

DRAFT



CITY OF FORT PIERCE
BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, FEBRUARY 25, 2021, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: James Crist; Charles Hayek; Stanley Hula; Darryl Bey; William Nunn, Chair

Staff Present: Tanya Earley, Assistant City Attorney
Rebeca Guerra, Assistant Planning Director
Vennis Gilmore, Planner
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant

4. CONSIDERATION OF ABSENCES

All Board members were in attendance.

5. APPROVAL OF MINUTES

- a. Minutes from the December 3, 2020 meeting

Motion was made by Charles Hayek, and seconded by Stanley Hula to approve the minutes from the December 3, 2020 meeting.

AYE: Darryl Bey, James Crist, Charles Hayek, Stanley Hula, Chair William Nunn
Passed

6. PUBLIC HEARINGS

a. Variance - Frontier Development Sign - 5000 Okeechobee Road

The clerk introduced the Variance for the Frontier Development located at 5000 Okeechobee Road.

Chairman Nunn asked the Assistant City Attorney, Tanya Earley, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Tanya Earley, Assistant City Attorney, explained to the Board of Adjustment that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal Board meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence. Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

Chairman Nunn called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Nunn inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Hayek– no

Mr. Hula – no

Mr. Bey - no

Mr. Crist - no

Chairman Nunn - no

Chairman Nunn opened the public hearing.

The clerk was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Vennis Gilmore, Planner, gave an overview of the application. The applicant is requesting approval of two variances (1) to deviate from City Code 117-6(b)(1)c. to allow for up to 100 percent of the main street wall face permitted sign area to be located on the rear wall facade and (2) to deviate from City Code 117-7(5)(a)5. to allow for up to a 588 square foot rear entrance wall sign per tenant in lieu of the Code maximum of 6 square feet in the General Commercial Zone (C-3). The applicant is requesting both variances to increase signage visibility as much as possible and to mirror the Okeechobee Road facade. The applicant believes that the main frontage facade should not consider the Okeechobee Road frontage but rather the side facing the parking lot where patrons will access the building. The Planning Department recommends approval of the requested variances to deviate from City Code 117-

6(b)(1)c. to allow for up to 100 percent of the main street wall face permitted sign area to be located on the rear wall facade and to deviate from City Code 117-7(5)(a)5. to allow for up to a 588 square foot rear entrance wall sign per tenant in lieu of the Code maximum of 6 square feet in the General Commercial Zone (C-3); based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in City Code Section 125-100.

Board questions for Staff: Mr. Nunn asked if the parking lot is being reconfigured. Mr. Crist asked if the sign on the north and south side of the building are the same size. Mr. Hayek asked if the 20% sign area is for each tenant or the entire wall. Mr. Crist asked if landscaping and irrigation will be included.

Applicant questions for Staff: None

Applicant presentation: Luis Davila, of Frontier Development, sworn, stated the rear of the building is the front of the business. Mr. Davila explained the back side of the property faces Okeechobee Road and signage is needed on Okeechobee Road for visibility. Mr. Davila stated that St. Augustine grass and irrigation has been approved on the landscape plan.

Ms. Guerra clarified the location of the building and its orientation on the site.

Board questions for Applicant: None

Public comment: None

Chairman Nunn, seeing no one else, closed the public hearing.

Motion was made by Darryl Bey, and seconded by Charles Hayek to approve the requested variances to allow for up to 100 percent of the main street wall face permitted sign area to be located on the rear wall facade and to allow for up to a 588 square foot rear entrance wall sign per tenant.

AYE: Charles Hayek, Stanley Hula, Darryl Bey, James Crist, Chair William Nunn
Passed

b. Variance - St. Peter's Lutheran Church Sign - 2900 Jenkins Road

The clerk introduced the sign Variance for St. Peter's Lutheran Church located at 2900 Jenkins Road.

Chairman Nunn called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Nunn inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Crist - no
Mr. Hayek - no
Mr. Hula - no
Mr. Bey - no
Chairman Nunn - yes

Chairman Nunn opened the public hearing.

The clerk was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Rebeca Guerra, Assistant Planning Director, said the applicant is requesting the Board of Adjustment approve two (2) Variances to deviate from Sections 117-7(1)b. and 117-7(3)a.3. in order to install a 36 square foot pole sign with a height of 9'2". The subject site has a lot size of 11.51 acres and has been home to St. Peter's Evangelical Lutheran Church since the year 2000. At that time, the church property had a six (6)-foot high, 36-square foot monument sign, with shrubbery encircling the foundation, along its front entry adjacent to Jenkins Road. As a result of nearby development, the church was required to remove the sign in order to allow for infrastructure improvements, including a sidewalk. The church is now seeking to install a larger and taller pole sign in the same general area as the previous monument sign. City Code Section 117-7(1)b. states that signage within the R-2 zone shall not exceed 32 square feet in size. Additionally, Section 117-7(3)a.3. restricts the maximum height of signage within the R-2 zone to six (6) feet. Staff recommends that the Board of Adjustment approve the Variance from Section 117-7(1)b. to allow for a 36 square foot ground sign in lieu of the Code maximum of 18 square feet, subject to the condition of approval that the perimeter landscaping around the entire base of the sign shall be provided in the form of drought-tolerant shrubbery a minimum of 18 inches tall at the time of planting. Staff recommends that the Board of Adjustment deny a Variance from Section 117-7(3)a.3. to allow for a 9'2" tall ground sign in lieu of the Code maximum of six (6) feet.

Ms. Guerra stated a like-for-like sign would be supported by staff as it would make the applicant whole after having to remove the previous sign and was consistent with other signs in the area for properties with similar zoning/uses. She stated that the second Variance is not as a result of a hardship, but rather, because the applicant wished to have a taller sign than was previously approved and did not want to go through the appropriate process of rezoning the property in order to obtain it. Ms. Guerra explained that if the property was rezoned to commercial, C-3, a larger sign would be allowed by right. Ms. Guerra noted that the church could have a 6-foot monument sign with the same copy area as what was being proposed in the application.

Board questions for Staff:

Mr. Bey asked who has the responsibility to make appropriate zoning changes. Ms. Guerra explained that a developer normally makes zoning changes to the property, but that in certain circumstances, a city can initiate zoning for a large area. In this case, a Comprehensive Plan amendment and a Rezoning would be required. Mr. Hayek asked the cost of a rezoning application. Mr. Brandon Creagan stated the cost would be around \$9500.00 for the Comprehensive Plan Amendment and the Rezoning the church property.

Applicant questions for Staff: None

Applicant presentation: Pastor Rice, owner, sworn, explained the church sign was torn down when the sidewalk was widened for a commercial building being built behind the church. Pastor Rice said the church is surrounded by commercial property and the church is only requesting an additional nine feet in height. Pastor Rice stated it is unfair for the church to not have a large sign like the neighboring businesses. Pastor Rice noted that it would be a different circumstance if the church was located in the middle of a residential area.

Board questions for Applicant: Mr. Bey asked Pastor Rice if he has an aversion to changing the zoning.

Public comment: None

Mr. Crist stated other properties in the area have rezoned due to changing times. Mr. Bey said rezoning should have been considered to simplify the matter. Mr. Hayek explained that approving the height of the sign would open the flood gates in the R-2 zoning and that is the whole reason for having zoning codes. Mr. Hayek pointed out that commercial zoning would make the church property more valuable.

Chairman Nunn, seeing no one else, closed the public hearing.

Motion was made by Charles Hayek, and seconded by James Crist to approve the Variance to allow for a 36- square foot ground sign with the condition that the perimeter landscaping around the entire base of the sign shall be provided in the form of drought-tolerant shrubbery a minimum of 18 inches tall at the time of planting. .

AYE: James Crist, Charles Hayek, Stanley Hula, Darryl Bey, Chair William Nunn
Passed

Motion was made by Charles Hayek, and seconded by Darryl Bey to deny the Variance to allow for a 9'2" tall ground sign

AYE: Darryl Bey, James Crist, Charles Hayek
NAY: Stanley Hula, Chair William Nunn
Passed

After the motion to deny, Ms. Earley clarified with the members of the Board, who voted in support of the motion, that they are following the recommendation of staff and are in agreement with the recommendation and the reasons set forth in the PowerPoint presentation.

Mr. Hayek stated that dropping the base to 1 foot rather than 4 feet solved the problem.

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT