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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, **JANUARY 10, 2017**, 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: **Tim O'Connell; Robert Poitier; Al Bernetti; Charles Hayek; Eloise Cumings; Mike Dahan; Marcia Baker; Frank Creyaufmiller; John George; Steve Weaver; Bob Burdge, Chairman**

Absent: **Brian Paul**

Staff Present: **Jim Messer, City Attorney
Rebecca Grohall, Planning Director
Kori Benton, Senior Planner
Vennis Gilmore, Planning Analyst
Alicia Rosenthal, Administrative Assistant**

4. **CONSIDERATION OF ABSENCES**

Mr. Paul was unexcused.

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

Mr. Bernetti was made a voting member for the meeting.

6. **APPROVAL OF MINUTES**

- a. Minutes from the December 13, 2016 meeting

Motion was made by Robert Poitier, and seconded by John George to approve the minutes from the December 13, 2016 meeting.

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

Passed

7. HEARING OF THE LOCAL PLANNING AGENCY

a. Comprehensive Plan Future Land Use Map Amendment - Collins Corner - 2496 Edwards Road

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

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

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

Passed

8. NEW BUSINESS

a. Conditional Use - Dufault Dwelling Rental - 1138 Hernando Street

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

Mike McCarty, Attorney for the Applicant, and Shawn Dufault, Owner, provided additional information and answered questions from the Board.

Diane Jennings, Property Manager in absence of Ms. Dufault, and Rick Ross spoke in favor of the application.

Charlene Adair provided a list of policies to adapt for all dwelling rentals.

Mr. Broderick spoke against the application.

Mr. Messer stated if policies are going to be promulgated, they should originate in the Planning department and staffed through the legal department and then turned into an ordinance and presented to the City Commission for a public hearing. Mr. Messer expounded by saying general policies cannot be developed at the meeting and the Planning Board is not a policy making Board. Mr. Messer went on to say that each case has to be decided on its own merits and the Planning Board should not put restrictions on one applicant that are not going to be put on another applicant. Mr. Messer explained that the general law is that the city cannot regulate the duration and frequency of dwelling rental situations.

Ms. Baker stated in 1991, the City of Fort Pierce passed dwelling rental regulations that are operating now. Ms. Baker proceeded to say, since then the state has passed new regulations and if any changes are made to the city code that effects dwelling rental units, the city will lose the grandfathering from 1991. In addition, Ms. Baker added, if guidelines are put as recommendations on a case by case basis, the grandfathering will not be lost.

After hearing Ms. Baker's concerns, Mr. Weaver asked Mr. Messer his opinion on making a restriction on the number of occupants, since it would place further limitations on dwelling rentals.

Mr. Messer stated the board can put any conditional use on the usage that is relevant to the health, safety and welfare of the community but putting a cap on the number of people is one of the issues that is always raised in the lawsuits.

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

- 1. Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;**
- 2. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
- 3. Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;**
- 4. Installation of a bicycle rack for guests; and**
- 5. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**

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

- b. Prior to Item 8b being presented, Mr. Messer stated he is on the Urban Administration committee for the Florida League of Cities and the Florida League of Cities is looking to change the legislation under current operation. Mr. Messer continued to say the current legislature is going to conform to previous additions of the legislature, which considers dwelling rental issues private property rights issues. Mr. Messer concluded by saying that municipalities can continue to figure out a resolution, but the reality of the matter is there is no real resolution, because when you start imposing certain restrictions on the uses of people's personal property, you are in jeopardy of losing whatever regulation you have already established, before the state preempted the field.

Conditional Use - Wood Dwelling Rental - 1123 Hernando Street

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

Tiffany Wood, Owner, provided history on the property and answered questions from the Board. Tiffany's sister, Sharon Scalone, Property Manager, provided additional information.

Jim Althaus and Michael Broderick spoke against the application. Mr. Broderick provided the Board with an advertisement from Home Away.com for the Wood dwelling rental.

Board discussion ensued.

Mr. Hayek expressed that the property abuts R-2 zoning, which is a more restrictive neighborhood with more single family homes, so it will effect a lot more people.

After the vote Mr. Messer stated in the last 7 months there have been 3 violations of the dwelling rental ordinance prosecuted in front of the Special Magistrate. Two landowners paid fines and the other one is in the circuit court.

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. Limit of occupancy guests based upon City Code Section 8.5-43; unless verification of interior renovation permits for expansion of the southern unit is provided;**
- 2. Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;**
- 3. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
- 4. Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;**
- 5. Installation of a bicycle rack for guests; and**
- 6. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**

AYE: Robert Poitier, Al Bernetti, Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Chairman Bob Burdge

NAY: Charles Hayek, Eloise Cumings

Passed

c. Site Plan & Design Review - Aldi Grocery Store - 1412 S US Highway 1

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

Mr. Messer asked Mr. Benton if the right-of-way, easements and sidewalks are listed on the site plan.

Jason Gunther, Representative from Thomas Engineering, provided additional information on the sidewalks, platting the parcels, entranceway and landscaping and Mr. Gunther also answered questions from the Board.

Jordan Ford, Director of Real Estate for Aldi, introduced himself and answered questions from the Board.

Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to forward a recommendation to the City Commission for approval with the following conditions:

- 1.) The applicant enhances the design and streetscape of the proposed store through the integration of additional enhancements such as shutters, metal awnings, landscape plantings, and lights to punctuate the presented elevations pursuant to City Code Section 22-59 –Design Review, (g) –Design Guidelines;**
- 2.) The applicant shall record and provide a recorded copy of a Unity of Title combining the subject parcels prior to issuance of a building permit;**
- 3.) The applicant shall provide an Owner and Encumbrances title search for the easement dedication and right-of-way presented prior to the issuance of building permit; and**
- 4.) The applicant shall record and provide a recorded copy of said dedications prior to the issuance of a Certificate of Occupancy.**

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

Passed

d. **Waiver of Distance - Wingstop - 2575 S US Highway 1**

Mr. Gilmore gave an overview of the application. No one spoke for or against the application.

Motion was made by Robert Poitier, and seconded by Charles Hayek to forward a recommendation of approval to the City Commission.

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

Passed

e. **Abandonment of Right-of-Way - N 31st Street, Abutting the Pioneer Park Subdivision (Zora Neale Drive)**

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

Board discussion ensued.

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

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

Passed

9. BOARD COMMENTS

Ms. Grohall stated that next months meeting will be held at the St. Lucie County Commission Chambers due to an audio visual upgrade in the City of Fort Pierce Commission Chambers.

10. ADJOURNMENT