



# CITY OF FORT PIERCE

## PLANNING BOARD MINUTES

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**POSTPONED MEETING TUESDAY, SEPTEMBER 9, 2009  
FORT PIERCE CITY HALL, COMMISSION CHAMBERS,  
100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

Vice Chair Hayek called the meeting to order.

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The Pledge of Allegiance was recited.

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Vice Chair Hayek said I'd like to introduce our newest member Marcia Baker. She is a full time member of the Planning Board now. Congratulations.

Ms. Baker said thank you very much. I appreciate the opportunity to serve.

Upon Roll Call, those present were: Marcia Baker, Dan Dannahower, Charlie Harris, Charles Hayek, Robert Poitier, and Steven Weaver.

Those absent: Jeremiah Johnson absent, Colin Lloyd, Kara Wood, and Camille Yates.

Staff Present: James Walker, Assistant City Attorney; David Carlin, Assistant Director of Planning; Erica Ehly, Comprehensive Planner; Leslie Olson, Historic Preservation Officer/Planner; Duane Yazzie, Development Review Planner; Bob Frank, City Traffic Engineer; and Maritza Suarez, Executive Assistant.

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

Mr. Hayek said we can do it by a voice vote.

**Unanimously approved by voice vote.**

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The next item considered – **# 5 – Approval of the August 11, 2009 Planning Board Minutes.**

Mr. Hayek said has everybody had a chance to review the minutes?

**Motion made** by Mr. Weaver and seconded by Mr. Poitier **to approve the minutes of August 11, 2009.**

Unanimously approved by voice vote.

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The next item considered: **Item # 6a - Hartman Road** - An application for a voluntary annexation of a parcel totaling 1.38 acres and identified as being contiguous to the municipal boundaries of Fort Pierce. The parcel is generally located at Hartman Road and Okeechobee Road. The property owner is Good Flowers Corporation. The representative is Forrest R. Smith, Southern Standard Builders.

Vice Chair Hayek said can we hear from staff on this please?

Ms. Ehly said good evening, Mr. Chair, Board members. This is an annexation application and it's actually the first annexation that we're proposing the new land use designation title that we're going to be hearing later on tonight. It's commercial in the County and will be Boundary Commercial in the City. If you have any questions.

Mr. Weaver said Mr. Chair, I believe the County maximum height in the commercial district is about 35 feet?

Ms. Ehly said it's my understanding, I think it's more like 60 feet.

Mr. Weaver said and what's the maximum height going to be per the City zoning?

Ms. Ehly said it'll be the same, Mr. Weaver.

Mr. Weaver said thank you.

Vice Chair Hayek said anything further? What's the Board's desire?

**Motion made** by Mr. Dannahower and seconded by Mr. Poitier **to forward a recommendation to approve the voluntary annexation of a parcel totaling 1.38 acres generally located at Hartman Road and Okeechobee Road.**

Mr. Hayek said I should call the public. Is there anybody for or against this motion? Seeing none, we do have a motion and a second on the table here.

Those in favor: Ms. Baker, Mr. Dannahower, Mr. Harris, Mr. Poitier, Mr. Weaver, and Chairman Hayek. Those opposed: none.

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The next item considered: **Item # 6b - Group 43** - Approval of annexations of parcels totaling 7.58 acres identified as having recorded Annexation Agreements and having contiguous municipal boundaries with Fort Pierce. The properties are located in various locations. There are various property owners.

Vice Chair Hayek said can we hear from staff?

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Ms. Ehly said Mr. Chair, Board members. I have a couple of slides showing you the location of this group. There's two located on Oleander Avenue and two more on U.S. Highway 1 and then the remaining are in the Paradise Park area.

Vice Chair Hayek said any questions of staff?

Mr. Poitier said are we going to vote on them all together or just single?

Vice Chair Hayek said they are all together. It's a group.

Mr. Poitier said okay.

Vice Chair Hayek said does anyone from the public would like to speak for or against this? Seeing none, I will entertain a motion.

**Motion made** by Mr. Poitier and seconded by Mr. Harris **to forward a recommendation to the City Commission to approve the annexations of 11 parcels totaling 7.58 acres identified as Group 43 located in various locations with various property owners.**

Those in favor: Mr. Dannahower, Mr. Harris, Mr. Poitier, Mr. Weaver, Ms. Baker, and Chairman Hayek. Those opposed: none.

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Vice Chair Hayek said at this time, I'd like to open the public hearing as the Local Planning Agency.

The next item considered: **Item # 7a- EAR** - The Planning Board, as the Local Planning Agency, to review the identification of the major issues to be evaluated in the Evaluation and Appraisal Report.

