

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **JANUARY 9, 2023**, 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 the new Planning Board members, John Heaning and Uline Daniel. Both Mr. Heaning and Ms. Daniel told the Board a little bit about themselves.

Present: Anton Kreisl; John Heaning; Nichelle Clemons; Uline Daniel; Harold Albury; Frank Creyaufmiller, Chairman

Absent: Alexander Edwards

Staff Present: Kev Freeman, Planning Director
Vennis Gilmore, Assistant Planning Director
Ryan Alitzer, Senior Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Mr. Edwards was excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the December 12, 2022, meeting

Motion was made by Nichelle Clemons, and seconded by Harold Albury to approve the minutes from the December 12, 2022 meeting.

AYE: Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

6. HEARING OF THE LOCAL PLANNING AGENCY

a. Future Land Use Map Amendment - 33rd Street - 1503 33rd Street

Mr. Altizer gave an overview of the application and answered questions from the Board. Mr. Altizer stated the two parcels are requesting a land use change from Neighborhood Commercial to General Commercial.

Tod Mowery, Applicant Representative from Redtail Design Group, stated the Future Land Use and Rezoning meet the 3 C's which are compatibility, consistency of the neighborhood and capability of the site development.

Motion was made by Nichelle Clemons, and seconded by Harold Albury to forward a recommendation of approval to the City Commission for the Future Land Use Map Amendment of two parcels of land from Neighborhood Commercial to General Commercial.

AYE: Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

7. NEW BUSINESS

a. Zoning Atlas Map Amendment - 33rd Street - 1503 33rd Street

Mr. Altizer gave an overview of the application. He stated the two parcels are requesting a change in the zoning classification from Neighborhood Commercial C-2 to General Commercial C-3.

Tod Mowery, Applicant Representative from Redtail Design Group, was available for questions from the Board.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission for the zoning classification change from Neighborhood Commercial to General Commercial.

AYE: Uline Daniel, Harold Albury, Anton Kreisl, John Hening, Nichelle Clemons,
Chairman Frank Creyaufmiller

Passed

b. Site Plan - Privilege North - 3315 Sunrise Boulevard

Mr. Altizer gave an overview of the application. The request is for a multifamily development located east of Sunrise Boulevard and North of Dade Road. 216 residential units are being proposed on two parcels totaling 21.686 +/- acres. Mr. Altizer showed the landscape plan, elevations and clubhouse. Mr. Altizer answered questions from the Board on the Dade Road exit, traffic signal at Bell Avenue and Sunrise Boulevard, sidewalks, school bus stop,

easements, and pond size.

Brad Currie, Applicant Representative from EDC, explained the project was approved in 2006 for 216 dwelling units but was never built due to the downturn in the economy. Mr. Currie stated the sidewalk will be installed on the frontage of the property. He noted that Dade Road is a substandard right-of-way (ROW) and the county does not require sidewalks. Mr. Currie said there was no mention of a traffic signal, by St. Lucie County, at the intersection of Bell Avenue and Sunrise Boulevard. Mr. Currie said the lake is 2.92 acres and should be about 15% of the site. Mr. Currie highlighted that they will save as many native trees as possible. Mr. Currie answered questions from the Board on the easement ownership, gated community, speed bumps, amenities, charging stations, improvements on Dade Road for pedestrian access, and St. Lucie Water Management District permit.

Motion was made by Anton Kreisl, and seconded by John Heaning to forward a recommendation of approval to the City Commission with the following conditions:

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 Certificate of Occupancy is approved for the site.
2. Prior to the issuance of Building Permit approval, 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 provided.
3. Provide sidewalk connection to Dade Road.
4. Provide traffic-calming on the west side of the property.
5. Add EV charging stations.

AYE: Harold Albury, Anton Kreisl, John Heaning, Nichelle Clemons, Uline Daniel,
Chairman Frank Creyaufmiller

Passed

c. Site Plan - Wallace Hyundai- 5553 S. US Highway 1

Mr. Gilmore gave an overview of the application. The request is to construct an approximately 25,740 square foot Automobile Sales and Service Facility with associated site improvements. The subject parcel is approximately 8.20 acres and there is currently an existing automotive services building on the property. Mr. Gilmore mentioned that there is a private road to the north of the site that has shared access between Sunrise Ford and Wallace Lincoln. Mr. Gilmore answered questions from the Board on the service entrance, water drainage and land ownership to the west of the property.

