiration of the deadline for comments to be received from the public works director, police chief, fire chief, and various utility companies and authorities.

(3) Notify by regular mail the applicant and owners of the real property bounding and abutting the property sought to be vacated of the date of the hearing before the comprehensive planning and zoning board at least fifteen (15) days before the meeting. The names of the owners are to be the same as certified, sworn to and provided by the applicant seeking the vacation.

(4) Provide the members of the comprehensive planning and zoning board with copies of the application, all other relevant materials, and a recommendation to approve or not approve from the building official, who shall also provide the reasons for his recommendation. The building official shall determine and certify if true that the property sought to be abandoned or vacated:

- a. Was not acquired or dedicated for state, county or federal highway purposes;
- b. Was not acquired or dedicated for utility purposes;
- c. Does not provide access to the ocean and/or beach, or other recreational resource;
- d. Does not provide access to public drainage facilities.

(5) Notify the general public of the vacation request by publishing notice in a newspaper of general circulation in St. Johns County of the date and time of the public hearing by the comprehensive planning and zoning board at least fifteen (15) days before the meeting.

(6) Forward to the city manager the recorded vote taken by the comprehensive planning and zoning board on the application, and all other relevant materials, concerning the application.

(b) *Action by the city manager.* Upon receiving the application materials and recorded vote of the comprehensive planning and zoning board, the city manager shall:

- (1) Schedule a public hearing on the vacation request at a city commission meeting that is to be held within sixty (60) days of the receipt of the materials from the building department.
- (2) Notify the general public of the vacation request by publishing notice in a newspaper of general circulation in St. Johns County of the date and time of the public hearing by the city commission at least fifteen (15) days before the meeting.

(c) *Action by the city commission.* At its meeting, the city commission shall consider the reports and recommendations on the application for abandonment or vacation as described above from the comprehensive planning and zoning board, and shall, after due consideration, make a preliminary decision to grant with or without modifications the application, or make a final decision to deny the application, in accordance with the best interest of the public welfare.

- (1) If the city commission makes a preliminary decision to approve of the abandonment or vacation, then the city attorney shall prepare a proposed ordinance which shall contain a full legal description of the property to be vacated or abandoned, and which shall have as an exhibit a page from a legal plat book or map showing the exact location of the property to be vacated or abandoned.
  - (2) The procedure for adoption of such ordinance shall follow the usual city requirements, with two (2) readings, the second of which is to be done at a public hearing that has been advertised in a newspaper of general circulation in St. Johns County.
- (Ord. No. 90-10, § 1, 7-2-90)

#### Sec. 18-54. Power to vacate.

(a) No city property which provides access to the ocean, beach, or other recreational resource will be vacated.

(b) A portion of a street or alley lying between two (2) intersecting streets shall not be vacated unless the entire portion of the street or alley between such intersecting streets is vacated.

(c) Subject to subsections (a) and (b) above, the city commission in its discretion, is authorized to vacate, abandon, discontinue and close any street, alley or special purpose easement of the city, or any portion thereof, other than a state, county or federal road or highway, and to renounce and disclaim any right of the city and the public in and to any land in connection therewith, and further to renounce and disclaim any right of the city and the public in and to the same whether acquired by purchase, gift, devise, dedication, prescription, or by recordation of a map or plat.

(Ord. No. 90-10, § 1, 7-2-90)

#### Sec. 18-55. Action upon adoption of the ordinance.

Upon the ordinance being adopted, the building department shall send a certified copy of the ordinance and the attached exhibit to the property appraiser and to the clerk of the courts with the required recording fee.

(Ord. No. 90-10, § 1, 7-2-90)

#### Sec. 18-56. Vacation or abandonment wanted by city.

Should the city commission be the applicant for the vacation or abandonment of city property, the city commission shall follow the same notification and other public notice procedures as contained in section 18-53(a)(1)-(5) above. In addition, such vacation or abandonment shall be recorded, and adopted by ordinance in accordance with section 18-53(c)(1)-(2) above.

(Ord. No. 90-10, § 1, 7-2-90)

[The next page is 1015]

(B)

STATEMENT TO BE ATTACHED TO APPLICATION FOR VACATING ALLEY  
EASEMENT

RE: LACK OF ADVERSE IMPACT ON THE ONE (1) PROPERTY OWNER WHO DID  
NOT SIGN.

DATED: JANUARY 11, 2016

SIGNED:   
BARBARA FELDMAN, APPLICANT

Block 46 of Coquina Gables, St Augustine, FL, consists of 11 homeowners. Only one property owner declined to be included in this application. This property owner is the sole partner of Murray Real Estate Holdings, who owns Lot 8 (used as income producing rental property).

The property owner's stated reason to decline was not based on any adverse affects that he might experience; rather he stated personal reasons for declining - an unwillingness to cooperate with one of the neighbors. In fact, his residence is located at 407 C St in a block of Coquina Gables that has already vacated their easement. If there were an adverse affect from this, he would have said so.

There are no foreseen water run-off issues or standing water issues, per conversations with Joe Howell, Public Works Director of the City of St. Augustine Beach (see Statement (C)). And, again, the City of St. Augustine Beach is not planning to utilize the easement in any way. Traffic will not be adversely affected because the alley easement is not and never has been in use.

Finally, it can be assumed that no adverse affects have occurred to the number of other blocks in Coquina Gables that have already vacated their easements because the process is being encouraged by the City of St. Augustine Beach.

Therefore, for the above reasons, it must be concluded that no adverse impacts will be experienced by Murray Real Estate Holdings.

(c)

Joseph Howell <jhowell@cityofsab.org>  
To gregfeldman@bellsouth.net  
CC Gary Larson  
Today at 4:25 PM

Greg, I went out and looked at C Ln. between 2<sup>nd</sup> Ave. and 3<sup>rd</sup> Ave. I will support the petition to vacate.

Joe Howell, P.E.

Public Works Director

City of St. Augustine Beach

2200 S.R. A1A South

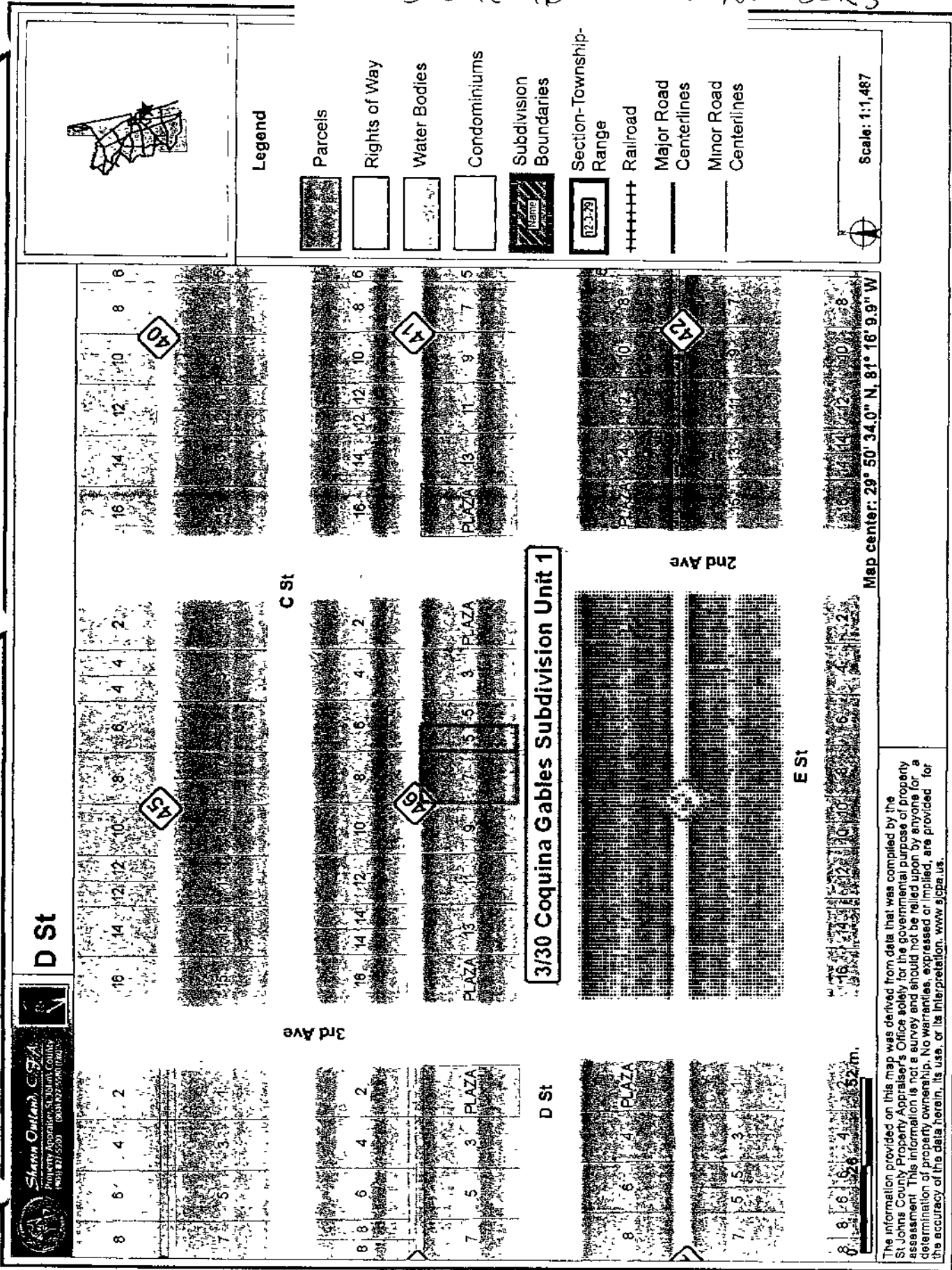
St. Augustine Beach, FL 32080

904.471.1119 (w)

407.590.9956 (c)

*PLEASE NOTE: Under Florida law, most communications to and from the City are public records. Your e-mails, including your e-mail address maybe subject to public disclosure.*

MAP OF ALLEY TO BE VACATED  
BLOCK 46 - LOT NUMBERS



MAP OF ALLEY TO BE VACATED  
BLOCK 46





## Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

### Parcel Information

Strap: 1711900030

Mailing Address: 208 D ST SAINT AUGUSTINE FL 32080-0000

Site Address: 204 D ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.00

Use Code/Description: 0000/Vacant Residential

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.16

### Valuation Information

Total Land Value: \$ 112,500

Total Extra Features Value: \$ 0

Total Building Value: \$ 0

Total Market(Just) Value: \$ 112,500

Assessed Value: \$ 112,500

Homestead Exemption: \$ 0

Taxable Value: \$ 112,500

### Legal Information

3-30 COQUINA GABLES LOT 3 &  
E1/2 LOT 5 BLK 46 OR272/74  
&1728/475-478 &4073/1055(Q/C)

### Owner Information

DEASON CAROL A

### Exemptions

### Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
08/19/2015	\$ 100	0.00	4073 & 1055	QC	U	V	11
01/22/2002	\$ 78,200	0.00	1728 & 478	WD	U	V	11
12/02/2001	\$ 100	0.00	1728 & 475	WD	U	V	11

### Building Information

#### Building Details

This property is Vacant

#### Extra Features

There are no Extra Features

#### Structural Elements

[Previous Parcel \(1711900000\)](#)

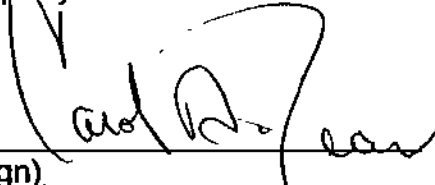
[Next Parcel \(1711900040\)](#)

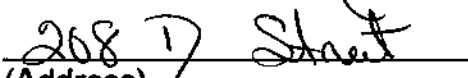
As legal owner of:


3-30 Coquina Gables Lot 3 E½ Lot 5 BLK 46 OR272/74/475-478

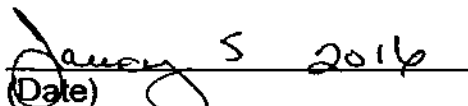
I, Carol Deason, of 208 D St, St. Augustine, FL 32080

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

  
(Sign)

  
(Address)

  
(City, ST, ZIP)

  
(Date)



## Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

### Parcel Information

Strap: 1712000050  
Mailing Address: 208 D ST SAINT AUGUSTINE FL 32080-0000

Site Address: 208 D ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551  
Neighborhood Code: 717.00  
Use Code/Description: 0100/Single Family  
Sec-Town-Range: 3 - 8 - 30  
Acreage: 0.16

### Valuation Information

Total Land Value:	\$ 112,500	Total Market(Just) Value:	\$ 204,631
Total Extra Features Value:	\$ 1,077	Assessed Value:	\$ 161,736
Total Building Value:	\$ 91,054	Homestead Exemption:	\$ 50,000
		Taxable Value:	\$ 111,736

### Legal Information

3-30 COQUINA GABLES W1/2 LOT 5  
& ALL LOT 7 BLK 46 OR3439/1195

### Owner Information

DEASON CLIFFORD, MAGDA  
DEASON MAGDA

### Exemptions

HB Homestead Band  
HX Homestead

### Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
05/20/2011	\$ 178,000	114.96	3439 & 1195	WD	Q	I	01

### Building Information

#### Building Details

Building Number: 1  
Building Type/Desc: 0100/Single Family Residence  
Building Model/Desc: 01 /Residential

Year Built: 1970  
Gross Area: 2303  
Heated/Cooled Area: 1274  
Building Value: \$ 91,054

Site address: 208 D ST SAINT AUGUSTINE FL 32080-0000

#### Structural Elements


Element	Element Desc	Type	Type Desc
EW	Exterior Wall	11	Concrete Block
EW	Exterior Wall	32	Wood
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall

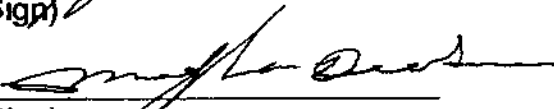
As legal owners of:

3-30 Coquina Gables W ½ of Lot 5 All Lot 7 Blk 46 OR3439/1195

We, Clifford and Magda Deason, 208 D St, St. Augustine, FL 32080

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

  
(Sign)

  
(Sign)

208D STREET  
(Address)

ST Augustine Beach FL 32080  
(City, ST, ZIP)

06/24/2016  
(Date)



# Historic St. Johns County

Sharon Outland, Property Appraiser  
 www.sjcpa.us email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1712100000  
 Mailing Address: 5516 SUNSET LANDING CIR SAINT AUGUSTINE FL 32080-7365

Site Address: 210 D ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551  
 Neighborhood Code: 717.00  
 Use Code/Description: 0000/Vacant Residential  
 Sec-Town-Range: 3 - 8 - 30  
 Acreage: 0.11

## Valuation Information

Total Land Value:	\$ 75,000	Total Market(Just) Value:	\$ 75,000
Total Extra Features Value:	\$ 0	Assessed Value:	\$ 75,000
Total Building Value:	\$ 0	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 75,000

## Legal Information

## Owner Information

## Exemptions

3-30 COQUINA GABLES LOT 9 BLK 46 FELDMAN BARBARA J  
 OR1021/977 & 1728/475-478  
 & 4073/1057(Q/C)

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
08/19/2015	\$ 100	0.00	4073 & 1057	QC	U	V	11
01/22/2002	\$ 78,200	0.00	1728 & 478	WD	U	V	11
12/02/2001	\$ 100	0.00	1728 & 475	WD	U	V	11
11/12/1993	\$ 21,000	357.14	1021 & 977	WD	Q	V	01

## Building Information

### Building Details

### Structural Elements

This property is Vacant

### Extra Features

There are no Extra Features

[Previous Parcel \(1712000100\)](#)

