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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 13, 2018**, 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: **Bob Burdge; Gloria Johnson-Scott; Brian Paul; Michael Broderick; Tim O'Connell; Frank Creyaufmiller, Chairman**

Absent: **John George**

Staff Present: **James Messer, City Attorney
Rebecca Grohall, Planning Director
Vennis Gilmore, Planning Analyst
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

Mr. George was excused.

5. **APPROVAL OF MINUTES**

a. Minutes from the February 13, 2018 meeting

Motion was made by Gloria Johnson-Scott, and seconded by Michael Broderick to approve the minutes from the February 13, 2018 meeting with the revision to the board comment regarding changes made to documents should be shown by Amendment 1, 2, 3 etc.

AYE: Michael Broderick, Tim O'Connell, Bob Burdge, Gloria Johnson-Scott, Brian Paul, Chairman Frank Creyaufmiller

Passed

6. NEW BUSINESS

a. Zoning Atlas Amendment - Second Street Station - 100 Avenue A (Marina Way)

Chairman Creyaufmiller mentioned that he is personal friends with the owner of the property.

Mr. Gilmore gave an overview of the application and answered questions from the Board regarding impacts to Avenue B and the RFP for the King Power Plant site.

Ms. Grohall stated the city has committed to make Avenue B a permanent right-of-way through the city's right-of-way program.

John Blum, Engineer of Record, stated that the Future Land Use Zoning Map showed the entire 1.02 acres being rezoned to C-4 and there request was for the south portion only. Mr. Blum explained that a parcel split into two parcels is being done and parcel A, which is .13 acres, is the only portion of the property to be rezoned.

Ms. Grohall said a parcel split application, along with the sketch and legal for that portion of the parcel, will be needed.

Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to approve the proposed amendment.

AYE: Gloria Johnson-Scott, Brian Paul, Michael Broderick, Tim O'Connell, Bob Burdge, Chairman Frank Creyaufmiller

Passed

b. Site Plan and Design Review - Second Street Station - 100 Avenue A (Marina Way)

Mr. Gilmore gave an overview of the application and answered questions from the Board regarding the city easement for the pedestrian right-of-way.

Ms. Grohall stated the engineering department agreed to the elevated outdoor seating that is in the city's right-of-way. Ms. Grohall also explained that the existing building to the west has some doors that front on to an alleyway, but a pedestrian way has been preserved that will give the tenants access to their units.

Mike Menard, from Architectonic, stated the project has been submitted for Historic Preservation Board approval and they will be addressing anything that is required for the architectural review.

Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to forward a recommendation to, approve the proposed Site Plan with the following conditions:

1) The applicant obtains a Right of Way permit with the Engineering Department for re-construction of the adjacent sidewalk and construction of an elevated patio.

2) Please provide a color board (11"x17" maximum) containing actual color samples of all exterior finishes, keyed to the elevations, and indicating the manufacturer's name and color designation. Provide an accurate color rendering of proposed signs showing dimensions, type of lettering, materials and actual color samples that demonstrates cohesiveness with the project design.

3) Please provide a final landscape plan that meets the requirements of Article XII, Landscaping and Trees.

4) Per City Code Section 22-59 and Chapter 23; the design features must be reasonably consistent with the historic character of the predominant architectural style within the historic district (Downtown). Please seek approval by the Historic Preservation Board for compliance with terms and conditions of applicable certificates of appropriateness, prior to issuance of any building permit.

AYE: Brian Paul, Michael Broderick, Tim O'Connell, Bob Burdge, Gloria Johnson-Scott, Chairman Frank Creyaufmiller

Passed

c. Conditional Use - Arcade Amusement Center - 740 Orange Avenue

Mr. Creagan gave an overview of the application and answered questions from the Board regarding parking requirements, enforcement strategy of staggered capacity schedule, on street parking, and payment in lieu of cost for one additional parking space.

Mr. Broderick addressed his concerns with not having enough parking. Ms. Johnson Scott expressed her concerns with the parking spaces, the location's proximity to churches and the Sunday hours of operation.

Mike Menard, from Architectonic, provided additional information and answered questions from the Board on public parking, hours of operation and square footage.

Yousef Qasem, Owner, stated he will follow the rules and follow the schedule for the machines and on Sunday he will open the business after church. Mr. Qasem said he is the operator of the facility and will be responsible for the percentages of occupancy.

Ms. Grohall addressed the 50% parking reduction for the Peacock Arts District. She explained the City Commission took into account the availability of on-street parking and a few of the lots the city owns in proximity to the district. Ms. Grohall stated there is no provision in the code for a waiver of the parking spot, but the code specifies several different things the applicant can do such as a shared use agreement, parking in lieu fee, installing a covered bike rack or lease a space provided within 350 feet.

Mr. Burdge asked if the applicant can make an agreement with the supermarket across the street to lease one of there parking spaces so they can meet the 19th parking space. Ms. Grohall stated if they meet the distance calculation they could effectuate a lease agreement.

Gus Gutierrez, Resident, had concerns with the arcade operating at fifty percent and the Peacock Arts District parking reduction classification.

