



ZONING ADMINISTRATION
DEVELOPMENT REVIEW
COMPREHENSIVE PLANNING
URBAN DESIGN
HISTORIC PRESERVATION
CULTURAL RESOURCES

CITY OF FORT PIERCE

2005 Florida League of Cities "City of Excellence" Award Winner

DEPARTMENT OF PLANNING

"IMPROVING THE WAY WE DO BUSINESS"

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JANUARY 10, 2006, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Donald Bergman (Chairman), Thomas Knott, Pamela Williams, Charlie Harris, Jeremiah Johnson, and Chuck Enns.

Members absent: Sunny Gates (Vice Chair), Margaret Benton, Misty Minton, and Robert Poitier.

Citizens and Staff present:

Richard Warren
Stefan Mathes
Philippe Jeck
Peter Cook
David Pauvio?

David Recor, Deputy City Manager
Travis Gibbons, Planning Administrator
Peter Buchwald, Zoning Administrator
Kara Wood, Urban Designer
James T. Walker, Assistant City Attorney
Dianna D. Rose, Administrative Secretary

Meeting was called to order at 7:00 p.m. (Agenda Item #1).

Secretary proceeded with roll call and consideration of absences. (Agenda Item #2).

Ms. Rose stated – Ms. Benton, Mrs. Minton, Mrs. Gates, and Mr. Poitier have all called in.

MOTION WAS MADE BY MR. KNOTT TO EXCUSE THE ABSENCES OF MS. BENTON, MRS. MINTON, MRS. GATES, AND MR. POITIER. Seconded by Mr. Harris. Unanimously approved by voice vote.

Agenda Item #3 – Approval of Minutes of December 13, 2006.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SUBMITTED MINUTES OF DECEMBER 13, 2006. Seconded by Mr. Enns. Unanimously approved by voice vote.

Agenda Item #4 – Site Plan/Rezone to Rezone – Tri-County Animal Hospital – Approval for the construction of a 6,720 sq. ft. animal hospital. Located at 1807 Okeechobee Road. Owner is Tri-County Animal Hospital, LLC., and applicant/representative is Ernesto Velasco, P.E.

Mr. Gibbons stated – Mr. Chair, first motion I would like to introduce Peter Buchwald. He is our new Zoning Administrator. And he will be handling the current development aspect and Planning Board items in the future. So, I'd like to introduce him and let him say hello.

Mr. Peter Buchwald stated – Hello, it's a pleasure to be here, thank you.

Staff Report – Mr. Gibbons stated – This requested action is a site plan with a rezone for a tri-county animal hospital at 1807 Okeechobee Road. The parcel contains 0.51 acres. The zoning is C-3, General Commercial. The property was re-platted in 2003; and there was an additional 15 ft. of land that was acquired. The zoning on that is R-3, and was never re-zoned at that time. The request for the rezone is for the southerly 15 ft. to convert that from R-3 to C-3, General Commercial, which would make it compatible with the purposed use. The actual site plan itself is for a 6,720 sq. ft. animal hospital. The parcel is currently vacant and is also adjacent to the existing tri-county animal hospital. The actual site plan has been in review with staff over the last few months. We've tried to incorporate some nice design elements from our Urban Designer, Kara Wood. And they've accommodated that request. They're going to be preserving existing mature oak trees in the rear of the property, which is a positive benefit. One thing to note on this project is that the existing tri-county animal hospital, being that it's adjacent, there has conversation of converting that into a kennel, and having that as an adjacent use. But we'd like to make note at this meeting tonight that if that's the case, that would require a conditional use application through this Board, and would require further review by this Board and by staff. And thus the request tonight is just for the site plan and for the construction and the rezone of the new proposed hospital. Staff recommends approval of the site plan and the rezoning request of the southerly 15 feet, and with the condition that a side-obscuring wall or fence be located on the rear property line, and be at least 6 ft. in height and have one bush or shrub or vine planted for every 10 ft. of fence for beautification purposes.

Mr. Bergman stated – Alright, thank you, are there any questions of staff from the Board? I have one. What about this 11 ½ ft. encroachment on the west side? The stair that encroaches into the setback 11 ½ ft.?

Mr. Gibbons stated – The actual setback for General Commercial abutting General Commercial is actually zero. So, they're not abutting into the setback.

Mr. Bergman stated – Okay. Were there any comments? Alright we'll open the public hearing, if there's anyone here to speak on this site plan and rezoning.

Mr. Peter Cook stood and introduced himself and stated – I'm the representative of Cook and Menard Architecture. It doesn't sound like there's going to be too much objection to this. So, if there are any questions I'll certainly answer them. This is a result of a lot of involved programming with the owner, and site constraints that we worked around. It's a plan that took probably six (6) months of work to develop, and I'd like to see it happen. We tried to abide by all the rules that were thrown to us, and I hope we have.

Mr. Gibbons stated – Mr. Chair, if I could just ask the applicant, for further clarification, could you clarify the actual use of the facility as into office space, is it going to be primarily indoor...coming in and leaving that day, or is it going to be overnight dogs, kennel activity in the new facility?

Mr. Cook stated – No. There will be some of that, but it will primarily the surgical patients that will be housed in there. The overnight boarding-type of thing will be done in the other building.

Mr. Gibbons stated – Okay. And you're aware that that would require a separate application and conditional use for that operation?

Mr. Cook – Yes.

Mr. Gibbons – Okay.

Mr. Johnson stated – Mr. Chair, obviously if it's recommended tonight to approve, there's going to be a condition of a fence or a wall of some sort along the property line...?

Mr. Cook stated – Yes, separating the residential from the commercial use.

Mr. Johnson – Right.

Mr. Cook continued – I believe that's already there, but the planting is not.

Mr. Johnson stated – Okay, that is what I was looking for. Thank you.

Mr. Bergman asked – Are there any other questions for the applicant? Alright, thank you (addressing the applicant).

Mr. Cook – Thank you.

Mr. Bergman stated – The public hearing is still open if there is anyone else who would like to speak on this project. If not we'll close the public hearing and entertain a motion from the Board.

MOTION WAS MADE BY MR. JOHNSON TO RECOMMEND APPROVAL OF THE SITE PLAN/REZONING OF THE 15 FT. AND TO ACCOMMODATE STAFF'S RECOMMENDATION OF A WALL OR FENCE ON THE SOUTH REAR PROPERTY LINE AND THAT THE APPLICANT MEET THE LANDSCAPE REQUIREMENTS OF STAFF. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Mr. Bergman asked – Mr. Walker, should I bring up the fact that since we have a minimal quorum, that if we don't get a unanimous vote on these that they would not be approved or not be forwarded with a positive recommendation?

Attorney Walker stated – It would be within the discretion of the Chair to point out or announce that the failure to muster a majority of the members of the Planning Board in support of a motion of recommendation means that no recommendation would be forwarded to the City Commission.

Mr. Bergman stated – Because I know, in the past, when we've had controversial projects come up that we've always ask them if they wanted to proceed with the hearing or table it to the next meeting if they thought they would possibly get a negative vote or an objectionable vote.

Attorney Walker – Yes, Mr. Chair.

Mr. Bergman stated – Okay, I was just checking. Alright, in case you didn't hear, we have a minimal quorum tonight, we have six (6), which is what is required to get the majority vote for a new project that you have. Anything that is submitted tonight that is to be heard, that you feel you would like to get a positive recommendation on, and it's somewhat controversial, you might not get a unanimous vote, you have that option to table it to the next meeting if you so choose; otherwise we're just going to proceed with what's on the agenda.

Agenda Item # 5 – Amendment to Site Plan – Savannah Apartments (Phase III) – Approval of a site plan amendment for modifying the existing approved site plan and allowing 15 additional units. Generally located at Lake Front & U.S. 1. Owner/applicant is HST Development Company, and representative is Culpepper & Turpening Inc.

Staff Report – Mr. Gibbons stated – This is a site plan modification for the addition of 15 multi-dwelling units for the approved Savannahs site. The proposed expansion would include one (1) new six (6)-unit building adjacent to the Phase II recreational facility, one (1) new three (3)-unit building adjacent to the recreational facility as well. And converting three (3) of the four (4)-unit buildings into six (6)-unit buildings along East (?), Sandhill Crane Drive, and Pelican Drive. It would be proposed for a total of 548 dwelling units on the 79-acre property. It would increase the density from 6.87 units per acre to 7.06 units per acre. The applicant has met the intent of the site plan modification process. It has been reviewed by all departments and has found no resistance or rejections there. One item to note with this is that the High Point Homeowner's Association has had concerns about separation and buffers between the two properties. They've requested buffering with a wall or fence and landscaping. The applicant has provided information or has proposed to put a landscape berm between the two properties with landscaping on there as a means of satisfying the request. Staff recommends approval to the amendment.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? Travis, do you know what was sacrificed when they added the three (3) and the six (6)-unit buildings in the area of the clubhouse...?

Mr. Gibbons stated – It was greenspace before and they intended to reduce the greenspace by more than 10 percent. So, they met that condition. There was no tot lot or tennis courts or anything in that nature...no.

Mr. Bergman asked – Any other questions of staff?

Mr. Knott stated – Just a quick one for Travis. On the drawing that they submitted, is it possible to locate or to point out where these additional buildings...how they were able to get them in there?

Mr. Gibbons stated – Yes. They actually hatched ...put the hatch marks in the six (6)-unit building where they're going to be changed.

Mr. Knott asked – They're actually inside the recreation area?

Mr. Bergman added – No, Tom, there are three (3) more here. Those are the three (3) that they added in. I had to highlight them so I could see them. Look at the hatchings...they're pretty light.

Mr. Enns showing Mr. Knott – So, it's this one here, this one here, and that one there.

Mr. Knott – Oh, okay, I see. Did they just close down on the setbacks? Is that what they did to make it fit to squeeze another building in?

Mr. Gibbons stated – Well, what they did was convert two or three of the units, which were four (4)-unit buildings, into a six (6)-unit building to accommodate...The actual open space on the recreational area, that was existing. There was no modification of the buildings to get those new additional buildings there, they were just never contemplated before.

Mr. Bergman stated – What I was asking if those were four (4)-unit buildings before and you've added a unit to each end or in the middle somewhere then you have some additional width in there that had to be accommodated somehow.

Mr. Knott added – Somehow...they've picked it up some place.

Mr. Stef Mathes stood and introduced himself and stated – I'm with the firm of Culpepper & Turpening. What we did, Tom, on the conversions, the footprint for the four (4) units is the same as the six (6) units, just that we go two (2) stories.

Mr. Knott asked – Just gone up?

Mr. Mathes stated – You've gone up, right. The two (2) buildings in the recreation facility, if you take a look at the two roadways that border it, the recreation facility was in a very big open area. And all we did was slide it over a little to make room for the two (2) new buildings.

Mr. Knott continued – So, that is existing there....so, it was all on paper?

Mr. Mathes stated – Exactly. We had plenty of greenspace around that recreation facility realized that there was such a demand for these units. They sold out very quickly. They were perfectly priced. And we're just looking to meet market demand.

Mr. Knott stated – You took out some fun place and put in money.

Mr. Mathes stated – Yes, sir.

Mr. Bergman asked – Any other questions for staff? Alright, if not, we'll open the public hearing and give you (Mr. Mathes) a chance to explain what you're doing.

Mr. Mathes continued – I believe staff did a very good job of presenting this application. The point on the High Point Development, our owner has been in negotiations with them to try and

satisfy their concerns. We're still in negotiations with them on how to eventually make them completely happy. We will have them happy before we go in front of the City Commission.

Mr. Bergman asked – Do you know if they've resolved the Fire Department issue on that broken valve?

Mr. Mathes stated – Yes, sir, we have.

Mr. Bergman stated – Okay. Any other questions for the applicant? Thank you (addressing the applicant). This is a public hearing, if anyone else would like to speak on this project. If not, we'll close the public hearing and entertain a motion from the Board.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE AMENDMENT TO SITE PLAN WITH CONDITIONS OUTLINED BY STAFF REFERRING TO LANDSCAPE BERM. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant – You'll be notified when this is going to be heard by the City Commission.

Mr. Mathes – Thank you very much.

Mr. Bergman – Thank you.

Agenda Item #6 – Subdivision/Preliminary Plat – Elm Creek Estates – Approval of a subdivision/preliminary plat for 34 single-family lots. Generally located at the intersection of Sunrise Blvd. and Weatherbee Road. Owner/applicant is Buccaneer Development, Inc., and representative is Thomas Lucido & Associates.

Staff Report – Mr. Gibbons stated – This is a preliminary plat for a subdivision located off of Weatherbee Road and Elm Ave. off of Sunrise Blvd. It's for a proposed 34-lot single-family subdivision. The application has been in the process...it came through initially as a site plan. It was reviewed by all agencies there. There it needed to be as a preliminary subdivision plat. All lots are over 10,000 sq. ft. The zoning of R-2 requires 9,000 sq. ft. lots. So, they've met that requirement. All houses within the subdivision would be required to have a 25 ft. front yard setback, 7 ft. side setbacks, and 15 ft. for the rear. And they've met those requirements with their foundation plan. A couple of points of note that we would like to take into account for this is that the application does not show a five (5) ft. sidewalk on Weatherbee Road. And that is a condition that we would have to have placed on there. They provided them on Elm Avenue and on Sunrise Blvd. In addition, they've also given up 40 additional feet of right-of-way on the Elm Avenue side; and they are going to construct Elm Avenue to County and City standards for access into the subdivision. Another note is that the...if you look at the northeast corner of the subdivision, the extension of the roadway for the three (3) lots on the northeast corner...that's not designed to the subdivision street design criteria. And we would make a recommendation that that be removed and they accommodate the plat for that corner so that each lot abuts the roadway. (Addressing Mr. Bergman) You're giving me a funny look.

Mr. Bergman stated – Well, that was one of my questions when I looked at this, I don't mean to interrupt you, but I was just wandering why they just didn't carry that all the way through to Elm Avenue, just to have that connectivity between ...

Mr. Gibbons stated – If they want to carry it through all they would have to do is just design that road where it's wide enough and it meets the right-of-way requirements for the street, and then carry it through to Elm Avenue. That would be their choice; they could go ahead and make it wider to meet the 50 ft. right-of-way and continue and connect it to Elm Avenue, or they can delete it and create a pie-shaped lot on the corner; and we would recommend that change. It's a point of note that's not in the staff report but we would recommend that change to you tonight. And our approval stands with the two (2) conditions that they address that access road and then they also provide the five (5) ft. sidewalk on Weatherbee.

Mr. Bergman asked – You said they provided one on Elm?

Mr. Gibbons stated – Yes. Sidewalk...on Elm Avenue?

Mr. Bergman stated – Okay, I see it, it's on the landscape but I don't think it's on the civil.

Mr. Johnson added – No, it's not.

Mr. Bergman reiterated – I don't think it shows on the civil.

Mr. Knott added – I don't see it on there.

Mr. Enns – No.

Mr. Gibbons added – And as another note, Mr. Chair, the changes will have to be placed and made on the plans before it's sent to City Commission.

Mr. Bergman stated – Alright. Are there any questions of staff from the Board?

Attorney Walker stated – Mr. Chair, if this was covered it got past me. Section 18-9 requires consideration by the City Planning Board of whether the proposed plat adversely impacts the levels of service in the Comprehensive Plan. So, the question for the record, Mr. Chair, is does this preliminary plat adversely impact the levels of service for adjoining roads as provided by the plan?

Mr. Gibbon stated – Mr. Chair, those items were issued or discussed at the TRC meeting back in March. And the levels of service will not be adversely effected by the proposed subdivision.

Attorney Walker – Thank you.

Mr. Bergman stated – Thank you, Mr. Walker. Were there any questions of staff?

Mr. Knott stated – Mr. Chairman, just for a point of clarity, I'm looking at the landscape plan tonight, I believe it's a site and landscaping plan. And I'm seeing the sidewalk, I think, on both

sides of the street...it's located just back of the curb...if I'm looking at it correctly. Then I look at the engineering plan and I see only a sidewalk on one side of the street and it's back against the right-of-way. I just wanted to get some...on which plan is correct?

Mr. Gibbons stated – The site plan.

Mr. Knott continued – So there will sidewalks on both sides?

Mr. Gibbons – Yes.

Mr. Knott stated – Okay. And the other thing I noticed on the site plan...they're calling out a proposed 10 ft. landscape easement along the north and east side of the project. I'm not familiar with ...was that something that staff required or is that...?

Mr. Gibbons stated – No. It's a terminology...in essence it works the same way as a landscape buffer...you can't build within that easement, you can't build within a buffer as well. It's just a matter of terminology that they're using. If you look at their plat, it's not a dedication that they're making on their plat.

Mr. Knott asked – It's not a dedicated...?

Mr. Gibbons – Right.

Mr. Knott continued – They're just calling

Mr. Gibbons stated – Instead of landscape buffer they've called it a landscape easement.

Mr. Knott stated – Okay. Yeah, the applicant may want to...

Mr. Gibbons stated – And that's a clarification that we can ask them to put buffer on there.

Mr. Knott stated – Yeah, once you see the word 'easement' you think it's going to be a recorded easement. And then you get utilities you want to put things in there and then you have real problems who has jurisdiction. I think that's all I have.

Mr. Bergman stated – Travis, you mentioned that they're going to have to put a sidewalk along Weatherbee?

Mr. Gibbons – Yes.

Mr. Bergman continued – Obviously there are some conflicts between these two plans, but the civil plan doesn't show sidewalks anyway except on the interior.

Mr. Gibbons – Right.

Mr. Bergman stated – There are no sidewalks along Elm or Weatherbee or Sunrise, for that matter, on the civil plan.

Mr. Gibbon stated – Correct. Those are deficiencies that must be addressed before we forward this application.

Mr. Bergman stated – Okay, you mentioned that, and the landscape has it on one and not the other.

Mr. Gibbons stated – That's their site and landscape plan.

Mr. Bergman stated – Okay. Alright. Any other questions of staff? Alright, we'll open the public hearing, if there's anyone here who would like to speak on this project.

Mr. Al Brodeur stood and introduced himself and stated – I'm with Thomas Lucido & Associates. I guess, tonight, I'm a little bit confused, Travis, because it was our understanding that it was the plat being reviewed, not the site plan. We did initially submit a site plan, it went through Technical Review twice. We've made a few adjustments to the Technical Review Comments. And then it was expressed to us that the appropriate process would be to review a preliminary plat. So, the process was stalled. We took the time to have a surveyor do a preliminary plat. And tonight, what we're proposing is a 34-lot unit subdivision plat on a R-2 zoned property. It's an old grove on the southeast corner of Weatherbee Road and Sunrise. As for the comments for the sidewalks, we'd be happy to accept those as conditions. We met with St. Lucie County. We took it upon ourselves to meet with St. Lucie County on this project. And that's where we got the request for the right-of-way dedication on Elm and also on Sunrise. So that, later on, when we go for a driveway permit, we will meet St. Lucie County Road and Bridge standards, and we won't have to go back and amend the plat. As for the landscape easement, that's actually so that it can be maintained by the association as a buffer. I think that was a condition by Ramon a long time ago that we have landscape buffer for Weatherbee so that the back yards are hidden and provide privacy for the residents and to provide attractiveness for people on the right-of-way. I'd be happy any questions that you may have.

