

*Zoning APPEAL
12-2*

April 17, 2012

Madam Mayor JoAnn Faiella, Councilwoman Linda Bartz, Councilwoman Michelle Berger,
Councilwoman Shannon Martin, Councilman Jack Kelly

RE: Variance Application Appeal Project # P12-029 Elite Electric & Air, Inc

I am asking for your consideration for a variance application that was denied by the variance board on April 2, 2012.

The variance request was to allow for twelve fewer parking spaces for my existing building which is located at 1691 SW South Macedo Boulevard and purchased on October 14, 2004. The property has a total foot print of 7,500 square feet and had approximately 10,000 square feet of office space. About a year and a half ago I was notified by the Building Department that we were not allowed to have our tenants occupy the second floor of the building due to the fire codes and that the employees would not be able to evacuate the building due to a locked gate that was on the rear end of their bay. A day or two later Matt from the Building Department came by and said that he could not locate any permits that were issued for the bays located at 1679 and 1685. After our conversation he informed me that my tenant would have to vacate the building, therefore, we had to evict them and remove the second floor office space. We then proceeded to purchase two demolition permits, one for each bay. With no known knowledge of how much I had to demolition, I removed around 2,000 square feet of office space. As this was in progression Matt stopped by once again and informed me that there were never any permits pulled on the entire building. This got me to thinking "what was the process to pull a permit for all the existing structure?" The only record of permit on file with the City was the building shell and slab. My question is how this could be since the building had tenants for almost ten years when we made our purchase. I did learn that before I could get a permit I had to go thru the Zoning Department. This is where the fun began. John Finizio from the Zoning Department was very helpful and a nice guy but his hands are tied. He informed that he has to go by the code as it is written and make his recommendation based solely on code whether it makes sense or not, or whether there has been an issue with the property for twenty seven years or not.

Now for the rest of the story. When the building was originally approved it was approved in a larger site plan. When approved in 1985 the building was approved for twenty spaces. There are twenty eight spaces on my property. I then learned you do not have to get city approval to undivide a parcel in a development. So a past owner did separate this property from the development, which did not reallocate the appropriate parking spaces.

So now you can see a little of what I am dealing with.

I am only asking that you come to meet with me at my office location for further discussion of this and to come to a better resolution than demolishing my entire interior of this building.

Attached are copies of the variance application and I can provide any further documentation that you may need.

Sincerely,



John Pankraz

772-340-3797 johnp@EliteElectricAndAir.com

Elite Service Today!
ELECTRIC & AIR Inc.

John Pankraz
President

John@EliteElectricAndAir.com
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(772) 340-3797

1691 SW S. Macedo Blvd.
Port St Lucie, FL 34984



CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE

.....
A CITY FOR ALL AGES

May 3, 2012

CERTIFIED MAIL

Elite Electric & Air, Inc.
Attn: Mr. John Pankraz
691 SW S. Macedo Blvd.
Port St. Lucie, FL 34984

Dear Mr. Pankraz,

RE: ZONING APPEAL 12-2, Appeal the decision of the Planning & Zoning Board on April 3, 2012, to (1) grant a variance to Chapter 158.221 Off-Street Parking and Lighting - Handicapped Parking Spaces of the Zoning Code to allow 12 fewer parking spaces than required, P12-029.

Please consider this a notice of **Public Hearing** before the City Council serving as Board of Zoning Appeals to be held on **Monday, June 18, 2012, at 1:30 p.m.** or as closely thereafter as business permits, at the Port St. Lucie Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Any back-up material you wish to have put into the meeting packet should be in the City Clerk's office by 12:00 noon on Wednesday, June 13, 2012.

If you should have any questions, please do not hesitate to contact me at 871-7325.

Sincerely,

Karen A. Phillips, CMC
City Clerk

cc: Daniel Holbrook, Director Planning & Zoning
Pam E. Hakim, Assistant City Attorney
John Finizio, Planner

box developments, which you typically don't see on Port St. Lucie Boulevard, outside of major intersections."

Mr. Holbrook pointed out, "The applicant has withdrawn their second request dealing with the address on the monument sign." Secretary Blazak **moved** to deny P12-028, RaceTrac, 18 square foot variance to Table 1 of Chapter 155 of the Sign Code. Mr. Martin **seconded** the motion, which **passed** by roll call vote with Chair Parks, Mr. Martin, Secretary Blazak, Mr. Garrett, Mr. Strickland, and Mr. Ojito voting in favor, and Mr. Battle voting against. Mr. Strickland **moved** to deny P12-028, RaceTrac, a 121 square foot variance to Chapter 155.08(K)(1) of the Sign Code. Mr. Martin **seconded** the motion, which **passed** by roll call vote with Chair Parks, Mr. Martin, Secretary Blazak, Mr. Garrett, Mr. Strickland, and Mr. Ojito voting in favor, and Mr. Battle voting against. Mr. Martin **moved** to deny P12-028, RaceTrac, A 12-inch variance to Chapter 155.08(E)(b) of the Sign Code. Mr. Strickland **seconded** the motion, which **passed** by roll call vote with Chair Parks, Mr. Martin, Secretary Blazak, Mr. Garrett, Mr. Strickland, and Mr. Ojito voting in favor, and Mr. Battle voting against.

