


MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: October 15, 2020

SUBJECT: Conditional Use Permit: Request to Build a Residence in a Commercial Land District at #16 5th Street (Lot 18, St. Augustine Beach Subdivision, Attorney James Whitehouse, Agent for the Owners)

INTRODUCTION

16 5th Street is a vacant lot on the north side of 5th Street, east of A1A Beach Boulevard. At your December 2, 2019, meeting, you approved a conditional use permit for James and Kimberly Cochran to build a residence in a commercial land use district at that address. The City's Land Development Regulations require such a permit.

As Mr. and Mrs. Cochran have sold the property and as the conditional use permit granted in December 2019 has expired, the new owners of the property, Mr. Michael Collier and Ms. Wai Lee Young, have applied for a new permit. Their request was reviewed by the Comprehensive Planning and Zoning Board at its October 13, 2020, meeting. By a 6-1 vote the Board recommended to you that the conditional use permit be approved:

"subject to the conditions that the new home be built in accordance with current Land Development Regulations for medium density residential land use districts with no variances granted for reduced setback requirements (currently required to be a minimum of 25 feet front and rear and 10 feet on the sides), or to exceed the allowable maximum impervious surface ratio (ISR) coverage for medium density residential land use districts; the Building Department shall require verification of the new home's building height by a licensed surveyor after the trusses are installed and the roof is on because the approximate height of the building to the top of the roof per elevation drawings included with the conditional use application show the height of the proposed new home at 34 feet, 10 inches" (from memo prepared by the Building Department's Executive Assistant).

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-21, the application for the permit that the Planning Board reviewed at its October 13th meeting.

- b. page 22, a memo from Ms. Bonnie Miller, Building Department Executive Assistant, in which she states the Board's recommendation to you that you approve the conditional use permit.

PROCEDURE FOR THE PUBLIC HEARING

First, have Mr. Law provide background about the request for the permit and the Board's recommendation to you.

Second, have Mr. James Whitehouse, agent for Mr. Collier and Ms. Young, present their request to you.

Third, have public comment concerning the request.

ACTION REQUESTED

It is that you hold the public hearing on the request for the conditional use permit and that you then decide whether to grant it.



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: Comprehensive Planning and Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 10-06-20
Re: Conditional Use File No. CU 2020-03, 16 5th Street

Conditional Use 2020-03 is a request for a new conditional use permit for a commercial lot previously granted a conditional use permit by the City Commission on December 2, 2019, for proposed new construction of a single-family residence, which requires approval by the City Commission per Section 3.02.02 of the City's Land Development Regulations (LDRs).

The conditional use order allowing construction of the proposed new single-family residence on Lot 18, St. Augustine Beach Subdivision, at 16 5th Street, was originally granted to James and Kimberly Cochrane, the applicants and owners of this property at 16 5th Street at the time conditional use permit was granted by the City Commission on December 2, 2019 as transferable with the condition that the use shall be commenced within one (1) year of the date of the approved order. On February 28, 2020, the Cochranes sold the property to the current owners, Michael Collier and Wai Yee Young, who asked for an extension to the current conditional use permit's December 2, 2020 expiration date, due to their location out-of-state and the many effects of the COVID-19 pandemic that occurred shortly after their purchase of the property. However, as there are no parameters in the LDRs for extending a conditional use order past its expiration date, the new owners were advised by City staff that they would have to reapply for a new conditional use permit, which they've done with the submittal of this new conditional use application.

The Building and Zoning Department has no objection to the granting of a new conditional use permit to allow a single-family residence to be built on this property, subject to the same conditions specified in the current conditional use order, which require the new home to be built in compliance with current regulations for medium density residential land use districts with no variances to reduce setback requirements (currently required to be a minimum of 25 feet front and rear and 10 feet on the sides), maximum 50% impervious surface ratio (ISR) coverage with an additional 15% of the square footage of the lot allowed for pavers that have a 10% or greater permeability ratio, and verification of the building height in compliance with the City's height ordinance and LDRs submitted by a certified and licensed land surveyor prior to issuance of a certificate of occupancy. Staff recommends a new conditional use order also specifically state total lot coverage shall not exceed 35%, which is the maximum lot coverage

allowed for all residential land use districts within the City limits per Section 3.02.04 of the LDRs. Lot coverage is defined in this section as the square footage of the building divided by the square footage of the lot, including second floor decks with no roof and a solid surface floor, but not including paved areas for parking, sidewalks or driveways.

