



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

CITY OF FORT PIERCE

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

DEPARTMENT OF PLANNING

"IMPROVING THE WAY WE DO BUSINESS"

PLANNING BOARD MINUTES

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, APRIL 11, 2006, IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Sunny Gates (Vice Chair), Robert Poitier, Leslie Olson, Charlie Harris, Margaret Benton, Edward Reilly, Jeremiah Johnson, and Chuck Enns.

Members Absent: Don Bergman (Chairman), and Tom Knott.

Citizens and staff present:

Ken Shields
Paul Jasinski
Michael Wm. Morrell
Philip Stickles
Vonda Fox
Glen Hanks
Brian Horowitz
José F. Jaramillo
Greg Proctor
Alexi Howk

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

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

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

Ms. Rose stated that Mr. Bergman had called and stated he would not be attending the meeting, and that Mr. Knott had mentioned at the last meeting that he would not be attending this meeting.

Agenda Item #3- Approval of Minutes of Meeting held March 14, 2006.

Mrs. Gates (the Vice Chair) chaired the meeting since Don Bergman was absent.

Mrs. Gates asked – Are there any corrections or any additions to these minutes?

Mr. Johnson stated – I have one. Not that it's a big deal. I think I need to be added to the members present list that was that.

Ms. Rose stated – I apologize for that.

Mrs. Gates asked – Are there any other corrections or additions? If not, I'll entertain a motion.

MOTION WAS MADE BY MR. JOHNSON TO APPROVE THE MINUTES OF MARCH 14, 2006 AS CORRECTED. Seconded by Ms. Benton. Unanimously approved by voice vote.

Agenda Item #4 – Site Plan – Lawnwood Townhomes – Approval of a Site Plan for a 22-unit townhomes development located on the north side of Lawnwood Circle, west of South 17th Street. The owner is Lawnwood Associates, LLC, the applicant is PDP, LLC/Richard Palmeri, and the representative is Carnahan Proctor Cross.

Staff Report – Mr. Buchwald stated – Madam Chair, Board Members, the applicant is proposing the construction of a townhome development on 2.29 acres to be located on the north side of Lawnwood Circle, west of South 17th Street. The proposed project consists of two 5-unit buildings and three 4-unit buildings for a total of 22 units, resulting in a density of 9.61 dwelling units per acre. The existing zoning for the property is R-4, which allows up to 10 units per acre for conventional developments. The future land identified by the Comprehensive Plan is RM, which allows between 6.5 and 12 dwelling units per acre. Each townhome building will be two (2) stories in height and will include 2-car garages, brick paver driveways, and clay tile roofs. The proposed project will include swimming pool and cabana with sidewalks throughout the development and along Lawnwood Circle. And also it will include extensive landscaping. The properties located north, south, and east are zoned R-4, which are Planned Unit Development (PUD) and are occupied by residential housing and a continuing care facility. The property located west of the site is zoned C-1 and is occupied by medical offices. All effected City and County departments have reviewed the submittals and have approved the proposed site plan based on meeting the requirements of the Code. As the proposed site plan meets the requirements of the Code, staff recommends the Planning Board forwards the City Commission a recommendation for approval of the site plan.

Mrs. Gates stated – Okay, thank you very much. Are there any questions for the staff from the Board on this item?

Mrs. Olson stated – I do have one. Adjacent to the west is a canal and I'm wondering if staff has any concerns as far as safety goes as there is no fence proposed in the site plan? Is that something that we need to address?

Mr. Buchwald stated – Certainly it's something that could be recommended by the Planning Board, yes.

Mrs. Gates asked – Okay, any further questions for staff on this item? If not...are you the applicant?

Mr. Greg Proctor stood and stated his name and stated – I'm with Carnahan Proctor Cross here on the behalf of the applicant.

Mrs. Gates – Okay.

Mr. Proctor continued – As Mr. Buchwald says, this is a proposed 22-unit condominium townhome project. And it's a little over 2.2 acres and relative to your question on the canal side, on the west, we did, as per staff recommendations as part of the process, did add some berm buffering as far as landscape....shrubby to buffer the canal from the back of the units. We did add that as a condition of the process as we went through the process.

Mrs. Gates asked – Are there any questions for the applicant from the Board?

Mrs. Olson stated – I noticed that the plants recommended are cocoa plum, which are great, but they only get to about two (2) feet high. How high is the berm that you're planning on constructing there?

Mr. Proctor stated – Probably about two (2) feet.

Mrs. Olson asked – So, it will be about four (4) feet total when they're full grown?

Mr. Proctor stated – That's correct. And there is plenty of room in the back to do that.

Mrs. Olson – Okay. Thank you.

Mrs. Gates asked – Any further questions for the applicant? I think they're going through their paperwork...there's a lot up here.

Mr. Proctor – That's fine.

Mrs. Olson asked – May I ask another question? I don't see on the landscape plan that a berm is indicated, but it is in the plan?

Mr. Proctor stated – Yes ma'am.

Mrs. Olson continued – Okay. And also something I was confused about, maybe you can just explain it to me, down below in bold it says that trees required by Section 22-187.4a&b equates that you'll need 12 trees and 11 trees....it says below, have been provided. And I'm wondering is that because of the entryway that it's 11 instead of 12 there? And this is on the landscape plan?

Mr. Proctor stated – That's right.

Mrs. Olson stated – I just wanted to check. Thank you.

Mrs. Gates asked – Any further questions?

Ms. Benton asked – I would just like to know, what is the proposed usage of the property? Is it to be for rental or for sales?

Mr. Proctor – Sale.

Ms. Benton – Thank you.

Mr. Enns asked – Do you plan on marketing these for families or is this like a retirement over 55?

Mr. Proctor stated – The way they're planning right now is for families. But it's what the market is going to give and ...I'm not privy to exactly how they're going to market, but it's probably going to be families mostly.

Mr. Enns stated – My only concern with it would be that you really have nowhere for any kids to play do you? I mean, I guess they could go down to the pool, but other than that there's no green area for them throw a football or play soccer.

Mr. Proctor stated – Well, we do have considerable green space on this property, more so than most. The back yards are fairly decent and, of course, you have the recreation area in and of itself. You have a big green space next to the entrance and next to the buildings. So there is some green space in and of itself throughout the site.

Mr. Enns asked – So, you envisioned the kids playing behind the buildings there?

Mr. Proctor stated – They could.

Mr. Enns continued – The only other concern that I would have is ...I'm not really sure how deep that canal is across there, but it sure seems like a two (2)-foot berm and a couple of plants, especially the way that they are spaced on this ...it doesn't seem like that's really sufficient. I know if it was mine, I would rather have a fence up there so that the kids couldn't climb down into the canal and end up ...I don't if there is that much water in that canal or not, but bad things could possibly happen.

Mr. Proctor stated – That's correct. I think by the time you do a berm and shrub, that's about as much hesitation for children as it is a fence. They're going to get to it one way or another. So, I think we could increase the size of the berm if you like, and increase the spacing of the plants if you'd like to do that.

Mrs. Gates stated – I think we had this come up recently at another ...at the last Planning Board meeting something very similar, did we not?

Mr. Buchwald stated – Yes ma'am. That is correct. That would be Live Oak Villas II where...

Mrs. Gates added – The same concern in another project, if you all recall that.

Mr. Buchwald added – And Madam Chair, if I may remind the Board, at that time you recommended that the installation of a six (6)-foot chain link fence of resin...green and aluminum construction...a resin construction.

Mrs. Gates stated – Mr. Enns may not have been finished, I'm sorry, I think I interrupted you...

Mr. Enns stated – No, no, that's fine.

Mrs. Olson stated – Just as a suggestion, as an alternative to a fence, perhaps, might be the planting of something that might be uncomfortable to get through, say bougainvillea with all the thorns; it's another possibility.

Mr. Proctor stated – I think a more softening treatment on that side would be good. We could do something along those lines...change the species of the plant where it's more of a impediment for kids to want to get through it. It's a good idea.

Mrs. Gates asked – Mr. Riley, did you have anything to say?

Mr. Riley stated – If you put a fence in people will still go around the fence unless you fence in the whole...I'm not advocating not having a fence, but it's just basically going to run down one side of the property and not really do...people would just go around it. That's just my thoughts.

Mrs. Gates asked – Anybody else? Any other questions? Okay, thank you very much.

Mr. Proctor asked – Would you like for us to go with that suggestion with the different species?

Mrs. Gates stated – I think the Board can make this as part of their condition.

Mr. Proctor added – We'd be glad to do that.

Mrs. Gates added – And that's going to be up to them what they would like to recommend, but if you would like to offer something that you would be willing to do.

Mr. Proctor – Yes.

Mrs. Gates stated – Okay. Thank you very much.

Mr. Proctor – Okay.

Mrs. Gates asked – Okay, is there anyone here to speak against this request? I don't think so. I'll entertain a motion from the Board on this item.

Ms. Benton stated – Madam Chair, I would move to approve ...I don't know whether someone has the desire to include in their approval the recommendation regarding either the fencing or the changing of the vegetation. But I would be happy to incorporate that...I made a motion but I would be happy to incorporate any such ...with a condition.

Mr. Enns added – With a condition that bougainvilleas be planted along the canal.

MOTION WAS MADE BY MS. BENTON TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE CONDITION THAT BOUGAINVILLEAS BE PLANTED ALONG THE PERIMETER NEAR THE CANAL. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Mrs. Gates stated to Mr. Proctor – Your item has been approved by our Board, and it will go with our recommendation to the City Commission meeting and you will be receiving a notice of when you will be going before the Commission. Good luck.

Mr. Proctor – Thank you.

Agenda Item #5 – Proposed Ordinance – Outside Storage – To seek approval of a proposed ordinance limiting the height of outside storage in the Marine Industrial Zoning District (I-2).

Staff Report – Mr. Buchwald stated – Madam Chair, Board Members, the proposed ordinance before you limits the height of the outside storage of goods, projects, inventory, materials, containers, equipment, or any other object to 15 feet in the I-2 zoning district. The proposed ordinance also requires the storage to be surrounded by a site-obscuring fence; and to not be visible from any surrounding properties or zoned for other uses. This item was postponed from last month's agenda so that the counsel for a member of the public may approach staff as regards to notice requirements. Mr. Walker has responded to counsel and has requested that the proposed ordinance, again, be placed on tonight's agenda. Staff recommends its approval.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff from the Board on this?

Mr. Johnson stated – Madam Chair, I guess site-obscuring fences is my first question. We're going by the Code definition of a site-obscuring fence and certain heights? Or is there a particular height that staff is looking for? Yes or no?

Mr. Buchwald stated – Madam Chair, Mr. Johnson, I would defer to Mr. Walker on that question.

Mrs. Gates – Mr. Walker?

Attorney Walker stated – The ordinance provides that the side-obscuring fence would not exceed a height of 15 feet; and that it would, nevertheless, be sufficient to obscure from view any of the products enumerated in the draft ordinance.

Mr. Johnson stated – Okay, thank you.

Mr. Riley stated – I have a question here. On the ...this is the Marine Industrial Zoning...Does this effect sail boat storage, you know (inaudible?) boats and dry dock and such?

Attorney Walker stated – This ordinance would effect outside storage by any commercial enterprise within the Marine Industrial Zone, and would apply to any and all products consisting of goods, inventory, materials, and other objects, such as inventory, containers, and equipment.

Whether or not this ordinance is reasonable restriction or not to impose in that particular district, is a matter that is more appropriately addressed from a planning prospective by Planning staff.

Mrs. Gates stated – Mr. Enns, I think you had a question.

Mr. Enns stated – Well, I was just interested ...how did they come about the 15-foot limit? And then also ...I mean that's an awfully high fence. Is that just arbitrarily the ...?

Attorney Walker stated – The 15 limit height visualized by this ordinance is to an extent arbitrarily impose but is further selected with deference to the fact that sometimes it's necessary to stack outside materials fairly high.

Mrs. Olson stated – Madam Chair, as a follow-up to Mr. Riley's question, I'm not sure I understood your answer, does that apply to boats?

Attorney Walker stated – It applies to goods, products, inventory, materials, containers, equipment, or any other object.

Mrs. Olson asked – So, it would fall under equipment probably?

Attorney Walker stated – That's a construction that can be composed on the language, which otherwise speaks for itself.

Mrs. Olson – Okay.

Mrs. Gates asked – Did that answer your question?

Mrs. Olson added – I don't understand if boats apply but....

Attorney Walker added – A boat is an object.

Mrs. Olson – Okay, thank you.

Mrs. Gates stated – I have a question; I'm not sure if it's for staff or Mr. Walker. Out of curiosity, in other port zones, in other cities around us, is this something that has been applied also to...?

Mr. Buchwald stated – Madam Chair, I'm not aware that it has been applied in other ports in other cities. That's a good question, but I'm not aware of it.

Mrs. Gates stated – Okay, thank you. Any further questions for staff?

Ms. Benton stated – I just have one. Mr. Walker, we received the correspondence from Mr. Morrell. I didn't get your response but I suppose that we're beyond those issues now, is that correct?...regarding notice?

Attorney Walker – May it please the Chair, yes. We're very comfortable with the manner in which the City is proceeding procedurally.

Ms. Benton – Thank you.

Mrs. Gates asked – Any other questions? Okay, if not, is there anyone here to speak in favor of this request? I don't think so. Is there anyone here to speak against this request?

Mr. Michael William Morrell stood and introduced himself and stated – Madam Chair, and members of the Board, I'm an attorney who practices land use law in West Palm Beach, Florida, where my office is located. Tonight I am representing the King Maritime Group, LLC, the Port of Fort Pierce, Inc. doing business here as Indian River Terminals Company, and Jamco Inc. doing business here as Cracker Boy Boat Works of Fort Pierce. While I'm waiting for my computer to bring up our power point presentation...we've prepared a copy of the presentation, and I would ask our representative to hand out one to each member of the Board, the City Attorney, and the Board's Clerk. And if you would just give me a moment to open our presentation, we'll be right with you. You can give Mr. Buchwald one too, and if you have an extra one for the Deputy City Manager that would be fine also. I'd like to give you an all review of what we're going to do tonight. You know they say when you make one of these presentations you're supposed to tell them what you're going to tell them, tell them, and then tell them what you've told them. So, I thought an all review would be helpful so you could see where we're going. Basically I'm going to start tonight by introducing my clients and the descriptions of the parcels that are effected by this proposed ordinance. I'm going to talk a little bit about the standards for the Planning Board's decision, which limits you this evening. And I'm also going to talk about what my clients, the King Maritime Group, Port of Fort Pierce, and Jamco are requesting you to do and why they're requesting you to do it. After I'm done, we will bring on our expert, Paul Jasinski, a port consultant and former chief executive officer of the Port of the Fort Pierce. And I'll introduce Paul just before he comes in. After Paul, we would like you to hear from Mr. Ken Shields, the general manager of the Port, who's going to talk about economic impacts. Paul is going to talk about containerization, why this ordinance is devastating to the concept of containerization. Paul is also going to talk about (intermolism?) and the Port of Fort Pierce. Ken is going to talk about economic impacts to our business and your community that are negatively impacted by this proposed ordinance. Then I'll come back and finish by showing you signed protests of 12 of 16 land owners who opposed this proposed ordinance. Then I'll do some minor housekeeping; I'd like to put some documents in the record and at that time I will address the question of whether or not the issue on notices is closed. And then we will take questions from the Board. I hope to proceed as quickly as I can, and I'll be kind of a summary with the slides because you all do have the detailed presentation in front of you. But feel free to stop me at any time.

First of all, this first map shows all parcels zoned Marine I-2 within the Port of Fort Pierce. Now we believe there are 16. We filed a public records request with staff asking them to verify this map. Actually at the time, the map we sent them we only had 15; we found another one and it was tedious to have to have to research the parcels. We've not heard from staff, they told us they would get back with us on our public records request; and I hope we don't have a disputed issue of fact as to how many parcels are effected by this ordinance. We believe that there are 16 parcels and they're shaded in pink on this particular map. Now not all 16 of those are my client's. The King Maritime Group and its affiliate, the Port of Fort Pierce, and the Indian River Terminal Company, have six (6) parcels. (Asking his associates) Did I get that number right? Excuse me five (5) parcels. My client, Jamco Inc., doing business as Cracker Boy Boat Works, has two (2)

parcels, and they're shaded in magenta on this map so you can see the five (5) parcels owned by King, the two (2) parcels owned by Jamco, and the other parcels owned by other owners. I'd like to say a little bit now about what we believe...

Mr. Enns asked – Could I just stop you for a second?

Mr. Morrell – Sure.

Mr. Enns continued – Could you go back one slide?

Mr. Morrell – Sure.

Mr. Enns asked – Where's Taylor Creek?

Mr. Morrell stated – Taylor is right here.

Mr. Enns stated – Okay, so it's just blue up in that area. And then the two (2) pieces, isn't that where Cracker Boy is now?

Mr. Morrell stated – Cracker Boy is parcel labled Jamco, that is correct. The two (2) magenta parcels labled are owned by Jamco doing business as Cracker Boy Boat Works.

Mr. Enns stated – I thought you were showing me down there was Cracker Boy. (Referring to the slide presentation.)

Mr. Morrell stated – No, no. Cracker Boy are the two (2) Jamco parcels on the south side of Taylor Creek....

Mr. Enns stated – The other pieces then...? That's the old refrigeration terminal there, correct?

Mr. Morrell stated – Yes. This is the old refrigeration terminal. You are historically correct. The interests have been diversified over time.

Mr. Enns – Right.

Mr. Morrell continued – Egan & Company was the predecessor/owner prior to the King Maritime Group my client purchasing the property in 2001. And even subsequent to the purchase my client has acquired additional properties from Egan & Company. So, I've got clients with seven (7) out of 16 that are negatively effected by this ordinance. To go on, we believe that there are specific standards of the Planning Board's review and recommendation concerning this proposed ordinance are to be followed. And those standards are provided by statute and in the City's local zoning code. Well, what are they? First, the proposed ordinance must be consistent with the City's 1990 adopted Comprehensive Plan. And the statute provides that all land development regulations, enacted or amended, and that's what you're doing, you're amending a land development regulation, shall be consistent with the adopted Comprehensive Plan. Now, the state statute also contains a definition of consistency, which constrains you in making that determination of whether this proposed ordinance is consistent with your adopted 1990 (Comp)

Plan. And it says, a land development regulation shall be consistent with the Comp Plan if the land uses, densities, or intensities and other aspects of development permitted by such regulation are compatible with and further the objectives, policies, land uses, and densities of intensities of the Comprehensive Plan. Now, most important, the statute provides that this Board has mandatory review jurisdiction. You've been designated by this City as the local Planning Agency under the statute. You're sitting tonight both as the Planning Board and as the local Planning Agency; and the statute gives you very important power. It says that no land development regulation or amendment thereto, and that what we have is an amendment tonight, shall be adopted by the governing body, that would be the City Council (meaning Commission?) until it has been referred to this Board sitting as the local Planning Agency for review and recommendation as to the relationship of such proposal to the Comprehensive Plan. So, basically you're charged by the statute with the jurisdictional review and recommendation as to the relationship. What is the relationship you're required to look at? Whether or not this proposed ordinance is consistent with your 1990 Comprehensive Plan. Now, there are some Code standards, I just finished summarizing the statutory standards, but the Code standards are also important. And there's a roll for staff, which I have to bring to your attention, especially based on the very good questions that I heard from this Board before you opened it up. Chapter 22 of the zoning ordinance provides that the Department of Planning and Development shall refer the application to the City Planning Board together with a staff report, which notes any inconsistency between the proposed amendment and the Comprehensive Plan for this chapter. I think...we've underlined together with the staff...we don't believe you have a staff report. You don't have a report that is signed by a member of the staff. I've never appeared before a local government where the planner preparing the report doesn't sign it and state his professional credentials. You have not been provided with a staff report that analyzes whether or not this ordinance is consistent with the Comprehensive Plan. And, therefore, this record is void of any evidence regarding the consistency of this ordinance with your 1990 Comprehensive Plan. And staff deferred to the City Attorney, the City Attorney gave you a literal reading of the ordinance, he sure didn't give you a lot of help when you asked your questions. And I would suggest to you that the help you didn't get from your staff or your attorney we're going to try to give it to you, because we spent a lot of time looking at your 1990 Comprehensive Plan. Now, your Plan hasn't been amended a lot; as a matter of fact there's a moratorium on Plan amendments with regard to your Plan, because the Department of Community Affairs says you haven't gotten the growth management law right since 1999. And Mr. Recor's moving very quickly in responsibly to fix that issue. And you've been retaining consultants that are revising your Comp Plan. There's even a number of drafts available that are available, which I'm sure you've seen, including drafts that effect the Port within which my client's land is open. But for purposes of tonight, you are bound by the 1990 Comprehensive Plan; the adopted Plan that is place. Not the Plan that is going to be in place when your consultants finally record it so that you can get the moratorium off your Plan amendments. But the Plan that was adopted in 1990, and that Plan has been amended very few times. Your ordinance also provides that the City Board will recommend approval or disapproval of the proposed amendment and its recommendation shall then be submitted to the Commission. So, whether you approve or disapprove tonight, you're also required to submit a recommendation to the Commission. And we believe that recommendation is to be based on the finding of whether or not the proposed ordinance is consistent with the Plan. Now, in lastly, an item that I'll just mention briefly and come back and talk about in the very end of our presentation after you've heard from our consultant and our manager, your Code has specific amendment procedures, which says that in the event that the Planning Board recommends disapproval or, and the word "or" is in the alternative, a case

where a protest against any said proposed change signed by 20 percent of the land owners of either the lots included in such proposed change, or those within 500 feet included in such change, such amendment shall not be effective except by a four-fifths (4/5) vote of the City Commission. So, normally it only takes three (3) out of five (5) votes for the City Commission to amend an ordinance. But if 20 percent of the land owners protest, it requires four (4) out of five (5) Commissioners. At the end of our presentation this evening, I'm going to present written protests of 12 of the 16 land owners. Seventy-five (75) percent of the land owners effected by this ordinance have sworn their protest, and I will submit those to you all and to your attorney. As a matter of fact, those protests are all stapled together in a group attached to the back of that agenda. But I will get with them and show you who they are. They not only include the seven (7) parcels of land, which my clients own, and by the way, my clients own at least 20 percent of the parcels zoned I-2, that are effected by this ordinance. So, we really didn't need to go get the protests of the other land owners. But we're a tight group in the Port, and we knew that everybody who does business in there is adversely effected. And we had no problem obtaining 75 percent of the land owners. What is it that we're asking you to do tonight? And this is really the heart of our presentation. What is it that the King Maritime Group and Jamco request the Board to do? Three (3) things; first, disapprove the proposed ordinance; second, based upon a specific finding that the ordinance is inconsistent with the City's adopted Comprehensive Plan, that would be the 1990 adopted Comprehensive Plan; and third, that you recommend to the City Commission that the proposed ordinance not be adopted, not only based on your findings, but based on your knowledge that 75 percent of the land owners are presenting evidence as to why this ordinance is so objectionable. Why should the Board disapprove the proposed ordinance? And I frame (possibly meant to say "phrase"?) this as a question, and recommend to the Commission, why should you do what we're asking you to do? Well the answer is really very simple. Numerous provisions in both the dating analysis and the goals and objectives and policies of your 1990 Comprehensive Plan recognize the importance of the Port and the industrial land use category to the future economic well being of the City. And also the importance of storage as an essential industrial activity in the Marine Industrial (I-2) Zone. And now we're going to show you documents from that dusty old 1990 Comp Plan. What are the provisions of Plan, which the proposed ordinances are inconsistent with? Well we've reproduced pages, and I've got about 10 pages of the Plan, and I've highlighted in yellow the existing inventory description of existing uses describes industrial land use. And it says this category includes land for light manufacturing, heavy manufacturing, and mineral extractions. These activities involve the manufacturers processing materials into finished products, which are then shipped or stored, very important reference, the storage, in your Comprehensive Plan...products being shipped or stored for shipments to markets that typically extend well beyond the immediate urban market area. The demographics and analysis section of the dating analysis of your 1990 documents, talks about why Fort Pierce is historically ...has historically been situated perfectly for an intermodal port because of the crossways, its location, while on the coast, a center port of our state and also the economic growth potential recognizes that several sectors of the economy are expected to grow under the '90 Plan. And with the advent of the port expansion, shipping and dry goods handling industry should grow significantly. (Inaudible?) so that the port will be marine-related industrial uses, ship, boat building, repairing, and more recently we've talking about mega yacht. I really think that this ordinance sets a terrible precedent if you're trying to invite the mega yacht industry into this community; but I'm not representing them tonight, I'm representing existing land owners who are operating under traditional vested rights. Now, your future land use categories has an objective, one point, one point eleven (1.1.11?), which is to increase where appropriate the

amount of land available for industry and other basic activities in order to promote the expansion of the City's economic base. And then it goes on, policy one point one eleven point one (1.111.1?) The City should encourage efficient and effective use of the Port of Fort Pierce, which should be developed according to a well-thought Master Plan. This ordinance is inconsistent with the well-thought Master Plan for the City of Fort Pierce, and this particular goal in your Comprehensive Plan. Now, your Plan in 1990 described land use categories or groupings that should become the predominal (possibly meant to say "predominant"?) developed character of designated areas. And then they go on to describe the industrial (I) category on the future land use map recognizes the importance of finished projects, which are then shipped or stored. And I've circled in red the word "store" recognizing that this recognition of industrial benefit to the community as a result of storing and shipping goods through the port. Policies, which this ordinance are inconsistent with, because our experts are going to testify how devastating this ordinance would be to our business. And your existing land use map, you can see it shows back in 1970 the hatched area that is vertical is the "I" area of the port, and the hatched area that is horizontal is what's known as Light Industrial. Although even your Light Industrial Zoning category has a sentence in it that says you can do anything in support of I-2 within I-1. Now, I would have you note that that existing land use map is the basis for the port Master Plan that was adopted by St. Lucie County, and that your planning consultant has recommended that you incorporate by reference into your to-be-adopted Plan amendment once you get over your moratorium with DCA. And so your port Master Plan recognizes this 1970...1990 document, which I'm saying this proposed ordinance is inconsistent with. And then there are maps of 13 sub areas of the community which represent official approaches that the City will take in striving for sound desirable patterns of land use in accordance with the stated goals and objectives and policies. And here we have planning area 2 where the port is located. I've highlighted in yellow the industrial, and then again, this light is the industrial area of the port reflected in the subsequently adopted port Master Plan. Finally, the proposed ordinance is also inconsistent with goal five one (51?) of your Coastal Management of your 1990 Plan, which said that an increase of the economic and social benefits associated with the Fort Pierce inlet and the port area while protecting and maintaining the coastal natural resources. So, basically what we're saying is there's not a shred of consistency between this proposed ordinance that would restrict our right to storage in industrial lands recognized within your Comp Plan. A Comp Plan that recognizes the importance of the port as a generator of jobs and the future economy of the community. I'd like to depart now from that particular argument and just briefly say that the King Maritime Group and Jamco have long-standing vested property rights in the use of their property, which includes the use of an outside storage in the Marine I-2 district. I've reproduced for you a copy of the news article dated February 1, 1930, which recognizes the first ship of call to the Port of Fort Pierce. A four-masted schooner called the "Catherine G. Scott", and she was the first commercial vehicle to visit the port. At that time Indian River Terminals and its predecessors, under the refrigeration company, were operating the port. And that vessel came here to pick up a cargo of lumber being shipped. And you can see lumber stacked on the decks of this vessel as well as the masts. Ports store materials to ship. There is not a port in America that doesn't store materials outside. You all have seen ports on t.v. in the last three (3) weeks, because of the (DeBi?) incident. And you've seen many pictures of what ports look like with intermodal shipping containers. That's what ports do. This ordinance would prohibit ports and literally put us out of business at the Port of Fort Pierce. I now would like to introduce Mr. Jasinski, our consultant. Mr. Jasinski is a consultant that has been with the ...has over 39...37 years of extensive operational experience as a consultant ...a senior executive and a financial officer in ocean cargo (inaudible?) terminal operations. He's

the former chief executive officer of the Port of Fort Pierce. He's now a consultant to the Port of Fort Pierce. He's an expert in planning, design, and operation of terminal operations, and we've asked Paul to come down and explain to you how important the concept of containerism (possibly meant to say "containerization"?) to ports, how important intermodal linkages between land and sea are to ports. And how all of that effects Palm Beach County...excuse me, St. Lucie County.

Mr. Jasinski stood and stated – I generally like to speak kind of impromptu and address any questions that come up. I'd like to just make a couple of notes to myself and then talk on them on what I know on my experience and my history. As Mike mentioned, I've been in the industry since 1969. Previous to that I was a CPA ...had a master's degree in business. I've operated it in the Port of New York, Port of Newark, Elizabeth, Baltimore, Jacksonville, Fort Pierce, Palm Beach, Fort Lauderdale, Miami, New Orleans, and Huston. And Madam Chairperson, I wanted to address a question that you raised before about fences.

Mrs. Gates – Yes.

Mr. Jasinski continued – I operated in every one of those ports, and to my best recollection I never saw a fence that probably exceeded seven (7) feet or so. We have just recently received a permit and are in a process of completing a seven (7)-ft. high fence around our facility at a cost of about forty thousand dollars (\$40,000.00). It was approved locally, and it meets the requests of Homeland Security and U.S. Coast Guard, to provide seven (7) of fencing and barbed wire. This is also in conformity with our regulations for ports doing business with us to maintain that the same level of fencing.

Mrs. Gates – Thank you.

Mr. Jasinski stated – You're welcome.

Mr. Jasinski continued – I was asked to give you a little bit of history of containerization. I'll try not to talk long. I don't want you guys and ladies to have to be here to the wee hours. A gentleman named Malcolm McClain had a lot of vision. He was a visionary on Malcolm McClain Trucking. He was the founder or creator of the concept of containerization. In the late 50's and early 60's he put into motion the use of containers...35-ft. containers and ocean cargo shipping. The idea was that so much cargo was arriving at docks it was loose...you're accustomed to seeing in historical movies, especially during the second World War how cargo was loaded in nets and parcels. It was laborious and time-consuming. Ships would be alongside the docks sometimes for four (4), five (5), or six (6) days while they were loaded and unloaded. So, the idea, the concept was to be able to take that container, place it at the customer's place of business, allow them to load it so that these massive warehouses and handling and delays of the port would go away. As the concept developed more and more, the smaller container ships that first came on board, maybe around the early 70's, that were about 700 containers, have since grown to the enormous vessels that you see today that hold thousands...literally thousands of containers. And as Mike mentioned, you've seen on the news with regard to the (DeVi?) ports at the (inaudible?) you see what containerization is, you see the size of the ships; the level sometimes going eight (8) high on these vessels. Those containers have to be stacked somewhere on the ground. And if you were to take those layers and layers and layers of containers and spread them out, there just wouldn't be enough land in any port to be able to handle that business. And the same is true here in our

port. Say for instance, the Port of Miami, let's say they have 250 acres; if you knock down all their containers to a single level and spread them out it would take probably a thousand acres of land to be able to support that facility. A typical container is, in today's market, 9 feet 6 inches; so we could only have one (1) layer of containers. Even what's known as a low-queue container, which is an eight (8)-ft. container, double-stacked exceeds the 15-ft. requirement.

Mr. Enns asked – I'm sorry. The majority of the containers that come in there now are?

Mr. Jasinski stated – Nine (9) ft. six (6).

Mr. Enns continued – And they're not double-stacked, that's a single...?

Mr. Jasinski stated – That's a single box. That's the height of a single box.

Mr. Enns stated – Right. But how they're stacked in the yard, they're never doubled?

Mr. Jasinski stated – Oh sure. That's the issue. That's the issue. You can see here.

Mr. Enns stated – Okay, so you're stacking three (3) high there?

Mr. Jasinski stated – Yes.

Mrs. Gates asked – Is that the limit? I'm sorry, I didn't mean to...Is your limit? When you normally stack them in this port, do you stack them three (3) high or ...I mean is there a limit to your height?

Mr. Jasinski stated – Generally most of what is being done right now are three (3) to four (4) high, but as business was to increase, we would really require to get the most use out of the property; we'd really like to go to five (5) high.

Mrs. Gates asked – Is five (5) high something that is seen in other ports throughout Florida?

Mr. Jasinski stated – Oh my God, yes. Yes. In fact, if you go to Freeport in the Bahamas, they presently have equipment that can stack six (6) high. They have straddle carriers and the (inaudible?) stackers that can go to six (6) high. And there are ports around the world, Rotterdam, Hong Kong, that can even go higher. But there are restrictions on weight that you can appreciate; you just can't put too much weight before the bottom containers start to...the integrity starts to fall apart.

Mrs. Gates asked – Do you have a certain area that you limit where they're able to be stacked, or is this like in just...?

Mr. Jasinski stated – Right now we're using pretty much the center part, but we operate to a couple of different ports. So, we segregate containers based on where they're going. We segregate empties, we have an area for automobiles and rolling stock like cement mixers and things like that, that would be going. But right now they're centralized in certain areas.

Mrs. Gates – Okay, thank you.

Mr. Johnson stated – One more question. On the five (5) high, are there any OSHA requirements that are currently set as a standard?

Mr. Jasinski stated – No, sir. I'm pretty well versed on OSHA regulations. I've given legal testimony on those points.

Mr. Johnson – Okay.

Mr. Jasinski continued – Essentially this would put the port out of business. The owners, I doubt very much if they knew this was going to come down the pike, that they would more than likely not have invested in the property, because they would not be able to use the port efficiently because of this stacking issue. If we just took what we had now and spread it out, it would take twice the amount of land that we have available to us. The company has also invested in a crane, two top picks, and a couple of straddles. An investment of about a million dollars. We couldn't use that crane based under this regulation. The definition as it was described, would preclude us from using a crane to load the containers. It would preclude us from using the top picks and the stackers that are used to stack these containers. And, as I said, there's an investment of about a million dollars to be able to operate the facility. A couple of things before I turn it over to Mr. Ken Shields; if you study what goes on in major cities around the country, you will find that they have certain elements that have contributed greatly to the development of those areas, a highway system, a rail system, an airport, and a seaport. That's something that's here and is available. And I think if you take away one of those elements, I think you're taking away one of the abilities of this area to develop and prosper and to encourage new business. We've had, since I've been operating at the port and consulting with them, we've had a number of prospective developers, business people come to visit us to look at the port, to look at the facilities. Because they're looking at the logistics and the planning of bringing in business to the region, and they're looking for an area to put their business. They want access to a port so that they can either bring in or export merchandise. And it's a key element to them, because the rail is there, and the FEC has indicated that later this year they're going to be improving their facility. We have the airport. The highway system is excellent. We have excellent access to I-95 and the turnpike. So, those elements are there. Eliminating the port takes away one of the elements for you to develop the region. One last thing, and it's not a fear factor. But when New Orleans was hit by this nasty hurricane, this area was hit a couple of times, fortunately not quite as bad as New Orleans was hit, but one thing you should keep in mind, one of the things that helped New Orleans, right after the hurricane, was the hospital ship came in, military sea lift command came in with vessels to bring in food and supplies and blankets and housing, emergency food supplies and so forth. The hospital ship was there, as I said, so it was very important to have a port facility. As you know, also they brought in a cruise ship to house people that were homeless. So, there are a lot of advantages to having a port. And I'd hate to see this resolution go through and destroy the ability of the port to stay here. Thank you very much.

Mrs. Gates stated – Thank you very much. It was very educational.

Mr. Jasinski – Thank you.

Mr. Gates added – Good presentation. Thank you.

Mr. Ken Shields stood and introduced himself and stated – I'm the General Manager of the Port of Fort Pierce. I just want to take a few minutes to tell you a little bit about the business of the Port of Fort Pierce and what we're doing down there. As Mr. Enns pointed out, I think a lot of people in Fort Pierce still refer to the Port of Fort Pierce as 'The Old Refrigeration Terminal'. And I'd like everybody to come down and see that we're doing a little bit more than that. There's a lot of exciting stuff going on down at your port. And albeit it's by private funds...it's a private enterprise. We don't have any assistance from public funding, grants, or anything like that. These are citizens, taxpayers, your neighbors that live in the Port of Fort Pierce who have put up the investment, who are putting up the money for this going concern. I'll tell you a little bit about the port and the business that we have there. At present, we employ about 35 year-around employees. And according to statistics from the EDC at St. Lucie County, all of our wages are significantly higher than state averages, both on the County and State level. We have diverse employees there, we've got people in management, clerical positions, administrative positions, equipment operators. We have people that have been there for years. We have folks there that have good jobs who are building careers there. So, it's high-quality employment. Since the acquisition in 2001, the current owners have made substantial property improvements and enhancements that, from what I can tell, there hadn't been a lot of effort made in the property at that time. We've improved the site, we've put in some nice landscaping. As Mr. Jasinski pointed out, we're right now in the process of completing our perimeter fencing. The port is completely compliant with international and federal security standards. We're totally ISPS compliant. Since 2003, the Port of Fort Pierce has contributed some 3.8 million dollars in direct labor costs, contributing in access of 550 thousand dollars (\$550,000.00) in taxes. And we've purchased goods and services from local vendors in the City of Fort Pierce and the County of St. Lucie in the access of nine (9) million dollars. That is money staying home...very important. Containerization, as Paul said, is really a cornerstone of what we do. To take that away from us it would put us all out of business, as Mr. Jasinski pointed out. Once again, I want to (interscore?) that the enterprise and the business is completely and privately owned. The people that own that place have made an investment. They have a stake in the future of the City of Fort Pierce. I just want you to take that into consideration when you're evaluating this recommendation. It's very important that we keep the port thriving, a lot of good stuff going on down there. Right now I'll open the floor for any questions that anybody might have.

Mrs. Gates asked – Does anyone have any questions for Mr. Shields?

Mr. Riley stated – Yes. Right now, I guess part of the problem is, or what I'm understanding from listening to everybody, is the height of these containers going five (5) high. And I guess, right now, our Comprehensive Plan is a little old but it's going to be updated. In light of all of that, and that this might come around again later, is there any way that ...is there any suggestions that you all have to kind of ...we have, I guess, people that are complaining about what they're seeing over there. Is there any way...anything you all have thought about that ...?

Mr. Shields stated – Well, we do actually. And I think Mrs. Gates asked the question before if we had to (slight?) up for the containers. The containers are stacked on the property. So, it's pretty much in the center of the property. I believe the only way you can see the containers is if you're going across the South Causeway. You look off to the north, you'll see the containers. From the

perimeter of the property you really, really have to go out of your way and almost access the gate to find the containers. I'm not sure what the motivation behind the ordinance amendment is. But I guess if people are saying the containers are eyesores, I can only envision, instead of seeing those stacks of containers, think about seeing stacks of palletized loose goods...stacks of lumber or a 15-ft. wall to obscure that. Right now we're predominately stacking three (3) high. Actually the machinery that we have...the container handler that you saw pictured, we have one that goes three (3) high, we have one that goes four (4) high. We pretty much keep the yard three (3) high so that both machines can access any boxes that we need. Another aspect of containers is security. Those containers come in, they're sealed; when they're going out they're sealed. There's no access in and out of those containers. Stacking is a vital component of security. Just imagine trying to access a container three (3) high; you can't get into it...you just can't get into it unless you have a forklift or something that's going to get you up there.

Mr. Riley – Okay.

Mr. Enns stated – Earlier it was mentioned that you're going to or you're in the process of running a seven (7)-ft. fence around there now?

Mr. Shields – Yes.

Mr. Enns continued – Okay. And that's going to go from, I guess, the turning basin all the way down ...what is that?...Fisherman's Wharf?

Mr. Shields stated – It actually goes from our property, Fisherman's Wharf; it goes west, follows the property around to the north and then goes east again.

Mr. Enns asked – To where your entrance is?

Mr. Shields stated – Yes. To where our security guard is. We have a gate there, a manned gate there with a security guard. And it then runs up east to the water. So, yeah, the entire terminal is fenced in, and the seven (7)-ft. height with the barbed wire is the required height for the Federal Security Regulations.

Mrs. Gates asked – Any other questions for Mr. Shields?

Mr. Johnson stated – I'm looking at the picture of Cracker Boy...would the dollars coming into Cracker Boy Boats Works be under rents paid, is that where you had it classified when you go back to your spreadsheet there? As far as a dollar amount...economic impacts of ...

Mr. Morrell added – The spreadsheet was done by the client, King Maritime Group, Port of Fort Pierce, Inc. None of the numbers in there effected/included impacts of Cracker Boy.

Mr. Johnson – Okay.

Mr. Morrell continued – Mr. Martin Murphy, the President of Cracker Boy, couldn't be here tonight. He was here on the 14th (of April), and I don't have that, but I can get you that information on economic impact if you would like. I'm sorry I don't have that with me but I'll make sure you get it.

Mr. Johnson stated – Okay.

Mr. Shields added – There's one more environmental aspect that I'd like to point out regarding the lagoon and the inlet. I've seen a lot of studies; and it appears that it's very vital that the lagoon and the inlet remain dredged so that we get a good tidal flow. We get a good tidal flow in, we get a good tidal flow out, it keeps all the bad stuff out. There's a pretty good chance if the port shuts down or ceases to be a marine commercial endeavor, that the Corps of Engineers would no longer even consider keeping the Port of Fort Pierce's inlet on their maintenance dredging schedule. So, that's another consideration, that's an environmental consideration, and actually as one where the port actually plays a positive roll in seeing that the environmental aspects are protected. Anything else?

Mrs. Gates stated – Thank you. Are there any other questions?

Mr. Riley stated – Yes, Madam Chair, a question for Mr. Morrell. Do you happen to know how many other boat storage and, I guess, boat yards there are in St. Lucie County on the water here? ...not just in Fort Pierce but...

Mr. Morrell stated – I don't have that. The County's Manatee Protection Program has an extensive inventory in it of all wet slips and dry slips within access to the County. Matter of fact, even outside of the County. And that document is on-line; I'd be glad to e-mail it to you and you can see an extensive inventory of all your slips. There are dry storage slips that aren't effected by this ordinance. The Taylor Creek Marina has approximately 600 slips. It is on two lots immediately west of the Jamco property, the Cracker Boy property. You can actually see part of the Taylor Creek, the two buildings are the Taylor Creek. That property was originally I-2, has been rezoned to C-6, Marine Commercial; so it's a non-conforming use of outside storage racks that were there when it was an I-2 property. But I'll make sure you get that, that inventory.

Mr. Riley – Okay.

Mr. Enns stated – I'm sorry, Mr. Morrell, did you say that that is presently not a Marine Industrial property...?

Mr. Morrell stated – That's correct. Taylor Creek Marina is CM6, Marine Commercial 6. It's not industrial. It used to be industrial. In 1996 it was rezoned along with the Harbortown Marina north of Taylor Creek from the "I" category to the Marine Commercial category. At that time, it was thought to be an implementing action for the 1996 Port Charrette. If you remember, that Charrette divided the port into three (3) areas. The bottom third was to be a cargo port with the I-2 Industrial. And by the way, this ordinance is inconsistent with the Charrette. The middle tier is the flex zone, and the northern tier was the transitional mixed-use zone. And so the City rezoned the Taylor Creek Marina and the land on the north side of Taylor Creek to Marine Commercial. It exempted out Mr. Murphy from that ordinance and let him keep his I-2 zoning because of the unique nature of what the Cracker Boy Boat Works does. And I have two slides here, as I mentioned, Mr. Murphy couldn't be here, two slides here that show you that the Cracker Boy Boat Works is basically a boat storage operation. And so in answer to Mrs. Olson's question to the City Attorney that boats are objects, this ordinance puts the Cracker Boy Boat Works out of business. And they've owned that property since 1968 and present a lower cost maintenance alternative to

mariners who like to do their own work, as opposed to those who can't afford to go down to (Rivovich?) in Palm Beach County and pay those kind of fees. So, they support a number of independent contractors who they allow to come on their property. Many small business men who don't have access to the waterfront because of the high expense of acquiring waterfront property, are encouraged to show the proper insurance credentials and their credentials to enter as independent contractors at the marina. And so the Cracker Boy Boat Works, both here and in Palm Beach County, supports over 400 independent contractors who would not have the money to access the coast to provide their wares. I have just about two minutes to finish and to put the paperwork in order. First, the protest. I showed you earlier that your ordinance provides that if 20 percent of the land owners object, it takes four (4) votes of the City Council (possibly referring to Commission?) rather than three (3). Twelve (12) of the 16 land owners or 75 percent of the parcel owners of I-2 lands effected by this ordinance have protested the adoption of the ordinance. I put on the screen a copy of the protest that was signed by my client, Maritime Group, Inc. I've included, however, a copy, and I've submitted it to you, and I'm going to put it in the record in a minute, of the same protest signed by the other land owners. And it has the ordinance attached. This written protest is designed to trigger that four-fifth (4/5) voting requirement. We're still going to oppose the ordinance but ...And this particular map shows you the 12 of the 16 parcels that have signed protests in addition to my two (2) clients that are here this evening. People who I don't represent, including the Egan Groves Company and Shamrock Groves LLC own two (2) parcels. Bernard Egan & Company owns one (1) parcel. Fort Pierce Oil owns one (1) parcel. And the River Marina owns one (1) parcel. So, you add those together with the seven (7) parcels, which my client owned, and we're presenting to you tonight 12 of 16 land owners who are opposed. I'd like to very briefly do some housekeeping...documents of what I'd like to submit to the record. First of all, we would like the record to reflect a copy of our power point presentation, which we have provided you each with a copy; and we've provided the clerk a copy. I have an addition copy for the clerk and the City Attorney also. In addition to our copy of our power point presentation, we would like the record to reflect we have admitted these six (6) written protests of the six (6) land owners who own 12 of the 16 parcels. And the third group of documents that we would like to submit for the record, for four (4) letters that have been exchanged between me and City staff since I last addressed you on March 14, (2006). And they go to that question that Ms. Benton asked about whether the procedural issues are resolved. On one of the documents I would like to admit is a letter from me to James Walker dated March 27, (2006), in which I sent you each a copy of, explaining what we believe are the legal requirements that there be public notice, at least public notice for this Board. I'd like to also admit into the record Mr. Walker's response to that letter back to me dated April 4, 2006, in which he basically agrees. After I received Mr. Walker's letter, basically agreeing with my legal opinion letter, I submitted a public records request to Peter Buchwald dated April 6, 2006, requesting to see copies of the published notice for the March 14, (2006) and the April 11, (2006), tonight's hearing. First thing I did is went to the Tribune and they have a real good...you can research any legal notice on their website. And I saw many published notices for St. Lucie County, the School Board, and other governmental entities. I saw no published notice for this Board's meeting on March 14, (2006), nor did have I seen one from the 11th (April 2006). So, after I saw that I said well staff would know. The attorney sent me a letter saying that our meetings are required to be published ...notice. And so staff hasn't gotten back with me yet. So, I don't know if staff were able to produce copies of the newspaper affidavit of publish notice for your meeting of March 14, (2006) and April 11, 2006, then I would agree with the City Attorney's answer that that issue is moved. However, since staff has not produced, it's my duty as an lawyer to raise the issue about whether

there's been adequate notice. I could be satisfied; all you need to do is show me the notices that were published in the paper. And the fourth and last letter that I would like to submit for the record, is a letter from me to Peter Buchwald dated April 6, 2006. And what this is, this is a letter that attempts to verify how many parcels are zoned I-2 within the City. Peter has been real busy, and I'm not giving him a hard time for not responding. As a matter of fact, he sent me courtesy e-mails telling me that my requests have been received. There's been a lot of work going on in your staff. Dave Recor has had Peter busy and not only working these site plans but, you know, the work agenda, I'm getting the Comp Plan and the LDR ...So, I'm not giving Peter a hard time. I'm just saying that until we get responses for our public records request, we don't know if the notice issue has been resolved. Well, in conclusion, we would request that you disapprove the proposed ordinance, on the grounds that it is inconsistent with the City's adopted Comprehensive Plan, which is the standard you're mandated to review it by under State law and local ordinance...local code. And that you recommend to the City Commission the proposed ordinance not be adopted. Thank you very much for your consideration. And I'll present these documents for the record to the clerk and the City Attorney.

Mrs. Gates stated – Thank you very much, Mr. Morrell.

Mr. Morrell – Thank you.

Mrs. Gates asked – Is there anybody else to speak against this request?

Mr. Lloyd Bell stood and introduced himself and stated – I own 67 acres plus additional parcels that I bought within the area of the Port, approximately five years ago. At the time that I bought this, the City, through its City Manager, sent me a communicate by next-day delivery outlining the charrette that was agreed upon in the mid 1990's, in which the one-third (1/3) of the south portion of 87 (could he have possibly meant 67?) was to be a continuation and the use by cargo. The next one-third (1/3) or in the middle, was a flex zone, and that was to be reserved for the use of whichever portion north or south was in first need. The northern one-third (1/3) was to be reserved for recreation, housing, hotels, restaurants, public-type uses...maritime uses. It was explained to me that this is what was desired by the people in this county. And I was asked to confirm that I was in agreement with that finding. I did say that I would abide by it, and I have consistently done so. In fact, it was brought to my attention that maybe a greater portion was going to be needed than just two-thirds (2/3) of the 87 acres, and would I consider lowering the amount of use of cargo. I made the statement that it was possible; I wasn't making a commitment but I would certainly entertain the idea that if I got cooperation from the County and the City for the use of limited cargo, that I would entertain limiting to 15 acres on the southern portion a cargo section. I expect the County and the City to abide by those agreements. It was brought out earlier, or just a few moments ago, that we have the Corps of Engineers maintaining our channel of entry. This channel is a major environmental asset to this whole section of the coast because it allows for ventilation. It also is a safety feature for our seaman because it's the most secure entry in rough times that we have between Palm Beach and Canaveral. If the Corps of Engineers does not continue to maintain this facility because we do not maintain our share of the load by keeping our port active, then it's quite possible that we would either be placed in a position of supplying the monies to maintain this at great cost to the County, or give our advantageous position that we've enjoyed of the last years. Right now I'm in negotiations with some very large developers that I have been for several years, who are proposing to do some very extraordinary things here with

that property. That property is one of the most unique properties, I believe, on the coast. And I don't think we should waste it. I have in my possession, but they're not ready for public viewing, one of the finest renderings I've ever seen for the development of a property such as we have. There's nothing in the United States, I don't believe, that could equal it. I'm not saying that it's going to be agreeable by me, but I was very much impressed favorably when it was first shown to me. And it won't be long before we'll be able to see this in the public viewing. That type of development would include all the things that were requested in the charrette, all the things that were requested with the recent mega yacht interests, and would still accommodate for a small portion of cargo usage that would play a very vital role in our future prosperity. Recently we've been recognized as one of the fastest-growing areas of the nation. Port St. Lucie was even designated as the fastest-growing city with a population over one hundred thousand (100,000) in the United States. That type of growth demands a lot of building materials. If we're going to maintain a competitive position and quality production, we're going to have to rely on increased amounts of imports. If we don't have a port with which we can import our goods from other countries, including those that are the farthest away, China and the Middle East, and Central America and Africa, we're going to be placed in a position of having to allow those people that are effecting their monopolistic marketing positions that now rely on only trucks and trains to bring us our products. Bulk materials of higher quality and lower costs can only get here from foreign nations, most foreign nations by way of ships. This appears to be of attempt by those competitive of monopolistic interests to limit the ability to have open trade and free trade. This would be an attempt to restrain the free trade practices that I don't think you've had a chance to consider. This is very, very important to the jobs in the future, the quality of our jobs, and the quality of production of the infrastructure and facilities to be built. Recently we had a national emergency. I flew a plane of mine out of harm's way and came back the very next day. On arrival I was asked by members of the City would I donate the use of my property to the City to use as a staging ground. I arrived the next day after the storm, the next morning I guess, and it was a catastrophe area; it was like a war scene. Our marina was in shambles. Millions of dollars of damage had been done. Boats were stacked on boats. Gasoline and diesel fuel were over the whole shore line, and the place was a catastrophe and great danger. If one battery or one spark had ignited that gasoline it would have been a much different position here now. I haven't seen much said about that, but it was very, very precarious. The Director of your Economic Development Commission for the County was with me, our wives were with us, our wives were not even allowed to go near the area; it was roped off. The City had quickly given a contract for the cleanup and the people were there, Big Tuna, protecting the area. And apparently a very good job was done of the people you brought in as contractors immediately after the storm. When I was asked would I help with the only property that was readily available to receive barges and effect the cleanup, I said that I was willing to donate the use of the property the same as I had done for the County; and give the City the same advantages as I gave the County. I also pledged the use of any buildings and any heavy equipment that I had. It was later brought to my attention by Duke Nelson that the story that came to the Commission, or the County Commissioners, the City Commissioners, the City Council, that I had reneged on my offer. That was totally untrue; and when it was brought up to me I told Duke get a pencil and a paper and I'll write out what we agreed and I'll sign it right now. I suggest you talk to Mr. Nelson about that, and find out where the lies came from. They were trying to paint as reneging on an offer to the City, which never did happen. There's a plan to eliminate a major asset that we have right now, which is the Port so that profiteering can continue as it's going on now, and the building materials to the tune of hundreds of millions of dollars, and I suggest that this Board and the City take a very close look at the economic impact of what it

means for us to look out that pass to the rest of the world and the potential for using the most efficient transportation that we know. There are 14 deep-water ports in the state of Florida; this is official. Governor Bush has been reported to have said we have 14 deep-water ports, he doesn't want to see 13. I think the activities of the state will bare him out that the State is solidly behind maintaining our capacity with 14 ports. We need more, not less. We need more capacity in the ports that we have, not less. I just don't want this Board to be confused as to the importance of maintaining our competitive positions. I want to go on record as vigorously opposing any limitation to the efficient use of the port that we now have. And we certainly don't want to see any activity that might cripple one of our major assets. This Board needs to do all it can to protect our port's ability to contribute to our future prosperity. So I ask you to carefully consider anything that's ever brought up and look into why and where the proposals come from that might limit our future. Thank you.

Mrs. Gates stated – Thank you, Mr. Bell. Is there anybody else to speak? Okay.

Ms. Benton stated – I would just like to ask a couple of questions of Mr. Morrell. In your presentation, you just happen to mention, and although you don't represent the mega yachts or the mega yacht industry that this ordinance would be bad for that industry. Could you explain that a little more?

Mr. Morrell stated – I believe a mega yacht is an object, and if they're going to store mega yachts outside for work, your own attorney said that a boat at Cracker Boy was an object included under this ordinance, and so I believe a mega yacht would be an object included under this ordinance. Now, whether or not a potential mega yacht purchaser...you know there are lots of lands in the Port, we don't know how far, I don't remember how far...there was a proposal at one time. Don't forget you have your existing deep-water port activities in the southern third, and you have your flex zone in the middle, and your mixed-use recreational zone in the north, that's your charrette. I believe that to the extent that the mega yacht industry might want to purchase I-2 lands, it would be a disincentive to purchase I-2 land, because they couldn't store mega yachts or anything outside exceeding 15 feet.

Ms. Benton continued – And secondly, you mentioned 12 of 16 lots are...

Mr. Morrell corrected – Parcels.

Ms. Benton continued – ...parcels that were with you on this. Could you tell us a little bit about the other four (4)?

Mr. Morrell stated – Yeah, there are four (4) parcels that weren't with us, three (3) of them are owned by Mr. Bell, and he spoke to you tonight. I transmitted a copy of our written protests to his lawyer, but he has basically stated his position. Two (2) of the parcels are owned by his corporation, Destin Beach, Inc., and one of the parcels are owned by Mr. Bell together with his wife, Ann... The fourth parcel is owned by a corporation called Molly Wog, Inc.? and to be honest with you I have no familiarity with Molly Wog?, didn't have a phone number, ran out of time. Believe you, I would have tried to call had I had any knowledge at all.

Ms. Benton asked – Really 15 of the parcels are with you.

Mr. Morrell stated – Fifteen (15) of the parcels have appeared this evening to object.

Ms. Benton – Thank you.

Mrs. Gates asked – Any other questions of comments from the Board?

Ms. Benton asked – Would this be of the staff or ?

Mrs. Gates stated – For anyone, either of the applicant or staff.

Ms. Benton stated – Yes. I have a couple of questions of the staff. I would like to...this was touched on briefly, a couple of questions, the first is, what do you expect the future Comp Plan to proposed with reference to this issue? Because that has come up with reference to whether we are inconsistent with the present Comp Plan. Do you anticipate that this ordinance would not be consistent with whatever's being planned for the future?

Mr. Recor stated – I'll respond to that for the Commission and for the Board and for the Public. I think that the findings from the 1996 Charrette will drive the issue of the Port, I think, right now in this interim period. As Mr. Morrell has pointed with the issues that are outstanding from 1999, we will fall back on the agreed Master Plan or the County Master Plan for the Port, but as far as any change in direction or future direction regarding future use expansion, ability to expand, that's to be determined through the Comprehensive Plan process to which there are two (2) public workshops left. There is one coming, I believe, next weekend. We're getting to the heart of the community, and I believe this area that is effected will be part of the workshops that are scheduled here over the next few months.

Mrs. Gates asked Ms. Benton – Did that answer your question?

Ms. Benton stated – Well, let me just ask just one final question. I'm not sure that I understand the history of the proposal. I don't recall the motivation for the ordinance. Could you comment on that?

Mr. Recor stated – I'd be glad to ...I don't want to misspeak, I can tell you as far as the Planning staff is concerned, I mean this is actually a relatively straightforward and simple issue. I appreciate the preparation, the thoughtfulness, the thoroughness of their presentation tonight; it's always good to see someone come before you and present a good case, and that they have. Obviously this issue is very important to the property owners and to the businesses that are located in the Port. From the staff's prospective, as I said, the matter is pretty straightforward, it's the difference between two and three. And you heard tonight, as far as storage goes, potentially up to six (6) containers. But again, from the staff's prospective, the difference is the ability to store containers two (2) high as opposed to greater than two (2) high. And so the number of 15 feet was generated based on the assumption that containers were 7 ½ feet tall. Now you've heard evidence tonight that that is different. But that essentially where this ordinance...what this ordinance attempts to address is the storage of containers on the Port property as opposed to the location of boats, the storage of boats. And I think that while an object can be interrupted as a boat, that is the key distinction there, it's a matter of interpretation. So, it, really again, falls down to the difference between two and three. I believe that it was never the City's intent to

unreasonably restrict or even effectively prohibit the storage of containers on the property, but rather to regulate the ability to store containers over a certain height, both for aesthetic reasons as well as potential safety reasons.

Mrs. Gates stated – Thank you. Ms. Benton, do you have any more questions?

Ms. Benton stated – I would just like to follow up on that, perhaps from somebody in the industry, because we haven't touched on the safety issue with regard to the height of storage containers. I would certainly like to hear what their position is.

Mrs. Gates – Mr. Shields?

Mr. Shields stated – I could only tell you from professional experience and industry standards. All the ports that I have operated in, that's Port of Miami, Port of Dania, Port of Everglades, and here in Fort Pierce, I don't know of any limits from a standpoint of safety regulations on stacking heights. There's no OSHA regulation that limits two (2), three (3), four (4), five (5) high. I don't know of any other marine terminal in the state of Florida or even in the country that has limitation on it as far as two (2) high, three (3) high, or four (4) high; except in hurricanes. There are certain time lines as when we have hurricane warnings and watches when we do have to stand down containers and stack containers. But even at that point, I think that Coast Guard requires that you stack two (2) high during hurricane, if that's any indication of how safe they think container-stacking is. We actually go an extra measure and we deck everything; we don't have anything stacked during a hurricane. That's our standard operating procedure in hurricanes; we go all the way to one (1) high. To follow up with Mr. Recor's comment on trying to regulate the stacking of, once again, 15 feet, that's gets us one (1) high. Any other questions about safety?

Mrs. Gates stated – No. I think Mr. Jasinski might possibly have something.

Mr. Jasinski stated – We very recently, in fact, we're waiting for a delivery of constructed 100 brand new containers that are in the process of being shipped here. And we have a number of them on the plates. The American Bureau of Shipping certifies the stacked weight of those containers for safe stacking. And I believe that safe stacking for full container loads in those containers, I believe, is six (6) fully loaded; and I think up to eight (8) empty, I believe. I would have to check that but the American Bureau of Shipping has certified the stackability of those new containers. And these are specked out according to normal industry standards that are used worldwide.

Mrs. Gates stated – Thank you. Okay, anybody else? Any comments or questions from either the staff or the applicant?

Mrs. Gates stated – I have a question for staff. In fact, was there a published notice of this meeting as well as the last one?

Mr. Buchwald stated – Madam Chair, fellow Board members, I'm not aware of any published notice for this meeting or for the last one.

Mrs. Gates stated – Okay. Is it normal practice to do that?...to publish for this Board?

Mr. Buchwald stated – Madam Chair, no, notices have never been published with regards to the Planning Board and the history of the Planning Board that I'm aware of. And Mr. Walker can correct me if I'm incorrect.

Mrs. Gates – Mr. Walker?

Attorney Walker stated – Madam Chair, all public meetings are supposed to be the source of reasonable notice given to the public. The Planning Board is like any other public body and the public has a right to receive reasonable notice of the Board's meetings.

Mrs. Gates stated – Okay, thank you.

Attorney Walker stated – Madam Chair, with your permission, I'd like to briefly respond to Mr. Morrell's remarks.

Mrs. Gates – Okay, Mr. Walker.

Attorney Walker continued – Madam Chair, I think it should be acknowledge that Mr. Morrell has done an excellent job of presenting this matter before the Planning Board. I would substantially agree with Mr. Morrell's description of the law. The polestar for the Planning Board's consideration of any amendment has to be the Comprehensive Plan; not the future Comprehensive Plan, but the Comprehensive Plan as it currently exists. Not as a Comprehensive Plan that we would like to see that doesn't exist. Code Section 22-128.1 states, the Department of Planning and Development shall refer the application to the City Planning Board together with a staff report, which notes any inconsistency between the proposed amendment and the Comprehensive Plan for this chapter. The mere failure by staff to present such a written report is not in and of itself invalidate forward action or prevent the Board from preceding with a recommendation; however there should be something in the record before the Board that would satisfy the Board that the proposed amendment does in fact conform with this city's Comprehensive Plan. If this Board is not satisfied that any proposed amendment conforms with the Comprehensive Plan, then the Planning Board should recommend that the proposed amendment be denied or rejected on that ground. Because there is no written report of consistency, in the event the Board is not satisfied that the proposed amendment satisfies the Plan, it would be my recommendation that staff address this matter for the Board so that there might be something in the record that would be satisfactory to the Board that would demonstrate any such compliance with the Comprehensive Plan. In any case, Madam Chair, it would be my recommendation that any motion for either approval of disapproval of the proposed amendment in its current form be accompanied with a finding that the proposed amendment either is or is not in the movant's view consistent with the Comprehensive Plan.

