



TO: Nick C. Mimms, P.E., ICMA-CM, City Manager

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Vennis Gilmore, Planner

RE: **Triple Royal Arcade**
2061 S. US Highway 1

BOARD DATE: March 1, 2021

STAFF REPORT

Owner: Levyco LLC
 3100 N. 29th Court
 Hollywood, FL 33020

Representative: Reginald B. Sessions, Esquire
 201 S. 2nd Street, Suite 211
 Fort Pierce, FL 34950

Applicant: Mohammad Sohid, President, Triple Royal Inc.
 11420 Coral Bay Drive
 Boca Raton, FL 33498

Applicant's Request: Approval of a Conditional Use with New Construction and Design Review to operate a 3,188 sq ft Amusement Arcade Center with 30 arcade machines

Location(s): 2061 S. US Highway 1

Parcel ID: 2415-341-0020-000-4

Future Land Use: General Commercial (GC)

Current Zoning: General Commercial Zone (C-3)

Surrounding FLU:

North	East	South	West
GC	GC	GC	GC

Surrounding Zoning:

North	East	South	West
C-3	C-3	C-3	C-3

Utilities: FPUA

Staff Analysis:

Request

In accordance with Sections 125-187,125-237, 125-325, and 125-314 of the City Code, the applicant is requesting the review and approval of a Conditional Use with New Construction and Design Review to operate a 3,188 sq ft Amusement Arcade Center with 30 arcade machines. The approximately 0.7 acres property is located just north of Virginia Avenue and west of S. US Highway 1. The subject site is surrounded by commercial uses to the north, south, east, and west. The subject site is considered an outparcel of the Gateway Retail Shopping Plaza. The building where the proposed use will be located was formerly a Payless Shoe Store. The property has a Future Land Use of General Commercial (GC) and is zoned General Commercial Zone (C-3).

The proposed Arcade Amusement Center is specifically dedicated for adults 21 years of age and up. The project's floor plan will consist of a registration-front desk, 30 arcade machines, 2 ADA accessible restrooms, and a storage area. Hours of operation will be Monday through Friday from 8am-12am and Sat through Sunday from 8am-2am. There will be 2 staff members present at all times and security provided from 5pm-12am daily.

Future Land Use & Zoning

The GC Future Land Use designation provides for higher intensity commercial developments or horizontal and vertical mixed-use developments. Uses allowed within this designation include multifamily residential, intensive and general commercial, retail, service, offices, tourist/entertainment facilities, hotels/motels, parks and recreation, along with compatible public, quasi-public, and special uses. This land use designation allows for a maximum density of 15 dwelling units per acre and a maximum FAR of 1.0. Development shall include either commercial or mixed uses fronting major roadway corridors with higher intensity near major intersections. Residential uses may comprise up to 20 percent of the total floor area of the General Commercial future land use designation.

The subject site is located within the C-3, which is intended to provide for a broad variety of business activities including shoppers' goods stores, convenience goods and service establishments, offices and tourist/entertainment facilities. Many public and semi-public uses are also appropriate. Compared to the C-4 zone, this district is more suitable for uses requiring a high degree of accessibility to vehicular traffic, low intensity uses on large tracts of land, most repair services and small warehousing and wholesaling operations. Although this zone should be located along or near arterial or collector streets, it is not the intent of this district to encourage the extension of strip commercial areas. Instead it should promote concentrations of commercial activities.

Parking

Pursuant to City Code Section 125-325 (2)(l)(f), Design Standards, Amusement Arcade Centers shall provide 0.75 parking spaces for each arcade gaming machine and shall provide bicycle racks within enough stalls to accommodate one bicycle for each five game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas. The required parking is 23 parking spaces with one (1) designated handicap parking space. The subject site plan features 25 parking spaces with one (1) designated handicap parking space. The submitted site plan does not show the proposed location of the required bicycle rack with 6 bicycle stalls. The applicant has however stated in their narrative that they propose to install a 7 stall-bicycle rack. The required bicycle rack will be a condition of approval.

Design Review

The proposed use is for an existing one (1)-story building with approximately 3,188 square feet. The structures design will continue its existing smooth stucco siding and commercial flat-roof system. The painted stucco wall exterior will be white. The buildings painted front wall sign area will be a "Matte Black". The applicant proposes to add a multi-color wall sign that mirrors existing attributes of the surrounding community.

Landscaping

The tree and palm installation total will consist of the following:

- 6 – Live Oaks
- 4 – Cabbage Palms

Additionally, a total of (254) accents and shrubs will be installed on site. Those species consist of (187) Natal Plums, (59) Cocoplums, and (8) Dwarf Pitch Apples.

Conditional Use

As stated in City Code Section 125-235, the purpose of the Conditional Use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, and the general welfare.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use and Design Review with regards to the requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided.

Public Notification

A total of 19 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property.

Planning Board Recommendation

The Planning Board, at their February 9th, 2021 meeting, voted unanimously to recommend Approval of the request.

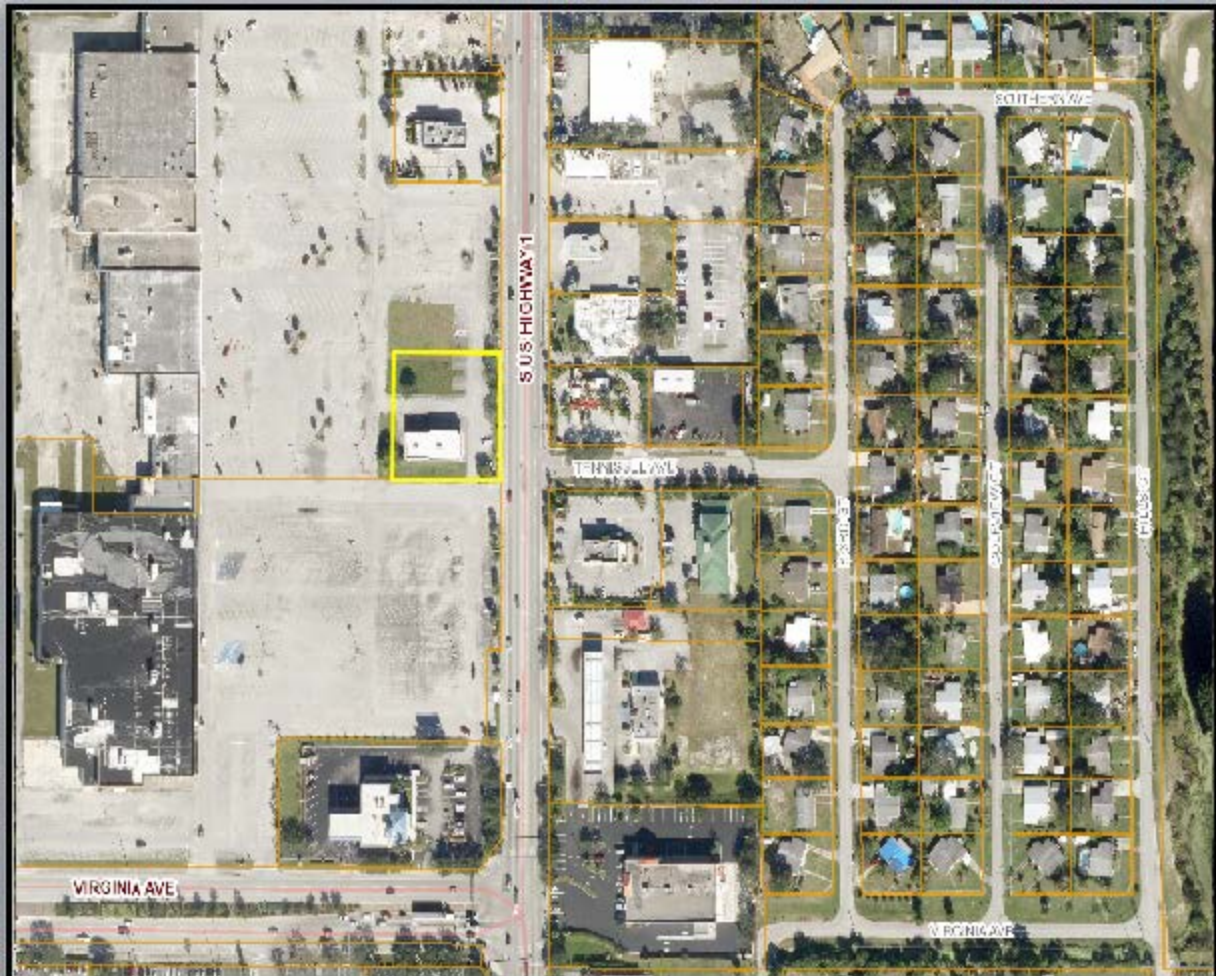
Staff Recommendation:

The proposed use offers a provision of Arcade Amusement Center representing a limited commercial use that is compatible with the surrounding neighborhood and is generally consistent with the City's Comprehensive Plan and Land Development Code with appropriate restrictions. Therefore, Staff recommends **APPROVAL** with the following seven (7) conditions:

1. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(f): **Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five game machines located within the premises.** Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas. **Install a bicycle rack with a minimum of 6 bicycle stalls.**
2. Per City Code Section 125 . 325. – Amusement Arcades and Arcade Amusement (1)(f): **Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.**
3. Please adhere to City Code Section 125 – 325. – Amusement Arcades and Arcade Amusement.
4. Per City Code Section 123.-6. – Required Bond., Provide a completion certification by the landscape architect, a landscape cost estimate sheet, and a security bond, certified deposit (CD), cashier's check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required. **This must be provided prior to receiving Certificate of Occupancy.**
5. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(i): **Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.**
6. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(h): **Lighting for parking lots must satisfy lighting requirements of section 125-315(g)(1) prior to the issuance of a**

business tax receipt. Commercial uses require a minimum average of two footcandles for parking areas.

7. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(1)(c): No arcade amusement center shall be located within 1,250 feet of another arcade amusement center. Such distance shall be measured from closest property line to closest property line. **Approval of a Waiver of Distance Application from the Gateway Plaza Arcade, which is located at 2051 S. US Highway 1, must be approved prior to Conditional Use Approval.**



Triple Royal Arcade

2061 S. US Highway 1
Aerial Map



THE SUNRISE CITY
FORT PIERCE
Florida



**Triple Royal Arcade
2061 S. US Highway 1
Future Land Use Map**



THE SUNRISE CITY
FORT PIERCE
Florida



GC, General Commercial



RL, Low Density Residential



COS, Conservation & Open Space



**Triple Royal Arcade
2061 S. US Highway 1
Zoning Map**



THE SUNRISE CITY
FORT PIERCE
Florida



C-3, General Commercial Zone



R-2, Single-Family Intermediate Zone



OS-1, General & Recreational Open Space

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **FEBRUARY 9, 2021**, 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

Chairman Creyaufmiller introduced new Board member, Harold Albury, and Mr. Albury gave a brief overview of himself.

Present: Gloria Johnson-Scott; Bob Burdge; Marcia Baker; Nichelle Clemons; Harold Albury; Michael Broderick; Frank Creyaufmiller, Chairman

Staff Present: Jennifer Hofmeister, Planning Director
Tanya Earley, Assistant City Attorney
Shyanne Harnage, Economic Development Manager
Rebeca Guerra, Assistant Planning Director
Vennis Gilmore, Planner
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant

Attendees: Marty Sanders, Ex-officio member, St. Lucie County School Board

4. CONSIDERATION OF ABSENCES

All Board members were in attendance.

5. APPROVAL OF MINUTES

- a. Minutes from the December 8, 2020 meeting

Motion was made by Marcia Baker, and seconded by Michael Broderick to approve the minutes from the December 8, 2020 meeting.

AYE: Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Chairman Frank Creyaufmiller

Passed

6. HEARING OF THE LOCAL PLANNING AGENCY

a. Future Land Use Map Amendment - Walsh Kings Highway - 2564 S. Kings Highway

Item 6a and 7d were presented together.

Mr. Creagan gave an overview of the applications and answered questions from the Board on city sewer and water and the proposed use.

Brad Currie, Applicant Representative, from Engineering, Design and Construction Inc., stated the city sewer and water will be extended and the surrounded uses are compatible with the proposed RV storage and flex space.

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

AYE: Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Chairman Frank Creyaufmiller

Passed

7. NEW BUSINESS

a. Annexation - Project Hurricane - 2398 Peters Road (2 Parcels)

Mr. Creagan gave an overview of the application and answered questions from the Board regarding any concerns expressed by members of the community.

Brad Currie, Applicant Representative, Engineering, Design and Construction, Inc., introduced himself and entertained any questions.

Motion was made by Michael Broderick, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission.

AYE: Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Chairman Frank Creyaufmiller

Passed

b. Text Amendment - Chapters 4 and 125: Sale of Alcoholic Beverages

Ms. Guerra provided an in depth review of the distance requirements for alcoholic beverage sales and C-6 zoning district alcohol sales.

Ms. Johnson-Scott expressed concerns with children walking the corridors to and from school, and Mr. Burdge asked why a formal statement was not provided by the police

department.

Ms. Hofmeister explained that the purpose of the text amendment is not to encourage bad types of development but to encourage redevelopment.

Chairman Creyaufmiller noted the City Commission prompted the Planning Department to look at the ordinance because the existing language was not working for the city.

Marty Sanders stated the St. Lucie County School Board looks at the distance to schools and the underlying zoning district. An overlay beyond the minimum distance will not make a fundamental difference on how the neighborhood reacts. Mr. Sanders highlighted that the Police and Code Enforcement departments will deal with the bad elements and the new language is not problematic and is consistent with Port St. Lucie and St. Lucie County.

Mr. Broderick commented that the current code has stymied progress in the commercial districts and prevented development in the Peacock Arts District and the Avenue D corridor. Mr. Broderick said the revised code is a great start.

Ms. Hofmeister stated the addition of C-6 zoning for alcohol sales is basically a clean up to the City Code.

Motion was made by Michael Broderick, and seconded by Marcia Baker to recommend approval to the City Commission.

AYE: Michael Broderick, Marcia Baker, Nichelle Clemons, Harold Albury, Chairman Frank Creyaufmiller

NAY: Gloria Johnson-Scott, Bob Burdge

Passed

c. Text Amendment - Chapter 125: Residential Construction & Nonconforming Lots

Ms. Guerra gave an overview of the text amendment and answered questions from the Board. Ms. Guerra stated the text amendment only effects legal non-conforming lots created by a plat or the lot had dimensions established prior to the zoning codes established by the City of Fort Pierce. She noted that the text amendment will open up the door for duplexes to be built by right and it allows for innovative, quality development in a smart, common sense manner.

Ms. Guerra answered questions from the Board on property owners asking for this change and the text amendment applying to existing buildings.

Mr. Broderick said the text amendment is a good idea because of the antiquated lots on South Beach and Avenue D.

Ms. Hofmeister highlighted that Design Review will be added to address architecture and the way structures sit on the site.

Ms. Johnson-Scott addressed concern with greater density on smaller lots.

Motion was made by Marcia Baker, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission.

