



# CITY OF FORT PIERCE PLANNING BOARD

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## Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JANUARY 13, 2009 IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

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The Pledge of Allegiance was recited.

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Upon Roll Call, those present were: Chairman Johnson, Vice Chair Charles Hayek, Dan Dannahower, Charlie Harris, Tom Knott, Colin Lloyd, Robert Poitier, Mr. Edward Reilly and Ms. Kara Wood. Those absent: Ms. Irene Dixon.

Staff Present: James Walker, Assistant City Attorney; David Carlin, Interim Assistant Director; Duane Yazzie, Development Review Planner; Bob Frank, City Traffic Engineer; and Maritza Suarez, Executive Assistant.

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The next item considered - **# 3 – Consideration of Absences**

Chairman Johnson said Ms. Dixon did call in. Is there a motion to excuse?

**Motion made** by Mr. Hayek and seconded by Mr. Harris **to excuse the absence of Ms. Dixon.**

Unanimously approved by voice vote.

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The next item considered - **#4 – Certification of Alternate Members**

Chairman Johnson said Mr. Bey, I want to certify you as an official voting member. Thank you for being here.

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The next item considered – **# 5 – Approval of the December 9, 2008 Planning Board Minutes.**

Chairman Johnson said has everyone had a chance to review the minutes of December 9, 2008 Planning Board meeting? Are there any corrections or additions that need to be made?

**Motion made** by Mr. Poitier and seconded by Mr. Hayek **to approve the minutes of the December 9, 2008 Planning Board meeting.**

Unanimously approved by voice vote.

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The next item considered - **# 6a - Trinity Lutheran Church** - An application for Conditional Use to operate a pre-school facility in the R-2 zoning district. The property is located at 2011 S. 13<sup>th</sup> Street and is zoned R-2, Single Family Intermediate Density. The owner/applicant is Trinity Lutheran Church and the representative is Ben Elliott, Project Manager of Plata Engineering, Inc.

Chairman Johnson said could we have staff report please?

Mr. Carlin said good evening Mr. Chair, members of the Board, Happy New Year, welcome back from the holiday season. We're ready to kick off a new and exciting year. Welcome back. Tonight, the Applicant is requesting a conditional use approval to operate a pre-school facility located at 2011 S. 13<sup>th</sup> Street. As you can see here from the aerial, there is the location of this particular property. It's a three-acre parcel. It was originally owned by the City of Fort Pierce and it was deeded to the Church back in 1960. Now if you recall, this property was recently rezoned from OS-1, General Recreational Open Space to R2, Single Family Intermediate Density to allow churches and preschools as a Conditional Use. The adjoining properties to the north, south, and west are owned by the County and are zoned OS-1 with a Land Use designations of I, Institutional. In addition, all the properties to the east are zoned R-1. This slide represents the overall layout of the subject property. The applicant is proposing to operate a pre-school facility for approximately 14 children in the existing multi-purpose/fellowship hall building. The building will have two offices, two study areas, storage, kitchens and restrooms in addition to the 560 square foot pre-school area. The pre-school will be operated based on the information provided by the Applicant during the morning hours of the weekday and will not interfere with any weekday church-related activities that are normally held during the afternoons. Based on the predicted level of traffic generated by this particular development, no significant impacts are expected. The Church has provided adequate parking for this particular facility. There is some parking areas that are paved and some that are grass which is permitted by the City Code. In addition, the landscaping for the particular property meets the requirements of the City Code. It has also been looked at the City's Urban Forester. All affected departments have reviewed this particular Conditional Use approval and have approved it. As such, Staff recommends that the Planning Board forwards a recommendation for approval of the Conditional Use to the City Commission.

Chairman Johnson said thank you. Any questions of Staff?

Board Attorney Walker said Mr. Chair?

Chairman Johnson said Mr. Walker.

Board Attorney Walker said with your permission. Mr. Chair, I would request for the record that Staff offer an opinion on whether this is consistent with the Comprehensive Plan.

Mr. Carlin said respectfully Mr. Chair, members of the Board, yes that it correct. This is consistent with the Comprehensive Plan.

Chairman Johnson said any questions of Staff from the Board? Seeing none, I'd like to invite the applicant or the representative forward if one is here this evening. Good evening. If you would state your name and address or association for the record please.

My name is Claude Hessee. I'm Treasurer of the Church. I live at 1832 Wildcat Cove on North Hutchinson Island.

Chairman Johnson said welcome. Anything else you'd like to tell us or expand upon?

Mr. Hessee said well only that this is what we're contemplating right now is 14 students at a building we have. We'd like to go ahead and proceed with that. We've tried very hard to comply with everything that you ask us to do.

Chairman Johnson said very good. Thank you for that. Any questions of the Applicant from the Board? Thank you very much. Anyone else from the public that would like to speak for or against this request? Seeing none, we'll return to the Board and entertain a motion.

**Motion made by Mr. Bey and seconded by Mr. Poitier to forward a recommendation to the City Commission to approve the Conditional Use to operate a preschool facility for the property located at 2011 S. 13<sup>th</sup> Street.**

Those in favor were: Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Ms. Wood and Chairman Johnson.

Those opposed: none.

Chairman Johnson said your project is forwarded to the City Commission with a recommendation from this Board. Thank you.

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The next item considered: **Item 6b - Florida Nexus Park** – An application for Conditional Use to operate a lab/research facility in the C-3 zoning district pursuant to Section 22-31(c)(16) of the City Code. The property is located at 2705 -2817 Peters Road and is zoned C-3, General Commercial. The owner is Crossroads Plaza FP I, LLC and the applicant/representative is Harry Zucker of CD Atlantis LLC.

Chairman Johnson said could we have staff report please?

Mr. Carlin said Mr. Chair, members of the Board. If you take a look at your screen, you may be familiar with this subject property which is located just north of Okeechobee Road on Crossroads Parkway. It's the former Florida Furniture Mart. In accordance with Section 22-30 (c)(16) of the City Code, the Applicant is requesting approval for a Conditional Use to allow a biotech facility to operate in a C-3 zoning district. The property is located at 2705 – 2823 Peters Road and the parcel size is approximately 20 acres. Again, this map right here represents the C-3 zoning. The existing access points are highlighted with the red arrow to show how one can get to this particular property. The existing parking lot which is already paved has approximately 726 parking spaces which were parked at the retail component when the site plan was originally approved so there is adequate parking for this conversion or reuse of the property. In addition, the information that was provided by the Applicant also indicates that the traffic impacts will be minimal since the existing use had already been contemplated. The applicant will be making landscape improvements to the property. A landscape plan was submitted with the application packet. Actually, it was the original landscape plan; however, there are some discrepancies between the old and the new. The Applicant is working with the City's Urban Forester to bring it up into today's City Code standards with the landscaping. In addition, the subject property does have existing lighting on site that will light up the parking area. At this time, the light fixtures have been damaged by vandalism and as part of the approval once the approval process is completed, the Applicant will be bringing the lighting standards up to City Code specs. All affected departments have also reviewed this Conditional Use approval and have approved it based on it meeting the requirements of the Code. The FPUA, I believe Water/Wastewater Division, did provide a conceptual approval as part of this development. It's unknown the type of uses that might be coming in or what the water consumption will be so they provided a conceptual approval. Once the uses are further outlined by the Applicant during the approval phase, the FPUA will give the final okay. As the proposed Conditional Use does meet the requirements of the Code, Staff recommends approval and that the Planning Board forward a recommendation for approval to the City Commission for approval. This is consistent with the Comprehensive Plan.

Chairman Johnson said very good. Thank you. Any questions of Staff from the Board?

Mr. Hayek said Mr. Chair, if we're asking for a waiver to operate a bio-tech in a C-3 zoning, what is normally required for a bio-tech facility?

Mr. Carlin said Mr. Hayek, when you ask what is normally required, are you referencing any particular Code section: landscaping, lighting, parking?

Mr. Hayek said the type of zoning needed for bio-tech. What would it be listed under normally?

Mr. Carlin said the C-3 zoning district is intended for general commercial-type uses. The CP-1 zoning district is more intended for something like that. We only have one area of CP-1, Commercial Parkway that is located on the south side of Okeechobee Road where the Crossroads Park of Commerce area is located. That's an area that was designated on

our zoning maps and the zoning designation that would include that type of use. You can do it as a Conditional Use in the C-3. It does permit that.

Mr. Hayek said okay, thank you.

Chairman Johnson said any other questions of Staff from the Board?

Mr. Knott said David, what's the nature of the work or do we need to ask the Applicant?

Mr. Carlin said my understanding, Mr. Knott, of the preliminary discussions we've had with the Applicant, there would be ocular-type designing lab facilities to produce those types of things but certainly he's here this evening and will be able to chime in on that.

Mr. Knott said because they're going to light industrial to laboratories to in the optical fields and just to follow up with your thing on the FPUA, do we need to condition anything we do, any recommendation we give that they definitely will provide a treatment or collection for any bio or chemical waste that they generate from the staff or is that a given?

Mr. Carlin said that's a given. It's already servicing the area. It's just that when you change the use, it might change the overall consumption or amount of water depending on what they're doing. The FPUA is just saying we're giving you a conceptual approval but if there is something in there that requires modification then the Applicant would have to.

Mr. Knott said when they do apply for their service, connections or whatever, will the U.A. ask for what kind of discharge are they going to have?

Mr. Carlin said that is my understanding Mr. Knott.

Mr. Knott said if they generate some sort of waste product that's going to detrimental down stream it'd be nice to know that upfront.

Mr. Carlin said the FPUA has provided that comment. The Applicant is aware of that. We're confident that we can work through this conceptual approval.

Chairman Johnson said any other questions of Staff?

Mr. Knott said is this conceptual?

Chairman Johnson said no, no, conceptual from F.P.U.A.

Mr. Knott said okay, very good. Conditional Use.

Chairman Johnson said I'd like to invite the Applicant forward if the Applicant is here. Good Evening.

Mr. Zucker said good evening Mr. Chairman, Board Members. Harry Zucker, CD Atlantis LLC. I'm the Manager. I guess you would say the Property Manager of the property

bringing the process through. With me is Paul Dritenbas. If you could say the name of your Company?

Mr. Dritenbas said Edlund, Dritenbas & Binkley Architects in Vero Beach and Deerfield Beach.

Chairman Johnson said thank you good evening. Anything else you would like to expand on that Staff didn't cover?

Mr. Zucker said we really look forward to the opportunity of doing this project. It should be bringing about 500 jobs to the community that is needed. We are focusing on optical in the bio-tech being optical and little do you know how many different pieces there are to the optical business whether it's diagnostic equipment, we have lens manufacturers we are talking with. We have frame manufacturers, coding tools for glasses, lasers that are used for treating the eyes and repairing things. There are all these different submarkets under the optical but this was done up in Columbus, Ohio very successfully. It's called the Optical Village. We're sorting following in the same footsteps just saying Fort Pierce is a nicer place than Columbus, Ohio so we're trying to move companies from there to here. We're working very closely with the Economic Development Council of St. Lucie County. We hope to attract some good tenants.

Chairman Johnson said very good. Any questions of the Applicant?

Mr. Knott said Mr. Zucker, I understand all this is all related to optical development of the product itself. Is that right? Will they be manufacturing the products there?

Mr. Zucker said there is a good chance that they'll be some manufacturing going on. There will also be some distribution when they make the lenses. Distribution meaning it's more Fed-Ex type boxes going out like that.

Mr. Knott said as opposed to you're not going to have services there. You're not going to have eye exams and fittings and all that.

Mr. Zucker said no. I'm not intending on it. I think that probably the C-3 would allow it if a doctor wanted to open up an office there it probably would allow it. That is not the intention today.

Mr. Knott said okay, thank you.

Chairman Johnson said Ms. Wood?

Ms. Wood said that was pretty much the nature of my question is that if there was a particular focus of the phase of these products that you're honing in on because I imagine with this product type there's manufacturing, there's testing, there's research. There is all sorts of phasing that would go into an eventual product. I was just curious to find out.

Mr. Zucker said I wish I could tell you that I'm 100% leased and I could tell you the tenant and the roster that's going to be there. I go to the trade shows and really the whole gambit. I talk with everybody in every different part of the optical industry.

Ms. Wood so the idea is that this would be sort of a string of shops that could be leased individually to different manufacturers and different product lines?

Mr. Zucker said yes. It would be a multi-tenant property.

Ms. Wood said okay, thanks.

Mr. Knott said Mr. Chairman, if I could follow up on that. Will there be any retail at all associated with this like an outlet mall type that it was before or will it just be strictly production and research and that type?

Mr. Zucker said I wish I could tell you. Our intentions are not. Our intentions are there is going to be more laboratories. It has to be a secure place because of the science that's going on there. These laboratories have to feel that they're secure in there. We don't really don't want the public coming in and out. It's not a good mix to have the public coming in and out where somebody is developing some science.

Mr. Knott said will you be gating this? Will you be putting up a fence? I didn't notice on the plans. Is it planned?

Mr. Zucker said does it show on the plan?

Mr. Dannahower said there was a gate on the plan.

Mr. Zucker said we're putting a 6 foot tall wall.

Mr. Knott said you're going to use a wall?

Mr. Zucker said a concrete panel wall around the property and landscaping.

Mr. Knott said landscaping on the outside of it?

Mr. Zucker said I already went over that with the City's arborist. I went through the plan with that and a guard gate entry into it to make secured access.

Mr. Knott said okay. Very good, thank you.

Chairman Johnson said any other questions. Mr. Harris?

Mr. Harris said what kind of time frame are we talking about? A year or two years or what?

Chairman Johnson said to actually open up you mean?

Mr. Harris said yes.

Mr. Zucker said right now, I have it about, I would like to say, 50-60% leased. These companies cannot sign leases and they can't go public till the Economic Development Council does what they have to do to lure these companies to St. Lucie County. There is a process that goes with the Economic Development Council doing their thing for us. Then, the tenant would say "oh, we want to move to this property." I have one tenant who would like to be in the property, a smaller one, 10,000 square feet, for this property it would be small, they would like to be in April of this year. They are not looking for economic incentives at all from the County. With the approval, I could be able to put them in there. They are in the sunglass business. They manufacture sunglasses and distributes sunglasses.

Mr. Knott said did you say, are these tenants being relocated, are they relocating from Columbus or are these are all new operations for them?

Mr. Zucker said there is a combination. There are some start-ups we're working with University of Florida has some incubators up there where they have some science going on in the optical fields. We're talking with them and that would be a start-up company coming down. We have, for instance, San Diego and two in Dallas we're talking with, one in Palm Beach County, so they're really coming from all over. There's nothing really locally because we don't have it here for relocation locally.

Mr. Knott said this facility, then they would service the whole United States or just the southeastern United States you think?

Mr. Zucker said it depends on the Firm. One company we speak with has distribution points in Boston and San Francisco. This would be a point for them here. They are in the contact lens business.

Mr. Knott said very good. Maybe we can get a good deal on contacts then. Thank you.

[laughter]

Chairman Johnson said any other questions of the Applicant? Alright, thank you very much for being here. Anyone else here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board and entertain a motion.

**Motion made by Poitier and seconded by Mr. Hayek to forward a recommendation to the City Commission to approve lab/research facility at the property located at 2705-2817 Peters Road as a Conditional Use.**

Those in favor were: Mr. Dannahower, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Ms. Wood, Mr. Bey and Chairman Johnson.

Those opposed: none.

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The next item considered: **Item # 7 - Site Plan – Madison Vines** – An application for approval of a Site Plan to construct a 92-unit multi-family development for residents age 55 and older located in one three-story structure totaling 9.28 acres. The property is located at 4202 Oleander Avenue and is zoned R-4, Medium Density Residential Zone. The property owner is Eduardo Leal; the applicant is Madison Vines, LLC and the representative is Paramount Community Development Corp.

Chairman Johnson said could we have staff report please?

Mr.Yazzie said good evening Chairman Johnson, Board Members. In accordance with Section 22-58 of the City Code, the Applicant is requesting a review and approval of a site plan to build a three-story 55 and older affordable housing complex. The property is located at 4202 Oleander Blvd on a 9.28 acre parcel. The zoning for the project is R-4, Medium Density Residential. The surrounding zoning is R-4 to the east and south and a mixture of R-4 to the north with the exception of unincorporated St. Lucie County. To the west is R-1, Single Family Low Density. The history of this project is it went before the Conceptual Plan process. The Planning Board reviewed this on May 18, 2008 and the City Commission approved this on June 2, 2008. The proposed project is a 92 unit, three-story wood framed building consisting of a one, two and three bedroom units. This picture shows the proposed colors which were chosen as a representation of what was contemplated. A porte-cochere will be introduced to allow for a safe drop of and pick up of residents and to protect residents from the weather. The façade will resemble a two-tone wood plank finish. The roof consists of shingle and metal standing roof. The height of the building will extend up to 27 feet with parapets extending up to 32 feet. Amenities for the building include a beauty salon, arts and crafts area, library, exercise room. The applicant has also incorporated energy efficient building products into the project such as programmable thermostats, energy star appliances and high efficiency air conditioning systems. The residents will access the project from Tumblin Kling by a two-way drive. A total of 96 parking spaces have been proposed by the Applicant. Although the Comprehensive Plan does not support a surplus of parking spaces, the lot coverage has not been exceeded for the parcels zoning district requirements. The maximum allowed is 50% lot coverage whereas the proposed project will have significantly less which is 30.37% of lot coverage. A lake used for wet retention has been proposed on the property along Oleander Boulevard. This lake will incorporate a fountain. Amenities for the residents outside of the facility include a pool, shuffle board courts and meandering walkways. The building has been situated to allow for the preservation of existing native trees. In addition, the Applicant will be enhancing the landscaping by adding the required buffering along vehicular parking areas and right of ways. A traffic analysis concluded that a total of 320 daily trips will be generated by the project. The project will also have seven a.m. peak hour trips and nine p.m. peak hour trips. The Traffic Consultant has determined that this project will have little impact and should be classified as de minimis. However, a percentage of trips fall onto two failing segments: one is U.S. Highway 1 and the other is Midway Road. No designations of de minimis can be claimed on failing road ways. As such, the Applicant is providing a fair share cost to the construction of a left turn lane at the intersection of U.S. 1 and Virginia in the amount of 400.00. In addition, the SLC Growth Management Department has required a road impact fee for Midway Road be incorporated. The St. Lucie County

Engineering and Public Works Department has requested that additional conditions of approval be met:

1. A left turn lane into the development;
2. A recorded dedication of Right of Way along Oleander Boulevard in the width up to 35 feet; in addition, a Right of Way dedication of 15 feet along Tumblin Kling;
3. The construction of an eastbound turn lane on Oleander Boulevard at the intersection of Tumblin Kling and Oleander Boulevard; and
4. The St. Lucie County Community Services Department has requested an amount of \$15,000 for a future transit shelter along Oleander Boulevard.

As the proposed site plan meets the requirements of the City Code, Staff recommends that the Planning Board forward a recommendation of approval with the conditions outlined by Staff regarding the \$400 of fair share contribution for the City of Fort Pierce for the improvements of the intersection of Virginia and U.S. Highway 1. The requirements of approval outlined by Staff from St. Lucie County agencies.

Chairman Johnson said very good. Thank you. Any questions of Staff from the Board?

Mr. Knott said you all have determined that this de minimis exemption does not apply to this because of the level of service and it's already failed, the roads serving this. Is this correct? Is that why?

Mr. Yazzie said that's correct.

Mr. Knott said so you're saying then that they do owe some money and that amount is \$400?

Mr. Yazzie said that is what the Applicant has proposed and the Engineering Department has signed off on the approval of this traffic analysis.

Mr. Knott said what is it going to buy? A traffic cone or what?

Mr. Carlin said it may very well, Mr. Knott. What you have to keep in mind is these are not figures that just get randomly picked out of a hat. There is a very specific formula.

Mr. Knott said it's not a very big hat.

Mr. Carlin said no but we do have other developments that have come in even larger than this that have paid \$700, \$800. It's all based on the number of trips that actually impact the link. You can't take the 300 trips that they are generating and say "All of those are going to be responsible for paying their impacts to U.S. 1". That's just not how it works. It's very specific. You take the highest number of a.m. or p.m. that actually impact that link and you divide it by the service volume increased by the improvement of the intersection if there is one contemplated on the books already and then you divide that by the cost of the improvement. That's how the formula works. That's what we have here and yes it does seem low but it is something that they can do if there is a fair share contribution that they

can provide based on their impacts. With regard to the County on Midway Road, the only thing that the County is doing at this point in time that we're aware of is they're allowing, because Midway Road is failed and there are segments there that have not been fully contemplated how that's going to be improved to mitigate the current condition that it's operating in. The County is allowing certain developments, based on the size and the traffic impacts that it will generate based on how many units or the square footage, they will allow road impacts fees to be paid upfront to offset their impacts to Midway Road. That is recognized by F.D.O.T. and that was transmitted by F.D.O.T. to the County. This is something that the County is working with applications that have traffic impacts to this corridor because there is nothing on the books to improve that. That is the current status of that contribution.

Mr. Knott said you all are comfortable with the \$400? I mean, you came up with the number right or the Engineering Department did? The \$400?

Mr. Yazzie said the Applicant did propose that and ultimately it will be the City Commission consideration of approval.

Mr. Knott said then let me ask you one other question on this, where does the City stand with the requirements from the County's Public Works, Engineering and their Planning Department as far as their requirements here? Do we try to enforce these or do we even? How they fit into our?

Mr. Yazzie said well, within our Code we have an intergovernmental coordinating ordinance that does enhance the use of other agencies as far as St. Lucie County and F.D.O.T. We try to support those other agencies and they try to support our intent.

Mr. Knott said are we in the motion that we make have to stipulate that they must meet these requirements or satisfy these requirements before we at the City would approve it?

Mr. Carlin said Mr. Knott, the easiest way to answer that question is if we do not oblige the County's request then the Applicant is at a risk of not getting his project approved because they are going to have to get driveway connection permits on Tumblin Kling and Oleander. Those are County roads. If they don't follow through with these requests by the County, then it's at their risk that they're not going to be able to build this. Staff is recommending if the County makes a requirement for proportionate fair share or any kind of turn lanes, City Staff supports the County Staff based on our intergovernmental coordination element in our Comprehensive Plan, the Joint Planning Agreement, reviewing site plans and sending it over to the City so this is something that we support.

Mr. Knott said so the County has jurisdiction over their driveway connection to Tumblin Kling. Is this correct? Regardless of what we do, what actions we take, they can hold up this project for quite a bit more than \$400 to construct these left-turn lanes that you're talking about, those two turning movements. Do we need to speak to this other than, well I guess you all do in your recommendation here. *"In addition, the Applicant must receive approval from the respective St. Lucie County agencies"* so that would cover it. So we don't have to try and enforce it? It's up to the County? Okay, very good.

Mr. Reilly said are all the other conditions that we've been on that the Staff, the P & Z, the County and the City Commission, are they all incorporated in this latest?

Mr. Yazzie said yes. At this time, that's the latest, the last of the approvals. The other departments have reviewed it and the Applicant has worked with the other agencies such as the F.P.U.A. Electric and Wastewater and Public Works and they've satisfied many of their requirements.

Mr. Reilly said but they've met the appropriate number of parking spaces, the building location with the Design Review Guidelines, Retention Pond with water feature (I saw they had that) the sign to be relocated outside of the clear vision, all those things they've?

Mr. Yazzie said all with the exception of the Design Review Ordinance which allows for buildings to be set at the setback line, the frontage line. The Code kind of bounces you around definition to definition but ultimately the building should be set up at the 25 foot setback line. In this case, the Applicant is utilizing a tree preservation design and this pushes the building back. If we go to the landscaping plan, you can see that there is a tree save area on Tumblin Kling to the northeast as well as to the northwest in each corner. To the south, there is quite a bit of native trees along the south parcel. There has to be a little bit of discretion as far as what the Comprehensive Plan outlines as far as protecting trees and preservation. The Urban Forester has reviewed this site plan as well as far as landscaping and he agrees. He approves it.

Mr. Reilly said okay, thank you.

Chairman Johnson said any other questions of Staff?

Ms. Wood said Mr. Chair, the tree preservation areas that are identified, I don't know how that is usually implemented here at the City, is there a preservation easement that goes along with that or is it just dependent upon the implementation of the site plan? As far as I understand, there is no vegetation removal permit process here either so it's just dependent upon the enforcement of the site plan?

Mr. Carlin said it's all based on land clearing permits. We work with the Urban Forester going out and making sure that what they intend that everything is marked off according to the site plan. Paul goes out and works with the Applicants before they start that process. What you see on the site plan, that is what they have to do.

Ms. Wood said so who issues land clearing permits? Is that done through the Building Department?

Mr. Carlin said it's a Building Permit. It comes through Planning & Zoning and Paul Williams, the Urban Forester will go out and work with the Applicant and make sure that everything is done according to what you see here.

Ms. Wood said okay, great. I also had a question in terms of the other County recommended conditions or stipulations. There is this \$15,000 as a fee in lieu of a future or towards a future shelter transit stop. Is that for a specifically identified transit stop near the Applicant's property or is that just Community Services saying some day we'll have transit? How grounded is that recommendation do you know?

Mr. Yazzie said there were no contemplations of any transportation outlined in or around this community or development. The County has planned for the future and proposed that a future transit stop be dedicated along Oleander Boulevard. Because there is no transit stop in place now or transit facility designed, the County has proposed that \$15,000 for the future if you will.

Ms. Wood said and do you know in what plan this future transit exists?

Mr. Yazzie said that would have to come from the Community Services Department from the County. I wouldn't know what the intention is but that was a recommendation of approval.

Ms. Wood said I guess as a follow-up to Mr. Knott's question about what do we do with these recommendations, it would seem to me if we're a recommending Board, we could choose to include these as conditions for the approval of the site plan. It seems that is appropriate to weigh some of these requests and include or not include some. In fact, the last condition number 4, dedication of right-of-way, that's actually on the site plan already. If we approve the site plan as it is, it would seem that that's in fact taken care of. It just seems appropriate to sort of inquire about these other requests. I'm all for future transit but I just don't know about the reality of asking for an Applicant to contribute to a future transit plan that we don't, I don't even know where that is. Is that in the T.P.O plan or is it that somebody just drew a map and thought it would be nice to have a bus stop and these guys are asked to pay for it? It seems appropriate to me to advise on that.

Board Attorney Walker said Mr. Chair, might I respond in some fashion to that? The City in this instance is honoring an Interlocal Agreement with the County based upon the Interlocal/Intergovernmental Element of the Comprehensive Plan. The condition that is being proposed by Staff is that the Applicant honor the exaction of the County. That doesn't mean that the Applicant, if the Applicant disagrees that that is fairly assessable, have no remedy. The Applicant's remedy lies with the County. If the Applicant were to persuade the County that that charge was not properly assessed, then that condition for the City's purposes would go away. Have I fairly stated in the intent of the Staff in that regard, Mr. Carlin?

Mr. Carlin said yes Sir.

Board Attorney Walker said thank you.

Chairman Johnson said thank you. Any other questions? I do have one question. Because this project went through conceptual site plan. Obviously it's here before us so they didn't deviate very much from the original site plan. Is that correct? Because I know

that's one of the conditions when it does go through and comes back for site plan it can't deviate too much. Otherwise, it would almost negate the original process I think. Did it change much other than the recommendations that were made?

Mr. Carlin said what you see is fairly consistent with the conceptual plan that was presented. My understanding with the conceptual review process is the outcome, what happened at the Commission, does not necessarily determine how the outcome will be as the formal process. This plan meets the requirements of the Ordinance. Staff's looked at it and what the conditions that we set forth and we're recommending that you forward a recommendation to the Commission for approval with those conditions.

Chairman Johnson said the only question I had was I think there was some discussion in regard to sidewalks along Tumblin Kling. I don't want to rehash everything that was talked about but that was the only issue that I think I remember. Do we, we're constructing on the site plan along the property boundaries, correct? The sidewalks per City Code? After that, there are no other off-site improvements, is that correct?

Mr. Yazzie said that is correct. There will be sidewalks along Tumblin Kling and Oleander.

Chairman Johnson said within the property boundaries?

Mr. Yazzie said correct.

Chairman Johnson said okay, I just want to make sure. I thought I remembered discussions. Thank you.

Mr. Knott said when they were before us with the conceptual before, Staff had an issue with the median income, which one to use. Is Staff satisfied now with the response that they gave, the methodology they used? Are you all comfortable with that?

Mr. Carlin said Mr. Chair, Mr. Knott. That issue certainly was an issue that was discussed substantially at both the last meeting and at Commission. I believe the Applicant can lay out the case of what he intends to use in terms of.

Mr. Knott said he responded to it with a letter and summarized it and I just want to make sure you all are comfortable with that because I didn't see it in your comments here.

Mr. Carlin said certainly, our understanding is the position hasn't really changed from the last time in terms of numbers but the Applicant is here tonight. You can lay out the case for what numbers he intends to use for that issue for the affordable housing.

Mr. Knott said well David, I thought you all were the ones that pushed us to use the Fort Pierce Median Income as opposed to the St. Lucie County because it was like a \$10,000 difference.

Mr. Carlin said Staff thinks that's appropriate. The Comprehensive Plan doesn't give the specifics as to what numbers have to be utilized. Certainly, that issue is likely to come up at Commission and they can discuss how that's all going to work out.

Mr. Knott said but at this point, are you all satisfied with their response?

Mr. Carlin said Mr. Chair, I haven't seen the response. I wasn't the Project Manager on that.

Mr. Knott said I'm sorry.

Mr. Carlin said Duane, I don't know if he had an opportunity to review that.

Mr. Knott said there's a letter in their packet where they showed what.

Mr. Yazzie said yes, I did review that letter and it certainly does conform to the Comprehensive Plan with the use of numbers that they are allocating.

Mr. Knott said so they will be using St. Lucie County?

Mr. Yazzie said there is a distinction between the County's numbers and the City's numbers of course. That will have a consideration upon the City Commission level.

Mr. Knott said alright. You'll let the City Commission make that decision then.

Mr. Yazzie said ultimately I think that would be the direct avenue.

Mr. Knott said there is nothing that we need to address as the Board on that issue on your behalf? On the Staff's behalf? You're just throwing it in the Commission's lap?

Chairman Johnson said if they say it meets the Comprehensive Plan, then I don't think we can change it.

Mr. Poitier said that's what he said. Did he approve it?

Mr. Knott said I'm just trying to get that clear because Commission, that's one of the items I think they are going to bring up. If we don't address it now then, it sounds like it going to appear.

Chairman Johnson said right.

Mr. Knott said thank you.

Chairman Johnson said any other questions of Staff? I'd like to invite the Applicant forward or the Representative if you would. Please state your name, address and association for the record. Good evening.

Good evening. My name is Gregg Law, Paramount Community Development Corp. I represent the Applicant tonight. With me is.

Mr. Cooper said Steve Cooper, Steven, Cooper, Pete & Associates, Site Engineer.

Chairman Johnson said welcome gentlemen. Anything you'd like to talk to us about or maybe answer some of the questions that were proposed? Any outstanding you thought you heard?

Mr. Law said I think the Board did an excellent job of going through the kind of the issues that were potentially out there. I think that the Staff did a great job as far as addressing the application. I think that the process that we went through by doing the conceptual development approval application and getting some substantive comments from both the Planning Board and the City Commission helped us a lot of smoothing this process to get us to this point tonight.

Chairman Johnson said very good. Any questions of the Applicant or the Representative tonight? Wow, very good. You get off easy tonight.

Mr. Law said thank you very much. I do want to say one thing. Earlier, there were two color schemes that were presented on your monitors that you may have seen. The top one that you see there was our initial rendering. We did work with a number of the residents of the White City area and with their input, we decided to change to the bottom scheme as long as that's okay with the Board.

Chairman Johnson said okay, thank you very much. Anyone here from the public that would like to speak on this application?

Ms. Goodman said good evening. My name is Arlene Goodman and I am the Government Liaison with the White City Improvement Club. I live on 4410 Areca Palm Drive, Fort Pierce. I would like to thank you for hearing me this evening. I would like to thank Mr. Law and his representatives for meeting with the White City Improvement Club and some of the residents of White City. He has done that twice. We did meet and he allowed us to choose the other set of colors and I do appreciate that very much. The majority I think of the folks in the White City area basically approved the project but we still have quite a few questions. I have had numerous phone calls since our meeting last week. The project, we all feel, help fill a need for the over 55 elders. The residents would like wording that will preclude Madison Vines from renting/leasing to those younger than 55 and also those with children under the age of 18 so that we would continue to keep in what it is that they have decided they want to do. That is to keep it a village of 55 and older citizens so that the community would not have a tendency to take a down turn in looks and structure. I think that they will be willing to do that. The residents, many of the residents, are still adamant about a three-story building between U.S. 1 and 25<sup>th</sup> Street because we are in the process of sitting down with both you, the City and the County, to do an overlay for White City and we would like to keep the new developments coming into the City that will blend in with what used to be there. White City is over 114 years old right now. We are working diligently to keep as much of that as we can. Most of them have no problem with a two-story and would

welcome that. An overlay plan would again be no problem there. Another problem that they have still is with the traffic. The County comments from Engineering, Ron Harris, items 4 with the agreement, item 6 left and right turn lanes at the project entrance and item number 9 eastbound left hand turn intersection of Oleander and Tumblin Kling, we feel that is very important because above all else that we do with any project that comes into any community area, the County must first and above all put safety first. Those turn lanes are needed for safety. We have people who are over the age of 55, I'm well over the age of 55, and sometimes we don't see as well as 7 o'clock in the morning or 6 o'clock at night when the sun takes a different turn. The other thing is that there are school buses that go up and down Tumblin Kling at different times of the day. They need to be aware that there is a possibility that they need to make adjustments of what they're doing. I think those particular things should adamantly be a part of the project. We're still concerned that another 320 daily trips will just add to what's going on at Midway Road. Some monies, rather than trying to figure out how much money they might need to go into making a better turn lane at Virginia Avenue would be better spent if the monies would be put towards the kiddies in helping to widen Midway Road and Oleander or Tumblin Kling and U.S. 1. That would make more common sense for a person whose not a traffic engineer at least. Safety again must be a great issue to all of the residents who live on that road today. The sidewalks we realize that it is a given along the front and side property lines but the additional safety, if there not going to be for a few years a transit stop for the bus then perhaps in lieu of giving money so that there will be one (you don't know which year they're going to allow a bus stop at that intersection and Ms. Wood had a good comment on that) is to make the sidewalk from their property line out to Tumblin Kling, I mean U.S. 1, which is only a half a mile and people could walk down to there to collect with the bus that does go by there at U.S. 1. I don't know how much that would add to their cost but it certainly would add a lot of safety to people who would want to walk down to the corner and take the transit. Finally, there are a few families who are very concerned that the project will turn into a non-becoming project and have asked that one of the requirements be the leasing/rental agent be required to live on the property and a maintenance person be hired to address repairs and lawncare as needed, weekly, monthly, whatever that's going to be. Again, I want to thank you for listening to us this evening and I want to thank Mr. Law for the meetings that he has generously given to us residents and allowing us to have input on that color scheme. I do again thank you all for giving us time and hope that you would take some of our comments into weighing it when you get ready to make your final decision here tonight. I thank you very much.

Chairman Johnson said thank you Ms. Goodman. Anyone else here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board and at this point, you've heard some concerns. We can entertain a motion and then we can discuss from there.

Mr. Carlin said Mr. Chair, I would like to point out this is not a Conditional Use application. This is a site plan application.

Chairman Johnson said what is the pleasure of the Board?

Mr. Poitier said I move for approval.

Chairman Johnson said we're going to move to approve with?

Mr. Poitier said condition from Planning. Recommendation from the Board.

Chairman Johnson said from Staff?

Mr. Poitier said Staff, yeah.

**Motion made by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission to approve the site plan for the project located at 4202 Oleander Avenue with the conditions that the Applicant pay the Fair Share Contribution for \$400 for the construction of a left turn lane at the intersection of U.S. 1 and Virginia.**

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Chairman Johnson said we have a motion to accept with the conditions Staff proposed and a second. Any discussion?

Mr. Hayek said just a question. Staff only said the \$400 fee is the only one they're recommending, correct? They didn't address the County ones. I believe it's just the \$400.

Chairman Johnson said that's correct. It just said "In addition, the applicant must receive approval".

Mr. Poitier said do we have to approve the County one too or just the City?

Chairman Johnson said no, his question was in regard to what Staff was actually recommending. It was the \$400 and they mentioned the addition of the County's comments. It said "In addition of approval, the applicant must receive approval from the County". Basically, it wasn't a condition. I don't see it as a condition the way I read it.

Mr. Poitier said okay.

Chairman Johnson said the comments are there. However, I don't see it as part of our.

Mr. Knott said it was part of the Staff's recommendation.

Mr. Poitier said yeah.

Mr. Knott said their last sentence.

Ms. Wood said well it's a statement.

Chairman Johnson said it's a statement. It's not a recommendation.

Mr. Hayek said Robert, why don't you include those four points from the County into your motion?

Mr. Poitier said the County too? We can't do that.

Chairman Johnson said his question is are you willing to put those four conditions from the County into your motion.

Mr. Reilly said that they will meet the County's four conditions.

Mr. Poitier said yeah. I make a motion to that. I accept that in my motion. So be it.

**Amended motion** made by Mr. Poitier and seconded by Mr. Harris **to forwarded a recommendation to the City Commission to approve the site plan for the property located at 4202 Oleander Avenue with the conditions that:**

- **The Applicant pay a fair share contribution of \$400 for the construction of a left turn lane at the intersection of U.S. 1 and Virginia**
- **.A left turn lane into the development;**
- **A recorded dedication of Right of Way along Oleander Boulevard in the width up to 35 feet; in addition, a Right of Way dedication of 15 feet along Tumblin Kling;**
- **The construction of an eastbound turn lane on Oleander Boulevard at the intersection of Tumblin Kling and Oleander Boulevard; and**
- **The St. Lucie County Community Services Department has requested an amount of \$15,000 for a future transit shelter along Oleander Boulevard.**

Chairman Johnson said Mr. Lloyd, did you have a question?

Mr. Lloyd said these were conditions that I think I'd want to hear from the Applicant about these. I thought these were conditions that kind of have already been pre-packaged into the Staff's recommendation. If it's possible to hear comment from the Applicant again. I don't know if it's possible or not if you can reopen that. I can tell from the body language there is a lot of negative.

Chairman Johnson said what question are you going to ask him?

Mr. Lloyd said are they agreeable to this or if they're not. We didn't even discuss with the Applicant. I thought it was kind of a pre-packaged thing where they were probably going to be agreeable to those things and Staff was recommending it and everybody was happy with the project. I can tell from their body language over there that they may not. I want to hear what their concerns are regarding these conditions rather than sending this to the City Commission. I'd like to hear what their thoughts are on these conditions. Maybe that one of the conditions is just completely economically not feasible. It may kibosh the whole project. I'd like to make an informed decision on the conditions. I can't without getting the Applicant's comments.

Chairman Johnson said we'll have to ask Mr. Walker, procedurally.

Board Attorney Walker said Mr. Chair, anytime the City approves a project it is subject to an implied condition that the project will likewise have to satisfy whatever permitting requirements are imposed by other agencies. For instance, we don't expressly qualify an approval with a condition that they get permits from the South Florida Water District, for instance, that's simply implied. In this instance, it's my understanding that this is a County road and that the County will have to be issuing a permit to be able to open a curb cut onto that road. I'm laboring under the understanding here, Mr. Chair, that the County will thus have the power to impose such conditions that it might feel appropriate before it issues such a permit. Whether or not the City chooses to expressly condition it's own approval for it's own purposes on compliance with the County's requirements, probably isn't terribly relevant here. The County is going to do whatever the County is going to do.

Chairman Johnson said right.

Board Attorney Walker said that's my sense of the matter, Mr. Chair.

Chairman Johnson said very good. Thank you.

Mr. Lloyd said that clears it up a little bit better for me if they have to go before the County and get approval, I don't have an opinion. My opinion is that we don't have to make our recommendation contingent upon whatever the County is going to require. It's already implied. The County is going to require what they require. Unless somebody felt extremely strongly that there absolutely has to be an eastbound turn lane going into this project.

Chairman Johnson said okay. The motion that was made included or did not include? The motion I heard included the four as conditions?

Mr. Poitier said my question was we didn't have nothing to do with the County. We're doing this for the City.

Chairman Johnson said you need to restate the motion so that we're back on track then.

Mr. Poitier said my motion was that we accept Staff recommendation. What they're recommending, to charge them the \$400?

Chairman Johnson said *"meets the requirements of the City Code, Staff recommends forwards a recommendation for approval and the applicant pay the Fair Share Contribution of \$400.00."*

Mr. Poitier said okay, that's my motion.

Mr. Reilly said and *"receive approval from respective..."*.

Chairman Johnson said but it doesn't say that. It's just a statement.

Mr. Poitier said that's my motion.

Chairman Johnson said your motion is to approve the site plan with the condition of the fair share contribution of \$400.

Mr. Poitier said that's correct.

Chairman Johnson said anything further than that?

Mr. Poitier said I don't have anything to do with that. The rest is the County's.

Chairman Johnson said okay, very good. Is there still a second on that motion?

**Amended Motion made by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission to approve the site plan for the property located at 4202 Oleander Avenue with the condition that the Applicant pay the fair share contribution of \$400 for the construction of a left turn lane at the intersection of U.S. 1 and Virginia.**

Chairman Johnson said now back to discussion, Ms. Wood.

Ms. Wood said so my concern on that matter, and I understand its fine to say "well, okay, the County takes care of County issues" but in this regard it's being sort of left up to the County to manage concurrency for development that's happening within the City. Concurrency is supposed to be proven, well concurrent, with development. It just makes it much more difficult to implement it in this arm over here when the City is approving projects that don't have those conditions integrally linked. Yes, the County gets to issue a driveway permit. Well, to what extent can they manage the turn-lane construction? All of these traffic mitigations that Staff has said are required to meet concurrency. That's what I understand that statement to mean. Basically, your de minimis impacts that don't count because your impacting failing roadways, these improvements are needed so those roadways don't continue to fail. Now you are leaving it up to the County to say "well, you all deal with it because they are your roads". Well, is that the way we want to manage development here? I think that's a really critical question.

Mr. Carlin said Mr. Chair, members of the Board. Maybe I can clarify this. The City is administering concurrency. In this particular example, we are collecting a fair share contribution for impacts to U.S. Highway 1. The only thing we have on the books to accept fair share is that turn lane. U.S. 1 is failed from Midway Road all the way up to Virginia Avenue. The City is administering concurrency. The City is also administering concurrency with the County in this regard. The County is recommending that they coordinate with Michael Brilheart and get the amount that's going to be due for their impacts to Midway Road. As part of the Joint Planning Agreement, the two municipalities work together on concurrency. Sometimes it is a County road. We have to rely on County input on County-related roads and impacts. We have to rely on F.D.O.T. for impacts on State roads. This is a coordination effort. We do coordinate with the County. That's why it's important when we review these site plans that if there are comments that are brought

up by either Engineering or Growth Management, we work with them and we support their request for mitigating. It's not like we're just leaving it up to the County. The City works with the County on these matters to make sure that concurrency is resolved.

Mr. Reilly said just so I understand, if we put these four conditions, the County's conditions with ours, does it not give us or the County a little bit more muscle there? If we leave it open right now and just rely on the County when these guys go for a driveway permit, by the time you go for a driveway permit the building could already be under construction or something like that. You lose a lot of your, well they can say "well, fine. The City was fine with it.". Then it's open for more negotiations on these items. Does this not give us, our motion, having these four conditions give it more muscle for the County or it doesn't make a difference?

Mr. Carlin said one way or another these issues have to be worked out. Building Permit time is coming into my mind as, if these issues aren't worked out by then, they are going to have issues. I don't know if that answers your questions.

Mr. Reilly said but the building permit is through the City and the driveway permit is through the County.

Mr. Carlin said correct.

Mr. Poitier said right so they have to issue each individually.

Mr. Carlin said and we coordinate with the County. We want to know whether they've met their conditions and whether they've put the specific turn lane in and whether or not they've paid their fair share for maybe a County road. If they haven't done that, then there's an issue.

Mr. Reilly said what's the problem with having the four conditions in the motion? Is there one is it repetitive?

Mr. Carlin said I would defer that to the City Attorney. Maybe he can elaborate, our City Attorney on that.

Mr. Reilly said I understood what he said. I'm just asking the question what the problem is. He's saying that the County will handle their part of it. Yes, I'm just trying to understand why it can't be done and does it add more muscle to the requirements that are required.

Chairman Johnson said Mr. Walker was just stating in this case, this is another arm, another agency that the permit is going through. For us to make these conditions, it's our prerogative to make these conditions of our motion if Mr. Poitier wants to do so. It may give the City more power; however, he didn't make the motion that way. Basically, he was just recommending to us you don't have to do it, however, you can make it a condition as far as Mr. Walker's point of view. Mr. Poitier did not do it so.

Mr. Reilly said I understand that.

Mr. Hayek said I guess my problem, Mr. Carlin, I guess would be the language “*The following are required to mitigate impacts*”. It’s not saying the County is going to make them do it. It says it’s required to mitigate impacts. They can choose to approve it without those conditions being in the language.

Mr. Yazzie said to this point I would like to add to this discussion. The Applicant has been working with the County: Public Works, Engineering Department, Growth Management, Transit Services. They have not come up with an agreement as far as where each one stands as far as a final determination of what should be post. At this point, again, the County is going to have to make an approval on the roadways, the network, Midway Road, Oleander, the intersections, it does have an impact on our roadway network of City of Fort Pierce. We do that have that intergovernmental working relationship. In addition, I just want to add that there was more than just the four that were outlined. Below that there was the Community Services of \$15,000 in addition to the four that were for Public Works and Engineering as well as on top of the City of Fort Pierce proportionate fair share. That being said, I mean the County does weigh in on all these projects. We do have that relationship.

Chairman Johnson said Mr. Bey you had discussion on the motion.

Mr. Bey said in listening to the young lady from the White City Improvement Association, she outlined that their organization thought it was important that we incorporate a number of these four issues into what is going to be done with this project. I think it’s important to listen to the residents and get an idea. They live in the community. They know what’s necessary there. She kept stressing safety, safety, safety. I think that some of these issues addressed those concerns. I think we might want to consider that in what we send back to the Commission. I think ultimately the City Commission is going to do what they want to do but I think if we make a precedent that we’re saying that we’re listening to the community and we want these issues addressed, it may make a difference.

Chairman Johnson said I would agree with you. I’m going to go real quick through the four conditions. We just need to talk about them one last time and move forward because we have a motion on the table. Item number 1: Road impact fee for failed link at Midway Road. It’s a great idea. The County does not have a plan. The County doesn’t know how much is costs. At this point, I would tell you if we included it in a motion I would disagree with it because I don’t think we should impose an impact fee for something we don’t know the final number of and the cost of. Number 2: A left turn lane. A traffic report does not indicate that it’s required in my personal opinion. You leave it up to professionals to dictate that and it’s not required based on the numbers. I understand the thoughts an the ideas but it’s not required based on the numbers. Same thing with number 3: Construction of an eastbound turn lane on Oleander. There again I go back to the County. The County doesn’t have a Master Plan for Oleander Avenue. Is a turn lane at Tumblin Kling going to be best thing for the residents that are in that surrounding neighborhood? It sounds good. It would look good on paper but does it make sense based on the traffic report that was required and was provided to us for this project. I have some issues with that in the overall scheme. If the County had a Master Plan and said “okay, we’re going to be built out and we need a turn lane at these three intersections” then maybe I would agree. Number 4 I

think is covered in the site plan as far as how much right-of-way is being shown within the site plan so that's a mute topic. The last one with the \$15,000, again, Ms. Wood pointed that there is no other plan that Community Services has that says "okay, this \$15,000 is going towards the construction of this transit stop or shelter." Again, good idea. However, in my personal opinion without a plan in place, it's hard to impose an impact if you want to call it that and require someone to pay that amount with no plan in place. That being said, I guess, I'm in favor of the motion that was presented with recommending approval with the fair share contribution of \$400. The only other issue that I would bring forth is in an agreement with the City of Fort Pierce, this being an affordable housing complex for residents over 55, is there an agreement with the Applicant? This is a question for Mr. Carlin or Duane, would there be an agreement stipulating that the housing is for 55 and up?

Mr. Yazzie said the site plan certainly surrounds the parking for 55 and older. It would limit them to the senior level.

Chairman Johnson said that's true. That makes sense.

Mr. Carlin said Mr. Chair, there's nothing in the Code that would require lease provisions or other documentation that would mandate it has to be for a certain age group. That was something that was brought up by a resident. Again, it's not a Conditional Use application. If make that condition, you may want to confer with Mr. Walker on that.

Chairman Johnson said it's been talked about. I would just prefer to leave that up to the City Commission and let them stipulate that.

Mr. Yazzie said the only thing to add to that if I could is the multi-family housing parking requirements outline that parking spaces are for 1 and a half spaces for each dwelling unit and there's 92. That would more than double what's proposed now whereas the parking requirements are 25 for seniors.

Chairman Johnson said so basically it's implied. I don't know. I know where kind of stem-weighted here but discussing each one of the issues, I don't know what else the Board wants to talk about. There is a motion on the table recommending approval, fair share contribution of \$400. There are a few other issues that are out there but, Mr. Poitier made the motion and there was a second. Was there any other discussion?

Mr. Knott said I'd like to ask Mr. Walker again. You had said that the implication that the conditions stipulated by the County are a part of our approval anyway or a part of this project. Is this correct that it is implied?

Board Attorney Walker said yes Mr. Knott to the extent that they exist and to the extent that governmental agency has such requirements properly in place and is in a position to enforce them. We don't seek to identify in our motion routinely any and all governmental bodies that might have an interest in the application. It is simply understood that they have their own permitting requirements and that those are enforced in the normal course over and above the City's own requirements. Those will certainly play a part as Mr. Carlin points

out in the permitting process but for immediate purposes, the Planning Board were looking at our Code of Ordinances.

Mr. Knott said so by not including them in a motion as a recommendation, we're not voting or we're not recommending to exclude them. We're just not mentioning them because they are implied.

Board Attorney Walker said that's correct, Mr. Chair.

Mr. Knott said very good, thank you.

Board Attorney Walker said and Mr. Knott.

Chairman Johnson said any other discussion, points for the Board. We have a motion and a second. Could we have roll call please?

Those in favor were: Mr. Harris, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Ms. Wood, Mr. Bey, Mr. Dannahower and Chairman Johnson.

Those opposed: Mr. Hayek, Mr. Knott.

Chairman Johnson said okay, project is forwarded with a recommendation of approval with Staff's recommendations. Good luck from here., very good project. Thank you very much. Thank you for working with the residents. A few more steps to go.

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The next item considered: **Item # 8 - Abandonment - Walgreens** – An application for an abandonment of a utility easement located at 1603 South U.S. Highway. The property is zoned C-3, General Commercial. The property owner is Ohio Avenue Realty, LLC and the representative is R.N. Koblebard, III, Esquire.

Chairman Johnson said could we have staff report please?

Mr. Carlin said Mr. Chair, members of the Board. This one should be a little easier to navigate through especially as it relates to making a motion on this. Tonight, the Applicant is requesting that the City abandon an existing utility easement which will be relocated to the south of the drive-thru transaction area for the recently constructed Walgreens at 1603 South U.S. Highway 1 as shown on the screen there, just south of Popeye's. Relocating the easement further to the south will eliminate any future potential construction conflicts with the drive-thru area. This slide right here that I'm showing you represents the overall site plan and the existing utility easement, shaded in blue, will be relocated and it will appear in this fashion. There's the proposed relocation. It just jogs right around right the drive-thru area. Again, the property here located is C-3 zoning, General Commercial. All affected departments have reviewed the proposed utility easement abandonment and have approved it. Staff recommends that the Planning Board forward a recommendation for approval of the utility easement abandonment to the City Commission.

Chairman Johnson said any questions of Staff? There is no public here. Would entertain a motion from the Board?

**Motion made** by Mr. Poitier and seconded by Mr. Harris **to forward a recommendation to the City Commission to abandon the utility easement located at 1603 South U.S. Highway 1.**

Those in favor were: Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Ms. Wood, Mr. Bey, Mr. Dannahower, Mr. Harris and Chairman Johnson.

Those opposed: none.

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The next item considered: **9 – Discussions**

Mr. Hayek said everybody deserted you. What happened?

Mr. Carlin said it's a two-man crew this evening.

Chairman Johnson said so we're still at same staff level though correct?

Mr. Carlin said yes.

Chairman Johnson said it's good to hear.

There being no further business, the Chairman Johnson declared the meeting adjourned at 7:45 p.m.