Mrs. Gates stated – Thank you, Mr. Walker.

Mr. Recor stated – As your staff liaison, as the Planning Department, as your professional staff, I am not prepared tonight to give you a determination of consistency that would generally come in the form of a staff report; but there's an explanation for that. And that is that the staff did not initiate the text amendment to the ordinance. Now I will respectfully point out that the City

Attorney's Office drafted the text amendment, and we scheduled it for the agenda. If the Planning ...I can tell you that based on my review of the very simple, but impacting, language of the text amendment to the land development regulations, it is my professional opinion that the amendment is not inconsistent with the requirements of the Comprehensive Plan. However, because the issue is a contentious issue, at best, if the Planning Board is uncomfortable with that subjective determination, based on staff's familiarity with the goals, objectives, and policies of the Comp Plan, let's send it back and we will indeed prepare a staff report and identify where it is or is not consistent with the Comprehensive Plan. As Mr. Walker indicated, the mere fact that you do not have a staff report, if you're satisfied by way of testimony, that the amendment is or is not consistent, then you can indeed move forward. But staff has not prepared a written staff report or given the proposal that kind of analysis for tonight's discussion.

Mrs. Gates – Thank you. Any other questions?

Mr. Recor added – Madam Chair, if you would like to inquire of the applicant based on staff's understanding of the intent of the ordinance in limiting the stacking to two (2) containers as opposed to more than two...Again, given our understanding of the intent of the ordinance, you could easily, if you were satisfied, make a recommendation for the City Commission to consider that would increase the height from 15 feet to an acceptable height based on what we've heard of 9 ft. 6 in. being appropriate or being the number, increase the height to say no greater than 20 feet, if the property owners would limit the storage to two (2) containers. I think that would address the concerns that the amendment was intended to address.

Mrs. Gates – Thank you. Anybody want to comment on that?

Mr. Riley stated – Yes. Well, again, there are a couple of things. There are a few issues. Number one is the Boat Works objects being a definition of what an object is.

Mr. Recor added – It was not intended to address boats. Based on my participation in the discussion to initiate the amendment, it was not intended to address the storage of boats.

Mr. Riley continued – That would need to be clarified so we don't, from here on, have a problem. And then number two is, is two (2) the limit or is three (3) the limit? I don't know what their equipment is geared towards right now.

Mr. Recor stated – Well, I think that the testimony that you heard tonight was that this activity takes place primarily in the center of the property. If you're not either right on the property or coming over the south bridge, you really can't see it. And I would agree with that. I think the number is two (2). Anything greater than two (2) has both an aesthetic impact as well as a potential for safety impact as well.

Mrs. Gates stated – I have some comments if nobody else does.

Mrs. Olson stated – I have one question. They addressed the issue of their crane. How would this...? Do you intend to address the crane issue with this ordinance as well?

Mr. Recor stated – Again, as a matter of interpretation, I do not believe that it was the intent of the ordinance to prohibit the location of the crane in an industrial-zoned area.

Mrs. Olson – Okay.

Mr. Enns added – Once again, that falls under that “objects” ...

Mr. Recor added - ...or I think it even says equipment or...

Ms. Benton stated – In reference to the discussion about our not having received a written report from staff, I don't think there's a requirement that the report be written. I don't think our counsel has said anything about that. And I do think I heard staff say that if we are willing to accept the testimony and statements that staff has made about this matter as a report, that we can move forward. So, I was just going to say on that point, I don't think we're precluded from taking a vote tonight, because as far as I'm concerned we have received a report from staff. So, as far as I'm concerned, I'm ready to move and make a motion. I'd like to open it up for discussion as to whether you want to do that now, or whether you would like staff to go back and come back with a written report. If you don't want staff to come back, go and come back with a written report, I'm prepared to make a motion.

Mr. Poitier added – I have to agree with it. There is no use of waiting any more. We have done beat this in the head all day because the report that the lawyer sent was only for 15 feet; that's too low. They had a better presentation than we had. So, I don't know why we need to keep beating it on the head. We need to go ahead and vote on this and get it over with please.

Mrs. Gates asked – Any further comments?

Mr. Enns stated – The only other question, I mean the comment that I have is that Mr. Bell's property, if I'm not mistaken, is the one that's adjoining the property that is question. And if he has no problem with it, you know...The owner of the property neighboring it says that it's fine with them.

Mr. Poitier – I agree with that.

Mrs. Gates stated – I'm sorry, would you repeat that Mr. Enns? I'm not clear with ...

Mr. Enns stated – Mr. Bell owns the property next to this subject property here. And he has no problem with ...

Mrs. Gates asked - ...with what?

Mr. Enns – The containers.

Mrs. Gates stated – Right. I thought you meant the proposed ordinance. And I was going to say no, that's not exactly what I got out that.

Mr. Enns stated – No. He's got a problem with the ordinance, at least he's not in agreement with it.

Mr. Poitier stated – I agree with you, Mr. Enns, that he had 67 acres and he's not fussing about it.

Mr. Enns added – And I'm sure that he's got a financial stake in it, if he does what he's planning or what he says what he might look into.

Mr. Poitier added – And he stored all the boats over there...all the trailers over there during the hurricane.

Mrs. Gates stated – Well, I would like to make a comment. If you all would remember, a number of years ago, when that was brought up tonight, and my mind keeps going back to this, there was a charrette done and the people of this county and this city spoke. And they wanted a mixed-use port. Our economy has always been driven on this. I don't know exactly what the motivation other than what we were told by staff was for this tonight, but no matter what a fence is not going to cover the needs of container cargo. I believe we have too much at stake here to be able to make a recommendation to go forward to the City Commission. I will not be able to support this proposed amendment. It is inconsistent, in my opinion, from what I'm seeing with the Comp Plan that we have, whether it's old or new.

Ms. Benton stated – Madam Chair, I'm in agreement with your sentiments. And I'm prepared now to move to deny the proposed amendment on the ground that it is not consistent with the Comprehensive Plan.

MOTION WAS MADE BY MS. BENTON TO RECOMMEND DENIAL OF THE PROPOSED ORDINANCE AMENDMENT OF OUTSIDE STORAGE LIMITATION TO 15 FEET. Seconded by Mr. Riley.

Mrs. Gates asked – Is there any further discussion on this motion?

Mr. Johnson stated – Madam Chair, I guess at this point, I'm not for it and I'm not against the proposal that's before us tonight. I just feel inadequate with information. You're talking about a history of a charrette that happened. The public wanted a mixed use. The public spoke about mixed use. And here we are talking about limiting that use, in my opinion. But then on the flip side I can see and understand the point of view that came from staff or the attorney's office of trying to control and trying to regulate certain aspects of the Board. But I just need more information as far as the Comp Plan and why this ordinance even came up. I don't know if it's the view of the attorney's office and staff that they would want to clarify that to this Board in written documentation. But in my opinion, at this point, as far as the motion is before us, I can't vote for it because I'm not sure that I have enough information to deny what is before us at this point.

Ms. Benton stated – Well, one of the questions that I asked during the discussion of staff was what was the motivation for the ordinance. And I think there was an attempt to answer that but I agree that we didn't really get an answer. I'm not sure from what I heard that that was a clear motivation for the ordinance other than aesthetics perhaps. But I was really impressed by the presentation and also some of the points about our growth here in St. Lucie County, at leading the

country really and having to get products in here. I don't know that we should be limiting the Port's development. And that was one of the things that the presenters stated; and it was hit on heavily by Mr. Bell. So, that is one of the reasons that I made the motion.

Attorney Walker stated – Respectfully a point of order. Madam Chair. There are basically three things the Planning Board can do. Number one, by motion they can send this ordinance back to staff for preparation of a Comprehensive Planning analysis for resubmission to the Board at another meeting, which will be noticed to the public; that's number one. Number two, it may recommend disapproval, in which case it goes on to the Commission. Or number three, it may recommend approval, in which case also it goes on to the Commission. I think those are the three options. Respectfully the motion is worded in a way that leaves me in some doubt about which one of those pigeon holes the motion was intended to fit into. And I would ask that it be rephrased.

Ms. Benton stated – Well, actually the motion that I made stated as follows: That I move to deny the proposed amendment on the grounds that it is not consistent with the Comprehensive Plan. Was there a second, Madam Chair?

Mrs. Gates – Yes.

Mr. Enns stated – You wanted to disapprove the proposal sending it on to the ...

Attorney Walker added – The intent is to forward this to the Commission with a recommendation; the recommendation being a one of disapproval upon a finding that this does not conform to the Comprehensive Plan.

Ms. Benton – Right.

Mrs. Gates asked – Mr. Riley, did you understand that as your second?

Mr. Riley – Yes.

Mrs. Gates stated – Okay. There is a motion and a second on the floor. Is there further discussion on this item?

Mr. Johnson stated – Madam Chair, I guess I just go back to my comments. I mean, here we disapproved something that staff has looked at and regulated and I just want you guys to think about this. Because they're looking at it from a planning prospective and there are obviously issues that they see that we might not be seeing. And I know we've heard testimony. It was very good on both sides. But I just don't want to disapprove staff's side and you know the surrounding parcels just on some testimony that we've heard tonight. You've got issues like the Army Corps of Engineers. They said that they may not maintain the deep water port from here on out. I don't know if that's true or not but I would like staff to inform me on that. So, if we made a motion to table the issue, then maybe staff could answer questions like that. They could look at, you know, the Army Corps effects, the effects of what they're looking at as far as the height. And safety issues of what they've expressed. I don't know. At this point, I just don't see that I can

disapprove it because it obviously they felt it relevant to bring forward at this time. So, that's where I stand.

Mrs. Gates stated – Mr. Johnson, I don't know if I'm speaking out of turn; Mr. Walker, you can stop me if you want. But it appears that the staff and the attorney, Mr. Morrell, for the clients, have been in contact with each other for what, a month? Am I right? I would like to know why these issues were not presented to us. If that was part of the report from the staff we don't see it here. I don't know if those questions were raised during your talks or not, I don't that. But his questions with the Army Corps of Engineers and all these questions. So, I don't know...

Mr. Recor asked – I'm at a loss; what questions? And again, I need to reiterate, staff did NOT initiate this amendment.

Mrs. Gates asked – Who initiated this amendment, may I ask?

Mr. Recor stated – The City Attorney's Office prepared the amendment. The staff did not ...

Mrs. Gates asked - ...at whose request? I think the Board is very confused about that.

Mr. Poitier stated – Madam Chair, we have a motion on the floor.

Ms. Benton also stated – We have a motion on the floor, Madam Chair.

Mrs. Gates stated – This is just a discussion on the motion.

Mr. Recor stated – The Board's decision shouldn't be based on who made a better presentation...

Mr. Poitier – That's right.

Mr. Recor continued – ...And obviously this issue is very important. And I can tell you that the staffs has no interest at all in doing any kind of thorough analysis of the Comprehensive Plan to determine consistency. This either is or is not a good idea.

Mrs. Gates stated – Okay. Thank you.

Mr. Poitier stated – The questions to the Army Corps of Engineer. What the gentlemen presentation said, was if you're not using the port the Army Corps of Engineer is not going to take care of it. If you don't have any business in the port they're not going to come and dredge it and clean it. That's what he was saying.

Mr. Johnson stated – Well, I understand that, but you don't know that because there was major, major...

Mrs. Gates stated – Excuse me, this is based on assumption, and that is not what is before us tonight. The issue that is before us tonight ...that was not part of the issue of what might be or what might not be. The question is, do you want to amend the ordinance or do you not?

Mr. Poitier added – We don't want to amend it.

Mrs. Gates continued – Is it consistent with the Comp Plan based on the 1990 Comp Plan or not? I don't we, as a Board, can come in and say might happen or what might not happen. All those thing might or might not happen based on this. But we have something in front of us and we have to keep to that.

Mr. Poitier added – We have a motion.

Mr. Riley stated – I just wanted to make sure I had this correct; the future land use there is Industrial, right?

Mr. Recor – That's correct.

Mr. Riley continued – So, that's for heavy equipment, storage, and all these different things, is that correct? There's not limit right now on heights or anything on that?

Mr. Recor stated – Well, the future land use, again, deals with the very broad, the general, what you want to see over a period of time; whereas a zoning ordinances are the specifics. So, yes, there are regulations in place that govern the height of structures. And then the Industrial District I think it's ...

Mr. Poitier added - ...Sixty-five (65) ft.

Mr. Recor continued – Right. So, there are specific requirements in place.

Mr. Riley continued – Okay. And that, basically the reason that's zoned, and I'm new to the Board here, but the reason it's zoned Industrial so that an industry can basically prosper and we can employ people in that area; is that correct?

Mr. Recor stated – Well, the Industrial zoning district is the, arguably, the most permissive zoning district that the City of Fort Pierce has. And that area is zoned Industrial, I believe it has some C-6, Marine Industrial. Most of the uses in that area are either Industrial-related or Marine-related, and have lots of outdoor storage.

Mr. Riley stated – Okay, so what we're looking at right now, if I understand how this works here, is we're looking at whether this ...we're supposed to be looking at the future plan here and how this effects the future plan, which our proposed 1990 map said we're going to have this as Industrial.

Mr. Recor stated – No, no. What you're supposed to be looking at tonight is exactly as Mrs. Gates described. And that is whether or not this text amendment is appropriate. Whether or not it would unreasonable restrict or effectively prohibit the Industrial land uses...the use of that land for a purpose that's permitted by the Comp Plan, by the zoning ordinance. Now, the staff is of the opinion that it would not. And it was not the intent to effectively prohibit or unreasonably restrict. And so, the question that you have to ask yourself is prohibiting the storage of the stacking of containers greater than 15 ft. in height? Does that effectively prohibit or unreasonably restrict? And if the answer is yes then you vote no to the amendment.

Mrs. Gates stated – There is a motion and second on the floor. Do they still stand?

Ms. Benton stated – The motion still stands.

Mr. Poitier – It still stands.

Mrs. Gates asked – Is there any further discussion on this item? If not, may we please have roll call.

Recap of Motion

MOTION WAS MADE BY MS. BENTON TO RECOMMEND DENIAL OF THE PROPOSED ORDINANCE AMENDMENT OF OUTSIDE STORAGE LIMITATION TO 15 FEET. Seconded by Mr. Riley. Roll call vote of 7-1 to deny the ordinance.

Mrs. Gates stated – Okay, I think you have your answer from this Board. Good luck when you go to the City Commission. I think you will be receiving a notice of when it will go before you. Very good presentation.

Mr. Recor stated – Madam Chair, that's what I wanted you to point out, that it would be moving forward.

Mrs. Gates stated – Yes. It will still go to the City Commission. It will go without a recommendation from this Board.

Mrs. Gates added – It is 10 after 9; I think we're going to take a five minute break, if that's okay with everybody. Then in five minutes we'll come back and then the lucky ones who had to wait for two hours can come before us.

Agenda Item #6 – One Marina Place – Reapproval of a Final Planned Unit Redevelopment (PUR) Plan for a mixed-use building. The project is generally located at the northwest corner of Avenue A and Indian River Drive. The owner is David Gordon, the applicant is Paul Jacquin & Sons, and the representative is Thomas Lucido & Associates.

