

# DRAFT



CITY OF FORT PIERCE  
**BOARD OF ADJUSTMENT**

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**Board of Adjustment Minutes**

**OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **DECEMBER 1, 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: **William Nunn; Ryan Collins; Bennie Clark; James Crist; Bret McCain, Chairman**

Absent: **Joyce Calvert**

Staff Present: **Jim Messer, City Attorney**  
**Rebecca Grohall, AICP, Planning Director**  
**Kori Benton, Senior Planner**  
**Alicia Rosenthal, Administrative Assistant**

**4. CONSIDERATION OF ABSENCES**

**Motion was made by Bennie Clark, and seconded by William Nunn to approve the absence of Ms. Calvert.**

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

**5. CERTIFICATION OF ALTERNATE MEMBER(S)**

Mr. Collins was made a voting member for the meeting.

**6. APPROVAL OF MINUTES**

- a. Minutes from the August 25, 2016 meeting

**Motion was made by James Crist, and seconded by Bennie Clark to approve the minutes from the August 25, 2016 meeting.**

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

## **7. NEW BUSINESS**

Mr. Messer explained ex parte communications to the Board and stated that if a Board member has been approached outside the hearing by someone about a matter the Board is going to hear, the Board member is required to disclose, who that person was and what the substance of the conversation was. Mr. Messer communicated that anyone in the public, who happens to disagree, has a right to respond and anyone who has an issue with that communication has an opportunity to respond.

### **a. Variance - Hutchinson Island Plaza Hotel Monument Sign - 1230 Seaway Drive**

Mr. Benton gave an overview of the application. Noreen Kruse, Hutchinson Island Plaza representative, provided additional information on the signage.

**Motion was made by William Nunn, and seconded by Bennie Clark to approve the requested variance to permit the presented monument sign 14 feet in height to replace the existing non-conforming sign.**

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

### **b. Variance - Mandel/Perkins Residence - 324 South Ocean Drive**

Mr. Benton gave an overview of the application and answered questions from the Board.

William Stoddard, Applicant Representative from Schulke, Bittle and Stoddard, provided additional information and answered questions from the Board. Dr. Stoddard stated the front setback variance reduction of 22.87 feet is being requested to make the front of the building esthetically pleasing, by having 90 degree corners instead of having an angle or skewed front facade.

Steve Tarr spoke in favor of the application.

Robert Zaist stated he objects to the proposal because he believes building beyond the coastal construction control line violates the dune integrity, the minimum setback is being violated and the unusually tall building will be intrusive, incompatible and inconsistent with surrounding structures around the South Beach area and will adversely impact visual sight lines and negatively impact property values.

Ken Irish expressed his concerns with the traffic and setting a precedence by allowing less than the 25 foot setback.

Jean Peppers, Vice-President of the Avalon Beach Club Board of Directors, expressed concerns from the Avalon Beach club regarding this house being the tallest structure on the ocean front.

Board discussion ensued. Chairman McCain asked for the context from the disapproval letters that were received. Mr. Nunn expressed his concerns on receiving so many letters.

Mr. Benton stated the comments from the letters received were concerns with the height, views, environmental impacts and compatibility of the structure.

**Motion was made by Ryan Collins, and seconded by Bennie Clark to approve the variance as submitted.**

**AYE: Ryan Collins, James Crist, Chairman Bret McCain**

**NAY: Bennie Clark, William Nunn**

Failed

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

Mr. Benton gave an overview of the application and answered questions from the Board.

Mr. Crist stated he received e-mails pertaining to the request. Mr. Messer asked Mr. Crist if he recalled the general subject matter of the e-mails and reiterated the definition of ex parte communication. Chairman McCain stated he received e-mails in the past that were in opposition to the application.

Mr. Nunn provided staff copies of the opposition e-mails he received from Main Street, Pierce Harbour and a property owner. Mr. Nunn stated he did not respond to any of the e-mails and he called United Methodist on December 1, 2016 and asked the secretary when they were established.

Mr. Benton summarized the e-mails and stated the main concerns were over the utilization of the store front, along the commercial corridor, not being used for retail sales, service, galleries or something along the lines of contribution, to what has been considered a growing arts district and cultural district. He also said there were concerns of overlap in parking and times of the service at adjacent church facilities.

Ms. Jefferson, Rock Church representative explained that the church has a parking agreement with St. Mark Baptist church.

Pastor Jefferson provided additional information and answered questions from the Board.

Mr. Nunn asked Pastor Jefferson if due diligence was done on the property with the Planning and Fire Department. Pastor Jefferson stated he thought that parking was not a big issue and it was something easy to overcome. Pastor Jefferson stated a parking agreement was not in place when they purchased the building.

Mr. Nunn asked what time the First United Methodist service starts. Mr. Benton explained that Rock Church proposed service time is 9:00 AM, First United Methodist established service time is 9:30 AM and Common Ground begins their service at 8:30 AM and 10:00 AM.

Mr. Benton asked Pastor Jefferson for a point of clarification on whether the applicant is leasing the structure or if the structure has been acquired, because it has been represented to staff that the applicant is leasing the structure. Pastor Jefferson stated they are looking to get an acquisition of the property but they are leasing the property.

Mr. Nunn voiced his concerns with the close starting times of Rock Church and First United Methodist and he stated it will be an issue with the members of Rock Church's congregation because the on street parking, which is the basis of parking along Orange Avenue, except for a small lot across from First United Methodist, will be taken first and most people do not like taking shuttles.

Mr. Benton stated that on street parking and overflow parking is where most people park that

attend First United Methodist.

Mr. Benton stated that the FPUA property, which is held by the City of Fort Pierce, is available during off hours for the general public.

Mr. Crist asked Pastor Jefferson what the next proposal would be if St. Marks rescinds the parking agreement. Pastor Jefferson stated he does not foresee the agreement being rescinded because St. Marks service starts at 11:00 AM and Rock Church service is finished by 10:30 AM, plus he has been friends for years with Pastor Ingram.

Mr. Crist asked what type of shuttle is being proposed since the walking distance is just shy of a 1/4 mile. Pastor Jefferson stated a couple of vans.

Gus Guterrez, Property Owner, stated he has a parking agreement with Common Ground church, which has parking problems and is next door to Rock Church. Mr. Guterrez elaborated by saying the parking problem is being compounded and Rock Church is asking for 3 times the allowable distance. Mr. Guterrez had concerns with the shuttle working properly and churches changing service hours. He explained restricted parking cannot be enforced due to first come first serve basis, therefore there will be displacement of the First United Methodist and Common Ground church parking, Mr. Guterrez went on to say that adequate parking is not being provided and it will harm businesses that are trying to get up and going.

Steve Tarr, Adjacent Property Owner, stated it does not make sense for a business to have patrons park 990 feet away and take a shuttle. Mr. Tarr voiced that this becomes a safety issue and a variance of 300 feet is absurd and it made no sense to start spending money on this facility until the church had all the approvals in place. Mr. Tarr said that allowing this variance will open up a can of worms for any business along the Orange Avenue corridor and the way to keep this a designated economic recovery area is by retail use.

Michael Mcleod, Resident of 822 Atlantic Avenue, stated he has a birds eye view of what goes on at the St. Mark's Church parking lot and the Haitian Methodist Church parking lot. He said he was astonished that St. Marks Church entered into an agreement because there is likely to be conflict in parking. Mr. Mcleod explained the parking lot at St. Marks is half full or more before 10:00 AM on Sunday, due to parishioners arriving early or special services. Mr. Mcleod expressed his interest in the redevelopment of Orange Avenue, by saying a large structure taken up by limited activity does not provide services that enhance an underdeveloped area. Mr. Mcleod voiced that there is an over concentration of churches on Orange Avenue.

Alki Steriopoulos, Resident, expressed his concern that the church is not a tax paying entity and another opportunity is lost for something that serves a limited time purpose, with not much benefit, as opposed to the building of a vibrant downtown area. After Ms. Jefferson spoke, Mr. Steriopoulos stated that having another church is more of the same, and change in another direction gives other opportunities for lots of people rather than one dedicated smaller demographic. Mr. Steriopoulos questioned having a church or school in that location bringing further encumbrances for the kind for businesses that can be around it.

Cathy Wassylenko, Resident, stated it is irresponsible to allow such a large retail space to go to a church, especially since it is an inappropriate spot, there are no available parking spots and this is the main corridor into Fort Pierce. Ms. Wassylenko also said the shuttle provides too much air pollution.

Ms. Jefferson voiced that there are two big buildings along Orange Avenue that are not developed and there is an opportunity for things to happen that folks would like to see on the Orange Avenue corridor.

Ms. Jefferson said they have a contract to purchase the building.

Ms. Jefferson stated that Rock Church had a parking agreement with FPUA but the parking agreement was taken back because of legal issues but FPUA said the parking lot is wide open on Sunday mornings. Ms. Jefferson concluded to say there is adequate parking on Sunday mornings.

Mr. Benton explained how the parking requirement is figured.

**Motion was made by William Nunn, and seconded by James Crist to deny the application.**

**AYE: Bennie Clark, James Crist, William Nunn, Ryan Collins**

**NAY: Chairman Bret McCain**

Passed

## **8. DISCUSSION / OTHER BUSINESS**

Mr. Nunn inquired about receiving response letters in a timely matter. Ms. Grohall stated that in the event responses are received by noon, the day of the meeting, the responses will be scanned and e-mailed to the Board.

Mr. Clark asked about the downtown business district boundary and expressed his concerns with cleaning up Orange Avenue.

## **9. ADJOURNMENT**

## Bill Nunn

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**From:** Arielle Walsh <arielle.walsh.pierceharbor@gmail.com>  
**Sent:** Friday, July 22, 2016 7:24 PM  
**To:** nunncowt@bellsouth.net; Cgator1@bellsouth.net; tsu65msc@gmail.com; bmccain@universalsignsfl.com; jimcrst@yahoo.com; Kori Benton; lhudson@city-ftpierce.com; nmimms@city-ftpierce.com  
**Cc:** federico@pierceharbor.com; Gregory Pope X  
**Subject:** Concerns about the Church Variance in Downtown Ft. Pierce  
**Attachments:** ChurchVarianceDocuments.pdf

Hi Board of Adjustment Members!

Please see attached.

Concerning the Church Variance, we have some concerns:

The Exhibit "1" provided seems to be inaccurate - as the egress is not shown to scale, and the exhibit makes it appear larger and more open than it actually is. This exhibit also fails to show the carport and columns present in a portion of the lot. Also, there are concerns that the angle parking may not be up to code, with no/insufficient egress out of the lot.

There are also concerns about the economic impact this would have on the community. We need more retail/restaurant spaces available in this area, and there are concerns that a lack thereof would reduce property values, and reduce the overall economic impact this area has.

This use would also be non-conforming to the Arts District, as discussed and agreed previously during the community & public consent during an open meeting, meetings with the city planners, city manager, city assistant manager, art & culture plan, the county planning board, and the economic impact of building an art district to help the economy in the area. Retention of retail space is important for the Arts district.

There are also concerns of the legality of FPUA picking & choosing select private entities the use of FPUA property. There are concerns this may be looked upon as a discriminatory action, if one private entity has been chosen above others for the shared use of this space with FPUA, & that one religious organization is being selected as a private entity to receive permission to use the FPUA property for private interest. There are also concerns that FPUA is exposing themselves to legal liability for a private entity with taxpayer consequences.

There are concerns that the proposed parking is not adequate for the amount of patronage expected, and that the compounding parking hardship concentration at the same time, and the same day with common grounds of the First United Methodist Church of Fort Pierce, FL & other religious organizations in the immediate area - will only create havoc and life safety issues for the church patrons brought upon by not selecting a facility with adequate & appropriate parking to serve their patrons.

It is also a concern that this is also to serve the elderly - who do not need additional hardships caused by loading and unloading into jitney vans inadequately equipped without ADA equipment, to then be transported blocks away to be loaded and unloaded - causing multiple possibilities for injuries.

Thank you for taking the time to read and review our concerns about this very important issue.

Thanks!

Arielle

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Arielle Walsh  
Pierce Harbor Information & Marketing Liaison  
[arielle@pierceharbor.com](mailto:arielle@pierceharbor.com)  
(772) 577-6564  
(772) 801-5729

## Bill Nunn

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**From:** houseanddesigns@gmail.com on behalf of Gregory Pope <Greg.Pope@klockle.com>  
**Sent:** Thursday, July 28, 2016 1:41 PM  
**To:** nunncowt@bellsouth.net  
**Cc:** Federico Morikawa; Arielle Walsh  
**Subject:** Rock Church Variance

Dear Mr. Nunn,

There are some concerns with approving the variance requested by the Rock Church for building 617 Orange Ave.

This building is owned by the Cyprus IP LLC - listed registered agents are:

Salah Gheit  
265 SW. Lake Forest Way  
Port Saint Lucie Florida 34986

And

Najum Choudhry  
9819 Via Amati  
Lake Worth Florida 33468

One member of the same LLC, Salah Gheit, also owns the properties at:

5811 NW Dunmore Ave. Port Saint Lucie Fl. 34986  
5818 NW Dana Circle Port Saint Lucie Fl. 34986  
215 SW Uneeda Place Port Saint Lucie Fl. 34953  
265 SW Lake Forest Way Port Saint Lucie Fl. 34986

Note that neither investors reside or have business in the community or City of Fort Pierce.

There are concerns that this variance is a non-conforming use, legally, as there is inadequate parking available to be used by church-goers.

Furthermore, there are concerns that allowing a private religious entity shared use of FPUA property, at the exclusion of other private entities, violates the separation of church & state - one of the most important building blocks our country was built upon. Not to mention that favoring one religious private entity over other religious or non-religious groups could be seen as a discriminatory action perpetrated by FPUA.

It should be of note, that the use of this building as a religious institution violates the use as agreed upon by the community & the City & which was approved by City Planning, that this area will be a part of the community Arts district - which will focus on retail spaces and public art works. The use of this building as a religious organization does not fit with this previously agreed upon districting of the area.

One must also keep in mind, that should the city approve this site variance for a religious institution, it would have a precedent set to be allowed for any and all religious institutions and organizations in the future - for all religions, as discrimination is not allowed.

Please address these concerns during the upcoming meetings, and any legalities that are questioned above.

Thank you,

Gus Gutierrez

(772) 801-5729

July 29, 2016

Honorable Mayor Hudson,

Before the Board of Adjustments is a request for a variance from Rock Church, which is seeking to establish itself on Orange Avenue.

We strongly object to the granting of said variance, as it would be in direct violation of the fifth condition for its approval, which states that it “will not be injurious or otherwise detrimental to the public welfare”.

The establishment of a church in this section of Orange Avenue would remove a prime storefront location from the retail market, which is already suffering from a saturation of churches, banks, and office spaces throughout Ft Pierce.

This would further stifle the ability of Fort Pierce to allow the creation of a thriving, viable, and walkable retail district, featuring shops, cafes, restaurants and art galleries, such as those found in successful communities, like Stuart and Delray Beach.

Fort Pierce cannot afford any more “dead zones”, which prevent healthy economic growth and keep the city from taking advantage of its full economic potential!

From the mere perspective of revenue, there is also the issue of a non tax paying entity occupying a space that could potentially go to a lucrative, tax generating business, with the ability to create jobs and attract visitors to the area.

Clearly, there are many other possible and much more suitable locations for a house of worship, which would better serve both the congregation and the community at large.

It would be beyond irresponsible to approve this variance!

In the best interests of Ft Pierce,

Michael McLeod  
The Ft Pierce Preservation Alliance

cc. Rebecca Grohall, Director of Planning  
Kori Benton, Senior Planner  
Eddie Becht, Commissioner  
Rufus Alexander, Commissioner  
Tom Perona, Commissioner  
Reggie Sessions, Commissioner  
Nick Mimms, City Manager