Mr. Strickland inquired, "Can I get clarification as it relates to the current Sign Code?" Mr. Holbrook responded, "The maximum letter height is 24 inches under the current Sign Code. Our review indicated that it was 33 inches, but the applicant stated that it was 30 inches that they are requesting, which would be a six-inch variance." Mr. Strickland **moved** to deny P12-028, RaceTrac, a 9-inch variance to Chapter 155.08(E)(b) of the Sign Code. Secretary Blazak **seconded** the motion, which **passed** by roll call vote with Chair Parks, Mr. Martin, Secretary Blazak, Mr. Garrett, Mr. Strickland, and Mr. Ojito voting in favor, and Mr. Battle voting against. Secretary Blazak **moved** to deny P12-028, RaceTrac, a variance to Chapter 155.08(E)(1)(c) of the Sign Code. The applicant is proposing a sign advertising 'FRESHLY BREWED COFFEE' on the façade. Mr. Martin **seconded** the motion, which **passed** by roll call vote with Chair Parks, Mr. Martin, Secretary Blazak, Mr. Garrett, Mr. Strickland, and Mr. Ojito voting in favor, and Mr. Battle voting against.

Chair Parks advised, "These items will not go forward, with the exception of your second request that you withdrew. You can appeal to the City Council, and the Planning and Zoning Department can give you that information."

B. P12-029 ELITE ELECTRIC - VARIANCE

Mr. Finizio said, "The applicant/owner is Zarknap, LLC, and John Pankraz. The property is located on the east side of South

Macedo Boulevard between Sea Holly Terrace and Whitmore Drive. It is approximately .68 acres. The existing zoning is Service Commercial, and the existing use is a warehouse building with associated office space. The request is to grant a variance to Chapter 158.221, Off-Street Parking and Lighting, Handicapped Parking Spaces of the Zoning Code to allow 12 fewer parking spaces than required. Said Chapter requires 33 parking spaces for proposed development, whereas the applicant is proposing 21 parking spaces. There are no special conditions or circumstances that exist which are related to the land structure or building involved. The applicant is proposing that his building only provide 21 spaces for a warehouse building with 5,062 square feet of office space, and 3,888 square feet of warehouse/storage space. If the variance is granted, there will be a deficit of at least 12 parking spaces over the entire site. Just how this will affect the character of the site is unknown, but it is important to note that at this time only two (2) units of the building are occupied. It is also important to note that the applicant has indicated this building was purchased with additional office space already constructed. Therefore, special conditions and circumstances do exist and are not a direct result of this applicant. Please see Exhibit 'A' in the Staff Report."

Mr. Finizio continued, "Improvements were made, but the office space already existed when the building was purchased. In granting this variance, it will confer a special privilege on the applicant, which is the ability to enlarge the square footage of an existing warehouse building, and changing the primary use without providing the required amount of off-street parking. All development within the City is required to provide the required parking spaces as outlined in the City's Land Development Regulations; this site is not meeting that requirement. It is true that the City does permit parking along the Macedo Boulevard right-of-way between the hours of 6 a.m. to 6 p.m. However, Section 158.221 (B) (5) of the Zoning Code states that 'Where off-street parking is required, parking shall be provided on the same lot or premises with the business or office which is being served, unless otherwise specifically approved by the City Council.' The approved Site Plan and development for Raven Park consists of two warehouse buildings with associated parking based on the ratio as shown on the approved Site Plan. Literal interpretation of this Chapter will not deprive the applicant of rights commonly enjoyed by other properties within this Zoning District. Denying this variance request would not work unnecessary and undue hardship on the applicant. It is important to remember that the applicant inherited these issues, and there is a real cost in removing the excessive office space. Denying the variance does not hinder the reasonable use of land, building, or structure, as it already

exists. The original Site Plan identifies this building as a warehouse, not an office building. It is important to note that the addition of the second floor office space was constructed prior to Zarknap, LLC taking possession of the property. They are making strides to come into compliance, which can be seen in the fact that they have already removed around 2,400 square feet of office space on the site. Granting this variance would not be in harmony with the general intent of Section 158.221 (C) of the City's Land Development Regulations. There is a possibility that approving this variance could be injurious to the area involved, or otherwise detrimental to the public welfare. Granting this variance will ensure that this building can use the existing office space, without having to demolish it, which could be cost prohibited. However, there is no way to know exactly what effect the lack of parking spaces will have on the area until tenants begin to move into the empty bays. At the least, it would most likely result in people parking in the right-of-way."

Mr. Finizio stated, "To make informed decisions on future use, it is important to ensure that all Site Plans are accurately reflecting what is actually on the site. Whatever the outcome of this variance request, the Planning and Zoning Department staff would like to recommend that the Site Plan be amended to accurately reflect the correct square footage of Building B, as well as the correct number of parking spaces for that square footage. Also, impact fees are based on use and square footage. At the time of development, this building paid its impact fees based on the approved 7,500 square feet for warehouse/industrial use. If the variance is approved, the applicant will be responsible for any additional square footage beyond 7,500 square feet that has already been approved, and the use will be general office. The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code, and recommends denial. Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's Office, and must be submitted within 15 days after the Planning and Zoning Board meeting."

