

Agenda Request

Item Number Meeting Date: III - A 02/19/2009

Consent [] Regular [] Public Hearing [v] Leg. [] Quasi-JD []

To: Planning and Zoning Commission Submitted By: Growth Management Department

Presented By Robin D. Meyer Growth Management Director

SUBJECT: Petition of "Selvitz Road Properties LLC" for an Amendment to the Official Zoning Atlas to change the zoning of 14.2 acres of land from the AR-1 (Agriculture, Residential - 1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family - 5 du/acre) Zoning District to allow 71 townhouse/condominium units creating an overall site density of 5 units to the acre; for the project known as "Baycreek Townhomes" located on west side of Selvitz Road and east side of Ralls Road, approximately 1,775 feet south of Edwards Road, St. Lucie County, Florida.

BACKGROUND: Draft Resolution No. 09-009 File No.: RZ 112006515 Current Zoning: AR-1 (Agriculture, Residential - 1 du/acre) Proposed Zoning: RM-5 (Residential, Multiple Family - 5 du/ acre) Future Land Use: RU (Residential Urban - up to 5 du/ acre) Project Area: 14.2 acres

FUNDS AVAILABLE: N/A

PREVIOUS ACTION: N/A

RECOMMENDATION: Staff recommends the Planning and Zoning Commission forward to the Board of County Commissioners a recommendation of denial as contained in the Draft Resolution No. 09-009.

Planning and Zoning:

APPROVED DENIED OTHER

Commission Review: February 19, 2009



GROWTH MANAGEMENT DEPARTMENT
Planning Division

MEMORANDUM

TO: Planning and Zoning Commission

THROUGH: Mark Satterlee, Director *RDM* Growth Management

FROM: Kristin Tetsworth, Planning Manager *KT*
Chair of the Development Review Committee

DATE: February 19, 2009

SUBJECT: Petition of "**Selvitz Road Properties LLC**" for an Amendment to the Official Zoning Atlas to change the zoning of 14.2 acres from the AR-1 (Agriculture, Residential – 1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family – 5 du/acre) Zoning District to allow 71 townhouse/condominium units creating an overall site density of 5 units to the acre.
File No. RZ 112006515

Pursuant to Section 11.02.04 and 11.06.00 of the St. Lucie County Land Development Code, the Development Review Committee has reviewed the subject application and has determined that it does not comply with the Standards for Review of Section 11.02.07 and 11.06.03 and all other requirements of the Code for this Amendment to the Official Zoning Atlas and Major Site Plan.

Therefore, the DRC recommends to the Growth Management Director that the application be denied, and that the Director hereby determine the application is not certified to move forward in the development review process to the Planning and Zoning Commission. However, the applicant still wants to proceed to a public hearing before the P&Z Commission.

Staff recommends denial of an Amendment to the Official Zoning Atlas to change the zoning from the AR-1 (Agriculture, Residential – 1 du/ac) Zoning District to the RM-5 (Residential, Multiple Family – 5 du/ac) Zoning District for the project known as "**Baycreek Townhomes**" for the reasons as stated in the attached report.

In the past, it was a widely accepted practice, and customary in St. Lucie County, to process both applications, the Re-zoning and the Major Site Plan, concurrently in an effort to impose Conditions of Approval on the development. This disjointed approach may have been successful in the past. However, with the onslaught of development applications that were submitted and approved by St. Lucie County over the past three to four years, the resultant developments are largely poorly planned, and represent sub-standard development patterns and techniques. Primary disadvantages to processing applications in this manner include, but are not limited to, staff's inability to enforce basic open space requirements, pedestrian amenities, landscaped focal points, recreational areas, civic areas for public services, or require conditions of approval, to name a few. Now we are left with an over abundant supply of

residential housing units that have ill-planned street networks lacking in ingenuity and provide no public benefit despite the approval of enormous increases in densities and intensities. In many cases, the zoning district was approved without any site plan associated with it at all, providing a carte blanche approval of the increase in density without a proportionate fair share agreement, right of way requirements, or any public benefit. The subject application is requesting an increase in density from 1 dwelling unit per acre to 5 dwelling units per acre without any ability to impose conditions of approval or require improvements that provide a public benefit.

In an effort to enhance the quality of life for residents of St. Lucie County, the Growth Management Department, together with support from the Board of County Commissioners and Planning and Zoning Commissioners, has committed to performing more rigorous reviews of the development applications. For a proposed development to merely meet the minimum standards of review per the Land Development Code is not in keeping with the long range Goals, Objectives, and Policies of the Comprehensive Plan, especially as they relate to DCA 9.J-5 Rules regarding urban sprawl and the cost of providing services to those new residents. Moreover, just barely meeting the minimums expressed in the Code is not up to the level of expectation of our long-range vision for the future of this County. Approving the re-zoning to allow 71 additional units would exceed the capacity of the surrounding public facilities without a means by which to require fair share contributions or a public benefit to off-set the cost of these units.

In keeping with the ever evolving principles of Smart Growth and practices of requiring Green design, as well as, sound urban planning principles of design, the current Board of County Commissioners have provided direction to the Growth Management Department to: implement policies and practices to elevate the level of the quality of application submittals; increase the criteria for the standards for review; and, encourage Re-zonings to apply for planned developments instead of standard zoning districts that will ultimately result in projects with exemplary designs and that provide a public benefit.

One of the most important standards of review for all requests for Amendments to the Official Zoning Atlas is to address whether or not there has been a change in circumstances to warrant the change in zoning and increase in density. The applicant has failed to demonstrate a need for the additional residential housing units. There is no dwindling supply of vacant land available for residential development. There are no major forces of change in the immediate vicinity of this parcel of land to support the increase in density by 400%. It should be noted that the subject parcel is completely surrounded by the City of Fort Pierce city limits. The likelihood of future annexation of this parcel into the City is very strong.


Staff has tried to work with the applicant and encourage the property owner to resubmit the application as a Planned Unit Development. The primary purpose of the Planned Unit Development District, as laid out in the LDC, is that it is intended to achieve residential land development of superior quality through the encouragement of flexibility and creativity in design options.

On January 23, 2009, staff met with the applicant's representative, Brad Currie and the owner of the property. During the meeting staff discussed with the applicant and his agent the trends in development approvals as directed by the Board of County Commissioners' (BOCC) and Planning and Zoning Commissioners' (P&Z) concerning straight re-zonings without a site plan. The applicant stated he was unable to modify the current application and convert it to a Planned

Unit Development due to financial constraints. Staff suggested utilizing the existing site plan and modify it to be a Preliminary PUD Site Plan. However, the applicant again stated he was unable to do so due to his financial situation. The applicant still wants to proceed only with the rezoning application. They were advised that Staff does not support that action and is recommending denial.

Please let me know if you have any questions.

SUBMITTED:



Kristin Tetsworth, Planning Manager
Chair of the Development Review Committee
Growth Management Department

cc: File



GROWTH MANAGEMENT DEPARTMENT

Planning Division

M E M O R A N D U M

1
2 **To:** Planning & Zoning Commission
3
4 **Through:** Mark Satterlee, Director Growth Management
5 Kristin Tetsworth, Planning Manager
6
7 **Prepared by:** Aneela Ansar, Senior Planner *aa*
8
9 **Item:** Baycreek Townhomes
10
11 **Resolution No.:** 09-009
12

13 **GENERAL INFORMATION:**

14
15 **Applicant:** "Selvitz Road Properties LLC", Emad Aovida

16
17 **Contact Person:** Brad Currie – Land Design South

18
19 **Phone:** 772-871-7778

20
21 **Requested**
22 **Action:** To amend the Official Zoning Atlas to change the zoning of 14.2
23 acres from the AR-1 (Agriculture, Residential – 1 du/ac) Zoning
24 District to the RM-5 (Residential, Multiple Family – 5 du/ac)
25 Zoning District to allow 71 townhouse/condominium units creating
26 an overall site density of 5 units to the acre.
27

28 **Purpose:** According to the petitioner, the purpose of the rezoning is to
29 provide a transition zone between the industrial land to the south
30 and single-family residences to the north, east and west.
31

32 **Location:** The subject parcel is located on the west side of Selvitz Road and
33 east side of Ralls Road, approximately 1,775 feet south of
34 Edwards Road.
35

36 **Tax Id:** 2430-411-0002-000/3

37
38 **Size:** 14.2 acres

39
40 **File Date:** October 23, 2006
41
42

1
2
3 **Land Use:**

Future Land Use Map Designation	Existing Land Use
RU (Residential Urban – up to 5 du/ac)	Vacant

4
5 **Zoning Information:**

Current Zoning	Proposed Zoning
AR-1 (Agriculture, Residential – 1 du/ac)	RM-5 (Residential, Multiple Family – 5 du/ac)

6
7 **Surrounding Land Use and Zoning:**

	Zoning	Future Land Use Designation Map	Existing Land Use	Jurisdiction
North	R-1(Single Family Low Density – <4 du/ac)	RL (Low Density Residential - < 6.5 du/ac)	Vacant	City of Fort Pierce
South	I1 (Industrial Light)	I (Industrial)	Mineral land	City of Fort Pierce
East	R-1(Single Family Low Density – <4 du/ac)	RL (Low Density Residential - < 6.5 du/ac)	Club (St. Lucie County Scouts Inc.) and single family residence	City of Fort Pierce
West	R-1(Single Family Low Density – <4 du/ac)	RL (Low Density Residential - < 6.5 du/ac)	Vacant	City of Fort Pierce

8
9 **COMPREHENSIVE PLAN:**

10
11 The proposed zoning district complies with the Zoning Consistency Matrix found in the
12 Section 11.09.02 of the Land Development Code and the Future Land Use Table 1-3.

13
14 **BACKGROUND INFORMATION:**

15
16 On October 23, 2006, the Growth Management Department received two separate
17 applications for Parcel 2430-411-0002-000/3. The first application was to change the
18 zoning from the AR-1 (Agriculture, Residential – 1 du/ acre) Zoning District to the RM-5
19 (Residential, Multiple Family – 5 du/ acre) Zoning District and the second application
20 was for the Major Site Plan approval for 71 town homes units to be sold as
21 condominiums.

22
23 In the past, it was a widely accepted practice, and customary in St. Lucie County, to
24 process both applications concurrently in an effort to impose Conditions of Approval on
25 the development. This disjointed approach may have been successful in the past.
26 However, with the onslaught of development applications that were submitted and
27 approved by St. Lucie County over the past three to four years, the resultant

1 developments are largely poorly planned, and represent sub-standard development
2 patterns and techniques. Primary disadvantages to processing applications in this
3 manner include, but are not limited to, staff's inability to enforce basic open space
4 requirements, pedestrian amenities, landscaped focal points, recreational areas, civic
5 areas for public services, or require conditions of approval, to name a few. Now we are
6 left with an over abundant supply of residential housing units that have ill-planned street
7 networks lacking in ingenuity and provide no public benefit despite the approval of
8 enormous increases in densities and intensities. In many cases, the zoning district was
9 approved without any site plan associated with it at all, providing a carte blanche
10 approval of the increase in density without a proportionate fair share agreement, right of
11 way requirements, or any public benefit. The subject application is requesting an
12 increase in density from 1 dwelling unit per acre to 5 dwelling units per acre, without any
13 ability to impose conditions of approval or require improvements that provide a public
14 benefit.

15
16 The only opportunity that GM Staff has at this point to rectify the over zealous approval
17 of residential housing units over the past few years is to address the previously
18 approved Major Site Plans in the standard zoning districts as they expire and are
19 submitted requesting extensions.

20
21 One of the most important standards of review for all requests for Amendments to the
22 Official Zoning Atlas is to address whether or not there has been a change in
23 circumstances to warrant the change in zoning and increase in density. The applicant
24 has failed to demonstrate a need for the additional residential housing units. There is no
25 dwindling supply of vacant land available for residential development. There are no
26 major forces of change in the immediate vicinity of this parcel of land to support the
27 increase in density by 400%. It should be noted that the subject parcel is completely
28 surrounded by the City of Fort Pierce city limits. The likelihood of future annexation of
29 this parcel into the City is very strong.

30
31 Staff has tried to work with the applicant and encourage the property owner to resubmit
32 the application as a Planned Unit Development. The primary purpose of the Planned
33 Unit Development District, as laid out in the LDC, is that it is intended to achieve
34 residential land development of superior quality through the encouragement of flexibility
35 and creativity in design options that:

- 36
37 A. permit creative approaches to the development of residential land reflecting
38 changes in the technology of land development;
39
40 B. allow for the efficient use of land, which can result in smaller networks of utilities
41 and streets and thereby lower development costs;
42
43 C. allow design options that encourage an environment of stable character,
44 compatible with surrounding land uses; and
45
46 D. permit the enhancement of neighborhoods through the preservation of natural
47 features, the provision of underground utilities, and the provision of recreation
48 areas and open space.

49
50 On January 23, 2009, staff met with the applicant's representative, Brad Currie and the
51 owner of the property. During the meeting staff discussed with the applicant and his

1 agent the trends in development approvals as directed by the Board of County
2 Commissioners' (BOCC) and Planning and Zoning Commissioners' (P&Z) concerning
3 straight re-zonings without a site plan. The applicant stated he was unable to modify the
4 current application and convert it to a Planned Unit Development. Staff suggested
5 utilizing the existing site plan and modify it to be a Preliminary PUD Site Plan. However,
6 the applicant again state he was unable to do so due to his financial situation. The
7 applicant still wants to proceed only with the rezoning application. They were advised
8 that Staff does not support that action and will recommend denial.
9

10 **ANALYSIS:**

11
12 **Current Zoning:**

13 Section 3.01.02(E), the AR-1 (Agriculture, Residential – 1 du/ac) Zoning District lists the
14 permitted, accessory, and conditional uses permitted in this zoning classification. The
15 purpose of this district is to provide and protect an environment suitable for single-family
16 dwelling units at a maximum density of one (1) dwelling unit per gross acre, together
17 with such other uses as may be necessary for and compatible with low density
18 residential surroundings.
19

20 **Proposed Zoning:**

21 Section 3.01.02(L), the RM-5 (Residential, Multiple Family – 5 du/ac) Zoning District lists
22 the permitted, accessory, and conditional uses permitted in this zoning classification.
23 The purpose of this district is to provide and protect an environment suitable for single
24 family, two-family, three-family, and multiple-family dwellings at a maximum density of
25 five (5) dwelling units per gross acre, together with such other uses as may be
26 necessary for and compatible with low density residential surroundings.
27

28 **Compliance with Comprehensive Plan:**

29 *Objective 1.1.1 of the Future Land Use Element "Maintain the Future Land Use Map*
30 *land with the following use designations to portray the future development patterns of the*
31 *St. Lucie County".*
32

33 *Policy 1.1.1*

34 *"The following land use designations/intensities, as indicated on the Future Land*
35 *Use Maps are provided as the pattern for the future development of the area*
36 *within unincorporated St. Lucie County:*

37 *RU Residential Urban 5 du/ac"*
38

39 The requested rezoning from the AR-1 (Agriculture, Residential – 1 du/ac) Zoning
40 District to the RM-5 (Residential, Multiple Family – 5 du/ac) Zoning District is consistent
41 with the RU (Residential Urban) Future Land Use Designation.
42

43 Pursuant to the Land Development Code, the purpose of the proposed RM-5 Zoning
44 District is to provide and protect an environment suitable for single family, two-family,
45 three-family, and multiple-family dwellings at a maximum density of five (5) dwelling units
46 per gross acre, together with such other uses as may be necessary for and compatible
47 with low density residential surroundings.
48

49 The RU (Residential Urban) Future Land Use Designation allows residential densities up
50 to five (5) dwelling units per acre, religious facilities and limited commercial uses.

1 Therefore the proposed density is consistent with the allowable density within the RU
2 (Residential Urban) Future Land Use Designation.
3
4
5

6 **Environmentally Sensitive Areas:**

7 The subject property is characterized predominantly by citrus groves with some remnant
8 scrub vegetation. The SLC Native Habitat Inventory has identified 0.6 acres of the site
9 as environmentally sensitive land. As such, any site plan will be required to comply with
10 Land Development Code regulations related to environmentally sensitive lands,
11 including but not limited to, the provision of an Environmental Impact Report.
12

13 **Soils:**

14 Ankona and Farnton sand and Electra Fine sand cover the entire property.
15

16 **Historic Buildings:**

17 None.
18

19 **Archeological sites:**

20 None known.
21
22

23 *****

24
25 **STANDARDS OF REVIEW AS SET FORTH IN SECTION 11.06.03,**
26 **ST. LUCIE COUNTY LAND DEVELOPMENT CODE**
27

28 In reviewing this application for the proposed rezoning, the Planning and Zoning
29 Commission shall consider and make the following determinations:
30

31 **1. Whether the proposed rezoning is in conflict with any applicable portions**
32 **of the St. Lucie County Land Development Code;**
33

34 The subject property is surrounded by properties located within the jurisdiction of the
35 City of Fort Pierce. There is a strong likelihood that this parcel will ultimately be annexed
36 into the City. The adjacent zoning to the subject site is for Single Family, Low Density
37 developments to the north, east and west. It is I1 (Industrial Light) Zoning District to the
38 south. The R-1 (Single Family Low Density – <4 du/ac) Zoning District is primarily
39 intended to provide for areas of single family dwellings with an average net density of
40 less than four (4) units per acres for conventional developments.
41

42 Table 7-10 of the Land Development Code displays the minimum property development
43 regulations for each zoning district. The buildings within the R-1 (Single Family Low
44 Density – <4 du/ac) Zoning District are not allowed to cover more than twenty-five per
45 cent (25%) of the lot area, and buildings cannot exceed a height of twenty eight (28) feet
46 above grade. Conversely, the RM-5 (Residential, Multiple Family – 5 du/ac) Zoning
47 District allows 40% of the lot to be covered by buildings and allows a 35 foot height
48 restriction.
49

50 The proposed rezoning of RM-5 (Residential, Multiple Family – 5 du/ac) for the subject
51 property is incompatible with the R-1 (Single Family Low Density - <4 du/ac) Zoning

1 District of the surrounding properties and inconsistent with the character of the
2 neighborhood in terms of density and intensity of development. Therefore, the proposed
3 rezoning is in conflict with Section 11.06.03 of the LDC.
4

5 Additionally, the proposed petition to rezone from the AR-1 Zoning District to the RM-5
6 District has not addressed concurrency issues, and has not applied for the concurrency
7 deferral affidavit as required in Section 5 of the Land Development Code. The applicant
8 is expecting County Staff to defer the evaluation of the total impacts of the development,
9 until a Major Site Plan is submitted for review.
10

11
12 **2. Whether the proposed amendment is consistent with all elements of the St.**
13 **Lucie County Comprehensive Plan;**
14

15 The RU (Residential Urban) Future Land Use Designation allows residential densities up
16 to five (5) dwelling units per acre, religious facilities and limited commercial uses and the
17 proposed RM-5 (Residential, Multiple Family – 5 du/ac) Zoning District also allows 5
18 dwelling units per acre, together with such other uses as may be necessary for, and
19 compatible with, low density residential surroundings.
20

21 Policies 1.1.4.1 and 1.1.4.2 of the St. Lucie Comprehensive Plan lay the foundation for
22 the principle Objective to encourage the location of urban land use intensities, through
23 the County's Land Development Regulations, so that all new development is compatible
24 with surrounding land uses, while still keeping all development authorizations in line with
25 the adopted levels of service within the Comprehensive Plan.
26

27 The Future Land Use Policy 1.1.7.1 sets forth standards for development and re-
28 development with sound planning principles. These standards support and encourage
29 innovative land use development patterns through adequate provisions in the County's
30 Land Development Regulations including Planned Unit Development (PUD), Planned
31 Non-Residential Development (PNRD) and the Planned Mixed Use Development
32 (PMUD) zoning designation.
33

34 In an effort to enhance the quality of life for residents of St. Lucie County, the Growth
35 Management Department, together with support from the Board of County
36 Commissioners and Planning and Zoning Commissioners, has committed to performing
37 more rigorous reviews of the development applications. For a proposed development to
38 merely meet the minimum standards of review per the Land Development Code is not in
39 keeping with the long range Goals, Objectives, and Policies of the Comprehensive Plan,
40 especially as they relate to DCA 9.J-5 Rules regarding urban sprawl and the cost of
41 providing services to those new residents. Moreover, just barely meeting the minimums
42 expressed in the Code is not up to the level of expectation of our long-range vision for
43 the future of this County. Approving the re-zoning to allow 71 additional units would
44 exceed the capacity of the surrounding public facilities without a means by which to
45 require fair share contributions or a public benefit to off-set the cost of these units.
46

47 Therefore, the proposed Amendment to the Official Zoning Atlas is not consistent with all
48 of the elements of the St. Lucie County Comprehensive Plan because it does not
49 address compatibility and concurrency issues as laid out in the Plan.
50
51

1
2 **3. Whether and the extent to which the proposed zoning is inconsistent with**
3 **the existing and proposed land uses;**
4

5 The property in question is currently vacant and undeveloped. The subject property is
6 surrounded by properties located within the jurisdiction of the City of Fort Pierce. In
7 order to further compatibility of a residential district adjacent to an industrial district, the
8 Planned Development District is encouraged in an effort to require open space areas,
9 clustering of units, recreational areas, and proper screening and landscaping as a buffer
10 between the uses. Conversely, straight re-zonings do not provide an opportunity to
11 impose conditions of approval to mitigate any potential negative impacts because re-
12 zonings cannot be approved with any conditions of approval. The proposed petition to
13 rezone from the AR-1 Zoning District to the RM-5 District has not utilized innovative land
14 use development concepts to protect the public interest of future residents of the subject
15 property, nor can staff properly assess concurrency issues, as required in Section 5 of
16 the Land Development Code, without a site plan. Therefore, the proposed amendment is
17 not consistent with all elements of the St. Lucie County Comprehensive Plan.
18

19 Therefore, the proposed rezoning of RM-5 (Residential, Multiple Family – 5 du/ac) for
20 the subject property is inconsistent with the existing and proposed land uses to north,
21 east and west; and, inconsistent with the industrial development to the south.
22

23 **4. Whether there have been changed conditions that require an amendment;**
24

25 One of the most important standards of review for all requests for Amendments to the
26 Official Zoning Atlas is to address whether or not there has been a change in
27 circumstances to warrant the change in zoning and increase in density. The applicant
28 has failed to demonstrate a need for the additional residential housing units. There is no
29 dwindling supply of vacant land available for residential development. There are no
30 major forces of change in the immediate vicinity of this parcel of land to support the
31 increase in density by 400%. It should be noted that the subject parcel is completely
32 surrounded by the City of Fort Pierce city limits. The likelihood of future annexation of
33 this parcel into the City is very strong. Therefore, Staff has determined that Conditions
34 have not changed so as to require an Amendment to the Official Zoning Atlas.
35

36 **5. Whether and the extent to which the proposed amendment would result in**
37 **demands on public facilities, and whether or to the extent to which the**
38 **proposed amendment would exceed the capacity of such public facilities,**
39 **including but not limited to transportation facilities, sewage facilities, water**
40 **supply, parks, drainage, schools, solid waste, mass transit, and emergency**
41 **medical facilities;**
42

43 Flood Zone

44 The property is located within a Flood Zone X, which is outside the 100 year floodplain.
45

46 Transportation impacts:

47 The subject property is located on the north side of an industrial plant and has direct
48 access from Selvitz Road to the east which is classified as a Major Urban Road, and
49 Ralls Road to the west, that is classified as an Urban Local Road.
50

1 The requested rezoning from the AR-1 (Agriculture, Residential – 1 du/ac) to the RM-5
2 (Residential, Multiple Family – 5 du/ac) would allow a gross maximum density for
3 seventy one (71) town homes. The number of afternoon peak hour trips has been
4 calculated so that, 71 town homes will generate 51 pm peak hour trips at the rate of .72
5 vehicle trips per pm peak hours. The location of the site at the southwest corner of the
6 Selvitz Road at Ralls Road Y-intersection is not within a 2 miles radius of influence of
7 any deficient roadway links and will, therefore, have a de minimus traffic impact. East-
8 west traffic will largely be distributed and assigned to Edwards Road while north-south
9 traffic will have several options including: S. 25th Street, Oleander Avenue, Jenkins
10 Road, and U.S. 1.

11
12 Utilities:

13 The subject site has public water and sewer connection. The subject site is surrounded
14 by properties located within the jurisdiction of the City of Fort Pierce and may be
15 annexed into the City of Fort Pierce as a result of their annexation policy.

16
17 Fire Protection:

18 Prior to the issuance of any permit, the petitioner, their successors or assigns shall be
19 required to submit an approval letter from the St. Lucie County Fire District.

20
21 School Facility:

22 The School Board of St. Lucie County needs more information to review the petition for
23 rezoning, such as potential traffic impact, school bus route and stop, and location of
24 sidewalks etc. Therefore, the School Board of St. Lucie County does not support the
25 proposed rezoning from the AR-1 Zoning District to the RM-5 Zoning District, until such
26 time that additional information is provided on the site plan.

27
28 Therefore, staff requires more information such as the site plan, drainage information,
29 traffic impact report etc., in order to determine the impact of this rezoning on the
30 adjacent properties.

31
32 **6. Whether and the extent to which the proposed amendment would result in**
33 **significant adverse impacts on the natural environment;**

34
35 The subject property is characterized predominantly by citrus groves with some remnant
36 scrub vegetation. The SLC Native Habitat Inventory has identified 0.6 acres of the site
37 as environmentally sensitive land. As such, any site plan will be required to comply with
38 Land Development Code regulations related to environmentally sensitive lands,
39 including but not limited to, the provision of an Environmental Impact Report.

40
41 **7. Whether and the extent to which the proposed amendment would result in**
42 **an orderly and logical development pattern specifically identifying any**
43 **negative affects of such patterns;**

44
45 In keeping with the ever evolving principles of Smart Growth and practices of requiring
46 Green design, as well as, sound urban planning principles of design, the current Board
47 of County Commissioners have provided direction to the Growth Management
48 Department to: implement policies and practices to elevate the level of the quality of
49 application submittals; increase the criteria for the standards for review; and, encourage
50 Re-zonings to apply for planned developments instead of standard zoning districts that
51 will ultimately result in projects with exemplary designs and that provide a public benefit.

1 It is conceivable that with the proper juxtaposition and clustering of buildings, amongst
2 open space and pedestrian amenities, some transitioning of density could be achieved.
3 However, without a site plan to review the layout and design of the proposed
4 development, staff is unable to ascertain the development pattern. Therefore, the
5 proposed re-zoning, which would result in an increase in density by 400%, has been
6 determined to be incompatible to the low density zoning districts within the City Limits of
7 the City of Ft. Pierce. Therefore, the proposed rezoning of RM-5 (Residential, Multiple
8 Family – 5 du/ac) for the subject property is not compatible with the R-1 (Single Family
9 Low Density - <4 du/ac) of the surrounding properties and not consistent with the
10 character of the neighborhood; and, the proposed amendment would not result in an
11 orderly and logical development pattern.

12
13 **8. Whether the proposed amendment would be in conflict with the public**
14 **interest, and is in harmony with the purpose and intent of this Code;**
15

16 The proposed Amendment to the Official Zoning Atlas is in conflict with the public
17 interest and is not in harmony with the purpose and intent of this Code because the re-
18 zoning of land with an increase in density of 400% without a site plan to properly assess
19 the impacts, including but not limited to, traffic, parking requirements, circulation,
20 pedestrian amenities, school needs, recreation area and open space requirements, and
21 the effects on the natural environment, is not in the best interest of the residents of St.
22 Lucie County. Staff has been unable to evaluate this request for a tremendous increase
23 in density and intensity without the provision of any public benefit due to the applicant's
24 desire to only proceed with a straight re-zoning. Therefore, it has been determined that
25 the application, as submitted, is not in harmony with the purpose and intent of the Code.

26
27 **STAFF RECOMMENDATION:**
28

29 Staff has reviewed this petition and determined that the request for re-zoning does not
30 conform to the standards of review for re-zoning as set forth in the Section 11.06.03 of
31 the St. Lucie County Land Development Code and is in conflict with the goals,
32 objectives, and policies of the St. Lucie County Comprehensive Plan. Staff recommends
33 denial of the petition for an Amendment to the Official Zoning Atlas to change the zoning
34 from the AR-1 (Agriculture, Residential – 1 du/ac) Zoning District to the RM-5
35 (Residential, Multiple Family – 5 du/ac) Zoning District.

36
37 **ATTACHMENTS:**
38

- 39 1. Location Map
40 2. Correspondence
41 3. Bankruptcy and foreclosure report
42
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44
45
46

47
48 Approved by: _____

49 
50 PLANNING MANAGER
51 DEPARTMENT OF GROWTH MANAGEMENT

1 Suggested motion to recommend approval/denial of this requested.

2 **MOTION TO APPROVE:**

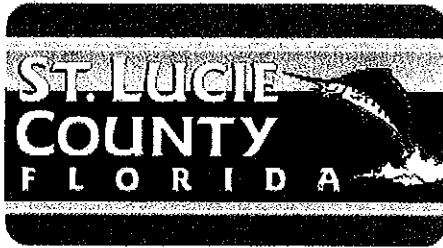
3 AFTER CONSIDERING THE TESTIMONY PRESENTED DURING THE PUBLIC
4 HEARING, INCLUDING STAFF COMMENTS, AND THE STANDARDS OF REVIEW AS
5 SET FORTH IN SECTION 11.06.03, ST. LUCIE COUNTY LAND DEVELOPMENT CODE,
6 I HEREBY MOVE THAT THE PLANNING AND ZONING COMMISSION RECOMMEND
7 THAT THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPT A
8 RESOLUTION GRANTING APPROVAL TO THE APPLICATION OF "BAYCREEK
9 TOWNHOMES" , FOR AN AMENDMENT TO THE OFFICIAL ZONING ATLAS TO
10 CHANGE THE ZONING FROM THE AR-1 (AGRICULTURE, RESIDENTIAL – 1 UNIT
11 PER ACRE) ZONING DISTRICT TO THE RM-5 (RESIDENTIAL, MULTIPLE FAMILY –
12 5 UNITS PER ACRE) ZONING DISTRICT, BECAUSE ...

13
14 [CITE REASON WHY - PLEASE BE SPECIFIC]

15 **MOTION TO DENY:**

16 AFTER CONSIDERING THE TESTIMONY PRESENTED DURING THE PUBLIC
17 HEARING, INCLUDING STAFF COMMENTS, AND THE STANDARDS OF REVIEW AS
18 SET FORTH IN SECTION 11.06.03, ST. LUCIE COUNTY LAND DEVELOPMENT CODE,
19 I HEREBY MOVE THAT THE PLANNING AND ZONING COMMISSION RECOMMEND
20 THAT THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS DENY
21 APPLICATION OF "BAYCREEK TOWNHOMES" , FOR AN AMENDMENT TO THE
22 OFFICIAL ZONING ATLAS TO CHANGE THE ZONING FROM THE AR-1
23 (AGRICULTURE, RESIDENTIAL – 1 UNIT PER ACRE) ZONING DISTRICT TO THE
24 RM-5 (RESIDENTIAL, MULTIPLE FAMILY – 5 UNITS PER ACRE) ZONING DISTRICT,
25 BECAUSE ...

26 [CITE REASON WHY - PLEASE BE SPECIFIC]



Environmental Resources Department

Agenda Item Companion Report

TO: Board of County Commissioners

FROM: Yvette Alger
Environmental Resources Department

DATE: September 9, 2008

RE: Baycreek Townhomes Re-zoning

DEPARTMENT COORDINATION

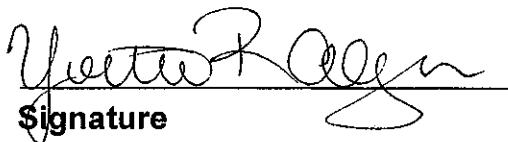
GM requested ERD input on the proposed re-zoning. ERD visited the site during the review of the previously submitted Major Site Plan application, which was to accompany the re-zoning request. ERD provided comments to GM on the concurrent re-zoning and Major Site Plan in May 2007. Subsequently, the applicant has requested SLC review the re-zoning in advance of site plan review.

ERD INPUT

ERD's May 2007 site plan and re-zoning review focused on requirements for an Environmental Impact Report, including wildlife surveys, impact avoidance and minimization, and provision of mitigating measures to off-set the proposed density increase, as well as landscaping plan revisions. ERD input specific to the re-zoning has been incorporated into the GM staff report.

ERD RECOMMENDATION

ERD has no objection to GM recommendation.


Signature

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RESOLUTION NO. 09-009

FILE NO.: RZ 112006515

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY DENYING AN AMENDMENT TO THE OFFICIAL ZONING ATLAS TO CHANGE THE ZONING FROM THE AR-1 (AGRICULTURE, RESIDENTIAL – 1 DU/ACRE) ZONING DISTRICT TO THE RM-5 (RESIDENTIAL, MULTIPLE FAMILY – 5 DU/ACRE) ZONING DISTRICT FOR A PARCEL LOCATED ON THE WEST SIDE OF SELVITZ ROAD AND EAST SIDE OF RALLS ROAD, APPROXIMATELY 1,775 FEET SOUTH OF EDWARDS ROAD SITUATE IN ST. LUCIE COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence including, but not limited to the staff report, has made the following determinations:

1. **Selvitz Road Properties LLC**, petitioned for an Amendment to the Official Zoning Atlas to change the zoning from the AR-1 (Agriculture, Residential – 1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family – 5 du/acre) for the project known as “**Baycreek Townhomes**” for the property described in “Paragraph A” and depicted on the attached map in “Exhibit A.”
2. On February 19, 2009, the St. Lucie County Planning and Zoning Commission held a public hearing on the petition, after publishing notice at least 10 days prior to the hearing and notifying by mail all owners of property within 500 feet of the subject property, and recommended that the Board of County Commissioners deny the hereafter described request for a change in zoning from the AR-1 (Agriculture, Residential – 1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family – 5 du/acre) Zoning District for the property described in “Paragraph A.”
3. On March 17, 2009, this Board held a public hearing on the petition, after publishing notice at least 10 days prior to the hearing and notifying by mail all owners of property within 500 feet of the subject property.
4. The proposed change in zoning is inconsistent with the goals, objectives, and policies of the St. Lucie County Comprehensive Plan and has not satisfied the requirements of Section 11.06.03 of the St. Lucie County Land Development Code.

- 1 5. The proposed change in zoning is inconsistent with the existing and
2 proposed uses in the surrounding area.
3
4 6. A Concurrency Deferral Affidavit, a copy which is attached to this Resolution
5 as "Exhibit B," was signed by the applicant on September 26, 2006.
6
7

8 **NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St.
9 Lucie County, Florida:

- 10
11 A. The proposed Amendment to the Official Zoning Atlas to change the
12 zoning from the AR-1 (Agriculture, Residential - 1 du/acre) Zoning District
13 to the RM-5 (Residential, Multiple Family - 5 du/acre) Zoning District for
14 the property owned by "**Selvitz Road Properties LLC**" and described
15 below is hereby denied.
16

17 **Legal Description:**

18 30 35 40 THAT PART OF NE 1/4 OF SE 1/4 LYG WLY OF SELVITZ ROAD
19 AND CANAL #100 AND ELY OF RALLS ROAD - LESS RALLS RD - (14.20
20 AC) (OR 24)
21

22 **Location:** West side of Selvitz Road and east side of Ralls Road, approximately
23 1775 feet south side of Edwards Road.
24

25 **Parcel ID#:** 2430-411-0002-000/3
26
27

- 28 B. An application for the same amendment to the Official Zoning Atlas shall
29 not be considered by this Board nor the Planning and Zoning
30 Commission for a period of two (2) years from the date of this action.
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After motion and second, the vote on this resolution was as follows:

Chair Paula Lewis	XXX
Vice Chair Charles Grande	XXX
Commissioner Chris Dzadovsky	XXX
Commissioner Doug Coward	XXX
Commissioner Chris Craft	XXX

PASSED AND DULY ADOPTED This 17th Day of March 2009.

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY _____
Chairman

ATTEST:

APPROVED AS TO FORM AND
CORRECTNESS:

Deputy Clerk

County Attorney

33 _____

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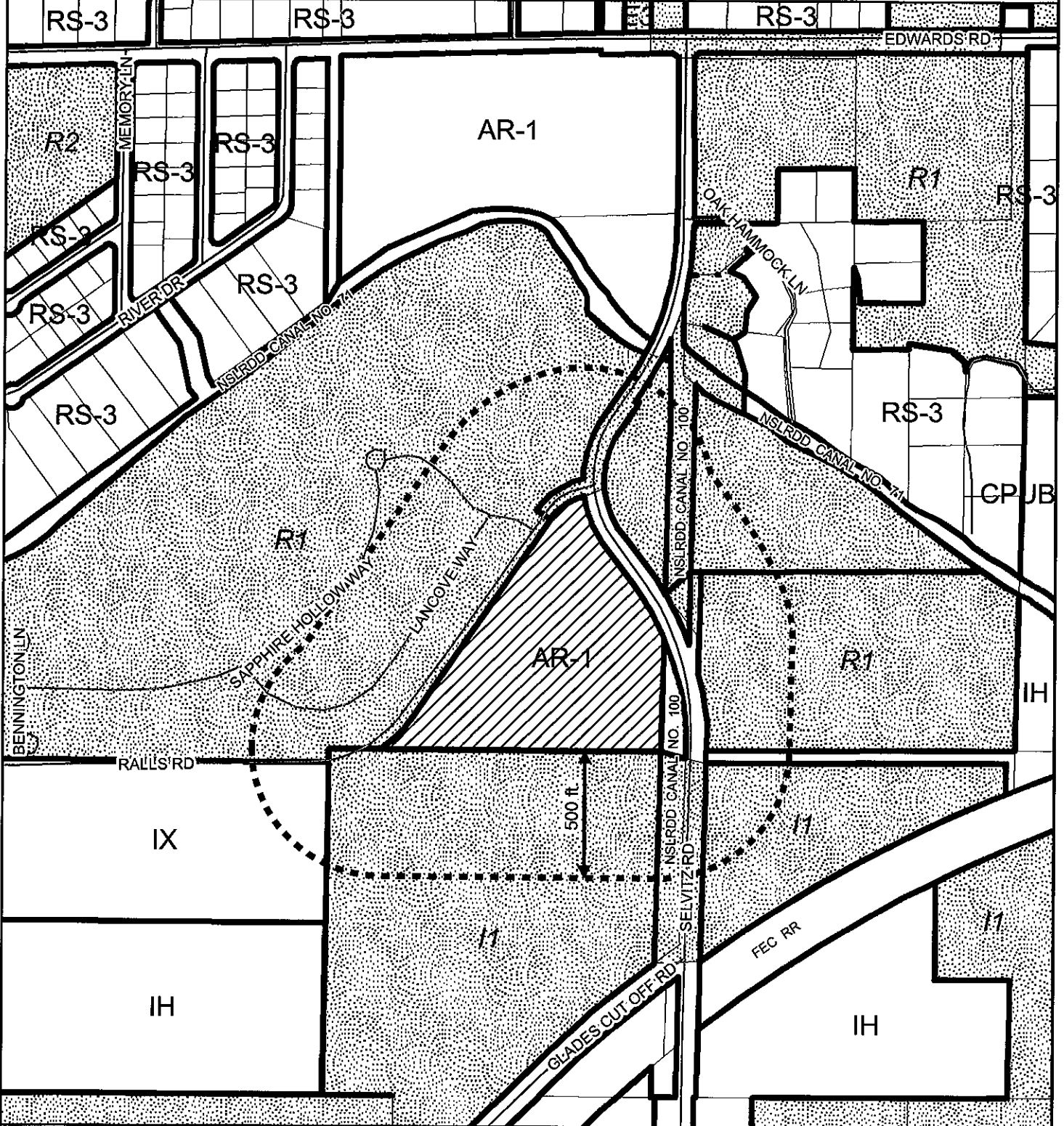
EXHIBIT A




- Vicinity Maps
- Site Location Map

DRAFT

RZ-112006515

A petition of Selvitz Road Properties, LLC for an Amendment to the Official Zoning Atlas to Change the Zoning from the AR-1 (Agriculture, Residential-1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family-5 du/acre) Zoning District



-  Subject property
-  500 ft. notification area
-  City of Ft. Pierce

SLC Zoning
 AR-1 - Agricultural Residential (1 du/ac)
 CPUB - Conservation Public
 IH - Industrial Heavy
 IX - Industrial Extraction
 RS-3 - Residential Single Family (3 du/ac)

Fort Pierce Zoning
 E3 - Residential Single-Family, 3 du/ac
 I1 - Light Industrial
 R1 - Single-Family Low Density, 4 du/ac
 R2 - Single-Family Intermediate Density, 5 du/ac

St. Lucie County
 Growth Management Department

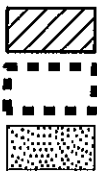
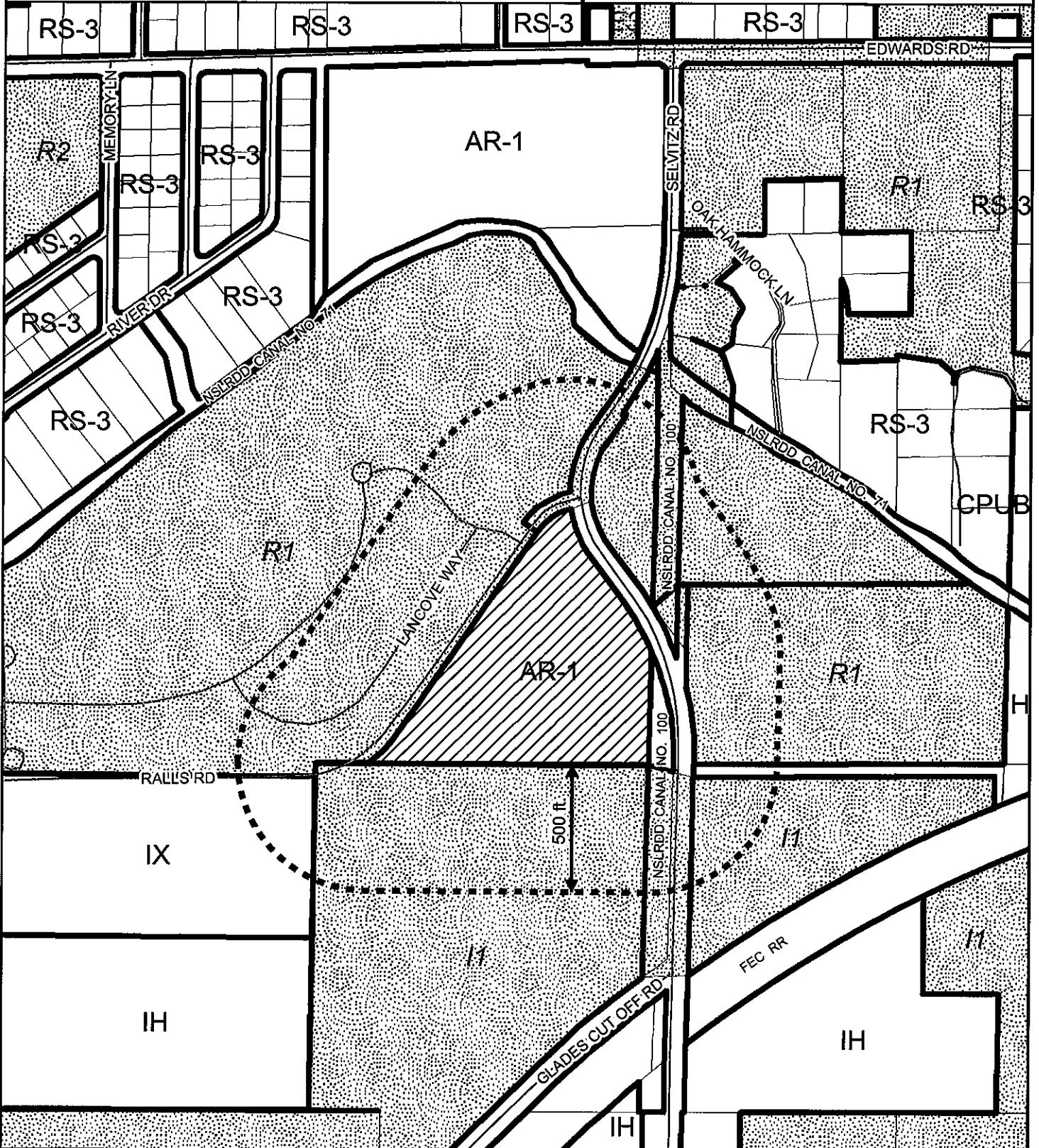


Map prepared February 4, 2009

RZ-112006515

Zoning

Selvitz Road Properties, LLC



Subject property
 500 ft. notification area
 City of Ft Pierce

SLC Zoning
 AR-1 - Agricultural Residential (1 du/ac)
 CPUB - Conservation Public
 IH - Industrial Heavy
 IX - Industrial Extraction
 RS-3 - Residential Single Family (3 du/ac)

Fort Pierce Zoning
 E3 - Residential Single-Family, 3 du/ac
 I1 - Light Industrial
 R1 - Single-Family Low Density, 4 du/ac
 R2 - Single-Family Intermediate Density, 5 du/ac

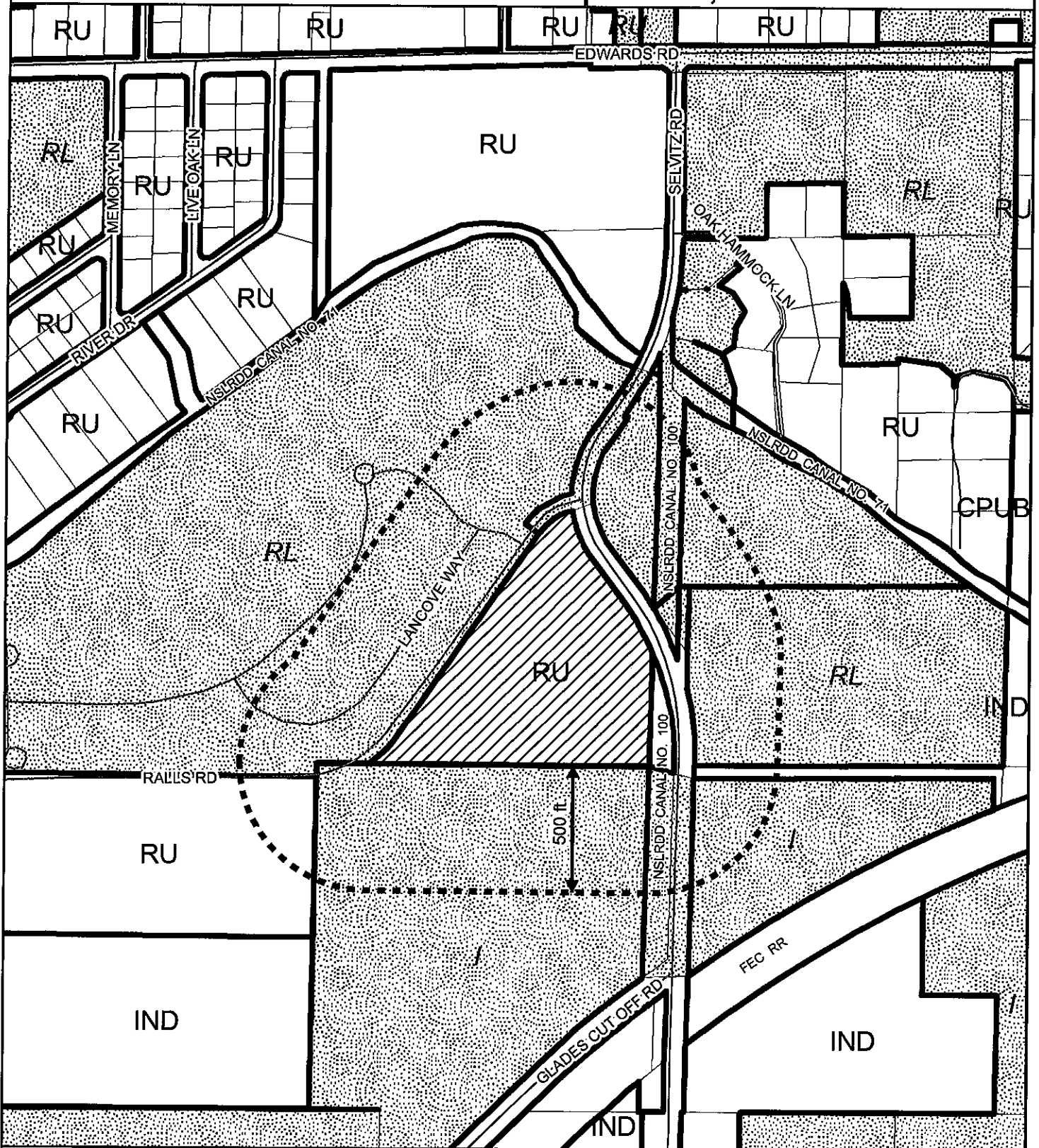





Map prepared February 4, 2009

RZ-112006515

Future Land Use

Selvitz Road Properties, LLC



-  Subject property
-  500 ft. notification area
-  City of Ft Pierce

SLC Future Land Use
 CPUB - Conservation Public
 IND - Industrial
 RU - Residential Urban (5 du/ac)

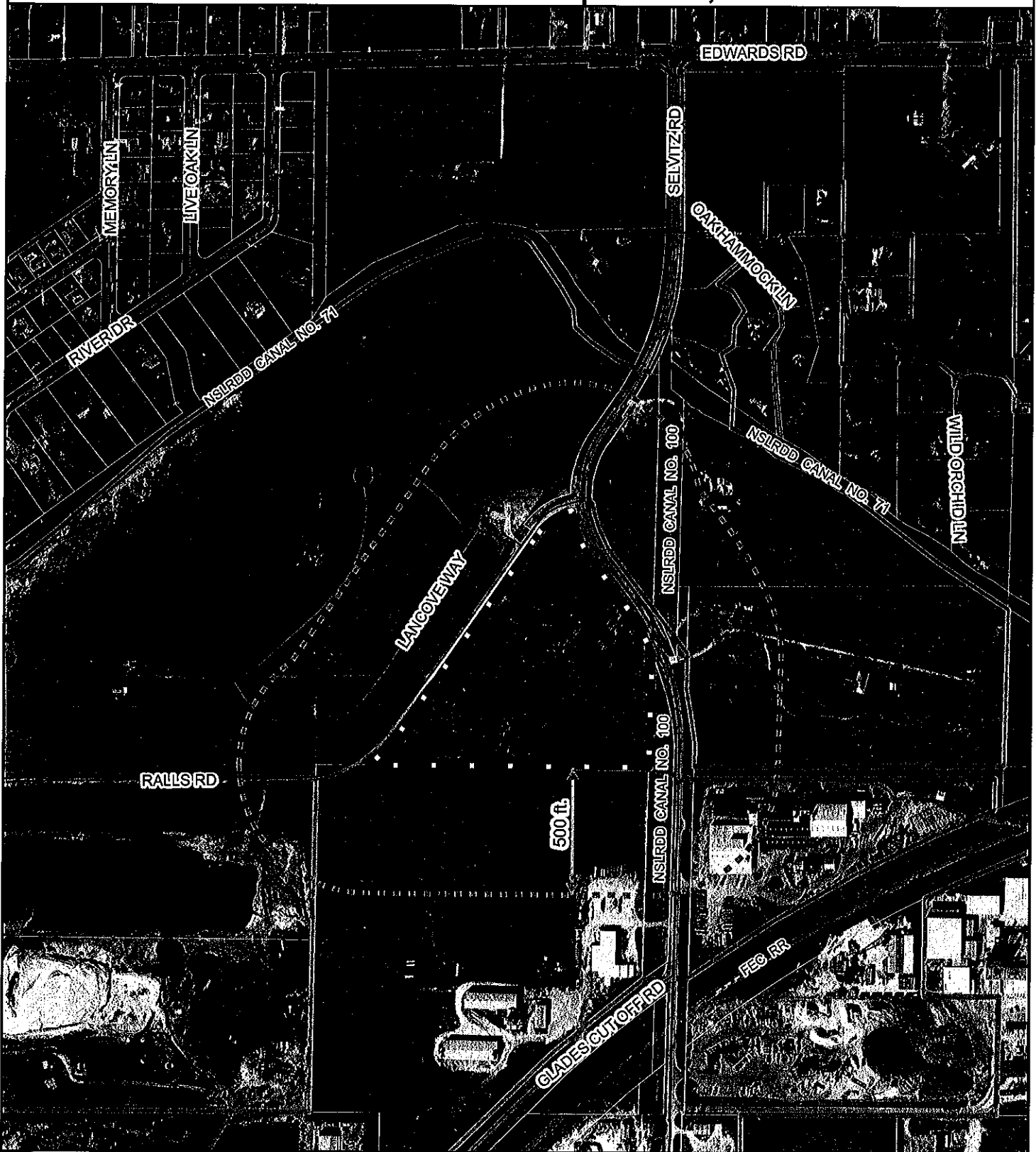
Fort Pierce Future Land Use
 I - Industrial
 RL - Low Density Residential, <6.5 du/gra
 RU - Residential Urban , 5 du/ac


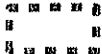

St. Lucie County
 Growth Management Department



Map prepared February 4, 2009

RZ-112006515
Selvitz Road Properties, LLC



-  Subject property
-  500 ft. notification area
-  City of Ft Pierce

Aerial flown Dec. 2005

St. Lucie County
Growth Management Department

Map prepared February 4, 2009

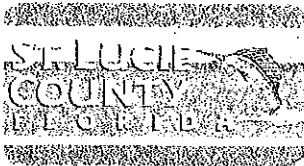


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EXHIBIT B

Concurrence Deferral Affidavit

DRAFT



St. Lucie County

Concurrency Deferral Affidavit

Fee: \$25.00

I, Emad Aovida, residing or doing business at 1499 W. Palmetto Park Road, #410, Boca Raton, FL 33486, (561) 750-1950 have applied for a

Preliminary Development Order (Rezoning) from St. Lucie County, Florida, for the following project: Type of Development Order

Bay Creek Townhomes

I do hereby affirm that in connection with my application for the above project, I have elected to defer the certificate of capacity and reservation of capacity in public facilities for the above property until a later time, but no later than the application for a final development order for the same property.

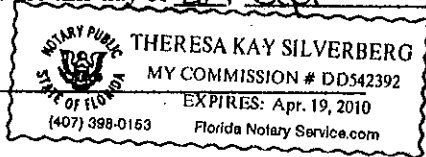
I understand and acknowledge that the above listed property will be subject to the certificate of capacity before any final development order can be issued, and that St. Lucie County can make no guarantee that adequate public facilities will be available when I apply for the final development order.

I further acknowledge that according to Section 5.01.01 of the St. Lucie County Land Development Code, no final development approval can be granted until capacity in those facilities is available at that time. The issuance of a preliminary development order without a certificate of capacity creates no vested or other rights to develop the subject property.

Signed: [Signature] Date: 9-26-2006 Applicant

State of Florida, County of St. Lucie

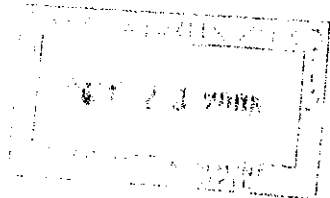
Before me, the undersigned authority personally appeared Emad Aovida who upon being duly sworn, deposes and says sworn to and subscribed before me this day of 26th, Sep, 2006.



[Signature] Notary Public

My Commission expires: Witness

[Signature] Witness



Office Use Only

Date Filed 11-2-06
Review Fee \$400
Concurrency Fee \$25

Receipt # _____
Receipt # _____

Resolution # _____
Cert. Of Capacity # _____



**St. Lucie County
Growth Management Department**

2300 Virginia Avenue
Fort Pierce, FL 34982
772-462-2822

Application for Change in Zoning
(Does Not Include PUD, PNRD, or PMUD Zoning)

Directions

Please complete the requested information and submit all items to the St. Lucie County Growth Management Department, 2300 Virginia Avenue, Fort Pierce, FL 34982. The proper non-refundable application fee must accompany all applications. For assistance in submitting the application, please contact the Planning Division of the Growth Management Department.

Zoning Change Review Fees

Property Size	Review Fee	Re-Zoning with a Plan Amendment
Concurrency Deferral Affidavit	\$25.00	\$25.00
Less than 10 Acres	\$500.00	\$100.00 plus Plan Amendment fee*
More than 10 Acres	\$800.00	\$400.00 plus Plan Amendment fee*

* for information about the Comprehensive Plan Amendment process and applicable fees, see the application for Comprehensive Plan Amendment.

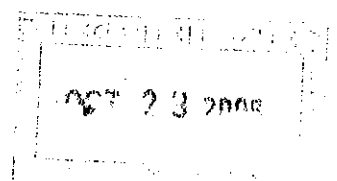
Following notification that the application is complete, this petition will be scheduled for the next available Planning and Zoning Commission meeting. The Planning & Zoning Commission meets on the third Thursday of each month. Presentation to the Board of County Commissioners is dependent upon scheduling before the Planning and Zoning Commission. Please allow a minimum of 90 to 120 days for completion of the public hearing process following certification of this petition.

Initial submission shall include the following:

1. One (1) original of the completed rezoning application.
2. One (1) copy of the St. Lucie County Property Tax Map (Scale 1: 200) with the property under petition highlighted.

Special Note:

Under the provisions of the St. Lucie County Land Development Code, a petition for a change in zoning is considered to be a **Preliminary Development Order**. Under the definition of Preliminary Development Order, and consistent with the County's concurrency regulations, St. Lucie County neither warrants nor represents, that there is sufficient infrastructure available to meet the expected needs of the property on which the change in zoning is sought. Further, pursuant to Section 5.01.01 (B)(3), St. Lucie County Land Development Code, a signed Concurrency Deferral Affidavit must accompany all applications for zoning changes and/or land use amendments, which acknowledges that no public facility capacity will be reserved for the subject property prior to the issuance of a Final Development Order. A determination of the availability of public facilities capacity is required prior to the issuance of such a Final Development Order. For additional information on concurrency, please contact the Growth Management Department.



All applications for change in zoning must be completed and filed with the Department before 4:30 PM each business day to meet applicable filing deadlines. For an application submission to be determined complete, all required materials must be present at the time of submission.

Project Information					
Applicant Information					
Name		Emad Aovida			
Address		1499 W. Palmetto Park Rd., #410 Boca Raton, Fl. 33486			
Phone/Fax		(561)750 -1960 / (561)750-1021			
Location Proposed for Rezoning		The property is located on the SW corner of Ralls Road and Selvitz Road.			
Property Tax ID Number(s):		2430-411-0002-000/3			
Legal Description (attach extra sheets if necessary)		See Attached Legal Description.			
Section	30	Township	35S	Range	40E
Parcel Size		Acres	14.2	Square Feet	618,552
Current Zoning Designation	AR -1	Proposed Zoning Designation	RM - 5	Land Use Classification	RU
Existing Use of Property	Agriculture Transfer				
Is a Comprehensive Plan/Land Amendment Sought? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

The following information you provide is very important in determining the outcome of your Rezoning request. It is required by the St. Lucie Land development Code that appropriate findings be made to justify a Rezoning approval. Please use additional pages, if necessary, to justify your request.

1.) Describe the reason for the requested change in zoning:

The current zoning designation of AR-1 is incompatible with the surrounding uses. To the south of subject property is Industrial Land and to the north, east, and west are residential parcels allowing up to 6.5 du/ac. Rezoning the subject property to RM-5 is more compatible and will provide transition between the more intense Industrial land to the south and the single-family residents to the north.

2.) Is the proposed rezoning in conflict with any portion of the St. Lucie County Land Development Code or the St. Lucie County Comprehensive Plan?

No, the proposed rezoning is consistent with both the St. Lucie County Comprehensive Plan and Land Development Code.

3.) How is the proposed change in zoning compatible with the existing uses in the area?

The proposed change in zoning is compatible with the existing uses in the area as they are all compatible with residential land use.

4.) How is the proposed change in zoning compatible with the Land Use designation on this property?

According to Table 1-3, RM-5 is compatible with the Land Use Designation of the property.

5.) What conditions have changed in the immediate area that warrants consideration of this change in zoning?

The subject property is currently zoned AR-1. There are no longer any surrounding properties possessing this designation. They are all zoned for more intense uses.

6.) What are the anticipated impacts of the proposed rezoning on the existing and future public facilities in this area?

The proposed rezoning will potentially create increased demand on public facilities. However, the zone is compatible with the land use designation and, therefore demand should not outstrip the reserved resources. In addition, the property will likely be annexed into the City of Fort Pierce as a result of their annexation policy. Therefore, services are to be provided by Fort Pierce Utility Authority.

7.) What are the anticipated environmental impacts of the proposed rezoning? If no adverse impacts are anticipated please explain why?

Currently, the property consists of citrus groves, the proposed change to residential use will have no adverse impacts on the environment.

8.) Will the proposed rezoning result in an orderly and logical development pattern? Please explain.

The St. Lucie County land use designations of the neighboring parcels is compatible with the proposed residential zoning of this property, creating an orderly and logical development pattern.

SPECIAL NOTICE

(PLEASE READ BEFORE SIGNING ACKNOWLEDGMENTS BELOW)

Submission of this application does not constitute the granting of approval. All appropriate requirements must be met prior to this project being presented for approval to the appropriate authority. St. Lucie County reserves the right to request additional information to ensure a complete review of this project.

ACKNOWLEDGMENTS

Applicant Information (Property Developer)

Name: Emad Aovida
Address: 1499 W. Palmetto Pk Rd.
#410 Boca Raton, Fl. 33486
Phone: ~~561-750-1450~~ Fax: 561-750-1210

561-789-5153 (C)
561-750-1950 (office)
Property Owner Information

Agent Information

Name: Land Design South
Address: 1100 St. Lucie West Blvd.
Suite 103A Port St. Lucie, Fl. 34486
Phone: 772-871-7778 Fax: 772-871-9992

This application will not be considered complete without the notarized signature of all property owners of record, which shall serve as an acknowledgment of the submission of this application for site plan approval. The property owner's signature below shall also serve as authorization for the above applicant or agent to act on behalf of said property owner.

Property Owner Signature

Mailing Address: 1499 W. Palmetto Pk
Rd. #410 Boca Raton, Fl. 33486
Phone: (561)750-1450

Selvitz Road Properties LLC

Property Owner Name (Please Print)

Emad Aovida

STATE OF FLORIDA
COUNTY OF Palm Beach

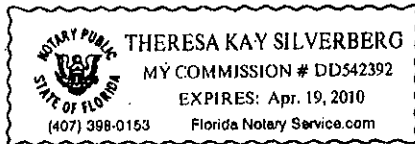
The foregoing instrument was acknowledged before me this 26th
day of Sept., 2006, by Emad Aovida
who is personally known to me or who has produced _____
as identification.

[Signature]
Signature of Notary

Theresa Silverberg
Type or Print Name of Notary

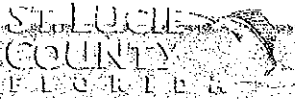
Notary Public Title
Commission Number

(Seal)



OFFICE USE ONLY

Project Reviewer: _____
DRC Review: _____
Approval Date: _____
Comments: _____



St. Lucie County

Concurrency Deferral Affidavit

Fee: \$25.00

I, Emad Aovida, residing or doing business at 1499 W. Palmetto Park Road, #410, Boca Raton, FL 33486, (561) 750-1950 have applied for a

Preliminary Development Order (Rezoning) from St. Lucie County, Florida, for the following project:

Type of Development Order

Bay Creek Townhomes

Name of Proposed Development

I do hereby affirm that in connection with my application for the above project, I have elected to defer the certificate of capacity and reservation of capacity in public facilities for the above property until a later time, but no later than the application for a final development order for the same property.

I understand and acknowledge that the above listed property will be subject to the certificate of capacity before any final development order can be issued, and that St. Lucie County can make no guarantee that adequate public facilities will be available when I apply for the final development order.

I further acknowledge that according to Section 5.01.01 of the St. Lucie County Land Development Code, no final development approval can be granted until capacity in those facilities is available at that time. The issuance of a preliminary development order without a certificate of capacity creates no vested or other rights to develop the subject property.

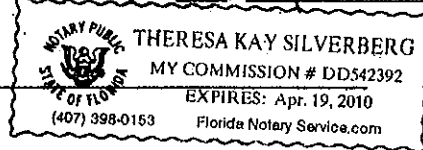
Signed: [Signature] Date: 9-26-2006 Applicant

State of Florida, County of St. Lucie

Before me, the undersigned authority personally appeared Emad Aovida who upon being duly sworn, deposes and says sworn to and subscribed before me this day of 26th, Sept, 2006.

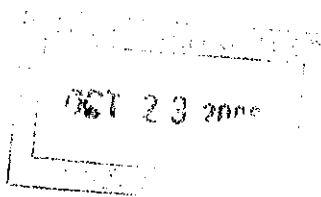
[Signature] Notary Public

My Commission expires:



[Signature] Witness

Witness



AGENT CONSENT FORM

Project Name: Ralls Road and Selvitz Road Property

BEFORE ME THIS DAY PERSONALLY APPEARED Emad Avida, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Land Design South / Brad Currie (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to _____ for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 26th day of Sept., 2006, by Emad Avida (Name of Person Acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

(Signature of Person Taking Acknowledgement)

Emad Avida
Owner's Signature

(Name of Acknowledger Typed, Printed or Stamped)

Emad Avida
Owner's Name (Print)

Manager
(Title or Rank)

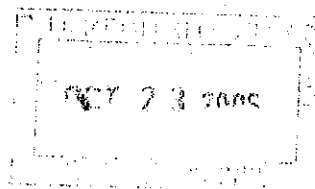
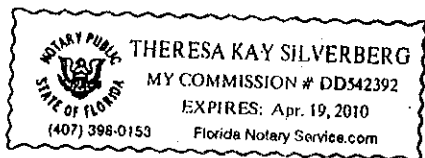
1499 W. Palmetto Park Rd.
Street Address

(Serial Number, if any)

Boca Raton, FL 33486
City, State, Zip Code

(Notary's Seal)

(561) 750-1950
Telephone





Planning
Landscape Architecture
Environmental
Transportation

JUSTIFICATION STATEMENT

*Request for Rezoning,
+/-14.2-Acre St. Lucie County Property
Submitted October 20, 2006*

Request

The purpose of this request is for a change in zoning from AR-1 (Agriculture Residential – one (1) dwelling unit per acre) to RM-5 (Residential Multiple Family – 5). Corresponding with this request, we are also applying for major site plan approval through St. Lucie County for a multi-family residential development.

On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting a change in zoning to RM-5 (Residential Multiple Family – 5). The subject property is located at the southwest corner of Ralls Road and Selvitz Road in St. Lucie County, Florida. The subject property is comprised of one (1) parcel: Parcel PID 2430-411-0002-0003 totaling +/- 14.2-acres. The property has an underlying Future Land Use of RU (Residential Urban – five (5) dwelling units per acre) and a Zoning designation of AR-1 (Agriculture Residential – one (1) dwelling unit per acre).

Property History & Site Characteristics

The +/- 14.2-acre subject site currently consists of one parcel consisting of agriculture transfer land. The subject property is located at the intersection of Ralls Road and Sevitz Road. To the north of the subject property is Shelby Homes at Carriage Point, as well as the Becker Indian River Property. To the west of the subject property also consists of Shelby Homes at Carriage Point. To the east of the subject site, across Selvitz Road, is The St. Lucie County Scouts Inc., and is currently used as a Scouts Club. To the south of the subject site is Diamond R Fertilizer Co. Inc., consisting of mineral land. The properties surrounding the subject site are all located in the City of Fort Pierce.

Rezoning Standards

This proposal meets the following requirements set forth the St. Lucie County, Land Development Code, for Rezoning Approval.

a. Consistent with the Land Development Code

The proposed RM-5 is compatible with the underlying RU (Residential Urban – 5 dwelling units per acre) Future Land Use designation. The proposed rezoning will allow for a multi-family residential development. The proposed development will comply with the 5 units per acre, as well as with the 30% maximum lot building coverage allowed by the RM-5 regulations.

- b. **Compatible with surrounding uses and zones.** The proposed development is consistent with the surrounding uses and zones to the north, east and west, as described above in the Site Characteristics section, and will provide a logical transition between the single-family homes to the north and the industrial land use to the south. The following table displays the existing use, Future Land Use Designation, and Zoning District for the properties surrounding the subject property.

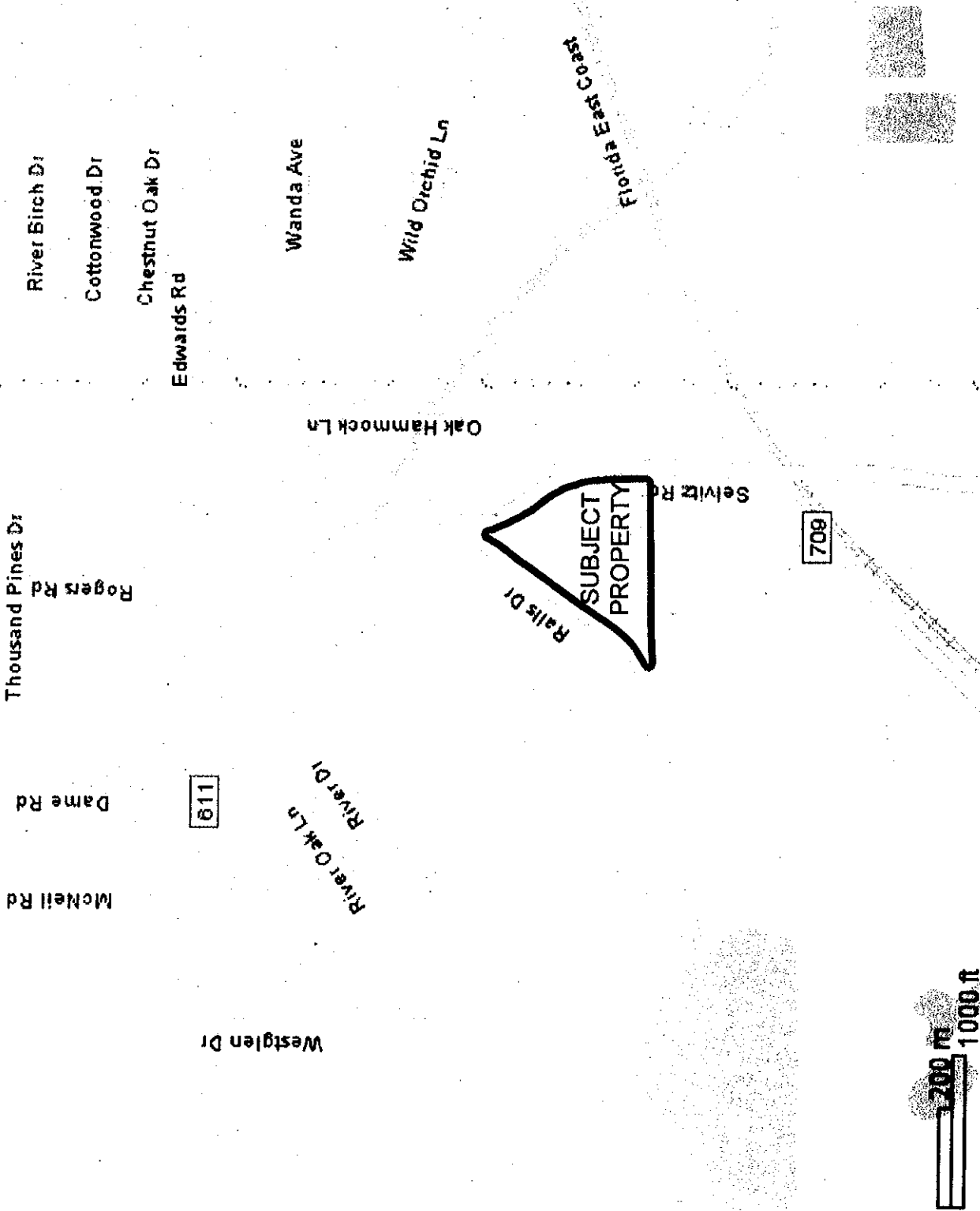
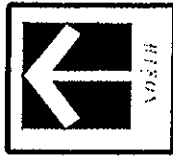
NOV 23 2006

	Existing Use	FLU	Zoning
North	Unclassified Acreage	Single Family Low Density (R-1) <i>Fort Pierce</i>	Low Density Residential (RL) <i>Martin County</i>
South	Mineral Land	Industrial Light (IL) <i>Fort Pierce</i>	Industrial <i>Fort Pierce</i>
East	Clubs	Single Family Low Density (R-1) <i>Fort Pierce</i>	Low Density Residential (RL) <i>Martin County</i>
West	Unclassified Acreage	Single Family Low Density (R-1) <i>Fort Pierce</i>	Low Density Residential (RL) <i>Martin County</i>

- c. **Changed Conditions.** The proposed RM-5 zoning designation is consistent with the underlying Residential Urban land use designation as well as to the land use to the north, east and west.
- d. **Effect on the Natural Environment.** An Environmental Assessment complying with the requirements of the St. Lucie County Land Development Code is included with this application. The property currently consists of citrus groves, the proposed change to residential use will have no adverse impacts on the environment.
- e. **Development Patterns.** The proposed development is consistent with the residential development patterns to the north, east and west. It will provide transition from the industrial land to the residential uses.
- f. **Consistency with the Neighborhood Plan.** The RM-5 will provide a logical transition between the industrial land use to the south and the residential land use to the north.
- e. **Adequate Public Facilities.** The proposed rezoning will create increased demand on public facilities. However, the zone is compatible with the land use designation and, therefore demand should not outstrip the reserved resources. In addition, the property will likely be annexed into the City of Fort Pierce as a result of their annexation policy. Therefore, services are to be provided by Fort Pierce Utility Authority.

Based on the above information, the applicant requests for approval of the proposed rezoning to RM-5, located in St. Lucie County. The applicant is requesting a change in zoning that will provide a logical transition from the institutional land use to the south and the residential land use to the north. The proposed change in zoning will create an increase in the usage and number of public facilities as well as will create an orderly development pattern. Based on the above and attached information, the Petitioner respectfully requests approval of the proposed rezoning.

Location Map St. Lucie County



611

709

200 ft
1000 ft

EDWARDS RD. (CR 611B)

TENMILE CREEK

SELVITZ RD.

GLADES OUTLET RD.

FALLS RD.

SUBJECT
PROPERTY

STATE OF FLORIDA
DEPARTMENT OF REVENUE



E. AR-1 AGRICULTURAL, RESIDENTIAL - 1

1. Purpose

The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one (1) dwelling unit per gross acre, together with such other uses as may be necessary for and compatible with very low density rural residential surroundings. The number in "()" following each identified use corresponds to the SIC code reference described in Section 3.01.02(B). The number 999 applies to a use not defined under the SIC code but may be further defined in Section 2.00.00 of this code.

2. Permitted Uses

- a. Family day care homes. (999)
- b. Family residential homes provided that such homes shall not be located within a radius of one thousand (1000) feet of another existing such family residential home and provided that the sponsoring agency or Department of Health and Rehabilitative Services (HRS) notifies the Board of County Commissioners at the time of home occupancy that the home is licensed by HRS. (999)
- c. Single-family detached dwellings. (999)

3. Lot Size Requirements

Lot size requirements shall be in accordance with Table 1 in Section 7.04.00.

4. Dimensional Regulations

Dimensional requirements shall be in accordance with Table 1 in Section 7.04.00.

5. Off-street Parking Requirements

Off-street parking requirements shall be in accordance with Section 7.06.00.

6. Conditional Uses

- a. Crop services (072)
- b. Family residential homes located within a radius of one thousand (1000) feet of another such family residential home. (999)
- c. Industrial wastewater disposal. (999)
- d. Kennels - completely enclosed. (0752)
- e. Landscaping & horticultural services (078)
- f. Retail:
 - (1) Fruits and Vegetables. (543)
- g. Riding stables. (7999)
- h. Veterinary services. (074)
- i. Telecommunication towers - subject to the standards of Section 7.10.23 (999)

7. Accessory Uses

Accessory uses are subject to the requirements of Section 8.00.00, and include the following:

- a. Agriculture (farms and ranches accessory to single-family detached dwelling). (01/02)

- b. Animals, subject to the requirements of Section 7.10.03. (999)
- c. Guest house subject to the requirements of Section 7.10.04. (999)
- d. Mobile Home subject to the requirements of Section 7.10.05. (999)
- e. Retail and wholesale trade - subordinate to the primary authorized use or activity.

L. RM-5 RESIDENTIAL, MULTIPLE-FAMILY - 5

1. Purpose

The purpose of this district is to provide and protect an environment suitable for single-family, two-family, three-family, and multiple-family dwellings at a maximum density of five (5) dwelling units per gross acre, together with such other uses as may be necessary for and compatible with low and medium density residential surroundings. The number in "()" following each identified use corresponds to the SIC code reference described in Section 3.01.02(B). The number 999 applies to a use not defined under the SIC code but may be further defined in Section 2.00.00 of this code.

2. Permitted Uses

- a. Community residential homes subject to the provisions of Section 7.10.07. (999)
- b. Family day care homes. (999)
- c. Family residential homes provided that such homes shall not be located within a radius of one thousand (1000) feet of another existing such family residential home and provided that the sponsoring agency or the Department of Health and Rehabilitative Services (HRS) notifies the Board of County Commissioners at the time of home occupancy that the home is licensed by HRS. (999)
- d. Multiple-family dwellings (3 or more units) (999)
- e. Single-family detached dwellings. (999)
- f. Two-family dwellings. (999)

3. Lot Size Requirements

Lot size requirements shall be in accordance with Section 7.04.00.

4. Dimensional Regulations

Dimensional requirements shall be in accordance with Section 7.04.00.

5. Off-street Parking Requirements

Off-street parking requirements shall be in accordance with Section 7.06.00.

6. Landscaping Requirements

Landscaping requirements shall be in accordance with Section 7.09.00.

7. Conditional Uses

- a. Family residential homes located within a radius of one thousand (1000) feet of another such family residential home. (999)
- b. Telecommunication towers - subject to the standards of Section 7.10.23. (999)

8. Accessory Uses

Accessory uses are subject to the requirements of Section 8.00.00.

APO listing for Emad Aovida, Bay Creek Townhomes, RZ-112006515
 Queried from Property Appraiser 2008 Ad Valorem tax roll and current owner data as of November 3, 2008. List prepared December 11, 2008.

Parcel ID	TaxRollOwner1	TaxRollOwner2	Address	City	State	ZipCode
243044100050007	Diamond R Fertilizer Co Inc		PO Box 12489	Fort Pierce	FL	34987
243043100010008	Vecellio Contracting Corp		PO Box 15065	West Palm Beach	FL	33416-5065
243041100010006	Becker Holding Properties		3150 Cardinal Dr	Vero Beach	FL	32963
243041100020003	Selvitz Road Properties LLC		1499 W Palmetto Park Rd #410	Boca Raton	FL	33486
242932100030000	Becker Holding Properties		3150 Cardinal Dr	Vero Beach	FL	32963
243013400140000	Shelby Homes at Carriage Point		6363 NW 6th Way Suite 250	Fort Lauderdale	FL	33309
242932300010002	St Lucie County Scouts Inc		3548 Selvitz Rd	Fort Pierce	FL	34981-4721
242933100010007	Selma R Wild (EST)		119 E Midway Rd	Fort Pierce	FL	34982
242933100020004	Helena Chemical Co	%RASH #412-9-36031	PO Box 260888	Plano	TX	75026-0888
1000000000000000	NSLRWMD		2721 S. Jenkins Rd	Fort Pierce	FL	34981
1000000000000000	NSLRWMD		2721 S. Jenkins Rd	Fort Pierce	FL	34981
Applicant	Emad Aovida		1499 W. Palmetto Park Rd, # 410	Boca Raton	FL	33486
Agent	Land Design South	Suite 103A	1100 St. Lucie West Blvd	Port St. Lucie	FL	34486



Sign Up Request

DEC 30 2008

Date Sent: 12-10-08

Attention: James A. Beams

Sign # **1175**

Sign to be installed by Sign Technicians before: 12-29-08

OR

Sign to be ready for pick up before:

Please return signed and dated original to Deanna Givens (ext. 6426) at Growth Management. Thank you.

St. Lucie County
Affidavit of Public Notice

I, BOB TRETSKY, do hereby certify that as Agent for the St. Lucie County Board of Commissioners on the following described property:

West side Selvitz Road and east side of Ralls Road, approximately 1,775 feet South of Edwards Road

I did on 12-29, 2008 erect in a conspicuous place on this property the following notice:

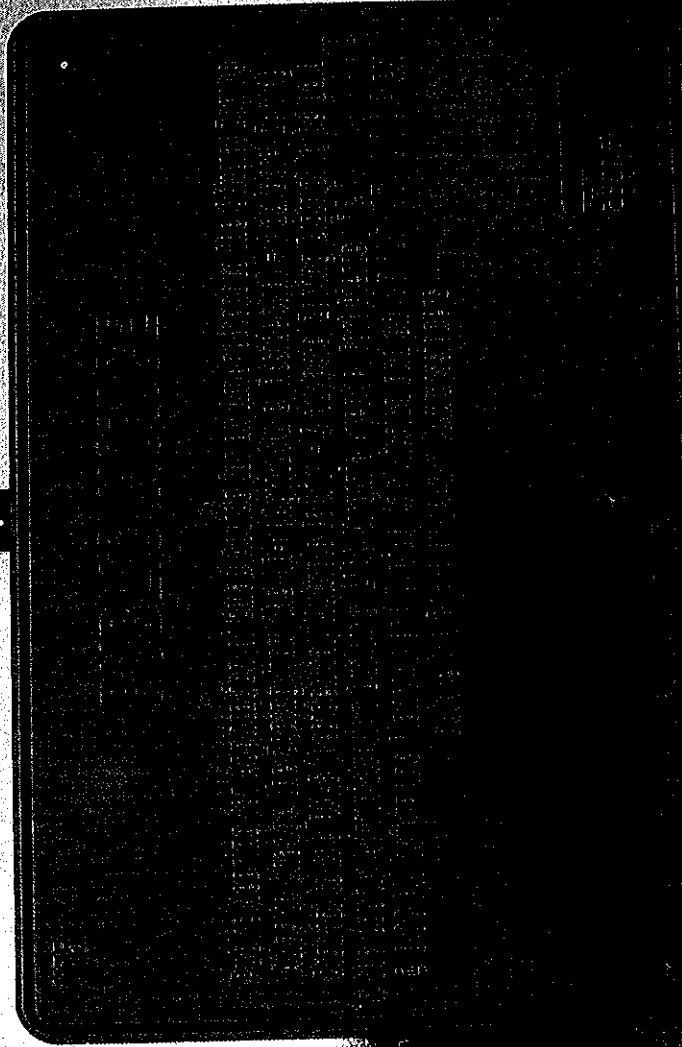
PUBLIC NOTICE

Public Hearing for Application of **Emad Aovida** for an Amendment to the Official Zoning Atlas to Change the Zoning from the AR-1 (Agriculture, Residential – 1 du/acre) Zoning District to the RM-5 (Residential, Multiple Family – 5 du/acre) Zoning District to be held in the County Administration Building, 2300 Virginia Avenue, Fort Pierce, on **January 15, 2009 @ 6:00 PM** before the Planning and Zoning Commission and on **March 3, 2009 @ 6:00 PM** before the Board of County Commissioners.

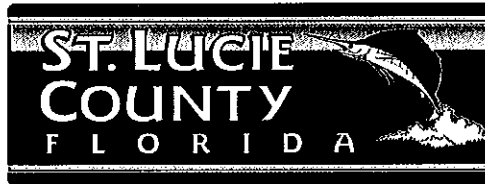
PETITIONS ARE AVAILABLE AT THE FRONT DESK IN THE PLANNING DIVISION.

Bob Tretsky
Signature

12-29-08
Date



**BOARD OF
COUNTY
COMMISSIONERS**



**GROWTH
MANAGEMENT**

February 5, 2009

Joe Smith
1800 Anywhere DR.
Anywhere, FL 34982

Baycreek Townhomes RZ 112006515

In accordance with the St. Lucie County Land Development Code, you are hereby advised that "Selvitz Road Properties LLC" presented a petition to St. Lucie County for an Amendment to the Official Zoning Atlas to change the zoning from the AR-1 (Agriculture, Residential – 1 du/acre) Zoning District to the RM – 5 (Residential, Multiple Family – 5 du/ac) Zoning District for the project known as "Baycreek Townhomes", for the following described property:

Location: West side Selvitz Road and east side of Ralls Road, approximately 1,775 feet South of Edwards Road.

Legal Description: 30 35 40 THAT PART OF NE 1/4 OF SE 1/4 LYG WLY OF SELVITZ ROAD AND CANAL #100 AND ELY OF RALLS ROAD - LESS RALLS RD - (14.20 AC) (OR 24)

The Planning and Zoning Commission *public hearing on the petition will be held at 6:00 P.M., or as soon thereafter as possible, on Thursday, February 19, 2009, County Commissioner's Chambers, St. Lucie County Administration Annex Building, 2300 Virginia Avenue, Fort Pierce, Florida.* All interested persons will be given an opportunity to be heard at that time. Written comments received in advance of the public hearing will also be considered. The County Planning Division should receive written comments to the Board of County Commissioners at least 3 days prior to a scheduled hearing.

County policy strongly encourages your input and comment at the public hearing of this matter before the Planning and Zoning Commission and County Commission, rather than by contact outside of the scheduled public hearing(s). We encourage you to speak at these public hearings, or provide written comments for the record.

The proceedings of the Planning and Zoning Commission are electronically recorded. If a person decides to appeal any decision made by the Planning and Zoning Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceeding, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it becomes necessary, a public hearing may be continued to a date-certain.

Anyone with a disability requiring accommodation to attend this meeting should contact the St. Lucie County Community Services Director at least forty-eight (48) hours prior to the meeting at (772) 462-1777 or T.D.D. (772) 462-1428.

If you no longer own property adjacent to the above-described parcel, please forward this notice to the new owner. Please call (772) 462-2822 or e-mail to ansara@stlucieco.gov if you have any questions, and refer to the project name and number listed above.

Sincerely,
ST. LUCIE COUNTY PLANNING AND ZONING COMMISSION

/S/ CRAIG MUNDT, CHAIRMAN

Form No. 07-12

ST. LUCIE COUNTY PLANNING AND ZONING COMMISSION PUBLIC HEARING AGENDA February 19, 2009

NOTICE OF PROPOSED ZONING DISTRICT CHANGE

The St. Lucie County Planning and Zoning Commission is scheduled to review and make recommendations regarding the following item petitioned by the applicant for adoption by the Board of County Commissioners of St. Lucie County, Florida, by resolution.

RESOLUTION NO.: 09-009

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY DENYING AN AMENDMENT TO THE OFFICIAL ZONING ATLAS TO CHANGE THE ZONING FROM THE AR-1 (AGRICULTURE, RESIDENTIAL - 1 DU/ACRE) ZONING DISTRICT TO THE RM-5 (RESIDENTIAL, MULTIPLE FAMILY - 5 DU/ACRE) ZONING DISTRICT FOR A PARCEL LOCATED ON THE SOUTHWEST CORNER OF RALLS ROAD AND SELVITZ ROAD, SITUATE IN ST. LUCIE COUNTY, FLORIDA.

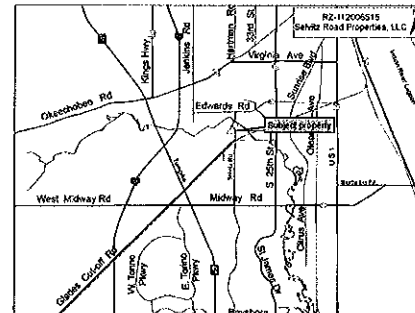
APPLICANT: Selvitz Road Properties LLC

FILE NUMBER: RZ 112006515

LEGAL DESCRIPTION: 30 35 40 THAT PART OF NE 1/4 OF SE 1/4 LYG WLY OF SELVITZ ROAD AND CANAL #100 AND ELY OF RALLS ROAD - LESS RALLS RD - (14.20 AC) (OR 24).

LOCATION: West side Selvitz Road and east side of Ralls Road, approximately 1,775 feet South of Edwards Road

PURPOSE: According to the petitioner, the purpose of the rezoning is to provide transition zone between the industrial land to the south and single family residences to the north, east and west.



The Planning and Zoning Commission PUBLIC HEARING on this item will be held in the Commission Chambers, Roger Poltras Annex, 3rd Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, Florida on **Thursday, February 19, 2009**, beginning at 6:00 P.M. or as soon thereafter as possible.

All interested persons will be given an opportunity to be heard. Written comments received in advance of the public hearing will also be considered. Written comments to the Planning and Zoning Commission should be received by the Growth Management Department - Planning Division at least 3 days prior to the scheduled hearing. The petition file is available for review at the Growth Management Department offices located at 2300 Virginia Avenue, 2nd Floor, Fort Pierce, Florida, during regular business hours. Please call 772/462-2822 or TDD 772/462-1428 if you have any questions or require additional information.

The St. Lucie County Planning and Zoning Commission has the power to review and recommend to the St. Lucie County Board of County Commissioners, for approval or disapproval, any applications within their area of responsibility.

The proceedings of the Planning and Zoning Commission are electronically recorded. **PURSUANT TO SECTION 286.0105, Florida Statutes**, if a person decides to appeal any decision made by the Planning and Zoning Commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceeding, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it becomes necessary, a public hearing may be continued to a date-certain.

Anyone with a disability requiring accommodation to attend this meeting should contact the St. Lucie County Community Services Director at least forty-eight (48) hours prior to the meeting at 772/462-1777 or T.D.D. 772/462-1428.

PLANNING AND ZONING COMMISSION/
LOCAL PLANNING AGENCY

ST. LUCIE COUNTY, FLORIDA

/S/CRAIG MUNDT, CHAIRMAN

PUBLISH DATE: February 7, 2009W