



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

Rebecca Grohall
MBV Engineering
1835 20th Street
Vero Beach, FL 32960

Project #: 24-02000003: Annexation – Voluntary Application for Annexation
Parcel ID: 3403-233-0002-000-6. **Technical Review Committee Comments for May 16, 2024 TRC Meeting**

City of Fort Pierce Planning Department

- Where would the entrance be for the annexed lot?
- Will this lot be combined with the adjacent property that is owned by the same company (169 Delray LLC)?
- A lot combination must be completed prior to submission of a site/development plan.
- What are the future plans for the lot(s)?

Fort Pierce Engineering Department

Recommend Approval of Annexation.

Fort Pierce Building Department

1. Building Official or his representative has no comment at the time of this meeting but reserves the submission of comments upon completion of the official plan review.
2. All new construction or alterations shall meet the requirements of the Florida Building Code 8th Edition.

Fort Pierce Police Department

No comments at this time. However, we reserve the right to provide comment in the future, based upon future submissions of intended developments to this currently vacant and undeveloped property. The intended, future development of this property may cause impact to police operations as it relates to calls for service. However, the type and frequency of police calls for service cannot be projected at this time.



St. Lucie County Planning Department

No comments at this time.

St. Lucie County PW/Engineering

No comments at this time.

City Clerk Office

No comments at this time.

Code Enforcement

No comments at this time.

Fort Pierce Utilities Authority

- W/WW Engineering: **Approved**
- Electric Engineering: This submission is outside of the FPUA electric service area.
- Gas: Approved
- FPUAnet Fiber: FPUAnet Approves.

St. Lucie County Fire District

No comments at this time.

Florida Department of Transportation

No comments at this time.

St. Lucie County School Board

No comments at this time.

May 16, 2024

Ms. Kerry Driver
City of Fort Pierce
100 N. US Highway 1
Fort Pierce, FL 32950

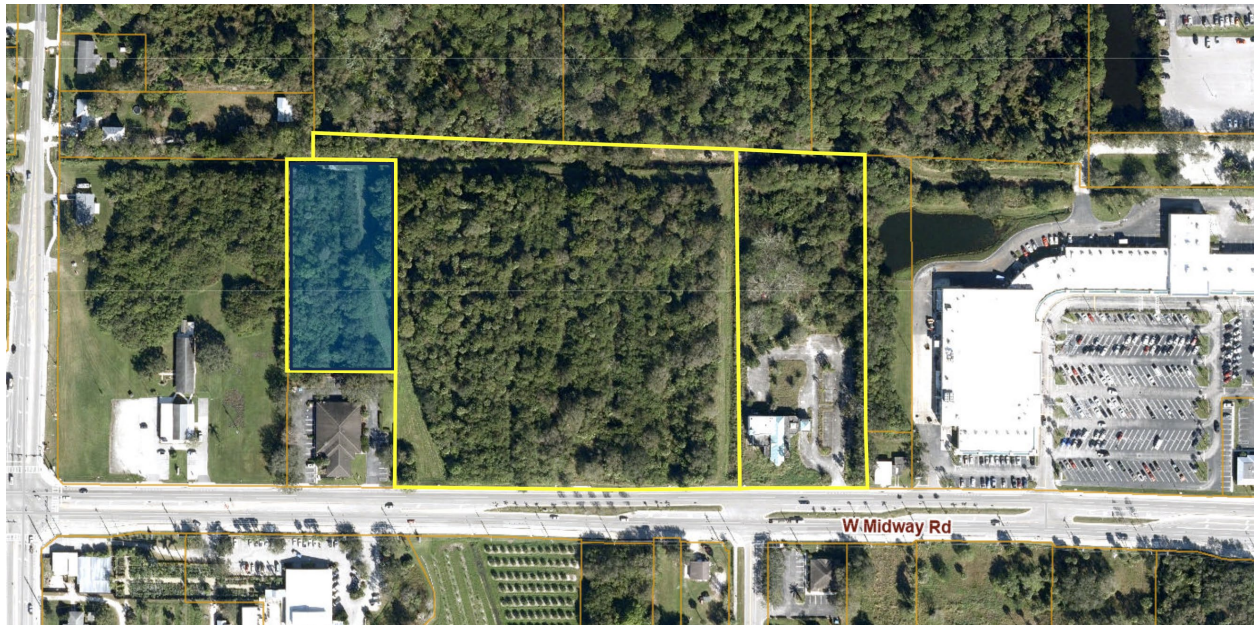
Via E-mail

Subject: Annexation Request
Engineer's Project Number: 24-0056

Dear Ms. Driver:

To follow-up on comments received at the TRC Meeting today, I am providing the map showing the three properties owned by 169 Delray LLC. The westernmost one (shown in shaded blue) is not within the City limits, while the two easterly properties are within the City. The owner is seeking to annex this parcel into the City's municipal limits.

Access to that parcel will be through the adjacent parcels and will not be landlocked during future development. The three parcels are intended for a new multi-family residential development. The site plan is currently in progress, and the annexation is key to that process.





Ms. Kerry Driver
May 16, 2024
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This annexation meets the requirements outlined in the Florida Statutes. Additionally, as the site plan process moves forward and the Annexation is complete, the owner will file for Unity of Title. Should you have any questions regarding the above subject, please feel free to contact our office at any time (772) 569-0035.

Sincerely,

Rebecca Grohall, AICP
Project Manager

RG/jeh



PUBLIC NOTIFICATION CERTIFICATION

PROJECT NAME: Annexation – Parcel ID: 3403-233-0002-000-6

NOTICES PROVIDED PURSUANT TO: City Code Section 125-37

NOTICE BY NEWSPAPER: June 30, 2024
July 21, 2024

NOTICE BY MAIL: N/A

NOTICE BY SIGNS: N/A

VERIFIED BY: Kerry C. Driver

TITLE: Planner

SIGNATURE: 

DATE: June 13, 2024



June 13, 2024

George Landry, County Administrator
Saint Lucie County
2300 Virginia Avenue
Fort Pierce, FL 34982

Dear Mr. Landry,

The City of Fort Pierce, pursuant to Policy Section 4.1.1 of the Joint Planning Agreement between the City of Fort Pierce and St. Lucie County, dated June 6, 2005, is providing written notification, to the Saint Lucie County Administrator and the Saint Lucie County Attorney, of an impending annexation of property located at or near the corner of W. Midway Road and Oleander Avenue in Fort Pierce, Florida, Parcel ID: 3403-233-0002-000-6. The first reading of the prospective annexation is scheduled for the City Commission meeting on Monday, July 15, 2024.

Please find enclosed copies of the application and Technical Review Committee memo for this voluntary request by the property owner. Feel free to contact Kevin Freeman, Planning Director, at 772-467-3730, or Kerry C. Driver, Planner at 772-467-3739 with any questions you may have.

Respectfully,

Kerry C. Driver
Planner

cc: Daniel S. McIntyre, County Attorney
Nick Mimms, P.E., City Manager
Linda Cox, MBA, City Clerk
Sara Hedges, City Attorney

ENCLS:

1. Technical Review Committee Memo
2. Application
3. Boundary Survey



June 13, 2024

Daniel S. McIntyre, County Attorney
Saint Lucie County
2300 Virginia Avenue
Fort Pierce, FL 34982

Dear Mr. McIntyre,

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Please find enclosed copies of the application and Technical Review Committee memo for this voluntary request by the property owner. Feel free to contact Kevin Freeman, Planning Director, at 772-467-3730 or Kerry C. Driver, Planner at 772-467-3739 with any questions you may have.

Respectfully,

Kerry C. Driver
Planner

cc: George Landry, County Administrator
Nick Mimms, P.E., City Manager
Linda Cox, MBA, City Clerk
Tanya Earley, City Attorney

ENCLS:

1. Technical Review Committee Memo
2. Application
3. Boundary Survey

BUSINESS IMPACT ESTIMATE

SUBMITTED BY:

SUBJECT:

1. Summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City:
 - a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

 - b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

 - c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

4. Any additional information the Commission may find useful.

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **JUNE 10, 2024**, 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**

Ms. Baxevanis entered the meeting at 2:47 PM.

Present: John Hening; Gloria Baxevanis; Uline Daniel; Alexander Edwards; Nichelle Clemons, Chair

Absent: Justine Carter; Anton Kreisl

Staff Present: Kev Freeman, Planning Director
Vennis Gilmore, Assistant Planning Director
Kerry Driver, Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Mr. Kreisl and Ms. Carter were excused.

5. **APPROVAL OF MINUTES**

a. Minutes from the May 13, 2024 meeting

Motion was made by Alexander Edwards, and seconded by Uline Daniel to approve the minutes from the May 13, 2024 Planning Board meeting.

AYE: Alexander Edwards, John Hening, Uline Daniel, Chair Nichelle Clemons

Passed

6. NEW BUSINESS

a. Annexation - 169 Delray LLC - 3403-233-0002-000-6

Ms. Driver gave an overview of the annexation. She stated the approximate 1.95 acre voluntary annexation is at or near the intersection of W. Midway Road and Oleander Avenue with a current value of \$284,000. Ms. Driver said the subject property has a St. Lucie County Future Land Use designation of Public Facilities and a Zoning designation of Institutional. The applicant is proposing a City Future Land Use designation of Residential High (RH) with a Zoning classification of High Density Residential (R-5). Ms. Driver answered questions from the Board on egress, cleaning up an enclave and acquiring the property directly to the south.

Rebecca Grohall, Applicant Representative, said the applicant owns both parcels to the east and the ingress and egress will be built into the development. She stated the main entrance would be on Melville Road. Ms. Grohall noted the commercial business to the south is not likely to be bought by the applicant.

Lisa Nelson, a resident, stated she owns the property to the south. Ms. Nelson asked about the zoning, type of housing and if there would be government subsidies. Ms. Nelson stressed that the concurrency should be met and that the stormwater management is looked at due to increased density.

Ms. Grohall stated at this time nothing had been proposed and the owner of the property was looking at market rate housing. She noted the concurrency would be looked at during development, and she added the current sidewalks are in great shape.

Motion was made by John Heaning, and seconded by Alexander Edwards to forward a recommendation of approval to the City Commission for the annexation of Parcel ID: 3403-233-0002-000-6.

AYE: John Heaning, Uline Daniel, Alexander Edwards, Chair Nichelle Clemons
Passed

b. Zoning Text Amendment - Establish Port of Fort Pierce Overlay Zoning District - Presentation and Discussion Only

Mr. Freeman gave an overview of the text amendment. He said he is in discussion with the property owners, and he wants the majority of property owners buy in before bringing the text amendment back to the Planning Board for a vote. Mr. Freeman stated the City Commission directed staff at its December 14, 2020, City Commission Conference Agenda meeting, to bring forward a rezoning of the area identified within the Port Master Plan to promote redevelopment.

Mr. Freeman said the Port of Fort Pierce Overlay Zoning District is proposed to preserve deep-water access for port and maritime uses consistent with the development concepts outlined within the Port of Fort Pierce Master Plan (Port Master Plan), to facilitate appropriate uses, particularly port and marine-related operations, and other water-dependent or related uses.

Mr. Freeman showed the illustrative Master Plan, and he explained the purpose of the overlay zoning district is to get the whole area working as a port. He highlighted that the economic value to the city is tremendous. Mr. Freeman noted several initiatives are underway near the Port, such as North Causeway Bridge Reconstruction and implementation of the SUNTrail Greenway, along with public-facing waterfront renewal efforts, for Fisherman's Wharf redevelopment and the Kings Landing development. Mr. Freeman stated the majority of the port area is not utilized and vacant.

Mr. Freeman described the overlay zoning district as icing on a cake with the Future Land Use being the bottom layer. He said the proposed development regulations provide for a wide variety of maritime related uses to allow for flexibility and to move through the system quicker. He stated, at this time, the existing zoning and future land use of the parcels within the Port of Fort Pierce Overlay Zoning District are proposed to remain in place. Mr. Freeman noted the current zoning is a patchwork of Plan Unit Redevelopment (PUR), Industrial, and Commercial.

Mr. Freeman explained that the north and south ports in the overlay are divided and a list of uses was created for each port area. He said some uses will be permitted and other uses, that don't fit in the illustration of the master plan, will be conditional.

Mr. Freeman answered questions from the Board on the southern boundary of the master plan, not meeting Seaway Drive. He suggested that Fisherman's Wharf on Seaway Drive is better handled outside the port. Mr. Freeman said St. Lucie County is a partner in the redevelopment of the port and the city is treating the county like a property owner.

Mr. Heaning said the chart of uses gives property owners a sense of direction.

Joshua Revord, St. Lucie County Port Director, stated the county is anxiously awaiting the Port Overlay Zoning District. He said the county has provided comments on how they would like to see the port developed. Mr. Revord said the Port Master Plan was a guiding plan created in 2020. He said the county has assets on the north and south ends, and they are looking for compatible uses in the center area. He stated the northern port area has recreational elements and the southern area is industrial. Mr. Revord noted the county is looking for buffers and adequate spacing, and they do not want to be too liberal about the uses.

Ken Pruitt, representing Safe Harbor Marina Harbortown, stated the 281 slip marina is investing 10 million dollars in repairs, restoration and renovation to the facility. He gave Mr. Freeman kudos for being open and inclusive, and he stated Mr. Freeman hit the sweet spot in the port's north area with light industrial uses. Mr. Pruitt said the matrix of uses is like gold to business owners because it provides certainty and allows the business to plan 5 to 10 years out.

c. **Rezoning - Planned Development - St. Lucie Commerce Center**
2431-800-0002-000-0, 2431-800-0003-000-7, 2431-800-0004-000-4
2431-800-0005-000-1, 2431-800-0007-000-5, 2431-800-0006-000-8

Mr. Freeman gave an overview of the application. He said the approximate 108 acre development, St. Lucie Commerce Center (SLCC) was approved by the City of Fort Pierce City Commission on May 16, 2022, for development as a Light Industrial commerce park for the development of six (6) warehouse distribution buildings totaling 1,215,000 square feet with associated site features consisting of parking, landscaping, lighting, stormwater management and utilities. It is adjacent on its north property line to Heavy Industrial (I-3) zoning, occupied by a concrete batch plant, and adjacent to the western parcels are a

natural gas-burning municipal power plant and a wastewater treatment facility which will process all sewer for the City of Fort Pierce. To the south of SLCC is a concrete fixture manufacturing facility and vacant land entitled for heavy industrial St. Lucie County development.

Mr. Freeman stated because of the existing and increasing intensity along the northern, western and southern property lines, SLCC proposes to amend the City of Fort Pierce Zoning Atlas to allow for a step-down in intensity from those more intense uses on the subject boundaries while keeping the existing light industrial entitlements as a buffer to the east.

The application proposes a split of uses between the proposed light industrial and medium industrial areas of the Planned Development. The staff has analyzed and recommended that the table of allowed uses be incorporated within the Planned Development agreement. Mr. Freeman explained that uses listed with an "A", which are primarily seen in an industrial area, will require an additional major amendment to the Planned Development with a Conditional Use and will need to be approved by the Planning Board and City Commission. The uses could create dust or be medium to heavy in industrial use. Mr. Freeman noted that the Fort Pierce Utilities Authority Wastewater Treatment Plant is close by, and they are concerned about the dust generated by "A" uses. Mr. Freeman stated a detailed analysis, regarding dust control, hours of operation, and operating parameters will be done for "A" uses.

Mr. Freeman stated a more detailed traffic statement will be needed for site plan approval, especially for "A" uses. He noted, whatever circumstances, "A" uses will come back to the Planning Board, even if an existing building is converted to an "A" use.

Mr. Heaning commented on Selvitz Road needing work. Mr. Freeman said the Planning department will not approve any roads the county does not sign off on.

Leslie Olson, Applicant representative from District Planning Group, stated the location is in the industrial heart of Fort Pierce. She said in 2022 the applicant was approved to create a 1.2 million light industrial site. Over time, the applicant decided light industrial use didn't seem right with the surrounding heavy industrial uses that are not pretty. The applicant has decided to move the light industrial uses closer to Selvitz Road and the St. Lucie County property and add medium industrial uses to the western portion of the property. Ms. Olson said the step-down zoning will protect future users from heavy industrial activity. She said careful analysis was done and there are no new net trips being added. Mr. Olson noted that developers are not responsible for paying for problems on the roads that already exist. They are only responsible for impacts on the road and impact fees.

Motion was made by Alexander Edwards, and seconded by John Heaning to forward a recommendation of approval to the City Commission for the rezoning to Planned Development with the following 25 conditions:

1. The phasing of the project shall adhere to City Code Sections 125- 212(b)(6) and 125-212(c)(1)(c): Phasing. 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. The development phasing schedule shall be based on the preliminary development plan by Dynamic Engineering C1.00a Rev. 3 dated 12/03/2021 and the following table:

PHASE	USE	Maximum SQ. FT.
A	Medium Industrial	50,000
B	Medium Industrial	192,000

C	Light Industrial	127,500
D	Light Industrial	585,000
E	Medium Industrial	260,000

2. The maximum permitted Building sq.ft. shall be limited to 1,215,000 sq.ft.
3. The minimum Open Space shall be 25% of the Final PD site area.
4. The minimum Pervious Area shall be 45% of the Final PD site area.
5. Any building not conforming to the previously approved site plan C1.00 Rev.1 by Dynamic Engineering, dated 12/03/2021, will require a Final PD site plan application. Buildings in conformance with approved use and design may be submitted as a Major or Minor site plan as regulated by City Code Sec. 125-313. - Major and minor site plan application.
6. The allowed uses in the Final PD shall be limited to the following. P indicates a permitted use. A indicates that the use will require a major amendment to the Final PD site plan as a conditional use:

USES	LIGHT INDUSTRIAL	MEDIUM INDUSTRIAL
Antenna (on existing structure)	P	P
Aquaculture	P	P
Auto/Boat Sales/Rentals	P	P
Automotive	P	P
Business Services	P	P
Catering	P	P
Communications	A	A
Contractor Services	P	P
General Contractors	P	P
Heavy Equipment Sales	P	P
Light Industrial Service	P	P
Manufacturing - Electronic Equipment	P	P
Manufacturing - Textile	P	P
Manufacturing - Apparel	P	P
Manufacturing - Boat	P	P
Manufacturing - Concrete		A
Manufacturing - Fabricated Metal	P	P
Manufacturing - Food	P	P
Manufacturing - Furniture	P	P

Manufacturing - Glass		A
Manufacturing - Leather	P	P
Manufacturing - Machinery	P	P
Manufacturing - Medical Goods	P	P
Manufacturing - Pharmaceuticals	P	P
Manufacturing - Plastic Products	P	P
Manufacturing - Printing etc.	P	P
Manufacturing - Stone		A
Manufacturing Services	P	P
Manufacturing- Tobacco Products	P	P
Marine Industrial	P	P
Packing	P	P
Parcel Service	P	P
Primary Metal Industries		A
Processing, food and related products	P	P
Repair Services	P	P
Repair, Vehicle or Marine	P	P
Research and Development	P	P
Service	P	P
Storage, Self Service	P	P
Trade Contractors	P	P
Transit		P
Warehouse - Freight	P	P
Warehouse - General	P	P
Wholesale Trade	P	P
Woodwork - Millwork	P	P

7. 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.
8. Prior to submittal of the Final PD Plan an updated Environmental Survey shall be carried out to confirm whether the species listed in the Environmental report by Atwell LLC, dated September 29, 2021, are present or in the vicinity of the site.
9. The Final PD site plan submittal shall include a wetland jurisdictional survey.
10. Prior to submittal of Final PD site plan, a Gopher Tortoise Survey shall be carried out on site.
11. 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.
12. A detailed stormwater and drainage plan and statement shall be submitted at the time of Final PD site plan application.
13. A revised Traffic Impact Analysis shall be submitted at the time of Final PD site plan application.
14. 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.
15. 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 the development.
16. The Final PD site plan shall include quantitative data for the parcel sizes; proposed lot coverage of buildings and structures; total amount of open space.
17. 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.
18. The Final PD site plan shall contain the following information, at minimum:
 - A Landscape and irrigation plan per section 125-314. c. of the City Ordinance.
 - Proposed lot lines and other divisions of land for management, use or allocation purposes.
 - The location, size and height of present and proposed buildings and structures.
 - The existing and proposed vehicular circulation system, including off-street parking, and loading areas.
 - The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development of adjacent streets, showing all curb cuts and sidewalks.
 - The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
 - 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.
19. 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.
20. Additional mitigation/Improvements to the existing roadway infrastructure will be identified through the site plan and traffic concurrency process.
21. Any ROW dedication in respect of Selvitz RD shall be identified through the site plan process.
22. Required improvements to the sidewalk along Selvitz RD shall be identified through the site plan process.
23. An evaluation of a contribution to potential signalization at Energy Lane shall be undertaken during the site plan process.

24. The maximum use of the site shall maintain compliance with the St. Lucie 2045 Long Range Transportation Plan.

25. A dust control mitigation plan shall be submitted and approved prior to any Final PD site plan approval.

AYE: John Heaning, Uline Daniel, Alexander Edwards, Gloria Baxevanis, Chair Nichelle Clemons

Passed

d. **Conditional Use with No New Construction - Play Money Family Fun Center
2765 Peters Road**

Ms. Driver gave an overview of the Conditional Use application for the Play Money Family Fun Center. She said the business will occupy 13,600 square feet and has a zoning of C-3, General Commercial and a future land use of GC, General Commercial. Ms. Driver said all games are set for free play and a wristband format is provided for unlimited play access to games such as pinball and skee ball.

Ms. Driver listed the conditions of approval.

1. No game shall be played by persons who are under 18 years of age unless an "exception" is granted by the City Commission.

2. Alcohol sales or consumption shall be prohibited in amusement arcades and arcade centers unless an "exception" is granted by the City Commission.

3. Amusement arcades or arcade amusement centers shall not exceed 9,000 square feet unless an "exception" is granted by the City Commission.

Chair Clemons asked if the Board is voting to recommend approval to the City Commission without being able to object to whether or not the business was for adults only, the alcohol usage and the size of the business.

Mr. Freeman said the Board can make recommendations to the City Commission. He explained there are other code requirements that need to be addressed regarding landscaping, tinted windows, bike racks, and registration requirements. Mr. Freeman stated the code requirements cannot be changed without the approval of the Planning Board and City Commission.

Ms. Driver provided an update to the Board and stated there are 12 total conditions.

Chair Clemons stated she is torn and not comfortable with what has been presented, and it is not fair to the applicant or the public to send the application to the City Commission.

Mr. Heaning said he has an issue with the name "Family Fun Center" when you have to be over 18 years or older to enter. He mentioned the proposed downtown location with the same name allowed kids. Mr. Heaning said he was concerned about crime in the area, and he asked if the applicant was responsible for landscaping the entire parking lot or only the area being occupied.

Mr. Freeman said the downtown project came with a zoning code text amendment, but the application was withdrawn.

Chair Clemons said "Family Fun Center", which does not allow kids, is a misdirection and is sending the wrong signal if the business is an adult-only gaming center.

Jenn Spearman, Applicant Representative, explained the owner had originally planned to

open the business at 110 Orange Avenue, but he was unable to come up with a legitimate lease. Ms. Spearman said there would be no gambling at the business. She said the area is completely changing and is being developed beautifully. Ms. Spearman noted Tesla has added new charging stations and the owner of the plaza had already spoken with the police officers. She compared the business to a Chuck E. Cheese or Dave and Busters. The customer pays one price, and it is an affordable place for a family. Ms. Spearman said she was told a zoning code change was in the works, but a Conditional Use was needed until the zoning code change has been approved.

Chair Clemons stated how great it would be to have this type of business in the city.

Mr. Freeman explained that staff would like to approve the business without a Conditional Use and without an ordinance to the code, but in the code an amusement arcade is a Conditional Use. Mr. Freeman stated that staff has an amendment to the code, currently with the legal department, redefining the Family Entertainment code by adding the definition of a "Family Fun Center" and defining a "Family Fun Center". He said Conditional Use is the only way to progress by allowing an exception to allow individuals under 18 years old, allowing alcohol and consumption and allowing an increase in square footage for the facility.

Mr. Freeman said the proposed code change will be made to the C-3, General Commercial zoning district and will be in line with the state statute definitions.

Harry Zuker, owner of the property, stated he had been speaking with the chief of police about having security. He said the police department was looking at adding a substation to the area. He said the Play Money Family Fun Center will give people a place to go and things to do. He said there are lots of new housing developments in the area. Mr. Zuker said he has owned the property since 2003 and has met the landscape code. Mr. Zuker said no money is put into the machines at Play Money. A \$20.00 wristband allows unlimited free play. Mr. Zuker said there are more adults at night, enjoying beer and wine and more kids during the day. The facility will end up with 200 games. Mr. Zuker said only five (5) bike racks are needed, and the code calls for 40 bike racks. Mr. Zuker said the businesses that face east all have window tinting. He said the tint would have pictures of games on the outside and when inside, looking out, it is clear. Mr. Zuker said 40 Tesla supercharging stations were recently installed at the plaza. He noted while the cars are being charged, the drivers will have time on their hands and can visit Bravo, Goodwill and Play Money. Mr. Zuker said mostly kids work at Play Money, so there is no need for police vetting of employees, since there will be no gambling. Mr. Zuker said taxes will not be collected for each machine since no money is put into the machines. He said Play Money wants to open for the school season. Mr. Zuker concluded by saying Play Money is like a mini Dave and Busters.

Mr. Hening said he is in favor of the application, if kids can come in. Mr. Hening suggested 10 bicycle racks instead of 40.

Brian Arruda, owner of Play Money Family Fun Center, said they have groups of children and busloads of kids coming for field trips and birthday parties to their Stuart location. He said they would not be serving food, but food could be brought in. He said anyone can come in and play, and he feels he can grow his business in Fort Pierce.

Mr. Freeman recommended highlighting what pieces of the Amusement Arcades and Arcade Amusement Centers zoning code are needed and what the applicant can be exempt from.

Motion was made by John Hening, and seconded by Gloria Baxevanis to forward a recommendation of approval of the Conditional Use to the City Commission with the following conditions from Section 125-325 - Amusement Arcades and Arcade Amusement Centers.

1. No amusement arcade or arcade amusement centers shall operate after the hour of 12:00 midnight and before the hour of 8:00 a.m. on weekdays, and between 2:00 a.m. and 8:00 a.m. on weekends.
2. Amusement arcades or arcade amusement centers shall operate in full compliance with all state and federal law.
3. No sign shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
4. All entrances shall be adequately lighted.
5. All amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating no smoking and no drugs.
6. 10 Bicycle racks shall be installed and located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
7. All amusement arcades or arcade amusement centers must provide public restrooms in accordance with applicable country health department requirements.
8. Lighting for parking lots must satisfy lighting requirements of section 125-315(g)(1) prior to the issuance of a business tax receipt.
9. Landscaping must comply with the requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.
10. Sidewalks shall be installed along all public rights-of-way for properties that have arcade uses and shall be installed prior to the issuance of a business tax receipt. No location shall be exempt from sidewalk provisions contained in section 125-317.
11. Any proposed exterior change to a building used for arcade uses will be subject to city design review guidelines pursuant to section 125-314. This shall not apply to buildings located in historic districts or buildings that are individually designated.
12. Parking shall be provided at a rate of three-fourths parking spaces per machine (or three spaces for every four machines).
13. Provide an operating plan consisting of an interior layout plan drawn to scale showing the location of all machines, devices, equipment and access ways, and such other information as may be reasonably requested.
14. Amusement arcades or arcade amusement centers that serve food or provide catering services on premises must be licensed by the department of health, department of business professional regulation, or department of agriculture and consumer services.
15. The city commission shall determine if the health, safety, or general welfare have been provided for with any waiver request and may impose any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.
16. The city commission may not waive distance restrictions imposed by subsections (a)(4) and (a)(5) of this section.
17. The city commission shall consider the following for any waiver request:
 - The actual location and distance of the proposed establishment with respect to other places of business licensed to sell intoxicating beverages, whether on or off the premises;
 - The type and size of the establishment, including the number of machines, seating capacity, and whether, in view of such type or size, the proposed establishment is likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building;
 - Whether adequate parking and landscaping for the facility is provided so as to meet the requirements set forth in sections 123-37 and 125-316;
 - Whether the facility is physically separated or well-buffered from all adjacent

- residentially zoned areas;
 - Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhood;
 - The number of police calls to the proposed location and/or adjacent properties within the past year.
18. Florida law compliance. It is not the intent of this section to allow amusement arcades or amusement that:
- Mimic the look and feel of gambling venues which are prohibited by law.
 - Include any game, machine or device that violates any provision of state and federal law, including, but not limited to, F.S. ch. 849.
 - All amusement arcades or arcade amusement centers shall operate in full compliance with all state statute requirements and other applicable laws.

AYE: Gloria Baxevanis, John Heaning, Uline Daniel, Alexander Edwards, Chair Nichelle Clemons

Passed

e. **Major Site Plan Amendment - Kings Highway Commerce Center
2313-332-0000-010-0, 2313-333-0001-000-7, 2313-331-0000-000-4**

Mr. Gilmore gave an overview of the application. He stated the Major Site Plan Amendment application is the result of reconsidering design and siting based on a market study by the property owner. He said the request is to construct two (2) flex-space buildings totaling 390,000 square feet of office and warehouse distribution space with associated site improvements. Mr. Gilmore explained that on January 17, 2023, the City Commission approved a Site Plan to construct two (2) flex-space buildings totaling 442,000 square feet of office and warehouse distribution space with associated site improvements. The original approved site plan consisted of approximately 34.813 acres of land, consisting of four (4) parcels of land.

Mr. Gilmore stated the applicant provided an alternate site plan with the truck loading facing south on White Road with a 6-foot wall to block the loading view. Mr. Gilmore said the wall needs to be moved to the north, painted, and include architectural embellishments, and the landscaping will need to be placed on the outside of the wall.

Jeff Iravani, Applicant Representative, stated the revised site plan has the loading on the south side, which is extremely important for truck circulation not mingling with car traffic. He said most trucks come from the south and the main entrance does not have a left turn-out at Kings Highway. Trucks would have to use White Road to go south, and it is a difficult turn between the building, the lake and vehicular traffic. Mr. Iravani said the wall is back eight (8) feet and the trees and landscaping will be in front of the wall. The purpose of the wall is to block the loading area. He noted there would be a 10-foot landscape buffer with bio swales and trees. Mr. Iravani's presentation showed a clear line of sight.

Mr. Heaning asked if the roads could be widened to accommodate the trucks.

Mr. Edwards asked if the wall had been reviewed by the fire department and reviewed for setbacks and traffic. Mr. Edwards also asked how the removal of the 2nd lake would be replaced.

Mr. Iravani said the roads are 30 feet wide and designed for 60-70 foot trucks and can only be widened so much. He noted that truck circulation, not interacting with employee cars, is very important. Mr. Iravani says there are no visibility issues and the DOT requirements

have been met. He also stated bio swales and dry retention are being added, and they meet South Florida Water Management District water and drainage requirements.

Mr. Heaning asked if staff had a problem with vehicles on White Road.