Mr. Martin inquired, "Is the applicant aware that if he gets this variance for parking approved, he will have to write a check for almost \$10,000?" Mr. Finizio responded in the affirmative. Mr. Martin asked, "Is the applicant also willing to go the tax collector to indicate his building is larger than actually recognized? There will be financial ramifications if he gets this approved, and I want to make sure that he is aware of that." Mr. Finizio replied, "He has been informed of that." Mr. Martin questioned, "When these two structures were built, did

they not have shared parking between the two buildings?" Mr. Finizio answered, "Yes." Mr. Martin clarified, "And now they don't." Mr. Finizio commented, "They do." Mr. Martin asked, "When we are counting this gentleman's parking spaces allocated to his building, is there any allocation whatsoever, or are all of these common parking spaces between the two buildings? On the Trustee's Deed, it references non-exclusive easements for ingress, egress, and parking. Is that pertinent to this?" Mr. Holbrook said, "The last exhibit of this report is the original Site Plan, which was approved with four buildings. The entire parking was based off of the entire site. At some point, portions of the property were sold." Mr. Martin inquired, "Will this applicant have to pay for a Site Plan modification?" Mr. Finizio responded, "We would like him to amend the Site Plan, especially if this application is approved." Mr. Martin pointed out, "That would trigger the expense associated with a Site Plan modification." Mr. Holbrook advised, "That was one of the issues that we raised. If the variance is approved, the Site Plan needs to be amended, because the square footage has changed. There is no formal approval from the City that increases the square footage. If they want it, then they need to submit an application to get it. The first step is the variance. If this Board is going to consider approving it, then he will have to take those steps. If not, then they will have to change the use inside the building."

The Senior Assistant City Attorney advised, "In terms of the language on the face of the deed, that language itself does not answer Mr. Martin's previous question without looking at the documents referred to therein with any parking agreement that may be between the parties. It doesn't indicate if the parking was allocated, as these parcels were split up separately or there is shared parking still among them through some sort of parking agreement." Mr. Martin said, "That still leaves it pretty ambiguous. Does this applicant have control over those parking spaces on the adjoining building? If so, then he may not have a problem." Mr. Finizio stated, "I can't see how he can claim control over parking for another building. His use was identified on the Site Plan of being mostly warehouse, and is allowed 21 parking spaces for his building's use. He is exceeding that, but he can't take another building's parking." Mr. Martin asked, "This site is not separate from the other building?" Mr. Finizio replied, "Correct. It was not separated." Mr. Martin advised, "Now he has a potential \$10,000 increase in impact fees, he has a potential for a few thousand dollars to apply for a Site Plan modification, and he may also have to go to the tax assessor to claim his buildings are larger, resulting in being taxed more. I want to make it clear to the applicant that this could become expensive."

Mr. Ojito asked, "Is the other building a warehouse use as well?" Mr. Finizio replied, "I can't speak for every use in the other building, but it is mostly warehouse. Yes." Mr. Ojito questioned, "Does the other building comply?" Mr. Finizio answered, "As far as we know." Mr. Ojito inquired, "A joint parking agreement between the parties might enable him to come up with the parking that is required, correct?" Mr. Finizio responded, "It is a possibility, but I think it is more slim than anything else. They have the same uses that operate at the same time, and won't be able to share parking in the sense that they will only be open at night as opposed to day. We can always look into it." Mr. Ojito pointed out, "That way he won't have to submit a new Site Plan." Mr. Holbrook said, "If he wants to have the uses that he currently has, he had to apply for a variance for the parking requirements. There isn't surplus parking to go ahead and absorb those required parking spaces for the uses that he has today. If you go back to the original Site Plan, it lays out what they requested, and what they were approved at. There was a second story added internally into the building that increases the square footage. He has removed the improvements on the north end of the building, so that decreases some of the requirements. He has taken steps to correct the measure, but he still has two bays to the south where his business operates out of, and another where a plumbing business operates out of. Those have second stories with offices, and other uses in there. The original Site Plan didn't accommodate the second floor, so it is entirely new square footage that has to have parking somewhere. The question is, can it be provided on site, or does it have to be provided somewhere else? Parking has occurred on City streets, and there has been controversy over that over the years. The hours have been restricted in the past to deal with some of the overnight parking issues that we have had. If the variance is approved, the Site Plan has to be amended."

Mr. Garrett said, "On Page 4 of your report, you noted another approved variance for another property with square footages. What percentage was that, as you noted in your report that this one is about a 35% change in parking." Mr. Finizio stated, "For P05-350, Team IP, it was 31%." Mr. Strickland said, "With the 35% change in the parking spaces, I assume that the parking lot will remain in ADA compliance." The Senior Assistant City Attorney advised, "The owners have to meet that regardless of whether the variance is granted or not."

JOHN PANKRAZ, Zarknap, LLC, applicant, said, "We purchased the building with roughly 10,000 square feet of build-outs inside. We did some repairs and modifications to each of the bays to clean them up, and make them livable. A year and a half ago we had renters in our north bay. There was an employee that thought

he was being mistreated, and went to the City to complain that there were too many people in the bay. The City indicated the call center did have too many people on the second floor, which wasn't allowed. Code Enforcement indicated that there was no permit for the second floor, and it needed to be removed. I obtained a permit to eliminate the second floor, and about two weeks later they said that there was no permit on the whole building. They pulled a permit for the shell of the building, but nothing on the interior since 1985." Chair Parks inquired, "When did you purchase the property?" Mr. Pankraz replied, "It was about eight years ago in 2004." Chair Parks asked, "When did you find out about the Code Enforcement problems?" Mr. Pankraz replied, "Two years ago Code Enforcement indicated that all of the air conditioners were not permitted, so we had to permit all of them. When we moved in we permitted our sign, and the Fire Marshall had been there many times and there was never an issue."

Mr. Martin inquired, "Are you willing to write a check for \$15,000 to make this variance work for you?" Mr. Pankraz responded, "The bank is in partnership with me, and they have agreed to it." Mr. Martin advised, "Then you have to pay the tax assessment, as you are bumping it up to \$42 per square foot." Mr. Pankraz explained, "I already have about \$7,000 in removing what I have removed. If I have to continue removing stuff, I will probably have roughly another \$20,000 in just removing everything. It hasn't been rented in a year and a half. When it was rented in the beginning, there was never an issue with parking. We are not allowed to use eight of the parking spaces that are on our property, because of the way it was zoned initially." Mr. Martin said, "Over 50% of the properties over there are not in compliance, so you are not the only one. With all due respect, you should have done your due diligence. You didn't obviously, or you just overlooked it, and I understand that. The tenant that you inherited when you bought the building was an illegal use. I know you are in a situation like a lot of other property owners in that corridor, so we wish you the best of luck." Mr. Blazak asked, "Do you intend to remove the other second floor office spaces, and leave the one in your bay?" Mr. Pankraz replied, "To comply with the original Site Plan, I would have to remove every office space in the other three bays, my entire second floor, and half of my downstairs to comply with the original proposal, as it was roughly 2,000 square feet of that was approved." Chair Parks said, "I have been to your site, and I saw seven air conditioner units. That is a high number of units, and three of the seven were new. Tell me about them." Mr. Pankraz explained, "The three that are new are in our bay that we replaced. We replaced two at the other end, which were stolen two years ago." Chair Parks asked, "Does the building require

seven units?" Mr. Pankraz replied, "At this second it doesn't, because I tore out half of the upstairs in the other bay." Chair Parks said, "I noticed that there were five electrical meters, and four of the five were spinning. There is electrical use for some parts of the building at all periods of time." Mr. Pankraz said, "One of them is a house meter that is not in use." Chair Parks questioned, "Presently, it is occupied by how many tenants?" Mr. Pankraz answered, "Two, but we utilize the end bay for storage." Chair Parks asked, "How many vehicles does your company have, and how many are stored after hours and during office hours?" Mr. Pankraz replied, "We have seven company vehicles." Chair Parks questioned, "Do some of those people take them home at night?" Mr. Pankraz answered, "There are two left there, and some are taken home. There are roughly about ten to twelve in the parking lot during the day."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing.

Mr. Martin said, "I appreciate that the gentlemen is trying to do the right thing, but over 50% of these buildings don't comply. There will be a period of time when everyone is brought into compliance. When the gentlemen bought the building, he should have done thorough due diligence to determine if they met the requirements. City staff is doing the right thing bringing all of the buildings into compliance. I can't go along with approving this variance, because there are so many other people out that are in the same situation. There is progress being made to resolve the problems that exist. Unfortunately, I can't get behind this variance." Mr. Strickland stated, "I also agree that it is a work in progress, but we have to start somewhere. Unfortunately, we have to stay within compliance moving forward. I know it is tough, but it is what it is. Thank you for all of the work that you have done on the building, and for going through the permit process to get it up to Code as much as possible."

Mr. Martin **moved** to deny P12-029, Elite Electric, Variance. Mr. Strickland **seconded** the motion, which **passed unanimously** by roll call vote.

C. P11-026 RIVERLAND/KENNEDY - DRI/NOTICE OF PROPOSED CHANGE

Ms. Cox said, "The City has received a request from Glenn Ryals who is representing Riverland/Kennedy LLP, to amend the Development Order for the Riverland/Kennedy Development of Regional Impact. The property is located west of the Southern Grove Development of Regional Impact, and north and east of the Wilson Grove Development of Regional Impact and south of



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

TO: PLANNING AND ZONING BOARD - MEETING OF APRIL 3, 2012

FROM: JOHN FINIZIO, PLANNER *JF*

RE: VARIANCE APPLICATION (PROJECT NO. P12-029)
ELITE ELECTRIC

DATE: MARCH 21, 2012

APPLICANT/OWNER: Zarknap, LLC, John Pankraz. Authorization letter is attached to the staff report, or note that it is in the file.

LOCATION: East side of South Macedo, between Sea Holly Terrace and Whitmore Drive. The following addresses are located at this location: 1679 through 1691 South Macedo Boulevard.

LEGAL DESCRIPTION: Port St. Lucie Section 13, Block 622, Lots 15 through 17.

SIZE: 0.68 acres, or approximately 60,000 square feet.

EXISTING ZONING: CS (Service Commercial)

EXISTING USE: LI/CS (Light Industrial/Service Commercial)

REQUESTED VARIANCE: The request is to grant a variance to Chapter 158.221 Off-Street Parking and Lighting – Handicapped Parking Spaces of the Zoning Code to allow 12 fewer parking spaces than required. Said chapter requires 33 parking spaces for proposed development, whereas the applicant is proposing 21 parking spaces.?

SURROUNDING USES: North = CS (Service Commercial) zoning, with existing warehouse building. South = CS (Service Commercial) zoning, with an existing warehouse building. East = CS (Service Commercial) zoning, with an existing warehouse building. West = Small strip of city owned land used for South Macedo right-of-way, beyond is Florida's Turnpike.

IMPACTS AND FINDINGS

Compatibility with variance criteria:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Applicant: "We have a total of twenty eight (28) parking spaces located on our property, eight (8) of them are technically zoned the building next to me. We have plenty of additional parking available on the right of way of Macedo Boulevard from 6 am to 6 pm."

Staff: There are no special conditions or circumstances related to the land, structure, or building involved; this request is for a parking variance which is a direct result of action from the applicant. §158.221 (C) (13) of the City's Land Development Regulations requires all office use to provide one (1) parking space for every 200 square feet of gross floor area for buildings under 30,000 square feet. §158.221 (C) (23) requires warehousing to provide two (2) parking spaces for each 1,000 square feet of gross floor area up to 10,000 square feet. The applicant is proposing that his building only provide 21 spaces for a warehouse building with 5,062 square feet of office space, and 3,888 square feet of warehouse/storage space.

The building in question is part of a larger site plan known as Raven Parc. Raven Parc was a phased development, and has the project number P85-125, Raven Parc, North Site Plan Application. This site plan was approved by City Council on November 26, 1985. The Raven Parc site plan contains a total of four (4) individual warehouse buildings; however, since this was a phased development, only buildings B and C were reviewed during the site plan review of project P85-125. Building B, the applicant's building, is identified as a 7,500 square foot warehouse building with four (4) individual units which include the addresses include 1679, 1685, 1687, and 1691 South Macedo Blvd.

Since the site plan contained two individual buildings, the parking allotted to each building is identified on the site plan, and is broken down into square footage and use (please see Table 1).

If the variance is granted, there will be a deficit of at least 12 parking spaces over the entire site, for both Buildings B and C. Just how this will affect the character of the site is unknown. But it is important to note that at this time only two (2) units of Building B are being used. As future tenants move into this area, there will be a change brought upon by additional office space and parking ratio that was provided for this site.

Table 1. Identified Parking for Raven Parc North*

Building	Building Area	Use	Percent	Parking Spaces
B	7,500	Retail	24	9
		Warehouse	78	12
C	10,000	Retail	80	40
		Warehouse	20	4
Total				65

*Data copied from the approved site plan for Raven Parc (P85-125), see Exhibit B.

- 2) That the special conditions and circumstances do not result from any action of the applicant.

Applicant: "See attached "Exhibit A."

Staff: Currently, there are no special conditions or circumstances regarding this site. The applicant states in Exhibit A that it was purchased with this office space, therefore the special conditions and circumstances that this variance requests may not be a direct result of the applicant. The 7,500 square foot warehouse building was built out with over 5,000 square feet of office space without attempting to amend the approved site plan, or request permits from the City's Building Department. Staff is ensuring conformance with §158.221 (C) (13) of the zoning code: office (administrative, business, medical, or professional) use requires one parking space for each 200 square feet of gross floor area for buildings under 30,000 square feet. The granting of this variance will confer on the applicant a special privilege that is denied by other lands in the same zoning district.

It is important to note: according to the applicant, all the interior build out (increased office space) was the action of the previous owners of the building (please see applicant's exhibit A). Therefore, he is correcting an issue which he inherited when he purchased the building. So, even though he has performed some tenant improvements for the building, he was improving on what already existed.

- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.

Applicant: "Parking on the right of way of Macedo Boulevard is already accepted and allowed by the city."

Staff: Granting this variance will confer a special privilege on the applicant, i.e., the ability to enlarge the square footage of an existing warehouse building (constructing a second story), and changing the primary use (from

warehouse/storage to office use) without providing the required amount of off-street parking. All development within the city is required to provide the required parking spaces as outlined in the City's Land Development Regulations; this site is not meeting this requirement.

It is true that the city does permit parking along the Macedo Blvd. right-of-way between the hours of 6 a.m. to 6 p.m.; however §158.221 (B) (5) of the zoning code states that "where off-street parking is required, parking shall be provided on the same lot or premises with the business or office which is being served, unless otherwise specifically approved by the City Council."

The office space alone for this building requires at least 25 parking spaces (5,062/200), the remaining warehouse/storage space would require at least 8 parking spaces (3,888/500). Therefore, as proposed, this site needs at least 33 parking spaces. The approved site plan designates 21 parking spaces (see exhibit B for the approved site plan) for this building, which is a shortage of 12 parking spaces. By providing only 21 of the required 33 parking spaces, this variance proposes to reduce the required parking on this site by more than 35%, whereas other developments in the same zoning district are providing 100% of the required parking.

There have not been many parking variances submitted over the last decade, and none of these were located in the CS (Service Commercial) Zoning District. Three were in the CG (General Commercial) Zoning District (P08-194, P06-138, and P06-224), one was in the WI (Warehouse Industrial) Zoning District (P05-350), one was in the P (Professional) Zoning District (P10-073), and one was in the MPUD (Master Planned Unit Development).

The one parking variance that was approved in the general vicinity was P10-073 JPL Properties/Amazing Grace School of Dance Parking Variance. The object of this application was to open a dance school with 17 fewer parking spaces than required by §158.221. What made this application so unique is that the site plan identified several different uses on site. The original site plan was approved with an office building, a manager's apartment and a one story parking garage. The dance school was to occupy the one story parking garage. This application was approved by the Planning and Zoning Board on August 3, 2010.

The only other parking variance on point is P05-350, Team IP parking variance. The applicant proposed a 2,980 square foot second floor extension to create a 14,980 square foot office/manufacturing and warehouse building to include 3,015 square feet of office space, 4,770 square feet of manufacturing space and 7,195 square feet of warehouse/storage space. The zoning district was WI (Warehouse Industrial), but the property has been subsequently rezoned to CS (Service Commercial). This variance application was approved on appeal on December 12, 2005.

- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning

district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

Applicant: "I would have to eliminate 5,000 square feet of offices that are already in place."

Staff: The approved site plan and development for Raven Parc consists of two warehouse buildings with associated parking based on the ratio as shown on the approved site plan P85-125). Literal interpretation of this chapter would not deprive the applicant of rights commonly enjoyed by other properties within this zoning district. Denying this variance request would not work unnecessary and undue hardship on the applicant.

That being said, it is important to remember that the applicant inherited these issues (please see applicant's exhibit A), and there is a real cost in removing this excessive office space for the existing business.

- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Applicant: "With the existing office space we need twelve additional parking spaces (see parking table)."

Staff: Denying the variance does not hinder the reasonable use of the land, building, or structure. Reasonable use of the land, buildings, and structures already exists, the original site plan identifies this building as a warehouse, not an office building; therefore the requested variance would not be the minimum variance that would make possible the reasonable use of the land, buildings, or structures.

That being said, it is important to note, that the addition of the second story office space was constructed prior to Zarknap, LLC taking possession of the property. Improvements have been made (please see applicant's exhibit A), but the initial build-out (adding the second floor) was performed by previous owners. The applicant is requesting less than what the site currently requires. They are making strides to come to greater compliance, which can also be seen in the fact that 2,400 square feet of office space has already been removed.

The applicant has already removed around 2,400 square feet of office space

- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant: "Vehicles are parked across the street in the right of way on Macedo every day (on other parts of Macedo)."

Staff: Granting this variance would not be in harmony with the general intent of §158.221 (C) of the City's Land Development Regulations. Amount of Off-Street Parking Required states that office (administrative, business, medical, or professional) use requires one space for each 200 square feet of gross floor area

for buildings under 30,000 square feet. This section also states that all warehouse use provide two (2) parking spaces for each 1,000 square feet of gross floor area up to 10,000. 1679 through 1691 S. Macedo Blvd. was approved for 7,500 square feet and a total of 21 parking spaces, based on approved useage. Therefore, with 5,062 square feet of office space, and 3,888 square feet of warehouse, a total of 33 parking spaces will be required which is 12 parking spaces short.

It is true that the city allows people to park along the South Macedo Blvd. right-of-way during the hours of 6 a.m. to 6 p.m., and the applicant can of course use this right-of-way. However, §158.221 (B) (5) of the zoning code requires all required off street parking spaces to be provided on site. Parking will still be allowed to occur, when necessary along the right-of-way; but this does not alleviate the applicant's responsibility from providing the required parking spaces on site.

There is a possibility that approving this variance could be injurious to the area involved or otherwise detrimental to the public welfare. Granting this variance will ensure that this building can use the existing office space, without having to demolish it, which could be cost prohibited. However, there is no way to know exactly what effect the lack of parking spaces will have on the area until tenants begin to move into the empty bays in these buildings. At the least, it would most likely result in people parking on the sides of the street.

- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Applicant: "We shall comply with additional issues that may be required by planning and zoning or the building department."

Staff: Amending the approved site plan. To make informed decisions on future use, it is important to ensure that all site plans are accurately reflecting what is actually on the site. Whatever the outcome of this variance request, Planning and Zoning Department staff would like to recommend that the site plan be amended to accurately reflect the correct square footage of Building B, as well as the correct number of parking spaces for that square footage.

Impact fees. Impact fees are based on use and size. At the time of development this building paid its impact fees based on the approved 7,500 square feet for warehouse/industrial use. If the variance is approved, the applicant will be responsible for any additional square footage beyond 7,500 and the use will be for general office.

Impact fees are calculated based on usage and square footage; using square footage of the upstairs office space (1,450 square feet), and applying general office criteria, impact fees for this project will be around \$9,275.82.

RELATED PROJECTS:

P85-125 Raven Parc North Site Plan Application. This application was approved by City Council on November 26, 1985.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial.

Planning and Zoning Board Action Options:

- Motion to approve
- Motion to approve with conditions
- Motion to deny

Should the Board need further clarification or information from either applicant and/or staff, it may exercise the right to *table* or *continu * the hearing or review to a future meeting.

(NOTE TO APPLICANT: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).



City of Port St. Lucie
Planning & Zoning Department

121 S.W. Port St. Lucie Blvd.
Port St. Lucie, Florida 34984-5099
(772) 871-5212
(772) 871-5124 Fax

TDD (772) 873-6339

NOTICE TO PROPERTY OWNERS

VARIANCE APPLICATION ELITE ELECTRIC, P12-029

The City of Port St. Lucie has received a request from Elite Electric to grant a parking variance to allow 12 fewer parking spaces than required by code for an existing warehouse/office building located at 1679-1691 SW S. Macedo Boulevard, Port St. Lucie Section 13, Block 622, Lots 15, 16, and 17.

Section 158.221 (C) of the Zoning Code identifies the required parking spaces based on usage. 1679-1691 is a warehouse building with associated office space. Warehousing requires two (2) spaces for each 1,000 square feet of gross floor area, and offices space requires one (1) parking space for each 200 square feet of gross floor area. The building was approved for a total of 5,700 square feet of warehouse space and 1,500 square feet of office space. The applicant is proposing to add an additional 2,800 square feet of office space without adding additional parking spaces.

There will be a public hearing held by the Planning and Zoning Board at 1:30 p.m. Tuesday April 3, 2012 in the City Hall Council Chambers, 121 SW Port St. Lucie Boulevard, at the corner of Airoso and Port St. Lucie Boulevards, Port St. Lucie, Florida.

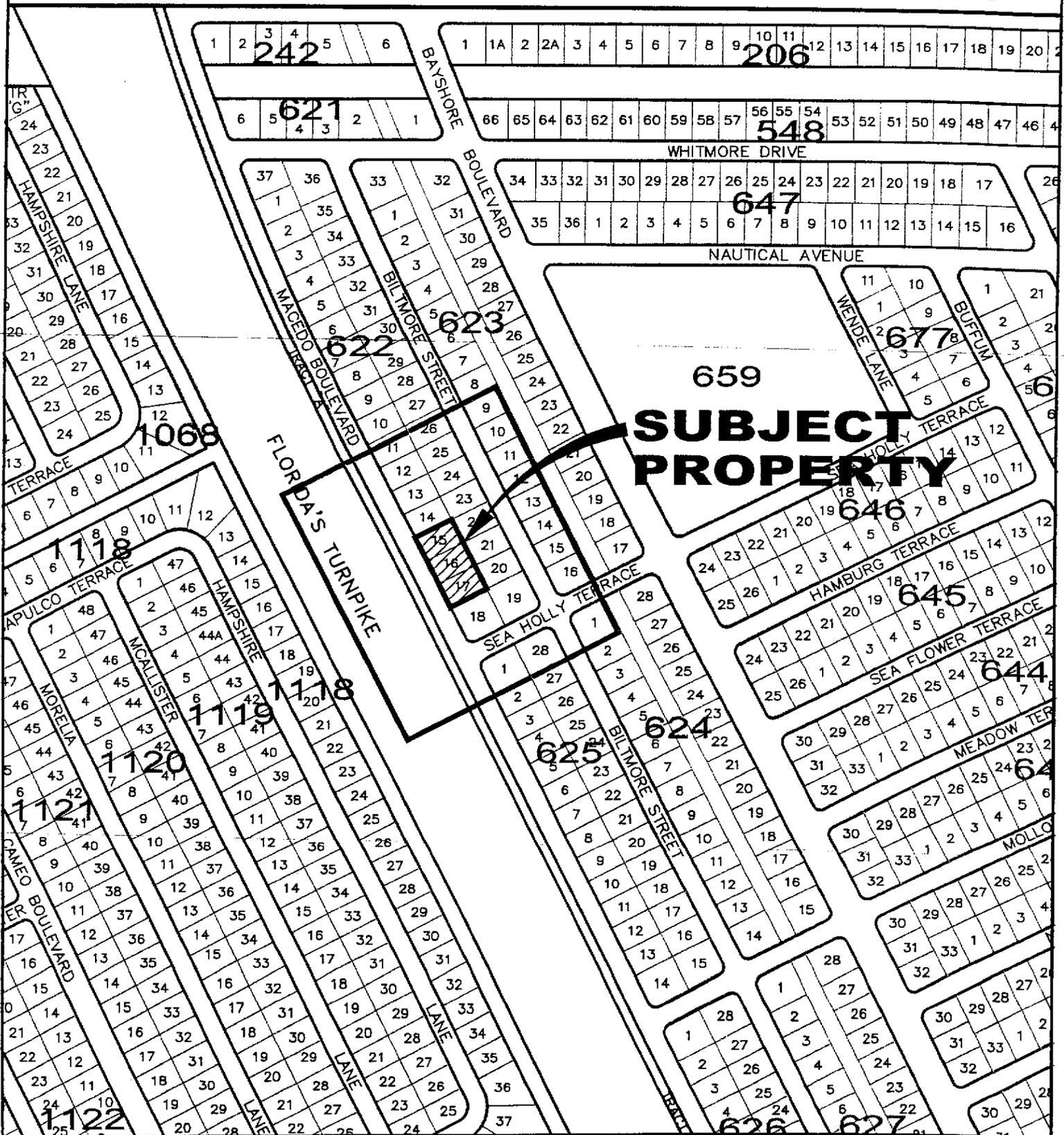
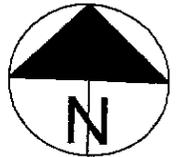
If you wish to do so, you may attend the meeting and express your views, either pro or con. If you do not wish to attend, you may file any comment you desire in writing. **PLEASE INCLUDE THE FILE NUMBER (P12-029) AND YOUR REASON FOR OBJECTING OR SUPPORTING THIS APPLICATION, ALONG WITH YOUR ADDRESS AND LEGAL DESCRIPTION (LOT, BLOCK, AND SECTION NUMBER) IN YOUR CORRESPONDENCE.** The Planning and Zoning Board shall consider such comment. The Board will vote to approve or deny the variance request. If denied, an appeal may be filed within fifteen (15) days to be heard by the City Council, which acts as the Board of Appeals.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office at 772-871-5157 for assistance.

