

# DRAFT



## CITY OF FORT PIERCE PLANNING BOARD

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### Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **SEPTEMBER 11, 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**

Present: Uline Daniel; Nichelle Clemons; Anton Kreisl; John Hening; Alexander Edwards;  
Frank Creyaufmiller, Chairman

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**

Motion was made by John Hening, and seconded by Nichelle Clemons to excuse the absence of Mr. Edwards from the August 14, 2023 meeting.

AYE: Nichelle Clemons, Anton Kreisl, John Hening, Alexander Edwards, Uline Daniel,  
Chairman Frank Creyaufmiller

Passed

5. **APPROVAL OF MINUTES**

- a. Minutes from the August 14, 2023 meeting

Motion was made by John Hening, and seconded by Uline Daniel to approve the minutes from the August 14, 2023, meeting with the addition to the motion on item 6c.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Uline Daniel, Nichelle Clemons,  
Chairman Frank Creyaufmiller

Passed

## 6. HEARING OF THE LOCAL PLANNING AGENCY

### a. **Future Land Use Map Amendment - Crownman PD - S. 2nd Street (Parcel ID: 2410-810-0002-000-6)**

Mr. Gilmore gave an overview of the application and answered questions from the Board. He said the request is for a Future Land Use Map Amendment of one (1) parcel of land, approximately .52 acres, to change the Future Land Use designation from Office-Professional and Business Services (OP) to Central Business District (CBD). Mr. Gilmore said the current zoning is C-1, Office Commercial and the proposed zoning is PD, Planned Development.

Mr. Freeman made a correction to the Future Land Use comparison chart. He said the proposed maximum density for the Central Business District (CBD) is 30 and the maximum number of units is 15, which is an increase of six (6) residential units. He noted the maximum density is the maximum allowed but might not be sited.

Kris Einstein, Applicant, stated the Future Land Use change is for the vacant parcel of land. The purpose is to tie the lot in with the other properties they own to be more cohesive and to flow better.

John Essen, resident, questioned the number of residential units allowed, and he said a huge development is not what the historical residential neighborhood is all about.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to approve the Future Land Use Map Amendment to change one (1) parcel from OP, Office Professional and Business Services to CBD, Central Business District.

AYE: John Hening, Alexander Edwards, Uline Daniel, Nichelle Clemons, Anton Kreisl,  
Chairman Frank Creyaufmiller

Passed

## 7. NEW BUSINESS

### a. **Annexation - Jules Annexation - Parcel IDs: 2417-331-0005-000-8, 2417-331-0003-000-4 and 2417-331-0004-000-1**

Mr. Altizer gave an overview of the application and answered questions from the Board. Mr. Altizer stated the application is for an annexation of three (3) parcels, with a City Future Land Use of GC, General Commercial, and a City Zoning of C-3, General Commercial.

Mr. Freeman stated the majority of the area on the zoning map is general commercial and the annexation is in the pattern of development within the city.

Jazz Jules, Applicant and Owner, said she was concerned with the parcel ID's on the warranty deed being different from the application. Mr. Altizer suggested Ms. Jules contact the property appraiser's office to fix the error.

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to forward a recommendation of approval for the Annexation to the City Commission.

AYE: Uline Daniel, Nichelle Clemons, Anton Kreisl, John Hening, Alexander Edwards,  
Chairman Frank Creyaufmiller

Passed

b. **Zoning Atlas Map Amendment - Crownman PD - 515 S. Indian River Drive & S. 2nd Street (2410-810-0001-000-9, 2410-810-0002-000-6)**

Mr. Gilmore gave an overview of the application. He stated the review is for a Zoning Atlas Map Amendment of two (2) parcels of land totaling approximately 2.42 acres to change the zoning classification from Office Commercial (C-1) to Planned Development (PD). The current Future Land Use is OP, Office-Professional and Business Services and the proposed Future Land Use is CBD, Central Business District, which was recommended in item 6a. Mr. Gilmore showed the conceptual "bubble" plan, site data, and permitted uses.

Mr. Freeman explained the 15 conditions are listed because a final site plan has not been submitted. He noted that general zoning uses were provided, and the applicant will have to go through the full site plan process when they are ready.

Chairman Creyaufmiller asked staff about the general feeling of all the uses that are listed.

Mr. Freeman stated the uses listed is helpful and sets up more parameters. He said all uses are subject to site plan review and consideration of neighboring properties.

Mr. Kreisl asked the purpose of having an exceptionally broad list of uses. He stated he wants to be sure the site plan comes before the Planning Board before the use is determined.

Mr. Freeman explained a Planned Development (PD) overrides a particular zoning district and the site plan locks in the uses. He said the applicant outline the uses that can be used in this conceptual Planned Development. Mr. Freeman highlighted that anything that happens with the PD would be a major amendment that comes back to the Board for site plan review.

Ms. Einstein stated the list of uses is from the current permitted and conditional uses listed on the use table. Ms Einstein noted the area is a hodgepodge area of single family residences, commercial and office professional. The number of uses allows for more flexibility on the property. Ms. Einstein said the back lot may be used for parking.

Motion was made by Nichelle Clemons, and seconded by Uline Daniel to forward a recommendation of approval of the Zoning Map Atlas Map Amendment from C-1, Office Commercial to PD, Planned Development with the associated conceptual site plan and 15 conditions listed below:

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:

- a. The approximate date when construction of the project can be expected to begin.
  - b. 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.
  - c. 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.
2. 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. If a Subdivision Application is submitted in the future, a General Address Request Form for the newly created Parcel ID(s) and for any and each proposed building and residential unit shall be submitted to the Planning Department.

AYE: Alexander Edwards, Uline Daniel, Nichelle Clemons, Anton Kreisl, John Heaning,  
Chairman Frank Creyaufmiller

Passed

c. **Zoning Atlas Map Amendment - Martin & Sons Planned Development - 1038 S. 37th Street**

Mr. Altizer gave an overview of the application. He stated the request is for a Zoning Atlas Map Amendment of one (1) parcel of land, approximately 5.20 acres, to change the zoning classification from Residential Single-Family – Three (3) Units Per Acre, E-3, to Planned Development, PD. The Future Land Use is RL - Low Density Residential. Mr. Altizer said the Planned Development would potentially allow a greater range of housing than what is allowed currently in the E-3 Zoning district. Under the current E-3 zoning, single-family detached houses are the only housing type permitted. The underlying Future Land Use of Low Density Residential is not subject to this amendment and therefore the overall permitted density of the property will remain at a maximum of 6.5 dwelling units per acre which equals 33 dwelling units. The E-3 zoning would, in this case, allow up to 15 dwelling units, unless subject to an innovative residential development.

Franco Prado, Applicant, stated he is looking for flexibility in development. He said with the current zoning he is only allowed to build a duplex, townhouse or single family home.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to forward a recommendation of approval for a Zoning Atlas Map Amendment of one (1) parcel of land to change the zoning classification from Residential Single-Family – Three Units Per Acre, E-3, to Planned Development, PD. to the City Commission with the following conditions:

1. A Final Plat is needed to subdivide the parcel into the proposed lots for the PD.
2. Prior to development, a Final PD site plan application shall be submitted as a Major Amendment to the PD zoning.
3. 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.
4. Prior to the final Certificate of Occupancy, 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.

5. Prior to submittal of Final PD site plan, a Gopher Tortoise Survey shall be carried out on site.
6. A detailed stormwater and drainage plan and statement shall be submitted at time of Final PD site plan.
7. 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.
8. The Final PD site plan shall include a development phasing schedule indicating the approximate date when construction of the project can be expected to begin and 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.
9. 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.
10. 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.
11. 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.
12. 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.

AYE: Nichelle Clemons, Anton Kreisl, John Heaning, Alexander Edwards, Uline Daniel,  
Chairman Frank Creyaufmiller

Passed

d. **Site Plan (Development and Design Review) - Treasure Coast General Contractors - 2006 Hartman Road**

Mr. Altizer gave an overview of the application. He stated the site plan application is for a 3,000 square-foot office and 10,000 square-foot shop for the Treasure Coast General Contractor business. Mr. Altizer said the site is approximately 2.29 acres, with a Future Land Use of GC - General Commercial and Zoning of C-3 - General Commercial. Mr. Altizer showed the site plan, site data, landscape plan, and elevations.

Devin Wheaton, Applicant and Owner, said he needs more space for material and to stage distribution. He also stated he needs additional office space with a conference room for

meeting with clients. Mr. Wheaton said he will not be storing any equipment outside. He noted the building is CBS structure and will look nice.

Mr. Kreisl complimented Mr. Wheaton on the elevations and the architectural features on the front of the building.

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to forward a recommendation of approval of the Site Plan to the City Commission with the following 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 Certificate of Occupancy is approved for the site.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Uline Daniel, Nichelle Clemons,  
Chairman Frank Creyaufmiller

Passed

e. **Final Plat - Fort Pierce Commercial - 5553, 5555 and 5557 Okeechobee Road**

Mr. Altizer gave an overview of the application and stated the Planning Board had reviewed the Preliminary Plat. He stated the request is for a final plat to subdivide three (3) parcels into five (5) platted lots. He said the site is approximately 14.14 acres with a Future Land Use of General Commercial (GC) and a Zoning of C-3, General Commercial.

Aaron Stanton, Applicant Representative, MBV Engineering, answered questions from the Board. He stated the landowner will be responsible for the maintenance of the access road from Okeechobee Road and Jenkins Road, and there will be a Declaration of Covenant with no association.

Motion was made by Alexander Edwards, and seconded by Uline Daniel to forward a recommendation of approval of the Final Plat to the City Commission with one (1) condition:

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

AYE: John Hening, Alexander Edwards, Uline Daniel, Nichelle Clemons, Anton Kreisl,  
Chairman Frank Creyaufmiller

Passed

f. **Major Amendment to a Planned Development Site Plan - Gator Trace Planned Development - 2435-311-0001-000-4, 2435-243-0001-000-6**

Mr. Freeman stated the item before the Board is for a Major Amendment to a Site Plan associated with Phase I of the Gator Trace Planned Development. He said the city is aware of other issues that are subject to legal review at the moment. One of the issues relates to the validity of the development agreement and the other issue is whether the existing PUD can be amended solely in the name of the applicant. Notwithstanding the decision of the Planning Board today, the item will not progress to the City Commission until the legal issues are resolved to the satisfaction of the city attorney. Once the issues are resolved the decision of the Planning Board will be taken to City Commission.

Chairman Creyaufmiller stated any testimony that is outside the parameters of the Major Amendment to the Site Plan should not be considered.

Mr. Gilmore gave an overview of the application and answered questions from the Board. He stated the request is for a Major Site Plan Amendment to an existing Planned Unit Development, together with a Design Review of two (2) parcels within the Gator Trace Planned Development. The subject property has a Future Land Use designation of Medium Density Residential (RM) and a Zoning designation of Planned Development (PD). The applicant is requesting to increase the number of allowed units on the two (2) subject parcels from 67 units to 83 units (identified as Phase I within the existing Gator Trace PUD Site Plan). The subject parcels total approximately 6.94 acres.

Mr. Gilmore made the Planning Board aware of an objection letter that was received. Mr. Gilmore said it is not the intent of the application to 'redistribute' the existing allocations of residential units from one part of the Gator Trace Planned Unit Development to another. The City's Comprehensive Plan permits a maximum density of up to 12 dwelling units per acre, and this application provides a maximum allocation of 83 dwelling units if apportioned to the area of the subject property alone. If a calculation of 'gross area' is applied to the whole Planned Development (PD) then the density would be less. The same calculation of residential units may be applied to other parcels within the PD, with the amendment of the PD, which could potentially increase the residential unit count on those parcels subject to future approvals. Phases I and II of the Gator Trace development are subject to a development agreement dated March 26, 2007, of which all parties, including the City, are aware. The condition 15 (ii) of the development agreement may limit construction access and this requirement will need to be resolved by all parties prior to construction activities occurring on site.

Mr. Gilmore provided the history of the Gator Trace Planned Development. He showed the site plan, landscape plan, and renderings.

Chairman Creyaufmiller clarified the approval of 120 condominium units on May 3, 1999, were built on five (5) parcels, not two (2) parcels.

Mr. Heaning asked if there will be another construction entrance.

Mr. Freeman said we don't know. He said there is a set of development conditions attached to the PD, which is going through the legal process including whether the access is still valid. The development agreement looks at the location as a construction access.

Mr. Freeman answered questions from Mr. Kreisl on the extent of developable property and if 67 units were being proposed, would it still need Planning Board approval.

Mr. Freeman stated the current site plan would be different from the previously approved 67 units, so it would need to be heard by the Planning Board. Mr. Freeman explained there are two phases. Phase I has 67 units and there is a remaining number in Phase II and those numbers accommodate in the overall PD. The proposed amendment to the PD increases the number of units going into Phase I. It does not alter the overall number of units available for anywhere else that were already allocated. The overall total number of units in the PD would be raised to accommodate the differential between the 67 and 84. They are not allocating units from elsewhere to Phase I. They are increasing the number of units that could be built in Phase I, which would thereafter increase the total number of units in Gator Trace.

Mr. Kreisl said the applicant is still limited to the density described.

Mr. Freeman stated there is water retention, stormwater issues, preserve areas and a large

area of golf course that take away buildable area. Mr. Freeman stated the underlying Future Land Use allocates the number of units. The number of units is available for the Future Land Use, but in essence, it should be based on the gross area of the Planned Development and whether they can be accommodated is another question.

Ekrem Uzman, Applicant, Engineer of Record and General Contractor stated the property was purchased in November 2022, and they are proposing 83 units.

Rich Horvath, Listing Broker on the Project, stated they haven't approved the construction road going through their property and the road coming off the back of the property is not wide enough to handle 83 units. He said they are going to put 242 units in that area, so it will be expanded. Mr. Horvath said there is another access road at the end of the property with a gate. The access road needs to be approved through us before the owner can build a road through there, otherwise it will go right through the middle of the golf course.

Scott Godfrey, resident, stated this is a mathematical ploy to go from the residential medium density, by crossing gross area in place of what was used in the original medium density plan. The change to this plan would allow for all future development to go beyond the original plan and exceed those numbers and cause future injury to the Gator Trace Community as a medium density residential designation. He said the development was designed to protect wildlife, have open green space and housing development. The 25% increase to the original number is what we object to. By doing that you are going to change the plan and allow additional units on all succeeding development and that will take us out of the medium density residential zoning district. The final development is inconsistent with the 6.94 acres. The access has to be reconstructed and still has to go through a major portion of the residential units that exist already. The Market Street access does not allow that to happen. There was not an environmental impact done. The city is going to have to provide additional emergency, fire, police services and electric and water services. Mr. Godfrey said he did not see a fire hydrant and visitor parking. The previous development, referred to as the Lakeside project, had to conform to the original 2007 agreement. He stated 67 units is the maximum number of units and as soon as you supersede the agreement there will be no protection of maximum development on that property.

Lillian Imparto, resident, lives directly across from the proposed project. She said it is correct there were going to be 120 units originally put in place and only 36 units were built, so 84 units are left. The buildings were four and six unit two-story buildings that are laid out better than townhomes would be. She noted if the back of the townhome units are flat patios, the residents will see a number of golf balls, and they take the chance of getting hurt.

Mr. Uzman, Applicant, clarified they are not proposing more than is allowed. He noted they are allowed 12 units per acre, and they plan to build 83 units. He said the apartment site approved in 2007, with the same zoning and future land use, was approved for 15 units per acre. Mr. Uzman highlighted this site is not even 10 units per acre.

Motion was made by John Hening, and seconded by Nichelle Clemons 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: Alexander Edwards, Uline Daniel, Nichelle Clemons, Anton Kreisl, John Hening,  
Chairman Frank Creyaufmiller

Passed

g. **Final Plat - Gator Trace on The Greens – 2435-311-0001-000-4, 2435-243-0001-000-6**

Mr. Gilmore gave an overview of the application. He stated the application is for a Final Plat for (83 platted lots, two (2) Road Tracts, two (2) Stormwater Tracts, one (1) Open Space Tract, one (1) Recreation Tract, and associated easements and buffers) of the Gator Trace on The Greens subdivision. The subject site is 6.94 Acres.

Mr. Freeman stated the application will be subject to the same criteria mentioned during the Major Amendment to the PD. The application will not be moved to the City Commission until the major amendment to the PD is ratified by the City Commission. Planning staff is awaiting the legal confirmation that it can move forward. When that is received, it will move forward to City Commission together with the Major Amendment.

No one spoke for or against the Final Plat.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval of the Final Plat to City Commission with the following condition:

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

AYE: Uline Daniel, Nichelle Clemons, Anton Kreisl, John Hening, Alexander Edwards,  
Chairman Frank Creyaufmiller

Passed

h. **Zoning Text Amendments; Establishing Sec. 125-328. Boarding houses and Rooming houses. Amending Sec.125-3. Definitions Generally, Boarding house and Rooming house, Fencing, and amending Sec. 126-187. Allowed Uses, Boarding house and Rooming house, Mobile Homes/Single-Family units, Home Occupations, and amending Sec. 125-318. Home occupations**

Mr. Freeman gave an overview of the zoning text amendments, incorporating the state statute changes.

Mr. Freeman reviewed the existing and proposed definitions of a Boarding House and Rooming House and what a Boarding House unit is. He looked at uses in R-4, Medium Density Residential, R-5, High Density Residential and C-2, Neighborhood Commercial. Mr. Freeman noted there are not a lot of C-2 zones in the city. He explained a new section is proposed for the Use Table for Board Houses and Rooming Houses, and it will be a Conditional Use in R-4, R-5 and C-2 zones to allow more control of the use as it comes forward. Mr. Freeman noted the use is similar to other group living in R-4 and R-5 zoning districts. He highlighted that enforcement is very important, and the proposed code will establish standards for Boarding and Rooming Houses that include: minimum maintenance standards, minimum space requirements and parking requirements. Mr. Freeman stated the applicant could suggest lower parking units to the Planning Board if the location is close to public transportation. He also noted that pre-existing Board and Rooming Houses will have to comply immediately.

