

**CITY OF PORT ST. LUCIE
BOARD OF ZONING APPEALS MEETING MINUTES
OCTOBER 17, 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 October 17, 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
Sherman A. Conrad, Parks and Recreation
Director
Edward Cunningham, Communications Director
Joel Dramis, Building Official
John Finizio, Planner
Kim Graham, Assistant City Engineer
Pam E. Booker Hakim, Senior Assistant City
Attorney
Daniel Holbrook, Planning and Zoning Director
Jesus A. Merejo, Utility Systems Director
Gregory J. Oravec, Asst. City Manager/CRA
Director
Karen A. Phillips, City Clerk
Brian E. Reuther, Chief of Police
Sally Walsh, Record Analyst

3. PUBLIC HEARING - ZONING APPEAL 11-3, APPEAL THE DECISION OF THE PLANNING & ZONING BOARD OF SEPTEMBER 6, 2011, TO DENY GRANTING A VARIANCE REQUEST FROM STORAGE PARTNERS AT TRADITION FOR RENAISSANCE CHARTER SCHOOL AT TRADITION TO SECTION 7(C)(5) OF THE TRADITION MPUD DOCUMENT FOR A VARIANCE OF 142 PARKING SPACES SHORT OF THE 276 PARKING SPACES REQUIRED, P11-099

Mayor Faiella opened the Public Hearing.

Mr. Holbrook said, "This is a variance application for Renaissance Charter School at Tradition. The applicant is Daniel A. Fee, and the owner is Storage Partners at Tradition. The subject property is located on Village Parkway just south of Heritage Oaks Development. The existing zoning of the property is called the Tradition MPUD, which is the Master Planned Unit Development. This is unique to

this property because they have different zoning regulations than the rest of the City, because it is a PUD property. The variance that is being requested today is that they are proposing a development of 46 classrooms for a charter school with 134 parking spaces, which is 142 parking spaces short of the requirement of the MPUD. The requirement of the MPUD is 276 parking spaces. Initially staff went through the review. It is a different parking requirement than the City requires which is a standard of 2 per classroom. They were proposing to meet the City's standard which is why we initially recommended approval. When we went to the Planning and Zoning Board on September 6th of this year, there was a lengthy discussion on the matter. With that came many concerns from the Board as well as the public and the School Board. The School Board has provided additional comments which were distributed by the Clerk's Office. Staff has gone to the site of the charter school that we have in St. Lucie West and our findings are noted. The Engineering Department is here to answer any additional questions that you may have." Mayor Faiella asked, "The City does not have anything in place for stacking, correct?" Mr. Holbrook replied, "The City does not have a stacking Code."

MARTY SANDERS, Executive Director of Facilities for the St. Lucie County School District, said "I provided written comments to you earlier today but I wanted to go on record as well. We are here to talk about quality schools and quality facilities. This is not about being anti-charter; this is about having schools in the appropriate location with the appropriate facilities. You have not seen me here before to talk about a charter school, because we have not had any issues of this nature. When this issue came up, I had not visited the charter school in St. Lucie West. After leaving the meeting that day I went to the school and watched the dismissal. There were about 100 kids walking across the garden area of Lowes parking lot, which had been coned off by the staff of the Renaissance Charter School for the exclusive reason of the kids walking through it. There were parents parking in the southern parking lot by the Tires Plus facility. This is a very inappropriate way to dismiss children and to pick up children. I sympathize with the school because they have very little control over the parents. Sometimes they do what they want to do. This is a result of the deficient design of the school. If there was adequate stacking on site then at least they would have a fighting chance of having safe conditions. I am surprised that Lowes has not complained or done anything about these conditions. I spoke to the Lowes manager today and he said, 'Yes, there is inadequate parking on the Renaissance site and their attorney and the school are trying to work out the situation.'"

Mr. Sanders continued, "What we see is a conflict between the application that Charter USA submitted to the City, which shows 860 students, and the approved application with the School Board for 1,504 students. I am not sure if they are intending to come back to the School Board and amend their application, or if there is

another phase planned. All I know is that this does not match the charter that was approved by the School Board for the variance that they are requesting. It is very important that you look at the entire design. The parking is only one part of the equation. If you have adequate stacking and pedestrian circulation all of these things need to be considered for the overall design. If they put adequate stacking in they would have room for parking. The School District has an interlocal agreement with the City of Port St. Lucie for the siting of schools. One of the things talked about in this agreement says that elementary schools should be on local streets and residential areas. Village Parkway is an arterial roadway and is not the appropriate location. This location is down the street from the fire station. When we have tie-ups in parent pick-up and there is a rescue call, it is going to jeopardize the health and safety of the public. With all of these concerns, I would ask that you not approve this variance."