Mr. Knott stated – Do you have any problems with just naming that thing just calling it a landscape buffer?

Mr. Gibbons stated – Yes, that would be fine.

Mr. Knott continued – So, am I understanding this then...that we're not really to look at the infrastructure...we're just looking at the line work for the plat...is that what we're looking at?

Mr. Gibbons stated – Well, included with the plat is a landscape plan and a preliminary engineering plan. Now, when it first initially came through the process it was just a site plan and a landscape plan and engineering plans; it didn't include a plat. Now, the package has been completed but, like I said, we're still at the double-edged sword where the engineering plans aren't conforming with the site plan and the plat doesn't show the actual sidewalks and the dedication of the sidewalk; or in that nature there are discrepancies in the two...or all three of them. So, those all need to be addressed as well. But you are looking at their preliminary plat, which is right here. And then if you open up the preliminary plat you can still see that there are

no mentions of the sidewalks on Elm Avenue, Weatherbee Road, or Sunrise; or for the interior sidewalks, for that matter, as well. So, those need to be addressed.

Mr. Enns asked – But they're still going to have to come back through site review though, correct?

Mr. Gibbon stated – They will not be back before the Planning Board, but they will be in front of the City Commission for two hearings, a preliminary and then a final.

Mr. Knott asked – And then staff two engineering plans?

Mr. Gibbons – Correct.

Mr. Knott stated – Okay. This question may be ...requiring you all to fill out that right-of-way up there to a 60 ft. right-of-way to get your frontage for those lots, 10, 11, and 12.; are you going to be able to take it off of lot 16 and squeeze it on down there and do it?

Mr. Brodeur stated – This was a surprised to us, but as you were discussing it, I did look at the lot just south of that little elbow there, and that lot is approximately 1,000 sq. ft. greater than the average. So, if that were to be a condition that we were to widen that, I believe that we could meet that. I'm not sure if it's really for a 34-lot unit subdivision...I'd prefer that we didn't do that. It may encourage people to cut through the neighborhood or just ...this is more designed to be more of a self-sustained neighborhood. And it's only a few hundred feet difference to add MINUTES OF another entryway. So, if we had to, we could technically do it. But as for the character of the neighborhood we would prefer not to.

Mr. Knott stated – I can't remember, I don't have the ordinance in front of me, but I believe there's a distance from an intersection...I think it's 150 ft. or something like that.

Mr. Brodeur stated – We may be in violation of Weatherbee Road.

Mr. Knott stated – There's another street intersecting, so you may not be able to put a street there, you may have to do some sort of cul-de-sac or something to give you the frontage that you need for those lots there. Because when I first saw it I thought well maybe the ordinance is set up so that the lots, if I'm not mistaken, and I'm not a surveyor, but I believe when you plat a lot you have to have ...each lot has to front on a dedicated public right-of-way. Well, these...are fronting back out on to Weatherbee. You can that's the front of those lots. And that's just a private driveway for those two lots to come in that way, I don't know. I don't know if staff could...

Mr. Brodeur stated – This has been in the process for almost a year. So, it's a bit of a surprise that this is brought up now. But we believe it could work the way that it is set up. It's just two lots, it's kind of like a shared driveway almost.

Mr. Gibbons stated – Mr. Chair, probably the easiest solution to this problem would be, because it doesn't meet the criteria of the actual right-of-way and the street design that Mr. Knott was stating, is that to eliminate that all together. Because you do get the intersection distance

between Elm Avenue and Weatherbee Road; if that was removed all together in creating pie-shaped lots there. That way you can still create...you may end up losing one lot, but you would have one larger lot there for a larger home...that type of thing. And that would require a minor revision to your plat. And in that case, you would submit the new revised plans and then we will forward it once we review it and it's in conformance.

Mr. Philippe Jeck stood and introduced himself and stated – For the record, I'm with the law firm of Jeck, Harris, & Jones representing the applicant in this matter. And if you'll allow me a minute to digress...to fill in the history of this project to understand why there's some resistance to this change at this point. This was originally submitted in March of last year along with an annexation request. There was a Technical Review meeting in March of last year. Then after the Technical Review meeting there was another meeting with different personnel in the City's Planning Department at that time, Mr. Trias, who informed the applicant that they did not like what they had submitted, and asked them to basically completely redesign the plan. While this was going on, the annexation proceeded. At the annexation hearing the Planning Board approved it; it went on to City Commission, at which time, unknown to the applicant, the zoning district in which the land would be annexed, was changed by staff. When the client found out about this unilateral change in the zoning district to which it was going to be annexed, had to pull it off the annexation agenda for the City Commission. So, we had that delay. Then, we go to resubmit the completely revised plan that Mr. Trias had asked for of the applicant. And at that time we were told that the City would not review the plan because we had to be annexed in first because they changed their process. So, they wouldn't even review the plan until the annexation occurred, even though that's what happened originally. So, now we're into May and the annexation is withdrawn. We now can't even re-submit the annexation to correct the unilateral change that was made to it, but we now have to start all over with a process with this site plan, that we completely revised. Then all of a sudden, we have another change in personnel with the City...Mr. Trias is gone. The new personnel in the City looked at the site plan that we revised and said, this is horrible. You need to go back to your original plan. So, now the client has to throw out all the money he spent on the revised plan and go back to the original plan, which is what's before you. So, it goes through the original plan, that's submitted, that's reviewed, that's put on the agenda for approval of the Planning Board, and then it's determined that what's really needed is a preliminary plat...not site plan approval. So, we're kicked off the agenda, now go back having to submit the plat before you. In the meantime, we go through the second time...the annexation process; that sails through the way it should, we get properly annexed. Now we have the plat in front of you, that goes through Technical Review...there's no comment about this little elbow. We now come before you ...it's 10 months later for a 34 simple lot subdivision, and we're hearing for the first time that there is concern about this elbow. Now that elbow is there to create a safe environment for children to eliminate flow-thru traffic. It's intended that these are going to be starter homes for young families. And there is access provided for virtue of that private street, which is basically the equivalent of a shared driveway. We thought it was a safe and prudent design. And to face the prospect of yet having further delays on this project, which I don't think will really impede the value of this subdivision to the City, is a very serious concern fairness of the applicant of what they've all been through to this day.

Mr. David Recor stood and introduced himself and stated – Deputy City Manger. Mr. Jeck, I appreciate the history. And I think it's fair to say that we will not use your project as an example

on how we aim to do business in the community. It is not a good example of our process in which we are aspiring to improve. Let me say, however, that the feedback that we've shared with you tonight is not based on a subjective opinion, but rather a technical requirement of the Code. And I apologize that that technical deficiency was not identified to you before this evening. But the fact is that the plans cannot be presented to the City Commission in the manner in which it is designed because it does not meet the requirements of the subdivision ordinance.

Mr. Jeck stated – Could you explain to me, maybe Travis can, technically again, what is the specific requirement that is not being met?

Mr. Recor stated – There are two (2) aspects; one is, as Mr. Knott pointed out, the access to a publicly dedicated right-of-way...an accepted right-of-way, but second, and foremost, is the design of a cul-de-sac. There are certain and specific classifications of streets that are identified in the subdivision regulations: major streets, minor, local streets, and then cul-de-sac. And they need to be designed according to the design criteria that are identified in the subdivision regulations. This stem, this accessway or easement or ...I don't even know what to call it because it is not a street but rather ...let's just call it an access easement, does not meet the design for cul-de-sacs that are identified in the subdivision regulations, and therefore needs to be changed. Now, how you choose to address that by either widening the right-of-way and constructing it to a fully dedicated right-of-way that meets the requirements of the subdivision regs (regulations) or eliminating it such that the subdivision simply turns around the corner without that extension, we'll leave that up to you. Now, in terms of the delay, what we're suggesting tonight is that you simply address the requirements of the subdivision regulations before you go to the City Commission. There won't be any delay but the plan that is presented to the City Commission needs to meet the requirements of the subdivision regs (regulations) in order for us to support it.

Mr. Jeck stated – Well, what I would recommend, since we're not prepared to address whether we agree that there is a technical error or not, this just having been presented to us, what I would suggest is what you did, which is to allow us to go forward with a condition that we meet whatever the technical requirement is for that little elbow and give us the opportunity to review and confirm for ourselves whether we believe there is or is not a technical requirement. And if there is, to allow us to address it to satisfaction prior to us going to City Commission. But what I really like not to do is to have this thing delayed in any way further.

Mr. Recor stated – We would be amenable to that. I think that that's a workable alternative. We certainly do not intend to delay your project further, but rather simply get a plan before the City Commission that meets the requirements of the Code.

Mr. Jeck stated – If I may just continue the ...let me go one step further, because it goes to the question of this delay. Your very short-lived Director of Development, Mr. Leiva, was....given the history that you just heard from me in order to make him aware of our desire to have this at least precede from that point forward as quickly as we all could; at which time he agreed that what he could do was put us on the agenda for the City Commission meeting next week, which is a little out of the ordinary for you all because we hadn't yet been before you to get your approval. We were hoping to get on the agenda the very next City Commission meeting. And

he agreed that, given our circumstances, that would happen. That was confirmed in writing with staff and I have since learned, of course, that he is no longer with the City and lo and behold staff never submitted this matter before the City Clerk to publish, and in fact, we did not get on the agenda for the City Commission meeting next week. And so we're looking at, I believe, at the earliest, the February 6th City Commission meeting. So, yet, you know, it happened again. We're just a little guy trying to make things work, and going to the people that we think should know and doing the best we can.

Mr. Recor stated – Mr. Chairman, once again, Mr. Jeck, we apologize for that information, but Mr. Leiva did not have the authority to indicate to you that he would agenda your item prior to it being considered by the Planning Board. And I do apologize.

Mr. Jeck stated – I hear that. I would have been nice to have somebody tell us that at any point in time prior to us finding out on our own with a phone call yesterday. But here we are...

Mr. Recor stated – I hear you, we hear you...we want to keep you moving forward. And we certainly understand that provisions of the ordinance are subject to interpretation. We'll work with you over the next week, discuss our position with you further, and, if we need to, we can have the discussion with the City Commission. But I believe once you have the opportunity to read the section, and we'll provide it you, that you'll see. And if not, we can simply have this discussion at the City Commission as well. We'll keep you moving forward.

Mr. Jeck stated – And I just would enjoy confirmation from staff that they are going to work fast with us to get this done in time to make sure that, you know, we can ...because we're going to move as fast as, you know, we'll be done tomorrow with a new plan if we need to, or meet with you tomorrow. But if you make yourselves to meet with us in a timely fashion, respond in a timely fashion, then that will help us wrap this up.

Mr. Recor stated – Mr. Chairman, Mr. Jeck, I am the Interim Director of Planning. You have a direct line to me. We will work with you, and again, keep this project moving forward.

Mr. Jeck – Thank you.

Mr. Bergman stated – All I can say is you haven't dealt with the County yet have you? You don't know what a nightmare is.

Mr. Jeck stated – I would stack this up against anything.

Mr. Bergman stated – Well, unfortunately I'm in the same boat you're in, but I can disagree wholeheartedly it's a whole lot easier to work with the City than it is with the County.

Mr. Jeck stated – And I understand staff has been, you know, decimated by personnel. And this is not meant to be an indictment of the existing personnel on the staff that are there. It's just we were stuck in that process that this city went through in that department. And we were burned very badly. And it cost a lot of money for this client.

Mr. Bergman stated – Thank you. Since this is still a public hearing and it is still open to the public, is there anyone else who would like to speak on this project? If not, we'll close the public hearing and entertain a motion from the Board.

Mr. Knott stated – Mr. Chairman, just to recap where we are, if I'm understanding Mr. Gibbons' recommendation to the applicant is that he's comfortable with sending this on to the City Commission subject to certain revisions to get adequate access...and right-of-way access to lots in the northeast corner...lots 11 & 12. Is this correct? And the only thing was the Board wanted to make sure that we got sidewalks for all the streets that are involved. Is that...?

Mr. Bergman stated – As far as I understand it, I mean it's pretty well understood that the sidewalks need to be on there. They were shown partially on the landscape plan, but I think they need to jive on both site plan and the landscape plan. And then they just need to address that corner on how they're going to satisfy the requirement for the frontage.

Mr. Knott stated – Unless there are some other conditions, I'm ready to go ahead and make a motion. And by all means, if the Board wants to refresh my memory on these items. But before I do that I'd like to offer to the applicant or to the counselor ...I understand...I had a project a while back...several years ago. It went through the City and it was a simple little 22-lot subdivision. It took us a full year. And it's not the ordinances fault, and I hate to say because part of it was staff, and I had the same problem with them. We had to walk it through, and that's the only way we finally got through. And I don't want to downgrade staff, but there's a technical weakness somewhere within the system when it comes to subdivisions. Maybe it's because we haven't had any subdivisions....we don't have that many subdivisions in the City of Fort Pierce; so therefore, they're not versed on them. But the only way we got ours through, and it took us a full year, and it was just a small subdivision...six (6) acres, was that we had to hold their hand. Our professionals, our surveyors, who did the plat, had to literally instruct the staff what the code meant.

Mr. Recor stated – We certainly appreciate the feedback because the only that we can improve is to hear and learn from the mistakes. But the reason that I wanted to point out, I believe, based on what I've heard, a lot of the delay was based on the subjective nature of the comments that were given to the applicant. And which is why I wanted to distinguish and make sure that you understood tonight that it wasn't a subjective opinion. We would not have raised it had it not been, in our opinion, in our interpretation, a technical deficiency from the subdivision requirements, not a subjective opinion. We are trying to eliminate the subjective nature of our comments in development review. And tie them to specific requirements of the zoning regulations, of the subdivision regulations, of the stormwater management provisions, of the landscaping ordinance. And give you proposals that meet the requirements of code.

Mr. Knott stated – You're exactly right. There was a subjective element in all the reviews for the last few years ...it's good and bad. And unfortunately you got the bad side ...so did my client when I had to bring it through. And it just makes you so angry because it's all black and white. It should not be subjective for a subdivision. When I saw that...when I reviewed this thing I said how in the world...that was my first question, how in the world did a preliminary plat get to the Planning Board with lots fronting on the 30 ft. right-of-way? I mean, that's just elementary. You

do not do that. And how it got this far...and someone just say, no, no, no, you all aren't going to do that. Somebody told you to do that, and I don't know who or what.

Mr. Recor added – Or someone didn't tell him...

Mr. Knott continued – Yes...that you couldn't do it. That's such an easy thing to catch.

Mr. Brodner stated – Not to beat up our former Planning Director, he's not here and that's probably not fair, but the initial changes for his suggestion were that we were to put all our driveways on Weatherbee, which was a violation against the Code, and a violation against the County's code also to put that many driveways right on the corner. And I understand where he's coming from because from a planning philosophy, and being a planner, the streets should be the center. And I understand where he's coming from, but that did delay us probably four (4) months, and we had to go back to what you're seeing tonight.

Mr. Knott stated – I understand. With that being said, I'll go ahead and make a motion.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SUBDIVISION/PRELIMINARY PLAT WITH THE CONDITIONS THAT SIDEWALKS BE SHOWN ON THE FINAL PLAT ON WEATHERBEE ROAD, ELM AVENUE, SUNRISE BLVD., AND ON BOTH SIDES OF THE INTERNAL STREETS, AND THAT THE SUBDIVISION PLAT SUBMITTED TO US REVISED THE ACCESS TO THE LOTS IN THE NORTHEAST CORNER (#11 & #12) TO MEET THE SUBDIVISION REGULATIONS FOR ROADWAY FRONTAGE FOR PLATTED LOTS. Seconded by Mr. Harris.

Mr. Bergman asked – Is there any discussion?

Mr. Enns stated – I just have one quick question. Are we still approving this for 34 single-family lots?

Mr. Bergman and Mr. Knott stated – I think it's going to be whatever they can work out.

Mr. Knott continued – I believe they can work it out. It's going to be close, but I think they can...it's whatever they can get out of it.

Mr. Enns stated – Because I think that's what they're asking us for.

Mr. Knott stated – Well, we can't guarantee that.

Mr. Brodeur stated – I can assure you, on the record, that we're not going to exceed what we're proposing tonight. Even if we wanted to, there isn't enough room.

Mr. Enns stated – We realize you can't exceed it, but to get within the requirements, are you still going to have 34 lots or are you going to be cut down to 33 lots?

Mr. Brodeur stated – It's hard for me to tell right now, but just looking at it, the one lot that is just south of that little elbow there, is probably the biggest lot on the plat. So, I think that we can work it out.

Mr. Knott stated – Well plus it looks like your entrance lot there...lot #16 is gracious. I know corner lots have to be larger but not that much, I believe.

Mr. Brodeur reiterated – I think we can work it.

Mr. Knott stated – But that's about half the size

Mr. Brodeur added – But without going on autocad and actually scaling it all out, I just can't be sure.

Mr. Bergman asked – Any other discussion? Could we have roll call please?

MOTION REITERATED

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SUBDIVISION/PRELIMINARY PLAT WITH THE CONDITIONS THAT SIDEWALKS BE SHOWN ON THE FINAL PLAT ON WEATHERBEE ROAD, ELM AVENUE, SUNRISE BLVD., AND ON BOTH SIDES OF THE INTERNAL STREETS, AND THAT THE SUBDIVISION PLAT SUBMITTED TO US REVISED THE ACCESS TO THE LOTS IN THE NORTHEAST CORNER (#11 & #12) TO MEET THE SUBDIVISION REGULATIONS FOR ROADWAY FRONTAGE FOR PLATTED LOTS. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant – Alright, you'll be notified ...hopefully you can get this revised and make it work for you and get it into City Commission and move on. Thank you.

Agenda Item #7 – Conceptual Site Plan – Carlnex Properties, LLC – Approval to allow the construction of a multi-family housing project. Generally located between Jenkins Road and Interstate 95, adjoining to the north of the existing Home Depot. Owner/applicant is Larry Carlson, of Carlnex Properties, LLC, and representative is Thomas Lucido & Associates.

Staff Report – Mr. Buchwald stated – If you will note, this is a conceptual development for a multi-family housing project. The site plan indicates six (6) five (5)-story buildings, each containing one (1)- and two (2)-bedroom midrise and townhome units with a two (2)-story parking garage. It will also include a recreational facility with cabana free-form pool, exercise facilities, and a walking path. The project is situated around a lake and will feature piers extending in the lake. The current zoning is C-3 for the property, which allows for conditional use of R-5, High Density Residential. That would allow for a maximum gross density of between 15 units per acre and 18 units per acre for innovative residential developments. The definition for maximum gross density does not include aquatic areas in our code. Therefore it's our understanding, at this time, that if you subtract the aquatic area from the total acreage indicated on the plan, that would allow for between 208 and 249 units, which is considerably less than 352 units that is currently being proposed. So, at this time, though, we recommend discussion by the Planning Board of this matter.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board?

Mr. Knott stated – The obvious question is for me anyway, the access road to the project. It appears to be the road to Home Depot.

Mr. Bergman added – The landscape department.

Mr. Knott stated – Yep. And my first question is, is that a dedicated road, number one, or is that part of? Who owns that? Because even if they got an easement across it, all of a sudden you're proposing to dump 352 units on a road that on many mornings and afternoons during peak times, is just packed already. My question is who owns that road? Do you happen to know? Or would the applicant know?

Mr. Buchwald stated – I do not know. Is the applicant's representative here at this time?

Mr. Bergman stated – I don't think it's a road. I think it's part of the parking lot.

Mr. Knott stated – I think it is too.

Mr. Knott stated – I think you're right, Don. I think that's just part of the ...

Mr. Buchwald added – We believe it's not a dedicated right-of-way at this time.

Mr. Bergman stated – Well, I'm sure it's not a dedicated right-of-way, it's not wide enough.

Mr. Knott stated – It might be 24 ft.

Mr. Bergman stated – Well, it's got to be for a two-way drive.

Mr. Knott stated – Yeah. But it may meet the technical stand, but I don't think it's platted as a right-of-way.

Mr. Brodeur stood once again and introduced himself and stated – Don, I know when you initially announced this project, you said it was for a development plan approval. It's not, it's actually just conceptual. It's for your input. I'd like to go back a minute. But first I'd like to address your comment. This property was, at one time, part of the Home Depot development plan.

Mr. Knott – Okay.

Mr. Brodeur continued – And it was sold with a cross-access legal agreement, which was submitted to the Planning Department that Home Depot must provide access at this point. That was actually submitted. Let me go back...this property right now is zoned C-3, General Commercial and under the C-3 zoning ordinance under conditional uses it allows for multi-family 15 – 18 units an acre. We're proposing 15. The reason that a condominium development was chosen at this site is if you look at some of the adjacent commercial in the area, such as the outlet mall that has visibility...the commercial is fairly empty. This doesn't have any visibility.

So, it has to be another use and single family is not permitted in the commercial but multi family is. This is what our client had chosen to do. These would be upscale condominiums with parking garages underneath, and outside of the building...the architect is here. And I will allow him to explain that a little later to same time. But the parking garage is actually hidden by townhome units on the outside of it. So, it looks like a self-contained and then there's parking hidden in the interior to provide the aesthetic appearance. As for the lake in the density calculation, I can tell you from personal experience that we've used...this is not a lake, it's actually a retention pond. This was dug to provide the build out on the Interstate; and it provides drainage for the Interstate. And that's what that ...drainage is...right here. I can tell you from past experience we've always used retention ponds for density calculations. Not allowing that would almost be a taking of property rights. And we're following that standard here with this particular property.

Mr. Buchwald stated – If I may, Mr. Chair, we cannot identify where that is indicated in the Code according to our interpretation of the code that gross density, as indicated in code, does not include aquatic areas. And that would be considered an aquatic area.

Mr. Brodeur stated – It's my understanding an aquatic area would be the Indian River, not a retention pond.

Mr. Buchwald stated – No. It's spelled out in the Code in Chapter 22 under the definition of aquatic area. It does have a definition in Section 22 of the Code. Again, trying to, and I continued with the whole framework of objective review as were viewed in the Code.

Attorney Walker stated – Mr. Chair, would it assist the Board for me to read the definition?

Mr. Bergman – Certainly.

Attorney Walker continued – Mr. Chair, the definition of aquatic area is as follows: Tidal waters and wetlands and non-tidal sloughs, streams, lakes, and wetlands. The lands underlying the waters are also included. The upper limit of aquatic areas is the mean high tide line in tidal areas and the ordinary high water line in non-tidal areas.

Mr. Bergman asked – So, if it's wet it's aquatic?

Attorney Walker reiterated – Tidal waters and wetlands and non-tidal sloughs, streams, lakes, and wetlands.

Mr. Bergman stated – Okay, thank you.

Mr. Knott asked – So, the jist of this is that you cannot use aquatic in your calculations?

Mr. Bergman – Right.

Mr. Knott continued – Or is it just the retention pond you cannot use?

Mr. Bergman stated – Well, most retention ponds are dry.

Mr. Knott stated – Well, dry retention, but, in my understanding, this pond...it was a borrow area and it's grossly oversized.

Mr. Recor added – And that's exactly right. And Al had already recognized that. This was a borrow...and it is now a lake...permanently wet. We don't have to worry about this going dry.

Mr. Knott stated – And South Florida Water Management requirements is secondary when this is actually just a big hole in the ground. And for treating storm water you're only using a portion of it. So, as far as I'm concerned, I would see it this way, that it would be part of a water feature of a project rather than a retention pond. But I'm sorry ...go ahead. I didn't mean to interrupt you there.

Mr. Recor stated – I was agreeing. I was going to point out that it was borrowed, but you beat me to the punch.

Mr. Knott stated – Okay. So, as far as using it for...in my thinking...now this is just mine...I don't know how the attorney would think about it; but my thinking is that you would less out that part of the pond as being used for retention area. And say okay, you can't use that for the code, then the rest of that is a water feature, and you can use that to get your density. That's the way I think but I don't know if it's legal.

Mr. Bergman stated – That's not the way that the definition reads, no.

Mr. Knott continued – I don't know if that's something that's negotiable or not as far as the Board of Adjustment or something like that. But it just certainly seems to me that if you had...if you bought a piece of property that had...if you bought 100-acre property that's got a 50-acre pond on it, and you say, well, I'm going to use that ...I only need 10 acres of that for my retention, but I'm going to use the rest of it for waterfront property, and they say no, no, you can't use that for your density calculations, then I'd say, well, I'll fill the doggone thing in then. It just doesn't make any sense not to be able to use that.

Mr. Bergman added – Except that's the way the Code's written.

Mr. Knott – Okay.

Mr. Brodeur added – I believe that determination would be an illegal determination and I'd like to move on to the design standards. It's going to be in a Key West style. And a representative of the architect, Quincy Johnson, is here.

Mr. David Puvio? Stood and introduced himself and stated – I'm with Quincy Johnson Architects. How are you?

Mr. Bergman – Good.

Mr. Puvio? continued – First I'd just like to go over some of the design features that we've put into this project. We're trying to bring, you know, an atmosphere into the area of Fort Pierce,

and putting these buildings arranged around the lake to emphasize this lifestyle. We also are showing the large separations between buildings to provide more open spaces and landscape areas. The amenities include a clubhouse, a pool, a walking path, the preserve areas, gazebos, and things like that are some of the main amenities in the project. The building is consisting of a couple of different features in two parts with the garage area being hidden ...the parking garage being hidden by the two separations of the townhouses, and the midrise building in the rear making it look like, you know, a stepped building so that it gives it more appeal towards the street surfaces and not look like one big mass. The building has included with elevated decks, across even parts of the top of the parking garage to show landscaping, as you can, in the rendering there. I apologize for not having one to share with everyone here. Also given lots of views across the lake as another amenity. The style of the architecture is Georgian Cracker with the Key West influence. Heavy detailing, including metal roofs, outriggers...is just some of the features that create this interesting and appealing façade. And it will be on all sides of the buildings. Townhouses have front porches to give more of a human scale to the building and not appear so massive...We feel this project is bringing notoriety to Fort Pierce as a destination and a fine place to live. And it's also a viable alternative to putting more commercial in the surrounding areas.

Mr. Bergman stated – Alright, thank you.

Mr. Pavio? asked – Any questions?

Mr. Enns stated – Mr. Chairman. If you did this project, I don't guess that you're going to really try to sell to families with a couple of kids because there's really nowhere for the kids to play; you have no playground at all do you?

Mr. Brodeur stated – Mr. Chairman. Actually with this site there's going to be a recreational facility with a pool along the lake with a canoe launch.

Mr. Enns added – Well, I see that.

Mr. Brodeur continued – And also they own a piece of property...it's landlocked and lakelocked in the northeast corner. And that's why we put a gazebo there and a walking path there. And that will be an additional park with a canoe launch also. We also have in the northwestern corner some pretty large trees. So, we're leaving that area alone, and that would be a walking path there. Again, I'd like to remind the Board members tonight...we're not asking for any technical approvals...I know there are some disagreements on the delineation of density. Tonight we're just looking at ...any kind of discussion for the conceptual layout. When we formally submit this, if it's determined that the density does not meet the technical requirements ...if the entryway does not meet the technical requirements, we'll obviously address those issues. But there is a bit uncertainty of whether or not the City of Fort Pierce would agree with a residential use in this area. The owner has gone through different scenarios and it appears that because of the history of commercial within the visibility on the main drag, that this residential development would be most appropriate for this parcel. If it is a comment from Board that the recreational facilities are deficient and you'd like to see a playground there, a tot lot, anything, we'd be happy to take that into consideration.

Mr. Enns stated – That would be my only suggestion.

Mr. Pavo? added – I would just like to add one thing to that, that these units are going to be aimed for the family. There are ranges of square footages are from 900 sq. ft. to 1400/1500 sq. ft. And they will be, you know, an affordable type unit. And we're not looking to go into large square footages and creating a product that is not reachable for the working person.

Mr. Bergman stated – Alright, thank you.

Mr. Buchwald stated – Mr. Chair, if I may, and for the record, we do appreciate the submittal of a Conceptual Development Plan because it allows for discussions like these and continuation of implementation of an objective framework in which to review projects of this nature.

Mr. Knott stated – Mr. Chairman, if I could ask Al or the architect on this; these will be owned fee simple?

Mr. Brodeur stated – No. Unfortunately the City Code does not allow for that.

Mr. Knott – Okay.

Mr. Brodeur continued – As it is currently written.

Mr. Knott asked – Will they be rentals?

Mr. Brodeur stated – No, they're ownership, it would be condominium. When you said fee simple, I thought you meant owning a piece of land...

Mr. Knott stated – But they will be by individual owners?

Mr. Brodeur stated – Right, individual owners.

Mr. Knott stated – I mean it's not a subsidized type of housing or anything...it's an ownership situation.

Mr. Brodeur – Correct.

Mr. Knott stated – Mr. Chairman, my feeling is ...I don't know, I'm a little surprised that something...it appears to be a very nice development...I think it's great. I have no problem with it. The fact that somebody wants to take a piece of land like this and reclaim it and put in something that's going to really generate some taxes on, that's a good use. Especially it's right in the shadow of a crossing interstate with trucks going up and down there all night long that close. If that doesn't bother the marketing of it then more power to you. Because I think that's a good use. My only concern is the ...and the density doesn't upset me if it weren't for the access. That the fact that you're going to be putting 352, if you get your way, if it works out for you, 352 units, which is going to generate somewhere in the neighborhood of 500 to 700 trips a day on a road that's already very ...because I've gone to Home Depot quite a bit, and it's hard to get out onto Jenkins Road there. And it's so close to the intersection I don't know how you're going to

improve it. My only suggestion would be to...if there's somehow you could work with somebody up on Tedder (Road) because of the magnitude of the project, to see if you couldn't get some additional right-of-way along there to make that your point of ingress and egress. I think it would be fantastic if you could do that. Or maybe cut across that corner that you own there. Maybe you could work with one of these land owners...these single-family there somehow and get a roadway through there into your property keep it away from that...

Mr. Brodeur stated – They would have no problem connecting with Tedder except that there's right-of-way deficiencies on Tedder.

Mr. Knott – Exactly.

Mr. Brodeur continued – And the houses are in very close proximity to the right-of-way, to widen it may interfere with that...

Mr. Enns asked – Is Tedder even paved down there?

Mr. Knott and Mr. Brodeur – Yeah.

Mr. Knott added – It's like a 12 ft. road or something like that.

Mr. Brodeur continued – So, we had no choice but to connect with the existing right-of-way that is sufficient, that does meet the code. And because there is a legal cross-access agreement that was also...

Mr. Knott stated – The only thing, Al, that comes to my mind is that when that agreement was set forth years ago, and I was looking at the papers here that you have on that, I don't know if this kind of density was considered at that point...that much traffic to be already put on to a huge parking lot. It was probably going to be ...I don't know what they had in mind for it, but 700 more trips or whatever, would generate out of this thing would be, I think, very taxing on that intersection. Maybe you all will come up with some magic on that intersection...do something there...work with Home Depot and put some more turning lanes out there and coordinate the signalization with the ...I don't know. But that's my difficulty is the traffic on that road.

Mr. Bergman stated – Well, I would have to agree. I think the traffic...the access in there is just going to be nuts and you're going to have more than 700; that's just going to be in the morning.

Mr. Knott – Yeah.

Mr. Bergman continued – The traffic study on Jenkins with all those new developments going in on the east side of Jenkins...this is just going to overload Jenkins. And if you're trying to attract families in this thing, you're going to need more green space. I think the density is too high for what you're trying to do...if you're going to bring families in. You're going to have to provide more green space than what's in here. And that might be a matter of eliminating a building or reducing the height. Plus compatibility with some of these houses in the surrounding area. I don't think they're going to appreciate having a five (5)-story building right in their back yard. Whether they're in the County or the City they're going to have some objection to that, because

we just ran into that at Gator Trace. And they're only talking three (3)- and four (4)-story buildings. So, I think that is going to be ...

Mr. Brodeur stated – Well, if it's determined that we should provide additional buffer we could meet that. We could switch some of the vegetation that's on the western side and move that over to the eastern side and provide more of a buffer.

Mr. Bergman stated – I mean I think it's a great idea because...

Mr. Brodeur added – On the other side of the coin they could have a strip plaza right there too for what's under current zoning.

Mr. Bergman agreed – And, they could. And I applaud the developer for coming up with this idea because, like Tom said, you're not going to use that property for much of anything else. But I just think that they're trying to cram too much into ...And I understand what they're trying to do. To make this thing affordable, they got to get as many units as they can because the construction costs, land costs are going to kill them if they reduce the number of units. But I just think that the Code, the way it's written, we've got way too many units in there and probably not enough green space for families, if that's what the market's going to be for this. That's why we're here to discuss it. Anybody else have any comments?

Mr. Enns stated – I just echoed Tom's comments on it. I think it would be a really good thing, but like you say, unless you could make the entrance off of Tedder Road or something, I think that you're asking for a problem coming down that Home Depot road. Tedder might be a way to go.

Mr. Bergman stated – You would have to have signalization at the Home Depot entrance to get them in and out. Any other comments? Mr. Walker, what do we typically do with these? Is it just more open discussion? Do we make any recommendations on a conceptual site plan?

Attorney Walker stated – Mr. Chair, I do think we do encourage some kind of motion to the Commission for the Commission's guidance and corrections specifically. However, Code Section 22-58, E.2. states: The City Planning Board shall review the conceptual development plan and make recommendations as appropriate for its approval or disapproval.

Mr. Bergman stated – Well, I know the density issue is going to come up. I'm sure staff will bring that up with the definition of aquatic, because that's going to be issue number one.

Mr. Knott added – Additional recreational area.

Mr. Bergman stated – And egress and ingress ...

Mr. Knott asked – Is that the three (3) items...?

Mr. Bergman stated – Well, I think the scale of these buildings with the adjacent structures may be an issue. I know there are some houses and stuff along Jenkins, but I'm not sure of the people along Tedder.

Mr. Knott added – IRCC has their...their foundation...basically what would abut right there. I think that's where that R-1 is. Is that right?

Mr. Enns stated – I thought that they were at the end of Tedder, but I may be wrong.

Mr. Brodeur stated – I have just been informed that when Home Depot was built, this project and the access point was initially designed for a 10-story hotel.

Mr. Knott – Oh really?

Mr. Brodeur continued – And there's some question about whether or not there's vested traffic rights to that ...Home Depot doesn't have a right to suck up all the traffic trips. And that may be Home Depot's problem if they do.

Mr. Knott continued – Then that's a good learning curve tonight on this, it's testing the waters with us because if they can document that and say hey, we're not doing half of what it was designed or legally agreed to or something. I don't know if it would hold water, but at least they'll have that.

Mr. Bergman added – Well, they wouldn't be able to put a 10-story up there now anyway.

Mr. Knott stated – No, but the density thing they were talking about...if they want to support that.

Mr. Brodeur stated – That's something we'll research before we come back before you again.

Mr. Bergman stated – Alright. Well, does someone want to make a motion with the recommendation?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN WITH THE COMMENTS REGARDING TOO HIGH OF DENSITY, AND THE NEED FOR RECREATIONAL OPEN AREA, AND THE ISSUE OF INGRESS AND EGRESS NEEDS TO BE CLARIFIED OR EXAMINED, AND FINALLY THAT THERE MAY BE AN ISSUE WITH COMPATIBILITY WITH ADJACENT SINGLE-FAMILY USE AS FAR AS THE DENSITY AND THE HEIGHT OF THE BUILDINGS. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Mr. Bergman stated – Al, you'll be notified when this goes to the City Commission.

Mr. Brodeur – Thank you.

Mr. Bergman – Good luck.

Agenda Item #8 – Conditional Use – Truck Max, Inc. – A conditional use request for sales, services, and leasing of light and medium-duty vehicles in an existing building once used as a Charlie's Mitsubishi dealership. Located at 1850 S. U.S. 1. Owner is JSL Equity Corp., applicant is Truck Max, Inc. and representative is Robert J. Gorman, Esq.

Staff Report – Mr. Gibbons stated – This is a conditional use for occupancy of the abandoned Charlie's Mitsubishi dealership at 1850 S. U.S. 1. What is proposed...it's called Truck Max. It's a light and medium duty vehicle sales. And, in essence, what they're proposing...how their business works is that they have new vehicles, the light and medium duty trucks for construction type businesses. They, in essence, are more of a special order and service facility there. They would have a few models on hand. The customers would come into the area, pick out a model, they would order it, and it would be shipped to that area, and it would be delivered. It wouldn't be as intense as a car dealership as it used to be where it would be completely full of vehicles, in essence these trucks as well. They've also noted ...you wouldn't need a Class A commercial vehicle license for it. Nothing would be over 33,000 lbs., so we're not talking semi-trailers or freight liner here, we're talking about the light Dodge Rams, Chevrolet Silverado, conversion type of vehicles and the small Mitsubishi Evos? They've also submitted a landscape plan, which would update the landscaping and bring it into the conformance. And they also have plans for reconstruction, and Mr. Gorman would have been able to go over that with you...not reconstruction, but for bringing the building and repainting the building, and bringing that up into aesthetically pleasing. What we would have as a condition is that there would be no large commercial trucks over the 33,000 lb. Weight. And that the vehicles be placed in the rear of the property, and that the front parking spaces would be provided for customer parking; that way we don't have trucks encroaching and crowding U.S. 1. And staff would recommend approval on those conditions.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board?

