

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, MAY 11, 2004, IN THE CITY HALL COMMISSION CHAMBERS (due to seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Donald Bergman (Chairman), Charlie Harris, Harriet Brenner, Chuck Enns, Sonja Gates, Thomas Knott, Jeremiah Johnson, Robert Poitier, and Pam Williams.

Members absent: Margaret Benton.

Staff present:

Ramon Trias, Director of Development
Wendy Clark, Planning Coordinator
Jim Walker, Assistant City Attorney
Dianna D. Rose, Secretary

Citizens present:

Bernice B. Willburn
Jack Mesigno
Harold Turner
Deborah Ross
Jim Hunt
Eleanor Thompson
Joan Walker
Joan Cox
Dorothy Murphy
Shirley A. Delanne
Thomas J. Kahler
Ilene Davis
Eudora Clugstone
Hyman Sacher
Diana Hayden
Myra Swanson
Hazel E. Case
Gerry Reyer
Beth Tuttle

Donna Sosta
Liz Ringwood
Mike Drierr
Matthew Bet
Gabriel Volante
Ernesto Velasco
Thelma Isaksen
F. Duke
William J. Duke
Kathy Krug
Ursula Moses
Rosemary Kelley
Rose Sacher
Robert Hayden
Marion Rhinesmith
Hilde Tuorde
Betty Rosendahl
Arthur Reyer

Meeting was called to order at 7:07 p.m. (**Agenda Item #1**)

Secretary proceeded with the roll call and informed the Chairman that Ms. Benton's called and stated that she would either be late or absent. (**Agenda Item #2**)

Mr. Bergman suggested that the Board move the consideration of the absences to the end, in case Ms. Benton would have an opportunity to make it to the meeting.

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Agenda Item # 3 – Approval of Minutes of meeting of April 13, 2004.

MOTION WAS MADE BY MS. BRENNER TO APPROVE THE MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 13, 2004. Seconded by Chuck Enns. Unanimously approved by voice vote.

Agenda Item # 4 - Lawnwood Gardens – Site Plan/PUD – Approval of a preliminary planned unit development known as Lawnwood Gardens. Owner is Max Ambach & Sons, Inc. Applicant is Todd Fabbri and representative is John E. Schmidt & Associates.

Mr. Bergman stated – This item was tabled at the last meeting so I believe we will probably need a motion to take it off the table.

MOTION WAS MADE BY CHUCK ENNS TO LIFT THE TABLED ITEM OFF THE TABLE. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Mr. Bergman stated – I guess at this point we could get staff’s report on this particular item.

Mr. Trias stated – Mr. Chairman, you may recall that in the last meeting it was determined that the application did not have all the information required of a PUD application. At the last meeting the applicant was informed that all that information had to be provided and we have not heard from the applicant.

Mr. Bergman asked – Okay, is there anyone here tonight representing the applicant?

No one was present to represent this item.

Mr. Trias stated – Given that fact, at this point, there’s no sufficient application before you, so there’s really nothing that you could take any action on. This application does not exist.

Mr. Bergman stated – Okay, if there’s no action to take on this we’ll move on into the agenda.

Applause from audience as they exist the commission chambers.

Mr. Bergman stated – If there is no objection, I’d like to move item #6, which is the annexation for the site plan for item #2. I’d like to move #6 to #2 unless there is any objection from staff or Mr. Walker. It seems that we should probably annex the property before we deal with the site plan.

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Mr. Poitier – Good.

Mr. Bergman stated – We’re going to look at the revised agenda, item #6.

Agenda Item # 5 – Annexation – Approval of an annexation property identified as having contiguous municipal boundaries of Fort Pierce at 3312 Orange Avenue. The owner is Murray Tillman (previously owner)/Twin Oil Company (new owner) and the project is for a Sunoco gas station.

Staff Report – Ms. Clark stated – The annexation is part of the Sunoco filling station project. It’s voluntary and staff is recommending approval.

Mr. Bergman stated – Thank you. Is there any questions for staff from the Board?

Mr. Bergman asked – Wendy, do you know if that house was ever restored, or moved or saved? The brick house that was on that site? I know it was holding the project up for a while.

Ms. Clark stated – It wasn’t restored.

Mr. Bergman stated – Okay, I don’t want to know then.

Mr. Enns asked – Wendy, the property at the very corner of Angle and Orange is where most of the gas station, I guess, is going to sit and these other pieces that are contiguous with that, that all then becomes part of that gas station also?

Ms. Clark – Yes.

Mr. Enns – Okay.

Mr. Bergman asked – Is there any other questions for staff? Is there anyone here to speak on behalf of the annexation request?

Mr. Ernesto Velasco introduced himself and stated – I’m with the Velcon Group and I’m just here to answer any questions that you may have concerning this project.

Mr. Bergman – Alright, thanks. Is there any questions for the applicant?

MOTION WAS MADE BY CHUCK ENNS TO APPROVE THE ANNEXATION REQUEST. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mr. Bergman stated – Now, we can go back to the site plan.

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Agenda Item #6 – Site Plan – Sunoco – Approval of a construction of a Sunoco gas station. The owner is Twin Oil Company. The applicant is Gabriel Volante, and the representative is Velcon Group, Inc.

Staff Report – Ms. Clark stated – The project consists of a convenient store, fast food restaurant, and obviously the gas station pumps. The building area is roughly 5600 sq. ft. The site plan has been approved conceptually by all city staff and staff is recommending approval.

Mr. Bergman stated – Thank you. Is there any questions for staff from the Board?

Mr. Johnson asked – Wendy, it seems that there are two different owners for the overall site plan as we just approved an annexation for an owner by the name of Tillman and now we have a different owner name. Are there contracts in place do you know of for them to buy or purchase the land?

Ms. Clark stated – The applicant could probably address that more accurately.

Mr. Johnson – Okay.

Mr. Bergman asked – Are there any other questions for staff?

Mr. Knott stated – Wendy, I noticed on the property size is 10 acres on the site plan report. Should that be 1 acre or is that a 10 (10.01) acre tract there? Given the fact that they just annexed 2/10 of an acre to the back I would think that maybe you just got the decimal points...

Mr. Bergman stated – The parcel size is 2.5 acres on the site plan.

Mr. Knott stated that the property size on the report is 10.01 acres.

The secretary copied from the staff report the number 10.01 acres and therefore placed it on the front report sheet.

Mr. Knott added – The other thing, on the last page there with the colored site plan, they've got the parcel I.D. number just on the one parcel. Should it include also the parcels that are being annexed?

Ms. Clark – Yes.

Mr. Knott asked – Is that reflected on this graphic here?

Mr. Bergman stated – No, it's on the annexation request.

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Mr. Knott asked – But shouldn't it be on the site plan that we're approving?

Mr. Bergman stated – Well, that's why I changed the order on these, so we could have the annexation first.

Mr. Knott stated – So, would this have to be modified for the records? Shouldn't this reflect all of the land under the site plan?

Mr. Bergman shows him part of the plans – Like that?

Mr. Knott stated – Yes. That's the annexation?

Mr. Bergman – Right.

Mr. Knott stated – Yes. But we're looking at a site plan now right?

Mr. Bergman – Yes.

Mr. Knott stated – Okay. And the site plan doesn't show that.

Mr. Johnson added – The site plan doesn't have that material.

Ms. Clark added – With the annexation being separate from the site plan then it was not reflected on the map for the site plan.

Mr. Knott stated – Okay. So that will be?

Ms. Clark stated – It will be part of, yes.

Mr. Knott – Okay, thank you.

Mr. Bergman asked – Is there any other questions for staff?

Ms. Brenner stated – Wendy, in looking over this there are places on here where it is a proposed berm or a proposed sidewalk. Are those going to be for sure? Are they cut in stone or is it just hanging out there waiting?

Ms. Clark stated – As being shown on the site plan then it would be cut in stone. They are part of the overall site plan approval.

Ms. Brenner asked – Is this, in effect, a truckstop?

Ms. Clark stated – I think given the size of the parking areas and also the actual gas pumps themselves, it doesn't appear that it would be conducive for semi tractor trailers.

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Ms. Brenner stated – But it has four bays for diesel on the left-hand side of the building. There are four diesel islands, which means there's two on each side that can fill eight diesel vehicles. And in today's market most of the diesel is on trucks, not automobiles.

Ms. Clark stated – The applicant may be able to address the clients that would be anticipated.

Mr. Knott asked – Wendy, do you know what type of fast food it is?

Ms. Clark stated – It wasn't disclosed.

Mr. Knott stated – Well, we'll ask that then. I just wanted to see if it was one of the franchise operators. Also, the two driveways off of Orange Avenue. I see that they have full movement on those two driveways. Does the applicant have any indication...? I believe that's a state road. We'll ask the applicant then if he's worked it out with the D.O.T.

Ms. Clark stated – I know that they are working with D.O.T. and there may be some minor revisions to that coming later.

Mr. Knott stated – Very good, thank you.

Mr. Bergman asked – Are there any other questions for staff? Is there anyone here to speak on behalf of the site plan application?

Mr. Gabriel Volante introduced himself and stated – I'm the site owner and I live at Misner Park, it's in Delray Beach, Florida.

Mr. Bergman – Thank you. He asked if there were any questions for the applicant?

Mr. Knott asked – I wanted to ask you about your driving connections there on state road 68?

Mr. Volante stated – We have approvals from D.O.T. at this time; however, they will not issue that permit until we have an approval from the City.

Mr. Knott – Okay.

Mr. Volante stated – In the meantime, today, we had a call from JCCS I believe who is a consultant for D.O.T. on that project. They suggested that we move the furthestmost west driveway a little bit to the east by about 40 ft. or so, because there's a median that they're constructing there now.

Mr. Knott stated – My next question was going to be does those line up with any of the proposed medians in there?

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Mr. Volante stated – That’s why they wanted to move that so they could align the second entrance to that property there.

Mr. Knott asked – Will there be a left end movement in that median there?

Mr. Volante stated – Correct, unless you go from west to east.

Mr. Knott asked – For both of them or just the west one?

Mr. Volante – Just the one on the west.

Mr. Knott stated – The other would be guarded, I guess, you won’t be able to get to that one, right?

Mr. Volante stated – Correct, right in, right out.

Mr. Knott – Okay.

Mr. Volante stated – The one on Angle is open.

Mr. Knott stated – Yes, there is no median there.

Mr. Knott asked – What is the fast food vendor?

Mr. Volante stated – It may be Dunkin Doughnuts?

Mr. Ernesto stated – No decision yet has been made on that, we have not decided on who’s going in yet. We have a couple of interested parties but we have not made that decision yet.

Mr. Knott – Alright, thank you.

Mr. Knott asked – Mr. Ernesto, where’s your outfall out of the pond? I see that you’re going into the pond but I don’t see anything coming out.

Mr. Ernesto stated – It would be to the rear ...I’m not sure...may I look at the plans?

Mr. Knott stated – Sure. I thought there was a canal back there somewhere.

Mr. Ernesto – Yes, there is.

Mr. Knott stated – I don’t see an outfall ...on there. Is that where the canal is up there?

Mr. Bergman stated –It’s an evaporation pond.

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Mr. Knott stated – I don't see it on a survey or anything on here.

Mr. Johnson stated – That's Moore's Creek isn't it?

Mr. Knott asked – Is that Moore's Creek?

Mr. Enns stated – Yes, that's all Moore's Creek.

Mr. Knott – Okay, thank you.

Mr. Bergman asked if there were any other questions for the applicant?

Ms. Brenner stated – Did you answer my question about whether this is going to be in fact a truck stop? You have a tremendous number of parking spaces and four drive-thru facilities.

Mr. Volante stated – The parking spaces are actually and hopefully for some time in the future I intend to come again before you to build an additional building on the west side of the property. I have not decided yet as to what that building will be comprised of. So, I thought perhaps while I'm building this site I might as well do the site work and then some time later on cut out that portion of it to build an additional building on the site.

Mr. Brenner stated – Thank you. And looking at the traffic pattern, it looks extremely congested with the people coming around the building, the drive-thru, and you say it's going to be like a Dunkin Doughnuts?

Mr. Volante stated – Something similar to that.

Ms. Brenner stated – And when they come around they have to go out to the west side and then you've got four bays for diesel? Will probably be for semi trailers?

Mr. Volante stated – Not necessarily, I know that particular area, as I did my drive-by, there's a lot of industrial, and so I'm hoping to capture a lot of those vehicles that work in that industrial park. There probably would be some semis coming through there, but I don't anticipate it being anything near like a truckstop.

Ms. Brenner stated – The traffic pattern is a little bit concerning because of the way that people have to cross one another. If you'll take a red pen and follow your arrows to see where you cross.

Mr. Enns stated – Mr. Chairman, are those tanks there above or below ground?

Mr. Volante stated – They're below ground.

Mr. Bergman stated – Are there any other questions for the applicants?

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Mr. Johnson stated – Concerning the question I had before in relationship to the property that was just annexed that was under the Tillman name?

Mr. Volante stated – I don't know why that came forward...probably on the tax rolls maybe. I purchased that property. That property was purchased by myself and is no longer in Tillman's hands.

Mr. Johnson – Okay, thank you.

Mr. Bergman stated – Wendy, on the parking calculations. Do we typically count fueling islands as parking spaces?

Ms. Clark – Yes.

Mr. Bergman stated – Okay, I just hadn't seen that counted in before.

Mr. Bergman asked – Is there any other questions? Is there anyone else here to speak on behalf of the site plan application? Anyone here to speak against the site plan application?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN. Seconded by Mr. Johnson. Unanimously approved by roll call vote.

Mr. Bergman stated – Okay, you'll be notified by the City Clerk when this is going to the City Commission.

Mr. Volante and Mr. Ernesto – Thank you.

Agenda Item #7 – Conditional Use – Lakram – Approval for an adult congregate living facility in a R-3, single family moderate density zone. Twelve clients are proposed in the home. The owner is Kamlake Corporation. The applicant is Ms. Kamlawaty Lakram.

Staff Report – Ms. Clark stated – This application was denied by City Commission six months ago. The application before you tonight is identical to that one. Staff has remained consistent with its recommendation. The application is inconsistent with the comprehensive plan based on density as well as the surrounding existing land use, which is single family. Therefore staff is recommending denial.

Mr. Bergman asked – Are there other questions for staff from the Board?

Mr. Knott stated – Wendy, do I understand that there's been no changes or no trying to work things out...they're just coming back again?

Ms. Clark stated – With the same proposal, yes.

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Mr. Knott – Thank you.

Mr. Bergman asked – Is it based on a six-month period to resubmit?

Ms. Clark – Yes.

Mr. Bergman stated – Okay, I wasn't sure if it was longer.

Mr. Bergman asked – Is there any other questions for staff? Is anyone here to speak on behalf of the conditional use application? (No one was present) Is there anyone to oppose the application?

MOTION WAS MADE BY MR. POITIER TO DENY THE CONDITIONAL USE APPLICATION.

Mr. Bergman asked if there was a second on the motion?

Attorney Walker stated – Mr. Chair, a point of order, respectfully. The Code requires when the Planning Board, which is to recommend disapproval of a site plan, that the reasons need to be stated. I would therefore recommend that the motion be revised to incorporate reasons for denial.

Mr. Poitier stated – I'll make my reasons now. Clearly the proposals aren't consistent with the comprehensive plan.

Motion is therefore reiterated.

MOTION WAS MADE BY MR. POITIER TO DENY THE CONDITIONAL USE APPLICATION BECAUSE THE PROPOSALS WEREN'T CONSISTENT WITH THE COMPREHENSIVE PLAN. Seconded by Mr. Johnson. Unanimously denied by roll call vote.

Agenda Item #8 – Rezone – Timber Ridge Estates – To rezone properties from R-3, single family moderate density to R-4, medium density residential. The applicant/representative is the City of Fort Pierce.

Staff Report – Ms. Clark stated – This rezoning request is City initiated. It's due to a clerical error that was made back in 1994 on our zoning maps. It's a duplex subdivision, and we have building permits that are coming in for both duplex and triplex, and therefore we are requesting that it be changed to allow those types of multiple family uses. And staff is recommending approval.

Mr. Bergman asked – This is consistent with the comprehensive plan?

Ms. Clark stated – It would also include a comprehensive land change.

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Mr. Bergman stated – Oh, okay. Because it seems like we've got R-4 on both sides of it is why I was wondering.

Ms. Clark stated – It's basically surrounded by R-4, which is multi-family.

Mr. Bergman stated – Okay. Are there any questions for staff on the rezoning? I guess I don't really have to ask if there's anyone here to speak on behalf it because I think they've already spoken. Is there anyone here to oppose the rezoning application?

MOTION WAS MADE BY MS. GATES TO APPROVE THE REZONE. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Agenda Item #9 – Special Exception – Orgill – A request to permit a utility and master bathroom addition to a non-conforming structure. The owner/applicant is George Orgill.

Staff Report – Ms. Clark stated – The structure is non-conforming based on an inadequate front yard setback. The proposed addition is for a master bath and utility room, which will not violate any required setbacks. And staff is recommending approval.

Mr. Bergman stated – Thank you. Are there any questions for staff from the Board? Is there anyone here to speak on behalf of the special exception? Is there anyone here to oppose the special exception application?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SPECIAL EXCEPTION APPLICATION. Seconded by Mr. Johnson. Unanimously approved by roll call vote.

Mr. Bergman stated – Okay, we have consideration of absences to address, primarily Ms. Benton.

MOTION WAS MADE BY MR. KNOTT TO EXCUSE THE ABSENCE. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Mr. Knott stated – For the record, I won't be here next month, so I asked to be excused.

Mr. Harris stated – I won't be here next month either.

Mr. Bergman stated – Mr. Knott and Mr. Harris did make it tonight, but both will be gone next meeting?

Mr. Knott and Mr. Harris – Yes.

Mr. Bergman stated – Ramon, Wendy, is there anything you would like to add?

Mr. Trias and Ms. Clark – No.

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Mr. Bergman asked – Mr. Walker, anything you would like to add?

Attorney Walker – No.

Mr. Knott asked – Quick question, what ever happened to the overlay zoning?

Mr. Trias stated – The consultant has not submitted the revisions yet, but we have sent our comments...

Mr. Knott stated – I was just curious, I know we were going to get back together...

Mr. Trias stated – That meeting hasn't been scheduled yet.

Meeting was adjourned at 7:30 p.m.