



Rezoning #2, 115  
# see checklist

## Application for Zoning Atlas Map Amendment

### Application submission shall include the following:

- **TRC (\*Initial Submission):** One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **Planning Board:** One (1) original and (16) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **City Commission:** One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

### In addition to a complete application, packets shall include:

- Warranty Deed & Legal Description
- St. Lucie County Property Record Card
- Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.
- Current Survey
- Environmental Study *N/A*
- Traffic Impact Report *N/A*
- \*\*\* Capacity Analysis-Separate Form *N/A*
- Drainage Analysis *N/A*
- Historical Report *N/A*
- 1 CD of all documents submitted in PDF
- Other \_\_\_\_\_

1. Property Address/Location: 1101 North US Hwy 1, Fort Pierce, FL 34950
2. Property Tax ID(s): 2403-706-0009-000-3
3. Total Acreage: 0.44
4. Existing Future Land Use Designation: used car lot
5. Existing Zoning Classification: C-2
6. Proposed Zoning Classification: C-3
7. Other applications being submitted concurrent with this application, if any: Temporary use



<b>B. Wastewater:</b>	
Average Use	Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand) Other: 0.1 gallons per day per square foot
Demand Analysis	Maximum
Current Zoning	Total gallons per day
Proposed Zoning	Total gallons per day
<b>Change in Demand</b>	<b>Total gallons per day</b>

<b>C. Parks and Recreation (Residential Classifications Only):</b> (Du x 2.6 = persons + 44,227 = population /LOS)				
Park Type	LOS	Existing Population Park Demand	Proposed Population Park Demand	Change in Demand
<b>Regional</b>	20 acres per 1,000 people			
<b>Urban District</b>	5 acres per 1,000 people			
<b>Community</b>	2.5 acres per 1,000 people			
<b>Neighborhood</b>	1.36 acres per 1,000 people			

<b>D. Public Schools (Residential Classifications Only):</b> Single Family: (du x 0.405 = students/70% K-8/30% High) Multi-family: (du x 0.207 = students/70% K-8/30% High)		
	<b>K-8</b>	<b>High</b>
<b>School Name</b>		
<b>City</b>		
<b>Distance</b>		
<b>Current Zoning Enrollment Demand</b>		
<b>Proposed Zoning Enrollment Demand</b>		
<b>Change in Demand</b>		

<b>E. Solid Waste:</b> 2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units	
Demand Analysis	Maximum
Current Zoning	
Proposed Zoning	
<b>Change in Demand</b>	

**F. Stormwater:**  
Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year - 1 day storm event)

<b>Impact</b>	
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**III. Transportation Analysis**

<b>G. Traffic</b>		
Most recent ITE Code for use; HCM Roadway Capacity		
	<b>AADT</b>	<b>AM/PM Peak Hour Trips</b>
<b>Demand Analysis</b>	Maximum	Maximum
<b>Current Zoning</b>		
<b>Proposed Zoning</b>		
<b>Change in Demand</b>	Trips	Trips
<b>Impact to Capacity</b>		

\* 12. Name of Owner(s): Joseph D. Wilson  
 Mailing Address: 3104 Bent Pine Dr.  
 City Fort Pierce State FL Zip 34951  
 Phone # 914-488-9494  
 E-mail: JOSEPHSHYDEPARK@AOL.COM

\* 13. Name of Applicant: SANDZUA COOPER / JOSEPH D. WILSON  
 Mailing Address: 1101 N. US HWY 1  
 City Fort Pierce State FL Zip 34950  
 Phone # \_\_\_\_\_ Fax # \_\_\_\_\_  
 E-mail: \_\_\_\_\_

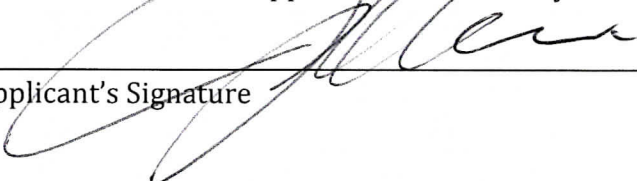
\* 14. Name of Representative: SANDZUA COOPER  
 Mailing Address: 1101 N. US HWY 1  
 City Fort Pierce State Florida Zip 34950  
 Phone # \_\_\_\_\_ Fax # \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**15. Applicant Acknowledgements (Owner's signature must be notarized)**

I certify that: (Check One)

I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

I (we) are not the owner of the above described property; however, the owners signature below authorizes the applicants the authority to act as agent for the owner(s) of record.

Applicant's Signature  Date 3/19/2008

3104 Bart Lane Dr. Fort Pierce, FL 34951  
 Address State Zip

Joseph Hyde Park @ AOL.com  
 Phone Fax E-mail Address

**16. Property Owners 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 for a change in zoning classification. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Joseph Wilson 914-489-9494  
 Property Owner's Name (Please Print) Phone

3104 Bart Lane Dr. Dr. Florida 34951  
 Address State Zip

[Signature] 3/24/2018  
 Property Owner's Signature Date

STATE OF FLORIDA)  
 ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this 20th day of March, 2018, by [Signature] who is personally known to me or has produced [Signature] as ident

