



City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: Jerry Bentrott, City Manager

FROM: Daniel Holbrook, AICP 
Director of Planning and Zoning

RE: Discussion Regarding Approval of Site Plans

DATE: November 18, 2011

Attached, please find an agenda item providing information on the site plan approval processes of other local governments in the Treasure Coast Region. This item was discussed by the Planning and Zoning Board at their November 1, 2011 meeting and the minutes from that meeting are attached. This information was assembled per City Council's consensus at the 2011 Summer Retreat to look at more information regarding the final approval of site plans. The item is being submitted for Council's consideration and discussion as a new business item.

C: Greg Oravec

RECEIVED

NOV 21 2011

City Manager's Office



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF NOVEMBER 1, 2011

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

RE: DISCUSSION REGARDING APPROVAL OF SITE PLANS

DATE: OCTOBER 20, 2011

BACKGROUND

At the City Council's 2011 Summer Retreat, the Assistant City Manager presented the Regulatory Rethink agenda item. The purpose of the presentation and following discussion was to explore ways that the City could be more business friendly and improve its regulatory processes. One of the items discussed was whether all site plans need to go to City Council for final action if they meet the requirements of the Zoning Code and are approved at the staff level by the Site Plan Review Committee. It was the consensus of the City Council to look at more information regarding whether some site plans could receive final approval from the Site Plan Review Committee or the Planning and Zoning Board.

RESEARCH

Staff has researched the site plan approval processes of four other local governments within the Treasure Coast Region and has compiled the information into the attached tables. There is a table comparing the approval processes for minor site plans and for major site plans. The thresholds of what projects are considered minor and major site plans are specified in the tables for each jurisdiction. These tables generally summarize the review processes as each jurisdiction may have some variations or exceptions. For example in the City's NCD future land use (Western Annexation) area, all site plans are reviewed by the Site Plan Review Committee and forwarded to the City Council for final action. The City Council may refer a site plan to the Planning and Zoning Board or back to the Site Plan Review Committee for additional consideration

The City currently requires that minor site plans be reviewed by staff at the Site Plan Review Committee and then a recommendation is forwarded to the City Council for final

action. St. Lucie County, Ft. Pierce and Martin County allow review and approval of minor site plans at the staff level. Palm Beach Gardens requires minor site plans to be reviewed by staff and the local planning agency (Planning and Zoning Board), then forwarded to the City Commission for final action.

The City currently requires that major site plans be reviewed by staff at the Site Plan Review Committee, the Planning and Zoning Board, and then a recommendation is forwarded to the City Council for final action. Ft. Pierce and Palm Beach Gardens have this same process for major site plans. In St. Lucie County and Martin County, major site plans do not go to the Planning and Zoning Board for review. They are reviewed by staff and then sent to the County Commission for final action.

The Zoning Code allows minor revisions of approved site plans to be reviewed by the Zoning Administrator. The Zoning Administrator may refer the request to the Site Plan Review Committee for approval or for a recommendation to the City Council. The fee for a minor revision is \$710. Any structure that requires a building permit is required to be shown on the site plan. Some structures, such as sheds, awnings, and fences, do not affect utilities, access or drainage and do not need to be reviewed by the Site Plan Review Committee. The feedback the Planning Department has received from small business owners who need to make such changes to their site is that the cost and time involved for the review causes a hardship. The City Manager's Office has asked staff to propose an administrative process for very minor changes that still need to be shown on the site plan before they can apply for a building permit.

In Martin County, the construction of uninhabitable accessory structures less than 200 square feet in size (i.e., dumpster enclosures, sheds, gazebos, etc.) on previously approved site plans are exempt from site plan amendment requirements. In St. Lucie County if the minor adjustment is not significant, Planning Department staff can review and approve the revision as part of the review for the application for a building permit.

The Planning and Zoning Department has reviewed these requirements. The City of Port St. Lucie could revise the Zoning Code to exempt the construction of uninhabitable accessory structures of a certain size (i.e., dumpster enclosures, sheds, gazebos, fences that do not restrict access, etc.) on previously approved site plans to expedite the process and reduce the cost for businesses. The approval of the location of these structures could be handled by the departments through the building permit review process.

Staff is requesting the Planning and Zoning Board's input prior to preparing a zoning text amendment to change the City's site plan review process.

Minor Site Plan Approval Comparison

	Staff	LPA	Commission
Port St. Lucie	R		F
Residential – less than 50 DUs			
Nonresidential – less than 10,000 SF	R		F
St. Lucie County	R and F		
Multifamily residential – 50 DUs or less			
Nonresidential – 6,000 to 24,999 SF	R and F		
Nonresidential – less than 24,999 SF with drive-through, walk-up services, or retail fuel sales	R and F		
Commercial lodging establishments with less than six (6) units	R and F		
Ft. Pierce	Building permit		
Multifamily – 20 DUs or less and Nonresidential – 4,000 SF or less are exempt from site plan review			
Martin County	R and F		
Nonresidential – 50,000 SF or less			
Industrial – 150,000 SF or less	R and F		
Residential – 50 DUs or less	R and F		
Palm Beach Gardens	R	R	F
Residential – 12 DUs or less			
Nonresidential – 30,000 SF or less	R	R	F

LPA = Local Planning Agency
R = Review and recommendation
F = Final action

Major Site Plan Approval Comparison

		Staff	LPA	Commission
Port St. Lucie	Residential – 50 DUs or more	R	R	F
	Nonresidential – 10,000 SF or more	R	R	F
St. Lucie County	Multifamily residential – more than 50 DUs	R		F
	Nonresidential – 25,000 SF or more	R		F
	Commercial lodging establishments with six (6) units or more	R		F
Ft. Pierce	Multifamily – more than 20 DUs	R	R	F
	Nonresidential – more than 4,000 SF	R	R	F
Martin County	Nonresidential – more than 50,000 SF	R		F
	Industrial – more than 150,000 SF	R		F
	Residential – 51 DUs or more	R		F
Palm Beach Gardens	Residential – more than 12 DUs	R	R	F
	Nonresidential – more than 30,000 SF	R	R	F

LPA = Local Planning Agency
R = Review and recommendation
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**Minor Site Plan Review
(Less than 10,000 SF)**

