

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 is 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