



**TO:** Planning Board

**THROUGH:** Rebeca Guerra, AICP, LEED-AP, CPD, Interim Planning Director *BG*

**FROM:** Brandon Creagan, LEED Green Associate, Planner *BCC*

**RE:** **Application for a Zoning Atlas Amendment (Rezoning)  
 IH, Industrial Heavy (County) to PD, Planned Development (City)  
 FP Aggregate Recycling Facility – 2432-123-0001-000-8**

**BOARD DATE:** August 13, 2019

**STAFF REPORT**

**Property Owner/Applicant:** D.S.E. Holdings Inc.  
 1483 Kinetic Road  
 West Palm Beach, FL 33403

**Representative:** 2GHO (Emily O’Mahoney)  
 1907 Commerce Lane, Suite 101  
 Jupiter, FL 33458

**Requested Action:** Approval to rezone the subject property from IH, Industrial Heavy (St. Lucie County Zoning) to PD, Planned Development (City of Fort Pierce Zoning) with accompanying development plan

**Site Location:** Between Glade Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road

**Parcel IDs:** 2432-123-0001-000-8

**Existing Use:** Vacant

**Parcel Size:** 52 Acres

**Current Zoning:** Industrial Heavy (IH) – St. Lucie County Zoning

**Future Land-Use** Heavy Industrial (HI)

**Proposed Zoning:** Planned Development (PD)

**Surrounding Zoning:**

North	East	South	West
I-3/PD	R-2	I-3	I-3

**Staff Analysis:*****Request***

In accordance with Sections 22-40, 22-128, & 22-143 of the City Code, the applicant is requesting the review and approval of a Zoning Atlas Map Amendment (Rezoning) from St. Lucie County HI Heavy Industrial to City of Fort Pierce PD, Planned Development. The land size for the project is approximately 52 acres.

***History***

The subject site was annexed into City limits in 2004 via Ordinance K-310 for the purpose of annexing property generally located between Selvitz Road and 25th Street. The subject property, in a group of seven parcels, was annexed as it was identified as being contiguous to the municipal boundary and there were corresponding FPUA annexation agreements on file with the City.

Three of the seven parcels annexed were designated with an IH, Industrial Heavy, zoning classification by St. Lucie County at the time of annexation. However, the City Code did not include a heavy industrial zoning classification until several years after annexation in December of 2008 via Ordinance L-63. The property was originally annexed into the City as I-1, Light Industrial. In the absence of an equivalent City of Fort Pierce zoning designation to assign, the property reverted back to its original zoning with St. Lucie County of IH, Industrial Heavy in 2011 through Ordinance L-226, as it was deemed that the City zoning that was given in 2004 was incorrect. Even though the City had a Heavy Industrial Zoning designation by 2011, it could not assign this zoning district to the parcel because it did not exist when annexed in 2004. The only option was to revert back to the previous zoning in 2004 and then the onus would be on any future property owners to go through the City's rezoning process for the property to be used for its intended purpose.

***Future Land Use Designation & Comprehensive Plan***

The subject site has a Future Land Use designation of Heavy Industrial (HI). This designation is intended for parcels suitable for industrial development, to promote the City's position as a major employment center. The uses allowed under this designation include intensive manufacturing and processing facilities; storage and distribution facilities; warehousing; general and intensive commercial uses; large business parks; office, retail, and service uses that provide support to employees; and compatible public, quasi-public, and special uses. This land use designation allows a maximum Floor Area Ratio (FAR) of 2.0.

The requested zoning designation and proposed development plan are consistent with the Future Land Use Element of the Comprehensive Plan.

***Standards for Review***

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

- (1) The amendment is consistent with the Comprehensive Plan;
- (2) The amendment will not have an adverse effect 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 proposed amendment is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, and Future Land Use designation of Heavy Industrial (HI). Furthermore, the amendment does not appear to have an adverse effect on the ability of the City to satisfy land and water use needs, meet transportation demands, and provide community facilities and services. The presented amendment promotes and protects the public health, safety and general welfare through the designation of lands; when location and characteristics are appropriate, to provide manufacturing and processing facilities, distribution facilities, warehousing, and intensive commercial uses to promote the City's position as a major employment center. Specific uses and developments shall comply with established land development regulations, and seek to ensure minimal impacts to neighboring uses or districts.

#### **Planned Development Overview:**

The Applicants are seeking a Planned Development to operate a facility that will be known as the "Fort Pierce Industrial Aggregate Recycling Facility." The uses of this facility will be office, warehouse, and a recycling center. The recycling facility will be used for unused and retired concrete and asphalt materials. The project will be developed in two phases, with the recycling facility portion being Phase 1 and the office/warehouse facility being Phase 2 of the project. During Phase 1, a small office will be utilized as the applicant has indicated there is not an immediate need for a full office complex at this time.

The applicant has stated that the site plan is laid out in such a way that the storing and processing of aggregate materials is as far away as possible from any residential structures or the adjacent school. Between the stored material and the residential buildings/school, there will be an equipment storage area, the future office complex, and a retention pond. All of these areas will act as separate buffers from the residential buildings and the school. To further this buffer, the applicant is providing a heavy landscaping buffer and opaque fencing along all areas of the property that it shares with the residential and school properties. This particular landscape buffer range between 33 feet to 42 feet in width. The standard requirement for a landscape buffer in the City is 10 feet wide, and the applicant is providing more than the requirement in an attempt to mitigate any potential impacts of the development on adjacent property owners.

The applicants are requesting as part of their PD that the outdoor storage of materials be stacked as high as 30 feet tall. Staff opposes this request and has placed a condition that the outdoor storage of material comply with a maximum height of 15 feet, as outlined in City Code 22-67(e)(5). With the close proximity to a school and residential communities, Staff would not recommend increasing the height above what City Code currently allows in other commercial and industrial zoning districts.

The applicants have provided a dust control plan and have expressed that they have almost 30 years of experience in operating a facility like this without a dust problem. A watering truck will be kept on site to keep all areas moistened to prevent excess dust from occurring. The specialized recycling equipment also uses a water feature to prevent the creation of dust.

The hours of operation for the site will be Monday through Friday, from 7am to 7pm, with the concrete recycling portion of the development occurring Monday through Thursday and maintenance and repairing of equipment taking place on Fridays. Saturdays are reserved for either recycling or maintenance activities.

**Technical Review Committee:**

All affected City Departments have reviewed the proposed Application for Zoning Atlas Map Amendment and have provided conditional approval based on compliance with requirements of the City Code. The comments generated from the technical review, and any responses by the applicant are provided for review.

**Staff Recommendation:**

The requested Application for Zoning Atlas Amendment meets the criteria specified in Sections 22-40 & 22-131 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare, Therefore Staff recommends that the Planning Board forward a recommendation of **APPROVAL** to the City Commission with the following seven (7) conditions.

1. The height of staked materials shall not exceed 15 feet pursuant to City Code 22-67(e)(5).
2. At time of Building Permit submittal, a copy of the FDEP Air General Permit shall be forwarded to the City's Engineering Department.
3. The Phase 2 parking lot shall include appropriate curbing at landscaped islands, as per the requirements listed in Section 22-187(12)(d).
4. Before a Certificate of Occupancy is issued, a Landscape Bond shall be submitted for all proposed landscaping, pursuant to City Code 22-180.
5. No melting or burning of any materials shall take place on site.
6. The operations shall adhere to the submitted and approved truck route to and from the site. Any deviation from this approved truck route shall be subject to review and approval by the Planning Department.
7. The operation shall adhere to the noise Ordinance, as outlined in Sections 11-52 through 11-52.22.