



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, FEBRUARY 10, 2009, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

The Pledge of Allegiance was recited

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

Mr. Harris came in at 6:10 p.m.

Staff Present: James Walker, Assistant City Attorney; Paul Williams, Urban Forester; Leslie Olson, Historic Preservation Officer, Bob Frank, City Traffic Engineer; Diann Ploetz, Planning Specialist; and Maritza Suarez, Executive Assistant.

Chairman Johnson said considering Mr. Harris did call in, we'll move item number 3 to the end of the meeting.

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

Chairman Johnson said we do not have any alternate members that are here with us tonight so we'll proceed to number 5.

The next item considered – **# 5 – Approval of the January 13, 2009 meeting.**

Chairman Johnson said any additions or corrections that need to made?

Motion made by Mr. Poitier and seconded by Mr. Hayek **to approve the January 13, 2009 Planning Board Minutes.**

Unanimously approved by voice vote.

The next item considered: **Item #6 - Text Amendment** - An applicant-initiated text amendment to Chapter 22: Creating a definition of "Student Housing" and providing for Student Housing as a Semi-Restricted Use in the R-3, R-4, and R-5 Zoning Districts.

Chairman Johnson said can we have staff report please?

Mr. Williams said good evening, Mr. Chair, on behalf of David Carlin. He and his wife Stephanie were blessed with a baby boy last week. I'll be filling in for Mr. Carlin tonight. Ms. Olson will be doing the presentation on the first item.

Ms. Olson said good evening. Thank you Mr. Chair, members of the Board. This evening we're taking a second look at Chapter 22 Text Amendment for Student Housing creating a definition for Student Housing amending the R-3, R-4 and R-5 zoning districts. On December 9th, this Board heard this ordinance and made a recommendation for approval to the City Commission with one condition. On the 5th of January, the City Commission heard this ordinance and requested that Staff and the Applicant make a number of changes which require rehearing by the Planning Board. Those minutes are found in your packet. Before you is a comparison chart. The original submittal called for Student Housing to be a Conditional Use parking at one space for 3.5 beds; no requirements for bike parking; there was no area restriction and there was no transit fee. On this new submittal, the Applicant is requesting a permitted use and parking at one space per two units, bike parking at one space per two units, they have limited it on a map as an Exhibit to the ordinance at one-quarter mile around IRSC and they're calling for a fee to be required by adoption by the City Commission. Before you now is the map with a quarter-mile radius as a dashed line around the limits around the current college property. Not all of the property is developed however. Before the Planning Board, we are looking for a little bit of direction on a few things for discussion:

- Unit is undefined in the definition for Student Housing but unit is also what is tied for the parking and the bike parking. If a unit means four students, that means that you'll have one parking space per eight students which probably wouldn't work. If you have a unit meaning one student, that means that you have one parking space for every two students which may very well work.
- Density needs to be addressed just in the fact that the future land use of any given parcel is going to give you a density cap. Even if the Code says that there is no density regulation, it will be defined by the underlying future land use and that needs to be addressed in the Code; and
- Staff is looking for discussion by the Planning Board on whether this is a good idea to change from a Conditional Use which requires public hearing to a permitted use which can go through a Building Permit.

Chairman Johnson said any questions of Staff on the item that is in front of us?

Mr. Knott said I noticed on your recommendations where your number 2 there that you talk about a unit shall be defined as one student per unit. Has the Applicant or whoever, are they in agreement with us or have you discussed this with them?

Ms. Olson said yes, I did discuss this with them.

Mr. Knott said they can live with that "one"?

Ms. Olson said yes and you can go about this two different ways: you can either define a unit as housing for one student or you can change the parking ratio. If unit means more than one student, well then you need to increase the parking ratio. It can go either way as far as that goes if you understand my meaning.

Mr. Knott said so that's what you're talking about? We need a definition of a unit, square footage and facilities or what?

Ms. Olson said we need a definition of unit. I think it should be tied to how many students are in the unit.

Mr. Knott said not square foot of units?

Ms. Olson said no because you can fit a lot of students in a fairly small square footage. I'm not so concerned about how many square feet they have as how many people they are putting in them which is what you tie your parking to.

Mr. Knott said also on the ordinance itself it says under the general definition there: "*Tenants occupying the rental units must be students attending...*" IRSC, have you all given any thought as to how to document this or to confirm this?

Ms. Olson said that would become a Code Enforcement issue on how it would be done.

Mr. Knott said well, alright. We'll get more into this discussion. I wasn't at that meeting in December when this was first brought up but Ms. Wood brought up a good point in the minutes about enforcement of this. To me, just saying Code Enforcement just doesn't get it because this was something I think that should be inherent into this whether this is a conditional use or a permitted use. The liability should be on the Applicant or whoever pursues this approval that they must document to the City that these are indeed students. I think we may need to go further to define what a student is because the college has continuing adult education out there. You can get half a dozen migrant laborers come in here and sign up for a basket-weaving course which is not towards a degree or what have you and qualify as a student. We could have five of them or ten of them living in one unit. I don't think that is the intent of this ordinance. I think Staff would need to look at some sort of a definition, adding the definition of what a student is and how they are going to confirm that. Thank you.

Chairman Johnson said any other discussion or questions of Staff?

Mr. Hayek said my feeling is that student housing is in the proximity of the schools within a quarter of a mile. The restrictions on parking seem awfully high for a developer to come in and put that many parking spaces for student housing. Most of the students will live there because of the proximity to the school and will opt to either to take a bike or walk. I don't feel there is enough bike parking and too much car parking for the development. My idea of a dorm was from my college days when it was always two kids to a dorm. That was what I was figuring on this would be the two persons per unit. I don't know if the developer has any plans in mind of what they are going to look at or how they are going to look at it. You would think that for economies of scale you'd have two student per room probably either a quad with one common kitchen. I don't know what his intent is but that's what I envision in this student housing. I feel that it's too much parking required for this and not enough bike space. That's my comments.

Chairman Johnson said what would you recommend? That's my question.

Mr. Hayek said I think we have a paragraph down here that says a unit houses no more than one student. I'd probably would say two student per unit.

Ms. Olson said that would mean one parking space per four students?

Mr. Hayek said yes.

Chairman Johnson said instead of one per two?

Mr. Hayek said yes.

Ms. Olson said Mr. Chair, if I could address that question. I did speak with the Housing Manager at IRSC. They do have some student housing on site. She said they have one parking space per student at their dorm. She said that's ample. I got the impression that she was saying about one space per two students is fine. She said most of their students, however, are international so a lot of them do not have their own cars. When I was speaking with Brian Beatty at the Chancellor's office, he said that with their new four-year degree programs they are expecting to draw more students who are traveling from across the State. With that, he thinks they'll probably be drawing more students with cars. That's just a guess at this point.

Mr. Hayek said usually the cost of housing is a little bit more expensive the closer you are to campus so that you'd probably have more students without cars live there. Students with cars would be free to go anywhere to look for more inexpensive housing because of their ability to drive.

Ms. Wood said Mr. Chair, I have a list of questions and concerns that maybe I'll just sort of throw out and if Staff feels as appropriate to respond that's great and if you want to defer some things to the Applicant that's fine as well. Let me start out by saying I support the intent of the ordinance. This actually wasn't covered in the Staff Report which I thought would have been helpful but there was some question at the last Board meeting and also at the Commission hearing about the coordination with the college, what the college actually

has to say about this and I saw that Ms. Angelos addressed that to some degree. I understand that they haven't taken an official position on this issue which makes sense but just going with by default the assumption that the college needs more housing and sort of start there and then of course, I'm in support of the idea of it but I do think there are lot of problems with the way it's currently structured. I think that some of the response, I don't know exactly what the reasoning of why it's structured this way but it seems to me that that's not enough addressing some of the Commissioner's concerns as well. I came prepared with a list of what I thought would be appropriate – additional conditions in the attempt to continue moving this forward through the process. If that's appropriate when we get to that point, we can discuss those and whether or not any of the Board members thinks they're good ideas. One my issues to start with is the switch from the conditional use to a permitted use. For me, that's just a total non-starter. If you are talking about being able to by a right max out the density of the future land use, that should be a public hearing process. No question about it; especially, if this is going into a residential zoning district. Whoever these students are going to be, which as Mr. Knott is speaking to, this could be a wide-range of people. These aren't people necessarily between the ages of 17 or 18 and 24. This should go through a public hearing not only through the public hearing process but the notice process. This particular ordinance process, unless you're one of the people like me who sort of pays attention to agendas that are published in the newspaper, you would have no idea that this was coming into your neighborhood. That's the first place I'll start. That's an easy switch back to just where it appears in the Code. I'm a little confused about the intent behind the quarter-mile radius. I appreciate limiting where this can go and I think that directly addresses some of the things that were both brought up at this previous hearing with Planning & Zoning and also with the Commission. I don't really understand this sort of legal structure of that. It's kind of referenced in the definition. I don't even get where that goes. It was my understanding that the Commission asked for this to be structured as an overlay which I would really support. I think that would be much clearer. It would be much clearer where it goes, how the map gets adopted and it would also, I believe, lay out specific parcels that these regulations would apply to as opposed to this quarter-mile line which bisects a number of parcels. Then you get into this problem of debating whether or not that particular parcel if that's a use that's appropriate for that particular parcel. I would recommend that this be specifically restructured as an overlay zone. The parking is a very difficult question. While I am never in support of over paving land in any situation, I also just from what I know from the college (I teach there part time and I know some of the students and some of the demographics) while I would like to agree with Mr. Hayek, I also believe that the fees generally are students that even if they are going to school fulltime, they have least part time jobs if not other full time jobs and I'm sure they do other things other than working or go to school. I'm sure they go out to eat. Even if they can walk across the street to Big Apple, I'm sure they drive to other places. While I would like to get behind the intent of minimizing asphalt when it's unnecessary, I don't know if making the parking requirements any less stringent is based on reality but I'm certainly open to that discussion. I had brought up at the last meeting that I thought it was inappropriate to include R-3 and I made the argument that there was very little R-3 in the proximity to the college. In fact, when this quarter-line mile is drawn, there are spotty R-3 parcels that appear within the quarter mile. My assumption with this added definition is that it was intended to be a new use. That this was new construction would be proposed presumably on a larger parcel because it implies a dormitory setting where you would need

larger parcels to accommodate numbers of units and those accessory uses that are included in the definition. I see there are spotty R-3 parcels that are included just north of the existing campus. I saw in the minutes that Commissioner Coke specifically referred to the concern of taking single family residences and converting them to this use which I think that wasn't primarily intended for but in fact those parcels are included. As I understand it, those may be even specific areas that the client of this application is focusing on. I think it's an important concern to address whether or not the conversion of existing small homes in a single-family residential neighborhood is what this is intended for and if that's appropriate. If this is not, to pull it out because I don't think it belongs in that R-3 area. I think that's it for now. I'll stop there.

Ms. Olson said there is only one I have a whole lot of input on. When this ordinance came back, there was a very small area referenced as the applicable area on the area that was submitted and I suggested that was not the intent of the Commission to have a very very narrow area only a couple lots wide. A quarter-mile radius is commonly known as the "walkable distance". So I said, do a quarter-mile as a walkable distance. That was my suggestion.

Chairman Johnson said I have a question on the first point Ms. Wood. We're going from conditional use to permitted use. Site plan comes before us. Actually, if it comes to you being a permitted use, at what point are you going to move that site plan to us and go through the approval process?

Ms. Olson said if it's over 4,000 feet.

Chairman Johnson said over 4,000 square feet. Right. Okay. I just wanted to confirm the number.

Ms. Olson said and so only if it's 4,000 square feet would this Board see it.

Chairman Johnson said exactly.

Ms. Olson said and no notice would be given to neighbors either way.

Chairman Johnson said that's correct but it's at 4,000 square feet. Basically, it's going to come before us as a permitted use. Even though it may change from conditional to permitted, there's a 4,000 square foot mark is the indicator.

Ms. Wood said right, so this Board may see it but again the neighbors won't see it.

Chairman Johnson said why wouldn't the neighbors see it if it came before us if it's a public, it's a site plan?

Ms. Wood said but they don't get notified. That's what Ms. Olson is saying.

Ms. Olson said under conditional use all the neighbors are notified.

Chairman Johnson said oh you mean via mail?

Ms. Olson said yeah, not just a legal ad in the paper.

Chairman Johnson said right but aren't we posting notices now on the property?

Ms. Olson said for all site plans?

Chairman Johnson said are we not putting signs?

Ms. Olson said no, not just site plans.

Mrs. Ploetz said just signs out.

Chairman Johnson said we're putting a sign out for a site plan. Aren't we not?

Ms. Olson said oh for site plan. Okay.

Ms. Wood said I just think that the ordinance really sort of pushes the boundary of what's allowable. Again, I'm in support of that. I'm in support of maxing out the density for the use that's proposed. I just think that it should be in certain areas and under certain circumstances.

Chairman Johnson said and I agree. I just want to make sure that we as a Board understood that it would still come back to us under a site plan or something else if the 4,000 threshold was met or exceeded.

Ms. Wood said and also not if the applicant is taking an existing building and converting it to this use. For example, a single family home being converted to student housing. I'm not certain that can't be done with the definition as it's written.

Chairman Johnson said any other questions of staff?

Mr. Lloyd said how would you deal with the issue if in this quarter-mile radius if it splits a parcel in half? Would the whole parcel be included or would half of it be excluded?

Ms. Olson said generally under commonly accepted zoning practice you go with the less intense use of a split zoning. It's a tricky question.

Mr. Lloyd said I think you need to define it one way or the other and I don't care which way but it definitely needs to be defined. I also agree with Ms. Wood's comments about the conditional use. These have a potential to be dense projects and I think that when you are considering a dense project, you have to give as much notice to the adjoining land owners especially in a residential setting. As far as the parking is concerned, I view the demographic of IRSC. It's not your typical four-year college or university where you can live on campus and you don't ever have to leave campus. You have your meal plan right there and they have everything you need right on campus. While the campus is growing

and it's getting there, I don't think it's there yet. My guess is that the demographic of the students have cars. I don't see that changing dramatically anytime soon. I could be wrong but that's my, I'm not that far removed from college life. I think it definitely should be one car per two students. However, you need to make that happen. I think anything less than that you are going to have potential problems. You are going to have parking on the grass because that's what college kids do. They don't care. I was one of them. I parked wherever there was an open space and maybe I get a parking ticket and maybe I don't but I think that's important as well. Ms. Wood also brings up a valid point about conversion of single-family homes into this student housing. I think that's something that you got to be careful of because kind of under the definition as it is now it's basically a common area. If you have a four-bedroom house with one kitchen, I think it fits the definition of student housing. That's another reason why I think as a conditional use is important. I just don't want anybody sliding anything by that fits under the definition but doesn't go with the intent of what you are trying to create here and I think that the conditional use is going to catch those unwanted situations.

Chairman Johnson said Ms. Olson, anything you need to respond to there?

Ms. Olson said no, great. Thank you.

Mr. Hayek said I just had one question about single-family housing. Is there any Code restriction on the number of people that can occupy a house, a single-family home?

Ms. Olson said yes.

Mr. Poitier said how many?

Ms. Olson said no more than three people who are unrelated perhaps?

Ms. Wood said but not under this definition.

Ms. Olson said right. This definition would allow for that.

Mr. Hayek said so then they would have to apply for an exemption or something to be able to?

Ms. Olson said well they would have to come in under this. They would have to apply for this kind of site plan.

Ms. Wood said well if it's a permitted use what do they even apply for?

Ms. Olson said good point.

Ms. Wood said you know they fit the definition.

Ms. Olson said right. That's a good point.

Mr. Hayek said they all have to attend school.

Ms. Olson said and then how do we document that is the other issue.

Mr. Lloyd said and then that's the thing because enforcement wise it is never going to happen.

Mr. Poitier said don't they have housing right there now? Housing there for students in IRSC?

Chairman Johnson said they have some housing but I think it's more athletic dorms and maybe some other uses there. There is student housing yes but we're talking about surrounding the college with other housing on the private side not necessarily through the school.

Mr. Poitier said I thought they had some there already. I know some students were staying there.

Chairman Johnson said they do but not enough.

Mr. Knott said on that point and I'd like to impress upon staff that I'm not against this thing because of the intent I think it's good because I do think we have one of the best colleges in the State and it's really moving but this thing of documentation of a student. I thought about this. I even talked to a couple of the people at the college that I know out there, the faculty out there, the staff out there, and my understanding is that about the only way that we could put this back on, and again, it needs to be back on the owner not on the City because the City doesn't have time to go knocking on doors. That part of the conditional use approval would be key to the owner providing documentation of student registration at a minimum of semester registration at the College. That's up to the owner to get whatever documentation that the building department would need. I think that every semester that every person living in this facility who claims to be a student needs to be, there should be documentation of that nature even if that person registers just to, they can register and in the first week and they could drop that class and still get their money back but you can only go so far with this. Anyway, that's just to finalize or just to explain my feelings on that. I think we should have put this right back onto the owner.

Ms. Dixon said the question that I have is we're not the first one to have something of this nature. My question would be has staff found out what other cities are doing with regards to this? I know the University of South Florida when I attended there were basically the same type of thing set up there. Have we looked to see exactly what they're doing with regards to verifying if students are indeed students? I do know that we wouldn't want Staff have to deal with this at a later date but we would want to put it back on the Applicant to have to do something.

Ms. Olson said when I contacted Tallahassee and the City of Gainesville to find out what they do, that is not something they addressed during our discussions specifically. Gainesville is looking at doing something called a multi-modal transportation district which

encourages transit, levels of service for bicycle use as well as car use, pedestrian activity. It encourages mixed-use. It's quite complex. I've got the research here but in four days I just haven't been able to do that much with it. How they're dealing with that specific question they did not say. They don't actually address it as student housing at all when it's private. That's something that we'll need to work through on our way to Commission. I just heard one planner say from Gainesville there are some constitutional issues when you reference age in zoning districts. It's something I'm working with legal on.

Mr. Lloyd said Mr. Chair, our thoughts with this policing whether they are a student or not is the market is somewhat going to take care of that for us because if it's a nice dorm for lack of a better word, facility built, there is going to be a high-demand for the students who want to be close to the State college there to live there. I know if I was living in a facility that's supposed to be a student housing facility and there were 15 migrant workers living next to me, I'm probably going to call the property manager or the City because I'm not going to want that living next to me. It's going to create problems I'm sure. I think that the market will somewhat police itself. There is no doubt there is going to be some falling through the cracks. There will be no doubt that there will be a non-student living in one of these units eventually. I don't know if the burden of policing the situation, I don't know if it's going to be such a problem that we need to super police the situation. I don't know if you can realistically do it in a cost-effective manner.

Mr. Poitier said the County should do that.

Mr. Lloyd said they should but it costs money. You have to hire somebody to check all this stuff and somebody at the City has to check it. There is no way realistically I think that it would be cost effective for that type of situation. In a perfect world yeah it would be great but it's not a perfect world.

Mr. Knott said I spoke with Barry Kime at the college. He is the Vice President under Dr. Massey about their housing out there at the Hammock. The college doesn't own that. That's the foundation which the college leases it to them because under State Statutes they can't have housing for a community college or even as they are now, a State college. He says that the way they police it is a dormitory situation and they have somebody lives in house and all they do is the students have to provide them with the registration that they've paid the registration for that semester and they check them off the list and of course, they monitor them too if there is anything suspicious. I wouldn't want to get into a policing state where we have to send our Code Enforcement out to knock on the doors. I think in most cases I think you're right. Reputable housing units are going to take care of themselves. They are going to make sure there are students in there because that's what they want. I don't think it would be such a hard obligation on them if we have to throw a blanket over this thing. In my estimation, I think now is the time to do it that we should say "listen, you have to report quarterly or whatever we want to say to satisfy your manager of your facility must provide the Building Department with a list of your people and a list of the student registration and that's it. If they're lying to us, they're lying to us. We don't have to go outside this office to enforce this. This could be done.

Mr. Lloyd said what happens when they don't?

Mr. Knott said well then you get Code Enforcement involved. Then you shut them down because they have something to hide I would say.

Mr. Lloyd said but then you have somebody at the City who now has to check that every quarter or every. I'm just playing devil's advocate.

Mr. Knott said I understand. I would assume that would focus on the ones that you want to focus on anyway. You're not going to get your reputable people who are going to fight this thing. It's just part of doing business. It's people who want to circumvent this I think. That's the ones that would surface and you would have to go deal with them. That's just my feeling. I just don't think that we should just throw it open to where "Sure. You can have as many people as you want in there" and you tell them there's students in there that's fine because this housing thing, private homes is what scares me. If you have a residence there they could put a couple of parking spaces in there and if they got a three-bedroom house or make a four-bedroom, they could throw as many people in there as they want. I don't want to have to have the City monitor those people. That's the way I feel about it.

Chairman Johnson said anyone else from the Board has comments for Staff at this point?

Mr. Hayek said going back to this paragraph about one condition should be: "a unit houses no more than one student". Perhaps we should look at square footages for a unit and the number of students that can go into a "unit". Like if you have 200 or 300 square feet that could house two students but if it's only 100 or 150 square feet, maybe that would only be one student. Maybe you could address it that way.

Ms. Olson said Mr. Chair, I think that my understanding, the definition was a little unclear to me as well but I wasn't sure if "unit" meant the entire quad for lack of a better word, four bedrooms and a kitchen or if "unit" meant each one of those bedrooms around the kitchen. The way I understood it when I was talking with the applicant and you could ask them when we move onto that portion is that "unit" when we were talking about it being one student was the bedroom around the kitchen. That was my understanding of how that was working out.

Mr. Travis Walker said good evening, Travis Walker of Weiss, Handler, Angelos and Cornwell on behalf of the Applicant. I hope that you bear with me. I've been trying to write down all of your comments so I can address them thoroughly. The amendment that's before you today, obviously it's a rehash of what you've seen previously with three changes to the ordinance. First and most importantly is the map that you've seen. It is produced as Exhibit A. It was used pursuant to the discussions at the City Commission meeting that the City Commission looked at. They wanted something within a quarter-mile distance within the college which is the going rate for walking distance. Second, as you'll notice as we've been discussing, bicycle and parking has been added to the definition to add that as a requirement and it has been established in the ordinance. And finally a transit fee, which has been discussed by the City Commission not only for this project but for other projects, to provide transit to and from the college and to other areas. The City was also discussed

and has been added. The City Commission will be adopting that pursuant to the ordinance, a specific fee, for the building. Mr. Hayek, actually you hit the nail right on the head as far as what this intended to be. Two bedrooms is one unit. It's more of a dormitory-type style to allow for college students to attend IRSC within walking distance and within bicycle distance of the school. This allows for a better way for this to be done. The problem with requiring too much parking is that obviously it creates more impervious surface but also at the same time increasing parking also increases costs. Then those have to be brought down to the students who will be renting the apartments as it is. You want to bring something that is cost-effective because these are students after all. The housing that we envision is actually completely in line with what the River Hammock has. You have two bedrooms within an adjoining bathroom. That's considered a unit and then that would be four units in each building. Each two units would have a kitchen which would be shared between the four students. We don't have a problem with delineating that a unit is two beds and that way it would be further specific as to what you're looking for. To address Chairman Johnson, it's correct. It would be a 4,000 square feet. Anyone who is looking for these kinds of density requirements is going to have to require something along those lines of 4,000 square feet or larger. Otherwise, it would be almost impossible to actually get something done at that point. Especially if we define the unit as I delineated earlier. Commissioner Lloyd I believe is also on point is that the market really is going to drive a lot of this. My client requires student IDs which are plastic cards required when you enroll at IRCC or IRSC and you are given an I.D. card. He requires that to be required at the time a lease is signed and will get that documentation. I think that any of us who has lived in a university town know that it is market driven to a certain extent. I don't think most people who are non-college students want to live close to college students. I think between the market-driven forces as well as the gathering of documentation through student IDs is going to take care of that to a large part. We did contact IRSC and did speak with Dr. Massey regarding the issue. At this time because of the market and everything that is going on at IRSC, they've expanded a lot but they don't foresee expanding in the student housing anytime in the near future. The River Hammock is largely a portion to fine art students and athletes who are there on scholarship as part of the foundation. What you find are a lot of people who are not in fine arts or athletics and are looking for student housing aren't able to find room at the Inn, or room at the River Hammock. This is a creative way, an innovative way, to provide student housing for those who don't necessarily fall into those categories.

Chairman Johnson said very good. Any questions from the Board at this time?

Mr. Knott said on that student I.D., I did ask the folks at the college about that. They said those are issued to anybody and they are not a current documentation that you are enrolled or you are a student. In my mind, again, a facility that you are proposing probably is going to monitor itself. It's going to be worked out. When we're throwing this thing open to people who have large homes in this area, I just want some protection for the City. I don't want the City to have to do the grunt work to enforce the privilege that's been given to the area. That's why I don't myself, a student I.D. is not enough. I think we have to, I'll ask our Mr. Walker on this. Mr. Walker, do other uses or professions have to have annual documentation that they are still licensed to do something such as a professional?

Board Attorney Walker said Mr. Chair, I'm not able to speak to other professions. I know with the Florida Bar you get a membership card and that's it. It's not reissued.

Mr. Knott said but does the City of Fort Pierce, the Building Department, require documentation of somebody that has a business in the City of Fort Pierce that annually they are still licensed to provide that service?

Board Attorney Walker said there's the business license that's renewed each year.

Mr. Knott said to me this is a business. It's a specific business. It's not housing. It's a student housing. That's my point. I'm not getting the love from the Board here on that. I just want to get that across that I know how some of our neighborhoods work around here and I don't think it would be that much of a burden to include that if that's something you'd go along with.

Mr. Travis Walker said Chairman and Commissioner Knott, I guess you can start getting into a slippery slope. You get the I.D. cards. They are no longer students or they never were students. You get the registration but then they withdraw after they get their registration. It just depends upon how crafty you know these individuals might be and how far they are going to go out of their way just to live with several other students. It does create a slippery slope. I don't foresee a problem if you wanted to require a copy of a registration statement. I don't foresee it as a problem because that's what this is intended to be is to have full-time and to have students there. If you are going to be a student, you're going to have registration.

Mr. Knott said again. I don't think your client would be the one to suspect. I'm not talking about you. I'm talking about once this door is open, there's others that might come in that's not as cooperative as you are.

Mr. Travis Walker and I completely understand that. If the I.D. cards or the registration is something that you want to incorporate into your comments are part of this, that's completely fine with my client.

Ms. Dixon said with regards to Mr. Knott's comments and Mr. Lloyd's not directly at the client per say but, if you require the applicant to have to end up providing this documentation with what Mr. Lloyd was saying, you have now put another task on Staff to have to do something with that documentation that they have received. I'm not sure that Staff will be capable to add that additional task of now having to verify that those documents are indeed legitimate or not. Or, is just Staff going to accept it because I could go in and move in like I'm registered now but I can withdraw. I can do whatever and then next quarter I can do the same thing. I understand your intent. I whole-heartedly agree with that intent but I'm not really sure that there is much that we can do. That's the reason why I made the suggestion of let's see what other college towns are doing to deal with this.

Mr. Travis Walker said as Leslie indicated, she contacted the City of Gainesville regarding their student ordinances and so has our office. Like she indicated, there really is no

student requirements. There are special area plans that are put in place where that type of density and that type of housing is more allowed. Obviously, the requirements that we're putting here are more stringent than what you find in the City of Gainesville. It does create a quagmire, it creates some problems as to documentation but other universities haven't even required this type of thing and we've included it here.

Chairman Johnson said any other questions? Ms. Wood you had a question?

Ms. Wood said just to add more commentary to this regulation issue. First of all Mr. Walker you didn't address any of my comments.

Mr. Travis Walker said I apologize.

Ms. Wood said I'm taking it a little bit personally. No, no that's okay. You've probably addressed it in context.

Mr. Travis Walker said I thought I did the quarter-mile radius and.

Ms. Wood said I just wanted to give you a hard time. I appreciate the legitimacy of your client and that there's a plan in place for the management of this issue. My concern is there is nothing in the ordinance as it's drafted. If there was something that was at least drafted then we could sort of nit pick the language of that to make it so we were more comfortable just so that there is something there, some process that we can link to. I think for me that's also what is important about the conditional use process. Not only that's there's a public hearing, not only does the neighbors get noticed but it's something that the City Commission can take away if there is an issue. I know from just from my experience in my own neighborhood where there's an illegal use that's been happening there for ten years that the neighborhood has just had to deal with because Code Enforcement is essentially powerless to really do anything about it. It's an incredible strain on the resources of the City. I think that for me I agree with Ms. Dixon's comment that you don't want to have to further obligate Staff to do this research but if it's at least placed somewhere within if it does end up being in an overlay zone, that it is the obligation of the applicant to provide the documentation and to manage it so that if there is an issue with the conditional use, that that can then come back to the City Commission to be managed and revoked if it's inappropriately used. For me, that's the sort of hammer that we can keep hold of without it being a continuous strain on the City's resources.

Chairman Johnson said and I would agree with that. Why would you request a permitted use versus a conditional?

Mr. Travis Walker said largely because of a lot of the restrictions that were placed by the City Commission. We felt that between the transit fee, the bicycling and the parking requirements, between the added restrictions and everything that was delineated as well, we felt it was a trade-off between those and then the semi-restricted use.

Chairman Johnson said but you see some of the Board member's position of why it could become an issue for the City of Fort Pierce?

Mr. Travis Walker said I do understand the concerns and appreciate the concerns of the Planning Commission regarding that issue.

Mr. Hayek said clarification back to what you talked about dwelling units, are you stating now that each room, each unit, will house two students?

Mr. Travis Walker said each unit will house two, it will be two separate rooms. It will be two beds per one unit. It's just like what the River Hammock has.

Chairman Johnson said he's defining, requesting.

Mr. Travis Walker said one unit as two beds.

Mr. Hayek said only two beds. I feel it's all going to be market-driven. A thirty something is not going to want to live in your development. A lot of this policing issue we're bringing up here is going to be drive by the market. Older people are not going to want to live there. The only issue we have are college-aged students who want to be with their buddies and just don't want to take the courses. That's the only problem you'll have.

Mr. Travis Walker said Mr. Chair, Commissioner Hayek I agree whole heartedly. I have no intention of moving in there. I've gone through my college days and don't want to do that regardless of how low the rent is. I do believe that it largely will be market-driven. I'm also remiss, I know that another issue was the actual lines as it goes through the map. It was just a quarter mile that was done. We have had discussions subsequent with some of the City Commissioners and it is our understanding like say for instance, the line the northwest that goes over Okeechobee Road will actually come down Okeechobee Road. I'm certainly in line with that. It's a commercial corridor and really there's no need in having the student housing along Okeechobee Road. Also, any parcels that are on the outside or that are cut in half we'll bring that a little bit closer to the college and make sure that there are no issues as to have half parcels, quarter parcels, a tenth of a parcel and whether or not in that tenth of a parcel there are allowed to use student housing.

Chairman Johnson said very good. Okay, thank you. Anyone else from the public that would like to speak on this request tonight? Seeing none, Staff how do you want to do this? You've got some comments. You've heard comments from the Board. There is so many of them. It could be a long motion proceeding.

Ms. Olson said Mr. Chair, in order to meet the basic amendment standards found in Section 22-131, the following two conditions must be addressed in a motion for approval and then whatever other ones this Board feel are appropriate can be added on but in order for Staff to recommend approval. The first condition found under Staff recommendation is that density will be limited by the underlying Future Land Use as defined by the Future Land Use Map and table 1-12 found in the Comprehensive Plan and 2) that unit shall be defined in some way. Unit must be defined in order to meet the basic standards and then the Board had some excellent concerns which can also be added for conditions.

Chairman Johnson said but those are your recommendations?

Ms. Olson said those are my recommendations. Yes Sir.

Chairman Johnson said and we'll modify the unit or number 2 just to say define it. You're not really married to one you just want us to define it.

Ms. Olson said I really think one parking space for four students is an incredibly rosy picture. I don't think that that's likely to happen in this college. I think you're asking for lots of cars parked on yards that way.

Chairman Johnson said very good. Board members? We got to make a motion and have a second.

Ms. Wood said Mr. Chair, I'm prepared to make a motion if there is no further discussion.

Chairman Johnson said please do.

Motion made by Ms. Wood and seconded by Mr. Knott to forward a recommendation to the City Commission **to approve the text amendment to Chapter 22, Article I – Definitions creating the definition of student housing and permitting student housing in the R-3, R-4, and R-5 Zoning Districts as a Semi-Restricted Use with the following conditions:**

1. **Density will be limited by the underlying Future Land Use as defined by the Future Land Use map and Table 1-12 found in the Comprehensive Plan.**
2. **Ordinance should be rewritten or restructured as an overlay zone so the map has the areas clearly defined and it's actually adopted into the Code with the boundaries clarified.**
3. **Use is changed back to a conditional use.**
4. **R-3 zone should be removed from the ordinance.**
5. **Standards within the overlay should include the following: specific definition of the unit type including the number of rooms, whether the other uses, the accessory uses (the coffee shop, the laundry, the restaurant) will be available only to the residents of the housing or to outside users and if they are available to outside users if there should be additional parking required. If in fact the unit type is defined as two bedrooms as the applicant has stated, then it is one parking space per unit, one parking space per two bedrooms.**
6. **"Student" should be defined somewhere within the ordinance.**
7. **Owner or applicant is obligated to provide documentation of how they would ensure that residents are all students as part of the conditional use process.**
8. **Transit fee should be somehow defined either by reference within the ordinance.**

Chairman Johnson said we have a motion and a second. One question on the motion. You did define a unit? Did you define a unit or were you?

Ms. Wood said part of the motion was that unit be defined in the ordinance somehow and I don't know if that's appropriate to have it limited to two bedrooms per unit. That's this particular applicant's proposal but that the unit should be defined somehow. I don't know if that should be per one student.

Chairman Johnson said Mr. Walker, if we were to define a unit today and City Commission had a different opinion on defining that unit, would that require them to do a four fifths vote change or no?

Board Attorney Walker said Mr. Chair, Section 22-128(4) provides the following: *"In the event the City Planning Board recommends disapproval or in case of a protest against any said proposed change signed by twenty (20) per cent of the owners or more of either the lots included in such proposed change or those within five hundred (500) feet of the area included in such proposed change such amendment shall not become effective except by a four-fifths vote by the city commission."* In this instance Mr. Chair, the Planning Board is recommending approval subject to condition. That would not invoke the four fifths requirement only were the Planning Board to recommend disapproval of the draft proposal.

Chairman Johnson said thank you Mr. Lloyd. Did you have a question on the motion?

Mr. Lloyd said I was just going to suggest that you can define, you know, why we are really tying in unit is because of the parking you could say "dwelling unit shall consist of a dwelling space" and tie it directly to the number of people who would live in the dwelling space. I don't know the correct verbiage. Unit can be defined as living space housing no more than two students.

Ms. Wood said Mr. Chair, I think the other reason that I don't know quite how to go about the unit definition is that it's also tied to the density. By definition in the Comprehensive Plan, the density is capped at the Future Land Use number. Within that definition, a unit is in it's smallest increment some kind of apartment which would house presumably one or two adults with possibly children. If you are now defining unit by the individual person rather than the entire dwelling space, then that actually brings their ultimate density down which I actually didn't want to do. Again, because the current definition is so vague, I'm not sure which way to go but it's very much tied to the parking but it's also tied to future land use.

Chairman Johnson said very good. Mr. Hayek, question on the motion?

Mr. Hayek said if we're crafting our units and we're going to specify it, we're really basing it on the one developer that's in front of us. There might be another developer that has different ideas on how he was to configure his student housing so if we restrict in our proposal are we not restricting future developers is my first question? My second question to Ms. Wood is in your motion, why were you dropping the R-3 out of the zoning?

Ms. Wood said as I said when this came forward the first time and as I pointed out when the zoning map was up, the R-3 parcels in my first reading of this ordinance it was my assumption and as even Mr. Walker pointed out, you would need a bigger lot area in order

to accommodate the kind of density and intensity that this use proposes and this couldn't be accommodated in the platted R-3 lots that we have. The only way that those R-3 lots would be incorporated into this use would be the conversion of a single-family house which is what we wanted to avoid. Especially given this quarter-mile radius and that we've seen these single-family lots of R-3 that don't have the appropriate square footage, that's why I thought it was appropriate to take it out; but, if the Board feels like the conditional use process is enough to sort of ensure the review of that coming into the district, then we can remove that provision.

Mr. Hayek said if they come before the Board every time I think we can leave the R-3 in there couldn't we?

Ms. Wood said we could.

Chairman Johnson said but the motion was to remove it. Any other discussion on the motion? Could we have roll call please?

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

Those opposed: Mr. Poitier.

Chairman Johnson said it moves forward with the recommendations that were proposed. Obviously you have to continue working on the proposal. Thank you Staff. Very good.

The next item considered: **Item # 7 a - Conditional Use - Bible Way Academy** - An application for Conditional Use to operate a daycare facility at 464/436 North 9th Street. The property is zoned C-3, General Commercial. The property owner is Bible Way Soul Saving and the applicants are Kenneth and Donna Mills.

Chairman Johnson said could we have staff report?

Mrs. Ploetz said good evening. In accordance with Section 22-31(c)(19) and 22-27(c)(6) of the City Code, the applicant is requesting approval for a Conditional Use to operate a childcare facility at 464/436 North 9th Street. The north parcel is zoned C-3, Commercial General with a land use designation GC, General Commercial. The south parcel is zoned R-4, Medium Density with a Land Use Designation of Rme, Medium Density Residential. The properties adjacent to the east and west are zoned C-3, Commercial General with a Land Use Designation of GC, General Commercial and R-4, Medium Density with a Land Use Designation of Rme, Medium Density Residential. The properties to the north are zoned C-3 with Land Use Designation of GC. The properties to the south are zoned R-4, Medium Density with Land Use Designation of Rme. The interior of the first floor consists of a large mixed-use room that can be divided to a maximum of 4 classrooms with moveable partitioned walls, two restrooms, and a utility room. The second floor will consist of 3 offices and 2 storage areas. The exterior of the building will not be altered. The hours

of operation will be from 6:00 am to 6:00 pm Monday thru Friday and will be closed most holidays. The parking for the facility will exceed the required parking spaces. The existing perimeter fence is 6 feet high with a proposed 4 foot fence separating the parking and play area. The existing and proposed landscaping complies with Section 22-187 of the City Code. All affected Departments have reviewed the proposed conditional Use and have approved it based on it meeting the requirements of the City Code. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends approval of the Conditional Use.

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

Mr. Knott said Diann, do you have any idea of how many students they are talking about or do we need to ask the Applicant?

Ms. Olson said applicant.

Mr. Knott said thank you.

Chairman Johnson said any other questions of staff? If not, I'd like to invite the applicant forward at this time. Good evening. If you would state your name and address for the record.

Ms. Donna Mills said Donna Mills. My home address?

Mr. Poitier said just your name.

Chairman Johnson said that's good. That's fine.

Mr. Kenneth Mills said and I'm Kenneth Mills.

Chairman Johnson said anything you'd like to add to the report or just ready for questions.

Ms. Mills said just ready to answer questions. She did a great job.

Mr. Knott said how many students do you anticipate ready to start with and ultimately on this thing do you know.

Ms. Mills said that would be up to Children and Family. They are awaiting for Conditional Use to be approved but they will come in and they will make it mandatory up to a certain amount of children. We anticipate possibly if you want a number maybe about 40.

Mr. Knott said okay, so they're going to analyze your floor area and what have you. Okay but up to 40? These are just doing the week right? Monday thru Fridays?

Ms. Mills said Monday thru Friday.

Mr. Knott said what time do you drop off and pick up or does it stagger in there?

Ms. Mills said between 6 and 6.

Mr. Knott said I mean all during the day would there be a big rush in the morning to drop off and a rush in the afternoon to pick up or do you have any?

Ms. Mills said well normally parents whatever time they have to be at work 7 o'clock, 8 o'clock, 9 o'clock that type of thing. Then picking them up like 3, 4 and 5 so I don't think it will be congested.

Mr. Knott said I was looking at your sketch here and I was trying to figure out how your drop off would work. Do they actually get off of the roads and drive within the fenced area?

Ms. Mills said they don't have to necessarily do that but they can come in through the fence and make their turnaround and come on out.

Mr. Knott said because you can have as many as 10, 20, 30 people dropping cars in there at a certain time?

Ms. Mills said not with the limited amount of children that we will be able to put there in the space. It probably would not be no where near that. We've done that before in another building facility there and it was never congested there. Maybe about three or four parents dropping off at the same time and dropping kids off.

Mr. Knott said I know Avenue D gets kind of congested there I would imagine in the morning. I was just wondering how, do they come in off of Avenue D? Is that where they come in?

Ms. Mills said they would come in from 9th Street.

Mr. Knott said okay, that's nice. Very good, thank you.

Chairman Johnson said any other questions of the applicant? Very good. Thank you very much. Anyone else here from the public that would like to speak on this request that is here tonight? Seeing none we'll return to the Board and entertain a motion.

Motion made by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission to approve the application for Conditional Use to operate a daycare facility at 464/436 North 9th Street.

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

Those opposed: none.

Chairman Johnson said okay, your project's forwarded with a recommendation to the City Commission. Good luck, thank you.

The next item considered: **Item # 7 b - South Beach Parking Lot** – An application for Conditional Use to construct a parking lot at 309-311 South Ocean Drive. The property is zoned R-4A, Hutchinson Island Medium Density Residential. The property owners are Barry Richter and Ray Masciana and the applicant is Fort Pierce Redevelopment Agency.

Mr. Paul Williams said yes, sir, Mr. Chair. For the record, I am Paul Williams, the Urban Forester. I will be presenting this to you tonight. In accordance with Section 22-27(c)(3) of the City Code, the applicant is requesting approval for a conditional use to allow construction of a public beach access parking lot in a R-4A, Hutchinson Island Medium Density Residential Zoning District. The property is located at 309/311 South Ocean Drive on .34 acres. The property is currently vacant land. The properties are located in the R-4A, Hutchinson Island Medium Density Residential zone and also surrounded by R-4A. The Future Land Use is RMHI, Medium Density Residential Hutchinson Island where uses are single-family, multi-family residences, limited public uses and limited convenience goods and services. The conceptual plan shows 23 proposed parking spaces and landscaping that would provide the public with additional access to the beach and beautify the surrounding area. The City FPRA is currently under contract agreement to purchase the lots from the owners. Approval of the conditional use for the public beach access parking lot is a contingency to close on the property. The FPRA is the applicant and requires the conditional use approval to determine if they will move forward with the purchase and closing. At this time, Mr. Chair, I would like to state that as part of the process, we have received letters addressed to the Planning Commission Board and this is something that I am going to give to the clerk to have passed around for the Board to look at. This is the first time this has happened.

Mr. Johnson said thank you.

Mr. Williams said Mr. Chair, members of the Board, as the letters are circulated, I want to advise the Board that Mr. Ward, the Director of the FPRA, is here to answer any questions on this and that all affected department have reviewed the submittals and have approved the proposed conditional use based on it meeting the requirements of the City Code. As the proposed conditional use meets the general requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the conditional use.

Mr. Johnson said very good. Any questions of staff? Yes, Mr. Knott.

Mr. Knott said Mr. Williams, are you familiar with what criteria was used in the selection of this particular site for this parking lot?

Mr. Williams said no, sir. Mr. Ward might be able to answer that one when he speaks.

Mr. Knott said ok. Also, the landscaping I see there's lots of stuff indicated here. Can you enlighten us as to what those represent? What kind of trees they are? Are they Oaks or Palms? Is there a tabulation?

Mr. Williams said Mr. Knott, this is just conceptual. The Engineering Department developed these plans to get a cost estimate for the Planning Board and the City Commission. I would say that my first impression would be to meet the zero scape qualities that the Comprehensive Plan requires and also thinking about trees that can take heavy wind loads and droughts that they would be at minimum Sabal Palms and Red Tip Cocoplum or Buttonwood. If it be decided by this Board through the Commission or maybe public input, the palm trees could be increased to a higher quality, up to a Royal Palm.

Mr. Knott said ok. Are those? What they are doing down the road out there? Are those Royal Palms putting out there or are those Queen Palms?

Mr. Williams said they are Royal Palms.

Mr. Knott said that would be in keeping then with the theme.

Mr. Williams said with the theme, yes, sir. But right now it is a conceptual plan to show what it would possibly look like if the conditional use was approved.

Mr. Knott said alright. And the hedge itself, what's the requirements again?

Mr. Williams said the requirements for a hedge is a minimum 3-gallon plant, 24 inches tall. Of course, you'd want it zeroscape and low maintenance which, again, the highest recommendation would be Red Tip Cocoplum for the beach or Buttonwood.

Mr. Knott said and what would be the mature height of that?

Mr. Williams said that would be left up to the Public Works Department and Maintenance but the hedge could get as high as 4 or 5 feet but I think it will be pruned more 2 ½ to 3 feet.

Mr. Knott said because I was thinking about the neighbors. I stopped and looked at this on the way in tonight and there are neighbors on all three sides of it and if you have a sight obscuring hedge in five years or three years or something like that. Is that possible?

Mr. Williams said yes, sir, if that is the pleasure of the Board and that passed through the motions and if the project were approved, then the specifications for a higher hedge around the residential blockage could be given where you could have a plant up to six foot or higher.

Mr. Knott said yeah, because as opposed to the masonry wall, I would rather not have that. For the \$50,000, you could put that into the landscaping and get some nice hedge around the perimeter of that anyway to help the neighbors. I'll see what the neighbors have to say about this too. Thank you.

Mr. Williams said yes, sir.

Mr. Johnson said Mr. Hayek, you had a question?

Mr. Hayek said Mr. Williams, why did they opt to put asphalt down? Is there anyway they could have done it with a permeable surface rather than going to asphalt?

Mr. Williams said Mr. Chair, Mr. Hayek, currently the City Code requires parking in the City of Fort Pierce to be either asphalt or concrete. This has been designed per Code.

Mr. Poitier said yeah.

Mr. Hayek said is there anyway there could be a variance on that?

Mr. Williams said there is always a possibility for that when we get into the details of the project. Again, tonight we are here for the conditional use. The site plan would come back before you if the conditional use was approved and the property was purchased. Mr. Hayek, as you know, our LDR's are in a rewrite mode and so this Board along with the public and staff will be talking about the Code and the permeable parking type structures could be brought up in our new Codes but Sir, currently right now it is just concrete or asphalt.

Mr. Hayek said thank you.

Mr. Johnson said Ms. Wood, you had a question?

Ms. Wood said Mr. Williams, if I missed it in your description of the project, I apologize. But can you describe more specifically where this parcel is? I am familiar with the cross streets on the beach and where they are in relationship to the project. Like, how far from Jetty Park is this?

Mr. Williams said Mr. Chair, Ms. Woods, you can see on this photograph that Saint Lucie Court is the street to the north or the top of the screen. North of that would be Binney and then the Jetty. So it is within walking distance of the Jetty, two or three blocks. Again, Mr. Ward is here to answer any questions as to why this property was selected. But this is the location that I can tell you by looking at Saint Lucie Court, then you'll find Binney and then Seaway Drive or the Jetty.

Mr. Johnson said any other questions?

Mr. Dannahower said while we are on that, Paul, I can't tell. The actual beach access is not directly across from the property as it appears. Is that true or do you know?

Mr. Williams said Mr. Chair, Mr. Dannahower, you are correct. Saint Lucie Court, the beach access has not been built. There are discussions either through private development or City beach access to be built there. Currently, that has been the staging area for the large equipment when they do the beach renourishment. That's where the big bulldozers will go over so that's why it hasn't been developed. But the FPRA and, again, Mr. Ward can confirm this if I am correct, that this parcel is available. It is close enough to

the Jetty and also if you go down to Avalon, there is a beach access possibility there. It basically splits the two streets.

Mr. Dannahower said ok, thank you.

Mr. Knott said Mr. Chair, if I can ask Mr. Walker a question? Mr. Walker, we just looked at some public opinion here and we were chastised once before for doing this. Are we supposed to disregard that information we just saw?

Board Attorney Walker said not necessarily. Respectfully, Mr. Chair, mere opposition by itself does not constitute competent substantial evidence. The Board is to consider factual presentations to the extent that any such correspondence sets out facts then the Board may consider those facts. It may also be helpful, Mr. Chair, if I may with the Board's permission to just briefly restate the purpose of the conditional use section since that is the standard by means of which the Board assesses the applicability of a conditional use approval. Section 22-74 states as follows, "*The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience and the general welfare.*" So to the extent that any such correspondence or indeed any presentation by anyone addressing the Board sets out facts that bears on that standard, the Board may give those facts whatever weight that it finds appropriate. Does that fairly respond to the question?

Mr. Knott said generally, yes it does. I am still a little confused because some of these are saying about the depreciation of their property. Now, that may be a fact, that maybe an opinion. Should we use this and weigh it in our judgment here or just ignore these? Or should we even be looking at them?

Board Attorney Walker said Mr. Chair, that's an excellent question. Expert testimony needs to be qualified as such to be given the weight as an expert opinion. Ordinarily, Mr. Chair, I would say that any opinion that purports to offer an expert opinion should be disregarded unless that individual has been fairly qualified as such. As Mr. Lloyd sitting on the Board is well aware there is an evidentiary exception, though, for owners of property who are given the ability to testify to the value of their property without being qualified as experts. Mr. Chair, it would be my recommendation that the Board give it some weight, however, bearing in mind the lack of expertise of the person who is offering the opinion. Consider it, Mr. Chair, but don't give it a whole lot of weight.

Mr. Knott said thank you, Mr. Walker.

Mr. Lloyd said I don't know how you authenticate that the people who sent this in are the people, I mean, there is a tremendous hearsay problem. If somebody is here testifying that, you know, or giving public comment, you would have a reasonable certainty that who is speaking is the person up there but a letter I have no idea if that person wrote it, I mean, it could have been somebody else who put their name to it. I don't know how you would authenticate it.

Mr. Johnson said any other questions of staff? I have one question in regards to the drainage. I am showing some piping here but is it contained within the property? Where does it go? Is it exfiltration?

Mr. Williams said yes, Mr. Chair, exfiltration. The Public Works Department has reviewed this and looked at it and made some comments. Again, the detailed drainage and the detailed plans will come before you as a site plan review but currently it's just conceptual to see if this use could be granted as a conditional use. But, yes, sir, from my looking at the plans and understanding it will be exfiltration.

Mr. Johnson said ok.

Mr. Knott said did you say this is coming back to us again?

Mr. Williams said yes, sir. This is just a conditional use to see if this Board and the City Commission agree that the conditional use of having a public parking lot in the R-4A Zoning District is applicable.

Mr. Knott said but does this trigger a site plan review? There is no building.

Mr. Williams said I'll just go and say yes it will come through the process.

Mr. Knott said alright, thank you.

Mr. Hayek said I have a question for Mr. Walker. We are here approving a conditional use. Can the price of the property be brought up into the discussions of whether it is fair or not fair?

Board Attorney Walker said respectfully, Mr. Chair, I am not sure I see the relevance of that consideration. Is there some aspect there that you are thinking of that would permit that bit of information to be tied into the criteria here in Section 22-74 that I just read that escapes me?

Mr. Hayek said *"based on current economic conditions, I feel the price paid for these lots is way, way excessive"*.

Board Attorney Walker said respectfully, that would be out of order.

Mr. Johnson said just by what we are tasked with. Any other questions of staff? Mr. Ward, good evening Sir.

Mr. Jon Ward said Mr. Chairman, Board members. It's a pleasure to be with you again this evening. I'm Jon Ward, the Director of the Fort Pierce Redevelopment Agency. I'm here to answer questions.

Mr. Lloyd said Mr. Ward, in the future what do you see if the parking lot is built there, what is it going to service? Is it going to service the Jetty, is it going to service? What is the plan?

Mr. Ward said Mr. Chair, Mr. Lloyd. It is my understanding that directly across the street the St. Lucie County Mosquito Control District has a strip of land that feeds into the beach. The County has indicated to us that if we want to develop that as a park-access area, we can certainly do that if we want to fund that. It would directly feed into the beach access and of course give us a little more parking potentially for the Jetty Park area which we are currently under consideration for.

Mr. Lloyd said are there plans to do a, one of the letters that we read I think he raises a valid point.

Mr. Ward said I haven't had the privilege of reading those letters.

Mr. Lloyd said I can tell you basically what he says. Usually, obviously that parking lot is to access the east side of the road to the beach. Is there going to be a pedestrian crosswalk there? Are there any plans to do any type of situation there? There is not a sidewalk on the west side of A1A or is there going to be a sidewalk on the west side of A1A when you guys get done with whatever is going on in there?

Mr. Williams said Mr. Chair, Mr. Lloyd. Yes Sir, sidewalks on both sides of the road. Our Engineering Department would coordinate, has seen the plans and Engineering did approve the concept of this but through the Department of Transportation if a crosswalk is needed, that is something that we could apply for and insert in the A1A reconstruction.

Mr. Lloyd said I can tell you my opinion is obviously you are trying to create access to the beach and even if there is a sidewalk on the west side of the road, people are still going to cross A1A right there because I know me personally I would rather walk closer to the beach than the west side of the road. I think that would be extremely beneficial there a crosswalk to the eastside.

Chairman Johnson said anyone else had a question down there?

Mr. Knott said Mr. Ward, was there any criteria used to picking this other than it was available?

Mr. Ward said Mr. Chair, Mr. Knott none that I'm aware of. It came up as an item in one of our agendas. Our Commission showed support for it. I don't know if there was any special reason to pick this one as opposed to any other.

Mr. Knott said did you all consider any other parcels up and down closer to one of the accesses to the beach?

Mr. Ward said no Sir, did not.

Mr. Knott said and I know we're not allowed to discuss or use the price on whatever it was but if it was a large amount of money it seems to me that you've probably could have bought any high units along that west side basically for the same price if it was a large number. You didn't pursue any, go to see some of the price that had a unit on an old house or something like that?

Mr. Ward said did not. I can't speculate as to what compelled the Board to decide this was a fabulous place. As the Board is aware, I don't set policy I'm just.

Mr. Knott said I understand that. Let me ask you one follow up on that then. Who initiates these things or do you have a committee for the selection of sites on the Board?

Mr. Ward said no Sir. Mr. Chair, Mr. Knott, as I recall, one of the commissioners and it may have been Commissioner Becht, had made the Board aware that this was available. They had a thorough discussion on whether or not they liked it, whether or not they were interested in buying it. They charged with me with going out and getting a valuation on the land. I did two. We have had many number of discussions on it. It's been all over the Board. I think they've had all kinds of, I'm not sure what informs their decisions but at the end of the day I wasn't interested in going up and down the beach looking for a parcel I could best buy if that was the question. We did not do that.

Mr. Knott said you don't operate that way but it seems that there's some question about the location of this. What would it do to your time schedule if the recommendation was from this Board to perhaps have you all at least review a couple of other parcels to say "this is the buy that we're going to get guys"?

Mr. Ward said no Sir.

Mr. Knott said well what does that do to your time schedule?

Mr. Ward said it's not just a timeframe. Mr. Chair, Mr. Knott, at this juncture I'm contractually bound. If this conditional use is approved by the Commission, I'm bound to close on this and I have to close on this by the 24th of this month so I'm up against it. If the use is not approved, I'm out of the contract.

Mr. Knott said then you'd have to renegotiate the purchase of this land?

Mr. Ward said well or forget the purchase of this land and walk away from it. At that point, we would kill the deal.

Mr. Knott said I would have liked to see at least one more parcel somewhere along here.

Mr. Ward said well I've got one. We bought one at Jetty Park. It's a pretty fair parcel and a couple of more bucks than this one too.

Mr. Knott said you've got quite a little land down there too. I'm just looking here. What is that up on the corner there? That's right. There was a project, St. Lucie, in the drawings.

Mr. Ward said that was, it starts with an a, I can't remember if that was a condo project that's gone south and in fact those folks have offered me that land. It's 11 million dollars last time they were talking.

Mr. Knott said \$11 million?

Mr. Ward said yes. It won't appraise for that but I believe that's what they indicate they want to sell it for.

Mr. Knott said that goes all the way back, all the way through to the next street too.

Chairman Johnson said Paul, can you switch the map to the zoning map? I think you had it on there. Didn't you have a zoning map? Yeah.

Mr. Knott said yeah, that's a PUR on that. I remember that one. I guess you've answered my questions but you have a deadline for this month.

Mr. Ward said and I'm up against it. Either we're going to move forward with it or not depending upon obviously the will of this Board's recommendation and the will of my Board.

Mr. Knott said very good. Thank you.

Chairman Johnson said any other questions of Mr. Ward? Thank you. I'd like to invite the public forward. If you would, state your name for the record please.

Ms. Marcia Baker said thank you. My name is Marcia Baker and I live on Seaway Drive. I'm also here to represent a newly formed organization registered as Save of Homes of A1A. I'm very pleased that the South Beach Association has sent a notice to its members taking a position of opposition to this conditional use and stated their reasons for doing so. However, I do not agree with their view that this is not the time to discuss the rezoning ordinance that created this mess that placed all of South Beach in jeopardy as well as setting a dangerous and unconscionable precedent to the Planning & Zoning process for the whole City. It's necessary to refer to this text change amendment as part of the pattern of special interests railroading the previously efficient and prudent operations of the Planning Department and this Board into an escalating series of ill-considered and improper actions. Now anytime that any special interests wish to short cut the normal planning process anywhere in the City, they have an easy stealth method to follow. You've already approved another such short circuiting of the Planning process with agenda item 6. No longer will anyone have to apply for any individual parcel zoning change or anything or any PUD. All they need now is a text change amendment pushed through and a conditional use application or an overlay zone which we can all see does not provide a fraction of the protection to nearby property owners as an individual zone change application or PUD for a specific property as there is only one public hearing required for a conditional use instead of the usual two public hearings. Here is the process that has been followed so far for this conditional use application that's under consideration. I'll begin with

the legal notice published February 2nd that refers to the current conditional use application as for construction of a public beach access parking lot. The ordinance that was passed that allowed for this conditional use application was passed as adding commercial parking lots as a conditional use in R-4A zones. The omission of the correct designation in the published notice, in the agenda and on the posted sign which only says parking lot, is both deceptive and improper. This would be like advertising an application for a junkyard as being for an environmental storage facility. The notices that were supposed to be mailed to property owners within 500 feet have not been received as of today. At the last meeting on February 2nd of the City Commission, instructions were given to the Planning Department to send notices to have a 15-day notification period. One agenda item for a conditional use was postponed because of lack of proper mailed notification and another was postponed because of a similarly incorrect legal description on the posted sign. That hearing is on the 17th, seven days from today. There has been no normal and usual report on traffic impact. No consideration for the requirements for D.O.T permits for access road cuts to a State Highway. No consideration of the problems inherent in this application of constructing a paved parking lot as required under the Code for a commercial parking lot on a substandard flood prone lots. No consideration of the violations of the Comprehensive Plan and certainly no reference to the Engineering and D.E.P. permitting problems inherent in constructing a paved parking lot with the required drainage on a lot that is within the coastal construction line zone. Although many of the property owners within 500 feet have probably responded to my private notice to them, some of whom are here tonight and the current opposition of the South Beach Association will likely defeat this application, it will not alleviate the threat of future conditional use applications for commercial parking lots on the barrier island. So first we've had commercial parking lots as a conditional use in all R4A zones. Now student housing on an over ten-acre area around I.R.S.C. in R4, R5 zones. These whole-sale text change amendments to the zoning Code are a clear and flagrant violation of Chapter 163 of the Florida Statutes and Rule 9J5 of the Florida Administrative Code for zoning changes affecting more than ten acres. They are also in violation of Section 22-143 of the City Code. Additionally, this on mass rezoning by text change amendment erodes the entire notice process under Section 22-128 as referred to by Mr. Walker when we were discussing item 6 because there certainly cannot be any 20% objecting to a zone change if they've never been notified. No notices were sent out on the text change amendment and obviously no notices have been sent out so far or received on this conditional use. So you can't have a 4:1 required vote if people don't get the notices. You have replaced the prior system of zoning changes with a new system of short cut zoning changes that violates both State and City Code requirements; favored special interests; disenfranchises property owners all over the City; and eliminates meaningful citizen notice and participation; especially, in rural or low-income areas where they may have fewer citizen watchdogs.

Chairman Johnson said thank you.

Ms. Carole Mushier said good evening, members of the Board and staff. My name is Carole Mushier, President of the South Beach Association. Our position has been referenced but let me give it to you, please. First I would like to caution those here tonight that this is not the time nor the venue to debate the ordinance that permits conditional use for a parking lot in the R4A zone. That ordinance is in place. It is the time to debate this

particular application by the City to construct a parking lot. We are well aware that this conditional use must be approved by the Commission if the City through the F.P.R.A. is to close on their contract to purchase these lots. Again, this is not the time nor the venue to debate whether the City has made a wise decision in contracting this purchase. The question tonight is would the construction of this parking lot meet the stated objective of providing the public with additional access to the beach. A worthy objective in and of itself. It is our position that the proposed parking lot does not meet the stated objective. If the parking lot is to provide additional beach access, then there must be a beach crossover across from the lot. While the County does own a strip of land totally overgrown across from the site, there is no indication except for Mr. Ward said tonight that the County has been contacted regarding this property, that they would agree to it's use as a beach crossover, and that the County or the City will provide the monies necessary to construct an appropriate beach crossover. There are existing beach crossovers well north and south of the proposed parking lot but I do not see this parking lot as providing parking for Jetty. People aren't going to do that. In addition to the safety of people walking across A1A, there must be a road crossover at that point. We have no indication that F.D.O.T. will permit an additional unplanned road crossover. We heard that we can make application for it. I think that at this point in time we should know. Therefore, we recommend the Planning Board deny the application, send it on to the City Commission and let them deal with this issue. Contrary to usual procedure notification of the conditional use application was sent to all property owners within 500 feet last week before the meeting. Usual procedure is to send after a Planning Board meeting and before the Commission meeting. This departure from the usual was done to allow the response from those property owners before the Commission meeting on the 17th as the contract expires as we were told on February 24th. Obviously, a hurry-up procedure. So we ask Mr, Williams, how many notifications were sent and are there any results to date?

Mr. Williams said 77 were sent out and currently we have received 18.

Ms. Mushier said thank you. Incidentally, we support this change be applied to all notifications in the future because it informs property owners of items coming before the Planning Board since your agenda is no longer published in the newspaper as it was in the past. One further comment, have all the necessary papers including a current survey been filed with this application which is required for a conditional use? In closing, since the application does not meet its stated purpose, we recommend that the Planning Board deny the conditional use application. Thank you.

Mr. Jack Cahill said good evening. My name is Jack Cahill. I reside at 801 South Ocean Drive, South Beach for over the past 25 years. Some of you know me fairly well. Tom Knott, I've worked with Tom before, he's a great guy. I'd like to say something about Jon Ward. I don't think anyone does a better job than Jon Ward does. There are two jobs I wouldn't want: one is Barack Obama's job right now and I support him 1,000% the other one is Jon Ward's job. That's difficult to handle. Your jobs are easy by comparison to his. Of course, he is paid a lot of money for it too. If I recall back in 2005, we recreated the South Beach Association because of all the questionable approvals that were coming out of the Planning Department. We had a long tedious battle of about two years. It finally resulted in the Beach Overlay. Since that time, the South Beach Association has become

almost a model for a civic group working with the City and the County for the benefits of the citizens of South Beach and I applaud them for that. As a matter of fact, during that time both Carole Mushier and myself have lashes all over our back from the fights we had with various attorneys. Talk about attorneys. They had them up the gazoo and we had to fight every one of them. We finally won out in the long run. Having said all those things, I believe I know something about the real estate values and the locations on South Beach. I've been doing it a long time and that's a fact by the way, Mr. Walker. I don't care if someone is going to reject the contract or not but I'll tell you something, there's a lot of property out there and all of it is eastward of the coastal construction line which means they are going to have one hell of a time building something on it if they wanted to built on it. No one wants to build right now because they can't sell them. These properties are east of A1A which is where it should be. Mr. Lloyd you might have young children but if somebody pulls up in those lots that are on the west side of A1A and kids get out of the car, the first thing they do is take their beach paraphernalia and they run across to get to the beach as fast as they can. They are going to be crossing A1A. Now on a Saturday or Sunday afternoon that's a bad place to be jumping across and getting over crossovers or not because that's a 35-mile speed limit but on the weekends, not too many are doing 35 miles an hour, they're usually doing more. That's a dangerous thing to put anybody through. There is no such thing of having a beach parking on the west side of A1A and think it's not going to be a problem because it is. Just think about it. It's going to be for families with little children and the first thing they are going to do they are going to jump out of the car and they are going to grab their buckets, their shovels and their towels and run across to the beach right in front of somebody's motorcycle, car or God knows what else. Bad situation. My belief it's the wrong product at the wrong price and the wrong location. Now I'm not questioning how it got here or anything else. It's not my business but I do know right there, talking about the Jetty Park by the way, Mr. Dannahower might know, his Dad onetime came to me and said "you know Wayne Rollins. I want to talk to him because you handled his property and he pledges 10 million dollars to UM, University Medical Center and we all met, your dad and myself, Hoyt Murphy at that time, at the Pelican Yacht Club. Mayor Dannahower presented it to Mr. Rollins. Mr. Rollins looked at it and said "what's this meal costing me?" and he put down \$10 and he said "let me tell you something. That university saved my life with heart bypass. The City of Fort Pierce didn't save my life. He wanted a million dollars for it. It sold for \$7 million. I'm not saying it's high or low or anything else. I'm not questioning prices. The prices that were here yesterday are not here today so if somebody is pushing you to close on that lot, don't be too concerned about it because it's like unpleasant girls, there's a trolley car coming every couple of minutes. There are people right now pushing those lots like you wouldn't believe because they paid a lot of money for them and they can't sell them and they can't build on them because they can't sell their product if they would build there. My thinking is sit back, take a look at it, find out what's available on the west side of A1A. I'm not involved in any property. I could care less about it but as far as having facts, I think I've built more products in South Beach than all of you put together. I can't think of a major, and Tom Knott will attest to this, I can't think of a major product for Mangrove Mattie's along through to Harbor Lights to the Old Days Inn to everything else I can't think of, and I know something about South Beach. Don't put people in jeopardy and don't let somebody frighten you into buying my property or else I'm going to sell it to somebody else. Let them sell it. Thank you very much. I appreciate your time.

Mr. Ken Irish said good evening Mr. Chair, Board members. I live at Avalon Beach Club, 355 South Ocean Drive. My name is Ken Irish. To this date, nobody in the Avalon Beach Club has ever received and we're within 500 foot of the area, has received a notice as of this hearing or today anyway. First of all, I would think Fort Pierce maybe doesn't know that there is a recession going on. We got high taxes, we got high utility bills and we're thinking about spending all of this money for a couple of lots that has no value at all as far as beach access. I've lived there for ten years and there's plenty of access south of us. There's the Jetty Park which we paid \$6 million dollars for Rollins property that should be developed into a parking lot and they'd be plenty access there. The cost is too high and it could escalate into millions by the time we put a paved parking lot in there. The access on A1A is not good for cars. It's surely isn't good for like he said, for people crossing the highway is 35 miles and hour and I live there I see these cars going. There are a lot of them doing more than 35 miles an hour. It really doesn't have much value. No beach access. The parking at Jetty and the other area south of there has plenty of access so it really doesn't have any value that way. It is a low area subject to flooding. The drainage area there would be a problem. We do have a drainage area and that, if you've ever been out there A1A has floods everytime we get a little rain. They're going to change that hopefully when they put the new road in there shortly. The cost to develop, I just can't see where we should ever spend that much money for this little access. The beach there has been pumped in there ever since I've been coming there for 30 years. It's been pumped into that corner. It is a grainy sand. It is not a very good beach area. You'd go south of there or over to Pepper park on the north side to get good beach area so I would hope that you consider this and turn this application down tonight. Thank you.

Chairman Johnson said thank you. Anyone else here to speak from the public? I'll return to the Board and entertain a motion.

Ms. Wood said I don't know if I'm ready to make a motion yet but maybe if I just summarize with my general comments on the project. I didn't really have any questions about it. I just in my view I think that the points about access to A1A are valid. I'm certainly not a traffic engineer but in my experience with F.D.O.T. and understanding the kind of traffic that is on A1A, I would think there would be concerns about an additional curb cut into the parking lot. Normally they would require turn lanes into and sometimes out of the parking lot none of which I assume are proposed for the improvements of A1A so I would imagine that to be a problem. Going forward, this application is being packaged as beach access and yet I know from my own limited experience of being in this community and going to the beach that about a mile south down the road there is a large parking lot on the east side. Every time I've gone there there has been no one there so there's plenty of beach access parking further down the road. If this is in fact parking to support fishing at the Jetty or the commercial activities around Jetty Park, that's a different issue but I don't think this is the appropriate location for that and I don't know that it's appropriate to have that kind of activity passing by these residential areas to get to that area. If that's what it's for then to me that's different from beach access. That's sort of off-site commercial parking. Speaking as an Urban Designer, I know without a doubt that placing a commercial parking lot mid-block in a residential areas is one of the most disruptive uses that you can have so I would never propose nor support it in a design. I think this location is very inappropriate. I will not

be supporting this application. I don't know what other discussion there is from the Board. I would be inclined to make a motion for denial so I'll go ahead and make that motion. I motion to make denial to the City Commission.

Chairman Johnson said we have a recommendation to deny the application.

Motion made by Ms. Wood and seconded by Mr. Hayek to deny the application for condition use to allow the construction of a public beach access parking lot in the R-4A zoning district on South Hutchinson Island on the property located at 309-311 South Ocean Drive.

Mr. Knott said maybe we can ask Mr. Walker. Do we have to state reasons for denial?

Board Attorney Walker said respectfully Mr. Chair, the only time that the Code requires that the motion expressly state the reason for denial is where you are dealing with a site plan.

Mr. Knott said thank you.

Chairman Johnson said any discussion from the Board? Alright, we have a motion to deny the application that's before us and a second. Could we have roll call please?

Those in favor: Mr. Hayek, Mr. Knott, Ms. Wood, Ms. Dixon, Chairman Johnson.

Those opposed: Mr. Lloyd, Mr. Poitier, Mr. Dannahower, Mr. Harris

Chairman Johnson said you're going to have to give me the count. Is it five to four?

Ms. Suarez said yes, five yeses, four nos.

Chairman Johnson said I'll have to remember. I don't remember all my rules Mr. Walker. Being that we're a nine member Board tonight, it's a majority pass. However, can we move forward from here with that?

Board Attorney Walker said it would go forward Mr. Chair, however, a recommendation would require a majority of the total board membership of six or more so it would go forward without a recommendation absent any further action by the Board.

Chairman Johnson said because we have a majority approval of that, the motion carries but it's moving forward without a recommendation. Is that correct?

Board Attorney Walker said Mr. Chair if it'll help I will reference the specific section that will respond to your question. Mr. Chair, Section 2-223(10) provides as follows: *"All recommendations from the planning board, for either approval or disapproval of any measure, petition, plan, program or proposal of any nature, shall be by a majority of the members serving on said board."*

Chairman Johnson said so the project moves forward without a recommendation. I don't know what that does to your contract. It goes to the City Commission without a recommendation from this Board. Thank you.

The next item considered: **Item # 8 - Waiver of Distance – El Tunel** – Request for Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption. The property is located at 3216 South U.S. Highway 1. The property is zoned C-3, General Commercial. The property owners are Theodore J. and Josephine B. Campo. The applicant/business owner is Irma Feliciano.

Chairman Johnson said can we have a report please?

Mrs. Ploetz said good evening again. The applicant is requesting a 2COP license to serve beer and wine for consumption on premises. Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where the establishment is located within 1,600 feet of another licensed establishment, church, or school, unless a Waiver of Distance is granted. The establishment is located within 1,600 feet of other licensed establishments but no churches or schools. The subject property is zoned C-3 General Commercial with a Future Land Use of CG, Commercial General. The properties to the north, south and east are also zoned C-3. The property across US Highway 1 to the west is unincorporated St. Lucie County with a zoning of CG. The proposed establishment will contain approximately 1,800 square feet of gross floor area with kitchen facilities and seating for 44 patrons. The hours of operation will be Tuesday thru Thursday 11 am to 11 pm and Friday thru Sunday 11 am to 2 am. Adequate parking is provided in the area. The construction of this building and surrounding structures predated the landscape ordinance. A total of 18 notifications for the conditional use were mailed to property owners located within 500 feet of the location. As of today, a total of 9 responses have been received, 8 of which approved and 1 opposed. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare and meets the criteria, staff recommends the Planning Board forward a recommendation to the City Commission for approval of the Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment.

Chairman Johnson said very good. Any questions of staff? Seeing none, I'd like to invite the applicant forward, if you'd like to come forward. Good evening. If you would state your name for the record.

Ms. Irma Feliciano said I am Irma Feliciano.

Chairman Johnson said anything else you'd like to? What's your name Sir?

Mr. Tony Solo said Tony Solo.

Chairman Johnson said good evening. Anything else you'd like to add?

Ms. Irma Feliciano said no.

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

Motion made by Mr. Hayek and seconded by Mr. Poitier to forward a recommendation to the City Commission to approve the Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption for the property located at 3216 South U.S. Highway 1.

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

Those opposed: none.

Chairman Johnson said okay, your project is forwarded with a recommendation. Thank you.

The next item considered: **Item # 9 - The Oaks at Moore's Creek – Phase I** – Approval of the Final Platt for Phase I of the Oaks at Moore's Creek Subdivision to subdivide 2.29 acres to create 13 lots for workforce housing. The properties are located north of Avenue B, south of Avenue D and between 12th and 13th Streets and are zoned R-4, Medium Density Residential. The owner/applicant/representative is the Fort Pierce Redevelopment Agency.

Chairman Johnson said can we have a report please?

Mr. Williams said Mr. Chair, members of the Planning Board. The Planning Board is being requested to review and forward a recommendation for approval for the final platt of Moore's Creek subdivision. This is the final platt to subdivide 2.29 acres located north of Avenue B, South of Moore's Creek and between 12th and 13th Streets to create a subdivision targeted towards essential service personnel with the objective of increasing homeownership in the area of the City. The property is owned by the Fort Pierce Redevelopment Agency as the result of land acquisition efforts that have taken the better part of three years. The lots will be sold to pre-approved single family homeowners through the Reach Program. The project was able to move forward with the aid of \$2,000,000 in grant funding through the Department of Community Affairs and the Department of Housing and Urban Development and completion is expected in the summer of 2009. The subdivision is consistent with the requirements of the current zoning classification of R-4, Medium Density Residential and land use of Rm, Medium Density Residential. The final plat creates a total of 13 lots ranging from 7,139 to 9,403 square feet, well above the minimum requirement of 5,000 square feet. The lot measurements meet the minimum requirements of 60 feet wide and 70 feet deep. As part of the development, 15 feet of Right-of-Way will be dedicated to the City on 12th Street and 13th Street. All affected departments have reviewed and approved the proposed final Plat. As the Final Plat meets

the requirements of the City Code and is consistent with the Comprehensive Plan, Staff recommends the Planning Board forward a recommendation of approval.

Chairman Johnson said very good. Any questions of Staff from the Board regarding this application? None? Anyone here from the public that would like to speak for this request? Against this request? Mr. Ward, welcome back.

Mr. Ward said Mr. Chairman, Board members. This is something I can address with some enthusiasm. My only wish that I had this evening was some photographs of the homes themselves. I don't know how many of you have been by and seen these homes on 13th and 12th Streets. They are certainly wonderful examples of homeownership in any part of our City. We're not building homes that would be appropriate for any certain kind of an area but we're building homes that anybody would be proud to have for neighbors. They look fabulous. I'm particularly pleased to represent a group that's I think making good changes in the neighborhood. With that, I'm here for your questions.

Chairman Johnson said anyone have any questions?

Mr. Poitier said they are really nice houses. I give you credit for that.

Chairman Johnson said very good. Thank you. Anyone here from the public that would like to speak for or against this request. Seeing none, we'll return to the Board.

Motion made by Mr. Hayek and seconded by Mr. Poitier to forward a recommendation to the City Commission to approve the final platt for the Oaks at Moore's Creek Subdivision - Phase I to subdivide 2.29 acres to create 13 lots for workforce housing for the properties located north of Avenue B, south of Avenue D and between 12th and 13th Streets.

Those in favor: Mr. Poitier, Ms. Wood, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 10 – Discussions/Other Business – Jetty Park Development Project** – Presentation of the planned improvements at Jetty Park.

Chairman Johnson said we're prepared to talk about Jetty Park. Is that correct?

Mr. Williams said yes Sir. As I load up the presentation, this particular item is for discussion. I have the following presentation to make. The F.P.R.A. Board with approval from the City Commission is in the permitting and plan design phase of the Inlet Jetty Park Projects. This aerial photograph shows in yellow the entire area that we will know as the Inlet Jetty Park project. Also Ms. Wood, I do want to say I appreciate your question on the lots last time, I wish I had this photograph to show you the distance but again, this is a

photograph that really shows that we live in a very very unique area and should be proud of our community. This is a close-up of the Jetty Park. City staff will submit an application to the 2009 Land and Water Conservation Fund Grant program for \$200,000 in grant funding to allow development of public outdoor recreation facilities in the Jetty Park property. The property is currently vacant and located in the OS-1 General Recreational Open Space Zone. This conceptual plan shows the outdoor facilities, the outdoor recreational facilities and the landscaping that would provide the public with additional recreational facilities at Jetty Park. All affected departments have reviewed the proposed improvement plan based on it meeting the requirements of the Code. City staff has received approval of the plans from the City Commission and neighborhood organizations such as the South Beach Association. As a courtesy to the Planning Board, Staff is presenting the Jetty Park Project Grant request and welcomes any feedback.

Chairman Johnson said very good. I have one quick one. On Seaway Drive, does the parking remain? Is that correct or no? The parallel parking, is that what that is?

Mr. Williams said Mr. Chair, the parallel parking on this plan does show to remain. There is an option for additional parking but at this time, the main emphasis was inside the Rollins property showing the additional improvements there.

Chairman Johnson said okay, Mr. Lloyd, you had a question?

Mr. Lloyd said I'm just curious. The allure of this property as a whole to me is it's proximity to the water. I'm just curious as to why the bulk of the green space isn't on the water? For instance, if I'm going to enjoy this park and I see we have like the game tables, I'm hemmed in between two parking lots essentially, well, between a street and a parking lot. Whereas, if I'm going to go to a park on the water I want to enjoy the water. I'm just curious as to why the bulk of the green space isn't towards the water? For instance, why wasn't it designed so that the parking space would be closer to the road whereas the recreational space would be toward the natural resource which is in the Inlet?

Mr. Williams said Mr. Lloyd, the funding for the purchase of the property boils down to this: the F.C.T. grant in the millions of dollars that the State is giving us and again Mr. Ward is here he might be able to help me if I do make a mistake on this, it was required to get the original F.C.T. grant to buy the property that amenities had to be there. Another factor is the Jetty itself which is owned by the Army Corp of Engineers and we're currently in the permitting process with the Army Corp for a long-term lease. The Corp is the owner of the property along the Inlet, St. Lucie County owns the parking area as we know now, and the F.P.R.A. has bought the Rollins property. Okay Sir?

Mr. Lloyd said yes, makes sense now.

Ms. Wood said it doesn't make sense to me. I'm sorry. I don't get the distinction of which pieces of property are which and if that was supposed to answer the question?

Mr. Williams said okay, I'm going to go back to the aerial photograph. What we have here is three property owners. If you can look on the map and it might be hard to see,

Ms. Wood said okay, I got it.

Mr. Williams said yeah. You've got the three property owners. To get the grant to help us reimburse for the purchase of it, we had to create that green space but also it added parking spaces as both the residents at the charettes and Staff and the public and the Boards all said we needed more parking at Jetty Park. One other thing is the Jetty again is owned by the Federal Government. The County currently has a lease agreement for the Spur Jetty that you see coming off of it. What I'm getting at is access to the Jetty must be there so there was some cooperation and requirements by St. Lucie County that we allow them to get to the Jetty for the beach renourishment project. That's one reason why we didn't sever the existing road system and I will go back to the aerial photograph that I first showed you that shows that the Jetty is a critical park that must have access. I hope I answered your question Ms. Wood.

Chairman Johnson said any other questions?

Mr. Lloyd said how many spaces is it adding?

Mr. Williams said approximately 100 extra spaces, well, a total of 100 spaces will be there. Currently, very good question Mr. Lloyd, I should have been prepared for that. What I need to do is look in my plans if you don't mind.

Mr. Lloyd said take your time.

Mr. Williams said basically what I'm thinking is, Mr. Chair, while I'm looking at that if there is any questions again for Mr. Ward about the original concept behind the Rollins property purchase I am the Project Manager working for Mr. Ward on the Inlet Jetty Park so I will have that information. I do apologize and I'll have the numbers on the parking right now.

Ms. Wood said Mr. Williams, I actually was charged, when I was on staff, I was charged with doing the concept plan for this so I happen to remember. I believe there are, I believe about 89 existing parking spaces just within the site not counting the street parking.

Mr. Lloyd said if that is accurate I think the acquisition of this property was two-fold. It was to create more parking and to create a green space and something better than just than a Bahia lot. When they finish the A1A improvements, I know there is going to be that parking across from the Jetty that is lost because you are not going to be able to park there anymore. There's probably about 12 spaces there. I don't know if in this area if we are really gaining any parking?

Mr. Williams said Mr. Chair, Mr. Lloyd, we definitely are. My recollection now is currently there is about 54 spaces at Jetty Park now. We're going to get up to 100. That's going to include the spaces in front of, I mean, Seaway Drive where the current parallel parking is now. In my respective opinion Sir, we're going to double the parking, we're more than doubling the open space and adding more recreation.

Mr. Lloyd said in meeting the grant requirements is there a percentage of green space and parking or is it?

Mr. Williams said the grant application required that specific elements be there so there was a choice of elements that was brought up at the charette and through the different Boards that you might recall. Again, you saw game tables. That was an idea of what could be done to move people around and folks that might not want to be at the beach sunbathing or might be enjoying the restaurants and after eating might want to go out and just converse. A fitness trail, you need quite a bit of linear feet to do the fitness trail and the workout. Also, a gazebo for entertainment, a larger gazebo would be in the middle. Basically, yes Sir, there was a requirement in the State and they looked at this plan before approving the F.C.T. grant and we were able to meet their requirements so the rendition that you see now before you is the fruition of multiple meetings and input. I probably danced around your question. There wasn't a specific percentage. It was basically staff working with the State agencies and the public on what they wanted.

Mr. Lloyd said here is what I'm driving at. That area has a tremendous lack of parking down there for people to enjoy the Jetty. Listen, I own a business down there so I know the area pretty well. I guess what my point is is that does this plan here maximize, is this the most parking we can get down there and still would be within the grant, and still achieve the purpose of why this land was purchased?

Mr. Ward said the short answer to that is yes Sir. Mr. Chairman if I could, Jon Ward, Director of the F.P.R.A. The stipulation of the grant, the F.C.T. grant is for open land acquisition. Generally and we, of course, have counted this as an urban park as opposed to a forest land sort of a thing and they require that we had not so much parking in there but there are four elements of recreation that they require as part of the management plan for this park. I will tell you that there has been a great deal of conversation by the F.P.R.A., the City Commission sitting as my Board as to the kind of recreation they want to see in this park and their view of this park is an adult park and they want passive recreation. They don't necessarily want a lot of volley ball kind of kids running all over the place and a lot of great activities – golf, what they call that thing, Frisbee golfing?

Mr. Lloyd said tranquil activities.

JW now they just want golf there, so they wanted more lower key kinds of things and I think that at the end of the day we've had two charrettes or three.

Mr. Williams said a total of three.

Mr. Ward said I think they had three public meetings and a whole lot of public input here "This is what we want" and the Board's been very vocal about it so I think at the end of the day like every Committee exercise this is an imperfect design but one that gets three votes. There could be more parking. There could be more active things. One of the good things that's not real evident on this thing is right in the middle of the park the little square piece there is the former coast guard watchtower that has been in there since the Second World War. Of course we've got that down at our Public Works compound. It is our intent to

restore it to the site. One of the things that South Beach doesn't have that it had traditionally is the height element. You don't go out there and see some distinctive interesting looking element that really draws your eyes to it. We think the restoration of the watchtower is going to be an interesting thing too. As far as historic preservation, Mr. Williams thinks he can get the Army to bring it over there in a helicopter. It'll be great if it'll save us some cash and we don't drop it on somebody. As I said, it's been a long exercise. Ms. Wood was involved in the early interbations of this thing. The Committee went with it. We're happy to listen to your recommendations and comments and if you think that there is something that we're missing here, we certainly entertain those kinds of things.

Mr. Hayek said this is a big change from the original concept we have and it's a very nice plan. On the aerial, it showed the yellow border around there, it has that walkway that goes all the way down behind all the other property?

Mr. Ward said we're in the process and Mr. Williams didn't address this directly because again, we have pretty strong marching orders from my Board that they want to think of these as two separate parks even though as a practical matter they're connected. You can see the long finger that goes down to the west there. We refer that as Inlet Linear Park and we're in the process of working through Walkway Development and all that sort of thing so it will extend the public's access along the water all down through there. I think that will be great little asset. It has its own set of problems. We're looking at dock removal now and there's some challenges to that and all that sort of thing. In a perfect world, if I could come up with adequate grant funding, I'd buy the Days Inn property. I'd love to see that knocked down and added to the park and then it would be truly a much larger park. We'd have the opportunity for more, again, parking and activities. The price as everybody knows is dropping like a stone. Finding the money for it has been challenging. We're looking at this as an element of a much larger kind of a process.

Mr. Hayek said was the City able to join the Corp in that one single easement that goes along that west finger?

Mr. Ward said I think so. Paul's been working with the Corp and he'd be more familiar than me.

Mr. Williams said Mr. Chair, Mr. Hayek, are you talking about the lease agreement?

Mr. Hayek said there was supposed to be, I guess it was predicated on that hotel/condominium. There was two easements: one the City had for a walkway and then the Corp had a walkway.

Mr. Williams said the Inlet Linear Park is totally going to be on Federal Government property. We're looking at a long-term lease that would go from Mangrove Mattie's eastward to the western end of the Jetty. The Jetty itself is going to be a separate lease agreement so the Corp understands this is two projects but the lease is going to be one including the Jetty and the Inlet. That's what's taking a little bit more time in the permitting that we thought. As Mr. Ward said, the docks that were damaged by the hurricanes. From

what the Corp is telling us, were built without permits and need to be removed. We're working to go through that permitting process now.

Mr. Ward said just for the Board's information and the public's information too, if you go out by the park or in the next week or so, there is some rock material on the Jetty Park parcel right now and that's some chinking material. They are working on the Jetty itself. It's not permitted and it's not part of the park development but we're just letting Public Works put it there. They said it would be there for about a week and then it'll be gone. That's not part of this process. We're just doing some work.

Mr. Lloyd said what's the timeframe? When do you anticipate breaking ground?

Mr. Williams said currently right now we're in the permitting process. Right now we are on schedule. Right now I'm going to go ahead and say May is when we're going to break dirt. I could be wrong depending upon any permitting hangups that we have. My wish and I hope to have this come true is that this park will be done before the end of the year.

Ms. Wood said I just wanted to acknowledge Mr. Lloyd's concerns. I remember when I was trying to draft original concept plans and trying to fit all of those solutions into one proposal exactly as those concerns were pointed out: trying to max out the parking on the site without ruining it, the public space, trying to draw the parking closer to the street and having the green space closer to the water. All of those are great goals but obviously given all the information about the grant I think that this is probably the best proposal.

Mr. Ward said I said exactly the same thing as an amateur park designer. Well I said "this is fairly simple. Look at where the asphalt is and look at where the water is, just flip flop it over and move it over closer to your thing. Lots of grass here". It just doesn't work that way.

Ms. Wood said I could keep hoping for, and I of course agree that there is more parking needed and that's an unfortunate hindrance to the businesses along the end of Seaway Drive there and I just keep hoping for better redevelopment opportunities at the Days Inn site or the corner site to provide shared parking for that area someday. But it's a great plan. Thank you.

Chairman Johnson said I agree. Anyone else.

Mr. Williams said Mr. Chair, thank you for the comments. They'll be duly noted and thank you for all of your input.

Mr. Ward said Chair, Board as I always say to my mother, thanks for having me.

Board Attorney Walker said is there some reason why the Board may not make a formal recommendation on this?

Mr. Williams said thank you Mr. Walker. That's a very valid point. I am here representing the grant's administrator, Christa Razem. Christa was blessed with a baby boy, I believe.

That was earlier this week or Sunday. Christa had prepared this. What we're talking about is a grant that came available that Christa is able to get in before the deadline for \$200,000. Mr. Walker, you are correct. As she was describing that to me, one of the processes of the grant is to make sure we go through this. So Mr. Chair, I would recommend that the Board consider approval of Staff moving forward with the grant application.

Chairman Johnson said okay. Seeing there. Do I have to do anything else with the public Mr. Walker? I don't think I have to. Anything in reference to public speaking or no?

Board Attorney Walker said Mr. Chair, the technical answer is yes. However, there are times when it is appropriate to defer to the discretion of the Chair.

Chairman Johnson said very good. Thank you. We'll move forward with a motion at this time.

Motion made by Mr. Poitier and seconded by Mr. Harris **to forward a recommendation to the City Commission to direct Staff to apply for the 2009 Land and Water Conservation Fund Grant in the amount of \$200,000 for the Jetty Park project.**

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

Those opposed: none

The next item considered: **Item # 3- Consideration of Absences**

Chairman Johnson said Mr. Reilly did call in. He's the only one absent.

Motion made by Mr. Knott and seconded by Mr. Poitier **to excuse the absence of Mr. Reilly.**

Unanimously approved by voice vote.

There being no further business, the meeting was adjourned at 8:30 p.m.