



TO: Members of the City of Fort Pierce Planning Board

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director *JH*

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

RE: **Application for Zoning Atlas Map Amendment and Design Review**
Misty Creek Preserve – 1919 South 35th Street

BOARD DATE: December 10, 2019

STAFF REPORT

Property Owner Cone & Graham Inc.
5101 Cone Road
Tampa, Florida 33610

Representative: Brian Nolan, AICP, ASLA (Lucido & Associates)
701 Southeast Ocean Boulevard
Stuart, Florida 34994

Requested Action: Approval to Rezone 12 parcels from General Commercial (C-3) to Planned Development (PD) and approval of a site plan and Design Review for a 144-unit multi-family development

Site Location: 1919 South 35th Street

Parcel IDs: 2417-342-0006-000-9, 2417-343-0001-100-8
2417-343-0001-000-7, 2417-343-0001-150-3
2417-343-0003-000-1, 2417-343-0002 000-4
2417-343-0004-000-8, 2417-342-0007-000-6
2417-343-0003-010-4, 2417-342-0008-000-3
2417-342-0008-010-6, 2417-343-0006-000-2

Existing Use: Vacant

Parcel Size: 10.31 acres

Current Future Land Use: General Commercial (GC)

Current Zoning: General Commercial (C-3)

Proposed Future Land Use: Medium Density Residential (RM)

Proposed Zoning: Planned Development (PD)

Surrounding FLU:

Surrounding Zoning:

	North	East	South	West
	RM/GC	RM	BC	GC
	C-3	R-3	C-3	C-3

Staff Analysis

The subject petition is associated with the Future Land Use Map Amendment application for the subject 12 properties from General Commercial (GC) to Medium Density Residential (RM) that was reviewed at the November 12, 2019 Planning Board and forwarded to the City Commission for transmittal to the Department of Economic Opportunity for state review. In accordance with Sections 22-40, 22-59, 22-131 and 22-143 of the City Code, the applicant is requesting the review and approval of a Zoning Atlas Map Amendment from General Commercial (C-3) to Planned Development (PD) for the subject 12 parcels of land. The applicant is seeking to construct a multi-family development known as Misty Creek Preserve. The development will include 144 multi-family units. In conjunction with the subject rezoning request, the applicant is also seeking Design Review approval pursuant to City Code 22-59.

Background

The subject site was originally approved in 2007 as a 138-unit multi-family development known as Mission Gardens. Mission Gardens never commenced development and the property has remained vacant. Subsequently, in 2011, a staff-initiated amendment to the Comprehensive Plan that placed a percentage cap of 20% residential in the General Commercial (GC) Future Land Use category was made. As a result, the subject proposal now requires a Future Land Use change to residential. The applicant has elected to rezone the property to a Planned Development.

Site Plan

The applicant has stated that as proposed the project will consist of six (6) buildings with 24 units in each building for a multi-family development that will have a total of 144 units. The maximum building height will be 35 feet from existing grade. The proposed Misty Creek Preserve will offer a 4,600 square foot clubhouse with a swimming pool. Pursuant to City Code 22-60 (d)(1)(b), the parking ratio for a multi-family development is 1.5 spaces per unit and for the clubhouse it is one (1) space for every 200 square feet of building space. The development is required to have 239 parking spaces and 282 parking spaces are being provided, resulting in a surplus of 43 parking spaces. Eight (8) of those parking spaces are designated as handicap accessible. The development is also providing a total of 30 bicycle parking spaces where City code only requires a total of 18 bicycle parking spaces.

There are two (2) access points provided for on the site plan. One as a limited access driveway on Okeechobee Road and the other a full access driveway on South 35th Street. In coordination with the St. Lucie County Engineering Department, sidewalks will be provided on both Okeechobee Road and South 35th Street.

The Landscape Plan as presented is consistent with City Code 22-187, General Landscaping requirements. The applicant has provided a typical light pole detail to show that all parking lot lighting on site will be mounted a minimum 14 feet in height. The applicant will be submitting the full detailed lighting and photometric plan at the time the construction plans are submitted with the Building Permit.

To make the project viable, the applicant is taking advantage of the Density Bonus that is outlined in City Code 22-72 (b)(2) that states a "maximum of five (5) dwelling units per acre density bonus is permitted for development located within one-fourth (1/4) mile radius of a rail station, multimodal transit center or transit stop." The Density Bonus section of the Code restricts the Density Bonus to a maximum of three (3) additional units per acre pursuant to City Code 22-72 (c)(2) as the project is outside of the boundary of the Community Redevelopment Agency (CRA). The applicant has provided a map that demonstrates that the project is 1/4 mile from a transit stop and is therefore eligible for the density bonus of up to three (3) units an acre under the above criteria. While the development is eligible for a total of up to three (3) additional units per acre the applicant is only pursuing a total Density Bonus of two (2) additional units per acre. Should the applicant in the future decide to take advantage of the full Density Bonus on the site, the project would require a new full Development Review process for the remaining one (1) unit per acre Density Bonus.

The project is currently being processed as an innovative residential development pursuant to City Code 22-27 (a), which states that innovative developments are entitled to a maximum density of 12 units per acre notwithstanding any entitled additional Density Bonuses. The subject development is considered an innovative development due to access to a transit stop within 1/4 mile, the provision of recreational, commercial and institutional amenities, and the walkability both internal and external to the development via sidewalks. Additionally, the development is located within a short walking distance of Indian River State College, a Dollar Tree, restaurants, and a Cumberland Farms gas station and convenience store.

Design Review

The City's Design Review guidelines provide approaches to design situations that will contribute to the existing and developing character of the City. The intent of the City's design review process is not to stifle innovative architecture, but rather to assure respect for and reduce incompatible and adverse impacts on the visual experience throughout the City. This may be accomplished through respectful interpretation of vernacular building typologies and styles in proposed development. Proposed designs should take cues from traditional proportioning systems and be synonymous with a chosen style.

In staff's professional opinion the design will not detract from the build environment and will blend in with its surroundings. The building is articulated with varying roof heights and accents as well as balconies that will be accessible to the units. The building itself is three (3) stories and will offer varying color schemes that will complement one another. The architecture takes similar design cues from the Cumberland Farms building that is located to the south of the site.

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.
- (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. The Zoning Atlas Map Amendment and Planned Development promotes and protects the public health, safety and general welfare as the project as proposed is similar in size and scope as Mission Gardens. At that time, the City Commission was charged with determining compliance with the three (3) criteria stated above. In so doing, the City Commission approved the project in 2007 and determined that the project complied with this section of the City Code.

The current staff review finds that the requested Planned Development is similar in size, scope, and density to the Mission Gardens multi-family development that was approved in 2007. Since City Commission approved that project, it is staff's professional opinion that this proposed project that is similar to a previously approved project on the same site meets the above criteria of City Code 22-131.

Technical Review Committee

All affected City and County Departments have reviewed the proposed Zoning Atlas map Amendment Map Amendment for a Planned Development and have provided conditional approval based on compliance with requirements of the City Code and the Comprehensive Plan. The comments generated from the technical review and any responses by the applicant have been provided.

Staff Recommendation

The requested application for Zoning Atlas Map Amendment, Planned Development, and Design Review meets the criteria specified in Sections 22-40, 22-59, and 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 **APPROVAL** of the proposed Zoning Atlas Map Amendment and multi-family Planned Development with the following conditions:

1. A lighting plan or photometric survey shall be submitted at the time of Building Permit.
2. Prior to the issuance of a building permit, all 12 parcels shall be combined via a Unity of Title with the St. Lucie County Clerk of Courts and shall be combined via a Parcel Combination with the St. Lucie County Property Appraiser's Office. A copy of the Unity of Title and Parcel Combination approvals shall be submitted with the Building Permit.
3. A County Right-of-Way permit is required for all work within the County right-of-way and may include a Roadway Improvement Agreement with associated bonding.
4. Sidewalks shall be constructed along the property boundary's fronting the public rights-of-way of South 35th Street and South 37th Street in accordance with County and City Codes. Options may be considered at the time of site development permitting. The applicant shall coordinate with St. Lucie County regarding sidewalks as the rights-of way are County owned.
5. South 35th Street is identified on the County's Right-of-Way Protection Plan as a future 80-foot right-of-way. A dedication of one half of the remaining required right-of-way is requested in the amount of five (5) feet from the property. The applicant shall coordinate with St. Lucie County regarding this right-of-way dedication.
6. South 37th Street is a local road and not on the County's Right-of-Way Protection Plan. The minimum right-of-way for a local road is 70 feet. The current width is demonstrated at 30 feet. A dedication of 20 feet from the property is required. The applicant shall coordinate with St. Lucie County regarding this right-of-way dedication.
7. Submit three (3) sets of utility plans to the Fort Pierce Utilities Authority to the Water and Wastewater Engineering Division for approval at the time of Building Permit.
8. Coordinate with the Fort Pierce Utilities Authority regarding all requested easements. All easements shall be in place before the first Certificate of Occupancy is granted for the site.
9. A Landscape Bond pursuant to City Code 22-180 shall be required before the Final Certificate of Occupancy is approved for the site.