

Dr. Ron & Kip Lyman
417 S. Indian River Drive
Fort Pierce, FL 34950

April 9, 2019

RECEIVED
TIME
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CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

TO: Members of the City of Fort Pierce Planning Board

CC: ✓ Mayor Linda Hudson & Fort Pierce Board of City Commissioners
Nick Mimms, City Manager
Jack Andrews, City Engineer
Linda Cox, City Clerk

FROM: Dr. Ronald & Kip Lyman

RE: (515 S. Indian River Drive)
Crownman FL LLC Application for Conditional Use with New Construction

Dear Planning Board Members,

On October 16, 2017 we received a letter describing an application submitted by Crownman FL LLC requesting approval for Conditional Use with No New Construction on the property referenced above to open and operate a Bed & Breakfast. We thought it to be an unusual choice for that parcel of land however we were not opposed to such a use for the existing dwelling on the property.

(Attachment #1)

Once again we would be in favor now, if in fact the applicants are sincerely planning to open and operate a B&B, licensed business in compliance with C-1 zoning, and all City, State and Federal regulations. However, just as in 2017, we have serious concerns.

In 2017, the application for Conditional Use – No New Construction was approved by the Commissioners of the City of Fort Pierce on November 6, 2017 with 6 conditions.

- 1) Provide a Lighting Plan and a Parking Plan
- 2) Demonstrate compliance with FL regulations for bed & breakfasts
- 3) Identify the max occupancy of the bldg. in compliance with Code 8.5-43
- 4) Registration of the property managers accessible at all times
- 5) Provide a Guide booklet for renters
- 6) File for and obtain a City of Fort Pierce, County, and State Business Tax Licenses within 14 days of the Conditional Use approval (dated Nov 6, 2017)

Regarding item #6 alone, Ms. Cox City Clerk informed the applicants in writing on November 8, 2017 that the approval of the application would be placed on a delay until such time as the City, County, and State business licenses were obtained. Ms. Cox explained the City is unable to secure the BTR license until after the DBPR license is secured.

FILE

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The DBPR business application was approved five months later, on April 5, 2018 with 6 conditions also, entirely different from the conditions listed above, that would need to be in place before inspection. The DBPR licensing application is no longer valid as it expires after one year.

Most concerning from our perspective is since the approval by the Planning Board, Historic Preservation Board and City Commission in 2017 for the Bed & Breakfast, we have not observed any activity that would suggest the building is being renovated for such a use, or for anything other than possibly demolition. Since November 2017, we have personally observed the subject building be gutted out, and subsequently neglected for nearly a year, with windows left wide open, some without screens for months, through the summer of 2018 and a hurricane. **(Attachment #2)** We eventually expressed our concerns about this in writing to the City on June 18, 2018.

Also, after receiving the 2017 approval for the B&B, the applicants prepared a new, very different application for (rezoning) from C-1 to PD, which was tabled at the May 8, 2018 Planning Board Meeting because of numerous, serious concerns from the neighborhood. The applicants were instructed by the Planning Board Chairman to “address the concerns, revise the site plan and resubmit.”

Today the Planning Board is asked to approve a new application for Conditional Use – With New Construction. Almost identical to the aforementioned application from 2017, the TRC comments, FPUA conditions and Planning Board conditions listed below. One would think most of the missing plans would have been prepared by now and available for this new application, if the applicants were sincere about opening a B&B a year and a half ago. In fact, the minutes from the Planning Board meeting in 2018 reflect the applicant’s urgency to open the B&B before wedding season began in early 2019.

