

MINUTES OF A SPECIAL WORKSHOP MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL, 1ST FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 12:00 NOON ON MONDAY, JANUARY 10, 2005.

Mayor Benton called the meeting to order.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

The purpose of the Special Workshop Meeting was Discussion on Development Codes.

City Manager Beach said what staff had hoped to do today is try to get some very specific guidance from the City Commission on any number of development issues. This workshop is designed to help them talk about changes to the development code that would raise the bar on the quality and type of construction that takes place in Fort Pierce. There is a number of ways that is controlled, but it is primarily through policy set by the City Commission, adopted through ordinances, and changes both to zoning and height issues, and any number of design questions that they have to deal with on a regular basis. Almost all of them have at one time or another talked about changes that they would like to see in some specific part of the development codes; however, they have never articulated what those changes are. They wanted to see improvements, they wanted to see things better, they wanted to see things of a higher quality, and all of those are fine, but they have to be able to define those. They have to define them and put them in a format that the development community can both understand and accept. One of the issues he hopes they take up today and talk about is something that was presented to Commissioners many years ago; and that had to do with the establishment of architectural standards. At this point in time the only architectural standards that projects are compared to are those through their Historic Preservation ordinances and the Historic Preservation Board. They can review projects within certain parts of Fort Pierce for architectural compliance with historic issues. But beyond that the quality of architecture they get is typically left up to the developer and he is usually influenced as much as he can be influenced by staff in terms of those architectural requirements, but there is nothing in the code that requires them to do it. In other words, their decision to do it or not do it is basically theirs. So hopefully that issue will come up today. They need to probably talk more about height issues. The Commission has fairly consistently kept with the policy of a 45 foot height issue on the island and 65 foot height issue on the mainland. As all of them are well aware, the height and density issue is the battle virtually of every development that is submitted to City Hall. The development community clearly wants a higher density, they want to go higher, they want to build more units within the same space. And no one has to explain to them why that is. It is just a simple economic fact. So those issues might want to be refined. The approach they are taking today is to get this laundry list of improvements that this elected body wants to see to the codes and they will take that laundry list back and compare it to the existing codes and come up with language or changes that would accommodate whatever it is the Commission is trying to achieve with this. With that, whoever has the first issue can get started.

Mayor Benton said he will open it up because he has several. He was wondering if maybe they should take it in some type of order because he knows height is an issue. Should they go there first?

Commissioner Nelson asked how long are they going to be in this meeting?

City Manager Beach said staff has allocated three hours, from now until 3:00 p.m., but if they are satisfied by 1:00 p.m. or 2:00 p.m. that they have covered the issues they want covered, then that is what really dictates the time.

Mayor Benton said he knows he has a place to be, another meeting at 2:00 p.m. but this is more important. He should say it is not more important, but this he thinks with the development that is coming, they need to really get on the right page here.

Commissioner Becht said he had more of a general overview, that if he would let him walk through it, then they can talk about the specific items, but he would like to make sure they get all the items on the table first if they don't mind.

Mayor Benton said he has the floor.

Commissioner Becht said the City has a comprehensive growth management policy plan. Do they have a map anywhere in the City Hall that would show them what the land use classifications are for City property?

Mayor Benton said he asked for that map to be at this meeting.

Mr. Ramon Trias, Director of Development, said the land use map, it is in the plan. They have it on an 8-1/2" x 11" size.

City Manager Beach asked where is the map they talked about earlier?

Mr. Trias asked the zoning map?

City Manager Beach said let's get it up on an easel.

Mayor Benton they can't do business without it.

Commissioner Becht asked does Mr. Trias have one with him? Is it 8-1/2" x 11"?

Mr. Trias said no, he has the zoning map.

Commissioner Becht said the land use map is what he is asking about.

Mr. Trias said he doesn't have one with him.

Commissioner Becht said one of the things he thinks they need as a City is to be able to have a five year plan with this Commissioner giving some thought to where they want to go as a City when they grow up. He noticed in today's paper, Martin County Commissioners are in a two day strategic planning meeting. The last thing in the world he needs is more meetings, but Martin County has designated two days for strategic planning, and he thinks they need to do that. The Comprehensive Plan, they need to look at now. He is going to run through a whole bunch of things.

Mr. Trias asked would he explain the difference between the two so maybe the other Commissioners can... or he will do it if he wants him to.

Commissioner Becht said the Comprehensive Growth Management Policy Plan has different areas of this City which are designated for different underlying zoning classifications. So they might have a residential zoning classification, but they might have five or six zoning classifications in a land use classification residential. Commercial would be something and the County has mixed, but he doesn't know if the City has mixed.

Mr. Trias said no.

Commissioner Becht asked do they even have an agricultural land use classification?

Mr. Trias said no, they don't have agricultural.

Commissioner Becht said so some of these issues are the general broad brush things that need to be addressed. And without criticizing staff, he is not sure they are up to... A consultant might have to be brought in to address the comprehensive policy. Mr. Trias said which dates to 1990. That was the last time it was updated.

Commissioner Becht said which is a little bit stale. But the Comp Plan has been impacted by annexation. It doesn't deal with agriculture. He doesn't know that they ever officially blended in the Port. When they bring in the Airport - and that is something he would love to talk about today, particularly with the way they got treated at the County the other day - when they bring in the airport, what are they going to designate it? Do they have a proper land use designation for it now? All of this would be in line with the five year plan with the Commissioners as leaders hopefully giving policy direction to staff. The Comp Plan would also direct their parks and recreation. He would like to see their parks and recreation connecting with one another. He would like to plan for it rather than letting it happen haphazard. Other municipalities have conservation easements. He thinks it would be nice for some of the waterways they have for the City to start thinking about extracting conservation easements from the developers as they come along. They are not, in his opinion, adequately dealing with some of the road issues that they are creating as they permit some of these developments, so they need to do something about that. He would like to see them hire a consultant to come in and give them some insight as to how they can raise the bar. Until they give staff direction on that, they don't know which consultant to hire. Dennis Murphy was with the County for he thinks almost 20 years. Mr. Murphy has left the County so he no longer has that original County orientation, but he knows more about County zoning and their land use comprehensive plan than he thinks almost anybody in the County. They might want to talk about whether they do or do not want to bring Mr. Murphy in as a consultant to help them address some of the issues they have as a growing City. As they all mentioned before, they need to deal with the density issues. The density issues he believes are going to be different, depending on where they are in the County, which also would be impacted by the Comprehensive Plan. The height issue is certainly becoming a hot topic. He doesn't know how important it is, but it is a hot topic. They could also visit their current rules for PUR's and PUD's. He would like some feedback from staff on whether they think those adequately or inadequately provide them with guidance. First, staff with guidance. Secondary, they might get some input from the public on whether they think there is enough guidance in them. The staff first, public second. And then

landscaping, sidewalks, and fencing. Square footage of units is something he had mentioned he thinks to Mr. Beach, whether they can or cannot dictate what the minimum square footage of a unit would be. Also, he would like to talk about blending the percentage of ownership to tenancy that they can hopefully dictate with some PUD's and maybe limiting the number of bedrooms. He doesn't know if they want to go that far or not. Whether they are going to insist on one bedroom, two bedrooms, or three bedrooms. And then one final little issue was easements of view. An easement of view is something where... And he may be jumping into the height issue. He went over to South Beach and looked at this property that they are talking about building on. And whether they build four floors or two floors, they are going to have a massive amount of concrete across the whole stretch of property. Some of that is addressed with setbacks, but the setbacks only deal with the edges of the property. What he wonders if they could do is build into these PUD's as they go forward an easement of view that would be across the center of it, so they would have a space in the middle of the property where they could see the sun as it comes up before like 11:00 a.m. instead of having to go to the edge of the property. But that was his laundry list of things he wanted to talk about.

Commissioner Coke said she would add some of hers. A lot of the things she had down are the same as Commissioner Becht has. But she thinks they need to address some basic issues. Every time a developer comes in front of the Commission, they shouldn't have to ask for sidewalks, underground utilities, landscaping, and street easements. That should be something they address today and make it part of the code and be done with it so it will just be part of the package every time it comes to the Commission. Yes, they are going with underground utilities, yes they are going with sidewalks, yes they are giving them easements. She thinks another thing that they need to address, because she doesn't want to see them... She keeps looking at Port St. Lucie and it has St. Lucie West with great big beautiful homes and big developments, and they have people coming to them that are looking to develop and they want to put great big developments where the lot sizes for the house are 60' x 110'. They can barely turn around on a 60' X 110' lot. She thinks if they are going to raise the bar, they ought to raise the bar. What they are looking to do is change their zoning from whichever zoning which has the larger lot to a more dense zoning, so maybe it is covered that way. But she thinks if they were to say minimum lot size for a single family home is such and such, 70' x 125' or 75' x 120', then these people can't say let's just change the zoning. Because that is what is happening. Everybody is looking to change the zoning to circumvent the rules. Everybody on the beach is looking to go get PUR so they can go around the rules that are already established. She would like to see them establish a minimum lot size. She would like to see them reiterate the density issue on the beach and downtown. And she thinks they do need to address the issue of resort/hotel or hotel/condo. She thinks that resort/hotel or hotel/condo on the beach should be subject to far more stringent rules than any place else. So they can't build a four bedroom condo and what these people are all looking to do is put one parking space in. They all know that is unrealistic. They are going to jam in as many units as they possibly can because they are using the word hotel there which means one parking space per unit and she thinks they need to change that for the beach. She thinks they need to address the landscaping issue and parking density. She thinks they need to also address anything that is larger than either a single family home or one duplex, or triplex, or quadplex. They need to address the public space contribution

from all of these large developers; and if they are not including an actual public space contribution in their development, then they need to find another form of contribution for them to make to this community. The developers are all going to make a lot of money, the City might as well have their things in line. In line with that, with the developments that are going in, she thinks they need to make sure there is a contribution not only made to the City of Fort Pierce and the citizens, but that the Fire District's needs are handled, the School Board's needs are handled. And she thinks the City needs to establish - and she doesn't know that it is establish, she thinks they probably already have the parameters in place, they just don't always follow them - a traffic study and the accommodations they need there. She guesses the biggest thing they need to look at very carefully is, she has noticed in the last few years it has become run of the mill for people to come and want to change their zoning because they came, they bought the piece of property, they knew what the zoning was, they knew what they could build on it, and now they want to come and say they can't make enough money in that zoning so they need to change their zoning. Well, as far as she is concerned, her responsibility is not the developer's profit. Her responsibility is to attract good development to the City of Fort Pierce and to be sure that they are developed properly throughout the City. She thinks that they make it way too easy for people to just come in and want to change the zoning to enable them to do what they want to do.

Commissioner Alexander said he just wanted to make a comment more than anything, because since he has been on this Commission, he thinks they made a great stride in completing some things in this community. Everything they have done, he hasn't been able to say he fell back and looked at things and said it is not right. He thinks staff had a great deal of input and they are going in the right direction. But his comment to that is, what direction are they going in? What direction do they want to go in? Because there is a lot of confusion about the direction they are taking. The Commissioners go out on City business, going to different cities and so forth. He always makes it a habit himself of riding around and just looking at the beach areas. He sees some small cities that have such beautiful downtown, beautiful beaches; and then he looks at Fort Pierce. A perfect example is St. Petersburg. He can see that just sit right down here and it would be beautiful and fitting. But if they don't know what direction they want to go in - they want to go two feet, or four feet, or four stories - that is what they need to stop and look at, what they have and look at the next 20 years and where they will be. Now he knows they talk about putting it out five years ahead of time, but they are not that small-minded that they can't look at 20 years and see what they want in this community, and let's go for that.

Commissioner Nelson said this Commission has embarked upon probably the most sensible comments he has heard them make over the last few years.

Commissioner Becht asked is that a compliment or an insult?

Commissioner Nelson said it is a compliment from the standpoint that they have a grasp of what needs to be done to this City. He has one drawback on it though. He used to in the past if they had a workshop he would submit stuff about what he wanted to discuss; and of course, staff goes and discusses what they want to discuss and at the end of the meeting or the last 30 minutes they will select something that Commissioner Nelson submitted and they would

talk about it and then they have to go. The comments that Commissioner Becht made were just right on target in every respect. But he thinks what they need to do is have those submitted in writing so it would give staff a chance to come back and make a presentation relative to the pros and cons of what he said there. He is really serious about this.

Commissioner Becht said he is sorry he didn't submit them earlier.

Commissioner Nelson said it is the same thing for Commissioner Coke. Those things could be down in writing and given to staff and let them research it out; and then staff would say to the Commissioners, this is what they have now and this is where they could possibly go and the results would be this. In addition to those comments they made, he would add on some comments about the flat top housing in this community. For example, whether or not they are going to continue to allow flat top construction or architectural design. They talked about the road improvements, the road right-of-way. They have a problem whether they are going to have that 50 foot street or 75 foot street or whatever the case may be. Set a standard, this is what it is going to be. The policy regarding abandoning properties, for example. They had a classic case the other day wherein the City gave. In years past they used to sell the property, they wouldn't give it up. On Orange Avenue they had a \$500,000 tied up with FDOT over there because the City put a pole on somebody's private property and asked for a three foot easement there and the property owner refused to give the City the land. But in the meantime the City gave him a street 50 feet wide and about 150 feet long; and he wouldn't give the City three feet around the property. This kind of stuff needs to stop. They need a policy of how they are going to do it, set it down and make it succinct on how they are going to do it. Lot size. They have an old City here that a long time ago was not plotted in many respects. People built houses, put four or five houses on a lot and sold them off and gave a certain amount to this house and a certain amount to that house. Sometimes they have lots over there now 30 feet wide. They have a whole pot full of them out there. And they are talking about 150' or 110' minimum? Their policy needs to be how are they going to get these little bitty lots consolidated into a bigger lot and have a decent lot size there. Because he can assure them, they aren't going to have too many houses with 150' x 110' or whatever the case may be. What they are doing now, they can see, they have had in the last few years, like there at Dundas Court and Avenue E, where they built those three houses there and he complained about the fact that they were too close and too congested. They gave up some of the City right-of-way, they relinquished permit fees for that house there. But looking at the culture of people and the work ethics of the people, what they have to bring home, they have to look at the fact that this size lot will not accommodate the needs of this owner because he is going to bring in his lawn equipment there, he is going to bring it in and park it, he is going to have to build a shed on there. And that is exactly what is happening. In some cases, in down there where they have the townhouse complex there on the beach over there... What is that?

Mayor Benton said Mariner's Bay.

Commissioner Nelson said all those houses are built together. They don't expect a guy to come in there with his little tractor with his lawnmower on the back of it or the fishing gear or park his boat beside those houses. They don't expect that. But in the

other parts of town, they do. So they have to make allowances for those types of things. His basic thing is, he doesn't think they are in a position today, right now, to go over but a few of those items that all the Commissioners have mentioned. It might be better to cancel this meeting, give it back to staff to come up with addressing as many of those things that they talked about - showing where they are, where they want to go - because they can be just fiddling in the wind. He is open to whatever they want to do.

