

BOARD OF ADJUSTMENT AGENDA

Board of Adjustment Regular Meeting - Thursday, April 27, 2017 - 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 December 1, 2016 meeting
7. **NEW BUSINESS**
 - a. Variance - Stover Residence – Fence Height & Side Yard Reduction for Accessory Structure - 3141 S. Indian River Drive
 - b. Variance - ASTA Commercial Parking Lot – Parking Space Width & Landscape Reductions - 111 S. Ocean Drive
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: 04/27/2017

Information

REQUESTED ACTION

Minutes from the December 1, 2016 meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Board of Adjustment Minutes 12/1/16

Form Review

Form Started By: Alicia Rosenthal

Started On: 04/14/2017 12:10 PM

Final Approval Date: 04/14/2017

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, **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

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
(772) 577-6564
(772) 801-5729

Bill Nunn

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

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

Planning Board of Adjustment

Meeting Date: 04/27/2017

Information

REQUESTED ACTION

Variance - Stover Residence – Fence Height & Side Yard Reduction for Accessory Structure -
3141 S. Indian River Drive

LOCATION

3141 S Indian River Drive

RESPONSIBLE STAFF

Kori Benton, Senior Planner

RECOMMENDATION

Approval

Attachments

Staff Report

Site Aerial

Variance Application, Responses to Criteria, & Photo of Structure Proposed for Replacement
Survey - Site Layout Plan

Form Review

Form Started By: Kori Benton
Final Approval Date: 04/20/2017

Started On: 04/19/2017 11:21 AM



THE SUNRISE CITY

FORT PIERCE
PLANNING DEPARTMENT
Florida

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**
Stover Residence - Fence Height & Side Yard Reduction for Accessory Structure
3141 S Indian River Drive

DATE: April 19, 2017

STAFF REPORT

Owner/Applicant Eddie Stover & Kathy Davis
3141 S Indian River Dr
Fort Pierce, FL 34982

Requested Action: Approval to deviate from Sections 22-67 (b)(7), 22-67 (c) (1), and 22-23 (b)(2)b. in order to erect a fence eight (8) feet in height, in conjunction with a pergola to be placed within the required side yard.

Location: 3141 S Indian River Dr

Parcel: 2426-501-0003-000-3

Lot Size: 1.4 acres

Current Zoning: Single-family Estate Density, E-1

Staff Analysis:

Variance Request

In accordance with Article VIII of Section 22 of the City Code, the property owners are requesting the Board of Adjustment approve a variance to deviate from Sections 22-67 (b)(7), 22-67 (c) (1), and 22-23 (b)(2)b. in order to erect a fence eight (8) feet in height, in conjunction with a pergola within the required side yard whereas a fifteen (15) foot setback is required for pergolas and fence height is restricted to six (6) feet.

Existing Conditions

The subject 1.4 acre site located along South Indian River Drive holds a single-family residence. The 4,387 square foot home was constructed in 1955, and features several accessory structures such as porches, patios, pool, screen enclosure and a carport. The property was annexed into the City of Fort Pierce in 1987.

The master bathroom of the home, located on the northern wing of the structure, was designed to look out on, and open up into, an orchid house (photo by applicant attached). Presently, there's an existing fixture which consists of 8ft. tall fence sections and several beams that extend from the home to the fence in a configuration typically indicative of a pergola. The described "orchid house" provides visual separation between the noted master bath and the adjacent property to the north, as well as a garden like space between the home and the property line. This structure has deteriorated and is proposed for replacement however the land development code provides a height restriction of six (6) feet for fences, or pergolas, within the required fifteen (15) foot side yard (setback) for the property.

Proposal

The applicant is seeking to reconstruct this 12 ft. by 14 ft. orchid house, or fence and pergola, at the north end of the home to maintain a screen between the neighboring property and the master bathroom. The applicant guides that the existing orchid house was built in the 1980s, prior to our purchase of the home, suggesting the importance of the visual buffer and its minimal impacts as it's located nearly 200 ft. from Indian River Drive. An exhibit of the structure's location with respect to the home is presented on the attached survey, and the photograph of the existing design is sought for incorporation into the proposed reconstruction.

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 applicants, in the attached application and supporting documents, cite various factors and explanation with regard to the above-referenced criteria. The principal home itself does not meet the required side yard (setback) on the north, therefore the proximity of the master bath to the adjacent property is increased, and is elevated due to the property's topography, and therefore the need for a visual screen is apparent. The applicant attests that the present orchid structure existed prior to annexation, and would be constructed in similar design and size, limits the potential for adverse impacts to the adjacent property.

Property Owner Response Summary:

A total of 8 notifications were mailed to abutting property owners. As of April 19, 2017, 0 responses have been received. An updated recording of responses will be provided to the Board at the hearing.

Staff Recommendation:

The recommendation of Staff is to grant **approval** of the requested variance to permit the reconstruction of an existing "orchid house", or fence and pergola, at the north end of the home to maintain a screen between the neighboring property and the master bathroom, based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 22-108.

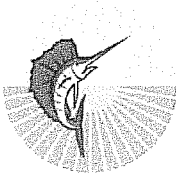


Indian River Drive

Rio Vista Drive

3141 S. Indian River Drive
Aerial





VARIANCE

Property address or Location 3141 S Indian River Drive, Fort Pierce, FL 34982

Parcel ID #(s) 2426-501-0003-000-3

Project description Replace existing orchid house abutting property line with structure of same size. Variance needed because 8 ft height is required due to adjoining bathroom with slider at top of tub deck, 4 ft above grade. With only a six foot fence, people stepping into or exiting the tub will be clearly visible. Bathroom built to be integral with orchid house.

Eddie W. Stover; Kathy J. Davis

Property Owner(s)
 3141 S Indian River Drive

Street Address
 Fort Pierce FL 34982

City State Zip
 772-971-8990

Phone Number
 ed.stover@ars.usda.gov

Email Address

Applicant/Representative, Title, Company

Street Address

City State Zip

Phone Number

Email Address

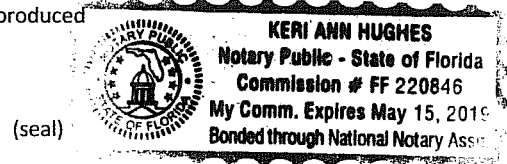
Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other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

Eddie W. Stover Kathy J. Davis
 Property Owner(s) Signature(s)

STATE OF ~~Florida~~ St. Lucie COUNTY
 The foregoing instrument was acknowledged before me this 28th day of March, 2017, by

Eddie W. Stover and Kathy J. Davis who is personally known to me or has produced _____ as identification.

Keri Ann Hughes
 Signature of Notary



INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3739

TO BE COMPLETED BY STAFF

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

Pre-Application Meeting Date _____
 Intake Planner _____
 Planner Assigned _____
 Approved By _____ Date _____
 Comments _____

Fees _____ Control # _____ B. Permit # _____

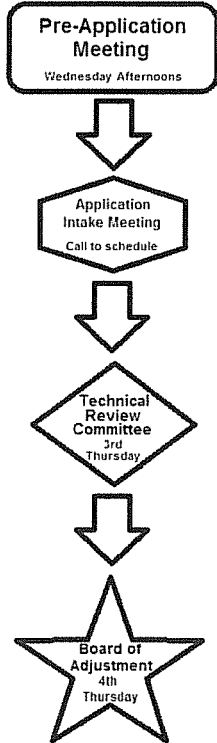
Intake Date Stamp

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

Application Outlook



Description of request: Replace existing orchid house abutting property line with structure of same size.

Variance needed because 8 ft height is required to maintain use of custom bathroom built to be integral with orchid house.

Reason for request: Bathroom has slider at top of tub deck, 40 in above grade, with custom stained glass on either side.

With only a six foot fence, people stepping into or exiting the tub will be clearly visible. Bathroom built to be integral with orchid house.

Existing Use : Orchid house, viewed from within bath Date Property was Purchased: 9/26/2008

Alterations made to the site since purchase: Extensive renovations, including change of all windows, many walls and metal roof

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

If yes, what has changed since the denial? _____

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:

1. Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

We live at and are owners of 3141 S Indian River Dr. Our master bathroom was designed to look out on, and open up into, an orchid house (see photo). The structure needs replacing, but we are told that we cannot simply replace the existing 8 ft structure, as current zoning specifies no more than 6 ft structures within 15 ft of the property line.

We totally understand that 8 ft fencing would be disruptive in most situations, creating a fortress-like environment. In this case the orchid house is: only ~12 x 14 ft., is ~200 feet from IRD and up a hill so there would be no additional visual obstruction, and is otherwise visible only by our next door neighbor (JoAnne Gregory 772-595-8037) who does not oppose replacement. She would rather look at the orchid house than into our bathroom!

As you can see from the photo, the slider to the orchid house is raised due to being on a deck flush with the top of the tub, approximately 4 ft above the surrounding soil. With only a six foot fence, people stepping into or exiting the tub will be clearly visible. It has custom stained glass surrounding the slider which would be obscured by curtains, and the intent of the slider is to allow the bather to enjoy the view of the orchid house. Frankly, this very nice feature of our home will be compromised and made foolish rather than desirable if we cannot replace the orchid house. Failure to achieve this variance will detract from our use of the property and will compromise property value.

2. Does special conditions or circumstances result from actions other than that of yours? Please explain

The custom bathroom and integral orchid house were built in the 1980s, prior to our purchase of the home.

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.

As you can see from the photo, the slider to the orchid house is raised due to being on a deck flush with the top of the tub, approximately 4 ft above the surrounding soil. With only a six foot fence, people stepping into or exiting the tub will be clearly visible. It has custom stained glass surrounding the slider which would be obscured by curtains, and the intent of the slider is to allow the bather to enjoy the view of the orchid house. Frankly, this very nice feature of our home will be compromised and made foolish rather than desirable if we cannot replace the orchid house.

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

We request a variance to permit an 8 ft orchid house enclosure, which abuts the property line, rather than the maximum 6 ft specified.

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

The orchid house is: only ~12 x 14 ft., is ~200 feet from IRD and up a hill so there would be no additional visual obstruction, and is otherwise visible only to our next door neighbor (JoAnne Gregory 772-595-8037) who does not oppose replacement. She would rather look at the orchid house than into our bathroom!

Beams (like a pergola)

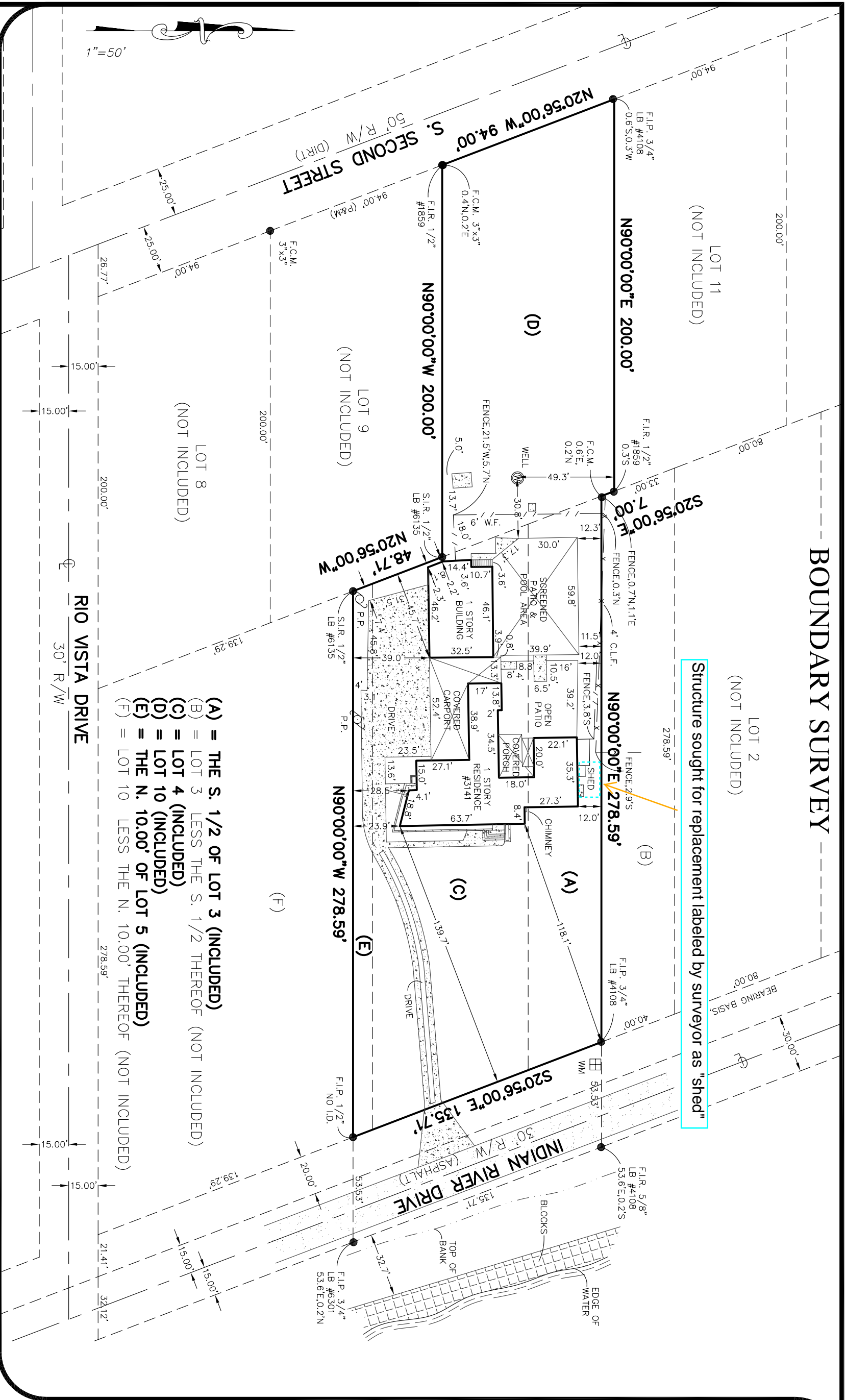


Fence (8')

Master Bath



BOUNDARY SURVEY



Structure sought for replacement labeled by surveyor as "shed"

- (A) = THE S. 1/2 OF LOT 3 (INCLUDED)
- (B) = LOT 3 LESS THE S. 1/2 THEREOF (NOT INCLUDED)
- (C) = LOT 4 (INCLUDED)
- (D) = LOT 10 (INCLUDED)
- (E) = THE N. 10.00' OF LOT 5 (INCLUDED)
- (F) = LOT 10 LESS THE N. 10.00' THEREOF (NOT INCLUDED)

