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CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **NOVEMBER 10, 2015**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: **Marcia Baker; Tim O'Connell; Brian Paul; Eduardo Mujica; Charles Hayek; Mike Dahan; Steve Weaver; Eloise Cumings; John George; Robert Poitier; Bob Burdge, Chairman**

Staff Present: **Rebecca Grohall, AICP, Planning Manager
James Walker, Assistant City Attorney
Kori Benton, Senior Planner
Clarissa Davis, Planner
Alicia Rosenthal, Administrative Assistant**

4. CONSIDERATION OF ABSENCES

All Board members were present.

5. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS

All regular members were present.

6. APPROVAL OF MINUTES

- a. Approval of minutes from the October 13, 2015 meeting.

Motion was made by Tim O'Connell, and seconded by John George to approve the minutes from the October 13, 2015 meeting.

AYE: Mike Dahan, Steve Weaver, Eloise Cumings, John George, Marcia Baker, Tim O'Connell, Brian Paul, Eduardo Mujica, Charles Hayek, Chairman Bob Burdge

Passed

7. NEW BUSINESS

a. Voluntary Annexation - Oleander Avenue South of Edwards Road

Ms. Davis gave an overview of the annexation and answered questions from the Board. Rich Laventure, Representative from Laventure and Weiss Engineering, expressed future plans for the property and answered questions from the Board.

Motion was made by John George, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission.

AYE: Tim O'Connell, Brian Paul, Eduardo Mujica, Charles Hayek, Mike Dahan, Steve Weaver, Eloise Cumings, John George, Marcia Baker, Chairman Bob Burdge

Passed

b. Conditional Use - Dwelling Rental - 1916 Rio Vista Drive

Mr. Benton gave an overview of the Conditional Use application and answered questions from the Board.

Jeff Sarasin and Dale Sarasin, Representatives, provided additional information on the home and answered questions from the Board.

Mr. Walker stated it is not apparent that the line of questioning regarding the idea that people can buy single family homes in residential neighborhoods and turn them into short term vacation rentals falls within the scope of the code of ordinances which describes standards for Board consideration of Conditional Use applications.

Al Griffin spoke in favor of the application.

Mr. Walker stated it would be helpful in maintaining focus by focusing on this application and not applications in general. The task is to determine whether the use applied for is appropriate in the neighborhood for which approval is sought.

Carol Mashir, South Beach President, Charlene Adair, Carol Luscher and Carol Evans spoke in opposition of the application.

Mr. Sarasin stated the applicant is willing to rent the home for a minimum of 30 days and addressed comments made from the public.

Motion was made by Brian Paul, and seconded by Marcia Baker to forward a recommendation to the City Commission to deny the request.

AYE: Charles Hayek, Mike Dahan, Steve Weaver, Eloise Cumings, John George, Marcia Baker, Tim O'Connell, Brian Paul, Eduardo Mujica, Chairman Bob Burdge

Passed

c. Conditional Use - Sailfish Brewery & Taproom -130 N 2nd Street

Mr. Hayek asked Mr. Walker if there is a reason for him to recuse himself from the vote since he is the landlord of Sailfish's present location at 407 N. 2nd Street. Mr. Walker read the code and stated since Mr. Hayek is not specifically being retained in this matter and he is not acting for the entity there did not appear to be a conflict of interest requiring Mr. Hayek to submit form 8b.

Mr. Benton gave an overview of the application and answered questions from the Board.

Nick Bischoff, Co-owner and Founder of Sailfish Brewery, spoke briefly about the building and his love for the City of Fort Pierce.

Motion was made by Brian Paul, and seconded by John George to forward a recommendation of approval to the City Commission of the requested Conditional Use with the following conditions:

- 1) The applicant establishes a shared dumpster agreement, or authorized refuse collection location, prior to Certificate of Occupancy;**
- 2) The applicant integrates compatible fenestration on the northern façade that reveals interior activity and encourages interest in the products or services provided, consistent with City Code Section 22-59(g)(3) & (4) prior to occupancy of the taproom.**

AYE: Brian Paul, Eduardo Mujica, Charles Hayek, Mike Dahan, Steve Weaver, Eloise Cumings, John George, Marcia Baker, Tim O'Connell, Chairman Bob Burdge

Passed

d. Conditional Use - Harbor Community Bank - 600 Edwards Road

Ms. Cumings recused herself from voting since she works at Harbor Community Bank.

Ms. Davis gave an overview of the application and answered questions from the Board.

J. Hal Roberts Jr., President of Harbor Community Bank, spoke about the growth of Harbor Community Bank and the need to move into a larger administrative office and he also answered questions from the Board.

Motion was made by Steve Weaver, and seconded by John George to forward a recommendation of approval to the City Commission of the requested Conditional Use application with the following conditions:

- 1. Sidewalks are required along the Edwards Road right-of-way. Please coordinate with Saint Lucie County Engineering department if payment in lieu of is pursued.**
- 2. Please provide shrubs along the front property line.**
- 3. The site needs three additional parking spaces to become code compliant. Please provide these spaces or "payment in lieu of".**

AYE: Marcia Baker, Tim O'Connell, Brian Paul, Eduardo Mujica, Charles Hayek, Mike Dahan, Steve Weaver, John George, Chairman Bob Burdge

Other: Eloise Cumings (RECUSE)

Passed

e. **Conditional Use - St. James Christian Academy - 4300 Okeechobee Road**

Mr. Benton gave an overview of the application and answered questions from the Board. Board discussion ensued.

Chris Robertson, Assistant Principal of St. James Christian Academy addressed questions about the playground area and landscaping.

Motion was made by John George, and seconded by Charles Hayek to forward a recommendation of approval to the City Commission with the following conditions:

1) The applicant adheres to the proposed landscape improvements to install a vegetative hedge along Hartman Road. City Code Section 22-194 d(4) requires installation within 60 days after conditional use approval; and

2) Provide an updated traffic report displaying any traffic impacts of the school expansion.

AYE: Eduardo Mujica, Charles Hayek, Mike Dahan, Steve Weaver, Eloise Cumings, John George, Marcia Baker, Tim O'Connell, Brian Paul, Chairman Bob Burdge

Passed

f. **Zoning Text Amendment - Fueling Stations**

Mr. Benton gave an overview of the application and answered questions from the Board. No one spoke for or against the Zoning Text Amendment.

Motion was made by Marcia Baker, and seconded by Charles Hayek to forward a recommendation of approval of the proposed Amendment to the City Commission.

AYE: John George, Eloise Cumings, Steve Weaver, Mike Dahan, Charles Hayek, Eduardo Mujica, Brian Paul, Tim O'Connell, Marcia Baker, Chairman Bob Burdge

Passed

8. **BOARD COMMENTS**

Ms. Baker asked for an annexation map showing the holes south of Edwards Road on US Highway 1.

Mr. Weaver addressed concerns about the state law on vacation rentals.

Mr. Hayek stated it is way to easy to circumvent the law and he does not know how short term rentals are going to be regulated.

9. **ADJOURNMENT**

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Cummings J. Eloise</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning Board</i>
MAILING ADDRESS <i>1320 Bayshore Drive</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Fort Pierce</i>	COUNTY <i>St. Lucie</i>
DATE ON WHICH VOTE OCCURRED <i>11/20/15</i>	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Felicia Cummins, hereby disclose that on 11/10/15, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Archie Community Bank, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11/10/15
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.