Sincerely,

Bonnie Miller

Executive Assistant
Building and Zoning Department

City of St. Augustine Beach Building and Zoning Department
Conditional Use Permit 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 the conditional use permit is being sought:

Lot(s) 18 Block(s) 5th Subdivision St. Augustine Beach

Street Address 16 5th Street, St. Augustine Beach, FL 32080

2. Location (N, S, W, E): N Side of (Street Name): 5th Street

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

4. Real estate parcel identification number: 169890 0180

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

Wai Young and Mike Collier, 815 40TH Place, Everett, WA 98201

6. Current land use classification: Commercial

7. Section of land use code from which the conditional use permit is being sought: 3.02.02

8. Description of conditional use permit being sought: _____

SEE ATTACHED

9. Supporting data which should be considered by the Board: _____

SEE ATTACHED

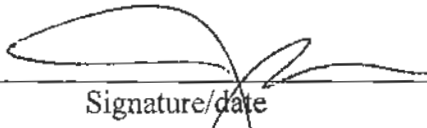
10. Has an application for a conditional use permit been submitted in the past year? Yes No (Circle one)

If yes, what was the final result? UNANIMOUSLY APPROVED by City Commission (DEC. 2, 2019)

11. 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 (4-inch-by-9½-inch) 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 structure if conditional use is requested for construction of a residential structure in a commercial land use district
- ☒ Other documents or relevant information to be considered
- ☒ Fourteen (14) copies of the completed application including supplemental documentation and/or relevant information

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

<p style="font-size: 1.2em; font-family: cursive;">JAMES G. WHITEHOUSE</p> <hr/> <p>Print name (owner or his/ her agent)</p>	<p style="font-size: 1.2em; font-family: cursive;">ST. JOHNS LAW GROUP</p> <hr/> <p>Print name (applicant or his/her agent)</p>
<p style="font-size: 1.2em; font-family: cursive;"></p> <hr/> <p>Signature/date</p>	<p style="font-size: 1.2em; font-family: cursive;">9/11/2020</p> <hr/> <p>Signature/date</p>
<p style="font-size: 1.2em; font-family: cursive;">104 Sea Grove Main Street</p> <hr/> <p>Owner/agent address</p>	<p style="font-size: 1.2em; font-family: cursive;">St Augustine Beach</p> <hr/> <p>Applicant/agent address</p>
<p style="font-size: 1.2em; font-family: cursive;">904 295 0400</p> <hr/> <p>Phone number</p>	<hr/> <p>Phone number</p>

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

****Conditional use permits 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 City Commission does not constitute approval for variation from the covenants and restrictions.****

Date: 9-15-2020

Conditional Use File #: CU2020-03

Applicant's name: James G. Whitehouse, Agent for Owners

Applicant's address: 104 Seagrave Main St., St. Augustine Beach,
Florida 32080

For conditional use permit at: 16 5th Street, St. Augustine Beach,
Florida 32080

Charges

Application Fee: \$400.00 Date Paid: 9-15-2020

Legal Notice Sign: \$10.00 Date Paid: 9-15-2020

Received by Bonnie Miller

Date 9-15-2020

Invoice # I2002382

Check # or type of credit or debit card 13284

ST. JOHNS



Dedicated and Responsive Service

September 11, 2020

TO: City of St. Augustine Beach Building and Zoning Department
2200 A1A South
St. Augustine Beach, FL

FROM: James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

**RE: CONDITIONAL USE PERMIT – EXTENSION (Cond. Use Permit 2019-05)
YOUNG/COLLIER RESIDENCE at 16 5TH STREET**

Summary of Conditional Use Permit Extension Request:

This is a request for an extension to a Conditional Use Permit that was approved unanimously by the City Commission on December 2, 2019, after a recommendation for approval from the City's Planning and Zoning Board. This Conditional Use Permit (Cond. Use Permit 2019-05) was granted to allow a single family residential use in a Commercial District after a staff recommendation to allow the same, based upon the evidence presented, including the fact that the surrounding parcels had also been granted such permits, and the applicant's agreement to adhere to all of the city's codes and requirements. That approval specifically allowed for that permit to run with the land so that any future sale of the property would allow for this residential use in a commercial district to continue. Further, as is customary for these permits under our code, the permit was to be commenced within one year of the approval.

In the beginning of the year, the initial applicants on the permit had to sell the property and the applicant herein purchased the property with rights to the conditional use permit. Immediately thereafter, in March, our city as well as many others were struck with the grave affects and slowdown, if not gridlock and uncertainty, caused by the global CoVID pandemic. Although the owners fully intended to move forward and establish their residence here, their location out of state as well as the hardship in getting the appropriate professionals to push forward in haste on the project as approved, delayed all of their work on the project and now the time limits and commencement prior to the one year date have become a problem for them to realize their desire to build their residence in our city at 16 5th Street.


In sum, we have attached all of the appropriate and required documentation, as well as the previous approval and the agenda, staff report and permit, and this request is simply to grant/extend the same conditional use permit with the same conditions and agreements for an additional year period as allowed under our code, based upon the same

T (904) 495-0400	104 Sea Grove Main Street
F (904) 495-0506	St. Augustine, Florida 32080
(888) 588-2599	www.sjlawgroup.com

evidence and factors considered in December when this permit was initially granted. Finally, a grant of this conditional use permit will merely extend the time period to allow the owners to move forward with their residence pursuant to the currently approved permit which was unanimously found to be reasonable and appropriate just a few months ago, and a grant of this permit will not have any adverse effect upon the area; in fact, it will promote the public interest to preserve the currently approved development pattern of the area.

We sincerely appreciate your review and reasonable consideration and look forward to answering any further questions at your leisure.

Sincerely,



James G. Whitehouse, Esq.
St. Johns Law Group
On Behalf of the Owners



City of St. Augustine Beach

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FAX (904) 471-4470

OWNER'S AUTHORIZATION

ST. JOHNS LAW GROUP / JAMES G. WHITEHOUSE, ESQ. is hereby authorized TO ACT ON BEHALF OF Wai Young and Mike Collier, the owner of those lands described below or as described in other such proof of ownership as may be required, in appearing before and/or applying to the City of St. Augustine Beach, related to land use issues, and any other matter related to their property located at 16 5th Street, St. Augustine Beach, FL, and including the following parcel at Property Appraiser ID: 169890 0180.

BY: _____

Signature of Owner

Michael Collier

Print Name of Owner

360-914-2478

Telephone Number

BY: _____

Signature of Owner

Wai Young

Print Name of Owner

360-888-4188

Telephone Number

2020

RECORD AND RETURN TO:
ISLAND TITLE OF ST. AUGUSTINE LLC
2085 A1A SOUTH, SUITE 206
ST. AUGUSTINE, FL 32080

WARRANTY DEED

This Deed, made between James Cochrane and Kimberly Cochrane, husband and wife ("Grantor"), whose mailing address is 328 S. Forest Dune Drive, St. Augustine, Florida 32080, and Michael Collier, Sr. and Wai Yee Young, husband and wife ("Grantee"), whose mailing address is 815 40th Place, Everett, Washington 98201. Grantor, for \$10.00 and other valuable consideration, conveys to Grantee the following described real estate, together with fixtures and other appurtenant interests, in Saint Johns County in the State of Florida ("Property"):

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION

Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomsoever, subject to: covenants, easements, and restrictions of record; matters of plat; existing zoning and government regulations; oil, gas and mineral rights of record if there is no right of entry; current taxes; and mortgages that Grantee will assume.

This is not the Grantor's homestead property.

Dated: 2/28/2020

Witness Signature

David K. Foley

Witness Printed Name

Witness Signature

Vickie A. Rianda

Witness Printed Name

Grantor Signature

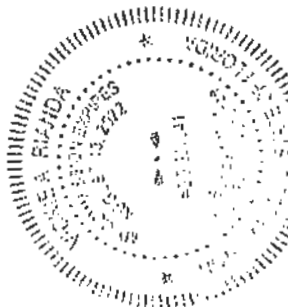
James Cochrane

Grantor Printed Name

Grantor Signature

Kimberly Cochrane

Grantor Printed Name



Prepared by Knight Barry Title Solutions Inc.
2085 A1A South, St. Augustine, FL 32080
File No: 1097947

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before by means of

☒ physical presence or ☐ online notarization this

28 day of February, 2020 by James Cochrane, Kimberly Cochrane

Notary Public: Vickie A. Rianda

Notary Public, State of Florida

☒ driver's license / state identification card

☐ other: _____

EXHIBIT A

Lots 18, ST. AUGUSTINE BEACH, a subdivision according to the plat thereof recorded at Map Book 3, Page 140, in the Public Records of St Johns County, Florida.

For informational purposes only

Property Address: 16 5th St, St Augustine Beach, FL 32080

Tax Key No.: 169890-0180





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice\(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice\(PDF\)](#)

Summary

Parcel ID	1698900180
Location Address	5TH ST SAINT AUGUSTINE 32080-0000
Neighborhood	A1A Beach Boulevard (COM) (717.02)
Tax Description*	3-140 ST AUG BCH LOT 18 OR4893/1449 *The Description above is not to be used on legal documents.
Property Use Code	Vacant Commercial (1000)
Subdivision	St Augustine Beach
Sec/Twp/Rng	34-7-30
District	City of St Augustine Beach (District 551)
Millage Rate	16.9195
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Collier Michael Sr Et AL 100% Young Wai Yee 100%
Mailing Address	815 40TH PL EVERETT, WA 98201-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$282,240
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$282,240
Total Deferred	\$6,254
Assessed Value	\$275,986
Total Exemptions	\$0
Taxable Value	\$275,986

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$250,896	\$0	\$0	\$250,896	\$250,896	\$0	\$250,896
2018	\$0	\$0	\$292,712	\$0	\$0	\$292,712	\$292,712	\$0	\$292,712

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	48	105	48	EF	\$282,240

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/2/2020	2/28/2020	\$325,000.00	WD	4893	1449	Q	V	COCHRANE JAMES,KIMBERLY	COLLIER MICHAEL SR ET AL
12/5/2018	12/4/2018	\$100.00	WD	4650	25	U	V	CAM-ST AUGUSTINE LLC	COCHRANE JAMES,KIMBERLY
6/26/2009	6/25/2009	\$100.00	WD	3210	957	U	V	MILLER GARY A TRUSTEE	CAM-ST AUGUSTINE LLC

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

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

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Version 2.3.84



AGENDA


REGULAR CITY COMMISSION MEETING
MONDAY, DECEMBER 2, 2019 AT 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

NOTICE TO THE PUBLIC

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

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON NOVEMBER 4, 2019 AND CONTINUATION MEETING OF REGULAR COMMISSION MEETING ON NOVEMBER 6, 2019
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Interview of Mr. Larry Einheuser for Position of Junior Alternate on the Comprehensive Planning and Zoning Board
 - B. Report on Veterans Reunion in City, October 23-24, 2020, by Ms. Kim Kendall
 - C. Update Report by Communications and Events Coordinator Cindy Walker on Preparations for New Year's Eve Fireworks Show
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS
- X. PUBLIC HEARINGS
 1. Ordinance 19-17, Public Hearing and First Reading, to Adopt Amendments to the Comprehensive Plan (Presenter: Ms. Janis Fleet, Planning Consultant)
 2. Conditional Use Permit to Construct a Single-Family Residence in a Commercial Land Use District at 16 5th Street, (Lot 18, St. Augustine Beach Subdivision, Mr. James Cochran, Applicant) (Presenter: Brian Law, Building Official)

 APPROVED
- 13 - UNANIMOUSLY

City Manager Royle advised that one of the Strategic Plan goals that the Commission will review in January is an annual review of the Comprehensive Plan.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked the Commission what the City would do for the residents who must go from septic tanks to the sewer systems regarding their initial costs of \$10,000 to hook-up to the sewer line.

Mayor George asked City Manager Royle to follow up on this question.

Mayor George closed the Public Comments section and asked City Attorney Wilson read the title of the ordinance.

City Attorney Wilson read the title of the ordinance.

Mayor George asked for a motion.

Motion: to approve draft Ordinance 19-17 with the amendment stated 24.5 contingent upon Ms. Fleet receiving final approval on that modification from DOE. **Moved by** Mayor George, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to Item 2.

2. Conditional Use Permit to Construct a Single-Family Residence In a Commercial Land Use District at 16 5th Street, (Lot 18, St. Augustine Beach Subdivision, Mr. James Cochran, Applicant) (Presenter: Brian Law, Building Official)

Mayor George introduced Item 2 and asked Building Official Law to give a staff report.

Building Official Law explained that this is to build a single-family residence in a Commercial Land Use District. He advised that the Comprehensive Planning and Zoning Board voted five to one to allow construction of a single-family residence in a commercial district with three requirements, which are: 1) that it be built in accordance with the Land Development Regulations for Medium Density Land Use District; 2) no variances for reduced setbacks or maximum impervious surface ratio; and 3) that the Building Department require verification of building height by a license surveyor after the trusses are installed and roof is on because the proximately to the roof building is at 34 feet 10 inches. He advised that the Building Department has no objections to the building if it follows the medium density codes.

Commissioner Samora asked if there should be a 15-foot buffer to the east of the property between the other residential properties.

Building Official Law advised yes.

Commissioner Kostka advised that the plans are for a five-bedroom home and asked what the plan is for the parking.

Building Official Law advised that they would have to have five parking spaces according to the codes and if the owners want to change the building to commercial transient rental a lot of renovations would have to be done, such as changing all the doors, having fire sprinkler system, and would require an engineer to redesign the building. He commented that the owner will be putting in a gravel driveway for permeability.

Mr. James Cochran, 16 5th Street, St. Augustine Beach, FL, advised that it will improve the appearance of 5th Street, the building will be high quality, increase taxes for the City,

development will fill a low spot on 5th Street, and will be consistent with the land use codes. He explained that the lot has limited commercial use. He then showed Exhibits 8 and 9 and advised that the property sits between residential and commercial properties. He showed all the properties around his property that were granted conditional use permits. He commented that the City put parking across from the property and considers this a tourist area. He stated that this proposal is consistent with what is currently there.

Mayor George asked about the commercial property adjacent to this parcel on Beach Boulevard.

