



# CITY OF FORT PIERCE PLANNING BOARD

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## Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, AUGUST 14, 2007, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Vice Chair Johnson called the meeting to order.

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The Pledge of Allegiance was recited

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Upon Roll Call, those present were: Vice Chair Jeremiah Johnson, Irene Dixon, Charlie Harris, Charles Hayek, Tom Knott, and Colin Lloyd. Alternates: Darryl Bey and Clay Yates. Those absent: Chairman Don Bergman, Leslie Olson, Robert Poitier, and Ed Reilly.

Staff Present: Karen Emerson, Assistant City Attorney; Matthew Margotta, Planning Director; Peter Buchwald, Zoning Administrator; Paul Williams, Urban Forester/Acting Development Review Planner; Bob Frank, City Traffic Engineer; Christine Croxell, Historic Preservation/Urban Designer; Kia Powers, Historic Preservation Officer; and Diann Ploetz, Executive Assistant.

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The next item - **#3 – Consideration of Absences.**

Vice Chair Johnson said is there a motion by the Board?

Motion was made by Mr. Knott, seconded by Mrs. Dixon, to excuse those who called in.

Vice Chair Johnson said we have a motion and a second. Any discussion?

Unanimously approved by voice vote.

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Vice Chair Johnson said at this time I am going to adjust a little bit. Chairman Bergman did send a letter of resignation from the Board. Is that correct, Mr. Margotta?

Mr. Margotta said Planning staff received a letter from Mr. Bergman requesting resignation from the Board for various good reasons and it is under consideration. I believe that it will be accepted. Therefore the Vice Chair is now considered the Chairman of the Board and the Secretary remains the Secretary. We have no Vice Chair. If you

want to continue being in that situation, we will just go through the regular terms. At this time, also, and I will make an announcement at the end of the night, but if anybody in the public would like to serve on our Planning Board, now is the time to get some applications in because we will bring it to the City Commission as soon as possible to review those and to make an appointment to fill Mr. Bergman's position. In the meantime, our two alternates will likely get tapped more and more often to fill in for voting positions.

Vice Chair Johnson said so we will maintain the 10 seats plus the 2 alternates, if we can with applications.

Mr. Margotta said correct. Thank you.

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The next item - **#4 – Certification of Alternate Member voting status**

Chairman Johnson said I wanted to welcome Mr. Bey and Mr. Yates and let you know that you have full voting privileges as a Planning Board member. Welcome.

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The next item **#5 – Approval of Minutes of July 10, 2007.**

Chairman Johnson said has everyone had a chance to read the Minutes of the July 10, 2007 meeting?

Motion was made by Mr. Knott, seconded by Mr. Bey, to accept the Minutes as submitted.

Chairman Johnson said we have a motion and a second. Any discussion?

Unanimously approved by voice vote.

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The next item - **#6 - Outside Storage Ordinance** – A proposed ordinance amending Section 22-67(e)(5) of Chapter 22, Article IV, Commercial and Industrial Buffers, to provide additional limitations on outside storage.

Mr. Buchwald said at the June 18th City Commission meeting, the Commission directed staff to draft an ordinance limiting the stacking of cargo containers and boats to three high or 30 feet. At the July 16<sup>th</sup> Commission meeting, the proposed ordinance that was drafted by staff was reviewed by the Commission who then directed staff to remove the boats stacking requirements from the ordinance and to bring it before the Planning Board for your consideration and recommendation. The proposed ordinance is now before you. as new development residential uses are occurring throughout the city, this new development may be impacted by incompatible commercial/industrial uses, like in the southwest portion of the city. Here you see Light Industrial zoning and Industrial zoning surrounded by single-family zoning. If you take a look at the aerial photograph, you see potential development areas adjacent to industrial areas. Likewise, in the northeast portion of the city, as new development redevelopment of residential and/or tourist uses

are occurring this new development and redevelopment may be impacted by nearby commercial, incompatible commercial and industrial uses. There you see a picture of the port area and you see areas of undeveloped land for which new development is being considered. Currently, Section 22-67(e)(5) of the City Code only provides limitations on and requires the screening of the outside storage for only materials for commercial and industrial uses. Now, this ordinance requires any outside storage materials as a screened with a site obscuring fence or wall at least 6 feet high. Now the material being stored cannot exceed the height of the fence. In addition to materials being stored cannot exceed a height of 15 feet at any time. now, if materials stored to a height of 15 feet, well you need a 15 foot high wall, site obscuring fence or wall that is at least 15 feet high. The current City Code also requires that the site obscuring fence or wall to be landscaped if it is generally paralleled to the public right of way. Now, the proposed outside storage ordinance supplements the existing zoning regulations for the outside material storage, as we just went through. It will apply throughout the City. Its intent is to mitigate the impact of incompatible commercial and industrial uses on residential and tourist development and redevelopment. It does not pertain to boats, masts, citrus crates, or cranes or other equipment. Now, the proposed ordinance amends Section 22-67(e)(5) as follows the outside storage and stacking of cargo containers may not exceed a height of thirty (30) feet. To be consistent with the City Code, the proposed ordinance also includes that the outside storage and stacking of these containers be screened with a site obscuring fence or wall up to a height equal to the height of the highest stored or stacked cargo container. The proposed ordinance also requires that landscaping be planted along the outside of this fence or wall, if it generally parallel to the public right of way or parallel to a lot that is not zoned I-1 or I-2. In addition, the propose ordinance specifies that any fence or wall required by this Section be of wood or masonry construction. And finally, it affirms that he fence or wall and the landscaping are subject to the City Design Review Guidelines. Now, these are the amendment standards by which the proposed ordinance is evaluated. The proposed ordinance is consistent with the Comprehensive Plan which indicates that uses which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions, or industrial traffic shall provide buffering when located adjoining to or across the street from incompatible uses. The proposed ordinance is consistent with the Port Master Plan which indicates that cargo operating shall be limited and compatible with adjacent land uses and natural resources. This is a rendering from one of the reports that was generated by one of the Port Charrettes. All cargo was to be stored inside or certainly screened from public review and not to appear this way according to the results of the Charrettes. Now the following other standards are also satisfied by the proposed ordinance. These again are the standards identified in Section 22-131 of the City Code. The amendment will not have an adverse affect on the ability of the City to satisfy land and water use needs and will meet the transportation demands, provide community facilities and services. And finally, the amendment will promote and protect the public health, safety, and general welfare. Now, as no inconsistencies have been identified between the proposed and the Comprehensive Plan or Chapter 22 of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the proposed ordinance which would amend the City Code to provide additional limitations on outside storage throughout the City.

Chairman Johnson said thank you very much. Are there any questions of staff from the Board?

Mr. Knott said does the ordinance, the new one or the existing, speak to the finish that is to be given to the wood or masonry wall?

Mr. Buchwald said that would be pertaining to the Design Review Guidelines, Section 22-59, with the finish would have to be compatible and would have to be in accordance with the City's Design Review Guidelines. So that is why it is referenced to affirm that that is where that kind of specification would be identified.

Mr. Knott said so there is language in the Design standards that it has to be stuccoed, it has to be maintained or if it is wood, it has to be treated or something to this nature?

Mr. Buchwald said Kia, do have the existing Design Review Guidelines and identify the fences portion and read that out to the Board?

Mrs. Kia Powers said "walls and fences shall be considered an intricate part of the design proposal and shall generally be constructed of the same material as the first floor of the primary building."

Mr. Knott said oops, that could be made out of wrinkle tin or something like that.

Mrs. Powers said "concrete walls shall be faces with stucco or stone or shall incorporate some perforated platform cohesive with the design intent. Gates and fences shall be wood and appropriate composition of iron, metal or aluminum or masonry piers with wood pickets."

Mr. Buchwald said the key word in that is generally. It says "generally should be". It is not all inclusive. But it is allowed for there to be some discretionary approval for the wall.

Mr. Knott said does that mean that staff then has the final yea or nay on this or is nailed down enough that if they come in with a...if it matches their building, then if they happen to have an old building and they want to put in an old fence up there, you all have to accept it?

Mr. Buchwald said again, it is in accordance with the Design Review Guidelines. So, of course where we have an administrative review provisions in that ordinance, then we can reject it. On the other hand, where it is along an arterial road or there are certain provisions where it comes before you, the Planning Board as acting as Design Review Board.

Mr. Knott said I guess, what I am trying to get is we are going to have a 30 foot wall. That certainly won't be attractive. It is just going to look like the Berlin Wall or something like this.

Mr. Buchwald said that is why we have specific criteria and that's just the minimum criteria that are identified in the new ordinance. From that we also reference the Design Review Guidelines where we could also have additional review of this 20 to 30 foot wall should the person who is storing the cargo containers chose to store them up to 20 to 30 feet high. Again, it is up to the discretion of the person who is stacking the cargo containers. If you stack them up to 20 high then you need a 20 foot high fence.

Mr. Knott said exactly.

Mr. Buchwald said if you stack them up to 30 feet high then you need a 30 foot high fence. If you stack them one high then you need is as high as a cargo container.

Mr. Knott said that's what I was trying to find out. If we were going to have a review of the aesthetics of this before it is approved and built. Staff has that power.

Mr. Buchwald said again, it is to mitigate the surrounding impacts from the incompatible use from the surrounding land use. So, it is not everywhere on the site you need to have this wall. You need to have this wall along the public right of way or where there is zoning other than I-1 and I-2 and may be incompatible. So you don't need a wall all across your site.

Mr. Knott said I understand that part. One other question about the landscaping, I noticed that you speak very directly to the height of the hedge but the tree every 20 feet is that also covered in the landscape ordinance as far as the height and the DBH or something like that or what type and size it shall be?

Mr. Buchwald said again, that is why we referenced the landscaping standards and we have the Urban Forester right here who can recite to you what would the minimum height requirements for any tree planted so you can just plant a sapling, if you will. There is the minimum requirement required. What are they again, Paul, our Urban Forester?

Mr. Williams said as the ordinance currently reads it is a minimum 12 foot tall with a 3 inch caliper which is a substantial tree at the time of planting.

Mr. Knott said that is pretty substantial – 12 foot. That's good, very good. Thank you. That's all I've got right now.

Chairman Johnson said any more questions from the Board?

Mrs. Dixon said I just want to see the picture that you had of the port where you had the containers stacking. I am curious, how high are they stacking them now? I know that there isn't any formal restrictions right now.

Mr. Buchwald said as you can see, if you look at your monitors, some of them are stacked at least 3 high but some of them in the middle that appear to be 4 high.

Mrs. Dixon said thank you.

Mr. Hayek said when you say at a public right of way, what about the water side?

Mr. Buchwald said I will defer that to Mr. Margotta. He's got the definition of it.

Mr. Margotta said typically the waterways are not considered right of ways. They are sometimes zoned. So there is usually a difference in there. Quite honestly, I don't consider the waterways to be right of ways. By our ordinance, it typically looks at right of ways as your normal road or railroad area. It does not generally consider...just the consistency of looking at a right of way and how it is applied through the ordinance in all the zoning districts and so on, it generally looks at a right of way as being for the public conveyance for vehicles and trains and stuff like that. So, generally speaking I do not confer to automatically consider right of ways to be waterways or vice versa waterways to be right of ways.

Mr. Hayek said that's probably the biggest impact when coming over the bridge and that's what we are trying to minimize.

Mr. Margotta said when you are talking about adjacents or continuity where the right of way actually matches the zoning district. In this case or the case that you are talking about is coming over South Bridge and North Bridge and being able to see the port area from there. That is not really fair. I mean, I believe that you might be able to see the port area from US 1, but US 1 does not abut these properties either. So, be conscious about the fact of where you can pretty much apply a design of performance standard to mitigate some of the aesthetic concerns of the property. Property owners trying to take care of the aesthetic concerns from a right of way that is 60 feet up in the air. That is a little cumbersome it seems to me.

Mr. Knott said to follow up on that because when I was coming in from the beach, I looked over at the Port and I noticed that the internal portion of their activities would be sheltered from the actual road that they front on their south side there. So if you are standing there, you can't see it. But when you come across, as we are talking about here, you can see that. But does this ordinance curtail what they can stack in back of their building back there? Can they go 5, 6 high with those, even though you can't see it from the public right of way, unless you are on a 60 foot bridge?

Mr. Margotta said no. This ordinance does not apply to that.

Mr. Knott said ok. So they can, in this type of situation, they can continue whatever activities they have going on. It is just that if they move it out by the street, they have to limit it to 30 foot.

Mr. Margotta said keep in mind, and this is just my point of view and I think my professional thing, how you look at that port as you are coming across the bridge, there is an aggregate of stuff going on there. You've got a big building. You've got outside area. You have outside storage. You have boats in berths. Your eye takes in a big area from there. It is not like you are only looking at containers stacking. You are looking at

buildings and a mix of other things, including streets and other moving vehicles. So, as you are driving along on that bridge, if you are taking this as strictly as an aesthetic issue, I would say you are going at it in only one vein. There are lots of ways: the intensity of the site, how it impacts its neighbors. Those are some of the more poignant in things that zoning is supposed to try to take care of. Aesthetics alone is not the only issue here. I can guarantee if you are up in a plane you will be able to see the container stacking. It is just if you are going to have outside storage, this is how staff is recommending that you mitigate. Certainly it is an aesthetic affect on the neighbors and also some others it affects.

Mr. Knott said thank you.

Chairman Johnson said any other questions from the Board? I have one question in regards to an I-1 adjacent to an I-1. I can't remember in the ordinance itself, are there regulations for fencing between the two or no? Are there barriers or buffers of any sort? And not that's it's that big of a deal, but I just couldn't remember off hand for a neighbor to affect a neighbor.

Mr. Buchwald said there is another portion of the ordinance that pertains to when residential uses are adjoining to certain commercial/industrial zoning district and you provide a buffer which consists of a 6 foot fence along the property where the property is. This pertains to the storage itself of the materials. That other ordinance pertains to something while similar type situation pertains to buffering the entire property itself from the adjoining residential uses. This involves buffering the outside storage portion, being it the materials to 15 feet or cargo containers to 30 feet.

Chairman Johnson said thank you very much. Are there any other questions? At this time, I would like to open it up to public comment, but I would ask that the public would consider holding their time of speaking to 5 minutes or less, if you could, because there are quite a few that would like to speak. So, if anyone would like to speak for or against at this time, I would ask that you state your name and address for the record, please.

Mr. Ken Roberts said of Indian River Terminal, which is a key occupant at the Port in Fort Pierce. I will be making some brief remarks. I will be followed by Ken Shields, our General Manager, who will comment on several other questions. My main concern, I guess, is that we saw this ordinance only yesterday morning. We have not really had time to study it. We had some idea of what was going to be in it, but we didn't know exactly what it was going to be. We found some things that were rather surprising. We know that you probably have not had if very long yourselves. We know that there are several other businesses, several members of the public that had no idea what was going on and were not aware at all that this ordinance was coming before the Planning Board today and we were not aware, we had not been able to find any evidence that there was a public notice of the Planning Board. Can anyone tell me whether that occurred or not?

Mr. Buchwald said public notice was provided in terms of an ad to the newspaper in accordance with the City Code. This is a public meeting, it is not a public hearing in accordance...so it is not a public hearing subject to the Florida Statutes. This is a public

meeting. So public notice was provided. The agenda ran in today's newspaper. With regards to a person not receiving any type of notice, this item was discussed thoroughly at the July 18 Commission meeting. It was broadcast on television and at that time, it was brought that anybody who wanted to receive copies of the ordinance could ask for them at that time. So, it was discussed at the Commission meeting, on TV to which the gentleman was present at. So, to say that he did not know about this ordinance, I don't think it is entirely accurate.

Mr. Roberts said we knew it was being discussed. We knew the general content, as I said a few minutes ago. We did not know the specifics, the details of it. And we know of many businesses, some of who are represented here tonight, who were not aware of it at all. So, we are just concerned that there was not adequate notice for us to be really prepared for this and we suggest, strongly, that there be a continuance of this discussion until other businesses have had a chance to look at it carefully and know what's going on.

Chairman Johnson said are there any questions from the Board?

Mr. Lloyd said did you ever request a copy of the ordinance from staff?

Mr. Roberts said yes.

Mr. Lloyd said when did you do that?

Mr. Roberts said a number of times. I started, I guess, specifically two weeks ago last Friday. I saw the Director of Planning and he told me at that point and I respected the information that I was getting, that we would see it early the following week. I went to the Planning office a number of times to get the agenda and to get the ordinance itself, as late as last Friday. We didn't see it until yesterday morning. It was mailed to us on Thursday and it reached our office Monday morning.

Chairman Johnson said yesterday, Monday morning.

Mr. Roberts said yes, yes. But we asked over a period of two weeks when we could get it and we were in hopes of seeing it in time so that we can really begin to address it seriously.

Mr. Lloyd said this is a question for staff, when was the ordinance finally drafted or when was is it final form when you could give it to the public, if they had asked for it?

Mr. Buchwald said subsequent to the Commission meeting, the ordinance was circulated to Departments in draft form and also up to the legal department for their review. Once it was signed off by those departments and by the legal review, it was submitted to them at the beginning of last week. I have a date on our letter as August 7<sup>th</sup>. Now the Commission had directed us to provide...this is not a typical...we don't typically provide this type of notice for ordinances but the Commission directed us to provide a copy of it as soon as possible, which we did to them so they will have another opportunity to comment at the public hearing in front of the City Commission. So there will be plenty of

opportunity between now and the City Commission to review the ordinance and prepare the comments for that public hearing which will be conducted in front of the City Commission in August.

Mr. Lloyd said I guess my concern is that if we are supposed to make a recommendation to the City Commission, how I base my decision is often times based on what the public thinks of the ordinance and issues they raise. If they don't have really time to review the ordinance before it gets here, then they can't ask questions of us or really make an informed intelligent opinion on the ordinance for discussion purposes today, which means I can't base my...my decision is going to be on anything that the public has to say to me because they haven't had a chance to look at it. That is my concern. I understand that they will time down the road, but you are basically circumventing my position here because I can't base my decision on what the public has to say. So that is my concern.

Mr. Buchwald said with all due respect, I don't think there is any circumvention at all because again, July 18<sup>th</sup> was when we received the direction of the City Commission to proceed as quickly as possible with the ordinance and then we got it into the final format...

Mr. Lloyd said circumvention may have been a poor choice of words.

Mr. Buchwald said again, this is not typically protocol by which we provide and send out notices of this type of ordinance because it is a public meeting. It is not a public hearing in accordance to Florida Statutes. So at the direction of Commission, we provided notice to those applicants.

Mr. Lloyd said I am not insinuating that you did anything wrong or that you could have done it any quicker, I am just saying that maybe perhaps it wasn't right to come before us tonight. So, I feel very uncomfortable being able to base any kind of recommendation to the City Commission when the public hasn't had the time to review it and give me what their input is on it and that's the way I feel.

Chairman Johnson said I have one question, Mr. Roberts. You mentioned that it had changed from what you originally had seen. I just thought and I watched the City Commission meeting, I thought that they were removing the items, such as the boat height and things like that. What has changed to you that has raised your concern?

Mr. Roberts said for one thing, this is the first time we have seen a requirement that it be a wood fence or a masonry fence. That changes the cost of it tremendously. It raises questions about stability of a fence 30 feet high. That raises insurance issues for businesses. It raises questions about the stability of such a fence in a hurricane or heavy winds. There are a lot of issues that come before us now that are more complicated by the fact that this has been specified for what it now has to be in terms of material.

Chairman Johnson said ok.

Mr. Buchwald said let me clarify. The ordinance has always contained the adjective of "site obscuring" fence. We clarified what "site obscuring" is. There is not many other site obscuring fences. Chain link fences are not site-obscuring fences. Certainly a made out of wood or masonry fence are. So it has always contained site-obscuring fence. It also contains site obscuring fence was brought in front of the Commission on July 18<sup>th</sup>. So it is just a clarification so that there is no question as to what a site obscuring fence is.

Chairman Johnson said ok. I guess my question...this came before us probably, how long ago? A year ago?

Mr. Buchwald said April of 2006 is how long we have been working on this ordinance.

Chairman Johnson said it is the same one, correct?

Mr. Margotta said no, this has gone through several iterations and a couple of meetings here and there and certainly plenty of discussion and guidance from Commission and yourselves to draft at this point and this is what staff is recommending and how to handle outside storage.

Chairman Johnson said but when it began, nothing has been approved or accepted by City Commission to this date other than going through the iterations of modifying the ordinance.

Mr. Margotta said absolutely not. The City Commission has put it back to staff for another reiteration time and again.

Chairman Johnson said ok.

Mr. Lloyd said would there be...is there a pressing reason why...would there be a problem if this was continued one month? Is there anything coming up that why this has to...why we are pushing it through right now? Is there any harm that the staff...

Mr. Margotta said the pressure to get this forward is just direction from the City Commission and absolute directive to have it reviewed as expeditiously as possible. I believe this Board has the right to take a proper amount of time to review what ever you feel is reasonable. However, if it gets continued a second time or so, you are going to run the risk of it looking a little less reasonable. There is not a whole lot of words here. It is either you understand the concept or you don't.

Mr. Yates said I maybe putting staff in a difficult position, but maybe you can tell me what the sense of urgency was with the Commission. That's probably not a fair question.

Mr. Margotta said I don't believe staff...it is not staff's position to try to conjure that up. I would recommend that you maybe approach Commission on your own or if you direct staff to, we will ask for their opinion and where the urgency comes from. But we have never questioned the urgency. It has always been a directive from the City Commission.

Mr. Yates said thank you.

Mr. Hayek said I can understand a property owner's objections to a 30 foot high fence out of either wood or masonry because the cost would be astronomical under current hurricane conditions and requirements. Is there any other material that the Board or staff can come up with, some sort of a mesh fencing with maybe more landscaping and less concrete or wood to lower the cost somehow for these property owners? Because I can understand the concern there, the fence will be more costly than putting up a whole building.

Mr. Buchwald said again, that is at the discretion of the person who is stacking the cargo containers. They don't have to stack them up 30 feet. They stack them 30 feet, then they need to have a 30 foot high fence or wall. What it addresses, again, is the incompatibility and if you go back to the some of the Port Charrettes that were conducted years and years and years ago, well before my time, reading through those reports, as I indicated on one of those slides, it showed the Port area to have all the storage inside and it depicted any outside storage. So the intent of the result of those Charrettes to which the people attended and the property owners themselves attended was to have limited cargo operations. So again, this provides the buffering to shield those cargo operations from the neighboring commercial uses. The only way to do it is by a site obscuring fence. Landscaping and the other elements are nice to beautify that fence.

Mr. Bey said is there an average stacking height of containers at the Port?

Mr. Roberts said the industry standard is 9 or 10 high. We have typically stacked whatever we need to. We have a very limited amount of space. So, I think it is better to go up than it is to spread it out all over the City and there is a tremendous cost involved in moving those containers to other locations. So we have been stacking 3 and up to 4 high.

Mr. Bey said so 3 to 4 high is an average?

Mr. Roberts said that is what we have been doing.

Mr. Bey said all right. Thank you.

Mr. Roberts said we need to be able to go a little higher than that. It depends upon the volume of business and activity.

Mr. Bey said ok.

Mr. Yates said taking into account Mr. Lloyd's comments about being uncomfortable with us voting on this tonight but also noting that we have had a lot of people here that have come to speak would it make sense to take comments from those people that want to talk tonight?

Chairman Johnson said I was getting ready to say that.

Mr. Yates said and then maybe hear it again in a few weeks or the next meeting.

Chairman Johnson said that is up to the Board. But up to this point, I would love to hear from more of the public. So, if there is any other questions for Mr. Roberts from the Board.

Mr. Roberts said thank you.

Mr. Ken Shields said I am here also on behalf of the Port of Fort Pierce and Indian River Terminal Company. If you will indulge me for just a moment, I want to reiterate what Mr. Roberts brought up regarding notice and only to clarify one item. Because as Mr. Johnson recalls and maybe some of you older folks remember, we were before you last year, April of 2006, April 11, 2006. This same issue regarding notice came up. I've got the minutes of the meeting right here. At that time, Chairperson Gates asked a direct question to Attorney Walker if these meetings were subject to notice. I am going to read his response to Mrs. Gates, "Madam Chair, all public meetings are supposed to be the source of reasonable notice given to the public. The Planning Board is like any other public body." Any other public body and the public has the right to receive reasonable notice of the Board's meetings. I am starting to feel like sitting here in the crowd, working down at the Port, I got a bulls-eye on my back. I read the ordinance; I don't see a Port Ordinance. I don't see a container stacking ordinance. It says it is a commercial and industrial buffer ordinance amendment. In all the conversation here tonight is on cargo container stacking and port stacking. That is what I am here tonight to talk about and that's what I am concerned about. But you as a Board need to understand we have a lot of people throughout this City that have a lot of things in their commercial and industrial storage yard that are going to be impacted by this. You've got people up and down US 1 that sell lumber and shingles who to-date have gone to great length to comply with an ordinance that we have in place now that I feel is adequate for industrial and commercial buffers. And now his is going to have to through all that away that he spent and build a new one. And who is to say does he have to build to the height of what his maximum inventory is when he is busy? Or does he build to his average? So a couple of months out of the year he needs a 15 foot high? A couple of months out of the year he needs a 6 foot wall? I don't know how this thing works. I am going to go forward with the presentation I put together. Once again, we got this on short notice and I spent most of yesterday and today trying to put together some thoughts. And I am going to read through this and then I will entertain questions. The staff's report and presentation only tells a small portion of the story on this proposed ordinance amendment. While staff was pulling out what they feel are consistencies with the Comprehensive Plan, they have failed miserably to make this Board aware of several important inconsistencies and conflicts. The proposed ordinance amendment is in direct conflict with and inconsistent with Goals and Objectives found in the City's Comprehensive Plan and the Port Master Plan. Our property and business, the Port of Fort Pierce and Indian River Terminal Company, is located within the boundaries of the Port and the City's Marine Industrial, I-2, Zone. This area of the City has been a port and an industrial waterfront since the early 1920's. Early 1920's let me reiterate - the City of Fort Pierce Comprehensive Plan policy 1.17.7 states, "The City should encourage efficient and effective use of the Port of Ft.

Pierce consistent with the Port of Fort Pierce Master Plan.” The specific language was expressly preserved during this year’s rewrite of the City’s Comp Plan. We participated in the rewrite of the Comp Plan this year and the City Commission endorsed the language that we asked them to preserve Port activities. That is not old, that is 2007 a couple of months ago. Excessive height restrictions are in direct conflict and serve to prevent the most effective and efficient use of the Port property. We have all heard that the area here wants to control the sprawl of the Port area or even the Marine Industrial waterfront area. They don’t want to see that spread to several acres. Well, in order to enable that and still have a Port and still have a commercial waterfront and a working waterfront, you are going to have to allow some flexibility for us to go upwards. Currently, we are in the Marine Industrial Zone and we don’t have any height limitations. And they won’t tell you that and they won’t talk about that, but the only limitation we have is that if we want to build a building higher than 65 feet, we have to get a conditional use permit. Other than that, we don’t have any restrictions today. So, you will hear some people tell you that 30 feet or high is not so bad. But it is all for bad when you have been working in an environment since the 20’s or 30’s and you didn’t have a restriction and you are working with people who bought a port without a restriction, operated a port without a restriction, who employed 40/45 people down here at some very high salaries, higher than State and County averages, and contribute a heck of a lot of property taxes. They contribute a heck of a lot of money to this community. So, it is excessive. It is restrictive and it will hurt us. Within the Port of Fort Pierce Master Plan, Objective 2.1 states, “the port of fort pierce should strengthen the economic development activities in the port operation area by working with federal, state and local government and private sector, other interested parties to formulate an economic development plan that will foster new jobs that exceed the county’s average of annual wage and enhance the community’s prosperity.” We have been pretty successful down at the Port, so far.

Chairman Johnson said if you would, can I ask you to summarize?

Mr. Shields said I will. Let me move into the idea about the wall because someone brought up a point there. The idea of a 10 foot or 15 foot or 30 foot wooden or masonry site-obscuring wall is preposterous. You all need to take into consideration such aspects of the cost, safety, and aesthetics of this requirement. What specific public health, public safety, or general welfare problem is the City trying to correct? The City Code already contains adequate ordinance for barrier landscape and site-obscuring fences. The proposed city-wide ordinance would impose a tremendous financial burden on numerous commercial and industrial property owners to completely rebuild the perimeter of their properties. Just image driving around town, folks, your coming along, you drive up and here on one property is a 9 foot high wooden wall and then the next door neighbor’s got an 18 foot high masonry wall and now somebody’s come along and put some graffiti and the Code Enforcement people are writing him a ticket. Now fast-forward to September when we had a Tropical Storm or Hurricane blow through and we are running all over town picking up pieces of wooden fences and toppled over masonry walls and some panels threw through your window front and that’s what we are going to be looking at with something like this. The staff points out in their report that the amendment will not have an adverse affect on the City’s ability to do certain things. This amendment will absolutely have an adverse affect on the property owners, business owners, and citizens of Fort

Pierce. After all, isn't that who the Board, the City Commission and the staff works for? Isn't that who we are supposed to be supporting? So, please, we are asking you tonight, please do not send this amendment forward for approval. It makes no sense and it would be detrimental to the public welfare and the City of Fort Pierce. At the very least, please consider recessing until next month so all of these other folks in the City who aren't here tonight who don't know that this is going on will have an opportunity to speak with you. Appreciate the time. If you have any questions, I will entertain them.

Chairman Johnson said any questions from the Board? Thank you very much.

Mr. Shields said thank you.

Ms. Carol Mushier, said I am President of the Fort Pierced South Beach Association. I was at the Commission meeting and I recognized that I thought most everybody knew what was going to be in this ordinance at that time they were directed. Every time a resident of South Beach crosses the bridge to the mainland, our eyes drift to the right and we see our Port. It is not always a pretty site. We also see the ships moving up and down the inlet to and from the Port. We have a very personal interest in the activities at the Port. The issue before you tonight or next meeting is really quite simple. The current ordinance for the outside storage of marine cargo containers at the Port or any where in the City is 15 feet high, meaning one container, no stacking. Back in July of 2006, at their workshop, the City Commissioners suggested a 30 foot maximum, 3 high, as a compromise to which representatives of cargo operators said a resounding "no". They wanted higher or no height limits. As Commissioner Coke stated at the City Commission meeting on October 16, 2006, when this issue was discussed in detail, "they would not agree to 3. Well, they would agree to 3 for now, but next year they might need 4 or 5 or 6 or 8." The statement that was made earlier about 9 or 10, that's the industry maximum, not average. At that Commission meeting, action on the previous proposed ordinance was postponed and representatives of the cargo interest were directed to meet with the City and come up with a compromise within 6 months. If I am misspeaking on any of these things, Peter, please correct me. To my knowledge, no compromise was offered. It was all or nothing. So, here we are with the City presenting a generous compromise to 30 feet. Three containers high doubles the current ordinance. It would appear that the express need for more than 30 feet relates to a notion of "expanded" cargo operations. Here in lies the crux of the matter. The public citizens of Fort Pierce and St. Lucie County have spoken loud and clear on numerous occasions that they do not support expanded marine cargo operations at the Port. There can be many reasons for lack of support: the affect on the lagoon, aesthetic issues, visceral feelings about marine cargo containers. Some people would be happy if the containers just went away. However, the notion of limited cargo operations is very clear in the document that was quoted – Goals, Objectives, and Policy for the Port of Fort Pierce which is known as the Port Master Plan. It is of interest that this document has been adopted into the Comprehensive Plans by both the City and the County: a fete in and of itself. Within the document, our various references to cargo operations. Please note that every time cargo operations are mentioned, it is preceded by limited, not expanded, not greater. Policy 1b.1.5, "the Port of Fort Pierce shall continue to support limited cargo operations in the Port Operation Area." I am not going to read the whole thing to you. Policy 2.1.2, "the Port of Fort Pierce will

continue as a deepwater port that will accommodate limited cargo operations. Gentrification of cargo areas shall be emphasized and flexibility shall be retained in the Berth 1 area to allow either limited cargo operations or marine industries or a combination of both.” In addition, the 360 plus page document that accompanies the Port Master Plan, which you can see on the St. Lucie County website gives what I call a legislative history of the development of the plan. One of the four assumptions agreed upon at public meetings held in 2002 and before was “the Port will continue to accommodate cargo through existing facilities.” Note again, existing, not expanded.

Chairman Johnson said if you could just summarize.

Ms. Mushier said I will. You gave them the lecture. I am finishing up.

Chairman Johnson said I understand.

Ms. Mushier said there has been mention...well that hasn't been, shielding the public from unsightly stack containers with fences and walls with appropriate landscaping should be a given. Note that the Master Plan does say rehabilitation and modernization of existing buildings, aesthetically pleasing Port facilities, and landscaping, Port facilities that are aesthetically compatible with all newly renovated areas of Downtown Fort Pierce and other adjacent neighborhood areas. I will not speak to the economic cost of such shielding. In summary, we support the proposed ordinance as submitted. The public recognizes that the current ordinance is too restricting for current operations and this is a reasonable compromise. Thank you.

Chairman Johnson said thank you very much. Are there any questions of the Board?

Mrs. Dixon said I have a question, not necessarily directed at her but probably staff would be able to answer it. Mr. Shields, I think, made the statement that there wasn't currently a height requirement, is that correct? Because I was getting conflicting if there is or...she was saying something about there being...the 3 being an increase of what it currently is.

Mr. Margotta said there are several things that are mentioned in there as far as height goes. Mr. Shields was correct that our current ordinance talks about above 65 feet you need to have a conditional use review done. We are talking about the accessory use of outside storage, not the buildings, but the accessory use of the outside storage. So, it is not a building height that we are talking about. Go to the 30 foot height that City Commission was discussing, last year, at their workshop. That was a number that was being used and, I guess, as a compromise. The word I received from the Port then and then at a subsequent time was generally any limitation is same as a limitation. Anytime you are going to put some sort of height limitation on it, it is a requirement that is not part of the ordinance right now. So it is a change and I believe that's what they are trying to speak to.

Chairman Johnson said thank you.

Mr. Margotta said and if I put words in somebody's mouth, just let me know.

Mr. Jack Cahill, 801 South Ocean Drive, said we are long historians of the Port. As Tom Knott knows, we were involved in the first Charrette back in 1997, I believe, and I had white hair then, too. When Mr. King came in, he pretty much knew what the conditions were at the Port and what the size of the ground he was buying. Mr. King was not a new to Ports, he had one in Holland, Michigan, I believe. He knew exactly how much ground he had. If he needed more, last I heard, he was a financial partner with Mr. Bell, who has 67 plus more acres, if he needed more space. So, the thing is that he has been attempting for the last almost 3 or 4 years to increase the capacity and the usage of the property. When he has known the City and the citizens regarding the stacking of containers weren't too crazy about going 5,6,7,8, 9 high. We had 15 feet high and we made a concession and we weren't happy about it, but we did make the concession. Now, if they were allowed to go higher and I assume you are all residents of the City of Fort Pierce, you might be knowledgeable about this, it would completely diminish the grandiose plans that the Culpepper & Terpening Engineering group have for Harbortown and Taylor Creek Marina properties. They recently were achieved by them through the Treasure Coast Planning Council, themselves, and the public who were attending the Charrette. I believe this will be coming up in the next 5 or 6 weeks. I talked to Butch Terpening the other day. Please consider what the high stacking of containers would do to upon the millions and millions of dollars of tax payers' money that was spent in the Renaissance of Downtown Fort Pierce. You will recall what it looked like maybe 15 years ago and it wasn't a pretty sight. It is all of our money; yours as well as ours that was spent on that. Now, if you haven't seen cargo ports, I suggest you take a look at them when they go high because they go all over the place. Not to mention the millions of dollars that are currently planned for the Indian River Drive location between the King Power Plant, which is due to be decommissioned, I believe, in May of next year, up to what I consider the Harbor Federal, or now City National, building on the Drive. If these are to exist, these people who will be living in these complexes, their planning will all be hopefully easting downtown, walking downtown, shopping downtown and so forth to some degree. An answer to Mr. King's situation – he is never really put anything on this property except personal property since he bought it. As a matter of fact, he has torn down buildings, whether they are paying insurance or taxes, I have no idea, but he hasn't built anything on them. Travel lifts and cranes and so forth are personal property, they are not real property. Please keep in mind this evening, the decision is going to be yours, but so is the responsibility and so is the blame because we worked long and hard to have something worthwhile happen to that Port that would bring the kind of development in that would affect everybody in a positive way and so far we have had to success with the owners of the Port, whether it is Mr. King or Mr. Bell. So, right now you are sitting in a spot where you are going to have to make decisions. Some of you have restaurants with no parking, some other things, and so forth. It is a relatively new board except for 3 or 4 people that I recognize and of course, Darryl Drummond (Bey) I have known since he had dark hair, which was a long time ago. But the thing is that you have to keep in mind that this is your City. It is our City. It is not someone coming in from Holland, Michigan, or someplace in Alabama or the Bahamas or what have you and this is the area that we are concerned about. We are very concerned. I certainly hope that you are. Thank you very much for listening to me.

Chairman Johnson said thank you very much. Any questions?

Mr. Phillip Stickles, Controller at the Port of Fort Pierce, said I just got a couple of things I need to address. One, it was stated by Mr. Cahill...I just wanted to address a couple of things that Mr. Cahill stated. Mr. Bell has nothing to do with the Port of Fort Pierce, Indian River Terminal where I work. So, I don't know where he gets that from.

Mr. Margotta said I'm sorry, I didn't hear your name for the record.

Mr. Stickles said Phillip Stickles.

Mr. Margotta said and address.

Mr. Stickles said I am a Controller at the Port. A couple of things I want to address. He says what have we impacted or what have we done to this community. Well, we employ 35 to 40 people annually. We pay over \$250,000 annually in property taxes to the City/County. We have paid over \$5 million in payroll to our employees over last 4 years. Money back in this community. We spend \$15 million in goods and services from local vendors. We keep and buy everything or we do everything we can locally with everybody in this community. We are here for the community. \$22 million in economic impact for Port of Fort Pierce or Indian River Terminal, I should say, not the Port but what Indian River Terminal has done to this community in the last 4 years, not counting 2007. It will probably be half of that this year. We have a substantial impact to the City of Fort Pierce. This seems to me as an employee of a company sitting back and looking at it is an attack at the Port. And this ordinance is just not about containers. This is about the whole City. That's why you guys need to sit back and look at this. Everybody is talking about container stacking and Port with the ordinance and Mr. Margotta and Mr. Buchwald can correct me if I am wrong, but it applies to the industrial areas in the City, not just the Port. The current ordinance has no height restrictions. To address the County's Port Master Plan, I have been here almost 5 years and I was a part of that when I lived in the County, I live in the County. I have looked at the Port Master Plan and it addressed Berths 1, 2, 3, and 4 as far as cargo and limited cargo and expansion. Indian River Terminal is not in Berth 1, 2, 3, or 4. So, to talk about Indian River Terminal and the container stacking on our property is not really in that Berth area they are talking about. And just to clarify, Mr. Margotta, you currently said there is no container stacking and we have never made or Indian River Terminal has never made any concessions as far you know, as far as container stacking, correct?

Mr. Margotta said I am really lost as to what the reference is there.

Mr. Stickles said you made a comment that there is currently no container stacking in that location.

Mr. Margotta said and actually you are supposed to address the Board and if they have a question for me.

Mr. Stickles said ok. Well, I would just like some clarification from Mr. Margotta that he did say there is currently no container stacking at the Port of Fort Pierce and limitations in the Code. Thank you.

Chairman Johnson said thank you.

Mr. Gary Whigham, 4801 South US 1, said I have nothing to do with the Port, at all. I will be very brief. Recently I have been annexed into the City. First thing that happened is I got a letter that said my sign that I've had for 15 years has to come down. That was \$15,000. I got another year before I do it. Then the insurance during the Hurricanes went from \$10,000 to \$80,000. I do not have any insurance on my building anymore. It is uninsurable at that rate. We can't afford it. For my business to try to put a fence up at the limitations that they are asking us to do is just unfeasible. As a contractor, it will not hold up. You cannot build a fence with this type that they are talking with any kind of small business could afford. So, I ask you guys to vote no against this amendment tonight. Thank you.

Mrs. Dixon said if you don't mind, I would just like to know what type of business do you have and what are the heights that you are currently...

Mr. Whigham said the containers that I have is just single stacks. The County made us put our stuff inside so we went and got containers to put them in. now, knowing this just today, now I've got to put a fence around to cover my containers that covers the project that they told me to pick up. So, my containers are only 8 feet. Now, my other problem that I have with the property behind me is not zoned residential, but if a development comes in there, I have to at my expense and I have probably 400 feet of linear behind me that could but up to residential zoning some day, I must fork up that money. I mean, nobody is saying they will make the developer do it. When I play golf out here, I see railroad cars that is unsightly. When I drive over the bridge, I see the sewer plant that is unsightly. Where do we stop? Any other questions?

Mr. Knott said what is the name of your business?

Mr. Whigham said it is South Florida Aluminum Products. We are a manufacturer of shutters. We are at 4801 South US 1, just north of Midway Road.

Mr. Knott said on the Westside. Do you a lot of outside storage of materials?

Mr. Whigham said yes, we store a lot of our products come in in containers. Sometimes they will be dropped and we will work from them. We do not stack them. We don't have the capability of getting to them. So, they come in and out constantly.

Mr. Knott said so you don't normally stack yours 8 feet high or something like that?

Mr. Whigham said that is the height of them that we have right now, presently.

Mr. Knott said ok, thank you.

Mr. Whigham said thank you.

Mr. Charles Grande, St. Lucie County Commissioner, said I didn't really come to speak tonight. So I don't have papers but I wrote on the back of cards. I worked for years with the St. Lucie County Commission and the City Commission on the Port Master Plan and trying to get the property downtown squared away. I think there has been a lot of confusion with some of the information that you've gotten tonight. Let me try to take off a couple of them. One, somebody mentioned with the 3 container height limit, what would happen behind the building if it was 4 or 5? 3 is 3. I think Matt may have misinterpreted that. There is no exclusion if you are hidden behind a higher building you can go to 4 or 5. I think the ordinance as it is written or as it is proposed is a height limit of 3, isn't it?

Mr. Margotta said I believe that they are supposed to address the Board and then if you've got questions on the side, I don't mind answering the questions.

Mr. Grande said I apologize for that. The other thing is that there seems to be a sense here that we are enclosing new restrictions or proposed to propose new restriction and again, the sense I have is pretty much the opposite. When I looked at the City ordinances, currently there is a 15 foot stacking ordinance in place. What I think they are planning to do is go to 30 feet in difference to an existing operation. So when we talk about we need to consider beyond the Port what does this do to the other businesses in the City? Currently, if you don't move this forward, there is a 15 foot limit in place. So the limit is actually going up, not down. Also, when you think of this historically, we have heard about a business that has been operating here since the 20's, I believe. Keep in mind the containers didn't come until the current owner. There were no containers and there was no stacking in the Port up until recent years. The highest thing that ever existed at the Port before was only the plastic grapefruit containers which were never stacked to any height. I think there is a misconception here that this proposed ordinance is overly onerous. What it really is is it arose from discussions with the terminal operators when they came and said "it is really hard to operate within 15 feet, we need to go higher." And the City worked out a compromise and proposed a compromise and has been trying to talk with the terminal for at least a year that I know of and not getting a lot of feedback. What is proposed here is instead of being limited to one, which may be archaic for a very limited area container operation, the City has said we will allow it to go up to 3 if this is what keeps you in business and suddenly we are hearing 3 is an onerous restriction as opposed to a compromise that lets them do what is really 3 times the height that is legal today. Thank you.

Chairman Johnson said thank you. Any questions?

Mr. John McCulley, 2419 Tamarind Drive, said I wish he hadn't just got up here without asking somebody. Why don't you ask your staff about the 15 foot? The 15 foot does not apply to the Port zoning. Would you like to ask staff that question?

Chairman Johnson said we can ask them at some point.

Mr. McCulley said ask somebody, he has laid a falsehood out here. So, we need to stop that. I can use the word circumvention. Maybe, Mr. Lloyd shouldn't, but I can. This was shoved down our throats. Ok!? I work out of the Port of Fort Pierce. I own tugs and barges. I employ 35 people. Spend millions of dollars. Got a big payroll, too. Ok!? The newspaper this morning, my wife, my bookkeeper and my secretary did not recognize that that was being on the agenda. It said a storage something. It didn't say anything about the Port. You can't push ahead with this thing so fast. This is a city-wide ordinance. Just like that gentleman that came up here that is not connected with the Port. There is a whole lot of people that this is going to affect. Besides that will the Building Department give anybody a permit to put a 15 foot fence? I looked at all the ordinances today. I couldn't find one that would allow anything over 8 foot. So, let's go back to calling a spade a spade and let's just be honest. The City Commission has asked staff to get rid of the containers at the Port. So, we are writing ordinance that says "you can stack your containers 3 high, but you've got to build a 30 foot fence." But when you go to the Building Department, they will say "you can have a 7 foot fence." That is not even 1 container. Thank you. I guess that's all I've got. Mr. Lloyd, I think you are right. This thing needs to be tabled for a while. Thank you.

Chairman Johnson said thank you. Anyone else here to speak for or against this ordinance before us?

Mr. Charlie Wilson said can we speak for neither?

Chairman Johnson said sure, absolutely.

Mr. Richard Wilson, 1057 6<sup>th</sup> Avenue, Vero Beach, said I represent the St. Lucie Association. I would like to mention something about notice. Our association, St. Lucie Association, doesn't normally get involved in land use issues. We don't really have a dog in this hunt. But just to speak on notification, I was not able...I got some calls from members today about this, but nobody knew that this was coming up. I've got a couple of members that really wanted to discuss this and know what the details were and I couldn't tell them. Furthermore, I think people have the right to be able to speak to not only you as a group, but you individually. And certainly they didn't have any time to be able to make appointments to be able to answer any of your questions where staff, of course, has access to you, but these people didn't. so, I think in all fairness and then again, I don't have any...I am not for or against this particular thing, but I can tell you from somebody that is not connected with the Port, that we didn't get notice enough to be able to decide what, if anything, to do about this issue. Also in the interest of fairness, you can see what has been done here is they have taken off the politically powerful boat companies. They have taken out the citrus companies so they can keep stacking so that you are really by ordinance, again, my ox isn't getting board here, but you really targeted, now, this at one industry. I am not really sure that is a good way of passing ordinances. Lastly, just common sense, he is right you are not going to build a 30 foot fence so we can talk about 30 foot fences all we want to we are not going to build 30 foot fences. You structurally can't do it. What you are really doing is forcing them to go level one and if that's what you're doing, then that is what you need to say that you are doing and not

couch it under something else. Again, thank you very much. I appreciate it. Again, I am not for or against it, but I really do think that you all should postpone this. Thank you.

Chairman Johnson said and you are with the St. Lucie Association?

Mr. Wilson said yes, sir. I represent the St. Lucie Association. We were involved in the Trauma Tax. We are involved with some issues before the City Council right now.

Chairman Johnson said thank you.

Mrs. Jeanne Hearn said I am the Government Relation person with the St. Lucie Waterfront Council. If this issue is postponed, I strongly recommend and I will be glad to provide copies of the Waterfront Council has provided throughout the community on the report of Long Beach. It is 22 or 24 minutes long. I think it would be to staff, as well as the Boards, advantage to take this extra opportunity, if you do chose to postpone this important issue and see the container cargo port opportunity for our community. You will find in this tape that the people that are fighting against cargo port expansion at the Galveston Bay area lost their battle and the cargo container port has encompassed two little towns there. These containers have been used for offices. They have been used for numerous housing. This tape will enlighten you like it did me to see that is this what we want for our City. I am not a resident of this City. Unfortunately, we don't own property in the City. If this cargo port expands, the extensive abundance of cargo containers will be explained on this tape and there is no where for them to go up, except out. And if you go down 2<sup>nd</sup> Street, right now, you will see the disease beginning to spread to the property adjoining. You will see them at businesses along US 1 being used for storage. Some are purple. Some are yellow. Some are green. We must, as a City. I have been a resident of this County since 1949. I have ridden across that bridge many times. If we are going to have property values in our community, we need to review the tape and think of what direction you want the City to go in. Like I said, those tapes are available free and don't take my opinion, you can contact the people that worked diligently for several years to make sure that their community wasn't absolutely destroyed by the expansion of cargo containers. This Port is historical and I will vouch for that. However, it is not a historical container port. Therefore, if...before I got involved in the container issue or the port issue here, I contacted the Port Director at the Port of Palm Beach because I knew nothing about Ports and I said, "be honest with me, are you a profitable Port?" and I can't remember, I've got I written down somewhere, but I think it was 160 some acres they owned at the time, and he said, "ma'am, I wish I could tell you we were profitable and we will not be profitable because of the container industry and their change, we need 300 acres to be profitable." Well, think about 300 acres around our area. We have a large area of unused land across US 1. Just look at the tape for me, if you postpone this decision. Thank you.

Chairman Johnson said thank you.

Ms. Vera Locke, Executive Director of the Marine Industries Association of the Treasure Coast, said first of all, I would like to address the issue of notice. We got this in our PO Box this morning. So, I haven't had time to contact my normal Fort Pierce people who

would come to a meeting like this. A lot of them were out of town. So, just based on notice alone and being able to do our research and prepare a presentation, there was absolutely no time to do so. At the Commission meeting last month on July 16<sup>th</sup>, I do applaud the Commission's intent to remove reference to boats in this ordinance. However, there is a lot in there that needs to be clarified, restructured, and so forth and you know, at this time, I would suggest that you reschedule this item for another meeting.

Chairman Johnson said ok.

Ms. Locke said thank you.

Chairman Johnson said thank you. Any questions? Anyone else here to speak?

Mr. Dave Prue, 2807 Okeechobee Road, said I am the manager there at Garage Door Sales. I spend a lot of time driving around our community here replacing doors and everything else. After the hurricanes, you saw an awful lot of white containers. So, where does it stop? Are they going to make them put fences around them if they are going to be there 6 months, a year? I called my son, today, who works for an engineer in Vero Beach. I got a semi-trailer there at my place. It is 40 foot and I need about 16 foot high fence. So, I talked to one of their engineers. There is no way I can wind load that to 140 mph, which is, I believe, through the Building Department. Otherwise, we are going to have fences and everything else flying all over this community. I drove over the bridge and the first thing I see is to the right – the sewer plant. Are we going to make them put a fence around that? I mean, I look over there and you see the big containers. They are open on the top. Nobody wants to see that. What about the trailer court that used to be there? Since it looked bad, would we make them put up a fence, if that was still there? I go over the bridge to come back to town, I look at the beautiful water. I look at the people over there working and I thank God that they have jobs in the community to look. So, I employ 13 people. After the hurricanes, I probably had 20 foot high doors at my shop that we replaced throughout this whole County. I have no other place to store doors. I was doing doors for 6 months to a year after the hurricanes. There is no place there I could find to rent to store those doors. I had to get storage containers to put them in. If we are going to have this ordinance, we are going to go around this town seeing nothing but concrete fences around in the County. And the City is not going to approve. There is no way you can build them. Thank you.

Chairman Johnson said thank you. Anyone else here to speak? At this time, I will close the public comment time. I guess I will entertain a motion.

Mr. Knott said let me ask staff a question after listening to everything. How do we apply this ordinance if it is adopted? Is it right across the board? Do they have 30 days for compliance or is triggered by construction permits?

Mr. Buchwald said typical ordinance are applied as of the date that they are approved on Second Reading by the City Commission. So, if there is a property that is out of compliance, that is a Code Enforcement issue. However, there is at the discretion of the Commission they can put in a period or certainly the Planning Board can recommend they

put in a period of time to which the ordinance would apply and make it not active until a certain date. You certainly have that discretion.

Mr. Knott said so this will become effective the day it is adopted or whatever. It is going to apply to all existing businesses?

Mr. Buchwald said it is not going to apply to existing business. It is going to apply to those businesses that have outside storage that doesn't have a fence around it. The current ordinance has outside storage to 15 feet and you need to screen your storage and materials.

Mr. Knott said but the existing ordinance has a fence requirement, right, site-obscuring? Now we are saying that fence has to be taller. They have already complied.

Mr. Buchwald said yes. If you will recall 84 Lumber that came before you with their new facility. What did you require them to do? They meet the requirements of the ordinance, which is they have to put up a...they did it by...they wanted to store materials up to 10 feet. They did it via a berm of 4 feet and a 6 foot high site-obscuring wall. So other building material places...it is part of the ordinance. It is 15 feet for outside storage and materials is the limit, but if you are going to store it up to 15 feet; you have to have a 15 foot high fence. If you have an 8 foot high fence, you can only store materials up to 8 feet. If you have a 6 foot high fence, you can only store materials up to 6 feet high. It is already...the ordinance is already there for the outside storage of materials. Now, this applies to containers. If you have an 8 foot high container and again, if you are abutting a residential area or a non-I-1 or I-2 zone, then you have to put a wall as tall as the container or if you are against a public right of way. It is straight forward.

Mr. Knott said one other question of staff on this too. Has any consideration been given to the site distance when you are talking about an obscuring fence or a wall? Is there any way that you all could...and I hate to suggest it because I know I think our ordinance, I think the County has an ordinance of a formula that if you have something that you want to store that is 15 feet high, you don't necessarily...this is just on the right of way, you don't have to have a 15 foot fence right along the property line because your sight is not...you have to go back quite a ways for a 6 foot fence person to see a 15 foot...if you could limit it to a 8 foot fence or a 10 foot fence, but you cannot store anything that can be seen from a 6 foot height from the center of the right of way or something like this. Because you are getting a...you're opening up a Pandora's Box on these tall walls and things because the wind loads on those are just unbelievable on that. I would like to see something where if you are going to put a wall or fence in there, I don't want to just see a canyon down through there. An 8 foot high would be a maximum. I think the City's right now is a 6, isn't it, or is it 8?

Mr. Buchwald said it depends on the zoning district.

Mr. Knott said you could put your materials away and back from your property line onto your property so that you can't see it...so you don't have to have a 15 foot fence.

Mr. Buchwald said we would be open to that type of suggestion, but that would involve a rewrite of the whole ordinance. We would consider that. It makes sense in terms of having a line of sight perspective in terms of where the materials is stored. But, again, it involves...as opposed to just to making an addition to the ordinance, which is what we are doing, we would have to rewrite that also that 15 foot portion, the current 15 foot ordinance that is out there would have to be rewritten as well to be consistent with that line of sight.

Mr. Knott said we are talking about not just the Port now, we are impacting a lot of the City, a lot of businesses.

Mr. Buchwald said only if you have a cargo container adjacent to a non-I-1 or I-2 property or adjacent to a public right of way and you don't have a fence that is higher than 8 feet and you want to stack it more than...if you are not in the Port area and you want to stack 2 cargo containers, then you would have a problem. But if you want to store materials in a cargo container and you have an 8 foot high fence, then you don't have a problem.

Mr. Knott said but you know this...I agree with Mr. Lloyd on this. This ordinance has been in the making for over a year.

Mr. Buchwald said if I could add to that, you are absolutely right about the ordinance. I want to go back to the proper notice because it is surprising that there was a misunderstanding that this wasn't coming. Again, this started back in April of last year, it went to the Planning Board of which you were there Mr. Knott that was in front of the Commission on September 18<sup>th</sup> and at that time the ordinance was for 15 feet. They tabled it so staff could work up an agreement or compromise of some sort. So then we went to the...last year there was also the...as they brought up the workshop that discussed where they tried, the Commission themselves, tried to talk to the Port people and the Port said they would have no limitations. Then we go to a workshop that we had in the City Hall on April 4<sup>th</sup> and again, the Port landowner said, "we are not interested in any limitation." So, Then we go to June 18<sup>th</sup> where the Commission directed staff to bring them an ordinance limiting the container stacking height to 30 feet. That was June 18, 2007. then we go to July 18<sup>th</sup>, where we brought the ordinance to the Commission and we said at that time that this will be before the Planning Board on August 14<sup>th</sup> and again, any of the records, all the staff reports that were given to the Commission are available for public records. And then as a courtesy, because the Commission directed us to provide notices as soon as we can, send the ordinance out to that. They didn't say delay the Planning Board. They said send it as soon as you can and that is what we did as well. Then finally, the ad in the paper. Again, there is going to be a public hearing before the City Commission and notice to that too. So, this isn't the last time that people have an opportunity, should you not decide to postpone it.

Mr. Lloyd said the changes to this ordinance...the changes are just to cargo containers, right?

Mr. Buchwald said it adds the provision of cargo containers. Clarifies cargo containers.

Mr. Lloyd said so the business owner, now, for instance, if you have garage door panels or whatever, right now, if are storing garage door panels outside, you still have to have a fence right now?

Mr. Buchwald said correct.

Mr. Lloyd said we are not adding. It is just if you want to put them in a cargo container and then stack them up real high that is where the new ordinance gets triggered or the change to the ordinance.

Mr. Buchwald said I can go back on it and show you what the existing ordinance and what the proposed ordinance...

Mr. Lloyd said I can read it. I see the strike through. If a business owner, right now, is concerned about "oh my gosh, I have to build this huge wall around my property, that is only if you are storing your stuff in cargo containers over 15 feet high, right?"

Mr. Buchwald said no, if you have a cargo container out there, you would have to have a...and that's an 8 foot high cargo container, you would have to have an 8 foot high fence. If you have a 6 foot high...

Mr. Lloyd said I'm sorry, I misspoke. If you want to put your stuff in a cargo container, now you have to...

Mr. Buchwald said if you want to store your stuff outside as opposed to inside your warehouse...

Mr. Lloyd said in a cargo container.

Mr. Buchwald said in a cargo container, correct.

Mr. Lloyd said ok.

Mr. Knott said just for clarity on that now. But it does change for throughout the City. Right now, if you store outside, you have to have a site-obscuring fence 8 feet tall, is that correct?

Mr. Buchwald said it depend on what you're...again, outside storage of materials is required to be obscured now and has been for a long time. Whether or not, again, is a Code Enforcement issue. If business owners are not doing it now, that is a Code Enforcement issue.

Mr. Knott said but this ordinance, if I am reading this correctly, this outside storage in anywhere in the City can go up to 15 feet, as long as you have a 15 foot fence, is that correct?

Mr. Buchwald said that's how it has always been. No change. That is how it is now.

Mr. Knott said but we have requirements for a 15 foot fence before?

Mr. Buchwald said yes. Again, we can put it up on your screen for the ordinance.

Mr. Knott said I was under the impression we only had an 8 foot as a maximum.

Mr. Buchwald said the presentation started out with the existing ordinance and you will see there in your packet, if you look at the ordinance, the underlines are the additions. You will see there are very few strikethroughs. So that is the existing ordinance. It has been there.

Mr. Knott said ok.

Chairman Johnson said is there a screen with subpart 5?

Mr. Buchwald said yes.

Chairman Johnson said I need to see it. Just put it on the screen so we can talk about it a little bit better, maybe.

Mr. Buchwald said that's the proposed.

Chairman Johnson said yeah, use the proposed and then the part in the yellow...

Mr. Buchwald said well, there is the existing. This is the existing ordinance that is right now in place in the City of Fort Pierce. It says, "shall be screened with a site-obscuring...up to the height equal to the height of material being stored, whichever is greater, except that storage of material may not exceed fifteen (15) feet." This is the law as it is right now.

Mrs. Dixon said I have a question with regards to...and it is back to what is actually being applied to what's going on at the Port right now, because my thing is a container considered material?

Mr. Buchwald said no.

Mrs. Dixon said it isn't?

Mr. Buchwald said materials is materials for which you make other things. So it is lumber, it is stock piles of aggregate, it is metal pieces...

Mrs. Dixon said my thing is right now with the Port, they currently are not under any restriction with regard to how high they can stack containers.

Mr. Buchwald said it was identified that in the I-2 zoning district that any structure, and it says structure, so then what is a structure, over 65 feet in high will require conditional use approval.

Mrs. Dixon said so we are, in essence, if we approve this, we are in essence adding a new burden on Port owners in regards to outside storage.

Mr. Buchwald said I think that is a very broad question to say it is a burden. Again, we don't evaluate...what we evaluate is it consistent with the Comprehensive Plan. We identify to the Comprehensive Plan where it references the Port Master Plan. We identified the Port Master Plan says limited cargo operations where ever cargo operations are reference. It is consistent with the Comprehensive Plan. it is consistent with the Code of Ordinance in terms that you already have on the screen right there an existing rule that requires screening up to 15 feet of material being stacked. It is consistent for cargo containers we are going up to 30 feet. So, it is consistent with the zoning code in terms that you have a fence all the way up to height of the materials being stacked. You landscape the fence. It is consistent with that as well. Those are the amendment standards by which an amendment is to be approved or disapproved, according to the City Code.

Chairman Johnson said I want to add that it is not Port it is cargo containers. That is what it says. Because I own an aluminum company that I can have a delivery happen and I have it in a container. That means I am under the requirement. So, I wouldn't say it is just the Port.

Mrs. Dixon said ok.

Mr. Buchwald said right.

Mr. Lloyd said I just want to make one more comment. I don't disagree that everybody knows that we have been talking about this 30 foot rule forever. It is just that until you see the ordinance in its written form, that is what I have the problem with is I know generally they know what the terms will be. But until you actually see the proposed ordinance, how it is going to be codified, I think you need more than a day. That's the problem I have with it with going forward tonight.

Chairman Johnson said in addition to that, at the Commission meeting, I wasn't present, but it did get portions of it off TV, the Commissioners eliminated portions of what the proposed ordinance was, the way it was stated. Those portions being boats and things like that. it read exactly, well not exactly, it was very similar and close to what is on paper right now, is that correct? Other than the items they eliminated?

Mr. Buchwald said it is substantially consistent with the ordinance as before the City Commission.

Chairman Johnson said ok. I heard them talking about it so it has to be somewhat close in regards to the 30 feet and regards to the containers and things like that.

Mr. Buchwald said where the additions were made, where the improvements on it, based on Department review was the clarification of site-obscuring by saying wood or masonry. It references the clarification of what landscaping is to be put out there in terms of being very specific and then referencing Design Review Guidelines and the landscaping requirements so there is no misunderstanding so it will be as clear as possible. Those were the improvements made to the ordinance since the City Commission meeting. Those do not appear to be substantial in nature compared to what was in front of the Commission.

Chairman Johnson said ok, thank you.

Motion was made by Mr. Yates, seconded by Mr. Lloyd, to table this until the next meeting in light of perception by some folks that they did not get adequate notice and as Mr. Lloyd observed, the ordinance was not put into final form until late last week and it apparently went out and was received affective people yesterday.

Chairman Johnson said we have a motion and a second. Is there any discussion on the motion at this time?

Mr. Bey said it seems like we have been working on this thing for over a year and my question is are we going to work on it another year by extending tonight for another month. Is there some kind of way that we can come to closure on this and get this thing done so we can move on to some other business?

Mr. Hayek said I agree with Mr. Bey. If we did move forward tonight and approve this and send it to the City Commission, everybody has 30 days to gear up and go to the City Commission with their objections. I think we need to move forward. We have been playing with this issue for quite some time, as Mr. Bey pointed out and I think we need to move ahead. If we keep postponing it, it is going to lose its luster and go by the wayside.

Mrs. Dixon said just a comment on that one. I think being we have both sides representing stating that they have not had notice or adequate notice, go ahead and take that into consideration because it is not one side saying there was not enough notice. It's both sides, pro and against it. Just a comment.

Chairman Johnson said ok.

Mr. Knott said I am torn on this thing because we have spent a lot of time on this and it has been many hours of public time put into this. And like I was saying, this has been over a year in the making and we now just have it on paper. As much as I would like to get this thing moved along, I think I would have to support a delay on this thing and let them have one more shot at it so that we...we may hear the same things and may be just a replay of tonight, but I feel we need to go ahead and let them have their...this wall issue is, I think, going to be...if there is something that is going to sway anybody at the next meeting. Somebody has to come back with some facts and figures about "you all can't do

this structurally. All you're doing is putting us...your limiting our activities." So let them have another 30 days to do that. That's the way I feel about it.

Chairman Johnson said ok.

Mr. Harris said basically, I feel the same way. Let's table it until next month to give them time to come back before the Board.

Chairman Johnson said ok. At this point, I am the only one who hasn't made a comment on it. Honestly, I think it has been beat up pretty good. I know exactly what was coming before us tonight. Yeah, I had since Friday. I also caught it on television, at some point, parts and pieces and I knew it was over a year ago that it came before us and I feel that we can move forward. At this point, there is a motion and a second.

Mrs. Ploetz said this is a motion to table this until next month.

Chairman Johnson said correct.

Those voting in favor of the motion were: Mr. Bey, Mrs. Dixon, Mr. Harris, Mr. Knott, Mr. Lloyd, and Mr. Yates. Those opposed: Mr. Hayek and Chairman Johnson.

Chairman Johnson said Mrs. Emerson, I want to make sure we have a majority, 6 to 2?

Board Attorney Emerson said I believe the roll call was 6 to 2.

Chairman Johnson said so it is a majority to table, correct?

Board Attorney Emerson said yes.

Mr. Lloyd said I think this is a legal question. Do you have to announce the time and date when it is going to be?

Mr. Margotta said I am so glad someone asked a question about this. This is a public meeting, not hearing where we have to go through all those notification requirements and everything else. On your next subject, as a matter of fact, it is a public hearing where you have to have all notification requirements. So, we will schedule this item for the next Planning Board agenda and it will be early on in that agenda, hopefully. September 11<sup>th</sup>.

Chairman Johnson said ok. The item has been tabled.

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The next item **#7 - Future Land Use Map Amendment and Rezoning – Geohagan Motel** – Applications for a Future Land Use Map Amendment from CN, Commercial Neighborhood, to CG, Commercial General, and a Rezoning from C-2, Neighborhood Commercial, to C-3, General Commercial, to construct a motel. The property is located at 1911 Avenue D. The owner/applicant is Candance Brown-Geohagan (Postponed from July 10, 2007).

Mr. Peter Buchwald said if you will recall, this item was postponed from the July 10<sup>th</sup> Planning Board meeting because proper notice was not provided in accordance with Florida Statutes. Now, proper notice has been provided and you can consider this request. The applicant is requesting approvals for a change in the Future Land Use designation from CN, Commercial Neighborhood, to CG, Commercial General, and a Rezoning from C-2, Neighborhood Commercial, to C-3, General Commercial, of a .31 acre vacant property in order to construct a 2-story 11-unit motel. The site is currently vacant and bordered on the west side by properties that contain retail uses and is bordered to the south by a property containing a single-family residence. The sites bordered to the north by Avenue D and to the east by 19<sup>th</sup> Street. The properties located opposite of the site, on the north side of Avenue D and the east side of 19<sup>th</sup> Street contains retail and residential uses. The majority of the properties fronting along Avenue D are designated with Future Land Use of CG and a proposed Future Land Use amendment is not consistent with these properties. As you see when we close in, in addition, the block in which the site is located is split from the Future Land Use perspective. So you have the CG on one side and the CN on the other side. So therefore, Future Land Use amendment would improve the consistency of the Future Land Use designation across the block. Similarly the majority of the properties located along Avenue D are zoned C-3 and the proposed rezoning is not inconsistent with these properties. Again, the block in which the site is located is split in regards to zoning and as you can see when we zoom in the rezoning of the site would improve the consistency of the zoning across the block. Now, both the Future Land Use amendment and the rezoning of the site are consistent with the revitalization and redevelopment efforts of Avenue D with regard to being the primary commercial corridor through the northwest portion of the City. The rezoning is not inconsistent with the surrounding land uses. The Future Land Use amendment results in the proposed rezoning being consistent with the Comprehensive Plan. In addition, the following other standards as specified in the City Code are satisfied with the rezoning. That is again that the rezoning will not have an adverse effect on the ability of the City to satisfy the land and water use needs and also meet the transportation demands and provide community facilities and services. Finally, the amendment will promote public health, safety, and general welfare. As the proposed Future Land Use amendment and rezoning are generally consistent with the land uses, Future Land Use designation and zoning of the nearby properties and the majority of the properties located along Avenue D and as the rezoning satisfies those amendment standards specified in the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approvals of the change in the Future Land Use designation from CN, Commercial Neighborhood, to CG, Commercial General, and the rezoning from C-2, Neighborhood Commercial, to C-3, General Commercial.

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

Mr. Lloyd said I may not have caught it, you may have already said it, but have you heard any opposition or is this one of the things where you send out the cards to the property owners and they yea or nay it?

Mr. Buchwald said yes, as part of the process the property response letters will be sent out before the Commission meeting. So we haven't done it as yet. We do it before the Commission meeting in accordance with City Code.

Chairman Johnson said ok. Any other questions?

Mr. Knott said just a technical thing here. I was looking at the, out of curiosity, under the utilities on the site plan? It says the electric is supplied by FP&L. Is this correct or is that just a typo?

Mr. Buchwald said that of course would not be correct.

Mr. Knott said ok, I did not know.

Mr. Buchwald said the site plan is conceptual in nature to give ideas why the applicant wants to do this. That is the only reason. We are not considering the site plan. we are just considering the Rezoning and the Future Land Use.

Mr. Knott said I just wanted to know if something was going on here.

Mr. Bey said Mr. Urban Forester, are there landscaping requirements to be considered with this?

Mr. Williams said there will be when you consider the site plan. Tonight you are just considering the matter before you. Yes, the landscaping will kick in when a site plan is submitted.

Mr. Bey said alright, thank you.

Mr. Buchwald said and also to clarify, also would kick in when they come in for Building Permits should it not be subject to Site Plan Review because it doesn't meet the criteria and would still be subject to Planning Department and the Urban Forester's review through the Building Permit process. so either way, the landscaping requirements will be kicked in.

Chairman Johnson said any other questions? At this time, I would like to open the Public Hearing. If anyone would like to speak for or against this project, please come forward. Seeing none, the Hearing is closed. What is the pleasure of the Board?

Motion was made by Mr. Knott, seconded by Mr. Harris, to recommend approval of the Rezoning and Future Land Use amendment.

Chairman Johnson said we have a motion and a second to recommend approval. Is there any discussion? I would like to clarify real quick that it is for the Future Land Use and the Rezoning.

Those voting in favor of the motion were: Mrs. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Yates, Mr. Bey, and Chairman Johnson. Those opposed: None.

Chairman Johnson said this will be forwarded to the Commission.

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The next item **#8 - Conditional use – Private Dock** – Application for Conditional Use to construct a private dock at 2827 South Indian River Drive. The property is zoned E-1, Single-Family Estate Density Zone, and A-1, Aquatic Conservation Zone. The owner/applicant is Ziad Marjeh.

Mr. Margotta said this will be presented by Paul Williams in his expanded role from Urban Forestry's. He's getting into docks now.

Mr. Paul Williams said according to Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use in the A-1 zoning district. Therefore, the applicants are requesting a Conditional Use approval to construct a private dock which extends from his property located along the western shoreline of the Indian River. The applicants are proposing to construct a dock with an access walkway that measures 4 foot wide and 490 feet long. In addition, a terminal platform will be construction at the end of the dock measuring 10 foot by 16 foot with a 12 foot by 12 foot boat life adjacent to the new terminal platform. This aerial photograph before you shows the property and the proposed dock. The site and the adjoining properties located to the north and south of the site are zoned E-1, Single-Family Estate Density Zone, and are occupied by single-family homes. The adjoining property located to the west of the site is zoned I-1, Light Industrial, and is occupied by the FEC Railroad. The Indian River Lagoon is zoned A-1, Aquatic Conservation Zone. The proposed Conditional Use is not inconsistent with the surrounding land uses. This is a picture of the Marjeh house on Indian River Drive. This is a picture of the Lagoon bank in front of 2827 South Indian River Drive, which you would currently see if you drove in front of their property. This is the adjoining dock to the north and the adjoining dock to the south. So you can see that there is no dock currently in front of their residence. Before you now is a plan of the proposed dock that shows the dimensions that I mentioned before. Here is a cross-section; all of this is in your packet showing the cross-section and the various documentation needed. Finally, there is an access and pier terminal detail. Also included in your packet is a permit of Sovereign Submerged Lands Authorization for the dock and they have been obtained from the FDEP, Federal Department of Environmental Protection, and the also have a General Permit Authorization which has been obtained by the U.S. Army Corps of Engineers. As the proposed Conditional Use meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Conditional Use.

Chairman Johnson said thank you. Any questions of staff from the Board? Seeing none, is there anyone hear to speak for or against this proposed conditional use? I will entertain a motion from the Board.

Motion was made by Mrs. Dixon, seconded by Mr. Harris, to recommend approval of the Conditional Use.

Chairman Johnson said we have a motion and a second. Is there any discussion?

Those voting in favor of the motion were: Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Yates, Mr. Bey, Mrs. Dixon, and Chairman Johnson. Those opposed: None.

Chairman Johnson said this will be forwarded to the Commission.

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The next item **#9 - Site Plan – Walgreens** – Application for Site Plan to construct a Walgreens pharmacy/retail store on the west side of South U.S. Highway 1, south of Ohio. The owner/application is Ohio Avenue Realty, LLC and Florida Property Investment Partners, Inc., and the representative is Culpepper & Terpening, Inc.

Mr. Peter Buchwald said the applicant is requesting Site Plan approval to construct a Walgreens pharmacy/retail store located on the west side of U.S. Highway 1, south of Ohio Avenue. The 1.45-acre parcel formally was occupied by the Club Omega Lounge, and the existing building will be demolished as part of the redevelopment. The property is zoned C-3, General Commercial with a Future Land use of CG, Commercial General. All properties surrounding the proposed development are zoned C-3, General Commercial, and includes a retail shopping plaza to the south, Popeye's Restaurant to the north, vacant land to the west, and Riverside Bank to the east. The proposed land use is consistent with the surrounding land uses. One building will be constructed on the property and will contain a total of 14,730 square feet of floor space. A drive-thru area consisting of two lanes will also be incorporated into the project for pharmacy transactions. The building will extend to a height of 22 feet except for a tower feature at the front entrance which extends to 28 feet. Access to the development will consist of an entrance on U.S. Highway 1 that will be limited to right turn in, right turn out movements. These movements are based on the proposed Florida Department of Transportation (FDOT) improvements for U.S. Highway 1 which will consist of medians separating northbound and southbound traffic in front of the proposed Walgreens. A second access for the development will connect to Ohio Avenue via a recorded perpetual easement that extends north behind Popeye's Restaurant. It should also be noted that an existing curb cut to U.S. Highway 1 was closed just south of the Popeye's Restaurant to remedy a nonconforming driveway spacing issue and to improve traffic flow on U.S. Highway 1. Also, if you see on your upper left-hand corner, is that second access to Ohio Avenue. A total of 66 parking spaces have been provided in accordance with the City Code. A dedicated loading area is provided for trucks to unload merchandise on the south side of the building near the dumpster enclosure. In lieu of utilizing retention ponds, storm water runoff will be channeled to exfiltration trenches located around the proposed building. Landscaping for the entire development will consist of providing landscaping islands and appropriate landscaping strips around the perimeter of the development along with hedges along all parking areas. A total of 83 new trees will be provided. An existing sidewalk along U.S. Highway 1 extends along the frontage of the proposed development for pedestrian connectivity, and pedestrian

connectivity is further provided by a sidewalk along the driveway which connects to Ohio Avenue and a corresponding sidewalk on Ohio Avenue. A traffic study conducted by Culpepper & Terpening indicated that 1,285 daily trips would be generated by the proposed development. Of those trips, 64 PM peak hour trips would be generated. Although U.S. Highway 1, in that segment, currently operates at a Level of Service F, the project traffic contributes less than 2 percent to the existing traffic. And also, this project will well replace the existing Walgreens that is located in the plaza just to the north. Also, there is a FDOT widening program that US Highway 1 be widened to 6 lanes south of Virginia Avenue. So this should improve traffic flow and the traffic impact from this is considered de minimus. Now, it should also be noted that the existing curb cute that we talked about should further improve traffic flow. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting 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.

Chairman Johnson said thank you very much. Any questions of staff from the Board? Let me confirm the general or main entrance of the building is the northeast corner of the proposed layout. Is that correct?

Mr. Buchwald said that is actually the southeast corner. It will be a right-in, right turn lane.

Chairman Johnson said not the entrance, but the entrance to the building.

Mr. Buchwald said the northeast corner.

Chairman Johnson said and that driveway cut going back to that, exists today, is that correct?

Mr. Buchwald said correct. There are two driveway entrances. They will close the north one because it is non-conforming. Again, we are trying to reduce the amount of curb cuts along a falling portion of US Highway 1.

Chairman Johnson said ok, thank you. Any other questions? I would like to ask anyone that is here to speak for or against this project, come forward. Just a reminder, state your name and address for the record. Thank you.

Mr. Trey Morgan, said I represent Ohio Avenue Realty and I live in Fort Lauderdale, Florida. Just a briefly, I think it should be noted we want to thank staff for being very professional in their dealings with us. It was a very thorough review. I am glad we came to agreement on all points in the end and particular to thank your Police Department who has been a tremendous help in the overall redevelopment, not just with this particular site plan, but in the redevelopment of the whole property. I am happy to answer any questions you have.

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

Mrs. Dixon said this is not for the applicant, I just have a question about under the Staff Analysis it talks about the existing entrance and a waiver being given for the minimum driveway amendment. "However, the applicant was unsuccessful in securing an agreement..." What agreement and where is that?

Mr. Buchwald said there is another shopping plaza just to the south that has a driveway and that has a driveway entrance near its north property boundary. Although, the best case scenario would be to combine those accesses to one, have a joint access, the applicant did make every attempt to contact that property owner and was not able to contact them to get to that point. When that property comes into redevelopment, then we will be looking at them more closely to see what they can do to improve the situation along US 1 much like this applicant has done.

Mrs. Dixon said thank you.

Chairman Johnson said any other questions?

Mr. Yates said Mr. Morgan, you noted that the Police Department was particularly helpful as you went through this process, how did they participate?

Mr. Morgan said there were significant problems before we acquired the property and after we acquired the property with Club Omega Lounge. We worked very closely with them to certainly do everything we could to hasten this redevelopment to help eliminate some problems that the City was having with that tenant. I just think they were very professional to deal with as was staff and I am glad we could get this done and do something nice and new at that corner.

Mr. Yates said when did you initially start looking putting a Walgreens there?

Mr. Morgan said oh, gosh. Walgreens has been at that intersection, as you know, for some time. So I certainly couldn't comment as to when Walgreens decided they would like to leave that in-line space. I don't know when that planning occurred. We acquired the property last year.

Mr. Yates said when last year was it?

Mr. Morgan said approximately the second quarter of last year, maybe the summer of last year, I think. Don't hold me to that date. I am not entirely sure, sometime last year.

Mr. Yates said thank you very much.

Chairman Johnson said thank you very much.

Mrs. Dixon said you are moving the old Walgreens to this location.

Mr. Morgan said that is correct.

Mrs. Dixon said are you also bringing, I know that some of the Walgreens are not, the new ones, are not having the liquor store and that one there does. Is that also coming there?

Mr. Morgan said no, ma'am. There will be no liquor store in this new drugstore. Just as a point of reference, most free standing Walgreens drugstores you see now do not contain a liquor store.

Mrs. Dixon said I noticed that most of them didn't. The newer ones were not having them. I was just seeing if you needing that license or...

Mr. Morgan said I don't represent Walgreens directly so I don't know what they plan to do with the license. But we do not plan on transferring liquor to that store. There is no design for that.

Mrs. Dixon said thank you.

Mr. Knott said on the remainder of the property to the west of this, does your company own that?

Mr. Morgan said no, sir. That is a separate owner that we negotiated, actually, an easement to create that access to Ohio Avenue. And he would have someday, should he develop that property in the back there, there is a cross-access provision for him to enjoy that road, as well, in the future. But I don't know what his plans are.

Mr. Knott said so now there is a...how much land is left west of that? Do you know if it is commercial?

Mr. Morgan said I am sorry, I don't know the answer to that.

Mr. Knott said I guess I need to ask staff. Is there any concern that you all might have that sets the remaining parcels are not really land-locked, but they have access to that frontage or that new road that they are creating, is there a possibility that there is enough land to be developed by commercial land that it could impact that connection to Ohio there and would require a left-out only or a dedicated left-out or something like this.

Mr. Margotta said the property should still be developable and I believe the provisions are in place to adequately access the property. The frontage road thing that you are talking about that goes behind Popeye's and connects to Ohio, that is a fairly normal intersection, but you might be able to tell from that site plan it is also a good 100 plus feet away from the intersection. So there is plenty stacking depth for full access to turning movements in and out of that particular access point.

Mr. Knott said so if something else develops back there and access is on to this common road, you all feel that you can require that future development to do any other improvements.

Mr. Margotta said keep in mind, too, that there is some empty area behind Popeye's, as well. So there is several opportunities for access to Ohio.

Mr. Knott said yeah, but they probably couldn't get the separation, I imagine, needed for driveways, I suppose. I don't know how deep that property is.

Mr. Margotta said amazing how creative people can get.

Mr. Knott said ok, thank you.

Mr. Buchwald said if I may add to that, there is about 163 feet of frontage on that property on Ohio. So they could have some if that is considered a local road. But certainly we will encourage them to combine that access, should they come in. So they have plenty of opportunity back there either way.

Mr. Knott said seeing that it is an easement across that property, if that property did decide to piggy-back on to this, I think we can hold their feet to the fire at that time when they make a submittal.

Mr. Margotta said if anything, you are talking about a turning lane, I believe.

Mr. Knott said something like that. Thank you.

Chairman Johnson said any other questions from the Board? Thank you.

Mr. Morgan said thank you.

Chairman Johnson said anyone else here from the public who wants to speak for or against this project that is before us? Seeing none, we will close the public comment. What is the pleasure of the Board?

Motion was made by Mr. Bey, seconded by Mrs. Dixon, to recommend approval.

Chairman Johnson said we have a motion and a second, any discussion on the motion?

Those voting in favor of the motion were: Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Yates, Mr. Bey, Mrs. Dixon, Mr. Harris, and Chairman Johnson. Those opposed: None.

Chairman Johnson said project will be forwarded to the City Commission with a recommendation.

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The next item **#10 - Site Plan and Design Review – Fort Pierce Hotel Plaza – Applications for a Site Plan and Design Review to construction a Holiday Inn Express and Candlewood Suites at 7151 Okeechobee Road.** The owner is MGC Ft. Pierce Corp., and the representative is Lucido & Associates.

Mr. Matthew Margotta said this time I would like to point out that this is your first Design Review. We made a note on the agenda so that you particularly notice that Section 22-59 will apply and I believe this is your first go around as specifically ruling on a site plan for Design Review.

Mr. Peter Buchwald said the applicant is requesting Site Plan approval to construct two hotels on 8.24 acres located on the south side of Okeechobee Road just east of the Florida Turnpike Toll Plaza. Both the Holiday Inn Express and Candlewood Suites will be constructed on the parcel which is currently occupied by a Holiday Inn Express that will be demolished. The property is zoned C-3, General Commercial with a Future Land Use of Commercial General. The properties to the north and east of the subject development are zoned C-3 and consist of the Pilot Truck Stop to the north and two other gasoline stations and the Waffle House, respectively to the east. The property to the west is occupied by the Florida Turnpike and unincorporated St. Lucie County land. The property to the south is also unincorporated and currently vacant. The redevelopment of the property will occur in several phases. In addition, since the redevelopment involves demolishing an existing hotel, a Development Protocol which deals with timing, operational and access issues. The first phase will involve constructing the Holiday Inn Express which will be situated on the western side of the property. The 4-story building will contain 13,034 square feet of floor space and consist of 94 hotel rooms. A covered entrance will be constructed at the front of the building to allow for vehicles to pick-up and drop-off guests during inclement weather conditions. Let's go back there to see the front elevation. That is the north elevation of the Holiday Inn Express. A little bit further on in the presentation will get a little more detail into the design review, itself. Let's talk about the access management here because that factors in the Development Protocol. Access to the site currently allows vehicles to enter the development from two entrances, one located at the western property boundary, and the other located at the eastern side of the property. The eastern access point is a shared driveway with a gas station and recorded via an easement agreement. Both access points allow for right turn in, right turn out movements only because of the median that separates eastbound and westbound traffic on Okeechobee Road. This slide depicts the existing conditions. As part of the Development Protocol, the following provisions will occur during Phase I: the developer will be granted an Occupational License for the new Holiday Inn Express and begin to accept guests and operate it as a hotel upon submittal of a demolition permit for the old Holiday Inn Express; in addition, the Occupational License for the existing hotel will be cancelled and the hotel will no longer host guests or operate as a hotel as of the date of the Occupational License for the new Holiday Inn Express; upon receipt of the Occupational License for the new Holiday Inn Express, access to and from the subject property will be modified to the following: the easternmost ingress/egress entrance along Okeechobee Road will be used exclusively for construction traffic and the westernmost ingress/egress entrance along Okeechobee Road will be used for hotel guests and employees. That east entrance will also be utilized for the demolition of the existing Holiday Inn Express. Now, Phase II, during this phase, the existing hotel located along Okeechobee Road will be demolished. It will be demolished within 60 days of receipt of a Demolition Permit. Also, demolition will be completed in 180 days and upon completion of the demolition, they will landscape the demolished site within 60 days and that will be landscaped with

sod, trees, and shrubs in accordance with the City Code and subject to approval by The Urban Forester. Now, Phase III will involve constructing the Candlewood Suites hotel which will be situated at the south side of the property. The 3-story building will contain 13,457 square feet of floor space and consists of 77 hotel rooms. Both hotels will incorporate a fitness center and a shared outdoor pool which will be located between and utilized by both hotels. Here is an elevation of the Candlewood Suites. Again, we will get a little bit more into the detail with the Design Review as we move forward. As part of the Development Protocol for Phase III, the closure of the westernmost ingress/egress driveway will commence prior to the issuance of the Occupational License for the Candlewood Suites. It is a nonconforming driveway and this will again improve traffic flow. Again, that underscores the fact that it will closed at the completion of the Candlewood and prior to its issuance of the Occupation License. The westernmost ingress/egress to Okeechobee Road will be closed to all traffic following the completion of the Candlewood Suites, at which time the easternmost ingress/egress will become the primary access point for the property. A traffic impact statement conducted by Culpepper and Terpening specified that proposed hotels will generate a total of 957 daily trips which is 53 less trips than the 1,010 trips generated by the existing hotel. A total of 92 PM peak trips will be generated which is an increase from the existing 41 PM peak hour trips generated for the existing hotel. now, this is considered to be a de minimus project impacts in accordance with our Concurrency Management ordinance and so Concurrency has been satisfied for the project. Some of the highlights include pedestrian connectivity along Okeechobee Road. They will put in the sidewalk if FDOT doesn't do it first and also internal sidewalks will be connected to Okeechobee Road. Adequate landscaping has been provided and includes 153 new trees. Stormwater to the site will be discharged through a retention pond at the rear of the south of the property. As part of the application, the architectural designs now are to be reviewed in accordance with the Design Review Guidelines with you acting as the Design Review Board. Now the following standards are specified in the Design Review Guidelines as to consideration of the architectural designs. As you can see on the screen that the design is reasonably harmonious with the surrounding structures. The design features also enhance or preserve the quality of the surrounding areas to not detract or impact adversely the existing scenic natural historic beauty. Finally, the design avoids undue monotony in structural design features. This is where I am going to turn it over to our Design Review team consisting of Christina Croxell and Kia Powers. Christina, herself, will present some more insight and some more discussion regarding each of the design elements within the Design Review Guidelines.

Ms. Christina Croxell said the proposed development before you is architectural compatible and is reasonably harmonious with the surrounding structures. The facades of the proposed structures are constructed of appropriate materials allowed by the Design Guidelines and utilized colors to emphasize architectural elements and details that do not detract from adjacent properties. The proposed structures are well proportioned and contain sufficient detail and depth to create visual interest along the elevations. The walls and fences are an integral part of the design proposal and the proposed screening fence along the east property line is not constructed of the same material as the first floor of the primary building. Additionally, the submitted site plan indicates the placement of a 6' vinyl fence along the south and west property lines.

Vinyl fences are not permitted by the Design Review Ordinance. The Ordinance states that walls and fences shall generally be constructed of the same material as the first floor of the primary building. Staff recommends that any walls or fences at the site be of masonry construction with a stucco finish. I can answer any more detailed questions about these structures.

Mr. Buchwald said all affected Departments have approved the Site Plan based on it meeting the requirements of the City Code. As the proposed Site Plan does meet the requirements of the City Code, staff recommends that the Planning Board forwards to the City Commission a recommendation of approval with the condition that any walls or fences at the site that they decided to have on the site be of masonry construction with a stucco finish. We have right now on your screens some elevations, but we can also switch to the Site Plan itself should you desire more detail on any of those elements.

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

Mr. Yates said you probably understand this, but we are increasing the number of units by 8 but we are reducing the number of trips a day? It doesn't sound like it's a big deal either way but still just surprising.

Mr. Buchwald said you are in correct in terms of the current use of the hotel, but that Holiday Inn was included several other buildings that contributed many more trips up to 1,010 trips, included 3 or 4 buildings in the back that has since been demolished and have since been throughout several years including because of hurricanes. At one time, that was the Holiday Inn was contributing more trips. Right now it has that number of rooms, but it had many more rooms as of just a few years ago, if not a year ago. That is why.

Mr. Yates said so it was based on the number of rooms they used to have

Mr. Buchwald said I don't recall off hand. I think the applicant is here. They can answer that. At one time, it was the maximum number of rooms that they had that was contributing and it was a far greater development at that time.

Mr. Yates said thank you.

Chairman Johnson said Mr. Yates, do you have the traffic letter?

Mr. Yates said I read that...

Chairman Johnson said on the first page at the bottom, there is a difference between a motel classification and a suite hotel classification.

Mr. Yates said suite hotels generate less trips than regular hotels.

Chairman Johnson said obviously they stay around longer.

Mr. Yates said that makes sense.

Chairman Johnson said any other questions? Open up to public comment at this time. Anyone here to speak for or against the project.

Mr. Brian Nolan, Lucido & Associates, said we concur staff's recommendation and have enjoyed working with staff through this process and we are here to answer any questions you may have.

Chairman Johnson said any questions of the applicant?

Mr. Knott said since this is one of the first ones that has gone through the Design standards, how do you rate that at your experience? Was it helpful? Was it too confining?

Mr. Nolan said on the contrary. I think we possibly could've ended up with a better project because of it.

Mr. Knott said because of it? I see. What did you all use...you said it is compatible with existing out there. What did you all use out there? The Turnpike entrance thing?

Mr. Nolan said we used an existing hotel-typology that is kind of the current industry standard.

Mr. Knott said oh, I see.

Chairman Johnson said any other questions?

Mrs. Dixon said just out of curiosity, the Holiday Inn Express has the canopy entrance and the other facility, the Candlewood, doesn't. Why don't they have a canopy entrance on that one versus the other? This is just a mom that wants to be up front and out of the rain asking that type of question.

Mr. Nolan said well, we have our applicant here. I can't really specifically speak to that.

Mr. George Cantonis said I am the President of MGC, Fort Pierce Corp. It is a very interested question that I asked Intercontinental Hotel Groups when we sat down with them about this. I said that if I am unloading my family, why don't I have a port cashiere and their response was fascinating which indicates that even a hotelier learns from bigger hoteliers and that is there is an association in the mind of the consumer with the ins and outs trips and the fact that they were being calculated differently is the key point to remember here is in a hotel there are many more frequent trips. There is much more loading and unloading. The identification of a Holiday Inn Express is for that overnight guest. The Candlewood Suites, the association is not with a hotel operation, per se, but a short term apartment operation. So, the moving in and moving out doesn't occur on the average but once every 10 days. The association of a port cashiere with this type of structure apparently, and again, I am giving you this second hand from the big folks in

Atlanta, associates it not with a long term stay facility, which is similar to an apartment, but it associates it with the kind of hotel that the express is next door. So, it is an identification issue. We asked, given the fact that it was Florida, can we put one on because of the rains, and they said, "No, I'm sorry. That's one of the brand standards. We won't change." Understand, when you are dealing with the major franchises, whether or not they are Intercontinental Hotel, Marriott, what-have-you, we are very, very restricted in the kinds of flexibilities that we are allowed in the designing of these facilities and in fact have used them at the suggestion of your staff in terms of some of the modifications we actually made to the renderings you see.

Mrs. Dixon said thank you.

Chairman Johnson said any other questions?

Mr. Knott said what are the plans for the parcel that is left over from the old site?

Mr. Cantonis said there is definite yet or otherwise it would be in front of you and I wish there was something definite.

Mr. Knott said but you are still going to own it?

Mr. Cantonis said absolutely. We are absolutely going to own. Clearly the successor failure of the development of that piece, we do not want another adult, I will give you an extreme example: we do not want another adult retail facility like the one we suffer with and an editorial comment that has been hugely a problem for use in terms of us getting franchises to accept our site. We had to go a ways to do that. Understand that that has a significant impact on the development along that corridor and that is something that needs to be made clear. But we cannot afford to have something like that happen to us given with the development in the back is and how much that is.

Mr. Knott said what would be the nature of though?

Mr. Cantonis said restaurant. The classic utilization is restaurant. We have been precluded, really, by going to a restaurant because until this is approved by the City, through the City Commission, we really don't have a plan to really be able to go restaurants with.

Mr. Knott said pursue anybody. What in the meantime, that is going to be it and this should be more of your concern than ours, but aesthetically you are going to be driving across an old field out there to get back to your facilities.

Mr. Cantonis said with all due respect, your staff is going to make sure that is not an old field. We have to landscape it to standard and that is going to be an interesting change. Because we want to be able to possibly reuse those trees and be able to plant trees, transplant them, it is logical for us and certainly I think it would be reasonable for the City to work with us on those kinds of issues. That is our front lawn and will be treated accordingly.

Mr. Knott said I didn't look through all the landscaping plan for that. Is there a landscaping plan for that?

Mr. Cantonis said for that, not yet.

Mr. Knott said not yet. So, Paul you will be...

Mr. Cantonis said but understand any usage for that front has to meet City. We need to go through that process again with the City.

Mr. Knott said yeah, I understood that. I didn't know if it was just going to be a temporary band-aid approach to it until you decide or if you already have got somebody in the mill for a restaurant.

Mr. Cantonis said I am hoping that there will be a very short time between the City Commission, you and the City Commission approving and me coming back to the City and my staff coming back to the City with an approval so we don't have to landscape it.

Mr. Knott said perfect.

Mr. Cantonis said clearly speed is in all of our interest. In the meantime, if it does take longer, it will be landscaped like our front yard.

Mr. Knott said looks nice. I think it is a nice looking project and I like the design all the different facades on this. It really stands out. It just doesn't look like a barracks.

Mr. Cantonis said I think you will find this to be significantly different in quality from even the most recent development that have occurred along that strip.

Mr. Knott said the Candlewood looks like a little village as opposed to...

Mr. Cantonis said that apartment concept is the whole theory behind the concept.

Mr. Knott said I like it. It is very nice. Thank you.

Mrs. Dixon said I do want to commend you for this. This is a beautiful looking project.

Mr. Cantonis said you can thank my staff.

Mrs. Dixon said thank you. I am just curious. This is more of an interior aspect of it with regards to is there any form of a conference center or anything in either one?

Mr. Cantonis said there are meeting rooms that are part of the floor plan of the Holiday Inn Express. Expresses by their nature and I just go on to say in the Candlewood there is virtually none, again, giving the nature of it. the nature of Expresses is to minimize those kinds of services. So unless they meet the specific immediate nightly needs of the

guests, for example laundry facilities, breakfast facilities, workout facilities, and the pool amenity that will be shared between the two, the tendency is to actually we could've had none, no meeting space at all. But we chose to put in 1 board room that would be available for meetings. That is a full service. When the time comes and we looked long and hard in putting in a full-service Holiday Inn because it was big enough to do that but market it not quite there yet.

Mrs. Dixon said we are going to be there soon.

Mr. Cantonis said good. Listen, I hope we are here to maybe participate in that development.

Chairman Johnson said I have a question. Does anyone else have a question? Maybe I missed it but on the elevations of Candlewood, I am looking at, I didn't look at the Holiday Inn Express yet, but it calls for pre-finished white window frames with gray tinted glass. Do you plan on doing hurricane impact glass or is that going to get storm protection?

Mr. Cantonis said my understanding is that that is impact glass.

Chairman Johnson said I would think its standard.

Mr. Mike Cantonis said George Cantonis' son and Vice President of MGC Fort Pierce Corp. I believe that it is City Code that it has to be 130 mph impact glass on all those because of our proximity to the water.

Chairman Johnson said is it Code? Is it required?

Mr. Margotta said I am pretty sure that it is just a Building Code requirement and then if they want to go higher than Building Code requirements and more along of insurance consideration - not a zoning issue.

Chairman Johnson said it is very typical. I just wanted to make sure because it didn't say that where I could see. Another question would be in reference to the Candlewood and this is probably more to staff, since we are clarifying a hotel operation where we can stay a little longer than 1 evening, since we went through a whole iteration of hotel, condo/hotel, all kinds of things like that, is there anything that was brought up to you guys?

Mr. Margotta said Peter could probably add to what I am about to say, but generally speaking, transient lodging is usually less than 30 days at least but the applicant has indicated to us that it is probably less than 2 weeks is what they are expecting their occupancy to be. But when you really get down to makes a unit versus to not a unit is whether it is a full kitchen facility with a bathroom and a sleeping area now you have an apartment. So combine all these things. I believe the construction or the way that they are actually building these units don't come up to that quite as standard.

Chairman Johnson said ok, that's what I assumed, but I just wanted to make sure.

Mr. Cantonis said it should be described as an extended stay hotel. Commensurate it with Residents Inn or Homewood Suites, it's just a typical product that IHG, Intercontinental Hotels, has brand it as a Candlewood Suites.

Chairman Johnson said ok. I think you did a great job on design. I think you will be pleased over time. Because if you look at what's happening to your St. Lucie County parks, they are going to bring more baseball tournaments and football tournaments and soccer tournaments and now we've got a skateboard park and you are going to have some transient occupancy.

Mr. Cantonis said we do a lot of work in the community already and we certainly look forward to that. We do have another comment, though, on the fences.

Mr. Nolan said what you are looking at on the screen is a shop drawing of our intended fence detail that is generally copasetic with the first floor as it is set out in the architectural design guidelines. Basically, it consists of a coated aluminum or metal fencing with a concrete pillar. They are approximately 20 feet on center, I think what the shop drawing refers to.

Chairman Johnson said and that is a design change? Is it on our prints?

Mr. Nolan said that is a design change. We had to come back and look at that after the issue with the vinyl fence came up. So this is kind of a last minute, 11<sup>th</sup> hour change.

Mr. Cantonis said I would like to make a comment about this. We certainly understood where staff was intending to go in terms of their qualification of a 6 foot fence where a fence would be required and that it would be masonry with stucco finish. That's the qualification. Our concern about that had to do with the fact that with all the money that we are going to be spending on landscaping, it was a real shame to not be able to see it with a solid concrete wall. So we understood the intent which was to use materials that were consistent with the structure of the building, particularly on the first floor. So, what you have here is a design that you see often on the outside of large estates. Where instead of walling off the estate, what you have is wrought iron, which in this particular instance, it would be pre-stressed aluminum that would sit into a concrete structure that again would mirror, in terms of its finish, what would be on the building. We don't necessarily need to come to closure on this tonight, in our opinion, we have been working with staff well. We would just like to have this considered as an option to that as we go into the final design stages. Again, our concern is both on the east and on the west, if not the south, that given the architectural attractiveness of property, to go ahead and particularly if you are passing it in a car not be able to see any of it, because we are talking about the issues of line-of-sight that you dealt with in gruesome details earlier this evening, you will end up looking into a wall instead of potentially looking into an attractively landscaped greenspace. So, we thought that this as a concept accomplished both ends. We carried forward some of the, and there is going to be some metal on the building and please don't think metal big chain link, no chain link

anywhere here, and the towers, again, a similar finish as a consideration to staff to nail down more exactly possibly before we go to the City Commission. This is something we wanted to put out on the table up front for your consideration.

Mr. Buchwald said this is an opportunity now for the Design Review Board to do what your enacted...we put down that condition because at the time of the plans, in between the plans and getting them in your packets, the fence was identified said wood in 1 portion and chain link or coated chain link in another portion which doesn't meet the Design Review Guidelines. So we put down masonry wall. By all means as you as the Design Review Board have the ultimate decision in that. if you want to do a little review of this now, we are certainly prepared to and by that I will ask Christina, I can't read on the...what is the finish of the column itself, is that an etched...

Ms. Croxell said it is split seam u-unit, which is the same first floor façade material as the Holiday Inn and Suites.

Mr. Buchwald said so, it is not an artificial...it is an actual real...it is not an artificial-type etching?

Ms. Croxell said no.

Mr. Buchwald said so that is permissible by Code. What color is it?

Ms. Croxell said it indicates "color to match Holiday Inn Express ground floor."

Mr. Buchwald said well, you have a color board right in front of you, if you want to put the color board on overhead and you can tell them what is the ground floor of the Holiday Inn Express.

Ms. Croxell said I have to check the plans.

Mr. Buchwald said so at this point as the Design Review Board you have the opportunity to approve the fence – the color and the finish of it. Also, let's look at the finish of the...or the color of the aluminum pickets themselves too and see if they're...

Ms. Croxell said it is letter C, which is Providence. All of which is this green in the middle.

Mr. Buchwald said and that's the reason for the color board. why that's required before you so that sometimes the elevation themselves, the printer doesn't accurately print out what the colors are going to be so that this why the Design Review Guidelines require to provide a color board to show you exactly what the color is going to be.

Chairman Johnson said and that's the first floor of the Holiday Inn Express.

Mr. Knott said do you have any storage containers on site?

Mr. Cantonis said and no we are not planning on putting any guests into any either.

Chairman Johnson said what is the call out on the aluminum pickets, as far as the color?

Ms. Croxell said it matches the aluminum frames of the windows of the Holiday Inn Express.

Mr. Cantones said I have to tell you that that is something that is kind of in question at this point because we are not sure. That is one type of metal that is on the aluminum frames that are the frames. It is a different type of baking process that goes through the extruded aluminum that is on that kind of fence. I am not sure we can get that to match exactly. What we would like to do is while we are researching that, because this was designed literally a lot more quickly than the ordinance that you all had to discuss earlier and we would be perfectly happy given our ability to work with staff to get the...as long we agree and commit to the column. We would be happy to work with them in terms of staff administrative approval possibly with the color of the extruded metal, if that's allowed.

Chairman Johnson said there are only a couple options for window frames – white or bronze, typically. That's all you get.

Mr. Cantonis said and that's why I am saying that may not work.

Chairman Johnson said it can be close. I don't think white would go.

Mr. Cantonis said I think our default would be towards a standard black. We are not looking at doing anything that is too fancy or ornate. This is going to be consistent with the rest of the site and blend in but not stand out. I think that is the concept that we are going for.

Mr. Knott said is this strictly a security fence? It is not for site-obscurity, is it? It is just not for security.

Mr. Cantonis said it is for security. We will landscape in front of it.

Mr. Knott said oh, you will?

Mr. Cantonis said you will put hedge or something like that?

Mr. Cantonis said and in some places we might have a vine that is part of it, especially along the eastern side. It is for security primarily.

Mr. Cantonis said our sense would probably be just in terms of hedge against vine. Our instinct would be more vine than hedge. The hedge will be opaque and you will not be able to see through it. And what we want to do is provide security while at the same

time allowing people to look into the property. We want them to be drawn to the property because of its attractiveness.

Mr. Knott said a vine would be nice.

Mr. Cantonis said shutting that off would defeat that.

Chairman Johnson said any other questions?

Mr. Knott said just to follow up on that, the project right across from my house on the Island, Mariner Bay, they have the exact fence you are talking about, but they made it obscuring because they put a hedge, which they trim and maintain and you don't even see the fence. So that is what I was wondering.

Mr. Cantonis said that defeats, it cross purposes with yourself in that situation.

Mr. Knott said exactly. For your use, it is just for security. They wanted the privacy.

Mr. Cantonis said I want to elaborate on a comment made earlier. This fence is the classic example of us coming in terms with issues that staff had raised and coming to a better solution. Because, frankly, we hadn't thought the fence thing out really well and when the type of fence was mentioned, we realized that didn't accomplish what we wanted accomplished but understood what you wanted to accomplish we developed this third option which we think is a great compromise and accomplishes what every body wants to have accomplished. Thank staff for their cooperation.

Mr. Knott said staff, what is your feeling on the fence that is proposed there?

Ms. Croxell said I feel it meets the requirements of the ordinance and matches the material elements of the first floor of the main proposed structure.

Mr. Knott said so, they can, with a little more work, can go with that, is that what I am hearing?

Ms. Powers said the Design Review Ordinance provides, when we are speaking with regards to a masonry wall it was more of a wall proposed. Whereas in this ordinance if they are going to propose a fence, "gates and fences shall be wood and an appropriate composition of iron, metal or aluminum or masonry piers and wood pickets." So it does comply with the Design Review Ordinance.

Mr. Knott said do we need to do anything or will it just be incorporated into the part of the approval?

Chairman Johnson said as long as we incorporate it into the motion what staff recommended or this new addition, then pick one and let's go. Any other questions? Anyone else here to speak for or against? Anything else?

Mr. Nolan said I just wanted to add that the color of the metal, not being included in the condition, as we are not sure of the manufacturers specification yet as to what color we can make the fence.

Mr. Buchwald said it would be subject to staff approval.

Mr. Nolan said of course. I just don't want to be stuck with a color that we have no way of...

Chairman Johnson said any one else here to speak? I will close the public comment.

Motion was made by Mr. Yates, seconded by Mr. Bey, to approve with the proviso that the new design element for the fence be included as part of the plan.

Chairman Johnson said any discussion?

Mr. Buchwald said point of order, can you also add that with color subject to staff approval.

Amended motion was made by Mr. Yates, seconded by Mr. Bey, to approve with the proviso that the new design element for the fence be included as part of the plan and the color of the aluminum be subject to staff approval.

Chairman Johnson said anymore discussion?

Those voting in favor of the motion were: Mr. Knott, Mr. Lloyd, Mr. Yates, Mr. Bey, Mrs. Dixon, Mr. Harris, Mr. Hayek, and Chairman Johnson. Those opposed: None.

Chairman Johnson said your agenda item will be forwarded with a recommendation to the City Commission.

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The next item - **#11 - Other Business.**

Chairman Johnson said staff?

Mr. Margotta said I just wanted to make an announcement – Treasure Coast Regional Planning Council is conducting some training session regarding Future Land Use maps and some Comp Plan elements, things along this line and they are usual 2-hour sessions from here to there. I will be sending out some information to you on these. They come periodically, but generally I noticed we have been pretty proactive in getting these education, they are not requirements, but certainly opportunities. Treasure Coast Regional Planning Council usually puts on a pretty good event, very worth while. As a matter of fact, one of the latest coming up at the end of the month, right here at City Hall next door. I just wanted to make you aware that we get these opportunities from time to time and when you see them in the mail or we let you know by e-mail or something like that that is where it is coming from.

Chairman Johnson said I was going to request if you can get all the e-mail addresses or something, I don't know if it standard or not for you guys. I would love to do it that way, if we could.

Mr. Margotta said for those that do not have e-mail addresses with us, we will just call you. How about that?

Chairman Johnson said that would be fine however you would want to do it. It is your staff.

Mr. Margotta said very good.

Chairman Johnson said e-mail works. I can delete you if I want to.

Mr. Margotta said Diann, do we not have e-mail on everybody.

Mrs. Ploetz said some don't have e-mail.

Mr. Margotta said if you have an e-mail address and you want us to get a hold of you, give it to Diann.

Chairman Johnson said very good. Anything else?

Mr. Margotta said please send in your...if you've got anybody that you would like to recommend or push our way for membership on the Board, we have a position to fill for Chairman Bergman.

Chairman Johnson said do we have applications existing right now?

Mr. Margotta said pick them up in our office.

Chairman Johnson said I mean blank ones. Usually there is a stack on a waiting list or a couple on the waiting list.

Mr. Margotta said I should probably explain the whole process. when we have a vacancy, we notify the City Commission so that the words gets out there more than just what's in the paper, but there is a current stack that is constantly maintained by the City Clerk's office. So, if we just add to people in, that just gives us more choices as opposed to someone turning in application 6 months ago and happens to be the lucky person this time. each time we get a vacancy, we like to shake that deck up a little bit.

Mrs. Dixon said do the Alternatives have any preferential treatment or anything with regards to that position?

Mr. Buchwald said we treat them really nice. I believe that we need to work through that. by your Rules and Procedures, it is not specified. However, I would believe that your

alternates we may approach them asking for their...they are right now appointed as alternates. They would have to be similarly appointed as Regular Members.

Chairman Johnson said and that would go through just the Commission, right?

Mr. Margotta said the City Commission appoints members of the Planning Board.

Chairman Johnson said that's what I thought. I guess at this time....

Board Attorney Emerson said I owe you and the Board an apology for my rather abrupt interruption during our public meeting. I was just rather horrified at the questions being directly addressed to staff as opposed to you, the Chairman.

Chairman Johnson said I appreciate that. Thank you. That's ok.

Mr. Buchwald said I do have one thing. September 11<sup>th</sup>, none of you will be excused from that meeting on September 11<sup>th</sup>. No excuses will be honored. All of you must attend on September 11<sup>th</sup>.

Mr. Lloyd said I just wanted to wait for Mr. Reilly to be here. That's the only reason.

Mr. Buchwald said no excuses will be honored. Because we are going to do it again, it is going to be 3 times as long.

Chairman Johnson said I have one thing since I am now the Chairman, I think, by rules I move into that spot. But our Secretary doesn't move into that next spot, and that's ok, except for I think she had to Chair one meeting as a Secretary, which was the third in line because our Chair and Vice Chair, which was myself, were not present so she Chaired the meeting. We obviously need to fill either the Vice Chair spot by either moving her up or raise your hand if you are ready. I would think we would need to do that as a Board to fill the Vice Chair position, is that correct, since I moved out of that spot?

Mr. Margotta said actually there is no specified, other than the Vice Chair becomes the Chairman in the absence of the Chairman. There is no further guidance in your Rules and Procedure. I am sure we can follow some fairly simple rules, but I am going to defer to...I think it is up to this Board to hold elections and can do that at your next meeting. Mr. Buchwald is pointing out to me is that you are subject to a vote at your next regular meeting to become the Chair. I don't know if I am answering your question or not.

Chairman Johnson said we are subject to vote.

Mr. Margotta said you can and it is up to you on whether you want to reshape it up, right now, or you can continue through.

Mr. Knott said do you mean for Jeremiah to be the Chair or Vice Chair?

Mr. Buchwald said Rule 15, and I will read it like Mr. Walker, "the vice-chairman shall succeed the chairman if he vacates his office before his term is completed; the vice-chairman to serve the unexpired term of the vacated office." So you will continue on as the Chairman until next March. "A new vice-chairman shall be elected at the next regular meeting."

Chairman Johnson said ok, the next meeting.

Mr. Margotta said I misspoke that.

Mr. Buchwald said we don't have any rules should you elect Mrs. Olson as Vice Chair, but it is at your discretion as to what you want to do about a Secretary.

Mr. Knott said I was going to nominate Ed since he wasn't here.

Chairman Johnson said ok. Mrs. Emerson, anything else?

Board Attorney Emerson said no, that was the one single item out of a very eventful evening.

Chairman Johnson said ok, thank you. Anyone else?

Mr. Buchwald said you have to come here, too, September 11<sup>th</sup>.

Board Attorney Emerson said Jim will be here. I am going to make him.

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There being no further business, Chairman Johnson declared the meeting adjourned at 8:45 pm.