



---

**TO:** Nicholas Mimms, PE, City Manager

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

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

**RE:** **Application for Future Land Use Map Amendment**  
**Application for Zoning Atlas Map Amendment**  
**BGDN, LLC – 2152 South Jenkins Road**

**BOARD DATE:** February 18, 2020

---

#### STAFF REPORT

**Property Owner** BGDN, LLC  
1820 Avenue K  
Brooklyn, New York 11230

**Representative:** Dennis Murphy (Culpepper & Terpening, Inc)  
2980 South 25<sup>th</sup> Street  
Fort Pierce, Florida 34981

**Requested Action:** Approval to change the Future Land Use of four (4) parcels from Medium Density Residential (RM) to High Density Residential (RH)

Approval to Rezone four (4) parcels from Medium Density Residential (R-4) to High Density Residential (R-5)

**Site Location:** 2152 South Jenkins Road

**Parcel IDs:** 2418-333-0001-000-9  
2418-333-0002-000-6  
2418-333-0003-000-3  
2418-333-0004-000-0

**Existing Use:** Vacant

**Parcel Size:** 17.81 acres

**Current Future Land Use:** Medium Density Residential (RM)

**Current Zoning:** Medium Density Residential (R-4)

**Proposed Future Land Use:** High Density Residential (RH)

**Proposed Zoning:** High Density Residential (R-5)

	North	East	South	West
<b>Surrounding FLU:</b>	RM	RH	RH	GC
<b>Surrounding Zoning:</b>	R-4	C-3	R-5	C-3

### Staff Analysis:

#### ***Request***

In accordance with Sections 22-128, 22-131, and 22-142 of the City Code, the applicant is requesting review and approval of a Future Land Use Map Amendment from Medium Density Residential (RM) to High Density Residential (RH) with a compatible change to the Zoning Atlas (Rezoning) from Medium Density Residential (R-4) to High Density Residential (R-5) to develop the site for multi-family development.

The subject parcels were originally part of a site plan that was approved in 2006 known as Summerwind Townhomes. The development was approved for 174-unit townhomes. However, the project never commenced and has remained vacant. The applicant is seeking Future Land Use and Zoning approvals prior to submitting a formal major site development review application for a multi-family development.

#### ***Future Land Use and Zoning Designation Comparison***

The subject site currently has a Future Land Use of Medium Density Residential (RM) for all four (4) of the parcels. The RM designation is intended for parcels that are best suited for multifamily residential uses ranging in density from 6.5 to 12 dwelling units per acre. This category allows small-lot single family units and multifamily dwellings including duplexes, condominiums, and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools, and daycare facilities shall also be allowed.

The subject site is seeking a Future Land Use of High Density Residential (RH) for four (4) parcels to be consistent with the development that will be proposed on the site. The RH designation is intended for parcels that are best suited for medium to high density multifamily residential uses ranging in density from 12 to 18 dwelling units per acre. This category allows multifamily dwellings including apartments, condominiums, and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools, and daycare facilities shall also be allowed.

Comparably, the current zoning of R-4 allows for a maximum of 10 units per acre for conventional development and 12 units per acre for innovative development. The requested zoning of R-5 would allow for a maximum number of 15 units per acre.

As the area is surrounded by land use that is either General Commercial (GC), RM, or RH, the requested high-density land use is compatible with its surrounding uses. Currently, there are no direct conflicts with the subject request. Staff has indicated that proper attention to future development in the proximity is necessary to properly plan for increased traffic and subsequent impacts to the level of service standard. To address staff's concerns, a traffic study is required of the applicant at the time of formal development review. As Jenkins Road is a St. Lucie County maintained roadway, any mitigation would be coordinated among the City, County, and the applicant.

### ***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 promotes and protects the public health, safety, and general welfare as the request as proposed is not out of character for the area and is similar to surrounding land uses and zoning designations. The Fort Pierce Utilities Authority has confirmed the ability to meet the water use needs to the property.

With regard to traffic impacts, the St. Lucie County Transportation Planning Organization (TPO) 2018 Traffic Report demonstrates South Jenkins Road to currently be operating at a level of service (LOS) C in the immediate area. As part of the Development Review application for the subject site, a complete traffic analysis will be required identifying conditions as they exist at the time of submission and any obligatory roadway improvements.

