

**MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, MARCH 8, 2005, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.**

Members present: Donald Bergman (Chair), Sonja Gates (Vice Chair), Harriett Brenner, Charlie Harris, Jeremiah Johnson, and Pamela Williams.

Members absent: Margaret Benton, Thomas Knott, Robert Poitier, and Chuck Enns.

Citizens and Staff present:

Gilles Courchene Sr.	Ramon Trias, AICP, Director of Development
Gilles Courchene Jr.	Wendy Clark, Planning Coordinator
James Phillips	Jim Walker, Assistant City Attorney
Barry Hurtz	Dianna D. Rose, Secretary

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

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

Ms. Rose stated – Ms. Benton, Mr. Knott, Mr. Poitier, & Mr. Enns have all called in.

Mr. Bergman asked – Could we have a motion on the absences?

**MOTION WAS MADE BY MRS. GATES TO EXCUSE THE ABSENCES OF THE FOUR MEMBERS WHO HAD CALLED IN. Seconded by Mr. Harris. Unanimously approved by voice vote.**

**Agenda Item #3 – Approval of minutes of meeting held February 8, 2005.**

Mr. Bergman asked – Are there any comments or corrections that need to be made?

**MOTION WAS MADE BY MRS. BRENNER TO APPROVE THE MINUTES OF FEBRUARY 8, 2005. Seconded by Mr. Harris. Unanimously approved by voice vote.**

Mr. Bergman stated – Before we get started. Mr. Walker, since we have a minimal quorum, does that mean that we have to have a unanimous vote on everything to get a recommendation?

Attorney Walker stated – Yes, Mr. Chair, it does.

Mr. Bergman – Okay.

Attorney Walker continued – The Board has, from time to time in the past where this situation has arisen, voted on matters and obtained less than a unanimous vote. And in that instance, the matter was then forwarded to the Commission without a recommendation.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Bergman stated – Okay. Typically on items that are controversial, if you have a project before us tonight, with any controversy you can always withdraw it until the next meeting when we have more people here, or you can go ahead and take your chances with the Board tonight. I don't know if anything on here, from what I've seen, is controversial; otherwise there would be a lot more people here. But that's entirely up to the applicants if you wish to get a positive recommendation with a unanimous vote. That's what it would take tonight. With that being said...

**Agenda Item # 4 – Conceptual Development Plan** – Approval for a conceptual development plan for a commercial project located on the southwest corner of Okeechobee Road & I-95. Owner/applicant is Gilles Courchene.

**Staff Report** – Ms. Clark stated – The site plan is for your view for any recommendations regarding the appropriateness of use and design. Should the project move forward, it would still come back before the Planning Board for formal site plan review.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? Wendy, this is that parcel at the end of Edwards Road and Jenkins?...is that correct?

Ms. Clark stated – It doesn't extend as far south as Edwards. It's the southeast corner of Okeechobee and Jenkins Road...generally.

Mr. Bergman stated – Okay.

Mr. Johnson asked – If I'm not mistaken Wendy, we just annexed this into the City not too long ago? What is it zoned again?

Ms. Clark – C-3, General Commercial.

Mr. Johnson – Okay.

Mr. Bergman asked – Are there any other questions for staff?

Ms. Brenner stated – This question may be for the applicant, but do we know what construction they're looking for as far as these buildings are concerned? Are they going to be concrete block or ...?

Mr. Gilles Courchene Sr. stood and introduced himself and stated – To answer your question, it's going to be Tilltop Construction, which it's not a new technique, it's been on for about 15 years. You pour the walls on the slab and you raise them up and it's like the way Home Depot across the street was built and stuff like that.

Mr. Bergman asked – Are there any other questions for the applicant?

Mrs. Brenner asked – Your purpose in building these is to be boxed stores?...is this correct?...four (4) walls and a floor and a ceiling?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Courchene stated – That’s correct for, you know, tenants that will fit approximately the square footage specified. Some of the boxes, I’m going to call them, might vary...if one needs to be bigger I’ll have to make another one smaller. But for the purpose of this particular meeting tonight, this is the conception, which is the closest that we can get at the moment. And there are also offices in the back of that...two (2) story office...straight, as you said, entered the project on next to the retention pond. These are two (2) story offices.

Mr. Trias stated – Mr. Chairman, it appears to me that this is a very simplistic strip center that doesn’t really have any of the design features that we have been trying to encourage. It doesn’t quite raise the bar as much as it should. And the purpose of the conceptual site plan is (inaudible?) to do this. This, to me, frankly I don’t see what the point is of going through this conceptual site plan with such a predictable and uninteresting site plan.

