


MEMORANDUM

TO: Mayor England
Vice Mayor Kostka
Commissioner George
Commissioner Samora
Commissioner Rumrell

FROM: Max Royle, City Manager 

DATE: August 28, 2020

SUBJECT: Appeal of Comprehensive Planning and Zoning Board's Decision to Grant Post-Permit Modifications to Oceans Thirteen, 12 13th Street, Ms. Sandra Kulyk, Applicant

INTRODUCTION

Oceans Thirteen is the new, two-story, mixed use (commercial/residential) building on the northeast corner of 13th Street and A1A Beach Boulevard. It has been built in a commercial land use district and still is under construction.

Attached as pages 1-8 is a summary prepared by the Building Official of the approvals granted in past years by the Planning Board for this project. The most recent action by the Board was at its July 21, 2020, meeting when it, according to the meeting's minutes (pages 32-36 attached), approved by a 5-2 vote the following motion (page 36):

1. The corners of the ground floor wooden deck addition shall be cut back to a minimum of five feet of useable space, not to exceed a maximum of six feet.
2. The landscaping on the north side of Oceans Thirteen shall be reviewed by the City's Sustainability and Environmental Planning Advisory Committee (SEPAC) for the Committee's recommendations concerning the landscaping for the five-foot buffer.
3. Materials used for the new retaining wall shall be consistent with materials used for the existing retaining wall.
4. The staff comments by the Public Works Director to the Building Official regarding post-permit modifications to Oceans Thirteen shall be adhered to, incorporated as part of the approval of these modifications and forwarded to SEPAC. The staff comments are attached as pages 37-38.

Ten days after the Board's decision on July 21st, Ms. Sonia Kulyk, 114 13th Street, filed an application to appeal the Board's decision to the City Commission.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-8, a memo from the Building Official, in which he provides a brief history of City decisions concerning the property at 12 13th Street.

- b. Pages 9-31, a memo from Ms. Bonnie Miller, the Building Department's Executive Assistant, and the application made by Sunsation Real Estate to the Planning Board for approval of post-permit modifications to the building under construction at 12 13th Street.
- c. Pages 32-36, the minutes of that part of the Planning Board's July 21st meeting when it approved the post-permit modifications.
- d. Pages 37-38, the staff comments by the Public Works Director that were incorporated in the Board's motion to approve the modifications.
- e. Pages 30-65, Ms. Kulyk's appeal to the Commission of the Board's approval of the modification.

RULES GOVERNING APPEALS

The rules governing appeals to the Commission of Planning Board decisions are in Sections 12.06.02 through 12.06.04 of the Land Development Regulations. These sections state:

12.06.02: A developer, an adversely affected party, or any other person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or any appeal under section 12.06.01 reached at the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the [Building] Department within thirty (30) days of the date of the decision.

Section 12.06.03: The notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.
- B. A statement of the interest of the person seeking the review.
- C. The specific error alleged as the grounds of the appeal.

Section 12.06.04: When a decision is appealed to the city commission, the commission shall conduct the hearing in compliance with the following procedures as supplemented where necessary:

- A. Scope of review.
 - 1. The city commission's review shall be limited to the record and applicable law.
 - 2. The commission shall have the authority to review questions of law only, including interpretations of this Code, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force. For this purpose, an allegation that a decision of the decision-maker is not supported by competent substantial evidence in the record as a whole is deemed to be a question of law. The commission may not reweigh the evidence but must decide only whether any reasonable construction of the evidence supports the decision under review.
- B. The city commission shall find whether in its opinion error was made, and within the terms of this Code affirm, reverse, or modify the decision appealed as it deems just and equitable.
- C. Appeals from the decision of the city commission shall be appealed to the circuit court.

SUGGESTED PROCEDURES FOR THE HEARING

They are:

1. For the City Attorney first to brief you on the sections of the Land Development Regulations quoted above and what they allow and do not allow you to do concerning the written record and the appeal.
2. Mr. Law then presents the background of the initial application for the post-permit modifications to the Planning Board and the Board's decision.
3. Ms. Kulyk then presents her appeal to you and tells you why she believes the Board erred in granting the modifications. Please note that she cannot present any new evidence. Her appeal must be confined to the material that was presented to the Planning Board by Sunsation Real Estate, the memos from the Public Works Director and the minutes of that part of the Board's July 21st meeting when by majority vote it approved the post-permit modifications
4. Mr. Tom Marsh, agent for Sunsation Real Estate, then speaks about the application for the modifications. Again, he cannot present any new evidence but address only matters in the material that was submitted to the Planning Board at its July 21st meeting.
5. Then public comment.
6. Then Commission discussion and by motion and vote deciding one of three decisions based on the record:
 - to support the Board's decision to approve the post-permit modifications
 - to reverse that decision
 - to modify that decision



City of St. Augustine Beach Building and Zoning Department

TO: Max Royle
FROM: Brian Law
SUBJECT: 12 13th Street
DATE: 8-18-2020

This memo is a brief history of the mixed use structure located at 12 13th street. On November 21st 2017 the Comprehensive Planning and Zoning Board approved mixed use district application MU 2017-01 with a 5-2 vote for the construction of a 2 story structure with 2 commercial units on the bottom floor and 2 residential transient rental units on the 2nd floor. Please see the approved minutes below from the November 21st meeting:

"A. Mixed Use File No. MU 2017-01, continued from the Board's August 15, 2017, September 19, 2017, and October 17, 2017 regular monthly meetings, for proposed new construction of a mixed use building, Oceans Thirteen, consisting of combined commercial and residential use on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13th Street, Thomas J. O'Hara, Applicant

Mr. Larson said as outlined in his staff memo, the size of the proposed mixed use building has been reduced, both in square footage and from a three-story structure to two stories, and the parking as shown on the site plan is in accordance with City Code. The first floor will have two commercial use units and the second floor will have two residential rental units. The proposal meets the mixed use size limits, minimum floor area requirements, and the height of the building will be under 35 feet. Setback requirements for a mixed use structure basically run from zero to 25 feet, and this building will have a 20-foot front yard setback and a front porch feature that extends out five feet, so it will have a 15-foot front setback off the Boulevard, which certainly meets the intent of the City's mixed use ordinance. The minimum lot size for mixed use is 8,500 square feet, and this site is a total of 14,172 square feet. The colors of the building will be in accordance with the approved color pallets in the Building and Zoning Department, and the application includes a preliminary landscape plan, which shows a mixture of palms, wax myrtles and dwarf wax myrtles, which will act as a screening buffer to the parking that comes off the alleyway that is 14th Lane.

Ms. West said she has questions on the parking as required in subsection 3.02.02.01 .J of Ordinance No. 07-13. There's an existing parking area on the south side of this property, abutting 13th Street, but as this has been submitted as a mixed use application, it needs to adhere to the mixed use parking requirements, which call for a five-foot-wide landscape buffer

between the edge of the parking area and the right-of-way of the adjacent street. She doesn't see where that buffer area is.

Mr. Larson said a landscape buffer for the parking for the mixed use building, which is on the north side of the property site adjacent to 14th Lane, is shown on the submitted landscape plan. The existing parking space in front, which has been there for a number of years, will serve as the handicap space for the new mixed use building. There is not a buffer between the existing parking for the existing residential duplex on the site, because you can't landscape the right-of-way.

Ms. West said she's just trying to get confirmation that what is submitted is not in accordance with the mixed use ordinance, and asked if this is accurate. This inquiry is not intended to be dropped as a surprise, it was all codified in the email she sent to Mr. Larson and Mr. Wilson two months ago, asking this very question as to how this complies with the mixed use parking requirements.

Mr. Larson asked for a determination from Mr. Wilson as to how to handle the existing structure.

Mr. Wilson said the plain language of the Code says there shall be a buffer and parking shall be placed in the rear or at the side. As he believes the parking is on the side, a landscape buffer, five feet in width between the edge of the parking area and the right-of-way of the adjacent street, is required. He asked if this means a landscape buffer shall be placed behind the vehicles, or if it means the parking spaces should be moved inside.

Mr. Larson said that's what he's asking Mr. Wilson. There is an existing parking area on the site that has been there for at least the past 17 years he's worked for the City.

Mr. Wilson said there's not a drive aisle here, so he asked if vehicles currently park on both sides of the existing building.

Mr. Larson said no, they just park in the front of the building adjacent to 13th Street.

Ms. West said there is no exception in this ordinance for existing parking.

Mr. Wilson said he doesn't see any exceptions here without an application for exception, although there is just simply nowhere to put the parking and comply with the parking requirements as they are written in the mixed use ordinance. They also have the issue of how this has been enforced in the past. The last time this application was before the Board, the parking for the new mixed use building was actually partially in the right-of-way, and now, it's out of the right-of-way.

Mr. Larson said right. Places like Sunset Grille and Cone Heads have no buffer, so it seems like they're restricting the applicant to something nobody else has been forced to do.

Mr. Wilson said that's an issue they may have to deal with at the Commission level, as that's where this will have to go, if there's some sort of an appeal to any decision the Board makes on this.

Ms. West said that's fine. At least for this Board, she doesn't think the mistakes of the past should govern the Board's actions moving forward. They have the explicit requirements of an existing ordinance on how to apply mixed use criteria. This site plan doesn't meet that, so if the Board members want to dictate their decisions based on past mistakes, that's certainly not how she wants to proceed moving forward, as she wants to adhere to the existing requirements. From what she's hearing, this does not meet those existing requirements, as there are no exceptions, no application for a variance from the mixed use ordinance, and this has been pending for months now. She doesn't understand why everybody is scratching their heads acting like this is the first time the parking issue has been raised, as it's been raised multiple times, and it has not been addressed.

Mr. Larsen said his recommendation to the Board, then, would be to move to deny the application.

Bob Morgen, 1928 River Lagoon Trace, St. Augustine, Florida, 32092, engineer for the project, said this is the third time he has been before this Board to present this application, and the landscape plan has been provided every time. There has not been one mention about that buffering at any of the previous meetings. There is screening and buffering along every possible boundary on this property site, they've reduced the size of the building, and architecturally designed it with as much articulation as possible. You can't put screening behind the parking spaces on 13th Street and 14th Lane, as you can't buffer a parking area behind vehicles like that. There has to be some common sense somewhere in relation to what they're trying to do to make this area look better than it does now. They're not asking for an exception, they've got all the parking and everything is buffered. The parking is all maintained on site, the area will be landscaped, the building size and parking have been reduced, and they've complied with all of the Board's concerns.

Mr. Mitherz said the existing handicap space on the pad on the front side of the property abutting 13th Street is still in the right-of-way.

Mr. Morgen said they left this handicap parking space alone, because it's conducive toward better American with Disabilities Act (ADA) accessibility to the side of the new mixed use building.

Mr. Wilson said he'd like to clarify something, because if they're talking about creating a buffer between the existing parking in the right-of-way of 13th Street, that's parking that has serviced the existing building that has been there for an untold number of years. He doesn't think the Board can order the applicant to change anything about that existing parking. The parking on 14th Lane for the new mixed use building has two drive aisles with a one-way drive aisle area and it also has a buffer between the 14th Lane right-of-way and the parking area. The only parking to which the mixed use ordinance might apply and which does not have a buffer are the three new concrete parking spaces that back onto 14th Lane directly from the front of the new mixed use building. There's no buffer around this parking, as there can't be a buffer there. The other parking spaces adjacent to 14th Lane are buffered legally. He doesn't think they have any right to tell the applicant to change the existing parking that serves as parking for an existing

building, or to build a buffer between this existing parking and the right-of-way, as this really isn't part of this application.

Ms. West said she's curious as to why her email inquiry on this very provision in the mixed use ordinance wasn't brought to the attention of the applicant. It's really discouraging to hear Mr. Morgen mention this evening that this was the first he's heard of this concern about the buffering. This was something she raised in an email to staff and all of the Board members, and she very explicitly noted the ordinance provision, so she doesn't understand why staff has not been working with the applicant on trying to adhere to the provisions of the mixed use ordinance.

Mr. Larson said staff has worked with the applicant. If you look at the landscape plan showing all the palms and wax myrtles, you will see this provides the screening required by the mixed use ordinance. As Mr. Wilson said, the existing parking is for the existing building.

Ms. West said with all due respect, Mr. Larson just recommended the Board deny the application, because it doesn't adhere to the terms of the ordinance.

Ms. Sloan said she really likes what has been done and resubmitted, as she thinks it is a very nice plan. Changing the mixed use building from three stories to two essentially is really nice for the Boulevard, because a lot of folks are very upset with how high a lot of structures are. This project has been reworked and made to look quite nice at a lower level, and it has a lot of good landscaping and quite a bit of buffering. She understands what Ms. West is saying about the parking, and that the project may still not be in compliance, but with everything else that has been done, it will certainly enhance the Boulevard in the kind of uses the City's Vision Plan calls for. Again, she doesn't see how landscaping can be done behind parking spaces, because the parking spaces can't then be accessed. She sees this as a sort of a minor hindrance considering that everything else is a great improvement and this project would be a very nice addition to the Boulevard.

Ms. West said she actually agrees with Ms. Sloan that the changes made to the landscaping and the building itself are good improvements, however, she's also equally concerned with the precedent-setting effect of basically ignoring the provision of the mixed use ordinance that states parking located at the side of the structure shall, which is not open to negotiation, be required to have landscape buffers that are five feet in width from the edge of the parking area to the right-of way. The purpose of this provision is to basically avoid missing out structures on a lot and to have adequate parking and an acceptable building mass without taking it all the way out to the property lines, taking existing parking areas into consideration. She respectfully disagrees that the way this has been applied in the past should dictate how they go forward in the future, and she does not see any exceptions to this provision of the ordinance that would allow for that type of consideration. In her opinion, strict adherence to the ordinance is important moving forward.

Mr. Mitherz said he actually, by accident, met Mr. Morgen at Starbucks a few times, so they've seen each other and talked once or twice, and he wanted to disclose this as ex parte

communication. He'd certainly agree that the current design is nicer than the first site plan that was submitted. The handicap parking space is a pad that was there, and from what he's heard, just because it was there it's going to be left there, even though it's in the right-of-way, which he doesn't agree with, as he doesn't think it should be left just because it's been there for an indeterminate number of years. It needs to be a bonafide handicap space. The building has been reduced from three stories to two, but the overall height of the building has only been reduced two feet, so it's not like the massing of the building has come down much, although he does agree it looks nicer.

Ms. Longstreet said if the Board is not addressing the existing duplex and the four parking spaces for the duplex in the right-of-way of 13th Street as part of this application, which isn't changing any of that, her main concern for 13th Street is that handicap space. She asked if there is a possibility that space could be turned so that instead of keeping it in the same spot as a pull-in space, it could be repositioned so that it would be a side-angled space, and not in the right-of-way.

Mr. Wilson said from a legal standpoint, the problem he has with messing with the existing grandfathered parking is that this parking has been there for a number of years, and if the Board does something to deprive the applicant of this parking, he thinks there is the possibility of some action being filed against the City, based on the denial of the use of this parking. To him, those spaces in front of the duplex on 13th Street have been grandfathered as part of the use of the property for years, and nothing's going to change in their use based upon the proposed new building. New parking spaces will be put in to serve the new building, so for the Board to tell the applicant the grandfathered spaces that have been there for years need to be changed, because of this mixed use application, when the use of the existing duplex isn't changing at all, is beyond what the Board is really supposed to consider. The Board is looking at the new structure and new parking proposed on the site, and whether it meets the intent of the Code and mixed use ordinance.

Ms. Longstreet asked if the handicap space will be used for the new building. She understands the four spaces on the right-of-way of 13th Street are grandfathered-in because of the existing duplex, but if that grandfathered handicap space will be used for handicap parking for the new building, this isn't talking about something being grandfathered-in to the existing duplex. This space is currently used by people as a space to park their boats and motorcycle trailers, nobody uses it as a handicap space, and it has not been marked as a handicap space. She thinks if this space is going to be used as an ADA-compliant parking space for the new building, therein lies the problem.

Mr. Wilson said it is still an existing parking space that has been there far as long as anyone can remember, and he's very uncomfortable with the Board considering this space as part of the application and denying the application based on a parking space and a building that has been there for 50 years or more. The Board should be considering the effect of the new building and the new parking, and should not be revisiting the old construction that has been there for 50 years or more.

Ms. West said just for clarification, on a property rights issue, no one is forcing the applicant to make this application, and no one is depriving him of his current existing property rights. She wants the Board to understand no one is trying to deprive the applicant of a vested property right.

Mr. Kincoid said he agrees with Ms. Sloan, and thinks what's proposed is going to be an addition to the Boulevard. He likes the buffering, and if what they're hung up on are parking spaces that have existed forever, and are asking the applicant to change that now just because he happens to be submitting an application under the mixed use, he doesn't see any benefit in the Board depriving the community of the beautification that is possible here. He thinks what's been done meets the spirit and intent of what they're trying to do in the City, and he doesn't have a problem with it.

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

Ms. Odom said as she disclosed as ex parte communication when this application previously came before the Board, she's sold this property three times, so she knows this duplex building fairly well. If her memory serves her correctly, when she sold it the first time in 2005, there was a handicap space where this space is currently located, but over time, it kind of just went away, because as Ms. Longstreet said, boats, motor homes, etc., were parked there. When she sold this property in the past, she marketed it as mixed use, as part of the marketing technique was to do something to beautify the Boulevard and utilize the property better. She agrees with some of the other Board members in that she'd hate to see the Board throw this application out and leave the property the way it is, because she thinks what is proposed would be a great addition to the City.

Ms. Longstreet said her ex parte is that she lives on 13th Street, and when she saw the first site plan for this project, she didn't like it, and was very upset with what was proposed, and not just because she lives on 13th Street. She's happy with the way the project has been redone, as she thinks the applicant has done due diligence in changing things to make it look aesthetically pleasing, and she applauds the applicant for working on it and redoing it to make it look and appear much better.

Mr. Thomas asked if the proposed mixed use structure meets the parking requirements per City Code, and if the three parking spaces that are not buffered on the northwest corner of the property site adjacent to 14th Lane are, or are not, required to meet the parking requirements.

Ms. West said in her opinion, an interpretation of this provision of the mixed use ordinance does not just require these three parking spaces to be buffered, but also the existing parking spaces, including the handicap space, so they're talking about eight parking spaces in clear noncompliance. Her problem with this is not so much this particular building, but the precedent this will set moving forward in approving mixed use developments along the Boulevard, which is that you can pretty much chuck the parking provisions out the window, as they're not being adhered to.

Mr. Thomas said as a counterpoint, he thinks the buffering provision in the mixed use ordinance would apply to the three new parking spaces on the northwest corner of the property site, but not so much to the existing parking for the duplex adjacent to 13th Street. He's not sure not requiring the existing parking for the duplex to be buffered will set a precedent, because he doesn't know how often they're going to run into a similar situation, where there are four existing grandfathered spaces on a property site for which a mixed use application has been submitted.

Ms. West said if the City intended for a grandfathering provision to apply, this would have been put in that provision of the ordinance. However, there is no such provision in the ordinance, so the concept that they are somehow depriving a property right because of that existing parking doesn't hold. In her opinion, there are eight parking spaces that do not comply with the Code, and this is her sale problem with the entire project. She agrees it looks significantly better than it did the last time it was before the Board, and that the landscaping is a huge improvement, but she can't, in good conscience, allow for a flash-forward of future applicants to base their applications on a decision that is basically going to ignore the provisions of the mixed use ordinance, especially when it pertains to the issue of parking, which is such a very difficult topic in the City.

Motion: to approve the revised application submitted for Mixed Use File No. MU 2017-01, for mixed use development, Oceans Thirteen, at 12 13th Street, St. Augustine Beach, Florida, 32080. Moved by Mr. Kincaid, seconded by Ms. Sloan, passed 5-2 by roll-call vote, with Ms. Longstreet, Ms. Odom, Ms. Sloan, Mr. Thomas, and Mr. Kincaid assenting, and Mr. Mitherz and Ms. West dissenting. "

During the May 21st 2019 Planning and Zoning meeting the contractor approached the Planning and Zoning meeting and asked to reduce the decks on the second floor west side in size and separate them for customer privacy. This was recognized and approved by the Board with a 7-0 vote. Please see the minutes below:

"Tom Marsh, Palmetta Builders LLC, PMB 266, St. Augustine, Florida, 32080, gave a status update on the Oceans Thirteen project at L2 13th Street and presented a proposed modification of a reduction of a balcony on the exterior side of the building facing A1A Beach Boulevard.

Patricia McCully, L29 L3th Street, St. Augustine Beach, Florida, 32080, said she wants the builder to careful with what is built because it's a sensitive piece of property with bikers and pedestrians,

Motion: to approve the proposed redesign and modification of the site plan as presented. Moved by Mr. Holleran, seconded by Ms. Sloan, passed 7-0 by unanimous voice-vote."

During the course of the 9th of June it was noted by the Building Official that the first floor decks on the West side were not in conformance with the approved plans. As this building is a Mixed Use District Building approved by the Planning and Zoning Board all changes must

comply with section 12.01.04 Post Permit Changes of the City of St. Augustine Beach Land Development Regulations and be applied for in the same manner.

Sec. 12.01.04. - Post-permit changes.

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the department.

As this was not done prior to construction of the first floor deck the Building Official issued a Stop Work Order on the construction of the western first floor decks as per sections 107.4 and 114 of the 2017 FBC locally adopted model administrative code. The stop work order was placed by the City Building Inspector on the western french door glazing. The applicants did apply for the post permit change to the Planning and Zoning Board on the 21st of July with revised site plans and elevations. This revision modified the original parking lot layout and the relocated the handicap accessible spot to the north side of the building. This revision also extended the western decks to promote handicap accessibility around the structural columns supporting the 2nd floor decks above. This revision was reviewed by the St. Johns County Fire Department with no comments/issues, the Public Works Director with minimal comments regarding landscaping. The Planning and Zoning Board approved this post permit modification with a 5-2 vote. On the 31st of July an appeal of the Planning and Zoning Boards decision was filed with the Building and Zoning Department as per section 12.06.02 of the Land Development Regulations. Please see code below:

Sec. 12.06.02. - Appeals from decisions of the comprehensive planning and zoning board.

A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under section 12.06.01 reached at the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 15; Ord. No. 93-14, § 9)

The individual who filed the appeal must demonstrate an error of the Planning and Zoning Boards decision based upon factual data. The original decision for the approval for the Mixed Use order from November 2017 is not to be appealed as it has exceeded the 30 day time period. The post permit change approved on the 21st of July is the only available option to be appealed to the City Commission. The Building and Zoning Department asks that the City Commission and the City attorney review the residents appeal application as per section 12.06.02 of the Land Development Regulations.

City of St. Augustine Beach Building and Zoning Department

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBCH.COM

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

To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 07-15-2020
Re: Mixed Use File No. MU 2020-02

Mixed Use File No. MU 2020-02 is for post-permit modifications to a mixed use development previously approved by the Planning and Zoning Board on November 21, 2017, for Oceans Thirteen, a two-story, 3,395-square-foot total under roof mixed use building consisting of two commercial units on the first floor and two residential units on the second floor in a commercial land use district on Lots 62, 63 and 64, Atlantic Beach Subdivision, on the northeast corner of A1A Beach Boulevard and 13th Street, at 12 13th Street.

Tom Marsh of Palmetto Builders, contractor and agent for Sunsation Real Estate LLC, property owner and applicant, has submitted this mixed use application for post-permit modifications for parking space reconfiguration and a 1,117-square-foot ground floor wood deck addition to the Oceans Thirteen building. Reconfiguration of the 13 parking spaces (12 regular parking spaces and one handicap accessible space) on the northeast side of the Oceans Thirteen building adjacent to 14th Lane is required to accommodate staircases not accurately detailed on the originally submitted site plan and elevation drawings of the building. The 1,117-square-foot ground floor wood deck addition per the supporting data stated on the mixed use modification application provides adequate wheelchair accessibility around the front of the building and around the porch columns at the entries to the commercial units.

The original approval for Oceans Thirteen per Mixed Use Order File No. MU 2017-01 is included in the mixed use modification application, along with the original site, landscape, parking and floor plans and building elevations. The ground floor wood deck addition promotes the purpose of the mixed-use district per Section 3.02.02.01 of the City's Land Development Regulations (LDRs) and A1A Beach Boulevard Corridor Vision Plan, which encourages a mixture of retail and business uses that exhibit the physical design characteristics of pedestrian-oriented, storefront shopping and business enterprise.

The Building and Zoning Department advises the Board to consider this application based on compliance of the proposed post-permit modifications with the mixed-use district specifications in Section 3.02.02.01 of the LDRs.

Sincerely,

Bonnie Miller

Bonnie Miller
Executive Assistant
Building and Zoning Department

**City of St. Augustine Beach Building and Zoning Department
Mixed Use Application**

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBEACH.COM BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which mixed use development is being sought:

Lot(s) 62063 Block(s) _____ Subdivision 2-50 ATLANTIC BCH LOTS 62063
Street Address 12 13th ST

2. Location (N, S, W, E): N Side of (Street Name): 13th STREET

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

4. Real estate parcel identification number(s): 1674600000

5. Name and address of owner(s) as shown in St. Johns County Public Records: _____

SUNSHATION REAL ESTATE LLC

6. Current land use classification: COMM / RES. PER MIXED USE FILE NO. 2017-01

7. Description of proposed mixed use development: Commercial _____ Business Use _____

Single-Family Residential _____ Multi-Family Residential (Number of Units) _____

Commercial and Residential (Business Use for Commercial and Number of Single-Family or Multi-Family

Residential Units) MODIFYING ORIGINAL MIXED USE ORDER TO

ADD 1,117 SF OF WOOD DECK OF GROUND FLOOR AND RECONFIGURATION
OF THE PARKING SPACES.

8. Supporting data which should be considered by the Board: RECONFIGURATION OF PARKING

IS NEEDED TO ACCOMMODATE STAIRCASES NOT SHOWN ACCURATELY

ON ORIGINAL SITEPLAN. WOOD DECK ADDITION PROVIDES ADEQUATE

WHEELCHAIR ACCESSIBILITY AROUND THE FRONT OF THE BUILDING

AND AROUND THE PORCH COLUMNS AT THE COMMERCIAL ENTRIES.

9. Please check if the following information required for submittal of the application has been included:

- ☐ Legal description of property
- ☐ Copy of warranty deed
- ☐ Owner Permission Form (if applicable)
- ☐ List of names and addresses of all property owners within 300-foot radius
- ☐ First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
- ☐ Survey to include all existing structures and fences
- ☐ Elevations and overall site plan of proposed mixed use development reflecting definitions and architectural details per Section 3.02.02.01 of the City's Land Development Regulations
- ☐ Other documents or relevant information to be considered

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

If approved, the order granting the mixed use development will be effective for a period of two (2) years, at the end of which time, applicant shall be required to commence construction of the mixed use development. Such order granting the mixed use development shall be transferable with the property based on the submittal to the Comprehensive Planning and Zoning Board. Any modification of that approved by the Planning and Zoning Board shall be subject to reapplication to the Board.

RICHARD T. MARSH

Print name (owner or his/ her agent)

Print name (applicant or his/her agent)

 6/10/20

Signature/date

Signature/date

PMB 266 1093 A1A BEACH BLVD ST. AUG. FL 32080

Owner/agent address

Applicant/agent address

(904) 669-2024

Phone number

Phone number

****All agents must have notarized written authorization from the property owner(s)****

****Mixed use orders shall be recorded prior to issuance of the building/development permit****

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

Date: 6/10/2020

Mixed Use File #: ML 2020-02

Applicant's name: SUNSATON REAL ESTATE

Applicant's address: 12 13th ST. ST. AUGUSTINE FL 32080

For mixed use development at: OCEAN'S 13 MODIFICATION TO EXISTING

Charges

Application Fee: \$300.00 Date Paid: 6-15-2020

Legal Notice Sign: \$7.50 Date Paid: 6-15-2020

Received by BM

Date 6-15-2020

Invoice # 4901757

Check # 012126

Definition—Mixed Use Application

This application is used for a consideration of a new structure or a modification to an existing structure using the allowances for mixed use districts as defined in Section 3.02.02.01 of the City of St. Augustine Beach Land Development Regulations. The following is the documentation required for consideration of the request by the Comprehensive Planning and Zoning Board for the City of St. Augustine Beach. Failure by the applicant to provide the required information will result in the request being continued to the Board's next regular monthly meeting after which the information is provided.

Mixed Use Application Checklist

The following items shall be provided for review of mixed use applications by the City's Comprehensive Planning and Zoning Board, in accordance with Section 3.02.02.01 of the City's Land Development Regulations.

- 1) A formal site plan showing the lot size, setbacks, proposed structure size, floor area, and parking shall be provided. The minimum lot area for mixed use is 8,500-square-feet unless approved by variance after application to the Planning and Zoning Board. The minimum floor area for a mixed use structure is 800 square feet or 25 percent of the lot area (whichever is greater) for lots with street frontage of 50 feet width or more. For 50 feet or less street frontage, the minimum floor area is 20 percent of the lot area. The gross first floor area for any commercial establishment shall not exceed 15,000 square feet. For separate commercial or residential use, the minimum first floor area shall be 1,000 square feet.
- 2) Structure height, the number of stories and setbacks shall be clearly designated on the formal site plan, and be in accordance with the height restrictions for mixed use development per Sections 3.02.02.01.E and 3.02.02.01.F of the City's Land Development Regulations. All parking for retail, business, restaurant uses and garage openings for residential use shall be placed in the rear or at the side. Parking located at the side of a structure shall be required to have landscape buffers, five (5) feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size. Landscape plans shall also be subject to approval by the St. Augustine Beach Beautification Advisory Committee. Access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. Hotel/motel parking can be placed in front of the structure.
- 3) All signage, ground and wall signs in mixed use development shall be subject to approval from the Comprehensive Planning and Zoning Board in compliance with Section 3.02.02.01.K of the City's Land Development Regulations. Proposed size and location of signage shall be included on the formal site plan submitted for mixed use development.
- 4) Notification of all property owners within a radius of 300 feet of the property for which the mixed use application is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the mixed use development is requested. **This list**

of names and addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to approval of the mixed use development, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the mixed use application.

- 5) A fee of \$307.50 will be charged for the mixed use development administrative procedure, which includes the legal notice sign and legal advertising. The applicant will be required to post the legal notice sign on the property for which the mixed use 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 meeting date at which the mixed use application will be heard by the Comprehensive Planning and Zoning Board.
- 6) A final order on each approved mixed use application shall be made within thirty (30) days of the last hearing at which the application was considered. Each final order shall contain findings upon which the Comprehensive Planning and Zoning Board's order is based and may include such conditions and safeguards prescribed by the Board for the approval of the matter, including reasonable time limits which action pursuant to such order shall be begun or completed or both.
- 7) Appeal of decisions on mixed use applications granted by the Comprehensive Planning and Zoning Board shall be made to the City Commission for a fee of \$107.50, which includes the legal notice sign and legal advertising. The applicant will be required to post the legal notice sign on the property for which the mixed use 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 meeting date at which the mixed use appeal application will be heard by the City Commission.
- 8) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner's authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1674600000
Location Address 12 13TH ST
SAINT AUGUSTINE 32080-0000
Neighborhood Atlantic Beach East (MF) (672.06)
Tax Description* 2-50 ATLANTIC BCH LOTS 62 & 63 & ALL LOT 64 (EX R/W RD A1A) OR4651/1219(Q/C)
*The Description above is not to be used on legal documents.
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision Atlantic Beach Subdivision Of Anastasia
Sec/Twp/Rng 34-7-30
District City of St Augustine Beach (District 551)
Millage Rate 16.9195
Acreage 0.320
Homestead N

Owner Information

Owner Name Sunsatton Real Estate LLC 100%
Mailing Address 1 2ND LN
SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$170,502
Extra Features Value	\$0
Total Land Value	\$585,900
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$756,402
Total Deferred	\$6,652
Assessed Value	\$749,750
Total Exemptions	\$0
Taxable Value	\$749,750

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

Historical Assessment Information

Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
\$95,691	\$0	\$585,900	\$0	\$0	\$681,591	\$681,591	\$0	\$681,591
\$61,652	\$0	\$527,310	\$0	\$0	\$588,962	\$588,962	\$0	\$588,962
\$62,414	\$0	\$527,310	\$0	\$0	\$589,724	\$552,860	\$36,864	\$552,860
\$63,175	\$0	\$439,425	\$0	\$0	\$502,600	\$502,600	\$0	\$502,600
\$82,787	\$546	\$446,800	\$0	\$0	\$530,133	\$499,064	\$31,069	\$499,064
\$78,845	\$655	\$374,195	\$0	\$0	\$453,695	\$453,695	\$0	\$453,695
\$39,158	\$656	\$374,195	\$0	\$0	\$414,009	\$414,009	\$0	\$414,009
\$43,783	\$765	\$248,811	\$0	\$0	\$293,359	\$293,359	\$0	\$293,359
\$46,696	\$875	\$276,457	\$0	\$0	\$324,028	\$324,028	\$0	\$324,028
\$43,783	\$984	\$307,175	\$0	\$0	\$351,942	\$351,942	\$0	\$351,942

Building Information

Building 1
 Actual Area 2385
 Conditioned Area 1882
 Actual Year Built 1955
 Use Duplex
 Style 01
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Gable Hip
 Roof Cover Composite Shingle
 Interior Flooring Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	16 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Condition	Good	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	1760	1760
FINISHED ENCLOSED PORCH	122	153
FINISHED OPEN PORCH	0	192
PATIO	0	136
MASONRY UTILITY	0	144
Total SqFt	1882	2385

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	65	93	65	EF	\$282,100
Multi-Family (Less than 10 Units)	70	93	70	EF	\$303,800

Recording Date	Sale Date	Sale Price	Type	Book	Page	Qualification	Vacant/improved	Grantor	Grantee
12/7/2018	11/9/2018	\$230,000.00	QC	<u>4651</u>	<u>1219</u>	U	I	O'HARA THOMAS J	SUNSAISON REAL ESTATE LLC
12/7/2018	11/7/2018	\$100.00	CD	<u>4651</u>	<u>1216</u>	U	I	O'HARA KRISTIN B	O'HARA THOMAS J
4/5/2016	3/31/2016	\$100.00	WD	<u>4172</u>	<u>1528</u>	U	I	O'HARA KRISTIN B & O'HARA THOMAS J	O'HARA THOMAS J
4/14/2015	4/10/2015	\$595,000.00	WD	<u>4013</u>	<u>1184</u>	Q	I	FORDE ANDRE	O'HARA KRISTIN B & O'HARA THOMAS J
12/17/2012	12/14/2012	\$410,000.00	WD	<u>3657</u>	<u>1662</u>	Q	I	KANE KARIN L TRUSTEE	FORDE ANDRE
	7/15/2005	\$700,000.00	WD	<u>2488</u>	<u>187</u>	Q	I	THOMSON CRAIG & RAINVILLE CHARLYN	KANE KARIN L TRUSTEE
	11/20/1997	\$167,000.00	WD	<u>1279</u>	<u>127</u>	Q	I	GREEN RAYMOND L & MARGARET A	THOMSON CRAIG & RAINVILLE CHARLYN
	6/1/1993	\$37,700.00	WD	<u>996</u>	<u>1193</u>	U	I	BLONDELL KEITH,KAREN L	GREEN RAYMOND L,MARGARET A
	6/1/1993	\$37,700.00	WD	<u>996</u>	<u>1192</u>	U	I	KRAMER RALPH W,EDITH VIOLA	BLONDELL KEITH,KAREN L
	6/1/1993	\$37,700.00	WD	<u>996</u>	<u>1191</u>	U	I	KRAMER LUTHER E,PEGGY	KRAMER RALPH W,EDITH VIOLA
	1/1/1984	\$84,400.00		<u>625</u>	<u>644</u>	Q	I		KRAMER LUTHER E,PEGGY
	1/1/1978	\$42,000.00		<u>367</u>	<u>774</u>	U	I		

	Room Type
	MUT
	PATIO
	FINISHED OPEN PORCH
	FINISHED ENCLOSED PORCH
	Base

- 17 -

Prepared by and return to:
Vickie A. Rianda

Island Title of St. Augustine LLC
2085 A1A South, Suite 206
St. Augustine, FL 32080
904-471-7272
File Number: 18-10496

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 9th day of November, 2018 between Thomas J. O'Hara, a married person, whose post office address is 211 Sequams Lane Center, West Islip, New York 11795, grantor, and SUNSATION REAL ESTATE LLC, a Florida limited liability company, whose post office address is 211 Sequams Lane Center, West Islip, New York 11795, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseeth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in St. Johns County, Florida to-wit:

Lots 62, 63 and that part of 64 lying Easterly of the East right of way line of State Road A-1-A, Atlantic Beach Subdivision of Anastasia Methodist Assembly Grounds, according to the plat thereof recorded at Map Book 2, Page 50, in the Public Records of St. Johns County, Florida.

