

# 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, **DECEMBER 11, 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: **Jovona Parker; Michael Broderick; Bob Burdge; Brian Paul; Frank Creyaufmiller, Chairman**

Absent: **Tim O'Connell; Gloria Johnson-Scott**

Staff Present: **Benjamin Bryan , Interim City Attorney  
Rebecca Grohall , Planning Director  
Rebeca Guerra , Assistant Planning Director  
Vennis Gilmore , Planning Analyst  
Brandon Creagan , Planner  
Alicia Rosenthal , Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

Ms. Johnson-Scott and Mr. O'Connell called in with reasonable excuses for not attending.

5. **APPROVAL OF MINUTES**

- a. Minutes from the November 13, 2018 meeting

**Motion was made by Michael Broderick, and seconded by Jovona Parker to approve the minutes from the November 13, 2018 meeting.**

**AYE: Bob Burdge, Brian Paul, Jovona Parker, Michael Broderick, Chairman Frank Creyaufmiller**

Passed

**6. NEW BUSINESS**

**a. Conditional Use - Little Scholars Academy/Child Day Care Facility - 810 S. 6th Street**

This item was moved to the January 8, 2019 Planning Board meeting.

**b. Conditional Use - Bifulci & Paglia Dwelling Rental - 355 S. Ocean Drive #304**

Mr. Gilmore gave an overview of the application.

Nancy Rayborn, Real Estate Broker, stated she would fulfill the role of the property manager. Ms. Rayborn explained the HOA regulations for rentals is twice per year and more than 60 days but the owner wants a 90 day to 6 month tenant.

Ms. Grohall stated that if the rental is longer than 6 months, it would be regular rental.

Mr. Broderick suggested the Planning department consider that the applicant provide a property management contract to the city.

No one spoke against the application.

**Motion was made by Michael Broderick, and seconded by Jovona Parker 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.**

**AYE: Brian Paul, Jovona Parker, Michael Broderick, Bob Burdge, Chairman Frank Creyaufmiller**

Passed

**c. Conditional Use - Smith Dwelling Rental - 1002 Windward Drive #3101**

Mr. Gilmore gave an overview of the application.

Mellissa Allison, Property Manager, stated she would be assigned to the rental.

No one spoke against the application.

**Motion was made by Jovona Parker, and seconded by Brian Paul 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.**

AYE: **Jovona Parker, Michael Broderick, Bob Burdge, Brian Paul, Chairman Frank Creyaufmiller**

Passed

**d. Conditional Use - We Buy Scrap - 3340 Enterprise Road**

This item was moved to the January 8, 2019 Planning Board meeting.

**e. Conditional Use - Wilson Vehicle Storage - 2422-601-0001-000-4**

Chairman Creyaufmiller expressed that he had the opportunity to visit with Mr. Wilson.

Mr. Creagan gave an overview of the application and answered questions from the Board on property violations, asphalt millings, landscape hedge, fencing and irrigation.

Gregg Boggs, Applicant Representative, explained that the millings were removed on December 11, 2018 and that a Cocoplum hedge grows 4-8 feet in height. Mr. Boggs stated the property is secured with a gate and the plan is to have temporary irrigation. Mr. Boggs said the vehicle storage is for overflow and additional car storage for the Cars Unlimited business only and no service work will be performed.

Ms. Grohall stated that the irrigation plan is required at the time of building permit.

Board discussion ensued on landscaping and screening around the entire location.

**Motion was made by Bob Burdge, and seconded by Michael Broderick to forward a recommendation to the City Commission for approval of the request as presented with the following conditions**

- 1. A lighting plan or photometric survey that demonstrates compliance with City Code 22-60 (j)(1)(a) must be submitted with the building permit.**
- 2. Provide a 5 foot wide concrete sidewalk along South 3rd Street. This sidewalk shall extend to the limits of the property.**
- 3. At time of Building Permit submittal, the applicant shall provide detailed drawings complete with sidewalk and driveway construction information.**
- 4. Ensure that all outstanding Code or Building Department violations are resolved prior to the submittal of the building permit for site improvements.**
- 5. The Cocoplum hedge extend around the total perimeter of the property.**

AYE: **Michael Broderick, Bob Burdge, Brian Paul, Jovona Parker, Chairman Frank Creyaufmiller**

Passed

f. **Conditional Use with New Construction - Ghezzar Single Family Residence - 410 S. Ocean Drive**

Mr. Creagan gave an overview of the application.