Mr. Freeman said either design would work. The alternative design provided by the applicant is easier for trucks getting in and out. He stated the first proposal meets more of the city's design guidelines. Mr. Freeman noted the size of the building could be reduced to increase the turn radius. He said the argument is functionality over form.

Ms. Daniels suggested reducing the size of the building if the applicant wants the alternate site plan.

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

1. Prior to Certificate of Occupancy, a Landscape Maintenance Agreement is required: The Landscape Maintenance Agreement shall note that all approved landscaping shall be installed, irrigated, and maintained in perpetuity in accordance with section 123-7 of the City Code of Ordinances, in order that it continues to present a healthy, neat, and orderly appearance free of refuse and debris, in conformity with the following requirements:

- Vegetation required by this article shall be replaced with equivalent or better vegetation if it is not living. All trees for which credit is awarded and which subsequently die shall be replaced by the same or greater number of living trees according to the standards established in this article.
- Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices to ensure that the landscaping continues to maintain a healthy, neat, and orderly appearance.

In case of violation:

Maintenance shall include the replacement of all unhealthy/dead material within 30 days after a notification of violation in conformance with the approved site plan or landscape plan. Violations of this article, or failure to maintain all required landscaping as reflected in the approved landscaping plan, shall be grounds for referral to the special magistrate for appropriate action.

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.

3. 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 conducted before the issuance of a Building Permit.

4. After completion of the Unity of Title and Lot Combination, please submit a General Address Request Form for the newly created Parcel ID and for each proposed building.

AYE: Uline Daniel, Alexander Edwards, John Heaning, Chair Nichelle Clemons
Passed

f. **Waiver of Distance - Convenience Store - 908 Avenue D**

Ms. Driver gave an overview of the application and stated a Waiver of Distance approval is needed for the applicant to receive approval for a 2APS alcohol license for off-premise consumption. Ms. Driver said the parking is not formally provided and there is no current landscape or landscape plan. She said there is no lighting on the adjacent empty lot used customarily as parking, but there is lighting on the roadway. Ms. Driver said the convenience store is 1,800 square feet and has a C-3, General Commercial zoning and a Future Land Use of GC, General Commercial.

Ms. Driver stated staff recommended denial of the application due to the landscaping, access control, parking, and accessibility requirements not being met.

Mr. Freeman stated the applicant does not control the corner lot, which is currently being used for parking.

Mr. Hening asked if there is the possibility of obtaining the corner lot and if there is a need for access behind the building. Mr. Freeman said the applicant would need a parking agreement with the property owner, cross access agreement, stormwater and landscaping to use the lot for parking. Mr. Hening said he walked down the street and many of the church members did not like the idea of alcohol being sold at the food store.

Chair Clemons expressed her concerns about a daycare being across the street. Mr. Edwards asked about the ADA parking requirement.

Yaser Mahmoud, applicant, stated the building is very old, and the only option for handicap parking is behind the building. Mr. Mahmoud expressed that alcohol would not be consumed on the premises and there was no place to sit and drink. He said the area needed a store and the alcohol sales would help his business and the area. Mr. Mahmoud said he was told that customers could park in the empty lot even though the empty lot does not belong to his building.

Chair Clemons stated the applicant has to meet ADA guidelines and, legally, he does not have access to ADA parking. There is no egress to put parking in the back of the store. An alcohol license cannot be issued without ADA parking.

Motion was made by John Hening, and seconded by Uline Daniel to hold the application for further review by the applicant.

AYE: Alexander Edwards, John Hening, Gloria Baxevanis, Uline Daniel, Chair Nichelle Clemons

Passed

7. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

8. **DIRECTOR'S REPORT**

Mr. Freeman said the amendment to the Planned Development code was approved by the City Commission on the first reading. The 2nd reading for approval is June 17, 2024. He said he expects to receive a fair number of applications. With the new Planned Development code, the Board can ask for improvements beyond what the code says for design, traffic and

stormwater.

Mr. Freeman said a number of definitions have changed because of state statute. He stated he is waiting for the legal department to review the definition zoning text amendments.

9. BOARD COMMENTS

Ms. Daniel asked what can be done about the flooding in the city and how the drainage can be improved.

Mr. Freeman said a lot of buildings in Fort Pierce do not meet the stormwater requirements. He stated newer buildings have higher standards to meet. Mr. Freeman said with new development proposals the city can ask the applicant to do a bit more than has been done in the past to increase the standard. Mr. Freeman said economic development in downtown will pay for itself with upgraded stormwater and roads. He noted the older neighborhoods will take time to meet the new building code. He said Public Works and Engineering are always working on flooding issues.

10. ADJOURNMENT