Scott Montgomery, Wallace Group Representative, said the property to the west is a Water Treatment Area for St. Lucie County and the outfall for the site exceeds the minimum required. Mr. Montgomery said currently the Hyundai dealership is operating in modular units. He said the detached oil and lube will be demolished, and the carwash building is not being used. Mr. Montgomery stated that Wallace owns the property to the south and there is interconnectivity for both dealerships along with common staffing. He noted the trip generation is not significant and the stormwater is being modified slightly. Mr. Wallace answered questions from the Board on wetlands impact, inventory of cars, entrance on US Highway 1, electric charging stations, number of staff and possible solar panel shading for cars.

Motion was made by Harold Albury, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission with the following conditions:

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 Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.

AYE: Anton Kreisl, John Heaning, Nichelle Clemons, Uline Daniel, Harold Albury,
Chairman Frank Creyaufmiller

Passed

d. Zoning Text Amendment - Edgartown Settlement Zoning District

Chairman Creyaufmiller asked for a motion to lift the text amendment from the table. The chairman stated the primary concern from the Historic Preservation Board was the noise. Chairman Creyaufmiller said there was a noise specialist that explained DBA sound levels at the conference agenda meeting the morning of January 9, 2023. The chairman asked that the Planning Board not get caught up in the noise solution because the City Commission will be looking at the noise ordinance for the city and for Edgartown.

Mr. Freeman showed the boundaries of the Edgartown Settlement District, and he described the area as small residential lots with some commercial uses. Mr. Freeman said the two reasons this came to city staff's attention is the number of complaints received from the residents regarding the activity and noise from the commercial entities and there was a legal question from internal on the differentiation between acoustic or amplified sound generation. Staff proposed the text amendment to essentially compress as much as possible without altering the intent of the district to refocus what it is all about and to clean up the definitions and organize the code. The code did not change besides the noise and the uses.

Mr. Freeman explained the history on the text amendment. He stated the code was presented to the Planning Board at their November 14th, 2022, meeting, and then at the Planning Board's request to the Historic Preservation Board at their December 5th, 2022, meeting as a discussion item. The discussion at the Historic Preservation meeting mentioned whether the appropriate noise level (dBA) should be adopted as initially recommended by Staff (Citywide level of 60 dBA) or reduced to a lower level. Comment by the attorney representing some residents of the neighborhood requested a reduction to 55 dBA and that certain commercial uses be approved in future by the Conditional Use process. In addition, the limit of 800 square feet exterior area used for outside entertainment be strictly enforced.

The code was further discussed at the January 9th, 2023, Commission Conference Agenda meeting. A presentation by an Acoustic Sound Engineer demonstrated various dBA levels and provided an explanation between dBA, dBC and dBX. The City Commission's discussion indicated that the appropriate citywide noise level of 60 dBA should be considered, together with the retention of the 9 p.m. cut-off for outdoor entertainment. Discussion was also made to limit brewpubs, neighborhood bistro's and wine/cigar bars uses to approval via the Conditional Use process. Mr. Freeman encouraged the Planning Board to have an acoustic review for Conditional Uses. Mr. Freeman stated the City Commission is looking at city wide sound limits and decibel levels.

Mr. Freeman provided a summary of the consideration of amendments to the Edgartown Settlement Zoning District and the proposed amendments to entertainment and noise.

Board discussion ensued on Conditional Use for any outdoor entertainment or any business selling alcoholic beverages.

Mr Freeman reviewed the current code for the Edgartown Settlement District, and he noted outdoor entertainment is acoustic only and amplified sound is not allowed and the cut-off time is 9:00 PM. Mr. Freeman answered questions from the Board on the hours of operation start time, residential noise restrictions, and if the ordinance pertains to 7 days a week.

Mr. Albury suggested taking a look at the zoning if the idea is to preserve the residential area. He said having strict regulations or a hard hand is not allowing an area to develop organically and grow with time.

Suzanne Boardman, Edgartown resident, said she has lived in Edgartown for 20 years, and they were the 2nd family to move in to the area. She said the area is 90% residential and the owners spend considerable time and money keeping their home preserved. She stated the lots are small and close together, and they can hear sounds from festivals in the area and bars north of Seaway Drive, but they don't want sound coming out of their area. Ms Boardman stated she wants to preserve the area for residential use.

Holly Theuns, Edgartown resident, stated she lives next to Pierced Cider, and she bought her 1905 house in 2012, and she renovated the home. Ms. Theuns said that during the pandemic Pierced Cider brought in bands seven days a week, and they made lots of money. Ms. Theuns said she has been complaining to the police about the loud noise and on April 7, 2022, the music was shutdown and on April 18, 2022, Pierced Cider started playing the radio from 10:30 AM to 9:00 PM seven days a week. Ms. Theuns said the business is successful and will be successful anywhere. She highlighted that the 9:00 PM cut-off, acoustic music ordinance was in place when she bought the home. Ms. Theuns noted that if the business wants to stay, they need to follow the rules. Ms. Theuns main concern is the enforcement of the ordinance and making people follow the ordinances. Ms. Theuns said 55-60 decibels is reasonable, and she is happy with the suggested changes to the ordinance, but she believes the police need training on the sound ordinance.

Lainey Francisco, Attorney representing Edgartown residents, stated the change to Conditional Use is appreciated, but she has concerns with the noise level and prefers 55 dBA. Ms. Francisco said the Edgartown overlay district should not be part of the sound ordinance. Ms. Francisco noted that typically receiving municipalities residential sound level is 55 dBA.

Mr. Freeman said the dBC is the best methodology for outdoor noise from entertainment for frequencies that can get out. Mr. Freeman noted that 60 dBC is very similar to 55 dBA and if the city was consistent with 60 dBC it would be more appropriate and closer to 55 dBA. Mr. Freeman stated concerns with enforcement in Edgartown, and he said if the noise ordinance was enforced, there would be a large difference in what the citizens experience.

Chairman Creyaufmiller suggested that if the noise ordinance is amended by the City Commission that the 9:00 PM cut-off time in Edgartown be added to the noise ordinance table in Section 11, Item I.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to lift the Edgartown Zoning Text Amendment from the table.

AYE: John Hearing, Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

Motion was made by Harold Albury, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission for the proposed text amendment with the following four (4) recommendations from the Planning Board:

1. Uses which serve alcohol subject to Conditional Use
2. Outdoor entertainment subject to Conditional Use
3. Noise limits to match City Ordinance Chapter 26, Article II, Noise
4. 9.00 PM Edgartown noise limitation be referred within City Ordinance Chapter 26, Article II, Noise

AYE: John Hearing, Nichelle Clemons, Uline Daniel, Harold Albury, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

8. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

9. **DIRECTOR'S REPORT**

Mr. Freeman stated 2023 will be an exciting year with interesting projects including the Port, Central Business District, potentially getting a Brightline Station, looking at traffic and an exciting housing proposal. Mr. Freeman explained the housing proposal as a holistic spectrum of housing within the city. He said the provision of housing will be throughout the whole range of accommodations, and they are currently looking at programs and initiatives to engage parts of that spectrum. Mr. Freeman noted that he is currently working with the grant department to have a coordinated effort of where the housing grants will be located.

Mr. Freeman stated a strategic planning meeting is being held in January with the consultants and the City Commission to discuss planning and city strategy for 2023.

Mr. Freeman said he is hoping next year will be as good or better than 2022.

10. **BOARD COMMENTS**

Chairman Creyaufmiller thanked the 2022 Board members for their service, and he congratulated the new Board members. Chairman Creyaufmiller said he had the opportunity to sit in other municipalities Planning Board meetings, and he said Fort Pierce is spot on in the way projects are moved through the city. The chair said he hears good things from the applicants, commissioners and mayor regarding Planning and the Planning Board. Chairman Creyaufmiller said he would like to see legal representation on the Board. He mentioned the upcoming meeting to discuss the outflow of water.

Mr. Kreisl brought up the lack of provision for accessory structures. He said the accessory dwelling units such as a mother-in-law suite are an extension for single family space, and it is currently not allowed. Mr. Kreisl requested the Planning department start the conversation to allow the accessory structures. He said the buildings would not be connected, they are easier to build, and they would be permitted like any other addition. The water, electric and

sewer service would be the same for both the home and the mother-in-law suite.

Mr. Gilmore stated mother-in-law suites are allowed in the R-4, Medium Density Residential zoning district. He noted that kitchens are not allowed. Mr. Freeman stated the mother-in-law suites can be incorporated into the new housing structure proposal.

Mr. Albury asked if the housing proposal will include a certain percentage of affordability, where ever it is located. Mr. Albury said certain areas could have the density to allow another dwelling unit on the property, and it could supplement someone's income and preserve an area.

Mr. Albury suggested putting a taxation on the sound in Historic Districts. He said the pooled money could be given to the homeowners to preserve their homes.

Mr. Albury suggested adding bike lanes to Sunrise Boulevard with a median separating the lane in the road to have a complete street. He noted that Planning influences how people operate in making a decision to walk or bike, and it promotes healthier living.

Mr. Albury asked for an update on the city surplus property development.

11. ADJOURNMENT