



CITY OF FORT PIERCE

PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, AUGUST 12, 2008, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

The Pledge of Allegiance was recited

Upon Roll Call, those present were: Chairman Johnson, Dan Dannahower, Tom Knott and Robert Poitier.

Mr. Harris came in at 6:15 p.m.

Those absent: Irene Dixon, Charles Hayek, Colin Lloyd, Vice-Chair Leslie Olson, and Edward Reilly.

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

The next item considered - # 3 – Absences.

Chairman Johnson said we have regular Board members: Mr. Reilly, Mr. Lloyd, Ms. Dixon and Mrs. Olson. Can I have a motion?

Motion made by Mr. Knott and seconded by Mr. Poitier to approve the absences.

Unanimously approved by voice vote.

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

Chairman Johnson said our thanks to you Mr. Bey and Mr. Yates for being here this evening. You have all rights as a voting member of the Planning Board. Thank you.

The next item considered - **# 5 – Approval of Minutes of June 10, 2008.**

Chairman Johnson said has everyone had a chance to review the minutes of the July 8, 2008 meeting? Are there any additions or corrections that need to be made?

Mr. Dannahower said one minor correction, Mr. Chair. I'm listed as both present and absent on the front page. I was not here.

Chairman Johnson said we'll note that one correction. Any other? Is there a motion?

Motion made by Mr. Poitier and seconded by Mr. Dannahower to approve the minutes with the correction.

Unanimously approved by voice vote.

Chairman Johnson said I want to make one clarification. For any of those of you from the public that were here for the original Impact Fee Ordinance or proposed ordinance, that has been removed from the agenda. I just wanted to clarify that before we get started tonight.

The next item considered: **Item # 6a. - Voluntary Annexation – Brookside** - Approval of an application for annexation for a 19.36-acre parcel identified as being contiguous to the municipal boundaries of Fort Pierce. The property is located on 5125 Peterson Road. The property owner is Walton Peterson, LLC.

Chairman Johnson said could we have staff report please?

Ms. Ehly said good evening Mr. Chair, Board members. Item 6a is an application for annexation for a 19.36 acre parcel identified as being contiguous to the municipal boundaries of the City of Fort Pierce. The property is located at 5125 Peterson Road. The parcel is currently zoned as County RS3, Residential Single-Family with a maximum density of 3 dwelling units per acre with a County land use of Rm, Medium Density Residential with a maximum density of 9 dwelling units per acre. The proposed City zoning is E3 at 3 dwelling units per acre and land use is RMO, Moderate Density Residential at 9 dwelling units per acre. Staff recommends that the Planning Board submit a recommendation of approval for this application for annexation to the City Commission.

Chairman Johnson said any questions of staff? Anyone here from the public that would like to speak for or against this request?

Mr. Currie said good evening. For the record Brad Currie of Land Design South representing the applicant of Walton Peterson LLC. Tonight is this request before you to annex into the City of Fort Pierce with the same land use density and the same zoning

density that we have in the County. If you have any questions, I'll be happy to answer them.

Chairman Johnson said any questions of the applicant? Thank you very much. Anyone else here to speak from the public? Seeing none, we'll entertain a motion from the Board.

Motion made by Mr. Dannahower and seconded by Mr. Knott to forward a recommendation to the City Commission for approval of the voluntary annexation for the property located at 5125 Peterson Road.

Those in favor were: Mr. Bey, Mr. Dannahower, Mr. Knott, Mr. Poitier, Mr. Yates, and Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 6b - Voluntary Annexation – 4850 Orange Avenue -** Approval of the annexation via agreement for two (2) parcels totaling 9.63 acres identified as being contiguous to the municipal boundaries of Fort Pierce. The property is located at 4850 Orange Avenue. The property owner is John H. Stamm, Jr.

Ms. Ehly said item 6b is an annexation via agreement for property located at 4850 Orange Avenue and a landlocked parcel behind. The property is currently zoned as County Light Industrial with a County future land use of Commercial. The proposed City zoning is Light Industrial and land use designation is County Commercial. Staff recommends that the Planning Board submit a recommendation of approval for this annexation via agreement to the City Commission.

Chairman Johnson said any questions of staff?

Mr. Yates said Ms. Ehly did Mr. Culverhouse follow up with staff? If you will recall at the last meeting, this came up and Mr. Culverhouse was here on another matter and said that he represented Mr. Stamm and they might have some concerns regarding the annexation.

Ms. Ehly said Mr. Yates, I had communication with the property owner, Mr. Stamm. The property was originally going to be annexed with a commercial land use and as C-3 zoning and we have resolved the issue. We're annexing it exactly as it is in the County. He will have Light Industrial zoning, Commercial land use. At a later date, we can make the zoning and land use consistent by changing the land use to Industrial.

Chairman Johnson said any other questions? Anyone here from the public that would like to speak for or against this request? Seeing none we'll return to the Board.

Motion made by Mr. Knott and seconded by Mr. Bey to forward a recommendation to the City Commission for approval of the annexation of the property located at 4850 Orange Avenue.

Those in favor: Mr. Dannahower, Mr. Knott, Mr. Poitier, Mr. Yates, Mr. Bey and Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 6c - Voluntary Annexations – Orange Avenue –** annexations continued from the previous meeting July 8, 2008 Planning Board meeting.

Ms. Ehly said item 6c concerns annexations via agreement that were continued from the previous Planning Board meeting held on July 8, 2008. The three parcels are located on Orange Avenue. Staff recommends that these annexations be postponed to the next meeting on September 9, 2008 as the property owners have retained legal counsel regarding the assignment of land use and zoning in the City.

Chairman Johnson said Board members, I guess we would need a postponement in the motion as recommended by staff if that's your wishes.

Motion made by Mr. Yates and seconded by Mr. Poitier to postpone the annexations of the to postpone the annexations of parcels 1, 2, 3, and 4 of this agenda item located at 5000 Orange Avenue, 4850 Orange Avenue, and the 4.42 acre and 1.57 acre parcels located at Orange Avenue between Jenkins Road and Hartman Road till the September 9, 2008 Planning Board meeting.

Those in favor were: Mr. Knott, Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower and Chairman Johnson.

Those opposed: none.

Chairman Johnson said the next item is the Sunrise County Preschool. Actually, this one's tricky. I have a conflict on this item. However, we do not have our 7th Board member so that would put us a five. I'm going to adjust the agenda to make sure that when our other Board shows up, then we can at that time move on this agenda item. I apologize for those that are here for this item. We would need to move forward with a recommendation. We'll have to skip over for now. We'll skip to the Red Top Grocery.

The next item considered: **Item # 7b - Red Top Grocery -** Approval of a conditional use permit to allow an existing daycare facility to be converted into a neighborhood grocery

store. The property is located at 1501 North 29th Street and is zoned R-4, Medium Density Residential. The property owner/applicant is Gladis Schenck. The representative is Mike Menard of Cook & Menard Architecture, Inc.

Mr. Williams said good evening Mr. Chair. For the record, Paul Williams, Urban Forrester. I also wish good evening to the all the Board members tonight. The applicant is requesting a Conditional Use approval for the building located at 1501 N. 29th St. to be converted from a daycare to a neighborhood grocery. The property is zoned R-4 Medium Density Residential Zoning District with a future land use of Medium Density Residential. The properties to the east, west, and north are also located in the R-4 zoning district and consist of Single Family homes or vacant land. The property to the south is a city park zoned OS - 1. This aerial photograph of the property was taken some time ago and it shows the located of the property in red adjacent to the city park to the south. Also, the new Pioneer Park subdivision can be seen with the cleared land to the north and west. Also, north of that if you all are aware that Core is building an apartment complex but I wanted to show you this aerial photograph so that you can get a view of where it's at. This photograph shows the front of the existing daycare if you were sitting in the parking lot looking directly at it. This is a view from north 29th Street if you were directly in front of the building what it looks like today. This is a picture if you were to the south of the property of the property looking north from the park. This is an existing floor plan and landscape plan combined. The upper right shows the landscape plan which would bring the property into compliance if the Conditional Use is approved. The floor plan is the existing floor plan of the daycare as we see it today. This rendering shows the renovation plan of what the inside of the building would look like after approval of a Conditional Use and it is renovated. All affected Departments have reviewed the proposed Conditional Use and have approved it based on it meeting the requirements of the Code. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Conditional Use.

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

Mr. Yates said Mr. Chairman, I do. Mr. Williams, has there been any contact from the neighbors regarding the proposed change?

Mr. Williams said Mr. Chair, Mr. Yates. The applicant has been advised to contact all the property owners. As required by Code, the notifications are not mailed out until after the Planning Board meeting so I can't give you a list of property owners adjacent but the owner of the property has been there for many years and has discussed this with the other property owners. Also, staff has commented mainly one glitch you know Public Works that controls the park to the south, has been in communications and approved this. Right now Sir we don't have any notifications to tell you about.

Mr. Yates said thank you Sir.

Chairman Johnson said any questions of staff? Seeing none, I would like to invite the applicant forward or the representative.

Mr. Meyers said hello, I'm Mike Mennard of Cook Mennard Architecture here to answer any questions and maybe clarify anything that may be in question.

Chairman Johnson said any questions of the applicant tonight? Very good, thank you. Anyone here from the public that would like to speak for or against this request?

Ms. Peck said good evening. Arden Peck a Fort Pierce resident. Also interested in the all the parks in the area. I just drove by Pioneer Park. I noticed that it's scheduled, Miller Legg is designing a new park for Pionner Park. I drove by that area and it's a beautiful uncommercialized area with residential buildings. I had no idea. I saw that building but I had no idea what it was. I just thought it was just a lovely home there at the end of the park, at one of the sides of the park. I think it would be disastrous to really change the auora of that neighborhood by redesigning that building and making it into a convenience store that might or might not bring trouble to that beautiful area. I would urge you to think very carefully about redefining that area of our City. Thank you.

Chairman Johnson said anyone here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board.

Mr. Knott said I have a question I guess I should have asked earlier on this. What kind of signage or did they mention anything about signage will go will this? Will there be flashing neon signs or?

Mr. Williams said my understanding is currently it's an existing daycare and that the exterior of the building will not be changed other than possibly the entrance door change from a commercial door for a daycare to grocery store. As for signage, I would ask Mr. Mennard. Is there any signage that you recall from the plans?

Mr. Mennard said it's more of a neighborhood type grocery store like Bob & Todd's that everybody is well aware of. It's going to be an actual grocery store; not a convenience store. There would be a small sign on the building. Nothing neonish or obnoxious so to speak. We were trying to keep it very low key and serve the residents in the area.

Mr. Knott said the lady that just spoke brings up a good point there. I'm just concerned about what effect it might have like lighting for security around the building or if they are going to be selling beer here with flashing beer displays in the windows and this type of activities.

Mr. Williams said there is a lighting plan attached which is required. To answer your question, City parks are closed at sunset and not open specifically by Code. They don't open until sunrise. Now, there is a neighborhood being developed and many homes in the Pioneer Park subdivision have been constructed. There is lighting in the area. Again, the applicant has been there for many years as a daycare and decided a business decision to switch to neighborhood grocery due to the increased development with the new single family homes at Pioneer Park subdivision and the residents that will be in the new apartment complex and also the neighborhood.

Mr. Carlin said Mr. Knott, I would also like to expand a little bit on the sign requirements for this particular neighborhood grocery because it is in the R-4 zoning district which is a residential zone so the sign requirements are somewhat different than a commercially-zoned district.

Mr. Knott said very good.

Mr. Carlin said the Code only allows for this particular establishment to have one ground or wall sign that is non-illuminated. City Code also prohibits flashing signs. That's considered a safety-related issue that would distract drivers on the road. There will not be any type of flashing neon signs with this particular establishment because it is located in the R-4 zoning district. Non-illuminated signs are the only type of ground signs permitted there.

Mr. Knott said so you all are comfortable that you have pretty good control over what kind of advertisements?

Mr. Carlin said that would be reviewed under a separate building permit. If they come in for a sign permit which is typically the case with developments, they will come in after a conditional approval for the use and then a separate sign permit application would be made. That's when it would be reviewed for Code compliance.

Mr. Knott said and again, staff with your recommendation for approval on this, you all are comfortable that there is a need for this to justify permitting a conditional use of this type of use in this type of a setting?

Mr. Williams said to answer your first question before you just asked that one. This is a conditional use to switch from a daycare to a neighborhood grocery store. There is no Waiver of Distance, no beer or wine will be sold at the grocery store.

Mr. Knott said okay. There will be no alcohol.

Mr. Williams said correct and to answer your question, again, staff looked at the application for compliance with the Code. We're bringing it before you because it meets the requirements of the Code so that's why there is a recommendation for approval.

Mr. Knott said Mr. Chairman, one more thing question. When it goes to Commission, will the adjacent property owners be notified and they will have an opportunity to?

Mr. Williams said yes Sir, Mr. Chair, Mr. Knott. As I mentioned to Mr. Yates, the property owner notifications go out after the Planning Board hears it and those numbers will be given at the City Commission meeting.

Mr. Knott said so there's plenty time for the neighbors if they object to it to do so at the Commission meeting?

Mr. Williams said yes Sir.

Mr. Knott said thank you very much.

Chairman Johnson said any other questions before we move to the motion?

Chairman Johnson said Mr. Chair, one quick question and I'm not sure if you know the answer, what's the closest grocery store to this neighborhood? Do you have any idea?

Mr. Williams said Mr. Chair, I really do not. I know that there are facilities at Avenue M and 29th Street so that's within 3 blocks. Also, I believe there is some type of a grocery or convenience store near the intersection of Avenue Q and Avenue M. One of the reasons the applicant thought about this business decision change was to have something closer to the residents so they could walk. You know driving cars is expensive and the applicant talked in great detail to staff about it about having it so people could just walk to the store to get what they need rather than take their car.

Mr. Yates said Mr. Williams is Gladys Schenck operating the daycare now herself?

Mr. Williams said Mr. Yates, no Sir. They ceased operation several months ago and have put in for the Conditional Use. This has been in the system for several months. Now that we've got all departments approving it, this was the first opportunity to bring it forward to you.

Mr. Yates said but Gladys Schenck actually operated the daycare and now, I see she lives elsewhere but she wants to convert it and operate it herself as a grocery store?

Mr. Williams said that is correct, Sir.

Mr. Yates said thank you Sir.

Chairman Johnson said any other discussion? I entertain a motion.

Motion made by Mr. Yates and seconded by Mr. Bey to forward a recommendation to the City Commission for approval to allow an existing daycare facility to be converted into a neighborhood grocery store of the property located at 1501 North 29th Street

Those in favor were: Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott and Chairman Johnson.

Those opposed: none.

Chairman Johnson said let's back up one agenda item to the Sunrise Country Preschool. Board members, the other reason I talked about this a minute ago is that we do not have a Vice-Chair or a Secretary and I have a conflict of interest due to a political donation to a personal campaign so I have to step down. At this point, we would need to by motion elect a Chair Pro-Tem or Vice-Chair Pro Tem. Is that correct?

Board Attorney Walker said yes Sir.

Chairman Johnson said so we would need a motion and then a second and a vote to move forward with this project.

Motion made by Mr. Yates and seconded by Mr. Dannahower to elect Mr. Knott as Chair Pro Tem during Mr. Johnson's non-participation.

Unanimously approved by voice vote.

Mr. Knott said does that mean I can make a motion to approve everything else in the box?

The next item considered: **Item 7a. - Sunrise Country Preschool** – An application for Site Plan and Conditional Use approval to construct a 3,128 square foot addition to an existing preschool. The property is located at 2706 Sunrise Boulevard and is zoned R-2, Single Family Intermediate Density Zone. The owner is Oveda Lane. The applicant is Paul Jacquin & Sons, Inc. and the representative is Michael E. Jacquin of Jacquin & Sons, Inc.

Chair Pro Tem Knott said if we can get staff to give us the particulars on this?

Mr. Carlin said certainly, good evening Mr. Knott and Chairman, members of the Board. Tonight, the applicant is proposing to construct a new addition that will total in size for 3,128 square foot located at 2706 Sunrise Boulevard. The 1.06-acre parcel as seen on the screen is currently occupied by the preschool facility which will expand operations from 6 classrooms to 12 classrooms. The Property is zoned R-2, Single Family Intermediate Density Section with a Future Land use of RL, Low Density Residential. As you can see from the zoning map, all other properties surrounding the proposed expansion also consist of R-2 zone and are occupied by single-family homes. The R-2 zoning district requires conditional use approval for schools or day care centers pursuant to Section 22-25 of the City Code. As you see here on the screen, the one-story addition will be located along the northern property northern property boundary along Rosedale Avenue and will meet city code setback requirements. In addition, to have a better perspective on the building, you can also reference the color board that, if you would Mr. Dannahower, it's the larger color board. You can pass that around and have a better perspective on the building since the color rendering didn't transpose well when I inserted it into the Powerpoint. This slide represents the existing conditions and also where a new covered breezeway will facilitate pedestrian access between the new building. This represents a slide of the site layout. Vehicles entering the subject development will be able to pick-up and drop-off students via a circular drive that flows counterclockwise and that's indicated in red. A total of 24 parking spaces have been provided to comply with the City Code. The parking area was designed to preserve a 41-inch oak tree as indicated on the screen with the green arrow located near the parallel parking spaces. To improve traffic flow, do not enter signs have been strategically placed to prevent motorists from traveling the wrong way. The City Engineering Department has granted an administrative variance for the driveway entrance

to be located 15 feet from the east property line in which the City Code requires the driveway to be 25 feet based on the location in proximity to Sunrise Boulevard. Landscaping will consist of providing adequate landscape strips around the perimeter of the development. In addition, a total of 45 trees have been provided in accordance with the City Code. Hedges will also be situated along all parking areas to provide additional screening. As far as traffic impacts and other related issues with traffic, the applicant will be dedicating right of way along Jasmin and Rosedale of five feet to meet the minimum City's right-of-way requirement of 60 feet. Both roads currently have a 50 foot right-of-way. A traffic study conducted by Culpepper & Terpening, Inc. specified that this particular development will generate 181 daily trips, 39 AM peak trips and 32 PM peak trips. Because traffic will impact the failed corridor of U.S. 1, the applicant has proposed to fair share contribution to satisfy those requirements specified in Section 22-219 of the City Code. All departments have reviewed the proposed Conditional Use and have approved the proposed Site Plan based on it meeting the requirements of the City Code with the exception of the St. Lucie County Growth Management Department. As the proposed Site Plan meets the requirements of the City Code, Staff recommends that the Planning Board forwards a recommendation for approval of the Site Plan and Conditional Use.

Chairman Pro Tem Knott said thank you Mr. Carlin. I have a couple of questions. The floor area or the classrooms are going to double. Do you know how many students that represents or what the increase is?

Mr. Carlin said Mr. Knott, I do not but the applicant is here tonight. They can certainly give you more detail on what they anticipate.

Chairman Pro Tem Knott said and the same question on the traffic study. It's going to generate 181 daily trips. Is that a compilation of the whole project or just the new portion of it?

Mr. Carlin said that's a good question. The applicant's representative may be able to answer that but I believe that's just going to be the total trips for the whole site based on the size of the.

Chairman Pro Tem Knott said I thought so. I looked through it, I didn't pick it up in there somewhere but I thought that would have been for the whole development?

Mr. Carlin said that's my understanding but certainly the applicant may be able to clarify that.

Chair Pro Tem Knott said I think that's all I have. The rest of the Board, do you all have any questions of staff? Michael, where are you going? You are not leaving yet. Please come forward. Please come to the podium and state your name for the record.

Mr. Jacquin said good evening, Michael Jacquin of Jacquin & Sons for the record. This is the owner. Oveda Lane, Sunrise Country Preschool. We can answer one of the questions right at the moment. She's anticipating approximately 108 students, I'm sorry, 180.

Chairman Pro Tem Knott said 180? What is the number now? What's the enrollment now?

Ms. Lane said that's including part-time and full-time.

