



Charrette SUNRISE CITY

FORT PIERCE

PLANNING DEPARTMENT *Florida*

TO: Members of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

SUBJECT: **Proposed Zoning Text Amendment
Amending City Code Section 22-16 - Designation of Overlay Districts
Request to Remove 601 Seaway Drive from the South Beach Overlay**

DATE: October 3, 2017

STAFF REPORT

Applicant: G Flash GP Inc (TR)
c/o DE Peyster
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Palm Beach, FL 33480

Representative: James H. (Mac) McCarty, Jr., Esq.
McCarty, Naim, Focks & Keeter, P.A.
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Parcel(s): 2402-312-0001-000-5 & 2402-331-0002-000-1 (Uplands)

Requested Action:

Review and advance of a recommendation to the City Commission regarding a proposed amendment to City Code Section 22-16 - Designation of overlay districts, specifically (a) South Beach Overlay District (1) Applicability and Purpose & (2) Delineation of the district; to amend Figure 1 which designated the boundaries of the overlay district, removing approximately 18.02 acres of land, known as 601 Seaway Drive, from the South Beach Overlay

Staff Analysis:

The applicant and representative have filed a request for a Text Amendment to Chapter 22-Zoning, to amend the South Beach Overlay District to remove property located at 601 Seaway Drive, eliminating applicability of the standards and guidelines contained within the South Beach Overlay from the subject property, known as Causeway Cove Marina.

South Beach Overlay District.

The South Beach Overlay was established via Ordinance *K-441*, adopted by the City Commission on January 16th, 2007. The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in

keeping with the general character of South Hutchinson Island. By way of this overlay district, the city seeks to preserve, protect and enhance the unique barrier island environment through regulation of development and redevelopment of lots within the district. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. All new development and changes to existing development in the district that require site plan or building permit approval are subject to the overlay district requirements in addition to other applicable regulations in this Code.

The district regulations affirm a residential density limitation subject to the underlying zoning district, but *in no instance* exceeding eight (8) units per acre. The district further establishes maximum heights for each zoning district within the overlay, most notably limiting residential development in the C-5 district to 45 ft., and both commercial and residential development in the C-3 district to 45ft.

The district does account for the unique nature of the barrier island, accommodating FEMA mandates through calculation of height from the established FEMA Base Flood Elevation to the highest point of the roof, while granting non-habitable architectural elements relief to exceed the maximum height requirement by 20 percent if contributing stylistically to the building. The site design standards seek to enhance building form, architectural compatibility and detail, as well as maximization of opportunities for public access to the water.

The district provides the commitment to monitor and review the city's land development regulations on an on-going basis in order to assess their reasonability and effectiveness in promoting the identified purpose, due to ever-accumulating knowledge about the dynamics of a barrier island community, and new and better information about site design.

Site History

The City Commission, on September 21st, 2015, approved Ordinance 15-51 enacting a Zoning Atlas Amendment (Rezoning) of the subject property from R-3, Single-Family Moderate Density Residential to C-5, Tourist Commercial.

The subject property is the former home of the Causeway Mobile Home Park, which was destroyed during hurricanes Frances and Jeanne in 2004. The former mobile home park featured approximately 250 units prior to its completed removal in 2006. The property was predominantly vacant, until the active development of Causeway Cove Marina commenced after the City Commission approved a Site Plan and Conditional Use to develop a 198 slip marina, 10 space RV Park, Dock Master's Quarter's and Ship store at the site.

The rezoning was notably based upon the applicant's expressed interest in pursuing construction of a marina and support recreational facilities as the local economy develops and further exploration commences for strategies to relocate the Wastewater Treatment Plant. The development right increase achieved for the site(s) via the rezoning are demonstrated in Table 1, through comparison of the previous and existing guidelines and use standards applicable:

	Previous <i>(Prior to 2015 Rezoning)</i>	Existing <i>(Within the SB Overlay)</i>	Proposed <i>(Without the SB Overlay)</i>
Zoning	R-3	C-5	C-5
Purpose	The major purpose of this zoning district is to provide for areas of single-family dwellings with an average net density in conventional developments of approximately six (6) units per acre or less. Innovative residential developments, however, may have higher densities. Duplexes and certain nonresidential uses are allowed when appropriate conditions and safeguards indicated in this section are fulfilled.	The intent of this district is primarily to provide suitable locations for tourist facilities and certain tourist related establishments. In part, this means that areas in the zone should be in close proximity to an arterial or collector street. It also means that the uses allowed should be much more limited than those permitted in a C-3 or C-4 zone. Regulations for the district are designed to enhance the attractiveness and convenience of the <i>facilities for tourist use</i> .	
Density	Approximately six (6) units per acre or less	Eight (8) units per acre based upon current Future Land Use Designation of Hutchinson Island Mixed Use (HIMU)	Eight (8) units per acre based upon current Future Land Use Designation of Hutchinson Island Mixed Use (HIMU). Density allowance would increase if amendment to the Comprehensive Plan is approved.
Permitted Uses Excerpts	<ul style="list-style-type: none"> ➤ Detached House ➤ Family Day Care ➤ Park & Open Space 	<ul style="list-style-type: none"> ➤ Eating & Drinking Establishments ➤ Retail Stores & Professional Offices ➤ Indoor & Outdoor Entertainment ➤ Overnight Accommodations ➤ Vertical Mixed-use 	
Conditional Uses Excerpts	<ul style="list-style-type: none"> ➤ Duplex ➤ Townhouse ➤ Mobile Home Park ➤ School ➤ Medical Facility ➤ Neighborhood Commercial Sale 	<ul style="list-style-type: none"> ➤ Townhouses ➤ Multi-Dwelling Building ➤ Recreational Vehicle Park ➤ Grocery or Liquor Store ➤ Boat & Auto Sales/Rental ➤ Marine-Related Commercial ➤ Commercial Parking 	
Maximum Lot Coverage	35%	60%	

	Previous <i>(Prior to 2015 Rezoning)</i>	Existing <i>(Within the SB Overlay)</i>	Proposed <i>(Without the SB Overlay)</i>
Maximum Building Height	28 ft. – Permitted 35 ft. – Conditional Use	45 ft.* (South Beach Overlay) Measured from FEMA Base Flood Elevation, with 20% extension for Architectural Features	45 ft. for Commercial Development Up to 200 ft. for Multifamily Housing Developments in accordance with the requirements of the High Density Residential (R-5) zone may be approved. Measured as the vertical distance from the <i>grade</i> to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points of other types of roofs.

Table 1: Comparison of Previous, Existing, and Proposed Use Standards for the Site(s)

The proposed amendment to would eliminate provisions of the South Beach Overlay district that presently limit consideration of building height to forty-five (45) ft, thus granting capacity to pursue residential development of up to two hundred (200) feet above grade as derived from the following land development code extracts:

City Code Section 22-33. - Tourist Commercial Zone (C-5). (b) *Basic use standards*, provides that Uses in a C-5 zone except multifamily housing developments, must meet the requirements of this section. More restrictive requirements set forth in accordance with other provisions of this chapter must be satisfied by some conditional uses:

(4) *Building height*. No building shall exceed a height of forty-five (45) feet above grade, *except that multifamily housing developments in accordance with the requirements of the R-5 zone may be approved.*

- *City Code Section 22-28 (b) (4) Building heights. No building shall exceed two hundred (200) feet above grade.*
- Note, the removal of the subject properties from the South Beach Overlay provides the capacity for a development application for a Conditional Use & Site Plan with a building height of up to 200ft.
- Hutchinson Island Mixed Use (HIMU) accounts for a non-residential Floor Area Ratio (FAR), but doesn't clearly define a residential FAR due to the enactment of the South Beach Overlay district to provide such limitation based upon lot coverage and building height for residential development.

Adjacent "multifamily structures", represented by Harbour Isle, feature a peak height of approximately 60ft granted via a Planned Development approval, whereas the construction of a 200ft. tall structure, or structures, would represents nearly a 235% increase in height about this development or over a 300% increase from the existing maximum for the site, presenting concern of compatibility. The Planned Development approval for height of 45ft. to façade crown, and a peak roof height of 60ft. accounted for consideration of building placement, setbacks, buffering

provisions, public access tracts, infrastructure improvements, and other notable site enhancements.

