

CITY PLANNING BOARD

BOARD AGENDA

Planning Board Regular Meeting - Monday, February 13, 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 January 9, 2023, meeting
6. **HEARING OF THE LOCAL PLANNING AGENCY**
 - a. Future Land Use Map Amendment - Resurrection Life - 1910 S. Jenkins Road - Parcel ID: 2418-322-0001-000-5
7. **NEW BUSINESS**
 - a. Annexation - Joseph Land - Parcel ID - 2427-801-0085-000-5
 - b. Zoning Atlas Map Amendment - Oak Alley Planned Development Scrivener's Error - 4483 S. 25th Street

- c. Resolution 23-R17 - Extending the Peacock Arts District Boundaries and Providing for an Effective Date
- d. Sunshine Presentation

8. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Chair, as this section of the Agenda is limited to thirty minutes. The Planning Board will not be able to take any official actions under Comments from the Public. Speakers will address the Board and the Public with respect. Inappropriate language will not be tolerated.

9. **DIRECTOR'S REPORT**

10. **BOARD COMMENTS**

11. **ADJOURNMENT**

Any person seeking to appeal any decision by the Planning Board 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 (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

5. a.

Meeting Date: 02/13/2023

Re: Minutes from the January 9, 2023, meeting

Submitted For: Kev Freeman, Planning Director, Planning & Zoning

Information

SUBJECT:

Minutes from the January 9, 2023, meeting

Attachments

Planning Board Minutes 1/9/23

Form Review

Form Started By: Alicia Rosenthal

Started On: 01/17/2023 01:40 PM

Final Approval Date: 01/17/2023

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

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

Chairman Creyaufmiller introduced the new Planning Board members, John Heaning and Uline Daniel. Both Mr. Heaning and Ms. Daniel told the Board a little bit about themselves.

Present: Anton Kreisl; John Heaning; Nichelle Clemons; Uline Daniel; Harold Albury; Frank Creyaufmiller, Chairman

Absent: Alexander Edwards

Staff Present: Kev Freeman, Planning Director
Vennis Gilmore, Assistant Planning Director
Ryan Alitzer, Senior Planner
Alicia Rosenthal, Planning and Development Organizer

4. CONSIDERATION OF ABSENCES

Mr. Edwards was excused.

5. APPROVAL OF MINUTES

- a. Minutes from the December 12, 2022, meeting

Motion was made by Nichelle Clemons, and seconded by Harold Albury to approve the minutes from the December 12, 2022 meeting.

AYE: Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

6. HEARING OF THE LOCAL PLANNING AGENCY

a. Future Land Use Map Amendment - 33rd Street - 1503 33rd Street

Mr. Altizer gave an overview of the application and answered questions from the Board. Mr. Altizer stated the two parcels are requesting a land use change from Neighborhood Commercial to General Commercial.

Tod Mowery, Applicant Representative from Redtail Design Group, stated the Future Land Use and Rezoning meet the 3 C's which are compatibility, consistency of the neighborhood and capability of the site development.

Motion was made by Nichelle Clemons, and seconded by Harold Albury to forward a recommendation of approval to the City Commission for the Future Land Use Map Amendment of two parcels of land from Neighborhood Commercial to General Commercial.

AYE: Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

7. NEW BUSINESS

a. Zoning Atlas Map Amendment - 33rd Street - 1503 33rd Street

Mr. Altizer gave an overview of the application. He stated the two parcels are requesting a change in the zoning classification from Neighborhood Commercial C-2 to General Commercial C-3.

Tod Mowery, Applicant Representative from Redtail Design Group, was available for questions from the Board.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission for the zoning classification change from Neighborhood Commercial to General Commercial.

AYE: Uline Daniel, Harold Albury, Anton Kreisl, John Hening, Nichelle Clemons,
Chairman Frank Creyaufmiller

Passed

b. Site Plan - Privilege North - 3315 Sunrise Boulevard

Mr. Altizer gave an overview of the application. The request is for a multifamily development located east of Sunrise Boulevard and North of Dade Road. 216 residential units are being proposed on two parcels totaling 21.686 +/- acres. Mr. Altizer showed the landscape plan, elevations and clubhouse. Mr. Altizer answered questions from the Board on the Dade Road exit, traffic signal at Bell Avenue and Sunrise Boulevard, sidewalks, school bus stop,

easements, and pond size.

Brad Currie, Applicant Representative from EDC, explained the project was approved in 2006 for 216 dwelling units but was never built due to the downturn in the economy. Mr. Currie stated the sidewalk will be installed on the frontage of the property. He noted that Dade Road is a substandard right-of-way (ROW) and the county does not require sidewalks. Mr. Currie said there was no mention of a traffic signal, by St. Lucie County, at the intersection of Bell Avenue and Sunrise Boulevard. Mr. Currie said the lake is 2.92 acres and should be about 15% of the site. Mr. Currie highlighted that they will save as many native trees as possible. Mr. Currie answered questions from the Board on the easement ownership, gated community, speed bumps, amenities, charging stations, improvements on Dade Road for pedestrian access, and St. Lucie Water Management District permit.

Motion was made by Anton Kreisl, and seconded by John Heaning to forward a recommendation of approval to the City Commission with the following conditions:

1. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of Building Permit approval, A Unity of Title with the St. Lucie County Clerk of Courts and a Parcel Combination with the St. Lucie County Property Appraiser shall be provided.
3. Provide sidewalk connection to Dade Road.
4. Provide traffic-calming on the west side of the property.
5. Add EV charging stations.

AYE: Harold Albury, Anton Kreisl, John Heaning, Nichelle Clemons, Uline Daniel,
Chairman Frank Creyaufmiller

Passed

c. Site Plan - Wallace Hyundai- 5553 S. US Highway 1

Mr. Gilmore gave an overview of the application. The request is to construct an approximately 25,740 square foot Automobile Sales and Service Facility with associated site improvements. The subject parcel is approximately 8.20 acres and there is currently an existing automotive services building on the property. Mr. Gilmore mentioned that there is a private road to the north of the site that has shared access between Sunrise Ford and Wallace Lincoln. Mr. Gilmore answered questions from the Board on the service entrance, water drainage and land ownership to the west of the property.

Scott Montgomery, Wallace Group Representative, said the property to the west is a Water Treatment Area for St. Lucie County and the outfall for the site exceeds the minimum required. Mr. Montgomery said currently the Hyundai dealership is operating in modular units. He said the detached oil and lube will be demolished, and the carwash building is not being used. Mr. Montgomery stated that Wallace owns the property to the south and there is interconnectivity for both dealerships along with common staffing. He noted the trip generation is not significant and the stormwater is being modified slightly. Mr. Wallace answered questions from the Board on wetlands impact, inventory of cars, entrance on US Highway 1, electric charging stations, number of staff and possible solar panel shading for cars.

Motion was made by Harold Albury, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission with the following conditions:

1. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.

AYE: Anton Kreisl, John Heaning, Nichelle Clemons, Uline Daniel, Harold Albury,
Chairman Frank Creyaufmiller

Passed

d. Zoning Text Amendment - Edgartown Settlement Zoning District

Chairman Creyaufmiller asked for a motion to lift the text amendment from the table. The chairman stated the primary concern from the Historic Preservation Board was the noise. Chairman Creyaufmiller said there was a noise specialist that explained DBA sound levels at the conference agenda meeting the morning of January 9, 2023. The chairman asked that the Planning Board not get caught up in the noise solution because the City Commission will be looking at the noise ordinance for the city and for Edgartown.

Mr. Freeman showed the boundaries of the Edgartown Settlement District, and he described the area as small residential lots with some commercial uses. Mr. Freeman said the two reasons this came to city staff's attention is the number of complaints received from the residents regarding the activity and noise from the commercial entities and there was a legal question from internal on the differentiation between acoustic or amplified sound generation. Staff proposed the text amendment to essentially compress as much as possible without altering the intent of the district to refocus what it is all about and to clean up the definitions and organize the code. The code did not change besides the noise and the uses.

Mr. Freeman explained the history on the text amendment. He stated the code was presented to the Planning Board at their November 14th, 2022, meeting, and then at the Planning Board's request to the Historic Preservation Board at their December 5th, 2022, meeting as a discussion item. The discussion at the Historic Preservation meeting mentioned whether the appropriate noise level (dBA) should be adopted as initially recommended by Staff (Citywide level of 60 dBA) or reduced to a lower level. Comment by the attorney representing some residents of the neighborhood requested a reduction to 55 dBA and that certain commercial uses be approved in future by the Conditional Use process. In addition, the limit of 800 square feet exterior area used for outside entertainment be strictly enforced.

The code was further discussed at the January 9th, 2023, Commission Conference Agenda meeting. A presentation by an Acoustic Sound Engineer demonstrated various dBA levels and provided an explanation between dBA, dBC and dBX. The City Commission's discussion indicated that the appropriate citywide noise level of 60 dBA should be considered, together with the retention of the 9 p.m. cut-off for outdoor entertainment. Discussion was also made to limit brewpubs, neighborhood bistro's and wine/cigar bars uses to approval via the Conditional Use process. Mr. Freeman encouraged the Planning Board to have an acoustic review for Conditional Uses. Mr. Freeman stated the City Commission is looking at city wide sound limits and decibel levels.

Mr. Freeman provided a summary of the consideration of amendments to the Edgartown Settlement Zoning District and the proposed amendments to entertainment and noise.

Board discussion ensued on Conditional Use for any outdoor entertainment or any business selling alcoholic beverages.

Mr Freeman reviewed the current code for the Edgartown Settlement District, and he noted outdoor entertainment is acoustic only and amplified sound is not allowed and the cut-off time is 9:00 PM. Mr. Freeman answered questions from the Board on the hours of operation start time, residential noise restrictions, and if the ordinance pertains to 7 days a week.

Mr. Albury suggested taking a look at the zoning if the idea is to preserve the residential area. He said having strict regulations or a hard hand is not allowing an area to develop organically and grow with time.

Suzanne Boardman, Edgartown resident, said she has lived in Edgartown for 20 years, and they were the 2nd family to move in to the area. She said the area is 90% residential and the owners spend considerable time and money keeping their home preserved. She stated the lots are small and close together, and they can hear sounds from festivals in the area and bars north of Seaway Drive, but they don't want sound coming out of their area. Ms Boardman stated she wants to preserve the area for residential use.

Holly Theuns, Edgartown resident, stated she lives next to Pierced Cider, and she bought her 1905 house in 2012, and she renovated the home. Ms. Theuns said that during the pandemic Pierced Cider brought in bands seven days a week, and they made lots of money. Ms. Theuns said she has been complaining to the police about the loud noise and on April 7, 2022, the music was shutdown and on April 18, 2022, Pierced Cider started playing the radio from 10:30 AM to 9:00 PM seven days a week. Ms. Theuns said the business is successful and will be successful anywhere. She highlighted that the 9:00 PM cut-off, acoustic music ordinance was in place when she bought the home. Ms. Theuns noted that if the business wants to stay, they need to follow the rules. Ms. Theuns main concern is the enforcement of the ordinance and making people follow the ordinances. Ms. Theuns said 55-60 decibels is reasonable, and she is happy with the suggested changes to the ordinance, but she believes the police need training on the sound ordinance.

Lainey Francisco, Attorney representing Edgartown residents, stated the change to Conditional Use is appreciated, but she has concerns with the noise level and prefers 55 dBA. Ms. Francisco said the Edgartown overlay district should not be part of the sound ordinance. Ms. Francisco noted that typically receiving municipalities residential sound level is 55 dBA.

Mr. Freeman said the dBC is the best methodology for outdoor noise from entertainment for frequencies that can get out. Mr. Freeman noted that 60 dBC is very similar to 55 dBA and if the city was consistent with 60 dBC it would be more appropriate and closer to 55 dBA. Mr. Freeman stated concerns with enforcement in Edgartown, and he said if the noise ordinance was enforced, there would be a large difference in what the citizens experience.

Chairman Creyaufmiller suggested that if the noise ordinance is amended by the City Commission that the 9:00 PM cut-off time in Edgartown be added to the noise ordinance table in Section 11, Item I.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to lift the Edgartown Zoning Text Amendment from the table.

AYE: John Hearing, Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

Motion was made by Harold Albury, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission for the proposed text amendment with the following four (4) recommendations from the Planning Board:

1. Uses which serve alcohol subject to Conditional Use
2. Outdoor entertainment subject to Conditional Use
3. Noise limits to match City Ordinance Chapter 26, Article II, Noise
4. 9.00 PM Edgartown noise limitation be referred within City Ordinance Chapter 26, Article II, Noise

AYE: John Hearing, Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

8. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

9. **DIRECTOR'S REPORT**

Mr. Freeman stated 2023 will be an exciting year with interesting projects including the Port, Central Business District, potentially getting a Brightline Station, looking at traffic and an exciting housing proposal. Mr. Freeman explained the housing proposal as a holistic spectrum of housing within the city. He said the provision of housing will be throughout the whole range of accommodations, and they are currently looking at programs and initiatives to engage parts of that spectrum. Mr. Freeman noted that he is currently working with the grant department to have a coordinated effort of where the housing grants will be located.

Mr. Freeman stated a strategic planning meeting is being held in January with the consultants and the City Commission to discuss planning and city strategy for 2023.

Mr. Freeman said he is hoping next year will be as good or better than 2022.

10. **BOARD COMMENTS**

Chairman Creyaufmiller thanked the 2022 Board members for their service, and he congratulated the new Board members. Chairman Creyaufmiller said he had the opportunity to sit in other municipalities Planning Board meetings, and he said Fort Pierce is spot on in the way projects are moved through the city. The chair said he hears good things from the applicants, commissioners and mayor regarding Planning and the Planning Board. Chairman Creyaufmiller said he would like to see legal representation on the Board. He mentioned the upcoming meeting to discuss the outflow of water.

Mr. Kreisl brought up the lack of provision for accessory structures. He said the accessory dwelling units such as a mother-in-law suite are an extension for single family space, and it is currently not allowed. Mr. Kreisl requested the Planning department start the conversation to allow the accessory structures. He said the buildings would not be connected, they are easier to build, and they would be permitted like any other addition. The water, electric and

sewer service would be the same for both the home and the mother-in-law suite.

Mr. Gilmore stated mother-in-law suites are allowed in the R-4, Medium Density Residential zoning district. He noted that kitchens are not allowed. Mr. Freeman stated the mother-in-law suites can be incorporated into the new housing structure proposal.

Mr. Albury asked if the housing proposal will include a certain percentage of affordability, where ever it is located. Mr. Albury said certain areas could have the density to allow another dwelling unit on the property, and it could supplement someone's income and preserve an area.

Mr. Albury suggested putting a taxation on the sound in Historic Districts. He said the pooled money could be given to the homeowners to preserve their homes.

Mr. Albury suggested adding bike lanes to Sunrise Boulevard with a median separating the lane in the road to have a complete street. He noted that Planning influences how people operate in making a decision to walk or bike, and it promotes healthier living.

Mr. Albury asked for an update on the city surplus property development.

11. ADJOURNMENT

Planning Board

6. a.

Meeting Date: 02/13/2023

Re: FLUMA - Resurrection Life - 1910 S. Jenkins Road - Parcel ID:
2418-322-0001-000-5

Information

SUBJECT:

Future Land Use Map Amendment - Resurrection Life - 1910 S. Jenkins Road - Parcel ID:
2418-322-0001-000-5

SUMMARY:

Request for review of a Future Land Use Map Amendment of one (1) parcel of land to change the future land use classification from Medium Density Residential (RM) to High Density Residential (RH) for 4.883 acres of the parcel.

RECOMMENDATION:

The requested application for a Future Land Use Map Amendment (FLUMA) meets the criteria specified in Section 125-136 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience, and general welfare. Therefore, Staff recommends APPROVAL of the proposed FLUMA.

ALTERNATIVES:

1. Recommend Approval with Conditions
2. Recommend Denial

RESPONSIBLE STAFF:

Ryan Altizer, Senior Planner

COORDINATED WITH:

Technical Review Committee

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

Staff Report & Supporting Documents
Application Packet & Supporting Documents

Form Review

Form Started By: Ryan Altizer

Started On: 02/06/2023 01:42 PM



CITY OF FORT PIERCE PLANNING BOARD

February 13th, 2023

RESURRECTION LIFE - FUTURE LAND USE MAP
AMENDMENT
(1 PARCEL)

APPLICANT

EDC, Inc. – Brad Currie, AICP

PROPERTY OWNER(S)

Resurrection Life Family Worship Center, Inc

PARCEL ID #(S):

2418-322-0001-000-5



SUMMARY

Request for review of an application for a Future Land Use Map Amendment of one (1) parcel of land to change the future land use classification from Medium Density Residential (RM) to High Density Residential (RH) for 4.883 acres of the parcel.



SITE LOCATION



SITE AREA= 17.97 +/- Acres

1910 S. JENKINS ROAD– FUTURE LAND USE MAP AMENDMENT



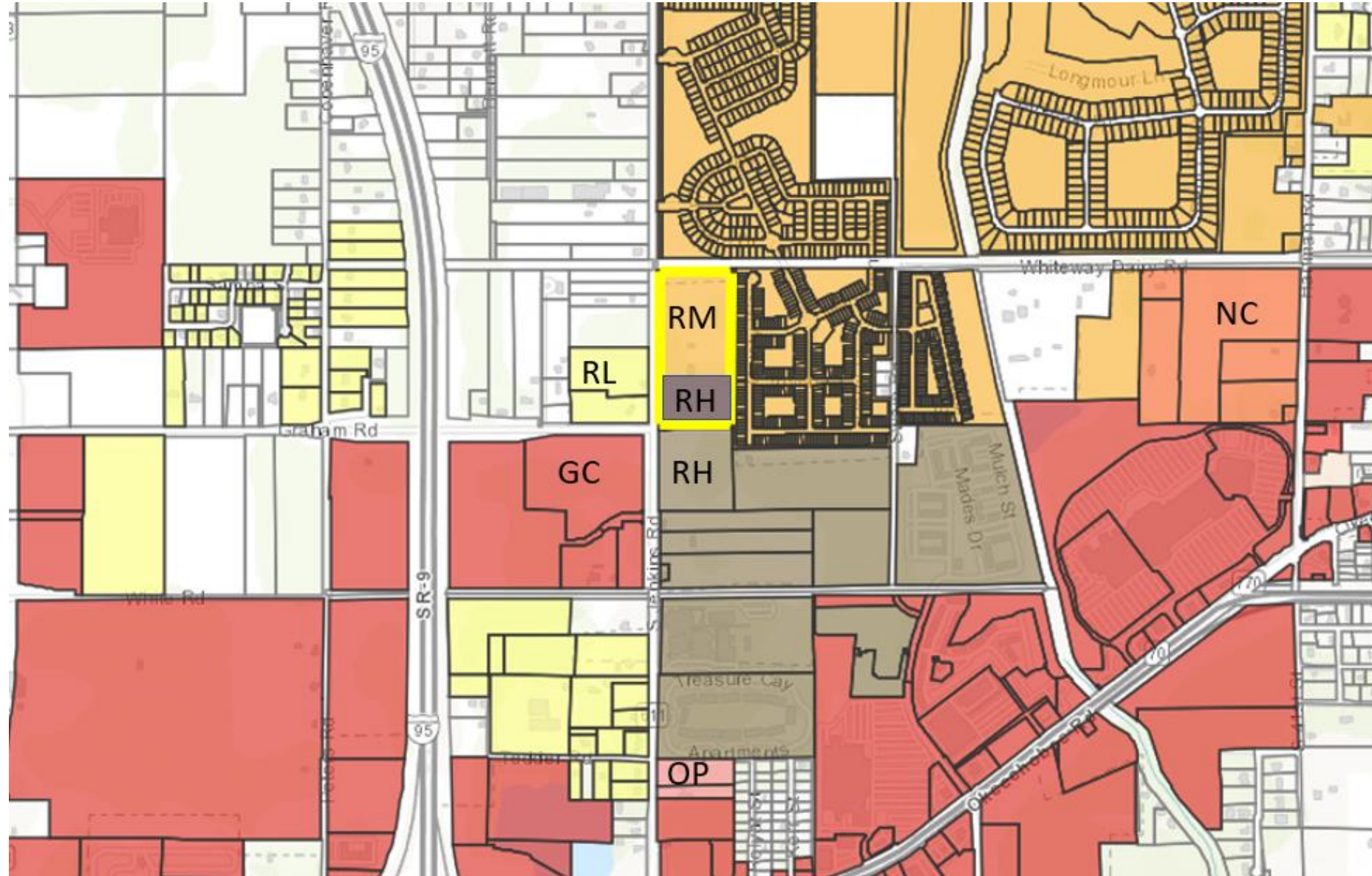
SITE LOCATION



1910 S. JENKINS ROAD— FUTURE LAND USE MAP AMENDMENT



PROPOSED FUTURE LAND USE



Proposed Future Land Use RH
(High Density Residential)/ RM
(Medium Density Residential)

1910 S. JENKINS ROAD– FUTURE LAND USE MAP AMENDMENT



RECOMMENDATION

Staff recommendation is for the Planning Board to move the proposed Future Land Use Map Amendment for approval to City Commission.

ALTERNATIVE RECOMMENDATION

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



Bradley J. Currie, AICP
10250 SW Village Parkway, Suite 201
Port St. Lucie, FL 34987

Subject: FLUMA – 1910 S. Jenkins Road – Technical Review Committee Comments for January 19, 2023 TRC Meeting

City of Fort Pierce Planning Department

1. Please specify which 4.88-acre portion of the 17.43-acre parcel will have its future land use changed.
2. With the FLUMA change, the zoning would still restrict the number of units per acre allowed to be maximum 10, 12 with an innovative design. Will a rezoning be occurring with this parcel later?

Fort Pierce Engineering Department

No comments at this time

Fort Pierce Building Department

1. Building Official or his represent olive hos no comment at the time of this meeting, but reserves submission of comments upon completion of the official plan review.
2. Any construction will need to meet the requirements of the Florida Building Code 7th Edition.
3. Building Permit required.
4. Will need to meet the Fire Code

Fort Pierce Police Department

No comments at this time

St. Lucie County Planning Department

Comments may be forthcoming

St. Lucie County PW/Engineering

No comments at this time

City Clerk Office

Comments may be forthcoming

Code Enforcement

Comments may be forthcoming

Fort Pierce Utilities Authority

FPUA W/WW Engineering: Water and wastewater services are available to serve the subject property. To connect to these services please submit Utility Plan (3 complete sets) along with a completed plan review application to the Water and Wastewater Engineering Department, at 1701 S 37th Street Fort Pierce Florida, 34947. Please use the link below to our website for a step-by-step guide through the entire process, including utility details and permit applications. For questions please contact John Biggs at 772-466-1600 ext. 3474
<https://fpu.com/water-and-wastewater-engineering-downloads/>

FPUA Electric & Gas Engineering: FPUA Electric & Gas Engineering has reviewed the application. Approved. Both 3-phase electric and gas services are available from the western property line.

Please contact Sal Scimeca for electric customer requirements and project coordination.

Sal Scimeca
Engineering Technician II
Electric & Gas Engineering
Fort Pierce Utilities Authority
sscimeca@fpu.com
772.466.1600 ext. 6957

Please contact Billy Dupre for gas customer requirements.

Billy Dupre
Business Development Representative
Gas Operations
Fort Pierce Utilities Authority
1701 S 37th Street
Fort Pierce FL 34947
C: 772-216-3498
O: 772-466-1600 X4705

F: 772-468-2413

St. Lucie County Fire District

No comments at this time

Florida Department of Transportation

Comments may be forthcoming

St. Lucie County School Board

No comments at this time



Application for Future Land Use Map Amendment

Future Land Use Map Amendment – Large Scale (>10 acres)

Future Land Use Map Amendment – Small Scale (<10 acres)

In accordance with Chapter 163.3187, Florida Statutes, The City of Fort Pierce will consider applications for land use changes on parcels in excess of 10 acres (“Large Scale Amendments”) only twice each calendar year. The City Commission will consider applications for land use changes on parcels less than or equal to 10 acres with a maximum density of 10 units per acres or less at any time during the calendar year. You are encouraged to schedule a pre-application meeting with the planning staff and to submit your application up to three months in advance of the application deadline.

Application submission shall include the following:

●**TRC** (*Initial Submission): One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

●**Planning Board**: One (1) original and (13) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

●**City Commission**: One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

In addition to a complete application, packets shall include:

- Warranty Deed & Legal Description
- St. Lucie County Property Record Card
- Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.
- Current Survey
- Environmental Study
- Traffic Impact Report
- *** Capacity Analysis-Separate Form
- Drainage Analysis (see attached Drainage Statement within Application and Capacity Analysis)
- Historical Report
- 1 CD of all documents submitted in PDF (Submitted via email)
- Other _____

1. Property Address/Location: 1910 S. Jenkins Road
2. Property Tax ID(s): 2418-322-0001-000-5
3. Total Acreage: 4.883 Acres
4. Existing Future Land Use Designation: RM
5. Existing Zoning Classification: R-4
6. Proposed Zoning Classification: PD
7. Other applications being submitted concurrent with this application, if any: _____
Rezoned to PD forthcoming
8. Describe the existing uses, improvements and structures on the amendment lands: _____
Vacant - dirt drive exists onsite, no existing structures.
9. Are there any identified or possible historical structures on the amendment lands? See attached report.
10. The reason for making this request: Change in the existing Future Land Use designation from Residential Medium (RM) to Residential High (RH) .

11. Capacity Analysis:

I. Site Data:

	Existing Use	Future Land Use	Zoning
North	Residential Development	RM	PD
South	Vacant (Proposed Residential)	RM	R-4
East	Residential	RM	PD
West	SW: ROW / Residential W: ROW / Residential	RL (SLC) RU	C-1 (SLC) RS-2

	Future Land Use	Zoning Classification	Maximum Intensity Residential: Dwelling Units per Acre Other: Square Footage	Total Acreage	Flood Zone
Current	RM	R-4	Up to 12 UPA	4.883	X
Proposed	RH	PD	Up to 15 UPA	4.883	N/A

II. Public Facilities Information:

A. Potable Water:		
Average Use	Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand) Other: 0.125 gallons per day per square foot	
Demand Analysis	Maximum	
Current Zoning	Total gallons per day	15,080
Proposed Zoning	Total gallons per day	18,980
Change in Demand	Total gallons per day	increase of 3,900 gpd

B. Wastewater:		
Average Use	Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand) Other: 0.1 gallons per day per square foot	
Demand Analysis	Maximum	
Current Zoning	Total gallons per day	15,080
Proposed Zoning	Total gallons per day	18,980
Change in Demand	Total gallons per day	increase of 3,900 gpd

C. Parks and Recreation (Residential Classifications Only): (Du x 2.6 = persons + 44,227 = population /LOS)				
Park Type	LOS	Existing Population Park Demand	Proposed Population Park Demand	Change in Demand
Regional	20 acres per 1,000 people			
Urban District	5 acres per 1,000 people			
Community	2.5 acres per 1,000 people	110.94	111.04	increase of 0.10
Neighborhood	1.36 acres per 1,000 people			

D. Public Schools (Residential Classifications Only): Single Family: (du x 0.405 = students/70% K-8/30% High) Multi-family: (du x 0.207 = students/70% K-8/30% High)		
	K-8	High
School Name	Samuel Gaines Academy	Fort Pierce Westwood
City	Fort Pierce	Fort Pierce
Distance	0.5 miles	4.4 miles
Current Zoning Enrollment Demand	8.40	3.59
Proposed Zoning Enrollment Demand	10.58	4.53
Change in Demand	increase of 2.17	increase of 0.95

E. Solid Waste: 2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units	
Demand Analysis	Maximum
Current Zoning	2.90
Proposed Zoning	3.65
Change in Demand	increase of 0.75

F. Stormwater: Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event)	
Impact	Stormwater will be collected in a series of inlets that are connected via underground pipes. Stormwater is then conveyed to an on site lake for treatment and attenuation prior to discharging off site to the NSLRWCD Canal No. 36. The proposed lake will provide water quality treatment and attenuation prior to discharging off site.

G. Transportation Analysis: Most recent ITE Code for use; HCM Roadway Capacity		
	AADT	AM/PM Peak Hour Trips
Demand Analysis	Maximum	Maximum
Current Zoning	391	23/30
Proposed Zoning	492	29/37
Change in Demand	Trips 102	Trips 6/7
Impact to Capacity	De Minimis	

12. Name of Owner(s): Resurrection Life Family Worship Center, Inc.
 Mailing Address: 405 Ixoria Avenue
 City Fort Pierce, State FL Zip 34982
 Phone # 772-979-0363
 E-mail: trbanksjr@trbanks.com

13. Name of Applicant: Same as Owner
 Mailing Address: _____
 City _____ State _____ Zip _____
 Phone # _____ Fax # _____
 E-mail: _____

14. Name of Representative: Bradley J. Currie, Engineering Design & Construction, Inc.
 Mailing Address: 10250 SW Village Parkway, Suite 201
 City Port St. Lucie State FL Zip 34987
 Phone # 772-462-2455 Fax # 772-408-4208
 E-mail: bradcurrie@edc-inc.com

15. Applicant Acknowledgements (Owner’s signature must be notarized)

I certify that: (Check One)

I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

I (we) are not the owner of the above described property; however, the owners signature below authorizes the applicants the authority to act as agent for the owner(s) of record.

[Signature]
Applicant's Signature

12/14/22

405 Ixoria Avenue, Fort Pierce

Date

Address

State FL 34982 Zip

772-465-0036

trbanksjr@trbanks.com

Phone

Fax

E-mail Address

16. Property Owners 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 for a change in zoning classification. The property owner's signature(s) below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Trevor Ryan Banks

772-465-0036

Property Owner's Name (Please Print)

Phone

405 Ixoria Avenue, Fort Pierce

FL

34982

Address *etc*

State

Zip

[Signature]
Property Owner's Signature

12/14/2022
Date

STATE OF FLORIDA)
ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this 14 day of December, 2022, by Trevor Banks who is personally known to me or has produced FL DL as identification.

[Signature]
Signature of Notary

(seal)



Jason Hendry
Commission # GG300006
Expires: February 23, 2023
Bonded Thru Aaron Notary

OFFICE USE:

DATE RECEIVED: _____ Signed: _____

File Number: _____ Check No: _____ Receipt No: _____

TRC Review: _____ Planning Board Review: _____ City Commission: _____

Ordinance No: _____ Date Approved: _____

Document Prepared by:

TREVOR BANKS
2316 JO HAYWOOD DR.
FT. PIERCE FL 34946

Return to after Recording:

2316 TREVOR BANKS
2316 JO HAYWOOD DRIVE
FT. PIERCE FL. 34946

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY

FILE # 3759664 10:18:2012 at 04:16 PM
OR BOOK 3444 PAGE 922 - 923 Doc Type: DEED
RECORDING: \$18.50
D DOC STAMP COLLECTION: \$0.70

Above Space Reserved for Recording

[If required by your jurisdiction, list above the name & address of; 1) where to return this form; 2) preparer; 3) party requesting recording.]

Corrective Quitclaim Deed

Assessor's Property Tax Parcel/Account Number(s): 2418-322-001-000-5 / 27284
PARCEL ID *account #*

THIS QUITCLAIM DEED, executed this 18th day of October, 2012, by
first party, Grantor, TREVOR BANKS

whose mailing address is 2316 JO HAYWOOD DRIVE FT. PIERCE FL. 34946, to
second party, Grantee, Resurrection Life Family Worship Center
Church

whose mailing address is 405 IYDRIA AVE Fort Pierce FL 34982

WITNESSETH that the said first party, for good consideration and for the sum of 0
Dollars (\$ 0) paid by the said second party, the receipt whereof is hereby acknowledged,
does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and
claim, which the said first party has in and to the following described parcel of land, and improvements and
appurtenances thereto in the County of St. Lucie, State of Florida

to wit:

Full Legal Description

18 35 40 W 1/2 OF NW 1/4 OF SW 1/4-LESS W 40 FT FOR RD R/W AND LESS N 44.5 FT FOR NSLWMD CANAL NO 36 R/W- (17.43 AC) (OR 3360-1913)

~~This deed is being re-recorded to correct the legal description~~

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first written above. Signed, sealed and delivered in the presence of:

Martha Banks
Signature of Witness
Martha Banks
Print Name of Witness

Lori Clarke
Signature of Witness
Lori Clarke
Print Name of Witness

Trevor Banks
Signature of Grantor
TREVOR BANKS
Print Name of Grantor

Signature of Grantor

Print Name of Grantor

State of Florida

County of St. Lucie

On 10/18/2012, before me, Sandra Scille,
appeared Trevor Banks, personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf
of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

S. Scille
Signature of Notary
Sandra Scille
Print Name of Notary

(Seal)

Affiant Known Produced ID
Type of ID _____



RESURRECTION LIFE

**FUTURE LAND USE AMENDMENT
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3458, PAGE 167 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING IN SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER (1/4) CORNER OF SAID SECTION 18; THENCE SOUTH 00°15'46" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18, A DISTANCE OF 1324.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18; THENCE NORTH 89°08'14" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH JENKINS ROAD (80' WIDE PUBLIC RIGHT-OF-WAY) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 94631-2604, SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 89°08'14" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 614.25 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18; THENCE NORTH 00°08'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 342.92 FEET; THENCE SOUTH 89°44'04" WEST, LEAVING SAID EAST LINE, A DISTANCE OF 614.94 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH JENKINS ROAD; THENCE SOUTH 00°15'46" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 349.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 212716.39 SQUARE FEET (4.883 ACRES), MORE OR LESS.

Resurrection Life Family Worship Center Inc.
405 Ixoria Avenue
Fort Pierce, FL 34982

AGENT CONSENT FORM

Project Name: Resurrection Life

Parcel ID: 2418-322-0001-000-5

BEFORE ME THIS DAY PERSONALLY APPEARED Trevor Banks, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Engineering Design & Construction, Inc. to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a commercial development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 14 day of Dec, 2022, by Trevor Banks (Name of Person Acknowledging) who is personally known to me or who has produced FL DL (type of identification) as identification and who did (did not) take an oath.

Jason Hendry
--Notary Signature--

Jason Hendry
Printed Name of Notary

Trevor Banks
Owner's Signature

Trevor Banks
Owner's Name

405 Ixoria Ave
Street Address

Fort Pierce, FL 34982
City, State, Zip

772-465-0036 / trbanksjr@trbanks.com
Telephone / Email



Jason Hendry
Commission # 08300098 (Notary Seal)
Expires: February 23, 2023
Bonded Thru Aaron Notary

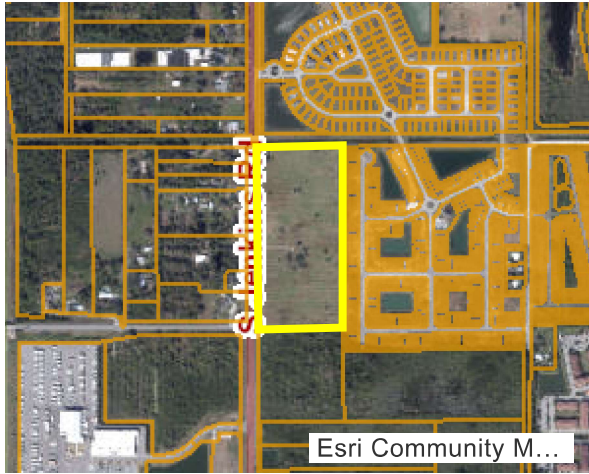
02/23/2023
My commission expires



Saint Lucie County Property Appraiser Michelle Franklin CFA

Report generated: Wednesday, December 14, 2022

Parcel Report



Parcel

PARCELNO: 2418-322-0001-000-5

Property ID: 27284

Owner1: Resurrection Life Family Worship Center Inc

SiteAddress: 1910 S JENKINS RD

Owner

Owner1: Resurrection Life Family Worship Center Inc

Owner2:

Owner3:

MailingAddress: PO Box 1224 Fort Pierce, FL 34954-1224

Overview

PrimaryLandUse: 0000 - Vac Res

DistrictGroup: 0022 - Fort Pierce

Subdivision: Metes and Bounds

Just/Market Value: \$815,600

FinishedArea:

Acres: 17.43

TotalArea: 759,251

Legal Description

LegalDescription: 18 35 40 W 1/2 OF NW 1/4 OF SW 1/4-LESS W 40 FT FOR RD R/W AND LESS N 44.5 FT FOR NSLWMD CANAL NO 36 R/W- (17.43 AC) (OR 3444-922: 3458-167)

Value History

Year	Just/Market Value	Building Value	Land Value	SFYI Value	Assessed Value	Exemption Amount	County Taxable	Save Our Home OR 10% Cap Differential	Ag Credit
2022	\$815,600	\$0	\$815,600	\$0	\$400,210	\$400,210	\$0	\$415,390	\$0
2021	\$563,500	\$0	\$563,500	\$0	\$363,828	\$363,828	\$0	\$199,672	\$0
2020	\$350,900	\$0	\$350,900	\$0	\$330,753	\$330,753	\$0	\$20,147	\$0
2019	\$350,900	\$0	\$350,900	\$0	\$300,685	\$300,685	\$0	\$50,215	\$0

Tax Links

[SLC Tax Collector's Office taxes for this parcel](#)

[Download TRIM notice for this parcel](#)

Special Assessments

Description	Start Year	Units	Amount
North St. Lucie Water Management District	2013	17.43	361.67

Exemptions

Description	Tax Year	Grant Year	Amount
Church	2022	2013	\$400,210

Improvements

Building Sequence: 1
Bedrooms: 0
Bathrooms: 0
Building Type: -
Story Height:
No of Living Units:
Total Finished Area: 0
Gross Sketched Area: 0
Year Built:
Effective Year:
Primary Roof Cover:
Primary Roof Structure:
Primary Wall:
A/C %: 0

Land Lines

Line Number	Units	Unit Type
1	17.43	Acre

Permits

Permit Number	Issue Date	Description
BP13-1908	06/28/2013	Demolition
BP13-1909	06/26/2013	Demolition
BP09-1253	08/05/2009	Demolition
C99-020505	03/09/1999	Carport

Sales History

Sale Date	Sale Price	Sale Code	Deed Type	Grantor	Book Page	View Document
10/18/2012	\$0	0111	QC	Banks Trevor R	3458-167	Clerk of Courts
10/18/2012	\$100	0111	QC	Banks Trevor R	3444-922	Clerk of Courts
12/05/2011	\$250,000	0112	SPWD	Integrity Bank	3360-1913	Clerk of Courts
08/28/2008	\$100	XX01	CT	TLH-Chess LLC	3016-2346	Clerk of Courts
07/28/2005	\$100	XX04	PR	TLH-Chess LLC	2322-1912	Clerk of Courts
07/28/2005	\$2,391,900	XX04	WD	Chesser Kathryn C	2322-1910	Clerk of Courts
12/20/2004	\$0	XX01	MS	Chesser Kathryn C	2122-2413	Clerk of Courts
02/12/1996	\$100	XX01	QC	Chesser Mitchell J	1000-1744	Clerk of Courts
03/01/1978	\$35,000	XX01	CV		286-682	Clerk of Courts

Photos



JUSTIFICATION STATEMENT RESURRECTION LIFE Future Land Use Map Amendment

REQUEST

On behalf of the Applicant, EDC is requesting the following:

- **Future Land Use Map Amendment:** A Future Land Use Map Amendment from Residential Medium (RM) to Residential High (RH)

SITE CHARACTERISTICS

The subject property is located within the City of Fort Pierce, Florida. The address to the property is 1910 S. Jenkins Road and the Parcel ID Number is 2418-322-0001-000-5. The property is located east of Jenkins Road and north of Graham Road. The overall subject property is 17.43 acres +/- of which we are requesting a FLUMA for 4.88 acres +/- . The property currently has a zoning designation of Medium Density Residential Zone (R-4).

The subject property has frontage on Jenkins Road.

- Jenkins Road, which is a 75-foot County owned and maintained right-of-way. It is also on the County's Right-of-Way Protection Plan

Currently, the property is vacant and undeveloped. An aerial of the current subject property is included below as **Figure 1**.

Figure 1 – Aerial of Subject Property

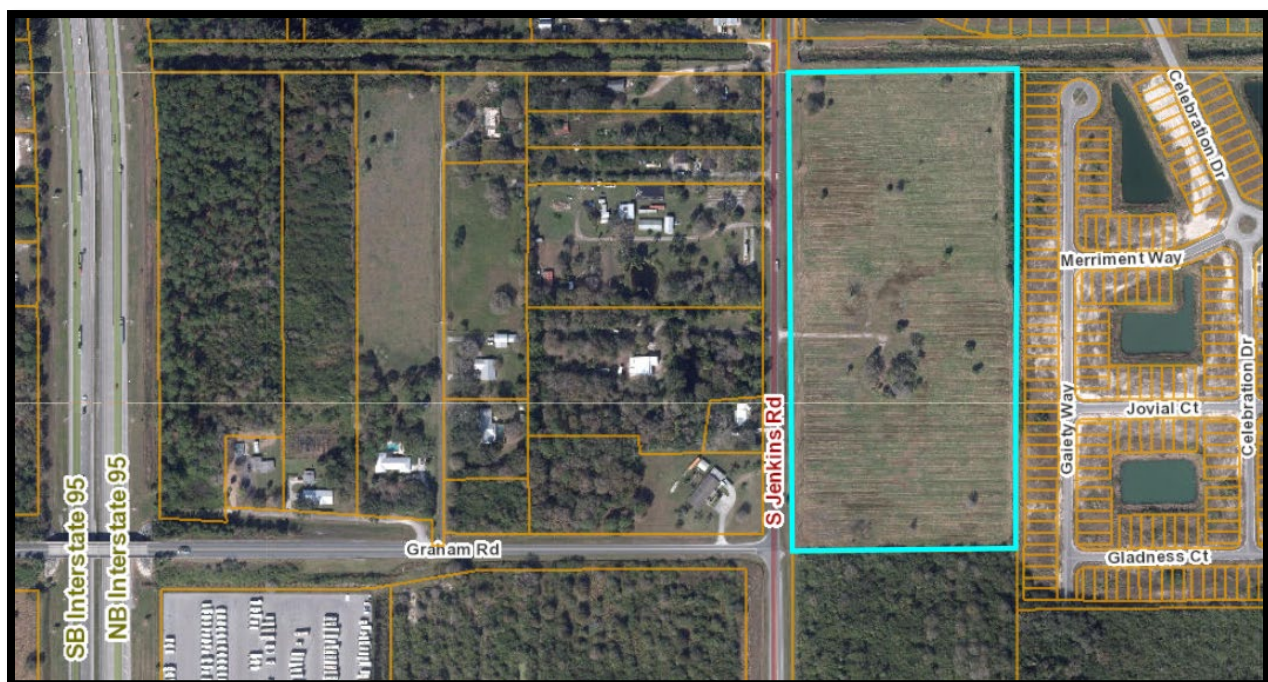
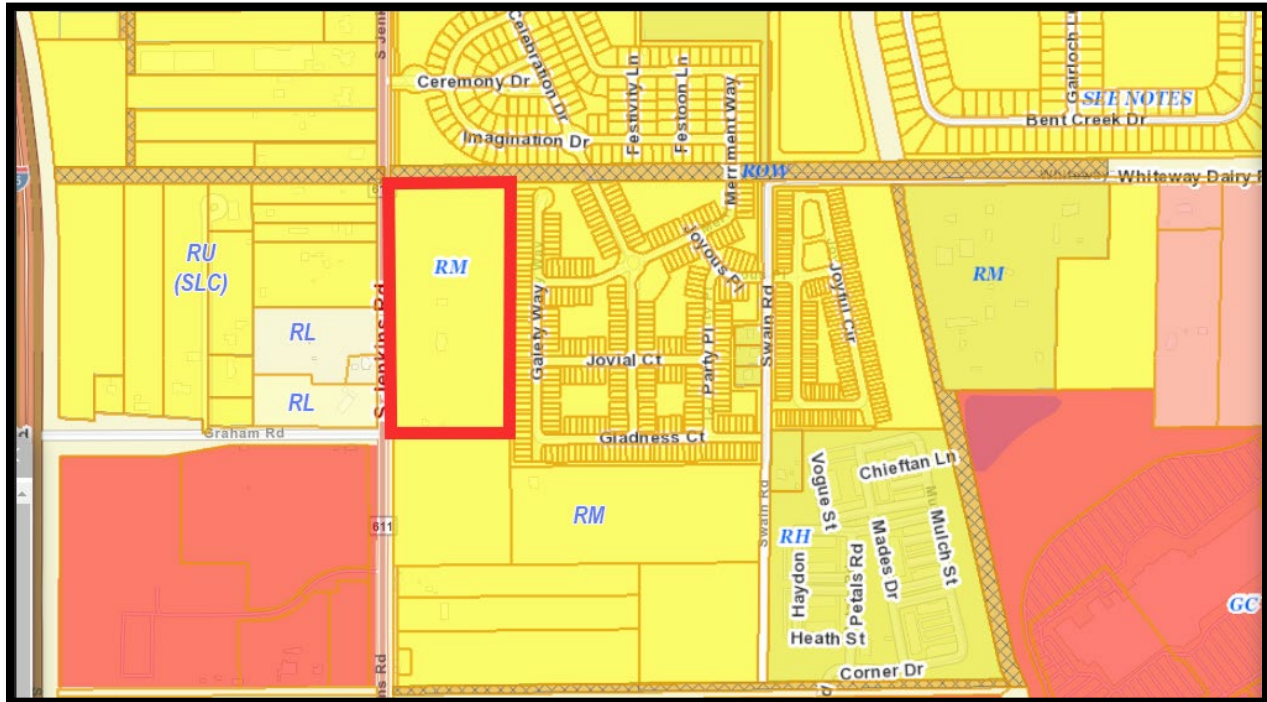


Figure 2 outlines the existing land use designation for the subject property as well as the adjacent properties.

Figure 2 – Future Land Use Map



SURROUNDING PROPERTIES

A summary of the Future Land Use, Zoning and existing use for the properties surrounding the subject property is provided in the **Table 1** below.

Table 1 – Surrounding Uses Table

Direction	FLU	Zoning	Existing Use
North	Residential Medium	Planned Development, Residential Single Family	Single Family Residential
South	Residential Medium	Medium Density Residential Zone (R-4)	Proposed Multi-Family Residential
East	Mixed Use	Medium Density Residential Zone (R-4)	Single Family Residential
West	SW: Residential Low (City) SE: Residential Urban (County)	SW: Office / Commercial Zone C-1 (City) SE: Residential Urban RU (County)	Residential

This parcel lies within the jurisdiction of FPUA for water, sewer and power service.

Included with this submittal, please find the required Future Land Use Map Amendment application (small scale) along with the required supplemental material as outlined on page 1 of the application. All required items are included as part of this submittal.

Based on the above and attached information, the applicant respectfully requests approval of this application.

Z:\EDC-2022\22-439 - Trevor Banks - Resurrection Life\ENGINEERING\Documents\Submittal Documents\Justification Statement\2022-12-08_Resurrection_Life_FLUMA_Justification_Statement_.docx

NOTE:

DESCRIPTION NOT VALID
WITHOUT SKETCH.

THIS IS NOT A SURVEY

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3458, PAGE 167 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING IN SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER (1/4) CORNER OF SAID SECTION 18; THENCE SOUTH 00°15'46" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18, A DISTANCE OF 1324.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18; THENCE NORTH 89°08'14" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH JENKINS ROAD (80' WIDE PUBLIC RIGHT-OF-WAY) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 94631-2604, SAID POINT BEING THE POINT OF BEGINNING.

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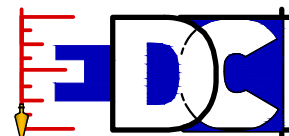
CONTAINING 212716.39 SQUARE FEET (4.883 ACRES), MORE OR LESS.

MICHAEL T. OWEN
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION #5556

SIGNATURE DATE

**SKETCH & DESCRIPTION OF:
RE-ZONE PARCEL**

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
SUITE 201
PORT SAINT LUCIE, FL 34987
☎ 772-462-2455
🌐 www.edc-inc.com



**ENGINEERS & SURVEYORS
ENVIRONMENTAL**
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

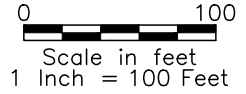
PREPARED FOR:
**RESURRECTION LIFE FAMILY
WORSHIP CENTER INC**

REVISIONS

NOTES:

THIS IS NOT A SURVEY

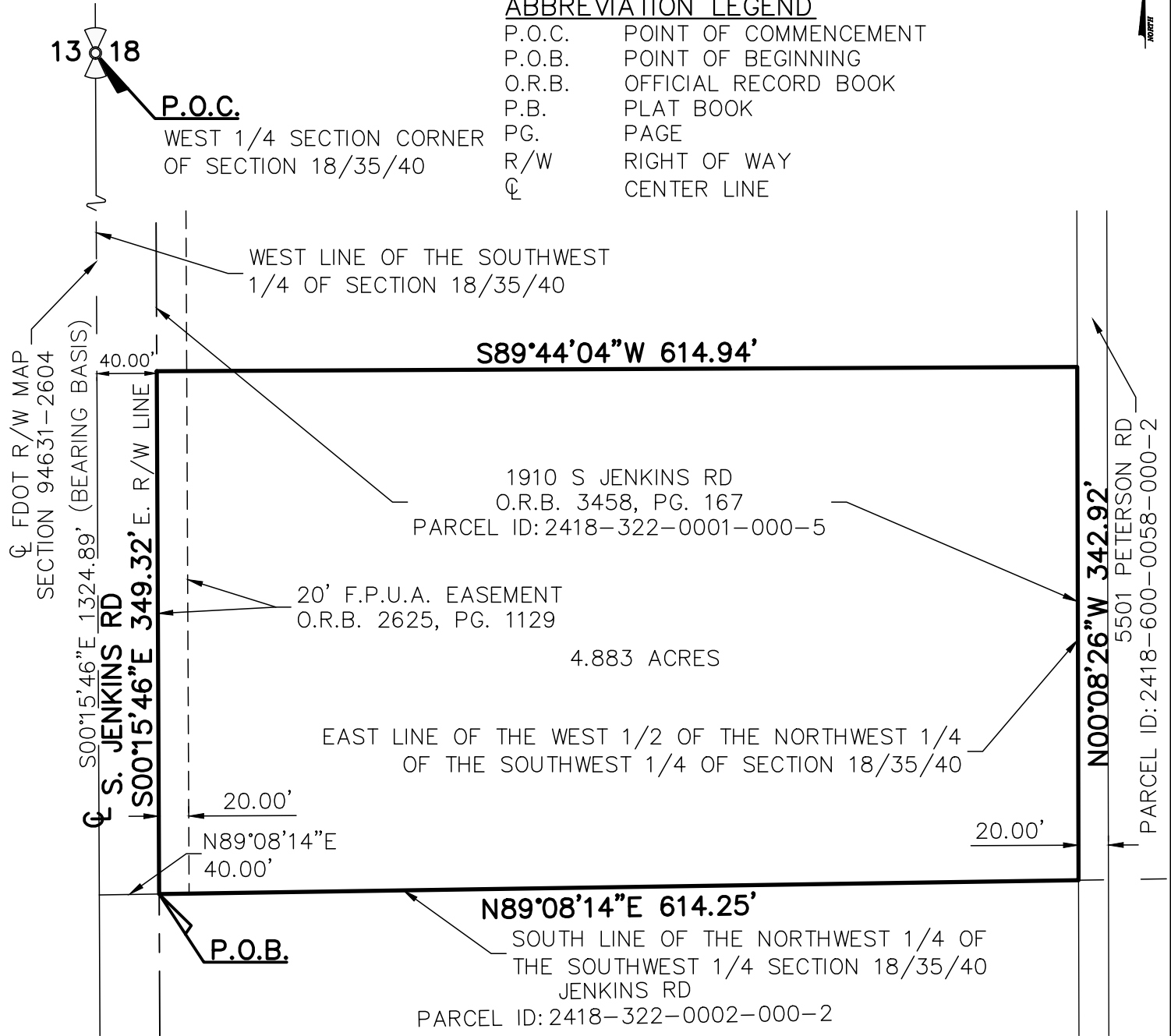
INTENDED DISPLAY SCALE



1. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF SECTION 18 AND BASED ON THE LINE LABELED HEREON AS (BEARING BASIS), ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS SKETCH AND DESCRIPTION IS FOR THE EXCLUSIVE PURPOSE OF DESCRIBING THE PARCEL OR STRIP OF LAND SHOWN AND IS NOT A BOUNDARY SURVEY.

ABBREVIATION LEGEND

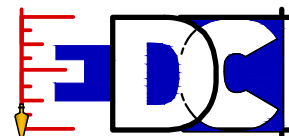
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
O.R.B.	OFFICIAL RECORD BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
CL	CENTER LINE



**SKETCH & DESCRIPTION OF:
RE-ZONE PARCEL**

PREPARED FOR:
**RESURRECTION LIFE FAMILY
WORSHIP CENTER INC**

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
SUITE 201
PORT SAINT LUCIE, FL 34987
772-462-2455
www.edc-inc.com



**ENGINEERS & SURVEYORS
ENVIRONMENTAL**
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

REVISIONS

October 27, 2022

Trevor Banks
Resurrection Life Family Worship Center Inc.
PO Box 1224
Fort Pierce, FL 34954-1224

VIA Email: trbankssjr@trbanks.com

Reference: **Environmental Assessment**

1910 S Jenkins Rd – 17.43 acres
Saint Lucie County, Florida

Site Address	Parcel ID	Land Size (Acres)
1910 S Jenkins Rd	2418-322-0001-000-5	17.43

Dear Mr. Banks,

EDC, Inc. (EDC) has completed this Environmental Assessment (EA) for the above referenced parcels. The purpose of this evaluation was to conduct a review of the subject parcels by means of site visit, review of available aerial photography, listed species review, review of soil resources, and review of environmental regulations pertaining to these parcels.

The following report details the findings of our on-site and desktop investigations of the properties as they pertain to the City of Fort Pierce developmental review regulations.

Please contact the undersigned if you have any questions regarding this report.

Respectfully submitted,

EDC, Inc.

Drew Liddick, M.A.
Environmental Scientist



ENGINEERS • SURVEYORS • ENVIRONMENTAL

ENVIRONMENTAL ASSESSMENT

Parcel ID: 2418-322-0001-000-5
1910 S Jenkins Rd - 17.43 acres
Fort Pierce, Florida

Date: October 27, 2022
Project # 22-439

Prepared For:
Trevor Banks
Resurrection Life Family Worship Center Inc.
PO Box 1224
Fort Pierce, FL 34954-1224

Email: trbankssjr@trbanks.com

Prepared By:
EDC, Inc.
10250 SW Village Parkway
Port St Lucie, Florida 34987
(772) 223-5200

The subject property evaluated as part of this Environmental Assessment consists of tax parcel 2418-322-0001-000-5 comprised of 17.43 acres. The subject parcel is located on the east side of S Jenkins Rd. The subject parcel has a City of Fort Pierce Future Land Use Designation of Medium Density Residential (land use code RM). The subject property has a zoning designation of R-4. The subject property is further located within Section 18, Township 35 South and Range 40 East.

This environmental assessment was completed as a precursor to permitting and review by governmental agencies as an applicable document for the supporting information associated with a building permit or land development application. EDC, Inc. staff visited the property on October 26, 2022 in order to ascertain the status and composition of any critical habitats, such as wetlands and native uplands that may be onsite.

VEGETATION:

It is the opinion of EDC that there is no native upland habitat located on site. The subject parcel historically consisted of citrus grove until 2014. Since then, the citrus trees have been cleared and successional vegetation has become established on site.

The habitat associations were determined via onsite analysis and classified according to the Florida Cooperative Land Cover (CLC) System developed by the Florida Fish and Wildlife Conservation Commission (FWC). The CLC incorporates classifications used by FWC, Florida Natural Areas Inventory (FNAI), and Florida’s water management districts. The following CLC code was identified onsite; 210 – cropland/pasture. Due to the dominant vegetative regimes present on site, there is no native habitat on the subject parcel.

Common Name	Species Name
Slash Pine	<i>Pinus elliottii</i>
Cabbage Palm	<i>Sabal Palmetto</i>
Live Oak	<i>Quercus virginiana</i>
Dwarf Palmetto	<i>Sabal minor</i>
Brazilian Pepper**	<i>Schinus terebinthifolia</i>
Caesar’s Weed**	<i>Urena lobata</i>
Guinea Grass**	<i>Panicum maximum</i>
Cogon Grass**	<i>Imperata cylindrica</i>

*Nuisance Vegetation
 **Exotic/Invasive Vegetation

Table 1: This table lists a representative sample of vegetative species observed during the site visit.

WETLAND DELINEATION:

According to aerial photographs and site visit, it appears that there no State jurisdictional wetland on site. Based on the State definition, a wetland consists of three components: 1) hydric soils, 2) wetland plants, and 3) hydrologic indicators. None of these components were found during the field reconnaissance on the property.

WILDLIFE EVALUATION:

EDC, Inc. conducted a pedestrian survey throughout the property to investigate for the presence of any plant or animal listed species. No state or federally listed plant/animal species or their habitat(s) were observed on site.

Due to anthropogenic disturbances onsite such as, periodically cleared areas, many listed species may not be found onsite due to the lack of suitable foraging and nesting habitat. No other state or federally listed plant/animal species were found on site.

SOIL COMPOSITION:

Based on a review of the U.S. Department of Agriculture (USDA) Web Soil Survey the site is composed of the following soil series:

Wabasso sand, 0 to 2 percent slopes (11.0 AC)- The Wabasso series consists of poorly drained sediment, with 6 to 18 inches in depth to the water table. This is the dominant soil series of the subject parcel. The series often experiences 46 to 55 inches of annual precipitation. Wabasso sands are associated with other vegetative classifications such as South Florida Flatwoods on marine terraces, sandy soils on flats of mesic or hydric lowlands.

Arents, 0 to 5 percent slopes (3.5 AC)- The Arents series consists of somewhat poorly drained soils with high runoff potential. The series has about 18 to 36 inches in depth to the water table. Areas with this type of soil typically experiences 49 to 58 inches of mean annual precipitation.

Winder Loamy Sand (1.7 AC)- The Winder series consists of poorly drained sediment with high runoff potential. The depth to water table is about 12 inches. Winder sands are also characterized as loamy and clayey soils on flats of hydric or mesic lowlands. The first 12 inches of sediment (typical profile can extend to 80 inches) consists of loamy sands. After 12 inches up to 33 inches, clay deposits begin to mix with the sandy loam.

Nettles and Oldsmar sands (1.6 AC)- The Nettles series consists of very deep, poorly and very poorly drained, slow or very slow permeable soils on broad areas of flats and depressions of Peninsular Florida. They formed in sandy and loamy marine sediments. Near the type location, the mean annual temperature is about 72 degrees F., and the mean annual precipitation is about 55 inches. Slopes range from 0 to 2 percent.

CITY OF FORT PIERCE:

The following section references the City of Fort Pierce Land Development Code that apply to the subject property. As part of the local approval process, the applicant will be required to comply with the below items.

The regulation will be quoted in black; interpretation and consultation will be will be in red.

Sec. 123-64. - Permit required.

- (a) *Tree removal permit. No person shall, directly or indirectly, cut down, substantially alter, destroy, remove, relocate, damage or authorize any such act involving a protected tree situated on land within the city, without first obtaining a tree removal permit. But the following activities may be done without applying for a permit:*

Before further land clearing activities commence, a Tree Removal Permit must be obtained from the City of Fort Pierce.

Sec. 107-6. - Design requirements.

- (a) *Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of city engineer. Cut and fill slopes shall be no greater than 4:1 to meet city environmental objectives.*

- (b) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code and other agency permits. Clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the city engineer.*
- (c) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.*

In addition to a Tree Removal Permit, a Sediment and Erosion Control Plan must be established. This plan should identify control measures, and sensitive habitat (GTs) that may be affected.

SUMMARY:

The subject property evaluated as part of this Environmental Assessment consists of a single tax parcel: (Parcel ID # 2418-322-0001-000-5) comprised of 17.43 acres. The subject parcel is located on the east side of S Jenkins Rd. The subject parcel has a City of Fort Pierce Future Land Use Designation of Medium Density Residential (land use code RM). The subject property has a zoning designation of R-4. The subject property is further located within Section 18, Township 35 South and Range 40 East.

A Tree Inventory and/or survey will be required prior to obtaining a Vegetation Removal Permit. Trees with DBH of 14 inches or greater are protected and will require mitigation if the site plan requires for removal of all native trees.

It is the professional opinion of EDC that approximately 17.43 acres of cropland/pasture is located onsite. In addition, trees meeting the “protected trees” criteria for the City of Fort Pierce were observed onsite. Through the action of conducting the environmental assessment on the subject parcel, EDC staff did not identify any native habitat nor species of concern. Furthermore, no wetlands were identified within the parcel boundary.



Environmental Assessment

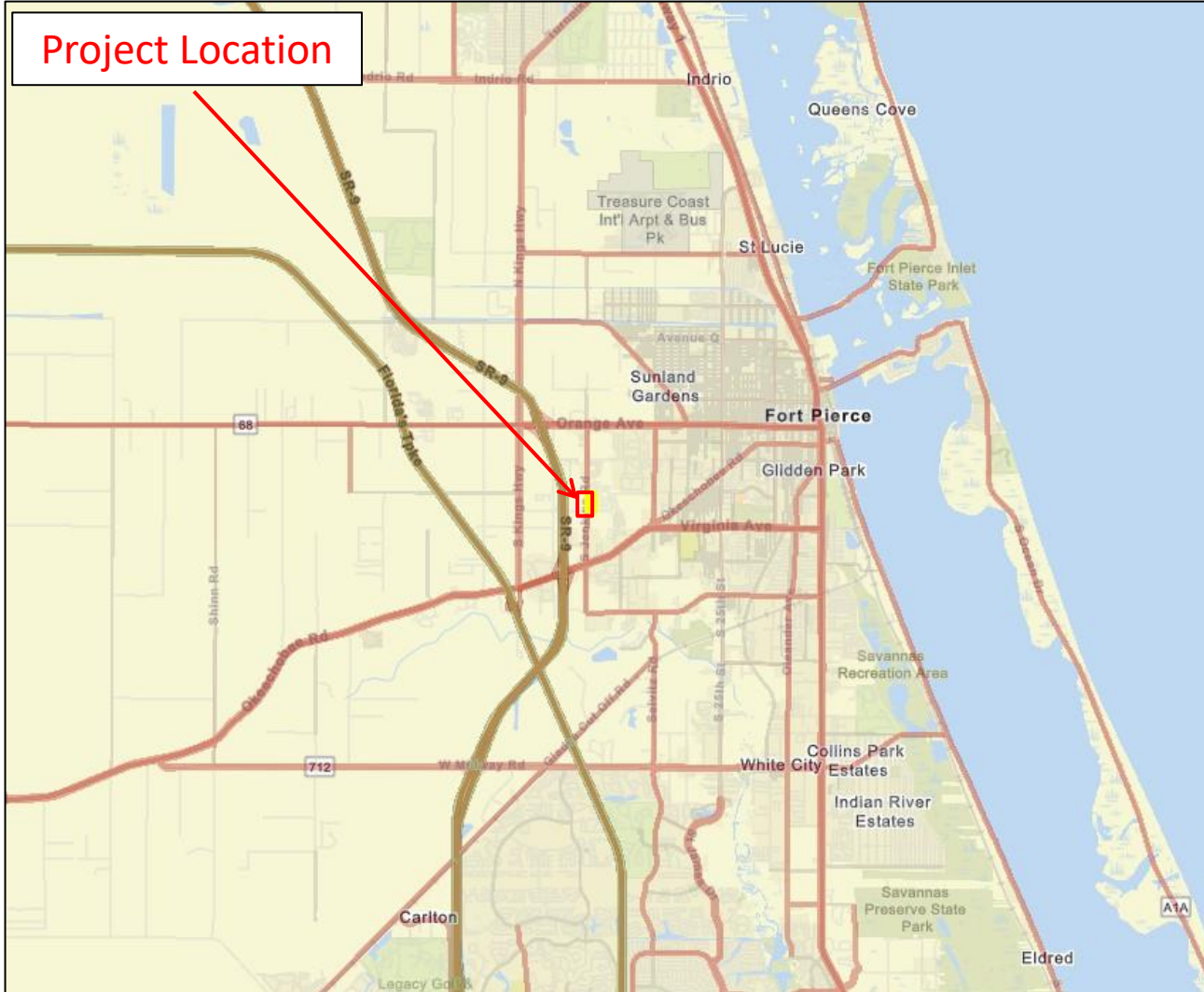
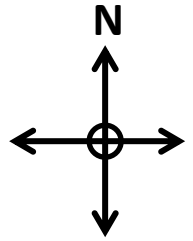
1910 S Jenkins Rd
City of Fort Pierce, FL

Location Map

Project: 22-439

Resurrection Life

10/27/2022





Environmental Assessment

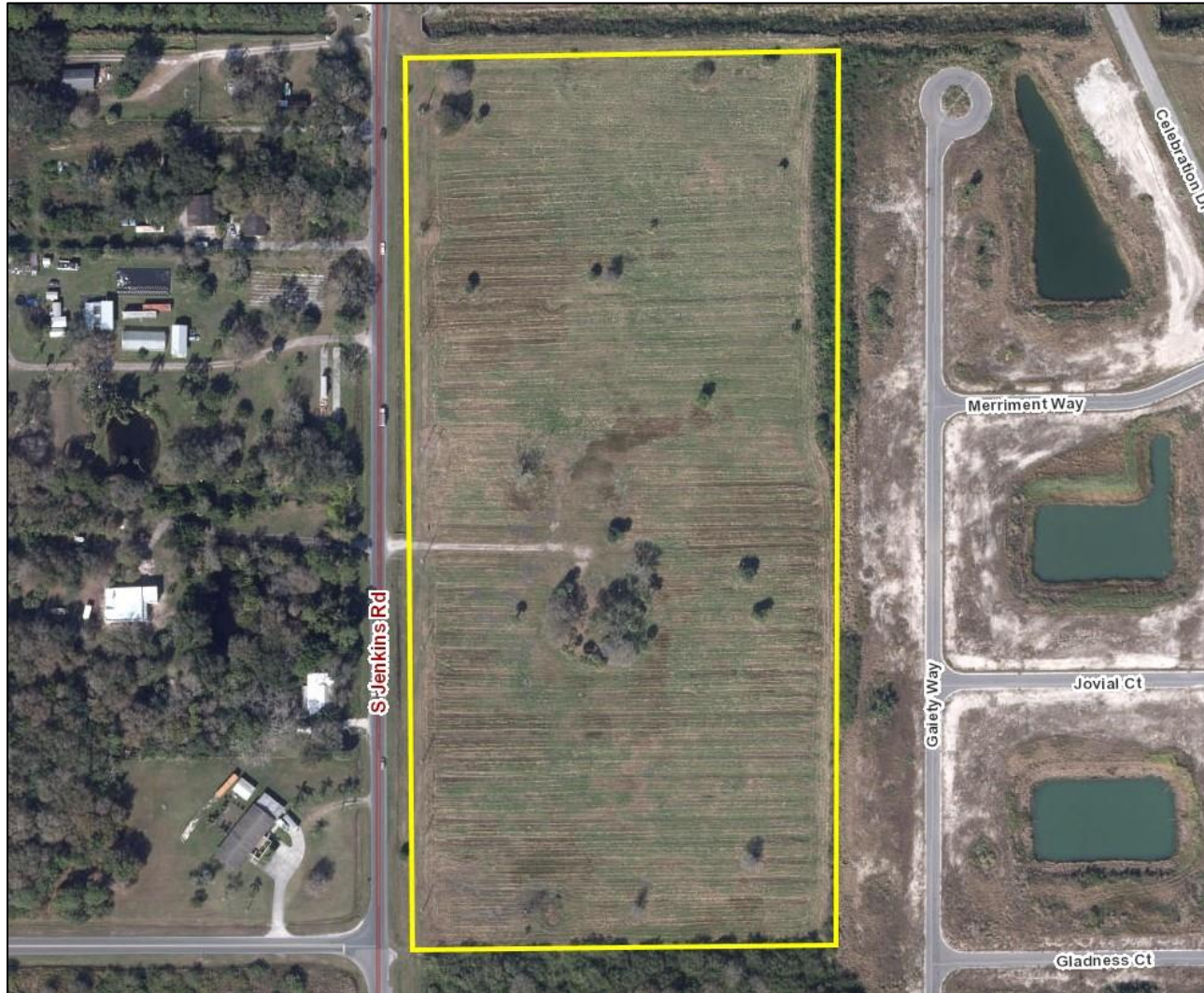
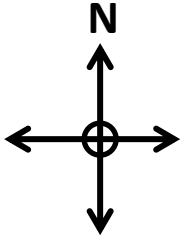
1910 S Jenkins Rd
City of Fort Pierce, FL

Property Appraiser Map

Project: 22-439

Resurrection Life

10/27/2022





Environmental Assessment

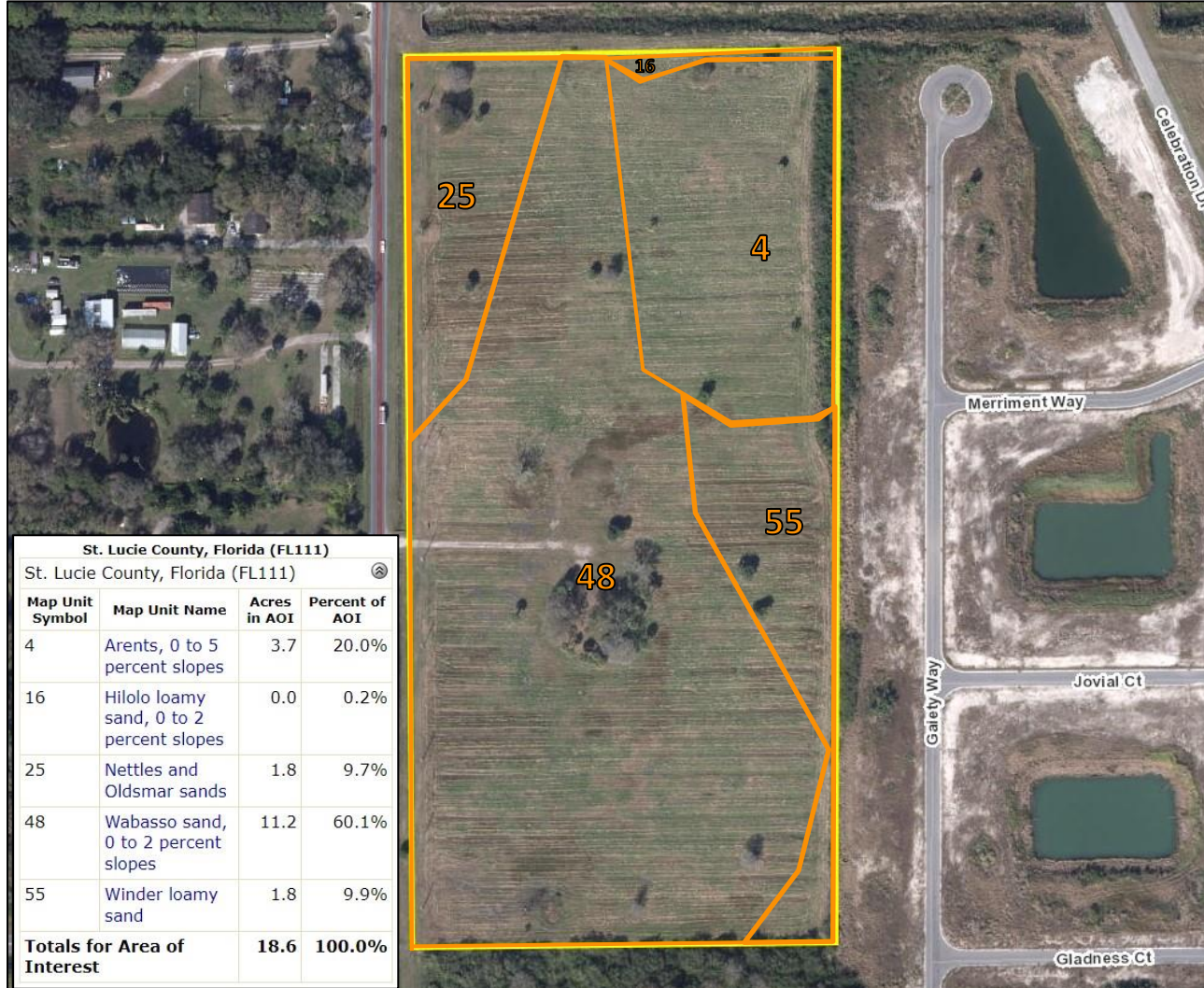
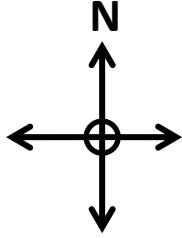
1910 S Jenkins Rd
City of Fort Pierce, FL

Soil Map

Project: 22-439

Resurrection Life

10/27/2022





Environmental Assessment

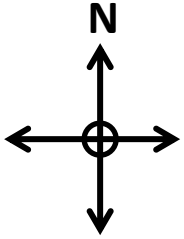
1910 S Jenkins Rd
City of Fort Pierce, FL

Florida Cooperative Land Cover (CLC) Map

Project: 22-439

Resurrection Life

10/27/2022



Florida CLC Codes

210	Cropland/Pasture 17.43 AC
-----	---------------------------

***This map demonstrates an approximation of habitat boundaries on site.**



CONCURRENCY CAPACITY ANALYSIS

I. Site Data:

	Existing Use	Future Land Use	Zoning
North	Residential Development	RM	PD
South	Vacant (Proposed Residential)	RM	R-4
East	Residential	RM	PD
West	SW: ROW / Residential W: ROW / Residential	RL (SLC)RU	C-1 (SCL) RS-2

	Future Land Use	Zoning Classification	Maximum Intensity Residential: Dwelling Units per Acre Other: Square Footage	Total Acreage	Flood Zone
Current	RM	R-4	Up to 12 UPA	4.883	X
**Proposed	RH	PD	Up to 15 UPA	4.883	N/A

II. Public Facilities Information:

A. Potable Water:	
Average Use	Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand) Other: 0.125 gallons per day per square foot
Demand Analysis	Maximum
Current Zoning/FLU	Total gallons per day 15,080
**Proposed Zoning/FLU	Total gallons per day 18,980
**Change in Demand	Total gallons per day increase of 3,900 gpd

B. Wastewater:	
Average Use	Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand) Other: 0.1 gallons per day per square foot
Demand Analysis	Maximum
Current Zoning/FLU	Total gallons per day 15,080
**Proposed Zoning/FLU	Total gallons per day 18,980
**Change in Demand	Total gallons per day increase of 3,900 gpd

C. Parks and Recreation (Residential Classifications Only): (Du x 2.6 = persons + 44,227 = population /LOS)				
Park Type	LOS	Existing Population Park Demand	Proposed Population Park Demand	Change in Demand
Regional	20 acres per 1,000 people			
Urban District	5 acres per 1,000 people			
Community	2.5 acres per 1,000 people	110.94	111.04	increase of 0.10
Neighborhood	1.36 acres per 1,000 people			

D. Public Schools (Residential Classifications Only): Single Family: (du x 0.405 = students/70% K-8/30% High) Multi-family: (du x 0.207 = students/70% K-8/30% High)		
	K-8	High
School Name	Samuel Gaines Academy	Fort Pierce Westwood
City	Fort Pierce	Fort Pierce
Distance	0.5 miles	4.4 miles
Current Zoning/FLU Enrollment Demand	8.40	3.59
**Proposed Zoning/FLU Enrollment Demand	10.58	4.53
**Change in Demand	increase of 2.17	increase of 0.95

E. Solid Waste: Residential (2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units)	
Demand Analysis	Maximum
Current Zoning/FLU	2.90
**Proposed Zoning/FLU	3.65
*Change in Demand	increase of 0.75

F. Stormwater:
Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event)

Impact	Stormwater will be collected in a series of inlets that are connected via underground pipes. Stormwater is then conveyed to an on site lake for treatment and attenuation prior to discharging off site to the NSLRWCD Canal No. 36. The proposed lake will provide water quality treatment and attenuation prior to discharging off site.
---------------	--

III. Transportation Analysis: Complete ITE Trip Generation Form (Attached)

G. Transportation Analysis: Complete ITE Trip Generation Data Form		
Most recent ITE Code for use; HCM Roadway Capacity		
	AADT	AM/PM Peak Hour Trips
Demand Analysis	Maximum	Maximum
Current Zoning/FLU	391	23/30
**Proposed Zoning/FLU	492	29/37
*Change in Demand	Trips 102	Trips 6/7
Impact to Capacity	De Minimis	

IV. Project Description

PHASING	
Is this project (phase) part of a larger project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, enumerate each phase, the number of units or square footage in each phase and beginning/completion date.	
Total Project: Residential Units:	Single Family: Multifamily: 73
Non-residential (square footage):	
Mixed-use (describe use):	
(If this is a single phase project, name it Phase I – Total)	

RESIDENTIAL DATA					
Type	Phase	Number of Units	Acres	Expected beginning date	Expected completion date
Single-family, detached					
Single-family, attached					
Multi-family	Phase 1	73	4.883	2024	2025
Other (specify)					

NON-RESIDENTIAL DATA					
Type(s) specify	Phase	Square footage	Acres	Expecting beginning date	Expected completion date

A. Indicate whether the proposed project will be eliminating any existing recreational facilities. If yes, detail the number and type being eliminated. Yes No

- B. 1. Does this application involve demolition or re-use of any structure(s)? Yes No
If yes, what is the size of the structure(s) to be demolished or re-used? _____
2. What is the current use of the structure to be demolished or re-used? _____
3. Are you claiming trip credits for the demolition or re-use of a structure(s) at the site? Yes No
If yes, provide estimates of credits for each previous use at the site. (Attach sheet with calculations)

C. Exemptions Requested:

** Complete section if requesting a change in zoning, future land use, or expanding

From: [Vovsi, Eman M.](#)
To: [Patricia Sesta](#)
Subject: RE: 1910 S Jenkins Road
Date: Monday, November 28, 2022 12:21:06 PM
Attachments: [image001.png](#)
[Template_102.pdf](#)

Completed; no cultural resources detected

From: Patricia Sesta <patriciasesta@edc-inc.com>
Sent: Monday, November 28, 2022 12:12 PM
To: FMSFILE <FMSFILE@dos.myflorida.com>
Cc: Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>; Brad Currie <bradcurrie@edc-inc.com>
Subject: 1910 S Jenkins Road

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon,

I'm looking for any State Historical records on the attached property. Please find the completed request form and project boundary. Please forward at your earliest convenience.

Thank you.

Patricia "Trish" Sesta
Planner | Planning Division



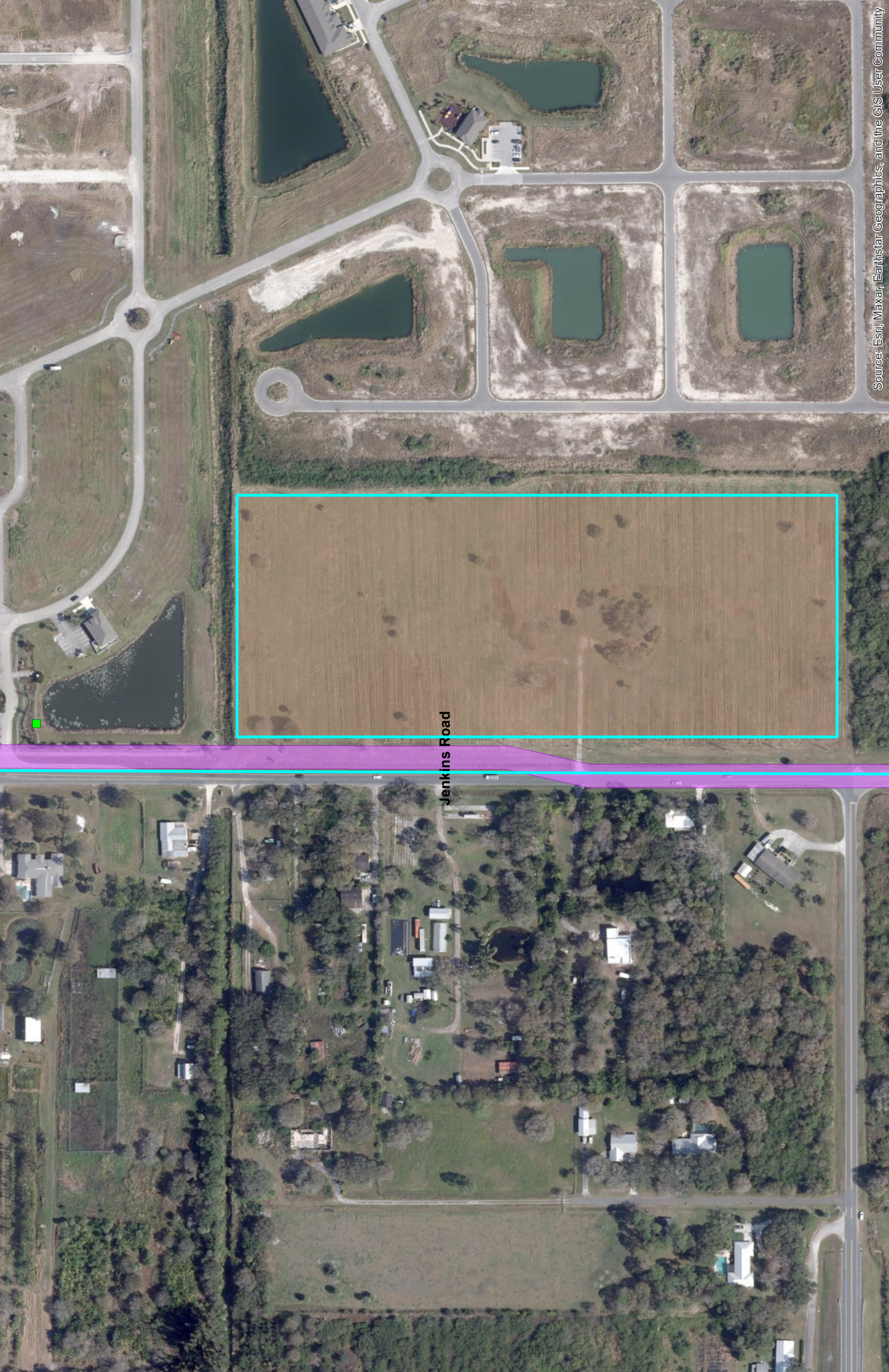
ENGINEERS • SURVEYORS • ENVIRONMENTAL

10250 SW Village Parkway - Suite 201

Port Saint Lucie, Florida 34987

O: 772.462.2455 X 125

patriciasesta@edc-inc.com | www.EDC-Inc.com



Jenkins Road

Planning Board

7. a.

Meeting Date: 02/13/2023

Re: Annexation - Joseph Land - At or near 277 Dixieland Drive

Submitted For: Kev Freeman, Planning Director, Planning & Zoning

Information

SUBJECT:

Annexation - Joseph Land - Parcel ID - 2427-801-0085-000-5

SUMMARY:

The applicant is requesting a voluntary annexation of one (1) parcel at or near 277 Dixieland Drive in Fort Pierce, Florida. The parcel ID is 2427-801-0085-000-5.

The subject property has St. Lucie County Future Land Use designations of Residential High 15 du/ac (RH) and a St. Lucie County Zoning designation of Residential, Multi-Family, 11 du/ac (RM-11). The applicant is proposing Future Land Use designations of High Density Residential (RH) with a Zoning classification of High-Density Residential Zone (R-5).

RECOMMENDATION:

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

Planning Staff recommends approval of the proposed annexation.

ALTERNATIVES:

- Approval with changes
- Denial

RESPONSIBLE STAFF:

Vennis Gilmore, Assistant Planning Director

COORDINATED WITH:

Technical Review Committee

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

Staff Report and Supporting Documents
Application and Supporting Documents

Form Review

Form Started By: Vennis Gilmore
Final Approval Date: 02/08/2023

Started On: 02/06/2023 03:03 PM



CITY OF FORT PIERCE

PLANNING BOARD

February 13th, 2023

Joseph Land – Annexation
At or near 277 Dixieland Drive

APPLICANT

George Dzama, P.E.

PROPERTY OWNER(S)

Joseph Land, LLC

PARCEL ID #(S):

2427-801-0085-000-5

JOSEPH LAND – ANNEXATION



SUMMARY

Request for review of an application for a Voluntary Application for Annexation for one (1) parcel of land at or near 277 Dixieland Drive.

BACKGROUND

The applicant is requesting a voluntary annexation of one (1) parcel at or near 277 Dixieland Drive in Fort Pierce, Florida. The parcel ID is 2427-801-0085-000-5.

The subject property has St. Lucie County Future Land Use designations of Residential High 15 du/ac (RH) and a St. Lucie County Zoning designation of Residential, Multi-Family, 11 du/ac (RM-11). The applicant is proposing Future Land Use designations of High Density Residential (RH) with a Zoning classification of High-Density Residential Zone (R-5).



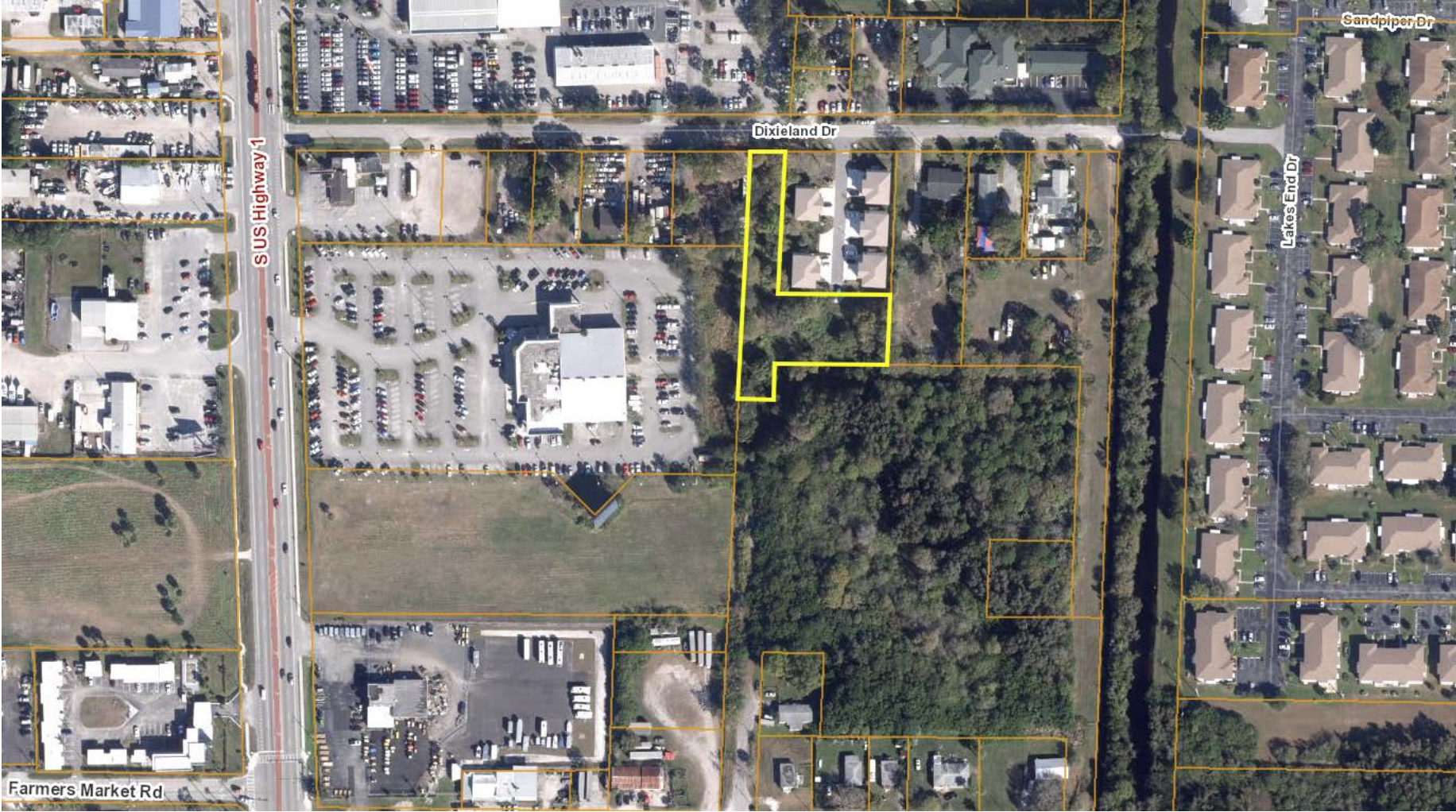
COMPREHENSIVE PLAN

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 property is located within unincorporated St. Lucie County and is contiguous to the Fort Pierce City municipal boundary and within the FPUA service area. The subject proposed voluntary annexation is also consistent with Chapter 171.044, F.S., whereas the property is contiguous to a municipality and reasonably compact; and the annexation will not result in the creation of an enclave.

The current value of the property is \$130,200. Should the Application for Annexation be approved it could create a new source of ad-valorem tax revenue annually to the City of Fort Pierce if developed, depending on the millage rate per year, which currently is 6.9000. Currently the property is vacant.



SITE LOCATION



SITE AREA = Approximately 1.02 Acres

JOSEPH LAND – ANNEXATION



EXISTING & PROPOSED FLU - ZONING

Current SLC FLU:
RH, Residential High 15 du/ac

Current SLC Zoning:
RM-11, Residential, Multi-Family,
11 du/ac

Proposed
FLU: RH, High Density Residential

Proposed Zoning:
R-5, High Density Residential
Zone



JOSEPH LAND – ANNEXATION



STAFF RECOMMENDATION

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

Planning Staff recommends approval of the proposed annexation.



PB ACTIONS

- **Possible actions of the Planning Board:**
- Recommend APPROVAL of the proposed Annexation
 - Staff recommends approval
- Recommend DISAPPROVAL of the proposed Annexation





CITY OF FORT PIERCE

PLANNING BOARD

February 13th, 2023

Joseph Land – Annexation
At or near 277 Dixieland Drive



George Dzama, P.E.
12393 154th Road
Jupiter, FL 33478

**Subject: Joseph Land Annexation - Parcel ID: 2427-801-0085-000-5 -- Technical Review
Committee Comments for January 19, 2023 TRC Meeting**

City of Fort Pierce Planning Department

No Comments

Fort Pierce Engineering Department

No Comments

Fort Pierce Building Department

See attached document

St. Lucie County Planning Department

No Comments

St. Lucie County PW/Engineering

No Comments

Fort Pierce Police Department

No Comments

City Clerk Office

No Comments

Code Enforcement

No Comments

Fort Pierce Utilities Authority

See attached document

St. Lucie County Fire District

No Comments

Florida Department of Transportation

No Comments

St. Lucie County School Board

No Comments

St. Lucie Transportation Planning Organization

No Comments

St. Lucie Transit

No Comments



BUILDING DEPARTMENT
TECHNICAL REVIEW COMMITTEE (TRC)
COMMENT FORM

Meeting Date: 1.19.23
Property Address: Annexation - Joseph Land - (1) Parcel: 2427-801-0085-000-5 - Dixieland Drive

Please be advised that the project may trigger the requirements indicated below:

- 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. Pre-construction meeting with the City's Building Department is requested.
3. Any construction will need to meet the requirements of the Florida Building Code 7th Edition.
4. Means of egress is required.
5. Means of ingress is required.
6. Must meet the following Accessibility requirements:
- Accessible route
- Handicapped parking spaces
- Means of egress
7. Change of Use required
- to include a signed and sealed Life Safety Plan
- to include a signed and sealed detailed comprehensive building plan.
8. Property exists in Special Flood Hazard Area. All Federal and State requirements shall be addressed.
9. Flood Development Permit required.
10. Building Permit required.
11. Signed and sealed construction drawings required.
12. Will need to meet the Fire Code.
13. Sprinkler system is required.
14. Smoke alarm system is required.
15. Other

Additional Comments/Requirements:

Empty rectangular box for additional comments or requirements.

Building Official's or Representative's Signature [Signature] Date: 1/13/23



Fort Pierce Utilities Authority
Water/Wastewater Engineering
1701 South 37th Street
Fort Pierce, FL 34947
772.466.1600 x3402

Technical Review Committee Meeting

TECHNICAL REVIEW PROJECT # 22-02000007

Annexation – Joseph Land – (1) Parcel: 2427-801-0085-000-5 - Dixieland Drive

Comments

FPUA W/WW Engineering: **Approved.**

FPUA Electric & Gas Engineering: FPUA Electric & Gas Engineering has reviewed the application. **Approved.** No further comments.



Our mission is to provide our customers with economical, reliable, and friendly service in a continuous effort to enhance the quality of life in our community.

www.fpua.com





To : Vennis Gilmore, Assistant Planning Director

FROM : John R. Andrews, P.E., City Engineer

JRA

**RE : Joseph Land – Annexation – Parcel No. 2427-801-0085-000-5 –
Dixieland Drive**

RECEIVED

DATE : January 19, 2023

JAN 19 2023

This is to advise you that we have completed the review of the following documents as received by this office on January 9, 2023:

CITY OF FORT PIERCE
PLANNING & ZONING

- | | |
|---|--|
| <input checked="" type="checkbox"/> Annexation Application | <input type="checkbox"/> P/D Drawings |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local, State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local, State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we

- Recommend Do Not Recommend

- Approval of Annexation Building Permit 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 engineering comments

JRA/jra

\\2500FS01\City Hall Share 01\Engineering\ENGINEERING\Site Development Projects\A\Annexations\Joseph Land\TRC\Submittal No. 1 - 010622\Annexation Approval - 011823.docx



To : Vennis Gilmore, Assistant Planning Director

FROM : John R. Andrews, P.E., City Engineer

JRA

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Dixieland Drive**

RECEIVED

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PLANNING & ZONING

- | | |
|---|--|
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JRA/jra

\\2500FS01\City Hall Share 01\Engineering\ENGINEERING\Site Development Projects\A\Annexations\Joseph Land\TRC\Submittal No. 1 - 010622\Annexation Approval - 011823.docx



BUILDING DEPARTMENT
TECHNICAL REVIEW COMMITTEE (TRC)
COMMENT FORM

Meeting Date: 1.19.23
Property Address: Annexation - Joseph Land - (1) Parcel: 2427-801-0085-000-5 - Dixieland Drive

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Building Official's or Representative's Signature [Signature] Date: 1/13/23



Fort Pierce Utilities Authority
Water/Wastewater Engineering
1701 South 37th Street
Fort Pierce, FL 34947
772.466.1600 x3402

Technical Review Committee Meeting

TECHNICAL REVIEW PROJECT # 22-02000007

Annexation – Joseph Land – (1) Parcel: 2427-801-0085-000-5 - Dixieland Drive

Comments

FPUA W/WW Engineering: **Approved.**

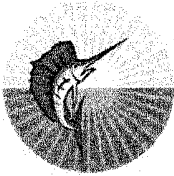
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Our mission is to provide our customers with economical, reliable, and friendly service in a continuous effort to enhance the quality of life in our community.

www.fpua.com





APPLICATION FOR ANNEXATION

Annexation applications will require the adoption of an ordinance which will require a public meeting before the Planning Board and two public hearings before the City Commission.

Application submission shall include the following:

- **TRC (*Initial Submission):** One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **Planning Board:** One (1) original and (16) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **City Commission:** One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

In addition to a complete application, packets shall include:

- Warranty Deed
- Current Survey (completed within the last 12 months)

1. **Address:** TBD - 257-301 Block Dixieland Drive, Ft. Pierce, FL 34982

2. **Legal description of real property for which annexation is being requested:**
DIXIELAND S/D-AN UNRECORDED PLAT- SECTION 27-35-40 BLK 7 LOTS 1 AND 2 AND BEG AT NE COR LOT 8 BLK 2 RUN E 60 FT, TH S 412 FT, TH W 60 FT, TH N 412 FT TO POB (OR 224-1517: 231-378: 262-2346: 1066-1409: 1101-1327: 1338-1148: 1367-1171; 1778-984 : 2140-297 : 2269-641; 4035-1375)
Property Tax ID: 2427-801-0085-000-5

3. **Size of described property:** 1.02 Acres; 44,431 Square Feet

4. **Project description:** Development of property for workforce housing to serve families in the City of Ft. Pierce, including the construction of (2) 5-Unit multi-family dwelling structures with a total density to serve (10) working families.


5. **Current St. Lucie County Future Land Use Designation:** RH

6. **Current St. Lucie County Zoning:** RM-11

7. **Is this a Historic property?** No

8. **Appraised value:** \$130,000

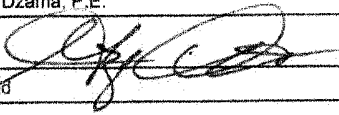
9. **Name of Owner(s):** Joseph Land LLC

Signature of Owner(s): 

Mailing Address: 9550 S. Ocean Drive

City Jensen Beach State FL Zip 34957

Phone (914) 625-4113 Fax _____

10. Name of Representative: George Dzama, P.E.
Signature of representative: 
Mailing Address: 12393 154th Road
City) Jupiter State FL Zip 33478
Phone (772) 708-7308 Fax _____
E-mail: DzamaEnterprises@gmail.com

INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729

OFFICE USE:		
DATE RECEIVED: _____	Signed: _____	
File Number: _____	Check No: _____	Receipt No: _____
TRC Review: _____	Planning Board Review: _____	City Commission: _____
Ordinance No: _____	Date Approved: _____	



Prepared by: Resa Ghent
Sunbelt Title Agency
Return to: 500 N. Westshore Blvd., Suite 870
Tampa, FL 33609
File Number: 1740522-09639

[Space Above This Line For Recording Data]

This Warranty Deed

Made this 18th day of November, 2022 by ROBERT C. TRYON, A married Man, hereinafter called the Grantor, to JOSEPH LAND LLC, A Florida Limited Liability Company, whose post office address is: 9550 South OCEAN Drive, Suite 210, Jensen Beach, FL 34957, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in St. Lucie County, Florida, viz:

Lots 1 and 2, Block 7, as delineated upon an unrecorded PLAT OF DIXIELAND SUBDIVISION, in the South East 1/4 Section of Section 27, Township 35 South, Range 40 East as same appears upon the public records of Saint Lucie County, Florida in Deed Book 152, Page 403.

Together with: Begin at the Northeast Corner of Lot 8, Block 2, of the unrecorded Plat of Dixieland Subdivision in the Southeast ¼ of Section 27, Township 35 South, Range 40 East, Saint Lucie County, Florida; thence run South 413 feet thence run East 60 feet, thence run North 412 feet, thence run West 60 feet to the Point of Beginning.

Parcel Identification Number: 2427-801-0085-000/5

Said property is not the homestead of the Grantor(s) under the Laws and Constitution of the State of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances. Subject to covenants, restrictions, easements of record and taxes for the current year and subsequent years.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness: (Signature)

Print Name: Resa Ghent

[Signature]
ROBERT C. TRYON
410 Northwest DOVER Court
Port St Lucie, FL 34983

[Signature]
Witness: (Signature)

Print Name: William M. Moyle

State of Florida
County of St. Lucie

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18th day of November, 2022, by ROBERT C. TRYON, who: is personally known to me or produced FL DL as identification.

[Signature]
NOTARY PUBLIC (signature)
Print Name: Resa Ghent
My Commission Expires:
Stamp/Seal:



RESA GHENT
Commission # HH 002088
Expires July 22, 2024
Bonded Thru Budget Notary Services

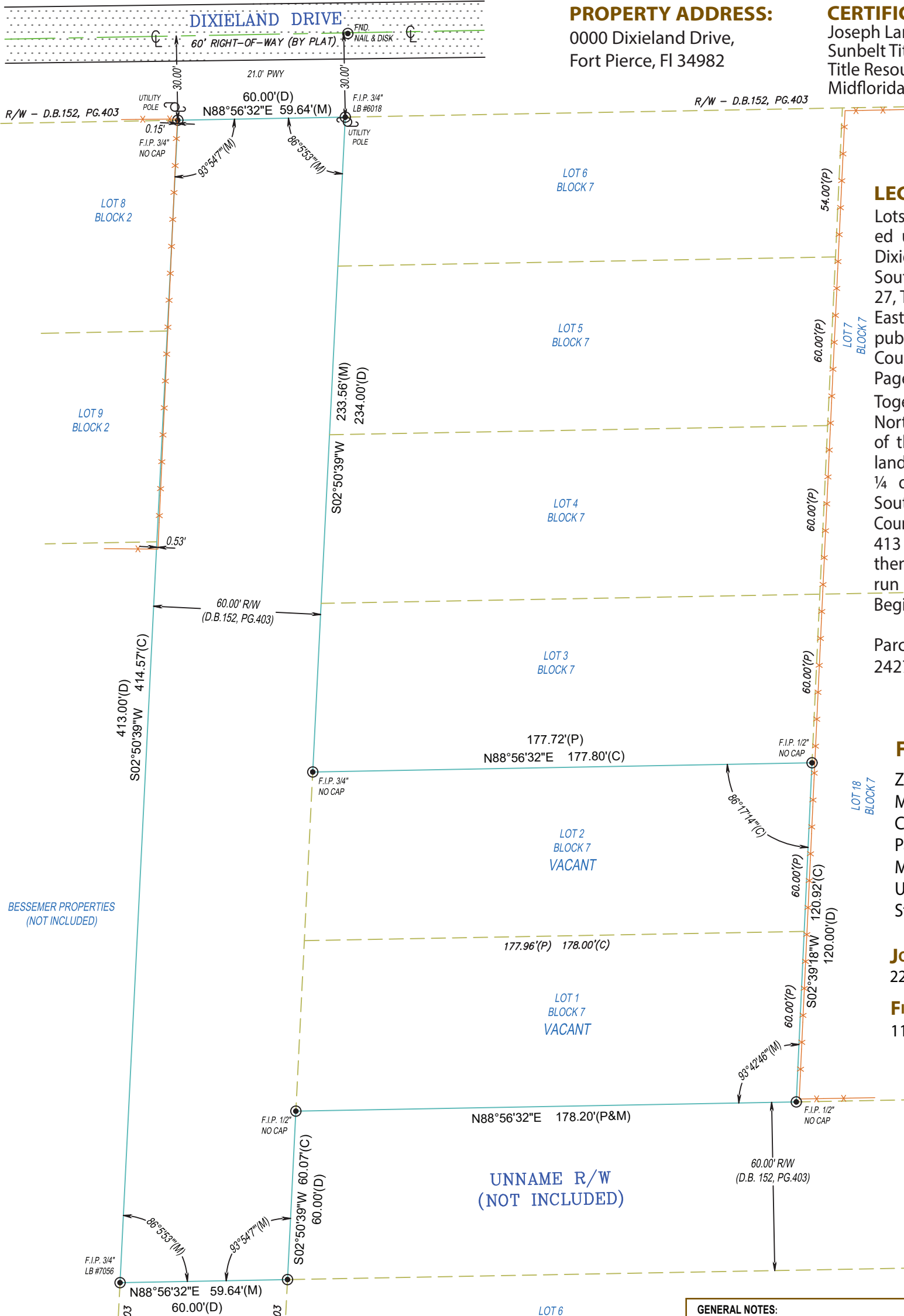
Map of Boundary Survey

PROPERTY ADDRESS:

0000 Dixieland Drive,
Fort Pierce, FL 34982

CERTIFICATIONS:

Joseph Land LLC
Sunbelt Title Agency
Title Resources Guaranty Company
Midflorida Credit Union



LEGAL DESCRIPTION

Lots 1 and 2, Block 7, as delineated upon an unrecorded Plat of Dixieland Subdivision, in the South East 1/4 Section of Section 27, Township 35 South, Range 40 East as same appears upon the public records of Saint Lucie County, Florida in Deed Book 152, Page 403.

Together with: Begin at the Northeast Corner of Lot 8, Block 2, of the unrecorded Plat of Dixieland Subdivision in the Southeast 1/4 of Section 27, Township 35 South, Range 40 East, Saint Lucie County, Florida; thence run South 413 feet thence run East 60 feet, thence run North 412 feet, thence run West 60 feet to the Point of Beginning.

Parcel Identification No.:
2427-801-0085-000/5

FLOOD DATA:

Zone: X
Map Number: 12111C
Community Number: 120229
Panel Number: 0189 Suffix: F
Map Date: 02/19/2020
Unincorporated
St. Lucie County

JOB NUMBER

22-001548

FIELD DATE

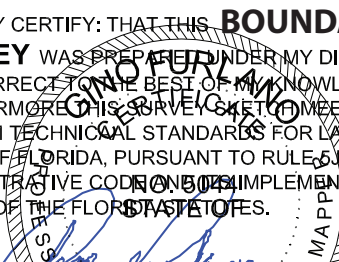
11/15/2022

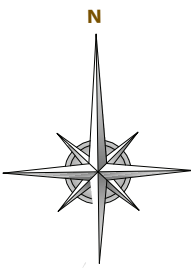
GENERAL NOTES:

- LEGAL DESCRIPTION FURNISHED BY CLIENT. NO SEARCH OF PUBLIC RECORDS WERE MADE BY THIS OFFICE.
- ANY ELEVATIONS SHOWN HEREON ARE PER NGVD (NATIONAL GEODETIC VERTICAL DATUM) OF 1929.
- NO EXCAVATIONS WERE PERFORMED AS TO DETERMINE UNDERGROUND ENCROACHMENTS.
- DISTANCES AND ANGLES ARE FIELD MEASURED AND CORRESPOND WITH RECORD DATA UNLESS NOTED.
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES.
IN ALL CASES, DIMENSIONS SHOWN SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. CHAPTER 61g17-6.003 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

I HEREBY CERTIFY: THAT THIS BOUNDARY

SURVEY WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. FURTHERMORE, THIS SURVEY SKETCH MEETS THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, PURSUANT TO RULE 61A17 OF THE FLORIDA ADMINISTRATIVE CODE AND THE IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.

SIGNED: 
GINO FURLANO, SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 5044
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR/MAPPER NAMED ABOVE.



SCALE: 1" = 40'

BOUNDARY

Surveying & Mapping
1660 Southern Blvd. Suite K
West Palm Beach, FL 33406
Office: 561-876-1388

boundarysurveying@comcast.net

License# LB8022



ABBREVIATIONS / SYMBOLS:

A/C = AIR CONDITIONING UNIT
ADJ = ADJACENT
BCR = BROWARD COUNTY RECORDS
BM = BENCHMARK
CALC = CALCULATED
CA = CENTRAL ANGLE
C/L = CENTERLINE
CB = CATCH BASIN
CBS = CONCRETE BLOCK WALL
CHATT = CHATTAHOOCHEE
CONC = CONCRETE
CM = CONCRETE MONUMENT
COL = COLUMN
D = DEED
DE = DRAINAGE EASEMENT
DS = DRAINAGE STRUCTURE
ELEV. = ELEVATION
EOW = EDGE OF WATER
FD = FOUND
FF = FINISHED FLOOR
ID = IDENTIFICATION
INV = INVERT

IP = IRON PIPE
IR = IRON ROD
L = LENGTH
LAE = LIMITED ACCESS EASEMENT
LME = LAKE MAINTENANCE EASEMENT
LP = LIGHT POLE
M = MEASURED
M&D = NAIL AND DISK
N/G = NATURAL GROUND
NR = NON RADIAL
NTS = NOT TO SCALE
OHC = OVERHEAD CABLES
ORB = OFFICIAL RECORD BOOK
P = PLAT
PB = PLAT BOOK
PBCR = PALM BEACH COUNTY RECORDS
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
PG = PAGE
PI = POINT OF INTERSECTION
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRC = POINT OF REVERSE CURVATURE

PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS
RGE = RANGE
ROE = ROOF OVERHANG EASEMENT
R/W = RIGHT OF WAY
SEC = SECTION
S/W = SIDEWALK
TOB = TOP OF BANK
TYP = TYPICAL
UE = UTILITY EASEMENT
WF = WOOD FENCE
WPP = WOOD POWER POLE (UTILITY POLE)

OVERHEAD CABLES
METAL FENCE
METAL FENCE
WOOD FENCE
PLASTIC FENCE
EASEMENT LINES
CENTERLINE (C/L)

FIRE HYDRANT
WATER VALVE
UTILITY POLE
WATER METER

Planning Board

7. b.

Meeting Date: 02/13/2023

Re: Zoning Atlas Map Amendment - Oak Alley PD Scrivener's Error - 4483 S. 25th Street

Submitted For: Kev Freeman, Planning Director, Planning & Zoning

Information

SUBJECT:

Zoning Atlas Map Amendment - Oak Alley Planned Development Scrivener's Error - 4483 S. 25th Street

SUMMARY:

- It has been brought to the attention of The Planning Department that a scrivener's error occurred on Ordinance # L-303 on December 2, 2013.
- The subject property located at or near 4483 S 25th Street was annexed into the city limits of Fort Pierce. The subject parcel was accidentally annexed with the Oak Alley Subdivision Planned Development zoning designation.
- A Zoning Atlas Map Amendment will correct this error.
- The property owner has signed the attached application for the City to proceed with the correction.
- The Planning Department is initiating the Scrivener's Error correction on behalf of the City of Fort Pierce.

RECOMMENDATION:

Approval of the proposed Ordinance; Amending Ordinance No. 22-046 in order to correct a scrivener's error of a parcel included within the adopted ordinance; removing the subject parcel located at 4483 S. 25th Street and amending its Zoning Classification to R-1, Single-Family Low-Density Residential Zone.

ALTERNATIVES:

- Approval with changes
- Denial

RESPONSIBLE STAFF:

Vennis Gilmore, Assistant Planning Director

COORDINATED WITH:

Technical Review Committee

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

Staff Report
Application and Supporting Documents

Form Review

Form Started By: Vennis Gilmore
Final Approval Date: 02/08/2023

Started On: 02/06/2023 03:34 PM



CITY OF FORT PIERCE

PLANNING BOARD

February 13th, 2023

Oak Alley PD – Zoning Atlas Map Amendment (Scrivener's Error)
4483 S 25th Street

APPLICANT

City of Fort Pierce

PROPERTY OWNER(S)

Debbie Fontaine

PARCEL ID #(S):

2432-441-0003-000-9

Oak Alley PD – SCRIVENER'S ERROR

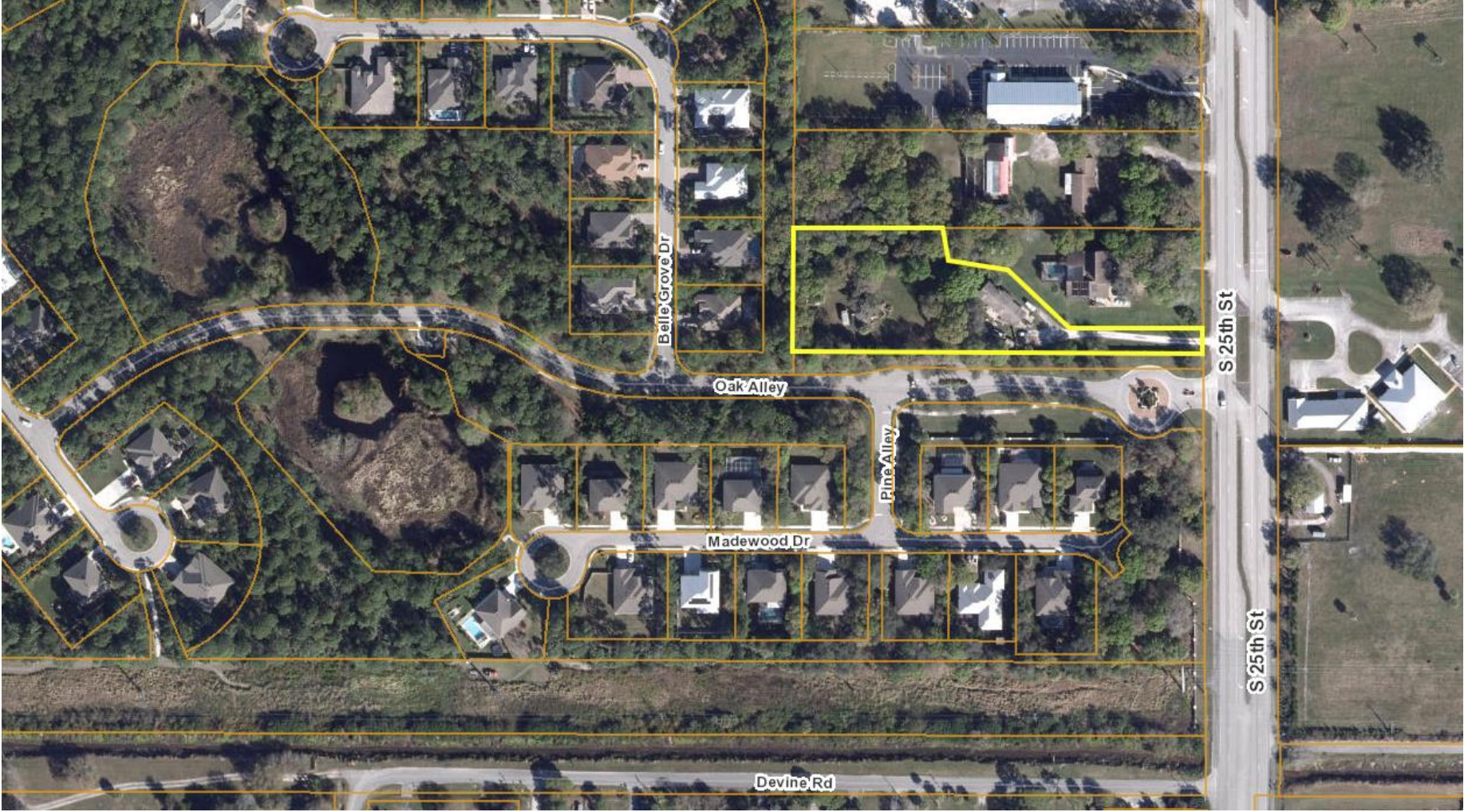


STAFF ANALYSIS

- It has been brought to the attention of The Planning Department that a scrivener's error occurred on Ordinance # L-303 on December 2, 2013.
- The subject property located at or near 4483 S 25th Street was annexed into the city limits of Fort Pierce. The subject parcel was accidentally annexed with the Oak Alley Subdivision Planned Development zoning designation.
- A Zoning Atlas Map Amendment will correct this error.
- The property owner has signed the attached application for the City to proceed with the correction.
- The Planning Department is initiating the Scrivener's Error correction on behalf of the City of Fort Pierce.



SITE LOCATION



SITE AREA = Approximately 1.52 Acres

Oak Alley PD – SCRIVENER’S ERROR

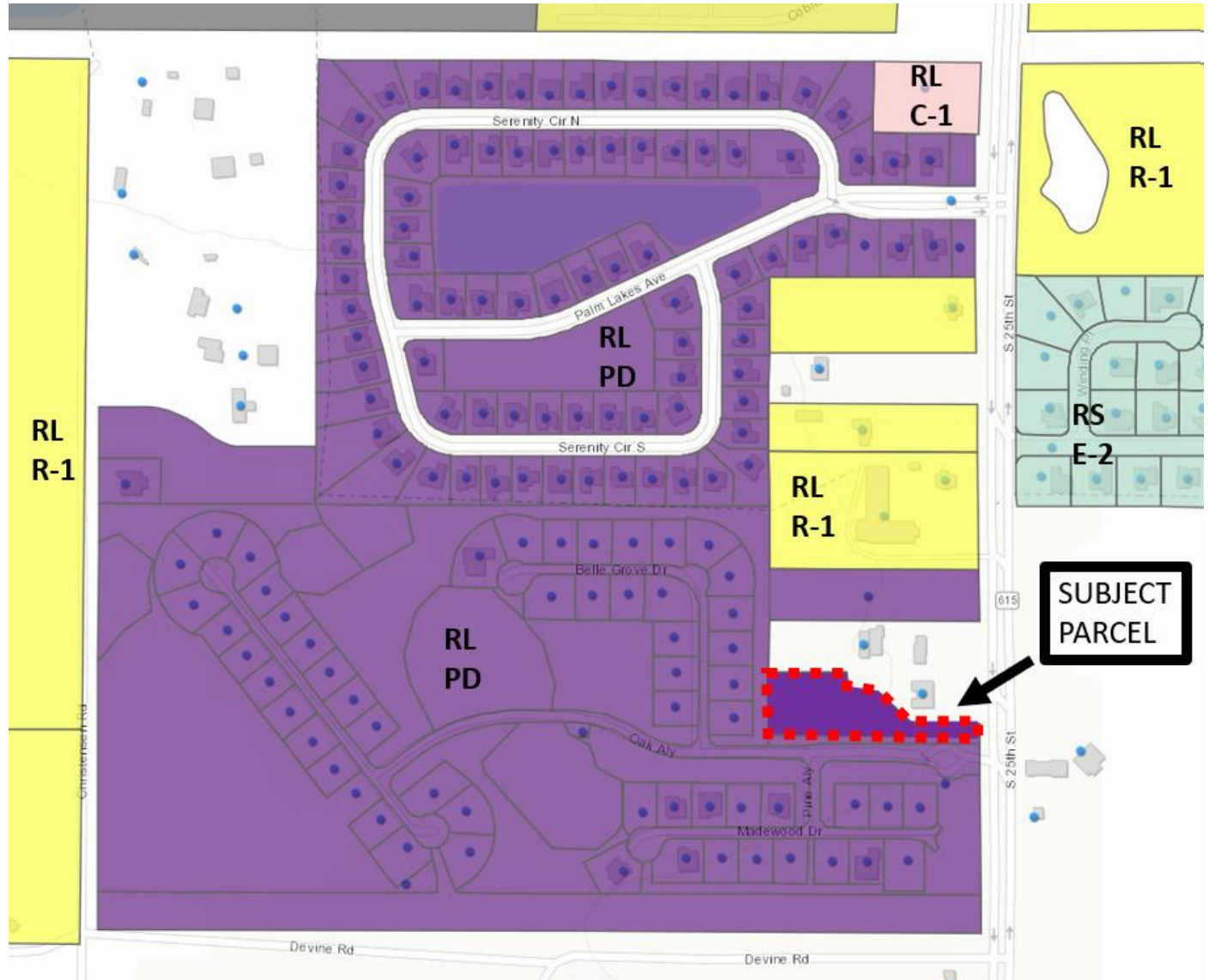


EXISTING & PROPOSED FLU - ZONING

Current FLU:
RL, Low-Density Residential

Current Zoning:
PD, Planned Development

Correct Zoning:
R-1, Single-Family Low-Density Zone



Oak Alley PD – SCRIVENER'S ERROR



STAFF RECOMMENDATION

Approval of the proposed Ordinance; Amending Ordinance No. 22-046 in order to correct a scrivener's error of a parcel included within the adopted ordinance; removing the subject parcel located at 4483 S. 25th Street and amending its Zoning Classification to R-1, Single-Family Low-Density Residential Zone.



PB ACTIONS

- Possible actions of the Planning Board:
- Recommend APPROVAL of the proposed Ordinance
 - Staff recommends approval
- Recommend DISAPPROVAL of the proposed Ordinance





CITY OF FORT PIERCE

PLANNING BOARD

February 13th, 2023

Oak Alley PD – Zoning Atlas Map Amendment (Scrivener's Error)
4483 S 25th Street



Application for Zoning Atlas Map Amendment

Application submission shall include the following:

- **TRC (*Initial Submission):** One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **Planning Board:** One (1) original and (16) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **City Commission:** One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

In addition to a complete application, packets shall include:

- Warranty Deed & Legal Description
- St. Lucie County Property Record Card
- Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.
- Current Survey
- Environmental Study
- Traffic Impact Report
- *** Capacity Analysis-Separate Form
- Drainage Analysis
- Historical Report
- 1 CD of all documents submitted in PDF
- Other _____

1. Property Address/Location: 4483 S 25th Street
2. Property Tax ID(s): 2432-441-0003-000-9
3. Total Acreage: 1.52
4. Existing Future Land Use Designation: RL - Low Density Residential
5. Existing Zoning Classification: PD - Planned Development
6. Proposed Zoning Classification: R-1 - Single-Family Low Density Zone
7. Other applications being submitted concurrent with this application, if any: _____

- 8. Describe the existing uses, improvements and structures on the amendment lands: 1 Single-Family Home

- 9. Are there any identified or possible historical structures on the amendment lands? No

- 10. The reason for making this request: An Annexation Scriveners Error on Ordinance L-303

11. CAPACITY ANALYSIS

I. Site Data:

	Existing Use	Future Land Use	Zoning
North	Institutional/ Residential	RS - Residential Urban, 5 du/ac	RF- Religious Facility AR-1 - Agricultural, 1 du/ac (St. Lucie County Zoning)
South	Residential	RL - Low Density Residential	PD - Planned Development
East	Institutional	P/F - Public Facilities	I - Industrial (St. Lucie County Zoning)
West	Residential	RL - Low Density Residential	PD - Planned Development

	Future Land Use	Zoning Classification	Maximum Intensity Residential: Dwelling Units per Acre Other: Square Footage	Total Acreage	Flood Zone
Current	RL	PD	2 du/ac	1.52	N/A
Proposed	RL	R-1	4 du/ac	1.52	N/A

II. Public Facilities Information:

A. Potable Water:	
Average Use	Residential: 100 gallons per day per person (du x 2.6 = persons x 100 gpd = demand) Other: 0.125 gallons per day per square foot N/A
Demand Analysis	Maximum N/A
Current Zoning	Total gallons per day N/A
Proposed Zoning	Total gallons per day N/A
Change in Demand	Total gallons per day N/A

B. Wastewater:	
Average Use	Residential: 100 gallons per day per person N/A (du x 2.6= persons x 100 gpd = demand) Other: 0.1 gallons per day per square foot
Demand Analysis	Maximum N/A
Current Zoning	Total gallons per day N/A
Proposed Zoning	Total gallons per day N/A
Change in Demand	Total gallons per day N/A

C. Parks and Recreation (Residential Classifications Only): N/A (Du x 2.6 = persons + 44,227 = population /LOS)				
Park Type	LOS	Existing Population Park Demand	Proposed Population Park Demand	Change in Demand
Regional	20 acres per 1,000 people	N/A	N/A	N/A
Urban District	5 acres per 1,000 people	N/A	N/A	N/A
Community	2.5 acres per 1,000 people	N/A	N/A	N/A
Neighborhood	1.36 acres per 1,000 people	N/A	N/A	N/A

D. Public Schools (Residential Classifications Only): Single Family: (du x 0.405 = students/70% K-8/30% High) Multi-family: (du x 0.207 = students/70% K-8/30% High) N/A		
	K-8	High
School Name	N/A	N/A
City	N/A	N/A
Distance	N/A	N/A
Current Zoning Enrollment Demand	N/A	N/A
Proposed Zoning Enrollment Demand	N/A	N/A
Change in Demand	N/A	N/A

E. Solid Waste: 2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units	
Demand Analysis	Maximum
Current Zoning	N/A
Proposed Zoning	N/A
Change in Demand	N/A

F. Stormwater:
Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event)

Impact	N/A
---------------	-----

III. Transportation Analysis

G. Traffic		
Most recent ITE Code for use; HCM Roadway Capacity		
	AADT	AM/PM Peak Hour Trips
Demand Analysis	Maximum	Maximum
Current Zoning	N/A	N/A
Proposed Zoning	N/A	N/A
Change in Demand	Trips N/A	Trips N/A
Impact to Capacity	N/A	

12. Name of Owner(s): Debbie Fontaine
 Mailing Address: 4483 S 25th Street
 City Fort Pierce State FL Zip 34981
 Phone # 772-579-2961
 E-mail: tboone123@gmail.com

13. Name of Applicant: City of Fort Pierce
 Mailing Address: 100 N US Highway 1
 City Fort Pierce State FL Zip 34950
 Phone # 772-467-3000 Fax # _____
 E-mail: planning@cityoffortpierce.com

14. Name of Representative: N/A
 Mailing Address: N/A
 City N/A State N/A Zip N/A
 Phone # N/A Fax # N/A
 E-mail: N/A

15. Applicant Acknowledgements (Owner's signature must be notarized)

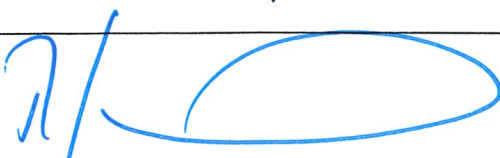
I certify that: (Check One)

I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

I (we) are not the owner of the above described property; however, the owners signature below authorizes ~~the applicants the authority to act as agent for the owner(s) of record.~~

the Applicant to submit this Application

Applicant's Signature



Date

11/22/22

for a Change in Zoning Classification.

100 N US Highway 1, Suite 203

FL

34950

Address

State

Zip

772-467-3737

planning@cityoffortpierce.com

Phone

Fax

E-mail Address

16. Property Owners 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 for a change in zoning classification. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Debbie Fontaine (772) 579-2961
Property Owner's Name (Please Print) Phone

4483 S. 25 St FL 34981
Address State Zip

Debbie Fontaine August 29, 2022
Property Owner's Signature Date

STATE OF FLORIDA)
ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this 29 day of August, 2022, by
Debbie Fontaine who is personally known to me or has produced ID as ident

Signature of Notary (seal)

OFFICE USE:
DATE RECEIVED: Signed:
File Number: Check No: Receipt No:
TRC Review: Planning Board Review: City Commission:
Ordinance No: Date Approved:





THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*

TO: Sara Delgado, Redevelopment Assistant

FROM: Tanya Earley, City Attorney *TME*

RE: Scrivener's Error

CAO RLS File: No. 22-250

DATE: November 18, 2022

RECEIVED

DEC 05 2022

CITY OF FORT PIERCE
PLANNING & ZONING
Received

NOV 18 2022

City of Fort Pierce
City Manager's Office

I have reviewed the above request for legal services, related to the rezoning application for a property located at 4483 S. 25th Street. The property was annexed into the City in 2013 under Ordinance L-303. Ordinance L-303 contained a typographical error and the property was assigned an incorrect zoning classification. The property owners have recently authorized planning staff to seek a correction.

With the owner's permission, planning staff initiated and prepared an application for rezoning and submitted the application for the City Manager's signature. The request for legal services asks me to "advise on a request received from the planning department," which I interpret to be a request to opine on whether the City Manager should sign the application.

The application calls for two signatures: that of the "applicant," and that of the "owner." The form states that the applicant, in this case is the City, is the "authorized agent" of the owner. At least in this instance, I recommend modifying this language to avoid any misinterpretation that the City is the agent of or providing representation to the owner. It should be sufficient to say that the owner has authorized the staff to submit the application. That said, it is ultimately the decision of the City Manager to sign or not to sign.

I am not certain how frequently this circumstance occurs. Going forward, it may be helpful to create a different form to address this circumstance, or to consider whether the normal application process is the best tool for correcting this type of error.

If I can be of further assistance, please do not hesitate to call or e-mail.

Thank you.

TE/mm

cc: Nicholas C. Mimms, P.E., City Manager
Linda Cox, City Clerk



CITY ATTORNEY USE ONLY

Date Received:	11.4.22
Assigned To:	
File:	22-250
Due Date:	
Hours:	

RECEIVED
 NOV 04 2022
 City Attorney


REQUEST FOR LEGAL SERVICES

To: CITY ATTORNEY

SUBMITTED BY: SARA DELGADO, ADMINISTRATIVE ASSISTANT

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *ncf*

RE: SCRIVENER'S ERROR – 4483 25TH STREET

DATE: NOVEMBER 3, 2022

Service Required: (please circle or underline)

Review Documents	Draft Document	Written Opinion Requested
Attend Meetings	<u>Advise</u>	Other: _____

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

1. **Brief statement of the nature of the request or problem:** Please advise on a request received from the Planning Department to apply for a Zoning Atlas Map Amendment due to a Scrivener's Error.
2. **Discussion of the implications and the possible impact if not apparent from preceding information:**
3. **Time considerations and their significance:**
4. **Are City funds required? If so, list approvals obtained for expenditure of funds:** No
5. **Factual background:** See attached.

List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.):
7. **Identify prior legal assistance on this or a related matter and the attorney who handled it:**
N/A
6. **If this is a request for review of a contract, provide the following:**

- a. List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City:

- b. Insurance requirements that differ from the City's template insurance terms:

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

TO: Nicholas Mimms, P.E., City Manager
FROM: Vennis Gilmore, Senior Planner *VG*
THRU: Kevin Freeman, Planning Director *KF*
RE: Scrivener's Error – 4483 S 25th Street
DATE: August 30, 2022

Received
AUG 31 2022
City of Fort Pierce
City Manager's Office

It has been brought to the attention of The Planning Department that a scrivener's error occurred on Ordinance # L-303 on December 2, 2013. The subject property located at or near 4483 S 25th Street was annexed into the city limits of Fort Pierce. The subject parcel was accidentally annexed with the Oak Alley Subdivision Planned Development zoning designation. The attached Zoning Atlas Map Amendment will correct this error. The property owner has signed the attached application for the City to proceed with the correction. We ask that the City Manager sign the Applicant's Signature on page 4 of the 5 pages because the Planning Department is initiating the Scrivener's Error correction on behalf of the City of Fort Pierce.

Cc: Jennifer Robinson, Executive Assistant to the City Manager

Attachments: Zoning Atlas Map Amendment Application
Ordinance L-303

JH
Please review
and get back
to me with your
recommendations
NICK

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3903593 12/18/2013 at 01:53 PM
OR BOOK 3588 PAGE 2723 - 2730 Doc Type: ORDINANCE
RECORDING: \$89.50

ORDINANCE NO. L-303

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 4483 S 25th STREET AND THE SUBDIVISION KNOWN AS OAK ALLEY AS RECORDED IN PLAT BOOK 54 PAGE 26 AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2014; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITIH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, Part I, Chapter 171, Florida Statutes, set forth a procedure for Municipal Annexation;

WHEREAS, in Chapter 171.044 F.S., the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality, and;

WHEREAS, the owner or owners have signed an agreement with the Fort Pierce Utility Authorities for the provision of water service and/or sewer service outside the City limits of the City of Fort Pierce, and have agreed to be voluntarily annexed into the City of Fort Pierce and;

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

SECTION 1. The territorial limits of the City of Fort Pierce, Florida, be and they are hereby extended to annex to the said City the property described herein and attached in Exhibit A:

- a) 4483 S. 25th Street, Parcel ID 2432-441-0003-000-9

Legal Description:

32 35 40 THAT PART OF S 180 FT OF NE 1/4 OF SE 1/4 OF SE 1/4- LESS E 40 FT- LYG SWLY OF FOL DESC LI: BEG AT PT ON N LI OF SD S 180 FT SD PT BEING 384.77 FT W OF W R/W S 25 ST (HAWLEY RD), TH S 8 DEG 53 MIN 23SEC E 50.07 FT, TH S 80 DEG 43 MIN 19 SEC E 81.46 FT, TH S 46 DEG 09 MIN 52 SEC E 126.19 FT, THE 205.60 FT TO W R/W S 25 ST AND END OF SPEC DESC LI-LESS E 6.02 FT M/L LYG ALG WLY R/W 25 ST AS IN OR 646-1962- (1.52 AC) (OR 1277-2673)

b) Multiple Addresses, Parcel IDs:

2432-441-0003-000-9	2432-801-0062-000-4	2432-801-0072-000-7
2432-801-0041-000-1	2432-801-0043-000-5	2432-801-0071-000-0
2432-801-0035-000-6	2432-801-0044-000-2	2432-801-0070-000-3
2432-801-0036-000-3	2432-801-0045-000-9	2432-801-0069-000-3
2432-801-0038-000-7	2432-801-0052-000-1	2432-801-0058-000-3
2432-801-0039-000-4	2432-801-0034-000-9	2432-801-0059-000-0
2432-801-0073-000-4	2432-801-0051-000-4	2432-801-0060-000-0
2432-801-0053-000-8	2432-801-0050-000-7	2432-801-0061-000-7
2432-801-0065-000-5	2432-801-0019-000-8	2432-801-0057-000-6
2432-801-0010-000-5	2432-801-0020-000-8	2432-801-0042-000-8
2432-801-0023-000-9	2432-801-0021-000-5	2432-801-0063-000-1
2432-801-0024-000-6	2432-801-0022-000-2	2432-801-0064-000-8
2432-801-0068-000-6	2432-801-0004-000-0	2432-801-0014-000-3
2432-801-0067-000-9	2432-801-0005-000-7	2432-801-0031-000-8
2432-801-0046-000-6	2432-801-0006-000-4	2432-801-0029-000-1
2432-801-0047-000-3	2432-801-0007-000-1	2432-801-0028-000-4
2432-801-0040-000-4	2432-801-0008-000-8	2432-801-0027-000-7
2432-801-0037-000-0	2432-801-0009-000-5	2432-801-0030-000-1
2432-801-0049-000-7	2432-801-0011-000-2	2432-801-0056-000-9
2432-801-0018-000-1	2432-801-0012-000-9	2432-801-0032-000-5
2432-801-0054-000-5	2432-801-0013-000-6	2432-801-0055-000-2
2432-801-0048-000-0	2432-801-0015-000-0	2432-801-0026-000-0
2432-801-0025-000-3	2432-801-0016-000-7	2432-801-0033-000-2
2432-801-0002-000-6	2432-801-0017-000-4	2432-801-0066-000-2
2432-801-0003-000-3	2432-801-0075-000-8	

Legal Description: Oak Alley Subdivision (PB54-26)

SECTION 2. That the St. Lucie County Property Appraiser and the St. Lucie County Tax Collector are directed to place upon and add to the assessment roll, and to collect taxes on the land described in Exhibit A hereof as of January 1, 2014 and subsequent years, and to enter the same at such valuation that it will bear an equal and just proportion of taxes as of that date and subsequent years.

SECTION 3. That the City Clerk shall cause notice of this annexation to be published once each week for two consecutive weeks prior to final passage in the St. Lucie Tribune in Fort Pierce, Florida.

SECTION 4. That upon this ordinance becoming effective, the land herein described on Exhibit A and annexed to the territorial limits of the City of Fort Pierce shall be and the same is zoned PUD, Planned Unit Development, and assigned a future land use designation is RL, Low Density Residential, as shown on Exhibit B.

SECTION 5. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 6. This Ordinance shall be and become effective immediately upon final passage.

STATE OF FLORIDA)
ST. LUCIE COUNTY) ^{SS}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. L-303 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on November 10, 2013, and on November 17, 2013; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida on November 18, 2012; and was duly introduced, read by title only and passed on second and final reading on December 2, 2013, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 2nd day of December 2013.

Linda Hudson

Mayor Commissioner

Lynnda W. Col

City Clerk

(CITY SEAL)

EXHIBIT A to ORDINANCE No. L-303

Parcel IDs and Legal Descriptions of Parcels Included in Annexation

Parcel ID: 2432-441-0003-000-9

32 35 40 THAT PART OF S 180 FT OF NE 1/4 OF SE 1/4 OF SE 1/4-LESS E 40 FT- LYG SWLY OF FOL DESC LI: BEG AT PT ON N LI OF SD S 180 FT SD PT BEING 384.77 FT W OF W R/W S 25 ST (HAWLEY RD), TH S 8 DEG 53 MIN 23SEC E 50.07 FT, TH S 80 DEG 43 MIN 19 SEC E 81.46 FT, TH S 46 DEG 09 MIN 52 SEC E 126.19 FT, THE 205.60 FT TO W R/W S 25 ST AND END OF SPEC DESC LI-LESS E 6.02 FT M/L LYG ALG WLY R/W 25 ST AS IN OR 646-1962- (1.52 AC) (OR 1277-2673)

AND

Parcel IDs:

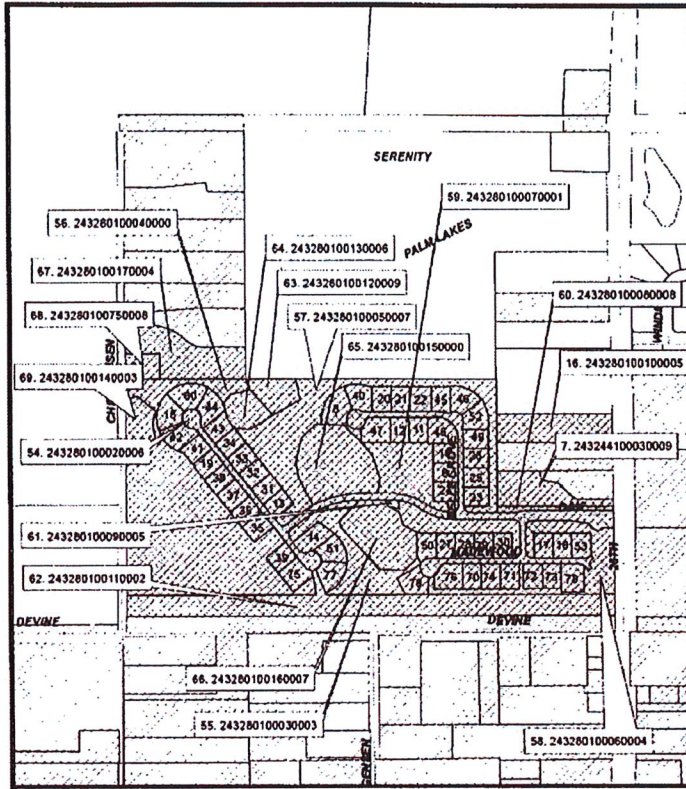
2432-441-0003-000-9	2432-801-0071-000-0	2432-801-0005-000-7
2432-801-0041-000-1	2432-801-0070-000-3	2432-801-0006-000-4
2432-801-0035-000-6	2432-801-0069-000-3	2432-801-0007-000-1
2432-801-0036-000-3	2432-801-0058-000-3	2432-801-0008-000-8
2432-801-0038-000-7	2432-801-0059-000-0	2432-801-0009-000-5
2432-801-0039-000-4	2432-801-0060-000-0	2432-801-0011-000-2
2432-801-0073-000-4	2432-801-0061-000-7	2432-801-0012-000-9
2432-801-0053-000-8	2432-801-0057-000-6	2432-801-0013-000-6
2432-801-0065-000-5	2432-801-0042-000-8	2432-801-0015-000-0
2432-801-0010-000-5	2432-801-0063-000-1	2432-801-0016-000-7
2432-801-0023-000-9	2432-801-0064-000-8	2432-801-0017-000-4
2432-801-0024-000-6	2432-801-0068-000-6	2432-801-0075-000-8
2432-801-0062-000-4	2432-801-0067-000-9	2432-801-0014-000-3
2432-801-0043-000-5	2432-801-0046-000-6	2432-801-0031-000-8
2432-801-0044-000-2	2432-801-0047-000-3	2432-801-0029-000-1
2432-801-0045-000-9	2432-801-0040-000-4	2432-801-0028-000-4
2432-801-0052-000-1	2432-801-0037-000-0	2432-801-0027-000-7
2432-801-0034-000-9	2432-801-0049-000-7	2432-801-0030-000-1
2432-801-0051-000-4	2432-801-0018-000-1	2432-801-0056-000-9
2432-801-0050-000-7	2432-801-0054-000-5	2432-801-0032-000-5
2432-801-0019-000-8	2432-801-0048-000-0	2432-801-0055-000-2
2432-801-0020-000-8	2432-801-0025-000-3	2432-801-0026-000-0
2432-801-0021-000-5	2432-801-0002-000-6	2432-801-0033-000-2
2432-801-0022-000-2	2432-801-0003-000-3	2432-801-0066-000-2
2432-801-0072-000-7	2432-801-0004-000-0	

Commonly known as Oak Alley Subdivision (PB 54-26)

EXHIBIT B to ORDINANCE No. L-303

Maps

Proposed Annexation Area



City Boundaries after Proposed Annexation

EXHIBIT B to ORDINANCE No. L-303

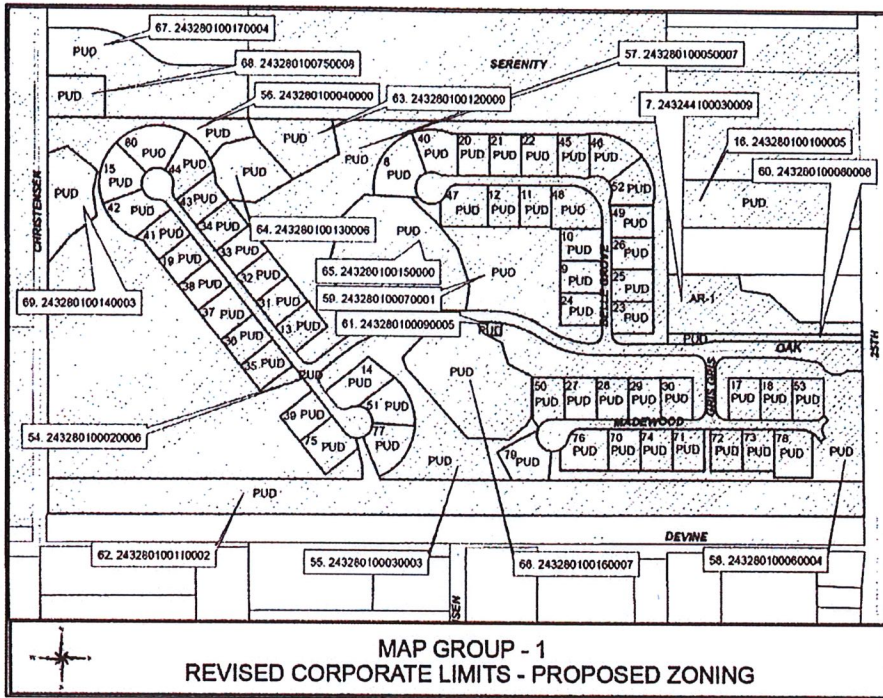
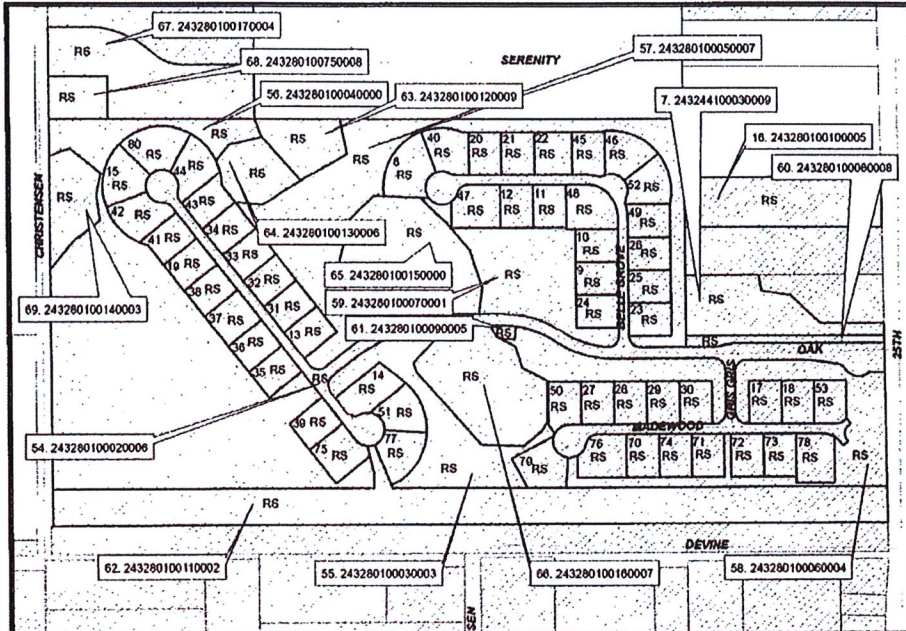


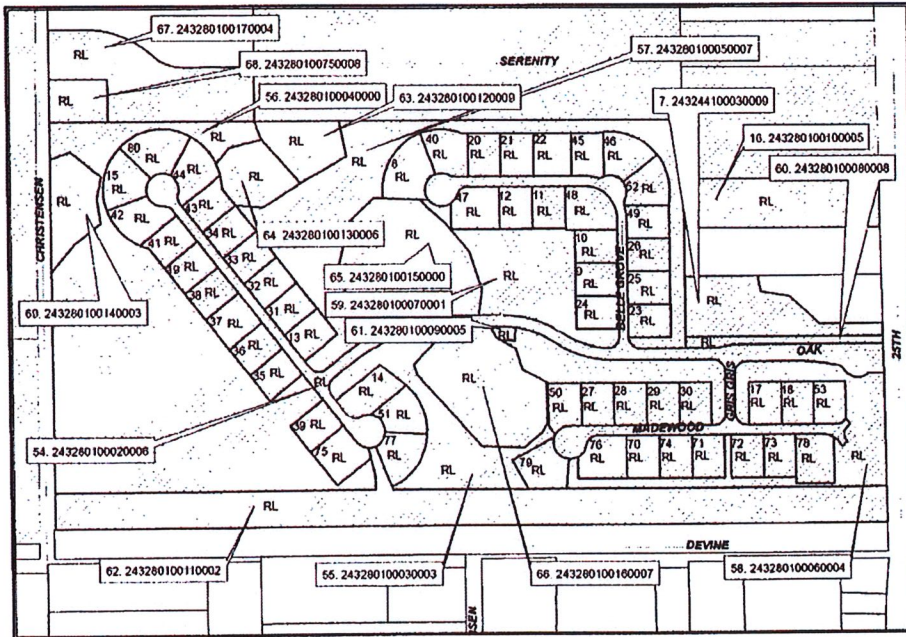
EXHIBIT B to ORDINANCE No. L-303

Existing Land Use



**MAP GROUP - 1
UNINCORPORATED ST LUCIE COUNTY - CURRENT FUTURE LAND USE**

Proposed Land Use



**MAP GROUP - 1
REVISED CORPORATE LIMITS - PROPOSED FUTURE LAND USE**

RE: UPDATE NEEDED** Scrivener's Error -4483 S 25th St

Shyanne Harnage <sharnage@cityoffortpierce.com>

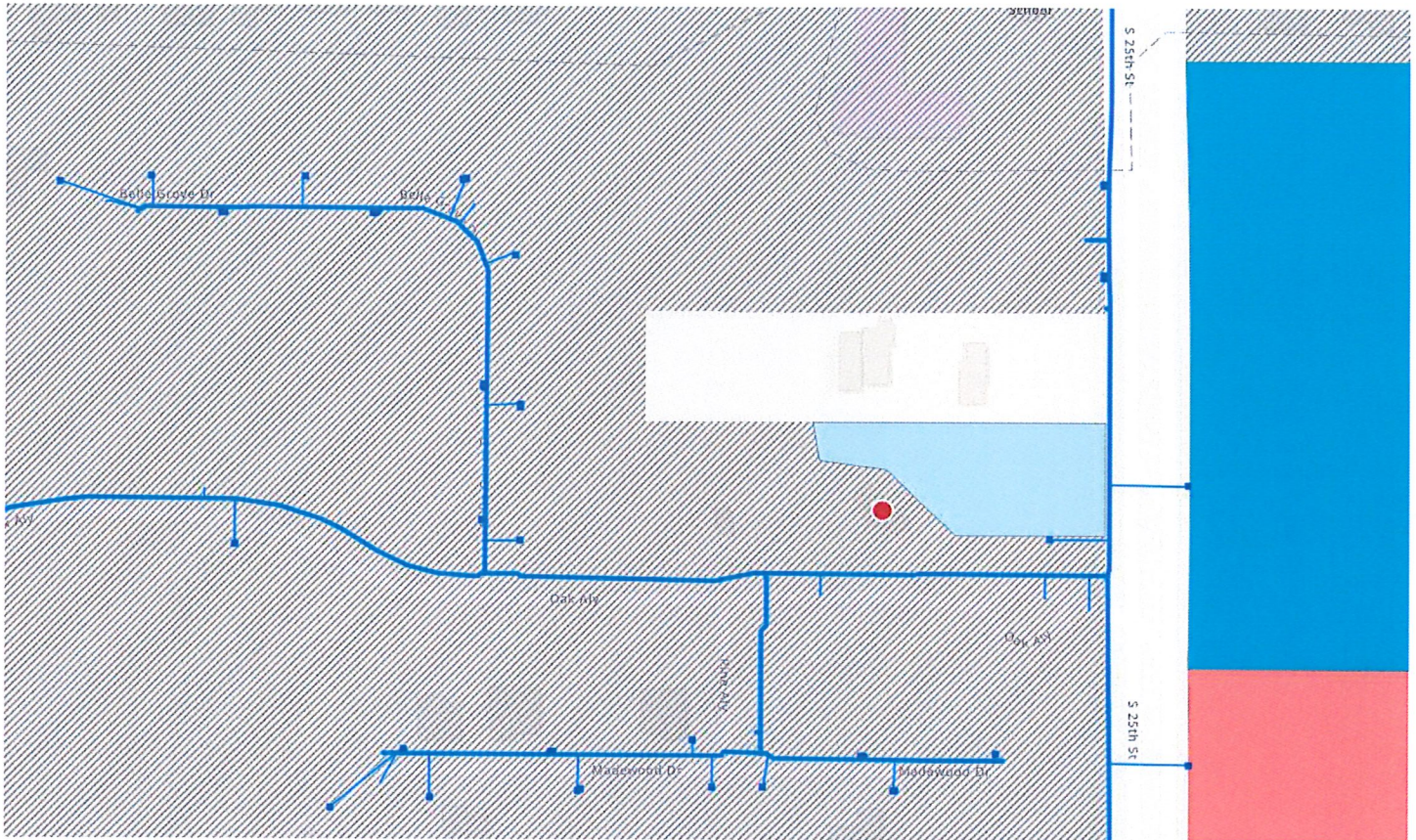
Thu 10/13/2022 2:27 PM

To: Nick Mimms <nmimms@cityoffortpierce.com>

Cc: Sara Anne Delgado <sadelgado@cityoffortpierce.com>

Good afternoon, Nick,

Since this was done in error, I think it should be corrected and therefore you should sign the document. However, the property owner should be made aware that 25th Street is a targeted corridor for annexation and this property may be annexed again in the near future. There is an annexation agreement for the property just to the east of this parcel on 25th Street. According to FPUA's updated map, we do not have an annexation agreement for the church just to the north of this parcel.



Thanks!



Shyanne Harnage, MBA, FRA-RP
Economic Development Manager

City Manager's Office • City of Fort Pierce
100 North U.S. 1 Fort Pierce, FL 34950
772.467.3034 • sharnage@cityoffortpierce.com



From: Nick Mimms <nmimms@cityoffortpierce.com>
Sent: Friday, October 7, 2022 4:46 PM
To: Shyanne Harnage <sharnage@cityoffortpierce.com>
Cc: Sara Anne Delgado <sadelgado@cityoffortpierce.com>
Subject: Re: UPDATE NEEDED** Scrivener's Error -4483 S 25th St

Shyanne,

Please get back to me with your recommendations by Wednesday 10/12/22.

Thanks!!!

Nicholas C. Mimms, P.E., ICMA-CM
City Manager
The Beautiful City of Fort Pierce



CITY ATTORNEY USE ONLY

Date Received:	11-4-22
Assigned To:	
File:	22-7-250
Due Date:	
Hours:	

RECEIVED
NOV 04 2022
City Attorney
[Signature]

REQUEST FOR LEGAL SERVICES

To: CITY ATTORNEY

SUBMITTED BY: SARA DELGADO, ADMINISTRATIVE ASSISTANT

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *ncf*

RE: SCRIVENER'S ERROR – 4483 25TH STREET

DATE: NOVEMBER 3, 2022

Service Required: (please circle or underline)

Review Documents	Draft Document	Written Opinion Requested
Attend Meetings	<u>Advise</u>	Other: _____

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** Please advise on a request received from the Planning Department to apply for a Zoning Atlas Map Amendment due to a Scrivener's Error.
- Discussion of the implications and the possible impact if not apparent from preceding information:**
- Time considerations and their significance:**
- Are City funds required? If so, list approvals obtained for expenditure of funds:** No
- Factual background:** See attached.

List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.):

7. **Identify prior legal assistance on this or a related matter and the attorney who handled it:**
N/A

6. **If this is a request for review of a contract, provide the following:**

- a. List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City:

- b. Insurance requirements that differ from the City's template insurance terms:

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response

Planning Board

7. c.

Meeting Date: 02/13/2023

Re: Resolution 23-R17 Extending Peacock Arts District Boundaries

Submitted For: Shyanne Harnage, Economic Development Manager, City Manager

Information

SUBJECT:

Resolution 23-R17 - Extending the Peacock Arts District Boundaries and Providing for an Effective Date

SUMMARY:

The Peacock Arts District (PAD) was formally established via Resolution 17-R01 on January 3, 2017, and subsequently expanded via Resolution 19-R40 on August 19, 2019. The southern boundary of the expanded area was listed as Delaware Avenue; however the parcels on the south side of the street were not included. Resolution 23-R17 corrects that issue by incorporating the parcels on both sides of Delaware Avenue in the Peacock Arts District.

RECOMMENDATION:

Forward a recommendation of approval of Resolution 23-R17 to the City Commission.

ALTERNATIVES:

Recommend modified approval or recommend disapproval.

RESPONSIBLE STAFF:

Shyanne Harnage, Economic Development Manager

COORDINATED WITH:

City Clerk
City Attorney

Fiscal Impact

OTHER INFORMATION:

No fiscal impact is identified with the adoption of this resolution.

Attachments

23-R17
19-R40
17-R01

Form Review

Form Started By: Shyanne Harnage
Final Approval Date: 01/17/2023

Started On: 01/17/2023 10:37 AM

RESOLUTION NO. 23-R17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, EXTENDING THE **PEACOCK ARTS DISTRICT** BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Orange Avenue corridor, between 13th Street and US Highway 1 historically was a bustling commercial district within the City of Fort Pierce.; and

WHEREAS, retail shops, salons, markets, and government offices generated an abundance of activity from residents living in the immediate vicinity and beyond, however for some time, the Orange Avenue Corridor between U.S. Highway 1 and 13th Street has experienced challenges of neglect and underinvestment; and

WHEREAS, the City of Fort Pierce seeks to inspire redevelopment and renewal of history, art, and culture within this corridor which is located within the Community Redevelopment Area; and

WHEREAS, the designation of a unique district enhances the opportunity to advance community initiatives to encourage redevelopment, infill development, investment, historic preservation, and renewal of pride and culture within this area; and

WHEREAS, the City of Fort Pierce formally established the Peacock Arts District via Resolution 17-R01 and subsequently expanded its boundaries via Resolution 19-R40; and

WHEREAS, the southern boundary of the expanded area of the Peacock Arts District was listed as Delaware Avenue; however, the parcels on the south side of the street were not included; and

WHEREAS, Delaware Avenue is experiencing growth with numerous adaptive reuse projects recently completed or underway and the land development code requirements should be consistent on both sides of the street; and

WHEREAS, the extended area delineated for inclusion in the Peacock Arts District attached hereto as Exhibit "A," is bound by US Highway 1 on the east and 13th Street on the west. The northern boundary extends along the upper bounds of the district ending at Avenue B. The southern boundary

extends to Delaware Avenue from US Highway 1 west to 13th Street including the parcels on both sides of Delaware Avenue; and

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, that the area bound by US Highway 1 on the east and 13th Street on the west with the northern boundary extending along the upper bounds of the district ending at Avenue B and the southern boundary extending to Delaware Avenue from US Highway 1 west to 13th Street, including the properties on both sides of Delaware Avenue (as depicted in Exhibit "A") be recognized as the "Peacock Arts District."

This Resolution shall take effect immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this ___ day of February 2023.

LINDA HUDSON, MAYOR

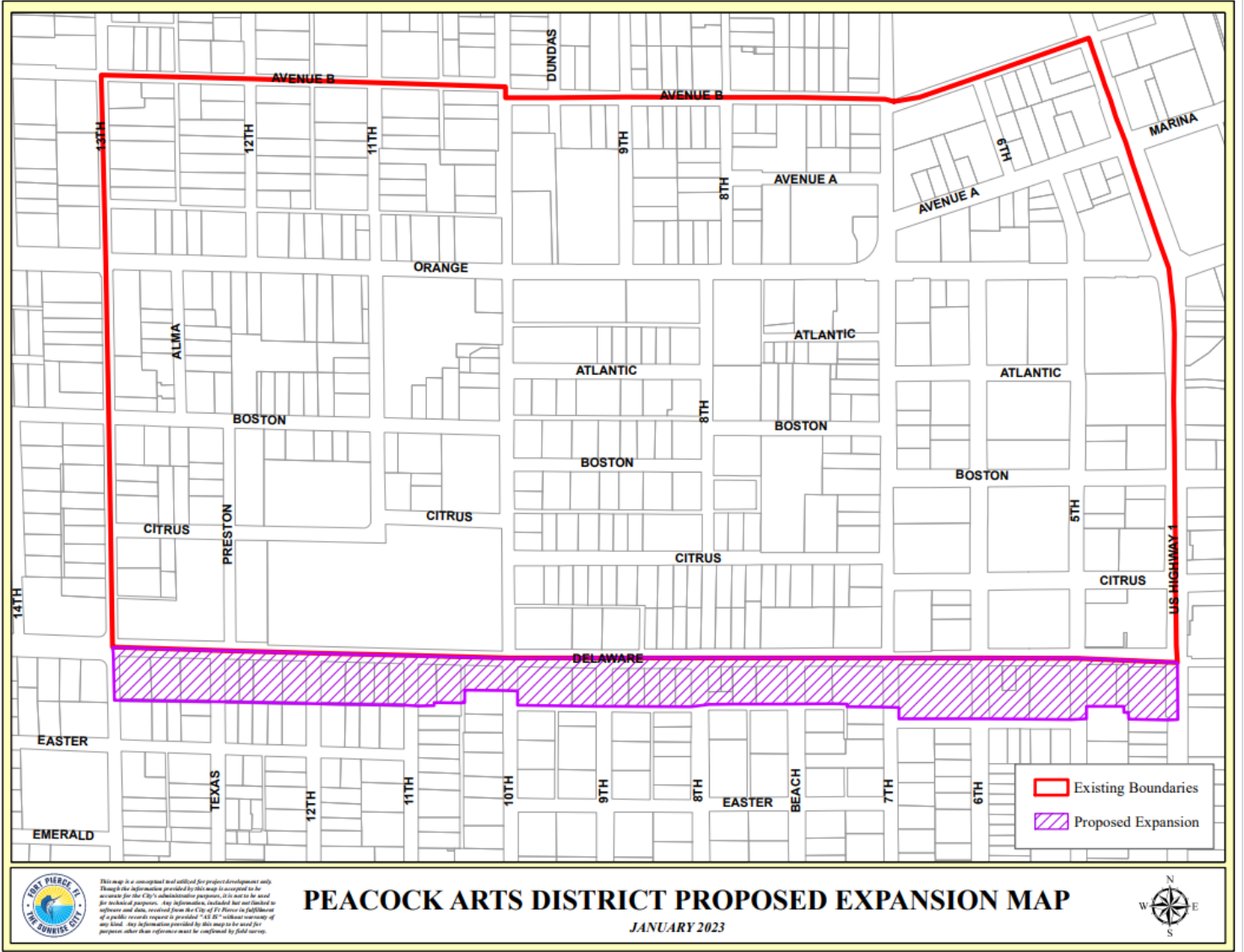
ATTEST:

LINDA W. COX, CITY CLERK
(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

TANYA M. EARLEY, ESQ.
CITY ATTORNEY

Exhibit "A"



RESOLUTION NO. 19-R__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, EXTENDING THE **PEACOCK ARTS DISTRICT** BOUNDARIES, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Orange Avenue corridor, between 13th Street and US Highway 1 historically was a bustling commercial district within the City of Fort Pierce.; and

WHEREAS, retail shops, salons, markets, and even government offices generated an abundance of activity from residents living in the immediate vicinity and beyond, however for some time, the Orange Avenue Corridor between U.S. Highway 1 and 13th street has experienced challenges of neglect and underinvestment; and

WHEREAS, the City of Fort Pierce seeks to inspire redevelopment and renewal of history, art, and culture within this corridor which is located within the Community Redevelopment Area; and

WHEREAS, the area delineated for inclusion in the Peacock Arts District is bound by US Highway 1 on the east and 13th Street on the west. The northern boundary extends along the upper bounds of the district ending at Avenue B. The southern boundary extends Delaware Avenue from US Highway 1 west to 13th including the properties abutting Delaware Avenue.

WHEREAS, the Fort Pierce Magnet School of the arts recently reopened as Creative Arts Academy of St. Lucie (CAST) after receiving a federal grant. CAST provides opportunities to develop and highlight creativity and performance through courses in dance, visual and graphic arts, vocal and instrumental music, theater and musical theater and serves as a cultural activity generator enhancing the Peacock Arts District.

WHEREAS, the designation of a unique district enhances the opportunity to advance community initiatives to encourage redevelopment, infill development, investment, historic preservation, and renewal of pride and culture within this area; and;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, that the area bound by US Highway 1 on the east and 13th Street on the west. The northern boundary extends along the upper bounds of the district ending at Avenue B. The southern boundary extends Delaware from US Highway 1 west to 13th including the properties abutting Delaware Avenue (as depicted in exhibit A) be recognized as the "Peacock Arts District". This Resolution shall take effect immediately upon adoption. IN WITNESS WHEREOF, this Resolution has been duly adopted on this __ day of August 2019.

This Resolution shall take effect immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this __ day of August 2019.

Linda Hudson, Mayor

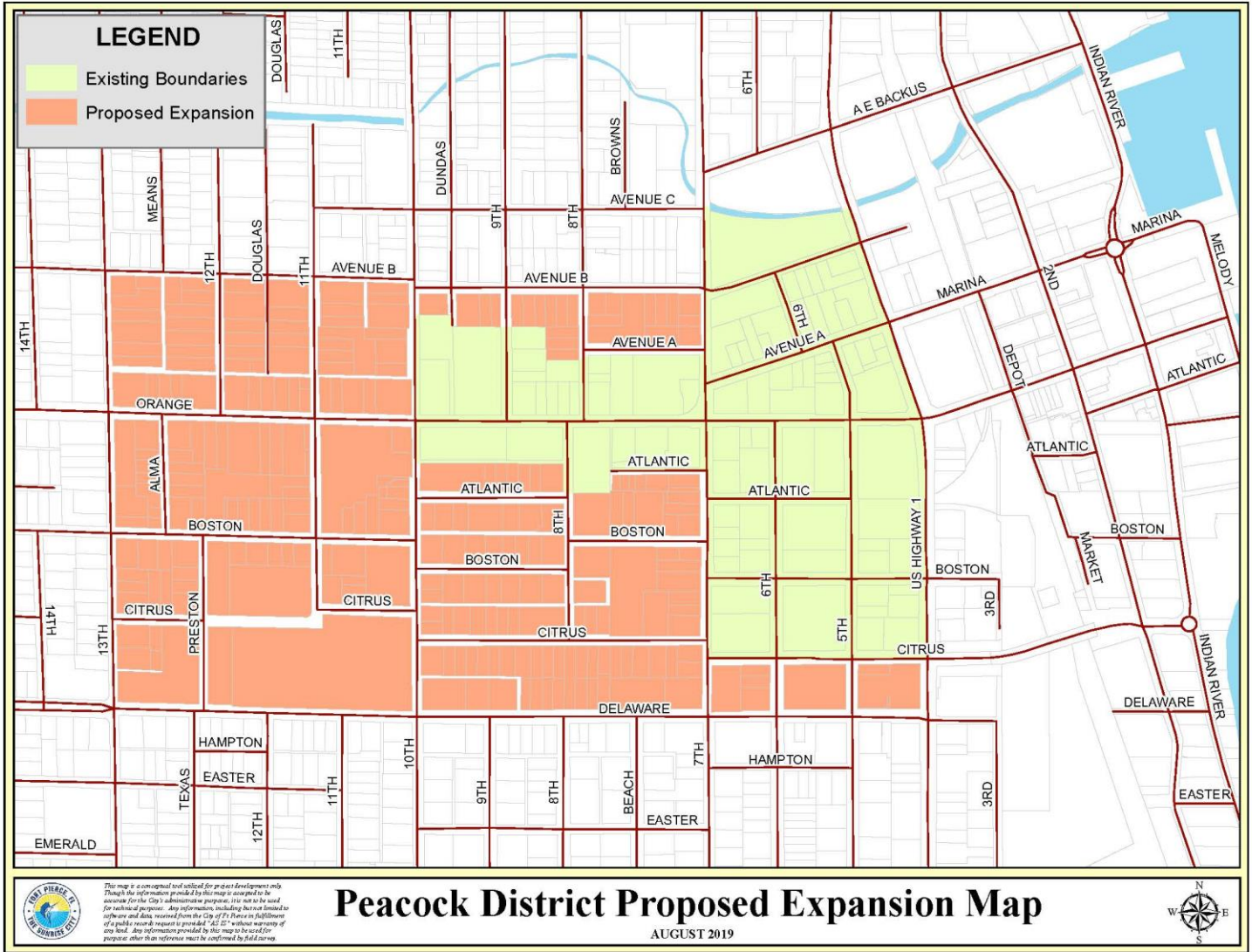
ATTEST:

Linda W. Cox, City Clerk

Approved as to Form
And Correctness:

Peter J. Sweeney, City Attorney

Exhibit A



RESOLUTION NO. 17-R01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE **PEACOCK ARTS DISTRICT**, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Orange Avenue corridor, between 10th Street and US Highway 1 historically was a bustling commercial district within the City of Fort Pierce.; and

WHEREAS, retail shops, salons, markets, and even government offices generated an abundance of activity from residents living in the immediate vicinity and beyond, however for some time, the Orange Avenue Corridor between U.S. Hwy 1 and 10th street has experienced challenges of neglect and underinvestment; and

WHEREAS, the City of Fort Pierce seeks to inspire redevelopment and renewal of history, art, and culture within this corridor which is located within the Community Redevelopment Area; and

WHEREAS, the area delineated for inclusion in the Peacock Arts District is bound by US Highway 1 on the east, and anchored on 10th Avenue along the Commercial properties abutting Orange Ave. The northern boundary runs extends along the upper bounds of the commercial district, to 7th Street, ending at Moore's Creek. The southern boundary extends along Citrus Avenue from US Highway 1 west to 7th, north to Atlantic Avenue, connecting west to 10th Street along the bounds of the commercial district (attached in Exhibit A); and

WHEREAS, the designation of a unique district enhances the opportunity to advance community initiatives to encourage redevelopment, infill development, investment, historic preservation, and renewal of culture within this area; and;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, that the area bound by US Highway 1 on the east, and anchored on 10th Avenue along the Commercial properties abutting Orange Ave. The northern boundary runs extends along the upper bounds of the commercial district, to 7th Street, ending at Moore's Creek. The southern boundary extends along Citrus Avenue from US Highway 1 west to 7th, north to Atlantic Avenue, connecting west to 10th Street along the bounds of the commercial district (attached in Exhibit A) be recognized as the "**Peacock Arts District**".

This Resolution shall take effect immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this 3rd day of January 2017.


Linda Hudson, Mayor

ATTEST:


Linda Cox, City Clerk

Approved as to Form
And Correctness:

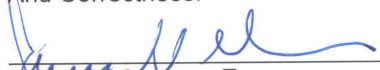

James M. Messer, Esq.
City Attorney

Exhibit A



Planning Board

7. d.

Meeting Date: 02/13/2023

Re:

Information

SUBJECT:

Sunshine Presentation

SUMMARY:

RECOMMENDATION:

ALTERNATIVES:

RESPONSIBLE STAFF:

COORDINATED WITH:

Attachments

Sunshine Presentation

Form Review

Form Started By: Alicia Rosenthal

Started On: 02/03/2023 10:50 AM

Final Approval Date: 02/03/2023

Florida's Open Government Laws

SARA HEDGES

ASSISTANT CITY ATTORNEY

CITY OF FORT PIERCE

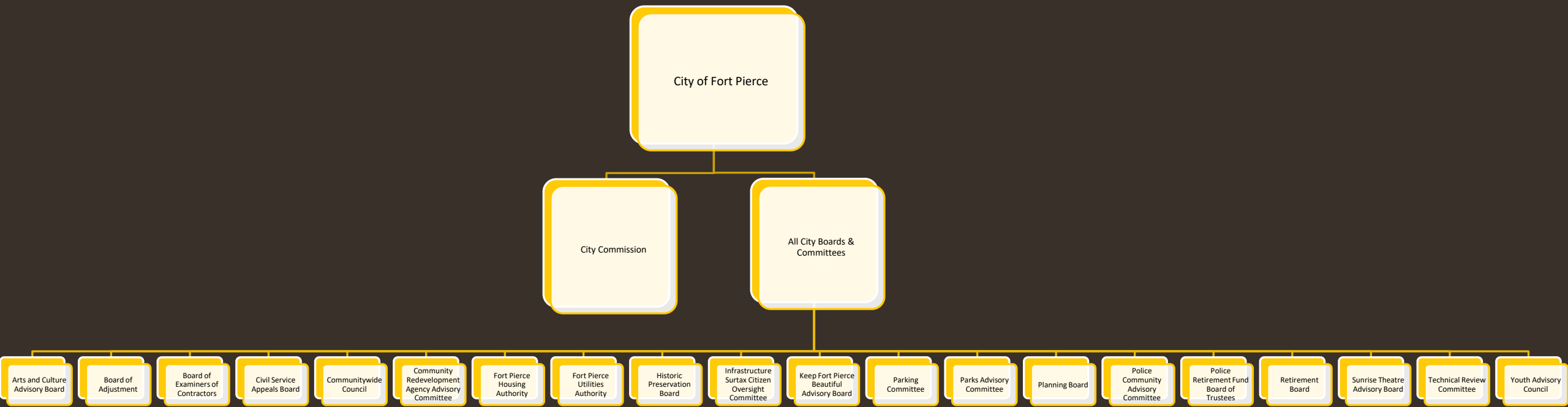
Florida's Open Government Laws

Florida's Government in the Sunshine Law

Florida's Public Records Act

Voting Conflicts of Interest

Who do these laws apply to?



Florida's Government in the Sunshine Law: Chapter 286, Florida Statutes

Provides for a right of access to governmental proceedings of any board or commission at both the state and local levels of government.

Applies to any gathering of two or more members of a board or commission to discuss any matter which will foreseeably come before them for action.

Applies to both elected and appointed boards or commissions.

Basic Requirements of Section 286.011, Florida Statutes

1. Meetings of public boards or commissions must be open to the public
2. Reasonable notice of such meetings must be given
3. Written minutes of the meetings must be taken, promptly recorded, and open to public inspection

Advisory Boards and Committees

Sunshine Law applies to advisory boards, even though their recommendations are not binding upon the agencies that created them.

Very limited exception applies to advisory committees established for fact-finding only. However, if the committee has any decision-making function (making recommendations to the governmental body) as part of their duties, the Sunshine Law applies.

“The principle to be followed is very simple: When in doubt, the members of any board, agency, authority or commission should follow the open-meeting policy of the State.”

Town of Palm Beach v. Gradison, 296 So.2d 473 (Fla. 1974).

Ex Officio Board Members

An ex officio board member is subject to the Sunshine Law, no matter whether serving in a voting or non-voting capacity.

Staff and Non-Board Members

Board members are not prohibited from discussing board business with City staff or non-board members.

Cannot, however, use such individuals as a liaison to communicate with members of your board.

Examples:

Member of the CRA Advisory Committee speaking to the City's Economic Development Manager regarding an item on the agenda for an upcoming meeting?

Member of the CRA Advisory Committee asking the Economic Development Manager to poll the remaining members of the committee to see how they will vote on the review of upcoming grant applications?

Types of Gatherings Considered a Meeting

Gathering does not have to be a formal meeting.

Sunshine Law applies to informal gatherings as well.

Types of Communication Constituting a Meeting

Sunshine Law is not limited to just verbal in person communication.

Applies to all communications.

Includes:

Telephone Conversations

Text Conversations

Emails

Public Social Media Posts

Private Social Media Communications

One Way Communications

May send documents to other commission or board members for their review.

But, once there is a response to the group or to one individual, that has triggered a meeting for which the Sunshine Law applies.

BEST PRACTICE: Do not send such communications. Do not reply to such communications.

Behavior by Members of the Public

The public must “be given a reasonable opportunity to be heard on a proposition before a board or commission,” subject to limited exceptions in the statute.

The board or commission is permitted to maintain “orderly conduct or proper decorum in a public meeting.”

May adopt rules or policies for the meetings.

Section 286.0114, Florida Statutes.

Rules or Policies Governing Opportunity of the Public to be Heard at Public Meetings

Section 286.0114, Florida Statutes limits the rules or policies to permit those that:

1. Provide guidelines regarding the amount of time an individual has to address the board or commission;
2. Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
3. Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
4. Designate a specified period of time for public comment.

Prohibited Restrictions on Meetings

Cannot ask certain members of the public to “voluntarily” leave a meeting.

Cannot ban videotaping, tape recording, or photography at public meetings when doing so is nondisruptive.

Cannot require those attending a public meeting to provide identification in order to attend.

Secret Ballots

Secret ballots violate the Sunshine Law.

Written ballots may be used so long as the votes are made openly at a public meeting. Ballot must include the name of the person voting and their selection. Ballot must be maintained and made available for public inspection.

Consequences of Violating the Sunshine Law

No resolution, rule, regulation, or formal action shall be considered binding except when taken or made at an open meeting.

Civil action can be brought for the violation.

Violations of the Sunshine Law result in those decisions being voided. They will have to be cured by reexamining the decision within the Sunshine.

Waste of time and resources of the City.

Penalties for Violating the Sunshine Law

Public officer who violates any provision is guilty of non-criminal infraction, punishable by a fine up to \$500.00.

Member of a board or commission who knowingly violates the provisions by attending a meeting not held in accordance with the Sunshine Law is guilty of a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

Conduct occurring outside of the State of Florida which would be a knowing violation is a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

May also be suspended or removed from your position

How Serious Should You Take the Sunshine Law?

Damien Gilliams, Pamela Parris, and Charles Mauti, formerly of the Sebastian City Council.

Accusation was that they held an illegal meeting outside of the Sunshine, where they voted to remove the Mayor and fire the City Manager, City Clerk, and City Attorney.

Mauti entered a plea to two civil infractions. Ordered to pay fines, court costs, cost of investigation, and attend and complete sunshine law training in the cases. Total ordered to be paid equaled \$1,886.00.

Gilliams found guilty at trial of 3 counts of Violation of the Sunshine Law and 1 count of Perjury – Unofficial Proceeding.

Parris found guilty at trial of 1 count of Violation of the Sunshine Law and 2 counts of Perjury – Unofficial Proceeding.

Damien Gilliams Sentences

3120210065303 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT
BK: 3464 PG: 607, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA
VS
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)
VIOLATION OF THE SUNSHINE LAW

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 50 PD FEE \$ _____
COSTS \$ 245 PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ Reserved
COI \$ Reserved ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.
a. _____ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
 - _____ hours of community service.
 - Restitution of \$ 2608.00 to City of Sebastian; Joint and several
 - Drivers License to be suspended for _____ Business Permit Yes No
 - Attend the next victim impact panel.
 - Attend DUI School and follow any recommendations.
 - _____ Days House Arrest.
 - _____ day car impounded / _____ Ignition Interlock
 - _____ days work program, minimum _____ days per week.
 - Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or _____
- Other No contact with _____

3120210065304 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT
BK: 3464 PG: 609, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA
VS
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)
VIOLATION OF THE SUNSHINE LAW

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 500 + 25 PD FEE \$ _____
COSTS \$ _____ PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ _____
COI \$ _____ ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.
a. _____ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
 - _____ hours of community service.
 - Restitution of \$ _____ to _____
 - Drivers License to be suspended for _____ Business Permit Yes No
 - Attend the next victim impact panel.
 - Attend DUI School and follow any recommendations.
 - _____ Days House Arrest.
 - _____ day car impounded / _____ Ignition Interlock
 - _____ days work program, minimum _____ days per week.
 - Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or _____
- Other _____

3120210065305 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT
BK: 3464 PG: 611, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA
VS
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)
VIOLATION OF THE SUNSHINE LAW

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 500 + 25 PD FEE \$ _____
COSTS \$ _____ PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ _____
COI \$ _____ ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.
a. _____ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
 - _____ hours of community service.
 - Restitution of \$ _____ to _____
 - Drivers License to be suspended for _____ Business Permit Yes No
 - Attend the next victim impact panel.
 - Attend DUI School and follow any recommendations.
 - _____ Days House Arrest.
 - _____ day car impounded / _____ Ignition Interlock
 - _____ days work program, minimum _____ days per week.
 - Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or _____
- Other _____

3120210065306 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT
BK: 3464 PG: 613, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA
VS
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(4)
PERJURY - NOT IN OFFICIAL PROCEEDING

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 1000 + 50.00 PD FEE \$ _____
COSTS \$ _____ PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ _____
COI \$ _____ ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 6 months in the Indian River County Jail.
a. _____ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
 - _____ hours of community service.
 - Restitution of \$ _____ to _____
 - Drivers License to be suspended for _____ Business Permit Yes No
 - Attend the next victim impact panel.
 - Attend DUI School and follow any recommendations.
 - _____ Days House Arrest.
 - _____ day car impounded / _____ Ignition Interlock
 - _____ days work program, minimum _____ days per week.
 - Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or _____
- Other _____

Pamela Parris Sentences

3120210065296 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF
BK: 3464 PG: 574, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA
VS
PAMELA RAPP PARRIS

Charge(s): CTC1
VIOLATION OF THE SUNSHINE LAW

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 500 PD FEE \$ _____
COSTS \$ 245 PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ Reserved
COI \$ Reserved ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 30 days in the Indian River County Jail.
a. _____ as a condition of probation.
CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
a. _____ hours of community service.
b. Restitution of \$4000 to City of Sebastian; Joint and Several
c. Drivers License to be suspended for _____ Business Permit Yes No
d. _____ Attend the next victim impact panel.
e. _____ Attend DUI School and follow any recommendations.
f. _____ Days House Arrest.
g. _____ day car impounded / _____ Ignition Interlock
h. _____ days work program, minimum _____ days per week.
i. Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
j. Report to CORE Probation within 72 hrs. of release from jail.
k. Pay In Full or Set Up Payment Plan Today or _____
l. Other No Contact with _____

3120210065295 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF
BK: 3464 PG: 572, 9/16/2021 8:29 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA
VS
PAMELA RAPP PARRIS

Charge(s): CTC5
PERJURY - NOT IN OFFICIAL PROCEEDING

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 100 + \$0.00 PD FEE \$ _____
COSTS \$ _____ PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ _____
COI \$ _____ ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 90 days in the Indian River County Jail.
a. _____ as a condition of probation.
CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
a. _____ hours of community service.
b. Restitution of \$ _____ to _____
c. Drivers License to be suspended for _____ Business Permit Yes No
d. _____ Attend the next victim impact panel.
e. _____ Attend DUI School and follow any recommendations.
f. _____ Days House Arrest.
g. _____ day car impounded / _____ Ignition Interlock
h. _____ days work program, minimum _____ days per week.
i. Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
j. Report to CORE Probation within 72 hrs. of release from jail.
k. Pay In Full or Set Up Payment Plan Today or _____
l. Other _____

3120210065300 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF
BK: 3464 PG: 601, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA
VS
PAMELA RAPP PARRIS

Charge(s): CTC6
PERJURY - NOT IN OFFICIAL PROCEEDING

JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
 pleaded guilty
 pleaded no contest
 been tried and found guilty
- The Court does hereby:
 Adjudge the Defendant to be Guilty
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
FINE \$ 1000 + \$0.00 PD FEE \$ _____
COSTS \$ _____ PD APP FEE \$ _____
TV AD \$ _____ C.O.P. \$ _____
COI \$ _____ ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 90 days in the Indian River County Jail.
a. _____ as a condition of probation.
CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for _____ months with these special conditions:
a. _____ hours of community service.
b. Restitution of \$ _____ to _____
c. Drivers License to be suspended for _____ Business Permit Yes No
d. _____ Attend the next victim impact panel.
e. _____ Attend DUI School and follow any recommendations.
f. _____ Days House Arrest.
g. _____ day car impounded / _____ Ignition Interlock
h. _____ days work program, minimum _____ days per week.
i. Attend and complete:
 26 week Batterer's Intervention Program
 12 week Living without Violence Program / Anger Mgt. Class
 ACF Mileposts Misd. Class
 Enroll within _____ Days.
j. Report to CORE Probation within 72 hrs. of release from jail.
k. Pay In Full or Set Up Payment Plan Today or _____
l. Other _____

One Last Thought on the Sunshine Law

“We note that the Sunshine Law was enacted in the public interest to protect the public from ‘closed door’ politics and, as such, the law must be broadly construed to effect its remedial and protective purpose.” Wood v. Marston, 442 So.2d 934 (Fla 1983).

Florida Public Records Act: Chapter 119, Florida Statutes

Florida's public records laws create a right of access to records of state and local governments and private entities acting on their behalf.

Material falling within the definition of a "public record" must be disclosed to the public absent a statutory exemption.

Be mindful, a public records exemption does not create a Sunshine Law exemption.

Definition of “Public Records”

“Public records’ means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), Florida Statutes

When “intended to perpetuate, communicate, or formalize knowledge of some type.” Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So.2d 633 (Fla. 1980).

Personal Communications and “Public Records”

Personal notes are a public record if they are intended to communicate, perpetuate, or formalize knowledge of some type.

Emails to and from personal email, texts on personal cell phone, social media exchanges, etc. made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency or intended to communicate, perpetuate, or formalize knowledge of some type are public record.

Personal communications or documents stored on government equipment are not automatically public records, but they may be depending on the circumstances.

Retention of Public Records

All public records have a specific retention schedule approved by the Department of State.

Even exempt records must be retained.

Bottom Line: Do **NOT** destroy, delete, or alter a public record. If you are unsure whether something is a public record, **KEEP IT**.

Public Records Requests

Cannot be withheld at the request of the sender.

No legitimate purpose or noncommercial interest must be established by the requestor, motivation is irrelevant.

Cannot deny a request because it is overbroad.

Unless a statute authorizes such, requestor cannot be required to identify themselves or make the request in writing.

Cannot delay production of the records requested further than reasonable amount of time to retrieve and redact the records (according to the law).

Penalties for Noncompliance with Public Records Laws

Civil Actions

Civil action to enforce compliance with chapter 119 requires an immediate hearing and takes priority over other matters.

Attorney's fees shall be awarded if agency is found to have unlawfully withheld public records.

Civil Penalties

An unintentional violation is a non-criminal infraction punishable by up to a \$500.00 fine.

Criminal Penalties

Knowing and intentional violation is a first degree misdemeanor, punishable by up to 1 year in the county jail, 1 year of probation, and/or up to a \$1,000.00 fine.

May also be suspended or removed from your position

Voting Conflicts of Interest: Section 286.012, Florida Statutes

As a general rule, cannot abstain from voting.

Members must vote unless there is, or appears to be, a possible conflict of interest under Florida Statutes (112.311, 112.313, 112.3143, and 112.326).

If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326.

If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

Voting Conflicts of Interest: Section 112.3143, Florida Statutes

A voting conflict of interest exists when voting on any matter that would inure to the special private gain or loss of the person voting, their relative, their business associate, or a principal by whom they are retained.

Relative: father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Business associate: any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder.

Principal by whom retained: individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

Voting Conflicts of Interest: Section 112.3143, Florida Statutes

Special private gain or loss: an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

Additional Conflicts of Interest Statutes

Section 112.311, Florida Statutes: Legislative Intent and Declaration of Policy.

Excerpt of subsection (5): “It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.”

Section 112.313, Florida Statutes: Standards of Conduct for Public Officers, Employees of Agencies, and Local Government Attorneys.

Topics addressed include accepting gifts, doing business with own agency, misuse of public position, etc.

Voting Conflicts of Interest: Section 112.3143, Florida Statutes

If you have a voting conflict:

Must: Announce the nature of the conflict, abstain from voting, and file a Memorandum of Voting Conflict (Commission on Ethics Form 8B).

May: Participate (attempt to influence the decision orally or in writing by self or at your direction) if follow specifically outlined steps in the statute based on when you decide to participate.

Best Practice: Disclose the conflict prior to the meeting and remove oneself from the room during that agenda item.

Questions about Sunshine Law, Public Records Laws, Ethical Concerns, Etc.

May contact the City Attorney's Office

- Remember, we represent the City and will take a position that best protects the City
- We will advise you to stay "1,000 feet" away from the line
 - Example: voting conflicts of interest
- You should always follow up with:
 - The Commission on Ethics
 - Your own private, personal attorney

Resources Available:

- Sunshine Manual
- Attorney General's Office
- Florida Statutes