Chairman Pro Tem Knott said that will be built out for both. What do you have right now?

Ms. Lane said a license for 127.

Chairman Pro Tem Knott said and that's how many you have right now?

Ms. Lane said yes.

Chairman Pro Tem Knott said and you are going to go up to about 180?

Ms. Lane yes, because of the new addition, I have to have additional square feet according to previous to what we had. It was 20 square feet now it's 35. It will be less.

Chairman Pro Tem Knott said oh I see so the density is what's driving that. That includes faculty, maintenance and what have you and students?

Ms. Lane said yes.

Chairman Pro Tem Knott said on the traffic, you are not quite sure on that one?

Mr. Jacquin said I can't answer that. I don't have that in front of me right now.

Chairman Pro Tem Knott said you don't have anyone from C & T here with you tonight?

Mr. Jacquin said I don't think so. I venture to guess it's the total because that's the way you'd have to do it.

Chairman Pro Tem Knott said I would imagine there would be a composite on that. The only other question I have before the rest of the Board can ask here is since you are going to have all the pick ups and drop offs right in that one area, I was looking at the landscape plan and I couldn't tell off of this and also on the site plan, right to the east of you is a single-family residential east of where you are putting your drop off and pick up now and parking. Is there a fence there?

Ms. Lane said there is a privacy fence in between the parking lot and the house.

Chairman Pro Tem Knott said is that your fence or the neighbors?

Ms. Lane said it's her fence.

Chairman Pro Tem Knott said okay she's content?

Ms. Lane said definitely.

Chairman Pro Tem Knott said but you are still proposing landscaping along that fence? Is that what I see on the landscape plan I couldn't quite figure out. They are calling for some landscaping along that section but I'm not quite sure what it is.

Mr. Jaquin said Green Buttonwood, 44.

Chairman Pro Tem Knott said it's the one down to the far right and it appears to be 1 C which is the hollies. What kind of a holly is that, Paul?

Mr. Williams said they are stating Dahoon Holly LLex Cassine. So Dahoon Holly would be similar to the hollies you'd see outside of City Hall.

Chairman Pro Tem Knott said like the hollies that we have here that are cone-shaped trees or something like that but they have some heights. They get up to about 20, 30 feet something like that.

Mr. Williams said they do have the height. They are spread properly and then the green buttonwood hedge is also got the ability to grow to a decent size. They are very hearty and zero scape once they become established.

Chairman Pro Tem Knott said I was just trying to protect those neighbors along there. I see nothing proposed along the where the new building is going for that residential. I see nothing along on the landscape plan no hedge or it may not be is it required by ordinance to have anything there?

Mr. Williams said the property has existing trees. Knowing the property like I do, there are existing trees and landscaping but you are correct, if the Board chooses to make a condition, that is your prerogative. At this point, it met the minimal requirements of the Code to come forward to you.

Chairman Pro Tem Knott said I just look at the new building there, if you all just bear with me on this, and I see nothing that buffers it from the single family that's immediately to the east to it. Is there something there? Am I missing it?

Mr. Carlin said Mr. Knott, the City Code does requires trees along rights of ways, 1 for each 20 feet. The existing trees on site that are already there do count to satisfy the landscape requirement.

Chairman Pro Tem Knott said Michael, what is that you just showed? I know that's the building but I'm worried about what the back side of this.

Mr. Jacquin said it looks like it has some existing vegetation behind that.

Chairman Pro Tem Knott said well this is Sunrise here isn't it?

Mr. Jacquin said that's correct.

Chairman Pro Tem Knott said I was thinking back of it. With the existing survey, does it show the trees that are on there? Is there anything along that property line?

Mr. Jacquin said there is a chain-link fence that's probably the neighbor's.

Chairman Pro Tem Knott said what is your relationship with that single-family?

Ms. Lane said a very good relationship. He's actually a business owner himself. The chain link fence has been there since we've been in business. We haven't had a problem.

Chairman Pro Tem Knott said that really is your playground right there now?

Ms. Lane said yes.

Chairman Pro Tem Knott said so you are going to be losing part of your playground to the building?

Ms. Lane said we have ample enough playground area so losing that wouldn't hurt anything as far as DCF requirements go.

Chairman Pro Tem Knott said but you see what's I'm saying though that there doesn't appear to be any buffer at all between the.

Mr. Jacquin said what would you like Sir?

Chairman Pro Tem Knott said I'm just throwing this out for the Board.

Mr. Jacquin said we're trying to move this along. We're trying to protect the big tree out front and the time we get permits for building, to get time to root prune right, so we're trying to get into the cycle.

Chairman Pro Tem Knott said and you're doing a great job.

Mr. Jacquin said let's move it along.

Mr. Carlin said Mr. Knott, there are no requirements when you have residential properties adjoining other residential properties in terms of landscaping buffering. That is a recommendation that the Board can certainly make if you would like to see some additional trees. I think the applicant is willing to do.

Chairman Pro Tem Knott said but with a conditional use, that would trigger?

Mr. Carlin said that can be conditioned upon the Board's request to have additional landscaping.

Chairman Pro Tem Knott said our landscaping here tonight always has a good handle on the landscaping.

Mr. Jacquin said well if you like, we can revisit the issue with Mr. Williams prior to making it to the City Commision to make him happy. We've done that in the past and you could just say we we'll get with them. We'll do hedge a few trees as along as he's happy and move it along.

Chairman Pro Tem Knott said that buttonwood hedge along the other one, what kind of density does it get also?

Mr. Williams said that particular shrub could go upwards to five feet so it can be pruned to whatever height that is the hedge. The holly trees again grow as you see outside upwards to 20, 25 feet. I would recommend right now that we just consider expanding the landscape zone on the east side to the property corner at Rosedale.

Chairman Pro Tem Knott said extend it north?

Mr. Williams said continue that north if that is the pleasure of the Board for recommendation.

Chairman Pro Tem Knott said would that be adequate to screen the single family?

Mr. Williams said oh yeah, I think it would. The only other option would be consideration of a wood fence but again like the applicant was saying is they have good relationships with the property owners so again it would be the pleasure of the Board.

Chairman Pro Tem Knott said I'll leave it up to the Board also. I don't want to give you a bunch of grief on this if nobody is complaining now but there is going to be another structure there now with other activities going on there that wasn't there before. You had a yard full of kids before. I don't know if it could get any worse than that. I don't know.

Ms. Lane said probably even better. You don't have a yard full of kids.

Mr. Bey said I'm aware of this particular business. They've been there for some time. I think the trees would make an esthetic improvement but I think they seem to co-exist with the neighborhood so I think if you want to make it look better or more attractive in terms of vegetation, that would help but I don't know if it's necessary to block the neighbors because there is a co-existence there.

Chairman Pro Tem Knott said I would like to define it a little bit given.

Mr. Jacquin said I have a quarter in my pocket. Do you want me to help?

Chairman Pro Tem Knott said actually, I'm going to leave this up to the rest of the Board members. That's all the questions I have. Other Board members might have some questions of the applicant. I guess that's it. Is there anybody else in the audience that

would like to speak for or against this application? Seeing none, we'll bring it back to the Board. I don't know what your feelings about this. The applicant is willing to consider extending some landscaping up through there. I don't know if you all feel it's necessary.

Mr. Poitier said I don't see much area of land for that there. I don't see much space for all that. They don't have much land left.

Chairman Pro Tem Knott said it would be on the property line. At this point, it might just be a small hedge or a short hedge with some trees that would define the property like it's going to be done at the south. They are doing the same down to the south where they are putting in the parking lot.

Mr. Poitier said do you want to recommend that?

Chairman Pro Tem Knott said it's up to the Board. I won't be making the motion.

Mr. Poitier said I make a motion to recommend for approval.

Chairman Pro Tem Knott said I'd like to extend that up through there. I think in the long run, it would make a nicer project, myself. A fence is a barrier that is offensive to me but a vegetative.

Mr. Poitier said vegation? You would go along with that? Okay.

Mr. Poitier said I make a motion that they comply with the recommendation from the Board. What is it?

Chairman Pro Tem Knott said Michael, you probably liked that one didn't you?

Motion made by Mr. Poitier and seconded by Mr. Bey to approve the site plan and conditional use approval to construct a 3,128 square foot addition to an existing preschool at 2706 Sunrise Boulevard to comply with the recommendation of the Board.

Mr. Bey said I like the idea that Mike suggested, Mr. Jacquin suggested, getting together with the Urban Forester and coming up with a solution that would work in that area. I like that idea.

Chairman Pro Tem Knott said I'll leave that up to staff because staff has a good feel for this and what the Board is looking for. It could be as much as extending the same pattern they had on the south or less just something to break that up through there. I think they have a handle on that.

Mr. Bey said excuse me, Chair. So the motion then is contingent upon the applicant getting together with the Urban Forester and coming up with what staff recommends for that area.

Chairman Pro Tem Knott said to try and satisfy our very precise requirements there.

Mr. Poitier said I made a motion. I accept that.

Amended Motion made by Mr. Poitier and seconded by Mr. Bey to forward a recommendation to the City Commission to approve the conditional use to construct a 3,128 square foot addition to an existing preschool at 2706 Sunrise Boulevard with the condition that the applicant meets with the Urban Forester to comprise an appropriate landscape plan on the east side of the property.

Chairman Pro Tem Knott said Mr. Walker, is it alright if I ask the applicant, the applicant has his hand up before we approve this, can I acknowledge him or do we have to go ahead and finish out?

Board Attorney Walker said respectfully Mr. Chair. The Chair does possess discretion in these matters to proceed as you have suggested.

Chairman Pro Tem Knott said Michael?

Mr. Jacquin said just to make sure but once we meet with Mr. Williams, it'll move onto the City Commission.

Chairman Pro Tem Knott said yes. There were no other conditions, I don't believe. No, it'll go right with our recommendation as stated. No other discussion?

Mr. Dannahower said Mr. Chair, Paul does that work for you? What we just did is okay with you?

Mr. Williams said Mr. Chair, Mr. Dannahower. Yes it does Sir. I do want to talk to the applicant because one thing we do want to talk about also or I want to talk about is safety. Visibility during the day, make sure that we don't create an area someone could hide. I hear loud and clear what the Board wants and I look forward to talking with the applicant and working it out.

Mr. Dannahower said thank you. That's all.

Chairman Pro Tem Knott said by the way Paul, I just noticed on your name plate there it's The Urban Forester.

Mr. Williams said I'm the only one in the City.

Chairman Pro Tem. Knott said any other discussion? Roll call.

Those in favor were: Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Poitier and Chairman Knott.

Those opposed: none.

Chairman Pro Tem Knott said Michael, it'll go with that recommendation to the City Commission. Good Luck. Thank you. For the record, I'm returning the gavel and the meeting back to Mr. Johnson.

Chairman Johnson said thank you Mr. Knott. Good job.

The next item considered: Item # 7c. - **Pinecrest at Weatherbee ACLF** – Approval of a Site Plan and Conditional Use to construct a 90 unit adult congregate living facility at 405 East Weatherbee Road. The property is zoned R-4, Medium Density Residential. The owner/applicant is JW/DW Family Trust.

Chairman Johnson said can we have staff report please?

Mr. Carlin said good evening Mr. Johnson, once again members of the Board. Tonight, the applicant is requesting Site Plan and Conditional Use approval to construct a 90-unit adult congregate living facility located at 405 East Weatherbee Road. The vacant 9.13-acre parcel is zoned R-4, Medium Density Residential with a Future Land use of Medium Density Residential, Rme. A Conditional Use approval is required pursuant to Section 22-27of the City Code. As you can see from the zoning map, the properties to the north and south of the subject development are located in unincorporated St. Lucie County and to the west you have C-3 zoning which is occupied by a mobile home community. The vacant parcel also to the east of this particular development is zoned R-4 and that will also be incorporated with this particular development. Now the project will involve constructing a total of 7 buildings as seen on your screen indicated in an orangish color. Six of the buildings will incorporate 24 villa/townhome units that will be used more for independent-style living and will include garages. The remaining building in the center of the screen just located near the retention pond that you see will consist of 66 units and will 30,232 square feet. Recreational amenities for this development will consist of a pool and a Jacuzzi located at the south side of the building. In addition, sidewalk connectivity will be provided to a conservation area located on the east side of Regina Street which is to be used for a residents by the ACLF as indicated on your screen in red. The applicant will be constructing observation decks and trails within the conservation area for residents to enjoy the natural wetland area. Although the applicant does own this property, the gross density was not calculating using this property since it is across the street and has several parcel identification numbers. The architectural plans specified a building height of 43 feet for the main building which will comply with the R-4 zoning district height requirements. The plans also specify required details for doors, windows, banding, trim, railings, shutters; in addition to a color board to satisfy design review requirements. You do have the color board. Mr. Dannahower, if you could pass that around to get a better perspective on the building. The project will yield a gross density of 9.8 units per acre which is less than the maxium allowable of 10 units per acre in the R-4 zoning district. It should be noted that the density calculation was derived by combining the two parcels of the two different lots between Weatherbee and Poinsetta Avenue. Since these properties have separate parcel identification numbers, a unity of title is required to formally account for the total acreage acres and the gross density of 9.86 units per acre. The Applicant has indicated that he will

be providing a Unity of Title demonstrating the linkage between these two parcels to validate the density contingent upon receiving City Commission approval. I already referenced that the conservation parcel is not included with the density and a total of, well two entrances will be part of this development on Weatherbee Road. What both of those entrances will allow unrestrictive turning movements. On site vehicular movements will be provided by internal access drives that circulates throughout the development. In addition, there will be a porte-cochere for pick-up and drop-off of the residents within the community. A total of 89 parking spaces have been provided in accordance with the City Code. Sidewalks will be constructed along Weatherbee Road, Regina Drive, and Poinsetta Avenue. In addition, the applicant has dedicated 20 feet of right-of-way along Poinsetta in addition to 5 feet along Weatherbee and Regina. Stormwater runoff will be channeled to a retention pond located at the front of the property that will include a rockwater fall feature. Landscaping for the entire development will also consist of adding 107 new trees. Seven sabal palms will be relocated. There are several areas on the property that include native vegetation that will be preserved as part of the development. As far as traffic impacts are concerned, a traffic impact study conducted by the applicant's traffic consultant indicated that 436 daily trips would be generated; of those, 23 AM peak and 36 PM peak trips would be generated. Due to the close proximity of this project to U.S. Highway 1, the applicant has proposed a fair share contribution to mitigate the impacts on U.S. Highway 1. Staff has reviewed the cost analysis and concurs with the consultant's figures that were provided. Staff also believes that ultimately the improvement that is required for U.S. 1 will help improve the link. All affected departments have reviewed the submittals and approved the proposed site plan and conditional use based on it meeting the requirements of the City Code with the exception of the St. Lucie County Engineering Department. This project has been in review for some time and the Engineering Department did provide some comments probably 8 or 9 months ago. The applicant has addressed and demonstrated the request by the St. Lucie County Engineering Department on the site plan which really were about right of way requirements and the sidewalks. Staff is recommending that the Planning Board forward a recommendation to the City Commission for approval of the Site Plan and Conditional Use with one condition: that the applicant provides the Unity of Title for the subject development prior to the issuance of any building permits.

Chairman Johnson said any questions of staff from the Board?

Mr. Bey said this is being called an adult living facility? Does this mean that there are not children living in this?

Mr. Carlin said Mr. Chair, Mr. Bey, that would be my understanding. The applicant is here tonight. He can tell you exactly what the vision is, who the clientele are that he intends to develop this property for.

Mr. Bey said my last question is for the number of buildings that are on this site, is one garbage dumpster adequate for the number of buildings?

Mr. Carlin said Mr. Chair, Mr. Bey, the City Solid Waste Department has reviewed and approved this site plan so they feel it's acceptable and that proposed dumpster location meets their requirements.

Chairman Johnson said any other questions of staff?

Mr. Dannahower said David, this Unity of Title is to tie up the two parcels as if they're one?

Mr. Carlin said yes, Sir, that is correct, Mr. Dannahower. The City Code density is derived by the number of dwelling units per gross acre of land. Because there are two parcels, they're not linked together, the density requirement if they are not linked together would not necessarily meet the density requirements of 10 units per acre. We're just saying that we need to have that linkage occur.

Mr. Dannahower said I understand and when that happens, what does that do to the future use of that other piece of property? Is that permanently now part of this development?

Mr. Carlin said that parcel will remain as a conservation area. The applicant can discuss exactly what the agreement is in place for that. That will not change the density at all for this particular development. It is a separate parcel identification number.

Mr. Dannahower said okay, thank you.

Chairman Johnson said any other questions of staff?

Mr. Yates said Mr. Carlin, so the conservation area and the easement I guess the conservation easement will be created on that is part of an approval, it is contingent upon that happening?

Mr. Carlin said Mr. Chair, Mr. Yates, if I understand your question correctly. That parcel is being used as part of this development. That's I guess the way to think about that. There is some type of conservation agreement already in place and the applicant can get into the specifics of what was created and when was created and he can outline that for you.

Mr. Yates said thank you Sir.

Chairman Johnson said can we go back to the site plan on the screen here? The southern portion of the property is also been delineated and preserved, is that correct?

Mr. Carlin said Mr. Chair, that is correct.

Chairman Johnson said do we know approximately how big that is? I didn't see the dimension on the landscape or the site plan.

Mr. Carlin said Mr. Chair, could you be a little more specific? Which area are you referencing?

Chairman Johnson said this southern portion of the property. The other question while we are looking at that is the waterfall feature. Is that, I know typically when we have retention type areas along roadways we try discourage that unless we have some feature of some

sort which in this case we do. The waterfall feature is something that is going to be two-sided so that it's amenable to both sides or it's one side? I'm not sure exactly.

Mr. Carlin said Mr. Chair, the site plan doesn't get into specifics as far as what side the rock waterfall, what visually would be seen whether it's from the residents or whether it's from passersby with traffic. The applicant can get into the specifics of what his plan is for that rock waterfall area but it does meet the requirements of the stormwater retention ordinance that was amended to the City Code. As far as the preserved area to the south west corner of the property, I'm going to say that that area is approximately 180 feet in width which would extend east/west and it would be approximately 120 feet deep. There are trees that are existing sabal palms and cabbage palms, that are on site.

Chairman Johnson said the height of the proposed main building, the proposed four story structure was 43 feet I think is what you mentioned? What are the heights of the surrounding areas? I know there is a mobile home park to the east. There is single-family, if maybe we can go back to the maybe the zoning map it would answer my question possibly. Are we residential around this area, like single-family residential?

Mr. Carlin said to the north and south it's predominately unincorporated St. Lucie County single-family homes with the exception of the red area which is, there is a mobile home community which is buffered by or separated by a canal, some type of canal right of way. If you take a look at the aerial, you can see that on the east side of Regina where you have the wetland preserve it's relatively undeveloped with the exception of single-family homes located in the northeast corner of the screen.

Chairman Johnson said any other questions of staff? Seeing none, I would like to invite the applicant forward at this time.

Mr. Kennedy said Mr. Chair, Board, good evening, Rod Kennedy with EDC. We are the Civil Engineers. Also tonight we have Mr. Wurhman who is the owner and applicant. He can address some of the questions on maybe the architectural details or operational questions. I think there was one. Just for a point of clarification, there are three dumpsters on the site plan. One of them is located by the main building and then there are two others located in between the building units. I heard a question on the lake. As you can see from the aerial, there is an existing lake there and staff requested that we maintain that lake. That is why the water feature is so close to the road. In the meantime, I know the City Code was amended and now that is allowed so there is no problem there. I'm going to ask Mr. Wurhman to come up and he'll address the type of development for those questions and maybe explain the conservation easement.