Mayor Benton said he has been waiting for this day for a long time. He appreciates everything he has heard here. And especially it is very nice to have one of the better land use attorneys in this area sitting on this Commission. Commissioner Becht knows the details plus there are things the Commission can change. Unless it is reflected in the Comprehensive Plan, it might not stand up in court. So it is very important, and he would agree with him 100%, that they need to hire a consultant to come in and help them out with these things. But what he has heard, he agrees with. He thinks the biggest issue, and they need to deal with it soon, is density and height. He thinks they need to look at density for different areas of the City. The zoning on the beach, since the hurricanes, because that area is under a magnifying glass right now. People didn't have rebuilding insurance, so they have a partial payment. They can't afford to rebuild, so a "for sale" sign goes out. There are several areas where people have single family homes next door to duplexes. A developer could go in there for almost nothing, buy a whole block, put a wall and gate around it, and go four stories. His biggest concern is, all over Fort Pierce they are losing their residential neighborhoods. Residential is not Mariner's Bay. Residential is single family homes. They are going to lose that on the island. They are going to lose that all over Fort Pierce if they don't get a grip on things. Key West has an ordinance that says if they take down a single family home, they can only rebuild a single family home in its place. He would like to see something like that in Fort Pierce. Because these people have developed South Florida, they know what they are doing. This Commission has to be one up on them. And he thinks by hiring a consultant, it is probably their best way. And he thinks they need to address it as soon as possible, because the flood gates are open. The other night he was very impressed to hear this Commission turn down what appeared to be row houses or a project (Conceptual Site Plan for Pioneer Gardens Townhomes submitted on January 3, 2005). Well there is not a big difference between what they saw there and what they have on the island other than maybe it is done a little nicer.

Commissioner Nelson said the complex on 25th Street, ABC Trailer Park used to be over there. That is a tremendous job they did over there.

Mayor Benton said right. What they saw the other night was cramming in so much. But they have in that block, they just supported a single family residential community that is getting ready to start. What would they put next to it? Do they think that would sell? They need to look at that picture and make sure. Should the density be higher downtown? He really thinks out of this meeting, if nothing else, they can set the pace for bringing somebody in. But he thinks they can all agree or at least get three to agree on number one, density issues and especially some height issues. Because what he has heard from everyone, it appears that 65 feet is the limit all over town at least in town and 45 feet or four stories on the beach. And he thinks if they

straighten that out. Because even in the code as they speak... And Commissioner Becht remembers how many times he went in front of the Planning Board asking to clear up the 200 feet; but still right now under one zone, high density R-5, they still have 200 feet. He doesn't think anybody at this table wants to see anything 200 feet in this City.

Commissioner Becht said he would like to respond to the height issue. He is less troubled by the height issue than he is by the density issue. He thinks the density issue will control the height. He had conversations with Mr. Trias about what is the offensive thing about height. And one of the things he remembers Mr. Trias telling him - and he told him there were more than one - was that it disrupts building community where people get out and walk and talk to one another. But there are properties where, respecting that criticism, and he is sure Mr. Trias has other ones, that he is less bothered by the height than he is by the density. For instance, are they allowed to talk about the project on the beach? He is bothered by the fact that there is going to be a wall of building across there. He for one would be less offended by seven stories. He thinks Sea Pointe is 12 floors. Some structures in Ocean Village are higher than that. But he would be less offended by that controlling the density than he would be by the height. Because then there is less concrete in front of him interfering with the beach that is on the other side, although they can't see it right now from A-1-A.

Mayor Benton said the philosophy he has heard from his neighbors, especially people on the island and especially with himself, when they have made a substantial commitment. There are only three areas when they look out that bother them, Sea Pointe Towers and Ocean Village, because they like to see trees, they don't like to see... Plus they lose the ability to have some privacy. If they have ever been in some of those highrises, almost every one of them has a telescope and they watch what everybody down below them is doing. He is offended at that, but that is a fact.

Commissioner Coke said the other thing too is, if they take that two acre lot and build on half of it one tall building which meets the density requirement, and then six months or six years down the road they come to get it replatted so it is separate lot. That is what happens. The density on their lot does not control the whole island. So if they built this great big thing here and somebody else comes along and buys this other parcel that used to be the second half of theirs, then they are subject to the same density.

Commissioner Becht said he disagrees. He thinks once they set the density for that two acres, it takes all of the two acres to support the one taller building. They can do that.

Mr. Trias said they are bringing up the discussion that has been going on for at least 100 years in terms of zoning; which is, how do they relate density to the form of buildings? What has happened is that today what people are trying to do is come up with what they call form based codes, which addresses what Commissioner Becht was talking about. Is the building going to be just one big slab; or is it going to be broken into little pieces? They can code that, but they have to code it to architectural guidelines and architectural means and methods and so on. Density by itself is totally separate from height in terms of what it means and what it implies. He knows it seems like they are related, but they are really not that related. Because if they look at the building they

are looking at, like for example the One Marina Place condo and the Renaissance, they are about 40 units per acre, or sometimes even a little more than that, in four or five stories. That is a lot of density and yet it is a pretty short building. What is really critical in those buildings is the massing of the building, the way the building is shaped and whether it is a solid building or not or whether they can see through it or not. That is what Mr. Beach was talking about in terms of architectural review. All of the issues, if he can make a comment on Commissioner Becht's suggestions, they are excellent suggestions for the areas they are annexing and those are the typical ways to manage development on new land; however, for in-fill and for redevelopment, the tools are slightly different, they have to be much more precise and they tend to be architectural in dealing with how things are shaped and so on. As Mr. Beach said, the only way they have now, the only tool they have now, is the Historic Preservation Review. Let him give them an example. In Coral Gables, where they have had architectural review for a long time, he had a chance to work as an architect of going and bringing projects, the first step is they go with a set of drawings and go before a board of citizens, and they look at it and they talk exactly about the things they are talking about, the mass and things like that.

Commissioner Becht said let's take a poll now. Who here is in favor of an Architectural Review Board? (Mayor Benton, Commissioner Alexander, and Commissioner Becht clearly indicated they were in favor.) They have a consensus of three at least.

Mr. Trias said that works much better than going to him or staff and doing the same thing when they have a board of three or four citizens. It is much better. He would prefer that.

Mayor Benton said with the height issue, especially on the island, because there was a referendum. He helped with that referendum. He knows how important it is to people who are still there. He thinks it would be the same vote today. Almost 80% of the people in this community - and this was the whole City - voted to four stories with eight units per acre. These projects like they are talking about here are higher than the eight units per acre. To him, when they add commercial and other to this, then they take away from that density. Eight units an acre should be the maximum allowed if that is all they are doing is residential. He thinks that would narrow down some of these projects they are seeing coming up. He for one would sure not want to open that box, that can of worms, again. Because it worked in Martin County, it worked in Indian River County. And when they take a look at St. Lucie County, the only quality on the island is in Fort Pierce, because North Beach is just a deck of high rises right now, and he doesn't think they want that. He doesn't want it. And he thinks they would be looking at lawsuits because people bought into this four stories, eight units per acre.

Mr. Trias said the PUR is the gap, what everybody is trying to use. Right now it is 18 units per acre.

Commissioner Coke asked can they just say they are not going to issue PUR on South Beach?

Mr. Trias said that is the Commission's choice, clearly.

Mayor Benton said but under PUR, they will still say yes or no to anything, right? They have the ability, because Harbour Isle,

isn't that 12 units an acre? What is the density in Harbour Isle?

Mr. Trias said 8 units an acre.

Commissioner Becht said he wants to question that because he has heard a bunch of different figures and the last figure he heard was 10.1 and they raised it. And he questioned why they were raising it, but they gave the guy another roughly 40 units.

Mr. Trias said yes, they did.

Commissioner Becht asked does anybody, with complete confidence, know what the final density is at Harbour Isle?

Mr. Trias said it is 100 acres and it has 800 units.

Commissioner Becht said no, it has 912 units.

Mayor Benton said let's look into that because there are 110 acres there, he believes that is what it is anyway.

Mr. Trias said no, it is 102 acres he believes. But they will check it.

Commissioner Becht said the answer to that question is significant to him. Because in the same fashion as they are hearing if they give Mr. Bitton (Beach Group Investments) 16 units to the acre and he also has plugged 3,000 roughly square foot of commercial into this same facility, if they approve that, then regardless how they might want to distinguish future projects, they kind of have set the benchmark that they will accept 16 units to the acre. If they are going to do that, he thinks they need to do it intelligently; and not do it like, they like this particular project and they are going to give it away.

Commissioner Coke asked do they not take into account the retail as part of the density?

Mr. Trias said no.

Commissioner Coke said even that she can understand because retail is something they are looking to develop over there. But her own personal thing - and she doesn't know if anybody else feels this way - but she has had enough calls on the beach and she thinks they have a lot of issues they are looking to address. She thinks the easiest way to address them all, because rather than telling people they can apply for PUR and then every single developer goes and spends all of this money thinking that their plan is going to be better than the next, she thinks they ought to just say there is no PUR on the beach. The beach is 45 feet, eight units per acre. And if they want to develop some rules or regulations for a condo/hotel or resort/hotel, then that is an entirely different thing.

Commissioner Becht said he takes issue with that, because he represents and all of them represent the whole City; and he thinks just to protect South Beach that way...

Commissioner Coke said it is not a matter of protecting South Beach, she is not looking to protect the residents of South Beach; but the entire City voted that. Look at all the undeveloped property there is on South Beach; and if they give every single person there 18 units per acre, could they drive down South Ocean

Drive? They can't drive down South Ocean Drive now.

Commissioner Becht said the referendum that was put out only dealt with South Beach.

Commissioner Coke said no. It was city-wide, but it was a non-binding referendum.

Mayor Benton said what he is saying, it just dealt with zoning on the South Beach, but the whole City voted for it.

Commissioner Becht said the whole City voted, but it voted on that single issue.

Commissioner Coke said the referendum was city-wide, they were looking to make the change city-wide.

Commissioner Becht said somehow, whatever the intent of that was has gotten lost.

Commissioner Coke said the law was written, but it was not binding.

Commissioner Alexander said he says this truly, they need to decide which direction they are going to go in and let's go that direction. Because he can't just sit here and arbitrarily separate the City into divisions or sectors saying they can do this and they can't do that. It is just like this sign thing, they did on Okeechobee Road a special section with the signs for the Okeechobee corridor and the I-95 corridor. He heard Commissioner Nelson say they need to cancel the meeting and go back to staff and let them come back to the Commission and let them know and give them some direction what will or will not. At first not to accept any PUD's on the beach, he can't speak for... He has a year left, he may not be here next year, so he can't speak for the next person that comes in. But surely he wants to be known how he feels about it. Truly that beach is... He is not just picking on Port St. Lucie, but if Port St. Lucie had the beaches that Fort Pierce has and the inlet and that Port, they would be on top of the world. Port St. Lucie is already on top of the world. So why can't Fort Pierce accept some of these things they have in their presence and go forward? Because the taxpayers are going to be a heck of a thing when the City as a whole can profit from that.

Mayor Benton said that is what is so important to look at. Martin County, which has the highest per capita income in the State of Florida, and they have the strictest zoning and height restrictions of anywhere in the State. Everything on the island there all through Martin County is four stories. There are no highrises in Martin County. Maybe that is what lures that tax base.

City Attorney Schwerer said from a legal standpoint, they are best served by a PUR zoning and a future land use because they can make demands on the developer to do certain things in the approval process. If they want to restrict certain things for the beach versus the land-based PUR, they can legally set up two different types of districts. One would be PUR Beach and one would be PUR Mainland, and they would have to establish the guidelines. But that is the way to do that and staff can certainly make recommendations on how to do that.

Commissioner Coke said she thinks what is happening now is PUR is being used as a way to circumvent this referendum as far as people

on the beach go.

Mayor Benton said just like the other night though, what they were trying to do over there with this row housing project (Pioneer Gardens). They have to prevent that from happening anywhere in Fort Pierce. By density, he thinks they can do that.

Commissioner Becht said might he suggest that the PUR would be different not based on geography but based on what the land use classification is. Because there might be a commercial PUR on the beach that would warrant something that is the same. So rather than getting into geography, that they are going to do this for the beach. Also, he is uncomfortable with saying he is going to do something special for the beach - and yes, he thinks it is special - without not making it across the City. So if it is residential and single family residential that they are trying to preserve on South Beach, and that is the general color of South Beach, then wherever they have single family residential that PUR applies. Where they have commercial, that is where it would apply. Where they have industrial, that is where it would apply. And when they get agriculture... And when they get airport, because that is the one he really wants to see is an airport land use classification, then they will have a special one for that.

City Manager Beach said he just wants to make a brief comment on the distinction between the island and the mainland. One of the primary distinctions between the island and the mainland is they are served by one transportation route. Based on that, they can make all the adjustments and distinctions they wish to make because of that very critical issue. It just has different development needs than what they have on the mainland.

Mayor Benton said as they saw from this last hurricane, when they talk about density, they have already okayed the plans to redevelop A-1-A and it is two lane. If they were to go through and allow people to go above the eight or if it comes out 12 units per acre and they opened that door, they probably should have done four lanes. Because if the bridge in Jensen Beach goes out, like it did in this storm, and they had evacuation from the South County, they can only get so much on a two lane road and that is one of the only ways out. So they have to take all of that into consideration because they could put a stop to it. But he sees with reconstruction of A-1-A all the way from the Pelican Yacht Club or should he say from the bridge, all that on the north side of the road will probably be redeveloped and everything along on the west side of A-1-A will probably be, all that stuff will be bulldozed if Mother Nature didn't take care of it, and they are going to be coming in here with the maximum land use for it. He thinks it is very important that they send a message. This is what it is period, density and height. That means all over town. But right now the pressure is on more on the beach than anywhere else because there is only so much there and it is going quickly.

Commissioner Coke said she doesn't have a problem if they are going to do it all over town, but then they are going to have to make an exception like in the downtown area. They certainly want a much higher density level downtown than anyplace else.

Commissioner Becht said the downtown already has a different zoning and he forgets what the geographic limits are.

Mr. Trias said C-4 and it is the area east of U.S. #1 pretty much.

(Mr. Trias pointed to a map.)

Commissioner Becht said there is a downtown geographic area. They might want to look at that geographic area as they amend the Comp Plan.

Commissioner Coke said she thinks they ought to go full speed ahead with the port and airport and make sure they have that zoning in place.

Mayor Benton said he thinks they need a zoning out there west of the airport, the area where this research and education park is going to be. He thinks they are going to have a special zoning for that so it can come into the City limits. But he thinks that is the concern with the County is the City's zoning. Because what they want to do, they cannot have large scale residential development next door to it.

Commissioner Nelson said it is ironic that he mentioned the research park area out there. Down at the Legislative Delegation Conference last week, a pitch was being made relative to how great that research park would be if they were to put in impact fees around there. And the School Board got up and spoke, and Port St. Lucie got up and spoke. Their first idea was to have this impact legislation put forth and possibly having a referendum on it to see whether they can do it. He got up to speak and he said it is certainly going to be good for Fort Pierce, good for the college, and good for everybody; and he said maybe they might think in terms of annexing that property. It all broke loose then. Frannie Hutchinson was sitting right behind him and said no way are they going to get that. So he thinks he has a point there, they have got to have a service area. Show plans how they are going to use it. How they are going to get it is another story. Let him go back to something else he wants to focus in on; and that is, property rights and maximum economic utilization of one's land. He thinks if they were to be too restrictive, they would give their lawyer a whole lot of things to do to defend and litigate if they were to be too restrictive and in fact inhibited a person's property rights. Once they deny somebody his rights use his property to the maximum benefit, then they become somewhat liable. From an economic standpoint he doesn't really have that much problem with height. He thinks they can go higher and leave vacant land on the base and around there and they can satisfy all of their requirements for space and all that. It has been proven from a building construction standpoint that once they go up four stories they reach a breaking even point there and of course the profit margin increases the higher they go up in the construction business. A lot of developers are looking at that. It is just going to be a matter of time where somebody is going to really challenge them in those areas to the point that he could prove that he is not being allowed to have maximum economic utilization of his property.

Commissioner Coke said one thing, if the property owner knew what the zoning was, and they are just telling him they are not going to give him a greater zoning, she doesn't think that leaves the City liable for anything, does it?

Commissioner Nelson said there is always room for challenges.

Mayor Benton said it hasn't been challenged in Martin County. He

believes everybody sitting here that was elected represent the people that are here in Fort Pierce and it is a quality of life issue, not developers from South Florida that are up here to make a dollar. And today a lot of them are coming in and getting a site plan and flipping the land. So he thinks they need to realize why they are here. For the property owner to come in front of the Commission and say they need this to make a profit, then they should have done their homework before they bought the property and not bought the property. But to him, they need to be handing the towel to them to go crying.

City Attorney Schwerer said no developer buys property without doing a feasibility study and they know all about the zoning and they know all about the maximum developability before they buy. And anybody that tells them differently is not telling them the truth.

Commissioner Coke said there are stupid developers.

City Attorney Schwerer said there are very few of those because they would not be in business after their one project and then they are bankrupt.

Commissioner Nelson said he wouldn't bet on that either. A lot of people get property through foreclosures and tax sales and all of this kind of business. One of the biggest developers in this town right now, Harbor Federal for example, got a lot of property through foreclosure. And he is sure they didn't anticipate buying that ten or fifteen years ago. They got it. It was a good deal. People have properties down there at the Reserve right now through foreclosure. So that doesn't hold water all the time, but in principle he thinks he might be right.

City Attorney Schwerer said he is talking about developers, not talking about people who inherit property.

Commissioner Nelson said he knows. But with any developer, and any developer does it in a fashion, sometimes they press the City codes as far as coverage on the ground, for example.

City Attorney Schwerer said staff is very confident that the density issues right now are adequately covered by the zoning and height issues. But they do have that flexible zone in PUR that can give them some issues perhaps legally, but they tend to do that on a project by project basis before it comes to the Commission.

Commissioner Nelson said let him finalize his comment here. The PUR/PUD concept he thinks should be retained. It gives the Commission a certain amount of flexibility to address on those issues as time and circumstances dictate and change from time to time. To have a hard rule set - you can't do it - that is not good.

Mayor Benton said he knows what Martin County is doing today, it is unfortunate, but if they read the Palm Beach Post, the story on Maggy Hurchalla who put a lot of time into that Comprehensive Plan. And he also did when he was on the City Planning Board. But unfortunately, that changes by three votes. A lot of times DCA, unless it is a big change, it doesn't matter. But that Comprehensive Plan should be almost a bible when it comes to zoning and rezonings and development.

Commissioner Becht said he doesn't know if staff can give him any assistance with this, but he is going to hone in on the height issue if they can here a little bit. As he sees the height issue, it can be measured from a multiple of points. It could be measured from grade. But if he has a piece of property that is not level, what is grade? It could be measured from the crown of the road; and again, the road might not be completely level. If they talk about floors, he is not really happy about floors because they could have 14 foot ceilings and get really high. Then again, some of the people using the footage can put in an eight foot ceiling; and he is not happy about that, because he thinks that is a lesser quality unit at eight floors particularly in today's environment. If they go with footage, that is what bothers him. He is wondering if they can set a minimum height standard. The final comment that he has on the height issue is, Mr. Trias pointed out that the architectural devices on the roof line are really what makes the difference. The developers, that costs some extra money, so to extract that out of them is actually, even though it makes the skyline look a little bit better, that is where he thinks staff needs to have or the Architectural Review Board needs to have flexibility to say yes, this is the cap, but for these types of architectural devices they will let them go 5 feet, 10 feet, or whatever it is.

Commissioner Coke said there is a big difference between 5 feet or 10 feet, and 30 feet or 40 feet which some of them are coming around looking for. An architectural embellishment 53 feet tall...

Commissioner Becht said they need to give staff the direction on what they... Or maybe as Commissioner Alexander and Commissioner Nelson were saying, maybe they need feedback from staff.

Mr. Trias said he thinks the last time he had a set of drawings in front of Coral Gables for review, the comment was they don't like the cornice and it needs to be more like this instead of like that. That was a really good point; and he changed it and it worked out really well. That process is very hard to code. They do need to have the people there and that is his point of having the Board. The other thing is, when they say 45 feet, 45 feet means let's get to the flat roof in the 45 feet. Well, they lose so much of that roof. And that was the issue with Harbour Isles. It is 54-1/2 feet. But he thinks it is worth it in the sense that it does have a nice tiled roof, it makes it nicer and so on. They absolutely need to have room for that. What he had recommended was having the four story and the 65 feet both apply, so they have a number of stories; and if somebody wants to do 10 foot ceilings, that is better than 8 feet obviously, they should be able to do it. The Courthouse, they wanted to do 20 foot ceilings in their courtrooms. A four story building, 75 feet high. Well, that is a good thing. Those are the issues he thinks it is very hard to discuss them at the Commission level. It is much easier to have them first go through an Architectural Review Board and then get it to the Commission already having gone through that process.

Mayor Benton said he would agree with the four stories; but to him, that doesn't mean four stories over one floor of commercial.

Mr. Trias said right. What he had recommended in downtown in order to encourage retail, which is really critical, they have that option. And he would support that recommendation to allow for an additional story if it is retail along the street and then parking behind it. To him, that makes sense.

Mayor Benton said right. On the island where they don't go by the crown of the road, they go by the sea level. They almost have the ability to at least have the first floor as any kind of parking or garage.

Mr. Trias said or retail. They are not allowed to have residential at the ground level because of the FEMA elevation. So that is the incentive to have activity. And all this is designed if they want to have the pedestrian active town, which he thinks they do.

Mayor Benton said it is something on the beach he is learning now. It might be very difficult for those commercial on the bottom floor to acquire insurance. That is something they need to look at because it probably is going to be impossible, so he thinks everything on the first floor is going to be parking. His insurance was just cancelled, so he is sure everybody's will be.

Commissioner Nelson said this idea Commissioner Becht pointed out and Mr. Trias commented on it, the reference point for measuring the height, he thinks they can quantify that. They can say let the indicator be at sea level. They talked about the crown of the road. And of course, if they have a slope like they have with the Clerk of Court's office building or like the Marina One down there, like the warehouse up there on A-1-A and North U.S. #1 near the Hess Station where they have the land going down. If they could say it could be a certain height from the crown of the nearest road within 25 feet or 10 feet from the lot line or whatever the case may be, then they can go up to 65 feet. And also quantify that within that zero to 65 feet that their ceiling heights for individual units has to be a minimum of 14 feet, or if they are going to be the cathedral type ceiling, it can be 20 feet. But he thinks they can quantify that. They could really define it in such a fashion that they can put some restrictions on the building to the point that they won't be duped into things like they were with the metal boat storage building at the boat ramp over there.

Mayor Benton said to get a consensus, because he doesn't know how far they are going, how many Commissioners agree that they should have a consultant come in and help staff with this in the near future? (All five Commissioners agreed.) So at least staff gets direction from this meeting.

City Manager Beach asked are they thinking of redoing the Comp Plan? They want to do the whole...?

Mr. Trias said yes, that is what he would recommend.

Mayor Benton said he believes any zoning and density changes or anything has to be reflected in the Comp Plan to be law, right?

City Attorney Schwerer said absolutely.

Commissioner Becht asked they are overdue to make a revision to the Comp Plan; and at the same time they can kind of clean up whatever irregularities that staff might be able to point back to the Commission with the zonings.

City Manager Beach said all of them recognize the undertaking of a Comp Plan update of this nature is time-consuming.

Mr. Trias said time-consuming and expensive.

Mayor Benton said right, but it has to be done.

City Manager Beach said that is fine. He is not discouraging them. He is just preparing them. But at the same time it would be helpful if they had some direction on issues they can give them direction on while that Comp Plan is being developed. What are those things they can decide now that they want to apply to these development patterns that do not require Comp Plan amendments, that don't require that level of analysis? That deals mainly with density and with height.

Commissioner Coke asked doesn't that also deal with sidewalks, underground utilities, and easements?

City Manager Beach said the Commission recently directed staff to deal with the underground utility issue and they are in the process of preparing an ordinance to address that. Sidewalks he thinks are already in the code.

Mr. Trias said yes.

Commissioner Coke said she knows every time a site plan comes up, they are always asking.

Commissioner Nelson said sidewalks are not in there, except only in the standpoint of commercial facilities. It is not for single residents.

Ms. Patti Tobin, Director of Community Services, said it is in subdivision regulations.

Commissioner Becht asked but is it in PUR?

City Manager Beach said he thinks what goes in a PUR is whatever the Commission wants.

City Attorney Schwerer said it can be. They can make it a requirement for sidewalks in the PUR if it is not in there. He doesn't know that it is or is not.

Commissioner Becht said if it is in the regulations, then even if they don't see it in the plans then it can be challenged.

Mr. Trias said if they don't see it in the plans, it is usually a mistake on the part of the drawing that was prepared, because it is in the regulations and it is something they discuss every time.

Commissioner Coke said only one point at a time. Do they all agree sidewalks ought to be part of the code in all developments? (All five Commissioners agreed.)

City Manager Beach said let him give them a real quick example of a problem on something they ran into that they weren't anticipating and it has to do with Mariner's Bay. When that got around to the City Planners, they said put sidewalks in it. The developer came along and said the City doesn't require sidewalks, they require some space connecting this building and that building. And he quite frankly can't remember how it worked out, but it was a very complicated mess.

Mr. Trias said let him describe where the problem is. Sidewalks are required on streets. Now the way the developer goes around it

is simply they don't have streets. What they do is one of those gated communities where everything is parking lots and none of those are publicly dedicated. It is in the code very precisely to go around that requirement. That is why those types of codes were invented years ago. If they go back to the 1920's, everybody had streets. They go to the 1960's, the streets disappeared.

Mayor Benton said this is the most important thing he learned from Mr. Trias, what he is saying right now, why their cities have gone from one extreme to the other, is off-street parking.

Mr. Trias said if they are interested, he can give them a whole lecture on that topic, but he will make it real brief. The fundamental problem they have is that they do not have real public streets in most of the projects that have been approved that are multi-family or significant in size. For example, Harbour Isle doesn't have any streets inside their development. Once they go beyond the code, that is it. So therefore, their ability to regulate, their ability to...

Commissioner Coke asked what do they call those places people drive their cars on?

Mr. Trias said they call them parking lots and they call them driveways and they call them private. But they are absolutely certainly by any definition...

Commissioner Coke asked the street, do they just call it something else?

Mr. Trias said they are not streets. Keep in mind, from the point of view of the public ownership and the point of view of the requirements they have to follow and from the point of view all of those what they usually think about as streets, they are not streets and they are on purpose like that and the reason they are like that is to avoid doing all those things. Now, the City gets them to do many things. They do get them to do sidewalks in those private areas many times and most of the time they agree to do that. But he cannot begin to stress how much the codes that were invented in the mid-century were designed to circumvent the way that development occurred before, in a sense which is what they recognized as traditional development that they tried to do. Now, they are trying to change that. In his view, the reason why PUD and PUR were included in the code was to give the Commission the opportunity to do those things without having to change the whole code. He thinks that is what the thinking that was going on back then. Clearly it hasn't worked very well because it gives too much flexibility. But what happens is this. When they talk about minimum size of lots, Fort Pierce has that. What is the minimum size for like a residential lot?

Mr. Travis Gibbons, Planning Department, said the dimensions, it depends on the zoning district. But the lowest they can go is 60 feet x 90 feet for a single family. Then it goes all the way to R-1, up to 120 feet.

City Attorney Schwerer said but where they have existing platted lots that are below the minimum, they have to allow a certain development to occur on that. That doesn't necessarily mean they have to keep it in lot coverage, but by law they have to do that.

Mr. Trias said let him finish his thought. Because if they say 60 feet as a minimum, yet most of the City is platted with 50 foot lots, over 75% of the City. So what does that mean? They have immediately a problem in terms of being inconsistent. All he is saying to them is what they are experiencing is the oldest problem that every city has. They have codes that are certainly not designed to deal with their specific problems. To change that, it is the biggest challenge that any city has. It is not any more complicated than that. A lot of cities are trying to do it.

Commissioner Becht said Mr. Trias said complicated. He is going to say painful.

Commissioner Alexander asked some cities have resolved that problem, haven't they? So what did they do? Is it not feasible for Fort Pierce?

Mr. Trias said yes, it is absolutely feasible. But like Commissioner Becht said, it is painful in the sense that the consultant or himself or Mr. Beach can tell them the things they have to do.

Mayor Benton said the pressure will be on the Commissioners.

Commissioner Coke said her concern is not so much with the existing people who have already built on the lots. She had a gentleman come and see her - she is sure he came to see everybody - a couple of weeks ago. She doesn't remember what his zoning was. But the first thing he is going to ask the Commission to do is to change the zoning so that he can use a smaller lot size and put more houses in this space than what the area was zoned for when he purchased it. She kept trying to tell him to develop the area, it is great, put bigger houses on bigger lots and those will be more expensive. He said no, that is not what he wants to do. He wants the City to change the zoning.

Mayor Benton said he wants to make money and go.

Mr. Trias said the feedback he gets is that most developers expect that the zoning will be changed. That is what they tell him. That is what they believe.

Mayor Benton asked Mr. Beach said earlier he was looking for certain decisions to be made?

City Manager Beach said if there is something that is critically important to this Commission that they would like to see implemented as soon as they can prepare the code revisions, as opposed to waiting until they go through a Comprehensive Plan update process, if they can tell him what those are, then they will try to address those.

Commissioner Coke said she would like to see them add sidewalks to PUR or PUD, to whatever they call their non-streets.

Commissioner Nelson said there is something on sidewalks in the present code.

City Attorney Schwerer said Mr. Gibbons handed him the code here on sidewalks. Sidewalks are required in any new subdivision as a matter of code. He doesn't know how it stands in a PUR. They can look it up.

Commissioner Coke said only where there is a street.

City Attorney said okay. But the existing code dealing with sidewalks for existing properties was last amended in 1987. When they are not dealing with new subdivisions or new platted developments, it reads: No building permit shall be issued for any new construction and additions or alterations costing in excess of \$15,000 - so they first have that \$15,000 threshold - upon any parcel of land in the City abutting a public right-of-way used for commercial use, triplex, quadraplex, multi-family housing development or public use - so they excluded right away a single family neighborhood from that, the owner in a single family neighborhood is not covered by that - unless the proposed plan shows the proposed location of sidewalks and said sidewalks are to be constructed in according to City's specifications. But then a Commission previous to them when the code was drafted threw in an exception: However, new or additional sidewalks will not be required pursuant to this section for new additions or alterations to an existing property where the property has been under the same continuous ownership for ten years or longer prior to the date the building permit is sought and such additions or alterations do not involve a change of use. So they threw in kind of like a grandfather clause, saying if they own this property more than ten years and they are not changing the use, they don't have to build a sidewalk. They would have to in essence agree to change this portion of the code if they want it to deal with residential in any respect in the City, except for new construction that they might have in the larger scale areas.

Mr. Trias said furthermore, it says public right-of-ways. And that is what he was talking about.

Commissioner Nelson said there is a different section in an ordinance in the code book that addresses... He thinks it is Section 17-7. It is right-of-ways.

City Attorney Schwerer said that is subdivision regulations he thinks.

Commissioner Nelson said no, it is right-of-way.

Mr. Trias said his recommendation is, it would probably be easier if the Commission tells staff what the goal is. And if the goal is to have sidewalks on development, then they will figure out a way to do it.

Commissioner Nelson said he thought about it. He went so far as to say put it on the City Agenda to have sidewalks for all new construction to include residential. It was absolutely pulled from the Agenda and never put it back on there. He had a thousand phone calls from irate citizens.

Mayor Benton said he thinks they all agree on sidewalks. But he thinks there is something they should try to get out of this meeting today. He thinks their codes already cover it. But the other night for instance, when they talked about the question mark whether they should have in their high density area 40 units an acre or 20 units an acre. He thinks what they need to do is send a message right now so when these people come in to see staff, staff will know what is acceptable to this Commission. And because in his eyes that project was approved by the Commission a year ago, he had a hard time cutting their density in half. But to him, out

of this meeting, this is the time. If they feel 20 units an acre downtown in that high density area is enough, then let's put a limit on it.

Mr. Trias said at this point in the code, 30.

Mayor Benton said he wants to find out, and he thinks staff should, what this Commission feels is a maximum density.

Commissioner Nelson said they are switching from the sidewalk issue to the height issue.

Mayor Benton said to him, the sidewalk is almost defined in there except for PUR.

Mr. Trias said he understands what their goal is and they can work through it.

Mayor Benton said this issue is one that is a bigger issue that staff needs to know from the Commission.

Commissioner Nelson said the size of the thing is not that important.

Mayor Benton said maybe it isn't to Commissioner Nelson; but it is to at least himself and he thinks at least two other Commissioners.

Commissioner Nelson said if they take care of the little things, the big things will take care of themselves.

Mayor Benton said he doesn't think so.

Mr. Trias said some years ago in order to encourage in-fill of residential downtown, the code was amended to allow up to 30 units per acre as a conditional use in C-4. The idea was, residential was really poor in downtown, so let's have a process to allow fairly high density. In his thinking, that was high enough. He knows it was in the Commission's thinking it was high enough back then. Today every project they have before them is substantially more than that, he believes it is 40 units per acre within the same four stories plus one story retail massing. It is not that they are doing towers, they are just doing smaller units. So they are able to fit parking just enough at 40 units, just enough.

Mayor Benton said right. To him, if they had bigger units they would get more money and they would be higher quality.

Mr. Trias said also they would have more parking available for the public and retail and other things.

Mayor Benton said that should be, because of the pressure that is on in these areas is to get a consensus from this Commission, is 30 units the maximum they can live with, or is 30 units too much?

City Manager Beach said the one that was just approved was 40 units.

Mr. Trias said 40 units. He has had many phone calls since that point when they read it in the paper that now they are saying 40 units is a new rule, so that is the implication out there.

Commissioner Becht said but that was 40 units with him supplying two parking spots on site for every one of those units and he also kicked in 10 off-site parking spaces.

Mr. Trias said right, which means that the retail component only has about ten extra parking spaces.

Commissioner Becht said right. But in that special zoning district, he didn't have to do anything. But when he got the 40 units, he provided enough on site parking, not one parking space per unit but two.

Mr. Trias said in his view, that is what really makes that maximum 40 unit density possible, the fact that they really can't fit any more parking.

Commissioner Becht said that is where he would say he could tolerate 40 units if the developer is going to do those amenities and any other amenities they want to kick in.

Commissioner Coke asked make it a requirement, two parking spaces per unit?

Commissioner Becht said but he wants coupled with that a minimum square footage on the units too, because he doesn't want a whole bunch of 700 square foot units.

Mr. Trias said but that is what they are doing.

Commissioner Becht said not in this project.

Mayor Benton said then they need to define where the boundaries are. Because how much traffic are they going to put on roads that they are rebuilding that are two lane roads? If they have 20 projects that are putting 40 units an acre in that small area, how much traffic are they putting in the middle of downtown? Is that what they want? He is asking because he thinks that is more important. Because he thinks the sidewalks are addressed. But he thinks coming out of here, if staff has an idea where to go with this, because like Mr. Trias said the phone is ringing off the hook because that is what is acceptable now.

Commissioner Becht said he wouldn't approve anything higher than 40 units.

Commissioner Nelson said that is all right. The on-street parking that they did on street down there, they need a minimum of 50 feet down there.

Mr. Hector Arias, City Engineer, said 60 feet.

Commissioner Nelson said now 60 feet, they can get the parking there. Then if they have two parking spaces and a 60 foot right-of-way there and of course the size of the unit and the availability of the land, that is what dictates the density, right there in itself, it ties it all together.

Mayor Benton said not as much as the ability to do traffic with the roads. How much are they going to put in that certain area? And to him, he would feel more comfortable with 30 units until they look at this, wherever they are going to define these boundaries.

Mr. Trias said let him describe to them the way West Palm Beach dealt with this in the early 1990's. They had the same issue. They had approximately seventy acres of land they wanted developed. Today most of it is "City Place". What happened was that the DCA made West Palm Beach go through what they call an area-wide DRI, which was a way to do an overall approval mostly for traffic. That had to do with Okeechobee Road being the only road going in. So that was a big deal for the city to go into that. In addition to that, the city did a very detailed form of today's code that talked about how many stories, how big the stories could be, and very detailed. It was a very expensive process. He worked on it extensively. He can describe more detail if they want. Then after that, the city actually acquired those seventy acres and then they went for an RFP. Having the code, having all that done, they got a developer to go ahead and implement the Plan of City Place, which was also changed compared to the original plan. Those are the steps they had to take. It was pretty much something that was guided by the City of West Palm. The private sector didn't make that happen at all. The alternative to that was simply the development of towers and so on that the market was not sustaining either. If they want to make those choices, they have to have a very clear understanding how the traffic is going to be affected, how it is going to work in terms of the legal process of the comp plan. When they are talking about 40 units per acre, etc., that does have some serious implications. And he expects that the process will take at least a year or two to finalize. That is what it took with West Palm. Then they began to have the major in-fill.

Commissioner Coke asked would it take a year or two for this Commission to say okay, from this point forward they would like an ordinance drawn up that says all units built in the downtown area has to be a minimum of 1,600 square feet, they must provide two parking spaces, and if there is a street involved, they have to give an easement so the street can be 60 feet. That wouldn't take a full year to do.

Mr. Trias said the public support for that is something they need to think about in the sense that the biggest problem they have when they make those changes is that people complain.

City Manager Beach asked from the standpoint of amending their existing development codes by ordinance, could that be done without this Comp Plan amendment update issue?

City Attorney Schwerer said only a very limited subject matter can be amended. They can't really start changing densities. They can't start affecting existing established land rights. He would have to see exactly what it is the Commission proposes.

City Manager Beach asked how about the minimum size on the units that are constructed?

City Attorney Schwerer said that would be a problem. Unless it is going to be a PUR zone, in which case they don't even need that because three of them can agree what they want as far as the size in the PUR zone.

Commissioner Becht said he for one doesn't know if 1,600 square feet is as high as he wants. But he for one would like to see a minimum square footage so Mr. Trias doesn't have to give these guys a shot at coming before the Commission. They just need to tell them it is going to have to be this minimum.

City Attorney Schwerer said under the PUR zoning, if that is where they are coming in at, they certainly have that flexibility. They can direct staff to get with the developer to tell the developer something greater or less than this is not going to be acceptable to the Commission.

Commissioner Becht said he is talking about putting it in the code for PUR.

City Attorney Schwerer said he thinks they will run into a problem, because in certain other areas they may want to have decreased the size, and they want that flexibility to deal with it. The whole purpose of PUR zoning...

Commissioner Coke said this would be PUR Downtown.

City Attorney Schwerer said that is possible. Like he said when they were talking about PUR, they have to go through that Comp Plan amendment type process to do a special zoning or future land use district for the downtown only. Give people who have downtown properties notices, have a Public Hearing process, etc. They can't simply just do an ordinance. They have to go through a very detailed process.

Mr. Trias said he would like to ask Jim Walker's opinion on that because in the past he has been told that it is not possible to limit the size of units that way from a legal standpoint.

Commissioner Coke said her concern is that she wants to stop development for a year while they get the comp plan updated.

City Attorney Schwerer said they can't limit the size or make the size of units larger to limit density, they can't do that when they have an established density number in that zone. If they have 30 units per acre, they can't use a minimum size to decrease that 30 units down to 20 units.

Commissioner Coke asked can they say two parking spaces per unit?

City Attorney Schwerer said yes. He thinks in those districts where they have the required parking, they can change the parking.

Mr. Trias said right now what they have is this district called B-4, which is not a zoning district, it is simply a district independent of zoning that says within this district there are no minimum parking requirements. Now, that doesn't mean there are no parking requirements to be approved by them as a Commission, it is just that they have no minimums. So that creates...

Commissioner Becht asked downtown?

Mr. Trias said yes, downtown and a little beyond. Generally downtown. Maybe the time has come to get rid of that. The reason that was in place was that, if they remember, a few years ago nothing was going on. Well, now there is.

Commissioner Coke asked can they say B-4 areas for residential new construction they would require two parking spaces per unit on site?

City Attorney Schwerer said they will certainly look and determine if that can be done.

Commissioner Nelson asked residential?

Commissioner Coke said yes.

City Attorney Schwerer asked residential B-4? They can look at it if the Commission wants to have it.

Mr. Trias said then the retail.

Commissioner Coke said that was just her suggestion. She didn't get a consensus though.

Mayor Benton said he thinks to get the square footage they are looking for is to lower density because then they have the ability to build bigger.

Mr. Trias said that is the argument he makes. It is more expensive. The other thing of course is that retail, the parking, is also counted in addition to that separately. So it is counted by square foot, then they would add the retail. The problem they have now is they simply say it is not really required and the Commission will approve it anyway because they want development. That is the thinking that goes on right now.

Commissioner Nelson said downtown today they have zero lot line building and zero parking requirements. Is that right?

Mr. Trias said yes, that is right.

Commissioner Coke said therefore, zero parking.

Commissioner Nelson said so they propose to change that to two parking spaces.

Commissioner Coke said for new residential construction. How many parking spaces would they suggest for new retail?

Mr. Trias said staff will make that proposal. But what he is thinking here is, keep in mind the goal, if they want to encourage certain things.

Mayor Benton said they don't want to push them away either.

Mr. Trias said right.

Mayor Benton said because somehow there should be a requirement too. They had a four story building go up over here with no requirement of any parking at all.

Commissioner Becht said there is no parking, not on Hans Kraaz's building.

Commissioner Nelson asked what is that in the back of the building, east side?

Commissioner Becht said that is Harbor Federal's parking lot.

Mayor Benton asked with the CRA parking garage, how many of those spaces are going to be taken up by his building alone?

Commissioner Becht said he didn't even provide space for a dumpster.

Mayor Benton said right now that just makes more office space instead of residential.

Mr. Trias said the good thing is, how do they get in-fill comparable to that in terms of let's say three or four stories and so on, and provide for parking in downtown? The answer to that is, unless they provide public parking in several places, it is not going to happen in the sense that the parcels are not large enough to do that.

Mayor Benton said right, but somehow they have to make folks like Hans Kraaz, when they build a four story building, if they can't provide the parking on their site, to at least help pay for public parking somehow.

Mr. Trias said that is a very common technique and they would simply pay into a fund that the City uses to build the parking garage.

Commissioner Coke said when the Sheriff's Department was downtown, they required from their landlord that they rent 25 spaces a year from the City to provide them spaces.

Mayor Benton said per square footage.

Commissioner Becht asked can they or should they review their impact fees as they are doing this with a goal toward figuring out... He doesn't mean to pick on Hans Kraaz. He was very happy that Hans Kraaz went through the trouble to make the investment when nobody would. One of the side comments he makes to that, before he gets to the impact fee, is that there was an absorption factor. As Mr. Kraaz's building filled up, vacancies occurred. Somebody told him that with the big tall black color building in downtown West Palm, when they built that, whatever they call it...

Mr. Trias said Darth Vader.

Commissioner Becht said Darth Vader, that there was an absorption factor there that took years.

Mr. Trias said typically, when the new building was built downtown it was the same thing.

Commissioner Becht said that is another reason against too high buildings. But to the impact fee issue, he wouldn't even begin to know how to calculate how to charge Mr. Kraaz an extra \$5.00 a square foot or whatever it is to be set aside to help the City build a public parking garage or for public transportation. He doesn't know how they build subways in downtown Fort Pierce with the water table being what it is. But for the buses or whatever it is.

Mr. Trias said what cities typically would do is, if they are required to provide 100 parking spaces, they value the cost of one of those spaces to be billed as in a parking garage; and allow for the developer to either pay on a one by one basis, or provide as many as they can. That is typically what happens.

Commissioner Becht said without getting into the formula, they do not have that right now in their impact fees. Do they have a recreational or a park component to the impact fees?

Mr. Trias said it would not be an impact fee.

City Manager Beach said Fort Pierce doesn't have impact fees. St. Lucie County has all the impact fees and the City gets a portion of their road impact fee and their parks impact fee, but just portions of it.

Mr. Trias said right.

City Manager Beach said the City doesn't have their own impact fee. They had talked at one time about assessing the desirability of the City having its own impact fees and they simply haven't pursued it.

Commissioner Becht said it is a dangerous thing if it is going to make it more expensive to build in Fort Pierce.

City Manager Beach said it would. Because even if the City were to create their own impact fees, the County's impact fees countywide still apply. When they set up an impact fee, that is a countywide impact fee, it is not just for Fort Pierce or Port St. Lucie. Any impact fees the City would set up would be on top of what the County charges. The mechanism for doing that is another one of those exhaustive calculations that requires...

Commissioner Nelson said there was some rationale in regards to the City not having its own impact fees and going along with the approval of the County's impact fees. Aside of being that most of the City's area was built out, there were very few if any areas that were vacant that was going to take a full impact of an impact. When they tear down a house, a certain amount of that house infrastructure is going to be left there and the Utilities Authority will look at how much more is left or remaining. If they have a lot that is 60' x 100', then they come back and get one that is a bigger house and it uses more water, more sewage, and all that kind of stuff, it is the same deal for a share of that. So that is worked out. Now with annexation going on, they might have within the City of Fort Pierce some sizable impact fees and they could range from \$8,000 to \$12,000 for impact fees right now that they collect for the County and get their pro rata share of that and give the rest to the County. But there are some impact fees that are available to them as they annex.

Commissioner Becht said all he was looking for was a way to make sure that the developments pay for their impact.

Mr. Trias asked parking and which other impact was he thinking?

Commissioner Becht said the trolley.

Mr. Trias said the trolley circulates with the parking garage as the destination. Is that what he is thinking?

Commissioner Coke said yes, downtown.

Commissioner Becht said also connects with the bus, the public transport over there next to Commissioner Alexander's business, his funeral home, where the public transit has to stop there. He doesn't want to design it. That just makes sense to him. Somebody that understands how people move will tell them where the trolley goes.

Mayor Benton said he wants to get back to those 30 or 40 units an acre, because each one of them has developers who come in front of them before they come to the Commission, and he wants to get an idea whether they like something. To him, he would feel more comfortable if he had a consensus of what the Commission felt instead of sending somebody back to the drawing board and going through the process and then the Commission saying no. So is there a consensus here of at least three?

Commissioner Alexander asked how many projects would they make downtown? So they are not speaking in the next ten years. They are speaking of something immediately needed, right?

Mayor Benton said they are setting the standards.

Commissioner Alexander said they doesn't have the capability to handle twenty different projects down there at 40 units.

Mayor Becht sad he wouldn't think the infrastructure has the ability. So that is why he thinks it is good because there are certain areas. And the ones that get in first don't care, they are going for the maximum. And then who knows?

Commissioner Alexander said the reason he said that is because if they allowed 40 units per acre, there is not going to be that many more projects that will come before the Commission.

Mayor Benton said he knows several that would be in the works, that are already in the works.

Commissioner Alexander asked two or three?

Mayor Benton said two or three.

Commissioner Alexander said that is about as much as they can handle. So they won't have to worry. There won't be a problem with them next year following that.

Mayor Benton said he couldn't tell them how many properties there are, but a lot of property has been bought up.

City Manager Beach said if he would let him address that, this density issue. If they look at about where the Port starts at Fisherman's Wharf and U.S. #1 and go all the way past Citrus Avenue a couple of blocks, there is a tremendous amount of vacant property there. There is also a tremendous amount of under-developed property. By that he means it is way under value. Somebody is going to buy it and do something with it. The level of development they will do will be whatever this Commission permits. It is not a matter of whether they will buy it and do 10 units an acre or 40 units an acre. If they are permitted to do 40 units, that is what they are going to do.

Mayor Benton said he would question whether they would allow that high density area to continue north of Backus Avenue because of Edgartown. With the historical value of Edgartown, he couldn't imagine anything historically allowed six stories or 65 feet. But 40 units per acre, he just couldn't... But that could happen. Do they want to include that area in there? Or do they want to start it right at the power plant? Because that property will be coming up soon.

Commissioner Alexander said if they have it in a special district, that would just be...

Mayor Benton said for high density. Would it be from Moore's Creek until they get to Citrus Avenue?

Mr. Trias said that is what they have now.

Mayor Benton said right. He would agree with that area because that was what was going to be challenged was people were buying properties south of Citrus Avenue.

Mr. Trias said south and north, that is what is going on.

Mayor Benton said it was in historical areas and looking to come in with high density, they wanted to build eight stories.

Commissioner Coke asked can't they single out historical districts are exempt from this high density?

Mr. Trias said that is the way they regulate that at this time.

Commissioner Coke asked do they have that as part of the code, that historical districts are exempt from this high density zoning?

Mr. Trias said that does not apply for right now. Furthermore, the historic district allows for the regulation of building so they are compatible with historic structures. Now, the expectation is that south of Citrus Avenue, property owners have told him this, that they can do five stories and bigger buildings and so on. That is what they think. But that is not what the code says. That is the situation they have right now, that the property owners believe through rezoning, through PUR - which again is up to the Commission to do it or not do it - they could get more and bigger buildings. But it is a historic district south and to the north. They have complete ability to use the tools they already have. They could have more tools.

Mayor Benton said right. And then who lives in that block that is the buffer from the historic district which they now have residential to high rises or high densities.

Commissioner Coke said she would like to see them stick to the four stories, 65 feet, 30 units per acre, and she would like to see them add a definition. She understands they want everything to look nice and they have to have architectural embellishments. She doesn't argue that. What her concern is, they get these people coming in and they are going to build this 40 foot tower or 30 foot tower and they are swearing to her that it is never going to have a residence in it. The Commissioners are not as stupid as they would like them to believe. The minute they get their C.O., the wallpaper is going up, the dishwasher is going in, and somebody is moving into that place, and that is just their way. She thinks they need to say it is four stories, 65 feet. And if the architectural embellishments go up another 8 or 9 feet, that is one thing; but they can't exceed that, not enough to give them a whole another story. She thinks they need to put that limitation in there.

Mayor Benton asked how many Commissioners would agree with that? He would.

Commissioner Becht said he has a refinement to it. The four story, 65 feet, 30 units per acre, and something for architectural enhancements. He is wondering if there is some formula for 5% or 10% of the height of the building. Rather than putting 8 feet on a one story building, whether there is a percentage.

Mr. Trias said they could come up with something. Again, the real answer to that is the Architectural Review Board takes care of that.

Commissioner Coke said she would go for not to exceed 10% of the height.

Mr. Trias said it is a Board they don't have yet, so they have to establish it.

City Attorney Schwerer asked where would the 30 units per acre be?

Mayor Benton said he would think it would be from Moore's Creek to Citrus Avenue.

City Attorney Schwerer said currently as he understands it, the downtown district as they defined it, he thinks it is from Avenue C to Citrus Avenue and the Indian River to U.S. #1. It is currently C-4 zoning. That provides for a minimum number of units, but it allows up to 30 units an acre as a conditional use. They as a Commission have to approve that up to 30 units an acre, so it is already capped at 30 units. The future land use is central business district. Under the PUR zoning, they have to rezone. That has 18 units an acre as a maximum, but they just approved 40 units under the PUR.

Commissioner Becht asked how did they get to 40 units?

City Attorney Schwerer said he thinks there are some provisions in there that allow for flexibility.

Mr. Trias said the PUR says that if they present justification, the Commission has the authority to approve more.

City Attorney Schwerer said which was why that night he was asking the Commission to make special findings of the record. Remember he asked please make special findings because they were exceeding the 18 units an acre (for One Marina Place).

Mayor Benton said what bothered him in this one the other night was because when the Commission approved it a year ago he didn't remember the density being an issue then. That is why he wanted to make sure this doesn't happen again.

Mr. Trias said back then it was only 20 units per acre because part of the massing of the building was office; and the reason they had 20 units per acre was not to go too much beyond the 18 units.

City Attorney Schwerer said he doesn't want to get sidetracked because he wants to stay on this from the legal perspective. They already have a device under the current zoning and future land use up to 30 units an acre maximum.

Commissioner Coke said she wants to reiterate that.

City Attorney Schwerer said they hear them loud and clear, because that is a conditional use, up to the 30 units. If they want to rezone the property to PUR and have that developer stand in front of them seeking that rezoning, 90% of the time it is going to be coupled with a site plan, correct?

Mr. Trias said yes.

City Attorney Schwerer said then they can control it then. But he doesn't know if they can sit here today, unless they tell staff they want to amend the PUR zoning to say that even under PUR with special circumstances they can never exceed the 30 units.

Commissioner Coke said she thought what they were doing was trying to give staff direction on what was and what was not acceptable and staff can take that and research whether or not they need to make a change or if it is already in fact in place.

City Attorney Schwerer said okay, that is fine.

Mayor Benton said he was thinking when the developers come to see the Commissioners one on one, this way it is all out on the table. They will know what the Commission is thinking. So instead of one saying yes and one saying no...

Commissioner Nelson said he is trying to counter what Commissioner Coke and Commissioner Becht mentioned. He would propose, they can always compromise, 40 units per acre and try to define the square footage per unit, two parking spaces on site, a 60 foot roadway, a height limit of 65 feet measured from the crown of the road nearest to the minimum setback required. They should have some architectural enhancements allowed. And of course, their height to get the architectural enhancements would be measured from the height of the base of the roof line. And whatever that steeple is up there, they can go up to how many feet they want to go up, 15 feet, 20 feet, or whatever the case may be? That is the maximum they can go. They should not allow for enough space up there for somebody to live in. Sidewalks should be required. And the City should retain its ability to use PUR or PUD's because that gives them some leverage as to how they want to address these things on a case by case basis if need be.

Mayor Benton said he will tell them why he agrees with the 30 units versus the 40 units, because the City Attorney has already said they would have a difficult time putting in a minimum square footage. So he thinks by lowering the density they could expect a higher square footage. Isn't that what Mr. Schwerer said, that it would be very difficult to have any kind of limits?

City Attorney Schwerer said yes.

Commissioner Nelson said what they have done, and he hates to try to catch the horse as he is going out of the barn, but they just approved 40 units per acre the other day. Here two days later, after all the phone calls they have gotten, they want to change it. That is not fair.

Mayor Benton said he thinks it fell through the cracks, in his eyes; and that is why they are here, to make sure that these things don't fall through the cracks any more. If they all know where they are at, it makes things a lot easier for staff and everybody.

Commissioner Nelson said he might have some merit. The lawyer would say, because they made a mistake yesterday, they don't have to make it again tomorrow.

Mayor Benton said it is the same way with the island. He would like to get a consensus.

Commissioner Alexander said he is not going to be beating a dead horse, but whatever the consensus of the Commission it is. But they spoke about raising the bar; and again, he just hates to see a little bitty Fort Pierce to... They don't expect no one to just come into town except the people who live here and that is not fair. They just passed the height. What was the height on that building, 75 feet?

Mr. Trias said 75 feet to the top of the tower.

Commissioner Coke said that was the architectural embellishment.

Mr. Trias said that was a revision proposed by the Commission.

Commissioner Alexander asked why can't they use that as a stepping stone and go from that point instead of trying to decrease it? He just doesn't see that.

Commissioner Nelson said that is what he is proposing.

Commissioner Alexander said he is just speaking of his opinion of it, just supporting what they have done. It is not that they erred. It is just it is something that went past the Commission last year. They are definitely not going back that far when they are right here at the doorway now. Let's just walk on in and go from this point.

Commissioner Nelson asked why can't they get a consensus? If they can get a consensus on what he just proposed.

Mayor Benton said he agrees with what he heard, but he agrees with the 30 units per acre.

Commissioner Nelson said Commissioner Coke wants 30 units. Commissioner Alexander will allow 40 units. He himself will allow 40 units. And Commissioner Becht? That is three of them.

Mayor Benton said he didn't hear that from Commissioner Becht.

Commissioner Coke said she didn't hear anything out of Commissioner Becht's mouth.

Commissioner Nelson asked didn't he say that?

Commissioner Becht said he is trying to be quiet so he doesn't get in trouble.

Mayor Benton said let's get a consensus. Who would like to see 30 units and who would like to see 40 units?

Commissioner Nelson said 40 units.

Mayor Benton said 30 units.

Commissioner Alexander said 40 units.

Commissioner Becht said let him make sure he has his mind wrapped around what they are talking about, because the final hitch here is 30 units or 40 units. They are talking about four stories, he thinks they all agreed on that. And 65 feet with 10 feet of architectural enhancements, measuring from the base of the roof line. They mentioned sidewalks. They mentioned 60 foot right-of-way, if they can do that. They mentioned two spaces per unit. If they can do minimum square footage, and if Mr. Schwerer could find any way to do minimum square footage, he would love to see that coming back. Did they talk about a geographic area? Did they agree that is Moore's Creek to Citrus Avenue, or B-4. What did they agree on what the geographic area is?

Mayor Benton said he thinks they talked about from Citrus Avenue to Moore's Creek, U.S. #1 to the Indian River.

Commissioner Coke said she thinks B-4 except for the Historic District.

Mayor Benton said it is hard to include Edgartown because that is residential.

Commissioner Coke said B-4 except for the Historic District.

Commissioner Becht asked is that what they are talking about?

Mr. Trias said let him propose two things.

Commissioner Becht said let him finish. They are talking about the geographic area. They need to define that and then the number of units, and that is it.

Commissioner Coke said underground utilities.

Commissioner Becht said yes.

Commissioner Alexander asked about retail and underground parking. Did they speak of that?

Commissioner Becht said that it how it is going to get up to 40 units in his opinion.

Mr. Trias said what he is saying is, they are going to have a downtown with more precise regulations. That is what they are trying to come up with?

Commissioner Becht said yes.

Mr. Trias asked the issue is, how much are they going to apply this, whether it is going to be west of U.S. #1 and Orange Avenue a little bit, or whether it is going to be north along Indian River Drive a little bit as opposed to Edgartown and so on? He thinks the frontage on Indian River Drive, for example, that vacant parcel north of the power plant, to him that is very similar to downtown. However, when they get to 2nd Street and they see the historic houses, that is different. So staff can probably come up with a proposed boundary for them to review with their recommendations.

Commissioner Becht said then the boundary is not defined.

Mr. Trias said the other area is the area just south of the Port, where Fisherman's Wharf is. That area has had a lot of interest in redevelopment with a similar mixed-use. So they might want to consider that too.

Commissioner Becht said that is the area they were talking about the difference between 30 units an acre and 40 units per acre. He does not have a problem going up to 40 units an acre in those parameters, because in order to go to 40 units an acre the developer has to do something special. And what the developer did special with the one building they approved, he put in very expensive underground parking.

Commissioner Coke said also, the developer did Avenue B.

Commissioner Becht said right. So he would like to have the flexibility to shoot it up to 40 units. But they are now capped. They can't go 41 units with special improvements.

Commissioner Coke asked how about if they did this. How about if they say 30 units unless there is underground parking or a contribution to the public green space or they redo a road. They have to make a contribution.

Commissioner Alexander said they have it available now.

Mayor Benton said just to let them know, there was a developer trying to purchase everything from Fisherman's Wharf from the river all the way to U.S. #1 from Seaway Drive in the north. So they would have had the ability to provide some open space with that.

Commissioner Alexander asked with the downtown district, do they have that ability too with green space?

Mayor Benton said he thinks through a PUR or PUD.

Mr. Trias said the PUR has that requirement.

Commissioner Alexander asked he was asking is, in the area they just defined, Avenue C to Citrus Avenue, do they have anything there that someone would come before the Commission with?

Mr. Trias asked with open space? Yes.

Commissioner Alexander asked with all the amenities they just spoke of?

Mr. Trias said yes. The practical issue for example, the Renaissance Project on Atlantic Avenue and Melody Lane, the right-of-way is only about five feet or so of sidewalk once they get done with parking, so clearly that is not enough. So the developer needs to provide another extra five feet. That would be the typical way to deal with public space in the downtown. That through PUR, for example, is already in the code, which requires he thinks 15% open space. However, they can make it more clear and more specific for other projects. But that would be the way he would see it happen most of the time.

Commissioner Nelson said basically they are in sync.

Commissioner Coke said she doesn't know. She made a suggestion to counter his counter. Nobody said yay or nay.

Commissioner Becht said he liked her counter. But he would leave it to staff to word that it is capped at 30 units; but with additional contributions such as underground parking, lighting, and landscaping...

Commissioner Nelson said let's make some kind of motion.

Commissioner Coke said sidewalks, underground utilities, easements where applicable, four stories, 65 feet, 10 foot additional for architectural enhancements, two parking spaces per unit; and with major contributions such as underground parking, landscaping, sidewalks, etc. for the public, that it could possibly go to 40 units per acre.

Commissioner Becht asked did she mention minimum square footage in that? If she didn't, that is what they want. If possible, minimum square footage.

Mayor Benton said right, they don't want a bunch of 1,200 square foot units.

Commissioner Nelson said let's get the wording down now.

Commissioner Coke said it is underground utilities, easements, if possible minimum square footage, two parking spaces per unit, four stories, 65 feet, and an additional 10 foot available for architectural enhancements, 30 units per acre unless there is a contribution such as underground parking or something to enhance the public good then it could possibly go to 40 units per acre.

Commissioner Alexander asked is there availability for retail in this?

Mr. Trias said that relates back to the four stories. Staff will give them all the options and then they make a decision.

Commissioner Alexander asked is the retail inclusive of the four stories?

Mr. Trias said no, in addition to the four stories. That is his recommendation.

Commissioner Alexander said that is what he wants to make sure they are all on the same page, that it is additional to four stories.

Mayor Benton asked do they have a consensus of the majority here?

Commissioner Nelson said wait a minute, he is not sure. He is throwing retail in there. Does that mean they are going to five stories instead of four stories?

Mayor Benton said no. Four stories.

Commissioner Alexander said that is what he just asked.

Commissioner Coke said they already approved four stories over the parking area.

Commissioner Nelson said they are putting down what she says.

Commissioner Alexander said he was asking about retail.

Mayor Benton said four stories could encompass anything they want to put inside those four stories.

Mr. Trias said the four story discussion is coming up before them, he thinks, at the next meeting and they can decide at that point.

Commissioner Coke said they originally passed this as four stories; and when the developers came to see her, they said that is four stories over parking or retail. So in fact, that gives them five stories. And then if they go underground, it is six stories.

Commissioner Alexander asked what did they do on the building they just passed?

Mr. Trias said he must make it clear that the One Marina Place is not underground. It is underground in the back, but in the front it is five stories. The land slopes up, so it is not really underground.

Commissioner Alexander said it is four stories on top of retail.

Mr. Trias said yes. On Indian River Drive it is, yes.

Commissioner Coke asked do they have five stories, four stories, or six stories?

Mr. Trias said it is five stories on Indian River Drive.

Commissioner Nelson said 75 feet includes the cupola. Is everybody satisfied with what was stated?

Commissioner Becht said he is very comfortable with that up until they get to the four stories, because he wants Mr. Trias to tell him whether he is talking about four stories of residential on top of one of retail. Is that what he is talking about?

Mr. Trias said that is what he is recommending, based on what has been approved recently. There are two buildings they approved the five stories - the Clerk of Court and the One Marina Place.

Mayor Benton asked is everybody happy with this?

Commissioner Nelson said he is happy.

Commissioner Becht asked is that what Commissioner Coke meant?

Commissioner Coke said yes, four stories over parking/retail.

Mr. Trias said he sees this as an incentive to create retail.

Commissioner Alexander said she is talking five stories.

Commissioner Coke said yes, they already passed that.

Commissioner Alexander said he knows but he just wants to be sure.

Commissioner Becht said he is comfortable with that.

Commissioner Nelson asked do they have three people comfortable with that?

Mayor Benton said he thinks everybody is comfortable with that.

Commissioner Coke asked now can they go back to the beach?

Mayor Benton asked do they want to deal with, just to be sure everybody is looking at the island, being as long as he has been around, which is probably the last 16 years, dealt with four stories whether it be 45 feet or 55 feet?

Mr. Trias said 45 feet is the requirement right now.

Mayor Benton said 45 feet, 8 units an acre. His problem is, he doesn't mind going above 45 feet because he doesn't want a square building. That is what happened over in Surfside, they have three stories at 28 feet; and instead of having a nice home with a nice roof on it, they have a flat roof.

Mr. Trias said they can come up with the same language that they were talking about downtown in terms of the architectural.

Commissioner Coke said like Harbour Isle goes to 54-1/2 feet to the top of the roof.

Mayor Benton said like this project, he just doesn't want them coming in and saying, it would have been 90 feet. He doesn't want to see 20 feet of roof. He thinks there needs to be a limit. He has no problem with Ocean Village. Was that 52 or 54 feet? For architectural reasons he has no problem. But the issue to him is density and height out there. Because the pressure is on. For instance, this one coming up, it has been put off for several reasons. He just doesn't want to vote yes like they did for 40 units and then open a can of worms. Plus he doesn't see Harbour Isle as being right on the beach. This other one is on the beach, right on the ocean.

Commissioner Coke said the other thing she thinks they ought to address at this time. First of all, she thinks they ought to stick to the people's mandate, four stories, 8 units per acre, and additional 9-1/2 feet for architectural enhancement that they gave Harbour Isle. And she thinks that is legitimate. It has come up previously and she is sure it will come up again, the idea of a resort hotel. Her objection at that point in time was, she thinks if they are going to include resort hotel on the beach, because there is only one entrance and exit point there, that they need to more clearly define it. They need to limit the density of it. They need to require two parking spaces per unit. Otherwise they are going to have people coming in saying they can put 190 parking spaces here so they want to build 190 units on two acres. Now where does that leave them? With way more people than they could ever get on or off that beach.

Mayor Benton said that in turn also makes what they call the underdeveloped part of the Port area more inviting for that type of resort. On the island he thinks they will see more smaller motels. He has no problem with that. But he just doesn't want to say yes to one and open the door for lawsuits. Commissioner Becht knows more about that than he does. But once they open the door, the flood gates could go, and he doesn't know whether they have any strong ground to stand on in court. But he doesn't want to do anything to change what the public demanded years ago.

Commissioner Becht said he would like to be consistent. The public did express an opinion more than two decades ago. Now that is what it is. But the former City Commission, before he got on it,

approved Harbour Isle. They approved it at... He would like to know what it is built at, because the plans may say 54-1/2 feet, but he wants to know exactly how high it is. They have an eight foot high wall around their property, but that eight foot wall starts at about four feet above the grade of the sidewalk.

Mr. Trias said that goes back to what ground is. Ground is defined by the building code and does allow to build up a little bit. That is one of the issues that staff raised early on.

Commissioner Becht said he is not critical of staff. They are where they are. Since he has been on board this Commission, and he voted against it, but this Commission increased the density in Harbour Isle. So he has been told anywhere from 10 to 12 is the density. So he doesn't know if anyone has a calculator and could figure out what that is. But he doesn't distinguish between Harbour Isle and the Beach at this juncture, because if the referendum applied, it applied to Harbour Isle as well. So he doesn't know how they say okay to Mason Simpson.

Commissioner Coke said she voted against it.

Commissioner Becht said he knows she did. Mason Simpson, he can have over here what they have given him over here, but this other developer, they are not going to give him the same thing.

Mr. Trias said keep in mind that was also done as a PUD and that is part of the reason why that was done.

Commissioner Becht said it has a density, whether they call it a PUD or PUR or a subdivision. So he would like to know what the density is for Harbour Isle.

Commissioner Coke asked how many units does he have there now?

City Attorney Schwerer said they are going to find that out in two minutes. Someone has gone to get the file.

Commissioner Nelson said the initial concept was 864 units and they put in 48 units more for a total of 912 units. The acreage, he doesn't know exactly what the acreage is.

Mayor Benton said he was led to believe it was 110 acres.

Commissioner Nelson asked does anybody know what the acreage was?

Mayor Benton said the only thing is, just like downtown where they provided parking and fixed the road. What Mr. Simpson did, he built his marina on his property, which is better than putting the marina out into the Indian River which is an environmental issue.

Commissioner Alexander asked it is a public marina, isn't it?

Mayor Benton said it is. Anybody can go in there. They don't have to be an owner of property to lease space. But the point being is Mr. Simpson used his property instead of putting it out in the river which belongs to all of them. The guy next door now is going to try to do something which is almost unheard of, he is trying to say he has riparian rights and he wants density from that, which is absurd. But that is what they are looking at. Just like with One Marina Place here, if they felt 40 units was too much, now is the time to say. And as they look at Harbour Isle, he has heard the

complaints now that when they approved those other two buildings or four buildings, where people early on had a view, now they have a building in front of them.

Commissioner Alexander said they can get out of the building and walk 100 yards either way and they can come to the water.

Mayor Benton said but he means if they go by Harbour Isle now, they have placed one building in front of another one. Where before everybody had a view of the inlet and the river, now they have a few buildings that don't. A couple have just a wall.

Mr. Trias said this goes back to memory lane, but they did have major discussions about the site plan of that project. And at the end the developer prevailed in all of the ideas he wanted. He thinks it is important to keep in mind, the developer's point of view is simply to sell those units immediately. He succeeded. Staff's point of view is to try to look at the long term. Issues like this - the view - those are the issues that they as a Commission have the ability to really tell them how to do it.

Mayor Benton said he himself feels that he made a mistake by supporting those additional units. Just looking at the plan, he didn't know it was going to block people's view. And now it is reality.

Commissioner Alexander said they made a decision. It was for the quality of life on the beach. When they went back with that it was because of the impact and the amount of apartments there and plus that was a Fire District issue. That made insurance on the beach alone affordable. Because it was one or two buildings, it couldn't block out the entire project.

Commissioner Nelson said it didn't block out the entire project, but it did block out those two. The units in the back there now, their view is obstructed somewhat.

Commissioner Becht said they can sue Mr. Simpson, so let them take care of themselves.

Mayor Benton said he doesn't think it was up to the Commission. He thinks early on, when Harbour Isle first came in front of them, they were so glad to see a development in Fort Pierce. But now it is time to say okay, they made some mistakes. The Fire District from Day One should have demanded land; but that issue came up after the fact.

Commissioner Nelson said that is hindsight.

Mayor Benton said he thinks what they are here for today, is to make sure they learned from their mistakes and make sure these things don't happen. It is to set those issues of height and density so their staff... People want to come in next to Sea Pointe Towers and build two more high buildings. He doesn't know if they have met with the others, but they have met with him. That is an issue for a lot of people who have spent a lot of money out there.

Commissioner Nelson said he is going to have to duck out of here very shortly because he has a 2:00 appointment. But he would like before they recess the meeting to take on his proposal initially. They did in fact accomplish something here today. But he would

like to reiterate the fact that those points that both Commissioners Becht and Coke made relative to looking at the totality of what their requirements are should be pursued via staff looking more closely at those questions that they posed; and at their next meeting, they have some type of presentation to address all of those issues to include those they had today.

Mayor Benton said what they have done is to ask for a consultant, so the next time...

Commissioner Becht said also an Architectural Review Committee.

Commissioner Nelson said one other thing they can accomplish today is in the area of the measurements of height. From where do they begin to measure height - at sea level, the crown of the road, the street nearest to the center of the project? They have a big project here. Take the center of that acreage and go to the nearest street and measure what is the crown of the road, and that is where they get the height.

Mayor Benton said the way it is now on the beach, it has to be sea level by law.

Commissioner Nelson said he doesn't know where they come up with it, but they should have a uniform way of measuring that.

Mayor Benton said they don't set that on the island.

Commissioner Nelson said he doesn't care who sets it, as long as it is uniform and is universally applied.

Mayor Benton said it is.

Commissioner Nelson said it is not.

Mayor Benton said on the island, it is.

Commissioner Coke said Commissioner Nelson thinks he is going to change the subject when she is sitting here going let's talk about 45 feet, 10 feet for architectural embellishment, 8 units per acre on the beach. She needs a consensus on that.

Mayor Benton said if not, they are going to have a mass of people at their meetings from now on.

Mr. Trias said the building code defines ground. The easiest way he sees to define something meaningful in terms of ground is to define the sidewalk height, because that is usually the area right in front of the building. To him that is easy and it is clearly meaningful.

Commissioner Nelson said no. Because he says the sidewalk height, he is talking about the Harbour Isle. They have the crown of the road, they have the base of the land, they have an embankment there of four feet, and then they put a wall on top of that.

Mr. Trias said Harbour Isle doesn't have any streets in there.

Commissioner Nelson said they have a street over there.

Mayor Benton said no. They already have been through this. That is a parking lot.

Commissioner Coke said they have Seaway Drive.

City Manager Beach said Commissioner Coke had something on the table.

Mayor Benton said right. He would like to address that, because he thinks they did downtown, before Commissioner Nelson leaves. Number one, they would like to address raising the bar.

Commissioner Alexander said his only concern with that is, at what point are they raising the bar?

Mayor Benton said that is raising the bar.

Commissioner Alexander asked to 45 feet?

Mayor Benton said no. They are talking about four stories up to 55 feet or whatever. But setting density. To him, the lower density - just like the project they turned down the other night (Pioneer Gardens) - by lowering densities they won't see that type of thing coming in front of the Commission again.

Commissioner Alexander said they never would have brought that in front of the Commission if it was on the beach.

Mayor Benton said yes, they have. That is what Mariner's Bay is. Mariner's Bay is a zero lot line.

Commissioner Alexander said he begs to differ. They understand him to say, like he spoke to Al Brodeur that night, because he has brought projects before the Commission that they all gleamed; and then that came up, and he was just like pushing that or shoving that down their throats. But today they need to speak of what they are speaking about five years and the Comprehensive Plan. What is going to be happening or going on in five years so they don't have to come back to the table with this same thing? And they are telling him that it is 45 feet on the beach?

Mayor Benton said that is what it has been for going on 20 years. They just want to make sure, he thinks they need to stick with that, that is what he is looking to see. He thinks Commissioner Coke and other residents that live out there and in the City want to make sure there is a consensus, or they are going to be...

Mr. Trias said they also want to keep the single family areas of the beach, right?

Commissioner Coke said right.

Mayor Benton said all over Fort Pierce. He thinks it is very important that they maintain what single family they have.

Mr. Trias asked so eight units per acre is a maximum only in some specific areas of the beach, right? Is that what they are talking about?

Commissioner Coke said they are talking about 8 units per acre on the beach unless it is a hotel.

Mr. Trias asked what about the single family neighborhoods on the beach? Clearly they don't want to have 8 units per acre in those neighborhoods, right?

Mayor Benton said he thinks with the density with all their R-1, R-2, and R-4, that is what the maximum is.

Mr. Trias said they have different zoning designations. But he wants to make this perfectly clear. They are talking about the R-5 which is along the water, along Seaway Drive?

Mayor Benton said that is what concerns him is the R-5.

Commissioner Coke asked Mr. Trias is not talking about something more highly dense, is he?

Mr. Trias said no. What he is saying is that is the way many developers are thinking in the sense that let's rezone all this single family, right? He wants to make sure that is clear.

Mayor Benton said he thinks what Commissioner Coke is looking at is the four stories and eight units an acre. If Harbour Isle was one they varied off track, he thinks they have learned it is time to get back on track and set the residents at peace, or else they are going to have a war on their hands.

Commissioner Alexander said they have 1,100 residents on the beach versus the City of Fort Pierce, they have how many?

Commissioner Becht said 38,000.

Commissioner Coke said that is 1,100 residents paying a lot of taxes.

Commissioner Alexander said he keeps hearing that, but he pays his taxes and he doesn't think anybody pays any more taxes than he does. When it comes to refurbishing the beach, who pays for that? All of them. He is not in disagreement with the Mayor and Commissioner Coke, but he just has to have a vision that he looks at just not separating...

Mayor Benton said he is not, because he would like to see the whole City with no more than 8 units per acre. In fact, they can deal with that today with the exception of downtown.

Commissioner Coke said that works for her. Do a maximum of 8 units per acre throughout the entire City limits? That is fine with her.

Commissioner Nelson said he doesn't want to argue about this.

Commissioner Alexander said that is what he wants to explain. He is not arguing.

Mayor Benton said just for the record, Harbour Isle is 8.3378 units an acre.

Commissioner Nelson asked can they please figure out what it is Commissioner Coke is trying to get across to them?

Commissioner Coke said she wants at minimum on the beach, but she would prefer to see it throughout the entire City limits of Fort Pierce other than the downtown area they just discussed. She would like to see four stories, 45 feet, 10 feet architectural embellishment, 8 units per area maximum density.

Commissioner Alexander asked are they going to have any input from staff on that?

Commissioner Coke said they are going to come back and give them input if they all think that is a good idea.

Mr. Trias said the best thing is to get input after they look at all this.

Commissioner Nelson asked does Commissioner Coke want the 8 units per acre with four stories on the beach?

Commissioner Coke said 45 feet.

Commissioner Nelson said 45 feet. Does Commissioner Becht concur with all that?

Commissioner Becht said no.

Mr. Trias asked the 8 units per acre, what is the thinking of the maximum as opposed to 9? Is there any specific reason why it is 8 units versus 9 units?

Mayor Benton said because that is what the people wanted. It makes their job easier to listen to people.

Commissioner Alexander said that makes his job a little harder, because it is just one section of the community.

Mayor Benton said the whole City voted on that. He will give him a copy of the referendum. More people voted in that referendum than any election in the City of Fort Pierce.

Commissioner Alexander asked what year was that?

Commissioner Becht said twenty years ago.

Commissioner Alexander said so twenty years ago this community was going nowhere at a zero pace. And now all of a sudden because of growth in the surrounding communities, they have opportunities. And he won't be in disagreement with them, but he does have to put his input into it. He just can't go along with what happened twenty years ago. It truly makes a difference. They cannot just handicap this community like this.

Mayor Benton said he doesn't think they are handicapping. It is quality.

Mr. Trias said when they were looking at 30 units per acre, his thinking was based on planning experience. The 10 units per acre per floor was a reasonable density in terms of the dimensions of the units they could fit with 10 units per acre per floor. The idea was to have three floors above a floor of retail originally back then. That was the thinking. They probably need to have some kind of justification for whatever numbers they choose, whether it is 8 units or 9 units or 10 units, they can probably come up with something if they want.

Commissioner Nelson said let him propose something here now. He can understand where Commissioner Alexander is coming from. He sees where Mayor Benton and Commissioner Coke are coming from. The silent partner over there, he never knows where he can find

Commissioner Becht, but he is all right with him. Why don't they go ahead and make their positions known and give it to staff. And then staff can work with it and in the next couple of days or so give the Commissioners a feedback of what they are basically saying and any commentary they might have to it. And then just prior to their consultant coming on board, the Commissioners could in fact massage it or tweak it some way.

Commissioner Coke asked why don't they have a Charrette to see what the people want? So they can hear what everybody has to say. She is the one getting phone calls every day from people on the beach, hundreds of people on the beach.

Commissioner Nelson said he gets calls too. They invite him to their homes over there and feed him and all that good stuff. He can tell them, he gets his share. They come and knock on his door and call him and all this stuff.

Commissioner Coke said but he is choosing to ignore them. She doesn't choose to ignore them.

Commissioner Nelson said he doesn't ignore them.

Commissioner Coke asked then can she have three of them saying 8 units per acre?

Mayor Benton asked what is Commissioner Nelson trying to say?

Commissioner Nelson said he wants to get her thoughts in concrete so that they can get a consensus on it as to what they want to do.

Mayor Benton said she has said 8 units an acre, four stories high.

Commissioner Nelson asked do they have three people who agree with that? Let's put it out there and see. He might have some concern about it, but they can't get everything they want.

Mayor Benton said he would agree.

Mr. Trias said the reason they did Charrettes back then was to avoid having to do the Comp Plan.

Commissioner Nelson said they will take into consideration the Charrette later. Now they are trying to make a decision as to what they want to do.

Commissioner Coke asked what does he want rather than 8 units per acre, four stories, and 65 feet?

Commissioner Nelson said his background is uniformity. He likes for everything to be the same for everybody and he would be happy. But he knows that is not the case.

Commissioner Coke said let's do it in the whole City.

Commissioner Nelson said he knows certain people in certain areas are going to have a certain amount of - for lack of a better word - pampering or protection or whatever special consideration and this kind of business. Downtown has to get some special consideration. He hears it all the time, they are doing everything downtown, even from politicians. They all say they are doing too much for downtown. While they were here, they were doing the same thing.

So whatever they all want over there, let's put it on paper and see what they can do with it; and if they approve it 3 to 2 or 1 to 4, let's do it.

Mayor Benton said it is nice to have a consensus, because for some of them that live there. Commissioner Nelson doesn't have to worry about somebody building a four story, 65 foot building with 25 units an acre next door to him. They do. When they fill up their roads and people are unable to get off the island... Like for instance, Mariner's Bay, which he voted against it. They look at it and it is basically a zero lot line. The kids have nowhere to play unless they go to the two parks adjacent.

Commissioner Coke asked weren't they supposed to put landscaping along Indiatlantic Drive?

Mr. Trias said yes.

Commissioner Coke said there is no landscaping there.

Commissioner Becht said while he is over there, Mr. Trias needs look at the southern end of Ocean Village. The wall that they were supposed to put up between the sidewalk and the development. Now there is a chain link fence. They are not supposed to have C.O.'s on any units until they fulfill all that. And the road is now fenced off. They put a gate at the road and a gate on the sidewalks. Whatever the name of that road is at the southern end.

City Clerk Steele said Blue Heron.

Commissioner Becht said it has a gate on the road and it has a gate on the sidewalk. And there is a green chain link fence that is broken about eight spots up and down the road. He remembers very clearly that they were not supposed to get CO'd until all of the improvements were done. Mr. Alcorn might know.

Mr. Trias said he has received some complaints from the citizens that live there about that fence. They are working on redoing that whole wall and fence.

Commissioner Becht said they will get it done if staff will stick with what the Commissioners said - no CO's.

City Manager Beach asked is he talking about South Pointe?

Commissioner Becht said yes.

City Manager Beach asked are they talking about those fences that were blown down during the hurricane?

Commissioner Becht said there is a green chain link fence up now.

Mr. Trias said the white fence was blown down.

Commissioner Coke said but he wasn't supposed to put it up to begin with.

City Manager Beach said that green fence is not new. That has been there for eight months or longer.

Commissioner Nelson said it was for security reasons, he is sure of, because after the hurricane was over there, it did blow down.

A lot of people were running back up and down Blue Heron, going through Ocean Village and South Pointe.

Commissioner Becht said he thinks Mr. Beach is missing his point. If he recalls correctly, they said no CO's until all the amenities and improvements are done.

Commissioner Coke said she remembers that.

Commissioner Becht said if he has not put the wall up, he should not be selling units. He guarantees that he will put the wall up if they don't let him sell his units. He suspects it may have slipped through the cracks.

Commissioner Nelson asked the wall is on A-1-A?

City Manager Beach asked does Mr. Alcorn know anything about that?

Commissioner Nelson said the sidewalk is going down Blue Heron Boulevard and a fence.

Mayor Benton asked can they get back to Commissioner Coke?

Commissioner Coke said she knows what she wants. How many units per acre does Commissioner Becht want?

Commissioner Becht said he is going to answer her question, but he is going to do it in a lawyerly meandering fashion. He disagrees with Commissioner Nelson - he likes consistency, but he doesn't necessarily think that is uniformity. He thinks the beach is a special area and it is a special treasure. He is very mindful of the referendum that passed. His then law partner, Vince Lloyd and his good departed friend Michael McCarty, were in his office every day talking about that back in the early 1980's and the whole firm was disrupted because Mr. Lloyd was so caught up in it. It was bitterly contested and Bob Benton had appeared before the Planning Board on numerous occasions trying to get these remaining 200 feet references out of the code. What bothers him about a stark standard like the four floors, because it is not as defined as what they created today - four floors or 65 feet with an additional 10 feet for architectural enhancements. That is not in the referendum.

Commissioner Coke said it is four floors, 45 feet.

Commissioner Becht said but he disagrees with that. What he prefers is, if they are going to do four floors, then it is four floors and a footage and some area for architectural enhancements. The density of eight units to the acre, he has not made a final decision on this. But the thought occurs to him that the wisdom of that in 1983 may not be applicable to 2005. That is where they are folks, is 2005. He is mindful that there is a strong feeling about this on the barrier island and that should be listened to. But the difference between 8 units to the acre and say 12 units to the acre and five floors is not offensive to him.

Commissioner Coke asked how high?

Commissioner Becht said five floors within something reasonable that is consistent with what is over there now. They all know Sea Pointe Tower is over there.

Commissioner Coke said that was long before the referendum.

Mayor Benton said that is why they had the referendum.

Commissioner Becht said but it is there and Ocean Village is there. He doesn't want to see a whole bunch of those types of buildings over there. But it becomes a matter of degree. He doesn't have a problem with five floors. When they go to six, he starts... They are going to have something over there that is unique and not like Boca Raton, Miami, or Fort Lauderdale, or as she mentioned like North Beach.

Mayor Benton said when they look at five floors though, unfortunately above sea level that five floors could start with almost two floors underneath it. Because of these hurricanes and the damage...

Commissioner Becht said they can't have two floors underneath it on the beach.

Mayor Benton said they would be starting at, how many feet above sea level. On the beach it might be 10 or 12 feet above sea level. He doesn't know.

Commissioner Becht said let's say five floors and the first floor would be the parking.

Mayor Benton said they are going to six stories.

Commissioner Becht said no, he is not. He is not making himself clear.

Commissioner Coke said four floors over parking.

Commissioner Becht said four floors over parking.

Mayor Benton said four floors over parking. He thinks they have that now at South Pointe.

Mr. Trias said they have that within the 45 feet, which means that people may dig about five feet and that allows them to have that little extra parking area and then they have the four stories on top.

Commissioner Becht said he would like to have flexibility.

Mr. Trias said the two objectionable things from his point of view, the ones he is talking about, the ground level needs to be very clearly defined. Right now that is not defined so people are trying to build up and go down and so on. That really has a major affect on the aesthetics of that whole area.

Commissioner Nelson said he thought Mr. Trias said the ground level was defined in the code or statute or something.

Mr. Trias said it is defined by the building code.

Mayor Benton said he would agree with four floors and parking. But he thinks what they need to get is the maximum density. There has to be a maximum they could live with. Harbour Isle is just over 8 units an acre. A lot of the ones coming in now, at least proposed, are 12 units or even more.

Commissioner Coke said that is what Commissioner Becht said, was 12 units.

Commissioner Becht said he did say 12 units.

Mr. Trias said he thinks they can come up with some code language that defines a ground floor clearly so it works well with sidewalks and it defines height and so on, without the flexibility they have now, which he thinks is detrimental.

Commissioner Coke asked what does Commissioner Nelson want? She is going to get these phone calls tonight, so she needs to know.

Mr. Trias asked what is the logic of the 12 units per acre versus the 8 units? Why is that better or not?

Commissioner Becht said he thinks they can get a quality product today at 12 units to the acre. He thinks at 8 units to the acre, they are hurting themselves.

Commissioner Coke asked are they hurting themselves or the developers?

Commissioner Becht said they are hurting themselves.

Mayor Benton asked if they are doing retail on the bottom floor, would they lower the density, or would they allow a higher density with retail?

Commissioner Becht said he wants the retail on the ground floor. He thinks this Commission made a mistake when it let Mason Simpson eliminate his retail.

Commissioner Nelson said sometimes he is allowed to make one little mistake a year.

Commissioner Becht said he has made a couple of mistakes and he will make a few more before it is all over with. But they made a mistake in eliminating the commercial there. And he would hate to push the developer, because if they assume the developers are motivated by money, then if they tell them they get fewer units if they put the retail in... He wants the retail in. And he thinks good planning, five year planning, twenty year planning should have them putting in place the space for retail, because it is going to come. It is not high right now, but it is going to come. If they plan for it, then they will speed up the process of it coming when it does come.

Commissioner Nelson said okay.

Commissioner Coke asked what does Commissioner Nelson want?

Commissioner Nelson said he is flexible. He likes to have consistency and uniformity, but he can compromise. Whatever the majority says, he will go along with it. They are all killing him.

Commissioner Alexander said again, once they go across that causeway, he wants everybody to be happy. If they start it off with Mason Simpson, with what did they say, 8.3 units? He doesn't know. He heard Mr. Trias speak of 10 units per acre and that would be with four floors over...

Mr. Trias said no, 10 units per floor makes sense to him when they were thinking about the 30 units per acre.

Commissioner Coke asked does Mr. Trias know how many vacant acres of land there is over on the beach? Let's say vacant versus the number of houses that now are being torn down because they are demolished from the storms?

Mr. Trias said he doesn't know.

Commissioner Alexander said that would be the next thing, for them to come in and buy out a block.

Commissioner Coke said they want to look at, if they go to the higher density, and let's say they take 12 units per acre and somebody has two acres, that is 24 units and they are building two or three bedroom units. They are going to have three or four people living in each unit, so that gives them 72 people in that one area. And then they take another ten developments like that and in that small area that could happen. Binney Drive, they could tear down all those duplexes on Binney Drive and put things in along those lines. And just on that one little street where they go from having 150 people, they could go to having 800 people.

Commissioner Nelson said Staff is going to come back with a final copy of this thing. Why don't they put the onus staff. They pay Mr. Beach a lot of money. Take what they have there, look at Commissioner Coke's proposal, look at Commissioner Becht's reservations, Commissioner Alexander's concerns, the Mayor's concerns, and his straddling the fence. Take all the data, come back and analyze it and give a staff recommendation. Or they take a simple approach and just say they approve the rationale of why they think 12 units per acre or 8 units per acre or whatever the case may be, and then they can go from there.

Commissioner Becht said he has one responsive comment to that. He believes he knows where they are going, Commissioner Coke and Mayor Benton. There is a specific project on the table and he has seen the project and he has seen it at 16 units to the acre. With the off-site improvements this guy is doing, he is straddling the fence at 16 units to the acre. Because they are going to get, in his opinion, quite a few off-site improvements from this. But he had not, in one of the earlier meetings, gotten phone call one. Unfortunately, a former Commissioner - Gloria Grimyser - put his name in the newspaper; and since then everybody has found his phone number and has called him. And it is a very strong opposition on the island to this development. He had wanted to say they don't know what the project is. But some of the folks, when he asked do they know what the project is, some of them say it is a highrise and they don't know what it is. But quite a few of them know what it is, they know what the height is, they know what the density is, they know where it is, and they know how many parking spots it is proposed to have, and they know about the pavers on the south end of the building. Knowing all that, these folks are still against it. So it is troublesome to him, because intuitively he would tell them at 16 units to the acre, with what the guy is doing off-site, he can vote for it. But he is getting a sentiment from the island, the people who would be impacted by it a lot more than he is, they are not for it.

Commissioner Nelson said he has gotten calls from that too and he knows the project he is talking about. But he thinks once the

public sees that the improvements and the totality of the project, they might be prone to acquiesce somewhat. But that is why he is suggesting that they do in fact look at it, make a recommendation, suggestions and comments. Give it to staff and let them come up with a recommendation. The Commission is going to end up conforming to all that anyhow. At least they will have them looking at it from a detailed standpoint of the pros and cons and they will go from there. That is what staff is supposed to do.

Mr. Trias said if he was designing 8 units per acre it would be two stories. That is typically how it comes out.

Mayor Benton said there is something to take into play too is redevelopment and development along A-1-A. If they allow people to go over the 45 feet, 50 feet, or 60 feet on the east side of A-1-A, what is that doing for the west side of A-1-A? These people won't have any kind of view at all.

Mr. Trias said the view corridor is another idea and that is something that some cities do regulate. Do they have any ideas on how to do it or by what means?

Commissioner Becht said he just knows it can be done. He doesn't know how to do it.

Mr. Trias said the only place he has seen it done very precisely is in Austin, Texas, where they had amazingly complex maps that tell them here in this block they can only do three stories. They were trying to keep the view the Capitol. They basically mapped the whole thing. It is very complicated. Staff could look into it. But short of keeping the right-of-ways open, which they already have. They will have to research it further how to do it.

Mayor Benton said he thinks that is why years ago they talked about 65 feet downtown was so people who had started building at the water might keep it down and six stories all the way back near U.S. #1 were offices that would have the ability to see the river. If they were looking at the buildings and looking at concrete, the value of their property is a lot less than if they have a view of the river.

(COMMISSIONER NELSON LEFT THE MEETING ROOM AT 2:32 P.M.)

Mr. Trias said the unobstructed views are always the streets. And unless projects are designed like that - for example, Harbour Isle is not - then it is very difficult to control the views, etc. Again, that is the oldest discussion in the world. For the past hundred years that is what they have been trying to do in terms of keeping the views and so on. The grid they have on the beach allows for a lot of that. And if they will keep that and continue to focus on the streets, they will have some success on that.

Mayor Benton said at least they have a consensus that as far as density on the island, it is four stories and 12 units an acre would be the maximum he has heard here. He would hope that they could stick to that anyway.

City Attorney Schwerer said he doesn't mean to change subjects with the Commissioners, but one of the things that perhaps they need to start thinking about a little bit more in detail is this entire "sleeping giant" issue as he calls it, these large tracts of land they are annexing to the west. Because they are predominantly

coming into the City under a zoning classification that allows multi-family development. And they don't really have yet the Commission's thoughts about how those multi-family developments should be designed or what types of things to expect. He is bringing this up now for them to think about. But more importantly, he has had discussions with the County people in anticipation of their Friday meeting on this Joint Planning Agreement. Putting aside what is happening with some of the issues dealing with annexation issues, one of the focus points of that meeting would have been and still may be, how are they going to coordinate with the County when they are bringing those properties in and what level of coordination is required? Because folks are annexing into the City, getting their approvals for these large developments, they are impacting roads, they are impacting both sides of the fence, the City and the County. He is just asking them to keep in mind thinking about how they might be approaching that because the County may, if they get to that level of discussion on Friday, start talking to them about what are their feelings and what are their thoughts about those properties and what type of standards are they looking for.

Commissioner Coke said they need to have their feelings and thoughts ready too on when they are going exactly ahead with annexing the airport.

Mayor Benton said he for one would feel comfortable with, at least so far, requiring open space and commitments of right-of-ways. He thinks Commissioner Becht referred to that many times in some of these projects.

Commissioner Becht said this is what he would like to do through their City with a five year plan so the City has a vision that they are bringing these properties in, what are they going to do with them. Because that is one of the concerns of the coherent County Commissioners. And that is a legitimate concern, he thinks. Mr. Schwerer mentioned the meeting on Friday. This would have been a wonderful opportunity to talk about things of interest to the City. The agenda he unfortunately only picked up on Friday doesn't have any City-related topic on it that he was aware of.

City Manager Beach said they have given them the option of adding to that agenda.

Commissioner Becht asked is there a consensus here about some things the Commissioners might want to add to the agenda that are of interest to them?

Mayor Benton said this meeting originated unfortunately when he went to Doug Anderson and said it is time with this water agreement to address a regional wastewater facility. Because that was also something that wasn't discussed the other night at the meeting when they talked about the JPA. Because of an additional 2,600 units west of the City's boundaries having a pipeline going right to the wastewater treatment plant, he was a little offended that they want to get to that maximum capacity without even considering moving the facility.

Commissioner Coke said that is part of their agreement.

Mayor Benton said it is; and that is why he asked that something be done.

Commissioner Becht said he talked with all five County Commissioners last week. All five County Commissioners are receptive to the regional wastewater facility. Doug Anderson was in the room when he was talking to Frannie Hutchinson, as was the County Attorney, the County Planner, and the County Engineer. Is that on the Agenda or not?

Mayor Benton said yes, the regional wastewater discussion is on the Agenda. That is what originated this meeting, because South Florida Water Management, there is \$100 million worth of mitigation money in the State of Florida because of the hurricanes. This is like the ultimate time to jump on planning and starting that. So that is where this meeting started. Unfortunately, the County put all their other items on there they want to discuss.

Commissioner Becht said if the County wants to load it up, let's load it up with the City's items too, and that is what he is getting at.

City Manager Beach asked what would they all like to have on that agenda?

Commissioner Alexander asked are they going to put it in the beginning or middle or end?

Commissioner Becht asked with all seriousness, how aggressive and argumentative do they want to make the meeting? He starts with that because based on the way they got handled last week, he is wondering if they should put in annexation as an issue to be discussed.

City Manager Beach said that should be the second thing on the Agenda.

Commissioner Becht said no. Annexation of the airport and also then put in there annexation of the...

City Manager Beach said this issue should go to here and that is one of the things they talked about.

Commissioner Becht said then they will never get to the rest of it.

City Manager Beach said he thinks what that will do is set the tone for the rest of the discussion.

Commissioner Coke asked is that going to be one of those meetings where after 15 minutes somebody from the County says they ought to go home?

City Manager Beach said he would encourage all of them to think of this in some productive sense. Because the annexation issue is a difficult topic and they have had several disappointments relating to that subject. They feel like they have been misled and abused and any number of things. But that still doesn't mean they can't work their way through this discussion and try to come to terms with this.

Commissioner Becht said let him finish if he may. What he would like to do is, Item #6 on the County Agenda, it says Joint Planning Agreement - Outstanding Issues. If they are going to set the Agenda or even participate in setting the Agenda, let's eliminate Items A and B from the Joint Planning Agreement.

Commissioner Coke asked what are Items A and B?

Commissioner Becht said it is the Research & Education Park and the Stormwater Fees. He just think that ought to be cut out of it.

City Manager Beach said he thinks everybody agrees with that.

Commissioner Becht asked is there a consensus?

Commissioner Coke asked what he is saying is, the City Commission will agree not to annex this for 15 years?

Commissioner Becht said no. What he is saying is...

Commissioner Coke said when they first came and talked to her, they said wait until they finish the master plan, because they are in the middle. She said okay. Then they said 15 years.

Commissioner Becht said this is simple. They do want a Joint Planning Agreement. The Joint Planning Agreement they have gotten from the County is loaded with bile. It has stuff in there that is important to one or more County Commissioners. Let's just cut it out and put it as Item #13 on the Agenda, so they may or may not get to discuss it. But he thinks it is important for the City Commissioners, and probably for three of the five County Commissioners and maybe four, that they do get a Joint Planning Agreement. And he thinks they can get one if they clean it up before Friday if they leave out these two other issues. They can put these two issues as separate agenda items further down the list, if there is a consensus that it is what they would like to do.

Mayor Benton said he for one agrees.

City Attorney Schwerer said what he would suggest they do, in cases where they are going to have maybe some conflicts discussed, he would ask the Commissioners to prepare their agenda they want to discuss; and the easiest way to handle this is, they can flip a coin at the beginning of the meeting, the County picks one item from their Agenda and the City gets the next one, and they alternate all the way down. That way they are assured that all the time is not taken up by the County's issues.

Commissioner Coke said first of all they are going to have to get the County to agree to that. Because it is obvious from this that this is not a Joint Planning Agreement, it is go and get lectured on what the County wants.

City Attorney Schwerer said he can convey the message to the County that they are going to have a separate agenda before that meeting and they will give it to them and they expect when they discuss their first issue, the City is going to discuss their first issue right after that and on down the line.

Mayor Benton said let's get this in as soon as possible so they can at least give them a day or two notice.

City Manager Beach said he could do that tomorrow if he can get the input from all of the Commissioners.

Mayor Benton said he himself, and he hopes Commissioner Hutchinson, what they are going to try to do is just like they did upstairs in

the Conference Room last year, is to get to a point that if they do have three, because in their case it will probably be three to vote on things. He thinks they need to come out with some type of decisions in this meeting.

Commissioner Becht said he believes they can have a Joint Planning Agreement. His conversations with four of the five County Commissioners is that they can have a Joint Planning Agreement and a short meeting if they will cut out the Research/Education Park.

City Manager Beach asked is he talking about the City Commission or the Board?

Commissioner Becht said if this City Commission goes with an approved form for a JPA that Mr. Schwerer, Mr. Beach, and staff have looked at, that doesn't have the Research Facility in it, he believes they are going to have five City Commissioners for it; and probably at the end of the day, they might even have five County Commissioners voting for it.

Commissioner Coke asked would he define please how the JPA came to have the Research Park in it?

Commissioner Becht said that is the bold aggressive move by the County to dictate to the City, without explanation to the City, that they would wait 15 years to annex the Research Park.

Commissioner Coke asked is he saying by deleting this from the JPA, they can go ahead and annex it as soon as it becomes contiguous?

Commissioner Becht said no, he is not saying that. What he is saying is that issue warrants probably a full day's discussion at a joint meeting between the City and the County and the University of Florida and the other agencies that will be involved in trying to create a viable Research Park. But it doesn't start with Fort Pierce as a red-headed stepchild saying, "Okay, we will defer annexation for 15 years because we wouldn't know how to run one."

Commissioner Coke said she agrees 100% with that. The only thing she will caution them on is when they went through she doesn't know how many hours of conflict resolution, etc. and finally came up with their agreement, there were two or three areas that they put off for future discussions such as annexation of the airport. Now they notice when the County set up the last time, they said it was Airport - County Territory. No, it is not. It is part of the City's territory. The City has just decided to defer annexation. She tried to say it the other night at the meeting and she will say it again, they are not playing fair.

Commissioner Becht said this meeting about the Research Park is not appropriate between just the City and the County. They should probably have Senator Pruitt there, they should have the University of Florida there, and they should have everybody else there.

Commissioner Coke said the City should be included in it.

Commissioner Becht said it is not a dispute between the County and the City. What is happening is the County is trying to take the lead and tell them there are people who don't want to be in the City.

Commissioner Coke said it sounds like Wal-Mart.

Commissioner Becht said it sounds like Wal-Mart all over. Deja vu, Groundhog Day, or whatever.

Mayor Benton said there are reasons and he thinks they can get through those reasons.

Commissioner Becht said but not at this meeting. And if they try to bring that into the JPA, they are never going to get to the JPA, which is a good idea.

Mr. Trias asked what issues is he thinking they can resolve with the JPA in terms of planning?

Commissioner Becht said he is not aware of any dispute with the JPA that he has.

Mr. Trias asked what issues should they deal with in that Agreement?

Commissioner Becht said what he wants is for the County to work with the City on road issues, drainage issues, and any PUD development of any significance - he doesn't know how they define that. They have their service area or actually just adjacent to their service area or that might impact on road systems going through the City. Actually so the County understands the City is not giving up the airport, the City should be aware of anything that is happening with the airport. The flip side of that is that the City should let the County know about what they are doing in the City service area because that is going to impact on them. The idea is that the City Planning staff would work with the County Planning staff so they would have a cohesive development for the benefit of all of the citizens because they are supposed to be working for all the citizens.

Mayor Benton said he thinks they have gone as far as they are going to go with the workshop and he does have a meeting he was supposed to go to at 2:00 that has to do with the Research Park, so he would like to go to that and at least maybe put some fires out before things go any further with it. Is that all right with everyone if the Mayor bows out right now?

Commissioner Becht said with one caveat. Do they have the ability to get a JPA back to the County before Friday that deletes all offensive issues?

City Attorney Schwerer said they should be able to do their best, yes. They should be able to. It may not be in final form, but they will get something back to them.

Commissioner Becht said something to Dan McIntyre so he can bless it from the legal standpoint and then the five Commissioners can decide whether they do or do not want to sign one that day or wait until somebody tries to drag the Research Park back into it.

Mayor Benton said he for one agrees with Commissioner Becht, because if they leave those items out, he could probably go along with that JPA.

City Attorney Schwerer asked have they all seen the revised version of it?

Mayor Benton said just the one he received last week.

City Attorney Schwerer said okay, that is the revised version.

Mayor Benton said there are three of them so if they want to continue.

(MAYOR BENTON TURNED THE GAVEL OVER THE MAYOR PRO TEM COKE AND LEFT THE MEETING ROOM AT 2:47 P.M.)

City Manager Beach asked do they all want to pass some policy here with Commissioner Nelson and the Mayor gone? This is a great chance. What he was going to say to Commissioner Becht earlier as it relates to this Joint Planning Agreement issue, the framework is in place both at the County and at the City to make that work very smoothly. It is a matter of the two staffs participating and being a part of each group's plan review. They have worked in trying to get that set up with the County. So far it hasn't happened; but it can happen and it can happen without too much difficulty.

Commissioner Becht said let him share something with them because it hasn't been followed through. On Monday of last week he met with County Commissioner Hutchinson, Doug Anderson, Dan McIntyre, Ed Cox, and somebody from County Engineering. At that meeting Ms. Hutchinson said the City is not taking over the roads as they annex the property. He said it was funny she should mention that because he talked to his staff before this meeting and his understanding is there are certain roads they cannot take over. And Dan McIntyre agreed that is correct. He said the identity of the other roads she is talking about is lost on him. He had the opportunity, because Ms. Hutchinson included it in the meeting, to look at Doug Anderson and ask could he please get him a list of the roads they are talking about because City staff doesn't know what they are talking about and he certainly doesn't know what they are talking about. He asked Doug Anderson to identify the roads the City hasn't taken over that the County finds so offensive to this annexation process. Have they gotten the list yet?

City Manager Beach said no.

Commissioner Becht said okay.

Mayor Pro Tem Coke said put that on the Agenda for Friday.

City Manager Beach said they have had that list before; and what that list is, is County roads that they don't have the ability to assume responsibility for.

City Attorney Schwerer said the State road system.

Commissioner Becht said what was refined at that meeting was, they are not talking about the County roads, State roads, or arterial collectors. What they are talking about are residential roads. He got that concession at this meeting. And he asked them to identify the roads for him so he will know what they are talking about.

Mr. Trias said that discussion has happened in very few instances where there is a subdivision already in place, but that is one or two cases.

Commissioner Becht said it is a big deal. The County needs to get the City their list. And he says that sarcastically.

Mr. Trias said he knows. The other thing is, the City is not

creating any roads because of the type of development that the County and the City is doing in those greenfield areas. They are simply not creating them. They are not doing subdivisions.

Commissioner Becht said the ability exists with the JPA for the City and County to work better together. There is room for improvement. He thinks the City is not all at fault and the County is not all at fault. They would not make the concession that Mr. Trias is sending the plans over there. Ed Cox did confess that there probably been some falling down on the County's part because they were not sending the City their plans.

Commissioner Alexander asked does he think if they may shift a few plans, they may move forward?

Commissioner Becht said his point for the plans to go back and forth is, it is not the County's job to oversee how a plan impacts the City. It is the City's job after they look at it to say this impacts the City in this way. At that point the County can choose to ignore the impact or they can deal with it, and vice versa.

Commissioner Alexander said they can just have a comment about it.

Commissioner Becht said yes. He doesn't view the City's growth from a perspective of how it might impact the County. But if the County came in and said it hurts them this way, and they can still do the development with a minor tweaking to reduce the impact or eliminate the impact to the County, then they ought to do that. But he doesn't want the County telling him they can't go forward. He just wants to know how it impacts them.

Mr. Trias said the biggest problem they have is simply the lack of connectivity among all the main projects and at this point there is simply no process to get beyond that. What he is afraid of is unless they change the rules somewhat, they are just going to have the same exact thing they were getting approved right now, it is just that they will know much more about it, but it will be the same stuff.

Commissioner Becht said it starts with baby steps. If staff has the information about what is happening, then it will start there and then the process will...

Mr. Trias said but as a Planning Board member of the County, that is kind of like... He does the same thing they do basically. And the problem is that there is absolutely no attempt to deal with any kind of street network. There is absolutely no understanding that it is an issue.

City Manager Beach said it is all independent.

Seeing no further business, Mayor Pro Tem Coke adjourned the meeting at 2:50 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER