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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, **MARCH 8, 2016**, 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: **Brian Paul; Charles Hayek; Frank Creyaufmiller; Marcia Baker; Robert Poitier; Mike Dahan; Eloise Cumings; Tim O'Connell; John George; Steve Weaver; Al Bernetti; Bob Burdge, Chairman**

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

4. **CONSIDERATION OF ABSENCES**

All members were present.

5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**

No alternates were needed due to a full Board.

6. **APPROVAL OF MINUTES**

- a. Minutes from the February 9, 2016 meeting.

Motion was made by Charles Hayek, and seconded by Tim O'Connell to approve the minutes from the February 9, 2016 meeting.

AYE: John George, Tim O'Connell, Eloise Cumings, Mike Dahan, Robert Poitier, Marcia Baker, Frank Creyaufmiller, Charles Hayek, Brian Paul, Chairman Bob Burdge

Passed

7. NEW BUSINESS

a. Conditional Use - St. Andrew's Early Learning Center - 317 S. 2nd Street

Mr. Benton gave an overview of the application and answered question from the Board regarding parking calculations and security.

Trina Angelone, Head of Schools, St. Andrew's Episcopal Academy, gave a quick overview of the school.

Abraham Chabab, Engineer, provided detailed information on the Learning Center.

Mike Menard, Cook and Menard Architecture, answered questions from the Board regarding ADA access, fire sprinkler requirements, restrooms and Historic Preservation Board approval.

Motion was made by John George, and seconded by Marcia Baker to forward a recommendation to the City Commission for approval of the request with consideration of an enrollment limit and designated staff parking plan.

AYE: Charles Hayek, Frank Creyaufmiller, Marcia Baker, Robert Poitier, Mike Dahan, Eloise Cumings, Tim O'Connell, John George, Brian Paul, Chairman Bob Burdge
Passed

b. Conditional Use - Indian River Biodiesel -1103 N. 2nd Street

Mr. Benton gave an overview of the application. Mr. Creyaufmiller disclosed that he visited the site twice and he had a brief discussion with the owners on his second visit. Mr. Benton answered questions from the Board regarding spill containment, weight loads, Genuine Biodiesel facility in Indiantown and the situation at a competitor, Viesel's, in Martin County.

Dennis Murphy, Applicant Representative from Culpepper and Terpening, answered questions that the Board had raised and provided additional information on paving and drainage.

Richard Pratt, Indian River Biodiesel, clarified information on biodiesel and answered questions from the Board.

Motion was made by Marcia Baker, and seconded by John George to forward a recommendation to approve the presented request with the following conditions:

1) The applicant provides a safe and efficient sidewalk linkage between the building entrance and the future 2nd Street sidewalk, when said sidewalk is completed, pursuant to City Code Section 22-62 (d) (2).

2) The property owner provides the necessary Right-of-way dedications to facility the planned 2nd Street roadway and utility improvements.

AYE: Robert Poitier, Mike Dahan, Eloise Cumings, Tim O'Connell, John George, Brian Paul, Charles Hayek, Frank Creyaufmiller, Marcia Baker, Chairman Bob Burdge
Passed

c. **Conditional Use - Rico Farms Research & Wholesale Trade Facility - 5300 S. US Highway 1**

Mr. Gilmore gave an overview of the application. Mike McCarty, McCarty and Associates Land Planning and Design, provided additional information and answered questions from the Board.

Motion was made by Robert Poitier, and seconded by Charles Hayek to forward a recommendation to approve the presented request with the condition that the applicant installs a bike rack on-site.

AYE: Brian Paul, Charles Hayek, Frank Creyaufmiller, Marcia Baker, Robert Poitier, Mike Dahan, Eloise Cumings, Tim O'Connell, John George, Chairman Bob Burdge
Passed

d. **Minor Replat - RG Towers - 2551 Jenkins Road**

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

Holly Valdez, RG Towers, stated she has received the access agreement with the neighboring property owner.

Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to forward a recommendation to the City Commission to approve the Minor Replat application with the following conditions:

1. The way the property is to be split will render it landlocked. An access agreement with the neighboring property from the newly made parcel must be provided before the Minor Plat application is approved. If agreement has been made please provide documentation.

2. Adhere to any comments that may be rendered by NorthStar Geomatics, the City third-party surveyor.

AYE: Marcia Baker, Robert Poitier, Mike Dahan, Eloise Cumings, Tim O'Connell, John George, Brian Paul, Charles Hayek, Frank Creyaufmiller, Chairman Bob Burdge
Passed

e. **Zoning Text Amendment - Dwelling Rentals**

Chairman Burdge stated the Zoning Text Amendment for Dwelling Rentals was tabled at the last meeting and a motion is needed to lift the Zoning Text Amendment from the table.

Motion was made by Frank Creyaufmiller, and seconded by John George to lift the Zoning Text Amendment for Dwelling rentals from the table.

AYE: Tim O'Connell, John George, Brian Paul, Charles Hayek, Frank Creyaufmiller, Marcia Baker, Robert Poitier, Mike Dahan, Eloise Cumings, Chairman Bob Burdge
Passed

Ms. Grohall stated staff wishes to withdraw the Zoning Text Amendment for Dwelling Rentals matter at this time.

Mr. Walker amplified that Ms. Baker had expressed some concerns on the matter at last months Planning Board meeting so the City Attorney's office undertook an investigation.

Mr. Walker stated the subject of vacation rentals is a very complicated topic and he said the real concern arises from a statute that preempts to the state exclusively the ability to regulate the locations and times of vacation rental use. Mr. Walker said it does create an exception for ordinances that pre-date the grandfather date of June 1, 2011. He said the city's conditional use process pre-dates the grandfather cut off so the city is not subject to the statutory preemption and the city can continue to regulate vacation rentals as currently provided by the ordinance, however, if a governmental entity amends an otherwise protected ordinance then it loses the protection of the grandfather clause and if that happens it has no ability whatsoever to regulate the location or timing of vacation rentals.

Mr. Walker stated a number of jurisdictions are in litigation over these issues and jurisdictions are not amending their codes of potential fear of losing protection of their grandfathered provision.

Mr. Walker expressed that Senator Altman has introduced a bill that sets out an amendment which would expressly permit amendment without losing the grandfather protection. Mr. Walker suggested the Board retable the item for another month and by then the legislative session will have ended and the fate of the bill will be determined.

Chairman Burdge stated without a time certain for postponing the matter it could lay on the table until the investigation is done.

Motion was made by Robert Poitier and seconded by John George to postpone the item to a time certain.

Mr. Weaver stated if the applicant wants to withdraw then they should be able to withdraw. Mr. Walker stated they will continue investigating the matter as necessary and it can always be brought back at a later time.

The motion and second was withdrawn.

Mr. Walker explained that the city can withdraw a matter anytime it wants up until the meeting of the Board commences and the Board then has jurisdiction over the matter. Mr. Walker recommended a motion to relinquish jurisdiction and at that point it will return to staff.

Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to relinquish jurisdiction.

AYE: Eloise Cumings, Frank Creyaufmiller, John George, Marcia Baker, Mike Dahan, Robert Poitier, Tim O'Connell, Brian Paul, Charles Hayek, Chairman Bob Burdge
Passed

9. **ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY**

Motion was made by Charles Hayek, and seconded by Marcia Baker to nominate Mr. Burdge as Chairman.

AYE: John George, Tim O'Connell, Eloise Cumings, Mike Dahan, Robert Poitier, Marcia Baker, Frank Creyaufmiller, Charles Hayek, Brian Paul, Chairman Bob Burdge
Passed

Motion was made by Eloise Cumings, and seconded by Marcia Baker to nominate Mr. Hayek as Vice-Chair.

AYE: **Mike Dahan, Eloise Cumings, Tim O'Connell, John George, Brian Paul, Charles Hayek, Frank Creyaufmiller, Marcia Baker, Robert Poitier, Chairman Bob Burdge**
Passed

Motion was made by Charles Hayek, and seconded by Eloise Cumings to nominate Ms. Baker as Secretary.

AYE: **Eloise Cumings, Tim O'Connell, John George, Brian Paul, Charles Hayek, Frank Creyaufmiller, Marcia Baker, Robert Poitier, Mike Dahan, Chairman Bob Burdge**
Passed

10. BOARD COMMENTS

Mr. Weaver pointed out that the "No New Construction" loophole in the requirements for the Conditional Use process are potentially being abused and he feels staff should take a look at the loophole being a little too wide.

Chairman Burdge was happy to report the Interlocal Agreement for the Dan McCarty track was approved by the City Commission and at the St. Lucie County School Board.

Mr. Weaver thanked Ms. Baker for uncovering the information regarding the vacation rentals before the wrong switch was flipped.

11. ADJOURNMENT