



# CITY OF FORT PIERCE PLANNING BOARD MINUTES

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**REGULAR MEETING - TUESDAY, DECEMBER 8, 2009,  
FORT PIERCE CITY HALL, COMMISSION CHAMBERS,  
100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

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Chairman Johnson called the meeting to order.  
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The Pledge of Allegiance was recited.  
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Upon Roll Call, those present were: Marcia Baker, Dan Dannahower, Charlie Harris, Charlie Hayek, Jeremiah Johnson, Robert Poitier, Kara Wood, Camille Yates, and Eloise Cumings.

Those absent: Colin Lloyd, Steve Weaver, and Bob Burdge.

Staff Present: Jim Walker, Board Attorney; David Carlin, Assistant Director of Planning; Erica Ehly, Comprehensive Planner; and Diann Ploetz, Planning Specialist.  
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The next item considered - **# 3 – Consideration of Absences**

Chairman Johnson said we had Mr. Weaver and Mr. Lloyd. They did or did not call in?

Mrs. Ploetz said no calls.

Chairman Johnson said they did not call in.

Mr. Carlin said you also have Mr. Burdge, as well.

Chairman Johnson said is he required to report as an alternate member?

Mr. Carlin said I just wanted to let you know that he is not present to fill in for any of the missing members.

Chairman Johnson said and Mr. Burdge, we will add him to the list. Ok. Just to inform the board to some degree, we have to look at excused and unexcused absences based on the way the planning board is set up. So when we make a motion, we have to keep that in mind that there will be unexcused absences. Is that correct?

Motion was made by Mr. Poitier, seconded by Ms. Yates, to unexcuse Mr. Burdge, Mr. Lloyd, and Mr. Weaver.

Board Attorney Walker said respectfully, if I may. In the absence of a specific decision to excuse the absences, the absences are treated as unexcused. By not acting on that you do give the member the option of, at the next following meeting, presenting circumstances which might than be deemed "cause" for excusing the absence. It would therefore be my recommendation that no action be taken on the absences in question.

Chairman Johnson said alright, very good so no action at this time. Do you withdraw your motion?

Mr. Poitier said I withdraw it.

Chairman Johnson said ok, so we will handle this at the last meeting. Thank you, Mr. Walker.

Board Attorney Walker said to the extent that the absentee here now subsequently feels that there were circumstances which, if presented then, would constitute cause for excuse.

Chairman Johnson said ok, very good, thank you very much.

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The next item considered - **#4 – Certification of Alternate Members.**

Chairman Johnson said Ms. Cumings, thank you for being here tonight and you have all voting privileges as a board member.

Ms. Cumings said thank you.

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The next item considered - **#5 - Minutes of November 10, 2009**

Chairman Johnson said has everyone had a chance to review the minutes of the November 10, 2009 meeting and are there any additions or corrections?

**Motion made** by Mr. Poitier, seconded by Mr. Dannahower, **to approve the Minutes of November 10, 2009.** Unanimously approved by voice vote.

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**6. Annexation:**

- a. **Wal-Mart Distribution Center:** An annexation of 3 parcels totaling 229.85 acres and is identified as being contiguous to the municipal boundaries of Fort Pierce. The parcel is located at 4001 S. Jenkins Road. The property owner is Wal-Mart Stores East LP and the representative is Susan P. Motley of Ruden McClosky.

Ms. Ehly said good evening, Mr. Chair and board members. This is an annexation via agreement for 3 parcels, totaling 229 acres located on Jenkins Road, east of I-95 and west of Glades Cut-Off and staff recommends approval.

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Chairman Johnson said thank you, any questions of staff on the item?

Ms. Baker said Mr. Chairman, may I ask who instigated the request for accelerating this agreement that had been signed?

Ms. Ehly said Ms. Baker, the agreement is being executed by the City. It is not by request of the applicant.

Ms. Baker said my second question, since it is at the request of the city, then there must be a financial gain. Since the city taxes would not have been started until the year 2015 and then it would have been at only 10% and now they will start at 2014 with only a 20% exemption. I am assuming that there has been a cost value ratio established for the difference between the overage charges with FPUA visa vie savings of the income to the city on the taxes?

Ms. Ehly said Ms. Baker, the negotiations regarding the agreement were between legal counsel for Wal-Mart and the city attorney. So planning staff didn't have part in that negotiation so we don't know the details of what exactly went into it.

Ms. Baker said is there going to be a cost benefit to the city - net?

Mr. Poitier said she don't know.

Ms. Ehly said no, I don't have that information right now.

Ms. Baker said thank you.

Board Attorney Walker said respectfully, if I may, Mr. Chair just briefly interject on that point. The answer is yes, it is undertaken as part of a separate process in connection with the topic of the taxes which are to be assessed or not assessed as part of the agreement and I do not recall, off the top of my head, the specific statutory section implicated. But the city is required to obtain tax information from the tax assessor's office and that information is incorporated in the ordinance that addresses these taxes. But that is a separate process and is not involved in what we see here, tonight.

Ms. Baker said thank you, Mr. Walker.

Chairman Johnson said any other question of staff from the board? I don't think anyone is here to represent the distribution center so we will close public comment time.

Ms. Wood said Mr. Chair, I would just like to recuse myself from voting of this item to avoid any possible potential conflict with my employment at the county.

Chairman Johnson said yes, thank you. I will entertain a motion from the board.

**Motion was made** by Ms. Yates seconded by Mr. Poitier, **to approve the annexation.**

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Chairman Johnson said we have a motion and a second, do we have any discussion?

Those voting in favor of the motion were: Ms. Baker, Mr. Dannahower, Mr. Harris, Mr. Hayek, Mr. Poitier, Ms. Yates, Ms. Cumings, and Chairman Johnson. Those opposed: None. Ms. Wood was recused from voting.

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**7. Rezoning:**

- a. **2400 Rhode Island Avenue:** An application for a rezoning from OS-1, General/Recreational Open Space, to C-1, Office Commercial. The Future Land Use is Co, Commercial Office. The property owner is St. Lucie County/Fort Pierce Fire District, and the applicant is Ron Parrish, St. Lucie County Fire Chief.

Mrs. Olson said thank you, Mr. Chair. The St. Lucie County Fire District is requesting a change in zoning from OS-1, General/Recreational Open Space, to C-1, Office Commercial. The current Future Land Use is Co, offices, and professional service businesses. It is appropriate for zoning classifications limited office commercial uses and uses that do not directly display and sell products and have generally limit auto trips. C-1 is an acceptable zoning district within this Future Land Use. It is surrounded to the north, west, and east by CO and to the south by Institutional Future Land Use. As far as zoning, it is surrounding to the north and the east by C-1, and to the south and west by OS-1. The St. Lucie County Fire District operated administrative offices here since 1984 when they built the site. They moved out and then they rented these offices to the Clerk of Court. Just recently the Clerk of Court have move out and they would like to rent these offices to private individuals. Therefore, no real change of use is occurring here and therefore does not trigger any concurrency issues. Even though you are rezoning it, it is really not triggering concurrency because the actual use is not changing. The requested rezoning meets the requirements of 22-131 and so staff recommends approval.

Chairman Johnson said ok, any questions of staff from the board? I guess the only question I had in regards to the striping of the parking spaces, obviously staff is going to work with the fire district too and improve that, correct?

Mrs. Olson said that was included in mostly just as a helpful point for future reference. We do not condition rezonings. It is statutorily not allowed so it is not a condition of the rezoning. But when they come in for a building permit, their restriping will have to meet current code.

Chairman Johnson said thank you. Any other questions of staff? Seeing none, I would like to give the applicant a chance to come forward.

Chief Ron Parrish said thank you, Chairman and members of the board. I am the Fire Chief for the St. Lucie County Fire District. And of course we are hoping that you approve this rezoning for us. We all know the economic challenges that we are all facing and this certainly will be an asset for us. Thank you very much and if you have any questions, I will try to answer them.

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Chairman Johnson said any questions for Chief Parrish? No? Thank you very much. I don't think there is anyone else here from the public that would like to speak, so we will return to the board and entertain a motion.

**Motion was made** by Mr. Poitier, seconded by Ms. Baker, **to approve the rezoning.**

Chairman Johnson said we have a motion and a second to rezone. Is there any discussion?

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

Chairman Johnson said this will be forwarded with a recommendation. Thank you.

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## **8. Discussion**

### **a. Selection of a Vice Chair**

Chairman Johnson said right now, we have myself as the Chairman and Mr. Hayek as the Secretary. Is there anyone who would like to volunteer?

Ms. Yates said we lost the Vice Chair.

Chairman Johnson said we lost the Vice Chair, who was Mr. Reilly.

Ms. Yates said it's just a voluntary thing?

Chairman Johnson said basically it is, but if I were absent

Ms. Yates said they would run the meeting in your absence.

Chairman Johnson said then the next person would step in.

**Nomination was made** by Mr. Poitier, seconded by Ms. Baker, **for Ms. Yates to be Vice Chair.**

Chairman Johnson said so we have a nomination for Ms. Yates and a second. Do you accept?

Ms. Yates said yes.

Chairman Johnson said ok, very good.

Unanimously approved by voice vote.

Chairman Johnson said Ms. Yates, you are the Vice Chair and Mr. Hayek is still Secretary. Anything else from staff?

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Mr. Carlin said I don't think we have anything right now that needs to be disseminated down to your ranks. We will see you in January. Hope everyone has a nice holiday. We are slowing down with some agenda items just because we don't have a lot of development going on but we are keeping active with other things. So those things will be coming before you: Land Development Regulations updates, the Evaluation and Appraisal Report as the Local Planning Agency. So staff is working very expeditiously to go through some of these things and they are complicated issues but you will be briefed on these things when we are ready to present them before the board. So we just wanted to let you know those two things are well underway. We expect to be providing you updates and having to weigh in on matters within the next month or two depending on how quickly we can get through some of these challenging issues. That's the only update I will offer you at this time.

Chairman Johnson said so the report is still coming for us.

Mr. Carlin said we are still working on the Evaluation and Appraisal Report and we are well into it. We anticipate bringing that forward to you all hopefully within the next 30 to 45 days, give or take.

Chairman Johnson said ok, double check the email notices. We know that it is the second Tuesday of the month. But I think some of the members didn't receive an email.

Mr. Carlin said we will check into it. Sometimes we have the system shut down when we go for the weekend. They do a service on the mainframe so that very well could have been the case. We will look into see why those technology things sometimes have glitches. But you guys got your packets and that is good to know that you got the agenda packages.

Chairman Johnson said everyone log in ok?

Ms. Baker said yes, I logged in.

Mr. Carlin said again, if you guys have any problems or issues with the way the system is working in terms of getting those packets, please let us know because we have to let our IT folks know how to upgrade it or change it so it is more user friendly or if there are any issues that need to be corrected. We are working on updating the City's website. That is an ongoing thing that has been undertaken so there will be a change because it is somewhat antiquated, well, it's very antiquated in my opinion. It is not user friendly. We are trying to work through some logistics to get that done. Again, we are trying to be customer service oriented. So that will be coming down the pipeline, too. I don't know the date, but it is something that will ultimately be done.

Chairman Johnson said the other question I had for board members and staff, this is zoning, Chapter 22. Does everyone have one of these or at least have access to such a thing, if they need it? I just want to make sure.

Mr. Carlin said we do have copies of Chapter 22 in our office if you don't have one. I believe you can get a copy of it. You can get it on-line. If you want to be eco-friendly, you can get

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those on-line at municode.com. You can go to our city of Fort Pierce website and access the link from there or you can go to Municode which is the general website that allows you access to all the cities and counties that are on the website. So you can do that.

Ms. Ehly said you can do a key word search on-line.

Mr. Carlin said you can do a key word search, as well, on line that will bring you right to it. Different options. But if you don't have the code, you can certainly stop by and we will give you one.

Chairman Johnson said very good, thank you. Mr. Walker, anything?

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

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There being no further business, the meeting was adjourned at 6:25 p.m.

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