[Next Parcel \(1712200000\)](#)

As legal owner of:

3-30 Coquina Gables Lot 9 BLK 46 OR1021/977/475-478

I, Barbara Feldman, of 5516 Sunset Landing Circle, St. Augustine, FL 32080,

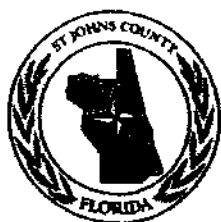
hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

Barbara Feldman  
(Sign)

5516 Sunset Landing Cir  
(Address)

St Augustine, FL 32080  
(City, ST, ZIP)

1/5/16  
(Date)



## Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

### Parcel Information

Strap: 1712200000

Mailing Address: 181 DORSET ST SPRINGFIELD MA 01108-2819

Address:

Site Address: 212 D ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.00

Use Code/Description: 0000/Vacant Residential

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.21

### Valuation Information

Total Land Value: \$ 150,000

Total Extra Features Value: \$ 0

Total Building Value: \$ 0

Total Market(Just) Value: \$ 150,000

Assessed Value: \$ 143,748

Homestead Exemption: \$ 0

Taxable Value: \$ 143,748

### Legal Information

3-30 COQUINA GABLES LOT 11 &  
13 BLK 46 OR1025/1121

### Owner Information

HEBERT DANIEL C, JANICE G  
HEBERT JANICE G

### Exemptions

### Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
12/06/1993	\$ 42,000	357.14	1025 & 1121	WD	Q	V	01

### Building Information

#### Building Details

This property is Vacant

#### Extra Features

There are no Extra Features

#### Structural Elements

[Previous Parcel \(1712100000\)](#)

[Next Parcel \(1712300000\)](#)

As legal owners of:

3-30 Coquina Gables Lot 11 13 Blk 46 OR1025/1121

We, Daniel C and Janice G Hebert, 181 Dorset St, Springfield, MA 01108-2819

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

Daniel C. Hebert  
(Sign)

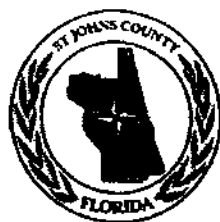
Janice G. Hebert  
(Sign)

214 + (214) D ST  
(Address)

ST. AUGUSTINE BEACH, FL 32080  
(City, ST, ZIP)

1-7-2016  
(Date)





# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1711900000

Mailing Address: 201 C ST SAINT AUGUSTINE FL 32080-0000

Address:

Site Address: 201 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.00

Use Code/Description: 0100/Single Family

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.11

## Valuation Information

Total Land Value: \$ 75,000

Total Extra Features Value: \$ 556

Total Building Value: \$ 61,332

Total Market(Just) Value:

Assessed Value:

Homestead Exemption:

Taxable Value:

\$ 136,888

\$ 113,033

\$ 50,000

\$ 63,033

## Legal Information

3-30 COQUINA GABLES LOT 2 BLK  
46 OR3432/479 & 4017/1190(Q/C)

## Owner Information

MILLER ANNA F ET AL  
HAVLICEK BRADLEY

## Exemptions

HB Homestead Band  
HX Homestead

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
04/17/2015	\$ 63,300	0.00	4017 & 1190	QC	U	I	11
04/25/2011	\$ 138,000	99.19	3432 & 479	WD	Q	I	01
12/17/2009	\$ 0	0.00	3270 & 1435	LP	U	I	86
10/24/2001	\$ 98,700	138.69	1668 & 59	WD	Q	I	01
06/30/1993	\$ 54,900	249.34	999 & 679	WD	Q	I	01
03/01/1988	\$ 0	0.00	797 & 421		U	I	11
07/01/1981	\$ 41,000	0.00	504 & 143		U	I	11
01/01/1978	\$ 34,000	0.00	390 & 444		U	I	11

## Building Information

### Building Details

Building Number: 1  
Building Type/Desc: 0100/Single Family Residence  
Building Model/Desc: 01 /Residential  
Site address: 201 C ST SAINT AUGUSTINE FL 32080-0000

Year Built: 1978  
Gross Area: 1272  
Heated/Cooled Area: 936  
Building Value: \$ 61,332

### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	32	Wood
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	9	Metal
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet

As legal owner of:

3-30 Coquina Gables Lot 2 BLK 46 OR3432/479

I, Anna F Miller, 201 C St, St. Augustine, FL 32080

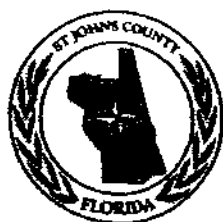
hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

Anna F Miller / FBO R/W  
(Sign)

201 C Street  
(Address)

St. Augustine, 32080  
(City, ST, ZIP)

Jan 7<sup>th</sup> 2016  
(Date)



## Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

### Parcel Information

Strap: 1711900040

Mailing Address: PO BOX 1031 NEW SMYRNA BEACH FL 32170-1031

Address:

Site Address: 203 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.99

Use Code/Description: 0800/Multi-Family (Less than 10 Units)

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.11

### Valuation Information

Total Land Value: \$ 75,000

Total Extra Features Value: \$ 0

Total Building Value: \$ 84,748

Total Market(Just) Value: \$ 159,748

Assessed Value: \$ 159,748

Homestead Exemption: \$ 0

Taxable Value: \$ 159,748

### Legal Information

3-30 COQUINA GABLES LOT 4 BLK  
46 OR3160/411

### Owner Information

FLOYD JOHN A, TRACY S  
FLOYD TRACY S

### Exemptions

### Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
01/30/2009	\$ 184,000	86.82	3160 & 411	WD	Q	I	01
07/29/2005	\$ 365,000	43.77	2501 & 1255	WD	Q	I	01
08/21/2003	\$ 0	0.00	2030 & 1986	QC	U	I	11
10/08/2002	\$ 20,000	0.00	1827 & 1305	WD	U	I	11
09/15/1995	\$ 84,900	188.16	1129 & 867	WD	Q	I	01

### Building Information

#### Building Details

Building Number: 1  
Building Type/Desc: 0802/Duplex  
Building Model/Desc: 01 /Residential

Year Built: 1980  
Gross Area: 1678  
Heated/Cooled Area: 1560  
Building Value: \$ 84,748

Site address: 203 C ST SAINT AUGUSTINE FL 32080-0000

#### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	15	Concrete Stucco
EW	Exterior Wall	32	Wood
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle

As legal owners of:

3-30 Coquina Gables Lot 4 Blk 46 OR3160/411

We, John A and Tracy S Floyd, PO Box 1031, New Smyrna Beach, FL 32170-1031

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

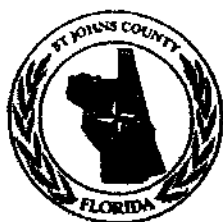
John A. Floyd 1/8/16  
(Sign)

Tracy S. Floyd Jan 8, 2016  
(Sign)

800 11<sup>th</sup> Av  
(Address)

NSB FL 32169  
(City, ST, ZIP)

Jan 8, 2016  
(Date)



# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1712000060

Mailing Address: PO BOX 3225 SAINT AUGUSTINE FL 32085-3225

Tax District: 551

Neighborhood Code: 717.99

Use Code/Description: 0800/Multi-Family (Less than 10 Units)

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.11

Site Address: 205 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

## Valuation Information

Total Land Value: \$ 75,000

Total Extra Features Value: \$ 0

Total Building Value: \$ 94,709

Total Market(Just) Value: \$ 169,709

Assessed Value: \$ 152,390

Homestead Exemption: \$ 0

Taxable Value: \$ 152,390

## Legal Information

3-30 COQUINA GABLES LOT 6 BLK  
46 OR741/1564

## Owner Information

WEEKS CLAUDE L JR

## Exemptions

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
02/01/1987	\$ 0	0.00	741 & 1564		U	I	11
11/01/1981	\$ 9,500	0.00	514 & 277		U	V	11

## Building Information

### Building Details

Building Number: 1

Building Type/Desc: 0802/Duplex

Building Model/Desc: 01/Residential

Site address: 205 C ST SAINT AUGUSTINE FL 32080-0000

Year Built: 1982

Gross Area: 2535

Heated/Cooled Area: 1944

Building Value: \$ 94,709

### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	31	Stucco
EW	Exterior Wall	14	Concrete Siding
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle

As legal owner of:

3-30 Coquina Gables Lot 6 BLK 46 OR741/1564

205 "C" ST.

I, Claude L Weeks Jr, PO Box 3225, St. Augustine, FL 32085-3225

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

Claude L. Weeks, Jr.

(Sign)

POB 3225

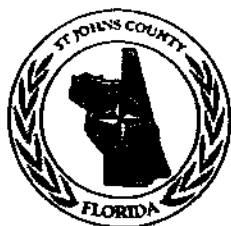
(Address)

ST. AUGUSTINE, FL 32085

(City, ST, ZIP)

1/7/16

(Date)



# Historic St. Johns County

Sharon Outland, Property Appraiser  
www.sjcpa.us email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1712000080  
Mailing Address: 407 C ST SAINT AUGUSTINE FL 32080-6827

Site Address: 207 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551  
Neighborhood Code: 717.00  
Use Code/Description: 0100/Single Family  
Sec-Town-Range: 3 - 8 - 30  
Acreage: 0.11

## Valuation Information

Total Land Value:	\$ 75,000	Total Market(Just) Value:	\$ 153,007
Total Extra Features Value:	\$ 955	Assessed Value:	\$ 153,007
Total Building Value:	\$ 77,052	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 153,007

## Legal Information

3-30 COQUINA GABLES LOT 8 BLK  
46 OR1189/803 & 1623/181

## Owner Information

MURRAY REAL ESTATE HOLDINGS

## Exemptions

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
05/30/2001	\$ 483,000	0.00	1623 & 181	WD	U	I	11
07/15/1996	\$ 125,800	0.00	1189 & 803	WD	U	I	11
04/30/1993	\$ 78,900	193.93	989 & 1680	WD	Q	I	01
10/27/1992	\$ 27,000	277.78	963 & 1588	WD	Q	V	01

## Building Information

### Building Details

Building Number: 1  
Building Type/Desc: 0100/Single Family Residence  
Building Model/Desc: 01 /Residential  
Site address: 207 C ST SAINT AUGUSTINE FL 32080-0000

Tear Built: 1993  
Gross Area: 1263  
Heated/Cooled Area: 971  
Building Value: \$ 77,052

### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	31	Stucco
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet
IF	Interior Flooring	7	Ceramic Tile
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	8	Wood Frame
PL	Plumbing	8	8 Fixtures
EL	Electrical	3	Good



# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1712000100

Mailing Address: 805 GARRISON DR SAINT AUGUSTINE FL 32092-0000

Address:

Site Address: 209 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.00

Use Code/Description: 0100/Single Family

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.11

## Valuation Information

Total Land Value: \$ 75,000

Total Extra Features Value: \$ 46

Total Building Value: \$ 91,248

Total Market(Just) Value: \$ 166,294

Assessed Value: \$ 166,294

Homestead Exemption: \$ 0

Taxable Value: \$ 166,294

## Legal Information

3-30 COQUINA GABLES SUB LOT 10  
BLK 46 OR3478/719

## Owner Information

LIOTTA FAMILY REV TRUST  
LIOTTA CHARLES TRUSTEE  
LIOTTA JANIS TRUSTEE

## Exemptions

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
09/22/2011	\$ 0	0.00	3478 & 719	WD	U	I	11
06/29/2011	\$ 175,000	95.03	3455 & 758	WD	Q	I	01
08/11/2005	\$ 100	0.00	2541 & 1162	WD	U	I	11
06/28/2001	\$ 132,500	125.50	1622 & 1459	WD	Q	I	01
04/16/1999	\$ 100	0.00	1402 & 1150	WD	U	I	11
12/01/1998	\$ 102,000	163.03	1368 & 110	WD	Q	I	01
06/02/1993	\$ 77,000	215.97	994 & 1189	WD	Q	I	01

## Building Information

### Building Details

Building Number: 1

Building Type/Desc: 0100/Single Family Residence

Building Model/Desc: 01 /Residential

Site address: 209 C ST SAINT AUGUSTINE FL 32080-0000

Year Built: 1993

Gross Area: 1295

Heated/Cooled Area: 971

Building Value: \$ 91,248

### Structural Elements

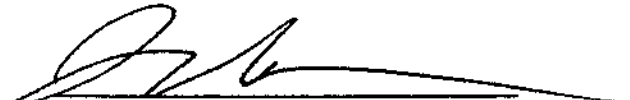
Element	Element Desc	Type	Type Desc
EW	Exterior Wall	31	Stucco
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet



3-30 Coquina Gables Sub Lot 10 BLK 46 OR3478-719

I, Janis Liotta (print name), Grantor (title) of the Liotta  
Family Rev Trust, 805 Garrison Dr, St. Augustine, FL 32092

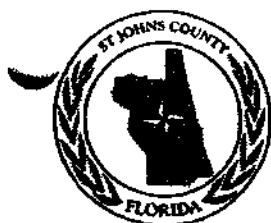
hereby agree to and become part of this application to the City of St. Augustine  
Beach to vacate the 15 foot alley that runs along the rear setback of said  
property.

  
(Sign)

209 C St.  
(Address)

St. Augustine FL 32092  
(City, ST, ZIP)

1/6/16  
(Date)



# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpc.us

email: sjcpc@sjcpc.us

## Parcel Information

Strap: 1712300000

Mailing Address: 323 ARPIKA ST SAINT AUGUSTINE FL 32080-3802

Address:

Site Address: 211 C ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Tax District: 551

Neighborhood Code: 717.00

Use Code/Description: 0100/Single Family

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.16

## Valuation Information

Total Land Value: \$ 112,500

Total Extra Features Value: \$ 396

Total Building Value: \$ 71,982

Total Market(Just) Value:

Assessed Value:

Homestead Exemption:

Taxable Value:

\$ 184,878

\$ 184,878

\$ 0

\$ 184,878

## Legal Information

3-30 COQUINA GABLES LOT 12 &

E1/2 OF LOT 14 BLK 46

OR2908/508

## Owner Information

SHULER EDWARD LOWRY III ETUX

FULCHER ALICE P

## Exemptions

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
04/23/2007	\$ 269,000	68.73	2908 & 508	WD	Q	I	01
02/23/2007	\$ 0	0.00	2877 & 1039	WD	U	I	11
02/23/2007	\$ 0	0.00	2877 & 1041	WD	U	I	11
01/14/2005	\$ 100	0.00	2363 & 307	CD	U	I	11
01/14/2005	\$ 225,000	82.17	2363 & 308	WD	Q	I	03
10/18/2000	\$ 44,600	0.00	1990 & 707	QC	U	I	11
12/23/1998	\$ 98,600	187.50	1374 & 1429	WD	Q	I	01
01/01/1979	\$ 34,000	0.00	413 & 409		U	I	11

## Building Information

### Building Details

Building Number: 1

Building Type/Desc: 0100/Single Family Residence

Building Model/Desc: 01 /Residential

Site address: 211 C ST SAINT AUGUSTINE FL 32080-0000

Year Built: 1968

Gross Area: 1512

Heated/Cooled Area: 1090

Building Value: \$ 71,982

### Structural Elements

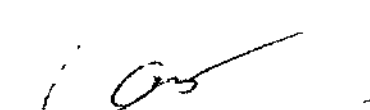
Element	Element Desc	Type	Type Desc
EW	Exterior Wall	11	Concrete Block
EW	Exterior Wall	16	Face Brick
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall

As legal owner of

3-30 Coquina Gables Lot 12 E1/2 of Lot 14 BLK 46 OR2908/508

I, Edward Lowry Shuler III ETUX, of 323 Arpieka Street, St. Augustine, FL 32080

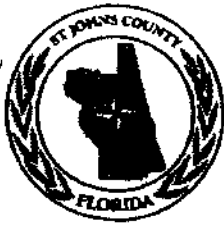
hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

  
(Sign) EDWARD SHULER ALICE FULLER

323 Arpieka Street  
(Address)

St Augustine FL 32080  
(City, ST, ZIP)

1/7/16  
(Date)



# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

## Parcel Information

**Strap:** 1712400000  
**Mailing Address:** 32 CHARLOTTE ST SAINT AUGUSTINE FL 32084-3646  
**Site Address:** 215 C ST SAINT AUGUSTINE FL 32080-0000  
**Property Map:** [Click here for Map](#)

**Tax District:** 551  
**Neighborhood Code:** 717.99  
**Use Code/Description:** 0800/Multi-Family (Less than 10 Units)  
**Sec-Town-Range:** 3 - 8 - 30  
**Acreage:** 0.16

## Valuation Information

<b>Total Land Value:</b>	\$ 84,375	<b>Total Market(Just) Value:</b>	\$ 152,637
<b>Total Extra Features Value:</b>	\$ 0	<b>Assessed Value:</b>	\$ 152,637
<b>Total Building Value:</b>	\$ 68,262	<b>Homestead Exemption:</b>	\$ 0
		<b>Taxable Value:</b>	\$ 152,637

## Legal Information

3-30 COQUINA GABLES W1/2 OF  
 LOT 14 & ALL LOT 16 BLK 46  
 OR1037/1377

## Owner Information

BALDWIN PHILIP L, CATHERINE A D  
 BALDWIN CATHERINE A DUZ

## Exemptions

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
02/15/1994	\$ 83,000	183.90	1037 & 1377	WD	Q	I	01
12/01/1983	\$ 0	0.00	620 & 627		U	I	11
01/01/1980	\$ 0	0.00	492 & 661		U	V	11

## Building Information

### Building Details

**Building Number:** 1  
**Building Type/Desc:** 0802/Duplex  
**Building Model/Desc:** 01 /Residential  
**Site address:** 215 C ST SAINT AUGUSTINE FL 32080-0000

**Year Built:** 1982  
**Gross Area:** 1839  
**Heated/Cooled Area:** 1599  
**Building Value:** \$ 68,262

### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	11	Concrete Block
EW	Exterior Wall	31	Stucco
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle

As legal owners of:

3-30 Coquina Gables W ½ of Lot 14 All Lot 16 Blk 46 OR1037/1377 826-1669

We, Philip L and Catherine A Baldwin, 32 Charlotte St, St. Augustine, FL 32084-3646

hereby agree to and become part of this application to the City of St. Augustine Beach to vacate the 15 foot alley that runs along the rear setback of said property.

Philip L. Baldwin  
(Sign)

Catherine A. Dwyer  
(Sign)

32 Charlotte Street  
(Address)

St. Augustine, Florida 32084  
(City, ST, ZIP)

~~1-8-16~~ 1-8-16 P.L.B.  
(Date)



## City of St. Augustine Beach

2200 A1A SOUTH  
ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122  
FAX (904) 471-4108

BLDG & ZONING (904) 471-8758  
FAX (904) 471-4470

### Memorandum

TO: Members of the Comprehensive Planning and Zoning Board  
From: Gary Larson, Building Official  
DATE: February 10, 2016  
RE: Conditional Use Renewal for Coquina Beach Surf Club

All information pertaining to the renewal request is found in your package. When you review the existing order, staff recommends removal of condition number 4, since the City Attorney ruled that outside music is allowed as long as it does not violate the City's noise ordinance.

There were two noise issues in the past year regarding outside music affecting neighboring properties to the south and one resident to the north on 14<sup>th</sup> Street. Mr. Way was provided a letter with recommendations and to date, there have been no more complaints.

Staff recommendation is a Board recommendation to the City Commission to renew this conditional use permit as written, for a period of five (5) years, with the exemption of condition number 4.

THE CITY OF ST. AUGUSTINE BEACH  
CONDITIONAL USE PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS SOUGHT:

LOT(S): 65, 66, 67, 78, 79 BLOCK: \_\_\_\_\_ SUBDIVISION: Atlantic Beach

STREET ADDRESS: 451 AIA Beach Blvd

2. LOCATION: West SIDE OF Beach Blvd  
(North, South, East, or West) (Street Name)

BETWEEN 13<sup>th</sup> and 14<sup>th</sup>  
(Street Name) (Street Name)

3. REAL ESTATE PARCEL NUMBER(S): 167470-0000

4. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: Christopher Way / Barnacle Bills Inc

5. DESCRIPTION OF CONDITIONAL USE: Be able to serve customers on my outside dining area.

6. LAND USE CLASSIFICATION: Commercial

7. SECTION OF THE LAND DEVELOPMENT REGULATIONS FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02, 10.03.00-10.03.03

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:  
Renewal of current conditional use permit (see attached).

9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes ( ) or No (☒)

IF YES, WHAT WAS THE FINAL RESULT? \_\_\_\_\_

\_\_\_\_\_

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

☒ LEGAL DESCRIPTION OF PARCEL

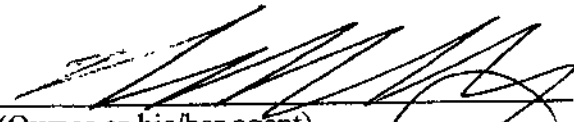
☒ LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH CONDITIONAL USE PERMIT IS REQUESTED

☒ STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE PERMIT LOCATION

☒ SURVEY (Not over two years old)

( ) OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

  
(Owner or his/her agent)

39 Avista Circle  
(Owner/agent address) 32080

904-669-1339  
(Owner/agent phone number) 1-19-16

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant or his/her agent)

\_\_\_\_\_  
(Applicant/agent address)

\_\_\_\_\_  
(Applicant/agent phone number)

\_\_\_\_\_  
(Date)



\*\*\*\*ALL AGENTS MUST HAVE NOTARIZED WRITTEN AUTHORIZATION\*\*\*\*

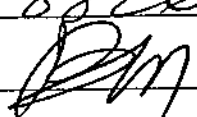
THE CITY OF ST. AUGUSTINE BEACH  
BUILDING AND ZONING DEPARTMENT

PERMIT NO.: CU 2016-02 RECEIPT NO.: 25062 DATE: January 19, 2016  
NAME OF APPLICANT: Christopher Way  
ADDRESS: 39 Avista Circle, St. Augustine  
FOR PERMIT ADVERTISING LOCATED AT: 451 A1A Beach Boulevard,  
St. Augustine Beach, Florida 32080

CHARGES

PERMIT FEE: \$200.00 (Account #34120)

ZONING SIGN FEE: \$7.50 (Account #50471)

DATE PAID: January 19, 2016  
CHECK NO.: 8826 / \$7.50 CASH  
SIGNED BY: 

## **DEFINITION - CONDITIONAL USE PERMIT**

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

## **INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT**

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

## **DOCUMENTATION NEEDED FOR CONDITIONAL USE PERMIT APPLICATION**

1. The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lot and block number. Include street address and location by indicating street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot: i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
2. Provide the name and address of the owner of the property. This person's name should agree with the public records of St. Johns County as they exist on the application. If the names are different, attach a clarifying statement.
3. Indicate the current land use classification of the parcel under consideration. Current

land use maps are on public display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

4. The person(s) seeking the permit are mandated by law to notify all land and home owners within a radius of 300 feet of the parcel under consideration in the conditional use permit application.

The St. Johns County Real Estate and Survey Department, telephone number 904-209-0760, will provide a list of the names and addresses of all property owners within a 300-foot radius of the parcel for which the conditional use permit application is submitted. The list of names and addresses (which must include the applicant), along with stamped, addressed legal-size envelopes are to be included with the permit application. (NOTE: Do not fill in a return address on the envelopes. The Building and Zoning Department will stamp the return address and mail the legal notices to the property owners.)