**Site Plan Review
Committee**



City Council

**Major Site Plan Review
(10,000 SF or greater)**

Site Plan Review Committee

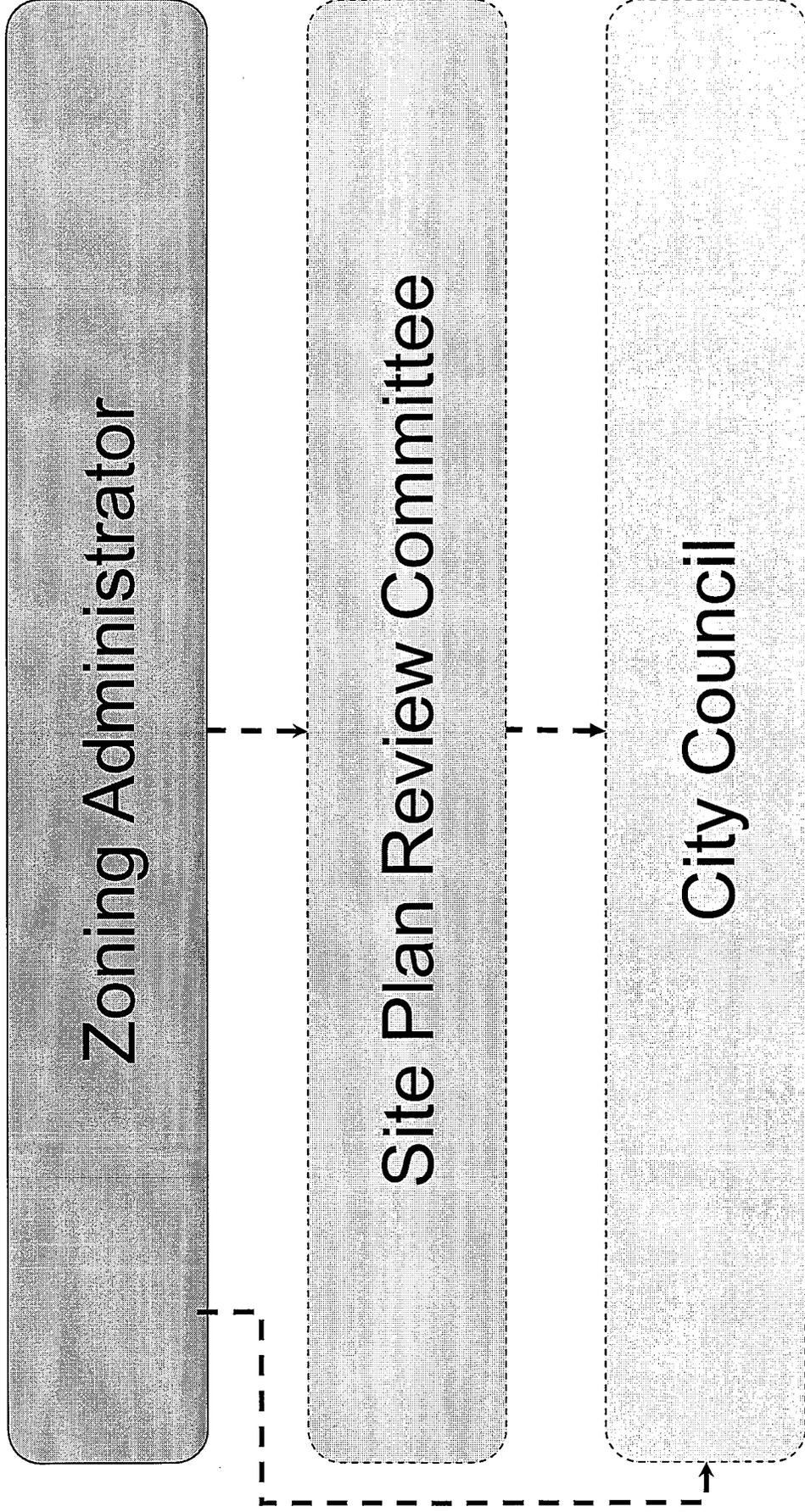


Planning and Zoning Board



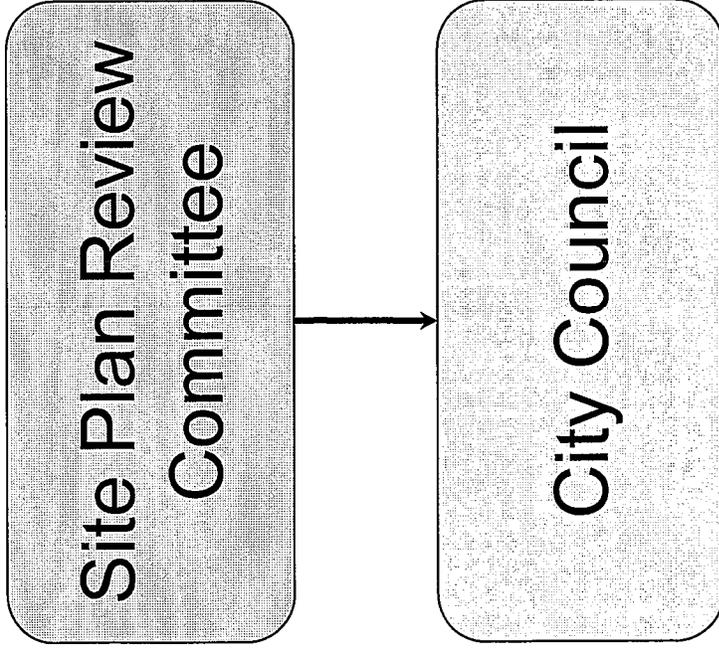
City Council

Minor Site Plan Amendment Review

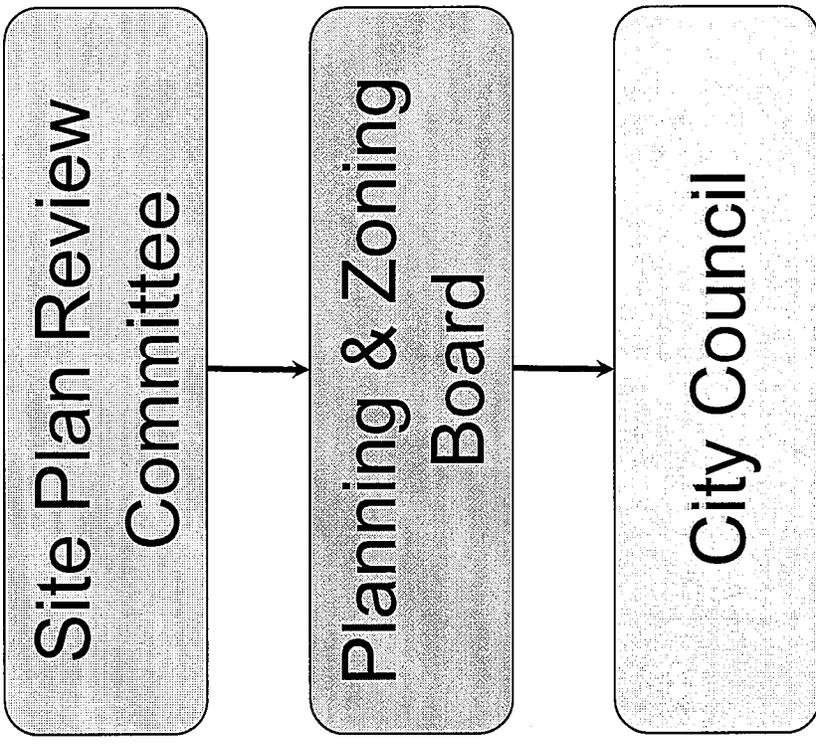


Major Site Plan Amendment

Minor Site Plan



Major Site Plan



appearance of the eastern façade." Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote. Chair Parks pointed out, "This is a great re-purposing of a white elephant property that has been in the City of Port St. Lucie."

F. P11-134 CITY OF PORT ST. LUCIE - ANNUAL REVIEW OF THE CAPITAL IMPROVEMENTS ELEMENT

Ms. Kean said, "State law does require all municipalities to review their Capital Improvements element on an annual basis to update the five-year schedule of capital improvements. The only change this year is that it's no longer considered a Comprehensive Plan Amendment. The City can just adopt it by ordinance, and it does not have to be reviewed by the state. This ordinance updates the five-year schedule of capital improvements and the corresponding tables to reflect the capital improvements program that was adopted by the City Council on September 26, 2011. The related tables include the School Board's five-year capital projects and the overview of the City's general and enterprise long-term debt. The Planning and Zoning Department staff finds the petition to be consistent with the Comprehensive Plan and recommends approval."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Secretary Blazak **moved** to recommend approval of P11-134. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

8. DISCUSSION ITEMS/NEW BUSINESS

A. DETERMINATION OF EXCUSED ABSENCE

There was nothing scheduled for this item.

B. DISCUSSION REGARDING APPROVAL OF SITE PLANS

Ms. Cox said, "This was another item that was discussed at the Summer Retreat. It was about the Site Plan approval process, and whether or not all Site Plans need to go to City Council for final action if they meet the requirements of the Zoning Code, and are approved at the staff level by the Site Plan Review Committee. The Site Plan Review Committee is made up of nine members. There are six voting members and three non-voting members. The six voting members are the project planner from the Planning and Zoning Department, representatives from the Engineering Department, the Building Department, Utilities, and Public Works, and also a member of the Planning and Zoning Board. The non-voting members are from the Police Department,

St. Lucie County Fire District, and the St. Lucie County School Board. For a minor Site Plan, which would be less than 10,000 square feet, it goes to the SPRC for review, and that committee makes a recommendation to the City Council for final action. With the major Site Plans, which are larger than 10,000 square feet, it starts out with the SPRC, then it comes before this Board, and then to the City Council for final action. There are some areas, because of the policies, the Comprehensive Plan, and the NCD District out west where the Site Plans don't come to this Board. They go straight to the City Council. Minor Site Plan amendments can be approved by the Zoning Administrator, who would be Mr. Holbrook. Typically, we do send those to the SPRC to make sure that no one has any issues with the changes. It can be approved at that level or it can be recommended to go to the City Council."

Ms. Cox continued, "For the major amendments, it depends on whether it's a minor or major Site Plan. However, it basically follows the same process as the initial review. Staff has put together some information from different jurisdictions for comparison, which is attached to the Staff Report. The information that is presented is for St. Lucie County, Ft. Pierce, Martin County, and Palm Beach Gardens. We would like to get your thoughts and have discussion on possibly revising the City's process. For some of the jurisdictions, depending upon whether it's considered a major or minor Site Plan approval, the staff level does have final approval authority for the minor Site Plans. For the majors, they do go to their local planning agency, which would be their Planning and Zoning Board. Then they make a recommendation to their Commission. We also wanted to get your thoughts on revising the process for instances where you have some very minor revisions to Site Plans, where for very small structures they still need to get a building permit. There were thoughts that maybe if it was an uninhabitable structure of a certain size that those could be exempt from the process, and that the review of it, the location of it could be handled by the departments through the Building Permit Review process, because that's routed through each department for the review and sign off."

Mr. Martin asked, "Is there such a thing as an Administrative Variance? If not, could that also streamline some of these decision processes?" Mr. Holbrook replied, "There is such a thing. It's different than the Site Plan review process. The Site Plan review process is that you have a plan or a proposed plan that you want reviewed and approved, and, ultimately, you want to pull permits off of that. The variance is a request saying that you want to deviate from the City's Code for something. The Administrative Variance process is for existing

structures that meet a minimal criterion, and that can be reviewed by staff. All other variances have to go before the Planning and Zoning Board." Mr. Martin asked, "Are those areas defined?" Mr. Holbrook replied, "Yes. There's an existing process. The term 'administrative' is used by the public and sometimes by staff, but it's either a minor or major amendment. When it appears there are things that may have conflicts or safety issues, those will be forwarded to the SPRC. On very rare occasions, that can then be forwarded onto the City Council. Typically, the SPRC is the reviewing and approving body for Site Plan amendments unless they're major amendments to a Site Plan."

Mr. Holbrook continued, "We do have a member of the public who is here and may have some comments to share. Ultimately, we're going to be taking this on to the City Council for their discussion, because there have been some changes. There have been some suggestions in the past and they've asked for some additional information. This is a part of that gathering of additional information to take to the Council."

CLAYTON TRAVERS, owner of C & C Canvas and Awning Company, stated, "I have a job at Martin Memorial Hospital. If I put a leg down to the ground, and I've got an awning that's \$1,200, it's requiring full Site Plan amendment approval, which means that I have to have \$710 to \$1,500 to have it drawn up. By the time I get done with all of my building permits, I'm over \$3,000 in permits and fees in order to do a \$1,200 job. That's how it's affecting me. We're trying to get this overturned, so I don't have to go through this anymore. I have jobs out there that I literally can't do right now, and I have 20 licenses to different cities. I've never had to deal with this. I submit a Site Plan. They approve it. They send it back to me, it goes in the building, and we're good to go. I've been in business for over 20 years, and I know they've said it has been on the books for awhile, but I've never dealt with it. I did Liberty Medical and a church, and I've never dealt with any of this. I want to get back to work." Secretary Blazak noted, "I appreciate staff coming forward with any amendments we can get to simplify our permitting process, and we certainly need to move things along as best we can, and not belabor any of this. We need to encourage development and keep people working."

Vice Chair Rooksberry asked, "Will approving this help this gentleman?" Mr. Holbrook replied, "Yes. I know that several of the Board members work in other jurisdictions, and you've seen how other jurisdictions work, how their process is. If you have any comments, whether it be now or as we take this forward, they would be greatly appreciated. The City has looked at its regulations and processes, and we've actually gone through a

period where we interviewed folks and asked questions. What is it, and can we make changes to our Codes to make the process more effective and more beneficial? If they can be simple that's what we have encouraged. Those are the discussions we've had. We've made changes throughout this year, and we're still going through the process. As with all governments, you think about things, but at other times other issues may not arise. The issue we've had is how to deal with Site Plan amendments, and how to deal with Site Plans. Initially, the discussion was just about the Site Plan process, not necessarily about the amendments. Since we've had some further discussion, it has now been brought to our attention. What's appropriate? Is it okay for staff to have the level of approval to make those changes and to issue permits? When isn't it appropriate? I would encourage the Board that if you have any comments now or later, if you wish to share that with us, it would be greatly appreciated."

Secretary Blazak said, "I think emergency generators, if they don't have them in a business or if someone wants to add one, should be a one stop approval for a generator permit in your office. Maybe the Fire Department would look at it depending on the size of it, but I know personally that we've had to go through Site Plan amendments, because there was not a generator or pad showing. I think emergency generators should be a no brainer. I think that's critical." Mr. Martin stated, "I agree. The Administrative Variance is a mechanism that we can use a lot more. You folks do a good job and you're obviously the professionals who understand the laws and ordinances. I feel 100% confident that if you're granted more authority, it will only improve the process. Over the last two to three years, there has been a lot more consistency put in place in between the departments. Because the process has been streamlined and there are tools in place, I applaud you for taking a proactive stance to try and make this a more streamlined process for small business." Mr. Ojito noted, "From my perspective, I think that if the Zoning Department or an applicant can meet most of the technical requirements without having to go through any aesthetic issues or things that affect the general public, most of those can be resolved by staff. It shouldn't have to go to any type of Zoning Board or City Commission. If you have a mechanism in place that all engineering aspects, technical issues related to landscaping are met, then staff can approve it."

Mr. Holbrook asked, "Are you speaking about Site Plan amendments or are you speaking about Site Plans?" Mr. Ojito replied, "I'm talking about any type of application that goes to the Planning and Zoning Department, whether it's a sign, an awning, a parking lot, restriping, etc. If staff can review it and address all of

the technical components, there's no reason for it to have to go to the Planning and Zoning Board." Chair Parks pointed out, "Let's streamline this and get Port St. Lucie back to work."

C. COMPREHENSIVE PLAN WORKSHOPS - NOVEMBER 2 AND DECEMBER 7

Mr. Holbrook said, "City staff, with our consultant, will be having two upcoming workshops. The first one is going to be tomorrow, November 2, from 6:30 p.m. to 8:30 p.m. at the Community Center. This workshop is going to be dealing with the City's update to its entire Comprehensive Plan. We will be going over future land use, conservation and coastal management, recreation open space, and housing and economic development. I would encourage anyone who wishes to participate to come out. It's open to the public, and it's your opportunity to have your voice and comments about the future growth of the City heard. The second workshop will be December 7, 6:30 p.m. to 8:30 p.m. at the Civic Center. We're trying to provide two different locations for the public. As we work with the draft update we can get comments, and those comments will come before this Board later on for your review and recommendation, and then on to Council so we can transmit that off to the state. We did hold a public workshop/meeting on the Port St. Lucie Transfer Facility. There was an article in the paper, and this was really trying to address some of the issues we've had on Deacon Avenue across the street from City Hall. You can anticipate future things coming forward."

9. OLD BUSINESS

There was nothing scheduled for this item.

ADJOURN

There being no further business, the meeting adjourned at 3:00 p.m.

William Blazak, Secretary

Carol M. Heintz, Deputy Clerk Supervisor