Parcel Identification Number: 167460-0000

Subject to covenants, restrictions, reservations and easements of record, if any, and taxes for the current and subsequent years.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Carolyn Neary-Wicks

Witness Name: Carolyn Neary-Wicks

Carolyn Dean

Witness Name: Carolyn Dean

Thomas J. O'Hara

Thomas J. O'Hara

(Seal)

State of New York

County of Nassau

The foregoing instrument was acknowledged before me this 9th day of November, 2018 by Thomas J. O'Hara, He ☐ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]

Carolyn Dean
Notary Public

Printed Name: Carolyn Dean

My Commission Expires: 11-21-2022

CAROLYN DEAN
NOTARY PUBLIC, State of New York
No. 01DE5036122
Qualified in Nassau County
Commission Expires November 21, 2022



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

Owner's Authorization Form

Tom Marsh, Palmetto Builders is hereby authorized TO ACT ON BEHALF OF
Thomas Joanne O'Hara Doug Doni Carr ^{"Sussation Real Estate LLC"}
the owners(s) of the property described in the
attached application, and as described in the attached deed or other such proof of ownership as
may be required, in applying to St. Augustine Beach, Florida, for an application related to a
development, land use, zoning or conditional or special use permit or other action pursuant to an
application for:

12 13th St Mixed Use App - Review to Deck & Parking

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with
the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation
of permits and/or termination of development activity.

Signature of Owner(s) [Signatures]

Printed Name(s) Thomas O'Hara, Joanne O'Hara, Douglas Carr, Doni Carr

Address of Owner(s) 12th Ave St Aug 32080, 111 Marshside Dr St Aug Fl 32080

Telephone Number of Owner(s) 631-867-8373 or 904-412-9898

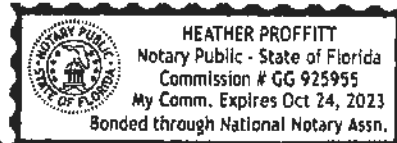
State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 15th day of June, 2020

by Joanne O'Hara, Thomas O'Hara, Douglas Carr, Doni Carr who is personally known DL or who has produced
identification (type of identification produced) DL

Signature of Notary Public—State of Florida [Signature]

Notary Stamp/Seal/Commission Expiration Date:



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

In re:

**APPLICATION OF THOMAS J. O'HARA, FOR
MIXED USE DEVELOPMENT FOR PROPOSED
NEW CONSTRUCTION OF A TWO-STORY,
3,395-SQUARE-FOOT TOTAL-UNDER-ROOF
MIXED USE BUILDING, OCEANS THIRTEEN,
IN A COMMERCIAL LAND USE DISTRICT IN
THE MIXED USE DISTRICT ON LOTS 62, 63,
AND 64, ATLANTIC BEACH SUBDIVISION,
AT 12 13TH STREET, ST. AUGUSTINE BEACH,
FLORIDA 32080** _____ /

ORDER APPROVING MIXED USE DEVELOPMENT (MU 2017-01)

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on November 21, 2017, upon Application (MU 2017-01) by Thomas J. O'Hara, for mixed use development to allow for proposed construction of a two-story, 3,395-square-foot total-under-roof mixed use building, Oceans Thirteen, consisting of 1,375 total square feet of covered commercial space on the first floor and 2,020 total square feet of covered residential space on the second floor, in a commercial land use district in the mixed use district at 12 13th Street, St. Augustine Beach, Florida 32080. The Comprehensive Planning and Zoning Board having considered the Application, received public comments, and upon motion duly made, seconded and passed, the Board found that the Application was approved subject to the following:

1. The mixed use development shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all plans, drawings, and renderings.
2. The landscaping plan provided with the application shall be reviewed by the City of St. Augustine Beach Beautification Advisory Committee.
3. A violation of the conditions listed above shall void the approval granted herein.

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

DONE AND ORDERED this 19th day of December, 2017, at St. Augustine Beach, St. Johns County, Florida.



Bonnie Jean Miller
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FP042261
Expires 3/30/2020

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

By: [Signature]
Jane West, Chairperson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of December 2017, by Jane West, who is personally known to me.

[Signature]
Signature of Notary Public--State of Florida

From: Brian Law
To: PJ Webb
Cc: Bongie Miller
Subject: RE: OUTSIDE ATTACHMENT:FW: Modifications to Oceans 13, 12 13th Street
Date: Tuesday, July 7, 2020 2:17:57 PM

PJ

Thanks for the response, the applicant has not disclosed any intent to cover the deck.

Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org

From: PJ Webb <pwebb@sjcfl.us>
Sent: Tuesday, July 7, 2020 1:59 PM
To: Brian Law <blaw@cityofsab.org>
Subject: OUTSIDE ATTACHMENT:FW: Modifications to Oceans 13, 12 13th Street

* * * * * This message originated from outside of your organization! DO NOT click any links or open any attachments unless you validate the sender and know the content is safe. Please forward this email to IT@cityofsab.org if you believe the email is suspicious. * * * * *

Hey Brian,

After looking at the change in site plan I do not see anything that would negatively affect Fire Rescue, even with the new deck. Just out of curiosity have you heard if the deck will be covered? It does not appear to be based on the site plan. Thanks.

PJ Webb

St. Johns County Fire Rescue
Plans Examiner
Office: 904-209-1744
4040 Lewis Speedway
St. Augustine, FL 32084

MAP SHOWING SURVEY OF

LOTS 62, 63 AND THAT PART OF 64 LYING EASTERLY OF THE EAST RIGHT OF WAY LINE OF STATE ROAD A-1-A, ATLANTIC BEACH SUBDIVISION OF ANASTASIA METHODIST ASSEMBLY GROUNDS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 50, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
DOUG CARR

14TH LANE
(RIGHT OF WAY VARIES)

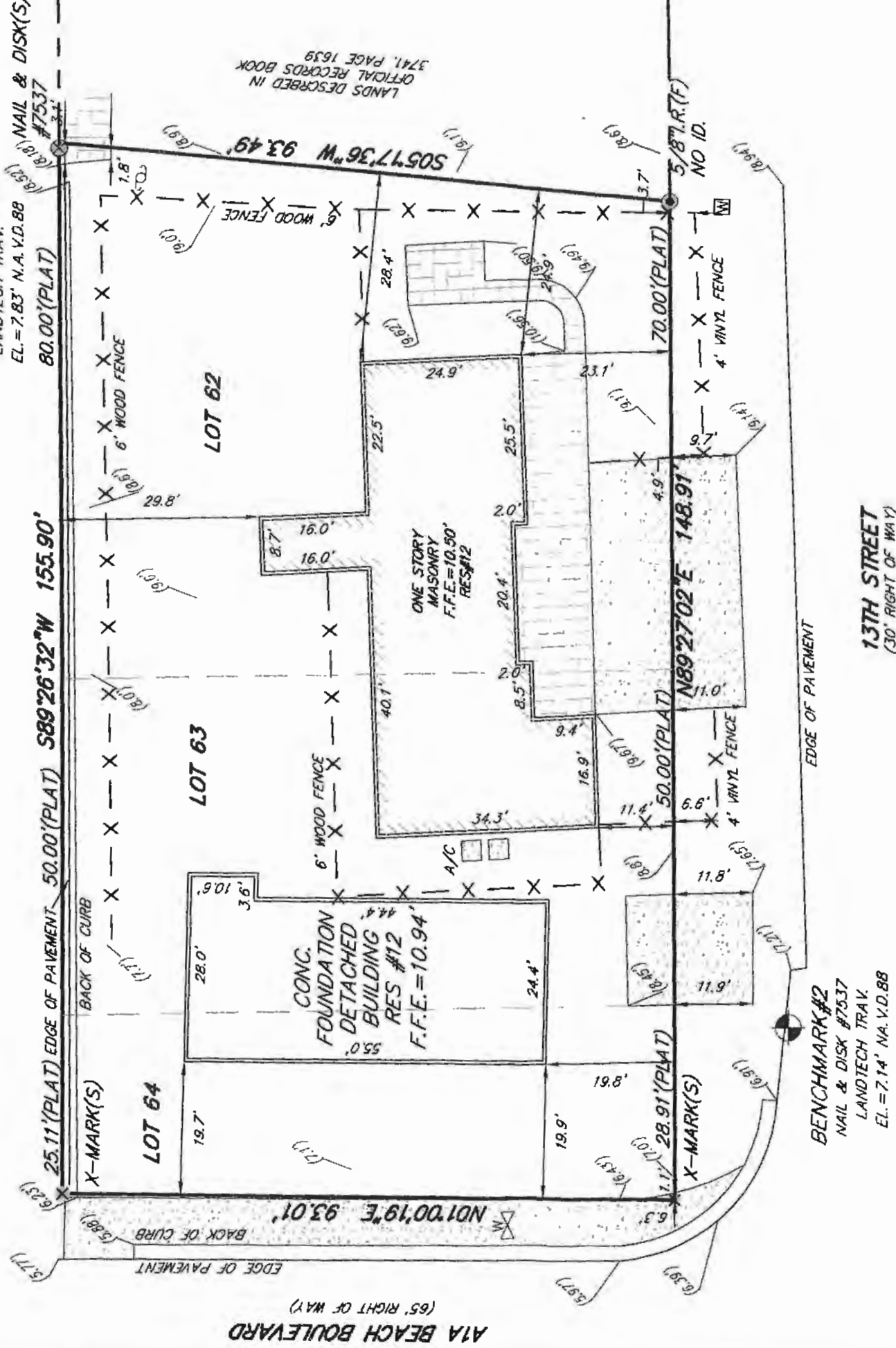
BENCHMARK #1
NAIL & DISK
LANDTECH TRAV.
EL. = 7.83' N.A. V.D. 88

25.11' (PLAT) EDGE OF PAVEMENT 50.00' (PLAT) S89°26'32"W 155.90'

80.00' (PLAT) NAIL & DISK(S) #7537

A1A BEACH BOULEVARD
(65' RIGHT OF WAY)

LANDS DESCRIBED IN
OFFICIAL RECORDS BOOK
3741, PAGE 1639



AREA = 0.33 ± ACRE.
OR 14,172 ± sq. ft.

LEGEND

A/C	AIR CONDITIONER PAD	RES.	RESIDENCE
ID.	IDENTIFICATION	+	CENTERLINE
N.A. V.D.	NORTH AMERICAN VERTICAL DATUM	+	DENOTES NOT TO SCALE
SQ. FT.	SQUARE FEET	+	WATER METER
I.P. (F)	IRON PIPE FOUND	+	EXPOSED CONCRETE
I.R. (F)	IRON ROD FOUND	+	COVERED AREA
I.R. (S)	5/8" IRON ROD SET (PSM#4620)	+	

GENERAL NOTES:
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without the express written consent of the surveyor, is prohibited. The surveyor is not responsible for any errors or omissions in this survey, and no warranty is made by the surveyor as to the accuracy of the measurements or the results of the survey.
- All disputes hereunder shall be resolved by binding arbitration in accordance with the rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments as shown herein are only those above ground, visible objects observed by the surveyor.

NOTE:
- This survey is certified to the last field date.
- This survey does not reflect or determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency FIRM Map No: 125146-0322J effective date: 12/07/2018, the property described herein lies in Zone XS
- Being of bearing structure: AFTER TO SURVEY
- Job Address: 12 13TH STREET

DATE	LAST FIELD DATE	SCALE	F.B. FASE	CHK. BY
12-01-36	10/29/2019	1"=20'	207/24	N.H.F.

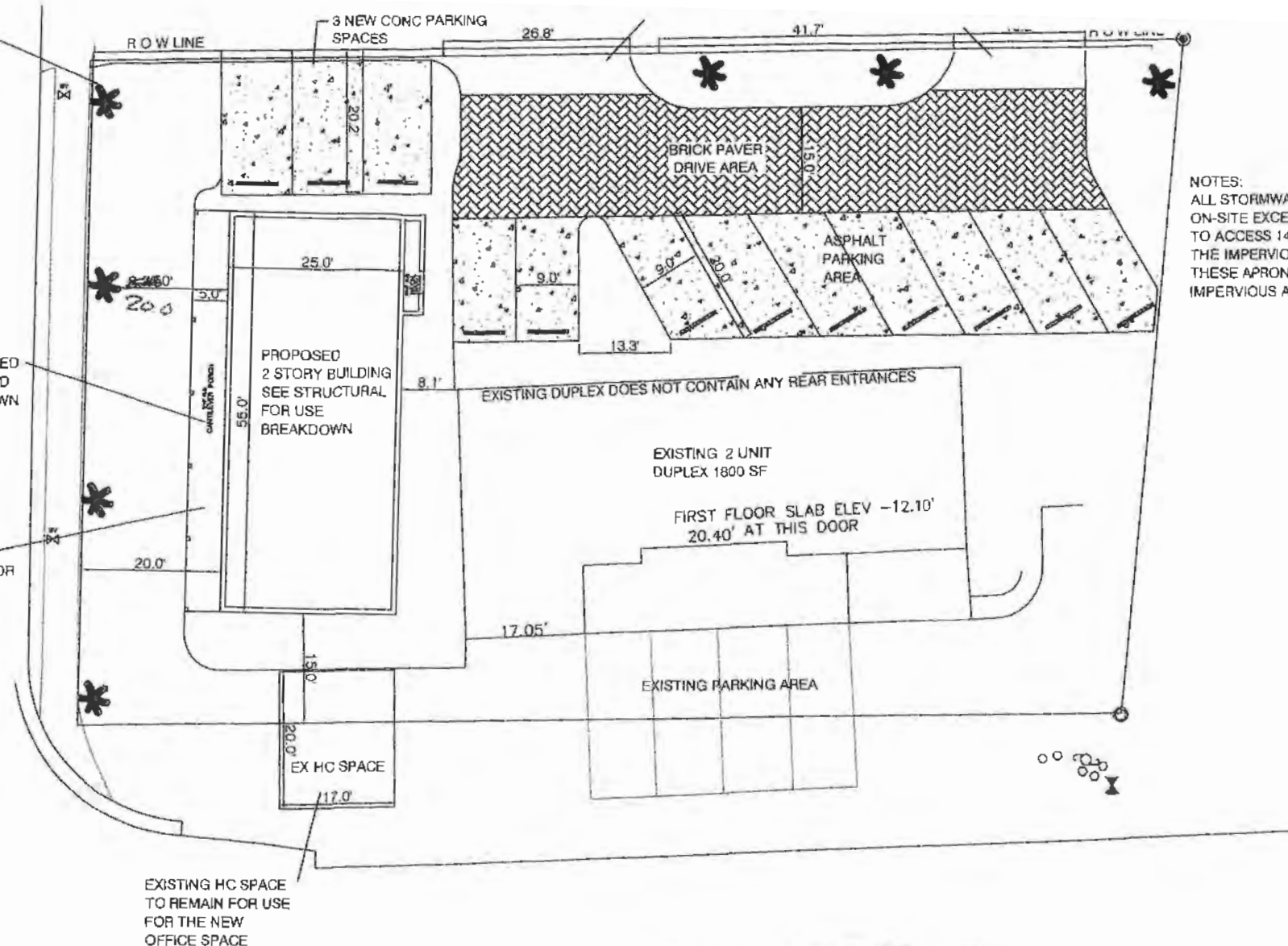
© COPYRIGHT 2019 ALL RIGHTS RESERVED.
NICHOLAS H. FRANKLIN
Associates, Inc.
LAND SURVEYOR'S
6170 A1A SW 316
ST. AUGUSTINE, FLORIDA 32080
(904) 471-6877 FAX (904) 471-6876
NICHOLAS H. FRANKLIN, P.L.
FOR LANDTECH AND ASSOCIATES L



A1A BEACH BLVD



AREA TO BE
CONCRETE FOR
ACCESS TO
BUSINESS

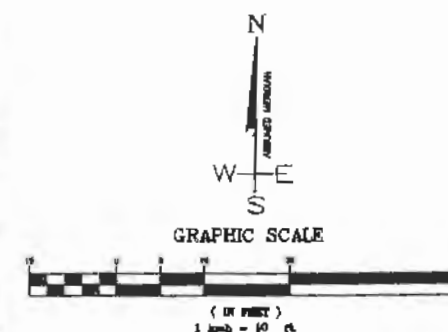


NOTES:
ALL STORMWATER TO BE CONTAINED
ON-SITE EXCEPT FOR THE DRIVE APRONS
TO ACCESS 14TH LANE
THE IMPERVIOUS SURFACE AREA FOR
THESE APRONS IS INCLUDED IN THE
IMPERVIOUS AREA FOR THE SITE

13TH STREET

SITE DATA TABLE		
	TOTAL SITE	
EXIST WETLANDS	0.5F	0AC
EXIST UPLANDS	14,172SF	0.33AC
TOTAL SITE	14,172SF	0.33AC
SITE DEVELOPMENT DATA		
EXIST PARKING / BLDG A	2,513SF	0.05AC
NEW BLDG B	1,375SF	0.03AC
TOTAL BUILDING AREA	4,211SF	0.09AC
NEW CONC PARKING	1,489SF	0.04AC
TOTAL IMPERVIOUS AREA	5,575SF	0.13AC
OPEN / PAVING SPACE	8,472SF	0.19AC

PARKING CALCULATIONS			
USE	QUANTITY	REQUIREMENT	REQUIRED
OFFICE	1,375SF	1 SP / 250SF	0
3BR UNIT	2 UNITS	2 SP / UNIT + 1 VISITOR	9
TOTAL REQUIRED			12 SPACES
TOTAL PROVIDED			12 SPACES





DWARF WAX MYRTLES
Myrica cerifera var. *pumila*



WAX MYRTLES (MULTI TRUNK)

12 EA @ 8" = 8 x 12 = 72"



CABBAGE
PALMS 6 - 15' CLEAR TRUNK

16 EA @ 3" = 3 x 16 = 48"

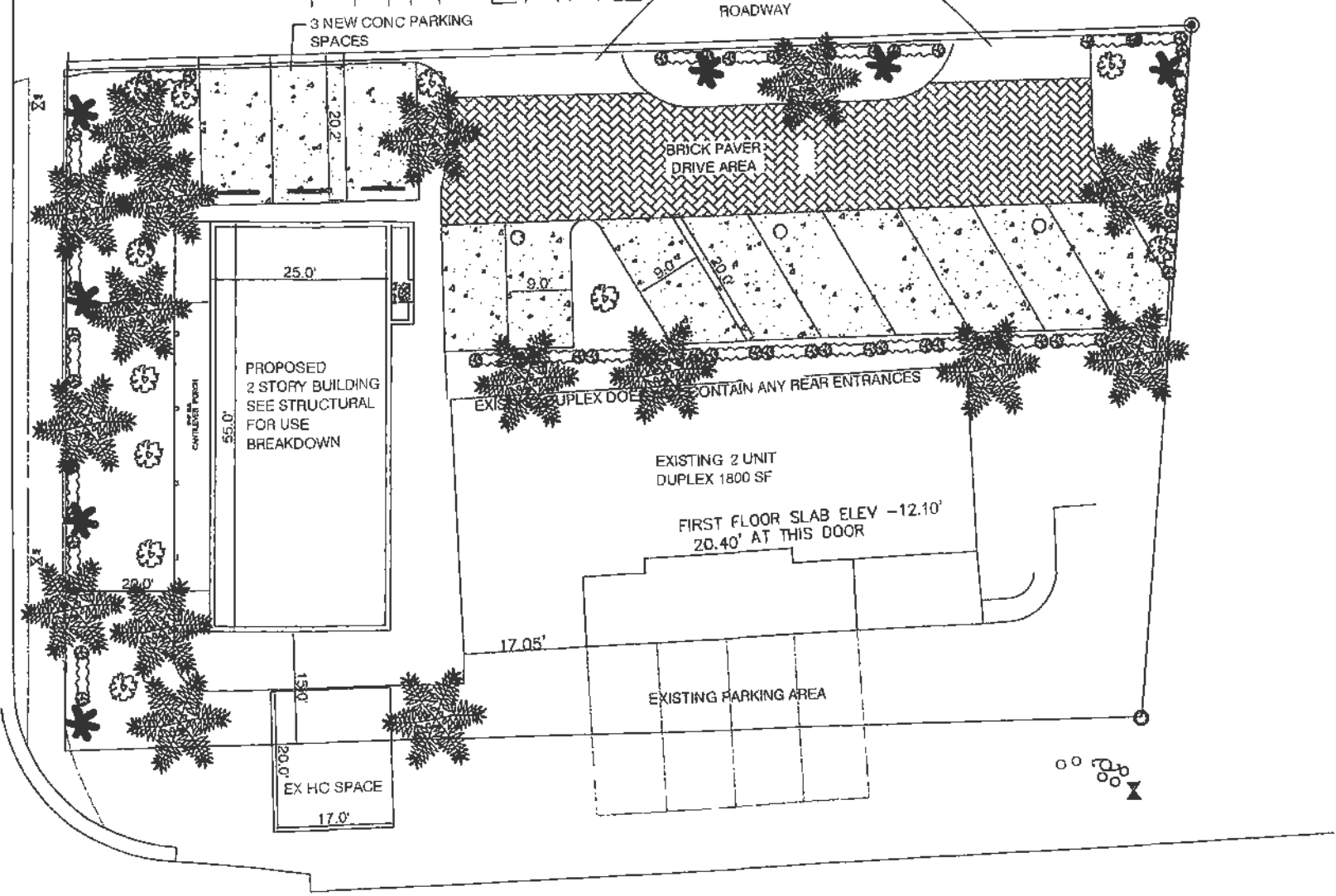
TOTAL INCHES = 120"

PLANT MATERIAL SHALL CONFORM TO THE STANDARDS FOR GRADE #1 OR BETTER AS GIVEN IN THE LATEST "GRADES AND STANDARDS FOR NURSERY PLANTS, PART 1 AND PART 2," FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OR TO THE STANDARDS AS GIVEN IN THE LATEST "AMERICAN STANDARD FOR NURSERY STOCK," AMERICAN NATIONAL STANDARDS INSTITUTE

NOTES:

1. ALL REQUIRED CONTINUOUS SHRUB LINES WILL BE PLANTED AT THE REQUIRED MINIMUM HEIGHT WHICH IS 24" HIGH WHEN PLANTED WITH MAX. 3' SPACING AND NOT BY CONTAINER SIZE
2. 100% OF THE NEW LANDSCAPING WILL BE IRRIGATED BY PRIVATE WELL.
3. 4" OF PINE BARK OR PINE STRAW MULCH MIN. 5 FT DIAM NO CLOSER THAN 6" TO TRUNK WILL BE PROVIDED AROUND ALL NEW PLANTED MATERIALS
4. VEGETATION THAT EXCEEDS 25 FT IN HEIGHT AT MATURITY SHOULD NOT BE PLANTED ANY CLOSER THAN 10 FT OF THE VERTICAL PLANE OF AN EXISTING POWER LINE, EXCLUDING SERVICE WIRES
5. GALLED AND BURLAPPED STAKING WIRE, AND ANY SYNTHETIC MATERIAL SHALL BE REMOVED PRIOR TO FINAL INSPECTION. WIRE BASKETS SHOULD BE CUT AWAY FROM TOP ONE THIRD OF ROOT BALL
6. NON-CANOPY TREES SHALL NOT BE PLANTED CLOSER THAN 10 FT FROM OTHER TREES AND CANOPY TREES NO CLOSER THAN 20-30 FT DEPENDING ON SPECIES
7. SOIL IN TREE ISLANDS SHALL HAVE AT LEAST 12" OF SUITABLE SOIL FOR TREE PLANTINGS, AND BE VOID OF ANY CONSTRUCTION DEBRIS OR UNSUITABLE MATERIAL.
8. TREE PLANTINGS SHALL NOT BE PLANTED CLOSER THAN 7.5 FT FROM THE CENTERLINE OF UNDERGROUND UTILITIES
9. ALL IRRIGATION SYSTEMS ARE TO BE ALL LOW VOLUME WATER EFFICIENT IRRIGATION FOR WATER CONSERVATION. LOW VOLUME IRRIGATION NOT TO EXCEED 30 GALLONS PER HOUR. EXAMPLES OF LOW VOLUME IRRIGATION INCLUDE DRIP, SQUIRREL BUBBLER, TRICKLE OR MICRO SYSTEMS.
10. THE TREES TO BE PLANTED WILL BE ON A BUBBLER SYSTEM AND THE SHRUBS PLANTED WILL BE DRIP SYSTEM
11. SOD WILL BE BAHIA AND WILL ONLY REQUIRE INITIAL IRRIGATION TO ESTABLISH
12. TREES SHALL HAVE MINIMUM HEIGHT OF (8) EIGHT TO (10) TEN FEET AND (2) TWO INCHES OF CALIPER

A1A BEACH BLVD




13TH STREET



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.



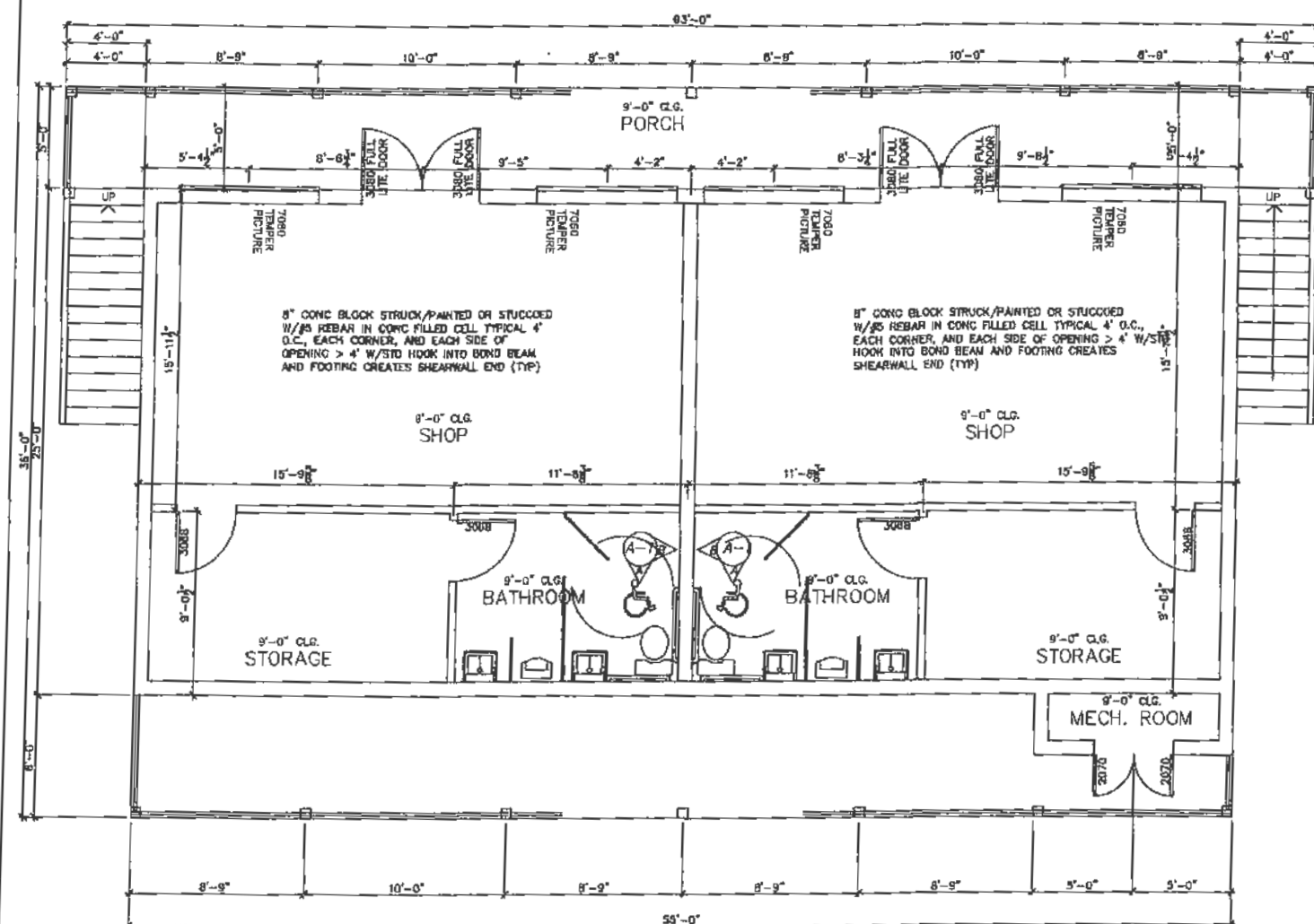
RGM
ENGINEERING, INC.

ROBERT G. MORGAN JR., P.E.
1518 W. 18TH AVE.
1928 RIVERLAKE GOLF TRAIL
ST. AUGUSTINE, FLORIDA 32092
904-814-7633
C.A. #90799

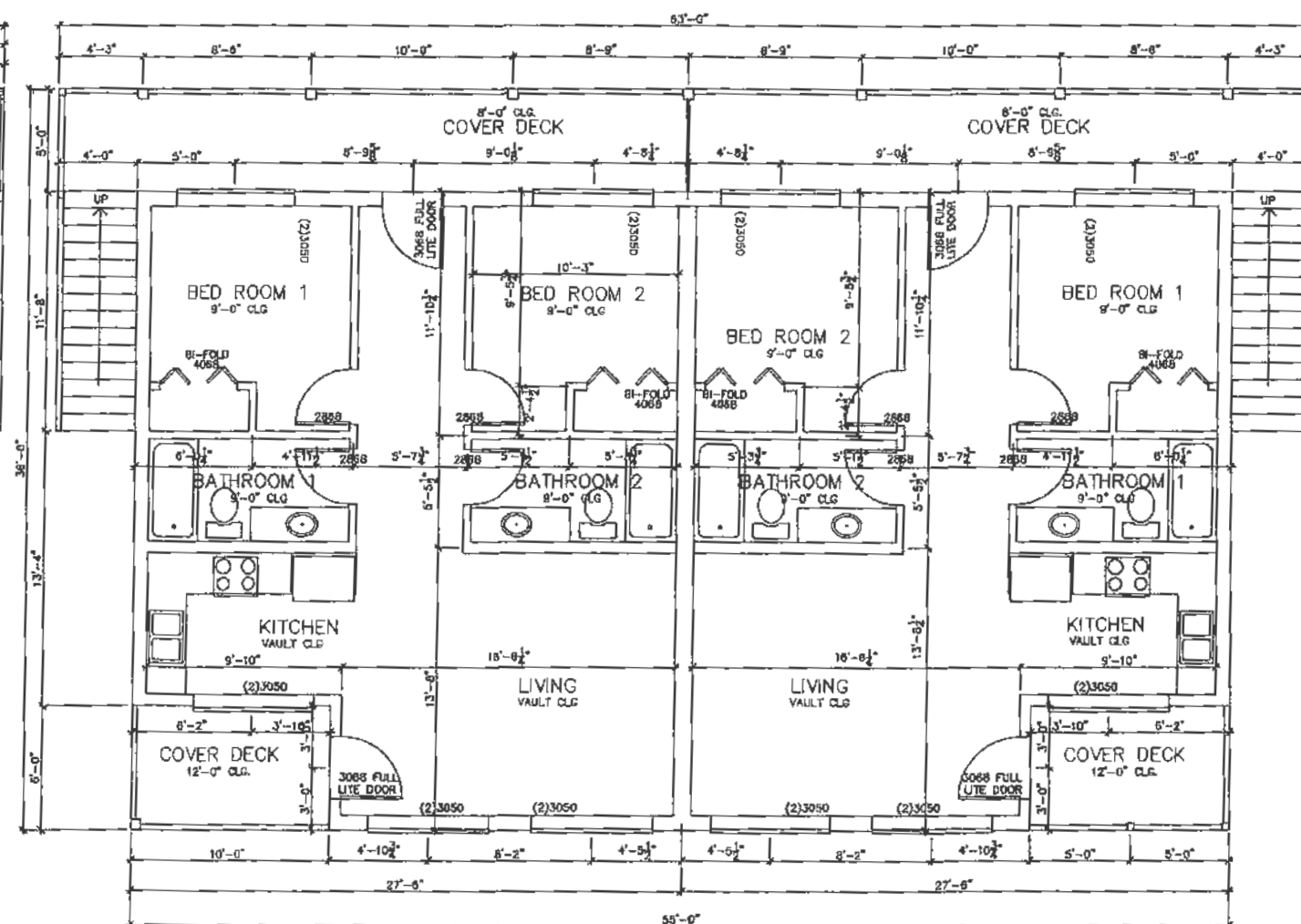
SIGNED (DESIGNER)

OCEANS THIRTEEN
12 13TH STREET
BUILDING 6,227 SQ. FT.

DRAWN BY	K.E.B.
DATE	6-23-17
TITLE	SCALE
CHECKED BY	R.G.M.
PLWN NO	
SHEET NO	3 OF 7



1ST FLOOR PLAN COMMERCIAL
SCALE: 1/4" = 1'-0"

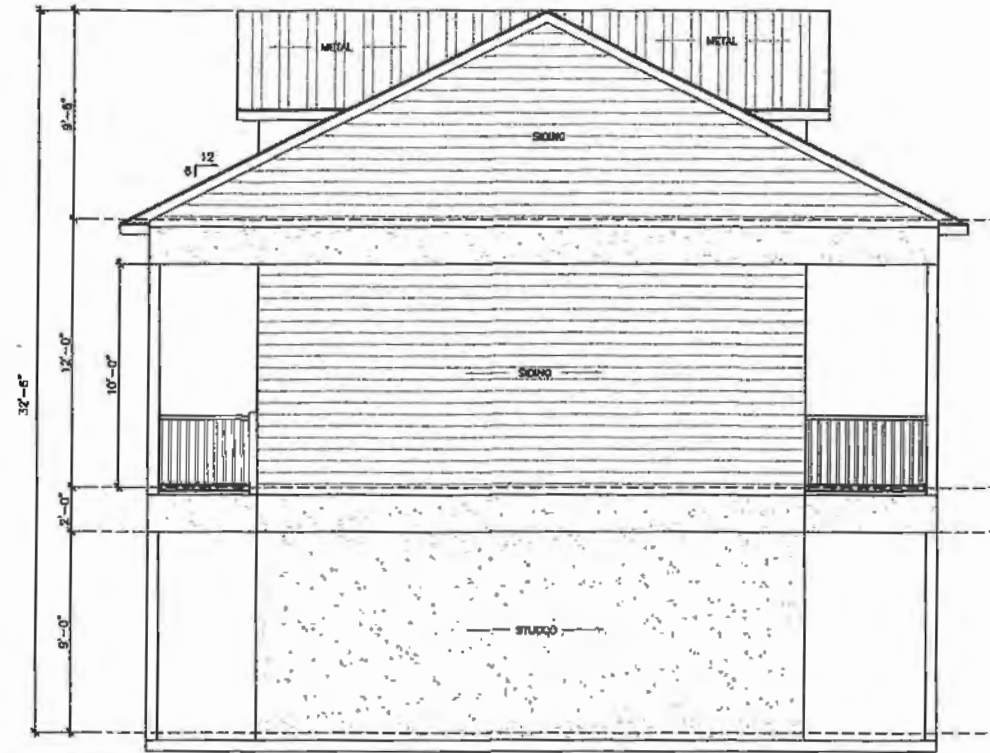


2ND FLOOR PLAN RESIDENTIAL
SCALE: 1/4" = 1'-0"

