

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **JULY 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: **Jovona Parker; Tim O'Connell; Michael Broderick; Gloria Johnson-Scott; Frank Creyaufmiller, Chairman**

Absent: **Brian Paul; 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 and Mr. Paul were excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the June 11, 2019 meeting

Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to approve the minutes from the June 11, 2019 meeting.

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

Passed

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

a. **Future Land Use Amendment - Fort Pierce Self Storage - (Parcel ID: 2415-312-0001-010-8)**

Mr. Gilmore gave an overview of the application and answered a question from the Board on the type of surrounding properties. No one spoke for or against the application.

Motion was made by Michael Broderick, and seconded by Gloria Johnson-Scott to transmit a recommendation of approval of the proposed amendment.

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

Passed

b. **1st Draft of Comprehensive Plan Evaluation & Appraisal Review (EAR)**

Mr. Creagan gave an overview of the Comprehensive Plan Evaluation & Appraisal Review (EAR) and answered questions from the Board.

Chris Dougherty, SM&E Consultant, provided highlights of the proposed changes to the EAR.

Ms. Guerra explained that the next step is bringing the land development code into compliance based on the changes in the EAR.

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

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

Passed

7. **NEW BUSINESS**

a. **Text Amendment to Chapter 22 - Zoning - Article III - Basic Zoning Districts - Sec. 22-22 - Allowed Uses**

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

Motion was made by Jovona Parker, and seconded by Tim O'Connell to forward a recommendation of approval to the City Commission.

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

Passed

b. **Rezoning - Fort Pierce Aggregate Facility - 2432-123-0001-000-8**

This item was moved to 7e.

Chairman Creyaufmiller asked Mr. Sweeney for a recommendation of whether the Board should honor a request for a postponement based on a letter representing the, River Oaks at Ten Mile Creek Homeowners Association, that was received at the beginning of the

meeting from Attorney Harold Melville.

Mr. Sweeney stated the ordinance states that the absolute discretion resides with the Board. Mr. Sweeney suggested the Chair ask the applicant and homeowners association representatives to state their position regarding the postponement.

John Cherveney, Developer and President of River Oaks at Ten Mile Creek Homeowners Association, stated the reason the hearing should be delayed is that the community deserves due process, and they deserve to be represented by a professional and their lawyer could not attend the meeting.

Dennis Corrick, representative from Dean Meade Law Firm, stated the application was submitted in November 2018, the community meeting with the HOA was in February 2019 and the applicant has not heard directly from Mr. Melville. Mr. Corrick said the project has changed tremendously since the community meeting. Mr. Corrick asked the Board to continue with the hearing so the applicant can show the accommodations that were made to both the school board and the community.

Chairman Creyaufmiller suggested that the Board hear the case since they are not the final decision maker. The remainder of the Board stated the HOA should be properly represented before hearing the case.

Motion was made by Jovona Parker, and seconded by Tim O'Connell to postpone the Rezoning of the Fort Pierce Aggregate Facility to the August 13, 2019 Planning Board meeting.

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

Passed

c. **Rezoning - Fort Pierce Self Storage - (Parcel ID: 2415-312-0001-010-8)**

Mr. Gilmore gave an overview of the application. Board discussion ensued on incorporating alternative LED lighting, buffering and sound deadening into the site plan due to the residents that back up to the business.

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

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

Passed

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

Mr. Gilmore explained that the Planning Board reviewed the application on March 13, 2018 and forwarded a recommendation of approval to the City Commission with four conditions. Mr. Gilmore said that City Commission approved the Site Plan and Design Review application with four conditions on May 7, 2018 and the approved Site Plan expired. Mr. Gilmore stated that per the direction of the City Manager's office, the applicant is requesting an extension of the approved Site Plan and Design Review application with the four conditions.

Mr. Gilmore gave a brief overview of the application and answered questions from the Board. No one spoke for or against the application.

Motion was made by Gloria Johnson-Scott, and seconded by Michael Broderick to forward a recommendation to, APPROVE the extension of the 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: Jovona Parker, Tim O'Connell, Michael Broderick, Gloria Johnson-Scott,
Chairman Frank Creyaufmiller**

Passed

e. Major Amendment to Planned Development - Cumberland Farms - 835 Seaway Drive

This item was moved to 7f.

Mr. Creagan gave an overview of the application and answered questions from the Board regarding the history of the property, landscape plan, AC screening, dumpster location, delivery and dry retention area.

Mel Scott, Atkins, applicant representative, explained to the Board on that all materials being delivered come through the front door and the landscaping materials will be 100% opacity at street level and as the landscaping gets higher, they do not want it blocking the water or the security cameras. Mr. Scott stated the existing Cumberland Farms will close. Mr. Scott said they are asking for the fueling amenity to being shifted 1,000 feet and they are asking for an additional 1,650 feet for the new model convenience store.

Jeff Lucas, Atkins, Engineer of Record, showed pictures of the landscaping and answered questions from the Board on the AC screening, canopy construction and the proximity to Harbour Isle of the proposed facility compared to the existing facility.

Shaun MacKenzie, Traffic Engineer from McKenzie Engineering, stated their findings show the roadway network operated acceptably and the estimated number of daily trips to the proposed Cumberland Farms is 3,361. Mr. MacKenzie said the number of fueling stations is staying the same.

Chairman Creyaufmiller expressed concerns with the old Cumberland Farms building possibly sitting vacant due to the way the site is laid out on the property, and he also expressed concerns with the traffic flow in and out, in proximity to the traffic circle at Harbour Isle.

Paul Hanna, site owner and builder of adjacent site, stated that his company builds quality projects and the demand on the island has been sensational. Mr. Hanna said he thinks a vacated Cumberland Farms that is fixed up and spruced up will go very well.

Max Forgey, Planner, retained by South Hutchinson Island Preservation Group (SHIP), specifically by residences of building 37, explained the impact the changed use is going to have on the adjacent properties. Mr. Forgey said the residences will be exposed to a 24-hour operation, 365 days a year with heavy fuel, traffic, noise, drinking and anti-social behavior, compared to other commercial uses.

Annette Rudd, Harbour Isle resident, stated the timing is advantageous because many of the Harbour Isle residences are at their northern summer homes. Ms. Rudd stated the residences in building 3 bought their condo knowing there was a Cumberland Farms. Ms. Rudd said she was told there would be a 1-story retail building on the vacant parcels. Ms. Rudd said the police department receives 49 calls a year from the current Cumberland Farms, and she is concerned with her health and safety and quality of life.

Anne Marie Bode, Harbour Isle resident, addressed her concerns with fuel leaks from the underground tanks and declining property values.

Jules Steiner, Harbour Isle resident, played a video that showed the perspective of traffic and how Cumberland Farms will impede vehicular traffic. Mr. Steiner said the traffic counts are staggering. Mr. Steiner expressed concerns with the location of the fire station and emergency vehicles getting to the hospital due to traffic bottlenecks.

Keith Madsen, Harbour Isle resident, stated that cars increase their speed after coming off the traffic circle. Mr. Madsen expressed concerns with the tremendous customer flow and large vehicles that the hypermarkets attract because of having diesel, gas and ethanol free gas. Mr. Madsen also expressed concerns with the traffic, due to all shops and Cumberland Farms using one driveway, and gas run off going into the stormwater pond located in the center of Harbour Isle.

Paul Mist, Harbour Isle resident, spoke about the dangers of diesel exhaust and stated putting carcinogens in your back yard is not a good idea because you cannot avoid spending time away from the exhaust or increase the distance from the exhaust.

Doreen Mist, Harbour Isle resident, speaking for Robert Malatesta, said that his property would not be eligible for FHA Insurance or FHA loans due to the gas tank hazards. Mr. Malatesta has life safety and property concerns and Ms. Mist stated that the pond in Harbour Isle drains into the Indian River lagoon.

Nancy Stiglbauer, Harbour Isle resident, expressed her concern with the high traffic area.

Tracy Newman, Harbour Isle resident, has concerns that the pond is 10 feet from her front door. Ms. Newman collected and analyzed data from a survey that was mailed to 250 residents. Ms. Newman stated that 159 surveys were received back and 89% of the residents are not in favor of the Cumberland Farms.

Mr. Scott, applicant representative, stated that the Cumberland Farms new design exceeds expectations, and is a state-of-the-art facility with new dispensing facilities. Mr. Scott also explained that the outfalls were provided by the master stormwater plan by South Florida Water Management.

William Baird, expert on underground storage tanks, stated he has cleaned up and designed underground storage tanks since 1968, and he is considered an expert with the Department of Defense and the EPA. Mr. Baird said what is proposed is clearly state of the art and by far the safest storage that is available in the United States today and the reason it exists is that it cost the oil companies a half a million up to two million dollars to clean up the leaking storage tank. Mr. Baird provided details on the surface stormwater treatment. Mr. Baird said that

Cumberland Farms will have 3 storm sceptors and the smallest storm sceptor will recover 89 gallons of gasoline or diesel fuel so the idea that gasoline will flow into a pond is not going to happen and there is only a gallon or two that is spilled a day by today's operation. Mr. Baird explained in detailed how water intrusion and storm surge cannot damage the underground tanks.

Ms. Guerra stated the fueling code section talks about the general requirements and the planning department has reviewed the proposed request consistent with that section.

Motion was made by Jovona Parker, and seconded by Tim O'Connell to forward APPROVAL of the requests with the following four (4) conditions:

- 1. Before a Certificate of Occupancy is issued, a Landscape Bond shall be submitted for all proposed landscaping, pursuant to City Code 22-180.**
- 2. A revised Landscape Plan shall be submitted which addresses all inconsistencies. Provide additional landscaping along the property line that is shared with the residential component of Harbour Isle to establish a 100% opaque screen.**
- 3. A revised Photometric Survey shall be submitted which addresses the inconsistencies with the Calculation Summary table.**
- 4. Prior to the issuance of a Site Work permit, the applicant shall provide the Engineering Department a recorded copy of the revised Access Easement Agreement authorizing parking within the limits of the existing 53.17' Access Easement.**

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

Passed

f. Waiver of Distance - Ando Ramos Restaurant - 850 South 21st Street

This items was moved to 7e.

Ms. Lewicka gave an overview of the Waiver of Distance and answered questions from the Board on parking spaces, alcohol license type, and lighting.

Chairman Creyaufriller suggested that the text be changed on the ordinance regarding alcoholic beverages, because it is almost impossible for anyone to open a business that serves alcohol, without having a Waiver of Distance.

Mr. Sanders stated zoning codes need to recognize that times have changed.

Motion was made by Michael Broderick, and seconded by Jovona Parker to forward a recommendation of Approval to the City Commission with the following condition to be met prior to the Building Department Permit issuance:

- Provide a lighting plan with a minimum average of three {3} footcandles, consistent with Section 22-60. Offstreet parking and loading (j) Lighting (1) d.**

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

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.

Ahktar Quraishi, Harbour Isle resident, spoke about his concerns with the traffic circle at Harbour Isle.

9. BOARD COMMENTS

10. ADJOURNMENT



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT *Florida*

TO: Rebeca A. Guerra, AICP, LEED-AP, CPD, Interim Planning Director
FROM: The Honorable Linda Hudson, Mayor *LH*
RE: Authorization To Begin The July 9, 2019, Planning Board Meeting At 5:30 PM
DATE: July 1, 2019

This memo serves to provide authorization to the Planning Department to allow for the July 9, 2019, Planning Board to begin at 5:30 PM instead of its usual 6:00 PM start in order to allow for an above average number of projects to be heard in a more timely and manageable fashion by the Board.

Thank you.

VOCELLE & BERG, LLP

ATTORNEYS AT LAW

A LIMITED LIABILITY PARTNERSHIP
OF PROFESSIONAL ASSOCIATIONS:

LOUIS B. VOCELLE, JR., P.A.
BOARD CERTIFIED CIVIL TRIAL LAWYER
BOARD CERTIFIED BUSINESS LITIGATION

PAUL R. BERG, P.A.
BOARD CERTIFIED CIVIL TRIAL LAWYER
BOARD CERTIFIED BUSINESS LITIGATION

3333 20TH STREET
VERO BEACH, FLORIDA 32960-2469
TELEPHONE (772) 562-8111
FAX (772) 562-2870

Internet: www.VocelleBerg.com

PLEASE REPLY TO VERO BEACH
E-MAIL:
HMELVILLE@VOCELLEBERG.COM

ST. LUCIE COUNTY OFFICE
101 NORTH U.S. #1, SUITE 200
FT. PIERCE, FLORIDA 34950
TELEPHONE (772) 489-0774

HAROLD G. MELVILLE - OF COUNSEL
BOARD CERTIFIED CIVIL TRIAL LAWYER
BOARD CERTIFIED BUSINESS LITIGATION

ALEXANDRA M. MCGEE
ALSO ADMITTED IN PENNSYLVANIA & NEW JERSEY

June 25, 2019

The Honorable Peter Sweeney
City Attorney, City of Fort Pierce
Post Office Box 1480
Fort Pierce, FL 34954

Via U.S. Mail & Email to psweeney@cityoffortpierce.com

RE: Fort Pierce Industrial Aggregate Recycling Facility – Rezoning

Dear Peter:

I am writing directly to you concerning this matter based upon the prior direction from Rebecca Guerra of your City staff. As you know from my prior emails, our office is representing River Oaks at Ten Mile Creek Homeowners Association, Inc. ("River Oaks HOA") in connection with the above-referenced application for rezoning. As a residential PUD, the residents of River Oaks have concerns regarding the noise, dust pollution, visual effect and hours of operation of a heavy industrial aggregate recycling facility being located immediately adjacent to their homes.

I would normally address these comments to and work directly with City or County planning staff on these types of issues. This has been a normal working relationship that I have enjoyed with the County planning staff and the planning staffs of other municipalities. Due to the direction, however, from Ms. Guerra to forward all inquiries to your office, I am unsure how to proceed in that regard and would appreciate your advice.

One specific matter which may be more suitably directed to you, however, is a public records request for certain specific records. In that regard, I am enclosing a copy of St. Lucie County Resolution 04-013 which is the February 17, 2004 Resolution granting a zoning change for what is now the River Oaks property from RS-2 to PUD. At the time this occurred, the property was located within St. Lucie County and it had not yet been annexed into the City of Fort Pierce. In reviewing the last page of this Resolution, there is a land use map which shows that while in the County, there were additional lands holding a Residential Suburban (RS) land use to both the west and

The Honorable Peter Sweeney

June 25, 2019

south of the now River Oaks property. The County Industrial (IND) land use did not start until further to the west.

The River Oaks property together with numerous other parcels were annexed into the City of Fort Pierce pursuant to Ordinance K-310 adopted on December 20, 2004. Pursuant to Fla. Stat. §171.06(2), when the area annexed is subject to a county land use plan and county zoning or subdivision regulations those regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

I am unaware of same, but am assuming that the City must have adopted some type of land use amendment after December 20, 2004 changing the land use of the subject property from the combination of County (IND)/(RS) to a pure Heavy Industrial (HI) land use pursuant to the City Comprehensive Plan. Such an amendment, of course, would require appropriate notice to the surrounding landowners, hearings, etc. Since I do not have copies of any of these documents, please consider this as a formal public records request for any documents relating to any Comprehensive Plan land use amendment involving the subject property from December 20, 2004 to current and the entire file on same including specifically but not limited to any documentation proving or demonstrating actual notice, service of notice, notice of publication, etc. related to that Comprehensive Plan amendment.

Due to the importance of this matter, I will need to receive hard paper copies of the public records documents involved and we will certainly pay the City the reasonable fees and costs for providing same.

It is also my understanding, although no one has provided me with notice, that the hearing before the City Planning Board on the subject parcel rezoning has been set for Tuesday, July 9, 2019. Unfortunately, I will be out of the country that date and unable to attend on behalf of my client, River Oaks HOA. Accordingly, I am asking that the hearing before the Planning Board be rescheduled to a later date so that I can attend. This would also be appropriate, because should it turn out that there was no valid plan amendment adopted for the subject property, then it would be impossible for the zoning change to take place in a legal and proper manner due to the actual underlying land use.

I will be out of the country beginning Wednesday, June 26, 2019 and not returning until Friday, July 12, 2019. Since we are going to a somewhat remote island in the Bahamas, I will probably not have telephone service and email may be sporadic

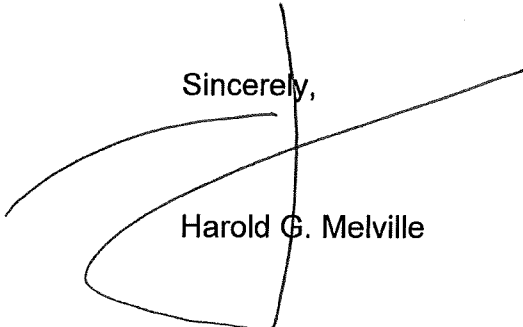
The Honorable Peter Sweeney

June 25, 2019

at best. Nevertheless, I will try to stay in touch with you on these matters until my return.

Thank you very much for your attention to these matters.

Sincerely,



Harold G. Melville

HGM/py

Enclosure

CC: Comm. Dev.
B+Z
OMB
Finance
File

RESOLUTION 04-013

FILE NO.: RZ-03-031 & PUD-03-020

A RESOLUTION GRANTING A CHANGE IN ZONING FOR CERTAIN PROPERTY IN ST. LUCIE COUNTY, FLORIDA AND FOR PRELIMINARY AND FINAL DEVELOPMENT PLAN APPROVAL FOR A PROJECT KNOWN AS SHADOW OAKS @ 10-MILE CREEK.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including but not limited to the staff report, has made the following determinations:

CHANGE IN ZONING

1. Robert Stiegele, Centerline Homes, presented a petition for a Change in Zoning from RS-2 (Residential, Single-family – 2 du/acre) to PUD (Planned Unit Development) for certain property in St. Lucie County, Florida, the purpose of which is to receive Preliminary and Final Planned Unit Development approval for an 84-unit townhouse development.
2. On January 15, 2004, the Planning and Zoning Commission held a public hearing on the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such hearing in the Tribune and the Port St. Lucie News and notifying by mail all property owners within the 500 feet of the property boundaries.
3. On February 17, 2004, this Board held a public hearing on the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such hearing in the Tribune and the Port St. Lucie News and notifying by mail all property owners within the 500 feet of the property boundaries.
4. The proposed zoning change is consistent with the St. Lucie County Comprehensive Plan and has satisfied the requirements of Section 11.06.03 of the St. Lucie County Land Development Code.

SITE PLAN

5. Robert Stiegele, Centerline Homes, presented a petition for a Preliminary and Final Planned Unit Development Plan for an 84-unit townhouse project known as **Shadow Oaks @ 10-Mile Creek**.

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
File Number: 2361463 OR BOOK 1912 PAGE 2342
Recorded: 03/04/04 10:10

- 1 6. On December 2, 2003, this Board approved Resolution 03-242 granting approval for a
2 Shoreline Variance to allow development within the required 300-foot shoreline
3 setback zone.
- 4
- 5 7. On January 15, 2004, the Planning and Zoning Commission held a public hearing on
6 the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such
7 hearing in the Tribune and the Port St. Lucie News and notifying by mail all property
8 owners within 500 feet of the property boundaries.
- 9
- 10 8. The petitioner, Robert Stiegele, Centerline Homes, is now seeking Preliminary and
11 Final Planned Unit Development for an 84-unit townhouse project known as **Shadow**
12 **Oaks @ 10-Mile Creek**.
- 13
- 14 9. On February 17, 2004, this Board held a public hearing on the petition of Robert
15 Stiegele, Centerline Homes, for Preliminary and Final Planned Unit Development
16 approval for **Shadow Oaks @ 10-Mile Creek** after publishing a notice of such hearing
17 in the Tribune and notifying by mail all property owners within 500 feet of the subject
18 property.
- 19
- 20 10. The Development Review Committee has reviewed the Preliminary and Final Planned
21 Unit Development site plan for the proposed project and found it to meet all technical
22 requirements and to be consistent with the future land use maps of the St. Lucie
23 County Comprehensive Plan, subject to the conditions set forth in Part E of this
24 Resolution.
- 25
- 26 11. The proposed project is consistent with the general purpose, goals, objectives and
27 standards of the St. Lucie County Land Development Code, the St. Lucie County
28 Comprehensive Plan, and the Code of Ordinances of St. Lucie County.
- 29
- 30 12. The proposed project will not have an undue adverse effect on adjacent property, the
31 character of the neighborhood, traffic conditions, parking, utility facilities or other
32 matters affecting the public health, safety and general welfare.
- 33
- 34 13. All reasonable steps have been taken to minimize any adverse effect of the proposed
35 project on the immediate vicinity through building design, site design, landscaping and
36 screening.
- 37
- 38 14. The proposed project will be constructed, arranged and operated so as not to interfere
39 with the development and use of neighboring property, in accordance with applicable
40 district regulations.
- 41
- 42 15. The proposed project will be served by adequate public facilities and services.
- 43 16. The applicant has demonstrated that water supply; evacuation facilities and
44 emergency access are satisfactory to provide adequate fire protection.
- 45
- 46 17. A Certificate of Capacity, a copy of which is attached to this Resolution, was granted
47 by the Community Development Director on February 17, 2004.
- 48
- 49

1 NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Lucie
2 County, Florida:
3
4

5 **CHANGE IN ZONING**
6
7

8 A. The property on which the change in zoning from RS-2 (Residential, Single-
9 family – 2 du/acre) to PUD (Planned Unit Development – Shadow Oaks) is being
10 granted is described as follows:
11

12 A PARCEL OF LAND LYING IN PART OF SECTION 29 AND 32, TOWNSHIP 35 SOUTH,
13 RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY
14 DESCRIBED AS FOLLOWS:
15

16 FROM THE NORTHEAST CORNER OF SAID SECTION 32, RUN SOUTH 02°46'06" WEST
17 ALONG THE SECTION LINE, 1458.58 FEET; THENCE RUN NORTH 87°13'54" WEST 25 FEET
18 TO THE WEST RIGHT OF WAY LINE FOR HAWLEY ROAD FOR THE POINT OF BEGINNING;
19 THENCE RUN NORTHWESTERLY ALONG A CURVE CONCAVE TO THE NORTHEAST, (SAID
20 CURVE HAVING A CENTRAL ANGLE OF 90 DEGREES AND A RADIUS OF 266.55 FEET) A
21 DISTANCE OF 418.70 FEET; THENCE RUN NORTH 02°46'06" EAST, 175.96 FEET; THENCE
22 RUN NORTH 77°17'28" WEST, 537.78 FEET; THENCE RUN SOUTH 87°54'16" WEST, 1225.8
23 FEET; THENCE RUN NORTH 00°55'06" EAST, 1188 FEET TO THE TOP OF THE SOUTH
24 BANK OF CANAL NO. 71; THENCE RUN SOUTHEASTERLY ALONG THE TOP OF THE BANK
25 2457 FEET TO THE WEST RIGHT OF WAY LINE FOR HAWLEY ROAD. THENCE RUN SOUTH
26 02°46'06" WEST ALONG SAID RIGHT OF WAY LINE 584 FEET TO THE POINT OF
27 BEGINNING.
28

29 LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF CONVEYED TO ST.
30 LUCIE COUNTY, FLORIDA BY DEEDS RECORDED IN OFFICAL RECORDS BOOK 734, PAGE
31 2463 AND OFFICIAL RECORDS BOOK 735, PAGE 1629 OF THE PUBLIC RECORDS OF ST.
32 LUCIE COUNTY, FLORIDA.
33 PARCEL 21
34

35 A STRIP OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 32. TOWNSHIP 35 SOUTH,
36 RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY
37 DESCRIBED AS FOLLOWS:
38

39 COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ¼; THENCE NORTH
40 89°55'42" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 25.02
41 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE WEST RIGHT OF WAY LINE
42 OF SOUTH 25TH STREET; THENCE NORTH 02°31'39" EAST, PARALLEL WITH THE EAST
43 LINE OF SAID SECTION 32 AS SET FORTH BY STATE ROAD DEPARTMENT RIGHT OF WAY
44 MAP, SECTION 94504-2605, A DISTANCE OF 1442.23 FEET TO THE POINT OF BEGINNING.
45 THENCE CONTINUE NORTH 02°31'39" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF
46 SOUTH 25TH STREET AND PARALLEL WITH SAID EAST LINE OF SECTION 32 AS SET
47 FORTH BY S.R.D., A DISTANCE OF 584.00 FEET TO THE TOP OF BANK OF TEN MILE
48 CREEK; THENCE NORTH 46°28'21" WEST, ALONG SAID TOP OF BANK, A DISTANCE OF
49 26.50 FEET TO A POINT ON A LINE 45.00 FEET WEST OF AND PARALLEL WITH SAID EAST
50 LINE OF SECTION 32 AS SET FORTH BY S.R.D.; THENCE SOUTH 02°31'39" WEST, ALONG
51 SAID LINE 45.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 32 AS
52 SET FORTH BY S.R.D., A DISTANCE OF 600.63 FEET TO THE INTERSECTION OF SAID LINE
53 45.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 32 AS SET
54 FORTH BY S.R.D. AND A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF
55 266.55 FEET, A CHORD DISTANCE OF 20.01 FEET AND A CHORD BEARING OF SOUTH
56 85°19'15" EAST; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL

OR BOOK 1912 PAGE 2344

1 ANGLE OF 04°18'11" SOUTHEASTERLY A DISTANCE OF 20.02 FEET TO THE POINT OF
2 BEGINNING.

3
4 SAID LAND CONTAINS 42.07 ACRES MORE OR LESS.

5
6 Tax ID#: 2429-431-0060-000/5)

7
8 Location: West side of South 25th Street, directly across from Sweetwater Drive (southwest
9 corner of 25th Street and the Ten Mile Creek)

10
11 Is hereby approved.

- 12
13 B. A copy of this Resolution shall be attached to the site plan drawings described in Part
14 C, which plan shall be placed on file with the St. Lucie County Community
15 Development Director.

16
17
18 **SITE PLAN**

- 19
20
21 C. Pursuant to Section 11.02.05(B) of the St. Lucie County Land Development Code, the
22 Preliminary and Final Site Plan for the project to be known as **Shadow Oaks @ 10-**
23 **Mile Creek**, be, and the same is hereby, approved as shown on the site plan drawings
24 for the project prepared by Julian Bryan & Associates on June 25, 2003, last revised
25 on November 20, 2003, and date stamped received by the St. Lucie County
26 Community Development Director on November 25, 2003, subject to the following
27 conditions:

- 28
29 1. No other restricted use or encroachment into the 300-foot shoreline
30 setback may be permitted, except as depicted on the site plan and
31 approved under Resolution 03-1841, shoreline variance application, unless
32 varied in accord with the applicable standards of the County's Land
33 Development Code.
- 34
35 2. As part of the submission of any construction plans for any activity in the
36 area of authorized encroachment, full and complete mitigation/restoration
37 plans shall be required demonstrating compliance with all applicable
38 County and State standards for the areas impacted by development
39 activities.
- 40
41 3. Prior to issuance of the first building permit, the developer's shall dedicate
42 to the county a minimum 50-foot strip of land along 10-Mile Creek the entire
43 length of the northern property line, in a manner acceptable by the St.
44 Lucie County.
- 45
46 4. Prior to issuance of a building permit for the first residential unit, the
47 developer's, their successors and assigns, shall provide for the
48 creation/establishment of a Conservation Easement over all areas of
49 protected upland/wetland preservation areas as shown on the project site
50 plan. This conservation easement shall be in favor of St. Lucie County. No
51 alterations of land within these areas so designated may take place without
52 the prior consent of the County and determination by the County that the
53 proposed activity is not in violation of any provision of the County's

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Comprehensive Plan or development standard of the County's Land Development Code.

5. Prior to issuance of the first building permit for this site plan, the applicant shall be required to submit to the County a final tree mitigation plan that indicates the location of all trees preserved and relocated and details the number of inches of trees removed. If the mitigation credit does not exceed the tree mitigation criteria, the applicant will be required to provide a means for satisfying the remainder of the tree mitigation criteria.
6. Prior to the issuance of the first building permit for this site plan, the developers, their successors and assigns, shall provide St. Lucie County with a management plan for all areas of protected upland/wetland preservation areas as shown on the project site plan that are to be covered through the creation/establishment of a Conservation Easement over all areas.
7. The applicant shall be required to submit to St. Lucie County an annual monitoring report demonstrating compliance with the above conditions. The requirement for this report shall begin on the anniversary date of commencement of construction and shall continue on that date until two (2) years after the completion of the development.
8. Prior to the issuance of any Land Clearing Permits for the Shadow Oaks @ 10-Mile Creek Site, the developers shall clearly delineate all areas to be preserved and/or protected. Delineation shall be by either the placing of silt fencing, safety fencing or similar type of materials. Flagging shall not be used except to guide the installation of the fencing materials. All land clearing activities shall be in accordance to the specific conditions/standards outlined in the Land Clearing Permit.
9. Right and left turn lanes along South 25th Street shall be constructed at the primary project access driveways. All construction shall be in manner and form acceptable to the Florida department of Transportation and St. Lucie County. These turn lanes shall be constructed as part of the primary driveway connection onto South 25th Street. At the option of the County, these specific improvements may be waived and the developer's only responsibility is to pay funds equating to the cost to provide these improvements if it is determined that it is more effective to have them constructed as part of the planned widening of South 25th Street.
10. The developer shall as part of the construction of this development provide for the construction of a weather shelter, or other similar structure at the main project entrance with South 25th Street for the purpose of providing for a central pick-up and drop off location for any school bus stops/demand response transit or other like transit activity that may be caused by the development of this property.

D. The property on which this site plan approval is being granted is described in Part A.

DR BOOK 1912 PAGE 2346

1 E. The approvals and authorizations granted by this Resolution for the purpose of
2 obtaining building permits on this property, shall expire on February 17, 2006,
3 unless the developer has obtained a building permit approval for the site plan
4 described in Part C or an extension has been granted in accordance with Section
5 11.06.06(B)(3), St. Lucie County Land Development Code.
6

7
8 F. The Final Planned Unit Development Site Plan/General Site Plan approval
9 granted under this Resolution is specifically conditioned to the requirement that
10 the petitioner, Robert Stiegele, Centerline Homes, including any successors in
11 interest, shall obtain all necessary development permits and construction
12 authorizations from the appropriate State and Federal regulatory authorities,
13 including but not limited to; the United States Army Corp of Engineers, the
14 Florida Department of Environmental Protection, and the South Florida Water
15 Management District, prior to the issuance of any local building permits of
16 authorizations to commence development activities on the property described in
17 Part A.
18

19
20 G. The conditions set forth in Part C are an integral nonseverable part of the site
21 plan approval granted by this Resolution. If any condition set forth in Section C is
22 determined to be invalid or unenforceable for any reason and the developer
23 declines to comply voluntarily with that condition, the site plan approval granted
24 by this resolution shall become null and void.
25

26
27 H. A copy of this Resolution shall be attached to the site plan drawings described in
28 Part C, which plan shall be placed on file with the St. Lucie County Community
29 Development Director.
30

31
32 After motion and second, the vote on this resolution was as follows:
33

- | | | |
|----|---------------------------------|-----|
| 34 | Chairman Paula Lewis | AYE |
| 35 | Vice-Chairman John Bruhn | AYE |
| 36 | Commissioner Cliff Barnes | AYE |
| 37 | Commissioner Frannie Hutchinson | AYE |
| 38 | Commissioner Doug Coward | AYE |

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46 **PASSED AND DULY ADOPTED** this 17TH day of February 2004.
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BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY Paula A. Lewis
Chairman

ATTEST

M. [Signature]
Deputy Clerk



APPROVED AS TO FORM
AND CORRECTNESS

[Signature]
County Attorney

Cs
H:\projects\Shadow Oaks\BCC\Agenda\Resolution04013.doc

DR BOOK 1912 PAGE 2348

**St Lucie County
Certificate of Capacity**

Date 2/24/2004

Certificate No. 1481

This document certifies that concurrency will be met and that adequate public facility capacity exists to maintain the standards for levels of service as adopted in the St Lucie County Comprehensive Plan for:

1. Type of development Preliminary and Final PUD

Number of units 84

Number of square feet

2. Property legal description & Tax ID no.

2429-431-0060-000/5

SW Corner of S 25th St and 10-Mile Creek

Shadow Oaks @ 10-Mile Creek

3. Approval: Building

Resolution No. 04-013

Letter

4. Subject to the following conditions for concurrency:

Construction of an 84-unit townhouse community

Owner's name

Centerline Homes @ Ten Mile Creek, LLC

Address

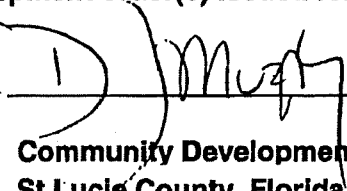
12534 Wiles Road

Coral Springs FL 33076

6. Certificate Expiration Date 2/17/2006

This Certificate of Capacity is transferable only to subsequent owners of the same parcel, and is subject to the same terms, conditions and expiration date listed herein. The expiration date can be extended only under the same terms and conditions as the underlying development order issued with this certificate, or for subsequent development order(s) issued for the same property, use and size as described herein.

Signed



Date: 2/24/2004

**Community Development Director
St Lucie County, Florida**

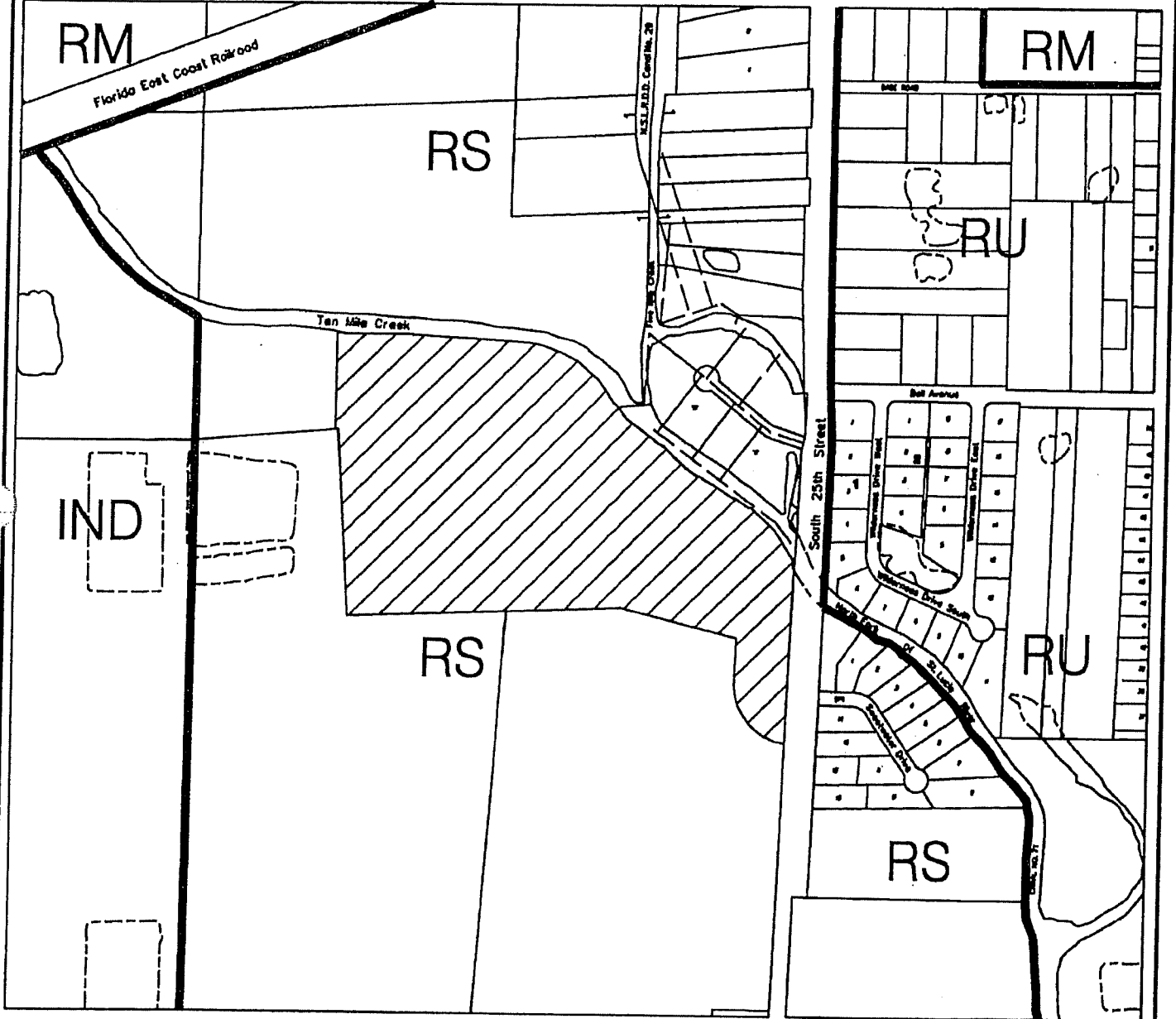
Tuesday, February 24, 2004

Page 1 of 1

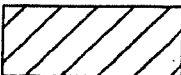
DR BOOK 1912 PAGE 2349

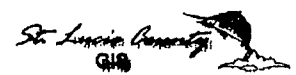
Robert Stiegele

Land Use



RZ 03-031 & PUD 03-020

 This pattern indicates subject parcel



Map prepared December 29, 2003

This map has been compiled for general planning and reference purposes only. While every effort has been made to provide the most current and accurate information possible, it is not intended for use as a legally binding document.



Is It Safe to Live Near a Gas Station?

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

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.

ARC classifies **benzene** as “**carcinogenic** to humans,” based on sufficient evidence that **benzene** causes acute myeloid leukemia (AML). IARC (International Agency For Research On Cancer) International Agency For Research On Cancer) also notes that **benzene** exposure has been linked with acute lymphocytic leukemia (ALL), chronic lymphocytic leukemia (CLL), multiple myeloma, and non-Hodgkin lymphoma. Jan 5, 2016

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OCTOBER 7, 2014 <https://medicalxpress.com/news/2014-10-small-gas-stations-significant-health.html>

Small spills at gas stations could cause significant public health risks over time
by Johns Hopkins University Bloomberg School of Public Health

A new study suggests that drops of fuel spilled at gas stations—which occur frequently with fill-ups—could cumulatively be causing long-term environmental damage to soil and groundwater in residential areas in close proximity to the stations.

Few studies have considered the potential environmental impact of routine gasoline spills and instead have focused on problems associated with large-scale leaks. Researchers with the Johns Hopkins Bloomberg School of Public Health, publishing online Sept. 19 in the Journal of Contaminant Hydrology, developed a mathematical model and conducted experiments suggesting these small spills may be a larger issue than previously thought.

"Gas station owners have worked very hard to prevent gasoline from leaking out of underground storage tanks," says study leader Markus Hilpert, PhD, a senior scientist in the Department of Environmental Health Sciences in the Johns Hopkins Bloomberg School of Public Health. **"But our research shows we should also be paying attention to the small spills that routinely occur when you refill your vehicle's tank."**

Over the lifespan of a gas station, Hilpert says, concrete pads underneath the pumps can accumulate significant amounts of gasoline, which can eventually penetrate the concrete and escape into underlying soil and groundwater, potentially impacting the health of those who use wells as a water source. **Conservatively, the researchers estimate, roughly 1,500 liters of gasoline are spilled at a typical gas station each decade.**

"Even if only a small percentage reaches the ground, this could be problematic because gasoline contains harmful chemicals including benzene, a known human carcinogen," Hilpert says.

Hilpert and Patrick N. Breysse, PhD, a professor in the Department of Environmental Health Sciences, developed a mathematical model to measure the amount of gasoline that permeates through the concrete of the gas-dispensing stations and the amount of gasoline that vaporizes into the air.

The model demonstrates that spilled gasoline droplets remain on concrete surfaces for minutes or longer, and a significant fraction of spilled gasoline droplets infiltrate into the pavement, as concrete is not impervious.

"When gasoline spills onto concrete, the droplet will eventually disappear from the surface. If no stain is left behind, there has been a belief that no gasoline infiltrated the pavement, and all of it evaporated," Hilpert says. "According to our laboratory-based research and supported by our mathematical model, this assumption is incorrect. Our experiments suggest that even the smallest gasoline spills can have a lasting impact."

Since the health effects of living near gasoline stations have not been well studied, Breysse says there is an urgency to look more closely, especially since the new trend is to build larger filling stations with many more pumps. These stations continue to be located near residential areas where soil and groundwater could be affected.

"The environmental and public health impacts of chronic gasoline spills are poorly understood," says Breysse. "Chronic gasoline spills could well become significant public health issues since the gas station industry is currently trending away from small-scale service stations that typically dispense around 100,000 gallons per month to high-volume retailers that dispense more than 10 times this amount."

"In a perfect world, it would be ideal to avoid chronic spills," Hilpert says. "However, if these spills do occur, it is also important to prevent rainwater from flowing over the concrete pads underneath the pumps. Otherwise, storm runoff gets contaminated with benzene and other harmful chemicals and can infiltrate into adjacent soil patches or form stormwater that may end up in natural bodies of water."

My Notation: *The proposed development is designed to have the "run-off" (which I understand is not "run-off" per se) piped into our pond at HIE. Either way, run-off or piped in, what great minds thought that was good for the environment? Could it be they knew they weren't going to live at HIE?*

.....

Health: https://motherboard.vice.com/en_us/article/wnjzkm/theres-a-slow-motion-oil-spill-underway-at-every-gas-station-in-the-nation

|By Brian Merchant Oct 7 2014, 5:00pm

|There's a Slow Motion Oil Spill Underway at Every Gas Station in the Nation. Every time a drop of gasoline dribbles to the ground when you fill up your tank, you're contributing to a slow-motion oil spill.

No matter how many times you jostle that nozzle, no matter how long you let it drip into your tank, it always seems to happen: a few precious drops of gasoline fall onto the stained concrete below. They might not seem like much, but combined with the dribble of every other hurried gas station customer, they're contributing to what amounts to a cumulatively large, slow-motion oil spill.

Because it's not just happening to you, of course, but to everyone who stops by to fill up their tank, every day. Hundreds of customers frequent a given station, all leaving a tiny trail of spilled gasoline in their rushed, mildly agitated wake. Plenty of those people are less fastidious than you, too, and just let all that the excess gas left in the hose run on out after they hear that signature 'click' — an unleaded stream of petroleum, ethanol, and benzene.

John Hopkins University's Markus Hilpert, whose team recently **concluded a study** of the phenomenon, estimates, conservatively, that 1,500 liters (roughly 400 gallons) of fuel spills at the average American gas station over a decade. And a lot of that spillage is actually making its way below the pavement—the bulk of it is not simply evaporating as was long assumed.

That's an issue, because gasoline contains benzene, **a known carcinogen**, as well as other toxic chemicals. The study, published in the **Journal of Contaminant Hydrology**, finds that the oil accumulates at the concrete pads underneath the pumps, and can eventually contaminate soil and even watersheds underground.

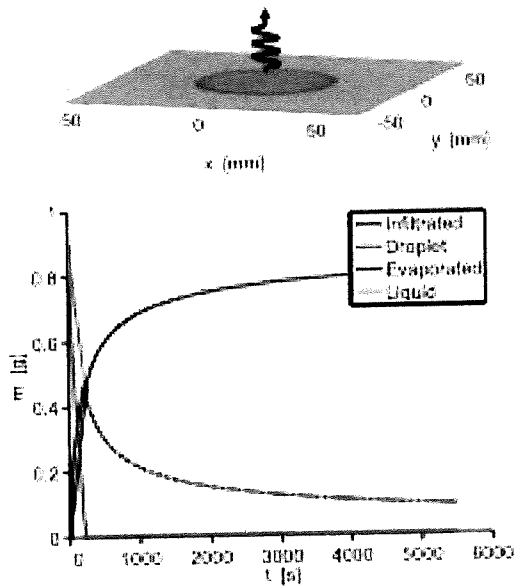
"I am concerned about the large fraction of spilled gasoline droplets that infiltrates into concrete, which at times is assumed to be impervious," Hilpert told me in an email. "Once the gasoline is in the concrete it may then move into underlying sediment and/or groundwater, either as a liquid or as a vapor. Soil and groundwater contamination then provides opportunity for exposure of human to harmful chemicals."

Spilled droplets of gasoline amount to "large cumulative spills" and turn out to have "relatively long life times," according to Hilpert. "This can become a problem if clean rainwater is allowed to flow over the pavement, because the water can pick up the pollutants and move them into uncontaminated environments. For instance, the contaminated rainwater runoff can infiltrate into soil or contaminate surface water." So, the pollution can wind its way into soil patches and natural bodies of water.

The John Hopkins team used a mathematical model, with (likely lowball) estimates provided by the American Petroleum Institute for inputs, to determine just how much

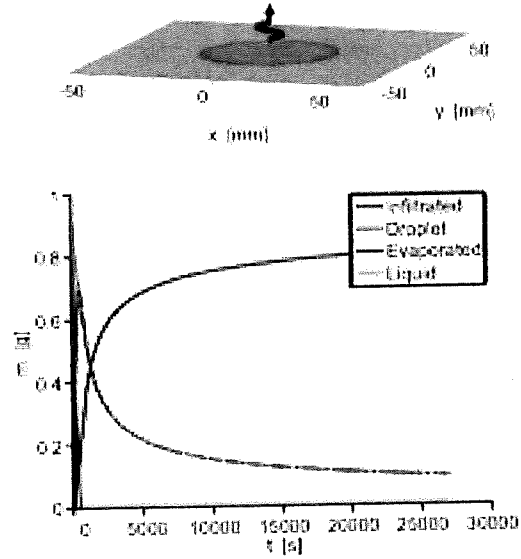
of the gasoline can penetrate the pavement.