[Signature]  
 Signature of Notary



**OFFICE USE:**

DATE RECEIVED: \_\_\_\_\_ Signed: \_\_\_\_\_

File Number: \_\_\_\_\_ Check No: \_\_\_\_\_ Receipt No: \_\_\_\_\_

TRC Review: \_\_\_\_\_ Planning Board Review: \_\_\_\_\_ City Commission: \_\_\_\_\_

Ordinance No: \_\_\_\_\_ Date Approved: \_\_\_\_\_

**RESOLUTION NO. 17-R16**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ESTABLISHING QUASI-JUDICIAL PROCEDURES** FOR THE CITY COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recognizes the need for established legal procedures when quasi-judicial items are on the agenda; and

**WHEREAS**, the City Commission desires that this Resolution serve as the procedure for the City Commission to follow in conducting quasi-judicial proceedings; and

**WHEREAS**, the City Commission acknowledges that the procedures may be amended from time to time by resolution.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Fort Pierce, Florida as follows:

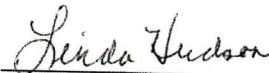
**SECTION 1.** When conducting quasi-judicial hearings, the City Commission shall follow the procedures as outlined in the attached Exhibit "A."

**SECTION 2.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.


**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 5th day of June, 2017.

  
Linda Hudson, Mayor

ATTEST:

  
Linda Cox, City Clerk

Approved as to Form  
And Correctness:

  
James M. Messer, Esq.  
City Attorney

**Exhibit "A"**

**QUASI-JUDICIAL HEARING PROCEDURES  
AND RULES FOR EX PARTE COMMUNICATIONS**

**I. Scope and Applicability.** These procedures shall apply to all quasi-judicial hearings held by the City Commission.

**II. Proceedings.** The Mayor (hereafter, the "Presiding Officer") shall conduct the proceedings and maintain order. The City Attorney shall represent the City Commission, rule on all evidentiary and procedural issues and objections, and advise the City Commission as to the applicable law and necessary factual findings. Hearings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

**III. Unauthorized Communications.** In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. Ex parte communications with City Commissioners in quasi-judicial matters are permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners:

A. The substance of any ex parte communication with a City Commissioner which relates to a quasi-judicial action pending before the Commission is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

B. A City Commissioner may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

C. City Commissioners may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

D. Disclosure made pursuant to subparagraphs A, B and C must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

**IV. Witnesses and Supporting Materials.** At least five calendar days before a quasi-judicial hearing:

A. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant and to the public at the City Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

B. The Applicant shall submit a detailed outline of the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witnesses who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

C. The five calendar days deadline is necessary to ensure the Commission is given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Should the 5 calendar day deadline be missed by either staff or the Applicant, the item may be continued at the discretion of the City Commission to the next available agenda.

**V. Party Intervenors.** The City Attorney may allow a person to intervene as a Party Intervenor if they meet the following requirements:

A. The person must have an interest in the application, which is different than the public at large.

B. At least three days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of his or her interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearing and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

**VI. Conduct of Hearing.**

A. The Presiding Officer shall call the proceeding to order and announce that the hearing has begun.

B. The Presiding Officer shall inquire whether all parties, members of the public and Commission agrees to waive the quasi-judicial hearing.

C. When the quasi-judicial hearing is not waived, the City Attorney or Presiding Officer shall explain the rules concerning procedure, testimony, and admission of evidence.

D. When the quasi-judicial hearing is not waived, the City Clerk shall swear in all witnesses who are to testify at the hearing.

E. The order of proof shall be as follows:

1. A representative of the City's staff shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 20 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

2. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 20 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

3. The Applicant (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 20 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

4. Any other persons present who wish to submit relevant information to the City Commission shall speak next for a maximum of three minutes each (excluding any cross-examination or questions from the Commission). Members of the public will be permitted to present their non-expert opinions, but the Commission will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

5. The Applicant will be permitted to make final comments.

6. The Party Intervenor will be permitted to make final comments.

7. The City's staff will make final comments.

8. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations.

F. The City Commission will conduct open deliberation of the application. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the application.

**VII. Examination by Commissioners and City Attorney or Legal Advisor.** Commissioners and the City Attorney may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

**VIII. Cross-Examination of Witnesses.** After each witness testifies, the City staff representative, the Applicant's representative and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

**IX. Rules of Evidence.**

A. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

B. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

C. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

**X. Statements of Counsel.** Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

**XI. Standard of Proof.** The decision of the City Commission to approve, deny or modify an agenda item shall be based on competent substantial evidence. Competent substantial evidence is evidence which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion. Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.

**XII. Continuances and Deferrals.** The City Commission shall consider requests for continuances made by City staff, the Applicant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue

presented, then the City Commission may continue the matter to a time certain to allow for such research or review.

**XIII. Transcription of hearing.**

A. The City Clerk or staff liaison shall preserve the official transcript of the hearing through tape recording and/or video recording.

B. The Applicant or Party Intervenor may arrange, at its own expense, for a court reporter to transcribe the hearing.

C. The Applicant or Party Intervenor may request that all or a part of the transcript of a hearing be transcribed into verbatim, written form. In such case, the Applicant or Party Intervenor requesting the transcript shall be responsible for the cost of production of the transcription and the transcription shall become the official transcript.

**XIV. Maintenance of Evidence and Other Documents.** The Office of the City Clerk shall retain all of the evidence and documents presented at the hearing unless any such evidence is too large to be stored by the City Clerk or staff liaison. In that event, such evidence will be stored in the Planning Department.