



TO: Nick C. Mimms, P.E., ICMA-CM, City Manager

FROM: Kerry C. Driver, Planner

RE: **Applications for Voluntary Annexation
at Location**

BOARD DATE: November 20, 2023

STAFF REPORT

**Property Owners/
Applicants** George Ortiz

Requested Action: Approval of a Voluntary Application for Annexation

Site Locations: 1703 Totten Road, Fort Pierce, FL 34947

Parcel ID: 2417-323-0001-000-5

Parcel Area: **0.59** acres

**Current
Future Land Use:** Commercial - SLC

Current Zoning: Commercial, Neighborhood - SLC

**Proposed
Future Land Use:** General Commercial

Proposed Zoning: C-3, General Commercial

Utilities: FPUA

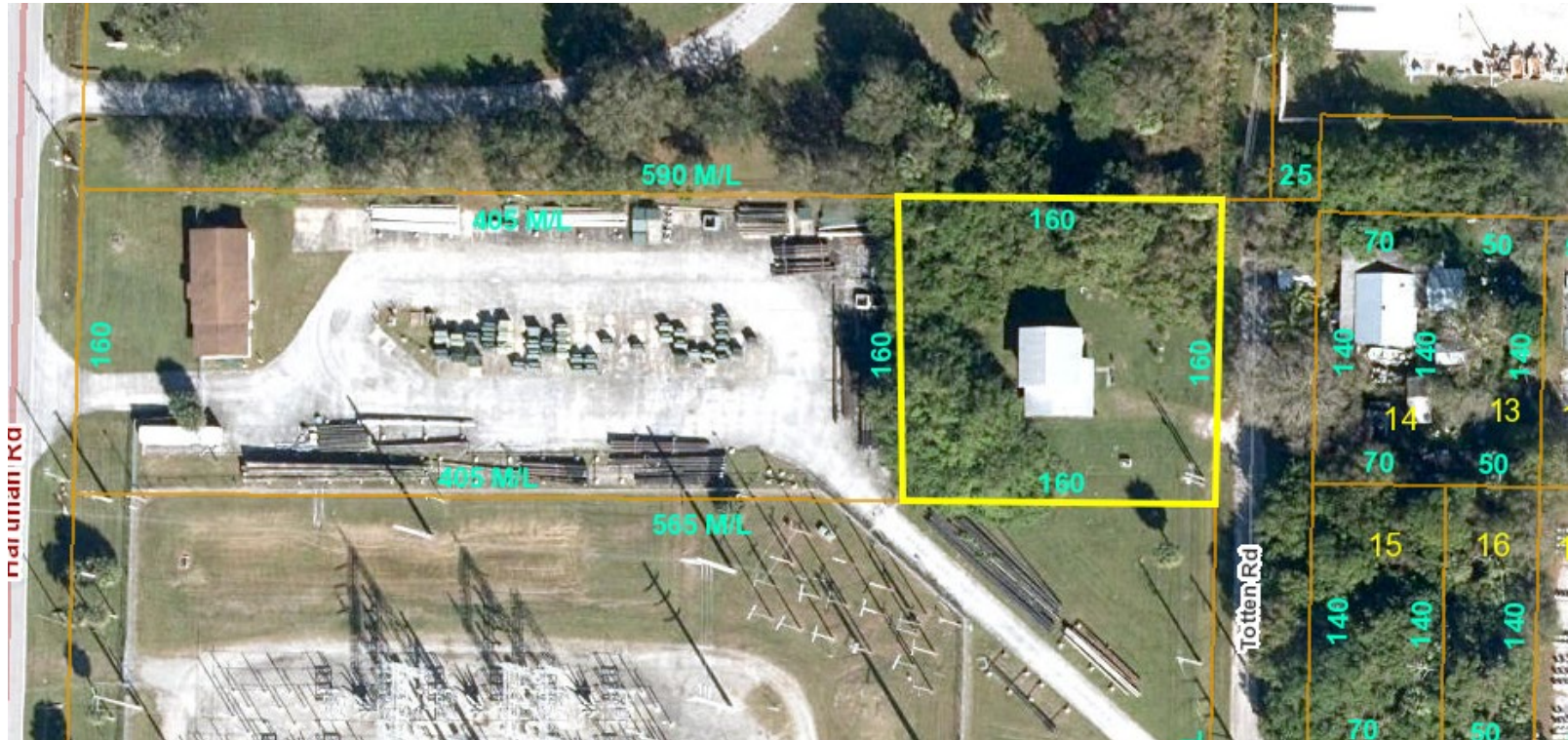
	North	East	South	West
Surrounding FLU:	General Commercial 1 (GC)	Commercial (COM)	General Commercial (GC)	General Commercial (GC)
Surrounding Zoning:	General Commercial 1 (C-3)	Commercial Neighborhood (CN)	General Commercial 1 (C-3)	General Commercial (C-3)

