

# 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 9, 2020**, 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**

Mr. Burdge entered the meeting at 1:27 PM.

Present: **Patricia Diaz; Tim O'Connell; Michael Broderick; Bob Burdge; Frank Creyaufmiller, Chairman**

Absent: **Solomon Lee; Gloria Johnson-Scott**

Staff Present: **Jennifer Hofmeister, Planning Director  
Tanya Earley, Assistant City Attorney  
Rebeca Guerra, Assistant Planning Director  
Brandon Creagan, Planner  
Vennis Gilmore, Planner  
Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

**Motion was made by Michael Broderick, and seconded by Patricia Diaz to approve the absences of Ms. Johnson Scott and Mr. Lee.**

**AYE: Tim O'Connell, Michael Broderick, Bob Burdge, Patricia Diaz, Chairman Frank Creyaufmiller**

Passed

5. **APPROVAL OF MINUTES**

- a. Minutes from the March 10, 2020 meeting

**Motion was made by Michael Broderick, and seconded by Patricia Diaz to approve the minutes from the March 10, 2020 meeting.**

**AYE: Tim O'Connell, Michael Broderick, Patricia Diaz, Chairman Frank Creyaufmiller**  
Passed

**6. NEW BUSINESS**

**a. Annexation - Osipchuk Residence - 4114 Poinsetta Avenue**

Mr. Creagan gave an overview of the application and answered questions from the Board on improvements to the property and structure located on the site. Mr. Creagan explained that half of the property is the city limits and the other half of the property is located in St. Lucie County.

**Motion was made by Michael Broderick, and seconded by Tim O'Connell to forward a recommendation of approval for the annexation located at 4114 Poinsetta Avenue.**

**AYE: Michael Broderick, Patricia Diaz, Tim O'Connell, Chairman Frank Creyaufmiller**  
Passed

**b. Conditional Use - Dreamchaser Preschool - 505 N. 7th Street**

Mr. O'Connell stated he owns property a block and a half away.

Mr. Gilmore gave an overview of the application and answered questions from the Board on the sidewalk. Mr. Gilmore noted that the lighting condition will be handled by the City of Fort Pierce.

Ms. Hofmeister explained the applicant has not expressed interest in the sidewalk payment-in-lieu option so the city anticipates the sidewalk construction will take place.

Claude Facey, applicant representative, stated the applicant is going to move forward with the sidewalks.

The Board applauded the applicant for the impressive packet and step in the right direction.

**Motion was made by Tim O'Connell, and seconded by Patricia Diaz to approve the Conditional Use with the following two conditions.**

- 1. Per City Code Section 22-60.- Off-Street Parking and Loading. (j) Lighting. Prior to Certificate of Occupancy, please provide a Lighting Plan or a Certified Letter to ensure the minimum requirement of two (2) footcandles.**
- 2. Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur: (4) Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Please install a sidewalk along Avenue E and Cedar Place connecting to the North 7th Street existing sidewalk or submit payment in-lieu to the City of Fort Pierce Engineering Department within ninety (90) days of Conditional Use Approval.**

**AYE: Michael Broderick, Bob Burdge, Patricia Diaz, Tim O'Connell, Chairman Frank Creyaufmiller**  
Passed

c. **Conditional Use - Wood Vacation Rental - 1123 Hernando Street, Apt. B**

Mr. Gilmore gave an overview of the application and answered questions from the Board on renting out both sides of the duplex, sidewalk installation, parking and other rentals on the street.

Ms. Hofmeister stated the Technical Review Committee comments regarding the requirements of a sprinkler system and signed and sealed life safety plan are from the previous application and no longer apply. Ms. Hofmeister said the city's position on those matters have since changed due to a ruling from the Florida Building Code Commission.

Ms. Hofmeister explained there was a general statement made by the City Commission that a maximum of two cars are allowed for short term rentals because too many cars create a nuisance and incompatibility with the neighborhood.

Tiffany Wood, applicant, stated she will pay the sidewalk payment-in-lieu fee. Ms. Wood explained that in the nine years of renting their has been approximately two cars per renter. Ms. Wood said there are two units in the duplex and one unit is used as a studio and for storage of personal belongings.

Ms. Hofmeister explained to the Board what was learned from the recent ruling. She stated that the Planning departments role is to review the short term rentals based on the city code and to make sure the applicant is meeting the conditions of approval. She noted the enforcement arm is handled by Code Enforcement and anything in the interior of the home is handled by the Building department and the annual updates and inspections are done by the state Department of Business and Professional Regulations (DBPR).

Chairman Creyaufmiller asked the city attorney to comment if a motion was made in opposition to the application.

Ms. Earley stated the Board consider all the information and if a motion is to deny that there be sufficient discussion and analysis provided by the Board to determine the basis for the decision. Ms. Earley said there needs to be a record showing substantial competent evidence for denial.

Ms. Hofmeister commented that the ADA accessibility and fire codes still apply but not at the Planning stage. She said the state requires minimum design criteria and there is an overlapping of agency review.

The Board asked if a condition be added that states the business tax receipt cannot be issued until all staff conditions have been met.

Ms. Earley advised the Board that the conditions may not be supported by the Code of Ordinances and she will need to look into it further.

The Board asked the Assistant City Attorney to follow up on the issue.

Ms. Wood stated she met all the conditions of approval in 2017 and she will pay for the sidewalk payment-in-lieu fee if it has not been paid.

Ms. Diaz stated the Board can give a better recommendation to the City Commission if the neighbors were notified by mail prior to the Planning Board meeting.

Ms. Hofmeister noted there would need to be a change made to the Code of Ordinances and

the notification is part of the code amendment rewrite the department is currently working on.

Board discussion ensued on receiving payment from the applicant on the Sidewalk Payment-in-lieu fee from 2017 prior to moving forward to City Commission.

Ms. Earley stated the Business Tax Receipt will not be issued until the Planning Department signs off.

**Motion was made by Michael Broderick, and seconded by Bob Burdge to forward a recommendation of APPROVAL with the following six conditions and that condition # 6 is clarified and the information is brought forward to the Planning department prior to the City Commission meeting so the information can be presented to the City Commission for finalization.**

1. **The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.**
2. **Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.**
3. **The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.**
4. **There shall be a limitation of no more than no two (2) vehicles at the site.**
5. **The City of Fort Pierce Business Tax License number shall be included on all advertising.**
6. **Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages, the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along the property line that abuts Hernando Street and or a payment in lieu of construction if one of these items was not previously completed with the last Conditional Use approval from February 2017 for the dwelling rental of 31 days or more.**

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

NAY: **Patricia Diaz, Tim O'Connell**

Passed

d. **Conditional Use - Wright-Ofeimu Vacation Rental -715 S. Ocean Drive, Unit E**

Mr. Gilmore gave an overview of the application and answered questions from the Board on the limitation of the number of occupants, parking, HOA regulations and change of use.

Chairman Creyaufmiller asked if the link had been added to the city website showing the listing of property manager's contact information for approved short term rentals.

Ms. Hofmeister stated she was not aware of the list but she will look into it.

Tiffany Wright Ofeimu, owner, provided information to the Board on the property manager, property reputation and the HOA rental regulations.

**Motion was made by Patricia Diaz, and seconded by Michael Broderick to forward a recommendation of APPROVAL with the following five conditions:**

- 1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.**
- 2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.**
- 3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.**
- 4. There shall be a limitation of no more than no two (2) vehicles at the site.**
- 5. The City of Fort Pierce Business Tax License number shall be included on all advertising.**

**AYE: Tim O'Connell, Michael Broderick, Bob Burdge, Patricia Diaz, Chairman Frank Creyaufmiller**

Passed

**e. Conditional Use - Robbins Vacation Rental - 1014 S. 7th Street**

Ms. Hofmeister gave an overview of the application and answered questions from the Board.

Chairman Creyaufmiller stated the Board heard the case twice before but this case contains new information.

Ms. Hofmeister explained the building department submitted Technical Review Committee comments and will also be reviewing the Business Tax Receipt application along with the ADA requirements. The Board asked that the building official provide clarification regarding ADA requirements for short term rentals.

Mr. O'Connell and Ms. Diaz stated their hands are tied with short term rentals and this is worse than a hotel. Board discussion ensued on the frustration of not having any control over short term rentals.

Ms. Hofmeister highlighted that every year the property is inspected by the Department of Business and Professional Regulations (DBPR) for life safety, cleanliness and the interior of the home.

Mr. Broderick stated the Board is in the position to make short term rentals more manageable.

Michelle Longarzo, applicant, disagreed with the comments being made. Ms. Longarzo spoke about property rights and she stated she has been in regular contact with Paul Thomas, City of Fort Pierce Building Official and Captain Paul Langel from the St. Lucie County Fire department. Ms. Longarzo read an e-mail she received from Captain Langel stating that fire sprinklers are not required for this single family home. Ms. Longarzo also stated that the DBPR does not require fire sprinklers. Ms. Longarzo suggested the Board embrace the changes because tourism brings money to the area. Ms. Longarzo noted the property manager vets the client and will be on call 24 hours a day.

Marcia Baker, Clay Yates and William R. Bond sent in letters of opposition and they were read at the meeting.

Ms. Longarzo said the former denial is no longer relevant based on DBPR regulations and ADA requirements.

Chairman Creyaufmiller stated the Planning Board is an advisory Board and they do not operate under a Quasi-Judicial hearing. Chairman Creyaufmiller mentioned that eight properties around this home were not homesteaded.

Ms. Diaz recused herself because her colleague, Mr. Yates, submitted a letter in opposition.

**Motion was made by Michael Broderick, and seconded by Bob Burdge to forward a recommendation of APPROVAL with the following six (6) conditions:**

1. **The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.**
2. **Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.**
3. **The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.**
4. **There shall be a limitation of no more than no two vehicles at the site.**
5. **The City of Fort Pierce Business Tax License number shall be included on all advertising.**
6. **Pave the required parking spaces per City Code Section 22-60(c)(6) Surface Material:**
  - a. **Required parking spaces, access drives, and loading areas must be paved and maintained with concrete, asphalt or similar material of enough thickness and consistency to support anticipated traffic volumes and weights.**
  - b. **Alternative paving materials or parking surfaces (including pervious surfaces) may be approved by the city engineer if such materials or surfaces are demonstrated to exhibit equivalent wear resistance and load bearing characteristics as concrete or asphalt.**

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

NAY: **Tim O'Connell**

Other: **Patricia Diaz (ABSTAIN)**

Passed

f. **Preliminary Plat - Culverhouse - Thumbpoint Subdivision - Block 1, Portion of Lot 28 and all of Lots 29 and 30**

Ms. Guerra gave an overview of the Plat and answered questions from the Board on frontage requirements, square footage requirements, existing structure setbacks and maximum lot coverage for the building.

William Stoddard, property owner agent, made himself available for questions.

Ms. Earley inquired of Mr. Fee, lawyer representing the owner, about the conversation with the city attorney regarding some pending litigation and she asked Mr. Fee to bring the Board up to speed on the issue.

Ms. Diaz recused herself because she is a colleague of Mr. Fee.

Speedy Fee, lawyer representing the owner, explained the property has been in litigation for an extended period of time for two mortgage loans. Mr. Fee noted that PNC Bank owns the loans and is attentive to and receptive of the application because it would provide the wherewithal through sales to pay off the loan and move it out of litigation. Mr. Fee stated the bank has

signed off on the plat and all the issues with the city have been resolved.

**Motion was made by Michael Broderick, and seconded by Bob Burdge to forward a recommendation of APPROVAL of the request with the following one (1) Condition:**

- 1. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.**

AYE: **Bob Burdge, Tim O'Connell, Chairman Frank Creyaufmiller, Michael Broderick**  
Other: **Patricia Diaz (ABSTAIN)**  
Passed

**g. Preliminary Plat - Granada Street Cottages - Portion of Block 7 & 8 (Palm Haven Subdivision)**

Ms. Guerra gave an overview of the plat and answered questions from the Board on fee simple ownership and Granada Street road improvements.

Chairman Creyaufmiller asked for clarification on the lots being undersized.

Ms. Guerra explained that the original plat was plotted with 10 lots instead of 5 lots and it did not meet the minimum design standards. Ms. Guerra stated the new plat meets the state and city requirements.

Ms. Guerra highlighted that Granada Street is on the city's Capital Improvements Plan so the city will be making the road improvements.

**Motion was made by Michael Broderick, and seconded by Patricia Diaz to forward a recommendation of APPROVAL of the request with the following one (1) Condition:**

- 1. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111**

AYE: **Bob Burdge, Patricia Diaz, Tim O'Connell, Michael Broderick, Chairman Frank Creyaufmiller**  
Passed

**7. COMMENTS FROM THE PUBLIC**

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

There were no comments from the public.

**8. DIRECTOR'S REPORT**

There was no Director's Report.

## 9. BOARD COMMENTS

Chairman Creyaufmiller thanked the United States government, the City Commission, the mayor, the departments and employees of the City of Fort Pierce for the great job and the decisions being made during the pandemic. Chairman Creyaufmiller also thanked the police department for doing a great job in how they are responding to the protest and he thanked the general public and how they are handling the protest situation.

Ms. Diaz stated she wished the laws that conferred property rights also conferred social responsibility and being a good neighbor.

Mr. Broderick asked about the status on the meeting notification mailing prior to Planning Board.

Ms. Hofmeister stated that staff is taking apart the code in sections and the notification process is part of the review. She said currently the city is reducing fees due to the pandemic so there will have to be some discussion in putting the burden on the petitioner.

Mr. Burdge read a November 27, 2017 memo from the previous Planning Director, Rebecca Grohall, to the mayor and city commission that talks about the follow up of site plan and redevelopment notification. Ms. Grohall indicated the subject had been debated several times in the past and the direction was to not send notices about the Planning Board meeting. The deciding factor was the additional cost to the applicant and may also be due to the interpretation of the previous legal team in regards to the Public Hearing. The Public Hearing is held at City Commission. The Planning Board ask if anyone in the public would like to speak but does not hold public hearings. Mr. Burdge said the memo goes on to talk about the increase cost and the only notice the Planning Board has to give is a posted sign.

Board discussion ensued on notifications.

Mr. Broderick discussed coming up with a process for neighbors being able to notify property management for short term rentals without having to go online or go to the city clerk's office. Mr. Broderick suggested discussing this as an agenda item at the next meeting because the Boards need to make sure the conditions being put on short term rentals are working.

Chairman Creyaufmiller suggested putting together a committee to discuss the short term rentals.

Ms. Diaz suggested having a workshop on the operation of the short term rentals and invite the public. Ms. Diaz suggested giving the police department the contact list of property managers for short term rentals.

Ms. Hofmeister recommended making conditions tougher and not so vague.

Mr. Broderick suggested that the building department put a maximum occupancy load on the Business Tax Receipt.

Chairman Creyaufmiller discussed the Planning Board packets being electronic moving forward. The chairman asked for a package of drawings to be available in the Planning department for review. Mr. Burdge requested a hard copy packet for the Planning Board meetings.

Ms. Earley clarified that the Board does have the right to deny a short term rental application for Conditional Use as long as there is competent substantial evidence that the use requested is inconsistent with the health, safety and welfare.

**10. ADJOURNMENT**