Mr. Enns stated – Mr. Chairman, is the applicant aware of those conditions?

Mr. Gibbons stated – I've met with Mr. Gorman about the size of the vehicles and we would like to discuss that with him about the placement of the vehicles ...in the rear. But he's not here. From my initial meetings with him and the applicant on this as well, from what they're doing, they don't carry a large stock on the premises because most of them are custom.

Mr. Enns – Right.

Mr. Gibbons continued – So, what they would have would be a select number of vehicles that are for just display purposes that wouldn't even be for sale. I'm not going to speak for him, but I think they would probably be amendable to having them placed in the rear.

Mr. Bergman asked – This is the property that's just south of Taco Bell...is that correct?

Mr. Gibbons – Correct.

Mr. Bergman asked – What's the staff's position with the existing sabal palm landscaping on U.S. 1? Are they still allowing that? Because I know Ramon was always pro...trying to get more live oaks and more fastidious type trees in there versus palms. It's nice that they're coming in to take an existing facility that's been sitting empty a while and try to do something with and try and clean it up. But I would like to see them try to really dress the front up with the landscaping; not do something that's minimal but maybe, just if they were to add another 10 or 15 % increasing

the landscaping on the frontage. Because that place has always been kind of barren anyway. The palms may count as a tree but when you look at them all you're seeing is a stick with a top on it.

Mr. Gibbons added – Three of them count as a tree. But anyway, I would recommend that you make that a condition that they place more live oaks, laurel oaks, something in that nature.

Mr. Bergman added – Something, because it tends to really kind of shield the building, but not so much as they're trying to hide it but it just dresses the whole front of it along U.S. 1. And I know that section of road could use it.

Mr. Knott asked – You're just talking about frontage?

Mr. Bergman stated – Yeah, just the frontage. The shielding between Taco Bell, I don't think, is a big issue. Because you have one use next to the other, but I'd like to see them dress the front up a little bit.

Mr. Gibbons stated – Mr. Chair, I think the best way to go about would be to articulate if you would want one tree per every 30 linear feet per 40 linear feet. With the frontage that we have on U.S. 1, I think it's about 150 ft. frontage on U.S. 1. So, if we do one (1) tree per 30 linear feet, you're looking at

Mr. Bergman asked – Isn't it one (1) per 30 now?

Mr. Gibbons stated – Right. If you do one (1) per 30 for a live oak, I know with my experience with Paul Williams...

Mr. Bergman added – You couldn't put live oaks any closer.

Mr. Gibbons stated – Right. So, that would give full canopy along that frontage.

Mr. Knott asked – At 30 ft. centers you're saying?

Mr. Bergman – Yeah.

Mr. Gibbons added – Types of plantings that you would like if you would like to see a continuous hedge.

Mr. Bergman stated – Well they have the continuous hedge on there on all the property lines. And they've selected some pretty decent plants. When I saw the existing Sabal Palms along U.S. 1 were going to remain I was kind of disappointed thinking that they might really try to dress something up more along U.S. 1. That was really just a suggestion because I really appreciate the fact if they're coming into Fort Pierce and trying to find an existing facility that's been sitting empty that they can put to use immediately, which would be great. And I'm sure there's a need for that type of facility here.

Mr. Gibbons added – There's not one within 10 miles north or south.

Mr. Bergman reiterated – But that would be my only suggestion.

Mr. Gibbons stated – I would encourage you to make a recommendation to have the condition of the parking in the rear or the display vehicles in the rear, and then the limit on the weight and size, and then the one (1) tree per every 30 linear feet. And the condition to be the oak tree.

Mr. Bergman stated – I don't think Bob (Gorman) would have a problem with that.

Mr. Knott asked – What was that about the parking...?

Mr. Gibbons stated – The display vehicles that they're going to have on site have them placed in the rear of the property.

Mr. Knott – Okay.

Mr. Bergman asked – Were there any other questions of staff from the Board? Alright, since it is a public hearing, if there's anyone here wish to speak on this project? Alright, there's no one here who wishes to speak. We'll close the public hearing and entertain a motion from the Board.

Mr. Knott stated – Mr. Chairman, at the risk of making Mr. Gorman think that he's so good that he doesn't even have to be here, I'll go ahead and make a motion anyway.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE CONDITIONAL USE WITH THE CONDITIONS MENTIONED BY STAFF REFERRING TO NO LARGE TRUCKS EXCEEDING 33,000 LBS., DISPLAY VEHICLES BE PLACED IN THE REAR OF THE PROPERTY, AND PROVIDE CUSTOMER PARKING; AND ALSO THAT THEY INCREASE THE FRONTAGE LANDSCAPING TO INCLUDE LIVE OAKS AT 30 FT. CENTERS. Seconded by Mr. Enns.

Mr. Bergman asked – Any comments on the motion?

Mr. Johnson stated – Just for clarification, when you say display vehicles in the rear...

Mr. Knott added – I'm not sure either.

Mr. Johnson continued – I just remembered that parking lot. It seemed like there's a lot of space on the north side where they should be able to use display vehicles. You're talking about the rear. The rear, to me, is ...there's the rear (referring to renderings). Are you talking about just behind the front of the building?

Mr. Knott stated – Well, I don't know. Maybe it would be better ...

Mr. Johnson stated – You understand what I'm saying?

Mr. Knott stated – I know what you're saying.

Mr. Bergman stated – This is the rear. This is no parking in the rear.

Mr. Knott asked – Travis, could we just say that the display vehicles should not be parked in front of the building? Would that be adequate to just let them move them to the side or to the rear for whatever they want to take them?

Mr. Bergman stated – I think Travis' intent was to move them away from the western parking...

Mr. Gibbons added – Moving them away from U.S. 1. We're going to be placing them, if you look at your site plan...

Mr. Bergman added – Anywhere along the north side.

Mr. Gibbons – Exactly.

Mr. Knott stated – I want to modify the motion then.

Mr. Buchwald stated – If I may, Mr. Chair, suggest some language for the motion. Display vehicles to be parked in either the side or rear yard. It's spelled out in the Code. Again, keeping with the objective framework in which we intend to review.

Mr. Knott stated – That's what I meant to say.

Motion modified.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE CONDITIONAL USE WITH THE CONDITIONS MENTIONED BY STAFF REFERRING TO NO LARGE TRUCKS EXCEEDING 33,000 LBS., DISPLAY VEHICLES BE PLACED IN EITHER THE SIDE OR REAR YARD, AND PROVIDE CUSTOMER PARKING; AND ALSO THAT THEY INCREASE THE FRONTAGE LANDSCAPING TO INCLUDE LIVE OAKS AT 30 FT. CENTERS. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Agenda Item # 9 – Waiver of Distance – Bombay Masala – Approval to waive the distance requirement between places of business selling alcoholic beverages (beer and/or wine), in order to obtain a 2-COP license for the consumption and selling of those said beverages. Located at 2164 N. U.S. 1. Owner/applicant is Afruza Huq, and representative is Enamul Huq.

Staff Report – The applicant has requested a distance waiver for a business at 2164 N. U.S. 1. It's within the old Webster College building. It's for Bombay Masala. The Fort Pierce Code of Ordinances has a couple of criteria and guidelines, and that would be that in order to have a 2-COP license that the business must be a bonafide restaurant, having seating capacity for more than 35 people. They have State of Florida license for 66 people. The selling of beer and wine would only be for people patronizing the restaurant and having a meal. The reason of the proposed waiver is that there are two (2) gas stations within 425 ft. and 555 ft. selling package sales. And there is also a bar that is 450 ft. away from A1A.

Mr. Bergman asked – St. Lucie Inn?

Mr. Gibbons stated – I think that's it, yes. The site has adequate parking and landscaping. The facility is not adjacent to any residential zoning districts. There would be no delivery or pickup vehicles going through a residential district. Also the facility is not within 1,600 ft. of a church or a school. And they have satisfied the requirements of the distant waiver. And staff recommends approval. It wouldn't be a detriment for...

Mr. Bergman stated – I don't have any problem with the waiver, but I have a question on which is said about adequate landscaping, because that building got beat to death in the storm.

Mr. Gibbons stated – The building did. And they do have permits in for construction.

Mr. Bergman stated – The landscaping was substandard at that point.

Mr. Gibbons stated – They've submitted new plans in the building department within the last month and half, I believe. It was a process where they didn't receive their insurance settlement. So, they have plans for reconstruction of that property. Well, they need to get a roof on that place. That's been the big hold up in all of those, the mansard roof, the fascia was all blown off. So, as part of that they've included landscape plans?

Mr. Gibbons stated – Yes, that would have to because of the damage...it was a substantial improvement. They have to comply with all landscape building codes.

Mr. Bergman stated – Well good, because when you said that it has adequate landscaping I was going to argue with you. Alright. Any other questions of staff from the Board? Hearing none, we can open the public hearing on this if there is anyone who would like to speak on this distance of waiver report? Nope? Hearing none, we'll close the public hearing. What's the pleasure of the Board?

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF THE WAIVER OF DISTANCE. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Mr. Bergman stated – Typically on annexations we've been doing these all in a lump group, unless there is an issue or if somebody has a question or any issues with a particular parcel that is being annexed. And we can do that again if there is no objection from anybody on the Board. But for the record, I'll go ahead and read off what these properties are and do them as a group annexation unless any of the Board members have an issue with any particular parcel and they can just address their concerns at that point.

Agenda Item #10 – Annexation – Group 29 – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Locations at 3475 Douglas Road, 4120 Edwards Road, and 3601 & 3603 Kirby Loop Road. Owners/applicants are: Westside Veteran Assn., FP, Stephen Marcocelle, First Congregational Ucc, and Anselmo Sante.

Agenda Item #11 – Annexation – South 33rd Street – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located at Lot 7 and 1503 S. 33rd Street. Owner/applicant is Darrian Kelly.

Agenda Item #12 – Annexation – 1910 S. Jenkins Road – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located at 1910 S. Jenkins Road. Owners/applicants are Kathryn & Joseph Chesser.

Agenda Item #13 – Annexation – Cobra Warehouse – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Generally located on Farmer’s Market Road. Owner is R & J Land Properties, and applicant is Cobra Warehouse.

Agenda Item #14 – Annexation – Surfside Plaza – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located in Surfside Plaza, Unit 1-Blk 17. Owner/applicant is Steven Casola.

Staff Report – Mr. Gibbons stated – All parcels are contiguous and staff recommends approval.

Mr. Bergman asked – Was there any objection to any of these parcels? Any concerns that anyone wants to bring up that we can vote on individually? Or do we still take this as a whole group?

Mr. Enns stated – I recommend we take it as a whole group.

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF ALL THE ANNEXATIONS OF AGENDA ITEMS #10 - #14. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Agenda Item #15 – Discussions

Mr. Bergman asked – Any discussions? Staff? Anything we need to bring up?

Mr. Buchwald stated – Mr. Chairman, again too, describe our roles...moving forward. As a Zoning Administrator, I’ll be overseeing and administrating site plan review and current zoning. And Travis will continued with the existing projects that are in the pipeline right now, but also working on the Comprehensive Plan.

Mr. Bergman stated – That was my next question. When are we going to see the Comp Plan? I know that has been in the works for a while...

Mr. Recor stated – Well, as Peter mentioned, Travis is going to be handed the Comprehensive Plan update. But admittedly, Calvin Giordano is a little bit behind. Their West Palm office suffered some damage with Hurricane Wilma. But we just invited them to attend the January 17th City Commission Meeting to give the City Commission an update. They’re going to make up some time. We have not agreed to any extensions within the scope of services, but particularly the transmittal date. And we have a commitment from Calvin Giordano to make up that time and complete the project ahead of schedule. In order to keep the Commission

informed along the way, we are having, and I just completed today, a reporting template for Calvin Giordano, to provide a written update to the City Commission on monthly basis. And that's going to be presented to the City Commission at their second meeting of the month. We'll be glad to provide that written monthly update to the Planning Board as well for your information. That way it identifies the tasks, the steps that are involved in each task, the deliverable...what the date is, and what the status of it is to date. We'll provide that to you in your packets.

Mr. Bergman stated – Good, because I've been hearing from several of the Commissioners that that was lagging behind, they weren't getting a whole lot done.

Mr. Recor stated – Well, there was a reason for it, and this is in response, and we'll keep them informed.

Mr. Bergman stated – Alright, excellent.

Mr. Knott stated – Mr. Chair. Just something we talked about before the meeting. And I think the Board probably needs to make some sort of a determination. It appears ...I'm going to have to call the Board's memory here. That there is a project going to the City Commission next Tuesday night which has our blessing of full unanimous approval at our last meeting, which was, I think somewhat based on erroneous information given to us by the applicant. We're not sure of it. But just from what I've been able to gather...It's Island Village. And when you get a chance to look at the minutes, if you all can look in there and see if we did not ask them, I think a couple of times, if these units were to be sold. It's the five star hotel that's going in on the south beach. And we all marveled that they had 2 and 3,000 sq. ft. units that they were going to rent. And we asked them several times if these were to be sold; and they said no, these are not to be sold, these are to be rented.

Mr. Gibbons stated – My understanding is that it's called a hotel/condominium. What they do is sell the individual units but it is managed as a hotel by the Monarch Properties. In this case it's actually an investment for somebody to buy. So, what they actually do is share revenues from it to offset the operating cost.

Mr. Knott – Okay.

Mr. Gibbons continued – So, in essence, each unit, like I said, only 25 % of them have kitchens and 75% do not. And in addition, when you buy it, you're probably granted up to what the code allows 30 days; that's it. You can't stay in that unit more than 30 days, because it would be considered a dwelling unit, which would be a condominium, and the whole project would be in violation.

Mr. Knott stated – Right...

Mr. Gibbons stated – But they are sold. And most of these resorts are being done that way now. And it's been an example and I've been doing some research on it for Tuesday night's commission, because I'm sure it's going to be brought up as well.

Mr. Knott added – I'm sure it will be.

Mr. Gibbons continued - ...On how the actual operations take place. But it is managed as a hotel, and anybody can go there if they have vacancy and rent the room. And then the proceeds from the room...10% would be taken off by the management company, which would be Monarch, and then the other proceeds would be split 50/50 by the owner of the unit and the developer.

Mr. Enns asked – Why didn't they ever say that at the dog and pony show last month?

Mr. Bergman stated – Yes. You see he came across as a straight hotel...

Mr. Enns added – Because I remember Tom specifically asking well why is 'condo' in the name? Oh, it's just the name that we use.

Mr. Gibbons stated – They were referencing the actual how it's managed and how it's financed.

Mr. Knott stated – This ownership is a ...I'm not quite clear as how they would sell the unit without it being a fee simple, then you just buy a piece of the building is what you're buying. Is that correct?

Mr. Gibbons – Correct.

Mr. Bergman added – It's almost like a timeshare.

Mr. Gibbons stated – Yes. It's a timeshare, but in essence, it's not run as a timeshare program where people are staying...

Mr. Knott asked – It's still open to the public?

Mr. Gibbons stated – It could be called the Ritz Carlton of Fort Pierce, it could be. Because the Ritz Carlton could be the operator, but each actual room is owned by somebody.

Mr. Knott stated – Okay. I guess the thing for me was the fact if they're going to sell these that means that somebody was going to live there and then the one parking space per room, which is for hotel rooms, is not adequate, and you need 1 ½.

Mr. Gibbons stated – The whole thing would be inadequate if it was a pure condominium.

Mr. Knott stated – But the underlined use of this thing is still going to be a hotel.

Mr. Gibbons – Correct. Hotel.

Mr. Knott continued – So, the occupancy is unlimited to how long they can live there, did you say?

Mr. Gibbons stated – Yes. 30 days maximum.

Mr. Knott stated – 30 days and you got to check out and then you could check back in or something?

Mr. Gibbons stated – Well actually 30 days per calendar year.

Mr. Knott – Oh really? By the same person?

Mr. Gibbons – Yes.

Mr. Knott asked – Does that apply to the owner or a person off the street?

Mr. Gibbons stated – It's by anybody. A hotel is limited by our code by 30 days maximum per calendar year.

Mr. Bergman asked humorously – And you're going to be over there checking on that?
Light laughter.

Mr. Gibbons – Well...

Mr. Knott stated – Well, as expensive as their going to be, I'm pretty sure they're running a pretty tight ship. They're not going to let ...

Mr. Gibbons stated – It's done mainly as an investment. It's an investment property, and you buy a share into that and hoping that they're having high turn out rates. If they're having high turn out rates you're splitting the proceeds with the developer.

Mr. Bergman stated – I think the reason probably Tom brought this up is years ago we had this guy come in and wanted to do a hotel at the marina...Harbor Town....And it brought this in and it was like a five (5) or six (6)- story hotel, and the units were 2,800 sq. ft. each. And he was trying to pass this off as a hotel. I'm like, wait a minute. Nobody in their right mind is going to come in and spend the money on a 2,800 sq. ft. hotel. And finally everyone realized that the guy was full of it and he was trying to pull this over on us. So, he was selling these things and it was going to be a condo, not a hotel. But he was trying to get approval for it. And I think that's kind of why the flags went up. We're like, wait a minute, here's a 3,000 sq. ft. hotel room, what's going on here?

Mr. Knott stated – And I don't understand why they wouldn't take the time to...

Mr. Gibbons stated – There are not that many, I think there are only about 12 units that are in that 2,800 sq. ft. The rest of them are mainly one bedroom...

Mr. Knott stated – But Travis, if you look at those, they're 8 and 900 sq. ft.

Mr. Gibbons – Oh yeah.

Mr. Knott stated – They're as big as those condos ...

Mr. Recor added – I hope the Board understands the significance of the difference of the two land use classifications. It gets a much greater density at the hotel...You can't build those number of units ...

Mr. Knott added – They should have explained that to us...

Mr. Gibbons stated – They will be explaining it Tuesday night.

Mr. Knott stated – Yeah.

Mr. Bergman – I'm sure they will.

Mr. Knott continued – I saw the website that these things start at \$495,000 I said wait a minute. That's sounds like pretty high...

Mr. Gibbons asked – Do they really? How much?

Mr. Knott stated - \$495,000.

Mr. Gibbons asked – Starting?

Mr. Knott stated – Yeah, I think starting at that.

Mr. Johnson – Oh yeah.

Mr. Bergman asked – Mr. Walker, did you have anything?

Attorney Walker stated – No. Thank you for asking, Mr. Chair.

Mr. Bergman stated – Well, Happy New Year everybody and we're out of here.

Meeting adjourned at 8:55 p.m.