AYE: Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury,
Michael Broderick, Chairman Frank Creyaufmiller

Passed

d. **Rezoning - Walsh Kings Highway - 2564 S. Kings Highway**

This items was moved to 7a and presented with item 6a.

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

AYE: Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick,
Gloria Johnson-Scott, Chairman Frank Creyaufmiller

Passed

e. **Conditional Use - Gateway Plaza Arcade - 2051 S. US Highway 1**

Mr. Creagan provided an overview of the application and said the 2,000 square foot unit is in conjunction with the overall transformation of the Gateway Plaza. Mr. Creagan stated the application was received first in the lineup of arcade applications being presented at the Planning Board meeting.

Tod Mowery, Applicant Representative from Red Tail, provided a brief overview on the changes being made to update the Gateway Plaza.

No one spoke against the application.

Motion was made by Marcia Baker, and seconded by Michael Broderick to forward a recommendation of Approval for the Conditional Use with No New Construction to the City Commission with the following two (2) conditions:

1. Submit a Lighting Plan or Photometric Survey to the Building Department in accordance with City Code 125-325 (2)(h) that demonstrates compliance with the City's Lighting Code 125- 315(j). This shall be completed before the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(h).
2. Submit a Landscape Plan in accordance with City Code 125-325 (2)(i) that demonstrates compliance with the City's Landscape Code 123-37. This shall be completed before the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(i).

AYE: Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Gloria
Johnson-Scott, Bob Burdge, Chairman Frank Creyaufmiller

Passed

f. **Conditional Use - ACOR Recycling - 1121 Digiorgio Road**

Mr. Gilmore gave an overview of the application and answered questions from the Board on noise levels, indoor processing, fumes, airborne debris, residential to industrial transition and buffering.

Ms. Hofmeister stated staff toured the facility and all processing is indoors and there is no noise or odors. She noted that the structure is far back from the neighborhood and the

applicant will be submitting a landscape plan.

Mr. Gilmore stated the applicant is adding large trees to the landscaping and there is a dense landscape buffer at the residential subdivision.

Fred Mussari, ACOR President, stated the operation is a pre-consumer food and beverage destruction facility and once the brand new products are de-packaged the recyclables are banded and shipped out on almost a daily basis. He said the dried food is made into cattle and hog feed pellets and the liquid food goes to either a compost facility, from waste to energy for anaerobic digestion or could be transported to the local municipality wastewater plant to be used as a food source. Mr. Mussari answered questions from the Board about odors, disruption, truck traffic and how the trucks will be accessing the site. He said that the equipment does not make a lot of noise and there are no emissions. He stated there will be 20 truckloads a day and they will not pass through the residential neighborhood.

Motion was made by Gloria Johnson-Scott, and seconded by Marcia Baker to forward a recommendation of approval with the following three (3) conditions:

1. Per City Code Section 123.-6. – Required Bond., Provide a completion certification by the landscape architect, a landscape cost estimate sheet, and a security bond, certified deposit (CD), cashier's check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required. This must be provided prior to receiving Certificate of Occupancy.
2. All truck traffic must utilize Digiorgio Road and Oleander Avenue.
3. All storage must be under a covered structure.

AYE: Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Chairman Frank Creyaufmiller

Passed

g. Conditional Use - Palm Beach Career College (Nursing School) - 1905 S. 25th Street, Unit 103

Mr. Gilmore gave an overview of the application.

Dr. James Alouidor, Applicant, stated he is a trained medical doctor, who loves to educate people, especially ones that cannot get into a major college. Mr. Alouidor answered questions from the Board on the curriculum and how the school will be accredited. Mr. Alouidor stated the Licensed Practical Nurse (LPN) and Bachelor of Science in Nursing (BSN) license is new and not accredited yet and the Certified Nursing Assistant (CNA) and Home Health Aide (HHA) license are accredited at the Palm Beach school location.

Motion was made by Bob Burdge, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission.

AYE: Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Chairman Frank Creyaufmiller

Passed

h. Waiver of Distance - Triple Royal Arcade - 2061 S. US Highway 1

This item was presented with 7j.

Mr. Gilmore provided the Board with a handout from St. Lucie County Public Safety showing the number of events by nature at the shopping center.

Mr. Gilmore gave an overview of the application and answered questions from the Board on communities having two arcades in the same shopping center, impact comments from the police department, and the new right hand turn lane.

Mr. Broderick suggested that an overall landscape plan be looked at because there were landscaping challenges with the Wawa approval in the Gateway Plaza. He noted there was an arrangement with the property owner to add landscaping to other areas in the shopping center.

Mr. Gilmore stated the free standing parcel is a different owner than the shopping center.

Tod Mowery, Red Tail, stated the shopping center right hand turn lane will be 120 feet long by 20 feet wide and will not interfere with the bus shelter.

Reginal Sessions, Attorney, Applicant Representative, stated the arcade will be offering security the bulk of the hours the arcade is open.

Rod Waller, Sunrise City Construction, said that Port St. Lucie has a shopping center with two arcades. Mr. Waller stated the arcade will be moving into the old Payless shoe store, which has lighting and landscaping, and minimal construction is needed to accommodate the machines.

Ms. Baker suggested adding a charging station and Mr. Broderick said there is no conflict between the two arcades in the same center and it is a great way to re-purpose the facility.

Motion was made by Bob Burdge, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission.

AYE: Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Chairman Frank Creyaufmiller

Passed

i. Conditional Use - Triple Royal Arcade - 2061 S. US Highway 1

Item 7h and 7i were presented together.

Motion was made by Marcia Baker, and seconded by Bob Burdge to forward a recommendation of approval to the City Commission with the following seven (7) conditions:

1. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(f): Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas. Install a bicycle rack with a minimum of 6 bicycle stalls.
2. Per City Code Section 125 . 325. – Amusement Arcades and Arcade Amusement

- (1)(f): Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.
3. Please adhere to City Code Section 125 – 325. – Amusement Arcades and Arcade Amusement.
 4. Per City Code Section 123.-6. – Required Bond., Provide a completion certification by the landscape architect, a landscape cost estimate sheet, and a security bond, certified deposit (CD), cashier's check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required. This must be provided prior to receiving Certificate of Occupancy.
 5. Per City Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(i): Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.
 6. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(h): Lighting for parking lots must satisfy lighting requirements of section 125-315(g)(1) prior to the issuance of a business tax receipt. Commercial uses require a minimum average of two footcandles for parking areas.
 7. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(1)(c): No arcade amusement center shall be located within 1,250 feet of another arcade amusement center. Such distance shall be measured from closest property line to closest property line. Approval of a Waiver of Distance Application from the Gateway Plaza Arcade, which is located at 2051 S. US Highway 1, must be approved prior to Conditional Use Approval.

AYE: Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Chairman Frank Creyaufmiller

Passed

j. **Conditional Use - Baker Dwelling Rental - 1577 Thumb Point Drive**

Ms. Hofmeister gave an overview of the application and answered questions from the Board regarding Code Enforcement citations and limit of two parking spaces.

Susan Baker, Owner, was called via telephone, and she answered questions from the Board on the property manager her primary residence, advertising the vacation rental, and living at the residence, . Ms. Baker stated she lives in Palm Beach.

Ms. Hofmeister stated the property manager must reside in St. Lucie County.

Jerry Walters, resident, spoke against the application and asked how Ms.Baker is going to live in the property and rent it out at the same time.

Tim Bankston, resident, spoke against the application, and said he does not want to live next door to a revolving motel and the application would put his quality of life at risk.

Terry Shafer, resident, spoke on behalf of Glynda Cavalcanti, resident, and provided a handout after she spoke. Ms. Cavalcanti said the rental will destroy the neighborhood, devalue the property and put her life at risk.

Terry Shafer, resident, spoke against the application and stated she made a complaint to Code Enforcement regarding weekend rentals in a single family neighborhood. She asked the Board to deny the application due to the safety hazard and health effects.

James Longstreet, resident, spoke against the application and stated the revolving door of

strangers is a Russian roulette situation in a low density neighborhood. He suggested a district be created for short term rentals.

Irving Shafer, resident, spoke against the application, and stated there were different people staying at the house every night of the week and the revolving door of strangers will increase crime.

Ross Crittenden, resident, spoke against the application, and stated he ask very little of the police and would appreciate not having motels in his neighborhood.

Susan Baker, stated she loves the community and is predominantly a resident in St. Lucie County. She stated she is not bringing in awful people to rent the house and she needs the income.

Board discussion ensued on how one adult and four children are going to live in the house with renters and that the property manager, Susan Baker, does not reside in St. Lucie County.

Board member Baker made a motion to deny the application because it is not compatible with the neighborhood or R-1 zoning and the existing Airbnb ads were from a few days to a week.

Chairman Creyaufmiller asked Ms. Earley to advise the Board on a motion for denial having substantial competent evidence.

Ms. Earley stated the Planning Board is an advisory Board, not a Quasi-Judicial Board, and the Board needs to take in the evidence and make a decision. Ms. Earley stated the City Commission ruling must be made and supported by competent substantial evidence. Ms. Earley articulated the motion for denial being there are significant doubts that the applicant could comply with condition #1 and the application is not compatible with the community. Ms. Earley said the issue to regulate the frequency of the rentals is up to the state legislature. She suggested to the Board that they further develop the record by how the use of the property effects the criteria.

Ms. Baker amended her motion.

Motion was made by Marcia Baker, and seconded by Michael Broderick to deny the application based on the record of the applicant not being able to meet condition #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) and the owner refused to stop renting after being cited by Code Enforcement, and the use of a short term rental is a health, safety and economic hazard to the neighborhood.

AYE: Bob Burdge, Marcia Baker, Michael Broderick

NAY: Nichelle Clemons, Harold Albury, Gloria Johnson-Scott, Chairman Frank
Creyaufmiller

Failed

Ms. Baker's motion failed and Board discussion ensued on not being able to prove the items in the motion.

Chairman Creyaufmiller read a direct quote from Pete Sweeney regarding having competent substantial evidence for a recommendation of denial.

Motion was made by Michael Broderick, and seconded by Marcia Baker to deny the application with the testimony from the applicant that she does not reside in St. Lucie County so the property manager is not in compliance.

AYE: Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Chairman Frank Creyaufmiller

Passed

k. Conditional Use - Readler Dwelling Rental -1182 Binney Drive, Unit B

Ms. Hofmeister gave an overview of the application and answered questions from the Board on the parcel being a single family dwelling, and only one unit being rented.

Jane Land, Property Manager, stated the owner visits twice a year for 4-6 weeks. She clarified that this will be a seasonal rental never less than 30 days. Ms Land asked if a boat with a trailer counts toward the two vehicle restriction.

Motion was made by Marcia Baker, and seconded by Michael Broderick to forward a recommendation of approval to the City Commission with the following five (5) 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 two (2) vehicles per unit.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

AYE: Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Chairman Frank Creyaufmiller

Passed

i. Site Plan - Crossroads Industrial - Parcel ID 2325-122-0002-000-3

This item was moved to 7h.

Mr. Creagan stated the subject site is approximately 129.52 acres of vacant land and the applicant is proposing to build a 1,133,000 square foot warehouse that can be designed as either one (1) building for a single user or two (2) separate buildings for two (2) separate users. Mr. Creagan answered questions from the Board on up lighting, proposed tenants, traffic mitigation, signage, number of jobs and the location of the second building.

Ms. Hofmeister stated that an outside consultant reviews large development projects and the traffic mitigation will be handled at the building permit stage, so it will not delay development.

Mr. Creagan clarified that if there were two buildings, the large building would be split in two and additional parking would be added.

Josh Nichols, from Schmidt Nichols, representing the Silverman Group, showed a PowerPoint presentation and highlighted how the Silverman Group is a good partner for the city and the site is perfect because of the access to the Turnpike and I-95. Mr. Nichols said the proposed warehouse will look like an office building in an industrial sector. Mr. Nichols added that approximately 150 - 200 employees will be hired, depending on the ultimate tenant. Mr. Nichols stated each building would be 550,505 square feet with parking in the middle for both buildings or one building with 1 million square feet with 47 acres capped for preservation.

Peter Tesch, President of St. Lucie County EDC, stated this is a significant project for the City of Fort Pierce that will create sustainable jobs for St. Lucie County. Mr. Tesch showed the Economic Impact Analysis of new construction and new jobs.

Motion was made by Bob Burdge, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission subject to three (3) conditions:

1. The applicant shall provide architectural up lighting along the facades of the building(s) facing I-95 and Florida's Turnpike. The same architectural lighting shall be provided along the north facade of the building(s) in the areas not utilized for bay doors/loading. The applicant shall provide details of the lighting program at the time of building permit review.
2. After a minimum of six (6) months of full operation of this project site, the applicant should update the trip generation, trip distribution and level of service to verify the assumptions provided as part of this traffic study at the time of approval. If discrepancies are detected, the updated study should provide mitigation measures if needed. The updated study should be submitted to St Lucie County for review.
3. The Airborne Mountain Bike Club shall be able to maintain their club and trails within the South Florida Water Management (SFWMD) District Conservation Easement per their existing agreements with either SFWMD and or the property owner.

AYE: Nichelle Clemons, Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Chairman Frank Creyaufmiller

Passed

m. Disposal of Surplus Property - 1207 Avenue L - 2404-801-0055-000-5

Ms. Harnage explained the purpose of disposal of surplus property is to get the property back on the tax roll for redevelopment since there is no municipal purpose for the property. Ms. Harnage stated the respondent scores are obtained by determining what is being done, how soon, economic impact and the value of improvements.

Ms. Harnage stated that the appraisal for 1207 Avenue L came in at \$45,000 and the property is currently in fair/uninhabitable condition.

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

AYE: Harold Albury, Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Chairman Frank Creyaufmiller

Passed

n. **Disposal of Surplus Property - Cortez Boulevard - 2421-500-0060-000-2**

Ms. Harnage said this is a beautiful lot with lots of Oak trees and the city only received one response from the neighboring property owner, who has been maintaining the property for 25 years and would use the property for family use and possibly build a home for his grandchildren.

Chairman Creyaufmiller highlighted the bidder fit the City Commission description outline for disposing of surplus property. The chairman noted the bid was for more than the property value of \$35,000.

Ms. Harnage explained that they are unable to negotiate the price and Ms. Baker suggested the city refund the respondent the difference.

Motion was made by Marcia Baker, and seconded by Michael Broderick to forward a recommendation of approval to the City Commission.

AYE: Michael Broderick, Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Chairman Frank Creyaufmiller

Passed

o. **Disposal of Surplus Property - S. 11th Street - 2409-826-0005-000-2**

Ms. Harnage stated the property abuts Goodwin Park and the respondent will build either a single family home or duplex rental in 1 1/2 years.

Motion was made by Bob Burdge, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission.

AYE: Gloria Johnson-Scott, Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick, Chairman Frank Creyaufmiller

Passed

8. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

9. **DIRECTOR'S REPORT**

Ms. Hofmeister gave an update on the Vacation Rental Committee. She said Rebeca Guerra and Mr. Broderick will be chairing the committee and the property manager spot is still open. Ms. Hofmeister provided a tentative schedule with a presentation to the Planning Board over the summer.

a. **Proposed Meeting Date Change - 2nd Monday of the Month - 2:00 PM**

Mr. Burdge stated he a conflict with another meeting on the 2nd Monday of the month and may have to leave early.

Motion was made by Gloria Johnson-Scott, and seconded by Nichelle Clemons to move the Planning Board meeting time to 2 PM on the 2nd Monday of each month.

AYE: Bob Burdge, Marcia Baker, Nichelle Clemons, Harold Albury, Michael Broderick,
Gloria Johnson-Scott, Chairman Frank Creyaufmiller

Passed

10. BOARD COMMENTS

Chairman Creyaufmiller stated the drafted proposals for home rule are being voted on Wednesday, February 10, 2021 and he would like to get updates on the vote from Ms. Earley. Ms. Earley stated she would provide updates on the vote to Ms. Hofmeister.

Ms. Earley said she will not be a member of the Vacation Rental committee. Mr. Broderick stated that the legal department will be drafting the Short Term Rental ordinance that will go to Conference Agenda, Planning Board and then City Commission for approval.

Chairman Creyaufmiller asked Ms. Earley how City Code Chapter 22 turned into Chapter 125. Ms. Earley stated a complete overhaul of the code was done in the summer of 2020.

Mr. Broderick commented that the no on-street parking short term rental Conditional Use discussion at the January 19, 2021 City Commission meeting was convoluted and the City Commission did not grasp the Planning Board's added condition. Mr. Broderick explained that you can't have 12 people staying at a two bedroom rental with four parking spots and the other people parking on the street. This purpose of the condition was to prevent multiple renters at a two bedroom unit.

Ms. Baker said legal on street parking helps the community, visitors and the residents.

11. ADJOURNMENT



January 25, 2021 (UPDATED COMMENTS)

Mohammad Sohid, President, Triple Royal Inc.
11420 Coral Bay Drive
Boca Raton, FL 33498

Subject: 2061 S US Highway 1 – TRC Comments for January 21, 2021 conference call

Please make a written response to these comments. Any changes or resubmittals must be done by January 29th, 2021 to move forward to the February Planning Board Meeting.

Fort Pierce Planning Department

1. Per City Code Section 125-317. – 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. Plans shall reflect all proposed sidewalk improvements. **Include a sidewalk connection (sidewalk striping) to the Building from the parking areas to the entrance.**
2. The Waiver of Distance Application states that you have 30 parking spaces; this is incorrect. There are a total of 25 parking spaces. **Please correct this with a new notarized application.**
3. The Waiver of Distance Application and your Narrative have different hours of operation that are not allowed. Per City Code Section 125-325; No amusement arcade or arcade amusement centers shall operate after the hour of 12:00 midnight and before the hour of 8:00 a.m. on weekdays, and between 2:00 a.m. and 8:00 a.m. on weekends. **Please correct this with a new narrative and new notarized application.**
4. The Waiver of Distance Application states that the building size is 3,230 square feet but the St. Lucie County Property Appraiser states that the gross square footage is at maximum 3,188 square feet. **Please correct this with a new notarized application.**
5. Per City Code Section 123-37. – General Landscaping Requirements - (10) Screening of refuse collection areas. Refuse and recycling dumpsters utilized by multifamily residential complexes, in commercial, industrial and institutional facilities shall be screened from view on all sides and shall be gated. Gates may be left open only on scheduled pick-up days and must be closed following pick up. Such screening shall consist of a six-foot-high masonry wall or wooden fence. In addition, when feasible, one shrub or hedge shall be planted at two-foot centers along the outside perimeter of the screen. Dumpsters shall be located in an area that minimizes public view. This subsection shall apply to dumpsters servicing structures built on or after June 1, 1996. **Please re-install a gate to the refuse-collection dumptser for screening.**

6. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(f): **Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five game machines located within the premises.** Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
7. Per City Code Section 125 . 325. – Amusement Arcades and Arcade Amusement (1)(f): **Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.**
8. Please adhere to City Code Section 125 – 325. – Amusement Arcades and Arcade Amusement.
9. Per City Code Section 123.-6. – Required Bond., Provide a completion certification by the landscape architect, a landscape cost estimate sheet, and a security bond, certified deposit (CD), cashier’s check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required. **This must be provided prior to receiving Certificate of Occupancy.**
10. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(h): **Lighting for parking lots must satisfy lighting requirements of section 125-315(g)(1) prior to the issuance of a business tax receipt. Commercial uses require a minimum average of two footcandles for parking areas.**
11. Per City Code 125-325. – Amusement Arcades and Arcade Amusement Centers.(2)(i): **Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.**



THE SUNRISE CITY
FORT PIERCE
ENGINEERING
DEPARTMENT

Florida



To : Vennis Gilmore, Planner
FROM : John R. Andrews, P.E., City Engineer
RE : Conditional Use – 2061 S. US Highway 1
TRC No. 21-0400001
DATE : January 14, 2021

