

**MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, MARCH 9, 2004, AT 7:00 P.M., IN CITY HALL, FIRST FLOOR COMMISSION CHAMBERS (due to seating accommodations for the public), 100 NORTH U.S. #1, FORT PIERCE, FLORIDA.**

Members present: Don Bergman (Chairman), Charlie Harris, Margaret Benton, Harriet Brenner, Sonja Gates, Thomas Knott, Jeremiah Johnson, Robert Poitier, and Pam Williams.

Member absent: Chuck Enns

Staff present:

Ramon Trias, Director of Development  
Wendy Clark, Planning Coordinator  
Jim Walker, Assistant City Attorney  
Dianna D. Rose, Secretary

Citizens present:

Sheryl Mesagno	John Binkley	Lillian Fournier
Jack Mesagno	Albert R. Bundge	Thelma Isaksen
Elizabeth Mesagno	Tom Lentz	Ursula Moses
Hugo Moreno	Kathy Krug	Ann Vaccaro
Edward Douglas	Nina Jackes	Harry J. Timberman
Regina Phelan	William Jackes	Anne E. Timberman
Rose Anne Catania	Robert Jackes	Tara A. Nitti
Stella Borawski	Billy Ferguson	Ernst Pierre
Anthony Borawski	Frances W. Ferguson	Lorraine J. Mckendrick
Kevin J. McLoughlin	Eula B. Carlton	William Miller
Mike Ziegler	Concordia J. Smith	Lois Miller
Martha Hopler	Katie V. Bruno	Bill Huffman
Sam Hopler	Edward W. Koenig	Marcella Huffman
Alberto Quinones	Helen I. Koenig	Hilde Terorde
Concepcion Quinones	J. Leonard Mullinix	Dorothy Stroud
Sally M. Jorgensen	Hyman Sacher	Myra Swanson
Elmer C. Jorgensen	Dorothy E. Murphy	Kenna Hayes
Elizabeth Ringwood	Agnes Counts	Thomas J. Kahler
Murray Tillman Jr.	Velma Davis	Shirley Delaune
Vicky Tillman	Inez Lowry	Cassandra Lomex
Eric Zeiss	Jeanette Wicks	Evelyn Mesagno
Don McLan	Anna M. McAvoy	Anthony Mesagno
Paul Dritenbas	Lois F. Savage	Rose Sacher
David R. Bennett	Ginny Slagle	Scott Hent
Letha Fowler	Robert Slagle	James Hent
Judy Turner	Yvonne Jiacoppo	Harold Turner

Deborah Ross

Dawn R. Arlton

Bob Pasanant

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Mr. Bergman called the meeting to order (**Agenda Item #1**) at 7:07 p.m.

Secretary proceeded with the roll call and mentioned that Mr. Enns did indeed call in his absence (**Agenda Item #2**).

Mr. Bergman asked the secretary – You said Mr. Enns did call in?

Ms. Rose – Yes.

Mr. Knott asked the secretary – Did you hear from Margaret?

Ms. Rose answered – No one else called in.

Mr. Knott asked Mr. Bergman – Do you want to wait until the end, or do you want me to go ahead and make a motion for Chuck?

Mr. Bergman stated – If there's no objection we could just move the consideration of absences to the end.

Mr. Knott – Okay.

Mr. Bergman stated – Margaret may show up late.

**Agenda Item #3 – Approval of Minutes.**

Mr. Bergman asked – Has everyone has a chance to review the minutes from the February 10<sup>th</sup> meeting? Has everyone had a chance to look through those?

**MOTION WAS MADE BY MS. GATES TO APPROVE THE MINUTES AS THEY STAND. Seconded by Mr. Poitier. Unanimously approved by voice vote.**

Mr. Bergman stated – It seems we have a big turnout tonight. What I'd like to do, if there's no objection from the Board, is move item # 6—which is, I believe, what most everybody is here for—to the top of the list.

**Applause from crowd.**

Mr. Bergman stated – Well, I would rather get it over with than have all of you sit here all night while we have a couple of the site plans to go through.

Mr. Bergman asked – Ramon, is there any problem with that?

Mr. Trias answered – No, it's up to the Board to determine the agenda.

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Mr. Bergman asked – Does anyone have a problem with moving #6 up? Is that alright, Mr. Walker?

Attorney Walker answered – Mr. Chairman, that's a matter suited to the discretion of the Chair.

Mr. Bergman stated – Okay, well we will do it.

**Agenda Item #4 (formerly #6) – Site Plan** – Approval of a Preliminary Planned Unit Development (PUD). Owner is Max Ambach & Sons, Inc. Applicant is Todd Fabri. Representative is Jon E. Schmidt & Assoc. Project is known as Lawnwood Gardens.

**Staff Report** – Ms. Clark stated – The existing zoning for the property is planned unit development. The total acreage for the project is 15.8 acres. And this was the remaining parcels that were previously part of the Villages of Longwood site plan. The project consists of multi-family development, three stories buildings with 24 units in each, for a total of 264 units. Staff is recommending approval.

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

Ms. Brenner stated – Wendy, it looks as if the drawing is opening unto Quincy. The project would also have access to Quincy. Is that correct?

Ms. Clark – That's correct.

Ms. Brenner – Thank you.

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

Ms. Brenner stated – There was question raised concerning an enclosure, as to whether this would be a new PUD or if it would be built on the old PUD?

Mr. Trias stated – The zoning is PUD, so it's a new project, but the zoning is not changing.

Ms. Brenner – Thank you.

Mr. Bergman asked – Does anybody else have any questions? Tom, you don't have anything?

Mr. Knott – No, not a thing.

Mr. Bergman – Okay. Is there anyone here to speak on behalf of the PUD Site Plan application?

Mr. Tierney, esq. stated – Good evening, Mr. Chairman, Board members, my name is Steve Tierney, I am an attorney with the firm of “Niell, Griffin, Fowler, Tierney, Neill & Marquis.” We represent the applicant, which is the Richmond Group, Inc. We’re asking for approval of adjustments to a Site Plan  
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for an already approved PUD. It’s called Lawnwood Gardens. This was one phase of the Longwood PUD. As such, the current PUD and Site Plan is alive, it’s valid. And although that was a pretty good Site Plan, my client feels the modifications in this Site Plan we’re asking to have approved makes it much better, not only from their standpoint but from everyone’s standpoint. And we’re no quibbling over whether the adjustments made to the Site Plan are minor or substantial, because we feel all the adjustments are positive. Here’s the Site Plan, and I don’t know if you all had a chance to review the existing approved Site Plan, but there are some differences I’d like to point out. To try to create more open space, the Richmond Group did two things, they actually slightly reduced the density down from 272 units to 264 units. This puts it well within all the concurrency requirements. They also went three floors instead of two, which means there will be 11 buildings instead of 17. They’ve also clustered the buildings in the middle. All this has created more open green space, less impervious services. The previous design had two small pools, two small recreation buildings. This design has one very large pool with brick pavers, a very large nice clubhouse of 4,000 sq. ft., with a very attractive face to Nebraska Avenue. The clubhouse will have an activity room with computers, fully equipped fitness room, a community club room. The plan also has places for children’s playgrounds that will be equipped with playground equipment. The design allows trees to remain on the boundary. The tree survey is in the works, and obviously they will have to comply with whatever that shows. But the Richmond Group does enhance the landscaping, and they are permitted to do that. The Richmond Group does have a lot of experience in developing these types of properties. I have a letter that Mr. Fabri, of the Richmond Group, had prepared, to address some questions that had been raised. It’s addressed to Mr. Trias, but he had summarized the background.

Mr. Tierney distributed to the board members copies of papers relating to the project.

Mr. Tierney continues – The Richmond Group does not develop sites and then sell them. They develop them to keep them up as a long-term investment. They have a very good tract record of developing and maintaining desirable rental apartments. They have schematic elevations of the design for this. Now, the design here has sort of a Key West look to it, but most likely it’s going to be stucco, I should tell you that up front, and very similar to the one they developed in Tampa—what they call banded stucco. And I only have one set of these, Mr. Chairman, if I could approach and pass these out?

Mr. Tierney distributed other papers/pictures, etc. at this point.

Mr. Tierney continues – The Richmond Group has hired Lindahl, Browning, Ferrari & Hellstrom, Inc. for helping the design. And Mr. Edwardo Bobbis is here today to answer any questions you may have. Lindahl, Browning, Ferrari & Hellstrom, Inc. is the firm that first did the already-approved Site Plan when it was initially created, I think back in the 80s. Mr. John Schmidt is here, the landscaping architect, did the submission, he is also here and can answer any questions you might have about the plan. And Mr. Fabri is here, representative of the Richmond Group, and he also can answer any questions you have about the company and what the plans are. One thing that was in the staff report maybe I should emphasize is that the Richmond Group are here to make

money. They put in a development. They don't like tenants who don't pay, these tenants have to pay money, so they always do background checks, they do criminal checks, they do credit checks on all their tenants to make sure when they get their tenants in there for a year they're going to pay. Staff has

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recommended approval. I think there's no question that the plan conforms to City codes and ordinances, and what also seems clear is the changes that are being requested are an improvement on the existing approved plan. And we're asking to follow the staff's recommendations and approve this submission. The Richmond Group wants friendly neighbors, they want a desirable community, not just a desirable project. We did meet with some representatives of Villages of Longwood to try to iron out whatever differences we have, but they recognize that some residents would rather that this land remain undeveloped, and that's natural. It's a natural undeveloped area that's always nice to live next to. But it's also unfair to ask someone to pay taxes on property without letting expectation of return on their investment. The fact is, the declaration of the covenants of the Villages of Longwood make clear that this property may be developed someday as rental apartments. And the plan for it may deviate from the original plans. That's in the declaration of the covenants of the Villages of Longwood. So, anybody buying there knew that someday this was likely to be developed, and it could be developed as rental apartments. This Board must determine if the application meets certain standards. We feel that very clearly it does meet the standards as set forth in the ordinance. If the Board finds it doesn't meet the standards, it must state the reasons. The proposed plan now has 90 ft. setback of buildings from the eastern property line. That will make 120 ft. from the units in Longwood. As best we can tell from the previous plans that were approved, the distance between buildings and the Villages of Longwood and the buildings as designated in the first Site Plan was 60 ft. So, now basically there's double the distance between the units in the Villages of Longwood under the originally plan that is approved and this plan. As you know, the units of Longwood, the south parts are very close together. The buffer requirement of 10 ft. is expanded to 23 ft. And as I said, I'm sure that there are residents who want this to remain undeveloped. And naturally, when you want it to remain undeveloped, you're going to have criticisms of any proposed plan if one story people complain there is too much of impervious surfaces. I've had buildings on perimeter that they wanted them closer to the middle, we had them in the middle, they wanted them on the outside. Sort of like the presidential candidate for the other party, you can always find bad things to say about him. If somebody that doesn't want this project developed is going to find bad things to say about it. This is not a referendum of whether this should be developed. It's already established that it can be developed and it can be developed as rental apartments. The question is, has the developer met the standards announced in the ordinance, and quite clearly has. And we ask that you recommend approval of the Site Plan to the City Commission. As I mentioned, Mr. Fabri, Mr. Schmidt, and Mr. Bobbis are all here and they can answer any questions you might have of a technical nature or the plans for the unit. And also I would request some rebuttal time afterwards after people have spoken out against it. So, if anybody has any questions?

Ms. Brenner asked – Could you tell me if the three story buildings have elevators?

Mr. Tierney, Esq. answered – No, they will not.

Ms. Brenner stated – They do not have elevators in the three story buildings?

Mr. Fabri stated – No, they will not.

Ms. Brenner – Thank you.

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Ms. Gates asked – Concerning the buffer zone here, and this may be a question I need to ask staff. Normally, what is the normal buffer zone between?

Mr. Fabri stated – The property line, I believe is 10 ft. because it is a 10 ft. buffer zone.

Ms. Gates stated – So, you're allowing 23 ft.?

Mr. Fabri – Yes.

Ms. Gates – Thank you.

Mr. Knott stated – This may be also for staff, but Steve, the letter you have presented us tonight, is this the first time that staff has had the opportunity to see this or did they get earlier today?

Mr. Tierney stated – They just got it shortly before the meeting.

Mr. Knott – Okay.

Mr. Tierney stated – This was a response to the letter..

Mr. Knott stated – The letter we got in our packets?

Mr. Tierney – Right.

Mr. Knott asked – Mr. Trias, have you had an opportunity to see that? They've appeared to have responded to the five points of concern from the property owner's association. Does this letter from the Richmond Group respond to those adequately?

Mr. Trias answered – I haven't read the letter, I just received it right now.

Mr. Knott stated – Okay, I was just going through it, it looks like they have gone through the items. Thank you.

Ms. Brenner asked – Of the interior, are these apartments designed for handicapped access, wheelchairs, etc.?

Mr. Tierney answered – Legally they will be required to and they will be.

Ms. Brenner asked – The doors are wide enough for a wheelchair?

Mr. Tierney – Yes.

Ms. Brenner asked – But no elevator?

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Ms. Tierney answered – There is no elevator, it's not that type of apartment.

Ms. Brenner asked – Is there an age limit?

Mr. Tierney – No age limit.

Ms. Brenner – Thank you.

Mr. Bergman asked – Is there any other questions for the applicant? Thanks Steve.

Mr. Tierney – Thank you.

Mr. Bergman asked – Is there any one here to speak on behalf of the Site Plan PUD?

Ms. Gates stated – In the analysis of this project that I've gotten from staff here it says that it will partially financed by the Florida Housing Finance Corporation, and will be dedicated to affordable housing market. Basically this is going to be subsidized housing then, right?

Mr. Tierney answered – This will not be subsidized housing. The way the arrangement works is to get certain financing from bonds from the state, they have to put limits on the amount of rent they can collect for the units. Anticipating questions, I believe the rents will be \$712, \$800 and something, \$900 and something is rental for the units.

Ms. Gates asked – So there will be a cap?

Mr. Tierney stated – There is a cap..., and as the Richmond Group determines they'll go through the financing and they'll get a slightly better rate, but they'll only agree to that because the cap that's there is very close to the market rate, and that's why they do it this way. But it's not at all subsidized, as I say, they only get rent when the renters pay them. They won't let anybody in there that they don't think is going to pay them.

Ms. Gates – Thank you.

Mr. Trias stated – Ms. Gates, clearly Mr. Tierney is correct in what he is saying, however, to put this in context, this is the same program that was used for the Savannahs project and also for the project known as Sable Chase out west, and it is a state program to allow for affordable housing to be built, and that is what this is about, it's not something else.

Ms. Gates stated – Thank you Mr. Trias, what concerns me about this part—I mean the project looks beautiful but—the homeowners, etc. in the Villages of Longwood have spent a long time struggling to maintain their property values and their rental values. And from what I'm understanding from the last 6

– 8 months to a year property values have really started to climb over there, and I have a concern about putting this type of rental housing next to the Longwood because of this reason.

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### **Loud applause.**

Mr. Tierney stated – I understand what you’re saying, I’m not sure that this Board is allowed to address, it’s not one of the criteria you can. Yes, the prices have gone up, and interest of full disclosure, I have an interest in a unit in Villages of Longwood, and certainly I would not want the value of the units hurt by this. But just because it’s rental housing does not mean it’s going to depreciate the value of the neighborhood.

Ms. Gates stated – It’s a great concern of mine in that view. Thank you.

Mr. Johnson asked – One question, Mr. Tierney, maybe it’s for staff also. What portion of the overall project is financed by the state?

Mr. Tierney stated – Mr. Fabri could probably answer that.

Mr. Fabri answered – Approximately 50%...

Mr. Bergman asked Mr. Fabri – Could you come up to the microphone and state your name and address for the record please.

Mr. Fabri stated – My name is Todd Fabri I’m with the Richmond Group of Florida. To answer the question, to give a better explanation actually of the financing mechanism, is that—as Mr. Trias as pointed out—this is a funding mechanism that is used through the state, it’s through the Florida Housing Finance Corporation. We intend to apply for what they call tax-exempt bonds. These tax-exempt bonds are allocated by the state. The bonds are what we call favorable financing; they’re at an interest rate slightly below conventional financing you would get normally through a bank. And in return for the favorable financing, we dedicate units that are set aside for residents who have incomes that are approximately 60% of the area median income, so to translate that, the rents for a two bedroom are \$708 per month, for a three bedroom \$817 per month, and for a four bedroom \$912 per month. These are monthly rents. Everybody who lives in the development pays the rent, otherwise they’re not able to live there. Mr. Tierney continues to say - We lease market the property as anyone would lease or market a property that’s conventionally financed. We do background checks on all residents as well as both criminal and credit in terms of people’s finance situation whether they’ve skipped out on other places, whether they’ve paid rent previously, whether they defaulted on loans. Those are all stringent requirements that we are required to do as anyone would, because as the Richmond Group has a large guarantee on the property, it’s a long-term investment, we want to protect our investment. We want a stable community filled with residents who are solid working people who pay the rent. We do not want a large amount of turnover, people who are skipping out and not paying rent, where we are continuously filling the units. That is not what we intend to do. The Richmond Group is the developer, owner, and also the manager of the proposed development. Many of these developments that you might see, people develop them then they sell them to other owners, other managers. We provide the development as well

as the ownership and the management. Basically that results in the fact that we have to put financial guarantees on the financing that we get from the state. Debt service is paid on that financing like debt service would be paid on any other conventional loan. If we don't meet that debt service, Richmond

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Group is on the hook for providing the guarantees. So, it's an investment that we're very serious about protecting. Maintenance long term is something that we're very serious about because like anybody, naturally we want to protect our investment. So, we're very serious about the type of residents that we allow to live in our development as well as the long-term maintenance. I will provide a list of properties that we've developed as well as those we own and manage, and certainly would invite any of the Planning Board members as well as the local residents to visit those properties to see what I'm talking about. Mr. Trias, of course there are developments in Fort Pierce that have been developed with similar mechanisms. You mentioned Grand Savannahs as well as Sabal Chase. The Grand Savannahs I'm not that familiar with, I understand there may be some problems at that particular development, but I am familiar with Sabal Chase and I'm not aware of any problems that have developed in that particular development. So, what I'm getting at is that it really depends on the developer, the manager, and the owner, and that would be us. And as I've stated, we're very serious about protecting that and very serious about providing a quality development. It does work, the program does work if it's developed correctly. And it's a very important thing that the community to be able to provide affordable housing to people. Just to give you an idea of the type of people and if I'm rambling, cut me off, but I want to let everybody have the sense of the type of people who would live at this type of development. There are people who's income ranges anywhere from approximately \$22,000 to \$26,000 depending on household size. So, we're talking about people who are nursing assistants, medical technologists, could be law enforcement individuals. These are good solid working people who make up any community, and as everyone knows it's a very good point that property values have gone up in Fort Pierce and in the surrounding metropolitan statistical area and the days of having places that are affordable are quickly coming to an end. So, it's important that a community continue to add quality decent affordable housing, which we plan to do, and have done throughout the state of Florida. I think the median—and I'm not quoting the exact numbers—but I believe the median home price in this area is approximately \$170,000. That's not affordable to a lot of people. And there are a lot of people who can afford to purchase a home, and as a stepping stone do need affordable rental, quality affordable rental. Not rental situations where they're in substandard housing. These are very nice developments that would provide of amenities and a quality environment for people to live in. I apologize for rambling, I wanted to set the record straight in terms of the type of development.

Mr. Johnson – Thank you.

Attorney Walker stated – Mr. Chair, if I may respectfully, very respectfully suggest the refocus of attention is in order. What is not under consideration here are the people who will be living in this development. Our code does not impose standards with respect of the occupants. We do not judge the race of the applicant or the gender, or the income of the applicant, and I would suggest that whether this is rental or whether the people will meet a certain income standard is beside the point. Mr. Chair, what is at issue here is not whether there will be a PUD, but whether or not the amendments that are embodied in this plan are appropriate or not. It is the plan itself that is the subject of this proceeding. If it will help this Board, I will be happy to review the purpose of the PUD by briefly reading section 22-40A. But it is very important that we keep attention appropriately focused on the project here and more specifically the

amendments as opposed to the people who will be living in that project. The purpose of the PUD is as follows: The PUD zone is intended to provide for comprehensive developments incorporating residential uses, as substantial amount of open space and appropriate commercial public and semi-public

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uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall Site Plan. It is further intended to promote economics and land development, maintenance, street systems, and utility networks. The staff, your professional staff, has offered the opinion that the amendments that are to be considered here are appropriate. Unless there is competent substantial evidence to the contrary, this Board should accept that recommendation. Again, attention needs to be focused from a planning prospective on the proposal itself and the amendments that are before this body. Thank you Mr. Chair.

Mr. Bergman stated – Thank you, Mr. Walker. I believe there's 4 or 5 items for the Planning Board to consider with the Site Plan. Those are spelled out for us in the code. Alright, is there anyone else here to speak on behalf of this project? Is there anyone here to oppose the Site Plan PUD application?

Mr. Anthony Borawski stated – I'm a resident of Lawnwood Gardens (Villages of Longwood). I like to know what has been considered in this project as far as its impact on the rest of the area, including taxes, fire department, schools, roads, sewage, etc. Is the cost of this going to be an impact fee on the developer or we the taxpayers going to have to pay for these improvements that are required in the area around it?

### **Applause**

Ms. Debra Ross stated – I am the attorney for the Villages of Longwood Homeowner's Association, which is the residential community made up of 292 single family homes that located immediately adjacent to the proposed project. It is the rest of the Lawnwood PUD, and it's commonly known as the Villages of Longwood. With me tonight is Dawn Hilton. She is a licensed Florida Engineer. I will be addressing so me of the legal concerns, but Ms. Hilton has much more knowledge about some of the specific zoning concerns, which are within the purview of the Board tonight. The first thing I'd like to clarify was that on at least two, and perhaps three occasions, Mr. Tierney indicated that the residents of the Villages of Longwood do not want this project developed period, and that is just not true. The residents of the Villages of Longwood acknowledge that this property is part of a PUD that is subject to residential development, and that at some point in time it certainly will be development, as it should be. However, the key to developing this property and what the City code calls for—in which Ms. Hilton will address—is compatibility. The issue is whether the proposed amendments to the PUD are compatible with the housing that exists adjacent to the property. And there are some things that you need to consider. I'm going to outline them with your indulgence and your permission, and then I'm going to ask Ms. Hilton to address some of the specifics. Many of you have hit on some of the issues that concern the residents of the Villages of Longwood. I'm going to go through them quickly and then we'll go back to them with your permission. The first is traffic. I think Ms. Brenner identified that this plan calls for traffic to go through on Quincy Avenue and again at the other end, and so what you're going to do is create a significant traffic impact through the Villages of Longwood, which is a residential community. And again, I'm going to defer to Ms. Hilton to talk about the traffic impacts. I think that's a significant impact that was not part of the original plan that needs to be addressed by the

Planning Board. The second issue is the issue of three stories. The presentation made tonight said to you, "Hey this an approved PUD, we're just coming in 18 years later to do what was approved by the Board 18 years ago." So, the first thing that we all acknowledge is that the community has changed

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since 1982, and the needs of that community have changed since 1982. And whether the proposed development is compatible with the housing that exists, is what needs to be looked at by the Board. It is the strongest feeling of the members and the residents of the Villages of Longwood that three stories located adjacent to single story residential single-family homes is incompatible. And one of the things you, as the Board, have to look at under City code 22-40A is the compatibility of the housing. And we're going to talk more about that. The second thing (should be third) we would like to talk about is buffering. There was some reference made that there was going to be almost 120 ft. between the buildings located in the proposed new development and the existing buildings, and there may be 120 ft. but that's not buffering, because buffering doesn't include things like parking lots. The 120 ft. that we're referring to includes parking lots. And it's our position that the original PUD called for at least 60 ft. of buffering on the adjacent property and that this plan does not meet that buffering requirement. That buffering requirement becomes even more significant when you have three-story homes looking into the back yards of one-story homes, and you take away the privacy of all of those people who thought that they were going to perhaps preserve and have on the other side of that preserve single-family homes significantly similar to that within these folks live. The third thing (should be fourth) we would like to talk about is security, and it wasn't brought up here today, and you may hear somebody say, "Hey, that's not really an issue for the Planning Board, let the Commission deal with it." But the one thing you need to know—and it was identified by one of your Planning Board members—is that the property values of the Villages of Longwood have increased almost threefold in the last two years. And one of the reasons that the property values have increased is that the Villages of Longwood—a private community—has pulled its resources and employed full-time nighttime security, because it was necessary. And one of the things we asked the developer when we met with him yesterday was, "Will you have nighttime security also to keep our community and the safety of our community consistent?" And the answer was, "We haven't planned on it." But really they're saying we haven't thought about it. The other thing I would like to address to you is part of the reason that you have over 60 folks from the Villages of Longwood here tonight is that we only found out about this proposed development approximately 1 week ago when the developer went out and started to stake the property. The reason we have the opportunity to meet with the developer and the developer's representative, and the developer's attorney at one o'clock yesterday, is because I sent a letter that said, "Hey, don't you want to talk to us? We're going to be your neighbors." And they said, "Oh, well, our time frame was a little short, so we figured we'd talk to you later, but if you'd like to meet with us before the Planning Board meeting, we'd be happy to do that." So, when we talk about having compatibility and having neighbors that you can work with to ensure consistency in housing, we also need to talk about the lines of communication. There are several other things I'm going to address and again, I'm going to try to outline them for you. There was significant discussion about affordable housing, and Mr. Walker indicated that he didn't think it was an appropriate discussion for tonight, but I do think it plays into whether the proposal is compatible. And one of the things I want you to know, which picks up on something that Mr. Trias said, is the Villages of Longwood did their research when a similar project was submitted to the Planning Board about 9 months ago, and it determined that there are 764 affordable housing units within a two-mile radius in the City of Fort Pierce. The reason that becomes significant is again, when a very similar project was submitted to the Planning Board about 9 months

ago, there was a letter that was submitted from a company that often develops affordable housing, so granted we have some competition there. They said listen, “We’ve done the market analysis, we’re in the process of building affordable housing in the City of Fort Pierce—you’ve already approved that—  
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we’re breaking ground.” And the market doesn’t bare another 264 units of affordable housing. We don’t want vacant property, we don’t want vacant units, it breeds crime, it breeds diminution of property values, and we’re concerned about that. We’re very concerned about whether that is defined as compatible. The last issue that I’d like to address, which is actually more technical, and I’m going to defer to Ms. Hilton is the drainage. Because of the short notice that we received about this intended project, we have not been able to obtain a copy of the South Florida Water Management District permit. I called the South Florida Water Management District Office in Stuart, which is the local office for this area. And I said I need a copy of this permit. And he said, “When was the PUD approved?” And I said well, it was 1981 or 1982, and he laughed and he said, “Wow, they have a permit?” And I said yeah. That permit is actually down in West Palm Beach because of its age. And so I have ordered it and I’ve made a public records request for it. But we haven’t had a chance to review it. So, we don’t know what their rights are to use the on-sight water retention, which there’s two on-sight water retention ponds in the Villages of Longwood, and we know for sure that we—the Villages—own one of them, we have a deed to it. And I strongly suspect that we have a deed to the second one, although again, because of the time constraints we haven’t receive the title search back that I ordered. And so, we’re not sure what the applicant’s rights are. We understand that this was developed as an overall PUD 20 some odd years ago. I don’t know what the permit says, and I don’t know what it says to the fact that the owner of the property, the currently owner of the property—who is seeking to sell it to the applicant—deeded the water retention ponds to the association. So, what I’d like to say to you is contrary to what Mr. Tierney said, the residents of the Villages of Longwood did not oppose development. They acknowledge that when people own property, they have to have the ability to develop that property and sell it and make money from that property. But they also say that we, the members—have invested a lot of money—to some people their life savings, in these homes, which many people use as retirement property and it’s crucial. It’s crucial to the tax phase, it’s crucial to the economics, it’s crucial to the health, safety, and welfare of these members, that any housing that’s permitted to go there is compatible. That having been said, with your indulgence, I’d like to turn the floor over to Ms. Hilton to address some of the technical issues that were raised both by the Planning Board members and staff.

Mr. Bergman – Alright, thank you.

Ms. Ross – Thank you.

**Loud applause.**

Ms. Hilton stated – Good evening. When this plan first came about, it made it a little difficult for me to analyze. I was unsure whether or not the applicant was coming in to request approval on a phase of an existing PUD conceptual plan that was approved in 1982. Or whether or not they were coming under the PUD zoning as a new project. So, one of the things I believe I’ve heard is that it is coming because of the density that they are looking to have as a phase of the existing approved conceptual PUD in 1982.

Mr. Bergman asked that Ms. Hilton stated her name and address for the record.

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Ms. Hilton continues – Yes, my name is Dawn Hilton, I'm a licensed engineer. My address is 1779 Cadillac Circle North, Melborne, Florida. One of the things in looking at the existing PUD conceptual plan that was approved and the difference between that and this one is the accesses off of Quincy and North Lawnwood. The conceptual PUD, as approved in 1982, requested non-thru traffic, so as not to encourage cut-thru traffic. They were pods, they would exit and enter off of the same street. The conceptual plan therein also had requirements such as percentage of impervious, percentage of recreation area, percentage of open space, and those requirements were for the entire PUD. So, my concern is with this property being developed different than the original PUD proposal, I don't believe that it is meeting or satisfying the requirements that were originally imposed on that developer, which, by the way, is the same land owner as currently in here today. I've looked at this project from the existing code also, and one of the things that was touched on as far as compatibility—in section 22/40B—is preservation of natural features. And that appropriate provision should be made for preservation of those. The Site Plan, as it is now submitted here, is very similar to the one that came in 9 months ago. Basically very little change with exception of maybe floor plans internally. There has been no effort since that time, as I'm aware of, to do a tree survey. If any of you drive along that area, you will see that there are large oak trees, minimum of 24 inches in diameter, large mature oak trees. And it doesn't appear to me that some of these trees have been taken in consideration with the layout of the plan. What was touched on before is one of the items concerning three-story compatibility. Previously this project did have 17 buildings of 16 units. The question was raised by the developer, "Well, how come we can't get that density on there without going to three story?" And I would say because this proposal appears to represent 2-, 3-, and 4-bedroom apartments. Obviously that would affect the area on site. The percentage of pervious versus impervious on this particular site does not appear, in my opinion, to meet the previous conceptual PUD requirement, both for this section alone or for the entire overall PUD requirements that were intended to be met. Many other things that were in the previous PUD, that have not been addressed, are bike paths, open space, miniature parks, and most importantly the South Florida Water Management District right for drainage onto the adjacent property. I'd be glad to try to answer any questions you might have that I might be able to answer, but those are really the key issues that I could come up with.

Mr. Bergman asked – Ms. Hilton, do you know what the percentage of impervious versus pervious area is of the existing PUD?

Ms. Hilton answered – I believe the pervious was intended to be 48% for the entire PUD.

Mr. Bergman stated – Okay, because the Site Plan that was submitted does not include percentage of pervious or impervious area on their calculations.

Ms. Hilton stated – That's correct, you would have to calculate that out and that has been done.

Mr. Bergman – Okay, thank you.

Ms. Hilton stated – One thing that I would like to mention is once again the buffer. If you go back to the original conceptual plan—and the developer brought out a section of the phase that was originally proposed for this area—it was 90 ft. between buildings, and that was a (grained?) open-spaced buffer.

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You back and look at the records in the Planning Department and the Planning Counsel and the Planning Director at that time brought up issues of increased buffer against what the original plan came in for. They had buffers that were say 30 ft. between the buildings and they actually requested approval on a conceptual PUD plan that they would require additional buffer between the different densities. And I can provide you documents and all that, but that's in the file. Thank you.

Mr. Bergman – Thank you.

**Loud applause.**

Mr. Bergman asked – Is there any questions from the Board? Is there anyone else here to speak in opposition of the Site Plan PUD submittal? This public hearing is closed. What is the pleasure of the Board?

Mr. Knott stated – Mr. Chairman, again I'd like to ask staff—based on the information that we've heard tonight and the response that we've received here from the Richmond Group—are you comfortable with your original recommendation to recommend approval for the project as submitted?

Mr. Trias answered – I think that there's enough sufficient grounds for denial if you believe that those issues are relevant and significant. I think the project, as you remember, went through this process pretty much in the same fashion as some time ago, and probably a different owner and different players and so on. In terms of design, it wasn't that they were different, and then it was withdrawn and so it was never approved by the City Commission. The roll of the Board is to advise the Commission and the Board should take into account the input from the public and all the input from the different people that have spoken here tonight and then make a valid recommendation. Like I said, I think that there's enough there to recommend either way.

Mr. Knott stated – Are you comfortable that the plans submitted meets code? Is there anything that Donna's told us or the Property Owner's Association has told us that would...?

Mr. Trias stated – I think that the issues that have been raised are something that we need to check. I cannot say categorically that it is conceptually correct. And that may be something that we may not be able to make a decision on unless we check it. There are some issues that I think are very valid and I would prefer to check.

Mr. Knott stated – Refresh my memory again on that thing, if you would Ramon, does the final PUD come back to us or does that go right to the Commission straight.

Mr. Knott stated – So, this would be our only...?

Mr. Trias stated – This is the only opportunity for the Planning Board to advise the City Commission.

Mr. Knott asked – And then any of these issues brought up tonight you and the staff and the applicant will have to work out these before it would go to final...?

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Mr. Trias stated – The process, as you know, has several steps and is designed to be redundant, so there's an opportunity to check things and to make sure that mistakes are not made.

Mr. Knott asked – As a preliminary PUD application here appears to meet the ordinances, is this correct?

Mr. Trias stated – Yes, generally speaking it does appear that way.

Mr. Knott – Thank you.

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

Mr. Knott stated – Mr. Chairman, based on the staff's recommendation and what I've heard here tonight I would go ahead and make recommendation to the City Commission to approve this preliminary PUD as submitted.

**Audience shows its disapproval by loud comments, etc.**

Mr. Bergman stated to the audience – Keep it down please.

Mr. Bergman asked – Do we have a second?

No one speaks.

Mr. Bergman stated – Motion fails for a lack of a second.

**Loud applause by audience.**

Mr. Tierney asked – Mr. Chairman, I ask for a chance to rebut.

Mr. Bergman stated – There is none, the public hearing is closed.

**Loud applause by audience.**

Ms. Brenner stated – Mr. Chairman, I move that we table this until we can get some additional information, in particularly the old PUD information and the drainage from the South Florida Water Management District along with some other things. I think we need more time to look at this with some more details and I would like to see it tabled, or postponed.

Attorney Walker stated – Mr. Chairman, may I request that the motion incorporate a date that as to when it would be brought back before the Board?

Ms. Brenner stated – The date would be next month’s meeting.

Attorney Walker – Thank you.

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Mr. Bergman asked – Do we still have a second?

Mr. Johnson – Yes sir.

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

Mr. Johnson stated – I have one item. My concerns are with the South Florida Water Management District. I do see some potential issues that could arise with the way that this project has been designed. It’s a good design, I’m not sure about tying into the existing system. And also in the site data there’s no information that’s shown for pervious and impervious areas. It’s on the civil drawings. Either way the overall area needs to be looked at as far as pervious and impervious. There might be a few questions and issues with the setbacks and existing vegetation. Those are issues I would like to see addressed.

Mr. Knott stated – Mr. Chairman, just for clarity on this motion that Ms. Brenner has made. Are they going to stick with these and hope to get some resolution between the two bodies, is that right?

Ms. Brenner stated – Yes, and give staff time to look at some of the recent additions to the information, so they can make a reconsidered recommendation, whether they stay with this one or not. I would just like for them to be clear on everything that we’ve gotten so far and give them a little time to catch up a little with us. One of the things—and I appreciate—you’ve done a traffic study, but you did not include a traffic study from Lawnwood Circle down to Quincy, and least I didn’t see one, I may have overlooked it. And also, I would like the fire departments to sign off on the access to the upper floors.

Mr. Bergman stated – Yes, typically they have to have access to three sides, so that would be something they would need to look at.

Mr. Smith asked – May I speak?

Mr. Bergman stated – No.

Mr. Smith stated – There just seems to be questions that all of you have now that we could clear up this evening.

Mr. Bergman stated – Well, this is an ongoing discussion regarding the motion, I’m sure if there’s a question that needs to be directed to either side we can do that. Mr. Knott, did you have a question?

Mr. Knott stated – No, I’m fine. I just wanted to make sure that we weren’t going to ‘beat the same horse’ a month from now...

Mr. Bergman stated – I think we need to narrow the scope on what this motion’s going to contain as far as what other information that needs to be provided. Some of the things that I’ve picked up just from

looking at the drawings, and some of the things that were mentioned by Ms. Ross, the tree survey, I know that's something that's probably being prepared now. Mr. Johnson brought up the outfall location. That seems very unusual that you could develop a parcel this size without any on-site retention, and I

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don't know, (addressing Mr. Knott) you're the civil engineer, so I'm not sure what the legalities or requirements are for that. And then I think the buffer was an on-going issue, but I think those are all things that were in those PUD documents everybody's referred to.

Ms. Gates stated – I would like to add the buffering issue. I would really like to see, now that I think about the three stories, I think that needs to be addressed, an increased buffer.

Mr. Bergman stated – So, we have a motion on the second, is there any other discussion on this?

Mr. Johnson stated – I have one more item, Mr. Chair. I don't see the pervious/impervious calculations on the civil drawings. That is an issue there. Well, that's good for now. Thank you.

Mr. Bergman asked – Is there anything else?

**MOTION WAS MADE BY MS. BRENNER TO POSTPONE THE PUD UNTIL THE NEXT MEETING. Seconded by Mr. Johnson. Approved by 8 –1 roll call vote.**

Mr. Bergman stated – This matter has been tabled to the next meeting. Hopefully both sides can get their information together and answer some questions I think the Board and staff might have, and we'll address this at that time. Thank you all for coming.

**Members of the public regarding this agenda item are leaving at this time.**

**Agenda Item #5(Previously agenda item #4) – Site Plan** – Approval for Site Plan of a 5-story building to serve the Judicial System of St. Lucie County. Located at 221 S. Indian River Drive. Representatives are Edlund, Dritenbas, Binkley Architects and Associates, P.A.

**Staff Report** – Ms. Clark stated – The building is just over 10,000 sq. ft., 5 stories which will front Indian River Drive. The existing Clerk of Court employees will be relocated into the new building from the old courthouse. Parking will be provided both on-site as well as St. Andrew's Church, and staff is recommending approval.

Mr. Bergman stated – All right, thank you. Did you say parking is going to be St. Andrew's Church?

Ms. Clark stated – Both on site and they will utilize St. Andrew's Church parking lot.

Mr. Bergman asked – Did they get an agreement from St. Andrew's Church yet?

Mr. Knott added – They own the property.

Mr. Bergman stated – Oh, they do? Okay.

Mr. Trias stated – Mr. Chairman, there’s an existing agreement as we understand it.

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Mr. Bergman added – All right, I just thought I’d bring it up now before we get into it.

Mr. Bergman asked – Any questions for staff from the Board?

Ms. Brenner asked – Ramon and Wendy, was there any particular reason why there was not parking under the first floor of the building?

Mr. Trias answered – Well, the building as designed, is much better from the point of view of urban design and its impact on the city as designed, as opposed to parking on the ground floor. From my point of view, it’s definitely much better like this. And there seems to be sufficient parking around. In addition, there’s a plan to add two more stories to that county parking garage right next to the courthouse, so, I would not recommend to have the ground floor as parking.

Ms. Brenner – Thank you.

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

Mr. Knott stated – Mr. Chair, the Site Plan shows quite a bit of brick pavers out in Indian River Drive. Is the county going to ‘spring’ for all that out there? I love it.

Mr. Trias added – It’s amazing, that’s what I said too, I have to say, much to my shock, this is actually a very good project.

Mr. Knott asked – Does that beat your downtown streetscaping?

Mr. Trias answered – It’s very well done. I have to give the county some real credit here. They have improved their performance immensely.

Mr. Poitier – That’s good.

Mr. Bergman stated – Ramon, this may be a question for the applicant. Do you know if they’re providing ingress and egress on the Indian River Drive side? It looks like they have the two-way entrance off of Atlantic. It doesn’t address that entrance.

Mr. Trias stated – They have a display of the Site Plan, it’s probably the easiest thing to do.

Mr. Bergman commented – To get these architects to put the information on the drawings is like pulling teeth.

Mr. Paul Dritenbas stated – Mr. Chairman, I’m Paul Dritenbas, architect with E.D.B. Architects. I’m not sure if the Board is aware that all of Indian River Drive is scheduled as a D.O.T. right-of-way for

improvements, and the pavers and the curb cuts and everything that are depicted on our Site Plan are actually the D.O.T.'s proposed improvements. The two-way street that's in front of the existing courthouse...

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Mr. Trias added – Within the right-of-ways, right?

Mr. Dritenbas – Yes, within the right-of-ways.

Mr. Trias stated – Yes, let's clarify that issue.

Mr. Dritenbas continued – We're meshing our site improvements with the D.O.T.'s improvements. Our site improvements are on our property. The D.O.T. improvements, of course, are within the right-of-way. The point I want to make here is the two-way road that's in front of the existing courthouse, Clerk of the Courts building, there's a north- and a south-bound street in front of that building now, and there's also a north-bound only down below where that retaining wall is. The D.O.T. proposal is to make that lower road north-bound only and the south-bound land is going to be eliminated in front of the courthouse, and put parking along there as far as parallel parking spaces. So, that will eliminate that fast yield where people are in two north lanes converging where we have all those cones and everything and that little triangle in front of the courthouse. So, that eliminates that dangerous situation. What that allows us to do—to answer your question—is to have a right and left turn out of the captured courtyard parking onto Indian River Drive. Right now it's only a right turn only, it's really too dangerous to try to turn left, because there's two north-bound lanes merging together right now. So, with a single south-bound and a single north-bound would allow us to have a right and left turn lane onto to Indian River Drive. I think the other issue was the parking at St. Andrews. The county has reached an agreement where they own that parking lot now. They're not using it by permission or through joint access or joint use agreement with St. Andrews. The county now owns that parking lot. An improvement center proposed to embellish that and reduce its nonconformity. Add a few more spaces, embellish it with site lighting and landscaping, and that is also part of this proposal. So, it's not only just the Clerk of the Court site, but also the other part of this application is improving of that parking lot on the east side of Indian River Drive.

Mr. Bergman asked – Paul, if you don't mind, is that curve cut on Indian River Drive? I know you had wrestled with the two lanes on Indian River Drive, but is that curve cut one way out or is it a two way?

Mr. Dritenbas answered – It's going to be one way out, right turn only again.

Mr. Bergman – Okay.

Mr. Dritenbas continued – Even though we could turn left on it but we're not, we're still proposing right turn only.

Mr. Bergman stated – That's kind of where I was headed with that question. How that's going to be controlled as far as keeping people from turning left out of there, because I can see early morning Indian River Drive traffic, I can see that being a real mess. I don't know if there's any way to resolve it.

Mr. Dritenbas stated – Like it is now, Don, there’s actually a curb cut there preventing you from going left, because it’s such a severe right, there’s actually a very tight radius for right turn only. You couldn’t

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turn left without driving over a curb. So, with this D.O.T. embellishment for this curb cut perhaps we need to accentuate that radius again so that you can’t go left.

Mr. Bergman added – I don’t know if signage is going to do or what, it’s got to be handled pretty well because I can see people backing up on that little...

Mr. Dritenbas stated – Sure, signage doesn’t always prevent people from coming in the wrong way, but a curb usually does.

Mr. Bergman stated – Well, that’s something maybe we ought to look at.

Mr. Dritenbas asked – Is there any other questions?

Mr. Knott stated – I guess I am confused now on the work in the right-of-way, that is not part of this contract or ...?

Mr. Trias added – Mr. Knott, the design of Indian River Drive is undergoing right now, and a project that is managed by the city and is designed by the city and is going to be a city street. It is true that it’s a D.O.T. right-of-way right now technically, but what they want to do is in addition to Orange Avenue, Avenue A, and Indian River Drive, they want to give those right-of-ways to the city. So, what’s going on, as part of that project we have on-street parking, we have sidewalks with pavers, we have some landscape, we have some changes in the way that the section works that allows for a larger median between the two sides of the street. So, all that is a city project that is being paid with D.O.T. funds. What the applicant is doing is that they are expanding the sidewalk with the arcade and that pavers and so on, into their property, so whatever is within their property they are doing, and whatever is outside their property in the D.O.T right-of-way the city is doing.

Mr. Knott asked – Does that apply to Atlantic Avenue also?

Mr. Trias answered – No, Atlantic Avenue is different. Atlantic Avenue is not under design right now, so at this point that’s speculative on the part of the applicant of what happens in the right-of-way.

Mr. Knott stated – So, I’m looking at sheet L-1, most of that on here is fictitious, then, it doesn’t apply?

Mr. Trias stated – Well, it’s something that we certainly want to do, I mean it’s certainly a good idea, and the applicant is predicting it’s going to happen.

Mr. Knott asked Mr. Dritenbas – You’re going to stop at the right-of-way line, is that what you’re doing with your work?

Mr. Dritenbas answered – We’re going to carry right up to the existing street curb on Atlantic, because the curb is in good shape but the sidewalk is all broken up.

Mr. Knott asked – So, you’re going to take the brick paver all the way to that?

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Mr. Dritenbas – Yes.

Mr. Knott – Okay.

Mr. Trias – Oh, okay, that’s good.

Mr. Knott stated – On Indian River Drive I see you have some of your landscaping out in the right-of-way, is that for the future for the D.O.T. to do?

Mr. Dritenbas answered – Those issues right along Indian River Drive where we have the tree grates, in the TRC (technical review committee) Ramon addressed that as urban landscaping once we get out there and we see where those trees can actually be placed, Ramon will be coordinating that with us. You’ll see some of the landscaping there and the barricades and planters, those are actually a homeland security requirement for preventing vehicles from driving into a public building and having a tragic accident. So, those are 44 hundred pound barriers that are also planters and seats. So, those are some of the requirements that are coming down...you’ll see a lot of that in the Federal Courthouse, those are requirements that are mandated by the Federal Government.

Mr. Knott stated – So, to summarize that, you will be taking yours out to your right-of-way, to your property line on Indian River Drive?

Mr. Dritenbas – Yes.

Mr. Knott added – And then whenever the D.O.T. come they’ll finish it out?

Mr. Dritenbas stated – Yes, we’re trying to mesh these two projects about the same time of construction, that would be ideal, who knows if that will ever happen.

Mr. Knott stated – With D.O.T. who knows.

Mr. Dritenbas – Right.

Mr. Knott – All right, thank you very much.

Mr. Trias added – This is not a D.O.T. project, you keep saying this but it’s just not the case. This is different from A1A. A1A is a D.O.T. project. This is a city project in terms of the management, in terms of that ownership of that right-of-way. So, I would predict that it would be easier to achieve the goals that Paul (Dritenbas) has just stated.

Mr. Knott – Very good, thank you.

Mr. Johnson stated – On that Indian River Drive exit we'll call it at this point, was it looked at to have that a two way? Because it looks like you cut off the area there, the sidewalk where it starts, and get a

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two-way entrance and exit at that point? Or was it just always designed as an exit only, and a right turn only?

Mr. Dritenbas answered – Right now it's a right turn only south bound out of the parking lot. And it's our intent to keep it that way rather than turning left, even though we would have enough visibility now that the building is back and the arcade is back, and that the single land is being improved with the Indian River Drive improvements you would have enough visibility to turn left. In the past, when we had the last Site Plan when we did the Public Defender building several years ago, the D.O.T. said only right turn out of that parking lot would be allowed and that's why it's that way currently, because of the visibility when the old legal arts building was there, you couldn't see what was coming. To turn left would be suicide, so it was a right turn only. So, this condition has been improved to the point where it could be two way, but I think it's still best to be a right turn only. And as Mr. Bergman pointed out, with a little curb embellishment, that could be corrected in the civil documents to make sure it's a right turn only, and then signage again, do not enter. But the two-way traffic is off of Atlantic and that's the primary access.

Mr. Bergman stated – Paul, before you leave, sorry. This really has nothing to do with your Site Plan, the building looks like it works pretty well. I see a bridge connection on there. Is this connecting to the old courthouse?

Mr. Dritenbas – Yes it is.

Mr. Bergman – Okay.

Mr. Dritenbas stated – The bridge connection, which is being designed by Continental Bridge as we speak, is a physical connection for security reasons and also a cross access between the courthouse, the annex, and this proposed Clerk of the Court building. It's up at the second level, you could call it the third floor. We have a basement, the first floor, second floor, third floor, and fourth floor, so the 5-story building is actually four floors over a basement that's nested into the hill just like the existing courthouse, the original courthouse, the Clerk of Court now. So, that access bridge connects at the same level as the finished floor elevation of the second floor of the old courthouse. And you'll have about 22 ft. of clearance underneath it for vehicular traffic to exit.

Mr. Bergman asked – Is the only bearing point going to be on your side of the parking lot?

Mr. Dritenbas – Both sides.

Mr. Bergman asked – So, it's going to go all the way over right in front of the handicapped ramp?

Mr. Dritenbas answered – It's connecting to a structure that's being built where the old Sally Port exit was to the jail. If you look at that old courthouse there's a panel that covers where that old Sally Port connection used to be.

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Mr. Bergman stated – It looks like it's going over to that northwest corner of the existing courthouse, just to the west of that stair tower.

Mr. Dritenbas – Right.

Mr. Bergman stated – You may want to look at your handicapped parking, because if you have any columns there, they're going to fall right in front of where that 5-ft. accessible ramp would be. ...I saw it on here but it didn't really show up on your elevations except on the south side.

Mr. Dritenbas – Right.

Mr. Bergman – Okay.

Mr. Bergman asked – Is there any other questions for the applicant? Is there anyone else here to speak on behalf of the Site Plan application? Is there anyone here to oppose the Site Plan? What's the pleasure of the Board?

**MOTION WAS MADE BY MR. POITIER TO APPROVE THE SITE PLAN APPLICATION. Seconded by Ms. Gates. Unanimously approved by roll call vote.**

Mr. Bergman stated – Okay, this will go to the City Commission, you will notified by the clerk when this will come up. Nice job.

Mr. Dritenbas – Thank you.

**Agenda Item #6 (previously agenda item #5) – Site Plan** – Approval for Site Plan of a commercial marine service and retail facility. Known as St. Lucie Outboard Marine. Representatives are Edlund, Dritenbas, Binkley Architects & Associates, P.A.

**Staff Report** – Ms. Clark stated – St. Lucie Outboard Marine currently operates on South Highway 1. The new facility will serve as a relocation facility for the existing business. Architecturally the facility will have a fishing village theme. The property is located within a historic district and it will be subject to the Preservation Board review. Staff is recommending approval.

Mr. Bergman stated – All right, thank you. Are there any questions for staff from the Board?

Ms. Brenner asked – Wendy, I have a question. I wasn't quite sure about this tapping into the existing water lines. There was a notation. That and also about the security wall and the fencing, it's 8 ft. high

along the railroad tracks. Is that sufficient for that many boats to be outside...are you happy with the security arrangements?

Ms. Clark answered – Well, the Site Plan did go through the Police Department for their review and there were no comments that were received in terms of security from that department.

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Ms. Brenner stated – I did read that but I was wondering if they were really aware of the 8 ft., I'm sure they were.

Mr. Trias added – We don't have any concerns about security, but if you have any suggestions now is the time to make them.

Mr. Knott stated – Mr. Chairman, Ramon or Wendy, does the code allow 8 ft. fences. I thought we had a 6 ft. max in the city?

Ms. Clark answered – 8 ft. for a commercial property.

Mr. Knott asked – Commercial? Okay. It's not going to have any hangers on top of it or anything?

Mr. Trias asked – Bobbed wire you mean?

Mr. Knott – Yes, bobbed wire.

Mr. Trias stated – No, that's not allowed.

Mr. Knott – Okay, thank you.

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

Ms. Brenner stated – She didn't answer the question about the tapping into the existing water lines. Are those going to be used for different areas on the project for washing down boats and things like that? Keeping the place clean? Is that what that was referring to?

Ms. Clark stated – The applicant could probably best answer that question.

Ms. Brenner – Thank you.

Mr. Bergman asked – Is there any other questions for staff? All right, is there anyone here to speak on behalf of the Site Plan application?

Mr. John Benkley stated – My name is John Benkley, I'm with the E.D.B. Architects and we're representing St. Lucie Outboard. I just wanted to say that I felt that our client has gone to great lengths to try to embellish basically a pre-engineered metal building to fall within your guidelines, and go to considerable expense to upgrade the project in terms of landscaping and brick pavers and metal roofing

to give it the old fishing village scheme. And I have Eric Zeiss here from Culpepper & Turpening that can address your question but I can also address any architectural issues.

Mr. Bergman stated – Okay, is there any questions for the applicant from the Board?

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Mr. Knott stated – On the abandonment, I noticed the road to be abandoned. And I just wondered what the status of that is? Mr. Walker, can we give a recommendation on a parcel where the right-of-way has not been abandoned? There is no application with this to be abandoned is there?

Ms. Vicki Tillman stated – I'm Vicky Tillman, my husband, Bud and I own St. Lucie Outboard. We've been here in St. Lucie County owning it for 25 years. There is an abandonment on file right now for an applicant and then easement for the city. At this time, during the title search—that we are doing to present back—the applications have all been put in. We had to prove that the city owns the property or that piece of parcel and at this time the city doesn't own it, as what the title company can find for us. So, we are waiting now for another letter from the title company. I'm working with the surveyors to state how far back they have gone in records and that the piece at this time is not on record as belonging to the city. But what we are proposing to do then is once they get that letter stated from the title to back that up, that easement would be given for the piping and everything and we have been in contact with the water department, and they know about the piping and have met with them also.

Mr. Knott stated – Well, maybe Mr. Walker, we could get some clarity from you. Do we need to ask the applicant to remove that off the Site Plan? Does that cloud the Site Plan if there's a 50 ft. right-of-way that nobody seems to claim? Can we take action on it tonight?

Attorney Walker stated – Mr. Chair, the city would not be abandoning any rights that it may have, otherwise any approval should be specifically contingent upon resolution of any questions on that.

Mr. Bergman – All right, thank you Mr. Walker.

Mr. Knott – Thank you.

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

Ms. Gates asked – How many boats do you plan to house on site? Am I missing this some place in here?

Ms. Tillman stated – We are not a storage facility.

Ms. Gates asked – You're not storing anything?

Ms. Tillman stated – We are not a storage facility, we maintain the boats that are there for service. Consider us like a car dealership. They are just there for the time of repair, now sometimes people's boats might stay a little bit, but that's just a repair.

Ms. Gates – Okay, thank you.

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

Ms. Brenner stated – The one about the water. The existing water lines.

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Mr. Eric Zeiss stated – Hi, I'm Eric Zeiss with Culpepper & Turpening. Basically, we have met with Fort Pierce Utility Authority concerning this. The existing water line that runs through the site is extremely old and we have agreed when we're doing our site construction we'll replace the water line and then we'll connect into it. The gravity sewer line in that area was replaced about 10 years ago, so that'll just remain. And we'll also repair easements over but the water line and the sewer line to the Fort Pierce Utility Authority.

Ms. Brenner asked – It is hooked into to city services is it?

Mr. Zeiss – Yes.

Ms. Brenner asked – Water and sewer and all?

Mr. Zeiss – Yes.

Ms. Brenner – Thank you.

Mr. Knott asked – Mr. Chairman, if I could ask Eric a quick question. Eric, there was an outfall drainage line that came right through this property that the city moved about two or three years ago. They moved it into a right-of-way. It's not in this right-of-way?

Mr. Weiss – No, it's not in this one.

Mr. Knott asked – Did they go further to the south with it?

Mr. Weiss answered – Yes, they must have, it didn't show up on our survey or anything.

Mr. Knott added – It used to go right across this property, and they were trying to get an easement for it, and I thought maybe they put it in this right-of-way; all of a sudden that right-of-way is not going to be there. So, there's just the water and sewer?

Mr. Weiss answered – Yes, just the water and sewer.

Mr. Knott asked – Okay, and it doesn't look like you're going to be putting any buildings on top of those.

Mr. Weiss – No, we're not.

Mr. Knott – Good enough, thank you.

Mr. Bergman asked – Is there any other questions for the applicant? Okay, thank you. Is there anyone else here to speak on behalf of the Site Plan application? Is there anyone here to oppose the Site Plan? All right, what's the pleasure of the Board?

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Mr. Knott stated – I move to approve as submitted with the conditional that they resolve the abandonment as a part of the final approval...up to a 50 ft. right-of-way.

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN PROVIDED THEY RESOLVE THE ABANDONMENT ISSUE. Seconded by Mr. Harris. Unanimously approved by roll call vote.**

**Agenda Item #7 – Site Plan with Conditional Use** – Approval to allow the construction of a private dock. Owners/applicants are Robert & Suzanne Menegay.

**Staff Report** – Ms. Clark stated – A single-family residence is currently under construction for the site. It is a private dock in which it would be consider an accessory. The applicant has already obtained state permits, and staff is recommending approval.

Mr. Bergman asked – Thank you, is there any questions for staff from the Board? Is there anyone here to speak on behalf of the Site Plan w/Conditional Use? Is there anyone here to oppose the application? What's the pleasure of the Board?

**MOTION WAS MADE BY MR. JOHNSON TO APPROVE THE SITE PLAN WITH CONDITIONAL USE OF A PRIVATE DOCK. Seconded by Mr. Poitier. Unanimously approved by roll call vote.**

Mr. Bergman stated – You'll be notified when this goes to City Commission.

Mr. Menegay – Thank you.

**Agenda Item #8 – Conditional Use** – Approval to permit a daycare center for children in a R-3, Single-Family Moderate Density Zone. Owner/applicant is Margie Hooper.

**Staff Report** – Ms. Clark stated – The located of the daycare center is within one of the older establishment single-family neighborhoods of Ft. Pierce. Parking improvement simply includes a typical two-car driveway, which causes a concern regarding traffic. And staff is recommending denial.

Mr. Bergman stated – Thank you. Were there any questions for staff from the Board? Is there anyone here to speak in support of the Conditional Use? Is there anyone here to oppose the Conditional Use application? Entertain a motion.

No one was present to represent this application.

Mr. Knott stated – We follow staff’s recommendation and recommend denial of this application.

**MOTION WAS MADE BY MR. KNOTT TO DENY THE CONDITIONAL USE APPLICATION. Seconded by Ms. Gates. Denied by an 8 – 1 roll call vote.**

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**Agenda Item #9 – Rezoning** – Approval to rezone property from R-1 to R-4A. Located on South Hutchinson Island, adjacent to Blue Heron Boulevard. Owner is Luv-It-Homes.

**Staff Report** – Ms. Clark stated – The property was recently annexed into the City in 2003. The intended purpose is to develop the property with two 4-unit residential buildings. That project will also be subjected to formal Site Plan review, and staff is recommending approval of the rezoning application.

Mr. Bergman stated – Thank you, are there any other questions for staff from the Board?

Mr. Bergman asked – Wendy, this is going to come back to Site Plan, is that correct?

Ms. Clark stated – Yes, based on the density proposal, it will be coming back through Site Plan Conditional Use approval.

Mr. Bergman asked – Well, wouldn’t it be also for the square footage?

Ms. Clark answered – For residential it’s based on the number of units.

Mr. Bergman – Okay. Thank you.

Papers being distributed by applicant at this point.

Mr. Bergman asked – Is there anyone here wishing to speak on behalf of the rezoning application?

Mr. David Bennett, Esq. stated – Good evening, my name is David Bennett, I’m the attorney in West Palm Beach. I’ve been asked at the eleventh hour to come in and speak on this application.

Mr. Bergman – Lucky you.

Mr. Bennett continues – No facts or legal basis for knowing what this application is about. Having said so, my clients are GB Contractors & Consultants and Luv-It-Homes. They are the contract purchasers for these premises. And as the (chairman for his mention?) this is property in the most southern portion, my understanding, on what’s known as South Beach, and it’s on the western side of A1A. It is an unimproved property, it’s across from those premises which we commonly know around here as Ocean Village. My client has submitted for review by the Board a document which is fashioned as a Preliminary Site Plan and actually it is located down in the lower right-hand portion as a rezoning exhibit, and the purpose of this application—at least at this juncture—is to seek recommendation approval by this Board for a rezoning change from your R-1 for single-family home construction to R-

4A. And for those who are familiar in that area, it's the very most southern portion of Hutchinson Island in part of the City of Fort Pierce. There's a number of multi-family construction in that area. Their condominiums have quadraplexes under your code. And my clients suggest the construction of two quadraplexes on the site. There was a submission previously, a rendering—I believe this is it I'm wavering to the Board—you may already have it. Beach Haven custom-build homes. It was a yellow,

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perhaps blue with white trim. My clients are now proposing a slight change, where they find this drawing more appealing presumably to the Board, but in any event, certainly to perspective purchasers of the property. If you will look at this rendering and see what this preliminary Site Plan has shown to you, I have noticed a few changes. And since it's my understanding that this is an informal hearing and this is a preliminary view by the Board of this application, you might note, and I can barely read it, but from the very bottom, just above where it says State Road A1A there's a line there, and that's the property line, but also shows a concrete privacy wall. Well, apparently there's not going to be a privacy wall anymore for a couple of reasons. One – It probably doesn't look as good. What's being presenting here is an iron rod gate for its entrance and there's a certain amount of landscaping and dressing up of the premises. In any event, the Site Plan here and what the client is attempting to do is construct and sell these eight units. And they are trying to present something, which is more upscale and certainly something which is pleasing and certainly would be a nice entranceway or gateway into what's now the City of Fort Pierce and what we foresee the same migration. For start, down where I live in Palm Beach County to Martin County and now to St. Lucie County and to the City of Fort Pierce. So, my clients are showing basically on this plan—I believe their drawings will show—(looks at the drawings)—it doesn't show on the drawings we're showing, but even so, these units all will have a garage underneath, and yet they also have—as you will see in the center portion here—12 other parking spaces and they will accommodate a second parking of a car for each unit and also for visitors parking. It is our belief that this juncture for the zoning change is that this makes more sense for this area, because it is consistent with what is really going on over there across the street at Ocean Village. And also in fact, we believe that this purposed construction in every aspect will be of a higher scale and quality of that across the street, which is again, of course, a mixed use construction on that site. The second (port?), I don't believe that that is an issue to be addressed at this time, however the issue as the square footage that is involved in the lots could be brought up on another date. But we have submitted previously, in January noted that there's eight units. My reading of your zoning is for R-4A is that it requires one acre for eight units. It also has another provision as to the minimum amount of area per lot/per unit. It asks for 5,000 sq. ft. per unit. We have more than that if we break it out, something a little over that. And we are under the acreage for this application. The total area including the safe zone is 0.91 acres. So, it's a (dominimous?) change. The applicant is going to put in an upscale site and, of course, he wishes to get a number of units to where he would think to make this a reasonable return on his money.

Mr. Bergman stated – Thank you. Are there any other questions for the applicant?

Ms. Gates stated – Chair, on this preliminary Site Plan up in the right-hand corner—Wendy, you may be able to answer this—out of curiosity, is the land to the west of this all privately owned land?

Mr. Bennett, Esq. stated – Well, I can answer that in two ways, one—is no, I don't know, and two—I don't know.(humorously) So, that's why we have other people here to answer these factual questions.

We have actually the gentleman who owns this land or represents the sellers of this land, perhaps he can address the issue.

Mr. Paul Broom stated – Hi, my name is Paul Broom. Your question was?

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Ms. Gates added – In the corner here of this vicinity map. This land that is behind it, is that private land also?

Mr. Broom – Yes, ma'am.

Ms. Gates asked – To the water?

Mr. Broom answered – No, ma'am. This old plat has been in there for about 50 years and I guess I'm the guy who's been out there trying to get some of this property to make it developable. And so I've come along the A1A area right up at the road, and I have secured some of these properties. And I've been 2 years with DEP and the Corps of Engineers getting approvals so that we can get some of this land to be able to get past their issues so we could finally get them developed. I'm the owner of the property behind it as well.

Ms. Gates – Thank you.

Mr. Bergman asked – Could you tell me what's plan for those northern two lots that you're rezoning? The preliminary Site Plan looks like it appears to address only the southern area that's being rezoned, but there's two more lots on the other side of lots 6 & 7?

Mr. Broom asked – What's the intent?

Mr. Bergman stated – Yes, I was just curious if you're going to rezone it I was wondering if you're planning to develop that as part of this project or that's something that might be done as a future phase?

Mr. Broom answered – We're not sure how we're going to past some of the issues with the DEP and the Corps. It may not ever be developed. I don't believe that lot 6 is in the city limits, it's still in the county.

Mr. Bergman – Right.

Mr. Broom continues – And until I get it where it's worthwhile, I'll try to annex it in, and try to get it to where it's a developed property.

Mr. Bergman – Okay.

Attorney Walker stated – Mr. Chair, may I, as a point of order, ask planning staff a question for clarification of the application?

Mr. Bergman – Certainly.

Attorney Walker continues – Mr. Trias, is this application here before the Board solely on a request for rezoning or is the Board additionally being asked to approve a conceptual development plan?

Mr. Trias answered – It's only for rezoning and the conceptual plan is an illustration of the concept.

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Attorney Walker – Thank you.

Mr. Bergman stated – Thank you. Is there any other questions for the applicant?

Mr. Knott stated – I'm looking at that map. I'm a little confused. There a lot in between.

Mr. Bergman added – There's two lots.

Mr. Knott continues – There's two lots in there. And you're going to rezone the other two north of those. Am I understanding this correctly?

Mr. Bennett, Esq. answered – At some future point, but that's not part of this application. And certainly remember I represent the contract purchaser of what you see in those four corners.

Mr. Knott asked – So, the only lots that under rezoning now are 1 thru 5, is that correct?

Mr. Bennett, Esq. and Mr. Broom answer in unison – Correct.

Mr. Knott stated – Okay, because on the zoning map it's highlighted, the two lots north of them are shaded in also. I thought maybe they were in the same application.

Mr. Bergman asked – Wendy, is that correct? We're just rezoning the southern four?

Ms. Clark – Yes.

Mr. Bergman – Okay.

Mr. Knott – Okay.

Mr. Broom corrects Mr. Bergman – Five.

Mr. Bergman stated – I'm sorry, five, the southern partial, right?

Mr. Knott – Yes, 1 thru 5.

Mr. Bergman – That helps.

Mr. Johnson added – Yes, the application states on line 1 there both of them.

Mr. Knott – Oh does it?

Mr. Johnson continued – That’s what I was looking at, the application, that’s probably why they have it highlighted.

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Mr. Knott – Okay.

Mr. Johnson stated – It has both tax I.D. numbers.

Mr. Knott stated – Oh, I see, it’s got both I.D. numbers, but it calls that 1 thru 5 though.

Mr. Johnson – Correct.

Mr. Knott stated – So, we’ll just going to have to clarify that in the motion.

Mr. Knott asked – One other question, sir, if I could. I know it’s not part of this application to ask of it. Will these be fee simple or will these be rentals do you know?

Mr. Bennett, Esq. answered – These are going to be sold, they’ll be fee simple houses.

Mr. Knott stated – Okay, very good. And one final question. Is this the parcel that owns that private walk over to the beach?

Mr. Bennett, Esq. stated – Yes it is. Actually at first I thought it was a run in, I was wondering if that would help and apparently it did. So, that is the walkway that has a dedicated easement up to the beach and has that blue...

Mr. Knott stated – It’s got the gated dune crossing and people keep breaking the gate off of it.

Mr. Knott – Very good, thank you.

Mr. Bennett, Esq. – Thank you.

Mr. Bergman asked – Wendy, I have one more question for you. There’s a letter in here from GB Contractors and it’s addressed to the Planning Board and it basically says, “The following is an outline to identify the preliminary site plan for the variance request...”

Mr. Bennett, Esq. asked – What is the date of the letter?

Mr. Bergman – There’s no date on it.

Mr. Knott – Oh, yeah, 01/22/04?

Mr. Bennett, Esq. answered – I have the letter in front of me, could you refer to it again where you're speaking from?

Mr. Bergman stated – The letter says, GB Contractors and Consultants, Corp. at the top. It says, "To Planning Board," and then it basically goes, "The following is an outline to identify..." And it just

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basically spells out what they're trying to do at the site plan. I just wanted to make sure this is strictly rezoning?

Ms. Clark –Yes.

Mr. Bergman – Okay.

Mr. Trias stated – Mr. Chairman, as you know anytime there's a rezoning, one of the big questions is what's going to happen? And the applicant is doing an excellent job at explaining that, so we shouldn't hold it against him.

Mr. Bergman stated – No, I just wanted to make sure that we're not approving something preliminarily as a part of a site plan, that we're strictly just doing this as a rezoning.

Mr. Trias – Okay.

Mr. Bergman stated – All right. Is there any other questions for the applicant? Is there anyone here to oppose the rezoning application? What's the pleasure of the Board?

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE REZONING APPLICATION FOR LOTS 1 THRU 5 AS INDICATED. Seconded by Mr. Johnson. Unanimously approved by roll call vote.**

Mr. Bergman stated – Thank you. You'll be notified when this goes to the City Commission...Thank you for being patient.

**Agenda Item #10 – Waiver of Distance** – Approval of requested waiver for a 2-COP license. Located at 2725 South U.S. 1. Applicant is Ernst Pierre. Owner is Joy Chakkappa.

**Staff Report** – Ms. Clark stated – The property complies with the requirements for granting a distance waiver as having permanent kitchen facilities and seating capacity of at least 35 persons, and staff is recommending approval.

Mr. Bergman stated – Thank you. Is there questions for staff from the Board? Is there anyone here to speak on behalf of the distance waiver? What's the pleasure of the Board?

No representatives were present for the distance waiver.

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE DISTANCE WAIVER AS SUBMITTED. Seconded by Mr. Johnson. Unanimously approved by roll call vote.**

**Agenda Item #11 – Abandonment** – Approval of requested abandonment of portion of City right-of-ways. Location is North 31<sup>st</sup> Street. Representative is Robert Strano.

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**Staff Report** – Ms. Clark stated – This item was tabled from last month’s meeting. Since that time, the request to abandon North 32<sup>nd</sup> Street has been withdrawn by the applicant based on objections from the Utilities Authority. So, the request before you tonight would simply be the abandonment of North 31<sup>st</sup> Street. And staff is recommending approval based on the conditions that are listed in your recommendation in which the property shall be declared surplus and sold at fair market value, and that the owner or applicant shall be responsible for the appraisal and any other associated costs of the request.

Mr. Bergman – Thank you.

Attorney Walker stated – Mr. Chair, it is the position of the office of the City Attorney that the function of the Planning Board is not to determine whether a property should be abandoned as such or sold as such. But whether or not the property serves a public purpose and should be retained in the public domain or if it serves no public purpose that it then be released to the private sector through whatever means the City Commission determines for itself to be most appropriate.

Mr. Bergman stated – Okay, thank you Mr. Walker. Were there any questions for staff from the Board?

Mr. Johnson asked – Mr. Walker, I have one question. In regards to that, then we’re just making a recommendation to the Commission that we deem there’s no public need for this right-of-way, is that correct?

Attorney Walker – Yes sir.

Mr. Johnson – Thank you.

Mr. Bergman stated – Well, there’s no one here to speak on behalf of the abandonment. What’s the pleasure of the Board?

Mr. Knott asked – Is it just 31<sup>st</sup> Street ...?

Mr. Johnson – Yes.

Mr. Knott – Okay.

**MOTION WAS MADE BY MR. JOHNSON TO APPROVE THE ABANDONMENT REQUEST. Seconded by Mr. Poitier. Unanimously approved by roll call vote.**

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

Ms. Brenner stated – I have one question. Did I understand that staff is recommending approval on the bottom of page 13, it says staff is recommending denial. Now that's 32<sup>nd</sup> Street, and we're talking 31<sup>st</sup> Street, is that correct?

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Ms. Clark answered – The recommendation of denial went with 32<sup>nd</sup> Street, which has since then been withdrawn.

Ms. Brenner – Okay, thank you.

#### **Agenda Items #12, 13, 14 & 15 (addressed as one)**

**#12 – 2725 South Jenkins Road**

**#13 – 6133 Tedder Road**

**#14 – 4000 South U.S. 1**

**#15 – Group 22**

Mr. Trias stated – Mr. Chairman, if you choose to, you can do all the annexations at once.

Mr. Bergman stated – That's what I was just looking at.

Mr. Knott asked – Do you want to talk about them or do you want to...?

Mr. Bergman stated – Well, I'm not going to go through all 22 of them. We have four basic annexation items.

Mr. Knott – Right.

Mr. Bergman continued – The first one is 2785 South Jenkins Road. Then we have 6133 Tedder Road. 4000 South U.S. 1, and then we've got a clump of 22 basically off of Jenkins Road?

Mr. Knott – Yes.

Mr. Bergman continued – We can do this like I do on these other Boards, we can do these as like a kind of a consent vote, unless there's an item that somebody wants to discuss individually, we could pull that out and discuss it. But otherwise we could entertain a motion to accept all of the annexations at once.

Mr. Johnson stated – Mr. Walker, I attend church at one of the properties being annexed. I have no monetary benefit by attending church there whatsoever. Is there a conflict of interest there?

Mr. Poitier – You can't vote then.

Attorney Walker stated – I believe that the question would depend upon whether the Board member is an officer in the church, and therefore the church could church fairly be characterized as his principle. I don't think that relationship arises merely by mere fact of membership in the church.

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Mr. Johnson stated – I am a deacon at the church, Westside Baptist. It's not any officer pertaining to an organization of that sort, it's just a service organization that's all.

Mr. Poitier stated – A deacon is an officer of the church.

Mr. Johnson stated – No, actually there's a Board of Trustees at this church.

Attorney Walker stated – Mr. Chair, I sense that we're starting to approach the gray area, therefore to avoid even the appearance of impropriety, I would recommend that this be treated as a conflict; not necessarily suggesting that it purposes a question. It doesn't quite pass the 'smell test' here. Rather than confront the issue, I would recommend that we exercise a spirit of conservatism on it.

Mr. Bergman stated – All right.

Mr. Poitier asked – What are you going to do?

Mr. Bergman stated – Mr. Johnson, you will have to fill out the proper paperwork. And turn it into the clerk's office.

Mr. Johnson asked – For my abstinence of voting?

Mr. Bergman – Yes.

Mr. Johnson – Okay.

Mr. Bergman stated – Thanks for bringing that up.

**MOTION WAS MADE BY MR. KNOTT TO APPROVE ALL THE ANNEXATIONS OF ALL THE PROPERTIES LISTED ON THE AGENDA ITEMS #12, 13, 14 & 15. Seconded by Mr. Harris. Approved by an 8 – 1 roll call vote due to a conflict of interest by Board member Mr. Johnson.**

Mr. Bergman stated – We still have to deal with the consideration of absences, Margaret did make it in. Mr. Enns did call in, is that correct?

Ms. Rose (secretary) – Yes.

**MOTION TO EXCUSE BY MR. KNOTT TO EXCUSE THE ABSENCE OF MR. ENNS. Seconded by Ms. Gates. Unanimously approved by voice vote.**

Mr. Bergman asked – Is there any discussions, Ramon, Wendy, anything?

Mr. Trias – No sir.

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Mr. Bergman continued – Mr. Walker?

Attorney Walker asked – Mr. Chair, did we have elections?

Mr. Bergman – No sir.

Attorney Walker continued – Apparently our rules provide that elections for Chair, Vice Chair, and Secretary take place in March.

Mr. Bergman stated – No, we haven't done that, you did bring that up at the last meeting.

Mr. Poitier asked – Could we table it?

Mr. Bergman stated – No, it has to be done at this meeting. This is our meeting time.

**MOTION WAS MADE BY MR. KNOTT TO ELECT DON BERGMAN CHAIRMAN AND SUNNY GATES AS VICE CHAIR. Seconded by Ms. Brenner. Unanimously approved by voice vote.**

Mr. Poitier stated – Well, you may as well leave all the officers in place then. That's it.

Mr. Bergman asked – We can only do two terms, is that correct?

Attorney Walker – Yes.

Mr. Bergman stated – It's a two-term limit, so this would be my second.

Attorney Walker stated – Rule 15 states, "No member may serve more than two full consecutive terms as chair.

Mr. Bergman stated – Okay, so this would be my second then.

Mr. Knott stated – So, you're good for one more then?

Mr. Bergman – Sounds like it.

Mr. Bergman stated – Thank you guys for sticking it out.

Attorney Walker asked – You’ve got a Chair and a Vice Chair, right?

Mr. Bergman – Yes.

Attorney Walker stated – You’ll need a secretary.

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Mr. Bergman stated – Oops, that what I thought. Who was the secretary last?...Pam?

Ms. Gates stated – Eddie Becht.

**MOTION WAS MADE BY MS. GATES TO ELECT PAM WILLIAMS TO BE SECRETARY.  
Seconded by Mr. Knott. Unanimously approve by voice vote.**

**MEETING ADJOURNED AT 9:10 P.M.**

