

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, NOVEMBER 9, 2004, IN THE CITY HALL ENGINEERING CONFERENCE ROOM, 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Sonja Gates (Vice Chair), Pam Williams, Margaret Benton, Harriett Brenner, Charlie Harris, Chuck Enns, Jeremiah Johnson, and Thomas Knott, and Robert Poitier.

Members absent: Donald Bergman (Chairman)

Citizens and Staff present:

Al Brodeur	Ramon Trias, AICP, Director of Development
Fred Bernstein	Wendy Clark, Planning Coordinator
Kathie Bernstein	Jim Walker, Assistant City Attorney
Rod Kennedy	Dianna D. Rose, Secretary
Michael DiFrancesco	
Bruce Moia	
Richard Laventure	
Douglas Gonano	

Meeting called to order and roll call at 7:10 p.m. (**Agenda Item #1**).

Consideration of absences (**Agenda Item #2**).

Mrs. Gates moved into the roll of Chair due to the absence of Mr. Bergman.

Mrs. Gates stated – If there are no objections I would like to move Item #2 (consideration of absences) to the end of the meeting to give Don (Mr. Bergman) a chance to be present.

Agenda Item #3 – Approval of Minutes of October 12, 2004.

Mrs. Gates asked are there any corrections or additions to these minutes?

Mr. Knott stated – Madam Chair, on page one where it lists members present, I’m listed as being both present and absent...I was actually absent.

Mrs. Gates asked – Were there any other corrections or additions to the minutes?

MOTION WAS MADE BY MR. POITER TO APPROVE THE MINUTES OF OCTOBER 12, 2004 AS CORRECTED. Seconded by Mr. Johnson. Unanimously approved by voice vote.

Agenda Item #4 – Subdivision/Preliminary Plat – Approval to subdivide a parcel of land generally located on the north and south sides of Osceola Avenue, west of the South 7th Street Canal. Project name is Osceola Estates II. Owner is Michael DiFrancesco of Indian Run Development, Inc. and applicant is Rod Kennedy of Engineering Designing, Inc. E.D.C.

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Staff Report – Ms. Clark stated – The project is a single-family development consisting of 27 individual lots. Each lot is consistent with the R-2 zoning regulations and is also consistent with the Comprehensive Plan and staff is recommending approval.

Mrs. Gates asked – Is there any questions or comments for staff from the Board on this issue? If not, is there anyone here to speak in favor of this request?

Mr. Rod Kennedy stood and introduced himself and stated – I with Engineering Designing, Inc. Good evening. I'm the civil engineer on the project. We also have Rich Laventure, who's a surveyor and the owner, Michael DiFrancesco. We're all here to answer any questions you may have. Besides the report that Wendy gave, I would also like to point out that the project is curb and gutter. It has sidewalks on both sides of the street...with a cul-de-sac. We think it's a nice plan. It would provide a nice environment for the surrounding homes there. So, if there are any questions, we would be happy to answer them.

Mrs. Gates asked – Any questions?

Mrs. Brenner asked – I would like to know the actual dimensions of these lots?

Mr. Laventure stated – They're 70 x 135 and bigger.

Mrs. Brenner asked – And that includes lots #1 and #2?

Mr. Laventure stated – Yes. Lot #2...I think it will average out to be 135 ft. deep and right at 70 ft. wide. And typically they're set up to be 70 x 135. There are some pieces that just didn't fit in, and we've gotten a little more than that.

Mr. Johnson asked – On lot #1 and #2...the reason you oriented those from east to west is because of the ordinance about being 70 ft. of the lot width...is that correct?

Mr. Laventure stated – Basically yes...just based on layout and just "cookie cutter" 70's across here (referring to drawings)...out of the 27 it's not a bad ratio...

Mr. Johnson stated – I have a question for staff and Mr. Walker. If lots were to be oriented north and south, obviously there'd be a deficiency among the lots for a 65 lot width instead of the 70 ft. Can we send an approval from us...a recommendation that we get a variance for one of those lots for 65 ft. instead? Because I know it's very difficult to get on Oleander Avenue when you have a lot oriented in such a way.

Attorney Walker stated – Madam Chair, it is within the discretion of the Board to recommend that an application be approved subject to a variance.

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Mr. Johnson asked the applicant – Would you be against that? Would you be against orienting your lots north and south?

Mr. Laventure stated – I wouldn't know... with lot #2 you can have access off of your interior road. So, really the only exposure you have onto Oleander...I think it's safe to say 100 lots north of us and probably 200 lots south of us....I don't think we're getting a hardship. We certainly would be willing to look at a reconfiguration. We just hate to go in with a plat assuming that right off the bat that we have to apply for a variance, which is awkward.

Mr. Trias stated – I agree with the applicant. This is a typical development along Oleander. It would be actually more usual what he suggested. So, I don't have any objection to what's proposed.

Mr. Johnson stated – Okay. Thank you.

Mr. Enns asked – Does lot #1 there...I see you have utilities on #2...lot #1 has no utilities. I assume that all of their utilities would be picked up there off of Oleander?

Mr. Laventure – Yes that's correct. That's my understanding...that all of the ...utilities are within the right-of-way of Oleander.

Mr. Kennedy stated – There's actually an existing home there now...

Mrs. Gates asked – Are there any other questions for the applicant?

Mrs. Brenner asked – Are you going to put the utilities underground?

Mr. Kennedy – Yes ma'am.

Mr. Bergman – Good.

Mr. Knott stated – Just a quick question. I noticed you all have a good tree survey, which is required by ordinance. I don't know who this question is for...if it's for staff or the applicant. These are some pretty healthy trees out there. Are they going to create a problem? Single family...are they subject to the litigation of trees?

Ms. Clark stated – Yes they are. And, in fact, the surplus of trees being reserved exceeds the amount that is being removed. So, Paul Williams, which is the Urban Forester, was satisfied with the tree survey as submitted.

Mr. Knott asked – So, it goes back to the developer not the lot owner? Is that what you're saying?...to litigate out whatever?

Ms. Clark – Yes.

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Mr. Kennedy stated - ...we did send a document over to Paul Williams and it showed that the only trees planned to be removed are what are necessary to build a road...(inaudible?)

Mr. Knott stated – ...I bet it's going to be a surprise to the lot owner when he gets in there and he finds out that he can't take a tree out without paying an arm and a leg. It's good that you've got a 42" oak tree right on your lot...

Mr. Laventure stated – It's a nice piece and I will note that the same developer built the 8 lots to the north of us and saved every large tree he could. And you could go right by there today and see 24" to 36" pines and oaks that are still sitting there that won't be removed.

Mr. Knott stated – You all have done a good job.

Mr. Trias stated – I object to the way that the question was phrased. Trees do not create problems.

Mr. Knott – True...okay.

Mr. Trias added – It's an opportunity for a good design.

Mr. Knott stated – Yes it is. And if the developer is not aware of it sometimes it can surprise you and you can go to clear it and say, whoops! somebody should have told me...I think they're doing a good job.

Mr. Trias stated – Yes, you're doing a good job.

Mrs. Gates asked – Anybody else for the developers?

Ms. Benton asked – Are you saying they're going to destroy/demolish the existing houses there?

Mr. Kennedy stated – The owner is going to keep them up and they're rental homes right now...he's going to move east to west building new homes and when he gets to the western end of the project he will taking those down.

Ms. Benton – Okay, thank you.

Mrs. Gates asked – Are they historic?

Mr. Kennedy stated – I don't think so...no.

Mrs. Gates asked – Thank you. Anybody else?

Mr. Enns asked – What kind of time frame do you think you're looking at?

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Mr. Mike DiFrancesco stood and introduced himself and stated – I'm the builder and the developer. I built these 8 homes on Garden. We started this time last year in here...in the Board...I want to thank you all for approving it. However, by the time we got started building, because of all of the paperwork of course, it was August. We started in August. By the end of this year, all 8 of those homes will be done. So, I'm looking at 8 homes every 4 months...

Mr. Knott asked – Are these all private financing or is there any government subsidizing?

Mr. DiFrancesco stated – No. No government. They're private financing. And if you want, I brought some papers on them for you to see what's going in them. These houses that are built on Garden Avenue, I kind of went against the realtors. They wanted me to build them lower and I'm also a custom builder, so I can't...it's hard to come down. These houses sold for \$155,000 to \$160,000 to the surprise of a lot of realtors. But these next 20 some houses, because of the curb and gutter...will be about \$175,000. They're still affordable...you can't find anything less than \$200,000 anyway. They're pretty close to 1,900 sq. ft. Tile throughout the houses, high baseboards, architectural shingles. They're really nice houses. On Garden Street...I could have gone over there but I didn't...I went below ground because it makes it much better.

Mr. Knott asked – How's the response? Have you gotten any contracts yet for any of this?

Mr. DiFrancesco stated – They're all sold...(inaudible)...

Mr. Knott added – There's a real need for this...people have the money they just can't find the product.

Mr. DiFrancesco added – Like I said, I'm a small builder, I can only do 8 at a time. But it's going to be a really nice street I can tell you that.

Mr. Knott – Very good...thank you.

Mrs. Gates stated – Thank you all very much. Does anyone else have any questions for the applicant? If not, is there anyone here to speak against this request? What is the Board's wishes?

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SUBDIVISION/PRELIMINARY PLAT. Seconded by Ms. Benton. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicants – Okay, it's been approved and you'll be receiving a notice for the City Commission meeting. It looks like a good project.

The applicants – Thank you very much.

Mrs. Gates – Thank you.

Agenda Item #5 – Site Plan w/Conditional Use – Williams/Dallett Duplex – Approval to allow the construction of a third floor to an existing duplex eastward of the Coastal Construction Control Line.

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Located at 316 S. Ocean Drive. Owners/applicants are Lisa Williams & Richard Dallett, representative is Mosby & Associates, Inc.

Staff Report – Ms. Clark stated – The existing duplex consists of parking on the first floor and living area on the second floor. They are requesting to add a third floor to be used as living area. The maximum height for the structure is 37' 6" and is below the 45 ft. maximum allowed for that zoning district. And staff is recommending approval.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff from the Board on this item?

Mr. Knott asked – Wendy, was this before us once before for the ...?

Ms. Clark stated – Yes, for the duplex itself.

Mr. Knott stated – Oh okay. So now they found out that they need to get higher and they just want to go higher?

Ms. Clark – Right.

Mr. Knott – Okay.

Mrs. Gates asked – Are there any other questions for staff?

Mrs. Brenner asked – Your recommendation does include the conditions...is that correct?

Ms. Clark – Yes.

Mrs. Brenner continued – Vegetation and the irrigation system?

Ms. Clark – Yes.

Mrs. Gates asked – Anybody else?

Mr. Knott asked – Wendy, did they get State approval yet for building the ...?

Ms. Clark stated – I'm not sure yet. I don't remember him saying yes or no whether or not they have gone through that procedure yet.

Mr. Knott stated – Okay, thank you.

Mrs. Gates asked – Anybody else for staff? If not, is there anyone here to speak in favor of this request?

Mr. Bruce Moia stood and introduced himself and stated – I'm with Mosby & Associates, Inc. and I'm here representing the applicant. We're seeking approval obviously...we're going to improve the

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aesthetic quality of the building and actually upgrade it and make it look a lot nicer. If there is any State permits we'll be dealing with that in the construction stages of the projects also. I believe that if don't improve anything above a certain grade as far as the breakaway and all of that, there's no additional

permitting necessary...it's basically concentrating on the third floor and updating the exterior appearance of the building.

Mrs. Gates stated – Thank you. Are there any questions for the applicant? No questions? Is there anyone here to speak against this request? What are the Board's wishes on this item?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN W/CONDITIONAL USE WITH STAFF'S RECOMMENDATIONS. Seconded by Ms. Williams. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicant – Okay, your request has been approved and you will receive a notice as to when it will be heard by the Commission.

Mr. Moia – Thank you very much.

Mrs. Gates – Thank you.

Agenda Item #6 – Proposed Resort Hotel Ordinance – Approval to allow hotel use in the C-5, Tourist Commercial Zone.

Staff Report – Ms. Clark stated – This is a staff-initiated text amendment. The C-5, Tourist Commercial District is intended to encourage tourist-related activities and certainly resort/motel by definition would certainly encourage tourists to come to the area. The C-5 district is generally located along the Fort Pierce Inlet. And staff is recommending approval.

Attorney Walker stated – Madam Chair, I just briefly wish to note a typographical area in the draft. Wherein the title refers to Section 22-3b7, and that should be 22-3b8. And the same error is said out in line 1 section 1, where it refers to 22-33b7, that should be 22-33b8. Apologies for the error, Madam Chair.

Mrs. Gates stated – Thank you very much. Okay, are there questions for the staff from the Board on this?

Mrs. Brenner stated – Wendy or Ramon, I'd like a little more explanation as to what this actually entails. I can read this but it just doesn't really tell me very much.

Ms. Clark asked – As it relates to what...the definition of a resort hotel?

Mrs. Brenner stated – Right. Is this going to change the height regulation, square footage, the setbacks...?

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Ms. Clark stated – No. All of the basic use standards would remain the same. It's just simply to allow this particular use within the C-5 district.

Attorney Walker added – Motels and hotels are already permitted there.

Mrs. Brenner stated – That's why I wondered why we needed a new ordinance...what set this in motion?

Attorney Walker – This request originally came from the property owners, as I understand it. The reason for this was because there is a definition in the Code for resort hotel and although the section does allow for motels/hotels, apparently there was some concern there, as I understand it—subject to my correction—that by failing to mention the defined term resort hotels, that those might be construed as being excluded even though hotels and motels were otherwise allowed. So, they're wanting to add resort hotels to clarify that.

Mrs. Brenner stated – So, basically they want to add the word resort so they can have a fluctuating population?

Attorney Walker stated – Well, resort hotel, as it's defined in the Code, if it would help I'd be happy to read it.

Mrs. Brenner – Thank you.

Attorney Walker continued – Madam Chair, Section 22-3 defines a resort hotel as follows: A place of lodging, providing sleeping accommodations that are offered in the public in conjunction with the operation of marine or marina facilities or other tourist-related recreational amenities, and are intended primarily for rental to transients with a daily or weekly charge, but in any event, in which the maximum stay for transient/tenant is limited to thirty (30) days in any twelve (12)-month period. Limited kitchen facilities may be provided in the suite. Guest recreational amenities such as marina facilities, swimming pools, tennis or recreation courts or similar facilities are to be provided and located on-site.

Mrs. Brenner stated – Okay, thank you. I know there has been some discussion of some building on Seaway Drive, which has changed its stripes over the months. It was to be an upscale condominium with penthouses on the top. And now the sign out front says 92 units and originally it going to be like 20 something. It had not come this way for any kind of permitting or anything, but this made me wonder if that was the motivation for this ordinance...since it changed radically up to 92 units or 92 whatever. I just wanted more clarification on the record as to what this is. Thank you very much.

Mrs. Gates asked – Are there other questions for staff?

Mr. Knott asked – Wendy, just for some clarity...Was this some internal housekeeping or it's not a specific project...?

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Ms. Clark stated – Yes, this was some internal housekeeping and no, it was not geared toward any certain project.

Mrs. Brenner asked – So, it was not (tickled?) for that? It just came up?

Ms. Clark stated – No. And that particular 92-unit type plan has not been presented to this Board or for City Commission for approval.

Mrs. Brenner added – I knew it hadn't...unless I missed the meeting. Thank you very much.

Mrs. Gates asked – Anybody else have any questions? Mr. Walker, do I have to open this up for the public?

Attorney Walker stated – I would recommend that, Madam Chair.

Mrs. Gates asked – Okay, is there anyone here to speak in favor of this request?

Mr. Doug Gonano stood and introduced himself and stated – I'm from the law firm of Gonano & Harrell. Dan Harrell provided some recommendations and input essentially for the code text to staff and pointed out the reality that the problem that the deficiency in the code exists right now arises from the definition of hotel/motel. Specifically what it says is that you cannot have a hotel/motel that is a conforming use if it has more than 25% of the rooms with any kitchen or limited cooking facilities. So, now what you have is a situation where frankly most all of the places that exist along the inlet right now all have kitchenettes. They exceed the 25% limitation that's in hotel/motel by definition in the Code and permitting a resort hotel will permit those structures and uses to be conforming under the Code. It's especially a problem given the recent storm events where things that would result in destruction of more than 60% because they would be truly non-conforming uses and/or non-conforming structures and couldn't be rebuilt or placed back into service; which is precisely what the City would not want to encourage, which is a loss of destination resort hotels/motels along that area. So, it really is designed to readdress that. The definition that Mr. Walker read you of resort hotels is correct. And if you recall, it does permit to have limited cooking in your kitchen facilities without restriction on the percentage. The problem under the existing code is that a hotel/motel has that 25% restriction. So, that's precisely what this will fix.

Mrs. Gates – Thank you very much.

Mr. Gonano – Yes.

Mrs. Gates asked – Anybody else? If not, is there anyone here to speak against this request. What are the Board's wishes?

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE PROPOSED RESORT HOTEL ORDINANCE SUBJECT TO THE CORRECTIONS MADE BY MR. WALKER. Seconded by Poitier. Unanimously approved by roll call vote.

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Agenda Item # 7 – Discussions

Mrs. Gates asked – Does anyone have any discussions?

Mr. Knott stated – I do have a question for staff though. What is the status of the controversial marina that got blown over by the storm by the south bridge?

Mr. Trias asked – The storage?

Mr. Knott continued – Yes, the storage facility...are they going to reapply?...they did get shut down for a violation of some sort didn't they?

Mr. Trias stated – My opinion is that they complied with the requirements. I understand it's for sale and there's some people looking at it. And I hope real estate value will take care of the issue.

Mr. Knott stated – Okay, because I was just curious if we have seen the end of that orbecause that was going to get pretty ugly it looked like.

Mrs. Gates asked – Is there anything else?

Meeting Adjourned at 7:40 p.m.