BASE CASE



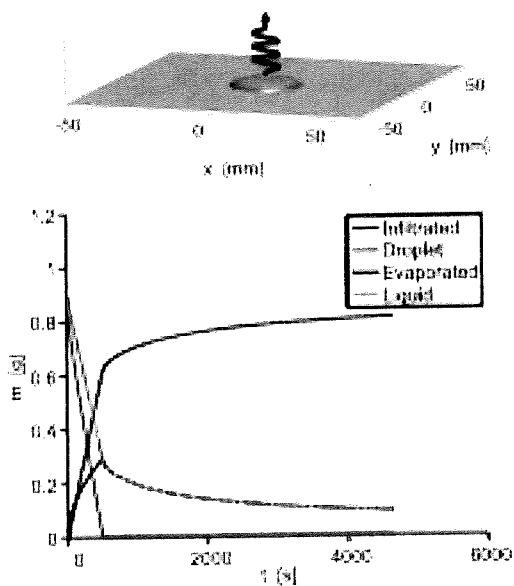
(a)

SMALLER EVAPORATION RATE



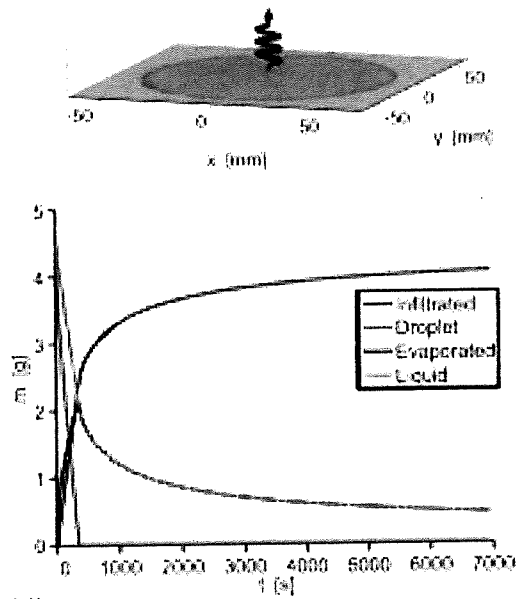
(b)

LESS OIL-WETTING



(c)

LARGER DROPLET VOLUME



(d)

The model found that smaller droplets were absorbed more wholly than large ones, as less evaporated.

"Our experiments suggest that even the smallest gasoline spills can have a lasting impact," Hilpert said. "I think it is fair to characterize this phenomenon as sort of slow

motion of a more instantaneous release of 400 gallons... Even if only a small percentage reaches the ground, this could be problematic because gasoline contains harmful chemicals including benzene, a known human carcinogen."

"Gasoline contains about 0.62 volume percent of benzene, a known human carcinogen, which can cause leukemia," he added. "Toluene, ethylbenzene and xylenes are also toxic or suspected to be carcinogenic."

Contaminated groundwater could pose longterm health risks to those who get water from underground watersheds, and the pooling gasoline could be a threat to those who spend a lot of time at or nearby gas stations.

The bigger the gas station, of course, the bigger spills, and the bigger the risk—and the researchers point out that the current trend is away from smaller service stations and towards bigger, multi-pump emporiums. The impact of larger stations, and potential threat to nearby communities, will be even more pronounced. And there are the employees, who essentially spend their days working above a small oil spill, to consider, too.

"I would expect the potential health effects to increase if you live in the proximity of a gas station, or if you work there, there is just more opportunity for exposure," Hilpert said. "There are indeed epidemiological studies that suggest that gas station attendants are at a higher risk." He's not as worried about the short-term exposure of gas station users. "Nonetheless," he said, "I recommend to avoid inhaling gasoline vapors when you refill your tank, simply by not standing downwind from the dispensing nozzle."

Do your part to stop a local oil spill: Try not to let it drip, either.

My Notation: *The proposed development is designed to have the "run-off" (which I understand is not "run-off" per se) piped into our pond at HIE. Either way, run-off or piped in, what great minds thought that was good for the environment? Could it be they knew they weren't going to live at HIE?*

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<https://www.mailman.columbia.edu/public-health-now/news/gas-stations-vent-far-more-toxic-fumes-previously-thought>

Gas Stations Vent Far More Toxic Fumes Than Previously Thought

A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations that determine how close schools, playgrounds, and parks can be to the facilities. Findings appear in the journal *Science of the Total Environment*.

Gasoline vapors, invisible but odorous, contain a number of toxic chemicals, notably benzene, a carcinogen.

The researchers attached gas flow meters to venting pipes at two large gas stations in the Midwest and Northwest and took measurements over a three-week period. They report average daily evaporative losses of 7 and 3 gallons of liquid gasoline, respectively, or 1.4 pounds and 1.7 pounds per 1,000 gallons dispensed at the pump. By comparison, the California Air Pollution Control Officers Association (CAPCOA) used an estimate of 0.11 pounds per 1,000 gallons. Based on CAPCOA emission estimates, the California Air Resources Board (CARB) determined their setback regulation of 300 feet (91 meters) from large gas stations. Similar rules exist in many, but not all states and localities. In urban areas like New York City, some gas stations are located directly adjacent to apartment buildings.

The study also simulated how the fuel vapor was carried in the air to assess the potential for short- and medium-term benzene exposures, comparing their measurements to three established thresholds. The California Office of Environmental Health Hazard Assessment one-hour Reference Exposure Level (REL) for benzene—defined as a continuous hour of exposure to the chemical—was exceeded at both gas stations at distances greater than 50 meters. At the Midwest gas station, REL was exceeded on two different days at distances greater than 50 meters, and once as far as 160 meters. The Agency for Toxic Substances and Disease Registry’s Minimal Risk Level (MRL) for benzene exposure over a period between two weeks and a year was exceeded within 7 or 8 meters of the two gas stations. A less stringent measure used for short-term exposures of first responders, the American Industrial Hygiene Association’s Emergency Response Planning Guidelines (ERPG), was not exceeded.

“We found evidence that much more benzene is released by gas stations than previously thought. In addition, even during a relatively short study period, we saw a number of instances in which people could be exposed to the chemical at locations beyond the setback distance of 300 feet,” said first author Markus Hilpert, PhD ,

associate professor of Environmental Health Sciences at the Columbia Mailman School. “Officials should reconsider their regulations based on these data with particular attention to the possibility of short spikes in emissions resulting from regular operations or improper procedures related to fuel deliveries and the use of pollution prevention technology.”

In previous work, Hilpert and colleagues documented the release of gasoline as fuel is stored and transferred between tanker trucks, storage tanks, and vehicle tanks, and how these spills can contaminate the surrounding environment. Next, the researchers will explore additional short-term measures of vapor spread to determine the bounds of safe setbacks.

Co-authors of the new study include Ana Maria Rule at Johns Hopkins, Bernat Adria-Mora formerly at Columbia, and Tedmund Tiberi at ARID Technologies, Inc. In a competing interest statement, the authors note that Tiberi directs a company that develops technologies for reducing fuel emissions from gasoline-handling operations. The research is supported by a grant from the National Institutes of Health (ES009089).

My Notation: *The proposed development is designed to have the “run-off” (which I understand is not “run-off” per se) piped into our pond at HIE. Either way, run-off or piped in, what great minds thought that was good for the environment? Could it be they knew they weren’t going to live at HIE?*

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PRESENTATION TO FT. PIERCE PLANNING BOARD – JULY 9 2019

BY: ANNE MARIE BODE (9 HARBOUR ISLE EAST PH-03 AND AMB LAND, 10 HARBOUR ISLE EAST, #306; AND OWNER OF FREEDOM PROPERTY CARE, LLC.)

GOOD EVENING..

MY NAME IS ANNE MARIE BODE, AND I AM THE OWNER OF 2 PROPERTIES IN HARBOUR ISLE EAST FOR ALMOST TEN YEARS. I HAVE LIVED HERE AS A FULL TIME, COMMUNITY INVOLVED RESIDENT FOR 5 OF THOSE YEARS, I AM A SMALL BUSINESS OWNER IN THE CITY OF FT. PIERCE, AND ENJOY LIFE HERE ON SOUTH HUTCHINSON ISLAND .

I HAVE MANY OBJECTIONS TO THE PROPOSED CUMBERLAND FARMS RELOCATION.

THIS EVENING IT IS MY INTENTION TO SPEAK ABOUT LEAKING UNDERGROUND STORAGE TANKS (ALSO KNOWN AS UST'S), AND THE INSURANCE INDUSTRY..

THE FOLLOWING INFORMATION WAS COMPILED BY MYSELF WITH THE ASSISTANCE OF A FELLOW HARBOUR ISLE EAST RESIDENT, DENNIS DEVIVO, A LONG-TIME LICENSED INSURANCE AGENT IN NEW YORK AND FLORIDA; AND AS SUCH HAS FIRST HAND KNOWLEDGE CONCERNING IRREVERSIBLE EFFECTS CONCERNING LEAKING UST'S WITHIN FUELING STATIONS.

THE TECHNOLOGY OF PHYSICAL UNDERGROUND STORAGE TANKS HAS IMPROVED SIGNIFICANTLY OVER THE YEARS, HOWEVER, THE PREVALENT CAUSE OF LEAKS AND INSURANCE CLAIMS REMAINS THE RUBBER SEALS AND PIPING THAT FEED INTO/OUT OF THE TANKS THEMSELVES, REGARDLESS OF HOW THEY ARE STRAPPED DOWN.

THE UST'S WHICH WILL BE LOCATED AT THE PROPOSED CUMBERLAND FARMS WILL BE SEATED IN A 'BOGGY' SUBTERRANEAN ATMOSPHERE. THIS 'SOIL' CONTAINS A HIGH

CONCENTRATION OF SALTY SEAWATER, AS THE WATER TABLE WITHIN THE AREA IS UNAVOIDABLY HIGH. HARBOUR ISLE IS BUILT ON 'FILL', DUG UP DURING THE CONSTRUCTION OF THE INLET, AND THEN BUILT UP BY ADDITIONAL FILL TRUCKED IN TO THE SITE. THIS IS A MUCH DIFFERENT BASE COMPARED TO THE EXISTING CUMBERLAND FARMS AND THE CHEVRON STATION DOWN THE ROAD ON SEAWAY DRIVE.

BECAUSE THE WATER TABLE IS NATURALLY HIGH, AND IS CONTINUALLY CHANGING DUE TO STORMS, TIDES, AND HURRICANES; THE RUBBER SEALS CONNECTING TO THE UST'S ARE SUBJECT TO PREMATURE FAILURE, AS SALT WATER HAS CORROSIVE EFFECTS ON THESE SEALS. ADDITIONALLY, BECAUSE THE SOIL IS SUBJECT TO HIGH WATER TABLES, THE STABILITY OF THE UST'S, PIPING, AND SEALS (DESPITE THE STRAP DOWN CONNECTIONS), MUST BE QUESTIONED, AS THEY MAY SHIFT DUE TO RISING AND FALLING WATER TABLES AND FLOODING, PLACING STRESS ON THE PIPING FROM THE FUEL PUMPS, DOWN THROUGH THE SOIL AND TO THE UST'S. MANY INSURANCE CLAIMS ARE BASED ON THESE FAILURES.

ACCORDING TO THE EPA, A FLOOD CREATES AN ELEVATED LEVEL OF RISK FOR ENVIRONMENTAL DAMAGE FROM UST'S. FOR EXAMPLE, A UST SYSTEMS MAY BECOME DISPLACED AND RELEASE THEIR CONTENTS INTO THE ENVIRONMENT, CAUSING SOIL, SURFACE WATER, AND GROUNDWATER CONTAMINATION.

CASE IN POINT, THE MOST RECENT 2017 DEVASTATION CAUSED WHEN HURRICANE MICHAEL HIT THE FLORIDA PANHANDLE AREA. I URGE YOU ALL TO CONSIDER CAREFULLY THE IMMEDIATE AND LONG TERM EFFECTS OF SUCH A STORM AS IT PERTAINS TO UST'S AND LEAKS.

*.RECENT REPORTS FROM MEXICO BEACH, FLORIDA - WHERE THE UST'S WERE
COMPROMISED DURING HURRICANE MICHAEL:*

TAMPA BAY TIMES MAY 29, 2019: *MEXICO BEACH FLA STILL HAS NO GAS STATION.*

TRAVEL WEEKLY, MAY 30, 2019: *THE NEAREST GAS STATION IS 15 MINUTES AWAY..*

NBC NEWS MAY 29TH, 2019: *THEY (MEXICO BEACH) STILL DOES NOT HAVE A GAS STATION*

*THE ENVIRONMENTAL DEFENSE FUND NOTED THAT FLORIDA RECEIVED MORE THAN \$14
MILLION IN EPA GRANT FUNDING FROM 2012 TO 2016 TO ADDRESS THE PROBLEM. THE EDF
STATES:*

*“EPA SUPPORT IS ESSENTIAL TO FLORIDA PROGRAMS TO MONITOR UST'S, DETECT LEAKS
OF PETROLEUM PRODUCTS, ADDRESS THE CAUSES, REPAIR ANY DAMAGE TO SOIL OR
GROUNDWATER AND HOLD POLLUTERS RESPONSIBLE OR PAY FOR CLEANUP IF THE
RESPONSIBLE PARTY CAN'T BE FOUND OR IS NO LONGER IN BUSINESS”*

*IT IS WORTH NOTING THAT ACCORDING TO THE OIL PRICE INFORMATION SERVICE, THE
WESTBOROUGH, MASS.-BASED CUMBERLAND FARMS HAS RECENTLY HIRED BANK OF
AMERICA TO EXPLORE ITS OPTIONS CONCERNING SALE OF ITS BUSINESS AFTER 80 YEARS AS
AN INDEPENDENT, PRIVATELY OWNED ESTABLISHMENT.*

*IF CUMBERLAND FARMS SELLS, WHO THEN, I ASK, IS RESPONSIBLE IF THERE IS A LEAK?
ONE CAN FORSEE A LOT OF FINGERPOINTING WHILE WE HERE ON SOUTH HUTCHINSON
ISLAND AND THE SHORELINE OF FORT PIERCE ARE SUFFERING THE CONSEQUENCE OF A
FUEL LEAK.*

ACCORDING TO USA TODAY SEPT 5, 2017: *GASOLINE, OIL AND OTHER CONTAMINANTS
THAT THREATEN GROUNDWATER ARE SEEPING FROM THOUSANDS OF UST'S ACROSS*

FLORIDA, BUT THE FEDERAL AID THAT HAS HELPED ADDRESS THE PROBLEM COULD SOON START DRYING UP.

THE TRUMP ADMINISTRATION IS PROPOSING TO SLASH FUNDING FOR THE LEAKING UST PROGRAM BY NEARLY HALF NEXT YEAR — FROM ALMOST \$92 MILLION IN 2017 TO ABOUT \$47 MILLION IN 2018. THE RECOMMENDED CUT IN THE LUST PROGRAM IS PART OF THE PRESIDENT'S PROPOSAL TO REDUCE THE EPA BUDGET BY 31 PERCENT NEXT YEAR.

NO STATE WOULD FEEL THE PINCH MORE THAN FLORIDA, WHERE SOME 10,000 TANKS AND THE UNDERGROUND PIPING SYSTEMS CONNECTED TO THEM HAVE BEEN IDENTIFIED FOR CLEANUP. FLORIDA HAS MORE LEAKING TANKS THAN ANY OTHER STATE, REPRESENTING ABOUT 15 PERCENT OF THE MORE THAN 70,000 TANKS THAT DOT THE NATION.

I ASK YOU TO REFER TO THE FT. PIERCE COMPREHENSIVE PLAN, MAP 1-8: AND LOOK AT THE AREA IN QUESTION.. IT IS LABELED AS A COASTAL HIGH HAZARD AREA.

THE CITY OF FT PIERCE WEB SITE HAS A SECTION LABELED " FLOOD PROTECTION" .. THERE IS A RED 'BOX' THAT BRINGS AN INTERESTING FACT TO OUR ATTENTION.. THE RED BOX SAYS "NEARLY 25% OF FLOOD INSURANCE CLAIMS COME FROM AREAS THAT ARE IN LOW TO MODERATE FLOOD RISK AREAS".

IT'S OBVIOUS THAT THE CITY OF FT. PIERCE PRIDES ITSELF IN PRESERVING THE WELL BEING OF IT'S RESIDENTS. IN FACT, **THE CITY ORDINANCE CODE SECTION 22-73 CLEARLY STATES THE FOLLOWING: "IT IS THE PURPOSE OF THIS SECTION TO PROTECT THE PUBLIC SAFETY AND WELFARE, AND ENHANCE THE CITY'S BEAUTY AND PROTECT PROPERTY VALUES BY REGULATING THE LOCATION OF FILLING STATIONS AND DESIGN OF NEW OR REMODELED STATIONS.**

THE FORT PIERCE CITY PLANNING COMMISSION HAS A DUTY, AS STATED WITHIN THE COMPREHENSIVE PLAN OF THE CITY OF FORT PIERCE, TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF ITS CITIZENS.

ONE CAN ONLY ASSUME THAT THE FACT THAT 2 STATIONS EXIST HERE ON SEAWAY DRIVE IS PROBABLY BECAUSE THEY WERE BUILT SO LONG AGO, AND AT THE TIME THE BUILDING PERMITS WERE GRANTED THESE IMMINENT HAZARDS WERE NOT FULLY UNDERSTOOD.

PERHAPS WE CAN'T DO ANYTHING ABOUT THEIR EXISTENCE. TODAY WE CAN MAKE INFORMED DECISIONS CONCERNING THE FUTURE LOCATIONS OF FUEL STATIONS. YOU, MUST CONSIDER THE HEALTH, SAFETY, AND WELFARE OF OUR RESIDENTS, AND ONLY APPROVE NEW FUEL STATIONS WHICH ARE BUILT OUT OF HARMS WAY, SPECIFICALLY US1 OR WEST OF US1.