GENERAL NOTES:

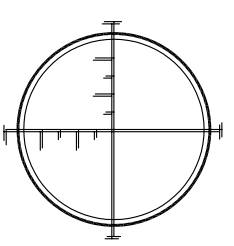
- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS ARE LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- 9) BEARINGS REFERENCED TO LINE NOTED AS B.R.
- 10) IN SOME INSTANCES, GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

LEGEND:

| | | | | | | | | | | |
|------|-------------------|--------|---------------------|--------|--------------------|--------|--------------------------------|-------|------------------------|----------------------|
| A/C | AIR CONDITIONER | D/E | DRAINAGE EASEMENT | XX XX | EXISTING ELEVATION | F.P.K | FOUND PARKER/KALON MAIL | P.G. | PAGE | |
| B.R. | BEARING REFERENCE | D/W | DRIVEWAY | (M) | FIELD MEASURED | L.M.E | LANDSCAPE MAINTENANCE EASEMENT | P.C.P | POINT OF CURVATURE | |
| B.M. | BENCH MARK | C.M. | CONCRETE MOVEMENT | F.F. | FINISHED FLOOR | F.C.M | FOUND CONCRETE MOVEMENT | P.R.C | POINT OF REVERSE CURVE | |
| (C) | CALCULATED | D.B. | DEED BOOK | F.I.P. | FOUND IRON PIPE | F.I.R. | FOUND IRON ROD | P.T. | POINT OF TANGENCY | |
| CATV | CABLE RISER | D. | DESCRIPTION OR DEED | F.D. | FOUND | L | LIMITED ACCESS EASEMENT | P.P. | PROPERTY POLE | |
| C.B. | CATCH BASIN | ESMT | EASEMENT | W.C. | WELL | L.A.E | LANE LIMITED ACCESS EASEMENT | P.P. | PROOF CORNER | |
| D.H. | DRILL HOLE | E.O.W. | EDGE OF WATER | W.C. | WITNESS CORNER | M.H. | MANHOLE | R.O.E | ROOF OVERHANG EASEMENT | |
| R. | RADIAL | CH | CHORD | A.E. | ANCHOR EASEMENT | MAH | COVERED AREA | X-X | METAL FENCE | |
| | | | | | | | | | W.M. | WATER METER |
| | | | | | | | | | R.W | RIGHT OF WAY |
| | | | | | | | | | R.P. | RADIUS POINT |
| | | | | | | | | | S.I.R. | SET IRON ROD & CAP |
| | | | | | | | | | TEL. | TELEPHONE FACILITIES |
| | | | | | | | | | T.B.M. | TEMPORARY BENCH MARK |
| | | | | | | | | | T.O.B. | TOP OF BANK |
| | | | | | | | | | U.E. | UTILITY EASEMENT |

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

(SIGNED)
 CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883



SERVING ALL FLORIDA COUNTIES

TARGET SURVEYING, INC.

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 WEST PALM BEACH, FL 33407
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PHONE: (561) 640-4800 FACSIMILE: (561) 640-0576
 STATEWIDE NUMBERS PHONE (800) 226-4807 FACSIMILE (800) 741-0576

Planning Board of Adjustment

Meeting Date: 04/27/2017

Information

REQUESTED ACTION

Variance - ASTA Commercial Parking Lot – Parking Space Width & Landscape Reductions - 111 S. Ocean Drive

LOCATION

111 S. Ocean Drive

RESPONSIBLE STAFF

Kori Benton, Senior Planner

RECOMMENDATION

Approval with the following conditions:

- 1) Incorporation of a sign towards the entrance of the parking circle, and stamped notation on each parking space, that acknowledges reduced stall width, or compact nature of the spaces.
- 2) The landscape plan integrates the planting, and appropriate irrigation, of a vegetative hedge along the north and east property lines, which has the capacity to grow to form a 3ft. tall continuous hedge within one year, as required by City Code Section 22-187 (4).
- 3) The landscape plan provides the planting, and appropriate irrigation, of a vegetative hedge along the west property lines, which has the capacity to grow to form a 6ft. tall buffer to mitigate the reduction in landscape strip width adjacent to these property lines. An section of the buffer may consist of a decorative wall to provide separation of the proposed parking area from the entrance corridor of Oculina Bank to the west.
- 4) The site plan is amended to provide a landscape strip along the northern property line which averages a minimum width of ten (10) feet and the required interior vehicular use area landscaping. This adjustment further provides resolution to Technical Review comments #2 & #3 provided by the Engineering Department on April 17t, 2017 (attached).

Attachments

Staff Report

Site Aerial

Variance Application, Support Documents, and Responses to Criteria

Site Plan & Landscape Plan Set

City of Fort Pierce Engineering TRC Comments - April 17th

Form Review

Form Started By: Kori Benton
Final Approval Date: 04/21/2017

Started On: 04/20/2017 04:09 PM



THE SUNRISE CITY

FORT PIERCE
PLANNING DEPARTMENT
Florida

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**
ASTA Commercial Parking Lot - Parking Space Width & Landscape Reductions
111 S. Ocean Drive

DATE: April 20, 2017

STAFF REPORT

Owner: Boch A Galup Inc
37 Fort Salonga Rd
Centerport, NY 11721

Applicant: Kash Patel, Mike O'Leary, Partners, ASTA Parking Inc.,
725 NE 26th Avenue
Fort Lauderdale FL 33304

Representative: Steven M. Weaver
Realtime Property Development Services
S Ocean Dr, Fort Pierce, FL 34949

Requested Action: Approval to deviate from Sections 22-60 (c)(1), 22-187 (4), 22-187 (6), and 22-187 (7) in order to develop an off-lot commercial parking lot that encompasses a reduction in the required width of vehicular parking stalls, a reduction in the required width of landscape strips between the parking area and right-of-ways, a reduction in the required width of landscape strips between the parking area and adjacent property, and a reduction in the required landscaping area within the vehicular use areas.

Location: 111 S. Ocean Drive

Parcel: 2401-501-0055-000-5

Lot Size: .5 acres

Current Zoning: Tourist Commercial (C-5)

Variance Request

In accordance with Article VIII of Section 22 of the City Code, the property owners are requesting the Board of Adjustment approve a variance for the following deviations from City Land Development Code:

1. Deviation from City Code Section 22-60. - Off-street parking and loading. (c) Design standards. (1) to establish fifty-one (51) non-ADA parking stalls at a width of nine (9) ft. whereas the ordinance requires nine and one-half (9.5) ft.. Said variance reflecting a half (.5) ft. reduction from the required stall width. The plan further includes three (3) ADA spaces that meet the required dimensions.
2. Deviation from City Code Section 22-187. - General landscaping requirements. (4) to reduce the required landscape strips between street rights-of-way and vehicular use areas from ten (10) ft. to a variation of three feet, four inches, (3' - 4") to seven feet, one inch (7' - 1"), a reduction of six feet, nine inches (6'-9") and two feet, eleven inches (2'-11") ft. and a reduction from ten (10) ft. to a variation of two (2) ft. to six and one-half (6.5) feet., a reduction of eight (8) ft. and three and one-half (3.5) ft., further deviating from subsection b. replacing a required three (3) ft. tall hedge screen with twelve (12) inch flowering plants. Referenced areas on the north and east property line of the subject site, respectively.
3. Deviation from City Code Section 22-187. - General landscaping requirements. (6) to reduce the required landscape strips between vehicular use areas and other property from ten (10) ft. to a variation of two feet, three inches (2' - 3") to seven feet, one inch (7' - 1"), a reduction of seven feet, nine inches (7' - 9") and two feet, eleven inches (2' - 11") accordingly. Referenced areas on the west and south property line of the subject site.
4. Deviation from City Code Section 22-187. - General landscaping requirements. (7) Interior vehicular use areas to reduce the required interior vehicular use area landscaping from 1105.47 square feet to approximately 976 square feet.

