



# CITY OF FORT PIERCE PLANNING BOARD

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## Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD  
HELD ON TUESDAY, MARCH 10, 2009, IN FORT PIERCE CITY HALL, COMMISSION  
CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA

Chairman Johnson called the meeting to order at 6:00 p.m.

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The Pledge of Allegiance was recited.

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Upon Roll Call, those present were: Chairman Johnson, Dan Dannahower, Charles Harris, Robert Poitier, Edward Reilly, and Camile Yates. Those absent: Charles Hayek, Thomas Knott, Colin Lloyd and Kara Wood.

Staff Present: James Walker, Assistant City Attorney; David Carlin, Interim Assistant Director; Paul Williams, Urban Forester; Bob Frank, City Traffic Engineer; Diann Ploetz, Planning Specialist; and Maritza Suarez, Executive Assistant.

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Chairman Johnson said I'd like to welcome Ms. Yates our newest member to the Board. It's good to have you.

The next item considered - **Item 4 - Certification of Alternate Member Voting Status**

Chairman Johnson said I'd like to certify Mr. Bey as an alternate member. You have all rights as a voting member tonight. Thank you for being here.

Mr. Bey said thank you.

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The next item considered - **Item No. 3 – Consideration of Absences**

Chairman Johnson said absences. We'll move it to between number 7 and 8. We'll move it to the bottom.

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The next item considered - **Item No. 5 – Approval of Minutes of February 10, 2009**

Chairman Johnson said has everyone had a chance to look at the minutes of the February 10, 2009 meeting? Are there any additions or corrections that need to be made to that?

**Motion made** by Robert Poitier and seconded by Dan Dannahower to approve the February 10, 2009 Planning Board minutes.

Unanimously approved by voice vote.

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The next item considered - **Item No. 6.a. - Lazy Daze Grille** – Request for Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption. The property is located at 2553 South U.S. Highway 1 (Sabal Palm Plaza). The property is zoned C-3, General Commercial. The property owner is Ehdén NV. The applicant/business owner is Kevin Nelson.

Chairman Johnson said could we have a staff report?

Diann Ploetz said good evening. The applicant is requesting a 2COP license to serve beer and wine for on-premises consumption. Pursuant to Section 3-7, City Code prohibits the City from granting approval for the sale of alcoholic beverages for consumption on premises where the establishment is located within 1600 feet of other licensed establishments, churches or schools unless a Waiver of Distance is granted. The establishment is located within 1600 feet of other licensed establishments; no churches or schools. The subject property is zoned C-3, General Commercial with a Future Land Use of CG, Commercial General. The properties to the north, south and east are also zoned C-3. The properties to the west are zoned R-4, Medium Density Residential with a Future Land Use designation of RME, Medium Density Residential. The proposed establishment contains approximately 2,175 square feet of gross floor area with kitchen facilities and seating for 96 patrons. The hours of operation will be Monday through Thursday 7am to 7pm; Friday and Saturday 7am to 9pm and Sunday 7am to 5pm. Adequate parking is provided in the area. A total of 144 notifications for the Waiver of Distance were mailed to property owners located within 500 feet of the property. As of today, a total of 19 responses have been received. 15 of which approved and 4 opposed. As the proposed establishment does not appear to adversely affect community health, safety or general welfare and meets the criteria, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment. Thank you.

Chairman Johnson said very good. Any questions of staff from the Board? This is the Lazy Daze Grille that is currently downtown is that correct?

Ms. Ploetz said correct at 28 N. Second Street; they're just moving.

Edward Reilly asked are they moving to pursue the license; to get a 2COP license?

Ms. Ploetz said no. They are just moving.

Darryl Bey asked do they currently have a license at the location on Second Street?

Ms. Ploetz said yes they do.

Chairman Johnson asked anything else of staff? Seeing none. I don't think we have anyone here to speak so we'll return to the Board and entertain a motion.

**Motion made by Edward Reilly and seconded by Dan Dannahower to forward a recommendation to the City Commission to approve the Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption for the property located at 2553 South U.S. Highway 1.**

Chairman Johnson asked can we have roll call please?

Those in favor were: Dan Dannahower, Charles Harris, Robert Poitier, Edward Reilly, Camile Yates and Chairman Johnson.

Those opposed: none.

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The next item considered - **Item No. 6.b. Walgreens #4391** – Request for Waiver of Distance for a 2APS Alcoholic Beverage License for the sale of beer and wine for off-premises consumption. The property is located at 2501 Virginia Avenue. The property is zoned C-3, General Commercial. The property owner/applicant is Walgreens.

Chairman Johnson said can we have the staff report?

Diann Ploetz said good evening again. The property owner/applicant is requesting approval for a 2APS license to serve beer and wine for consumption off-premises. Pursuant to Section 3-7 of the City Code, the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption off-premises where the establishment is located within 500 feet of churches or schools unless a Waiver of Distance is granted. The establishment is located within 500 feet of two churches. Subject property is zoned C3, General Commercial with a Future Land Use of CG, Commercial General. The properties to the north, west, south and east are zoned R4, Medium Density Residential with Future Land Use Designations of RME. The property across Virginia Avenue is zoned C-1, Office Commercial with a Future Land Use Designation of CO, and the property diagonally across Virginia Avenue is the St. Lucie County Administrative Office and is zoned OS-1, General and Recreational Open Space. The existing establishment, built in 1998, contains approximately 13,800 square feet of gross floor area. The store is opened 24 hours, but the sale of alcoholic beverages will follow City Code. The parking and landscaping meet the requirements of Code. A total of 35 notifications for the Conditional Use were mailed to property owners located within 500 feet of the property. As of today, a total of 3 responses have been received all of which opposed. There were no responses from the churches. As the existing establishment does not appear to adversely

affect community health, safety or general welfare and meets the criteria, staff recommends the Planning Board forward a recommendation to the City Commission for approval of the Waiver of Distance for a 2APS Alcoholic Beverage License for the existing establishment. Thank you.

Chairman Johnson said thank you. Any questions of staff from the Board? Alright, seeing none. I think we have one person here representing Walgreens. Does anyone on the Board have any questions for the applicant tonight? No? Very good. We'll return to the Board and entertain a motion.

**Motion made** by Dan Dannahower and seconded by Robert Poitier to forward a recommendation to the City Commission **to approve the request for Waiver of Distance for a 2APS Alcoholic Beverage License for the sale of beer and wine for off-premises consumption for the property located at 2501 Virginia Avenue.**

Chairman Johnson asked if there were any discussion of that motion? Ok. Can we have roll call please?

Those in favor of the motion were: Dan Dannahower, Charles Harris, Robert Poitier, Edward Reilly, Camile Yates and Chairman Johnson.

Those opposed: None.

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The next item considered - **Item 3 – Consideration of Absences**

Chairman Johnson said alright. Consideration of absences. We'll go back to that one. Mr. Knott, Mr. Hayek, Ms. Wood and Mr. Lloyd. Motion to excuse?

**Motion made** by Robert Poitier and seconded by Dan Dannahower **to excuse the absences** of Mr. Knott, Mr. Hayek, Ms. Wood and Mr. Lloyd.

Unanimously approved by voice vote.

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Chairman Johnson said anything from staff that you need to talk about tonight?

David Carlin stated Mr. Chair and members of the Board just an update on the LDR rewrite process. We are well underway with that and we anticipate having the first module or chunk of the LDR rewrite presented to us, hopefully, by the end of this month. The consultant has indicated four chunks will be delivered and this will be the first of that chunk. Once we get that we'll certainly make sure that you have an opportunity to review it, take a look at it, make any suggested changes, or get with planning staff and/or the consultant if you have any concerns. We just wanted to let you know. We desperately need the changes to the Code as you are all aware. There are many issues that need to be worked out and we are looking forward to giving you an opportunity to review that.

Chairman Johnson stated is that something you will hand to us or do we need to come see you?

David Carlin stated we can email it to you or you can come pick a copy up at the Department and we are also anticipating placing that on our website. So, there will be different avenues of getting that information.

Chairman Johnson said ok very good. Thank you. Anything else from staff? Mr. Walker anything? Board members?

Board Attorney Walker said thank you for asking Mr. Chair.

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There being no further business, Chairman Johnson declared the meeting adjourned at 6:15 pm.