

**MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JUNE 14, 2005, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.**

Members present: Sonja Gates (Vice Chair), Jeremiah Johnson, Thomas Knott, Charlie Harris, Robert Poitier, Pamela Williams, and Chuck Enns, and Harriett Brenner.

Members absent: Donald Bergman (Chair) and Margaret Benton

Citizens and Staff present:

Alexi Howk	David Recor, Deputy City Manager
Ron Bell	Travis Gibbons, Planner
Eduardo Paris	Jim Walker, Assistant City Attorney
George L. Powell	Hector Arias, City Engineer
Susan Fauth	Dianna D. Rose, Administrative Secretary
David Bono	
William Blazak	
Phil Rosenthal	
Jack Cahill	
Walter Fauth	
John L.(Beck?)	
David Whiteside	
Mac McCarty	
Adam Heltemes	
Richard Allen	
Russell Morrison	
Steven Levin	
George K...?	
Richard Ladyko	
Alfred Seidner	
Chris Kirschner	
Harold Seltzer	
Tony Amico	

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

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

Ms. Rose (the secretary) stated – Mr. Bergman called in and Ms. Benton stated that she may not be in.

Since Mr. Bergman was not present for the meeting, Mrs. Gates ( the Vice Chair) chaired the meeting.

Mrs. Gates asked – Mr. Walker, do you want me to go ahead and start?...because we have a quorum.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Attorney Walker stated – Madam Chair, whether the Board is to wait a few minutes or not is a call that fairly comes within the discretion of the Chair.

Mrs. Gates stated – Given that we have a large agenda, I think we’ll just go ahead and start and allow her to come in at the time she arrives. Our Chairman, Mr. Bergman, did called in, and he could not make it tonight. And since, Ms. Benton, we’re not sure of, if there’s no objection by the Board, we’ll move item #2 to the discussion portion of the meeting.

**MOTION WAS MADE BY MRS. BRENNER TO MOVE THE VOTING ON ABSENCES TO THE DISCUSSION PART OF THE MEETING. Seconded by Mr. Poitier. Unanimously approved by voice vote.**

Mr. Arias stated – Madam Chair, may I?

Mrs. Gates – Yes sir.

Mr. Arias continued – I would like to introduce our Deputy City Manager, David Recor.

Mrs. Gates – Thank you very much. Welcome to Fort Pierce.

Mr. Recor stated – Good evening, Commissioners. I’d like to introduce myself, I’m David Recor, the new Deputy City Manager for the City. I believe I’ve met one of the Planning Commissioners; I didn’t realize that Mrs. Williams was on the Planning Commission. Glad to be here. Look forward to working with you, especially in this period of transition. The organization is changing, the community is changing, and we have a lot to look forward to. And look very much forward to being a part of the future development of the City. So, look forward to working with you.

Mrs. Gates stated – Thank you very much. We’re going to have to get some ‘sand in your shoes’ very quickly I think. Thank you, Hector.

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

Mrs. Gates continued – Okay, I hope everybody’s had a chance to review the minutes of the last meeting from May 24, 2005. Are there any corrections or additions to the minutes?

**MOTION WAS MADE BY MR. ENNS TO APPROVE THE MINUTES OF MAY 24, 2005. Seconded by Mr. Knott. Unanimously approved by voice vote.**

**Agenda Item #4 – Site Plan – CVS Pharmacy** – Approval to construct a 14,600 sq. ft. retail building located in the Taylor Creek Commons shopping center on North Highway #1. Owner/applicant is Fort Pierce Taylor Creek, LLC, and representative is Heather Spencer, of Kimley-Horn & Associates, Inc.

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

**Staff Report** – Mr. Gibbons stated – The applicant is requesting to do a 14,600 sq. ft. CVS Pharmacy on the corner of A1A and the Taylor Creek shopping plaza. It has met all conceptual approvals with all departments for parking, landscaping, and drainage. And staff recommends approval.

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

Mr. Johnson stated – During the engineering review, it was kind of hard for me to depict the retention areas as far as the drainage system. Are you guys satisfied?...is the Engineering Department satisfied with this system?

Mr. Arias stated – We are for the simple reason that once the site plan is approved we will have to prove the engineering and they will have to show the retention area where they're supposed to show it. So, we're satisfied with the conception.

Mr. Johnson – Okay, thank you.

Mrs. Gates asked – Any further questions? Okay, if not, is there anyone here to speak in favor of this request?

Mr. Russell Morrison stood and stated – Good evening.

Mrs. Gates – Good Evening.

Mr. Morrison continued – I'm not Heather Spencer. My name is Russell Morrison. I'm with Kimley-Horn & Associates. I'm standing in for Mrs. Spencer. So, I just wanted to verify that. As the staff has seen and recommended, what we have, and I'll be very brief, is a proposed CVS Pharmacy. The pharmacy will be located here (referring to drawing) at U.S. 1 and A1A north bridge, adjacent to the Publix here and it's across from a gas station located here...And I know that you have your site plan in front of you, but I wanted to go ahead and put this one out also. Basically CVS offers the convenience of a pharmacy as well as other retail services to the area; certainly something that we're all used to using. We're very familiar with being able to stop in quickly at a CVS or other convenient-type stores to make our purchases without having to go to some of the larger retail stores, in which they take a little more time getting in and out of. The CVS would be located in a way that would allow quick access off of U.S. 1. Of course, it is adjacent to the Publix, in which we have a fair amount of traffic that goes to that Publix shopping center. And with the CVS we will be providing a pharmacy with two (2) drive-thru lanes, a by-pass lane also. Of course the two (2) drive thrus are to allow for minimal waiting in the event that you go to pick up your prescriptions. As staff has noted, we do meet all of the Code requirements. It is a permitted use in this area. We meet all the setbacks, landscaping, parking requirements...with access off of U.S. 1. And if you notice, our handicap access comes from U.S. 1 across the site directly in the site for easy access...Also, with the CVS we are putting together a landscape plan which we feel the community will be very pleased with. It actually exceeds the Code requirement for buffering or for putting in ...I'm not a landscape architect, but the Code requirement is extensive and we're actually adding more than the Code does require. So, we believe it will be a very attractive use in the area, and certainly the shoppers in the area will be able to have very convenient use

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

of the facility, and certainly we believe it's going to be a nice addition to the area. So, I wanted to be brief; hopefully that gives you a pretty good idea of what we're doing here. And if you have any questions, I'm certainly open.

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

Mrs. Brenner stated – I just had one ...I should have asked staff; but you will have monument signs to announce your facility?

Mr. Morrison stated – That is correct.

Mrs. Brenner – Thank you.

Mrs. Gates asked – Any further questions for the applicant? Thank you very much. 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. KNOTT TO APPROVE THE SITE PLAN. Seconded by Mr. Enns. Unanimously approved by roll call vote.**

Mrs. Gates stated to the applicant – Okay, your request has been approved and you'll receive a notice as to when it will come before the City Commission and good luck. Thank you.

**Agenda Item # 5 – Amendment to Site Plan/PUR – St. Lucie Court** – Approval for amendment to site plan/PUR. Located at 301 South Ocean Drive. Owner is Richard L. Allen of Gallery 34949, Inc., and representative is Thomas Lucido & Associates.

**Staff Report** – Mr. Gibbons stated – This is a mixed use project on St. Lucie Court and Ocean Drive. The applicant is asking for a major amendment to the site plan. The actual density of 13.7 units is proposed with the recent developments with the Charrette that we had a month ago and the Commission and the views of the public on the beach, they are requesting that 8 units per acre be the maximum. This would be over the allowable density as well for a PUR. The actual impact of the traffic for this type of unit has not been implemented and the transportation on the network on the beach is not adequately suited for this type of development. In addition, there has been some technical issues with the Fire Department and has not received approvals from the Fire Department. And so staff recommends denial at this point.

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

Attorney Walker stated – Madam Chair, may I ask staff some questions?

Mrs. Gates – Yes.

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Attorney Walker continued – Thank you. It is my understanding from the tenure of your report that it is a determination of staff that the site plan, which is now submitted for Board consideration does not meet the requirements of City Code; is that correct?

Mr. Gibbons stated – That would be correct.

Attorney Walker continued – Let me refer you to Section 22-58, sub. F; and let me just briefly read that to you. The Department of Planning and Development will review the proposed site plan to insure that it conforms to all City codes and ordinances. If there are no violations it will be forwarded to the City Planning Board with a report on its compliance with the Comprehensive Plan and its conformance to any conceptual development plan for the development which has previously been reviewed by the City Commission. The Planning Board has interpreted that Code provision, which I've just read, to mean that an application for site plan approval under Section 22-58 is not to be referred to the Planning Board until the application first meets all requirements of the Code, or at least staff is satisfied that it does. And the reason the Board takes that position is because this is not an appellate Board and it is not in the business of determining whether or not the official is right or wrong, we simply take the word of the official in that regard. Understanding that it is your conviction that the site plan does not meet Code requirements, do you have any thinking on why the section that I've just read out to you should not apply so as to never the less to allow the Board to proceed forward with a consideration of the merits?

Mr. Arias stated – Madam Chair and Mr. Walker, I think that we all know that we're going through a very difficult transition period. And we review all of these projects, we found that even though the plans were submitted, and the Technical Review Committee which I did not attend because I had other business to attend, there were some reports saying that you can submit the plans as soon as possible and then they will take it to the Board. But when they submitted these plans it was still not according to the Code, and everything came so fast that I decided to bring it up in here and if you decide to pull it out from the agenda, it's fine with me. But I think we have to comply with the wishes of the owner and we just had no choice because everything came so fast and I wanted to satisfy everybody. So, there's a chance to pull this out from the agenda if you wish to do so.

Attorney Walker stated – Alright. Madam Chair, there is a basis here from which the Board may conclude that it does not have jurisdiction to treat the merits of the application. And if it determines that that is so, then there should be a motion of denial based upon a statement in the motion that the denial is to be based upon staff's determination that the application does not meet Code requirements. And that way the motion would not be interpreted as action on the merits of the application and would not be forwarded to the Commission as a recommendation of the Board of the merits.

Mrs. Gates stated – Okay, thank you very much, Mr. Walker. So I can ask the Board their wishes at this point and not go forward with the presentation. Is that correct?

Attorney Walker stated – Madam Chair, you might wish the applicant to have an opportunity to address that point in all fairness; however it is to be born in mind that this is not an appellate body to resolve any issue about whether the official is applying the Code correctly or not. That is an issue that's taken before another Board, not this Board.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Gates stated – Okay, thank you very much. Is there anyone here to speak in favor of this request?

Mr. Al Brodeur stood and introduced himself and stated – I'm with Thomas Lucido & Associates. Mr. Arias was so grateful as to forward this to you, but he did advise us that without having a fire approval would probably not be a good idea to come before you. LBFH Engineers made it their priority today to meet with Captain Foxx and to satisfy him. And we have a written letter from him stating that he is satisfied. There was a portion of the building that was not within a close proximity to a fire hydrant, and the applicant has agreed to provide an additional fire hydrant. And I have a copy of this letter, and I'd be happy to give it to you.