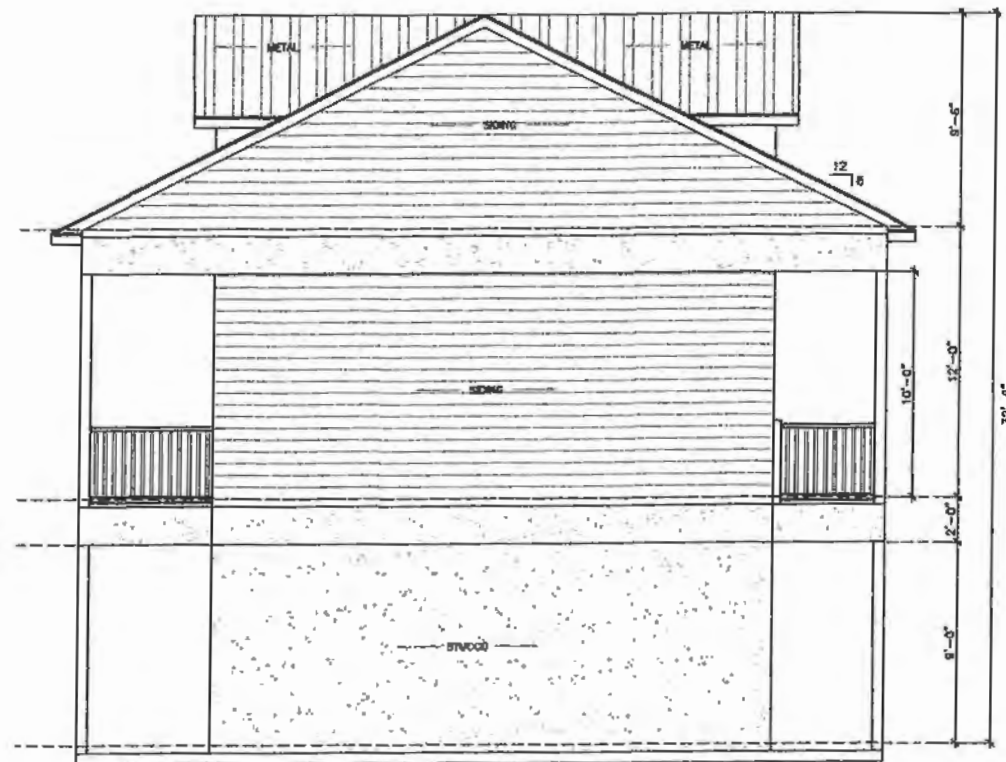
SQUARE FOOTAGE TABULATION	
1ST FLOOR COMMERCIAL	1375
1ST FLOOR TOTAL COVERED	1375
2ND FLOOR LIVING	1585
2ND FLOOR FRONT DECK	315
2ND FLOOR REAR DECK	120
2ND FLOOR TOTAL COVERED	2020
TOTAL	3395



FRONT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"



LEFT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"

DRAWING SHEET INDEX	
1	COVER SHEET
2	FOUNDATION PLAN
3	FLOOR PLANS / ROOF PLAN
4	EXTERIOR ELEVATIONS
5	ELECTRICAL PLANS
6	DETAILS
7	DETAILS
8	
9	
10	

ROBERT G. MORGEN JR., P.E.
1928 RIVER LAGOON TRACE
ST. AUGUSTINE, FLORIDA 32092
904-814-7633
C.A. #50789



SIGNED (DESIGNER)

OCEANS THIRTEEN
12 13TH STREET
BUILDING 6,227 SQ. FT.

DESIGNED BY	K.E.B.
DATE	6-23-17
SCALE	
CHECKED BY	R.G.M.
PLAN NO.	
SHEET NO.	4 OF 7

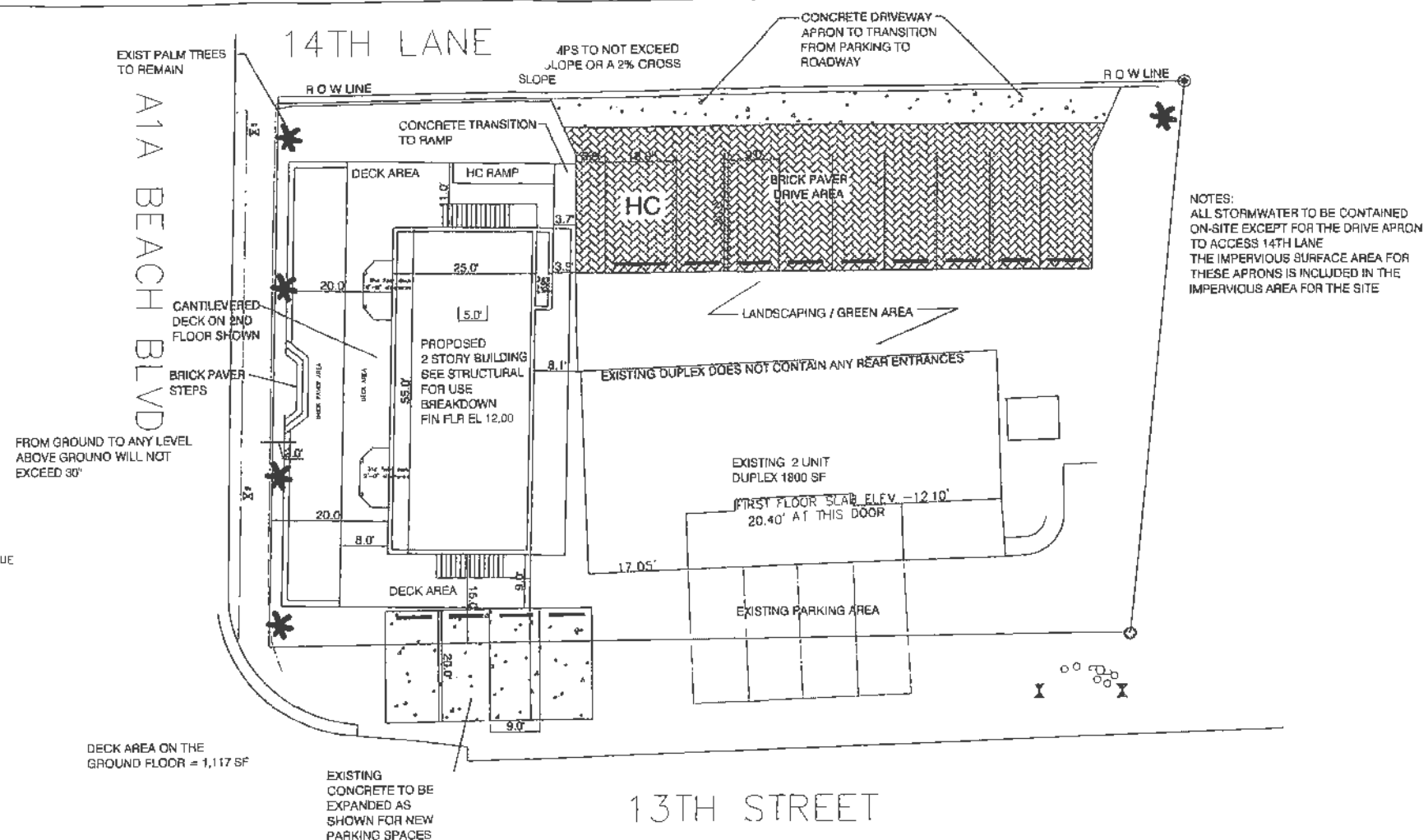
-28-

WHEEL STOP

DISABLED PARKING

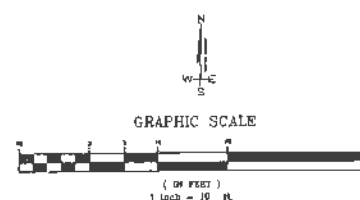
Adjacent to Sidewalk

STRIPING DETAIL

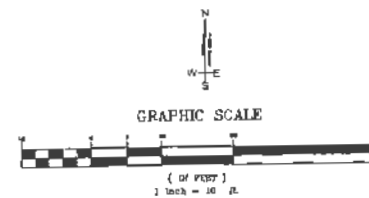
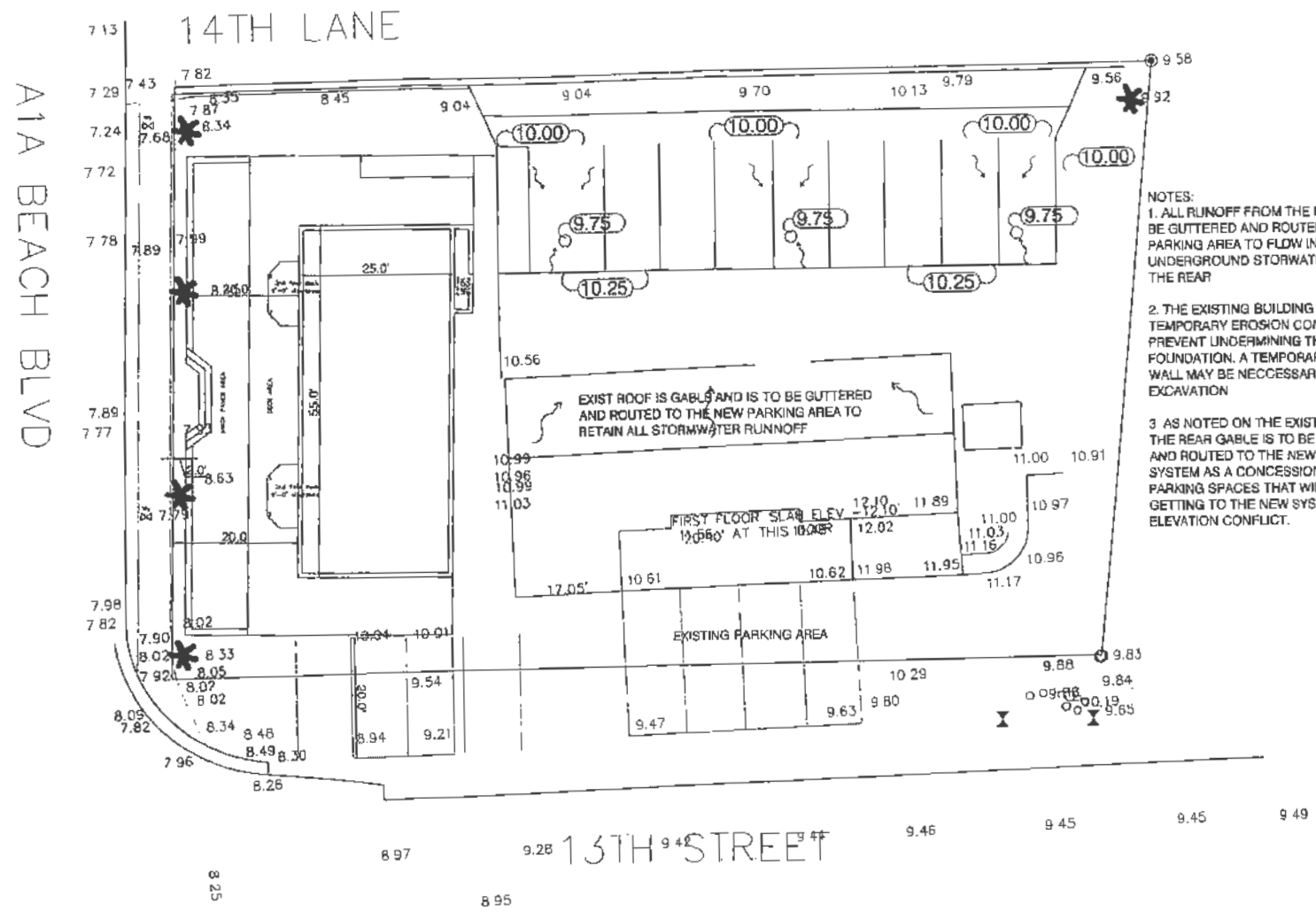


SITE DATA TABLE			
TOTAL SITE			
EXIST WETLANDS	0.0F	0.0AC	100%
EXIST UPLANDS	14.3725F	0.33AC	100%
TOTAL SITE	14.3725F	0.33AC	100%
SITE DEVELOPMENT DATA			
EXIST PARKING / BLDG A	2.0185F	0.06AC	
NEW BLDG B	1.2758F	0.00AC	
TOTAL BUILDING AREA	4.2143F	0.06AC	
NEW CONC PARKING	1.4803F	0.04AC	
TOTAL IMPERVIOUS AREA	5.6956F	0.10AC	40%
OPEN / PAVED SPACE	8.4729F	0.11AC	60%

PARKING CALCULATIONS			
USE	QUANTITY	REQUIREMENT	REQUIRED
OFFICE	1,275SF	1 SP / 250SF	5
2BR UNIT	2 UNITS	2 SP / UNIT + 1 VISITOR	6
TOTAL REQUIRED			12 SPACES
TOTAL PROVIDED			12 SPACES



NOTES:
ALL STORMWATER TO BE CONTAINED
ON-SITE EXCEPT FOR THE DRIVE APRON
TO ACCESS 14TH LANE
THE IMPERVIOUS SURFACE AREA FOR
THESE APRONS IS INCLUDED IN THE
IMPERVIOUS AREA FOR THE SITE



Revised	DATE	1928 RIVER LAGOON TRAIL ST. AUGUSTINE, FLORIDA 32082 804-814-7633 C.A. 25079
6/15/11		
OCEAN DRIVE THIRTEEN		
PAVING & DRAINAGE PLAN		
ROBERT G. MORGAN, JR., P.E. 25113		
2-4-19		
4 OF 12		

- F. Mixed Use File No. MU 2020-02, for post-permit modifications for parking reconfiguration and 1,117-square-foot ground floor wood deck and retention wall additions to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved per Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13th Street, Richard Thomas Marsh, Agent for Sunsation Real Estate LLC, Applicant

Mr. Law said the Board members were given copies of memorandums from the City's Public Works Director, Bill Tredik, which staff did not receive until 4:40 p.m. today, regarding Mr. Tredik's comments on the parking reconfiguration and his request for some landscaping, which will be discussed later on. The application is for post-permit modifications to a mixed use development approved by the Planning and Zoning Board in November 2017 for a mixed use building with two businesses on the first floor and two residential units on the second floor. There were some design issues with this property which included lowering the pitch of the roof to get it into compliance with the maximum building height, for which signed and sealed letters were provided to the City by surveyors and architects to verify the height of the building. During construction, staff noticed while driving by the rather large deck included as part of the post-permit modifications. This deck was not on the original plans submitted with the mixed use application approved by this Board in November 2017. The Board was also given copies of what was originally approved and plans for the post-permit modifications consisting of the deck, retaining wall and a revised parking plan, which was reviewed by St. Johns County Fire Department, which had no significant concerns with it.

Mr. Mitherz asked if all of the parking spaces for the mixed use building will be on 14th Lane.

Mr. Law said the revised parking plan has eight parking spaces and a handicap space on the north side adjacent to 14th Lane, and four parking spaces on the south side, off 13th Street. Public Works Director Bill Tredik is asking for a five-foot landscape buffer to be installed along the south and east sides of the northern parking lot.

Mr. Mitherz asked if the four parking spaces on the south side of the building are on the Oceans Thirteen property, or on the right-of-way.

Mr. Law said the four parking spaces on the south side adjacent to 13th Street are partially on the Oceans Thirteen property and partially on the City-owned right-of-way of 13th Street, which is why Mr. Tredik is involved in this. During the initial design phase approved by the Planning and Zoning Board in 2017, he believes there was a lot of discussion about the closeness of the Oceans Thirteen building to the duplex behind it. Architect Dave Mancino designed the Oceans Thirteen building for extensive fire-rating in compliance with the Florida Building Code. There also was an issue with the staircase on the north side of the building encroaching into the original parking site on the north side adjacent to 14th Lane, basically rendering it unworkable, so while the zoning review was approved by the Planning and Zoning Board, it was left to the Building Department to make the building and the parking work, which is part of the reason this application for post-permit modifications was required. Another reason is the front doors on the west side of the building facing the Boulevard swing out, which could be potentially dangerous for a wheelchair to transit across the handicap ramp from the one handicap parking space, and also navigate the columns coming down from the second-story in front of the building.

Ms. Longstreet asked why the front doors cannot swing in, instead of out. She also asked about the retaining wall, which wasn't part of the original approval of this building.

Mr. King asked if he is correct in saying that this deck is already built.

Mr. Law said traditionally, commercial doors swing out to provide better egress for getting out of the building. The retaining wall is part of the post-permit modifications, as a new structurally-engineered retaining wall will be put into place pending the Board's approval of this application. The deck was built without a permit, and a stop work order was posted on the deck about a month ago. The contractor was notified to cease and desist any further work on the deck. The interior work has been allowed to continue as it does not affect the deck.

Tom Marsh, 22 Soto Street, St. Augustine, Florida, 32086, agent for applicant and contractor for Oceans Thirteen, said basically what is requested are post-permit modifications to provide handicap access to the commercial entrances of the building. During the construction of this building, it was found to be a particular challenge to try to get to the elevation of the entrances, given the short amount of real estate of the site, so after consultation with Mr. Tredik, who provided some good ideas as to how they could accommodate a ramp for handicap access, the handicap parking space has been relocated from the original location on the south side of the building to the north side, to allow enough horizontal distance to accommodate a ramp to get to the finished floor elevation of the building. The original application provided means of a five-foot-wide concrete access to the commercial spaces but by and large did not provide adequate detail on how to get there and get around the columns in front of the building facing the Boulevard from what was the original handicap parking space on the south side.

Mr. Mitherz asked why the handicap parking is proposed partially on the right-of-way of 14th Lane, and not totally on the Ocean's Thirteen property.

Mr. Marsh said the original location of the handicap space on the south side of the building was partially on the right-of-way of 13th Street, but the post-permit parking modifications include moving the handicap space to the north side of the property site, adjacent to 14th Lane, where the handicap space and eight standard-size parking spaces are located entirely on the Oceans Thirteen property site. There are four additional standard-size parking spaces on the south side of the Oceans Thirteen building, and these are partially on the 13th Street right-of-way.

Mr. Pranis asked if the relocation of the handicap space and the transition to the ramp basically came about because the first floor level of the building is too high to actually have the slope on the south side of the building.

