

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, AUGUST 9, 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: Donald Bergman (Chair), Sonja Gates (Vice Chair), Misty Minton, Thomas Knott, Charlie Harris, Robert Poitier, Pamela Williams, and Margaret Benton.

Members absent: Jeremiah Johnson and Chuck Enns.

Citizens and Staff present:

Ted Rice
Mary M. Barnes
Robert J. Gorman
Cynthia Angelos, Esq.
Michael Schorah
Michael LaCoursiere
J. Dale Cawthorne
Marie Worthing
Rose Alberts
Chuck Alberts
Marianne Kemme
Kay Sciacco
Silerio & Santina Scottie
Joan Mooney Jr.
Lenora Hurley
William P. Durkin
Gerry Wilson
Tony Sorrenti
Ethel Englert
Jack Englert
Stefan Matthes
David Bono
Clifford Reppenger
Roberta Edley
Charles Paybtar
Gloria & Wilbert Stevenson
Doris Sylvia
Ann Marie Dion
Constance Rock
Jack Cahill
Marge Leonard
Arden Peck
Eva Daniel
R. Imperato

Travis Gibbons, Planner
Jim Walker, Assistant City Attorney
Hector Arias, City Engineer (arrived @ 7:30)
David Recor, Dep. City Mngr.(arrived @ 8:30)
Dianna D. Rose, Administrative Secretary

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Citizens continued:

J. L. Wuhrman
Dorothy & Richard Manthey
James Hetteren
Richard Limediller
Glen & Joan McKean
Lantie Hughes
Jos Ducharme
Brueo Kinggard
Mike Rett
Ty & Bob Baker

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**).

Mr. Bergman stated – If there's no objection, we'll move the consideration of the absences to the end of the meeting to give Mr. Enns the opportunity to show up.

Agenda Item #3 – Consideration of Minutes of July 12, 2005.

Mr. Bergman asked – Has everyone had a chance to review the minutes of the July 12th meeting? Is there any comments or corrections that need to be made?

MOTION WAS MADE BY MRS. GATES TO APPROVE THE MINUTES OF THE PLANNING BOARD MEETING HELD JULY 12, 2005. Seconded by Mr. Harris. Unanimously approved by voice vote.

Mr. Bergman stated – I'm going to shuffle the agenda a little bit. We have four (4) annexations that we typically fly through pretty quick, but I'm going to move to the top of the agenda. And then we'll continue with the rest of these site plans.

Agenda Item #4 (originally agenda item #19) – Annexation – Elm Creek Estates – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located on the southeast corner of Weatherbee Road & Sunrise Blvd. Owner/applicant is Buccaneer Development.

Staff Report – Mr. Gibbons stated – The parcel is contiguous to the city limits and proposed zoning is R-2 with a future land use of RL. And staff recommends approval.

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Mr. Bergman stated – Alright thank you. Are there any questions of staff from the Board? Alright, is there anyone here to speak on this annexation request? Alright no one here. We'll close the public hearing, and entertain a motion from the Board.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE ANNEXATION FOR ELM CREEK ESTATES. Seconded by Ms. Benton. Unanimously approved by roll call vote.

Agenda Item #5 (originally agenda item #20) – Annexation – The Meadows – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located at Midway & Selvitz Road. Owners are Midway St. Lucie, LLC & William Johnson. Applicant/representative is J. Peter Paganelli, of Midway St. Lucie LLC.

Staff Report – Mr. Gibbons stated – This consists of two (2) parcels. Both are contiguous. And staff recommends approval.

Mr. Bergman stated – Alright thank you. Are there any questions of staff from the Board? We'll open the public hearing if there is anyone who wishes to speak on the annexation. No one wishes to speak so we'll close the public hearing and entertain a motion.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE ANNEXATION FOR THE MEADOWS. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Agenda Item #6 (originally agenda item #21) – Annexation – Orange Gardens Development Inc. – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located at 4945 Edwards Road. Owner is Orange Gardens Development Inc., and applicant is Steve Ball, President of Land Planning Systems Inc.

Staff Report – Mr. Gibbons stated – This is for one (1) parcel, 17 acres. It's contiguous and staff recommends approval.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? Alright, we'll open the public hearing if there's anyone wishing to speak on this annexation request.

Mr. Steve Ball stood and introduced himself and stated – Good evening. I'm from Land Planning Systems here to represent the applicant support the project. Thank you.

Mr. Bergman asked – Were there any questions of the applicant? Alright, thank you. Is there anyone who wishes to speak? If not, we'll close the public hearing, and entertain a motion.

MOTION WAS MADE BY MR. POITIER TO RECOMMEND APPROVAL OF THE ANNEXATION OF ORANGE GARDENS DEVELOPMENT. Seconded by Mrs. Gates. Unanimously approved by roll call vote.

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Agenda Item #7 – (originally agenda item #22) – Annexation – Dickson Commerce Center LLC – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Located at 3510 South U.S. Hwy. 1. Owner/applicant is Dickson Commerce Center LLC.

Staff Report – Mr. Gibbons stated – One (1) parcel on U.S. 1 that is contiguous. And staff recommends approval.

Mr. Bergman stated – Thank you. Are there any questions of the staff?

Mr. Knott stated – Travis, one of our exhibits in our packets is a site plan. Is that...?

Mr. Gibbons stated – That’s the proposal...that will be coming to you later.

Mr. Knott stated – Okay, so that’s just sort of for information only?

Mr. Gibbons – Yes.

Mr. Knott – Okay, thank you.

Mr. Bergman asked – Are there any other questions for staff? Alright if there are no further questions, we’ll open the public hearing for anyone who wishes to speak on this annexation. Since no one wants to speak, we’ll close the public hearing, and entertain a motion.

MOTION WAS MADE BY MS. BENTON TO RECOMMEND APPROVAL OF THE ANNEXATION OF THE DICKSON COMMERCE CENTER LLC. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Agenda Item #8 (originally agenda item #4) – Site Plan – Symphony Builders at Gator Trace – Approval to allow the construction of a condominium development (Phase I & II) within Gator Trace PUD. Located on Gator Trace Blvd. Owner is Symphony Builders at Gator Trace and applicant/representative is Land Design South.

Staff Report – Mr. Gibbons stated – I’ll start with Phase I of the project. That’s going to be on Gator Trace Road. It’s a two-story town home project that was proposed. There will be a total of 13 buildings and density will be 9.67 units per acre; there is a typo in my staff report that says 15...that’s for Phase II, so disregard that. The two-story design of the buildings is compatible to the surrounding uses. And staff recommends approval to Phase I. Phase II is the more controversial subject. Because of the location of this parcel that remains, it’s in the northwest corner. It’s also surrounded by the new development to the north, which is the Preserve at Gator Trace. This is a proposal for four (4) stories over parking with 22 units in each. This will consist of 264 units on 17.5 acres just over. This will equate to 15 units per acre for the actual space; but for the overall PUD density will still remain at 3 units per acre, and that takes in the golf course. One thing to note is that because of the single family in the southern part of Gator Trace, the elevations will rise from low to high throughout the project. If you start at the beginning of Gator Trace, you will have single family one (1) story. As the project moves farther north, you come into the two (2) stories. I believe there are a few villas that are mixed into the

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northern part as well that are one (1) story; but this will consistent with the surrounding to the north, which would be the Preserve at Gator Trace, which are going to be four (4) stories as well. And also for public benefit, they have submitted a preliminary development plan, which would pay for the pro-rated share of signalization at Weatherbee Road and U.S. 1 when the D.O.T. finds it necessary. In addition, they have also come up with a Fire Department agreement to pay \$154.00 per unit for a new fire station within the area. And based on all items in account, they've been working with staff for the past, I would

say, at least seven (7) months on this project. They've also reduced the heights in Phase I. They had originally proposed four (4) stories there. And they've reduced that to two (2) stories to be more compatible with the surrounding units. And staff recommends approval based on the development agreements that the Commission approves.

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

Ms. Benton stated – Yes. Could you just explain or clarify the development agreement with the City?

Mr. Gibbons stated – Yes. So far it's preliminary. It's been submitted to the City Attorney's Office for review, but it's going to be...we've asked the developers throughout the surrounding community. But there are new proposals that are being in place on Weatherbee Road that, when the time comes for the D.O.T. to request that signalization be there, that they pay a pro-rated share. And that's been worked out to where it would be either between ...they would either pay the City to install that or they would take the pro-rated share and install it themselves along with all the other developers. But so far that's in the works. The final project itself would be worked out at the City Commission.

Mrs. Gates stated – Mr. Gibbons, this paperwork that we see in here then is, in fact, the legal agreement between the developer and the City then?

Mr. Gibbons – Yes.

Mrs. Gates continued – So, that's the ones in our packets?

Mr. Gibbons stated – Right. And like I said, that can always go in as subject to change. That's why I had the condition that it be approved by the Commission.

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

Mr. Gibbons stated – Excuse me Mr. Chairman. In addition, we also received on August 3rd a fax from the Gator Trace Master's Association, which is in support of the project as well.

Boos from the audience.

Mr. Knott asked – Mr. Chairman, could I ask Mr. Gibbons a question? Who is that letter from that you were just reading?

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Mr. Gibbons stated – This was from Joe Ducherman, President of the Gator Trace Master’s Association.

Mr. Knott stated – The developers’ agreement there that you have their pro-rata share. How does that work? Or do you have a number on it?

Mr. Gibbons stated – It’s going to be based mostly, I think from what we’ve come up with, is on a per unit cost.

Mr. Knott continued – You’re going to assess other developers or recent developers or the whole development?

Mr. Gibbons stated – It would be this whole development. And we also have a few others that are in the works on Weatherbee Road. So, if there are 300 units, everybody divides it.

Mr. Knott asked – And one last question. On this height...the four (4) story. What is the permitted height in this district?

Mr. Gibbons stated – It is a PUD. There is no permitted height. It’s 200 ft.

Mr. Knott stated – Okay, so this is still one of the real high ones. So it is per code then right?

Mr. Gibbons stated – Correct. And, to my knowledge, I don’t believe the Gator Trace PUD has a height limit that was set aside.

Mr. Knott – Thank you very much.

Mr. Bergman asked – Are there any other questions for staff? If not, we will open the public hearing.

Ms. Cynthia Angelos stood and introduced herself and stated – I’m an attorney here on behalf of the applicant, Symphony Builders. And I know that you have an excellent staff report, so whatever information I give is in addition to that; I won’t repeat what’s already in the staff report. Symphony’s president is Louis (Moscavich?). And he has been building for over 15 years. And just to give the Board an idea of some of his projects, he did the Palm Cove project in Martin County, (Lacerna?) Lakes, a 70-unit condo project in Lake Worth, City Center (80 garden-style apartments), (Visconio?), which is over 500 units. And he has an excellent reputation. And he is a long-standing developer. And I think sometimes that information is helpful for the Board. What this is, is the proposal to complete the already approved PUD for Gator Trace. The PUD for Gator Trace was approved over 20 years ago. Many of us are very familiar with it. There are 331 units remaining that have not been completed from that PUD. So, this proposal is to build out the remaining 331 units. I wanted to make certain that I point that out, and I hope that the public can hear because I’m aware of a misunderstanding among some of the residents, not the members of the Board, that this is a project for 678 units. And that was the total Gator Trace PUD that was approved over 20 years ago. That’s been built out except for the 331 that are being proposed these evening. As indicated, the developer has met with staff on several occasions. And at first had proposed Phase I, four (4) story, Phase II, four (4) story. Based on staff’s

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concern and a perceived concern by the homeowners, the plan was redone and Phase I now is a two-story development. Phase II, which is still existing as a four (4) story development, once again is that which is abutting the property, which has previously been approved by the City less than a year ago; not our project, but the Preserve at Gator Trace. And it's understanding, frankly from reading brochures and in the newspaper, that that was approved as a four (4) and five (5) story development. So, again it's a phasing out from single family homes, two (2) story, and then our Phase II in the back cannot be seen by the rest of the development. It's actually divided. But it's a very nice project. Phase I contains 67 units. Phase II contains 264 units. The letters that were referenced, if I may approach, Mr. Chair and the secretary, I have copies of letters from the Master Property Association as well as the owner and general manager of the golf course, which is a public golf course, as well as the country club. Again, I think that what I'd like to do is turn it over to our planner to show you what the project is. And if we would have the opportunity to address the Board, because again, I know there's a misunderstanding of what this project is and perhaps then we can also address some public concerns as they're raised. So, with that having been said, Mr. Curry of Land Design South will show you the details of the plan. Thank you.

Mr. Bergman – Thank you.

Mr. Brad Curry stood and introduced himself and stated – Thanks Travis, for introducing the project. I'm with Land Design South representing the property owners, Symphony Builders and their request for a site plan approval. We have prepared a very brief power point presentation to try to describe to you what's happening with the project. On the screen now is a list of the team members. I always like to let our Board members know who's involved here. As Cynthia introduced Symphony Builders is Louis Mosgavich? and Elizabeth Kline. And Elizabeth is in the black sweater and the blond hair, and then Louis is sitting in the second with the white shirt on. Again, legal counsel, Cynthia, you guys have already met her, land planner is myself, I'm Brad Curry, Steve Picket is sitting in the blue shirt, and then Tim Bono is an intern with us this summer from the University of Georgia. The engineer is Michael Scorra?, again, he is sitting next to Louis, I'm sorry, it's Michael Corsiar?, and then the architect is Wyner? & Associates...Mark Wyner? I'd like to start off this presentation with a location map. Everybody knows where Gator Trace is, but I'd still like to get our bearings straight on it. Here is the general location of the overall boundary of the PUD. Again, it's just east of U.S.1, and just north of Weatherbee Road. A few properties that we're going to talk about tonight are Phase I and Phase II highlighted in the darker orange color with the black boundary. Again, as it has already been discussed is the Phase II portion is completely separated from the overall Gator Trace PUD. And then the Phase I is in the middle of the existing PUD. I wanted to go over just very quickly some of the surrounding land uses and zonings. Again, it's Gator Trace PUD as a future land use of RM. It has a zoning destination of PUD. And that's the same zoning and land use as our property. To the east of us is a vacant piece of property that's actually in St. Lucie County...just to the south of Phase II. To the east of that Phase II portion, again, is a vacant single family St. Lucie County land use destination...it's actually in the county. And to the north it's called Savannah Lakes, I'm sorry ...on here, but it's actually the Preserve at Gator Trace. I don't mean to confuse you guys. But it was approved for a total of 884 dwelling units. Again, that is in the City of Fort Pierce. Our request tonight is a preliminary site plan approval for Phase I and Phase II. And Phase I consists of 67 two-story town homes very much in the character of what is built at Gator Trace today. And then Phase II is built ...consisting of 264 four-story condominiums. Some of the project history: The PUD was approved back in 1984 for a total of 678 dwelling units. In November of 2004 Symphony Builders contacted my firm to

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start doing some preliminary diligence to figure out what the project consisted of. In February 1, 2005, we actually met with the Gator Trace Home Owner's Association before we even did a submittal. Before Louis and Symphony Builders even purchased the property, we met with the Home Owner's Association because we wanted to make sure that we had a project that was going to be successful. We met at their...I think they have a semi-annual meeting, we met at one...it's twice a year. This was the first one of the year. I would say that there was approximately 150 people there. We did a very similar presentation before them. And overall it was very favorable; we heard no negative concerns from that meeting.

Boos and disagreement groans from the audience.

Mr. Bergman asked for order in the room.

Mr. Brad Curry continued – Again, I was at that meeting and I'm not trying to tell a story. The only things we heard were favorable things about how they were happy to see that the PUD was finally going to be built out. They hated these vacant parcels. They were glad to see that a quality builder was coming in to build out the remainder of the community. On February 9, we actually submitted Phase I and Phase II ...preliminary site plan approval. We went to the first TRC meeting February 14. We moved on the second TRC meeting April 25. We started getting some comments back from staff on the compatibility of Phase I. On June 14 we actually sat down with staff, went over Phase I in quite pretty good detail, and determined that Phase I needed to change to where it was just two (2) stories. Since it was right in the middle of the Gator Trace community, it needed to be more in character and not be any higher than two (2) stories. So, on July 6 we received we resubmitted the plans that you have before you tonight that show a two-story town house structure on Phase I of the request. Again, here is just a previously proposed Phase I. This, again, is the 112 units on 6.94 acres with a density of 16.13 dwelling units per acre. This is not what is before you tonight. I just wanted you guys to see. This was what was shown to the homeowner's association back in February. This is the plan that is before you tonight. I know it doesn't look a whole lot different but I can tell you that those are two-story structures, 6.94 acres, 67 units within a raw density of 9.65. Again, I believe parking was an issue that was raised later after we went to the homeowner's association meeting. We are required to do 101 spaces and we're showing 142 spaces on this plan; so we're well above what we're required for parking. We're going to move on to Phase II. Again, site area is 17.60 acres, a total of 264 dwelling units, approximately 15 dwelling units per acre...right about that. Again, the parking was an issue here. The required parking is 396 spaces and we're proposing 542 spaces. That's over two (2) spaces per unit. This is a typical elevation of the four-story condo. This elevation was one of the very first ones that we started out, and if you can look to the rear of the building, that is actually ...I just wanted to point this out so I wasn't misleading you, the first portion of this is just a three-story portion. But the second portion of it...this was the original design, but when we shifted everything around with staff, we had to redesign this to where the first part of this was actually four (4) stories. But to give you a level of scale, this portion back here is actually four stories. The intent is that interior to the site is going to be a parking court. It's hard to tell but there's a trellis that goes across here to try to hide the parking court. The parking court is actually going to be brick pavers. It's going to really be a nice feature of the building. The garages are hidden; you can't see the garages from the front. The garages are going to be along the side on this side, and then along the inside of the parking courts. It's actually a very attractive building. The applicant, Symphony Builders, is trying to work with the residents and trying to be a good

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neighbor and a good developer for the project. And this is Gator Trace Boulevard that runs north and south. And it actually splits Phase II from the remainder of the PUD. And what the applicant is proposing tonight is that he's going to install a round-a-bout here to try to stop this speedway, I believe, was one of the comments I heard from the residents at the residents meeting, that they thought perceived speedway that Gator Trace Boulevard was going to be. So they wanted to install some sort of traffic honing device. And Mr. Muskovich and Symphony Builders have agreed to do that in attempt to try to slow down the traffic. There are actually two-car paths that are just off of the screen here, one to the south and one to the north. And so our thought is that this will help slow down the traffic so they're not running over any golfers out there. That concludes my presentation. We are available to answer any questions that you may have. We feel like we have a really good project. And as Cynthia stressed earlier, we are merely building out an already approved PUD. We're not increasing density. The overall density of the PUD is going to remain at three (3) dwelling units per acre. Thank you.

Ms. Cynthia Angelos added – I'm sorry Brad, there was a question with regards to the signalization issue. And when I first came on board, I personally had spoken with the County Administrator, Doug Anderson with regards to what the County was doing at the intersection of U.S. 1 and Weatherbee Road. Mr. Anderson indicated to me that the County fully intended to do the improvements at that intersection. I have for the Board a copy of a letter that was provided to me, if I may approach. The County has already begun the additional (landage?) and the status of that, once complete, will be that F.D.O.T? will do an inspection. F.D.O.T? actually has to send out a warrant to require signalization. In all likelihood, signalization will be required at the intersection. There was rightfully a concern on the part of the citizens, as well as the staff, about how that signalization is going to get done. It was our understanding at one point that the County had that in their budget; however, I'm not certain of that any longer, and can't make that representation. So the discussion with staff...I prepared the developers agreement. There are three (3) choices in obtaining that signalization. F.D.O.T? can do it, they can let the County do it, or let the City do it. But it's their road, and it's their decision as to who will actually do that improvement. We, for instance, wouldn't have the option to do it. However the developers agreement is to show, and would be entered into and approved by the Board that we would contribute our impact as far as the cost of the signalization. The County had the cost at \$350,000.00 in their budget; again, I'm not so certain it's not still in there. But assuming it's not, our client is willing to pay their share of it, and we've gone through with staff. The other developments that would come on board, that would then also be included in the fair share agreement. So, if there are any other questions in that regard or any other regard, I would be happy to address them if I can. Thank you.

Mr. Bergman asked – Are there any questions of the applicant from the Board?

Mr. Knott stated – Mr. Chairman, if I could. Probably for Brad (Curry) I'd imagine. On your Phase II, you indicate the proposed round-a-bout?

Mr. Curry – Yes, sir.

Mr. Knott continued – Now that is to constructed on the Gator Trace Boulevard, is this correct?

Mr. Curry – Yes it is.

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Mr. Knott continued – Will that be ...for the density part of Phase II...will that be the main ingress and egress for the them or will they snaking through the whole project?

Mr. Curry stated – It depends...they could go either way. And I'm not going to tell you that everybody's going to use Gator Trace Blvd. And some people, why they would, I'm not sure, would want to snake through the community maybe for the nice drive, I'm not sure.

Mr. Knott – Right.

Mr. Curry continued – But that could happen indeed. And also, until Gator Trace Blvd. is completed, it's not the responsibility of us, it's the responsibility of the Preserve at Gator Trace to the north of us to build that. And if we get in there, say we could get in there any build all of our units at once before that road gets built, I want to tell you the truth, that those residents would be on the internal right-of-ways or internal road ways within Gator Trace PUD. But what I will also tell you is that we aren't going above anything that was originally approved as part of the PUD. We aren't increasing the number of trips that what was originally planned before that project back in the 1980's. We aren't going above that number of people that are going to be using those roads. But the benefit here is that we do ...Gator Trace Blvd. is going to happen. It is going to take place, which is going to relieve the internal road ways for the community.

Mr. Knott stated – But that is not a part of your development order is to chip in on the construction of that or is that a part of the Master Association or whatever?

Mr. Curry asked – For Gator Trace Blvd.?

Mr. Knott – Yes.

Mr. Curry stated – It's a part of Preserve at Gator Trace, which is the piece to the north of us. It's not our property.

Mr. Knott asked – They're going to make that the missing link that's in there?

Mr. Curry – Yes, sir. That is correct. Travis may be able to speak to that a little bit better, but that's my understanding.

Mr. Knott asked – Travis, do we have any time schedule or time frame on that?

Mr. Gibbons stated – I couldn't give you a time schedule. They are going to start submitting permits for the development in the next month or two.

Mr. Knott – Okay.

Mr. Gibbons continued – So, probably maybe in the start of 2006 we'll start to see some improvements for that road way.

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Mr. Knott asked – Is their development key to the ...not a build out but as soon as they start construction on the project to the north, will they start construction on that Gator Trace Blvd.?

Mr. Gibbons stated – Well, I hope they do because they're not going to be able to get CO'd for their units until that's done because that's their main entrance.

Mr. Knott stated – Alright. Very Good. Thank you.

Mrs. Minton stated – I have a question. And I don't if, sir, you would be the one to answer it. Until this road, that you're referring to, is completed, will this increase of traffic all go through the main part of Gator Trace to get out?

Mr. Curry – Yes, ma'am.

Mrs. Minton continued – Okay. So that's the only way in and out until this other part is built out?

Mr. Curry stated – That is correct. Yes, ma'am. I was going to go to an aerial so you could see ...This, again, is the Phase II site plan. Gator Trace Blvd. is going to be going right through this area, if you can see where the mouse cursor is. And, again, this is always the proposed access into this phase, was through this road, which it then snakes down and goes through the remainder of the Gator Trace PUD. I can actually back up a few more to go to the aerial. It's a little bit hard to tell, but you can see...this is the Phase II portion that we're talking about tonight. The access comes through here (referring to power point presentation), snakes down. And there's an intersection right here that the residents would come down. And this is where Gator Trace Blvd. terminates today. So the black line that you see here is the missing link, if you will, for Gator Trace Blvd. So, these residents...and Travis, I can't imagine that we're going to have any residents in this phase before the beginning part of 2006. So, it would appear to me that this road is going to be built about the same time that we're going to be building our project as well. But if this road isn't built for reason or the other, then our residents that are in Phase II would use the existing roads within Gator Trace PUD.

Mrs. Minton asked – Do you have traffic slowing devices currently within Gator Trace?

Mr. Curry – No, ma'am.

Mrs. Minton – Okay.

Mr. Curry continued – I don't know if there may some speed bumps here and there, I'm trying to think.

Members of the audience (Gator Trace residents) stated there were none.

Mr. Curry continued – No, there's not.

Mrs. Gates stated – I have actually two questions. One is concerning your round-a-bout. Who is designing that round-a-bout? Do you have a traffic engineer designing your round-a-bout?

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Mr. Curry stated – It's actually the responsibility of a regular engineer, not just a traffic engineer. And that would be Michael LaCoursiere with Michael Scorra's office. He would be responsible for designing that.

Mrs. Gates continued – Okay. As we all know, we know good round-a-bouts and we not-so-good round-a-bouts. And we have the best anyway in Fort Pierce. So, the point I'm making is ...I mean it's fine to say you're going to have round-a-bout, but is this truly going to be the kind of round-a-bout that is going to be aesthetically beautiful as well as on the engineering standpoint.

