

# 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, **APRIL 9, 2019**, 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: **Michael Broderick; Gloria Johnson-Scott; Tim O'Connell; Brian Paul; Jovona Parker; Bob Burdge; Frank Creyaufmiller, Chairman**

Staff Present: **Peter Sweeney, City Attorney**  
**Linda Cox, City Clerk**  
**Rebeca Guerra, Interim Planning Director**  
**Maria Lewicka, Historic Preservation Planner**  
**Brandon Creagan, Planner**  
**Vennis Gilmore, Planning Analyst**

Attendees: **Marty Sanders, Ex-officio**

4. **CONSIDERATION OF ABSENCES**

All members were in attendance.

5. **APPROVAL OF MINUTES**

- a. Minutes from the February 12, 2019 meeting

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to approve the minutes from the February 12, 2019 meeting.**

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

Passed

## 6. NEW BUSINESS

### a. Conditional Use - Malizia Dwelling Rental - 1180 Carlton Court 204A (Apt. D)

Mr. Gilmore gave an overview of the application and answered questions from the Board on the sidewalk payment in lieu of and background checks.

Michael McLeod, Resident, asked about the Hollander legal case and its applicability.

David Malizia, Applicant, answered questions from the Board on the homeowner association rental policy.

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott 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.**
- 6) Include the City of Fort Pierce Business Tax License number on all advertising.**
- 7) Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur: (4) Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Please install a sidewalk along Alhambra Street connecting to the Carlton Court existing sidewalk.**

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

Passed

### b. Conditional Use - Patti's Hair Lounge - 808 Delaware Avenue

Ms. Lewicka gave an overview of the application and answered a question on parking.

Mike Menard, applicant, provided history on the building.

**Motion was made by Jovona Parker, and seconded by Gloria Johnson-Scott to forward a recommendation to approve the request.**

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

Passed

### c. Conditional Use - Crownman Bed & Breakfast - 515 S. Indian River Drive

Mr. Creagan gave an overview of the application and answered questions from the Board on the process the project has been through, the number of bedrooms, and the reason for condition #6.

Ms. Guerra and Mr. Sanders explained to the Board that at the time of building permit the fire protection designer will coordinate with Fort Pierce Utilities Authority regarding the fire main.

David Cleveland, applicant representative, explained the larger fire main is not required for the fire suppression system for the existing building. Mr. Cleveland stated they do not want the requirement of having the property manager live on site. Mr. Cleveland asked the Board to strike condition #6 and amend condition #5 because 14 days is not enough time to get the state licenses.

Ms. Cox stated within 30 days of getting a state DBPR license, the applicant should obtain a local business tax license.

Mr. Sanders suggested the Board look at an appropriate response time to resolve complaints.

Dr. Ronald Lyman, resident, opposed the application.

**Motion was made by Michael Broderick, and seconded by Jovona Parker to forward a recommendation to the City Commission for approval with the following conditions:**

- 1) A Lighting Plan or Photometric survey that demonstrates compliance with City Code 22-60 (j)(1)(a) will be required at time of Building Permit**
- 2) A Landscape Plan that demonstrates compliance with City Code 22-187, General Landscaping Requirements will be required at the time of Building Permit.**
- 3) Registration of the property manager(s) accessible at all times, to resolve complaints or violations of City Code; the property manager shall reside in the boundaries of St. Lucie County.**
- 4) Provide a guide booklets for renters regarding local rules and public service resources to minimize conflicts, these are available from the Code Enforcement Department of the City.**
- 5) The applicant files for and obtains a City of Fort Pierce, County, and State Business Tax Licenses within thirty (30) days of Conditional Use approval.**

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

Passed

**d. Waiver of Distance - The Truth Restaurant - 1721 Avenue D**

Mr. Gilmore gave an overview of the application and answered questions from the Board on the code enforcement infractions.

Ms. Johnson Scott expressed her concern with the location's proximity to other churches and the operating times.

Mr. Broderick expressed concerns with the Technical Review Committee denial from the Code Enforcement and Police Department.

Vincent Barnett, applicant, provided information on the restaurant incident that took place four years ago and Mr. Barnett answered questions from the Board on serving alcohol and code violations at the restaurant.