### ***Technical Review Committee***

All affected City and County Departments have reviewed the proposed Future Land Use Map and Zoning Atlas Map Amendments 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.

***Property Owner Response Summary***

A total of 23 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. As of February 6, 2020, there has been one (1) response by an adjacent property owner in support of the request. An update will be provided to the City Commission at the public hearing.

***Planning Board Recommendation***

The Planning Board, at their January 14th, 2020 meeting, voted unanimously to recommend **Approval** of the request.

***Staff Recommendation Future Land Use Map Amendment***

The requested Application for Future Land Use Map Amendment meets the criteria specified in Section 22-131 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare; Staff recommends that the City Commission **APPROVE** the request.

***Staff Recommendation Zoning Atlas Map Amendment***

The requested Application for Zoning Atlas Map Amendment meets the criteria specified in Section 22-131 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare; Staff recommends that the City Commission **APPROVE** the request.

**DRAFT ORDINANCE NO. 20-004**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF FOUR (4) PARCELS GENERALLY LOCATED AT OR NEAR 2152 SOUTH JENKINS ROAD FROM CITY OF FORT PIERCE MEDIUM DENSITY RESIDENTIAL (RM) TO CITY OF FORT PIERCE HIGH DENSITY RESIDENTIAL (RH); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance No. L-136, as subsequently amended; and

**WHEREAS**, changing the Future Land Use designation requires an amendment to the Comprehensive Plan, pursuant to section 163.3187, Florida Statutes; and

**WHEREAS**, the Fort Pierce City Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Comprehensive Plan and submitted its recommendations thereon to the City Commission; and

**WHEREAS**, having considered the recommendations of the Planning Board, the City of Fort Pierce City Commission has prepared this amendment to the City's Comprehensive Plan and transmitted it to the Department of Economic Opportunity and other agencies as required by section 163.3187; and

**WHEREAS**, two (2) public hearings, one transmittal hearing and one adoptive hearing with due notice have been held by the City Commission to inform the public and receive comments and objections; and

**WHEREAS**, the proposed Future Land Use amendment is consistent with the Comprehensive Plan, and will not have an adverse effect on the ability of the City to satisfy land and water use needs, and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety, and general welfare as required by City Code 22-131; and

**WHEREAS**, the City of Fort Pierce desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

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

**SECTION 1.** The preceding "whereas" clauses are ratified and incorporated as the legislative intent of this ordinance.

**SECTION 2.** The Comprehensive Plan of the City of Fort Pierce is hereby amended as follows:

2418-333-0001-000-9

2418-333-0002-000-6

2418-333-0003-000-3

2418-333-0004-000-0

From and after the effective date hereof, the following properties legally described as:

BEING THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT OF WAY ALL LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT OF WAY ALL LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF THE S 1/2 OF S 1/2 OF SW 1/4 OF SW 1/4 OF SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, EXCEPTING THEREFROM ALL RIGHTS OF WAY FOR PUBLIC ROADS AND DRAINAGE CANALS.

said properties being generally located at or near 2152 South Jenkins Road in Fort Pierce, Florida shall be and the Future Land Use Designation is hereby changed from City of Fort Pierce Medium Density Residential (RM) to City of Fort Pierce High Density Residential (RH), as depicted on Exhibit "A," attached hereto and incorporated herein.

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance 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 Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage.

**SECTION 5.** The effective date of this comprehensive plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency

APPROVED AS TO FORM & CORRECTNESS:

---

Peter J. Sweeney  
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No.19-\_\_\_\_ was duly advertised accordance with F.S. 163.3184 by display advertising in the

St. Lucie News Tribune on February 2, 2020, and; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on February 18, 2020; and was duly introduced, read by title only, and passed on second and final reading -----, 2020, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HERewith**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this \_\_\_\_ day of -----, 2020.

\_\_\_\_\_  
Linda Hudson  
Mayor Commissioner

ATTEST:

\_\_\_\_\_  
Linda W. Cox  
City Clerk

(City Seal)

**EXHIBIT A**

**Proposed Future Land Use**

High Density Residential, RH

