

# 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, **NOVEMBER 12, 2019**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: **Michael Broderick; Gloria Johnson-Scott; Tim O'Connell; Marty Sanders, Ex-Officio; Frank Creyaufmiller, Chairman**

Absent: **Jovona Parker; Patricia Diaz; Bob Burdge**

Staff Present: **Peter Sweeney, City Attorney**  
**Jennifer Hofmeister, Planning Director**  
**Rebeca Guerra, Assistant Planning Director**  
**Maria Lewicka, Historic Preservation Planner**  
**Brandon Creagan, Planner**  
**Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

Mr. Burdge, Ms. Diaz and Ms. Parker's absences were excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the October 8, 2019 meeting

**Motion was made by Tim O'Connell, and seconded by Gloria Johnson-Scott to approve the minutes from the October 8, 2019 meeting.**

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

Passed

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

a. **Future Land Use Map Amendment - Misty Creek Preserve - 1919 S. 35th Street (12 Parcels)**

Mr. Creagan gave an overview of the application and answered questions from the Board on the anticipated timeframe of the planned development and designation of public transportation.

Lee Dobbins, applicant representative from the Dean Mead Law Firm, clarified that the applicant is not proposing additional transit stops and the feedback from the St. Lucie County traffic analysis is still being reviewed.

**Motion was made by Tim O'Connell, and seconded by Gloria Johnson-Scott to approve the Future Land Use Map Amendment for Misty Creek Preserve.**

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

Passed

7. **NEW BUSINESS**

a. **Conditional Use - The Manor Assisted Living Facility - 4201 S. 25th Street**

Ms. Lewicka explained that the project was previously approved in 2018 for 32 units and the applicant is requesting an additional ten units. Ms. Lewicka said the footprint is shrinking slightly and the development is proposed in two phases. Ms. Lewicka answered questions from the Board on the traffic study and parking requirements.

No one spoke for or against the project.

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

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

Passed

b. **Conditional Use - Wood Vacation Rental - 1123 Hernando Street**

Mr. Creagan gave an overview of the application and answered questions from the Board on rental and handicap parking. Mr. Creagan explained that condition number six is being deleted because the wording is duplicated in condition number ten. Mr. Creagan stated the applicant is diligently working with the building official on the state ADA requirements. Mr. Creagan added that the conditions of approval are similar to the existing Conditional Use on the property, except for the required handicap parking space and the business tax license being required on all advertising.

Mr. Broderick provided the Board a VRBO advertisement for the Wood vacation rental on the Trip Advisor website that showed the home sleeps 8 with a 1 night minimum rental. Mr. Broderick stated the rental rules provided in the packet allow a maximum of 10 people, which is a violation of the current approved dwelling rental Conditional Use for over 31 days. Mr. Broderick expressed concerns with relying on neighbors to police the neighborhood.

Tiffany Wood, owner, explained that reconfiguring of the parking spaces will be handled by her design engineer, and she only contracts with the Home Away website, and not the sister websites. Ms. Wood stated she has had no complaints from her neighbors and there were advertising mistakes made on the vacation rental websites. Ms. Wood noted that the information in the packet is from her 2017 Conditional Use approval and the dimensions of the house have increased.

Board discussion ensued on increased occupants and parking.

Bill Piant, resident, spoke in opposition of the project and asked the Board if any vacation rentals have been approved for less than 31 days and if a motel is allowed in R4A zoning. Mr. Piant expressed concerns with the possibility of cars being parked in the front yard and the unmanageable enforcement.

Ms. Hofmeister stated that most of the vacation rentals that were not approved were in the R2 zoning classification.

William Fearn, resident, spoke in opposition of the project. Mr. Fearn said he has felt the negative impacts of the short term rentals in the area. Mr. Fearn stated he likes the community the way it is and there is no need to make exceptions to the zoning rules.

Charlene Adair, resident, explained she is a volunteer researcher for the City of Fort Pierce Code Enforcement department, and she has been keeping data on short term rentals since 2015. Ms. Adair highlighted that Vacation Rentals, VRBO and Home Away websites are one company and the ads are carbon copies of one another for those three websites. Ms. Adair stated that this address did not have a business tax receipt on record for 27 months and had been advertising for less than 31 days, which is a violation of the present Conditional Use on the property. Ms. Adair expressed concerns with permitting and safety. She said there is a difference from someone who rents one day compared to 30 days. Ms. Adair highlighted the Conditional Use is supposed to enhance and protect the neighborhood, not have a negative impact.

Mr. Sweeney explained that processes are being put into place all over the state of Florida, due to the internet making it easy to advertise a vacation or short term rental.

Ms. Hofmeister stated that a corrected layout, parking plan and occupant load will need to be provided prior to the project going to City Commission.

Ms. Wood noted that Mr. Roseberry from the building department recommended she not move forward with the life safety plan until her application has been approved by City Commission.

Board discussion ensued on moving forward to the City Commission with the lack of definitive information and accurate plans.

Mr. Sanders suggested the applicant to use conceptual planning because it is inexpensive and it can show how parking and the ADA requirements fit it.

Ms. Hofmesiter stated once an accurate layout is received the conditions can be revised prior to going to City Commission.

Mr. O'Connell said he is not in favor of the vacation rental because of the compatibility issue with the neighborhood, and both Code Enforcement and the Police department cannot control the parking issues.

**Motion was made by Tim O'Connell, and seconded by Gloria Johnson-Scott to disapprove of the application.**

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

**NAY: 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**

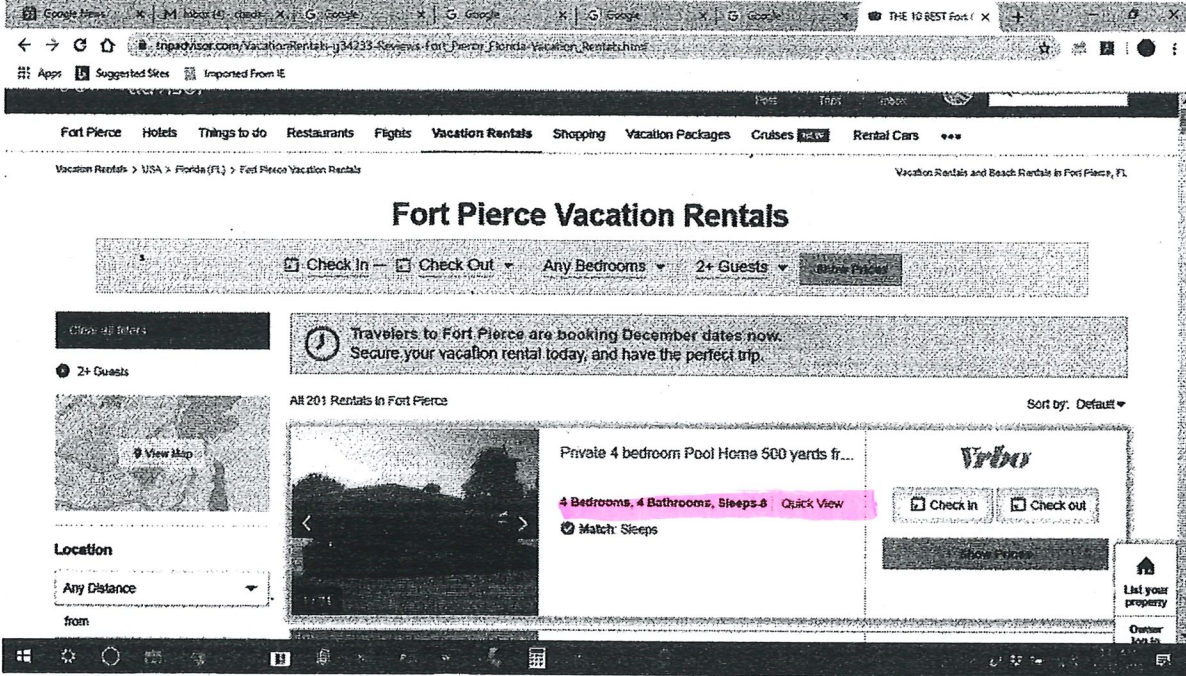
Mr. Broderick stated a modification of the conditional use process for vacation rental needs to be addressed because the Board clearly needs more information. Chairman Creyaufmiller asked staff to add this as an agenda item so it can be discussed among the Board. Mr. Sanders suggested that the Board and staff look at appropriate places that are compatible for vacation rentals.

Chairman Creyaufmiller asked for an update on the review of the alcohol beverage ordinance and Bed and Breakfast regulations.

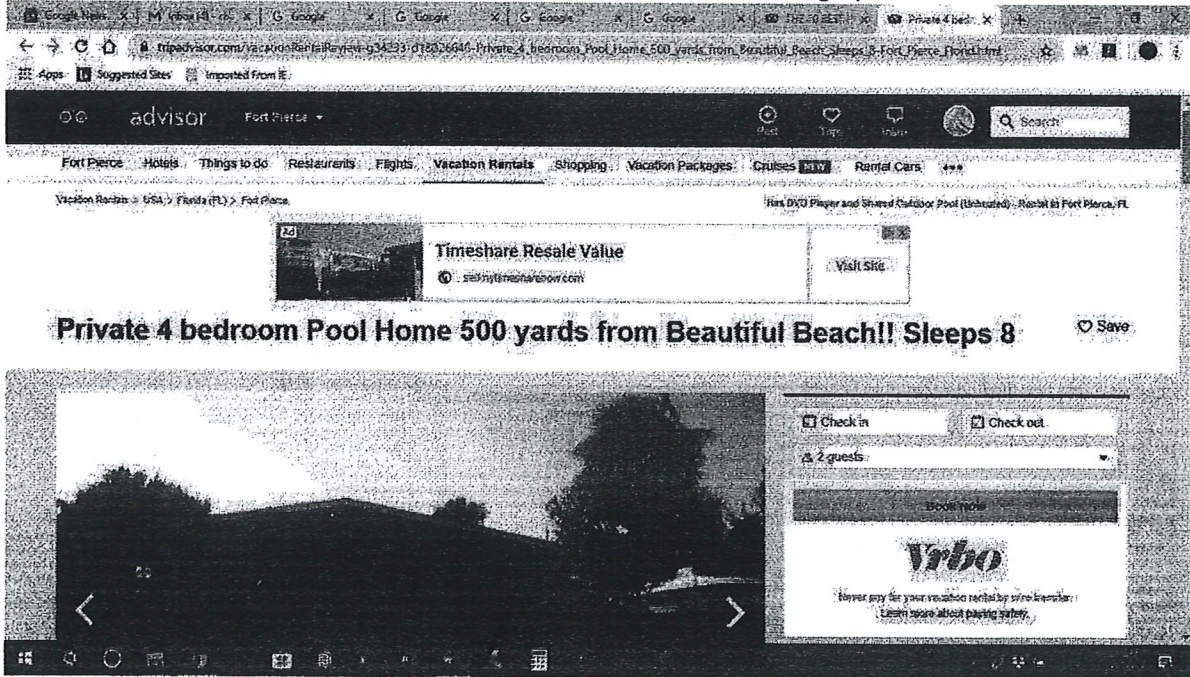
**10. ADJOURNMENT**

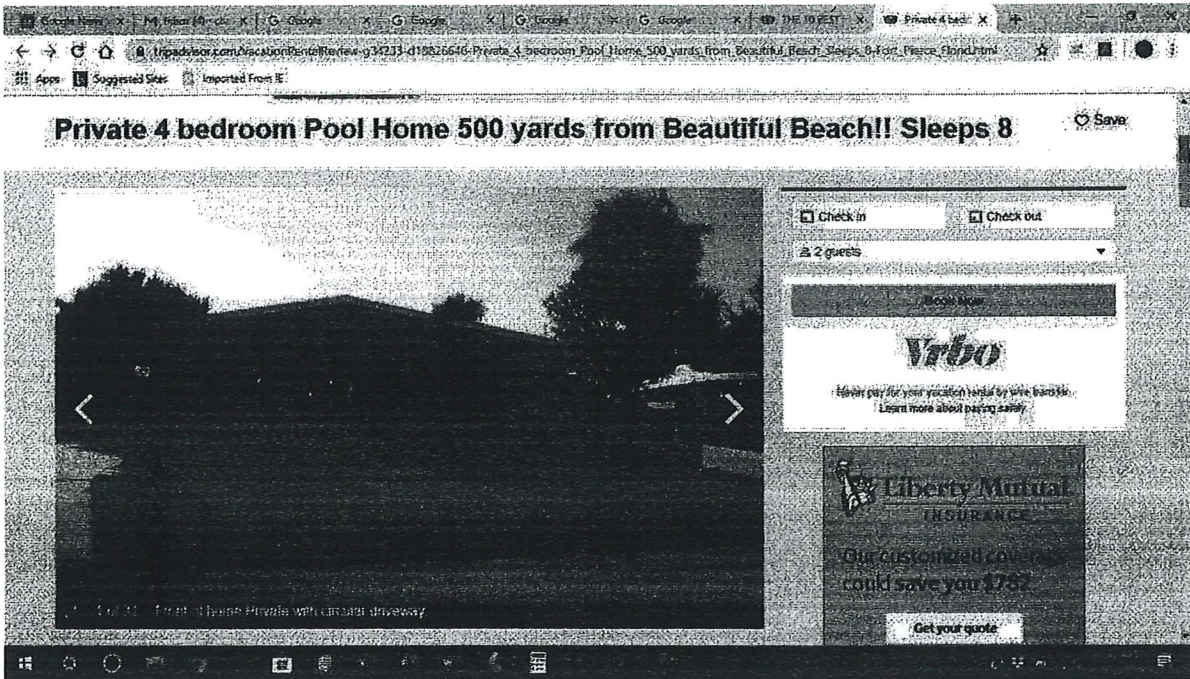
11/12/19  
1123 Hernando

Featured property on TripAdvisor website:



Ad as of 8:46 AM on 11/12/19 (see timestamp on screenshot in lower right):





Using all 4 bedrooms and 4 bathrooms, eliminating any for "owner suite"; requiring call to owner for info, contract, etc. Advertising 1 night minimum.

