



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

**OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD
HELD ON TUESDAY, JULY 14, 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.

The Pledge of Allegiance was recited.

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

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

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

Chairman Johnson said okay, thank you very much. So we have two that are going to be absent: Mr. Lloyd and Mr. Dannahower. Is there a motion to excuse?

Motion made by Mr. Poitier and seconded by Mr. Hayek **to excuse the absences of Mr. Lloyd and Mr. Dannahower.**

Unanimously approved by voice vote.

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

Chairman Johnson said Mr. Weaver, thank you again for stepping in. You have all rights as a Planning Board member.

Mr. Weaver said thank you Mr. Chair.

The next item considered - **Item No. 5 – Approval of Minutes of June 9, 2009**

Chairman Johnson said has everyone had a chance to look at the minutes of the June 9, 2009 meeting? Are there any additions or corrections that need to be made to those minutes?

Motion made by Mr. Poitier and seconded by Mr. Harris **to approve the June 9, 2009 Planning Board minutes.**

Unanimously approved by voice vote.

The next item considered: **Item # 6 - Annexation: Waste Pro:** Approval of a voluntary annexation by agreement of a 1.72 acre parcel identified as being contiguous to the municipal boundaries of Fort Pierce. The property is located at 4100 Selvitz Road. The property owner is Waste Pro, Russell Mackie. The representative is Land Design South, Brad Bradley J. Currie, AICP.

Chairman Johnson said could we have staff report please?

Ms. Ehly said good evening Mr. Chair, Planning Board members. The applicant has submitted a petition for annexation regarding a 1.72-acre parcel located on 4100 Selvitz Road. The property has an existing County future land use of Industrial and an existing zoning classification of Heavy Industrial. The parcel has a designated proposed future land use of County Industrial in the Comprehensive Plan as you can see from this proposed future land use map. The property will have a City future land use of County Industrial and a zoning classification of I-3, Heavy Industrial. All affected departments have approved of this annexation and staff recommends that Planning Board forward a recommendation of approval to the City Commission.

Chairman Johnson said okay, good. Are there any questions of staff from the recommendation? Very good. Anyone here from the public that would like to speak for or against this request? Seining none, we'll return to the Board and entertain a motion.

Motion made by Ms. Yates and seconded by Mr. Poitier **to forward a recommendation to the City Commission to approve the voluntary annexation by agreement of a 1.72 acre parcel identified as being contiguous to the municipal boundaries of Fort Pierce located at 4100 Selvitz Road.**

Chairman Johnson said okay, we have a motion and a second to recommend annexation of the property.

Ms. Wood said Mr. Chair?

Chairman Johnson said yes Ma'am.

Ms. Wood said I'm sorry I just want to recuse myself from voting on this item as well as all annexations. Because of my relationship with the County, it's not appropriate for me to vote on annexation applications.

Chairman Johnson said okay, very good.

Ms. Wood said that's what we determined last time. I'm just being consistent.

Chairman Johnson said thank you. I forgot about that. Okay, any other discussion? Could we have roll call please?

Those in favor: Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Poitier, Mr. Weaver, Mr. Yates and Chairman Johnson.

Those opposed: none.

Ms. Wood abstained.

The next item considered: **Item # 7a - Amortec – 1031 DiGiorgio Road:** An application for a Conditional Use approval to permit a concrete manufacturing facility in the I-3, Heavy Industrial Zoning District. The parcel is located at 1031 DiGiorgio Road. The owner is Contech Construction Products, Inc., Dan Moody. The applicant/representative is Land Design South/Bradley J. Currie, AICP.

Chairman Johnson said could we have staff report?

Ms. Ehly said the applicant is requesting approval of a Conditional Use to manufacture concrete products as required by Section 22-34 of the City Code. The applicant manufactures concrete block for shoreline stabilization. The property is currently located in St. Lucie County. However, the Planning Board considered the annexation application and a request for a change in zoning classification at the May 12th meeting and forwarded a recommendation for approval to the City Commission. All three of these applications will go before the City Commission concurrently. After annexation, the property will receive a City future land use designation of County Industrial and a zoning classification of Light Industrial. With the zoning classification change, the zoning will be changed to Heavy Industrial. Heavy Industrial requires a conditional use to manufacture concrete block products. As part of the conditional use application, the applicant has agreed to address the landscaping, parking and fencing requirements of the City Code and make the necessary

changes. The applicant has agreed to install sidewalks along Enterprise and DiGiorgio roads to satisfy City Code and the County requirements. In addition, St. Lucie County will also require driveway/right-of-way permits since it's in a commercial enterprise. Staff recommends that the Planning Board forward a recommendation for approval to the City Commission with the condition that the City and County requirements are met within 60 days of approval.

Chairman Johnson said okay, very good. Any questions of staff from the Board? I just had one with regards to the property boundaries. Is it correct where the fence lies today because it looks like it's different than what the actual Property Appraiser's map show?

Ms. Ehly said Mr. Chair, you are correct. The property line is further back from the fence line and one of the conditions is that they move the fence back.

Chairman Johnson said any other questions of staff?

Ms. Wood said can you scroll back to the zoning map once again? So as these parcels have been annexed, all of the parcels in this area have received a Heavy Industrial zoning?

Ms. Ehly said no they haven't. Mr. Chair, Ms. Wood, this is the proposed future land use map which is the designation that property will receive when it's annexed into the City in the Comprehensive Plan. What's identified as County Industrial, which is that dark grey, for properties that are designated as Industrial in the County, the County's Industrial land use allows for a variation of industrial classifications. They receive the County Industrial when they come into the City but they also receive the zoning classification they had which was Light Industrial in the County but in the City they requested a zoning change to I-3, Heavy Industrial which is allowed by the County Industrial zoning classification. Our zoning classification is called County Industrial, CI so it's kind of confusing.

Ms. Wood said I understood that. Do you have a zoning map then that would show?

Ms. Ehly said what they're zoned?

Ms. Wood said yeah and the surrounding zoning?

Ms. Ehly said no. They are Light Industrial though surrounding. The I-3 Heavy Industrial classification is just recent to the City I think only about a month or six weeks we've had it.

Ms. Wood said I thought so. I guess, I think in theory I don't really have any issue with the application. I just wonder because of the distinct zoning district and presumably this is an even more intense use that's why it's a conditional use in Heavy Industrial and I don't know property by property the nature of the surrounding uses. I guess this is just a general question about how do you ensure compatibility given the difference in zonings and uses in that area as properties come in and uses change?

Ms. Ehly said the whole area is industrial either county industrial or our industrial land use. It is a case by case basis. The process that they'll be doing as far as the manufacturing of the

concrete block, as I understand it, is it's kind of like they form the block and it sits in cures and it's not as intense of a process as other concrete manufacturing which creates dust, noise and everything else. It is completely surrounded for a large extent by industrial land use and zoning classifications. There is really a small difference between Light Industrial and Heavy Industrial as far as allowable uses in the City.

Ms. Wood said okay, thanks.

Mr. Weaver said Mr. Chair, Ms. Ehly, has the applicant conditioned their annexation on approval in the change in zoning classification and the conditional use?

Ms. Ehly said Mr. Chair, Mr. Weaver, no they haven't not. We can't condition annexations.

Mr. Weaver said so they are willing to go forward with the annexation regardless of the outcome of the conditional use or the change in zoning classification?

Ms. Ehly said yes, that's my understanding.

Mr. Weaver said thank you.

Chairman Johnson said any other questions of the staff from the Board? Seeing none, I'd like to invite the applicant forward if there is a representative here? Good evening, if you would state your name and association for the record.

Mr. Gaumer said Chris Gaumer of Land Design South serving as the applicant. Members of the Board, they've done a real good job but to answer Mr. Weaver's question if (which I just found out today) if the conditional use does not get approved, my understanding is that the intention is to just drop everything and stay in the County because we're going to hold off on the annexation and the rezone. The first one will go, I believe July 27th. Erica, is that correct? Or whatever, to the Commission and then the conditional use will go concurrent with the annexation, the rezone at its second reading and then the conditional use only gets one reading at City Commission. I believe that's how it goes. If we find out that the conditional use isn't going to get approved, then I believe we would just back out because he can't do the concrete block without a conditional use.

Mr. Weaver said can the City Commission approve a conditional use on a parcel that is not approved for annexation within the City boundaries? Can it go in that order as we're talking here?

Ms. Ehly said Mr. Weaver, the second reading on the annexation ordinance will be approved and then they'll hear the zoning change and the conditional use.

Mr. Weaver said thank you.

Chairman Johnson said any other questions of the applicant?

Ms. Wood said so then just out of curiosity, wouldn't they vote on the annexation and that item would be complete before you would know the outcome of the conditional use or am I just getting too technical?

Mr. Gaumer said I think the outcome would be contingent upon your recommendation of approval.

Ms. Ehly said well there are two hearings for annexations, two hearings for rezones, and one hearing for conditional use.

Ms. Wood said right.

Ms. Ehly said so the first hearing for the annexation and the rezone would be at one meeting so by then we would know if they approve the annexation and rezone or not but it's not adopted until the second hearing. So, if they approve it in the first hearing, we're pretty much assured that they would approve it and adopt it at the second hearing and then the conditional use would be adopted at that same hearing.

Ms. Wood said right and what he's saying is that the annexation is conditioned on the conditional use which you wouldn't know until after the annexation has been voted upon?

Mr. Gaumer said correct. They're trying to get the feel right now.

Ms. Wood said if there is a way to work that out hey that's up to you guys really. It's not my concern. I just was curious.

Ms. Ehly said well their allowed by their land use to have the heavy industrial zoning. The Commission would have to establish a finding of fact in order to deny them that conditional use which they're applying for. A conditional use is generally asking for any conditions that should be applied in order to mitigate for any of the impacts of the zoning change. Certainly as we're reviewing the application we don't see any findings of fact that the City Commission would be able to identify in order to deny this conditional use which is consistent with the zoning classification and the land use.

Ms. Wood said I'm happy. That's your property.

Chairman Johnson said any other questions of the applicant?

Mr. Knott said let me just ask staff real quick. Is this a mandatory annexation or a voluntary annexation?

Ms. Ehly said voluntary Mr. Knott.

Mr. Knott said they're not contiguous to the City?

Ms. Ehly said they are contiguous and they are requesting annexation voluntarily.

Mr. Knott said so they don't get any water from, you know, there is a water main right next to them right now?

Ms. Ehly said I'm not sure if they are receiving water at this time.

Mr. Knott said I see on the survey I see something that says WM which I assume is the water main, City water main.

Mr. Carlin said Mr. Chair, members of the Board, Mr. Knott. If you recall 84 Lumber that came through several years ago this issue came up and I think Mr. Chair you brought it up specifically whether or not there was wastewater and water available in this area. The wastewater line does not, I think, go out to this area but the water does. There is a strange relationship there. I'm pretty confident that the water does serve this property.

Mr. Knott said I guess what I'm asking the applicant is then you said you're going to back off on the conditional use. Are you just going to let the property set if you can't get what you want. Is this correct? You can't go back to the County if it's a mandatory annexation.

Mr. Gaumer said it's not a mandatory annexation though it's voluntary.

Mr. Knott said what are you going to do for water at the site?

Mr. Gaumer said as of now they don't own the site so well, they own the site for another use and they're trying to get this concrete block manufacturing. If we find out tonight that the conditional use isn't going to move forward, we would meet with the commissioners to find out what their take is on it. Odds are that would probably mean that if the commissioners feel that they wouldn't move forward, then we would just let the property stay in the County and not do anything, just pull all applications.

Chairman Johnson said I don't know if they are a water customer or not but I have a feeling they are because Oleander has had water for a quite a number of years. It was an MSBU project that went through years ago.

Mr. Knott said yes, it says it on the survey here. It says WM, there's a water main right by it.

Chairman Johnson said if they are receiving water now, then they've already signed an annexation agreement so they're going to be annexed anyway when the City decides to annex.

Mr. Knott said as a matter of fact, it looks like there is an easement for the water main that comes down through on the side of their property. It's not a question of whether you wanted to annex I think the property has to annex.

Mr. Gaumer said we don't have to annex. We can pull that anytime up until the second reading and they say it's been approved then we're approved but up until that second you are.

Ms. Ehly said it's a voluntary annexation. It's not annexation via agreement.

Mr. Knott said I guess I'm confused. Is the existing use being served by the City's FPUA water?

Mr. Gaumer said I don't know.

Chairman Johnson said it would say it in staff report wouldn't it?

Ms. Ehly said no, it's within the urban service boundary and the FPUA signed off on the annexation that water would be available but they didn't state that their.

Chairman Johnson said so basically they have a well and their well hasn't failed yet so the health department hasn't required them to connect. As soon as they are required to connect, then they'll go forward.

Mr. Knott said yeah I see there's some form of a drainage and septic tank. There is some clouding here that you may want to look into that even if you get want or don't want or however you want to do it, you may have to annex this property if you are going to do anything at all with the thing.

Ms. Ehly said well there is the existing business on there which is the pipe-cutting business and also this business is operating in the County on Midway Road. They want to come into the City and there are quite a few jobs and it's the only shoreline stabilization manufacturing company in the whole area. They've done work in.

Mr. Gaumer said I believe it's down in Miami and up to Jacksonville is the next one. It's a pretty large area.

Ms. Ehly said if there are significant impacts, a company that can be contributing to the area.

Mr. Knott said it's a good use. It really is.

Ms. Ehly said so they want to come into the City. They're going to provide jobs. They're obviously going to be submitting tax revenue being in the City and just in staff's analyzation of this whole application, we just didn't see any issue as far as concern that it might not go through.

Mr. Knott said thank you.

Chairman Johnson said any other questions of the applicant? Thank you. Anyone here from the public that would like speak for or against this request? Seeing none, we'll return to the Board and entertain a motion.

Motion made by Mr. Knott and seconded by Ms. Yates to forward a recommendation to the City Commission to permit a concrete manufacturing facility at 1031 DiGiorgio

Road as a conditional use with the condition that the following City and County requirements are met within 60 days of approval:

- **Landscaping as per City Code;**
- **Parking as per City Code;**
- **Fencing as per City Code;**
- **Install sidewalks along Enterprise and DiGiorgio as agreed upon to satisfy City and County requirements; and**
- **Driveway/Right-of-Way permits per County Code.**

Those in favor: Mr. Hayek, Mr. Knott, Mr. Poitier, Mr. Weaver, Ms. Wood, Ms. Yates, Mr. Harris and Chairman Johnson.

Those opposed: none.

Chairman Johnson said your request is forwarded with a recommendation. Thank you.

The next item considered: **Item # 7b – Jetty Park Addition – 1920 Seaway Drive:** An application for a Conditional Use approval to allow for a future 1.0 acre expansion of South Jetty Park onto the eastern half of property located at 1920 Seaway Drive. The property is zoned C-5, Tourist Commercial. The property owner/applicant is the Fort Pierce Redevelopment Agency.

Chairman Johnson said could we have staff report.

Mr. Williams said good evening Mr. Chair, members of the Board. In accordance with Section 22-33 (c)(9) of the City Code, the applicant is requesting approval for a conditional use to allow construction of public beach park improvements in a C-5, zoning district. The location of the property is at Seaway Drive and Ocean Drive. The zoning is C-5. All affected Departments have reviewed the submittals and approved the proposed conditional use based on it meeting the requirements of the City Code. As the proposed Conditional Use meets the general 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 Johnson said thank you. Any questions of staff from the Board? The applicant is the Redevelopment, FPRA. Is there anybody here to speak from that?

Mr. Williams said Mr. Chair, Mr. Ward couldn't be here tonight.

Chairman Johnson said okay.

Mr. Weaver said I'm potentially involved with purchase of an adjacent parcel and I'm going to be recusing myself in this matter.

Board Attorney Walker said respectfully, don't forget your form 8B.

Mr. Weaver said yes Sir.

Mr. Knott said Paul, I know this thing is moving pretty quickly here. Have you all started to modify the site plan of the park yet to include this parcel?

Mr. Williams said Mr. Chair, Mr. Knott, we have begun to work on it but right now with the new grant that will be attached to this, we're looking at if we can use our consultants that are currently on the project.

Mr. Knott said right, which would make sense to keep in the house for them rather than get a new, you may have to go out on the street to get.

Mr. Williams said we might be required to. It's going to take some lobbying because we are now moving to an FDOT Scenic Highway Grant and their requirements are different than the FTC grant that we had to purchase the Rollins property.

Mr. Knott said I've seen something in staff report or somewhere about "this might impact the roundabout" there. Is that going to slow down the construction schedule at all?

Mr. Williams said I don't believe so. I believe it will increase it. I know we do have Engineering's approval on this and I have seen the plan adjusting the roundabout to the north. I know Bob Frank, the Traffic Engineer, is here. He can confirm that if you need it.

Mr. Knott said I'd hate to see this thing slow down, that construction schedule.

Mr. Williams said I think it's going to increase it because it is going to eliminate the acquisition process for property where it's currently designed for.

Mr. Knott said oh I see. They won't change the design they'll just fill out the right-of-way that they needed for this for the roundabout.

Mr. Williams said that's correct.

Mr. Knott said that's good. Will you modify the whole plan that's been before us before for the existing acreage?

