

**CITY OF PORT ST. LUCIE
PLANNING AND ZONING BOARD MEETING MINUTES
MARCH 6, 2012**

A Regular Meeting of the PLANNING AND ZONING BOARD of the City of Port St. Lucie was called to order by Chair Parks at 1:30 p.m., on March 6, 2012, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

CALL TO ORDER

ROLL CALL

Members Present: Susan E. Parks, Chair
Charles Rooksberry, Vice Chair
Brian Battle, Alternate
William Blazak, Secretary
Bryan Gardner
Steven Garrett
Ken Martin

Members Not Present: Ernie Ojito

Others Present: Gregory J. Oravec, Assistant City Manager/
CRA Director
Pam E. Booker, Senior Assistant
City Attorney
Daniel Holbrook, Planning and Zoning
Director
Anne Cox, Assistant Planning
And Zoning Director
Roxanne Chesser, Engineering Department
John Finizio, Planner
Katherine Huntress, Planner
Thresiamma Kuruvilla, Planner
Marty Sanders, St. Lucie County
School District
Margie L. Wilson, Deputy City Clerk

CLERK'S NOTE: Previous to the meeting the Deputy City Clerk administered the Oath of Office to Mr. Steven Garrett.

Chair Parks noted, "We have a new member today, Mr. Steve Garrett. We welcome him to our board. Mr. Brian Battle is sitting in for Mr. Ojito."

PLEDGE OF ALLEGIANCE

Vice Chair Rooksberry led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES - FEBRUARY 7, 2011

There being no corrections, the minutes were unanimously approved.

6. CONSENT AGENDA

There were no items for the Consent Agenda.

7. PUBLIC HEARINGS

Chair Parks stated, "The applicant or agent for the applicant must be present. If no representative is present for the application, it may be tabled to the following month's meeting. Anyone wishing to speak on any item may approach the podium after the issue has been opened for the public to comment. Each person wishing to speak may do so for not more than three minutes. Please state your name when you come to the podium. You may speak only once for each agenda item. Your comments and concerns are very welcome. However, we must maintain order and provide time for everyone. I want to bring to the attention of the board that the packets have an addition to help us with our motions. Let me go over the choices for motions: approve, approve with conditions, deny, or table or continue the item to another meeting."

A. P12-009 TRADITION MEDICAL CENTER - VARIANCE

Ms. Cox stated, "The City has been requested by Dan Majors of Lucido and Associates, acting as agent for Martin Memorial Acquisition, LLC, to grant a variance to the perimeter landscaping requirements for the eastern and northern property lines of the hospital site in Tradition. The property is located south of Tradition Parkway at the eastern end of Innovation Way and west of I-95. The City's Landscaping Code requires a total of 59 trees and 882 shrubs to be planted along those perimeter property lines. The applicant has requested the variance due to a requirement pertaining just to hospitals in the Florida Building Code requiring that new landscaping elements shall be located so if damaged they will not block the onsite emergency access route to the facility. The proposed driveways as shown on the Site Plan do show a driveway along those lines which will serve as the onsite ambulance access route to the new hospital. The applicant is proposing to plant the 59 trees and 882 shrubs

in other areas of the site, as shown on the exhibit included in your packet. Staff finds that the request is generally consistent with variance criteria as stipulated in the Zoning Code and recommends approval." Mr. Blazak asked, "Are the 59 trees and 882 bushes just for the north and east sections, or for the entire site?" Ms. Cox replied, "Those are just for the north and east property lines. They've moved them to the interior."

Dan Majors, Lucido and Associates, applicant, said, "The landscape proposed along the boundary line is going to be there. We aren't reducing the quantity; that will simply be shifted to an inner perimeter. Along the roadway there are easements that prevent us from putting it in, along with the Florida Codes." Mr. Blazak asked if the applicant owns the right-of-way, or if they just have access around the perimeter. Mr. Majors replied, "The applicant owns the property. The easement is on the border of their property, between the border and the access road." Mr. Blazak asked if that is for future expansion. Mr. Majors answered, "We have pushed to our extent." Mr. Blazak said, "So it will remain barren with no landscaping. Can we get creative and go inside the swale off the roadway to plant trees that wouldn't fall on the roadway?" Mr. Majors responded, "If we had an agreement with the property owners adjacent. It is their property." Mr. Blazak asked, "Rather than just quantifying the number to be transplanted internally, have we looked at going to larger species of trees? Instead of 60 trees we could have 30 larger trees, so that we get a shade canopy sooner and it would look better." Mr. Majors answered, "We haven't looked into larger trees. We're trying to spread the requirement throughout the rest of the landscape where it makes the best sense. Some of it is along the lake and the parking lots. We want to put the trees where they're beneficial and won't harm the ambulance service route." Mr. Blazak asked, "The vacant property to the north is not yours?" Mr. Majors replied in the negative. Mr. Blazak asked, "Why were you required to landscape it originally?" Mr. Majors replied that they have the access road. Mr. Battle asked, "What are you going to line the roadway with? Just sod?" Mr. Majors answered, "It will be just sod." Mr. Battle questioned how shrubs could block ambulance service.

Mr. Garrett said, "I will abstain from this vote due to a conflict. (Clerk's Note: A voting conflict form is attached to the minutes.) I have a question for Mr. Majors. I assume there will be additional landscaping as future development occurs in future phases of the hospital." Mr. Majors said, "Yes. As the future phases of the hospital develop, there will be more perimeter landscaping associated. That would probably make for shrubbery along that road. We can't do vertical elements because

of the AHCA standards and the Building Code. But as the site shifts and develops there will probably be more shrubs in that area."

Mr. Blazak commented, "I'm confused. You just told me you didn't own that land, but as you grow you're going to landscape it." Mr. Majors explained, "The land within our site is our property. The interior is our room for future development. I understood that you addressed the border outside. That is a waste management tract." Mr. Blazak asked, "Do you not own the vacant land that is outside the parking areas and proposed planting areas?" Mr. Majors replied in the negative. Mr. Sanders asked, "How do you meet the requirements with no trees between the I-95 access road and the hospital? It looks like there is landscaping along that route. I mean just north of the parking lot on the eastern side of the hospital." Mr. Majors explained, "On the eastern side of the parking lot there is a utility swale that buffers our site from I-95." Mr. Sanders said, "If an ambulance leaves Gatlin Boulevard and comes onto your access road, when it gets to the north end of your east/west access road, it comes onto your site. How does it get from I-95 over to the building and not go by any trees?" Mr. Majors answered, "We are addressing this within our site. Once they enter our site they follow the access road that wraps down and gives direct access to the Emergency Department." Mr. Sanders asked if the green dots on the drawing are trees. Mr. Majors responded, "They are trees, but they aren't adjacent to the primary ambulance route. The last trees are smaller trees." Mr. Sanders asked if they can put those along the I-95 corridor. Mr. Majors replied in the negative.

Mr. Blazak said, "The Site Plan we have is labeled 'Future Expansion/Development' in the open areas. Are you going to expand into those areas?" Mr. Majors answered, "That is our intention in the future." Mr. Blazak said, "You show a proposed drainage swale. Why can't you plant in that to provide a buffer?" Mr. Majors replied, "We are using the drainage swale. At a future time when there is development, that will be redesigned. There would possibly be landscaping there at a safe distance from the road." Mr. Blazak suggested, "Let's put it a safe distance from the road now and work around it. You'll have shade trees in three to five years. That is awfully barren. It's one of the entries to the City. You already have smaller trees along the ambulance route. There's a contradiction." Mr. Garrett said, "Mr. Majors, it appears from the plan that due to various constraints, the FP&L easement and the location of the ambulance access drive, the required perimeter landscaping can't exist where it traditionally would. I believe what you're trying to accomplish is instead of just putting it just on the western

side of the access drive, you're using that required landscaping to better insulate and complete the aesthetic perimeter of the parking areas in the interior of the site." Mr. Majors said, "That is correct." Mr. Garrett continued, "If you were to locate the landscaping near the proposed drainage swale, there would be no landscaping around the perimeter of those parking lots." Mr. Majors said, "Yes. We can relocate the proposed landscape that we already have. We feel it's in the best spot to promote this current development. If not, there will be no landscape buffering the existing use for the two or three years that it will take to build out and go to the next phase. It would just be a parking lot. Right now we are beautifying the parking lot and keeping a really nice entry into the hospital. The design is well done."

Chair Parks said, "Because of the conversation between Mr. Majors and Mr. Garrett, is it my understanding that you work for Lucido?" Mr. Garrett replied in the affirmative. Chair Parks said, "I did see some back and forth and assistance. That was an unusual circumstance. I'm sure Martin Memorial wants to be a good neighbor to Port St. Lucie, and I know they will be because they have other facilities in our community. But we would like this to be the gateway to our community, and we'd like it to be as beautiful as possible. The questions are very pertinent to what we have as an objective. This is a new land area, and we want it to be its best. Part of that is landscaping. If you look to the north behind The Landings shopping area, that is landscaped behind the buildings along I-95. It's a beautiful view as you drive on I-95."

Chair Parks opened the Public Hearing.

WES MCCURRY said, "I'm with Fishkind and Associates, and I also represent the Tradition Commercial Association Design Review Committee. I might be able to answer some questions that came up. We are in support of the application. We have approved the Landscape Plan. The way we looked at this proposal was that the access road is only going to be used by emergency vehicles and employees. The public entrance to the hospital is on the main road, which is heavily landscaped. We agreed that the use of that landscaping in and around the hospital itself to help give scale around the building was a more appropriate use for the landscaping. In regard to the water management tract on the east side of the property, there is a strip of land between the proposed property and the water management tract that is owned by PSL Acquisitions. That land, however, isn't available for any additional landscaping. The water management canal that exists there is eventually going to be widened and the slopes laid back a little. Additionally, on the east side of that canal adjacent

to I-95 there is a 30- to 40-foot strip of land that is currently heavily vegetated with pines, palmettos, and oaks. It does provide a good buffer from I-95 for the hospital site. It also gives some scale to the building, because they are mature trees closer to I-95. They provide a better screen than landscaping along that road will. We're in support of the application as it is presented."

There being no further comments, Chair Parks closed the Public Hearing. Mr. Holbrook advised that a variance needs five votes in favor to be passed. Mr. Battle **moved** to approve P12-009. Vice Chair Rooksberry **seconded** the motion, which **passed** by roll call vote, with Vice Chair Rooksberry, Mr. Battle, Mr. Martin, Mr. Blazak, and Chair Parks voting in favor, and Mr. Gardner voting against. Mr. Garrett abstained.

B. P09-128 SOUTHERN GROVE - DEVELOPMENT OF REGIONAL IMPACT/SUBSTANTIAL DEVIATION

Ms. Cox said, "The City has been requested by Wesley McCurry, acting as agent for PSL Acquisitions I, LLC, to amend the Development Order for the Southern Grove Development of Regional Impact. There are many changes included in the proposed DO, so I am going to go over the highlights. The amount of non-residential building square footage that would be allowed is proposed to be substantially increased. The retail is increasing by over 1.5 million square feet, the office by over 350,000 square feet, research and development by almost 2.5 million square feet, warehouse industrial by over 2.5 million square feet, and there is an increase in hotel rooms and hospital beds. The phasing, build-out, and expiration dates are proposed to be extended by seven years. The bulk of the changes outlined in the DO are to transportation conditions. When this DO and the other DO's for the DRI's in the Southwest Annexation area were originally approved, they each had a uniform set of transportation conditions. These were based on the Western Annexation Area Traffic Study (WATS). The desire was expressed by the developers to have the responsibilities for the roadway segment construction split up amongst the developers, so that they were not relying on road improvements to be constructed by another party. The roadway segments were proportionately assigned by the City, and the distribution is detailed in the table and map attached to the staff report. There are other minor changes to the conditions concerning environmental, natural resources, and human resource issues."

Ms. Cox continued, "This application was required to be re-reviewed by the Treasure Coast Regional Planning Council due to the magnitude of the changes. They issued an assessment report

with recommended conditions. The conditions regarding the transportation are different in what is before you than what was proposed by the RPC. Those differences are outlined in detail in the staff report. The conditions proposed are specific to Southern Grove. There are also requirements for right-of-way dedication for a potential interchange at E/W3 and I-95 and for the Paar Road Bridge over I-95. There is a requirement for the developer to improve Paar Drive from Rosser Boulevard to Port St. Lucie Boulevard. Roxanne Chesser from Engineering is here for any questions about the transportation conditions."

Ms. Cox said, "The last major change involves the Master Development Plan, which is Map H. The area called Regional Business Center was added for the proposed future mall site. The mixed use area is proposed to be expanded to the west. A wetland mitigation area is added per the Army Corps permits. The City received comments from the Florida Department of Transportation, and a response to those comments is included in the packet. The City received a letter from Martin County. A letter was prepared in response and it is before you on the dais. In conclusion, staff recommends approval of the proposed Development Order for the second amendment to the Southern Grove DRI."

Chair Parks said, "I'm looking at the last sentence of the response to the letter from Martin County. It says that copies of the conditions from the existing and proposed development orders are attached. We did not receive those." Mr. Holbrook explained, "What was included was the entire staff report, which this board has." Ms. Cox added, "On Page 17 of the proposed resolution it is Table 5. Those are the roadway segments in question."

Wes McCurry, Fishkind and Associates, representing the applicant, said, "I had a presentation prepared, but I'm not going to go through it. Most of you have seen it before in April of last year when you approved the Comprehensive Plan amendment that accompanied this. That will accompany this application at the City Council meeting on March 26. You've heard my pitch on this before. Anne has done a thorough job of covering the bases for the proposed changes and required mitigation. We are in agreement with what has been recommended. This has been a long process. In February 2009 City Council held a Retreat where they directed staff to work with the property owner to come up with an expansion of the vision for an employment corridor within the Southern Grove property. They outlined five goals: job creation, diversification of the tax base, creating public/private partnerships, improving location factors for businesses in the corridor, and increasing the ability to provide employment. In September 2009 we made application for this DRI change and the

accompanying Comprehensive Plan amendment. We have gone through a host of reviews; I believe this is the fifth of seven hearings on this project. The City has adopted a Finding of Necessity to create a Community Redevelopment Area on this property and put forth a draft plan of development. Each of those documents also outlined all the goals associated with increasing employment and competitiveness to bolster locational factors for businesses. We have done an extensive review of the conditions and mitigation factors with staff. There are some differences from what was proposed in the RPC report. Ms. Cox's report does a good job of outlining those changes. We are in support of staff's recommendation. We would ask that you recommend approval as presented."

Mr. Sanders said, "I have a concern with the deletion of DO Conditions 59 and 60 regarding hurricane shelter space. Currently the developer is required to provide that space; it is a burden that has been taken off the schools by all of the DO's in the Western Annexation area being required to provide their own shelter space. In 2004-2005, one of the biggest obstacles to reopening schools after the storms was that people were sheltered in the schools, and there was cleaning up to be done. That diverted our forces to the shelters instead of opening the schools. There are no schools on the District's five-year work plan, so we know we will not have a school in that area for well over five years. We also have at least two charter schools proposing to go in the Tradition area that are not required to build hardened facilities for public shelters. It could be as long as 15 to 20 years before we build a school in that area as a shelter. You will leave the residents without shelter space for some time. If the charter schools come in and there is no need for a traditional public school, we may never get them. I urge you not to remove those conditions." Chair Parks said, "I noted that there was also information about the Fire District. There is no one here to represent them today." Mr. Sanders continued, "Regarding school capacity, we have entered into an agreement with the developer and we are satisfied."

Mr. McCurry said, "The reason for the deletion of that condition is that the City doesn't have a requirement in their Comprehensive Plan or their Codes that requires hurricane shelter space to be provided. The condition relating to special needs shelters remains in the DO. Also the most recent hurricane shelter assessment report indicated that there is current and projected capacity available to meet demands for sheltering. This area is located outside of any high hazard mitigation areas. It's not within a storm surge area. With new building codes residences are more able to withstand storms. For the most part the direction is to encourage residents to remain in their

homes, rather than go to shelters that might be needed more for people who live in older homes. That was the rationale behind deleting that condition." Mr. Sanders asked, "Will you not be looking to the School District to provide shelter space when we build schools in that area?" Mr. McCurry replied, "Not that I'm aware of." Mr. Sanders continued, "I have one more comment concerning the state's hurricane shelter capacity. Their capacity lists Oak Hammock School at about 3,000 evacuees. Their numbers were made to work so that we would have excess capacity. Neither the Red Cross nor the District would want to operate our shelters with that number. While on paper we may have capacity, it is not where we want to be during a storm."

There being no further comments, Chair Parks closed the Public Hearing and said, "Last month we had Item P11-006 concerning Southern Grove and the CRA. In looking through this report I saw additional square footage that was put into the report from the approved square footage to the proposed square footage and the totals. There were substantial percentages of additional footage. Is what we approved for the CRA the new square footage, or was it the original square footage?" Mr. Holbrook replied, "What was before this board last month was a plan that didn't give development approvals. This is a Development of Regional Impact with a substantial deviation. This is where they are actually requesting the increase in intensity."

Assistant City Manager Oravec explained, "With the CRA plan that was before the board, it recognized both what was existing and what was proposed. But given that we are dealing with living documents, the plan referenced the approved Development Order as it may be amended from time to time. So it recognized that we were currently in a process to consider an amendment, and my prediction is this won't be the last amendment you see in the next 25 years, when we're dealing with a development of this magnitude. Before the proposed increase in entitlements, this development was very similar to St. Lucie West. How long has St. Lucie West taken to reach build out, and it's still not there. This development is a multi-decade project and this board will see it again. Because of that the plan recognizes that the Development Order may be amended from time to time, and that will not require an amendment to the Community Redevelopment Plan every time." Mr. Blazak said, "With regard to the hurricane shelters, I see that Condition 59 says the developer shall pay a proportionate share for 5,400 square feet of special needs. Does the City have adequate special needs shelters?" Assistant City Manager Oravec said, "I would have to pull the report." Mr. Blazak said, "The original condition was 14,700 square feet, and now they're only paying a proportionate share of 5,400. There is an open question." Ms. Cox said, "Look at Exhibit D. That is the

methodology for the proportionate share calculation. That's not changing. This exists in the current DO. The addition of the language into that condition is for clarification." Mr. Blazak said that he is looking at what was struck out. Ms. Cox explained, "Condition 59 is not the special needs condition. The old Condition 60 is." Mr. Blazak asked what happens to the other 9,000 spaces. Mr. Holbrook replied, "There are standard hurricane evacuation needs and special needs. As the applicant stated, the construction proposed to be developed and that has been developed is built to a higher standard than a lot of the older construction in the City. The hurricane needs are not anticipated to be anywhere near what they have been in older cities or in areas that will be impacted by required evacuation. This development does not propose an increase in residential units. They can stay in their homes. If they have special needs, there are opportunities for that type of shelter. The City does participate with the county for that." Mr. Blazak asked how the 14,000 had been arrived at. Mr. Holbrook answered, "Policies have changed, both at the state and the regional level. When we originally went through the DRI application, conditions were placed on the DO. Things and policies have changed. If you recall, prior to 2004 accepted preference was to evacuate. We learned that that shuts down our interstate systems. People end up very vulnerable in areas where they don't have services. Now people are encouraged to stay where they are if they can."

Chair Parks said, "I'm looking at Page 2 of 6 in the report. I looked at the approved square footage to make sure if that was what we agreed to with the CRA. Then I looked at the proposed number that was not in the first report. Then I looked at the change. After eliminating two new areas that were not in the original, the change is 43% more square footage. That is impervious area. That's a lot of buildings and concrete. The two items not included are additional to that. Research and development is another 2,498,602 square feet. Hospital beds are an additional 300 square feet. I understand that the build out is to 2039. But how does the additional 43% impact our communities? What about the stormwater runoff that would drain into the C-24 Canal? It does impact areas downstream from us. This will have a considerable regional impact. There were also very excellent calculations done for traffic concerns. As a citizen who is not at all involved in construction, I ask you about that." Mr. McCurry said, "As part of the vision project and the employment corridor and while working with staff on the CRA Plan, it was recognized that some of the land that we originally had dedicated to residential was perhaps better used for non-residential. The requested changes result in about 400 additional acres for non-residential. That is one reason for the increase in the intensity. The other reason is that with the

development program currently approved, there is simply not enough allowable square footage to fully utilize the land. With the existing development program and the amount of acreage available for non-residential development, there would be building coverage ratios in the 10 to 12% range, which is half of what is normally achieved in development in our area. When you increase it to what we're proposing, it gets it up to the average of about .2 to .23. The increase is to fully utilize the land that is available and to provide employment opportunities. Another benefit is that there are assessment bonds levied against this property for the infrastructure that was put in. Those are based on the square footage allowed to be developed. By increasing the non-residential portion we are actually reducing the per unit assessment, which goes toward another Council goal. That is increasing locational draw for businesses. It will be more affordable for them to locate here by lowering the annual assessment cost. As for the stormwater, there are conditions that are addressed in the DO. These are the same conditions as originally applied. The property cannot discharge any more water than it currently discharges. All of the stormwater must be treated before it gets expelled off site. The SFWMD criteria for permitting that each of the projects has to go through will ensure that pretreatment occurs, and that pre-development runoff is consistent with the post-development runoff. That is all a part of the overall permitting process each development goes through."

Assistant City Manager Oravec noted, "On Page 15 of the Redevelopment Plan there was a subsection entitled 'New Proposal for Southern Grove.' It stated: 'As part of its effort to relaunch Southern Grove and make its development financially viable under current economic conditions, the owner/developer has proposed a substantial deviation of the approved entitlements, Master Plan, and Development Order for Southern Grove. Tables 4 and 5 outline the proposed entitlements and the changes from the currently approved entitlements. Figure 7 illustrates the proposed Master Plan.' As I suggested previously, that plan you reviewed said what was approved at that time, and what was proposed. Table 4 provides the new numbers. Table 5 presents the exact same table that you pointed out on Page 2 of 6 with the change between the approved and the proposed." Chair Parks noted, "I like to be fair and give people a report as to where the City has been. It is important that our population have these facts and figures. Not all of our citizens look at the reports on line or at the City. I bring things to the forefront so that our citizens understand what is going on." Assistant City Manager Oravec added, "Regardless of how you do the numbers, you will come to the conclusion that it is a big entitlement increase. This is not a black and white issue. This

is an issue of what you want the community to be. There is no right or wrong answer. We're dealing in policy, where everyone has an opinion. Boards like this have to take all of those opinions and come to some type of determination. You make a recommendation to the Council, and the Council makes a decision. From staff's standpoint, that is a large increase in intensity and density, but we feel that it can be addressed and it will still be a quality development. It will also provide the City what has historically been lacking, and that is a jobs corridor and non-residential square footage that we have been underserved by. Downtown Miami has 20 million square feet of office space. Even with these large entitlements, you don't have to worry about being a downtown Miami. In the matter of stormwater, South Florida provides the standards for that, and those won't change regardless of the intensity. That standard always has to be met as each Site Plan is developed. I do believe there will be additional impervious area as a result of this intensity, but that is not always the case. Take Torrey Pines or VGII. If we continue that development pattern, you could never get to the entitlements that are listed here. The large area that is used as a parking lot now that is asphalt will someday have to be structured parking. You would park on top of or underneath floor area, which is a much more efficient use of land. One thing in the CRA Master Plan is Tradition Trail, which we hope will be a transportation route and a link to stormwater quality, environmental restoration, and recreation."

Chair Parks said, "There are 3.94 acres being mitigated. Where is that and why is the hardwood being mitigated?" (Clerk's Note: Ms. Cox pointed it out on a map.) Ms. Cox explained, "I'm not sure they will need to clear that." Chair Parks asked if that is the previous mall site, and if four acres of hardwood will be lost. Mr. McCurry said, "Perhaps. It is an existing oak head that is in the location adjacent to Becker Road. The proposed mall site is still in the works at the northwest corner of I-95 and Becker. We previously had a mall developer under contract on that site and went through a significant amount of planning. Access points were identified. The proposed intersections for the mall site were built as part of the Becker construction. One of the intersections is directly adjacent to the oak hammock. It's a signalized corner. The previous mall developer said they would like to mitigate it and use it for non-residential development because it's a prime site. I would anticipate that the next mall developer will want the same thing. It isn't written in stone. The condition is written that in the event that we do remove the oak hammock, it would be mitigated. Given the value of land on a signalized intersection, it is unlikely it would remain. There might be an opportunity to relocate some of those trees." Chair Parks observed that all the area may not

need to be demolished. Mr. McMurry explained that the condition is written so that there is flexibility and the ability to mitigate to the Tradition Trail. Chair Parks remarked, "That area of St. Lucie County has very few natural areas remaining, and someone chose to keep that land non-agrarian."

Mr. Holbrook said, "Port St. Lucie has historically had deficient acreage in non-resident uses. This property was specifically annexed, the Comprehensive Plan was amended, as was the DRI approved for the creation of the jobs corridor. This is the site for that, just west of I-95. This is a long-term plan for the City and for this property. The Development Order expiration date is 2039. It has a future land use designation of NCD, New Community District. That has maximum intensities and densities which are capped; that is established by Policy 1.1.4.10. It gives a range for a variety of things. Building coverage is 60 to 80%. Impervious is from 80 to 90%. But the requirement is that it has to be tied to a DRI, which is what is before you today. Regardless of what is approved or proposed, you still have the subject area not changing in size. The subcategories are changing a little bit; Anne touched on that. This report has gone through an analysis of the impact to the community. One question for the board is whether you see the increasing entitlements as a need for the City. If you do, is this the appropriate area? The applicant has requested the increase. The City staff has worked for three years off and on and not always in agreement, and we have presented the report to you today and hopefully answered your questions." Chair Parks noted, "It is important that we as a board ask questions, not taking it carte blanche, and that we share that with our citizens. I wish more citizens had come to speak about this. It's a large tract of land and it will eventually impact us one way or another. We are giving our opinion to City Council on this, and it is very valuable for the people of Port St. Lucie to understand it."

Mr. Sanders said, "This is a great project from the perspective of increasing non-residential density. It is a great opportunity to create the engine to drive the community. You can't do it with rooftops. Corporate citizens like Torrey Pines and others bring art galleries and other amenities to the community that we really want and need in Port St. Lucie. From that perspective I think this is a great direction for this project. It helps the School District because it is a greater tax base of non-residential uses that provides a better economy for the school district and the community. While I do not agree that we should remove Condition 59, I still think that it is a great project."

Mr. Martin said, "When the board saw the CRA package last month, you shared insight about pro formas. I understand that you have to bring the cost basis down. Even before the CRA became a topic, I thought for sure that just increasing intensity and density on the land uses would be a mechanism to help bring down the cost basis. Lo and behold, we get the CRA. My question to the Assistant City Manager is, was one mechanism not sufficient? Could we have not just increased the density of development to achieve the lower basis for selling some of these properties?" Assistant City Manager Oravec answered, "Our staff's position is that you have to bring all the tools available to bear. One tool isn't enough. The future of the City is very much tied to the future of Southern Grove. Southern Grove will be the engine Mr. Sanders referenced that powers the City into the decades ahead or will be an anchor that holds it down." Mr. Martin asked, "What other mechanism is in play?" Assistant City Manager Oravec said, "The increase in entitlement is one. I know that you voted against the CRA plan at the last meeting, so I don't know if we're revisiting that or if you're asking about the application. But those are two mechanisms, and the City is working with the Economic Development Council all the time to recruit additional businesses to the jobs corridor. That's a third way the City is actively working. Another way is through the Communications Office in developing marketing and collateral materials, so that all the City officials can be marketing and recruiting businesses to that area. Any general efforts we make, like the regulatory rethink, where we try to make the City more business friendly and streamline it, certainly helps all areas, especially areas that have the capacity to accept and be home to new businesses. There are multiple efforts." Mr. Martin said, "I appreciate that. In the beginning before the CRA was the topic of discussion, I thought that just increasing the density would serve the same purpose. I appreciate your response."

Mr. Gardner **moved** to approve P09-128, Southern Grove Development of Regional Impact, Substantial Deviation. Chair Parks asked if the motion is without Mr. Sanders' recommendation. Mr. Gardner **restated his motion:** for approval of Item P09-128, Southern Grove Development of Regional Impact, Substantial Deviation, with the recommendations as stated by Mr. Sanders of the School District. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

A recess was called at 2:50 p.m., and the meeting resumed at 3:10 p.m.

C. P11-098 RIVERLAND/KENNEDY, LLP AND RIVERLAND/KENNEDY II, LLC - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE

Ms. Cox stated, "This is a text amendment to the Comprehensive Plan. The City has been requested by Glenn Ryals of Riverland/Kennedy, LLP and Riverland/Kennedy II, LLC, to amend the text of the Future Land Use Element of the City's Comprehensive Plan. The proposed changes are to amend policies regarding the New Community Development District (NCD) future land use designation and policies establishing the Riverland/Kennedy NCD District. The changes include changing the maximum neighborhood size in the residential area of an NCD from 600 to 750 acres, expanding the funding mechanisms for infrastructure, clarifying the Florida statute requirements for proportionate share requirements for DRI's, and reducing the minimum area for an MPUD zoning from 100 to 50 acres. There are policies concerning just the Riverland/Kennedy portion, which include changing the dedication requirement for the parks and recreation to be consistent with the approved Annexation Agreement. They are proposing to revise their Figure 18 and the associated policy, which shows the allocation of the land use areas as required by the Comprehensive Plan. In that figure the Employment Center is proposed to be deleted. That is consistent with the third amendment to the Annexation Agreement. The mixed use area is proposed to be relocated, and the regional park site is proposed to be relocated. They also propose to delete an internal road, E/W 2, because that was not required by the original traffic study. There is also a DRI amendment in process for the Riverland/Kennedy DRI. That will have a Master Plan Map H, which would be consistent with Figure 18. The DRI amendment is scheduled to come before this board next month. With that, staff does find the proposed amendments to be consistent with the direction and intent of the Comprehensive Plan and recommends approval."

GLEN RYALS, Riverland/Kennedy DRI, said, "The most significant changes we requested are related to the third amendment to the Annexation Agreement, which the City requested of us. That was at the time the City wanted to do Digital Domain and use \$6 million of our moneys to help with that project. At that time the City had also decided that they didn't want to be in the development business with the employment center because of the cost associated with that. So there was a shuffle of the money and properties. As a result, we ended up with a 50-acre civic site where the employment center was, and we located the regional park, another 50 acres, there, that matches 50 acres of regional park and 50 acres of civic in the Wilson Groves parcel, which is immediately to our west. The City will have a total of 100 acres of regional park and 100 acres of civic. As part of that change as Southern Grove was going through their substantial deviation to add a lot of commercial, we looked at where we had our mixed use, which was a shared parcel between us

and Wilson Groves, and decided to move that down to south of Becker. We have a strip that runs on the north side of Becker, and the rest of the mixed use runs south of Becker. That mixed use category will accommodate the regional park, the civic center, and a high school that wants to be located next to the park for an opportunity of shared facilities. With all of those uses, and from the very beginning of the project plan, our heaviest density product was always planned to be in the southern Becker corridor. It just seemed fit to move that to a mixed-use category, because all of those elements will work very well together. Other than that, there were just a couple of minor text changes. This is mostly to accommodate the third amendment."

Mr. Sanders said, "All of the DRI's in the Southwest Annexation have accommodated all the school sites. It was very well orchestrated by the City to look at this as an integrated development. Kennedy Homes drew the short straw. They got the high school site. We are excited about the collocation of the high school with the regional park and civic center. We do have a lot of opportunities there." Chair Parks asked if this would possibly join in with the CRA. Mr. Holbrook replied, "At the moment no. It has not been proposed by the City, and I don't believe there has been any request."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Vice Chair Rooksberry **moved** to recommend approval of P11-098. Mr. Gardner **seconded** the motion, which **passed unanimously** by roll call vote.

D. P12-003 CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE - ZONING TEXT AMENDMENT

Ms. Huntress stated, "The City of Port St. Lucie is proposing to amend Chapters 155.03(G)(1)(B), Fees, 155.05(N), Prohibited Signs, and 155.07, Regulations for Temporary Signs or Special Events Requiring Permits, of the Sign Code of the City of Port St. Lucie Land Development Regulations to allow and regulate temporary banners on commercial businesses. On January 24, 2011, the City Council unanimously approved a motion to allow one banner per business to meet all City Code requirements until January 6, 2012. On December 12, 2011, the City received a request from the St. Lucie County Chamber of Commerce to modify Chapter 158.225(A)(1), Outdoor Sales and Special Events, of the City of Port St. Lucie Land Development Regulations in the Zoning Code to allow special events for seven days, no more than four times per year, and that those seven days be consecutive. Currently the Code allows special events two times per year. The City Council unanimously approved this request on January 9,

2012. On January 26, 2012, at the request of the Mayor, the Planning and Zoning Department set up a meeting with City staff and local businesses to discuss signage and banners. It was determined that the appropriate changes to the Code to allow and regulate temporary banners on commercial businesses would be to the Sign Code as opposed to the Zoning Code."

Ms. Huntress continued, "City staff has met to review the proposal from the Chamber of Commerce and has drafted language to meet the intent of their request. This proposed language provides for three opportunities per year to display temporary banners. It is also proposed that a temporary banner be permitted for new businesses at no fee for a 30-day period, and a temporary banner be permitted during the holiday season from November 11 to January 2. The amendment to Chapter 155.03(G)(1)(B), Fees, is proposed to add an application fee of \$50 for temporary banners, or if the application is made on line, the fee is proposed to be \$25. The amendment to Chapter 155.05(N), Prohibited Signs, is proposing to add the two section numbers of the Code that we are adding to allow banners. The amendment to Chapter 155.07, Regulations for Temporary Signs or Special Events Requiring Permits, is proposing to add the following language: (F) Temporary Banners. A business that has a current business tax receipt and approved zoning compliance may have a temporary banner no more than three times per year upon application and approval, provided that each time shall not exceed seven consecutive days. The three times, seven day period may be successive but not exceed a total of 21 days per calendar year. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each business is permitted to have one banner, professionally created and maintained, and not to exceed 32 square feet in area during the approved time. In addition, a temporary banner shall be permitted during the holiday season from November 11 to January 2, when they met the above criteria. (G) New Businesses, Just Opened Temporary Banners. A new business may display a temporary banner to show that their business has just opened. Such banners will be permitted for a 30-day period from the date of the new business opening. The banner shall only be permitted on the principal structure or property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each new business is permitted to have one banner professionally created and maintained, and not to exceed 32 square feet in area during the approved time."

Ms. Huntress said, "The Planning and Zoning staff finds the request to be consistent with the direction and intent of the

City's policies of the Comprehensive Plan and recommends approval."

Mr. Battle asked for clarification of the term roof and whether a banner can be put on a parapet. Mr. Holbrook replied, "We have a definition of roof. Depending on the type of roof structure, that would define whether or not it would be permitted." Mr. Battle asked, "On a commercial building with a parapet, if you have a new business, can you put the temporary banner on the parapet?" Mr. Holbrook answered, "Without a diagram, I would say yes, but we may have exceptions. The idea is that you have it on the horizontal structure." Chair Parks asked if the banners can be left up 24 hours a day. Ms. Huntress replied, "The intent is that they can be up 24 hours." Mr. Gardner asked who would be policing the signs and banners. Ms. Huntress replied, "There will have to be a permit for it. We haven't worked out the details of whether that will be on the sign. The garage sale signs have the permit on the back of the sign. They may have to have the permit in hand for the banners. Code Enforcement will police this." Mr. Holbrook noted, "The application will be processed through the Business Tax Division of the Building Department. The idea is that we'll have a database of who can have those banners, so that as Code goes out they can refer to that." Mr. Gardner said, "When you go down Port St. Lucie Boulevard you see signs strapped to bushes or on poles. Is that permitted or does it literally have to be on the building?" Ms. Huntress said, "That's what we're trying to get rid of. That's why we said on the principal structure." Mr. Blazak said, "The holiday period is about 50 days. Is that in addition to the other three consecutive periods?" Ms. Huntress replied in the affirmative. Mr. Garrett said, "In our packet is a St. Lucie County Chamber letter requesting four times per year. I assume that the holiday time was in response to adding a fourth time period." Ms. Huntress answered, "The staff felt that it was good to add something for the holiday season." Mr. Garrett clarified, "If they get a permit it is in their best interest to maximize it for seven days, because if they only use it for two days, it still counts as one of their times."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Ms. Booker advised, "I would like to add a change to Paragraph F. A sentence should be added for clarification on the 21 days and the temporary seasonal item, to read 'said banners for the period of November 11 to January 2 shall not count as part of the aforementioned 21-day limit.'" Chair Parks said, "I hope this will be a solution to all the problems that everyone has had with the banners." Mr. Blazak commented, "I would like to compliment the staff and everyone who worked on this. When we had banners up

