



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Members of the City of Fort Pierce Board of Adjustment

FROM: Sandy Ramseth, AICP, Senior Planner

SUBJECT: **Application for Variance**
Reduction of Landscape Strip
7131 Okeechobee Road

DATE: September 18, 2014

STAFF REPORT

Owner/Applicant: Ft. Pierce Petroleum, LLC
9615 Southwest 118th Street
Miami, Florida 33176

Representative: Mr. David Cleveland
100 Avenue A, Suite 2E
Fort Pierce, Florida 34950

Requested Action: Approval of a variance to deviate from Sections 22-187(6)a. and 22-187(6)b. of the City Code in order to reduce the required landscape strip from ten (10) feet to zero (0) feet and to eliminate the requirement to have installed one (1) tree for each two hundred (200) square feet of required landscape area.

Location: 7131 Okeechobee Road

Current Zoning: C-3, General Commercial

Staff Analysis:

In accordance with Chapter 22, Article VIII of the City Code, the applicant is requesting that the Board of Adjustment approve a variance to deviate from Sections 22-187(6)a. and 22-187(6)b. of the City Code in order to reduce the required landscape strip from ten (10) feet to zero (0) feet and to eliminate the requirement to have installed one (1) tree for each two hundred (200) square feet of required landscape area.

The subject site is zoned C-3, General Commercial. The purpose of this Zoning District is intended to provide for a broad variety of business activities including shoppers' goods stores, convenience goods and service establishments, offices and tourist/entertainment facilities. Many public and semi-public uses are also appropriate.

Per Section 22-187(6)a. of the City Code, there shall be a landscaped strip, at least ten (10) feet wide, between vehicular use areas and other property (i.e. the property line). Additionally, per

Section 22-187(6)b. of the City Code, there shall also be at least one tree for each two hundred (200) square feet of required landscaped area within the landscaped strip (or 1 tree for each 20 linear feet of landscaped strip).

The applicant is applying to reduce the requirement from ten (10) feet to zero (0) feet along a portion of the eastern property line. This reduction is being requested in order to allow for a “wrap-around” driveway that traverses around the rear of the existing structure and between the east side of the structure and the eastern property boundary.

The following five criteria, as specified in Section 22-108 of the City Code, must be satisfied in order for a variance to be granted:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant Response: *This site was developed in the mid-1960s, with a completely different set of zoning standards. The building was sited without a 10' landscape requirement.*

2. The special conditions and circumstances do not result from the actions of the applicant;

Applicant Response: *Fort Pierce Petroleum, LLC, purchased the property fully developed. The property did not require the 10' landscaping strip when it was built in 1965.*

3. The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;

Applicant Response: *Without the landscape variance, we do not have enough room for the loop drive around the South side of the building, without the loop we have a potential of stacking vehicles in the shared easement on the West side of the property, which we have agreed not to allow.*

4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Applicant Response: *The minimum, as per our request, is granting a waiver of a portion of the required ten foot side landscaping strip on the East side of the property. The request varies from 42' at 100% compliance with the remaining balance of 103' at 50% compliance.*

5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: *The purpose of the zoning ordinance is to further the goals of the comprehensive plan. This request falls within the objectives of the comprehensive plan that regulates uses. The request does not increase density or intensity of the district as it provides services for an existing motoring public. This request supports tourism and the local economy, and is further compatible with Fort Pierce's small-town character.*

Additional Information to Consider:

To offset the reduction of the required landscape strip, Black Capital LLC, owners of the Wendy's site located at 7085 Okeechobee, immediately to the east, has agreed to allow Fort Pierce Petroleum to utilize a 10-foot strip of the Wendy's property abutting the subject property to install its required landscaping. Fort Pierce Petroleum will be responsible for the design, installation and maintenance of the landscaping. (Exhibit A)

In addition, approval of this Variance will bring closure to a 10-year disagreement between adjacent property owners who have agreed to a mediated settlement.

Adjacent Property Owner Response Summary:

A total of six (6) notifications were mailed to adjacent property owners. As of September 18, 2014, three (3) responses have been received. All three (3) were in favor.

Staff Recommendation:

Approve with the condition that the landscape strip be planted on the abutting Wendy's property in accordance with the Land Development Code Section 22-187 and the attached landscape plan.