

DRAFT



CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, JANUARY 24, 2022, 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: Charlie Hayek; Holly Theuns; Michael Broderick; Kori Benton; Suzanne Boardman, Chair

Absent: George Johansen; Anthony Westbury

Staff Present: Tanya Earley, City Attorney
Jennifer Hofmeister-Drew, Planning Director
Maria Lewicka, Historic Preservation Planner
Alicia Rosenthal, Executive Assistant

4. APPROVAL OF MINUTES

- a. Minutes from the December 14, 2021 meeting

Motion was made by Charlie Hayek, and seconded by Michael Broderick to approve the minutes from the December 14, 2021 meeting.

AYE: Charlie Hayek, Holly Theuns, Michael Broderick, Kori Benton, Chair Suzanne Boardman

Passed

5. PUBLIC HEARINGS

a. **Certificate of Appropriateness #21-66 - New Shed & Variance - 510 S. 10th Street**

Madam Chair Boardman introduced Certificate of Appropriateness #21-66 for a new shed and Variance at 510 S. 10th Street.

Madam Chair Boardman asked the City Attorney, Tanya Earley, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Tanya Earley, City Attorney, reminded the Board 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.

Madam Chair Boardman called the proceeding to order.

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

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Hayek - no
Ms. Theuns - no
Mr. Broderick - no
Mr. Benton - no
Madam Chair Boardman - no

Madam Chair Boardman 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:

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. She stated the shed has already been installed, and the application is after the fact. The subject property is located within the Oakland Park Historic District. Currently, there is one (1) small private residence located near the middle of the north side of the property. The structure is a one (1) story structure that was built in circa 1924. The Bungalow style is expressed by a gable roof and brick chimney, an offset entrance, and an enclosed front porch. The applicant is requesting approval of a 12 foot x 32 foot shed with an open porch. According to the applicant the subject shed is integral to restoring the historic home as it is part of the plan to have space to work on repairing the existing home. The shed is similar in design, shape and color to the existing home, and it includes a 72 square foot front porch with approximately 260 square feet of interior space.

The requested shed requires a variance to deviate from City Code Section 125-3, which allows for a maximum size of a shed to be 260 square feet whereas the size of the proposed shed is 384 square feet.

One of the goals of historic preservation is to create new structures designed in harmony with adjacent contributing structures, the surroundings, and overall development patterns. The subject shed is located on the back of the property and almost invisible from the street. The design scheme, and material of the structure is compatible with the design of the existing, historic residence. Overall, although the shed is larger than allowed, the design and location protects the integrity of the property and its environment. Therefore, based upon Secretary of Interior's Standard #9 and #10, staff recommends that the Board approve the applicant request. Additionally, staff recommends approval of the variance as the applicant provided sufficient information and compelling reasons to determine that requirements of City Code Sec. 125-3 of the City Code - Criteria for granting variances (1) through (5) have been met.

Board questions for Staff: Mr. Hayek asked if the shed without the porch would comply, and if the square footage was overstated. Mr. Hayek also asked if the large lot would allow for infill. Mr. Benton asked if the shed would be occupied as a dwelling unit or have an electrical meter.

Applicant questions for Staff: none

Applicant presentation: Anthony Walker, Applicant, sworn, stated the home was built around the same year Fort Pierce City Hall and the Sunrise Theater was built. He said he would like to make the home available to show to benefit the Historical Society. Mr. Walker stated the shed is needed to help preserve the home because the home is such a small space.

Board questions for Applicant: None

Public comment: None

Staff final comments: None

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: Ms. Theuns encouraged Mr. Walker to contact Nancy Bennet at the St. Lucie County History Museum, as the homes built in the 1920s are being honored in 2022.

Motion was made by Kori Benton, and seconded by Michael Broderick to approve Certificate of Appropriateness 21-66 for a New Shed and Variance located at 510 S. 10th Street.

AYE: Holly Theuns, Michael Broderick, Kori Benton, Charlie Hayek, Chair Suzanne Boardman

Passed

b. **Certificate of Appropriateness #21-76 - Outdoor Deck Dining Area and Variances - 809 Delaware Avenue**

The clerk introduced Certificate of Appropriateness #21-76 for an outdoor deck dining area and Variances located at 809 Delaware Avenue.

Madam Chair Boardman called the proceeding to order.

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

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Broderick - no
Mr. Benton - yes
Mr. Hayek - no
Ms. Theuns - no
Madam Chair Boardman - no

Madam Chair Boardman 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:

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. The St. Lucie County Property Appraiser's Record Card indicates the structure was built as a private residence in 1920 and the Florida Master Site File indicates the structure was built 1924. The subject one (1)-story wood frame residential structure embodies characteristics of a Bungalow styling, expressed by a gable roof and wide eaves. The exterior wall fabric is drop siding. The applicant is requesting approval for renovations and additions to convert the existing structure into a neighborhood bistro/café with an outdoor deck dining area with a pergola structure, small indoor dining area, kitchen and restrooms.

The requested bistro/café requires variances to deviate from City Code Section 125-198, which requires the minimum depth of the front yard to be 25 feet where-as the proposed depth of front yard is 10 feet. Additionally, Section 125-315, requires 11 parking spaces whereas four (4) parking spaces are provided.

Ms. Lewicka noted that the property is located on the edge of the Peacock Arts district and if the property was located in the Peacock Arts district, it would be exempt from 50% of the parking requirements. Ms. Lewicka highlighted that letters were sent out to adjacent property owners and enthusiastic feedback was received.

One of the goals of historic preservation is to create new structures designed in harmony with adjacent contributing structures, the surroundings, and overall development patterns. Delaware Avenue is one of the most beautiful old Fort Pierce streets. Sidewalks on both sides of the street are shaded by old live oak trees and sheltered from the automobile traffic by rows of parallel parking spaces, creating a perfect walking environment. Currently, there is limited pedestrian activity as there are not many uses open to interaction with pedestrians. The applicant's proposed café/bistro with an open deck located close to the sidewalk is anticipated to bring movement and life to the street and is a desired use for the corridor. In addition, the proposed open deck is within the required setbacks. However, the structure is light and open and does not create a visual barrier. There are several other structures on Delaware Avenue which encroach into the required setbacks, yet they are all in harmony with adjacent surroundings and street development patterns. Most of the offices and other uses located along Delaware Avenue provide sufficient parking on their sites and ample street parking remains largely unused. Therefore, although there would be shortage of seven (7) required parking spaces on the café site, there are plenty of street parking spaces available to café customers as well as wide sidewalks for easy, safe and attractive walking connection. Therefore, based upon Secretary of Interior's Standard #9 and #10, staff recommends that

the Board approve the applicant's request.

Additionally, staff recommends approval of the requested variances as the applicant provided sufficient information and compelling reasons to determine that requirements of City Code Sec. 125-3 of the City Code - Criteria for granting variances (1) through (5)- have been met.

Board questions for Staff: Mr. Broderick asked if it is time to re-examine the Peacock Arts District boundaries on Delaware Avenue. Mr. Benton asked if a Conditional Use approval is needed and if alcohol sales will occur. Mr. Benton also asked about deck lighting, employee parking on site, decorative bollards, directional signs, delivery location, grease trap collection area, and if there will be a dumpster enclosure. Mr. Benton asked about re-stripping Delaware Avenue. Mr. Broderick asked about sidewalk repair on Delaware Avenue. Mr. Hayek asked if the parking requirement was based on seats in the restaurant rather than square footage.

Applicant questions for Staff: none

Applicant presentation: Mike Menard, Applicant, sworn, stated the loading would be done from the alley during off-peak hours and there will be minimal lighting and ceiling fans from the pergola with retractable shade screens. He noted that the owner will want a beer and wine license to promote entertainment. Mr. Menard said there will be an under counter grease interceptor. Mr. Menard suggested the Delaware Avenue on-street parking needs to be revised to make functional sidewalks and additional parking.

Board questions for Applicant: Mr. Benton asked if the dumpster enclosure will be screened. Mr. Benton also asked if there are plans for amplified or low volume acoustic music in the future.

Public comment: Darryl Bey, Owner, sworn, stated they will be applying for a beer and wine license and the majority of the music will be inside to promote peace and tranquility with the neighbors. Mr. Bey noted that the deliveries will be in the rear alley, and he would like the city to pave the alley because it is in terrible condition. Mr. Bey also asked if the city could do something about the unusable on-street parking spaces marked with an "x". Mr. Bey stated he has signed parking agreements with nearby businesses for after hours parking.

Staff final comments: None

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: Mr. Broderick suggested the Mr. Bey attend the parking committee meeting in February 2022 to direct staff to convert the on-street parking spaces with an "X" back into parking. Ms Theuns suggested the city adopt a decibel level to differentiate between low level and acoustic music. All the Board members agreed that the addition of this use could make Delaware Avenue more vibrant. Mr. Benton suggested directional signage for the additional after hours parking.

Motion was made by Michael Broderick, and seconded by Holly Theuns to approve Certificate of Appropriateness 21-76 for the outdoor deck dining area inclusive of the Variances for 809 Delaware Avenue.

AYE: Michael Broderick, Kori Benton, Charlie Hayek, Holly Theuns, Chair Suzanne Boardman

Passed

c. **Certificate of Appropriateness #21-77 - Shed - 106 Depot Drive**

Madam Chair Boardman introduced Certificate of Appropriateness #21-77 for a new shed located at 106 Depot Drive.

The clerk called the proceeding to order.

The clerk confirmed the City complied with the advertisement requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Benton - no

Mr. Hayek - yes

Ms. Theuns - no

Mr. Broderick - no

Madam Chair Boardman - no

Madam Chair Boardman 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:

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. The applicant is requesting approval of a Certificate of Appropriateness for the installation of a pre-fabricated 10 foot x 12 foot shed on the existing parking area with the same color/design as the building. The subject shed is proposed within the middle of the parking lot and is clearly visible from the Orange Avenue sidewalk. The architectural style and material of the shed does not blend in with the appearance and scheme of the structure, the street, and overall downtown area. It is staff's professional opinion that the proposed shed may have a negative visual impact on the adjacent properties and downtown area. Staff recommends denial of the proposal as it does not meet the requirements of the Secretary of Interior Standard #9. If permitted, the proposed shed will affect the existing parking area. To ensure adequate vehicle circulation and safety the shed should be well-lit during evening hours.

Board questions for Staff: Ms. Theuns asked what the shed will be used for. Mr. Benton asked about the parking impact, drainage, floor elevation, and ADA accessibility. Madam Chair Boardman asked if the shed could be closer to the building, and she asked if the parking area is one-way and, owned by the applicant. Mr. Broderick asked if different options had been considered.

Applicant questions for Staff: none

Applicant presentation: Kristina Gibbons, Applicant, sworn, stated that moving the shed further south would block the mural. Ms. Gibbons said the parking spaces to the north are for the dog groomer and other business in the building and the parking should not be used by the public. The shed will take one parking space and the drainage does not go the correct route. Ms. Gibbons noted that the shed will be used as an office, and she will use planters to offset it and add landscaping. She also said that a metal roof is not a problem.

Board questions for Applicant: Ms. Theuns asked if the shed is climate controlled. Mr. Hayek

asked if there is single ownership of the property. Madam Chair Boardman asked if an addition would be put up if the shed is not approved. Mr. Benton asked the budget and timeframe for the shed. Mr. Broderick asked if she had gotten to the planning stage of the addition with the contractor.

Public comment: None

Staff final comments: None

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: Madam Chair Boardman addressed concerns with a window AC unit, the awkward placement of the shed, and the jarring effect when coming down Orange Avenue from the railroad tracks. Mr. Hayek explained that having an office would require fire regulations and ADA compliance and a permanent abuilding is the way to go. Mr. Broderick said it is a whole different review when using the shed as an office. After the vote, Mr. Benton stated he would have supported tabling the application for a more refined proposal with a modified structure that blends in.

Motion was made by Holly Theuns, and seconded by Charlie Hayek to deny Certificate of Appropriateness # 21-77 for a shed located at 106 Depot Drive for the reasons listed below and suggest the applicant come back with a different proposal to meet her growing business needs:

1. Inappropriate structure
2. Planned use of the structures does not meet the conditions of application
3. Concerns with roof and landscaping
4. Location on the site
5. Potential issues with traffic, visibility, parking, maneuverability, pedestrian walkway between the building and the shed
6. Secretary of Interior Standards #9

AYE: Kori Benton, Charlie Hayek, Holly Theuns, Michael Broderick, Chair Suzanne Boardman

Passed

6. NEW BUSINESS

After Item 6 b, Ms. Theuns asked the City Attorney to look into procedure issues with the Historic Preservation Board. She stated she had recused herself from an item because it was her neighbor and she wanted to speak as a private citizen on the item, but she was denied the ability to speak by counsel. Ms. Theuns said she contacted the Florida Board of Ethics and was advised she could speak as long as she identified herself as a recused Board member why she recused herself.

Ms. Earley referred Ms. Theuns to Chapter 112 and suggested she contact private counsel for any questions on her individual rights as she only represents the city.

a. Administratively Approved Certificates of Appropriateness - December 2021

Mr. Broderick inquired on the Certificate of Appropriateness approvals for #21-73 and #21-74 for the roof located at 210 S. Indian River Drive, building #2 and #3. He stated the original approval with the church for the red standing seam metal roof was supposed to match the roof of the other buildings on the campus when they needed to be replaced. Madam Chair

Boardman asked staff to look into the approval.

Mr. Benton asked if there are any repercussions if the applicant does not comply with the Certificate of Appropriateness conditions of approval. He also asked if the stamped plans are included with the Certificate of Appropriateness approval letter. Ms. Lewicka stated the conditions of approval are listed on the building permit and Certificate of Appropriateness approval letter.

b. **Restructure of the Historic Preservation Board**

Ms. Hofmeister-Drew said that the purpose of the modification by the City Commission was for all Boards to be consistent with how they are approved. Ms. Earley explained that the Board members will keep their seat until the new Board members are appointed by resolution, where each Commissioner appoints a Board member and the others are appointed at-large.

7. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

8. **CONSIDERATION OF ABSENCES**

Motion was made by Charlie Hayek, and seconded by Kori Benton to approve the absence of Mr. Westbury and wait until the next Historic Preservation Board meeting to consider the absence of Mr. Johansen.

AYE: Charlie Hayek, Holly Theuns, Michael Broderick, Kori Benton, Chair Suzanne
Boardman

Passed

9. **ADJOURNMENT**