Mr. Freeman answered questions from the Board on parking on the grass, how existing Boarding and Rooming Houses in other zones will continue to operate, and grandfathering in of existing Boarding and Rooming Houses for ADA requirements.

Mr. Freeman stated the applicants will have to meet the city parking requirements through the Conditional Use process and meet the building code standards. Existing Boarding and Rooming Houses will be grandfathered in, but they will have to meet the parking requirements in 2 years and any changes to the building or rooms will require a Conditional Use and be subject to maintenance and housing standards. Mr. Freeman stated he will work with Code Enforcement to identify existing Boarding and Rooming houses so that they can meet the parking requirements. Mr. Freeman highlighted that new Boarding and Rooming Houses located within a quarter of a mile of public transportation can request a reduction in parking.

Mr. Freeman reviewed three (3) additional amendments.

Mr. Freeman said state statute allows manufactured, modular and mobile homes in all residential zones to be reviewed the same as single-family homes, except if they have design regulations. He noted that in the R-5 zone, a mobile or manufactured home is a Conditional use.

Mr. Freeman explained there was an issue with the interpretation of the definition of fences erected on vacant or build lots. A fence was counted as an accessory structure, which did not allow for fences on vacant lots. He said there have been lots of issues with dumping on vacant lots. The proposed zoning text amendment is to remove conflicts with Sec. 125-322. - Fences, walls, and hedges; installation, replacement, and maintenance, and the definition of accessory structure, within the city code of ordinances.

Mr. Freeman explained the state statute allows home occupations in any district that allows residential use. The proposed text amendment is changing the code to comply with state statute and also adding C1, C2, and C4 zones and removing portions of the old code that are no longer needed.

Motion was made by John Hening, and seconded by Alexander Edwards to forward a recommendation of approval to the City Commission for the proposed zoning text amendments.

AYE: Nichelle Clemons, Anton Kreisl, John Hening, Alexander Edwards, Uline Daniel,  
Chairman Frank Creyaufmiller

Passed

## 8. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

## 9. **DIRECTOR'S REPORT**

Mr. Freeman explained the Planning Board could not determine if the Olsen Residence application would move forward and there was a motion to table the item. He said he had communication with the city attorney and the applicant and both wanted the application to move forward to the City Commission. If there was no decision made at the Planning Board meeting, City Code does not require a decision by the Planning Board to move to City

Commission. Staff will include the minutes of the meeting for the October 2, 2023, City Commission meeting. Planning staff has asked for additional information from the applicant in terms of the height, so the height can be displayed correctly and the condition that the reuse of the building will not be used for an Airbnb or vacation rental will also be included.

Mr. Freeman was happy to relay to the Board that the NAPA Auto Parts building, presented at the last Planning Board meeting, has a revised design that breaks up the building and looks much better. He said he will be sending the Planning Board members before and after pictures.

Mr. Freeman said he is working on lots of code amendments that will be coming forward to the Planning Board, including code changes to the Port of Fort Pierce and state statute changes. He also said he is tidying up the landscape code and tightening up the architectural design regulations.

## **10. BOARD COMMENTS**

Chairman Creyaufmiller suggested cleaning up a couple of things on Ordinance 101-23, regarding the election of officers, as the secretary position was eliminated, under the Planning Board procedures in 2017 and the Planning Board operating under Robert's Rules.

Chairman Creyaufmiller said under Robert's Rules, the Board has the ability to table an item and there are specific things that need to be done, and the Board met all the requirements for tabling the Olson Residence application. He said either the Ordinance needs to be amended or the procedures need to be adjusted to remove Robert's Rules. The City Commission needs to dictate how the Planning Board meeting is run and what the Board can and cannot do. Chairman Creyaufmiller noted if the Olsen Residence application come back to the Planning Board today, September 11, 2023, with the proper information the applicant did not have, the Planning Board could have had a short conversation and forwarded a recommendation of approval for the item to move forward to the October 2, 2023, City Commission meeting.

Mr. Hanning asked if it was cleared up on how a tie vote is handled. Chairman Creyaufmiller said the Planning Board does not have a fix and the Board operates under Robert's Rules and the ordinance does not allow for this.

Mr. Kreisl proposed the Code Enforcement department reviews the annexation projects, so the city does not potentially take on projects with code violations from the county or conditions within the property that do not align with the current city ordinances.

Mr. Freeman said this can easily be done by adding the department to the list of review agencies.

## **11. ADJOURNMENT**