

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 5:05 P.M. ON MONDAY, OCTOBER 16, 2023.

1. CALL TO ORDER

Mayor Hudson called the October 16, 2023, Regular Meeting of the City Commission to order at 5:05 P.M

City Clerk Linda Cox announced that City Manager Nick Mimms would arrive momentarily.

2. OPENING PRAYER - Pastor Mark Leonard with Riverview Baptist Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines;
Commissioner Curtis Johnson, Jr.; Commissioner Jeremiah Johnson;
Mayor Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of Minutes from October 02, 2023 Regular Meeting

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the minutes of the October 02, 2023 Regular Meeting.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

6. PROCLAMATIONS

- a. Hospice and Palliative Care Month
- b. Florida City Government Week - October 16 - 23, 2023

7. LETTERS TO COMMISSION

- a. Letter from Chrystal Netherton, CEO of Graceway Village, thanking the City of Fort Pierce for a \$5,000 contribution towards providing nutritious meals for families and much-needed clothing for children.

- b. Letter from Will Armstead, CEO, Boys & Girls Clubs of St. Lucie County, thanking the City of Fort Pierce for a contribution of \$5,000 towards the cost of the purchase of equipment and materials for the Infinity Club House's drumline.
- c. Letter from Darrell Drummond, President/CEO of Council on Aging of St. Lucie County, thanking the City of Fort Pierce for trimming the overgrown trees on South 16th Street.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the agenda as set.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

9. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS

Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

No comments

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of piggyback agreement with TRP Construction Group to install new pavement markings on Delaware Avenue from 17th Street to US 1 in an amount not to exceed \$51,445.00.
- b. Approval of the Federally funded SubAward and Grant Agreement with Florida Division of Emergency Management for Hurricane Nicole.
- c. Approval of federally funded SubAward and Grant Agreement with Florida Division of Emergency Management for Hurricane Ian .
- d. Approval to award Specific Authorization #2 for RFQ 2019-027 to Stantec for professional engineering design services for the 11th Street, Boston Avenue, and Preston Court roadway improvement project in an amount not to exceed \$199,482.85.
- e. Approval of Travel for Commissioner Curtis Johnson, Jr. to attend the Florida League of Cities 2023 Annual Conference in Orlando, Florida from November 29, 2023 to December 01, 2023, in the amount of \$974.14.
- f. Approval of Travel for Mayor Linda Hudson to attend the Florida League of Cities 2023 Annual Conference in Orlando, Florida from November 29, 2023 to December 01, 2023, in the amount of \$949.74.

- g. Approval of Travel for Commissioner Arnold Gaines to attend the Florida League of Cities 2023 Annual Conference in Orlando, Florida from November 29, 2023 to December 01, 2023, in the amount of \$974.14.
- h. Approval of PRP Construction Group, LLC Change Order No. 1 in the amount of \$110,250.00.
- i. Authorize purchase of services from L & S Enterprises, LLC, as a single source purchase, to replace light fixtures along S. Ocean Drive for an amount not to exceed \$231,300.00.
- j. Approval of award of \$5,000 for the PY 22-23 Small Business Grant to Destiny Therapeutic Service, LLC.
- k. Approval of proposal from Beemats, New Smyrna Beach, FL, in the amount of \$171,072.00 for the annual harvesting, maintenance, and re-nourishment of vegetated mats at the Indian Hills Recreation Area.
- l. Approve the purchase of streetlights and associated streetlighting materials from FPUA at a cost of \$200,000.00 to be utilized within the limits of the Ohio Avenue Roadway Reconstruction project extending between U.S. Highway 1 and 11th Street.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve the Consent Agenda as set.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 23-054 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. FIRST READING.

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 23-054

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A MORATORIUM ON THE IMPOSITION AND COLLECTION OF CITY IMPACT FEES FOR A PERIOD OF ONE (1) YEAR WITHIN THE BOUNDARIES OF THE CITY'S DESIGNATED URBAN INFILL AND REDEVELOPMENT AREA REQUIRED BY SECTIONS 113-8, 113-15 THROUGH AND INCLUDING 113-19 OF THE CITY CODE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

City Manager Nick Mimms explained that this is a continuance of the Economic Development Incentive Program within the boundaries of the FPRA and recommended that the program continue.

The Commission commented on community support, the need for County involvement, specifically to bring development in the urban core, and what the City can do to increase redevelopment.

Mr. Mimms commented that the City can aggressively promote the program, and seek County participation, as the infrastructure is here.

Commissioner Jeremiah Johnson suggested addressing the issue based on the district versus the entire CRA.

Commissioner Broderick commented on a proposal to the County asking for their involvement.

Mayor Hudson commented on County involvement with impact fees and Legislative justification for impact fees.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve Ordinance No. 23-054.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan, Development and Design Review, submitted by property owner and applicant Devin Wheaton, to build a 13,000 square-foot office/shop space for Treasure Coast General Contractor business located at 2006 Hartman Road, more specifically at Parcel ID: 2417-332-0005-000-1.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Sara Hedges, City Attorney, reviewed the quasi-judicial hearing rules and procedures.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Michael Broderick – No

Commissioner Arnold Gaines – No

Commissioner Curtis Johnson Jr.- No

Commissioner Jeremiah Johnson – (Visited site and spoke with the applicant)

Mayor Hudson – No

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Ryan Altizer, Senior Planner, presented the application for a Site Plan, Development, and Design Review for 2006 Hartman Road.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote APPROVAL of the proposed Site Plan (Development and Design Reviews), with one condition:

1. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certification of Occupancy is approved for the site.

Questions of Staff:

Commissioner Broderick inquired on the landscape package and commented on the excitement for the project.

Applicant Questions of Staff:

Devin Wheaton had no question of staff.

Question of the Applicant:

None

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve the Site Plan with (1) one condition.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- c. Legislative Hearing - Ordinance 23-055 - Review and approval for a voluntary annexation by property owners Daniel and Janica Jules of three (3) parcels at the South east corner of Totten Road and Rhode Island Avenue, more specifically at Parcel IDs: 2417-331-0003-000-4, 2417-331-0005-000-8 and 2417-331-0004-000-1. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 23-055

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (3) PARCELS AT OR NEAR EAST OF TOTTEN ROAD AND SOUTH OF RHODE ISLAND AVENUE JUST NORTH OF OKEECHOBEE ROAD, PARCEL IDS: 2417-331-0003-000-4, 2417-331-0005-000-8 AND 2417-331-0004-000-1, AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTIES AND PLACE THEM ON THE CITY TAX ROLLS AS OF JANUARY 1, 2024; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTIES; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ryan Altizer, Senior Planner, presented the application for a voluntary annexation at the Southeast corner of Totten Road and Rhode Island Avenue.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote APPROVAL of the proposed annexation.

Questions of Staff:

Commissioner Jeremiah Johnson inquired if the property is adjacent to a platted right of way to the north, and the condition of the infrastructure. Mr. Altizer noted the street adjacent to the property and clarified that there is no infrastructure presently.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 23-055.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- d. Quasi-Judicial Hearing - Ordinance 23-056 - Review and approval of a Zoning Map Amendment by applicant Franco Prado to change the zoning of one (1) parcel of land from Residential Single-Family - Three Units Per Acre, E-3, to Planned Development, PD at 1038 S. 37th Street, more specifically at Parcel ID: 2417-213-0001-000-7 - FIRST READING.

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 23-056

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CITY'S ZONING ATLAS AND REZONING ONE (1) PARCEL GENERALLY LOCATED AT OR NEAR 1038 S. 37TH STREET CONTAINING APPROXIMATELY 5.28 ACRES OF LAND, MORE OR LESS, FROM RESIDENTIAL SINGLE-FAMILY – 3 UNITS PER ACRE (E3) TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Michael Broderick – No
Commissioner Arnold Gaines – No
Commissioner Curtis Johnson Jr.- No
Commissioner Jeremiah Johnson – (Residents and site visit)
Mayor Hudson – No

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Ryan Altizer, Senior Planner, presented the review and approval of a Zoning Map Amendment at 1038 S. 37th Avenue.

RECOMMENDATION:

Staff's recommendation is for City Commission to vote APPROVAL of the Zoning Atlas Map Amendment, with two (2) conditions:

1. A Final Plat is needed to subdivide the parcel into the proposed lots of the PD.
2. The 11 conditions of development placed in the corresponding Ordinance also must be met as conditions for this rezoning.

Questions of Staff:

The Commission requested clarification on the proposed property as PD, development perimeters, density bonuses, E3 zoning, home type in the surrounding area, lot layout.

Mr. Altizer explained the 60 feet residential lot width, they comply with PD zoning with the conditions presented, and the developers plan for the proposed number of homes based on the lots.

Mr. Freeman explained that this is Plan Development, a conceptual plan, and that the Commission must approve any changes; the density bonus applies subject to conditions and Commission approval with site plan approval, addressed

infrastructure including rights of way, and clarified infrastructure will be in plan development as this is not the approval of a site plan.

Sara Hedges, City Attorney, requested Municode 125-212 be presented for reference, clarification, and requirements.

Commissioner Jeremiah Johnson referenced the applicant's submitted application and proposal to determine the allowable density and plans to connect to the East.

Mr. Altizer confirmed that the Commission has the ability to make changes and that the site plan must be submitted for review as this is one part of the entire process.

Ms. Hedges clarified that this is for the rezoning of the proposed project.

Commissioner Broderick expressed his concern with moving forward.

Mr. Mimms expressed that Commission should not move forward with the application as there is not enough information to make an informed decision.

Ms. Hedges suggested that the applicant be heard and inquire if they consent to the item being pulled.

Applicant Questions of Staff:

Franco Prado, the applicant, explained the conceptual plan and his desire for duplex housing, not allowed in the current E3 zoning, communication with the planning department, and to be given the opportunity to present a site plan.

The Commission inquired as to the reason for a duplex, how the duplex will be divided for sale, infrastructure, the use of a duplex in a single-family area, and consideration of single-family homes only.

City Clerk Linda Cox requested clarification on the withdrawal of the application.

Ms. Hedges provided the options for the applicant.

The Commission addressed the many concerns with the proposed plan and made recommendations on moving forward.

Mr. Mimms restated that no decision can be made on this application as it is incomplete.

Mr. Prado requested an explanation of a continuance versus postponing the hearing.

Ms. Hedges explained continuance versus postponing the hearing and explained the next steps including providing a date certain of thirty days.

Mr. Mimms commented that thirty days would not be enough for the planning department.

Ms. Cox commented on the advertising requirements as this would be a new hearing.

Mr. Prado inquired on fees.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to withdraw acceptance, waive fees, and submit a new application with the required documents.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

Commissioner Curtis Johnson commented on future planned development applications.

- e. Legislative Hearing - Ordinance 23-057 - An ordinance amending the code of ordinances of the City of Fort Pierce, Florida; amending the future land use map of the comprehensive plan to change the designation of property generally located at the northeast corner of Selvitz Road and Devine road and west of Christensen road, from low density residential, RL, to mixed use development, MXD.- FIRST HEARING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 23-057

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF THREE (3) PARCELS GENERALLY LOCATED AT OR NEAR THE NORTHEAST CORNER OF SELVITZ ROAD AND DEVINE ROAD AND APPROXIMATELY 1600 FEET NORTH OF DEVINE ROAD, FROM CITY OF FORT PIERCE (RL) LOW DENSITY RESIDENTIAL TO CITY OF FORT PIERCE (MXD) MIXED USE DEVELOPMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.FIRST READING

Vennis Gilmore, Assistant Planning Director presented the amending of the future land use property generally located at the northeast corner of Selvitz Road and Devine Road and west of Christensen Road.

RECOMMENDATION:

Staff recommends Approval of the request and transmittal of the Major Future Land Use Map Amendment to the Department of Commerce.

1. The subject parcel is adjacent to existing FLU Designations of I, Industrial, INST, Institutional, and RL, Low-Density Residential
2. Consistent with Section 125-136 of City Code & the Comprehensive Plan
3. Does not adversely affect the public health, safety, convenience, and general welfare.

Questions of Staff

The Commission inquired on the recommendation of approval, the advantage of the zoning change, right of ways, open space

Mr. Gilmore explained that the proposed plan is still low-density residential with the addition of light industrial and multi-family, right of ways, and open space.

Mr. Freeman requested the separation of future land use and zoning and explained concerns with future land use allowance and the intent of the development.

Mayor Hudson opened the public hearing.

Daniel Sorrow and Maria Ariaz Sanz, Cotleur & Hearing, presented the proposed change of land use.

Jill Sunderlin- posed concerns with the proposed change.

Amy Quade – posed concerns with the density change and wildlife.

Mickey Sigmon – posed concerns with the proposed change.

Comments from the Commission:

The Commission discussed future land use, state approval, and infrastructure,

requested an explanation of the mixed-use designation, and expressed concerns with mixed-use, traffic volume, connectivity, and the environment. In addition, the Commission commented that more information may be required to make an informed decision.

Mr. Freeman defined mixed-use designation and increased entitlement of a property, and that the County has requested requirements to infrastructure when the site plan becomes available.