Board discussion ensued regarding the off street parking code, compatibility with the Peacock Arts District, parking lease agreement and policing the schedule of operation.

Mr. Broderick explained that the current tenants in the building have a parking requirement of 11 spaces, which needs to be added into the accounting of the total parking for the building.

Mr. Burdge stated he received communication from Mr. Hayek and Steve Tarr regarding the arcade. Chairman Creyaufmiller stated the entire Board received the communication.

Chairman Creyaufmiller stated the use of the arcade is inconsistent with what the general public and the view of the city has of the Peacock Arts District. Chairman Creyaufmiller went on to say that providing 18 parking spaces to the arcade is ignoring the other tenants in the building and he does not know how the schedule of operation and machines would be policed and managed.

Jennifer Gilchrist, Resident, spoke in opposition and stated the arcade does not enrich the area.

Motion was made by Mr. Burdge to approve the arcade with a condition that the waiver request under City Code Section 22-71(e)(3)c, for the parking space, be applied for by the applicant.

No one seconded the motion therefore the motion failed.

With clarification from counsel,

Motion was made by Chairman Frank Creyaufmiller, and seconded by Gloria Johnson-Scott to forward a recommendation of denial for the Conditional Use with No New Construction to the City Commission.

Chairman Creyaufmiller stated the reasons for denial are the parking issue, the Peacock Arts District has already reduced the necessary required parking by 50% and further reduction should not be considered, there is only 18 spaces available in a shared space building, and there is no way to police the facility capacity.

Mr. Messer stated the Planning Board has the ability to recommend an approval of the application, denial of the application or some type of modification of the application. He went on to say that the motion, as it is constituted, is an appropriate denial of the application. Mr. Messer said if the vote comes to the City Commission with a denial, it may trigger a different vote from a simple majority to a super majority. Mr. Messer explained if the Planning Board votes to deny the conditional use application the only practical effect at the City Commission is that it will require four Commissioners to approve it instead of three.

AYE: Gloria Johnson-Scott, Michael Broderick, Tim O'Connell, Chairman Frank Creyaufmiller

NAY: Bob Burdge, Brian Paul

Passed

d. **Conditional Use - Little Angels Learning Academy - 436 N. 7th Street**

Mr. O'Connell recused himself because he owns the building.

Mr. Gilmore gave an overview of the application and answered a question from the Board regarding the parking requirement.

Myrtle Peterson, Owner of the Daycare Center, made herself available for questions.

Cindi O'Connell, Applicant Representative, provided additional information and answered questions from the Board on the playground and parking location.

Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to forward a recommendation to the City Commission for approval with the following conditions:

1) Comply with City Code Section 22-60. Off-street Parking and Loading (c) Design Standards, d) Commercial Uses & (j) Lighting. Please provide the lighting plan with a minimum average of two (2) footcandles.

2) The applicant integrates landscaping around the perimeter of the recreational area pursuant to City Code Section 22-67 (d)(1).

3) The applicant re-stripes the parking spaces to fulfill the required spaces per City Code Section 22-60. Off-street Parking and Loading -- (d) Number of required off-street parking spaces.

4) Per City Code Section 22-60. Off-street Parking and Loading – (c)(4) Access; all off-street parking and loading facilities shall be so arranged that no automobile shall have to back into any street. Please consider parking located in the rear of the building or payment in-lieu to the city’s multimodal fund for spaces that are not in accordance.

AYE: Michael Broderick, Bob Burdge, Gloria Johnson-Scott, Brian Paul, Chairman Frank Creyaufmiller

Other: Tim O’Connell (RECUSE)

Passed

e. Conditional Use - Broderick Dwelling Rental - 1042 Windward Drive #3403

Mr. Broderick recused himself.

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

Motion was made by Gloria Johnson-Scott, and seconded by Tim O’Connell to forward a recommendation to approve the request with the following conditions:

1) The maximum occupancy ensures compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;

2) Registration of the property manager accessible at all times, to resolve complaints or violations of City Code;

3) Issuance of guide booklets (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts; and

4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.

5) Limit no more than 2 vehicles.

AYE: Tim O’Connell, Bob Burdge, Gloria Johnson-Scott, Brian Paul, Chairman Frank Creyaufmiller

Other: Michael Broderick (RECUSE)

Passed

7. BOARD COMMENTS

Mr. Burdge asked if documents could be signed by the authors and reviewers. Ms. Grohall stated staff has gotten away from signing staff memorandums due to the agenda package going through a multi step review process, but signing the documents can be accomplished.

Ms. Grohall stated they are in the stages to book Susan Trevarthen, a leading land use attorney in the state, for a workshop on short term rentals, possibly at the April 9, 2018 conference agenda. Ms. Grohall went on to say that an invitation would be sent to all the Planning Board members and it would be a good opportunity to gain information and ask questions. Mr. Messer stated he would like Planning Board members to submit written questions, within the next 10 days, to either himself or Ms. Grohall to try and tailor the presentation to meet the general requirements and any specific issues the Planning Board members might want to discuss relative to the Code of Ordinances.

8. ADJOURNMENT