

BOARD OF ADJUSTMENT AGENDA

Board of Adjustment Regular Meeting - Thursday, September 22, 2016 - 6:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PRAYER and PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER(S)**
6. **APPROVAL OF MINUTES**
 - a. Minutes from the August 25, 2016 meeting
7. **NEW BUSINESS**
 - a. Variance - Off-site Parking Proximity – Rock Church - 617 Orange Avenue (Church Site)
8. **DISCUSSION / OTHER BUSINESS**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board of Adjustment

Meeting Date: 09/22/2016

Information

REQUESTED ACTION

Minutes from the August 25, 2016 meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Board of Adjustment Minutes 8.25.2016

Form Review

Form Started By: Alicia Rosenthal

Final Approval Date: 09/12/2016

Started On: 09/09/2016 04:39 PM

DRAFT



CITY OF FORT PIERCE BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **AUGUST 25, 2016**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PRAYER and PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: **Bennie Clark; William Nunn; James Crist; Ryan Collins; Chairman Bret McCain**

Absent: **Joyce Calvert**

Staff Present: **Iola Mosley, Senior Assistant City Attorney
Rebecca Grohall, AICP, Planning Manager
Kori Benton, Senior Planner
Alicia Rosenthal, Administrative Assistant**

4. **CONSIDERATION OF ABSENCES**

Excuse absences of Mr. Crist and Chairman McCain from the July 28, 2016 meeting.

Motion was made by Bennie Clark, and seconded by William Nunn to approve the absences of Mr. Crist and Chairman McCain from the July 28, 2016 meeting.

AYE: James Crist, Ryan Collins, Bennie Clark, William Nunn, Chairman Bret McCain
Passed

Motion was made by Bennie Clark, and seconded by William Nunn to approve the absence of Ms. Calvert from the August 25, 2016 meeting.

AYE: William Nunn, James Crist, Ryan Collins, Bennie Clark, Chairman Bret McCain
Passed

5. CERTIFICATION OF ALTERNATE MEMBER(S)

Mr. Collins was made an active voting member.

6. APPROVAL OF MINUTES

- a. Minutes from the June 2, 2016 meeting

Motion was made by Bennie Clark, and seconded by Ryan Collins to approve the minutes from the June 2, 2016 meeting.

AYE: William Nunn, James Crist, Ryan Collins, Bennie Clark, Chairman Bret McCain
Passed

- b. Minutes from the July 28, 2016 meeting

Motion was made by Bennie Clark, and seconded by Ryan Collins to approve the minutes from the July 28, 2016 meeting.

AYE: Ryan Collins, Bennie Clark, William Nunn, James Crist, Chairman Bret McCain
Passed

7. NEW BUSINESS

- a. **Variance - Westside Church - 3361 South Jenkins Road (Continued from June 2, 2016 meeting)**

Mr. Benton gave an overview of the application and answered questions from the Board on billboard sizes, large signs located in the city, I-95 sign overlay district and facade signage.

Troy Ingersoll, Administrative Pastor, reiterated that the reason the church wants the sign to be 28 feet high is because the embankment off of I-95 is an extra foot taller than the ground elevation. Mr. Ingersoll provided additional information and answered questions from the Board.

Gregory Davis, a member of the audience from Thomas Sign and Awning Company, provided detailed information on billboard sizes.

Craig Cramer, Pastor of Westside Church, stated the current sign is not visible and the church is asking for a smaller square footage sign than what they currently have, in the same residential area, on a different part of the property.

Mr. Nunn stated that he feels the sign does not meet the requirements for a Variance.

Motion was made by Bennie Clark, and seconded by James Crist to approve a variance to permit a monument sign of twenty (20) feet in height, and 200 sq. ft. in sign area with the acknowledgement that the sign will conform to City Code Section 22-59 –Design Review, and other requirement of the City’s Sign ordinances.

AYE: Ryan Collins, Bennie Clark, Chairman Bret McCain

NAY: William Nunn, James Crist

Failed

Mr. Collins asked if he can put in a motion for the 28 foot height sign the church is asking for.

Ms. Mosely stated a successive motion can be made because the subject of the motion has changed.

Mr. Nunn was not sure why the Board would approve the 28 foot sign after staff recommended a 20 foot sign.

Mr. Collins stated no residences denied the signage and there is no one speaking against it. Mr. Collins explained billboards are already there, the sign is a lot smaller then the current sign and the purpose of the sign is to be visible. Chairman McCain agreed with Mr. Collins and stated a smaller sign would be challenging to read that far from the road going 70 mph.

Mr. Nunn stated the church is not a business, they are in a residential district and by allowing this sign you are setting a precedence for the whole town.

Motion was made by Ryan Collins, and seconded by Bennie Clark to approve a variance to construct a 28 ft. tall ground sign, two-hundred (200) square feet in size.

AYE: Bennie Clark, Ryan Collins, Chairman Bret McCain

NAY: William Nunn, James Crist

Failed

Mr. Crist agreed with Mr. Nunn about setting a precedence and he wants to see an improvement in Ft. Pierce by making a nice impression instead of things being done halfway. Mr. Crist feels the sign is overbearing for a church.

b. Variance - Sunoco Gas Station – Reduction in Rear Landscape Strip & One-Way Driveway Width - 5151 Okeechobee Road

Mr. Benton gave an overview of the application and answered questions from the Board on the widths of parking spaces and city street lanes of travel and type of trees being used.

Ernesto Velasco from the Velcon Group, provided additional information and answered questions from the Board. Mr. Velasco stated at this time they do not have a vendor for the gas station.

Motion was made by James Crist, and seconded by Bennie Clark to approve the requested variance with the condition that the improvements encompass the planting of 6 trees along the rear property line consistent with City Code Section 22-187 (6)b and to provide and maintain some type of irrigation system for the new trees being planted.

AYE: James Crist, Ryan Collins, Bennie Clark, William Nunn, Chairman Bret McCain

Passed

c. **Variance - Wawa Retail Store, Gas Station, & Cafe – 2nd Ground Sign - 5575 Okeechobee Road**

Mr. Benton gave an overview of the application and answered questions from the Board about the road improvements at Jenkins Road and Okeechobee Road and the allowable square footage on signs.