Mr. Bergman asked – Have you developed any elevations or what you perceive the building to look like?

Mr. Courchene stated – We are in the process of doing this. If you like to, I could bring renderings and colors and slides or whatever to go through the beautification...if it’s needed...I’m sure it’s needed. But it will be a very nice center. And I understand you need to see it, so I can proceed to show you that next time around.

Mrs. Gates stated – Well, I agree, and I think that I would have to see it to be able to vote on this positively...I’d have to see some elevations and renderings. And I would like to see this tabled, and give him a chance to come back for some more information for us.

Mr. Johnson stated – I had a couple of questions. Right now you have quite a lot of square footage. And it looks like in the way you’ve been speaking is....are they going to be single tenants or are you going to divide them up into a retail shopping type application?

Mr. Courchene – A combination.

Mr. Johnson – Okay. What buildings? Like the north buildings and the south building? Or is it going to be like the in and out type storage?

Mr. Courchene asked – You mean which one I will divide? The two (2) story stuff back facing 95...those are offices. There will be many tenants in that particular building, hopefully meeting your requirement as far as office is concerned. As far as the big box center, you know those are other tenants that I would like not to disclose tonight, but I wouldn’t have any problem in showing it at the next meeting. I’ve going to give you an example, it could be a Publix, it could be any kind of businesses like that or smaller. It’s no swap shop type of ....

Mr. Johnson stated – No, I understand that. But it be a Publix then that invites customers in or is it a Publix that’s a transfer center or a distribution center?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Courchene stated – No, no, no, no, no...that invites people in...more retail. Retail with office with nice courtyards and entrance and something that matched the whole complex...

Mr. Johnson continued – And how about the building that's in the front...the 6,300 sq. ft.?

Mr. Courchene stated – We're not sure at this point. We have a couple of banks interested, and also a gas station, but I don't know which one of the three we're going to come up with. But that's what that building is for.

Mr. Johnson continued – So, overall we're not looking at any kind of a distribution ...something that would be more appropriate for the Crossroads?

Mr. Courchene stated – No, it's all retail.

Mr. Johnson – Okay, very good. Thank you.

Mrs. Brenner stated – Sir, do you have any other projects in the area that you could give us as a recommendation for the kind of work you do?

Mr. Courchene stated – In Fort Pierce I don't. But in Delray Beach I just finished a commercial/industrial project, which is on Congress Avenue. We won the award in the City of Delray Beach. It was 250,000 sq. ft. of three (3) types of zoning. One portion was retail, another portion was office, and the other portion was warehouse, retail, showroom-like buildings. That was built on a 12-acre piece. I also built some high-rises in Palm Beach County and in Broward County. I'll be glad to send you a resumé if needed. But this is my first time in Fort Pierce, and I hope I can do a lot here after this, because it's a nice town. I've been to the Chamber of Commerce and you guys, I think, are ready for a nice project and features.

Mrs. Brenner stated – We are ready for nice projects. And I would appreciate it if you would send it to the Planning Board...any kind of (information?) that you have to back up your previous work.

Mr. Courchene stated – Can I send it to the same gentleman that I delivered the 25 sets of plans to?

Mrs. Brenner – Yes sir.

Mr. Courchene – Okay, I'll send Fed Ex tomorrow a resumé of my company, pictures of jobs, and whatever.

Mrs. Brenner – Thank you.

**MOTION WAS MADE BY MRS. GATES TO TABLE THE CONCEPTUAL DEVELOPMENT PLAN UNTIL FURTHER INFORMATION IS SUPPLIED. Seconded by Mr. Harris.**

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

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Bergman stated to the applicant – One thing I would suggest is that you meet with City staff and go over some of their wishes and type of development.

Mr. Courchene – Okay.

Mr. Bergman continued – I mean, at this point, it would only benefit your project...make your process going through the Boards a whole lot smoother. Ramon definitely has a great vision for the City of Fort Pierce; especially this type of project. Because if this becomes a gateway project, I'm sure he'd like to see something that fits with his vision of Fort Pierce. I'm sure it would be something you'd be proud of as well.

Mr. Courchene – Oh yes.

Mr. Bergman continued – So, I suggest you meet with Ramon. If you can handling this tabling until we can get a chance to look at all of this, we can move on from there.

Mr. Courchene – Great then, that suits me.

Mr. Johnson asked – Are we really making a motion on this issue or just ...?

Mr. Bergman stated – No, we've got a motion and a second to table it, so he can bring us elevations and some background information on his company.

Mr. Johnson stated – Okay, I just thought we were passing on comments and then the Commission would comment also.

Mr. Bergman – No. I don't think it's going to get very far....they need to get more information to us. Okay, is there any other discussion on the motion? Could we have roll call please?

**Unanimously approved by roll call vote.**

Mr. Bergman stated to the applicant – Okay, if you can get all of that information to the staff...it looks like it could be a great project. We look forward to seeing you back here.

Mr. Courchene stated – I'm ready to work with the City.

Mr. Bergman – Okay.

Mr. Courchene – Okay, thank you very much.

Mr. Bergman – Thank you.

**Agenda Item #5 – Conceptual Development Plan** – Approval for a conceptual development plan for a 100-unit affordable senior housing development. Generally located on the north side of Okeechobee Road, several blocks east of 33<sup>rd</sup> Street. Owner is ZOG Limited Partnership, applicant is Finlay Development, LLC, and representative is Barry Hurtz.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

**Staff Report** – Ms. Clark stated – The same as the previous...should the project move forward, it would still require formal site plan review, as well as conditional use approval from City Commission.

Mr. Trias added – Mr. Chair, upon reviewing this site plan, you can see that there's very little information. But one of the things that we know is this is one of those projects that goes to the affordable housing financing of this state. Be as it may, frankly I find this design awful, for lack of a better word. And I plan to have a strong recommendation of denial when it goes to the City Commission.

Mr. Bergman stated – Alright, thank you. Are there any other questions of staff from the Board? Is there anyone here wishing to speak on this project?

Mr. Barry Hurtz stood and introduced himself and stated – I'm here representing the developer.

Mr. Bergman – Okay.

Mr. Hurtz continued – We are just coming in today for our preliminary view of this. If there is some problem that Mr. Trias has with this, we'd be more than happy to talk with him. We're not coming in here to come up with a project that is not something the City is interested in. We are trying to develop something with a little bit of a Mediterranean motif, if you would, or design. But if he (Mr. Trias) has some ideas, we'd certainly be interested in talking with him rather than just looking for a denial. We don't work like that. The projects that we do...we've done a lot in Houston, and Texas...also we're doing one in Bartow, Florida...in Daytona, Florida, and up in Jacksonville. And ours are always first class. Typically our projects are brick...a lot of brick...not all brick. And usually we use a hardy board, which is like a masonry, so it's going to hold up for a long period of time. And usually our buildings don't have a flat face on them, they have breaks in them too to make them look very attractive. I would have brought them except this is going to be a little different for us because we're going to try with the Mediterranean design, and we're working on that now. But we would like to get, if possible, Mr. Trias to see what it is that he finds objectionable. If he could tell me that now...

Mr. Trias stated – We can meet about it and go into some details...sure.

Mr. Hurtz stated – Okay. We're not here to cause any problems, or do something that the City is not happy with, that's just not the way we work.

Mr. Bergman asked – Any other questions?

Mrs. Gates stated – I'm reading your project description, and I'm seeing that you're planning to two (2) three (3)-story buildings.

Mr. Hurtz – Right.

Mrs. Gates continued – And I don't know whether I missed it in this or not. Are these units going to have elevators?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Hurtz stated – Yes, it would be for seniors.

Mrs. Gates – Thank you.

Mrs. Brenner asked – Are you going to have an on-site manager?

Mr. Hurtz – Yes.

Mrs. Brenner continued – There will be a live-in person who watches over the property at all times?

Mr. Hurtz stated – Well, I don't want to commit myself to it, because that's something typically we do...100 units...we all have a property manager who is local. But to actually live on the site or not, I can't tell you right now. I will have that answer for you though...

Mrs. Brenner asked – When you come back?

Mr. Hurtz stated – Yes, I will. I promise.

Mrs. Brenner stated – And I assume that your plans also call for wheelchair accessibility throughout the building...every room?

Mr. Hurtz stated – Yes. All buildings have to have that...

Mrs. Brenner continued – And what about the perimeter security?

Mr. Hurtz stated – We put a perimeter fence around the whole property.

Mrs. Brenner asked – What type of fence?

Mr. Hurtz – Metal.

Mrs. Brenner stated – That's all I have for right now, thank you.

Mr. Hurtz added – We also have a really nice clubhouse, which will have a computer room, a community room, and also a workout room fully equipped with weights and all the things you need for that kind of stuff.

Mrs. Brenner added – Going back to my question about the security. How do you maintain the security of the elderly that have relatives that come to live with them?

Mr. Hurtz stated – I don't quite understand what you mean about how we maintain the security?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mrs. Brenner stated – Well, for example, I've been a home health nurse recently. And there are many times within a housing facility with elderly that the children/grandchildren, etc. come and (stay?) with grandma or grandpa.

Mr. Hurtz stated – Well, this is 55 and older. It's not really an assisted living facility or even an independent living. This is usually for the younger people. That usually isn't a problem with us. We just had it ...the people that live there are the ones that live there, you know. You have to be 55 or older.

Mrs. Brenner asked – So, this is not an aged population?

Mr. Hurtz stated – No...

Mrs. Brenner – Okay, thank you.

Mr. Bergman asked – Were there any other questions for the applicant? Okay, thank you.

Mr. Hurtz – Thank you very much.

Mr. Bergman asked – Is there anyone else who wishes to speak on this matter? We'll close the public hearing. What's the pleasure of the Board?

**MOTION WAS MADE BY MRS. BRENNER TO TABLE THIS CONCEPTUAL DEVELOPMENT PLAN. Seconded by Mrs. Gates.**

Mr. Bergman stated – We have a motion and a second. And he stated to the applicant – And I would suggest, Mr. Hurtz, that you do the same thing as the other applicant...meet with Ramon. It sounds to me like you have a lot of experience doing these types of projects. And that type of information would be most helpful when you come to the Board.

Mr. Hurtz stated – We're in the process of doing all of that...it was just the site plan that we were after today, we don't have a lot of (inaudible?) to report.

Mr. Bergman stated – Well, if you're going to do Mediterranean, I really hope you have some movement in the building, because ...

Mr. Trias added – There's some site plan issues...for example, the fact that the retention area is in the street, and that doesn't meet code. And the way that the parking lot is laid out. And frankly the footprint of the building is absurd; we're talking a major in building. So...

Mr. Bergman stated – Well, that's what I'm saying, I think those are the kind of things that you (the applicant) need to get worked out. Because if you have an idea of what you're going to be doing, I think Ramon would be most helpful with you.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Trias stated – Yes. That’s what I would recommend.

Mr. Bergman – Okay.

Mr. Trias added – In addition, I would recommend that an architect work on the project. Clearly it hasn’t been done yet.

Mr. Bergman asked – Alright, is there any other discussion? Could we have roll call please?

**Unanimously approved by roll call vote.**

Mr. Bergman stated to the applicant – Okay, we’ll look forward to seeing you next month.

Mr. Hurtz asked – Is that what that means? I didn’t quite understand that.

Mr. Bergman stated – We’ll table it until the next meeting, so it will give you an opportunity to get together some additional information, work with staff, so we’ll have a clear picture of what you’re trying to do.

Mr. Hurtz stated – Okay, we’ll do that.

Mr. Bergman & Mr. Trias - Thank you.

**Agenda Item # 6 – Architectural Review Board Ordinance** – The request to create an Architectural Review Board.

**Staff Report** – Mr. Trias stated – Mr. Chairman, the Commission has requested the creation of an Architectural Review Board. We have enclosed a sample ordinance for your information of the type of issues such a Board typically deals with. This is before you for comment and any kind of suggestions you may want to make, and after that we will forward the ordinance to the City Attorney to prepare the City’s official ordinance.

Mr. Bergman stated – Ramon, you obviously had some input into which ordinance to use. Is Bal Harbour Village...what kind of restrictions do they have there in terms of ...? Is this more like a homeowners’ association ordinance or is this more like Hilton Head type of ordinance?

Mr. Trias stated – I would say it’s more like a typical Hilton Head type of ordinance.

Mr. Bergman asked – This one is?

Mr. Trias – Yes.

Mr. Bergman – Okay.

## **MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Attorney Walker stated – Mr. Chair, the City Attorney’s Office serves/acts at the pleasure of the Commission...myself included. And of course our office will act to the best of our ability to ultimately serve the Commission in the way that it wishes. However, at this particular moment I enjoy the luxury of wearing my hat as advisor to the Planning Board and therefore have a certain latitude for comment that is not otherwise available to me, as this Board is being asked to recommend an Architectural Review Board. And with that in mind, Mr. Chair, I respectfully request that I be given the opportunity to offer some thoughts on this subject for the Board to take into account or not as it thinks best in formulating a recommendation to the Commission. Mr. Chair, much of, if not most of the City, I understand, to be currently divided into Historic Preservation Districts. What this means if we were to adopt an ordinance of this sort, is that any construction that comes up before the City now would have to pass muster before three (3) separate Boards: A Historic Preservation Board, an Architectural Review Board, and a Planning Board, all of which may or may not have different expectations, but in any case, will impose an bureaucratic burden on applicants that can barely be characterized as nightmarish. The County has been strongly criticized in the past for the bureaucratic burdens and delays that it imposes on developers. And to expect developers to have to go to three (3) separate Boards, to my way of thinking, imposes considerations of costs and delay that need to be looked at. It seems to me that if one wants to ‘skin the cat’ there are ways to do it that are more efficient and less costly than creating a separate independent Architectural Review Board. For instance, the Planning Board has, in the past, expressed a desire that its duties be expanded to provide for consideration of visual criteria. The Code doesn’t currently provide for that (Section 22-58); but this board could itself take on the consideration of those additional factors to achieve the same end; that’s one possibility. And in so doing, you don’t submit an applicant to the requirement of having to go to a completely separate Board. In fact, we’ve carried this to the point where I understand there to be an informal Architectural Review Group that meets as part of the planning process before the application even gets to the Board. Alternatively, still another method that might be considered would be to expand the jurisdiction of the Historic Preservation Board. As the Chair knows and Sunny (Gates) from their own personal involvement on the Historic Preservation Board, that Board is very much concerned with considerations of appearance. Now, to additionally ask an applicant to go before an Architectural Review Board, the Certificate of Appropriateness (COA) asks the applicant to jump through the same hoop twice...twice. So, for whatever it’s worth, Mr. Chair, those are my views on the subject. Ultimately the City will do what is in the best interest of the people, but I do think these thoughts deserve consideration. Thank you.