Building Official Law advised that a commercial suite will be downstairs and one suite upstairs. He explained that at this time staff does not know what it will be but believes it will be gift shops. It would be a two-commercial facility.

Mayor George opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to pass the ordinance. He commented that Building Official Law should not be the presenter, the applicant should because the City could have grounds for legal actions.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked if this really going to be single-family home or a short-term rental because a short-term rental impacts the fire, police, and public works solid waste pick up more than a residential home.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supports the application and applaud Mr. Cochrane for being persistent. He advised that the City could have been sued for civil rights violations if this was not heard again. Agreed with Mr. Reynolds regarding Building Official Law not presenting the items instead of the applicant.

Mayor George closed the Public Comments section and asked if there were any other Commission comments.

Vice Mayor England advised since the original application the lots on Beach Boulevard have no possibility of a combination of commercial use, which is a change in facts.

Commissioner Kostka explained that these lots were not separated on the first decision and hoped according to the Comprehensive Plan that the commercial districts would remain intact. She commented that the lots were sold separately, and the Commission must look at each case separately. She remarked that the Commission must look at the changes being presented and look to the future to make sure they would not hurt the residents' quality of life.

Mayor George asked for a motion.

Motion: to approve the conditional use permit with the conditions that the Comprehensive Planning and Zoning Board requested. **Moved by** Commissioner Kostka, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item 3.

3. Conditional Use Permit to Construct Eight Single-Family Residences in a Commercial Land Use District on West Side of A1A Beach Boulevard between E and F Streets (Lots 1-8, Block 43, Coquina Gables Subdivision, Mr. Len Trinca, Applicant) (Presenter: Brian Law, Building Official)

Mayor George introduced Item 3.



City of St. Augustine Beach

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

To: Comprehensive Planning and Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 10-09-2019
Re: CU 2019-05 16 5th Street

Conditional Use 2019-05 is a request to build a single-family residence in a commercial land use district, which requires the granting of a conditional use permit by the City Commission per Section 3.02.02 of the City's Land Development Regulations (LDRs).

The property owners and applicants, James and Kimberly Cochrane, previously submitted a conditional use application for construction of a single-family residence in a commercial land use district for this same address at 16 5th Street, which was considered by the Planning and Zoning Board in March 2019. The PZB voted 4-2 to recommend the City Commission approve the conditional use permit to allow residential construction in commercial zoning, but it was denied by the City Commission in April 2019. At its regular monthly meeting held September 9, 2019, the Commission voted to waive the one-year time period required for reapplication, so the applicants have submitted a new application and are once more requesting a conditional use permit for residential construction in a commercial land use district.

The Building and Zoning Department has no objection to the construction of a single-family residence in the commercial land use district at 16 5th Street and asks the Comprehensive Planning and Zoning Board to consider forwarding a recommendation of approval of the applicants' request to the City Commission, with the stipulation that the setback requirements and impervious surface ratio (ISR) maximum coverage for medium density residential property be adhered to.

Sincerely,

Bonnie Miller

Bonnie Miller
Executive Assistant
Building and Zoning Department

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Conditional Use File No. CU 2019-05
Date: Wednesday, October 16, 2019

Please be advised that at its regular monthly meeting held Tuesday, October 15, 2019, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted to recommend the City Commission approve a conditional use application submitted for proposed new construction of a single-family residence in a commercial land use district at 16 5th Street, St. Augustine Beach, Florida, 32080.

The application was filed by James and Kimberly Cochrane, 328 South Forest Dune Drive, St. Augustine Beach, Florida, 32080, per Sections 3.02.02 and 10.03.00-10.03.03 of the City of St. Augustine Beach Land Development Regulations, PERTAINING TO LOT 18, ST. AUGUSTINE BEACH SUBDIVISION, PARCEL IDENTIFICATION NUMBER 1698900180, AKA 16 5TH STREET, SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 3, PAGE 140, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Ms. West made the motion to recommend the City Commission approve the conditional use application as submitted for proposed new construction of a single-family residence in a commercial land use district at 16 5th Street, St. Augustine Beach, Florida, 32080, subject to the following three (3) conditions: 1) The proposed new single-family residence shall be built in compliance with current Land Development Regulations (LDRs) requirements for medium density residential land use districts; 2) No variances shall be requested to reduce setback requirements or maximum impervious surface ratio (ISR) coverage per LDRs requirements for medium density residential land use districts; 3) Verification of building height in compliance with the City's height ordinance and LDRs shall be submitted by a certified and licensed surveyor prior to the issuance of a certificate of occupancy for the new single-family residence. Ms. West's motion was seconded by Ms. Odom and passed 5-1 by the Board by voice-vote, with Mr. Mitherz, Ms. Odom, Ms. West, Mr. Pranis and Mr. King assenting, and Ms. Longstreet dissenting.

