



CITY OF FORT PIERCE  
**BOARD OF ADJUSTMENT**  
CLEM C. BENTON, JR. CHAIRMAN

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## Board of Adjustment Minutes

OF THE MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, November 21<sup>st</sup>, 2013 IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Benton called the meeting to order.  
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The Pledge of Allegiance was recited.  
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Upon Roll Call, those present were: Mr. Crist, Ms. Calvert, Mr. B. McCain, Mr. Nunn and Chairman Benton.

Those absent: Mr. Clark and Ms. Beavin.

Staff Present: Steve McCain, Assistant City Attorney; Rebecca Grohall, Planning Manager; Kori Benton, Historic Preservation Officer; Clarissa Davis, Planning Specialist.  
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### Administrative business:

#### A. Consideration of Absences

**Mr. Crist makes a motion and is seconded by Mr. Nunn** - to excuse Me. Beavin's absence.

A voice vote was taken.

The motion passes unanimously.

**Mr. B. McCain makes a motion and is seconded by Mr. Crist** - to excuse Mr. Clark's absence.

A voice vote was taken.

The motion passes unanimously.

**Mr. Nunn makes a motion and is seconded by Mr. Crist** - to excuse the absence of Mr. B. McCain from the October 24<sup>th</sup> meeting.

**A voice vote was taken.**

**The motion passes unanimously**

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**B. Approval of Minutes:**

Chairman Benton: Approval of the August 22<sup>nd</sup>, 2013 and October 24<sup>th</sup> 2013 minutes.

**Mr. McCain makes a motion and is seconded by Mr. Nunn** – to approve the minutes for from the August 22<sup>nd</sup> meeting.

**A voice vote was taken.**

**The motion passes unanimously.**

**Mr. Crist makes a motion and is seconded by Mr. B. McCain** – to change those who were absent from “None” to “Excused” and add Mr. B. McCain as excused in the October 24<sup>th</sup> minutes.

**A voice vote was taken.**

**The motion passes unanimously.**

**Mr. Nunn makes a motion and is seconded by Mr. Crist** - to change the voting on the duplex item. Ms. Calvert was opposed on both motions.

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**C. Certification of Alternate Member(s)**

**Mr. Nunn is made an active member for them meeting.**

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**5. Variance - 1167 S U.S. Highway 1** - request for approval to deviate from several sections of the Fort Pierce Code of Ordinances as noted below:

a) Deviation from Section 22-60(c)(1) of the Fort Pierce Code of Ordinances to reduce the required size of off-street parking spaces from the required width of at least nine and one-half (9½) feet to nine (9) feet and the required depth of nineteen (19) feet to eighteen (18) feet.

b) Deviation from Section 22-60(c)(5) of the Fort Pierce Code of Ordinances to reduce a portion of the required combined aisle and stall width for 90 degree parking stalls with two-way traffic and stalls on both sides from 64 feet to 60 feet.

c) Deviation from Section 22-187(4)a. of the Fort Pierce Code of Ordinances to reduce a portion of the required landscape strips between street rights-of-way and vehicular use areas, from ten(10) feet to two and one-half (2.5) feet affecting approximately 430' of the required landscaping, in accordance with the proposed redevelopment plans.

d) Deviation from Section 22-187(6). of the Fort Pierce Code of Ordinances to reduce the required landscape strips between vehicular use areas and other property, from ten (10) feet to(0) zero feet and to eliminate the requirement of one tree for each two hundred (200) square feet of required landscape area, as mandated by the forgoing section. The requested reduction is affects approximately 360' linear feet of required landscaping, in accordance with the proposed redevelopment plans.

Mr. Benton: This is the resubmittal after incorporating various concerns and suggestions from the Board and we will move forward with bringing everyone back up to speed with the project as well as the updates to the proposed plans and the details. The Fort Pierce Shopping Center was constructed in 1955. It's just less than 45,000 square feet. The historical foot print of the building is relatively the same since the initial construction. There was a small addition, however it has remained fairly constant for over a half century. The property is zoned C-3 General Commercial and is roughly 3.63 acres. Due to its history and the constant nature of the site and lack of redevelopment there are several deficiencies on the site as far as safety concerns, the broad inlets on Ohio Avenue towards the intersection of U.S. 1 and Ohio Avenue, limited landscaping around the entire facility and the lack of landscape strips essentially around the property. We have an exhibit of the existing site. We have overlaid the existing landscape deficiencies expressed in red as well as extraneous and unsafe access points on the site as shown in blue. The site does feature quite a few safety concerns and extremely limited landscaping. There are only three tenants in the facility. The occupancy rate is way under 50%.

