

Information

REQUESTED ACTION

CONTINUED HEARING - Conditional Use Application - Expansion of the Existing Outdoor Entertainment Area - 411 N. 2nd Street

SUMMARY

The applicant, Jon Nolli, owner of Pierced Ciderworks, is requesting the review and approval of a Conditional Use to expand the existing outdoor entertainment area on a designated historic site at 411 N 2nd Street within Edgartown Settlement (ES) Zoning District. The proposed expansion requires a conditional use approval to deviate from City Code Section 125-197(j), which allows for a maximum 800 square feet exterior space whereas the proposed outdoor area will be approximately 5000 square feet.

Outdoor entertainment is also subject to [Chapter 125](#), Article IV, [Section 125-197\(p\)](#), with the exception that outdoor entertainment is not permitted after 9.00 p.m.

LOCATION

411 N 2nd Street. Parcel ID#: 2403-705-0119-000-4

RESPONSIBLE STAFF

Maria Lewicka, AICP, Historic Preservation Planner

RECOMMENDATION

The Historic Preservation Board after consideration of conditional use approval criteria may:

- Approve the request for the proposed conditional use.
- Approve the request with following conditions (Additional conditions may be requested by the HPB):
 1. All provisions of [chapter 26](#), article II of this Code, shall apply with the following exception: Between the hours of 7:00 a.m. and 11:00 p.m. each day, subject to the exemptions in [chapter 26](#), article II, [section 26-41](#), sound levels shall not exceed 55 dBA, 55 dBC, or 55 dBZ when measured from the property line of the nearest receiving single-family residential property.
 2. Additional landscape screening will be provided.
- Deny the request for the proposed conditional use.

Attachments

411 N. 2nd St. Staff Report
411 N. 2nd St. Application
Property Card
Public Notification

Form Review



TO: Members of the City of Fort Pierce Historic Preservation Board
THROUGH: Kev Freeman, Planning Director
FROM: Maria Lewicka, AICP, Historic Preservation Planner
RE: **Application for Conditional Use with No New Construction
 Expanding Outdoor Usage of the Pierced Ciderworks**
DATE: February 15, 2024

STAFF REPORT

Property Owner The House that Cider Built LLC
 411 N 2nd Street
 Fort Pierce, FL 34950

Applicant Jon Nolli
 1207 Seaway Drive
 Fort Pierce, FL 34949

Applicant's Request: Approval of a Conditional Use Application (No New Construction), to expand the outside sitting, and entertaining area.

Site Location: 411 N 2nd Street

Parcel ID: 2403-705-0119-000-4

Current Zoning: ES, Edgartown Settlement Zoning District

Future Land Use: RM, Medium Density Residential

Site Size: 0.46 acres

Surrounding FLU

North	East	South	West
RM	RM	OP	GC

Surrounding Zoning

North	East	South	West
ES	ES/R5	ES	I-1

Request

The applicant, Jon Nolli, owner of Pierced Ciderworks, is requesting the review and approval of a Conditional Use to expand the existing outdoor entertainment area on a designated historic site at 411 N 2nd Street within Edgartown Settlement (ES) Zoning District. The proposed expansion requires a conditional use approval to deviate from City Code Section 125-197(j), which allows for a maximum 800 square feet exterior space whereas the proposed outdoor area will be approximately 5000 square feet.

Outdoor entertainment is also subject to [Chapter 125](#), Article IV, [Section 125-197](#)(p), with the exception that outdoor entertainment is not permitted after 9.00 p.m.

Background

The subject property is located in ES, Edgartown Settlement Zoning District at the southern entrance to the Edgartown Historic District. The Future Land Use of this property is RM, Medium Density Residential. The surrounding uses are residential, commercial, commercial parking lot and railroad.

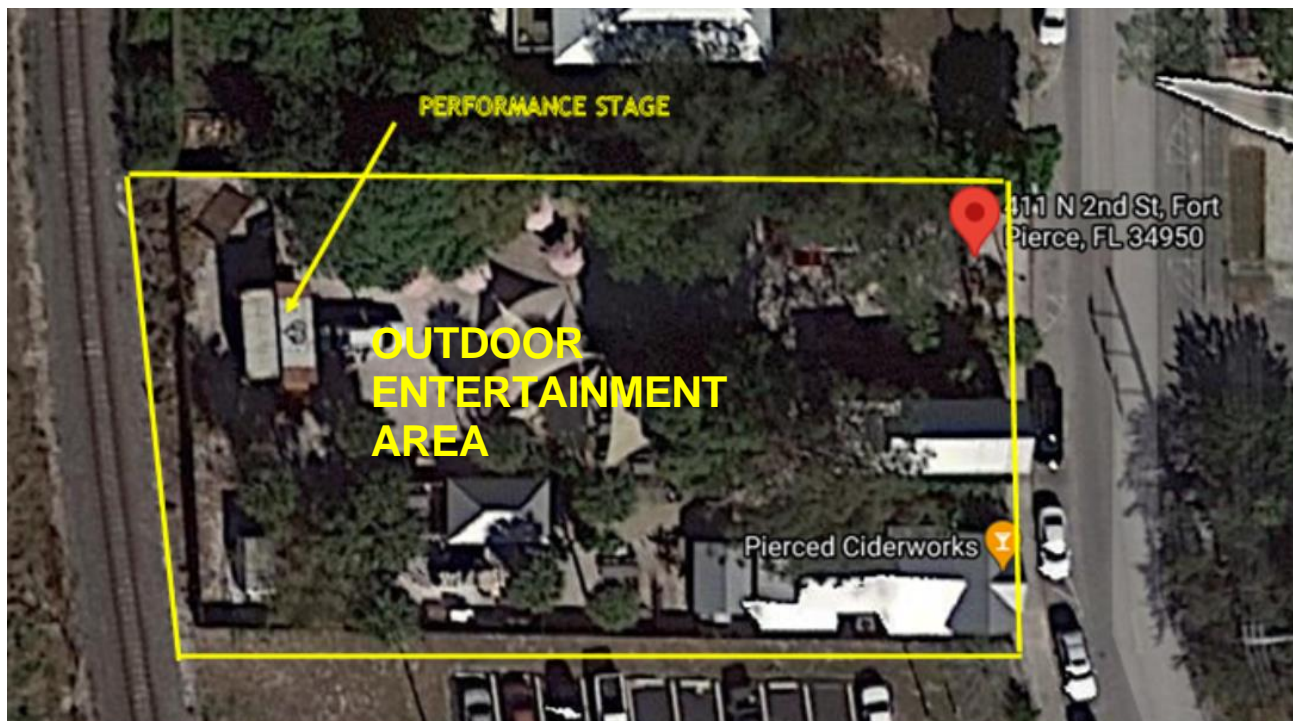
The property comprises three (3) contributing structures, dating back to 1904. One of the buildings is in the rear of the property and the other two wood frame vernacular structures front North 2nd Street.

On September 28, 2021, the Historic Preservation Board approved Certificate of Appropriateness (COA) for the performance stage that has been installed in the rear of the property. The stage is an accessory structure to the "Pierced Ciderworks" establishment and is used for music concerts and special events.

On May 23, 2023, Code Enforcement initiated case #23-1493 CE against the property owner. It stated that Sec. 125-197 – Edgartown Settlement (ES) Zoning District was violated.

The case came before the Special Magistrate on November 15, 2023. It was found that House That Cider Built LLC is in violation of the Code of Ordinances and the following corrective actions are to be taken:

- Reduce the area utilized for exterior Restaurant/Pub use to 800 sq. ft. or
- Obtain a conditional use permit through Planning and Zoning to extend the area allowed to be utilized for exterior Restaurant/Pub use.



**AERIAL VIEW OF THE SUBJECT SITE
LOCATION OF THE EXPANDED ENTERTAINMENT AREA**



PERFORMANCE STAGE

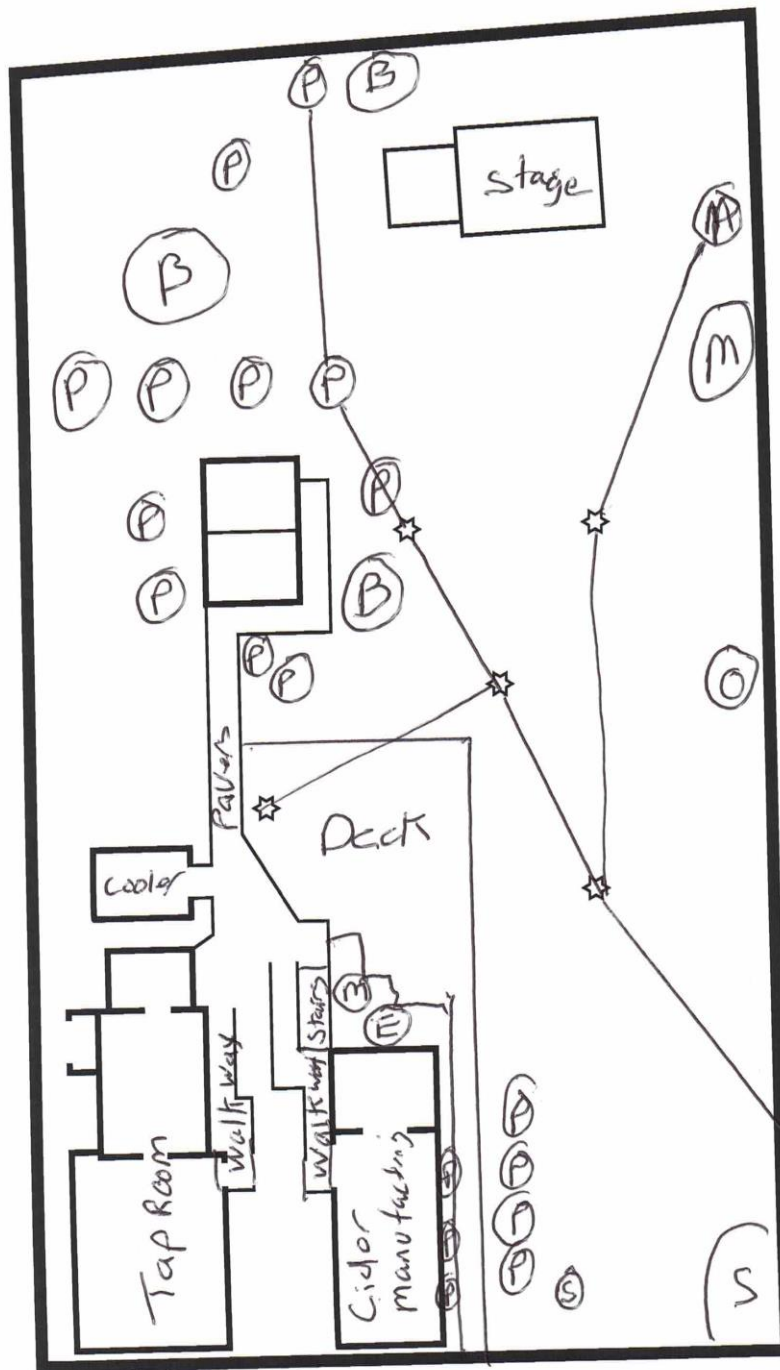
Applicant Statement

The outdoor entertainment area is to be determined as there are so many different functions of the land. In the rear, we have a large truck stage that we had gotten approved a couple years ago. There is also different areas where there is shade, along with areas that are not shaded. The area is one large area that is designed to give comfort and options for our patrons without being crowded. The parking is the only street parking for this facility. There is not a driveway. The paved walkways along with the wooden deck are included. There are many more small bushes and trees other than those noted. It is just very hard to convey this on a drawing.



THE EXPANDED ENTERTAINMENT AREA

- ★ = Electric Pole
- Ⓟ = Palm
- Ⓜ = Mango
- Ⓟ = Bamboo
- Ⓢ = Seagrape
- ⓔ = Eucalyptus



2nd Street All parkings is Street Parking

SITE PLAN OF THE PROPERTY PROVIDED BY THE APPLICANT



THE EXPANDED ENTERTAINMENT AREA – EVENING PHOTOS PROVIDED BY THE APPLICANT

Conditional Use - Historic Preservation Board Approval

Adaptive re-use of a historic structure. Provides for a wider variety of allowed uses than those allowed in the existing zoning district for structures designated as contributing or individually designated historic structures on the city register of historic places. A proposed use not listed as permitted or conditional in the ES zoning district may be applied for through this adaptive re-use conditional use process.

The historic preservation board will act as the decision-making body for this conditional use based on the following criteria:

- a. *Architectural character.* The proposed use and any subject alterations shall maintain the architectural character of the historic property and modifications shall be governed by the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- b. *Historic character.* The proposed use shall promote the preservation of the historic character of the historic district or, if the structure is individually designated, shall benefit the character of the surrounding neighborhood.
- c. *Comprehensive plan.* The proposed conditional use is consistent with the comprehensive plan.

d. *Concurrency.* The proposed conditional use will not cause the level of service of public facilities that are subject to concurrency requirements to drop below levels of service established by the comprehensive plan.

e. *Compatibility.* The proposed conditional use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may exist in the future.

f. *Impact.* Existing regulations are in place to mitigate potential adverse impacts of the proposed conditional use, or reasonable conditions can be imposed and enforced to mitigate potential adverse impacts.

Staff Recommendation

The proposed expansion of the existing outdoor entertainment area is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restrictions. Therefore, the Historic Preservation Board after consideration of conditional use approval criteria may:

- Approve the request for the proposed conditional use.
- Approve the request with following conditions (Additional conditions may be requested by the HPB):
 1. All provisions of [chapter 26](#), article II of this Code, shall apply with the following exception: Between the hours of 7:00 a.m. and 11:00 p.m. each day, subject to the exemptions in [chapter 26](#), article II, [section 26-41](#), sound levels shall not exceed 55 dBA, 55 dBC, or 55 dBZ when measured from the property line of the nearest receiving single-family residential property.
 2. Additional landscape screening will be provided.
- Deny the request for the proposed conditional use.

It is up to the Historic Preservation Board to decide if conditional use is granted to the applicant/owner, or to the location/parcel.

- If granted to the applicant/owner, it would expire with the property's sale.
- If granted to the location/parcel, conditional use could be transferred to subsequent property owner(s).



THE ENTRANCES TO THE EXPANDED ENTERTAINMENT AREA



RECEIVED

FEB 05 2024

CONDITIONAL USE - NO NEW CONSTRUCTION

CITY OF FORT PIERCE
PLANNING & ZONING

Property Information

Property address or Location

411 N 2nd St Fort Pierce, FL 34950

Parcel ID #(s)

2403-705-0119-000-4

Project description

Change of ~~Use~~ Expanding outdoor Use

Site Information

Building Size: 2400 sq ft+ Parking Spaces: Street

The House That Cider Built LLC Jon Nalli Owner

Property Owner(s)

411 N 2nd St

Street Address

Fort Pierce FL 34950

City State Zip

561-758-6457

Phone Number

jon@piercedcider.com

Email Address

Applicant/Representative, Title, Company

1207 Seaway Pl

Street Address

Fort Pierce, FL 34949

City State Zip

561-758-6457

Phone Number

jon@piercedcider.com

Email Address

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

Property Owner(s) Signature(s)

APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS
CALL 772.467.3737 OR E-MAIL PLANNING DL@CITYOFFORTPIERCE.COM

For more information, please refer to the website:

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

Maria Lewicka

From: jon noll jon@piercedcider.com
Sent: Sunday, December 31, 2023 7:06 PM
To: Maria Lewicka
Subject: Re: conditional use
Attachments: Image (188).jpg

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

I didn't see this email until a little bit ago. Attached is the site plan to scale. The outdoor entertainment area is to be determined as there are so many different functions of the land. In the rear, we have a large truck stage that we had gotten approved a couple years ago. There is also different areas where there is shade, along with areas that are not shaded. The area is one large area that is designed to give comfort and options for our patrons without being crowded. The parking is only street parking for this facility. There is not a driveway. The paved walkways along with the wooden deck are included. There are many more small bushes and trees other than those noted. It is just very hard to convey this on a drawing.

On 12/19/2023 1:03 PM, Maria Lewicka wrote:

Good afternoon,

Thank you,

I received your conditional use application. However, the application is not complete without site plan, to scale, showing the outdoor entertainment area, parking, driveways, walkways, and landscaping.

Thank you,

Maria

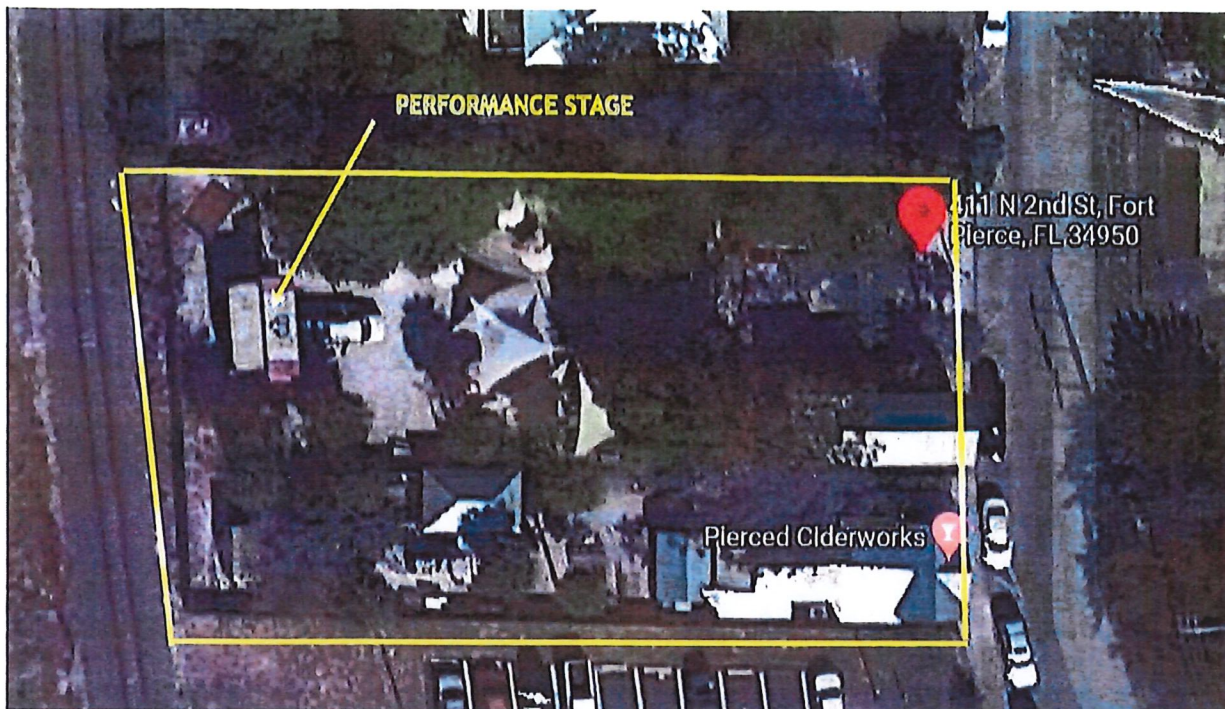
Maria Lewicka, AICP | Historic Preservation Planner | City of Fort Pierce
Planning Department

From: jon@piercedcider.com <jon@piercedcider.com>
Sent: Tuesday, December 19, 2023 7:17 AM
To: Maria Lewicka <mlewicka@cityoffortpierce.com>; Planning Department <planning@cityoffortpierce.com>
Subject: conditional use

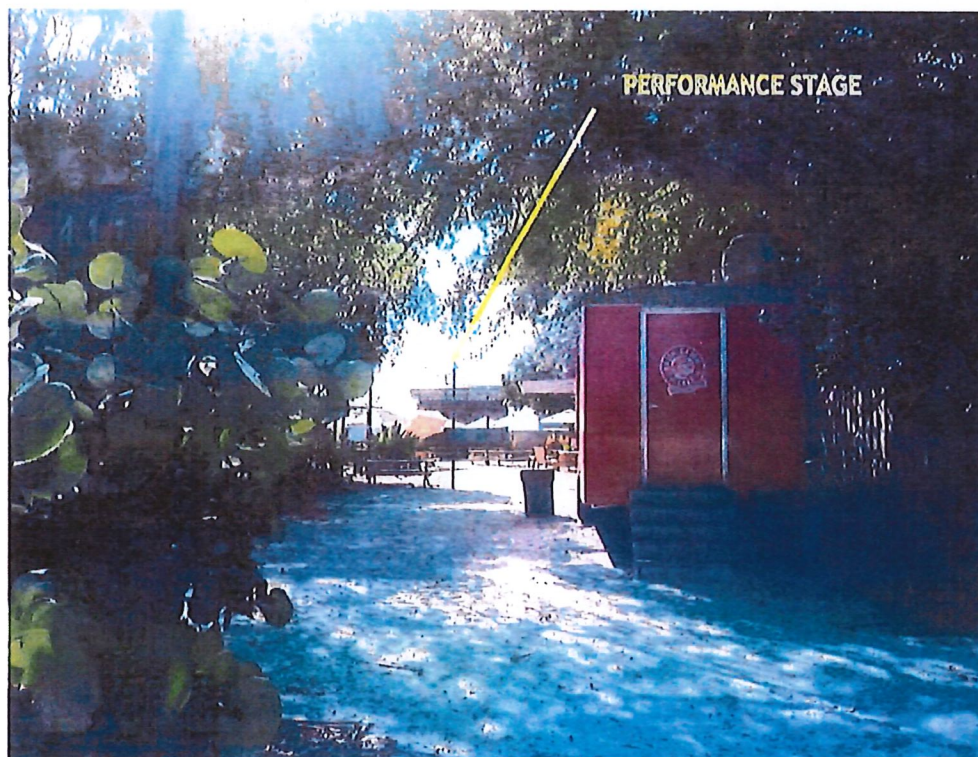
SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

Begin forwarded message:

From: Jon <jon@piercedcider.com>
Date: December 18, 2023 at 8:01:44 PM EST



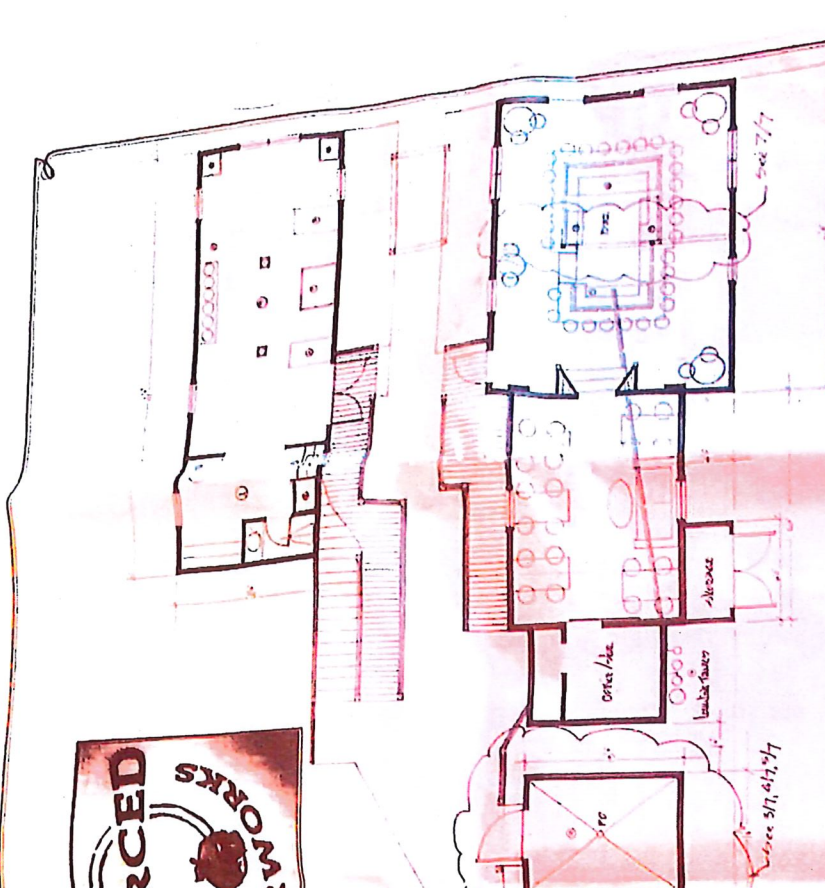
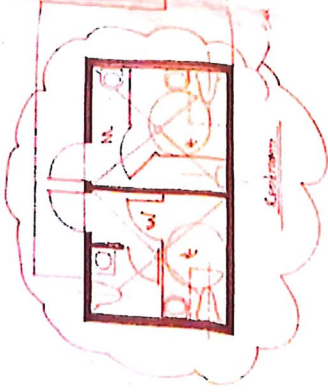
Subject property - aerial photo



View from the street



LABORATIONS
 CIDER 595 SQ. FT.
 SERVICE/PATRON AREA 970 SQ. FT.
 OFFICE 92 SQ. FT.
 RESTROOMS 240 SQ. FT.
 STORAGE AREA 322 SQ. FT.
 TOTAL AREA 1929 SQ. FT.