Signatures and approvals of those within 300 feet are not necessary, but their names and addresses must be provided. The person seeking the permit may provide a separate petition containing the signatures of adjoining property owners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information will delay or nullify any action on the application.

5. Provide the section of the Land Use Code from which the permit is being sought. Personnel in the Building Department will assist you in this matter.

A fee of \$207.50 will be charged for the conditional use permit administrative procedure, which includes the zoning notice sign, and legal advertising. The applicant will be required to post the zoning notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.

A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which such request was considered. Each final order shall contain findings upon which the City Commission's order is based, and may include such conditions and safeguards as prescribed by the Commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

Appeal of decisions on conditional use permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

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

### LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.
3. Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.

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

In re:

**APPLICATION OF BARNACLE BILL'S, INC., FOR  
CONDITIONAL USE PERMIT APPROVAL  
FOR OUTDOOR DINING, FOOD AND BEVERAGE  
SERVICE AND CONSUMPTION AT  
451 A1A BEACH BLVD.,  
ST. AUGUSTINE BEACH, FLORIDA 32080**

**Public Records of  
St. Johns County, FL  
Clerk # 2011014250,  
O.R. 3419 PG 1593-1594  
03/21/2011 at 08:23 AM,  
REC. \$9.00 SUR. \$9.50**

**ORDER APPROVING CONDITIONAL USE (CU 2011-01)**

This CAUSE came on for public hearing before the City Commission of the City of St. Augustine Beach, Florida on March 7, 2011 upon recommendation for approval with conditions by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, after hearing on February 15, 2011, upon Application (CU 2011-01) by Barnacle Bill's, Inc., for a conditional use permit to expand the existing restaurant to allow for outdoor dining, food and beverage service and consumption, at 451 A1A Beach Blvd., St. Augustine Beach, Florida 32080. The City Commission having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved subject to the following conditions:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.
3. The Applicant shall construct and maintain a six-foot high fence along the entire west boundary line of the property adjoining Lots 67 and 78.
4. No exterior sound system of any type and no live or recorded music whether amplified or not shall be allowed in the outside seating area approved by this Conditional Use Permit.
5. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond March 7, 2016.
6. Bollards or similar safety structures shall be required within the landscaped hedge row in front of the outside seating area on the east side of the building, for additional protection of customers, as recommended and approved by the Building Official.
7. The south side of the building shall be repainted.

8. The addition to the existing building shall be architecturally pleasing, consistent with the existing building and will not be purple or pink.
9. The use shall be conducted in such a way as to not violate City Code or become a nuisance.
10. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.
11. The use shall be non-transferable.
12. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.
13. The Applicant may have seven (7) parking spaces, as specifically depicted on the site plan dated February 2, 2011 with an additional one (1) foot extended into the City plaza provided the Applicant fully executes the City's indemnity agreement, abides by the City's code related to improvements within a City plaza and provided the specific location is approved in writing by the Building Official.
14. The existing sign may remain in the immediately adjoining City plaza provided the Applicant fully executes the City's indemnity agreement, abides by the City's code related to having a sign in a City plaza, including Section 8.01.04.B., Grounds Signs of the Land Development Regulations.
15. The Applicant shall also maintain the landscaping within the immediately adjoining City plaza.
16. The Applicant is informed that the City may require the removal or may remove any improvements made by the Applicant within the City plaza.
17. A violation of the conditions listed above shall void the conditional use granted herein.

Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

**DONE AND ORDERED** this 14th day of March, 2011, at St. Augustine Beach, St. Johns County, Florida.

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

By: \_\_\_\_\_

**Mayor, Commissioner**

Attest: \_\_\_\_\_

**City Manager**



## Historic St. Johns County

Sharon Outland, Property Appraiser  
 www.sjcpa.us email: sjcpa@sjcpa.us

### Parcel Information

**Strap:** 1674700000  
**Mailing Address:** 14 W CASTILLO DR SAINT AUGUSTINE FL 32084-3299  
**Site Address:** 451 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-0000  
**Property Map:** [Click here for Map](#)

**Tax District:** 551  
**Neighborhood Code:** 675.03  
**Use Code/Description:** 2105/Owner Occupied Restaurants & Cafeterias  
**Sec-Town-Range:** 34 - 7 - 30  
**Acreage:** 0.71

### Valuation Information

<b>Total Land Value:</b>	\$ 379,169	<b>Total Market(Just) Value:</b>	\$ 663,613
<b>Total Extra Features Value:</b>	\$ 9,442	<b>Assessed Value:</b>	\$ 663,613
<b>Total Building Value:</b>	\$ 275,002	<b>Homestead Exemption:</b>	\$ 0
		<b>Taxable Value:</b>	\$ 663,613

### Legal Information

2-50 ATLANTIC BCH LOTS 65 66 &  
 67 78 & 79 OR1482/1763

### Owner Information

BARNACLE BILL'S INC  
 BARNACLE BILL'S BEACHSIDE

### Exemptions

### Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
03/20/2000	\$ 600,000	110.60	1482 & 1763	WD	Q	I	01
09/05/1996	\$ 100	0.00	1195 & 345	QC	U	I	11
10/15/1993	\$ 425,000	156.14	1016 & 885	WD	Q	I	01
12/01/1983	\$ 0	0.00	617 & 702		U	V	11
01/01/1981	\$ 40,000	0.00	479 & 426		U	V	11

### Building Information

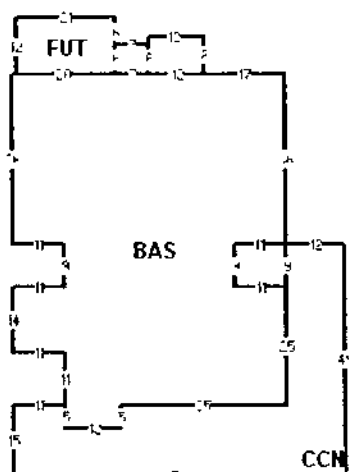
#### Building Details

**Building Number:** 1  
**Building Type/Desc:** 2100/Restaurants & Cafeterias  
**Building Model/Desc:** 04 /Commercial Buildings  
**Site address:** 451 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-0000

**Year Built:** 1984  
**Gross Area:** 5688  
**Heated/Cooled Area:** 3801  
**Building Value:** \$ 275,002

#### Structural Elements

Element	Element Desc	Type	Type Desc
EW	Exterior Wall	15	Concrete Stucco
RS	Roofing Structure	9	Rigid Frame
RC	Roofing Cover	2	Built Up
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet
IF	Interior Flooring	7	Ceramic Tile
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	3	Masonry



[Click here to enlarge](#)

[Building Sketch Descriptions](#)

PL	Plumbing	12	12 Fixtures
EL	Electrical	3	Good
FN	Foundation	5	Concrete Perimeter Footing
IN	Insulation	23	2" Fiberglass
FS	Floor System	1	Concrete Slab
CN	Condition	4	Average

Structural Elements Classifications

## Extra Feature Information

Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition	Depreciated Value
CONC	CONC PAV 4	1984	467	\$2.68	\$2.68	70.0 %	\$ 876
ASP	2 ASPH 2BS	1984	15252	\$1.09	\$1.09	45.0 %	\$ 7,481
CURB	CURB	1984	116	\$7.00	\$7.00	70.0 %	\$ 568
STOPS	STOPS	1984	41	\$18.00	\$18.00	70.0 %	\$ 517

[Previous Parcel \(1674600000\)](#)

[Next Parcel \(1675000000\)](#)







ID-1

**FURNITURE  
PLAN**



WOMAN PAUL. RUN

1

REVISIONS:

DATE 04/16/2011

EVERETT 07-25-68

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**COQUINA  
INTERIOR RENOVATION  
451 A1A BEACH BLVD.  
ST AUGUSTINE, FL 32080**

**TEDESCO**  
LABORATORY

10000 University Avenue, Suite 100  
San Diego, CA 92121  
Tel: 619-594-9400  
Fax: 619-594-9401  
Internet: [www.tedesco.com](http://www.tedesco.com)

Year—See section 1-2 of the Code of Ordinances.

