

would not have been a success. She would like to give kudos to Nick Mimms and the Public Works Department, which did an outstanding job clearing the properties at the northwest, northeast, and southwest corners of 8th Street and Avenue D - just the aesthetics of the property has changed the face of that area immensely. It adds value to Moore's Creek as well as the Intermodal Transit Facility and the developments along the corridor. The community is excited about it, she heard rave reviews about the look and the event as a whole. She really appreciates all that everyone has done. They pulled together so that they could meet the strategic principle of the City - Building

Community Unity & Pride. They are starting this event quarterly. Their next event will be June 8th. By the Fall, they are proposing to move it to a monthly event.

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The next item on the Agenda was Public Hearing on Applications for Conditional Use & Site Plan Review submitted by Rev. Dr. Dana S. Allin, Indian River Presbyterian Church, for construction of Grace Way Village, a family transitional living facility, at 1780 Hartman Road; said property zoned C-3, General Commercial Zone.

Mr. Ryan Sweeney, Development Review Planner, said the applicant is requesting review and approval for a family transitional living facility, which is not an identified use in the City Code; so the first step was to bring this before the Planning Board per Section 22-7 to get this authorized as a similar use to an ACLF, and that occurred on July 12, 2011. The site is located at 1780 Hartman Road and is approximately 7.84 acres. There are two existing principal structures and one small accessory structure on the site currently. The parcel is zoned C-3, General Commercial. The parcels to the east and to the south are zoned C-3, General Commercial, and the parcels to the west are zoned R-4, Medium Density Residential, and there is canal right-of-way and road right-of-way to the north. The proposed family transitional living facility will be approximately 18,700 square feet in size and will consist of a central core with a common dining area, a full service kitchen, and two residential wings. The eastern residential wing contains 12 units and the southern residential wing contains 8 units. It will be a CBS structure with smooth stucco and some horizontal cement clapboard on the front facade. There are a number of architectural features included in the design, Florida vernacular with some modern cues as well. All the required site parking, landscaping, etc. is provided on the Site Plan. As this is a Conditional Use, 27 notifications were mailed to property owners within 500 feet; to date, 11 have been received back - 9 approved, 2 disapproved. The Planning Board unanimously recommended approval with conditions at their February 14, 2012 meeting. Therefore, as the proposed Site Plan and Conditional Use meets the requirements of the City Code, and is found to be consistent with the City's Comprehensive Plan, Staff recommends approval of the Site Plan and Conditional Use with the following conditions: (1) The applicant shall record the St. Lucie County requested right-of-way dedications within 90 days of Site Plan approval; and (2) The applicant will be required to complete a Road Improvement Agreement with St. Lucie County for the proposed Hartman Road sidewalk within 90 days of Site Plan approval.

Commissioner Becht said he doesn't want to empower the County at the expense of this applicant. Did they have any input or say-so with the amount of footage the County is requesting for Hartman Road? They want 25-feet on the east side of this road.

Mr. Sweeney said the County sits on their Technical Review Committee. They have a right-of-way protection plan in their Land Development Code and that is what they go by.

Commissioner Becht asked so the County is going to have a 90-foot right-of-way in there?

Mr. Sweeney said he believes the ultimate right-of-way for Hartman Road is intended to be 160-feet total.

Commissioner Becht said he checked it, it is on the survey. It is 45-feet now. He figures if the County is taking 25-feet off the east and if they take 25-feet off the west, they will have a 90-foot right-of-way in there. He would like to know what the County asked from Bent Creek, what they took off of that, because he wants to make sure they took at least 25-feet off of a project they approved in the unincorporated County before it was annexed into the City. He would like to know what the County took off of Whiteway Dairy Road at the same time they permitted that project, because he does not think they took anything for Whiteway Dairy Road at the time they permitted this County project. But the County wants to take 30-feet off the north end of this City project. The applicant may not care; but he does not want to empower the County to take property away from City residents. The County seems to be inclined that way recently. So he wants to know, what is the precedent for the County to take 30-feet off the north of this property? He knows there is precedent to take property off for right-of-way for Hartman Road. He just wants to make sure the County is being consistent in applying that all the way up and down Hartman Road for both County projects and for City projects. Because to him, it doesn't seem to be fair to take 30-feet off the top of this property on the canal for a City project when they didn't take anything off of the property that was developed on Whiteway Dairy Road. He may be wrong, but he doesn't think so. Could Staff check on that? The sole point here is to not empower the County to take property away from City residents when they come through for City projects.

Commissioner Alexander asked the sidewalks will be to where? Are these sidewalks to nowhere?

Mr. David Carlin, Assistant Planning Director, said ultimately it will be a sidewalk to somewhere. This is the process they have had for years. When an applicant comes in for a new development, they are required to put a sidewalk along their property frontage. Ultimately they will fill in those pieces of puzzle.

Commissioner Alexander said for them to put sidewalks in, it is dangerous now to walk down Hartman Road. Are they going to entice people to walk because they have a little section of

sidewalk there? He does not think it is fair to the developers of this property. They can do it in the future, but not this being a condition for them getting their Site Plan approved.

Mr. Carlin said he brings up a good point. Staff is working to modify their sidewalk ordinance provisions to account for different flexible options, so they don't have the problem 10 or 15 years down the road - where they wanted a sidewalk but didn't get it at the time they were asking for an easement or a right-of-way. So there is a balance. They are trying to work a new sidewalk ordinance provision through the system.

Commissioner Perona said the Planning Board had three conditions. There was some discussion about the minimum required illumination along Hartman Road. They ride down that street and it is dark, then all of a sudden there is glowing streetlights that meet the minimum requirement. How have they dealt with that requirement as the City, with the County not wanting to take ownership and all these other issues? How did that end up?

Mr. Matthew Margotta, Planning Director, said one of the things he has been looking at as far as the ordinances go, just a few things he can do in the interim before they get their LDR's updated - and this is his interpretation of the Code - but he is not going to require lighting along County roads that the City does not maintain or own. The County doesn't want it, never has wanted lighting in their rights-of-way unless they did it themselves. But an interpretation of the City's Code, it doesn't require lighting along the roads the City is not maintaining and doesn't own. He is developing what that interpretation looks like, how it addresses the code, what it means legally for them, so that he can forward that on. But in the interim, he has already made that interpretation of the code. So they are not requiring lighting along County roads. But there might be a development out there along a County road and a City road; and if it is fronted on the City road, it is going to be lit to the City's standards and it is going to have sidewalks and everything like it is supposed to.

Commissioner Perona said they need to make that clear, so they are not setting a precedent here for roads that are both County and City applications. But this is merely a County road and the County has said it is not interested in ownership and maintenance of the lighting system. Is that correct?

Mr. Sweeney said this is completely a County owned and maintained road, correct.

Mr. Margotta said he didn't do this in a vacuum, he spoke with Engineering and Public Works and the County, individuals that deal with these things, to make sure he is not being cavalier. He took due consideration.

Mayor Benton said for the record, he has met with representatives on this project prior to tonight. (Commissioners Becht, Perona, and Sessions indicated they had met with representatives also.)

Mayor Benton declared a Public Hearing in session and asked if anyone in the audience wished to be heard.

**Mr. Daniel Retherford**, Engineering Design & Construction Inc., said they are the civil engineers for the project. He is here tonight representing the applicant. Also here are members of the church, the pastor, an associate pastor, and the director of operations for the facility. There will answer any questions the Commissioners may have.

Mayor Benton asked could they see a show of hands for everyone here supporting this project? (Approximately 75 people in the audience raised their hand.)

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Perona, seconded by Commissioner Alexander, to approve the Conditional Use & Site Plan submitted by Rev. Dr. Dana S. Allin, Indian River Presbyterian Church, for construction of Grace Way Village, a family transitional living facility, at 1780 Hartman Road, with the following conditions: (1) The applicant shall record the St. Lucie County requested right-of-way dedications within 90 days of Site Plan approval; and (2) The applicant will be required to complete a Road Improvement Agreement with St. Lucie County for the proposed Hartman Road sidewalk within 90 days of Site Plan approval.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Perona, Sessions, and Benton. Those opposed: None.

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Ordinance No. L-252 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5 ARTICLE I OF THE CODE OF ORDINANCES ENTITLED "BUILDING CODE"; AMENDING SECTION 5-1.102.9, "WORDS DEFINED", TO CHANGE THE DEFINITION OF **BASIC WIND SPEED LINE** TO COMPLY WITH FLORIDA BUILDING CODE AND **SUBSTANTIAL IMPROVEMENT** TO READ THE SAME AS SECTION 5-316; AND AMENDING SECTION 5-1.131.1 "WIND LINES", TO CHANGE THE WIND SPEEDS AND WIND LINES TO COMPLY WITH THE FLORIDA BUILDING CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mr. Marc Meyers, Building Official, said the new Florida Building Code went into effect on March 15th.

Commissioner Becht said he read the material very comprehensively. Has he shown this yet to the Treasure Coast Builder's Association? He suspects they are aware of the State mandates; but are they aware of where they are drawing the line on 25th Street?

Mr. Meyers said he has been in discussion with them; but he is not sure if they discussed this in particular or not.

Commissioner Becht said as he understands the material, the only