Mr. Bergman stated – Any time, Mr. Walker, your ideas are always welcomed.

Mr. Trias stated – Mr. Chairman, I think that Mr. Walker is probably right on all of those things. And the reason this is before you in this format is because specifically the Commission and the City Manager said do an Architectural Review Board. That’s one of the good things about having the Planning Board and being able to come here and review these ideas. I think that an alternative to this would be to revise the Chapter 22, and include the content of this ordinance...the issues are significant in that chapter. So, we don’t have to create another Board. I would prefer to do that, if that’s something that makes sense to all of you.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Bergman stated – I would have to agree, only because I know Port St. Lucie has enacted their own requirements for finishes and exterior appearance. And we've actually, in the last couple of years, started to require exterior elevations of these projects. We might as well expand that to having a set of standards that we expect to see. Because now we're already requiring exterior elevations from the developers on their projects. We might as well give them a set of standards to work towards so when they want to present something to this Board, at least they'd know what's going to be expected of them.

Mr. Trias added – Yes, and further back, now that I think about this, I remember saying this to the City Commission a good three (3) years ago...very specifically the fact that we need to require elevations and architectural drawings and include it in Chapter 22. And at that time, that idea was rejected. And we've gone from a very reasonable idea to almost an absurd way of implementing that, which is creating a whole new Board. So, we made a lot of progress so I think that what I'd do is get back to the original idea, which is simply expand Chapter 22. And we'll bring some language to you if Mr. Walker works with us. And something that is appropriate and effective.

Mr. Bergman stated – Well, I think Mr. Walker's points were well thought up, because the last thing you want to do is ...Fort Pierce is really starting to see a lot of intended development...there's a lot of things getting ready to go through. It would be a real crimp in the developers' time schedules and the City's to have another process to go through; I think the City would just get backed up with projects. The Historical Preservation Board, I would think, shouldn't be the ones overseeing these, because they wouldn't oversee all of the projects, they would only oversee the projects that were limited to either historic structures or in districts. This is something, I think, the Planning Board would be more suited for. And we've already come up on the edge of that with requiring elevations, and starting to see what these things are going to look like. I think this Board is more appropriate for that type of ordinance.

Mrs. Brenner stated – I just have one comment. I think that the idea that Mr. Walker has presented has great validity along with what Ramon said. But primarily, if we have three (3) different Boards looking at the same property, the chances for conflict arise and misunderstandings of what was meant by each particular Board. And it's difficult enough to get the Commission to understand where we're coming from on these Boards in the first place, that if we don't need to muddy the water any more. And if we can expand that chapter to make it more understandable so that the people who come for the applications will understand what they're supposed to get and not stand there and say, well I didn't understand because this Board said that and the other Board said something else.

Mr. Bergman asked – Anyone else have a comment?

Mrs. Gates stated – Well, I think I just agree with what you said about the Planning Board. Have been on the Historical Preservation Board, I think it could be limiting to what we see. And with an extra process that it's just too long. I want to ask a question of Mr. Walker. Do most of the cities who have these Architectural Review Boards, do they also have Historic Preservation Boards as well as Planning Boards that they go through?

Attorney Walker stated – I'm sorry, I don't know that.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mrs. Gates – Okay...just out of curiosity.

Mrs. Brenner added – It would seem that we need to streamline things rather than making them more complex.

Mr. Trias added – It would seem so, yes; however that's not what we're doing...in many of the actions that the Commission has taken.