Mr. Curry stated – I'll have to let Michael speak to that because I don't know the design information.

Mr. Michael LaCoursiere stood and introduced himself and stated – I'm with Michael B. Scorra & Associates. With respect to the round-a-bout, certainly we know that there's a lot of controversy over good and bad round-a-bouts. And although this is a county right-of-way, we have made certain approaches with Mr. Arias and the rest of the engineering staff about implementing a round-a-bout in this location. And obviously we want to establish something that's going to be not only good for the residents, but that's good for the community as a whole. I think that ...since Fort Pierce has a good system of roundabouts, we can use the template, if you will, that's already been put in place by the City as a basis for establishing that. We have also contacted the design engineer, Culpepper & Turpening, who is representing Preserve at Gator Trace and have seen their plans and we think that our plan will meld very conveniently and easily with theirs to make the final configuration of the roadways work.

Mrs. Gates stated – Thank you. My second question, and I don't know who I need to address this to. On the landscaping, I'm looking at Phase I. I'm very concerned, although I like the specimens that you're putting in, I don't feel, at least from what I've seen unless I'm misinterpreting this plan, there seems to be a minimal amount of landscaping to this big project. And I would like to know why we cannot put more good landscaping in around these units. I'm just not seeing what I would like, or think I would like to see represented here.

Mr. Curry asked – Are you speaking of Phase I or Phase II?

Mrs. Gates stated – In front of me I have Phase I.

Mr. Curry – Okay.

Mrs. Gates continued – I can go to Phase II also.

Mr. Curry stated – I understand.

Mrs. Gates stated – Your picture represents lovely landscaping, and I'm not seeing this depicted, at least, on these particular plans.

Mr. Curry stated – I will tell you that we do look at the landscape plan when we do our graphics for these public hearings. So, I believe that there are...there are several trees located just to the north side of that row of

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buildings. Let me just show you on here. In this green open space here, we are proposing several trees. Where we focused the most of our landscaping was actually along this buffer that's adjacent to the roadway. If you look on this plan, I think the Phase I is an excellent example of why I think this actually a really good project, is that our access is off of a access road that comes off of the main road on the residence. So, what you're going to see driving down this road, is not people's driveways and people's garages, you're actually going to seeI believe it's a 10 ft. landscape buffer here, which is much different than what you're seeing in the remainder of the community. So our site...we actually access off of an internal road way that's separate from the existing access on the site. So, the major landscaping that you're going to see is along this buffer and along this road. The remainder of it would be just to meet the code, and because we don't really want to obstruct our new residents' view of the golf course. We would rather...I'll tell you the truth is we're going to keep this as minimal as possible in order to keep these views out, because it is a great golf course.

Ms. Angelos added – And I did want to address, because I did speak with the property owner, remember this is a preliminary site plan (this is not a preliminary site plan), there would be a landscaping plan, and he's amenable to landscaping over and above that's required by the code.

Mrs. Gates stated – Then that's my wish.

Ms. Angelos – Yes, ma'am. Understood.

Mr. Gibbons stated – Mr. Chair, Mrs. Gates, if you wanted to, you can make that a condition of your approval to increase landscaping throughout the project.

Mr. Bergman stated – This isn't preliminary, this is a site plan.

Mr. Gibbons agreed – This is actually a site plan within a PUD, so it's a site plan.

Mr. Bergman asked – So, we're not seeing this again?

Mr. Gibbons stated – You shouldn't, no. It's not a PUD.

Mrs. Gates asked – Then we can make that in a condition?

Mr. Gibbons – Yes.

Mrs. Gates asked – Mr. Arias, have you seen the roundabout as far as the engineering portion of the roundabout? And I know you know good roundabouts.

Mr. Arias stated – We have seen that. And we will review it when we have the engineer drawings, and we'll make sure that it's going to be done right. And I always tell all the developers that the fact that you're going to have a site plan approved, that doesn't mean that everything's going to be approved. You're going to have engineer drawings and landscaping drawings done approved by us before they get the building permit.

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Mr. Knott stated – Mr. Chairman, while Mr. Arias is there, Hector, are these private roads or are these public roads?

Mr. Arias – Private.

Mr. Knott continued – But they will still be designed to City standards, is this correct?

Mr. Arias – Yes, that's correct. They have to submit all of the engineering drawings to us and then we'll approve it or disapprove it or tell them what they should do. But the roundabout, we're looking at that...like she said, we have good ones and we have bad ones. And we don't want to have anymore bad ones. So, we are checking everything. We have a program that can take the volume of the traffic through the roundabout. As you can see, the cars going around it at different speeds. And whether or not the thing's going to be wide enough, it's going to be good enough for trucks and things like that. And we also check with the Fire Department to see if there's a logical way to do it.

Mr. Knott – Thank you.

Mr. Bergman stated – Travis, you indicated in the staff report that this is four (4) stories over parking?

Mr. Gibbons – Yes.

Mr. Bergman continued – Four (4) stories over parking? For the Phase II part?

Mr. Gibbons stated – Hang on.

Mr. Curry stated – I'm sorry, I may be able to clarify that. I believe there are three (3) units on the first floor, and then the rest of the first floor is parking. I believe that is what Travis meant. There are three (3) residential units on the first floor, and then there are three floors above that. So, it will be a total of four (4) stories.

Mr. Bergman asked – So, it will be a total of four (4), three (3) floors of units over parking?

Mr. Curry stated – Yes, sir. But I will tell you there are three (3) individual units on the first floor that would be along the back of the ...maybe I can show you a little bit better. Can you guys see this laser pointer? I know it's sometimes hard to see. I have a mouse here so I'll use it. The parking, again, if you can see, these are the actual, what I would call, driveways. And then there are garages on this side of the building. There are garages here, garages here, and then garages on this side. There are going to be three (3) units on the very ground floor that will be across the back of this building. And then the remainder three (3) stories above that will be all residential units. If I could maybe explain a little bit better. Here is the courtyard that I mentioned, the parking court, the motor court. The trellis would be along the front of this building. Again, from the front view of this building you're not going to see any garage doors. You're going to see this façade, which is what I'm calling, is actually the front. And you will see this front and then the garage doors are actually going to be along this side and into the interior of the site.

Mr. Bergman asked – Is there a reason we don't have elevations of these buildings in our packages?

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Mr. Curry stated – It's a preliminary approval (it is not).

Mr. Bergman stated – Not according to this it's not.

Mr. Curry stated – My understanding was that I've been going up until now that this was preliminary and that we were going to have come back for final. So, maybe that's a miscommunication between...

Mr. Bergman stated – It says right here site plan.

Mr. Curry stated – It was a preliminary site plan...was my understanding. That we would have to come back for final. But that was the reason that you don't have anything in front of you. But we did submit elevations at one time. I know that the detailed elevations that would show you everything I'm speaking of. Sorry that you don't have those in front of you tonight.

Mr. Bergman asked – Have you been to Gator Trace lately? Have you seen any Mediterranean Style buildings out there besides the villas? I know Ramon (Trias)...it's his favorite style of architecture. And I particularly like it myself. But I live in Gator Trace, and I don't see any Mediterranean buildings out there.

Mr. Curry stated – Some of the single family stuff would be ... I would consider that Mediterranean Style wouldn't you?

Mr. Bergman – No.

Mr. Curry asked – You don't think...?

Mr. Bergman stated – There are probably more metal roofs in that development in the last year than just about anything...

Mr. Curry stated – But the older stuff...the villas to the north?

Mr. Bergman stated – The villas that are adjacent to the Phase II have flat concrete tile roofs. But I don't know if I would classify that as Mediterranean Style. I was just curious why the emphasis was on the Mediterranean when it really doesn't fit with the environment...

Mr. Curry stated – I'm sorry. I'm not the architect for the project. I wish he was here...he could explain himself on the reason he chose that design style.

Mr. Bergman stated – Travis, there is some confusion on the Board as to whether this is a preliminary or this is a site plan?

Mr. Gibbons stated – Mr. Chairman, this is a Gator Trace PUD. This is a site plan for construction of a multi family within the PUD. So this is a site plan. Am I correct there, Mr. Walker?

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Attorney Walker stated – Respectfully Mr. Chair. PUD's governed by Section 22-40 and the procedure is set out in Sub R...Sub R3. The procedure for review of preliminary development plans provides for review by both the Planning Board and the City Commission pursuant to Section 22-158, which is the procedure we follow for rezonings. Then following approval of the preliminary plan, the final plan comes before the City Commission, which then holds a public hearing and either approves or disapproves it with condition. Mr. Chair, this is the preliminary approval process that the Planning Board has input in. Once the preliminary is approved, a final plan will be then be reviewed by the City Commission.

Mr. Bergman asked – But we will not see it again?

Attorney Walker stated – That's correct, Mr. Chair.

Mr. Bergman stated – Thank you. Okay. Are there any other questions for the applicant from the Board. Alright, this is still a public hearing. Is there anyone else who would like to speak on this project?

Mr. J. Dale Cawthorn stood and introduced himself and stated – I'm the president of the villas at Gator Trace Homeowners Association. (4176 B Gator Trace Villas Court). I'm speaking on behalf of a number of our members. In Phase II you can see our homes are on the right-hand side of the proposed boulevard there. Those are not two-stories or three or four; they're one (1). They're one-story homes. They're duplexes where there are actually eight (8) families living along there. And they would be looking into a four-story building, that is not a compatible use, up against a single family, one-level home. There will be a major boulevard there. But those homes are built so that they're looking out the back, not the front. The whole back is all glass. They'd be looking right into those units. Look at the lower one down at the bottom of the road there. There's a couple there...one of them out here now. They would be at that roundabout...it might slow the traffic down a little bit, but I can imagine 3 or 400 hundred cars going in and out of there practically every day going around there screeching their tires on that roundabout. I know how they do, because I do it myself I guess. But those homes are within 15 ft. of that right-of-way; not originally laid out well at all. But that's the way it is. That's what they had. They didn't know that when they bought it there I know, because it was just all a field. I'll tell you, I got here, heard the recommendation of the staff, I was floored. I was here last week and met with Mr. Gibbons and he told me that the staff was going to recommend denial of this based on the incompatibility of the height. I don't know what happened between now and then. But it's a four-story building now, it was a four-story building then. I wish you would look at the compatibility of our units against that one. Thank you.

Mr. Bergman – Thank you.

Applause from audience.

Mr. Gibbons stated – Mr. Chair, that was the confusion between the developer and staff. Before this came before you tonight, is that the phasing of the project ...the Phase I, like I said before, was considered to be four (4) stories high. And when they wanted to reduce to make compatibility, staff was under the impression that they were doing the whole project. Where the confusion lay was that Phase I was going to be brought down to two (2) stories and Phase IV (should have said Phase II?) was going to remain the same. That's where the

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confusion lay before this. We met with the developers last week and this week to rectify those situations, thus the approval.

Mr. Bergman stated – Alright. Is there anyone else here who wishes to speak?

Ms. Lenora Hurley stood and introduced herself and stated – I live in Gator Trace (4181 A). I, too, have sat in the seats that you (the Planning Board) sit in the City of Riviera Beach. And I know how difficult this must be for you when you have developers on one side and you have tax payers on the other. Mine concern is that when I bought into Gator Trace in the year 2000, I was sold the view. I live where the new property ...my back row....again, I can look out and all I see is field. And I was told that this is a preserve and nothing will be built here. I bought. I bought property here for myself and my daughter and my granddaughter. Now, the way it's set up, I will be boxed in like I'm living in an apartment. If I wanted an apartment I would have purchased an apartment. When I hear developers talk about well, the road may be completed and when it may and may not be completed. Signals, when it may come about and when it may not come about. Having sat where you (board members) sit, I know how long it takes to get a traffic signal when you're fighting between City, County, and state, to see who is going to put a traffic signal there. We have families there. I live in a single villa. And for me to sit on my lanai and look out on a four-story or a two-story building, and I have no view, when I come in at night with my child and myself late at night, I don't know what is going to be around there. We're very safe there. I feel very, very safe at Gator Trace. That is the purpose in which I bought. But for me to be blocked in ...like what I'm seeing now is unacceptable to me as a tax payer, as a parent. And I have a retarded child. And my whole outlook right now is to make her safe. I have raised five children in this state that are all professionals. So, as I said, I came because of the quality of life. And I'm asking you to look at the quality of life for us here at Gator Trace. Let's not look at the quantity and the developers trying to make money. It sounds as if, to me, that there has been some things that was done by the master association ...of information that was not shared with the other persons. I pay my home owner's dues. I want to know what is going on in my community. And I ask and I plead with each one of you to look at us as family members, as tax payers. Look at the developers; they want to make money. And I'm not saying let's not develop, but I'm saying let's look at what we have there and build from it. Let's not build over it, and ignore what is there, and has been there for over ten (10) years. So, I plead with you please look at us as residents, as tax payers, and look at the fact that we want quality life. I didn't want to live out in St. Lucie West, because I came from West Palm Beach County. I came from that county and I see what has happened in St. Lucie West. I do not want that see that happen at Gator Trace. And when I purchased that property, I was assured that that would not happen there. And I plead with you. And I know it's a difficult decision. But again, please look at us as your taxpayers. Thank you.

Applause from audience

Mr. Bergman asked – Is there anyone else who wishes to speak?

Ms. Marie Worthing stood and introduced herself and stated – I'm the treasurer at Gator Trace Villas, which is adjacent to the third and fourth hole. Now, a lot of things that I have written down here have already been addressed. So, some of it I may repeat. Many of our residents have expressed their opinions and feelings regarding Symphony Builders. Unfortunately many of them are away at this time on vacation. But I have

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received numerous e-mails and phone calls regarding their concerns for losing the natural beauty and the wildlife...the numerous wildlife, especially on the third and fourth hole, which is right there (referring to power point display). All of our existing condos right now are two (2) stories. We have the homes and we have the villas...one (1) floor. We're all in agreement that the Symphony Builders should conform to two (2) floors only. We feel that four-story buildings will be overwhelming. We don't want a duplication of a cement jungle like Harbour Place. Please limit the height of two (2) stories. Also, it's my understanding that they planned 1 ½ parking spaces per unit, which they might have changed. I think that he mentioned that. And they had approached the master association asking them to change our by-laws of overnight parking. Our streets are rather narrow; therefore overnight parking on the streets is not safe, and could interfere with emergency vehicles. Finally, Weatherbee Road is slightly better than an old country road with no room on either side for bikes or walking. Therefore if you have to walk or bike on the road, which is dangerous for any pedestrian or bicyclist, especially the school children attending Weatherbee School. Sadly we had a fatality of a young boy waiting for a school bus not too long ago. How can Weatherbee handle any more traffic? Also, how can Gator Trace handle all the traffic during the building phase? Because they'll be coming right through our area, because that other road won't be open until Mercedes or the Preserve of Gator Trace ...until they build. So, all this traffic is going to be coming in our main road and down the streets. So, we would appreciate your consideration to limit the height of the buildings, which would limit the traffic at the same time. And we're all here tonight because we love Gator Trace. And we would like to keep it the same. Thank you for your consideration.

Mr. Bergman – Thank you.

Applause from audience.

Mr. Wilbert Stevenson stood and introduced himself and stated – I live at 4017 Gator Trace Road. We live over here (referring to the power point display) to the right. There are 84 one-story villas out there. Then as you come in there's a road, you come in and there's about 50, as you see here off on the right that are in the white that are there now. We are feeding all in. They may talk about a roundabout there, but they don't talk about the 400 that you're going to add beyond the roundabout just below on the bottom. So, you're going to have all of these people coming in. In addition, this is going to take probably two (2) years to complete. We're going to have all those vehicles...building, construction coming in all the time. And that certainly is going to double the 400. And if you've ever seen what happens in a construction and all the mess that they make as they come in and out. The garbage, the trash, and so forth. So, for the next two (2) to three (3) years we'll have to live this. Why are they increasing the density? And they haven't answered that particular one. They keep saying it's the same number, but they've got to up in order to do it. If they hadn't gone up, what would they do with the parking? They'd had to have more space, and they couldn't have done that. So, many of us are here tonight, and we're unhappy. And we hope you will appreciate that. Thank you.

Applause from audience.

Mr. Bergman asked – Alright, is there anyone else who Really wants to speak?

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Ms. Constance Rock stood and introduced herself and stated – I live at 4166 B Gator Trace Villas Circle. And I lived there since 1989. I saw that original plan. It did not say anything about a four-story villas. Granted it was oriented...just family homes that were supposed to be put in there. Plus the fact that has anybody here taken into consideration those roads...we paid for them. And they're not in the greatest of shape now from the building that's going on within our community. But once those trucks start coming through, they can't come through there without ruining our roads completely. You know Gator Trace is built on swamps. We all knew that. It's on the Savannahs. And the Savannahs was a swamp. They did an excellent job. (inaudible...speaker too far away from microphone) And finally, don't turn us into Port St. Lucie where they don't have water. We have City water, we have City sewage, City electric...we feel very fortunate at Gator Trace and I think most of us moved here for that reason...to have the City facilities. Now, all these hundreds of people are going to come in. Are we going to run out of water just like they did down in Port St. Lucie? I mean, I went to the dentist and he couldn't accommodate me. He said he had no water. And this is the situation that exists here. I think it's a shame, and please don't do that. ...Thank you.

Applause from audience.

Mr. Bergman asked – Is there anybody that really, really needs to speak? So, that we can move on with this. Alright, if there's no one else we'll close the public hearing.

Man from the audience said – Yo!

Mr. Bergman stated lightly – You got to get that hand up a little faster.

Mr. Chuck Alberts stood and introduced himself and stated – I live at 4075 Gator Trace Road. I came here tonight with really only one concern. And the concern was the amount of traffic that would be added by the additional units to Weatherbee Road and the inability to get on and off Weatherbee Road on U.S.1. I heard all kinds of talk about possibly putting in lights. I think the first thing that this group should do is say okay, you're approved as soon as the lights are in on U.S. 1 and Weatherbee Road. And then widen that Weatherbee Road, because it's a real mess. Go there at 2:30 in the afternoon and try to get into Gator Trace. Try it. You're going to sit there for a long time. And the kids are going to come and go, there's no question about that. But the road that's there now isn't capable of even coming close to handling the traffic. I know there are stories that have been told, well, if people want to go south on U.S.1 let them go on and just throw it on the side there and go over to Midway and go that way. Fine. That'll work great, but how many people will do it? Very few. They're going to go right down Weatherbee and to U.S.1. The other thing that bothered me when I got here, and I heard this letter from the master association at Gator Trace. Now my understanding of the master association at Gator Trace is their charter is to maintain the grounds, the roads, the lighting, and so forth at Gator Trace. They do not talk for the people who live there on an item like this.

Applause from audience.

Mr. Alberts continued – If they want to talk about representing the people, have a meeting, take a vote. If the vote wins then they can send the letter, not before they did it. I thank you very much.

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Applause from audience.

Mr. Bergman stated – Alright, I don't see any more hands. We're going to close the public hearing. Alright, where are we? What's the pleasure of the Board?

Mrs. Gates stated – Mr. Chairman, I know that most of us were on the Board a few months ago, I'm not quite sure of how many months ago, when a very similar concern ...an issue came up on another development that was over here by the hospital. And it was the fact that the existing portion of the PUD was already phased out, and they were wanting to put in more condos or apartments that were exactly what these people were worried about...in the height, and no buffering. And I think this is a legitimate concern. I am concerned because I don't see a great amount of buffering between this boulevard and these one-story units here that have already been built. So, that is a concern of mine. In addition to the fact that if this is the only time we're going to see this issue come before us, I do not see all the elevations presented to us.

Mr. Bergman asked – Any other comments from the Board?

Mrs. Minton stated – Mr. Chairman, being new to the Board I don't ...I have a concern I'd like to express. Going through the traffic report, it shows 1,780 daily trips would be increased out of this development, 163 afternoon peak hour trips. If this additional road is not completed can we require that traffic-slowng devices be installed throughout this community to try to reduce this impact?

Mr. Bergman stated – I don't know if you can. I know that those are private roads. I know those roads in there are maintained by the master association. I don't know if we have any control over that.

Mrs. Minton – Okay.

Ms. Benton asked – Mr. Walker, to what extent can we, as a Board foreclose the request here under the PUD regulations? Are we just allowed to perhaps put in some modifiers and some requirements that would be approved subject to?

Attorney Walker stated – Mr. Chair, the approval is founded by the requirements of the original PUD, which were approved by the City with the approved densities. Those approvals, having been given, the City is not at liberty to pull the rug out from under the developers' feet, so to speak, and change the rules in the middle of the game. That having been said, assuming that the applicant meets all other requirements of the code, the preliminary plan is reviewed pursuant to the general standards for approval, which are set out in Section 22-40 B. With your permission, I'll just briefly summarize each of those four (4) criteria without attempting to quote them, although I'd be glad to do that on request. The first review criteria calls for effective and unified treatment of the development possibilities while remaining consistent with the Comprehensive Plan. The second review criteria provides that there not be excessive traffic congestion. The third demands that there be consideration of the applicants' capacity to ensure completion of the project. And finally that the phase in question complies with standards referred to in this section. Any decision of the Board should be based on competent substantial evidence. The Board is not free to arbitrarily and capriciously reject an application which otherwise meets the requirements of the code. Does that respond to the question?

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Ms. Benton stated – It does. Thank you. With that being said, it appears to me that one of the main considerations was the traffic issue. I heard that raised several times here by the Board members. And otherwise it appears that the plan is consistent with the Comprehensive Plan, it's consistent with the original PUD, and if that's the case I would suggest that we perhaps focus on assisting by our recommendation or with dealing with the traffic issue. Other than that I really don't see that we would be very reasonable turning down a plan that's clearly consistent with the original PUD.

Mr. Bergman stated – There's one issue in the PUD about compatibility with adjacent development under item K. I think that's an issue they've mentioned. I know the traffic is an issue. And the traffic going onto U.S. 1. from Weatherbee is an issue. Those are the things, in my mind, that we have to focus on. Are there any other comments from the Board?

Mr. Knott stated – Mr. Chairman, I share your concerns and Margaret's concerns with the traffic issue; especially the gray area of the extension of the Gator Trace Boulevard. I think, if Mr. Walker could verify, I think we could probably condition portions of our approval or recommendation for approval on the fact that they, like the other preserve project, that no CO's be issued until that road was in place or opened to the public. But beyond that, my concerns is what one of the residents brought up was that construction is always a hassle. When you're constructing 300 and some units here and you only have one way in and out, I have a concern. And I don't know what we can do about it. We're so far along in the process now, and you're looking here and you see what the property owners have been paying taxes on their land. It's not like it's a free ride for them, they've been paying taxes for all these years and the zoning is there for them. But there should be something we should be able to stipulate or condition on this other access to the ...I'm not too concerned about the Phase I because I think that's not that big ...it's acceptable. But Phase II, that's a big chunk. There is going to be a lot of trucks in and out of there. There's going to be lot's of activities. And I don't see how this ...it's really going to knock the quality of life until that road is open....until the boulevard is open.

Mr. Gibbons stated – Mr. Chair, members of the Board, we have discussed with the applicant about creating a secondary entrance on the western side of the parcel for a construction entrance.

Mr. Knott – Okay.

Mr. Gibbons continued – And they're working on that, talking to the property owners to the west, trying to get a temporary construction easement from them, which they would credit them. Which would then eliminate all construction traffic from the Gator Trace subdivision.

Mr. Knott stated – That would fantastic.

Mr. Gibbons stated – If you want to base something in that condition I don't know how much legality there is to that.

Mr. Knott stated – Well, we could ask Mr. Walker. Two things; could we stipulate that it's up to the applicant to work whatever magic they have to, to get a construction entrance for ingress and egress construction traffic.

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And number two; that no CO's would be issued on this project until the boulevard is opened to the public. Are we allowed to do that?

Attorney Walker stated – Mr. Chair, as to the timing of the construction to coincide with the additional traffic capacity, I think that's clearly within the Board's prerogative. I admit to some hesitation about the first issue...about the requirement of the construction entrance that is outside the actual scope of the plan here. However, the applicant certainly has the ability to agree to such a condition and to remove any questions about the propriety of that. If the applicant declined to approve the proposed condition and forced the Board to confront the concerns about movement of construction traffic through the existing development, then the applicant would certainly have to face the possibility of additional conditions, alternative conditions that the Board might feel necessary to impose as a remedial measure that might be less attractive than the construction entrance. That's probably the best I can do in response to your question at this point, Mr. Knott. Is that a fairly response?

Mr. Knott stated – Yes, thank you. Mr. Chairman, if we could, the applicant's counsel has indicated that if we can open it up to them again, if they would be acceptable to a ...since we cannot stipulate a construction entrance, that they would volunteer ...that they would make us a part of their development order, or something. Maybe we could modify the development order to include they will not use the... that they will have their own construction entrance...ingress and egress. And we can then condition that the no Certificates of Occupancies (CO's) will be issued for the buildings until the boulevard has been opened to the public. Because Mr. Walker said we could do that, is that right, Mr. Walker?