The application documents offer that “it is significant to note that a potential capacity of a 200 ft. high building is a conditional use and not a vested right per the Fort Pierce Code of Ordinances of an owner in this C-5 Zoning Designation”. This proposition is partially misleading, as the height consideration is not the direct aspect of potential development prompting the requirement for Conditional Use approval, but rather the proposed use of Multi-dwelling buildings/townhomes (multi-family) within the Tourist Commercial (C-5) district, which may be presented with building height up to 200ft. in the C-5 district without control of the South Beach Overlay.

The prospective height allowance of up to 200ft. is provided for consideration of multi-family structure while commercial development would remain limited to 45ft. in height, presenting potential for incompatibility of future development on the site due to the notable disparity.

History of South Hutchinson Island Building Height

In 1981, the City held a Special Municipal Referendum Election to determine if citizens of Fort Pierce (registered to vote) were “In factor of limiting building specifications to Four (4) stories in height and a density of (8) units per acre, all within the city limits...”. The results of the non-binding election returned 3,242 votes in support of the restriction, and 1,416 votes in opposition to the limitation.

In 1982, the City Commission subsequently adopted Ordinances No. H-208 and No. H-209 which temporarily amended density provisions of the Future Land Use Plan of the Comprehensive Plan and placed a moratorium on approval of site plans for construction on Hutchinson Island situated within the city limits, affecting new development in excess of four stories in height or eight units per acre.

In July of 1985, after further study of the impact of height and density regulations on that portion of Hutchinson Island, a barrier island, the City Commission adopted Ordinance I-114 which established height and density limitations for all land east of the Indian River on Hutchinson Island, in the City Limits. This Ordinance established height limitations of forty-five (45) feet above grade, with the exception as to buildings in the R-5 zone of sixty-five (65) feet above grade, if various criteria were met regarding increased setbacks, distances between buildings, and landscape requirements.

Ordinance I-114 further amended City Code Section 22-33, pertaining to the Tourist Commercial (C-5) district, to provide as eligible Conditional Use: Multi-family housing developments which satisfy the standards for multi-family housing developments in an R-5 zone and standards for Hutchinson Island.

On June 3rd, 1991, the City Commission adopted Ordinances I-461 and I-463 pertaining to height, density, and zoning designations for property located on Hutchinson Island. Ordinance I-461 created the Hutchinson Island Medium Density Residential Zone, while Ordinance I-463 concurrently rezoned numerous properties on South Hutchinson island from the R-5 and R-4 districts into the newly created R-4A district for the purpose of establishing height and density regulations for lands located within the city which are situated east of the Indian River, because Hutchinson Island is a sensitive barrier island which presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation.

The adoption of the R-4A district provided that building(s) in any area zoned R-5 immediately prior to adoption of the ordinance not exceed forty-five (45) feet above grade except that buildings may be constructed to a maximum height of sixty-five (65) above grade if criteria such as increased setbacks, distance between buildings, additional landscape quantity and height, as well as incorporation of interior parking accommodations for at least 50% of the required parking.

The transition of land development code for South Hutchinson Island in the City Limits provide for an eclectic evolution of building style from market driven construction. A snapshot of several existing structures within the City Limits on South Hutchinson Island are presented in **Table 2** to demonstrate various building height and construction dates.

South Hutchinson Island Development Snapshot – Notable Buildings & Structures

Development Name (Type)	Year Constructed	Zoning District at Time of Development	Height
Inlet Palms (Luxury Townhomes)	Under Construction	<i>PD, Planned Development</i>	Three (3) Stories - 43' 3"/47' 4"
Harbour Isle (Condominium)	2005	<i>PD, Planned Development</i>	Four (4) Stories - 45 feet from final grade to the top plate of the building, with the top of the roof not to exceed 60 feet *Planned Development
Oceanhouses at Ocean Village (Condominium)	2003	<i>R-4A</i>	Five (5) stories (including first floor lobby and garages)
Sea Pointe Towers (Condominium)	1983	<i>R-5</i>	Twelve (12) Stories
Avalon Beach Club (Condominium)	1982	<i>R-5</i>	Eight (8) Stories
Ocean Village SeaScape II (Condominium)	1981	<i>R-5</i>	Fourteen (14) Stories (lobby)
Ocean Village SeaScape I (Condominium)	1980	<i>R-5</i>	Nine (9) Stories (lobby)
South Causeway Bridge (Infrastructure; Peter P. Cobb Causeway)	1974	<i>N/A</i>	65 feet

Table 2: Comparison of Structures within the City Limits on *South Hutchinson Island*, including height and construction date.

Western Peninsula Charrette

The City of Fort Pierce, in a joint effort with St. Lucie County and a collection of stakeholders, engaged the public in an effort to garner public input via a design Charrette to encapsulate feedback, vision, and unique characteristics regarding the western peninsula of South Hutchinson Island.

The Charrette plan suggests “increments to existing densities, permitted uses and height, but *only* to be awarded as a result of the direct provision of design and implementation of the goals and physical elements outlined in this (the) report”. The proposed amendment to the land development code does not include any provisions for design or implementation of the goals and physical elements identified within the Charrette Report.

Page 18 of the Charrette report affirms, “The analysis conducted has not identified a need to increase height beyond the four stories currently permitted strictly to accommodate residential uses”. It further clarifies that “*If* the City chooses to increase height beyond this for *residential uses*, it should be limited to specific locations, and only allowed *if* or when the fabric is complete so as to not hinder demand. The Charrette emphasizes that height beyond four stories is only intended and proposed for *hotel sites*.”

The Charrette report further mandated that increases shall be considered *only* if necessary to enable the ultimate goal of relocating the Waste Water Treatment Plant, attracting a much desired resort hotel or job generator to the City, or achieving design-specific improvements such as the provision of a public waterfront. The requested amendment fails to demonstrate achievement or fulfillment of any added value in the pursuit of increased development capacity and height allowance.

The report presents preliminary consideration of a “Value and Bonus” matrix to depict various options to classify added public value opportunities for development and potential quantification of development right incentives. The initial draft suggested basis for these development bonuses as demonstrated in Matrix 1 below:

VALUE AND BONUS MATRIX

Added Value	Description	Bonus Factor	Height Increase
Publicly Accessible Waterfront	- Minimum 50% - Every Addtl 10%	1.75 1.1	Yes, up to 1 addtl' story
Parks and Public Open Spaces	- Within fabric - Waterfront	1.1 1.25	No
Resort Hotel	- With public ground level that engages the street	2	Yes TBD
Blueway	- Within fabric - Waterfront	1.5	No
Civic Buildings and Infrastructure	- Within fabric - Waterfront	1.5 1.75	Yes, up to 1 addtl' story
Public Parking (shielded)	- Surface - Structured	1.1 1.75	No

Matrix 1: Exhibit from Page 12 of Charrette Report: “Value and Bonus” matrix

The Charrette Master Plan does demonstrate specific limitation of hotels in height or size, but does propose specific placement and accessibility. Further, calling for the City to employ and require from future developers the best available urban design and architecture techniques to create harmonious relationship between humans and the environment.

The Charrette report provided the following conclusions, largely in conflict with the proposed amendment at this time:

- Increases in density and intensity are *only* necessary as a result of the cost of relocating the Waste Water Treatment Plant.
- Increases in density and intensity for parcels other than the Waste Water Treatment Plant are proposed solely to:
 - ❖ Attract a use that was indicated as desirable by the community (i.e. a *resort hotel*); and
 - ❖ Encourage physical improvements that are important and valuable to the residents of Fort Pierce.
- Proposed uses, program, density and intensity should be defined within the parameters
- Increases in densities, intensities and height should only be allowed in exchange for the implementation of the principles and uses as outlined in the community's vision.

The presented amendment directly conflicts with the vision and guidance presented in Western Peninsula Charrette, whereas the application states "removal of the parcels from the South Beach Overlay as show in Figure 1 of Section 22-16 is also in line with the South Beach Charrette (referred as Western Peninsula Charrette by staff)". The application further notes anticipation that future development of the parcels would be in conjunction with development of the Fort Pierce Waste Water Treatment Plant's parcel, however the current request does not act to promote this concept.

The design exhibits featured in the Western Peninsula Charrette present *commercial* buildings of roughly six (6) stories, or building height that generally does not exceed seventy-five (75) feet. Residential buildings presented do not exceed four (4) stories, or height above that of Harbour Isle for such building type. The proposal to remove the property from the South Beach Overlay, providing for residential development capacity to 200ft, absent design standards or strategies to move the Waste Water Treatment Plant, attract uses indicated in the charrette as desirable by the community (i.e. a **resort hotel**); or provide physical improvements important and valuable to the residents of Fort Pierce. The development right bonuses sought by the applicant do not integrate any of the strategies or objectives forwarded by the charrette report.

Basic amendment standards (City Code Section 22-131)

Before an amendment is approved, findings will be made that the following standards are satisfied:

- (1) *The amendment is consistent with the comprehensive plan;*
- (2) *The amendment will not have an adverse affect on the ability of the city to:*
 - a. *Satisfy land and water use needs; and*
 - b. *Meet transportation demands and provide community facilities and services; and*
- (3) *The amendment will promote and protect the public health, safety and general welfare.*

The applicant testifies "the proposed amendment will promote and protect the public health, safety and general welfare of the citizens of the City of Fort Pierce because it is in accord with the findings of the Western Peninsula Waste Water Treatment Charrette, which was adopted by the Fort Pierce City Commission", however staff demonstrated the inconsistencies between the proposed zoning text amendment and the guidance and conclusions demonstrated by the Western Peninsula Charrette Report. Further, the application fails to demonstrate that amendment will not have an adverse affect on

the ability of the city to: a. Satisfy land and water use needs; and b. Meet transportation demands and provide community facilities and services.

City of Fort Pierce Comprehensive Plan

City Comprehensive Plan Policy 1.1.10 guides the City *shall* maintain the South Beach Overlay District in the Land Development Regulations for northern South Hutchinson Island to protect the existing neighborhoods and maintain a low-density, "Tropical Village by the Sea" character. Further, the City will promote opportunities for *tourism-related* development and require the developments to be consistent with the provisions of the overlay district and the neighborhood character.

Comprehensive Plan Objective 5.6 provides: The City shall direct population concentrations away from known or predicted Coastal High Hazard Areas (CHHA).

Policy 5.6.2 directives the City to amend Land Development Regulations, by December 2010, to restrict development in Coastal High Hazard Areas.

Policy 5.11.1 seeks for the City to ensure that no development approval shall be granted until it is demonstrated that all required infrastructure shall be in place and available for use by the future development or redevelopment within the Coastal Planning Area concurrent with the impacts of development. All development in the Coastal Planning Area shall conform to the densities proposed by the future land use element and to the level of service standards adopted in the appropriate elements of this Plan.

The presented amendment presents conflict with these policies of the comprehensive plan, while failing to demonstrate promotion and protection of the public health, safety and general welfare, therefore is not wholly consistent with the basic amendment standards adopted by the City land development code.

Technical Review Committee

All affected departments have reviewed the proposed amendment with regards to their requirements of the City Code. The Planning Board is provided findings from review by corresponding departments for viewing. A copy of the Western Peninsula Charrette Report is also included for reference.

Staff Recommendation:

The proposed amendment to the City's land development code does not demonstrate consistency with the Basic amendment standards required of City Code Section 22-131, the Comprehensive Plan, and is inconsistent with the Western Peninsula Charrette Report therefore Staff recommends the Planning Board forwards a recommendation of **disapproval** for the amendment as presented.

The Planning Board may alternatively consider deferment of a recommendation to provide the applicant an opportunity to demonstrate an amendment consistent with the City's Comprehensive Plan, the basic amendment standards of the City's land development code, and the South Beach Western Peninsula Charrette report referred by the applicant.