

## **BOARD OF ADJUSTMENT AGENDA**

Board of Adjustment Regular Meeting - Thursday, July 27, 2023 - 2:00 p.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **APPROVAL OF MINUTES**
  - a. Minutes from the March 23-2023, meeting
6. **PUBLIC HEARINGS**
  - a. Variance - 7-Brew Drive-Thru - 2610 Rolyat Street
  - b. Variance - R and B Properties - 2135 Old Dixie Highway
7. **DISCUSSION / OTHER BUSINESS**
8. **COMMENTS FROM THE PUBLIC**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

## Planning Board of Adjustment

Meeting Date: 07/27/2023

---

### Information

#### REQUESTED ACTION

Minutes from the March 23-2023, meeting

#### SUMMARY

N/A

#### LOCATION

N/A

#### RESPONSIBLE STAFF

Planning Staff

#### RECOMMENDATION

Approve minutes

---

### Attachments

Board of Adjustment Minutes 3/23/23

---

### Form Review

Form Started By: Alicia Rosenthal

Final Approval Date: 07/20/2023

Started On: 07/20/2023 11:24 AM

# 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, **MARCH 23, 2023**, 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: Darrell Drummond; James Crist; Charles Hayek; Jaimebeth Galinis, Madam Chair

Absent: KeAndrea Davis

Staff Present: Sara Hedges, Assistant City Attorney  
Alicia Rosenthal, Planning and Development Organizer

**4. CONSIDERATION OF ABSENCES**

Motion was made by Darrell Drummond, and seconded by James Crist to excuse Ms. Davis.

AYE: James Crist, Darrell Drummond, Charles Hayek, Madam Chair Jaimebeth Galinis  
Passed

**5. APPROVAL OF MINUTES**

a. Minutes from the January 26, 2023 meeting

Motion was made by Charles Hayek, and seconded by Darrell Drummond to approve the minutes from the January 26, 2023, meeting.

AYE: Charles Hayek, Darrell Drummond, James Crist, Madam Chair Jaimebeth Galinis  
Passed

## **6. DISCUSSION / OTHER BUSINESS**

### **a. Sunshine Presentation**

Sara Hedges, Assistant City Attorney, gave a presentation to the Board on Florida's open government laws, which included the Sunshine Law, Florida's Public Records Act and Voting Conflicts of Interest. Ms. Hedges explained who the law applies to and types of gathering and communications that constitute a meeting. Ms Hedges also spoke about the policies governing opportunity of the public to be heard at public meetings. Ms. Hedges noted the prohibited restrictions on meetings and the consequences of violating the Sunshine Law. Ms. Hedges highlighted the seriousness of the Sunshine Law, and she said the key is to avoid accidental meetings.

Mr. Hayek asked about reasonable notice for not attending a meeting. Ms. Hedges stated 24 to 48 hours, but that is not an exact time or a conclusive number, as it depends on the totality of the meeting and more time is always better.

After the Sunshine discussion Ms. Hedges spoke about public records. She stated the definition is extremely broad. Ms. Hedges explained personal communications, retention, requests, and penalties for noncompliance. She said that notes taken during the meeting become public record. Ms. Hedges suggested the Board use a different e-mail address for Board related matters or set up a specific Board folder in their e-mail for Board communications.

Ms. Hedges finished with an explanation of voting conflicts of interest. She said a Board member cannot abstain from voting because they don't want to vote. Ms. Hedges said a conflict of interest is a private gain or loss. Ms. Hedges stated the best practice is to disclose the conflict of interest prior to the meeting, fill out the form and remove yourself from the room during the agenda item. Ms. Hedges noted that a conflict of interest needs to be announced at the beginning of the meeting.

Ms. Hedges encouraged the Board members to call the City Attorney's office or the Commission on Ethics with any questions or issues.

## **7. COMMENTS FROM THE PUBLIC**

## **8. ADJOURNMENT**

## Planning Board of Adjustment

Meeting Date: 07/27/2023

---

### Information

#### REQUESTED ACTION

Variance - 7-Brew Drive-Thru - 2610 Rolyat Street

#### SUMMARY

One (1) Variance request submitted by the applicant, Chris Ossa of Kimley-Horn & Associates for approval of the following: (1) The applicant is seeking to reduce the requirement of a 10-foot landscape strip/buffer to 0-feet along the Kerr Street property line. The request Variance is a deviation from City Code Section: 123-37(4)(a). The property is located at 2610 Rolyat Street, and is zoned C-3, General Commercial Zone. The Parcel ID of the site is 2419-601-0012-000-4, and legal description of the property is: SEMINOLE PARK S/D BLK 2 LOTS 1, 2, 3, 4, AND 5, LESS THE E 5FT OF LOT 5 (MAP 24/19N) (0.52 AC) (60,113 SQFT / 1.38 AC)(OR 3297-1851, 4274-1763, & 4610-2003)

#### LOCATION

2610 Rolyat Street

#### RESPONSIBLE STAFF

Vennis Gilmore, Assistant Planning Director

#### RECOMMENDATION

Approval

---

### Attachments

Staff Report and Supporting Documents

Application and Supporting Documents

---

### Form Review

Form Started By: Vennis Gilmore

Started On: 07/20/2023 01:51 PM

Final Approval Date: 07/21/2023



# CITY OF FORT PIERCE

## BOARD OF ADJUSTMENT

July 27<sup>th</sup>, 2023

7-Brew – (1) Variance  
2610 Rolyat Street  
(2419-601-0012-000-4)

## **APPLICANT**

Chris Ossa, P.E., Kimley-Horn & Associates

## **PROPERTY OWNER(S)**

St. Joseph FTP, LLC

## **PARCEL ID #(S):**

2419-601-0012-000-4

7-BREW – (1)  
VARIANCE



## SUMMARY

Request for review of an application for one (1) Variance request submitted by the applicant, Chris Ossa of Kimley-Horn & Associates for approval of the following: (1) The applicant is seeking to reduce the requirement of a 10-foot landscape strip/buffer to 0-feet along the Kerr Street property line. The request Variance is a deviation from City Code Section: 123-37(4)(a).



## BACKGROUND

The need for a variance is the result of the following St. Lucie County (SLC) staff comment issued during the ROW Permit package review:

- Rolyat and Kerr Streets are substandard Right-of-Ways. The County requires a minimum Right-of-Way of 70 FT for roadways with open swale drainage systems. A ROW Dedication of 5' FT will be required along Rolyat and 10' along Kerr. The city may provide written relief for 5' along Kerr. Such relief shall include the City's acknowledgement that they will accept the reduced ROW if the road is to be transferred to the City upon future annexations.

Due to the ROW dedication requested along Kerr St, the project is unable to comply with the required 10-ft landscape buffer along the Kerr St ROW.



# SITE LOCATION



SITE AREA= 1.38 Acres

7-BREW – (1) VARIANCE



# EXISTING FLU - ZONING

**FLU: GC, General Commercial**  
**Zoning: C-3, General Commercial**

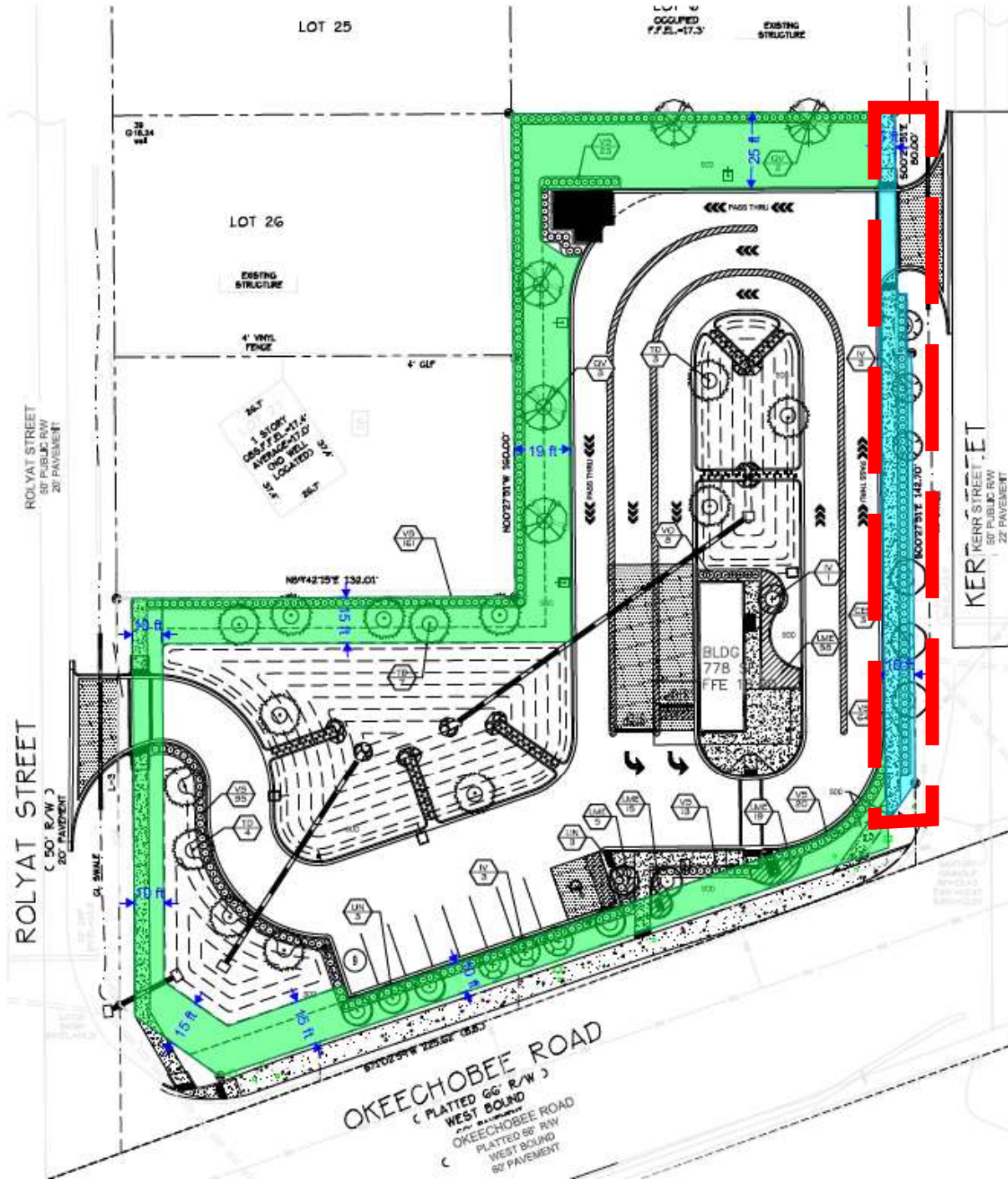


7-BREW – (1) VARIANCE





# SITE PLAN – VARIANCE LANDSCAPE MODIFICATION



- Required Landscape Buffer: **10 ft.**
- Intends Larger Landscape Buffers along other property borders:
  - 25 ft.
  - 19 ft.
  - 15 ft.
- Intends to install **Street Trees and Shrubs** to add to the beautification of the existing streetscape of Kerr Street



# TRC COMMENTS

All affected departments have reviewed the proposed Variance with regards to the requirements of the City Code.

7-BREW – (1) VARIANCE



## STANDARDS FOR REVIEW (City Code Section 125-100)

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. The literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

7-BREW – (1) VARIANCE



## APPLICANT CRITERIA RESPONSES (City Code Section 125-100)

Criteria 1: Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

***Response 1: The project is required and intends to comply with the ROW dedication request by St. Lucie County (SLC) as part of the ROW Permit approval. The 10-ft ROW along Kerr St encompass the previously provided 10-ft landscape buffer. Due to the proposed circulation of the use which intends to provide a Right-In Only Driveway off Rolyat St, vehicles will be required to utilize both easternmost drive aisles, one for accessing the drive-thru and the other for exiting the site via the Kerr St driveway. This condition which provides safe circulation for patrons does not allow adjustments to be made to incorporate the required 10-ft landscape buffer.***



## APPLICANT CRITERIA RESPONSES (City Code Section 125-100)

Criteria 2: Do special conditions or circumstances result from actions other than that of yours?

***Response 2: The hardship/circumstance is the result of the request to dedicate 10-ft of ROW along Kerr St. In order to adhere and provide the ROW dedication which in turn will improve the Kerr St ROW the project is requesting relief from the 10-ft landscape buffer requirement.***

Criteria 3: Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

***Response 3: The hardship in question is not the result of the proposed development but of the current sub-standard ROW width on Kerr St, as communicated by SLC. In order adhere to the County's request, the project is not able to provide the required 10-ft buffer along Kerr St.***



## APPLICANT CRITERIA RESPONSES (City Code Section 125-100)

Criteria 4: What is the minimum variance that would give the reasonable use of the land, building, or structure?

***Response 4: The project only requests relief from the 10-ft landscape buffer requirement along Kerr St. The project intends to satisfy all other comments issued by City staff. Minimum landscape buffer widths have been met and/or exceeded along Rolyat St, Okeechobee Rd and northern ROW's.***



## APPLICANT CRITERIA RESPONSES (City Code Section 125-100)

Criteria 5: Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

***Response 5: The intent of the zoning variance is to provide separation from the proposed improvements and the public ROW in the form of open space/landscaped areas. As part of the project, 7 Brew proposes to bring the Kerr St ROW to the current County standards by dedicating ROW and providing a 5ft sidewalk along Kerr St. Currently no sidewalk is provided to the public along the west side of the Kerr St ROW. Both the ROW dedication and the installation of the concrete sidewalk improve the current conditions of the Kerr St ROW which in their current state would be detrimental to the public welfare. Relief from the landscape buffer requirement will not be detrimental and/or increase safety concerns to the public along the Kerr St. ROW.***



## **STAFF RECOMMENDATION**

Staff recommendation is for the Planning Board of Adjustment to **APPROVE** the proposed **VARIANCE**.

## **ALTERNATIVES**

1. Modified Approval.
- or
2. Disapproval.





# CITY OF FORT PIERCE

## BOARD OF ADJUSTMENT

July 27<sup>th</sup>, 2023

7-Brew – (1) Variance  
2610 Rolyat Street  
(2419-601-0012-000-4)

**From:** [Karen Murphy](#)  
**To:** [Vennis Gilmore](#)  
**Cc:** [Paul Thomas](#)  
**Subject:** Technical Review Projects 23-12000002 and 23-07000005 - 7 Brew 2610 Rolyat St., 23-12000001 - Variance R&B Dixie Properties  
**Date:** Tuesday, July 18, 2023 8:32:11 AM  
**Attachments:** [image001.png](#)

---

Good morning Vennis, Paul has no comment on 23-12000002 (electronic TRC review), and no changes to his previous comments regarding your other requests.

If I may assist further please let me know. Have a great day!

Karen

*Karen Murphy*  
*Executive Assistant*

*on behalf of:*

**Paul Thomas, CBO, CFM**  
**Director of Building**

---

**Karen Murphy | Executive Assistant | City of Fort Pierce Building Department**

Mailing Address: 100 N US Hwy. 1 Physical Address: 300 Orange Ave., Sunrise Ctr. 3<sup>rd</sup> Floor,  
Ft. Pierce FL 34950 Phone: 772.467.3188 kmurphy@cityoffortpierce.com

[Website](#) | [Facebook](#) | [Survey](#)



*"To provide community leadership, quality public service, and a safe environment for all citizens, by an empowered team of employees motivated by pride in themselves and their work."*

Tell us how we are doing! Customer Service is a Priority for the City of Fort Pierce. Please take a moment to complete our customer service survey by following this link:  
<http://www.cityoffortpierce.com/FormCenter/Building-6/Building-Department-Customer-Service-Fee-73>

**From:** [Damian Spotts](#)  
**To:** [Vennis Gilmore](#)  
**Subject:** RE: Variance – 7 Brew - 2610 Rolyat Street - (1) Parcel: 2419-601-0014-000-8 Project # 23-12000002 (Electronic Review Only-No In-Person TRC Meeting)  
**Date:** Monday, July 10, 2023 4:38:49 PM

---

No additional comments based on this email

---

**From:** Vennis Gilmore <vgilmore@cityoffortpierce.com>  
**Sent:** Monday, July 10, 2023 11:00 AM  
**To:** Paul Bertram <pbertram@cityoffortpierce.com>; Wayne Boyer <wboyer@slcfd.org>; Deborah Savrda <savrda@fpu.com>; Damian Spotts <dspotts@fppd.org>; Hymowitz, Larry <larry.hymowitz@dot.state.fl.us>; Peggy Arraiz <parraiz@cityoffortpierce.com>; Karen Murphy <kmurphy@cityoffortpierce.com>; Jacolby Washington <jwashington@cityoffortpierce.com>; Marty.Sanders@stlucieschools.org; haysd@stlucieco.org; ChambersG@stlucieco.org; bentonk@stlucieco.org; Peter Buchwald <BuchwaldP@stlucieco.org>; John Andrews <jandrews@cityoffortpierce.com>; Tracy Telle <ttelle@cityoffortpierce.com>; Selena Griffett <sgriffett@cityoffortpierce.com>; Venetia Barnes <vbarnes@cityoffortpierce.com>; Planning Department <planning@cityoffortpierce.com>; Adolfo Covelli <covellia@stlucieco.org>; Cathi Petagno <PetagnoC@stlucieco.org>; AElizondo@slcfd.org; nslrwcd@bellsouth.net; Southeast.District@floridadep.gov; kdelaney@tcrpc.org; Jennifer McGee <McGeeJ@stlucieco.org>; Adolfo Covelli <covellia@stlucieco.org>; Edwin Molinary <molinarye@stlucieco.org>  
**Subject:** Variance – 7 Brew - 2610 Rolyat Street - (1) Parcel: 2419-601-0014-000-8 Project # 23-12000002 (Electronic Review Only-No In-Person TRC Meeting)

**SECURITY CAUTION** - this message is from outside FPPD. Please do not open links or attachments you are not expecting.

To Whom It May Concern,

Technical Review Project: # 23-12000002

**(Electronic Review Only-No In-Person TRC Meeting)**

The applicant, Chris Ossa of Kimley-Horn & Associates is seeking approval of the following: (1) The applicant is seeking to reduce the requirement of a 10-foot landscape strip/buffer to 0-feet along the Kerr Street property line. The request Variance is a deviation from City Code Section: 123-37(4) (a).

