COUNCIL ITEM 8E
DATE 8/13/12

COUNCIL ITEM 10E
DATE 7/23/12

ORDINANCE 12-39

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING THE ZONING CODE SECTIONS §158.192; PROVIDING FOR CLARIFICATION IN THE PROCESS OF AMENDING CONCEPTUAL PLANS; §158.213, ALLOWING WIRELESS COMMUNICATION ANTENNAS AND TOWERS IN DESIGNATED PARK AND SCHOOL SITES WITHIN RESIDENTIAL LAND USE SUB-CATEGORIES FOR MPUD'S; AND §158.221 TO INCLUDE VEHICLE STACKING; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Sections 158.192, 158.213, and 158.221, Zoning Code, Code of Ordinances of the City of Port St. Lucie, Florida, is hereby amended as provided in Exhibit 'A'.

Section 2. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 13th day of August, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: _____
JoAnn M. Faiella, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
Roger G. Orr, City Attorney

Exhibit A

PROPOSED TEXT AMENDMENT

The Planning and Zoning Department is proposing that the text of §§ 158.192, 158.213, and 158.221 of the City's Zoning Code be amended to allow for the following changes. Additions to text are indicated by underlined; deletions by ~~strike-through~~.

§ 158.192 CHANGES IN CONCEPTUAL PLANS

(A) Changes in conceptual plans approved as a part of the rezoning to MPUD may be permitted. Changes to an approved MPUD which would be considered Major are as follows:

(1) A change which would include a land use not previously permitted under MPUD;

(2) A change which would alter a land use type adjacent to a property boundary except where it is (1) a reduction in density, or (2) a reduction in the intensity of approved residential development unless the reduction locates the residential use adjacent to an incompatible use;

(3) A change which would require an amendment to the City Council's conditions of approval;

(4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall MPUD;

(5) An amendment to the phasing which would propose a land use in advance of the development it is designed to support.

(B) Major changes in conceptual plans shall require a rezoning application meeting all applicable requirements of this chapter for MPUD rezoning and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter. For changes to conceptual plans to include a land use not previously permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners of real property within the area subject to the change and within 300 feet of the boundary of the area subject to the proposed change.

~~(B)~~ (C) In addition, the Planning and Zoning Director may consider Minor changes which do not trigger the standards listed above or where the developer proposes to reduce the number of units or floor area in one phase of the project and make a corresponding increase in the number of units or square footage in another portion of the project, if other conditions of approval are not adversely affected, nor any other changes are proposed which would be considered a substantial change to the MPUD.

~~(C)~~ (D) The Planning and Zoning Director may refer Minor changes to an approved MPUD to the Site Plan Review Committee. Any denial of a proposed change by the Director or the Site Plan Review Committee may be appealed to the City Council. All Major changes shall follow the procedure for rezoning to MPUD as specified in §158.190(B).

~~(D)~~ (E) To apply for a change in conceptual master plans, the developer or his successors in interest shall submit the following information to the Planning and Zoning Director.

(1) An up-to-date statement presenting evidence of unified control of the entire area within the MPUD and a renewed agreement to all provisions set forth in § 158.190(A) (1).

(2) A written statement clearly setting forth all proposed changes in the conceptual master plan and regulation book, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual master plan and regulation book.

(3) Revised copy of the conceptual master plan containing all proposed changes.

(4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.

(5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.

§ 158.213 WIRELESS COMMUNICATION ANTENNAS AND TOWERS

Wireless communication antennas and towers shall comply with all applicable structural and safety standards of the Federal Communications Commission (FCC), Edison Electrical Institute (EEI) and/or Electronic Industries Association (EIA), and Federal Aviation Authority (FAA). Commercial wireless communication antennas and towers are considered structures and shall be installed in accordance with all applicable provisions of the building code, plus all conditions of this section.

(A) **MONOPOLE** towers are single upright poles, engineered to be self-supporting and do not require lateral cross supports or guys.

(B) **GUYED** towers and antennas shall be set back from all property lines a minimum distance of the break points as verified by a certified engineer on the site plan or a distance equal to one-half its height to allow for proper guying and maintenance. All tower supports and peripheral anchors shall be located entirely within the boundary of the property.

Exhibit A

(C) **SELF-SUPPORTING** towers and antennas shall meet the setback requirements of the applicable zoning district.

(D) **Special Exception Use**. Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of §§ 158.255 through 158.262:

(1) GU (General Use)

(2) OSR (Open Space Recreational)

(3) OSC (Open Space Conservation)

(4) I (Institutional)

(5) CS (Service Commercial)

(6) WI (Warehouse Industrial)

(7) IN (Industrial)

(8) U (Utility)

(9) Neighborhood Village/Commercial ~~Areas~~, Town Center, Resort, Employment Center, ~~and~~ Mixed Use ~~Sub-Districts~~, and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas.

(E) Wind Load. Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity.

(F) Height Limits.

(1) Wireless communication towers:

(a) Located in CS, WI, IN, GU and U zoning districts; Mixed use, and Employment Center Sub-Districts in MPUD's in NCD future land use areas: up to 300 feet.

(b) Located in OSR, OSC, and I zoning districts, and Town Center Sub-District in MPUD's in NCD future land use areas, and greater than five acres: up to 200 feet.

(c) Located in OSR and OSC zoning districts' and Neighborhood Village/Commercial Areas, and Resort, Sub-

Districts in MPUD's in NCD future land use areas, and less than five acres: up to 100 feet.

(d) Not permitted in residential land use areas.

(2) A waiver to these height limits can be requested as a part of the special exception review. The applicant must provide documentation as to why the height limits are inappropriate to the proposed site.

(G) Co-Location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.

(H) Fencing. A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six feet in height, shall be constructed and maintained around the perimeter of a the tower and associated structures and equipment. Access shall be through a locked gate.