The applicant is proposing a significant redevelopment plan in hopes of garnering additional tenants and filling the commercial space. The street scape, landscaping and parking lot improvements are shown on the plan. The proposed plan does incorporate the variances as stated. The redevelopment plan does include numerous improvements specific to landscaping, parking, sidewalks, as well as lighting and quite a few other façade improvements. What we have in total is the addition of 5 interior landscape islands, addition of landscape strips along the western property line, along Ohio Avenue as well as an expansion along U.S. Hwy 1. This totals nearly 50 trees being added to the site, roughly 900 linear feet of shrubs being implemented, 150 linear ft. of pedestrian access ways and sidewalks as well as bicycle parking for multimodal transportation to the site and a 6 ft. tall green vinyl fence to be installed along the western property line to provide additional buffering for the neighboring residents.

The proposed plans as differentiate from the previous presentation in October feature the addition of quite a few trees of specific species for the entire landscaping of the site as well as the extension of landscape strip towards the rear. There was a lengthy discussion regarding providing additional buffering for the residents, so the applicant's representatives have extended that landscape buffer providing additional shrubs, landscaping and trees on the site. Another concern that was presented by the Board at the October meeting included the width of the parking stalls at a 90 degree angle. There is a lot of high turnover at some of the establishments in the facility. The applicants have proposed a plan to include 19 parking spaces with an extended width to 9 ½ feet. These are the high intensity spaces. In addition, the abutting handicapped parking spaces are at the required width of 12 feet, so the front entrance parking will have more than adequate width as directed by the City Code. Their existing request to deviate from the City Code would reduce the parking spaces to a 9 foot width remain for the

other spaces proposed on the site, however this is a compromise to accommodate for a larger vehicles in the high intensity spaces.

Façade improvements proposed with this entire redevelopment plan are presented. The applicant did provide a conceptual to show what the façade improvements and the redevelopment efforts of the building and structure itself look like. The colors may not be accurate. They would have to work with the potential tenants and try and formulate a grand scheme, but this is a great representation of what their goals are for the improvements of the façade. It leaves out the infill of shrubs and trees to provide an easy isometric 3D view, the parking configuration and the redevelopment access points to offer additional safety in close proximity of the Ohio and U.S. 1 intersection and the extraneous access point that was specifically on U.S. Hwy 1 just south of the sign. The variances being requested for this redevelopment plan are stated as represented by the Chair earlier. They remain constant with the exception of the additional landscaping as presented on the western property line.

We've provided a visual showing where the variance requests are actually affecting the proposed plan. Any time you are redeveloping a site such as this that is over 50 years old, it's difficult to bring it up to 2013 zoning standards. The site was developed prior to the majority of our zoning codes being implemented in 1981, therefore the applicants are tasked with trying to bring the site into code compliance as much as possible. There are a few sections shown representing the landscape strips that they propose that are infeasible to implement without the complete overhaul and reduction of parking spaces which are required to facilitate retail at the center as well as free flow vehicle access in the parking lot for 90 degree parking.

As part of the variance initiative and application process, City staff distributed notification letters to abutting property owners. We have received 3 responses, 2 approving and one in opposition. The opposition letter did include comments regarding the dumpsters and the proximity to the neighboring homes. We have coordinated with the applicant. The proposal does include concrete enclosures for all the dumpsters as well as a screen landscaping entirely around the dumpster enclosures. The landscape buffer and 6 foot tall pvc green vinyl fence along the property line should provide adequate buffering and barriers for any of the concerns that were presented by the letter in opposition. In addition to that, the tenants have included the potential to include safety mechanisms on the dumpsters themselves to ensure that they are closed and secure at all times which safeguards not only the neighbors, but themselves to make sure that other people aren't utilizing their dumpsters that they are paying for and need for the capacity of their site.

The variance request is coupled with a plan which significantly improves the subject site, improves many long standing deficiencies and presents a compelling case to satisfy the criteria specified in Section 22-108 is found to be consistent with the City's comprehensive plan, therefore staff recommends that the Board of Adjustment approve the request of the applicant.

Mr. Crist: This is a much better presentation from what we saw earlier. I thank you for that.

Mr. Nunn asks if the applicant is planning on irrigating the landscaping.

Mr. Benton states that irrigation is a requirement of any site redevelopment plan. Any time landscaping is installed pursuant to a plan, the City's certified arborist will review the irrigation system as proposed and make sure that it is adequate based on the species of the plant materials and the trees.

Mr. Nunn asks if the applicant has considered removing the raised concrete sidewalk so the landscaping could be pulled back. The boat trailer parking in the back is going to be an issue. Though they would be taking up two stalls, it would allow some boat trailer parking in the front.

Mr. Benton states that staff did consider that in review of the proposed plan. The City code requirements is any time there is going to be parking stalls abutting each other front-end to front-end, staff requires some type of mechanism to prevent the vehicles from rolling or moving into each other, whether its bumper rails, curbing, sidewalks or anything to that extent. In the event that they do propose to eliminate the entire concrete median, they would be required to come back with bumper rails for each parking space. In review of the dimensions and ability to do that, they would only be garnering roughly 5 to 6 inches in that because of the existing width of that median and the space they would have to come back with bumper rails, they wouldn't pick up much of an additional area.

Mr. Nunn asks that if the vehicles are bumper to bumper, is it still required.

Mr. Benton states that it depends upon how the configuration is oriented there is still a requirement. Sabal Palm plaza is an existing deficiency. There are vehicles who park well over their line, but that is something that, in the long range, that could be fixed by Publix installing their bumper rails.

Mr. Nunn states that he would much rather have the raised concrete; however the applicant would lose a lot. If you have to put the parking bumpers in the applicant wouldn't gain anything. It was not realized that a bumper was a requirement.

**Mr. Crist makes a motion and is seconded by Mr. B. McCain** - to approve.

**A roll call was taken.**

**Those in favor:** Mr. Nunn, Mr. Crist, Mr. B. McCain, Ms. Calvert and Chairman Benton.

**Those in opposition:** None.

**Motion passes unanimously.**

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**6. Special Exception - 1167 S U.S. Highway 1-** Request to construct a 1,800 square foot expansion on a non-contributing structure.

Mr. Benton: The special exception that is here before you is an application in conjunction with the previous variance request for their overall redevelopment plan of the Fort Pierce Shopping Center. The commercial plaza was constructed in 1955, pre-existing our 1981 zoning code requirements which instilled a setback of 15 feet of commercial structures from abutting residential neighborhoods or districts, therefore the existing structure itself which is in very close proximity at the northwest portion of the property, deems the structure non-conforming. The applicants are proposing to place and construct an 1,800 square foot addition towards the rear portion of the structure. It is isolated and setback quite a bit from the property line and not effecting any dimensional standards or setback requirements at the site in order to hopefully lure in additional tenants to take up the rear

portion of the plaza. The applicants and the representatives have conducted quite a few research studies and have collected statistics that indicate that potential tenants would need additional space, so they would like to have that in their repertoire as a potential option in the event that the tenant would need space for warehousing retail stock, areas for offices or anything along those lines. The proposed addition would be incorporated within the existing suites. It would not be an independent operation or retail store. The applicant have indicated that within tenant space "D" which use to be the Walgreens, there used to be a mezzanine level which included just under 2,000 square feet of floor space and area. That is going to be eliminated with the proposal, therefore they are requesting to essentially transfer that floor area and space over to tenant bays "B", "C" and potentially "A" depending upon their pursuit and achievement with the future tenant.

As part of the Special Exception application, City staff did provide notice to abutting property owners. We did receive 2 approving the request and 1 in opposition based primarily on those dumpsters as discussed. The Planning Board did deliberate and consider the Special Exception request and at their November 12<sup>th</sup> meeting they offered a unanimous recommendation of approval to the Board of adjustment.

The proposed for the Fort Pierce Shopping Center meets the criteria specified in City code Section 22-102.2 and is found to be consistent with the City's Comprehensive Plan, therefore staff recommends that the Board of Adjustment approve the request of the applicant for this addition.

Mr. Crist asks if an elevation is available for the addition.