Mr. Wurhman said thank you I'm Jerry Wurhman. As far as the conservation easement is concerned, that is going to remain in perpetuity as open space and dedicated as such so that it will never be developed other than for the token onsite things that we are doing for the convenience of the tenants. As far as the rest of the project is concerned, the actual acreage of the preserve area I can't give you that right now but most of that native vegetation is there at the request of the Forester, Mr. Williams. He requested that in our landscape plan we show that it is to be preserved so we intend to do that. We've basically

salvaged the majority of the existing nice big height of slash pine trees on the site. In addition to that, adding the required trees to go with it. That portion of it from a landscape standpoint, we feel that's one major attribute of the project is leaving it in pretty much of a natural condition as you can have. The area on the south land Mr. Carlin mentioned that we're dedicating 20 feet on the south street there. That came about because of the survey discrepancy between the County and my surveyor as far as the original platt was concerned. After going back and forth with them for several months during the time we were looking at this site as a townhouse project, we conceded to their request of donating the land. That is going to be part of what we are contributing in this. As he also mentioned, we're giving you the frontage on Weatherbee Road and on Regina Street. The mention David made about St. Lucie County Engineering requirements, when we were negotiating it with the project as a townhouse, we've also incorporated into the ALF such as the turn lanes that were coming into it as well as the dedications and the sidewalks. Let's see. Was there another question that you had? There will be no children in the project. Typically, an adult living facility which consists of some independent living in conjunction with some assisted living, there will be no children residing in it. There will be children probably visiting their grandparents and things but that will be all. The age limits on it typically they say above 55 but normally it's from 65 on up to 95; most of them being in the 70s.

Chairman Johnson said any questions of the applicant?

Mr. Knott said Mr. Wurhman. Will there be any subsidies with this or will this be subsidized by the rent?

Mr. Wurhman said no it's not a low-income type project at all. It will be a market-rate facility. The reason we switched from the townhouse concept to the ALF is we found it's very much of a need-driven demand here of Fort Pierce. The other two major facilities both have waiting lists in them and it's something that's really going to fulfill the long-term requirements of the community.

Mr. Knott said so your construction financing is such that you won't have any subsidies or any conditions with your construction money where it has to be subsidized?

Mr. Wurhman said no. It's going to be a market-rate financed project.

Mr. Knott said is this to be a one-phase construction and if so, when do you anticipate construction starting?

Mr. Wurhman said well I would say that once we get through the approval hoops on this thing, for your information, we've been in that process since last November. Finally we've gotten to the point where everybody's satisfied with what we are offering here. Hopefully, we can get the show on the road. I'm not in the business of operating an ALF but I have a group of people that are that are coming into this thing in a joint venture basis. They are familiar with these types of facilities and operating them.

Mr. Knott said and this will be a single-phase construction?

Mr. Wuhrman said yeah. The intention is to start it up. It's obviously demand driven so we will probably start with one of the fourplex buildings and a marketing office to get the ball rolling on it and then add the fourplexes as we generate the independent living people. When we start into the big building which has all of the amenities for the whole project as far as the central dining area and the fitness and the gaming rooms, there is a lot of social activity for the tenants of these type facilities so that building has to be done at one time.

Mr. Knott said let me ask staff about that. Once they receive site plan approval, they have a year to start construction, is there any stipulations as to how long they, if we do not have a phased site plan approved, is that indefinite to complete the construction?

Mr. Carlin said Mr. Chair, Mr. Knott. I think the question that you're asking is at what point does the site plan no longer valid after site plan approval and the applicant starts construction. If the project is indicated on the plan to be phased, then the applicant must maintain an active building permit in order to keep the site plan alive. The building department would make those determinations and I think there is some time frame, I think it's maybe 90 days or 60 days, of maintaining an active building permit. That is the protocol that the building department has established when working with applicants for formal site plan review. The City Code does require that the applicant start or commence vertical construction within 1 year.

Mr. Knott said start and complete did you say?

Mr. Carlin said no, start vertical construction within one year.

Mr. Knott said Jerry?

Mr. Wuhrman said oh we will be off and running well before that. I hope to have a significant part of the project done.

Mr. Knott said I was just curious as to if you will be pulling the permits for all of the buildings at one time?

Mr. Wuhrman said no. We'd be pulling permits for the fourplexes one at a time but obviously for the big building, that will be one permit.

Mr. Knott said and I'm just wondering if that's a problem since it's a one-phase project, he's going to be pulling the permits in phases, I'm just trying to save you some grief here.

Mr. Wuhrman said no, I appreciate that. If it has to be designated being phased because you are pulling permits one building at a time, we should build that into the approval process.

Mr. Knott said because he just said it's going to be demand driven. If he pulls a permit for all of the buildings and he just builds 1 one year, another the next year, and another one

the next year, if that violates any, if that's going to be problem with the building department?

Mr. Carlin said Mr. Knott, I can't speak to the building department in terms of their specific guidelines on that because Planning doesn't go out and do the inspections to issue CO based on what's built and what's on the site plan. My understanding is that there is a protocol they have in place where if a building permit is not maintained for one given site plan over the course of time, that would be, but the applicant can certainly.

Mr. Wuhrman said no I will take it upon myself to meet with the Building Official and clarify this issue before it goes to the City Commission.

Mr. Knott said if you are vested once you break ground and start vertical does that mean?

Mr. Wuhrman said yeah, I want to clear that air on that too.

Mr. Knott said yeah, you need to do that. That's all I have thank you.

Chairman Johnson said any other questions of the applicant?

Mr. Yates said Mr. Chairman, Mr. Wuhrman. Parcel C which is 4 acres and you said it's been deed-restricted as conservancy and perpetuity, who holds this conservation easement? Who is the conservation easement given to?

Mr. Wuhrman said well it will be a deed restriction on the property. In the beginning I approached the City on it, they had no interest in it. I approached the parks department and they had no interest on it, so it will be just a deed restriction on the property and the property to be continued to be owned by the project.

Mr. Yates said has that already occurred, the deed restriction?

Mr. Wuhrman said in a limited way, yes.

Mr. Yates said how so?

Mr. Wuhrman said by having some type of encumbrance on the property to that effect.

Mr. Yates said has that already occurred? Have you given, drafted a deed?

Mr. Wuhrman said it's a situation that is sort of, this property was part of a parcel in the County. All three of these parcels were in the County. Going back to the mid-80s, the developer that owned the property at that time got approval from the County to do a large rental apartment project on there. At that time, the County [interrupted].

Mr. Yates said the four acres?

Mr. Wuhrman said no, that time the County gave him the benefit of the density in that parcel of the three parcels and to build them all on the west side. When that was done, there was an obligation made at that time that the parcel on the east side of Regina Street would stay in conservancy. That's what we intend to do.

Mr. Yates said that was an obligation to the County.

Mr. Wuhrman said if there is anything that has to be amended to that for the City's sake, we're happy to do it. The intent is to keep in conservancy, in perpetuity, and never have anybody have the right to develop anything on it.

Mr. Yates said Mr. Chairman, may I ask Mr. Walker to opine on what would be necessary in order to make an effective conservation easement on this parcel C and who will enforce it?

Chairman Johnson said Mr. Walker?

Board Attorney Walker said Mr. Chair. I think to fairly answer that question it would be necessary to review the actual present documents of encumbrance. Speaking generally without that, I'm thinking that we would probably be requesting the property owner to convey, re deed the property with the appropriate deed restrictions. Perhaps making the City as a third-party beneficiary. But, most respectfully, if you will permit me to defer to subsequent review of the documents. That's something that we'll want to be looking at just to be sure.

Mr. Yates said could I as a very well spoken attorney and a good drafter of language, how would you suggest that if we're going to make a motion to approve this, we make it contingent upon this conservation easement becoming a real and enforceable restriction on Parcel C?

Board Attorney Walker said Mr. Chair, Mr. Yates. I believe that if the motion were framed in those terms, the intent would be sufficiently clear so as to guide staff as to assure that the outcome conformed with the intent that had been expressed.

Mr. Yates said thank you Sir.

Mr. Williams said Mr. Chair, Mr. Yates. If I could take a crack at this, I've been working with Mr. Wuhrman for many, many months on this and Mr. Wuhrman, please correct me if I'm wrong on this. The idea is that the property would have trails and an observation deck over the lake for the residents. There is no parking area. Correct that the City and the County did not want to take this property and make it a recreational area for various reasons. There would be a pedestrian crossing across Regina so the residents could walk and get out and do exercise and also the neighbors could utilize this as long as they don't park on it.

Mr. Wuhrman said we've had discussions of that possibility. Paul, nothing has been cast in stone in that respect. I had no problem giving the immediate neighbors, the adjacent neighbors, the right to the easement to use the property.

Mr. Williams said so what I understand is it's not recommended that it be fenced and gated with keys only for the residents but the trails and the observation deck would be there for the owner. It would be a property owner's maintenance responsibility. That's the way I see it, of the project, so it would be a homeowner's association which would be the, the owners of that property would be in charge of maintaining that. Again, it appears that there would be access for the public around there that is neighbors to also walk on these paths. I don't know if that clears it up Mr. Chair, Mr. Yates.

Chairman Johnson said I have a question in regards to that. Mr. Wuhrman, what is the rough idea, what is the elevation change from Regina to this area where the proposed trail is going to be? I'm familiar with the area and to me it seems like it's very low to construct a nature trail, it seems like it maybe.

Mr. Wuhrman said well there is some upland of that 4 ½ acres a big part of it is lake as you could see there but there is some upland to the north which actually would have been buildable but that's where we would intend to put it. We'd probably have to create a path to the lake and put the little observation deck to where it would be done beneficial for people.

Chairman Johnson said that's one of the reasons I asked about the southern property because maybe the trail would be better suited within the boundaries of the facility itself and where you are preserving the southern boundary why wouldn't you maybe?

Mr. Wuhrman said we intend to have that available. Even though it's preserved, we intend to have that available for the residents on site.

Chairman Johnson said I'm just looking at it as sometimes an idea is grand and I like it. However, when you are taking an existing land that conservation land already, sometimes it's maybe better not to touch it and that's what I'm looking at. That's why I'm asking the questions I'm asking.

Mr. Wuhrman said I don't think some of the 85 year old tenants are going to take their walkers and go over and sit in the observation deck.

Chairman Johnson said that's my concern. With the neighborhood and the surrounding, just knowing the area, sometimes there are a lot of children that play along the neighborhood and the street and maybe they would venture out.

Mr. Wuhrman said you can make it attractive to people by doing some of these things. I would have no qualms about being prevented from doing what came about which came about with Peter when he was see and his desires.

Chairman Johnson said I understand but I just had a question for that. The other one is in regards to the height of the proposed buildings. It's four stories, 43 feet. Is there any other structure near this area that is in similarity to this building, height-wise?

Mr. Wuhrman said no. You would have to go over to U.S. 1 where the Mercedes dealer is. There's a big building there, probably three stories. I don't think it's four. There's nothing immediately adjacent to it but the properties to the south, I had incorporated some pictures of the neighboring properties. They are all residential. There's probably, you can count them on one hand.

Mr. Yates said Mr. Williams, what would the owner of this project be required to do as far as maintenance of parcel C?

Mr. Williams said Mr. Chair, Mr. Yates. The first thing of course is the removal of all the exotics that currently exist there. Mr. Wuhrman is aware that on the main property there is some exotics. On this property, there are some exotics. Those would be removed and that would be the main maintenance is to keep the exotic either Maleluca or Brazilian Pepper out of there and then keep the trail accessible. Other than that, the native plants and the lake seems to be doing just fine.

Mr. Yates said will staff draft something that goes along with the approval requiring just that or is that already in?

Mr. Williams said I'd be glad, I am familiar with different types of management plants for South Florida Water Management for conservation areas. I'd be glad to work with Mr. Wuhrman on documentation and wording and have that available for the City Commission.

Mr. Yates said I think that might be helpful.

Chairman Johnson said any other questions of the applicant? Thank you very much, Mr. Wuhrman.

Chairman Johnson said anyone here from the public that would like to speak for or against this request tonight? Good evening.

Ms. Goodman said good evening. My name is Arlene Goodman. I live at 4410 Areca Palm Drive which is not very far away from this project. The overall project I don't have any problems with it. I used to own an ACLF and I do know how much they are needed although I have some questions and some suggestions and some things I don't quite agree with but the gentleman sounds like he's an amenable person and I think we can work this out and get this show on the road quickly. The Unity Title, I think that must be in the paperwork and must be finished before the first building permit is completed. If it's not, then no COs will be given unless it is in the paperwork. The traffic I'm having a problem with is on Weatherbee Road. I have read from their Susan O'Rourke the amount of traffic that she thinks will be picked up on here. However, there are a couple of things that are missing here that I would like to make sure get into here before it goes onto the City Board. Something that has not been taken into consideration is: the Weatherbee Elementary School which is 5/10ths of a mile from the west edge of this property to the drop off spot with the school buses. I don't know because I didn't have time this afternoon. I just learned about this issue on late Saturday afternoon. I think that traffic needs to be taken into consideration when we are looking at entrances and exits into a project that's being

classified as an adult older, elderly, I can see that I are one now. People driving and we don't always pay attention to where we are going when we are going.

Mr. Knott (inaudible)

Ms. Goodman said we have the same color hair. I would like to see something if anything can be done about that. I would suggest that instead of having two entrances and exits, ingress, egress on Weatherbee that perhaps one of those should be put on Regina Drive. Could I see the project, the green plot, the site plan? The big parcel?

Mr. Williams said the aerial?

Ms. Goodman said yes, thank you. Anything that this gentleman does to this place is going to be a great improvement. I feel sorry for him because he has had his property used for quite a few years as a dump site and I'm glad to see that it's going to be cleared up and used for something positive but, I wish we could look at the exit situation. We had a young boy die out there two years ago because of the traffic situation in the morning, early in the morning with school. We need to make this area more safe for the children. I'm having a problem swallowing the part about making this gentleman give over \$5200 for his fair share contribution to U.S. 1 in a southbound right-hand turn at Virginia Avenue and U.S. 1. Give me a break. It's close to five miles away from where this property is. His money would be a lot better spent on taking the money off Poinciana. I was down there today. It's a one-lane dirt street that dead-ends period into about three houses. Take the money that's going to cost him to put the sidewalks on Poinciana and the money that they are going to make him pay for a right hand turn lane on Virginia Avenue and extend the sidewalk from his property east to U.S. 1 and west, excuse me, reverse, west to U.S. 1 and east to the Weatherbee school as a safety factor. We all would be a lot more safe in the long run with this if he gives the money today, the \$5300 basically to this at Virginia Avenue. And if that's not done for ten more years, does he automatically get his money back or is this money that's gone down the tubes and really hasn't helped anybody? U.S.1 is LOS yes and it's not good. You're right but the County is denying right and left developments within a two-mile radius of Midway and U.S. 1 because Midway has failed deplorably. They have already said no on one going in at, two of them going in at Tumblin Kling and Oleander Avenue and as late as 3:30 p.m. this afternoon, there was no request from the City to the County's Engineering Department for a letter and information from them. Yes, they may have had one when this was going to be a townhome but, as I spoke with them today, they need another letter either from the applicant or from your staff City to ask their opinion on this. I was told today they would give a nonsupport because of the additional traffic that is being said that it would propose to make. We need some more answers on the traffic situation. We need an answer from the County before this goes to the City Commission hopefully next month. Overall, I'm happy with what he is doing. There is no other four-story building between U.S. 1 and Indian River Drive. There are some townhouses within Gator Trace. They've been there for I don't know how long. There is maybe a three-story very small rental complex just east of where his place is and next to the Baptist Church on Weatherbee Road also. There is nothing of this magnitude in this particular area. If it were to be at all possible, lower this to three stories. It would make something a lot better for the neighborhood to grasp onto. I got calls and talked with some of the neighbors directly

across the street from him. They are having a fit because they didn't know anything about this and I'm not having a fit but I think there needs to be something talked about with somebody who can make a decision here at the City level that people in the area that these are going to happen, any of these developments or rezones or conditional uses need to be notified that these are coming into their neighborhood. That the neighborhood is going to be changed. Be it for the better or be it not for the better. How do you know if you don't hear from the residents because you're not making my word, intelligent request, when you pass it on for approval without the input from the residents in the neighborhood. If this is truly a home for the elderly and it will not be any children and there will be no subsidized housing in this area, then I think that we are all for it. These questions definitely need to be answered. I'm happy with the answers that he gave you tonight but the traffic, the sidewalks, perhaps making Regina Drive which is maybe a two-lane road substandard with millings on it now that were put in since the Fire House at Midway and Regina was reconstructed. That's a beautiful building. We all love White City and we're trying to keep it looking nice and this looks nice but please lower it just a little bit and blend in with whatever else is around there. If it's all single family from the beginning of Weatherbee Road south to Midway Road on Regina Drive, many of the homes have been in there many many years. If you drive down there you can tell that they had it done. If maybe we can do a little bit of give and take on both sides of the fence here, I'll think we'll have something that will make our community a nice place in which to live and for them to live happily with us and vice versa.

Chairman Johnson said thank you Ms. Goodman. Anyone else here to speak from the public?

Ms. Peck said Arden Peck again. I came here just to look, not to talk but I used to live on Midway and Palmetto. I lived there for about ten years when Gator Trace was just a golf course basically. I am in total agreement with the person that spoke before me. Gator Trace has developed. The elementary school is developed. I believe that in not too distant future that there was approval of a project on Gator Trace for huge townhouses. Now, I can't remember in my little old pea brain where they were supposed to egress and enter from but somehow I believe it might be Weatherbee. I think you are going to have a huge problem unless you take into consideration what exactly are the future plans for that area and how that will impact that area. I also have some concerns about the active amenities at the proposed ALF. Being on the 70 year mark, I really am concerned that there are enough activities of an active nature that are built into any plan where you have a senior facility group whether it be totally assisted living or whether it be also active and independent. I see that Mr. Wuhrman had said that he was going to have a fitness center and game room and whatever. I would just really like to speak to the fact that I hope that it's something more than the size of this table, that might more than one treadmill or whatever, maybe even a Wii game or one of those games that they play that they do have lots of activities. Certainly you all know the research about an active senior being a long-lived senior but I do agree with again, the woman that in front of me totally that there needs to be a lot more discussion on the traffic impact in that area. Thank you.

Chairman Johnson said anyone else here to speak for or against this request? Mr. Wuhrman, would you like to speak again? Mr. Kennedy?

Mr. Kennedy said Mr. Chair. I guess I have three issues I'd like to respond to the two ladies who commented. The conservancy track, that was Mr. Wuhrman out of the good nature of his heart to try to add an amenity to the project. He thought the walking trails, the observation deck, people always ask about amenities, what are you doing for the project, what are you adding to the community. It really was a cost he was willing to go forward with. If we don't want to have the residents on that parcel, we don't think they need to be on that parcel or if there is no value to the project, we can still have the parcel go with the parcel. Do a maintenance plan on that parcel C and eliminate all the amenities. The building height, we've been working on this project for a few years. The building was located in the center of the property. It's a large piece of property. It's ten acres. We've been requested to preserve as many of the existing large trees to add a buffer which we've done. There is a huge open space to the south buffering all the residents to the south of the property. There is a mobile home park to the west. There is a canal between our parcel and the mobile home park. There's lot of space to that building, hundreds of feet to the building from all of our property limits. We're just asking for what's allowed in the Code on the building height. I think great comments on traffic. We've probably had at least a dozen discussions with the County on what they were requesting for off-site improvements. The traffic report didn't warrant turn lanes. The County wanted a right-turn lane, we added it. The County wanted property dedication on all three sides, a unique piece bordered on three roadways. The County demanded the two entrances on Weatherbee and wanted us not to go on the local streets because the residents didn't want them. Even though a connection of Regina really doesn't affect but one property owner that was at the County's request. Mr. Wuhrman has gone above and beyond on the dedication to the southern property line. He's dedicated property that what was requested because that existing road down there is outside of the limits of the current right of way. The County requested all the sidewalks. I think the sidewalk connection to U.S. 1 is a great idea but we are dealing with the County in trying to balance a lot of into these. Those are all the requests from the County so we've only done what they've asked.

Chairman Johnson said thank you. Any other questions from the Board? Mr. Kennedy, do you have one more? Anyone else here from the public that would like to speak for or against this request? Okay, we'll return to the Board and entertain a motion or discussion if you would like to discuss? I agree, I'm going to ask staff real quick. When we talk about fair share contribution, it was a good point brought up about constructing the intersection of Virginia Avenue and U.S. 1, obviously that money is going to come forward. Is that money at the discretion of Commission to utilize somewhere else if we see a greater need?

Mr. Carlin said Mr. Chair, the answer to that question is in the event that the funded project does not have the required monies to construct the improvement within a five-year period of time, the money that is used to satisfy proportionate fair share requirements can be allocated for other similar projects on that constrained corridor. So there is flexibility in terms of transferring contributions to other similar improvements that would help alleviate traffic impacts. There is that flexibility if the funding is not reached during that five-year period of time.

Chairman Johnson said the reason I'm asking is because obviously the applicant is so willing to give that dollar figure and contribute a certain dollar amount based on a formula that was created but there were good points brought forward and you know I would think that even as this Board we could entertain the idea of utilizing that money for some other need, I would think but I know that there is a formula in place and that's how you get proportionate fair share. Is there an agreement that the City has entered in to receive that \$5200 amount; an actual contract?

Mr. Carlin said to answer to that question is yes. In order to have the proportionate fair share there would already have to be an improvement that was contemplated by the City Commission in order to construct this particular improvement. There are no improvements right now that are funded along U.S. Highway 1 between Midway and Virginia Avenue to widen it to alleviate the symptoms that are there. The only thing right now that the City has contemplated is construction of this turn lane which was part of another project over a year and a half ago that was analyzed by City staff and the Engineering Department. It was a project that we all felt would be important to help alleviate the links between Virginia Avenue, to the north, the south. This improvement will ultimately allow additional vehicles to go through the intersection with the construction of the turn lane which will ultimately help the link. In absence of having any FDOT commitments at this time other than some of the medians that you see being placed right now currently on U.S. 1, there are no funded projects that can be used to satisfy the impacts that developments will have.

Chairman Johnson said the reason I was asking, Board Members, the reason I was asking is because there is obviously other uses for the dollar that could be beneficial to this neighborhood.

Mr. Carlin said Mr. Chair, I'd like to point out. This is a conditional use so if the Board feels that there are other conditions based on the impacts to the surrounding neighborhood that you all feel are appropriate, you certainly can make that recommendation.

Chairman Johnson said and that's kind of what I was going to state next. My issue is a little bit with the height but more into the conversation land that is off to the east. There is going to be money spent on that piece of property that is already somewhat designated as conservation. You can utilize those funds to benefit the surrounding neighborhood better so if we could, I don't know if there is a dollar figure that can be put onto that conservation nature walk or staff was really looking forward to having that nature area or walking area to the east, but that's why I was asking about the southern end of the property that is adjacent to the buildings. If we were to utilize that area as the nature trail, then we can leave the conservation lands alone and then maybe utilize some dollar figure and distribute it amongst the surrounding neighborhood because there is a dollar figure associated with constructing a nature trail, obviously. You got to go in and take exotics out and construct a couple of sightseeing decks or whatever was proposed. Just food for thought. It's definitely something that I would be willing to look at because there are some other alternatives. We're at the motion stage at this point.

Mr. Yates said Mr. Chair, may I ask another question of staff?

Chairman Johnson said please do.

Mr. Yates said there seems to be a disconnect to some extent between the comments of the first neighbor concerning contact with the County and Mr. Wuhrman's representative, the statements that they had met with the County and satisfied their concerns, do we know what the situation is?

Mr. Carlin said we've had during the site plan review process the site plans distributed to the County. We have followed up with the County in attempts to get an approval letter but one has yet to be provided. The applicant's representative is correct. They have incorporated all of the requests that the County had regarding the turn lane, the sidewalks, the right of way, they have complied with those. We just haven't had that formal approval sent over. That is correct what the applicant's representative indicated. They have incorporated those improvements the County requested for this.

Mr. Yates said do we contemplate that the County is going to give up an approval letter?

Mr. Carlin said Mr. Yates, we can certainly follow up again and see if they can get us something prior to City Commission to help the process along. We can certainly follow up with them again and see if they would be willing to provide the approval letter based on the improvements that they've incorporated on the site plan.

Mr. Yates said thank you Sir.

Mr. Poitier said how long does that take? The County's pretty slow. If we hold the man up for two more years, it won't make sense.

Board Attorney Walker said point of order. Respectfully Mr. Chair, it's basic principle of parliamentary procedure that discussion follows a motion. Discussion takes place in the context of a motion. The Chair has solicited the Board for a motion. It would be my recommendation that the Chair continue to encourage the Board to come forward with a motion so that may serve as the vehicle for discussion.

Mr. Knott said Mr. Chairman, before we make a motion though, I think the point that you brought up, I'd like to have a little more clarity so the motion would include this since this is on the conservation parcel which my understanding is just for density transfer. I was just curious as to who was requiring or if it's going to be required that they do these improvements over there. By a site plan, if we approve it without conditioning that, in other words, what you had mentioned about taking what funds that were going to be used for these improvements could be used elsewhere so are we going to mandate by, if we don't stipulate that it's not necessary to make these improvements to the conservation parcel do we want to exclude that so that does free up but we still have some sort of verbage about the Unity of Title and the conservation document for transference?

Chairman Johnson said don't forget the conservation land is not used to calculate density. The two western parcels as shown on this plan is one big square at this point. Correct me

if I'm wrong, staff are two individuals parcels that are almost ten acres or ten acres that are used as the density calculation not the conservation land.

Mr. Knott said oh so it's not needed for density?

Chairman Johnson said it's not needed for density. It's a good faith effort in amenities and what not.

Mr. Knott said I like the idea of freeing them up if they're going to include it in there. Why build something that other people aren't going to use. It's strictly for the elderly because it is not a public facility?

Chairman Johnson said you don't know if anyone else is going to use it. That's the problem.

Mr. Bey said I make a motion that we approve this based on staff's recommendation that the Unity Title be done and also that some language be devised to stipulate that parcel C will be a conservancy.

Motion made by Mr. Bey and seconded by Mr. Poitier to forward a recommendation to the City Commission for approval of a Site Plan and Conditional Use to construct a 90 unit adult congregate living facility at 405 East Weatherbee Road with the condition of a completion of a Unity Title and also that some language be devised to stipulate that parcel C will be a conservancy.

Chairman Johnson said now there's discussion. Thank you Mr. Walker. As site plan as shown, your motion is to include the nature walk, nature trail on the conservation land. I know you are talking about staff including conservation land discussion in the agreement. Are you amenable to looking at other ways of utilizing those funds that would be put into a nature trail maybe using them for sidewalks on Weatherbee Road instead or do you want the nature trail as site plan depicts?

Mr. Bey said I want it as the site plan depicts.

Chairman Johnson said okay?

Mr. Poitier okay.

Mr. Bey said the reason for that is because we don't really have any solid conversation on any concrete conversation on sidewalks or whatever. Nobody has made any definite suggestions as to how we should do this. I like the idea that Board member Yates suggested that there should be language stipulating that this land will remain in conservancy.

Chairman Johnson said and I agree with you.

Mr. Poitier said okay.

Mr. Yates said Mr. Chairman, do we could think we could and Mr. Bey, might allow his motion to be amended? If we could tie down what sidewalk needs to be constructed it would be more beneficial to the neighborhood than the nature trail in parcel C?

Chairman Johnson said you would need to ask him.

Mr. Yates said I wonder if staff knows.

Chairman Johnson said there is discussion on the motion at this point, does it include, does it not include basically that's what we're discussing, the motion that was made. Basically, a motion to approve the site plan as shown.

Mr. Yates said Mr. Bey, would you be amenable to amending your motion to not require the construction of the nature trails on parcel C but as suggested, staff create a management plan for the owner to make sure that that's preserved and that native or exotic invasive vegetation is removed and suggest or put into motion that the money that would have gone towards the nature trails be used for a specific purpose such as lengthening the sidewalk. I'm not sure what sidewalk needs to be lengthened. If we could start with that.

Mr. Bey said Mr. Chair, yes, I would be interested in amending my motion but I just need something concrete.

Mr. Yates said yeah, that's the problem.

Board Attorney Walker said excuse me Mr. Chair. Most respectfully, it's been my privilege to be counsel to this Board since 1979 and not once have I ever heard such a proposal. Most respectfully, the applicant here proposes to conform with our Codes and Ordinances. Staff has recommended this plan based upon that. It is not the prerogative of this Board to use the vehicle, the project as a vehicle for neighborhood improvement. The purpose of this process is set out at Section 22-58 and I will read that for the Board. *"Site plan review is intended for developments other than planned unit developments which due to their size or other characteristics require special review to determine their compatibility with the surrounding area and suitability for on-site activities consistent with the natural features of the property."* The Board is at liberty since this is a conditional use approval process to impose reasonable conditions that are necessary to make this project compatible with the immediate area. The Board is not at liberty to require the applicant to go into the business of neighborhood improvement beyond the narrow scope of that authority that's granted by the Code. The temptation to design a project for the developer can be strong but the Board does need to be aware that there is a line that separates its prerogative to impose reasonable conditional uses in attempting to design the project for the developer. Most respectfully Mr. Chair, I do believe that the proposal now made to amend the motion exceeds the Board's allowable discretion in that matter.

Mr. Yates said Mr. Chair, having great respect for Mr. Walker, his years of experience on this Board, I would ask to withdraw my request to amend.

Mr. Bey said based on that information that Mr. Walker offered, I am standing fast with my original motion.

Mr. Poitier said and my second too.

Chairman Johnson said any other discussion? My only reservation is the compatibility with the height issue with the surrounding neighborhood. There is an issue that I see potentially just with the sizing of the structure. I understand the densities that are required and are needed for constructing projects. That would be the only other issue that I would have. Any other discussion? Seeing none, could we have roll call please?

Those in favor were: Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott, Mr. Poitier and Mr. Yates .

Those opposed: Chairman Johnson.

Chairman Johnson said your project still moves forward with a recommendation for approval to the City Commission. Thank you very much.

The next item considered: **Item # 7d - Divine Holiness** – Approval of a Conditional Use permit to convert a single family to a church. The property is located at 1309 Indiana Avenue and is zoned R-3, Single Family Moderate Density. The property owners are Lee Anne Parisi & Gary Caccaviello.

Chairman Johnson said could we have staff report please?

Mr. Williams said as the Board might remember, this particular request came before you and you acted on it and by majority recommended approval and it went to the City Commission. The City Commission, a motion was made for approval and it died for a lack of a majority. It was a 2-2 vote. One of the City Commissioners was absent. The applicant has gone back to the process and reapplied for the conditional use. This aerial shows the location of the property on Indiana Avenue, ½ block west of 13th Street. The applicant is requesting a conditional use approval to convert an existing single-family home into a church. The property is surrounded on all sides by single family homes. The zoning map shows that the site and the adjoining properties located to the east, to the north and to the west are zoned R-3, Single Family Moderate Density Zone and are occupied by single family homes. The adjoining property located to the south is zoned R-1, Single Family Low Density Zone and is occupied by a single family home. Future land use is all compatible and by conditional use is allowed in the R-3, Single Family Moderate Zone. This is a recent photograph. As of today of the front of the property showing its layout, also attached to your packets were minutes from your meeting that you had previously and also the City Commission meeting. This is a large single-family home and there was some discussion that it was used as a music school in the past. It is on a half acre lot. I show you the floor plan here that shows 2,964 square foot proposed church that will consist of a 48-seat chapel, a 28 seat classroom, an office, a kitchen food preparation area, and 2 restrooms.

The motion made by the Planning Board to the City Commission included a condition that the landscaping be increased before it went to the City Commission. The plan that you see before you is the original landscape plan that depicts the parking area of 23 spaces and also the landscaping that included 38 new trees and 274 hedge plants. This landscape plan that I show you is a revision that has included an additional 8 trees which comes to 25% increase in the number of trees on the perimeter and also this large live oak is on the site directly behind it. The applicant and the engineer have both agreed that the tree would be utilized in the project along with these 8 additional trees, meets the 50% increase as required by this Board in my opinion. As part of the City Commission, property owner notifications were mailed to owners within 500 feet. 102 notifications were mailed and 16 responses were received. Six approved and ten opposed. This information was not provided to you last time so you now have the opportunity to see the property owner notifications. Again, the applicant has met with many of the residents around the proposed church and many of them rent from property owners. This is one situation we find when property owner notifications are mailed out. Sometimes the people in the properties are sometimes not the people that own the property but I'll let the applicant describe that. We do have that now, six for ten opposed. All affected departments have reviewed the conditional use application and approved it based on it meeting the requirements of the City Code. The Planning Board at their June 10th meeting recommended approval of the Conditional Use application with the condition that the perimeter landscaping is increased by 50%. The City Commission for the record state that a motion was made to approve. It died for a lack of a motion and it's now back before you. As the proposed conditional use meets the requirements of the City Code, staff again recommends that the Planning Board forward a recommendation of approval to the City Commission. Thank you Mr. Chair.

Chairman Johnson said any questions of staff?

Mr. Dannahower said Paul, when these letters go out to the property owners, do you get back comments or do you just get yes or no?

Mr. Williams said yes Sir. We do get back comments and I have them tonight if you would like to hear some of them.

Mr. Dannahower said I'm just curious if there is a trend.

Mr. Williams said Mr. Chair, Mr. Dannahower. As I recall, and I will look back through here, it's basically concern about the parking and it was a single-family neighborhood. That was the extent but let me verify by looking at them if I might have a minute, Sir.

Mr. Dannahower said thank you.

Mr. Williams said Mr. Chair, Mr. Dannahower, first I will go through the approvals. Comment for approval – "I feel that this a very good thing. It would help our neighborhood to come closer to God and also help one another and encourage our younger generation not to leave home." Under disapproval – "To whom it may concern, as a homeowner on Indiana Avenue, I would not like to see a church open on our street. This is a residential neighborhood and I would like to keep it that way. I do not want cars parking all over our

neighborhood. We don't welcome loud music during the week and weeknight services" basically talking about traffic and noise. This is another disapproval. "This would add more noise and more traffic to this area." Thirdly, "This is a residential neighborhood that has been upgrading and improving homes which benefit Fort Pierce. The neighborhood would not benefit from the church." That's the last comment so as you can see, the disapprovals were traffic and noise and single family home and then on the one approval was a good thing for the neighborhood.

Mr. Dannahower said thank you very much.

Chairman Johnson said don't forget too Board members. This is basically a public meeting not a hearing for us to make sure that it complies with City Code. Any other questions of staff? Seeing none is the applicant here tonight?

Mr. Velasco said Mr. Chairman, members of the Board, good evening. My name is Ernesto Velasco of with the Velcon Group. We're the engineering firm for the project. I do want to reiterate that the members of the church have been going around the neighborhood since of course we found out about the 16 letters – 6 for the project and 10 against. The church has had tremendous effort in going in canvassing the neighborhood so they can get in writing for our next City Commission meeting a little better feel for what the people living in the community are actually saying as compared to those people that own the properties which may or may not be the same that live in that neighborhood. I don't have a tally for you this evening but we certainly will have it for our next meeting with the City Commission. I also want to remind the Board as far as the noise is concerned, the services are only going to be limited to Sundays. There was a music school in this house at the same location previously. Whether that is a serious concern or not, of course it's up to you to decide, I believe that in comparison a music school would certainly produce more noise on a longer time on a weekly basis than a church service would. But again, I leave it up to your discretion. Traffic precisely through (inaudible) that's why we're putting the parking lot through it in the back mostly on the property. The landscaping outcome as Mr. Williams made are certainly appropriate. The plans have been revised. Landscaping has been increased to the best of our abilities. Is there is anything else, I'll happy to answer them.

Chairman Johnson said any questions of the applicant?

Mr. Knott said just one Mr. Chairman. Just to reconfirm that I was just looking at the minutes from our last meeting with you all, nothing has changed. Sunday is still the only Activity? One service on Sunday? There is about 50 parishioners or members of the church, is this correct?

Mr. Velasco said that is correct?

Mr. Knott said none of that has changed. There will be no social, I think we've asked the question, no social activities? There's no dinners or anything like that planned?

Mr. Velasco said everything remains as the first time around.

Mr. Knott said thank you.

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

Mr. Yates said I move that we deny the application or recommend disapproval to the City Commission based on the response to the neighborhood survey and I just have concerns how you in reality enforce these conditons that we are talking about now that you only have church on Sunday. What happens in a year and half when you start having meetings in the middle of the week Wednesday nights and suppers. It just seems to be opening the door to a what it is in a residential use in a residential neighborhood.

Mr. Bey said I second that.

Motion made by Mr. Yates and seconded by Mr. Bey to deny the Conditional Use Permit for Divine Holiness Church.

Chairman Johnson said so the motion is to deny the application with a second. Mr. Walker, I'm going to have to.

Board Attorney Walker said Mr. Chair, the legal standard governing judicial review in this sort of thing was set out in the case of *Dusseao vs. Metropolitan Dade County*. It involved Special Exceptions. However, that's basically what we are talking about here. With your permission, I would like to read that. I think it would be illuminating. *"Once the petitioner met the initial burden of showing that his application met the statutory criteria for granting such exceptions, "the burden was upon the opposing party to demonstrate, by competent substantial evidence presented at the hearing and made a part of the record, that the special exception requested by petitioner did not meet such standards and was, in fact, adverse to the public interest. In order for the agency to deny a permitted special exception application, the party opposing the application (i.e., either the agency itself or a third party) must show by competent substantial evidence that the proposed exception does not meet the published criteria."* The Board has the power to recommend any improvement that will make this project compatible with the surrounding area. The staff, the experts that this Board should rely upon has determined that this project is completely in conformity with the Codes and Ordinances. What that does, Mr. Chair, is shift the burden over to the City to demonstrate by competent evident that somehow under no circumstances can this use be made appropriate to the City. Mere opposition by surrounding neighbors does not constitute competent substantial evidence. The emotion at hand in effect finds and determines that there are no circumstances under which this project can be made compatible. Mr. Chair, I do not feel that the record contains any evidence that supports that kind of conclusion. All of the evidence through our staff is to the contrary. Mr. Chair, if this went to the Commission and if the Commission accepted that recommendation without any further intervening competent evidence, it would be my opinion that a court applying the standard that I have just read here would have to reverse any such refusal. There has to be a reasonable basis, Mr. Chair, for this kind of decision that is supportable by the record.

Mr. Knott said Mr. Chairman if I ask. Mr. Walker, can we condition any motion we would make to limit the times of the activities of the conditional use?

Board Attorney Walker said Mr. Chair, Mr. Knott. The Board does have that discretion to impose reasonable conditions to make the proposed use compatible with surrounding uses and then whether or not those conditions are hereafter observed is a matter for the enforcement process.

Mr. Knott said Mr. Walker, by the applicant's admission they are setting the limits themselves. If we would just echo those, then anything beyond that would be either like you said enforced by the City or they would have to come back to modify the conditional use to expand?

Board Attorney Walker said yes Sir.

Mr. Knott said thank you.

Chairman Johnson said my question to you is the original motion and second. I guess, can I not accept that based on it doesn't meet the requirements that you set forth in the statement?

Board Attorney Walker said most respectfully Mr. Chair. It is the role of your loyal staff to make such recommendations as we feel appropriate. We hope the Board takes those recommendations into account as it finds appropriate.

Chairman Johnson said so we still have a motion and a second on the table though. Okay. I guess we still have to go through the process of a motion and second unless you withdraw the motion or there is a statement within the motion.

Mr. Yates said I'm going to ask Mr. Walker, if I can.

Chairman Johnson said please do.

Mr. Yates said Mr. Walker under what circumstances can a Board like this if it feels that a conditional use is inappropriate in a neighborhood, how do we voice a reason that is that would withstand judicial scrutiny? I have a real concern about having a church open up on this residential street on Indiana Avenue. It seems to me once the camel gets it's nose under the tent that there's not going to be a realistic way of enforcing any restrictions that we would place on our recommendation, any contingencies. How do we address as somebody trying to make a good decision for the City?

Board Attorney Walker said respectfully, Mr. Yates, I might suggest that the decision has been made here before by our elected City Commission when it adopted our Code of Ordinances which provide that churches are permitted uses in residential areas, conditional uses provided that reasonable measures be taken if necessary to protect the surrounding community. Beyond that, Mr. Yates, I would suggest that any refusal to allow the proposed conditional use under any circumstances not only is inconsistent with the latitude afforded

by the ordinance which does permit that as a conditional use, but may fairly be characterized as arbitrary and capricious where it is not supported by competent substantial evidence. If, for instance, staff here had come forward with an expert opinion opinion that in its view this was incompatible, that would constitute competent and substantial evidence for this Board to sustain a recommendation that it should not be permitted under any circumstances but there is no such evidence. Mere neighborhood opposition by itself is not grounds for denying the application and I will also add this. The reason our Code does not encourage getting these straw ballots to the Board and reserves those to the Commission is because the Code seeks to protect the role of the Planning Board as an impartial Planning Agency that will offer unbiased advice that is uncolored by neighborhood opposition. Politics, inevitably, plays a process in the role but it's designed to take place at the Commission level and not here at the Planning Board so that the Planning Board can offer objective recommendations to the Commission. The Commission relies on that objectivity. That's why we strongly encourage as a City decisions to be made on a rational record supported by evidence that's competent and substantial.

Mr. Yates said Mr. Chairman, and subject to Mr. Bey who seconded it, I would change my motion to recommend approval subject to the condition that the church operate only on Sunday and that all of its parking required to be on site in conformant with the design, the parking spaces that are set forth in the plan.

Chairman Johnson said okay, so your motion is to approve the project based on the condition that it's going to be operated on Sundays?

Mr. Yates said only on Sundays.

Chairman Johnson said and that the plan is to be followed as set and as submitted.

Mr. Yates said yes.

Chairman Johnson said is there a second?

Mr. Knott said I would second for discussion. Just carrying this through another just to try and be more comprehensive for the church's sake so they don't have to sneak around and have to have services on religious holidays, for example, that don't fall on Sunday I don't know if we want to get that far down into the details of it. Do we want to include religious holidays that don't fall on Sunday?

Motion made by Mr. Yates and seconded by Mr. Knott to forward to the City Commission the conditional use permit to convert a single family home to a church located at 1309 Indiana Avenue as submitted with the condition that church services will only be conducted on Sundays and that parking is only permissible on the designated parking spaces as depicted on the site plan.

Mr. Yates said the devil is in the details.

Mr. Knott said I know it but I was trying to, again, I was just throwing that out there.

Mr. Yates said approving a use in a neighborhood that brings a lot of people there.

Mr. Knott said Sundays and religious holidays. I don't know. That's just a thought. What does the rest of the Board?

Mr. Yates said then we get into defining religious holidays.

Mr. Knott said I know. I'm just throwing it out there as whether it merits then I second your motion anyway.

Chairman Johnson said I think the most important part is that your City Commissioners hear your voice at this point. They understand what you're talking about.

Mr. Poitier I don't like limiting them just to Sundays. That wouldn't be right for a church. That is my contention. Why are you going to limit the church to one day a week? Vote it up, vote it down. Send it to the City Commission. They don't need that. The lawyer just told you you can't set a criteria. Our job is to not set rules. Just vote it up or send it back.

Chairman Johnson said but you have some leeway of setting the rule based on the welfare of the surrounding neighborhood not based on their opinion but based on what impact it's having to that neighborhood.

Mr. Poitier said but we could set a church for one day or week or Sundays? Churches got meetings through the week too. I'm a member of a church. We meet on Tuesdays and Wednesdays.

Chairman Johnson said I understand.

Mr. Knott said they have told us that they could live with the one, or that's all they told us just once and they only meet on Sunday.

Chairman Johnson said there is a motion with a timeframe depicted with the conditons that were given in the application.

Mr. Poitier said okay, we go for that if that's what they want. We shouldn't do that.

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

Those in favor were: Mr. Dannahower, Mr. Harris, Mr. Knott, Mr. Yates, and and Chairman Johnson.

Those opposed: Mr. Poitier and Mr. Bey.

Chairman Johnson said okay, your project will not be forwarded with any recommendation because we needed a majority of the Board which is a standing Board of ten members so you need a majority to forward a recommendation. With a five to two vote, the project will

be forwarded to the City Commissioners. However, it will not be forwarded with any recommendation for denial or for approval from this Board. Thank you for coming.

The next item considered: **Item 8a - Deeken Plaza** – An application for Site Plan approval to construct a 50-room motel on South Hutchinson Island. The property is located at the Southwest corner of Seaway Drive and South Ocean Drive and is zoned C-5, Tourist Commercial. The owner/applicant is Hillcrest Development and Building Corp.

Chairman Johnson said do we have staff report?

Mr. Carlin said Mr. Chair, members of the Board. Good evening again. Tonight the applicant is requesting Site Plan approval to construct a 50-room motel located at the southwest corner of Seaway Drive and South Ocean Drive. If the board recalls, this application was considered at the last meeting and Board members requested additional information from the applicant regarding architectural details such as color renderings, signage, adjacent property photos and some additional information on sleeping areas. Now just to give the Board a quick refresher, this is located as seen on the aerial southwest corner of Seaway Drive and Ocean Drive as indicated in red. The vacant 0.91-acre parcel property is zoned C-5, Tourist Commercial, with a Future Land use of CG, Commercial General. The property to the north is occupied by an existing motel establishment and also zoned C-5, Tourist Commercial. The property on the east side of Ocean Drive is occupied by various retail establishments and is also zoned C-5. The property to the west is occupied by residential homes and zoned R-4A, Hutchinson Island Medium Density Residential. The motel will include various amenities such as a fitness center, laundry facility, business center, and a buffet lounge for guests. Architecturally, the building will incorporate a "Key West" style theme utilizing standing seam metal roofs. The exterior will be enhanced by a rock waterfall and rain water collection cistern that will be situated along Seaway Drive. The four-story motel will be located above a parking garage and will extend to a height of 45 feet above the FEMA base flood elevation. It should be noted that this particular building does has a flat roof with parapets that extend around the entire perimeter of the building which extends to a height of 48 feet. In addition, architectural plans specify that tower features will also extend to 54 feet. These non-habitable elements can exceed the 45 feet height requirement by 20 percent as allowed by City Code up to a maximum of 54 feet. The revised plans have incorporated additional details to help the Planning Board members address the concerns that you all had at the July 2008 meeting. Additional documentation, Mr. Dannahower, there should be a revised color board with the details. I think that might be the one below it if you can pass that around identifying the additional information. Staff did review the revised plans and they do appear to meet the requirements of the City Code and the proposed ground sign that the applicant revised appears to be inconsistent with the architectural style of the building. Staff is recommending that the applicant revise the ground sign to incorporate the same architectural features and materials that are used on the building for compatability. That will be a condition of approval. The applicant has indicated to staff that he is amenable to making those changes prior to City Commission consideration. Now the four-story motel will consist of 50 sleeping units. Configurations for all the units will consist of one or two

sleeping areas which govern the required number of parking spaces for the motel uses. The section of the Code, the parking requirement specifies that motels shall provide one space for the first sleeping area within a sleeping unit plus 0.5 space for each additional sleeping area within a sleeping unit. Based on the floor plans provided, a total of 57 parking spaces are required, all have been provided. Staff evaluated the floor plans and determined that the appropriate parking has been provided for the motel given the overall layout and size of each unit. At the meeting in July, the Board members asked if staff could work on a definition of a sleeping area since the City Code does not have a definition of a sleeping area. Since that time, staff has met with the Interim Director of Planning to come up with a preliminary concept of what a sleeping area should be. That proposal reads as follows: *A Sleeping Area is an area(s) within a sleeping unit, which in the opinion of the Director of Planning, is intended and designed solely for the purpose of overnight accommodations.* The definition was derived by looking at previous developments on the beach that proposed substantially larger floor plans that contained multiple rooms within each unit that could be used for sleeping areas. If you look at this next slide, you can see exactly what we are talking about. This particular floor plan taken from another development on the beach has a square footage size of approximately 2700 square feet. There are multiple rooms that are designated specifically the use of providing a sleeping area with a bed. The applicant's floor plans are substantially smaller. What are talking about 600-700 square feet where there is only one or two designated areas for the actual sleeping area with a common great room or living room where you'd have an entertain system and those types of amenities that you would normally incorporate into that particular area. The applicant's floor plans do specify that kitchen-type facilities will be integrated within the unit. The South Beach Overlay District allows limited cooking facilities, or customary appliances such as sinks, wet bar areas, refrigerators, and microwave ovens. However, the South Beach Overlay District does prohibits dishwashers, stoves, and ovens. The applicant has revised the floor plans to provide additional details outlined in compliance with the South Beach Overlay District and it specifies specifically that the stoves, ovens and dishwashers will not be included within the unit. As far as access is concerned, to refresh the Board's memory, access to the motel will be provided by two entrances along Binney Street and Hernando Street which will allow unrestricted turning movements. The applicant has provided right of way along both streets to meet the minimum City's right of way requirement of 60 feet. Landscaping for the project will consist of providing 53 new trees that will consist of coconut palms, foxtails, and silver buttonwoods. No mitigation is required since the subject property is vacant. Storm water runoff as you can see from the site. No retention pond is located on site. Exfiltration will be used. A Traffic Impact Analysis was prepared and indicated 456 daily trips, 32 AM and 29 PM peak hour trips with the traffic distribution shown 25% to the north, 30% to the south, 10% to the east and 35% to the west. The conclusion of the report does specify that there are no impacts to the surrounding roadway network. No mitigation is required. All effective departments have reviewed the submittals and approved the proposed site plan based on it meeting the requirements of the Code. Staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the site plan with the condition that the proposed ground sign is changed to reflect consistency with the architecture of the main building.

Chairman Johnson said thank you very much. Any questions of staff from the Board? Seeing none, we'll invite the applicant forward.

Mr. Kennedy said Mr. Chair, Board. Again, Rod Kennedy with EDC. We're the Civil Engineers. Mr. Wuhrman is also here who is the owner/applicant to answer any questions on operation or architecture.

Chairman Johnson said any questions of the applicant? Okay, one question in regards to the sign. Are you willing to revise the design of the sign that would be placed to meet the standard of the architecture that has been indicated?

Mr. Wuhrman said yes we are. We've discussed that with David and we've agreed that we would change the sign to be more compatible with the architectural style of the building. We will incorporate a little of standing seam roof over the sign and we'll put the sign on a base so it looks more sturdy. We'll put the name of the project. We'll put the telephone number and the address on it.

Chairman Johnson said okay, thank you. Any other questions of the applicant? Mr. Knott?

Mr. Knott said just one question. Mr. Wuhrman, in your packet exhibit B you have photographs of some buildings. Where are those? Where are those taken?

Mr. Wuhrman said most of these have been taken in the Jupiter area, Mr. Knott. They're more typical of the beach style that we were wanting to integrate into here. I really didn't find any close type buildings up here. I would have utilized those.

Mr. Knott said so this is representative of what we can expect?

Mr. Wuhrman said right, the colors, the combination of clapboard siding and stucco.

Mr. Knott said and the rails.

Mr. Wuhrman said railings.

Mr. Knott said roofline and what have you. This is very similar. Has staff, have you all looked at those photographs? Does that satisfy our South Beach Overlay District design standards if these photographs are representative?

Mr. Carlin said Mr. Chair, Mr. Knott. There are plenty of examples within the City that have various architectural styles whether it's Mediterranean other Key West buildings. Now the applicant has chosen to submit these types of renderings that are similar in style to the proposed motel. It would not be inconsistent with this type of theme. If the Board chooses to have the applicant provide you more specific examples within the Fort Pierce City boundaries or City limits, that's certainly something you all can request from the applicant.

Mr. Knott said myself, I just, more importantly I'd rather that staff would say yes.

Mr. Carlin said Mr. Chair, Mr. Knott yes. Staff is comfortable with the proposed elevation of the building based on the renderings that were provided you.

Mr. Knott said okay, very good. Thank you.

Chairman Johnson said any other questions of the applicant? I had one other quick question before you sit down. In regards to your features of the project that was listed in the narrative, "*building will constructed with favorable green guidelines*" is that going to change any of the architecture?

Mr. Wuhrman said no that's not changing the architecture. One of the features of what came into this project here was the rock waterfall and cistern arrangement where we are going to collect the rain water off the roof and utilize that for the irrigation on the landscaping on the project. This was Mr. Williams suggestion and I'm pursuing it with the irrigation contractors. It's what we wanted to incorporate.

Chairman Johnson said thank you. Any other questions? Anyone like to speak for or against this request? Good evening.

Ms. Mushier said good evening, members of the Board and staff. Before I start, would you make sure that you have your staff analysis page 2 in front of you because I'm going to refer to it? Let me start by stating that I'm Carole Mushier, President of the South Beach Association. Let me start by stating that we do not have any objections to the site plan for Deeken Plaza except for the parking requirement calculation. I have spoken to the applicant personally and he understands this. At the July meeting of the Planning Board, you requested that the staff come back with a definition of a sleeping area within a sleeping unit as referenced in the South Beach Overlay. May I bring your attention that paragraph 6 of the staff analysis? It's near the bottom of page 2. As a matter of fact, it's one above. In the first sentence it says that "*The Planning Board requested that additional information be generated regarding sleeping area since the City Code does contain a definition.*" "Not" is the word that is missing. The City Code does not have a definition of a sleeping area at the current time. So now we do have a preliminary definition that states as Mr. Carlin indicated "*an area(s) within a sleeping unit, which in the opinion of the Director of Planning, is intended and designed solely for the purpose of overnight accommodations.* Perhaps I am not alone in wondering exactly what that means. I guess we now need a definition of overnight accommodations. If it means something one can sleep on or in, then combined with the word solely it can only mean a bed which would be obvious as a sleeping area without any definition. If overnight accommodations can include a bathroom, a few chairs, a tv and a couch, then we have a different situation all together. Our concern has and continues to be even with this new preliminary definition what about a lovely leather couch sitting area that easily converts into a double queen or king size bed to create a secondary sleeping are within a sleeping unit. I stand by my statement made many times now in public and never corrected that a pull-out couch constitutes a sleeping area. In the materials we provided to you for the July meeting, which some of you may not have with you, we included what one administrator's opinion was. That the 9 C units not only had one sleeping area each, but he said 3 each. We advance that those C units be considered at least the same as the smaller 14 B units with two sleeping areas each. Now we have

another administrator's opinion that the C units be considered to have only sleeping area each. Different administrators can view the same situation differently. This is not acceptable. It takes us back to yesteryear when it was almost routine that various developers receive different treatment regardless of ordinances. Perhaps some of you are too young on the Board to remember what happened. We are still living with some of the problems it's caused. We completely understand the Planning Department's desire to get this site plan moving and we agree. It has been lingering far too long. However we must think to all future site plans that will be presented to the City, particularly on the beach, and therefore subject to the South Beach Overlay. Staff analysis indicates that the preliminary definition was derived from a previous development on the beach that contained multiple rooms. That plan is now gone. Is this not what we have in front of us now? If an ordinance was only written to deal with one old site plan that has hopefully now expired, that it was ill-conceived since an ordinance applies to every site plan equally. Thank you.

Chairman Johnson said thank you. Anyone else here to speak from the public for or against this request? Okay. Seeing none, we'll come back to the Board. I'll entertain a motion. Do we need discussion?

Mr. Poitier said I move for approval.

Chairman Johnson said is that with the sign condition that staff recommended?

Mr. Poitier said right.

Motion made by Mr. Poitier and seconded by Mr. Dannahower to forward a recommendation to the City Commission to approve the site plan for Deeken Plaza with the condition that the proposed ground sign is changed to reflect consistency with the architecture of the main building.

Mr. Bey said I have a question. This sleeping area situation. I'm kind of confused now. Staff, can you help me with this?

Mr. Carlin said to really understand the transaction, if you will, is to understand the parking requirements. For a motel/hotel or resort, the City Code requires 1 parking space for the first sleeping area within a sleeping unit – a 1:1 ratio. If you have additional sleeping areas within a sleeping units, then a half a parking space is required .5 parking space. The question is what is a sleeping area. That is the ultimate question. The City Code does not have definition of a sleeping area. When staff reviewed this particular application and analyzed the floor plans, the floor plans specified for some of the units one designated sleeping area with a room, a closet and something we all would consider to be a sleeping area so one parking space would be required. If you have a living room, a small living room that's attached with an open floor kitchen arrangement, the question becomes whether or not that should be parked as a sleeping area. In absence of not having a definition, you have to look at how much square footage you have for the particular unit and whether or not that would be basically converted into a bedroom. I don't think it would be uncommon or unreasonable to conclude that there may be a couch in a living room that would be used for watching tv or recreating when you have guests over or family members.

If that couch had a pullout option, okay, that's a gray area in the Code. After discussing this issue with the Interim Director of Planning, it was determined that the decision would be made by the Director of Planning based on the overall configuration of the units whether or not there would be multiple rooms that could be used for sleeping areas, dedicated areas separated by a wall that may have closet, that may have a separate room. Not something that would be a living room. When you open the door to a hotel room, you walk in and you might see a coffee table, you might see a little recliner chair, you might see a couch.

Chairman Johnson said any other questions or discussion on the motion?

Mr. Knott said just for clarity if I could just ask staff a question on this. The units that we are talking about where this option might exist is that the Unit C.

Mr. Carlin said I think it would be reasonable to conclude that. A pullout could be put anywhere, regardless if it's an A, B, or C.

Mr. Knott said are there any units that are bigger than other ones.

Mr. Carlin said there are units that are larger but those units are, for example, would be like a Master Bedroom versus a standard bedroom. The bedroom would be larger maybe for.

Mr. Knott said that's what I was looking at here. I'm just trying to get a handle on which units.

Mr. Carlin said there should be a breakdown on the site plan on the front cover that goes over this.

Mr. Knott said 27 A's, 9 C's and 14 B's. Now, can you all is there any rhyme or reason of which ones might, could this happen in any of these, is that what you're saying that this could occur, a pullout bed?

Mr. Carlin said a pullout bed is not being factored into whether or not there should be additional parking spaces. It's whether or not you have dedicated rooms, multiple rooms outside of a entry way or a living room area.

Chairman Johnson said I think the biggest thing is that we needed clarification of a sleeping area and we were proposed and given and definition of that sleeping area by the staff that's at the City level. That's what we have to go on.

Mr. Carlin said Mr. Chair, keep in mind that inserting something into the City Code based on the consideration of last month's application, that's not sufficient time in order to accomplish that. This is a preliminary draft, if you will. I'm sure as we move forward and work with this and try to make it more palatable for everyone this won't be the first time you're hearing it.

Chairman Johnson said thank you. Any other discussion? Could we have roll call please?

Those in favor: Mr. Harris, Mr. Knott, Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower and Chairman Johnson.

Those opposed: none.

Chairman Johnson said thank you. Your project will be forwarded with a recommendation.

The next item considered: **Item # 8b - Newberry Fields** – Approval of a Site Plan for the construction of a 383,605 square foot retail shopping center. The property is located at the southwest corner of Jenkins Road and Okeechobee Road and is zoned C-3, General Commercial. The property owner is Cornerstone Fort Pierce Development, LLC. The applicant is Stephen Gould. The representative is Gabe Henehan.

Chairman Johnson said could we have staff report please?

Mr. Carlin said good evening. Tonight the applicant is requesting Site Plan approval to construct a 383,605 square foot retail shopping center located at the southwest corner of Jenkins Road and Okeechobee Road as seen on your screen. The anchor tenant for the development will be occupied by a Target. The shopping center will also include other prospective tenants such as Dick's Sporting Goods, Marshalls, Bed Bath & Beyond, and Petsmart. The vacant 51.18-acre parcel as seen on your screen is zoned C-3, General Commercial with a Future Land use of CG, Commercial General. The property to the north is zoned C-3, General Commercial, and occupied by an existing commercial establishment. The properties on the east side of Jenkins Road consist of the following residential zoning; R-4, E-2, and unincorporated St. Lucie County respectively. The vacant parcel to the south of the subject development is zoned C-3 while the properties along the west side consists of Interstate 95. The project will be developed in two phases. The first phase will consist of constructing 8 buildings that total 313,605 square feet of floor space. Phase 2 will consist of two additional buildings as seen in yellow on your screen that will total 70,000 square feet. In addition, six out-parcels will also be created along the front of Jenkins Road shaded in that light green pastel color. Since it is unknown what the specific use will occupy these out parcels, Site Plan review and concurrency determinations will be made and conducted independently at the time each respective out parcel is developed. The architectural plans specify that buildings will range in height from 25 to 29 feet. Buildings will incorporate façade enhancements such as mock storefronts utilizing window treatments, color banding, scupper drains, and stucco grids to accentuate the walls. The subject development complies with the design review guidelines. In addition, this particular development will incorporate sustainable environmentally friendly products such as low mercury light bulbs, recycled building materials, high efficiency plumbing fixtures, and white reflective roof membranes. The signage for the proposed retail center will include two main ground signs to be located along Jenkins Road which will extend to a height of 20 feet. In addition, a high-visibility ground sign that extends to a height of 80 feet will be constructed along the western property boundary near Interstate 95. This height is allowed under the special sign district requirements pursuant to Chapter 15 of the City Code. Both signs comply with the

dimension requirements for the C-3 zoning district. Colors for the proposed signs are architecturally compatible with the main buildings to further comply with the design review guidelines. As far as site access, there will be 3 access points that will serve the development. First as you can see shaded in blue is north entrance point which will allow unrestricted movements. It will be signalized. The middle entrance along Jenkins Road will also allow unrestricted turning movements but will not be signalized. The last access point which is of the south property boundary that will be restricted to right in, right out turning movements. In addition, there will be an internal access drive shaded in blue that will facilitate movements within the shopping retail center. Several modifications to Jenkins Road in the intersection and Okeechobee Road are required to accommodate the increased volume of traffic generated by this proposed development. Each entrance will have certain lane configurations. Now with regard to the north entrance as seen on your screen, the applicant will be providing a north bound left-turn lane, a southbound right-turn lane, a southbound second thru lane, an east bound turning lane out of the development and an east bound right turn lane. Now the middle project entrance will include a north bound left-hand turn lane, a southbound right-hand turn lane, a eastbound left-hand turn lane, and a east bound right-hand thru lane. Lastly, the southern project entrance will consist exclusively of a right-hand east bound lane. This access point will be used primarily for truck deliveries for the project where trucks can access this particular drive aisle and drive around to the back and load and unload merchandise. Based on the lane configurations and the improvements, the north entrance location will operate at a Level of Service B, the middle entrance will operate a Level of Service D and the south entrance will operate at a Level of Service B. The applicant will also be constructing a four-lane configuration from Okeechobee Road to the southern property limits on Jenkins Road. Until FDOT comes in and completes the required improvements in 2011 for Okeechobee Road, the lane in Jenkins Road will actually function as a three-lane operation until FDOT finishes the improvements and the lane is restrained. In addition, the development will be constructing left-hand turn and right-hand turn lanes at the intersection of Okeechobee Road and Jenkins Road. It should be noted as I said that FDOT is widening Okeechobee Road from I believe it's, Kings Highway to Jenkins Road, excuse me, that will be widened to 6 lanes. As part of the improvements, that whole intersection will be modified. The FDOT will be making the improvements on the northside of the intersection and the applicant is making the improvements on the southside. In addition, the traffic consultant has indicated that the improvements in the traffic report should be completed by a Certificate of Occupancy. Based on that, staff is going to recommend that a developer's agreement is executed further detailing the implementation requirements of this project and the improvements along Jenkins Road. This gives you a representation of what the lane configuration will look like on Jenkins Road approaching Okeechobee Road for this particular development, just to give you a more visual representation of what they're doing. Again, that lane configuration is heading northbound on Jenkins Road. As far as traffic impacts are concerned, the traffic study indicated that 16,410 daily trips would be generated by the proposed development. Of those trips, 353 AM peak and 1553 PM peak hour trips would be generated. Based on the number of PM peak trips, the applicant was required to show an impact radius of five miles within the traffic study. Since the traffic generated by the proposed development will impact failed corridors, the applicant has agreed to pay proportionate fair share contribution to the improvements along U.S. Highway 1 based on the number of the trips that will impact that failed link. In addition, the

applicant is also willing to pay a contribution towards the improvement of Crossroads Parkway from approximately La Quinta Hotel to the intersection of Crossroads Parkway and Kings Highway. If the Board recalls, that road is substandard and does not meet City Code paving it and draining specifications. As such, the applicant has agreed to provide a contribution in an effort to bring that segment of the road up to City Code requirements based on the traffic that will head north along Kings Highway and Crossroads Parkway. It should be noted that the methodology used to calculate the contribution for this off-site improvement is not specified in the City Code. The applicant has provided a cost breakdown of how they generated their figures. As far as landscaping is concerned for this particular project, there will be a total of 818 new trees that are required per City Code for interior vehicular use requirements, requirements along right of ways and other property boundaries. The landscape plan also indicated that 874 inches of protected tree would be removed. In order to satisfy mitigation, the applicant has agreed to mitigate by paying into the City's tree fund to satisfy the requirements of the City Code. Although the final mitigation number has not been formalized, the applicant plans to negotiate that amount with the City Commission. As far as the stormwater for this particular project, there is a master stormwater retention pond located along the western property boundary that will include a water feature to meet the requirements of the new stormwater management ordinance. In addition, due to the size of the development a lift station will also be constructed at the northwest corner of the property. All affected departments have approved the submittals and approved the site plan of the proposed retail shopping center based on it meeting the requirements of the City Code with the exception of the St. Lucie County Engineering Department. Staff has made repeated attempts to secure feedback from the County regarding the capacity of Jenkins Road or any impacted transportation facilities. No correspondence has been provided to date from the County Engineering Department. As of last week at the Technical Review Committee meeting, the County did indicate to staff and to the applicant that they needed an updated site plan to finalize any additional requirements that are needed along Jenkins Road. The applicant indicated they would get that updated site plan to the County and we are working to secure a final approval. It's important to note that prior to issuing a Certificate of Concurrency for this particular project, capacity for all roads must be accounted for in accordance with the City's Concurrency Management Ordinance. As such, the issuance of a Certificate of Concurrency will be conditioned upon receiving additional information from the County regarding capacity for Jenkins Road and the execution of a developer's agreement outlining the required off-site improvements. As the proposed site plan meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the site plan with the condition that the applicant enter into a developer's agreement with the City of Fort Pierce for the improvements to Jenkins Road and additional information is provided regarding capacity for Jenkins Road in order to issue the Certificate of Concurrency.

Chairman Johnson said any questions of staff? Mr. Knott?

Mr. Knott said David, what was the process or was there one for the location of the signalization of their first drive there?

Mr. Carlin said Mr. Chair, Mr. Knott, that signal was originally, that intersection was actually further north and the County, there was a requirement that for a separation from Okeechobee Road that had to be shifted further south hence the mitigation issue because the trees were now in an area that are impacted as a result of this new location. The County did require them to shift that signal further south.

Mr. Knott said was there any consideration for any property across the street there to the east, the property lines or?

Mr. Carlin said that may be a factor but the applicant has been working with the County and he may be able to provide some more insight as to whether or not that was part of their decision.

Mr. Knott said I noticed their next entrance way more or less lines up with that development. I'm not sure what that is to the south? Is that a church? It almost lines up with that. It's not quite but it's close enough with the turning radiuses that they've got on here and the median they will be making they can negotiate.

Mr. Carlin said Mr. Knott, the turning radiuses were also increased to accommodate the truck deliveries and things like that. We were looking at that.

Mr. Knott said I'm just curious to see if there was any, if the County made a move to their main entrance to the south, putting thought for something in the future, I don't know where the property lines fall in there or if it even mattered but we'll ask them when they come up. Thank you.

Chairman Johnson said any other questions of staff? When you discussed, and I can ask the applicant also, but you talked about, you pointed out a lift station on site. Is that specifically for their project in addition to an agreement with Fort Pierce Utilities as far as a master lift station or do you know?

Mr. Carlin said that is something, Mr. Chair, that would be a question best answered by the applicant.

Chairman Johnson said any other questions? No. I'd like to invite the applicant forward. If you would, state your name and association.

Mr. Henehan said good evening Mr. Chairman, members of the Board. My name is Gabe Henehan, I'm the project manager with Kimley Horn & Associates representing the applicant. I'd first like to thank staff members. We're ecstatic to be at this point. It's been 18 months in the works, in the process and I know Paul, Erica and David are probably tired of my daily and weekly phone calls. I do appreciate all of their time and consideration throughout this process. We're obviously very excited to be here. It's a large project for the City of Fort Pierce and we're happy to present it for you tonight. I have a couple of members of my team here that ready to answer any questions you might have. Also, one of the owners rep is here, John Polowski, and he's like to make a few comments to the Board as well. Thank you.

Mr. Polowski said Mr. Chairman. My name is John Polowski. I'm with Accurate Real Estate Services. We are a developer for the joint venture that presents this project to you. We're one of the two partnering companies that have purchased the property. We are as well excited and happy to be here. I look forward to move forward with our project. We're a very experienced development company although young. I believe we've been in business for about 8 years but we've developed, I believe, 13,000 million square feet of similar retail space. We have been working in the State of Florida since, I believe 2006, developing projects. We're very familiar with a lot of the local contractors, a lot of the municipalities. I think it's a wonderful opportunity to bring a developer of this nature to Fort Pierce. We're very familiar with the processes and difficulty of looking at a complex site plan and what it involves. We feel that this type of project and the type of the project that we like to do actually will bring something of benefit not only to the community, certainly something we endeavor as a business to develop and make something that we can be proud of as well. We do not try to go to the minimum in a lot of the Code instances. We try to develop projects that we're happy with. This is a project that's going to generate not only jobs but a lot of tax revenue but as well a lot of good relationships with not only people that we deal with in our industry but we've become a member of the community as well. We're not going anywhere. When we build a project of this nature, we're already property owners within the City. We look forward to concluding the project to help not only our neighbors but maybe the (inaudible) as well. I'll be happy to answer any questions about what the project actually means in the way of employment, construction. I'm actually the Vice President of Construction so you are going to see a lot me in the next several months.

Chairman Johnson said any questions?

Mr. Henehan said Mr. Chairman, I would like to address the two comments that I heard if that would please the Board. Mr. Knott, in regards to your main entrance, our initial plan was to line up with what was the old KB Homes plan. If you notice they had built some infrastructure and then their project dissolved or went into a dormant state. Our initial plan was thought to line up and make a nice clean intersection with that. Initially, the County somewhat agreed with that logic but then we looked at the minimum quarter mile spacing between signals at State Road 70 and our entrance and they made the request at that time to push the signal back. We ended up moving it about 300 feet south. Also, in concert with that decision, the KB site, plan David or someone on the staff might correct me, I believe their site plan expired and it was kind of thought at that time that any new development that would come in with a new site plan would probably have to line up with our drive. Same thing with the second drive. Of course, you mentioned that we line up with the church. That was deliberate trying to make everything nice and clean through the corridor. Then I heard a comment from Mr. Chairman regarding the lift station. We have been meeting with FPUA ongoing now for probably 7-8 months. We do provide a stub out and design calcs were considered for the parcel to the north of us. I believe it is the Becker Holdings Property right now. We also are proposing a gravity stub under Jenkins for the existing Goodyear tire station. There is an existing lift station right along the east side of Jenkins Road that will be abandoned as part of the roadway widening. In doing so, in talking with FPUA, those flows going to that lift station are very minimal primarily just serving the

Goodyear development. We're going to put a stub out to pick up their flows into our lift stations. It's probably more of a mini regional lift station than a regional that we think of.

Chairman Johnson said any other questions from the Board? How many pre-treatment retention areas do you have? Just the two or were there more than that?

Mr. Henehan said yes Sir. We have the two dry pre-treatments as part of a South Florida's pre-treatment requirement for a commercial development. Those will then drain to the large wet detention for the primary water quality and attenuation volumes. They'll discharge to Canal 39.

Chairman Johnson said which is?

Mr. Henehan said to the south of us. Correct. North St. Lucie Water Control District maintains that canal. They have a very strict continuation criteria that we've met. I want to say we have at least a dozen permits either issued or very close to one or two rounds of RAIs being addressed with North St. Lucie and South Florida Water Management District.

Mr. Knott said just to follow up that. How far are you into the South Florida permitting?

Mr. Henehan said we have on-site we have de-watering. We have two water use permits issued. They're both tied to the Master ERP permit. They are just waiting for that to be issued; one for de-watering, one for irrigation. The Master ERP we've had two RAIs. The last one was one comment, so it's very, we anticipate at the end of this month being issued the ERP. There are a few associated with the off-site roadway that are under review by the agencies as well.

Mr. Knott said are all of your tenants given the economic climate right now, are they all still on board or are some of them iffy or dragging their feet now?

Mr. Henehan said I would probably, I mean, they're on board. I know Target has a formal process called a CEC approval. Well they have numerous steps throughout their process when they choose a site. The first one is called a CPR process. You go to Minnesota to their headquarters and present the project to them. Probably the more important process is called the CEC. That's where Target commits money to a project. To my knowledge, in Florida I think there has only been one project get CEC approval and never move forward. This one obtained Target approval with flying colors. In doing so, that creates a domino effect with all the junior anchors who want to be there with Target. To my understanding, they're probably six or seven leases?

Mr. Powloski said currently we concluded what they call a Letter of Intent process with every tenant and once that's concluded they I know spending a lot of money with the terms on leases right now. I do believe there are six or seven leases that are in the negotiation stage. Tenants while I think there are just as tuned in the economy as everybody can quite imagine are still committed to the project. They're happy with be coming into a Target anchor project, Gabe is extremely correct, target in terms of the area they want to be in. A lot of what they call the first and class junior anchors. These are the types of stores that

lead those categories so you have Bed Bath or a Michaels Crafts or Big Sporting Goods. Nationally, they rank at the top for their category. They're following this project.

Mr. Knott said one more question if I could. If all your permitting falls into place within the next 90 days, how soon do you think you might be able to break ground for your first phase?

Mr. Powlowski said Mr. Chairman, Mr. Knott along with the permitting process, we've also begun the bidding process.

Mr. Knott said so you've gone to construction bidding, right?

Mr. Powloski said next Monday I believe the 18th, would be the last round of bidding. We've narrowed down to the two lowest bidders on 60% plans, 90% plans. They will submit their final bids for the sitework. We would be able to award a contract within 30 days. We'll probably be waiting to some degree for the final approvals. Frankly, as the one that's always tasked with taking the project from start to the day they open, this is one project assuming we have enough time to actually build it without getting into too much of a hurry and worry about if it's raining down here, we obviously knowing the approval process is for the roads would probably instigate or initiate that work initially to try to get a jump on the road work ahead of the building work so that the road works completed. A development agreement that Mr. Carlin spoke of would be able to be completed concluded roads accepted prior to with enough for pushing through (inaudible). That's the process it would fall.

Mr. Knott said very good. Thank you.

Chairman Johnson said I have one question in regards to the delivery schedules. I noticed that the southern most driveway is a right turn in, right turn out only. We've talked about utilizing that for truck traffic but obviously if you are coming from I-95, it's going to be an issue for a semi-tractor trailer to negotiate that. When are the deliveries occurring typically in a development such as this when you have retailers like this? Do they come during the nighttime when there is not retailer traffic?

Mr. Henahan said well initially they'll look to the Code to look at restrictions for delivery hours. John, do you have sense of when that, Target?

Mr. Powloski said well our leases probably won't restrict them to anything other than what the Code permits them. We try not to hinder their operations because for everybody's sake we want them to be successful and sell as much as they can. The only perspective I can bring to the Board would be that I have actually worked for three retail companies. Not small ones either, JC Penny, K-Mart and a drug store chain called Pharm One. During the regular periods of the year, typically they will schedule either very early morning or overnight deliveries. There are periods of time when, back to school periods, Christmas holidays, that they may get multiple deliveries during those periods and less restricted otherwise. We don't try to restrict that in the least because it's an operational. It's definitely pushed back or we're interfering with them. If they have complied with the Code

requirements, they would do that or seek variances if they felt it necessary. Typically, it's very early in the morning.

Chairman Johnson said thank you.

Mr. Carlin said Mr. Chairman, I'd like to elaborate somewhat on that as well because Planning staff did raise this issue that you reference to regard to truck access on the site. The concern was do we want tractor trailer trucks driving through the parking lot and using entrances and disrupting the smooth flow of traffic within that internal access drive. We've worked with the applicant. They've increased the turning radiuses on the entrances to accommodate for wider trucks. Obviously, it would be the, the best to have is for the southern access be used only for the truck entrances to prevent them from circulating throughout the internal site. That keeps them away from the parking areas. Again, we're looking at a Code requirement and we're looking at it from a logistical standpoint: how can we make sure that this site is going to be convenient for everyone? The solution was to increase the turning radiuses for trucks if they do use the middle or northern entrance to enter or exit.

Mr. Henehan said I can clarify that to Mr. Chairman. Our primary truck, unfortunately in a power center as this, there really isn't any feasible one route. It has to be circular in nature. The primary truck routes, the route will be the first signal, come in to the project there and then take a right and go down in front of Pet Supply and around the back that way. You see in the back area of target there is a radius for a truck turnaround. Typically, most trucks will either come in that entrance from 95 and possibly, actually I'm sorry. They have that option to come in and then they can come down the south side, head back north or do the turnaround at Target and go to the signal to get out. They have to have a two-way route.

Chairman Johnson said and I understand that. Signalization is probably located in such a place to allow the consumer traffic versus the truck traffic anyway. That's another thing to keep in mind. The other question I had was landscape. We haven't talked much about landscape. Staff report talked about possibly doing a mitigation option 3 that is allowed within City Code for the existing trees that are on-site. Is that your plan or what is your plan?

Mr. Henehan said yes Sir Mr. Chairman. That is our intent before you this evening. Just a point of note. There are 74 existing trees on a 52-acre site. The way the Code reads, the mitigation translates to, let me clarify, there are 74 protected trees through the mitigation translates to, let me clarify. There are 74 protected trees through the mitigation code. That equates to 874 inches of mitigation. The project when it is built out, we'll plant 983 trees equally 2738 inches. We have completely made this a class A project as far as landscaping. Spend a tremendous amount of money, like I said, 983 trees will be put on this project. What additional mitigation may be required will be discussed at the City Commission. The option right now is to pay the City's mitigation fund.

Chairman Johnson said okay and as far as the plan itself and landscaping using some, Paul maybe you can tell me too, when using species that are more drought tolerant type or we got a complicated irrigation plan, what are we looking at here overall?

Mr. Henehan said he is probably smarter than me on this.

Mr. Williams said Mr. Chair, yes the landscape plan as most landscape architects do now take into consideration zero scape or basically plants that can become established and require less watering. Of course, for the record, I'd love Fort Pierce Utilities Authority offer gray water to our customers but as you heard one of the big permits they're getting is for irrigation. Maintenance is a big cost on these particular large developments. The landscaping and the architect that did this, did a very good job and zero scape is mind and once it becomes established, it shouldn't use as much water to get established.

Chairman Johnson said okay, thank you. Any other questions of the applicant?

Mr. Knott said just one quick question, Mr. Chairman. Just out of curiosity, are you all taking the offsite drainage from the roadway improvements into your system?

