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

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Variance  
Off-site Parking Proximity – Church Facility  
617 Orange Avenue (Church Site)

DATE: July 20, 2016

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#### STAFF REPORT

Owner: Cyprus IP LLC  
265 SW Lake Forest WAY  
Port St Lucie, FL 34986

Applicant: Rock Church, Pastor Andrew Jefferson  
4236 57<sup>th</sup> Avenue  
Vero Beach, FL 32967

Requested Action: Approval to deviate from Section 22-60(b)(1) of the Fort Pierce Code of Ordinances in order to utilize off-lot parking spaces, for a proposed church, which are provided on other property located six-hundred and forty (640) feet from the church entrance whereas the City Code limits the distance to three hundred (300) feet of the main entrance of the principal structure. The request is a three-hundred and forty (340) variance from the allowable distance per code.

Location(s): 617 Orange Avenue (Church Site)  
206 S. 6<sup>th</sup> Street (Off-site Parking)

Parcel: 2410-701-0033-000-7

Lot Size: .45 acres

Current Zoning: C-3, General Commercial Zone

## Staff Analysis:

### Request

In accordance with Article VIII of Section 22 of the City Code, the applicant is requesting the Board of Adjustment approve a variance to utilize off-lot parking spaces, for a proposed church, which are provided on other property located six-hundred and forty (640) feet from the church entrance whereas the City Code Section 22-60(b)(1) limits the distance to three hundred (300) feet of the main entrance of the principal structure. The request is a three-hundred and forty (340) variance beyond the requirement.

The subject site is located along the Orange Avenue corridor, in an extension of downtown between US Highway 1 and 7<sup>th</sup> Street, often referenced as “Midtown”. The existing building was constructed in 1946, and features 7,200 square feet of finished floor area. The site was recently functioned as a Eunice Bridal sales, rental, and alterations business until closing in 2013. The applicant is seeking to renovate the structure for reuse as a church facility, with activities concentrated on Sunday.

The proposed church presents a fixed seating assembly area with a maximum seating capacity for 211 members. Staff anticipates that a handful of children/toddlers may occupy the library/reading room during services. Churches with fixed seating assembly areas must provide one (1) parking space for every three (3) seats. The requirement for the subject site, based upon 211 seats is 71 vehicular parking spaces.

The provided site plan presents arrangement of 22 vehicular parking spaces on-site, of which 3 are handicap accessible. The on-site parking is accessible via a one-way driveway on Orange Avenue, exiting on 7<sup>th</sup> Street. The designated flow remains consistent with the previous operation, with the restriping of the lot to maximize the quantity of spaces and provide additional handicap spaces adjacent to the entrance.

The request seeks to utilize eighty (80) off-site parking spaces via a written agreement with FPUA, which has been established. The variance request is specific to the distance, six-hundred and forty (640) feet, from the main entrance of the church to the off-site parking lot via a pedestrian pathway. Sidewalks and crosswalks are available along Orange Avenue and South 6<sup>th</sup> Street, linking the subject sites. The noted crosswalks are in need of restriping, and possible sign to clearly delineate these designated areas for added safety.

### Church Operations & Shuttle

The application proposes the provision of a shuttle service to be provided for accommodation of parishioners to and from the facility for their sole church service, running every 10 minutes from 8:45 a.m. to 9:45 a.m., and additionally at the close of services at approximately 10:45 a.m. An exhibit of the pickup/drop-off locations and route are provided for review by the Board.

A collection of on-street parking spaces are provided in the area and the City of Fort Pierce owns a minor parking lot kitty-corner, however the application does not rely upon their availability for required parking. These spaces are typically utilized by demand from adjacent church, First United Methodist, Common Ground, and Notre Dame Catholic Mission, services.

The proposal presents a scheduled service time of 9:00 am for Rock Church, further suggesting that Common Ground begins service at 8:30 a.m. (and 10:00 am), and First United Methodist at 9:30 a.m. The applicant seeks to offset their service time to minimize traffic conflicts from the stacking arrival times of church goers. There is an overlap of service times which increase demand for available on-street of available public parking; however the applicant has identified access to

additional parking resources and seeks to provide the amenity of a shuttle.

The City Code does not provide any restrictions upon service times; however the Board of Adjustment may condition any such Variance approval upon Rock Church's adherence to the presented service time if deemed to be pertinent to the request, use of parking spaces, and safety of the community.

### Variance Criteria

The following criteria are specified in Section 22-108 of the City Code, which 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;
2. The special conditions and circumstances do not result from the actions of the applicant;
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;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
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.

The applicant has presented responses to the above-referenced criteria centered upon the age and location of the structure, the off-peak uses of parking facilities in the area, and the walkable environment in this extension of the downtown. Additionally, the application seeks to provide accommodations for functionality of the off-site parking lot and offsets for traffic in the area. Furthermore, the parking demands for the facility is limited to service hours on Sunday, and select church events such as a memorial service.

It was guided to staff that events at the facility of any notable scale (demanding more than 10-15 spaces) would not coincide with M-F, 8am -5pm, operations of FPUA or many of the adjacent commercial uses, however in the circumstance that an overlapping event is planning (memorial service, etc.), coordination between FPUA and the City of Fort Pierce would be necessary to ensure adequate parking is available. The lease agreement would necessitate a formal arrangement/protocol if such arrangements are to be made.

### Zoning

The established land development code identifies "Religious Institutions" as permitted use within the C-3, General Commercial district, if such use will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws, authorization of such use is provided. The current request will guide whether the required level of parking may be provided to accommodate the use,

however the City Commission maintains final review of the agreement established between Fort Pierce Utilities Authority (FPUA) and the church.

**Property Owner Response Summary:**

A total of 13 notifications were mailed to abutting property owners. As of July 21, 2016, 1 response has been received in favor, and 1 in opposition. An updated recording of responses and their content will be provided to the Board at the hearing.

**Staff Recommendation:**

The characteristics associated with the presented Variance application, parking agreement, site improvements, and provision for transportation accommodations are consistent with the criteria specified in Section 22-108 of the City Code therefore staff recommends that the Board of Adjustment approve the variance with the following conditions:

- 1) The church facility maintains scheduling offsets from services of established church facilities adjacent (Common Ground & First United Methodist);
- 2) The church provides operate and maintain the transportation shuttle service in accordance with the application and presented capacity, further denoting a staging area for riders under existing covered areas;
- 3) The parking lot landscaping is improved along Orange Avenue to meet the requirements of City Code; and
- 4) The applicant coordinates with the Engineering and Public Works Departments to restripe crosswalks along the projects pedestrian route(s) prior to occupancy.