JRA

RECEIVED

JAN 13 2021

CITY OF FORT PIERCE
PLANNING & ZONING

This is to advise you that we have completed the review of the following documents as received by this office on January 8, 2021:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Conditional Use Application | <input type="checkbox"/> P/D Drawings |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local, State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local, State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we

- Recommend Do Not Recommend
- Approval of Conditional Use Building Permit C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

No comments

JRA/tst/tst *tst*



Fort Pierce Utilities Authority
Water/Wastewater Engineering
1701 South 37th Street
Fort Pierce, FL 34947
772.466.1600 x3473

Technical Review Committee Meeting

January 21, 2021

TECHNICAL REVIEW PROJECT # 21-04000001

Conditional Use, Design Review, & Waiver of Distance – Triple Royal Arcade – 2061 S US HWY 1

Comments

FPUA W/WW Engineering: Location is presently a water and wastewater customer of FPUA. Please visit Customer service @ 206 South 6th Street to address any items that will be required to reactivate these services if they are currently off.

FPUA Electric & Gas Engineering: There is currently electric infrastructure to the site from US 1, directly east of the area. Please provide electric load information and AutoCAD drawings if additional service will be needed. The customer will be responsible for all transformer pads, conduits, and secondary conductors. For more information and project coordination, please contact Sal Scimeca.

Sal Scimeca

Engineering Technician II

Electric and Gas Engineering

1701 S. 37th Street, Fort Pierce, FL 34947

sscimeca@fpu.com

Office: (772) 466-1600 Ext. 6957

Gas service is also available to the site from a gas main directly adjacent. Please provide a copy of the gas riser diagram with the anticipated load if the developer is interested in natural gas service. For more information and incentives that are available, please contact Billy Dupre.

Billy Dupre

Business Development Representative

Gas Operations

1701 S. 37th Street, Fort Pierce, FL 34947

Bdupre@fpu.com

Office: (772) 466-1600 Ext. 4705



Our mission is to provide our customers with economical, reliable, and friendly service in a continuous effort to enhance the quality of life in our community.

www.fpu.com



A utility easement will be required for all proposed FPUA electric and gas facilities within site. If the developer should have any questions, please have them contact the individuals listed above. Attached is a copy of the FPUA GIS Map detailing both electric and gas utilities.



01193021_201815
US Highway Lp...



BUREAU OF FIRE PREVENTION

SITE PLAN REVIEW

TO: Site Plan Applicant

SITE PLAN: Triple Royal Arcade

REVIEW DATE: 1/13/2021

PLANNER: GILLMORE

REVIEWED BY: Captain Wayne Boyer

Site Plan Approved: _____

Site Plan Approved with conditions: X

Site Plan Approval withheld pending written acknowledgement of conditions: _____

Site Plan Rejected: _____

The Following Revisions Are Necessary:

- 1. Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line at <https://www.slcfcd.com>**
- 2. Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form.**
- 3. Please send the Fire District electronic plans for the site and buildings.**
- 4. Be advised, although there is no new construction planned for this project it will be subject to a New Business Inspection and possibly a Change of Occupancy Review. The project will have to meet all of the Occupancy requirements at that time to be in compliance with the currently adopted version of the Florida Fire Prevention Codes**

"Our Family Serving Yours"

5160 N.W. Milner Drive, Port St. Lucie, Florida 34983-3392

Telephone: (772) 621-3400 Fax: (772) 621-3500

www.slcfcd.com

Vennis Gilmore

From: SANDERS, MARVIN E. <marvin.sanders@stlucieschools.org>
Sent: Tuesday, January 12, 2021 3:13 PM
To: Vennis Gilmore
Subject: 21-04000001 Triple Royal Arcade 2061 S US Hwy 1

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

The St. Lucie County School District has reviewed the above reference project and have we do not have any comments or concerns.

Please feel free to contact me if you have any questions.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County
9461 Brandywine Lane, Room 2-303
Port St. Lucie, FL 34986



9461 Brandywine Ln
Port St Lucie, FL 34986



office 772.429.7547
cell 772.216.5755

Vennis Gilmore

From: Reginald B. Sessions, Attorney at Law <sessionslawfirm@aol.com>
Sent: Thursday, January 21, 2021 3:43 PM
To: Vennis Gilmore
Cc: pslauto69@yahoo.com
Subject: Triple Royal Arcade

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Notice of Representation: Office of Reginald Sessions

Hello Mr. Gilmore,

This office has been retained by Zyad Qasem, for the future, all correspondence, emails or phone communication should be forwarded to this office. Our client has forwarded me your email regarding the trc proceedings at 1:30 today. He was under the impression that he should have been afforded an opportunity to be heard at this meeting. However in light of his absence and his contractor also, we hope he was not prejudiced in not participating.

I look forward to hearing from you on behalf of our client regarding all future matters regarding this procedure. On behalf of the Law Offices of Reginald Sessions we look forward to hearing from you soon to expeditiously resolve this matter.

Sincerely,

Trena Washington, Legal Assistant

201 South 2nd Street, Suite 211
Fort Pierce, FL 34950
Office 772-595-0060
Cell 772-971-3958
sessionslawfirm@aol.com