Mayor Hudson closed the public hearing.

Ms. Hedges commented that this meeting can be recessed for additional information.

Mr. Sorrows asked that they be allowed to move to the quasi-judicial where more information will be presented and asked that they move forward for state approval.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-057.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Mayor Linda Hudson

NAY: Commissioner Jeremiah Johnson

Passed

- f. Quasi-Judicial Hearing - Ordinance 23-058 - An ordinance by the City Commission of the City of Fort Pierce amending the city's zoning atlas and establishing a zoning designation of planned development (PD) for three (3) parcels containing approximately 122.8 acres and being generally located at or near the northeast corner of Selvitz Road and Devine road and west of Christensen road in Fort Pierce, Florida; providing for a severability clause; repealing all ordinances or parts thereof in conflict herewith; and providing for an effective date.
Subject property: Parcel ID(s): 2432-211-0006-000-3, 2432-211-0005-000-6, 2432-343-0001-000-4 - FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 23-058

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE; AMENDING THE CITY'S ZONING ATLAS FROM (R-1) SINGLE-FAMILY LOW-DENSITY ZONE AND ESTABLISHING A ZONING DESIGNATION OF (PD) PLANNED DEVELOPMENT FOR THREE (3) PARCELS CONTAINING APPROXIMATELY 122.8 ACRES AND BEING LOCATED AT OR NEAR THE NORTHEAST CORNER OF SELVITZ ROAD AND DEVINE ROAD AND APPROXIMATELY 1600 FEET NORTH OF DEVINE ROAD IN FORT PIERCE, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Michael Broderick – Yes (Applicant)

Commissioner Arnold Gaines – Yes (Applicant, site visit, and emails)

Commissioner Curtis Johnson Jr.- Yes (Applicant, residents, site visit)

Commissioner Jeremiah Johnson – (Applicant, residents, site visit)

Mayor Hudson – Yes (Planning Board meeting)

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial

hearing.

Vennis Gilmore, Assistant Planning Director presented amending the city's zoning atlas and establishing a zoning designation of planned development (PD)

RECOMMENDATION:

Staff recommends approval of the request with sixteen (16) conditions:

1. If the applicant intends to phase the project due to the future selling or leasing of all or portions of the planned development, such as land areas and dwelling units, The Planned Development Final Site Plans must adhere to City Code Sections 125-212(b)(6) and 125-212(c)(1)(c): Phasing. When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services, that failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking or the traffic flow of the completed phases. A development phasing schedule indicating:

2. The approximate date when construction of the project can be expected to begin.

The number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.

A general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.

Per City Code Section 125-212(c)(1)(e), Any Site Plan phase applications must submit zoning regulations and a list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan.

3. Per City Code Section 125-212(b)(3), In all planned developments at least 20 percent of the site shall be devoted to open space, regardless of project size or intended use; open space shall be land devoid of any aboveground structures or buildings, except pergolas, gazebos, pavilions or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than 30 percent of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas for conservation and development (A-1 and A-2 zoning).

4. Prior to development, a Final PD site plan application shall be submitted as a Major Amendment to the PD zoning.

5. The Final PD plan shall conform to the requirements of the City Code of Ordinances and be subject to the general standards for approval of Planned Development Zoning.

6. Prior to submittal of Final PD site plan, a state wetland jurisdictional determination shall be conducted to determine the exact boundaries of the wetlands located on site. Further wetland evaluation and assessment shall be conducted to further determine mitigation options available for this site.

7. Prior to submittal of Final PD site plan, a Gopher Tortoise Survey shall be carried out on site.

8. Prior to submittal of Final PD site plan, and if required by the USFWS (US Fish and Wildlife Service), a Wood Stork foraging Habitat Assessment shall be carried out on site.

9. A detailed stormwater and drainage plan and statement shall be submitted at time of Final PD site plan.

10. The Final PD site plan shall be in unified control and property ownership. All land intended to be included in the planned development shall be under the legal control of the applicant.

11. The Final PD site plan shall include a general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.

12. The Final PD site plan shall include quantitative data for the total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; residential gross densities; total amount of open space; and the total amount of nonresidential acreage.

13. The Final PD site plan shall include all agreements, provisions and covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.

14. The Final PD site plan shall contain the following information, at minimum: a. A Landscape and irrigation plan per section 125-314. c. of the City Ordinance. b. Proposed lot lines and other divisions of land for management, use or allocation purposes. c. The location, size and height of present and proposed buildings and structures. d. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses. e. The existing and proposed vehicular circulation system, including off-street parking, and loading areas. f. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks. g. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines. h. The proposed buffering treatment of the perimeter of the planned development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences, and walls.