Existing Conditions

The subject .5 acre site located at the south west corner of Seaway Drive and South Ocean Drive is presently vacant, and is located with the Tourist Commercial (C-5) district. The property abutting the site to the west and south is home to a recently completed Oculina Bank branch facility.

The site is located at the intersection of Seaway Drive and South Ocean Drive which was enhanced with a round-a-about as a component of the joint A1A reconstruction project. As the property abuts a state roadway, Florida Department of Transportation (FDOT) approval is required for access points and right-of-way accommodations for any development.

Proposal

The applicant is seeking to establish a 54 space commercial parking lot. The proposed fee-to-parking facility is intended to be accessed from South Ocean Drive, with a two-way driveway for ingress and egress, with a circular one-way circular traffic configuration on-site. The parking spaces are oriented primarily on a 60 degree angle for accessibility and to maximize the quantity of parking spaces provided. The proposal includes the provision of

site landscaping (with the subject variance request for reductions), solar lighting, and underground exfiltration for storm water maintenance, cash and credit payment kiosks, and sidewalk connectivity.

The variances requested by the applicant seek to maximize the quantity of parking spaces on-site while maintaining required drive-aisle stall dimensions, parking stall depths, compliant handicap spaces, and baseline landscaping. The initial filing by the applicant featured sixty-five (65) total spaces; however several spaces have been eliminated to lessen many of the previous dimensional deficiencies.

Scope of Adjustments

The presented request seeks to reduce the parking stall width, for non-ADA parking spaces, from nine and one-half (9.5) ft. to nine (9) ft. The plan also specifies a reduction in the required landscaping areas buffering the parking lot on all four sides, as well as a reduction to the interior landscape area provided.

The average landscape buffer between the proposed parking spaces and the north, east, and south property lines is approximately 5 ft., representing roughly a 50% reduction. The average landscape buffer between parking spaces and the west property line, abutting Oculina Bank's facility, is approximately 3.8 ft, or roughly a 62% reduction from the required buffer width. Segments of the western landscape strip are reduced to a 2 foot and 3 inch width.

Additionally, the plan represents a reduction of approximately 12% of the required interior vehicular use area.

The plan maintains implementation of the required quantity of trees required by Section 22-187 – General Landscaping, however it features a reduction in the hedge height along the right-of-way lines. The plan proposes vegetative planting along the interior property lines; however the species is intended for growth to only 12-18 inches.

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.

Staff Analysis:

The applicant, in the presented documents, emphasizes public demand for parking inventory in the areas adjacent to the subject site. The request seeks to utilize the presence of demand for vehicle parking spaces, and the limited land size, to provide reasoning for the reduction of parking space width and dimension of required landscape areas.

Staff acknowledges the special conditions and circumstances peculiar to the subject site and proposed development as it's adjacent to heavily utilized park lands, public amenities, and commercial businesses, whereas a portion of the established businesses within 200 feet of the site have limited, and in some cases no, parking available on their premises for customers due to pre-existing non-conformities.

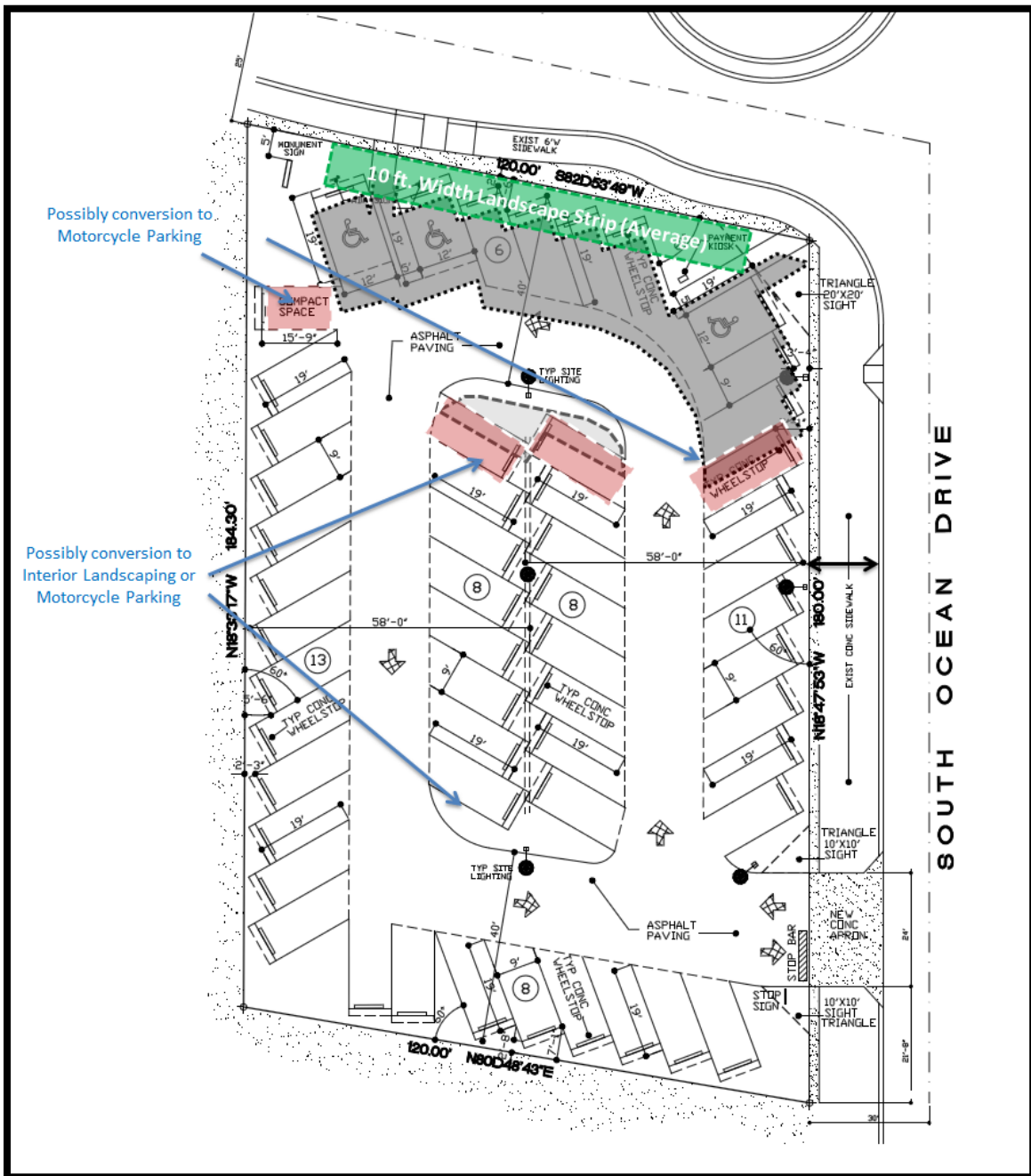
The applicant is seeking to offer parking spaces on-site, which are not intended to supply required parking spaces for businesses or other development pursuant to City Code Section 22-60, but rather introduce a new supply of *surplus* spaces requiring a user fee. Patrons of the proposed commercial parking area would be consenting to the policies for payment and use which provides the capacity to mitigate concerns of the proposed 6 inch reduction in the width of regular parking spaces. Acknowledgement of the minor reduction through a displayed sign, and possible notation on each space, would alert potential users of this reduction. As noted drive aisle and stall widths are compliant with local requirements.