(I) Landscaping. Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees, a minimum of eight feet tall, set 20 feet apart, shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three feet in height and spaced three feet apart to be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.

§ 158.221 OFF-STREET PARKING AND LIGHTING; HANDICAPPED PARKING SPACES

(D) Combined Off-Street Parking. Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking area, when approved by the Zoning Administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Planning and Zoning Department in the form of a deed, lease, contract or similar document, securing full access to such parking areas for all parties jointly using them.

(E) Requirements For Nonconforming Uses. In the case of a building occupied by a use which is not permitted as a principal use in the zoning district in which the building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no alteration of use shall be permitted unless the off-street parking requirements of
§ 158.221 are fully provided.

Exhibit A

(F) Special Provision. The Planning and Zoning Board may, but need not, permit any development to have fewer parking spaces than required, if it finds that:

(1) The developer has demonstrated, by clear and convincing evidence, that the required number of parking spaces will not be reasonably necessary for the proposed use in the foreseeable future;

(2) The proposed development includes sufficient open space reserved for all the required parking spaces to be later provided, if deemed necessary by the Planning and Zoning Board, in conformance with all requirements and limitations of the Code of Ordinances, and;

(3) The site plan approval is conditioned upon the property owner providing all required parking spaces within 120 days after they are deemed to be necessary by the Planning and Zoning Board.

(G) Off-Street Loading and Service Facilities. Off-street loading and service facilities shall be provided in accordance with the following standards and specifications:

(1) On the same lot with every structure or use erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, garbage or trash, and for delivery and shipping so that vehicles for the service may use this space without encroaching on or interfering with the public use of sidewalks, streets, and alleys by pedestrians and vehicles.

(2) Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space, the full amount of off-street loading space shall be supplied and maintained to comply with § 158.215.

(3) An off-street loading space shall be an area at the grade level at least 12 feet wide, 25 feet long, and having 12 feet of vertical clearance. Each off-street loading space shall be accessible from a public street or alley without crossing or entering any other required off-street loading space, and shall be arranged for convenient and safe ingress and egress by motor truck or trailer combinations. No off-street loading space shall be designated or utilized as off-street parking space. Each off-street loading space shall be accessible from the interior of any building it is intended to serve.

(4) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(a) For each retail store, restaurant, laundry, dry cleaning establishment, service establishment or repair facility, warehousing or industrial use or similar use which has an aggregate gross floor area of:

1. Over 5,000 square feet but not over 25,000 square feet, one space;

2. Over 25,000 square feet but not over 60,000 square feet, two spaces;

3. Over 60,000 square feet but not over 120,000 square feet, three spaces;

4. Over 120,000 square feet but not over 200,000 square feet, four spaces;

5. Over 200,000 square feet but not over 290,000 square feet or major fraction thereof, one space for every 50,000 square feet.

(b) For each auditorium, exhibition hall, museum, hotel or motel, office building, or similar use, which has an aggregate gross floor area of over 10,000 square feet but not over 40,000 square feet, one space; plus one space for each additional 60,000 square feet over 40,000 square feet or major fraction thereof.

(c) Where there is any question as to the off-street loading requirements, a similar use shall be used for comparison, which shall be determined and fixed by the Site Plan Review Committee.

(5) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(6) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Zoning Administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Planning and Zoning Department in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all parties jointly using them.

(H) Requirements for Handicapped Parking.

(1) Pursuant to Florida Statutes §§ 316.1955 and 316.1956, the required number of parking spaces for disabled persons shall be as follows:

Total Parking in Lot	***Required Number of Accessible Spaces***
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

(2) Design requirements for such parking spaces shall be as set forth in F. S.

§ 316.1955(3). The spaces shall also be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Beneath this sign shall be another sign with the caption "$250 FINE."

(I) Stacking Requirements. The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, day care, car washes, and drive-up windows, shall be provided in accordance with standards that promote the general safety and welfare of the public.

(1) The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.

(2) The stacking area shall not included space for any other circulation driveway, parking space, or maneuvering area.

(3) An escape route from the stacking area for drive-ups is required.

(4) An escape route for schools and day care facilities are highly recommended.

(5) The stacking area shall be located and of sufficient length so that it will not block traffic circulation within the development during peak queuing periods.

(6) An analysis showing the estimated normal peak queue lengths shall be provided with the site plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.

(7) Adequate stacking storage to accommodate normal peak queues shall be provided on-site and shall not overflow onto adjacent streets.

(8) Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.

E. P11-146 CITY OF PORT ST. LUCIE - CHAPTER 158 ZONING CODE - ZONING TEXT AMENDMENT

Mr. Finizio said, "This is a City initiated Zoning Text Amendment to address changes to the following sections of the Zoning Code: Section 158.192, Changes in Conceptual Plans, Section 158.213, Wireless Communication Antennas and Towers, and Section 158.221, Off-Street Parking and Lighting, and Handicapped Parking Spaces. Section 158.192, Changes in Conceptual Plans will help us establish processing requirements regarding major changes to Conceptual Plans in the MPUD Zoning District. The following text is being proposed to be added to Section 158.192 identified as 'B': Major changes in Conceptual Plans shall require a rezoning application, meeting all applicable requirements of this Chapter for MPUD rezoning, and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this Chapter. The changes to Conceptual Plans include a land use not previously permitted, or to change a land use type adjacent to a property boundary. Notices shall be sent to owners of real property within the area subject to the change and within 300 feet of the boundary of the area subject to the proposed change."

Mr. Finizio continued, "Section 158.213, Wireless Communication Antennas and Towers; to ensure the Zoning Code is compatible with the Tradition MPUD document, the following changes are being proposed to the existing text so it reads, 'Neighborhood Village/Commercial, Town Center, Resort, Employment Center, Mixed Use, and designated park or school sites within Residential land use sub-categories in Master Planned Unit Development in New Community Development District future land use areas. Section 158.221, Off-Street Parking and Lighting, Handicapped Parking Spaces; stacking requirements for schools, daycares, carwashes, and drive-through windows are not currently addressed in the City's Zoning Code. To assist in preventing negative impacts on the individual sites and their surrounding sites, and the overall transportation network, the following stacking requirements are being proposed to be included in Section 158.221 and labeled as Subsection I: Stacking Requirements. The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, daycare facilities, carwashes, and drive-through windows shall be provided in accordance with standards that promote the general safety and welfare of the public.

1. The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.
2. The stacking area shall not included space for any other circulation driveway, parking space, or maneuvering area.
3. An escape route from the stacking area for drive-ups is required.
4. An escape route for schools and day care facilities is highly recommended.
5. The stacking area shall be located and of sufficient length, so that it will not block traffic circulation within the development during peak queuing periods.
6. An analysis showing the estimated normal peak queue lengths shall be provided with the Site Plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.
7. Adequate stacking storage to accommodate normal peak queues shall be provided on-site, and shall not overflow onto adjacent streets.
8. Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.

My staff report was sent to Mr. Marty Sanders for his feedback regarding the stacking requirements. His comments were added to the dais this morning for your review. Planning and Zoning and Engineering do not have any objections to incorporating these comments into the proposed requirements. The Planning and Zoning staff finds the request to be consistent with the direction and intent of the policies of the City's Comprehensive Plan, and recommends approval."

Vice Chair Martin said, "On Page 7 at the top, it talks about non-conforming uses, and how they will be handled with regard to off-street parking and lighting. The words, 'or extension of the use' and the non-conforming use is if the business is non-conforming and stays in business under the same ownership name that their requirements shouldn't be changed or modified. The extension of the use; does that open the door, so that people could then be required to make modifications to the site even though they have been non-conforming?" Mr. Finizio responded, "This text already exists." Mr. Holbrook advised, "This is an existing Code, which was provided because amendments were being changed to sections that were associated with this. This isn't new language which is being proposed for the Board's consideration. It says, 'In the case of a building occupied by a use which is not permitted as a principal use in the Zoning District in which the building is located for major repairs, substantial alterations, or extensions of the use are to be made. No alteration of use shall be permitted unless the off-street parking requirement is fully provided.' If you have a legal use, you can continue that legal use. The City from time to time has amendments to its parking Codes. Sometimes it has a greater requirement and sometimes we decrease it, depending on the changes, the review, and the analysis that we have, or if there is a change in policy." Vice Chair Martin remarked, "Thank you."

Mr. Sanders stated, "I appreciate what staff has done on behalf of the stacking, specifically for schools. The design and stacking for schools is more of an art than a science, because a lot of things affect how many parents are going through a queue in a particular school. A lot of it revolves around the parents' socioeconomic status. If they are a single working parent, they don't have time to go into the parent pickup line to pick up their kids. Many schools, like Manatee, may have 300 or 400 cars in line to pick up kids, where other schools may have less than 100 cars, and is a similar size. It can vary a lot based upon the demographics of the student body. I try to incorporate the best design practices that we use in schools. Specifically, trying to keep the parents and the buses separate, because buses have a schedule to meet, and there are a larger number of kids on the busses. I incorporated that language to try to keep them separate and also looked at the left-turn movements. If you have a left-turn movement within a parking lot, it becomes a conflict point, and slows things down. While you may have a similar amount of stacking in a parking lot, if you have a left-turn conflict movement, it slows things down and doesn't work the same as if you had no conflict. Those were my recommendations to try to speed things up for dismissal. Getting the kids to school, getting them fed, and getting them home is half of the effort of the school sometime, because it is a logistics problem with the number of students that we have coming and going from school."

Secretary Ojito inquired, "Have you looked at the definition of major change?" Mr. Finizio responded, "Yes." Secretary Ojito said, "It is kind of ambiguous as to what a major change is." Mr. Finizio explained, "It is included in a prior section of the Code." Secretary Ojito asked, "Do you feel that the definition is adequate?" Mr. Finizio replied, "At this time, yes. Do you want to propose any changes?" Secretary Ojito said, "No. I'm just asking when you evaluated it, that you also evaluated the definition to make sure that it is clear." Mr Finizio replied in the affirmative. Secretary Ojito questioned, "Regarding the stacking, did you look at the turning lanes as additional stacking, or are you only looking at on-site stacking?" Mr. Holbrook answered, "The language that is being proposed is stacking areas, so the area can accommodate people. It is primarily for on-site stacking facilities. The traffic analysis looks at how it will impact the surrounding local roads and arterials, and if they create a conflict what it will look like dealing with turning movements. This language indicates the things that we will be looking for that need to be considered when it is required, but it also gives staff the flexibility so that when we are looking at a specific site, we are not going through the variance process every time. Some sites will be very unique, and could affect a main arterial. It is trying to provide best practices, as well as flexibility, and gives staff some ability to have an individual review."