Attorney Walker stated – Mr. Chair, yes sir, I believe that is the case.

Ms. Angelos asked - Did you want me to respond to that?

Mr. Bergman stated - Well, if I do that then I have to open the public hearing back up again.

Ms. Angelos stated - Well don't worry about it.

Mr. Bergman stated - I'd rather not.

Ms. Angelos asked - Did you need an agreement on the construction entrance, Mr. Walker?

Attorney Walker stated -Yes, we would look for that.

Mr. Knott stated - We could make that as one of our conditions of our recommendations to the City Commission that they will get with the City staff and modify their development order to include ingress/egress for construction as a part of that and that also that there would be no CO's until the boulevard is open.

Mr. Bergman -Alright.

Mr. Knott continued - That's just my thought on the thing because I've lived through some of this construction

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that they're getting ready to experience. And it's just not pleasant.

Mr. Bergman stated - I want to get my piece of mind out right now. I've lived in that second villa for the last two months while my house is being rebuilt from the storms. And the views from these villas out back?...there's no...it's strictly an open type set up. I can't imagine having a four-story building within 100 ft. of me.

Applause from audience.

Mr. Bergman continued - I mean just architecturally the scale differential between a one-story building and four-story building is huge. That's like having Harbour Isle out your back door. They indicate that you can't see this from any other place in Gator Trace. Well, I have a two-story house in Gator Trace and I can see plenty. So, that's going to impact me. And then the minimal landscaping, I think, is an issue around the Phase II. Like I said, I don't have a problem with the Phase I, because I think it doesn't impact any of the villas that occurs along the eighth hole. But the landscaping is an issue. I don't have any elevations of these buildings indicating the overall heights or average roof heights. I'd like to see what the heights are. Like I said, Phase I, I don't have a problem with, but I can't see putting a four-story building next to a one-story units. That's worse case scenario for anybody who would live there. I don't care who lives there, that's just not right. This is not right planning. I think I could probably accept two (2) story, three (3) story max. But four (4) story, that's like putting downtown right in their back yard. So, anyway I can tell you right now I'm not going to be supportive of the Phase II. Phase I, I don't have a problem with, but Phase II, as it's presently presented with the lack of information about the elevations of the buildings, I can't support it.

Mrs. Gates stated - Mr. Chairman, I'm going to have to agree with Mr. Bergman on these concerns in Phase II. But Phase I doesn't really bother me at all, except for the fact that you still have that boulevard coming right behind their one-story units, and no buffering. And I would have a problem now, that I'm looking at this with no buffering in any event. But that's something we could do as a condition, correct?

Attorney Walker stated - Mr. Chair, two responses. Number one, yes. Number two, Mr. Chair, I'm advising that the applicant would agree with the construction road as a condition.

Mr. Bergman asked - Alright, any other comments from the Board? If not, we could certainly entertain a motion at this point.

Mr. Knott stated - Mr. Chairman, let me ask...again ask Mr. Walker, what does our criteria for any motion for denial? Do we have a? I don't that you have ...we have to document or we have to state our cause for writing such a recommendation. Is that also applicable to the PUD?

Attorney Walker stated - Mr. Chair, there is no code requirement that any motion of denial include specific reasons as we see required in Section 22-58, for site plans generally. It is to be borne in mind that this is a preliminary approval process; however, and it would nevertheless be my recommendation that whatever action be taken by the Board provide guidance for the applicant. Thank you.

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Mr. Bergman - Thank you, Mr. Walker.

Mr. Knott asked - Mr. Bergman, is that what should the intent of your opinion was, that they would consider modifying their Phase II that you would consider?

Mr. Bergman stated - Well, we have all these other developers come up with these projects, and we've always required an elevation of the project. I know they brought in a respective showing of the buildings. But we don't have any elevations indicating any building heights or finished floor heights. That's the one thing. The landscape plan, I think, is minimum at best. I agree with Mrs. Gates. If you've been out the Gator Trace, it's heavily landscaped. I think the developers made a poor effort on behalf of the landscaping. And I think the Mediterranean Style buildings don't fit with Gator Trace. They're completely out of character. Plus the four (4) stories. You're basically putting Harbour Isle in the middle of Gator Trace. And I just see that as an issue that ...I mean it would be nice to have a nice tax base for the City, nice for the development to get the PUD built out. But I think people that have approved Harbor Isle in the past are now looking at it going what have I done? If you come up Indian River Drive that's all you see.

Mr. Knott agreed - That's all you see. Would you be open to a combination in Phase II of two (2) story along the boulevard, and then four (4) story back in ...?

Mr. Bergman stated - I just don't think four (4) stories is appropriate in residential.

Mr. Knott asked - No four (4) story anywhere?...Okay.

Mr. Bergman continued - I know there's single family to the west ...
Applause from audience.

Mr. Bergman continued - This is ...even the basics that you learn in school on zoning and massing of buildings, you don't generally put one-story building next to a four-story. If you're going to do something like that, you tend to step to the ones, to the twos, to the fours, and generally a higher density, and more in the urban settings. But this is far from an urban setting.

Mr. Knott stated - I thought Mr. Gibbons said that the project north is incorporating some four-story buildings, is this correct?

Mr. Gibbons stated - Mr. Chair, it would be a combination of four (4) and five (5) stories...three (3), four (4), and five (5).

Mr. Bergman stated - Well, I wasn't here for that one.

Mr. Gibbons added - Adjacent to the north. The one-story villas will be looking at five-story building.

Mr. Bergman stated - Well, you may be looking at it, but you're not right next to them. And that's a huge difference to me, you can look at the downtown from a distance, and you don't have a problem with the four

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(4)- or five (5) building.

Mr. Gibbons stated - But under the PUD ..that's the compatibility issue that's coming in. There are non-compatible uses, there are compatible uses. It's a mixture.

Mr. Bergman stated - Like I said, I know this PUD agreement is 20 years old, and at the time, I mean they may have been thinking of high density, this is going to be great little community with high density. But I don't know that that'speople that have lived there for any period of time have grown accustomed to the nice quiet lifestyle that they enjoy down there. I don't see four-story buildings being compatible with that lifestyle. I don't have a problem with Phase I. I think Phase I fits in really nice where it's going, except the guys along the eighth hole are going to get their windows broken every weekend.

Laughter from audience.

Mrs. Gates stated - Mr. Chairman, basically I'm listening to this conversation and it appears to me that you're talking about massing and architectural design and landscaping not being compatible with the existing area...the development that's already there. So, in reality, I think we're all talking about incompatibility with the existing developments surrounding this newer portion of the PUD as well as the traffic concerns. So, those are two items that, you know, even though you're talking about all these things, it appears that you're talking about incompatibility with the existing development. The two (2) major concerns being those. I mean massing, architectural design, and landscaping all go along with the existing development, as far as incompatibility. And that's what I'm hearing all of you say.

Attorney Walker stated - Mr. Chair, may I address a question to staff?

Mr. Bergman - Certainly.

Attorney Walker continued - Travis, it's my understanding that there are two (2) separate applications, one for each phase?

Mr. Gibbons - Yes, Mr. Walker.

Attorney Walker continued - In that case, Mr. Chair, it would be my recommendation that a motion be made separately as each phase.

Mr. Bergman asked - So they are two (2) separate applications?

Mr. Gibbons stated - Yes, the staff report was blended into one (1) for ease of the Board.

Mr. Bergman stated - Well, I think we need to take them separately then. Thank you, Mr. Walker, for that clarification. Okay, let's act on Phase I.

Mr. Knott stated - Mr. Chairman, Sunny, did you have an issue with the landscaping? Did you say that they've just shown minimum?

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Mrs. Gates stated - I suggested that I would like to see more landscaping, and I think it's minimal. And maybe some more buffering somehow along this boulevard. I don't know how they're going to do it but ...

Mr. Knott asked - Could we condition a motion to have them work this out with staff for staff's approval?

Mrs. Gates stated - I think so. I think this should be in all fairness these residents that are backing up right to this boulevard.

Mr. Knott stated - Okay. As a part of their final site plan?

Mrs. Gates - Yes.

Mr. Knott - Okay.

Mrs. Gates continued - No matter what.

Mr. Knott stated - Mr. Chairman, I would be ready to make a motion then that concerning the Phase I that we recommend to the City Commission approval of the preliminary site plan presented to us, subject to an updated or revised landscaping plan more in keeping with the tone of the Gator Trace development, they will subject to the staff's approval.

Ms. Benton asked - Is that a motion?

Mr. Knott - Yes.

Ms. Benton stated - Second.

Mr. Bergman stated - Is there any discussion on the motion?

Mrs. Gates stated - Yes. I would like to see that the construction road, the ingress and egress road for construction be put in as condition.

Mr. Knott stated - Well, yes...the location of the ...

Mrs. Gates stated - Oh, that's Phase II, okay.

Mr. Bergman stated - I've got one point to bring up, sorry Mrs. Gates. That they look for a more compatible style of architecture with the environment rather than the Mediterranean. Give them some options in terms of ...I know they're building a couple of new two-story buildings out there now. And I think they're more Key West with lapped siding ...that style of architecture. I don't think that the Mediterranean is going to blend in very well out there. But I'd like to see some other architectural options for that Phase I development.

Mr. Knott stated - Since we're not going to be privy to the next go around on this thing, how do we put a

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handle on that one? That they present elevations of a more harmonious architectural style with the existing community?

Mr. Bergman stated - I would think that probably when they do their presentation with City Commission they could photograph some of the existing structures out there that show the compatibility of what they're presenting with what's there. I know the villas are the one-story with the flat concrete top, I don't that's necessarily Mediterranean or the rest of the development is.

Mr. Knott stated - So, I'll modify my motion.

Mr. Poitier asked - I have a question. Are we are on (Phase) one or (Phase) two?

Mr. Bergman stated - We're still on (Phase) one.

Mr. Poitier asked - Well, you made a motion. Did he second again?

Mr. Knott stated - Well, after discussion....

Mrs. Gates added - We're discussing the motion.

Mr. Bergman added - We're still on one.

Motion modified

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN/PUD PHASE I SECTION OF THE DEVELOPMENT WITH THE CONDITION THAT AN UPDATED OR REVISED LANDSCAPE PLAN BE MORE IN KEEPING WITH THE TONE OF THE EXISTING GATOR TRACE DEVELOPMENT AND ALSO THAT THE ARCHITECTURAL FEATURES BE MODIFIED TO BE IN MORE CHARACTER WITH THE SURROUNDING EXISTING DEVELOPMENT AND BE PRESENTED TO THE COMMISSION. Seconded by Ms. Benton. Unanimously approved by roll call vote.

Mr. Bergman stated - Alright, that takes care of Phase I. Now, who will be so bold as to make a motion on Phase II?

Mr. Knott stated - For the sake of argument...

Ms. Benton stated - What I'd like to say about Phase II is apparently there was a miscommunication, as I recall it, between the applicants and the City with regard to whether this was a first and only presentation before the Planning Board; and therefore we don't have any elevations. And some of the issues that were raised about Phase II have to do with not being able to see those elevations, and not being able to respond to some of the concerns. So, I really don't think that we ought to go the merits of this particular Phase II. I would rather see us table this or ask for a continuance or have them ask for a continuance that they be given another

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opportunity. Because we do like to look at elevations.

Mr. Gibbons added - Mr. Chair, members of the Board, if you want to, you could table this motion with recommendations on top of the elevations. That way they would have another opportunity before you to make for the changes that you would like to see, and that way you would be able to comment on those before it moves to the City Commission.

Mr. Bergman stated - Good idea.

Mrs. Gates agreed - Good idea.

Mr. Bergman asked Ms. Benton - Did you want to put that in a form of a motion?

Ms. Benton stated - Sure.

MOTION WAS MADE BY MS. BENTON TO RECOMMEND TABLING THE SITE PLAN/PUD PHASE II PORTION OF THE DEVELOPMENT IN ORDER FOR THE APPLICANTS TO BE GIVEN AN OPPORTUNITY TO COME BACK CONDITIONED UPON THEIR PRESENTING ELEVATIONS TO THE STAFF AND HAVE THEM READY TO PRESENT TO THE BOARD AND WITH ADDITIONAL CONDITIONS THAT THEY PROVIDE INFORMATION REGARDING THE LANDSCAPING, ADDITIONAL BUFFERING, AND SOME REFERENCE ALSO THE AGREEMENT REGARDING THE SECONDARY ENTRANCE FOR THE CONSTRUCTION ROAD. ALSO, THAT THE CO'S NOT BE ISSUED UNTIL THE BOULEVARD IS OPEN TO THE PUBLIC. Seconded by Mr. Harris.

Attorney Walker stated - Mr. Chair, may I request that the motion include the date when the matter would come back before the Board?

Ms. Benton asked - What date does the Board want to offer them?

Mr. Bergman stated - I would imagined the developer is probably anxious to get this thing moving. So, I'd either say at the next meeting or at their earliest convenience.

Mr. Gibbons stated - Mr. Chair, if we could put a time, say October, for the October Planning Board to show up.

Mr. Bergman asked - No later than?

Mr. Gibbons stated - No later than 60 days maximum.

Motion revised.

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**MOTION WAS MADE BY MS. BENTON TO RECOMMEND TABLING THE SITE PLAN/PUD PHASE II PORTION OF THE DEVELOPMENT UNTIL THE OCTOBER PLANNING BOARD MEETING WITH THE CONDITIONS OF SUBMITTING ELEVATIONS, PROVIDE INFORMATION REGARDING LANDSCAPING, ADDITIONAL BUFFERING, AND ALSO THE AGREEMENT REGARDING A SECONDARY ENTRANCE FOR THE CONSTRUCTION ROAD AND FOR NO CO'S TO BE ISSUED UNTIL THE BOULEVARD IS OPEN TO THE PUBLIC.
Seconded by Mr. Harris.**

Mr. Bergman asked - Are there any discussion on the motion?

Mrs. Gates stated - Ms. Benton, I would like to clarify whether you were intending to include the massing, the height of the buildings, that they need to go back and look at what they can do to modify the massing with the compatible development around it? Was that intended in your motion?

Mr. Bergman asked Ms. Benton - Can I speak for you?

Light laughter from the Board members.

Mr. Bergman stated - I don't know if you would necessarily have to put it in the form of a motion. I think they've heard enough comments tonight that they'll probably address it.

Mrs. Gates added - That is a great concern of some Board members.

Mr. Knott stated - Mr. Chairman, following up with what Mr. Walker had said that we're allowed to make recommendations in a case like this where we're tabling or denying or something. Would it be acceptable or would somebody want to consider making a ...to include as a suggestion that the applicant, heaven forbid, meet with the property owner's association to try to resolve things so we won't have such an adversary condition two months for now?

Mr. Bergman stated - Well, as long they don't meet with the master association, I think they'd probably be alright.

Laughter and applause from the audience.

Mr. Knott stated - Just as a suggestion, I don't know if this is even feasible, but try to get some body, maybe a spokesman from the group here tonight to meet with the applicant to see if they can't work out something. Because we're going to be right back where we were, I believe, except for some pretty pictures.

Ms. Benton stated - Mr. Chairman, yes, I think that's probably a good suggestion, but it's not a part of the motion.

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Mr. Knott stated - Okay, alright.

Mr. Bergman stated - We still have a motion and a second. Is there any other discussion? This was to table?

Roll call requested.

Unanimously approved by roll call vote to table Phase II of the site plan/PUD until October Planning Board meeting.

Mr. Bergman stated to the applicants - Thank you.

Mr. Bergman asked - Mr. Walker, while the residents, I'm going to suggest that we take five minutes, and let the Board members hit the restrooms, get something to drink, and we'll reconvene here around five 'til nine?

Attorney Walker - Yes, sir.

Mr. Bergman stated - Alright. I want to call the Planning Board meeting back to order after a brief recess. Thanks for being so patient and sticking it out; it's going to be a long night.

Agenda Item #10 (originally item #5 on agenda) – Tabled from the June 14th meeting – Site Plan with Conditional Use – Ocean Park Development Inc. – Approval for the construction of four (4) story over parking, 60 unit condominium building. Generally located on the northwest corner of South Ocean Drive and Crestview Drive. The owner is Tricon Development, Inc., applicant is Ocean Park Development, Inc., and representative is Culpepper & Turpening

Mr. Bergman stated - This item was tabled from the June 14th meeting. And I would assume we need a motion to take it off the table.

MOTION WAS MADE BY MRS. GATES TO TAKE THE ITEM OFF THE TABLE AND PRESENT THE ISSUE. Seconded by Mr. Harris. Unanimously approved by voice vote.

Staff Report – Mr. Gibbons stated – If you don't recall this is Ocean Park. This was before you in June. After refinement with staff, the project now consists of a 60 unit, multi-family complex off of Ocean Drive. There were some concerns with, like I said, the 64 units, they reduced it to 60 units now; they've reduced it by four (4) units. There were some height questions that were under concern in the June meeting, and those have been addressed to where we have a maximum height to the roof slab of 45 ft. They've incorporated an engineering's request for a decel lane off of Ocean Drive into the project. Also, as a recap, this is a conditional use for an extra bonus density on the island, with the 60 units that they are proposing, the actually units per acre would be 8.87 units per acre. They're asking for the extra bonus density. And they've met the extra requirements within the code, which states that they would have to have a ten (10) percent landscape increase.

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In addition, they would have to also have a public safety and public utilities enhancement by the construction by both potable water and waste water infrastructure, which will also serve the residents of this Ocean Park and also the residents of South Hutchinson Island as well. As a recap as well, this is an extension of the Sea Pointe Towers II Phase that was approved back in, I believe, the late 70's early 80's. The original development of Phase II allowed a total of 220 units and a maximum height of 125 ft.; whereas this has now been reduced after staff's comments and concerns to 60 units, and their average to the slab is now 45 ft. And if you look at the calculations it's 266 percent decrease in site intensity. And staff recommends approval of the conditional use and site plan.

Mr. Bergman stated - Okay, thank you. Are there any questions of staff from the Board? Alright, if not, we will open the public hearing for anyone wishing to speak on behalf of this project.

Mr. Cliff Reppenger stood and introduced himself and stated - I represent the applicant, Tricon Development. My business address is 1800 West Hibiscus Avenue in Melbourne, Florida. I'm an attorney with the law firm of Gray Robinson. We're here tonight for the site plan approval and conditional permit regarding one of the issues. The main issue is regarding the density bonus with respect to the landscaping. I'm just to give you a little bit of intro and set up the property. I know that you've heard from staff. The property in question consists of approximately 6.76 acres. It's bordered on the north by the Sea Pointe Towers on the south by Crestview Drive, on the east by State Road A1A, and on the west by the Intracoastal river. It's currently zoned R-4A, Hutchinson Island Medium Density Residential Zone. The zoning classification carries a gross density of eight (8) multi-family units per acre with a possibility of nine (9) as the bonus for landscaping and compatibility. And that's pursuant to Section 22-27.1 D5 of the code. The maximum height is 45 ft. above grade, and we do meet that. Historically, to give you a little bit of background about the project. As staff has told you, the project was originally part of the proposed Sea Pointe Towers Development that was approved in 1981. At that time our records indicate that the City had authorized 286 units and 12 floors; and that was conditioned upon the payment of roughly of \$410,000.00 of construction of utility infrastructure improvements and the dedication of a 25 ft. right-of-way along Crestview, which is right here ...(referring to renderings). Only the first phase of that development, Sea Pointe Towers, was developed leaving roughly 176 approved undeveloped under the original plan back in 1981. At some time after that, obviously, my clients had acquired the property and have begun to develop the project that you see before you tonight. The project is an evolution of a project which has been altered a number of times over the past year to conform to the constraints of the City Code as well as to address some of the sensitivity of the concerns of some of the surrounding neighbors that we have. Looking at the density bonus and moving into the discussion about the density bonus. Section 22-27.1 D5, as I mentioned, applies with respect to the density. And I've handed out a copy of our landscape plan to you, you should all have that in front of you. And under the code I can read to you what the code says to density. Unless otherwise provided, densities on land within the city situated east of the Indian River may not exceed eight (8) units a gross acre. Other provisions of this chapter notwithstanding, however upon the application in the manner provided for by Section 22-58. And I do believe, and I'm not sure if that code...section has been amended since then. But I do believe that the correct code site for landscaping is 22-187. There may be some discrepancy there, again, I don't if the code has been amended since then, but there seems to be a discrepancy there. The Commission may allow one (1) additional density bonus for landscaping

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for a maximum allowable addition of one (1) density bonus unit per acre upon the consideration by the commission of their compatibility with the natural features of the area, surrounding development, availability of supporting of infrastructure. And the application shall demonstrate compliance with each of the following criteria, depending on the categories for which the density bonuses are sought. And we move into the landscaping criteria there. And there are five (5) separate landscaping requirements in order to qualify for the landscaping bonus. One (1) states that the landscape area requirements as specified. And I believe that is an improper site 22-59, shall be increased by 20 percent. Two (2) is if the landscape tree planting requirements, as specified in the same section shall be increased by 20 percent. Three (3) is that the minimum height levels required ...trees at the time of planting, shall be increased by 50 percent. Four (4) is that landscape irrigation sprinkler systems shall be installed. Five (5) is that all plant species must be salt tolerant and meet all with the approval of the Director of Development. And as approved species list maybe obtain from the department director and we believe that there are species to address that issue are all salt tolerant and do meet with respect to approval. Also, addressing number four (4) we do have the landscape irrigation system that will be installed. But addressing the other three (3) requirements, if you look to your landscaping plan that I provided you, you can see that there are three (3) subsections to the upper right hand corner in the tabulation section, which addressed the density bonus. As you can see, with respect to number one (1), Section 22-187.4, the perimeter landscaping adjacent to the public right-of-ways, we have two (2) of them; one is South Ocean Drive, A1A, the other is Crestview Drive. With respect to A1A, the required amount of landscaping is 25 trees; to qualify for the bonus, it would be five (5) trees. We are proposing 30 trees in that area. With respect to the Crestview Drive, you can see that the required number of trees would be nine (9). To qualify for the bonus you would need two (2) additional trees, and we are proposing 11 trees. With respect to 22-87, 5 and number 2, it's perimeter landscape adjacent to abutting property required under this proposal is 14 trees. To qualify for the density bonus you must have 3 trees, and we're proposing 17 trees. And with respect to number three (3), the off-street parking interior landscaping. Landscaping required would be 2,412 sq. ft. of landscaped area. We are proposing 14,365 sq. ft. of landscaped area. So, that's more than five (5) times of what is required under number three (3) to qualify for the density bonus. So, we believe that we do meet the requirements under Section 22-27.1 D5 to qualify for the landscape bonus. We also believe because of the fact that the infrastructure improvements were made, \$410,000.00 worth of them back in 1981 to qualify for the original development. But that supporting infrastructure is there with respect to the density bonus. We don't believe that should be an issue at all, in addition to the right-of-way that was granted at that time. So, we are respectfully requesting that you recommend approval of the density bonus, and that approval of the site plan. That concludes my presentation. I would make myself available for any questions that the Board would have. And I would also reserve any space for any rebuttal time that I might have after public comment, if at all possible.

Mr. Bergman stated - Thank you. Are there any questions of the applicant?

Mr. Knott stated - Just a quick question. On the ...I don't see any reference on the survey or on the site plan for the Coastal Construction setback line.

Mr. Bergman added - Yeah, I was just looking for it.

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Mr. Knott continued - Yeah, I don't see it on here. It may not be a factor. And Stef, you all didn't do the survey, so...

Mr. Stef Mathes stood and introduced himself and stated - No we didn't do the survey, but the Coastal Construction setback line is actually on the other side of A1A. Do you know where the park is?

Mr. Knott - Right.

Mr. Mathes continued - It runs right through the parking lot of the park.

Lady from the audience comments - No it doesn't.

Mr. Knott stated - Okay. And another thing is a sidewalk; I don't see any sidewalks on this. I was going to ask Hector (Arias) if this, you know with the A1A improvements...They don't show anything on here and I was just wondering if they worked out anything, you know, to coordinate with the A1A improvements?

Mr. Arias stated - I was talking to Culpepper & Turpening and the decel lane that they're installing here is great for the traffic; however, we are deciding the project as we speak. We have been designing there for quite a bit. And we're having problems to provide a good drainage for the area, because on A1A it has been so bad for so many years. And I was asking the engineer if ...they're going to have to put in a decel in anyway. But they can give me back on the property the same width of grass on that property. So the amount of area that I use for the drainage doesn't change. In other words, they're going to put in a decel lane 10 ft. wide; that should give me the 10 ft wide on the property. Maybe a right-of-way easement or something or something that doesn't effect the setback. Do you understand what I'm saying?

Mr. Mathes stated - We don't have a problem taking that wall, moving it in 10 more feet to provide the extra 10 ft. of grass area for the City to use back slopes for the swale area.

Mr. Knott asked - Can you work a sidewalk in there too where it belongs?

Mr. Mathes - Yes, sir. We'll have a sidewalk.