The requested landscaping reductions seek to exchange public benefit of landscape buffers with additional parking supply to the site. The site abuts a segment of State Road A1A which recently experienced complete reconstruction which includes sidewalks and accenting landscaping in the form of Royal Palm trees and minor grass sections. Based upon its unique positioning at the corner of Seaway Drive and South Ocean, the abutting streetscape improvements in the public right-of-way provide a nominal landscape and sidewalk buffer between the roadway and the site. The presence of these features does not alleviate the required landscape buffers of City Code Section 22-187, however it provides consideration of reducing the width of on-site landscape strips along the north and east property lines without discrepancy with the general intent and purpose of the ordinance and minimize any determinant to the public welfare.

The variance deliberated by the Board of Adjustment should be consideration of the minimum variance that may make possible the reasonable use of the land. The reduction of the eastern landscape strip provides for the added capacity for an entire row of parking spaces (10-11), whereas the reduction along the northern property line only expands the quantity of parking spaces by four (4), with one of said spaces designed as a significantly compact space. The applicant retains the capacity to install the code required trees and shrubs within the remaining areas provided, which would be complimented by the existing Royal Palms present in the right-of-way. The reduction of the landscape buffer required at the northern property line only renders a four (4) parking space advantage, whereas the reduction places a line of vehicle parking spaces towards traffic traveling towards the Jetty Park Area. The reduction of four (4) parking spaces would provide necessary space to meet

the required landscape at the northern property line and interior vehicular use area. A conceptual demonstration of this adjustment is provided below in Figure 1.

Figure 1 – Staff Recommended Adjustments to Site Plan



- Elimination of four (4) parking spaces noted in red in order to provide a 10 ft. (average) landscape buffer along the northern property line, or primary entrance to the Jetty Park area
- Minor of Parking area south, and further expanding the interior landscape area to meet minimum requirements.

Staff Recommendation:

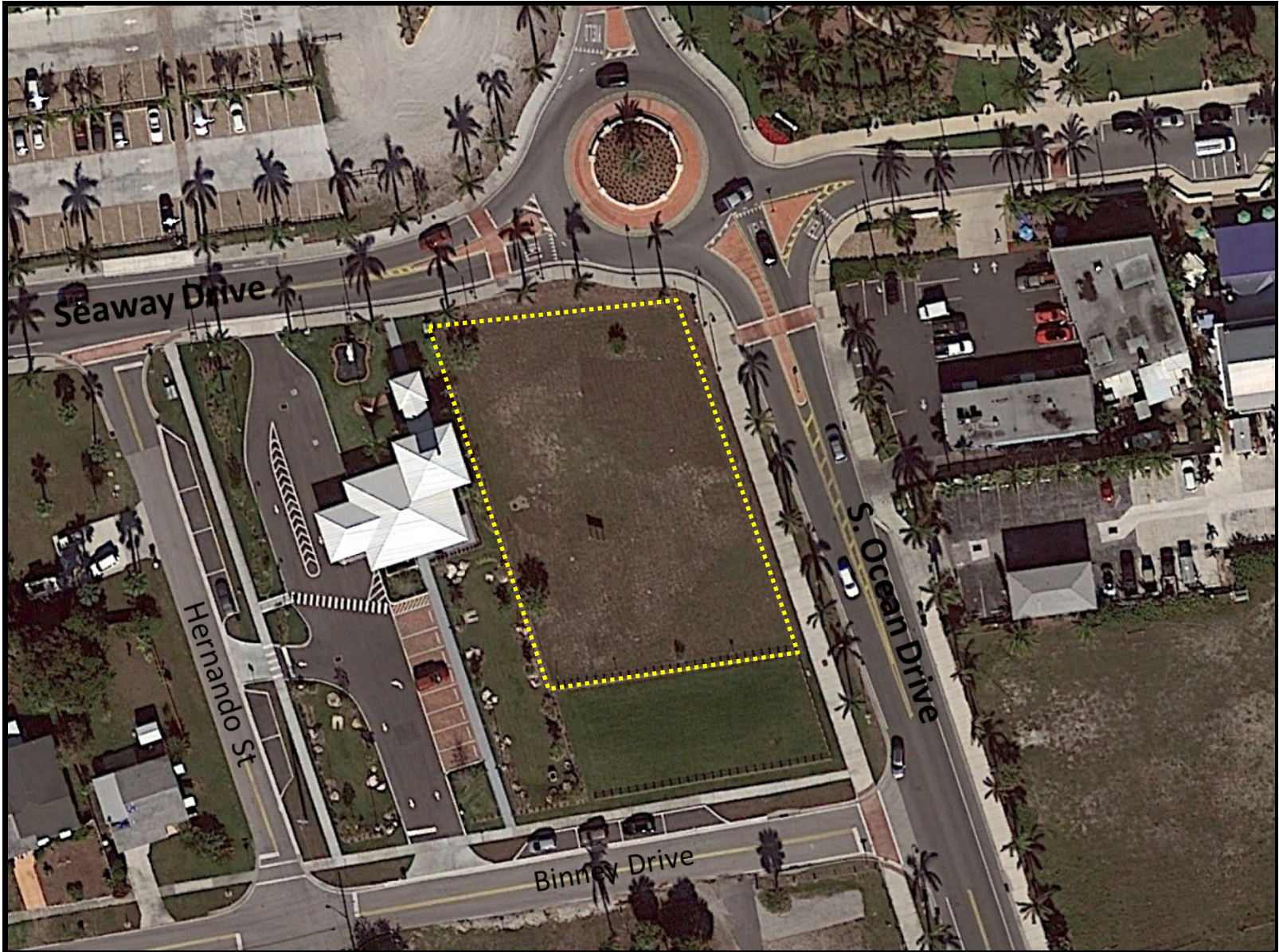
The recommendation of Staff is to grant **approval** of the requested variance, based upon minor improvements to the proposed site and landscape plans and greater consistency with criteria for granting a Variance specified in Section 22-108, with the following conditions:

1) Incorporation of a sign towards the entrance of the parking circle, and stamped notation on each parking space, that acknowledges reduced stall width, or compact nature of the spaces.

2) The landscape plan integrates the planting, and appropriate irrigation, of a vegetative hedge along the north and east property lines, which has the capacity to grow to form a 3ft. tall continuous hedge within one year, as required by City Code Section 22-187 (4).

3) The landscape plan provides the planting, and appropriate irrigation, of a vegetative hedge along the west property lines, which has the capacity to grow to form a 6ft. tall buffer to mitigate the reduction in landscape strip width adjacent to these property lines. An section of the buffer may consist of a decorative wall to provide separation of the proposed parking area from the entrance corridor of Oculina Bank to the west.

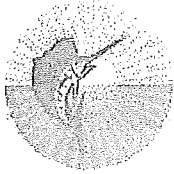
4) The site plan is amended to provide a landscape strip along the northern property line which averages a minimum width of ten (10) feet and the required interior vehicular use area landscaping. This adjustment further provides resolution to Technical Review comments #2 & #3 provided by the Engineering Department on April 17t, 2017 (attached).



ASTA Parking—111 S. Ocean Drive

Site Aerial





VARIANCE

Property address or Location 111 S OCEAN DR
 Parcel ID #(s) 2401-501-0055-000-5
 Project description Construct new Paid Parking Lot

Boch A Galup Inc

Property Owner(s)
37 Fort Salonga Rd

 Street Address
 Centerport NY 11721

 City State Zip
516 901 3263

 Phone Number

 Email Address

Kash Patel, Mike O'Leary, Partners, ASTA Parking Inc.

Applicant/Representative, Title, Company
725 NE 26th Avenue

 Street Address
 Fort Lauderdale FL 33304

 City State Zip
954 421 3830, 954 410 4942

 Phone Number
kash@astaparking.com, olearym57@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.

Mathew S. Kaphan, pres.

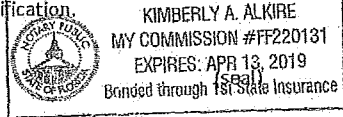
Property Owner(s) Signature(s)

STATE OF -- COUNTY

The foregoing instrument was acknowledged before me this 26 day of January, 2017, by

Mathew S Kaphan who is personally known to me or has produced

KIMBERLY A. ALKIRE as identification.



Signature of Notary

INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3739

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 _____

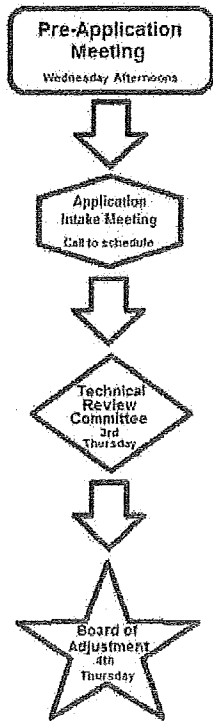
Intake Date Stamp

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

Application Outlook



Description of request: Reduction in Setbacks and Landscaped area

Reduction in Parking space and Drive Aisle Dimensions

Reason for request: Property dimensions uneven multiple of Specified parking space
and drive aisle combined width

Existing Use : vacant Date Property was Purchased: Nov 18, 1999

Alterations made to the site since purchase: None

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

If yes, what has changed since the denial? _____

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:

**JAMES E.
GILGENBACH**
ARCHITECT



ARCHITECTURE
&
PLANNING
FL AR-7457

Kori Benton, Senior Planner
City Of Fort Pierce, Planning Department
100 North US#1
Fort Pierce, FL 34954

City Of Fort Pierce Planning Department
Re: 111 South Ocean Variance Review Criteria Satisfaction

Sec. 22-108. - Criteria for granting variances.

A variance may be granted only in the event that all of the following criteria are satisfied:

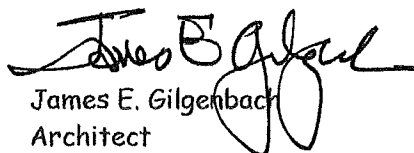
(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; *The Lot Dimensions are just under the amount needed for two rows of parallel parking per City Code.*

(2)The special conditions and circumstances do not result from the actions of the applicant; *Lot dimensions remain unchanged since platting in the 1920's*

(3)The literal interpretation of the provisions 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; *Exact code specified parking space width, drive aisle width, and landscape strip widths have been allowed to be adjusted to fit the Platted, As Built environment.*

(4)The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. Every linear inch of available space has been proportionately apportioned between landscape strip, parking space depths, and drive aisle widths.

(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 o otherwise detrimental to the public welfare. *Adjoining areas are landscaped and adjoining property Owners and Tenants are all in support and stand to benefit from the additional parking for their customers.*


James E. Gilgenbach
Architect

SUITE 107

NEWPORT CENTER

1239 E. NEWPORT CENTER DRIVE
DEERFIELD BEACH, FLORIDA 33442
(954) 426-1652

01 FEBRUARY 2017

16A99

**JAMES E.
GILGENBACH**
ARCHITECT



ARCHITECTURE
&
PLANNING
FL AR-7457

Kori Benton, Senior Planner
City Of Fort Pierce, Planning Department
100 North US#1
Fort Pierce, FL 34954

RE: Project Narrative for ASTA Paid Parking Facility
Located at 111 South Ocean Drive, Fort Pierce, FL

Dear Mr. Benton:

Proposed project hereafter referred to as the ASTA Paid Parking Facility is a 66 Space Paid Parking Lot.

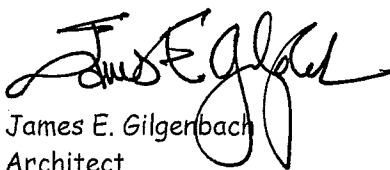
The Facility will feature:

- Turtle Friendly Solar Lighting,
- Space saving onsite Underground Exfiltration storm water collection and storage,
- Salt Tolerant Landscaping consistent with the surrounding Streetscape;
- Attractive, State of the Art, Cash and Credit Payment Kiosks;
- Sidewalk interconnectivity to the Inlet Roundabout crosswalks to the Retail and Recreation areas to the North and East.
- Proposed reduction in Landscape buffers and Setbacks are mitigated by existing landscaped areas to the North and West, and undeveloped green space to the South.
- Proposed reduction in Landscape buffers and setbacks offset by helping solve acknowledged parking shortfall
- Maximization of number of spaces will help alleviate spillover parking and associated issues in the surrounding residential areas.
- Clear Vision Areas are protected,
- View lines and prevailing winds in general left unobstructed.
- Central location will add to the cohesiveness of the Entertainment and Retail District.
- 24/7 Operation
- 24/7 Remote Video Monitoring and daily on-site checks by ASTA Team.

SUITE 107

NEWPORT CENTER

1239 E. NEWPORT CENTER DRIVE
DEERFIELD BEACH, FLORIDA 33442
(954) 426-1652


James E. Gilgenbach
Architect

**JAMES E.
GILGENBACH**
ARCHITECT



ARCHITECTURE
&
PLANNING
FL AR-7457

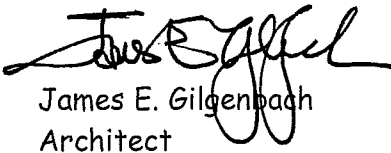
01 FEBRUARY 2017

16A99

Kori Benton, Senior Planner
City Of Fort Pierce, Planning Department
100 North US#1
Fort Pierce, FL 34954

RE: 111 South Ocean Site Lighting Compliance with City and State Codes

Although the Site Lighting Photometric Plan has not yet been completed, I hereby affirm that the Lighting Plan will comply with all relevant Site Lighting statutes within Chapter 22(d)(8), and Beach Lighting requirements within Chapter 5 ARTICLE XIV. - PROTECTION OF SEA TURTLES Sec. 5-375. - *Lighting on beach*, and a Photometric Plan consistent thereto will be provided prior to Building Permit submittal.


James E. Gilgenbach
Architect

SUITE 107

NEWPORT CENTER

1239 E. NEWPORT CENTER DRIVE
DEERFIELD BEACH, FLORIDA 33442
(954) 426-1652

01 FEBRUARY 2017

16A99

**JAMES E.
GILGENBACH**
ARCHITECT



ARCHITECTURE
&
PLANNING
FL AR-7457

Kori Benton, Senior Planner
City Of Fort Pierce, Planning Department
100 North US#1
Fort Pierce, FL 34954

**RE: Traffic Statement for ASTA Paid Parking Facility
Located at 111 South Ocean Drive, Fort Pierce, FL**

Dear Mr. Benton:

Proposed project is a 54 Space Paid Parking Lot. The Facility will feature Turtle Friendly Solar Lighting, the Parking Spaces, Space saving on-site Underground Exfiltration storm water collection and storage, Salt Tolerant Landscaping consistent with the surrounding Streetscape; Attractive, State of the Art Cash and Credit Payment Kiosks; and Sidewalk interconnectivity to the Inlet Roundabout crosswalks to the Retail and Recreation areas to the North and East.

Existing Traffic Conditions:

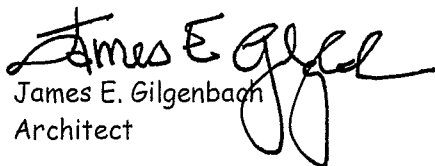
Existing Property is vacant, and fenced. No access is available. No trips are associated with a vacant property. Surrounding area roads and parking lots do not appear to be at capacity. Surrounding area suffers from an acknowledged shortage of parking, very often resulting in spillover of patron parking into the surrounding Residential areas. This spillover is not without consequence and cost to the residents' quiet enjoyment, and to the perception of the area in whole. Further, inadequate parking options result in drive offs of arriving patrons to other Retail and Entertainment areas elsewhere with more adequate parking.

Traffic Distribution from Proposed Development:

Based on Concurrency Management Chapter 22-217, Average Peak traffic conditions are conducted during weekday hours from 6 a.m. -9 a.m. for AM counts and 4pm -7pm for PM counts. The majority of trips associated with the proposed parking lot during AM hours are for recreational visitors to the Jetty area. The majority of trips associated with the proposed parking lot during the late afternoon PM counts are for Restaurant patrons. Per FDEP recommendation and accepted Best Practices, the single Curb Cut entry will be located about 20 feet north of the South East property corner, along FDOT managed State Road A1A, aka South Ocean Drive.

Traffic Statement Summary:

This facility will generate a change in current trip volume of less than 1%. Number of inbound and outbound trips will remain essentially unchanged. This is supported by the fact that the ITE Trip Generation Manual is silent to stand alone Paid Parking Facilities. Measureable reduction in spillover traffic and parking and related problems in the surrounding Residential areas will result. The project has **de minimis impacts** on roadway links within 1 mile radius and is in compliance with the Concurrency Plan of the City of Fort Pierce.


James E. Gilgenbach
Architect

SUITE 107

NEWPORT CENTER

1239 E. NEWPORT CENTER DRIVE
DEERFIELD BEACH, FLORIDA 33442
(954) 426-1652

Multi-Space Pay Station

For On- and Off-Street Parking Environments

Public and private parking operators are realizing the benefits of multi-space pay stations: increased revenue, reduced operational costs, and superior customer service, to name just a few. Consumers also enjoy the added convenience, diverse payment options, and ease of use provided by pay stations. The LUKE II pay station is highly secure, flexible, and suitable for both on- and off-street deployments. LUKE II fulfills customer service expectations and delivers superior performance and significant contributions to operators' top and bottom line.

LUKE II Features for Consumers

- Range of convenient payment options, such as coins, bills, credit cards, smart cards, passcards (value cards, campus cards), coupons, and Pay-by-Phone services
- Contactless payments for rapid parking transactions
- Extend-by-Phone service provides expiry reminders and the ability to add time via mobile phone
- Large color screen that is easy to read
- Prompts in multiple languages
- Ability to pay for parking or add time using any pay station in the system
- Coin escrow refunds consumers' money upon a cancelled transaction
- 38-key full alphanumeric keypad for easy license plate entry
- Easily recognizable design identifies machine as a parking pay station

LUKE II Features for Parking Operators

- Separate maintenance and collections compartments for enhanced security
- Theft-resistant design to protect coins, bills, and internal components
- Enhanced locking mechanism and electronic lock support for added security
- PCI compliant and PA-DSS validated system ensures credit card data security
- Pay-and-Display, Pay-by-Space, and Pay-by-License Plate on the same pay station
- Remote configuration of rates and policies saves time and money
- Integration with leading parking technology partners for a complete solution
- Flexible rate structures and diverse payment options can increase revenue
- Reduced maintenance and collections costs
- Real-time credit card processing to reduce processing fees and eliminate bad debt
- Real-time reporting and alarming
- Complete audit trail and rich analytics



LUKE II Specifications

| | |
|-----------------------------|---|
| Cabinet: | 12-gauge cold rolled steel protected with an anti-corrosion coating |
| Payment Options: | Coins, bills, credit cards, contactless payments, smart cards, value cards, campus cards, coupons, Pay-by-Phone services. Coin escrow optional |
| Card Reader: | Cards are not ingested – no moving parts. Reads Tracks 1, 2, and 3 of all magnetic stripe cards conforming to ISO 7810 and 7811. Reads and writes to chip-based smart cards conforming to ISO 7810 and 7816 |
| Bill Stacker: | 1,000-bill capacity (U.S. only) |
| Printer: | 2" receipt width |
| Display: | Color backlit LCD with 640 x 480 resolution |
| Keypad: | 38-key alphanumeric with tactile buttons |
| Locks: | Can be re-keyed twice without removal of lock cylinder. Electronic locks optional |
| Access: | Separate compartments for maintenance and collections |
| Communications Options: | GSM/GPRS, CDMA, Ethernet |
| Environmental Requirements: | -40°F to +140°F (-40°C to +60°C)* Relative humidity: up to 95% |
| Power: | 120 V AC. Slimline solar panel optional |
| Operational Modes: | Pay-and-Display, Pay-by-Space, Pay-by-License Plate |
| Multilingual Support: | Up to four languages using roman or non-roman characters |
| Audible Alarm: | Senses shock and vibration |
| Color: | Charcoal gray. Additional colors optional |
| Standards: | UL/CSA approved, ADA compliant, PCI compliant, PA-DSS validated |

*using separately purchased heater/insulator option. Low end of range is -4°F (-20°C) ambient without heater/insulator option

Standard

Premium



Charcoal Gray



Jet Black



Pebble Gray



Racing Green



Marine Blue



Citrus Yellow

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For additional information about T2 Systems, Inc. products and services, visit www.T2systems.com.