The property is located at 2610 Rolyat Street, and is zoned C-3, General Commercial Zone. The Parcel ID of the site is 2419-601-0012-000-4, and legal description of the property is: SEMINOLE PARK S/D BLK 2 LOTS 1, 2, 3, 4, AND 5, LESS THE E 5FT OF LOT 5 (MAP 24/19N) (0.52 AC) (60,113 SQFT / 1.38 AC)(OR 3297-1851, 4274-1763, & 4610-2003)

Please see the attached documents for review.

**This Variance Application is being review concurrently with the Minor Site Plan Review for this**

**project.**

Send all comments and approval letters as soon as possible to [planning@cityoffortpierce.com](mailto:planning@cityoffortpierce.com) and [vgilmore@cityoffortpierce.com](mailto:vgilmore@cityoffortpierce.com) by July 21<sup>st</sup>, 2023 (Friday). Let me know if you have any questions or concerns. Thank you.

Best Regards,

**Vennis Gilmore | Assistant Planning Director | City of Fort Pierce**

Planning Department

Phone: 772.467.3741 100 North U.S. 1 Fort Pierce, FL 34950

[Website](#) | [Facebook](#) | [Survey](#)



---

This email has been scanned for spam & viruses. If you believe this email should have been stopped by our filters, [click here](#) to report it.



**BUREAU OF FIRE PREVENTION**

**SITE PLAN REVIEW**

**TO: Site Plan Applicant**

**SITE PLAN: 7-Brew TRC**

**REVIEW DATE: 2/14/2023, 4/11/2023, 6/14/2023**

**PLANNER: VENNIS GILMORE**

**REVIEWED BY: Captain Andres Elizondo**

---

**Site Plan Approved: \_\_\_\_\_**

**Site Plan Approved with conditions: \_\_\_\_\_**

**Site Plan Approval pending written acknowledgement of conditions:  X**

**Site Plan Rejected: \_\_\_\_\_**

---

**The Following Revisions Are Necessary:**

- ~~1. Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line at <https://www.slcfcd.com> Received 6/14/2023.~~
- ~~2. Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form. Received 6/16/2023.~~
- ~~3. Please send the Fire District electronic plans for the site and buildings. Received 6/14/2023.~~
- 4. Fire department access roads provided in accordance with 18.2.3 shall be provided at the start of a project and shall be maintained throughout construction. (NFPA 1 16.1.4). Surface. Fire department access roads shall be designed and maintained to**

*"Our Family Serving Yours"*

5160 N.W. Milner Drive, Port St. Lucie, Florida 34983-3392

Telephone: (772) 621-3400 Fax: (772) 621-3500

[www.slcfcd.com](http://www.slcfcd.com)



support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface. (NFPA 1.18.2.3.5.2.5).

5. Per the St. Lucie County Fire District Fire Prevention Code Resolution 690-20. At Least 13 feet 6 inches nominal vertical clearance shall be provided and maintained over the full width of all means of access. Including, but not limited to trees, canopies, etc.
6. The Fire District reserves the right for future comments at the site plan & building construction phase.
7. Be advised: Dimensions of largest vehicle are as follows: 38 tons or 77k lbs, 47.5 ft. total length, 21.5 ft. wheel base, 10.5 ft. total width, 41.5 degree turning radius.
8. Minimum roadway pavement width (two-way traffic) shall be twenty (20) ft. Minimum roadway pavement width (one-way traffic) shall be twelve (12) ft.
9. Fire hydrants (shall be) are provided for buildings other than detached one-and-two-family dwellings IAW both of the following 1) The maximum distance to a fire hydrant from the closest point in the building shall not exceed 400 feet. 2) The maximum distance between fire hydrants shall not exceed 500 feet. NFPA 1:18.5.3. Please provide fire flow calculations for hydrants.
10. An approved water supply capable of supplying the required fire flow for fire protection (shall be) is identified to all premises upon which facilities, buildings, or portions of buildings which are to be constructed or moved into the jurisdiction. The approved water supply shall be in accordance with NFPA 1:18.4. See "Needed NFPA Fire Flow Calculator Spreadsheet".
11. Per NFPA 1114 Chapter 9, Section 1.3. Prior to the final occupancy of any building, the permitted water supply for fire protection, including fire hydrants and fire suppression systems, shall be installed, tested, and acceptable to the AHJ (SLCFD).
12. Two-Way Radio Enhancement Systems/BDAS shall be installed, inspected and operationally tested in accordance with the manufacturer's published requirements, by the local fire department, and comply with the most current edition of the Florida Fire Prevention Code and its incorporated standards and codes. Pre-surveys of radio signal strength shall be submitted to the Fire Marshal in the form

*"Our Family Serving Yours"*

5160 N.W. Milner Drive, Port St. Lucie, Florida 34983-3392  
Telephone: (772) 621-3400 Fax: (772) 621-3500

[www.slcfd.com](http://www.slcfd.com)

**ST. LUCIE COUNTY FIRE DISTRICT**  
Community Risk Reduction Division  
Office of the Fire Marshal



**Telephone:** (772) 621-3322  
**Fax:** (772) 621-3604

**of heat signature mapping or a certification document of radio signal strength provided by a licensed engineer.**

*"Our Family Serving Yours"*

5160 N.W. Milner Drive, Port St. Lucie, Florida 34983-3392

Telephone: (772) 621-3400 Fax: (772) 621-3500

[www.slcfcd.com](http://www.slcfcd.com)



## VARIANCE

### Property Information

Property address or Location

2610 Rolyat St, Fort Pierce, FL 34947

Parcel ID #(s)

2419-601-0012-000-4; 2419-601-0014-000-8; 2419-601-0015-000-5; 2419-601-0016-000-2

Project description

The development of approx. 1.16 acres for a new 778sf 7-Brew Drive-Thru Coffee use

Reason for request

See attached

Existing Use: Abandon structures w/ C-3 Zoning Date Property was Purchased: 5/11/2021

Alterations made to the site since purchase: No Alterations

Has a request for this variance been denied in the past?  Yes  No

If yes, what changed since the denial? \_\_\_\_\_

St Joseph FTP, LLC

Property Owner(s)

402 Ipswich Street

Street Address

Altamonte Springs FL 32701

City State Zip

+1 (407) 331-0400

Phone Number

dtaylor4980@gmail.com

Email Address

Chris Ossa, P.E., Kimley-Horn & Associates

Applicant/Representative, Title, Company

7341 Office Park Place, Suite 102

Street Address

Melbourne FL 32940

City State Zip

+1 (321) 222-6925

Phone Number

chris.ossa@kimley-horn.com

Email Address

*Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein. The undersigned consents to inspection and photographing of the subject property by the Planning staff for purposes of consideration of this Application and/or presentation to the Planning Board and City Commission.*

*David Taylor*

*6-28-2023*

Property Owner(s) Signature(s)

**APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS**

CALL 772.467.3737 OR E-MAIL [PLANNING\\_DL@CITYOFFORTPIERCE.COM](mailto:PLANNING_DL@CITYOFFORTPIERCE.COM)

For more information, please refer to the website:

<https://www.cityoffortpiece.com/971/Application-Submittal-for-Technical-Rev>



June 29<sup>th</sup>, 2023

City of Fort Pierce  
Planning Department  
100 North US 1  
Fort Pierce, FL 34950

**RE: *Variance Application***  
***Criteria Narrative***  
***7 Brew – Parcel 2419-601-0014-000-8***  
***TRC Project# 23-07000005***

The intent of the following narrative is to request relief via a Variance from a singular comment issued by City of Fort Pierce Engineering Department Staff on 6/21/2023 on the 7 Brew Drive-Thru Coffee project (TRC Project #23-07000005).

The 7 Brew project proposes the development of ±1.16ac with a new 778 sf building and associated site improvements which include double drive-thru lanes, by-pass lanes, parking facilities, as well as water, sewer, and stormwater management systems intended to service the new site.

In addition to submitting for City of Fort Pierce site plan approval, Kimley-Horn as the engineer of record, is working with St. Lucie County (ROW Permit/Driveway Connection Permit), N. St. Lucie County Water Control District, and FDOT (Access Connection Permit & Drainage Connection Permit) on the permits/approvals listed.

The need for a variance was the result of the following St. Lucie County (SLC) staff comment issued during the ROW Permit package review:

- *Rolyat and Kerr Streets are substandard Right-of-Ways. The County requires a minimum Right-of-Way of 70 FT for roadways with open swale drainage systems. A ROW Dedication of 5' FT will be required along Rolyat and 10' along Kerr. The city may provide written relief for 5' along Kerr. Such relief shall include the City's acknowledgement that they will accept the reduced ROW if the road is to be transferred to the City upon future annexations.*

Due to the ROW dedication requested along Kerr St, the project is unable to comply with the required 10-ft landscape buffer along the Kerr St ROW.

Below you'll find the Variance Criteria Narrative as required by Section 125-100 of the City Code.

Criteria 1: Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

**Response 1:** *The project is required and intends to comply with the ROW dedication request by St. Lucie County (SLC) as part of the ROW Permit approval. The 10-ft ROW along Kerr St encompass the previously provided 10-ft landscape buffer. Due to the proposed circulation of the use which intends to provide a Right-In Only Driveway off Rolyat St, vehicles will be required to utilize both easternmost drive aisles, one for accessing the drive-thru and the other for exiting the site via the Kerr St driveway. This condition which provides safe circulation for patrons does not allow adjustments to be made to incorporate the required 10-ft landscape buffer.*

Criteria 2: Do special conditions or circumstances result from actions other than that of yours? Please explain

**Response 2:** *The hardship/circumstance is the result of the request to dedicate 10-ft of ROW along Kerr St. In order to adhere and provide the ROW dedication which in turn will improve the Kerr St ROW the project is requesting relief from the 10-ft landscape buffer requirement.*

Criteria 3: Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

**Response 3:** *The hardship in question is not the result of the proposed development but of the current sub-standard ROW width on Kerr St, as communicated by SLC. In order adhere to the County's request, the project is not able to provide the required 10-ft buffer along Kerr St.*

Criteria 4: What is the minimum variance that would give the reasonable use of the land, building, or structure?

**Response 4:** *The project only requests relief from the 10-ft landscape buffer requirement along Kerr St. The project intends to satisfy all other comments issued by City staff. Minimum landscape buffer widths have been met and/or exceeded along Rolyat St, Okeechobee Rd and northern ROW's.*

Criteria 5: Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

**Response 5:** *The intent of the zoning variance is to provide separation from the proposed improvements and the public ROW in the form of open space/landscaped areas. As part of the project, 7 Brew proposes to bring the Kerr St ROW to the current County standards by dedicating ROW and providing a 5ft sidewalk along Kerr St. Currently no sidewalk is provided to the public along the west side of the Kerr St ROW. Both the ROW dedication and the installation of the concrete sidewalk improve the current conditions of the Kerr St ROW which in their current state would be detrimental to the public welfare. Relief from the landscape buffer requirement will not be detrimental and/or increase safety concerns to the public along the Kerr St. ROW.*

Please contact me at (321) 222-6925 or [Chris.Ossa@kimley-horn.com](mailto:Chris.Ossa@kimley-horn.com) should you have any additional questions or concerns.

Sincerely,



Chris Ossa, P.E.  
Project Manager



June 29<sup>th</sup>, 2023

City of Fort Pierce  
Planning Department  
100 North US 1  
Fort Pierce, FL 34950

**RE: *Variance Application***  
***Criteria Narrative***  
***7 Brew – Parcel 2419-601-0014-000-8***  
***TRC Project# 23-07000005***

The intent of the following narrative is to request relief via a Variance from a singular comment issued by City of Fort Pierce Engineering Department Staff on 6/21/2023 on the 7 Brew Drive-Thru Coffee project (TRC Project #23-07000005).

The 7 Brew project proposes the development of ±1.16ac with a new 778 sf building and associated site improvements which include double drive-thru lanes, by-pass lanes, parking facilities, as well as water, sewer, and stormwater management systems intended to service the new site.

In addition to submitting for City of Fort Pierce site plan approval, Kimley-Horn as the engineer of record, is working with St. Lucie County (ROW Permit/Driveway Connection Permit), N. St. Lucie County Water Control District, and FDOT (Access Connection Permit & Drainage Connection Permit) on the permits/approvals listed.

The need for a variance was the result of the following St. Lucie County (SLC) staff comment issued during the ROW Permit package review:

- *Rolyat and Kerr Streets are substandard Right-of-Ways. The County requires a minimum Right-of-Way of 70 FT for roadways with open swale drainage systems. A ROW Dedication of 5' FT will be required along Rolyat and 10' along Kerr. The city may provide written relief for 5' along Kerr. Such relief shall include the City's acknowledgement that they will accept the reduced ROW if the road is to be transferred to the City upon future annexations.*

Due to the ROW dedication requested along Kerr St, the project is unable to comply with the required 10-ft landscape buffer along the Kerr St ROW.

Below you'll find the Variance Criteria Narrative as required by Section 125-100 of the City Code.

Criteria 1: Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

**Response 1:** *The project is required and intends to comply with the ROW dedication request by St. Lucie County (SLC) as part of the ROW Permit approval. The 10-ft ROW along Kerr St encompass the previously provided 10-ft landscape buffer. Due to the proposed circulation of the use which intends to provide a Right-In Only Driveway off Rolyat St, vehicles will be required to utilize both easternmost drive aisles, one for accessing the drive-thru and the other for exiting the site via the Kerr St driveway. This condition which provides safe circulation for patrons does not allow adjustments to be made to incorporate the required 10-ft landscape buffer.*

Criteria 2: Do special conditions or circumstances result from actions other than that of yours? Please explain

**Response 2:** *The hardship/circumstance is the result of the request to dedicate 10-ft of ROW along Kerr St. In order to adhere and provide the ROW dedication which in turn will improve the Kerr St ROW the project is requesting relief from the 10-ft landscape buffer requirement.*

Criteria 3: Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

**Response 3:** *The hardship in question is not the result of the proposed development but of the current sub-standard ROW width on Kerr St, as communicated by SLC. In order adhere to the County's request, the project is not able to provide the required 10-ft buffer along Kerr St.*

Criteria 4: What is the minimum variance that would give the reasonable use of the land, building, or structure?

**Response 4:** *The project only requests relief from the 10-ft landscape buffer requirement along Kerr St. The project intends to satisfy all other comments issued by City staff. Minimum landscape buffer widths have been met and/or exceeded along Rolyat St, Okeechobee Rd and northern ROW's.*

Criteria 5: Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

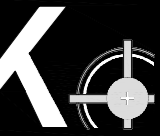
**Response 5:** *The intent of the zoning variance is to provide separation from the proposed improvements and the public ROW in the form of open space/landscaped areas. As part of the project, 7 Brew proposes to bring the Kerr St ROW to the current County standards by dedicating ROW and providing a 5ft sidewalk along Kerr St. Currently no sidewalk is provided to the public along the west side of the Kerr St ROW. Both the ROW dedication and the installation of the concrete sidewalk improve the current conditions of the Kerr St ROW which in their current state would be detrimental to the public welfare. Relief from the landscape buffer requirement will not be detrimental and/or increase safety concerns to the public along the Kerr St. ROW.*

Please contact me at (321) 222-6925 or [Chris.Ossa@kimley-horn.com](mailto:Chris.Ossa@kimley-horn.com) should you have any additional questions or concerns.

Sincerely,



Chris Ossa, P.E.  
Project Manager



**KMA**  
ENGINEERING & SURVEYING, LLC  
2345 W. HAVEN, SUITE #3  
VERO BEACH, FL 32960  
PHONE: (772) 566-2000  
FAX: (772) 566-2001

**REVISIONS:**

BY:	DATE:	COMMENT:
PCS	11/2/22	ADD B-I EXCEPTIONS
PCS	1/10/23	ADD RM ELEVATIONS
PCS	4/25/23	ADDED TREES BY OTHERS

BY:	DATE:	COMMENT:

**7 BREW DRIVE-THRU  
FT. PIERCE, FLORIDA**

**BOUNDARY &  
TOPOGRAPHIC  
SURVEY**

PROJECT No.: 22-2279  
DRAWN BY: SMD/PCS  
CHECKED BY: VEH  
LAST FIELD DATE: 10/13/22  
SCALE: 1"=30'

SHEET NUMBER:  
**1 OF 1**

**LEGEND OF SURVEY ABBREVIATIONS**

A	DELTA ANGLE	L	LENGTH
A/C	AIR CONDITIONER	LC	LIGHT POLE
AVE.	AVENUE	M	MEASURED
AVG.	AVERAGE	M.H.	MANHOLE
B.B.	BEARING BASE	M.H.W.L.	MEAN HIGH WATER LINE
B.M.	BENCH MARK	MON	MONUMENT
BLK.	BLOCK	N&D	NAIL & DISK
BLVD.	BOULEVARD	N	NORTH
B.S.L.	BUILDING SETBACK LINE	No.	NUMBER
C	CURVE	NIC	NOT INCLUDED
C.B.	CHORD BEARING	O.H.W.	OVERHEAD WIRES
C.B.S.	CONCRETE BLOCK	PG.	PAGE
C.D.	CHORD DISTANCE	P.K.	PARKER KALON NAIL
C.L.F.	CENTERLINE	PL	PLAT
C.M.	CHAIN LINK FENCE	P.C.	POINT OF CURVATURE
CONC.	CONCRETE MONUMENT	P.I.	POINT OF INTERSECTION
C.O.	CLEAN OUT	P.L.	PROPERTY LINE
C.P.R.	COUNTY ROAD	P.M.	POWER METER
CT.	COURT	P.O.B.	POINT OF BEGINNING
C/S	CONCRETE SLAB	P.O.C.	POINT OF COMMENCEMENT
COR.	CORNER	PRC	POINT OF REVERSE CURVE
D	DEED	PP	POWER POLE
D.B.	DEED BOOK	RAD.	RADIAL OR RADIUS
DEP	DEPARTMENT OF ENVIRONMENTAL PROTECTION	R/W	RIGHT OF WAY
DIST.	DISTANCE	SEC.	SECTION
DNR	DEPARTMENT OF NATURAL RESOURCES	SQ.FT.	SQUARE FEET
DR.	DRIVE	S.R.	STATE ROAD
E	EAST	ST.	STREET
ESMT.	EASEMENT	STA.	STATION
ELEC.	ELECTRICAL	STRUC.	STRUCTURE
EL.	ELEVATION	SUB.	SUBDIVISION
E.O.W.	EDGE OF WATER	T.B.M.	TEMPORARY BENCH MARK
F.F.	FIRST FLOOR	TELE.	TELEPHONE
FND.	FOUND	T.O.B.	TOP OF BANK
F.P.L.	FLORIDA POWER & LIGHT	TR.	TRACT
I.P.	IRON PIPE	TR.	TOWNSHIP
I.R.	IRON ROD	U & D	UTILITY & DRAINAGE
INV.	INVERT	W.	WEST
F.N	FOUND NAIL	WM	WATER METER
GOVT	GOVERNMENT	WW	WATER VALVE
GR.	GRADE		
GND.	GROUND		
HORZ.	HORIZONTAL		
H.W.	HEAD WALL		

**SURVEY NOTES:**

- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD BY THIS FIRM.
- THIS SURVEY IS CERTIFIED ONLY TO THE BELOW NAMED INDIVIDUALS.
- LEGAL DESCRIPTION SUPPLIED BY CLIENT.
- SO. FT. OF HOUSE (IF SHOWN) SUPPLIED BY CLIENT.
- NO STRUCTURES OR UTILITIES THAT ARE BENEATH THE SURFACE HAVE BEEN LOCATED.
- ALL SET CAPS LABELED PSM L.B. 8351 ARE SUPPORTED WITH AN 18" LONG #5 REBAR.
- ALL FOUND CAPS ARE A 5/8" ROD WITH A CAP AS LABELED ON SURVEY.
- ALL LOT DIMENSIONS ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
- ORIGINAL IRC BM: GREG EL=16.33' NAVD 88.
- ELEVATIONS (IF SHOWN) HEREON ARE BASED ON N.A.V.D. (1988), UNLESS OTHERWISE NOTED.
- TREE LOCATIONS SHOWN HEREON HAVE BEEN PROVIDED BY DREW GATEWOOD, MS, PWS, OF ARE, INC. AND HAVE NOT BEEN FIELD VERIFIED BY THIS FIRM.