Staff Analysis:

Request

This is a voluntary annexation of Address. The parcel ID is 2417-323-0001-000-5

INSERT LOCATION MAP



The subject properties have a St. Lucie County Future Land Use designation of Commercial 0 du/ac (COM) and a zoning designation of Commercial, Neighborhood, 10 du/ac (NC). To ensure consistency with Policy 1.11.5 of the City's Comprehensive Plan, the proposed Future Land Use designation for the parcels is General Commercial (GC), with a zoning classification of Low General Commercial (C-3).

Pursuant to Comprehensive Plan policy 1.11.5 "properties annexed shall receive a land use designation compatible with the County land use designation, unless otherwise approved by the City Commission." Staff has confirmed that the properties are located within unincorporated St. Lucie County and are contiguous to the Fort Pierce City municipal boundary and within the FPUA service area. The proposed voluntary annexations are also consistent with Chapter 171.044, F.S., whereas the properties are contiguous to a municipality and reasonably compact; and the annexations will not result in the creation of an enclave.

The current taxable values of the property is \$186,600. Should the Applications for Annexation be approved, they could create a new source of ad-valorem tax revenue annually to the City of Fort Pierce, depending on the millage rate per year, which currently is 6.9000. Currently both of the properties have a single-family home.

Comprehensive Plan

Staff has reviewed the Comprehensive Plan and finds the proposed annexations are consistent with the following Objectives and Policies:

Objective 1.11 of the Comprehensive Plan: "Annex properties within the Fort Pierce Utilities Authority Boundary in an orderly manner that promotes efficiency of public service provision and economic vitality of the City."

The properties are within the FPUA service boundary. Policy, 1.11.1 of the City Comprehensive Plan: "The City shall evaluate proposed annexations within the urban service boundary based upon the following criteria:

1. The ability of the City to provide public services at a level equal to or better than that available from the current service providers;
2. The ability of the City to provide public services at the City's adopted levels of service;
3. Whether the annexation would eliminate an unincorporated island or could be expanded to eliminate an unincorporated island; and
4. Whether the annexation would eliminate an irregularity or irregularities in the City's boundaries, thereby improving service delivery."

The subject properties are in an area that consists of properties that are within both the St. Lucie County and the City of Fort Pierce jurisdictions. These parcels abut properties that are within the City limits. The annexation of these properties would assist in the City's effort to eliminate jurisdictional irregularities along the City's boundary and provide more efficient public services. Staff is requesting that the City of Fort Pierce Future Land Use and Zoning remain consistent with the current County designations of NC and COM, respectively, and the City's Comprehensive Plan. Thereby, the requested Future Land Use and Zoning Designations of GC and C-3, respectively, would be consistent with Policy 1.11.5 and the City's Comprehensive Plan. Pursuant to the Future Land Use Element of the Comprehensive Plan, annexations are reviewed for fiscal impacts, the effect upon adopted level of service standards for public facilities, and the elimination of the municipal boundary irregularities to improve service delivery.

Public Notification

In accordance with Policy Section 4.1.1 of the Joint Planning Agreement between the City of Fort Pierce and St. Lucie County, the City Planning Department will provide notice of these annexations by mail to the St. Lucie County Administrator's Office by October 19, 2023, no fewer than thirty (30) days prior to the first reading of these annexations by the City Commission.

Technical Review Committee

All affected Departments have reviewed the submittals and have no objections regarding the proposed voluntary annexation applications based on compliance with the requirements of the City Code and Comprehensive Plan.

Staff Recommendation

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Therefore, Planning Staff recommends approval of the proposed voluntary annexation, along with the associated Future Land Use designation of GC and the Zoning designation of C-3.

Planning Board

The City of Fort Pierce Planning Board, at their October 9, 2023, meeting, voted 6 to 0 to recommend Approval of the annexation.



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

George Ruiz Ortiz
265 SE Verada Ave.
Port St. Lucie, FL 34983

Subject: Annexation – One parcel at 1703 Totten Road – Technical Review Committee Comments for September 21, 2023 TRC Meeting

City of Fort Pierce Planning Department

In support of Annexation

Fort Pierce Engineering Department

Recommend Annexation Approval.

Fort Pierce Building Department

1. Building Official or his representative has no comment at the time of this meeting, but reserves submission of comments upon completion of the official plan review.
2. All new construction or alterations shall meet the requirements of the Florida Building Code 7th Edition.

Fort Pierce Police Department

No comments at this time.

St. Lucie County Planning Department

No comments at this time.

St. Lucie County PW/Engineering

1. Advisory: The proposed annexation would increase the number of City zoned parcels on Totten Road, a local roadway. The City should consider taking over ownership and maintenance responsibilities of Totten Road.



City Clerk Office

No comments at this time.

Code Enforcement

No comments at this time.

Fort Pierce Utilities Authority

- FPUA W/WW Engineering: FPUA has water and sewer available to serve this site. There is no objection to this annexation request.
- FPUA Electric & Gas Engineering: FPUA Electric & Gas Engineering has reviewed the application. Approved.
- FPUA Gas: Approved. Natural gas is available just north of the parcel in question.
- FPUA Fiber: FPUAnet Approves; Fiber Internet Service – Is Available. If client would like Fiber Internet Service from FPUAnet Communications, please contact Eric Peters at (772) 468-1697 for Fiber Internet requirements if service is desired.

St. Lucie County Fire District

No comments at this time.

Florida Department of Transportation

No comments at this time.

St. Lucie County School Board

No comments at this time.

BUSINESS IMPACT ESTIMATE

SUBMITTED BY:

SUBJECT:

1. Summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City:
 - a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

 - b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

 - c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

4. Any additional information the Commission may find useful.

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **OCTOBER 9, 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**

Prior to roll call, Chairman Creyaufmiller introduced the new Planning Board member, Justine Carter, and she told the Board a little bit about herself.

Present: Nichelle Clemons; Anton Kreisl; John Heaning; Alexander Edwards; Justine Carter; Frank Creyaufmiller, Chairman

Absent: Uline Daniel

Staff Present: Kev Freeman, Planning Director
Ryan Alitzer, Senior Planner
Kerry Charles, Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Ms. Daniel was excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the September 11, 2023 meeting

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to approve the minutes from the September 11, 2023 meeting.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter,
Chairman Frank Creyaufmiller

Passed

6. NEW BUSINESS

a. **Annexation - Hickory Branch Properties (3601, 3605, and 3725 Gordy Road) - Parcel IDs: 2326-413-0001-000-2, 2326-434-0000-000-0 and 2326-413-0000-000-5**

Ms. Charles gave an overview of the annexation. She stated the request is for a voluntary annexation of three (3) parcels of land that have existing St. Lucie County Future Land Use designations of Residential Suburban 2 du/ac (RS-2) and a St. Lucie County Zoning designation of Agriculture (AG-1). The applicant is requesting Future Land Use designations of Mixed-Use Development 15 du/ac (MXD), which designates the property for a greater potential development. Ms. Charles said the property will retain the existing zoning classification of Agriculture (AG-1) and the current value of the property is \$3,332,942. Ms. Charles noted the application involves a land area of greater than 50 acres which will require transmission to the Department of Commerce and other required State agencies for review. The city should consider how it will ensure that Gordy Road operates with sufficient capacity and safety under a more urbanized condition when the subject properties, and other properties along Gordy Road develop.

Chairman Creyaufmiller requested the city begin having discussions on the 10-mile creek flooding with the South Water Management District before the shovels hit the ground on the project. He said the project will compound the flooding problems.

Mr. Freeman stated that FDOT is allocating funds to construct a Turnpike exchange on Midway Road, which will allow for better traffic flow in the area. Mr. Freeman suggested having innovative drainage systems and on site stormwater and treatment. He said he is trying to incorporate amendments to the landscape code to aid in stormwater, plantings, vegetation and habitat. Mr. Freeman noted that rarely are the Future Land Use numbers met. Mr. Freeman answered questions from the Board on Gordy Road and present zoning. He stated the applicant will have to meet road standards during the technical review. Mr. Freeman explained the applicant requested to secure the agricultural zoning until development of the site and, so they can use the agricultural exemption.

Hoyt Murphy, Applicant Representative, said the property has been owned by the Varn family for a couple of generations. He noted the adjoining mixed-use property owned by Zyntec will have to upgrade Gordy Road. Mr. Murphy stated the owners are currently running cattle on the property, so the agricultural exemption will remain for two to three years. Mr. Murphy noted the applicants are looking for density of four (4) to five (5) units per acre.

Motion was made by Nichelle Clemons, and seconded by John Hening to forward a recommendation of approval to City Commission with the following conditions:

1. The applicant will provide a traffic analysis of Gordy Road and the cumulative effects of development at the intersection of State Road 70.
2. An application for rezoning of the property shall be submitted in conjunction with any site plan review.

AYE: Alexander Edwards, Nichelle Clemons, Justine Carter, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

b. **Annexation - 1703 Totten Road - Parcel ID: 2417-323-0001-000-5**

Ms. Charles gave an overview of the application and stated the voluntary annexation is for one (1) parcel of land which is +/- .59 acres. The subject property has St. Lucie County Future Land Use designations of Commercial (COM), 0 du/ac, and a St. Lucie County Zoning designation of Commercial, Neighborhood (CN). The applicant is proposing Future Land Use designations of General Commercial (GC) 15 du/ac, with a Zoning classification of General Commercial (C-3). Ms. Charles said the current value of the property is \$186,600 and the property has an existing dwelling unit.

George Ruiz Ortiz, Applicant, stated the purpose of the annexation is to get Fort Pierce utilities for a future commercial use. He said the county cannot provide the utilities on the parcel.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission.

AYE: Nichelle Clemons, Justine Carter, Anton Kreisl, John Hening, Alexander Edwards,
Chairman Frank Creyaufmiller

Passed

c. **Final Plat - Hernando Street Plat - 601 Hernando Street**

Mr. Altizer gave an overview of the application. He stated the request is for review of an application for a final plat to subdivide one (1) parcel, which is 0.81 +/- acres, into six (6) platted lots. The current Future Land Use is HIR, Hutchinson Island Residential and the current Zoning is R-4A, Hutchinson Island Medium Density Residential. Mr. Altizer answered questions from the Board on underground utilities and lot size.

Tod Mowery, Applicant Representative from Redtail Design Group, said the plat process has been going on since 2021. Mr. Mowery stated before the 2004 hurricanes there were 11 apartment units on three (3) lots, and they are lowering the density by platting six (6) lots. He said the plat allows the applicant to sell 45 foot wide lots. Mr. Mowery noted there are no underground utilities only phone lines.

Motion was made by Nichelle Clemons, and seconded by John Hening to forward a recommendation of approval to the City Commission with the following condition:

1. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

AYE: Justine Carter, Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons,
Chairman Frank Creyaufmiller

Passed

d. **Zoning Text Amendment - Landscape Bond and Landscape Enforcement**

Mr. Freeman gave an overview of the Zoning Text Amendment. He stated the text amendment pertains to Section 123-6 and 123-7 regarding Landscape Bond and Landscape Enforcement. He said the existing site plan process requires the property owner to provide an estimated landscape bond to ensure that all approved landscaping is maintained. He said there are issues managing the bonds, where the bonds are located and the city landscaping the owner's property. Mr. Freeman said the landscape should be maintained as it was approved and if not the Code Enforcement department will issue a fine. The initial landscaping is inspected at final CO and should be monitored. If the landscape inspection fails, the bond is pulled. Mr. Freeman said during the site plan process, the landscape maintenance agreement will be put in place and if not met, the property will be subject to Code Enforcement action. The city will monitor the approved landscaping on an annual basis. He stated the responsibility is carried through in perpetuity of the site being operated and until such a time that the approved site plan/landscape plan is amended. Mr. Freeman recommended the removal of the requirement for a Landscape Bond and add the requirement for Landscape Maintenance Agreement and an annual city inspection.

Mr. Freeman explained the city was getting complaints about the landscape bond being too expensive, and the amendment will move the responsibility on to the developer and property owner rather than the city to maintain the landscaping. Mr. Freeman answered questions from the Board on Code Enforcement responsibility for failed landscaping and who will be performing the landscape inspection. Mr. Freeman explained the Planning Department will be aware of what sites needed landscaping and what trees are to be planted and if this is not met by the city arborist inspection, a report will be created and turned over to Code Enforcement.

Motion was made by John Hening, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter,
Chairman Frank Creyaufmiller

Passed

e. **Zoning Text Amendment - Preliminary Plat Process**

Mr. Freeman gave an overview of the application. Mr. Freeman said at the beginning of the year an optional preliminary plat process was put in place to save time and to be able to assign addresses to lots and to be able to pull building permits where appropriate. The Property Appraiser will not issue parcel ID#'s to lots delineated by a preliminary plat, which in turn does not allow an address to be allocated or building permit to be applied for. The process has caused confusion and has little benefit to applicants and property owners. Mr. Freeman suggested removing the optional Preliminary Plat process and require a Final Plat to meet State Statute requirements, which will cut down on the expense to the applicant. Mr. Freeman explained the Final Plat answers the questions from the Preliminary Plat and the strikethrough's on the draft are not relevant to the ordinance and are covered by state statute.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission.

AYE: John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. DIRECTOR'S REPORT

Mr. Freeman spoke about three agenda items from the October 9, 2023, Conference Agenda. He stated he got positive feedback from the Commission on looking at density differently for affordable housing. He highlighted in the Comprehensive Plan the developer automatically gets an additional market rate unit. Mr. Freeman said to create more homeownership in the city the developer could have varying units, lower income, different sized units and provide additional density without being counted. Mr. Freeman said he is working on ordinances to allow accessory dwellings on the back of houses and allowing homeowners to split lots to build more homes, which will help regenerate the Lincoln Park area.

The next item discussed was notification and expense involved prior to the Planning Board meetings. Mr. Freeman said the Planning Department will engage with the applicant to mandate site noticing and mail outs prior to the Planning Board meeting date and a report will be sent to the City Manager's office of what is going on.

The final discussion item was increasing the threshold of minor site plans. He said the recommendation was to amend residential minor site plans to less than 50 units and commercial minor site plans to less than 10,000 square feet. Mr. Freeman said he will be bringing the item to Planning Board for discussion with an analysis of what sort of developments the administrative approvals would include.

9. BOARD COMMENTS

Chairman Creyaufmiller asked the Board to watch the City Commission meeting from October 3, 2023, regarding the Olsen Residence Conditional Use on Surfside Drive that was tabled by the Planning Board. He said many of the same questions were asked and answered differently at the commission meeting. Chairman Creyaufmiller said the height of a home should not fall under the category of a Conditional Use because the use of the building is not being changed. He said the height increase should be a Variance and the ordinance should be looked at and amended particularly for the South Beach Overlay District.

Chairman Creyaufmiller said he would like to see the Board of Adjustment absorbed by the Planning Board since they are not bombarded by Variance requests and the Board of Adjustment members are scheduling their life around two meetings a year. Chairman Creyaufmiller asked if all ordinances are met, why do applications need to go to the City Commission. He suggested combining efforts of the Board of Adjustment into Planning Board and making the Planning Board Quasi Judicial for appropriate hearings.

Mr. Kreisl commented on the recently approved Olsen Residence on Surfside Drive. He said the city has no maximum limits on the sizes of lots, only minimum limits and the city is not involved in the Unity of Title process. Mr. Kreisl suggested the side yard setbacks are increased when two properties are combined into one lot, so there is control over the amount of green space. He said there needs to be a fair way to mitigate by applying lot line requirements to lot width and instead of a particular zone, have a scale for lot line

requirements.

Mr. Kreisl stated the Future Land Use on the Mixed-Use application is terrifying. He said the code allows 15 dwelling units per acre, but they state they are going to build four (4) to six (6) units per acre. The road will be expanded to four (4) to six (6) units per acre and by the time the property is built or sold it could be 15 units per acre.

10. ADJOURNMENT