Attorney Walker stated – Very respectfully, Mr. Chair, might we have a motion from the Board that would give some direction...?

Mr. Bergman stated – I was just about to see if I could get a motion.

**MOTION WAS MADE BY MRS. GATES THAT STAFF LOOK INTO BRINGING BACK TO THE PLANNING BOARD SOME OTHER INFORMATION TO INCLUDE THE PLANNING BOARD MORE OF AN ARCHITECTURAL REVIEW BOARD POSSIBLY FOR THE NEXT MEETING. Seconded by Mr. Johnson.**

Mr. Bergman asked – Are there any discussions?

Mr. Johnson stated – I have a question. So, you're (Mrs. Gates) asking staff to present more information for this Planning Board to expand its responsibility? Is that correct?

Mrs. Gates stated – That's what I'm asking for.

Mr. Trias added – We're going to deal with the architectural review within the site plan process of the Planning Board.

Mr. Johnson asked – So, our motion is recommend to the Commission that we do not ...?

Mrs. Gates added – Not form a separate Board, yes. But do it within the Planning Board...expand ...

Mr. Bergman stated – You may want to give Mr. Walker a little more time than next meeting.

Mrs. Gates stated – Whenever he can get back to it...whenever you (Mr. Walker) can bring it back to us.

Attorney Walker – Thank you.

Mr. Bergman asked – Is there any other discussion on the motion? Can we have roll call please?

**Unanimously approved by roll call vote to table the Architectural Review Board request until further information can be provided by the Assistant City Attorney.**

Mr. Bergman asked an audience member – Are you here for one of the annexations?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Audience member stated – Yes.

Mr. Bergman asked – Which one in particular?

Audience member stated – The Kraaz & Kraaz.

Mr. Trias added – That’s number 20 (on the agenda).

Mr. Bergman stated – Oh, that the big clump of annexations. Alright, Mr. Walker, do you see any reason we can’t handle these annexations as a group? Would there be any legal implications in doing that?

Attorney Walker stated – Mr. Chair, traditionally it’s been recognized that handling these as a group is not inconsistent with the Board’s advisory function. Now at the Commission level that would be a different story.

Mr. Bergman – Right.

Attorney Walker continued – That becomes important that they be considered separately. But the purposes of the Planning Board, that has not been viewed as a necessity...separate considerations.

Mr. Bergman stated – It’s my understanding that all of these are now contiguous and have FPUA agreements in place. It doesn’t appear that any of these are voluntary at this point. These all appear to be based on their earlier annexation agreements with FPUA. So, that’s why I was wondering if there was any problem in taking these as a group.

Mr. Johnson added – Probably the only problem would be if somebody had a conflict with one.

Mr. Trias added – Mr. Chairman, the review of the Board should be focused on the Comprehensive Plan and the land use issues. And as long as those are acceptable I don’t see any problem.

Mr. Bergman – Okay.

Mrs. Brenner stated – Mr. Chair, there are two voluntary annexations.

Mr. Trias added – I think number 20 is a voluntary annexation, but they’re all voluntary because they’re all related to the provision of order, so they’re all voluntary.

Mr. Bergman stated – Well, we have a member of the public here regarding number 20, so we could pull that one to the side and here it individually.

Mr. Trias stated – I don’t think there’s any need to do that unless the Board has some issues with it.

Mr. Bergman stated – Okay.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Trias added – Unless the applicant has requested it.

Mr. Bergman stated – Well, I guess we'll give him that opportunity. So, what we'll do is we can consider items #7 - #19, and then we'll hear these last two, if there is no objection from the Board members. We could take care of it that way?

Mr. Johnson – Yes.

Mr. Bergman stated – Alright, let's go through these so we can, at least, get them on the record that they've been addressed.

**Agenda Items #7 - #19: Adressed as a group.**

**#7 – Annexation – H D Midway LLC** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 4900 S. U.S. Hwy. 1. Owner/applicant is H D Midway LLC.

**#8 – Annexation – Square Treasure Foods** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 4950 South U.S. Hwy. 1. Owner/applicant is Square Treasure Foods, Inc.

**#9 – Annexation – White City United Methodist** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 810 Midway Road. Owner/applicant is White City United Methodist.

**#10 – Annexation – Theodore Capper** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 4221 Sunrise Blvd. Owner/applicant is Theodore Capper.

**#11 – Annexation – Robert Laws** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 4220 Sunrise Blvd. Owner/applicant is Robert Laws.

**#12 – Annexation – Tommy & Caroline York** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 2006 South 41<sup>st</sup> Street. Owner/applicant is Tommy & Caroline York.

**#13 – Annexation – Allie Walker** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 1803 South 37<sup>th</sup> Street. Owner/applicant is Allie Walker.