BASED ON THE ISLANDS' HISTORY OF HURRICANE DAMAGE COUPLED WITH THE UNDERSTANDING THAT WE WILL INEVITABLY BE HIT BY FUTURE STORMS, ON BEHALF OF THE SOUTH HUTCHINSON ISLAND PRESERVATION GROUP, I IMPLORE THE FORT PIERCE CITY PLANNING COMMISSION TO DENY THE APPLICATION BY CUMBERLAND FARMS OR ANY FUTURE FUEL STATION APPLICANT WHEN THE APPLICATION IS FOR A NEW FUEL STATION PROPOSED IS TO BE LOCATED HERE ON SOUTH HUTCHINSON ISLAND.

Good evening. My name is Jules Steiner, and I am a Harbour Isle East resident. Rodney Robertson, also a Ft. Pierce resident at Harbour Isle East, has asked me to speak on his behalf while he deals with a medical issue in Maine. Should you have any question regarding specifics, I may ask Keith Madsen to respond, as he is more familiar with the traffic data than I am. Rodney's statement is as follows:

I am opposed to this large scale super convenience market/gas station based on, among other reasons, City Ordinance No. 16-002 which addresses gas stations. The words in that ordinance state that the City will strive to:

- 'prevent impeding vehicular traffic',
- 'prevent impeding pedestrian traffic',
- 'avert any adverse influencing of the city's aesthetic potential',
- 'avoid materially affecting surrounding property values', and
- 'work to further promote the health, safety and welfare of the community'

But I am also opposed to this project because it proposes to build a gas station within 500 feet of over 120 homes, including my home that will be within 80 feet of this gas station.

Moving on from the City's stated responsibilities, however, you should all know that both the Harbour Isles Shoppes and the Cumberland Farms applications have contained traffic studies projecting the volume of traffic expected to enter and exit Seaway Drive using three driveways, one left enter only, a second full access and the third being right exit only.

This configuration puts the highest volume of traffic on the full access driveway in the middle, which is the only driveway that will accommodate entry to the gas station and the Harbour Isle Shoppes and the restaurant from the east and exit to the west.

Using the MacKenzie data contained in the most recent traffic analysis, which has significantly lower traffic results than the O'Rourke analysis, the report shows that the per hour rate during peak traffic times 89 vehicles will **leave** Seaway Drive to the development in the a.m. and 112 in the p.m. at the middle driveway. During those same peak hours another 112 vehicles will **exit** to Seaway Drive in the a.m. and 134 during the p.m., through the same driveway.

Stated another way, during the a.m. peak hours there will be 201 vehicles, or over one every 20 seconds, **entering and leaving** Seaway Drive at the same time, using the middle driveway.....And, in the p.m. peak, the numbers jump to 246 vehicles or just over one vehicle every 15 seconds entering and leaving Seaway Drive at the same time, using the same driveway.

Stop and consider that information.....And as if these numbers aren't staggering enough to contemplate, they will continue to grow by as much as, again from the O'Rourke analysis, 4.7% per year.

If these traffic projections aren't enough to prevent this gas station from moving less than 300 yards from its present site, when will the traffic level rise and reach that worrisome level?

And do not assume that the projected traffic is just cars. Actually, the new Cumberland Farms will add both diesel and recreation fuel so that they will be able to serve the diesel dump trucks and other construction equipment currently traveling on Seaway Drive as Hutchinson Island continues to grow.

In addition, the gas station will attract truck, trailer and boat combinations, often measuring 60 feet and more, to get the recreation fuel. And let us not forget that there will also be huge semi-trucks delivering fuel and supplies to the gas station, convenience store, Harbour Isle Shoppes and the restaurant.

So we will see the whole range of traffic entering and leaving Seaway Drive from the one full access driveway, with 53+% crossing both lanes of traffic to enter from the east and exit to the west during peak a.m. hours and 82% in the p.m. peak.

As the situation exists today, the current gas station is located to the immediate east of the St. Lucie County Fire Station. This shared location permits first responders to exit the fire station with minimal impact from traffic. Moving the gas station to the west will create bottlenecks on Seaway Drive caused by traffic, now including the larger vehicles.

How would the first responders get around these obstacles in a safe manner to respond to calls from a gas station, two restaurants, the Harbour Isle Shoppes, a public beach, an aquarium, a museum, a marina, the Smithsonian lab, another marina and over 900 homes, or to leave the island to transport individuals and to serve the rest of St. Lucie county?

Yes, I am opposed to the applicant's plan to move the existing gas station a short distance from its current location to virtually outside my front door, but I am also very concerned with the huge impact that this move will have on traffic congestion, the bike lane, as well as pedestrian and public safety in general.

In closing, let me remind you that denial of this application would not prevent Cumberland Farms from continuing to operate at their existing facility. In fact, island residents and visitors have been quite adequately served for many years from where the station is currently located.

Thank you for your time and consideration.

Good day neighbor,

As you may be aware, Cumberland Farms has begun the process with the City of Fort Pierce, and other regulatory parties, to construct a new mega gas station/convenience store facility 34' high with 12 fueling pumps on the east end of the vacant lot on Seaway Drive, immediately outside Harbour Isle East.

This survey, being sent to all HIE residents, is to inform you of some of the details involved in the Cumberland Farms project and to determine your feelings.

Further, **this survey is anonymous and in no way is linked to your identity.**

Please return to: Tracy Newman 1 Harbour Isle Dr East #102 Fort Pierce FL 34949 ASAP. Thank you

1. The new Cumberland Farms will connect directly into the storm water drainage system that empties into the Harbour Isle East pond. The water and possible fuel spillage run off will be "filtered" through only ½ inch of soil before being drained directly into the Harbour Isle East pond. In many other states the "filtering" process is much more stringent.

Does the possibility of petroleum distillates entering the HIE pond concern you?

YES NO

2. Numerous studies have been conducted documenting the effects of carcinogens, like benzene and other hydro-carbons, found in gasoline, E-85 and diesel fuel on child development and general human health amongst our aging population. All odors are particulate. When we "smell" chocolate chip cookies in the oven or gasoline from a gas spill we are inhaling particles of that matter. What was once in solid form has been converted to gaseous matter. It travels in the air and when inhaled by us is taken into our bodies through our respiratory system.

Do these consequences concern you?

YES NO

3. In addition to selling gasoline, the proposed Cumberland Farms will also offer diesel and recreation fuel. The likelihood is that the diesel fuel will attract the high volume of dump trucks and other construction vehicles (many of which never turn off their engine) that are currently helping to develop Hutchinson Island. The recreation fuel will be used by trucks, boats and trailers, often measuring sixty feet or more.

Does this increase of large vehicles entering and leaving Seaway Drive so close to the round-about concern you?"

YES NO

4. Numerous studies have been conducted documenting the effect that proximity to gas stations have resulted in crime and decreased property values.

Does this concern you?

YES NO

South Hutchinson Island Preservation (SHIP)

Mission Statement: S.A.N.D

- 1) Sustain the Quality of Life on SHI
- 2) Advocate for Responsible Growth
- 3) Nurture our Environment (Conserve and Protect)
- 4) Defend and Uphold our Property Values

Good Evening, my name is Tracy Newman and I live in Building 1 Unit 102 of HIE.

We understand that the City will send voting ballots to those homeowners in the 6 building closest to the Proposed Cumberland Farms project however, we wanted to gather some factual data from All residents of HIE as we feel All residents are affected.

To that end we mailed each of the 288 owners a 7-question survey regarding the proposal to move CF. A survey of this type would typically have a response rate of 9%. We have received a response rate of 55% or 159 surveys returned. We feel this speaks volumes to how strongly homeowners feel regarding this subject.

The results are as follows:

Q1: Does the possibility of petroleum distillates entering the HIE pond concern you?

Yes: 151

Q2: Do the consequences regarding Health hazards concern you?

Yes: 146

Q3: Does the increase of large vehicles entering and leaving Seaway Drive so close to the round-about concern you?

Yes: 145

Q4: Do issues regarding crime and decreased property values concern you?

Yes: 145

Q5: Does the proposed approach to traffic on Seaway Drive concern you?

Yes: 146

Q6: Does the potential impact to first responders concern you?

Yes: 137

Q7: Are you in favor of the current proposal to move Cumberland farms?

No: 142 or 89% of HIE homeowners are NOT in favor.

Shipreservation88@aol.com

I recently read that the survey the City sent regarding proposed changes to the South bridge was pulled back due to 73% of respondents not in favor. Similar, we are asking the City to decline the CF proposal based on the statistics presented as well as other data presented this evening.

Thank you.

	Yes Concerned	No Not Concerned	Total by ?
Q1	151	7	158
Q2	146	12	158
Q3	145	13	158
Q4	145	13	158
Q5	146	11	157
Q6	137	20	157

Are you in favor of the current proposal to move Cumberland farms?

	Not In Favor	In Favor	Undecided	Blank
Q7	142	10	6	1
% of Total Returned	89%	6%	4%	1%

Surveys Returned	159
Return to Sender	15
Surveys Sent	288
Response Rate/288	55%