**CERTIFIED TO:**

FIRST AMERICAN TITLE INSURANCE COMPANY;  
BREW HORIZONS LLC AND SHUTTS & BOWEN LLP

- L-1  
53°16'40"W 29.20'
- L-2  
N54°45'52"W 40.61'
- L-3  
N00°27'51"W 135.04'

FLOOD ZONE: X  
EFFECTIVE DATE: 2/16/2012  
PANEL NO.: 12111C0167 J

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY & TOPOGRAPHICAL SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON 10/13/22. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARD OF PRACTICE AS SET FORTH IN CHAPTER 51-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

WILLIAM E. HAYHURST  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 4416

DATE



**LEGAL DESCRIPTION**  
PER TITLE COMMITMENT

PARCEL 1  
LOTS 1 AND 2, BLOCK 2 OF SEMINOLE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN ORDER OF TAKING RECORDED APRIL 24, 1992 IN OFFICIAL RECORDS BOOK 787, PAGE 88.

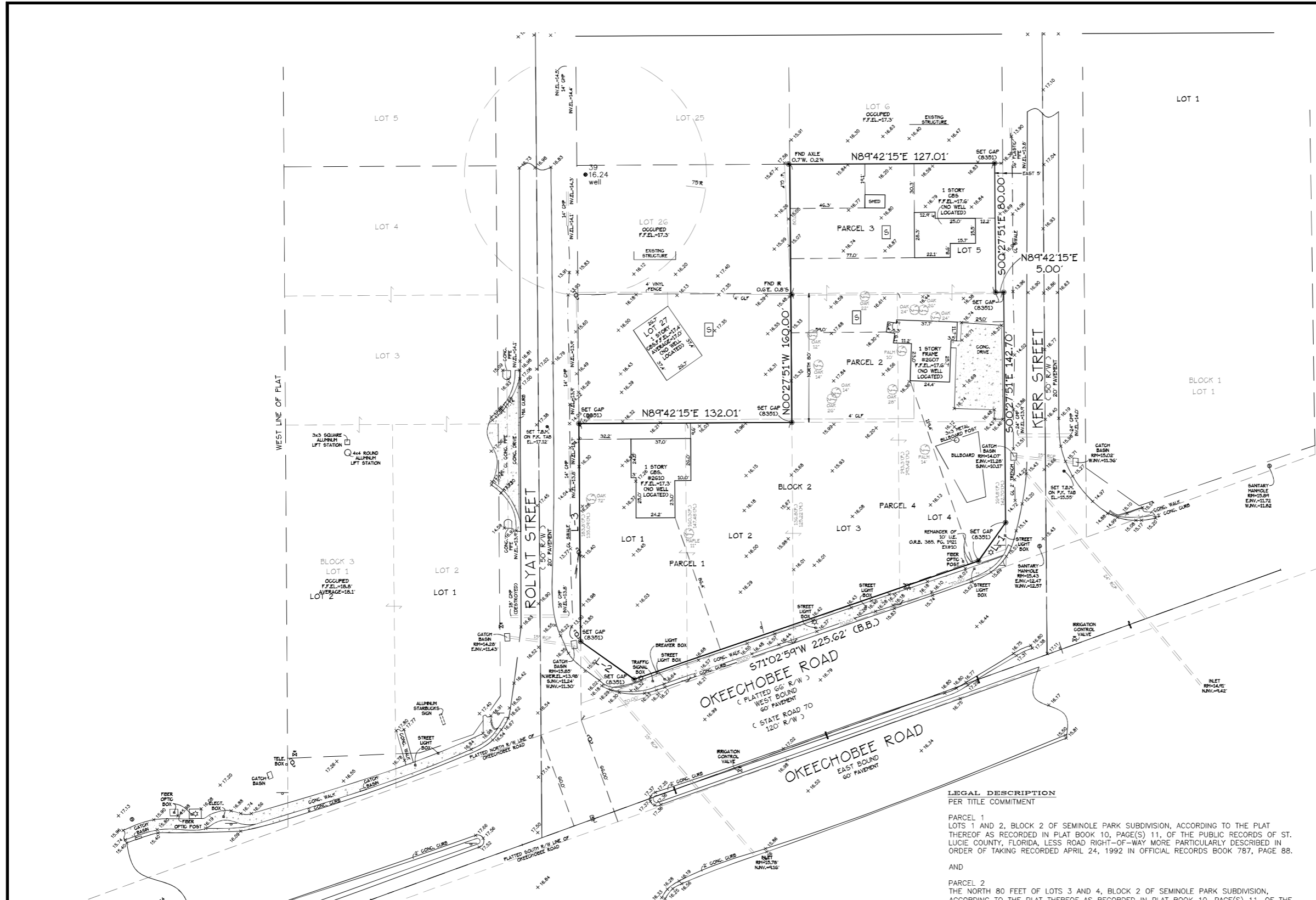
AND  
PARCEL 2  
THE NORTH 80 FEET OF LOTS 3 AND 4, BLOCK 2 OF SEMINOLE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

AND  
PARCEL 3  
LOT 5, LESS THE EAST 5 FEET THEREOF BLOCK 2 OF SEMINOLE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

AND  
PARCEL 4  
LOTS 3 AND 4, BLOCK 2 OF SEMINOLE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LESS THE NORTH 80 FEET THEREOF AND LESS ROAD RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN ORDER OF TAKING RECORDED APRIL 24, 1992 IN OFFICIAL RECORDS BOOK 787, PAGE 88.

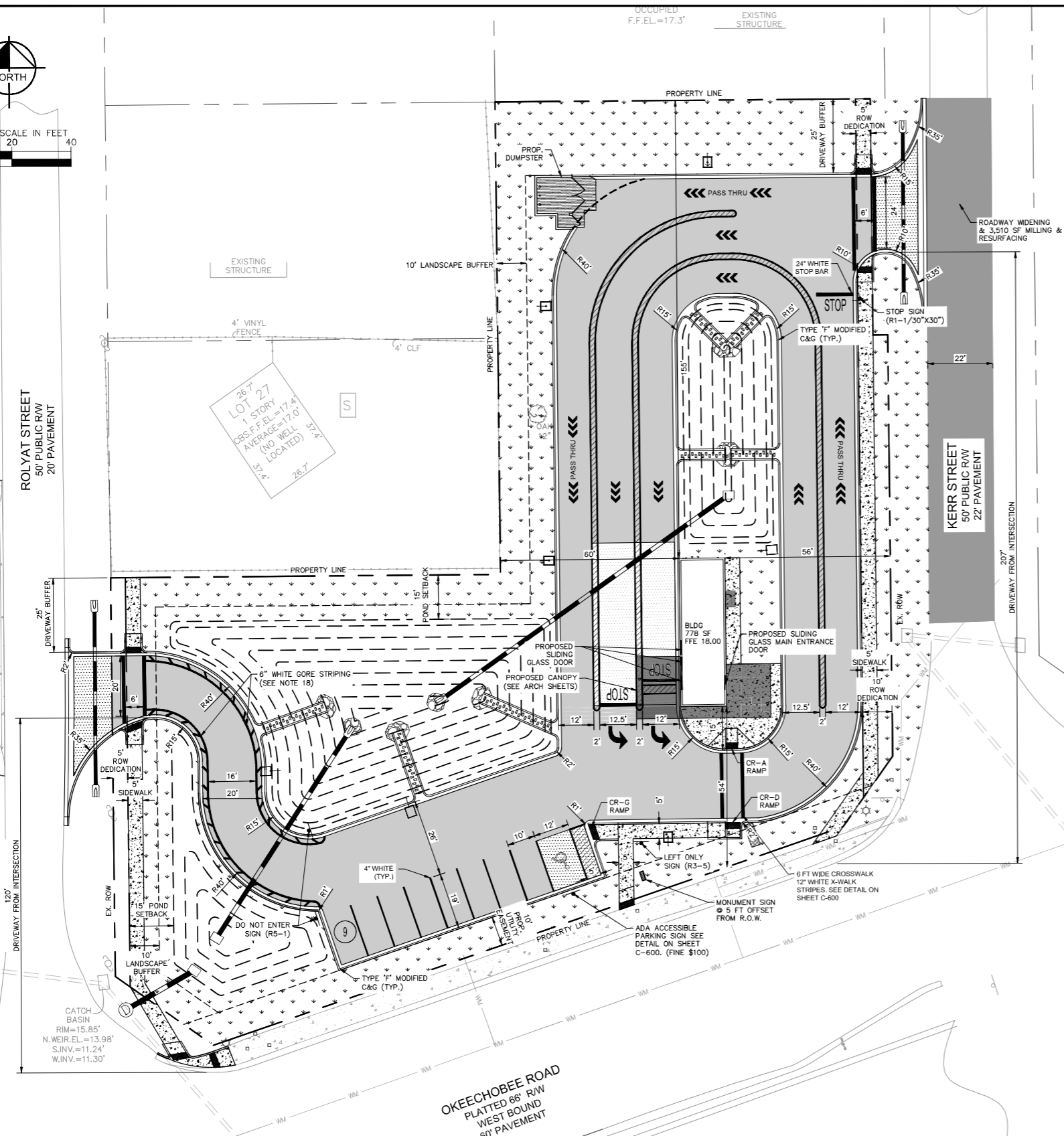
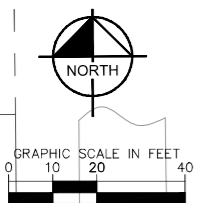
FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT FILE NO: 2037-8128455.  
DATED 7/26/2022 @ 8:00 A.M.

- SCHEDULE B-II EXCEPTIONS:
- PROVISIONS OF THE PLAT OF SEMINOLE PARK SUBDIVISION, RECORDED JULY 15, 1954 IN PLAT BOOK 10, PAGE 11 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. **AFFECTS, NOT PLOTTABLE**
  - EASEMENT IN FAVOR OF FORT PIERCE UTILITIES AUTHORITY OF THE CITY OF FORT PIERCE, FLORIDA RECORDED OCTOBER 12, 1982 IN BOOK 385, PAGE 1921, TOGETHER WITH SUBORDINATION OF UTILITY INTERESTS RECORDED MARCH 9, 1992 IN BOOK 779, PAGE 327. (AS TO PARCELS 1, 2 AND 4) **REMAINDER OF EASEMENT AFFECTS LOT 4, SHOWN ON SURVEY.**
  - RESOLUTION NO. 82-138, VACATING EASEMENT OF PLAT RECORDED NOVEMBER 9, 1982 IN BOOK 387, PAGE 1308. (AS TO PARCELS 1, 2 AND 4) **NO EASEMENTS ON PLAT, NOT PLOTTABLE.**
  - RESOLUTION NO. 90-167, ZONING CHANGE RECORDED JULY 6, 1990 IN BOOK 698, PAGE 2048. (AS TO PARCEL 3) **NO SURVEY COMMENT.**
  - ORDINANCE NO. 1-414 ANNEXING PROPERTY INTO CITY LIMITS RECORDED DECEMBER 20, 1990 IN BOOK 719, PAGE 2889, AND RERECORDED MARCH 4, 1991 IN BOOK 728, PAGE 2156. (PARCELS 1) **NO SURVEY COMMENT.**
  - ORDINANCE NO. 1-450 ANNEXING PROPERTY INTO CITY LIMITS RECORDED JANUARY 29, 1991 IN BOOK 724, PAGE 2146 AND RERECORDED MARCH 4, 1991 IN BOOK 728, PAGE 2225. (PARCELS 2 AND 4) **NO SURVEY COMMENT.**
  - ORDINANCE NO. J-65 ANNEXING PROPERTY INTO CITY LIMITS RECORDED DECEMBER 21, 1993 IN BOOK 875, PAGE 1651 AND RERECORDED JANUARY 7, 1994 IN BOOK 878, PAGE 2819. (PARCEL 1) **NO SURVEY COMMENT.**
  - ORDINANCE NO. 19-008 ANNEXING PROPERTY RECORDED MARCH 20, 2019 IN BOOK 4245, PAGE 942. (AS TO PARCEL 2) **NO SURVEY COMMENT.**
  - TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S). **NO SURVEY COMMENT.**



D:\LOCAL\WMA-048\048-0023\2279 7 BREW DRIVE-THRU COSTEE OKEECHOBEE & ROLYAT\22-2279 CAD-11-23-23\10/13/22-24X05

Plotted By: Buroop, Vn Sheet: 7 BREW FT PIERCE Layout: C-300 SITE PLAN June 29, 2023 04:15:35pm K:\VRB\_LDEV\7 Brew\147875010 - 7 Brew - Okeechobee & Rolyat (Ft Pierce)\CAD\PlanSheets\C-300 SITE PLAN.dwg  
 This document, together with the concepts and designs presented herein, is an instrument of service, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of any part of this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**GENERAL STATEMENT**

CONSTRUCTION OF A NEW 778 SF 7 BREW DRIVE-THRU MODULAR BUILDING, THE PROPOSED BUILDING WILL NOT HAVE ANY INDOOR OR OUTDOOR SEATING, AND THE BUILDING TYPE IS TYPE V, SITE IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, PARKING INFRASTRUCTURE, DOUBLE DRIVE-THRU LANES, BYPASS LANE, DUMPSTER ENCLOSURE, UTILITY AND DRAINAGE INFRASTRUCTURE, LANDSCAPING, AND PHOTOMETRICS.

WATER WILL CONNECT TO A MAIN ON THE WEST SIDE OF THE SITE AND SEWER WILL CONNECT TO A GRAVITY SEWER ON THE SOUTHEAST SIDE OF THE SITE.

STORMWATER COLLECTION SYSTEM WILL UTILIZE THREE DRY PONDS IN ORDER TO MEET/EXCEED REQUIRED ATTENUATION/TREATMENT WITH A CONNECTION TO THE WESTERLY COUNTY CANAL ALONG ROLYAT STREET WHICH IS CONSISTENT WITH THE SITE'S CURRENT DISCHARGE POINT.

**LEGAL DESCRIPTION**

A PORTION OF LOTS 1, 2, 3, 4 AND 5, BLOCK 2 OF SEMNOLE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE, ALONG THE NORTH LINE OF SAID LOT 5, NORTH 89°42'15" EAST, FOR 122.01 FEET; THENCE SOUTH 00°27'51" EAST TO THE NORTH RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD (STATE ROAD 70), FOR 236.63 FEET; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 35°16'40" WEST, FOR 12.06 FEET; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 71°02'59" WEST, FOR 225.62 FEET; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 54°45'52" WEST, FOR 34.45 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°27'51" WEST, TO THE NORTH LINE OF AFOREMENTIONED LOT 1, FOR 138.59 FEET; THENCE ALONG THE NORTH LINE OF LOTS 1 AND 2, NORTH 89°42'15" EAST, TO THE NORTHEAST CORNER OF SAID LOT 2, FOR 127.01 FEET; THENCE ALONG THE WEST LINE OF LOT 3 AND LOT 5, NORTH 00°27'51" WEST, FOR 160.00 FEET TO THE PLACE AND POINT OF BEGINNING.

**SITE DATA**

ADDRESS:	2610 ROLYAT ST, FORT PIERCE, FL 34947
FEMA (FIRM):	12009C0320H EFF. 1/29/2021
FLOOD ZONE:	ZONE X
PARCEL ID:	2419-901-0012-000-4
TAX ID:	27486
ZONING:	C-3
FUTURE LAND USE:	COMMERCIAL
PARCEL AREA:	±1.16 AC
PROJECT AREA:	±1.16 AC
EXISTING BUILDINGS GFA:	3,489 SF
PROPOSED BUILDINGS GFA:	778 SF BUILDING
FLOOR TO AREA RATIO:	778 SF / 50,474 SF = 0.02
EX. STRUCTURES TO REMAIN QTY:	0
PROPOSED STRUCTURES QTY:	1
PROPOSED STORIES QTY:	1
MAXIMUM BUILDING HEIGHT:	65'
PROPOSED BUILDING HEIGHT:	19'-4"
PROPOSED CANOPY HEIGHT:	10'
PROPOSED DUMPSTER HEIGHT:	7'
LOT COVERAGE:	1.54%

**EXISTING CONDITIONS:**

PROJECT AREA	50,474 SF	100.00%
BUILDINGS	3,667 SF	7.27%
PAVEMENT (ASPHALT/CONCRETE)	1,550 SF	3.07%
TOTAL IMPERVIOUS AREA	5,217 SF	10.34%
TOTAL PERVIOUS AREA	45,257 SF	89.66%

**PROPOSED CONDITIONS:**

PROJECT AREA	50,474 SF	100.00%
BUILDINGS	778 SF	1.54%
PAVEMENT (ASPHALT/CONCRETE)	25,938 SF	51.39%
TOTAL IMPERVIOUS AREA	26,716 SF	52.93%
TOTAL PERVIOUS AREA	25,116 SF	47.07%

**PARKING SUMMARY**

PARKING SPACE(S) REQUIRED = ADA SPACE(S) REQUIRED =	1 SPACE PER 75SF = 8 SPACES
TOTAL PARKING SPACE(S) REQUIRED =	8 SPACES
PARKING SPACE(S) PROVIDED =	9 SPACES
ADA SPACE(S) PROVIDED =	1 SPACE

**SETBACKS**

SIDE	REQUIRED SETBACK	PROVIDED SETBACK
NORTH (REAR)	15 FT	155 FT
SOUTH (FRONT)	25 FT	54 FT
EAST (SIDE/INTERIOR)	15 FT	56 FT
WEST (SIDE/INTERIOR)	15 FT	60 FT

**FLOOD ZONE**

THE SUBJECT PROPERTY LIES IN FLOOD ZONE "X", ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 12111C0167J, ST. LUCIE COUNTY, FLORIDA, DATED FEBRUARY 16, 2012, AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

**LEGEND AND ABBREVIATIONS**

PROP. RPM	PROPOSED REFLECTIVE PAVEMENT MARKER
LP	LIGHT POLE
TYP.	TYPICAL
SQ. FT.	SQUARE FEET
ROW	RIGHT OF WAY
PGD	PAVING, GRADING AND DRAINAGE
CONC.	CONCRETE
C&G	CURB & GUTTER
[Symbol]	LANDSCAPE AREAS (SEE LANDSCAPE PLANS, OTHERWISE SOD)
[Symbol]	EXISTING PROPERTY/ROW LINE
[Symbol]	PROPOSED BUFFERS
[Symbol]	PROPOSED LIGHT POLE (SEE C-700 FOR DETAIL)
[Symbol]	PROPOSED BOLLARDS - CONCRETE BOLLARDS, SEE C-600 FOR SITE BOLLARD DETAIL.
[Symbol]	ONSITE ASPHALT PAVEMENT AREA (SEE CONSTRUCTION DETAIL ON C-600)
[Symbol]	OFFSITE ASPHALT PAVEMENT AREA (SEE CONSTRUCTION DETAIL ON C-600)
[Symbol]	ONSITE CONCRETE PAVEMENT AREA (SEE CONSTRUCTION DETAIL ON C-600)
[Symbol]	CONCRETE SIDEWALKS (SEE CONSTRUCTION DETAIL ON C-600)
[Symbol]	EXISTING CONCRETE SIDEWALKS

**NOTES:**

- LIGHT POLES ARE DEPICTED FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO PHOTOMETRIC PLAN FOR EXACT LOCATIONS AND CONSTRUCTION.
- ALL CURB RAMPS (CR-A, B, ETC.) SHOWN ON THESE PLANS SHALL BE PER FDOT STANDARD PLANS INDEX #522-002.
- THE SURFACE WHICH IS TO BE PAINTED SHALL BE CLEANED, BY COMPRESSED AIR OR OTHER EFFECTIVE MEANS, IMMEDIATELY BEFORE THE START OF PAINTING, AND SHALL BE CLEAN AND DRY WHEN THE PAINT IS APPLIED. ANY VEGETATION OR SOIL SHALL BE REMOVED FROM THE PAVEMENT BEFORE STRIPING IS BEGUN. WAIT 30 DAYS FOR CONCRETE/ASPHALT TO CURE BEFORE FINAL STRIPING.
- COMPACT FILL AREAS, INCLUDING CUT AREAS UNDER THE SIDEWALK THAT HAVE BEEN EXCAVATED MORE THAN 6 INCHES BELOW THE BOTTOM OF SIDEWALK, TO A MINIMUM OF 95% OF AASHTO T99 DENSITY. THE AREA TO BE COMPACTED IS DEFINED AS THAT AREA DIRECTLY UNDER THE SIDEWALK AND 1 FOOT BEYOND EACH SIDE OF THE SIDEWALK WHEN RIGHT-OF-WAY ALLOWS.

- ALL WORK PERFORMED WITHIN THE FDOT RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE 2022/23 EDITION OF FDOT DESIGN STANDARDS, 2022 FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE 2017 UTILITY ACCOMMODATION MANUAL.
- ALL UNPAVED AREAS DISTURBED BY CONSTRUCTION WITHIN THE FDOT RIGHT-OF-WAY SHALL BE SODDED WITH COMMON BERMUDA OR BAHIA SOD.
- ALL CONCRETE TICKETS AND DENSITY REPORTS ARE TO BE SUBMITTED TO THE FDOT PERMITS DEPARTMENT FOR REVIEW AND ACCEPTANCE PRIOR TO USE OF THE DRIVEWAY OR SIDEWALK.
- ALL STRIPING WITHIN THE FDOT RIGHT-OF-WAY SHALL BE THERMOPLASTIC PER FDOT 2022/23 DESIGN STANDARDS AND SECTION 711 OF THE FDOT 2022 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- A MINIMUM OF 4 FEET FROM THE STOP BAR TO THE PEDESTRIAN CROSSING, PER MUTCD SECTION 3B.16, IS REQUIRED AT ALL DRIVEWAYS WITH CROSS WALKS AND STOP BARS.
- ALL RAISED PAVEMENT MARKERS (RPM'S) WITHIN THE FDOT RIGHT-OF-WAY AND ON PROPOSED DRIVEWAY CONNECTION SHALL BE INSTALLED IN ACCORDANCE WITH THE 2022 FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION SECTION 706.
- RAISED PAVEMENT MARKERS (RPM'S) ARE TO BE INSTALLED ALONG BOTH SIDES OF THE 6" YELLOW DOUBLE LINES WITHIN THE FDOT RIGHT-OF-WAY AND PROPOSED DRIVEWAY CONNECTION AT 20 FEET ON CENTERS AND SHALL BE OFFSET 1" FROM SOLID LONGITUDINAL LINES.

- ALL EXISTING ASPHALT DRIVEWAYS IN THE FDOT RIGHT-OF-WAY ARE TO HAVE ALL LIMEROCK MATERIALS REMOVED AND SUITABLE SOIL MATERIAL REPLACED AND SODDED.
- ADJACENT PROPERTY OWNERS SHALL BE NOTIFIED PRIOR TO DRIVEWAY CONNECTIONS BEING CONSTRUCTED.
- SITE DESIGNED IN NAVD88, CONVERSION FACTOR TO NGVD29 IS +1,489.
- BUILDING PERMIT IS REQUIRED FOR ALL STRUCTURAL COMPONENTS INCLUDING BUT NOT LIMITED TO RETAINING WALLS, MASONRY WALLS, FENCING, ETC.
- ALL CONSTRUCTION WILL COMPLY WITH SECTIONS 119, 123, AND 125 OF THE CITY OF FORT PIERCE CODE OF ORDINANCES.
- ALL DETECTABLE WARNINGS LOCATED WITHIN THE PUBLIC RIGHTS-OF-WAY SHALL BE CAST IN PLACE AND BE RED BRICK IN COLOR.
- 6" WHITE TRANSVERSE SHOULDER STRIPING TO HAVE 6" OFFSET AT A 45 DEG.

**Sunshine811**  
 Call 811 or www.sunshine811.com two full business days before digging to have utilities located and marked.  
*Check positive response codes before you dig!*

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTORS BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY CHRISTIAN OSSA, P.E., ON THE DATE ADJACENT TO THE SEAL.  
 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.  
 7341 OFFICE PARK PLACE, SUITE 102, MELBOURNE, FL 32940  
 PHONE: 321-430-1138  
 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

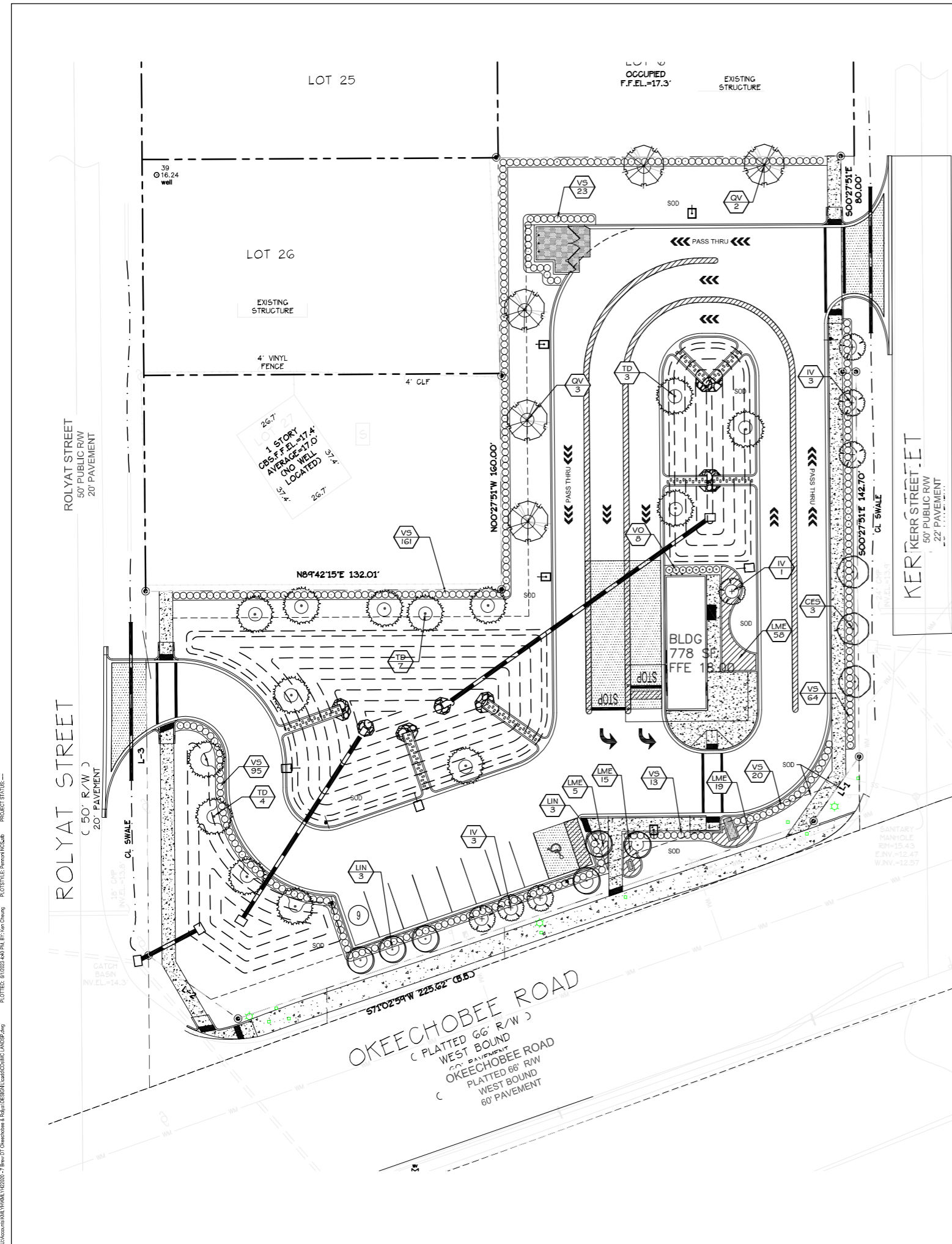
**SITE PLAN**

**7 BREW FT PIERCE**  
 PREPARED FOR  
**7 BREW**

CITY OF FORT PIERCE, FL

NO.	REVISIONS	DATE	BY

SHEET NUMBER  
**C-300**



**LANDSCAPE MATERIALS**

TREES	KEY	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	CES	3	Conocarpus erectus var. sericeus	Silver Buttonwood	B/B, Min. 12' oah, 4'-5' spr., 2.5" dbh., std.
	IV	7	Ilex vomitoria	Yaupon Holly	B/B, Min. 12' oah, 4'-5' spr., 2.5" dbh., std.
	LIN	6	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	B/B, Min. 12' oah, 4'-5' spr., 2.5" dbh., std.
	QV	5	Quercus virginiana	Live Oak	B/B, Min. 12' oah, 4'-5' spr., 2.5" dbh., std.
	TD	14	Taxodium distichum	Bald Cypress	B/B, Min. 12' ht, x 4'-5' sprd., 2.5" dbh.
SHRUBS	KEY	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	VO	8	Viburnum obovatum	Walter's Viburnum	Min 3 gal., 24" ht. @ 30" o.c.
	VS	376	Viburnum suspensum	Sandankwa Viburnum	Min. 7 gal., 36" ht. @ 30" o.c.
GROUND COVERS	KEY	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	LME	96	Liriope muscari 'Evergreen Giant'	Giant Liriope	Min. 1 gal., @ 24" o.c.
SOD/SEED	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	
	SOD	Paspalum notatum	Bahia sod	Sq. Ft.	
MULCH	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	
	MULCH	Pine Bark	Pine Bark Mini Nuggets	Cu. Yd.	

**GENERAL LANDSCAPE NOTES:**

- All landscape material shall be fl. no. 1 grade or better, as specified in grades and standards for nursery plants, parts I and II, by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurseryman Standards for Nursery Stock. Landscape material shall be planted according to sound nursery practices.
- All shrubs shall be a minimum of 24" high at the time of planting and spaced no greater than 36" on center. Shrubs shall not adversely impact existing tree root systems and shall be field adjusted if necessary.
- All required trees shall be a minimum of 12' overall height, 5' clear trunk with a min. 2.5" dbh at time of planting. Adjust tree locations as necessary to avoid utilities, obstructions, etc. see materials list for exact specifications.
- All required trees shall be located a minimum of 5 feet from impervious surfaces, all shrubs 2 feet.
- An automatic underground irrigation system shall be installed to maintain the landscape area in a healthy manner and provide 100% coverage.
- The contractor shall sod all disturbed areas. All planting shall be mulched to a 3" minimum depth.
- The contractor shall be responsible for the clean up of premises and removal of all discarded and surplus materials, and rubbish.
- Verify the locations of existing trees, lawns, and shrubs. Remove extraneous materials such as rocks, branches, building materials or unacceptable soils prior to planting sod, trees, and shrubs, where encountered.
- Contractor shall become acquainted with the related paving, site grading, and all utilities (including water, sewer, and electrical supply) to preclude any misunderstandings and ensure a trouble free installation.
- The exact location of all existing structures, underground utilities, and pipes may not be as indicated on drawings; the contractor shall determine the location of these items and shall conduct his work in a manner to prevent interruption or damage to existing systems which must remain operational. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.
- Contractor shall call Sunshine State One-Call at least 48 hours prior to digging. (1-800-432-4770).
- Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.
- All landscape material shall be maintained in perpetuity to provided all required FDOT and local site clearance distances for vehicles.

Note: The above material specifications are the minimum LDC requirements. Based on current market availability the contractor shall price and install larger container sizes as needed to meet this criteria at installation.

Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.

**LANDSCAPE REQUIREMENTS**

Per City of Fort Pierce Code of Ordinances (Ch. 123 Article II, Sec. 123.37.)

**LANDSCAPE AREA REQUIREMENT**  
Each separate landscaped area shall have at least one tree, one or more shrubs

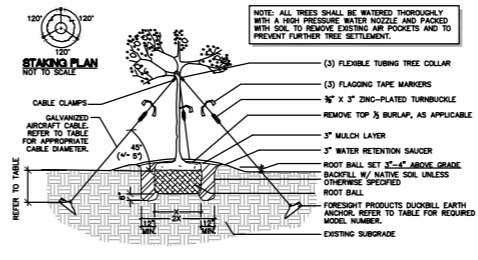
**LANDSCAPE STRIPS REQUIREMENT**  
Between street rights-of-way and vua.  
6' wide landscape buffer for lots over 10,000 sq ft  
10' wide landscape buffer for lots over 10,000 sq ft  
(1) tree for each 300 sq ft of required landscape area  
a 36" ht. continuous hedge to screen the vua

**INTERIOR VUA LANDSCAPE REQUIREMENTS**  
Lots with vua that are 4,000 sq ft or more shall have at least (1) sq ft of interior landscaping for each 15 sq ft vua  
(1) tree for each 100 sq ft of req'd landscape area  
24,285 / 15 = 1,619 sq ft req'd landscape area  
1,619 sq ft / 100 sq ft = (16) trees req'd

**ADDITIONAL NOTES:**  
All areas of new planting shall be mulched with grade 'a' pine bark mulch or approved equivalent as mandated by City of Fort Pierce  
Where vua abuts other property  
10' wide landscape buffer  
When the area to be screened abuts residentially zoned property, it shall be planted and maintained so as to form a 3' ht continuous unbroken screen.

Rolyat St., Okeechobee Rd. and Kerr St.  
576 ft x 10' = 5,760 sq ft / 300 sq ft = (19) trees required; (19) trees provided

Contractor shall install new irrigation system to provide 100% coverage to all landscape areas.

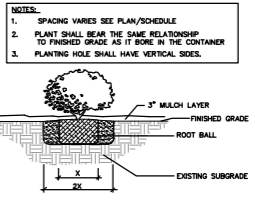


**1 TYPICAL TREE PLANTING AT GRADE**  
NOT TO SCALE

**DUCKBILL EARTH ANCHOR TABLE**

TREE CALIPER	MODEL NUMBER	RATED CAPACITY	MINIMUM DEPTH OF INSTALLATION
UP TO 5"	40-DTB	800 LBR. EA.	20"
UP TO 6"	60-DTB	1,100 LBR. EA.	30"
UP TO 10"	80-DTB	3,000 LBR. EA.	42"
NOT RATED	100-DTB	5,000 LBR. EA.	60"

NOTE: RATED FOR WINDS UP TO 60 MPH



**2 SHRUB/GROUND COVER PLANTING**  
NOT TO SCALE



JASON E. FINARD, R.L.A.  
FL REG NO 0001608  
LANDSCAPE ARCHITECT

THIS ITEM HAS BEEN DETAILLY SIGNED AND SEALED BY JASON E. FINARD, R.L.A. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Kimley-Horn  
7341 Office Park Place,  
Suite 102,  
Melbourne, FL 32940

7-Brew DT  
Okeechobee & Rolyat  
Fort Pierce, FL

**LANDSCAPE PLAN**

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUFFICIENT FOR REUSE BY OTHERS OR OTHERS ON THE EXTENSIVENESS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: KMLYH22020  
DATE: 2022-12-12  
DRAWING SCALE: 1"=20'  
DRAWN BY: KC  
APPROVED BY: JER



## Planning Board of Adjustment

Meeting Date: 07/27/2023

---

### Information

#### REQUESTED ACTION

Variance - R and B Properties - 2135 Old Dixie Highway

#### SUMMARY

The applicant is requesting two variances to deviate from City Code 125-204(b)(2) to allow for a reduction to the setback to 8.3 feet along the front property line and from City Code 123-37(6)(a) to allow a reduction to 8.3 feet for the landscaping requirement due to a taking by Florida Department of Transportation.

#### LOCATION

2135 Old Dixie Highway - Parcel ID: 1433-440-0001-010-5

#### RESPONSIBLE STAFF

Ryan Altizer, Senior Planner

#### RECOMMENDATION

Staff recommends the requested variances be granted.

---

### Attachments

Staff Report & Supporting Documents

Application Packet & Supporting Documents

Staff Presentation

---

### Form Review

Form Started By: Ryan Altizer  
Final Approval Date: 07/20/2023

Started On: 07/20/2023 02:41 PM



CITY OF FORT PIERCE  
Board of Adjustment  
July 27<sup>th</sup>, 2023

R & B Properties – 2 Variances

## **APPLICANT**

C. Douglas Vitunac, Attorney

## **PROPERTY OWNER(S)**

R & B Properties, LLC

## **PARCEL ID #:**

1433-440-0001-010-5

2135 Old Dixie Highway – Variance



## SUMMARY

The applicant is requesting to deviate from City Code 125-204(b)(2) to allow for a reduction to the setback requirement to 8.3 feet along the front property line and City Code 123-37(6)(a) to allow for a reduction to 8.3 feet for the landscaping requirement due to a taking by FDOT.



## EXISTING CONDITIONS

The 1.7-acre subject site is located on North Old Dixie Highway; just north of the North Causeway and Old Dixie Highway intersection. The property is operated by Offshore Performance Marine, which is a marine equipment service provider. Last year, the Florida Department of Transportation took a part of the property in fee simple, through eminent domain, as a part of a bridge construction project. Prior to this taking, the property met the front set back requirement with a setback of 43.1 feet. However, this taking resulted in a reduction of the front set back by 31 feet at the south property line and 38 feet at the north property line. This reduction left the setback currently at 8.4 feet and reduce the landscape buffer from 16 feet to 8.4 feet.

Without the variance, the owner would suffer undue hardship as to meet the City's ordinances. A reduction of a portion of existing building, parking areas and other site improvements would need to occur.



# SITE LOCATION



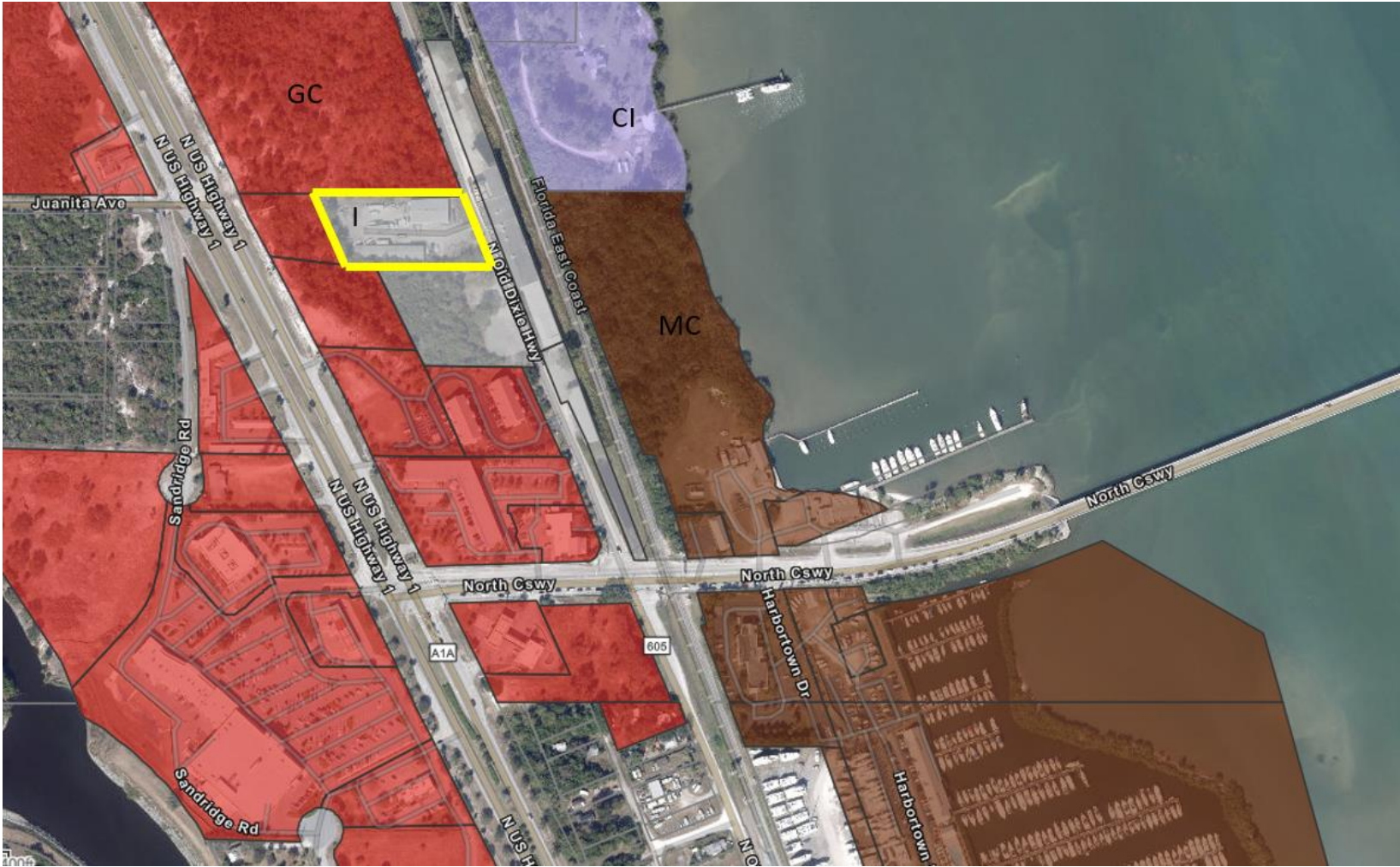
SITE AREA= 1.70 +/- Acres

2135 Old Dixie Highway – Variance



# Future Land Use

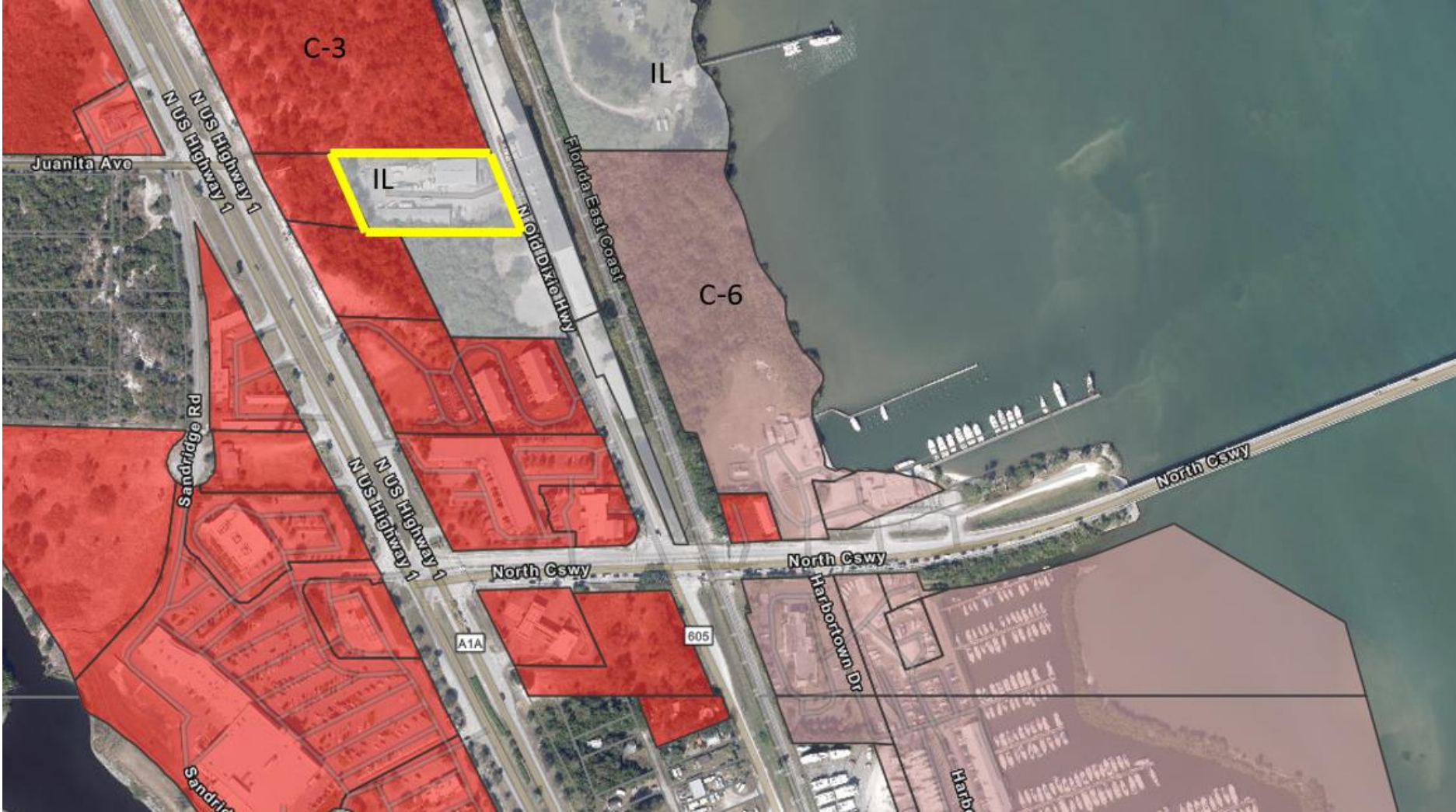
Current Future Land Use: I  
(Industrial)



2135 Old Dixie Highway – Variance



# ZONING

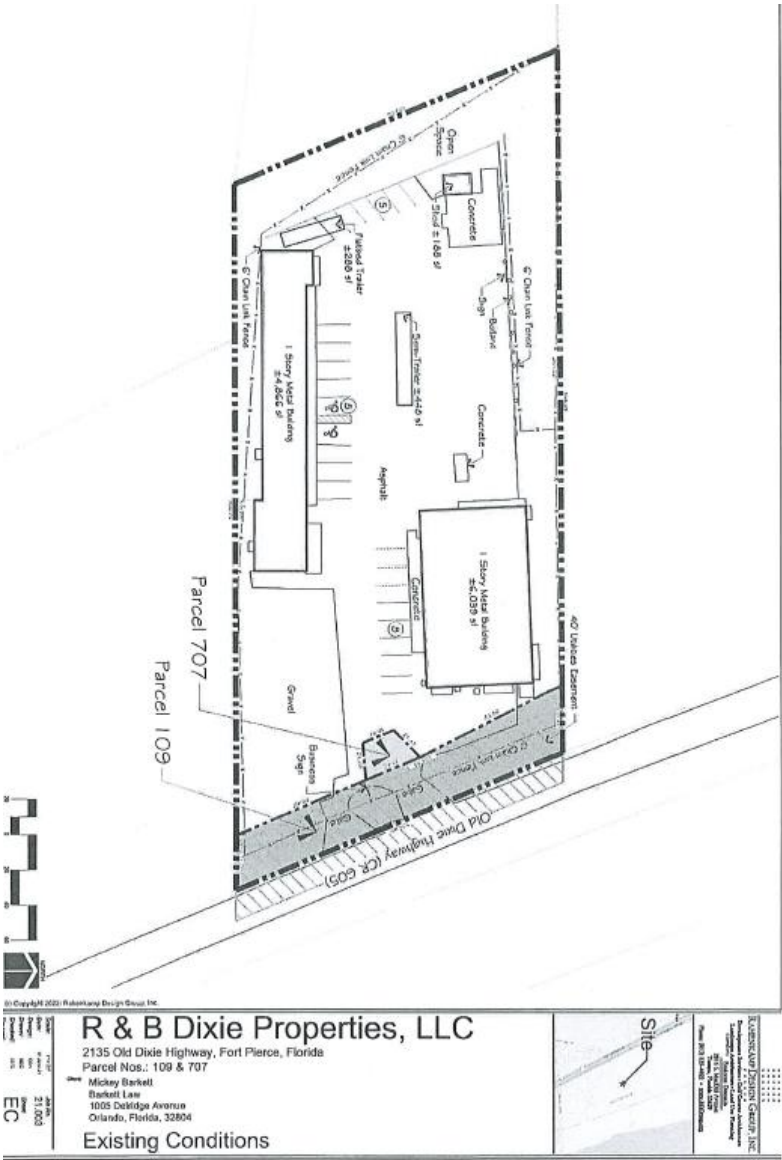
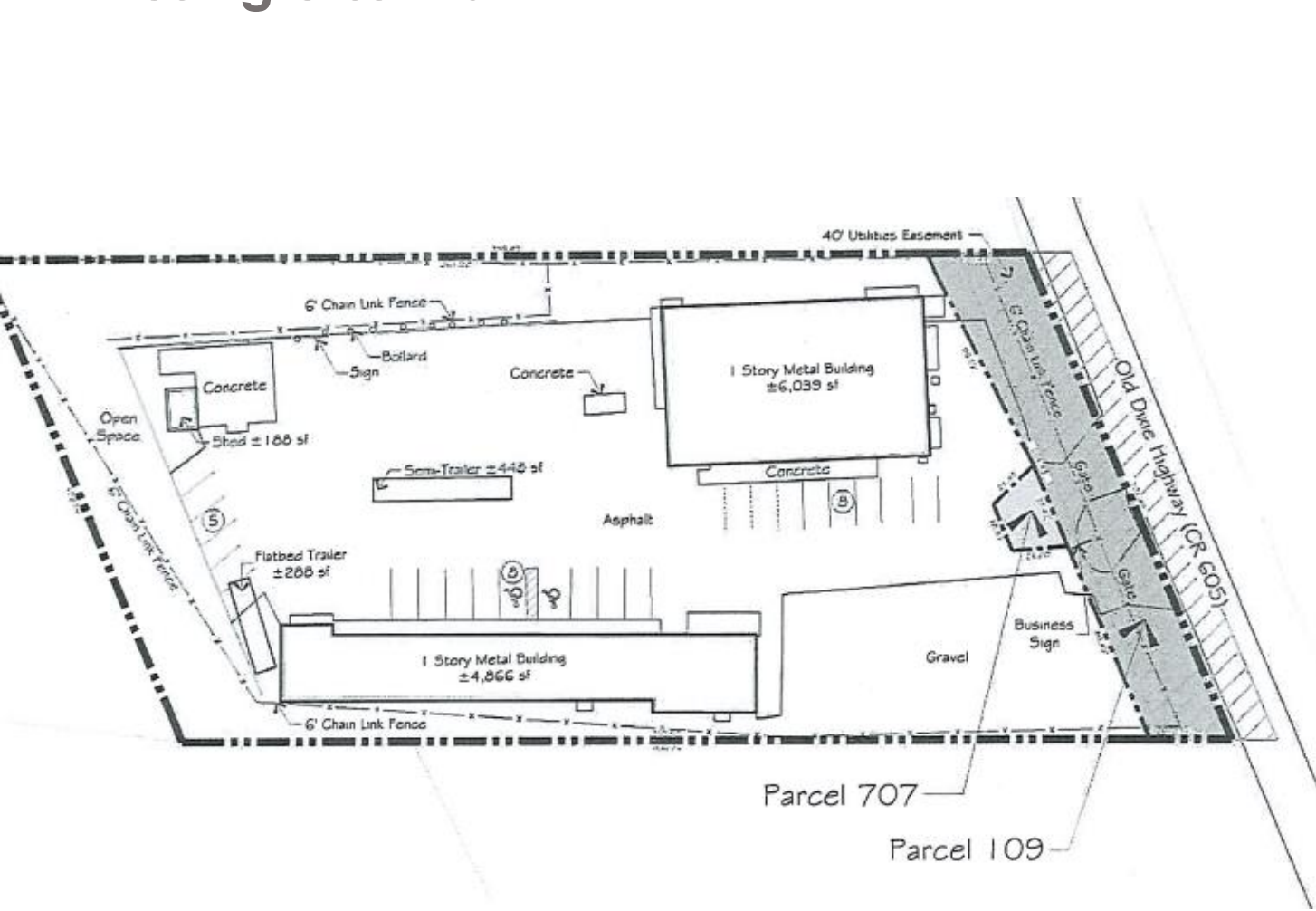


Current Zoning: IL (Light Industrial)

2135 Old Dixie Highway – Variance



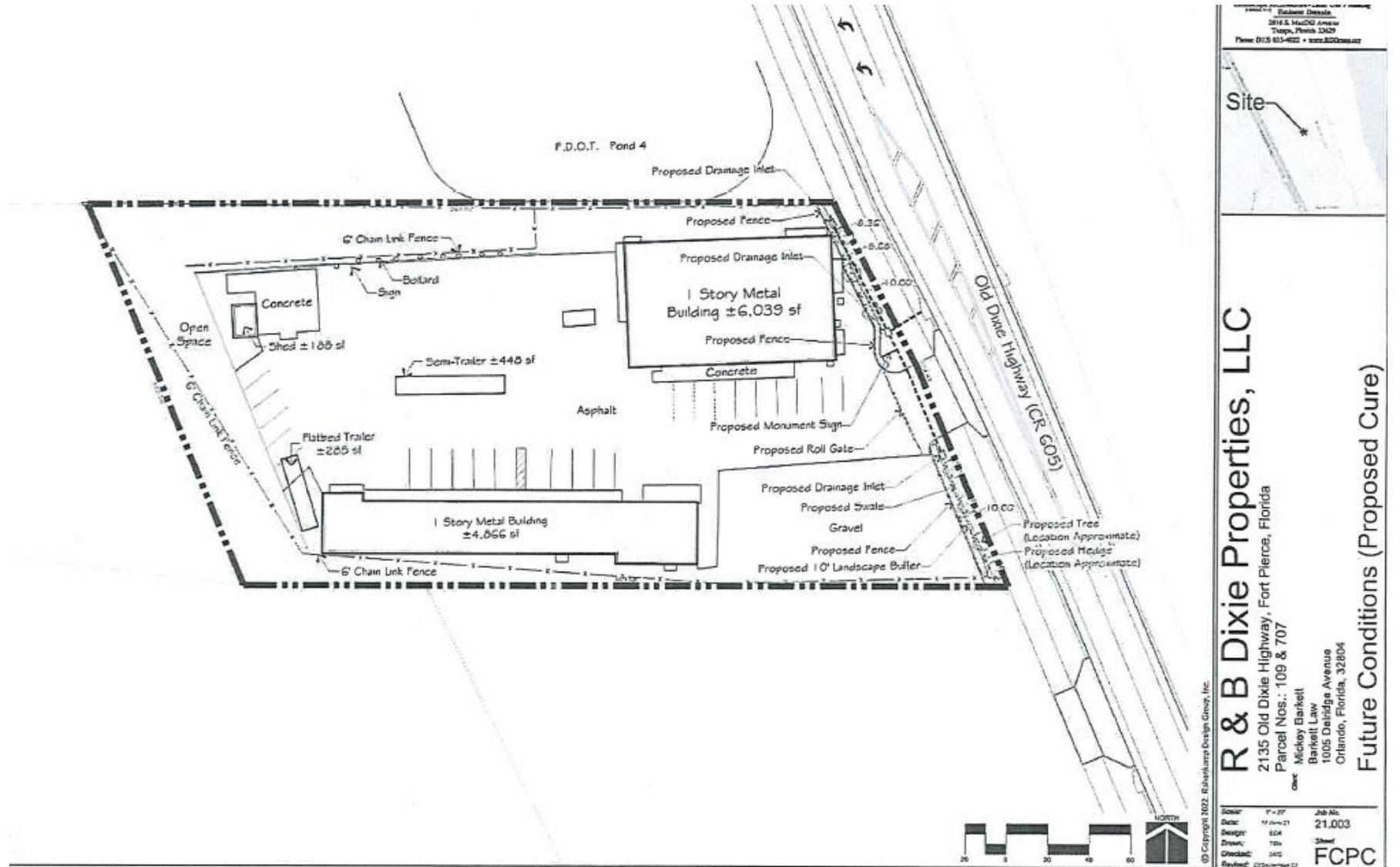
# Existing Site Plan



2135 Old Dixie Highway – Variance



# Future Conditions



2135 Old Dixie Highway – Variance



## **RECOMMENDATION**

The recommendation of Staff is to grant approval of the requested variance to deviate from City Code 125-204(b)(2) to allow for a reduction to the setback requirement to 8.3 feet along the front property line and City Code 123-37(6)(a) to allow for a reduction to 8.3 feet for the landscaping requirement; based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 125-100.

## **ALTERNATIVE RECOMMENDATION**

1. Recommend Approval with conditions.
- or
2. Recommend Disapproval.





THE SUNRISE CITY  
**FORT PIERCE**  
ENGINEERING  
DEPARTMENT

**FORT PIERCE**  
*Florida*

**To : Ryan Altizer**

**FROM : Selena Griffett, P.E.**

**THRU : Tracy Telle - Assistant City Engineer**

**RE : R&B Dixie Properties, LLC  
2135 Old Dixie Highway  
Variance**

**DATE : July 14, 2023**

This is to advise you that we have completed the review of the following documents as received by this office on July 3, 2023:

- |   |   |
|---|---|
| <input type="checkbox"/> Development Permit Compliance Review | <input type="checkbox"/> Construction Drawings            |
| <input type="checkbox"/> Site Plan                            | <input type="checkbox"/> Test Reports & Related Documents |
| <input type="checkbox"/> Conditional Use                      | <input type="checkbox"/> Record Drawings                  |
| <input type="checkbox"/> Permits                              | <input checked="" type="checkbox"/> Other <b>Variance</b> |

Based on our reviews and appropriate site final inspection, we

- |   |  |                              |
|---|--|------------------------------|
| <input checked="" type="checkbox"/> Recommend | <input type="checkbox"/> Do Not Recommend  |                              |
| <input checked="" type="checkbox"/> Approval  | <input type="checkbox"/> Variance Approval | <input type="checkbox"/> C/O |

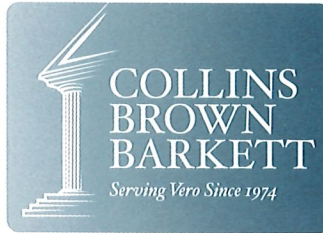
Developer, Owner, Engineer, Contractor, and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

See Attached for Comments

Bruce D. Barkett <sup>5</sup>  
Lisa Thompson Barnes <sup>3,6</sup>  
Calvin B. Brown  
Gregg M. Casalino <sup>1</sup>  
George G. Collins, Jr. <sup>1</sup>  
Aaron V. Johnson  
C. Douglas Vitunac

Jonathan D. Barkett  
Taylor Kennedy Lubas <sup>2,8</sup>  
Ashley J. Novander <sup>7</sup>  
Megan N. Root

OF COUNSEL  
William W. Caldwell (Ret.)  
Ralph L. Evans  
Michael J. Garavaglia <sup>4</sup>  
Steven L. Henderson <sup>1</sup>  
P. Todd Kennedy <sup>2</sup>



ATTORNEYS AT LAW

756 Beachland Boulevard Vero Beach, Florida 32963  
Post Office Box 643686 Vero Beach, Florida 32964-3686

1. Board Certified Real Estate
2. Master Of Laws Taxation
3. Master Of Laws Real Property Development
4. Master Of Laws Estate Planning & Elder Law
5. Certified Circuit Mediator
6. Also Admitted In The Commonwealth Of The Bahamas
7. Master Of Laws In Environmental & Natural Resources
8. Master Of Business Administration

Sender's Email: Dvitunac@verolaw.com

June 20, 2023

**Via Hand Delivery to:**

Vennis Gilmore, Assistant Planning Director  
City of Ft. Pierce  
100 N. U.S. Highway 1  
Fort Pierce, FL 34950

Re: Narrative for Variance Application  
R & B Dixie Properties, LLC  
2135 Old Dixie Hwy., Ft. Pierce, FL  
Parcel ID: 1433-440-0001-010-5



Dear Mr. Gilmore:

First, thank you for taking my phone call about the variance process and confirming that a variance is the appropriate way to move forward with our need.

I represent R & B Dixie Properties, LLC, ("R & B") a Florida limited liability company, and its principal, Richard Donahue.

R & B is the owner of a commercial parcel of property, referenced above. The property is zoned Light Industrial, and is operated by a tenant, Offshore Performance Marine, which runs a marine equipment service shop on location.

Last year, Florida Department of Transportation took a part of the property in fee simple, through eminent domain, as part of a bridge construction project, and another part as a temporary construction easement.

The taking resulted in a reduction of the front set back by between about 31 feet at the south property line, to about 38 feet at the north property line. Prior to the taking, the property met the front set back requirement, having a front set back of about 43.1 feet. As a result of the taking, the setback is now 8.4 feet.

PHONE: 772.231.4343 | FAX: 772.234.5213 | WWW.VEROLAW.COM

Prior to the taking, the property had about a 16-foot landscaping buffer along Old Dixie Highway. After the taking, the property only has about 8.4 feet of landscape buffer, which is below the 10 feet required by code.

Thus, two non-conformities have been created by the taking for public use- front yard setback, and landscaping buffer requirements. These conditions are peculiar to the subject property, and not generally applicable to other properties in the zoning district. Instead, they were caused by the actions of the FDOT- not of the applicant, owner, or tenant.

There is an argument that the non-conformities should be considered grandfathered. To hold otherwise, or to hold that the conditions create an illegal use of the property would constitute the involuntary removal of vested use rights of the buildings. Due to this fact, several municipalities and counties have provisions that allow specifically for grandfathering of non-conformities created by takings. Ft. Pierce does not appear to have such an ordinance or policy, and instead, treats this situation as a cause for a variance.

The minimum variance requested is to reduce the front set back requirement to 8.3 feet, and landscaping requirement to 8.3 feet, which would allow the existing conditions.

Without a variance, the owner would suffer undue hardship. To meet the literal requirements of the ordinances, the owner would hypothetically have to remove a large portion of the main building, and parking areas, and other on-site improvements that have existed from long before the taking.

The intent of set back ordinances was never to be applied to remove existing buildings, which were considered grandfathered at the time of the effective dates of these ordinances. Thus, the intent of the set back ordinances is preserved by allowing these old buildings to remain.

Enclosed with this application please find the completed application form, check with required fee, sketches and surveys of the property. At this time, the applicant is not requesting a site plan change, although in the future, applicant may perform some additional drainage improvements, which although shown on the proposed "cure" page, may be disregarded for the purposes of this variance application.

Please let me know if you have any questions for me, otherwise, please let me know how to set the matter for the required approval meeting/hearing.

Sincerely,



C. Douglas Vitunac  
FOR THE FIRM

cc: Client.



## VARIANCE

### Property Information

Property address or Location

2135 OLD DIXIE HWY

Parcel ID #(s)

1433-440-0001-010-5

Project description

Variance on Front Setback and Landscape Buffering caused by DOT Taking

Reason for request

Eminent Domain taking of frontage for Road Right of Way for Bridge Construction

Existing Use: marine repair/ equipment service Date Property was Purchased: October 2009

Alterations made to the site since purchase: None applicable

Has a request for this variance been denied in the past?  Yes  No

If yes, what changed since the denial? n/a

R & B DIXIE PROPERTIES, LLC

Property Owner(s)

7496 Commercial Circle

Street Address

Fort Pierce FL 34951

City State Zip

772-231-4343

Phone Number

dvitunac@verolaw.com

Email Address

C. Douglas Vitunac, Attorney

Applicant/Representative, Title, Company

756 Beachland Blvd.

Street Address

Vero Beach FL 32963

City State Zip

772-231-4343

Phone Number

dvitunac@verolaw.com

Email Address

*Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein. The undersigned consents to inspection and photographing of the subject property by the Planning staff for purposes of consideration of this Application and/or presentation to the Planning Board and City Commission.*

Richard Donahue

Richard Donahue (Jun 15, 2023 13:41 EDT)

Property Owner(s) Signature(s)

**APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS**

**CALL 772.467.3737 OR E-MAIL [PLANNING\\_DL@CITYOFFORTPIERCE.COM](mailto:PLANNING_DL@CITYOFFORTPIERCE.COM)**

**For more information, please refer to the website:**

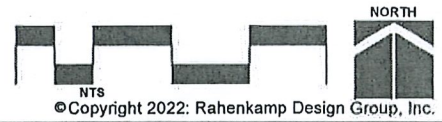
**<https://www.cityoffortpierce.com/971/Application-Submittal-for-Technical-Rev1>**





SUBJECT PROPERTY

Source: APLUS Aerial Imagery

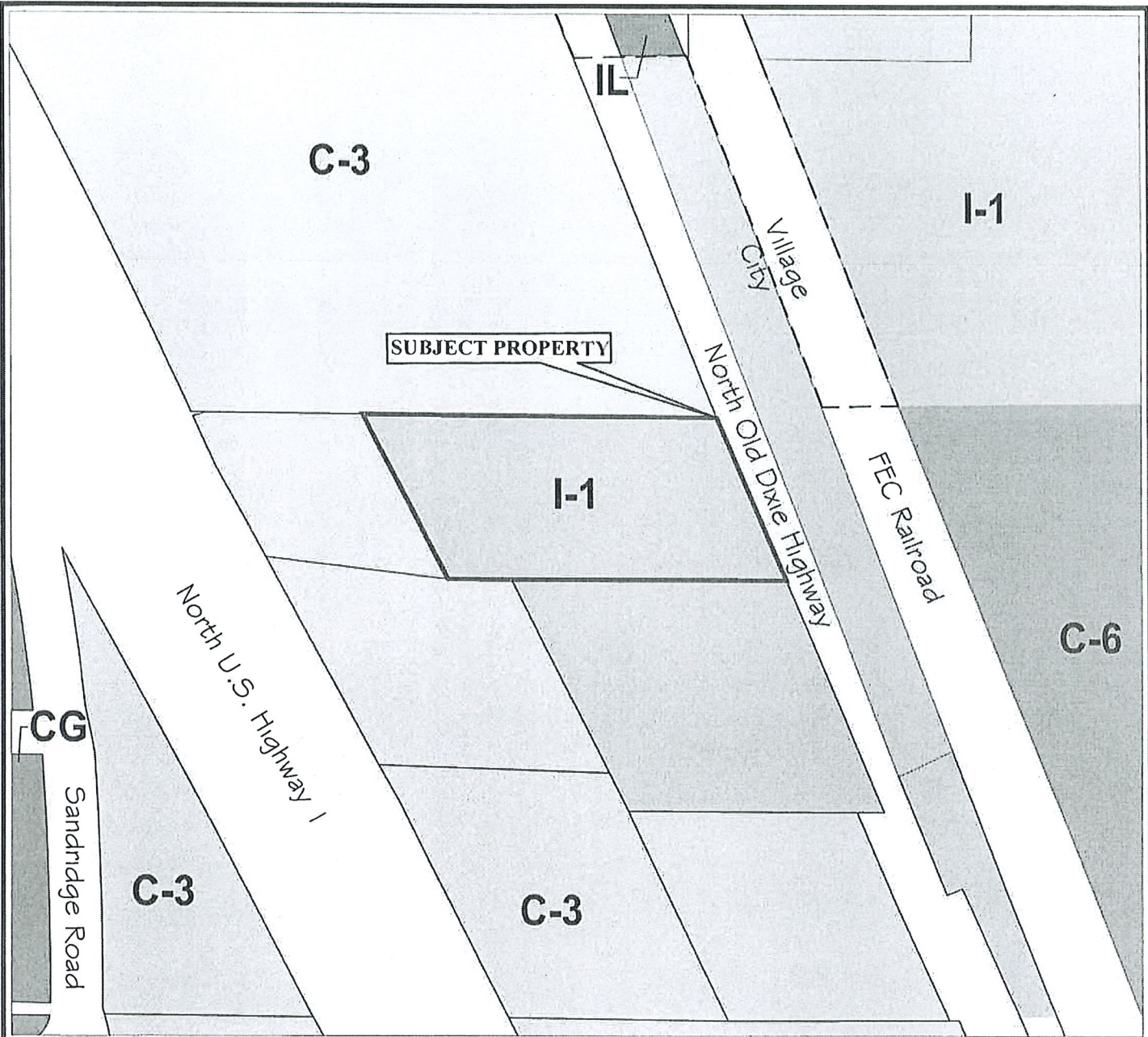


# R & B Dixie Properties, LLC

2135 Old Dixie Highway  
Fort Pierce, FL  
Parcel Nos.: 109 & 707

## AERIAL MAP


  
**RAHENKAMP DESIGN GROUP, INC.**  
Development Services • Golf Course Architecture  
Landscape Architecture • Land Use Planning  
(L60000343) Eminent Domain  
2816 S. MacDill Avenue  
Tampa, Florida 33629  
Phone (813) 835-4022 Fax (813) 835-9226  
[www.RDGroup.org](http://www.RDGroup.org)



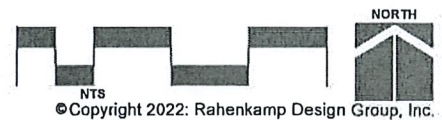
**Fort Pierce Zoning**

-  I-1: Light Industrial
-  C-3: General Commercial
-  C-6: Marine Commercial

**St. Lucie Village Zoning**

-  CG: Commercial General
-  IL: Industrial Light

Source: Fort Pierce and St. Lucie County



# R & B Dixie Properties, LLC

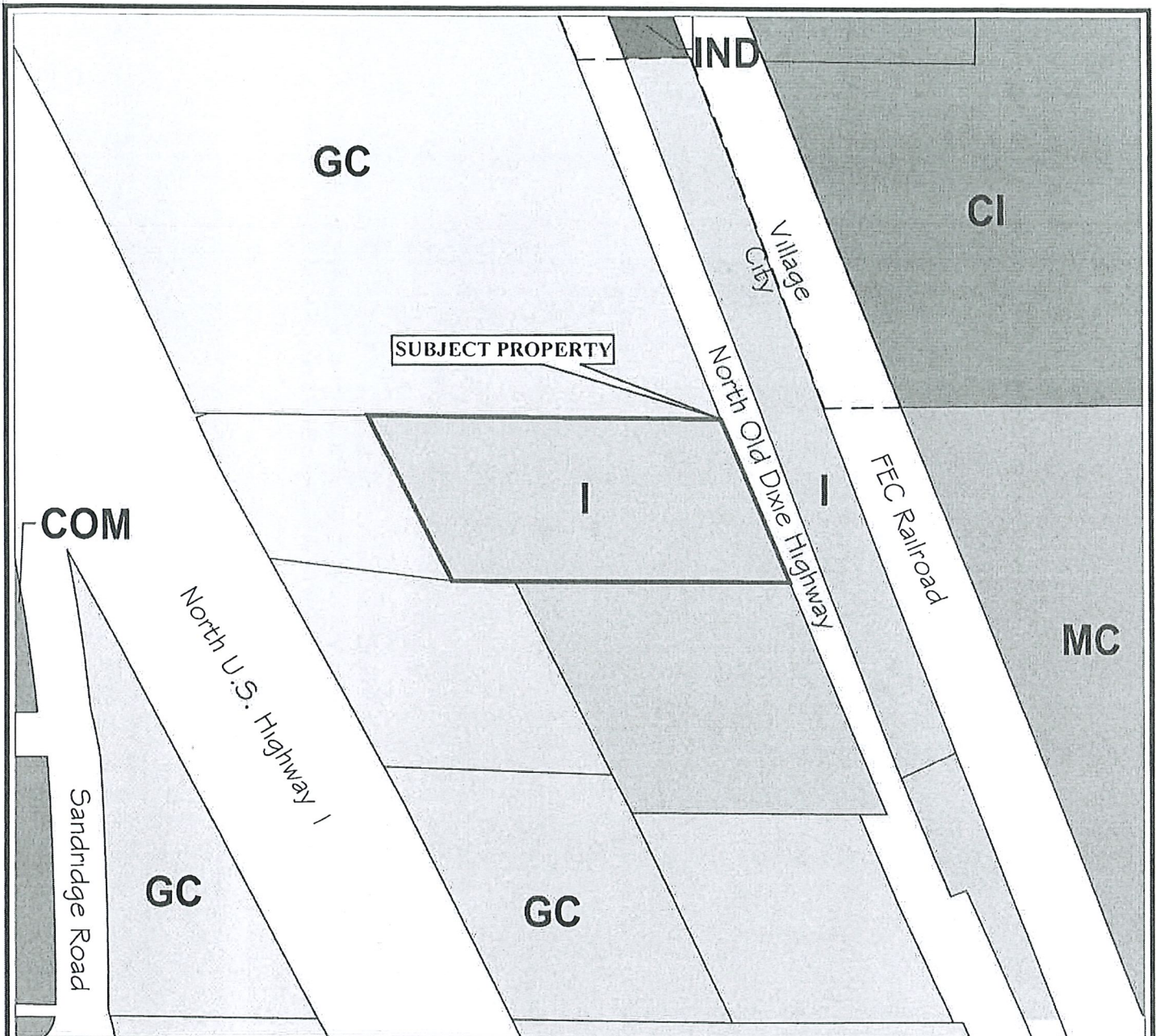
2135 Old Dixie Highway  
Fort Pierce, FL  
Parcel Nos.: 109 & 707

## ZONING MAP

**RAHENKAMP DESIGN GROUP, INC.**

Development Services • Golf Course Architecture  
Landscape Architecture • Land Use Planning  
(L.C00003143) Emblest Domain



2816 S. MacDill Avenue  
Tampa, Florida 33629  
Phone (813) 835-4022 Fax (813) 835-9226  
[www.RDGroup.org](http://www.RDGroup.org)



**Fort Pierce Future Land Use**

-  I: Industrial
-  CI: County Industrial
-  GC: General Commercial
-  MC: Marine Commercial

**St. Lucie Village Future Land Use**

-  COM: Commerical
-  IND: Industrial

Source: Fort Pierce and St. Lucie County



# R & B Dixie Properties, LLC

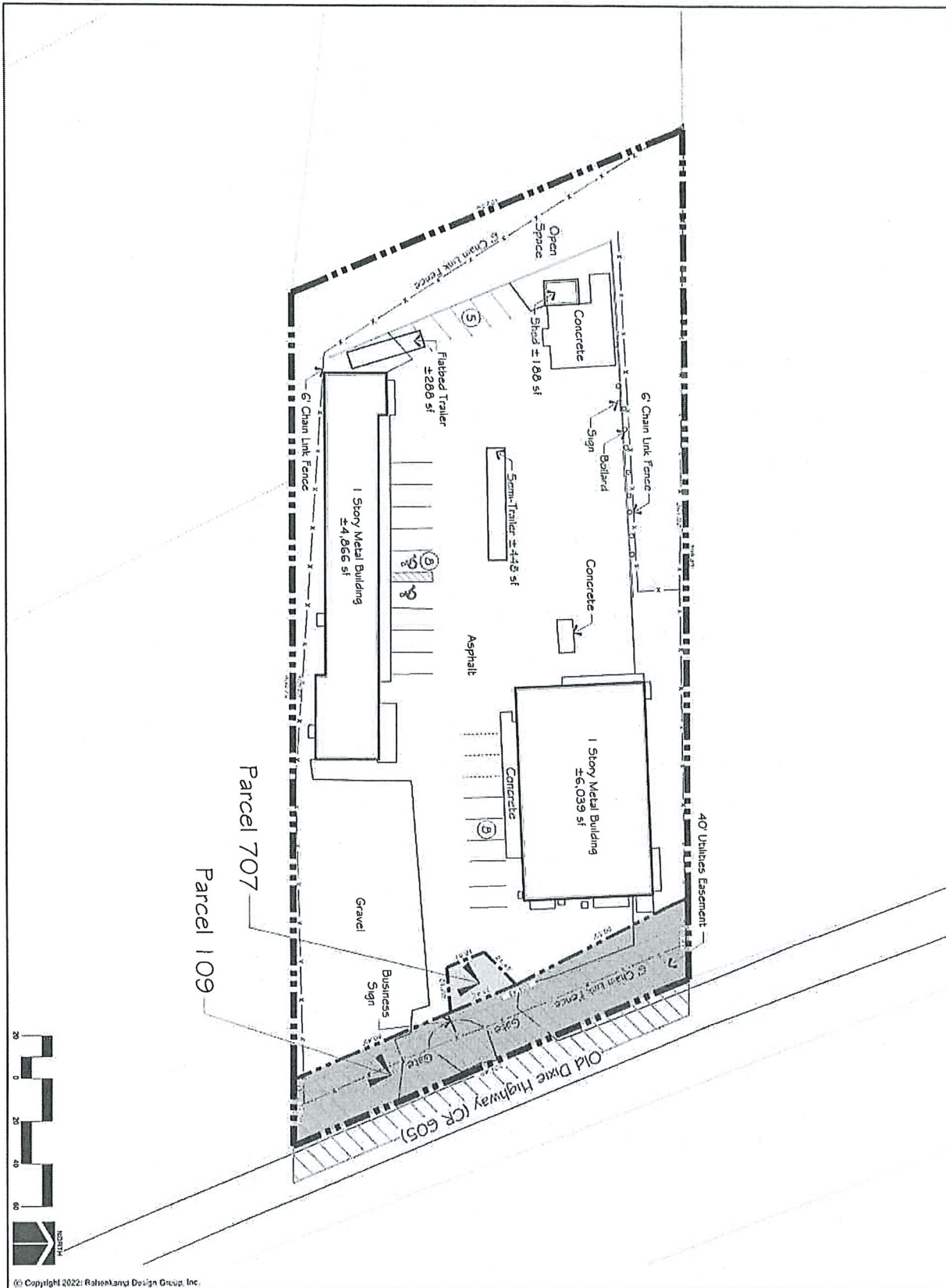
2135 Old Dixie Highway  
Fort Pierce, FL  
Parcel Nos.: 109 & 707

## FUTURE LAND USE MAP

**RAHENKAMP DESIGN GROUP, INC.**

Development Services • Golf Course Architecture  
Landscape Architecture • Land Use Planning  
(LC0000343) Eminent Domain

2816 S. MacDill Avenue  
Tampa, Florida 33629  
Phone (813) 835-4022 Fax (813) 835-9226  
[www.RDGgroup.org](http://www.RDGgroup.org)



© Copyright 2022: Ralstonkamp Design Group, Inc.

Scale:	1" = 20'
Date:	17 June 21
Drawn:	ECN
Checked:	ECN
Revised:	2021
Sheet:	21 003
Project:	EC

# R & B Dixie Properties, LLC

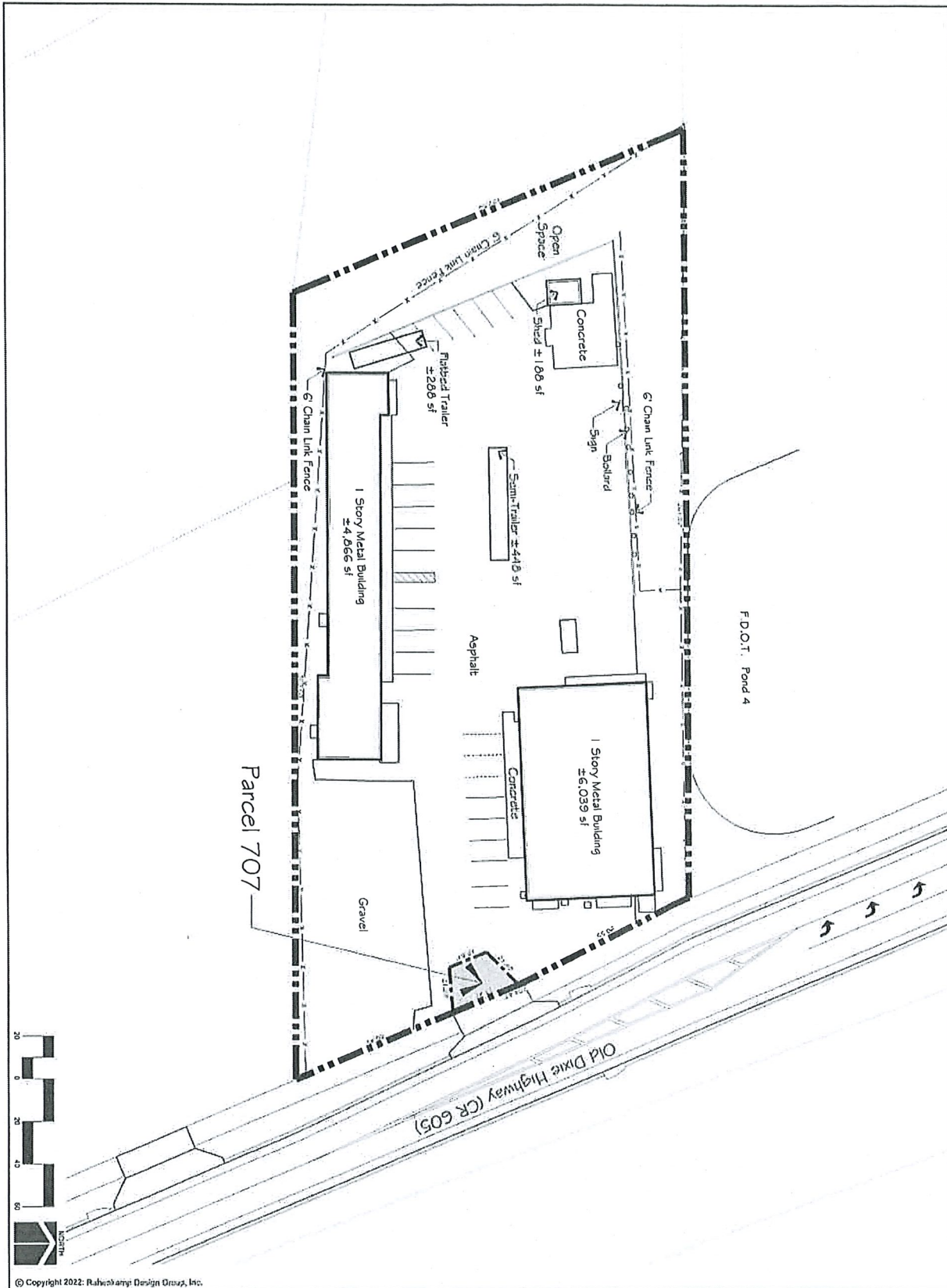
2135 Old Dixie Highway, Fort Pierce, Florida  
Parcel Nos.: 109 & 707

Mickey Barkett  
Barkett Law  
1005 Delridge Avenue  
Orlando, Florida, 32804

## Existing Conditions

**RALSTONKAMP DESIGN GROUP, INC.**

Development Services • Civil/General Architecture  
Landscape Architecture • Site Planning  
2015 AIA AIAA 2015  
7000 N. US Highway 1  
Fort Pierce, Florida 34949  
Phone: (888) 833-8822 • Fax: (888) 833-8822



© Copyright 2022: Rabichamp Design Group, Inc.

Date: 1/14/20  
 Drawn: 1/14/20  
 Project: 21.003  
 Sheet: 3 of 3  
 Scale: AS SHOWN  
 Projected: FC

# R & B Dixie Properties, LLC

2135 Old Dixie Highway, Fort Pierce, Florida  
 Parcel Nos.: 109 & 707

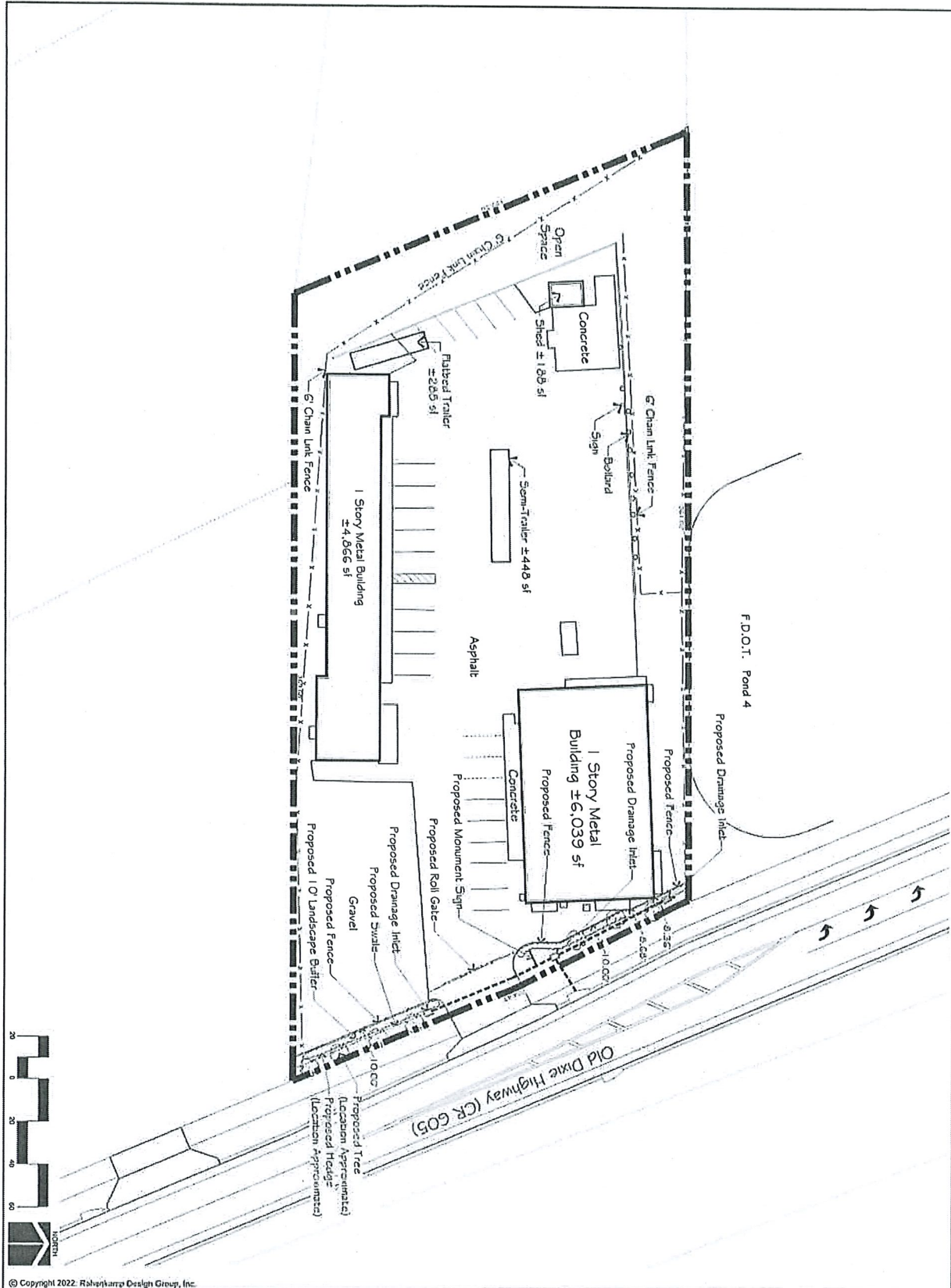
Mickey Barkett  
 Barkett Law  
 1005 Delridge Avenue  
 Orlando, Florida, 32804

Future Conditions (Uncured)

**KAMENSKAR DESIGN GROUP, INC.**

Development Services • Civil/General Architecture  
 Landmarks • Historic Preservation  
 Planning • Building Design  
 2815 S. MacDuff Avenue  
 Tampa, Florida 33607  
 Phone: 813.334.4444 • Fax: 813.334.4444

Site



© Copyright 2022. Rabenharp Design Group, Inc.

Scale:	1" = 20'	Job No.:	21.003
Client:	R & B Dixie Properties, LLC	Sheet:	3 of 3
Designer:	Michael Barkett	Project:	21.003
Checker:	Michael Barkett	Revised:	2/28/2022

# R & B Dixie Properties, LLC

2135 Old Dixie Highway, Fort Pierce, Florida  
 Parcel Nos.: 109 & 707  
 Mickey Barkett  
 Barkett Law  
 1005 Delridge Avenue  
 Orlando, Florida, 32804

## Future Conditions (Proposed Cure)

**RABENHARP DESIGN GROUP, INC.**

Professional Services - Civil/Storm Architecture  
 Licensed Professional Engineer  
 2017 S. WALTON AVENUE  
 FORT PIERCE, FLORIDA 34949  
 Phone: (888) 888-8888 • Fax: (888) 888-8888

Site



CITY OF FORT PIERCE  
Board of Adjustment  
July 27<sup>th</sup>, 2023

R & B Properties – 2 Variances

## **APPLICANT**

C. Douglas Vitunac, Attorney

## **PROPERTY OWNER(S)**

R & B Properties, LLC

## **PARCEL ID #:**

1433-440-0001-010-5

2135 Old Dixie Highway – Variance



## SUMMARY

The applicant is requesting to deviate from City Code 125-204(b)(2) to allow for a reduction to the setback requirement to 8.3 feet along the front property line and City Code 123-37(6)(a) to allow for a reduction to 8.3 feet for the landscaping requirement due to a taking by FDOT.



## EXISTING CONDITIONS

The 1.7-acre subject site is located on North Old Dixie Highway; just north of the North Causeway and Old Dixie Highway intersection. The property is operated by Offshore Performance Marine, which is a marine equipment service provider. Last year, the Florida Department of Transportation took a part of the property in fee simple, through eminent domain, as a part of a bridge construction project. Prior to this taking, the property met the front set back requirement with a setback of 43.1 feet. However, this taking resulted in a reduction of the front set back by 31 feet at the south property line and 38 feet at the north property line. This reduction left the setback currently at 8.4 feet and reduce the landscape buffer from 16 feet to 8.4 feet.

Without the variance, the owner would suffer undue hardship as to meet the City's ordinances. A reduction of a portion of existing building, parking areas and other site improvements would need to occur.



# SITE LOCATION



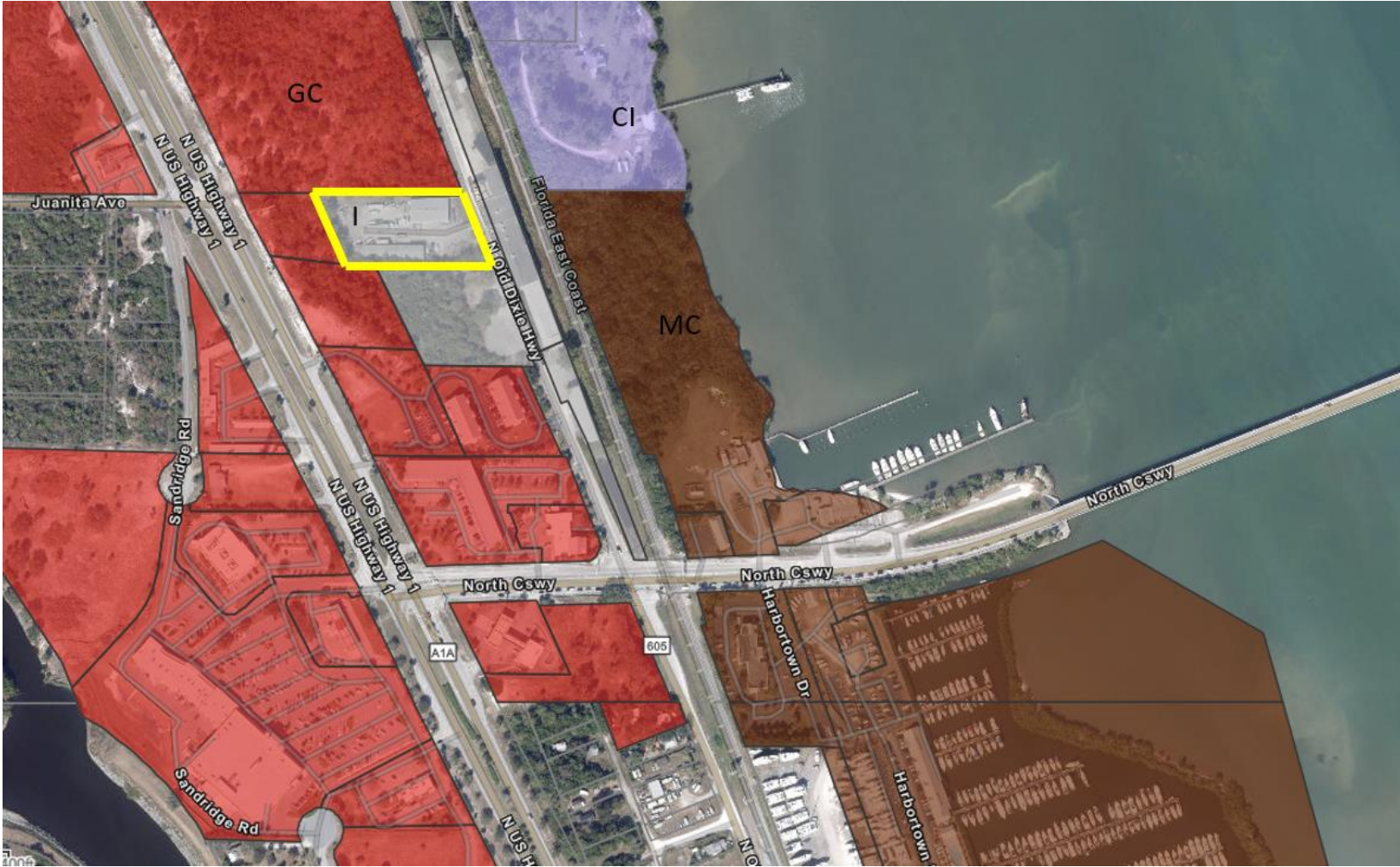
SITE AREA= 1.70 +/- Acres

2135 Old Dixie Highway – Variance



# Future Land Use

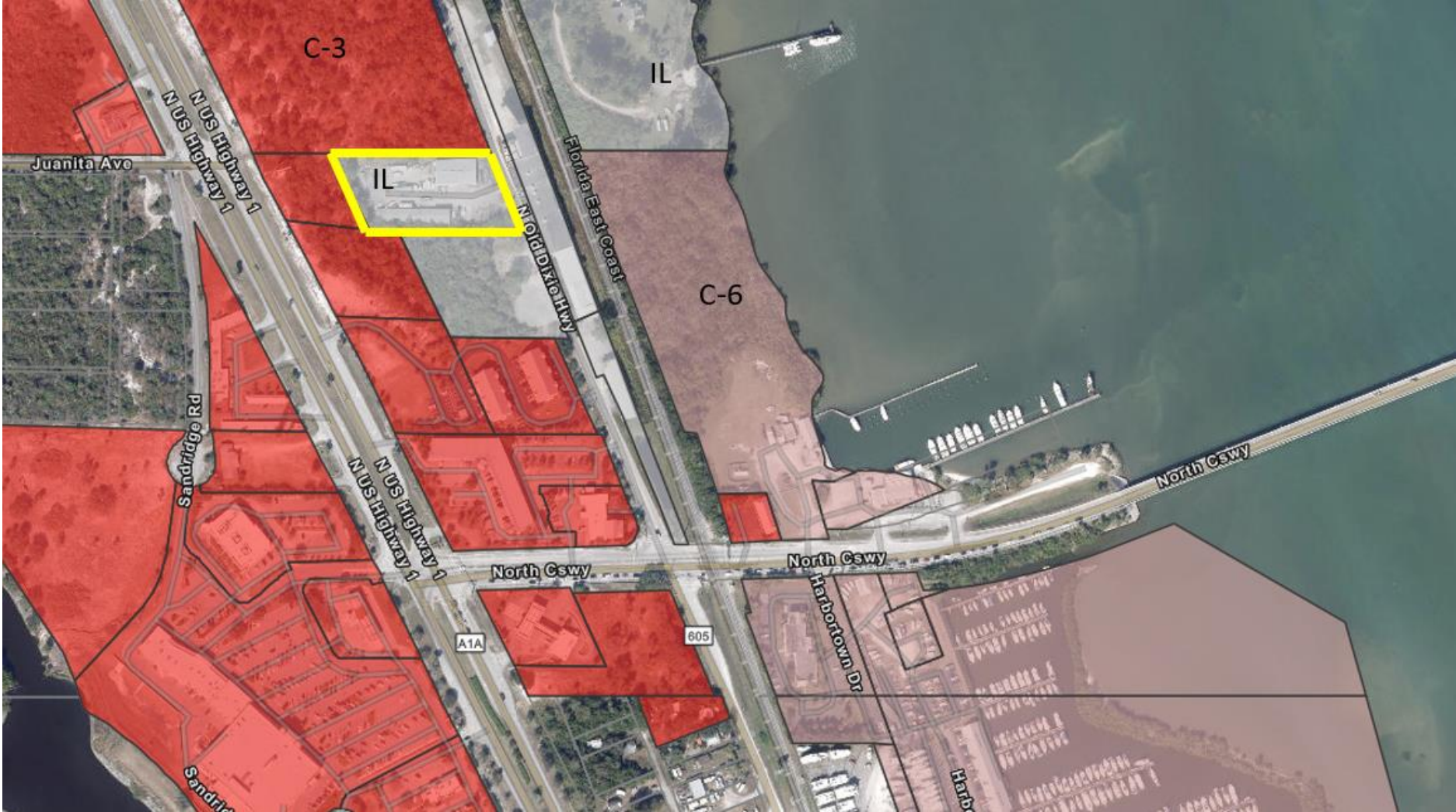
Current Future Land Use: I  
(Industrial)



2135 Old Dixie Highway – Variance



# ZONING

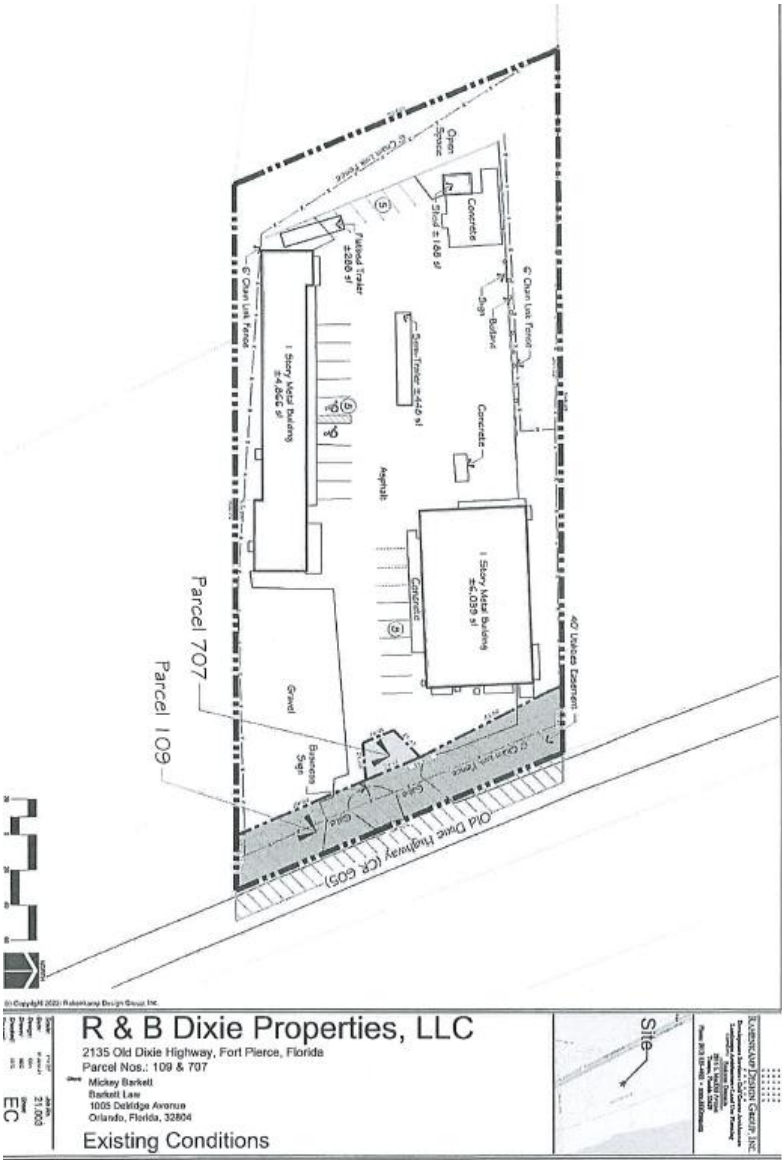
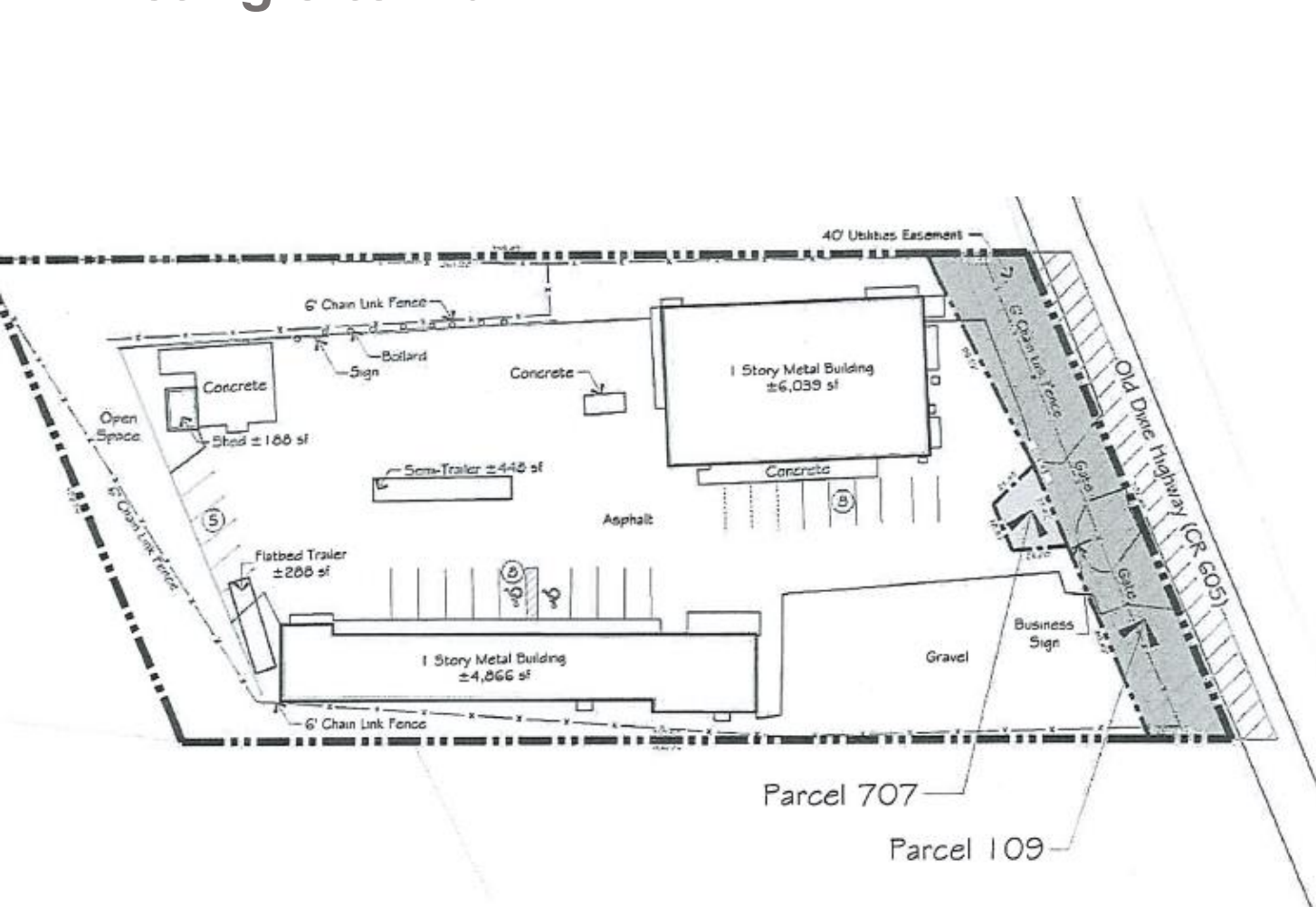


Current Zoning: IL (Light Industrial)

2135 Old Dixie Highway – Variance



# Existing Site Plan

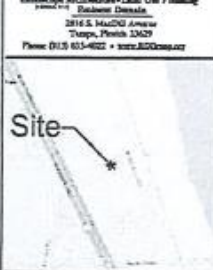
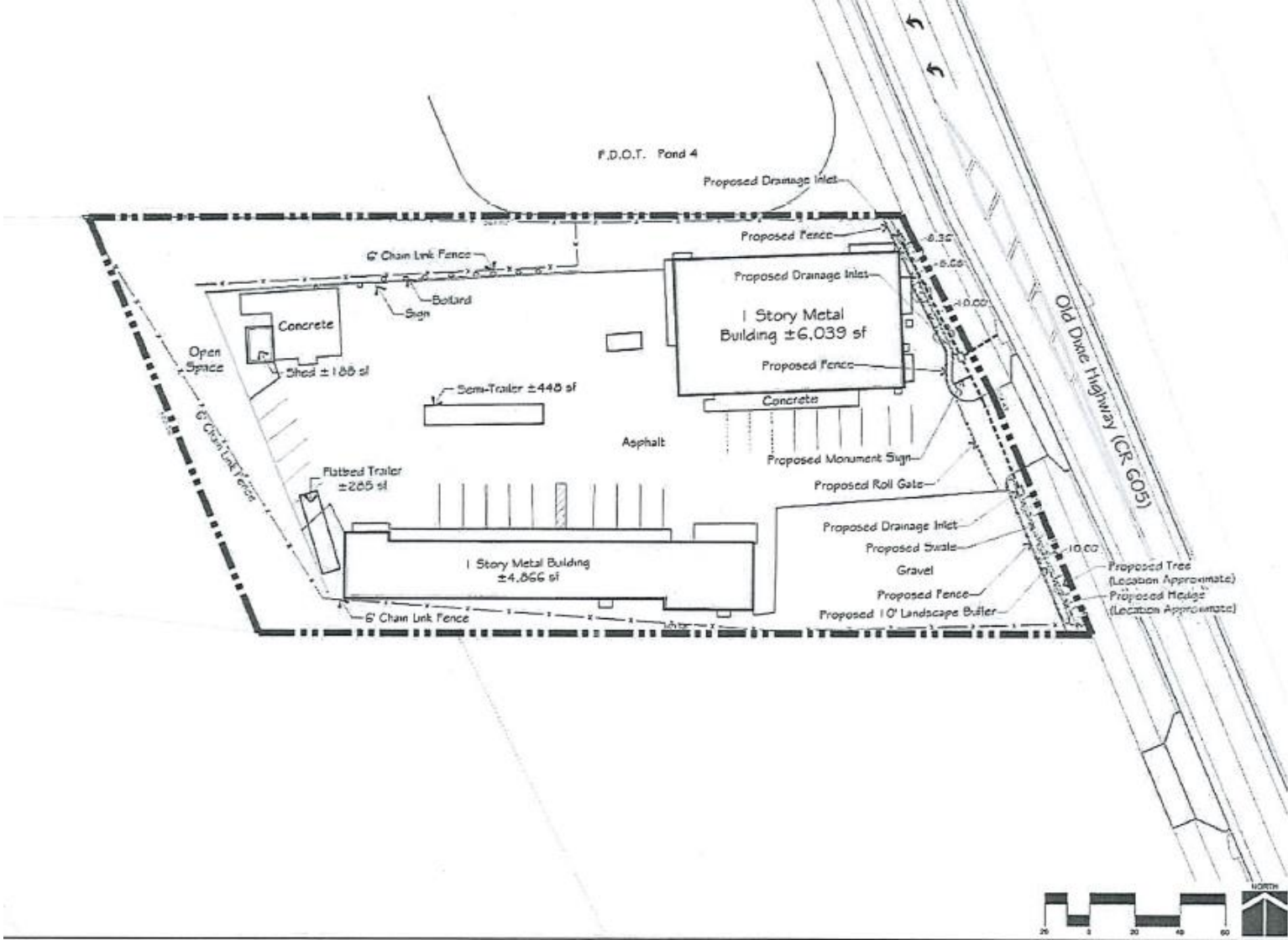


01/20/2021  
 21/2003  
 EC  
**R & B Dixie Properties, LLC**  
 2135 Old Dixie Highway, Fort Pierce, Florida  
 Parcel Nos.: 109 & 707  
 Mickey Barkett  
 Barkett Law  
 1005 Oakridge Avenue  
 Orlando, Florida, 32804  
 Existing Conditions

2135 Old Dixie Highway – Variance



# Future Conditions



## R & B Dixie Properties, LLC

2135 Old Dixie Highway, Fort Pierce, Florida  
 Parcel Nos.: 109 & 707

Prepared by:  
 Mickey Barkett  
 Barkett Law  
 1005 Duvalidge Avenue  
 Orlando, Florida, 32804

### Future Conditions (Proposed Cure)

Scale:	1" = 20'	Job No.:	21.003
Date:	11/20/21	Sheet:	
Drawn:	TSB	FCPC	
Checked:	SAS		
Revised:	2/23/2022		

2135 Old Dixie Highway – Variance



## **RECOMMENDATION**

The recommendation of Staff is to grant approval of the requested variance to deviate from City Code 125-204(b)(2) to allow for a reduction to the setback requirement to 8.3 feet along the front property line and City Code 123-37(6)(a) to allow for a reduction to 8.3 feet for the landscaping requirement; based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 125-100.

## **ALTERNATIVE RECOMMENDATION**

1. Recommend Approval with conditions.
- or
2. Recommend Disapproval.