Staff Report – Mr. Buchwald stated – Madam Chair, fellow Board members, the applicant is asking for reapproval of a Final Planned Unit Redevelopment (PUR) Plan for a mixed-use building, generally located at the northwest corner of Avenue A and Indian River Drive. The final PUR development plan for this project was approved by the City Commission at their meeting on February 7, 2005; and the site plan has since expired. After discussion by the City Commission at their March 20, 2006 meeting, staff committed to placing the plan on the next Planning Board agenda for reapproval. The development is proposed to consist of a five (5)-story building on just over one (1) acre with approximately 7,200 sq. ft. of retail space on the ground floor, and a total of 41 units on the other floors. The property is zoned as a PUR. The Comprehensive Plan identifies the property to be central business district. The proposed density is 40 units per acre. A total of 98 parking spaces will be provided in a basement, on the ground floor, and along Avenue B, which will be realigned. An addition of an outdoor pool will be located on the fifth (5th) floor of the

building. Staff recommends to the Planning Board to consider the forwarding of a recommendation to the City Commission for reapproval of a final PUR development plan.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff on this issue?

Mr. Enns stated – Madam Chair, are there any changes to this one as opposed to the one that they got approval on, I guess close to a year ago?

Mr. Buchwald stated – Madam Chair, Mr. Enns, no, there are no changes, in fact it is copies of what was approved by the City Commission.

Mr. Enns stated – So, they're just looking for reapproval, is that correct?

Mr. Buchwald – Yes, sir.

Mrs. Gates asked – Okay, are there any other questions for staff?

Mrs. Olson stated – Madam Chair, I read in the minutes from the last Commission meeting that there was not a developers agreement signed; is there one currently?

Mr. Buchwald stated – Madam Chair, Mrs. Olson, no, the developers agreement has not yet been executed.

Mrs. Olson stated – Okay, just curious.

Mrs. Gates asked – Any other questions?

Mr. Enns stated – To carry on with that point, that was a parking agreement, is that what that was, if I remember correctly?

Mr. Buchwald stated – No, sir, it included other components in addition to the parking.

Mr. Enns – Okay.

Mrs. Gates added – I believe there was a waiver of impact fees ...am I correct? There was some fee waivering?

Mr. Buchwald stated – Madam Chair, at this time the parking agreement was draft submitted by the applicant, that the City Attorney has not yet approved it. So, I cannot comment on that...

Mrs. Gates stated – Okay. I'm only taking from the minutes of the 2005 meeting. What I read in them whether they may be different or Mr. Recor, do you know?

Mr. Recor stated – Well, the details of the development agreement are obviously still to be worked out. The parties were not able to reach agreement and during that time the site plan expired. You may hear from the applicant that he relied on information from staff that was erroneous at the

time, and the site plan did expire. So, I mean at this time the goal was simply to give life to the site plan that just expired.

Mr. Poitier – Oh, okay.

Mrs. Gates stated – Alright, thank you. Any further questions for staff? Hearing none, is there anyone here to speak in favor of this request?

Mr. Steve Tierney stood and introduced himself and stated – I'm an attorney with Neil, Griffith, Tierney, Neil, and Marquee. We represent Location Development Corporation, which is the owner of the property. And, as was noted, this is for the reapproval of a site plan that had been approved before, the exact same one. And it was just a question for all the factors that went into getting to construction. It just has taken a lot of time. And, if I may, I'd like to pass out a copy of a letter from Paul Dritenbas (speaking away from the microphone) ...the architectural design of this. And basically I'd to expound a little bit on this. (Stated humorously) I'm going to cut back my hour presentation to about 10 minutes, if you don't mind. And I wanted to look at a timeline here in a backwards perspective. In order to start construction you have to file a notice of commencement. Before you file a notice of commencement you have to get your mortgage on line first, and that's for title reasons. The mortgage has to be before the notice of commencement so the mortgage lender knows that it's in front of any lien holders. Before the mortgage goes on there has to be an approval of the loan. In this case, and a lot of cases like this kind of project, the lender requires a certain number of contracts to be signed already by perspective buyers before they go before loan approval. We had reservation deposits, but that's different than the contract. We can't go to contract until Tallahassee okays all the condo docs. That takes them, is supposed to take 45 days if they do it on the first approval; in this case it took almost two (2) months. But they did approve it on the first approval, but unfortunately it came right after the one year had expired. And I should tell you, as Mr. Dritenbas says in his letter from a design aspect, this is a very difficult piece. You had mixed use and we're not complaining about mixed use, it was something that the City wanted, but we think it right. That complicates things for them, that complicates things for preparing the condo docs too for a mixed-use condominium. I could not find anybody who had ever done one. And I was hoping that it would be okayed on the first time, and it was. But to give you an idea of what the condo docs are for any residential development for over 20 units, you have to have a perspectus and that it the perspectus. A perspectus has exhibits to it, including a declaration of condominiums about this thick. You have exhibits, which include surveyor plat plan, certificate of surveyor, you have the articles of the corporation, you have the by-laws, you have a one-page document, which is operating budget; although it's one page, this takes a lot of time to do. Because you have to go through all the budget items that a condominium is going to have, perspectively put them out and get the approved. We have to have a purchase agreement that is quite lengthy because it has ...the statute has many things that you have to abide by. You have to have an escrow agreement, as far as putting monies away. And then a simple one is the proof of the developers interest in the property. Now, all of these have to be internally consistent with each other, they have to be consistent with statutes, and they have to be consistent with all the design work. And that makes it a problem to even start this until the design work is done, because you can't say what are the limits to common elements, what are the various things that you have to reference in all these documents as far as common elements, limited common elements. You even have to tell them the capacity of every room whether it's, you know, a machinery room; you have to tell them what the capacity is when you submit this. So, it's now a

very long process. And that's why the time has run out. I can speak for the developer, he knows prices are going up, he's been very urgent about getting it done as fast as he can. We're doing it as fast as we can. In March we got the final approval from the state because all our documents were okay. That's when we can go and get our contracts done, that's when we go to the lender, that's when we get the mortgage, that's when we get the notice of commencement, that's when we get to start turning dirt. So, that's where we are. To answer the question about the developers agreement; back in February, and it came up at that meeting, you might have read it in the minutes about the impact fees and so forth. We have initially suggested some things in the developers agreement, and went back and forth with Mr. Schwerer and Mr. Trias. We put some things in there they didn't like. We took them out, I think I may have gotten to a third revision last April in 2005, and I thought that would be the final developers agreement. I never got a response back again. I'm not going to blame the hold up on that, because if everything else had been in line and I hadn't got the developers agreement, I would have up in Mr. Schwerer's office saying we need it. That wasn't what was holding us up. He said he didn't have it anymore, I sent it to him again, the same one I sent last April to him. And I'm sure we will be getting it soon. But in the meantime, this is a good project. My client wants to go forward with it. We're just asking to have it reapproved.

Mrs. Gates stated – Thank you very much. Are there any questions for the applicant?

Mrs. Olson stated – I have one. Are we recommending for approval be...I know the tower issue came up in the City Commission the first time, are we recommending the shorter or the taller? I'm just trying to clarify.

Mrs. Gates asked – Mr. Tierney, do you want to ...? Mr. Jacquin?

Mr. Tierney stated – We came back, I think, at the last meeting, and gave the City Commission a choice which one looked better, and I think they went with the little taller one. And we really can't change anything, or else we would have to start over again.

Mrs. Olson continued – So, they did go with the taller one?

Mrs. Gates stated – I'm confused on that too, then. Is this the northern tower?

Mr. Tierney stated – Yes.

Mrs. Gates continued – And they're going to go with the taller one?

Mr. Mike Jacquin – That is correct.

Mr. Tierney stated – We have to satisfy them that it was not accessible.

Mrs. Gates – Right.

Mr. Tierney continued - ...Which we did. And they said aesthetically it did look better. And that's why we went with that.

Mrs. Gates asked – And what about ...was there a problem with the cupola? I was going back to the minutes. Was that what they were referring to, just the cupola part?

Mr. Tierney stated – Whether it was accessible where you could get people up in it and so forth.

Mrs. Gates continued – But they're going to go with the 82. whatever it is...the taller one?

Mr. Tierney stated – I forget the dimensions, yes. ...

Mrs. Gates stated – Alright. Because I think aesthetically that improves your building much, much better than without it. I'm hoping that that's what's going to happen now.

Mr. Tierney – Right.

Mrs. Gates asked – Any other questions?

Mr. Johnson stated – Madam Chair, about the parking on Avenue B...the north side spaces...is that correct?

Mr. Mike Jacquin stood and introduced himself and stated – I'm with Paul Jacquin & Sons. Yes, that is correct. That is part of the developers agreement, as Mr. Tierney has eluded to, that hasn't been holding up the process per se, but that is something that we've working diligently on since February '05. As a part of that there is a little bit of issue because FPUA actually is holding some type of legal title to it, but the City actually owns it, so there are some kind of other eternal workings that have to take place, so it's not an easy just-sign-it-go-build-it. But as a part of what we agreed to, that developers agreement has to be in place before we start construction, because it does impact how we're going to construct the building, and some various aspects with parking, etc. So, we don't need to make ...we just want to make light of it so that you're aware of it. But yes, it is on the north side.

Mr. Johnson stated – Okay, one other question. One Avenue B, is it still considered to be one-way or is it a two-way street?

Mr. Jacquin stated – We've basically, according to the developers agreement, what we're trying to do is that we're trying to add 10 parking spaces on the north side, and then it's going to turn into a two-lane street. And the size of the street, according to the civil engineer, which is Culpepper & Turpening, Steff Mathis, is that there is a lift station at Second Street and Avenue B on the northeast corner. There is a lift station there that we're not impacting, and that's part of the developers agreement also, is that there maybe some things that we'll have to deal with Hector Arias, but we're not moving that lift station. That lift station is going to remain as is. And the roadway may have some concessions of being tighter at that particular spot.

Mr. Johnson stated – Okay. What it proposes is a two-way street?

Mr. Jacquin – That is correct.

Mr. Johnson – Okay.

Mrs. Gates asked – Any other questions? I have a question if nobody else does. I was looking on your landscape plan. And I don't know if you want to speak to this...on the north side along the Avenue B, they're planning to put, I think I'm right, washingtonia palms, and across the front they're going to do royals.

Mr. Jacquin stated – Well, once again, that all goes back to the developers agreement. There are certain things that we were discussing ...you're referring to the north side of Avenue B...

Mrs. Gates added – The north side here, unless I read this wrong, it looks like they were talking about putting washingtonia palms, and I would like to see them change them to royals only because, first of all they're prettier, but secondly they withstood the hurricanes...the last three hurricanes so much better than the washingtonias, and I would think that they might want to consider putting a palm in there that was well resistant to the hurricanes rather than the washingtonias. Do you see where I'm talking about there on Avenue B?

Mr. Jacquin stated – Yes. You're actually talking about the south side of Avenue B.

Mrs. Gates stated – I'm sorry. The south side of Avenue B, the north side of the property is what I meant.

Mr. Jacquin continued – The reason for the washingtonias is because of the type of plant...

Mrs. Gates asked – The height?

Mr. Jacquin continued – Yes. They get some height, and we were trying to break up some of the massing that was all a part of different aspects of it.

Mrs. Gates stated – Well, I understand that. My question was just because I know what I saw after the last hurricanes, and they were pretty snapped off, but anyway.

Mr. Jacquin stated – Landscaping we deal with, building changes we cannot.

Mrs. Olson stated – Madam Chair, one other question that I have is, what are the next steps that you have to take before you can break ground? How many more steps do you have to go through?

Mr. Tierney stated – The City approves the site plan. Right now we don't feel comfortable, we'll obviously go into contracts, because of that site plan approval. As, I said, we have several reservation deposits, convert them to contracts, go to the lender, say these are the contracts, they get out the loan agreement, that gets documented, it makes the mortgage, work out the loan, then notice commencement, and then we can build.

Mrs. Olson continued – So, you have your building plans okayed by the building department?

Mr. Jacquin stated – We're in the process.

Mrs. Olson – Okay.

Mr. Jacquin continued – We're in a holding pattern right now until we get these particular items worked out. Basically, you know, with the impact fees and the other things that are going to be associated with this project, we're not going to move forward until we have a comfort level with everything.

Mrs. Olson asked – And so the building department has the plans currently?

Mr. Jacquin stated – The building plans are actually at the Fire Department.

Mrs. Olson – Okay.

Mrs. Gates stated – Thank you.

Mr. Recor stated – That was a good question by Mrs. Olson. And for what it's worth, I was simply going to concur with the written assessment that you were provided tonight by the architect, Mr. Dritenbas. As a matter of fact, lots of folks are confused and don't understand that once someone gets site plan approval from the City Commission the process isn't over then. And as a matter of fact, in an interview that I had with the Tribune this afternoon, I explained that in the larger aspect the process is just beginning. Because then you've got to actually get their construction drawings prepared because they haven't generally taken that step because they don't want to expend those funds unless they know that the development is going to be approved. Well, the construction drawings have to be submitted for consistency with the site plans, then make application for the building permits, and the whole point of this is that we concur...I concur specifically with the assessment that sometimes it's going to take longer than a year to get all of these things done; particularly when you're dealing with State agencies. We recognize this, and as a matter of fact, I've had discussions with the City Commission about extending the life of site plans, say to potentially two (2) years as part of the rewrite to our land development regulation. So, again, staff is supportive of this request to give the site plan a new life.

Mrs. Gates stated – Okay, thank you.

Mr. Jacquin stated – Just one other comment just on the coat tail of that. The developer has spent in excess of seven (7) to eight (8) hundred thousand dollars (\$7-800,000.00) getting to this point, so he's very committed. Thank you.

Mrs. Gates stated – Thank you. Is there anyone here to speak against this request? I don't believe so. I will entertain a motion from the Board.

**MOTION WAS MADE BY MR. ENNS TO RECOMMEND REAPPROVAL OF THE SITE PLAN.
Seconded by Mr. Poitier. Unanimously approved by roll call vote.**

Mrs. Gates stated to the applicants – Your site plan has life again.

The applicants – Thank you.

Mrs. Gates also stated to the applicants – You will be receiving a notice of when it's going to go before the City Commission. Thank you very much.

Agenda Item #7- Dickson Commerce Center – Approval of a site plan for retail and pediatric health care buildings on an out parcel of a previously-approved project. The project is located on the southeast corner of U.S. Highway 1 and Dickson Drive. The owner/applicant is Dickson Commerce Center LLC, and the representative is Glen Hanks Consulting Engineers, Inc.

Staff Report – Mr. Buchwald stated – Madam Chair, Board members, the applicant is proposing the construction of a retail building and a pediatric health care facility on an out parcel of an office and warehouse business complex. It was approved by the City Commission in November 2005. This 1.46-acre out parcel is located on the southeast corner of U.S. Highway 1 and Dickson Drive. It is currently undeveloped. The property is zoned C-3, General Commercial. And the Comp Plan identifies the property to be CG, Commercial General. The retail building will be located on the western portion of the out parcel, and will contain a total of 7,550 sq. ft., and up to six (6) retail tenant spaces. The pediatric health care facility will be located on the eastern portion of the out parcel, and will contain 5,270 sq. ft. of floor space. A right-of-way will be provided along the north property boundary for the improvement of Dickson Drive. The developer for the Preserve at Gator Trace is responsible for those improvements to Dickson Drive; however, the applicant has agreed to improve Dickson Drive to the project entrances in the event that the developer fails to fill his commitment. The County has reviewed and approved this. Unincorporated commercial properties located across Dickson Drive to the north of the project...properties are zoned as I-1. Light Industrial is located across U.S. Highway 1 to the west of the project, Gator Trace is located adjoining to the east and south of the project. All effected City and County departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the code. As the proposed site plan meets the requirements of the code, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the site plan.

Mrs. Gates stated – Okay, thank you. Are there questions for staff from the Board on this?

Mr. Johnson stated – Madam Chair, should the Preserve not improve Dickson Drive? You said the extent of the entrance or the property?

Mr. Buchwald stated – The Preserve is to improve all of Dickson Drive back into the Preserve.

Mr. Johnson continued – Right. But if they were to renege on that ...?

Mr. Buchwald stated – Then the applicant has agreed to make the improvements to their entrance.

Mr. Johnson asked – To the entrance, not to the property boundary?

Mr. Buchwald stated – Correct, just to the entrance in which the County...again, I've had discussion with the County, and the County has agreed to that as well.

Mr. Johnson stated – Okay. Thank you.

Mr. Buchwald added – It's a County road, by the way, I'm sorry.

Mrs. Gates asked – Any other questions for staff?

Mr. Enns stated – Yes. Didn't we just approve something right on Dickson, right behind it, not Gator Trace but I think there's something commercial right directly behind that?

Mr. Johnson added – To the north.

Mr. Enns continued – To the north, I'm sorry. And the Preserve, I guess they would split the costs of the improvement if the Preserve didn't pick it up...is that...?

Mr. Buchwald stated – Madam Chair, I'm not aware of any other commitments made by developers to improve Dickson Drive, other than the ones we mentioned...the Preserve and the applicant before you tonight.

Mrs. Gates stated – Alright. Any further questions for staff? If not, is there anyone here to speak in favor of this request?

Mr. Glen Hanks stood and introduced himself and stated – I'm the civil and traffic engineer for Dickson Commerce Center. I'm here to answer any questions you might have.

Mrs. Gates stated – Okay. Are there any questions for the applicant?

Mrs. Olson stated – Madam Chair, I did see, and attempted to read as much as possible the traffic report. It seemed like it was done for the original flex warehouse that has already been improved, is that correct?

Mr. Hanks – Yes, ma'am.

Mrs. Olson continued – Has there been any additional traffic study for the new out parcels?

Mr. Hanks stated – The traffic study was prepared based on the entire project, which is about 7.2 acres, maybe 7.0 acres, I forget, I've been through a couple of different renditions, which included sixty-on thousand, six hundred and forty (thousand?) square feet (the applicant possibly was meaning to say 61,640 sq. ft.) of warehouse office. And on the front parcel we assumed that we were going to be able to construct 15,000 sq. ft. We are, in fact, only able to get about 12,000 sq. ft. on that front parcel. So, our traffic impacts are less than what is presented in this report.

Mrs. Olson asked – What were the 12,000 or the 15,000 sq. ft. you thought you were going to have? Did you think it would be flex warehouse, retail...?

Mr. Hanks stated – It was going to be retail.

Mrs. Olson – Okay.

Mrs. Gates asked – Any other questions for the applicant?

Mr. Riley stated – Madam Chair. Again, as I've said earlier, I'm new to the Board. But in your study do medical facilities...do they require more parking than regular warehousing and industrial facilities...?

Mr. Hanks stated – The type of use that the specific tenant...somewhat of an unusual use, it is not your medical office type of use, although that is what the code classifies it as. This is a, I suppose you would call it a daycare facility or persons who have various disabilities or challenges. So, let's say you have...it would be...there's a trained nurse on staff, there's a therapist on staff, so you would bring your child to this facility. They would receive some, either occupational therapy, speech therapy, some different treatments, and be in a daycare type of setting. So, you're not have the same kind of parking turnover, not having the same kind of traffic generated at this type of facility as you would, say a dentist office or a medical clinic.

Mrs. Gates stated – So, you're going to have to pick up and drop off, so to speak, correct?

Mr. Hanks stated – You will have some pick ups and drop offs, but it not in the same quantity that you would see ...

Mr. Riley stated – In your study, that covers...?

Mr. Hanks stated – No. I went ahead, I looked at it as straightforward retail, and went back and took a look at it to see is there a significant change in it. Keep in mind, we almost dropped almost 3,000 sq. ft. from retail component. The peak impacts in the area for retail happen to be in the evening; that's where most of your traffic impacts would be on Dickson Drive and on U.S. 1. for a pediatric daycare type of facility. Your peaks are a little bit less.

Mr. Riley asked – You're saying your peak...?

Mr. Hanks stated – Yes, your peak traffic. That's where you would have greatest increase in stacking or impacts on a delay of a traffic signal.

Mrs. Gates asked – Any other questions?

Ms. Benton stated – Madam Chair. What size is the property? I'm seeing two or three different figures.

Mr. Hanks stated – The out parcel itself is 1.45 acres approximately, and the overall parcel, which includes the 61,640 sq. ft. of flex warehouse, is 7.0 acres.

Ms. Benton stated – Right. And you're only concerned tonight with the outparcel?

Mr. Hanks stated – Right. The application before you tonight is for the 1.45 acres on the front. The rear 5.5 acres was approved in November?

Mrs. Gates asked – Okay, any other questions?

Mr. Riley stated – Madam Chair again. Back to the parking and the outflow and everything. What is the capacity of this? I mean there has to be some projection on your pediatric area.

Mr. Hanks – Right.

Mr. Riley continued - ...with the, because it sounds like to me that that actually would be at sometimes worse getting in an out of the place than other times because you have warehousing and industrial in the back, and then you have, which everybody comes in and probably starting at 7 o'clock on the morning until 9 o'clock. And then you have everybody leaving at the same time too.

Mr. Hanks stated – Well, the warehouse component, that was already figured in. That was accounted for in that traffic study. And for retail the ...where we really would start to see some of the higher...part of what we're dealing with is percentage of incoming trips and outgoing (possibly meant to say outgoing?) trips and also the pure volume of it. What ended up to be the critical area where we had a one (1) percent increase or 1.5 percent increase in traffic on certain segments, was during the afternoon peak hour, where you picture for this site the type of retail You might have a sub shop, you might have a coffee shop, you might have, and I don't know what the particular mix is on tenants in this shopping center, you might have a dry cleaners, but you will tend to have a lot of people coming in quickly; such as taking something out of the dry cleaners, picking up dinner and running home. Just that type of environment, whereas on a pediatric facility you come in, you pick up your kid and you go. And we're not talking a whole lot of children. It's not like a regular day care where you would have 15 kids in a particular classroom setting.

Mrs. Gates asked Mr. Riley – Okay, does that answer your question.

Mr. Riley stated – I guess. You really don't have a number on how many children...I mean it's a large square footage, I just...?

Mr. Hanks asked his associate, Mr. Brian Horowitz, in the audience – How many would you say, Brian?

Mr. Horowitz stated – About 20.

Mr. Riley stated – Oh, 20, okay.

Mr. Hanks added – Not that much, though, for the size building.

Mr. Riley – Alright.

Mrs. Gates asked – Any other questions? (Addressing the applicant) Thank you very much.

Mr. Hanks – Okay.

Mrs. Gates asked – Is there anyone here to speak against this request? I don't think so. I will entertain a motion from the Board on this item.

MOTION WAS MADE BY MR. JOHNSON TO RECOMMEND APPROVAL OF THE SITE PLAN. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicants – Okay, your request has been approved. And you will receive a notice of the City Commission meeting when you will go before them. Thank you very much and good luck on your project.

Mr. Hanks – Thank you very much.

Agenda Item #8 – Palmetto Office Park – Approval of a site plan for a medical/professional office building located on the northeast corner of Okeechobee Road and South 31st Street. The owner is Nathan Ohren/ZOG LP, the applicant is Dockside Development, and the representative is Thomas Lucido & Associates.

Staff Report – Mr. Buchwald stated – Madam Chair, Board members, the applicant is proposing the construction of four (4)-story medical office building on a 6.79-acre undeveloped property at the northeast corner of Okeechobee Road and South 31st Street. The building would contain a total of approximately 54,000 sq. ft. of floor space with medical offices on the first floor and general professional offices on the other floors. The property is zoned C-3, General Commercial. And the Comprehensive Plan identifies the property as CG, Commercial General. The development includes a construction of a sidewalk along South 31st Street and extensive landscaping with hedges that screen the parking area and the storm water retention ponds from the view of the public roadways. In addition, a large area is located in the northern portion of the property that will remain as open space, and native trees will be preserved. This results in an impervious surface coverage of only 39 percent across his property. Comments from the City's Urban Designer were incorporated in the architectural design of the building. Commercial and vacant properties are located adjoining to the east, west, and south; undeveloped land and single-family residences are adjoining to the north. All effected City and County departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the code. As the proposed site plan meets the requirements of the code, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the site plan.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff on this item?

Mrs. Olson stated – Madam Chair, I'm wondering...I see no recommendation from staff regarding traffic. Were all of the concerns addressed for traffic coming in off of Okeechobee Road, especially from east bound?

Mr. Buchwald stated – Yes. They provided a traffic study that has been reviewed by Bob Frank, our traffic engineer, and it was approved by the Engineering Department.

Mrs. Olson – Okay.

Mrs. Gates asked – Any other questions for staff?

Mr. Enns stated – Yes. The declarations of restrictions; is this all part of the package that would go in with the approval or disapproval?

Mr. Buchwald stated – Yes. Because of the way they want to design the parking and the uses that they are providing are to ensure that the building would be adequately parked in the event that they sell it and the future occupant...because we're requesting that this included so they...and these limitations be placed on the property.

Mr. Enns asked – Is this a conditional use on this property though?

Mr. Buchwald stated – No sir.

Mr. Enns continued – But then these conditions are part of them getting approved?

Mr. Buchwald stated – Right. It would be required because they have...there is different parking requirements for those uses, one is less restrictive and so...

Mr. Enns stated – Right. And I guess the medical requires much more parking...

Mr. Buchwald stated – Correct, about one-third (1/3) more I believe.

Mrs. Gates asked – Any other questions for staff?

Mr. Riley stated – How was that enforced? If they change use later what ...I mean if you rented the space out...

Mr. Buchwald stated – Well, it's the ...if they had, for instance, an example would be if the tenant applied for it they would have to apply for an occupational license. And that occupational license would not be approved if it didn't include the use, have the use, for the use, that was specified for those floors on the building.

Mr. Riley stated – Okay, so we check into that when we would check into these covenants and things like that ...

Mr. Buchwald stated – Right. The Zoning Administrator would check into that. And we would have a file on this property as well.

Mr. Enns stated – So, I would assume that each individual office is...they wouldn't be subdividing each individual office, it would be sold off...somebody owns the entire building and would come under these restrictions.

Mr. Buchwald stated – Correct. It's meant also for the future...any future buyer of the building to realize that they have when they do due diligence that they have these restrictions placed on them as matter of design.

Mrs. Gates asked – Mrs. Olson, did you have a question?

Mrs. Olson stated – I think that answers my question. So, this declaration goes beyond this initial owner, it will go with the property in future transactions.

Mr. Buchwald – Correct.

Mrs. Olson – Okay.

Mrs. Gates asked – Any other questions? I think there is somebody here to speak in favor of this request.

Mr. Greg Boggs stood and introduced himself and stated – I'm with Lucido & Associates, and I'm representing the applicant. I appreciate working with Peter and staff and we like the recommendation, and would hope that you can forward us with your recommendation to counsel for approval. With me tonight is our team, the civil engineer and the architect. The lovely rendering is what it's all about. It's roughly 54,000 sq. ft. ...the first floor, which is 13,600, is medical. And the remaining three (3) above our standard office...the professional office. The difference in medical is five (5) spaces per 1,000, one (1) per 200; and in office it's one (1) per 300 to clarify the parking. But what I'd like to do is not talk about it but if you have questions maybe we can just cut to the chase and answer your questions. We have Paul Dritenbas who can answer architectural, and I know Rod Kennedy is sitting back there, the engineer waiting to field any civil engineering questions you may have. And of course I can answer any planning or landscape questions.

Mrs. Gates asked – Are there any questions for Mr. Boggs?

Mr. Johnson stated – Madam Chair. Very simple question. You don't have to rework Okeechobee Road, right? There's an existing break in the median, is that correct?

Mr. Boggs stated – Yes sir, we have an existing break there, correct. Yes.

Mr. Johnson – Alright, thank you.

Mrs. Olson stated – There is a break, I see, going into the area, but there is no turn land eastbound on Okeechobee Road, correct? I know there is not, there's not.

Mr. Boggs stated – That's correct.

Mrs. Olson continued – And I see on the traffic study on page 13, the morning traffic, you estimate 42 cars going in at peak time, coming in from eastbound on Okeechobee Road with no turning lane. I would think that would constitute a real problem; would it not?

Mr. Boggs stated – Well, according to our traffic engineers ...I'm going to stop and let Rod speak to that.

Mr. Rod Kennedy stood and introduced himself and stated – I'm with Engineering, Design, and Construction. We not do a traffic report but I can help answer that question. D.O.T. typically

warrants 60 movements, right-turn movements, warrant a turn lane, so we have 42 for the report. It wouldn't be a State requirement. And it wasn't recommended in the traffic report.

Mrs. Olson – Okay.

Mrs. Gates asked – Anybody else?

Mr. Enns stated – Rod, while you're up there, I see that the one dry detention, I guess, with the overflow, dumps into the...I guess there's a drainage ditch there now? Is that correct?

Mr. Kennedy stated – Yes there is.

Mr. Enns continued – Okay, and the other dry detention, you don't have to have an outflow anywhere on that?

Mr. Kennedy stated – Yes we do. They will be connected through the parking lot, the two (2) separate detention areas; there will be a pipe connection connecting the two (2) dry detention areas.

Mr. Enns – Oh, okay.

Mrs. Gates asked – Any other questions for the applicants?

Mrs. Olson stated – I do have another. I saw on the landscape plans that shade trees were generally referred to in the same way. And the shade trees were live oaks, laurel oaks, dahoon holly, perhaps, and something else. And I'm wondering ...live oaks are generally considered far superior to laurel oaks as far as longevity and just they hold up better under hot, heavy winds. And I would prefer to not see a lot of laurel oaks planted.

Mr. Boggs stated – We can easily do that. I prefer the same way personally, that live (oaks) are much better, particularly in an application like this. So, we could agree that all the oaks would be live oaks.

Mr. Enns added – Well that was easy.

Light laughter from Board.

Mrs. Gates stated – The former applicants did not want to hear me about the royal palms but maybe they did. Anybody else?

Mike Jacquin stood and introduced himself once again and stated – I'm with Paul Jacquin & Sons. I'm going to be the contractor for this particular project. It's going to be a very sound building ...concrete, built to the current codes and so forth. But the reason that I wanted to get up and talk was actually in regards to an earlier agenda item in respect to time frames and so forth; and what I've heard from staff and so forth in regards to the live oak now changed. Now, if you so choose to make an approval recommendation, we would also like to request that the time frame for the site plan be extended too. I don't know if this is something, this may be a little out of the ordinary

but I figure it was something that was just discussed tonight that we would also like this to have those considerations to extend it longer than a year. Staff had mentioned something along the lines of two (2) years. So, I don't know if you can make that as a caveat, I don't the technical aspects of it, but it was something that I would like to request at this time.

Mr. Buchwald stated – Madam Chair, if I may. We're not prepared at this time to discuss what is appropriate, a term of two (2) years or one (1) year. May I remind the... what the code stipulates to apply for an extension of site plan involves merely submitting a letter before the expiration date, and then it's placed before the City Commission. So, we do believe...staff does not believe that the process for extending a site plan is especially onerous.

Mrs. Gates stated – Okay, thank you very much.

Mr. Recor added – Another way of saying that is that we don't have the authority to do it.

