

ROI LAND USE ANALYSIS

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Today, the City contains nine active developments of regional impact (DRI). Two of these DRIs were established in the 1980s, while the rest were approved after 2000 accompanied by annexations. (*SOURCE*: Future Land Use Element, Comprehensive Plan, City of Port St. Lucie, September 2020).

In 1983, the City of Port St. Lucie adopted land use conversion policies within its Comprehensive Plan, mapping the areas of residential lots along major thoroughfares. The Conversion Manual was adopted in 1984. Policy 1.14.12 required that a manual be adopted to implement the conversion areas on the Future Land Use map. This policy was later amended to create a variance process for these requests. The Conversion Manual also addressed land assembly requirements, the rezoning process, site plan and design considerations and variance procedures. (*SOURCE*: City of Port St. Lucie Land Use Conversion Manual, Planning and Zoning Department, revised May 2013.)

In the 1980s the City also designated approximately 7,000 acres with multiple future land use designations to attract a mix of uses and as an incentive to provide maximum flexibility. This structure of multiple designations and districts is found in Table 1 of the City's Future Land Use Element. (*SOURCE*: Table 1, Future Land Use Element, Comprehensive Plan, City of Port St. Lucie, September 2020)

The City adopted into its Zoning Code two sets of design standards: The City of Port St. Lucie Citywide Design Standards and the Becker Road Overlay District Design Standards. Most development in the City and in the Becker Road corridor is required to adhere to one of the Design Standards mentioned above. (*SOURCE*: Chapter 158, Zoning Districts, Port St. Lucie Code of Ordinances, 2020).

Port St. Lucie recently updated its Comp Plan as part of the statutorily required Evaluation and Appraisal process. The Comp Plan has a series of policies to further its development goals, including the establishment of mixed use and commercial nodes, creation of Community Redevelopment Districts, the establishment of the Gatlin Boulevard Regional Activity Center, adoption of City Wide Design Standards, establishment of a Conservation Trust Fund, promotion of a strong economic development program, ongoing review and approval of annexations and the creation of the Neighborhood Improvement & Community Engagement (N.I.C.E) Program to focus on the City's 32 neighborhoods.

Policies 1.1.7.2. through 1.1.7.6 shown below succinctly capture the City's deliberative and integrated structure for creating a fully functional city out of 80,000 platted lots.

- **POLICY 1.1.7.2:** For large scale projects, utilize PUD zoning, and design and architectural controls to better integrate mixed uses into neighborhoods.
- **POLICY 1.1.7.3:** Encourage commercial and mixed use nodes at or near arterial intersections and utilize urban design standards and techniques to beautify and enhance community appearance along major corridors.

- **POLICY 1.1.7.4:** The City may encourage the upgrading and redevelopment of existing strip commercial areas to become commercial nodes or mixed use areas by facilitating cooperative efforts between the City, property owners, and neighborhoods to develop specific plans and strategies.
- **POLICY 1.1.7.5:** Evaluate the redevelopment of existing residences having direct access onto an arterial road to allow for office/residential uses while maintaining the residential character of the surrounding neighborhood and minimizing the impacts to traffic flow on the arterial network.
- **POLICY 1.1.7.6:** Discourage the issuance of single-family building permits in land use conversion areas with a non-residential land use designation (*SOURCE:* Future Land Use Element, Comprehensive Plan, City of Port St. Lucie, September 2020).

Land Use and Zoning Regulations in Similar Platted Communities

Bruce J. Cummings, Jr. describes the land development practices that led to various platted communities in Florida as the Golden Age of Land Scams.

“The next general real estate boom began in the mid-1950s and lasted until the early 1970s a period often known as ‘Florida’s Golden Age of Land Scams.’ From 1954 to 1982 about one-third of Florida’s farmland was ‘lost’ to development. In the 1960s more Florida land was subdivided into lots than in the rest of the country combined. The key drivers included a shift in technology (widespread availability of affordable air-conditioning), rising affluence, senior citizens & retirees looking for a warmer climate, political & leisure revolutions, and the interstate highway system. The great Florida land companies (AMREP Corporation, Arvida Corporation, Cavanagh Communities Corporation, Deltona Corporation, General Development Corporation, Gulf American Land Corporation (now Avatar Holdings), ITT Community Development Corporation) and nearly 200 smaller companies many perfecting land promotions and sales schemes from the 1920s, began platting and subdividing huge tracts of land for development and sale in the mid-1950s”

(*SOURCE:* Cummings, Jr., Bruce J. “A Brief Florida Real Estate History, West Cost Florida Chapter of the Appraisal Institute, September 6, 2006).

General Development Corporation (GDC) was formed in 1956. In 1958, GDC began acquiring land for Port St. Lucie and platted 80,000 lots. As noted in the Port St. Lucie Comp Plan, “The City of Port St. Lucie shares many of the challenges and opportunities common to pre-platted communities. It has experienced the rapid population growth that is often associated with pre-platted communities.” (*SOURCE:* Future Land Use Element, Comprehensive Plan, City of Port St.

Lucie, September 2020). This section of the paper describes two other platted communities and their experience in addressing both the challenges and opportunities of their creation.

Table 1 illustrates the population of Port St. Lucie and two other pre-platted subdivisions. Each exhibits a similar growth pattern, though Port St. Lucie’s growth has outpaced the other two cities.

TABLE 1: POPULATION GROWTH IN SELECT PLATTED COMMUNITIES

MUNICIPALITY	1970 POPULATION	2010 POPULATION	2020 POPULATION ESTIMATE
Cape Coral in Lee County	11,470	154,305	187,307
Port St. Lucie in St. Lucie County	330	164,603	202,914
Palm Bay in Brevard County	7,176	103,190	118,568

SOURCES: U.S. Census Bureau and University of Florida, Bureau of Economic and Business Research, 2020, accessed on website November 30, 2020 <https://www.bebr.ufl.edu/population/data>
 Email from Richard Doty, GIS Coordinator & Research Demographer, Bureau of Economic and Business Research, University of Florida, dated December 15, 2020.

All three cities have established regulatory tools to address the land use patterns inherited from the platting and land sales practices of their founders. As will be seen, they each have used similar techniques, including land use policies and zoning regulations, the establishment of Community Redevelopment Agencies, and site-specific overlay zones to ensure efficient and orderly growth in their fast-growing towns. There are several actions taken by the Cape Coral and Palm Bay that warrant review by Port St. Lucie and will be discussed in the following sections.

Cape Coral

The City of Cape Coral is in Lee County, on the Gulf coast of Southwest Florida. Platted in 1957 by Gulf American Land Corporation on lands between the Caloosahatchee River and the Gulf of Mexico as a “waterfront wonderland,” it contains over 400 navigable waterways (*SOURCE:* [Welcome to Cape Coral, FL](#), website accessed December 8, 2020). The City, incorporated in 1970, today comprises 115 square miles and is one of the fastest growing cities in the nation. Cape Coral has kept the vision of its founding – the current Strategic Plan cites its Vision: To be America’s preeminent waterfront community (*SOURCE:* Strategic Plan 2018 – 20, City of Cape Coral, accessed on City of Cape Coral website on December 8, 2020).

Land Use and Zoning in Cape Coral

Cape Coral's Comprehensive Plan recognizes the complexity of its inherited development pattern. Its goal is "to protect the public investment by encouraging the efficient use of community infrastructure and natural resources; assure the orderly, efficient growth of the city by encouraging development in those areas which are best served by infrastructure and community services; promote new land uses which create the least possible disruption to existing uses; create a strategy which anticipates future community needs by acquiring and assembling platted lands; and protect the rights of individual property ownership, consistent with public needs" (*SOURCE*: Table 1, Policy 1.15., [Future Land Use Element](#), Comprehensive Plan, City of Cape Coral; website accessed December 8, 2020).

As such, its Plan has multiple policies to address its goals of promoting healthy communities and a diverse housing stock, while addressing a shortfall of multi-family residential housing stock in the community. The Future Land Use Element contains policies that establish locational criteria for multi-family development, regulates on-site vehicle flow and parking, seeks alternative mechanisms to aid and encourage the de-platting of platted lands, and encourages the acquisition and assembly of land for public uses. There are also policies that mandate studies and future Comp Plan changes to accommodate commercial uses.

Cape Coral has fourteen future land use designations. Several are single use, and three are mixed use. To implement its land use, Cape Coral has five residential zoning districts one of which is Agriculture, five non-residential districts, one each for Commercial (C), Professional Office (P), Industrial (I), Institutional (INST) and Preservation (PV), and 6 mixed use districts defined in Article 11, Zoning Code as: Commercial Corridor (CC), Neighborhood Commercial (NC), Mixed Use (MX), Mixed Use Seven Islands (MX7), Mixed Use Bimini (MXB), South Cape (SC), and Planned Unit Developments (PUD). There are also four subdistricts that are small site specific developments with unit and floor area ratio caps, and the ability to establish City Council approved Vision Plans (*SOURCE*: Art. 11, Definitions. Land Development Code, City of Cape Coral, August 2019, and *SOURCE*: Policy 1.15., Future Land Use Element, Comprehensive Plan, City of Cape Coral).

Cape Coral's Institutional zoning district is designed to "allow for development of nonprofit or quasi-public uses such as religious institutions, libraries, public or private schools, hospitals, or government owned or operated structures. Many of these uses provide meeting places for the citizens of Cape Coral and valuable civic engagement opportunities" (Source: Section 4.1.2. B.4.).

The Cape Coral Comp Plan contains various policies that dictate the location of new commercial development in accordance with a Commercial Corridor study that documented the commercial demand for commercial acreage along seventeen major corridors. Policy 3.4 encourages County initiated or private future land use map amendments to address the need for an adequate supply of commercial lands (*SOURCE*: Policy 3.1, and Policy 3.4, Future Land Use Element, Comprehensive Plan, City of Cape Coral).

Site Specific Overlays

The Pine Island Road District is identified in the City's Comp Plan as a land use designation designed to encourage mixed-use development at key intersections with major North-South streets along Pine Island Road. The Pine Island Road corridor is identified by the City's Economic Development Office as one of its premier areas for investment. According to its Corporate Guide, this road corridor is approximately 2400 acres and runs the length of the city from I-75 to US Highway 441. The City approved the Pine Island Road Master Plan which encompassed a larger study area of 3412 acres. According to this Plan, "much of the land along the Pine Island Road was not a part of or subject to the original platting that occurred. Consequently, there are large tracts of land having adequate depth for commercial development, and held in single ownership, situated throughout the corridor. This provides an excellent opportunity to develop better forms of commercial and residential development" (SOURCE: Section 2, Introduction, SR 78 Final Report Pine Island Road Master Plan, City of Cape Coral, 2000).

Since Pine Island Road was not part of the original platting, the city developed the plan noted above. Policy 3.6 in the city's Comp Plan requires the Plan to be followed to guide development along the corridor. In addition, the Cape Coral Plan requires that the location of new commercial development follow the Commercial Corridor study done in 2003. That study documented the commercial demand and the commercial acreage needed to meet that demand along seventeen major road corridors (SOURCE: Policy 3.3. Future Land Use Element, Comprehensive Plan, City of Cape Coral).

Cape Coral's Comp Plan also includes a Commercial Activity Center (CAC) Future Land Use Classification designed to promote high quality mixed-use and commercial development at various locations near major intersections. Institutional uses may be permitted if they are consistent with the commercial siting criteria, including ratios of residential and non-residential development. According to the Cape Coral Economic Development Program:

"The City Council also has adopted a Marketplace Residential Zoning District, which is compatible with the Commercial Activity Center future land use classification. It encourages a variety of pedestrian-oriented neighborhood retail, specialty retail, office, services and residential uses. This accomplishes one of the city's objectives, to cluster multi-use development at key locations, proximate to major corridors and intersections throughout Cape Coral while allowing for a nearby residential customer and workforce base. By providing a range of uses commensurate with the size of the development, it encourages commercial land assembly and provides a receiving zone for Transfers of development."

(SOURCE: "Cape Coral Florida: Growth Engine of Southwest Florida", City of Cape Coral website accessed December 20, 2020)

Palm Bay

The City of Palm Bay is located within the southern portion of Brevard County, Florida. Palm Bay is the county's largest city. Its Future Land Use Element addresses its history as follows:

“Currently, about 90% of the City is committed to urban development, having had most of the area planned and platted in the early 1960s. Although a majority of this area is still undeveloped with specific uses or structures, the great majority of lots have been developed and sold and land ownership is extremely fragmented. Fragmented ownership, and completed infrastructure (i.e., streets constructed, lots graded, drainage installed, etc.), prevents the City from developing a growth management land use plan that can stage growth in the traditional manner. These circumstances have also established a “vesting”, recognized by the State of Florida, which largely permits development to occur in most any part of the City, regardless of the availability of services.”

(SOURCE: Section B.1. Synopsis, Future Land Use Element, Palm Bay Comprehensive Plan, as amended June 2019, [COPB Comp Plan 2001-2011 \(as amended through 2019-3-25\)](#) ([palmbayflorida.org](#)), website accessed December 17, 2020).

Land Use and Zoning in Palm Bay

Palm Bay has four residential Future land use (FLU) designations, one each of office, commercial, industrial, and four institutional FLU designations: public use, utility use, recreation and open space, and conservation use. It also has a General Use Holding District that is like the GU District found in the Port St. Lucie zoning code. (Source: Section 185.030, Chapter 185, Zoning Code, Palm Bay Code of Ordinances, 2020)

Palm Bay's Comprehensive Plan requires that any commercial development over 3 acres be developed as a PUD¹; the same requirement is also found for industrial development of over 5 acres. (SOURCE: Policy FLU-3.2A and FLU-4.1A, Future Land Use Element, Palm Bay Comprehensive Plan, as amended June 2019 ([COPB Comp Plan 2001-2011 \(As Amended through 2019-3-25\)](#) ([palmbayflorida.org](#)), as accessed December 17, 2020)

Mixed Use and Site-Specific Overlays in Palm Bay

Palm Bay has three mixed use designations. Bayfront Mixed Use Village and Bayfront Mixed Use are limited to its CRA. The third Mixed Use designation must be approved via a Comp Plan amendment. The Parkway Flex Use, and Regional Activity Center Use, require rezonings and master plans. Lastly the City has several site-specific overlays: Micro Park Village Use, Calumet Farms Use and Centerlane Use. Each one is limited to a very small area, as defined in the adopting ordinance.

¹ In Palm Bay a Commercial PUD is labeled PCD and an industrial one labeled PID.

Summary

The review of these platted communities illustrates that the cities of Cape Coral, and Palm Bay have wrestled with the legacy of their platting history and have evolved plan policies and land development regulations to address their need for commercial and industrial uses, as well as community amenities for the large areas of residential development. Palm Bay, like Port St. Lucie, has a General Use Zoning District that functions as a holding area until development is proposed. Each city created a Community Redevelopment Agency to concentrate investments for their areas of need, including downtown historic centers, areas in need of improved or additional housing, and areas of commercial and industrial infill.

Cape Coral adopted a Commercial Corridor Study in 2003 that documented the commercial demand and the commercial acreage needed to meet demand along major road corridors, not just Pine Island Road. Commercial development is directed to these corridors and policies in the Plan address site development requirements, consolidation of lots, and natural resource protections. Lastly the Comp Plan requires the city to amend its Comp Plan to add additional commercial land use designations in accordance with the Study as needed.

Port St. Lucie ROI Future Land Use Designation and Zoning

ROI (Medium Density Residential, Office and Institutional) is a future land use designation in Port St. Lucie's Comp Plan. Policy 1.1.4.2. identifies the ROI as a commercial land use designation, defined as "a mixed use category that is intended to serve development along major corridors as transitional uses between more intensive commercial areas." (*SOURCE*: Future Land Use Element, Port St. Lucie Comprehensive Plan, September 2020).

ROI is assigned to 2,562 acres or 3.3 percent of the land mass of the city. However, since the 1980s, the City has assigned multiple land use designations to properties to increase the flexibility for potential development. Over 7,000 acres of land in the City have multiple land use designations. ROI is found in designations with other land uses, which adds an additional 1,134 acres where ROI is a permitted Future Land Use Designation. The City has ROI assigned to a total of 3,696 acres (*SOURCE*: Table 1-1, Future Land Use Element, Port St. Lucie Comp Plan, 2020).

ROI is listed on Table 1-1 with the following land uses: Residential Low Density, Residential Medium Density, Residential High Density, Service Commercial, Limited Commercial, General Commercial, Highway Commercial, Light Industrial, Heavy Industrial, Utilities, and Institutional.

To analyze the presence of institutional uses in ROI, this Study also considers the land use designation for Institutional which "combines both public and private institutional land uses from previous plans into one category. It is designed to accommodate both public and private institutional sites such as schools, public buildings and libraries, government buildings and hospitals, childcare, various group home categories as well as other uses defined in the zoning code." (*SOURCE*: Policy 1.1.4. 4, Future Land Use Element, Port St. Lucie Comp Plan, 2020). This

designation is found on 1,101 acres of land in the City. Due to the multiple land uses assigned to properties, Institutional is also found on other lands. Institutional is listed on Table 1-1 with the following land uses: Residential Medium Density, Residential High Density, Service Commercial, Limited Commercial, General Commercial, Light Industrial, Open Space Recreation and Open Space Conservation.

Both designations are coupled with other land uses and both are coupled with Residential Medium Density, Residential High Density, Service Commercial, Limited Commercial, General Commercial, and Light Industrial. ROI is duplicative of other future land use designations.

Even though the Plan considers ROI as a commercial mixed use category, the Plan also projects that approximately 2,591.87 acres of ROI vacant land could provide up to 28,510 dwelling units housing an estimated 78,117 residents (*SOURCE*: Table 1-5, Future Land Use Element, Port St. Lucie Comprehensive Plan, September 2020). ROI permits residential development densities of between 1 to 11 dwelling units per acre. The allowable zoning districts available for ROI designated areas are RM-5, PUD, I, P, and LMD. The permitted uses of each of these zoning districts are shown in **Table 2** and described on the next page.

TABLE 2: PERMITTED USES IN ROI ZONING DISTRICTS

PERMITTED USES IN ROI	RM-5	PUD ²	INSTITUTIONAL	PROFESSIONAL OFFICE	LMD ³
RESIDENTIAL USES					
Single Family Dwellings	x			x ⁴	x
Townhomes	x				x ⁵
Multi-Family	x				x
Community Residential Homes With 6 or Fewer Residents	x				x ⁶
Family Day Care	x				x
Assisted Living			x		x
Group Care Home			x		x
Community Residential Home			x		x

² Uses shall be only those residential, cultural, recreational, business, commercial, industrial, and related uses as are deemed by the City Council to be fully compatible with each other, with the context of the proposed development as a whole, and with the zoning and land use patterns of surrounding areas. PUD must have 2 acres.

³ Limited Mixed Use district (LMD) allows the conversion of single-family residential lots of record to multi-family, institutional, professional/business office or limited retail uses

⁴ One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home

⁵ As part of a planned complex

⁶ Provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home

PERMITTED USES IN ROI	RM-5	PUD²	INSTITUTIONAL	PROFESSIONAL OFFICE	LMD³
Nursing or Convalescent Home			x		x
INSTITUTIONAL USES					
Cemetery, Including Mausoleum, And Funeral Homes, with or without a crematory			x		x
Enclosed Assembly Area			x	x⁷	x
Park or Playground, Or Other Public Recreation	x		x		x
School (Public, Private or Parochial, Kindergarten (Including VPK) And Grades 1 Through 12)			x		x
Publicly-Owned or Operated Building or Use			x		x
PROFESSIONAL					
Offices for administrative, business, or professional uses				x	x
Barber or beauty shops				x	x
Studios for professional work of any form of fine arts or performing arts,				x	x
COMMERCIAL					x
Retail or personal service uses provided they are limited to no more that 50% of the building's gross square footage and no one use can exceed 5,000 sq feet					x
Restaurants of 5,000 sq. feet or less					x

⁷ Enclosed assembly areas 3,000 square feet or less

The RM-5 zoning district allows the development of low-density multiple family residential areas. It permits multi-family, single family dwellings, townhomes, parks and playgrounds, community residential homes with 6 or fewer residents, and family day care (*SOURCE*: Section 158.077, Zoning Districts, Chapter 158, Zoning Code, Port St. Lucie Code of Ordinances).

The PUD zoning district contains no specific permitted uses. “Uses shall be only those residential, cultural, recreational, business, commercial, industrial, and related uses as are deemed by the City Council to be fully compatible with each other, with the context of the proposed development as a whole, and with the zoning and land use patterns of surrounding areas” (*SOURCE*: Section 158.173, Permitted Uses, Article X, Planned Unit Development (PUD) Zoning District, Zoning Districts, Chapter 158, Zoning Code, Port St. Lucie Code of Ordinances).

The Institutional (I) Zoning District allows cemetery, including mausoleum, enclosed assembly area, park or playground, or other public recreation, school (public, private or parochial, kindergarten (including VPK) and grades 1 through 12), assisted living, nursing or convalescent home, publicly-owned or operated building or use, group care home, community residential home, and funeral homes, with or without a crematory (*SOURCE*: Section 158.110, Institutional Zoning Districts, and 158.224, Community Residential, and Group Care Homes, Zoning Districts, Chapter 158, Zoning Code, Port St. Lucie Code of Ordinances).

The Professional (P) Zoning District allows offices for administrative, business, or professional uses, barber or beauty shops, studios for professional work of any form of fine arts or performing arts, enclosed assembly areas 3,000 square feet or less, and one dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure (*SOURCE*: Section 158.122, Zoning Districts, Chapter 158, Zoning Code, Port St. Lucie Code of Ordinances).

The Limited Mixed Use district (LMD) allows the conversion of single-family residential lots of record to multi-family, institutional, professional/business office or limited retail uses in a planned manner consistent with the Comprehensive Plan. It requires unified control and a coordinated development in one or more development phases, according to an approved conceptual plan. The permitted uses are any permitted use listed in the professional zoning district (P), the institutional zoning district (I), the multiple-family residential zoning district (RM-11); retail or personal service uses provided they are limited to no more than 50% of the building’s gross square footage and no one use can exceed 5,000 sq feet; and restaurants of 5,000 sq. feet or less (*SOURCE*: Section 158.155, Zoning Districts, Chapter 158, Zoning Code, Port St. Lucie Code of Ordinances).

RM-5, I, P, and LMD Zoning Districts all contain a list of uses defined as Special Exceptions that may be permitted, pending City Council approval.

The Conversion Manual

The Port St. Lucie Comprehensive Plan recognizes its current development pattern is based on its GDC founding.

“The dominant land pattern use in the City of Port St. Lucie is low density residential development. In the original design for the city, sufficient land was not set aside for commercial uses to meet the needs of future populations. Residents had to travel outside the city limits for goods, services, and employment opportunities. In the 1980s, the City adopted a program for converting single-family platted lots along major roadways to non-residential uses. The City of Port St. Lucie Conversion Manual was adopted in 1984 to accommodate and modernize antiquated subdivisions. Under the conversion process, the City processed land use amendments to change the land use along designated segments of roadways. Depending on the conversion plan for the area, the land use would either be commercial, professional, industrial⁸, or multi-family. Within these conversion zones, single-family lots could be assembled to create larger parcels suitable for development.”

(SOURCE: Future Land Element, Port St. Lucie Comprehensive Plan, September 2020).

According to the “History of the Conversion Areas,” the intention was to provide a buffer from a major road to the adjacent residential areas, as well as providing for uses that were deficient in the City's long-range plans. (SOURCE: History of the Conversion Areas, memo from Patricia A. Tobin, Long Range Planning Administrator, Planning and Zoning Department, to Mayor and City Council Members, Port St. Lucie, Florida, Sept 14, 2020)

Policy 1.14.12 in the Comp Plan required that a manual be adopted to implement the land use conversion policies that mapped the areas of residential lots along major thoroughfares. The Conversion Manual, created in 1984 and as revised through May 2013, implements the conversion areas on the City’s Future Land Use map. It also addressed land assembly requirements, the rezoning process, site plan and design considerations, and variance procedures (SOURCE: City of Port St. Lucie Land Use Conversion Manual, Planning and Zoning Department, revised May 2013).

The provisions of the Conversion Manual were incorporated into the City’s Zoning Code. The Zoning Code defines Conversion area as areas designated in the "City of Port St. Lucie Land Use Conversion Manual" which establishes land assembly requirements for the conversion of single-family residential lots. (SOURCE: Section 153.01, Definitions, Port St. Lucie Code of Ordinances).

The ROI Future Land Use Designation is found in the conversion areas, on the following roads:

- Port St. Lucie Boulevard from just west of US # 1 to Becker Road
- St. James Drive from Airoso Boulevard to just north of Royce Avenue
- Lennard Road from Mariposa Avenue to Lyngate Drive

⁸ P&Z staff has determined that this is a scrivener’s error in the Comp Plan. It should read “institutional.”

- Bayshore Boulevard (west side) from Thornhill Drive to Prima Vista Boulevard
- Prima Vista Boulevard from Bayshore Boulevard to just east of Curtis Street
- Gatlin Boulevard (aka Savage Boulevard) from Port St. Lucie Boulevard to just west of Brescia Street
- Becker Road from I-95 and Florida's Turnpike

(*SOURCE*: History of the Conversion Areas, memo from Patricia A. Tobin, Long Range Planning Administrator, Planning and Development Department, to Mayor and City Council Members, Port St. Lucie, Florida, Sept 14, 2020)

Review of the land use pattern within two conversion area corridors

This study reviews the land use pattern of two corridors with the Conversion areas: Port St. Lucie Boulevard between Gatlin Boulevard and Becker Road, and the 4.1-mile Becker Road. The land use pattern along these two roads is quite different but given the City's planning focus on creating sustainable new urbanist growth combined with its road network planning to increase connectivity, these two roads they are now interconnected. The two roads intersect at the southern end of Port St. Lucie.

Review of the land use pattern within the Port St. Lucie Boulevard conversion area

The area of Port St. Lucie Boulevard from Gatlin Road to Becker Road is illustrated in **Figure A**. Its land uses are a mix of General Commercial, Neighborhood Commercial, Commercial Limited RM, ROI, LMD, and areas designated as Special Exception use.

The City's Comprehensive Plan states: "The City has long recognized the need for more commercial development at the Gatlin Boulevard and I-95 Interchange to relieve ongoing traffic impacts near eastern commercial centers located along Port St. Lucie Boulevard and at U.S. 1.

Review of the land use pattern within the Becker Road conversion area

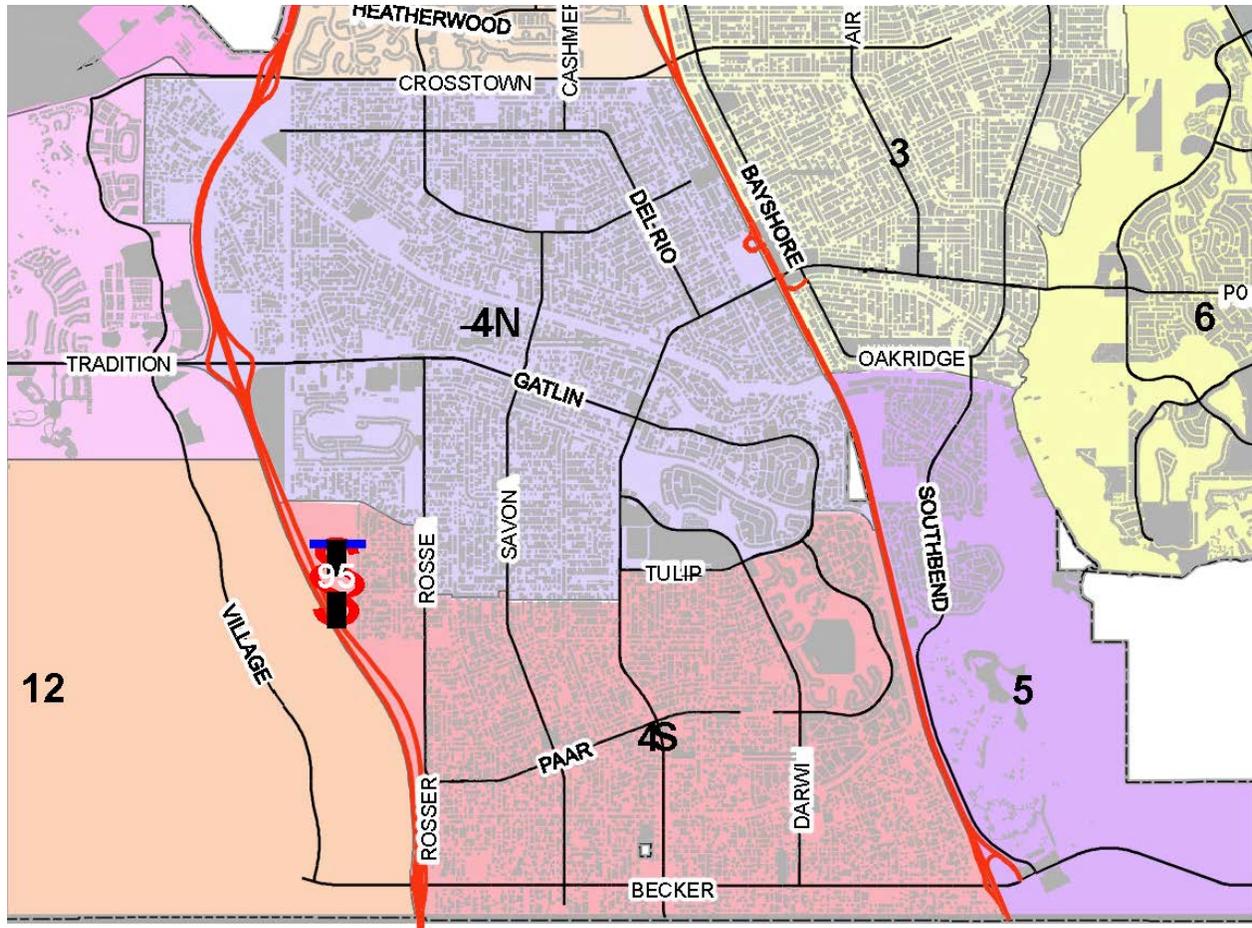
Becker Road is an approximately 4.1-mile long road located along the Port St. Lucie's southern border along the C-23 canal (occasionally referred to as the border canal in some documents) which marks the border between St. Lucie County and Martin County. The neighborhood areas that abut Becker Road are Becker Ridge, Crane Landing, and Woodland Trails. Becker Ridge is a neighborhood located just west of the Turnpike. Crane Landing is a desirable location in the South Becker area with quick access to I-95 or the Turnpike. Woodland Trails is an up-and-coming residential community that has churches and commercial areas in walking distance. (*SOURCE*: Neighborhood Description, NICE Program, Port St. Lucie, FL, website, accessed Port St. Lucie website, December 17, 2020)

Becker Road has been studied for many years by Port St. Lucie and by its neighbor Martin County. Located along the city's southern border, Becker Road connects to Martin County via Gilson Road/Murphy Road in Martin County. Prior to the connection of Citrus Boulevard to Port St. Lucie Boulevard and the interchange improvements to I-95 and the Turnpike, Becker Road was traveled by Port St. Lucie residents who worked in Martin County or other employment centers in south Florida.

In 2005 the Treasure Coast Regional Planning Council conducted a 5-day planning charrette to create the Becker Road Master Plan. The charrette focused on Becker Road between I-95 and the Turnpike. "Key issues included the design of Becker Road; the scale, intensity, and types of development that should occur along Becker Road; provision for a neighborhood town center; and issues concerning drainage." (*SOURCE*: Becker Road Charette Report, Treasure Coast Regional Planning Council, 2006). The Master Plan proposed Becker Road to be designed as a four-lane green parkway with urban places located at the intersections of Savona Boulevard, Darwin Boulevard, and Port St. Lucie Boulevard. According the Charrette Report, on January 5, 2006, the Port St. Lucie City Council unanimously voted to conceptually support the Community's Master Plan and directed its staff to alter roadway designs to comply with the Master Plan. While the City did not fully implement the Charrette Report at the time, many of its recommendations have come to fruition with more recent work done by the City, such as the road redesign, changes to the City's Comprehensive Plan and the creation of overlay design regulations.

In 2015, the City contracted with the planning firm of Tindale Oliver to develop Neighborhood Action Plans for many of the original areas developed in the city. A Neighborhood Action Plan for Planning Area 4 South (PA-4S), included the Becker Road corridor, defined as the area along Becker Road from Interstate 95 to the Florida Turnpike to the east, and C-23 to the south, including properties within approximately ½ mile north of Becker Road consisting of approximately 1,494 acres. One of the study's recommendations was the creation of an overlay district along Becker Road. The Neighborhood Action Plan for Planning Area 4 South (PA-4S) was adopted by the City in 2017 (*SOURCE*: Planning Area 4, Neighborhood Action Plan, City of Port St. Lucie Tindale Oliver, 2019).

FIGURE B: PLANNING AREAS 4N AND 4S



As part of the Planning Study the following vision was adopted for PA-4S:

The southern gateway to Port St. Lucie with easy access to Florida's Turnpike and Interstate system, where a safe, effective, and efficient system of roadways, greenways, and blueways connect to the heart of the City and the larger region. The Becker Road mixed-use corridor and the designated Activity Center provide diverse housing opportunities, attractive parks and open spaces, and employment opportunities to help build community and economic opportunity.

The intersection of Port St. Lucie Blvd and Becker Road was designated an activity center and mixed-use/commercial nodes were recommended for the intersections of Becker Road and Savona Boulevard and Becker Road and Darwin Boulevard. After the completion of the Study, in 2018 the City of Port St. Lucie adopted a large-scale comprehensive plan amendment that amended the land-use designations along the corridor as part of the Neighborhood Action Plan. **Figure C** illustrates the adopted land use map for Becker Road. The plan amendment did not change any of the zoning within the Becker Road corridor. (SOURCE: Status Report/Fact Sheet on Becker Road, Planning and Development Department, accessed on Port St. Lucie website, December 17, 2020)

The Becker Road Overlay District (BROD) was adopted by the Port St. Lucie Council by Ordinance 18-26, May 28, 2018 and amended by Ordinance 19-36, July 8, 2019. The Becker Road Overlay area and the Becker Road Overlay District Design Standards are defined in the Definitions section of the Code of Ordinances and the Design Standards are found in Section 158.228 (B) on the Code. The BROD Design Standards apply to the corridor shown on **Figure C**.

FIGURE C: BECKER ROAD FUTURE LAND USE MAP



Potential Conflict Between Residential and Institutional Uses in ROI and its Implementing Zoning

The purpose of the conversion areas is to “allow the conversion of single family lots to other uses.” The Comp Plan especially calls out the conversion of uses from residential to commercial, professional, institutional, or multi-family.

ROI institutional uses include cemetery, including mausoleum, enclosed assembly area, park or playground, or other public recreation, school (public, private or parochial, kindergarten (including VPK) and grades 1 through 12), assisted living, nursing or convalescent home, publicly-owned or operated building or use, group care home, community residential home, and funeral homes, with or without a crematory. In some community codes, institutional uses would also include more intense uses such as hospitals, airfields, towers, utilities, and landfills, especially since the meaning of institutional is that it is of an institution, a bank, a corporation,

usually for public purpose. (SOURCE: "Institution." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/institution>, accessed December 21,2020)

Government owned or used land is typically an institutional use. Port St. Lucie zoning districts permit "publicly-owned or operated building or use" as a special exception use in several residential and commercial districts. In the Institutional zoning, public sector uses have a by-right use in this district. Often local codes regulate government owned or operated industrial uses within a different use category, for example Port St. Lucie's Code has a utility zoning district. In addition, Port St. Lucie relies heavily on conditional and special exception processes to regulate many uses.

Institutional uses are often perceived to be incompatible with surrounding residential neighborhoods, whether they are places of assembly, such as a place of worship, a school, an assisted living facility or a social service agency use. Various communities along the Treasure Coast have experienced significant opposition to the placement of institutional uses within their boundaries.

In addition, there is confusion and disagreement over how specific uses should be categorized. Is an assisted living facility an institutional use or a residential use? Are mental health facilities different from other types of health facilities? While community codes usually designate uses into a particular category of use, whether that use is appropriate to the area where the use is allowed can contribute to the controversy over institutional uses.

Large institutional uses such as schools and places of assembly often generate complaints of traffic and noise. Assisted living facilities are often perceived to be commercial uses and therefore incompatible with residential neighborhoods. They are perceived to bring traffic to the neighborhood, even though they generate less trips than a single-family subdivision. Besides traffic, public opposition may include that they are a burden on Fire Rescue services, that there are too many already, or that they provide opportunities for "outsiders", i.e., the staff, or delivery personnel, to be an unwanted presence in the general neighborhood. It may be that COVID 19 has changed the perception of staff and delivery providers from suspicious intruders to welcome heroes and essential workers.

Unfortunately, the demand for social services has grown as communities struggle with homelessness, addiction, children and adult services, and mental health issues. These services are regulated by various state and federal agencies. Administering a zoning code use does not always match the words on the form that a state agency needs from a non-profit agency trying to open a facility. Unfortunately, too many local governments' codes are outdated at best and unconstitutional at worse. Port St. Lucie has crafted its code to reflect State Statute so that the City's regulations are responsive to the various state agency's needs. Whether the regulations in place comply with federal law regarding the Fair Housing Act of 1964, the Americans with Disabilities Act (ADA) of 1990 or the Religious Land Use and Institutionalized Persons Act of 2000, should be reviewed by the City Attorney's office.

Many communities struggle with the placement of drug rehabilitation facilities, sober houses, and detox centers. A 1998 paper by Takahashi and Gaber examined the perceptions of planning directors and the general public on unwanted uses. While the paper explored many facets of the two opinion surveys, the authors note that the two groups agreed on the most undesirable uses: homeless shelters, group homes and landfills. (*SOURCE*: Takahashi, Lois M. and Sharon Lord Gaber, “Controversial Facility Siting in the Urban Environment: Resident and Planner Perceptions in the United States,” *Environment and Behavior*, Vol. 30, No 2, March 1998 184-215).