411
 -4077409 NORTH SECOND STREET
 FORT PIERCE, FLORIDA
 34950

SCALE IS 1/4"=1'0"

PLAN PREPARED BY:
 CLEVELAND DESIGN GROUP INC.
 100 AVENUE A, SUITE 2E
 FORT PIERCE, FLORIDA
 34950
 772-464-2010, VIDARD12@YAHOO.COM

08/01/2017

- | | |
|-----|--------------------|
| 1. | LABORATORY |
| 2. | DESK |
| 3. | REFRIGERATOR |
| 4. | SINK |
| 5. | CIDERY |
| 6. | COOLER |
| 7. | PLASTIC TOTE |
| 8. | WASH STATION |
| 9. | WATER FILTER |
| 10. | RACK WITH CARBOYS |
| 11. | SHELF |
| 12. | HAND WASH SINK |
| 13. | COOLER |
| 14. | 3-COMPARTMENT SINK |
| 15. | WALKIN' COOLER |
| 16. | LONGLINE TANKS |
| FD | = FLOOR DRAINS |

Architectonic Inc
 10000 N. ...
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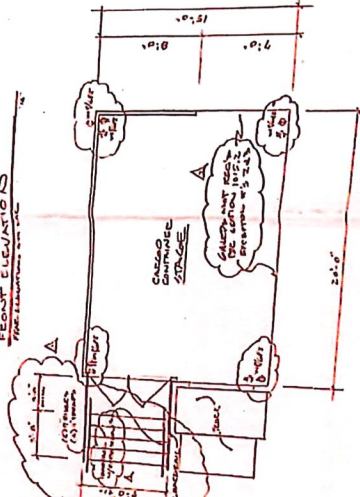
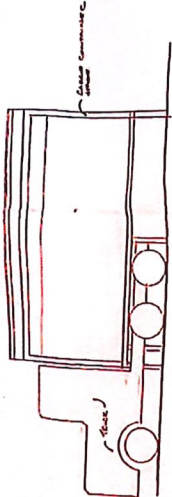
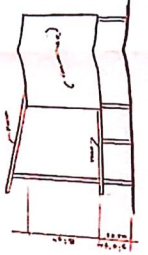
PROJECT: ...
 STAGE ...
 FT. ...

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NO.	DATE	DESCRIPTION
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2
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ONE OF 1 REVISIONS
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 DATE: ...
 DRAWN BY: ...

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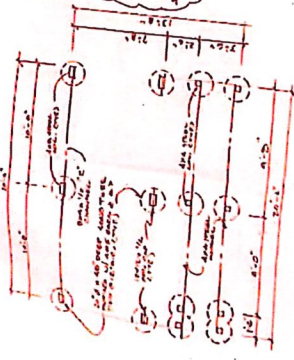
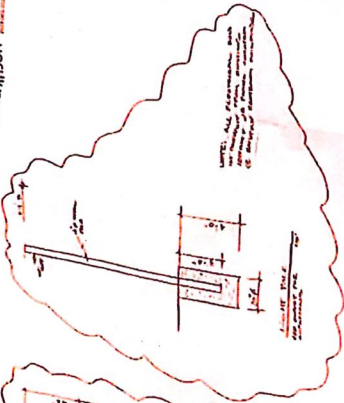


FLOOR PLAN

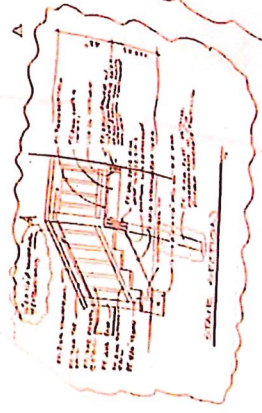
AS-BUILT

...
 ...

Bowdoin
 Grey
 Hutchinson



FOUNDATIONS PLAN



SECTION

DocuSign Envelope ID: AD5301E7-157A-439C-B978-49D81A898B8B

LEGAL DESCRIPTION:

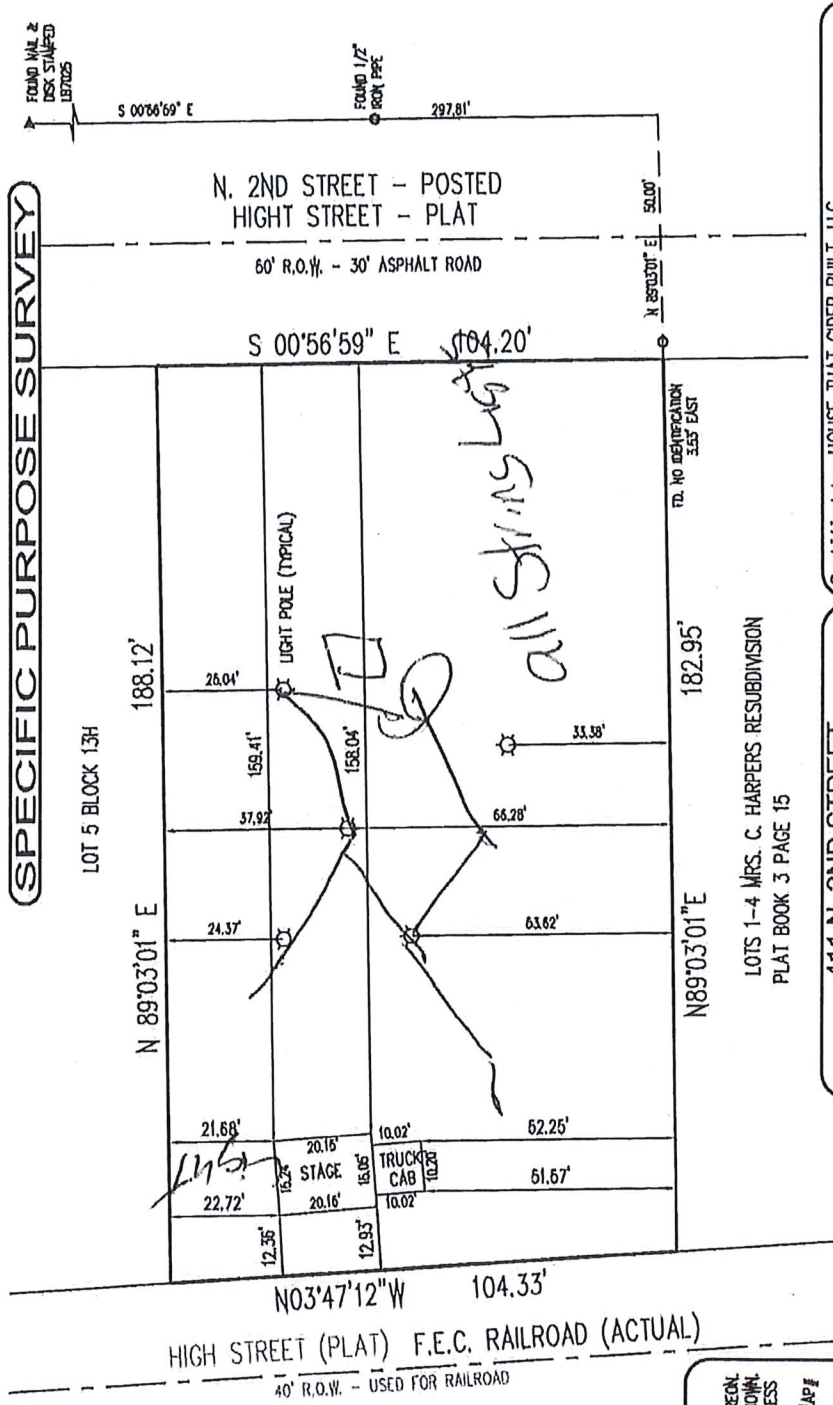
(Supplied by Client)
 LOT 6 IN BLOCK 13H OF ASSessor's MAP OF NORTH PART OF FORT PIERCE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

ABBREVIATIONS:

SET = SET 5/8" IRON REBAR WITH YELLOW CAP MARKED "PSM5543"
 FD = FOUND 5/8 IRON REBAR
 RW = RIGHT OF WAY
 (M) = MEASURED
 (C) = CALICATED
 (C) = CALCULATED
 R = RADIUS OF CURVE
 L = LENGTH OF CURVE
 D = DELTA OF CURVE
 FFE = FINISHED FLOOR ELEVATION
 OH-OH-OH = OVERHEAD WIRES
 X-X-X = CHAINLINK FENCE
 D-D-D = PLASTIC FENCE
 O-O-O = WOOD FENCE
 CONC. = CONCRETE
 C.P. = CONCRETE PAD
 Cov. = COVERED
 ☉ LIGHTPOLE



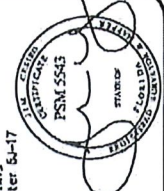
SPECIFIC PURPOSE SURVEY



Certified to: HOUSE THAT CIDER BUILT, LLC

I hereby certify that the survey shown herein is true and correct and is based on actual measurements taken in the field. This survey is in compliance with Standards and Practices Chapter 64-17 Florida administrative code section 472.027.

DocuSigned by:
 James Cosiro
 A133624849F02E1



NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

411 N. 2ND STREET	
Atlantic Land Designs	
of the Treasure Coast, LB7488	
764 NE Jensen Beach Blvd., Jensen Beach, FL 34957	
Mailing Address:	
P.O. Box 1421 Jensen Beach, FL 34958	
ALD5543@gmail.com (772) 398-4290	
SCALE: 1"=30'	DATE: 1/20/22
DRAWN: SWA/JC	DATE: 2022-0004
REVISIONS	
LAST FIELD DATE: 1/10/22	

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12111C0179 K DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.
6. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF SUBJECT PARCEL AS BEING S00°56'59"E AND IS ASSUMED FOR COMPUTATIONAL PURPOSES.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT. U.E. DENOTES UTILITY EASEMENT.
8. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE STAGGE AND LIGHT POLES IN REALATIONSHIP TO THE PROPERTY LINES.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

LOTS 1-4 MRS. C. HARPERS RESUBDIVISION
 PLAT BOOK 3 PAGE 15



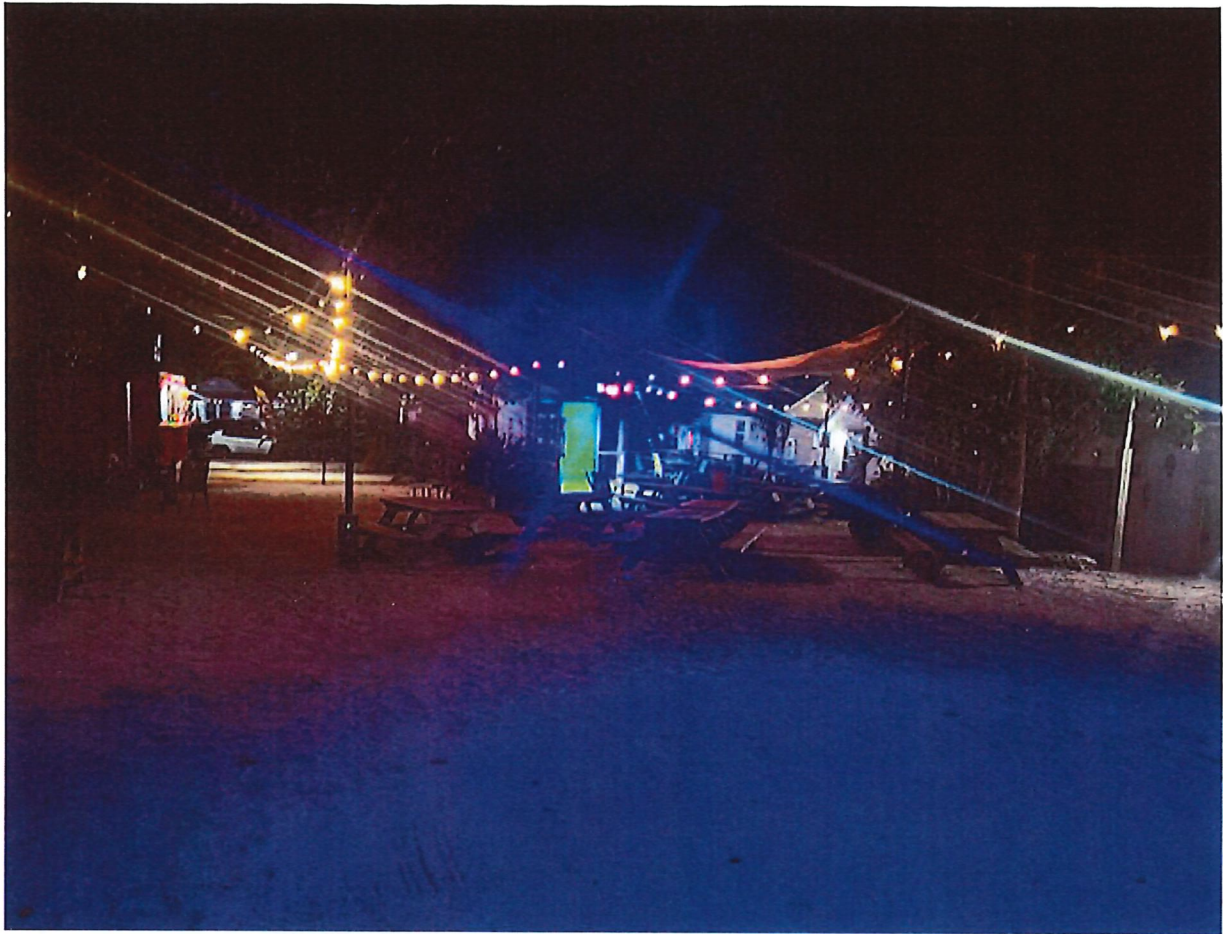












DRAFT



CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, MARCH 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: Minnie Spivey; Andrea Anicito; Anthony Westbury; KeAndrea Davis, Vice-Chair;
Betty Jo Starke; Patrece Frisbee; Charlie Hayek, Chairman

Staff Present: Sara Hedges, City Attorney
Kev Freeman, Planning Director
Andrea Duenas, Assistant City Attorney
Maria Lewicka, Historic Preservation Planner
Alicia Rosenthal, Executive Assistant

4. **APPROVAL OF MINUTES**

- a. Minutes from the February 26, 2024, Historic Preservation Board meeting

Motion was made by Andrea Anicito, and seconded by Betty Jo Starke to approve the minutes from the February 26, 2024, meeting.

AYE: Andrea Anicito, Anthony Westbury, Vice-Chair KeAndrea Davis, Betty Jo Starke,
Patrece Frisbee, Minnie Spivey, Chairman Charlie Hayek

Passed

5. **PUBLIC HEARINGS**

b. **CONTINUED HEARING - Conditional Use Application - Expansion of the Existing Outdoor Entertainment Area - 411 N. 2nd Street**

Chairman Hayek recused himself.

The City Attorney explained 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 quasi-judicial proceedings more like judges than legislators. This afternoon, the Board will follow the same uniform procedure in all quasi-judicial hearings.

The clerk introduced the Conditional Use Application for expansion of the existing outdoor entertainment area located at 411 N. 2nd Street, Pierced Ciderworks.

Vice-Chair Davis called the proceeding to order.

The clerk confirmed the City complied with the advertisement requirements.

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

Mr. Westbury - no

Ms. Starke - no

Dr. Frisbee - yes

Ms. Spivey - no

Ms. Anicito - yes

Vice-Chair Davis - no

Vice-Chair Davis 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 the 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.

Staff Presentation:

Maria Lewicka, Historic Preservation Planner, gave a brief presentation on the Conditional Use application being continued from the February 26, 2024, meeting. Ms. Lewicka stated the applicant is requesting approval to expand the existing outdoor entertainment area on a designated historic site within the Edgartown Settlement Zoning District. The proposed expansion deviates from City Code Section 125-197(j), which allows for a maximum of 800 square feet of exterior space, whereas the proposed outdoor area will be approximately 5,000 square feet. Ms. Lewicka stated Code Enforcement initiated a case against the property where Sec. 125-197 – Edgartown Settlement (ES) Zoning District was violated. The Special Magistrate decided the business was in violation and the business was to reduce the area utilized for exterior restaurant/pub use to 800 square feet or obtain a Conditional Use permit to extend the area allowed to be utilized for exterior restaurant/pub use. Ms. Lewicka showed an aerial view of the location of the expanded entertainment area. Ms. Lewicka stated it is up to the Historic Preservation Board to decide if the Conditional Use is granted to the applicant/owner, or to the location/parcel. If granted to the applicant/owner, it would expire

with the property's sale. If granted to the location/parcel, the Conditional Use could be transferred to the subsequent property owner(s).

Board questions for staff: Vice-Chair Davis asked if all provisions of Chapter 26 must be followed. Ms. Lewicka agreed.

Applicant Presentation: Jon Nolli, owner of Pierced Ciderworks, sworn, stated the property is approximately 20,038 square feet. He said 800 square feet is less than 4% of the total property and the proposed 5,000 square feet is less than 25% of the total ground. He noted the city wanted Edgartown to be an eclectic area and Sailfish Brewery, which was at the same location, had to relocate due to the same issues he is having. Mr. Nolli said the outdoor area will not work at 800 square feet, and it is impossible to have his business with such constraints; it is impractical and not enforceable. He asked how he was supposed to keep people from assembling in other outdoor areas. He said the customers would feel like cattle.

Board questions for Applicant: Ms. Starke asked which direction the entertainment speakers were facing and if the issue with the space utilization was the noise or the people coming and going. Ms. Anicito asked Mr. Nolli what he was asking for if the 5,000 square feet entertainment area was not sufficient. Mr. Nolli stated he wants full use of his property. Ms. Anicito asked if it would be fair to use the entire space with a 10-foot landscape buffer to keep the peace with his neighbor. Mr. Nolli stated he did not think 10 feet of landscaping was going to make a difference. Ms. Starke asked the size of the surrounding parcels and if they had full use of their property. Ms. Spivey asked Mr. Nolli if he had considered a fence for privacy. Mr. Nolli said he has a shadow box fence on three sides of the property. Vice-Chair Davis asked if any changes to the property would cause alarm. Mr. Nolli said if someone goes outside the proposed area, there is no way to enforce it properly. Dr. Frisbee asked what was being done for safety compliance on the property. Mr. Nolli stated he has had no issues in the past six years, and it is a peaceful place. Vice-Chair Davis asked if the only entrance was from the front. Mr. Nolli confirmed.

Public comment: Tim O'Connell, resident, sworn, stated the whole problem is with the Edgartown ordinance. He said Pierced Cider is not supposed to be an outdoor concert venue, and he wants the ordinance enforced. Mr. O'Connell stated if Pierced Cider wants more seating he should build a bigger building.

Holly Theuns, resident, sworn, stated everything was good with Pierced Cider until they started having outdoor concerts during COVID. She said the owner knew the rules when he bought the business, and he needed to follow the ordinance. Ms. Theuns said Pierced Cider is not an event space and the business is ruining their homes. She asked the Board to deny the application.

Cynthia O'Connell, resident, sworn, said they were told Pierced Cider would be an eclectic bar, with an 800 square foot area for a singer/songwriter. She said she gave Mr. Nolli a copy of the Edgartown ordinance and noted acoustic music was okay. Ms. O'Connell said the other neighbors were afraid to complain because they did not want to get in the middle of the dispute. Ms. O'Connell asked the Board to deny the application.

Applicant final comments: Mr. Nolli said Pierced Cider did have live music on the stage during COVID, but they have not used the stage in two years. He said they have a solo musician and, once in a while, a duo. Mr. Nolli highlighted that Pierced Cider is a very quiet place and the concerts were in the past. Mr. Nolli said he would like to have events like a wedding, but the confined space would not allow it. He said the neighborhood originally wanted a brewery and now they don't. He noted the only way to keep the business going is to utilize the property he has.

Staff final comments: Mr. Freeman rounded up what was discussed. He said the application deals with the space available on site that can be used for outdoor entertainment. The code is restrictive to 800 square feet. The purpose of the Conditional Use application is to expand the outdoor entertainment area. Mr. Freeman said staff took preliminary measurements of the site and came up with a 5,000 square foot area. The applicant said that was not enough, and he asked for the whole of the outdoor area to be allowed for outdoor entertainment. Mr. Freeman stated the issue is whether the expansion of 800 feet is acceptable and, if acceptable, the extent of the outdoor entertainment area.

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: Ms. Starke said she thinks Mr. Nolli is being reasonable, and she does not see anything wrong with being eclectic, which includes drawing people together at a brewery with music. Vice-Chair Davis said the Board is stuck in the middle of a neighborhood dispute. She thinks the issue is sound and that is not the request. Vice-Chair Davis said the suggestion from the public comment is that the Board tells businesses if they come to Fort Pierce and the neighbors don't like it, they have to leave. She told the Board to stick to the relevant information of what the application states and not consider all the outside things. Vice-Chair Davis concluded that even if the application is approved or not approved, they are still going to have problems in the neighborhood because they do not get along. Dr. Frisbee said if the issue is about space, you can have noise in 800 square feet at as loud as you can have noise in 5,000 square feet. If it is about space, the space should be used.

Motion was made by Andrea Anicito, and seconded by Vice-Chair KeAndrea Davis to approve the Conditional Use for 411 N. 2nd Street allowing for deviation from City Code section 125-197 (j) to allow for 5,000 square feet of exterior space to be used and for the Conditional Use to run with the property following all provisions of Chapter 26.

AYE: Anthony Westbury, Betty Jo Starke, Patrece Frisbee, Minnie Spivey, Andrea Anicito, Vice-Chair KeAndrea Davis

Other: Chairman Charlie Hayek (ABSTAIN)

Passed

6. NEW BUSINESS

a. Administratively Approved Certificates of Appropriateness - January 2024

b. **Open Government Presentation**

Ms. Hedges gave a presentation on Sunshine Law, Public Records and Voting Conflicts of Interest.

She discussed the three basic requirements for a meeting, and she noted Board members do not want to have shade meetings because of accidental conversations. Ms. Hedges stated Sunshine Law does not apply to fact-finding meetings, but since the City of Fort Pierce does not have any fact-finding boards, all boards have to abide by the Sunshine Law. Ms. Hedges said ex-officio members are subject to Sunshine Law even if they don't vote and Sunshine Law does not apply to discussions with staff members as long as another Board member is not present. She explained that a Board member cannot use others as a liaison to have communication with other members of the Board. Ms. Hedges explained the types of communication constituting a meeting, which are telephone conversations, text

conversations, e-mails, public social media posts, and private social media communication. Ms. Hedges said, technically, a Board member can have one way of communication, but once there is a response from the group or one individual, a meeting is triggered and Sunshine Law applies. Ms. Hedges explained there are rules in place for meetings and the public has to have reasonable opportunities for public comment. Ms. Hedges discussed the prohibited restrictions on meetings. She said the Board cannot ask someone to voluntarily leave a meeting, they cannot ban videotaping and recording, they cannot require an identification card for attending a meeting and they cannot have a secret ballot. Ms. Hedges explained the consequences of violating the Sunshine Law and the penalties.

Ms. Hedges reviewed the Florida Public Records Act. She said a public record must be disclosed unless there is a statutory exemption or confidentiality reason. Ms. Hedges provided the definition of public records, and she explained that personal notes that perpetuate knowledge of some type are considered a public record. Ms. Hedges suggested the Board members keep a separate e-mail address for board matters or create a board folder in their personal email account. Ms. Hedges explained that all public records have a specific retention schedule. She said the best practice is to keep anything related to the board and not to alter it. Ms. Hedges said there is a cost associated with public requests and the city can not ask who or why they are making the request. She said the request can be verbal and the production of the request cannot be delayed except for the reasonable time it takes to retrieve and redact the records. Ms. Hedges said there are penalties for not complying with the public records laws.