Mrs. Gates asked – Mr. Boggs, do you have anything else to add?

Mr. Boggs stated – That's it, except one request; that staff put our item before the one regarding the height. Thank you very much.

Light laughter.

Mrs. Gates stated – Thank you for being very patient. Is there anyone here to speak against this request? I don't think so. What are the Board's wishes on this item?

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF THE SITE PLAN. Seconded by Mr. Harris.

Mrs. Gates asked – Is there any discussion on this item?

Mr. Johnson asked – Do we need to add a condition on the landscaping?

Mrs. Gates stated – I'm sorry. Was there a condition? Are you making it for the oaks?

Motion restated.

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE CONDITION OF USING LIVE OAKS IN LIEU OF LAUREL OAKS. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicants – Okay, you're approved as far as we're concerned. And it will go with a recommendation to the City Commission. Greg, you're going to get a lot of chocolate eggs on Sunday for waiting so long. Goodnight, thank you.

Agenda Item #9 – Waiver of Distance – A Touch of Brooklyn Pizza – Approval of a waiver of distance for a 2COP Alcoholic Beverage License located at 1863 North U.S. Highway 1 (Taylor Creek Commons). The owner/applicant is J.B. Fox, Inc.

Staff Report – Mr. Buchwald stated – Madam Chair, Board members, the applicant is requesting a 2COP license to serve beer and wine for consumption on premises in a pizza restaurant to be located in Taylor Creek Commons. The property is zoned C-3, General Commercial. In accordance with Section 3.9 of the City Code, the applicant is requesting a waiver of the required distance of 1,600 ft. between any locations or places of business licensed to sell intoxicating beverages by retail, for consumption on the premises, or in sealed containers for consumption off the premises, or licensed to sell beer and/or wine for on premises consumption, or between any churches or schools. NO churches or schools are located within 1,600 ft. of the proposed establishment. Only two (2) existing establishments are located within 1,600 ft.; these include the restaurant, Bombay Masala, located approximately 871 ft. to the east of the proposed establishment, and a bar and liquor store at the St. Lucie Inn located approximately 1,100 ft. to the east of the proposed establishment. The proposed establishment will have seating for at least 35 persons and permanent kitchen facilities. Sales of beer and wine will be to persons patronizing the establishment for the main purpose of ordering and consuming food. As this proposed establishment does not appear to adversely effect community health, safety, or general welfare, and meets the criteria of Section 3.9 of the City Code. Staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the waiver of distance for a 2COP Alcoholic Beverage License.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff on this issue?

Mr. Riley stated – Madam Chair. There was an existing restaurant there, was there a pizza place? Was that the case serving alcohol?

Mr. Buchwald stated – Madam Chair. Correct, my understanding that it was a pizza place; however the City Code prohibits a transfer of any alcohol license, if it's within 1,600 ft. unless a waiver of distance is approved.

Mr. Riley stated – Okay. So, basically there was something there before and then the two (2) other restaurants are in the same general area then?

Mr. Buchwald – Correct.

Mr. Riley – Okay.

Mrs. Gates asked – Any other questions for staff?

Mrs. Olson stated – Yes. I'm sorry, but I just don't understand this ordinance. It doesn't seem to make much sense to me. Supposedly a restaurant has to be more than 1,600 feet away from another restaurant or bar or whatever, in order to get a liquor license unless you get a waiver.

Mr. Buchwald stated – That is correct. Well, it has to be at least 1,600 ft. The intent of the ordinance is not to have restaurants and bars and liquor stores...to be able to regulate the amount of bars and liquor stores and restaurants that serve alcohol within the City.

Mrs. Olson stated – So, basically the entire downtown of Fort Pierce should only have one place that sells alcohol.

Mr. Buchwald stated – Downtown Fort Pierce is a different zoning district and that is subject to different rules. That is only 300 feet; and again, they can also apply for waivers of distance as well. So, it's not saying that you can't have these types of establishments within 1,600 feet, but it's subject to the Planning Board and City Council (Commission) approval.

Mrs. Gates stated – I have a question. I thought we were talking about 1,600 feet of a church or a school? It's not another restaurant, right?

Several Board members state – It's other restaurants also...

Mrs. Gates asked – It applies to another restaurant in this zone then, is that right?

Mr. Buchwald stated – Correct. It's very specific in terms of liquor stores, bars and restaurants that serve beer and wine, in addition to churches and schools. The intention is to allow the public and the City Commission to regulate the extent that bars and liquor stores are within the City limits.

Mrs. Gates stated – I think the key here, though, is that it's primarily serving food and not just a bar; that's what I'm thinking, right? This is more of a restaurant rather than just a bar. The emphasis will be on eating as far as this establishment is concerned.

Mr. Buchwald stated – Correct. In terms of the license that they are applying for must have that component.

Mrs. Gates stated – And this is just a formality then to transfer ownership to another owner they have to come back and get another waiver of distance, is that correct?

Mr. Buchwald – Yes.

Mrs. Gates stated – Okay. Any further questions for staff? I have a feeling that there is somebody here to speak on favor of this request. She has been sitting a long time.

Ms. Vonda Fox stood and introduced herself and stated – I'm president of J.B. Fox, Inc. doing business as A Touch of Brooklyn Pizza. I purchased this existing restaurant two (2) months ago, not having any idea that I would have a zoning issue when I applied for my liquor license. Mr. Buchwald has been very cooperative and very patient with me; and I hope I'm not the most irate woman that he has ever met, because I was not happy when I went to his office that day. And I apologize to you (addressing Mr. Buchwald). And I thank you for your patience. But this restaurant has been owned twice before myself, both times operating with a beer and wine license. I honestly was not aware that the Bombay Marsala had a beer and wine license, and I understand that they were issued a waiver just a few months ago because of the Mama Mia's that I bought was selling beer and wine. So, I'm here to tell you that I have invested a good amount of money in refurbishment of this building, and I think it's something that the City of Fort Pierce will be very proud of. And I would just like to ask you to consider granting me this distance of waiver so I can get my beer and wine license and be able to serve the way I would like to. Thank you.

Mrs. Gates stated – Thank you. Are there any questions for the applicant? Thanks. I don't think there is anybody here to speak against the request. What are the wishes of the Board on this?

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF THE WAIVER OF DISTANCE. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mrs. Gates stated to the applicant – Your request has been approved. And you will go before the City Commission and you will receive your notice of when you go before it.

Ms. Fox – Thank you very much. Goodnight.

Board members – Goodnight.

Agenda Item #10 – Discussions

Mrs. Gates asked – Are there any discussions to come before the Board? If so, it's 10 after 10.

Mr. Recor stated – Madam Chair, I do have a couple of issues. I know it's late, thank you for your attention tonight. I won't keep too much longer. For you long-timers on the Board, you've got to be feeling pretty good right now, name plates, and candy, refreshments, and you can thank Dianna for that. But for you new faces I can assure you it wasn't always this way.

Mr. Poitier stated – Yeah, and you promised us a raise too, right?

Light laughter.

Mr. Recor stated – Even I can remember when this Board met over in the Engineering Conference room, you know, and the public, you didn't know who they were (we did take a roll by sign-in sheet there as well), and there was no audio system (possibly referring to a built-in system?) So, you've come a long way. And I noticed in this agenda something Peter introduced and I need to give him a pat on the back are the coversheets for your agenda items. (This sheet has been done for many years, Peter had only given it a small facelift). We started doing that with the Commission several months ago, it's been well-received. You get the information on one page, the staff recommendation, what the issue is, what attachments you have, so well done. Glad to see that. Peter and I had two (2) orientation sessions with your new Board members, Mrs. Olson and Mr. Riley. I thought that they went very well, and the two (2) of your and all of the Planning Board members can probably appreciate that orientation session after seeing what a good land use attorney will do. They will march you right through what the statutes say, what the ordinance requires. You heard him refer to you as the local Planning Agency. And what did I tell you at that meeting? What was the first thing that they're going to ask? Is it consistent with the Comprehensive Plan? And that was the first thing that he said to you tonight about that ordinance. So, I thought we had a good discussion for orientation for our new Board members. But as I indicated to you last Board meeting, we also made a copy of the orientation manual for all of you long-timers as well. And you'll note what we've included in there are what is commonly referred to as the enabling legislation, Chapter 163 of the Florida Statute. We gave you a copy of the entire chapter, both in hard copy as well as on cd, so in case you don't want to read through it in a binder you can read through it on your computer. And we also gave you a copy of Chapter 9.j of the Florida Administrative Code. In 9.j are the rules of the department of the community affairs. So, over the next few months you're going to see several amendments to the Comprehensive Plan coming before you for transmittal. You're actually going to be making a recommendation to

the City Commission. They will be transmitting those amendments to the Department of Community Affairs. All of the technical requirements of the department of Community Affairs are bound in the Administrative Code. We've given you a hard copy as well as copy on cd. We've also given you updated copies of Chapter 22, the land development regulations, the zoning ordinance. It outlines all of the district requirements, the minimum development requirements. All of the things that when we say something is consistent with the Code, it's all in that document. We've also given you a copy of Chapter 18, and that you do sit as the local Planning Agency of Chapter 18 or the City's subdivision regulations. So, when you're reviewing a preliminary plat, a final plat, that list the application requirements or the submission requirements as well as what the review procedures are for those. We've also given you a copy of an undated future land use map, and an updated City official zoning map. And I say updated, I do mean updated, because as of March 30, (2006) we have corrected 22 mistakes that were discovered on that map. So, it is current and accurate. It reflects all zoning map amendments since, I believe it was January 1 of 1990; so, for the last 15 years. These are the tools. And probably to note as well, we've also given you a copy of the entire 1990 Comprehensive Plan on cd. That document was so voluminous that we decided not to give it to you in hard copy simply because we're going to be amending it. But it's in pdf formatting including the tables and maps as well. These are your tools. These are the tools that you use to make your decision. So, all the elements, the goals, objectives, the policies, they're there for you. If you have any questions at all you can either Peter or me directly and we'll do our best to respond.

Mr. Enns stated – Getting off the subject for just one minute. The new Comprehensive Plan, when is that...? Do you have any feel for that yet?

Mr. Recor stated – Yes. There are two (2) public workshops, as I noted earlier, there are two public workshops remaining. The scope of services call for the Comprehensive Plan to be completed December of '06; so, by the end of the year we will be in a position to transmit the revised plan to the Department of Community Affairs. We are going to be moving forward with three (3) outstanding issues from '99; and we're pretty close. We're going to be moving forward with the school siting amendment with the port sub-element, which, as you can see, even on something as a 15-ft. height limitation, wait until we advance a court proposal that changes what is currently provided for, or has the potential to change what is currently provided for. That is likely to be very contentious. And the last is a concurrency management system in the traffic circulation element. Those issues are outstanding from '99. DCA had said we need to address those immediately. So, we're going to be addressing those as priorities.

Mr. Enns asked – You submit that to the DCA and then they come back with approval or is it approved just...

Mr. Recor stated – And you'll note, if any of you is interested, you'll note in the 9.j. chapter in the Florida Administrative Code, it outlines and answers exactly that question; what DCA is going to do. We will present it to you, you will make a recommendation, the City will transmit to the department, they will issue what is called an Objections, Recommendations, and Comments report. It will note any changes that need to be made. The City will then go through an adoption process; you'll make a recommendation, the City will adopt, and it will go back to the Department of Community Affairs in the form of the ordinance that will show that we observed the comments that they made. That's the process that will follow in all the amendments.

Mr. Enns asked – Now, does this all have to happen before December '06 or you just have to get it to DCA before '06?

Mr. Recor stated – The three (3) outstanding issues from '99, the school siting, the port sub-element, and the traffic concurrency, have to be addressed immediately. We will transmit the remaining elements at one time before December '06.

Mr. Enns – Okay.

Mr. Poitier asked – Are we going to change that one from 1990?

Mr. Recor stated – Oh, absolutely, there are going to be changes in each of the elements. And there'll be a public participation process incorporated once those changes have been completed. That is your primary responsibility is to recommend this communities Comprehensive Plan.

Ms. Benton asked – How much of it is retroactive in terms of its impact on the existing issues?

Mr. Recor stated – Well, I don't know if retroactive is necessarily the right way to characterize it, as oppose to how the process works. We look at what we said...in 1990 we looked into the future and we said this is what we expect. This is what we think is going to happen. And there is a process called an evaluation and a appraisal report process that requires communities that have Comprehensive Plans for at least in the initial cycle it was every seven (7) years, now it's every five (5). To go back and analyze whether or not their predictions were accurate. So, that's really what this rewrite is all about. It's going back and looking at what we said what we were going to do or what we were going to be 1990, and we were looking to 2005 at this point, and seeing whether or not we were accurate. And where we weren't accurate, initiate changes. And that's what the evaluation and the appraisal process is all about. That's what we didn't do back in 1999 or didn't follow up on in 1999. And that's what this process is all about. So, not only will there be changes to what our predictions were, but maybe broad-sweeping changes. Because this community, as you all are well aware, is much different that it was in 1990.

Mr. Poitier added – Yeah, and growing too.

Mr. Recor continued – So, I expect that there will be significant changes that will have an impact 15 years into the future. So, we're going to be looking at 2020. Any other questions on Comp Plan? Last thing I had was in June we'll need to make alternative meeting arrangements. We won't be able to meet in here. I'm thinking probably the second floor conference room, which, if you noticed, is a really nice large conference room. But the Commission Chambers and the Engineering Conference room, on the last Commission agenda the City Commission authorized about \$250,000 worth of improvements to the audio/visual equipment in these facilities. So, they're going to be new digital display monitors put in on the dias. There will be a drop-down projection system with digital projection equipment. Plasma screens put up so that the audience can see what you see, what we're presenting. There'll be an overflow area with plasma screens put out in the lobby. The Engineering Conference room will also be outfitted with new presentation equipment as well, with a link, because we're going to begin televising the City Commission meetings, it appears, beginning July 1, (2006). You can imagine that the next step is

going to be televising these meetings as well. Because we're procuring the equipment to get into the television production business.

Mr. Poitier stated – Well, County has it now, right?

Mr. Recor stated – They do, and

Mr. Buchwald added – We're all going to be on t.v.

Mr. Recor stated – The City is actually going to have its own channel just like Port St. Lucie and the County does, and we will responsible for the programming of that channel. So, part of this equipment upgrade is necessary equipment for us to get into that line of production.

Ms. Benton asked – Well, why do we have to move?

Mr. Recor stated – Well, because it will take them about a month to complete the installation.

Mrs. Gates asked – This is not going to be at 7:30 though right? We're still meeting at 7?

Mr. Recor stated – We'll meet at 7 and we'll just change the location to the second floor conference room, and it's a big room. It can accommodate probably 40 to 50 people.

Mrs. Gates stated – Thank you very much for this and I think this book is wonderful and I applaud you for giving this to us. It's very, very helpful. This will be very helpful to all of us.

Mr. Recor stated – And I know that most, if not, all of you long-timers didn't have the benefit of having an indoctrination and we want to make that a standard practice for newly appointed Planning Board members.

Mrs. Gates stated – I think it's a good idea.

Mr. Poitier agreed – That's a good idea.

Mr. Recor stated – I hope it was helpful.

Mr. Poitier added – It's helpful.

Mrs. Olson – Absolutely.

Mrs. Gates stated – I think a few of us, Margaret and I, historically remember when we were meeting over there and I remember that very first meeting ...

Mr. Poitier stated – It has improved a lot since you took over.

Mr. Recor – Thank you.

Mrs. Gates stated – Peter, I think you have your work cut out for you before December. I'm looking at him and he's like ooh. You're going to be busy. Thank you all very much. And there is no more business, we are adjourned. Happy Easter to everybody!

Board members and Staff – Same to you!

Meeting adjourned at 10:45 p.m.