

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **MAY 10, 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

After roll call, Ms. Hofmeister introduced the Planning department summer intern, Bridgette Murphy, and Ms. Murphy told the Board a little bit about herself.

Present: Bob Burdge; Michael Broderick; Marcia Baker; Harold Albury; Frank Creyaufmiller, Chairman

Absent: Nichelle Clemons; 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

Ms. Johnson Scott and Ms. Clemons were excused.

5. APPROVAL OF MINUTES

- a. Minutes from the April 12, 2021 meeting

Motion was made by Michael Broderick, and seconded by Bob Burdge to approve the minutes from the April 12, 2021 meeting.

AYE: Michael Broderick, Marcia Baker, Harold Albury, Bob Burdge, Chairman Frank Creaufmiller

Passed

6. NEW BUSINESS

a. Annexation - 2261 Peters Road - Six (6) Parcels - Kings Highway Commerce Park

Mr. Creagan gave an overview of the annexation and answered questions from the Board on the road access between two of the parcels and the use of the land once annexed into the city.

Jeff Iravani, applicant representative, stated the owner intends to construct a 109 acre distribution center on the property with Phase 1 coming shortly.

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

AYE: Michael Broderick, Marcia Baker, Harold Albury, Bob Burdge, Chairman Frank Creaufmiller

Passed

b. Conditional Use - Lucky 7 Arcade - 1702 Delaware Avenue

Mr. Gilmore gave an overview of the application and answered questions from the Board on parking requirements, parking in the grass lot, and alcohol sales.

Ms. Hofmeister explained that in order to park on the grass lot, surface parking requirements have to be met.

Maria Alvarez, owner, stated that no parking will take place on the grassy area, only on the pavement.

Motion was made by Bob Burdge, and seconded by Michael Broderick to approve with the following thirteen (13) 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 10 bicycle spaces.
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. Alcohol sales or consumption shall also be prohibited in the attached restaurant.
3. Please adhere to City Code Section 125 – 325. – Amusement Arcades and Arcade Amusement. 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. A Landscape Bond, Itemized Cost Estimate, and Certified Letter of Completion by Certified Florida Landscape Architect must be provided prior to receiving Certificate of Occupancy.

4. 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 applicant must submit a Landscape Plan with new trees and plantings that meet city code standards.
5. 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.
6. 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 to the Building from sidewalk along Delaware Avenue to the entrance.
7. Provide a separate gated entrance to the refuse collection area for employee access.
8. Provide a sidewalk connection (sidewalk striping) to the refuse collection gated entrance.
9. 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.
10. No Parking shall be permitted within the 8,361 square foot grass area to the west.
11. Per City Code Section 22-56.-Definitions: Adult entertainment establishment means an adult theater, an adult bookstore, an adult performance establishment, a commercial physical contact parlor or an escort service operated for commercial or pecuniary gain, regardless of whether such establishment is permitted under this article. Whether or not an adult entertainment establishment is operated for commercial or pecuniary gain shall not depend upon actual profit or loss. An establishment which has a permit issued through this article shall be presumed to be operated for commercial or pecuniary gain. An establishment with an adult entertainment permit shall be presumed to be an adult entertainment establishment. Adult Entertainment per the City of Fort Pierce definition is not allowed, however an Arcade Amusement Center with entertainment for adults 18 years of age and older is permitted through Conditional Use Approval.
12. A Lot Combination and Unity of Title of Parcel ID: 2409-314-0027-000-0 and Parcel ID: 2409-31, to provide continual access for a sustainable commercial site must be completed.

AYE: Marcia Baker, Harold Albury, Bob Burdge, Michael Broderick, Chairman Frank Creaufmiller

Passed

c. **Conditional Use - Dwelling Rental - 1578 Thumb Point Drive**

Ms. Guerra gave an overview of the dwelling rental and highlighted that the detached accessory building was built prior to the zoning ordinance change and the two car limit condition is for the rental unit only. Ms. Guerra answered questions from the Board on the address of the detached building, traffic, and electrical permits for the rental unit.

Christy Estes, owner and applicant, noted that condominiums are behind her home and there is nothing to the stage left of the home for noise violation. Dr. Estes said she will be living on the premises and there is an open camera system on the property. Dr. Estes highlighted the rental rules of no pets, no children, and a 3 night minimum rental. Dr. Estes said she will not be operating her business from her home and she stated that none of her students will be staying in the rental unit.