Mrs. Gates asked – Do you have a copy for staff please, as well as Mr. Walker?

Mr. Brodeur continued – Yes, I have one for everybody.

Mrs. Gates continued – I see here that there are four (4) areas from the Bureau of Fire Prevention that were not met at the time that this was submitted. Does that letter state that in fact all four (4) have been met...all four (4) requirements? The fourth requirement is on the back side of your paper here. Mr. Arias, does this satisfy the staff as far as this issue is concerned on the fire?

Mr. Arias – I am.

Mrs. Gates asked – Mr. Walker?

Attorney Walker stated – Mr. Arias, in view of this submittal is it now your opinion that the application is now at least minimally in compliance with City Code and Ordinances?

Mr. Arias stated – Yes. And I would like to add, Madam Chair, in the future, please believe me, these things are not going to happen again.

Mrs. Gates stated – Well, I can certainly understand you all have been in a little bit of a turmoil here. And so, but given the fact that this has been given to us and everything else you're satisfied with that we can go on then and review this application?

Mr. Gibbons stated – Madam Chair, I would recommend that we would take this back to the staff and let staff re-review with all comments and new submissions and then we'll bring it back before the Board next month.

Mrs. Gates stated – Okay. Well, I would feel better about this because you have too many things in here that are a little bit questionable, and I appreciate your comment. Mr. Brodeur, you're representing the applicant?

Mr. Brodeur – Yes, Ma'am.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Gates continued – Do you want to proceed with your application? It's been recommended that we table this given ...? For one month.

Mr. Brodeur asked – May I speak with my client?

Mrs. Gates – Yes.

Mr. Brodeur stated – It is Mr. Allen's wish that we address these comments further and come back to you next month.

Mrs. Gates stated – Alright. So, I would entertain a motion to table this.

**MOTION WAS MADE BY MR. POITIER TO TABLE THE AMENDMENT TO SITE PLAN/PUR UNTIL NEXT MONTH, IN ORDER TO GIVE THE APPLICANT TIME TO GET WITH STAFF TO REVIEW THE ITEM. Seconded by Mr. Harris.**

Mrs. Gates asked – Any further discussion?

Mrs. Brenner asked – I would like to request that they do a real traffic study, a real bonafide traffic study, not just standing on the corner watching please, in the next report. And the fire people, this is a fax, it's not signed by anyone from the Fire District; and I would like to have something that is more authentic please. Thank you.

Mr. Knott stated – Since Harriett (Brenner) brought that up about the traffic issue. If I understand this...there are only six (6) units in this project...is this correct?

The applicant stated – Seven (7).

Mrs. Gates also stated – Seven (7).

Mr. Knott stated – Mr. Walker, Mrs. Brenner had mentioned something about doing a full traffic study. Does our ordinance speak to a PUR or any site plan submittal, about threshold for a full traffic study or can we just request that they demonstrate the traffic impact on the surrounding areas a traffic statement indeed rather than a full traffic study? A full traffic study takes quite a while to generate...for seven (7) units.

Mrs. Brenner asked – Did I misunderstand that there's not going to be other traffic involved in this project other than just the living units and two (2) buildings?

Mr. Knott stated – There's some commercial, I believe, but that could be grouped into this thing. It's not like an Ocean Village....

Mrs. Brenner stated – But they will join together as an impact.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott stated – Right. But what I’m saying is I would like to know the thresholds, yeah, I’m trying to find out what the threshold is before we impose something on ....

Mrs. Brenner stated – Well, perhaps they can determine the threshold.

Mr. Knott stated – This is something that I’ve been trying to find out now for quite a while...over the last few years....what triggers a full blown traffic report or study as opposed to a traffic statement.

Mrs. Brenner stated – Well, we’ve had some projects that have come in voluntarily ahead of time...smaller projects, and they had brought in traffic studies ahead of time, and then we’ve had problems when people did not even attempt to give us a traffic study when we had to go back and ask for one.

Mr. Knott stated – And usually this, I believe, was motivated or instigated from the site plan/technical review committee meetings. That’s when they would vote on the criteria on what they have to do. And if they want to proceed they’ve got to do what the staff says. Now, whether the staff told them to do this or not, because, as I’m understanding, this is just an amendment to an approved site plan, if I’m not mistaken. It’s not like we haven’t approved it before.

Mrs. Gates stated – This is an amendment.

Mr. Knott stated – Yes right. That’s what I’m trying to find for Mr. Walker, what our ordinance says.

Attorney Walker stated – Madam Chair, I’m not able to offer a satisfactory response to that question.

Mr. Knott – Okay.

Attorney Walker continued – Site plan review is covered in Section 22-58 of the Code. That section does not itself specifically require that a site plan has such be submitted in connection with the site plan, nor does it set out any conditions under which the plan would have to be included in the application, or what that plan might have to consist of. Very respectfully, I would like to defer to staff with Mr. Knott’s permission for perhaps a better...

Mr. Arias interjected – Madam Chair, let me explain something to do. My department, Engineering, prepared about several months ago the requirements for traffic studies. And they were given to the City Commissioners, they were given to this Board. And I haven’t been able to address that again, but the documentation is extensive, and it addresses all these issues and all the thresholds. And makes it a part of the site plan application. We are in the process, among other things, to put in a form of an ordinance and start kicking it around so we can get...we need to something about this because what we have...The situation that we have in many roads like A1A and Tumblin Kling Road and Weatherbee Road is you have these projects that come in separate from the others. And they are providing a traffic study and then we apply the trip generation for this project and then you apply to level of service of the road, because the road had been there for so many years and there had been almost no development there, everything appears to be clicking. Now, I am concerned about that as a City Engineer because when we

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

have all these projects together in these roads we're going to have a problem. So, what I did was, I send a memo to the City Manager so it will be circulated among many people, that we, the City, I recommended to the City Manager that the City should get a consultant to make a study of certain areas and see what would be the maximum development that we could have in the areas and see what traffic impacts are going to be happening in the next five (5) years or maybe 10 years, so we can decide some type of a ...I don't want to mention the bad word...impact fees, you know, for the different developments per unit. But it's all in the making. I don't think you're going to find it in the code that we are requesting right now at this time, which shows, I'm pretty sure, Ramon requires, and if I had a chance, I would require, and they would give it to you. But that's about it. Now, most of these traffic studies I review in my department when they are given to me.

Mrs. Gates – Right.

Mr. Arias continued – Yes. We do have a problem. We're going to have to do something about this very quickly.

Mrs. Gates stated – Thank you very much. I hope we do. Okay, is there any further discussion on this item? If not, may we have roll call please?

**Motion rementioned**

**MOTION WAS MADE BY MR. POITIER TO TABLE THE AMENDMENT TO SITE PLAN/PUR UNTIL NEXT MONTH, IN ORDER TO GIVE THE APPLICANT TIME TO GET WITH STAFF TO REVIEW THE ITEM. Seconded by Mr. Harris. Approved of 7 – 1 to table by roll call vote.**

Mrs. Gates stated to the applicants – Okay, I guess you will get in touch with staff and you all will review this again and then we will see you next month. Okay? Thank you very much.

**Agenda Item #6 – Site Plan with Conditional Use – Renaissance** – Approval for the construction of a mixed use project. Located at 111 Orange Avenue. Owner is Boca Ven Land, Inc., and applicant/representative is Leo Henriquez.

**Site Plan** – Mr. Gibbons stated – This is for a mixed use project on the corner of Indian River Drive between Avenue A and Orange Avenue. The project is a mixed use with office space of roughly 29,000 sq. ft., retail space of 9,600 sq. ft., a bank of 5,300 sq. ft., and 38 residential units on the upper floors. Also included is a two (2) level parking garage for 130 vehicles that will be enclosed inside the building. The proposed building is four (4) stories and five (5) stories...it's in two (2) different elevations. The tallest point of the building is 62 ft., which is under the 65 ft.-requirement, and they meet the height requirement. The C-4 district that it's in... the zoning district allows for residential units when the retail is located on the bottom floors and maximum density not to exceed 30 units per acre; and they've met that requirement as well. If you look at the site plan for the project, you'll notice the drive-thru for the bank, which is in the inside; it's been enhanced with architectural features. And also that would be more considered an alleyway to staff, but it still requires a conditional use for this district. And that's why the

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

applicant has proposed a conditional use. And staff makes a recommendation of approval for the project with a condition that the applicant incorporate the recommendations from the Historical Planning (Preservation) Board, which it has been there many times.

Mrs. Gates agreed – Yes. Thank you very much. Are there any questions for staff from the Board on this item?

Mrs. Brenner stated – I have a question for the engineer. This drive-thru will be underneath the residences and the parking garages will be under the residences. How are you going to handle the carbon monoxide that will be underneath in those parking garages ....?

Mr. Arias stated – My department does not check on this issue, but that is a mechanical engineering issue. But I am pretty sure that this is going to be submitted on the time of the building permits.

Mrs. Brenner stated – I don't know enough about that kind of thing to know when I saw it on the site plan, and if it was obvious; I didn't see anything that looked like ...

Mr. Arias stated – There are some issues on the site plans, and I hope all of the developers understand, that there are some technical issues on the site plan that will be handled at the building permit time. And it will be on their shoulders to prove that all these issues will be working okay and that we will be reviewing that. All the departments will be reviewing that...the Fire Department will be reviewing that. And if they don't meet Code during that review they just don't get approved.

Mrs. Brenner asked – Does that come back to us again?

Mr. Arias – No.

Mrs. Brenner asked – It does not come back to this Board?

Mr. Arias stated – It's either a question of you meet the Code or you don't meet the Code. If they don't meet the Code then I'm not going to approve it.

Mrs. Brenner stated – Okay.

Mrs. Gates asked – Are there any further questions for staff? If not, is there anyone here to speak in favor of this request?

Mr. George Powell stood and introduced himself and stated – Good evening, I'm with Powell Design Group, Architects, Planners, and Interior Designers out of Orlando. And we are the current representative for Boca Ven Land on this project. To answer your question, ma'am, the ventilation of the garage and the drive-thru will be handled through mechanical ventilation to exhaust the garage. And the Code requires a certain number of changes per hour of air supply in there. So, that will taken care of at building permit time.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Brenner asked – And it will also include the parking garages?

Mr. Powell – Yes, ma'am.

Mrs. Brenner continued – That will all be tied in together so ...?

Mr. Powell stated – It either has to be naturally ventilated, which our garage will not be naturally ventilated; and there are requirements on the percent of open space in the garage for that to occur, which we will not have. So, we will be mechanically evacuating the air through the garage.

Mrs. Brenner asked – And does it smokestack out into the community or does it get scrubbed?

Mr. Powell stated – No ma'am. The Code only requires it to be exhausted out; so it will be exhausted out.

Mrs. Brenner – Thank you.

Mrs. Gates stated – Okay. Are there any further questions?

Mr. Arias stated – I have a question, Madam Chair. I want to make sure that Mr. Powell understands that this is going to be either very near or on Indian River Drive. We're in the process of starting the project pretty soon. So, your engineers should meet with my engineers so we can make sure everything matches, because of these projects have to be approve by D.O.T. And we cannot change it. So, it's going to be critical that your engineer gets with my engineer so we can get everything together. We are to be starting the project possibly by next year. I don't know when you are going to start your project but ....

Mr. Powell stated – If I'm not mistaken, our engineer is also the engineer doing those plans for the City.

Mr. Arias stated – Okay, well. Let's just make sure that everything matches. And we should be starting the project possibly next year...maybe Spring. I don't know...this is going to be a massive project that's going to take more time than that but...make sure that everything is okay.

Mr. Powell stated – We hope to start around the same time.

Mr. Arias – Okay? Alright.

Mr. Powell continued – And I'm here to answer any questions you might have. I've brought a rendering of our building.

Mrs. Gates asked – Travis (Gibbons), do we have an easel? I know we have one. I was going to see if someone would get one; I think it's probably easier for him to demonstrate with an easel. Thank you very much.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Powell stated – As was mentioned, we met this afternoon with Ramon Trias and got a final write off from the Historic Board. So, that hurdle is taken care of. As stated, the building is a traditional Mediterranean styling and is three (3), four (4), and five (5) floors. Five (5) floors are the residential areas, four (4) floors over the office, and a good portion of the building probably 25 or 30 percent is only three (3) floors high; and that's not seen here. It's kind of in the center and on the south side of the building. It's a lower elevation. We have done our best to make the parking disappear and to, what was stated earlier, enhance the entrances and exits from the parking garage. And the office frontage is on Indian River Drive, the retail frontage is on both Indian River Drive and Melody. And I don't know what more to say other than I'm here to answer any questions you may have with the project.

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

Mr. Knott asked – Mr. Powel, do you happen to know what the ...Suntrust is going to occupy ...what? the bottom ...?

Mr. Powell stated – Suntrust is going to occupy the ground floor on the northwest corner.

Mr. Knott stated – Okay. Do you know ...are they going to keep their other building across the street open ...or?

Mr. Powell stated – No, sir. That's actually Phase II of this project.

Mr. Knott – I see.

Mr. Powell continued – Once they move into this new building and then that building will be razed and a new structure will go up there.

Mr. Knott stated – Oh, I see...

Mr. Enns asked – So, are they going to move all of their retail banking to that?

Mr. Powell – Yes, sir.

Mr. Knott asked – So, their whole operation will over here now?

Mr. Powell – Yes.

Mr. Knott continued – Well, that's nice. That'll be nice for the downtown area. The old Suntrust Bank is showing its age there so...

Mr. Powell – Yes it is.

Mr. Knott stated – That's good. Thank you.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Johnson asked – Mr. Powell, which changes were recommended by the Historical Preservation Board? And which did you make?

Mr. Powell stated – They were pretty minor. Let's see if I can remember them all at the top of my head. One was our stair towers...there were four (4) stair towers, they wished that those be a little wider, which we increased the width of those. They wished to have a true arcade on the west side of the building on the ground floor, which we provided. We had some areas on the north and south elevations that were architectural detail elements that tied the second and third floor and third and fourth floor windows together. And they asked us to get rid of those so that it will have more of a horizontal look to it rather than vertical on our fenestration. And another one was further detail on balcony elements, which we agreed that that would be done during our construction document phase, as we develop those details.

Mr. Johnson continued – And you said the arcade was on the western elevation?

Mr. Powell stated – We have an arcade on both east and west. The eastern side on Melody is all retail.

Mr. Johnson – Right.

Mr. Powell continued – And that's about a 10 ft. wide arcade. And on the west side there's going to be an arcade that varies in width from probably 6 – 10 ft.; and that will be in front of the Suntrust and some other minor retail on the southwest corner of the building.

Mr. Johnson – Okay, thank you.

Mr. Knott stated – Another question for Mr. Powell. I noticed ...just looking at your elevations on here, some of these roofs are 85 ft. above grade. Do you recall what the height limitations are for this...?

Mr. Powell stated – Well, the way the Code is written is to the eave of the main roof. And we meet that requirement. You have elevator and penthouses that must go to the roof for Code, and architectural elements are allowed to go past that height.

Mr. Knott stated – Okay, the main roof would, in this case, would be ...which building or which elevation?

Mr. Powell stated – Well, the highest main roof would be on the five (5) story residential.

Mr. Knott stated – So, it's like 64...65 ft...is that what that one is....as opposed to the 85 ft. for your penthouse what have you?

Mr. Powell – Right.

Mr. Knott asked – Mr. Walker, isn't this zoned ...?...is there a limit on ...?...I mean...is there so much of ?...I'm sure it must meet the zone or the requirements of the district. I'm just curious as to how we're

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

going to have...because this is going to block out the zone light there ...if you look out there...the library for example, it's really dwarfed by the 85 ft. building next to it. I just thought ...I'm just curious ...if the code...

Mr. Powell stated – During our meetings with the staff, they felt this building was consistent with several other buildings that have recently been approved. It's pretty much the same scale for the Clerk of the Courts and for the City parking structure...

Mr. Knott added – The Marina Square or whatever it is, is adjacent to. I don't remember it being that high that Marina Square, I thought it was 65 ft.

Mr. Powell stated – I'm not familiar with that particular project.

Mr. Knott stated – I'm sure staff is ....

Mr. Gibbons interjected – Actually it's Section 22-93 of projections that are not used for human occupancy, are not exempt from the height limit. So, things in nature as a staircase or an elevator shaft are exempt.

Mr. Knott stated – Alright, thank you.

Mrs. Gates stated – I think there's on the back page, is that the one you're looking at? ...about the massing of the buildings there?

Mr. Knott stated – Yes. I looked at the City Library there and I said, holy smokes.

Mrs. Gates stated – Well, you know what? It's going to be compatible with it. It's going to be ...

Mr. Knott stated – Yeah, that's a beautiful building. I mean if you're going to have an eight (8) story building or whatever...

Mrs. Gates added – Not eight (8).

Mr. Powell stated – If you'd like to give us eight (8) we'd probably accept that.

Mrs. Gates stated – No, we can't do that.

Mr. Knott stated – I was just going by the 85 ft. assuming there is 10 ft. per floor or something like that, somewhere in there you've got ...

Mr. Powell stated – Like what was just said, the 85 ft. is the peaks of roofs and architectural elements and not inhabitable floors.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott stated – And I would assume that the visual effect will be the lower profile ...just be accents. Yes, that's a gorgeous building. I really like that. Thank you.

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

Mrs. Brenner stated – I have a concern, it's not really a question. But if we get another storm surge are you going to be wiped out on the first floor? And how is that going to effect the Sun Bank (was referring to Suntrust) and all of their equipment?

Mr. Powell stated – It's funny you should mention that. We were having that discussion today with some City staff people. We have set our finished floor elevation identical to the library next door. And we understand that the library's finished floor was just above the flood stage and the storms last year. So, we should be fine.

Mrs. Gates asked – Any further questions? Thank you very much.

Mr. Powell – Thank you.

Mrs. Gates asked – Do you all want to keep this (the easel used for the renderings) up or do you want to take this down?

Some of the members stated – Let's wait and see if anyone else may need it.

Mrs. Gates stated – Okay. So, is there anyone here to speak against this request? Seeing none, what are the Board's wishes on this item?

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH CONDITIONAL USE WITH THE CONDITIONS OF STAFF REFERRING TO THE HISTORICAL PRESERVATION BOARD'S CONDITIONS. Seconded by Mr. Poitier.**

Mr. Enns stated – Under discussion. It's my understanding that they had met all the Historical Preservation Board recommendations?

Mrs. Gates asked – Mr. Gibbons, do you know?

Mr. Gibbons stated – From what I've been told by Anna Brady, our Historic Preservation Officer, is that they met with staff today and they're going for their Certificate of Appropriateness (COA) within the next month, I believe.

Mrs. Gates asked – Oh, they'll come back to us then?

Mr. Gibbons – Correct.

Mrs. Gates stated – Yes. Okay. Any further discussion? May we have roll call?

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

**Unanimously approved by roll call vote.**

Mrs. Gates stated – I can't see the applicants, but wherever you are back there, you have been approved by the Planning Board. I'm so glad that you've finally gotten to this stage. And this is a wonderful project that has great traffic studies and everything else we've ever asked them to do. And I just can't wait to see this finished.

Mr. Powell – Thank you.

Mrs. Gates continued – It will be a great asset to the downtown. And I know how hard you all have been working on this. And we appreciate it. Thank you.

**Agenda Item #7 – Site Plan with Conditional Use – Accurate Septic** – Approval for a sewage receiving facility located at 800 Barrel Avenue. Owner is Accurate Septic Services, Inc., and applicant is Stephen Cooper, P.E., of SCPE, Inc.

**Staff Report** – Mr. Gibbons stated – This project is actually located off of Barrel Road off of Oleander. It's in a Light Industrial, I-1 zoning district. It's for the process of raw sewage and from septic systems and tanks. And they actually process the material and inject it into the Fort Pierce Utilities sewer capacity systems. The conditional use is actually for the treatment of the sewage. And the applicant has been very cooperative with the designing a building, instead of just placing a metal structure on there. They've actually put in some architectural enhancements and designed a nice project for the area...landscaping. And staff recommends approval.

Mrs. Gates asked – Okay, are there any questions for the staff from the Board?

Mrs. Brenner stated – I going to show my ignorance on this, but this is the first time I've ever seen one of these. These are septic tanks in the area or are these trucked in?

Mr. Gibbons stated – The trucks that go and pump septic tanks, they're going to go to this facility unload at the site, and they treat it there, and they do what they have to do with it.

Mrs. Brenner asked – And then they're going to send it where? Over to the beach to the sewer system on the beach?

Mr. Gibbons stated – That would be up to Fort Pierce Utilities...it goes into their sewer system and then from there it would be taken care of. FPUA would take care of that aspect of it.

Mrs. Brenner asked – And we don't know where it goes?

Mr. Gibbons stated – They would know. And they were at the Technical Review Meeting, and this is okay with them.

Mrs. Gates asked – Any further questions for staff?

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Brenner stated – I have one more. Do we know the age of this sewer system that it's going to be injected to, to carry it out of there? Are these old pipes that they're going to be putting it into? Or is it going to be new piping?

Mr. Gibbons stated – I couldn't answer that. The comments from Fort Pierce Utilities Authority, they were at the Technical Review Meeting, and they had no objections. And they (the applicants) have their comments and they're working with Fort Pierce Utilities Authority to work out the details. And once again, during permitting, they will do that.

Mrs. Brenner stated – Thank you very much.

Mr. Knott stated – Just so I understand what's on the application here. I see a dark line around a ...just curious ...it says, open storage areas. Do you have any idea what those open storages are for? ...since we're not dealing with fruit here. Laughter.

Mr. Gibbons asked – Where did you see that?

Mr. Knott stated – On the site plan...

Mr. Gibbons continued – Oh that? On the site plan?

Mr. Knott stated – Right south of the project there are open storage areas.

Mr. Gibbons stated – This part hasn't come up with the developer, and during any type of approvals after the Commission and they come for permitting, that would be a strict condition that there would be no open storage on the site.

Mr. Knott stated – Perhaps the applicant can enlighten us a little bit about that. Because I know that the landscape plan doesn't address it either...

Mr. Gibbons stated – Right. The boundaries of their actual project are to the north and west.

Mr. Knott stated – Yes. That's what it looks like....it looks like it's part of the application. I was just curious to what ...we'll find out here in a minute. Thank you..

Mrs. Gates asked – Okay. Any further questions for staff? Alright, is there anyone here to speak in favor of this request?

Mr. John Baker stood and introduced himself and stated – I'm the owner of Accurate Septic, and this is my partner, David Whiteside.

Mr. Whiteside stated – (Referring to rendering) this is a rendering of our facility that we proposed to build. The smaller building there is our administration building where we do our operations and everything. What we propose...those are silver tanks...those are where we're going to offload our raw

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

sewage from our septic that we pick up each and every day from residential, commercial, grease traps, and of the waste water facility plant. Inside the larger building is actually the treatment facility, all enclosed, state of the art. What we're doing is we're going to take the process and turn it into a dry cake. And that will be disposed at the County Landfill. The clear separate water will be discharged to the City of Fort Pierce through via lift station...a private lift station that we would have on-site that we're going to construct. And then we're going to force main it over to Pheasant Acres, which is behind our parcel. The reason that we're proposing to do this is because right now we're under the pressure of all our existing facilities that we dispose of are closing up. We have to truck every thing down to Palm Beach. Port St. Lucie doesn't have a site to dispose of. St. Lucie County doesn't have a site to dispose of, nor does Indian River County want to take any out-of-county septage, grease, or sludge from any other county. So, we're taking a step forward and doing it on our own. So, we can kind of keep a future going for ourselves. Your question to the open storage areas. We own five acres. There are two (2) parcels. This facility right here (referring to renderings) is only going to take up Parcel A, which is about a little over two (2) acres. The open storage is ...we have tenants that rent from us that have ...they're tow companies. And they bring their offloads, their broken down cars, and vehicles like that, and they just rent storage from us. That's what the open storage areas are.

Mr. Knott asked – So, this is not part of this application?

Mr. Whiteside – No.

Mrs. Gates – No.

Mr. Knott continued – So, you're not even asking for that to be a part of this?

Mr. Whiteside – No, sir.

Mr. Knott stated – Just for some clarity, Madam Chair, if I may. You're, in effect, you're just building some above ground septic tanks to get the sludge to settle. And then the affluent you're going to pump out to the FPUA?

Mr. Whiteside – Correct.

Mr. Knott continued – And then you will ...you're going to dispose of the ...do you have a drying facility too for the ...?

Mr. Whiteside stated – It's all inclusive.

Mr. Knott stated – Okay. How do you all control the odor with this?

Mr. Whiteside stated – The units are enclosed with the tanks and everything like that. And the product that we use on the filter drum of our process plant, it eliminates or minimizes the smell to be almost minute.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott asked – So, it's not aerated ...you don't pump air into this ...?

Mr. Whiteside stated – No, sir. In the storage tanks we're going to add oxygen into it just for mixing purposes only.

Mr. Baker added – Self contained.

Mr. Whiteside continued – Yeah, they're not open tanks or nothing like that; they're all seal tanks.

Mr. Knott stated – Okay...

Mr. Whiteside continued – And the only reason why we're going with this type of facility is because right now, actually in the City of Fort Pierce, they take all of their waste right now and land apply it.

Mr. Knott stated – Right.

Mr. Whiteside continued – And all the restrictions with land application and the rain and the storm that we had last year for the hurricanes, everyone was shut down. So, we had nowhere to go to maintain proper sewage control for residential and commercial clients.

Mr. Knott asked – So, the landfill will take that dry sludge then?

Mr. Whiteside – Yes.

Mr. Enns asked – Are you going to have excess in there or are you going to allow other septic tank companies to ...?

Mr. Whiteside stated – Yes we are going to allow others.

Mr. Enns asked – You don't think we'll have trouble with traffic?...On Barrel Road, I guess there's maybe one other business on that road?

Mr. Whiteside stated – We have Tommy Hawkins and a monument place, which is ...

Mr. Enns – Oh, that's right, yeah.

Mr. Whiteside continued – That's the only flow of traffic we have currently.

Mr. Enns continued – How many trucks do you all have?

Mr. Whiteside stated – We have three (3).

Mr. Enns – Oh, okay.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott asked – You said you were going to selling your services to other pump out operations?

Mr. Whiteside stated – We’re going to promote it. We don’t have any guarantees anybody’s going to take us up on it. But we’re building it for our use personally.

Mr. Knott asked – How much extra do you have built in? You’ve got three (3) trucks that you bring in how many times a day to pump those out?

Mr. Whiteside stated – Well, currently we’re bringing in about 16 – 20,000 gallons a day. Our truck holds 4,000 per truck. We have two (2) 4,000 gallon pump trucks; and we’re looking to put a third pump truck on by the end of season. And we currently have a tanker.

Mr. Knott asked – So, you’re only going to have four (4) or five (5) trips out of there a day with your own equipment?

Mr. Whiteside – Yes.

Mr. Knott continued – How much capacity do you have there if you’re fortunate enough to sell ...?

Mr. Whiteside stated – We’re proposing to process 30,000 gallons a day.

Mr. Knott asked – And you’re going to be taking about 15,000 over yourself?

Mr. Whiteside – Correct. We like to market about 15,000 to help offset the costs.

Mr. Knott asked – You can do it up with 10 trucks a day in and out of there roughly?

Mr. Whiteside – Correct.

Mr. Knott continued – Okay. And they all come off of Oleander?

Mr. Whiteside – Yes, sir.

Mr. Knott continued – Oleander is going to sink, because that’s just a little two-lane road. It has warehouses and everything going up on that road....Thank you.

Mr. Johnson stated – A couple of things with Fort Pierce Utilities. When you were talking about pumping the affluent to them to their sewer system, are you working with them on a pre-treatment system before you send it out? Because you’re saying it’s self-contained, but is there any other process that it has to go through?...that affluent?...before you send it to them?

Mr. Whiteside stated – No. According to Mark Mathes, the pre-treatment coordinator of FPUA, what I have presented to him with the (Alar ?) System it has met his approval. We have to do certain

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

(sampling?) requirements for him, which we have no objections to. And we feel that our treatment facility is going to actually surpass his requirements.

Mr. Johnson stated – Okay. The other question I had on the architectural renderings ...we show a truck discharge bay.

Mr. Whiteside – Yes, sir.

Mr. Johnson continued – And I think it's showing a drain in the floor...where is that going.

Mr. Whiteside stated – That is like a fail safe containment area. God forbid a truck hose comes apart; that's going to drain directly into the pit that the truck is already offloading into.

Mr. Johnson – Okay.

Mr. Whiteside continued – And there was no purpose...nobody asked us to do it; that's just something that we felt that is a need...just an offloading to other facilities to contain our own spills.

Mr. Johnson asked – Okay. So, that's the only discharge bay on the whole site? So, it would be contained in a spill event overall?

Mr. Whiteside – That's correct.

Mr. Johnson – Okay, thank you.

Mrs. Brenner stated – I have two questions. You mentioned that there is no other place in the tri-county area or quad-county area for this kind of facility?

Mr. Whiteside – Yes, ma'am.

Mrs. Brenner continued – And the second question is ...I forgot. You mentioned before that you were going to have some trucks and some broken down vehicles in there?

Mr. Whiteside stated – Well, it's not really broken down vehicles. It's when Port St. Lucie Department or the Sheriff's Office calls in for a vehicle that needs to be towed. The tow trucks bring them to our site...they rent just the open storage...they hold them overnight until the owner of that car pays their bill and takes them away.

Mrs. Brenner asked – So, these are not going to be long-term storages of wrecks and things?

Mr. Whiteside stated – No. We have a lease with them where they can't leave their car more than a few days.

Mrs. Brenner asked – And could you answer why there is no other facility anywhere around the area?

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Whiteside stated – I can't answer why. It's just I don't know if anyone has taken the initiative to do it.

Mrs. Brenner asked – Is it because they've been refused in other counties?

Mr. Whiteside stated – I can't answer that.

Mrs. Brenner asked – You didn't go looking some place else?

Mr. Whiteside stated – My understanding that Indian River County sludge facility...they're closing down, because they have a different process ...they have open tanks. I can't really answer why they're not...they're just not taking any out-of-county sludge, septage, or grease. They just totally cut us off...refused it.

Mrs. Brenner asked – But they do their own internal?

Mr. Whiteside – Correct.

Mrs. Brenner continued – It's not that they don't have the facilities just they don't accept outside?

Mr. Whiteside stated – They just won't accept anything from ...If I go and pump out residential out of Indian River County, then I can dispose of that septage or sewage into their facility. But we're based out of Fort Pierce, and 98 percent of our business is here in this town.

Mrs. Brenner – Okay. Thank you.

Mr. Gibbons stated – Madam Chair, just to clarify one issue with the open space areas. This project is only working with the actual sewage treatment plant area. The actual other uses, whether it be junk yards or it be a salvage, would be another completely different land use. And they would have to come across this Board for the junk yards for the conditional use approval from your Board and from the City Commission as well. So, we would address those at those times as well.

Mrs. Gates stated – Okay, thank you very much. Are there any further questions for the applicants? Thank you very much.

The applicants – Thank you.

Mrs. Gates continued – Is there anybody here to speak against this request? I don't think so. I'll entertain a motion from the Board.

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

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Gates stated to the applicants – Okay, your request has been approved, and you will receive a notice as to when you come before the City Commission. And good luck.

The applicants – Thank you very much.

Mrs. Gates – Thank you.

**Agenda Item #8 – Site Plan with Conditional Use – Ocean Park** – Approval for site plan with conditional use to allow the construction of a 5-story, 64-unit condominium building. Generally located on the northwest corner of South Ocean Drive & Crestview Drive. Owner is Tricon Development, Inc., applicant is Ocean Park Development, and representative is Culpepper & Turpening, Inc.

**Staff Report** – Mr. Gibbons stated – This is a, as you just said, a 64-unit condominium building. And this is broken into four (4) 16-unit condo buildings. The proposed buildings are four (4) floors of residential over parking. The total height of the project is 48' 6" whereas 45 ft. if the maximum height, which that height does not comply with current code. Also, once again, as we stressed earlier with the St. Lucie Court project, this also has a traffic impact as well. And the applicant is asking for an additional bonus density unit for landscaping and architectural improvements, which this would be a poor practice to go ahead and approve based on the traffic impacts and also the Commission and the Charrette that we just had before with the eight (8) units maximum. And staff recommends denial for this project.

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

Mr. Johnson stated – Let's go to the overall height of the structure...you're calling 48' 6" if I'm not mistaken. Could you show me where that is on the plan. I know it's hard to tell on the elevation drawings...they are depicting 45 ft. finished grade roof slab from there I'm not sure.

Mr. Gibbons stated – If you look from the finished grade to the top of the slab and then the projections above it are 6' 10 ½ " and for that we take the average mean height between those two ...from the top plate to the top. And that would give you your 48' 6".

Mr. Johnson stated – Yeah, I see that. I wasn't sure if those were architectural additions or ...because I thought this was maybe a flat roof structure. But it's hard to tell on these...But I understand where you're getting your number from and I'm okay with that. I was just looking to see if there was any details on this roof structure itself. That's okay, thank you.

Mrs. Gates asked – Any further questions for staff?

Mr. Knott started to speak...

Attorney Walker stated – Madam Chair, I'm sorry, I didn't mean to interrupt...

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott stated – That’s alright, Mr. Walker. I was going to have you refresh our memory from our last meeting that ...under my understanding we have a conditional use here, which is ...if I remember correctly, another applicant was here...because they do not meet the criteria set forth in the ordinance that we really have a non-application here we can’t even address. Is this correct?

Attorney Walker stated – Madam Chair, the question of Mr. Knott flows into the matter that I wanted to bring up. This is a site plan application with conditional use approval; and therefore we’ve got to be concerned with Section 22-58 as we always must be. Is it staff’s opinion that the site plan, which has been submitted in conjunction with the proposed conditional use, does not meet the requirements of our codes and ordinances?

Mr. Gibbons stated – That would be correct.

Attorney Walker stated – Alright. Madam Chair, based upon the opinion of staff in that regard, and noting Section 22-58 (f.), which was read earlier in this proceeding. And subject to an opportunity of the applicant to briefly address the question of its sufficiency with the bare minimum legal requirements of our Code, it would be my recommendation that the Board thereafter consider a motion of denial based upon an expressed finding that the application does not meet requirements of codes and ordinances. In the event that the Board determines that there is a substantial basis for the building official’s opinion in that regard.

Mrs. Gates asked – Is there anyone here to speak in favor of this request?

Mr. Knott asked – Madam Chair, if I may ...just one piece of clarity before the applicant starts. What you’re saying Mr. Walker, is like we have last month, I believe. Because of what you just stated, the denial that we give here is the final denial; we’re not recommending denial to the City Commission. The actual application ends right here, is that correct?

Attorney Walker stated – Madam Chair. Yes, Mr. Knott, and that’s why I stated earlier in the meeting with regard to one of the previous agenda items, that any motion of denial should include with it an expressed finding that based upon the building official’s recommendation, the site plan does not meet code requirements. Therefore the Board does not have jurisdiction to treat the merits of the application under Section 22-58; and therefore that denial would not be viewed as a recommendation to be conveyed to the Commission.

Mr. Knott stated – That’s what I was wanting to make sure that the applicant understands that what we’re talking about here is not a recommended denial ...

Mrs. Gates added – It’s not a recommended denial to the City Commission.

Mr. Knott continued – They would have to make a re-application and then there’s a waiting period for re-application, I believe, on that...so...

Mrs. Gates added – I’m not sure about the period, but anyway...

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott added – I don't know either, but staff could enlighten them on that once something has been denied, what the waiting period is.

Mrs. Gates stated – Okay. I'm sorry, would you (the applicant) like to come forward again? Thank you.

Mr. Cliff Reppiger stood and introduced himself and stated – Good evening, I'm an attorney with Gray Robinson, and I represent the applicant, Tricon Development. I'm a little bit at a loss right now because I was under the impression that the application had been through the Technical Site Plan Review Committee, and that all the technical aspects, with respects to submission, had been met; and had been resubmitted on April 27, 2005 to comply with all of those Technical Site Plan Committee recommendations. So, with regard to height tonight, we're a little bit taken back because that hadn't been an issue up until just now; that staff had raised that as an issue. And so I'm not quite sure right at this current time how to address that. I do have Dave Bono here who is with Tricon Development. He is a project manager. He can talk briefly about the history of the technical site plan review. What we planned on talking about tonight was really the bonus density under the code, but if we can't get there because of the technical requirements of the application itself, then I think I might be wasting my time making that argument to you at this point. So, I'd like to try to flush that argument out first. And maybe Dave can kind of address where the project has been up to this point, and if we can get over that hurdle, then we can go forward with the bonus density part of the presentation for tonight.

Mrs. Gates stated – Okay, would you like to speak?

Mr. David Bono stood and introduced himself and stated – I'm senior project manager with Tricon Development. For several months now we have brought this project to you, gotten comments, brought it back again, fixed things, and complied with what staff has asked us to do. At this point we felt like we had complied with every request that was asked of us. And as Mr. Reppiger said, at this point, we were confident that the height issue was not an issue. So, as he says, we don't know exactly where to do go from here as far as the height. If we don't have the height we shouldn't proceed. But as far as everything was concerned, as on April 27, 2005, a meeting, we complied with the last of the comments from technical review, and this was not one of them that was asked of us.

Mrs. Gates stated – Okay. Travis...

Mr. Gibbons stated – Madam Chair, I would recommend once again, that we table this motion and let them come back and work with staff for the next meeting where we can address all issues. And on top of it, the actual one bonus density.

Mrs. Gates asked – Mr. Walker, would that be okay as long as the applicant feels it would be okay?

Attorney Walker stated – Madam Chair, the thing really shouldn't have been here in the first place.

Mrs. Gates – Okay.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Attorney Walker continued – We don't know how long it's going to take for the parties to work out a site plan that everybody feels they can live it, and which conforms with the code. If we table it for a month, we may turn out to be imposing an injustice in them in the event it takes a little longer than a month to be able to fairly address this. But whether or not it's to be dismissed jurisdictionally or merely tabled, I would submit is a matter ultimately which lies in the discretion of the Board based upon any input that it might wish to consider from the City and the applicant.

Mr. David Recor stood and introduced himself and stated – I'm the Deputy City Manager for the City of Fort Pierce. May I try to help you along from a procedure standpoint?

Mrs. Gates – Yes, thank you.

Mr. Recor continued – There are a number of applications that admittedly do not meet the technical requirements of the ordinance. But for one reason or another are included on your agenda this evening. As Mr. Arias has mentioned, the staff is going to be doing a more thorough job of evaluating the applications and determining their consistency before they're scheduled. Now, what I would encourage you to do is similar to how you handled the previous application, you tabled this application for 30 days and provide the applicant the opportunity to work with staff and work out those deficiencies. We will include an item on your next agenda of Old Business; and every item that's continued will appear on your agenda under Old Business until it's resolved. If, in the next 30 days that isn't sufficient time, we will simply report back to you at your next Board meeting and report the status of the application our efforts to work with the applicant and resolve those outstanding issues. There may come a point where the applicant is simply going to say, no, I can't do that or no, I can't address that, I want to move this application forward. And in that instance, the Commission will be asked to make a recommendation. But I would just encourage you to give the applicant the opportunity to work with staff again. We'll have an item of Old Business on your next agenda, and we'll include all these items for further discussion then.

Mrs. Gates stated – Alright, thank you very much. Okay, you've heard the recommendations given to us. So, I'm going to ask the Board what their wishes are on this issue.

Mr. Knott stated – Madam Chair, before the motion is made, does the applicant understand...of course there's not a whole lot of options here, but I just wanted to make sure they understand what just happened.

Mr. Bono stated – And we fully understand where we're at, and we want to be in compliance with at least the minimum requirements for submittal. So, we have no problem at all with tabling it for 30 days to work these things out.

Mrs. Gates stated – Alright, as long as you understand everything that Mr. Walker has said as well as Mr. Recor.

Mr. Bono stated – Yes. We fully understand that.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Gates – Okay, alright.

**MOTION WAS MADE BY MR. KNOTT TO TABLE THE SITE PLAN WITH CONDITIONAL USE FOR 30 DAYS OR UNTIL A PERIOD NECESSARY TO BRING THE PROJECT IN COMPLIANCE WITH THE CODE AND TO ASK THE STAFF FOR AN UPDATE IF 30 DAYS IS NOT ADEQUATE. Seconded by Mr. Enns. Unanimously approved by roll call vote.**

Mrs. Gates stated to the applicants – Okay, if you gentlemen will get with staff, we'll look forward to seeing you again, hopefully in the next month.

**Agenda Item #9 – Site Plan with Conditional Use – Ocean Breezes, LLC** – Approval for a site plan with conditional use for residential project. Located on South Hutchinson Island at 222 South Ocean Drive. Owner is Beach Group Investments, LLC, applicant is Ocean Breezes, LLC, and representative is Thomas Lucido & Associates.

**Staff Report** – Mr. Gibbons stated – The condominium project is on A1A. It is a 17-unit condominium building with a density of roughly 7.9 units per acre. There are once again technical issues with this application with the distance between the intersections and the driveway entrances to the project. And also St. Lucie County Fire District again has denied this application. And once again, we would recommend denial, and that we table this motion until we can resolve the issue with the Fire Department.

Mrs. Gates stated – Okay, are there any questions for the staff on this?

Mr. Arias stated – Madam Chair, this project...the recommendation that Travis has just read, was prepared Thursday afternoon. I understand that, when the applicant makes a presentation, if you allow him to do that, he will explain to you that today there are some new developments and some approvals from the Fire Department as well as the Department of Transportation (D.O.T.). And they will be on his own merits, and if you can let him speak he will provide you with information.

Mrs. Gates stated – Alright. Are there any questions for staff first?

Mr. Knott asked – Under your analysis here, I'm not seeing anything about the traffic issue. Is that not an issue with this one like it was with the previous?

Mr. Arias asked – The traffic impact?

Mr. Knott stated – Yes, the traffic impact. There's not a ...

Mr. Arias continued – I don't think it was ...

Mr. Gibbons added – It wasn't required for this project. But like I said, with this one we've had a lot of technical issues with this project alone that need to be addressed.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Knott asked – How many units does this project have?

Mr. Gibbons stated – It's 17 units. Well, like Mr. Arias said, with no real actual schedule of the traffic impacts, that's what his staff is working on; and that's why we would like to get an actual list of densities, criteria, all these projects...regardless of density and size.

Mr. Knott stated – In addition to your recommendations here and the conditions of your recommendation for denial, could we include that the traffic issue be addressed while they're reviewing this? Or is that out of line? We did the same thing with seven (7) units just a little while ago.

Mr. Arias stated – I think that in the seven (7) units it was decided that it wasn't required of the threshold or something like that.

Mr. Enns added – No, we had not.

Mr. Knott added – We don't know...it has to do with the criteria...

Mr. Arias stated – Okay, we still don't know that see. And the thing again, this is only 17 units.

Mr. Knott stated – Well, that's what I'm saying. We ought to perhaps at least mention it in something of whatever we do here...when you all are going to review it for the other items in here.

Mr. Arias – Yes, okay.

Mr. Knott – Okay, thank you.

Mr. Al Brodeur added – A traffic study was submitted with this application, yes.

Mr. Knott asked – Oh, was it?

Mr. Brodeur – Yes.

Mr. Knott – Oh, I'm sorry.

Mrs. Gates asked – There was a traffic study.

Mr. Brodeur stated – If you didn't get it distributed to you it should've been.

Members stated – We don't see it in here.

Mrs. Gates – Thank you.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Johnson stated – In this submittal, it almost looks incomplete. I got one attachment to this application. I'm not sure if I was supposed to get more or not. But I see no calculations on pervious, impervious, no parking space requirements, whatnot. I'm not sure if mine is incomplete, but ...

Mr. Gibbons asked – Is this the one that you have?

Mr. Johnson stated – No sir. I just have an enlarged drawing...

Mrs. Gates asked – Does anybody else have anything more than what Mr. Johnson has?

Members stated – No.

Ms. Rose stated to Mr. Johnson – Check the back...there are drawings there.

Mr. Knott asked – Is this a resubmittal? This parcel has been here several times.

Mr. Gibbons stated – We've had many projects come in on this parcel over the past few years.

Mrs. Gates added – This is a different project.

Mr. Knott stated – Okay. Yes, it's completely different, okay.

Mrs. Gates asked – Any further questions for staff? If not, who's going to speak for this project?

Mr. Al Brodeur stood and introduced himself and stated – I'm with Thomas Lucido & Associates. Again, I would like to address a few issues just to start out with technically. A traffic study was submitted, done by Culpepper & Turpening. We did address that. Also, with the fire, again, it was advised that we don't go before you until we meet with Captain Foxx, which we did. And again, we do have a letter of approval with conditions; and I have a copy of that. And I apologize that it's not signed, but he did give it to us.

Mrs. Gates asked – Do you have a copy?

Mr. Brodeur stated – Yes. I apologize if I don't have enough. (Passes out copies to Board members).

Mrs. Gates stated – Okay, I see that there are two (2) that are not satisfied here...is that correct?

Mr. Brodeur – Correct.

Mrs. Gates continued – Number four (4) and number five (5).

Mrs. Brenner added – And number eight (8).

Mr. Brodeur stated – I'd like to get to those, if I may.

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

Mrs. Gates asked – But as of today they're not satisfied...correct?

Mr. Brodeur stated – Well, he changed it from rejected to approved with conditions; which means as long we satisfy these prior to building permit. To answer your question, Mr. Knott, yes, this came before you last year as a different project with a different applicant. This is a new owner. He wishes to comply with the results of the Charrette. The project is eight (8) units per acre; it's 45 ft...no more. These actually have three (3)-car garages with some visitor's spots along here to answer some of your parking questions....Basically this area will be a common area with pavers with a pool. And maybe I'd like to let the architect to take a moment to...As for the comment about the distance between driveways, this initially was submitted with one (1) entrance so that it would comply with the distances of the driveways. And the Fire Department told us that under no circumstances would they approve that because it was hard to turn the truck around the building...it didn't meet the turning radiuses. So, we got into a 'Catch 22' where if we have one (1) entryway the Fire is not going to be happy...he wanted two (2) accesses; if we have two (2) accesses, then D.O.T. says then that's too many. So, we have a formal application with D.O.T. for variance for those spaces so that we may comply with the Fire Department. That meeting is scheduled for next month, and we would request that you approve this under the condition that D.O.T. approves the variance. Because if they don't approve the variance we're not going to get anywhere anyways. This is the architect.

Mr. Chris Kirschner stood and introduced himself and stated – I'm with PDG Architects here on behalf of the applicant. And just briefly here I'll do my best not to bore you with all the discussions on the vertical design. But one of the key components, I think one of the primary features that's important to appreciate on this project is that we tried to create more of an undulation with the building ...It helps to break up the mass and with the rhythm of the building we feel it lends itself to the vernacular that works ...here, which is ...Renaissance. ...The materials are obviously are very appropriate for a building located here in the coastal region. It's a barrel tile stucco accented with pretext concrete elements, and decorative elements. You see we've created a rustic ...base on the bottom there...it helps (ground?) the building, which is characteristic of the Renaissance style. Again, the façade being what it is, it speaks for itself. But I think it's important to note that we did go to great lengths to design this building such that it would not impose itself as a mass onto the street or on the beach. So, I'd be happy to answer any questions.

Mrs. Gates stated – Alright, are there any questions for this applicant?

Mr. Enns stated – That's the west elevation there. Do you have an east elevation?

Mr. Kirschner stated – Not at this time. We were instructed to focus on the (front?) and west elevation.

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

Mr. Enns asked – The building height?

Mr. Kirschner stated – 45 ft.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Enns continued – Okay, so you're within all of the recommendations from the Charrette?

Mr. Kirschner – Yes, sir.

Mr. Gibbons stated – Madam Chair, to clarify, this is a C-5, which is a Tourist Commercial zoning district. The conditional use is for the multi family within that district. That does comply with under the 7.9. We do have the issue at hand of still the intersections between St. Lucie Court and the southern entrance. And then the separation between the two, which would require a variance from the Board of Adjustment for those spacings.

Mr. Arias stated – Madam Chair, when I reviewed this request last Thursday, you know, of course, we recommended denial. But the parcel is not long enough to allow for two (2) driveways that can comply, not only with the D.O.T., but with my department.

Mrs. Gates – Okay.

Mr. Arias continued – Now, as I understand of how you explained it, you talked with the D.O.T. and you have an application. And D.O.T wanted you to have one (1) driveway only, and the Fire Department, I think, has said...Derrik said that you could have one (1) driveway and one (1) emergency driveway. But if you decide to approve this project, it would have to be based on the conditions of number four (4) and number five (5) and based on the fact that the driveway issue has to be approved by staff. Okay, now I also wanted the applicant to understand, now correct me if I'm wrong, Madam Chair and Mr. Walker, this Board recommends approval to the City Commission. The fact that you approve or disapprove, that's a different thing. So, when they approve this, I'm going to be at the City Commission meeting and they're going to be asking me the questions and I will be repeating the same answers. Even if they get approved here and they get approved in the Commission, this driveway issue is not an easy issue to resolve, I want you people to understand that.

Mrs. Gates stated – Thank you. So, we basically have the driveway issue as well as the fire prevention issue. And you have said that you've submitted a traffic study?

Mr. Brodeur – Yes, ma'am.

Mr. Arias added – I just saw it.

Mrs. Gates asked – You saw it? Well, we haven't seen it and we do not have an east elevation for the building.

Mr. Enns asked – Al, is that what you're going to try to do then, is get emergency driveway in there for Fire Department only?

Mr. Brodeur stated – The original plan had one (1) entryway.

Mr. Enns – Right.

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Brodeur continued – There were a few problems with that. The first problem was that it was difficult to get the fire trucks to make a left turn. The other problem with that was ...well, being on the ocean creates some unique circumstances...obviously you can't gain access from the side. The Planning Department was not happy with all that asphalt. They said that you're building an additional road, which is not necessary. If you put a road through here (referring to renderings), you're going to A1A, you'll have a sidewalk, and then another road. We would prefer that you limit the amount of asphalt on this site by maybe providing two (2) accesses and changing the designs. And that's what we did. We went through great lengths to get the Fire happy with it. We were building closer to this dead end and leaving at least 150 ft. that they require. And we widened this courtyard so that they would be able to turn around. That's where we are right now. We're not asking for anything that's outside the Code, we're just asking for an approval under the condition that this item, which is scheduled for D.O.T viewing in mid July for a variance for these...And if that's not proof then we have to rethink it. That's the issues that we're facing. I also want to remind you that the City approval is one approval for two-step process. The Coastal Construction Line is right here. This is east of it. So, it requires to be approved also by the D.E.P. They're going to want to get a restoration plan from us showing all the vegetation and how we're going to restore the dune; with a crosswalk over the dune not to impact. They're going to want us to show how we made sure we're not shading the dune too much. They're also going to want a lighting plan to make sure the lights ...don't effect the sea turtles during nesting season. So, this has gone through a lot of oversight. Step one (1) of a multi-step process that's probably going to at least take a year.

Mr. Gibbons stated – It would be staff's recommendation that you go ahead and make a motion to vote on this project but we would also let you know to make a condition that this would not be scheduled for the City Commission until the technical aspects between the spacing of the driveways is worked out between staff and D.O.T. as well.

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

Mr. Knott stated – Maybe Rich (Ladyko) can answer this for me. Because you met with the D.O.T., Rich. If you wouldn't mind.

Mr. Richard Ladyko stood and introduce himself and stated – Good evening, I'm vice president of engineer for the firm of Culpepper & Turpening.

Mr. Knott added – Yeah, you had your pre-app meeting with D.O.T. on the single driveway or on the duel driveway?

Mr. Ladyko stated – On the application that you see in front of you right now.

Mr. Knott continued – And was there a preliminary feel on that or did they give you a feel?

Mr. Ladyko stated – Their letter of conceptual findings were not to approve that and with a center driveway. And we chose the option of scheduling a request before their variance committee to be scheduled for July 7.

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

Mr. Knott asked – So you have to go to their variance before you go to the City’s variance?

Mr. Ladyko continued – Yeah, I’m not sure if I understand it correctly that it’s a City variance committee on the application. The driveway’s facing ...and driveways are dictated by the D.O.T. Once you get the D.O.T approval ...I wasn’t aware that there was a City variance required.

Mr. Arias added – I don’t think so, sir. And I’d like to advise you that it’s in the City limits. And this is a public road and would like to have a say so on that too. Usually what we do is if the D.O.T. approves it, we would bless it. But we need to see it. I’m glad you brought that up because many times, many projects, some developers believe when the D.O.T. approves something, it’s God...but it’s not. We need to see that and we need to make sure that the D.O.T. approval doesn’t conflict with our code. I don’t see a problem. In fact, if you go to the variance in the City, if you want me to, I can work out a little support. I think that the project is narrow. It’s a very small piece of property. And we have been looking at ....about 10 or 15 years...reproducing themselves. And finally they’ve got something going. The project, I think, I’m not architect, but it looks good. And maybe we can just give them a chance to prove themselves that this is going to be okay.

Mr. Ladyko added – We’re scheduled for their D.O.T. on their July 7 meeting. Their variance request is there. It’s a request of approximately between 50 and 60 percent of their current access management standards. And just to reiterate, also Tom, for your benefit, yeah, a traffic statement was submitted. ...And the ADT (Average Daily Trips) on the project was about 142 with somewhere between 15 and 20 in the peak hour.

Mr. Knott stated – Okay. Well, now I would leave that up to the City Engineer ...

Mr. Arias interjected – I noticed this is something you should be very careful with ...one of the driveways is very close to St. Lucie Court...and that’s a City road.

Mr. Ladyko added – I understood that the D.O.T. did acknowledge that.

Mr. Arias stated – Okay. I sincerely hope so, you know. We sure would like to be notified of everything. I don’t think it’s a big problem, but it’s not an easy problem to resolve. And we’ll help you in any way you can.

Mr. Ladyko stated – We understand.

Mrs. Gates asked – Are there any more questions?

Mrs. Brenner stated – Mr. Arias, in due of the facts that they are going to not have their paperwork complete, we’ve had much added to our agenda tonight that we’ve not seen before. Not necessarily this project, but there is more information which we have received now. And they will not have their paperwork done any time before next month. Would this not be appropriate for it to be tabled as we’ve done the other two that were not complete, rather than approve it based on information that we do not have at hand?

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

Mr. Arias stated – Well, that would be an option. That would be an option to table it and come back. I think that would be, on the other hand, the burden of the applicant. Because if they don't have all the information that I want to approve it, this will not go to the City Commission. So, actually, if you want to go back again and address this project again, that would be an option.

Mr. Gibbons stated – Madam Chair, just to reiterate Mr. Arias' point. We feel that you could go ahead and make a motion to vote on this tonight. Because, like I said, with them going to D.O.T. in July, and them having to work with staff before it even gets scheduled for the City Commission, they're going to have adequate time to work out these technical issues. And we feel that it would be the best time to just go ahead and get this issue resolved tonight.

Mrs. Gates stated – Okay, thank you very much. In other words, if you all don't get everything together, you're not going to City Commission...no matter what.

Mr. Brodeur stated – That's fine...we accept that.

Mr. Knott stated – That's what I was going to ask before we get into a motion here. Does your client understand that based on staff's recommendation that you can't go any further until you get the yeah or nay from the D.O.T., I mean that's okay for you all right?

Mr. Brodeur stated – Yes. That's been made clear to us.

Mr. Knott asked – Do you want to go to the Board of Adjustment for the City too before...?

Mr. Arias stated – We need to agree with everything, yes.

Mr. Knott – Okay, very good.

Mr. Johnson asked – Could I see the architectural renderings again please? I need a little information, what appears to be the third floor...the middle floor...there's not too many windows or doors in that floor at this elevation. And I was just wanting a little detail on the units, how you have them laid out based on that floor and how it's laid out.

Mr. Kirschner stated – On the third floor specifically that's the master suite floor. As such, we probably have less fenestration on that floor. (inaudible? Applicant not speaking into the microphone) You have the master suite over to one side of the unit and some ancillary spaces toward the other side. It's going to require some large expansions...Keep in mind as well, though, this vernacular doesn't call for large expansions of fenestration ...the Italian designs...(inaudible?) we try to focus in the fenestrative areas. We give them a little attention. We try to emphasize the importance and the architectural nature of those elements. If you were to do a broad expanse of glazing across the façade, it becomes too busy and the importance of a particular fenestrative elements are lost in the building, sort to speak. So, this style of architecture that's facing to the west is trying to emulate that archetype. (inaudible ?) The eastern side, of course is a different thing...

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Johnson stated – Right, and I think that’s my reservation is that the architectural features of that western elevation in relation to the atmosphere of south beach currently. It lacks development, but there are new parcels going in and being developed right now that aren’t of this venue. I’m trying to keep it all in respective here. I’m not sure that this one is ...

Mr. Kirschner added – We did the study the facades up and down the street prior to selecting this architectural style ...(inaudible ?...applicant not speaking into the microphone)

Mr. Johnson stated – But the eastern elevation, just not seeing it, is it totally different? You’re looking at it into the Atlantic Ocean so ...

Mr. Kirschner stated - ....It’s more of an arcade theme. Of course there are some variances in the codes that will govern some of the lighting in regards to the sea turtles, etc. ...

Mr. Johnson – Okay, thank you.

Mrs. Gates asked – Okay, are there further questions for the applicant?

Mr. Knott stated – Madam Chair, actually for the staff...maybe Mr. Gibbons or Hector (Arias). Since this is a conditional use request, does that open this thing up to architectural review by you all?

Mr. Gibbons – No, sir.

Mr. Knott continued – So, they could architecturally ...

Mr. Gibbons stated – They could submit that, that would be fine. It would be up to the Commission whether they wanted to make those changes and tweak the design a bit.

Mr. Knott continued – Because I thought under a conditional use you all had a little bit more ...

Mr. Gibbons stated – Of course, the Commission is going to have that.

Mr. Knott added – The only reason I ask is that ...I was going to ask...with Ramon we would ask him generally is this architecturally...?

Mr. Arias stated – We would probably ask Ramon...

Mr. Knott continued – Okay, good. Because ...what Jeremiah (Johnson) was talking about, we’re getting a hodgepodge ...not a hodgepodge, but act like the styles on the beach there. And I know that there’s one down the road ...Riverview or whatever it’s called...

Mr. Johnson asked – Gulfstream?

Mr. Knott continued – Yeah, Gulfstream...

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

Mr. Arias added – I can tell you, Mr. Knott, that all these issues will be addressed before it goes to the City Commission.

Mr. Knott stated – Okay. As long as they understand that, there may be some more input on your architectural type lay-out...Okay, thank you very much.

Mrs. Gates asked – May I make a comment? This style of architecture is very indicative of South Florida. If you look ...it is very misner-like...I just came back from Coral Gables and I was at the Florida Trust Conference, and this is ...I mean you do see other styles, but this is quite indicative of South Florida. And I quite frankly think it's very refreshing to see something a little different other than just what we're seeing; although I like other styles but I think this is kind of a refreshing look for over on the beach. So, anyway, that's my thought about that. Are there any further questions? Thank you very much. Is there anyone here to speak against this request?

Mr. Jack Cahill stood and introduced himself – I represent the 2,000 members of the South Beach Associations ...Surf Side Associations. No, we're not against anything that's built according to the plans that we have. There's been a breakdown, quite frankly, in communication. There, for a while, we had been notified by Ramon when we had the plans coming up of what was going to be appearing before the Planning and Zoning Board, we had to find this one out for ourselves this time. A lot of loose threads for this meeting for all three (3) projects that came up, to be honest with you. I think a lot of these things should be answered before it gets to the Planning and Zoning Board, and not wait until it's wished on the City Commission, because it puts them in a vicarious spot. We had 322 people who attended the Charrette, which was the largest amount in the Treasure Coast, by the way, whoever appeared, to work on the Charrette. Because you figure, this is our home. We feel very serious about this. We're not against anyone building as long as it's eight (8) stories or 45 ft. high. And as long as it happens to be eight (8) units per acre. We're not against that. We want that said. That's fine with us. We do think that a pretty difficult spot to build in. And the last plan that came before you people, quite frankly, had them using Lucy Court, which is a City street, as a recreation area for the condo. And we had to point it out to the people because, quite frankly, they didn't know it existed as a City street. So, we'll gladly tell you all the information we have to help anyone coming in there. But we need to be notified to do this. (Mr. Cahill was indeed notified as of Monday afternoon, June 13, 2005). The last time these people came, they notified three (3) empty lots, a motel that was closed at that particular time because of the hurricane, and no one else. And as a result, when Commissioner Becht stated, well nobody even contacted us, and we said, well, no one ever contacted us either. So, what we're trying to say is that we'll all work together, but we also need to have a lot of these loose ends tied up before it gets to a Planning and Zoning Board, and we would also like to have the Planning and Zoning Board notify us ahead of time so we can either look the project over ourselves and know what's coming into our neighborhood, because that's what the main concern. We have people right now who are pushing and shoving for a (inaudible?) to make a profit that they deem required. But right now prices are, quite frankly, so high on the beach that it's not hard for a developer to make a conscionable profit...that's very possible. But I do think that what they put there hurts all of us sometimes, and that's what we're against. And I think, quite frankly, we're not against this project but you got to keep in mind you better put something in there regarding the ocean coming through there because if you've lived on that beach, and Tom Knott has for sure, it comes right down that alley every time we have a heavy rain storm or

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

high waves. Or you can go across ocean...that lot there...it's covered with ...it's almost like Lake Mead sometimes. So, as long as you realize that ahead of time and know that, that's okay. But we want developers to know it too. So, we don't want anyone to come in there and buy a 'pig in a poke'. ...And this might be a refreshing experience, because it was only 45 ft. high...we're for that. If it's eight (8) units or so per acre we're for that. And we just hope they can work things out. You can also keep in mind that's where Ramon's turnabout is going to be there...right at that particular spot. And at that moment you're going to have a lot of traffic building right around there. And we're not so much concerned about your car or my car, we're concerned about 18-wheelers and fire trucks and so forth. And those 18-wheelers get bigger all the time. When I was younger, which is a long time ago, they were like 40 ft. long, they were 60 ft. long, and they're 80 ft. long. So, they keep building those things faster than you can build turnabouts to cover them. So, as long as you realize all these things, that's okay. But if you don't, we'll gladly help out any way we can, because this is our beach area and we happen to love it very much. And I wish you all would love it as much as we do. And we want to see something there that's worthwhile too. Thank you very much.

Mrs. Gates stated – Thank you, Mr. Cahill, and I would want to add that all of us love the beach as much as you do. I do believe that we're very fond of the beach area and want to see it developed correctly. I don't know whether...Mr. Walker, I don't believe that we notify those kind of organizations...

Mr. Gibbons added – They have been, yes.

Mrs. Gates asked – They have been in the past, Mr. Gibbons? I'm not aware of that.

Ms. Rose stated – Madam Chair, the agendas are sent out by me to Mr. Cahill and the agendas got out a little late this month. (To note, Mr. Cahill was at the desk of Ms. Rose on Monday, June 13 to request any information regarding the beach area. Ms. Rose made him a copy of the agenda, which was just completed an hour or so prior to his arrival. Ms. Rose stated to Mr. Cahill that even though he had received a copy of the Planning Board agenda in the past on a regular basis, and in a timely fashion, this agenda, along with the Planning Board members' copies were running behind due to staff changes in the Planning Department. Mr. Cahill then stated – Oh, no problem. Yes, you have been very prompt in the past with the agendas and I appreciate it very much. Mr. Cahill was very understanding when Ms. Rose explained the fact about the agenda of June 14, 2005 being dispersed at a later time. And therefore did not understand his remarks here at the Planning Board meeting.)

Mrs. Gates stated – Well, as you know, we have been in a little bit of a turmoil here in the City in the last week and a half. And so, if we did not notify you, it is not by any intention of anyone in the Planning Department.

Mr. Cahill stated – It's just these three projects at one time...

Mrs. Gates stated – Well, I know that. And it's just been a little disconcerting in that Planning Department in this last week and a half. If you can bear with us, and I'm glad you came tonight, and I hope you will keep up your interest on the beach.

## **PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mr. Gibbons stated – The City Code, because this is not a bona fide public hearing, we do advertise out to 500 ft. in a radius for the City Commission and the project is also posted with a sign.

Mrs. Gates stated – Okay.

Mr. Brodeur stated – I'd like to put this in prospective. I think we all agree that south beach needs major investment. Right now we have a property that's full of mud; every time there's a high tide, it's runs into the road. And then we have rusty pylons that need to be removed at great expense. The applicant's willing to take a major financial risk on this. I know that's not your problem. But to look at this as if it's half-assed because the property owners association wasn't notified, we'd be happy to meet with them prior to the City Commission meeting. We'll provide them with a meeting. We'll provide elevations. Our client did not want to 'stir the pot'. He said eight (8) units per acre, 45 ft. If that's what south beach wants we'll comply with it, we're not asking for extra density bonuses or semantics about how high it really is. That's what it is. And nothing's slipping through the cracks. We're still required to go through D.O.T. for a variance. We're still required to go before the Board of Adjustment now for variance to satisfy City staff for the distance between the driveways. We're still required to go through D.E.P. for doing restoration approval and sea turtle impact. We're willing to do all of that. We're just asking you at least give this an endorsing so that we can move along. Thank you.

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

Mr. Phil Rosenthal stood and introduced himself and stated – I live at Sea Pointe Towers and the president of that condo association and representing 110 units. I echo Mr. Cahill comments. As long as the project meets what the requirements are ...the 45 ft. and the eight (8) units per acre, we're happy with it. My concern is percolation of water. I live on the beach. We had a slight rain storm this weekend. And in front of that property that sidewalk was 1 ½ ft. deep in water for three (3) solid days. The street was impassible except down the center lane. And to be safe, in order to go north you had to go in the southbound lane, where your car would flood out. I know asphalt and concrete do allow for percolation. At what point is the City and the State going to correct the drainage? Because if the project is approved and it goes up long before the drainage is corrected, the flood is going to be greater.

Mr. Arias stated – Madam Chair, I would like to address that please. The project would have to be designed to be self-sustainable for storm water management. They cannot and they will not put any runoff more than what they're doing now, which is predevelopment runoff. They have to satisfy that condition for having a building permit. In addition to that, I think that we all know that we're designing A1A so far. We should be finished with the design by next January.

Mr. Cahill laughing from the audience.

Mr. Arias continued – (Addressing the laughter) I resent that...I really resent that because we're working very hard for south beach to get this project across. Okay, so let me finish. We're going to try to start the project from U.S. 1 and going east. Because of the roundabout...where it was positioned it was going to be very hard. And that's that. And the drainage will be corrected when the highway is completed.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

Mrs. Gates stated – Alright, thank you, Mr. Arias. Okay, what are the wishes of the Board on this item?

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH CONDITIONAL USE BASED ON STAFF’S RECOMMENDATION AND SUBJECT TO THE FOLLOWING: 1) THAT THEY WOULD SATISFY ITEMS #4, #5, & #8 OF THE ATTACHED FIRE PREVENTION BUREAU’S REVIEW, 2) AND PRIOR TO BEING PLACED ON THE AGENDA FOR THE CITY COMMISSION THAT THE APPLICANTS WILL HAVE RECEIPT OF THE D.O.T. AND THE CITY OF FORT PIERCE’S VARIANCES FOR THE CONSTRUCTION OF THE NON-CONFORMING SPACING OF THE TWO (2) PROPOSED DRIVEWAYS. Seconded by Mr. Poitier.**

Mrs. Gates asked – Are there any discussions on this motion?

Mr. Johnson stated – Yes. I have one item. Tom, do we need to state anything that was mentioned of the architectural review and getting final comments from staff on the final architectural detail...to add that?

Mr. Knott stated – According to what Hector (Arias) had mentioned, and Travis, I’m assuming that that will be a part of the final approval that staff ...I will include it though. I’ll amend my motion to include that.

**MOTION RESTATED**

**MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH CONDITIONAL USE BASED ON STAFF’S RECOMMENDATION AND SUBJECT TO THE FOLLOWING: 1) THAT THEY WOULD SATISFY ITEMS #4, #5, & #8 OF THE ATTACHED FIRE PREVENTION BUREAU’S REVIEW, 2) AND PRIOR TO BEING PLACED ON THE AGENDA FOR THE CITY COMMISSION THAT THE APPLICANTS WILL HAVE RECEIPT OF THE D.O.T. AND THE CITY OF FORT PIERCE’S VARIANCES FOR THE CONSTRUCTION OF THE NON-CONFORMING SPACING OF THE TWO (2) PROPOSED DRIVEWAYS, AND 3) THAT THE FINAL ARCHITECTURAL DESIGN WILL BE AT THE APPROVAL OF THE STAFF’S REVIEW. Seconded by Mr. Poitier. Unanimously approved by roll call vote.**

Mrs. Gates stated to the applicants – Okay, your request has been approved with conditions. And I guess your next step is where?...the Board of Adjustments?

Mr. Knott stated – Yeah, good luck with the D.O.T.

**Agenda Item #10 – Site Plan with Conditional Use – Dock – Approval to allow the construction of a private dock located at 1604 Seaway Drive. Owner is Joseph Godfrey, and applicant/representative is Joy Summerlin Yancy of Summerlin’s Seven Seas Marine Construction.**

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

**Staff Report** – Mr. Gibbons stated – This is at 1604 Seaway Drive. This is for a construction for an addition to an existing dock. It is a 4 ft. wide X 24 ft. long access addition. And also a 24 ft. wide X 9 ft. long terminal platform. The total length of the new dock will be 159 ft. The existing dock was 126 ft. Permits from the State Department of Environmental Protection and Army Corps of Engineers have been obtained and approved. And staff recommends approval with one (1) condition that the dock be used for private use only.

Mrs. Gates asked – Okay, are there any questions for staff on this issue?

Mrs. Brenner stated – Madam Chair, I have one question. Do you know what the other dock lengths are along there? Is this further extended out into the waterway?

Mr. Gibbons stated – It's consistent with the surrounding docks, yes.

Mrs. Brenner – Okay, thank you.

Mrs. Gates asked – Any further questions for staff? 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? Okay, what is the Board's wish on this item?

**MOTION WAS MADE BY MR. ENNS TO APPROVE THE SITE PLAN WITH CONDITIONAL USE. Seconded by Mr. Johnson. Unanimously approved by roll call vote.**

**Agenda Item #11 – Site Plan with Conditional Use – Dock** – Approval to allow the construction of a private dock. Located at 2021 South Indian River Drive. Owner is J. David Richeson, and applicant/representative is Joy Summerlin Yancy of Summerlin's Seven Seas Marine Construction.

**Staff Report** – Mr. Gibbons stated – This is for construction of a 17 ft. X 17 ft. upland deck. And then also a 3 ½ ft X 240 ft. access dock with a 10 ft. X 16 ft. covered terminal with a boat lift. Also with this project, permits from the State Department of Environmental Protection and Army Corps have been obtained and approved. And staff recommends approval for this project.

Mrs. Gates asked – Okay, are there any questions for staff on this item? Is there anyone here to speak in favor of this request? Is there anyone here to speak against this request? What is the Board's wishes on this item?

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

**Agenda Items #12, #13, & #14 – Annexations – Group 27, Group 28, & Tastespire** – Approval of annexations of properties identified as having contiguous municipal boundaries of Fort Pierce. Varied owners/applicants for #12 and #13, and 4000 block of 25<sup>th</sup> Street for Tastespire.

Mrs. Gates stated – If it's okay with the Board and there is no disapproval, we will do these collectively.

## PLANNING BOARD MINUTES OF JUNE 14, 2005.

**Staff Report on all three (3) items** – Mr. Gibbons stated – All three (3) items are voluntary annexations. And they are all contiguous with City limits. And staff recommends approval.

Mrs. Gates asked – Are there any questions for staff on these? Is there anyone here to speak in favor of these requests? Anyone for disapproval? I'll entertain a motion.

**MOTION WAS MADE BY MR. ENNS TO APPROVE THE THREE (3) ANNEXATION REQUESTS. Seconded by Mr. Poitier. Unanimously approved by roll call vote.**

**Agenda Item #13 – Discussions** – Resignation of Harriett Brenner to be effective July 1, 2005.

Mrs. Gates stated – We have one request here, which I hate to bring up. But are you (Harriett Brenner) sure we're not going to change your mind about this?

Mrs. Brenner stated – I would love to stay on the Board, but I don't know when we're going to be moving. So, it's already gone before the City Commission and I have been replaced. I would like to read a short statement. I know it's nine (9) o'clock and you all want out of here. Thank you. I have enjoyed serving on this Board and will miss being a part of it. I have learned a great deal. I have been kindly corrected when I was in error. I now know what the difference between a retention pond and a detention pond.

Mr. Knott interjected lightly – That was a lecture....

Mrs. Brenner continued - ...When I was in error by not only the other members of the Board but by Mr. Walker, whom I thank, and Mr. Ramon Trias. It has been a real pleasure to be associated with Mr. Trias in the real professional knowledge of the planner. Howard and I participated in nearly all the City's Charrettes. And no, our city would not have reached the dream of its citizens without Ramon's vision and perseverance for which we are grateful. (Her voice is cracking slightly due to emotions) Excuse me. I would caution this Board and staff that this Board is the gatekeeper of this city. The boards are upon us, and it behooves the entire Planning Department and this Board to be the gatekeepers for our community. And I know you will. Thank you.

Mrs. Gates stated – Harriett (Brenner), that was a beautiful tribute to Ramon. And we're going to miss you terribly. You have brought a great amount of joy to us as a friend as well as a colleague. And you don't have to worry. I think we're going to be good gate keepers. I've got Mr. Walker over here with his foot in a cast. And I know he's going to make us do well.

Mr. Poitier agreed – Sure will.

Mrs. Gates continued – And I want to thank Travis (Gibbons). I know you've had a very trying week in the Planning Department. I know that it will get better. And Fort Pierce is going to be better because of it. I am praying, and I know all of us are, that Mr. Trias is going to remain with us in some capacity. And I do believe he wants to and will. And through all this, we are going to get through this and be stronger. And I think this has been a very trying night for everybody here on the Board in many ways.

**PLANNING BOARD MINUTES OF JUNE 14, 2005.**

And I applaud you, for I know the excellent effort your staff has made. And please thank them tomorrow for us for your efforts in the last week. I'm sorry that Mr. Arias is not in the room (he stepped out with Mr. Recor), but I know he has also worked very hard. So, thank you. And we are all going to be with you and support a better Fort Pierce. So, anyway, if there's ....I think we have to vote on Don (Bergman), at least...Don did call in.

Mrs. Brenner stated – You have to also vote on me because I wasn't here last time. I called and stated I was coming, but the nurse in me took over when my neighbor called and said I have to go to the hospital to see my husband. And I said okay.

Mrs. Gates stated – I have one more thing before we vote on Don (Bergman)...is Ms. Dianna. She has worked so hard.

Mr. Knott agreed – She has.

Mrs. Gates continued – I just can't tell you how hard this girl has worked this last week. And I know that you've had a terrible week...

Mr. Knott added – And the packets that she's been putting together have just been outstanding.

Mrs. Gates stated to Ms. Rose – You're going to turn into a planner before you know it. So, it's just been a very, very ...

Ms. Rose received applause from the Planning Board (Thank you very much Planning Board members!!!)

Mrs. Gates stated – We have Ms. Benton as well as well as Don Bergman. Don did call in and had a conflict with his children. I guess Ms. Benton called.

Ms. Rose – Yes.

Mrs. Gates asked – Is there a motion?

**MOTION WAS MADE BY MR. POITIER TO EXCUSE MR. BERGMAN AND MS. BENTON FROM THEIR ABSENCES. Seconded by Mr. Harris. Unanimously approved by voice vote.**

**Adjournment at 9:15 p.m.**

