City of Port St. Lucie

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

Planning and Zoning Board

Meeting Minutes

Deborah Beutel, Chair, Term 2 Expires 6/21/25
Alfreda Wooten, Vice Chair, Term 2 Expires 5/28/27
Carol Taylor-Moore, Secretary, Term 1 Expires 9/27/25
Peter Previte, At-Large, Term 1 Expires 7/12/25
Roberta Briney, At-Large, Term 1 Expires 7/12/25
Eric Reikenis, At-Large, Term 1 Expires 11/1/26
Melody Creese, Alternate, Term 1 Expires 11/1/26
Peter Louis Spatara, Alternate, Term 1 Expires 5/8/2027

Please visit www.cityofpsl.com/tv for new public comment options.

Tuesday, November 7, 2023 | **6:00 PM** | **Council Chambers, City Hall**

Request to Table Item 8A and 8E

1. Meeting Called to Order

   A Regular Meeting of the Planning and Zoning Board of the City of Port St. Lucie was called to order by Chair Beutel at 6:00 PM on November 7, 2023, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Florida.

2. Roll Call

   Members Present:
   Deborah Beutel, Chair
   Alfreda Wooten, Vice Chair
   Carol Taylor-Moore, Secretary
   Peter Previte
   Eric Reikenis
   Melody Creese (via Zoom)

   Members Not Present:
   Roberta Briney

   Others Present:
   Nicole Fogarty, St. Lucie County School Board

3. Determination of a Quorum

   Chair Beutel confirmed there was a quorum.

4. Pledge of Allegiance

Chair Beutel led the assembly in the Pledge of Allegiance.

5. Approval of Minutes

5.a Approval of Minutes - October 3, 2023 **2023-1016**

There being no corrections, Vice Chair Wooten moved to approve the minutes of the October 3, 2023, Planning and Zoning Board meeting. Secretary Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

6. Consent Agenda

There was no Consent Agenda to approve.

7. Public Hearings - Non Quasi-Judicial

7.a P23-182 City of Port St. Lucie - Large Scale Comprehensive Plan Text Amendment to the Transportation Element - Mobility **2023-1019**

This is a City initiated large scale text amendment to the Transportation Element of the City Comprehensive Plan to add a goal, objectives and policies regarding the implementation of the 2045 Mobility Plan.

Bridget Kean, Planning and Zoning, provided a PowerPoint presentation on this Large Scale Comprehensive Plan Text Amendment for the City of Port St. Lucie. She reviewed the request, spoke to the transportation element, and discussed the project background and mobility fee. Ms. Kean also provided an overview of the 2045 Mobility Plan, proposed amendment, and analysis. She indicated the Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Board Member Reikenis moved to recommend approval of P23-182, City of Port St. Lucie Large Scale Comprehensive Plan Text Amendment to the Transportation Element - Mobility. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

7.b P23-187 A City Initiated Text Amendment to Title XI - Business Regulations, Chapter 110.02 **2023-1022**

This is a request to amend Section 110.02 ‘Proximity to religious institution or school’.

Marisa Da Breo-Latchman, Planning and Zoning, provided a PowerPoint presentation on this city initiated text amendment to Title XI, Business Regulations, Section 110.02. She reviewed the request and proposed amendment. Marisa Da Breo-Latchman indicated the purpose of the text amendment is to clarify how the required separation of 1,500 feet is measured, between a multi-use commercial building or plaza and religious institutions or schools, and determined for establishments that sell alcohol. She stated the Planning and Zoning Department finds the proposed text amendment to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.

Mary Savage-Dunham, Director, Planning and Zoning, added that they were clarifying and not changing the City's code. She explained the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit where the alcoholic beverages vendor is located and the outermost wall of the religious institution or school.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Vice Chair Wooten moved to recommend approval of P23-187, a City Initiated Text Amendment to Title XI , Business Regulations, Chapter 110.02. Secretary Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

Meeting went into recess at 6:17 PM and reconvened at 6:21 PM.

(Clerk's Note: Board Member Creese joined the meeting via Zoom at this time.)

7.c P23-134 Toscana SLC, LLC - Small-Scale Comprehensive Plan Amendment **2023-1018**

Location: 9871 S US Highway 1, south of Lyngate Drive and on the west side of US Highway 1

Legal Description: Second Replat of Tract E South Port St Lucie Unit 15, Tract 3.

