



# CITY OF FORT PIERCE PLANNING BOARD

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## Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JUNE 9, 2009, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

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The Pledge of Allegiance was recited.

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Upon Roll Call, those present were: Chairman Jeremiah Johnson, Dan Dannahower, Colin Lloyd, Robert Poitier, Edward Reilly, Kara Wood, and Camile Yates.

Those absent: Mr. Darryl Bey, Mr. Hayek, and Mr. Knott.

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

Staff Present: James Walker, Assistant City Attorney; David Carlin, Assistant Director of Planning; Erica Ehly, Comprehensive Planner; Paul Williams, Urban Forester/Development Review Planner; Duane Yazzie, Development Review Planner; Bob Frank, City Traffic Engineer; and Maritza Suarez, Executive Assistant.

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Chairman Johnson said Consideration of absences, we'll move to the end of the meeting seeing that Mr. Harris called.

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

Chairman Johnson said Mr. Weaver, thank you for stepping in again. You have all rights as a full voting member. Thank you.

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The next item considered – **# 5 – Approval of the May 12, 2009 Planning Board Minutes.**

Chairman Johnson said has everyone had a chance to read the minutes of the May 12, 2009 meeting and are there any additions or corrections that need to be made? Seeing none, we'll entertain a motion.

**Motion made** by Mr. Poitier and seconded by Ms. Yates **to approve the minutes.**

Unanimously approved by voice vote.

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The next item considered: **Item # 6a - Sea Pointe Towers – 801 S. Ocean Drive:** An application for a Conditional Use to construct a private dock in the R4-A, Hutchinson Island Medium Density Residential zone. The property owner is Sea Pointe Towers of Fort Pierce, et al. The applicant is Philip L. Rosenthal, President. The Representative is Jerner & Associates.

Chairman Johnson said can we have staff report please?

Mr. Yazzie said good evening Chairman Johnson, Planning Board members. In accordance with Section to Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use in the A-1 zoning district. Therefore, the applicant is requesting Conditional Use approval to construct a private dock, terminal platform and repair and replace a footbridge. The property is located at 801 South Ocean Drive. The site and the adjoining properties located to the north are zoned R4-A zone, and are occupied by single-family homes. The adjoining property located to the south of the site is zoned R4-A and R2, Single Family Intermediate Density Zone. The Indian River is zoned A-1, Aquatic Conservation Zone. The proposed Conditional Use is not inconsistent with the surrounding land uses. The proposed dock dimensions: 137 feet in length by 4 feet wide. In addition, a 20 foot by 8 foot terminal platform with handrails will be installed along the entire dock. Additionally, a footbridge measuring 63 feet long by 4 feet wide is also proposed to be repaired and replaced. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Conditional Use.

Chairman Johnson said very good. Thank you. Any questions of staff from the Board? Seeing none, I'd like to invite the applicant forward if you choose to come forward. Is there anything you'd like to add to the staff report?

Mr. Bruce Jerner said if you don't have any questions, I don't have any comments.

Chairman Johnson said very good. Anyone from the public that would like to speak for or against this request?

Ms. Carole Mushier said good evening, Mr. Chair, members of the Board and staff. My name is Carole Mushier, President of the South Beach Association. We have reviewed the plans submitted by the Applicant for a Conditional Use Permit for the construction of a dock. We have also observed the area from the water. We note that no mooring signs are to be posted

on the 8 x 20 terminal platform. It would appear that the only boats that could approach this dock would be flats boats as the area is in very shallow water. I registered two feet at high tide when I was there. There is nothing in the plans that indicates a boat lift although approval for such is noticed in the staff report. Therefore, it appears that the purpose of this structure is for observation/fishing only and not a boat dock of any type so it is not a dock in the usual sense of the word. While we have no objection at this point to this Conditional Use, we have no idea if the neighbors within 500 feet have objections. We recognize that neighbor notifications under City Code regulations are not sent until after the Planning Board considers the application; a situation we trust will change with the LDR rewrite. We totally support such notification to come before the Planning Board, I'm saying, before the Planning Board meets on such an application. We believe that your approval of an observation/fishing platform with the associated walkway without boat docking or mooring or a boatlift would be appropriate. Thank you.

Chairman Johnson said very good. Thank you. Any questions from the Board? Anyone here from the public that would like to speak for or against this request? Anyone else? Very good. We'll return to the Board and entertain a motion? Anyone here would like to make a motion to approve or disapprove?

Ms. Wood said Mr. Chair, I guess I'm curious about the question of whether or not there is intended to be docking facilities, if the dock is intended to be for boat mooring or if the applicant wants to speak to that because if it's a Conditional Use, then presumably if a boat lift were to be installed, that is permitted separately but not, I believe, through the City process so I assume that a condition could be added to the Conditional Use that a boat lift not be installed at the dock.

Chairman Johnson said at this point, I guess, we need to make a motion and then have a second and then we'll discuss what the motion is.

Mr. Poitier said I so move.

Chairman Johnson said okay. We have a motion to approve. Is there a second?

**Motion made by Mr. Poitier and seconded by Mr. Lloyd forward a recommendation to the City Commission for approval of a Conditional Use to construct a private dock, terminal platform and repair and replace a footbridge at the property located at 801 South Ocean Drive.**

Chairman Johnson said alright. Now, we have a motion to approve with a second. We can discuss the matter. I would defer some questions to staff first. Duane, in regards to Ms. Wood's question, is there a boat lift or not? It's says it kind of vaguely in your staff report.

Mr. Yazzie said the general term of "dock" is what it is. It's a dock in general terms. However, there are no mooring facilities to be attached to the platform and the pier. They would have to go through DEP approval to get additional boat lift facilities added to it and then would be caught at Permitting.

Chairman Johnson said I guess to past that even further, are there handrails? Can you bring the site plan up or the design plan? Are the handrails all the way around or does it just terminate at the platform itself? I would ask the applicant to speak but we kind of closed that all out so. Thank you very much. There may be another question, if we get to that point.

Mr. Yazzie said it appears from the plans and I have elevations, but it appears from the plans that they are to be from the access other than the platform.

Chairman Johnson said the handrail itself?

Mr. Yazzie said correct.

Chairman Johnson said because it says in the staff report "In addition, 20' x 8' terminal platform with handrails will be installed along the entire dock."

Mr. Reilly said it says it on the drawings also, "The entire perimeter to be"

Mr. Yazzie said on the cross section?

Ms. Yates said okay, there it is right there. That's what I was looking for.

Chairman Johnson said Mr. Lloyd, you have a question?

Mr. Lloyd said Mr. Chair, Mr. Yazzie or whomever, do you know what the distance is from basically edge of the Mangrove line to the end of the dock? I can tell you what my concern is. I'm really familiar with that area because that's where I grew up. My father's house is right on the corner there. What would concern me is it's basically a bay and then having a very long dock and it kind of would disturb the beauty of that area. I'm not opposed to a dock in the area but if you basically have one long dock running in the middle of this otherwise shallow bay and Ms. Mushier is correct. It's definitely, only a flats boat could get back in there. Do you know the distance?

Mr. Carlin said Mr. Chair, Mr. Lloyd, Duane can look that information up. While he's doing that, I do want to point out to the Board members that our Code doesn't contemplate all the different types of uses associated with one particular thing. It only describes a dock/moorage facility. We don't have descriptions such as a pier or other so we have to classify it as that. The Applicant has indicated that this would only be used as an observation pier, no boating activities. If this Board so chooses to condition the application on that particular use, you may do so.

Chairman Johnson said very good but the application does state that it's going to be used for observation platform?

Mr. Yazzie said it does not state that it's observation. It states that it's for no mooring.

Chairman Johnson said no mooring. Okay.

Mr. Weaver said could I ask a question of the applicant or is it a little too late?

Chairman Johnson said Mr. Walker, I'd have to defer to him real quick. Can I invite him forward?

Board Attorney Walker said respectfully Mr. Chair, this is a matter that falls within the sound discretion of the Chair.

Chairman Johnson said very good. Thank you. Sure, please do.

Mr. Weaver said Mr. Jerner, I'm trying to understand why the applicant didn't go for a mooring facility?

Mr. Jerner said it's a very shallow bay there as a lot of people know here. It's probably about a thousand feet to navigable waters, what the DEP considers navigable waters, the applicant was just looking to enhance their recreational opportunities there. They have some kayaks along the shoreline. They want to just have access to the water and fish and observe their coast.

Mr. Weaver said with that being said, how did they arrive at what length they wanted to build the dock out to if it's not for mooring?

Mr. Jerner said I advised them to construct a dock that was less than 500 square feet because it met a threshold for DEP and Army Corps.

Mr. Weaver said thank you.

Chairman Johnson said if you would state your name and association.

Mr. Jerner said Bruce Jerner, Jerner and Associates, I'm the agent for Sea Pointe Towers.

Chairman Johnson said okay, thank you. Ms. Wood, is there anything else you needed to have clarified?

Ms. Wood said I'm good.

Chairman Johnson said anything else from the Board?

Mr. Yazzie said I just wanted to follow up with Mr. Lloyd's question. There is no dimension for the upland area for the dimension from the footbridge. From the actual requirement for permitting was that the applicant had to provide dimensions for what was to be constructed in the aquatic area other than the upland.

Mr. Lloyd said do you know roughly what the distance is beyond the Mangrove Line there?

Mr. Jerner said it's about 15 feet. The mangroves encroach into the water about 15 feet in knee-high water.

Mr. Lloyd said so the 137 feet is from, could you put up that picture again please? The dock is about 120 feet give or take into the water would be considered the water there?

Mr. Jerner said it's 118 feet measured from mean high water to the end of the terminus.

Chairman Johnson said very good, any other questions? Thank you. Alright, we have a motion and a second on the table. Any other discussion? Could we have roll call please?

Those in favor: Mr. Dannahower, Mr. Harris, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Weaver, Ms. Wood, Ms. Yates and Chairman Johnson.

Those opposed: none.

Chairman Johnson said alright, forwarded with a recommendation. Thank you.

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The next item considered: **Item # 6b - McBee Dock – 1801 S. Indian River Drive:** An application for a Conditional Use to construct a private dock in the E-1, Single-Family Estate Density zoning district. The property owner is Bernard W. McBee, Jr. The applicant is King Maritime, Inc. The representative is Southeast Development.

Chairman Johnson said I will have to recuse myself. That's my in-laws' property. Mr. Reilly, you're in charge.

Chair Pro-Tem Reilly said this is going to be exciting. Can we have staff report please?

Mr. Yazzie said good evening Board members. Again, we have a conditional use to construct another dock. According to Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use in the A-1 zoning district. Therefore, the applicant is requesting a Conditional Use approval to construct a private dock. The property is located at 1801 South Indian River Drive. The site and the adjoining properties located to the north and south of the site are zoned E-1, Single-Family Estate Density Zone, and are occupied by single-family homes. The adjoining property located to the west of the site is zoned I-1, Light Industrial, and is occupied by the FEC Railroad. The Indian River is zoned A-1, Aquatic Conservation Zone. The proposed Conditional Use is not inconsistent with the surrounding land uses. The proposed dock dimensions are 220 feet in length by 4 feet wide. In addition, a 6 foot by 20 foot terminal platform with 2 boatlifts will also be installed. As the proposed Conditional Use meets the requirements of the City Code, Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Conditional Use.

Chair Pro-Tem Reilly said thank you. Do we have any questions of staff from the Board? If not, is the applicant present? Would they like to speak?

David Thornton of King Maritime said we're all set. If you have any questions?

Mr. Reilly said any comments from the public? This is going pretty quick. Alright, we'll close public comment and return to the Board for a motion?

**Motion made by Mr. Dannahower and seconded by Mr. Poitier to forward a recommendation to the City Commission for approval to construct a private dock on the property located at 1801 South Indian River Drive.**

Mr. Reilly said any discussion? Roll call.

Those in favor: Mr. Harris, Mr. Lloyd, Mr. Poitier, Mr. Weaver, Ms. Wood, Ms. Yates, Mr. Dannahower and Chairman Pro-Tem Reilly.

Those opposed: none.

Those abstained: Mr. Johnson.

Chairman Pro-Tem Reilly said alright. This will be forwarded to City Commission with a recommendation. Thank you.

Chairman Johnson said very good Mr. Reilly, thank you.

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The next item considered: **Item # 6 c- Divine Holiness – 1309 Indiana Avenue:** An application for a Conditional Use to convert a single family home into a church. The property is located at 1309 Indiana Avenue and is zoned R-3, Single Family Moderate Density. The property owners are Lee Anne Parisi & Gary Caccaviello.

Chairman Johnson said could we have staff report please?

Mr. Williams said good evening Chairman Johnson, members of the Planning Board. For the record, my name is Paul Williams. I'm the Urban Forester. Tonight, before you is a request for approval of a Conditional Use permit to convert a single-family residence to a church with parking. It is permitted in the R-3 zoning district as a Conditional Use. The applicant is requesting a Conditional Use approval to convert the existing single family home located at 1309 Indiana Avenue to a church. The aerial photograph shows the location of the property on Indiana Avenue approximately ½ block to the west of South 13th Street. The zoning in the area is R-3 on all sides except to the south which is zoned R-1. The property is surrounded on all sides by single family homes. The zoning map, the site and the adjoining properties located east, north and west are again zoned R-3, single family home and are occupied by single family homes. Future land use is all compatible. This is a floor plan of the proposed layout of the church if the Conditional Use is approved. This detailed landscaping plan is upgraded as requested by the Planning Board when it first came before you all, there was recommendation that the landscaping be upgraded by 50% and this landscaping plan shows those changes. This is an older photograph of the front entrance of the single family home and the exterior will not change other than some

modifications and that tree has been removed. This large live oak tree is in the back of the property and will be saved as part of the project and incorporated into the landscape plan. All affected departments have reviewed the conditional use application and approved it based on it meeting the requirements of the City Code. As the proposed conditional use meets the requirements of the City Code, staff recommends that the Planning Board forward a recommendation of approval to the City Commission for the conditional use.

Chairman Johnson said very good. Any questions of staff from the Board? Mr. Williams, I guess my only question you said they did the meet the recommendations of the Planning Board from last meeting back in 2008? Is that correct?

Mr. Williams said yes, Sir Mr. Chair. If you look in your packets, I included both the minutes from your Board meeting on May 13, 2008 and for the record, Chairman, let me just read the final vote. The motion was made by Mr. Poitier and seconded by Mr. Bey to recommend to the City Commission approval of the Conditional Use Permit with the following conditions: the landscaping to be increased by 50%. That was approved unanimously and the landscape plan before you tonight has been upgraded and was the one that was presented to the City Commission when they heard it on July 7, 2008.

Chairman Johnson said the only other question I had that maybe the applicant can answer is the hours of operation. It was discussed the last time. Are we still the same as far as you know?

Mr. Carlin said I would address that to the applicant. I believe that that was asked by the City Commission so it is in the minutes from the City Commission but the applicant is here to explain.

Chairman Johnson said any questions from the Board? Any other questions of staff? Mr. Lloyd?

Mr. Lloyd said Mr. Chair. Mr. Williams, has there been any oppositions from any neighbors that you are aware of?

Mr. Williams said not since the, as you recall from your packet, the City Commission, there was a recommendation for approval. Only four Commissioners were seated that night and so it was a two/two tie. No recommendation. Code requires that the applicant can come back in six months which they have now done. In the minutes, you will see the final tally for the residents around there and the discussion that was held there but to my understanding, I have not received any comments or anything from any of the surrounding homeowners whether they be renters or owners about objecting.

Mr. Lloyd said is there anything different that they're doing now rather than what went before the Commission last time?

Mr. Williams said my understanding, no Sir. It's the same project.

Chairman Johnson said any other questions of staff? Mr. Weaver?

Mr. Weaver said Mr. Williams, to confirm that the project is consistent with the parking regulations of the City Code?

Mr. Williams said yes Sir. The plans were submitted to the TRC this last month and all of the recommendations came back for approval so working with the Engineering Department and the Planning Department, they meet the minimum requirements of the Code for parking.

Mr. Weaver said okay, thank you.

Chairman Johnson said anything else of staff? Alright, seeing none I'd like to invite the applicant forward at this time. If you would state your name and address for the record.

Ms. Dorcas Greenaway said my name is Dorcas Greenaway and my address is 2176 SE Gaslight Street, Port St. Lucie.

Chairman Johnson said anything you'd like to add to the presentation?

Ms. Dorcas Greenaway said no. Everything has been said.

Chairman Johnson said Mr. Lloyd did you want to ask?

Mr. Lloyd said Mr. Chair, will anybody be residing on the property at all like the Pastor or?

Ms. Greenaway said no Sir.

Chairman Johnson said any other questions of the applicant?

Ms. Wood said Mr. Chair? Ms. Greenaway, the minutes from the City Commission meeting last year indicate that there were a number of responses from the Conditional Use notice that neighbors were opposed. Have you met with the neighbors? Are you aware of what their concerns are?

Ms. Greenaway said there was not a number of neighbors, just one neighbor who was renting.

Ms. Wood said well it says that the notifications that got mailed back that there were, you know, maybe they didn't actually come to the hearing and speak but they were opposed to the Conditional Use so I was wondering if you had taken it upon yourselves as an organization to actually poll the neighborhood and have discussions with them.

Ms. Greenaway said yes we do. We do and, you know, we have about 60 or 70 people who told us that they have no objection for us to be there.

Ms. Wood said okay, thank you.

Chairman Johnson said any other questions? Mr. Weaver?

Mr. Weaver said I have a question of staff.

Chairman Johnson said of staff? Thank you very much Ma'am. Yes Sir. Go ahead Mr. Weaver.

Mr. Weaver said the TRC review doesn't include the Building Department or the Fire Department generally do they?

Mr. Williams said it does. The Fire Department has not been at the TRC meetings and Mr. Carlin can explain the current rationale but the Building Department is seated on the TRC. Mr. Meyers did submit comments that were comments only that would be incorporated by the applicant if the Conditional Use were to be approved and the project approved and then building permits applied for.

Mr. Weaver said just speaking from experience, it would appear that they could be subject to some additional terms from the Building and Fire Department in relation to fire sprinklers and life safety.

Mr. Williams said yes Sir and that was discussed last year and this year.

Mr. Weaver said thank you.

Chairman Johnson said anyone else here from the public that would like to speak for or against this request? Seeing none, I'll return to the Board and entertain a motion.

**Motion made by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission for approval of the Conditional Use to convert a single family home into a church for the property located at 1309 Indiana Avenue.**

Chairman Johnson said we have a motion and a second to forward a recommendation to approve. Any discussion on the motion?

Mr. Reilly said is that with the additional landscaping that was recommended last time in the City Commission's?

Mr. Poitier said staff said they met the requirements.

Mr. Williams said Mr. Chair if I may, Mr. Reilly. Yes, the landscape plan included in your packet is upgraded since you last saw it by 50% and that's the plan that went before the City Commission so you now have that.

Mr. Reilly said okay.

Chairman Johnson said any other discussion on the motion? I guess I have one comment to say. I don't know. Typically, it's tough in a church environment to not approve because

it's a neighborhood-type thing and in a neighborhood atmosphere. I went to the site and it looks a little tricky on a planning perspective in my opinion. I don't know. It's in the middle of a neighborhood. If it were on the corner, I guess I would have a little more reason to approve just because it's on more of a major road but tonight I'm not in favor of the project. It didn't seem consistent. A year ago or whenever the last date was, I didn't have a chance to visit the site but this time I did. I don't know. I'm going to be saying no on this one. It's just for the safety for the surrounding neighborhood in times of when the church lets out or when the church is going to begin. That's my only hesitation.

Ms. Wood said while I'll be supporting the project in terms of a vote because I don't really have a specific, I don't have any indication from the neighborhood about concern because we don't have that information at our hearing, but I guess I just want to echo the concerns and if that comes up at the City Commission hearing that that's a concern that I have as well and that should be factored into their vote and their assessment I would think. Thank you.

Chairman Johnson said any other discussion? Could we have roll call please?

Those in favor: Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Weaver, Ms. Wood, Ms. Yates, Mr. Dannahower, Mr. Harris.

Those opposed: Chairman Johnson

Chairman Johnson said your request is forwarded with a recommendation to the City Commission. Thank you very much.

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The next item considered: **Item # 7 - Site Plan and Conditional Use – Lynmore – 1550 North Lawnwood Circle:** An Application for Site Plan approval to expand an existing Adult Congregate Living Facility. The property is located at 1550 North Lawnwood Circle and is zoned R-4, Medium Density Residential. The owner/applicant is Lawnwood Commons Real Estate LLC, Kenneth Assiran. The representative is Upham, Inc., Harry Newkirk, PE.

Chairman Johnson said could we have staff report please?

Mr. Yazzie said good evening Chairman Johnson, Board members. This application was initially submitted as a site plan. However, staff has re-analyzed the requirements for conditional uses. Although a conditional use is normally run with the land, however, this project must undergo another conditional use process because what was originally approved back in August 3, 1998 was never fully constructed. That plan had two additional acres and townhouses. Therefore, staff has since updated the project to a site plan with a conditional use. This means that the Planning Board and City Commission would have to review this as a Site Plan with a Conditional Use. Therefore, in accordance with Section 22-58 and Section 22-76 of the City Code, the applicant is requesting the review and approval for a site plan and conditional use to expand 18,142 square feet of memory care

and 8,725 square feet of assisted living to an existing Adult Congregate Living Facility and expand the dining area by 720 square feet. The property is located at 1550 North Lawnwood Circle. The applicant's property comprises of 4.163 acres. The property is zoned R-4, medium density residential and the surrounding zoning to the east and west is also R-4. The property to the north is R-4 and R-3, Single Family Moderate Density and the zoning to the south is zoned PUD, Planned Unit Development. The proposed conditional use and site plan is not inconsistent with the surrounding land uses. This slide demonstrates the current configuration. The proposed areas that are to be expanded are 18,142 square feet memory care wing, 8,725 square feet expansion of the assisted living wing and a 740 sq. ft. of dining room expansion. The floor plan configuration consists of one and two bedroom units. Additional rooms will be included to assist supporting staff as well as more interactive rooms for residents. For example, activity rooms, a quiet-family room, living room, centralized exams, care-giver rooms and smaller dining rooms. The main dining room at the center on the north side will be expanded by enclosing current alcoves. The addition will mimic the architectural features of the existing building. The features consist of cement masonry unit construction with a two-tone beige stucco exterior. The stucco banding, window casings, the main entrances windows and double doors will be light tan in color. Curved banding with a keystone will also be presented above the windows and doors for the entrance area. The roof will measure to a mean height of 17.5' to 21.5' with a light grey shingle. Areas nearing entrances will be incorporated with a new stone veneer on existing columns. The parking area will also be enhanced to accommodate the expansion. Therefore, a total of 56 spaces for parking will be required and provided for. In addition, one loading space will be placed near the Porte-cochere and four handicapped parking stalls will be placed near main entrance. Access to the parking area will be by the way of three driveways. Currently, two one-way driveways are positioned at the center of the property with a median island at the center. The proposed plan adds an additional driveway to the west of the property for better traffic circulation. As previously mentioned, a Porte-cochere exists at the main entrance. This structure has a circular driveway for an additional drop off and pick up point for unit residents. Sidewalks will also be enhanced to provide pedestrian connectivity to the facility from North Lawnwood Circle as well as within the enclosed courtyards. In addition to the access, the St. Lucie County Fire District has requested a "T-turnaround" be added to the property on the north side which would comply with the Florida Fire Prevention Code. This access for emergency vehicles terminates into the property via 17th Street. The drainage for the facility currently discharges into a master drainage system that exists to the south of the development. This master storm water system is known as the Longwood Village Master Stormwater System. The proposed drainage plan will incorporate a reconfigured ex-filtration system that will filter any water prior to discharging into the permitted master drainage system. The Fort Pierce Utilities Authority Electric, Water and Wastewater Departments have also reviewed this project and requested that 15 feet of utility easement be dedicated to the City. This area is located to the northwest of the corner of the property. The applicant has initiated the process to facilitate this request. Landscaping for the project will include 101 added and relocated trees and palms. Some of the species include Live Oaks, Foxtails, Washingtonia, Triangle and Christmas palms. Shrubbery will also be included to satisfy the City's landscaping ordinances. The vegetation will be utilized in all vehicular use and Right of Way areas as well as buffering to residential properties to the north and east. Lighting for the existing and proposed addition will be lighted in

accordance with Sections 22-60(g), 22-58(d)(8), 22-59(g)(6) of the City Code. Bollard and pole lighting will be utilized for the reconfigured parking and sidewalk areas. Pole lighting currently exists along the right of way of North Lawnwood Circle. As such, no additional lighting requirements will be required. The traffic analysis provided by the applicant demonstrated that 140 trips will be introduced to the road network at the buildout which is expected to be in the year 2011. Seven a.m. trips and twelve p.m. trips are expected to be entering and exiting the facility at peak hours. The trips generated by the facility will be of minimal impact to the surrounding network; therefore, no mitigation is required. All affected Departments have reviewed the submittals and have approved the proposed Site Plan and Conditional Use based on it meeting the requirements of the City Code with the exception of the St. Lucie County Fire District. As the proposed Site Plan and Conditional Use meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Site Plan and Conditional use with the following conditions: Provide staff with the St. Lucie County Fire District approval prior to City Commission consideration; and Dedicate and record 15 feet of a utility easement, located on the north-west side of the property prior to issuance of a Certificate of Occupancy.

Chairman Johnson said alright. Very good. Thank you. Any questions of staff from the Board?

Ms. Yates said Mr. Chairman? I have a question for Mr. Walker. My mother is a resident at the Lynmoore. Do I need to recuse myself?

Chairman Johnson said Mr. Walker?

Board Attorney Walker said the Statute, with the permission of the Chair let me just briefly make reference to the Statute.

Chairman Johnson said while Mr. Walker is looking that up, staff, is there some off-site drainage plan or are they just showing connectivity to the existing? Is that what the drainage plan shows?

Mr. Yazzie said there was a retention pond that's located within the development across the street to the south.

Chairman Johnson said but nothing off-site showing? No improvements were made off the site, is that correct?

Mr. Yazzie said that's correct.

Chairman Johnson said okay.

Board Attorney Walker said Mr. Chair?

Chairman Johnson said yes Sir, Mr. Walker.

Board Attorney Walker said I'm sorry. I don't have a copy of the Statute in front of me. However, it does provide that there is to be deemed a conflict of interest in the event the application would benefit the principle of the Board member. In this instance, it appears that there probably is no conflict. However, we recognize an ambit, an area within which questions could arise and then in those instances, there is discretion to declare a potential conflict so as to avoid the appearance of conflict. Mr. Chair, this may be well one of those instances.

Chairman Johnson said very good, thank you. Ms. Yates?

Ms. Yates said I'll recuse myself.

Chairman Johnson said very good. Okay, thank you. Any questions of staff? Thank you Mr. Walker.

Mr. Weaver said Mr. Chair, Mr. Yazzie, what's the total number of sleeping units in the overall project, the existing one's plus the proposed units?

Mr. Yazzie said currently there are, I believe there are 56 and it's going to expand to 95.

Mr. Weaver said is the number of sleeping units in this type of use contemplated by the R-4 zoning?

Mr. Yazzie said the R-4 zoning mentions dwelling units. Dwelling units refers to kitchen facilities and the use of this ACLF does not have any kitchen facilities in each unit. Therefore, it would not constitute as a dwelling unit.

Chairman Johnson said any other questions of staff from the Board? I do have one comment or question going back to the stormwater. Has a permit been issued or is it in the process at this point? Do we know?

Mr. Yazzie said the applicant is here to elaborate on that. From what I understand, there is an additional amount of pretreatment that he has to comply with.

Chairman Johnson said the reason I'm asking is because of Tropical Storm Fay. From the City's perspective, this is a private or public system where the Lawnwood Village.

Mr. Yazzie said again the applicant could elaborate on that.

Chairman Johnson said as a village as a whole, well then, did we have problems through the City of Fort Pierce? Do we know? Do we remember? At that time, when Tropical Storm Fay came through, did the City experience problems within the system because this is going to connect to it?

Mr. Yazzie said I had a site visit with the Director of the Facility and I asked her specifically about Fay. At that time, she said that there were some problems with the backup of the

sewage. Other than that, there was no flooding. The sewage would pertain to offsite areas.

Chairman Johnson said sure. The reason I'm asking is because if there is something that needs to be said to the applicant to maybe expand not only their onsite improvements but to go offsite and say okay, we need to improve the surrounding Lawnwood Village just to help the system in the event another Tropical Storm Fay comes through. That's the only reason I'm asking. I don't know if Engineering came back to you with anything like that or not.

Mr. Yazzie said that is correct. The Engineering Department for the City did not object to any of this or raise that concern. They did approve it.

Chairman Johnson said thank you.

Mr. Carlin said Mr. Chairman. Many of those flooded roads were County roads.

Chairman Johnson said yeah.

Mr. Carlin said we don't have a specific list here tonight but we can get that information for you.

Chairman Johnson said the whole system probably ties into 13<sup>th</sup> Street which ties into Virginia Avenue canal which ties in and that was all flooded. It was a big problem. It's okay. I was wondering if there were questions by Engineering. Any other questions from the Board to staff? I'd like to invite the applicant forward. If you would state your name and address for the record or association.

Mr. John Bruhn said John Bruhn, I'm the attorney for the owner.

Chairman Johnson said good evening.

Mr. Bruhn said I'm here to answer any questions. We can answer your questions. We got the Engineer here. He says we've been permitted for all the water issues from South Florida Management and DEP.

Chairman Johnson said the one question I have is that your system, is it a private system that we're attached to or is it by association because of Lawnwood Village or how does that work?

Mr. Eric Newkirk said Eric Newkirk, Project Engineer, Upham Inc. The stormwater system is a master stormwater system across the street and it serves several properties around here. I believe it's 90 acres. I don't remember the number offhand but through the permitting process with South Florida the site really wasn't in compliance directly with stormwater because the entire site supposed to drain to the master stormwater system. What we've done is we have swales around the entire property. All the roof drainage that used just flow back to the residential properties around the project now directly goes to

front. We've also added exfiltration so we treat some water. Before, it just all ran off the site to the master stormwater system. There was only one inlet on the property. One inlet served this whole site. We've come off of that with several inlets and we've graded down the site because South Florida likes for some reason for sites to flood during major storm events, the parking lots and stuff, that's the way they make you design it. They like the roads to flood. They don't let you build up so your roads don't flood. They like to actually have some compensation on those areas. We met all their requirements. We got the permit, Stormwater permit, got the well permit and got those about three weeks ago.

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

Mr. Poitier said move for approval.

Mr. Harris said second.

Chairman Johnson said we have a motion and a second and there were conditions on the.

Mr. Poitier said yeah, I accept the conditions from staff.

Chairman Johnson said from staff, okay. Very good. Still a second on that?

Mr. Harris said yes.

Chairman Johnson said any discussion? Could we have roll call please?

**Motion made** by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission **for approval of the site plan and conditional use to expand an existing Adult Congregate Living Facility on the property is located at 1550 North Lawnwood Circle with the following conditions: Provide staff with St. Lucie County Fire District approval prior to City Commission consideration; and Dedicate and record 15 feet of a utility easement, located on the north-west side of the property prior to issuance of a Certificate of Occupancy.**

Those in favor Mr. Reilly, Mr. Weaver, Ms. Wood, Mr. Dannahower, Mr. Harris, Mr. Lloyd, Mr. Poitier and Chairman Johnson.

Those opposed: none.

Those abstained: Ms. Yates

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The next item considered: **Item # 8 - Evaluation and Appraisal Report:** Discussion to identify the specific and local issues that affect the City's ability to achieve identified City

goals. These will be used in creating the Comprehensive Plan Evaluation and Appraisal Report.

Chairman Johnson said good evening.

Ms. Ehly said good evening Chairman Johnson, Planning Board members. The adoption of an Evaluation and Appraisal Report of the local Comprehensive Plan is required of each local government every seven years per Florida Statute. The report is part of the continual evaluation of the existing Plan in order to ensure that amendments are completed as needed in response to the changes that occur periodically in the area of growth management. The Plan must be updated, for example, to reflect changes in state, regional and local policies and regulations regarding growth management; changes in population growth and in land area relating to annexations; and the financial feasibility of implementing the goals, objectives and policies of the Plan. The Evaluation and Appraisal Report is the initial phase in the process of updating the existing Plan. Plan amendments derived from the recommendations in the report will be completed within 12 months following the City Commission adoption hearing and the ruling of sufficiency by the Department of Community Affairs. The purpose of the report is to identify the major issues that affect the ability of the City to achieve the community vision; to review the actions that the City has taken to implement the Plan since the last EAR which was 2006 for the City of Fort Pierce; to assess the degree to which the Plan objectives have been achieved; to identify both the successes and the shortcomings of the Plan; to identify the necessary changes and updates to the Plan; and to ensure effective intergovernmental coordination. The first step in creating the report is the identification of the major issues by the City that affect the achievement of stated goals. As the process continues, recommendations will be provided in the report to address how these issues can be overcome. A major issue is defined as a narrow matter of concern to the existing and future growth and development of the local community. The major issues are chosen by the local government and will constitute the subject matter of the report. This will be achieved through a series of scoping exercises to include internal Planning Staff meetings; discussions with the Planning Board (LPA) and the City Commission, input from reviewing agencies and feedback from the public. The purpose of the discussion this evening is to begin to establish the scope of the report through determining what subject matter or issues will be included. The list will be forwarded to include feedback from the City Commission at the meeting on June 15th.

The major issues will then be summarized by staff and brought to the Planning Board to recommend approval and to the City Commission for transmittal to DCA with a request for a letter expressing DCA's agreement with the issues selected. This Letter of Understanding will help avoid any misunderstandings when the Department reviews the adopted Evaluation and Appraisal Report for sufficiency.

Chairman Johnson said I'm going to start with a quick question. We're formulating ideas and a list at this point?

Ms. Ehly said yes and it's not a public hearing. It's just a discussion. We're just starting the process. Planning staff has also started the process internally of identifying major issues, then we want to hear from Planning Board members and then also we're going to hear from

the City Commission June 15<sup>th</sup>. Once we finalize the list, we'll bring it back for you guys to vote on it, that is, that you agree with the list.

Chairman Johnson said you have your major issues at this point?

Ms. Ehly said we want to hear from you first.

Chairman Johnson said I was just wondering if you were going to show us a list, a cheat sheet or not. Alright, good. So Board members, I guess what issues are out there based on the new ERA or EAR? EAR? ERA, I'm thinking baseball, sorry.

Mr. Weaver said Mr. Chair, perhaps the Port Element of the Comprehensive Plan is probably in need of some thought. That's the first thing that came to mind. The automatic two-year site plan extension that the Governor just put out. I think that might have some issue on your capacities and how you look at the projects coming down the pipe.

Chairman Johnson said anyone else? Mr. Dannahower, is there anything that comes to mind right off the bat?

Mr. Dannahower said my initial hit on this, I thought it looked pretty good. No, not off the top of my head.

Chairman Johnson said okay, Ms. Yates.

Ms. Yates said no, nothing.

Chairman Johnson said Mr. Lloyd?

Mr. Lloyd said no.

Chairman Johnson said Mr. Reilly?

Mr. Reilly said no, nothing right now.

Chairman Johnson said Mr. Poitier?

Mr. Poitier said I didn't have time to digest it so it's going to be a while.

Chairman Johnson said Mr. Harris?

Mr. Harris said no, not off the top of my head.

Chairman Johnson said okay, Ms. Wood?

Ms. Wood said I am too most concerned about how the City is going to deal with the effects of Senate Bill 360 and I think specifically the transportation concurrency exception areas, and you know having to develop a mobility strategy at this point. I think it could be, I was

just trudging through 360 today and I mean it's painful. The County doesn't really even have to, you know, we're not even subject to those exceptions as the City is, but it's still something that we all have to sort of jointly understand how to manage. I was just trying to sort of look at the better half of Senate Bill 360 and what advantages could we derive. There could be some for the incentivizing of infill development but it will take a really sophisticated strategy. I don't know if staff sort of ploughed through that mentally or has any initial thoughts on how you are going to address that or just deal with it.

Mr. Carlin said we have the document right here, Senate Bill 360. We've been combing through that and recognize some of those elements so that will be part of the EAR process.

Ms. Ehly said yes and also one of the good things is that the whole City is going to be a TCEA so that kind of makes it pretty easy. The issue is going to be developing the fee and the mobility strategy but we are going to be working with Kimley-Horn who definitely has the qualifications in the area of transportation in various projects that they've done in developing that during the EAR process. We should have a handle on it in 18 months when we've done this process.

Ms. Wood said in some ways it's kind of good timing to be beginning the EAR process as you're getting this handed to you so you can incorporate it all I would think.

Ms. Ehly said I guess. We do need to have your input. There are a couple of ideas that we had tonight but certainly I did include in your packets that the Planning Board is responsible for creating the EAR, the Evaluation and Appraisal Report. Of course, staff creates it and does the work and then presents it to you but it goes through you and then it goes to City Commission. You recommend the EAR report to City Commission to adopt it. Definitely over the next couple of months, we're going to be talking about it a lot. I can give you some examples of what staff has, because I know it's a new thing. I don't think we've ever done an EAR in the City of Fort Pierce to update a Comp Plan. The only thing we've done is a rewrite in 2006. This is kind of a new process for everybody and so part of it is just introducing it and that kind of thing. I can give you some examples of what staff has said and then maybe next Planning Board meeting we can maybe have some more ideas from you guys about identifying the major issues perhaps.

Chairman Johnson said give us a few of them and then if you got a condensed list you can email it just so it gets the mind flow, the mind set going, and maybe we can give you more ideas. I have a couple of questions but go ahead.

Ms. Ehly said okay, so we still have House Bill 697. My primary concerns are the new regulations that have been passed since we've adopted the Comp Plan in 2007. We had new legislation in 2008 which requires establishing new local planning policies relating to energy efficient land use patterns, transportation strategies to address greenhouse gas reduction, energy conservation, and energy-efficient housing. We as a City need to have those incorporated into the Comprehensive Plan and also into the Land Development Regulations. These requirements became effective in July of 2008 but, you know, everybody is kind of behind the 8 ball on this. Also, we were talking about Senate Bill 360 which was passed, just signed by the Governor last week, requires the development of a

mobility fee to replace existing transportation concurrency requirements which is what we'll be moving towards. We're not going to be reviewing things for transportation concurrency anymore but they will still be paying a proportionate fair share toward multi-modal paths, bike paths, walking paths, sidewalks, public transit, bus stops and things like that. That's where the transportation concurrency is going to come into play. Obviously, we have to totally revamp the whole concurrency element and concurrency part of our LDRs. It also extends all site plans for two years. Anything that expired on or after September 1, of 2008 is automatically extended for two years. That's something that we have to kind of think about; especially, when you're dealing with concurrency and issues like that. The whole thing gets bumped out two years. Also, that for areas having population densities greater than 1,000 people per square mile then the whole it's defined as a dense urban area and it's exempt from the transportation concurrency. Then there's some other little things as far as those kinds of requirements. Also, we have our future land use inventories within the City that are not updated because of the way that we annex properties and assign future land use and zoning. We don't do comprehensive plan amendments and we don't update our land use map which means that with all the annexations that we have going on, our land use inventories are skewed, they're off. They're based upon 2006. We've annexed hundreds and hundreds of acres since then and in our inventory when we do land use, any type of analysis for planning purposes, our map is off because we're not including those inventories of how much acreage we have of commercial, how much acreage of high density residential. We don't necessarily know, I mean, we know but the Comp plan is not accurate as far as that providing a base line for that type of analysis. That's something during the EAR that we're going to have to address in some way. That's a major issue. Also, the Comprehensive Plan supports implementing the 2002 Port Master Plan. The Comprehensive Plan also has policies to encourage new and expanded business development in the Port but the Master Plan states that there will be limited cargo operations for marine industries and actually encourages gentrification of the Port which would mean a phasing out of the cargo operations so those two concepts are in conflict of each other. That has come up a lot in the past couple of years. We have to have some type of cohesive plan on how we're going to develop the Port in a way that's going to be beneficial to the City but also keeping in mind the sensitive issues surrounding that. Then we also have from the Urban Forester, the Heathcote Regional Park. The City has Comprehensive Plan policies to encourage the development of that Regional Park and Heathcote Botanical Gardens becoming a part of that. There is an issue with the location of the Solid Waste Department, or Public Works Department, its Public Work's Department of the City, that needs to move in order for that to be fulfilled and rezoned and turned into park land. That's been an issue. That's actually holding up the vision of that regional park so either the City has to support the vision of the Regional Park or it's in conflict with itself it seems. That's an issue. Also, some specific things are land clearing bonds and xeriscaping mandates and things like that the Urban Forester stated so that would be something about preserving the natural resources. Anyway, those are kinds of examples. I could go on but that's kind of like what we're looking at. We're looking at what are the things that are keeping the City from developing in the way that the Comp Plan objectives are stating. This is what we want. We want to preserve historic preservation, our historic properties, things like that. What's coming into conflict with that. Well, one of the things is our LDRs. They encourage the degradation of the historic character of the districts by imposing parking regulations, landscape regulations and lot sizes that just take away from

the character of the historic districts. Things like this are what staff is looking at when we're looking at what are the obstacles to the City being able to fulfill the vision.

Mr. Poitier said that's too much.

Ms. Ehly said it is a big project but that's the City [interrupted].

Mr. Poitier said I have a question for you. You have so much on that paper there but how we could do the dock and the waterfront when, you know, we knock it down everytime we come out? Do we have a guideline from the State or the Federal government to go by to approve this stuff, to mandate?

Ms. Ehly said for the EAR to do the process?

Mr. Poitier said yes.

Ms. Ehly said yes. We're required by Florida Statute to complete this process every seven years.

Mr. Poitier said that's good. We had it a couple of years ago. We never learned that before?

Ms. Ehly said the rewrite.

Mr. Poitier said I don't know what happened to it.

Ms. Ehly said our Comprehensive Plan right now is in compliance and it's from 2007 so one of the good things is that we're only doing the evaluation from 2007 till 2009. We're evaluating how did these work? What's impeding the success of implementing our Comprehensive Plan as it is today? Most of the work and the analysis is going to be done by staff but the identification of the major issues right now is where we're focused on as far as input from Planning Board and from the elected body.

Mr. Carlin said it might be helpful for the Board to think about the projects that have come before you and try to come back. This may help you come up with some better examples of where the problems are. Go back and look at the plans that you considered and the ones that you grappled with. What are those areas that would help you come up with some ideas because those are all related to the Comprehensive Plan and it's a living, breathing document. It can't be shelved for 15 years. We have a new one as of 2007 and we have all this new legislation that has come out, new rules and energy elements and things and we have to make sure that this document as well as our LDRs which we'll talk about next are updated and they reflect all these different things. These are much more global in terms of, as Erica pointed out, what are the issues that prevent implementing some of these policies, goals, objectives within the Comp Plan.

Mr. Poitier said that's a good point. We have projects that come up and we're always knocking it so it never could improve or do nothing but if we had it in black and white in

paper, we might have a guideline to go by. If you go by another City and see what Mayor Allen is doing with their dock or Palm Beach but keep beating the dock to death but we're not doing nothing with it.

Chairman Johnson said the other issue I was thinking about was annexations, specifically, in regards with how we annex and the land use or the future land use as it comes. Those are big ones. The other one that came up for me was a couple of years, I think, was affordable housing. That was a big one because we talking about this number and we had a plateau that the Comp Plan said you shouldn't be above that 900 number or whatever it was, 900 units or whatever it was within this certain range and I know that we were getting close to that. I think this City is fortunately or unfortunately or however you want to look at it we're going be in that situation in some cases where we need more than more than just what the Comp plan says. I don't know how you evaluate that.

Ms. Ehly said part of that is the Schimberg Center with the University of Florida does a housing inventory analysis periodically of different municipalities and we're going to be working with Community Services. They should be getting on board with working with the Planning Staff with regard to affordable housing.

Chairman Johnson said I remember because there was one on Jenkins Road.

Ms. Ehly said those weren't really affordable housing developments though.

Chairman Johnson said well there was one that came through that we were talking about the interconnectivity and you're supposed to have public transit.

Ms. Ehly said yes and that's when previous staff was here and the numbers for what was actually affordable in the City of Fort Pierce was different. They were using still the Metropolitan area median income which includes Stuart and Port St. Lucie. When you look at Fort Pierce, it has the lowest median income north of Riviera Beach. When you are talking about affordable housing here, there is a huge demand for true affordable housing.

Mr. Poitier said I remember that.

Chairman Johnson said there was one on 35<sup>th</sup> also, there were a couple of them but you're right. You're exactly correct.

Ms. Ehly said but now, we did get incorporated into the Affordable Housing Plan of the City that affordable housing, affordable means using the median income of the City of Fort Pierce.

Mr. Poitier said they should be.

Ms. Ehly said then now because we have that in another plan, we can incorporate that into our Comprehensive Plan and then our LDR rewrite to actually incorporate that median income rather than the Metropolitan Median Income. It's a slow process but it's part of it

and we're definitely going to be, I'm going to be, keeping an eye on that affordable housing issue because that's definitely one of my concerns.

Chairman Johnson said going back to the annexation, are the interlocal agreements we have with the County and maybe the City of Port St. Lucie, are those going to be conflicts or hurdles in the annexation vision of the City or no?

Ms. Ehly said actually they're not. We have a Joint Planning Agreement with the County. The only thing with regard to annexation in that it's a very slim document. In fact, the substantial matter to the agreement is about four sentences and the rest of is legal jargon. The other agreement we have with regard to annexation is the agreement with the FPUA, the County and the City which identifies the Urban Service Boundary and talks about how the County won't object to annexations within the Urban Service Boundary in connection with the signed annexation agreements for water and sewer.

Chairman Johnson said so they will not object?

Ms. Ehly said right. There are actually some other issues where the County agrees to put those into their Growth Management Rules and Regulations, that agreement. They never did though and so that came up with these annexations that we just had with the Research Park and things like that. As far as our annexation policy and the way that we annex, it is consistent with the Joint Planning Agreement, the agreement with the FPUA and the County and it's also consistent with the Comprehensive Plan and the LDRs. The only issue that we have identified is the impact on our Land Use Map and our Land Use inventories. Without doing Comp Plan amendments which is not City policy to do when we annex, there will have to be another way that we update the future land use map and that's something that we're going to have to rectify through the EAR process so that we can keep that up to date.

Chairman Johnson said okay.

Mr. Poitier said that's good. We need them now.

Chairman Johnson said any other discussion?

Ms. Wood said I guess I just wanted to finish off with maybe making a connection between the mobility fee that we were discussing and the need that you've already identified to sort of update the land use inventories. This is a great opportunity to look at where those, I guess I'm not really clear on what the process would be if you are going to go about assigning the future land uses and you bring those properties into your future land use map or whatever the analysis is for assessing the quality of that inventory as it supports the goals, objectives and policies of the Plan that maybe some of those areas need to be bumped up in terms of their intensity to create a connection.

Ms. Ehly said that's another issue that I didn't mention but staff, every one of us has said that we have an issue with this low density urban sprawl development that we've encouraged here in an urban area. One of the issues is that there have been plans to have

the Amtrak station stop here for years but that's directly related to density. In order to get public transit stops and funding from Federal and State and even our TPO, you have to have the density and the demand for the public transportation. If we continue to have two units per acre and four units per acre, we're never going to get to that level. I think that that's defiantly something that we're going to have to address is the identify caps and maybe some increases in density, density bonus and things like that at least in the Urban Core of the City. We'll definitely be talking about that.

Ms. Wood said and the fact the St. Lucie TPO is currently undergoing their long-range plan maybe there are resources to draw from through that exercise as well.

Ms. Yates said you'll email list of things that staff has already addressed?

Ms. Ehly said as far as what we're considering we will and then we're going to talk to the Commission in a week, week and a half.

Chairman Johnson said next Monday.

Ms. Ehly said we'll get their feedback as far as what the issues are. We'll come back here next month and talk about it again.

Mr. Carlin said it may be helpful to go through some of the goals, objectives and policies within the Comprehensive Plan and refresh yourself and become familiar with some of those and kind of think about those plans that came before you that may have generated some dialogue or some good discussion and maybe some controversial ones. That will help maybe with the process of identifying some of these issues that really need to be addressed when we go through the EAR. I think we all have provided you with a CD of the Comprehensive Plan.

Ms. Ehly said I did want to ask you do you all have a copy of the clean version of the Comprehensive Plan without strike-throughs and underlines? If you don't, I'll get each of you a disk so that you can have it on your own computers. You can pull up the Elements, all of the maps, everything is right there in PDF format.

Mr. Poitier said we need an updated one right?

Ms. Ehly said well, you should have the 2007 version.

Mr. Poitier said yeah, we have that.

Ms. Ehly said but the problem with that is we didn't get a clean version until a couple of months ago because of some residual factors with the consultant and everything else but we did finally get a clean copy. Everybody was supposed to get a clean copy but I just wanted to make sure that you did in fact have one and if you don't, we can get you get a disk of the clean copy of the Comprehensive Plan. Of course, if you would like a hardcopy, we can provide that for you also.

Mr. Poitier said we need a deadline for that, the whole year or next year you have to submit this?

Ms. Ehly said oh the EAR? That's actually a good question. The EAR is due in February of 2010 but there is a whole process in creating the report because once we identify the major issues, then we have to evaluate them and provide data analysis as to what the recommendations are for the changes that will be required in order to keep the plan updated. The LDRs have to be updated to implement the plan so it's quite an extensive process but we will have Kimley-Horn on board. We're expecting them to be approved by City Commission next month.

Mr. Poitier said the last time we had a workshop on it.

Ms. Ehly said certainly, if the Planning Board would like to request a workshop or more in depth staff interaction we can certainly do that.

Mr. Poitier said you don't have time, a regular meeting like this we don't have time to digest all that. If we had a workshop maybe we can achieve a goal on it. That's my suggestion, that's all.

Chairman Johnson said I would imagine it would have to be some time in September before we start it, maybe August?

Ms. Ehly said you're saying to have a workshop on the EAR?

Chairman Johnson said because you are going to be collecting ideas and start to draft solutions/information about those ideas, I'm sure.

Ms. Ehly said by then? Yes. Absolutely. No, we're planning on bringing the report to Planning Board at the September completed.

Chairman Johnson said for approval?

Ms. Ehly said yes. Some people take a year to do this process but we're planning on moving pretty quickly.

Ms. Yates said the report or the major issues?

Ms. Ehly said the report.

Ms. Yates said oh, that sounds like perhaps then we should have a workshop so we can all focus at one time on it soon.

Ms. Ehly said identifying the major issues or?

Ms. Yates said yes.

Mr. Poitier said yeah.

Chairman Johnson said or whatever is going to put you in motion to create a report by September it's going to have to be something in July so you start drafting.

Ms. Wood said it seems to me really there's some work on our part to do.

Ms. Ehly said like I said, you are the LPA and certainly you should be familiar with the Comp Plan.

Ms. Wood said to actually identify the major issues we actually have to read the Plan.

Ms. Ehly said certainly you are required to be familiar with the City Comprehensive Plan because that is one of the major duties of the Planning Board. I can't emphasize that enough. Every single thing that the Planning Board reviews, the number 1 duty of the Planning Board is to make sure it's consistent with the Comprehensive Plan. Of course, that's important to me. I'm a little bit biased but it is in our Code and it is Florida Statute. Of course, you are not required to provide major issues. If you really don't have any major issues, you don't have to feel pressured to provide any because staff is going to provide obviously and also City Commission but we do want to make sure that we include any major issues that you might have. We don't want to overlook any issues that you might have. That's really the importance of this. We don't necessarily have to spend too much time on this step in the process because there are 8 more steps that we have to get through. Just as long as you feel that you've had the chance to get your issue in there is there is something that you are concerned about with development in the City.

Chairman Johnson said sounds like at this point, we need clean copies of the Comp Plan.

Ms. Ehly said okay, and certainly, any questions that anybody has feel free to give me a call anytime about any of this EAR process or the Comprehensive Plan, anything about it certainly feel free to call me.

Chairman Johnson said you can burn us a CD? Can you mail those out this week or the beginning of next week?

Ms. Ehly said we can get them out tomorrow. So, would you all like a copy of the CD version?