(Ord. No. 91-7, § 2; Ord. No. 92-7, §§ 1, 2; Ord. No. 92-20, §§ 1, 2; Ord. No. 92-22, § 2; Ord. No. 93-14, § 10; Ord. No. 93-15, § 2; Ord. No. 94-1, § 1; Ord. No. 94-11, § 1; Ord. No. 95-1, § 4; Ord. No. 95-2, § 1; Ord. No. 95-12, § 1; Ord. No. 95-18, §§ 8, 9; Ord. No. 96-05, § 1; Ord. No. 96-11, § 1; Ord. No. 97-19, § 1, 9-8-97; Ord. No. 97-46, § 1, 1-5-98; Ord. No. 01-06, § 1, 4-2-01; Ord. No. 03-10, § 1, 7-7-03; Ord. No. 03-17, §§ 1, 2, 7-7-03; Ord. No. 03-24, § 1, 8-4-03; Ord. No. 03-26, § 1, 8-4-03; Ord. No. 04-03, § 1, 5-3-04; Ord. No. 05-07, § 1, 5-2-05; Ord. No. 06-22, § 2, 10-3-06; Ord. No. 12-08, § 1, 6-13-12; Ord. No. 13-10, § 1, 9-9-13)

## ARTICLE III. LAND USE: TYPE, DENSITY, INTENSITY

### Sec. 3.00.00. Generally.

#### Sec. 3.00.01. Purpose.

The purpose of this article is to describe the specific uses and restrictions that apply to land use districts consistent with the future land use element of the comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies in the St. Augustine Beach Comprehensive Plan.  
(Ord. No. 91-7, § 2)

### Sec. 3.01.00. Land use districts.

#### Sec. 3.01.01. Generally.

Land use districts for St. Augustine Beach are established in the comprehensive plan, future land use element, including the future land use map (Map L-2 of the St. Augustine Beach Comprehensive Plan). The land use districts and classifications defined in the Future Land Use Element of the St. Augustine Beach Comprehensive Plan and delineated on the future land use map are the general determinant of permissible activities in the jurisdiction. Specific determinations on allowable uses on a parcel by parcel basis is established in this Land Development Code and delineated on Table 3.02.02. Allowable uses are

shown in section 3.02.03 to correlate individual land use activities with land use classifications included on the future land use map.

The city is divided into the following Land Use districts:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Institutional
- Recreation

Conservation  
(Ord. No. 91-7, § 2)

#### Sec. 3.01.02. Particularly.

The city on its land use map has established a medium-low residential density classification, in which duplexes and multifamily dwellings are prohibited. Otherwise, the medium-low residential density classification is identical in all respects to the medium density residential classification.  
(Ord. No. 91-7, § 2)

### Sec. 3.02.00. Uses allowed in land use districts.

#### Sec. 3.02.01. General.

This section 3.02.00 defines and describes the specific uses allowed within each land use district described in the comprehensive plan and this Code.  
(Ord. No. 91-7, § 2)

#### Sec. 3.02.02. Uses.

The permitted and conditional uses for all land use districts except mixed use districts are listed in Table 3.02.02. Uses for mixed use districts are listed in section 3.02.02.01. The list of uses contained in said table are exclusive, and any use not included under permitted or conditional uses shall be prohibited in such districts.  
(Ord. No. 91-7, § 2; Ord. No. 93-14, § 1; Ord. No. 07-13, § 2, 7-2-07; Ord. No. 08-09, § 2, 7-7-08)

TABLE 3.02.02  
TABLE OF USES BY LAND USE DISTRICT

<i>Uses</i>	<i>Land Use District</i>							
	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
<i>Residential</i>								
Single-family .....	P	P	P	P	C	X	X	X
Mobile home .....	X	X	X	X	X	X	X	X
Multifamily, condominiums .....	X	X	P	P	C	X	X	X
Adult congregate living facility (group home) .....	C	C	C	C	X	X	X	X
Child care (in the home) .....	X	X	X	C	C	X	X	

<i>Uses</i>	<i>Land Use District</i>							
	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
Bed and breakfast .....	X	X	C	C	P	X	X	X
Rooming house .....	X	X	X	C	C	X	X	X
Temporary residences (construction, model home) .....	C	C	C	C	X	X	X	X
Home occupations .....	C	C	C	C	C	X	X	X
<i>Offices</i>								
Professional offices .....	X	X	X	X	P	X	X	X
Business offices .....	X	X	X	X	P	X	X	X
Banks (drive-up facilities allowed) .....	X	X	X	X	P	X	X	X
Post offices, including mailing, and customer services such as messenger answering services .....	X	X	X	X	P	X	X	X
Government offices (other than city offices) .....	X	X	X	X	P	P	X	X
<i>Retail Sales</i>								
Retail outlets for sale of antiques, art, artist supplies, arts and crafts supplies, bait and tackle, bicycles, books, clothing, confectionery, drug and sundries, gifts, hardware, jewelry, luggage, leather goods, office supplies, optical goods, paint, photography supplies, radios, televisions and electronic equipment, satellite equipment, shoes, souvenirs, sporting goods, and tapes and records .....	X	X	X	X	P	X	X	X
Farmer's market (as defined by section 12-51(f) of the City of St. Augustine Beach Code) Operated by organizations exempt from City Licensure pursuant to section 12-51(f) of such code .....	X	X	X	X	X	P	X	X
Garage sale (no more than two (2) per year) .....	P	P	P	P	X	X	X	X
Garage sale by charitable, civic or religious organization (no more than two (2) per year) .....	X	X	X	X	P	P	P	X
Grocery stores, delicatessens, meat markets (no live poultry or stock), and convenience type stores (beer and wine to be sold and carried off premises only, and as an integral part of grocery item displays and sales) .....	X	X	X	X	P	X	X	X
Pet shop (but not animal kennel) .....	X	X	X	X	C	X	X	X
Shopping centers .....	X	X	X	X	P	X	X	X
<i>Services, Hotels, and Restaurants</i>								
Service establishments: barber and beauty shops, bakery (but not wholesale), bicycle rentals, costuming shops, dry cleaner (using nonflammable solvents only), electronic and light mechanical repair stores, florists, interior decorator, laundromat, photography studio, printing, shoe repair, tailor, travel agency, upholstery shop, and video rentals .....	X	X	X	X	P	X	X	X
Catering .....	X	X	X	X	C	X	X	X
Condominium hotels .....	X	X	X	X	C	X	X	X
Day care center .....	X	X	X	X	C	X	X	X
Equipment rental .....	X	X	X	X	C	X	X	X
Food and/or beverage service or consumption outside of an enclosed building on the premises of a restaurant or hotel/motel .....	X	X	X	X	C	X	X	X
Funeral home .....	X	X	X	X	C	X	X	X
Hotel/motel (including ancillary uses such as restaurants, lounges and night clubs) .....	X	X	X	X	P	X	X	X