Mr. Knott stated - Okay, thank you. That's all I've got.

Mr. Bergman asked - Any other questions for the applicant? Okay, is there anyone else who wishes to speak on this project. The public hearing is still open.

Mr. Jack Cahill stood and introduced himself and stated - I'm from the South Beach Association. And when you're an old person you're around a long time. And I can tell what started the first pointing out and getting moratoriums on South Beach and with the building of Sea Pointe Towers. Quite frankly, what happened there was they were given to the year 1888 (I believe the applicant had meant to say 1988, refer to approx. section of audio tape 890 on tape #2) to either build or lose their building if you go 12 stories high. The two (2) phases

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were going to go roughly 90 units per building and two (2) buildings were allowed. But they lost that and never did build and they lost the whole operation. In the meantime they went through. So, that answers that one. I didn't realize you didn't have the Coastal Construction addressed tonight, but I've got all the maps at home, I'll go ahead and bring them in. They cut right through the front part of Sea Pointe Towers. I would say probably 12 ft. back of the building itself. If that were knocked away that would be east of the Coastal Construction cutback line. And I'll gladly bring up the maps? and show you these; because I think that we should always have them in the City of Fort Pierce and we certainly should have them in the County for sure; I have them. And I got them recently over at the County buildings. Although I have the originals ones too, and they're all the same, they haven't changed any. We're not fighting anything except we want everyone to play with the same deck of cards. We're not against anyone building anything. We want to see the areas built. But we've talked to people right now who are building at eight (8) units per acre, and we think that's great. I'm not sure how many acres are here. The last I saw there 6.76 acres, is that correct?

The applicants stated - Yes sir, it is.

Mr. Cahill continued - Okay. Well, I'm not sure how your mathematics are, and maybe I'm not too good. Yeah, and I'm old, and I'm white-haired, and I walk funny. But the thing comes to me that if it's 6.76 acres that would be somewhere around 9 units per acre would be the extra bonus. That comes to around 62 or 63 units, I believe...if you multiply it. I'm not sure how you multiply it.

Mr. Mathes stated - We have 60? units.

Mr. Cahill continued - I'm talking about nine (9) units per acre, not eight (8).

Mr. Mathes - Correct.

Mr. Cahill asked - Are you asking for more than that?

The applicants stated - No. We're asking for the (inaudible?...not close enough to microphone).

Mr. Cahill asked - And that include the bonus?

Mr. Mathes - Yes.

Mr. Cahill continued - Okay, that's fine. We'll find it before we go...Because we think that's probably one of the best pieces of land? on South Beach. First of all, there's nothing in front of it but parking...and we do think that you have to be back beyond the Coast Construction cutback line, because right now we've had so much damage from the storms, I don't want to see any developer put his people in danger. Because we're still not over the repairs and so forth for people who are building east of the Coastal Construction cutback line. And Tom (Knott), you know where it cuts, it cuts right there by Murphy's building on north?(did applicant mean to say south?) Beach and it cuts across A1A at that point. And then it goes on down south and then it comes out

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again when you get to the Surfside section, which is east of A1A. But right there by Sea Pointe Towers, that's right in the front of the building. And I'd gladly give them, if you want to, I'd gladly give you (addressing the applicants) the maps for the Coastal Construction Line so that you can have them. I'm sure Butch (Turpening) has them...But we don't find...if you're looking at it and don't find anything wrong with that. I'm not sure.... I always hear funny things about height. We had a one a while ago where the person was going to go high of 45 ft. and he did, except he put a 19 ft. 8 in. roof up. That's basically two (2) floors any way you look at it. So, I'm not so sure...you're (addressing the applicants) 19...you're 45 ft. to the top of the roof, is that correct?

Mr. Mathes stated - Yeah, 45 ft. to the top, and then there's a slab to the roof....

Mr. Cahill continued - The reason we do it because other people have come and done these things andAnd this is a great piece of property. Right now probably the biggest (inaudible?) in the county. I just got finished telling us, I think our Board too, that for mulit-family homes on the beach, the average land cost now, now correct me if I'm wrong, it's almost \$200,000.00 a unit. Now, these people made a great buy, and that's great, because you have all of the infrastructure set up as far as your water and sewer is concerned. And I think you paid 2.3 million dollars. 2.3 million dollars divided by 60 comes to about \$38,500.00 a unit. And you can make a nice profit. And I'm not knocking that at all. A person's profit is their own business. All we're saying is if all of a sudden ...it starts at 45 ft., and then it goes to 6, then it goes to 14, it's no longer 45 ft. Now, maybe you were all here ...the reason we vamped the problem we had back in 1983 was because of Harbour Isle, and what became of Harbour Isle. No one would listen to us at that time. And we had to form the South Beach Association and reform it to make it a reality. We have some 2,000 members right now that belong to it. And there will be more coming in, probably a lot from Harbour Isle to be very honest with you. But we want to make sure is that the people here that are building on the beach right now who are conforming to this. And they're conforming to 45 ft. high to the top of the roof without 6 ft. here, 14 ft. there. And that's what we ask them all to do. And that's all. And we definitely want to see them build on the beach and have great projects and make a lot of money and that's great. It's the American way. We find nothing wrong with that, as long as we're all dealing from the same deck of cards. Thank you very much.

Mr. Bergman stated - Thank you.

Mrs. Gates stated - I don't know who to address this question to. Is the architect here?

The applicants stated yes.

Mrs. Gates asked - This is the east elevation...the bottom one?

Mr. Mathes - Yes.

Mrs. Gates continued - And that is the west on the top?

Mr. Mathes - Yes, ma'am.

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Mrs. Gates stated - I'm just curious. What is the roof...the material along the parapet here you have the...and you have this break in here?

Mr. Mathes stated - It's concrete with stucco over it.

Mrs. Gates asked - Concrete with stucco? Where the roof line...the Mansford roof is here? What is that material right here? (Referring to renderings) Is that just tile?

Mr. Mathes stated - That's just tile, yes. And for the most part it's a flat roof. Now what you have is a parapet around it to hide the elevator shafts...

Mrs. Gates added - Yes, and the air conditioning and all that.

Mr. Mathes agreed - Yes.

Mrs. Gates continued - I was curious as to what made you all decide to come up with this type of architecture on the beach. It's interesting; it's not indicative of what I normally....

Mr. Mathes stated - That would not be a question I could answer.

Mrs. Gates added - Just curiosity because it doesn't ...it's a bit formal. It's very attractive. I was just curious.

Mr. David Bono stood and introduced himself and stated - I'm the senior project manager with Tricon Development. For this piece of property we had a unique situation where the back of the building is facing the road and the ocean. And the front entrance is on the west side. So, we had a unique situation there where we had to try to make the building look good from both sides. And this is what we came up with. The bottom is the east elevation. It's attractive, it's a not a normal exterior elevation of a back of a typical condo. So, that's how we came up with that.

Mrs. Gates - Okay, thank you.

Mr. Bergman asked - Are there any other questions for the applicant? Is there anyone else who would like to speak on this project?

Mr. Maniard stood in the audience and introduced himself and stated - I'm from Sea Pointe Towers. Will the first unit of this unit closest to the road be as far back from the road as Sea Pointe Towers is? I couldn't hear every word; I don't know if you had addressed that or not.

Mr. Bergman stated - Stef, that may be something you would have to address. But it's not on any of your drawings here. It looks like just of the lot.

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Mr. Knott agreed - Yeah, it just shows this lot, it doesn't show the adjacent one. We would have to look at the aerial.

Mr. Gibbons stated - Mr. Chair, it looks like the first building will be 37 ft. back from the property line, which is actually 50 ft....there is a 50 ft. right-of-way in front of the property line too. So, it's going to be closer to 75 to 80 ft. from the road placed back. I don't have a foundation for the Sea Pointe Towers so I couldn't compare them.

Mr. Bergman stated - We;;, it's going to be 87 ft. back from the center line of the road. Because it's really only 37 ft. back from the property line.

Mr. Gibbons agreed - Yes, where 25 ft. is required.

Mr. Bergman stated - I don't even know what Sea Point Towers is. I mean it's pretty close but I can't tell.

Mr. Knott stated - I drive by it several times a day, and it's back further than that, I think. They've got some landscaping out in front. Even may have some parking out there almost.

Mrs. Minton stated - Did you figure the work you would have to take in...the turning lane and the additional greenspace before the wall gets moved?

Mr. Bergman stated - No. I think what the question was is how far back off of the property line is the existing building versus the building A, the northernmost building. And I don't know if we have that information in front of us. That's something that you'd probably ...Stef or somebody on that team would probably have to look at the aerial and see where it falls or have a survey on an adjacent piece of property. Because we don't have that information in front of us.

Member from the audience asked - I believe you mentioned the sidewalk in the project as well. Is this Board aware that there is no sidewalk on the west side of A1A anywhere, except what an individual unit has put?

Mr. Bergman stated - Well this project is going to be required to put ...

Member from audience continued - There is no sidewalk on that side of A1A in general terms.

Mr. Bergman stated - Well, there will be on this one.

Member from the audience continued - But it will not (inaudible?) ...there is not one following all the way on A1A there on the west side.

Mr. Bergman asked - Any other comments? Questions? Anyone wish to speak on this project?

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Mr. Cahill speaks from his seat in the audience - One thing that we're concerned about is these roof lines. Because, like I said, we have one there at the corner of Gulfstream and A1A, where the roof line is 19 ft. 8 inches above the top floor. And that's equal to two (2) floors(inaudible, since audience member is not speaking at a microphone)And that's going to cause some major problems....quite frankly, they have been approved by 99 percent of the people back in April, and with the Commissioners it was five nothing, and it's now going to the Comprehensive Plan...

Mr. Bergman asked - What's that?

Mr. Cahill stated - The height limitations for South Beach. We didn't want to see Harbour Isles either.

Mr. Bergman stated - Well, this elevation meets the intent of the code with a flat roof deck, but they are at 45 ft. Now they do have a parapet wall around it, but for all intensive purposes, there are two (2) styles of roof that you can have. One would be a sloped, pitched roof, whether it's trussed or whatever. And that's generally measured to the average whatever that height is. It's measured to the center line of that slope. That would be your average roof height or to the top of your deck. And in this case they're measuring 45 ft. to the top of the roof deck. And that's fully in compliance with ...

Mr. Cahill added - There is also a flat roof with a parapet wall around it, I believe.

Mr. Bergman stated - That's what this is.

Mr. Cahill continued - Yeah, but that parapet wall, at one point is 14 ft. high.

Mr. Bergman continued - Well, it may be, but the parapet wall is not addressed in building height.

Mr. Cahill added - The charrette falls from the top of the roof.

Mr. Bergman stated - Well, that's fine, but the charrette is not the ordinance that we work from.

Mr. Cahill stated - We're going to challenge in the City Commission anyway. And the Commissioners last time made a comment that they hate to have to report back to them, because they wind up being the heavies....so, we're going to challenge anyway.

Mr. Gibbons stated - Mr. Chair, as a matter of record, we have two (2) issues here where ...the applicant has actually reduced the sloped part of the roof with us. It was, I believe, at 48 ft. or something in that nature. And another thing too, is they do meet the code requirement of 45 ft., but you do have the matters of the elevator shaft, the air conditioning units. And the actual Mansford part of the roof is actually acting as a decorative feature; it's an architectural embellishment, which, in all fairness, it increases the character of the building. Nobody wants to see air conditioner units, elevator shafts on top of the building.

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Mr. Bergman stated - I know that term, architectural embellishments. I've had several projects shot down for it. In this case, the other issue, I think, that the City Commission is probably going to have to address at some point, is that you can't get insurance for any ground floor units out there because of the tidal surge. And that's an issue that most of the developers are running into, that the only thing you can use ground floors for now is parking. And hopefully, what will happen, is the City Commission will adopt the same regulations that govern the County, where you measure from the base flood elevation your building height. That gives everybody equal ground in terms of whether their property is high or low or on the beach or whatever. So, that's always been an issue with developers around here, is that City has one ordinance or one definition of building height and the County has another. I think that the County's is more realistic in terms of how they deal with base flood elevation. They take that into consideration; I don't think the City's does. But that's going to be something I'm sure will be addressed at some point. Enough of that. Was there anyone else who wishes to speak? Alright, if not, we will close the public hearing. Is there any rebuttal you (the applicant) wanted to make?

Mr. Reppenger stated - No. We appreciate the Board's time and consideration.

Mr. Bergman stated - Okay. What's the pleasure of the Board?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL THE SITE PLAN WITH CONDITIONAL USE WITH THE CONDITIONS: 1) THAT THE APPLICANT WILL ADJUST THE WALL ALONG THEIR PROPERTY LINE IN THE AREA OF THE DECEL LANE TO ACCOMMODATE THE DRAINAGE TO THE SATISFACTION OF THE CITY ENGINEER, 2) THAT THEY ADD THE COASTAL CONSTRUCTION LINE TO THE SITE PLAN, AND 3) THAT THEY ADD THE SIDEWALKS ONTO THE SITE PLAN. Seconded by Mr. Harris.

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

Ms. Benton asked - What was number one please?

Mr. Knott stated - When they added their decel lane they took a part of the drainage swale that the City needs to maintain the drainage for their roadway drainage. So, the City Engineers are requesting that they adjust the wall along their property line to give the City the appropriate easement to maintain the drainage they need within that area.

Ms. Benton - Okay.

Mr. Bergman asked - Did we have a second on that?

Mr. Harris - Yes, sir.

Mr. Bergman asked - If there's no other discussion, could we have roll call please?

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Unanimously approved by roll call vote.

Mr. Bergman stated - You'll be notified by the City Clerk when this goes to the City Commission. Good luck.

Mr. Knott stated - Wow, we've got, what? two down now, huh?

Mr. Bergman commented to Mrs. Minton - This is not a good experience for you is it?

Mr. Bergman added - I can you, if we have a meeting that goes longer than an hour, it's a rarity.

Agenda Item #11 (originally item #6 on agenda) – Site Plan with Conditional Use – Portofino Landings Ltd. – Approval for a mixed-use commercial and multi-family development. Generally located on the north side of Okeechobee Road and McNeil Road. The owner is 2890 Inc., applicant is Prime Homes at Portofino Landings, Ltd., and the representative is Butch Terpening, Culpepper & Turpening.

Staff Report – Mr. Gibbons stated - This is a site plan with conditional use for a mixed-use development off of Okeechobee Road behind the old Wal-Mart complex. It's a mixed-use parcel providing for a out parcel of 5,700 sq. ft. of restaurant. Also, included behind the restaurant is a three-story of mixed-use of retail on the bottom floor, office on the second and third floors. A total of 43,500 sq. ft. And then the remainder of the parcel is divided into multi-family housing. There are 32 additional surrounding the Pineapple Mini Storage now, which is the old Wal-Mart. Those are 32 units, which are considered live/work units. They are three-stories with garages, and the bottom floor contains office space for individual home-type businesses. Living quarters on the second and third floors. There are 32 of those. The rest of the project consists of 368 traditional multi-family units; a mixture of 8- to 12-unit buildings throughout the project. The amenities have been included. The main concern throughout this project has been traffic circulation. Staff recommends that traffic-control measures throughout the project be incorporated; such as speed bumps, integrated brick-paver walkways. Things in that nature to slow traffic down on the straightaways. And staff recommends approval based on these conditions.

Mr. Bergman stated - Alright, thank you. Are there any questions of staff from the Board?

Mrs. Gates stated - I have a question. On the front elevation of the retail on the bottom with the living quarters above it...the fenestrations on the second and third floor, they're very confusing to me as far as the aesthetics ...the way they're looking. Why don't they change them to match on each floor? On this little page, Travis.

Mr. Gibbons asked - Which one are you on?

Mrs. Gates continued - The little one here. I was just looking at that. It bothers me the way the fenestrations are. Why are they not the same on both floors? Is it just the layout of the ...

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Mr. Gibbons stated - It's probably the layout of the interior space, and then also on top of it.

Mrs. Gates continued - Okay. Well, I'll let the developer tell me also. Thank you.

Mr. Bergman asked - Are there any other questions for staff?

Mr. Knott stated - Mr. Chairman, I don't know whether this is for Travis or for Hector. On this...we have the traffic statement that accompanied this. I was going through it and those of us who are familiar with this intersection...of course the traffic report says there's (no level of services to find?) out once you get them out on the road. But at that intersection, that's the only signalized out movement to serveand I started making a list....First of all, you have that Sabal Chase back there, which is ...I don't know how many units that is back there; how many trips that generates a day. Of course, then you have Wal-Mart, you have that little shopping plaza next to Wal-Mart. Then you have RJ Gators, You have Applebees, you have a gas station, you have the tractor place with a dollar store. You have all of these. Everything comes right out here, and this project itself is going to add 4,000 trips, of which 50 percent of them are going to be turning left coming out of there, they estimate. So, they have 2,000 trips just from this project, let alone all these others. My concern is ...and Hector, you probably know more about this than I do. Can you ask for an analysis of that ...some sort of an upgrade or review of that turning movement there. That's going to be a bear.

Mr. Arias stated - Where the Wal-Mart was built, the superstore, I remember there was a master plan for the drainage, and it has a big lake and all that. And I noticed that some holes over there on the road, over there on the parcel. And I would advise the engineer that when they decide the project, this drainage and all that, they should get a copy of the master plan for the water management district, and find out what was supposed to be drained from the Wal-Mart and what is not. Maybe a warning for nothing, but this is something that should be considered and definitely we can ask for an analysis of that road. The problem we have with these roads is not like on Weatherbee Road, for instance. We are having these projects coming one at a time. And when they apply, the rules of traffic studies for one project on that road...see the level of service on Weatherbee Road now, without any project, it's about level service C or maybe B. So, if you bring one project with 100 units it's not going to effect that too much; but when you bring 40 projects with 200 units on the same road, it will effect that a lot. So, that's the situation that we have now. And I recommend it to the City Manager that we may have to have a traffic consultant to make some kind of a study of that area to see what kind of improvements you need on Weatherbee Road and on other roads so we can get some kind of assessment per unit. When they come in we can get these monies and then invest it in the road. So, what I'm trying to tell you is I don't whether that's going to happen or not. But the thing is we have this problem with the traffic studies. You know, they come one at a time. And it's very difficult to tell them, sorry, you're going to have to widen the road because I should have put that particular project...you don't need to do that. We need to have an analysis because that's mostly commercial over there...

Mr. Knott stated - Just the intersection because like...and I think Butch (Terpening) will agree to that...Okeechobee, it will handle half of Florida, but what sits at that light is almost brutal right now, and I feel sorry for the...some time in the future, I don't know what can be done there, but I'm sure something...

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Mr. Arias stated - Perhaps somebody...

Mr. Knott stated - ...the other entrance down there, but that's a death trap right there, because you go down there at night...and I'll that sometimes myself, but that would probably be the exist of choice down there, and that's unsignalized.

Mr. Gibbons added - Well, in addition, in the future, they'll have Swain Road and that's going to connect to McNeil Road.

Mr. Knott - Okay.

Mr. Gibbons continued - So, that will go up to ...Swain Road goes all the way up to, I believe, Orange Avenue.

Mr. Knott added - Well, it'll go all the way up to Orange, so they'll have a north out there to Whiteway Dairy Road or something like that?

Mr. Gibbons - Correct.

Mr. Knott - Okay. How far in the future is that...do you know?

Mr. Gibbons stated - That is something that the County is working on. They required the...

Mr. Knott added - That's enough said right there.

Light laughter from the Board members.

Mr. Knott stated - That's all I have, thank you.

Mr. Bergman asked - Travis, was there a landscape plan submitted?

Mr. Travis - Yes.

Mr. Bergman stated - I don't think anybody here has one.

Mrs. Minton stated - This is the only landscaping I see.

Mr. Bergman added - All we have is the master site plan submitted by Culpepper's office, but don't have anything...no landscaping, no survey, no building elevations, except for the photographs. Did staff get them? Or did we just not get them?

Mr. Gibbons stated - I don't know...it was submitted with the package. And no one...

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Mr. Bergman stated - I didn't ...I don't know if the rest of the Board members ...

Mr. Knott added - I just saw the master and the three page master site plan.

Mr. Gibbons stated - I know we received those copies. (Actually no, our department did not. The Planning Department sent out everything that was received by the applicant)

Mr. Bergman asked - Nobody has a landscape plan? Alright, well, let's move on. Are there any other questions for staff? Alright, if not, we will open the public hearing and if anyone wishes to speak on this project.

Mr. Butch Terpening stood and introduced himself and stated - I'm with the firm of Culpepper & Turpening. About 7:30 p.m. I had a lot to say, and at 9...almost 10, I think I'll abbreviate it and try to answer some of the Board's questions. And if I can take a moment to distribute this. Also, with me tonight are Fred and Larry Abbo. They are the owners of Prime Homes. And Linda Suffla, our project manager. And I'm very proud to say that we've had a business relation with them for many years developing here in St. Lucie County; both in the southern parts in Port St. Lucie and various projects as well as the northern part in Porofino Shores. So, they've been a very active builder. They're not land speculators, they are in users. I'm very happy to have them with us tonight. I will defer if there are additional architectural questions...Mrs. Gates, I think I'm going to defer to that. I'm not going to play an architect tonight. I will, however, try to answer a few engineering questions that have been raised both by your staff and Mr. Knott. Yes. Signal timing, and it's one of those (juggler acts?), we have the density and the intensity and the use to justify the changing the signals and the allowing of the times. You don't sit there and allow additional time for those left hand movements if they are not actually needed. So, that signal timing will be part of our final design that we present to your engineering staff and go back to D.O.T. And we're working Mr. Franke to be sure that those adequate left turns are addressed. Yeah, there is only about 150/180 ft. of queing in there, and I think it's a double left, I think, there.

Mr. Terpening stated - It's a double left, and that queing lane probably should be extended. And that's what we'd be looking at with the queing times.

Mr. Knott - Right, exactly.

Mr. Terpening stated - Also, as Travis has mentioned, we worked both with the County and the dedication actually redesigned the project several times as we went through the site planning process to allow that Swain Road. There is a development to the north that currently has final planned development approval that is required to connect that. And we've worked with County staff in providing that right-of-way for their connection points.

Mr. Knott stated - Yes, I saw them on there.

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Mr. Terpening continued - And finally, to address Mr. Arias. We have received and had a preapplication conference with South Florida, and we've received all the permits both from Wal-Mart and the old Wal-Mart, which is now Tractor Supply Store. We are part of the master plan of development from the storm water management component. And we're adhering to all those requirements based on that permit, which we have. That's my abbreviated version. And any other questions that a Board member may have. And Mr. Abbo is here to answer any architectural questions.

Mrs. Gates stated - Well, I think Mr. Bergman and I have solved our little problem as to the fenestrations on the second and third floor. The way I see it, they're two-story townhouses, is that correct? In the mixed-use building?

Mr. Larry Abbo stood and introduced himself and stated - I'm with Prime Home Builders. Which building are you referring to?

Mrs. Gates stated - That one (referring to renderings).

Mr. Abbo stated - Essentially the way that it is designed, is around a perimeter road that already exists, that connects McNeil Road to State Road 70. And what our intent is, is to have the first floor as work area or an office-type use. And the second- and third-story as a residential use. The garages would be accessible from the residential area that's focused within the community, and there would be a pathway accessing the work area on the first floor from the outside the community. Do you follow?

Mrs. Gates stated - Oh, I follow you. I'm talking specifically about the fenestrations on the second and third floor. I think they could be matched up a little better or designed a little better or something. There's something that bothers my eye when I see that, and I'm just offering you why we cannot clean that up a little bit.

Mr. Abbo stated - And we will. It's, of course, not in final form, and frankly it doesn't do it justice sitting next to nice finished elevations with colors.

Mrs. Gates stated - But do you see where I'm coming from?

Mr. Abbo stated - Of course. And that is a concept, because we have been back and forth with staff on this on about three (3) or four (4) times with the designing of the mixed-use concept and the live/work concept. And we did introduce that at the end of our last round of changes, if you will.

Mrs. Gates asked - So, it's not your final?

Mr. Abbo continued - So, that we would satisfy some of their concern of having some of this live/work concept.

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Mrs. Gates stated - I like the live/work concept. I would just like to see you all go back with staff or whatever you need to do to work on the fenestrations on the second and third floor.

Mr. Abbo stated - Well, I assure you that we're very proud of the quality and the product that we sell. And it will be in proper finished format as we move along. This is, again, in response of the late comments that were made in the fourth round, if you will.

Mrs. Gates - Thank you.

Mr. Bergman stated - Maybe I just needed clarification. The live/work building is the second in off of ...?

Mr. Abbo stated - ...Is in the perimeter of the eastern portion of the project.

Mr. Bergman stated - The first building is a restaurant, the next building in would be the live/work building, is that correct?

Mr. Abbo stated - Let me illustrate it for you. This is the restaurant location back here (referring to renderings), this is the office retail building here. The live/work are these that are in an existing perimeter roadway.

Mr. Bergman stated - Okay. Alright.

Mr. Abbo added - Just these because they have to be loaded from both sides.

Mr. Bergman stated - Okay, that was my confusion. Alright.

Mr. Abbo continued - The rest of it is the product illustrated here that we have built before. That's why we had pictures.

Mr. Bergman stated - Okay, that's just my confusion. Alright.

Mr. Abbo continued - The live/work is a new product for us that we designed as a result of the comments given to us by staff.

Mr. Bergman stated - Okay. Any other questions for the applicant?

Mr. Abbo stated - I'd like to add something if I could, with regards to the traffic concern.

Mr. Bergman - Sure.

Mr. Abbo continued - We have been working on this project for some time. And one of the things that we thought we were bringing a positive where there is, of course, some traffic concerns. But being a commercial

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general zoning, anything that would be within the commercial use, would have double the traffic impact that we're bringing onto this area. So, we did do a traffic analysis. We did submit a preliminary traffic analysis with this. And we found that we ended up generating about 50 percent of the trips that were generated by previously approved project of a commercial strip shopping center. That was part of the previous Wal-Mart approval. So, at the very least I offer you that. That this is a much better use, and much more concurrent than a commercial general use.

Mr. Bergman asked - What kind of office space or office use do you envision happening in those live/work units? Because I was sitting looking at those, and they're...I can't tell how big they are square footage wise, but...

Mr. Abbo added - They're around 2,000 in change...2,000 ft. ...they're three (3) stories.

Mr. Bergman asked - The office part is?

Mr. Abbo stated - No, no. You're talking about the live/work section. They're in three (3) stories.

Mr. Bergman - Right.

Mr. Abbo continued - And the first floor, it has a garage and, of course, the area dedicated for the work area.

Mr. Bergman stated - That's what I'm trying to find out. How big is the office area?

Mr. Abbo stated - I don't have that committed to memory. But our intent for use is for someone who normally would operate out of their home; whether it be a realtor or it would be an artist or something like that, that would normally convert a garage, per se.

Mr. Bergman stated - Well, that's what I was trying to find out, of how you envisioned using those types of spaces. Because with that 12 wall out there they're not going to get a lot of visibility.

Mr. Abbo added - We don't envision a retail type use. We envision more a casual visitor for a work-related visit. The actual retail use would be within the retail office building that we have here of over 43,000 sq. ft. And that, of course, has frontage and the proposal utilizes the existing access immediately west of the Hess station. And it's only the first floor that would be retail and two (2) stories of true office use above it.

Mr. Bergman stated - Okay. Well, you answered my question. I was just curious. I'm assuming the uses would be more for people that would be working out of their office...transit, mobile, traveling around.

Mr. Abbo stated - There's a lot of interest for this type of use.

Mr. Bergman stated - Oh I'm sure there is. And that's probably the most appropriate location for it.

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Mr. Abbo - Yes.

Mr. Bergman - Alright.

Mrs. Minton asked - Is this typical of the landscaping since we don't have the ...?

Mr. Abbo stated - Well, we did provide a landscape drawing. (Landscape drawings were not submitted to the Planning Dept.) It was designed by Dixie at Landscape Architects. I'm sorry that we didn't bring a supplement to show you. That is a picture of a community that was under construction. So, if you see some newly installed trees that are going through shock, you understand that's the reason. But we, of course, fulfill and surpass the requirements of the landscape code. I wish I could illustrate it better. But, of course, we will be subject to proper review by staff.

Mr. Bergman asked - Are there any other questions for the applicant?

Mr. Gates stated - I have a question. In this particular picture here, the little...I think I see queen palms. Are you using queen palms?

Mr. Abbo stated - Very commonly we use queen palms, yes. Usually oak trees, the trees that you saw in the buildings were oak trees. That's usually what we use on our main streets. But the queen palmsAnd the those pictures that you're seeing there are in Dade County.

Mrs. Gates asked - Can we use fox tails instead or (boils)?

Mr. Abbo asked - Can we? Yes, we could.

Mrs. Gates added - I think queen palms are just

Mr. Abbo stated - Sure. What you see in the picture there are some queen palms that we have used in Dade County. They're very commonly used there. And that's where the pictures come from. But we will make accommodations for the local landscaping preferences.

Mrs. Gates - Thank you.

Mr. Bergman asked - Any other questions?

Mrs. Minton stated - I do have one. I see on this plan. I see one little proposed landscape island. Are there more? It's on the left hand side as it goes vertical, as it goes up.

Mr. Abbo stated - The landscaping is not necessarily placed within islands. If you notice, all around you see the entry monumentation. I happen to see you bring up a drawing of it. It was submitted...I don't know if it

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was a part of what you received. But the entry monumentations around it, we usually use quite a bit of landscaping at the entryways. Originally we wanted to put some gated entries as well, but it was suggested that we take that out because of the proper flow of traffic. Within these areas, and you have to use your imagination, but this is all landscape area. And all of these common areas next to the buildings are well landscaped. Again, I'm sorry. I didn't realize that you didn't have those landscape drawings. But we did provide them. (They did not provide them.) And I can provide them again as early as tomorrow morning. (Didn't do that either.)

Mr. Bergman stated humorously - The way we're going, we might still be here.

Laughter.

Mr. Abbo added - We do focus very much on the landscaping. This is not typically an issue with us, I must admit as a company. Because we believe that we do have to deliver a million dollar entry to a community. And the common areas have to be parallel to those entryways regardless of the price of the home. I just can't demonstrate it for you in illustrations at this time.

Mr. Gibbons stated - Mr. Chair, I can assure you that the landscape plan was approved by engineering, the landscape urban forester, and Department of Development. And it was approved. And it's actually over the landscape requirements the City provides.

Mr. Arias asked - Would you make it a condition that the landscape plan will be approved by us if we have it? I think we have it, but just in case.

Mr. Bergman asked - Any other questions for the applicant? Alright, thank you.

Mr. Abbo stated - Thank you very much for your time this evening.

Mr. Bergman asked - Is there anyone else who wishes to speak on this project while the public hearing is still open? If not, we will close the public hearing.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH CONDITIONAL USE WITH THE CONDITIONS: 1.) THOSE SET FORTH FOR TRAFFIC CONTROL BY STAFF, 2) THAT THE APPLICANT WILL PROVIDE ANALYSIS OF THE INTERSECTION CAPABILITIES OF MCNEIL AND OKEECHOBEE ROAD TO HANDLE THE INCREASED TRAFFIC VOLUMES, 3) THAT A DOCUMENTATION OF THE SOUTH FLORIDA SERVICE WATER MANAGEMENT PERMIT AS IT RELATES TO THE WAL-MART PARCEL IN CONJUNCTION WITH THIS PARCEL, AND 4) THAT THEY DO HAVE A LANDSCAPING PLAN THAT HAS MET CITY CODE. Seconded by Mr. Poitier.

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

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Mrs. Gates asked - Should a survey be included with it?

Mr. Bergman asked - Travis, was a survey included with their package?

Mrs. Gates added - I don't see a survey. Tom, would you include that also in case there is not one?

Motion revised.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH CONDITIONAL USE WITH THE FOLLOWING CONDITIONS: 1) THOSE CONDITIONS SET FORTH FOR TRAFFIC CONTROL BY STAFF, 2) THAT THE APPLICANT WILL PROVIDE ANALYSIS OF THE INTERSECTION CAPABILITIES OF MCNEIL AND OKEECHOBEE ROAD TO HANDLE THE INCREASED TRAFFIC VOLUMES, 3) THAT A DOCUMENTATION OF THE SOUTH FLORIDA SERVICE WATER MANAGEMENT PERMIT AS IT RELATES TO THE WAL-MART PARCEL IN CONJUNCTION WITH THIS PARCEL, AND 4) THAT THEY DO HAVE A LANDSCAPING PLAN THAT HAS MET CODE, ALONG WITH A CURRENT APPROVED BOUNDARY AND TOPOGRAPHIC SURVEY. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicants - You'll be notified when this goes to City Commission.

The applicants - Thank you.

Mr. Bergman - Good luck.

Agenda Item #12 (originally item #7 on agenda) – Site Plan – Hampton Suites Hotel – Approval to allow the construction of a four-story, 80-unit hotel. Generally located on the south side of Reynolds Drive in the Fort Pierce Crossroads area. The owner is Quorum Hospitality Inc., applicant is James Gilgenbach, and the representative is Robert Imperato.

Staff Report – Mr. Gibbons stated - This is for the construction of a four-story, 80-unit hotel known as the Hampton Suites in the Crossroads area of Fort Pierce. The applicant's been here before with the Best Western and the Comfort Inn Suites. It's adjacent to that parcel as well. Overall height is 51.5 ft. and it is below the 65 ft. maximum height. There are 90 proposed parking spaces, 80 are required. It has amenities, such as an exercise room, breakfast area, standard and studio guest rooms, and also a pool area. And staff recommends approval for this project.

Mr. Bergman stated - Alright, thank you. Is there any questions of staff from the Board? Alright, hearing none, we can open the public hearing if there's anyone here to speak on behalf of this project.

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Mr. Robert Imperato stood and introduced himself and stated - Due to the hour, I'll just try and answer any concerns or questions you may have.

Mr. Knott stated - Just a quick question. Will this replace the existing Hampton out there or is this a supplement to what they have?

Mr. Imperato stated - Well, no the Hampton Hotels lost their flag, and my owner applied for the franchise.

Mr. Knott - Okay.

Mr. Imperato continued - That Hampton became a Quality Inn.

Mr. Knott - Oh, okay. Thank you.

Mrs. Gates stated - I have a question. On the color of your building, in this picture, is this the color that you are planning to use?

Mr. Imperato stated - The colors will be basically pastel yellows.

Mrs. Gates - Good. Thank you. We don't like browns in South Florida. Thank you.

Mr. Imperato stated - No, neither do I.

Mr. Bergman asked - Are there any other questions for the applicant? Guess not. Thank you.

Mr. Imperato - Thank you.

Mr. Bergman stated - The public hearing is still open if anyone else would like to speak on this project. Alright, we will close the public hearing. What's the pleasure of the Board?

MOTION WAS MADE BY MS. BENTON TO RECOMMEND APPROVAL OF THE SITE PLAN. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant - You will be notified by the City Clerk when this is going to the City Commission.

Mr. Imperato - Thank you very much.

Mr. Bergman - Good luck.

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Agenda Item #13 (originally item #8 on agenda) – Site Plan – Sunrise Lakes – Approval to allow the construction of a multi-family development. Generally located on the northwest corner of Dade Road and Sunrise Blvd. The owners/applicants are Mitch Gevinson, Harry Gevinson, and Jeffery Papell.

Staff Report – Mr. Gibbons stated - This is for a multi-family development off of Sunrise Blvd. known as Sunrise Lakes. This is a mixture of four- (4), five- (5), and six- (6)-unit townhomes. The total is 167 townhomes proposed on 21.66 acres. That represents a density of 7.71 units per acre, which is below the ten (10) units maximum on the standard zoning of R-4. Without maximizing density, that's highly desirable. Also, they've incorporated good landscaping within the project. They've given a 25 ft. landscape buffer between the single family residential units off of Sunrise Blvd. There are existing units, single family on Sunrise, and they've gone ahead and created an additional 25 ft. from there, from the back property line of those homes. Also, they've got a 25 ft. landscape buffer on the north side of the property from buffering if from the railroad tracks. And they also have a 35 ft. landscape buffer on the south side, which would be fronting on Dade Road. Current code, I mean this is a standard site plan but they have exceeded the landscape code throughout the project well above current code. They also have a roundabout at the entrance, which is enhanced with brick pavers. They also have dedicated areas throughout the project for guest parking, gazebos and benches, clubhouses, a clubhouse with pool, (inaudible?) and barbecue areas. It meets all zoning requirements and staff recommends approval.

Mr. Bergman stated - Alright, thank you. Are there any questions of staff from the Board?

Mr. Knott stated - One question. I noticed the where it's onto Sunrise Blvd., there is no decel or any type of ...Is that within our...the City's or is that the County's?

Mr. Arias added - That's a County road.

Mr. Knott continued - That's a County road, so they will be subject to County approval on that. Because I know the project right across from Magnolia Square there, they had to come back and put in a decel lane. And I don't know if you've had to meet with...I can't think of think of his name at the County now...

Mr. Chip Bryant stood and introduced himself and stated - I'm with Julian Bryant & Associates. I'm representing the applicant. I have met with the County.

Mr. Knott - Okay.

Mr. Bryant continued - I had a meeting with Ron Harris, Mike Pally, who is the County Engineer, and Scott from Road & Bridge. And we're working closely with them both on Dade Road improvements and Sunrise. One of the issues there is the FEC crossing that is in close proximity. And then, in addition, there's a culverted ditch in the area, so....

Mr. Knott added - That's going to be tough.

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Mr. Bryant continued - It is going to be tough. And I'm not sure, at this point, what the ultimate solution is going to be. But we've had meetings, we're working on it....you know, the right-of-way. One of the issues is on the east side of Sunrise, literally the right-of-way is like, I want to say, eight (8) or ten (10) ft. from some existing structures. It's a very tricky area. That's part of the reason you see a secondary access on Dade Road. We are also working with them in terms of improving Dade Road. They have some drainage issues there; we're providing improvements to...

Mr. Knott added - You're right at a bad curve right there at Sunrise too. Right where it breaks for site distance and it being a two-lane road down through there, and that other development across the street, you get people coming down there and try to turn right into your project. So, I don't know what you can do with it.

Mr. Bryant stated - We're definitely aware, and we're going to do the best that we can in terms of the working with the County.

Mr. Knott stated - The County will dictate what you have to do on that, so. Thank you.

Mr. Bergman stated to the applicant - I have to commend you on your landscaping.

Mr. Knott agreed - There's a lot of it isn't there?

Mr. Bryant asked - Did everybody get a copy?

Board members stated yes.

Mr. Bergman stated - Yes. You've got an overall site landscape plan, and then you have the unit plans, which appear to be really heavily landscaped, which is nice to see.

Mr. Bryant stated - It's a little tricky in townhome community, as you know, with the driveways. So, what we did, we tried to utilize the typicals for the units to create a street tree type of presence. And in addition, all the common areas we've put in street trees wherever we could. And, as Travis mentioned, we have significant buffering around the perimeter. I don't know if this was really actually opened for the public hearing, so I'm happy to jump down ...I'm sorry, I didn't mean that.

Mr. Bergman stated - That's alright. Were there any other questions of staff?

Mr. Arias stated - I have a suggestion for the Board. On Sunrise Blvd. you raised a question. It is a County road. I feel that we should make the County responsible to issue a documentation to us or to them about whether or not they will require a decel lane or any improvements. We're not going to accept anything like in the future (possibly meant to say the past?) where the County says they don't anything. We're going to need to have something in writing, because if something happens, that there's a tremendous amount of people using

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the road. And when somebody is to be responsible. We're asking for something. Do you know what I mean? This is a great project. We like the project. It's a cool project. But we have to be careful with things like that.

Mr. Knott added - Well, especially at this location, because I know. I've been down there lots. That's a bad place right there.

Mr. Arias added - We will cooperate with them as much as we can.

Mr. Bergman stated to the applicant - Well, now that you're already up there, we can open the public hearing. Are there questions of the applicant?

Mr. Knott stated - Nice looking project.

Several other Board members agreed.

Mr. Bergman stated - The elevations are kind of plain. I'm just overly critical.

Mr. Knott stated to Mr. Bergman - You are tough.

Mr. Bergman stated - If you heard some of the comments I get. It really is a nice project. And I know they're trying to do something Mediterranean. It would be nice to see a little more detail on the facade, so that it's not quite so boring. But I'm sure that can developed. The City Commission may have some comments about it if they read our minutes. But this one going on over three hours, I don't think they're going to want to read this book. It looks like a nice looking project. You know, with two-story massing, there's not a whole lot you could do with that, unless you do Romeo&Juliet-type balconies, or you do some type of false fireplaces or....You know, you could do some exposed gable ends or there's all kinds of little things you can do. I'm sure your architect is quite capable...

Mr. Bryant stated - Absolutely. And we're certainly willing to consider some embellishments if necessary. One thing we do, and you made some comments on it earlier prior to opening the public hearing, we did focus some effort on the site as a whole. And so, it's always a trade-off. You can do so much and you kind of decide where you do it. To be honest, the building is probably not articulated to the greatest extent possible, I'll openly admit that. But I think we did a pretty nice job taking the site over and above what code would typically require.

Mr. Bergman stated - Oh, absolutely.

Mr. Bryant continued - So, it was kind of a design decision that we made.

Mr. Bergman stated - It's a nice looking project. Have you, Travis...have they addressed the site plan comments from the Fire Department?

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Mr. Gibbons - Yes.

Mr. Bergman stated - Because they're still in here.

Mr. Gibbons asked - They're still in there?

Mr. Bergman stated - They're in out packet...hydrants within 1,000 ft. and some of the hydrants need to be relocated.

Mr. Bryant stated - We did meet with Derek Foxx, that is correct. We added a hydrant and the part of it was the design of the secondary access. We adjusted that a little bit.

Mr. Bergman - Alright.

Mr. Bryant continued - And we're still working with them on Dade Road. The Fire District also had some concerns over drainage and access on Dade Road. So, that ties in with the County accessing permitting issue.

Mr. Bergman asked - Was that secondary egress requirement of the Fire Department?

Mr. Bryant stated - Not that it be fully improved. They would have accepted it stabilized. And to be honest, depending on the ultimate outcome of the permitting with the County for both the Dade Road and the Sunrise. It's not inconceivable that it might go back to being stabilized, because that's been kind of batted around. If so, we'd have to come in with a modification to the site plan. And we accept that.

Mr. Bergman stated - Boy it would be a shame. Because I know Ramon in his heyday was always looking for no projects with one way in and out. He always like to see ...

Mr. Bryant added - Interconnectivity, I think is the term that's been around a lot.

Mr. Bergman continued - I mean, you've made an effort to do that, and I'd hate to see a second access go away. I think it adds a lot.

Mr. Bryant stated - Right. Agreed. I think it will only be if it's as a result of technical issues.

Mr. Bergman - Okay. Alright.

Mr. Knott stated - Mr. Chairman, just as a point of clarity on this. Are we going to require sidewalks like on...down on Dade? Or do you have one on there? Do you have a sidewalk shown?

Mr. Bryant stated - We don't. Dade is a rural section. It's currently not fully improved in the sense that it's actually paved with millings, as opposed to being a ...

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Mr. Knott added - It's not a real road or ...?

Mr. Bryant stated - Right. And so you have a kind of a broad swale section there, and it would wind up being a short piece of sidewalk to nowhere without really major additional right-of-way.

Mr. Knott asked - Are you going to give them some right-of-way to try to fill that out?

Mr. Bryant stated - Yes we are. We are giving right-of-way as well as a drainage easement through our property.

Mr. Knott asked - Can that be waived or does that need to be waived?...sidewalks? Because I think it says all site plans have to have a sidewalk ...

Mr. Gibbons asked - Along Dade Road? Is that where you're...?

Mr. Knott continued - Well Dade, and of course, the little piece on Sunrise there too. But any road frontage, I think, the ordinance says that thou shalt have a sidewalk.

Inaudible comment from Hector Arias in the audience.

Mr. Gibbons stated - Right. They're also going to have to get County approval too.

Mr. Knott stated - Yeah, get a County sidewalk permit or something...or a right-of-way permit.

Mr. Bryant stated - We'd be happy to further address that as a part of our County permitting. It will come up there. And if it made sense, we'd be happy to do it, just for the record. I don't have a problem at all constructing sidewalks; it's just a question of whether or not it works.

Mr. Arias stated - It may not make sense, but that is the way the law is.

Mr. Knott stated - We'll throw it in the motion or something like that.

Mr. Bryant stated - If necessary, once we get far enough along in the process with the County if we need to come back with a variance, we'd be happy to do that. Just to clarify that.

Mr. Knott stated - Alright.

Mrs. Gates stated - This looks like a good roundabout. I think you were sitting here for that last project.

Mr. Bryant - Yes, ma'am.

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Mrs. Gates added - We can't break our record now.

Mr. Bryant added - Because I have a bad one on my very own street, so I know exactly what you're talking about.

Mr. Bergman asked - Do you know what the radius is on that? It looks huge.

Mr. Bryant stated - I think we have a 60 ft. outside with 20 ft. of pavement proposed, if memory serves.

Mr. Bergman asked - But 80 ft. to the outside?

Mr. Bryant stated - It's fairly large, yes.

Mrs. Gates asked - Are you doing brick pavers? It appears that you are in one of these diagrams.

Mr. Bryant stated - Yes, it is proposed for decorative pavement, correct; which would probably be pavers in some points. Yes, it's a 60 ft. outside radius with a 20 ft. pavement as shown.

Mr. Knott stated - And Sunny, I think for point of reference, I believe, Hector, I think the downtown here is 55 ft., I think. I think it's like 55, because I think this is bigger than that.

Mr. Bergman added - It's every bit as big as the one downtown.

Mrs. Gates added - Well, there is one that is huge, I don't know the dimensions are, going into Jensen Beach. It's not very attractive at all.

Mr. Bryant stated - That one's probably 100 ft.

Mrs. Gates stated - So, that's what I'm saying to you, is make sure that you think about the way you want this to look.

Mr. Bryant stated - Well, I think one of the two issues is to function as a traffic combing device.

Mrs. Gates added - But aesthetically it's extremely important. Because you either make it or break it, as far as I'm concerned.

Mr. Bryant stated - We do have a decorative feature within the center of the island there proposed. So, I think it will be pretty attractive.

Mrs. Gates stated - Well, if you've seen a bad one, then you know what you don't want it to look like.

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Mr. Bryant stated - Right. And I think the decorative pavement will serve just low traffic as well as make it aesthetically attractive.

Mr. Bergman asked - Any other questions for the applicant? Alright, thank you very much.

Mr. Bryant - Thank you.

Mr. Bergman stated - Since the public hearing is still open, is there anyone else who would like to speak on this project one way or the other? If not, we will close the public hearing, and entertain a motion from the Board.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH THE FOLLOWING CONDITIONS: 1) PRIOR TO FINAL CITY ENGINEERING APPROVAL, THAT THE APPLICANT PROVIDE CONFIRMATION FROM ST. LUCIE COUNTY OF THE PROPER DRIVEWAY PERMIT, AND THE DECEL LANE, IF REQUIRED, 2) THAT THE APPLICANT INCLUDE ON THE SITE PLAN SIDEWALKS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.

Mr. Knott asked Mrs. Gates - Did you have something else?

Mrs. Gates stated - Well, I would also like to add in the condition that the two (2) entrances be kept in the project, because I do think there's a lot of merit to having the two (2) rather than a cul-de-sac type of situation.

Motion revised.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE FOLLOWING CONDITIONS: 1) PRIOR TO FINAL CITY ENGINEERING APPROVAL, THAT THE APPLICANT PROVIDE CONFIRMATION FROM ST. LUCIE COUNTY OF THE PROPER DRIVEWAY PERMIT, AND THE DECEL LANE, IF REQUIRED, 2) THAT THE APPLICANT INCLUDE ON THE SITE PLAN SIDEWALKS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER, AND 3) THAT THE TWO (2) ENTRANCES BE KEPT IN THE PROJECT. Seconded by Mr. Harris? Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant - You'll be notified by the City Clerk when this is going to be heard by the City Commission. Good luck.

Mr. Bryant - Thank you.

Mr. Bergman stated - If there's no objection, I'm going to move items #9 and #10 to the end of the meeting, since they are mine.

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Agenda Item #14 (originally item #11 on agenda) – Site Plan – Pinecrest – Approval for the construction of a multi family development. Generally located on the south side of Weatherbee Road and the west side of Regina Drive. The owner/applicant is Jerald Wuhrman.

Staff Report – Mr. Gibbons stated - This is an application for site plan for a multi family project off of Weatherbee Road. This is for the construction of 95 units on 9.57 acres. Zoning on it is R-4, Medium Density Residential. It's developed at ten (10) units per acre. This is a submission for site plan that was previously before you, which came through as a PUD. And it was found out from the Board and from staff that the PUD was deficient and they should resubmit after going through a normal site plan procedure. Like I said, we're at ten (10) units per acre. He is proposing to have two-story townhomes throughout the project. Four (4) units in each, and also a two-story condominium building with eight (8) units in each. It will be a combination of a townhome and a condo building. He has designed as a Key West Style architecture, plank siding with metal roofs. He's also enhanced the landscape plan. In addition, the code requirements of only 80 trees within our development, he's providing 239 trees and 146 palm trees. He's also incorporated some staff's concerns at the Technical Review, especially from St. Lucie County, where they were having concerns with Weatherbee Road for pick-up for bus routes. And he's incorporated a bus pick-up off of Regina Drive. Also, with the Gator Trace project that we have. The same thing would apply where he's gone into an agreement for the unit pro share signalization of Weatherbee Road. He has also agreed to that and he will be submitting a preliminary development agreement for the City Commission as well. And he's also been willing to dedicate five (5) ft. of property on the northern side of the property for future widening expansion of Weatherbee Road. Based on those conditions, staff recommends approval.

Mr. Bergman stated - Alright, thank you. Are there any questions of staff from the Board?

Ms. Benton asked - Travis, did you say 95 units or 92?

Mr. Gibbons stated - It's 95...that's a typo. I guess I couldn't read the writing on there. It looked a 92. Please make that correction.

Ms. Benton - Thank you.

Mr. Bergman asked - Any other questions of staff? Travis, was the lake in the wetlands addressed? How they're being handled? It looks like they're filling them in.

Mr. Gibbons stated - Well, from what was submitted in the Technical Review meeting, engineering didn't have any comments on that. So, basically, I guess, their conceptual engineering plans were satisfactory.

Mr. Bergman stated - Well, they've got, Tom (Knott), correct me if I'm wrong, don't they have special permitting that they have to go through when you have existing wetlands?

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Mr. Knott stated - Yes, they will have to go to South Florida, they'll have to mitigate those out. He's got over half an acre which he'll have to mitigate. And it's kind of expensive, but it can be done.

Mr. Bergman asked - What about the lake?

Mr. Knott stated - Well, if it's a lake it's not always a wetland, I mean they can...

Mr. Bergman stated - Well, there are three (3) wetlands and a lake according to the survey.

Mr. Knott stated - Well, the lake...he could probably just move it around...he's going to make his own lake over there. The lake wouldn't be considered a wetland.

Mr. Bergman asked - Well, what do you call a lake, if it's not a wetland?

Mr. Knott stated - It's a service water facility. But he'll have to mitigate the wetlands. He's probably aware of that. The environmentalist have probably told him no already. Although none of them are over a half an acre in size. And that's the thing, but still I think you have to do some...

Mr. Wuhrman stated - We have to go through a corp permit when we go to the South Florida Water Management.

Mr. Bergman stated - Alright. Are there any other questions of staff? If not, we'll open up the public hearing for anyone who would like to speak on behalf of this project.

Mr. Jerald Wuhrman stood and introduced himself and stated - I'm the owner/developer of the project. And I think most of it has really been said, which was really well put by staff. We conformed with all of their requirements. We conformed with the ...we have to put in a lift station and pump this down to U.S. 1 so there's about 1,100 ft. of force? main that we have to put in. And we've located that to accommodate the ...first for utilities and provide some adequate capacity for future connection of other sources to it. If you'll notice, the site plan does have two (2) entries on it, primary entry and a secondary entry. And our traffic impact is not significant on the Regina Road, which is a City road (I believe the applicant mistakenly said City here instead of County?). And of course, fortunately, you could go south to Midway to get to U.S. 1 and out to the expressway, or you could go on Weatherbee Road. In my engineer's investigation, the capacity on Weatherbee Road, and even though we have committed to sharing the cost of that signalization, it was quite surprising to find that Weatherbee Road is actually rated at 7,000 trips per day, and it's only running at 48. So, it's 2,200 trips per day less than the rated capacity of the road; which doesn't really mean anything as far as the intersection at U.S. 1, which is a bottleneck and needs the signalization without question. And we recognize and we commit it to share in it. So, there's nothing else that I have unless you have some questions of me.

Mr. Bergman asked - What are your plans for improving Regina?

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Mr. Wuhrman stated - There really are no plans. It isn't a first class road. I asked that possibility and the County indicated, well, it's not anything we could do just on our own. They don't have it in any plans for improvement.

Mr. Bergman asked - Didn't someone just say that was a City road? (Yes. Mr. Wuhrman apparently mistakenly said that in the earlier paragraph).

Mr. Gibbons stated - It's a County road.

Mr. Bergman stated - Okay. I can't imagine you would want to put your development in front of this road that's nothing but

Mr. Wuhrman added - Crushed stone.

Mr. Bergman stated - No, it's not even that. It's asphalt...

Mr. Wuhrman added - Yeah, ground up aggregate.

Mr. Knott asked - Is that all that is? It's not regular asphalt?

Mr. Wuhrman stated - No, we would like to be able to improve it, at least in front of our project, if we can, we will.

Mr. Bergman added - You could get your teeth knocked loose driving down that road.

Mrs. Gates stated - I have a question, Don. Mr. Wuhrman, in your front elevation, what types of windows are these that you have in here?

Mr. Wuhrman asked - You mean as to whether they're single hung, casement, or...?

Mrs. Gates asked - Are they casement windows?

Mr. Wuhrman stated - There could be a combination.

Mrs. Gates continued - Do you think that we could add some interest by giving a little bit more light in there and adding some type of ...? Or is that not possible?

Mr. Wuhrman stated - Well, we've offset the end townhouses back to try and help that situation some. So, it isn't just a row four (4) or five (5). Typically the townhouses are four-unit buildings. There are a couple of them with five (5). And we've offset the end unit back a little bit to try to get some aesthetic appeal to the ...

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Mrs. Gates added - I think it would be more aesthetically appealing in your design if you would consider that.
Mr. Wuhrman stated - No, that's feasible. If we can work it in, it would be desirable to have some added light.

Mrs. Gates added - I think it would be more desirable aesthetically.

Mr. Bergman asked - Any other questions for Mr. Wuhrman?

Mr. Knott stated - I was going ...well, I was going to get Mr. Arias, if I could, before the 10:30 stretch cut-off time here. This thing about Regina, are we in this situation, Hector, caught between the City and the County? We don't know who owns the right-of-ways or ...?

Mr. Arias stated - It's a County right-of-way...I think that the projects in the area...I think there's a code for our regular streets....to be paved...it doesn't say whether it's County or City...I don't think it does...

Mr. Knott added - Because I know if you ask the County, the County will say hey, when the City annexes, they take the roads too.

Mr. Arias stated - Let me give you an example. On your neck of the woods, on Granada Street.

Mr. Knott - Yes.

Mr. Arias continued - Okay, that is an unpaved road....If we have a project that uses Granada Street, they're going to have to pave it.

Mr. Knott stated - Right. Exactly.

Mr. Arias continued - So, I think that the code requires it...it needs to be paved. If they want a project on the street, then I think it should be paved. And they should talk to the County and do whatever the County says.

Mr. Knott asked - Jerry, have you all met with the County yet?

Mr. Wuhrman stated - Yeah, I did with them on that very issue when we were talking traffic with them about road improvements, whether there was anything we could do in front of our project or whether they had it in their plans for budgeting. They said it isn't in their plans and we couldn't do anything on just part of the road.

Mr. Knott asked - So, they're not going to require you to do any improvements out there?

Mr. Wuhrman stated - No. We have to apply for the two (2) road cuts...

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Mr. Arias stated - Another suggestion is that perhaps they should make ...the engineer could make an estimate of the cost of the paving of the road and put it in an escrow. And then when the road comes through the City limits, then you just ask them to pave the road.

Mr. Knott added - That happens when you annex on both sides of it?

Mr. Arias stated - Well, usually we don't annex the roads.

Mr. Knott - Right.

Mr. Arias continued - But in some cases when we have developments on both sides and we have something in escrow, we can always talk to the County, and then we can pave it with that money. That would relieve them from the code that said you're going to have to do it.

Mr. Knott asked - So, you're saying that...

Mr. Arias continued - I don't think that we should have a project in the City facing a row with (millions?), which is not acceptable in the City.

Mr. Knott stated - I don't know if this many folks are using it out there.

Mr. Wuhrman added - Well I'd prefer to have it paved too believe me.

Mr. Knott stated - Well, what the City Engineer is ...you're talking about the developer putting the money up in escrow, is this correct?

Mr. Arias - Right.

Mr. Wuhrman stated - Well, I would rather put it into the road than into escrow. If we have to do it, I'd like to see it at least paved in front of our place.

Mr. Arias stated - Well, I think thatand I don't want to delay this meeting, because I'm running out of words. Perhaps we should put some conditions in here and perhaps if they want to pave the road according to City standards, they can pave the road to City standards and then the County can try out? for the road through the City officially. And it would be a City road.

Mr. Knott - Alright.

Mr. Arias added - He could build a road and then he can work out with the County to try out for the road through the City.

Mr. Knott asked - You want us to try to put something in there as a condition in addition to the staff's other...?

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Mr. Arias stated - Yes, something like that. So, this way we can comply with the code. Okay?

Mr. Knott stated - Alright, thank you.

Ms. Benton stated - I just wanted to comment on that. The only thing is I agree with all of that, but you don't want to ...we want to be careful not to preclude the project because he can't get this accomplished because of a problem between City and County.

Mr. Knott stated - Well, that's what Hector had said. He said that if the County would require or allowed ...

Mr. Arias stated - Now, I'm not joking, I'm almost sure that the County is going to be extremely happy getting one of their roads paved and transferred to the City....extremely happy. So, I don't think it's going to be a big problem. But she's right, we shouldn't preclude the project with this.

Mr. Knott stated - No. And my understanding was that we're not preclude it, we're going to just say that if the applicant so desires to pave it, and the County will accept it, then he must pave it according to City specs.

Mr. Arias continued - And then he could offer the County to get it annexed...

Mr. Knott stated - Okay. Yeah, we don't want to make that a stipulation that he has to pave it.

Mr. Bergman asked - Any other questions for the applicant? Alright, thank you. The public hearing is still open, if anyone would like to speak on this project. Now it's closed. What's the pleasure of the Board?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE FOLLOWING CONDITIONS: 1)THOSE OUTLINED IN THE STAFF REPORT CONCERNING THE DEVELOPERS AGREEMENT AND OTHER ITEMS, 2) THAT THE CONSIDERATION OF THE PAVING OF REGINA DRIVE, THAT IF THE APPLICANT IS REQUIRED BY THE COUNTY TO PAVE THAT DRIVE, THAT THE PAVING MUST BE DONE IN ACCORDANCE WITH CITY SPECIFICATIONS, AND 3) SUBJECT TO THE CITY'S APPROVAL AND ACCEPTANCE FOR RIGHT-OF-WAY. Seconded by Mr. Harris.

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

Ms. Benton stated - I just have one or two questions. What is the style? Is this Key West?

Mr. Wuhrman stated - Yes, Key West Style.

Ms. Benton continued - Is that a metal roof?

Mr. Wuhrman stated - Yes, metal roof.

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Ms. Benton stated - Okay, thank you.

Mr. Bergman asked - Any other questions? If not, roll call please.

Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant - You'll be notified when this goes to City Commission by the City Clerk.

Agenda Item #15 (originally item #12 on agenda) – Conceptual Development Plan – Deeken Place – To seek approval to further proceed with a site plan for a mixed-use project. Generally located on the southwest corner of Seaway and Ocean Drive. The owner/applicant is Jerald Wuhrman.

Staff Report – Mr. Gibbons stated - The applicant is looking for comments from the Planning Board about the project, which is a mixed-use on the corner of A1A and Seaway Drive. It's a mixed-use of roughly 4,000 sq. ft. of ground floor, 7,600 sq. ft. of restaurant and retail on the second floor, 53 hotel units, and 6 condominium units. 128 parking spaces will be provided in a two-story parking garage located at the back of the building. And staff doesn't make recommendations; he is just wanting comments from the Planning Board.

Mr. Bergman stated - Alright, thank you. Are there any questions of staff from the Board?

Mrs. Gates stated - I have one. This is one that came before us before in the same...? Did this come...?

Mr. Gibbons stated - I don't believe this one has been before you.

Mrs. Gates stated - Okay, I'm sorry.

Mr. Gibbons added - And it's strictly just conceptual.

Mr. Bergman asked - Any other questions for staff? If not, we'll open the public hearing. Is there anyone here to speak on behalf of this conceptual site plan?

Mr. Gerald Wuhrman stood once again and introduced himself and stated - I'm an owner of part of the property. I'd like to point out that I presume you have a copy of the survey in there. That corner is actually made up of eight (8) lots of which I own five (5). And the party that owns the other three (3) has agreed to enter into this joint development submission for your review. And, in doing that, it affords us the opportunity of doing a better job on the site than trying to develop each of the parcels individually. And one of the issues about that corner, other than being a landmark corner of South Beach, and certainly something the City wants and we want to be significant, is the fact that in order to accommodate this roundabout that is proposed in the Department of Transportation (D.O.T.) Road Improvement Program, there is a section of parcel of our land here that the City would like to have. And we've agreed that we would dedicate that to the City, either by easement or by deed, depending on how it would work out so that it will fit into their future roundabout

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requirements. And the planning that we've done here has been in accordance with that. We've gotten preliminary proposed landscape plans for the ten (10) ft. sidewalk with the landscape strip in there. And you asked us to set our building back from the new right-of-way line, that would be dedicated to the City three (3) ft. So, there actually will be a six (6) ft. landscape strip within the sidewalk provision. The project itself is really three (3) buildings. There are two (2) hotel buildings, a south building and a north building. And a third building on the corner. These two (2) will be 45 ft. high, four (4) stories over ground level space. And this will be three (3) stories, which will have the rest of this 7,500 sq. ft. of commercial space here will be constituted of an approximately 4,000 sq. ft. restaurants and some retail space on the ground level. And then on the second floor there would be three (3) condominiums and on the third floor there would be three (3) condominiums. The hotel is proposed to operate as a conventional hotel, not looking to do it as a condominium hotel. (The applicant mentions the project several times as condominiums?...not clear of his meaning?) Have a central reception area over on Seaway Drive over here where they would come in, you know, off of Binney Street (should have been addressed as Drive, not Street). Check into the hotel with elevator service here. The reception area would be on the ground floor here, which would have an office, a little gift shop, and maybe a coffee shop in there. And above that there would be some meeting rooms, and above that there would be a lounge on the third floor. And then there would be two (2) levels of hotel suites above that. In this building there would be four (4) floors of hotel suites over some retail space on the ground floor. And, of course, over here, as I explained, this would be the restaurant and retail space with the two floors of condominiums above it. (Condos or hotels?...applicant keeps interchanging the two words) Our theme, with all the access off of Hernando Street, with entry at the ground level here ...and then there would be a ramp coming up here to go to second floor level for parking above there. And then on the roof of the ramp would be a garden type patio. I think that we would add a driveway here for loading and refuse removal. This would become an atrium between the two (2) buildings, which would provide access to the retail space on both sides. As was pointed out in the little resume that was given to you with that, the 53 hotel suites, plus the 6 residential condominiums, plus the retail space on the ground floor, is what we're looking for your comments on as to whether you feel this is an appropriate type use for the corner. We're planning to do it, as you can see it from the architectural preliminary renderings in the Key West Style, combination of the metal roofs and siding with some Key West type trim in it. I realize the architecture needs a lot of embellishment yet, but it's a starting point. And really just looking for guidance tonight, your comments as to whether we should go further with this concept or not. And, of course, if it was something that the Planning Board and the Commission didn't look favorably on, then we would end up having to develop it with my portion, being an L-shaped piece here, which I would still propose to do as a hotel. And the other owner would have three (3) lots across here, which would be badly penalized by this part of the right-of-way that the City would like to have dedicated. But I think we end up with a lot better project for everybody by considering it as a composite mixed-use project.

Mr. Knott stated - Mr. Chairman, what does staff think of this concept?

Mr. Gibbons stated - Well, right now, we don't make a recommendation because it's so preliminary, but the recommendation would be right now, it's too intense for the parcel right now.

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Mr. Knott stated - 45 ft. building that's only a couple of feet from the property line...I don't think you have to worry about a landscape plan, you don't have any dirt. Jerry, do you have to have that much building on here to make this work?

Mr. Wuhrman stated - You really do. To do a hotel over there, and as you know, there isn't a lot of what you would call first class hotel space on South Beach with all of the money that the City is spending in improvements downtown and the roadway out here. You want to attract some tourist, so you want to have a nice place for them to stay. And I don't think all of them are going to want to stay at the Holiday Inn Express or at the Days Inn.

Mr. Knott stated - I think I know about all four sides of this...this is where that gas station used to be over there. And you have from wall to wall building on this to me. Does that offend anybody else?

Mrs. Gates stated - Yes, it's too much.

Mr. Bergman stated - Another thing is it's five (5) stories. You have an eight (8) ft. retail space, which would never work. You would only have room for air conditioning...or lighting.

Mr. Knott added - It just seems like it's a lot of building. But I understand the economics of it, is you have to do this, I guess, as to make any money...

Mr. Wuhrman stated - No. And Tom, I did some preliminary ...before I was able to get the consent of the owner of the three lots to consider doing this jointly, I did preliminary planning for just the hotel on the south end and the north end. I can do it with the proper setbacks on both places. And it isn't going to look as nice. It's going to end up with as many units on it as I have here.

Mr. Knott stated - Okay. What kind of setbacks are you talking about?

Mr. Wuhrman stated - 25 ft....I can do that on the two parcels with two (2) buildings for hotels there, and come up with approximately the same number of units. And he would left on the corner with the three lots with the chunk taken out of there that you ultimately would have to condemn to get to them, because he wouldn't voluntarily relinquish it. He wouldn't be able to do much of a building with setbacks on that corner. He wouldn't be able to get parking. He's benefitting from the parking with this two-level parking structure we have...we have 128 parking places in there.

Mr. Knott stated - I guess I'm living in the past because we're going to have the same thing here on Second Street because right by the nice roundabout we're going to have a five-story Marina Square, whatever it is, right there. But I just hate to think, welcome to the beach, and you get to this nice roundabout and all of a sudden you look like you're New Orleans.

Mr. Bergman added - You're going to have somebody using the roundabout driving into the retail space.

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Mr. Gibbons stated - Mr. Chairman, and members of the Board, just to clarify your position too, it was also at the Technical Review meeting where it was highly denied, and all members of the staff from all departments also were looking at this unfavorably.

Ms. Benton stated - I just wanted to get a sense of what type of hotel you're anticipating?

Mr. Wuhrman asked - What type of a hotel?

Ms. Benton asked - Right, is it going to be a franchise...?

Mr. Wuhrman stated - It will probably in the end will be a franchise, which again, you can't franchise a 36-unit hotel as well as even a 53-unit is marginal size wise. I mean, it isn't going to be a Ritz Carlton. It's not going to be the Marriott or something. But it could be a Renatta, which is no longer over there...I mean Radisson or something of that mid-level quality.

Mrs. Gates stated - Mr. Wuhrman, I think it should be a Ritz Carlton. This corner is extremely important, as you said, to the beach, as well to the whole City. This is a very, very important piece of property here. And quite frankly, Mr. Knott kind of hit it on the head with me. The massing of this is overwhelming to me to think about. And I think that the architecture is very uninteresting, and I think it would have to be greatly improved first of all.

Mr. Wuhrman asked - You mean you don't like the Key West Style?

Mrs. Gates stated - I just think this is not ...no, I don't dislike the Key West Style, but I think the architecture is not interesting at all. And I just could not even think of seeing this over there. I'm sorry. And I think the massing is way out of proportion. I just can't conceive of that. I'm just like Mr. Knott.

Mr. Wuhrman stated - Well, that's fine. That's what we're here for. I mean, that's the whole thing we want to find out. If you say no, you say no.

Mrs. Gates continued - And I think you would have to go back to the drawing board and ...

Mr. Wuhrman stated - No, there is no going back to the drawing board. If we can't do a composite project where we're trying make this corner like you suggest, a landmark...

Mrs. Gates stated - I couldn't support this...I just couldn't do it.

Mr. Wuhrman stated - That's what we want to find out.

Mr. Bergman stated - I'm sure Mr. Cahill will have some comment about five (5) stories being there anyway.

Mr. Wuhrman stated - It isn't really...Don, you say five (5) stories, it's 45 ft. I mean, earlier this evening...

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Mr. Bergman stated - It's five (5) stories, I don't care how many stories you cram into it, it's still five (5) stories.

Mr. Wuhrman stated - Well, that's true. But earlier this evening I was quite surprised because, as you know, I've gone through the ringer here on that same concept that everybody approved tonight of 45 ft. plus the projections above the roof, and the bonus units. And we were denied on it. But you accepted it tonight, which is fine. But the same height provisions that you bless for that condominium project is what we're talking about here.

Mr. Bergman stated - There's beaches four (4) stories 45 ft. You're putting five (5) stories in 45 ft. and you have a ...

Mr. Wuhrman stated - No. It's four (4) stories over parking.

Mr. Bergman stated - No. It's four (4) stories over retail. You can't make retail work in an 8 ft. high ceiling.

Mr. Wuhrman stated - No. But we have more space than that if you look at that section through there, there's ten (10) ft. on the top floor, which doesn't have to all go into the penthouse unit, some of it can go into the ground floor space.

Mr. Bergman stated - Well, five (5) stories is an issue. You're trying to really cram a lot into this 45 ft. height. It's like one (1) story too much.

Mr. Wuhrman stated - No. With the other concept of the two hotel buildings, we will have parking on the ground floor and four (4) lodging levels above it for the 45 ft.; which I would hate to see happen because that is not going to turn out as nice because the three lots ...he is not going to be able to do anything with very meaningful with the amount of space that is necessary to dedicate to the City...or for the City to condemn for the roundabout.

Mr. Bergman stated - Well, I disagree because I've already done a site plan for one. And I know it works.

Mr. Wuhrman stated - Oh, I'm not saying it doesn't work. I don't know if it will end up being as functional or as nice. And I haven't seen the site plan ...you told me that you did one for him.

Mr. Arias stated - Mr. Chairman, I think it's very late. And I'm not trying to tell you how to do your job but I think that he has a good idea with the Board's intention of his project. And perhaps, I don't know whether he's going to go back to the Planning Board or not, but I think he has enough information to know what to do.

Mr. Bergman stated - I agree.

Mr. Arias continued - And to stay late, we have another 10 items to go through, we're going to be here until 2 O'clock in the morning.

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Mr. Poitier stated - That's it. I agree with that.

Mr. Knott asked - Mr. Chairman, do we need a motion on this?

Mr. Bergman and Mr. Gibbons stated - Yes.

Mr. Knott stated - Okay. Jerry, you're just looking for our feelings?

Mr. Wuhrman stated - I'm just looking for the input of the Board. If you say, no, you don't like it, you rather see a CVS Pharmacy on the corner or something, that's fine.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND DENIAL OF THE CONCEPTUAL SITE PLAN. Seconded by Mrs. Gates.

Mr. Wuhrman asked – Any constructive input as to what you could support?

Mr. Gibbons stated – He can work with staff on this. I think, like Mr. Arias just said, is that he's gotten a lot of constructive criticism on it. And then, also, you can work with staff level on this.

Mr. Knott stated – Staff would be my recommendation. If I had to put something in my motion, I'd say that you need to work with staff. Because they have a pretty good feel for what would be acceptable by the Board and the Commission. It's just one of those things that you have to keep trying. And let your economics determine what you can afford and can't afford.

Mr. Wuhrman asked – Okay, are we saying then, that if you vote to deny, which seems to be the direction it's slanted, that it isn't going to be referred to the City Commission for their ...

Mr. Knott stated – Well, as far as that goes, I assume...does the conceptual go to the City Commission?

Mr. Wuhrman stated – It's supposed to.

Ms. Benton asked – Is it?

Attorney Walker stated – Respectfully, Mr.Chair, the Planning Board reviews the conceptual development plan and makes recommendation appropriate for its approval or disapproval. And then, sub. 3 under 22-58 E. is, the City Commission shall hold a hearing and approve or disapprove the conceptual development plan or approve it with additions.

Mr. Benton stated – I'm sorry, I didn't hear the last part.

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Attorney Walker stated – Following Planning Board review and recommendation, it does go to the City Commission.

Mr. Gibbons stated – Mr. Chair, Mr. Wuhrman, if I were you, you wouldn't want this going to the City Commission the way it is. You're going to get beat up there. I can tell you that much right now. It's too conceptual. The best thing to do is to come back and work with staff, and represent this project at a lesser intensity and we can go from there.

Mr. Wuhrman stated – We'll take a stab at that.

Mr. Bergman asked – Is there any other discussion on the motion? We have a second right?

Members stated yes.

Roll call requested.

Unanimously **denied** by roll call vote.

Agenda Item #16 (originally item #13 on agenda) – Site Plan with Conditional Use – Kephart Dock – Approval to allow the construction of a private dock with an associated boat lift. Located at 2417 South Indian River Drive. The owner/applicant is Gerald A. Kephart.

Staff Report – Mr. Gibbons stated – This is for the construction of a dock and an upland deck. The deck is 12 x 16, and the dock extends out 400 ft. from the natural shore line. It's consistent with the existing docks, and staff recommends approval.

Mr. Bergman stated – Thank you. Are there any questions of staff from the Board? Is there anyone here to speak on behalf of the site plan with conditional use?

No applicant present.

Mr. Bergman continued – Is there anyone at all here to speak on this? If not, we'll close the public hearing, and entertain a motion from the Board.

MOTION WAS MADE BY MR. POITIER TO RECOMMEND APPROVAL OF THE SITE PLAN WITH CONDITIONAL USE FOR A DOCK. Seconded by Mr. Knott. Unanimously approved by roll call vote.