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PAY HERE

INSTRUCTIONS

1. Pay Via App or Meter in Advance
2. Enter License Plate at Meter
3. No Change Given
4. Place Receipt Face Up On Dash
5. No Oversized Vehicles
6. Park in Between the Lines
7. If Receipt Does Not Print, Meter Still Able to Verify Payment
8. Enforced 24 hrs 7 days a week



OR



Download
ParkByApp
App Store Google Play

or go to
ParkByApp.com

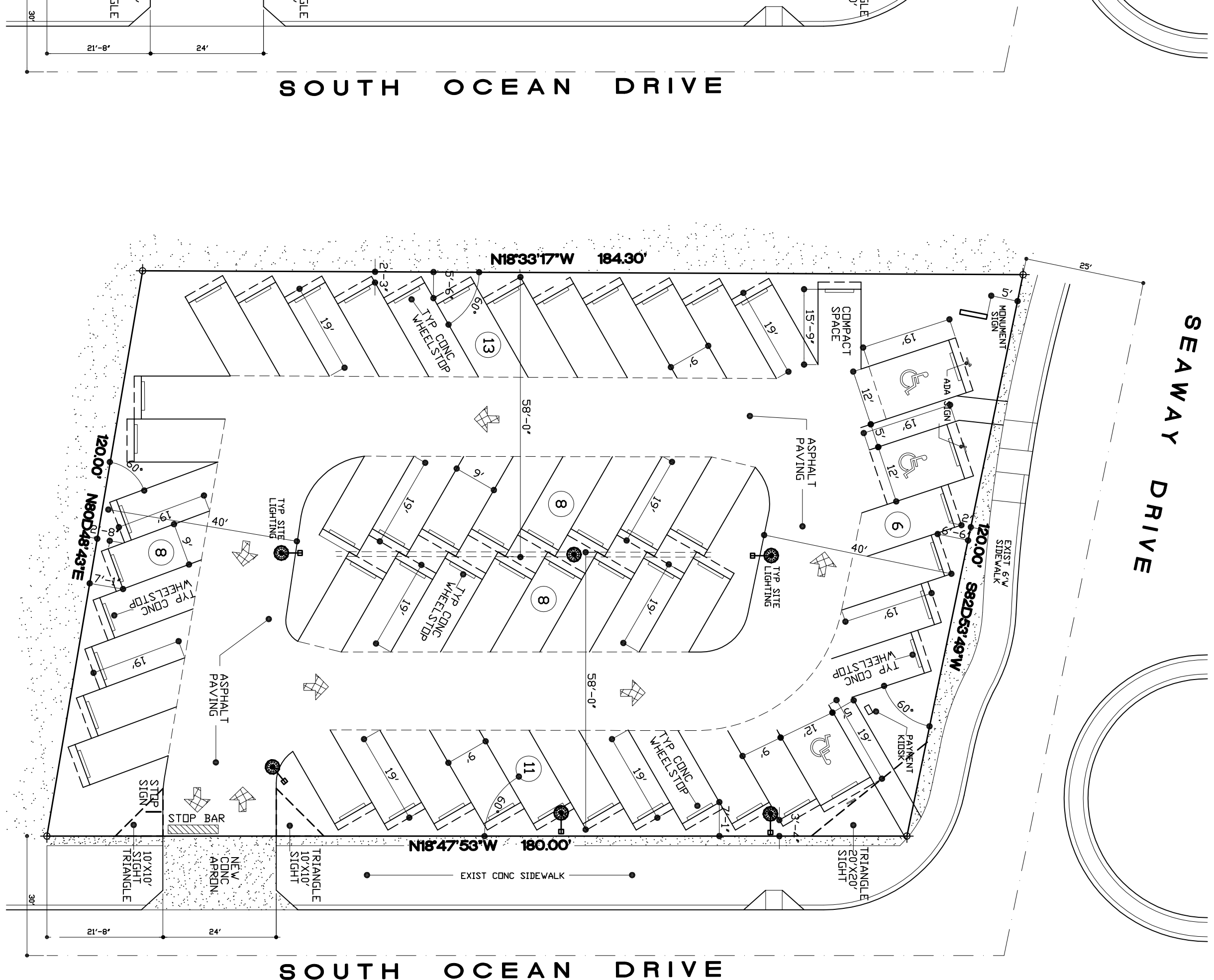
ZONE

Parking Management by
Asta Parking Inc. 888-764-2782

PLEASE NOTE

Failure to comply with the above regulations or pay posted fees in advance or exceed the time limit for parking will result in Booting or Towing of your vehicle.

SEAWAY DRIVE



SOUTH OCEAN DRIVE

SOUTH OCEAN DRIVE

AREA CALCS:

| | | |
|-------------------------------|--------------------|--------------|
| TOTAL SITE AREA: | 21,488 SQ FT | (100%) |
| PERIMETER GREEN AREA: | 3,930 SQ FT | (18%) |
| VEHICULAR USE AREA: | 16,582 SQ FT | (77%) |
| VUA GREEN AREA: | 976 SQ FT | (05%) |
| TOTAL PERVIOUS AREA: | 4,906 SQ FT | (23%) |
| LANDSCAPE AREA IN VUA: | 16,582/15 SF = | 1105 SF |
| ACTUAL LANDSCAPE AREA IN VUA: | 976 SF | |

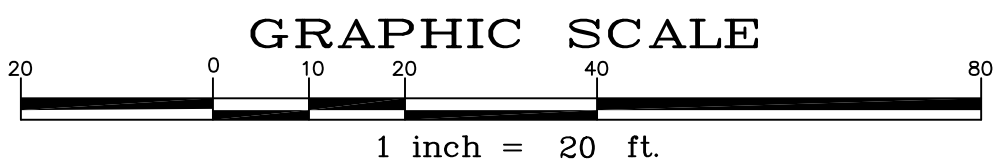
PARKING COUNT:

TOTAL 54 SPACES - 60° PARKING
 3 - 12' X 18' ADA PARKING SPACES (PLUS 1 FT DVRHG)
 51 - 9' X 18' PARKING SPACES (PLUS 1 FT DVRHG)

SITE PLAN



SCALE: 1" = 20'-0"





TO : Kori Benton, Senior Planner
FROM : John R. Andrews, P.E., City Engineer
**RE : ASTA Parking – 111 South Ocean Drive
Conditional Use Application
TRC No. 17-0400005**
DATE : April 17, 2017



This is to advise you that we have completed the review of the following documents as received by this office on April 14, 2017:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Conditional Use Application | <input type="checkbox"/> P/D Drawings |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local, State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local, State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we

- | | | |
|--|--|------------------------------|
| <input type="checkbox"/> Recommend | <input checked="" type="checkbox"/> Do Not Recommend | |
| <input checked="" type="checkbox"/> Approval of CU | <input type="checkbox"/> Building Permit | <input type="checkbox"/> C/O |

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- See attached for engineering comments

ENGINEERING COMMENTS:

1. In accordance with the City of Fort Pierce Code of Ordinances Section 17-27(a)(7), please provide a Boundary and Topographic Survey signed and sealed by a Florida Registered Land Surveyor. The survey submitted was not certified, nor did it include any topography, and was also missing some existing improvements located within the adjacent road right-of-ways, i.e. roadway lighting.
2. This department recommends the elimination of the compact space as there is too great of a risk for vehicles to overhang into the drive aisle and cause issues with the adjacent handicapped parking stall.
3. The handicapped parking stall's 5' access aisle is proposed to encroach directly behind the adjacent parking stall which is considered an unsafe situation; please revise the plans to eliminate this hazard.
4. Advisory Comment: The concrete car stops shall be situated to ensure the maximum vehicle overhang will be 1' into the grassed/landscaped area.
5. Advisory Comment: The previously submitted drainage plan is conceptual at this point and will be reviewed in depth at the time of application for a Site Work permit.
6. Advisory Comment: The applicant shall be made aware that FDOT Drainage and Driveway Connection permits will be required at time of application for Site Work Permit.
7. Advisory Comment: The proposed driveway location is in direct conflict with existing FDOT street lighting, the applicant shall be made aware that permitting through FDOT for the relocation of the lighting will be required; any expense associated with this work will be the responsibility of the developer.

JRA/tst