

# 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, **May 14, 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; Tim O'Connell; Gloria Johnson-Scott; Bob Burdge; Frank Creyaufmiller, Chairman**

Absent: **Jovona Parker; Brian Paul**

Staff Present: **Iola Mosley, Senior Assistant City Attorney  
Rebeca Guerra, Interim Planning Director  
Vennis Gilmore, Planner  
Brandon Creagan, Planner  
Alicia Rosenthal, Executive Assistant**

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

4. **CONSIDERATION OF ABSENCES**

Mr. Paul and Ms Parker were excused from the meeting.

5. **APPROVAL OF MINUTES**

- a. Minutes from the April 9, 2019 meeting

**Motion was made by Michael Broderick, and seconded by Tim O'Connell to approve the minutes from the April 9, 2019 meeting.**

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

Passed

## 6. NEW BUSINESS

Items 6a-6f annexations were presented and approved together.

Ms. Guerra gave an overview of the annexations and answered questions from the Board.

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to forward a recommendation of the eleven (11) proposed annexations to City Commission:**

- 500 Ulrich Road
- 5300 Melville Road
- 2995 South 25th Street
- 3076 South 25th Street
- 3092 South 25th Street
- 160 Smallwood Avenue
- 302 Smallwood Avenue
- 367 Smallwood Avenue
- Parcel 3403-805-0160-000-6 on Smallwood Avenue
- Parcel 2407-131-0002-000-2 on Orange Avenue
- Parcel 2407-131-0001-000-5 on Orange Avenue

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

Passed

- a. **Voluntary Annexation - (3403-502-0075-010-6) - 5300 Melville Road**
- b. **Voluntary Annexation - (3410-603-0064-000-5) - 500 Ulrich Road**
- c. **Voluntary Annexation - (2420-444-0006-000-2) - 2995 South 25th Street**
- d. **(2) Voluntary Annexations - (2428-603-0002-000-5) 3076 South 25th Street -and- (2428-603-0005-000-6) 3092 South 25th Street**
- e. **(2) Voluntary Annexations - (2407-131-0002-000-2) -and- (2407-131-0001-000-5) - unaddressed parcels generally located on the north side of Orange Avenue between La Jean Drive and North 39th Street.**

Nicholas Gieseler, attorney representative, voiced his concerns with the rushed nature of the annexation. Mr. Gieseler stated the Fort Pierce Utilities Agreement was signed in 2007 and in 2008 the Planning Board recommended approval for the annexation, but the City did not move forward with the annexation due to complications with parking, St. Lucie County zoning and the agricultural exemption. Mr. Gieseler said he is looking forward to having a meeting with Ms. Guerra to work out the issues.

Ms. Guerra answered questions from the Board regarding the complications being addressed, delaying the annexation process and the agricultural exemption being carried over from St. Lucie County.

Mr. Sanders suggested staff include the current city limits and how close the property being annexed is to an enclave. Mr. Sanders stated the city is very aggressive in meeting landowners permits and caters to the needs of property owners.

- f. **(4) Voluntary Annexations - (3403-805-0158-000-9) 160 Smallwood Avenue -and- (3403-805-0156-000-5) 302 Smallwood Avenue -and- (3403-433-0002-000-0) 367 Smallwood Avenue -and- (3403-805-0160-000-6) unaddressed parcel on Smallwood Avenue**
- g. **Conditional Use with New Construction - Delpapa Residence - 1655 Thumb Point Drive**

Mr. Gilmore gave an overview of the application and answered questions from the Board on height measurement for properties in the vicinity.

No one spoke for or against the application.

**Motion was made by Bob Burdge, and seconded by Gloria Johnson-Scott to approve the Conditional Use with New Construction.**

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

Passed

- h. **Conditional Use - Robbins Dwelling Rental - 1014 S. 7th Street**

Mr. Gilmore gave an overview of the application and answered questions from the Board on the dwelling rental time period, short term rental approvals in the R2 zoning, and sexual predator prohibition on vacation rentals.

Mike Robbins, owner, stated he has other rental properties, and he is willing to rent the home as long as the leasee wants. Mr. Robbins answered questions from the Board on renting the entire house and where he will reside when the home is rented out.

Marcia Baker, resident, opposed the short term rental, and she stated the neighborhood is not transient and it is unfair and discriminatory to approve the dwelling rental.

Luca Bradley, President of Hibiscus Park, opposed the application and stated concerns with student safety, sexual predators renting the home, and the location not being a transient area.

Mike Menard, resident of Hibiscus Park, spoke against the application. Mr. Menard stated concerns with setting a precedence in the R2 zoning by approving the dwelling rental, commercial use in a residential area and school bus traffic.

Mr. Sanders said there is typically 10 to 20 kids at a bus stop and you cannot control where a sexual predator can live.

Motion was made by Michael Broderick to deny the application. Chairman Creyaufmiller stated a motion of denial will require a 4/5 vote of the City Commission.

Ms. Guerra asked Ms. Mosley to explain the need for validated evidence when making a motion of denial.

Ms. Mosley explained that in order to deny an application there has to be sufficient facts in the record that would indicate that the application somehow violates health, safety and welfare standards. Ms. Mosley stated, at this point, it appeared nothing had been submitted that would support that motion.

Mr. Broderick withdrew his motion.

**Motion was made by Gloria-Johnson Scott and seconded by Chairman Creyaufmiller to approve the application with conditions.**

**AYE: Chairman Creyaufmiller**

**NAY: Tim O'Connell, Gloria Johnson Scott, Michael Broderick, Bob Burdge**

Failed

Ms. Mosely stated since there is no evidence presented in the record to support the vote, the City Commission, cannot legally deny the application. Ms. Mosley said there has to be an objective factual basis for the Commission to adopt a denial.

**Motion was made by Bob Burdge and seconded by Michael Broderick for reconsideration.**

**AYE: Bob Burdge, Michael Broderick, Chairman Creyaufmiller**

**NAY: Tim O'Connell, Gloria Johnson Scott**

Passed

**Motion was made by Bob Burdge, and seconded by Chairman Frank Creyaufmiller to approve the application with the recommendations of the Planning staff.**

**AYE: Bob Burdge, Chairman Frank Creyaufmiller**

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

Failed

Chairman Burdge said the item will move to City Commission and require a simple majority vote.

**i. Development Review & Design Review - Wawa Fueling Station - 2101 S. US Highway 1**

Mr. Creagan gave an overview of the application and answered questions from the Board on tree plantings.

David Baggett, Applicant representative from Engineering, Design and Construction provided additional information and answered questions from the Board on the land lease, landscaping, drainage, lighting, dumpster enclosure and location of the bike rack.

Ms. Guerra explained that there must be a rational nexus requirement to request the applicant plant the additional trees in other areas.

Scott Kearney, Engineer with Wawa, stated he has been involved in the Wawa Florida program since the beginning.

**Motion was made by Bob Burdge, and seconded by Michael Broderick to approve with conditions.**

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

Passed

**j. Discussion regarding Short Term Rentals**

Mr. Broderick stated he is trying to clean up the condition of approval with short term rentals, regarding location and timing response of the property manager, so that it is more comprehensive and more accessible to people who need it. Mr. Broderick said the standard response time for on call staff is 60 minutes and the adoption of the property manager residing in St. Lucie County, if it is a non-owner occupied property, should be included in all Short Term Rental Conditional Use approvals moving forward. Mr. Broderick explained the condition

is ineffective and not functional because the registration of the property manager, that is supposed to be accessible at all times, is held in the City Clerk's office. Mr. Broderick said issues that are going to need a property manager will most likely not happen between the hours of 9 and 5 and the police and neighbors need to have access to the property manager information. Mr. Broderick suggested a possible solution would be to provide the property managers information on the advertising websites, so local residences can contact the property manager.

Mr. Sanders stated if the property manager information exist with the renting agency, it may be hard for the general public to find. Mr. Sanders said a simple solution may be for the city to have a short term rental registry on their website, which contains the contact agency, in case there is an issue.

Mr. Broderick asked if in the event the property manager is no longer engaged with the short term rental, if the Conditional Use approval could be put in temporary hiatus until the matter is resolved.

Ms. Mosley stated she would need to research whether that would fundamentally alter the conditional use.

Mr. Burdge suggested that the City Clerk's office maintains the property manager information, since they already require the business license.

Ms. Guerra said the Planning department has the ability to update the property manager registration directory on the city's website and keep a list that people can link to. Ms. Guerra said she will explore the possibility with the City Manager and the City Clerk.

Mr. Broderick asked staff to investigate the removal of a Conditional Use approval if there is non-compliance with a condition of approval.

## **7. COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Chair, as this section of the Agenda is limited to thirty minutes. The Planning Board will not be able to take any official actions under Comments from the Public. Speakers will address the Board and the Public with respect. Inappropriate language will not be tolerated.

There were no comments from the Public.

## **8. BOARD COMMENTS**

Ms. Mosley stated she wanted to make a correction that the Robbin's dwelling rental vote to approve the Conditional Use failed and a 4/5 vote would be required by the City Commission.

Mr. Burdge stated if a motion to deny a request is approved, it is considered a disapproval and if a motion to approve the request is defeated, then both motions would require a 4/5 majority vote from the City Commission. Mr. Burge stated If there had not been a motion to reconsider then it could have gone on to City Commission for a denial from the Planning Board and would require a 4/5 vote.

Ms. Guerra stated there is a new section within the Planning Board agenda that allows comments from the public on items that have not been advertised.

Chairman Creyaufmiller thanked the Mayor and supporting staff for putting together the Board

and Committee Appreciation Breakfast. The chairman also thanked the commission for the acknowledgement of work that the Planning Board does, and he also thanked the work Ms. Mosley has done for the Planning Board.

Chairman Creyaufmiller stated it is clearly understood that when making a motion to send an application to the Commission for denial that the member making the motion states a reason for denial. The chairman stated it is the Board's responsibility to judge cases based on Chapter 22 - Zoning and also the health, safety and welfare of the community.

## **9. ADJOURNMENT**

Meeting adjourned at 8:13 PM.