Conditions of application for Conditional Use/With New Construction:

- 1) Provide a Lighting Plan and Parking Plan
- 2) Provide a Landscape Plan
- 3) Registration of the property managers accessible at all times
- 4) Provide a guide booklet for renters
- 5) File for (and obtain) city, county and state business tax licenses within 14 days of conditional use approval.
- 6) Provide a boundary and topographic survey for the site with flood zones
- 7) Provide utility construction plans to include the fire suppression system

Several Missing Plans: Again, we are in favor of a Bed & Breakfast business on this property. However, we are deeply concerned that there is not sufficient information provided to the Planning Board to take under review before they can confidently move to recommend approval by the City Commissioners, particularly based on the history of what has happened since approving the first application for same. The plans for Lighting, Parking, Landscape and Utilities are vitally important to understand the impact this project may have on the neighborhood. Providing the requested surveys and business licenses, and investing in the impact fees necessary to open and operate a

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B&B business would be a demonstration of the sincere intentions of the applicants to open the proposed business.

It appears however, that the applicants are working on a “temporary solution” so not to have to install the FPUA’s required 4” Double Detector Check device for this project, stating the B&B could not justify the cost. This will always be the requirement, now or later on. This causes concern and doubts about the intents of the applicants to follow through with the proposed project for which they are seeking approval a second time.

Included in the application is an analysis for 8 parcels of land. Even though they are described as all being located ‘east’ of Indian River Drive between Citrus Avenue and Easter Avenue, we believe it is the four parcels that are divided by Indian River Drive the majority of land located on the west side and a smaller portion of each parcel on the east down to the river. They were joined together by a unity of title.

This application involves one of the four parcels totaling .54 acres with two existing dwellings located on the property – the proposed B&B and the managers’ quarters. This poses a significant parking challenge based on the requirements for the 6 bedrooms proposed, along with the ADA requirements for accessible parking in proximity to Indian River Drive, and parking for the managers living in the managers’ quarter, and business employees. The analysis recognizes and outlines the parking dilemma and veers from the required FAR (floor area ratio) of 3.0 which would be allowed in this application, down to a 2.0 FAR with a total 8 parcel assumption of 252,866 sq ft of professional office and 56 multi family dwellings. We find it difficult to apply this 8 parcel analysis to an application involving .54 acres.

There is a parcel of land not included in the unity of title or the analysis that is located on the west side of 2nd Street, behind the subject B&B property. The matter of using that property for parking was discussed in length in 2017, and it was determined that it would need to be included in the unity of title in order for it to be available for use associated with the proposed business back in 2017. It stands to reason the same would apply today. **See Attachment #3**

Traffic Impact in the Neighborhood: The application includes a traffic study from 2013-2014 and projections to 2020 & 2035. The application does not address the impact this proposal would have on the neighborhood when all available parking is proposed to be accessed from 2nd Street between Delaware Avenue & Easter Avenue; the two logical and most commonly used routes to and from Indian River Drive to access that two-block area of 2nd Street.

Delaware Avenue is literally 20ft wide from curb to curb (17’ 7” wide blacktop total). Easter Avenue is 23’ 10” wide from curb to curb, and the residents of the apartment complex located on the property south of the Easter Avenue use that avenue for parking, making it only one lane wide most of the time.



(Easter Ave 4/7/19)

Dr. Ron & Kip Lyman
417 S. Indian River Drive
Fort Pierce, FL 34950

Dangerous Fence Located on City Land:

The northeast border of the property owned by the applicants (not a part of this application) borders a public ROW. The Delaware Avenue Extension ROW has been the access to the river's shore for decades. It is used and greatly appreciated by the residents of the neighborhood. In October 2018, the applicants requested of the City to abandon this public ROW along with the north bordering property owner, to allow them to expand their private properties proportionately on the east side of Indian River Drive. On October 12, 2018 through our lawyer, we submitted a letter to the City formally objecting to the proposed vacation of the Delaware Avenue ROW.