Ms. Hedges explained the Voting Conflicts of Interest, and she said a board member cannot abstain from voting unless there is a conflict of interest. She said if a Board member has an issue with an agenda item, they should call the city attorney's office as soon as possible to decide if there is a conflict of interest. Ms. Hedges noted that with a quasi-judicial proceeding, a Board member may abstain from voting if the abstention is to assure a fair proceeding from potential bias or prejudice. Ms. Hedges said a voting conflict of interest exists when voting on any matter that would lead to the special private gain or loss of the person voting, their relative, their business associate, or a principal by whom they are retained. She reviewed the factors considered when determining whether a special private gain or loss exists and the additional conflicts of interest. Ms. Hedges said if a Board member has a conflict, to announce it to the board, abstain from voting and fill out the Memorandum of Voting Conflict form 8b. She said a Board member can participate even if they have a conflict, but she recommends the Board member remove them self from the dais for a fair proceeding. Ms. Hedges concluded by staying 1,000 feet away from the line with voting conflicts of interest.

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. CONSIDERATION OF ABSENCES

All members were in attendance.

9. ADJOURNMENT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>ADRIEK CHARLES CARL</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>HIST. PRESERVATION BOARD</i>
MAILING ADDRESS <i>1111 FERNANDINO ST. ST. LUCIE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>FORT PIERCE</i>	COUNTY <i>ST. LUCIE</i>
DATE ON WHICH VOTE OCCURRED <i>2-26-24</i>	NAME OF POLITICAL SUBDIVISION: <i>FORT PIERCE</i>
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Own Mortgage on property

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2-26-24

Date Filed

[Signature]

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



THE SUNRISE CITY

FORT PIERCE

PLANNING DEPARTMENT

Florida

PUBLIC NOTIFICATION CERTIFICATION

PROJECT NAME: Conditional Use – Expanding the Existing Outdoor Entertainment Area – 411 N 2nd Street.

NOTICES PROVIDED PURSUANT TO: City Code Section 125-37. Public Hearings (a)

NOTICE BY NEWSPAPER: February 9, 2024, Conditional Use

NOTICE BY MAIL: February 14, 2023

NOTICE BY SIGNS: February 8, 2023

VERIFIED BY: Maria Lewicka

TITLE: Historic Preservation Planner

SIGNATURE:

DATE: 02/14/2024

A handwritten signature in black ink, appearing to read "Maria Lewicka". The signature is written in a cursive, flowing style.



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

February 14, 2024

Dear Property Owner(s):

This letter concerns the Conditional Use Application to expand the existing outdoor entertainment area on a designated historic site at 411 N 2nd Street within Edgartown Settlement (ES) Zoning District.

The Parcel ID is 2403-705-0119-000-4. The legal description of the property is: ASSESSOR'S MAP OF N PART OF FORT PIERCE BLK 13-H- LOT 6 (0.46 AC- 20,020 SF) (OR 4013-1116)

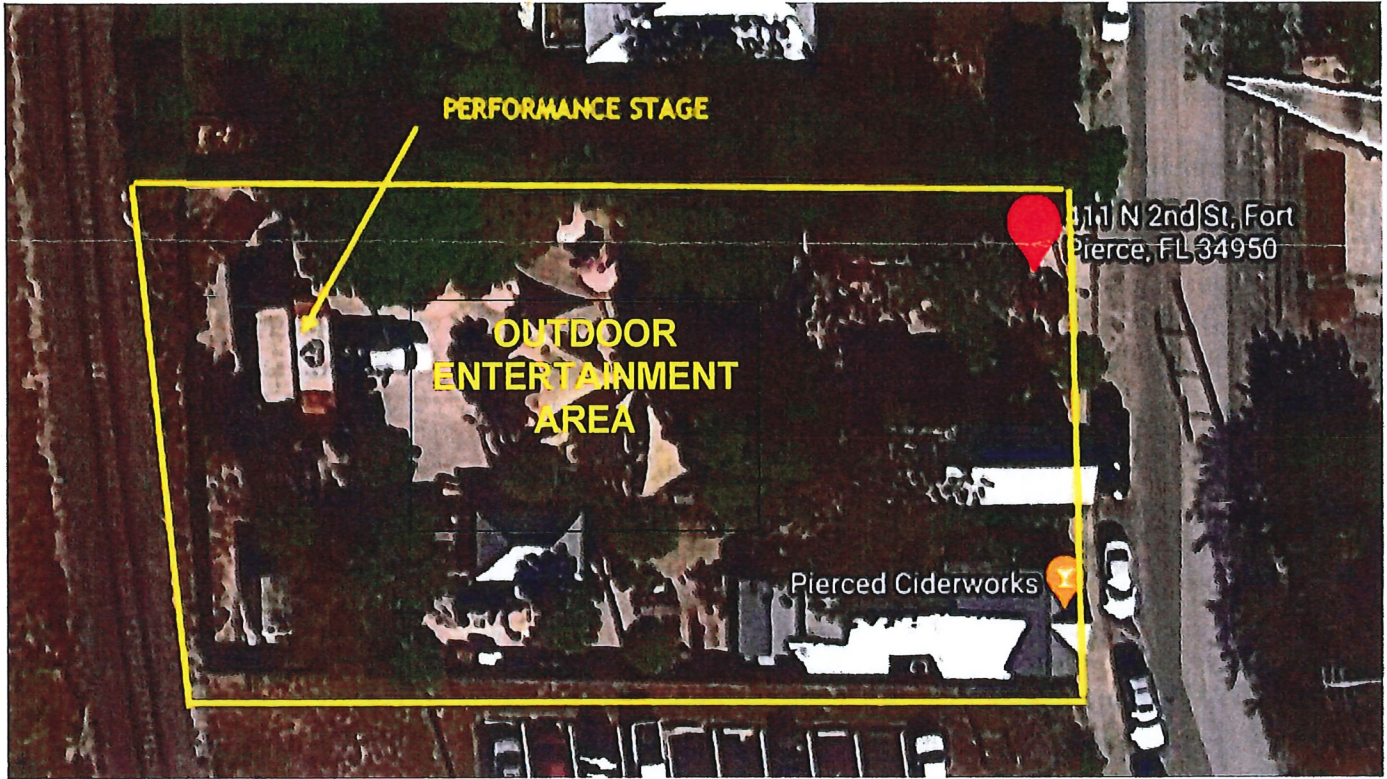
The proposed expansion requires a conditional use approval to deviate from City Code Section 125-197(j), which allows for a maximum 800 square feet exterior space whereas the proposed outdoor area will be approximately 5000 square feet.

There will be a public hearing to consider approval of this conditional use before the Historic Preservation Board of the City of Fort Pierce, Florida, at their meeting beginning at 2:00 p.m. on Monday, February 26, 2024, in the City Commission Chambers, City Hall, 100 North U.S. Highway #1, Fort Pierce, Florida. You are encouraged to attend this public hearing and to speak in favor of, or in opposition to, the requested conditional use.

If you have any inquiries, or would like to review the complete application, please contact me at (772) 467-3738 or mlewicka@cityoffortpierce.com Furthermore, published agenda packets for Historic Preservation Board meetings are provided a few days in advance at the following web address:
<http://cityoffortpierce.com/223/Agendas-Minutes>.

Thank you for your participation.
Sincerely,

Maria Lewicka, AICP
Historic Preservation Planner



**AERIAL VIEW OF THE SUBJECT SITE
LOCATION OF THE EXPANDED ENTERTAINMENT AREA**



Property Identification

Site Address: 411 N 2ND ST
 Sec/Town/Range: 10/35S/40E
 Parcel ID: 2403-705-0119-000-4
 Jurisdiction: Fort Pierce

Use Type: 3300
 Account #: 16024
 Map ID: 24/10N
 Zoning: Edgartown

Ownership

HOUSE THAT CIDER BUILT LLC
 527 Indigo AVE
 Wellington, FL 33414-8158

Legal Description

ASSESSOR'S MAP OF N PART OF FORT PIERCE BLK 13-H- LOT 6 (0.46 AC- 20,020 SF) (OR 4013-1116)

Current Values

Just/Market Value: \$432,900
 Assessed Value: \$297,902
 Exemptions: \$0
 Taxable Value: \$297,902



Property taxes are subject to change upon change of ownership.

- Past taxes are not a reliable projection of future taxes.
- The sale of a property will prompt the removal of all exemptions, assessment caps, and special classifications.

Taxes for this parcel: [SLC Tax Collector's Office](#)
 Download TRIM for this parcel: [Download PDF](#)

Total Areas

Finished/Under Air (SF): 2,352
 Gross Sketched Area (SF): 3,500
 Land Size (acres): 0.46
 Land Size (SF): 20,020

Building Design Wind Speed

Occupancy Category	I	II	III
Speed	140	160	160

Sources/links:

Sale History

Date	Book/Page	Sale Code	Deed	Grantor	Price
Jun 14, 2017	4013 / 1116	0002	WD	411 North 2nd St LLC	\$350,000
Mar 24, 2015	3731 / 0370	0130	WD	Hayek Charles	\$100
Jan 22, 2013	3484 / 0675	0316	SPWD	Hayek Charles	\$10,000
Aug 28, 2009	3125 / 1254	0205	WD	Adria Homes	\$190,000
Aug 17, 2009	3122 / 0326	0115	PB	Adria Homes	\$0
Nov 24, 2008	3037 / 2625	XX01	FJ	Adria Homes	\$0
Mar 23, 1992	0781 / 2503	XX01	QC	Lino Chermaz	\$100
Nov 7, 1991	0762 / 2153	XX01	DEED	Brian Glynn	\$2,100
Apr 1, 1985	0462 / 0244	XX00	CV		\$7,500
Feb 1, 1985	0455 / 0834	XX01	CV		\$0
Mar 1, 1983	0395 / 0365	XX01	CV		\$0

Building Information (1 of 3)

Finished Area: 936 SF

Gross Sketched Area: 1,060 SF

Exterior Data

View:
 Building Type: REST
 Grade: Y_D
 Story Height: 1 Story

Roof Cover: Metal
 Year Built: 1901
 Effective Year: 2010
 No. Units: 1

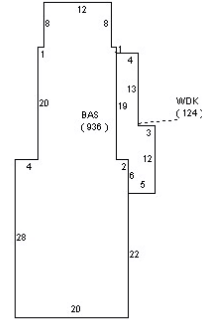
Roof Structure: Gable
 Frame:
 Primary Wall: Hardwood Lap
 Secondary Wall:

Interior Data

Bedrooms: 0
 Full Baths: 0
 Half Baths: 0
 A/C %: 100%

Electric: AVERAGE
 Heat Type: FrcdHotAir
 Heat Fuel: ELEC
 Heated %: 100%

Primary Int Wall:
 Avg Hgt/Floor: 0
 Primary Floors: Tile-Ceramic
 Sprinkled %: 0%



Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
BAS	BASE AREA	936	936	152
WDK	WOOD DECK	124	0	64

Building Information (2 of 3)

Finished Area: 1,176 SF

Gross Sketched Area: 2,200 SF

Exterior Data

View:
 Building Type: REST
 Grade: Y_D
 Story Height: 2 Story

Roof Cover: Metal
 Year Built: 1916
 Effective Year: 2010
 No. Units: 2

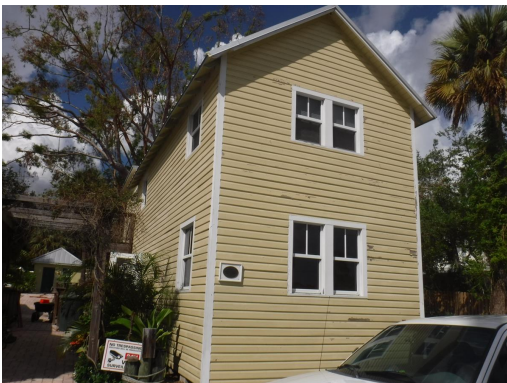
Roof Structure: Gable
 Frame:
 Primary Wall: Hardwood Lap
 Secondary Wall:

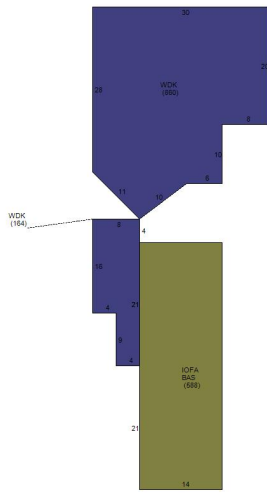
Interior Data

Bedrooms: 0
 Full Baths: 0
 Half Baths: 0
 A/C %: 100%

Electric: AVERAGE
 Heat Type: FredHotAir
 Heat Fuel: ELEC
 Heated %: 100%

Primary Int Wall:
 Avg Hgt/Floor: 0
 Primary Floors: CONC GRD
 Sprinkled %: 0%





Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
BAS	BASE AREA	588	588	112
IOFA	INTERIOR OFFICE AVERAGE QUALITY	588	588	112
WDK	WOOD DECK	1024	0	189

Building Information (3 of 3)

Finished Area: 240 SF

Gross Sketched Area: 240 SF

Exterior Data

View:
 Building Type: REST
 Grade: Y_D
 Story Height: 1 Story

Roof Cover: Metal
 Year Built: 1937
 Effective Year: 2010
 No. Units: 1

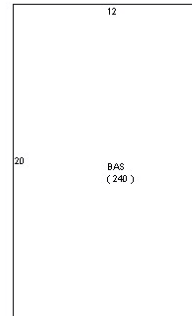
Roof Structure: Hip
 Frame:
 Primary Wall: CB Stucco
 Secondary Wall:

Interior Data

Bedrooms: 0
 Full Baths: 0
 Half Baths: 0
 A/C %: 0%

Electric: AVERAGE
 Heat Type:
 Heat Fuel:
 Heated %: 0%

Primary Int Wall:
 Avg Hgt/Floor: 0
 Primary Floors: Tile-Ceramic
 Sprinkled %: 0%



Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
BAS	BASE AREA	240	240	64

Special Features and Yard Items


Type	Qty	Units	Year Blt
Fen WoodSB 6'	1	32	2010
CONCRETE LOW	1	918	2011

Current Year Values

Current Values Breakdown		Current Year Exemption Value Breakdown	
Building:	\$294,800		
Land:	\$138,100		
Just/Market:	\$432,900		
Ag Credit:	\$0		
Save Our Homes or 10% Cap:	\$134,998		
Assessed:	\$297,902		
Exemption(s):	\$0		
Taxable:	\$297,902		

Current Year Special Assessment Breakdown

Start Year	AssessCode	Units	Description	Amount
2014	0041	1.5	Fort Pierce Stormwater Charge	\$103.50

This does not necessarily represent the total Special Assessments that could be charged against this property. The total amount charged for special assessments is reflected on the most current tax statement and information is available with the SLC Tax Collector's Office .

Historical Values

Year	Just/Market	Assessed	Exemptions	Taxable
2023	\$432,900	\$297,902	\$0	\$297,902
2022	\$399,600	\$270,820	\$0	\$270,820
2021	\$246,200	\$246,200	\$0	\$246,200
2020	\$246,700	\$246,700	\$0	\$246,700

Permits

Number	Issue Date	Description	Amount	Fee
SHTR2003-1	Jan 16, 2003	Additions to existing construction	\$184,509	\$2,170
BP10-0269	Apr 26, 2010	Alterations/Remodeling	\$35,000	\$460
BP10-0275	Apr 26, 2010	Alterations/Remodeling	\$40,000	\$412
BP09-2094	Oct 23, 2009	Alterations/Remodeling	\$0	\$150
BP09-1567	Oct 5, 2009	Demolition	\$0	\$130
BP11-3010	Jan 5, 2012	Electric	\$99	\$75
BP13-1073	Mar 8, 2013	Electric	\$500	\$155
BP13-1906	Aug 20, 2013	Fence	\$1,000	\$83
BP13-3003	Mar 18, 2014	Occupancy Change	\$0	\$0
BP16-1054	Apr 21, 2016	Fence	\$2,000	\$0
BP17-2145	Aug 3, 2017	Demolition	\$1,000	\$0
BP17-2146	Aug 3, 2017	Demolition	\$1,000	\$0
BP22-1970	Oct 7, 2022		\$2,500	\$0
BP23-0456	Feb 15, 2023	Air Conditioning Only	\$7,000	\$0

Notice: This does not necessarily represent all the permits for this property.
 Click the following link to check for additional permit data in Fort Pierce