**#14 – Annexation – Patricia Williams** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 3402 Peterson Road. Owner/applicant is Patricia Williams.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

**#15 – Annexation – S & S Rentals LLC** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 5001 S. U.S. Hwy. 1. Owner/applicant is S & S Rentals LLC.

**#16 – Annexation – James G. Gallagher** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at Surfside Plaza – Unit 1, Block 8. Owner/applicant is James G. Gallagher.

**#17 – Annexation – First Haitian Church** - Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Located at 3425 & 3535 Deberry Road. Owner/applicant is First Haitian Church.

**#18 – Annexation – Barton M. Plymale** - Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Generally located on Swain Road. Owner/applicant is Barton M. Plymale.

**#19 – Annexation – Ocean Vue Development** - Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce.

Mr. Bergman asked – Could we have a motion on those annexations?

**MOTION WAS MADE BY MRS. GATES TO APPROVE THE ANNEXATIONS #7 - #19.  
Seconded by Mr. Johnson. Unanimously approved by roll call vote.**

Mr. Bergman stated – So, now we are looking at item #20.

**Agenda Item #20 – Annexation – Kraaz & Kraaz Finance, Inc. (group request)** - Approval of annexations of properties identified as having contiguous municipal boundaries of Fort Pierce. Generally located in Indian River Estates. Owner/applicant is Kraaz & Kraaz Finance, Inc.

Mr. Bergman asked – Wendy, did you have a report on any of these? I’m sorry I didn’t ask you on the last ones.

Ms. Clark stated – No, they’re all voluntary, and staff recommends approval.

Mr. Bergman stated – Okay. Was there anything you (the applicant) wish to ask the Board regarding this annexation?

The applicant stated – No sir, just to answer any questions anyone may have.

Mr. Bergman stated – Well, I saw someone here for some annexations, I thought you may have a problem with it or have a question for the Board. Okay, great. There are several properties in here. I’m sure everyone has gone through and seen. Were there any questions for staff? Alright, if not, I’ll entertain a motion from the Board.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

**MOTION WAS MADE BY MR. JOHNSON TO APPROVE THE ANNEXATION OF KRAAZ & KRAAZ FINANCE, INC. Seconded by Mrs. Gates. Unanimously approved by roll call vote.**

Mr. Bergman stated to the applicant – Okay, this is going to the City Commission with the recommendation of being approved.

**Agenda Item #21 – Annexation – Glendale Commons (group request) -** Approval for an annexation of property identified as having a Fort Pierce Utilities Agreement and contiguous municipal boundaries of Fort Pierce. Generally located on Westglen Drive. Owners/applicants are Westglen Property Owners.

**Staff Report** – Ms. Clark stated – Staff recommends approval.

Mr. Bergman stated – Alright, what’s the pleasure of the Board?

**MOTION WAS MADE BY MRS. GATES TO APPROVE THE ANNEXATION OF GLENDALE COMMONS. Seconded by Mr. Harris. Unanimously approved by roll call vote.**

**Agenda Item # 22 – Discussions.**

Mr. Bergman asked – Are there any discussions?

Mr. Trias stated – Mr. Chairman, under discussion the City Commission and the City Manager have asked that each of the Boards discuss whether or not they would like to have term limits for the members. If I could add a couple of ideas on that, it appears to me that it’s very difficult to fill the Boards as it is. And pretty much everybody we are appointing is being reappointed. So, I really don’t see whether or not this is going to add any value to our operations.

Mr. Bergman stated – Well, Sunny (Gates) had mentioned something to me earlier. This Board, I remember, a couple of years ago...we had a very difficult time, especially during the summer, of ever having a quorum. There were periods of months at a time where we weren’t able to get a full Board here to meet. And I think we’re finally to the point now that we get a fairly representative cross section of the people of Fort Pierce, and we’ve got a pretty good professional Board here now that, I think, we get a good turn out on. Every time I read these things I keep thinking that they’re looking at me, since I’ve been on this Board probably longer than anybody. Well, Margaret (Benton) has been on this Board longer than me.

Mr. Trias added – I think Margaret (Benton), since ‘87, I think, it was.

Mr. Bergman added – We were about the same time, I think I was either ‘86 or ‘87.

Mr. Trias added – And Sunny (Gates) has been on the Board since ‘94.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mrs. Gates stated – I know, I thought I had been on a long time, but now I realize I’m just a little ‘spring chicken’ up on this Board.

Mr. Bergman asked – What are the terms now? Are they four (4) years for a Planning Board?

Attorney Walker asked – Mr. Chair, may I be allowed to refer to the Code please?