Ms. Parks asked, "On Page 9, Numbers 3 and 4 in comparison, Number 3 states, 'An escape route from stacking from the area the drive-ups is required.' Number 4 states, 'An escape route for schools and day care facilities is highly recommended.' Why did we select the less weight verbiage for schools and day care facilities over a drive-thru? I think of the security, health, and welfare of our children and the faculty members who are using that area." Mr. Sanders explained, "People get impatient when they look at a line that is not moving, and they decide to take a bypass route. A school may have a half-mile of stacking and people become accustomed to it. They recognize that if they get there early, they will be there until the cars in front of them leave. To some extent, it is almost not practical to provide a bypass in those cases." Ms. Parks clarified, "We are talking about using land area for an escape lane." Mr. Sanders replied in the affirmative. Chair Blazak said, "On Page 3, Number 2 says, 'The stacking area shall not included space for any other circulation driveway, parking space, or maneuvering area.' It is a typo? It should just say include." Mr. Finizio replied in the affirmative. Chair Blazak stated, "That is fine that it is not going to be for any other circulation, parking space, or maneuvering area, but are we comfortable stating that? We have seen a pretty creative approach to this already with 8 to 10 lanes wide. What will prevent a developer from saying, okay this is my stacking area and this is my parking area that are similar in shape, as we have seen it come forward already. We all know if we say okay, and it is a big paved area, it is going to get mixed. Do we need something to define those areas or separate those areas? Like the example we saw with the school where there were 8 circular lanes of stacking, parking, and emergency access all in one. It had three separate descriptions on a piece of paper. While we are saying they can't have it, how do we define it to make sure it doesn't happen?" Mr. Holbrook responded, "Number 7 says, 'Adequate stacking storage to accommodate normal peak queues shall be provided on-site and not overflow onto adjacent streets.' As a part of the required parking, they have to provide it first on-site, and have to meet the parking requirements. Some of the creative approach is taking the queuing areas and coning them off, so that they can accommodate on-site additional

parking, which typically isn't needed. One of the items that we have shared from staff's perspective is that we are not looking for additional asphalt, but we want to ensure that there is sufficient parking for the use, specifically, day in and day out, but also to address the special events that they have. It is one of the areas that we have allowed for flexibility in the past. Hopefully, it has worked well, as we have learned more as each application comes along. Hopefully, this proposed text will address it, and still provide flexibility so we can do individual reviews on Site Plans." Chair Blazak said, "Thank you. I just wanted to make sure."

Mr. Sanders inquired, "Are we trying to say that the stacking area should not be included in any other required circulation space, and maybe the insertion of the word required might clear that up? In our case, we often may be required to have 50 parking spaces, but we may put in 100. We may use some of that space for queuing from time to time." Ms. MacKenzie said, "I've noticed in a lot of schools that there is usually signage that gives certain hours where people are not to park after a certain time or they will be towed. It tells people the parking is only during non-peak times." Chair Blazak stated, "I'm okay with that. I just didn't want to see something come forward like we had that was all combined into one. If Mr. Holbrook is comfortable with it, then I am. Mr. Sanders' idea of having a required area for queuing and stacking might not be a bad idea." Mr. Holbrook asked, "Do you feel that Item 2, where it says, 'The stacking area shall not include space for any other circulation driveway, parking space, or maneuvering area' addresses it, or are you looking for something more specific?" Chair Blazak replied, "I'm comfortable with it, if you are. It is a definition that we didn't have before, so I think it gives us a little more teeth. We had nothing like this in Number 7 before, so I wanted to make sure so we can handle a situation like we had before. I'm fine with it, if Legal is fine with it."

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing. Mr. Garrett **moved** to recommend approval of P11-146, Chapter 158 Zoning Code, Zoning Code Text Amendment. Secretary Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

City of Port St. Lucie

Planning and Zoning Department Memorandum

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

FROM: **JOHN FINIZIO, PLANNER** J.F.

RE: **CHAPTER 158 ZONING CODE – ZONING TEXT AMENDMENT (PROJECT NO. P11-146)**

DATE: **JUNE 19, 2012**

BACKGROUND

This is a staff initiated zoning text amendment to address changes to the following sections of the zoning code: §158.192, Changes in Conceptual Plans, §158.213, Wireless Communication Antennas and Towers, and §158.221, Off-Street Parking and Lighting: Handicapped Parking Spaces.

§158.192, Changes in Conceptual Plans:

The procedure to rezone land to MPUD is identified by Section 158.190, and changes in MPUD conceptual plans (which are required per §158.190 (A) (1)) are regulated by Section 158.192. Section 158.192 defines what a major change to concept plans is; however it is ambiguous as to the overall process involved with major changes to these concept plans.

To help establish these process requirements, regarding major changes to the conceptual plans, the proposed text is being proposed to be added as §158.192 (B):

> Major changes in conceptual plans shall require a rezoning application meeting all applicable requirements of this chapter for MPUD rezoning and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter. For changes to conceptual plans to include a land use not previously permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners of real property within the area subject to the change and within 300 feet of the boundary of the area subject to the proposed change.

§158.213, Wireless Communication Antennas and Towers:

Currently, Section 158.213 does not permit wireless communication antennas and towers on designated park or school sites within Residential land uses sub-categories in MPUD's in NCD (New Community Development District) future land use areas; however this

contradicts the Tradition MPUD document. Section 1 (C) (1) of the Tradition MPUD allows wireless communication antennas and monopole towers as a special exception use in residential areas. This amendment will help to correct this inconsistency between the City's Zoning Code and the City's Comprehensive Plan, and Tradition's MPUD document.

The following additions and changes are being proposed for §158.213 (D) (9):

Neighborhood Village/Commercial ~~Areas~~, Town Center, Resort, Employment Center, ~~and~~ Mixed Use ~~Sub-Districts~~, and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas.

§158.221, Off-Street Parking and Lighting: Handicapped Parking Spaces:

Stacking requirements for schools, day cares, car washes, and drive-through windows are not currently addressed in the City's Zoning Code (Chapter 158). Vehicle stacking could have a tremendous affect on a site's circulation, and the City's transportation network. To assist in preventing a negative affect on individual sites, their surrounding sites and the overall transportation network, the following stacking requirements are being proposed to be included in the Section 158.221 and labeled as subsection I.

With the recent site plan approvals for St. Lucie Charter School @ SLW (P09-084), and Imagine School @ PSL (P07-330 and P08-187), the subject of vehicle stacking has been a continued topic of discussion and concern with city staff, the Planning and Zoning Board, and City Council. Stacking requirements for drive-through facilities have also been a subject of concern due to the potential impact they can have on the circulation of a site. Therefore, with the inclusion of these stacking requirements, the City is providing some consistency with regards to drive-through facilities for all future sites.

After much research and discussion, it has been determined that setting up a universal stacking requirement would not be in the best interest of the city. There are many factors that go into determining the proper stacking requirements for a specific use on a particular site; therefore each site will be reviewed independently to determine the correct stacking requirements for that site, thereby addressing all elements that could adversely affecting the surrounding transportation network.

The proposed text amendments regarding stacking areas for facilities are summarized as follows:

Stacking Requirements. The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, day care facilities, car washes, and drive-through windows, shall be provided in accordance with standards that promote the general safety and welfare of the public.

1. The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.

2. The stacking area shall not included space for any other circulation driveway, parking space, or maneuvering area.
3. An escape route from the stacking area for drive-ups is required.
4. An escape route for schools and day care facilities is highly recommended.
5. The stacking area shall be located and of sufficient length so that it will not block traffic circulation within the development during peak queuing periods.
6. An analysis showing the estimated normal peak queue lengths shall be provided with the site plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.
7. Adequate stacking storage to accommodate normal peak queues shall be provided on-site and shall not overflow onto adjacent streets.
8. Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.

PROPOSED TEXT AMENDMENT

The Planning and Zoning Department is proposing that the text of §§ 158.192, 158.213, and 158.221 of the City's Zoning Code be amended to allow for the following changes. Additions to text are indicated by underlined; deletions by ~~strike-through~~.

§ 158.192 CHANGES IN CONCEPTUAL PLANS

(A) Changes in conceptual plans approved as a part of the rezoning to MPUD may be permitted. Changes to an approved MPUD which would be considered Major are as follows:

(1) A change which would include a land use not previously permitted under MPUD;

(2) A change which would alter a land use type adjacent to a property boundary except where it is (1) a reduction in density, or (2) a reduction in the intensity of approved residential development unless the reduction locates the residential use adjacent to an incompatible use;

(3) A change which would require an amendment to the City Council's conditions of approval;

(4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall MPUD;

(5) An amendment to the phasing which would propose a land use in advance of the development it is designed to support.

(B) Major changes in conceptual plans shall require a rezoning application meeting all applicable requirements of this chapter for MPUD rezoning and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter. For changes to conceptual plans to include a land use not previously

permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners of real property within the area subject to the change and within 300 feet of the boundary of the area subject to the proposed change.

~~(B)~~ (C) In addition, the Planning and Zoning Director may consider Minor changes which do not trigger the standards listed above or where the developer proposes to reduce the number of units or floor area in one phase of the project and make a corresponding increase in the number of units or square footage in another portion of the project, if other conditions of approval are not adversely affected, nor any other changes are proposed which would be considered a substantial change to the MPUD.

~~(C)~~ (D) The Planning and Zoning Director may refer Minor changes to an approved MPUD to the Site Plan Review Committee. Any denial of a proposed change by the Director or the Site Plan Review Committee may be appealed to the City Council. All Major changes shall follow the procedure for rezoning to MPUD as specified in §158.190(B).

~~(D)~~ (E) To apply for a change in conceptual master plans, the developer or his successors in interest shall submit the following information to the Planning and Zoning Director.

(1) An up-to-date statement presenting evidence of unified control of the entire area within the MPUD and a renewed agreement to all provisions set forth in § 158.190(A) (1).

(2) A written statement clearly setting forth all proposed changes in the conceptual master plan and regulation book, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual master plan and regulation book.

(3) Revised copy of the conceptual master plan containing all proposed changes.

(4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.

(5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.

§ 158.213 WIRELESS COMMUNICATION ANTENNAS AND TOWERS

Wireless communication antennas and towers shall comply with all applicable structural and safety standards of the Federal Communications Commission (FCC), Edison Electrical Institute (EEI) and/or Electronic Industries Association (EIA), and Federal Aviation Authority (FAA). Commercial wireless communication antennas and towers are considered structures and shall be installed in accordance with all applicable provisions of the building code, plus all conditions of this section.

(A) **MONOPOLE** towers are single upright poles, engineered to be self-supporting and do not require lateral cross supports or guys.

(B) **GUYED** towers and antennas shall be set back from all property lines a minimum distance of the break points as verified by a certified engineer on the site plan or a distance equal to one-half its height to allow for proper guying and maintenance. All tower supports and peripheral anchors shall be located entirely within the boundary of the property.

(C) **SELF-SUPPORTING** towers and antennas shall meet the setback requirements of the applicable zoning district.

(D) **Special Exception Use**. Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of §§ 158.255 through 158.262:

(1) GU (General Use)

(2) OSR (Open Space Recreational)

(3) OSC (Open Space Conservation)

(4) I (Institutional)

(5) CS (Service Commercial)

(6) WI (Warehouse Industrial)

(7) IN (Industrial)

(8) U (Utility)

(9) Neighborhood Village/Commercial ~~Areas~~, Town Center, Resort, Employment Center, ~~and~~ Mixed Use ~~Sub-Districts~~, and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas.

(E) Wind Load. Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity.

(F) Height Limits.

(1) Wireless communication towers:

(a) Located in CS, WI, IN, GU and U zoning districts; Mixed Use, and Employment Center Sub-Districts in MPUD's in NCD future land use areas: up to 300 feet.

(b) Located in OSR, OSC, and I zoning districts, and Town Center Sub-District in MPUD's in NCD future land use areas, and greater than five acres: up to 200 feet.

(c) Located in OSR and OSC zoning districts' and Neighborhood Village/Commercial Areas, and Resort, Sub-Districts in MPUD's in NCD future land use areas, and less than five acres: up to 100 feet.

(d) Not permitted in residential land use areas.

(2) A waiver to these height limits can be requested as a part of the special exception review. The applicant must provide documentation as to why the height limits are inappropriate to the proposed site.

(G) Co-Location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.

(H) Fencing. A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six feet in height, shall be constructed and maintained around the perimeter of a the tower and associated structures and equipment. Access shall be through a locked gate.

(I) Landscaping. Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees, a minimum of eight feet tall, set 20 feet apart, shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three feet in height and spaced three feet apart to be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.

§ 158.221 OFF-STREET PARKING AND LIGHTING; HANDICAPPED PARKING SPACES

(D) Combined Off-Street Parking. Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking area, when approved by the Zoning Administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Planning and Zoning Department in the form of a deed, lease, contract or similar document, securing full access to such parking areas for all parties jointly using them.

(E) Requirements For Nonconforming Uses. In the case of a building occupied by a use which is not permitted as a principal use in the zoning district in which the building is

located, where major repairs, substantial alterations, or extensions of the use are to be made, no alteration of use shall be permitted unless the off-street parking requirements of § 158.221 are fully provided.

(F) Special Provision. The Planning and Zoning Board may, but need not, permit any development to have fewer parking spaces than required, if it finds that:

(1) The developer has demonstrated, by clear and convincing evidence, that the required number of parking spaces will not be reasonably necessary for the proposed use in the foreseeable future;

(2) The proposed development includes sufficient open space reserved for all the required parking spaces to be later provided, if deemed necessary by the Planning and Zoning Board, in conformance with all requirements and limitations of the Code of Ordinances, and;

(3) The site plan approval is conditioned upon the property owner providing all required parking spaces within 120 days after they are deemed to be necessary by the Planning and Zoning Board.

(G) Off-Street Loading and Service Facilities. Off-street loading and service facilities shall be provided in accordance with the following standards and specifications:

(1) On the same lot with every structure or use erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, garbage or trash, and for delivery and shipping so that vehicles for the service may use this space without encroaching on or interfering with the public use of sidewalks, streets, and alleys by pedestrians and vehicles.

(2) Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space, the full amount of off-street loading space shall be supplied and maintained to comply with § 158.215.

(3) An off-street loading space shall be an area at the grade level at least 12 feet wide, 25 feet long, and having 12 feet of vertical clearance. Each off-street loading space shall be accessible from a public street or alley without crossing or entering any other required off-street loading space, and shall be arranged for convenient and safe ingress and egress by motor truck or trailer combinations. No off-street loading space shall be designated or utilized as off-street parking space. Each off-street loading space shall be accessible from the interior of any building it is intended to serve.

(4) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(a) For each retail store, restaurant, laundry, dry cleaning establishment, service establishment or repair facility, warehousing or industrial use or similar use which has an aggregate gross floor area of:

1. Over 5,000 square feet but not over 25,000 square feet, one space;

2. Over 25,000 square feet but not over 60,000 square feet, two spaces;

3. Over 60,000 square feet but not over 120,000 square feet, three spaces;

4. Over 120,000 square feet but not over 200,000 square feet, four spaces;

5. Over 200,000 square feet but not over 290,000 square feet or major fraction thereof, one space for every 50,000 square feet.

(b) For each auditorium, exhibition hall, museum, hotel or motel, office building, or similar use, which has an aggregate gross floor area of over 10,000 square feet but not over 40,000 square feet, one space; plus one space for each additional 60,000 square feet over 40,000 square feet or major fraction thereof.

(c) Where there is any question as to the off-street loading requirements, a similar use shall be used for comparison, which shall be determined and fixed by the Site Plan Review Committee.

(5) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(6) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Zoning Administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Planning and Zoning Department in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all parties jointly using them.

(H) Requirements for Handicapped Parking.

(1) Pursuant to Florida Statutes §§ 316.1955 and 316.1956, the required number of parking spaces for disabled persons shall be as follows:

Total Parking in Lot	***Required Number of Accessible Spaces***
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

(2) Design requirements for such parking spaces shall be as set forth in F. S. § 316.1955(3). The spaces shall also be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Beneath this sign shall be another sign with the caption "$250 FINE."

(I) Stacking Requirements. The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, day care, car washes, and drive-up windows, shall be provided in accordance with standards that promote the general safety and welfare of the public.

(1) The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.

(2) The stacking area shall not included space for any other circulation driveway, parking space, or maneuvering area.

(3) An escape route from the stacking area for drive-ups is required.

(4) An escape route for schools and day care facilities are highly recommended.

(5) The stacking area shall be located and of sufficient length so that it will not block traffic circulation within the development during peak queuing periods.

(6) An analysis showing the estimated normal peak queue lengths shall be provided with the site plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.

(7) Adequate stacking storage to accommodate normal peak queues shall be provided on-site and shall not overflow onto adjacent streets.

(8) Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the policies of the City's Comprehensive Plan and recommends approval.

Planning and Zoning Objections:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

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

Pat Shutt P11-146

From: Roxanne Chesser
Sent: Friday, October 28, 2011 2:28 PM
To: Daniel Holbrook; Pat Shutt
Cc: Anne Cox
Subject: RE: ZTA, Stacking Code

Daniel,
Dennis will help us with this ...we'll need some time to gather info and discuss with Marty....

From: Daniel Holbrook
Sent: Friday, October 28, 2011 11:48 AM
To: Pat Shutt
Cc: Anne Cox; Roxanne Chesser
Subject: ZTA, Stacking Code

Please create a new ZTA file to address stacking (for uses such as a school or drive-through). Anne, you can assign this project to the appropriate planner. It should be incorporated into 158.221. Off-street Parking and Lighting; Handicapped Parking; Stacking. Possibly we should move lighting to 158.219, thoughts? Let's meet with Marty Sanders to discuss his concerns, see the attached email.

Rox, are there any industrial standard on this matter?

Thank you,

Daniel Holbrook, AICP
Director of Planning and Zoning
City of Port St. Lucie, FL
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

(772) 871-5213
dholbrook@cityofpsl.com

Pat Shutt

From: SANDERS, Marty [Marty.Sanders@stlucieschools.org]
Sent: Wednesday, August 24, 2011 10:42 AM
To: Daniel Holbrook
Cc: Roxanne Chesser; Brian Reuther; Jerry Bentrott; Pam Hakim
Subject: Charter schools 1002.33

Daniel: Reviewing the charter school in Tradition brought to my attention some code issue regarding charter schools. The Department of Education has developed the state requirements for educational facilities (FBC chapter 423 and FS 1013.37) specifically for education facilities to keep children safe. SREF provides a more stringent code that required for other private facilities. The Florida statute (1002.33) authorizing charter schools indicates that the charter schools are not required but may choose to comply with SREF.

Specifically the code says: (18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority.

As you are aware, the City has been silent on this issue since the School Board is required to meet SREF (FBC chapter 423). As such school meet a much more stringent safety requirement than other facilities. You may want to review with your staff and other departments on the need to adopt more stringent requirements for charter or private schools in the city. SREF provide much of the framework to address pedestrian, bus and parent pickup issues that can be very problematic.

Please let me know if you need any assistance from me regarding this issue.

Marty E. Sanders, P.E.
Executive Director of Growth Management, Land Acquisition, Inter-Governmental Relations, Facilities & Maintenance
School Board of St. Lucie County
327 NW Commerce Park Drive
Port St. Lucie, FL 34986

P11-146 CITY OF PSL - ZTA

School Board of St. Lucie County
Facilities & Maintenance Department
327 NW Commerce Park Drive
Port St. Lucie, Florida 34986
(772) 340-7100 • Fax (772) 340-4848

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June 26. 2012

John Finizio, Planner
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984-5099

Dear John:

Thank you for providing me a copy of your staff report regarding stacking requirements. I am including my comments below in redline/strikeout method.

Stacking Requirements: The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, day care facilities, car washes, and drive-through windows, shall be provided in accordance with standards that promote the general safety and welfare of the public.

1. The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.
2. The stacking area shall not include space for any other circulation driveway, parking space, or maneuvering area.
3. ~~An escape route by-pass lane~~ from the stacking area for drive-ups is required.
4. ~~An escape route by-pass lane~~ for schools and day care facilities is highly recommended.
5. The stacking area shall be located and of sufficient length so that it will not block traffic circulation within the development during peak queuing periods.
6. An analysis showing the estimated normal peak queue lengths shall be provided with the site plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.
7. Adequate stacking storage to accommodate normal peak queues shall be provided on-site and shall not overflow onto adjacent streets.
8. Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.
9. ~~Schools stacking lanes for buses should not mix with parent traffic.~~
10. ~~The stacking lane should not have left turn movement conflicts on site or pedestrian traffic crossing the stacking lane.~~

Please feel free to call if you have any questions.

Sincerely,

Marty E. Sanders

Marty E. Sanders, P.E. Executive Director of Growth Management, Land Acquisition, Inter-Governmental Relations, Facilities & Maintenance

MES/mtf

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: *REGULAR* __X__ *SPECIAL* ____

DATE: JULY 23, 2012 AND AUGUST 13, 2012

ORDINANCE __X__ *RESOLUTION* ____ *MOTION* ____ *PUBLIC HEARING* __X__

ITEM: P11-146 City of PSL Chapter 158 Zoning Code
Zoning Text Amendment

RECOMMENDED ACTION:

On July 3, 2012, the Planning and Zoning Board unanimously voted to recommend approval for this zoning text amendment.

EXHIBITS:

A. Ordinance
B. Staff Report
C. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

This is a staff initiated zoning text amendment to address changes to the following sections of the zoning code: §158.192, Changes in Conceptual Plans, §158.213, Wireless Communication Antennas and Towers, and §158.221, Off-Street Parking and Lighting: Handicapped Parking Spaces.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING *DATE: 07/10/12*

Daniel Holbrook

From: MaryAnn Verillo
Sent: Monday, July 23, 2012 10:43 AM
To: Daniel Holbrook
Subject: FW: Palm Pointe traffic planning

Please review asap, and either call/meet with CW Martin today to address for tonight's meeting.

From: Michelle Berger
Sent: Sunday, July 22, 2012 5:24 PM
To: MaryAnn Verillo
Subject: Fwd: Palm Pointe traffic planning

Sent from my iPhone

Begin forwarded message:

From: Christopher Gifillan <cgilfillanbphoa@gmail.com>
Date: July 22, 2012 3:57:01 PM EDT
To: Shannon Martin <District3@cityofpsl.com>, Michelle Berger <District2@cityofpsl.com>
Subject: Re: Palm Pointe traffic planning

From: Christopher Gifillan <cgilfillanbphoa@gmail.com>
Subject: Comments on upcoming ordinance changes
Date: July 22, 2012 3:49:37 PM EDT
To: District2@cityofpsl.com District3@cityofpsl.com

Good afternoon Council members,

As the HOA President, I would like to comment on two upcoming ordinance changes coming before you on Monday, 23 July 2012:

1. Ordinance 12-39, section 158.213. This is a request from staff to change the current city ordinance to match the MPUD conceptual plan concerning wireless communication antennas and towers. I find it interesting that
we are attempting to change the language in current ordinance form to match the MPUD. Wouldn't it make sense to match it the other way? The MPUD should match city ordinance, unless requested by the developers. The MPUD
document is flawed: it states that these 100 to 300 feet towers are allowed as "a special exception use in RESIDENTIAL AREAS."

Furthermore, it indicates they can use chain link fencing, which is a direct violation of the Tradition covenants.
The Tradition Community Association would never favor allowing these structures to be built near any residential area whatsoever. In fact, here in Tradition, these towers could easily be located in the general commercial areas, along the highway or certainly
in the new undeveloped areas south of Tradition Parkway. Our concern is the Palm Pointe School, which is located right in the heart of the Bedford Park community. Having a 300 foot communication tower would certainly be an eyesore. We have a new
builder developing (GHO) our final Phase 3, and this would certainly negatively impact his ability to sell homes. Please note, these are the final 92 homes which the Bedford Park HOA desperately needs to have completed such that the monthly maintenance assessments can
finally be spread out over the full 442 units. Currently, 350 homeowners are burdened with carrying the maintenance assessments for the entire community. Anything that impairs GHO's ability to sell these homes will have significant financial ramifications for Bedford Park.
The other point I'd like to make is we would like to insert the following change to the language in 158.192(B)..."For changes to conceptual planes to include a land use not previously permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners
of real property within the area subject to the change, within 300 feet of the boundary and **any adjacent homeowners association Board of Directors subject to the change.** This way, not only is the homeowner aware, the homeowners association is aware of any request.

2. Ordinance 12-39, section 158.221. As you are aware, we continue to have issues with the "stacking" of vehicles for dismissal from Palm Pointe School. West Park Avenue, **a privately owned, maintained and privately insured street** that is managed by Tradition Community Association, is currently being used to stack cars.
This is currently a two-way street. When stacking of vehicles occurs, a traffic issue is created by reducing this roadway to one-way direction, usually outbound. This is an inconvenience to our homeowners on West Park Avenue, as well as a problem for those Phase 3 sites
our developer is attempting to sell facing West Park Avenue north of Joseph Lane. It is our hope that this ordinance as written addresses **current and future** sites. This does not appear to be the case as currently written, it only addresses
future sites in Tradition. There are inherent safety issues as well, particularly since these private residential roads were't constructed to handle the increased traffic that school dismissals create. There is no way emergency vehicles could access this area with these lane restrictions.
Obviously, all of this was overlooked by the city when approving the parking plan for Palm Pointe. I may note, Academic Way has an additional stacking lane on the roadway for just this issue. On any given day, the parking lot for Palm Pointe off Academic Way is barely used by parents. They park in front of our homes
to reduce their walking distance to the office and dismissal areas. Don't forget, our kids are not necessarily allowed to attend this school since it is a laboratory

school in conjunction with Florida Atlantic University, they must go through the lottery process like everyone else in St. Lucie County.

So, in closing, as we look at these two ordinances, one changes the MPUD to allow 300 foot towers on school sites, yet the real problem with stacking is written for future sites. Are we to accept these new towers and also accept the disasterous parking and stacking in our community ? We think not. The Board of Directors, who manage these private roads may dictate direction, use and access of our roads. It may require signage adjustments to West Park, Joseph Lane, Westlawn Blvd
and any other roadway owned, maintained and repaired with private money so that our residents have access to their homes and driveways.

We hope you will take a closer look at these ordinance changes and address our concerns to staff about both of them so that residents and voters who live in Tradition are treated fairly.

Thank you,

Chris Gilfillan
President
Bedford Park HOA

On Jun 4, 2012, at 10:28 AM, Shannon Martin wrote:

Chris,

Thanks for the email. I will follow up on this with Greg, the PD and the school board. I am meeting with Greg this afternoon. I will get back to you shortly.

Shannon

From: Chris Gilfillan [mailto:cgilfillanbphoa@gmail.com]
Sent: Sunday, June 03, 2012 2:30 PM
To: Michelle Berger; Shannon Martin
Subject: Fwd: Palm Pointe traffic planning

Shannon, here we go again..school dept has no intention on following up w the phase 2 traffic plan that was developed. We have patiently allowed a temporary fix, but enough is enough. We will begin circulating a petition throughout the neighborhood to fix this traffic mess. Stacking on a roadway is not allowed by state statute. 316.1945 when it impedes traffic. Im sure blocking on entire lane is impeding. I included Ms Berger is well since part of Tradition is in her district now. Thanks
Chris Gilfillan

Sent from my iPhone

Begin forwarded message:

From: "Gillette, John" <John.Giliette@stlucieschools.org>
Date: May 30, 2012 11:03:19 EDT
To: Chris Gilfillan <cgilfillanbphoa@gmail.com>
Subject: RE: Palm Pointe traffic planning

Chris Gilfillan,

Palm Point K-8 was built as per the design that was approved by the Developer. The School is situated on the property as the Developer required, as well as the traffic pattern that they approved. Once a Site has been built to those specifications and completed there is no additional funding allocated. At this time there is no plans, either drawn or proposed, to add any additional parking or entrances to the site. We are currently experiencing a financial crisis with the limited budget for Facilities coming from the State and must use all of our resources to maintain the Districts Schools. I would estimate, from previous Projects, that a new parking lot would cost around $200,000.00. At this time that expense is not being considered. Perhaps in the future if we expand that site to consider additional grade levels we would includes those modifications you suggested.

Thank you,

John Gillette
Senior Project Manager
SLCSD
772-340-7111 office
772-201-9041 cell
John.Gillette@stlucie.k12.fl.us

From: Chris Gilfillan [cgilfillanbphoa@gmail.com]
Sent: Wednesday, May 30, 2012 10:00 AM
To: Gillette, John
Subject: Palm Pointe traffic planning

Good morning,

I am Chris Gilfillan, President of the Bedford Park HOA. We are wondering what the status is on the additional rerouting plan for Palm Pointe Elementary School. There have been several discussions about installing an additional parking lot north of the school with access from West Park Avenue as well as establishing the serpentine drop off area off the street as it has been this year. We have new homes being built on West Park and this traffic is going to impede sales as well as continue to disrupt traffic flow and parking for current residents. We were told the parking will be addressed during the summer months. Is that still on schedule ? We would like to be involved in any planning sessions for the future. Thanks, Chris Gilfillan

Sent from my iPad

Under Florida's "Public Records" law, absent a specific exclusion, written communications to or from St. Lucie County School District employees are considered public records. E-mail communication with this correspondent may be subject to public and media disclosure upon request.
St. Lucie Public Schools