

# DRAFT



## CITY OF FORT PIERCE PLANNING BOARD

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### Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **FEBRUARY 9, 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: **Frank Creyaufmiller; John George; Brian Paul; Marcia Baker; Steve Weaver; Robert Poitier; Charles Hayek; Eloise Cumings; Tim O'Connell; Bob Burdge, Chairman**

Absent: **Mike Dahan**

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

4. CONSIDERATION OF ABSENCES

**Motion was made by Steve Weaver, and seconded by John George to excuse the absence of Mr. Dayhan.**

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

**Passed**

5. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS

Mr. Creyaufmiller was made an active member for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the January 12, 2016 Meeting

**Motion was made by John George, and seconded by Charles Hayek to approve the minutes from the January 12, 2016 meeting with the change to item 7A to read "Both Mr. Paul and Mr. Weaver recused themselves."**

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

- b. Minutes from the January 26, 2016 Special Meeting

**Motion was made by John George, and seconded by Charles Hayek to approve the minutes from the January 26, 2016 Special Planning Board meeting.**

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

## **7. NEW BUSINESS**

- a. **Annexation - 3255 S US Hwy 1**

Ms. Davis gave an overview of the Annexation application. David Cleveland, Applicant Representative, made himself available for questions.

**Motion was made by Marcia Baker, and seconded by John George to forward a recommendation of approval to the City Commission to annex the parcels into Fort Pierce City Limits as it furthers the goals, objectives and policies of the Comprehensive Plan.**

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

- b. **Zoning Text Amendment - Sec. 22-22 and 22-89 - Dwelling Rentals**

Mr. Benton gave an overview of the proposal.

Ms. Baker expressed concerns about the law of unintended consequence and the right of preemption. She stated the new regulations include certain homeowner association restrictions, which are more onerous than what is in existence. Ms. Baker pointed out that dwelling rental Conditional Use applications that have been turned down in the past can legally come back because their property rights were violated and preferential treatment was given to another class of property owners. She stated this would cause the decision to be reversed and lots of litigation.

Mr. Walker stated the questions have not been expressed to the legal department and he thanked Ms. Baker for her astute observations. Mr. Walker mentioned it would not be out of order for the Board to table this matter so a report could be presented at the next meeting.

Mr. Benton stated the discussion points that Ms. Baker presented certainly garner the need for more information. He also stated the same parameters were presented at the December Conference Agenda meeting in which the City Attorney was present and he expressed no specific concerns.

Mr. Weaver stated that long before this item gets to the City Commission the City Attorney will have the ability to review the observations, therefore the ordinance can keep rolling.

Chairman Burdge asked Mr. Walker if a public meeting was needed. Mr. Walker stated if the Board feels it has insufficient information it may move to immediately table the item. If the Board wishes to proceed forward, it would be in order to call for comment from the floor.

After the motion was made, Mr. Weaver suggested staff consider incorporating C-5 as a Conditional Use for the dwelling rentals. Mr. Weaver stated Coral Apartments, Sea Tern and La Entrada Del Mar are currently dwelling rentals and are clearly a more suitable area then where shorter term rentals are being expanded.

**Motion was made by Marcia Baker, and seconded by Frank Creyaufmiller to table the Dwelling Rentals proposed Zoning Text Amendment and get legal advice from the City of Fort Pierce and the Florida League of Cities.**

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

**c. Zoning Atlas Amendment, Planned Development Plan and Preliminary Plat - Village at Midway - 9850 Midway Road**

Ms. Davis gave an overview of the application and answered Ms. Baker's question regarding mining on another piece of property.

Lee Dobbins, Applicant Representative from Dean Meade Law Firm, gave a presentation on the master plan project with multiple uses and answered questions from the Board. Susan O'Rourke, Traffic Engineer, answered questions from the Board.

Tammy Everly, resident located on the NW corner of the project at 9701 Muller Road, expressed privacy, safety, environmental and liability concerns. Ms. Everly explained there is no buffer zone surrounding the project and the walkway around the preserve area is going completely around her property.

Ms. Davis explained the industrial area is located on the south side of the property and industrial uses can provide 8 foot walls of buffer material. Ms. Davis also stated the landscape requirement for the PD document and the City of Ft. Pierce which will create a buffer. Ms Davis said the applicant is unclear on whether the walkway will be going around the preserve area and this can be changed at the time of development.

Mr. Dobbins explained part of Ms. Everly's property is next to the conservation area and depending on the use, buffering can be addressed for anything that gets built in the corner by her house.

**Motion was made by John George, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission to approve the Zoning Atlas Amendment and Planned Development Plan with the following conditions:**

- 1. Signed Proportionate Fair Share Agreement with SLC is provided; A right-of-way dedication of 42 ½ feet and 6 feet of sidewalk dedication or provide payment in-lieu of.**
- 2. A traffic statement is submitted with each Site Plan application.**
- 3. If Arterial A (also known as Access Tract A) is on the County's Thoroughfare**

**Network Right-of-Way Protection Plan at the time of final plat approval of the first plat within the Villages at Midway which includes a segment of Arterial A, then the land owner shall dedicate to the County any additional right-of-way which is needed to make Arterial A the width required by the County's Thoroughfare Network Right-of-Way Protection Plan, but only if:**

- (a) the total right-of-way for Arterial A shall not exceed a width of 160 feet; and**
- (b) the County enters into an agreement with the land owner, that the land owner shall receive compensation from the County for the right-of-way dedication, which may be in the form of cash or impact fee credits, and that the County shall accept the dedication of Arterial A and shall maintain Arterial A as a County Road.**

**If Arterial A is not on the County's Thoroughfare Network Right-of-Way Protection Plan at the time of final plat approval of the first plat within the Villages at Midway which includes a segment of Arterial A, then the width of the Arterial A right-of-way shall remain as shown in this approval.**

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

Passed

**Motion was made by John George, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission to approve the Preliminary Plat with the following conditions:**

- 1. If Arterial A (also known as Access Tract A) is on the County's Thoroughfare Network Right-of-Way Protection Plan at the time of final plat approval of the first plat within the Villages at Midway which includes a segment of Arterial A, then the land owner shall dedicate to the County any additional right-of-way which is needed to make Arterial A the width required by the County's Thoroughfare Network Right-of-Way Protection Plan, but only if:**
  - (a) the total right-of-way for Arterial A shall not exceed a width of 160 feet; and**
  - (b) the County enters into an agreement with the land owner, that the land owner shall receive compensation from the County for the right-of-way dedication, which may be in the form of cash or impact fee credits, and that the County shall accept the dedication of Arterial A and shall maintain Arterial A as a County Road.**

**If Arterial A is not on the County's Thoroughfare Network Right-of-Way Protection Plan at the time of final plat approval of the first plat within the Villages at Midway which includes a segment of Arterial A, then the width of the Arterial A right-of-way shall remain as shown in this approval.**

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

Passed

**d. Conditional Use - Dwelling Rental - 1144 S Ocean Drive**

Mr. Weaver recused himself from the item.

Mr. Benton gave an overview of the application and answered questions from the Board. Mr. Benton explained he received a letter from a property owner located two properties to the south who had buffering concerns. Mr. Benton stated city staff would encourage the Board to consider an additional condition of a 6 foot tall fence, wall or landscape buffer from this property to abutting residential uses based upon the limited commercial use.

Ms. Baker suggested in addition to the conditions that the turtle safe lighting regulations be included in the rental agreement or guidebook.

Bill Piant, Resident of Mariner Bay, commented on setting a precedence with weekly rentals at apartment complexes.

Carol Mushier, President of South Beach Association, feels the application for Conditional Use could be appropriate if the surrounding neighborhood agrees and that different neighborhoods in the R4 zone may have different rental periods, therefore, approval of this application does not set a precedence.

Mark Frederick, General Manager of Landmark Real Estate Solutions, provided additional information on the project and answered questions from the Board.

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

- 1. Maximum occupancy of each unit by one (1) family, or four (4) guests based upon City Code Section 8.5-43. - Required space in dwelling units, and the size of each unit;**
- 2. Limitation of two passenger vehicles per unit;**
- 3. Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;**
- 4. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
- 5. Installation of a sidewalk connection from the building entrance to the S. Ocean Drive Sidewalk;**
- 6. Installation of a bicycle rack for guests;**
- 7. Implementation of 3 additional vehicular parking spaces, including a handicap parking space;**
- 8. Infill of landscaping in compliance with City Code; and**
- 9. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**
- 10. Install a 6 foot tall fence, wall or landscape buffer from this property to abutting residential uses;**
- 11. Integrate turtle nest lighting guidelines into the guide booklet.**

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

**Other: Steve Weaver (RECUSE)**

Passed

**e. Conditional Use - Dwelling Rental - 1156 S Ocean Drive**

Mr. Benton gave an overview of the application and answered questions from the Board. Mr. Walker pointed out the procedures for discussion.

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

- 1. Maximum occupancy of each unit by one (1) family, or five (5) guests based upon City Code Section 8.5-43. - Required space in dwelling units, and the size of each unit;**
- 2. Limitation of two passenger vehicles per unit;**
- 3. Registration of a property manager accessible at all times, to resolve complaints or**

**violations of City Code;**

4. **Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
5. **Installation of a sidewalk connection from the building entrance to the S. Ocean Drive Sidewalk;**
6. **Installation of a bicycle rack for guests;**
7. **Implementation of 3 additional vehicular parking spaces, including a handicap parking space;**
8. **Infill of landscaping in compliance with City Code; and**
9. **The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**
10. **Install a 6 foot tall fence, wall or landscape buffer from this property to abutting residential uses;**
11. **Integrate turtle nest lighting guidelines into the guide booklet.**

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

**Other: Steve Weaver (RECUSE)**

Passed

**f. Site Plan & Design Review - O'Reilly Auto Parts - 4760 S US Highway 1**

Mr. Benton gave an overview of the application and answered questions from the Board about parking, limited delivery access and the right hand turn lane.

Ryan Gibbons, Applicant Representative from Cardno, explained that O'Reilly likes to locate their stores near auto dealerships so their projects tend to be a bit challenging due to infill development. Mr. Gibbons spoke about adding a condition to the approval which will show a plan sheet with the truck turn around.

**Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to forward a recommendation to the City Commission for approval of the Site Plan, and corresponding Design Review request, with the conditions that the applicant provides a 5 ft. walkway to the future FDOT sidewalk when completed and the applicant includes the truck turn around changes on the drawings.**

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

Passed

**8. BOARD COMMENTS**

The Board discussed the February reappointments. Ms. Grohall explained that Board members will continue to serve until they are replaced. She stated the terms are through the end of February and the reappointments are on the agenda for the February 16, 2016 meeting and the final action will occur at the March 7 meeting.

**9. ADJOURNMENT**

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

LAST NAME—FIRST NAME—MIDDLE NAME WEAVER STEVEN M	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FORT PIERCE PLANNING BOARD
MAILING ADDRESS 607 MALABAR AVE	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 COUNTY FORT PIERCE FL ST LUCIE	NAME OF POLITICAL SUBDIVISION: FORT PIERCE
DATE ON WHICH VOTE OCCURRED FEB 9, 2016	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, St. Wen, hereby disclose that on Feb 9, 20 16:

(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, LANDMARK REAL ESTATE SOLUTIONS;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, 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:

1156 SOUTH OCEAN CONDITIONAL USE - VACATION RENTALS.  
MY CONSTRUCTION COMPANY REALTIME PROPERTY DEVELOPMENT,  
WAS/IS THE CONTRACTOR OF RECORD FOR THE RECENT  
BUILDING RENOVATIONS.

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.

FEB 10, 2016  
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.



**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**

Sten Weaver, hereby disclose that on Feb 9, 20 16:

(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, LAND MARK REAL ESTATE SOLUTIONS;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, 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:

1144 SOUTH OCEAN CONDITIONAL USE-VACATION RENTALS  
MY CONSTRUCTION COMPANY, REALTIME PROPERTY DEVELOPMENT,  
WAS/IS THE CONTRACTOR OF RECORD FOR THE RECENT  
BUILDING RENOVATIONS.

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.

FEB 10, 2016  
Date Filed

[Signature]  
Signature

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