15. A Unity of Title with the St. Lucie County Clerk of Courts and a Parcel Combination with the St. Lucie County Property Appraiser shall be completed prior to the issuance of any Building Permit.

16. After completion of the Unity of Title and Lot Combination, a General Address Request Form for the newly created Parcel ID and for any and each proposed building and residential unit shall be submitted to the Planning Department.

Questions of Staff:

The Commission inquired on County involvement as it pertains to traffic, St Lucie County School connectivity, and infrastructure and posed concerns with the change from residential to industrial, bubble plan, whether the required information has been provided per code, and requested direction from Ms. Hedges on applicant participation moving forward.

Mr. Gilmore explained the County requirements, infrastructure, dedication of the right of ways,

Mr. Freeman commented to the applicant's investigation into school connectivity and explained the bubble concept/plan and code, the requirements of a site plan

Ms. Hedges referenced code section 125-212 sub-section C2 and its requirements, PD versus PUR designation.

Mr. Mimms commented that the proposed is a conditional approval of a conceptual plan and the possibility of changing code.

Questions of the Applicant:
None

Daniel Sorrow and Maria Ariaz Sanz, Cotleur & Hearing, presented the proposed use change to PD.

Commission questions of the Applicant:

The Commission inquired on access, connectivity, infrastructure, Devine Road access, and clarified traffic flow to the south or east and parcel location.

Mr. Sorrow addressed the question posed by the Commission.

Mayor Hudson opened the public hearing.

Jill Sunderlin – expressed concern with the proposed project.

Keith Burd – expressed traffic concerns.

Bill Sunderlin - expressed concern with the proposed project.

Mickey Sigmon – expressed concern with the proposed project.

Leslie Olsen – On behalf of Hope Commercial Closing and Energy Lane, pleased to see the proposed traffic flow and request a condition of approval requiring all trips to go through residential and not Energy Lane.

Mr. Sorrows commented on buffering, the additional requested condition of approval.

Mayor Hudson closed the public hearing.

Comments from the Commission:

The Commission commented on public concerns, Commission authority, traffic challenges, density with school, buffering, and open space.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 23-058 with (16) sixteen conditions and all residential traffic move through the southern entrance, and approval of site plan.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Mayor Linda Hudson

NAY: Commissioner Jeremiah Johnson

Passed

13. CITY COMMISSION

- a. Resolution 23-R54 reappointing Bob Burdge as an at-large member of the Parks Advisory Board.

City Clerk Linda Cox introduced the Resolution, read by title only, into the record.

RESOLUTION NO. 23-R54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE PARKS ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution 23-R54.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- b. Resolution 23-R55 Authorizing the City to enter into a lease with the United States of America for tenant, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), of the 4th Floor of the Sunrise Center, 310 Orange Avenue.

City Clerk Linda Cox introduced the Resolution, read by title only, into the record.
RESOLUTION NO. 23-R55

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE LEASE OF THE 4TH FLOOR OF THE SUNRISE CENTER, 310 ORANGE AVENUE, FORT PIERCE, FL, TO THE UNITED STATES OF AMERICA FOR TENANT, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mike Reals, Public Works Director, introduced Ken Krasnow, Collier, for the authorization of the lease of the fourth floor of the Sunrise Center.

The Commission inquired on the protection for the City during the build-out, can the City make adjustments to fit the budget, what is negotiable, the timeframe since the last tenant, how the City will recoup the construction cost, custodial services, current leaseholders' maintenance, lease terms, parking, security, and finance department overview.

Mr. Krasnow explained the protection for the City, C.P.I escalation per year as a fixed rate, options to account for overages,

Ms. Hedges explained the three options to account for overages and posed concerns with the lease, and no noted security protocol.

Mr. Mimms commented on custodial staffing and that the finance department had not viewed the proposal as that is the responsibility of our broker.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson

NAY: Commissioner Michael Broderick, Mayor Linda Hudson

Passed

14. 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 Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

Ekrem Uzman

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms- Commented on Mr. Uzman’s project.

City Clerk Linda Cox – No comment

City Attorney Sara Hedges – No comment

16. COMMENTS FROM THE COMMISSION

No comments from the Commission

17. ADJOURNMENT

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

Mayor Linda Hudson adjourned the meeting at 11:30 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER