



ZONING ADMINISTRATION  
DEVELOPMENT REVIEW  
COMPREHENSIVE PLANNING  
URBAN DESIGN  
HISTORIC PRESERVATION  
CULTURAL RESOURCES

# CITY OF FORT PIERCE

2005 Florida League of Cities "City of Excellence" Award Winner

## DEPARTMENT OF PLANNING

*"IMPROVING THE WAY WE DO BUSINESS"*

---

### Planning Board Minutes

**OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, DECEMBER 12, 2006, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

Chairman Bergman called the meeting to order.

-----

Upon Roll Call, those present were: Chairman Don Bergman, Margaret Benton, Sunny Gates, Charlie Harris, Jeremiah Johnson, Tom Knott, Colin Lloyd, Leslie Olson, Robert Poitier, and Edward Reilly; James Walker, Assistant City Attorney; Matthew Margotta, Planning Director; Peter Buchwald, Zoning Administrator; Travis Gibbons, Planning Administrator; Kara Wood, Urban Design Administrator; Paul Williams, Urban Forester; David Carlin, Development Review Planner; Robert Lane, Development Review Planner; Erica Ehly, Comprehensive Planner; Diann Ploetz, Administrative Secretary. Those absent: None

-----

The next item considered #2 – Consideration of Absences.

Chairman Bergman said everyone is here so there's no consideration of absences.

-----

Chairman Bergman said I understand from the agenda that the minutes for the Comprehensive Plan workshop and the November 29<sup>th</sup> meeting will be available at the January meeting, is that correct?

Mrs. Diann Ploetz said yes.

Chairman Bergman said how many pages is this novel going to be?

Mrs. Ploetz said Comprehensive Plan was 65, not too bad.

-----

Chairman Bergman said if there is anyone here from the Hot Stop Plus Food Market, it was a Waiver of Distance request, that did not get on the agenda. So if you are here for that, I apologize for staff. You don't need to stick around here tonight because we are not going to here it tonight. Now is your change because this could be a lengthy meeting. You can sneak out now rather wait around all night. And before we get started on the meat of the

agenda, I would like to introduce to the Board members, Colin Lloyd, our newest Board member. Welcome aboard.

Mr. Colin Lloyd said thank you.

Chairman Bergman said hopefully, we won't have that marathon meeting and you can change your mind about all this. Peter, have you chained him to the chair?

Mr. Buchwald said all the chairs have been chained.

-----

The next item considered **# 3 – Christian Fellowship Alive** - Request for approval of a Conditional Use Application for the expansion of an existing church facility. The property is located at 3891 Edwards Road and is zoned R-1, Single-Family Low Density Zone and Future Land Use of RL, Low Density Residential. The owner/applicant is Christian Fellowship Alive Ministries and the representative is Heritage Contracting Services Inc.

Mr. Buchwald said once again I would like to introduce Robert Lane, one of our Development Review Planners, who will be providing the presentation this evening.

Mr. Robert Lane said the applicant has requested approval for Conditional use for the expansion of an existing church which is located at 3891 Edwards Road just west of 5-Mile Creek. Its current zoning is R-1 and the parcel size is 9.11 acres. The future land use for the property is Single Family Low Density Zone and the Conditional Use of a church is consistent with the Comprehensive Plan. The project is located within the FPUA Retail Service Water area and as you can see on the maps here the surrounding zoning for the property and also just a quick aerial for the site. They are an existing church, which has been in operation since 2003, on a site that has been utilized by a church, since 1987. The property was annexed into the City on December 20, 2004, The applicant is proposing the construction of a 4,000 square-foot Youth Center, expanding the current facilities to provide additional recreation space for the youth of the church. The interior of the building will consist of a foyer/entryway with two offices and two restrooms, which opens into a fellowship room with a platform located in the opposite end of the room. The exterior finish of the building will consist of heavy texture stucco with sand-finished, raised banding around the doors and windows and along the walls. The proposed building is sited to the north of the existing church building and will be tied into the existing site by an eight-foot walkway between the two buildings. To meet the additional parking requirements, the applicant is expanding the amount of paved parking from the existing 20 paved spaces, to 57 paved spaces. The facility provides a total of 127 spaces of which 56 are required to be paved. The additional paved parking brings the parking into compliance with Section 22-60(b)(6) of the City Code which requires that 50% of the required parking for church facilities be paved. The facility will be parked adequately with the existing 3,692-square foot sanctuary parked at the required one space per 40 square feet of assembly area, or 93 spaces, and the proposed 4,000 square foot Youth Center parked at one space per 200 square feet of gross floor area for indoor amusement, entertainment or recreation establishments, or 20 spaces, as required by Section 22-60(d) of the City Code. The existing and proposed landscaping complies with Section 22-187 of the City Code. All affected Departments have reviewed the

proposed Conditional Use and have approved it based on it meeting the requirements of the City Code. As the proposed Conditional Use is consistent with the Comprehensive Plan and meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for **approval** of the Conditional Use.

Chairman Bergman said are there any questions of staff from the Board?

Mr. Johnson said just one question in regards to the drainage. If I am not mistaken, is it true that the existing drainage that is on site will be utilized for the new parking?

Mr. Lane said when they originally came in with the application, they had not planned on the additional parking so there is a proposed retention area that they have added for the new Youth facility. They have ample space on the site to provide the appropriate drainage so they will be providing additional drainage for the impervious areas per what Engineering will require them.

Mr. Johnson said ok, thank you.

Chairman Bergman said any other questions of staff? If not, we will open a public hearing if there is anyone that would like to speak on this project.

Mr. Harold Melville said I am here representing the applicant, Christian Fellowship Alive Ministries. We are certainly in agreement with the staff report, but will be glad to answer any questions you might have. We have Paul Kuhn, our general contractor, is here tonight as is Reverend Bamburg. So, if you have any questions, we will try to answer them for you.

Chairman Bergman said thank you. Are there any questions of the applicant's representative?

Mr. Melville said thank you.

Chairman Bergman said thank you.

Board Attorney Walker said point of order, this is not a public hearing. Under Section 22-143, the Commission holds public hearings. This body is a recommending body and does not hold public hearings. This is a public meeting, however, and the rules of the Board do provide for public participation and under rule 10, it is provided that the proponents of the agenda first make any presentation and that the opponents might then come forward to speak.

Chairman Bergman said thank you. I know this came up before, but I think the last time someone told me that I was supposed to do it as a public hearing, but I will listen to your advice.

Board Attorney Walker said thank you.

Chairman Bergman said all right, is there any one else here that would like to speak on behalf of this project? Hearing none, is there any one that would like to speak in opposition of this project? Hearing none.

Motion was made by Mr. Johnson, seconded by Mrs. Benton, to forward a recommendation to the City Commission for approval of the Conditional Use.

Chairman Bergman said we have a motion and a second. Is there any discussion?

Those voting in favor of the motion were: Mrs. Benton, Mrs. Gates, Mr. Harris, Mr. Johnson, Mr. Knott, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Reilly and Chairman Bergman. Those opposed: None.

Chairman Bergman said this will be forwarded to the City Commission with a recommendation. You will be notified by the Clerk when it is going to be scheduled. Good luck and thank you.

-----

The next item considered **#5 - Dickson Holdings** – Request for approval of a Site Plan for a warehouse/storage facility. The property is generally located at Wagner Street and South 7<sup>th</sup> Street and is zoned I-1, Light Industrial. The owner/applicant is Dickson Holdings and the representative is Ernesto Velasco of Velcon Group, Inc.

Mr. Buchwald said I would like to introduce to you another member of the development review team and that is David Carlin and he will be providing the status report tonight.

Mr. David Carlin said the applicant is requesting the approval of a Site Plan for the construction of an office/warehouse facility located on the eastern side of South 7<sup>th</sup> Street, north of Farmers Market Road. The parcel is currently undeveloped and is 4.00 acres in size. A total of six buildings will be constructed on the property which will serve as office/warehouse facilities totaling 49,464 square feet of floor space. Each building will contain approximately six units per building. The property is zoned I-1, Light Industrial. The Future Land Use for the property is I, Industrial. The adjoining property to the east, which is currently vacant and is proposed for a warehouse establishment, is also located within City limits and zoned I-1, Light Industrial. The property directly to the north of the subject parcel is vacant, located within unincorporated St. Lucie County and zoned as IL, Industrial Light. The property located directly to the south is a warehouse establishment located within City limits and zoned I-1, Light Industrial. The property located to the west on the west side of South 7<sup>th</sup> Street is also a warehouse facility located within unincorporated St. Lucie County and is zoned as IL, Industrial Light. The proposed land use is consistent with the surrounding land uses. Access to the site consists of two entrances located on South 7<sup>th</sup> Street. The northern driveway entrance will be located directly across from Wagner Street and extend eastbound through the adjoining parcel (proposed B&B Warehouse) connecting to U.S. Highway 1. The southern driveway will serve as a one-way exit for the development onto South 7<sup>th</sup> Street. The development will also share a joint detention area located along the northern perimeter of the property. Both owners have signed an agreement (attached) for cross easements for both the driveway and the detention area. Buildings 1 and 2 will be located in the northern portion of the property and will total 11,520 square feet. Each building will be 14 feet tall. Sufficient parking has been provided along the front of the buildings and

