



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

CITY OF FORT PIERCE

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

DEPARTMENT OF PLANNING

"IMPROVING THE WAY WE DO BUSINESS"

PLANNING BOARD MINUTES

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, FEBRUARY 14, 2006, IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Donald Bergman (Chairman), Sunny Gates (Vice Chair), Robert Poitier, Pamela Williams, Charlie Harris, Margaret Benton, and Thomas Knott.

Members Absent: Misty Minton, Chuck Enns, and Jeremiah Johnson.

Citizens and staff present:

Linda Moore
Mike Menard
Gordon Lunden
Ernesto Velasco
Greg Boggs
Carol Scott
Derek Murray
Phillipe Jeck

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

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

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

Ms. Rose stated that Misty Minton and Jeremiah Johnson had called in but heard nothing from Mr. Enns.

Mr. Bergman stated – Alright, if there is no objection, we can give Mr. Enns opportunity to get here. And we can just do consideration of absences at the end.

Agenda Item #3 - Mr. Bergman asked – Has everyone had a chance to review the minutes of our January 10, 2006 meeting? Are there any comments or corrections that need to be made?

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE MINUTES OF JANUARY 10, 2006 MINUTES. Seconded by Mr. Harris. Unanimously approved by voice vote.

Agenda Item #4 – Conceptual Site Plan – The Meadows – To seek approval of the land use concept for a rural village generally located on Selvitz Road. Owner/applicant is Midway St. Lucie LLC, and representative is Thomas Lucido & Associates.

Staff Report – Mr. Chairman, Board members, good evening and Happy Valentine’s Day. The applicant has applied for a conceptual development plan review for a rural village with a neo-traditional design located on the east side of Selvitz Road half a mile north of Midway Road. The applicant is requesting a recommendation for approval for the land use concept depicted by their conceptual development plan. The property is 122.78 acres in size and is zoned R-1, single family low density, which allows for less than four (4) units per acre. The Comprehensive Plan identifies the property to be located in RL zone, low density residential of less than 6.5 units per acre. The applicant would be requesting a rezoning to a R-4, which would allow for up to 10 units per acre; thereby a Comprehensive Plan amendment would be required. The development is proposed to consist of 55, 6-unit townhomes buildings, 249 single-family homes for a total of 515 units or 4.2 units per acre. The exteriors are designed to be a neo-traditional style with front porches and front or rear-loaded garages. Alleys would service those townhomes and those homes with rear-loaded garages. The development would include several lakes, native preserves, and a recreation area with clubhouse, pool, tot lot, and tennis courts. Now, the limited detail of the submittal does not allow a complete review of the development plan to evaluate whether it fully meets requirements of the code. However, based on the limited review by staff, the following issues have been identified: The lot width for the single-family homes with the rear-loaded garages do not meet the minimal requirements for lot width of 60 feet in the R-4 zone; the storm water retention ponds are located along public roadways, which does not comply with Section 22-187 of the City code. The adjoining property located north of the site is zoned I-1, the other adjoining properties are vacant and have not been annexed in the City...they’re still in the County, and they’re zoned AR-1, which allows for one dwelling unit per acre. The proposed development may create some compatibility issues with the surrounding properties and, of course, project coordination with the County would be required. Any potential traffic impacts would require more comprehensive evaluation. Improvements and right-of-way donations to Christensen Road would be necessary to provide access to the development other than from Selvitz Road. And the emergency access points may be required to be made permanent there. They’re depicted there on the east side of the project. Sidewalks would be required along all public right-of-ways including Christensen Road and Selvitz Road. And the commercial element is nonexistent and the usable recreational space appears to be limited. School and fire station issues ...signing issues would need to be addressed. And perhaps even require even a new school and/or fire station. And one other note, the conceptual development plan review process and any approvals or recommendations which you grant tonight does not exempt the project from the complete site plan review process, nor does it bind the City or yourselves to those approvals. So, then in summary, the staff does recommend discussion by the Planning Board on the concept of the project and approval of the concept if it is in accordance with the City’s vision for that location and provided that, at a minimum, the issues are identified to date or addressed appropriately. Now staff is happy to answer any questions you may have, but also the applicant is here to provide presentation.

Mr. Bergman asked – Are there any questions for staff from the Board?

Mrs. Gates stated – I have a question... just concerning the plan analysis, Peter. I'm doing my math and I see 55 six (6)- unit townhome buildings and 249 single-family homes, and I'm coming up with 579 units. Is this just a typo right here because I see 515 or 4.2 units per acre? The first sentence in the first paragraph...I just want to make sure about the number of units.

Mr. Buchwald stated – Yes, ma'am, I took the total off the 515 units off the site plan itself at the bottom of the site plan where it indicates 515 units but doing that math you are correct. That does appear to be incorrect.

Mrs. Gates stated – So, the 4.2 units per acre would change?

Mr. Buchwald stated – It would increase because we would divide the total units...multiply 6 X 55 and + 249...

Mrs. Gates added – I just wanted clarification on the units and the density...

Mr. Bergman stated – Well, I think what's happened is looking at this, and Greg, answer me if I'm wrong, but I think you have a variety of building sizes...you don't have all six (6)-unit buildings...it looks like there are some 6's and 4's ...so that's where the difference is. So, the number 515 is probably correct, but I think the number of buildings may be right, that there are 55 buildings, but I don't think they are all six (6)-unit buildings.

Mrs. Gates agreed – They're not all six (6) units then.

Mr. Greg Boggs stated – Right, there are some extra four (4) and six (6).

Mrs. Gates asked – So, the actual count would be 515 at 4.2 units per acre?

Mr. Boggs – Yes, ma'am.

Mr. Bergman asked – Any other questions for staff?

Ms. Benton stated – I would like to address the issue of compatibility and ask staff what type of adjustment you would propose...obviously the surrounding areas are what they are. And I don't know if anything's going to be changed about that. So, what's the issue that you're raising about compatibility and what resolution do you recommend?

Mr. Buchwald stated – Well you have industrial adjoining to the north and they are proposing a 200 ft. buffer. Typically between industrial and residential you have some type of commercial buffer. And so certainly that would work and would be one alternative. Also, with the existing property around it being zoned at one (1) unit per acre, obviously a reduction density also could work in terms of providing that between making it more compatible with these surrounding properties, in absence of anything being done on the surrounding properties at this time.

Ms. Benton stated – Okay. Well, I do remember you saying that there is no commercial in this proposed development at this time.

Mr. Buchwald added – Not at this time, no.

Ms. Benton – Okay, thank you.

Mr. Bergman asked – Any other questions for staff?

Mr. Knott asked – Peter, has the applicant...is he aware of your concerns that you've outlined here in your report? And has he addressed these or ...?

Mr. Buchwald stated – No. And it's just part of the process that he just submits the site plan and then it goes before you and it's more of a opportunity to discuss and to bring up these issues and for him to make note of the issues and perhaps address them if he's so prepared for...or to take them back for revisions before going before the Commission. So, he has several options in terms of this, and the most of important of which is to listen to feedback that the Board members may have concerning the project.

Mr. Knott stated – But correct me if I'm wrong, but he had to go through the Site Plan Review Committee, is this correct? And weren't these items brought up to him at that point?

Mr. Buchwald stated – Yes, at the time of the Technical Review Committee the agencies had comments, some of which are incorporated into my comments here. And at that time we suggested, because of the scale of the project and its location, that we prefer he spends resources and money on preparing engineering drawings and going further down that road...perhaps he brings it before the Planning Board and the Commission in a conceptual phase to receive feedback and see if this within the vision of Fort Pierce.

Mr. Knott asked – So, the application that they made originally was not a conceptual it was for a regular site plan approval...

Mr. Buchwald added – ...A rezoning approval with a PUD ...

Mr. Knott asked – So, they wanted a PUD/Rezoning is that what they...?

Mr. Buchwald – Correct, yes sir.

Mr. Gibbons stated – Mr. Chair, February 25 of next Saturday (2006), we're going to be holding our first community meeting. And this is Phase I of this corridor, which is 25th Street to the turnpike...Midway north to Okeechobee; so that will be Phase I. Speaking of visions of Fort Pierce, we are going to be holding these meetings with the community out at in the field with them and establishing what type of developments that we're going to be having for these areas. Because we are annexing properties, as you know, in a very timely manner, so we're establishing future land use criteria with these meetings. This is the first area that we will be updating our future land use element of the Comprehensive Plan. What I've understood with this is that they want to go ahead with the Conceptual Plan, if it's approved, is increase from a R-1 zoning to a R-4 zoning, which is Medium Density Residential to an RL to an RM land use, which is Medium Density Residential. Both of those would require a large scale amendment to the Comprehensive Plan at this time because of our deficiency and the fact that we are rewriting the future land use

element. It's just something I would like the Board to consider is that this is under consideration. This whole area...we are meeting next Saturday...you're all welcome to attend. We will have a formal invite for you. But we are going to be shaping this in the next few months this element...these areas. And it's one thing to keep in mind that the large scale amendment process right now is not a very good option right now for this client because we are rewriting and we are having to transmit this to DCA. So, I would like to bring that to your attention.

Mr. Knott stated – So, what you're saying, Travis, is that ...well, I'm not really clear as to ...The underlying land use right now will support the density they're requesting...is this correct? It's just the zoning?

Mr. Buchwald stated – It's zoned R-1.

Mr. Knott stated – But the RL will take 6.5 units and they're under that with their proposal here...is this correct?

Mr. Buchwald – Yes.

Mr. Knott continued – But to get the density they have to go up to an R-4 and you can't have the R-4, which is 10 units per acre...

Mr. Gibbons stated – What I was trying to get at, Mr. Knott, was that to do a Comprehensive Plan...a large scale amendment right now is very difficult to assess right now because we are going to have the community's input on this process for this area. With the underlying land use...what is their density at the moment?

Mr. Buchwald stated – 4.2...the reason why they're requesting a rezoning is to be able to utilize the minimum lot sizes, which are smaller within the R-4 zoning, to create that village concept that they're trying to attain. So, that is the reason for the rezoning even though they're not going to be near the maximum density requirement because though R-4 does have that higher end density of 10 units then would require a change in the Fort Pierce Comprehensive Plan in order to accommodate that.

Mr. Knott stated – But what you're saying though, is that because of the meetings that you're going to have...the community meetings...you're anticipating that the City is going to go to a DCA...?

Mr. Gibbons stated – We're going to be amending our Comprehensive Plan in that case the future land use element, which is the land use for this whole entire area, will be incorporated; where it never has been...we've just been incorporating St. Lucie County's land use when we annex.

Mr. Knott continued – So, do you think that it's going to be upgraded to meet their request or...?

Mr. Gibbons stated – Well, that's one of the things that we're going to find out next week, is what the community and what the leaders and collective officials are going to want to do with this area. Now, if they think that an RM land use or a high density residential maybe a mixed-use commercial aspect then that's something that we would have to incorporate with rewriting that

element, which would benefit the client. But right now if you were to approve this project there is still a mountain to climb.

Mr. Knott continued – Right. And is the applicant aware of this? Or is this the first time they're hearing this?

Mr. Gibbons stated – Well, I believe that they've been told about the change of zoning. (Asking Mr. Buchwald) Was that mentioned to them?

Mr. Buchwald stated – They had indicated their desire to change the zoning to the R-4 for that purpose.

Mr. Gibbons stated – There are many steps to take in that process; especially for a large scale amendment.

Mr. Knott stated – Right. Okay. I guess we'll wait and talk to the applicant to see what they're aware of and what they're willing to do.

Ms. Benton stated – When you say this area, in reference to the rezoning, are we talking about even the surrounding area or just this particular...?

Mr. Gibbons stated – Well, right now, most of the surrounding areas are within St. Lucie County, except for the properties to the north. Our future land use element ...we will be addressing the land use and we will be incorporating those areas that are in St. Lucie County into our future land use. So, we will be looking at compatibility when we redesign this as well. It's just right now it shouldn't withhold or impede any approvals or denials from the Board, it's just a matter of if you see this is a good concept then that should help with the project...with the future land use element. And if this goes before the City Commission and they feel that it's a good project, then that will help us adopt the new element. But it's just for your information.

Mr. Bergman stated – Peter, one of your comments was about the lack of commercial; and that wasn't in your written response but it was one of your comments that you mentioned during your review. Typically we wouldn't have commercial in a R-4, but is this a new designation with this rural village or is this something that staff is anticipating ...a whole different zoning destination? Or what's...?

Mr. Buchwald stated – It's addressing some of the issues that we believe that the citizens and perhaps yourselves and the Commission might have with a rural village out in that area having access to a commercial entity to for instance purchase a gallon of milk, drop-off dry cleaning...where is that done? And in terms of planning, trying to consider those types of aspects as well, on a basis larger than just the project. How can that be...a project that size out there...making sure that we would want to economize or limit the number of trips, if we can at times, and so we don't overburden the transportation system. So, that's also to be considered of a project of this type.

Mr. Bergman – Okay. Any other questions for staff?

Mrs. Gates stated – Peter, on the second page of this analysis, school and fire station siting issues would need to be addressed, and school and/or fire station may be required to service the development. This is kind of a large development and this is going to impact the schools in that area where these children are going to be going to school. Do you feel like this is something to warrant? I mean they need to look into this pretty carefully don't you think?

Mr. Buchwald stated – Ma'am, yes I believe that the school board would have them indicate that as part of their system, and also the fire station district has indicated that it may be a concern to them as well. Because it's beyond their limit at this time.

Mr. Bergman asked – Any other questions? Alright, is there anyone here to speak on behalf of the project?

Mr. Greg Boggs stood and introduced himself and stated – I'm with Lucido & Associates. Everything that was spoken...we're obviously aware of all of these issues...And in an effort to be consistent with most of those issues is why we created the Meadows. It is out on the edge...it could be considered in the Country. You're familiar with the spot I'm sure. I'll just walk you through...here's Palm Lake...this is Oak Alley that is currently under construction. Here is Selvitz and which is currently industrial...this is industrial. By the way, over in the corner is where the new water plant will be. And Selvitz goes down another half mile or so...and Midway is to the south. So, this area is a mixture of various intensities in the future. (Referring to renderings) This is the County and this is the City. We've annexed into the City. And there is an R-1 zoning district on it now. We originally filed a Planned Unit Development (PUD), so the plan that you're looking at is consistent with the PUD. In discussions with staff we would like to keep it a little more simple, be consistent with the RL land use, lock in, which is about 4.2...4.5 units per acre. Call it an innovative community, which it is; I'll explain it here in a second. Rezone it to R-4, not have to deal with the Comprehensive Plan amendment because we are consistent with the land use below 6.5 and try to proceed on introducing what would be the first neo-traditional community in the County and fortunately in your City, to kind of break the mold of projects that you probably have been seeing. Some are ours, but fortunately we have a developer who wants to do this, and it's a wonderful thing to have a group that doesn't mind alleys...garages that aren't along the streetscape, they're all tucked in the back and they're rear-loaded and people all over the country are dying to live in these types of communities where we've clustered open space. We have an access of 40 percent open space. We have wetland preservation...upland preservation that we've taken into consideration in the layout. So, what we'd like to do is ...and the route we've chosen is to come before the Planning Board and City Council (should be Commission) as a Conceptual to get issues like we just heard out on the table so we can kind of overcome those hopefully. And you've got the reductions...the plans just rendered and the plan is on basically 122 acres. There are 266, two (2)- and three (3)-story townhomes modeled in the orange and brown color. And then the single family, on the edge, range from 50 ft. to 60 ft. wide. And they're all either alley-loaded or there will never be a garage in the front. You'll have to access through the alley, or where the garage is in the back, so you'll down like a small driveway beside the house to the garage in the back. And we're creating design standards that will require that. So, this will always be that themed neo-traditional community like that. I don't know if you have been to Pointe West in Vero...our nearest traditional community. In fact, we did that project...Albacoa, Celebration...those kind of projects, that begin to capture the historic traditional planning. And since this is an effort to hopefully get support from the White City folks, we hope to get that

support, because of the pattern of the development that we've used. And it's not a sprawling cul-de-sac-lake community that could be here. So the plan that we created that is shown here, has two (2) points of access off of Selvitz. It's not gated. It has a nice roundabout...paver stone...very welcoming entry. And we do, at this point, have the lake out front, and we had a protected wetland, that we found recently, may not in fact be protected as it goes with the water management district. So, we could revise that. I personally don't have a problem with water features out front; particularly in a community like this. It would be well-groomed, it could have geysers as a set entry feature. But we could easily change that and put the units out front and the lake centrally located if that's, of course, desired we could come back and look at that. But as you come in you'll be coming into a nice recreation package...pool and club, tennis courts, basketball, multi-purpose fields; that's the active. And then there will be trail systems around the ...40%...roughly about 50 acres of open space that will be used by the community, that would tie together everything. This is 200 ft. along the top that's bordering the industrial. And then we have wrapped the site with a 25 – 50 ft. average open space corridor. This is Christensen, and that's currently a dirt road that goes down to Midway. And we have at least two (2) points of access that we were going to use simply as an emergency out. But as we progress through this, people, I think, will be knocking on the door to pave that. And I'm not sure that other developers to the north and east may help us share in that. But again, all the product in the townhomes and in the single family are unlike what you've seen, at least around here. And again, if you go to other towns because of the neo-traditional idea that we had. In an effort to get your attention and hopefully get your support, when you place that form of development on 120 acres it should be done like this. Now let me go really quickly to your image board. These are projects...six (6) or eight (8) of those in the lower left-hand corner are from Pointe West. But this represents what the Meadows could look like and the theming and the character that would be provided in the streetscaping, the architecture, the way that open spaces are treated. You know the parks that would be available. I think that this series of images would adequately address what this thing would look like if you would drive the streets in the built condition. And I think pictures say a thousand words, if you could just walk through there, I think you would appreciate how the Meadows could be...how it could be turned into a very nice potentially award-winning single-family...a multi-family development. The other image that we've done is just kind of a graphic that represents in the community what is happening...with some of the houses. And we're working with an architect on the single-family and multi-family development. And it begins to show some character of the entry and the way that some of the yards would be treated with landscape. Let me just quickly address some of those issues. Again, when we filed we filed as a Planned Unit Development (PUD). And because of our discussion with staff, we thought maybe this could be the easier route to take. One of the issues in a PUD is what would be a required commercial district. We believe that in a residential community like this it's not suitable to have a commercial node for our residents; it's not big enough. Now maybe in a regional aspect there's a need for commercial there. But in a PUD, unlike in a typical PUD, it can all be a single use. But we've done many PUD's, they're all residential with various lot size and product, but it never, unless warranted, has a commercial component. So, one of the reasons why we shied away from that, and again, some support from staff and some direction, is to go R-4, innovative. And if we want to call it a rural village, which is perhaps what we want to call, I just as simply call it a T & D, a traditional neighborhood development. But if it wants to be a village then it's a variety of uses; it's all on the property. And in my belief, on 122 acres it's tough to get all that to work. But that's for you to discuss and decide. There was a comment about Christensen Road, again, I'm not sure what our future is on Christensen Road, but it very well may be a condition of approval that we, at

least, provide our fair share to pave Christensen Road. We feel like in the recreational and open space we're there. And we could, again, look at adding certain components...tot lots or whatever, if necessary. We are aware of school...we've had discussions with Marty Sanders and we are in discussion with the fire people...Captain Foxx. There was an initial question about the lots and the quantity ...it's true in the data block...that there are 515 units, 249 single family, and 55 townhomes, which range in a six (6)- to four (4)-unit mix; but it is 515. And Ms. Benton, I think that it's with the industrial and our buffer and the logic that it's adjacent to a light industrial, you would have a medium density residential with standard, I think, planning that you would find a heavier concentration in a multi or a medium density residential adjacent to a light industrial. Not a low density residential adjacent to an industrial. And, as Peter mentioned, commercial could be a transition, but I think a medium density residential could just as well be; particularly with our buffer that we've got. And Mr. Knott, you wondered if we knew ...we are very well aware of the concerns about the zoning, the land use; and hopefully that doesn't create problems for us.

Mr. Knott stated – Well, but Greg, on the staff's analysis here, I'm still confused about it. It says a rezoning to R-4 would require a Comprehensive Plan Amendment.

Mr. Boggs stated – Well, the reason that is, because R-4 allows up to 10, with innovative it may allow up to 12.

Mr. Knott – Right.

Mr. Boggs continued – Let's say through a developer's agreement, we lock our development into 4 ½ below the 6.5 allowed in RL, why would we necessarily have to make the land use RM?

Mr. Knott stated – Well, Mr. Chairman, I don't know, can they...? I guess we'll have to ask our counsel about that if they can ...with a development plan can you cloud future ownership of a piece of property zoned R-4 saying that you can't go over the underlined land use as it can only be 6.5 units per acre, but you're zoned for 10 units on top; and can we hamstring the future owner?

Mr. Bergman stated – Well, we could always suggest that Greg goes to R-2 or R-3, but then that gets into lot size, which I'm sure is where the underlying issue is.

Mr. Boggs added – Or going back to PUD, which maybe our future; I'm not sure...

Mr. Knott stated – A PUD, doesn't that create a problem with the underlined land use?...the RL land use?

Mr. Boggs stated – I don't think it does. I think we'd be fine in a PUD.

Mr. Bergman stated – Except a PUD you can get up to 18 units an acre or is that...?

Mr. Gibbons stated – No. It has to be consistent with the Comprehensive Plan, which is 6.5.

Mr. Knott stated – Mr. Chairman, I'm still...why are we at the R-4 when the PUD would work for you?

Mr. Boggs stated – It may have abrupt when we made the decision to submit this as a R-4. But we created it as a PUD. During the initial review, when the commercial component became an issue, we collectively agreed to get rid of that issue and don't do the PUD.

Mr. Knott stated – I see. I was looking at PUD...I don't ...is there something in there, Peter or Travis, that says in a PUD you must have...? I know you have open space requirements and environmental requirements and all of that, but is there a commercial requirement?

Mr. Buchwald stated – Well, Mr. Chairman and Board members, not necessarily, but it could be because that is the purpose of the PUD, is that it would afford the developer greater flexibility with regards to lot size and density up to a certain criteria meeting the Comprehensive Plan. But then it also allows the Commission to require over and above the code and one of those things could be a commercial element and opens them and allows them to put requirements on it that aren't necessarily in the codes. So, it's a tradeoff there. So that's a business decision and it's a strategic decision that is made on the developer. If the developer goes with the straight code, then he can maintain that he meets requirements of the code. Whereas a PUD comes to a decision process between the Commission and the developer at that point. But I would like to add that ...this is a relatively new process, although we've always had it, in terms of the Conceptual Development Plan Review Process. We haven't utilized it as much but we're encouraging more and more developers to take advantage of this and the only problem.... With the staff's review certainly we would identify issues. We don't want it to appear that we are overly negative regarding a project. We just want to be able to point out...because we certainly don't want to discourage the continued use of this process. So, we're still trying to frame in terms of how we should analyze these types of projects that have come before you in the manner so that we don't have that negative connotation necessarily. We really want to open it up for your discussion and receive your input; and that, along with the Commission's as well. And that's what the developer is looking for, I believe, and the applicant is how you feel about the concept; how about a village of that type of project in that type of the area at this time in the City.

Mr. Boggs asked – Could I get back to Mr. Knott's comment? If you look in that section in PUD, I think the key words are "where appropriate."

Mr. Knott stated – Yes, I saw that. Most of the time applicants want commercial. Here we are trying to force you into it...

Mr. Boggs stated – To be honest, I don't think our applicant is totally adverse to it, but how much?...where? If you can have some commercial in the clubhouse where you could stop...let's say there's a small area where you could get bread and newspapers, cigarettes, drinks, if that's what we're talking about. But are we talking about a free-standing building that I, as a traveler, could go in and buy produce? I'm not sure what's appropriate.

Mr. Philippe Jeck stood and introduced himself and stated – I'm an attorney for Jeck, Harris, and Jones, representing the applicant. And I'd like to help clarify the commercial question. The developer is not against the idea of commercial here, he just doesn't think it's going to work. He doesn't have the density to support commercial and you don't want something to fail. This is a new concept for this area and you don't want elements of it that fail. Their analysis and their

experience tells them that really the commercial is going to be located probably along Midway...that's very close to this development, but there is just not the critical mass. And if they thought there was a critical mass, it would be advocating a PUD use with commercial in there and we would bring that before you. Because that would make projects succeed. It's just that concern that it's just not there to do that...the critical mass in this location and the surrounding areas. And so we go to R-4 because you don't introduce the commercial element of it. And the only reason why you need R-4 is because ...we don't if for the density; we're not trying to get density increase, it's just that there's a multi-family component here, you know, the townhomes. The townhome is kind of a multi-family building. And you can't do that in R-1. So, we need R-4 to allow us to put the townhomes there to help the village concept. It's not for the density, and that's why a developer's agreement that would restrict the density to what's being proposed. It could be imposed as a covenant on the property and recorded that's there forever. And that way it keeps it within the land use, which says no more than 6.5 units per acre. So, that was the thought process that the developer went through to come up with this plan.

Mr. Knott stated – Mr. Chairman, if I could ask....these are all going to be fee simple ownerships?

Mr. Jeck stated – That's correct.

Mr. Knott continued – There are no rentals or subsidized or anything of this nature?

Mr. Jeck stated – No. That's not contemplated.

Mr. Knott stated – Okay. Thank you.

Mr. Jeck continued – And in this project we mentioned the concept of the school. According to the school calculations this project would yield 150 students roughly. So, it's not enough really to support a school by itself; especially in a broad age group. So, there is an impact on the school system but it's not a huge impact.

Mr. Bergman asked – Any other questions?

Mr. Knott stated – Mr. Chairman, before we close the ...before we go to our discussion...one final question. I think Mr. Boggs answered it, but I just want to hear it from the attorney here. You all are aware of the seven (7) concerns that the staff had and you were willing to address those or you are addressing those and you have no problems with those?

Mr. Jeck stated – Well, we didn't have the chance to see the staff's specific report, and I'm sure it would be available to us after the meeting. I'd say that most of the items that I heard him speak, and I was jotting them down as fast as I could, were ones that we had heard about before. It wasn't...I don't think that those are objections that staff is making they're just issues that need to be looked at and dealt with.

Mr. Knott stated – I just wanted to make sure that you all were, and Mr. Boggs covered most of them, I just wanted to make sure that the applicant is aware of them and has no issue himself with any of them, and it sounds like he doesn't.

Mr. Jeck stated – We have a reason or a manner to address the concerns that were raised, and some of the technical comments like the lot width, we can address that certainly.

Mrs. Gates stated – I have a question. On some of these renderings here, I see that some of them are front-access garages. Greg, I would like to find out just where they are located?...in the single family?

Mr. Boggs stated – The only ones on the minimal space requirement are the edge units, like this townhome along the edge.

Mrs. Gates – Okay.

Mr. Boggs continued – It fights nature.

Mr. Bergman added – I think she's looking at the residences not so much the townhouses.

Mrs. Gates stated – Yes, I'm looking at single family.

Mr. Bergman asked the applicant – It's just on Christensen isn't it pretty much?

Mr. Boggs stated – Yeah again, the ones along the edge.

Mrs. Gates stated – Okay. And the other ones are all accessed with alleys in the rear?

Mr. Boggs – Yes.

Mrs. Gates – Okay, thank you.

Mr. Bergman stated – Well, I don't see anything so innovative about this. They were doing this in the 50's and 60's.

Light laughter from Board members.

Mr. Bergman asked – Any other comments?

Ms. Benton stated – Yes. I think the proposal contemplates 50 ft. wide lots in some cases, 60 ft. is what you say is the requirement. But it was my understanding that at least in some parts of the City of Fort Pierce 50 ft. is okay...is allowed; is that not the case?

Mr. Buchwald stated – Not in that zoning district. Not in an R-4 zoning district. We do have some existing lots in which are considered non-conforming lots. And you're not allowed to ...there are some significant restrictions within the code that allows what you can do on a non-conforming lot. Basically all you can do is build a single-family on a non-conforming lot within the R-4 district.

Mr. Bergman added – Yeah, but you wouldn't be permitted to go in and initially plat a non-conforming lot. You would have to plat it to the standards.

Mr. Buchwald – Correct.

Mr. Bergman stated – So, one of the things...I mean this will come up, I'm sure, with the recommendations, but I think one thing for sure that you're going to have to look at is to figure out what type of zoning you want to go in with; whether it's going to be R-4 where you may have to conform with the lot size or try to squeeze this as PUD. That's going to be, obviously, something you may want to work with on the City Commission level. Any other questions?

Mrs. Gates stated – Greg, on that conceptual drawing here the landscaping...when you put this in, sort of speak, are they going to be adult trees? In other words, when this is all said and done, if it all goes through, does the developer plan to put in adult, mature trees so that the landscaping is going to look the way we see it in other words? It doesn't take 10 years for an oak tree to get up to where it looks like an oak tree. Do you see what I'm questioning?

Mr. Boggs stated – Well, we really haven't thought all of that through...

Mrs. Gates added – You haven't gotten to that point, I understand that. But it's something that I would like for you to think about it.

Mr. Boggs stated – We would be willing to do that. I think the code is 12 with 2 ½ inch?

Mrs. Gates asked – In other words, you're going to put it the maximum that it can ...?

Mr. Boggs stated – Well, within reason. Let's say the 12 ft. oak tree becomes a 16 footer with a 3 inch caliper...we'd be more than willing to do that.

Mrs. Gates stated – So, we wouldn't see any little fellows that take 10 years to get ...?

Mr. Boggs – Right.

Mrs. Gates – Okay.

Mr. Bergman asked – Are you planning to preserve the existing vegetation...the trees that you have...especially on the north property line? Maybe if there are any specimen trees that are located throughout the rest of the site?

Mr. Boggs stated – Yeah, there are just a few trees on the north and we saved about 75% and then some free-standing trees that we're hoping to maintain. We're trying to preserve...there are just a few oak trees out there that we can save. But other than that it's a cow pasture.

Mr. Bergman asked – Tom, did you have a question?

Mr. Knott stated – Yeah, I just wanted to follow with Sunny and ask about the rear-access residential lots...the ones that are abutting onto the backup to Christensen. Are those still going to be access...? Are you going to have 30 driveways coming off of there to get to the garages in the rear of those?

Mr. Boggs – Yes.

Mr. Knott stated – So, in other words, the intent for the other ones is to have an alley to serve the other ones right?

Mr. Boggs – Right.

Mr. Knott continued – But that particular one, which is not a double-loaded lot; so you've got a single lot that fronts onto the project road, but the access will be off of the back for their garage...is this correct?

Mr. Boggs stated – In the alley, right. You will access the garage from the alley...

Mr. Knott asked – Which alley? The one on the east side? ...

Mr. Boggs stated – The lots on the edge would be patterned after that image...

Mr. Knott added – But they don't appear to be the same size...

Mr. Boggs stated – Well, those are ...

Mr. Knott asked – Are those the same as the front access? They looked like they were the same width as the ...

Mr. Boggs stated – Well, it very well could be, Tom. There are lots ranging from 50 ft. to 60 ft.

Mr. Knott stated – Yeah, those ought to be accessed from the front because you don't want to have all those driveways coming off of that Christensen.

Mr. Boggs stated – Correct. Yes, they will be all accessed directly off of our street.

Mr. Knott stated – Okay. But that ...we'll catch that one when it comes back through again.

Mr. Boggs stated – I think I messed it up there a little bit, but the idea was that like most subdivisions you'll see the garage is the dominating visual down the street. And this ...the house...the façade will be standing out and the garage will be tucked back along the side yard. But it will still be accessed from our property.

Mr. Knott stated – Right, yeah. Thank you.

Mr. Bergman asked – Any other questions? (Addressing applicant) Thank you, sir.

Mr. Bergman asked – Was there anyone else here to speak on this project? Or anyone here to speak against it? Alright.

Mr. Knott stated – Mr. Chairman, my feeling on this just for discussion is that being that it's conceptual, and the staff has done a very good job of highlighting or outlining the hurdles or

concerns that they have, and they have no problem with it, the applicant appears to have no problem addressing it when they get to that point; and the fact that if you look at the aerial that's on the 11 X 17 here, that property on the north is pretty nasty. There's a concrete batching plant there and that's all industrial. And that's a pretty heavy duty industrial. And then if you look to the south of this project, it's your estate type...it's larger parcels, although I think there might be some commercial in there. Isn't there a nursery or something down in there? Somewhere, but anyway they're larger, older homes down there. On the east you have a residential subdivision-type of a development. So, I feel this one is a nice buffer between there to serve the development and this land, which would get it on the tax roles and be, I think, a good project for the community. With that being said, there is still the issue about the zoning, the rezoning, how they're going to handle that, and I don't think I want to get into that. I'm going to let them work it whatever is best for them. If they have to go to the DCA or work with the community input project that you're having this on Saturday, that's up to them. We can only go by what's been given to us. And that's my feeling. I'm ready to make a motion, unless more discussion.

Mr. Bergman stated – Well, before we make a motion I think I'd agree. We're doing several projects similar to this, and I think the developers' reluctance to stay away from the commercials are probably justified, only because of the small size of the project. And if there's any other further development out there, you're probably going to have some type of commercial center anyway. You're going to need to have...if they come in with three or four other developments similar in size of this you're going to have to have some type of a commercial center and a school area, some type of commercial institutional zoning to support all of these residences. I just don't think that, on a project this size, that you can cut a section out of it for commercial use and still expect to get the quality neighborhoods that you're trying to develop by doing this. But it's a nice plan, I think they have some issues...the PUD and the R-4 zoning will be a couple of issues that they have to deal with, but I think, like Tom mentioned, it's very well laid out. It's pretty well buffered, and I really don't even have an issue with the lakes being up front. I think the only thing I might suggest would be an entry feature where, instead of maybe doing the roundabout as you come in, maybe connect those two ponds or the one lake and the small pond in the northwest corner, and actually have a bridge feature. I think the size of that would probably meet DEP...the minimum lake requirement, just because the size was what?...one acre or something like that; I can't remember what it is. But that would keep that one small retention or the one lake area from being considered a retention area if you tied the whole thing together...maybe made a lake. And it might dress the front up. I like the project. I think this is the trend that the country's headed towards and I think it's when it's handled nicely I think it can be pulled off pretty well. Anybody else? Anyone else have a comment or anyone else to make a motion?

Mr. Poiter stated – He (referring to Mr. Knott) made a motion.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE CONCEPTUAL PLAN AND TO BE FORWARDED TO THE CITY COMMISSION WITH THE CONDITION THAT THE APPLICANT SHALL REVIEW AND ADDRESS THE SEVEN (7) CONCERNS THAT THE STAFF HAS OUTLINED IN THEIR SUMMARY, PRIOR TO COMING BACK FOR A FORMAL SITE PLAN APPLICATION. Seconded by Ms. Benton. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant – Alright Greg, you'll be notified by the City Clerk when this goes to the City Commission. Good luck.

Applicants – Thank you.

Agenda Item #5 – Site Plan – Dickson Holdings – To seek approval of a site plan for construction of a warehouse/storage facility generally located at Wagner & 7th Street. The owner/applicant is Dickson Holdings, and the representative is Ernesto Velasco, P.E.

Staff Report – Mr. Andrew Dickson stated – Mr. Chairman, Board members, the applicant, Gordon Lundeen, is requesting a site plan approval for a multi-unit warehouse/storage facility. It is located at Wagner and South 7th Street. The parcel size is approximately 4.42 acres, which contains four (4) buildings. Each building contains five (5) to six (6) units, in which several of the units contain restrooms. Staff concerns have been addressed except for the following: South 7th Street to Farmer's Market Road is unpaved, sidewalks are not provided along South 7th Street, a lighting plan has not been submitted under Section 22-58, office use in the unit should not be allowed due to parking constraints, storm water retention pond is shared with adjoining properties; that would be further discussed with the other applicant, B&B Warehouse. Staff recommends approval of this project with the following conditions: South 7th Street to Farmer's Market Road be paved by the applicant, sidewalks be provided by the applicant along the permitted streets, a lighting plan be submitted under Section 22-58 and be reviewed and approved by the engineering department prior to the City Commission meeting. We should also have lease restrictions, which should be implemented regard to office use in the units. A 36 inch hedge should also be placed along the perimeter of the retention area. The applicant's share of the storm water retention area be bonded also. If you have any questions, Mr. Gordon Lundeen is here with his representative.

Mr. Bergman asked – Did this go through TRC?

Mr. Buchwald stated – Yes, sir. This is a project that has been in the pipeline for some time and it originally was submitted as one project, but it has two separate properties. Each of those properties is owned by a separate individual, hence we ask to separate the project and each property has a different parcel identification and a different owner separate the two projects; so the subsequent agenda item is the other half of that.

Mr. Bergman stated – Because some of the items that are on here that are still outstanding are standard site plan requirements. The sidewalks, the lighting plan...these are all stuff that are on the checklist for site plan, I'm just surprised it got here if these are still outstanding items.

Mr. Buchwald stated – Mr. Chairman and fellow Board members, he did submit a lighting plan that we have available for your review, that we received this morning. And again, this is one of those where I think we encountered this during the last Planning Board meeting where a project that has ...with all the changes that have gone on in the Planning Department a project that has...I don't want to say ...slipped through the cracks, but that has been hung up...And we feel that we wanted to assist in terms of moving it through the process, so we've identified these issues that require addressed and they have requested that they be heard in front of you with the conditions that we have outlined. These issues are still required to be addressed certainly before they get to Commission.

Mr. Knott stated – Peter, did I understand you to say that they will take care of these items before it gets to Commission?

Mr. Buchwald stated – Yes, it won't be before the Commission until it meets requirements of the code, and in part of the ways we're improving how we do business in the Planning Department is improving the Technical Review process in terms of that it won't get past Technical Review until all of the items have been addressed and meets requirements. The individual agencies would sign off ...and we instituted at the last TRC Committee, but we do have some projects that are in the pipeline and have been in the pipeline for several months. And this is hopefully one of the last ones. And so we're forwarding the opportunity to work with the applicant and letting them know that we still have outstanding issues and it does meet the requirements of the code and that we're going to identify those to the Planning Board and at the discretion of the Planning Board, in terms of approving it with those conditions or requiring the applicant to meet those conditions before we return it to the Planning Board.

Mr. Knott stated – Because I agree with the Chairman on this. I remember these items would not get to us; they were always a done deal before ...that's what the TRC would do is address these items, outline them and give it to them and say correct these and correct these on your plans and then remake your submittal for Planning Board. They usually wouldn't get to us without a lighting plan, without paving of adjacent streets and what have you. So, if you're saying this is one of the last that will slip through like this, and as long as they're willing to do this before it gets to Commission. I just don't want the Commission to get the feeling that why is the Planning Board sending us stuff that's not complete.

Mr. Bergman stated – After comments from the Commissioners about some of the things we've approved lately, I have some serious issues with this. This has been in...you know there is a specific checklist of items that you're supposed to require that's been in that code for 20 years and it's always been there, and we've always had to comply with it. And I don't know how many projects that I've had shot down because one thing was missing.

Mr. Knott added – And if you don't get your 18 copies with the correction in two weeks before this meeting you just don't get on the agenda for tonight. But I'll leave that up to the Board.

Mr. Buchwald stated – Mr. Chairman, Board members, we're listening, we hear you. And maybe perhaps the applicant can provide some further information in terms of this particular situation and we insist that it meets the requirements of the code, and ...perhaps the applicant can provide some further information as to the situation we're in on this one.

Mr. Bergman asked – Alright, any other questions of staff from the Board? Alright, is there anyone here to speak on behalf of this project?

Mr. Ernesto Velasco stood and introduced himself and stated – I'm with the Velcon Group, and we're the engineers and planners for this Dickson Holdings project. I would like to take this opportunity to address a few of these things. And as Mr. Buchwald had mentioned before, this is a project that has been in for quite some time. We have gone through a couple of variations prior to going to TRC and we have complied with what we were given as the list of deficiencies for our

project. Apparently, and as you well know, some of these changes have been occurring through staff changes at the City, which have been somewhat interesting to deal with from our point of view. And we have tried, as always, to comply with all the codes and all of the deficiencies that have been brought up to our attention; we have done that. As for some of the items brought up tonight...the deficiencies still in our plans...I would like to address a couple of those. In particular the paving of 7th Street. First of all, it's a County road for the time being, second, I believe that the code reads that we have to have access ...we have to provide pavement to the nearest paved road, which we are doing by connecting...we are paving in front of a section of our property. We are connecting to Wagner, which is a paved road. We do have an ingress/egress easement with the property next door, which provides us access to U.S. 1. And we have complied ...we have met with the County as far as that section of 7th Street goes. We have provided for a sidewalk where possible. I don't know how familiar you are with the area, but there are certain physical restraints with the street, and again, we have met with my colleague from the County engineering department and we have been given a blessing. We don't have a blessing from Scott Hearing quite yet from Public Works...we have not had the opportunity to go through that process; however, the point being is that we have produced a set of plans that will be in compliance with the County, who again, is the owner of this road. And I believe that we have met the City requirements. One of the other things that was mentioned tonight by Andrew was a hedge along the detention area, which we're sharing with the project next door. This is the first time we've heard about that, but if it's in the landscaping code I'm sure our landscape architect will comply with that requirement as well; I don't see a problem with it at all. I'm sorry, I forgot about the other ones. Those were the two (2) major issues. The lighting plan has been added today, so I know that that's not an issue. And there was something else.

Mrs. Gates stated – A lease restriction.

Mr. Velasco continued – Yes. It's a light industrial zoning, I believe, for this property. What kind of lease restrictions are you looking at? Again, that's something new and I'd like to have a little more of an explanation on that before we commit to that.

Mr. Dixon stated – We want to put lease restrictions on the office...to prevent office use itself for the different units.

Mr. Velasco asked – Is that typical of this zoning?

Mr. Dixon stated – Well, under I-1...I-1 restricts retail and offices...more so it's stringent on retail or anything like that. What you would have to do is ...office use itself would put a strain on the parking requirements itself. So, we are trying to avoid that from happening. So, a lease restriction will be ...

Mr. Velasco stated – I'm sure that would be okay. If I can answer any of your questions or concerns.

Mr. Bergman stated – Well, I've got, I think, an analysis of staff regarding the offices...completely unrealistic. You don't see businesses opened...warehouses without an office. And to put that burden on the lease holder...on the lease...I think if you're going to do a warehouse like this I think you have to take into consideration that there is going to be some size of an office in there,

because most businesses are going to use them. They're going to put an office in there regardless of whether it's shown on there or not. And what's going to end up happening is you're going to have a warehouse complex that has office space in it and you're going to end up with a receptionist and maybe some other office personnel there, and you're going to end up with a crunch in your parking right off the bat because it wasn't considered initially going into the site plan. Staff might say that I'm wrong but I would almost guarantee that if you go out to the Crossroads Park you're going to find office space in every single one of those warehouses.

Mr. Buchwald added – Mr. Chairman, that's what we're trying to prevent. It's being advertised now as contractors-type warehousing where they'll store contractor...or any personal store items...use it for storage much like a mini-storage facility. But with the inclusion of bathrooms staff believes that there is a possibility that offices could be built in some of those units and the project is only designed for a warehouse-type parking for one (1) space for 600 sq. ft. ...office concept requiring twice as much ...one (1) space per 300 sq. ft. So, that is at a minimum ...A least restriction would be made to ensure that doesn't happen...that we don't have inadequate parking down the road.

Ms. Benton asked – Mr. Chairman, are we talking about two different things here? One, staff seems to be saying we don't need to...these units should not be used for retail-type offices. On the other hand, you seem to be saying by the industrial uses there is going to be some of the space inside use for office space for that particular business. And I don't see anything wrong with that. They're not inconsistent propositions. Are we talking about two different things here?

Mr. Bergman stated –The parking requirements are different for office space versus warehouse space.

Ms. Benton stated – Well, I mean if we're talking about just the owner of the warehouse having a little office in there, they got to have a little office in there haven't they?

Mr. Bergman stated – Not according to what they're proposing. It would restrict having offices with the lease restriction.

Mr. Velasco stated – I would think that your zoning with a 1:600 ratio in there allows or accounts for that sort of relationship with a person having...if you have a pipe business or a plumber or ...you would have to have desk in there to do your paperwork. And I believe that should be concurrent with this type of zoning, and the ratios that the code has should account for that.

Mr. Buchwald stated – Well, Mr. Chairman and Board members, if I may. For a warehouse-type of establishment or self-storage facility, that's assuming the majority of the space is occupied by warehouse itself. So, typically a large tens of thousands square feet with a small office in the corner. And in this particular project individual storage units ...each building with five (5) or six (6) units themselves. So, if each one of those conceivably had an office in it has a much different scenario than one single warehouse area with a small office in it hence the additional parking burden.

Mr. Knott stated – These are ...these have been before us before, I think, this project was. The plumbing plan shows that each building is going to have a water and sewage connection at the

north end. Is that what staff is trying to stipulate that that will be the only place that they can have an office or bathroom facilities?

Mr. Buchwald stated – Mr. Chairman, Board members, we're trying to prevent the situation that the Chairman outlined in terms of where it ends up where every ...those units are actually being used as offices. Each one has an office and where there is an individual staff there and occupying a parking space, as opposed to a self-storage facility or warehouse where you go and drop off an item for storage and then leave. You're not parking there all day because you're manning an office full time.

Mr. Knott asked – Has the staff seen the floor plans on this? Do the individual bays or units have bathroom facilities in them or plumbing?

Mr. Buchwald stated – Yes, sir. In the outline there were several units that are proposed to have bathrooms I believe.

Mr. Knott stated – Each building is plumbed for it. They have a water and a sewer connection at the north end, but beyond that as you go all the way down the length of the building I don't see any other floor plans in there unless there is something inside here...Don, do you find any bathrooms...any floor plans in there that shows us ...?

Mr. Bergman stated – There are some unisex bathrooms shown...

Mike Menard stated – They're set up to be stubbed out to provide a restroom and generally speaking we've done hundreds of these warehouse-type facilities throughout the tri-county area. And they generally allow for a 10 X 10 office. Now if you want to put a restriction on it based on the parking...we have an additional 12 spaces, which is one (1) space per 300, you said, of office space. So, that's 3,600 sq. ft. of allowable office area based on the additional parking. So we can divide that up amongst the units and put a limit on the office size. That way it covers the parking, it covers what our client is trying to do, which is provide a small single office, and warehouse for plumbers, electricians, where they need a single small room to have a desk, phone, answering machine, where they can make their orders for their supplies and be able to get their materials and go to work. It's very much similar to what's next door to the police station where there is a mini-storage and an office warehouse, in which you have a small office place to store your commercial vehicles that are full of electrical and tools and miscellaneous items of that nature.

Mr. Knott stated – Mr. Dixon, are you in agreement with what ...? What is your name, sir?

Mr. Mike Menard introduced himself and stated – I'm with Cook and Menard Architecture.

Mr. Knott stated – Okay. Are you in agreement with that to go ahead...you're willing to stipulate ...to put a condition on what size you're going to have or how many? Is this correct?

Mr. Menard stated – Well, you know, as long as the owner is willing to do that. But I'm just looking at the parking calculations. We have all additional parking spaces, which is equivalent to 3,600 sq. ft. of office.

Mr. Knott asked – 3,600 sq. ft. for the whole complex or for each building?

Mr. Velasco added – That would be additional, Mr. Knott. Again, I think that when the relationship between the parking spaces and the square footages of this type of zoning were arrived to, I would assume that that was in mind when they did those relationships. You know, obviously, these guys need to have a place for ...and so therefore I would think that 's how they would arrive to that relationship.

Mr. Knott continued – So, there's enough parking for 3,600 sq. ft. of...?

Mr. Velasco added – Yes.

Mr. Knott continued – So, what I'm trying to do is find a middle ground here for us to get this off any sooner. So, if we could stipulate that the plan, as submitted, will only support 3,600 sq. ft. of additional ...of office space, you all would be comfortable with that?

Mr. Velasco stated – Additional yes, additional being the key word there.

Mr. Knott stated – Yeah, in addition to the required parking for the gross square footage, there is enough additional parking for 3,600 sq. ft. of office space to be used wherever you want to use it. Mr. Chairman, does that sound right to you? Does that make sense?

Mr. Bergman stated – I'm not sure.

Mr. Knott stated – That's what I'm asking, to see if maybe staff could give us some direction.

Mr. Buchwald stated – Without being able to calculate it...would it be allowed? Offices would not be allowed unless they provided parking for them. So, in addition to the parking that they have provided, so if there are 13 additional spaces...if you subtract the 13 additional spaces, and that provides enough parking for the one (1) space per 600 sq. ft. total units, and on top of that there are 13 additional spaces allow for 3,600 office space within those units, then that is what the limitation we would expect within the lease agreement....the total number of office square footage allowed total for the project.

Mr. Knott stated – Okay. I'm looking at their site plan here and it says they have ...just for the gross area of 50,800 or 80 they need 84 parking spaces. And they said they have provided 96 parking spaces.

Mr. Bergman stated – Yeah, they have 12 extra.

Mr. Knott stated – So, you have 12 extra parking spaces.

Mr. Menard stated – Yes, not counting the bays where the roll-up doors are where they're going to store their vehicles. And according to previous circumstances with the City of Fort Pierce, although things change quite frequently here, you are allowed to utilize covered parking or inside parking.

Mr. Knott stated – So you do have some inside parking?

Mr. Menard stated – Everyone of the buildings, according to plans, or at least the larger buildings, not the small buildings off to the side, but even those have roll-up doors for commercial vehicle parking, which would be your plumber's trucks, your electrician's trucks...all that type of use. So, I mean if we want get really nit picky on the parking, I can draw in a car spot in every one of the buildings, and then we would have more than enough parking.

Mr. Knott added – Assuming they don't have it filled up with products and equipment.

Mr. Menard stated – Well, every plumber I know and electrician I've ever dealt with, or contractors, have tools in their trucks, they have wall-to-wall shelving/storage and they have room enough to back the truck in.

Mr. Knott stated – Yeah, I understand that. What I'm trying to find is what staff is going to be happy with here, and what you all can live with. And that's all I'm trying to do. And I'm just going to sit back here and just listen to you guys for a while. Thank you.

Mr. Bergman asked – Any other comments?

Mr. Menard added – Well, I can add something into it. We have gone through Technical Review. The Planning Department, as you're well aware, has changed to several people and also that there are no design standards required or not in effect at this point in time. And Mr. Lundeen has worked very hard with the Planning Department and has been very willing to address certain things and spruce up the facility adding architectural features. And if you've gone by the site you're also aware of the buildings next door which are nothing but code violations with fuel, oil, so forth spilling on the ground. And he's trying to get that area cleaned up. He's been on the Building Department, with Code Enforcement, trying to get those other issues addressed with adjacent properties. I've worked with Mr. Lundeen for probably 15 years now; he does top quality work and he keeps his places very nice.

Mrs. Gates stated – Mike, I was just concerned because some of the staff recommendations I have heard that maybe this was the first time you all heard these tonight.

Mr. Menard – Yes.

Mrs. Gates continued – I'm concerned about this, because, as you know, the Commission has kind of come down on us a little bit and we are trying to do the right thing also.

Mr. Menard – Right.

Mrs. Gates continued – I'm very much wanting him to do this project, but I want to make sure that my vote is going to be cast correctly in the fact that you all understand what ...now they're adding ...that I'm understanding that you all have just heard tonight; I'm concerned about that. And I don't know whether you can address that yet or not; and if you can't I don't know whether it would be better for us to table this....I know you don't want to do that but and I don't either but I would

like to make that all of these things have been addressed and agreed upon before we let it go. I hope you understand where I'm coming from.

Mr. Menard – Yes.

Mrs. Gates stated – And then have the applicant say no...whatever. So, that is my concern as a voting member of this Board tonight. Are you the owner?

Mr. Lundeen stated – Yes. We could add probably 50 parking spaces to this project easily.

Mr. Bergman asked – Could you state your name and address for the record please?

Mr. Gordon Lundeen stood and introduced himself and stated – I live in Indian River Estates. The back sides of everyone of these buildings...I have parking on the front side, which is the designated parking, and on the back side we have a working space, which we add parking spaces to if we have to be required of these office spaces. Now, what we had talked about initially was that these were going to be minimum of about 1,600 and change foot a piece...six (6) bays across these big buildings. And they have a stub-out for a bathroom and they would have a minimal size office, a 10 X 12 or something like that. Now whatever those office spaces are, if this committee is going to be to the point that we need more parking for that particular office space, maybe we can calculate that square footage for the office space and add that footage back into this project. Because the room is there, the pavement is already there; it's just the designation for the parking spaces is not. We can probably add that in there and everything would be fine as far as the pavement on the road and the off-site improvements. I think that we've done an excellent job at doing off-site improvements, and addressing all of the issues that the code requires. The objection that I have is that we don't get this feedback until the last minute. And we haven't gotten it because the City has been in turmoil.

Mr. Bergman stated – You know, I can take that to a point. But you know, this code has been in place for 20 years, and these requirements have been in place for 20 years, and you guys are expected to meet them just like everybody else does.

Mr. Lundeen stated – And we're meeting everything.

Mr. Bergman stated – No you're not. You don't have a lighting plan.

Mr. Menard stated – Yes we do.

Mr. Bergman and Mrs. Gates stated – We don't have it.

Mr. Lundeen stated – It arrived today.

Mr. Menard added – We were given until today to have it...

Mr. Bergman stated – Mike, let me finish. The sidewalks aren't provided and you've got storm water shared between two parcels. Now, the storm water issue may be a thing within the City Engineering Department...they may have to determine if that's going to be something that's

allowable. But I know the lighting plan and the sidewalks have been in that code ordinance for 20 years.

Mr. Lundeen stated – We have sidewalks, we have the off-site improvements, there are sidewalks in the off-site improvements.

Mr. Bergman stated – I'm just going by what they've got on here what staff has pointed out.

Mr. Lundeen stated – We have a plan right here with the off-site improvements.

Mr. Knott asked – Which page is that on? Is that on 2 of 8 or ...?

Mr. Velasco stated – Mr. Knott, no we do not have a specific set of plans as a part of this package for you. It is shown on our plan, it is shown on sheet 1 of 6 on the Seventh Street. And we do show the sidewalk in there. But again, our construction drawings, or detail drawings are being submitted to the County, not to the City.

Mr. Knott asked – Oh, that's a County road?

Mr. Velasco – That is correct.

Mr. Lundeen added – If you look at 5 of 8 you can see the sectional detail of the sidewalk plan.

Mr. Bergman stated – Oh, that is just a standard detail.

Mr. Velasco stated – But once again, it's on the site plan...it's shown on sheet 1 of 6.

Mr. Lundeen stated – We had Mr. Dixon go out and take a look at the site itself. We talked about the sidewalks. He wanted it on our side of the thing and we have a major ditch on our side...a large canal. So, we offered to put the sidewalk on the west side of the street, which is what Mr. Dixon approved of, and it's the way we've drawn it in.

Mr. Velasco added – We're not providing the City with construction details for that. Again, this is a County road and this is where we're submitting our plans to for that. It is shown in our site plan though.

Mr. Lundeen added – And we have met with Mike Pauley? of the County Engineering Department, he was quite satisfied with our drawings.

Mr. Knott asked – Did the City staff get what you gave to the County?

Mr. Buchwald added – No, Mr. Chairman and members. And again, apologize for ...these...again, the background on this situation is...because obviously now we're at a point, I think, that perhaps we may recommend that this be tabled. Because we met with the applicant and identified that there was still some outstanding issues including the lighting plan. The applicant indicated that that was the first time a lighting plan had ever been required of their application before. So, we said no, it's required, we need to meet requirements of the code, but

recognizing that they have been caught within the change of staff several times and so some of these items may have not been communicated back to them by the previous planning staffs. They recognized that we would be working with them and have to work with them and bring them before you by identifying these issues and by requiring that those conditions be met before going to Commission. Obviously we're not getting anywhere in terms of having those addressed, and so at this point it's not...we're not at the point at to where we think that it needs to be. So, we might consider postponing this item.

Mrs. Gates stated – Well, I, as a Board member, am to prepared to make that motion. I feel very comfortable that these things need to be addressed and ironed out. And it does not appear that there 's good communication here so.

Ms. Benton asked – May I just make a comment? I know we often approve subject to recommendation being met by the applicant, maybe I'm missing something here tonight, but I'm hearing that all of these recommendations have been met. And if they have been it's a matter of the two getting together and verifying. For example, if the plan has gone over to the County. It's a simple thing to get a copy and give it to the City. Or get something more than what we've got here, which shows on their plans that there is a sidewalk provision. I heard tonight that the lighting plan had been given until today to get that lighting plan in. They represented that the lighting plan is here now. They don't have it before us right this moment. Did everybody work out the details on the parking and the restrictions on the office?

Mr. Lundeen stated – That was the first time that we heard about these parking restrictions...

Ms. Benton continued – But nevertheless I heard the owner indicate that he could have oodles of parking space. So, that should be able to be resolved. And also the other item. So, unless there's something else I don't know if we need to table it. I wouldn't want to see it tabled.

Attorney Walker stated – Mr. Chair, with your permission I'd like to briefly examine staff so that perhaps I might make a recommendation. With respect to the roads, it's my understanding that the applicant does not accept staff's recommendation that 7th Street be paved. With that in mind, then Mr. Buchman (should be Buchwald), does the code require that the site plan include pavement for 7th Street so as comply with our codes and ordinances?

Mr. Buchwald stated – The pavement of 7th Street is brought up as an issue by both the Engineering Department and by the Building Department.

Attorney Walker continued – Does our Code of Ordinances require that the applicant pave 7th Street?

Mr. Buchwald stated – I'm not aware of that at this time. I do not know.

Attorney Walker stated – If our Code of Ordinances does not, as part of the site plan approval, require pavement of 7th Street, then what is the basis for requiring that of the applicant?

Mr. Buchwald stated – Because it reduces the level of service to the surrounding roads, and puts an undue burden...I believe the majority of trips will be going out to U.S. 1. So, it will extend from

7th Street to Farmer's Market Road. And one of the other things that needs to be considered is whether or not the project reduces the level of service on the surrounding roads and puts an impact on those roads.

Mr. Lundeen stated – And I disagree with that.

Attorney Walker stated – Excuse me sir, I'm not finished. Would you allow me to finish please?

Mr. Lundeen – Yes, I'm sorry.

Attorney Walker continued – Thank you, sir. This is a site plan and we're bound by the requirements of the Code of Ordinances. Now, if you're telling me that this is not consistent with the Comprehensive Plan, then that's another issue. But if you're telling me that this site plan conforms with the Code of Ordinances and that you are imposing requirements on the applicant over and above what the code requires, then from a legal standpoint, I'm not sure you can do that. And that's why I'm asking you to tell me the basis for that requirement. I might add, Mr. Chair, that this meeting is not a forum for legal argument over whether the Code of Ordinances applies or not. That sort of dispute is suppose to be handled at the administrative level with a Right of Appeal to the Board of Adjustment where necessary. Only when it's determined that the site plan does meet code requirements, does it come before this Board.

Mr. Buchwald stated – Mr. Walker, I'm not prepared to answer whether or not that paving of 7th Street is required by the code. I would suggest then that the staff be allowed some time to research that particular item.

Attorney Walker stated – Mr. Chair, it would be my recommendation that, unless or until it could be verified that the site plan conforms with our Code of Ordinances, that the matter not go forward to the City Commission.

Mr. Bergman stated – Alright, thank you, Mr. Walker. Any other discussion?

MOTION WAS MADE BY MRS. GATES TO RECOMMEND TABLING THE SITE PLAN IN ORDER FOR STAFF AND THE APPLICANT TO GET THEIR CONDITIONS CLEARED UP AND BROUGHT BACK TO THE PLANNING BOARD IN 30 DAYS. Seconded by Ms. Benton.

Mr. Bergman asked – Is there any discussion on the motion?

Mr. Knott stated – I would just like to say that I don't know how we've been getting in this position quite a bit lately. And I don't know why because just looking at the ordinance for site plan. It's all pretty clear in there, and I'm not blaming you all for it because that's what staff is here to tell you here....Site Plan Review...22-58...they've got storm, sewer, they got surveys, they got lighting plans...I mean the whole thing is right in here. And for this project to get to where we are where we have to table this, I just don't understand. And I feel sorry for the applicants because I know that they ...time is money. And they want to get this thing going. And I'm not sure that we're addressing some of these comments. And I think Mr. Walker pointed out, if 7th Street is an issue, if the lease restrictions are in our purvue or not. I guess that's what you're going to find out now that we're going to delay the project. So, that's just my comment on what's happening.

Ms. Benton stated – I understood the question that Mr. Walker raised. And actually it's a legal issue as to whether or not the pavement is required of 7th Street of the ordinance; that is my understanding. Now I know we have staff and we have legal staff and I would wonder whether legal counsel could go ahead and answer that question. Because it's actually legal counsel who would be advising the other staff members on that point. I don't know to what extent. Until they get advise from the legal office, I don't know to what extent they're going to know the answer to that. So, Mr. Walker, can you actually answer that question tonight?

Attorney Walker stated – Interpretation of the Code of Ordinances in the first instance, is the responsibility of Planning staff, which works with our code day in and day out. From time to time, staff may find itself in a position where it requires legal input and advise. And at those times it will ask the City Attorney's Office for a legal opinion and we are happy to give it when there is opportunity to review the query, review the Code of Ordinances, and discuss it with staff. It would not be appropriate for me to offer an opinion off the cuff here tonight because number one that's the primary responsibility of staff. But number two, even if they did determine that staff expertise was not sufficient to apply the code without legal input, I would not be in a position to offer an opinion at the top of my head without a little bit of study. So, respectfully it would not be prudent for me to offer an opinion tonight as requested.

Ms. Benton – Thank you.

Mr. Bergman asked – Mr. Recor, did you have a comment?

Mr. Recor stated – It's probably best that I don't speak right now.

Mr. Bergman asked – Alright. Any other discussion?

Mr. Lundeen stated – I have a question. If these comments or these questions that are in debate right now are easily resolved, do we have to come back before the Board? That's my big question.

Mr. Bergman stated – Well, the biggest one that I've seen ...I mean the sidewalks you do have. They were not on the first couple sheets but they are on the back ...

Mr. Lundeen added – The sidewalks are in there. We have a nice little guardrail system. The water has been taken care of on the street. It's a nice plan.

Mr. Bergman stated – Well, the only thing that I see, obviously, this paving of 7th Street may be an issue. I don't know. That's something that ...

Mr. Lundeen stated – Now the paving of 7th Street that I have an issue with is from my property line to Farmer's Market.

Mr. Bergman stated – I understand that, but what I'm saying is I don't know why that was even brought up. That's staff's comment, so I don't know what the basis for that is. The lighting plan is per code, that is under Section 22-58, that's not in here. The offices in the units...staff feels they

should not be allowed due to parking constraints. Now I don't know if that's been taken into consideration or not when you did your calculations...may or may not be.

Mr. Lundeen stated – First time we've heard about it.

Mr. Bergman stated – Well, it's in the code under parking requirements. And then the storm water detention being shared with the adjoining property. I don't know how that 's going to be interpreted by City Engineering, I have no clue. That' something that I generally don't get into and the civil engineers deal with. But those were concerns of staff; the only one that I can see that should have been addressed was the lighting plan, because that is a requirement on the site plan list. So, these ...

Mr. Lundeen added – And we were given until today to come up with that.

Mr. Bergman stated – Well, anyway. Those are the issues that staff has brought up in its report. And, like I said, the one that does has substance is the lighting plan. That is the only that is spelled out in the list of requirements for site plan.

Ms. Benton stated – I have a question. How long, generally, is it between our meeting and the City Commission meeting if they were to go before the Commission?

Mr. Bergman stated – I don't know. They would have to advertise for it.

Ms. Benton asked – What?...two or three weeks?

Mr. Bergman stated – A couple of weeks, yeah.

Mrs. Gates asked – Am I understanding, Mr. Walker can clarify this, but there has been a motion and a second on the floor to table this issue. When it's tabled it must come back before the Board, is that correct, Mr. Walker?

Attorney Walker stated – Mr. Chair, that would be correct.

Mrs. Gates – Thank you.

Mr. Dixon stated – Mr. Chair, pertaining to the paving of South 7th Street, that came up from the Engineering Department. The Engineering Department recommended that along 7th Street to Farmer's Market be paved. They had further discussions with Hector and he was requesting that South 7th Street from Wagner...matter of fact, it's from Wagner to his property line to the end of Farmer's Market Road to be paved. The client suggested that he would have it from his property line to Farmer's Market be bonded. And after maybe five years, if it's not developed...if it's not paved by ...there is another development across from his development, which he is planning to send in development plans...site plans. And he was there saying if that plan is not developed within a five-year plan, he will actually pave the entire street from Wagner to Farmer's Market.

Mr. Lundeen stated – I'm not opposed to doing the right thing, you know. And I've addressed the architectural design of the buildings, which is over and above the code. I've dressed them up; I've

put more money into them. I'm willing to bond out a piece of road that's 175 ft. or something approximately. There is another contractor, Cobra Construction, has bought that piece. And Travis has talked to him on a couple of occasions. And they're coming in but they're...I don't want to pay for somebody else's improvement. Now if he doesn't in I'll bond that piece out and I'll pay for that. And I think that's reasonable, you know.

Mr. Bergman stated – Well, like I said, I don't think we're...we haven't been involved with any of discussions you've had with staff or the Engineering Department, so I really....

Mr. Buchwald stated – Mr. Chairman, Board members again, if I may, because obviously this situation is a one that we promise is not going to be repeated again. The situation was that the applicant had indicated that he had received direction from previous staffs, and being relatively new staff here, wanted to work with him to get to this point. And identifying that these are issues that would be placed as conditions before you. And obviously this is a different situation. Now we're hearing we were...and we're in no position to solve these issues at this time or in front of you. And this is not the forum for that, as Mr. Walker had indicated. So, I would encourage, again, that this situation, I can't stress again, is something that will not be duplicated. We hear you and we understand. And we intend to meet the requirements of the code and we intended to work with the applicant that these conditions would be brought up and the lighting plan would be provided, and then we go before you with that. And obviously the situation has not resulted in what we had intended it to be. So that we would recommend that this be tabled until we work this out in a suitable forum that is which is the administrative, and does not come before you until it meets requirements of the code.

Mr. Bergman asked – Okay. Is there any other discussion?

Mr. Poitier stated – Yeah, I got a question. How long will that be....until the next meeting?

Mr. Buchwald stated – Yes, the next Planning Board meeting. Yes. And if it meets requirements of the code. We hear you and again, the situation was that we were going to bring before you with these conditions that they would be addressed, and obviously we're not there yet. That didn't work out that way. And so we will not bring it before you again until it meets requirements of the code. We've been trying to work with projects such as these and other applicants who have indicated that their projects have languished in the pipeline, and they haven't received any direction. We intend going forward in the Planning Department. We plan to improve and provide the direction they claim they haven't received in the past, including when they indicate that they've never been asked to prepare a lighting plan before we asked them at this time. And so these are things we're going to make sure that they're aware of and has always been in the code, and should have required, and they will be required going forward.

Mr. Poitier asked – Mr. Chair, we have a first and second on the floor?

Mr. Bergman stated – Yes. Could we have roll call please?

Recommended for tabling by a roll call vote of 7-1.

Mr. Bergman stated – Alright. The next item. I'm assuming this is going to have the same issues.

Agenda Item #6 – Site Plan – B & B Warehouse – To seek approval of a site plan for construction of a warehouse/storage facility generally located at U.S. Highway 1 and Farmer's Market Road. The owner/applicant is Bradley D. Lettsome, and representative is Ernesto Velasco, P.E.

Staff Report – Mr. Buchwald stated – Mr. Chairman, Board members, we would ask that this item also be postponed because it does not meet the requirements of the code. And we'll work with the applicant to have it meet the requirements of the code and won't be brought before you unless it meets requirements of the code. So, we ask that it be postponed to the next meeting.

MOTION WAS MADE BY MRS. GATES TO RECOMMEND TABLING THE SITE PLAN UNTIL THE STAFF CAN MEET WITH THE APPLICANT TO IRON OUT THE CONDITIONS. Seconded by Ms. Benton.

Ms. Benton asked – Are these the same issues?

Mrs. Gates and Mr. Bergman stated – Yes. They're adjoining properties.

Mr. Bergman asked – Is there any discussion?

Attorney Walker stated – Point of order.

Mr. Bergman asked – Do we need to have a public hearing for this?

Attorney Walker stated – Mr. Chair, I would recommend that that be done so that the applicant might be given an opportunity to speak to the recommendation.

Mr. Bergman stated – Alright. Thank you. Mr. Velasco.

Mr. Velasco stood once again and introduced himself and stated – I'm with the Velcon Group. The engineers for this project as well. I'd like to know...I'm aware of one particular issue that did not meet the code, and that was again the lighting plan on being submitted at the proper time. Are there any other concerns that staff may have at this time?

Mr. Buchwald stated – We believe that this is not the appropriate time to discuss issues in front of the Board and we request that it be postponed until these issues are addressed in an administrative setting prior to it being considered by the Board.

Mr. Bergman stated – Alright. I would suggest that you (addressing the applicants) get with staff to review what their comments would be then.

Mr. Velasco stated – Apparently there are more comments.

Mr. Bergman stated – Well the staff has prepared a report. But I believe the opinion now is not the time to go over them. I would suggest that you meet with staff at your convenience and try to work it out what their issues are.

Mr. Velasco stated – Well, I certainly hope to hear from staff with a concise and final report if that's the case. Thank you.

Mr. Bergman asked – Is there anyone else who wanted to speak on this? Alright, Mr. Walker, do we need to remake a motion for this, or was that motion...would it be appropriate to have a motion restated?

Attorney Walker stated – Mr. Chair, whether restatement of the motion is necessary is a matter that lies within the discretion of the Chair.

Mr. Bergman stated humorously – Gee thanks!

MOTION RESTATED

MOTION WAS MADE BY MRS. GATES TO RECOMMEND TABLING THE SITE PLAN UNTIL THE APPLICANT AND THE STAFF HAVE GOTTEN TOGETHER AND SOLVED THE CONCERNS THAT STAFF HAS WITH THIS PROJECT. Seconded by Mr. Poitier. Approved by roll call vote of 7-1.

Mr. Bergman stated – Alright, we have two (2) annexation requests, which we can probably vote on together.

Agenda Item #7 – Annexation – 2401 & 2405 South 35th Street – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. The owners/applicants are Angel Mendez and Luisa Ponce.

Agenda Item #8 – Annexation – Graham Groves Development – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. The owner/applicant is Graham Groves Development, and representative is The Good Group.

Staff Report – Mr. Gibbons stated – The first annexation for 2401 & 2405 South 35th Street ...approximately 0.5 acres. The proposed zoning is R-4, Medium Density Residential; and the future land use is RM, Residential Medium. And that would be for both parcels. And as for the second annexation; it is contiguous. It is located on Graham Road between White Road and Graham Road east of Kings Hwy. The proposed zoning is R-1, Low Density Residential; and the proposed future land use is RL, Residential Low Density. Both are contiguous and staff recommends approval.

Mr. Bergman stated – Alright, thank you.

Ms. Benton stated – I just had a question for staff. What zoning would this come in under in the City of Fort Pierce?

Mr. Gibbons stated – Which one? The second one?

Ms. Benton – Yes.

Mr. Gibbons stated – The proposed zoning is R-1, which is Low Density Single Family. The current County classification is RS-2, which is Residential Suburban at two (2) units per acre.

Ms. Benton – Thank you.

Mr. Bergman asked – Are there any other questions? Is there anyone here to speak on either one of these annexations?

Ms. Linda Moore stood and introduced herself and stated – I'm representing the first annexation, 2401 & 2405. The applicants could not be here this evening, so I'm their representative. And I would just like to say that they feel that it is contiguous and they would like it to be part of the City. Any questions?

Mr. Bergman stated – Alright, thank you.

Ms. Carol Scott stood and introduced herself and stated – I'm from the Good Group in Winter Park. And I'm here on behalf of the applicant, and just requesting approval of this annexation.

Mr. Bergman stated – Alright, thank you. I'll entertain a motion.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE TWO (2) ANNEXATIONS LISTED AS AGENDA ITEMS #7 & #8. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Mr. Bergman stated – I think the other thing we had was the consideration of absences for Mr. Enns. He didn't call.

Mrs. Gates stated – I say that we excuse him.

Mr. Knott stated – I'd rather wait until next month to see what excuse he may have.

Mr. Bergman stated – We have a motion and a second?

Mr. Poitier – Second.

Unanimously approved to excuse Mr. Enns by voice vote.

Agenda Item #9 – Discussions

Mr. Bergman asked – Mr. Walker, do you have anything to discuss?

Attorney Walker stated – Yes, Mr. Chair, thank you. Did the Board members get a little brochure like this?

Mr. Bergman and Mrs. Gates asked – Is that the Sunshine Law?

Attorney Walker – Right.

Mr. Bergman stated – They normally get it when they are appointed.

Attorney Walker stated – Mr. Chair, it would probably be a good idea for everybody to carefully review that. Certain practices have gotten somewhat lax over the years and I blame myself for having allowed that to develop. And I am speaking specifically of the practice by Board members from time to time, who in sponsoring a petition before the Board, remove their hat as a Board member, and Don, the hat of applicant, and the practice has been reviewed by the City Attorney's office and it's felt that that practice is inappropriate. In the future, we would recommend that in the event a Board member has an interest in a project, that that be disclosed in the normal fashion that there not be a vote taken by that member and that the project be presented by someone other than the Board member or someone from that Board member's firm. The owner, for instance, would be a good person to make the presentation or a partner or something like that. We can deal with that situation easily enough, but we would simply prefer that the Board members stay out of that loop to avoid any questions of concerns in the future.

Mr. Bergman stated humorously – You don't have to stare me down, I know. I try to keep out of these things, they keep dragging me in and asking me questions.

Attorney Walker stated – Well, I could have said something or looked into it and I never did.

Mr. Bergman stated – Well, I'll definitely keep that in mind.

Mr. Knott asked – Mr. Chairman, the meeting on the 28th, is that something you recommend that we all go to?

Mr. Bergman asked – This is the City Commission Workshop?

Members stated – Yes.

Mr. Bergman stated – I would suggest it, absolutely. There is going to be some serious chomping going on...I think the whole idea here is for staff to identify weaknesses in the code and where they plan on beefing things up and what changes they plan on initiating.

Mr. Knott – Very good.

Mr. Gibbons stated – Yes. The invitations went out and it's going to be at Forrest Grove Middle School on 25th Street at 9:00 a.m.

Meeting Adjourned at 9:15 p.m.