Mr. Marsh said the finished floor elevation of the new Oceans Thirteen building under construction is identical to the duplex building directly behind it to the east, but it wasn't until the new building was up that they realized it was kind of difficult to get handicap access from that close proximity between the building and the actual space available. As Mr. Law indicated, for handicap access you've got to have a lot of lawn to get that rise out of the ramp, so they found there's a lot more space where the handicap space has been relocated on the north side to allow them to get to that elevation to match the existing duplex to the east and behind the new building.

Mr. King asked why the deck appears to be so much larger than what would be required for accessibility.

Mr. Marsh said the application for post-permit modifications requests eight feet for the deck width to the west carried around the corner to eleven feet on the north side to allow them to get the ramp and deck in that space.

Mr. King asked if the corners could be cut so handicap access could still follow the contour of the deck access.

Mr. Marsh said he doesn't see why not. In other words, what Mr. King is asking is if the deck could potentially be dog-eared. As this really isn't his call, he'd like to ask one of the owners who is here for his input on this.

Doug Carr, 111 Marshside Drive, St. Augustine, Florida, 32080, said he's one of the owners of Oceans Thirteen. He met with Mr. Tredik and Mr. Marsh after being out of town for 10 days and finding that the deck had been erected by a secondary contractor. He shut the work down immediately and shaved the deck back, so as intrusive as it is now, it was much more so before. He'd agree to cut the corners of the deck off to allow the access point where you get to the stop sign at 14th Street and A1A Beach Boulevard, to be able to see traffic coming and going along the Boulevard, which can be an extremely busy road, so clear vision of pedestrians, bicyclists and vehicular traffic is important. Utilizing the north side of the site for most of the parking makes sense as this allows the handicap space and ramp to be more easily accessible. The deck is the only way to make the site handicap accessible. The handicap parking space is 30-feet-long-by-20-feet-wide, with total access on all sides

Ms. Longstreet asked if the handicap parking space is on the alley side on the north side of the property adjacent to 14th Lane, is this much deck then needed on the south side of the Oceans Thirteen property?

Mr. Marsh said what you don't see if you go to this property site now is that there will be a set of stairs on the south side leading to the second floor of the building. That staircase extends four feet off the building, and that deck coming around the south side of the building at eight feet will go around that staircase and not end at the staircase, so there won't be an edge at the bottom of the staircase, but the deck will be there to allow adequate passage for people coming up and down the staircase. The originally approved plans for this building always had two separate residential units upstairs, and right now, there's only a temporary set of construction stairs on the north side. There will be a permanent staircase on the north side and a permanent staircase on the south side of the building, and both of these staircases will be four feet wide, so their proposal with the deck at eight feet at the Boulevard side is to come around using that same eight feet and go past that staircase with four feet of width.

Mr. Pranis asked why, with the relocation of the handicap parking spot and eight parking spaces to the north side of the property site, there are four additional parking spaces now on the south side of the building.

Mr. Marsh said the goal was to not lose any parking spaces, as the mixed use approval for this development was specific to a certain number of parking spaces. The net number of parking spaces for the reconfigured parking plan is identical to the number of parking spaces originally approved for this mixed use building.

Mr. Kincaid asked Mr. Law if he has any issues with any of the proposed post-permit modifications.

Mr. Law said he has no objections to the parking reconfiguration on the south side. Handicap accessibility is one of their biggest concerns, and as for dog-earring the deck, five feet is the standard handicap width, because this is the minimum for turning space for a wheelchair to spin. One thing he hasn't asked is if there is going to be a secondary set of stairs to get up to the deck area on the south end.

Mr. Marsh said yes.

Ms. Odom said aesthetically, the building will look better if the deck on both sides looks the same.

Mr. Law said definitely, he'd say the angles should be made to be the same on each side, but he is requesting a five-foot minimum for handicap accessibility. He has no objections to the deck, as he knows the applicant and the contractor have worked excessively with Mr. Tredik on the site plan for the deck and the reconfigured parking. If the post-permit modifications are approved by the Board, he'd recommend the approval be subject to Mr. Tredik's comments in his staff memo dated today, July 21, 2020, to install a five-foot landscape buffer south of the north parking lot along 14th Lane, and he suggested this landscape buffer be comprised of Florida-friendly plants.

Ms. Longstreet said she thinks the applicants need to go before the City's Beautification Advisory Committee (now renamed SEPAC, Sustainability and Environmental Planning Advisory Committee) for that.

Mr. Law said only landscape plans along the Boulevard are reviewed by SEPAC, as this committee does not have the authority to review landscaping plans along side streets. However, if SEPAC wants to make recommendations for the landscaping, it is well within the Board's purview to subject approval to that specific condition.

Mr. Kincaid asked for public comment.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, Florida, 32080, said she lives a block to the west of the Oceans Thirteen property, and she and a couple of her neighbors have been following this project since 2017. Basically, it just looked like there was way too big of a building on way too small a lot, which is probably why the applicant is here asking for more concessions for the parking and deck. The bottom line is that the building is just too big for this piece of land. She went to all the meetings concerning this project and remembers specifically the parking issue, because it didn't seem adequate for the duplex that was already there and the additional new building with commercial units on the first floor and residential units above. It just didn't seem like the numbers were going to work. She specifically remembers, after a lot of wrangling, that the handicap parking space was allowed on the 13th Street side of the property, basically on the right-of-way. The way this got permitted was that this property

is actually three combined lots, with the duplex directly to the east of the new mixed use building, and she remembers hearing that these two buildings would not be separated, as they are almost touching each other. There is a zero setback at the rear wall of the new mixed use building, and now the duplex is up for sale by itself. Considering the whole thing was calculated as one unit or parcel, to get all the square footage, parking, and setbacks to work, she's just not sure how the duplex can be sold by itself. She has no horse in this race or stake in the property, she's just a citizen who has watched this site go from a vacant lot to what's there now, and in all honesty, she's seen this sort of thing happen all over the beach. This particular building caught her eye because it's just right there off the Boulevard. She knows it's up to the Board to approve or deny the current application for the parking and the deck, but she wanted to state her case as to what's been done here from her perspective.

Mr. Kincaid said the Board did have some discussion at its meeting last month about the separation of the two properties, the duplex and the new mixed use building, all of which have been built on this one parcel. The Board was given the understanding that the properties were combined and advised at the time by the City Attorney and the Building Official that any sale of any part of the property was outside of the Board's purview.

Mr. Law said it is also outside the Building Department's authority to intervene in a private property sale. There's nothing in the previously approved mixed use order saying the property can't be sold, and even if there was, he believes that could be challenged in a legal scenario. If the Board had issued an order saying the property could not be sold, and someone chose to try to sell it in 10 years, he believes the City could quite possibly be guilty of a government taking of property. He's sure the applicant and owner are more than capable of explaining what's going on with this property, as the Building Department does not have any purview in private property sales.

Michael Longstreet, 11 13th Street, St. Augustine Beach, Florida, 32080, said he's a former St. Augustine Beach City Commissioner and also has extensive experience as a land surveyor. He's surprised this project was ever approved in the first place, and if this was all because of a loophole in the City's building codes, that loophole really needs to be closed. He's concerned about the project causing future flooding issues on 13th Street, and the handicap accessibility and retaining wall and deck, built without a permit, should have all been part of the original plans and application approved years ago. He doesn't know how these properties could be broken up and sold separately when the rooflines overlap, the parking for the mixed use building is on the right-of-way, and the drainage for the commercial part of the mixed use building is on the duplex's property. If this is an example of a builder trying to completely get around the City's Building Department, he asked the Board to please take a stand for the City and do what can be done to not approve this, with the exception of the handicap accessibility modifications.

Ms. Odom asked the City Attorney if she can ask the owners to clarify the question about the sale of the property.

Mr. Taylor said yes, definitely.

Mr. Carr said they're not selling the property, the intent is to sell the interior space of the duplex as condominiums. He's been a realtor for 30 years and has done this several times. They've been put in a situation where they just simply can't carry the entire project, and they have the ability, by law, to do this. They've completed 99 percent of the mandates required by State law to convert the duplex into condominiums and will be getting an application in through their attorney very shortly. This does not mean they're selling out the project, and they'd never try to enclose the duplex and sell it off separately, because the three lots the duplex and the mixed use building are on are one property, and nothing was approved separately. They recently spent an extraordinary amount of money renovating the entire exterior of the duplex, including all the fences, landscaping, sprinkler systems, parking spaces, and the drainage system. It is not that they did not plan for the handicap accessibility and drainage, the modifications are simply the result of the way things are laid out in the City and the way things are evolving.

Allan Richmond, 103 13th Street, St. Augustine Beach, Florida, 32080, said he has concerns about the parking, because on weekends, there are no less than nine cars parked on that corner, four for the duplex and five for the vacation rental across the street, so he doesn't know where four more cars are going to park, unless they're Mini-

Coopers, they're just not going to fit. As for the deck, he asked why the doors can't be redesigned, as there are all kinds of bi-folding and sliding doors. An eight-foot-wide deck to accommodate handicap access is not needed.

Ms. Longstreet said she has a problem with the parking, because as the gentleman who lives on 13th Street said, 13th Street, and 14th Lane as well, is crazy, there are children riding bicycles and scooters up and down the street and if you're not really careful, it's hard to see them. Then there is the vacation rental across the street from the Oceans Thirteen property on 13th Street, and this rental has five bedrooms, and anywhere from 10 to 25 people in it at any given day. Even though there are "No Parking" signs posted on the street, cars are parked along there all the time, so she does not see how 13th Street can handle or hold any more cars or traffic.

Ms. Odom said the new mixed use building is required to have the minimum number of parking spaces per City Code and as approved by this Board when this project came before the Board and was approved in 2017.

Mr. Law said yes, the number of parking spaces as shown on the site plan when approval for this development was given by this Board in 2017 has to be maintained. He shares Ms. Longstreet's concerns about public safety, but parking is also a requirement. Just for the record, he asked if the western side of the front of the deck will have a two-foot setback off the Oceans Thirteen property line. A minimum two-foot setback is required for decks per City Code, as the City reserves the right for a two-foot easement around lot lines for hardscaping. Staff has also recommended that the corners of the deck be dog-eared a minimum of five feet not to exceed six feet.

Mr. Marsh said yes, the deck right now extends eight feet off the face of the building wall.

Mr. Kincaid said his understanding is that they're not taking any parking spaces away but leaving the same number of spaces as were approved during the original approval of this project in 2017. The parking has been reconfigured specifically for handicap access, and some of the spaces moved around from one side of the site to the other.

Mr. Mitherz said it is still a big issue for him that the parking spaces are not all on the Oceans Thirteen property.

Ms. Odom said right or wrong, the parking for the duplex has always gone over the property line and extended into the right-of-way. Ms. Longstreet makes a valid point for safety, as there is a lot of activity on the streets in this area east of A1A Beach Boulevard, but it will be the people parking at the Oceans Thirteen building who will have to pay attention to all the traffic and activity, not the owners or the developers.

Motion: to approve Mixed Use File No. MU 2020-02, for post-permit modifications for parking reconfiguration and ground floor wood deck and retention wall additions to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved per Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13th Street, subject to the following conditions: 1) The corners of the ground-floor wood deck addition shall be cut back to a minimum of five feet of useable space not to exceed a maximum of six feet; 2) The landscaping on the north side of the Oceans Thirteen property site shall be reviewed by the City's Sustainability & Environmental Planning Advisory Committee (SEPAC) for SEPAC's recommendations regarding the landscaping for the required five-foot landscape buffer; 3) Materials used for the retaining wall shall be consistent with materials used for the existing retaining wall; 4) The staff comments and recommendations from Public Works Director William Tredik in his memos dated July 21, 2020 to Building and Zoning Director Brian Law regarding the proposed post-permit modifications to Oceans Thirteen shall be adhered to and incorporated as part of the approval of these modifications, and these memos shall also be forwarded to SEPAC. **Moved by Mr. Kincaid, seconded by Ms. Odom, passed 5-2** by roll-call vote, with Mr. Kincaid, Ms. Odom, Mr. Einheuser, Mr. King, and Mr. Pranis assenting, and Ms. Longstreet and Mr. Mitherz dissenting.

VII. OLD BUSINESS

There was no old business.

MEMORANDUM

Date: July 21, 2020
To: Brian Law, CBO, CFM, MCP, Director of Building and Zoning
From: William Tredik, P.E., Public Works Director
Subject: Oceans 13 Overall Site Plan (6-25-20)

Public Works offers the following comments in regard to the June 25, 2020 site plan prepared by RGM Engineering:

Landscaping:

- Since the current configuration of parking eliminates the landscape buffer along 14th Lane, owner should create a 5' landscaped buffer along the south and east sides of the northern parking lot.
- Trees proposed at the northwest and southwest corners of the site obstruct sight triangles and must be relocated. Recommend moving trees to south side of 14th Lane, west of the northern parking lot; to the aforementioned requested 5' landscape buffer; or to 13th Street between the existing parking areas.

Parking lot design:

- Slopes in handicap space cannot exceed 2% in any direction
- Site plan should include elevations of accessible pathway from the parking lot to the proposed deck area to ensure constructability.
- Slope of the concrete apron at the west end is approximately 20% based upon the existing grades on the plan. This slope should be no more than 5%, with any portion of the handicap parking space or access aisle not more than 2%. This will require lowering of the parking lot elevation of 10.0 to 9.3+/- at the west end. This may impact the handicap ramp length.
- 10% slope from the south edge of the northern parking lot to the low spot (i.e. 10.25 to 9.75) exceeds the maximum slope for of 5%. Parking lot grades need to be adjusted.

MEMORANDUM

Date: July 21, 2020
To: Brian Law, CBO, CFM, MCP, Director of Building and Zoning
From: William Tredik, P.E., Public Works Director
Subject: Oceans 13 Overall Site Plan (6-25-20)

Public Works offers the following comments in regard to the June 25, 2020 site plan prepared by RGM Engineering:

- Perpendicular parking along 14th Lane, as proposed, results in less impervious surface area than an offset parking lot with driveways. Due to low traffic volumes on 14th Lane, the proposed configuration is not expected to cause any traffic issues.
- Since, however, the proposed configuration of parking eliminates the landscape buffer along 14th Lane, the owner should create a 5' landscaped buffer along the south and east sides of the proposed northern parking lot.
- Landscaping is also recommended along the south side of 14th Lane, just west of the northern parking lot; in the aforementioned requested 5' landscape buffer; and on the north side of 13th Street between the existing parking areas.

City of St. Augustine Beach Building and Zoning Department
Appeal of Decision Application

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
 WWW.STAUGBCH.COM BLDG. & ZONING (904)471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the appeal application is being sought:

Lot(s) 62, 63, 64 Block(s) _____ Subdivision 2-50 ATLANTIC BCH LOTS 62-63
 Street Address 12 13TH ST

2. Location (N, S, W, E): N Side of (Street Name): 13TH ST

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

4. Real estate parcel identification number: 16746 00000

5. Name and address of applicant: SONIA KULYK 114 13TH ST SAB 32080
ALLAN RICHMAN 103 13TH ST. SAB 32080

6. The purpose of this application is to appeal a decision made by the: Building and Zoning Department: _____

Comprehensive Planning and Zoning Board: X

7. The decision being appealed took the form of a: Variance (File No. and Date) _____

Development Order (File No. and Date) _____

Development Requirement _____

Land Use Determination MIXED USE MU2020-02 MU2017-01

8. Please state the interests of the person(s) seeking the appeal in this specific case: AS RESIDENTS

OF ST. AUGUSTINE BEACH WE ARE CONCERNED WITH THE
CONTINUOUS AND BLATANT DISREGARD OF OUR BUILDING
CODES. THE POST-PERMIT MODIFICATIONS REQUESTED
BEFORE THE PNZ BOARD ON 7/21/20 WERE THE RESULT
OF SELF-IMPOSED COMPLICATIONS AND HARDSHIPS

9. Please state the specific error alleged to be made in the case under appeal: _____

SEE ATTACHED

10. Please state any additional documents included with the application to support your appeal: _____

ORDER APPROVING MIXED USE DEVELOPMENT (MU2017-01)
 PLAN REVIEWS (4/8/19, 8/7/19, 8/22/19)
 CORRESPONDENCE LETTERS TO COMMISSION 9/19/17 +
 TO PNZ BOARD 7/17/20 + 9/12/19 LAND TECH AFFIDAVIT

11. Please check if the following information required for submittal of the application has been included:

☒ Legal description of property

☒ List of names and addresses of all property owners within 300-foot radius

☒ First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius

☒ Other documents or relevant information to be considered SEE ABOVE

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

12. Please check one of the following statements, whichever applies:

____ If applicant is appealing a decision made by the **BUILDING AND ZONING DEPARTMENT:**

I hereby request an appearance before the City of St. Augustine Beach Comprehensive Planning and Zoning Board for a public hearing concerning the above-mentioned appeal.

☒ If applicant is appealing a decision made by the **COMPREHENSIVE PLANNING AND ZONING BOARD:**

I hereby request an appearance before the City Commission of St. Augustine Beach.

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

Signature of Applicant

Sonia Kulyk Allen Richman

Printed Name of Applicant

SONIA KULYK, ALLEN RICHMAN

Date 7/31/20

Address of Applicant

114 13TH ST

103 13TH ST

Phone 904-460-5540

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

Appeal of Decision File #:

2020-01

For appeal of decision at:

12 13TH Street

Charges

Application Fee: 100.00 Date Paid: 7-31-2020

Legal Notice Sign: 7.50 Date Paid: 7-31-2020

Received by

Bonnie Miller

Date

7-31-2020

Invoice #

I2001599

Check # or type of credit or debit card

112

9) The specific error alleged to be made in the case under appeal is regarding the decision to grant post-permit modifications for Oceans Thirteen, a two-story mixed-use building on 12 13th St. file MU2020-02 made by the Comprehensive Planning and Zoning Board on Tuesday 7/21/20 at the regularly scheduled monthly meeting. The 5-2 vote in favor of the request was granted without any reprimand, fee or penalty, despite the fact, that per Brian Law, the un-permitted modifications were in "direct violation of Chapter One of the Florida Building Code" as well as being in violation of the building permit issued on Dec. 2019 2017 MU2017-01 (attached) as follows:

The original application was approved subject to the following:

"1) The mixed-use development shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all plans, drawings and renderings.

2) The landscaping plan provided with the application shall be reviewed by the city of St. Augustine Beach Beautification Advisory Committee.