will also include overhead garage doors for warehouse accessibility. A dumpster enclosure with pedestrian access will be between Buildings 1 and 2 and will include appropriate landscaping in accordance with Section 22-187 of the City Code. A second dumpster with appropriate landscaping will be situated at the southeast corner of the property. Buildings 3 through 6, which total 37,944 square feet, will contain approximately six units per building and will provide multiple overhead doors for loading and unloading. Sufficient parking has been provided for these buildings and will also include several designated loading areas to accommodate larger vehicles. The overall height for these buildings will be 21 feet tall. A total of 96 parking spaces will be provided for the entire development in accordance with the City Code. Landscaping buffers at least ten feet wide will be provided around the perimeter of the proposed development. A 36-inch hedge will also be used to screen the detention area located at the northern end of the property in accordance with Section 22-187 of the City Code. Mitigation for existing trees on site will consist of removing 4 Sabal Palms. A total of 120 trees will be provided for the entire development to satisfy landscaping requirements outlined in Section 22-187 of the City Code. Trees will consist of Laurel Oaks, Live Oaks, Cabbage Palms, Holly Trees, Slash Pines, and Bald Cypress. In addition, all backflow restrictors will be screened with appropriate shrubbery and fencing to further comply with City Code requirements. A traffic study conducted by Susan O'Rourke indicated that 639 daily trips and 80 PM peak hour trips would be generated by the proposed development. The project general traffic distribution was estimated as 20 percent of all trips will be to the north, 40 percent to the south, 10 percent to the east, and 30 percent to the west. Based on this analysis, it was determined that both intersections at U.S. Highway 1 and Midway Road and at U.S. Highway 1 and Edwards Road operated at a level of service "D" for the PM peak hour condition for the future traffic conditions. Despite this level of service, the trips generated by the proposed development would not cause the capacity of the roadway to be exceeded. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the requirements of the City Code. However, the St. Lucie County Engineering Department has indicated that approval for the development is contingent upon the applicant agreeing to the several conditions pertaining to off-site improvements to South 7<sup>th</sup> Street extending from the property to Farmers Market Road. Essentially, St. Lucie County has indicated that the developer will be required to execute a Road Construction Agreement with St. Lucie County. To date, the applicant's representative has not indicated acceptance of any of the conditions that were outlined by the St. Lucie County Engineering Department. Staff has made multiple requests to the representative regarding where the owner stands with respect to these conditions. The only information that was provided to Staff was that the owner would address these concerns at the Planning Board meeting. Another project located on the corner of South 7<sup>th</sup> Street and Farmers Market Road currently is under technical review. This project is known as Cobra Warehouse. As you can see on the overhead where it is located. Because South 7<sup>th</sup> Street is not paved to Farmers Market Road, off-site improvements will need to take place as development occurs according to the County. To date, developers for the Cobra Warehouse project have indicated that road improvements will be completed by others. On November 14, 2006, Ron Harris of the St. Lucie County Engineering Department indicated that if no one agrees to improve South 7<sup>th</sup> Street to Farmers Market Road, access would not be granted at all. In fact, on Friday I received another notification from Ron Harris regarding the Cobra Warehouse and the same comment was also made that access would not be granted to the road for that development. As the proposed Site Plan meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Site Plan. However, it should be noted that Section 22-58(h)(2) of the City Code specifies that the City Commission shall not approve the Site Plan if the health, safety, and general welfare of the public are not properly

provided for. Should South 7<sup>th</sup> Street remain unpaved, a potential hazard is created by the additional traffic from the proposed development. In addition, since Wagner Road is paved, traffic will likely use it to avoid traveling on an unimproved road. As such, there will be an increased amount of traffic through the residential community along Wagner Road.

Chairman Bergman said all right, thank you. Are there any questions of staff from the Board?

Mr. Reilly said if the applicant does not agree to the St. Lucie County Engineering requirements basically he can't use that road. Is that the only...

Mr. Carlin said that is my understanding.

Mr. Reilly said ok. Did the traffic study take into account the...I mean, how does it work with the other warehouse that is going to have an adjoining, that is also in our package, that is also going to have adjoining parking lots, does that affect the traffic study at all? That one dumps out on, I guess, onto US 1.

Mr. Carlin said that is correct. I am not aware of the traffic study provided for Dickson Holdings took into account B&B Warehouse. Maybe the applicant would have more information on whether or not that was indeed the case. But I am not aware if that incorporated that.

Mr. Reilly said so if we said yes, let's recommend this, it still wouldn't go any further unless they agree to meet the County requirements, is that correct?

Mr. Carlin said the project meets the requirements of the Code. Per City Code, there is nothing in the Code that I could find or that staff could find to prohibit this project from going forward other than the County imposing their restrictions in terms of access to the development. However, as I pointed out later on in the discussion, that the City Commission can consider other factors that Planning Board doesn't really have those guidelines in place, according to Section 22-58 of the City Code. So, I don't know if that answers your question.

Mr. Reilly said Mr. Walker, since it meets our Code....

Board Attorney Walker said staff has correctly described the language in Section 22-58(g) sets out the standards that the Planning Board is to consider in reviewing the site plan and then (h) goes onto provide that the City Commission may not, shall not approve the plan if as staff indicates the plan does not provide adequately for the health, safety, and general welfare of the public. It has always been the practice of the Planning Board, in the event, however that it does have any such concerns relating to the health, safety, and general welfare going beyond the narrow scope of the standards specified in subsection (h) that the Planning Board, nevertheless, shared its concerns with the Commission on that. So there is certainly no reason why the Planning Board cannot based upon past practice include in its motion any expression that will draw the Commission's attention to that factor.

Mr. Reilly said ok, thank you.

Chairman Bergman said David, let me get this right. They have a site plan proposed and all the

traffic is dumping out on South 7<sup>th</sup> Street, yet they have not agreed to improve South 7<sup>th</sup> Street?

Mr. Carlin said I have tried to ascertain that exact for some time since I was handed this project several months ago and I have been unable to get an answer as where the applicant stands in respect to paving this road. As I said, the other development that is currently under technical review, Cobra Warehouse, has indicated on their site plan that others will be responsible for paving with the road improvements. So, we really don't know who is paving this road. But we do know that the County is prepared to deny access if road improvements are not made.

Chairman Bergman said let me ask you one questions, I know you guys go through a pretty thorough technical review, how did it get to this point?

Mr. Buchwald said let me clarify that. He is willing to improve those portions of South 7<sup>th</sup> Street along his property boundary. (aerial photograph was provided on screen) The portion of South 7<sup>th</sup> Street that is in question is south of his property that connects with Farmer's Market Road and that is the portion by which, as you see here, it is a segment that extends from the southwest corner of his property to, as you can see right here, that portion along the property adjoining to the south of him.

Chairman Bergman said do we know what kind of linear footage we are talking about? It is not even as wide as his property.

Mr. Buchwald said that is correct. He does not want to feel that he should have to bare the responsibility of paving that. Cobra Warehouse doesn't feel they should bare the responsibility of paving that. The next applicant, B&B Warehouse doesn't feel they should bare the sole responsibility of paving that. There is nothing in the Code that requires City staff that says "you must pave that portion of South 7<sup>th</sup> Street, hence that is why we are before you tonight. And the Planning Board also does not have in its criteria does not necessarily have the strength to where they could require that. But as Mr. Walker indicated, they can certainly make that known to the City Commission who does have the ability through the criteria of general safety, health, and welfare of denying the site plan if he should chose not to pave that portion of South 7<sup>th</sup> Street.

Chairman Bergman said I know when we have done project in the past that where the traffic study indicates that there was going to be a substantial impact on adjacent roadways that we are required to approve them as part of our site plan. Now, I don't see why this is any different.

Mr. Buchwald said traffic study did not indicate that the traffic study said it was going to be level "D" and this was not going to affect that service.

Chairman Bergman said a level "D" on a dirt road?

Mr. Buchwald said of appropriate of the surrounding roads. That's what the traffic study says, so...

Board Attorney Walker said Mr. Chair, will you please allow me to briefly supplement my earlier remarks. Among the standards to be considered by the Planning Board is (g)(2) which requires that a suitable site layout will use provide for access points on side drives, parking, loading and

unloading and sidewalks, bike paths or other transportation facilities” and it goes on to state “suitability and par should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movement.” So there is certainly some latitude within the Code that permits the Board to consider the topic.

Chairman Bergman said thank you. Peter, where you done?

Mrs. Gates said I have a question for staff. If in fact the traffic study conducted by Mrs. O'Rourke indicated that there were 639 daily trips within a service level “D” on this road that I am looking at here that is unpaved and this is for this project and we are now realizing that there are more projects on this road then we are looking are more than 639 trips generated on this little dirt road a day, correct?

Mr. Carlin said I would agree with that assessment.

Mrs. Gates said ok, to really look at this road, that's a lot of traffic. Thank you.

Mr. Reilly said I don't know which staff member to ask this question of, but is it possible to just send this back to the applicant and tell them to work it out between the two other people that want to build warehouse on this road? Because obviously the first guy, Cobra, is going to take up the first part of it and this guy is going to take up the next part and I am guessing the next one is a little bit further down the road.

Mr. Buchwald said certainly the postponing of project is at the discretion of the Planning Board, but however, I don't know if that would be especially useful in this case because staff has indicated that the County will not approve their connection because they believe that the road should be paved. Staff has indicated that they think it is in the best interest for the road to be paved and they are not willing to pave the road, that portion of the road. So at this point, I don't feel it is effective and pending, I mean, he hasn't spoken, we haven't given him the opportunity to speak on behalf of this project. But at this point, I don't think it based on what we know now at this juncture, I don't think it a benefit to postpone the project.

Mr. Reilly said ok.

Mr. Johnson said I guess, what I came up with the project and the next project is what is staff's position on a two-lane access on the northern side of the property that is abutting Wagner Place? I see two problems. I have to look at both projects first and then I can take this one out separately, I guess. The first problem is what is to prevent a person from cutting through this project from US 1, if both projects are approved. Number two, if the second project is not approved, this project is approved, then there is obviously a concern that this project will impact Wagner Place through a residential community as stated by staff and as Mr. Walker pointed out, Section (g) suitable site layout, potential impacts on safety and traffic flow. What is staff' position on a two-lane ingress and egress on the north side of the property, why not the southern side?

Mr. Carlin said looking at the overall layout of the site, the applicant placed a one-way exit at the south portion of the property. I believe that was due to the constraints of the actual design of the buildings. The two-way entrance up near Wagner Street, I guess if I am understanding your

question correctly, the concern is whether or not people are just going to pass right through and use it as, basically, a thoroughfare to get to US 1, to cut through B&B all the way to US 1.

Mr. Johnson said my biggest concern at that point is in the scope of engineering aspect, this plan looks great at that intersection. You know, you have a four-way intersection where you have two-way traffic. In the scope of planning and zoning, I don't see this as a good plan. To me, the site plan could possibly be flip-flopped. We are not here to design the project, however I am going to ask the applicant also. So I guess what I am asking of staff is did Engineering look at it and approved it, it looks good, was this a suggestion of this is what the applicant brought forward?

Mr. Carlin said the Engineering has approved of this project, they have a signed off on it. So, if they had observed anything that would indicate a deviation from the Code or anything of that nature, I am certain they would have raised that concern earlier on during the review process. The proposed entrance meets the requirement of the Code in terms of spacing and things of that nature. So, from the standpoint of telling the applicant that you can't design, even though it meets the requirements of the Code, certainly would be a very gray area. We certainly make recommendations on improvements and ways to make a site plan a better project to raise the bar to bring something that would work out very well. In all honesty, I had not even considered that Wagner connection and that it could be used for that. So I understand your concern and I think the applicant could maybe shed some more light on that.

Mr. Margotta said I need to answer that for the planning review regarding the Wagner being a four-way intersection, I would say that would be preferable. In fact if we could make a four-way intersection at the southern entrance that would be just as good to me, too. To be able to allow more accesses actually helps and it is a traffic calming method. I don't know how many people are going to be cutting through, but it is yet another to people to get around. The more grid systems that we can create throughout the City, that is actually a goal and that is something that we intended to do. I think it was unintentional on this case, it wasn't a main feature of it, but since you pointed out, I would state that we support it.

Mr. Johnson said I agree with that as long as 7<sup>th</sup> Street is developed.

Mr. Margotta said sure.

Mr. Johnson said engineering wise with it being undeveloped, I would have to disagree. But I understand the plan as a whole. I agree fully. Thank you.

Mr. Margotta said thank you.

Mr. Knott said a follow up to what Jeremiah was talking about there, that intersection their traffic split on this thing has 20% going north at that intersection and 30% going west. So half of their trips out of this are going out through residential area, correct? Is that a problem or is that something that would should be concerned with? I am not sure what the nature of the traffic is. Are we looking at big trucks coming in and out of this thing or are we just looking at people in minivans?

Mr. Margotta said I believe that our truck traffic is going to travel along its easiest and widest

path, which is likely up and down 7<sup>th</sup> Street. But just because it is a split and by nature of those traffic studies, if it is 70/30 its 70% of the trucks are using one method and 30 are using the other. So you might as well assume that it is both types. However, it is pretty unusual to see semis going through the middle of a residential neighborhood and I think this Planning Board should consider that it has an impact on the site.

Mr. Knott said my concern is the same as Mr. Johnson's was that if you ducktail this one with the next project and they are dumping half of their, I think they have something like 700 daily trips and this one has 600 and they have a little bit less because they are out on US 1, but they are using this exit too. My concern is they are going to be dumping a lot of these through this residential. And what I would like to consider if it is something that we have the opportunity or is within our purview is to consider that north exist, even both exist, be a left out. To get them down to an industrial road, which is Market Street, which is signalized at US 1 and get them out of the residential area. You would still have right in to the north entry, but your out would be left only. Is that something that we would consider?

Mr. Margotta said Mr. Knott, that's all in our purview. If the Planning Board decided that it would be a good method or practical method, I would say go ahead and make that recommendation. Engineering wise, the applicant is proposing a certain thing and I think without the benefit of your input, the City Commission is going to be left to decide without the needed input that they are supposed to get from the Planning Board. If that's the intent you have and you have a good basis for it, I would say go ahead and make that recommendation. For myself, I think normal traffic patterns, it's a gravity model, people are going to go the easiest way for them to go and by the look of Wagner. What it is one side is kind of industrial, the other is residential. I don't see a whole lot of trucks going down there, to tell you the truth, any more than they are right now. They are going to go from US 1 or Edwards down to this site.

Mr. Knott said down 7<sup>th</sup> Street.

Mr. Margotta said I'm sorry, not Edwards, Farmers Market.

Mr. Knott said oh, I see it. Its down Farmers Market. I was thinking when they exit the project, you think they are not going to go right down Wagner and over to Oleander, if they are going to go west? I mean, they are not going to turn left and make another right down there when they could just go straight out to Oleander, if they are going west. 50% of the movements are going to go west, basically, west or north.

Mr. Margotta said lacking any other sufficient data, I would rely on the traffic study that was done that says the split is going to be 70/30 and I think that's what you should base your...

Mr. Knott said 70/30? Where are you getting the 70/30?

Mr. Margotta said isn't that what you explained before that 70% are going to...

Mr. Knott said no, 50% of it. They've got 20% going north and 30% going west. So in other words you've got 50% of all the traffic is leaving the project and going either right to Oleander from Wagner or its going up 7<sup>th</sup> Street. Well 7<sup>th</sup> Street dead-ends up here, it doesn't go all the

way to Edwards so it going to go over to Oleander, also. So all the movements towards Oleander.

Mr. Margotta said now I see what you are saying.

Mr. Knott said so 50% of the people leaving this project are going to go to Oleander and I just think that they are going to do let's push them down to where they should be in the industrial section, not the residential section. Of course, I would leave it up to the Board, but I know you can construct, Jeremiah, you know this probably better than I do, you can construct promenades or something like this, DOT has standards for channelizing movements at a driveway, I believe, so it would just be a left-out movement.

Mr. Johnson said I would even suggest further is the one-way entrance would be at the north only and I know about the creating of intersections, but we are trying to protect the residential area, in my opinion.

Mr. Knott said that's what we are trying to do.

Chairman Bergman said push them to go out the southside?

Mr. Johnson said yes.

Mrs. Benton said I would just like to know whether the County is weighing so into this because 7<sup>th</sup> Street is a County road?

Mr. Margotta said I am probably taking over the conversation and shouldn't. I believe that the staff members and truly doing the review on this will have the better information for you than I do. I was just talking in a bigger sense before. I am sorry to bounce you around, but we are trying to get staff to talk.

Mr. Carlin said that is correct.

Mrs. Benton said I did notice the two reports, this one and the one coming up on the agenda next, both indicate that with given the traffic study that the amount of trips generated are not enough in each of the individual projects to cause the capacity of the roadway to be exceeded. But if you take the two together, 639 and 700 I think that has been alluded to, when you put those together are we now exceeding the capacity of that roadway?

Mr. Carlin said that is a fair characterization based on if you put the two together, I would agree with that. however, I would also say that the access for B&B will be on the US 1. so, there might be for those that might be traveling south they might be accessing US 1 and for those who will be traveling west may access out through the South 7<sup>th</sup> Street exit. I am not really sure the traffic study conducted by Susan O'Rourke, if both projects took into account with one and another in terms of the actual trip count.

Mrs. Benton said you are taking the position that not withstanding back to this project not withstanding the number of trips and the level of service "D" that the trips generated do not

exceed the capacity, is that your determination or is that her determination?

Mr. Carlin said no, that is not my determination that was a determination that was indicated in the traffic study.

Mrs. Benton said ok, thank you.

Chairman Bergman said any other questions of staff? If not, we will open this up for the applicant to speak on behalf of the project.

Mr. Ernesto Velasco, Velcon Group, said one this you said was absolutely true that Mr. Buchwald and his staff has done is a tremendous amount of work reviewing the project and that was after your previous Director had done the same that was after the previous Director to him had done the same thing. So we are here in front on you again to go through, I guess, additional questions that I hope to answer for you tonight. First of all, let's talk about the 7<sup>th</sup> Street improvement. My client has certainly never shied away from the resolution that the County has on their records that 7<sup>th</sup> Street will be paved. There is two factors that need to be brought up to your attention. Number one, that resolution cannot be made effective until we obtain a site plan approval from the City of Fort Pierce. The second part of that equation is staff has rightly mentioned to tonight there is another project coming on board on 7<sup>th</sup> Street as well. Again, my client has agreed and our plans show improvements from Market to the extent of his property. The part that he is trying to work, not only with the County but as well as the City, is the fair share contribution to these improvements. Again, I want to emphasize that the plans have been finalized from Market all the way through his property. Also, I want to talk about the alignment question Mr. Johnson had brought up. There is also concerns, not only for 7<sup>th</sup> Street, but along US 1 that we have to take into account and in speaking with DOT and trying to meet their criteria, as well, we have chosen that location for the entry-way based on their criteria, in addition to first trying to align Wagner, because, again, that has been indicated to us through out all out engineering and planning couriers that that is the right thing to do. What other questions were there? There were so many of them. Can you guys help me with that? there was one more topic

Mr. Knott said I was concerned about just a left-out movement.

Mr. Velasco said yes, I'm sorry, thank you. The traffic report, I wish I would have brought Ms. O'Rourke so she could address this directly to the Board, but it is my understanding, she did both reports. I'm going back in history a little bit. The project were originally proposed to the City as a joint site plan submittal and then we were asked through part of the review and I believe it was through this Board that we split the project and bring it back to you as separate projects. Ms. O'Rourke was hired by both clients to do the reports at the same time so I would presume that she had anticipated the flows to be related to each other in her report should have that as an underlining current. I cannot speak for her, but I would assume she would have done that, it is just common practice in her business.

Mr. Knott said is that a yes or no on limiting the north driveway to a left-out only?

Mr. Velasco said that is a no. I would prefer to stick to the report as presented to you.

Mr. Knott said ok.

Mr. Johnson said just going back to DOT. I am assuming it was the driveway in relation to Farmers Market, the signalize intersection, is that why the comments came back?

Mr. Velasco said that was part of it. There is also separation requirements adjacent...

Mr. Johnson said to the south?

Mr. Velasco said to the north and to the south for adjacent driveways and also on B&B Warehouse we have a turning lane. So that also has influence on the location of that driveway.

Mr. Johnson said ok.

Mr. Reilly said question for you. You were stating that you first have to get site plan approval prior to agreeing to work with the County...I don't understand, I guess that was one of your first statements.

Mr. Velasco said their resolution is written but it cannot be made effective...nobody can sign it until the site plan has been approved by the City of Fort Pierce. That is my understanding.

Mr. Reilly said there is a resolution that has been written?

Mr. Velasco said yes, sir.

Mr. Reilly said ok, do we have that? Does staff have that?

Mr. Carlin said I am not aware of any documentation of any type.

Mr. Reilly said ok.

Mr. Velasco said I am going to leave a copy of this with staff, if that is ok with you?

Mr. Reilly said this question is probably for staff, going back to one of the earlier questions, if this applicant paved all of the road in front of his property and Cobra agreed to pave all of the road in front of their property, would that give us a paved road to Farmers Market? Do you know?

Mr. Carlin said I am sorry I was trying to decipher this document. Can you please repeat the question?

Mr. Reilly said if this applicant paved all of the road front for the frontage that he has and when Cobra comes around, if they agree to pay all the road frontage that they have would that give us a continuous road from this site to Farmers Market?

Mr. Carlin said without looking at the Cobra Warehouse plan, which I did not bring down tonight, I would have to look where their property line starts and ends and determine if there is a gap between Cobra Warehouse line and where the property line for Dickson.

Mr. Reilly said if there was a gap, would it be and we could some how work it out with both parties split the gap, is that something you all would be.

(inaudible response from audience)

Mr. Reilly said there's an overlap? Ok, all right. That was my only question. Well I do have one more question. If the County is not going to give you access approval and we approve your site plan and they are saying you have to pave the road anyway or they are not going to give you access, where do you go from there?

Mr. Velasco said you are absolutely correct. Again, my client is willing to do that. He would like to at least continue these conversation with the Cobra owners and with the County and with the City. We are only trying to obtain a bit of contribution from them. Just for fairness purposes for obvious reasons. The plans are complete and will have to be done, obviously, or otherwise this project will not be available from 7<sup>th</sup> Street.

Mrs. Olson said I have a question for staff. I realize that you don't have the Cobra plan, but does Cobra have an aggress onto South 7<sup>th</sup> Street from their warehouse?

Mr. Carlin said I do not recall because that project has been in the works for a very long time and I haven't received a submittal in some time so it has been awhile since I looked at that project so I can't tell you whether or not it does.

Chairman Bergman said but it is possible it could dump onto Farmers Market?

Mr. Carlin said that is correct and I do recall that, in fact, we can look at the aerial of South 7<sup>th</sup> Street. There is a chain-link fence and I think there are some cars and whatnot that are parked there. So I think there is an access on South 7<sup>th</sup> Street. As far as Farmers Market, I am not sure if they have an entrance way.

Mrs. Olson said I am just thinking that if I could understand why Cobra would not want to improve the road if they don't have an egress going onto it in their plans. But we obviously don't know that. it seems to me that until we can get some kind of an agreement between the parties on who is going to pay for what, it makes it difficult for us to proceed. But that's just my opinion.

Chairman Bergman said very good point.

Mrs. Benton said contrary position is that that is not really our responsibility is it to not proceed with the project. If it is recommended by staff and if it based on the Code, my recommendation is that we approve it and let the owner and the developer worry about how to get this process through. The reason that I say that is not only will we be basing our decision on the Code, but I thought I heard essentially that the developer is wanting to work this out. There is some kind of proposal or resolution proposed by the County that they are trying to work on and that is his job to do that to work that out as a developer. All he wants from us is to pass this if it is in accordance with the Code and let him proceed to see what he can work out with the other developer and with the County. What I am hearing is that he is interested in doing that and

probably will get it done or he won't have a development.

Chairman Bergman said no, that's not the point. I think the statement from the County was is that they aren't going to let him use 7<sup>th</sup> Street. Then he would have to go probably out to US 1.

Mrs. Benton said all right, then I will retract that last part. in other words, he would still have a development but he just wouldn't be able to use that typical road. But it would probably more to his advantage to use if he would like to work something out. I am not sure though.

Chairman Bergman said I think the concerns of staff and from what I have been hearing from the Board are that if they don't pave 7<sup>th</sup> and there is opportunity for them to go straight out Wagner right through the residential area. I think that is where the safety and welfare issues of the adjacent residential neighborhood is the issue.

Mrs. Benton said the other side of that is, of course, that staff has recommended approval not withstanding that.

Chairman Bergman said but there is a condition in there with it.

Mr. Reilly said but the County is not going to give them access unless they pave the road so there is no problem getting onto Wagner because you can't get out of the place.

Chairman Bergman said it's a dirt road. They will go straight out across the dirt road right onto Wagner.

Mr. Reilly said they don't have to have County approval to access a County road or anything?

Mr. Buchwald said to clarify. If he doesn't have access to South 7<sup>th</sup> Street by the County, he has no project.

Mrs. Benton said that's what I thought.

Mr. Reilly said that was my question earlier. Where do go....

Mrs. Benton said that was my thinking, Mr. Chairman.

Chairman Bergman said any other questions for the applicant?

Mr. Reilly said this is probably for future projects, but when we went through our very, very, very long day a couple of weeks ago when we had the Fair Share, how does that work in or how would that work in the future or does that affect us now?

Mr. Margotta said maybe I can answer this. Proportionate Fair Share and Concurrency Management is basically what they are talking about. It is systematic way of going about making sure that the developers are improving what they need to improve and their proportionate fair share of it. this way the first guy out of the box isn't the one that bares the burden of the entire improvement, if we know other things are coming along. Plus it links it to our Comprehensive

Plan and our Capital Improvement program. So, essentially, he would know before he comes into the door or as part of the technical review, what his part of that is and it is easily linked to a system. This right here seems to be negotiation that got all the way through this point and look where we are its not even fully negotiated but it somehow meets our ordinance.

Mr. Reilly said but in this Fair Share situation on this one where another warehouse facility might have access and might be able to use all their access off of Farmers Market, who would pick up the rest of the thing? Again, it is just for my education here, but this Fair Share agreement, who would pick up the rest of that road in that scenario, if Cobra, in fact, does not need to use this road at all.

Mr. Margotta said any new development that comes along that particular segment that affects that segment that is already identified in our Capital Improvement program. To tell you the truth, I don't even think South 7<sup>th</sup> Street is part of our capital improvement program. This wouldn't be part of the discussion. We are generally looking at larger roads in that whole program.

Mr. Reilly said all right.

Mrs. Olson said so what you are saying is that there is some kind of a formula that you can apply for a Fair Share when a developer comes and a road needs to be improved, is that what you are saying, Mr. Margotta?

Mr. Margotta said the Proportionate Fair Share ordinance generally looks at level of service along roads that we know are going to be impacted by future development or even just changes in a development. So if there is some improvements that this particular site requires, they would essentially escrow the money towards that or mitigate it right there on the spot. We have talked about Proportionate Fair Share and everything else these are mitigation factors. So if the mitigation is required by this development and we think that needs to paved, we ought to state so.

Mrs. Olson said but we have not applied that formula to this particular development.

Mr. Margotta said I don't know how much formula has been going into it, how much has just been a deal? It seems to me pretty fair to say that if you are going to use that segment of road and you want to have access to your property, you ought to build it or wait for us to build which could be five years from now.

Mrs. Olson said thank you.

Mrs. Benton said just a follow-up on that question. When you made that last statement, where you referring to this applicant or where you referring to both? Because one of them is not supposed to be going to use 7<sup>th</sup> Street so which one were you referring to in this instance?

Mr. Margotta said in this instance right now, this particular developer is before you and wants to do something along the public right of way and he currently has technical access to that right of way. He can do something with this property along this dirt road. He is trying to do something else, improve the site and do several other things that may require the right of way to be

improved. Our ordinance doesn't require this, but we do have an interlocal agreement with the County and theirs does. so they do have a requirement, according to Growth Management, to work out the payment somehow and I believe that the applicant has been putting some opposition, certainly, with the surrounding landowners of who is going to pave what part of it. it is a tricky negotiation, I am sure because these aren't cheap improvements. But if you are the applicant and you really want this done, what I would suggest is that you require the pavement, the access, and the agreement from the County and that the County agrees to the access, that the applicant has the right to work out getting repaid or reimbursed by the surrounding owners when they come through, if they come through within a certain number of years. I have no idea how exactly the County is planning on making sure that this gets paved, but I bet it is a system along that line.

Mr. Lloyd said a question for the applicant. Is there anything in your site plan that would encourage these industrial vehicles, if they are traveling west, to not just shoot out Wagner through that residential street, but take a left, whether the street is paved or unpaved? But my concern is that these industrial vehicles aren't just shooting out from your site down the residential street. Is there anything?

Mr. Gordon Lundeen, owner, said do you know Wagner?

Mr. Lloyd said vaguely I do.

Mr. Lundeen said Wagner is half residential and is multi-family, and it's in a little disrepair to say the least. The other side is industrial and produces half of the traffic that is on that road everyday.

Mr. Lloyd said what side of Wagner?

Mr. Lundeen said the south side of Wagner is industrial, Atlantic Building Supplies, the guy that does all the stainless steel work.

Mr. Lloyd said so their vehicles travel on Wagner. Their ingress and egress are on Wagner.

Mr. Lundeen said that is an industrial road. It is an industrial road. If anybody goes out there, there is nothing else they can say.

Mr. Lloyd said ok, that helps me out.

Mr. Lundeen said that is why we designed in this fashion. Because we were going to tie our industrial road into their industrial road.

Mr. Lloyd said thank you.

Mr. Knott said if I could ask the applicant, in light of that would you have any objections to limiting that exit to a straight out or a left turn only and not a right turn?

Mr. Lundeen said I personally don't care if it is no-right turn, but I want to go straight across or

left-turn only.

Mr. Knott said in light of what you just told us...

Mr. Lundeen said nobody is going to be going to the right anyway, the pavement ends.

Mr. Knott said exactly.

Mr. Lundeen said if I could jump out here and speak to this pavement issue, I have agreed to pave this whole thing from Farmers Market to the north end of my property line and tie it into Wagner, tie it into Farmers Market and I have been trying to work out a deal with the City to try to get compensation for that piece that adjoins Cobra's property. I am willing to go and pave that completely, 100%, right now. If and when Cobra comes in, that I am returned part or all of my money for that portion that they are responsible for, in my opinion. So that's where that stands. Its not that nobody is disagreeing with paving it or that it shouldn't be done. It should be done and it should be done entirely. It is just a matter of who is actually going to pay for that.

Mr. Reilly said on that, what if Cobra doesn't access, again I am not familiar with what Cobra's site looks like, but what if they don't end up accessing that?

Mr. Lundeen said right now, Cobra has a little, I think it is a couple of acres that they have over there and they have a little compound set up and they are running their trucks in and out right there off of 7<sup>th</sup> Street right now. And they are renting the warehouses to the north of their piece, which is directly across from mine. So they have a little nice operation going right now. They have probably have 15 or 20 trucks running in and out.

Mr. Reilly said on to 7<sup>th</sup> Street.

Mr. Lundeen said on to 7<sup>th</sup> Street.

Mr. Reilly said and do they have access...

Mr. Lundeen said I have not seen their site plan so I don't know how that affects it. but I would assume that there is some argument on Cobra's defense if they don't have an access onto 7<sup>th</sup> Street. But nonetheless, that is the property that they are developing. The Code says I should pave into a paved road system. So I take straight across my property lines and tie straight into Wagner, which is an industrial road, I really met my goal. But there is 120 feet that makes it really difficult for the County to maintain. It is going to be used by my development. It should be paved and I will pay for that right now, but don't think I should have to pay all of that and that is where I stand right now.

-----

The next item considered **#6 - B & B Warehouse** – Request for approval of a Site Plan for a 54,850 square-foot warehouse/storage facility. The property is located on South US Highway 1 near Farmers Market Road and is zoned I-1, Light Industrial. The owner/applicant is Bradley D. Lettsome and the representative is Ernesto Velasco of Velcon Group, Inc.

Mr. David Carlin said the applicant is proposing the construction of an office/warehouse facility located on the western side of U.S Highway 1 north of Farmers Market Road. The property is 4.00 acres in size. A total of four buildings will be constructed on the property which will serve as office/warehouse facilities totaling 54,850 square feet. Each building will contain 8 to 16 units. The property is currently vacant and is zoned I-1, Light Industrial. The Future Land Use for the property is I, Industrial. The property to the north is occupied by a used car lot and located within unincorporated St. Lucie County. The properties to the south consist of a warehouse establishment and a motel also located in unincorporated St. Lucie County. The adjoining property to the west is zoned I-1, Light Industrial. The property located to the east on the east side of U.S. Highway 1 is currently used for auto sales and zoned C-3, General Commercial. The proposed land use is consistent with the surrounding land uses. Access to the development will be provided on the southbound lane of U.S Highway 1 and will also include a separate deceleration lane for traffic to access the storage facilities. Traffic can also access the site by using another entrance located on South 7<sup>th</sup> Street from the adjoining warehouse called Dickson Holdings which will have a shared driveway that extends east/west along the northern portion of the development. The development will also share a joint detention area located along the northern perimeter of the property. Both owners have signed an agreement for cross easements. Building 1, which totals 11,100 square feet, is located at the northern end of the property and will extend to a height of 14 feet. The building will also contain front-loaded garage doors for accessibility purposes. Sufficient parking has been provided along the front building and required loading zones have been provided for the entire development. A 5-foot sidewalk will be located along U.S. Highway 1 along the eastern portion of the property. A total of 133 parking spaces are provided for the entire development, and two dumpsters with pedestrian access will be located near Buildings 2 and 4. Buildings 2, 3, and 4 will provide additional storage capabilities totaling 43,750 square feet of floor space. Adequate parking and loading areas for these buildings have also been provided in accordance with the City Code. The height of the buildings will extend 21 feet tall and will also contain several overhead garage doors. Landscaping will consist of a 10-foot landscaping strip that will extend along the perimeter of the development. A 36-inch hedge will also be used to screen the detention area located at the northern side of the property. Mitigation for existing trees on site will consist of removing 4 Sabal Palms. A total of 106 trees will be provided for the development consisting of Laurel Oaks, Live Oaks, Cabbage Palms, Slash Pines, Bald Cypress, and Holly trees. In addition, all backflow preventors will be screened in accordance with Section 22-70 of the City Code. A Traffic Study conducted by Susan O'Rourke indicated that 700 daily trips and 87 PM peak hour trips would be generated by the proposed development. The project geographic traffic distribution was estimated as 20 percent traveling to the north, 40 percent to the south, 10 percent to the east, and 30 percent to the west. Based on the analysis, it was determined that both intersections at U.S. Highway 1 and Midway Road and at U.S. Highway 1 and Edwards Road operated at a level of service D for the PM peak hour condition for the future traffic conditions. Despite this level of service, these trips are not projected to cause the capacity of the roadway to be exceeded. All affected Departments have reviewed the submittal and have approved the proposed Site Plan based on it meeting the requirements of the City Code. It should be noted that, despite requests from Staff, no response from the St. Lucie County Growth Management Department and have been received at any time on

this project. In addition, St. Lucie County Engineering Department has not provided an approval for the project based on five concerns that were originally identified back on March 31, 2006. The issues are:

- 1) The Traffic Analysis report must be signed and sealed by a professional engineer licensed in the State of Florida.
- 2) Please verify that all roadway construction within the FDOT right-of-way will be designed and constructed in accordance with the requirements identified in the Florida Department of Transportation Design Standards (January 2004) and Standard Specifications for Road and Bridge Construction (2004). This includes turn lanes and driveway entrances within the right-of-way. Please verify that all off-site roadway details will comply.
- 3) Please provide a copy of the FDOT right-of-way permit.
- 4) Copies of all testing and inspection reports are to be provided to St. Lucie County Engineering, attention Michael Powely, P.E., County Engineer.
- 5) A St. Lucie County Stormwater permit may be required. Please contact Chris Lestrangle, P.E. St. Lucie Assistant Code Compliance Manager, Deputy Building Official.

To date, the applicant's representative has indicated that he does not wish to address County concerns since the project is in the City. It should be noted that any objections raised by County Engineering in the future may require a redesign if County construction or right-of-way improvements are required. As the proposed Site Plan meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for **approval** of the Site Plan.

-----  
The next item considered **#7 - 84 Lumber** – Request for approval of a Site Plan for a lumber storage facility to include contractor sales. The property is located on the south side of DiGiorgio Road west of Enterprise Road and is zoned I-1, Light Industrial. The owner is Hardy Management Company LLC and the applicant/representative is Jim Zaunic of 84 Lumber.

Mr. David Carlin said The applicant is proposing the construction of a lumber storage facility located on the south side of DiGiorgio Road, west of Enterprise Road. The property is 13.84 acres in size. A total of 5 buildings will be constructed on the property which will serve as storage buildings for various lumber products to be sold to contractors. The proposed facility will have approximately 15 full-time employees, and the hours of operation will be from 6:30 AM to 6:30 PM Monday through Friday, Saturdays from 8:00 AM to 5:00 PM, and closed on Sunday. It is reported that by year three of its existence, this store will generate approximately \$15 million in taxable revenue and will employ approximately 35 employees. The property is currently vacant and is zoned I-1, Light Industrial. Two properties to the north and east are zoned IL, Industrial Light which are located in unincorporated St. Lucie County. The remaining properties located to the east and south are located within city limits

and zoned I-1, Light Industrial. The property located to the west is a residential community under construction known as Magnolia Square, and is zoned Planned Unit Development. The proposed land use is consistent with the surrounding land uses except with the residential development located to the west. However, the applicant has minimized visual and acoustic characteristics typically associated with the proposed use. Because the applicant will be providing landscaping berms, preserving all the existing trees on the property, and using fences to screen materials as discussed below, the land use incompatibility has been addressed. Building 1, which totals 12,000 square feet, is located at the entrance of the development and will contain several uses including office, retail, and storage capabilities. The height of the building will be 19 feet and access for loading and unloading will be through a large overhead door. Sufficient parking has been provided along the front and side of the building. A total of 123 parking spaces are required for the entire project in accordance with the City Code. In addition, a 5-foot sidewalk will extend from the driveway entrance of the facility to the east property line. Due to the geographic constraints of a canal located along Digiorgio Road, the sidewalk was placed just south of the canal for future connectivity to the adjacent parcel. Buildings 2 and 3 will consist entirely of enclosed storage areas totaling 50,000 square feet. Adequate parking and loading areas for these buildings have been provided in accordance with the City Code. An existing rail spur serving the property will also be used as part of the operation to facilitate loading and unloading. Buildings 4 and 5 are open storage sheds that will be covered by a roof that extends to a height of 18 feet tall and total 24,000 square feet. Palletized lumber will also be stored outside between Buildings 2, 3, 4, and 5 to a maximum of 6 feet in height. To comply with the City Code, the applicant will construct a berm and a fence that extends along the south, west, and northern portions of the development. The height of the berm will be 4 feet, except for the western side of the property where it will extend to a height of 6 feet. In addition, a wood fence that is 8 feet tall will be placed on top of the berm to screen the palletized lumber and the open storage sheds. As a result, the maximum allowable height for outside storage of materials will be 12 feet. The height of the berm along the western portion of the property is higher because the residential community to the west, known as Magnolia Square, is located approximately 150 feet from the property line. As such, the increased height will further provide for a visual and sound buffer. Because 84 Lumber will be using equipment such as forklifts and due to the close proximity of Magnolia Square to the west, Staff recommended that the applicant conduct a noise study to determine the likely impacts that can be expected with this type of operation. The findings provided in the noise study indicate that noise decibels will be in compliance with Section 11-52 (d)(2) of the City Code which specifies a maximum sound level decibel during the day of 70 decibels (dBA). Although acoustic measurements taken from another 84 Lumber facility indicated that a reverse alarm at 50 feet to be 77 decibels (dBA), based on the proposed layout of this facility, sound levels resulting from the reverse alarms on forklifts would be approximately 57 to 59 decibels (dBA) because of the distance to the adjacent property, existing tree buffer, a berm, and a fence. The existing tree line along the western portion of the property will be preserved and further act as natural buffer to separate 84 Lumber from Magnolia Square. In addition, 121 trees will be planted around the perimeter of the development to further enhance the overall project. Landscaping consisting of hedges will also be provided around both retention areas, and all backflow preventors will be screened in accordance with Section 22-70 of the City Code. The Traffic Study conducted by Kimley-Horn indicated that 396 daily trips would be generated by the

proposed development and that the majority of the traffic is expected to use the intersection of Oleander Boulevard and Digiorgio Road which is unsignalized. Based on the analysis, it was determined that although the eastbound approach to the intersection is demonstrating level of service 'F' during both existing conditions and project buildout, the project impact on the surrounding roadway network are negligible and is not expected to adversely impact the transportation network within the study area through 2007. All affected Departments have reviewed the submittal and have approved the proposed Site Plan based on it meeting the requirements of the City Code. As the proposed Site Plan meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for **approval** of the Site Plan.

-----

The next item considered **#8 – Kamrell Business Park** - Request for approval of a Site Plan with Conditional Use Application for a 13,050 square-foot office/retail and warehouse facility. The property is located on the east side of North U.S. Highway 1, north of North Bridge and is zoned C-3, General Commercial. The owner/applicant is Dan Kammerer and the representative is Gary Krystyniak of CSM Engineers, LLC.

Mr. David Carlin said the applicant is requesting Site Plan and Conditional Use approval for the construction of an office, retail, and warehouse complex on the eastern side of U.S. Highway 1 approximately 700 feet north of North Bridge. The 1.34-acre parcel is currently undeveloped and zoned C-3, General Commercial with a Future Land use of CG, Commercial General. Section 22-31(c) of the City Code specifies that a warehouse establishment requires conditional use approval. The surrounding properties are all located within the City limits and are zoned either I-1, Light Industrial, or C-3, General Commercial. The property directly north of the subject parcel is vacant, while the property directly to the east is currently occupied by East Coast Packers. In addition, a warehouse distribution facility is located the northeast. The property to the south currently has a driveway that extends across the property to serve an office complex located further to the south and east. The property located on the western side of U.S. Highway 1 is occupied by a motel establishment. The proposed land use is consistent with the surrounding land uses. Three buildings will be constructed on the property and will contain a total of 13,050 square feet of floor space. Buildings 1 and 2 will be used for both office and retail and will contain 2,790 square feet of floor space to be leased or purchased by prospective tenants. Both buildings will be situated higher than Building 3 due to the topography and elevation changes on the subject parcel and will be 20 feet in height. Parking will be provided along the front of the buildings, and a total of 49 parking spaces will be provided in accordance with the City Code. In addition, a 6-foot sidewalk will be constructed along U.S. Highway 1 that will connect to an existing sidewalk located just south of the proposed development. Building 3 will be situated toward the rear of the property behind Buildings 1 and 2 and will total 8,760 square feet of floor space. This building will be used exclusively for warehouse storage and will contain multiple overhead doors for loading and unloading. Sufficient parking has also been provided for this building in accordance with the City Code. In addition, a single dumpster will be located on the property near the southeast corner the building. Access to the site will consist of a single driveway located toward the northern portion of the property in addition to a separate deceleration lane for traffic to enter the subject site. Conceptual

approval for access onto U.S. Highway 1 has been provided by the Florida Department of Transportation. In addition to a deceleration lane for Kamrell Business Park, there is also a left turn deceleration lane along U.S. Highway 1 for traffic to access Juanita Avenue. A sign will be located at the front of the property that will extend eight feet tall and will be situated five feet back from the property line in accordance with the City's sign ordinance. A traffic study conducted by Susan O'Rourke indicated that 925 daily trips and 126 PM peak hour trips would be generated by the proposed development. The general traffic distribution estimates that 25 percent of all trips will be to the north, 45 percent to the south, 10 percent to the east, and 20 percent to the west. Although the intersection of U.S. Highway 1 and State Road A1A are projected to operate at level service D for the PM peak hour future traffic conditions, the trips generated by the proposed development would not cause the capacity of the roadway to be exceeded. Landscaping buffers at least 10 feet wide will be provided around the perimeter of the proposed development. Mitigation will consist of removing one Sand Pine and one Sabal Palm. A total of 10 trees will be provided to offset the removal of these existing trees. Furthermore, 59 additional trees will be provided to satisfy landscaping requirements outlined in Section 22-187 of the City Code. Trees will consist of Red Cedars, Live Oaks, Cabbage Palms, Montgomery Palms, and Holly Trees. In addition, all backflow restrictors will be screened with appropriate shrubbery and fencing to further comply with City Code. Given the unique geographic characteristics of the property, exfiltration will be used in lieu of wet or dry retention areas. Landscaping will also include a conservation area located at the rear of the property which will preserve all native vegetation. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the requirements of the City Code. As the proposed Site Plan meets the requirements of the City Code, Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Site Plan. And if you have any questions on landscaping, Paul Williams has walked the site and has gone over some of the unique plants species, so he will be here this evening to answer any questions you may have.

Chairman Bergman said are there any question of staff from the Board?

Mrs. Olson said this is the first time that an exfiltration project has come across my desk and I really don't know what it is. Can you please describe exfiltration to me?

Mr. Williams said exfiltration would be where a pit would be dug and Mr. Knott will correct me if I am wrong, material would be added in there and the water would filter in through the system through a rock bed and into the sewer below and since this is very well drained sand, they should get excellent drainage from that type of program.

Mrs. Olson said so you add material in order to keep it there longer?

Mr. Williams said I believe you are going to see that you will have a series of rock or certain size material where the water will go into catch basins and then into this area and then through a piping system go into the ground, sand.

Mrs. Olson said ok.

Chairman Bergman said Tom will probably tell you they only last about 10 to 20 years.

Mrs. Olson said ok.

Mr. Knott said if you are going to use one, this is the best place for it. You couldn't stop the water from percolating up there.

Chairman Bergman said any other questions of staff?

Mrs. Olson said well, I do have a landscaping questions, I will ask it of staff first, I guess. Mr. Williams, what would you describe as the best plants for this location.

Mr. Williams said the best plants would be the native sand live oak and also the sabal palm. Those two are the hardiest for that type of environment. I know some other species were mentioned, again, as I had discussed in the previous site plan, I plan on working on very closely with this developer whom is very interested in leaving as much native vegetation on the east and north side of the project as possible so as to preserve the very rare environment. This is a sand scrub, which very rare in Florida, but very developable because of its drainage capabilities. So, I found the applicant to be very aware of what a special piece of property this is. In fact, there is discussions about relocating existing sand pine trees on the site and if that not be then buy them that are grown.

Mrs. Olson said ok, thank you.

Chairman Bergman said any other questions of staff? If not, is there anyone here that would like to speak on behalf of this project?

Mr. Dan Kammerer said I am a resident of Fort Pierce and we here to answer any questions you may have. I don't have all the answers so I brought along some of my assistants, engineers, if you there are any questions as far as engineering goes, as well as the contractor as well. I am kind of exciting about this project because it does incorporate a preserve which is unique to..that has never been done here in Fort Pierce along with Mr. Williams here I think we have an opportunity not just to create a business park, which we call it, as well as a start of a preserve area. if there are any additional questions, I am here to answer them.

Chairman Bergman said thank you. Are there any questions of the applicant?

Mrs. Olson said I am glad to hear that you are interested in preserving this natural habitat, because it is one of the most beautiful things that we have, especially along US 1. It is one of my favorite drives. It looks like you've done a good job at getting a landscape plan that looks like it is well done. What I didn't see in the landscape plan was a lot of the native plants that are already there reused in the new landscape plan. I am really glad you are leaving that buffer. But it can be done really beautifully to incorporate the native plants, like the scrub live oak or the rosemary and the sand pine and the prickly pear cactus and the periwinkle, as was mentioned in the environmental report. It could be done really beautifully

to incorporate that into the actual landscaping as well. I would like to see that done, if possible. What is your feeling on that?

Mr. Kammerer said well I was approached by Mr. Williams a few months back and he mentioned this to me and I met him immediately on property and I felt that it was pretty important as well. This preserve which we are creating, I am lacking some of the guidelines, obviously, but Mr. Williams together, I am sure we will be able to get something together. What we are trying to do is whatever we have on our site, we are going to try to preserve. There's the issue of it is a little bit of irrigation, because if we could relocate something like that, we may have to find a way and maybe with the help of the City we could find some way to bring some water to these relocated plants. If not, we may lose some of them because of it. But we are willing to replant whatever we can under Mr. Williams guidance.

Mrs. Olson said thank you.

Chairman Bergman said any other questions for the applicant?

Mr. Knott said out of curiosity, what type of tenants do you anticipate in your retail spaces and office?

Mr. Kammerer said the individual units actually are for sale. We have 50% are real estate offices and some of them are professional offices, like...

Mr. Knott said you will have real estate and..

Mr. Kammerer said there will be a real estate office in there, supposedly, and individual small business owners, which are need of a little storage underneath. But we made some restrictions to it because it would be run be an association, itself, which would govern itself and mandate that certain standard will be withheld.

Mr. Knott said no restaurant type facility or anything like that?

Mr. Kammerer said no.

Mr. Knott said so it is strictly, like you said, professional and there will be doctors and what-have-you in there?

Mr. Kammerer said potentially yes, but at this point we do not have any

Mr. Knott said do you have other facilities like this in other places?

Mr. Kammerer said no, we do not.

Mr. Knott said so this is your first time, ok, thank you. It is a nice looking building. My fear was warehousing and right on US 1 and with people coming into town and we don't need that, but that's a nice looking building, good architecture.

Chairman Bergman said any other questions? Thank you. Is there anyone else that would like to speak on behalf of the Site Plan application? Is there anyone here that would like to speak in opposition of the Site Plan? If not, what is the pleasure of the Board?

Motion was made by Mrs. Olson, seconded by Mrs. Gates, to approve on the condition that the applicant works with the City's Urban Forester to include native ridge plants, specifically scrub live oaks, sand pine, rosemary, cabbage palm, prickly pear cactus, and periwinkle in the new landscaping to retain the unique beauty of US 1's ridge scrub area.

Chairman Bergman said we have a motion and a second. Is there any discussion?

Mr. Reilly said if he is not able to relocate it or save it, how is that handled or does he just have to make an attempt?

Mrs. Olson said I was just saying I would like to see in the new landscaping incorporate some new plantings that are of the same varieties, not necessarily relocate.

Mrs. Benton said I would like to ask Mr. Williams a question about the uniqueness of the geographic uniqueness of the area where the site is. I would just like to hear a little more, if only for the record, something about the nature of the uniqueness of a sand scrub area and how that really differs from all the other areas. We noted that the exfiltration for drainage is not something that comes before us often. So, could you kind of explain that a little bit more.

Mr. Williams said this sand scrub is an ancient dune from long ago when the ocean was at that part of Florid. For plant material to live in basically pure sand, it is almost a miracle. So, whenever you can see plant material covering a 100% sand that could be hundreds of feet deep and there is no, I guess you would call it, nutrients available. These species that have evolved are, like I say, a miracle. So, whenever you have a forest on a sand dune like that, it is invaluable, but it is also very well drained which makes it very good for development. Unfortunately, it was very good for citrus and you can see that on State Road 27, when you go towards Sebring. So, that is what we have is basically pure sand with a forest environment with some very rare species of animals, both the gopher tortoise and the scrub jay were not located on the site, but this is the environment that they live in and the scrub jay is on the endangered species list and the gopher tortoise is on the threatened list. None were found on the site, but by the applicant willing to have a preserve in the back, if we can work with the future developments along US 1, we could create a corridor of this natural vegetation that will provide habitat for that wildlife, if it does exist, which I am sure it does. We just don't see it all the time.

Mrs. Benton said thank you.

Mr. Reilly said the exfiltration trench, the reason why they are probably using them for this site is because it is a steep slope site. Exfiltration trench, I believe, are more expensive than having a swale system or a retainage moat, are they? So , but since this is such a

steep site, it would be hard to build a retainage area along the bottom side, if you have like an above ground pool or something, if that answers that other part of your question.

Mrs. Benton said thank you.

Chairman Bergman said any other questions or any other discussion?

Those voting in favor of the motion were: Mr. Knott, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Reilly, Mrs. Benton, Mrs. Gates, Mr. Harris, Mr. Johnson, and Chairman Bergman. Those opposed: None.

Chairman Bergman said you will be notified when this goes to the City Commission by the City Clerk's office.

-----  
The next item considered - **#9 – Fairfield Inn & Suites** - Request for approval of a Site Plan for a 110-room hotel. The property is located at 6401 Darter Court and is zoned C-3, General Commercial. The owner is Fort Pierce Commercial Properties, the applicant is Bruce Collins, and the representative is Cotleur & Hearing, Inc.

Mr. Robert Lane said the applicant requests Site Plan approval for a 110-room hotel located at 6401 Darter Court, which is just south of the existing Red Lobster, right off of Darter Court. The current zoning for the property is C-3 General Commercial and the parcel size of the property is 2.4 acres of a larger 13.03 acre parcel. The future land use for the property is Commercial General and the proposed hotel use is consistent with the Comprehensive Plan. The project is located within the FPUA boundaries. The proposed Fairfield is surrounded by the Red Lobster restaurant to the north, three additional recently constructed hotels, the Best Western, Comfort Inns and Hampton Inn, which are all to the west and all four of those establishments are located within C-3 zoning, as you can see on the map. The property to the south of the proposed hotel is vacant CP-1 commercial parkway zoned property. To the east of the proposed hotel site is Interstate 95. To the east of the Interstate is vacant C-3 commercial property. As part of the improvements along Metal Drive, sidewalks will be constructed and five feet of right-of-way is being dedicated along the west side of the subject property. Access to the site will be from two two-way drives located on Metal Drive. A traffic impact study accounting for the development of the entire 13.03-acre parcel, which includes the Fairfield Inn, conducted by Pinder Troutman Consulting, Inc., was provided. The report provides traffic projections for a two-mile radius and includes analyses of the intersections of Okeechobee Road with King's Highway, Crossroads Parkway, Interstate 95 and Jenkins Road. The proposed hotel use indicates a total of 990 total trips generated, with 74 of those trips being at peak A.M. hours and 78 at peak P.M. hours. The future traffic conditions indicated by the traffic study indicate that the trips generated by the proposed development, including the Fairfield Inn, would not exceed the capacity of the surrounding roadways. It should be noted that St. Lucie County Growth Management has indicated concerns about the traffic study's omission of committed trips for currently approved developments on the analyzed roadway segments and that the project's impact to the roadway network should be considered prior to any unconditional approval of this project. Growth Management also recommended contacting the County

Engineer regarding current conditions, proposed improvements and the recommended improvements needed to meet their conditions for approval. Despite requests from the applicant and staff, the County Engineer has not provided comments regarding the Site Plan to date. The applicant has elected on moving forward with the application at the risk of having to address the County Engineer's comments at a future date. All City Departments have approved the Site Plan based on it meeting the requirements of the City Code. As the proposed Site Plan meets the requirements of the City Code, staff recommends that the Planning Board forwards to the City Commission a recommendation for the approval of the Site Plan. However, it should be noted that comments from the St. Lucie County Engineering Department have not been received to date, but the applicant is electing to proceed. Comments from the County Engineer may necessitate revisions to the Site Plan should their approval be required for any construction or right-of-way permits.

Chairman Bergman said thank you. Are there any questions of staff from the Board?

Mrs. Olson said do the sidewalks that they are proposing doing a sidewalk in front of the hotel, is there a sidewalk in front of Red Lobster as well or is it just going to dead end and it will be a sidewalk to nowhere?

Mr. Lane said there is a sidewalk that goes along Metal Drive along the Red Lobster. It was constructed with the construction of that restaurant.

Mrs. Olson said ok, thank you.

Chairman Bergman said any other questions of staff?

Mr. Reilly said this is just for my education, is Metal Road a County Road or is this part of all that development out there, the Commerce Park?

Mr. Lane said that is a City maintained road. It belongs to the City of Fort Pierce. That is why City Engineering is requesting additional right of way along that road way. There are some roads in that area that are privately maintained drives and the remaining drives there that are public access belong to the City.

Mr. Reilly said ok.

Chairman Bergman said any other questions for staff? If not, we will give the applicant an opportunity to speak. Is there anyone here that would like to speak on behalf of this project?

Mr. Tod Mowery, said I am with Cotleur Hearing and we are excited to bring this project before you. I have a quick little Power Point Presentation that I will walk you through. I will highlight a few of the things related to the site. Also, I have with me this evening is the owner of the property and representatives from the Fairfied Inn, it is OTO Development and we also have a contractor and we have the engineering firm. So, hopefully we have most of the basis cover for you tonight and if not, we will be sure to try and answer those questions at a future time. In terms of the presentation, and I apologize this is going to be a little bit

new getting use to new technology. Real quickly, what we want to do is walk you through the project a little bit. OTO Development, you may be aware of the company. They began in 2004. They are doing quite a few developments, both in the Marriot chain. They are doing Hyatt. They are doing Hilton and they are doing Sheraton. This is actual Wayne Huizenga's company and they have a lot of things that are going on and the Florida market is really beginning to expand for them. Looking at the project, I want to begin with a quick overview and I am sure you are quite familiar with the area. Again, if you look here, you have basically running more east and west, right and left there along your screen you have Okeechobee Road and then up and down you have Interstate 95. In looking at this, what we have is we are going to begin to take you into the site itself. This is a 13 acre site and of that 13 acres this is in unified control. We then have the actual Fairfield project, which will be 2 acres. To give you a feel for the master plan, itself, it is going to be at this point conceptual we have been working with staff and trying to work through issues related to some of the uses and things that would work for that. While I turn the orientation so you can begin to see a little bit more clearly how the development itself will begin to flow. This is how the master plan is currently being proposed. Up on the top of the site plan here, we actually have the Fairfield and you will begin to see that as it develops. We also, here on the north side of the property have two restaurant uses. In the center we have the retail use and this southern use was a, if you recall, this was ACP Storage, which came back this past summer. They actually have withdrawn their application at this point and the use itself it probably going to be reconsidered by the applicant. Going through a couple of the uses, some of the things that we really try to focus on was the connectivity, trying to determine how to best utilize the site and also work in some of the existing roadway systems. We looked at the Darter Court/Reynolds Drive area and this master plan site then shows us incorporating/creating a road system that actually the road itself will be private. Through this unified system, similar to a shopping plaza, they actually have a road that will be set up with a maintenance agreement and all those properties, as well, will be required to contribute to the maintenance upkeep of that. Looking at the surrounding uses, you already have the Best Western, the Hampton, and also then the Comfort Suites that have all located. The Hampton, actually I see, just opened up and it was up and running there when this area was created. This actually came from Google, they didn't have the other two hotels on there, but you can obviously see from that. Red Lobster, then to the north is the use on that. Tonight we are focusing on the Fairfield. This is the application for the Fairfield and looking at that particular site, you are going to begin to get a feel for a lot of the landscaping and things that are being done with that particular project. Again, it is a 110-room hotel and its one that I think you will really find is quite a dramatic improvement for that area. This is a destination area and so in many ways, with this being the closest hotel to the expressway, it is focusing a lot on trying to add some aesthetic appeal with that. This are both front and then rear elevation. We have actual graphics of that for you tonight, if you would like to have a copy of that color graphic as well and then we have some boards that show it in more detail. The project is very similar to maybe Marriott, if you have been in Fairfield Inn & Suites as a great look in terms of the interior, with the layout and the way that they actually developed that. A concept view, this is actual one that was for another project that they have. This gives you a little bit of a feel of the typical Fairfield Inn & Suites both evening and then night. From that standpoint, we would be glad to answer any questions that you may have about the project. We are excited, again, to be here. Thank you very much.

Chairman Bergman said thank you. Are there any questions of the applicant?

Mrs. Olson said I noticed that and our staff also mentioned that the St. Lucie County Growth Management group is concerned about the fact that your traffic impact study addresses only Fairfield and not the rest of the development and the rest of the development is significant. It is really large and it looks pretty good, but I also share that concern that we don't really know what we are looking at here because we don't have a traffic impact statement that reflects the whole project.

Mr. Mowery said I appreciate the question, actually the traffic impact study does analyze the entire study. The County was just looking at the name change.

Mrs. Olson said so this impact statement is for the entire thing, including the restaurants and everything?

Mr. Mowery said that's correct.

Mrs. Olson said really, ok.

Mr. Mowery said because of the name on it, it is listed as Hamby, which Hamby is the owner of the property and the County was saying "how come it doesn't say Fairfield Inn?" It is because it was combined traffic study that was performed. And of that they broke down each of the individual uses and from that they actually had the peak AM and peak PM hours. They are looking at about 78 PM peak hour trips for that. Total was about 240, I recall, is the total if all uses proposed were being provided on site.

Chairman Bergman said any other questions of applicant?

Mr. Knott said I haven't been out there for quite awhile. This was one of my projects before I retired. What is the status of that frontage road, is that Reynolds that goes down to Crossroads Boulevard?

Mr. Mowery said Metal Drive?

Mr. Knott said not Metal Drive. The one that takes you out to the Parkway.

Mr. Mowery said Crosstown Parkway, which is north and south and it runs from the traffic light and then the east and west is Reynolds, which is goes between the current hotels.

Mr. Knott said what is the status of that? is that constructed all the way?

Mr. Mowery said yep, it is all improved from Crosstown Parkway east to Metal Drive.

Mr. Knott said all the way to Metal Drive?

Mr. Mowery said it looks great. They have some nice sabal palms, you know the things they put on there is they lined that particular street.

Mr. Knott said there was years ago when it was first built, there was an interlocal agreement that at some point they were going to take out that jug handle up there when Reynolds drive was connected down there, but I guess that is never going to occur now because everybody uses that so much to get to the Red Lobster. I just wanted to make sure that road was connected.

Mr. Mowery said it looks great. They did a really nice job on that.

Mr. Knott said very good, thank you.

Chairman Bergman said any other questions of the applicant?

Mrs. Benton said just a clarification. You talked about the whole project including the hotel as well as all the other site. Now that whole plot of land, you just end there with your ownership piece, the two plus acres and the rest of it is owned by entities or is this one ownership of land?

Mr. Mowery said currently it is under one ownership and it is being developed similar to what you would see with a shopping plaza, where they have a unified control mechanism in place for these individual roadway systems. The way it is set up is then the Fairfield Inn & Suites through OTO Development, OTO will actually come in and they will set up the development of that and then they will then turn it over to Marriott. The way that it is going to be set up is then they would actually then they would have a meets and bounds description that would be set up so everything is worked out with the County that way for tax purposes and whatnot. Then that roadway system is all set up with a maintenance agreement they have in place. I am not sure if I answered your question.

Mrs. Benton said you did. I was just wondering, now, you are talking about the maintenance agreement so is that an association?

Mr. Mowery said similar to an association, exactly.

Mrs. Benton said thank you.

Chairman Bergman said any other questions for the applicant? All right, thank you.

Mr. Mowery said thank you.

Chairman Bergman said is there anyone else here that would like to speak on behalf of this project? Seeing no one, is there any one who would like to oppose that proposed site plan? What is the pleasure of the Board?

Motion was made by Mrs. Olson, seconded by Mr. Poitier, to forward a recommendation to the City Commission for approval of the site plan.

Chairman Bergman said we have a motion and a second, do we have a discussion?

Those voting in favor of the motion were: Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Reilly, Mrs. Benton, Mrs. Gates, Mr. Harris, Mr. Johnson, Mr. Knott and Chairman Bergman. Those opposed: None

Chairman Bergman said you will be notified by the City Clerk when this will be heard by the Commission. Good luck.

-----

The next item considered **#10 - Dockside Inn** – A request for approval for a Waiver of Distance for a 4COP Alcoholic Beverage License in order to operate a restaurant selling alcoholic beverages for on-premises consumption. The property is located at 1142 Seaway Drive and is zoned C-5, Tourist Commercial. The owner/applicant is At Water Investment, Inc.

Mr. David Lane said Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where the establishment is located within 1,600 feet of other licensed establishments, churches, or schools, unless a Waiver of Distance is granted. The applicant is requesting a 4COP license to serve liquor, beer and wine for consumption on premises in a restaurant. However, four licensed establishments including the Ramp Raw Bar and Restaurant, Crazy Nick's South Beach Grill, the Pelican Yacht Club, and the Sandhurst Hotel & Suites, are located within 1,600 feet of the proposed establishment. Therefore, in accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the minimum required distance of 1,600 feet between the applicant's establishment and other licensed establishments. The subject property is located at 1142 Seaway Drive and is zoned C-5, Tourist Commercial, with a Future Land Use of CG, Commercial General. The properties to the east and west are also zoned C-5, Tourist Commercial. The properties located on the south side of Seaway Drive are zoned R4A-Hutchinson Island Medium Density Residential. The applicant will be converting an existing conference room on the second floor of the hotel into a restaurant and a bar. Access to the establishment will be provided by an existing staircase along with a newly constructed elevator. The total size of the proposed establishment will be approximately 1,750 square feet. In accordance with Section 22-60(d)(2)(a)(2) of the City Code, the applicant will be required to provide 18 parking spaces for the restaurant. Currently, there are only four parking spaces provided directly in front of the building that will undergo the renovations. The existing spaces are used to satisfy the required parking for the hotel and will not count towards the required parking for the restaurant. As such, a new parking lot will be provided just to the west of the four parking spaces on another lot that is owned by the applicant. Furthermore, the Dockside Inn also has

10 additional parking spaces on the south side of Seaway Drive in the event that additional parking is needed. Adequate landscaping strips will be provided around the parking area, and a 15-foot drainage easement is located along the western portion of the parking lot. As specified by Section 3-9 of the City Code, a waiver of distance shall be granted only if it does not adversely affect community health, safety or general welfare and that the following are considered:

- a. **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, as well as churches and schools;**

The attached map indicates that no churches or schools are located within 1,600 feet of the proposed establishment. Four existing licensed establishments are located within 1,600 feet of the proposed establishment. The Pelican Yacht Club is located approximately 690 feet to the west of the proposed establishment while the Sandhurst Hotel & Suites is located approximately 350 feet to the east. Crazy Nick's South Beach Grill is located approximately 1,200 feet to the southwest. The Ramp Raw Bar and Restaurant is also located approximately 1,500 feet to the southwest.

- b. The type and size of the establishment, including any bar floor space and 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;**

The proposed establishment is a restaurant that is approximately 1,750 square feet in size. The type and size of this proposed establishment is not likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building.

- c. Whether adequate parking and landscaping for the facility is provided so as to meet the requirements set forth in sections 22-59 through 22-61;**

The proposed establishment is located in a building that was constructed in 1952 and has been operated as a hotel which has adequate parking and landscaping. (Site Plan attached).

- d. Whether the facility is physically separated or well buffered from all adjacent residentially zoned areas;**

The adjoining properties located to the east and west of the proposed establishment are zoned C-5, Tourist Commercial. The properties located opposite the proposed establishment on the south side of Seaway Drive are zoned R-4A, Hutchinson Island Medium Density Residential. A portion of the hotel, landscaping, Seaway Drive, and sidewalks physically separate the proposed establishment from these properties and provide a buffer. The property owners located opposite the proposed establishment on the south side of Seaway Drive approved of the Waiver of Distance. A Property Owners Response Summary is attached.

- e. Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhoods;**

The proposed establishment primarily is accessible from Seaway Drive. A residentially zoned neighborhood is only located on one side, the south side, of Seaway Drive. However, Seaway Drive is the main thoroughfare for South Beach.

- f. Whether, if the facility is located within sixteen hundred (1,600) feet of a church or school, it will generate traffic which may adversely affect the safety of persons attending such church or school.**

The proposed establishment is not located within 1,600 feet of any schools or churches.

- g. An applicant holding a “Beer, Wine, and Liquor-Consume on premises and Package Sales” license must demonstrate that any parking area provided for is illuminated by not less than three (3) footcandles per square foot of parking lot area.**

The applicant has provided documentation that lighting conditions will be provided for patron parking which meet the requirements of the City Code.

A notification of the Waiver of Distance application was mailed to the owners of properties located within 500 feet of the proposed establishment. A total of 38 notifications were mailed. As of December 5, 2006, a total of 21 responses were received, 16 of which approved of the Waiver of Distance, and 5 of which oppose the Waiver of Distance. As the proposed establishment does not appear to adversely affect community health, safety or general welfare and meets the above-summarized criteria, Staff recommends that the Planning Board forward a recommendation to the City Commission for **approval** of the Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment.

-----

The next item considered **#11 - Bluewater Beach Grill** – A request for approval for a Waiver of Distance for a 4COP Alcoholic Beverage License in order to operate a restaurant selling alcoholic beverages for on-premises consumption. The property is located at 2025 Seaway Drive and is zoned C-5, Tourist Commercial. The property owner is John Graziano and the applicant is Ian and Colin Lloyd of Market 10, LLC.

Mr. Peter Buchwald said Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where the establishment is located within 1,600 feet of other licensed establishments, churches, or schools, unless a Waiver of Distance is granted. The applicant is requesting a 4COP license to serve liquor, beer and wine for consumption on premises in a restaurant. However, three existing licensed establishments are located within 1,600 feet of the proposed establishment. Therefore, in accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the minimum required distance of 1,600 feet between the applicant's establishment and other licensed establishments. The subject property is located at 2025 Seaway Drive and is zoned C-5, Tourist Commercial. The surrounding properties also are zoned C-5, Tourist Commercial. The applicant intends to renovate a space, which formerly contained a restaurant (Theo Thudpucker's), for a new restaurant with a bar to be called the Bluewater Beach Grill. The proposed establishment will have a gross floor area of approximately 1,530 feet. No schools or churches are located within 1,600 feet of the proposed establishment. The three existing licensed establishments located within 1,600 feet include the Hurricane Grill located adjoining to the west, the Jetty Lounge located on the next property to the west, and Mangrove Mattie's located approximately 1,500 feet further to the west. Parking is provided along Seaway Drive and in the Jetty Park parking lot (site plan attached). Section 22-60(a) of the City Code requires off-street parking to be provided when a use or characteristic of a use of a building is changed. The proposed establishment is located in a building that was

constructed in 1953 and formerly contained two restaurants (Hurricane Grill and Theo Thudpucker's), one of which is still operating (Hurricane Grill). The building abuts the property line and the sidewalk, and no landscape strip is present nor is one required according to Section 22-187(6)(a) of the City Code. A total of 28 notifications were mailed to property owners within 500 feet of the proposed establishment. As of today, a total of 9 responses have been received, 6 of which approve of the Waiver of Distance, and only 3 of which oppose the Waiver of Distance. Those property owners opposed to the Waiver of Distance consist of the Jetty Lounge, an absentee property owner located more than a block to the west of the proposed establishment, and an absentee owner of a vacant property located a block to the south of the proposed establishment. As the proposed establishment does not appear to adversely affect community health, safety or general welfare and meets the criteria summarized in Section 3-9 of the City Code, Staff recommends that the Planning Board forward a recommendation to the City Commission for **approval** of the Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment.

-----

The next item considered **# 12 - Voluntary Annexation** - Approval of a voluntary annexation of a property identified as having contiguous municipal boundaries of Fort Pierce. The property is located at 3214 Avenue D. The owner is G and J Capital Investments, LLC and the applicant is George Porter, Jr.