

City of Port St. Lucie
Planning and Zoning Board
Meeting Minutes - Final

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

Tuesday, October 4, 2022

6:00 PM

Council Chambers, City Hall

1. Meeting Called to Order

A Regular (Virtual) Meeting of the PLANNING AND ZONING BOARD of the City of Port St. Lucie was called to order by Chair Beutel at 6:02 p.m., on October 4, 2022, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Council Chambers, Port St. Lucie, Florida.

2. Roll Call

Members Present:

Deborah Beutel, Chair

Alfreda Wooten

Peter Previte

Joseph Piechocki

Carol Taylor-Moore

Roberta Briney (arrived at 6:03 p.m.)

Others Present:

Mary Savage-Dunham, Planning & Zoning Director

Elizabeth Hertz, Deputy City Attorney

Jasmin De Freese, Deputy City Clerk

3. Determination of 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 - September 6, 2022

[2022-860](#)

There being no corrections, Vice Chair Wooten moved to approve the minutes. Secretary Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

6. Consent Agenda

There was nothing to be heard under this item.

7. Public Hearings - Non Quasi-Judicial

There was nothing to be heard under this item.

8. Public Hearing - Quasi-Judicial

The Deputy City Attorney read the Quasi-Judicial Rules into the record for Items 8a through 8f, and the Deputy City Clerk swore in staff and applicants.

8.a P14-095-A1 Midway Business Park Master Sign Program

[2022-826](#)

Amendment

Location: South of Midway Road and just east of Interstate 95

Legal Description: Parcels of land lying within Sections 1, 2, and 11, Township 36 South, Range 39 East, St. Lucie County, Florida.

This is a request from Trea Midway Road LLC to amend the Master Sign Program for Midway Business Center. The proposed amendment to the program is to provide updated criteria that will allow opportunity for new and amended signage for existing and future parcel owners within the Midway Business Park area.

Chair Beutel inquired if there was any ex-parte communication, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint presentation was shown at this time.) Daniel Robinson, Planner, presented to the Board and stated that the project was previously approved with conditions, but there had been updates to the program with small changes, and that the proposed amendment to the program was to provide updated criteria that would allow opportunity for new and amended signage for existing and future parcel owners within the Midway Business Park area. Liam Sargent, Kimley-Horn, represented the applicant and stated that he was present for any questions and had been sworn in.

Chair Beutel opened the Public Hearing and resident Steve Carroll spoke briefly and stated that he did not think a sign was needed. There being no further public to be heard, Chair Beutel closed the Public Hearing.

There being no discussion, Mr. Previte moved to approve P14-095-A1 Midway Business Park Master Sign Program Amendment to the City Council. Ms. Briney seconded the motion, which passed unanimously by roll call vote.

8.b P22-131 John M. & Arlene Wangle - Variance

[2022-467](#)

Location: 140 SE Rio Angelica

Legal Description: Tesoro Plat No. 4, Lot 107

This is a request to grant a variance of 2.69 feet to allow a 0.31-foot setback from the rear property line for an existing screen enclosure.

Chair Beutel inquired if there was any ex-parte communication, to which the Ms. Briney, Chair Beutel, Vice Chair Wooten, Secretary Taylor-Moore, and Mr. Previte responded in the negative, and Mr. Piechocki responded in the affirmative.

(Clerk's Note: Planner Bianca Lee appeared via Zoom.)

(Clerk's Note: A PowerPoint presentation was shown at this time.)
Bianca Lee, Planner, stated that this was originally brought before the Board in June, but it was tabled to August, and after that the applicant requested it be tabled. She stated that the request was for a variance to allow for a 0.31-foot setback from the rear property line for a pool deck and screen enclosure.

(Clerk's Note: A PowerPoint presentation was shown at this time.)
Nicholas Gieseler, attorney for Bartlett, Loeb, Hinds, & Thompson PLLC, presented to the Board and gave a history of the structure and request. He provided standards as for why the Board would be compelled to grant the variance which were: Special Conditions & Circumstances, Not a Result of Actions by the Applicant, No Special Privileges for the Applicant, Undue Hardship, Minimum Variance, Not Injurious to Area, Compliance With Conditions. Attorney Geisler then had the property owner, John Wangler, authenticate the photos that were presented.

Mr. Piechocki asked if there was a permit issued for the pool, to which Ms. Lee responded in the affirmative. Mr. Piechocki asked if it was the subsequent structure that never had the permit applied for on a timely basis or approved, to which Mr. Wangler replied that the two were together at one time, but were split when the problems arose, stating that his Notice of Commencement had expired which was when he was informed to get a new one for the screen enclosure. Ms. Lee stated that the enclosure permit was currently in a failed status.

Chair Beutel stated that in the beginning of the presentation there was a claim that there was no difference between asking for a variance now or prior to, to which she disagreed since the applicant was claiming undue hardship. Attorney Gieseler stated that it was clear that if the application did not meet the requirements, the structure could be torn down, but that what was being referenced for undue hardship was not that it was already built, but the unique geography of the property which made it so that he needed a screen enclosure even though there was

no room for a pool or enclosure without reaching into the setbacks. Mr. Piechocki asked why the pool was not put back further, to which Attorney Gieseler replied that he did not think it could be done as the pool was already designed to minimize space.

Mr. Previte asked if a permit was applied for before the structure was built, to which Ms. Lee replied that it would have been submitted to the Building Department, but the only reason it came before them was because the Planner realized that it was in violation of the Tesoro PUD, so they had advised the applicant to seek a variance.

Chair Beutel opened the Public Hearing. Albert Moore, attorney for Tesoro POA, stated that statements made by Attorney Gieseler had been inaccurate and he discussed items from the previous meeting as well spoke on the statements of the presentations.

Resident Joseph Calabria spoke to the Board in support of approval for the variance. Resident Steve Carroll stated that he did not see the harm in approving the variance. (Clerk's Note: The clerk swore in resident Anthony Mickle at this time. Mr. Mickle appeared via Zoom.) Mr. Mickle expressed his support of the variance.

There being no further public to be heard, Chair Beutel closed the Public Hearing. There being no further discussion, Mr. Piechocki moved to deny P22-131 John M. & Arlene Wangle - Variance. Mr. Previte seconded the motion, which failed by roll call vote with Mr. Piechocki, Mr. Previte, Ms. Briney, and Vice Chair Wooten in favor of the denying the variance, and Chair Buetel and Secretary Taylor-Moore in opposition of denying the variance. Therefore, the item failed.

8.c P22-178 Up On Top Volleyball - Variance

[2022-545](#)

Location: The property is located at the southeast corner of NW East Torino Parkway and NW Rabbit Run.

Legal Description: Winterlakes Tract F Replat, Tract F1.

This request is to grant a variance to the Citywide Design Standards Section 5.4.1.1 to eliminate the requirement that buildings with flat roofs have peaked or pitched roof elements along 25% of the front and sides.

There being no discussion, Mr. Previte moved to table P22-178 Up On Top Volleyball – Variance to an unknown date. Ms. Briney seconded the motion, which passed unanimously by roll call vote.

8.d P22-267 - Reyes, Ismael & Mayerlyn Variance

[2022-866](#)

Location: 2707 SW Onaway Ave.

Legal Description: A portion of Lot 16, Block 1814, Port St. Lucie
Section 35

This is a request to grant a variance of 3.82 feet to allow a 6.18-foot setback from the west property line for a proposed single-family residence.

Chair Beutel inquired if there was any ex-parte communication, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint presentation was shown at this time.)
Francis Forman, Planner, presented to the Board and stated that the request was to allow a 6.18-foot setback from the western property line for a future single-family residence, and that if the variance was granted it would be considered the minimum variance that would make the reasonable use of land possible.

Applicant Mayerlyn Reyes stated they also owned the property that the additional footage would be taken from, and that when they had initially separated the properties, they did not know it would negatively impact them. Ismael Reyes stated that they would like this request granted so that they could have it look nice for the community.

Chair Beutel opened the Public Hearing. There being no public to be heard, she closed the Public Hearing. There being no discussion, Mr. Piechocki moved to approve P22-267 Reyes, Ismael & Mayerlyn Variance. Secretary Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

8.e P22-271 460 Peacock Business Center @ St. Lucie West -
Variance

[2022-864](#)

Location: 460 NW Peacock Boulevard

Legal Description: Lots 1-3, Block 3, St. Lucie West Plat No. 1

The request is for a variance to allow 19 freestanding air conditioning condensing and compressor units to be located along the front of the building, facing NW Peacock Boulevard.

Chair Beutel inquired if there was any ex-parte communication, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint presentation was shown at this time.)
Stephen Mayer, Planner, stated that he was sworn in and that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. He presented to the Board and stated that the request was to allow 19 freestanding air conditioning condensing and compressor units to be located along the

front of building #2 of the Peacock Business Center.

Chair Beutel asked how they had updated the City Code before to allow A/C locations to be in the front with maintaining proper screening in light industrial, to which Mr. Mayer replied that they had provided a recommendation to the Planning & Zoning Board, who then provided the recommendation to City Council, but it was denied and made to leave the code as status quo. Ms. Savage-Dunham stated that it was determined that each case was different, so it was left as-is to be able to be heard on a case-by-case basis.

Brad Currie, EDC, stated that all 3 of the facilities of the owner were built the same way, and after looking at the buildings it was determined that the front was the best place for the A/C Units. He also stated that Port St. Lucie projects had 3 layers of landscaping. Mr. Piechocki clarified that the landscaping would be planted at 24 inches and grow to 36 inches, to which Mr. Currie responded in the affirmative.

Chair Beutel opened the Public Hearing. There being no public to be heard, she closed the Public Hearing. The Board and Attorney Hertz discussed if they would need a condition for the landscaping requirement, and Mr. Currie stated that the 3-layer landscaping that was previously outlined was code required. Ms. Savage-Dunham stated that if the Board wished to have the shrubs maintained and at no more than 36 inches in height, they would want to condition that.

There being no further discussion, Vice Chair Wooten moved to approve P22-271 460 Peacock Business Center @ St. Lucie West – Variance with the condition that the shrubbery is installed at 36 inches to cover the A/C unit. Mr. Piechocki seconded the motion, which passed unanimously by roll call vote.

8.f P22-272 Katz Residence at Vizcaya Falls - Pool Variance

[2022-865](#)

Location: 1831 NW Cataluna Circle

Legal Description: Vizcaya Falls Plat 2, Block C, Lot 15

This is a request to grant a variance of two (2) feet to allow a rear yard setback of five (5) feet for the pool edge of water of a proposed pool.

The Villa Vizcaya PUD requires a rear yard setback of seven (7) feet to the pool edge of water.

Chair Beutel inquired if there was any ex-parte communication, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint presentation was shown at this time.)

Stephen Mayer, Planner, stated that he was sworn in and that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. He stated that the request was to reduce the rear setback to the pool edge of the water by 2 feet, going from 7 feet to 5 feet, and that the proposed pool would not have a screen enclosure which normally had a setback of 5 feet. He stated that there were no special conditions and circumstances that existed with the residential lot, however, the rear of the lot bordered a Vizcaya Falls Master HOA open space tract which separated the lot from the community entrance, and that the open space tract would not be developed as it served as a buffer and would create a unique circumstance to the rear of the subject lot. He also informed that all residential lots within the Vizcaya Falls PUD were required to provide a minimum setback of 7 feet from the edge of water of a pool to the rear property line.

(Clerk's Note: A PowerPoint presentation was shown at this time.) Dan Sorrow, Coteleur & Hearing, presented to the Board and provided site data as well as elaborated on the request. He clarified that if the variance were to be granted, and the applicant wished to add a screen enclosure in the future, they would not need to request a new variance.

Chair Beutel opened the Public Hearing. Steve Carroll asked what the difference was between this project and the project heard earlier of similar nature. There being no further public to be heard, Chair Beutel closed the Public Hearing. Chair Beutel stated that the difference was that the HOA would amend their application if it was economically feasible, but it was not in this case, so it was easier to request it in this manner.

There being no further discussion, Mr. Previte moved to approve P22-272 Katz Residence at Vizcaya Falls - Pool Variance. Ms. Briney seconded the motion, which passed unanimously by roll call vote.

9. New Business

Mr. Piechocki stated that Site Plan Review Committee only met once in September due to City Hall being closed for Hurricane Ian, so he would reserve reporting on the September and October projects until the December Planning & Zoning meeting.

10. Old Business

Chair Beutel stated that a comment had been made at the previous meeting that stated that the transmission substation for FPL was unlocked and unsafe, and Vice

Chair Wooten stated that she visited the location after that meeting to check and the site was locked.

Mr. Piechocki asked if next time staff could give a brief presentation on how they benchmark against/compared to the studies in terms of each project and its eventual congestion contribution to Port St. Lucie and asked if it was reviewed periodically or updated with the Comprehensive Master Plan. Ms. Savage-Dunham stated that she could gather information, and that the Engineering Department did review the traffic studies that come in and reports were provided with the projects. Mr. Piechocki asked if the City eventually aggregated/benchmarked against a higher level plan when the Traffic Engineer does a site specific study, to which Ms. Savage-Dunham replied that she would ask Public Works.

Chair Beutel stated that at the last meeting they were told that applicants send out the notices, to which Ms. Cox clarified that it was Staff that sends them out, not the applicants. Chair Beutel asked how it was made sure that the notices were being sent out. (Clerk's Note: the reply was inaudible.) Chair Beutel asked if they could approve the code at some point, to which Ms. Savage-Dunham replied that they could always revise the code, and that they could do things to facilitate the notices. She also stated that there were different tools to implement outreach, but that it was not in the code and not required. Chair Beutel asked if notices were resent if the item was delayed, to which Ms. Savage-Dunham replied that they are made aware that the items are on the agenda, and that they were not required to re-notice, but they made it a practice to re-notice so that interested parties could come in. Mr. Previte discussed potentially using a text message system or other additional forms of outreach.

11. Public to be Heard

Mr. Carroll discussed traffic and traffic studies and announced that he had submitted a study to the Attorney General for fraud.

12. Adjourn

There being no further business, the meeting adjourned at 7:47 p.m.

Carol Taylor-Moore, Secretary

Jasmin De Freese, Deputy City Clerk