

# 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, JUNE 11, 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: Jovona Parker; Tim O'Connell; Michael Broderick; Gloria Johnson-Scott; Brian Paul; Frank Creyaufmiller, Chairman

Absent: Bob Burdge

Staff Present: Peter Sweeney, City Attorney  
Rebeca Guerra, Interim Planning Director  
Maria Lewicka, Historic Preservation Planner  
Vennis Gilmore, Planner  
Brandon Creagan, Planner  
Alicia Rosenthal, Executive Assistant

4. CONSIDERATION OF ABSENCES

Mr. Burdge was excused.

5. APPROVAL OF MINUTES

a. Minutes from the May 14, 2019 meeting

Motion was made by Jovona Parker, and seconded by Gloria Johnson-Scott to approve the minutes from the May 14, 2019 meeting.

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

Passed

6. **HEARING OF THE LOCAL PLANNING AGENCY**

- a. **Future Land Use Map Amendment - Neill Farms - East side of South Jenkins Road, approximately 1,000 feet south of State Road 70**

Mr. Creagan gave an overview of the application.

Brian Nolan, Agent for the Applicant, from Lucido and Associates, stated they are unifying the land use across the whole site.

Mr. Broderick asked staff the status of the comprehensive plan and timeline on the Evaluation and Appraisal Report (EAR).

Ms. Guerra stated the EAR is on track, and she does not anticipate any delays.

Mr. Sanders stated there are infrastructure requirements to support the development.

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to forward a recommendation of approval to City Commission.**

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

Passed

- b. **Future Land Use Map Amendment - Blue Sky Communities - Northeast of Intersection of Jenkins Road and Okeechobee Road**

Mr. Creagan gave an overview of the application and answered a question on the location in relation to the school.

Dennis Murphy, Applicant Representative from Culpepper and Terpening, provided additional information.

**Motion was made by Gloria Johnson-Scott, and seconded by Michael Broderick to forward a recommendation of approval.**

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

Passed

7. **NEW BUSINESS**

- a. **Zoning Atlas Map Amendment - Neill Farms - East side of South Jenkins Road, approximately 1,000 feet south of State Road 70**

Item 7h, Preliminary Plat, was presented with this item.

Mr. Creagan gave an overview of the Zoning Map Amendment and Preliminary Plat and answered questions from the Board on adding conditions to the Planned Development.

Mr. Sanders asked that a condition be added that the roads be opened to allow school buses to pick up residents in the development.

Board discussion ensued on the homeowner's association making changes to the original documents.

Ms. Guerra explained that the only conditions of the approvals that can be added by a municipality are those that can be controlled by the municipality.

Brian Nolan, Agent for the Applicant, from Lucido and Associates, stated that he has had conversations with Mr. Sanders on the bus stops in the development. Mr. Nolan suggested adding layers to the Planned Development (PD) plan with a school bus drop off. Mr. Nolan stated there was a neighborhood meeting that was well attended and there were some concerns regarding the PVC fence, so the fence has been changed it to a wall with a landscape buffer on both sides.

Mr. Nolan provided details on the project and answered questions from the Board on the school bus issue. Mr. Nolan stated they were always open to the buses coming in and there concerns are with the potential for pavement wear and curbs being blown out.

Mr. Sanders said the biggest issue is the HOA deciding they don't want the bus stop.

Erin Cox, resident, stated she attended the neighborhood meeting and addressed her flooding issue concerns, which was created by the prior developer, and she would like to see 1-story homes instead of 2-story homes for privacy over her pool.

David Neill, resident, stated once the berm was created by the prior developer the natural flow of the water was stopped. Mr. Neill said he would like them to address the issue with assurances. He also stated he would like the name of the project changed from Neill's Farms because that is the name of his business and farm.

Mr. Nolan stated they need to determine where the berm is located, and they will go through the process to check to make sure the catch basins are draining properly. Mr. Nolan said all the lots will be draining back to front. Mr. Nolan also said they will be changing the project name, and they will have to look at the impact of limiting the lots to 1-story.

Board discussion ensued on the language for the condition on the bus stop site location.

Mr. Nolan suggested that Neill Farms, staff and the school district come to an agreement on the language of the condition after it has been reviewed.

Mr. Sweeney explained the language is somewhat limited but it least it gives framework to the City Commission.

Ms. Guerra proposed to the Board that they state the condition of approval and direct staff between here and the time it goes before City Commission to work with the applicant and the school district to finalize the wording of the condition.

**Motion was made by Michael Broderick, and seconded by Tim O'Connell to recommend approval of the proposed Zoning Atlas Amendment to Planned Development subject to the following condition:**

- 1. An open accessible location within the boundaries of the Neill Farms subdivision shall be provided for the specific purpose of a designated school bus drop off/pick site. Between now and the City Commission meeting, there will be a meeting between the developer and city and county departments to formalize the condition.**

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

Passed

**b. Zoning Atlas Map Amendment - Blue Sky Communities - Northeast of Intersection of Jenkins Road and Okeechobee Road**

Mr. Creagan gave an overview of the application.

Dennis Murphy, Culpepper and Terpening, Applicant Representative, asked the Planning Board to forward a recommendation of approval to the City Commission, so he can move forward with the Conceptual Site Plan.

Mr. Sanders said having high density residential adjacent to a school is a good planning exercise, and they have incorporated access on the Sam Gaines school site.

**Motion was made by Jovona Parker, and seconded by Gloria Johnson-Scott to forward a recommendation of approval to the City Commission.**

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

Passed

**c. A Reconsideration of Conditional Use With No New Construction - Robbins Dwelling Rental - 1014 South 7th Street**

Mr. Sweeney shed light on how the Conditional Use process should work in the best circumstance. Mr. Sweeney stated the Board can only move forward with a majority vote of some motion because a motion has to pass to make something happen. Mr. Sweeney explained if you recommend disapproval of a Conditional Use, ultimately, the disapproval will have to meet competent substantial evidence. Mr. Sweeney said recommendations for disapproval without any findings or substance makes it difficult for the commission to act on. Mr. Sweeney stated the recommendation going forward is if a Conditional Use fails to get a majority vote for a recommendation of approval, then subsequent discussion should occur, to form a recommendation of disapproval or different conditions.

Chairman Creyaufmiller stated a vote that doesn't carry as an approval is not a disapproval of the project moving forward to City Commission; it is a motion that did not carry and at no time is a motion to approve ever a disapproval moving forward to the City Commission. Chairman Creyaufmiller explained it is the Board's responsibility to continue discussing the item until they have a motion that carries.

Chairman Creyaufmiller mentioned that in the past couple of months a motion has been made to approve an item and when the roll call is taken the motion maker voted against the motion. The Chairman said it is confusing to the audience and the other Board members.

Mr. Gilmore gave a brief presentation and showed the Board the possible recommendations so the item can be reconsidered in a manner that will be acceptable to move forward to City Commission.

Mike Robbins, owner, stated the neighbors right around him do not have a problem with him renting the house and most of the houses in the neighborhood are rented. Mr. Robbins stated the property manager is accessible and lives in St. Lucie County and the lady across the street has a key to the home.

Marcia Baker, resident, said the limited commercial use is not intended to serve the neighborhood and it is inconsistent with the City's code and Comprehensive Plan. Opening up residential neighborhoods to commercial use on the mainland is a threat to all residential neighborhoods.

Mike Menard, resident, stated he is concerned with the public health, life safety, ADA and general welfare of the structure for occupancy.

Cecelia DeFilippis, resident, said it is not safe to have transient people in the neighborhood and the Hibiscus Park Neighborhood community is opposed to the short term rental.

Clay Yates, resident, stated enabling month to month rentals in the neighborhood without any real protection is short sighted.

Luca Bradley, President of the Hibiscus Park Neighborhood Association, spoke in opposition and stated short term rentals will decrease student safety.

Mr. Broderick stated the short term rental is being taxed as a commercial enterprise but not treated the same as a commercial business. Mr. Broderick expressed to the audience that the state legislature has effectuated the local control in short term rentals.

Charlene Adair, resident, stated she did research on 14 homes around the short term rental. She said well over 50% were homesteaded and most were purchased in the early 1990's and it seems to be a stable community. Ms. Adair stated short term rentals do not serve the neighborhood.

Mke Robbins, owner, stated that the people who spoke in opposition live 1/2 a mile away. Mr. Robbins stated that 50% of his neighbors own their property and the other 50% rent. Mr. Robbins stated if there is a bus stop at Wendell and 7th Street, there are very few kids who get on the bus because most of the neighborhood is elderly people. Mr. Robbins stated when he bought the house it was listed as 3 bedrooms and 2 baths.

Chairman Creyaufmiller said based on county records the majority of the homes surrounding the property are homesteaded.

Ms. Guerra provided a quick definition of what validated evidence is so the Board could move forward with a recommendation.

Mr. Sweeney explained the objective standard evaluation process and how each application needs to be evaluated independently and if the recommendation is a disapproval, there should be findings.

Mr. Gilmore said there are no code or police violations on the property. Mr. Robbins stated he is currently living in the house, and he is looking for a short term rental for the winter, so he can still use the house.

Mr. Sweeney stated if you rent your house for over 6 months you do not have to go through the Conditional Use process.

Mr. O'Connell stated that any time you have a Conditional Use you have no control over the transient nature of the people in the house because there is a perceived uncertainty of the condition of the property, neighbors and people renting the house. Mr. O'Connell said there is an adverse effect if the neighbors try to sell their property because potential buyers will not buy if there is a threat or conditional use. Mr. O'Connell stated the neighborhood is for single family

homes and it should stay that way.

Ms. Parker stated that based on the validated competent substantial evidence that was heard, there is an impact to the local community as to their comfort, good order and convenience.

**Motion was made by Tim O'Connell, and seconded by Jovona Parker to disapprove the Conditional Use because of an adverse effect on the neighbors.**

**AYE: Michael Broderick, Brian Paul, Jovona Parker, Tim O'Connell, Chairman Frank Creyaufmiller**

**NAY: Gloria Johnson-Scott**

Passed

d. **Conditional Use With No New Construction - Commercial Parking Lot - 120 North Depot Drive**

Chairman Creyaufmiller explained to the Board that an application was heard once before for this project but the Conditional Use application expired and there has been changes to the approach to the parking lot.

Ms. Lewicka gave an overview of the application and answered questions from the Board. Ms. Lewicka stated the first Conditional Use had conditions to redesign the configuration of the parking lot and relocate the dumpster. Ms. Lewicka said all the past issues have been resolved.

Ms. Parker recused herself because the firm she works for has a contractual agreement with the parking lot, and she has a parking space.

**Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to forward a recommendation to approve the request with the following condition to be met prior to the Building Department Permit issuance:**

**1. Comply with City Code Section 22-60. Off-street parking and loading U) Lighting {I}a. Please provide the lighting plan with a minimum average of two (2) footcandles.**

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

**Other: Jovona Parker (RECUSE)**

Passed

e. **Conditional Use With No New Construction - Synergy School of Tomorrow (St. James Christian Academy) - 2810 and 2838 South US Highway 1**

Mr. Creagan gave an overview of the application and answered questions from the Board on physical changes required for the site, reconfigured bus/car pickup locations, safety concerns regarding the Department of Corrections and sports consideration.

Jason Mittler, St. James Christian Academy, explained that all recess will be inside and because they are not a K-5 school, they do not need a playground. Mr. Mittler provided additional information on the vocational portion of the school.

Donnelyn Khourie, owner, St. James Christian Academy, stated it is not mandatory to have recess for ages 6 and up. Ms. Khourie answered questions from the Board on school security, dual enrollment staff and physical education offsite activities.

Ms. Parker addressed concerns with the proximity to the Department of Corrections.

**Motion was made by Gloria Johnson-Scott, and seconded by Michael Broderick to forward a recommendation to the City Commission for Approval of the requested Conditional Use with No New Construction for a 6-12 private school.**

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

Passed

**f. Conditional Use With New Construction - Drulard Dune Crossover - 620 South Ocean Drive**

Chairman Creyaufmiller stated he is a client and friend of the landscape contractor that has been involved on the project.

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

Chairman Creyaufmiller stated he went to the Building department to review the permits and inspections and asked for a clarification from the Planning department on the "after the fact" application.

Ms. Guerra explained the applicant came to the Planning department to represent what they were intending to build and the applicant constructed something different. Ms. Guerra said the building permits did not match what was constructed so the applicant agreed to submit a Conditional Use. Ms. Guerra answered questions from the Board on the grade change.

Lois Edwards, Ardea Environmental Consultants, stated the proposed project has met the State of Florida and DEP requirements. Ms. Edwards explained that as part of the DEP application she had to provide a letter to the state from the local government entity stating the proposed project met local setback and zoning codes. Ms. Edwards said part of the hick up came about from the owner pulling the local permit with incomplete information.

Gary Whitten, Landscape Solutions, provided additional details on the crossover.

Chairman Creyaufmiller commented that he had received a picture and viewed the site, and he wants to be certain the homeowner understands that this is a crossover, and he has access to the beach over the dune without walking through the dune, causing any destruction to the dune or leaving permanent or sub permanent fixtures.

**Motion was made by Jovona Parker, and seconded by Gloria Johnson-Scott to forward a recommendation of approval to the City Commission for the proposed Conditional Use with no changes.**

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

Passed

g. **Abandonment - Granada Street Properties - Western Portion of Frances Avenue Right-of-Way (Between Granada Street and Hernando Street)**

Mr. Gilmore gave an overview of the application and answered questions from the Board regarding a proposed development plan and the appraisal.

Henry Loudon, Granada Street Properties, stated they plan on doing a townhouse development, and they will be paving the dirt road.

**Motion was made by Michael Broderick, and seconded by Jovona Parker to recommend approval of the proposed abandonment.**

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

Passed

h. **Preliminary Plat - Neill Farms - East side of South Jenkins Road, approximately 1,000 feet south of State Road 70**

This item was presented with item 7b.

**Motion was made by Jovona Parker, and seconded by Michael Broderick to forward a recommendation of approval to the City Commission with two (2) conditions.**

- 1. Prior to the submittal of the Final Plat address all of the Engineering Comments on the Plat document;**
- 2. Direct staff and the applicant to meet together in regards to the drainage issues.**

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

Passed

8. **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.

9. **BOARD COMMENTS**

Chairman Creyaufmiller asked the Board to restrain from any future questions concerning the city litigation issue, and he also asked the Board to pickup the packets, so they can be more prepared for the meetings.

Ms. Guerra provided the Board the Use Table Change General Repair/Limited Repair I-1 Text Amendment to review before the next meeting.

Mr. Broderick asked to review the Evaluation and Appraisal Report (EAR) staff report as soon as it is available.

Mr. Sweeney thanked the Board for doing there job right.

**10. ADJOURNMENT**