Gregory Davis from Thomas Sign and Awning Company, explained the visibility of the location was diminished on Jenkins Road since the Wawa pad for construction was pushed back off of the roadway due to DOT requirements for the widening of Jenkins Road. Mr. Davis stated the proposed location for the 2nd sign on Jenkins Road is ideal to give the general public a identification that Wawa is there and and a easier and safer access from Jenkins Road. Mr. Davis answered questions from the Board.

Motion was made by James Crist, and seconded by Bennie Clark to approve the requested variance for a second ground sign of sixty (60) square feet and twelve (12) feet in height with the condition that the landscape plan is adjusted to accommodate the placement of this second sign.

AYE: **Ryan Collins, Bennie Clark, William Nunn, James Crist, Chairman Bret McCain**
Passed

8. **ELECTION OF CHAIR AND VICE CHAIR**

Mr. Clark nominated the current Chair, Mr. McCain and current Vice Chair, Ms. Calvert.

Ms. Mosley stated since Ms. Calvert is not in attendance, she can be nominated and can later except or decline at a subsequent meeting, and at that time, the vote will be taken.

Motion was made by Bennie Clark, and seconded by William Nunn to nominate Mr. McCain as Chairman.

AYE: **William Nunn, James Crist, Ryan Collins, Bennie Clark, Chairman Bret McCain**
Passed

9. **DISCUSSION / OTHER BUSINESS**

Mr. Benton explained that the previous variance request filed by Rock Church has been pulled from the agenda. Rock Church is amending their request, based upon an alteration to their shared parking agreement, so that application may be before the Board in September with a different location for parking.

10. **ADJOURNMENT**

Planning Board of Adjustment

Meeting Date: 09/22/2016

Information

REQUESTED ACTION

Variance - Off-site Parking Proximity – Rock Church - 617 Orange Avenue (Church Site)

LOCATION

617 Orange Avenue (Church Site) & 601 Atlantic Ave, 214 S 7th St., and 610 Boston Ave (Off-site Parking)

RESPONSIBLE STAFF

Kori Benton, Senior Planner
Vennis Gilmore, Planning Analyst

RECOMMENDATION

Approval 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 appropriately revises the site improvement plan to accurately reflect driveway and parking dimensions, in accordance with City Code.
 - 5) Install the required sidewalk improvements pursuant to City Code Section 22-62 (b) (4) and 22-62(d) (2) [a safe and efficient sidewalk linkages from the parking area to the 7th Street sidewalk].
-

Attachments

Staff Report
Site Aerial
Variance Application
TRC Package
Floor & Site Plan
Letter from Fort Pierce Mainstreet 6-2-2016
Letter of Opposition

Form Review

Form Started By: Kori Benton
Final Approval Date: 09/16/2016

Started On: 09/15/2016 09:30 AM



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

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

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

DATE: September 15, 2016

STAFF REPORT

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

Applicant: Rock Church, Pastor Andrew Jefferson
4236 57th 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 order to utilize off-lot parking spaces, for their proposed church, which are provided on other property located five-hundred and eighty-five (585) 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 two-hundred and eighty-five (285) variance from the allowable distance per code.

Location(s): **617 Orange Avenue (Church Site)**
601 Atlantic Ave, 214 S 7th St., and 610 Boston Ave (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 five-hundred and eighty-five (585) 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 two-hundred and eighty-five (285) variance from the allowable distance per code.

The subject site is located along the Orange Avenue corridor, in an extension of downtown between US Highway 1 and 7th 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 7th 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. It’s noted that the presented site plan in accurately demonstrates the width of the southern one-way drive aisle utilized for egress from the proposed church site. An updated plan is requested prior to advancement of the improvement plan.

The request seeks to utilize approximately sixty (60) off-site parking spaces via a written agreement with PNC, which has been established. The variance request is specific to the distance, five-hundred and eighty-five (585) 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 7th Street, linking the subject sites. The noted crosswalks are in need of possible signs 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 or 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 PNC or many of the adjacent commercial uses, however in the circumstance that an overlapping event is planning (memorial service, etc.), coordination with both PNC 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 PNC Bank and the church. Use of the facility as a church is not permitted until said agreement is reviewed and contingent upon acceptance.

Property Owner Response Summary:

