



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

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

**TO:** The Honorable Mayor and Members of the City Commission  
**THROUGH:** Rebecca Grohall, AICP, Planning Manager  
**FROM:** Clarissa Davis, Planner  
**SUBJECT:** Pinecreek Village Apartments: Future Land Use and Zoning Map Amendments  
**DATE:** February 4, 2013

### STAFF REPORT

**Owner/Applicant:** SP Pine Creek Village LP  
Mr. Scott Seckinger, Vice President  
2430 Estancia Boulevard, Suite 101  
Clearwater, Florida 33761

**Representative:** Culpepper & Terpening, Inc.  
Mr. Dennis J. Murphy  
2980 South 25<sup>th</sup> Street  
Fort Pierce, Florida 34981

**Requested Action:** Approval of a Future Land Use Map Amendment from RM, Medium Density Residential to RH, High Density Residential and a Zoning Atlas Amendment (Rezoning) from R-4, Medium Density Residential to R-5, High Density Residential in order to reflect the existing density of the site.

**Location:** 1110 North 29<sup>th</sup> Street

**Parcel Ids:** 2404-608-0120-000/9

**Current Future Land Use:** RM, Medium Density Residential

**Proposed Future Land Use:** RH, High Density Residential

**Current Zoning:** R-4, Medium Density Residential

**Proposed Zoning:** R-5, High Density Residential

**Surrounding FLU & Zoning:**

North	East	South	West
RM/R-4	RM/R-4	RL/R-3	RM/R-4

Parcel(s) Size: 6.61 acres  
 Utilities: Within the FPUA Retail Service Area

**Staff Analysis:**

The applicant is requesting the approval of a Future Land Use Map Amendment from RM, Medium Density Residential to RH, High Density Residential and a Zoning Atlas Amendment (Rezoning) from R-4, Medium Density Residential to R-5, High Density Residential.

The subject site was originally constructed between 1970 and 1971 and predated the 1981 Land Development Code. Currently, the site consists of thirteen multi-family buildings and a newly constructed community clubhouse. There are twelve 8-unit multi-family buildings and one 12-unit multi-family building for total of 108 residential units. The site was recently purchased and all thirteen residential structures have been fully renovated with new kitchens, new bathrooms, new roofs and façade improvements. Additionally, considerable site improvements have been completed including enhanced site circulation, landscaping and sidewalk improvements.

Table 1 demonstrates pertinent existing and proposed data for the subject site.

Table 1: Existing and Proposed Site Data

	Existing	Proposed
Zoning	R-4	R-5
Future Land Use (FLU)	RM	RH
Existing Density	16.4 units / acre	16.4 units / acre
Maximum Density Permitted	12 units / acre	18 units / acre

Given the existing density and the current zoning designation of the site, the site is considered to be nonconforming with regard to density. Per Article VII of the City Code, the site could not be rebuilt to its current density should it be damaged or destroyed to an extent amounting to more than 50 percent of the replacement value at the time of damage.

Given the substantial investment that has recently been made in purchasing and improving the site, the owner/applicant would like to protect their investment by amending the Future Land Use designation and the current zoning designation in order to reflect the actual density of the site. Said amendments will allow the owner to have vested rights for the current number of units that are on the ground today. It should be noted that the requested amendments would actually allow 8 additional units, over-and-above the current site density.

Staff has informed the applicant that additional approvals (Site Plan, Design Review, etc.) would be required in order to rebuild the site should it become damaged or destroyed. Furthermore, the applicant has been informed that the site layout and overall style of a replacement project would most likely differ from that of the current configuration.

**TRC Recommendation:**

All affected departments have reviewed and approved the applications. No significant increase in traffic or other impacts to public facilities is expected to be generated by the proposed amendments.

**Planning Board Recommendation:**

At the January 14<sup>th</sup>, 2014 meeting, the Planning Board gave a recommendation of **approval** with the original Staff recommendation with the condition that the property owner shall enter into a Developer's Agreement so as to cap the maximum residential density of the existing parcel at a total of 108 residential units (what currently exists).

During the vote there was a suggestion from a Planning Board member to not place the cap and discussion, however, the vote included the original staff recommendation of including the Developer's Agreement.

**Staff Comments:**

Before an amendment may be approved, the following standards must be satisfied per Section 22-131 of the City Code:

- (1) The amendment is consistent with the comprehensive plan;
- (2) The amendment will not have an adverse affect on the ability of the city to:
  - a. Satisfy land and water use needs; and
  - b. Meet transportation demands and provide community facilities and services; and
- (3) The amendment will promote and protect the public health, safety and general welfare.

As the proposed amendments meet the above standards and as the proposed amendments serve to administratively cure an existing nonconforming situation, Staff recommends that the City Commission **approve without** the condition that the property owner enter into a Developer's Agreement. Without a Developer's Agreement, the maximum density on that parcel would allow for 116 units rather than the 108 units currently existing. Staff's recommendation is that the 8 additional units which would have a minimal impact on the parcel in terms of level of service, and is adequately served by schools, parks, roads, water and wastewater, etc. Additionally, Staff recommends that the Commission approve without the condition of a Developer's Agreement as a business friendly approach.