

DRAFT



CITY OF FORT PIERCE
BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JANUARY 25, 2024**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Charles Hayek; Darrell Drummond; James Crist, Chairman

Absent: KeAndrea Davis; Jaimebeth Galinis

Staff Present: Sara Hedges, City Attorney
Andrea Duenas, Assistant City Attorney
Vennis Gilmore, Assistant Planning Director
Alicia Rosenthal, Planning and Development Organizer

4. CONSIDERATION OF ABSENCES

Motion was made by Darrell Drummond, and seconded by Charles Hayek to excuse the absences of Ms. Galinas and Ms. Davis.

AYE: Darrell Drummond, Charles Hayek, Chairman James Crist
Passed

5. APPROVAL OF MINUTES

a. Minutes from July 27, 2023 meeting

Motion was made by Darrell Drummond, and seconded by Charles Hayek to approve the minutes from the July 27, 2023 meeting.

AYE: Charles Hayek, Darrell Drummond, Chairman James Crist
Passed

6. PUBLIC HEARINGS

a. **Variances to Landscape Buffer - Fort Pierce Utilities Authority (FPUA) Parking Lot 2410-701-0072-010-5 and 2410-701-0075-000-3**

The clerk introduced the landscape buffer Variances to the Fort Pierce Utilities Authority Parking Lot located at parcel IDs 2410-701-0072-010-5 and 2410-701-0075-000-3.

The City Attorney explained a Variance application requires concurrence of all three voting members when only three of the five Board members are present. She said the applicant is given the option to proceed or postpone the hearing until there are four members present.

The applicant, Dennis Murphy, from Culpepper and Terpening stated he wanted to proceed.

The chair asked the Board attorney to explain the Quasi-Judicial Hearing procedures.

When acting as a quasi-judicial body, the Board is held to certain procedural requirements.

Quasi-judicial proceedings are less formal than proceedings before a circuit court, but are more formal than the other aspects of today's meeting. Quasi-judicial proceedings must follow basic standards of notice and due process, and decisions must be made based on competent substantial evidence. Therefore, board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. This afternoon, the Board will follow the same uniform procedure in all quasi-judicial hearings.

The Chair called the proceeding to order.

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

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

Mr. Drummond - no
Mr. Hayek - no
Chairman Crist - no

The Chair opened the public hearing.

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director, gave an overview of the application. The applicant is requesting to deviate from City Code 123-37(4)(a) to reduce the requirement of a 10-foot landscape strip/buffer to 6 feet along the northern property line, 4.8 feet along the southern property line, and 6 feet along the eastern property line in the C-3, General Commercial Zone. The applicant is seeking to construct a new employee parking lot on two (2) parcels of land located along the east side of South 5th Street, immediately south of the

Alto Adams US Federal Courthouse. The new 21 space parking lot will serve to replace an existing parking lot area, located at the intersection of Boston and South 5th Street, that Fort Pierce Utilities Authority has been using as an employee parking lot for the existing Fort Pierce Utilities Authority Service Center at 206 Boston Avenue. The existing parking lot is privately owned and leased by the City of Fort Pierce and Fort Pierce Utilities Authority. A small northern portion of the existing leased parking lot was exchanged through a land swap between the City and FPUA to accommodate the proposed parking lot.

Board questions for staff: Mr Drummond asked if the landscape buffer would be reduced if the square footage of the parking lot was reduced. Mr. Hayek asked if there is an irrigation requirement.

Applicant questions for staff: None

Applicant presentation: Dennis Murphy, Applicant Representative from Culpepper and Terpening, sworn, explained the parking lot is for employee service vehicles, not public parking and the expansion of the property is not practical. If a reduction in square footage was made, it would eliminate a row of parking. Mr. Murphy stated the on-street parking will be saved for other uses in the area. Mr. Murphy noted he has no issues with adding the landscape bond as a condition of approval.

Board questions for applicant: Chairman Crist asked will happen to the lot to the south and if it is conforming. Chairman Crist asked if there will be overnight parking and if the property will be fenced off.

Public comment: None

Staff final comment: Mr. Gilmore stated if the lot to the south was non-conforming, the Variance would not be allowed.

Board comment: Chairman Hayek stated the parking lot Variance is needed due to the lack of parking downtown.

Applicant final comment: None

The Chair, seeing no one else, closed the public hearing.

Motion was made by Darrell Drummond, and seconded by Charles Hayek to approve the requested three (3) landscape buffer variances to deviate from City Code 123-37(4)(a) to reduce the requirement of a 10-foot landscape strip/buffer to 6 feet along the northern property line, 4.8 feet along the southern property line, and 6 feet along the eastern property line with three (3) conditions:

1. A Parcel Combination with the St. Lucie County Property Appraiser shall be completed prior to the issuance of any Building Permit.
2. After completion of the Parcel Combination, a General Address Request Form for the newly created Parcel ID shall be submitted to the Planning Department.
3. 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.

AYE: Darrell Drummond, Charles Hayek, Chairman James Crist
Passed

7. DISCUSSION / OTHER BUSINESS

Mr. Gilmore reminded the Board of the next meeting on February 22, 2024.

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT