

City of Port St. Lucie

Special City Council

Meeting Minutes - Final

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

Shannon M. Martin, Mayor

Jolien Caraballo, Vice Mayor, District IV
Stephanie Morgan, Councilwoman, District I
Dave Pickett, Councilman, District II
Anthony Bonna, Councilman, District III

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Monday, August 7, 2023	9:30 AM	Council Chambers, City Hall
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1. Meeting Called to Order

A Special Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Martin on August 7, 2023 at 9:36 AM, at Port St. Lucie City Hall, Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

2. Roll Call

Council Members Present:

Mayor Shannon Martin
Vice Mayor Jolien Caraballo
Councilwoman Stephanie Morgan
Councilman Dave Pickett
Councilman Anthony Bonna

3. Pledge of Allegiance

Mayor Martin led the assembly in the Pledge of Allegiance.

4. Public to be Heard

No one signed up to speak for this portion of the Agenda.

5. Ordinances

5.a Ordinance 23-43, An Ordinance of the City of Port St. Lucie, Florida, Amending the Comprehensive Plan of the City of Port St. Lucie to Provide a Large-Scale Amendment Consisting of Text Amendments to the Future Land Use

[2023-554](#)

Element by Amending Figure 1-6 as Requested by ACR Acquisition, LLC (P21-128)

The City Clerk read Ordinance 23-43 aloud by title only.

Mary Savage-Dunham, Director of Planning and Zoning, provided a brief explanation of the Text Amendments to the Future Land Use Element by Amending Figure 1-6 as requested by ACR Acquisition, LLC.

(Clerk's Note: A PowerPoint Presentation was shown at this time.)

Director Savage-Dunham provided an overview of the Applicant's request. She demonstrated an aerial of the project and discussed the background information relating to the project. Director Savage-Dunham provided that the proposal was inconsistent with several portions of the City's Comprehensive Plan.

Colt Schwerdt, Assistant Public Works Director, provided an overview of the Traffic Impact Analysis regarding the proposed text amendment change.

Director Savage-Dunham concluded her presentation by providing an overall analysis of the proposed land use text amendment. She discussed Staff findings and recommendations and provided an alternate motion to the City Council.

Councilwoman Morgan asked for clarification regarding the Text Amendment of the Comprehensive Plan, to which Director Savage-Dunham confirmed it was a Comprehensive Plan Amendment and added that it was a Large-Scale Comprehensive Plan Amendment to modify the Land-Use Map. She inquired if Figure 1-6 was the Conceptual Land-Use Plan and could be changed, to which Director Savage-Dunham responded in the affirmative. Councilwoman Morgan asked since when Figure 1-6 had been in existence, to which Director Savage-Dunham answered since 2006. She inquired if the change modified the DO (Development Order) or the DRI (Developments of Regional Impact), to which Director Savage-Dunham indicated Staff was requesting the removal of one of the notes that was previously on Figure 1-6.

Councilwoman Morgan asked if the paseo would have to be later approved by the Planning and Zoning Board, to which Director Savage-Dunham responded in the affirmative and noted that Staff was not taking a position as to whether the paseo was right or wrong. Director Savage-Dunham added that their position was only to discuss the granular details of where it would be placed, how it looked and where it would go.

Councilwoman Morgan inquired if the triggers were listed in the DRI and DO, to which Director Savage-Dunham responded they were listed in the DO. She asked if the Council was changing the DO, to which Director Savage-Dunham indicated the triggers on the current DO relate to the existing Figure 1-6.

Vice Mayor Caraballo directed her questions to Outside Legal Counsel Susan Trevarthen. She asked if the conceptual plan provided the Developer's intent, to which Attorney Trevarthen responded in the affirmative and noted that was the reason they included it in the Comprehensive Plan. Attorney Trevarthen warned the City Council that they should not approve a modification if it posed concerns about it being added to the City's Comprehensive Plan because once it is in the Comprehensive Plan it would have the presumption that it is correct. She added that currently there are entitlements included in the Comprehensive Plan since 2006. Vice Mayor Caraballo indicated she would not approve a plan that she does not agree with. She noted that she had not been shown anything to change her mind. Vice Mayor Caraballo stated she would not approve a plan to later be against the decision.

Mayor Martin provided 20 minutes to the Applicant to present. She added that there continued to be presentations in complete disregard of the City Council's previous decision.

Dan Sorrow, Coteleur and Hearing, spoke on behalf of the Applicant, ACR Acquisitions. (Clerk's Note: A PowerPoint Presentation was shown at this time.) He provided a map of the Site Context Location and discussed the Entitlement Applications and Figure 1-6. Vice Mayor Caraballo and Mayor Martin questioned Mr. Sorrow about the Figure 1-6 slide and pointed out the differences between both Figure 1-6 layouts. Vice Mayor Caraballo apologized for interrupting; however, she indicated she requested a meeting with the Applicant and was denied the opportunity based on them not allowing City Staff to participate in the meeting. Councilwoman Morgan noted that Becker Road was moved further north. Mr. Sorrow continued with his presentation to the City Council. Vice Mayor Caraballo inquired why Paar Drive looked different than Becker Road, to which Mr. Sorrow indicated a slide would follow with that information. Mayor Martin and Vice Mayor Caraballo indicated that Mr. Sorrow's presentation demonstrated the removal of Paar Road, to which Mr. Sorrow stated it was not with the current application. Vice Mayor Caraballo advised that if this Application moved forward that he reference the Mobility Plan. Councilman Bonna requested that all questions relating to the presentation be held to the end as it was making time keeping difficult with the interruptions.

Councilwoman Morgan agreed with Councilman Bonna. Vice Mayor Caraballo apologized and provided her reasoning behind the comments during the presentation. Mayor Martin indicated they would allow Mr. Sorrow to finish his presentation without further interruptions. Mr. Sorrow continued to provide his presentation to the City Council and indicated that Paar Drive would not be removed from the plans based on this Application. He discussed the Traffic Impact Analysis Process and noted there were no links shown to provide over capacity on Becker Road.

Tara Duhy, Attorney for the Applicant, was present and asked to reserve the last two minutes for their rebuttal. Mayor Martin advised she may continue as they would not be allotted a rebuttal presentation. Attorney Duhy provided the Applicant's rebuttal comments to the City Council.

Councilman Pickett asked what was the threshold of rooftops for commercial to come to an area, to which Mr. Sorrow stated Publix likes to have around 4,500 to 5,000 rooftops before they relocate to an area.

Councilman Bonna inquired why the Applicant insisted on including the word paseo into the application if it is not their intent to eliminate Paar Road, to which Mr. Sorrow advised they were open in fully eliminating any terminology outside of Paar Road. Mr. Sorrow stated he would like to keep a Multi-Modal pathway to simplify the process in the future. Councilman Bonna stated he was confused by Mr. Sorrow's response because in the event they decided to work with the City Manager to come up with a path they would likely have Staff support. He added that Map H would likely not have opposition. He noted he did not know why the change needed to happen now.

Mayor Martin indicated she knew the reason why. She stated this was an example of the Developers trying to get the City Council to accept changes that have not been previously reviewed by City Staff and to be able to negotiate from the dais. Mayor Martin added that she did not appreciate what was being done as they have voted on Paar Drive previously. She noted it would be detrimental to have a paseo on the City's right-of-way.

Mr. Sorrow stated they had previously worked with City Staff. He stated he had the emails indicating support from City Staff; however, he added they would agree to remove the word paseo and asked for transmittal. Councilman Bonna advised that the map did not show a 2-lane Paar Road and a paseo, and rather that it shows the elimination of the road. He noted that the direction of the City Council was very strong and did not agree with the elimination of Paar Road. Councilman Bonna asked why it was being presented that way on the map. Mr. Sorrow discussed slide number 6 of

his presentation and added that on the right was the proposed Figure 1-6 and it reads "Paar Drive/Paseo" and by no means did they intend to eliminate Paar Drive with the current application. Mayor Martin stated that the information was not true and could not sit through the meeting and let falsehoods be told. She stated it was the Applicant's intent to remove the roadway and replace it with a "paseo", which would not support vehicle traffic. Mayor Martin added the Applicant has tried to do this the entire process and pointed out the Applicant's own presentation included the following "The applicant requests to keep the Paseo on Figure 1-6 because it has received support from staff in the past and will be important to memorialize it on a document". She stated the Applicant was not being truthful to the City Council.

Councilman Bonna inquired what assures the City Council that the proposed will move forward in the manner it is being presented to Council, to which Mr. Sorrow stated that City Council would want the flexibility to adapt to market conditions.

Vice Mayor Caraballo stated she would be basing her decision on what she felt was best for the City. She added that she did not wish to handcuff the City or its residents. Vice Mayor Caraballo stated that the proposed Figure 1-6 clearly demonstrates a condensed amount of uses and an over-amount of uses within one area. She added that traffic reports, studies and common sense demonstrates that these changes are wise planning. Vice Mayor Caraballo concluded that she would not be able to support the item. Mr. Sorrow added that they would move forward with removing the paseo, to which Vice Mayor Caraballo explained it was not about the paseo. She stated she did not agree with the design with placing mix-use and condensing the area, it was not wise. Vice Mayor Caraballo stated it would be irresponsible for her to transmit to the State and refused to do so. She noted she was not basing her decision on roads and basing the decision on the modifications requested.

Councilman Pickett asked Director Savage-Dunham to review the email sent to the City Manager approximately a week ago, to which Director Savage-Dunham read the excerpt relative to the Applicant's request to remove Paar Road. Director Savage-Dunham read an email from the Applicant dated July 24, 2023.

The Intervenor, Ryan Coursen with GL Homes provided comments pertaining to ACR Acquisition's request. He requested that the City Council deny the text amendment.

There being no further discussion, Vice Mayor Caraballo moved to deny

Ordinance 23-43. Attorney Trevarthen asked Mayor Martin if she wished to accept additional public comment as this was a continuation of the prior hearing. Mayor Martin stated she would allow public comment. Vice Mayor Caraballo withdrew her motion to deny Ordinance 23-43 to allow for additional public comment.

Mayor Martin opened the Public Hearing.

Richard Lawton, spoke in opposition of Ordinance 23-43.

Mayor Martin closed the Public Hearing.

There being no further comments, Vice Mayor Caraballo moved to deny Ordinance 23-43. Mayor Martin passed the gavel to Mayor Pro Tem Morgan and seconded the motion. Councilman Bonna advised he had additional questions for Attorney Trevarthen. He inquired if there were any legal implications for Becker Road based on the difference in the location on the map, to which Attorney Trevarthen advised that the map would need to be updated to reflect the actual location of Becker Road. Councilman Bonna asked if the Developer could build on a map that does not reflect the actual location where Becker Road is located, to which Attorney Trevarthen indicated it was a large parcel and large areas of the parcel are unaffected by the relocation of that right-of-way. She added she understood what Councilman Bonna was stating that there would be certain areas that create a conflict. Councilman Bonna inquired if he would be able to question the Applicant, to which Mayor Martin indicated they would have to withdraw the motion and advised those questions should have been asked previously. City Attorney Stokes indicated Mayor Martin was correct and that those questions should have been asked during the Public Hearing and the item was now before the City Council deliberation. The City Clerk restated the motion and called for a roll call vote with Mayor Martin, Vice Mayor Caraballo, Councilman Pickett and Councilman Bonna voting in favor and Councilwoman Morgan dissenting. The motion to deny Ordinance 23-43 passed.

6. Adjourn

There being no further business, the meeting was adjourned at 11:20 AM.

Daisy Ruiz, Deputy City Clerk

Sally Walsh, City Clerk