Ms. Guerra stated there was a code enforcement action that was brought before the magistrate and the magistrate shut the business down due to the severity of the violations.

Leon Hall, resident, spoke in favor of the application and stated all code violations have been taken care of.

Michael McLeod, resident, spoke in favor of the application.

Chairman Creyaufmiller stated he is in a bit of a quandry if a motion was made to approve the application, due to the violations being several years old, possibly the violations were made by someone other than the owner of the restaurant and there are multiple churches near the restaurant's location.

Ms. Parker commented that the sell of beer and wine would not lead to a change, and they have been operating the last 6 months with no violations or complaints from the surrounding churches.

Mr. Sweeney stated if the Planning Board recommends disapproval of the application, a 4/5 majority vote would be needed by the City Commission to approve the Waiver of Distance.

Mr. Broderick asked that the City Commission receive further information to make an informed decision.

Mr. Burdge asked if the city has a mechanism to close the business, if the business becomes a nuisance.

Mr. Sweeney explained there are enforcement provisions that would allow it to move through the special magistrate and there could be a number of outcomes.

Mr. Sanders stated when you undertake a waiver of a code requirement you usually need a plan stating how you plan to operate and why you need the provision waived.

Mr. Broderick asked that Code Enforcement and Police Department be represented at the City Commission meeting.

**Motion was made by Michael Broderick, and seconded by Brian Paul to table the application subject to the City Attorney's office and the Planning department getting the information to the Planning Board, so they can make an informed recommendation to the City Commission.**

AYE: **Tim O'Connell, Brian Paul, Michael Broderick**

NAY: **Gloria Johnson-Scott, Jovona Parker, Bob Burdge, Chairman Frank Creyaufmiller**

Failed

**Motion was made by Bob Burdge, and seconded by Jovona Parker to recommend approval for the Waiver of Distance.**

AYE: **Tim O'Connell, Brian Paul, Jovona Parker, Bob Burdge, Michael Broderick**

NAY: **Gloria Johnson-Scott, Chairman Frank Creyaufmiller**

Passed

**e. Text Amendment - Chapter 22 - Board of Adjustment**

Ms. Guerra gave an overview of the Board of Adjustment text amendment and answered questions from the Board regarding the removal of authority of the Historic Preservation Board.

Mr. Broderick stated he is not confident that the City Commission is aware of what they are bringing on to themselves by making the Historic Preservation Board an advisory Board. He said the Board grinds through an extensive amount of minutia and this process is left best to a Board that is highly organized and has a tremendous amount of experience. Mr. Broderick

stated he would prefer this item not move forward because this process is the reverse of expediting the approval, construction and development processes in the city.

Chairman Creyaufmiller expressed his concerns with the additional workload the City Commission is going to see.

Mr. Broderick asked for more information on what the Board of Adjustment does.

Cathy Wassylenko, resident, stated she is not sure if the City Commission will be effective in making the Historic Preservation decisions. Ms. Wassylenko said the city needs to have people on the Board who are knowledgeable in architecture, and she would like to see an advisory Historic Board with more knowledgeable information so that the decisions being made will preserve the historic character of Fort Pierce.

Holly Theuns, Historic Preservation Board member, stated that maintaining the history of Fort Pierce is an important job that should not be placed on the Commissioners and the Board should remain the same.

Mike McLeod, resident, stated if the city is going to take Historic Preservation seriously, the city needs to define what standard they want the Board to go after and maintain. Mr. McLeod said the standards are too loose and there is not enough guidance for the Board to make quality decisions that leads to consistent outcomes.

Holly Beckwith, resident, is against getting rid of the Historic Preservation Board. She stated if the Historic Board does not have any teeth, then anything can be done with the historic homes.

Mr. Burdge said by making the Historic Preservation Board an advisory Board, the public will have more opportunity to state their case because the City Commission will make the final decision.

Chairman Creyaufmiller stated he does not know enough about the Board of Adjustment and he does not feel comfortable abolishing the Board.

Mr. Broderick asked if it is possible to have an in depth discussion of the case load of the Board of Adjustment, what type of appeals they have been confronted with and what their mission statement is at the next Planning Board meeting.

**Motion was made by Bob Burdge, and seconded by Gloria Johnson-Scott to approve the recommendation of changes.**

AYE: **Brian Paul, Jovona Parker, Bob Burdge**

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

Failed

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to defer the text amendment vote until the next Planning Board meeting with new and in depth information.**

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

NAY: **Brian Paul, Bob Burdge**

Passed

f. **Text Amendment - Chapter 22 - Major and Minor Site Plans**

Chairman Creyaufmiller stated this item was presented to the Planning Board at the last meeting on February 12, 2019, and it was passed to the City Commission with a denial. The Commission visited this item and sent it back to the Planning Board.

Ms. Guerra explained the City Commission sent the proposed text amendment back to the Planning Board for reexamination.

Mr. Burdge stated it is necessary for the public to be heard on site plan and multi-family applications. He said he would prefer not to allow one individual within the city to control what currently the Planning Board and City Commission has an opinion on to modify, change, deny or approve.

Mr. Broderick expressed that resident participation is a critical part of the process and if we increase the threshold to 50,000 square feet, in essence 92% of site plans that come in for approval would be eliminated. Mr. Broderick believes a balance can be struck between being a business friendly community and complete public participation, without changing the thresholds, but adopting the policies and procedures that are being recommended. Mr. Broderick suggested hiring a plan navigator to steward the applicant through the process.

Chairman Creyaufmiller said he thinks the City Commission and Planning Board was hung up over the thresholds and not the processes and procedures, and he does not want to take away the citizens voice from those projects.

Mr. Sanders stated the Chamber of Commerce is looking for a black and white code requirement for site plans that don't need a public hearing. Mr Sanders said if you have an applicant that meets the clearly defined site plan criteria, the Board is going to have to approve it, even if you have a room full of people that are against it.

Ms. Parker stated she agrees with the variations remaining the same, and she also has an issue with not letting the public speak.

Ms. Johnson Scott stated she does not feel the public should be taken out of the process and that they need to be heard.

Walter Beckwith, resident, appreciates when the public is allowed to speak because it provides transparency and allows the public to keep an eye of what is going on in the city.

Charlene Adair, resident, stated the Board has made some important changes to projects through their input, and she does not want to lose the Planning Board, City Commission or the community's input on 92% of the projects that were looked at. Ms. Adair, supports leaving the thresholds as they are but improving the process.

**Motion was made by Bob Burdge, and seconded by Michael Broderick for the Board to reconsider the text amendment.**

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

Passed

**Motion was made by Michael Broderick, and seconded by Bob Burdge to recommend approval of the proposed text amendment with changes, maintaining the thresholds as they currently exist and the remainder of the text remaining unchanged.**

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

Passed

## **7. BOARD COMMENTS**

Chairman Creyaufmiller asked staff if the Board could receive future text amendments at least two weeks in advance. Chairman Creyaufmiller asked staff to educate Board members at Planning Board meetings when there are no applications.

Ms. Guerra stated the Board can have a discussion about a proposed text amendment before it is brought back for the public hearing. Ms Guerra said she would like to streamline processes and hear from the Board on how things can be made better.

Chairman Creyaufmiller asked how the short term rental project on Mimosa came to the Planning Board as a recommendation of denial from staff and it was sent to the City Commission with a recommendation of approval from staff. Chairman Creyaufmiller stated that the Board relies on the professional opinion of staff and the recommendations help guide them.

Ms. Guerra stated staff was educated as to what the state statutory stipulations were for short term rentals and staff re-examined its recommendation and basis for recommendation.

Mr. Broderick asked that if a recommendation is going to be changed before going to City Commission, could it come back to the Planning Board?

Mr. Sweeney said he does not know if this can happen because there is a certain time frame that it has to move to City Commission.

Chairman Creyaufmiller mentioned the Board Appreciation Breakfast invitations were sent out.

Mr. Sanders stated the ballots have been mailed out for the school district special referendum to fund teacher's salaries, safety and security and special mental health programs.

## **8. ADJOURNMENT**