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

In re:

**APPLICATION FOR CONDITIONAL USE
PERMIT TO BUILD A RESIDENCE IN A
COMMERCIAL LAND USE DISTRICT AT 16
5TH STREET, LOT 17, OF ST. AUGUSTINE
BEACH, A SUBDIVISION OF HOTEL
GROUNDS, CHAUTAUQUA BEACH,
ACCORDING TO PLAT THEREOF AS FILED
IN MAP BOOK 3, PAGE 140 OF THE PUBLIC
RECORDS OF ST. JOHNS COUNTY, ST.
AUGUSTINE BEACH, FLORIDA 32080.**

Public Records of St. Johns County, FL
Clerk number: 2019097628
BK: 4857 PG: 1755
12/30/2019 1:44 PM
Recording \$18.50

ORDER APPROVING CONDITIONAL USE (2019-05)

The application of James and Kimberly Cochrane, for a conditional use permit to allow for a residence to be built in a commercial land use district located at 16 5th Street, St. Augustine Beach, Florida 32080, having come on to be heard before the City Commission on December 2nd, 2019, and the City Commission having received the recommendations of the Comprehensive Planning and Zoning Board, having taken public comments, and having considered said application fully, it is therefore:

ORDERED that the application is hereby approved as follows:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings and recommendations by the building official, as follows: 1) The proposed new single family residence shall be built in compliance with current Land Development Regulations (LDR's) for medium density residential land use districts; 2) No variances shall be requested to reduce setback requirements or maximum impervious surface ratio (ISR) coverage per LDR requirements for medium density residential land use districts; 3) Verification of building height in compliance with the city's height ordinance and LDR's shall be submitted by a certified and licensed land surveyor prior to issuance of a certificate.

3. The conditional use permit shall be transferrable and shall continue for so long as the building continues to exist on the site.
4. The use shall be conducted in such a way as to not violate City Code or become a nuisance.
5. The use shall be transferrable.
6. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.
7. A violation of the conditions listed above shall void the conditional use granted herein.

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

DONE AND ORDERED this 2nd day of December 2019, at St. Augustine Beach, St. Johns County, Florida.

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

By: 
Undine C. George, Mayor

ATTEST: 
Max Royle, City Manager

16 5th Street, St. Augustine, FL
3-1-10 ST AUG BCH LOT 19 OR3210-957

*Parcel# 1008900130

*SIC Utilities

*Zoned Medium Density, 50% Total Land Use + 15% for Semi-Permeable Pavers

Brandon Travis

(C) 904 904-814-9524

(E) brandon@entireinc.net

*Maximum Height = 35

*Building Height is measured as one (1) foot above the higher of either the Front Existing Grade or the Crown of the Road (to which the structure is addressed) to the highest point of building of structure. The amount of fill is limited to no more than five (5) feet

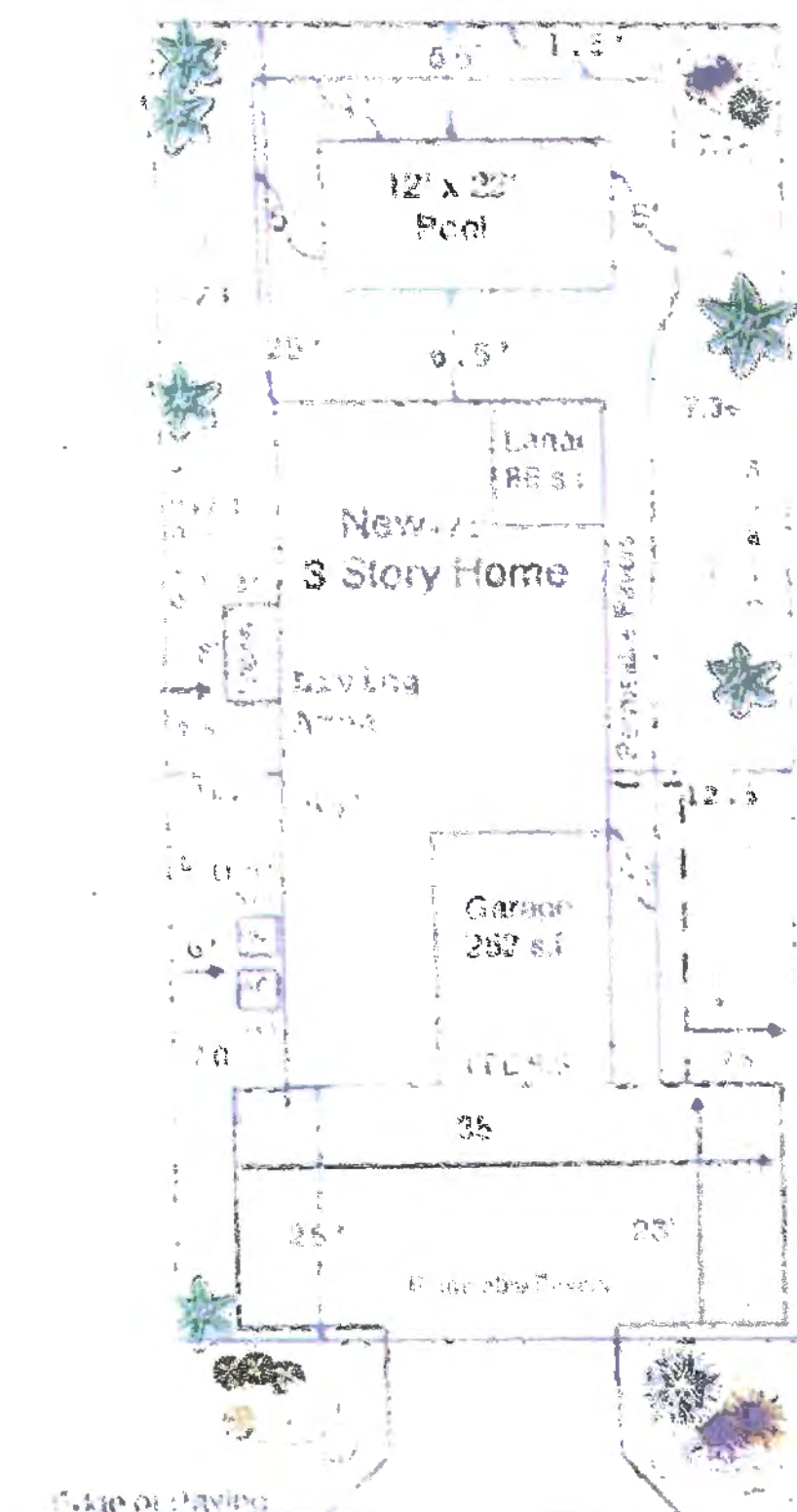
*Flow / Zone: X5

*Water Flow

*Type "A" Drainage



1" = 20'



*Silt fence shall be provided around property boundaries to prevent impact to adjacent properties

*Land Usage Lot = 5040 sq. ft.

*House 1375 + Deck 165 sq. ft. = 1540 sq. ft. (30.36%)

*Pool 264 sq. ft.

*Driveway 805 sq. ft.

*Pool Deck 455 sq. ft.

*Sidewalk total 102.5 sq. ft. Covered Sidewalk 119.7 sq. ft. = 222.2 sq. ft.

*AC Top 32 sq. ft.

*Slope 32 sq. ft.

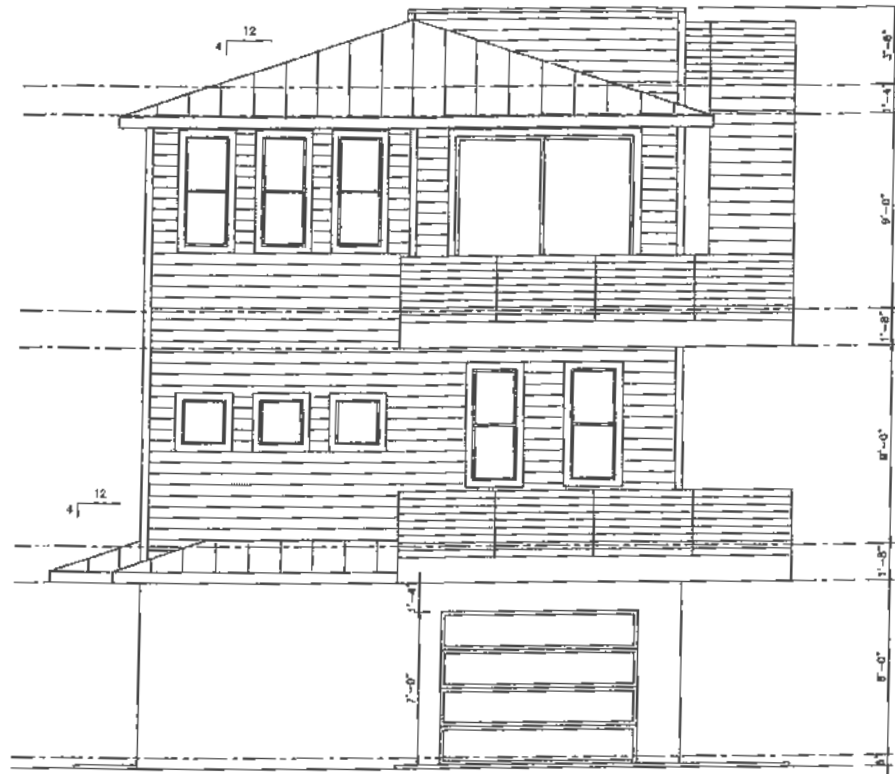
Total 3211 sq. ft. = 63.71%, Total Land Usage:

*Home shall be built on a 3-course stemwall including chain block
11' completed fill under house footprint

PARCEL AREA

SQ. FEET 5040

ACRES 0.12



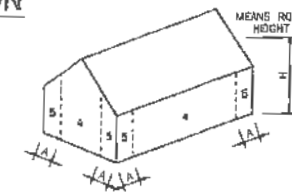
FRONT ELEVATION

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



RIGHT ELEVATION

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



COMPONENTS AND CLADDING WALLS
Structures less than or equal to 60 ft

COMPONENT PRESSURES:

AREA	PRESSURE (psf)
4	MAX = 35.05
4	MIN = -38.02
4	MAX = 35.05
4	MIN = -46.83

Dimension a = 3.00 ft



REAR ELEVATION

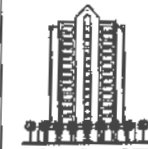
SCALE: 1/4" = 1'-0"



LEFT ELEVATION

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

Stanley P. Hoyle, Architect
Florida Reg. No. AR9333
1114 Marjorie Drive,
Daytona Beach, FL 32117
386-295-9750



DISCLAIMER
THE USE OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE SPECIAL USE FOR WHICH THEY WERE PREPARED AND NO OTHER USE OR REUSE IS PERMITTED. ANY REUSE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE DRAWINGS OR SPECIFICATIONS.

ALL CONTRACTORS & SUB-CONTRACTORS PLEASE CHECK & TRY TO HOLD TO THE ORIGINAL AND POSSIBLE PROBLEMS OR CHANGES ON THESE PLANS & ARE TO WITHIN THE BUDGET AND DESIGNER BEFORE CONSTRUCTION.

ENTIRE CONSTRUCTION, INC.
CUSTOM 3 STORY
Customized For
COCHERANE - 16 5th STREET

ENTIRE CONSTRUCTION INC.
ZAK ADAMS
P 904-614-7600
F 904-471-4324
St. Augustine, Florida
www.entireconstruction.com

JOB NUMBER

2723

SUNSTATE

PLAN DATE

12/11/18

"PLANS CONFORM TO"
2017 FLORIDA BUILDING CODE
2016 NATIONAL ELEC CODE
2018 IFBC RESIDENTIAL CONSTRUCTION
2014 ASCE FLOOD DESIGN
STRUCTURALLY ADEQUATE FOR
ALTERATION LEVEL: M/A
RISK CATEGORY: 2
WIND VELOCITY (MPH): 140
EXPOSURE CATEGORY: B
INTERNAL PRESSURE: 10
CONSTRUCTION TYPE: TB

LOT:
16 5th STREET
ST AUGUSTINE BCH
FLORIDA

ELEVATIONS

SHEET

1

21-

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Conditional Use File No. CU 2020-03
Date: Wednesday, October 14, 2020

Please be advised that at its regular monthly meeting held Tuesday, October 13, 2020, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted to recommend the City Commission approve a conditional use application submitted for proposed new construction of a single-family residence in a commercial land use district at 16 5th Street, St. Augustine Beach, Florida, 32080.

The application was filed by James G. Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, Florida, 32080, authorized agent for Michael Collier Sr. and Wai Yee Young, 815 40th Place, Everett, Washington, 98201, property owners, per Sections 3.02.02 and 10.03.00-10.03.03 of the City of St. Augustine Beach Land Development Regulations, PERTAINING TO LOT 18, SAINT AUGUSTINE BEACH SUBDIVISION, PARCEL IDENTIFICATION NUMBER 1698900180, AKA 16 5TH STREET, SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 3, PAGE 140, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Ms. Odom made the motion to recommend the City Commission approve this conditional use application for proposed new construction of a single-family residence in a commercial land use district on Lot 18, St. Augustine Beach Subdivision, at 16 5th Street, subject to the conditions that the new home be built in accordance with current Land Development Regulations for medium density residential land use districts with no variances granted for reduced setback requirements (currently required to be a minimum of 25 feet front and rear and 10 feet on the sides) or to exceed the allowable maximum impervious surface ratio (ISR) coverage for medium density residential land use districts; the Building Department shall require verification of the new home's building height by a licensed surveyor after the trusses are installed and the roof is on because the approximate height of the building to the top of the roof per the elevation drawings included with the conditional use application show the height of the proposed new home at 34 feet, 10 inches. Ms. Odom's motion was seconded by Mr. Mitherz and passed 6-1 by the Board by roll-call-vote, with Mr. King, Mr. Mitherz, Mr. Pranis, Mr. Kincaid, Ms. Odom, and Mr. Einheuser assenting, and Ms. Longstreet dissenting.