Agenda Item #17 (originally item #14 on agenda) – Conditional Use – Alzheimer's Community Care – Approval for an Alzheimer's and related adult dementia specific day care facility. Located at 2900 Jenkins Road. Owner is St. Peter Evangelical Lutheran Church, Inc., and applicant/representative is Robert J. Gorman.

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Staff Report – Mr. Gibbons stated – This is part of the St. Peters Lutheran Church. They have a United Way sponsored bill for the start-up costs for this daycare. Daycares are a conditional use within the R-2 zoning district, in which the church is in. And it's for 35 –45 adults. They'll be set up within the church's social hall. They have adequate kitchen facilities, and loading/unloading zones as well throughout the church. So, staff recommends approval.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? Alright, we'll open the public hearing.

Mr. Robert J. Gorman stood and introduced himself and stated – Thank you members of the Board. I'm proud and happy to be a member of the Board of Directors of Alzheimer's Community Care, and President of the St. Lucie Advisory Council for Alzheimer's Community Care. If I might approach, I have a publication about my Alzheimer's Community Care as well as a brochure that's specific to the dementia-specific daycare centers; which they currently operate nine (9) of in Palm Beach and Martin Counties. We have been working for the past two years to get to the this point of being able to set up one in St. Lucie County. Six (6) of the daycare centers are partnered with churches. And they donate their facilities and shortly after we began looking at being able to raise the funds and find a location here in St. Lucie County for such a daycare center, Pastor Rice and the congregation at St. Peter's generously approached us. And have offered their beautiful facility, which is only a few years old, and thereafter annexed into the City. We have the opportunity here to serve 35 – 45 individuals and their families with Alzheimer's or other dementia-related disorders. Presently with me tonight is not only Pastor Rice, but also Mary Barnes, the President of Alzheimer's Community Care, who has come up from their headquarters in West Palm Beach to be here to show how important this is for Alzheimer's and for the community. The brochure, I think, will explain the program. We will be serving snacks and meals on site, because they have a tremendous kitchen there at the church. We'll be using one of their meeting halls they've set aside. We'll have dedicated restrooms there. It will be operated Monday thru Friday, 7:30 to 5:30. We will state licensed, have a nurse on staff. And, as indicated, they have a lot of experience in this, already operating nine (9) in Palm Beach and Martin Counties. It's impetuous now, because we've been working on this. We've raised \$30,000.00 locally. And in the latest budget, the government and the legislature felt that it was important enough project that they have budgeted \$100,000.00 for start-up and initial operating for this daycare center. And we're a United Way agency. Already, in fact, we've had a presence, not only in seeking to working towards this daycare center for the past three years in the community, but we've had a nurse, case manager, family consultant with an office here in Fort Pierce out on Delaware Avenue...actually in my building. I've donated the space because I think this organization, and the work that they do, is that important. A very grass-roots organization working with volunteers and local agencies. And I would ask your support for this conditional use. If there is any questions I'd be glad to answer them. And if I can't, I'm sure Mary Barnes can.

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

Mrs. Gates stated – I have one. How do you screen the applicants as far as...? You must have some type of screening to know whether they are ...

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Ms. Mary Barnes stood and introduced herself and stated – Everyone has a medical diagnosis of some kind. We encourage and connect with doctors to make sure that they have the medical diagnosis. There are symptoms, there are signs families, patients are well aware of what's going on.

Mrs. Gates stated – I mean as far as their abilities are concerned. Isn't there a limit to ...? How do you know when you cannot take someone? When they're just not mobile at all or...?

Ms. Barnes stated – It is up to the family. We bathe, we have family...let me just say this. 87 percent of our patients last year in our nine (9) dementia-specific daycares, 87 percent of them, when they were discharged, never went to a nursing home. They died at home. They died with family. They had a hospice program. The fact of the high success of the stabilization that we have, and we're committed to keeping the family together. Because that's what the family wants. And to have the patient in the caregiver. And the other part of this is, that 63 percent of caregivers are at risk of dying before their loved one. We are changing that statistic...40 and down below, because of the kind of interventions that we do. We do the dementia-specific daycare. And that is one very big component. But with a family nurse consultant, like Bob said, she's the registered nurse and she keeps the family always in tune. Not only are we dealing with a patient, we're also dealing with a caregiver. Many, many times the caregiver is five (5) times more and medically ill than the patient. So, there's that intervention. Besides the support groups, besides the education and training, besides the magazine, besides the annual conference, besides the crisis line, and working with the police doing a lot of the training. And we are very involved with the EOC and helping them, especially with the Special Needs shelter. It's not just one part, our organization is very complex, and very comprehensive.

Mrs. Gates – Thank you.

Ms. Barnes – Thank you.

Mr. Bergman asked – Are there any other questions for the applicant? Thank you very much. Is there anyone else here who wishes to speak on this project?

Pastor Ted Rice stood from his seat and introduced himself and stated – I'm Pastor of St. Peter's Evangelical Lutheran Church. I would just like to say a few words. We're very excited about it, because there's no facility at all in St. Lucie County. There is just nothing in St. Lucie County, and we're watching people die because they're locked up for 24 hours a day, seven (7) days a week as a patient. This will give the ability of someone, for instance a guy who wants to get in a round of golf, he hasn't played in three months because he's been locked up with his wife. This will give him the opportunity to just get out. And maybe someone wants to get her hair done. So, we're really excited about it. We designed our facility to have showers in that room...in the bathroom. We have a full commercial kitchen as good as any restaurant has.

Mr. Bergman stated – Okay, thank you. Are there any questions of the applicant? Is there anyone else who wishes to speak? If not, we'll close the public hearing. What's the pleasure of the Board?

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Attorney Walker stated – Mr. Chair, may I get some clarification from staff on a brief point?

Mr. Bergman – Certainly.

Attorney Walker continued – Travis, your report wasn't all together clear. You noted that the Comprehensive Plan provides for designation of RL, Residential Low Density. For the benefits of the minutes, is staff satisfied that this application is consistent with the Comprehensive Plan?

Mr. Gibbons stated – Yes, it is.

Attorney Walker – Thank you.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE CONDITIONAL USE. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mr. Bergman stated – Thank you for sticking it out tonight. I think this is like a record meeting. All the times I've been on this Planning Board we've never had a meeting this long.

Mr. Poitier stated to the applicants – That's a good program though. We need that.

Ms. Barnes – Thank you.

Agenda Item #18 (originally item #15 on agenda) – Conditional Use – Harris Barbershop – Approval for a barbershop in a C-1, Office Commercial Zone. Located at 720 Delaware Avenue. Owner is Julian Demora, and applicant/representative is Charlie Harris.

Staff Report – Mr. Gibbons stated – The applicant is requesting a two-chair barbershop at 720 Delaware Avenue. Zoning is C-1 and the conditional use states that the use has to be consistent; it has to be on the ground floor surrounding by offices; things that are permitted within the C-1 district. Within that shopping plaza, you have insurance agents, attorneys, contractor offices, and general offices, to name a few, which is consistent. And it's only two (2) chairs and it's not going to be a detriment to the site; it will actually be a benefit to the businesses within that shopping center. And staff recommends approval.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? If not, we'll open the public hearing if there's anyone here to speak on behalf of the conditional use application.

Mrs. Beverly Harris (wife of Planning Board member, Charlie Harris) stood and introduced herself and stated – I am part owner of Mr. Harris' Barbershop, unfortunately we were forced out of our building, out after 18 years. And it forced us to look for another place, due to last year's hurricane damage. We did locate a building over at 720 Delaware Avenue, which we were unaware that it was zoned C-1, and that we could possibly could not be in there. So, we're here tonight before the Board to ask your approval for Harris

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Barbershop to go into that location. So, that we can continue our business, and not totally shut down. We're definitely trying to stay within the City of Fort Pierce, because we've been here so long. And most of our clientele is here in Fort Pierce. So, we just ask approval of the Board to allow Harris Barbershop to go into the C-1 zoning.

Mr. Bergman stated – Okay, thank you. Are there any questions of the applicant? This is the Alpi shopping center?...the strip center?

Mrs. Harris – Yes, it is.

Mr. Bergman – Okay. You have two (2) seats?

Mrs. Harris stated – Yes, two (2) chairs.

Mr. Bergman asked – You're not going to have a lot of traffic in and out of there. Because I know they use a lot of parking in that center.

Mrs. Harris stated – No, we hope not. We do have a customer base, but they usually don't all pack in through the week, basically on weekends...Saturdays. And I think they're pretty much closed on those days.

Mr. Bergman stated – Yeah, they're closed.

Mr. Poitier added – I'm a customer too.

Mr. Bergman stated – Thank you. The public hearing is still open if anyone else would like to speak. And now it's closed. What's the pleasure of the Board?

Mrs. Gates added – I think this would be a great place for a barbershop.

MOTION WAS MADE BY MRS. GATES TO RECOMMEND APPROVAL OF THE CONDITIONAL USE. Seconded by Mr. Poitier. Unanimously approved by roll call vote, with Mr. Charlie Harris abstaining from voting due to conflict of interest.

Mr. Bergman stated – Thank you. You'll be notified by the City Clerk when this is going to be heard at the City Commission. Thank you.

Agenda Item #19 (originally item #16 on agenda) – Rezoning and Future Land Use Amendment – Carriage Park – Approval to rezone the subject property from R-2, Single Family Intermediate Density to R-4, Medium Density Residential. The Future Land Use of the subject property from RL, Residential Low Density to RM, Residential Medium Density. Generally located on the east side of U.S. Hwy. 1 & north on Tumblin Kling Road. Owner/applicant is Ward Snyder, of Leeward Homes, LLC, and representative is Holly Hoover, P.E.

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Staff Report – Mr. Gibbons stated – This property was annexed into the City of Fort Pierce in 2004, and as a matter of policy, the City assigned the zoning and future land use equal to or lesser than St. Lucie County's. Therefore, it came in with a R-2, which is a Single Family Intermediate Density zoning. And a RL, Residential Low Density zoning. The applicant is requesting to propose a small multi family development within the site. It is adjacent to the Chevrolet dealership, off of U.S. 1. And because we annexed the property, St. Lucie County's planning practices on that was ...it was a bad idea for planning to have high intensity, high development commercial adjacent to a low density residential for single family development. You're just not going to have it. You need a transitional zoning, you need buffering between there. And that's where the Medium Density Residential, the R-4, is coming into play. In the St. Lucie County, the property to the east is within St. Lucie County. And that is single family and also you hit to the Savannahs and the Preserve to the south. So, the applicants' request to go to R-4, which would be a medium density, it would lower the intensity off of the commercial to the west, but it would also be a nice buffer planning-wise to the single family to the northeast and southeast. And staff recommends approval of changing the zoning from R-2 to R-4, and from changing the land use to be consistent...RM. And it is a small scale amendment, 4.9 acres.

Mr. Bergman asked – This is right to the east of Bill Shultz, is that right?

Mr. Gibbons stated – Correct. It abuts right up to it.

Mr. Bergman stated – There is a RM5 just east of that. That's a County parcel, right?

Mr. Gibbons stated – It's County. And then there's single family to the southeast.

Mr. Bergman stated – Yeah, but I think very little of it is developed.

Mr. Gibbons stated – There's a few that's there, and it's run down.

Mr. Bergman stated – Farther east...

Mr. Gibbons – Yes.

Mr. Bergman asked – Are there any questions of staff from the Board? We'll open the public hearing if there's anyone here to speak on behalf of the rezoning and future land use.

Ms. Holly Hoover, P.E. stood and introduced herself and stated – I'm here representing Ward for Leeward Homes. As Travis said, We're trying to achieve a respectable transition development here. To the west is Bill Shultz Chevy, that's been there 30/40 years. And the service center of the Chevrolet dealership itself, the hard end of the service backs right up to this property. It's very inappropriate for single family. Also, the property to the north has been rezoned and amended to commercial, but it's being used as high intensity residential. To the east are actually two (2) parcels of 2.5 acres each. And then in all likelihood—I did a phase I on this too—and I've talked to all the neighbors, those are going probably be put together...probably subdivided to some kind of duplex or something when it comes in. To the south is a large stone works on that corner, if you're

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familiar with it. It's almost industrial. So, this is an appropriate thing. These developers want to do a nice job there. And I think this is exactly the type of development that Florida...the state had in mind when they developed the small scale use amendment to create opportunities to fix/correct zoning flaws, land use flaws. And I think this is perfect for this.

Mr. Bergman stated – Thank you. Any questions for the applicant? Mr. Walker, while I don't receive any direct benefit from this client on this project, he is a current client of ours. I should probably fill the form (8B) out?

Attorney Walker stated – If there is pending business, Mr. Bergman, rather than a previous business relationship, I believe that would be justified. If there is a present business relationship.

Mr. Bergman added – Not on this parcel. Not on this project.

Attorney Walker continued – But on some other?

Mr. Bergman stated – Well, we have some on-going stuff we're doing with them.

Attorney Walker stated – The Board's action may well inure to the benefit of your principle in this matter. Your principle not in this matter but in another matter. And therefore appearance standards propriety come into play.

Mr. Bergman stated – Well, that's kind of what I thought.

Attorney Walker – Yes.

Mr. Bergman asked Mrs. Gates – Would you like to finish this item for me?

Mrs. Gates (temporarily acting as Chair) asked – Are there any questions for the applicant from the Board? Thank you very much.

Ms. Holly Hoover – Thank you.

Mrs. Gates asked – Is there anyone here to speak against this request? If not, what is the pleasure of the Board on this issue?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE REZONING AND FUTURE LAND USE AMENDMENT. Seconded by Mr. Harris. Unanimously approved by roll call vote.

The position of Chair returns to Don Bergman at this point.

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Mr. Bergman stated – I have the forms (8B), Dianna, so, I'll fill them out when I'm awake. We're almost there. We're going to get this thing finished before midnight, you watch.

Agenda Item #20 (originally items #17 & #18 on agenda) – Future Land Use Amendment & Rezoning – Kraaz & Kraaz Financial, Inc. – Approval to amend the Future Land Use of the subject property from RL, Residential Low Density, to RM, Residential Medium Density. And to rezone the subject property from R-2m Intermediate Single Family Residential, to R-4, Medium Density Residential. Generally located on the corner of Weatherbee & Midway Road. Owner is Kraaz & Kraaz Financial, Inc., and applicant/representative is Steve Ball, of Land Planning Systems, Inc.

Mr. Gibbons stated – Mr. Chair, for clarification, can we combine #17 and #18, which is the Future Land Use and the Rezoning? And I could just do a staff report on both?

Mr. Bergman stated – Yes. I think they're both hand and hand just like a rezoning and annexation.

Staff Report – Mr. Gibbons stated – This is the same thing. This was annexed in the City of Fort Pierce in 2004 as well. It's just like the last parcel that we just dealt with. It was brought in with an R-2 and an RL zoning. The RL is the land use zoning. Surround the property ...it's a triangular piece...a mixture of pieces, which has Weatherbee Road on the north, Midway Road on the southeast side, and, I believe, that's Silver Oak on the west. This is the same thing. It's a matter of bad planning. It's single family zoning. And if you're going to have single family development fronting Weatherbee/Midway Road, it's not a good practice. And they are requesting to go to the R-4 zoning with an RM, future land use. And this would, once again, be a transitional zoning between the PUD to the north and the single family to the south. And staff recommends approval. And once again, it's a small scale amendment. That's a medium density residential.

Mr. Bergman stated – Yeah, I was thinking there was an R-3 that was a little less dense, but it's all single family?

Mr. Gibbons – Right.

Mr. Bergman asked – Any other questions of staff from the Board? We'll open the public hearing, since you're the only public left.

Mr. Steve Ball stood and introduced himself and stated – I'm with Land Planning Systems. I'm representing the applicants. This is a wedge-shaped parcel between two major roadways. We think it's an appropriate land use and zoning. And it would be well buffered from other adjacent uses. It was actually zoned commercial in the County, and then we annexed it into the City; and it had an inconsistency between the land use and zoning. And we think this is an appropriate good use. It actually went through this Board previously. What happened was we had applied and combined it with land use, zoning, and annexation. And it got to the City Commission, after the Planning Board had approved it, and they said well, procedurally we want you to do it differently. The City Attorney advised us to separate them and review them. That's why we're coming back

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through here. And I'll be glad to answer any questions. And we agree with the staff's recommendation. Thank you.

Mr. Bergman stated – Thank you. Are there any questions for the applicant? If not, we'll close the public hearing.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE REZONING AND THE FUTURE LAND USE AMENDMENT. Seconded by Mrs. Gates. Unanimously approved by roll call vote.

Mr. Bergman stated to the applicant – You'll be notified by the City Clerk's office when this goes to the City Commission.

Mr. Bergman stated – Seeing that we're on the last two items, I have to excuse myself, since I have to present them. Mrs. Gates, would you take the gavel please?

Mrs. Gates assumes position of Chair at this point.

Agenda Item #21 (originally item #9 of agenda) – Site Plan – North Shore Professional Center – Approval for the construction of a three-story office building. Generally located on the east side of 25th Street between Ormond & Mississippi Avenue. Owner is Steve Wolf, and applicant/representative is Don Bergman, of Peacock & Lewis Architects.

Staff Report – Mr. Gibbons stated – This is for a three-story medical office building between Ormond & Mississippi Avenue off of 25th Street. It's roughly 22,210 sq. ft. in area. It's a medical office building. Because it's got an odd-shaped lot, they've incorporated the best they can to fit in parking requirements. They are going to be short, I believe it's, ten (10) parking spaces; and they're also short in the rear landscape buffer of 6.9 ft. They have applied for a variance. And that will be going to the Board of Adjustment August 25th (postponed to August 30 due to unfavorable weather conditions) for approvals. And staff recommends approval based on the conditions of the variance being approved for the landscape buffer and the parking shortage. They do have a parking lot on the south side of...I believe that's Ormond Avenue?

Mr. Bergman stated – No, Mississippi.

Mr. Gibbons continued – It's on the south side of Mississippi. And they had some technical problems with that. But they've made those corrections with driveway clearance to intersections.

Mrs. Gates asked – Any questions for staff from the Board?

Mrs. Minton stated – I have a question. It says that there's a buffer. Has a variance been received?

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Mr. Gibbons stated – The variance will be...they will be at the Board of Adjustment on August 25th (moved to August 30).

Mrs. Minton asked – For the buffer zone?

Mr. Gibbons continued – For both the landscaping and the parking.

Mrs. Gates asked – Any further questions for staff?

Mr. Poitier asked – How come you're short the ten (10) spaces?

Mr. Bergman asked – Is it my turn?

Mr. Poitier added – Well, if the staff doesn't know.

Mr. Bergman stated – When we did the site plan, initially we had all the parking spaces. When the civil engineers got it, they were short six (6), when Technical Review got it we had to move the driveway on the south parcel, which is strictly just a parking lot, because it was too close to 25th Street. So, we lost four (4) more. We're going backwards in terms of parking. So, we did have enough parking spaces at one time. But now, with turning radiuses and such, we've lost ten (10) spaces. If you look at the site plan on the south parcel, which should be the second sheet, you can see we had to put an S in the driveway to get in because of the driveway distance between 25th Street we had to meet. It was an easy fix but it cost us a couple more spaces. So, yeah we did have all the parking on there at one time, because the lot is very irregular. It was originally zoned all single family lots. So, we have a lot of not really deep lots. We have met with Ramon on the building at one time trying to pull it forward to save those two (2) big oak trees in the back end of the lot. We're trying to maintain those. But I think the only area we're short on landscaping is on the north parcel on the northeast corner. It's a 6.9 setback and it's only for about 60 ft. or so. And the ten (10) spaces ...like I said, we had them at one time. Stef Mathes eliminated about six (6) of them due to his auto turns, but we've tried to do what we can to meet all the requirements staff had. And I think we have a really nice looking building going in there, because it's a Tuscan Villa look. Anyway, I'll answer any more questions that you have.

Mr. Poitier – That's good enough, thank you.

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

Mr. Arias stated – I have a question. What would you have to do provide those ten (10) spaces? Would you have to shorten the building...?

Mr. Bergman stated – Ten (10) spaces would be 2,000 sq. ft. We may not end up with that actually gross amount...We haven't really fully developed the floor plans. We may end up reducing the size of the building somewhat.

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Mr. Arias asked – What about the specifications that we have that they can have off-site parking?...Do they have an agreement with the owner...?

Mr. Gibbons stated – They own the property too, so...

Mr. Arias asked – Are they going to be owning it forever or ...?

Mr. Gibbons stated – They bought it. They wouldn't be able to see off the piece. If they did that then they would have to have an agreement.

Mr. Arias stated – If they have an agreement, then the seller ...

Mr. Gibbons stated – If they would ever sell the building.

Mr. Knott stated – Even with that off-site parking you don't have enough yet?

Mr. Bergman stated – Well, we did at one time. Like I said, when I did the site plan, we had adequate parking. We squeezed every bit of life out of the thing.

Mr. Knott added humorously – Architects do that.

Mr. Bergman stated – Well, I thought it worked. And when we sent it to Stef he goes, well, you're short six (6) spaces. I go, what do you mean we're short? They were all there before when he got it.

Mr. Knott asked – Even with that little parking lot, you still don't have enough?

Mr. Bergman stated – If you look, what's happened is there's a restriction on distance between driveways off of arterial or collector.

Mr. Knott – Right. Right.

Mr. Bergman continued – And we had to be 50ft. from the center to the edge of pavement.

Mr. Knott – Right.

Mr. Bergman continued – So, what we've ended up doing was losing two (2) spaces on the top and two (2) spaces on the bottom. We actually have space for like five (5) more spaces in there. But we lost those, because of distance requirement for the ...

Mr. Knott stated – But even with those 21, you're still 10 short.

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Mr. Bergman stated – We would have been six (6) short. This was four (4) spaces we lost because of the driveway we had to move. We were six (6) before that. We have some opportunity to squeeze some more in there, but I don't want to reduce the land. We've actually added landscaping in there to really dress up the appearance of the building. Because I know we were starting to encroach somewhat on the setbacks.

Mr. Knott asked – How about just your operations though, it will work without that many spaces practically?

Mr. Bergman stated – Practically I think it will work, because I don't know if any of the doctors are going to be in the office operating, having business all at the same time. I haven't run it by the client with his ...I guess the owner is Dr. Katzman, the one in there. He has a group of people that are in there. I don't know if that's going to be an issue. We have some areas in here where we could actually squeeze in a couple more parking spaces. But it would be at the expense of landscaping, and I'd rather not do it.

Mr. Knott added – Yeah, let them do it after they find out they need a couple more.

Mr. Bergman stated – Well, like I said, we may be able to squeeze the square footage down in the building. At the time, he was trying to get a threshold square footage to make the project work. We were able to do that. But there still may be some square footage we have to lop off or services or whatever.

Mr. David Recor stood and introduced himself and stated – I'm the Deputy City Manager. I know it's late. But it sounds like that in meeting the requirements of the ordinance the only consideration given was the reduction in the parking spaces and not a reduction in the size of the building. Now, if it turns out that the building can be reduced to meet the required parking, then, I think, that satisfies the concerns from staff. If, however, the application goes to the Board of Zoning Appeals (Board of Adjustment), the applicant's going to have to demonstrate a hardship. And there are specific criteria that the applicant has to address. So, I don't the Board to think for a minute that it's a given that a variance can be obtained. So, I just caution you not to take these issues lightly, not only on this application, but on any application that comes before you. It's one thing to condition an application, it's another to condition an application on an applicant receiving a variance where it goes before another Board, another public hearing, a totally different set of criteria of which the applicant has to demonstrate a hardship. And the inability to meet the parking requirements is not a hardship. If the building can be reduced, then that's not a hardship. There's an alternative. That just needs to be said.

Mrs. Gates – Thank you, Mr. Recor.

Mr. Bergman stated – Well, I'm sure it can be reduced, but I don't know how practical it would be to reduce the building to make a parking ...we will have to get ten (10) spaces in here, and I'm sure that would take more than 2,000 sq. ft. out of the building to make that work.

Mrs. Gates stated – Don, would it all be possible that you might want to table this issue until the next ...?

Mr. Bergman stated – No. We'll submit it. We've applied for the variance. If it doesn't go through, then that will pretty much kill it. We'll have to redo it.

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Mrs. Gates – Okay.

Mr. Knott stated – Madam Chairman, just to follow up with what David was talking about. It sounded like you (David) were trying to advise us on something that...doesn't that fall back onto the applicant? Buyer beware. We could make the recommendation to him, but if that doesn't go through thenit's on the applicant. Thank you.

Mr. Arias stated – I have a comment to make. And I think the project is a good project. I'm very tired but I'm thinking about the precedence. Now you don't want to be on this Board and have more applicants coming to you and say, I'm missing ten (10) parking spaces, I'm going to go to the Variance Board (Board of Adjustment). That's going to be bad.

Mr. Knott stated – Well, ten (10) is a lot.

Mr. Arias agreed – Ten (10) is a lot. One (1) is okay, one (1) I can even support.

Mr. Knott added – One (1) or two (2) we've had before.

Mr. Arias continued – But this is something that I advise the Board to be very careful because you establish a precedence. And they're going to have people coming here all the time because land is very expensive. They want to maximize the land all the time, and then they're going to be asking you, okay we'll go to the Variance Board (Board of Adjustment).

Mr. Knott asked – Is that their prerogative anyway?

Mr. Arias stated – Okay, but I don't think ...if that's the case, why do we have the ordinance to say that we need so many spaces?

Mr. Knott stated – Well, yeah, but if that's the case then, Hector, they shouldn't even be in front of us.

Mr. Arias added – That's exactly...

Mr. Knott continued – Statutes that say, hey, you're out of luck guys. Yeah, I agree with you. I don't want to set a precedence either, but in a case like this where he has ten (10), that's why I was asking if it's practical...can they live with it?

Mr. Arias stated – Maybe in this case you can say go ahead and go for a variance. But I'm sorry I didn't catch this one, you know. I like projects...I like progress. You know that.

Mr. Knott – Yes.

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Mr. Arias continued – But the precedence is the only thing that always scares the heck out me. Because they can come back and people from the outside and all that....and ...we're going to have a mess on our hands.

Mr. Knott stated – Yeah, it looks like something we shouldn't be doing.

Ms. Benton asked – I have a question for staff. Could Mr. Bergman go for his variance first...I mean, if he were to table it, could he go for the variance and then come back procedurally?

Mr. Arias stated – That would be...ask Mr. Walker.

Ms. Benton – Mr. Walker?

Attorney Walker stated – Madam Chair, if an application does not conform to code, ordinarily it's not supposed to get here at all. It was, in fact, forwarded, though, with the implicit understanding that the applicant had the right to...that it was subject to the right to seek a variance, with no guarantee, of course, that a variance, will in fact, be granted. It is inconsistent to take the position that the staff can forward it to the Planning Board with that understanding, but that the Planning Board shouldn't have the same understanding. Now the Planning Board is perfectly within its rights to approve an application subject to the ability of the applicant to seek a variance. That has been our practice. As Mr. Knott points out, the applicant takes a subject to the risk of course that it may or may not be granted. So, there's certainly no impropriety in approving this subject to that, if that, is in fact, the pleasure of the Board. Whether or not the Board chooses to handle it that way, is within the Board's discretion.

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

Mr. Knott stated – Only....Don, do you still desire to go forward with it, with a condition on there after you've heard everything, or do you want to table it and go to your client?

Mr. Bergman stated – What we tried to do is to provide circulation around all these parking spaces. Obviously we could do a dead end parking space, and get the extra ten (10) spaces in here if we needed to. It's probably not the best practice where you have to pull into a double row of parking, and if there's no parking, you have to have a back-out space. We tried to avoid that and provide drives all the way around it. Obviously we can....I can see a spot right now where I can pick up ten (10) spaces by compromising the parking.

Mr. Knott asked – So, you do have a fall back position?

Mr. Bergman stated – Yeah, we can make this work. I'm looking at it going, well, I hate to do it. But if we had to lose the drive on Ormond, the angled two-way drive that's parallel to Ormond, we could extend that center row of six (6) and eight (8) spaces all the way to the right-of-way, and pick up another six (6) or seven (7) spaces. So, it can be done, but it's not...we tried to provide circulation around the building for the parking so that you don't have people cruising around and having to back out of driveways. It's probably not the best practice but I know we can make it work.

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Mr. Recor added – Or you could reduce the size of the building that eliminates the necessity for those ten (10) parking spaces as well as the variance to the setback, which is not a given. Again, we're talking about, well, I can ...and again, Don, you're the Chairman of the Planning Board, and I don't mean this disrespectfully, but if anyone should be setting an example, it should be you.

Mr. Bergman stated – Well, like I said, at one time, we had all the parking lot areas required. We squeezed every parking space in here. And we send it off to these civil engineers and look what they do to you. So, this was so late in the game that we were trying to get this thing submitted, it's like, well, what do we do now?

Mr. Recor stated – I'm going to suggest to you that I don't think it's a slam dunk going to the Board of Adjustment and getting the variance to either one of those provisions. But giving the applicant the choice to proceed that's fine. The question remains, if it does not get approved the alternative is then to adjust the size of the building, meet the requirements of the code. And it's going to come back for your review once again.

Mr. Bergman stated – Well, what we may end up doing is revising the plan before we go for the variance. And have a less of a shortage...we may end up with two (2) or three (3) spaces.

Mr. Recor added – Because part of the Board of Adjustment's responsibility will be to ask, is there an alternative? And if there's an alternative there's no hardship.

Mr. Poitier stated – I have a question please, Madam Chair. Why did it come to us in the first place?

Mr. Recor stated – Because it has been the practice of staff to forward recommendations subject to the applicants receiving a variance. And we've given the applicants the option of proceeding in that manner.

Mr. Poiter stated – Yeah, but I think that would put us in hot water if we approve it. Like you said, they'll be coming up with more and more.

Mr. Recor stated – I think you're going to see, over the course of the next few months, particularly, let's say the next six (6) months as we get a new planning director on board. We're going to be doing a lot of things differently with the Planning Board.

Mr. Poitier – That's good.

Mr. Bergman stated – Well, we've done this in the past where we've had things come up that we forwarded...

Mrs. Gates asked – Okay, Don, what do you want us to do? We're giving you a choice here.

Mr. Bergman stated – Well, I would just as well go to the variance board (Board of Adjustment) ...so I have some opportunities to reduce the non-conformity before we get to the variance.

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Mr. Knott stated – If you could trim that in half, you may have a shot at it.

Mr. Bergman added – Oh, we could do it less than that.

Mr. Knott continued – If I was on the Board of Adjustment...

Mr. Bergman stated – Well, it's kind of embarrassing to say you're ten (10) spaces short, it's like geez that's a lot. It would have been easier just to apply for a variance and distance waiver on the driveway.

Mr. Gates stated – Okay. So, you're willing to take your chances here?

Mr. Bergman – Yes.

Mrs. Gates asked – Alright, what is the pleasure of the Board on this item?

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH THE CONDITION THAT THE VARIANCE FOR THE PARKING SHORTAGE AND THE LANDSCAPE BUFFER BE APPROVED BY THE BOARD OF ADJUSTMENT.

Mrs. Gates asked – Is there a second to this motion?

No second was made.

Mr. Knott added – Nobody loves ya. I don't feel the love.

Mr. Bergman stated – I'm telling ya.

Light laughter.

Mrs. Gates asked – Is there no second? The motion dies for a lack of second. Okay, I'll entertain a motion. Or Don, you could table this.

Mr. Knott asked – Could I make another motion then?

MOTION WAS MADE BY MR. KNOTT TO TABLE THIS ITEM FOR 30 DAYS TO ALLOW THE APPLICANT REVISE HIS PARKING AND LANDSCAPING DIFFICULTIES. Seconded by Ms. Benton.

Mr. Recor stated – Madam Chair. In all fairness to the applicant, in my opinion, there is no reason that the Board could not make the motion to approve subject to the applicant revising a plan that meets the requirements of the ordinance. And that would alleviate the need for it to come back to the Planning Board and then to table it for 30 days. The applicant could then make the decision as to whether or not they choose to revise the plan and then move forward.

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Mrs. Gates – Thank you.

Mr. Knott – Good thought.

Mrs. Gates asked – Okay, is this motion and the second going to remain on the table? Or are you going to rescind this motion?

Motion revised.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THIS SITE PLAN WITH THE CONDITION OF A REVISED SITE PLAN THAT MEETS THE CITY’S REQUIREMENTS FOR PARKING

Mr. Knott asked Mr. Bergman – How about the landscape buffer?

Mr. Bergman stated – I don’t know if we can do much with that.

Mrs. Gates asked – Is there a second on that?

Mr. Poitier stated – I second that.

Mr. Knott stated – Well, just a second, if you don’t mind.

Mrs. Gates – I’m sorry.

Mr. Knott continued – Maybe we ought to go ahead and ...are you (Don) still going to go to the Board of Adjustment for the landscape buffer?

Mr. Bergman stated – Going to have to for the landscape...it’s only three (3) feet.

Mr. Knott stated – I’ll modify it one more time....poor Dianna...

Motion revised once again.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE CONDITION THAT THE REVISED SITE PLAN MEET THE PARKING REQUIREMENTS OF THE ORDINANCE, AND THE VARIANCE APPROVAL OF THE LANDSCAPE BUFFER. Seconded by Mr. Poitier. Unanimously approved by roll call vote, with Don Bergman abstaining from voting due to conflict of interest.

Mrs. Gates stated – Okay, Donald, you’ve been approved.

Mr. Bergman stated humorously – Tough crowd.

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Laughter from Board.

Mr. Bergman – Thank you.

Mrs. Gates stated – Okay, it is my privilege to present the LAST item for the evening.

Agenda Item #22 (originally item #10 on agenda) – Site Plan – Center West Plaza – Approval to allow the construction of an office retail addition. Located at 3224 South U.S. 1. Owner is Mary Martha, LLC, applicant is Jommy Joseph, and representative is Don Bergman, of Peacock & Lewis Architects.

Staff Report – Mr. Gibbons stated – This is going to be in the same category as the last one. This is for a 9,284 sq. ft. addition to an existing retail plaza. The current plaza has 27,966 sq. ft. of retail/office space. With the addition the plaza would contain 37,250 sq. ft. The proposed addition would require an extra 46 parking stalls, bringing the plaza up to 187. The applicant proposes to provide 151 spaces. However, the applicant has provided information which satisfies Section 22-60 A 5: Owners of two (2) or more uses, structures or parcels, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided the satisfactory legal evidence as presented to the City Commission in the forms of deeds, leases, or contracts that establish a joint use. Staff does not recommend that procedure to be used in this situation with the retail aspect. You have retail, you have office, you have nightclubs. If one of those businesses leaves, no other business can come back in unless they have the same hours of operation. That's a terrible clause within the parking regulations. However, if the applicant wanted to apply for a variance for the 42 additional spaces that they would need...the recommendation was based on an approval that if they were to get a Board of Adjustment approval for the parking; however, I don't it very favorably that they would get a recommendation from staff at the Board of Adjustment for a variance on the parking.

Mr. Arias asked – For 42 spaces?

Mr. Gibbons – Yes.

Mr. Poitier asked – So, what do you say?

Mr. Gibbons stated – We based the approval ...it was just an approval if they were to receive a variance for the parking, but, like I said, that will coming up on the 25th (30th), and that's not going to have a favorable review. It's going to have a denial.

Mr. Arias stated – This is out of ordinary...as an Interim Director of Development, I cannot support this. I'm sorry. I can't

Mr. Knott stated – Well, knowing what you know, you can't.

Mr. Bergman stated – Well, this meets code.

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Mr. Poiter stated – Well, they kept it in there.

Mr. Knott stated – Yeah, but not for the variance.

Mr. Bergman stated – We're not going for a variance.

Mr. Knott – Huh?

Mr. Bergman stated – We're not going for a variance. There's no way we'd get a variance for 42 spaces.

Mr. Knott – Oh, okay.

Mr. Bergman continued – This meets the technical requirements of the code, because we're overlapping our hours of operation. This is the old Center West Theatre. And what happens is the parking spaces that are required by the overlapping hours are compensated by the change of use. Some of these tenants are only operational at night. I know it's kind of weird, but when this place was designed it was designed that way because the theatre was only generally opened at night. And when he bought the property there was already a substantial shortage of parking. Because, like I said, the center theatre operated at night. They used all the parking when all of the other places were closed at night. So, what we've done...we did have spaces across the street ...across U.S. 1 at the Days Inn that they owned.

Light chuckle from Mr. Knott.

Mr. Bergman stated – Now, that also met the technical requirements of the code because he was within 300 ft. of the property. Now staff said that they would not allow it because crossing U.S. 1...it was hazardous. And we agreed with them. So, what we did is that we reduced the size of the building to eliminate those spaces across the street. But we still have the overlapping hours on the west side of U.S. 1, which meets code. Now, it's weird but provisions there...we've taken advantage of it.

Mr. Knott stated – Mr. Walker...

Mrs. Gates stated humorously – Don, I now know why you put these (items) to the end.

Mr. Knott agreed – I do too.

Mr. Bergman stated – I've been trying to get thing done for the Planning Board for three (3) months.

Mrs. Gates – Okay. I think Mr. Recor wanted to say something.

Mr. Recor stated – I personally met with Mr. Bergman and the property owners on this issue, because we were trying to turn this situation into a win-win for the City. And again, we discussed a range of alternatives to developing or providing this addition to the shopping center. Because, if you look at the addition and the new

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part of this development, it's very attractive. And what the City wanted to encourage was a redo of the rest of the shopping center. Here we would have this nice new expansion but on top of an older style shopping center. We wanted the applicant to look at the shopping center as a whole. Now, Mr. Bergman has creatively interpreted the requirements of the ordinance law. The first alternative of providing the off-site parking across U.S. 1, we just could not get behind. The second alternative, and looking at the hours of operation, we indicated that, yes, that could technically meet the requirements of the ordinance; however, you're (Don) going to have to sell both the Planning Board and the City Commission on that. So, again, that is not a done deal. Because the applicant is then assuming the responsibility that, with every change of use in that shopping center, they can only replace that use with another use that can live by the restrictions on the hours of operation. Now, the City Commission may buy that. We don't know. I think that they're more likely to consider that as an alternative as opposed to the off-site parking across U.S. 1. And the alternative here, again, is to reduce the size of the expansion, such that it meets the requirements of the ordinance.

Mrs. Gates stated – Thank you. Are there any questions for Mr. Bergman?

Mr. Knott stated – Looking at the parking calculations, one-third of them falls under the theatre, is that right? Am I reading that thing right about ...? That's about 12,000 of your 37,000. And, if that's the case, what are the chances of that thing ever....? That would be the one, if it ever changed hands...that would be the one that would scare you the most.

Mr. Bergman stated – It's only the big center part, it's not the whole building. There's retail on either side of it.

Mr. Knott stated – Okay. So, that's not all 12,000 ...?

Mr. Bergman stated – No, it's ...he doesn't have the square footage on this one.

Mr. Knott continued – Because more than likely your little shops, ...the requirements for parking aren't going to change that much. They're at the highest, probably, right now that they're going to be.

Mr. Bergman stated – The original time and area that we submitted to Travis, I guess, it lost. But there's a pool hall in there that's operational from 7 p.m. to 11:30 p.m. And there's a club there open from 9 p.m. to 1 a.m. The two of those combined were like over 5,000 sq. ft. Actually it was more than that. Because we were able to ...I think it was like 32 spaces they used up. Then we have 15 across the street, and 32 we were able to eliminate with the hours of operation on the west side. So, we eliminated the 15 spaces across the street and we took out 2,000 sq. ft. out of the building. Without the addition that he's proposing, the shopping center is still short based on the current code. And that was the only option we had because there's no room to actually ...we were able to re-stripe some spaces and pick up a few spaces here. And develop a little bit and pick up a few spaces. But it's just ...

Mr. Knott stated – Looking at what our responsibility is, I'd look to Mr. Walker...knowing what we know, can we actually make a recommendation to approve this knowing that it meets the intent of the ordinance but it

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does not meet the letter of the law?

Mr. Bergman stated – Oh it does meet the letter of the law. I'll read it to you. Section 22-60, A 5: Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do no overlap; provided that satisfactory legal evidence is presented to the City Commission in the forms of deeds, leases, or contracts to establish the joint use. And at City Commission level, I'm sure he'll be ready to present all the leases that he has and the hours of operation.

Attorney Walker stated – Madam Chair, with simple site plan review, the overriding issue is whether or not the application meets requirements of the code. Staff apparently agrees that it is in technical compliance with the code. There appears to be no issue of about whether or it meets the requirements of the code. Section 22-58 is very clear of the standards that we need to follow. One 1) We have to make sure the site has an adequate amount of space for yards and so forth. Number two 2) We have to make sure that it has access points and on-site drives and parking and unloading areas. Three 3) We have to be concerned about topography, soils and flooding. Four 4) We have to be concerned about placement of buildings and other facilities and consideration of air polluting sources where applicable storm drainage and that's it. Madam Chair ...

Mrs. Gates stated – So, it basically meets code and staff feels like it does. So...Thank you.

Mr. Poitier asked – Staff, you recommended this?

Mrs. Gates – Yes.

Mr. Gibbons stated – If you read my staff report, I recommended a variance for the parking, because staff does not support the joint use. That is not something that we are recommending approval of based on the joint use. That's why we made a recommendation that you need to apply for a variance to even try to even get an approval. And based on the requirements, 42 spaces, and the applicant's been notified that we're not in support of the variance as well. So, based on that, that would be a denial.

Mr. Bergman asked – How can you deny something that's in black and white and in the code?

Mr. Knott stated – Mr. Walker, what Don is saying about it meets the letter of the Code as interpreted for this, because of the overlap of time, does the ordinance say anything about the applicant's responsibility for future conflicts where the uses change? Because that's what you all are concerned with.

Mr. Gibbons – Right.

Mr. Knott continued – But if the ordinance doesn't speak to that, then the building part, evidently, when they come in to pull their permit, they'll say, where's your parking, and then they'll say you don't have enough parking so you can't do that. That's what it would come down to I guess.

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Mr. Arias stated – When that happens, it's going to come back to you and back to us...I don't want to be sitting in the Commission meeting and they say, how come you support it? I cannot support a building that does not have 42 spaces. If somebody has to make a calling, it has to be an attorney.

Attorney Walker stated – Well, we're not in a position to second guess our own Code of Ordinances. We have to go with what our code says. And if the code is inadequate that's a call for amendment of the code. We're simply not at liberty to ignore the provisions of the code. Now as I understand, the conditional recommendation, that involved a situation across the street with the land use agreement. Is that correct?

Mr. Bergman – Yes.

Attorney Walker continued – And we're advised that the parking across the street has been deleted. So, that the only parking at issue now involves the on-site parking, which is subject to the off hours. Is that correct?

Mr. Bergman – That's correct.

Attorney Walker continued – And it was not that parking, as I understand it, which was the subject of the condition. The condition applied to the across-the-street parking. Is that correct, Travis?

Mr. Gibbons stated – Yes, that's correct.

Attorney Walker stated – So, understanding then, that we do not have, as part of this application the across-the-street parking, but only the on-site parking, which staff, apparently agrees meets the requirements of our code. Then, I understand that staff is giving an conditional recommendation of approval. Because the only condition in the report was based on the off-street parking, which is no longer the subject of this application. Thank you, Madam Chair. Have I correctly stated staff's position?

Mr. Recor stated – I don't think so.

Attorney Walker stated – Well, I was going by what you said, Mr. Recor, when you said that you were satisfied that the code permitted the off-hour parking in this situation.

Mr. Recor stated – That's correct.

Attorney Walker – Alright.

Mr. Recor continued – But what I'm saying is that I don't think that is what Travis is saying. The off-site parking is not an issue.

Attorney Walker – Right.

Mr. Recor continued – It's not something that's even before the Board.

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Mr. Gibbons added – Right. That's been eliminated completely.

Mr. Knott – Good.

Mr. Gibbons stated – The condition, like the recommendation that's on the staff report now, the approval with the variance. They're not even going to go for a variance. Just make the condition that their joint use in the form of a deed, at least, or contract, must be approved by the City Commission; which that would be up to them.

Mrs. Gates – Okay.

Mr. Knott stated – Madam Chairman, if I could. Mr. Walker, what section is that off-hour parking? Because I'm ready to make a motion that we would approve this thing subject to the such section off-hour parking our code that does meet the parking requirements.

Mr. Bergman stated – Section 22-60.

Mr. Knott asked – What is it?

Mr. Gibbons added – 22-60 A-A5.

Mr. Knott stated – Because that way the Commission could see what we base it on, Hector, because all we're doing is what the ordinance says.

Mr. Arias stated – What can happen at the Commission is that they may be requesting that there has to be some kind of an agreement for the use in writing. Because if they sell the building to somebody else, then whoever comes in isn't going to be able to have an occupational license.

Mr. Knott stated – It may get a bit too complicated for the Commission. But that's the risk that Don is willing to take. And that's gets us out of here, it gets it off our back.

Mrs. Gates asked – Okay, does that answer everybody's question? Okay, any further questions for Mr. Bergman? What are the Board's wishes on this item?

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE SITE PLAN WITH THE UNDERSTANDING IT MEETS THE PARKING REQUIREMENTS OUTLINED IN SECTION 22-60, OFF-HOUR PARKING OF THE CITY CODE.

Mr. Poitier stated – You didn't put that letter on there.

Mr. Knott asked – Which letter is that?

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Mr. Poitier stated – A written letter ...an agreement.

Mr. Knott stated – Well, I was going to let the Commission ...do you all want to do that?

Mr. Gibbons – Yes.

Mr. Bergman stated – That’s what it says. You have to provide documentation.

Mr. Knott stated – I didn’t realize that. I’m sorry.

Motion revised again.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN WITH THE UNDERSTANDING IT MEETS THE PARKING REQUIREMENTS OUTLINED IN SECTION 22-60, OFF-HOUR PARKING OF THE CITY CODE; WHICH WOULD ALSO INCLUDE A LETTER OF AGREEMENT OR CONTRACT CONFIRMING SAID CONDITIONS. Seconded by Mr. Poitier. Unanimously approved by roll call vote, with Don Bergman abstaining from voting due to conflict of interest.

Agenda Item #3 – Consideration of Absences – Postponed to the end of the meeting.

Ms. Rose stated – We have absences to address and that’s all.

Mrs. Gates stated – Oh, we have absences to address. Mr. Enns had called in and stated he was either not going to be here or he was going to be late. He had a family matter tonight that I think he should be excused for. And Mr. Johnson called and stated he would not be in as well.

MOTION WAS MADE BY MR. KNOTT TO EXCUSE THE ABSENCES OF MR. ENNS AND MR. JOHNSON. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Discussions

Attorney Walker stated – Madam Chair, the bulk of the meeting this evening involved phases for an addition to pre-existing PUD. In connection with that, it was perfectly appropriate for the Board to consider architectural style and aesthetics for the purpose of the assuring that the phases in question blended in a unified fashion with the overall approved plan. However, beyond that, in connection with ordinary site plans and conditional uses accompanied by site plans, we have to be very careful in finding only the factors that the code allows the Board to consider. The code does not give the Board specific authority to consider architectural aesthetics or style as a factor in approving or disapproving an application. And there was an awful lot of attention being given to that in connection with the other applications. And it is a trend that has grown increasingly established on the Board to address that when the authority of the Board to do so is very questionable. You will recall that

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several years ago the Board originated a proposed draft ordinance that would have required that elevations be attached to applications so that the Board could consider architectural features. And that went up before the Commission and that was rejected. Earlier this year, the Commission proposed an Architectural Review Board. This Board countered with the thought that it would be better to simply expand the authority of the Planning Board so that the Planning Board itself could include architectural style and appearance as among the factors that it would consider. The Commission didn't go along with that. The Commission is continuing to look at the idea of a separate Architectural Review Board. So, our code, as reinforced by Commission attitude and desire on how that code be interpreted, simply does not give this Board, in normal cases, authority to consider architectural styling and appearance standards as a factor. And I would very respectfully request that we attempt to focus attention on those factors that the code does say should be considered in reviewing an application.

Mrs. Gates stated – Thank you, Mr. Walker. I have a question. I know it's very late. We do not have an Architectural Review Board now.

Attorney Walker – True.

Mrs. Gates continued – So, who is going to pay attention to that?...if in fact that it is not going up before any other Board?

Attorney Walker stated – I can only say that not the Planning Board. At least there's no authority for it in the code that I'm able to see.

Mr. Bergman added – No. This is something Ramon brought on. They started requiring it for all the site plans and so, I guess what will happen is we'll start getting people submitting things that turn out to be boxes. And that is what happened before.

Attorney Walker stated – Well, it's a problem, but I know the Commission is very concerned, and it's going to be addressed shortly one way or the other, with an Architectural Review Board...

Mr. Bergman added – Well, what's going to happen is when these site plans go to City Commission they're not going to have elevations. And they're going to say, well I want to see an elevation. And they're going to find out that it's not required in the code. If you get one it might be a gift to them, but it's not going to be something that's going to be required as part of the site plan.

Attorney Walker stated – Well, it was pointed out several years ago, Don. We sent that draft ordinance up there.

Mr. Bergman stated – I know. I remember doing it.

Mr. Recor added – The City will be moving forward with establishing an Architectural Review Board as well as Urban Design and Architectural Standards as part of the rewriting of the Comprehensive Plan,

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form a foundation for including those provisions in the Land Development Regulations. In the meantime, those responsibilities are not going to be ignored. They're going to be reviewed by staff on a continuing basis. But we intend to have those in draft format at least before the end of the year.

Mrs. Gates stated – Thank you. Is there any other business to come before the Board? Thank you very much.

Meeting Adjourned at 12:20 a.m.