Uses	Land Use District							
	L	ML	M	H	CO	I	R	CN
Live theaters, satellite presentations, and motion pictures (not drive-in) .....	X	X	X	X	P	X	X	X
Mini-storage warehouses .....	X	X	X	X	C	X	X	X
Pest control .....	X	X	X	X	C	X	X	X
Pharmacy .....	X	X	X	X	P	C	X	X
Restaurant operated wholly within an enclosed building including servicing of alcoholic beverages incidental to the restaurant business only (no drive-up facility) .....	X	X	X	X	P	X	X	X
Restaurant operated wholly within an enclosed building with drive-up facilities (including serving of alcoholic beverage incidental to the restaurant business only within the restaurant, but not at the drive-up facility) .....	X	X	X	X	C	X	X	X
Services, hotels (but not hotels in a condominium form of ownership), and restaurants .....	X	X	X	X	P	X	X	X
Veterinarian and animal hospital (without an outside kennel) .....	X	X	X	X	C	X	X	X
<i>Educational, Cultural, Religious Uses</i>								
Elementary, middle and high schools .....	X	X	X	X	P	P	P	X
Vocational schools .....	X	X	X	X	C	X	X	X
Churches, synagogues, and temples .....	X	X	X	X	P	P	P	X
Libraries, art museums .....	X	X	X	X	P	P	P	X
Social, fraternal clubs, lodges .....	X	X	X	X	P	X	X	X
Auditoriums .....	X	X	X	X	P	P	X	X
<i>Recreational, Amusement, and Entertainment</i>								
Arcades .....	X	X	X	X	C	X	X	X
Uses where activity is conducted entirely within an enclosed building (bowling alleys, skating rinks, exercise facilities, billiards, pool parlors, dance studios and martial arts studios) .....	X	X	X	X	P	X	X	X
Privately owned recreational facilities such as golf courses, country clubs, swimming or tennis clubs .....	C	C	C	C	P	X	P	X
Publicly or privately recreational facilities of any kind and special events not involving amplified noise or sound outside of a structure between the hours of 10:00 p.m. and 9:00 a.m. the following day on land owned by St. Johns County or the city (See section 9.02.15) .....	X	X	X	C	P	P	P	X
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures .....	X	X	X	X	P	X	P	X
<i>Medical Related Facilities</i>								
Physician offices .....	X	X	X	X	P	X	X	X
Medical clinics .....	X	X	X	X	P	P	X	X
Hospital .....	X	X	X	X	C	P	X	X
<i>Motor Vehicle Related Sales and Service</i>								
Service stations or public mechanical garages including automobile washing as an ancillary use (vehicle repair not allowed outside of an enclosed building) .....	X	X	X	X	P	X	X	X
<i>Miscellaneous Facilities</i>								
Public utility lines .....	P	P	P	P	P	P	P	P

<i>Uses</i>	<i>Land Use District</i>							
	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
Utility facility .....	C	C	C	C	P	P	C	X
Minor structures with state required permits on environmentally sensitive land, such as dune walkovers.....	P	P	P	P	P	P	P	P
City-owned or city-operated offices and facilities of any kind .....	P	P	P	P	P	P	P	X
Construction facilities (such as trailers, vehicles, equipment, and materials) in connection with road or drainage work performed by the State of Florida, St. Johns County, or the city, or by contractors employed by said governmental entities .....	P	P	P	P	P	P	P	P
Parking lots .....	X	X	X	X	P	X	X	X

*Explanation of Table 3.02.02:*

- L - Low density residential
- ML - Medium-low density residential
- M - Medium density residential
- H - High density residential
- CO - Commercial
- I - Institutional
- R - Recreation
- CN - Conservation
- P - Use is permissible with a permit issued by building official
- C - Use is permissible with a conditional use permit
- X - Use is not permitted

(Ord. No. 92-7, § 3; Ord. No. 93-14, § 2; Ord. No. 93-15, § 5; Ord. No. 95-11, § 1; Ord. No. 95-18, § 10; Ord. No. 97-19, § 2, 9-8-97; Ord. No. 97-29, § 1, 11-3-97; Ord. No. 00-22, § 1, 9-11-00; Ord. No. 00-23, § 1, 9-11-00; Ord. No. 04-03, §§ 2, 3, 5-3-04; Ord. No. 04-08, §§ 2, 3, 7-6-04; Ord. No. 09-07, § 1, 7-6-09)

**Sec. 3.02.02.01. Mixed use districts.**

*A. Purpose.* The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.
2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and
3. Promote the health and well being of residents by encouraging physical activity, alternative transportation and greater social interaction.
4. To site structures so their siting is compatible with the future vision of the city as well as city codes.

5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.
6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.
7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a structure, wall space and doors and windows are compatible with city codes and the future vision for the city.

*B. Definitions.*

*Commercial use:* A structure used only for a commercial operation that is allowed by the land development regulations.

**Sec. 10.03.00. Conditional use permits.****Sec. 10.03.01. Procedures.**

A. *[Rules]*. The city commission shall make rules for the conduct of hearings for the granting of conditional use permits. These rules shall include at least the right of any party to:

1. Present his case or defense by oral and documentary evidence.
2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts.
3. Submit proposed findings and conclusions and supporting reasons therefor.
4. Make offers of compromise or proposals of adjustment.
5. Be accompanied, represented and advised by counsel or represent himself.
6. Be promptly notified of any action taken by the city commission concerning his request for the granting of a conditional use permit, or any decisions concerning procedures for the granting of such a permit.

B. *Evidence*. The city commission shall receive into evidence that which is admissible in civil proceedings in the courts of Florida, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled, and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.

C. *Record*. The city commission shall promulgate appropriate rules and regulations providing for the establishment and maintenance of a record of all requests for conditional use permits. A verbatim transcript of the record is not required, but the commission shall establish such record in sufficient degree to disclose the factual basis for its final determination with respect to requests for permits.

D. *Orders*. A final order on each request for a conditional use permit shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each final order shall contain findings upon which the commission's order is based, and may include such conditions and safeguards as prescribed by the commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

E. *Limitations*. A conditional use permit shall not be granted if the proposed use will not be compatible with other uses existing in the neighborhood or the proposed use will conflict with the public interest.

F. *Violations*. The violation of any condition or safeguard when made a part of the terms under which a conditional use permit is granted shall be deemed a violation of this Code.  
(Ord. No. 91-7, § 2; Ord. No. 95-1, § 13)

**Sec. 10.03.02. Limitations on granting conditional use permits.**

A. Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the city commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year.

Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the city commission shall render the permit invalid, and rights granted thereunder shall terminate.



nate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

3. Whenever the city commission has denied an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for the same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraphs 3. above may be waived by the affirmative votes of a majority of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

d. No. 91-7, § 2; Ord. No. 92-7, § 10)

#### **Sec. 10.03.03. Appeal of decisions.**

A. Appeal of decisions on conditional use permits made by the city commission shall be made to the circuit court of St. Johns County.

B. Appeal of decisions on conditional use permits for home occupations made by the comprehensive planning and zoning board shall be made to the city commission.

(Ord. No. 91-7, § 2; Ord. No. 93-14, § 8)

#### **Sec. 10.03.04. Home occupations.**

A. The comprehensive planning and zoning board shall have the authority to grant or deny a conditional use permit for a home occupation. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to grant or denial of a conditional use permit for a home occupation.

B. The procedures and limitations provided under sections 10.03.01 and 10.03.02 shall apply to conditional use permits for home occupations,

except that any reference to the "city commission" or "commission" shall be read as the "comprehensive planning and zoning board."

(Ord. No. 93-14, § 7)

#### **Secs. 10.04.00—10.04.02. Reserved.**

*Editor's note*—Ord. No. 98-15, § 1, adopted July 6, 1998, repealed §§ 10.04.00—10.04.02. Formerly, these sections pertained to clustering development rights and derived from Ord. No. 91-7, § 2.

### **ARTICLE XI. BOARDS AND AGENCIES**

#### **Sec. 11.00.00. Generally.**

The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

(Ord. No. 91-7, § 2)

#### **Sec. 11.01.00. Building and zoning department.**

##### **Sec. 11.01.01. Creation.**

There is hereby created a building and zoning department under the direction and control of the city. The department shall perform all administrative functions of the city government relating to the administration of this Code.

(Ord. No. 91-7, § 2)

##### **Sec. 11.01.02. Building official.**

A. *Establishment of position.* There is hereby established the position of building official.

B. *Duties.* The building official shall perform duties and responsibilities prescribed by this Code.

1. Receive all applications for development approval.
2. Determine the completeness of development applications.
3. Conduct all pre-application conferences.
4. Schedule all applications before the comprehensive planning and zoning board.
5. Ensure that proper notice is given prior to all hearings on development applications.