As discussed in the Background, Port St. Lucie designated approximately 7,000 acres with multiple future land use designations and multiple zoning districts in order to attract development. It also adopted its Conversion Manual to guide development along the roads noted earlier. The City’s flexibility has encouraged development over the years. Due to its platted lot history, it has faced challenges siting nonresidential uses, especially near existing residential units, whether on single-family platted lots or in master planned developments. Port St. Lucie addresses the concern over the compatibility of uses with code provisions for permitting development through requirements for lot consolidation, and procedural requirements. The permitting process is detailed in the Conversion Manual and in various code sections with the City’s Land Development Code.

The City also relies on a special exception process for many uses.

Article XIII. – Special Exceptions, Sec. 158.255. – Intent. states:

“Certain land uses, due to their unique functional characteristics and the potentiality for their incompatibility with adjoining land uses, require special consideration on an individual basis of their suitability for location and development within particular zoning districts. These uses have been designated as special exception uses within appropriate zoning district classifications set forth in sections 158.060 through 158.183. It is the intent of this chapter that these uses may be permitted within the zoning district classifications only after affirmative findings that they can be developed at particular locations in a compatible manner.”

(*SOURCE*: Section 158.255, Article XIII, Zoning Code, Port St. Lucie Code of Ordinances)

Sections 158.260. and 158.261 detail the requirements and approval process for Special Exceptions. Applications go to the Local Planning Agency and the City Council for approval.

The City controls uses by its detailed requirements for Special Exceptions. Each Zoning District within the City’s Code contains a list of Special Exceptions. The GU Zoning District is intended to be the place for large scale uses to be treated as special exceptions. It includes fourteen uses. Other zoning districts contain a list of special exceptions, including additional ones that would be most compatible with the fourteen listed for GU zoning district. The special exceptions in the other zoning districts are limited to uses that are compatible to the permitted uses, such as a golf course in many of the RS and RM residential districts or marina in the OSR, Open Space

Recreation district. ROI is implemented by five zoning districts, therefore the uses and special exceptions allowed in each of those zoning districts may be permitted in ROI.

ROI is implemented by 5 zoning districts: RM-5, PUD, I, P, and LMD. The uses for each are shown in Table 2. Of the 5, one is LMD. The Limited Mixed-Use district (LMD) allows the conversion of single-family residential lots of record to multi-family, institutional, professional/business office or limited retail uses in a planned manner consistent with the Comprehensive Plan. It requires unified control and a coordinated development in one or more development phases, according to an approved conceptual plan. (*Source: Section 158.155, Chapter 158, Zoning Code, City of Port St. Lucie Code of Ordinance, 2020*)

The LMD zoning district allows any use permitted in P, I, and RM-11, or any special exception allowed in these districts. The use of this zoning district could be problematic when implementing ROI, if the issue of compatibility of uses generates public opposition. However, this district requires a conceptual plan as a requirement to receive approval for a special exception, and a requirement for a final site plan within two years of approval of the Special Exception.

The multiple land use designations allowed by the Comp Plan on properties, combined with the designated zoning categories that implement ROI, allows conflicts among ROI uses. ROI, as discussed in the earlier section on the ROI Future Land Use Designation and Zoning, is duplicative of other land use designations in Port St. Lucie and thus, potential institutional permitted uses contain inherent conflicts.

ROI is found in areas where the conversion of residential lots to nonresidential uses is strongly urged. Yet ROI continues to allow residential development. The City's Plan shows it to be available to address residential needs for population growth. Admittedly, the preferred housing would be multi-family within a planned development. But due to existing residential uses, ROI is further limited in intensity and scale. According to the Conversion Manual, any development in RM or ROI is limited to two stories, including under building parking. If ROI is to function as a residential land use designation, this limitation should be reviewed to see if it is still necessary to protect existing residential areas, or if this area can support higher density and building height.

Recommendations

This study reviewed the ROI Future Land Use designation and its implementing zoning. It reviewed land use policy and zoning regulations in two similarly platted communities to assess if any ideas from those cities could be useful to Port St. Lucie. It reviewed the land use pattern within the conversion areas along Port St. Lucie Boulevard and Becker Road. Lastly it identified potential conflicts between residential and institutional uses currently allowed in ROI and its implementing zoning. The following recommendations are designed to provide options for Port St. Lucie Council as it considers the ROI future land use designation.

Option 1: Remove Institutional uses from the ROI designation.

- Amend the Comp Plan to remove Institutional uses from ROI.
- Direct staff to prepare a Commercial Corridor Study.
- Amend the Zoning Code to require all institutional uses to be treated as Special Exceptions.
- Determine Council's direction on any Comp Plan Amendment and Land Development Code provisions regarding ROI. The City may wish to consider a moratorium on development applications until these changes can be implemented.

Option 2: Eliminate ROI as a Land Use Designation

- Amend the Comp Plan to eliminate the ROI future land use designation.
- Determine the appropriate land use for the 2413 acres of vacant ROI land.
- Amend the Zoning Code, as warranted by the Comp Plan amendments.

Other recommendations

- Consider whether any other Future Land Use or Zoning District designations in the conversion areas should be reviewed.
- Develop training and a public outreach effort to educate the public about compliance with the Fair Housing Act of 1964, the Americans with Disabilities Act (ADA) of 1990 or the Religious Land Use and Institutionalized Persons Act of 2000.