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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 14, 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; Frank Creyaufmiller; Brian Paul; Mike Dahan; Robert Poitier; Eloise Cumings; Charles Hayek; Marcia Baker; Steve Weaver; Al Bernetti; Bob Burdge, Chairman**

Absent: **John George**

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

4. **CONSIDERATION OF ABSENCES**

Mr. George was excused from the meeting.

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

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

6. **APPROVAL OF MINUTES**

- a. Minutes from the February 14, 2017 meeting

Motion was made by Robert Poitier, and seconded by Charles Hayek to approve the minutes from the February 14, 2017 meeting.

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

Passed

7. NEW BUSINESS

a. Site Plan & Design Review - Chick-Fil-A - 5560 Okechobee Road

Mr. Benton gave an overview of the application and answered questions from the Board regarding pedestrian access, a left hand turn lane from Okeechobee Road and a bicycle lane.

Bill Pfeffer, Bowman Consulting, Civil Engineering Design Consultant Representative for Chick-Fil-A, introduced himself and spoke about the message board signage.

Motion was made by Steve Weaver, and seconded by Tim O'Connell to approve the application as presented.

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

Passed

b. Conditional Use - Bradley Dwelling Rental - 408 S. Ocean Drive, Unit B

Mr. Gilmore gave an overview of the application and answered questions from the Board regarding the Technical Review Committee comments, ADA requirements, homeowners association approval and advertising.

Mr. Benton clarified to Mr. Messer and the Board, that if a unit is being offered for transient lodging accommodations for periods of less than a month or less than 31 days the unit is deemed a place of public accommodations which would need to meet the Florida Building Code occupancy type. He stated that this requires ADA accessibility, vertical accessibility and potentially fire suppression, depending on the building typology and the aspects of the use. Mr. Benton stated if the unit is offering non-transient lodging it does not change the classification to a commercial use; therefore ADA requirements are not needed.

Jim Flynn spoke against the application.

Motion was made by Marcia Baker, and seconded by Robert Poitier to approve the application with staff conditions.

AYE: **Brian Paul, Mike Dahan, Robert Poitier, Marcia Baker, Steve Weaver, Chairman Bob Burdge**

NAY: **Eloise Cumings, Charles Hayek, Tim O'Connell, Frank Creyaufmiller**

Passed

c. Conditional Use - Sacks Dwelling Rental - 655 Hernando Street

Mr. Gilmore gave an overview of the application and answered questions from the Board regarding code enforcement fines, template for dwelling rules, approvals from HOA and neighbors and ADA guidelines.

Ms. Grohall stated the Code Enforcement department has a standard guide booklet with

rules they want to see handed out.

Chairman Burdge asked that the Board receives a copy of the guide.

Charlene Adair spoke against the application.

Motion was made by Marcia Baker, and seconded by Charles Hayek to deny the application.

AYE: Mike Dahan, Eloise Cumings, Charles Hayek, Marcia Baker, Steve Weaver, Tim O'Connell, Frank Creyaufmiller, Brian Paul

NAY: Robert Poitier, Chairman Bob Burdge

Passed

d. **Waiver of Distance - Sweetie's Diner - 2625 S. US Highway 1**

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

Rick Reed, Applicant, answered a question from the Board on the hours.

Motion was made by Robert Poitier, and seconded by Charles Hayek to approve the application.

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

Passed

e. **Disposal of Surplus Property - Lot 13 Lincoln Court**

Ms. Grohall provided information on the surplus property and answered questions from the Board regarding the structure on the property, impact fee credits, the fence around the property line, living on the property and the bid amount.

Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to allow the city to dispose of the property.

AYE: Eloise Cumings, Charles Hayek, Marcia Baker, Steve Weaver, Frank Creyaufmiller, Brian Paul, Mike Dahan, Robert Poitier, Chairman Bob Burdge

NAY: Tim O'Connell

Passed

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

The current Chair, Vice-Chair and Secretary were nominated.

Motion was made by Frank Creyaufmiller, and seconded by Charles Hayek to elect Mr. Burdge as Chairman.

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

Passed

Motion was made by Robert Poitier, and seconded by Marcia Baker to elect Mr. Hayek as Vice-Chair.

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

Passed

Motion was made by Robert Poitier, and seconded by Charles Hayek to elect Ms. Baker as Secretary.

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

Passed

9. BOARD COMMENTS

Mr. Paul explained he was unable to attend the Planning Board meeting in December 2016 due to a family emergency and he was unable to attend the Planning Board meeting in January 2017 because he had several staff members at his business call out.

Motion was made by Marcia Baker and seconded by Robert Poitier to excuse Mr. Paul for his absences.

The Board discussed the short term rental process including the time spent on each application, guidelines and expediting the process.

Ms. Baker explained anything that is codified to change the reaction to the short term rentals is going to jeopardize the city's ability to keep the grandfathering of the existing restrictions and this could make short term rentals become a free for all.

Mr. Messer agreed with Ms. Baker's explanation and he stated a bill is going to the house in Tallahassee that will eliminate the ability of municipalities to do any kind of regulations.

Mr. Hayek suggested that staff contact the HOA and other condo owners regarding the short term rentals. Ms. Grohall stated if they are adjoining units we can look at something that indicates they have neighboring approvals and build that into the process.

Chairman Burdge attended the Conference Agenda meeting held on March 13th, 2017 and he explained the City Commission was looking at Board options. Chairman Burdge stated the recommendations for the Planning Board are:

1. Reduce Planning Board from twelve members to seven members
2. Term Limitations
3. Elimination of Compensation
4. Adding the Board of Adjustment Responsibilities to the Planning Board
5. Elimination of Dual Office Holders
6. Residency Requirements
7. Each Board Members Chosen by a Commissioner and Two Members Chosen at Large
8. Recognition Night for Board Members

Mr. Messer explained that once the ordinance is drafted to the City Commission, letters will be sent out to all Board members informing everyone of what is going to be considered and everyone will have ample opportunity to present their opinion at a public hearing.

Chairman Burdge stated he spoke briefly to Mr. Messer about current liability and being sued as a Planning Board member. The Chairman said Mr. Messer indicated that he did not believe individual Planning Board members would be sued but if they were sued, the city would take some type of representation as long as it was under the aspects of what was done at the Planning Board.

Ms. Baker would like a legal disclaimer added the bottom of the agenda limiting liability for any decision made.

10. ADJOURNMENT