This is a request to change the future land use designation of a 1.55 acres property from High Density Residential/General Commercial/Open Space-Conservation (RH/CG/OSC) to High Density Residential/Service Commercial (RH/CS).

Bethany Grubbs, Planning and Zoning, provided a PowerPoint presentation on this Small-Scale Comprehensive Plan Amendment. She indicated the agent is Patti Tobin with HJA Design Studio and the applicant/property owner is Toscana SLC, LLC. Ms. Grubbs stated the request is to change the Future Land Use Map from High Density

Residential/Commercial General/Open Space Conservation (RH/CG/OSC) to High Density Residential/Service Commercial (RH/CS). She explained the difference between Future Land Use and Zoning. Ms. Grubbs showed the location of the subject property, surrounding uses, and Community Redevelopment Agency (CRA) Boundary Map. She noted the project was reviewed for adequate facilities and there would be no net change in traffic trips. Ms. Grubbs indicated the amendment was not consistent with the Comprehensive Plan and reviewed the policies that were not supported. She stated the amendment is also not consistent with the CRA Plan's goals and objectives. Ms. Grubbs indicated the Planning and Zoning Department recommends denial of the proposed Comprehensive Plan amendment.

Agent Patti Tobin, HJA Design Studio, provided a PowerPoint presentation and showed the location of the site, the 252 multi-family units adjacent to the property, and the proposed building. She reviewed the City's goals of the Comprehensive Plan and explained this project will meet the needs of current and future residents. Agent Tobin noted the Board was provided a marketing analysis identifying the need for self-storage and reminded everyone that this is a small 1.55 acre site. She stated the project will not adversely impact the revitalization of the City's CRA, noted it is mixed-used and not a warehouse, and discussed how it will benefit the City as well as the residents nearby.

Board Member Previte questioned the square footage of office and retail. Applicant Tobin stated it was 1,800 square feet for the self-storage office and 3,000 square feet for retail. Board Member Previte asked if the 255 units were in favor of the storage facility, to which Agent Tobin explained the development did not oppose the storage facility as they were planning eateries and shops for the 0.77 acres located on the north side.

Secretary Taylor-Moore inquired as to what made the land use incompatible. Ms. Grubbs stated Commercial Service is not located along US-1 and explained it is primarily Planned Unit Development (PUD) or Commercial General for a reason.

Chair Beutel commented on and questioned the other storage facilities in the City. Ms. Grubbs noted that storage facilities are only allowed in service commercial areas and are permitted by right. Chair Beutel stated the building being proposed is beautiful and fulfills a need. She expressed that some of the City's categories are antiquated and a need to change as the City changes.

Secretary Taylor-Moore asked if this was approved today, what other amendments would need to come before this Board. Ms. Grubbs stated the PUD amendment would need to be brought before the Board to align it with the use of service commercial. She reminded everyone that once the land use is changed, it is open to all uses in Commercial Service, not just self-storage. Chair Beutel asked if they could restrict it, to which Ms. Grubbs stated they could not restrict a land use with a rezoning change. Agent Tobin indicated it could be restricted within the PUD.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

Jennifer Davis, Director, Community Redevelopment Agency, spoke to the CRA's perspective of encouraging new development and redevelopment within the corridor. She added they are not in support of this use fronting US-1, as they would like something more in line with the retail uses beyond the 3,000 square feet proposed in the application.

Chair Beutel inquired as to when they will start seeing changes at the City Center. Ms. Davis stated with the Master Plan potentially being adopted by Council at the end of November, several developers have shown interest, so development could start next year.

Chair Beutel questioned whether a professional provided their perspective to the City with regard to the CRA redevelopment and this project. Ms. Davis explained that every development application that comes through Planning and Zoning is checked by the CRA for consistency with the plan, initiatives, etc.

Secretary Taylor-Moore inquired as to what other uses would be allowed if this request was approved today. Ms. Grubbs and Ms. Savage-Dunham recited the service commercial land uses listed in the City's code.

Agent Tobin advised that the applicant has provided the PUD to staff and is working on the responses. She stated the only use listed in the document is self storage building, which can be regulated through the PUD.