Tom Cooper, Architect and Applicant Representative, provided background for the proposed house and stated the home location was moved back 10 - 15 feet to the west.

Steve Weaver, Adjacent Property Owner, voiced his concerns with the distance of the house from the street and the design in accordance with City of Fort Pierce code 22-58 and 22-59 and he also stated the application was incomplete.

Elissa Ghezzar, Owner, stated the home is a small footprint with a minimalist design. Ms. Ghezzar stated they were looking for a clean look and the area doesn't warrant million dollar homes.

Ms. Grohall stated the item can be tabled and once the Planning department receives and reviews the balance of the drawings, the item would go back to the Technical Review Committee and then be rescheduled for the February Planning Board meeting.

**Motion was made by Bob Burdge, and seconded by Jovona Parker to table the application.**

AYE: **Bob Burdge, Brian Paul, Jovona Parker, Michael Broderick, Chairman Frank Creyaufmiller**

Passed

g. **Major Amendment to Planned Development - Discovery Church - 4403 S. 25th Street**

Ms. Guerra gave an overview of the application.

Tod Mowery, Applicant Representative from Redtail, gave a presentation on the Church and stated the original proposal was part of the Oak Alley Planned Development in 2003. Mr. Mowery stated a 7,200 square foot church site is being relocated from Savannah Ridge Elementary school. Mr. Mowery answered questions from the Board on church utilization and traffic.

Mike Menard, Architectonic, was available for questions from the Board

Pastor Tim O'Carroll explained he would like to add a youth ministry night and after school mentorship.

**Motion was made by Bob Burdge, and seconded by Jovona Parker to recommend approval of the request as presented, subject to two (2) Conditions of Approval:**

- 1. Provide a lighting plan or photometric survey that complies with City Code 22-60U)(1)(b).**
- 2. Provide bicycle parking at a rate of 1 bicycle space per 10 motor vehicle spaces pursuant to City Code 22-60(f)(1)(a). Please follow the design, location, and size requirements of City Codes 22- 60(f) (1)(b)-(d). The required number of bicycle spaces would be 11 according to the parking spaces provided on the Site Plan.**

AYE: **Brian Paul, Jovona Parker, Michael Broderick, Bob Burdge, Chairman Frank Creyaufmiller**

Passed

**h. Major Amendment to Planned Development - Harbour Isle- 825 Seaway Drive**

Mr. Creagan gave an overview of the application and answered questions from the Board on the number of storefronts, transit availability, bike fix it station, curb cuts, dumpster enclosure, pedestrian access and deceleration lane.

David Baggett, Applicant Representative from Engineering Design and Construction, stated they had a Pre-Application meeting with the Florida Department of Transportation (FDOT) and trip generation, traffic, driveways and curb cuts were discussed. Mr. Baggett said there will be two points of entry into the shopping center. Mr. Baggett answered questions from the Board on traffic safety, deceleration lanes and a cross easement agreement.

Craig Mason, Applicant, elaborated on the Pre-Application meeting with FDOT and stated the traffic study includes all the potential uses on the site; Cumberland Farms, medical development and retail development. Mr. Mason stated they had a meeting with the Harbour Isle residents and a pedestrian walkway was added to purely serve the residents and adding another driveway is out of their hands because it is being handled by FDOT. Mr. Mason said he would be willing to further the discussion with the residents to address their concerns.

Diane Barbaret, Harbour Isle Resident, provided the Board with a handout addressing the concerns of several Harbour Isle residents.

Rob Robertson Harbour Isle Resident, voiced his concerns on proper cleanliness of the retail center and he showed pictures of solutions for an enclosed trash receptacle.

Annette Rudd, Harbour Isle Resident, suggested that the colors and roofing of Harbour Isle Shoppes mimic Harbour Isle.

Bobby Malatesta, Harbour Isle Resident, provided a handout to the Board detailing the health and safety concerns for the proposed Harbour Isle Shoppes.

Board discussion ensued regarding an additional meeting with the developer and residents regarding their concerns.

Pat Delvechio, Harbour Isle Board Member, stated the Board is not actively involve with the discussion and they have not taken a position at this time.

Chairman Creyaufmiller stated he was surprised that the Harbour Isle's Associations aren't being represented at the meeting.

Ms. Grohall stated, from the beginning of this project staff encouraged the applicant to work with the Harbour Isle group and it seems the applicant fulfilled the request.

Mr. Broderick asked if the Planning Department can work with the development team to address the residents concerns.

**Motion was made by Bob Burdge, and seconded by Jovona Parker to forward a recommendation of approval to the City Commission with the following conditions.**

**1. A six (6) foot wall or opaque fence is constructed on the property line that borders the residential component of Harbour Isle. The landscaping that is currently on this property line must also stay in place.**

**2. A bike fix it station be included.**

**AYE: Jovona Parker, Michael Broderick, Bob Burdge, Brian Paul, Chairman Frank Creyaufmiller**

Passed

## **7. BOARD COMMENTS**

Ms. Grohall thanked the interim City Attorney, Judge. Bryan, for his steadfast guidance and she stated that a new City Attorney, Peter Sweeney, has been chosen and will be starting the beginning of January.

Mr. Bryan stated he was pleased to have the opportunity to work with the City.

## **8. ADJOURNMENT**

## CONCERNS OF OWNERS OF HARBOUR ISLE CONDOMINIUMS

### 1

Planning Commission Rebecca Grohall

Planning Director P.O.Box 1480

Fort pierce, FL 34954

November 28, 2018

Subject: 825 Seaway Drive Planned Development

To Whom It May Concern;

We, the residence of Harbour Isle East/West, would like you to consider our concerns in proposed 825 Seaway Drive Planned Project. Parcel 2402-501-0001-010-8, FUTURE CUMBERLAND FARMS and Parcel 2402-501-0001-000-5, HARBOUR ISLE SHOPS.

#### CONCERNS: PLANNED HARBOUR ISLE SHOPS.

- Blight, many locations unoccupied for over a year.
- Noise pollution from planned outside eating area.
- Aesthetics conform to existing architectural buildings, including roof materials.
- Light pollution
- Truck loading/unloading (planned to be behind buildings within 200 feet of 48 condominiums).
- Refuse bins, again, next to condominiums. Rodents, smell and noise.
- Pedestrian walkway.

#### CONCERNS: CUMBERLAND FARMS on the Major Amendment to Harbour Isle PD

- Gas station within 200 feet of 48 condominiums. (see attachment A)
- Noise pollution to immediate area.
- Light intrusion (24hrs) into the condominiums.
- Health concerns from gasoline fumes (methyl tertiary-butyl ether, benzene and 150 other chemicals that are added to gasoline.
- Proposed ground water draining into Harbour Isle Master Storm Water System. This will drain into our lake which we maintain.
- Chevron Gas/Convenience store already exists across the street.
- Future blight of the existing Cumberland Farms and other vacant storefronts.
- Lowers our property value.

#### RECOMMENDATIONS:

- Builder to pay and plant trees along the wall on HIE property to help with noise and lights from the proposed truck loading docks.
- Totally enclosed rubbish bins to deter rodents and keep the smell down.
- Design conformity to Harbour Isle.
- Enclosed ground level air conditioners.
- Restricted hours for proposed restaurants, businesses, and Cumberland Farms.

WE ARE THE CONCERNED RESIDENTS OF HARBOUR ISLE

PRINT NAME
Linda Duro Carmine Prestia
Rosalie Marino
Joseph Marino
TEAN KUSSEL
MARY LYNN SHAW
LIBERT STAPLES
Annette Sannida
Susan Del Vecchio
Patricia Quinn -
Mary Lambert
TIMOTHY F. DONOVAN
PIETRO e ROSA FLORIO
Jean Lepaci
Barbara Pesto
SOPHIE ORME
Celine Theriault
JOHN T ORME
RICHARD HARVEY
DENNIS e BEV SARLO
DAN ANDERSON
DAN ANDERSON
Linda Crea
Cathy Hegedus
Tammy Casson
Kathy Woodward
Jim e Annette Ruchl
Bobby MALATESTA
THEODORE SAWICZ
Michael Mahoney
Dony Aguerb

BUILDING/ UNIT
8 / 204
12 / 302
2 / 302
2 / 203
38 / 302
38 / 302
3 / 206
7 / 103
6 / 404
7 / 201
7 / 306
37 / 303
6 / 105
6 / 305
3 / 205
7 / PH06
3 / 205
7 / PH-6
4 / 202
37 / PH02
37 / 304
9 / 204
37 / PH01
37 / 306
37 / PH02
37 / PH04
37 / PH06
37 / 204
37 / PH5
37 / PH5
1

SIGN NAME
Linda Duro
Rosalie Marino
Joseph Marino
Tean Kussel
Mary Lynn Shaw
Robert Staples
Annette
Susan Del Vecchio
Patricia Quinn
Mary Lambert
Timothy Duro
Pete Florio
Jean Lepaci
Barbara Pesto
Sophie Orme
Celine
John Orme
Richard Harvey
Dennis Sarlo
Dan Anderson
Dan Anderson
Linda Crea
Cathy Hegedus
Tammy Casson
Kathy Woodward
Jim e Annette Ruchl
Bobby Malatesta
Theodore Sawicz
Michael Mahoney
Dony Aguerb







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- Restricted hours for proposed restaurants, businesses, and Cumberland Farms.



**EFFECTS OF PLANNED DEVELOPMENT ON HARBOUR ISLE EAST**

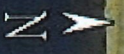
- \* LIGHT INTRUSION
- \* NOISE POLLUTION
- \* CRIME
- \* RESTRICTIVE HOURS



**68.5 FEET FROM BLDG. 37**

**47.6 FEET FROM BLDG. 38**

200 ft



# EXHIBIT A

## Is It Safe to Live Near a Gas Station?

### The health concerns for you or your family with living by the pump

Living and working within 100 meters (328 feet) of a gas station increases exposure to toxic chemicals.

Despite all the modern health and safety guidelines they must follow, gas stations can still pose *significant hazards to neighbors, especially children*. Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air.

Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical, according to the National Institutes of Health (NIH). The quest to reduce ozone levels has led the state of California to implement a more stringent vapor-recovery law, effective April 1, 2009, which requires that all gasoline pumps have a new, more effective vapor-recovery nozzle.

Underground gasoline storage tanks can also be a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many a lawsuit has been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank. In the past, most tanks were made of uncoated steel, which will rust over time. Also, pipes leading to the tanks can be accidentally ruptured.

When thousands of gallons of gasoline enter the soil, chemicals travel to groundwater, which the EPA says is the source of drinking water for nearly half the U.S. If buying a home, consider its potential loss in value if a nearby underground storage tank were to leak. Gasoline additives such as methyl tertiary-butyl ether (MTBE), which has been outlawed in some states, make the water undrinkable—and that is only one of 150 chemicals in gasoline. Repeated high exposure to gasoline, whether in liquid or vapor form, can cause lung, brain and kidney damage, according to the NIH's National Library of Medicine.

Spilled or vaporized gasoline is not the only chemical hazard if the station is also a repair shop. Mechanics use solvents, antifreeze and lead products, and may work on vehicles that have asbestos in brakes or clutches. Auto refinishers and paint shops use even more potentially harmful chemicals.

In today's car-centric world, we can't escape exposure completely, because these chemicals are in our air just about everywhere. But by choosing where we live, keeping an eye out for spills, and pressuring the oil companies to do the right thing for the communities they occupy, we can minimize our exposures.

**Health & Safety Concerns for the Proposed Harbour Isle Shops - 12 /11/2018**

Good evening, my name is Bobby Malatesta, my wife and I are residents and live at 37 Harbour Isle Dr.

I have a legitimate concern that this proposal is going to become a very dangerous Health and Safety issue.

Specifically because an entrance and egress are needed in close proximity of the Circle/Roundabout/Routing. So with this thought in mind, I watched the cars as they exited the the Circle. Almost without exception, each would accelerate as they would exit.

I said to myself, they're never going to have enough time to stop, if a car pulled in front of them to enter the development. I then used the 4 second rule I was taught some 60 years ago when I first started driving. They also use a 2 or 3 second rule. 4 seconds is to gauge a safe distance behind another car in front of you, if the ground is wet while driving.

It gives **you** more time **to** react and more time **to** stop.

You pick out a position marker (a utility pole, a tree a drive way, whatever) in the distance to simulate where a vehicle would be in front of you. You count to 4, seeing if you can stop safely if they were to stop abruptly in front of you. I then used what I gauged as the farthest proposed position marker, the proposed driveway on Seaway Drive. I counted, 1 thousand & 1, one thousand & 2, one thousand & 3, & 1 thousand 4. Most cars reached that point in 4 seconds, meaning a crash if another car stopped abruptly in front of them, or if a car turned abruptly to get into the driveway to the development. What happens then? Traffic will be stopped completely on Seaway Drive. Maybe even across the Causeway Bridge. The safest break-point using the 4 second rule: *Any interruption in traffic less than 210' presents a risk of serious accidents.*

*And, any entrance to the proposed mall should be at least 210' from the Circle/Roundabout/Routing.*

**Health & Safety Concerns for the Proposed Harbour Isle Shops - 12 /11/2018**

Some time back I had the unfortunate occasion to have been Med-evacuated out of Harbour Isle by our Rescue Squad to the Hospital. They got to me in less than 5 minutes because there was no traffic tie-ups. If that happens when the area is congested with a crash, will they be able to get to Harbour Isle to assist someone in distress? I doubt it.

I'm not looking to stop the developers from building on that property, but I do think they can use a different concept that will make all of us better neighbors and still provide them with a great business opportunity.

- The aim for any development should be to result in a benefit to citizens and in environmental and surrounding areas.

**Please indulge me for a moment more.**

It is my belief that we as Residents, Planning Boards and Developers should start thinking "**OUT OF THE BOX**" when it comes to any proposed developments on an Island such as ours. Times are changing at a very fast pace. The **Brick-N-Mortar** stores of the past are going by the wayside. The Sears, the JC Penny's, the K-Mart's, the Bed-Bath & Beyond's, and the Toys-R-Us are struggling or are completely out of business. All, because of the Amazon model. This will be no exception. The developers know perfectly well, this project cannot be profitable without Cumberland Farms, which is another can of worms.

This parcel of land could serve a different useful and more profitable purpose than the one proposed. I know the developers put much effort and due diligence in their proposal, but my hope is this.

For the sake of discussion, I'll call their plan "**PLAN A**". This is "**Plan B**":

The number of residents at Harbour Isle who would like to buy or lease a garage could change this whole controversy.

**Health & Safety Concerns for the Proposed Harbour Isle Shops - 12 /11/2018**

My guess, you could put up at least a hundred one story garages that look just like the ones we have on Harbour Isle, blending in perfectly, and costing a fraction of the proposed development.

Conservatively, you could get between \$30 and \$40 thousand dollars for each. Some have sold for an incredible \$55 thousand on our property. That's 3 to 4 million up front. You would retain the rights, and continue to get HOA fees every month. If the powers to be at Harbour Isle work with you, there would be no need for an entrance or egress on Seaway Dr, keeping the Fire and Rescue squads happy and the welfare of our residents paramount. The city would be elated with the ratables, and we could all be a good neighbors.

A "Win-Win" for the entire Island.

**To the developers**, please consider "**Plan B**", if you do, I will personally guarantee your first 50 customers for the garages. And, I would be most willing to help you with any input you may need for this proposal.

**To the planning board**, please think about the Health, Safety and Welfare of our residents. Hold off on your decision, until the developers have a chance to get back to their investors so they may consider if this "**Plan B**" is a safer and more viable investment for them, our community, and all of Hutchinson Island.

I thank all of you for your indulgence.