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

The structure that stands in place today has a significant number of modifications, alterations and additions that were not in the original plan and to our knowledge, were not granted approval prior to the post-permit request on 7/21/2020. Per the terms of the 2017 approval, it seems that they are in violation of items #1 and #3 based on these facts:

- 1) The addition of a 1,117 square foot deck on the ground floor.
- 2) Significant modification of the parking configuration.
- 3) Modification of the deck on the second floor
- 4) A retention wall which runs the length of the property along Beach Blvd.
- 5) Front steps leading up to the retail space at the ground level
- 6) The distance between the existing duplex on the property and the new structure not meeting the 8 foot setback as indicated on the original plan. In fact, the roof structure is almost touching the adjacent building.
- 7) The building elevation and height.

The reason that this request for a post-permit modification came to the PNZ board is because during the building process, Mr. Law was driving by the property and noticed a "rather large deck" that was not on the original building permit He put a stop work order in place and informed the builder that he needed to see the PNZ board.

The applicant stated that his reason for requesting post-permit modification approval was that "reconfiguration of parking is needed to accommodate staircases not shown accurately on original site plan..." It was further explained that the reason behind these changes was that "the 14th St. Alley was actually built 2 feet onto their property" and also that the stairs (on the northern boundary) wouldn't work because "basically they ran out of real estate".

Based on the documents provided to the PNZ board before the 7/21/20 meeting, it appears that the builder was well aware, before he even started building, that the plans (approved in 2017) would have to be significantly modified. The survey of 12/17/18 revealed that there was insufficient space for 4 parking spots on the northside of the building. The site plans were re-drawn on 2/4/19 with 4 parking spots moved to 13th St. and the addition of stairs on the northside of the building. But there was no mention of the fill that was moved from the excavation pit (drainage basin) to the building site which raised the elevation from the pre-construction grade of 8.4 to 12 feet, which resulted in the need for more modifications necessary to access the building, including a porch, front and side stairs leading to the porch, and a retention wall.

Since the construction had not yet begun at that time, the builder should have been required to re-design the structure to fit within the confines of the lot size and in accordance with the approved plans of 2017 or gone before the PNZ at that time to request the modifications.

During the PNZ proceedings on 7/21/20 there was no discussion of the new elevation and height of the building, which far exceeded the allowable 35 feet. The only discussion regarding the unpermitted retaining wall centered around the type of stone that would be used. The porch was discussed mostly in reference to handicap accessibility and barely any concern at all was voiced that it was un-approved and un-permitted.

Before and throughout the building process, several concerns were raised about this building. Myself, the co-applicant and several neighbors contacted and spoke before the commission, PNZ board (correspondence attached) and directly to Brian Law. There also appeared to be some concerns raised by Mr. Law during the plan review process(es) of 2019. (attached). Specifically, the distance between the existing duplex and new structure was addressed in item #9 (4/8/19). Without treading too far into Mr. Law's purview, it seems evident from his review that the builder appeared to be falling short in several areas of compliance, which seems to be an indication of their total dis-regard for following the rules. So, it should not be surprising that they would feel comfortable going forward with un-permitted modifications as they saw fit, realizing that there would be no consequences for their actions.

The subject of parking is of upmost concern to those of us who live on 13th St. During the PNZ meeting of 7/21/20 the subject was trivialized with the builder and realtor repeatedly stating that it was no more than a simple swap...moving the Handicapped parking to the north side where it would be "safer". In reality, this is not just a swap...because the HC parking for **one spot** on 13th street, which was permitted in 2017, recognized that it was partially in the right of way. Despite the fact that the exiting duplex already had parking in the right of way, the PNZ in 2017 deemed that the new construction would not be granted the same permission and it agreed to allow **only one HC spot** on 13th St. As the discussion progressed on 7/21/20, the one HC spot originally permitted, "verbally morphed" into 2 HC spots (a 100% increase), and the applicants further confused the issue, by stating that they were just adding a "couple more spots", which in total was a 400% increase over the previously approved single spot. The major point to be noted here, is that obviously one designated HC spot would be much less utilized than 4 active spots on a portion of 13th St. that is already heavily trafficked.

During the discussion, Mr. Carr (one of the current owners) acknowledged that the addition of the front deck "could potentially cause some visibility issues for both cars and pedestrians turning onto the Blvd. from 13th St." Having 4 active parking spots so close to such a busy intersection, and partially obstructed by the porch should have raised some concern with the PNZ board. Mr. Carr also stated, in closing "I appreciate everyone's patience with this project. It's gone on much longer and is much more of an eye sore than I ever anticipated" and later "I wish it wasn't so high".

As private citizens, all we can do is call out these concerns to our officials and hope the appropriate actions are taken. In this case, we believe they were not.

In July 2017, a similar case came before the commission, also regarding un-permitted construction work on Beach Blvd, but since it was a property owned by then mayor Rich O'Brien, there was a lot of public outcry and ultimately he was ordered to remove parts of the structure and was fined \$25,000 for code violations. It seems that this would serve as a precedent to be considered in this case.

This structure on 13th St. seems to be "below the radar" as far as the public is concerned, so it is incumbent on our city officials, staff, board members and commissioners to ensure that our building codes are adhered to and not made a mockery of.

We also find it curious that the address for this structure is continuously referred to as 12 13th St when it clearly fronts A1A and in fact, there is already a building with that same address on the same lot, a duplex on 13th St. that is currently listed for sale. (MLS195186).

Our questions to the commission are:

- 1) At what point do significant un-permitted modifications to a building warrant a requirement to re-appear before the commission or PNZ board? And who makes this determination? In this particular case, Mr. Law discovered by happenstance that there was a rather large unpermitted deck and that finally triggered a stop-order and notice to appear before the PNZ.
- 2) What are the fees and penalties imposed for building violations? Who imposes them, and at what time? Despite the Building Department's extensive fee schedule (attached) no mention of any penalties, fees or fines were suggested during the 7/21/20 PNZ meeting, despite Mr. Law's stating "the un-permitted modifications were in direct violation of Chapter One of the Florida Building Code" as well as being in violation of the conditions stated in the original 2017 approval.

As concerned residents, with no financial interest or stake in this property, we urge you to please re-visit this application, view the video of the 7/21/20 PNZ proceedings, which was the last item on the agenda. In addition to the item addressed in this appeal, if you view the entire meeting, you will see that we are not the only ones in this community growing increasingly concerned and frustrated with the way our PNZ board is handling items that come before them.

As it stands right now, it appears to us residents, that the message to developers is "submit your plans, make any modifications that you like along the way, and hopefully no one will notice, but if someone does, just apply for post-permit modification approval, pay your \$300 application fee and you're good to go".

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

In re:

**APPLICATION OF THOMAS J. O'HARA, FOR
MIXED USE DEVELOPMENT FOR PROPOSED
NEW CONSTRUCTION OF A TWO-STORY,
3,395-SQUARE-FOOT TOTAL-UNDER-ROOF
MIXED USE BUILDING, OCEANS THIRTEEN,
IN A COMMERCIAL LAND USE DISTRICT IN
THE MIXED USE DISTRICT ON LOTS 62, 63,
AND 64, ATLANTIC BEACH SUBDIVISION,
AT 12 13TH STREET, ST. AUGUSTINE BEACH,
FLORIDA 32080** /

ORDER APPROVING MIXED USE DEVELOPMENT (MU 2017-01)

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on November 21, 2017, upon Application (MU 2017-01) by Thomas J. O'Hara, for mixed use development to allow for proposed construction of a two-story, 3,395-square-foot total-under-roof mixed use building, Oceans Thirteen, consisting of 1,375 total square feet of covered commercial space on the first floor and 2,020 total square feet of covered residential space on the second floor, in a commercial land use district in the mixed use district at 12 13th Street, St. Augustine Beach, Florida 32080. The Comprehensive Planning and Zoning Board having considered the Application, received public comments, and upon motion duly made, seconded and passed, the Board found that the Application was approved subject to the following:

1. The mixed use development shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all plans, drawings, and renderings.
2. The landscaping plan provided with the application shall be reviewed by the City of St. Augustine Beach Beautification Advisory Committee.
3. A violation of the conditions listed above shall void the approval granted herein.

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

DONE AND ORDERED this 19th day of December, 2017, at St. Augustine Beach, St. Johns County, Florida.



Bonnie Jean Miller
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FPD42361
Expires 2/20/2020

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

By: [Signature]
Jane West, Chairperson

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 19th day of December 2017, by Jane West, who is personally known to me.

[Signature]
Signature of Notary Public—State of Florida

Proposed mix use structure on 12 13th St

<soniakulyk@hotmail.com>

9/19/2017 2:22 PM

To: comrobrien@cityofsab.org; comugeorge@cityofsab.org; commkostka@cityofsab.org;
commengland@cityofsab.org; comsgsnodgrass@cityofsab.org

Dear Commissioners,

I appreciate you giving me the opportunity to share my thoughts on this proposed development, which is less than a block from my house.

It is scheduled to come before the Planning and Zoning Board today 9/19 at 7 p.m.

I looked at the plans and read Gary Larson's recommendation to the board.

I have a few comments. This is a really big structure on a really small plot of land. It is not at all in keeping with the adjoining buildings. This area is comprised mostly of 1 and 2 story structures. I take issue with the fact that Mr. Larson stated that "the structures are basically in conformance with surrounding properties, the Hampton Inn, Sunset Grille and Hilton Garden". These are huge commercial properties with appropriate setbacks, parking and lot sizes in proportion to their structures.

In Mr. Larson's report he indicates that the building height is below the allowable 35 ft height. According to the plans it is 34 ft 11 inches. And from where exactly are we measuring? Are we including the new "habitable space" metric in this calculation?

And the parking issues....

For the retail portion, apparently the minimum requirement is 6 parking spaces for 1,500 square feet of commercial space. However in this case you have 2 separate retail spaces. So, for all intents and purposes, assuming that each storefront has 2 employees with cars, that leaves only 1 customer parking space for each business. Can a retail establishment really be successful with such limited parking?

For the residential portion, they are lumping all the remaining parking spaces together and have calculated that 12 spaces would be adequate for the two new 3 bedroom units as well as the existing duplexes. That is quite an assumption to make because in the last few days, I observed that all 6 of the spaces in front of the duplex were occupied. Two 3 bedroom 1500 square foot (presumably vacation rentals) would most likely not be able to fit their vehicles in the remaining spots and will invariably end up on our narrow residential streets. I live next door to a 3 bedroom vacation rental and it is not uncommon for 4 cars to be parked there. 2 in the driveway and 2 on the lawn.

There are no tall structures so close to the curb on Beach Blvd, except for Rich O'Brien's new residential units, and that does not include commercial space.

In conclusion, on paper this project appears to meet all the allowable numbers, but in reality, this structure is an inappropriate addition to the boulevard's aesthetic. Instead of going by the numbers of "what is permissible" maybe we should look at what is workable and what will enhance beauty of the beach and contribute to the quality of life for our residents and visitors alike.

In my opinion, if the owners want to build this type of structure on their 3 lots, then perhaps they should consider removing the existing duplex and laying this out in a way that will provide sufficient parking and setbacks and be visually appealing.

Thank you for your consideration of my concerns.

Sincerely,

Sonia Kulyk.

114 13th St.

9/12/2019 5:26 PM

From soniakulyk@hotmail.com

Oceans 13

To: pzkkincaid@cityofsab.org; pzhlongstreet@cityofsab.org; pzsmithertz@cityofsab.org;
pzrodom@cityofsab.org; pzjholleran@cityofsab.org ; pzesloan@cityofsab.org; pzjwest@cityofsab.org

Dear Planning and Zoning Board Members,

My name is Sonia Kulyk and I live at 114 13th St.

I have been following the progress of the mixed use building at the corner of A1A Beach Blvd and 13th Street, "Oceans 13" since the applicant first applied for a permit for this mixed use building.

After several months of inactivity, it seems like building has once again resumed.

I am curious to know the total square footage of this proposed structure, as well as the finished height. I remember seeing some early drawings that indicated that it would be approximately 6,000 square feet with a height of "around 35 feet".

I asked Brian Law on 2 separate occasions at commission meetings (most recently last Monday) and he is not able to answer those questions for me.

From the onset, this building which is "sharing" a lot with an existing structure seemed to large for the plot.

Now that the work has resumed, I am wondering if it is possible to find out what the finished structure will look like...specifically total square footage and height (and if we are measuring "habitable space" or from the street level).

I plan on attending Tuesday's meeting and if it is possible, is there a way to get that information from Mr. Law in advance of the meeting?

Thank you in advance for your assistance with this.

Sonia Kulyk

904 460 5540

soniakulyk@hotmail.com

From: sonia kulyk

Sent: Friday, July 17, 2020 2:33 PM

To: pzkkincaid@cityofsab.org; pzrodom@cityofsab.org; pzsmitherz@cityofsab.org;
pzhlongstreet@cityofsab.org; pzcpranis@cityofsab.org; pzdking@cityofsab.org;
pzeinheuser@cityofsab.org; pzsarris@cityofsab.org; pztisdale@cityofsab.org

Subject: MU2020-02 12 13th St. (a.k.a. 11 14th Lane)

Dear Planning and Zoning Board Members,

I am contacting you to voice my concern over the request for post-permit modifications to the above referenced property.

I urge you to consider denying this request for the following reasons:

I have been following the building of this property since the initial request came to the PNZ on September 19, 2017 (see attached letter). My initial concern, that this was simply too huge a structure to be built on the remaining vacant space of 3 lots, has been borne out, as evidenced in this additional post-permit request.

Through a variety of creative calculations, a giant mixed use structure was permitted to be built on a lot that already contained a duplex, and the remaining undeveloped portion, seemed barely adequate for such a large structure. This was achieved by combining lots 62, 63 and 64, deducting the footprint of the existing duplex and convincing the board that there was sufficient space for the retail/residential structure, as well as adequate required parking for all 4 residential units and 2 retail spaces.

Permits were granted to build this mixed use building **with no rear setback**. In fact, the 2 buildings are almost touching each other.

It appears now, that there is an attempt to sell off the original duplex (see attached MLS and building permit) through some creative work-around by making it a "condominium".

In addition, the owner is now looking for post-permit approval to add additional decks and re-configure parking.

In my opinion, this is a pattern that is emerging all too frequently in our community. There are established building codes which are constantly being re-interpreted by developers to maximize use of lots that were never intended to hold such large structures. We are setting a dangerous precedent by continuing to grant exceptions to structures that are not being built according to their original plans.

Rich O'Brien's single family residence on Beach Blvd and F St. comes to mind. Despite public outcry, he was able to retain the un-permitted modifications, but was fined a substantial penalty.

I have no personal connection to any of the parties involved in this. But I speak as a concerned resident, and while there are examples of this throughout our community, this one caught my attention because it is at the end of my street.

I appreciate your time and consideration of this matter,

Sincerely,

Sonia Kulyk

114 13th St.

904 460 5540

RECEIVED

JUL 15 2019

CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT

App 594



RECEIVED

MAR 27 2019

CITY OF ST. AUGUSTINE BEACH BUILDING PERMIT APPLICATION

2200 A1A South, St. Augustine Beach, Florida 32080

904-471-8758/www.staugbch.com/building

CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT

PERMITS BECOME NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

Job Site Address 11 14th LANE
12 13th STREET ST. AUGUSTINE BEACH FL 32080

Site Legal Description LOTS 62, 63 + PART OF 64
EAST OF A1A BOOK 2 PAGE 50 Parcel Identification Number 167460-0000

Owner's Name THOMAS J O'HARA - SUNSATON REAL ESTATE LLC

Address 211 SEQUAMS LANE CENTER City WEST ISUP State NY Zip Code 11795

Phone Number (631) 807-3373 Email to10069@yahoo.com

Contractor's Name RICHARD T. MARSH Qualifying Name PALMETTO BUILDERS LLC

Address PMB 266 1093 A1A BEACH BLVD City ST. AUGUSTINE State FL Zip Code 32080

Phone Number (904) 669-2024 Email tmarsh@palmettohomes.net License Number C4C1572389

Architect/Engineer's Name BOB MORGAN Address _____

Description of Work MIXED USE BUILDING Structure Use OFFICE GROUND FLOOR, RESIDENTIAL 2nd F

Valuation of Work ~~400,000~~ 510,000 Stories 2 Sq. Ft. 3395 Conditioned Sq. Ft. 3395

Height 32'-6" Number of Units 2 RES
2 COMM FIA Zone X(5) First Floor Elevation 12'-0"

2017 FBC

If proposed improvements are accessory to existing improved property please provide:

Existing Sq. Ft. _____ Ext Conditioned Sq. Ft. _____ New Sq. Ft. _____ New Conditioned Sq. Ft. _____

Height of Main Structure _____ Height of proposed Structure _____

Water _____ Well _____ Sewer _____ Septic Tank _____

Termite Protection By (Per FBC 1816) _____ Treatment Method: Soil _____ Bait _____ Wood _____

(Building Permit Application Revised 7/27/2018)

Rejected 4-8-19 BCLW
Rejected 8-7-19 BCLW
Rejected 8-22-19

RECEIVED

SEP - 6 2019

CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT



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

To: Tom Marsh
From: Brian Law
CC:
Date: 4-8-2019
Re: 12 13th Street

The plan review for 12 13th street is being rejected for the following reasons:

- 1) Please identify what type of R occupancy is the upstairs as per 107.3.5 of the 2017 FBC.
- 2) Please review section 903.2.8 of the 2017 FBC regarding the use of automatic sprinkler systems in Residential occupancies and revise as necessary.
- 3) Please provide a window flashing detail for the masonry walls as per 107.3.5 of the 2017 FBC.
- 4) Please indicate the fire extinguishers locations on the plans.
- 5) Please provide electrical plans that comply with 107.3.5 of the 2017 FBC.
- 6) Please provide mechanical plans that comply with 107.3.5 of the 2017 FBC.
- 7) Please provide plumbing plans that comply with 107.3.5 of the 2017 FBC.
- 8) Please explain what the interior stair detail on sheet 5 of 8 is for.
- 9) The proposed building is approximately 8.1 feet from the building to the east as per overall site plan, please review table 602 of the 2017 FBC and revise as necessary (fire separation distance is assumed to be an imaginary line between buildings chapter 2 definitions)
- 10) Please demonstrate compliance with section 705.11(5) of the 2017 FBC.
- 11) Please review section 705.8.2 of the 2017 FBC as it may be applicable.
- 12) Please demonstrate compliance with section 705.2 of the 2017 FBC regarding projections.
- 13) Please explain how the use of a LUS 210 can occur at the building corner as detailed on the detail as demonstrated on sheet 2 of 8.
- 14) Explain the proposed R-13 value inside a 2x2 furring as per sheet 2 of 8.
- 15) Provide washer sizes on top of 2nd floor wall atr's.
- 16) The words are cut off @ typical door window openings.
- 17) Please provide all Fire-resistant constructions details on the plans as per 107.3.5 of the 2017 FBC. This shall include the actual construction details regarding membranes, penetrations etc.
- 18) The life safety plan shows the egress route on the 1st floor from the bathroom through a storage room contrary to section 1016.2 of the 2017 FBC.
- 19) The 2 hour floor system listed for use UL-L538, this system requires a maximum spacing of 19.2 in OC for the floor system, however the floor system that is proposed is for a 24" OC spacing, please review and revise as necessary.