(Attachment # 4)

Shortly thereafter, while Dr. Lyman was maintaining the grounds of the ROW as he has done for 18 years, Ms. Einstein called the police, met them out at the ROW insisting Dr. Lyman is "on her property, and insisted they make him get off". This may be found in the 911 call records. Ms. Einstein's behavior was aggressive and forceful to the point that the 2 police officers had to separate her away from Dr. Lyman. Ms. Einstein's attorney wrote a letter claiming Dr. Lyman was creating a nuisance by clearing the debris from the pipe and exposing it. **(Attachment #5)** Dr. Lyman was in fact clearing the debris and vegetation growth from the drainage pipe and the pathway around it to the river shore, to keep it clear and the area safe for the neighborhood.

Ms. Einstein then erected a construction fence on this border, however it actually lies within the public ROW. In fact, it completely covers the public access path down to the water.

For months this fence has been a safety hazard, broken in several places exposing jagged wood and rusty nails and the black slippery plastic literally rests on the ground covering the public path. **(Attachment #6)** illustrates the ROW boundaries. We have asked city officials numerous times in writing, and in person to please have the fence moved so the neighborhood may once again use the path and access the shore. We recently noticed the applicants planted trees and shrubs on their property line, however made no attempt to repair and move their construction fence back onto their own property. On behalf of the entire neighborhood, we would greatly appreciate this matter resolved.



January 2019

Dr. Ron & Kip Lyman
417 S. Indian River Drive
Fort Pierce, FL 34950



March 2019

The dirt path visible on the right side of the black plastic is the public path around the drain pipe located in the center of the ROW. The drop is several feet down from the top of the pipe and not safe to jump.



April 7, 2019

See Attached Image of location of pipe in center of ROW from original drainage improvement plans 18 years ago

In closing we want to reiterate the fact that we would be in favor of the beautiful, historic building located at 515 S. Indian River Drive be renovated and made into a Bed & Breakfast. We strongly oppose this application becoming a means to build a large event pavilion, or large residences on the east side of Indian River Drive, either here at 515 or on the property owned by the applicants approx. a mile south (0 S. Indian River Drive) and the next parcel south (1611 S. Indian River Drive).

We respectfully request this matter be tabled until such time as additional, vitally important information is provided for your review, including Lighting, Parking, Utilities, and Landscape plans. This will allow for a more comprehensive understanding of the impact the application will truly have on the beautiful River's Edge District neighborhood in which it is located.

Thank you for your service to the City of Fort Pierce, and for your consideration of the concerns of the neighborhood.

Respectfully yours,

Dr. Ron & Kip Lyman



THE SUNRISE CITY
FORT PIERCE
 PLANNING DEPARTMENT
Florida

October 16, 2017

Dear Property Owner(s):

The property owner and applicant, **Crownman FL LLC** is requesting approval of a **Conditional Use with No New Construction** to add the use of Bed and Breakfast to the existing primary structure at 515 S. Indian River Drive, Fort Pierce, FL. The property is zoned Office Commercial Zone (C-1). Parcel ID: 2410-810-0001-000-9.

ANDREWS AND RICHARDS S/D THAT PART OF LOT 1 LYG E OF S 2 ST AND BEG ON E LI OF S 2 ST 8 FT S OF N LI OF LOT 2, RUN NELY 95.7 FT TO SD N LI, TH W ALG SD N LI TO E LI OF S 2 ST, TH S TO POB (MAP 24/10H) (1) (OR 3943-2583)

A public hearing is scheduled before the City Commission of the City of Fort Pierce, Florida, at their meeting on **Monday, November 6th, 2017** which begins at **6:30 p.m.** in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida. You are provided the opportunity to attend the public hearing and to speak in favor of, or in opposition to, the requested **Conditional Use with No New Construction**. Whether you attend the meeting or not, it is requested that you please complete the form below and return it so it is received by **5 p.m.** on **Monday, November 6th, 2017**. Methods of returning your ballot are identified below. Each ballot returned will be tabulated and reported to the City Commission. If you have any inquiries, or would like to review the complete application, please contact me at (772) 467-3741 or vgilmore@city-ftpierce.com. Furthermore, published agenda packets for each City Commission meeting are provided a few days in advance at the following web address: <http://cityoffortpierce.com/223/Agendas-Minutes>.

Thank you for your contribution.

Sincerely,

Vennis Gilmore
 Planning Analyst

Conditional Use - Crownman FL LLC Residence - 515 S. Indian River Dr.

No. 4

I approve

I disapprove

Comments:

GREAT IDEA

Signature

10/23/17
 Date

Please complete and return ballot to:

Mail
 City of Fort Pierce
 Planning Department
 P.O. Box 1480
 Fort Pierce, FL 34954

or

Fax
 (772) 466-5808

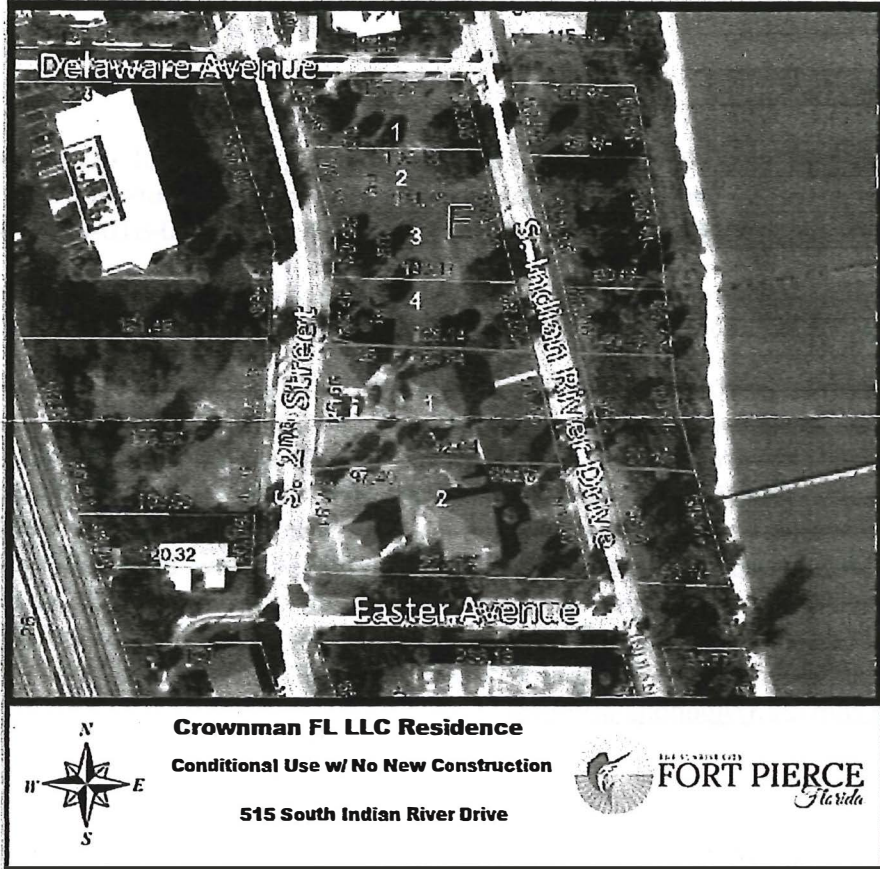
or

Email
vgilmore@city-ftpierce.com

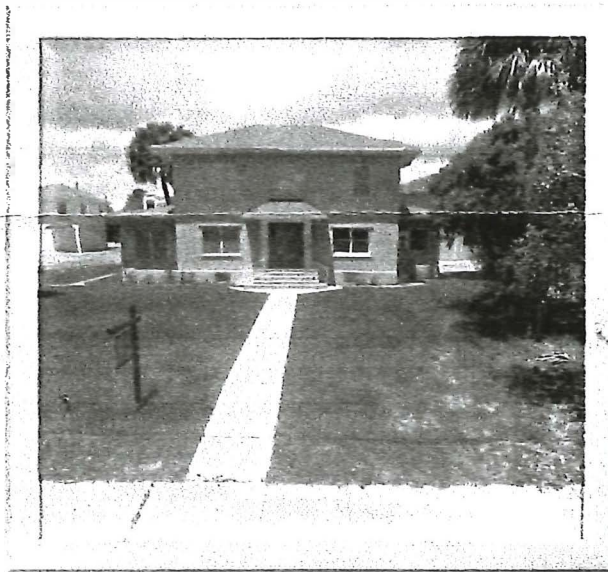
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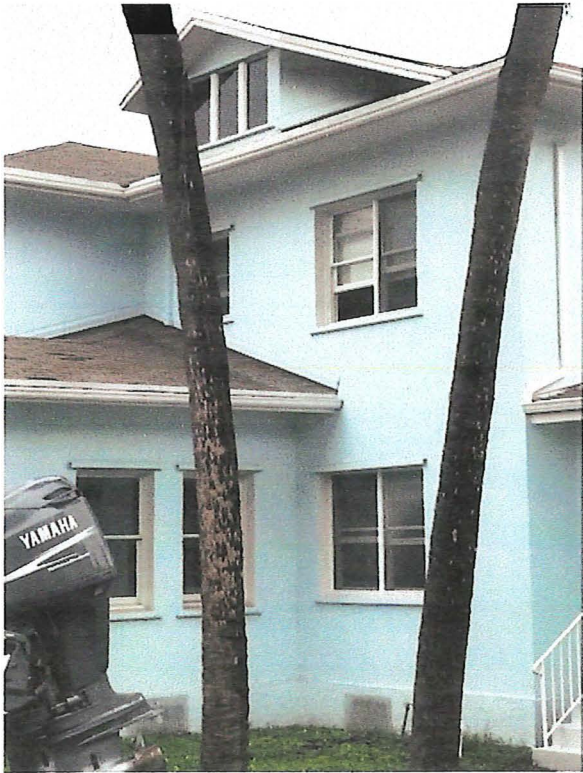
Site Map & Photo

515 S. Indian River Drive



Crownman FL LLC Residence
Conditional Use w/ No New Construction
515 South Indian River Drive