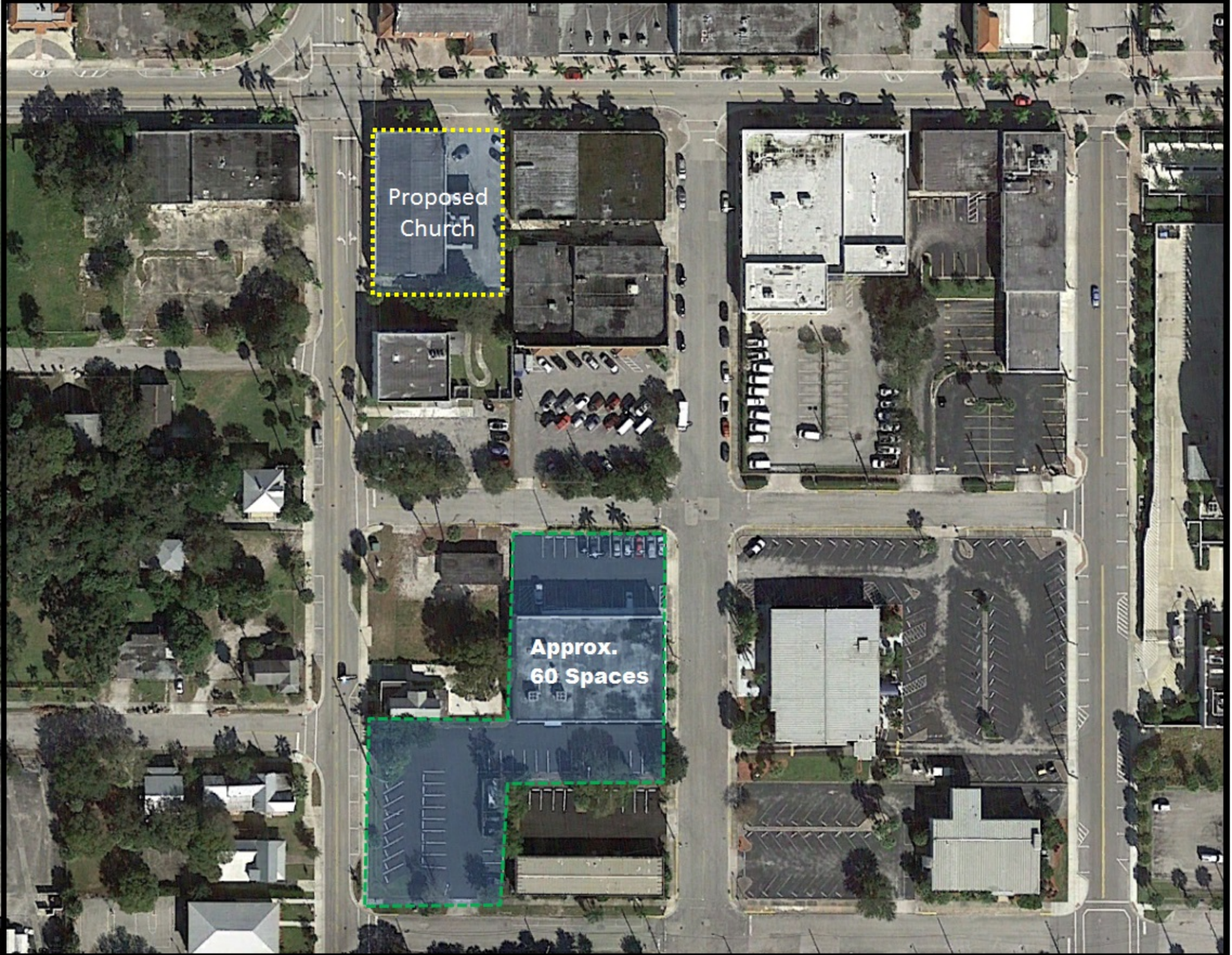
A total of 13 notifications were mailed to abutting property owners pertaining to the original request to utilize FPUA's parking area. As of July 21, 2016, 1 response has been received in favor, and 3 in opposition to the former request.

A total of 18 notifications were mailed to abutting property owners pertaining to the revised request. As of September 15, 2016, 0 updated responses have been received. 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 appropriately revises the site improvement plan to accurately reflect driveway and parking dimensions, in accordance with City Code.
- 5) Install the required sidewalk improvements pursuant to City Code Section 22-62 (b) (4) and 22-62(d) (2) [a safe and efficient sidewalk linkages from the parking area to the 7th Street sidewalk].



Proposed
Church

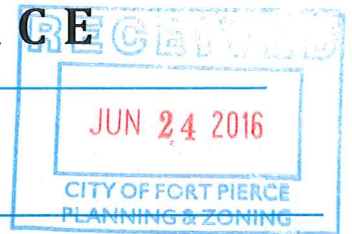
Approx.
60 Spaces



CITY OF FORT PIERCE

PLANNING DEPARTMENT

COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING



VARIANCE

Property address or Location 417 Orange Avenue, Fort Pierce, FL 34950
Parcel ID #(s) 241070100330007
Project description Rock Church Parking Lot District

Salah Ghait
Property Owner(s)
265 SW LAKE FOREST WAY
Street Address
PT. ST. LUCIE FL 34986
City State Zip
772-626-8997
Phone Number
SGHEIT@YAHOO.COM
Email Address

Rock Church Andrew Jefferson
Applicant/Representative, Title, Company
4236 5TH Avenue
Street Address
Vero Beach FL 32967
City State Zip
(772) 320-5121
Phone Number
Ruth5227@aol.com
Email Address

Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.

Salah Ghait
Property Owner(s) Signature(s)

STATE OF FLORIDA COUNTY ST. LUCIE
The foregoing instrument was acknowledged before me this 16th day of June, 2016, by
SALAH I GHAIT who is personally known to me or has produced
FLDL as identification.

[Signature]
Signature of Notary



INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729

TO BE COMPLETED BY STAFF

Zoning	Future Land Use	Total Acres	Historic District	Historic Designation
				Contributing Individual Non-Contributing None

Pre-Application Meeting Date _____ Fees _____ Control # _____ B. Permit # _____
Intake Planner _____
Planner Assigned _____
Approved By _____ Date _____
Comments _____



VARIANCE

Submit eight (8) hard copies and one (1) CD of the following for initial submittal, subsequent submittals will be required:

- Site plan, to scale, including all relevant improvements:
 - Existing & proposed structures
 - Landscaping & parking,
 - Fencing, signs, etc.
- As-built Survey
- Criteria Narrative
- Complete, notarized application

Description of request: _____

Reason for request: _____

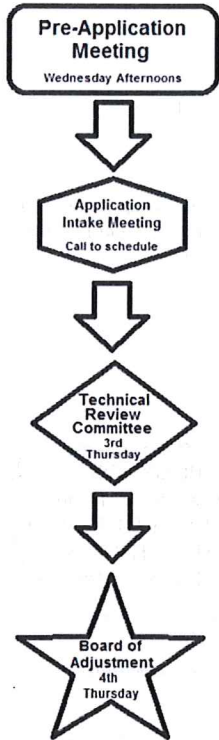
Existing Use : _____ Date Property was Purchased: _____

Alterations made to the site since purchase: _____

Has a request for this variance been denied in the past? Yes No

If yes, what has changed since the denial? _____

Application Outlook



Criteria:

In order to determine whether your request for Variance meets all the criteria in Section 22-108 of the City Code, please answer the following questions. Please provide answers of questions on separate pages:

1. Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.
2. Does special conditions or circumstances result from actions other than that of yours? Please explain
3. Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.
4. What is the minimum variance that would give the reasonable use of the land, building, or structure?
5. Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare:



TO: JACK ANDREWS, PE, CITY ENGINEER
MIKE REALS, FP PUBLIC WORKS MANAGER
CHIEF HOBLEY-BURNEY, FP POLICE DEPARTMENT
MARC MEYERS, CBO, CFM, FP BUILDING OFFICIAL
VALERIE SCHULTE, PE, FPUA ENGINEERING (WATER/WASTEWATER)
PAUL LAGUERRE, PE, FPUA ENGINEERING (ELECTRIC)
ROD REED, PLS, SLC SURVEYING
EDMUND BAS, PE, SLC ENGINEERING
BONNY LANDRY, AICP, SLC PLANNING & DEVELOPMENT
CHIEF DEREK FOXX, SLC FIRE DISTRICT
PEGGY ARRAIZ, FP CODE ENFORCEMENT
PETER BUCHWALD, AICP, SLC TRANSPORTATION PLANNING ORGANIZATION
MURRIAH DEKLE, MPA, TRANSIT PLANNING MANAGER, SLC COMMUNITY SERVICES

FROM: KORI BENTON, SENIOR PLANNER

RE: TECHNICAL REVIEW PROJECTS: # 16-12000003

DATE: SEPTEMBER 6TH, 2016

**Rock Church – Off-site Parking Variance – 617 Orange Avenue (Former
Eunice Bridal)
-Resubmittal: New Off-Site Parking Location**

The above – referenced Variance is being submitted for your review and comments. The project encompasses a request to utilize off-site parking, located approximately 585 ft. from the site, to support the reuse of the former Eunice Bridal retail shop for a Church facility capable of seating 211 members. The applicant is permitting interior renovations to the structure to meet the requirements for the change in occupancy, however the site does not provide the required quantity of parking spaces, therefore the applicant is seeking use of off-site parking, located outside of the required 300 ft., required by the City's land development code. The applicant seeks authorization to utilize PNC's parking area during Sunday services.

Please provide two (2) copies of written comments regarding the above at your easiest convenience. The item will be reviewed at the September TRC Meeting.

Please do not hesitate to contact me should you require any additional information or clarification at 772-467-3739

Thank you.

Kori Benton
Attachments

ROCK CHURCH INTERNATIONAL

"TRANSFORMING LIVES THROUGH CHRIST"

REV. ANDREW JEFFERSON, PASTOR

617 Orange Avenue
FORT PIERCE, FL 34950

August 22, 2016

Mr. Kori Benton

- CITY OF FORT PIERCE
Planning Department
100 North U.S. Highway 1
Fort Pierce, FL 34954

Dear Mr. Benton:

Re: Parking Variance Request 617 Orange Avenue

Please be advised that the request is to deviate from the City Code Section 22-60 (b) Off-lot parking. As sought, the variance would grant Rock Church located at 617 Orange Avenue access to parking within 585 feet of the main entrance of the facility. The Code allows for 300 feet; consequently the request is for an additional 285 feet to allow the church to meet parking requirements utilizing spaces provided by PNC Bank. A parking agreement has been entered with PNC Bank allowing the church access and utilization of parking spaces from 7:00 a.m. – 11:00 a.m. on Sundays (see exhibit A). In addition, the church will provide shuttle service for its parishioners to and from the facility. The property is zoned to permit the use and it does not present factors that adversely affect the health, safety, or general welfare of the community. The District is very commercially oriented, accessible to the public, and families are gathering and going to church in the area. The Rock Church is an extension of the downtown.

To address the specific questions listed in the application for variance, please be advised as follows:

- 1) Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.
The structure is unique, the request is unique and factors and characteristics are unique in that it was built in 1946. The property has been the same size for 70 years. It has a very large building on it with limited on-site parking. The area is urban with limited parking and there is a shortfall of parking along the corridor. The City is aware of the need for parking and has presented on-street parking and secured parking easements; there is notable City parking assets in the area that are designed to offset the issues allowing collective use of the parking by adjacent churches. The alternative for Rock Church in this situation would be to possibly cut off half of the building and put parking on it or purchase extra property to build a parking garage or demo a building on the corridor for parking; options, but not viable for the church.
- 2) Does special conditions or circumstances result from actions other than that of yours?
Yes - The original builder constructed the building approximately 70 years ago with limited parking. We did not construct the building without adequate parking and we had not planned

for the parking burden.. The conditions and circumstances are a result of others who created the conundrum. We were informed that the use (church) is allowed within the zoning district and consequently, we moved forward with that understanding. We are now pressed to provide a resolution; we are taking steps to rectify the problem

- 3) Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

If the variance is not granted, the Church would be deprived of commonly enjoyed property rights of not only other churches but rights of other properties and businesses in the area. There are other similar circumstances, restaurants, businesses and churches; others in the same boat when it comes to available parking. We are not trying to add to the problem, but provide a solution.

- 4) What is the minimum variance that would give the reasonable use of the land, building, or structure.

A 285 foot variance from the required distance between the facility and off-site parking would give the reasonable use of the structure utilizing PNC Bank parking spaces.

- 5) Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

The variance for parking does not impair the intent of the zoning ordinance. There is no real threat or harm to public safety presented. Hours of utilization are not during peak times. The need as presented is not every day of the week; one time on Sundays and the time of service on Sunday is set so that the influx of traffic will occur at different times (Common Ground meets at 8:30 a.m., First United meets at 9:30 a.m. Rock Church meets at 9:00 a.m.) Transportation will be provided by shuttle to reduce safety issues and accommodate parishioners to and from the facility running every 10 minutes from 8:45 a.m. to 9:45 a.m. Parishioners will be returned to cars by shuttle at the close of services at approximately 10:45 a.m. (see attached pickup/drop off locations and routes). The traffic flow will not be interrupted; the loop is short and does not back up or block traffic.

Thank you for your consideration and assistance in this matter. If questions arise or additional information is needed, please do not hesitate to contact me at (772) 360-5121.

Sincerely,


Rev. Andrew Jefferson, Pastor

Attachments: PNC Bank Parking Agreement
Aerial Photos
Pick-up and Drop Off locations and route

PNC BANK, N.A.

PARKING LOT LICENSE AGREEMENT

THIS LICENSE AGREEMENT, made and entered into this 16th day of August 2016, by and between Rock Church International (hereinafter referred to as the "Licensee"), whose address is 617 Orange Ave Fort Pierce FL 34950, and PNC (hereinafter referred to as Licensor), whose address is 205 Datura Street, West Palm Beach, FL 33401.

WITNESSETH:

WHEREAS, Licensee desires to use those certain parking lots owned by Licensor.

WHEREAS, Licensor desires to grant to Licensee the license, right and privilege to use said parking lot(s) and both parties desire to enter into a written agreement clearly expressing the various rights and obligations of the parties.


NOW THEREFORE, for and in consideration of the mutual covenants and promises as hereinafter set forth, the parties to this Agreement do hereby agree as follows:

1. Licensor grants to the Licensee the license, right and privilege to use ~~!!X~~ parking spaces located at 601 Atlantic Ave Fort Pierce, FL 34950 effective August 18th, 2016 through August 18th, 2017 during the following hours: (7:00am-11:00 am), every Sunday.
2. Any Rock Church International vehicles parked in the lot outside of the above specified hours shall be considered in violation of this Agreement and shall be subject to removal by the Licensor or its agent.
3. Licensee shall surrender said parking lot(s) to Licensor at the end of the license term in the same condition as at the commencement of the term, ordinary use and wear thereof only accepted. Licensee agrees to pay Licensor for all loss or damage to any Licensor-owned property provided for the use of Licensee under the terms of this Agreement, which is caused or occasioned by the negligence or act or omission of Licensee, its officers, employees, or guests.
4. The parking lot may be utilized by the Licensee for Over Flow Parking for the weekly service on Sunday of each week, and for no other use or purpose whatsoever.
5. Licensee will provide adequate security at the parking lot site(s) to control access to the parking area, and to ensure the safety of employees using the parking area.
6. Licensee states that it has inspected the parking lot, and that the same is adequate and in proper condition as is, for the uses contemplated.
7. This Agreement shall be interpreted and governed by the laws of the State of Florida.
8. Licensee shall not assign this Agreement, or any part thereof, without approval by Licensor. Any assignment of this Agreement contrary to the foregoing provision, whether voluntary or involuntary, shall be void and shall confer no rights upon the assignee.
9. In the event that any portion of this Agreement shall be held to be invalid for any reason, such invalidity shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.
10. Any waiver by either party hereto of any or more of the covenants, conditions, or provisions of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or any covenant, condition or provision of this Agreement.

11. Nothing herein shall create or be construed as creating a partnership between the parties, or as creating an agency relationship between parties.
12. It is expressly understood and agreed between the parties that this Agreement does not constitute a lease between the parties. Licensee's right to use the licensed property shall continue only so long as all terms, provisions, and conditions of this Agreement are met by Licensee. Notwithstanding this, the Licensor may terminate this Agreement at any time.
13. This Agreement constitutes the full and final expression of the agreement of the parties and supersedes all previous agreements and understandings, whether written or oral, relating to the grant herein. This Agreement may not be changed, altered, amended or modified except by written instrument signed by the duly authorized representative of both parties. No contract or amendment entered into after this Agreement shall amend by implication any provision of this Agreement.
14. The Licensee hereby agrees to defend, indemnify and hold Licensor, and each of its partners, employees, agents and affiliates, harmless from and against any claim, demand, suit, loss, cause of action, damage, liability, obligation, cost, expense and judgment (including, without limitation, death and damages to property) relating to personal injury or property damage caused by the undersigned's acts or omission and/or arising out of or relating to the use by the undersigned, and by its guests and invitees, of such property in connection with the Event.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed with all the formalities required by law on the day and year first written above.

PNC BANK N.A. (LICENSOR)


 BY: Jimmie McQueter AVP.
 Property Manager

ATTEST:

BY: Jessie Carr
 BY: Stephanie Lewis

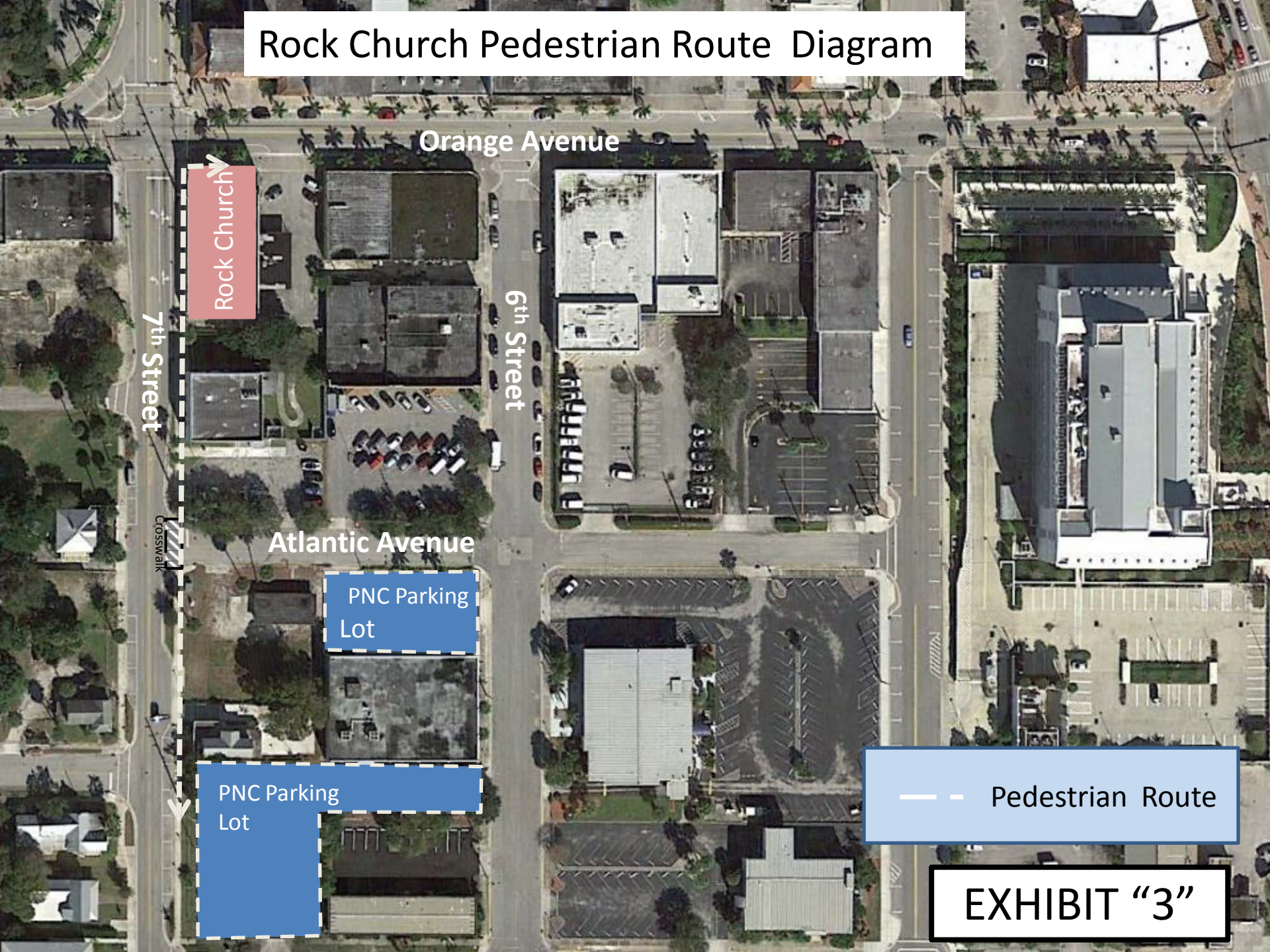
ROCK CHURCH INT. (LICENSEE)


 BY: Scott Offer

ATTEST:

BY: Constance Smaller
 BY: [Signature]

Rock Church Pedestrian Route Diagram



Orange Avenue

Rock Church

7th Street

6th Street

Atlantic Avenue

PNC Parking Lot

PNC Parking Lot

Crosswalk

— — Pedestrian Route

EXHIBIT "3"

Rock Church Parking & Staging Area

Orange Avenue

Rock Church

Staging Area
22 Spaces

6th Street

7th Street

Atlantic Avenue

Staging Area

PNC BANK SHARED PARKING
(Approx. 60 Spaces front & rear)

EXHIBIT "5"





ROCK CHURCH PARKING



NW 7TH STREET

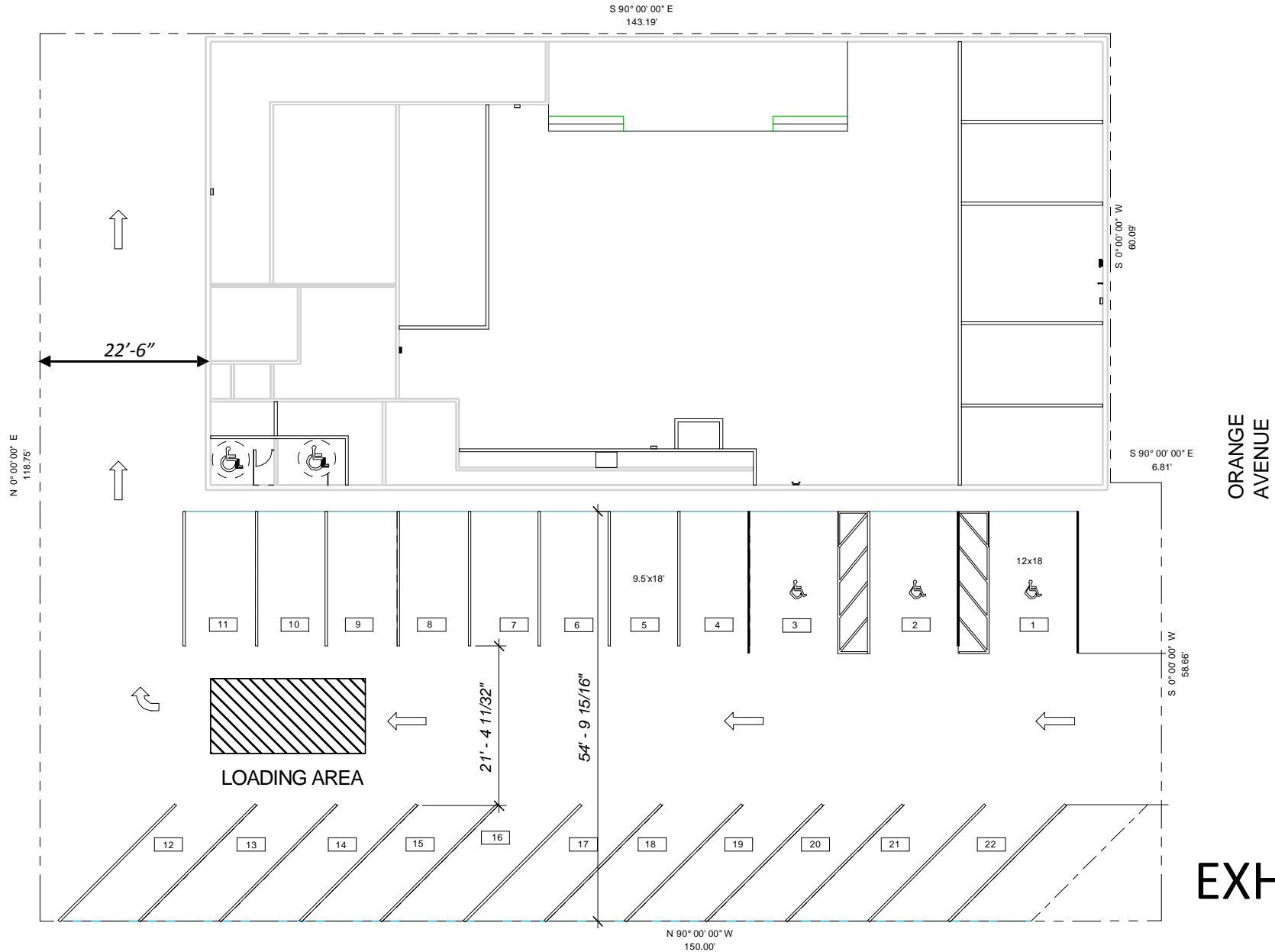


EXHIBIT "2"

ROCK CHURCH SEATING PLAN (211 FIXED SEATING)

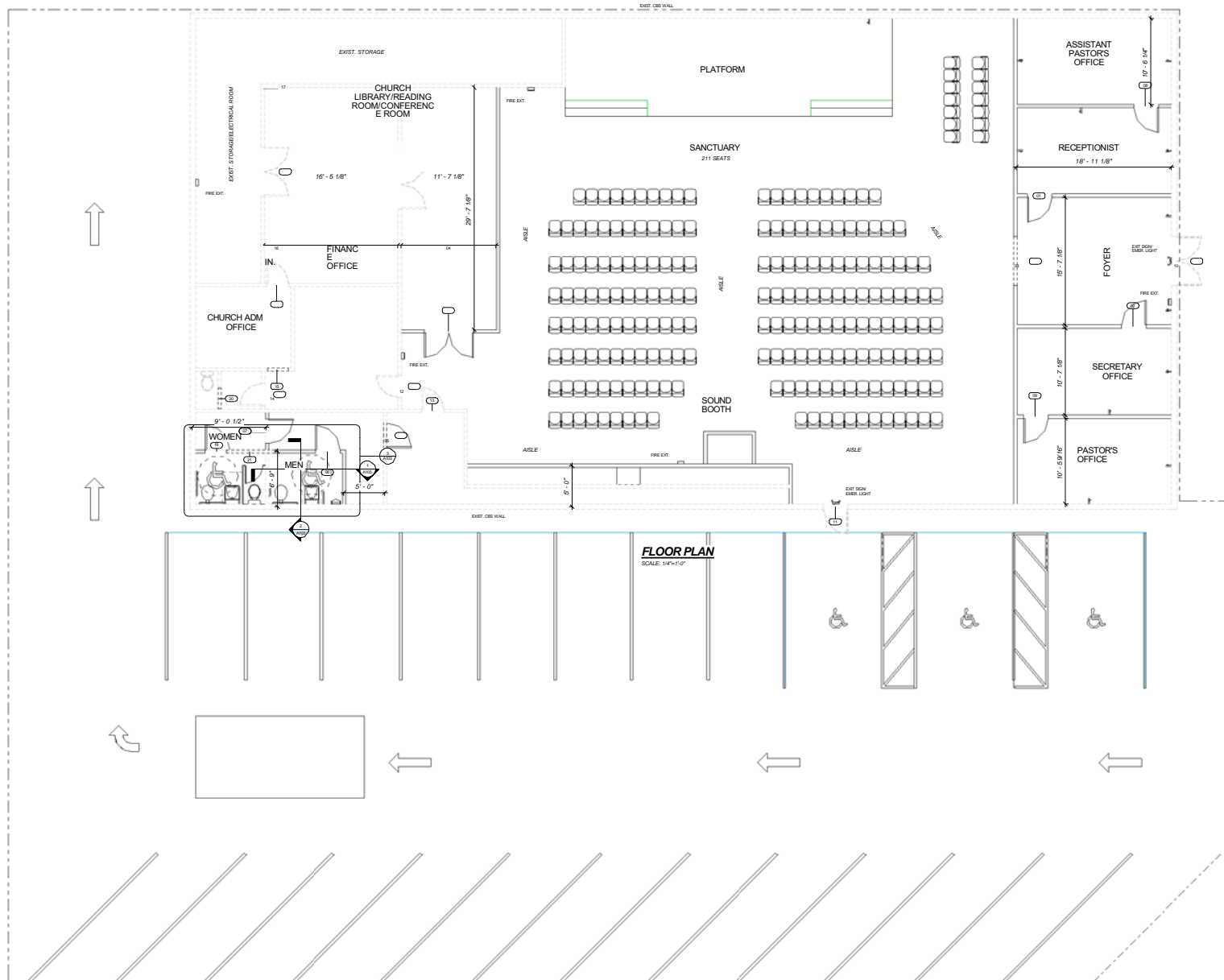


EXHIBIT "1"

ROCK CHURCH PARKING



NW 7TH STREET

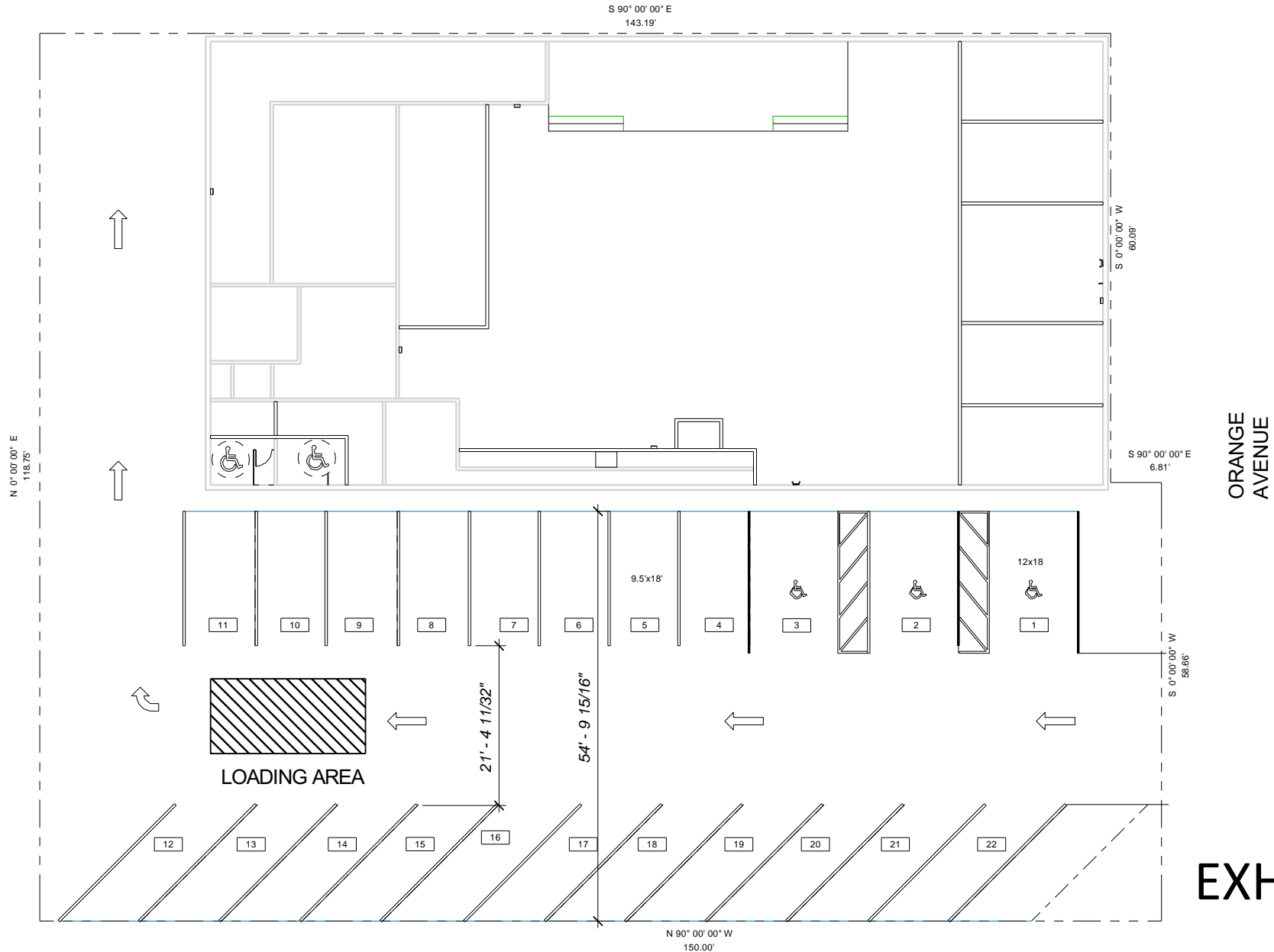


EXHIBIT "2"



122 A. E. Backus Avenue, Fort Pierce, FL 34950

June 2, 2016

City Manager Nick Mimms
City of Ft. Pierce
P.O. Box 1480
Ft. Pierce, FL 34954

RECEIVED

TIME _____

JUN - 9 2016

CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

Dear City Manager,

Nick

Main Street Fort Pierce, Inc. and our Board of Directors are happy to be partners with the City of Fort Pierce and proud of the progress that is being made in our City. Sometimes decisions are hard to make when things are changing so fast and as much as we want to make everyone happy we can't.

Wednesday night at our monthly board meeting, the Main Street Fort Pierce Board of Directors voted to ask the commission to consider not filling the 617 Orange Avenue space with a non-profit. We are currently working with the downtown property owners to assist in finding new businesses. Our goal is to find a good mix so that we are able to draw more new retail businesses into the downtown area both east and west of US 1.

On June 9th Main Street Fort Pierce and the City of Fort Pierce will be holding a realtors night to showcase all of the positive things happening in Fort Pierce and make them aware of properties that are for sale or lease. We are also adding this information to our website. We hope this will make it easier for interested parties to find these properties.

Currently we have filled one space that should be open by August and have some serious interest from some very strong businesses. If we are to move forward and recruit new businesses we need to have retail in those locations to strengthen the economy. Please work with us to recruit a healthy mix in these retail areas.

Sincerely,

Doris

Doris Tillman

Winner of the 2011 Great American Main Street Award

Main Street Fort Pierce, Inc. • St. Lucie Preservation, Inc. • Main Street Focus, Inc.
Phone: (772) 466-3880 • Fax: (772) 466-3917

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CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

July 13th, 2016

Dear Property Owner(s):

The property owners, **Cyprus IP LLC** and applicant, **Rock Church**, are requesting approval of a **Variance** to deviate from Section 22-60(b)(1) of the Fort Pierce Code of Ordinances in order to utilize off-lot parking spaces, for their 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 from the main entrance of the principal structure. The request is a three-hundred and forty (340) variance from the allowable distance per code.

The property is located at **617 Orange Avenue** and is zoned C-3, General Commercial, and the property sought for parking lot sought for use is located at **206 S 6th Street**, also zoned C-3, General Commercial.

The legal description of the property is: CARLTON'S ADDN BLK 4 LOTS 2, 3 AND 6 (MAP 24/10E) (OR 3769-512).

A public hearing is scheduled before the Board of Adjustment of the City of Fort Pierce, Florida, at their meeting on **Thursday, July 28th, 2016** which begins at **6:00 p.m.** in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida. You are provided the opportunity to attend the public hearing and to speak in favor of, or in opposition to, the requested **Variance**. Whether you attend the meeting or not, it is requested that you please complete the form below and return it so it is received by **5 p.m. Thursday, July 28th, 2016**. Methods of returning your ballot are identified below. Each ballot returned will be tabulated and reported to the Board of Adjustment. If you have any inquiries, or would like to review the complete application, please contact me at (772) 467-3739 or kbenton@city-ftpierce.com. Furthermore, published agenda packets for each Board of Adjustment meeting are provided several days in advance of the meeting date, at the following web address: <http://cityoffortpierce.com/223/Agendas-Minutes>.

Thank you for your contribution.

Sincerely,


Kori Benton
Senior Planner

Variance - Rock Church - 617 Orange Avenue

No. 12

I approve

I disapprove

Comments:

The parking plan is insufficient and will be impossible to monitor + enforce, and this use is not compatible with the economic plans of the area.
[Signature] 7/20/16
Signature Date

Please complete and return ballot to:

Mail City of Fort Pierce or **Fax** (772) 466-5808 or **Email** kbenton@city-ftpierce.com
Planning Department
P.O. Box 1480
Fort Pierce, FL 34954