- 20) Please review the conventional framing details as it appears to be missing how to actually construct the roof system along the perimeters.
- 21) Please show on the plans where the water heaters and air handlers/compressors are located.
- 22) FYI—Ensure that light reduction controls are utilized on the new electrical plans as per C405 of the 2017 FBC—Energy.
- 23) Please provide a typical wall section meeting the requirements of section 107.3.5 of the 2017 FBC.
- 24) The application submitted is not completed, please review and fill out completely.
- 25) The product approval sheet must contain the decimal numbers as approval # 21637 has 5 options.
- 26) Please demonstrate with an illustration how we are to maintain the floor assembly rating as it pertains to penetrations of the membrane per 714.4.2 of the 2017 FBC.
- 27) Plan review is terminated at this point due to the excessive issues and missing information.

8-7-19

The plan review for 12 13th street complete resubmittal is being rejected for the following:

- 1) FYI—a metal roof permit shall be required
- 2) FYI—a fire sprinkler permit shall be required
- 3) FYI—a fire alarm permit shall be required
- 4) FYI—A underground fire main permit shall be required
- 5) Please have structural EOR specify spacing of upright rebar in the cmu wall
- 6) There appears to be missing footers at exterior walls and the tenant separation wall, review and revise as necessary.
- 7) Identify top lintel of cmu wall, how thick and how many pieces of rebar are in the lintel; around the building.
- 8) FYI- diagonal bracing shall be required at the 2nd floor framing as per general note 8 of sheet CS of engineering.
- 9) Roof framing nail off on S-1 does not match sheet CS wood framing note 4, please review and revise all details as necessary and clearly indicate the results.
- 10) It appears all thread rods are being used in this project, please provide diameter, material, spacing, washer size, attachment to lintels below, etc.
- 11) Remove detail for interior stairs sheet S-2 as it is not applicable or correct for this occupancy.
- 12) Sheet S-3 typical exterior stair detail is not correct for this occupancy, remove detail and all others that reference the Residential Code as it has no applicability on this project.
- 13) The plywood thickness on S-1 does not match the thickness on sheet S-3, please review and revise all drawings to promote continuity.
- 14) Please demonstrate how the dormers are being attached to the underlying roof on S-1.
- 15) Identify the strap to be used from post to wood header as simply stating “Simpson flat strap” is not sufficient as there are many types.
- 16) Please review the loft floor truss engineering and provide a ledger and attachment details as applicable.
- 17) Provide a framing detail for the round windows at the gable end trusses.
- 18) Due to this amount of missing information this plan review is terminated with a strong recommendation that the structural plans be carefully reviewed by the structural EOR.

8-22-2019

- 1) #6 Not corrected, please EOR sign and seal plans showing updated footer.

- 2) #10 not complete—identify washer size and thickness of washer
- 3) Please have the EOR review the support of the loft floor system and the trusses adjacent to the loft floor as there is a rather heavy bearing point on either side and no way to transmit the load to the floor below. The bearing point is approximately 13'7" from the 2nd floor rear wall. This modification will require a redesign of first floor components and as such structural review is terminated.

Sincerely

Brian Law

Brian Law CBO,CFM,MCP
Director of Building and Zoning



LandTech

Surveyors-Mappers

[corporate office]

4475 U.S. Highway #1 South Suite 202
St. Augustine, FL 32080
904-471-6877
fax: 904-471-6876

12/11/19

Re: 12 13th Street
St. Augustine, FL 32080

Tom Marsh – Palmetto Homes

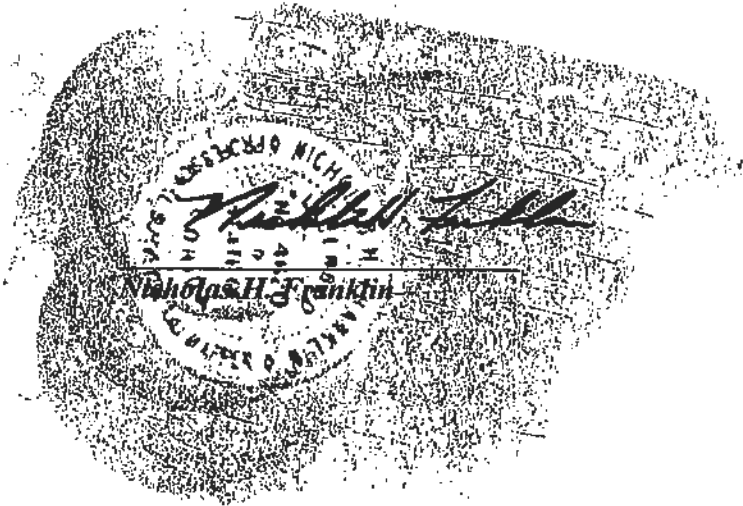
This affidavit is to certify to the calculated roof peak height of the structure under construction.

- The highest front natural adjacent grade pre-construction was 8.4'. (NAVD88)
- The proposed building height is 32.06' per plans.
- The proposed calculated building elevation (natural adjacent grade to roof peak) would be 40.5'. (NAVD88). $(40.5' - 8.4' = 32.1')$ (building elevation - NAG = proposed building height).
- Per the building plans the building height is $32.1' + 2.5'$ down to NAG (8.4') = 34.6' and meets the requirements of the current code. (Section 6.01.04)

Thank you,
Nick Franklin
PSM #4620
State of Florida

OFFICE COPY

REVISION



City of St. Augustine Beach Schedule of Fees and Services

Building and Zoning Department

Impact Fees As established by ordinance of St. Johns County and interlocal agreement

BUILDING PERMIT FEES

Issuance of a permit-----\$15.00

Total Valuation -----Fees

\$1,000 or less \$27.00

\$1,001 to \$50,000 \$33.00 for the first \$1,001.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof to and including \$50,000.

\$50,001 to \$100,000 \$376.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof to and including \$100,000.00

\$100,001 to \$500,000 \$719.00 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00.

\$500,001 and up \$3,119.00 for the first \$500,000 plus \$5.00 for each additional \$1,000.00 or fraction thereof.

Note: Those projects that elect to use private provider services receive a 10% reduced permit fee (reduction must be claimed prior to permit issuance)

Basic valuations for permitting fees. Valuations for permitting fees shall be determined as follows:

Single Family Residential and Multifamily Residential-----\$125.00 per square foot for living space,\$64.00 per square foot for garages,\$40.00 per square foot for patio and open space

Residential, hotels, assisted care facilities---\$150.00 per square foot,-\$76.00 for pool house and storageAs per the current ICC Building Code Valuation Table

Mercantile-----\$106.00 per square foot

Business-----\$150.00 per square foot

Assembly: Restaurants, Bars-----\$160.00 per square foot

Swimming Pools---based on cost using Total Valuation Table

Any use not shown will be based on current ICC Building Code Valuation Table

Revision fee-----\$53.00 minimum or \$53.00 per hour

New House on lot after permit issuance-----Full plan review fee

Pre-built storage sheds-----Based on cost using Total Valuation Table

Moving of any structure-----\$100.00

Demolition (interior/exterior)-----\$100.00

Plan Review-----½ of Building Permit Fee

Note: Those projects that elect to use private provider services receive a 15% reduced plan review fees.

Exhibit A

State Surcharge-----Based on current State Requirements

Land Clearing Fee Clearance Sheet Fee-----**(Applies to new buildings, additions, swimming pools, etc.)**\$400.00 with \$150.00 of the fee going to the City's Tree Bank and Landscape Fund

Clearance Sheet Fee for Screen Enclosures----- \$100.00

Clearance Sheet Fee for Commercial Renovations-----\$100.00

Transfer Permit to New Contractor-----\$100.00

Safety Inspection-----\$53.00

Occupancy/Use Classification Evaluation-----\$53.00

Project Status Verification/Technical Assistance-----Actual cost

Temporary Certificate of Occupancy/Completion

Residential-----\$53.00

Commercial-----\$106.00

Penalties (Building, Mechanical, Electric, Plumbing, Gas) :

 a. Working with no permit-----\$100.00 and double permit fee

 b. Not updating sub list when required-----\$25.00

 c. Sub-contractors not registered with City-----\$25.00

 d. Reinspection Fees----- \$53.00

 e. Extra inspection (uncorrected re-inspection items)----- Double the re-inspection fee

After Hours Inspection with Building Official Approval-----\$200.00 & Building Official Approval

DEP zoning confirmation letters-----\$53.00

Photocopies ----as per Florida Statute 119.07

 a. Over 11' x 17"-----\$5.00 per sheet

Refund for Active Permits:

 a. Prior to first inspection-----50% of Permit Fee

 b. After first inspection-----0% Refund

MECHANICAL

Issuance of permit-----\$15.00

Residential Single System (new)----- \$60.00

Each Additional System (new)-----\$40.00

Change outs (per system)-----\$50.00

Repairs, Alterations, Additions-----\$50.00

Exhibit A

Commercial (A/C's, Refrigeration Units)-----Based on Job Cost using Total Valuation Table

Gas Piping, new and additions (per system)-----\$40.00

ELECTRICAL

Issuance of permit-----\$15.00

Amps---per main service panel/upgrade

_____ 0-150 amps-----\$60.00

_____ 151-400 amps-----\$100.00

_____ 401-1,000 amps-----\$150.00

_____ 1,001 amps and over-----\$0.15 per amp

Amps-- per feeder panel (exempt single family and two family structures only)

_____ 0-150 amps-----\$60.00

_____ 151-400 amps-----\$100.00

_____ 401-1000 amps-----\$150.00

_____ 1001 amps and over-----\$0.15 per amp

Temporary pole-----\$40.00

Service Change-----\$40.00

Additions and Repairs (per dwelling or unit)-----\$40.00

Sign Lighting-----\$30.00

Swimming Pool Electrical-----\$30.00

Generator -----\$40.00

SOLAR PERMIT FEES

Permit Issuance-----\$15.00

Photovoltaic/Thermal Permit----- based on cost using Total Valuation Table

PLUMBING

Issuance of permit-----\$15.00

Base permit fee-----\$15.00

Each fixture including floor drains, traps, etc.

Residential-----\$5.00

Commercial-----\$6.00

Sewer replacement-----\$40.00

Sprinkler systems (landscaping)-----\$40.00

Exhibit A

Re-pipe (per dwelling or unit)-----\$40.00

TREE REMOVAL

Dead Tree(s)-----No charge

Damaged or deemed a hazard-----\$45.00 per inspection for trees over 6" DBH

Replacement and mitigation-----See section 5.01.03 of the Land Development Regulations

After the fact permits-----See section 5.01.05 of the Land Development Regulations

PLANNING & ZONING APPLICATIONS

Advertising Sign-----\$7.5010.00

Application for Variance or Conditional Use-----\$ 400.00 plus advertising sign and all other costs except legal advertising

Appeal Application (Building Official or Planning & Zoning Board)-----\$300.00

Alley Vacating-----\$300.00 plus advertising sign

Home Occupation application-----\$ 100.00 plus advertising sign

Land Use Map-----Actual Production Cost

Land Development Code-----\$0.15 per page

Comprehensive Plan-----\$0.15 per page

Zoning Certification Letters for title search, Open Permit search, Code Enforcement Search-----\$50.00

Mixed Use Development Review-----\$300.00 plus advertising sign

 Application Fee-----\$300.00 plus advertising sign

 Appeal to the City Commission-----\$100.00

Concept Review-----\$300.00 plus advertising sign

Overlay Districts-----\$300.00 plus advertising sign

Application for review of proposed final development plans-----\$350.00 if under 2.0 acres; \$500.00 if 2.0 acres or more.

Tree removals 30" or greater requiring Planning and Zoning Board approval---- \$50.00

Flexible setbacks to save trees requiring Planning and Zoning Board Approval----\$50.00

CONTRACTOR LICENSING

Issuance/Renewal of Construction Contractor License-Biennial-----\$80.00

Issuance/Renewal of Tree Contractor License-Biennial-----\$80.00

Duplicate Card-----\$20.00

COMPREHENSIVE PLAN AMMENDMENTS

Small Scale-----\$500.00

A small-scale amendment must be consistent with all the following characteristics.

1. Encompass the use of 10 or fewer acres of any land use category.
2. Residential densities are limited to 10 or fewer units per acre.
3. Does not involve the same property more than once a year.
4. Does not involve the same owner's property within 200' of the property granted a land use change within the past 12 months.
5. Does not include any text change to the plans, goals, objectives and policies.
6. Is not located within an area of critical state concern.
7. The local government can approve the amendment without exceeding its yearly maximum of 60 acres of small scale amendments.

Large Scale-----\$1000.00

PLAT APPROVAL

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

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

STORMWATER MANAGEMENT

Stormwater management plan review by Section 6.05.03-----For conformity with applicable statutes, rules and regulations by the City and State of Florida, by a professional engineer either employed by the City or under contract to the City of St. Augustine Beach by the applicant. The estimated fees shall be deposited with the City at the time of application and any fees in excess of the estimated costs shall be paid by the applicant prior to the execution of the development order by the city.

TRANSIENT LODGING ESTABLISHMENTS

Business Tax Receipts (Payable at the City Manager's Office)-----As per section 12-67 of the City of St. Augustine Beach Code

Application Fee (Payable at the Building & Zoning Department)-----\$96.25

Initial Inspection (per dwelling or unit) (Payable at the Building & Zoning Department)-----~~\$100.00~~125.00

Annual Re-inspection (per dwelling or unit)-----~~\$100.00~~125.00

Reinspection Fees-----\$53.00

Extra inspection (uncorrected re-inspection items)----- Double the re-inspection fee

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

Public Records of St. Johns County, FL
Clerk number: 2020061342
BK: 5001 PG: 102
7/28/2020 3:04 PM
Recording \$44.00

In re:

**APPLICATION OF RICHARD THOMAS MARSH,
AGENT FOR SUNSATION REAL ESTATE LLC,
FOR MIXED USE DEVELOPMENT ORDER
MODIFICATIONS FOR PROPOSED PARKING
SITE RECONFIGURATION AND A 1,117-SQUARE-
FOOT GROUND-FLOOR WOOD DECK ADDITION
TO OCEANS THIRTEEN, AT 12 13TH STREET,
ST. AUGUSTINE BEACH, FLORIDA 32080** _____ /

**ORDER APPROVING MIXED USE DEVELOPMENT FILE NO. MU 2020-02 FOR
MODIFICATIONS TO MIXED USE ORDER FILE NO. MU 2017-01**

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on Tuesday, July 21, 2020, upon Application (MU 2020-02) by Richard Thomas Marsh, agent for Sunsation Real Estate LLC, Applicant, for post-permit mixed use development modifications to Mixed Use Order File No. MU 2017-01, for parking site reconfiguration and 1,117-square-foot ground-floor wood deck and retention wall additions to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved by Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, Parcel Identification Number 167460-0000, at 12 13th Street, St. Augustine Beach, Florida 32080. The Comprehensive Planning and Zoning Board having considered the application, received public comments, and upon motion duly made, seconded and passed, the Board approved the application subject to the following:

1. The required considerations for mixed use development per Section 3.02.02.01 of the City of St. Augustine Beach Land Development Regulations, as detailed in the application and discussed at the hearing, are incorporated herein as findings of fact.
2. The post-permit mixed use development modifications approved and to be constructed shall be consistent with all materials submitted with the application and which were provided by the applicant's agent to supplement the application, including all site plans, architectural drawings, and renderings.
3. The corners of the ground-floor wood deck addition shall be cut back to a minimum of five feet of useable space not to exceed a maximum of six feet.

4. The landscaping on the north side of the Oceans Thirteen property site shall be reviewed by the City's Sustainability & Environmental Planning Advisory Committee (SEPAC) for SEPAC's recommendations regarding the landscaping for the required five-foot landscape buffer.
5. Materials used for the retaining wall addition shall be consistent with materials used for the existing retaining wall.
6. The staff comments and recommendations from Public Works Director William Tredik in his memos dated July 21, 2020 to Building and Zoning Director Brian Law regarding the proposed post-permit modifications to Ocean Thirteen shall be adhered to and incorporated as part of the approval of these modifications, and these memos shall also be forwarded to SEPAC.
7. A violation of the conditions listed above shall void the approval granted herein.

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

DONE AND ORDERED this 27th day of July, 2020, at St. Augustine Beach, St. Johns County, Florida.

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

By: [Signature]
Kevin Kincaid, Chairperson

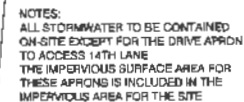
**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me by means of ☒ **physical presence or**
☐ **online notarization**, this 27th day of July, 2020,
by (print name of person signing above) Kevin Kincaid,
who is personally known to me ☒ or has produced the following type of
identification _____

[Signature]
Signature of Notary Public—State of Florida



Bonnie Jean Miller
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG985959
Expires 3/30/2024



PARKING CALCULATIONS			
USE	QUANTITY	REQUIREMENT	REQUIRED
OFFICE	1,278 SF	1 SP / 240 SF	5
2ND LIBRY	2,560 SF	3 SP / 1,000 SF + 1 WALKIN	6
TOTAL REQUIRED			11 SPACES
TOTAL PROVIDED			12 SPACES