Timothy Bankston, resident, read a letter of opposition from resident, Terry Shafer and he spoke against the application.

Sally Griffith, resident, spoke against the application.

Ms. Baker stated she is concerned with having two vacation rentals, with the driveways meeting right across the street from each other, that close to an intersection, is a tragedy waiting to happen.

Motion was made by Bob Burdge, and seconded by Harold Albury to recommend approval subject to 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 (2) vehicles for the rental unit.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. Conditional Use approval is limited to the dwelling rental located within the detached accessory structure.

AYE: Harold Albury, Bob Burdge, Michael Broderick, Chairman Frank Creyaufmiller

NAY: Marcia Baker

Passed

d. **Text Amendment - Chapter 125-187 - Vehicle Sales / Service / Repair**

Ms Guerra gave an overview of the text amendment and she highlighted the change will allow for site plans with beautification and landscape improvements

Ms. Baker suggested that the Use Table be changed to Vehicle Repair or Vehicle Wash instead of Vehicle Repair and Wash, because it implies that you cannot have a vehicle repair business unless you have a wash facility.

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

AYE: Bob Burdge, Michael Broderick, Marcia Baker, Harold Albury, Chairman Frank Creyaufmiller

Passed

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. DIRECTOR'S REPORT

Ms. Hofmeister informed the Board of the upcoming Edgartown Community meeting on Wednesday, May 12, 2021 at the Riverwalk Center.

Ms. Hofmeister explained that the Planning Board of Adjustment is having a hard time meeting quorum due to the Board not meeting regularly. At the Conference Agenda on May 10, 2021, Ms. Hofmeister discussed the possibility of the Board of Adjustment duties moving under the Planning Board. Ms. Hofmeister stated the City Commission has directed staff to look at what other municipalities are doing and to check for legal conflicts due to the Board of Adjustment hearings being Quasi-Judicial.