Mr. Henehan said that is correct. There will be a pipe draining in between just to the north of the Target that collects the Jenkins Road widening project and will drain it directly to the wet pond. Of course, it's not subject to the dry pre-treatment as the site so it gets to go straight to the wet pond.

Mr. Knott said the improvements in Jenkins, I didn't look at the section or anything like that, will they include sidewalks and landscaping also?

Mr. Henehan said David is there any way to zoom out a little where you can see a little bit more of the road. I don't know if that's possible. There are proposed sidewalks on both sides of the road.

Mr. Knott said is there a median in there?

Mr. Henehan said yes sir. It's a four-lane divided highway with turn lanes, curb and gutter system, divided median with several turn lanes throughout the corridor.

Mr. Knott said landscaping and lighting?

Mr. Henehan said there will be some minimal landscaping to meet the Code. It's a County road. The County really doesn't want landscaping within the roadway right of way. There are a lot of utilities there as well that FPUA would frown upon certain landscaping. There will be some minimal landscaping and lighting for the streetscape.

Mr. Knott said that's County's, their criteria that you are working with there right?

Mr. Henehan said correct. Yes, Sir. David had mentioned the County hasn't responded. We've spent as much time with the County as we have with the City on Jenkins Road and

we're at 90% plans. We should be getting comments from Mr. Powley to go to 100% any day now. We have all the permits filed with DOT, with St. Lucie County. We're very close to be resolved on the off-site improvements.

Mr. Knott said thank you again.

Mr. Henehan said thank you.

Chairman Johnson said thank you. Thank you for the information, report. Is there anyone here from the public that would like to speak for or against this request?

Ms. Goodman said I'm excited about this thing. I don't have to go all the way to Stuart to do shopping. Has any discussion, I was in the lobby talking to Mr. Wuhrman, I did not hear is there any money set aside for signalization at Edwards Road, a fair share contribution to that where it intersects with Jenkins? Because, there is a development that was planned. They hauled out but they may come back and that will have houses I there.

Chairman Johnson said I don't think so because I don't think it's in the plans. Staff? David?

Mr. Carlin said Mr. Chair, I'm not aware of any signalization requirement at Edwards and Jenkins. Of course Jenkins is a County road so if there was a requirement for signalization the County would request that from the applicant. I don't know if the applicant can give information as to whether or not the County has made any type of preliminary indications to that effect.

Mr. Henehan said there is no warrant in the traffic study whatsoever to put a signal down at Edwards so it was not requirement of our project.

Chairman Johnson said I don't think it's in the County's plan to do that also unless of course Jenkins goes through. Until that time.

Mr. Henehan said and if a new residential project comes along, they'll likely be as part of their development be held to putting a signal or whatever widening at Edwards.

Chairman Johnson said okay, thank you. Anyone else here from the public that would like to speak for or against this request. Okay, we'll return to the Board and entertain a motion.

Mr. Knott said Mr. Chairman, I move we recommend approval subject to the inclusion of the conditions recommended by staff.

Motion made by Mr. Knott and seconded by Mr. Yates to forward a recommendation to the City Commission for approval of the Newberry Fields site plan with the condition that the applicant enter into a developer's agreement with the City of Fort Pierce for the improvements to Jenkins Road and additional information is provided regarding capacity for Jenkins Road in order to issue the Certificate of Concurrency.

Those in favor were: Mr. Knott, Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay, your request will be forwarded with a recommendation. Thank you for all the hard work and good luck from here.

The next item considered: **8c - Mardi Executive Center** – An application for Site Plan approval for the addition of a 13,000 square-foot office building and the required 65 new parking spaces to the existing office park. The property is located at 1903-1905 South 25th Street and is zoned C-1, Office Commercial. The owner is Thomas Scharfe. The applicant/representative is Bradley J. Currie.

Chairman Johnson said can we have staff report please?

Mr. Williams said yes Sir, Mr. Chair, members of the Board. I will reduce our square footage by about 370,000 square feet down to an application to approve the addition of 13,000 square foot office building in the required 65 new parking spaces to the existing office park. I do want to point out one typo on page 2. You might see that the building was more than 13,000 square feet but that is the correct number. The applicant is here to discuss it. We are talking about a 13,000 square foot approximately new building on a site. This aerial photograph shows the existing Mardi Executive Center on 25th Street. References, it's the woods across the street are basically connected to the County Administrative Building. If you look down at the bottom right-hand corner, that road is the exit road out of what we would call the Civic Center parking lot. The applicant is here to ask for approval to construct a 13,000 square foot building on the northeast corner of the property you're looking at. Again, this property is at 1903/1905 South 25th Street. It's a 2.86 acre parcel. The zoning for this, the site is located in the C-1 zoning district with R-2 to the west, R-3 to the north, C-1 to the east and a combination of C-1 and R-4 to the south. The property is zoned C-1, Office Commercial, with a future land use of office professional and business services. The property to the north is occupied by office buildings. The properties to the south and east are occupied by some single-family homes. The property to the west zoned R-4 is occupied by apartments. The proposed land use is consistent with the surrounding land uses. This photograph was taken today to show you the main entrance off of 25th Street. If you are used to or know this Executive Center, this is the main entrance into the center of it. This photograph shows the northeast corner where the proposed building would go. Basically where you see the big oak tree, that big oak tree would go away and a 13,000 square foot two-story building would be there in its place. All the mitigation has been discussed and we can talk about that later. This two-story office building will be situated in the undeveloped northeast section of the property. Access to the development will be provided by the existing entrances located on South 25th Street, South 26th Street and Rhode Island Avenue. In addition, there is an existing share driveway connection that remains between the existing buildings to the south to further improve connectivity. An existing sidewalk extends along the property frontage along

South 25th Street and part of South 26th Street. At their June 22, 2008 meeting, the City's Board of Adjustment voted unanimously to approve a variance request to reduce the required 10 foot landscape strip to 5 feet on South 26th Street. This was part of a five-foot right of way dedication which was required that will allow them to create a sidewalk continuously along South 26th Street and also to construct a new sidewalk on Rhode Island from 25th Street back to 26th. The south and east elevations are shown before you right now. The height of the building will extend to 30 feet. Adequate parking and loading spaces have been provided in accordance with the City Code. This is a rendering of the east and north elevations. This is a view a rendering of the entrance way and the directional signage for the entry plaza. This connects with the design review guidelines which is met by the plans. Site highlights: design review project meets the new review guidelines. Elevations are well proportioned and contain appropriate entrances and detailing. Landscaping: the preservation of many existing trees and the addition of new trees and palms are also added. Stormwater management: a combination of exfiltration for the new parking area and tie into the City's stormwater system. Landscaping: there will be 99 new trees, a five-foot landscape strip on South 26th Street as we discussed before the Board of Adjustment variance was approved to allow for the five foot right of way donation on South 26th Street. Traffic improvement or traffic impacts: the traffic report was conducted by Land Design South indicated that 136 daily trips would be generated by the proposed new development. Of those trips, 18 p.m. and 20 a.m. peak hour trips would be generated. The report indicated that the applicant is not required to provide improvements to meet traffic concurrency as specified by Section 22-218(e)(2)(a) of the City Code. As all affected departments have reviewed the submittals and have approved the proposed site plan based on it meeting the technical requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the site plan. Thank you, Mr. Chair.

Chairman Johnson said thank you. Any questions of staff? Seeing none, I'd like to invite the applicant forward.

Mr. Currie said good evening Mr. Chairman, members of the Board, again, Brad Currie with Land Design South representing the applicant. Tonight, we are requesting site plan approval for a 13,000 square foot office building. It's an addition to the existing Mardi Executive Center there on 25th Street right across from the, basically from the County building there on 25th and Virginia. It's interesting I think the little bit of history I think that staff didn't say was that this was the third building. This is an approved site plan previously back from the 1980s, early 1980s. That did have three buildings on it at that time. For some reason or another, the property owner at that time only built two of the buildings so this third building has been in making now since the 1980s and now we are just following through with it. The site plan expired as so we are going forward with this new one. Something that, you know, we are preserving some of the trees, the majority of the trees on site. We're actually preserving 385 inches of trees DBH on site. We actually have a credit. We're preserving more than we really are required to do plus we are installing new trees as well. There is no fee that would have to be paid associated with this project. If you have any questions, I'm here, I can help you. I have some members from my staff, Chris Gaumer who worked on the site plan and then Juan Ortega who did the traffic study. Thank you.

Chairman Johnson said can we put the architectural picture up? Do you have a rendering in the program here?

Mr. Williams said that one Sir?

Chairman Johnson said yeah, that one works. Obviously, we are meeting the existing conditions and matching. We're proposing some additional brick pavers. Which direction am I looking when I look at the top left picture? Northwest?

Mr. Williams said Mr. Chair, I'll take a stab at that. Yes, what you are looking at is to the northwest. Correct. Again, go ahead Sir.

Mr. Currie said Mr. Chairman, in the upper left hand corner picture, there is a building that you see on the left-hand side of that, on the left-hand side of that wall. That's the existing building. You are facing northwest. The building on the right-hand side would be the new proposed building. Those are going to be, your design review guidelines require that the entrance to the building be well identified. What we have done is we've identified a pedestrian walk that would go from the main right of way at 25th Street into what's going to be our center courtyard where really the buildings open up into a pedestrian courtyard. That path is leading to it. It's got benches along the way. It's pretty nice landscaping through there, mature existing trees that should provide for a shaded area for pedestrians as they walk in to and from the building.

Chairman Johnson said is that the entry way also for vehicular traffic from 25th Street to the south of that?

Mr. Currie said there are several entrances to the site but there is a vehicular entrance there just if you look to the picture that's on the right hand side of the screen, you can see that parking that's lined up there. That is an entrance off of 25th Street. Yes, Sir, directly off of 25th Street.

Chairman Johnson said those parking spaces are new or existing?

Mr. Currie said all the parking, the actual paving area is pretty much existing. We're going to have to expand the parking because the parking spaces were a little bit smaller than what they should be. We are having to revise it. The parking is existing there today but we are just modifying it to meet today's Code.

Chairman Johnson said I need to find the plan because.

Mr. Currie said I'm sorry?

Chairman Johnson said I just to need to find the site plan itself. Do we have that one the screen also or no?

Mr. Currie said yes. It should be the previous slide. Here it is. Again, the new building would be the one that's located furthest to the right and then that entrance off of 25th Street,

basically in the middle of the page. All the parking, it's there today but we had to restripe it more or less. We're going to have to resurface some areas and then restripe it because the spaces were more narrow than what they needed to be and not as deep. We had to redo the parking area.

Chairman Johnson said the reason I was asking, I don't want to create a concern for the last two or three parking spaces, the last two or four parking spaces, the one on the left and the one on the right, as someone entered the project, they could be presented with a car that's backing out of the parking space at the same time they are pulling in from the roadway. That was my concern. That was my only question. I'm looking at the site to see if there is any other leeway for additional parking somewhere else without disturbing landscape or existing vegetation. I don't think there is but that's my concern. You have one car that's going to back out of stall.

Mr. Currie said I think in a plan like this with the mature landscaping, you are going to have, you weigh where you can put your parking and what's existing today and what's been functioning as it is today. We made the decision to try to preserve as much as that existing landscaping as possible. It's pretty clear that we could have punched that parking lot all the way through and picked up more spaces. There are a lot of things we could do to try to pick up additional spaces and impact the existing landscaping but we decided to keep the parking as it was and try to maintain as much of the landscaping as possible.

Chairman Johnson said are we in debt for net parking requirements? Are we matching the exact required number of parking spaces? Is that correct?

Mr. Currie said right at the exact requirement.

Mr. Williams said that's correct.

Chairman Johnson said we're at the number. Okay. There's not much we can do there. Okay. Any other questions?

Mr. Yates said the third building is just going to be identical to the other two?

Mr. Currie said that's the intent. Yes Sir. They still actually have, I mean, they are using the same architect that they used back then. They got the same architectural plans, the same floor plans. I will mention some of the uses. Their medical office requirement has a higher impact on parking so we parked this new building as if it were all medical offices. I guess there is more parking than if it were just straight office but we parked it at medical office which has a higher demand because they do actually have a higher demand for medical office now than they do for straight office. We're anticipating that this new building could potentially be all medical offices. If that's the case, than we do have the parking required for that.

Chairman Johnson said any other questions of the applicant? Thank you. Anyone here from the public that would like to speak for or against this request? Seeing none, we'll return to the Board.

Mr. Dannahower said I'll move to approve it as recommended.

Motion made by Mr. Danahower and seconded by Mr. Bey to forward a recommendation to the City Commission to approve the site plan for Mardi Executive Center.

Those in favor: Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay, your project's forwarded with a recommendation. Thank you.

The next item considered: **Item # 9a - The Oaks at Moore's Creek** – An application for approval of the preliminary plat for the Oaks at Moore's Creek Subdivision, which is being designed by the FPRA as a subdivision for workforce housing. The owner is the Fort Pierce Redevelopment Agency.

Chairman Johnson said good evening.

Ms. Ehly said good evening, again, Mr. Chair and Board members. The next item this evening is an application for a preliminary platt to subdivide 2.29 acres located north of Avenue B, south of Avenue D and between 12th and 13th Streets to create a subdivision for workforce housing with the objective of increasing homeownership in this area of the City. The property is owned by the Fort Pierce Redevelopment Agency as a result of land acquisition efforts that have taken the better part of 3 years. The project was able to move forward with the aid of \$2 million in grant funding through the Department of Community Affairs and the Department of Housing and Urban Development. The completion is expected in June of 2009. The proposed subdivision is consistent with the requirements of the current zoning classification of R-4, Medium Density Residential and land use of Rm – Medium Density Residential. The preliminary platt will create a total of 13 lots with the majority being approximately 7500 square feet which is above the minimum requirement of 5,000 square feet. The lot measurements meet the minimum requirements of 60 feet wide and 70 feet deep. As part of the development, 15 feet of right of way will be dedicated to the City on both 12th and 13th Streets. The preliminary platt meets the requirements for consideration identified in Section 18-9(c) of the City Code for Planning Board review. Specifically that adequate vehicular access and traffic circulation to each lot in the proposed subdivision is provided by the existing 12 and 13th Streets. The adopted level of service standards identified in the Comprehensive Plan regarding public facilities are not adversely impacted by the proposed platt and therefore mitigation is not required. The proposed platt is consistent with the goals, objectives and policies of the Comprehensive Plan. Additionally, all affected department have reviewed the submittals and have approved the proposed preliminary platt. As the preliminary platt meets the requirements of the City Code and is consistent with the

Comprehensive Plan, staff recommends that the Planning Board submit a recommendation for approval to the City Commission.

Chairman Johnson said thank you. Any questions of staff? I guess staff and the applicant.

Mr. Knott said Mr. Chairman, what is the use for the property left at the center of this sandwich that you've made here?

Ms. Ehly said Mr. Chair, Mr. Knott, in the future there are plans for phase 2 of this subdivision.

Mr. Knott said is there enough room to put in a dedicated 50 or 60 foot right of way and still have lots in there?

Ms. Ehly said Means Court is already platted as a road. It already exists.

Chairman Johnson said yeah but they call it an alley - a 16 foot alley.

Ms. Ehly said in the middle?

Mr. Knott said yeah it's only a 20 or I can't find the distance on it.

Mr. Yates said it says 16 foot.

Mr. Knott said yeah it doesn't meet Code.

Mr. Williams said Mr. Knott. The future plans show it to be road system through there.

Mr. Knott said there's enough land to do whatever?

Mr. Carlin said Mr. Knott, at this time the funding is not available to do that second phase.

Mr. Knott said right, the outside lots face onto improved roads. Very good, thank you.

Chairman Johnson said as far as utility service, water and sewer available for this? I mean, it's in the City.

Ms. Ehly said yes Mr. Chair. They've received approval from FPUA.

Chairman Johnson said okay. Any other questions?

Mr. Yates said Mr. Chairman, Ms. Ehly, I haven't read about this or seen it before this meeting. Is it contemplated that the Redevelopment Agency will eventually bring this to fruition or go to a private developer? What is Mr. Ward thinking about? He's not here.

Ms. Ehly said we do have Christa Razeem here who has been the liaison project manager for this. She's also assured the funding for the project through the grant funding in connection with the FPRA's funding. She might be able to explain that part of the.

Ms. Razeem said hello Mr. Chairman and Mr. Harris. What our intentions are is to use these twelve lots and turn them right into, turn them over to single family homeowners. We have about, I think we have 12 models picked out which with your approval we will begin to send those out to builders. They will submit us bids. We have homeowners selected who will go into contracts with builders to build these homes which we've already got models for. It's not a specific builder. It's not a development plan. It really will be the homeowner picking out their home for their lot that they get.

Chairman Johnson said very good.

Mr. Yates said how many folks?

Ms. Razeem said I believe we have 12 pre-selected. These are government employees, policeman, fireman. They're essential personnel considered and what our goal is to get the neighborhood sustained, put homeowners into the neighborhood and to help turn the neighborhood around by having people who have invested interest. There is a lot renters in the neighborhood so by putting homeowners in and developing a block, even a block at a time, what we're trying to do is to put people who are professional people but who may need help getting into a new home but just based on their income: firefighters, policeman and teachers. What we'll do is reach out to those people. It's through a program called the Reach program and help them to get a new home and also be in a neighborhood where they can make a substantial difference.

Mr. Yates said thank you very much.

Chairman Johnson said okay, any other questions? Thank you for coming. Anything else from the Board? Anyone here from the public that would like to speak on this request? Okay, I entertain a motion.

Motion made by Mr. Bey and seconded Mr. Yates to forward a recommendation to the City Commission to approve the subdivision/replatt of Oaks at Moore's Creek.

Those in favor were: Mr. Poitier, Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott and Chairman Johnson.

Those opposed: none.

The next item considered: **Item # 10a - Sudzy Sue's Grocery** – An application for approval of a Waiver of Distance for a 2APS Alcoholic Beverage License for the Sale of Beer and Wine in sealed containers for off-premises consumption. The property is located at 1001

North 13th Street and is zoned C-2, Neighborhood Commercial. The applicant/business owner is Susie Poux. The property owner is Clean and Preserve Inc.

Mr. Williams said Mr. Chair, Section 3-7 of the City Code prohibits the sale or transfer of any intoxicating or alcoholic beverage license where a business establishment is 500 feet or less from a church or school unless a Waiver of Distance is granted. The applicant is requesting a 2APS Alcohol Beverage License for the sale of beer and wine in sealed containers for off-premise consumption. However, two churches are located within 500 feet of the applicant's establishment. In accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the minimum required distance of 500 feet between the applicant's establishment and a church. The location of the property is 1001 North 13th Street and you can see it on the aerial highlighted in red. The proposed property is within 500 feet of two existing churches, and those are noted there on the aerial, the Love Center just across Avenue I and then the Heavenly Stars church is part of a Masonic lodge building which is located at, I believe is, 813 North 13th Street. The subject property is zoned C-2, Neighborhood Commercial with a future land use of NC, Neighborhood Commercial. The property to the north and west is zoned R-4, Medium Density Residential and the property to the east is zoned C-2, Neighborhood Commercial. The property to the south is zoned PUR, Planned Unit Redevelopment and that of course is what we know as the Love Center. This photograph was taken today of the front entrance of the property. As you can see, the laundry mat is on the left side and the main entrance to the grocery is through the double doors that you see on your right. As you walk inside the building, the entrance to the store is what you see here through these doors. This is a picture of what the inside of the store is. You see the Coke machine in the distance? That is the type of stocking that the alcoholic beverages would be in beer or wine. This is the rear of the property showing the parking and landscaping that was done to bring the property into compliance back when the building was being retrofitted after the storms. This is an example of the Coco Plumb Hedge and the oak trees you can see and then my truck is off in the distance if you could see that. This is the rear. This picture is looking south out of the parking lot directly into the Love Center. Again, you see the hedges and landscaping and the concrete parking lot that was done earlier. This is a quick property site plan that basically shows the orientation of the property and the layout of the parking lot. This is required by the applicant for the application submittal. The property owner notifications were mailed to property owners within 500 feet. One hundred forty six notifications were mailed. We received 32 responses: 19 approve and 13 oppose. As the proposed establishment does not appear to adversely affect the community, health, safety and general welfare and meets the six criteria specified by Section 3-9 of the City Code, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of a Waiver of Distance for a 2APS alcohol beverage license for the establishment.

Chairman Johnson said very good. Any questions of staff?

Mr. Yates said a quick one. Mr. Williams you said that 19 approved and 13 opposed. Was that a, I'm looking at the packet, it says 13 approved and oh did you get more since?

Mr. Williams said yes Sir. Since I did the report we receive, I believe, it was five additional ones so I updated it today.

Mr. Yates said thank you Sir.

Chairman Johnson said any other questions? Is the applicant here tonight? Would you like to come forward?

Mr. Knott said Mr. Chairman, one quick question of Mr. Walker. Based on your previous instructions to us, should we try to unring this bell or whatever of these neighboring opinions or desires to have or not have this? It's in our packets. Should we pay attention to this?

Board Attorney Walker said Mr. Chair, Mr. Knott. I believe it would be an overstatement to suggest that no attention whatsoever should be paid to them. Sometimes they may contain facts as opposed to being mere expressions of opinion and such facts may be of value to the Board in its consideration. Additionally, that can spark lines of thought that might not otherwise have come to mind in considering the application. The bottom line has to remain that the Board's actions are to be supported by competent substantial evidence. Such evidence being facts offered through witnesses, opinions of expert witnesses such as Planning Staff and the materials that the Board is provided with.

Mr. Knott said based on your previous statements, should maybe the staff not include this in our packets? Shouldn't this be for elected officials or political?

Board Attorney Walker said Mr. Knott, I would not go to that extent. I'm merely suggesting that little weight should be attached to it. There is a tendency to want to base one's decision on the number of people who step forward and say "I'm opposed to this" or "not opposed to that". That's a very human tendency and we ask only that One that the Board be conscientious of that and resist that natural psychological.

Mr. Knott said so it just should be used as a part of our thought process but not the basis of it?

Board Attorney Walker said Mr. Knott that's a very good summary. Thank you.

Chairman Johnson said good evening. Your name and address for the record.

Ms. Poux said my name is Susie Poux, 1001 North 13th Street, Fort Pierce.

Chairman Johnson said okay. Good evening Susie. Any questions of the applicant tonight? Anything you'd like to tell us?

Ms. Poux said I think it would be very viable. I think it's viable business and I think that it would be very productive for the area. I have so many customers that come in and request it. They need a full product line within the close proximity of where they live. Not many of them have access to cars or have cars themselves. It's very convenient for them to be able to come at my location to get what they need.

Mr. Bey said what are your hours of operation are and what days of the week?

Ms. Poux said it's seven days a week, 8-8.

Chairman Johnson said okay, very good. Any other questions? Thank you.

Ms. Poux said thank you.

Chairman Johnson said anyone here to speak for or against this request that is before us? Okay, I'll return to the Board and entertain a motion.

Motion made by Mr. Poitier and seconded by Mr. Bey to forward a recommendation to the City Commission for approval of the Waiver of Distance for a 2APS Alcoholic Beverage License for Sudzy Sue's Grocery.

Those in favor: Mr. Yates, Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott, Mr. Poitier and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay, this recommendation will be forwarded to the City Commission. One more step and then you're ready to go. Thank you.

The next item considered: **Item # 11a - Cortez Townhomes** – Modification of the County approved Development Order to remove condition number 2 regarding signalization. The property is located at South Side of Cortez Boulevard, East of 25th Street. The representative is Gregg Wexler of Cortez Townhomes, LLC.

Chairman Johnson said can we have staff report please?

Mr. Carlin said Mr. Chair, good evening once again members of the Board. Tonight, the applicant is requesting modification of a Development Order for an approved project in St. Lucie County. On October 3, 2006, the St. Lucie County Board of County Commissioners passed resolution 06-236 for approval of a development known as Cortez Townhomes. This project consists of 93 multi-family units and 12 buildings located on the south side of Cortez Boulevard with approximately 750 feet east of the intersection of 25th Street and Cortez. Ten conditions of approval were associated with that Development Order. Since the project was recently annexed into the City of Fort Pierce, the applicant is required to undergo administrative review, Planning Board and City Commission consideration in order to modify the Development Order. At this time, the applicant is requesting to amend the Development Order seeking the elimination of condition number 2 regarding the signalization at the intersection of Cortez Boulevard and 25th Street since the original request was to modify conditions 2, 3 and 4. However, the applicant has since agreed to follow through with conditions 3 and 4 based on the City Engineering Department's analysis of the request. The City Engineering Department completed the review for the requested action and indicated that although signalization is warranted by an FDOT study, the City would support the removal of the signalization of 25th Street and Cortez Boulevard provided that the County has

no objection to the removal of the signalization. On August 5, 2008, the applicant went before the St. Lucie County Board of County Commissioners to also request approval, if you will, for the removal of the signalization requirement. The applicant has verbally indicated to staff that the Board has approved that modification to the Development Order. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the modification of this Development Order with the condition that documentation is provided validating that in fact the Board has approved the requested change made by the applicant.

Chairman Johnson said any questions of staff?

Mr. Bey said Chairman?

Chairman Johnson said yes.

Mr. Bey said excuse me Sir. Did you say that the County has approved?

Mr. Carlin said Mr. Chair, Mr. Bey, the applicant went before the County last week to see if they would have any objections, if you will, to removing that condition. The indications are that they do not have an objection. Obviously, this is a City, it's under City jurisdiction. Our City Engineering Department feels that they should honor any County request. The City Engineer is okay with the removal of the signalization of 25th Street but we will follow through with the other conditions that were associated with that Development Order.

Chairman Johnson said do we know which parcel we are looking at?

Mr. Carlin said Mr. Chair, I believe the parcels that we are referencing are in this vicinity. Not having a site plan, I would defer that the applicant's representative that are here this evening can further clarify exactly where that is.

Chairman Johnson said any other questions of staff? Good evening.

Mr. Kay said Henry Kay on behalf of Wexler Development. I want to assure this Board that I was present before the County Commission last week and on the consent calendar. The removal of the signalization requirement was accepted by the County with the strong recommendation of Mr. Powley from the County Engineering Department. We have discussed with Mr. Carlin and Mr. Recor that we would withdraw our request which I made to Mr. Walker for an amendment that would also allow for an early issuance of the Certificate of Occupancy so that it was also an accurate representation of our position. We would request that this Planning Board allows us to move forward with the roadway as approved by the County. We've already met all of the requirements of the canal district since we had a situation with the right-of-way when we had to go over there, a canal, and now we're piping it. We've met that condition. We're ready to go forward with the roadway so we request this Board to send a recommendation to the City Commission to approve this plan.

Chairman Johnson said is your project under construction today?

Mr. Kay said it is.

Chairman Johnson said okay.

Mr. Kay said when you make the approval.

Chairman Johnson said any questions of the applicant? What's the documentation that you would get that you would provide it the City of Fort Pierce from the Board of County Commissioners? Is that something that you would?

Mr. Kay said we will provide it when we get the actual resolution.

Chairman Johnson said very good. Any other questions?

Mr. Yates said I have a question for staff. In Mr. Andrew's memo, the first bullet on page 2, "This department has serious reservations concerning the elimination of the signalization of 25th Street, but we feel any development agreement adopted by the County that relates to their roadways, the City should honor." Do you know what the City's Engineer's serious reservations were grounded upon?

Mr. Carlin said Mr. Chair, Mr. Yates, my understanding is that a traffic analysis report prepared by FDOT warrants that a signal be installed at that intersection. That I believe is his concern. I certainly can't speak on behalf of him, but that's my understanding of what the objection is.

Chairman Johnson said any other questions of the applicant or staff?

Mr. Knott said Mr. Chairman, I realize it's getting late but that intersection, the college uses that also a lot when they are coming out of their property from their traffic and that's a pretty bad intersection right there. Beyond the cost of the signalization, why are you all trying to?

Mr. Kay said I just want to say this. Shortly after that Development Order was passed by the County, the County's own Engineering Department recommended that we do away with the concept of the signalization and instead put in the turn lanes that they requested. This was a request coming directly from the County. It was their roadway and we met their request. The only technical item and the reason why it went to the County last week was while we were working all the way with the County Engineer to get the approval of the canal district and so forth. The Development Order had never been changed. For technical purposes in order to satisfy the City, we went back and requested on the consent calendar the change in the Development Order which was in comport with what Mr. Powley had been requesting all along. The initiation of the change from signalization to turning lanes came from the County not from the development.

Mr. Knott said do you have a number of the cost to signalize that intersection?

Mr. Kay said \$1 million.

Mr. Knott said \$1 million dollars. With your lane, adding your turn lane but just for the cost of the signalization is that another million on top of that?

Chairman Johnson said could you come forward and state your name and association?

Mr. Wexler said Gregg Wexler, I'm President of Wexler Development. It's not just as simple as putting a traffic signal. It's the piping, it's the roadworks.

Mr. Knott said you have to do all sorts of loops. It's a very intricate process.

Mr. Wexler said we were given the choice early on by my colleague what to do. This has been going on for about 2 ½ years. The County has put \$2 million dollars into this project. This is a partnership with the County through their hurricane housing relief program. Seven of these buildings have already been built. We are ready to essentially start moving people into these buildings. We have Mike Tally's approval. I think we are the only ones that are able to speak to him.

Mr. Knott said I'm just uncomfortable with knowing that the traffic with the improvements being made to 25th Street, it's a major north/south corridor now. The college is always growing. Cortez is tied in all the way out now to a lot of developments, a lot of things going on out there. I don't know. I'm just uncomfortable taking away, especially when you have DOT traffic study or a light signalization justification that says it needed it. I don't know. Staff is, even though our Engineer says that he has serious reservations about it, you all are still recommending to recommend approval?

Mr. Carlin said with the condition that we have the correspondence from the County stating that, that was their original condition was to have the signalization. That was in their Development Order. Now, if the County wants to change their position on that and I think the City Engineer is looking at it, well then we'll support the County on that position. Just to give you some perspective on this as well. This issue surfaced from a building permit back in, I believe December or shortly thereabouts when the City starting reviewing the building permits for this particular project. The building permits were not approved because there was no documentation demonstrating that the ten conditions after it annexed in had been complied with. That necessitated some of these changes between the time that the building permits were reviewed from Planning staff and where we are now that the applicant has requested some modifications to the Development Order. If the City Engineering Department is comfortable based on the County's position, then, now they are not comfortable with the other two conditions.

Mr. Kay said we're not requesting those conditions.

Mr. Carlin said correct.

Mr. Knott said I saw that but Jack Andrews is uncomfortable eliminating it but he feels that we should, the City should honor whatever the County says but this is not the County's problem. This is within the City. This is a City problem.

Mr. Kay said it's the County roads. They would have to.

Mr. Knott said but there's been a long history of City/County head butting on annexing on both sides and.

Mr. Kay said but it would be unfair to take this developer to issue or put him in the middle of that fight. We've spent almost two years getting approvals for building this roadway and getting the turn lanes in the manner that the County requested that we do it. We've gone through all of the channels with the Canal District. We've finally got their approvals signed off on their maintenance contract. At this juncture, I believe that the City Engineer says that we should go along with the County. I'm requesting that this Planning Board consider that strongly under these circumstances.

Mr. Knott said Mr. Kay I appreciate that but this developer had an agreement. He signed a development agreement that included this at one time.

Mr. Kay said but the County itself suggested, I believe I supplied that letter to Mr. Walker when I sent him this proposal, the County itself suggested that in lieu of the signalization they are requesting these turn lanes which we've now gotten the canal approval for which we are going forward now.

Mr. Knott said but won't the turning lanes a part of the original Development Order?

Mr. Kay said no, the turning lanes were not part of the original Development Order.

Mr. Knott said they were added?

Chairman Johnson said they were line item number 3 of the original Development Order.

Mr. Wexler said no, not the turning lanes onto 25th Street. He's talking about the taking the turning lanes into the development. We're widening that road and bringing it up to County standards.

Mr. Knott said Cortez.

Mr. Wexler said that wasn't originally part of the Development Order.

Mr. Kay said that was not part of the Development Order.

Chairman Johnson said we don't have the plans so we don't, we're just understanding the turn lanes?

Mr. Knott said that was the addendum to your Development Order that they would waive the light if you would have a decel and right lane?

Mr. Wexler said bring our road up to County standards. Originally, Mike Powley had suggested, he didn't know which way we should go and he gave us the option. He said "we'll see how it goes" because of the impact of the canal district.

Mr. Knott said so that was the million dollars you were talking about?

Mr. Wexler said yeah.

Mr. Knott said that's in addition. That wasn't a part of your original Development Order. How much is Cortez from 25th Street down to your entrance are you improving?

Mr. Wexler said the entire way.

Mr. Knott said oh are you are?

Mr. Wexler said yeah. The entire way.

Mr. Knott said well, as much as I.

Chairman Johnson said so you're piping the entire (voices overlap).

Mr. Knott said are you? Yeah, that's expensive. I understand what you are talking about now because I'm a little more compassionate with you now because.

Mr. Wexler said the entire way. The entire way.

Mr. Knott said yeah, you are doing some improvements with that money whether it's a light or the roadway.

Mr. Wexler said and there will be sidewalks, the whole nine. That will look completely different.

Mr. Knott said just to get this straight, those were not a part of your original Development Order.

Mr. Kay said not a part of the original Development Order.

Mr. Knott said thank you. I understand now.

Mr. Yates said Mr. Chair, may I ask Mr. Kay a question? If DOT says a signal is needed at that intersection, why is Mr. Powley saying that it's not?

Mr. Kay said DOT never said that. It was just a part of the study. The County has the ultimate authority on the plan made.

Mr. Wexler said someone, another developer, a small developer had a very small traffic study done and I think that's what they're looking at. I don't think that DOT has ever really said that there is a urgency for the signalization.

Mr. Yates said maybe staff can help us out. I'm reading from Mr. Andrew's memorandum, bullet 4 page 1, "The intersection of Cortez and 25th Street has met warrants according to the Traffic Study Summary Report prepared by FDOT." Then it says "See attached copy" but we don't have that.

Mr. Kay said I think what Mr. Wexler was saying is I don't think that there actually was an FDOT traffic study recommending signalization.

Mr. Yates said so we have a conflict here between what Mr. Andrews says in his memo and the oral testimony.

Mr. Kay said we're putting turn lanes at Cortez. I think 25th as well.

Chairman Johnson said I have comment about that, Tom. I don't exactly remember DOT when they get into these warrants but when they state warrants in studies don't they refer to a warrant as like a needs analysis where they have to do a study of that certain intersection and then determine from that study that they need signalization? I think that may be what it is.

Mr. Yates said okay, I made a big understanding.

Chairman Johnson said (overlap of voices) factor saying that we need to look into this intersection because it warrants further study. The word warrant I don't remember exactly but I want to say that there is a service.

Mr. Kay said I hear what you're saying exactly.

Mr. Knott said they have levels.

Chairman Johnson said there is always a trigger for a DOT study at an intersection and they do studies based on their State Road 615 is 25th Street. They would do an intersection summary report which is mentioned here and then they would say okay we need to determine whether or not this intersection needs a signal or not. Whether or not that study was done, I don't know because it wasn't attached. Based on what Mr. Andrews is saying.

Mr. Yates said this department has serious reservations concerning the elimination of the signalization at 25th Street.

Mr. Carlin said Mr. Chair, members of the Board, I went through some additional paperwork that was attached with the original request, I do have a memorandum from the FDOT that was dated back on April 2nd of '07 and it does get into the logistics of this traffic study issue that we're discussing here. The original analysis was conducted by Susan O'Rourke and the

findings basically stated that the volumes generated by the new constructed Townhouse development that must have been under a previous name I'm thinking.

Mr. Kay said it wasn't ours. This is somebody else.

Mr. Carlin said well I'm referencing this document and I don't know if that was the genesis for the signalization warrant but in this memorandum from FDOT it does recommend that fully actuated signal be installed at the intersection. If this referencing a different development, than.

Mr. Kay said it was not our development.

Chairman Johnson said that was he was the one he was referring to earlier, I think. You referred to it a few minutes ago. That's okay. Any other questions from the Board? Let's put it back in order here. No other questions? Is there anyone else here to speak for against this request?

Mr. Kay said I just wanted to comment that Mr. Powley approved this. It was the County's recommendation.

Chairman Johnson said I understand. Thank you. I'll return to the Board.

Mr. Knott said Mr. Chairman, while I would like to see a signal there, I think I see why Mr. Powley was supportive of deleting it because of the improvements being made to the roadway there and then culverting to that canal because that's worth a, that's an immediate problem right there. I don't know if the signal, someday the signal is going to have to be put in there but since they were willing to go to swap off doing the roadway improvements because actually even though it's a County road, we use it. It's our road in the City. I'm comfortable making a motion to recommend approval as recommended by the staff.

Motion made by Mr. Knott and seconded by Mr. Poitier to forward a recommendation to the City Commission for approval of the modification of the Development Order for Cortez Townhomes with the condition that the documentation if provided validating the requested change was approved.

Chairman Johnson said okay, we have a motion and second. My one quick question is about documentation; obviously, you're including that, right?

Mr. Knott said yeah, whatever the staff, I'm sorry, the motion would include the staff's recommendation for that condition.

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

Those in favor were: Mr. Bey, Mr. Dannahower, Mr. Harris, Mr. Knott, Mr. Poitier, and Chairman Johnson.

Those opposed: Mr. Yates

Chairman Johnson said okay, it's forwarded with a recommendation.

The next item considered: Item # 12. Other business.

Chairman Johnson said I have one question. How much do we pay for mail outs when we do those mailings? Do you have a bulk rate when we mail or do we pay standard postage, 42¢. Putting stamps, are we licking the stamps or what? What do we do? The reason I'm asking is you sent out 146.

Ms. Ehly said we do have a machine down there. I think we get a special rate. There's like a special machine. They run them through and it stamps like a generic stamp on the envelopes.

Chairman Johnson said are these reviewed or studied for 2COP licenses and things like that. There was one before us tonight, 2APS?

Ms. Ehly said how often are?

Chairman Johnson said the fee is \$100. Has that been reviewed in the last decade?

Ms. Ehly said no.

Chairman Johnson said the reason I'm asking is because it costs \$60 at 40cents for mailing plus there is time to go out to the site and take pictures.

Ms. Ehly said I think we are in the process of reviewing fees and changing them. The County just did that. I think in the last six months they changed their application fees and everything and they did a study that we are going to use to look into our fee collection. We should update that in the next couple of months.

Chairman Johnson said I just know with what the effort that was put in, we're paying out \$60 for mailing. \$100 is probably not cutting it.

Ms. Suarez said excuse me Mr. Chair, on Erica's comment, it is a metered stamp but it's still the regular postage rates.

Chairman Johnson said I've had them before too. I don't know what the price is. Sometimes it's discounted, sometimes it's not but either way. Just a recommendation.

Mr. Knott said as much as I dreaded dragging that box of fun in here tonight, I have to commend you all in putting that together. I don't know how in the world. Poor Paul had to deliver those things. That's a lot of work putting these things together. That was one of the biggest ones we've ever had.

Mr. Bey said does Paul deliver them?

Chairman Johnson said yes, he does.

Mr. Williams said yes, did you find yours outside? I knocked on the door but no one answered.

Mr. Bey said good job.

Mr. Williams said it was raining too. I was nervous that they were going to get wet.

Mr. Bey said good job Paul.

Chairman Johnson said Board members, we are still, we're not doing it tonight obviously but any questions, review that manual and give them to staff. Anything else.

There being no further business, Chairman Johnson declared the meeting adjourned at 10:45 p.m.