



ZONING ADMINISTRATION
DEVELOPMENT REVIEW
COMPREHENSIVE PLANNING
URBAN DESIGN
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CULTURAL RESOURCES

CITY OF FORT PIERCE

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

DEPARTMENT OF PLANNING

"IMPROVING THE WAY WE DO BUSINESS"

MINUTES OF A REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JULY 10, 2007, AT 6:00 PM IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Vice Chairman Johnson called the meeting to order.

The Pledge of Allegiance was recited

Upon Roll Call, those present were: Irene Dixon, Charles Hayek, Tom Knott, Colin Lloyd, Leslie Olson (came in late), Robert Poitier, Edward Reilly, and Clay Yates. Those absent: Chairman Bergman, Darryl Bey, and Charlie Harris.

(Chairman Bergman and Darryl Bey did give notice that they would not be attending tonight's meeting)

Staff Present: James Walker, Assistant City Attorney; Matthew Margotta, Planning Director; Peter Buchwald, Zoning Administrator; Travis Gibbons, Planning Administrator; David Carlin, Development Review Planner; Paul Williams, The Urban Forester/Acting Development Review Planner; Erica Ehly, Comprehensive Planner; Bob Frank, City Traffic Engineer; Karen Wise, Administrative Assistant.

Vice Chair Johnson said seeing that two members had not called in yet, I would like to move item #3 to the end of the agenda to give them a chance to be here with us tonight. so, we will move the absences to the end.

The next item on the agenda - **#4 – Certification of Alternate Member Voting Status.**

Vice Chair Johnson said Mr. Yates, just wanted to welcome you. You are sitting in for Mr. Bergman, I guess, and you have all rights as a Planning Board member. Thank you.

The next item on the agenda - **#5 – Approval of Minutes of June 12, 2007**

Vice Chair Johnson said has everyone had a chance to read the Minutes from the June 12, 2007 meeting and are there any additions or corrections that need to be made?

Motion was made by Mr. Knott, seconded by Mr. Hayek, to approve the Minutes as submitted.

Vice Chair Johnson said we have a motion to approve and a second.

Unanimously approved by voice vote.

The next item on the agenda - **#6 - Voluntary Annexation** – A request for approval to annex 3 parcels, totaling 0.71 acres, identified as having contiguous municipal boundaries of Fort Pierce. The properties are generally located in Surfside Plaza Unit 1, Block 8. The owner is Kevin Hendrickson.

Ms. Erica Ehly said agenda item #6 is a request to approve a voluntary annexation application consisting of 3 parcels totaling 0.71 acres located in Surfside Plaza on South Ocean Drive, north of Blue Heron Boulevard. The current County Future Land Use designation is Residential Suburban and the proposed City Future Land Use designation is Low Density Residential. The parcels are bordered by County Residential Suburban to the north, west and south and to the east by City Medium Density Residential Hutchinson Island. The current County zoning designation is Hutchinson Island Residential District and the proposed City Zoning is R-1, Single-Family Low Density. The properties are bordered on the north, west, and south by County Hutchinson Island Residential District and to the east by City R-4A, Hutchinson Island Medium Density Residential Zone. Staff recommends forwarding approval of this annexation.

Vice Chair Johnson said thank you very much. Any questions of staff from the Board?

Mr. Knott said in my packet I see we have Lots 8 and several other lots associated with this, is this a part of this annexation or is it all the same one? I thought I saw different lot numbers in here.

Mr. Ehly said these are three parcels with the same owner.

Mr. Knott said oh, I see. It is all under the same item 6, but it is just not numerated in the description. Thank you.

Vice Chair Johnson said any other questions of staff? At this time, I would like to open it up to the public for comment, if anyone would like to speak for or against this request. Seeing none, the public comments are closed and would entertain a motion from the Board.

Motion was made by Mr. Lloyd, seconded by Mr. Poitier, to approve the annexation.

Vice Chair Johnson said we have a motion to approve and a second.

Those voting in favor of the motion were: Mrs. Dixon, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Yates, Mrs. Olson, and Vice Chairman Johnson. Those opposed: None.

Mrs. Olson said I apologize for being late.

Vice Chair Johnson said the next item on the agenda, if I am not mistaken, staff could clarify, has been pulled from the agenda at this time, is that correct?

Mr. Margotta said that is correct. We need to re-advertise it.

Vice Chair Johnson said ok, so this agenda item will be advertised for the next available time.

Mr. Margotta said for the next available time.

Vice Chair Johnson said thank you.

The next item on the agenda - **#8 - Conditional Use – Private Dock – 1807 South Indian River Drive** - Application for Conditional Use to construct a private dock at 1807 South Indian River Drive. The property is zoned E-1, Single-Family Estate Density Zone, and A-1, Aquatic Conservation Zone. The owner/applicant is William T. & Linda D. Nunn.

Mr. David Carlin said according to Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use approval. Therefore, the applicant is requesting Conditional Use approval to construct a private dock which extends from the applicant's property located along the western shoreline of the Indian River. This map shows the zoning for the subject property which is E-1, Single-Family Estate Density Zone, along with the properties to the north and south of the subject parcel. The property to the west is I-1, Light Industrial and is occupied by the Florida East Coast Railway. The property to the east would be the A-1, Aquatic Conservation Zone, along the Indian River. This slide represents a photo take from the subject property looking eastbound and the proposed dock will be situated in the center of the property and extend out approximately 400 feet and it will be 4 feet wide. In addition, a terminal platform will be located at the end of the dock which the measurements are approximately 10 feet wide by 21 feet wide. Now at the end of the dock, the applicant is proposing to construct a boat lift that will enable them to remove the boat from the water and on the other side, as seen on this slide, is an example of one and on the other side of the dock there will be covered type set-up for also keeping the boat during inclement weather situations. Permits for the latest dock plans have not been obtained to date from the Florida Department of Environmental Protection or the U.S. Army Corps of Engineers. However, based on the other projects we have brought before the Board, the City Code does not require any permits to be obtained prior to going through the review process before the Planning Board and City Commission. However it should be noted that the application, once it is approved as a Conditional Use, the applicants have one-year to commence construction for the dock. So, if the dock has not commenced construction within one-year, they will have to come back before the City Commission to receive approval to go forward. This plan that

you see in front on you is a top down look of the subject property and the relationship with property lines and riparian rights. The color shaded in red represents the property line. The area shaded in blue represents the riparian rights line and the area in yellow represents where the dock will be constructed. So it does have the adequate separation from the riparian rights line from the property line and there are no other docks in close proximity to this particular one. So there should not be any access ability issues. All affected Departments have reviewed the Conditional Use application based on it meeting the requirements of the City Code. Since the Conditional Use application meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Conditional Use.

Vice Chair Johnson said thank you. Any questions of staff from the Board?

Mr. Knott said best I can remember, normally the applicant will have the DEP or the Corp permits in hand when they come to us for this. is it necessary for us to condition our approval or recommendation subject to receipt of the state permits?

Mr. Carlin said I don't believe so. At the time that the applicant comes in for building permits, of course, those documents would need to be provided at that time. But there is nothing in the Code that prevents them from going through the process.

Mr. Knott said there is nothing that says that they have to make application for the state approvals. Is that correct?

Mr. Carlin said that is correct.

Mr. Knott said that is interesting. I thought you would have to have some evidence of intent to get that. Does the ordinance stipulate that we have to have those that the applicant has to have those before the City will issue a building permit?

Mr. Carlin said the Building Department would probably be best to answer that question. There might be some codes there that they look at. My understanding was that they would have to have those documents before construction takes place.

Mr. Knott said most building permits you would have to have that. I just didn't know if our ordinance for this conditional use...

Mr. Carlin said nothing in Chapter 22 Zoning covers this particular administrative process.

Mr. Knott said I don't have problem with it. It is just a routine residential dock.

Mr. Carlin said and the applicant is fully aware of the procedural aspects of this if the conditional use is granted by the City Commission, they have one year to start construction. We do recommend to applicants constructing docks to try to go through the permitting procedurals as early as possible to prevent any last minute snafus that may come up and would require a redesign.

Mr. Knott said thank you.

Mr. Hayek said to answer Mr. Knott's question, I am going through it now. you can't even get to the Building Department unless you have State approval.

Mr. Knott said ok and this is part of what they will need too at the Building Department will be the conditional use.

Mr. Hayek said absolutely.

Mr. Knott said thank you. There are a lot of safeguards built into the system.

Mr. Hayek said we are just saying it is ok through Planning and the City Commission but he still has to get through Building and they need the State approvals.

Mr. Knott said thank you.

Vice Chair Johnson said any other questions of staff from the Board? Seeing none, I will open this up for public comment for anyone that would like to speak for or against the project. Please state your name and address for the record.

Mrs. Linda Nunn, 1807 South Indian River Drive, said just briefly, I am not going to waste your time. You guys have a nice short agenda tonight. But just for clarification, we actually do have a DEP permit. We have to modify it slightly, because of requirements the Corp put on it after DEP issued it. So, we are well into that and we think we are going to have it all wrapped up in about 30 days with both agencies. But we are well aware of those and we wouldn't be here if we weren't at least through one of them, because it has been ongoing for a couple of years now.

Mr. Knott said it is always wise to start with them to at least get a feel from them to see if they are going to talk to you.

Mrs. Nunn said yeah, it is a rather lengthy process. But if you have any questions, I would be happy to answer them. Otherwise I won't waste your time.

Mr. Knott said thank you.

Vice Chair Johnson said thank you. Would anyone else like to speak for or against this project? Seeing none, I will close the public comment and entertain a motion from the Board.

Motion was made by Mr. Lloyd, seconded by Mr. Knott, to recommend approval of the Conditional Use.

Vice Chair Johnson said there is a motion and a second. Is there any discussion on the motion?

Those voting in favor of the motion were: Mrs. Dixon, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Olson, Mr. Poitier, Mr. Reilly, Mr. Yates, and Vice Chair Johnson. Those opposed: None.

Vice Chair Johnson said it will be forward with a recommendation to the Commission. Thank you.

The next item on the agenda **#9 - Special Exception – 2302 Avenue G** – Application for a special exception to allow a garage addition onto a non-conforming structure. The property is located at 2302 Avenue G and is zoned R-4, Medium Density Residential. The owner is Donald Coe, and the applicant/representative is David Cleveland.

Mr. Paul Williams said Special Exception for 2302 Avenue G is for approval for an expansion of a nonconforming structure as a special exception to construct an attached garage. This aerial map shows the location of the property and the surrounding properties is highlighted in red and is located on the northwest corner of North 23rd Street and Avenue G. This photo shows the front of the house and the non-attached existing garage that will be demolished and then a new garage will be built onto the structure. This map shows the zoning. The property is located in the R-4 Zoning District and is surrounded on all sides by R-4. In the R-4 zoning district, you have a 25 feet for the front yard, 15 feet for the side yard on a street side, 6 feet for the other side yard, and 15 feet for the rear yard. This survey for 2302 Avenue G shows the non-conformity of the existing detached garage and the garage that is to be demolished inside the red box. The red arrows show where the duplex front setback is approximately 10 feet less than the required 25 feet and the rear yard setback is approximately 7.8 feet less than the required 15. This site plan shows the proposed new garage which is highlighted in blue and the arrow that you see shows that it does meet the minimum set back of 6 feet for the east side yard. The existing house is a total of 1,575 square feet. The maximum allowable increase is 787 square feet. This is derived from Section 22-102.1 where enlargements or alterations will not increase gross floor area of the principal structure by more than 50%. The proposed addition will be 762 square feet. This addition is below the limitation by the Code. This slide shows the existing duplex and the intersection of North 23rd Street and Avenue G and the red arrow shows you that currently 14.9 feet, it should be 25 feet. This just shows the non-conformity of the existing building. The new garage addition will be comparable also with the surrounding properties. This elevation of the duplex showing the attached new garage is consistent with the surrounding properties and as the proposed expansion of a garage addition meets the necessary criteria for a non-conforming structure as a special exception, staff recommends that the proposed expansion of a non-conforming structure be permitted as a Special Exception.

Vice Chair Johnson said thank you very much. Are there any questions of staff?

Mr. Hayek said according to your elevation, they are adding a door to the garage? It looks like living area.

Mr. Williams said yes, sir, I see the door and the window and the garage. The application just shows for a garage.

Mr. Hayek said so obviously it won't have any plumbing inherent in the new addition.

Mr. Williams said I will say that we do have Mr. Cleveland here who can explain the exact details since he is the applicant.

Mr. Hayek said ok.

Mr. Margotta said probably a point of information or just for future knowledge; we draw a line as to what creates a habitable area as whether you have full kitchen facilities, living spaces for a bed and a bathroom. If you have all three, you take away one of the legs on that stool, it is not a living area anymore. So, if they had a full bathroom in there, but it is just a garage, that doesn't make it a living area. You get those three things together and that's kind of what we are concerned with. So, if Mr. Cleveland can speak to that, he may be able to lay any concerns you have that a unit is being created. Of course, we have to keep an eye on it in the future.

Vice Chair Johnson said thank you. Are there any other questions for staff? I did have one question. Because we are in an R-4 Zone, is that correct?

Mr. Williams said that is correct.

Vice Chair Johnson said my question is just in relation to the landscape. It looks like what is there seems to be from the pictures ok, but from your point of view if you visited the site what is staff's take on that the existing landscaping?

Mr. Williams said I did visit the site this morning and the yard is very well kept. There are flowering shrubs and as you can see on the site plan that is up on the screen, the four trees that are required are shown.

Vice Chair Johnson said ok, that what I wanted to confirm. Thank you.

Mr. Hayek said is the City requiring that the non-conforming garage be torn down?

Mr. Williams said the application just says they wanted to demolish the old one and reattach it and again, I believe, Mr. Cleveland can answer that and the owner might be here also, if need be.

Mr. Buchwald said Paul, will you go back to the aerial photograph of the property, I think you will see that the current garage is in disrepair so it is unusable and so now the applicant is wishing to demolish the garage because it can't be used. It is in poor condition and can't be used and so they are putting on an addition in order to use it as a garage. The City is not asking them to tear it down at this point. He is electing to.

Mr. Hayek said according to the photographs, the garage is looking in ok shape.

Mr. Buchwald said that's what was represented to us. Paul, what was your field observation on that?

Mrs. Olson said I went by it and it is not in good shape.

Mr. Hayek said ok. It had a nice paint job on it.

Mrs. Olson said it looks better in the picture.

Mr. Hayek said ok, thank you.

Mr. Williams said as I said, visiting the property today, the owner keeps his property immaculate so I am sure because of the way he does that he probably painted it to look really good.

Mr. Hayek said thank you.

Vice Chair Johnson said any other questions? At this time, I would like to open up the public comment. If you would like to speak, state your name and address for the record, please.

Mr. David Cleveland said I am here on behalf of the applicant, Donald Coe. This addition is solely a garage addition and the existing garage will be torn down. I think that answered the two questions that were raised.

Mr. Hayek said so the door and the window are strictly aesthetic.

Mr. Cleveland said that is correct. The swing door is purely an access door to the garage.

Mr. Hayek said thank you.

Vice Chair Johnson said any other questions?

Mrs. Olson said I see based on tax records, it looks like owner occupied?

Mr. Cleveland said yes, that is correct.

Mrs. Olson said are they doing any plumbing? Is there going to be any air-conditioning in here or anything?

Mr. Cleveland said no, no.

Mrs. Olson said alright, thanks.

Vice Chair Johnson said any other questions from the Board? Ok, thank you very much. Is there any one else here that would like to speak for or against this project? Seeing none, I will close the public comment and entertain a motion from the Board.

Motion was made by Mr. Hayek, seconded by Mrs. Olson, to recommend approval of the addition as shown.

Vice Chair Johnson said we have a motion and a second. Is there any discussion on the motion? I just wanted to clarify and make sure that your motion would intend to have the language as a special exception, obviously, right?

Mr. Hayek said correct.

Vice Chair Johnson said that's all I needed to clarify. Thank you.

Those voting in favor of the motion were: Mrs. Dixon, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Reilly, Mr. Yates, and Vice Chair Johnson. Those opposed: None.

Vice Chair Johnson said the request will be forwarded to the City Commission.

The next item on the agenda **#10 - Preliminary Plat – Kings Highway Commerce Park -** Application for Preliminary Plat for a commercial subdivision. The property is located at the southeast corner of Kings Highway and White Road and is zoned C-3, General Commercial. The owner/applicant is Kings Highway Commerce Park LLC, and the representative is Gentile Holloway O'Mahoney & Associates, Inc.

Mr. Peter Buchwald said the applicant is proposing to subdivide a 40.596-acre, U-shaped property located at the southeast corner of Kings Highway and White Road, which currently is primarily undeveloped and heavily wooded. The proposed subdivision is surrounded by agricultural or vacant land, except for a property abutting to the west of the proposed subdivision which appears to be currently occupied by a refuse company. A Site Plan for an office/retail/warehouse complex, if you will recall, known as Interstate Business Park was recently approved by yourselves and the City Commission for the property located directly adjoining to the south of the site. The property is zoned C-3, General Commercial and the properties located abutting to the south and west of the proposed subdivision are also zoned C-3. The properties located opposite of the proposed subdivision on the west side of Kings Highway are zoned R-4, Medium Density Residential, and one of the properties adjoining to the north of the proposed subdivision is zoned R-1, Single-Family Low Density. The other adjoining properties are unincorporated. The property is proposed to be subdivided into 18 lots, and one of the lots located in the southeast corner of the subdivision, will be used by the subdivision for storm water management. The other 17 lots will be sold individually for commercial development. The lots to be sold will range in size from 1.426 acres to 4.206 acres. Development of each lot will require Site Plan Review in accordance with Section 22-58 of the City Code if the principal structure of the development exceeds 4,000 square feet in size. A new private road, Kings Commerce Park Road, will extend from Kings Highway and connect with White Road which will be improved by the applicant along the northern property boundary. The right-of-ways for Kings Highway and White Road do not meet the minimum requirements for width specified in the City Code for a major street and a minor street, respectively, and sufficient right-of-way which meets these minimum requirements will be dedicated. Now, because of the misalignment between White Road and Experimental Station Road located to the west, the County is requiring that access to White Road from Kings Highway be limited to right-in and right-out turning movements by the installation of a

raised concrete island that will limit the turning movements to and from White Road to right-in and right-out only on White Road. All affected City and County Departments have reviewed and approved the proposed Preliminary Plat. As the Preliminary Plat meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Preliminary Plat.

Vice Chair Johnson said ok, thank you very much. Are there any questions of staff?

Mr. Reilly said first thing, do I have this full package tonight? I only have 10 items. It's very strange. Anyway. How do you handle something like this, since we don't know what's going in it, how do you handle traffic impacts and traffic studies and all that? Is each one of these parcels later going to be divided when someone wants to come in and want to develop one of the parcel, they all have to do a traffic impact study and all that?

Mr. Buchwald said that is correct. Each parcel will be subject to site plan review and if the structure that is being built on it is greater than 4,000 square feet. But more importantly, regardless of what the structure will be, it will be subject to our Transportation Concurrency Management ordinance. So, some type of study will be done regardless of the structure. If it is requiring site plan review, it will be a full blown transportation study.

Mr. Reilly said ok, because some of these lots are pretty big and if something had to be done and someone wanted to go in there and build a structure that required a lot of traffic coming in and out of then they would have to basically upgrade the roads.

Mr. Buchwald said it would depend on the use of the structure and the size of the structure and they would pay the Proportionate Fair Share and that will determine what their impact is and they will be required to mitigate that. So it depends on the use and the size of use and the extent of their impact, they will mitigate appropriately.

Mr. Margotta said I just wanted to add to what Peter is telling you. There is several ways of handling the traffic mitigation. We have known facts with the subdivision that is coming before us today and you have a general land use and a general understanding, but without knowing the specific thing that is happening to all these properties, you can't extrapolate out to a specific mitigation requirement. So essentially we try to find out that lowest common denominator of what meets our Code and to make sure that they are not doing something counter to what Code is going to allow in the future. What Peter is telling you is that obviously as the impacts arise and come apparent, they will have to be dealt with. The developer could have elected to do a more detailed plan and definitely knowing what they are doing, but they have a range of going about their development and getting it sold.

Mr. Reilly said ok.

Mr. Margotta said I don't know if that makes sense. But they are reading our Code and that's all we are asking them to do at this point.

Mr. Reilly said alright, let's say a trucking company comes in and buys up three parcels in there and they are going to have 200 trucks in and out of there everyday. It is a private road

going, this Commerce City Road, is a private road, they can do whatever they want with that road but we would, at that point, that would have to come before us and we would say "you will have to have your Fair Share on White Road or Kings Highway."

Mr. Margotta said actually, the improvements might be required all the way onto their property. Each development that comes forward we have health and safety concerns all the way into the property. But, obviously, public right of ways we have the final say on this. What happens when it is a private road is that whoever owns that private road gets involved into the conversation, too.

Mr. Reilly said ok, thank you.

Mr. Margotta said you bet.

Vice Chair Johnson said any other questions of staff?

Mr. Knott said I see on the preliminary plat here the indication that they have their internal road paving, but I don't see any indication on White Road. Do you have another set of plans of their intent to improve...

Mr. Buchwald said it is a County road so it will be improved to County standards. As part of the agreement for them to even get a right of way permit, it will be improved to County standards. They will have the pavement widths, 6 foot sidewalks and the sidewalks are indicated there. It is tough to see on this particular plan. But they will also have bike lanes, as well, and curb and gutter.

Mr. Knott said but you are going to make them or the County will make them improve...

Mr. Buchwald said oh, yes. They are improving White Road all the way along the property boundaries. The entire length of it and they are giving up that right of way in order to improve it, the required right of way.

Mr. Knott said I see a 50 foot right of way. So they are giving another 10 feet, it looks like. There was an existing 50 foot right of way.

Mr. Buchwald said no, they propose 60. No, they are giving up more than that. it says 50 on one thing, but if you see there and it is tough to see, they had leased out, there is a 35 feet is currently what is...actually they are giving up 25 feet.

Mr. Knott said right, but right of that is 50 foot right of way, Boston, Florida, Atlantic, is already a platted right of way which they had to less out of their ownership and now they are filling it out to 60.

Mr. Buchwald said correct.

Mr. Knott said will there be a sidewalk along that road or have you seen this section?

Mr. Buchwald said yes, sir, 6 feet. And it should be...let me see if I can pick that up on the plat. You will see it there underneath the, it is in very light ink, proposed 6 foot concrete sidewalk there. The north/south line just to the right of the eastern boundary of Lot 1. It says proposed 6 foot sidewalk.

Mr. Knott said I just didn't see any proposed pavement in there. One last question that I have: a couple of meetings ago, the County Engineer was before us with a project just to the south of this and said that the end of the world if that parcel didn't give 200 foot right of way but I don't see anybody hear tonight to say that "hey, wait a minute. We need to have an extra 160 foot of right of way." Or whatever they are calling for.

Mr. Buchwald said the County has approved the project in its current configuration and the acceptable and the right of way donations at this time. I mean, it is subject to some more review when they come with a development and at that time...but the other thing to note about this, it has been designed such that if the County or FDOT extracts some right of way, it won't make Lot 1 or Lot 8 non-conforming. So they plan for a future thing but they are not, as evidence of by the example of previous example, they are not really giving it up at this time. That will yet to be worked out between FDOT, the County, and the applicant.

Mr. Knott said I see they have a Tract A and B, which they are....

Mr. Buchwald said definitely giving up now but....

Mr. Knott said the internal layout will be such that they can give up more if necessary?

Mr. Buchwald said yes, yes, with the configuration of Lots 1 and 8 are such that should they come to an appropriate agreement with FDOT and the County for that additional right of way, it won't make those lots non-conforming.

Mr. Knott said and how do we know this other than you telling us? is it written down somewhere?

Mr. Buchwald said I can pull it out right here, the approval letter.

Mr. Knott said as long as you have it written down somewhere.

Mr. Buchwald said oh yeah, absolutely. The County and ourselves talk frequently. We are on each others speed dial.

Mr. Knott said ok, thank you. That's what I needed to know.

Mr. Yates said if this plat is recorded, will the property owner be able to sell lots prior to making all the improvements, once the plat is recorded and the improvements have not gone in?

Mr. Buchwald said no, he will have to...the improvements will all have to, the internal improvements, so that each lots will be self supporting before final plat can be recorded. The City Code will not allow...

Mr. Yates said our approval tonight won't allow the plat to be recorded until they have met all the criteria.

Mr. Buchwald said correct. The City Code does not provide for...indicates that the improvements must be made does not provide much of a bonding mechanism, except for those publicly dedicated roads, should those be accepted. But the internal roads and the internal stormwater management system the lots must be self-supportable before the final plat can be recorded. This is according to City Code.

Mr. Yates said thank you.

Vice Chair Johnson said thank you. Any other questions? At this time, I will open for public comment. Is there anyone here to speak for this project or against this project?

Mr. Nathan E. Nason of Nason Yeager Gerson White & Lioce Law Firm in West Palm Beach said we represent the applicant. The applicant is here together with his representative to answer any questions you might have. We did go through quite a process in regarding to the neighboring property and it resolved itself, at least in our view, correctly at this point in time. Nonetheless, we are here to answer your questions. We think the project meets Code and is ready to go forward and we move for site plan approval tonight.

Vice Chair Johnson said any question for the applicant from the Board?

Mr. Knott said just one more, quick question. On your driveway on Kings Highway, did that require a DOT permit or is that just a road connection?

Mr. Nason said well, if you are talking about...ultimately what is going to happen is DOT is not yet been asked to give us a permit because DOT hasn't yet gotten into the process with regards to this property. Once site plans are submitted for these individual lots, in order for construction to happen that will require a permit from DOT in order to allow them to come onto that road.

Mr. Knott said on your internal road?

Mr. Nason said no, not the internal road. That's not a DOT facility. That's not going to require it. What is going to require a DOT permit is to put traffic from our facility onto the DOT highway in this case.

Mr. Knott said in other words, you're Kings Commerce Park Road you will have to get a DOT permit for that connection.

Mr. Nason said yeah, put not at this point in time.

Mr. Knott said ok. Thank you.

Mr. Yates said I can direct this to the applicant or to staff, has there been any dispute from the neighbors or the sanction regarding this proposed plat?

Mr. Nason said none that I am aware of. In fact, I represent the neighbors to the south. They are in full support of this and in regard, I talked to the neighbors further south and he, as well, has no problem with it. He has got undeveloped commercial property, as well. So, with regards to at least those immediate neighbors that I have direct contact, I can tell you there has been no objection and in fact, support has been voiced to me with regard to this particular project.

Mr. Yates said and you haven't heard anything, I think it is residential, across Kings Highway and to the north?

Mr. Nason said I don't know about the north but the parcel across the project is most of those developers are in a situation over there where they are actually there is an existing reserve right of way to the west which is the one they are talking about changing. So that reserve right of way on Kings Highway in essence is keeping a further buffer back from that. We have not...most of that property is undeveloped. To my knowledge, none has experienced any dissatisfaction with the commercial development of Kings Highway. In fact, there is some co-owners that you have both residential and commercial property on both sides of the parcel, on both sides of the street. So, the answer to your question is no; I haven't heard any dissension from the neighbors out there.

Mr. Yates said the canal is on the west side of the road?

Mr. Nason said that is correct.

Vice Chair Johnson said I have one question concerning the overall scheme of the civil drawings when it comes time to do that. You have your water management tract into the southeast corner of the property, is that correct?

Mr. Nason said that is.

Vice Chair Johnson said if you had an outfall...your outfall structure for the entire facility, in a 100 year storm event, would be into the canal probably over on Kings Highway, is that correct?

Mr. Nason said I am not sure.

Mr. James Hackett of Gentile Holloway O'Mahoney said I am not a civil engineer either. I believe that is the case from my understanding and speaking with Jeff Iravani, the Civil Engineer on this thing.

Vice Chair Johnson said at this point, I don't see a dedicated and I don't know if you need it because it is your property, but a dedicated easement or right of way maybe for the outfall structure to go to the west. Would you be able to cut across Lots 8 through 12?

Mr. Hackett said I believe so and actually I have the Civil Engineer plans. We did turn in Preliminary Engineering Plans as well with this. I don't believe it is part of this application now in front of you. I can take a quick look at it and get you an answer.

Mr. Knott said I think the plat should reflect an easement. There was an outfall across there because it could be on the engineering drawings. But normally the plat will show the easements that will be recorded and that is what this is – the preliminary plat. Just curious where the outfall is.

Mr. Hackett said we can take a look at that. It is the preliminary; we can take a look at that prior to final to make sure that is addressed.

Mr. Knott said Peter, did you say engineering staff has reviewed this and

Mr. Buchwald said you will see the drainage easement there extends along the north sides together with Parcel A and extends from Kings Highway along the south end of Lot 1 and Lot 2. You will see a 15 foot drainage easement there. Then you will see the drainage easement continue on south to pick up along the west side of Lots 5, 6 and 7 and then you will see the utility easement continue along the south side of Lot 7. It is taking securitous route, if you will, to get over to Kings Highway. But there is a drainage easement that has been provided.

Mr. Knott said yeah, I see that.

Mr. Buchwald said I have the engineering plans and they do show the stormwater main extending through that drainage easement.

Mr. Nason said it is not very easy to read from the little square that I've got in front of me.

Vice Chair Johnson said ok, thank you very much. That's all I wanted to make sure. Any other questions? Anyone here to speak for or against this project? I will close public comment and entertain a motion from the Board.

Motion was made by Mrs. Olson, seconded by Mr. Reilly, to recommend approval of the preliminary plat.

Vice Chair Johnson said we have a motion and a second to approve the preliminary plat. Is there any discussion on the motion?

Those voting in favor of the motion were: Mrs. Dixon, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Reilly, Mr. Yates, and Vice Chair Johnson. Those opposed: None.

Vice Chair Johnson said your request will be forwarded to the City Commission with a recommendation.

The next item on the agenda - **#11 – Other Business.**

Vice Chair Johnson said does anyone have anything to bring forward tonight.

Mr. Buchwald said other than I did find out the reason why Mr. Reilly didn't get all of his package – that was deliberate so that he wouldn't ask so many questions. But it seems it didn't make a difference so we will give you the whole package next time. I apologize for that.

Mr. Knott said I think we are seeing a pattern here - it is 6:45. Do it again next month.

Mr. Reilly said I do have a question for staff. What did they do all this month if this is the only package? I was wondering since I got this.

Mr. Margotta said you will notice there are very few items in your agenda, this is because we have been working on those and the things that didn't make the agenda.

Board Attorney Walker said for purposes of the Minutes. I would like to thank staff for its very professional and lucid presentations. It stands in welcome contrast that has been experienced in years past.

Vice Chair Johnson said I will concur.

The next agenda item to discuss **#3 – Consideration of Absences.**

Vice Chair Johnson said let's go back to Consideration of Absences. Mr. Harris would be the only one. Mr. Bergman called in and Alternate Darryl Bey and Mr. Harris didn't make it. This time I will entertain a motion. He is an Alternate but at the last meeting he notified...

Mr. Poitier said he had a death in family.

Motion was made by Mr. Poitier, seconded by Mr. Reilly, to excuse the absences.

Unanimously approved by voice vote.

There being nor further business, the meeting adjourned at 6:45 pm.