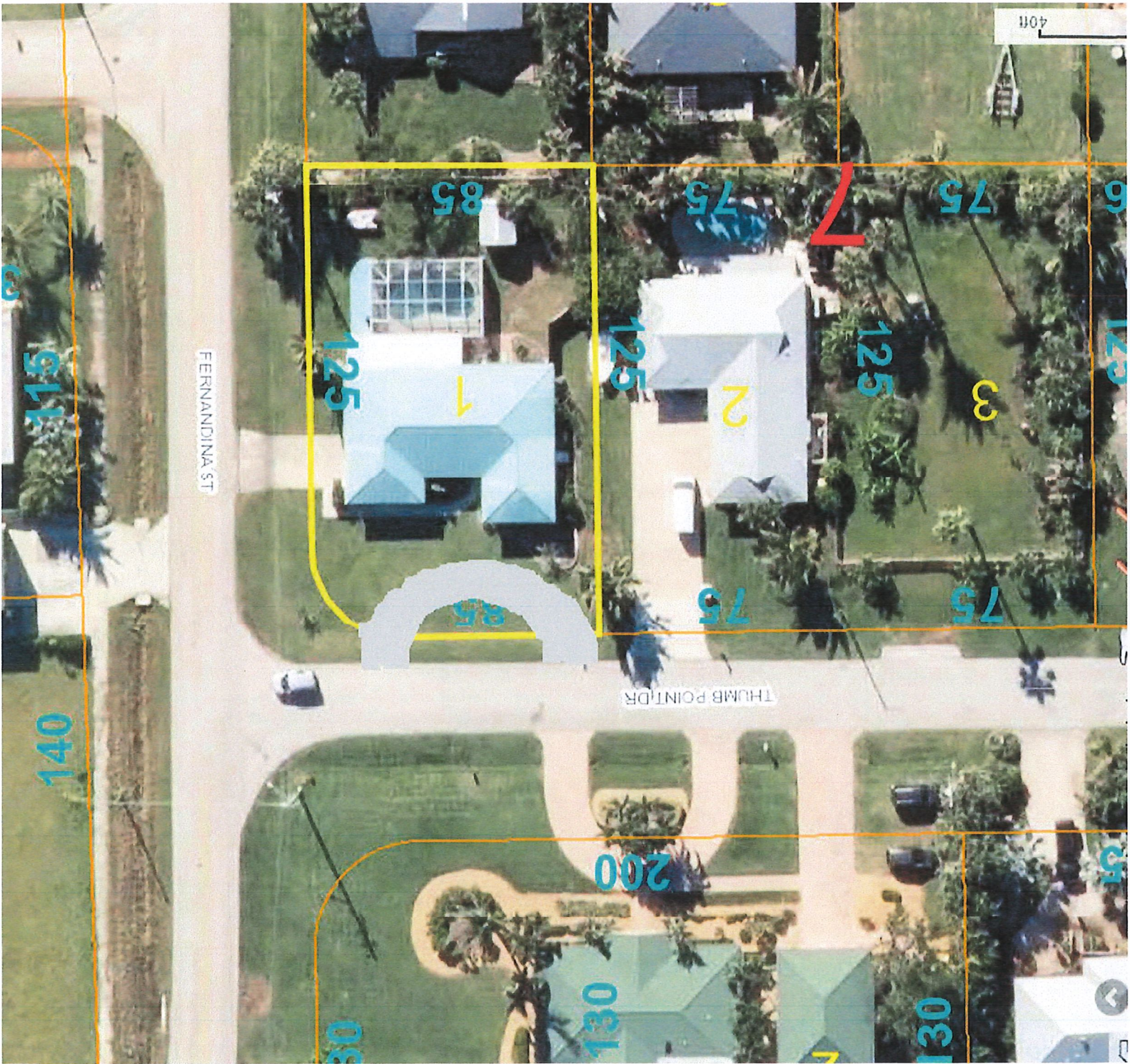
9. BOARD COMMENTS

Chairman Creyaufmiller asked the Board members to make their feelings known because every comment is worthy of being made.

Ms. Baker stated in June 2020, the City Commission eradicated the rights of the property owners in Fort Pierce and the Planning Board to have any meaningful influence on any Conditional Use applications. Prior to that date a 20% negative response from the public or a Planning Board denial triggered a super majority vote to override the objections. The elimination of this safety feature of a super majority requirement has been and will be in the future a disaster for any continuing meaningful citizen participation on any kind of Conditional Use in their neighborhoods. Ms. Baker urged the City Commission to rescind this change and go back to the citizens and the Planning Board having proper influence on the decisions being made.

Mr. Broderick gave an update on the Short Term Rental Task Force. He stated the committee is on target for the initial presentation to the City Commission at the Conference Agenda on June 14, 2021 with the finalized document being finished in September or October 2021. Mr. Broderick explained that the process will be usable and functional and is a massive improvement but it is not a "be-all, fix-all" and frustrations will not be eliminated.

10. ADJOURNMENT



REVISIONS



REVIEWED FOR CODE COMPLIANCE

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code inadvertently overlooked during plan review as outlined in Chapter 1 Section 105.4 of the Florida Building Code. All proposed work is subject to any corrections required by field inspectors that may be necessary in order to comply with all applicable codes.

These plans and all proposed work are subject to any corrections required by field inspectors that may be necessary in order to comply with all applicable codes.

My reading

From: terry travelandfishing.com (terry@travelandfishing.com)

To: tbank39@bellsouth.net

Date: Monday, May 10, 2021, 12:30 PM EDT

Terry ShAfer
1502 Faber ct

Planning board, first of all we would like to thank you for the immense amount of time that you have spent on the issues of short term rentals in our city.

It is my understanding that the apartment... The garage apartment at 15 78,Thumb Point Dr. is on one of three lots. It is my understanding as advised from planning that it can have sleeping quarters and only a kitchenette but not a kitchen. If you will please look at the picture that Mr. Bankston is giving to you on my behalf today you will see that in the real estate advertisements for this property before being purchased by the Estes you will see a stove that will require a 220 plug. Planning advised me that the difference between a kitchen and a kitchenette is 220 and not 110.

It is my opinion that our city is not doing their job. This apartment should have already been inspected by the building department. I would love to speak to the building department about it but I have sent three emails with no response. I have left messages with no response. They seem to think that they do not have to answer to the taxpayers of the city of Fort Pierce I just don't see it that way. If we have a question we need answers. I will now put the responsibility on the planning board to prove what we are saying in the photographs to be correct and to assume that what the planning board has told me is correct or to prove it wrong I do not feel that any permit should even be considered until this property has been inspected by the building department.

This is respectfully committed to the planning board by Tim Bankston for Terry Shafer at 1502 Faber Court thank you

Terry W. Shafer
All About Travel
200 South Indian River Dr.
Suite 307
Ft Pierce, Fl. 34950
772 979 0986

Guest house not built
UNTIL last owner
after 1985