for a year you could watch the evolution from a couple of stakes to banners tied to 4x4's with lights and an extension cord. It was pretty ugly. I hope this resolves that." Mr. Sanders asked, "Since the new businesses are applying for a license, is this something automatic or do they have to apply specifically?" Mr. Holbrook answered, "When a business applies to pay their business tax, it has not been determined as to whether this is automatic or not. It could easily be handled by the administration." Mr. Sanders observed that it would be a nice bonus for a new business.

Mr. Gardner **moved** to recommend approval for P12-003, with the addition recommended by Ms. Booker. Mr. Blazak **seconded** the motion, which **passed unanimously** by voice vote.

E. P12-008 RITEWAY LINEN SERVICE, LLC - ZONING TEXT AMENDMENT

Mr. Finizio stated, "This is a zoning text amendment by Joseph T. Friscia, Friscia Engineering, acting as agent for Riteway Linen Services, LLC, to allow commercial laundry facilities in the Industrial Zoning District. Section 158.136, Industrial Zoning District, of the City's Zoning Code does not permit laundries as a permitted or special exception use. Laundries or dry cleaning facilities are only permitted in the Service Commercial Zoning District, while laundromats are permitted in General Commercial. The City's Zoning Code does not define commercial laundry facilities. Therefore, we are proposing to include the following definition: 'Commercial Laundry Facility. A facility primarily engaged in laundering of items including uniforms, gowns, and coats of the type used by doctors, nurses, barbers, beauticians, and waitresses; and table linens, bed linens, towels and toweling, and similar items for commercial establishments.' The addition of commercial laundry facilities in the Industrial Zoning District will allow more flexibility. There is no dry cleaning being proposed in these facilities. Therefore, dry cleaning will still be restricted to the Service Commercial Zoning District. The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the policies of the City's Comprehensive Plan and recommends approval."

Mr. Blazak asked, "Is this strictly commercial by contract and not open to the public, so that there would not be additional traffic?" Mr. Finizio said, "That is correct."

Joseph T. Friscia, Friscia Engineering, said, "When the Zoning Codes are written it's impossible to foresee every situation. Commercial laundries seem to be overlooked. Riteway does the

linen service for Club Med and hotels, and they are a growing business. They found a bigger piece of property and asked me about the zoning. I was surprised to see that it was not okay. It wasn't specific to that use. I didn't see a problem. It seems consistent to everything in Industrial areas, so I thought it appropriate to add this to the category." Chair Parks asked why the category doesn't list laundry facilities and dry cleaning. Mr. Holbrook replied, "The applicant's request was only for laundry. Because of the City's concerns we added the definition."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Garrett asked, "Is there a need to clarify that this excludes dry cleaning? It doesn't state how the items are laundered." Mr. Holbrook answered, "Since the use is already called out within the Zoning Code and it is not tied specifically to this use, I feel this is sufficient. The board may add it as a condition. A dry cleaning business would have to find the appropriate zoning and then make application. One thing we look at with use is whether it is defined within the City's Zoning Code. Dry cleaning is, so we would direct people to those districts." Mr. Blazak **moved** to recommend approval of P12-008. Mr. Battle **seconded** the motion, which **passed unanimously** by voice vote.

F. P12-010 SANDPIPER PETROLEUM - SPECIAL EXCEPTION USE

Mr. Finizio said, "This is a special exception use application from Sandpiper Petroleum, LLC. The property is located at 2780 SE Morningside Boulevard, on the north side of Morningside, just west of Westmoreland. The site is approximately 0.64 acres in size. The existing zoning is General Commercial. The requested special exception is to allow an automobile repair facility to operate in the General Commercial Zoning District. This is an older site and there are concerns that need to be addressed, in particular traffic movement. The site was originally designed with two access points onto Morningside. These points act in concert to create two one-way driveways. To ensure safe traffic flow, do not enter signs, stop signs, stop bars, and right turn only signs will need to be installed. The signage will become even more important once the service station becomes operational."

Mr. Finizio continued, "Section 158.221(C)(1), Amount of Off Street Parking Required, requires three parking spaces per service bay. The current building has three service bays, which would require at least nine parking spaces. The site does appear to have the space for these parking spaces. However, there are not striped parking spaces. The striping for the required spaces

shall be completed in accordance with Section 158.221. Except for a six foot berm running along the north and west property lines, the site is devoid of any landscaping. It does not provide the required screening or buffering. There is an approved Landscape Plan associated with the last approved Site Plan. To provide the necessary buffering and screening, the required landscaping will need to be installed. I was informed this morning that I didn't include the Landscape Plan in my staff report, so I have copies for the board. That will be included in the staff report for City Council."

Mr. Finizio said, "The proposed special exception use for automobile repair is permitted as defined by Section 158.124(C)(11) and will conform to all provisions of the City's Land Development Regulations. An auto repair facility has existed on this site for a number of years. Staff believes that re-establishing this use will not have undue influence on the welfare of the neighborhood, and that by conforming to all City Codes the facility will not constitute a nuisance or hazard for anyone using the site. This project is located in a commercial area of the City, and the adjacent uses are compatible with the requested special exception use. Once all conditions are addressed the application will be compatible with the zoning requirements for a special exception use in the General Commercial Zoning District. The Planning and Zoning Department staff finds the request to be consistent with special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval with conditions as follows:

1. The striping for the required parking spaces shall be completed in accordance with Section 158.221, Off Street Parking and Lighting; Handicap Parking Spaces.
2. All landscaping as it appears on the last approved Landscape Plan shall be installed within 60 days of approval.
3. The site is inspected by the City's Utility Department to ensure that a grease interceptor has been installed on site, which the Department does require."

Mr. Finizio noted, "This property has never been properly subdivided. Therefore, prior to any changes to the existing Site Plan if any are proposed, a subdivision application will need to be completed to legally subdivide the property. There is one letter of objection to this project, and it was included in the staff report."

Chair Parks asked, "Does the Landscape Plan meet Condition 2 in the staff recommendation?" Mr. Finizio replied in the affirmative. Chair Parks asked if that cancels the condition.

Mr. Finizio explained, "That is the plan they can use. There was a Site Plan submitted in 2007, which was approved. Part of that has expired because it was never implemented. This is the original Landscape Plan that was approved." Chair Parks asked about the signs. Mr. Finizio explained, "I didn't make those a condition of approval, because the signs were on the Site Plan that has expired." Mr. Garrett said, "I assume the Landscape Plan was approved previously with the Site Plan that subsequently expired. Do you know if the Landscape Plan is compatible with today's Codes?" Mr. Finizio answered, "I did not review it for that. It should be fine." Mr. Garrett suggested, "Perhaps the condition could be amended to make sure it's compatible with today's Codes."

NORMAN ZLINKOFF, managing member of Sandpiper Petroleum, LLC, said, "There are no homes adjacent to the property. There will be a tiny bit of noise, because mostly everything is done within the bays. One thing appears to be a technicality. I'm looking for a special exception use because going back to 1972 this was an auto repair place. After the hurricane of 2004, that may have changed. But the previous owner, John Picano, who lost this through a mortgage foreclosure, was doing repairs there. Really this is just being what it always was. There is no change. There is very little grass area there, except on the road easement. I don't think you want plantings on the road easement. If you will show me the Landscape Plan, I feel confident that I can comply." Chair Parks asked Mr. Finizio to make sure Mr. Zlinkoff has all the information.

Chair Parks opened the Public Hearing.

JOSEPH VISCONTI said, "I'm the developer who took over Tesoro Preserve about two years ago and took over the development rights. I am also a homeowner within the project. We're turning the place around. We own the 7.5 acres that directly surround the gas station. We have a lot of mixed use plans on the drawing board. This site is completely unsafe. They are operating now; there are cars being worked on out of the bays on blocks in front of the station. It's very noisy. I think we're dealing with an environmental issue. There is no way to get in and out safely. There are houses within 100 feet of it. There is also a children's center on the corner within 150 feet. I urge you to vote against this." Chair Parks asked, "Do you own the property that is Tract A, Plat 4?" Mr. Visconti replied in the affirmative. Chair Parks asked if there is a wetland. Mr. Visconti replied, "There are uplands and wetlands throughout the community. There is a wetland further down Morningside."

DEBBIE HASS said, "I'm the property manager for Tesoro Preserve Development. The main selling point of our property is the natural preserved state of the development. It's possible that we may develop Tract A as residential. It does back up to our wetland preserves. We would like to keep it in the state it's in now. The change isn't consistent with the current zoning of the neighborhood. Noise, fumes, and lighting resulting from the change would affect our ability to use the property as we have envisioned it. This is a residential neighborhood, not a commercial or industrial area. We object to granting of this special exception use."

There being no further comments, Chair Parks closed the Public Hearing. Mr. Gardner said, "I completely understand where the last two people who spoke are coming from. They're trying to preserve the integrity of the neighborhood. I do want to point out that the service station has been there since 1972, far before Tesoro was. There is a happy medium. The station could be brought up to today's standards. Since it was existing, they stake their claim first." Mr. Garrett asked if the applicant has had any outreach to the adjacent property owners' association. Mr. Zlinkoff said, "I didn't hear the question, but I will say that we have kept our City licenses up. I don't know the people in Tesoro. The houses are a long way from Morningside. The people in the old neighborhood want to know when we're going to pump gas. We had the tank calibration tested and it was fine. There was too much water in the gas, so we haven't been pumping." Mr. Visconti said, "There has been no outreach from the applicant. I found out about this by the notice in the mail."

Mr. Garrett said, "If I understand correctly, the only use they're permitted for currently is the gas station use. A convenience store is also not permitted currently." Mr. Finizio said, "They received a special exception use for that, but it expired after a year." Mr. Blazak asked about the parcel. Mr. Finizio explained, "It wasn't properly subdivided. Prior to any Site Plans coming in, a subdivision plat would have to be submitted. They don't need a Site Plan to open the auto repair facility. If they want to make changes to the site, then yes." Mr. Blazak asked, "Is this a valid piece of property to approve a special exception for?" Mr. Finizio replied in the affirmative.

Mr. Holbrook said, "With that note the staff report is putting the property owner on notice that they are not in compliance with the Subdivision Code. This application can be considered by this board and the City Council." Chair Parks said, "There are open bays and things being stored outside. Is there any thought

to fencing along the east side?" Mr. Finizio said, "The idea of a fence would have to come from the owner; it's not required. Outdoor storage is not permitted. Working on cars outside wouldn't be approved. It is a Code Enforcement issue." Vice Chair Rooksberry asked if they have accepted the staff recommendations. Mr. Finizio said that he has not spoken with them since they submitted the application. (Clerk's Note: Mr. Finizio had a discussion with Mr. Zlinkoff which couldn't be heard.) Vice Chair Rooksberry continued, "The landscaping would help the appearance." Mr. Finizio said, "The answer is yes. He said he didn't receive a copy of the staff report. I gave him a copy." Vice Chair Rooksberry observed, "Accepting and doing are two different things. What happens if the landscaping isn't done?" Mr. Finizio answered, "I'm holding off on approving a zoning compliance based on his business tax application. If the work isn't done, it doesn't receive approval and cannot operate legally." Mr. Holbrook added, "If the business continues to operate without meeting the conditions of approval we will forward that to Code Enforcement, which will go to the Special Magistrate. The City does have mechanisms to address the concerns. I want to address some other items. Open storage is not permitted in this Zoning District. If there are items that qualify as open storage, those will need to be stored appropriately. They can have cars parked on site, providing there are parking spaces. Part of the nature of the businesses that have been approved is to have vehicles coming in and out of the facility. One reason we noted the landscaping is that it is not current according to the approved plans and needs to be brought up to that standard. It would provide an additional buffer, addressing issues of compatibility and visibility. Parking could be encouraged to the north or rear of the property. Concerns have been addressed by residents about having the use on site. There are things the board can consider if you want to go above and beyond. We are looking at this in the same way we have looked at other special exception uses on older facilities. We are trying to be consistent in our approach."

Mr. Garrett asked if there are any currently approved plans for the adjacent property that is not owned by this applicant. Mr. Holbrook responded, "Not to my recollection. I would call your attention to the future land use and the zoning maps, which don't include any residential component." Mr. Martin asked, "Is there another scenario? Can we decline to send this to Council with our approval, so that some of the issues can be worked out? It doesn't make sense. We have a business that is illegal. It's not supposed to be happening. They have come before us to ask for legal status. Is there any way you can stop the process, table it, have them come into compliance, and then reconsider the SEU?" Mr. Holbrook answered, "The board may do that. If you

table this item and say you want a condition addressed, I would say that the applicant has made an application for you to consider. Is this use appropriate here? Obviously, they don't have the legal right to operate, and they don't have the approvals. I would suggest that as far as the application you approve it, approve it with conditions, or denied, so that they know that they can or cannot legally operate the business. They have asked the City to consider them. I think it is appropriate for the board to consider and let it go to City Council, unless you find that there is something you need. When we have Code Enforcement cases, it is asked whether they are taking steps to address the matter. They are, and this application is a part of that." Mr. Martin asked, "Do they have a Code case against them?" Mr. Holbrook answered, "I don't know that that is the case." Mr. Finizio answered, "I don't believe so. This came about because of a business tax application being submitted to us. I never heard from Code Enforcement on this issue. I can check on that." Mr. Martin said, "I agree with Mr. Gardner. This gas station isn't going to affect the prosperity of the other project. I do have a problem. There was total disregard. There wasn't a substantial answer to any question. Every single answer was, 'Same as 1972.' There was no effort to do this in good faith. He has a right to do this through the SEU process. The City also has a right to enforce the Code. I would not agree to an SEU until this is cleaned up." Vice Chair Rooksberry noted, "This has been before us before. We've gone through numerous times with the same property." Mr. Garrett said, "I have some reservations. I believe this board has asked applicants to reach out to the surrounding neighbors in good faith and engage in a dialog to at least attempt to address their concerns. I'm not sure whether they have. Mr. Visconti says there was no effort. I agree that it has been in a similar use for many years. It can currently operate as a gas station, but I think there are some aesthetic landscape issues that may alleviate some of the neighbor's concerns. I'd like to see this again. I'd be of the mindset to table this."

Mr. Blazak said, "I agree. While this has been there since 1972, it's become a stark eyesore lately. On the City's behalf, we need to make sure it doesn't come back a fourth time. We need to see some commitment, may be with the landscaping and striping done, and an inspection of some sort. We don't even know what the pavement surfaces look like. I don't know if the tanks have been upgraded to DEP standards in effect last December. There has to be an effort before we can approve this exception, or it's just going to continue on. Members of this board have had several years of excuses as to why it isn't done. We are even agreeable to use the approved Site Plan, so the current owner doesn't have to go through the expense of a new one." Mr.

Gardner said, "I'd like to table this until the applicant can clean up the request. I **move** to table P12-010, Sandpiper Petroleum SEU." Mr. Blazak **seconded** the motion, which **passed unanimously** by roll call vote.

G. P12-019 JOHN S. AND MARLENE A. CAIRNS - SPECIAL EXCEPTION USE

Ms. Kuruvilla stated, "This is a special exception use application. The owners are John S. and Marlene A. Cairns. The property is located at 1981 SE Port St. Lucie Boulevard, north of Port St. Lucie Boulevard, east of Gena Road, and west of US 1. The legal description is Lots 1 and 2, Block 115, Port St. Lucie Unit 4. The size of the site is 0.8 acres. There is an office building on this property. The existing zoning is P (Professional). The requested special exception is to allow an enclosed assembly area for a 1,617 square foot yoga studio in the Professional Zoning District. If you look at the definition of enclosed assembly area, you can see that a yoga studio will fall under this category. The proposed location is in a 7,020 square foot office building. The access to this property is from Gena Road and is adequate to handle the traffic generated by the proposed studio. The original Site Plan was approved for Building 1 on Lot 1. The Site Plan Review Committee reviewed the latest Site Plan for Gena Road Lot 2 Development for the existing office building on Lot 1, with the addition of the existing 2,472 square foot residential building on Lot 2. Exhibit A is the latest Site Plan. The Fire District and the Engineering Department also reviewed this project and recommended approval with comments to renovate the house into a professional/office building and the provision of additional parking. The Site Plan was approved by City Council on September 26, 2011. It is understood from the Engineering Department that they haven't pulled an Engineering Permit for a cross-access connection and parking layout as shown on the approved Site Plan. A yoga studio should be considered as an indoor group-oriented training facility; the required parking is eight spaces at the ratio of one space for each 200 square feet of the gross floor area. Upon researching the businesses at this location, the insurance agency occupies two or three bays and the rest are vacant. The permitted trees are in good condition on Lot 1. A Landscape Plan combining Lots 1 and 2 was approved with the new Site Plan and has to be inspected by the staff prior to issuance of the Certificate of Occupancy and Commercial Tenant Improvement Permit. The proposed use will not require any additional yard or open space or changes to the existing open space. All activities will take place indoors. As per Section 158.122 (C) of the Zoning Code, a yoga studio is considered a recreation use and is not a permitted use now. At the direction

of City Council, a Zoning Text Amendment to add enclosed assembly area to the list of special exception uses in the Professional Zoning District is in process. This item was recommended for approval by this board on February 7, 2012. The second reading of the ordinance will be on March 12, 2012. As per the definition of enclosed assembly area, the yoga studio will be reviewed as a special exception use in the Professional Zoning District. A notice has been sent to all property owners within a 300 foot radius. The Planning and Zoning Department staff finds the request to be consistent with the special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval."

TONYA BLEWETT said, "I am the owner of the yoga studio. I am here to answer any questions you may have. This process has been enlightening for me. We will educate people on what yoga really is. I'm excited to bring this to the community." Mr. Battle asked about the hours of operation. Ms. Blewett replied, "There are three classes per day at about one hour and fifteen minutes per class. The doors are only open about four hours a day. Our first class is from 7 to 8 in the morning. There is another from 9 to 10:15, and then one from 6 to 7:15 in the evening. Between those times the doors are locked."

Mr. Garrett said, "For the existing parking at the entire site I count 28 spaces on the Site Plan." Ms. Kuruvilla said, "The Site Plan is a combination of Lots 1 and 2. The original Site Plan has 35 parking spaces. This has 52." Mr. Garrett asked how many parking spaces exist. Ms. Kuruvilla replied that there are 35. Mr. Garrett asked whether Lot 2 parking is paved, because it is proposed asphalt. Ms. Kuruvilla noted, "They have opened a cross access, and maybe they lost some parking there." Mr. Garrett said, "On Exhibit A I come up with 28 existing spaces. I understand the cross access. If the yoga is approved and the full building of 7,020 square feet is used, is there adequate parking? I think your staff report noted a couple of vacant bays. If it was in full use, would there be adequate parking on the site to meet Code requirements today?" Ms. Kuruvilla replied in the affirmative. Mr. Garrett asked if the Lot 2 parking has to be paved at any time. Mr. Holbrook replied, "They don't have to further develop Lot 2. They have plans to when the time comes. There is sufficient parking on site currently. The aerial shows you current conditions. Lot 1 holds the existing off-street parking."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Garrett **moved** to approve P12-019, John S. and Marlene A. Cairns, Special

Exception Use. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

8. DISCUSSION ITEMS/NEW BUSINESS

A. DETERMINATION OF EXCUSED ABSENCE

Chair Parks advised that there were no absences.

B. BOARD VACANCIES

Mr. Holbrook advised, "On the City's website the unpaid volunteer vacancies for the board are posted. There are two positions at large. We will bring applications forward hopefully at the April meeting."

C. BOARD ELECTIONS

Mr. Holbrook said, "The annual board election of officers will be at the April meeting."

9. OLD BUSINESS

A. COMPREHENSIVE PLAN AMENDMENT UPDATE

Mr. Holbrook said, "For the Comprehensive Plan amendment update for the EAR based amendments, we are looking to schedule a special meeting in April. As soon as we have that date available we will post it on the city's calendar and as otherwise required."

B. RETIRING MEMBERS

Chair Parks said, "This is a special day for the City of Port St. Lucie and especially for the Planning Board. Two members are going on into the future, and we hope they carry fond memories. We appreciate the effort, hard work, studying, and time they have put forth. Mr. Rooksberry is a retired educator and has served on the board for eight years." Vice Chair Rooksberry said, "I was also on Site Plan Review for two and a half years. Our little packets are nothing today. We used to have boxes full. Everybody is new since I've been here. We were here on Mondays, some days until after 7 p.m. Eight years have gone by so quickly. I've learned a lot and enjoyed the company of so many people. It's been my pleasure. Mr. Holbrook and Ms. Booker, thank you for everything."

Chair Parks said, "I also want to thank Mr. Gardner, who has been with us for four years. We appreciate his service." Mr.

Gardner said, "I want to thank the board and the City for allowing me to volunteer on the board. It's been a humbling experience. It's given me insight into the way the City works. Thank you."

Chair Parks said, "We also welcome Mr. Steve Garrett, who has gone through his first meeting."

ADJOURN

There being no further business, the meeting adjourned at 4:40 p.m.

William Blazak, Secretary

Margie L. Wilson, Deputy City Clerk