Mr. Benton states that he would like to defer that to the applicant's representative.

Mr. Crist states that it looks like it has a separate roof on it.

Greg Boggs (Representative): The addition has no architectural detail. It's consistent with the rest of the structure. It will blend in with the architecture. It has no special roof line.

Mr. Nunn asks if the additional is going to be a shell until tenants are found to finish it out.

Mr. Boggs states that he would have to defer that to Mr. Allen Carr.

Mr. Carr (Applicant, 1355 SW 9th Avenue, Boca Raton, FL): Our intent for requesting the Special Exception is for a future tenant. It is not for an existing tenant. It is not an existing tenant and we do not plan to construct until we have that tenant. Space "C" is currently occupied. "A" and "B" are vacant, but we have had discussions where the larger tenant wants to be in the neighborhood of West Marine's size (future tenant) which is 15,000 square feet. That (the addition) would get us to 14,800 square feet. If we can relocate the tenant in space "C", we might be able to accommodate another large user. We do not plan on constructing the addition until an agreement is reached for a tenant that would use that space.

Mr. Crist asks how long it is good for. Is it indefinitely?

Mr. Benton states that it would probably 12 months if there is an expiration date on it.

Mr. S. McCain states that there is a provision in the Special Exception provision under which this application is being pursued that does provide in 22-102.1 which states "In any Special Exception the Board of Adjustment may prescribe a reasonable time limit within which the enlargement or alteration for which the Special Exception is requested shall be begun and/or completed." The Board has the discretion to establish a time.

Mr. B. McCain asks if the reason this is a Special Exception is because of where the building sits on the property in relation to the setback.

Mr. Benton answers yes. On the northwest portion of the property distance from the proposed addition, this northwest portion of the property line. As demonstrated on the plan, the blue box represents the conceptual of where the 15' setback is along that property line that's being infringed upon. The applicants are proposing the 6' tall wood fence to help buffer and shield the existing structure commercial activity.

Mr. B McCain asks if the addition will make it more nonconforming.

Mr. Benton answers no.

Chairman Benton asks if the Board puts a time limit on the approval, perhaps a year, and suppose for some reason they don't find a tenant within that time frame would they have to come back to the Board again to extend the time.

Mr. S McCain states that if the Board decided not to interfere with their plans, but if the Board to put some form of a time restriction on either the commencement or the completion of the addition that's being requested by virtue of the special Exceptions, if that was not complied with, they would have to come back and reapply or ask this Board to extend the time period.

Mr. Carr states that he would not like this process to continue for an extended period of time. A reasonable amount of time would be favored to figure out how to get the right tenant in that space. The project is essentially transferring mezzanine space to another tenant. 36 months would be a reasonable amount of time.

Mr. B McCain asks if the Board is interested in having a time constraint on the approval.

Mr. Nunn states that he would not like an open ended approval. For site plan review the time limit is 12 months before they have to come back.

Mr. Benton answers yes, unless the City Commission advises otherwise.

Chairman Benton asks if the applicant is negotiating with anyone at the present time for that particular space that is receiving the addition.

Mr. Carr states that negotiations have been off and on. Currently there are no negotiations for that space at the moment. It's still a challenging leasing market. Time would be needed.

**Mr. Crist makes a motion and seconded by Mr. Nunn** - to approve the Special Exception with an active period of 3 years.

Mr. S McCain asks what happens when the active time period expires.

Mr. S McCain states that unfortunately he does not have that code section available. An argument could be made that it is somewhat like a variance where it expires after a certain time period if the variance is not pursued. The special exception may have that parameter as well where the time frame could expire in three years. The applicant would then come and ask for an extension or would have to reapply.

**A roll call is taken.**

**Those in favor:** Mr. Nunn, Mr. Crist, Ms. Calvert, Mr. B McCain and Chairman Benton.

**Those opposed:** None.

**The motion passes unanimously.**

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## **7. Discussion/ Other Business**

Mr. S McCain states that the Board must recognize the error that was made at a previous meeting concerning the Special Exception of duplex. The item should have been regulated under code Section 22-102.1 as this code section is for a nonconforming structure

Board recognizes the error and states that **52:00**

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## **8. Adjournment.**

**Chairman Benton makes a motion-** to adjourn.