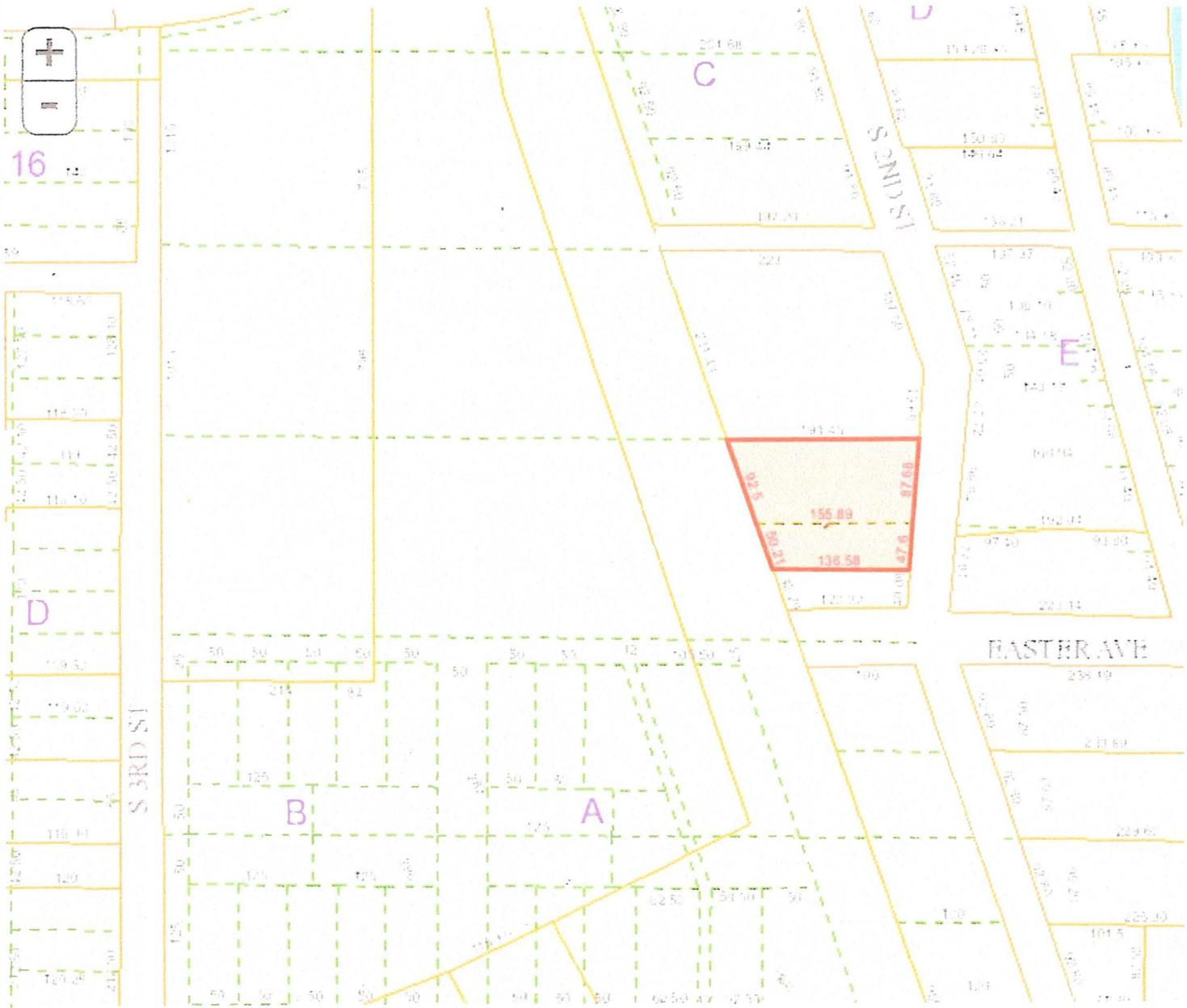




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Walter & Cheryl Brett
March 2018





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October 12, 2018

VIA EMAIL AND U.S. MAIL

Mayor Linda Hudson
City of Fort Pierce
100 N. US 1
Fort Pierce, FL 34950

Re: Lyman, Ronald and Kamela / 515 S. Indian River Drive

Dear Mayor Hudson:

This firm represents Dr. & Mrs. Ron Lyman, 417 S. Indian River Drive, Fort Pierce. Dr. & Mrs. Lyman have, for a number of years, maintained at their own expense the City's Right of Way at the foot of Delaware Avenue, on the east side of Indian River Drive and fronting on the Indian River. Through an agreement with the City, which we are attempting to find a copy of, their irrigation system runs under Indian River Drive to the right of way to irrigate the landscaping on that property, which they maintain.

It has come to our attention that the property owners who adjoin this right of way have requested that the City abandon it, so that they may expand their properties proportionately.

This letter constitutes Dr. and Mrs. Lyman's formal objection to the proposed vacation of the Delaware Avenue right of way. This is one of a very few remaining public access points to the river for residents of the City, and the Lymans do not believe that it should be abandoned. Indeed, they believe that the right of way should be improved by the City as a place for residents and visitors to be able to linger and view the river unobstructed. As owners of property that fronts on Delaware Avenue, they believe they have standing to object.

In furtherance of this, and to demonstrate their good intent, the Lymans are prepared to donate up to Twenty-Five Thousand Dollars (\$25,000) to the City for improvements to the site, such as park benches and bicycle racks, and will agree to continue to be personally and financially responsible for upkeep and maintenance of the landscaping on the site for so long as they own their residence.

Mayor Linda Hudson

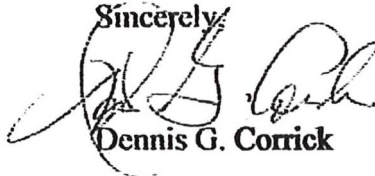
October 12, 2018

Page 2

We believe that this would constitute a better outcome for the residents in this part of Fort Pierce than expanding two riverfront lots and further reducing residents' access to and view of the Indian River.

I invite representatives of the City to discuss the details of this offer with myself and the Lymans at their earliest opportunity. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis G. Corrick", is written over a circular stamp or seal. The signature is fluid and cursive.

Dennis G. Corrick

DGC:sh

cc: City Manager Nick Mimms (via email)

THE LAW OFFICE OF
CYNTHIA G. ANGELOS,

P.A.

CYNTHIA G. ANGELOS

MICHELLE HORNSBY
PARALEGAL

POST OFFICE BOX 9163
PORT ST. LUCIE, FL 34985
TEL: (772) 252-3000

CYNTHIA@JANGELOSLAW.COM

OF COUNSEL

DANIEL K. BANDKLAYDER, PA
NICHOLAS M. GIESELER
STEVEN GEOFFREY GIESELER

November 2, 2018

Sent Via Email

Honorable Ben Bryan
Interim City Attorney
Fort Pierce City Hall
100 N. US Highway 1
Fort Pierce, FL 34950
bbryan@city-ftpierce.com
mmcclendon@city-ftpierce.com

Re: Right-of-Way / 515 S. Indian River Drive

Dear Judge Bryan,

Please be advised that my firm has been retained by Crownman FL, LLC. I am writing regarding the property that is the subject of my client’s application for abandonment of the referenced right-of-way. The issue was presented to the Planning and Zoning Board on October 9, 2018. Apparently, after the October 9th meeting, a neighboring property owner, Ron Lyman, entered the right-of-way and began cutting down vegetation located on the property. Aside from potentially violating my client’s and the City’s property rights, Mr. Lyman’s activity has created a dangerous attractive nuisance by exposing a large open pipe on the right-of-way. I have attached photos of the pipe to this letter. The pipe is visible from an area that is trafficked by the public, and large enough for a child to climb into. The circumstances resulting in the exposed pipe have been reported to City staff, who has advised that the matter would be referred to the City Attorney’s office.

For further background on this issue, we have obtained a copy of a letter to the City sent by Mr. Lyman’s attorney, Dennis Corrick, Esq.. The letter indicates that Mr. Lyman believes he has an ongoing agreement with the City to maintain the right-of-way at his own expense (although up until the Planning and Zoning Board meeting regarding the abandonment, the property was in its natural state with no evidence that it was being “maintained”). Because the letter was not sent to

the City Attorney's office, I have attached a copy for your reference. If an agreement does exist between the City and Mr. Lyman related to the maintenance of the right-of way, I respectfully request a copy of such. Further, I also request any documentation the City has in its possession related to the formation of the referenced right-of-way, including the original right-of-way agreement. Someone is continuing to access and alter the right-of-way which adjoins my client's property. This has created and continues to create potential liability issues for the City, of which I thought you should be aware.

Thank you for your time and attention to this matter.

Very Respectfully,

THE LAW OFFICE OF CYNTHIA G. ANGELOS, P.A.