Ms. Ehly said good evening Mr. Chair and Board members. You've heard twice before about these major issues that will be evaluated in the report. Tonight, we're just finalizing the list and getting some final input from the Board members and also from the public. I'll just go through the slides and the four major issues that have been identified: Infill and Redevelopment, and you have the specifics in your backup documentation and that was quite a list. The Commission focused on that as a primary major issue for this community; we have Concurrency; the Development Review Process; and Intergovernmental Coordination. Those are the four major areas and then within those are sub areas that will be evaluated. Tonight, we're looking for any final feedback from Board members and if there is anybody from the public that wants to speak with regard to these issues.

Mr. Weaver said Mr. Chair, previously within the Infill and Redevelopment component in regards to the transfer of development rights sub item number h. I mentioned my preferred wording would not be property owners within the outskirts of the City but owners of other properties within the City and not necessarily just out of the perimeter were you could conceivably transfer your development rights from any other property and not limited to an undefined outskirts.

Ms. Ehly said Mr. Chair, Mr. Weaver. I think it's just a matter of semantics. The one area is TDRs for property owners in the outskirts to transfer the density to the core and then also for anybody to preserve historic structures but it's not very clear. We'll clarify that. The other group is environmentally sensitive land. So there's kind of a TDR program proposed for three groups: the outskirts, historic preservation, and environmentally-sensitive lands.

Mr. Weaver said I see. It's just my premise that the more broad stroke, the ability to transfer these development rights are I think the more it will encourage redevelopment.

Ms. Ehly said that's true but then for each group we have to have an area where we're designating those intensities to be deposited - sending and receiving areas. There's a level of specificity that we are going to have to put in there. But certainly we're here to get your feedback.

Mr. Weaver said thank you.

Vice Chair Hayek said anything else? Any other questions? I'd like to open it up to the public to speak for or against this? Seeing none, what's the Board's pleasure?

**Motion made** by Mr. Poitier and seconded by Mr. Harris **to forward a recommendation to the City Commission to approve the identification of the major issues to be evaluated in the Evaluation and Appraisal Report.**

Those in favor: Mr. Harris, Mr. Poitier, Mr. Weaver, Ms. Baker, Mr. Dannahower, and Chairman Hayek. Those opposed: none

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The next item considered: **Item # 7b - Non-Residential Uses** - The Planning Board, as the Local Planning Agency, to review a city-initiated text amendment to the Comprehensive Plan allowing for non-residential uses to be included in residential Future Land Use designations.

Ms. Ehly said Mr. Chair, Board members. The next item is the text amendment which contemplates putting Neighborhood Commercial and Office Commercial allowing those zoning classifications in all residential Future Land Use designations. As you read in your staff report, there are several reasons why we would do that: it furthers the sustainability goals, the promotion of a mix of integrated uses within walking or bicycle distance will result hopefully in a more walkable community; it also, by having locally-owned businesses, develops community and locally-owned wealth which is quite important; also, the reduction in traffic congestion and air pollution by reducing the need for traffic trips; in addition, it furthers good planning practices by looking beyond our current needs as the residential land uses begin to be built out, we're going to have an increased demand on Neighborhood and Office Commercial to serve those residential areas and we want to maintain the sustainability by keeping vehicular miles traveled down and also encourage a walkable community; in addition, this fosters economic development as future applicants who come in and want to open local businesses won't have to go through a Future Land Use Map Amendment which will just streamline the process and reduce their cost; it also promotes an equitable distribution of goods and services as the goods and services are brought to the various residential communities in the City rather than having to travel far distances to get those

goods and services. You have to have access to public transit if you don't have a car and so that's bringing it to the neighborhood; in addition, it encourages a self-sufficient local economy that will better meet the needs of the immediate community because the local businesses are going to be directed at the immediate local community; in addition, the American Planning Association Planning Objectives, these are addressed in this Comprehensive Plan Amendment. The reduction on dependence of fossil fuels, encouragement of pedestrian-friendly design and compact development, minimizing the need to drive, the encouragement of local community involvement in the Development Review Process, plans that are citizen based have a higher probability of success and so when you're having local businesses coming to the local community areas that's going to encourage the community to have a voice in the design and all the things that we review here; and also, the provision of places of employment near housing reduces the need to commute. These are the specific evaluation criteria. When somebody comes in to change their zoning classification to one of these two and they have a residential Future Land Use Designation they have to meet these specific criteria: that the intent of the commercial use is to provide uses that are directed at the immediate surrounding residence; the property is located on an arterial or a major collector road; the conversion of the property will not promote any stripped commercial uses of land; and the use is compatible with the surrounding land uses and has adequate screening and buffering; the site does not have a direct driveway access to any minor collector street so it's going to be solely accessible by the arterial or major collector road; and the property cannot be larger than 10 acres. That's it. Included in your backup was the amended text.

Vice Chair Hayek said any questions of staff?

Ms. Baker said Ms. Ehly, what process is going to be used for this change of designation? Would it be a Conditional Use application or would it go through the Planning Board? Because the new LDRs, the first draft, indicate a change in the way that some of the applications are going to be handled and there is a concern that, at least in the first writing of the LDR, that people who object have the cost of appealing it to the City Commission. I was wondering what process would be followed if someone wished to change their designation.

Ms. Ehly said Mr. Chair, Ms. Baker, the process will be a Zoning Atlas Amendment process which is regulated by Florida Statutes and our City Code and there are specific requirements. It would go before the Planning Board and actually we have one on the agenda tonight. There is a piece of property that's applying for this exact change in zoning classification so the Zoning Atlas Amendment would be heard by the Planning Board and then two readings before the City Commission.

Ms. Baker said thank you.

Mr. Weaver said within the Policy 1.1.7 sub item number 5 you mentioned "Site does not have direct driveway access to any minor collector street." Is the intent of that that the proposed site plan shall not have any direct driveway access? Is that what that means?

Ms. Ehly said yes and if you feel that we need to clarify that language...?

Mr. Weaver said that would be a suggestion that I might have. The way it reads now if the parcel as it exists may happen to have a driveway cut on a back street it would be precluded from applying. That's my read.

Ms. Ehly said okay, right. I understand.

Vice Chair Hayek said anyone else? I do have a comment Ms. Ehly. This is really neat about what we're doing and try to develop a neighborhood. We can't do it as part of this report but maybe we encourage any new development, new houses to utilize front porches. If you look at our historical homes, they all had front porches and it was way to promote the neighborhood between people walking and using their bikes. If we could give maybe a waiver of setback requirements and allow the front porch to be on the house on some of those smaller lots and encourage that neighborhood feel that might be something to consider down the road.

Ms. Ehly said Mr. Chair, I'm kind of thinking that we might be able to deal with that in the Evaluation and Appraisal Report as far as variances and the whole infill and redevelopment and we're looking at flexible zoning requirements and that seems like something that we might be able to add to that if you would like to consider that. Mr. Walker, can we add something to that if we have already closed the public hearing?

Board Attorney Walker said the public hearing went before the Commission?

Ms. Ehly said the public hearing that we just had for the Evaluation and Appraisal Report major issues? The identification?

Mr. Margotta said the design aspects of the neighborhoods in and of itself I don't think that's a major issue for the Evaluation and Appraisal Report that comes up. The Evaluation and Appraisal Report, of course, would help us justify any specific zoning that we're going to come with down the line if we want to make that a requirement of certain neighborhoods. Otherwise, it's a design aspect that when a development comes through, we try to make that happen. If you want to really codify that, we'll get it into the Comprehensive Plan and try to make it part of the Evaluation and Appraisal Report process. It's not a major issue. It's just already covered.

Ms. Ehly said I was thinking of a sub issue like in the Infill and Redevelopment.

Board Attorney Walker said Mr. Chair, I'm happy to endorse that point of view. Thank you.

Vice Chair Hayek said thank you.

Mr. Margotta said hand on one second, let me circle the date on the calendar.

Mr. Weaver said within some of the further policy statements in 1.1.9, I see you reference the South Beach Overlay district as "The City shall maintain a South Beach Overlay District..." Then later on in those policy statements I see a definition of building height and I know the current LDR rewrite is trying to address the disparity. Does this further polarize it or is the building height not included in your South Beach Overlay?

Ms. Ehly said well, actually, these policies are included only because the policy numbers are being amended. Those are existing policies. In the discussions regarding the LDR rewrite, the height limit specified by the Comprehensive Plan supersedes the zoning overlay district by Florida Statute. So there is something there to be negotiated in the LDR rewrite or if we need to do a Comprehensive Plan amendment, something like that but an overlay district doesn't trump the Comprehensive Plan.

Mr. Weaver said thank you.

Vice Chair Hayek said I would like to invite the public to speak for or against this request. Seeing none, what's the Board's pleasure?

**Motion made** by Mr. Dannahower and seconded by Mr. Poitier **to forward a recommendation to the City Commission to approve a city-initiated text amendment to the Comprehensive Plan allowing for non-residential uses to be included in residential future land use designations.**

Those in favor: Mr. Poitier, Mr. Weaver, Ms. Baker, Mr. Dannahower, Mr. Harris, and Chairman Hayek. Those opposed: none

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The next item considered: **Item # 7c - Future Land Use** Titles - The Planning Board, as the Local Planning Agency, to review a city-initiated proposed text amendment to changing Future Land Use Designation titles.

Ms. Ehly said this one is a simple text amendment dealing with two Future Land Use designations that we use when we annex property from the County into the City to ensure that we have consistent and compatible uses when they come into the City. The two Future Land Use designations are County Commercial and County Industrial. That has been causing some confusion when we change the land uses that we're using the title with a County prefix. We're just proposing to change those titles to Boundary Commercial and Boundary Industrial.

Ms. Baker said is there going to be an Agricultural classification?

Ms. Ehly said Ms. Baker, we're not anticipating an Agricultural Future Land Use classification. We're not anticipating one. That hasn't come up that anyone suggested that. We should develop one and we are in an urban area.

Ms. Baker said when we annex property that's in the County that's zoned Agricultural, what is the comparable zoning going to be?

Ms. Ehly said as far as I'm aware of, I'm almost positive there is not one piece of property within the Urban Service Boundary that has a Future Land Use designation of Agricultural. The County has actually, all of those land uses have been changed to Residential or Commercial or Industrial Future Land Use designations. Some of them have retained their zoning classifications of Ag-1 or Ar-1 and then when they are annexed in, we give them the

compatible Future Land Use designation that we have but they retain their County zoning classification until they want to develop. When they want to develop, they change their zoning classification to a City zoning classification because we don't have any agricultural zoning classifications.

Vice Chair Hayek said any other questions? At this time, I'd like to ask someone from the public to speak for or against this?

**Motion made** by Mr. Weaver and seconded by Ms. Baker **to forward a recommendation to the City Commission for approval of the city-initiated proposed text amendment to changing Future Land Use Designation titles from County Commercial and County Industrial to Boundary Commercial and Boundary Industrial.**

Those in favor: Mr. Weaver, Ms. Baker, Mr. Dannahower, Mr. Harris, Mr. Poitier, and Chairman Hayek. Those opposed: none.

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The next item considered: **Item # 7d - Future Land Use Map Amendment/Zoning Atlas Amendment - St. Lucie County** - The Planning Board, as the Local Planning Agency, to review two sets of applications for Future Land Use Map Amendment and Zoning Atlas Map Amendments as follows:

**1) Heathcote:** 5 parcels totaling 30.86 acres changing the land use designation from RM, Medium Density Residential to Osr, Recreational Open Space and changing the zoning from R-4, Medium Density Residential, to OS-1, General/Recreational Open Space. The parcels are generally located on Savannah Road east of U.S. Highway 1. The property owner/applicant for all parcels is St. Lucie County.

**2) Weldon B. Lewis - Ancient Oaks:** 7 parcels totaling 48.04 acres changing the land use from RM, Medium Density Residential to Osr, Recreational Open Space and changing the zoning from R-2, Single Family Intermediate Density to C-3, General Commercial. The properties are generally located at 4650 Oleander Avenue.

Vice Chair Hayek said for the purposes of the Board, we are going to combine these two as the owner/applicant are the same. May we hear from staff?

Ms. Ehly said yes. I apologize to the Board members. There seems to be some inaccurate information on the agenda. However, you did have the correct information in your staff reports disregarding the specific zoning classifications and land use designations. The first group is the Heathcote Regional Botanical Park properties. That's the five parcels. Those parcels are being changed. Those all have an RM Future Land Use Designation and they have an R-4 zoning classification. The proposed land use designation is Osr, Recreational Open Space and zoning classification is OS-1. I have some slides just to show the area. This is the first parcel. I didn't go in the Botanical Garden today. I don't know if you all have been there. That's the first parcel and then we have this parcel here is this narrow rectangular parcel that's going over to the canal. Way back this parcel is that weird rectangular one that you can see below the FEC railroad area. You can't really get back there to take a photo of it. This is the area. Here's the area across the canal near the Solid

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Waste and Public Works compound. As you can see, it's ready to be turned into the Regional Botanical Park open space. Obviously there are some things that need to be...Here's the northern parcel towards the lake. I don't know how well you guys know that area. The one parcel that's like the cutout parcel, the little donut hole in the aerial is owned by Fort Pierce Utilities Authority. It's a 1,000,000 gallon water tank. So that's going to stay separate. The next change is the Weldon B. Lewis and Ancient Oaks Park and that's on Oleander. That's 7 parcels and those parcels have different land use designations and zoning classifications. They are not consistently the same so they range everything from Industrial to R4, R3 zoning classifications. We're proposing that they all be changed to OS-1, Recreational Open Space. The land uses correspond to those zoning, the Industrial, Medium Density Residential and those we are proposing those to be changed to Recreational Open Space. There's some pictures there. This is already a built County park. The other one's going to be the proposed Regional Botanical Park which they are getting ready to go into Phase I for that one. These are just pictures of the park. We recommend approval.

Vice Chair Hayek said any questions of staff?

Mr. Weaver said the agenda refers to a proposed changed of zoning to C3. That's an error on both of these groups of parcels.

Ms. Ehly said yes, sir.

Mr. Weaver said thank you.

Vice Chair Hayek said any other questions? Seeing none, I'd like to invite the public to come forward that would like to speak for or against this? Seeing none, I'll entertain a motion?

**Motion made** by Mr. Poitier and seconded by Mr. Dannahower **to forward a recommendation to the City Commission to approve the change in zoning classification to OS-1, General and Recreational Open Space and the land use designation for Osr, Recreational Open Space for 5 parcels totaling 30.86 acres generally located on Savannah Road east of U.S. Highway 1 and 7 parcels totaling 48.04 acres generally located at 4650 Oleander Avenue.**

Those in favor: Mr. Weaver, Ms. Baker, Mr. Dannahower, Mr. Harris, Mr. Poitier, and Chairman Hayek. Those opposed: none.

Mr. Hayek said at this time, I'd like to close the public hearing and close comment and we'll resume our normal Planning Board meeting.

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The next item to be considered: **Item # 8 - Zoning Atlas Map Amendment: Smith Executive Center** - A request for approval for a change in zoning classification from AR-1, Agricultural Residential 1 to C-1, Office Commercial for the property located at 4201 South 25<sup>th</sup> Street. The owner is Kelly Smith and Corine Janine van Grootheest. The applicant/representative is Roderick J. Kennedy, P.E., Engineering Design & Construction, Inc.

Ms. Ehly said good evening, again. This is the first Zoning Atlas Amendment that would be under our new Comprehensive Plan text amendment: a request to rezone this property located on South 25<sup>th</sup> Street. To the north there is vacancy R-2 zoned land and there is also a stormwater retention pond but that's a separate parcel. To the west and south is a PUD and to the east is vacant residential R-1. The applicant is requesting to change the zoning classification to Office Commercial to develop an executive office center with a proposed medical office in there that would serve the local residential area. This map shows the proposed Future Land Uses in the area. There are no Neighborhood Commercial or Office Commercial areas in the local area. This is the development to the south of the parcel and that's looking south. You can see that there are already sidewalks that exist and a bike lane. An then across the street is another residential community and then the vacant residential community directly across the street. This is the property. It's vacant at this time. There is a sidewalk that's in front and the sidewalk on the other side. To the north is that retention pond area and then the new Central High School. This is just showing the area and it is certainly not inconsistent for an office commercial development. Also, I didn't do a slide of it but it does meet all those criteria that we were talking about before in the Text Amendment and once it comes in for site plan review, obviously, the buffering and the driveway access and things like that will be reviewed at that time. Staff recommends approval of the change in zoning classification.

Vice Chair Hayek said any questions of staff?

Mr. Weaver said Mr. Chair, just for clarification, this is going from the most restrictive zoning to the most liberal as far density and what you can build? Isn't that fair to say?

Ms. Ehly said well, Mr. Weaver, we don't have the Agricultural zoning designation. That is true though, if you are looking at intensity of development.

Mr. Weaver said have any of the neighbors in the Palm Lake Gardens been notified at this stage in this process of the potential for commercial 15 feet outside their backdoor?

Ms. Ehly said yes. We haven't received any responses at all actually.

Mr. Weaver said you sent notices out?

Ms. Ehly said yes.

Mr. Weaver said and was that parcel part of the Palm Lake Gardens plat at some point in the past where that land use designation was part of that broader agreement?

Ms. Ehly said Mr. Weaver, I don't have the answer to that. I think I recall when we did some annexations in the area there were some parcels that were included in previous plats. I can certainly get that information for you.

Mr. Weaver said thank you.

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Vice Chair Hayek said any other questions or comments? I have a question. Ms. Ehly, when this comes back for development, it will come back before the Planning Board again will it not?

Ms. Ehly said yes, it will.

Mr. Hayek said at this time I'd like to have the public come up and speak for or against this? Please state your name and address for the record please.

Mr. Daniel Rutherford said I am with Engineering Design Construction on behalf of the applicant. Good evening, Board members, Chairman. I'm here to answer any questions you might have. I can probably speak to most of what you're asking about. The intent of this is to provide a professional center. As you know, there is nothing in that area at all to support the local people who live in the area. The reason why we haven't had any complaints about it is because they are actually for it. We spoke to a couple of people in that area and they are like "Great! You're going to put something in here finally." It's not inconsistent. Rock Road is a school. On two sides of us are stormwater ponds. I think 25<sup>th</sup> Street is probably in need of what we are trying to offer for this. It's not the most intense zoning we applied. It's actually the least intense zoning that we can get for the project we're trying to build. We're not asking for C-3. We're asking for C-1 which is the least intense. We were allowed to do this in the County under the current County land use that we had. It's compatible for compatibility charts for County to City. Actually, we're asking for the least intense zoning to build a commercial site we're trying to build.

Vice Chair Hayek said and it accomplishes reducing the traffic miles by keeping within a neighborhood like that.

Mr. Rutherford said that's right. And that's part of what we're developing in the City. That's what we're all working for.

Vice Chair Hayek said any questions?

Mr. Weaver said what would the rear and side setbacks be as it adjoins the Palm Lake Gardens residential area for this C-1?

Mr. Carlin said Mr. Chair, Mr. Weaver I got the C-1 zoning district requirements right here. The front is obviously a 25 feet. As you probably are aware, the commercial setbacks for the sides are 15 feet if it abuts a public right of way or residential district. So 15 feet. That's what the Code says. The rear setbacks requirements, there are no...well, it just says the minimum yard depth if not the front yard for portions of the property abutting a right of way where residential so one could logically conclude that that would be also applicable for the rear.

Mr. Weaver said just for discussion, I could be in support of this change in zoning if there was a 15 foot rear setback as part of the agreement just in reference to the property rights of the single family owners.

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Mr. Carlin said let me read what the Code says "The minimum yard depth (if not the front yard) for portions of the property abutting a public right of way or residential district shall be 15 feet." I think you can clearly conclude or logically conclude that that does apply for anything other than the front yard.

Mr. Weaver said thanks for the clarification.

Mr. Carlin said you're welcome.

Vice Chair Hayek said any other questions of the applicant? Thank you, sir. Any other folks that would like to come and speak for against this? Seeing none, I'd like to entertain a motion.

**Motion made** by Mr. Weaver and seconded by Mr. Poitier **to forward a recommendation to the City Commission for approval of the a change in zoning classification from AR-1, Agricultural Residential 1 to C-1, Office Commercial for the property located at 4201 South 25<sup>th</sup> Street.**

Those in favor: Ms. Baker, Mr. Dannahower, Mr. Harris, Mr. Poitier, Mr. Weaver, and Chairman Hayek. Those opposed: none.

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The next item to be considered: **Item # 9 - Site Plan and Conditional Use: Mount Bethel Baptist Church** - An application for a Site Plan and Conditional Use Permit to construct a 20,635 square foot in the E-3, Residential Single Family Residential Zone. The property is located at 37<sup>th</sup> Street between Peterson Road and White Dairy Way. The property owner is Mount Bethel Baptist Church; the applicant/representative is Rod Kennedy, P.E., Engineering Design & Construction.

Mr. Yazzie said good evening Board members, Chairman. In accordance with Section 22-58 and Section 22-76 of the City Code, the applicant is requesting the review and approval for a site plan and a conditional use to construct a 20,635 square foot church. The applicant's property consists of 5.29 acres and is located to the east of 37<sup>th</sup> Street and is south of Peterson Road and north of White Way Dairy Road. The zoning property is E-3, Residential Single Family. The zoning to the north is R-1, Single Family Low Density. The zoning to the east, south, and west are unincorporated St. Lucie County. The church consists of a metal frame building with a concrete masonry stucco exterior. The mean height of the roof will consist of 25 feet. The roof panels will be metal. An entrance will be featured at the front with a Porte-cochere. Windows facing 37<sup>th</sup> Street will be traditional stain glass panels. All the other windows will be fixed aluminum glazing. Sunbursts windows, arched transoms and raised banding and decorative brackets under the eaves will be utilized for additional enhancements. A cross will be placed at the main façade. The floor plan demonstrates that there will be 672 fixed seats in the main assembly area. There will 8 Sunday School classrooms and the floor sizes of the classrooms vary from 12 x 19 feet to 19 x 26 feet. Other rooms include fellowship hall, 4 offices, a multi-purpose room as well as supporting facilities. The applicant has stated that the Sunday School and church uses would coincide on the same day. Functions and events taken place at the church would also surround church services. In the exterior of the site plan, the two driveways will be along 37<sup>th</sup> street for

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access. The parking consists of 230 parking spaces, 50% of that will be grass as provided by the provision in the City Code Section 22-60(b)(6). In addition, 8 handicapped spaces will be implemented. One loading zone at the rear of the facility. Sidewalks will be around the building of the church. A sidewalk will be constructed at the property line along 37<sup>th</sup> Street. Additional streetscape improvements will be two benches and a bicycle rack. The drainage will consist of exfiltration and retention area. A large retention area will be at the rear. Onsite lighting will encompass the parking areas and the pedestrian walkways. Lighting along 37<sup>th</sup> Street does not exist; however, it is required by City Code. Although 37<sup>th</sup> Street is under the County jurisdiction, therefore, the County has indicated that street lighting is not included within the typical section of the County standard road. However, the plan should be updated reflecting the necessary footcandles on 37<sup>th</sup> Street as indicated by our Code. In addition, the current condition of 37<sup>th</sup> Street does not meet County standards. The St. Lucie County Engineering Department has requested a road improvement agreement be implemented. At this time, the applicant and the County are working those issues out. There was discussion on whether it should be a Fair Share Contribution or the applicant may have to build the road. The applicant is here to discuss those items. In addition to the road improvement, the FPUA has weighed in and reviewed this site plan and conditional use and the applicant must enter into an agreement to extend an 8-inch water main to the property. At this time, one does not exist. Traffic has been provided by the applicant. The analysis shows that 704 trips will be generated by the church: 272 AM trips and 272 PM peak hour trips will disperse on the surrounding network. As indicated, the traffic analysis shows that there will be an acceptable level of service. It should be known that on the site plan it shows that there will be a septic system. The applicant has been reviewed by all of the agencies including FPUA and they agree that within the Florida Statutes that in the provision outlined that they are able to have a septic system because they were not within a certain distance. As all affected Departments have reviewed the site plan and conditional use and have approved the proposed site plan and conditional use based on it meeting the requirements of the City Code with the exception of the St. Lucie County Engineering Department which has not approved of the project due to the road improvement agreements. As the proposed site plan and conditional use meets the requirements of City Code, staff recommends the Planning Board forwards a recommendation to the City Commission for approval of the site plan and conditional use with the following conditions: 1) The applicant must work with the Fort Pierce Utilities Authority to finalize an agreement to extend a 8-inch water main to their property; 2) prior to City Commission consideration, the applicant must finalize the road improvement agreement with the St. Lucie County Department; and 3) the lighting plan is revised to include the footcandles along 37<sup>th</sup> Street prior to City Commission consideration. I'm here to take any questions you have.

Vice Chair Hayek said any questions of staff?

Ms. Baker said yes, Mr. Chairman. Some two years ago, there was a proposed site plan for Halls Memorial for a metal building. It was approved but they were not able to get a building permit because metal buildings over ten feet high are prohibited by the Building Department since the hurricanes 5 years ago. Is this structure also a pre-fabricated metal building?

Mr. Yazzie said the applicant is here to give details on the structure of the building but it is my knowledge that the exterior will be concrete masonry and stucco and per our Code and the Design Review Guidelines that's in the site plan review process we have a provision that

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states that metal buildings and vinyl sidings are not allowed. As you can see within the staff report, it's concrete masonry and stucco.

Ms. Baker said covering a pre-fabricated metal building?

Mr. Yazzie said it's not my understanding that metal buildings are specifically outlined with the site plan review process but within the design review process it's stucco and concrete.

Mr. Margotta said Mr. Chairman, as I understand it is a steel frame. But again, let the applicant explain the construction on this project. That's a good question.

Vice Chair Hayek said any other questions of staff?

Mr. Weaver said Mr. Chair, is the design review procedure applicable to this project and has it been started?

Mr. Yazzie said Mr. Chair, Mr. Weaver, it is. The site plan and design review are both implemented in the review process.

Mr. Carlin said Mr. Chair, members of the Board, also, you do serve as the Design Review Board when you are looking at these things. Certainly, if you see things that don't meet your particular standards serving as the Board or if you see things that you would like to have adjusted or modified, you can certainly make those recommendations and pass those along to the applicant and we can also see what may be changed or modified if that is something you feel is appropriate.

Mr. Weaver said does that mean that this is our one shot at this from a design review standpoint?

Mr. Carlin said Mr. Chair, Mr. Weaver, this is your opportunity as this plan comes before this Board and passes on a recommendation to the City Commission to evaluate the plan and make any comments as you feel appropriate.

Vice Chair Hayek said any other questions of staff?

Mr. Poitier said I got a question. He said all the different departments approved this plan?

Mr. Yazzie said Mr. Chair, Mr. Poitier, all the departments have reviewed with the exception of our counterpart, the St. Lucie County agency.

Mr. Poitier said ok.

Vice Chair Hayek said any other questions? I'd like to invite the applicant to come forward. Please state your name and address.

Mr. Rutherford said Daniel Rutherford with Engineering Design and Construction. Good evening again. I can answer many of your questions. To speak for the building, that's a

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steel frame building which is much stronger than a lot of the... Do you want to speak to? This is the representative for the church, Terry Hartman.

Mr. Hartman said good evening Board members. I'm Terry Hartman. I'm a member of the church and I've also been working with the church to facilitate the design process. I'm a construction engineer in my profession and I volunteered my services. I've worked through the initial phases of construction for facilitating this project. But just to clarify your concern on it, it is a metal building. What we're using in this particular design, we did meet with the City of Fort Pierce and we addressed those concerns on whether we could or could not have a metal building. For efficiency initially, we were considering using a metal building. We were advised that a metal building is not necessarily unacceptable but that aesthetics does not meet or does not coincide with the historical appearance of Fort Pierce construction as a facility. So what we're doing is using the skin, or the steel frame construction of a metal building but the building itself is actually going to be a stucco CMU building on the outside and it's a just a compact package, steel-frame package but there will be no metal building characteristics of the aesthetics' appearance. It is a standing seam. You'll have a standing seam roof system which is the most reason why we kind of chose that design. It's an efficient design that allows us to build more space.

Ms. Baker said Mr. Chairman may I ask among the people here at the City that you spoke to, was one of them in the Building Permit Department?

Mr. Hartman said yes.

Ms. Baker said and they said there was no prohibition against a metal-framed building?

Mr. Hartman said specifically on the aesthetics.

Ms. Baker said I'm not talking about aesthetics, sir.

Mr. Hartman said no. The answer to your question is no.

Mr. Carlin said Mr. Chair, members of the Board, let me just bring maybe some history to this because this goes back several years. There was a moratorium that was passed back in 2004 and that was subsequent to the storms. It was an emergency moratorium that basically put a 6-month moratorium on replacement, repair, construction of metal buildings, either 10 feet tall in height or more than 1-story. That moratorium was lifted in December of '04. So the rational basis to have that in place was to try to prevent these types of buildings that were, like these warehouse storage things that just had those plain metal siding where it would tear off in high winds and it would act like a guillotine and fly through the air and damage persons or properties. So the intent there was to prevent those types of the structures from being authorized to be reconstructed. So we have these new design review guidelines that say "that metals buildings are not..." so if you have a structural component of concrete masonry and there is internal components that have metal in there, you know, this is something that we look at and we advise the applicants when they come in and "can we do a metal building exterior?" and we say "well, that's not the intent of what the ordinance means." So I just wanted to provide some clarification on that. Hopefully that will...

Ms. Baker said Mr. Chairman, if I may, Mr. Carlin, I understand completely about the moratorium and the lifting of the moratorium. The moratorium was lifted for the farmers' market area, but was still in place for the rest of the City. And the reason I am asking is that the subject came up when Hall's Memorial wished to build a steel building on Avenue C. They got approval. It went through the City Commission. I raised the issue then. They have not been able to get a Building Permit and it still has not been built. And the reason, as I understand it, is because there is still in effect, in the Building Department, a prohibition against a pre-fabricated metal buildings, no matter how wonderful they look. I am concerned because we went through this two years ago with another church and I have the same concerns now as I did two years ago, sir.

Mr. Carlin said Ms. Baker, if I could show you, "metal or vinyl siding shall not be permitted." So they don't have metal siding, they have concrete siding.

Ms. Baker said I wasn't talking about the Design Review, Mr. Carlin.

Mr. Carlin said I just wanted to make that clarification for the Board's assistance and if that helps.

Vice Chair Hayek said if I may, the City itself has built metal buildings with a stucco skin on them. They are just completed one at Indian Hills Golf Course about a year ago. So they have done it themselves, in access of 10 feet.

Mr. Rutherford said just for a little more clarification, Mr. Meyers has reviewed this. He has sat in, you know, all of our TRC meetings for representative. He has reviewed the package. You have a sign off from his office.

Ms. Baker said thank you.

Vice Chair Hayek said any other questions of the applicant?

Mr. Weaver said is there any chance this structure will be used for a school during the week, a pre-school?

Mr. Rutherford said it's not the plan right now. Those are Sunday School classrooms.

Mr. Weaver said ok. No intent on long term to make it a school?

Mr. Rutherford said I am not made aware of any.

Mr. Hartman said again, I am a member of the church. Right now, our plans are we have Sunday Services at 10:00 and on Tuesdays we have Bible Study at 7:00 and during those two services, we have Children's Church and Children's Watch. Right now, those are the plans that we are currently renting at the Temple on Juanita Avenue and those are the two services we've had for about three years.

Mr. Weaver said thank you.

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Mr. Margotta said just as a general rule, something to stick between your ears, when a church comes in, it is very usual to have a small school component as an accessory use. It's usually part of a church. Any sort of school that kind of happens when a church evolves over the years, any trips or concerns that generally come out of planning or zoning-type issues, they never kind of raises to the level that you even notice it. But if for some reason it does, then, believe me, that became one of the most successful schools in the whole county and we would have noticed it by then and probably relooked at the whole project. But believe me, a small school component to a church is absolutely normal.

Mr. Poitier said I think it is normal to have a Sunday School. Our church has a Sunday School and it is smaller than this church. I think this church is big enough for a Sunday School or kindergarten or whatever.

Vice Chair Hayek said any more questions or comments? Seeing none, this time I would like to invite the public up to speak for or against this project.

Mr. Poitier said Mr. Chair, I think this is a beautiful project and we need something like this in the area.

Motion was made by Mr. Poitier seconded by Mr. Harris, to approve the site plan and conditional use.

Board Attorney Walker said does that include the conditions recommended by staff?

**Motion was made** by Mr. Poitier seconded by Mr. Harris, **to approve the site plan and conditional use with the following conditions:**

- **The applicant must work with the Fort Pierce Utilities Authority to finalize an agreement to extend an 8" inch water main to their property;**
- **Prior to City Commission consideration, the applicant must finalize the road improvement agreement with St. Lucie County; and**
- **The lighting plan is revised to include the foot candles along 37<sup>th</sup> Street prior to City Commission consideration.**

Those voting in favor of the motion were: Mr. Dannahower, Mr. Harris, Mr. Poitier, Mr. Weaver, Ms. Baker, and Chairman Hayek. Those opposed: None.

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Vice Chair Hayek said at this time, anything else from staff? Anything they want to bring up at the meeting? Mr. Walker, thank you very much for your input. It is always a big help.

Board Attorney Walker said thank you Mr. Chair.

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Being no further business, the meeting was adjourned.

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