City of Port St.Lucie

121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984

Planning and Zoning Board

Meeting Minutes - Final

Deborah Beutel, Chair, Term 2 Expires 6/21/25
Melissa Stephenson, Vice Chair, Term 1 Expires 4/1/22
Alfreda Wooten, Secretary, Term 1 Expires 5/28/23
Peter Previte, At-Large, Term 1 Expires 7/12/25
Joseph Piechocki, At-Large, Term 1 Expires 7/12/25
Roberta Briney, At-Large, Term 1 Expires 7/12/25
Carol Taylor-Moore, At-Large, Term 1 Expires 9/27/25

Please visit www.cityofpsl.com/tv for new public comment options.

Tuesday, January 4, 2022 | **6:00 PM** | **Council Chambers, City Hall**

Addition of Item 8H

1. Meeting Called to Order

A Regular Meeting of the Planning and Zoning Board of the City of Port St. Lucie was called to order by Chair Beutel at approximately 6:09 PM on January 4, 2022, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St Lucie, Florida.

2. Roll Call

Members Present:
Deborah Beutel, Chair (via Zoom)
Melissa Stephenson, Vice Chair (via Zoom)
Alfreda Wooten, Secretary
Peter Previte, At-Large
Joseph Piechocki, At-Large
Roberta Briney, At-Large (via Zoom)
Carol Taylor-Moore, At-Large

Others Present:
Teresa Lamar-Sarno, Deputy City Manager
Marty Sanders, Executive Director of Facilities, Maintenance and Growth Management at the School Board of St. Lucie County
Elizabeth Hertz, Deputy City Attorney
Traci Mehl, Deputy City Clerk
Jasmin De Freese, Deputy City Clerk

3. Determination of a Quorum

Teresa Lamar-Sarno, Deputy City Manager, indicated there was a quorum.

4. Pledge of Allegiance

Chair Beutel led the assembly in the Pledge of Allegiance.

5. Approval of Minutes

5.a Approval of Minutes - December 7, 2021 **2022-019**

There being no corrections, Secretary Wooten moved to approve the minutes for December 7, 2021. Board Member Piechocki seconded the motion, which passed unanimously by roll call vote.

6. Consent Agenda

6.a P21-220 LTC Ranch West Pod 6A - Preliminary Plat with Construction Plans. **2021-1088**

There being no discussion, Vice Chair Stephenson moved to approve Consent Agenda item 6.a, P21-220 LTC Ranch West Pod 6A - Preliminary Plat with Construction Plans. Secretary Wooten seconded the motion, which passed unanimously by roll call vote.

7. Public Hearings - Non Quasi-Judicial

7.a P21-098 - Chapter 158, Section(s) 158.221 & 158.222 (Driveway Standards) Text Amendment **2021-1099**

A City initiated text amendment to Chapter 158 - Zoning Code, Section(s) 158.221 & 158.222 of the Code of Ordinances.

Bethany Grubbs with the Planning Department presented a PowerPoint presentation on Chapter 158, Section(s) 158.221 & 158.222 (Driveway Standards) City Initiated Text Amendment, P21-098. She explained the request and stated it is only applicable to single family residential lots; does not include commercial or industrial development; will require circular driveway designs for residential lots located on streets with two or more lanes, such as Airoso or Becker; will increase the width for driveways; and will allow secondary driveways for recreational vehicles to pull into the side yards. She showed the Board a list of designated streets in Port St. Lucie that are two lanes or more. She also reviewed the driveway width increases and the secondary driveway allowance. Ms. Grubbs indicated staff recommends approval of the proposed Text Amendment.

Chair Beutel opened Public to be Heard. There being no comments from the public, she closed Public to be Heard.

There being no discussion, Board Member Piechocki moved to recommend approval of P21-098 - Chapter 158, Section(s) 158.221 & 158.222 (Driveway Standards) Text Amendment. Board Member Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

7.b P21-202 Becker Road Overlay District Design Standards Amendment No. 2 **2022-013**

This amendment to the Becker Road Overlay District (BROD) Design Standards focuses on properties located at the corners of SW Becker Road and SW Port St. Lucie Boulevard and other areas located within the BROD to a lesser extent.

Holly Price, Senior Planner, presented a PowerPoint presentation on the Becker Road Overly District (BROD) Design Standards Amendment No. 2, P21-202. She showed the Board the location of the Becker Road Overlay District, which is between I-95 and the Florida Turnpike, including the subdistricts. She stated the request for this application is to update the BROD standards to allow for fueling stations and buildings with drive-through windows in the Activity Center subdistrict, as well as to make some other changes. She discussed the potential for the Gateway to the City, as all four corners are currently undeveloped. She stated that over the last eight months the Planning Department has received preliminary proposals for gas stations and convenience stores from 7-Eleven, WaWa, and RaceTrac for these corners, and other proposals for quick-service restaurants with drive-throughs have been presented. She noted that the BROD Design Standards do not allow gas stations or buildings with drive-throughs, except for banks.

At this time, Planner Price introduced Michael Huston, Consultant with Civic Plan Studio, who will review some of the other plans they developed for the site and why they made some of the choices being proposed.

Planner Price stated that staff presented three concept plans to the City Council at the November 15, 2021, meeting and they selected Concept #2. She said this concept maintained some of the neo-traditional character of the original BROD Design Standards, while allowing limited use of fueling stations and buildings with drive-throughs. She reviewed the changes the City Council requested to Concept #2 and showed the Board a site plan with a legend indicating the various uses and conversion areas as well as a conceptual plan of how it can be developed. Planner Price also reviewed and discussed the Vision

Statement, frontage landscape buffers, corner plazas, building and parking locations, and retention ponds. She outlined and spoke to the proposed changes and staff's recommendation. She presented the Board with some comparison sites from Palm Beach and Jupiter as well as some undesirable building types that included gas stations, quick service, and a shopping center. Planner Price also showed the proposed conceptual plans from developers.

Planner Price stated staff recommends that the Board recommend approval to the City Council with the following conditions for the convenience stores and fueling stations: landscape requirements for the perimeter lots be revised to reduce the opaque buffer from 90% to 70% or to reduce or lessen it a bit, but still maintain a buffer; and exclude the opaque landscape buffer for convenience stores where there are windows or a customer entrance, so the building may be seen.

Board Member Piechocki asked for the rationale for the reduction of parking spaces. Planner Price explained that staff has found a lot of extra parking for the larger uses and feels they can reduce it and still be functional. Board Member Piechocki inquired if this would set a new precedent for similar developments within the City, to which Planner Price stated it might and is something they have discussed for a long time in doing other properties. Deputy City Manager Lamar-Sarno added that it was also City Council direction to look at reducing the parking in this particular area while looking at parking throughout the entire City.

Board Member Piechocki asked for the definition of a conversion area, in the context of this presentation. Planner Price explained the conversion areas along Port St. Lucie Boulevard, Becker Road, and others were first laid out as single family residential lots. She said in order to develop these lots, the City developed a conversion area manual in the 1980's, which requires they assimilate a minimum number of parcels. She stated they do not want the little residential lots developed into little commercial properties, as they want commercial properties of substantial size.

Regarding City Council's directive to study parking in the future, Board Member Piechocki assumed that aligned with the stores saying it is now more drive-through and work at home. Deputy City Manager Lamar-Sarno stated she could not speak for the City Council, as they

provided the directive without any level of detail. She explained the trend is to get rid of minimum parking standards, which has been the standard operating procedure throughout the United States.

Planner Price stated that most are a 10% reduction, to which Board Member Piechocki said he raised the question because Ms. Price had said 23%. Planner Price said 25% was for the out-parcel restaurant, from 75 to 100, which is probably the largest. She stated the buildings over 30,000 square feet are reduced about 10%. She explained they did not touch the smaller buildings under 30,000 square feet, because it is best they leave them at this time. She said they definitely have excess parking for the larger buildings.

Board Member Previte asked how staff monitors for 70% opaqueness. Planner Price stated she would consider another way to measure it, as the landscape architects have differing opinions on growth. She said she thinks 90% is too high, as it could be a distraction and they want to see around it.

Board Member Previte inquired if the developers would want the landscape requirement to be as little as possible. Planner Price stated she believed most developers would not prefer the landscape buffer and would want the canopy to be very visible.

Board Member Previte asked if there were four developers for the four different locations. Planner Price stated there are different developers for the different lots and some have not had any proposed development for them. She noted RaceTrac pulled out when they were told gas stations were not permitted.

Board Member Previte stated, if the City has a restriction on the number of gas stations, it would preclude someone from getting a gas station. Planner Price explained the first developer to get in would get that location. She said if the NW corner came in first, someone on the SW corner, like WaWa, would have to get a variance.

Board Member Taylor-Moore stated she was curious about the parking spots included by the gas pumps. She asked if that was standard or something that has been done before. Planner Price stated they have done it before, but it has never been codified. She suggested they codify it, so everyone is clear. She indicated there is an overall trend to reduce excessive asphalt, as it reduces heat gain and allows the site to

be developed for other things.

Marty Sanders, Executive Director of Facilities, Maintenance and Growth Management at the School Board of St. Lucie County, stated the staff has done some nice work, as the building has better street presence and is more visually appealing. He said some of the landscape adjustments that have been made were complaints by some business owners for years, as their buildings are hidden and they cannot sell anything. He stated by getting a better presence and reducing some of the landscaping, but keeping enough to make it a pretty, is very important.

Mr. Sanders reminded the Board that several projects have brought independent studies forward that have reduced the parking requirements. He said historically the minimum rates have worked well at Christmas when the lots are full, but other times they are not full and they do not want to over park. He stated the developers know what works for them. He said if staff sets the bar too low, the developers will specify the number of spaces they need.

Michael Huston with Civic Plan Studio, spoke via Zoom and reviewed the process he went through with the City to arrive at a final plan. He commended the City on undertaking this study to steer development in the right direction, making adjustments to its Code, and realizing some things need to be fixed. He showed the Board the study area and the three hand drawn plans done before the final plan. He discussed and explained the idea of frontage build-out and showed the Board three different scenarios going from 70% to 30%. He said their final scenario after getting input from the Council and staff, ended up being more like Scenario #2, but a bit like Scenario #3 as well. He stated the compromise leaned more towards the second scenario. He showed the Board the Final Scenario and reviewed the details for the pedestrian access to the buildings, gas stations, shared stormwater, and the A and B Streets as well as the different quadrants, including potential uses, accesses, and connections. He also discussed the visibility issue regarding opacity.

Chair Beutel stated Mr. Huston showed two drastic designs of buffering. She agreed if the building is not visible, they are not going to sell their goods. She asked, with the beautiful design standards already in place, how to reword it so it benefits both the City and the business. Mr. Huston explained that standard came out of a

conversation with the Council and at the time they did not have the visual aids to have an in depth discussion. He said he agreed they want to see some of the buildings, and that may need to be discussed with staff and City Council in more detail. He recommended using the photos of PGA Boulevard that Ms. Price showed as a guide, as those were not 90% opacity and look very nice.

Chair Beutel asked for Mr. Huston's recommendation on the parking. Mr. Huston stated that Civic Plan Studio are general advocates of reducing parking requirements. He said they feel the business owners know better than anyone else how much parking they need. He stated cities on the more progressive planning end are eliminating all of their minimum parking standards and some of them now have maximum parking standards. He said the reduction was not substantial, so he is very comfortable with what was proposed. He stated they still allow developers to exceed that if they need to, so he would definitely support that recommendation.

Chair Beutel opened Public to be Heard.

1. Marc Offitt, Braden Realty, spoke via Zoom and stated he started working on the NW corner of Becker in Port St. Lucie to initially identify a site for a gas station for 7-Eleven. He said they met with Planning and Zoning staff in September 2020 and learned that since the original PD had been approved ten years ago, the City had initiated an overlay district on the property, and at that time convenience stores were permissible but gas stations were not.

Mr. Offitt stated none of the four corners have been developed, because of demand and the extreme limitations of the overlay district. He said they began the process of working with Planning and Zoning and City Council to make some modifications and developed a plan incorporating a lot of their comments.

Mr. Offitt explained that he does not develop for sport, as he develops to serve a need of a community. He stated it was validated by a number of the Council members that there were some voids in this area, with gas being one of them. He said they have a signed lease with 7-Eleven with a site plan attached to it.

Mr. Offitt stated they met with the Council in November and presented, and the Council debated. He said, respectfully, some of what Ms. Price

presented is not accurate of what the Board had recommended to the staff to be drafted into an amendment. He stated they were told the amendment was going to be presented in December and it slipped to January. He said they got a copy of the draft this afternoon, so they did not have a chance to speak to the Planning staff. He stated they appreciate and adopt a lot of the philosophies that Mr. Huston, the City Council, and Planning have adopted, which is the belief to create a buffer that provides some opacity of the building, but also allows for visibility.

Mr. Offitt stated there was a strong belief that people would be walking from the neighborhood north to the shopping Center and there would be a lot in the residential shop area where the people could access it from the community. He said they do not believe many people are walking Becker Road and that is for discussion. He stated they were told to put their building up against Port St. Lucie Boulevard.

In closing, Mr. Offitt stated he enjoyed working in Port St. Lucie and hoped they could come to some mutual agreements on how they can responsibly develop the NW corner.

2. Dan Sorrow with Cotleur & Hearing indicated he would be making the same PowerPoint presentation he gave the City Council on November 5, 2021. He stated he and Mr. Offitt have been involved in this process for over 18 months and this first came about because gas is not allowed within the overlay district. He showed the closest sites are by the high school to the north and by Veranda Falls. He said District 3 does not have a gas station located within its vicinity.

Mr. Sorrow stated his team approached the staff to change these overlay districts, as they currently cannot have quick serve restaurants or gas stations. He said they came up with a site plan and got a lease signed with 7-Eleven. He explained these four corners are not developable and are vacant tracks, because the overlay district has build-to criteria and have a form based code that typical gas stations and pharmacies and other inline retail do not want to participate. He stated that some of the examples shown earlier on PGA Boulevard and in Jupiter have a different context that they develop in. He said those were proposed originally, because the developer asked to do Midtown and the other developments. He stated this particular site has always had the land use of and zoning for general commercial, but they could not develop it because of the overlay district. He said they applaud

staff for making some of the changes to the overlay district, which will allow gas, the convenience store, and some drive-through facilities.

Mr. Sorrow explained the first phase of the development shows a coordinated effort with staff and the overlay district requirements. He stated they would not have the building pulled up close to Port St. Lucie Boulevard if they were not trying to work with the guidelines. He said the difference between what was presented in some of the other examples versus this site, is the existing sidewalks along Becker Road and Port St. Lucie Boulevard.

Mr. Sorrow stated his team would like to get a recommendation to move forward to City Council with a few changes to the Code as presented by staff: have primary streets declassified, so they would not be 45 feet away from the sidewalk; pull the buildings closer to Port St. Lucie Boulevard and Becker Road, to make it more walkable and more urban; have a three foot buffer on the 120 foot canopy, as 7-Eleven has a 121 foot canopy; and use saw palmetto, as it is a wonderful shrub but it is banned within the overlay district. He indicated they are ready to move forward and submit a site plan on the drawing in front of them.

At this time, Deputy City Attorney Hertz read into the record the quasi-judicial script for those items under Section 8 of the Agenda and the Deputy City Clerk swore in those individuals who intended to speak on same.

Brad Currie, a planner with Engineering, Design and Construction (EDC), stated he represents WaWa, which has the property under contract on the SW corner of Becker and Port St. Lucie Boulevard. He said they have prepared several site plans and are ready for submittal as Mr. Sorrow was just discussing.

Mr. Currie commented on the seven items associated with the new overlay:

1. He stated he agreed with staff that the 90% opacity should not be a part of these changes.

2. He explained a 45 to 55 foot landscape buffer would make his site undevelopable with the lake at the end of it and suggested a 25 foot buffer would be more than enough to provide the amount of layering. He questioned measuring from the property line, as it could be the

edge of the street or much further in. He stated there seems to be an unfair advantage to having a larger property.

3. He stated he favors showing a nice building and having it up against the street, as he thinks it slows traffic down and provides interest for the pedestrian or person driving by. He said there is a need for a requirement for building articulation to make the buildings look nice and follow the existing design standards, but there is also a requirement to shield the building. He stated they need to decide if they want or do not want to see the building.

4. He stated there is a requirement for an 80 foot by 80 foot green space on the corners, which is extremely difficult for the smaller properties and an unfair advantage for the larger properties. He indicated their plan has a 50 foot by 50 foot green space area, which is more than adequate.

5. He stated someone made a decision for the gas station sites to be on the NW and SE corners, and his site is located on the SW corner. He said WaWa has a lot of money invested in the SW corner, and they would be upset to know this has already been determined. He asked how and who made this determination.

6. Regarding the fueling station location, he stated they do not mind having it on the street, but it will be fronting Port St. Lucie Boulevard or Becker.

7. He indicated the Code now says two sidewalks, a sidewalk along the street and then a seven foot sidewalk internal to the site. He stated this was a bit excessive and suggested just one larger sidewalk right along the street.

Deputy City Manager Lamar-Sarno corrected the record. She clarified for the Board that the agenda is published a week prior to the meeting and includes all documents. She said there was a claim the documents were just received, but Ms. Price emailed the entire document to Mr. Sorrow on December 20th and Mr. Sorrow replied the following day with his comments.

There being no more comments, Chair Beutel closed Public to be Heard.

Board Member Piechocki stated there seems to be a disconnect between the developer, land planner, staff, and maybe what the City Council had stated as to what they wanted. He asked if the language before the Board this evening was correct.

Deputy City Manager Lamar-Sarno stated that she and Planner Price spent significant time on this project. She said they watched and replayed the meeting to make sure they captured all of the insight and had one-on-one meetings with City Council, which provided additional information prior to the meeting where they heard the presentation of the BROD Design Standards. She stated she would disagree with the statement that there is a disconnect and opined this was an appropriate representation of staff's direction.

Board Member Piechocki stated that was not his point. He said it seems the people presenting still have some issues to negotiate. Deputy City Manager Lamar-Sarno stated she agreed. She said Mr. Sorrow attended the meeting in November and the direction staff received from City Council was to add one sentence, which she clarified/confirmed with the City Council. She indicated that it is up to the Planning and Zoning Board to decide if they want to consider any of the requests by the members of the public who spoke.

Chair Beutel stated that there seems to be a lot of conflicting information and a lot to consider with this overlay. She asked how it was decided that only certain corners can be developed as a gas station, to which Deputy City Manager Lamar-Sarno stated that was City Council direction. She said they did not want gas stations on four corners and the comments specifically were that they would like to limit it to one or two. She explained they could not limit it two and worked with Legal using precedent in the past as well as language of 1,500 feet from another use, etc.

Chair Beutel questioned how it was determined which parcels would be allowed to develop a gas station. Deputy City Manager Lamar-Sarno stated it was written using linear feet from one another, so it would be first come, first serve. She said the City does that currently with the liquor stores.

Chair Beutel inquired if, at the point of the decision, the City Council knew 7-Eleven and WaWa were in negotiation, to which Deputy City Manager Lamar-Sarno responded in the affirmative and stated the City

Council received the same presentation as the Board.

Vice Chair Stephenson stated she was passionate about the Becker Road overlay. She said they have seen what Port St. Lucie Boulevard looks like and the difference in how Crosstown is from Port St. Lucie Boulevard and St. Lucie West. She stated it has always been her understanding that the BROD would be a walkable PGA Boulevard/Clematis Street where the restaurants, shops, etc., are up front and fit into the neighborhood. She said her concern was that they only have one chance to get it right and they have to be very thorough with every decision, because it is very difficult to change it once it is messed up.

Vice Chair Stephenson stated she gets they do not want or need gas stations on all four corners, but they need a gas station towards I-95. She asked how long WaWa has owned the land on that corner. She said there seems to be a disconnect from when Patti Tobin first brought this to them two years ago. Vice Chair Stephenson stated she wanted to ensure they do not lose focus of its walkability effect, like PGA Boulevard/Clematis Street, as the gateway into Port St. Lucie from the south. She said it is a big concern of hers, as she can already see things moving in different directions.

Vice Chair Stephenson stated there is a lot of confusion with residents and community members in regard to the houses being developed on Becker. She said they need to understand that residential can be developed in any way seen fit, unless it is changed to something else. She stated a lot of people have been questioning her about why these houses are going up. She said they probably do not address this as much as they should, but those areas can be developed as a residential home, because that is how it is zoned currently.

Planner Price explained that in staff's discussion with Legal, it was suggested to use distance as a means to identify the location, because that is the way other uses in the City and other cities are designated. She said the 220 feet from the corner ensured there was only one other site that could have a gas station.

Chair Beutel explained that part of their job is to be good business partners with everyone in the City. She said she is in fear that they have not taken into consideration the existing investment at the time of this decision. She stated Mr. Currie was correct in that many of these

items target the larger lots. She said if a small business wants to go in, the frontage should be proportionate to the building size or no one will want to develop it. Planner Price stated it is different for the different lots in the conversion areas, as it is 25 to 35 feet on the large and 45 to 55 feet on the large corner properties.

Chair Beutel asked, if the Board were to not make a decision today and send it back, if Planning and Zoning could fine-tune it so most everyone who spoke today could be somewhat pleased with the decision. She said she realizes they are also trying to avoid applying for variances, but it seems there are too many items left untied at this moment.

Board Member Piechocki stated that Mr. Offitt seemed to agree there is a disconnect. He asked if the disconnect could be resolved tonight or if they should take the Chair's suggestion to have the parties get on the same page, come back, and present a complete package/agreement to the Board.

Michael Huston clarified that the corners were picked for the gas stations, because the direction from the Council was to limit it to two. He stated the Code is what matters in this case. He said if the code says there can be two on any corner, he would ask Ms. Price whether that dimension means they could not be across the street from each other. He stated his understanding of the main intention was to limit it two gas stations at that intersection.

Mr. Offitt added that Ms. Price incorporated much of what was brought up at the Board meeting, and he does not think they are far off. He said, if they think it is more appropriate to deal with this post meeting and get with the Planning and Zoning team to resolve this, it is very doable.

Chair Beutel stated she was bringing it back to the Board to make a motion and/or continue the discussion. She opined she has not seen a subject with so many questions and it looked like they could do better as a group. Board Member Previte agreed there were too many outstanding issues to vote on this. He said he would like to see the parties get together to iron out some of the items. He stated he would be in favor of denying this back to the City Council or whatever they have to do to push it back.

Planner Price indicated the Board can approve it, approve it with

conditions, deny it, or table it. There being no further discussion, Board Member Piechocki moved to table P21-202 Becker Road Overlay District Design Standards Amendment No. 2 to the February 1, 2022, Planning and Zoning Meeting, to allow all parties to come together and bring back a more complete package. Board Member Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

7.c P21-268 - Chapter 158 Zoning Code, Section 158.216 Fences and Walls Text Amendment **2021-1000**

A City initiated text amendment to Title XV "Land Usage", Chapter 158, "Zoning Code", Article XI "Supplementary Use Regulations" of The Code of Ordinances of The City of Port St. Lucie by Amending Section 158.216 "Fences and Walls".

Daniel Robinson, Planning and Zoning, provided a PowerPoint presentation and stated the project before the Board is a zoning text amendment to Section 158.216, Fences and Walls, for clarification of materials permitted for residential fencing and the requirements of each type of material. He indicated that Subsection 1 lists the permitted materials, Subsection 2 lists the requirements when using masonry type of materials, Subsection 3 states that chicken wire and barbed wire are not permitted, Subsection 4 provides requirements for vinyl coated welded wire used as interface for a wooden fence, including examples of permitted and unpermitted; and Subsection 5 includes statements pertaining to fencing, city drainage, and utility easements. He noted a few capitalization corrections were made as well.

Planner Robinson stated Section G includes regulations for swimming pools, which are within the Florida Building Code, so it now only references the location of those regulations as they are not needed in the Zoning Code; Section H was updated to clarify and state the type of fencing materials and designs that may be used in the front of the building for landscaping treatment purposes; and Section K was removed as it is a Building Code requirement and not required to be in the Zoning Code.

Planner Robinson stated the Planning and Zoning Department finds the proposed text amendment to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no discussion, Secretary Wooten moved to recommend

approval of P21-268, Chapter 158 Zoning Code, Section 158.216 - Fences and Walls, Text Amendment. Board Member Briney seconded the motion, which passed unanimously by roll call vote.

7.d P21-287 - Chapter 158 - Zoning Code, Article XV - Variances, Section 158.297 - Applications for Variance (Variance & Appeals) Text Amendment **2021-1100**

A City initiated text amendment to Chapter 158 - Zoning Code, Section 158.297 - Application for Variance of the Code of Ordinances.

Bethany Grubbs with Planning and Zoning provided a PowerPoint presentation and stated this was a City initiated text amendment to Chapter 158 pertaining to variance applications. She explained that currently an applicant must meet certain criteria within the Code to be eligible to apply for a variance petition. She said the following limitations prohibit an applicant from applying: if an applicant has applied and was denied within the previous 12 month period and circumstances relating to the request have not changed, or if they have withdrawn an application within a 12 month period.

Planner Grubbs stated the City Council directed staff to amend the Code, so that a variance is not requested when the circumstances remain unchanged. She indicated this amendment is amending procedures for submitting variance applications in appeals filings to add a third limitation, Subsection C, which essentially states, "An application denied by the Board of Zoning Appeals, Planning and Zoning Board, or Zoning Administrator for the same variance within the previous 12-month period, where the applicable circumstances relating to the variance have not changed, if a condition was imposed to comply by a scheduled date that is greater than 12 months. No application shall be accepted until the compliance period has concluded." She stated that staff recommends approval of the proposed text moment.

Board Member Previte inquired if this came up because of one specific issue, to which Planner Grubbs responded in the affirmative. She explained it was where the applicant was given a set amount of time to comply; however, it was longer than what the Code allows for a new application to be submitted, which is 12 months. She said they were given 24 months to comply and the City accepted another application meeting Code's requirements within 12 months, so it is to prevent that from happening.

Chair Beutel opened Public to be Heard. There being no comments,

she closed Public to be Heard.

There being no further discussion, Board Member Previte moved to recommend approval of P21-287 - Chapter 158 - Zoning Code, Article XV - Variances, Section 158.297 - Applications for Variance (Variance & Appeals) Text Amendment. Secretary Wooten seconded the motion, which passed unanimously by roll call vote.

8. Public Hearing - Quasi-Judicial

8.a P21-175 St. Andrews Park Phase II - PUD Amendment No. 2 **2021-1026**

Location: The property is located north of NW St. James Boulevard, west of NW St. James Drive, east of NW Selvitz Road.
Legal Description: Parcels B and C, of St. Andrews Park Commercial, a Replat According to the Plat Thereof Recorded in Plat Book 59, Pages 9 Through 13 of the Public Records of St. Lucie County.
Request: This is a request to amend the St. Andrews Park Planned Unit Development (PUD). The proposed amendment includes numerous modifications such as the following: 1) Increased the area allowed for townhouse development and decreased the area allowed for commercial and office development. The area allowed for townhouses increased from 20.52 acres to 32.52 acres (+8.52 acres). The area allowed for commercial uses decreased from 8.4 acres to 2.35 acres (-6.05 acres). The area for office uses decreased from 5.66 acres to 1.25 acres (-4.41 acres) 2) Removed the requirement that there be vehicular and pedestrian cross-access between the commercial and residential properties, 3) Reconfigured the street layout, 4) Modified lot size and setback requirements for townhouses.

Board Member Previte and Deputy City Manager Lamar-Sarno indicated this was requested to be tabled to February 1, 2022.

There being no discussion, Board Member Previte moved to table P21-175 St. Andrews Park Phase II - PUD Amendment No. 2 to the February 1, 2022, Planning and Zoning Meeting. Board Member Wooten seconded the motion, which passed unanimously by roll call vote.

8.b P21-231 WBC Collections LP - Z-Axis Sports Complex - Special Exception Use **2021-1090**

Location: The property is located at 1702 SE Village Green Drive, Building A.
South of Industrial Boulevard, West of Village Green Drive, and North and East of South Niemeyer Circle.
Legal Description: Port St. Lucie Industrial Park Unit 1 - 1st Replat Block 19 Lot 1

This is a request for a special exception use to allow enclosed assembly over 3,000 square feet for recreation facilities per Section 158.124(C)(5) of the Zoning Code.

(Clerk's Note: This item was heard after item 8.d.)

Chair Beutel inquired if any of the Board members had ex parte communications, to which the members responded in the negative.

Daniel Robinson, Planning and Zoning, stated he had been sworn in and the official file was submitted to the City Clerk more than five days prior to this meeting. He asked that the file be entered into the record.

Planner Robinson provided a PowerPoint presentation and stated the project before the Board is for the special exception use application for the Z-Axis Sports Complex. He said the request is to allow an enclosed assembly over 3,000 square feet for a recreational facility per 158.135(c)5 of the warehouse industrial zoning code. He indicated the property is located at 1702 SE Village Green Drive, which is at the corner of Industrial Boulevard and Village Green Drive. He stated the future land use designation is service commercial and the zoning designation is warehouse industrial. He said the southern building, Building A, is the location for the proposed use. He stated the Z-Axis Sports Complex hours of operation will be open by appointment only and will have drop-off and pick-up for up to 25 students maximum in the class. He said the establishment will be inside the enclosed building and is not expected to generate any noise. He stated the Board may recommend approval, approval with conditions, or denial to the City Council for this special exception application.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no discussion, Secretary Wooten moved to recommend approval of P21-231 WBC Collections LP - Z-Axis Sports Complex - Special Exception Use. Board Member Previte seconded the motion, which passed unanimously by roll call vote.

8.c P21-245 Sageview Partners, LLC - Special Exception Use **2021-1091**

Location: The property is located at 2491 SW Greco Lane, on the northeast corner of Port St Lucie Boulevard and SW Greco Lane.

Legal Description: Port St. Lucie Section 12 ,Block 1282, Lots 1-5 and 12-16

This is a request for a special exception use to allow the development

of any one use to exceed 5,000 square feet and allow retail uses to include more than 50% of the gross floor area within a Limited Mixed Use (LMD) zoning district.

Chair Beutel inquired if any Board members had ex parte communications, to which the members responded in the negative.

Daniel Robinson, Planning and Zoning, indicated the applicant has requested to table this project.

There being no discussion, Board Member Previte moved to table P21-245 Sageview Partners, LLC - Special Exception Use to the February 1, 2022, Planning and Zoning Meeting. Vice Chair Stephenson seconded the motion, which passed unanimously by roll call vote.

8.d P21-262 WBC Collections LP - Z-Axis Sports Complex - Variance **2021-1089**

Location: The property is located at 1702 SE Village Green Drive, Building A.
South of Industrial Boulevard, West of Village Green Drive, and North and East of South Niemeyer Circle.
Legal Description: Port St. Lucie Industrial Park Unit 1 - 1st Replat, Block 19, Lot 1.
This is a request to grant a variance to reduce the amount of parking required by 26 parking spaces for a recreational facility (a special exception use of enclosed assembly over 3,000 square feet) to locate in an existing warehouse building.

(Clerk's Note: This item was heard after Item 8.a.)

Chair Beutel inquired if any of the Board members had ex parte communications, to which the members responded in the negative.

Daniel Robinson, Planning and Zoning, stated he had been sworn in and the official file was submitted to the City Clerk more than five days prior to this hearing. He asked that the file be entered into the record.

Planner Robinson provided a PowerPoint presentation and stated the project before the Board is a variance application for Z-Axis sports, who requested a variance to reduce the amount of required parking by 27 spaces. He said the property consists of two warehouse buildings, with a total floor area of 20,382 square feet. He stated the property has a future land use service of commercial and a zoning designation of warehouse industrial. He said the southern building is proposed to be

the location of the enclosed assembly. He stated the existing manufacturing use within Building B will require 23 parking spaces and the proposed recreational facility will require 37 spaces. He said the existing 33 spaces provided a deficit of the 27 spaces required. He indicated the Board may motion to approve, deny, or table this application.

Board Member Previte indicated the applicant states in their letter or traffic plan that during this time additional spaces might be required. However, the additional 27 parking spaces would likely not be used after 5:00 PM and the parking lot would be able to accommodate the demand for parking. He asked what the precedent was for when another business utilizes adjacent spaces during prime time. Planner Robinson stated if the Applicant is open from 5:00 PM to 11:00 PM, they would not necessarily need a variance, if they can still meet the parking requirements with a recorded parking arrangement or agreement.

Board Member Previte stated if the Applicant is saying the additional spaces will be needed after hours, they will need something in writing from the tenant or owner saying it is okay to use their parking spaces. Planner Robinson responded in the affirmative and stated they would have to get a parking arrangement recorded and the Board could condition the variance to have that recorded and added to file.

Alexander Zapata, the Applicant, stated he was asked to record a plan for flow of traffic. He said they would not need additional parking, as it was added in the event there was ever a need for additional parking. He explained and reviewed the traffic flow for their specialized baseball training facility. He said the parents drop-off and pick-up their children between the hours of 3:00 PM and 7:00 PM. He stated the trainers and employees will occupy three parking spaces during the day, and the measurements allow for seven vehicles to be dropping off and picking up at the same time. He indicated the proposed idea is for the parents to drop off their children by entering through Industrial Boulevard and taking a left, as the facility is right at the entrance. He said the children would be greeted and escorted inside the facility, and the parents will exit via Village Green to avoid any traffic on Industrial Boulevard and Village Green. He stated the drop off hours are 3:00 PM and between 4:30 PM and 4:45 PM. He said the younger group is limited to eight students per day and the older players have a maximum of 10, and they will have two trainers with them. He stated given the six allowed

spaces and the fact that the parents pick-up and drop-off, they kindly request approval. He reiterated that they do not need the parking arrangement because of the pick up and drop off. However, he has spoken to his neighbors and they are out of there by 5:00 PM.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

Vice Chair Stephenson commended the Applicant for wanting to be a business partner in Port St. Lucie and apologized that they had to come back before the Board. She said she understands their business model and agrees they will not need this type of parking. She stated when they were talking about Becker Road, they were talking about decreasing parking everywhere. She said they are making it more difficult for a local business partner that does not need this kind of parking. She stated she will be voting in favor of this, so the Applicant can start taking care of the kids within the community. Board Member Taylor-Moore said she agreed.

Chair Beutel stated the goal was not intended to compromise a new business partner, as the goal was to make sure a plan was in place. She explained, if they are eliminating 27 spots, they want to know the plan. She said they typically have a professional traffic study in front of them and some of the high points may have helped last time.

Board Member Previte stated he is okay with this as well and said he would like to have it based on a condition of getting a parking arrangement. He asked if there would be a problem getting that parking arrangement with the neighbors.

Mr. Zapata stated he did not see that being a problem. He said they should not have listed it in there, because they really do not need the parking. He stated he highly doubts they will even occupy the extra six they have provided. He said if the parking arrangement is a requirement, he is happy to comply.

Board Member Previte stated he did not know how the Board feels about this. Secretary Wooten stated she did not agree with it, as they have held up the Applicant long enough.

Chair Beutel shared an example of a situation that she lives with now. She said as long as everyone is neighborly, they will never have a

problem. She stated the concept here is much different than pulling into a place, sitting down and eating, or going to another establishment. She said she understands the concept now and is pleased with the plan. She stated, as far as getting permission from neighbors, the difficulty would be going through the insurance companies.

There being no further discussion, Board Member Piechocki moved to approve P21-262 WBC Collections LP - Z-Axis Sports Complex - Variance. Board Member Taylor-Moore seconded the motion, which passed by roll call vote (6-1) with Board Member Previte dissenting.

8.e P21-276 The Pickleball Club St Lucie West - Special Exception Use **2021-1093**

Location: The property is located at 455 NW Enterprise Drive, at the southeast corner of NW Stadium Drive and NW Enterprise Drive.
Legal Description: Lot 1-4, Block 3, of St. Lucie West Plat Number 1, according to the plat thereof as recorded in Plat Book 26, Pages 8,8A, through 8G of the public records of St. Lucie County, Florida.
This is a request for a special exception use to allow enclosed assembly over 3,000 square feet for recreation facilities per Section 158.135(C)(5) of the Zoning Code.

Chair Beutel inquired if the Board members had any ex parte communications, to which Vice Chair Stephenson, Ms. Briney, Mr. Piechocki, Ms. Taylor-Moore, and Secretary Wooten, responded in the negative. Mr. Previte indicated he had communication with the applicant and will probably abstain from the vote, because he or his company may end up having a business arrangement with them. Deputy City Attorney Hertz stated it was fine for Mr. Previte to have ex parte communications with the applicant, as long as he discloses them. She said, if there is a conflict, he would not vote on the item and fill out the form after the meeting.

Daniel Robinson, Planning and Zoning, stated that he had been sworn in and the official file was submitted to the City Clerk more than five days prior to this hearing. He asked that the file be entered into the record.

Planner Robinson provided a PowerPoint presentation and stated the project before the Board is a special exception use application for the Pickleball Club at St. Lucie West. He said the request is to allow an enclosed assembly use of over 3,000 square feet for a recreational facility per 158.135(C)(5) of warehouse industrial zoning code. He stated the property is located at the corner of Stadium Drive and

Enterprise Drive in St. Lucie West. He indicated the future land use designation is light industrial open space recreational and industrial, and the zoning designation is warehouse industrial.

Planner Robinson stated the proposed development will consist of a two story 33,443 square foot building and four outdoor pickleball courts. He said the proposed site plan consists of two access points and provides 169 parking spaces, which is two spaces more than what would be required. He stated the site will provide the required landscaping and meet all lighting requirements. He indicated the hours of operation will be Monday through Sunday, 6:00 AM to 11:00 PM, and the indoor and outdoor courts are not expected to generate noise to constitute a nuisance to the adjacent properties. He stated the Board may recommend approval, approval with conditions, or denial to the City Council.

Brad Currie with Engineering, Design & Construction, Inc. (EDC) stated he was representing the applicant. He said staff did an excellent job presenting and he did not have anything to add.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no discussion, Secretary Wooten moved to recommend approval of P21-276 The Pickleball Club St Lucie West - Special Exception Use. Board Member Briney seconded the motion, which passed unanimously by roll call vote. Board Member Previte abstained from the vote and stated he would complete the form.

8.f P21-282 Southern Grove-BTS Project Senior Variance **2022-009**

Location: The property is generally located west of Interstate 95, north of Becker Road, east of south SW Village Parkway, and south of the Paar Drive right-of-way.

Legal Description: Southern Grove Plat No. 35, Lot 5

To grant a variance to allow an increase of 42 sq. ft. in the total permitted area for monument signage and to permit an increase of 14 sq. ft. for three (3) informational/directional signs

Chair Beutel inquired if the Board members had any ex parte communications, to which the members responded in the negative.

Bianca Lee, Planning and Zoning, stated that she had been sworn in and the official City file was submitted to the City Clerk at least five days prior to this meeting, and asked the City Clerk to enter the file into

the record.

Planner Lee provided a PowerPoint presentation and stated this request is for the Southern Grove Project Senior sign variance located at 13450 SW Anthony F. Sansone, Sr. Boulevard for a sign variance to the Tradition Master Sign Program for Project Senior. She explained the Master Sign Program regulates signage for the Tradition, Southern Grove, and Western Grove DRI's. She said Project Senior is a 220,822 square foot warehouse, delivery, and distribution facility in the Legacy Park area of Southern Grove. She stated the applicant/owner Baker Barrios Architects is acting as the agent for the property owner and NBPIII Legacy II, LLC.

Planner Lee stated the location is west of Interstate 95, north of Becker Road, east of SW Village Parkway and south of Paar Drive. She said Project Senior will be located on a 52.2 acre parcel, include warehouse and office space, and used for fleet vehicles, loading docks, truck loading docks, and employee parking. She showed the Board an aerial view and the approved site plan.

Planner Lee indicated the variance has two parts. She said the first is to allow an increase of 42 square feet in the total permitted area for the monument signage, as the Tradition Master Sign program permits a maximum allowable sign area of 46 square feet. She stated the request is for a monument sign measuring 88 square feet, which exceeds the permitted amount by 42 square feet for non-residential parcel identification signage, also known as a monument sign.

Planner Lee stated the second part of the request is to allow the square footage for the directional signage, to permit an increase of 14 square feet for three informational directional signs, as the Tradition Master Sign Program permits a maximum of four within an allowable sign area of 16 square feet each. She said the request is for three informational directional signs at 30 square feet per sign, which exceeds the permitted amount by 14 square feet per the informational directional sign section. She indicated the Tradition Design Review Committee has reviewed the variance request and is in support of the application. She noted that all parties within 750 feet of the property have been notified.

Planner Lee showed the Board the proposed monument sign and the directional signage for informational purposes that will be placed at a

few different sites. She reviewed the site layout as well. She illustrated what the compliance signage would look like if the signage was reduced to meet the Tradition Sign Program. She stated the Board can make a motion to approve, approve with conditions, deny, or table. She said the applicant is present and will be presenting as well.

Bridget Kirkpatrick, the Applicant, attended via Zoom and indicated she did not have anything additional to add.

Chair Beutel opened Public to be heard. There being no comments, she closed Public to be Heard.

Board Member Piechocki asked what the Board's history has been on approvals of this type in or near Southern Grove, because of the Five Below sign a couple weeks ago and it is important they be consistent.

Bridget Kean with the Planning and Zoning Department stated she had been sworn in. She said this is located in Tradition and falls under the Master Sign Program for Tradition. She explained this is the acreage the Port St. Lucie Governmental Corporation is now developing in Southern Grove and selling off to private developers for industrial uses. She stated this is a new use in Tradition, so the Master Sign Program does not, at this time, address the requirements for an industrial development and is different than the Five Below sign which is under the City's sign requirements. She said the Master Sign Program will be amended to address industrial uses, but until those uses come in, no one really knows what their sign requirements are going to be, so they are in a learning stage right now to figure out what the sign code should be amended to, which is why they are there today with this requirement.

Board Member Piechocki clarified that this conforms with the Sign Program and staff is in general agreement that it is a good thing to do, to which Planner Kean responded in the affirmative.

Deputy City Manager Lamar-Sarno had Ms. Kirkpatrick turn on her camera, so she could officially recognize her attendance virtually.

There being no further discussion, Board Member Piechocki moved to approve P21-282 Southern Grove-BTS Project Senior Variance. Secretary Wooten seconded the motion, which passed unanimously by roll call vote.

8.g P21-286 Verano South PUD 1-POD "B", Plat 1 Variance **2021-1101**

Address: 11112 SW Lunata Way, Port St. Lucie, FL 34987

Legal Description: Verano South PUD 1 POD B Plat No.1 (PB 77 PGS 4-16) Lot 42

Chair Beutel inquired if the Board members had any ex parte communications, to which the members responded in the negative.

Bethany Grubbs with the Planning and Zoning Department stated the official City file has been transmitted to the City Clerk at least five days prior to this hearing. She asked the City Clerk to enter the file into the record.

Planner Grubbs provided a PowerPoint presentation and stated this variance request is within the Verano South PUD-1, POD B, Plat 1, specific to lot 42, for a single family residence. She said the applicant and agent is Dan Sorrow with Cotleur & Hearing, who is present tonight on behalf of the owner, Verano Development. She explained this variance is specific to the side setback, which is required to be six feet.

Planner Grubbs showed the Board an aerial perspective of the property. She said the land use is residential golf club. She also showed the subject property abutting a water management track and other lots surrounding it. She said the zoning is planned unit development. She presented the boundary and survey, showed the 5.47 setback, and stated the PUD requires a six foot setback, which is a deviation of approximately six inches. She stated that all other sides meet the six feet and the front meets the minimum 13 feet.

Planner Grubbs stated the Board has the following options: move to approve, approve with conditions, deny, or table.

Dan Sorrow with the Land Planning Firm of Cotleur & Hearing stated he was representing the applicant, Verano Development, for this setback variance request. He indicated the site is located within Cresswinds POD B. He said it has been developed and they could provide more up-to-date aerials for Ms. Grubbs. He presented the future development plan of Verano and stated lot 42 is located 11112 SW Lunata Way towards the end of the street.

Mr. Sorrow provided a PowerPoint presentation and stated his team was asking for seven inches, as the reduction would allow them to build the house as is. He explained that it is in for permit right now and all

other requirements for the side and front setbacks are being met. He explained this was approved in 2017 when the subdivision plan was approved. He said since then they have learned to amend the PUD's so they are five foot setbacks, as this is the only PUD that still has the six foot setback in place. He stated they reached out to the property owner of lot 41, and they are in agreement with the variance. He showed the Board the slight bend in the property line that comes down and meets the lake, which is requiring the variance. He also showed the 5.47 inches as opposed to the required six foot setback.

Mr. Sorrow presented the letter of support from the property owner of lot 41. He said it does not impact anyone else in the development and his team humbly requests the Board's approval for this variance.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no discussion, Board Member Piechocki moved to approve P21-286 Verano South PUD 1-POD "B", Plat 1 Variance. Board Member Briney seconded the motion, which passed unanimously by roll call vote.

At this point, Planner Grubbs indicated there was a discrepancy between her presentation and the applicant's presentation. She said the applicant applied for 7 inches; however, their survey reflects a 6 inch encroachment and that is what staff based their analysis upon. She confirmed the Board was approving the 7 inch encroachment.

Board Member Piechocki restated his motion and moved to approve P21-286 Verano South PUD 1-POD "B", Plat 1 Variance with a 7 inch reduction. Board Member Taylor-Moore seconded the motion, which passed unanimously by roll call vote.

8.h P21-070 Verano South Pod 'H' - PUD Rezoning **2021-1087**

Location: The property is located south of the C-24 Canal, east of Glades Cut-off Road, west of I-95 and north of the Crosstown Parkway.
Legal Description: A Parcel of Land Lying in A Portion of Section 6, Township 37 South, Range 39 East and Section 31, Township 36 South, Range 39 East, in the City of Port St. Lucie, St. Lucie County, Florida.
Request: This is a request to rezone 486.228 acres from SLC-AG-5 (St. Lucie County-Agricultural 5) to City Planned Unit Development (PUD).

Chair Beutel inquired if the Board members had any ex parte communications, to which Mr. Piechocki disclosed that he had spoken

to Mr. Sorrow, Ms. Taylor-Moore indicated she was in a Zoom meeting with the applicant, and Mr. Previte stated he met with the applicant in the Planning & Zoning office. Vice Chair Stephenson, Ms. Briney, and Secretary Wooten stated they had no ex parte communications.

Deputy City Attorney Elizabeth Hertz clarified any members of the Board who have met with the applicant in any capacity on this matter are to disclose their ex parte interaction with the applicant.

Chair Beutel called a recess at 8:43 PM and the meeting reconvened at 8:51 PM.

Vice Chair Stepheson noted for the record that she had ex parte communication with Dan Sorrow in regard to this item, as she wrote the wrong project number in her notes. Chair Beutel confirmed with the Deputy City Clerk that the record was corrected to reflect Vice Chair Stephenson's ex parte communication.

Holly Price, Senior Planner, with the Planning and Zoning Department provided a PowerPoint presentation. She stated the file was sent to the City Clerk at least five days prior to this meeting and indicated that she had been sworn in.

Planner Price stated this is the Verano South Pod H PUD, P21-070. She showed the Board the property, which is the last property in the Verano DRI to be rezoned to PUD development. She said the request is to rezone approximately 486 acres from St. Lucie County - Agricultural 5 to City Planned Unit Development (PUD). She stated the PUD proposes a maximum of 900 dwelling units on 486 acres at a density of 1.85 dwelling units per acre. She said the applicant indicates this property is to be an age-restricted community. She noted that it also has a 10-acre commercial site, 7.6-acre commercial site, 50-acre City park site, and 49.1-acre County school site.

Planner Price indicated the applicant is Cotleur & Hearing with Daniel Sorrow as the agent. She said the owner is PSL Land Investments, LLC. She showed the Board the aerial of the subject property as well as the master conceptual plan, which includes the residential, City park site, school site, and commercial sites. She reviewed the DRI and PUD uses and presented the original DRI for this property. She also presented the Future Land Use map, which is Residential Golf Course, and the Zoning map, which is currently St. Lucie County Agricultural 5.

Planner Price stated the latest traffic analysis was received in November 2021, with a statement by McKinsey Engineering and Planning for the Kolter Communities, and Public Works has found this traffic to be consistent with the PUD. She explained that according to the DRI, the 2-lane extension for Crosstown Parkway to North-South A is required 5,023 PM peak hour trips and plans are under design for this extension. She said the 2-lane roadway from North-South A from Crosstown North to the southernmost residential access is required prior to the first Certificate of Occupancy being issued on the west side of North-South A.

Planner Price stated the PUD amendment is consistent with the direction and policies of the Comprehensive Plan. She said the PUD amendment was reviewed and recommended for approval by the Site Plan Review Committee on April 14th and that staff recommends approval.

Dan Sorrow, Cotleur & Hearing, introduced himself and stated he was representing the developer, Verano Development, LLC. He also introduced Scott Morton, Vice President of Entitlements and Land Planning, who is representing the Kolter Group, as well as Bill Perry with the Gunster Law Firm. Mr. Sorrow advised Chair Beutel that he would like Mr. Perry to address any comments made at the end of the public comment, to which Chair Beutel responded in the affirmative.

Mr. Sorrow explained this is the last acreage or tract within Verano that still has the old agriculture zoning and does not have the PUD zoning, as they have been working on this since 2003. He reviewed the applicant's request and stated he believed Ms. Price showed the 2018 plan, but there is one that is more recent. He said looking back to 2012, the park site was always shown along Range Line Road.

Mr. Sorrow stated they have had discussions with the School Board on the location of the school site. He said it has also been discussed that, because it is a gated community, the citywide design standards only apply to commercial and multifamily facilities, and this has been codified within the PUD document.

Mr. Sorrow presented the location of the property and showed some recent photos of the development to date. He stated they just held the World Pickleball Championships in December and it was well attended.

He said that parking and shuttling the people back and forth to the tournament went very well.

Mr. Sorrow showed the Board the overall DRI area that encompasses 3,001 acres of the City. He indicated last year the Board approved Pod G and the golf course will be under construction within the next month or so. He said they are excited to be fulfilling the obligations of the DRI and reviewed the history of and amendments to the DRI. He stated the overall DRI is entitled to 7,200 units and 7,406 units have been entitled; however, they only have 4,659 plotted lots or site plans in Verano. He said they will be submitting the extension of Crosstown Parkway on January 19, 2022, improving the North-South A Road up to their entrance, and dedicating the school and park sites.

Mr. Sorrow also presented the Pod H area and reiterated and discussed the proposed aspects of the PUD, including the accessibility, recreation area, and right-of-way/pathway.

Chair Beutel opened Public to be Heard.

1. Christian Tiblier with Baker Hostetler stated he agreed to have Ron Noble speak first. Mr. Noble indicated he represented Allied Universal Corporation and Allied New Technologies. He explained that Allied owns and operates a chemical plant on the opposite side of Range Line Road from the rezoning property before them tonight. He stated the chemical plant and the residential uses they proposed and presented to the City in the past are wholly incompatible and inconsistent uses with the sound principles of planning and zoning. He said these are the same issues and concerns that Allied raised back in December 2020, when this petition was brought. He explained they were resolved temporarily when the developer agreed to remove these 500 acres from their rezoning application at that time, and they have now brought it back before the Board as Pod H. He said they anticipated having some communication with the developer during that interim period. He stated the developer advised them that they were proceeding and have provided a several hundred foot setback between the actual chemical plant on Allied's property and the closest residential uses, not to mention the park site.

Mr. Noble explained they set a precedent years ago with Tradition that the closest residential to the heavy industrial zone properties would be 1,500 feet and they believe that is the appropriate standard to apply to

this rezoning. He said it requires the developer to give up one row of houses on the site plan that was just presented. He noted that Allied is not in opposition to this DRI or to growth and development in Port St. Lucie, but they need it to be a safe development. He said they were just kicking this down the road and setting the stage for serious problems with residential right across the street from a chemical plant that runs 24/7, has heavy tractor trailer truck traffic hauling the chemicals, and has hundreds of thousands of gallons of hazardous materials and chemicals on site at any one time. He stated these are not compatible land uses, as there is a city park site right across from the chemical plant. He said they were willing to work on and discuss the buffers and setbacks this evening or do that later with the developer.

Mr. Noble stated the Board would be hearing from the developer's attorney on rebuttal that Allied somehow agreed to conditions of approval when their plants were expanded several years ago, and they would not have any adverse impact. He said Allied is not out to create any adverse impacts, as they want to be good neighbors and need to have sufficient setbacks as well as sufficient buffering and screening to try and render these incompatible uses or at least coexist into the future. He stated he hoped the Board was provided a copy of his letter that was sent to the staff last week.

Board Member Piechocki inquired how Mr. Noble came up with the 1,500 feet. Mr. Noble explained there is a bit of chlorine on site, and they look at technical issues with dispersion modeling and things of that nature, but they really did not do that on this one. He stated 1,500 feet, a substantial buffering screen, 10 foot berm, planted landscaping along Range Line, they just believe that is the appropriate number that provides an adequate setback from a chemical plant, the light, the noise, everything else. He said it is the same setback this Board approved for Tradition, based on the same heavy industrial users across Range Line Road.

2. Christian Tiblier, Attorney with Baker Hostetler Law Firm, stated he was there on behalf of Liberty Tire Recycling, LLC. He explained that Liberty, like Allied, has a heavy industrial tire recycling facility just west of Range Line Road and west of the property being proposed for rezoning. He said the rezoning application proposes multiple incompatible and inconsistent uses, such as residential homes, a school, a public city park, and commercial land across the street from

this heavy industrial zoned property.

Mr. Tiblier stated that on November 24, 2020, St. Lucie County sent a letter to Anne Cox bringing up the same concerns that he and Mr. Noble are bringing to the Board today. He said he has a copy of that letter with him and would like to introduce it into the record, as well as his letter to Holly Price and Anne Cox on/dated January 3, 2022.

Mr. Tiblier stated that Liberty's services are important to the environment and the local community, as without recycling unwanted tires become waste that is unmitigated and just fill landfills across the country. He explained that Liberty takes this potential waste, recycles it, and transforms it into usable beneficial products, such as low emissions fuel for industrial use or playground mulch. He said the Liberty facility at Range Line Road employs 112 local residents. He stated the industrial processes used by Liberty in recycling tires requires the use of heavy industrial shredders, conveyors, and other heavy industrial equipment, which emit noise, vibration, and odor that has the potential to disturb surrounding noncompatible use properties. He added that Liberty uses heavy trucks 24/7 to transport the finished product and unwanted tires as well as operates its recycling facility 24/7.

Mr. Tiblier stated Liberty believes, like Allied, that the development will go on. He said they are not opposed to developing the property at issue, but they also believe that proper screening and buffer should be used just like in southern Tradition, the property south of the proposed rezoning property. He indicated that just to the south is that same 1,500 feet buffer between the property that was rezoned and Liberty. He said they proposed a 15-foot setback from any residential, school, city park, or commercial uses, and a 10-foot earth and berm on the east side of Range Line Road, planted with trees and vegetation, as a proper screen between light, noise, dust, odor, and vibration.

Mr. Tiblier stated he noted when this agenda item was brought up, there were a lot of ex parte communications disclosed with the applicant, to which Liberty or other interested parties were not available to or were not invited to address the concerns. He said he would like to raise a point of order to specifically raise or disclose these ex parte communications further so the stenographer here can take it down, to preserve the record for potential future use. He stated that Liberty respectfully requests that the rezoning application be denied or at least

revised consistent with the concerns they have raised today.

Board Member Piechocki asked, in terms of establishing the 1,500 feet, if there has been any accidents or violations filed with any Florida or federal environmental protection agency over the last couple years that would add credibility to the request of 1,500 feet. Mr. Tiblier stated there were none that he was aware of, except for the Tradition development that is directly south, where the 1,500 foot buffer was used. He added there are heavy use trucks on Range Line Road delivering to Liberty's property and noticed the traffic study did not specifically address the coexistence between the residential, city park, and school traffic with these heavy use trucks. Mr. Noble stated he was not aware of any regulatory filings. He said they were stating the obvious, as they could look back at the newsreels and published reports of what happens when there is an industrial accident in a chemical plant or heavy industrial user, either Allied or Liberty, when there is residential immediately proximate to it. He stated the sole reason behind the 1,500 foot setback is to protect public health and safety of these residents. He said it is not just in the event of an industrial accident, as it is also the day-to-day operations mentioned by Liberty's attorney and the heavy industrial uses, which is why they are located in the industrial park. He noted all these things are in the code and plan and separate these uses from one another.

Board Member Piechocki inquired if the distance from the plants, as drawn up before them now, is 1,500 feet to the closest home. Mr. Noble stated he believed what was being proposed right now was several hundred feet from the plant itself. He said what his team has proposed, and what was approved in the past by this Board and the City, is 1,500 feet from the property line of the industrial users to the closest residential lot. He explained it does not have to be a residentially zoned property, as they will stipulate to that, but to the closest home, they would want 1,500 feet between the property boundary of Allied and in the actual platted lot. He said he believed the applicant has proposed several hundred feet from their chemical plant, not their property line, to those residential lots or they are not even 1,500 feet from the chemical plant.

Board Member Piechocki asked Mr. Sorrow, right now, as drawn up before the Board this evening, where the chemical plant is to the closest residence and where the chemical plant is to the western edge of the proposed school site. Mr. Sorrow stated he would like to show a

slide and have Bill Perry address it.

Mr. Sorrow stated he would like to correct what was represented by him earlier that there are 50 to 80 foot lots. He clarified they actually have 40 foot lots and villa lots as well.

Bill Perry with the Gunster Law Firm stated the drawing on the screen shows the distance from two concentric circles, one from Liberty's facility and the other from Allied's facility, from the tanks themselves. He noted the 1,000 foot radius is the closest point to the nearest home and more than 1,500 feet to the school site. He said the park serves as a buffer, as does the lake in front of the residential parcels that keeps any lot 1,000 feet away from the tanks on Allied's and Liberty's properties.

Mr. Perry stated for the record that they sent a letter to both of these objectors back in October and did not hear much until late last week, when Mr. Noble sent a letter to the City on New Year's Eve, and then Mr. Tiblier's came January 3, 2022. Mr. Perry stated his team agreed to remove this property in the interest of keeping peace and harmony and come back later. However, they are now at the point where they need to finish this project at the benefit of the developer, City, and School Board. He explained the school and park sites are desperately needed and the roads being constructed as part of this, specifically Crosstown Parkway and the North-South Road, to help the Verano PGA Village community, are being held up by two industrial users who cannot contain their facilities and operations within the boundaries of their facilities. He said it is not right or fair and they should not be able to dictate what a pre-existing development should provide in the way a buffer.

Mr. Perry stated Mr. Noble was referring to an approval that Allied got in 2007, as Ms. Price and Mr. Sorrow indicated the original DRI was done in 2003. He said when Allied substantially expanded their facility, it was found it would only meet St. Lucie County's code if certain conditions were made available, such as landscaping, creating an opaque buffer, and operating the project in a way to not interfere with the neighboring uses. He stated at the time Verano was a known neighboring use and it says Allied's proposed project will be constructed, arranged, and operated, so as not to interfere with the development and use of the neighboring property in accordance with applicable regulations and the recommended conditions of approval.

He said that one of those conditions of approval is that the landscaping along Range Line Road shall provide an opaque vegetative buffer at a height sufficient to effectively screen Allied's manufacturing facilities from the adjacent residential development along Range Line Road. He noted that Verano is that adjacent residential development.

Mr. Perry stated the Board can see what the screening looks like and it does not appear to be opaque. He said if there is an issue of buffering and creating a buffer between their uses and the residential Community, some of that needs to occur on Allied's property.

Mr. Perry indicated the gentlemen have been talking a lot about rezoning, but this property is zoned for the uses intended. He stated a DRI has been in place since 2003, providing that this property would be developed in the exact manner being proposed tonight. He noted it is being proposed in a lower density than was originally proposed. He handed out Resolution 03-74, as it was in the list of resolutions and indicated he had copies for the other attorneys as well. He explained the important thing about this resolution is that at the time this property was annexed from the County into the City, an appropriate land use, Residential Golf Course (RGC), was established in 2003, four years before Mr. Noble changed and expanded his facility. He said a land use of RGC means they can have golf courses and residences up to five units an acre. He stated the development here is substantially less at about two units an acre, which is substantially less than the maximum that could be allowed under the land use.

Mr. Perry stated that at this same time, a DRI was put into place specifying all the uses that will be made of this large piece of property, including a 50 acre city park, 49.1 acre school site, and roads and other improvements that were necessary to make the development work. He explained that Map H is the zoning document that shows how those uses will get laid out over this big piece of property. He stated Map H has been changed many times, most recently in Resolution 19-R26 that was not on the list. He said he has copy of it for the Board and for the other gentlemen as well, as it shows the 50 acre park, the 49.1 acre school site, and the Crosstown Parkway and North-South A Road in the exact locations being proposed for development here. Mr. Perry provided the resolutions to the Board.

Mr. Perry explained all of this was important because under Florida Statutes 163.318 (4) and (5), if one is going to object to something,

they have to do it within 30 days of the time the approval was made. He said the approval was made in 2003 to develop the property in exactly this fashion and the DRI sets forth exactly what they have to do on buffering as well as how big and where the city park and school sites are going to be, and now they want to change all that because they cannot keep their operations inside the boundaries of their property. Mr. Perry stated that was wrong and respectfully requested the Board take staff's recommendation tonight and advance this to the City Council. He said he was sure they would be having these discussions there as well, but his team would like to move this process along to get the School Board its school site, the City its park, and finish this development.

Board Member Previte stated the letter dated November 24th from Leslie Olson mentions reducing the approved buffer adjacent to Range Line Road from 500 feet to 50 feet. He asked what that was referencing. Mr. Perry said he was not exactly sure, but they have no proposal to do that. He stated the park is included in the buffer, so the park buffer alone is 1,000 feet for that portion of the property, so there is no reduction of the buffer being proposed in what is before the Board.

Board Member Previte stated the claim is being made that they need 1,500 feet and the letter from the County representative indicates there is an approved buffer adjacent to Range Line Road of 500 feet. He said he is trying to get some clarification. Mr. Perry said the DRI has a buffer and asked Scott Morton to address it.

Scott Morton introduced himself and stated he was with Kolter Homes for the applicant. He explained the buffer requirement is listed within the development order and has a minimum of 200 foot, maximum of 1,000 foot, and an average of 500 foot along the western limits, which would be Glades Cutoff Road and Range Line Road. He stated the applicant is providing that buffer along the Pod H residential area and the PUD is establishing the park and the commercial node. He said the establishment of what that buffer is and what it will look like will come with the site plan approvals of that park as well as the commercial node, as those are part of the DRI and would be subject to what would be required under the DRI.

Mr. Perry noted there would be no change in the DRI buffer with this proposal. He clarified the 1,500 in Tradition did the same thing they did

here, as they objected the last one and the developer in the Tradition case did not have a pre-existing DRI or land use plan. He said the developer was trying to get those approvals and, instead of being delayed, agreed to a 1,500 foot buffer. He stated the applicant does not agree.

Mr. Noble stated he was confused by the statement they were not there on a rezoning, as they are clearly there on a rezoning and these issues are ripe for consideration right now. He said they are there to talk about public health and safety as it currently exists, and not what was done 10 or 20 years ago.

Mr. Noble corrected Mr. Perry, as the chemical storage tanks on Allied property are located much closer to the residential use and Pod H than what was depicted on the 1,000 foot exhibit that was just shown. He said there are large chemical storage tanks and outside the building there are acid tanks located there. He stated what Mr. Perry is showing as a 1,000 foot buffer is probably down to 700 or 750 feet from the building itself. He said they are requesting that the actual property boundaries be appropriate to ensure public health and safety of future residents.

Mr. Tiblier, with Baker Hostetler for Liberty Tire, reiterated Mr. Noble's comment, as this is a rezoning hearing, it says it on the agenda, and it is titled Rezoning – St. Lucie County Agricultural Zoning to the residential use proposed by the applicant today. He added that the Comprehensive Plan has made similar buffers and screening requirements for just south of this development. He said it was 1,000 feet and, in the January 23, 2022, letter he sent to the Board regarding Policy 1.2.5.2, he stated it is not necessarily completely applicable to the land at issue here, but it is a similar policy. He stated the 240 acres to the west of the land at issue is zoned for heavy industrial and Liberty Tire is looking for a reasonable buffer given the fact that the entire 240 acres to the west of Range Line Road is heavy industrial use.

Board Member Piechocki inquired if they would consider the city park site and the commercial site a buffer they could live with. Mr. Tiblier stated if the city park site has the appropriate screening and berms they are seeking, perhaps, but they have not had that discussion with the developer.

Board Member Previte indicated that Policy 1.2.5.2 states the required

buffer zone ranges between 250 and 1,000 feet, with an average of 500 feet. Mr. Tiblier stated that was correct. He explained his point is that refers to agricultural use and residential use for the NCD district, and they are talking heavy industrial use.

Board Member Piechocki stated they are both longstanding businesses and have the right to operate, and obviously the jurisdiction they are in has allowed that. He said this development by Kolter is a good thing, with jobs, residences, and a school site. He stated he would have hoped by this time they would have found some middle ground to ensure that the community and future school will be safe from both of their perspectives.

Chair Beutel inquired if there was anyone else to be heard from the public. There being no comments, she closed Public to be Heard.

Chair Beutel asked what the national standard was for a safety buffer between a heavy industrial and residential neighborhood. Deputy City Manager Lamar-Sarno stated she did not have an answer for that, as they review using their code.

Board Member Piechocki inquired if that was something staff still needed to do, could do, or would have an additive value or not, to which Deputy City Manager Lamar-Sarno responded in the negative. She explained that staff assesses every application brought in front of the Board, as to what has been submitted and what is according to the ordinances and codes adopted by their City Council. She said once they go through the process and permitting, then other departments in the state take over. She stated she cannot speak to nationally, as her job is to speak to what their code and ordinances say. She said she believes they have done what they can do with the application at this point in time.

Board Member Piechocki stated he was not familiar with the structure for EPA rules and regulations within the state of Florida. He asked if staff had called that department for some specialized assistance, beyond the city codes, rules, and ordinances, to which Deputy City Manager Lamar-Sarno responded in the negative.

Board Member Taylor-Moore added there are concerns about safety, as far as one business developer, compared to what is going on with making sure the Board pushes this piece through. She reiterated her

concern, as a healthcare provider on this panel. She said she wants to understand some of the challenges with the emissions mentioned here. She asked if they could do a review or get some expertise on what that would mean for those residents closer to this plant. She said she has some concerns when she listens to both sides. Deputy City Manager Lamar-Sarno stated it was up to the pleasure of the Board.

Marty Sanders, Executive Director of Facilities, Maintenance and Growth Management at the School Board of St. Lucie County, stated he has been involved in this project since 2003 and thought the applicant did a good job of explaining this project was a development of regional impact and was reviewed by the City, Regional Planning Council, and County, and they approved the entitlements in the land use as depicted in this project. He said they have been working on the school site there for quite some time and when they talk about impacts from adjacent projects, normal regulatory review requires they maintain a safe facility and not have impact on their neighbors. He stated it was rather perplexing or odd that a neighbor would say "you are missing my 1,500 foot buffer on your site that I need to maintain a safe operation." He said he believed the County approval referenced they were required to provide their own safeguards, which is why they have to invest in their facility to make sure they have those safeguards. He stated they realize accidents happen, but this project is nearly 20 years old now in the development approval process. He asked if the buffers had the exact dimensions for what is right on the site, he said he did not know that answer, but he thought the Department of Environmental Regulation might have some ability to provide some input.

Board Member Taylor-Moore stated she does not know all the answers, as she is asking questions from a safety perspective. She said it is their prerogative to do that and make sure they are all doing the right thing. She stated this is a 20 year old project, and maybe Allied and Liberty Tire were there, and now this piece is coming in. She said they are both long term providers in the City, but at the same time looking at years later, what are some of the issues that the Board needs to address, based on the fact this residential is now going to happen. She asked if the standards and issues were the same. She stated she thinks being prudent and doing their due diligence, the Board should look at what that could mean for all of them. She stated, like Mr. Piechocki said, could they have come to some agreement together about what is appropriate for all involved, and then looking back again at safety, as that is always their concern. She said it is a 20 year

project with great stakeholders. She asked how they can support everyone in this matter and, when they make the decision going forward, how they can all be comfortable it is the right thing to do.

Chair Beutel asked if this was to be delayed until next month, if that would give the Planning and Zoning Board enough time to discover any information from the EPA regarding the questions that were asked on the safety and welfare of the residents. Deputy City Manager Lamar-Sarno stated it would be tight, as it would just depend on when they can meet with the EPA. She said the Planning & Zoning Meeting is February 1st, and they typically get their agendas ready two weeks in advance and their staff report has to be ready three weeks in advance, so that would be pushing it.

Chair Beutel indicated that on a previous subject it was said they could do it a week in advance. She explained that rather than entertain a motion of denial, she is asking if the Board can get some answers to these pertinent questions, to make sure the safety and welfare of the residents is preserved. Deputy City Manager Lamar-Sarno stated staff could work towards that if that is the pleasure of the Board.

Vice Chair Stephenson stated that Allied has been there a long time and the developer has owned the land for a long time, with the premise of someday developing it, as it has gone through all these different Pods. She asked, in Allied's request for this 1,500 foot buffer, what do they know that the Board does not know. She said she feels Allied has spearheaded this issue for the developer of needing this buffer. She questioned what was already going on over there that requires this type of buffer. She said if they would have said it was because of the vehicle noise or the lights of their facility that would make sense to her, but she does not feel that is what they are saying this buffer is for.

Chair Beutel stated she thought they briefly touched on the noise, light, vibration, and traffic. Vice Chair Stephenson said that is the overall issue, as they are not saying it is because of what they are actually physically doing at their facility, whether it is a chemical facility, tire facility, or rubber. She stated that it has nothing to do with environmental. She said if the Board is going to ask Deputy City Manager Lamar-Sarno, she wants to clarify what they are asking the City to do - is it an EPA thing or a noise/light thing. She asked if they were trying to be a good neighbor to not irritate residents or is something going on at their facility that the EPA down the road will have a story on their hands. She said she just wanted to understand why

Allied has such a problem and if these 1,500 feet are going to solve the world's issues, as something seems a little off.

Mr. Noble stated that it is all of the above, the public health and safety issues associated with the chemical plant, the massive volumes of hazardous materials that are stored and processed at that plant, the truck traffic, and all the industrial adverse impacts they have talked about already, like dust, noise, emissions. He said the list goes on and on. He stated it is just back to the basic concept of why they had these zoning requirements. He said there is no standard for that setback because it is prohibited. He stated almost all codes would prohibit the direct, immediate, adjacent location of heavy industrial to single family residential uses without these types of substantial buffers and setbacks, and that is exactly where the 1,500 foot number came from. He said it is efficient distance that mitigates those adverse impacts, whether they be environmental or all the operational impacts they have already discussed.

Board Member Piechocki inquired if it was based on any research, documents, or studies. Mr. Noble stated it is based on factual information that 1,500 feet away, light dissipates and will not adversely impact that neighborhood; 1,500 feet away one may hear the hum of heavy machinery as opposed to the loud roaring noises, at which point the City will be getting calls from all these residents in the future when windows come open; and 1,500 feet allows for mixing and dispersion zones for odors and things of that nature in the air to dissipate as opposed to fallout on homes in that area. He said it is just back to the basic incompatibility of heavy industrial next to residential. He stated if they move it far enough apart, that 10 foot buffer on the Verano side of Range Line Road would do a lot to dissipate all of that.

Board Member Previte asked Mr. Noble if they were planning to put a berm there, to which Mr. Noble responded in the affirmative and showed a slide of the area they are proposing. He said there is a 50 foot berm along Range Line Road and a drainage lake before getting to the first houses and the city park site will have its own buffer as well. He stated this is a complicated issue and the Planning and Zoning Board should not have to be dealing with this. He said they are at consistency with what has been done at Verano before. He stated this is the same PUD, same lot sizes, same type of development, and they are fulfilling their obligations. He said this is an issue for the City Council to weigh in on. He stated everything he has presented tonight

is consistent with everything he has presented in the past as it relates to Verano. He said Allied Chemical has the development order condition in St. Lucie County to be good neighbors and have a compatibility buffer. He stated his team is here tonight with a request to move forward, based upon the merits of the layout of the PUD, what they are proposing, and the uses consistent with all the other Verano development PUDs, and allow the City Council to make the determination. He said they are asking for the Board's support.

Board Member Taylor-Moore asked if the PUDs Verano has used in the past allowed for building residential homes next to heavy industrial. Mr. Noble stated there is no industrial right now within Verano. He said they do have some non-residential uses approved within their DRI, so they do have those abilities, but there is no industrial located within the Verano DRI at this time. Ms. Taylor-Moore stated that is probably why this is such a complicated issue, and the heavy industrial piece might be what is complicating the PUD, being that it is a little different. She said it may behoove them to see what some of the challenges are and have the Board set some standards that would allow them to feel more comfortable from a safety perspective.

Board Member Previte asked Chair Beutel if the right thing to do was to approve this and get it in front of Council, since it would have to get there at some point anyway. Chair Beutel explained that the Planning and Zoning Board is the most important Board to the City Council. She said if these questions are asked now, it is their responsibility to answer them to the best of their knowledge before it gets to City council. She stated they are not professionals in this field, but they do need to get answers and make sure the City Council has the best possible information before they have that discussion.

Board Member Piechocki stated he agreed with the Chair and opined that they are staff to the City Council and are supposed to filter some of these issues and resolve as many of them as humanly possible before it gets to the City Council, so they can make an informed decision. He said passing it to the City Council seems like they would be derelict of their duty.

Board Member Piechocki inquired as to what the parties would do if they had 35 to 45 days as a next step to come back and say they have worked diligently at this, gathered some facts, and are trying to help the Board help them. He asked what they would offer to the Board.

Mr. Sorrow stated he appreciated everyone on this Board, as they have a very important role as a reviewing body before the City Council. He said that is why his team has tried reaching out and presenting the facts as they see them, in making the case for this project moving forward to City Council. He stated they have a right to build as they have private property rights, and Marty Sanders has the right to get a school site, and delaying them would affect a lot of jobs. He said they humbly request that between now and Council they would look to see why 1,500 feet is a requirement. He stated his team has provided a good buffer for them and would like to move forward to keep things on schedule.

Chair Beutel stated there is another point of view here. She said as they build a beautiful neighborhood and people come in, they do not want them to become angry with the layout, situation, or safety concerns. She stated that although it may be a delay, they will have a solid recourse or answers to give to the residents they are trying to sell to.

Mr. Morton stated that a year ago when they segregated this away from the larger PUD to work on it some more, they were provided an e-mail from Ms. Price that, based on conversations with Mr. Noble, he had been asking for a 750 to 1,000 foot buffer, which they did to the rear of those lots, and utilizing the park as they have is perfectly satisfactory as far as transitional planning between uses. He explained all along I-95 and the railroad tracks, they will see industry users, ball fields, parks, other types of schools in these types of proximities. He said it is not right for Allied Chemical to come in and say they want 50 acres of your property and you cannot do anything with it. He asked what they should do - put other industrial over there that they do not have approvals for to use under their DO. He said it is not compatible and just moves the problem closer to anything else. He stated they have done a very good job of separating the residential uses from the plant. He said they can commit to a substantial buffer along the Range Line Road frontage that they do have out there.

Board Member Piechocki asked Mr. Morton to hold that point for a second. He said Mr. Sorrow has a right to build there, and the City and everybody wants them to build there. He stated the other party has a right to exist in the space they have occupied for years. He asked Mr. Sorrow, with the buffer his team has, could that be a starting point to a

discussion between all of them to come back to the Board and help them do their job for the City Council. He said if they cannot do that, it will have to go to City Council at some point. He stated he knows that sounds frustrating, but it is what reasonable people do. He said nobody wants to hold up a school, as they understand that is the carrot, but so is the safety issue.

Mr. Morton stated he thought his team had met what they asked a year ago in the team's revised plan that they brought back here. He said he is not even sure why Liberty Tire is still here, as the school in excess of 1,500 feet away and the closest residential lot is in excess of 1,500 feet away. He stated he thought he heard earlier that the park was okay there and he has not heard any objection to the commercial node being across from it. He said they have met Allied's issues. He stated it just comes down to if they go from the focal point of where their concentrated area of chemical use is on their site, as the property line goes all the way up to the railroad track and is farther up Range Line Road than Liberty Tire's property. He said 1,500 feet will go into more than just that first cul-de-sac. He stated that is a substantial taking of Liberty's property to satisfy a need Allied is supposed to be accommodating for on their own property.

Board Member Piechocki stated he would never say somebody wants to give some of your land to someone. He said they are just looking for some safety and for some facts. He asked where the 1,500 feet comes up - is it 1,500 or is it 1,000. He said that is all the Board is looking for.

Mr. Morton stated he did not know where the 1,500 came from. Mr. Piechocki said they should have come to this particular point at this point in time. Mr. Previte stated that it sounds like they have. He said if the request was 1,000 feet last year and if they have met that, is that not a coming to terms. He stated Mr. Tiblier is saying that one year ago there was a request for 1,000 feet and Liberty Tire has met that, and now it is 1,500. Mr. Morton stated that is what he is hearing, and he is relying on an email he received Ms. Price where she had the conversations with them. He said they were asking from their property line and we went from their tanks.

Board Member Previte asked Ms. Price to respond and if that was accurate. Ms. Price recalled there was some discussion that it could be less than 1,500 feet, and they thought they could accept. She said she does not remember the exact numbers given. Mr. Previte asked if it

was in writing somewhere. He said, as far as he is concerned, he is willing to approve this if that is the case. He stated if there was a discussion it was 1,000 feet and the applicant agreed or made their change to accommodate that, then he believed a meeting of the minds was already had.

Vice Chair Stephenson stated she agreed with Mr. Previte. She said she remembers when this came in front of the Board before, the number was different. She stated she does not understand how a community business partner is making the rules for another business partner. She said if it is written somewhere, it is an EPA issue, or if there is a logical in-print reason for 1,500 feet, then the Board would just like to see that. She asked, if the parties had already agreed to 1,000 feet a year ago and the 1,000 feet has been met, why are they now talking about 1,500 feet.

Board Member Previte stated he would like to move forward and approve this, as he was looking at the email that says, "Ron Noble, representative for Allied Universal Corporation, is requesting that Verano provide a minimum 750 to 1,000 foot buffer on the east side of Range Line Road, to preclude any future potential problems from the industrial development." He said they were not talking about noise or lights, as they are talking about leaks, fires, and explosions. He stated he was not sure adding 500 feet would make a difference for an explosion. He said as far as he is concerned, there was discussion, and it was requested to be 750 to 1,000, the applicant met that request and now it has changed.

Board Member Piechocki asked Mr. Noble if that was an accurate representation of the conversation. Mr. Noble stated that could be a conversation he had with Ms. Price, as there were a number of conversations preparing for that December 2020 hearing before this Board. He said that was resolved at that point when the developer removed the 500 acres from the rezoning application, and that is where it was left off. He stated if there was any discussion of 750 to 1,000 feet, that was from the property boundary and not from any specific uses on the property.

Mr. Noble stated he agreed that these parties should have an opportunity to come together before this meeting. He said he would tell them right now that Allied will commit in good faith to work with these guys over the course of the next thirty days, and if they can agree with

something before February 1, 2020, they will come back and present that.

Board Member Previte asked what they would you agree to that is different than a lower foot distance. Mr. Noble stated it would depend on the buffering and screening, as this was the first he had heard of a 50 foot berm. He said he is not sure if that was what they intended to say, but a substantial earth and berm that is properly landscaped would go a long way to trading off some of the distance of a setback.

Board Member Previte asked for clarification on the berm that is planned. Mr. Perry stated the adjacent property owner should not be able to dictate what the buffer is, as that is the job for the City.

Mr. Morton stated the 50 foot that they mentioned was a width and not a height. Mr. Previte inquired if it was a standard 10 foot berm. Mr. Morton stated they could probably get six to eight feet and landscape will go up higher than that. He said they can commit across their frontage to doing that. He indicated that some of it is across the park frontage and it is what the City designs and chooses to do across that buffer.

Board Member Previte asked what the typical standard berm is. Mr. Morton stated he believed they have been doing three to four feet along Crosstown.

Chair Beutel asked, if the berm is already planned, if they could share the specifics of it to see if they can get this resolved tonight. Mr. Sorrow stated this is a zoning approval and they are providing the space, which is the 50 foot wide buffer with a six foot berm. He said when they come in with a subdivision plat, they will have the landscape plan to address the landscape plantings. He stated that, as Mr. Morton mentioned, with six foot high dirt and then an understory, ground cover, and a canopy tree, coverage planted on top of the berm, it is a pretty thick buffer that they will be providing.

Chair Beutel stated she realizes that is for another meeting, but if it affords them the opportunity to make a decision tonight, she would certainly like to use that information.

Planner Price recalled the discussion in the Staff Report about the sidewalk on one side versus two sides. She stated they had proposed

only having sidewalk on one side and staff was not recommending that. She said that tonight, early in the discussion, they mentioned they would be amenable to putting in the eight foot sidewalk on one side and a five foot sidewalk on the other. Chair Beutel stated she will make sure it is included in a motion if one is made.

Mr. Sanders stated he looked back as his notes and in 2003 the City Council approved the original resolution for the DRI, 03-R68. He said part of that resolution had a 500 foot buffer along that boundary. He stated the school site is roughly 1,850 feet from the chemical tanks and roughly 1,600 feet from the Range Line Road site. He said they were very comfortable with the distance there and believe it is an appropriate buffer for the school site.

Mr. Sanders explained they have been working with the developer and have an educational impact fee credit agreement from 2005. He said they have since amended it and have another amendment in process. He stated the School District is moving forward with the construction of a new high school in southwest Port St. Lucie, as they are seeing high enrollment. He said Treasure Coast started the year with over 3,000 students in a school that is built for 2,500. He stated as part of their negotiations with Kolter, they have modified the delivery of this school site, moving it up several years and they have agreed to it. He said they have serious penalties or liquidated damages to Kolter if they do not deliver on time. He explained they will have to be ready in August, and they know they will have a tight timeframe with the design and waiting on the extension of Crosstown Parkway. He said it is very important they move forward.

Mr. Sanders stated this Board has raised a lot of issues that could be resolved before City Council takes action. He said he spoke to the applicant and staff as well, and both have determined the city park site and the school district site should be institutional zoning and not PUD. He stated they moved forward with it as a PUD and believe staff can make some modifications to the plans between the time of this approval and the City Council approval. He asked if the Board moves forward with an approval tonight, that they do that as well.

Mr. Tiblier stated he has been quiet and wanted to say for the record that Liberty is willing to meet with the developer in the next thirty days, as Mr. Noble also offered to diligently discuss these issues.

Mr. Morton stated they can commit for the piece of buffer they control. He said they will do at least a six foot high berm with substantial landscaping on top of it. He stated the buffer Mr. Sanders was referencing was from a very old Map H and it just referenced what the average was. He indicated the condition in the development order spoke to a minimum, a maximum, and an average. He said Map H just represented the average around the site, but that had been modified over the years and, as they saw earlier, the buffer along that area right now is incorporating the park into it, which has been done since 2012. He clarified they will do across the frontage where the residential lots are looking across the lake and have a substantial landscape buffer and commit to a berm. He said if they want to make that a condition of approval this evening, they can probably word that. He stated what goes across the park is probably going to be for the City to decide and design how it wants to conform with the buffer as well as landscaping requirements along there when it prepares plans for the park.

There being no further questions or concerns, Mr. Previte motioned to approve P21-070 for Verano South Pod H - PUD rezoning with the condition that the applicant have sidewalks on both sides of the street, eight foot on one side and five foot on the other, and the 50 foot buffer zone with berm.

Chair Beutel restated the motion as follows: to recommend approval of P21-070 with the conditions that they have the eight foot and five foot sidewalk, one on each side, and the 50 foot buffer with the berm.

Mr. Noble asked what the specifications were for the berm, the location, the height. He said he heard them mention their standard berm is three to four feet, and his team was requesting a 10 foot berm and heard an offer of a six foot berm.

Board Member Previte stated he believed Mr. Sorrow said it was a six foot berm. He said the applicant is stating that it is a six foot berm and then there will be additional landscaping on top of that, so I can restate the motion.

Board Member Previte restated his motion to approve P21-070 Verano South Pod H – PUD Rezoning with the following conditions: that there are two sidewalks, eight foot on one side and five foot on the other, and there is a 50 foot buffer zone with a berm that is six feet high with approved landscaping. Vice Chair Stephenson seconded the motion.

Chair Beutel stated that they have a motion and a second. She said the motion is to recommend approval of P21-070 with the conditions of having the eight foot sidewalk on one side and five foot sidewalk on the other, with the 50 foot buffer and the six foot berm, and approved landscaping.

The Deputy City Clerk called for the vote: three Board members voted in favor and four opposed. Chair Beutel indicated the motion failed. Deputy City Attorney Elizabeth Hertz stated if there is a desire, there can be a reconsideration of the motion by somebody who voted against the matter.

Board Member Previte asked the Board if there was a change to his motion if it would help them vote differently, as four people voted no. Deputy City Attorney Hertz explained how it is postured currently. She said it will go forward to the City Council, indicating that the motion for approval failed.

Chair Beutel asked, to double check and give everyone the opportunity before the Board sends this over, if there was a motion that would make them happy today that is different from Mr. Previte's motion.

Board Member Piechocki stated he did not know who that question was being addressed to, to which Vice Chair Stephenson said that it was being addressed to the Board. She explained that to anyone who failed the motion, is there something in the original motion that they did not see fit, that if it was worded differently or something was added or withdrawn would change their vote of the motion.

Board Member Piechocki stated that he would like to see the parties come back and work together over the next 30 days and try to come one last time with some sort of compromise on both sides, not one dictating to another, working for the benefit of each of them, the County, and the City of Port St. Lucie. Mr. Tiblier stated that was agreeable to Liberty.

Chair Beutel stated she was addressing Mr. Piechocki and the Board, and her question is if he would like to make a different motion right now. Mr. Piechocki motioned that all three parties, the tire recycling, Allied, Kolter, work together and maybe even with a staff member present to help assist to come up with a plan that represents

compromises on both sides, to come back to the Board that allows them to reconsider this, so they can approve it, filter it, and do the job that City Council expects of them.

Chair Beutel asked if Mr. Piechocki wanted them to return, delay this until the next month or the following month, to which Piechocki stated thirty days. Ms. Taylor-Moore stated that thirty days makes sense, as everybody wants to move forward.

Mr. Morton asked if it would be acceptable if they agreed to meet in the thirty days or even longer than the thirty days for process time between this Board and the City Council, to see if there are additional resolutions to the issues of this Board and Mr. Sanders so the school site can advance.

Board Member Piechocki stated he was not sure of what was just said. Deputy City Manager Lamar-Sarno explained she was hearing they could amend or reconsider the motion and add the condition that they must have this meeting prior to City Council. She stated they do that sometimes, particularly with neighborhood meetings. She said in the past they have put conditions on applications that must have a neighborhood meeting prior to the City Council Meeting. She noted that staff will not put it on the agenda without that meeting occurring.

Board Member Previte stated that was a good point, as the Board can approve this with the condition that the parties meet, because this entire process has to happen again in front of the Council. He said the parties will need to come back to the Council and the Council will see there was a condition that needed to be met and ask for the outcome of their meeting. He stated that is probably what they should do at this point.

Deputy City Manager Lamar-Sarno clarified, it is the pleasure of the Board naturally, as staff would not put it on the calendar without the meeting occurring. Mr. Morton stated that is what he was trying to say. He said it is Mr. Piechocki's motion, but he would respectfully ask that the Board entertain that. He stated he believed Mr. Piechocki was doing his job and the City Council would see that by requiring that meeting.

Mr. Noble stated it was important to follow the motion that was just made, and that is to give the parties an opportunity, whether it is three

weeks or four weeks, to negotiate these issues, what is appropriate, and bring that back to this Board, so they can reconsider the matter and make an appropriate recommendation to Council.

Board Member Taylor-Moore stated she would love to make an informed decision about these matters, but she does not feel she is there and that is why she is very hesitant to approve it. She said they want this project and everybody wants to move forward, but she thinks there is an opportunity for them to clarify some of the issues and get some good data about what is safe

Board Member Piechocki stated they could show the Board what they plan to do on a site plan.

Board Member Previte stated he was disappointed that the Board has to request a meeting and have another thirty days and review it again. He said the parties could have gotten together to have these discussions. He stated he would like to approve this with the conditions they just spoke about, that they meet. He said this way it goes in front of the Council and the Council will ask them at that point. He stated the parties will meet between now and the next Council meeting or whenever it gets on the next agenda, and then it should not have to come back to the Board.

Chair Beutel asked if Mr. Previte would like to make another motion. Mr. Previte suggested having a discussion, so they do not have to go through the process again. Deputy City Attorney Hertz stated it is going to be a reconsideration and a new motion, and it should come from someone else.

Vice Chair Stephenson stated that before another motion goes out, they have to take into consideration some of the issues of how it did not pass with certain Board members. She said instead of having the applicant and the business owner come up with what they think is expected, the Board should tell them what the expectations are in the motion. She asked if they wanted them to agree on a setback, a berm, and if it is safe. She stated they have to be very specific in the motion to lay out the expectations, so the parties do not start recreating the wheel and unnecessarily fight out each other.

Board Member Taylor-Moore stated she agreed completely. She said they need to get some information that is based on good data that they

can all feel comfortable with to move this project forward. She stated it is not for the Board to come up with it or for the applicants to come up with it out of thin air. She said she thinks the City needs to do their due diligence. Ms. Briney agreed.

Chair Beutel stated she understood and asked if any other members had any other issues they need addressed prior to accepting this or recommending approval. She said that safety and agreement were the only issues.

Board Member Piechocki stated that Vice Chair Stephenson's points were well stated and suggested that she put together the motion, since she already stipulated what needs to go in it. Vice Chair Stephenson said she cannot make the motion because she voted for Mr. Previte's motion.

Deputy City Attorney Hertz stated it would be preferable Mr. Piechocki to make the motion. Mr. Piechocki asked if Vice Chair Stephenson was looking for approval or a period where the parties can work together and come back and meet some stated goals of the Board, and then they vote on it, and it goes to City Council. Ms. Taylor-Moore stated that is what she is comfortable with. Vice Chair Stephenson said she is suggesting that, but with very specific items, the safety, the coming up with the meeting of the minds that they are going to agree to 750 feet or 1000 feet. She said the Board is not going to make that decision for them, as the two people need to come together and decide that they have agreed at 1000 feet and here is the data for Ms. Taylor-Moore for the EPA information, so that everybody collectively as a Board has gotten their piece of this puzzle and are comfortable with that. She explained if the Board stipulates in the motion this is the directive, the parties will not deviate from those specific items. She said the Board wants to know about the EPA, to make sure it is safe for the residents, and for them to agree on the distance of a buffer. She stated they have it in writing that it was 750 to 1,000, and now they want 1,500. She said they cannot have it both ways, so they need to pick a number if safety is not the issue. She stated the parties needed to be specific on the berm. She said it sounds like across the Board there could be some cohesiveness if these things were addressed.

Board Member Taylor-Moore inquired if they were going to table, come back, and ask for those specifics. Deputy City Attorney Hertz stated she was hearing Vice Chair Stephenson suggesting conditions within a

motion approving the item, asking for the parties to work together and discuss those items, and reveal the outcome to City Council at the time of the meeting. Mr. Previte and Vice Chair Stephenson agreed. Vice Chair Stephenson stated that was correct, because then City Council will ultimately make the decision with the information that the two parties are collectively going to gather from the Board's motion.

Mr. Tiblier pointed out that it sounds like Board members who voted for the motion that was previously rejected are dictating a new motion with the same content, just as a point of order. Mr. Previte stated that no one is dictating anything.

Chair Beutel stated, at this point, there should be no more discussion from Mr. Tiblier. She said she appreciated his input, but it is not in order at this point. Mr. Tiblier stated he was trying to preserve the record and apologized. He said he needed to make sure he gets his client's . . . Chair Beutel asked him to stop speaking, as his turn is over. She said this meeting has to come to a conclusion and the Board is trying to help him, so he needs to stop.

Board Member Piechocki stated he understood that theoretically the Board would make a motion to approve, and they would approve it with the conditions the parties meet and spell out certain criteria as best they could stipulate them, per Vice Chair Stephenson's comments. He said that it will then go to City Council, as there is a precedent for that and it gives both parties an opportunity to show good faith, goodwill, and the Board sends them off with their expression that they want to help both of them as much as humanly possible.

Deputy City Manager Lamar-Sarno stated she appreciated the synopsis, and it would not be the first time they do conditions of this type. She said what they have done often in the past in an item of this nature or a significant discussion, is provide the City Council with the minutes of the Planning and Zoning Board, so they are aware of the conversations and discussions as well as the conditions the Board has placed on their approval will go along with the agenda item that is prepared. She stated they would not proceed to City Council without that.

Board Member Piechocki stated he would try to craft a motion: that the Planning and Zoning Board approves the request P21-070 with the conditions that both parties before their presentation to City Council, and he imagined the next City Council meeting, make a good faith effort

to meet and work together to identify common ground in terms of the buffers, berm, any safety issues that can be documented by the appropriate Environmental Protection Agency, whether that be state or federal, provide data before they go to City Council to that effect, and then make their case to the City Council.

Deputy City Manager Lamar-Sarno asked if the sidewalks could be included, to which Mr. Piechocki stated to add in Ms. Lamar-Sarno's request for the sidewalks. Mr. Sanders stated he wanted to add Institutional Zoning for the park and the school, to which Mr. Piechocki stated to add that as well. He said he would look for someone to craft that tomorrow, as he was just thinking out loud, in some City language and maybe they could take a look it tomorrow by email and approve it that way.

Deputy City Attorney Hertz stated the motion needs to be here tonight. She said they will memorialize it based on what has occurred. She stated they will take what he said and put it in writing. Mr. Piechocki said that is all he is asking.

Chair Beutel asked how it would be best to work this. Deputy City Attorney Hertz stated what Mr. Piechocki said is clear. She said he went through the conditions and added Ms. Price's condition and added Mr. Sanders' condition, so it is clear. She stated they will document that in whatever is sent to City Council, if this is seconded and if it is passed, so this is just a motion. Mr. Previte seconded the motion.

Chair Beutel stated they have a recommendation for approval with conditions for P21-070. She said some of the conditions are an eight foot sidewalk on one side and five foot sidewalk on the other. She stated they are looking for safety data from the proper authority and for information on the buffering and the berm, and the Institutional Zoning for the school property.

Chair Beutel called for the vote of the reconsideration of a motion, which passed unanimously by roll call vote.

9. New Business

9.a Review and Discuss Revisions to the Interview Process **2022-029**

There being no discussion, Board Member Piechocki moved to table this item to the February 1, 2022, Planning and Zoning Meeting. Board Member Previte seconded the motion, which passed unanimously by

voice vote.

10. Old Business

There was nothing discussed under this item.

11. Public to be Heard

No comments were made by the Public.

12. Adjourn

There being no further discussion, the meeting was adjourned at 10:42 PM.

Alfreda Wooten, Secretary

Traci Mehl, Deputy City Clerk