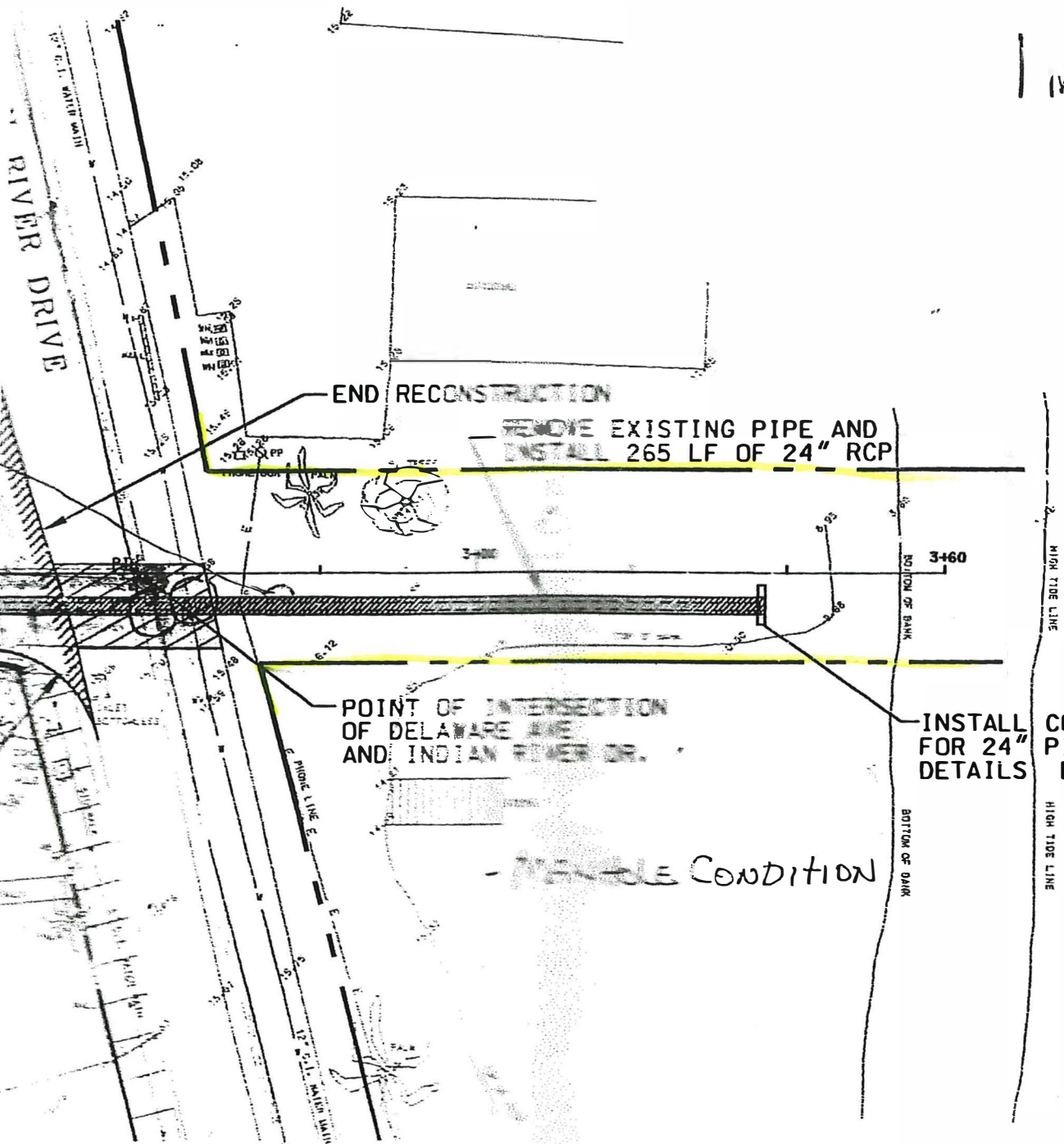
s/Cynthia G. Angelos
Cynthia G. Angelos

Encl.

cc: Dennis Corrick, Esq.
Nick Mimms, City Manager







1 inch = 20ft

INDIA
L

END RECONSTRUCTION

REMOVE EXISTING PIPE AND
INSTALL 265 LF OF 24" RCP

POINT OF INTERSECTION
OF DELAWARE ST.
AND INDIAN ST. DR.

INSTALL CONC. HEADWALL
FOR 24" PIPE AS PER
DETAILS EL. 7.95

POSSIBLE CONDITION

INDIA
LA

