

City of Port St. Lucie

Board of Zoning Appeals

Meeting Minutes - Final

121 SW Port St. Lucie
Blvd.
Port St. Lucie, Florida
34984

Shannon M. Martin, Mayor

Jolien Caraballo, Vice Mayor, District IV
Stephanie Morgan, Councilwoman, District I
Dave Pickett, Councilman, District II
Vacant, District III

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Monday, November 22, 2021

5:00 PM

Council Chambers, City Hall

1. Call to Order

A Virtual Meeting of the CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, serving as the BOARD OF ZONING APPEALS was called to order on November 22, 2021 at 5:00 p.m., at Port St. Lucie City Hall, Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

2. Roll Call

Council Members Present:

Mayor Shannon Martin

Vice Mayor Jolien Caraballo

Councilwoman Stephanie Morgan

Councilman Dave Pickett

3. Public Hearings

- 3.a** Order No. 21-13, Quasi-Judicial, Public Hearing, An Appeal to an Order of the Planning and Zoning Board Denying a Variance to Allow an Existing Self-Storage Facility to Maintain Exterior Colors That Are Not In the Approved Color Chart of the Citywide Design Standards Manual (P21-182)

[2021-967](#)

Stephen Mayer, Planning & Zoning, provided a brief background and timeline to the Board. (Clerk's Note: A PowerPoint presentation was shown at this time.) Mr. Mayer stated that notices were sent out to neighboring properties within 750 feet in September 2021, before the Planning and Zoning Hearing, and that in July 2020 the construction was completed with red doors and blue trim which had been noted

during the inspection that it was not on the approved color chart. He stated that a variance was denied by the Planning & Zoning Board in September 2020, and that the appeal was also denied in November 2020. Mr. Mayer also stated that the applicant was given 6 months to come into compliance for all elevations visible from the street, and compliance within 24 months for elevations on the remainder of the property, and that a code compliance case began in May 2021.

Attorney Stokes paused the proceeding, the City Clerk swore in the applicants, witnesses, and staff, and Mr. Mayer affirmed that all statements made up to that point were true and accurate. Mr. Mayer then continued his presentation, showing the approved colors, non-approved colors, and location maps. Mayor Martin opened the Public Hearing, and Attorney Stephen Isherwood, counsel for the applicant, stated that it was contractually required to use the unapproved color scheme in order to maintain their franchise with CubeSmart, and that this was a request to prevent an issue that they would have with the Corporation if they were forced to change the colors. He stated that the colors would not affect the businesses or uses in the immediate area, and it would allow them to remain in compliance with their franchise agreement. Attorney Isherwood stated that there was another CubeSmart in operation with the unapproved color scheme in Port St. Lucie.

Councilman Pickett asked if there was proof that they contractually had to keep the color scheme, to which Attorney Isherwood responded in the negative and stated that under oath, he could state that he had reviewed it and that they were contractually obligated. Attorney Isherwood stated that he could provide a copy of the agreement within 24 hours if it would help assist the Board. Mayor Martin stated that the issue was that they were before the Board 1 year ago and given 6 months compliance for one portion and 24 months for another portion, but there had been no movement to correct it, and that there were now code violations. She stated that she was not in support of anything other than upholding the Planning & Zoning Board's decision of denial, and that she wants to ensure that a situation like this would not happen again. Vice Mayor Caraballo stated that while doing a Google search, images are shown of various color schemes for CubeSmart, and that the testimony that was given by Attorney Isherwood was false. She stated that she would not accept this and asked Attorney Stokes for his opinion to see how they could further enforce what had already been previously done by Council.

Councilwoman Morgan asked if there were any responses to the notices that were sent out, to which Mr. Mayer responded in the negative. Councilwoman Morgan stated that she was against this as well and asked how this would affect other companies. Mayor Martin added that the company logo was not the issue, it was that they did not follow the color scheme and design standards, and nothing had changed. Attorney Stokes stated that the logo would need to be trademarked and color scheme would not be the same thing, and that as far as where they go from there, unless Council saw it fit to extend the dates previously given, the property was in violation now. He also stated that staff was planning on bringing the issue to the Special Magistrate.

Mayor Martin reiterated that she was not in support of extensions, and that if companies and businesses were not in compliance, they should be charged. Councilwoman Morgan moved to deny Zoning Appeal 21-1. Vice Mayor Caraballo seconded the motion. Mayor Martin asked about prevention of the applicant coming back again, to which Attorney Stokes responded that code allowed for them to bring it back after a year if denied, and that there was no code requirement for it to be a different application, but that they could work with Council if they wanted that and work with Planning & Zoning on the language. Mayor Martin responded that she wanted to make sure that it was addressed and that there should be stipulations, and Vice Mayor Caraballo added that they did not have to use brown, that they could use the other colors in the color scheme. The City Clerk called roll for the previously stated motion, and the motion passed unanimously by roll call vote.

Councilman Pickett moved to approve to direct staff to bring back language to amend the code regarding the Zoning Appeal 1 year time span. Vice Mayor Caraballo seconded the motion, the motion passed unanimously by roll call vote.

Councilman Pickett moved to approve agenda item 2021-967. Vice Mayor Caraballo seconded the motion. The City Clerk restated the motion as follows: to approve 2021-967. The motion passed unanimously by roll call vote.

4. Adjourn

There being no further business, the meeting adjourned at 5:23 p.m.

Sally Walsh, City Clerk

Jasmin De Freese, Deputy City Clerk