Mr. Bergman – Sure. While Mr. Walker is busy looking for a section of the Code I’m sure he’s trying to find...

Attorney Walker stated – Mr. Chair, with your permission, let me just read part of Section 2-221. That comes from Article 12 of Chapter 2, which deals with the City Planning Board, as states as follows: There shall be appointed by the City Commission a City Planning Board consisting of ten (10) members who have been residents of the City for the last two (2) years; each of whom shall serve for a term of two (2) years. Any member may be removed with or without cause by the City Commission. So, that’s what it states, Mr. Chair. I might add, that in effect, there is a term limit. The term limit is two (2) years and after that, the Commission is perfectly free to remove a member or not as it pleases. A “term limit” imposing a restriction on the number of times a member may be removed is in reality a restriction on the power of the Commission to reappoint good members when they might otherwise wish to do so. Thank you, Mr. Chair.

Mr. Bergman stated – Thank you, Mr. Walker. I think that pretty much answered it.

Mr. Trias added – We will report back to the Commission.

Mr. Bergman asked – Was there any other discussion? Ramon? Wendy?...anything?

Mr. Trias stated – No sir, that’s it.

Mr. Bergman asked – Mr. Walker?

Attorney Walker stated – No, sir. Thank you, Mr. Chair.

Mrs. Gates added – I have to apologize because last time I was going to make Don (Bergman) give his excuses as of why he wasn’t here at the last meeting, and I understand he called in.

Mr. Bergman stated – I did call in. I called in late, and Dianna (Rose) was not there (at her desk). I did leave a message with her (on her phone’s voice mail), because I was pulling an all-nighter for a deadline I had. So, anyway, my apologies. I try not to miss too many of these Board meetings because I really enjoy them. Alright, if there’s nothing else.

Attorney Walker stated – Mr. Chair, our rules specify that Board, at its first regular meeting in March of each year, shall elect a Chair, Vice Chair, and Secretary.

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Bergman stated – That would be this meeting then.

Attorney Walker – Yes, sir.

Mr. Bergman stated – Okay.

Mr. Johnson asked Mr. Bergman – Are you allowed to do it again?

Mr. Bergman stated – I don't know, I think I've already done it twice.

Mr. Johnson stated – I think you have too.

Mr. Bergman stated – Well, I think there's a restriction on serving more than two (2) terms in any elective or voted position...is that correct, Mr. Walker? Or is it just one (1) year at a time?...two (2) years at a time?

Attorney Walker stated – I was asked to give an opinion on this subject, and gave the wrong answer, and got in trouble.

Light laughter from Board.

Mrs. Brenner asked – Who had asked the question?

Mr. Bergman stated – That's not like you (Attorney Walker).

Attorney Walker stated – The rule in question, Rule 15 states: No member may serve more than two (2) full consecutive terms as Chairman. Is that the rule you were referring to?

Mr. Bergman stated – Yes, that's the one. Did I just start? This is my first two (2) – year term then isn't it?

Mrs. Gates stated – I don't remember. You would have to ask Dianna (Rose) to look it up...I don't know.

Mrs. Brenner added – Yes, this is your first two (2) –year term.

Mr. Trias stated – If you want us to research that we could, I suppose.

Mr. Bergman stated – Well, I think it is...

Mrs. Brenner stated – The question is, do you want the job?

**MINUTES OF PLANNING BOARD MEETING HELD MARCH 8, 2005.**

Mr. Bergman stated – Well, I don't mind doing it...I'd do it again, because after that somebody else is going to have to take over. Alright, so I'm the Chair currently, Sunny (Gates) is the Vice Chair, who was the secretary?

Mrs. Gates stated – Pam was secretary.

Mr. Bergman stated – Well, I guess we need to get some nominations then.

Mrs. Brenner stated – Jeremiah (Johnson) for secretary.

Mr. Bergman stated – That sounds like a great nomination.

Mrs. Gates asked – Should we wait until next meeting when everyone's here?

Mr. Bergman stated – Yes, I think that would probably be best if we could do that because that way Dianna (Rose) could research the terms we've served plus we have a few more people that would 'hear the train coming'.

Mr. Trias stated – That would be acceptable, Mr. Chairman.

Mr. Bergman stated – I'd hate to vote somebody in and they not know about.

Attorney Walker stated – It's well within the discretion of the Board to carry that over to the next meeting.

Mr. Bergman stated – If there's no objection, we'll move this to the next meeting when we have everybody here. Thank you for bringing that up, Mr. Walker. Can you make sure that gets on the agenda for next month, Dianna, please?

Ms. Rose – Yes.

**Adjournment of meeting at 8:15 p.m.**

