

August 24, 2015

Nick Mimms, PE
Deputy City Manager
C/O City of Fort Pierce
100 North US 1
Fort Pierce, Fl. 34950

RE: Chronological Order of Zoning Change & Future Land Use Amendment

Dear Mr. Mimms,

I would like to offer this chronological order of events that have led us to the current situation for our interim project at 601 Seaway Drive in Fort Pierce. (Causeway Cove). We have worked within the system at every step of the way even at heavy expense to the property owner with the attitude of total cooperation and compliance. It was my recommendation to the owner that we would get further with less problems if we simply did everything they asked. This is not the end of our journey, it is the beginning, and we are running into snafu's that are of real concern to us at extreme cost.

Outline of Topic's & Background:

1. Sept. 6, 2012 :DEP Permit issued for docks.
2. Nov. 20, 2013: Corp of Engineers Permit issued.
3. Jan. 21, 2014: United States Coast Guard approval issued.
4. Aug. 26, 2014: Required signage for sea grass navigation completed.
5. March 4, 2015: 2PM Pre- Application meeting with staff.
6. May 12, 2015: 11AM Contract with Dr. William Stoddard and Leo Giangrande for engineering services.
7. June 5, 2015: 1:15PM meeting with Kori Benton called by Dr. Stoddard for clarification- first time Kori mentioned text amendment to the HIMU might be better-also agreed to accept both submerged lands and uplands conditional use as one.
8. June 28, 2015: Intake meeting Dr. Stoddard submitted the application for re-zoning from R-3 to C-5 and the Future Land Use Amendment to MXD.
9. July 17, 2015: 10AM TRC - No comments, but staff report.
10. July 23, 2015: Met with Commissioner Alexander & Commissioner Sessions.
11. July 24, 2015: Met with Commissioner Perona, Mayor Hudson & Commissioner Becht.
12. July 30, 2015: Meeting with staff to discuss future issues and progress. Nick Mimms did not show up till meeting was stopped.
13. August 3, 2015: 4:30PM- Conference call with Nick, Kori, Rebecca, Dr. Stoddard and Harold Smyth, accepted C-5 zoning only.

#1. Sept. 6, 2012 DEP Permit issued for Docks: Sometime in late 2011 or first of 2012, as instructed by staff and with my recommendation the owner applied for dock permits for the

property at 601. In the City of Fort Pierce you cannot get a dock permit unless you have all your approvals from the State.

#2. November 20, 2013- Corp of Engineers Permit Issued: In order to get a conditional use approval or building permit from the city you also need a permit from the Corp of Engineers.

#3. Jan. 21, 2014- United States Coast Guard approval issued: This is also required prior to a Conditional Use approval by the City. Please note that this process took nearly 2 years to complete.

#4. Aug. 26, 2014 required signage for Seagrass Navigation completed: These required signs which are for navigation information regarding seagrass areas were required to be installed by a certain date by the United States Coast Guard. The job was completed as needed on August 26, 2014.

#5. March 4, 2015-Pre-application meeting with staff: Staff present were Clarissa Davis, Kori Benton, Tracey Telle, Marc Myers. Also present, Peter Harrison, Julie Naugle and Harold Smyth. Prior to this meeting a great deal of preparation was necessary. We as the property owner/developer needed to know what the options were and how to proceed and estimated cost associated.

Sept. 19, 2014- We discussed with Kori the difference between a PUD and a zoning change. He emailed us information and in the second page of comments noted, "I will note that all properties currently zoned C-5 are within the South Beach Overlay, which places a density capacity of 8 dwelling units per acre." The allowable density of dwelling units or space devoted to residential (traditional) within the C-5 & C-6 zoning is **directed by the underlying Future Land Use designation of the property. The Future Land Use element of our comprehensive plan had been attached for your review.** I have included notes (boxes) to pin point the allowable density noted with each designation (District) as well as current language regarding the breakdown of floor area for new development in the respective designation.

In closing, I have attached our current Use Table with the 3 zoning districts outlined that you mentioned. This will hopefully provide insight to the potential permitted and conditional use for each zone, **noting compliance with our City Code, the Comprehensive Plan, and other necessary approvals.**

Also, included in preparation for the Pre- Application Meeting:

- A.) Sept. 8, 2014 @ 1:58PM: Email from property owner.
- B.) Zoning Change list from R-3 to C-5 & interim list of items.
- C.) Email from Sandy Ramseth outlining regulations for C5 zoning and CG land use designation.
- D.) Email form Kori Benton attaching the Comprehensive Plan Map Amendment Application.

The following documents are the originals from the meeting held 3/04/15 and follow up recaps of the meeting.

- A.) Peter Harrison recap of the meeting.
- B.) My hand written notes showing underlying land use.
- C.) Aerial pictures of the property as the Navy occupation.
- D.) Proposed 8 1/2 x 11 site plan, survey and Charrette proposal.
- E.) Original- Future Land Use map brought to the meeting by Kori and his notes- HIMU 80% to 20%.
- F.) Original-**Future Land Use brought to the meeting by Kori and Clarrisa**, hand written highlights.
- G.) **Typed recap by Julie Naugle of the meeting with Clarissa Davis, business card.**

Please note:

- ⇒ "Clarissa believes MXD would be appropriate for Future Land Use."
- ⇒ Kori Benton: "Application HIMU (*limits activity to 20%*)."
(*note- that is commercial activity*)
- ⇒ "Future Land Use...derived underlying Land Use guides and restrictions."
- ⇒ "Clarissa agreed on MXD."
- ⇒ Complimentary Use- 1.5 ratio- Minimum MXD.
- ⇒ C-5 to MXD **ARE** compatible!!!!

Final comments- PUR Cost? Eliminates Comprehensive Plan Map.

Read requirements, specifics.....**THIS IS RECOMMENDED.**

- ✓ Application.....Rezoning
- ✓ Land Use Amendment
- ✓ Conditional Land Use Application processed with C5
- ✓ Marina/ Off Street Community Parking
- ✓ Map Amendment check both

H.) Received from staff after the meeting a fee schedule- note Comprehensive Plan Map Amendment

Back Up Documentation:

- A.) List compiled after pre-application meeting
- B.) Buzz's original narrative
- C.) Letter April 21, 2015 outlining scope of work and fee schedule
- D.) Letter April 22, 2015 Kori advises our procedures for transmittal of (Comprehensive Plan) Amendment.

#6. Letter May 8 & 12, 2015 giving Stoddard the contract & Leo Giangrande contract.

#7. June 5th, 2015 1:15 PM: Handwritten notes form meeting with Kori, Dr. Stoddard, Leo Giangrande.

#8. June 26, 2015 intake meeting: Dr. Stoddard submitted the application for re-zoning from R-3 to C-5 and the Future Land Use Amendment to MXD.

#9. July 17, 2015 10 AM, TRC- No comments but staff report.

Note: Paragraph's marked

A.) Email dated: July 22, 2015

#10. July 23, 2015: Met with Commissioner Alexander and Commissioner Sessions.

#11. July 29, 2015: Met with Commissioner Perona, Mayor Hudson and Commissioner Becht.

#12. July 30, 2015- Meetings with Staff: Did not go well. Present Shyanne, Kori, Rebecca, Buzz, Dr. Stoddard, Jules Naugle. **Nick Mimms NOT present.**

A.) Recap enclosed sent as email to Ashton.

#13. Aug.3, 2015 @ 4:30 PM: Conference call with Nick, Kori, Rebecca, Dr. Stoddard and Harold Smyth-accepted C-5 zoning to move forward.

A.) Handwritten notes enclosed.

In closing, I find it difficult at best, that we would spend thousands of dollars and hundreds of man hours doing something if we were not told to do so.

I remember that it was a choice of a Text Amendment to the HIMU or a Future Land Use Amendment which both have the same application and paper work. It was decided that the MXD was a better choice because it fit with the Western Peninsula Charrette better and the City adopted the Charrette.

We were simply doing what we thought was the right thing to do and following staff's instructions without resistance.

We have now spent over \$85,000 and we are only on the first 3 permit applications out of 17 required. If the Planning Department wants to refund our application fee, will they also reimburse us for the **\$18,000** cost to prepare the application. That is the cost associated with **the Future Land Use Application only.**

We have, Still To Do:

- ⇒ Conditional Use Applications A2- C5
- ⇒ Building Permits
- ⇒ Fire Department Permits
- ⇒ Dock Permits
- ⇒ Laundry and Bathroom Permits
- ⇒ Entrance Sign Permits
- ⇒ Electrical Permits
- ⇒ Utility Permits
- ⇒ Vegetation Removal Permits
- ⇒ Renovation Permits
- ⇒ And on and on.....

At the July 30th meeting with Nick and Shyanne we fully expected laying out all these permits and anticipated future problems and was hoping for cooperation and help making this happen. We were sadly disappointed. In the notes from TRC it clearly shows conflicts within the South Beach Overlay and the Charrette document. Who else can amend these conflicts if not the Commission. The land owner/developer can't do it.

The only way to fix/ amend the conflicts is to bring it to the Board of City Commissioners. Staff cannot change policy and why not bring it to the Board and let them decide? Also, if Harbour Isle is built to 10.7 units per acre and the Sewer Plant is out of the SBO then that leaves only Causeway Cove. There is no other land and why not set the ground work for the Charrette vision using private dollars? It makes no sense not to cooperate. We did the work for you at our expense.

Reasons for Text Amendment to the HIMU, Future Land Use Amendment or a special district is the conflicts between what the City wants to do and the current regulations.

#1. HIMU- Allows for 20% commercial and 80% residential at Causeway Cove. This is a conflict not only with the current regulations but also for the Charrette vision. People living there and enough commercial for a decent resort community.

#2. MXD- At least MXD allows for 40% residential with a number of other mixed uses such as marina research with a more realistic residential component. This is a better choice.

#3. Write a special zone- for this property allowing for residential and commercial without zoning restrictions only design restrictions. This would allow the City and the developer along with the City to create the vision they really desire.

With the current land use codes it does not take us there. Even with the C-5 zoning and HIMU we cannot get to our Charrette vision. This will take a workshop and staff directives to accomplish that goal.

I would pledge my cooperation and support to meet that goal. Putting this off only prolongs the reality of our vision for the City and delays our opportunity for economic stability. Let's work together and make this happen. We have and are doing our part. We are cooperating. z

Sincerely,

Harold H. "Buzz" Smyth

772-201-8230

smythbuild@aol.com

Business & Development Consultant

President of "Citizens for Clean Air & Water"

Sitting Board Member of Comprehensive Economic Development Strategy Committee

State Certified Building Contractor #CBC1251321

"Realtor" ABC Realty

Commercial Pilot

Veteran, US Navy SEABEE