SCOTT WOODREY, Red Apple Development, stated, "We are the contract holder for the purchase of the property for the current owner. We are the ones who are asking you to consider this variance today. I would like to differentiate that we are not talking about an operational issue or a stacking issue; we are talking about a parking issue. If we were not in the MPUD of Tradition we would be exceeding the City's parking requirements by over 30%. We are proposing 2.78 parking spaces per classroom. The MPUD of Tradition requires six. I would imagine that would be to take into consideration a high school where you have students driving. I was not here when that was written so I am speculating. I don't want to get into the operational issues of our school on Cashmere. I will tell you that we have all the ability in the world to correct what is going on over there. We at one time had an officer between our property and Lowes to prevent people from parking there. The manager from Lowes asked us to remove the officer and leave the people alone. I can only speculate that it is a business opportunity. There are multitudes of ways to correct this problem. For safety we can dismiss walkers last. I reviewed the reports that you were provided and I was out there myself last week. The back-ups were cleared up in a matter of seconds once the officer directed the traffic. There were no cars to be seen at 3:20 p.m. Every aspect of our Site Plan meets the City Zoning Code with the exception of the parking issue. We have a charter, we have had it for a year, and it is for a maximum of 1,500 students. We have spent a year dealing with other property owners throughout Tradition in order to find an affordable and viable site within Tradition. We were solicited to come to Tradition not only by the families that live in the area, but also by the members of the Florida Center for Innovation. There are many parents whose children were not accommodated by the FAU Research School who are being bused out of Tradition."

Mr. Woodrey continued, "We are not talking about an operational issue. We are not talking about stacking. We are not talking about

an unsafe site. In comparison to other sites, our site has more stacking than many of the other public school sites including Palm Pointe and Westgate. We are asking for the consideration of a parking variance only. We have never had an event at our Cashmere site outside of our parent pick-up where we have not had adequate parking for the guests that come to the school. When we do events, we divide up the grade levels so that everything is planned and we can accommodate the visitors that will be there. We do this all over the state. We have 27 charters in Florida operating today with very similar site plans, and we would ask you today for your consideration with this one."

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

Councilwoman Berger **moved** to approve Zoning Appeal 11-3. Vice Mayor Bartz **seconded** the motion. Councilwoman Martin stated, "I am not going to support this. We are shoving this school in for the sake of putting it in. There are all kinds of safety issues. The parking and stacking issues that are being addressed are speculative and not real world. I am not against charter schools at all; as a matter of fact I am a proponent of them, so that is not my issue. My children attend a charter school here in the City. We have given variances out in the past for parking, and the real world issue of them is that they are safety and parking nightmares. These things will happen here too. It is not being taken into consideration that schools are like little communities; parents are in and out constantly. There are events there. To say there are not is untrue. To say that you stage events to prevent that from happening is not realistic. We do need to address the stacking issue, but I am not going to support something with such a huge variance. We are talking about 142 parking spaces. If you look at the big picture, they are shoving it in just for the sake of shoving it in. When you look at the retention area, they are just barely meeting those requirements. Digital Domain, which is going to have 500 employees, and the fire station are both on that road. That entire road is going to be backed up. What if the fire engines need to get out? That little area is land locked and you have a roadway that has two lanes. Palm Pointe already has parking issues and has back-ups for almost two hours a day onto Village Parkway. For me it comes down to finding a better location, because this site is just not it."

Councilman Kelly stated, "I will also not be supporting this. I have the good fortune of being able to pick my grandson up at school once a week, a school that does not have enough parking spaces. The stacking is ridiculous. It takes 30 minutes to get through the stacking, and the walkers walk through the traffic. This is a child safety issue. The site is just too small. There are a lot of sites out there. Do you have to be right in Tradition? Why can't you be on the other side or right down the road a mile? This is a child safety issue."

Mayor Faiella stated, "I was out there twice on Friday. I will not be supporting this because it is shoving a school in. Safety is my number one concern and they are already having an issue there. I am not against charter schools at all; I promote them. However, in this case we need another location."

Councilwoman Berger asked, "Referencing the PUD qualifications out there and that they are different, what is the amount of spaces that they are required?" Mr. Holbrook replied, "It is six per classroom." Councilwoman Berger said, "That was put in the PUD for that particular area. Is that consistent with other PUD's within the City?" Mr. Holbrook replied, "No. That is unique to the Tradition PUD." Councilwoman Berger stated, "That seems excessive to me, because the whole idea of Tradition was that it was to be pedestrian friendly. The point of building everything close was so that people could live, work, and go to school in the same place. I think that was probably a sweetener in a deal somewhere along the way to make sure we had enough room for drawing particular schools in, and now it is working against us. Our standard policy is two standard parking places per classroom, so for this school that would give us 92 parking spaces. They are offering 134 parking spaces, which is in excess of what we require as a City. If the School District decides tomorrow to build a school within the City, do they have to abide by our policy of two spaces per classroom?" Mr. Holbrook replied in the negative. Councilwoman Berger stated, "I knew the answer to that question, I just wanted to get it out there. We have private industry coming in trying to be a part of the solution, and we are saying no thank you. That is very disappointing."

Councilwoman Martin commented, "I am saying no thank you, because you are trying to shove it into an area that is already overgrown. You have to look at the big picture and see the real world issues that will happen there. It is great that private industry wants to come in, but it needs to come into the right place." Councilwoman Berger said, "I am not trying to shove it in. I am simply trying to offer solutions when we are looking at the big picture of what our vision is of that area." Councilwoman Martin said, "For me, there are lots of other areas within Southern Grove."

The City Clerk restated the motion as follows: for approval of Zoning Appeal 11-3. The **motion failed** by roll call vote, with Councilwoman Berger and Vice Mayor Bartz voting in favor, and Mayor Faiella, Councilman Kelly, and Councilwoman Martin voting against.

ADJOURN

There being no further business, the meeting adjourned at 1:55 p.m.

Karen A. Phillips, City Clerk

Sally Walsh, Record Analyst