

**CITY OF PORT ST. LUCIE
BOARD OF ZONING APPEALS MEETING MINUTES
NOVEMBER 21, 2011**

A 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 21, 2011, at 1:30 p.m., at PORT ST. LUCIE CITY HALL, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

1. CALL TO ORDER

2. ROLL CALL

Council Members

Present:

Mayor JoAnn M. Faiella
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
Councilman Jack Kelly
Councilwoman Shannon M. Martin

Others Present:

Jerry A. Bentrrott, City Manager
Pam E. Booker Hakim, Senior Assistant City
Attorney
Daniel Holbrook, Planning and Zoning Director
Gregory J. Oravec, Asst. City Manager/CRA
Director
Karen A. Phillips, City Clerk
Sally Walsh, Records Analyst

3. PUBLIC HEARING - ZONING APPEAL 11-4, APPEAL THE DECISION OF THE PLANNING & ZONING BOARD OF OCTOBER 4, 2011, TO DENY GRANTING A VARIANCE REQUEST FOR SIGNAGE WITH GREATER THAN THE PERMITTED MAXIMUM SQUARE FOOTAGE AND MAXIMUM LETTER HEIGHT, CHAPTER 155, CITY OF PORT ST. LUCIE SIGN CODE, SAVE-A-LOT FOOD STORE, P11-113

Mr. Holbrook said, "This is a variance application that went before the Planning and Zoning Board on October 4, 2011. The applicant is Mineola Signs and the owner is EXT, LLC. The subject property is located in the Town Center shopping center along US 1. The zoning is General Commercial and the existing use is retail space, which is currently a vacant food store. The initial variance was to request six variances to the Sign Code. To simplify the original request and be closer to what Code allows their appeal to the Clerk's office included modifications. Staff prepared a table that shows the comparison, which was distributed to you. Of the six initial requests three of them will be going away. They are only going forward with three variance requests. Initially, the Planning and Zoning Board found it to be inconsistent with the Zoning Code and variance criteria and recommended denial."

Councilwoman Berger said, "I have read the minutes, but has there been any further conversation about being consistent with the rest

of the market that was there?" Mr. Holbrook replied, "I have not had any with the applicant. There have been approvals in the past that were approved prior to the Zoning Code update, which was approved by the Council in March 2010. Because of the change in the Code, depending on the time of approval, some of the signs will look different in size and character."

Mayor Faiella opened the Public Hearing.

JESUS ROLON said, "I have some pictures here for all of you to look at. I am the construction manager for Save-a-Lot food stores. I would like to start by mentioning that Save-a-Lot offers the community a variety of products at a reduced price. On average, our prices are about 40% less when compared to other national retailers. Save-a-Lot does not run a number of radio or TV ads, which is one of our ways of keeping our prices low. Save-a-Lot depends on not only word of mouth, but also the right location, good visibility, and the right signage to promote our business. Save-a-Lot is concerned that by not having visible signage on the building, we are at risk for not having long term success at this location. We have complied with the Sign Code by installing a 24" sign; however, as you can see by the pictures that were provided, the words cannot be recognized or read even from the edge of our parking lot. We would like the committee to know that we are a food store as opposed to a furniture store or clothing store. This is our first store in Port St. Lucie, so many people do not know who or what we are. We believe that by having a larger sign it will help the community to know that we are a grocery store. As our business grows we will also be able to expand into other areas within Port St. Lucie. We are requesting that you allow us to put up a four-foot tall sign. This size sign will allow us the same distinction that the signs allow to our neighboring stores. Keep in mind that only the letter 's' on the word 'Save' will be four-feet high. The other letters will all be smaller. By making the other letters smaller, the words 'food store' will be larger making it easier for the community to identify us. We believe our sign will enhance our store and let the community know we are here to serve them, and it will blend in with all of the other signs in the shopping center. We are aware of other variances that have been greater through the Planning and Zoning Department and request that you do the same for Save-a-Lot. We are asking you to grant a twenty four inch increase for the letter 'S' and a twelve inch increase for the letters 'a,v,e'. The 'a-Lot' and 'food stores' will be twenty-four inches, which is within the City Code. We are only requesting a reasonably sized sign that can be read from the street."

There being no further comments, Mayor Faiella closed the Public Hearing.

Councilman Kelly said, "This is in my district and over the years we have had a number of requests for variances. I have turned down

most of them because I like to treat everyone the same. I am going to support this one. They changed their request from a very large sign and they have scaled that down. The pictures that are provided show the story. You can't even make out the name of the business from the road. I want their business to be successful so I will be supporting this one." Councilwoman Berger stated, "I agree."

Councilman Kelly **moved** to approve Zoning Appeal 11-4. Councilwoman Berger **seconded** the motion. Vice Mayor Bartz stated, "I went by the location yesterday and they are correct, you cannot see the signage. I literally had to drive store to store to find it. I will also be supporting this request." The City Clerk restated the motion as follows: for approval of the Zoning Appeal request for Zoning Appeal 11-4. The motion **passed unanimously** by roll call vote.

4. **PUBLIC HEARING - ZONING APPEAL 11-5**, APPEAL THE DECISION OF THE PLANNING & ZONING BOARD OF OCTOBER 4, 2011, FOR CONDITIONS PLACED ON AN APPROVED VARIANCE TO THE REQUIRED NUMBER OF PARKING SPACES, SECTION 158.221(C)(14) OF THE CITY OF PORT ST. LUCIE ZONING LAND DEVELOPMENT REGULATIONS, TO REQUIRE LEGAL DOCUMENTS APPROVED AS TO FORM AND CORRECTNESS BY THE CITY ATTORNEY AND ACCEPTABLE TO THE PLANNING AND ZONING DEPARTMENT FOR SHARED PARKING FOR THE THIRSTY TURTLE RESTAURANT, P11-114

Mr. Holbrook said, "This variance application was made by Bradley Currie, Land Design South of Florida, Inc., and the owners are Joseph and Karen Paranzino. The subject property is located at 2825 SW Port St. Lucie Boulevard. The zoning of the property is General Commercial. The requested variance was for 29 parking spaces. This is a reduction of 37% of the required parking. The Planning and Zoning Board's recommendations were to approve with conditions. Staff found the application inconsistent with the City's Zoning Code and recommends denial."

Mayor Faiella opened the Public Hearing.

BRADLEY CURRIE said, "We went before the Planning and Zoning Board on October 4, 2011, and we were fortunate enough to receive approval for the requested variance to the Parking Code. However, two conditions were placed on the property at that meeting. The two conditions were for us to provide a recorded document to allow shared parking on both the CVS and the carwash property. We have spoken to both parties and received letters stating that we can park there. This was not enough for the Planning and Zoning Board. They wanted us to get a form that was acceptable to the City Attorney as well as the Planning and Zoning Department. They wanted this form recorded as a restriction on both CVS and the carwash. After we received notice of the conditions, we approached both CVS and the carwash, and they were unwilling to sign off on a restriction to the land. They were concerned that a restriction of that nature would hinder their ability to sell the property in the

future. Joe has been at this location for almost eleven years and he has worked with the neighbors before. There are no Code violations or complaints from anyone around him, and we expect that this is the way it will continue to be in the future." Councilman Kelly asked, "Do you have permission from the manager of the drug store?" Mr. Currie replied in the affirmative. Mayor Faiella stated, "I did speak to the owner of the carwash and he told me that he has no objections to the parking there." Councilman Kelly said, "This is different for me than a variance for parking at a school or hospital. This is a restaurant that has permission from his neighbors. If I go to the Thirsty Turtle and the parking lot is full, I would keep going to another restaurant. I **move** to approve Zoning Appeal 11-5." Vice Mayor Bartz **seconded** the motion, and said, "I spoke to Mr. Currie and the owner and voiced some concerns about the parking. I can understand why the corporate offices of CVS did not want to approve of the conditions. This is a successful business and we want to see them grow and prosper." The City Clerk restated the motion as follows: for approval of the Zoning Appeal request for Zoning Appeal 11-5. The motion **passed unanimously** by roll call vote.

ADJOURN

There being no further business, the meeting adjourned at 1:50 p.m.

Karen A. Phillips, City Clerk

Sally Walsh, Record Analyst