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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, **OCTOBER 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: **Frank Creyaufmiller; John George; Marcia Baker; Brian Paul; Bob Burdge, Chairman**

Absent: **Tim O'Connell; Michael Broderick**

Staff Present: Rebecca Grohall, Planning Director
Kori Benton, Senior Planner
Vennis Gilmore, Planning Analyst
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant

4. **CONSIDERATION OF ABSENCES**

Motion was made by John George, and seconded by Marcia Baker to approve the absences of Mr. O'Connell and Mr. Broderick.

AYE: John George, Marcia Baker, Brian Paul, Frank Creyaufmiller, Chairman Bob Burdge

Passed

5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS/EXCUSE NON VOTING ALTERNATE**

Mr. Paul was made a regular voting member for the meeting.

6. **APPROVAL OF MINUTES**

- a. Minutes from the September 28, 2017 meeting

Approval of minutes deferred to next Planning Board meeting.

7. NEW BUSINESS

- a. **Zoning Text Amendment - Designation of Overlay Districts South Beach Overlay - 601 Seaway Drive**

Mr. Benton gave an overview of the application and answered questions from the Board on the Waste Water Treatment Plant's relationship to the South Beach Overlay District, development plans and reuse of the property, continuity of the property, property meeting amendment standards, Comprehensive Plan review date, height consideration, size of the property versus Waste Water Treatment Plant, density of Harbour Isle, Conditional Use and mixed use buildings.

Ms. Baker disclosed she had met with the applicant. Chairman Burdge disclosed he had met with the applicant and also spoke to the applicant on a different date. Both Mr. George and Mr. Paul disclosed they had spoken with the applicant.

James H. McCarty Jr., Applicant Representative, disagreed with the conditions of the staff report and stated the Charrette findings were adopted but not put into place. Mr. McCarty also stated Ordinance 15-05, rezoning 601 Seaway Drive to C-5 Tourist Commercial, is ambiguous and according to the ordinance the South Beach Overlay was removed. Mr. McCarty stated the applicant wants the full C-5 zoning classification.

Harold Smythe, Owner Representative, stated the staff report was negative and the Charrette report documentation showed the property was never supposed to be in the South Beach Overlay district.

Ashton De Peyster, Owner, stated a company called Aqualia wants to buy the property along with the Waste Water Treatment Plant. Mr. De Peyster stated they can meet the three basic amendment standards. He stated his company is laying the ground work and making it attractive for a development partner. Mr. De Peyster answered questions from the Board on selling the property and developmental time due to environmental issues. Mr. De Peyster stated If you pass the text amendment, it will be one more thing a future developer will not have to do.

Carole Mushier, President of the South Beach Association, spoke against the text amendment. She stated she was at every single South Beach overlay meeting and the property was never considered not to be part of the overlay. Ms. Mushier went on to say that the Waste Water Treatment Plant property was never considered to be part of the overlay because the city did not own the property and it was a strange use to be putting in a overlay. Ms. Mushier expressed it was never mentioned at the meetings that the rezoning to C-5 from R-3 removed the property from the South Beach overlay. Ms. Mushier also stated at no time did the Charrette report suggest that greater height and density be considered for the subject property but does mention it in relation to potential resort hotels on the Wastewater Treatment Plant property. Ms. Mushier explained the Charrette report says that 2-3 story and an occasional 4 story multi-family residential and townhouses line the remainder of the streets on the subject property and that hotels in the Charrette report are not on the subject site only on the Wastewater Treatment Plant property.

Bob Benton, Former Mayor, spoke against the text amendment. He stated he initiated most of the Charrettes in the city from 1996 and the city needed the support of the South Beach Association to finalize a referendum that was passed in the 80's for 4 stories-45 feet high. Mr. Benton said it took many years and the South Beach Overlay to legislate it. Mr. Benton said

the reality of moving the Waste Water Treatment Plant is on the back of the tax payers and rate payers until development in the Western part of the county grows, and the city has a better relationship with the county to have a joint venture. When the overlay was created Mr. Benton said it was basically the will of the people. Mr. Benton said that Mr. DePeytser came to see him after the hurricanes in 2004 with plans to build a 17 story building and he wanted to get density rights from his riparian rights. Mr. Benton stated he told him you can put boats there but you cannot add people to raise your density and this is not allowed in the state of Florida.