Mr. Williams said yes Sir. An additional one acre will be attached to Jetty Park and it will increase it to that entire area.

Mr. Knott said so will you re-work the whole one or are you just going to put another little finger over in there to have parking on it or something?

Mr. Williams said mainly it'll be that area will just be reconfigured but it will be attached to the existing plan to make sure the traffic flow is working. Of course, it will be increasing the number of parking spaces.

Mr. Knott said okay, very good. Thank you Mr. Williams.

Chairman Johnson said are there are other questions from the Board? Is there anyone here from the public that would like to speak for or against this request? Seeing none we'll return to the Board and entertain a motion?

Motion made by Ms. Yates and seconded by Mr. Hayek to forward a recommendation to the City Commission for approval of the Conditional Use to allow for a future 1.0 acre expansion of South Jetty Park onto the eastern half of property located at 1920 Seaway Drive.

Chairman Johnson said we have a motion and a second to recommend approval. Any discussions?

Mr. Hayek said Mr. Chair, I'd just like to say this is one of the best parcels the City has bought in a long time and I'm glad to see it.

Chairman Johnson said very good. Could we have roll call please?

Those in favor: Mr. Poitier, Ms. Wood, Ms. Yates, Mr. Harris, Mr. Hayek, Mr. Knott and Chairman Johnson.

Those opposed: none.

Mr. Weaver abstained.

The next item considered: **Item # 8a - Fort Pierce Central High School – 4101 South 25th Street:** An application for approval of an abandonment of a fire service easement located at 3201 South 25th Street, Fort Pierce Central High School. The owner/applicant is School Board of St. Lucie County. The representative is Daniel B. Harrell, Attorney to the School Board.

Chairman Johnson said could we have staff report please?

Mr. Carlin said good evening Mr. Chair, members of the Board. Tonight the applicant is requesting to abandon and relocate an existing utility easement on the subject property which is located on the west side of 25th street as seen on your aerial. The property is zoned R-4, Medium Density Residential. Based on a request from the UA, an existing fire service easement is requested to be abandoned and relocated to provide a new connection needed for the school auditorium. What you see is the existing easement identified in yellow and the replacement easement is shown in green. As you can see, the change is relatively minor. As I go back and forth, you can see that. All affected departments have reviewed and approved the proposed easement and abandonment and relocation. Staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the easement abandonment.

Chairman Johnson said any questions of staff from the Board? Seeing none, is there anyone here from the School Board that would like to speak for or against or need to speak? Anyone from the public? Good evening.

Said good evening Chairman Johnson, members of the Board. I'm Molly Rottinghaus. I'm here on behalf of the applicant. I think that David did a good job in describing this abandonment request to you. Basically, it just needs to be replaced. There is a replacement easement already in your packet so unless there are any questions that's basically it.

Chairman Johnson said any questions? Thank you.

Chairman Johnson said anyone else from the public that would like to speak for or against? Alright. I'll return to the Board and entertain a motion.

Motion made by Mr. Poitier and seconded by Mr. Hayek to forward a recommendation to the City Commission to approve the abandonment and relocation of a fire service easement located at 3201 South 25th Street, Fort Pierce Central High School.

Chairman Johnson said we have a motion and a second. Any discussion on the motion? Could we have roll call please?

Those in favor: Mr. Weaver, Ms. Wood, Ms. Yates, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Poitier and Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 8b - Midway Properties of St. Lucie County – 4585 Selvitz Road:** An application for an approval of an abandonment of a 12 foot utility easement. The utility easement is located at 4585 Selvitz Road and is zoned I-1, Light Industrial. The owner is Midway Properties of St. Lucie County, L.C./Anne Cody Jones and Ron Thomas Jones, as co-Trustees of the Anne C. Jones Marital Trust U/W of Thomas C. Jones, deceased. The representative is Frank H. Fee, III, Esquire.

Chairman Johnson said could we have staff report please?

Mr. Carlin said Mr. Chair, members of the Board, once again a similar easement abandonment request at this particular address, 4585 Selvitz Road, as seen on your aerial map there just on the west side of Selvitz. The property is zoned I-1, Light Industrial. The applicant is requesting to abandon an easement that extends north-south as seen on your screen identified in yellow which essentially bisects the property in two. There is a wetland area as you can see to the east of this easement and to allow for future development of the property, the applicant is requesting that the easement be abandoned and relocated further to the west which will be aligned like that. All affected departments have reviewed and approved the proposed easement abandonment and relocation and staff recommends that

the Planning Board forward a recommendation for approval of the abandonment and relocation of the easement.

Chairman Johnson said any questions of staff from the Board? Go back one slide for me. I'm sorry. We're not crossing another piece of property, are we? Is that a property line, that dash line?

Mr. Carlin said to the north or to the south?

Chairman Johnson said let's call it, that's the east?

Mr. Carlin said the south property line right here?

Chairman Johnson said the dashed line that runs.

Mr. Carlin said this one right here?

Chairman Johnson said yeah.

Mr. Carlin said the easement will be located on the east side of that line. It won't actually go over that line.

Chairman Johnson said is that the property line?

Mr. Carlin said yes.

Chairman Johnson said no.

Mr. Carlin said which one are you referencing?

Chairman Johnson said where the new easement is located?

Mr. Carlin said the property line will extend on that angle.

Chairman Johnson said but that is the property line where it's located?

Mr. Carlin said yes Sir.

Chairman Johnson said okay. That was the only question. Any other questions? Good evening Mr. Fee.

Mr. Fee said Frank Fee. I'm an attorney. I represent the petitioners. First, a point of clarification, I believe that the dotted area (go back one slide please David) up above where the apex of the triangle there going up above I think that is the area we expect to buy part of the Florida Municipal Power Association's ownership and they're going in this application so it really needs to be extended all the way out to the lot line. Apart from that, I'm just here to answer any questions you might have. The original easement has simply been replaced and

with a quid pro quo another easement relocated quite to the satisfaction of the FPUA and the FMPA which is important.