If you have any questions regarding this petition, please contact John Finizio in the Planning and Zoning Department at (772) 344-4326 or fax material at (772) 871-5124.

March 12, 2012

SITE LOCATION (BUFFER)



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ 2012.DWG

VARIANCE
LOTS 15-17 BLOCK 622
PORT ST LUCIE SECTION 13

DATE: 3/5/2012

APPLICATION NUMBER:
P12-029

CADD FILE NAME:
P12-029M

SCALE: 1"=400'

Elite Electric & Air, Inc
 1691 SW South Macedo Blvd
 Port St Lucie, FL 34984
 772-340-3797

Seacoast National Bank
 Port Saint Lucie, FL 34952
 63-516/670

012238

APR 17 2012

PAY TO THE ORDER OF

City of Port St Lucie
One Hands of Party Dollars

\$ 150.00
 DOLLARS

FOR

Insurance Appeal

012238 0670051581 417705247

[Signature]

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
ELITE ELECTRIC & AIR, INC.
ATTN: JOHN PANKRAZ
1691 SW S MACEDO BLVD.
PORT ST. LUCIE, FL 34984

COMPLETE THIS SECTION ON DELIVERY*

- A. Signature *[Signature]* Agent
- B. Received by *[Signature]* Addressee
- C. Date of Delivery
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

- 3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
- 4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number **7011 2970 0001 7855 6391**
 (Transfer from service label)
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To **ELITE ELECT. & AIR - JOHN PANKRAZ**
 Street, Apt. No. or PO Box No. **1691 SW S. MACEDO BLVD.**
 City, State, ZIP+4 **PSC FL 34984**
 PS Form 3811, February 2004 See Reverse for Instructions

1689 5592 T000 0262 T102

COUPRE01

St. Lucie News Tribune
Legal Advertising
Proof of Publication to:

Karen A. Phillips, City Clerk
City Hall Plaza
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

NOTICE OF PUBLIC HEARING

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider these appeals on June 18, 2012, at 1:30 p.m., or as closely thereafter as business permits, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, as follows:

Zoning Appeal #12-2
Legal Description: Port St. Lucie Section 13, Block 622, Lots 15 & 17
Location: 691 SW S. Macedo Blvd., Port St. Lucie, Florida
Action Sought: Appeal the decision of the Planning & Zoning Board on April 3, 2012, denying a variance to Chapter 158.221 Off-Street Parking and Lighting - Handicapped Parking Spaces of the Zoning Code to allow 12 fewer parking spaces than required, P12-029
Appellant: Owner: John Pankraz
Applicant: John Pankraz, Elite Electric & Air, Inc.

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on June 18, 2012, at 1:30 p.m., or as closely thereafter as business permits, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, as follows:

Zoning Appeal #12-3
Legal Description: Port St. Lucie Section 14, Block 1360, Lots 24 & 25
Location: 2799 SW Ensenada Terrace, Port St. Lucie, Florida
Action Sought: Appeal the decision of the Planning & Zoning Board on May 1, 2012, denying 1) a variance to Chapter 158.217(C)(2)(i) to allow a second garage, where only one garage is permitted, 2) a variance to Chapter 158.217(C)(2)(i) to allow the second garage to be over 300 square feet that does not conform in appearance, material, and design of the house, and 3) a variance to Chapter 158,217(c)(2)(h) to allow an unattached storage building over 300 square feet that does not conform in appearance, material, and design to the house, P12-025
Appellant: Owner: David Brown
Applicant: David Brown

Copies of the above appeal documents are available in the City Clerk's office for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. Interested parties may appear at the meeting and be heard with respect to the appeal.

No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision

involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Karen A. Phillips, CMC
City Clerk

PUBLISH: June 1, 2012

Foreign Account Number : 11515278
 Ad # : 2401916
 Ad Net Cost : \$132.79
 Name (Primary) : CITY OF PORT ST. LUCIE
 Company (Primary) : CITY OF PORT ST. LUCIE
 Street 1 (Primary) : 121 SW PORT ST. LUCIE BLVD
 City (Primary) : PORT ST LUCIE
 State (Primary) : FL
 ZIP (Primary) : 34984
 Phone (Primary) : (772) 344-4390
 Class Code : 9424SC - Notice of Meeting
 Start Date : 6/1/2012
 Stop Date : 6/1/2012
 Prepayment Amount : \$0.00
 Ad Sales Rep. : 190 - Barbara Wentzel
 Width : 1
 Depth : 184

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