Steve Jaroski, Resident and Board President of Harbour Isle West, spoke against the text amendment and answered questions from the Board. He said he came to Ft. Pierce to escape the growth that is occurring to the south and the atmosphere in Fort Pierce is very important to him. Mr. Jaroski stated there are over 800 units in Harbour Isle that pay taxes, which makes a big contribution to the city. Mr. Jaroski asked the Board to not change the character of the island by putting up large buildings.

Walter Anderson, Resident of Harbour Isle West, spoke against the text amendment. He stated the owner of Causeway Cove never said they were going to build a hotel on the subject site.

Ms. Baker stated she cherishes the relative quiet way of life and she does not like a congested and crowded atmosphere. Ms. Baker also said that it is dangerous to have the development of the type Mr. De Peyster is referring to, because hurricane evacuations would be a nightmare and consideration has to be given that there will be increased evacuations as years go on, between global warming, sea rises and increased hurricanes.

Motion was made by Marcia Baker, and seconded by Frank Creyaufmiller to deny the text amendment as presented

AYE: Frank Creyaufmiller, Marcia Baker

NAY: Brian Paul, John George, Bob Burdge

The motion failed to pass.

Chairman Burdge stated the text amendment would go to City Commission as a denial of the motion on the table. Ms. Grohall, stated she is not a attorney, but the motion to deny, failed to pass and an alternate motion is in order. Chairman Burdge said he will move the motion forward and let the City Commission decide.

Ms. Baker stated you need to have an alternate motion. Chairman Burdge said the motion was made and denied and it stands as it sits. Ms. Baker withdrew her motion. Mr. George stated as a point of order the Chair should ask for another motion to be made and if no one responds then the motion on the floor stands.

Ms. Grohall indicated that since the motion failed to pass, the Board can make an alternate motion.

Chairman Burdge passed the gavel.

Motion was made by Chairman Bob Burdge, and seconded by Brian Paul to approve the text amendment.

AYE: Brian Paul, John George, Marcia Baker, Chairman Bob Burdge

NAY: Frank Creyaufmiller

Passed

Chairman Burdge stated the first original motion was the motion that should have stood.

b. **Zoning Atlas Map Amendment - TLCD Properties LLC – 3530 S. US Highway 1**

Mr. Creagan gave an overview of the application.

Ian Osking, Applicant Representative, said the rezoning will make the property more marketable.

Motion was made by John George, and seconded by Marcia Baker to approve with staff recommendations.

AYE: Frank Creyaufmiller, John George, Marcia Baker, Brian Paul, Chairman Bob Burdge

Passed

c. **Conditional Use with No New Construction - Crownman FL LLC Residence - 515 S. Indian River Drive**

Mr. Gilmore gave an overview of the application and answered questions from the Board on where the manager will reside and if anyone is living in building two.

Kris Einstein, Applicant, provided additional information and answered questions from the Board regarding breakfast options.

Motion was made by John George, and seconded by Marcia Baker to approve with recommendations.

AYE: John George, Marcia Baker, Brian Paul, Frank Creyaufmiller, Chairman Bob Burdge

Passed

d. **Conditional Use with New Construction - Dockside View Marina - 1136-1172 Seaway Drive**

Mr. Benton gave an overview of the application and answered questions from the Board regarding the current status of the vacant lot being used for auxiliary parking.

Mr. Creyaufmiller disclosed he went on a site visit and had a discussion with the applicant.

Rob Schwerer, Applicant Representative stated he has no problems with staff's conditions. Mr. Schwerer explained this is phase one of a multi-phase project and the parking across the street is not essential to this project and is being looked at totally separate. Mr. Schwerer stated they have phase two plans, which is going to be a reconstruction of a hotel/motel facility in the center with underground parking and the parcels across will be adjoined.

Motion was made by Frank Creyaufmiller, and seconded by Marcia Baker to approve with staff recommendations.

AYE: Marcia Baker, Brian Paul, Frank Creyaufmiller, John George, Chairman Bob Burdge

Passed

e. **Conditional Use with No New Construction - Slimane Adult Congregate Living Facility (ACLF) - 614 N. 7th Street**

Mr. Benton gave an overview of the application and answered questions from the Board regarding the rationale and look of the crosswalk. Mr. Benton explained that staff is looking at providing safe access and tie into the existing sidewalk facilities provided within the city.

Mike Menard, Architectonic, provided additional information and answered questions from the Board. Mr. Menard stated he has no problems with the cross walk and they are creating more pedestrian space in the back with a landscape garden area for the residents.

Motion was made by John George, and seconded by Marcia Baker to approve with the following six recommendations.

- 1) The floor plan is adjusted or the two (2) eastern most bedrooms are eliminated to ensure the ACLK use does not occupy a portion of the building located within twenty (20) feet of the right-of-way as restricted by City Code Section 22-87;**
- 2) The site improvements include a safe and efficient sidewalk linkage shall be provided between building entrances and parking areas, and adjacent portions of the development, and adjacent rights-of-way, pursuant to City Code Section 22-62 (b) & (d)(2). This shall include at least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way;**
- 3) The applicant integrate designated outdoor space for occupants on-site;**
- 4) The applicant permits and completes a crosswalk at the 6th Street side of the establishment to provide safe pedestrian connectivity from the site to the adjacent McDonald's café and restaurant to the east;**
- 5) A signed and sealed survey is provided with any site work permits to complete the improvements proposed; and**
- 6) The applicant establishes a emergency management plan, consistent with Agency for Health Care Administration (AHCA) and Florida Department of Elder Affairs Rule 59AER17-1, to include protocols for the facility and patients which includes the acquisition and installation of a sufficient generator equipped to ensure ambient temperatures will be maintained at 80 degrees or less for a period of a minimum of ninety-six (96) hours in the event of the loss of electrical power, storage and safe maintenance of sufficient fuel to operate said generator(s) is provided, and a contract for services necessary to maintain and test the equipment and its functions to ensure the safe and sufficient operation of the generator system.**

AYE: **Brian Paul, Frank Creyaufmiller, John George, Marcia Baker, Chairman Bob Burdge**

Passed

f. **Site Plan & Design Review - Dollar Tree - 4008 Okeechobee Road**

Mr. Benton gave an overview of the application and answered questions from the Board regarding the positioning of the building and the landscape buffer.

Jason Gunther, Applicant Representative from Thomas Engineering, provided additional information on the site layout. Mr. Gunther said If the landscape buffer is going to be resolved by subdividing the property then his objections go away.

After the vote Chairman Burdge asked Mr. Gunther to ask the developer to maintain the landscaping due to landscape maintenance issues with other Dollar stores.

Motion was made by Frank Creyaufmiller, and seconded by Marcia Baker to approve the project with the conditions listed below:

- 1) The trees proposed within the eastern landscape buffer are installed within twelve (12) months of a Certificate of Occupancy (CO) issued for Dollar Tree or a final plat subdividing the property eliminating the tree requirement.**
- 2) The applicant incorporates an additional 2-4 trees, or appropriate landscaping in scale with the façade, to frame the western elevation in compliance with Chapter 22-59 – Design Review.**
- 3) The final ground sign design is in compliance with City Code Section 22-59 (g) signs.**
- 4) Future Development of the eastern parcel accommodates cross access to 3900 Okeechobee Road (Moonswiners BBQ).**

AYE: Frank Creyaufmiller, John George, Marcia Baker, Brian Paul, Chairman Bob Burdge

Passed

8. BOARD COMMENTS

Mr. George stated he believes in development and he does not want to stop development within Fort Pierce. He said he would like to see something on the 601 Seaway Drive property and keep the process moving.

Chairman Burdge agreed with getting something built on the property, moving it forward, working with staff on height concerns and making sure the applicant come backs to the Planning Board and City Commission so they can not automatically get super structures without anyone telling them they can't do it or under certain conditions.

Mr. George asked the status of the noise issue with Dogs and Cats Forever. Ms. Grohall provided an update explaining a successful meeting was held with the applicants and residences addressing the residences concerns.

Mr. George asked why the Board does not have an attorney. Ms. Grohall stated the attorney informed the City Commission that he would not be representing the Planning Board any longer.

Chairman Burdge asked the Board if they desire to have legal representation. The Board stated it would be helpful. Chairman Burdge said the Board could go for outside council but the city would have to determine where the funds would come from.

The Board discussed the voting motion process on the Zoning Text Amendment for 601 Seaway Drive.

Mr. George asked if the legal department said anything about the new Planning Board procedures. Ms. Grohall stated that the legal department has no reviewed the procedures. Mr. George stated he wants to keep a point of order.

9. ADJOURNMENT