Chairman Johnson said any questions of the applicant?

Mr. Fee said I'm prepared for your cross-examination.

Mr. Knott said I've been waiting for years to do this Speedy! Speedy, is the same landowner that's swapping this over?

Mr. Fee said that's the old Lunford property.

Mr. Knott said the original, the owner of where the land where the easement is now is the same owner that we're getting?

Mr. Fee said yes. Substantially, except for the FMPA portion.

Mr. Knott said right. So there's no money, the original one architect?

Mr. Fee said absolutely not. The original was contributed. A new one has already been recorded. It was recorded some time ago and we're going to confirm that one by the plat when it's recorded. It's on the new plat for Treasure Coast Business Park.

Mr. Knott said I should have known I couldn't catch you on anything.

Mr. Fee said oh no.

Mr. Knott said thank you.

Chairman Johnson said any questions of the applicant. Thank you. Anyone here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board and entertain a motion.

Motion made Ms. Yates and seconded by Mr. Knott to forward a recommendation to the City Commission for approval of the abandonment and relocation of a 12 foot utility easement located at 4585 Selvitz Road.

Those in favor: Ms. Wood, Ms. Yates, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Poitier, Mr. Weaver and Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 9 - Waiver of Distance – Matt's Food Mart:** An application for a Waiver of Distance for a 2APAS Alcoholic Beverage License for the sale of beer and wine for off-premises consumption. The property is located at 1201 N. 25th Street

and is zoned C-3, General Commercial. The property owner is Ruby L. Smith; the applicant is H.C. Matthews, II.

Chairman Johnson said could we have staff report please?

Mrs. Ploetz said good evening. The applicant is requesting a 2APS license to serve beer and wine for off premises consumption at an existing drive-thru only grocery store. Pursuant to Section 3-7, Code prohibits the City from granting approval for the sale of alcoholic beverages for off-premises consumption 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 which are highlighted in pink. Subject property is zoned C-3, General Commercial with a future land use of Cg, Commercial General. The properties adjacent to the north, south, east and west are also zoned C-3. The proposed establishment contains approximately 480 square feet of gross floor area. The establishment will be open Monday thru Friday and Sunday 10 am to 10 pm, and Saturday 10 am to 12 am. Adequate parking and landscaping will be provided. City Code requires two spaces for the approximate 480 square foot retail establishment. The two parking spaces and a handicap space are proposed to be completed prior to the alcohol beverage application being signed by the City. A landscape buffer is proposed along the western property line. The applicant is currently working with the Urban Forester to improve the landscaping. A total of 130 notifications for the waiver of distance were mailed to property owners located within 500 feet of the property. As of today, a total of 12 responses have been received: 7 of which approve; 4 oppose and 1 was undecided. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the waiver of distance for a 2APS alcohol beverage license for the establishment with the condition that the applicant continue working with the City's Urban Forester to complete the landscaping improvements and provide the required parking spaces prior to the City signing the alcohol beverage license application. Thank you.

Chairman Johnson said thank you. Any questions of staff?

Mr. Weaver said the four members of the public that responded negatively, does that change the level of vote that we have to have in order to pass on a recommendation of approval?

Mrs. Ploetz said no. There has to be 20% of the total number of notifications that were mailed.

Mr. Weaver said thank you.

Chairman Johnson said any other questions?

Mr. Knott said just one final clarification for Mr. Walker. Didn't you instruct us at one point that we were not to pay attention to, influence our vote on the political aspect or the neighborhood aspect of this? That this was the City Commission's jurisdiction and not ours?

Board Attorney Walker said Mr. Chair, Mr. Knott. There has been a tendency on occasion in the past for the vote to track rather closely and also reflectively the head count of those who

send in postcards approving or disapproving. In some instances, it has been felt that inordinate weight was given to those in detriment to consideration of the normal traditional planning principles that govern this matter and that the Board had on occasion in the past strayed into political waters that are more properly the province of the Commission which is dependent upon relying on good objective advice of the Planning Board based upon sound planning principles. With that in mind, Mr. Chair, we have discouraged undue reliance on those and I think that is what Mr. Knott is referring to.

Mr. Knott said yes.

Chairman Johnson said very good. Thank you.

Mr. Knott said I'm going to miss those explanations.

Mr. Poitier said well you asked for it.

Mr. Knott said I know. I love it.

Chairman Johnson said any other questions of staff? I have one. The two parking spaces that are being proposed, are they going to be improved parking spaces or are they going to be grass parking spaces?

Mrs. Ploetz said improved parking spaces.

Chairman Johnson said okay, very good. Any other questions?

Mr. Poitier said didn't they have a license before?

Mrs. Ploetz said not for alcohol beverage. No, it was just strictly a grocery store.

Mr. Matthews said yes, they did at one point.

Mrs. Ploetz said oh they did?

Mr. Matthews said yeah. They had it for years, probably the last 25 years. The original owner died and it was basically for like a year and some months and I'm the new owner of that.

Chairman Johnson said the license goes with the owner anyway.

Mr. Matthews said exactly. That's where we're at.

Chairman Johnson said so that's why we have to do this. Okay, no other questions? Anyone here that would like to speak for or against this request? Come on up if you'd like to and state your name and address for the record.

Mr. Dixon said Chairman Johnson, Board members. My name is Bobbie Dixon. A couple of years ago, I was named Citizen of the Year of Florida. I've known this location for quite a while. The previous owner was by the name of Calvin Smith. Mr. Matthews is trying to take with the facility as it first opened up a food market. I've known Mr. Matthews. As a character witness I can speak for him and I speak very well and highly of him. My thing is that the City and the County is trying to draw in revenue, tax revenues, during this time of recession. I can't see no reason why with the approval of the churches that's in that vicinity that okay'd the matter why he should have to go through the changes that he's going through. I've never seen this condition in St. Lucie County before in my life. I've been doing business in Fort Pierce and St. Lucie County for 29 years. To have an individual go through changes over a parking slot is just ridiculous. You make it very hard for individuals to even go into business. The amount of money that you have to spend just to try to open the establishment is ridiculous. Speaking on Mr. Matthews as a character witness, I think that Fort Pierce needs someone like him. I think that this establishment was something good for the community and I think it would be good in the future as far as revenues, tax-wise and everything else. Thank you.

Chairman Johnson said very good. Anyone else here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board and entertain a motion.

Mr. Poitier said I so move.

Motion made by Mr. Poitier and seconded by Ms. Yates to forward a recommendation to the City Commission for approval of the Waiver of Distance for a 2APAS Alcoholic Beverage License for the sale of beer and wine for off-premises consumption for the property located at 1201 N. 25th Street.

Those in favor: Ms. Yates, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Poitier, Mr. Weaver, Ms. Wood and Chairman Johnson.

Those opposed: none.

Chairman Johnson said your request is forwarded with a recommendation. Thank you very much.

Mr. Poitier said it's a nice building. They fixed it up pretty good.

The next item considered: **Item # 9a – Discussions – Evaluation and Appraisal Report (“EAR”)**

Ms. Ehly said good evening Mr. Chair and Planning Board members. As you recall at the last Planning Board meeting, we requested some input regarding major issues that would be analyzed in the EAR. We took that same presentation to the City Commission at the June 15th meeting. Staff requested some direction from the City Commission regarding

identification of major issues just like we requested that of you. They offered a couple of suggestions. I'm not sure if any of you saw the meeting but they were concerned with the nonconforming lots and structures and how that impedes redevelopment in the downtown area. They also were talking about encouraging infill to make it easier to build on an infill lot. planning for mass transit and readdressing the flood elevations. FEMA was here looking at those because they had failed in the last year, year and a half and so they were looking to see if that might be addressed. City Commission made it very clear that the primary focus of the EAR would be encouraging infill and redevelopment. That's kind of the direction that we've received from them and that's kind of where we're going to be looking but that doesn't mean that that's all we would look at but we are kind of finalizing the issues. We have Kimley-Horn on board now. They're going to help us prepare the report and especially the amendments. We're going to be moving forward much more quickly now. The City Commission requested that staff prepare some examples of strategies or plans or objectives that would encourage infill and redevelopment and bring that back to the City Commission which we will be doing on the 20th. That's pretty much the update as far as where we are right now. Certainly, if you have any questions or any comments.

Mr. Weaver said what about the suggestions we made to you last time?

Ms. Ehly said yes. We did bring those forward to the Commission and certainly those, I think, they were echoed by the Commission because I think Mr. Weaver you had said the historic preservation

Mr. Weaver said conflicts with downtown.

Ms. Ehly said the zoning code so that's the same thing as the nonconformities and the lot size and things like that. Yes, certainly. The other concern I think was Senate Bill 360 and so those both will certainly be addressed in the EAR.

Ms. Wood said Mr. Chair, just to let the Board know. I sent a list of comments to Ms. Ehly this afternoon right before the end of the day. I sort of felt it my duty as the Planning Board member to actually go through the Comp Plan and sort of look at the policies and be a little bit more clear about the stuff that's in there. I think some of the things I brought up last time but I just identified some specified policy areas related to, and I tried to connect kind of land use and transportation issues almost under the umbrella of redevelopment and mass transit and sort of making suggestions about ways to link all of those things for issues of development, redevelopment and sustainability that I think Senate Bill 360 points to. That was one major category that I commented on. There was some questions that I pointed out in terms of implementing policy language and the conservation, either on the Conservation Element specifically or related to conservation issues in the Future Land Use Element that I just suggested that staff and the consultant look into. I know when the Comp Plan was being rewritten it was kind of at a very ambitious time in our staffing and support and there were a lot of implementation projects identified in the policies that I think some of which has been done and some of which might have been a little too ambitious to undertake. I just kind of pointed out some of those things to maybe reconsider when those timelines are established in the policy language if that's appropriate. There were a couple of policies that I saw in the Open Space Element that were kind of sort of blanket polices that talk about all development

and redevelopment open space. I made some suggestions about maybe there are ways to sort of gauge when open space is appropriate and when it's maybe more appropriate. For example, for a mixed-use infill development to mitigate rather than providing open space on site where you might not want to do in a dense environment you may mitigate that in sort of a prop-share payment for public open space that is accessible to all residents. Just things like that at the moment I thought were really brilliant ideas. I sent those to you in email and hopefully those will be helpful.

Ms. Ehly said yes, I appreciate that. Thanks.

Mr. Carlin said as you know, the open space in the LDRs as you are familiar with, the only area we have open space requirements are in our PUDs and PURs. There will be an opportunity to adjust our open space requirements based on any amendments we do in the Comp Plan to support those types of modifications because we have run up into problems with that particular requirement. We will be looking at that for sure as part of both the LDR rewrite and the EAR and we'll take that into account.

Ms. Ehly said I think that also goes with the ease with which you can redevelop parcels. If you're going to be limited to the amount of developable area because of requirements in the Comp Plan and the Code, that's certainly an impediment so it kinds of goes hand and hand with the focus that the City Commission has requested.

Mr. Margotta said I was about to say it's an enticement that incur crop share. Thanks. I appreciate it Erica.

Chairman Johnson said any other questions or comments. I guess my only ones were in regards to concurrency and what's happening in the State and where are we going to go as a City and how are we going to correlate what's going on especially since we have the City and also have the City/Utility Authority in concurrency management. Is there anything we can address in that realm that's going to help us in the end?

Ms. Ehly said as far as the EAR?

Chairman Johnson said yeah, I don't know if we need to do it in this report or not but that was the initial question in my mind.

Ms. Ehly said do you mean with reference to Senate Bill 360?

Chairman Johnson said yeah that's part of it.

Ms. Ehly said or just concurrency in general?

Chairman Johnson said just concurrency in general and then we have the overlap of the Utility Authority because basically that's still a public service that we have to think about as a City.

Ms. Ehly said potable water and wastewater. It is as far as capacity but the only thing that we can really look at in the EAR would be changes in legislation which only address transportation concurrency and that just remove the State requirements but we still have local law which has been established by ordinance and the Comprehensive Plan. The concurrency that we've been doing here will still be in place unless the Commission decides to do something otherwise; or, if we can show that so that's kind of like a separate tract but also we have to get direction from the Commission as to whether they want to keep concurrency or change it. As far as redevelopment goes, we would certainly like to have an area at least if not the whole City, the whole City qualifies as a TCA, a Transportation Concurrency Exemption Area, but for redevelopment we would at least want the Enterprise Zone or some type of the Redevelopment Area that's established by the FPRA to be exempt. That's a discussion that we have to have before the City Commission and get their approval and then direction and then we can kind of go with that. There's a mobility fee issue which we are going to have to address in the next two years but as far as concurrency with everything else, it still applies.

Chairman Johnson said I didn't know if there was an opportunity to address it or if we needed to address it in the end because it's always a question it seems like at some point.

Ms. Ehly said address it as far as being an impediment to development or whether we have the infrastructure for the development?

Ms. Yates said I see where you're going.

Chairman Johnson said basically.

Ms. Ehly said well certainly that can be addressed in the EAR because we have the Concurrency Management Element and if you look through there and if you see some policies relating to infill and redevelopment or?

Chairman Johnson said I haven't seen any yet but I just didn't know if it was something that was on the To Do list. I know it is but I haven't seen any that's too inconsistent yet that we can't handle or talk about at least. It's okay. I just didn't know if it was a hot topic in your mind that you had some issues that we just hadn't talked about yet because it was just a red flag when I was reading and I didn't know if it was something that maybe you just had more information you can give me then it would spur more information from me to give to you.

Ms. Ehly said as far as the capacity available from the FPUA?

Chairman Johnson said both in the relationship between.

Ms. Ehly said well we do send out all applications go to the FPUA for review.

Chairman Johnson said right.

Ms. Ehly said and then at the TRC meeting they provide comments as to whether they have capacity for the annexation or the increase in intensity for use. As far as what they're doing

to determine that, we don't have specific details regarding that but I think they base their capacity on the future land use map.

Chairman Johnson said oh they do?

Ms. Ehly said and whether they have the capacity. That's my understanding but certainly if you need more information regarding that, we can provide that for you.

Chairman Johnson said I don't think so. It would be helpful probably. Why not?

Mr. Carlin said we have those in pdf files.

Chairman Johnson said do you really?

Mr. Carlin said yes we do. We have all the legislation that's been passed.

Ms. Ehly said we did actually send a copy out.

Ms. Yates said yes you did.

Ms. Ehly said Planning Board received Senate Bill 360 and then the House Bill from last year 657?

Ms. Yates said we did receive that but was that before it was passed? Was that the proposed bill? It might have been the proposed one.

Ms. Ehly said I thought it was the enrolled version but if it's not, we can send that out again and then there is also the House Bill from last year which deals with vehicular miles traveled and reduction of green house gas emissions and things like that that we're going to have to be looking at in the EAR.

Chairman Johnson said could we just post it on our website?

Mr. Carlin said I think we can look into that to see if we financially afford that.

Ms. Yates said and also the EAR report, the Evaluation and Appraisal Report? Could you post that on the FTP site as well?

Mr. Carlin said we can upload any documentation as we get it.

Ms. Yates said maybe as a step by step process, you're next draft?

Ms. Ehly said I'm not sure if we want to put that up on the website.

Ms. Yates said not the website. The site that we signed into.

Chairman Johnson said she's talking about the login site.

Ms. Yates said the FTP.

Ms. Ehly said as far as an update on the site?

Ms. Yates said an update on the report and any changes that recently been made.

Mr. Carlin said we can work out the logistics in terms of what we can send and how we can get it to you. We'll put together a protocol, if you will, so we can make sure you all are informed and you get the necessary information but we'll figure out the best way to get that to you.

Ms. Ehly said we'll be giving you an update.

Mr. Weaver said the last couple of times we've talked about this there was still a lot of room for understanding of legislative intent and judicial interpretation. Has there been any progress in understanding 360 better than the initial? It was kind of vague and unclear in talking with others about what properties and what the real implications of 360 are remaining unclear until there is somewhat clarity on judicial interpretation or legislative intent.

Ms. Ehly said I think the area that's unclear right now is the two-year extension of permits. As far as everything else, we pretty much have a handle on it but I think the City Attorney is going to have to make a decision regarding how the City will be addressing that. Staff will have to research that and then decide how the City will be addressing that.

Mr. Weaver said is there a timeline on that staff interpretation?

Mr. Carlin said Mr. Chair, Mr. Weaver, we're working through the document. As you know, what the legislative intent is there has been suggestive interpretations on what it may or may not mean and our own Department of Community Affairs as of recent has made different positions. That has caused some of the, not being able to come up and say "we're going to do this" or "we're going to do that". There has been some conflicting information that's been transmitted. What we're going to do is look at our Comprehensive Plan, look at our City Code and see how that relates to the legislation that was passed and determine whether or not they're provisions within the Code or the Comp Plan that need to be changed, amended, modified, whatever have you to see whether or not this legislation, does it even supersede the Code or the Comp Plan? Maybe there won't be any changes at all whether the City has to, whether they are leaving it up to the City to decide whether or not this legislation is applicable based on the types of transportation, maybe deficiencies, that exist in the area. There are a lot of things that this may encompass. We're not going to rush to judge and say "this applies" or "this applies" but we do need to go through that exercise and determine. Now, there are many cities that have joined in on litigation on this particular legislation so that poses some challenges as well. The classification of the City, Transportation Concurrency Exception Area, has been applied because where considered now a dense urban land area based on population within a certain geographic area so there are some challenges that we have to work through. I think we can work through those but it's not going to be a decision

that happens overnight. There is going to be some policy-related decisions that will ultimately have to be made as it relates to this.

Mr. Poitier said I got a question. Is this for this year? Will the Housing meet this year or for next year? It's going to the House this year?

Mr. Carlin said this legislation just came out in June. We're getting opinions that have been coming out from Department of Community Affairs on some of the elements of the legislation.

Ms. Ehly said it was signed by the Governor this year.

Mr. Poitier said okay but are you trying amend that or have a new one in place for Tallahassee next year or this year? You have a lot of cities that submit the same stuff we send, right? Other counties and cities recommending the same thing?

Ms. Ehly said as far as concurrency?

Mr. Poitier said right.

Ms. Ehly said it's kind of a mixed bag as far as which municipalities in Florida have established a concurrency program. We actually did because we were in the middle of the Comp Plan rewrite and so we had the concurrency ordinance as part of that and so we've had one right from the beginning of when it was required. The way that these things work is that some people have it and some people don't.

Mr. Poitier said that's what I figured. Okay.

Chairman Johnson said any other questions or comments?

Ms. Wood said Mr. Chair, I just wanted to, I know there was a request to have the language of the legislation sent out the everyone for review. I personally find it a little bit daunting to try and tackle the language directly and I found it really helpful to read, you know, DCA provided both a sort of a really brief bullet point list and then a slightly more extensive summary of the potential impacts of the Bill which I found really helpful and to some extent, colored their interpretation a little bit but it was fairly directly related to the language of the legislation so it may be helpful to just email that link on where that is I assume right on the DCA website. I'd just thought I'd offer those suggestions and not too be overwhelmed by trying to find, because there is actually a whole section of the legislation that has absolutely nothing to do with growth management which is easy to get lost in as well.

Chairman Johnson said okay. Anything else?

Mr. Hayek said I just want to say to staff it was great getting everything on the computer and being able to open it up and going through and having the agenda and not have to print the reams of reams of paper that we've had in the past. It's nice to see the forests are still there.

Mr. Carlin said well we are excited to hear that because it has been as you know a work in progress to streamline the process and to get it operational and up and running to a point where you can easily go in and retrieve your documents. Well, I am glad to hear that that works because if you need to have changes made or modifications, we'd like to know what those are so we can make those changes but it does make it extremely easy for us because we can upload it and it's there. We don't have to send a staff member out and deliver things around town. That makes it very challenging for us internally so from an operational standpoint I'm glad that's working for you to do that. For those that would like hardcopies, we can continue getting those hardcopies provided by the developer for looking at paper plans but the staff reports and all the attachments and things we're sending electronically. It does help us out if we know ahead of time if you are going to pick up those hardcopies but I'm glad to hear that it's working for you.

Chairman Johnson said we finally found a way we can make Tom retire from this Board too? It's taken years and years. I'm just teasing Tom. This is your last meeting.

Mr. Knott said if you're not going to give me a printer and reams and reams of paper.

Chairman Johnson said he just said he has to walk away. He's hanging his hat up.

Mr. Poitier said yeah?

Chairman Johnson said how many years has it been really?

Mr. Knott said Robert I was cleaning out my desk at home I ran across this thing on July of 1998 was my first meeting and you were right there too. You outrank me. You and Eddie Becht were on there about the same time. I said wait a minute, that's 11 years. That's more than the average marriage lasts. I was going to mention if any of the Board members have any friends who you think would be good on the Board, now's the time to get them to fill out the applications and talk to their favorite Commissioner and get them because I don't know what kind of a waiting list they have.

Chairman Johnson said well either way, thank you very much. You've done a great service for the City of Fort Pierce.

Mr. Hayek said when you made that comment, I wasn't sure if it was you or Mr. Walker that was retiring.

Mr. Poitier said Walker got some long time too.

Mr. Knott said I'm on the Code Board. I'm going to stay on that for a few more years. I get to see Mr. Walker. He's our attorney on that one too. I've enjoyed this. I appreciate it. Staff's been good. Matt's back now so it's in good hands here. It's good to have you back Matt.

Chairman Johnson said while we are talking about that, Tom is leaving the Board. I think we have one person that has resigned from the Board also. Is that correct?

Mr. Carlin said we had an alternate member, Mr. Bey, has decided to resign. The Commission will be considering fulfilling these alternate positions and vacancies. Yes, and Mr. Reilly as you of course know from the last meeting has resigned.

Mr. Knott said I didn't know that.

Mr. Carlin said yes he did. We're sorry to see everyone leave. We do need to get those positions filled so we can have a quorum in the event that people call in sick or are out for last minute issues that surface.

Chairman Johnson said well that and a diverse group helps. We need an architect, probably of some sort or another engineer or something just to balance it out whatever it is. It really does help.

Mr. Knott said I was trying to get Alan Bottorff because I think he lives in the City limits. That's the hardest thing trying to find somebody in the City limits. That's tough but he's a good engineer. He'd be great.

Chairman Johnson said so keep it in mind Board members just in case. Email staff.

Ms. Wood said Mr. Chair, speaking of reaching a quorum and comings and goings I'll just ask for the Board's indulgence the next couple of months I'll be out learning how to be a new mom. Consider that in getting a count but I will be back I guess in October? What are we now in where in July?

Chairman Johnson said good luck.

Ms. Wood said thank you.

Chairman Johnson said absolutely. Congratulations. I hope all goes well.

Mr. Weaver said just formerly glad that Mr. Margotta's back. I just wanted to get that on the record.

Chairman Johnson said absolutely. Anything else? Staff? Nothing? Mr. Walker?

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

There being no further business, Chairman Johnson declared the meeting adjourned at 7:00 pm.