The Board discussed their thoughts and concerns regarding the storage facilities and service commercial versus retail shops. There being no further discussion, Board Member Reikenis moved to recommend approval of P23-134, Toscana SLC, LLC, Small-Scale Comprehensive Plan Amendment. There being no second, the motion failed. Board Member Previte moved to recommend denial of P23-134, Toscana SLC, LLC, Small-Scale Comprehensive Plan Amendment. Secretary Taylor-Moore seconded the motion, which passed by roll call vote, with Chair Beutel and Board Member Reikenis dissenting.

8. Public Hearing - Quasi-Judicial

Senior Deputy City Attorney Elizabeth Hertz explained the Quasi-Judicial rules and procedures for the items under Section 8 of the Agenda.

8.a P23-130 Chick-Fil-A @ SLW - Variance **2023-1021**

Location: 1611 NW St. Lucie West Boulevard.
Legal Description: Parcel I: Lot 1, St. Lucie West Plat No. 194, According to The Map or Plat Thereof, As Recorded in Plat Book 73, Pages 19 And 20, of The Public Records of St. Lucie County, Florida.
Parcel II: Together With Those Certain Non-Exclusive Easements Contained in That Certain Access Easement Agreement by And Between Bank of America, National Association and RG SLW, LLC, Recorded in Official Records Book 4136, Page 1291, of The Public Records of St. Lucie County, Florida.
This is a request to grant a variance of a reduction in the required parking spaces to allow for an addition of a second lane to the existing queuing drive-through lane.

Chair Beutel indicated there was a request to table this item to the December 5, 2023, Planning and Zoning Board meeting.

There being no discussion, Board Member Previte moved to table P23-130, Chick-Fil-A @ SLW - Variance, to the December 5, 2023, Planning and Zoning Board meeting. Board Member Reikenis seconded the motion, which passed unanimously by roll call vote.

8.b P23-133 Saint Lucy Properties, LLC. - The Malachi Academy - Special Exception Use (Application Withdrawn) **2023-1040**

Location: On the south side of NW University Boulevard, west of the roundabout on NW California Boulevard and east of Piazza Drive.
Legal Description: University Park, St. Lucie West Plat No. 143, second replat in Parcel 21D, Lot 7
This is a request for a special exception use to allow a private school.

Chair Beutel indicated this application was withdrawn from the Agenda.

(Clerk's Note: Senior Deputy City Attorney Hertz advised the Board that a motion was not required to withdraw this item.)

8.c P23-149 Omega Baptist Church of Pentecost Inc. - Rezoning **2023-898**

Location: East of Port St. Lucie Boulevard., between SW Aster Rd. & SW Greco Ln.
Legal Description: Port St. Lucie, Sec. 5, Blk. 1662, Lots 9, 10, 11, 15, & 16
This is a request to rezone the property from Institutional to

Professional Zoning.

Bianca Lee, Planning and Zoning, stated she was sworn in and the official City record was transmitted to the Clerk's Office at least five days prior to this meeting. She asked that the file be entered into the record.

Ms. Lee provided a PowerPoint presentation on the rezoning request from Omega Baptist Church of Pentecost, Inc. She indicated the applicant is Roberto Urbina of URB Design Group, LLC, who is the agent for the property owner. Ms. Lee reviewed the request and the background of the subject property to be rezoned from Institutional to Professional. She showed the location of the subject property, future land use, and surrounding uses. Ms. Lee stated the property is in compliance as required but noted a buffer will need to be added to screen it from adjacent residential uses. She indicated the Planning and Zoning Department staff recommends approval of the rezoning request.

At this time, Chair Beutel inquired if the Board had any ex parte communications, to which the members indicated they had none to report.

Chair Beutel stated this section of Port St. Lucie Boulevard has had a lot of fatalities and asked how they were going to make this area safer, when they were now adding a proposed use. Ms. Lee explained this concern was not reviewed with the rezoning request, as it would come up at the Site Plan review process where traffic statements are reviewed by the Pubic Works Department, etc. She indicated there have been discussions at previous meetings about traffic and traffic studies, and she believes something will be brought forward in the near future to address some of the issues.

Board Member Previte asked about the parking requirement for churches. Ms. Lee stated it was based on the assembly area and that information has not yet been received.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

The applicant indicated he did not wish to speak.

There being no further discussion, Vice Chair Wooten moved to recommend approval of P23-149, Omega Baptist Church of Pentecost, Inc. - Rezoning. Secretary Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

8.d P23-162 Scarcella, Mirko - Variance **2023-1017**

Location: 1856 SW Kimberly Ave

Legal Description: Port St. Lucie Section 20, Block 314, Lot 8
This is a request for a variance of 3.4 feet to allow a 6.6-foot side yard setback for an existing outdoor kitchen and barbecue.

At this time, Chair Beutel inquired if the Board had any ex parte communications, to which the members indicated they had none to report.

Francis Forman, Planning and Zoning, stated he was sworn in and the official City record was transmitted to the Clerk's Office at least five days prior to this meeting. He asked that the file be entered into the record. Mr. Forman provided a PowerPoint presentation on the Scarcella, Mirko - Variance for an encroachment into the side yard for an outdoor kitchen and grill. He indicated the applicant is Mirko Scarcella, who is the property owner. Mr. Forman showed the location of the subject property and stated it was a single family residence. He reviewed staff's findings and explained the owner claims they were provided incorrect information by the City.

Vice Chair Wooten inquired if the City created a hardship for this resident. Mr. Forman stated the information was provided by a different department.

Board Member Reikenis asked if there was any documentation to prove the Building Department provided the owner with the wrong information. Mr. Forman indicated there was nothing in writing. He explained the owner came to pull a permit when they were notified by the City something was wrong. He noted the work was done prior to the permit.

Applicant/Owner Scarcella indicated it was not an outdoor kitchen because there was no plumbing, just electrical which passed inspection and was approved. He explained the process he went through with the City to pull a permit, as he was told inconsistent information on separate occasions regarding the setback requirements to build a barbecue. He showed the Board pictures of the concrete barbecue structure and responded to the Board's questions. (Clerk's Note: The applicants/owners for this item were sworn in with staff.)

The Board discussed the placement of the electrical outlet and Ms. Hernandez, the owner's wife, indicated the plug was not located in the easement.

Board Member Creese asked what the concern or risk was for using this space. Mr. Forman explained the variance is per code for a setback for a side yard, as the owner is in the setback. Board Member Creese also inquired if there was a reason to doubt the owner's explanation. Mary Savage-Dunham, Director, Planning and Zoning, responded and stated it is possible that the wrong information was provided to the applicant. She stated staff did not take a position on this and is leaving it to the Board's discretion.

Applicant Scarcella showed the Board a copy of the survey that shows 10' x 6'. The Board indicated the survey was included with their packet of information.

Chair Beutel opened Public to be Heard:

1. Sandy Fleuriot, 1885 SW Del Rio Boulevard, stated he was with the Church located behind the subject property and inquired if the owner was encroaching on the church's property. Chair Beutel indicated the encroachment was on the owner's property.

There being no further comments, Chair Beutel closed Public to be Heard.

The Board agreed that this sounds like a case of miscommunication or misunderstanding. Secretary Talyor-Moore stated this is a structure that does not encroach on anyone else's property, it has caused some hardship to the homeowner, it does not cause any harm to the community, and it is a variance they can approve as a Board.

There being no further discussion, Secretary Taylor-Moore moved to approve P23-162, Scarcella, Mirko - Variance. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

8.e P23-170 Western Grove DRI - 4th Amendment - Map H Amendment **2023-1020**

Location: The property is generally located south of the future extension of Crosstown Parkway, north of the future extension of SW Discovery Way, east of Range Line Road and west of SW Community Boulevard.

Legal Description: A parcel of land lying in Sections 5, 6, 7, 8, 17 and 18, Township 37 South, Range 39 East.

This is an application for the 4th Amendment to the Western Grove DRI to modify Map H, the master development plan.

Chair Beutel indicated there was a request to table this item to a date uncertain.

There being no discussion, Board Member Reikenis moved to table P23-170, Western Grove DRI - 4th Amendment - Map H Amendment to a date uncertain. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

8.f P23-177 2300 Veterans Highway, LLC. - Rezoning **2023-1036**

Location: On the northwest corner of Rivergate Parkway and west of SE Veterans Memorial Parkway.
Legal Description: Rivergate Office Plaza- First Replat- Lot 1.
This is a request to rezone from Planned Unit Development (PUD) zoning district to General Commercial (CG) zoning district.

Chair Beutel inquired if the Board had any ex parte communications, to which the members indicated they had none to report.

Bianca Lee, Planning and Zoning, stated she was sworn in and the official City record was transmitted to the Clerk's Office at least five days prior to this meeting. She asked that the file be entered into the record. Ms. Lee provided a PowerPoint presentation on the rezoning request for 2300 Veterans Highway, LLC, from Planned Unit Development to General Commercial. She indicated the owners are 2300 Veterans Highway, LLC, and the applicant is HJA Design Studio - Michael Houston.

Ms. Lee showed the location of the subject property as well as the surrounding uses. She stated the proposed rezoning is in compliance and compatible as required by the Comprehensive Plan. Ms. Lee indicated the Planning & Zoning Department staff recommends approval of the rezoning request.

Applicant Patti Tobin, HJA Design Studio, stated she appreciated staff's recommendation and had no presentation.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Vice Chair Wooten moved to recommend approval of P23-177, 2300 Veterans Highway, LLC - Rezoning. Board Member Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

8.g P23-178 Ceppetelli - Rezoning **2023-1013**

Location: Southeast corner of SW Port St. Lucie Boulevard and SW McCall Road.
Legal Description: Port St. Lucie Section 21, Block 2084, Lots 1, 2 and 3
This is a request to rezone 0.76 acres of land from Institutional (I) to Multi-Family Residential (RM-5) Zoning District.

Marissa Da Breo-Latchman, Planning and Zoning, stated she was sworn in and the official City record has been transmitted to the Clerk's Office at least five days prior to this meeting and asked that it be entered into the record. She provided a PowerPoint presentation on the rezoning request for vacant land owned by Holiday Builder, Inc. (fka Kirsten Ceppetelli) from Institutional to Multi-Family Residential. Ms. Breo-Latchman showed the location of the subject property as well as the surrounding uses. She stated the proposed rezoning is in compliance and compatible as required by the Comprehensive Plan. Ms. Lee indicated the Planning and Zoning Department staff recommends approval of the rezoning request.

At this time, Ms. Breo-Latchman explained that the owner of the property changed in the middle of this process and she was unsure if the new property owner was in attendance. She stated she has not contacted the new owner, because the Property Appraiser has not updated their information. Chair Beutel recommended that this item be tabled to a date uncertain.

There being no further discussion, Board Member Previte moved to table P23-178, Ceppetelli - Rezoning, to the December 5, 2023, meeting of the Planning and Zoning Board. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

9. New Business

Chair Beutel stated that last month the Board was informed of the new General Boards and Committees Operating Procedures and asked if the Planning and Zoning Board would still entertain variances, to which Mary Savage-Dunham, Director, Planning and Zoning, responded in the affirmative.

The Board and staff discussed their concerns and options to prevent miscommunication and variance issues from happening in the future. Board Member Previte inquired about the Plan Review process and suggested that a written guide or packet be made available to residents for property improvements. Chair Beutel stated that a log should be kept by the Building Department for discussions with residents. She also recommended that the Building Department representative who attends the Planning and Zoning Board meetings be informed and aware of the cases being heard at the meeting. Board Member Reikenis echoed the comments of the other Board members. Nicole Fogarty, St. Lucie County School Board, suggested utilizing the City's Code Enforcement Board.

Regarding the Board's recommendation for the City to provide a packet of specifications / documents to residents for variances or any other requests, and to keep a log of such discussions, Mary Savage-Dunham, Director, Planning and Zoning, stated she would look into it, take it under advisement, and report back to the Board.

At this time, Vice Chair Wooten thanked the Board members for working together as a team, read her concerns and comments into the record, thanked staff for their hard work, and officially resigned as the Vice Chair from the Planning and Zoning Board. Chair Beutel also expressed her concerns regarding the new operating procedures and indicated the December 2023 meeting of the Planning and Zoning Board would be her last meeting. Secretary Taylor-Moore spoke to not feeling valued or respected when the new operating procedures were being presented and stated she has not decided if she will continue to serve on the Planning and Zoning Board. Board Member Previte stated he did not agree with some of the new procedures and the turnover in members is a concern. Board Member Reikenis indicated the new procedures will have long-term implications for the City, if the new members are not experienced, and be expensive for the developers.

10. Old Business

11. Public to be Heard

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

12. Adjourn

There being no further business, the meeting was adjourned at 8:19 PM.

____

Carol Taylor-Moore, Secretary

____

Traci Mehl, Deputy City Clerk