Mr. Poitier said yes.

Ms. Ehly said would anybody like a hardcopy or is CD fine?

Mr. Lloyd said I'd like hardcopy.

Ms. Ehly said one hardcopy, or two hardcopies.

Mr. Poitier said we'd like to be proud of the new improvement of the City growth.

Mr. Weaver said I'd like to try an example of what would be a major issue. The downtown environment where you're saying it's essential that we have some urban density and the conflicts and the difficulty in coordinating that with the historic element. Is that a major issue perhaps?

Ms. Ehly said yes.

Chairman Johnson said anything else? Seeing none.

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The next item considered: **Item # 8b - Land Development Regulations Update:** Discussion of Module-1 of the Land Development Regulations rewrite.

Mr. Carlin said Mr. Chair, members of the Board. To shift gears, this is a process that has been ongoing. You all were provided with a copy of the first module of the rewrite. I know at least two members of the Board here do serve on the Advisory Committee for the LDR Rewrite. That was a Committee selected by the Commission but you all should also be involved with the process of the rewrite. We wanted to provide that information to you so you can digest exactly what type of changes are being contemplated at this point in time. The draft that you were provided is just that. It is a draft. It will be going through many review processes by many different people and we are not yet at the public workshop or the public hearing phase. This is an opportunity for you all to provide feedback again by thinking about all of the different site plans and different types of applications that you've had and kind of identify where in that Code did that create a problem for this particular application. This first draft identifies some procedural changes and it deals with administration, functions and procedures. Some of the procedures in there are similar to what's already in place but they've been modified to streamline the process. There is some substantive changes to the nonconforming provisions softening the perspective on something that's nonconforming. In other words, nonconforming can have some negative connotations and the revised LDRs are designed to say "hey, nonconforming is not so bad". The current procedures, as you know, for nonconforming this Board serves as a review Board for something has a nonconforming structure as a Special Exception. It must go through Planning Board and Board of Adjustment approval. If you recall, what that means is if someone has an existing home that doesn't meet the current setbacks under today's Code, that person would like to do an expansion provided that it does not violate any additional setback requirements, this Board must approve that expansion. It's an administrative process that an applicant must go through. It must go through Planning Board and then it must to go Board of Adjustment to make a simple addition. The new LDRs, the new nonconforming elements have been designed to streamline that process by saying "hey, wait a minute. It's okay to make an addition without going through some of these regulatory burdens that we often hear people from the community express frustration over. It's staff's frustration and your frustration because we can't focus on important issues such as going through an EAR or focusing on other bigger-picture items. Those are the types of changes that were made within this first module, Administration and Procedures dealing with revised where certain applications will go certain ways. Not everything may

come to Planning Board. Not everything may go to City Commission. As you can see if you read it, there are some elements that are being contemplated to change the role of Planning Board where the Planning Board will serve as a Board where public hearings would be considered, not public meetings. At a Public Hearing, you will have the ability if this comes to fruition to decide certain elements. We hear about notification requirements consistently. It was brought up again by a resident tonight by the South Beach Association about when do the notifications are going to occur. Some applications are going to have it before Planning Board, other applications are going to have it after. What this process is designed to do is to streamline it all and keep it the same, keep it simple, easy to understand and I think at the end of the day when we get a final product, it will be something that will be very easy to understand, go to and you'll see pictorial representations, you'll see streamlined processes, you'll see dates that are supposed to be the same. You won't have dates that are inconsistent within certain sections of the Code. This is your opportunity at this point in time. What we're going to do is we'll present to you the information as it comes down the pipeline and allow you to digest this and offer up recommendations or any suggestions or anything you'd like to see. We're going to keep you in the loop so to speak so this is your opportunity. This is the first draft. They'll be about four modules, four different chunks. Four or five depending on if there are additional elements that need to be incorporated here. Now is the time to think about these things if you don't have any comments this evening, I recommend that you try to get those to Planning staff sooner rather than later with this first module because the second module will be forthcoming.

Chairman Johnson said very good. Any questions? Nope? Thank you.

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

Chairman Johnson said we have Mr. Knott, Mr. Hayek and Mr. Bey our Alternate. Motion to excuse?

**Motion made** by Mr. Poitier and seconded by Ms. Yates **to approve the absences of Mr. Knott, Mr. Hayek and Mr. Bey.**

Unanimously approved by voice vote.

Chairman Johnson said David, anything else? Mr. Carlin?

Mr. Carlin said one thing. We had a delivery issue with our electronic system last week with servers and things like that. We are in the process, in fact, one was created if you already try, a site where all of our stuff is uploaded. I don't know if any of you had an opportunity to check it out on Friday. A site was created where our Planning Board packets are actually uploaded to the site and you can actually see everything right there. We gave you a CD because we were hoping that would be up and running by last week but it didn't occur to the last minute so we had the CDs distributed too. We're still tweaking the process to make it easy but we are going to have a site for you all to go to and just retrieve your

packets. You can look at it there. Of course for those who would like the hardcopies, we'll make sure we have a set for all of you in the event that you want to come down and get a set of plans. I just wanted to state that.

Ms. Ehly said I just wanted to say that the process with the LDR rewrite and the EAR can kind of dovetail together. The purpose of the LDRs, the Land Development Regulations of the City Code is to implement the Comprehensive Plan. As you're going through the Comprehensive Plan and becoming more familiar with it during the EAR process over the next two months or so, you're going to be seeing the next City Code coming before you. You might recall some policies or objectives or something in the Comprehensive Plan and you're looking for it in the Code to see well, how are they implementing these goals, objectives and policies and if there is anything in there that you don't see being implemented, you certainly need to bring that up to Planning staff or to the Consultant when he's here because that's what we're looking for is the implementation of the Comp Plan. It's hard when development comes through the City to bring up "oh, well that's not consistent with the Comp Plan so we recommend denial" even though we have every right to do so, a lot of the times we fall back on what's in the City Code. We need to just make sure that that City Code is implementing the goals, objectives and policies of the City as it was adopted by the Commission, Planning Board and the recommendations of the public. I just wanted to remind you of that.

Mr. Carlin said on that note, when the 2007 Comp Plan became effective, a lot of things were updated and changed in there and we had a City Code that had also been shelved for sometime so now we have to update the Code to reflect some of those Comprehensive Plan policies, goals and objectives. That's why it's so important when you get these modules, look and them and then compare and say "okay, is that implementing this objective or is this covered in this section" "keep that in mind because both of these documents need to be continually evaluated.

Ms. Ehly said also if there is a way give you information that would make it easier to digest because I know looking at the Comp Plan it's like this huge thing and you're like "where do I even begin", we have what we use in the department is we have these sheets that have the goals, objectives and policies separated out so you don't have to go through the whole Element. It's in a way where there's also blocks there where you comments or whatever. We can get those to you and you can use those and you can kind of look at what you're interested in. They're by Element. It's all the goals, objectives and policies by Element so you can look and see Transportation "well how's that" if that's your area that you're concerned with. You should be concerned with the whole thing but I know everybody has environmental issues or transportation or other things, coastal management and then you can kind of look at the policies and then look at the LDR modules you're getting and seeing "yes, that's being dealt with". You can kind of check it off as you're reviewing and that makes it a lot easier. Certainly, if there is any other suggestions as we go through this because I know this is a big undertaking. If you have any other suggestions for us as to how to get you the information in a more useful format, certainly let us know and we'll try and do that for you.

Chairman Johnson said thank you. Mr. Walker, anything?

Board Attorney Walker said thank you for asking Mr. Chair.

Chairman Johnson said yes Sir. Absolutely. Anything from the Board?

There being no further business, the meeting was adjourned at 7:35 p.m.