



CITY OF FORT PIERCE

PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, SEPTEMBER 9, 2008, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

The Pledge of Allegiance was recited

Upon Roll Call, those present were: Chairman Johnson, Dan Dannahower, Irene Dixon, Charles Hayek, Tom Knott, Colin Lloyd, Robert Poitier and Edward Reilly.

Mr. Harris came in at 6:10 p.m.

Those absent: none.

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

Chairman Johnson said considering the call-ins, let's move agenda item number 3 to the end of the meeting, Consideration of Absences.

The next item considered - **Item # 4 - Certification of Alternate Member voting status.**

Chairman Johnson said we don't have any at this time.

The next item considered – **Item #5 – Minutes of August 12, 2008.**

Chairman Johnson said any additions or corrections to those minutes?

Motion made by Mr. Knott and seconded by Mr. Hayek to approve the August 12, 2008 Planning Board minutes.

Unanimously approved by voice vote.

The next item considered: **Vice-Chairman Position Vacancy.**

At this time, I want to modify the agenda just a tad. Two things that need to be brought before us: Ms. Leslie Olson is now a member of City staff. She is here. She was our Vice Chair on the Planning Board. I want to thank Leslie for service on the Board and welcome her as a staff member of the City of Fort Pierce. So, being that we don't have a Vice-Chair now, we do have a Chairman, myself, and a Secretary, Mr. Reilly, I think. We need to at this point or I would like to without any opposition from the Board, elect a Vice-Chair and/or Secretary if needed even though we do have one. Are there any nominations at this time to replace the Vice-Chair?

Mr. Knott said Mr. Chairman, since Ed is already the Secretary, I make a motion to move Mr. Reilly up to Vice-Chair and Mr. Hayek as the Secretary.

Chairman Johnson said Mr. Reilly said as long as you're here for every meeting, I'll be fine.

[laughter]

Mr. Knott said do you want me to condition my motion?

Chairman Johnson said okay, so at this point, Mr. Reilly we have a nomination to move him from Secretary to Vice-Chair and then nominate Mr. Hayek as the Secretary. Is there any discussion on that?

Ms. Dixon said do you need a second for that?

Chairman Johnson said please.

Motion made by Mr. Knott and seconded by Ms. Dixon to appoint Edward Reilly as the Vice-Chair and Charles Hayek as the Secretary to the Planning Board.

Those in favor: Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier and Chairman Johnson.

Those opposed: Mr. Reilly

Chairman Johnson said it passes. Thank you very much. So we filled those positions.

The next item considered: **Item # 10b - FPRA Necessity Report – Expanding FPRA Boundaries**

Chairman Johnson said the other adjustment in the agenda that I would like to make since we have some staff here and I want to confer with staff on the adjustment would be item 10b. Is that correct? The FPRA?

Mr. Carlin said that is correct.

Chairman Johnson said okay. So if there are no objections to that, I would like to move item 10b under Other Business for the FPRA, move that forward to now if we could. Staff, do you have a report?

Mr. Ward said Mr. Chairman, Board members. I'm Jon Ward for the record. I'm Director for the Fort Pierce Redevelopment Agency. With me this evening is our consultant, Chris Brown. Chris is well-known throughout the State and he drafted our original CRA plan. He's helped with the development through this entire period. Before you tonight for discussion purposes is consideration of the enlargement of the FPRA's boundaries. I think you've got in your packet the Finding and Necessity that Mr. Brown's Firm conducted for us. What we want to do this evening is encourage your comments and questions, especially while I've got Mr. Brown with us to help me address them.

Chairman Johnson said is there any comments from the Board at this time or you want to go ahead and make an introduction?

Mr. Brown said good evening Mr. Chairman. My name is Chris Brown with the Firm of Civic Design Associates. We prepared the Finding Necessity. We were asked by the City Commission to approve this. It's basically two areas that are involved in the expansion of the current CRA. One is to the north of the most northern boundary of the CRA. That's an area that was at one time in the County and I think, I'm sure your attorney remembers you annexed fairly recently. That's an area that is a tremendous number of vacant lots. It has no roads. There is almost no drainage and is really the void of utilities. This is a perfect example of why you want to be in a CRA because then you can use tax increment funds to help make the improvements and improve the neighborhood. The south area is very different. The south area which contains about 925 acres is south of the current southern boundary of the CRA. It's a much more typical blighted area in terms of physical blight and also of crime and of basically land uses that are pretty much out of date. Particularly in the commercial section, you have a lot of very small commercial facilities in this area. In order to make a finding, there are 14 criteria in the State Statute which are listed in this Finding Necessity and you only have to find 2 out of 14 in order to qualify for slum and blight. We have found 7. That in itself is fairly significant that there is more than 2 criteria such as crime and lot configurations that are really too small to develop particularly in the commercial area, blight - physical blight and so forth. That's how there has been a number of residents in the area, the south area, that have contacted your staff over the years wanting to actually, it's kind of unusual, but wanting to be in the CRA because they want the kinds of improvements that are afforded those people who are in redevelopment agencies. They're looking for landscaping and street improvements and lighting and things that

make neighborhoods better. It's partly a response to those people who live in that southern section. This was included as well. That pretty much concludes my presentation, Mr. Chairman. I can go into more detail.

Chairman Johnson said I think that's good for now unless we get into some in depth questions. Are there any questions from the Board? I do have one question on the southern boundary. Is there a geographical location where the line stopped and does it include U.S. 1 or is that the boundary line? I'm looking at the map.

Mr. Brown said Mr. Chairman, if you look at page 1, you can see the purple area and it does include U.S. 1.

Chairman Johnson said it does include U.S. 1? Both sides or just the western?

Mr. Brown said yes it does. It includes the golf course as well. One reason why the golf course is included is because it's such a significant piece of property that it would probably be important to put it in the CRA so it allows you to make improvements to the golf course. You can have a very positive influence on the neighborhood that it surrounds. So that's one of the reasons. The City Manager, Dennis Beach, is very adamant about having the golf course in the CRA.

Chairman Johnson said okay, is there a roadway that designates the southern boundary of that?

Mr. Reilly said it looks like Savannah.

Chairman Johnson said oh, I see. Page 13, is that correct? Yeah.

Mr. Brown said yes, Mr. Chairman you are correct. It's Savannah. I'm sorry. Thank you for pointing that page out.

Ms. Dixon said Mr. Chair, what about the boundaries for the north end? I know that I saw somewhere on here it had Paradise Park. Is that including all or where is the boundary for the north end?

Mr. Brown said if you turn to page 10 you get a sense of it or page 9.

Ms. Dixon said it's actually extending past Paradise Park.

Mr. Brown said yeah. It does go up to the limits of the City up to the Woodward Canal and over to 25th Street.

Ms. Dixon said and I'm not sure. Mr. Chair, on the 25th Street, is that including both sides? I know that that's Sheraton Plaza on the left-hand side but I'm not sure if that's getting both sides of 25th Street there. There's commercial on that side of 25th Street at that end.

Mr. Brown said the way this is drawn it does not include that other side.

Ms. Dixon said it's not including so the City boundary ends on the east side of 25th. Am I correct?

Mr. Brown said that is correct. However, if you feel strongly about it, you could make that as a recommendation.

Chairman Johnson said any other questions for Mr. Brown?

Mr. Knott said Mr. Chair? You say there is 14 criteria established the State to qualify and you only have to have four of them?

Mr. Brown said two.

Mr. Knott said two. With that in mind, was there some reason why, I was just looking at I believe on page 7, is that the 14?

Mr. Brown said yes. Starting with the definition of blighted area from A-N, that is correct.

Mr. Knott said based on that, it would appear that most of Fort Pierce could be in this. I'm just wondering what limited you to what we're seeing here tonight and will you be back again?

Mr. Brown said that's up to the City Commission. Your observation is correct. There are Cities in Florida, and Fort Pierce is one of them, because it's an old city it was an agricultural community, it was an industrial community, and it is blighted pretty much throughout so it's conceivable that you could have additional expansion but I think this Commission and the City Manager felt like this would be the next sort of increment. What might happen if you begin annexing more property as you did in the north area that's proposed here, you might find yourself doing more expansion.

Mr. Knott said that's one thing I noticed. What's not shown here is all this corridor annexation that we've had over the last few years, Okeechobee and Orange even, but none of that is included in this and I'm just wondering how you came up with the parameters that you have here. Was it just a little nice little less squared off type operation or?

Mr. Brown said no I think we have to, I either have to ask Jon, your CRA Director, we'll have to ask Dennis who is not here but that was sort of Dennis'.

Mr. Ward said I think it was more driven by concern by the neighborhoods more than anything else. We didn't see a lot of demand or request from commercial entities but we are having ongoing discussions with a lot of our neighborhoods about this. For instance, Hibiscus Park on the south side has been after us to do this for a number of years. I think that kind of drove the boat more than anything else.

Mr. Knott said okay. Refresh my memory again. The CRA districts, the taxing situation on that?

Mr. Ward said taxing and that's obviously one of the concerns from the City Commission is if this goes into the Redevelopment Area is there a loss to the tax rolls. How this works is when we establish a redevelopment area, the taxable value, your ad valorem taxes, the value is frozen at that point so whatever the present taxation is that contribution to the City coffers will remain. We only get 95% of the appreciation over and above that. As we make improvements and you see the area start to appreciate, gain value, then that TIFF, that tax increment comes in and we'll put money in the CRA coffers to be reinvested but only for the appreciation so the actual tax rolls will not reduce as a result of this.

Mr. Knott said that being said it appears that vacant undeveloped land would fall under the criteria, meet the criteria to be included in this, wouldn't it be prudent to bring some of this undeveloped land in that's been annexed, lock in that ad valorem taxes on that and anything above that comes right back into the City's coffers instead of?

Mr. Ward said we'd agree and we'd appreciate that comment.

Mr. Knott said I'm just looking at this and I'd say "Well okay, I've seen what you've done" but I'm just wondering why we didn't just go ahead and extend this thing on out to where we could really do some good on some of this 40 acres that's being brought in all at one time and just sitting there.

Mr. Ward said Mr. Chairman, Mr. Knott. Periodically, we get comments for whatever reason of resistance from the general public. The concept of us going and declaring, for instance, a squared off area sometimes falls on deaf ears from a political standpoint. That's why I think a lot of the enlargement boundaries that we are looking at today were driven by homeowner's request more than our need to think logically like that. There's another compelling reason.

Mr. Knott said one last question Mr. Ward. Do you think that a year from now, two years from now you all will be back for another update on this map?

Mr. Ward said I would say it's possible. It's certainly possible. You know we've actually enlarged the present area three times I think and I think it's a period of three to five years in between them. As the development moves forward if we get lots more requests I would say it's certainly conceivable. There are a lot of neighborhoods that would certainly benefit from this. In fact, I'm already the comment that we are getting is "Gee, why aren't we in there?" sort of thing so we are hearing that already.

Mr. Knott said I guess I have one last question on it. This Finding of Necessity Report, do you know how much it cost to prepare this?

Mr. Ward said \$42,000, I think.

Mr. Knott said \$42,000.

Mr. Ward said a period of, gosh it took how long, several months? Several months. Trained architects and it's been a real process.

Mr. Knott said this is a required function to get to bring them into that so if we have to do it again we'll have to pay another \$50,000 or something to do it again.

Mr. Ward said and it may be prudent if you see an area that you think is a prime candidate to add it now. We would certainly take that under advisement.

Mr. Knott said there is that much flexibility in this at this point?

Mr. Ward said I'm not sure it would be a laid down issue but if there were public comment and supported by this Board certainly we'd look at it.

Mr. Knott said I just see an opportunity to, all these recent annexations out on Okeechobee Road and all these things that are going on out there, if the larger parcels would qualify for this, why not bring them in because once they come online with their fixed tax, all the taxes above that, am I understanding this right? It comes back to the CRA and into the Fort Pierce not to the County or to the Operating Funds.

Mr. Ward said all that money has to be spent within that geographic area so it's not spent anywhere else except within that physical plane.

Mr. Knott said thank you.

Chairman Johnson said any questions?

Mr. Hayek said Mr. Chair?

Chairman Johnson said yes, Mr. Hayek.

Mr. Hayek said Mr. Ward, the area west of 25th Street on the north end is so similar to the area east. I don't know why we are not including that in the CRA expansion?

Mr. Ward said I don't have a good answer for you Mr. Hayek. I can't tell you but certainly we would be, it may have had something to do something with the quality of the annexation there and where the boundaries of the City area and that sort of thing.

Mr. Hayek said okay, thank you.

Mr. Ward said I don't have a logical reason for it but I would say it's probably driven by that.

Ms. Dixon said Mr. Chair, Mr. Ward. I know that you noted earlier you said Hibiscus has definitely been pushing for this. Have you had any other neighborhoods that have been pushing for certain areas that may not have been included for whatever reason? The second part of that would be are there any that are, that you've heard that maybe upset because of the stigma of being included in a redevelopment area?

Mr. Ward said Mr. Chairman, Ms. Dixon we've experienced some of that stigma comment earlier in the process and I think now that enough of the community is familiar either with the process or the results. The CRA has created in those areas to the point where we pretty well blunted that particular argument. I haven't had any comments from someone necessarily who wanted additionally to be included. Certainly our District 1 Commissioners are in favor of annexing and including as much of that property as appropriate because that's certainly an area of the City that has suffered perhaps more than others from deferred maintenance and expenditures.

Mr. Lloyd said Mr. Chair?

Chairman Johnson said yes.

Mr. Lloyd said Mr. Ward, are there any negative aspects of expanding the FPRA? For instance, if you expand to one area does it drain your resources to improve the current boundaries within the FPRA?

Mr. Ward said Mr. Chairman, Mr. Lloyd. The thing that I would want to caution the viewing public is as we enlarge the boundaries certainly we will avail ourselves to more resources that will allow us if things appreciate do more things. The feeling that I want to caution against would be what I would refer to as the Hibiscus Park Syndrome. I don't want the residents of Hibiscus Park to think that the day after this happens that Public Works' trucks are going to start pulling up out front and magic starts to happen.

Mr. Lloyd said because I live in Hibiscus Park.

Mr. Ward said well that's why I want to address those remarks but it's a process and certainly we'll look at how we prioritize but no, I don't think it drains our resources. I think as all other planning exercises we look at things that are in an area.

Mr. Lloyd said right because my concern would be in the immediate future because I don't see things appreciating substantially in the next couple of years but it certainly will down the road. I'm worried about the next five years if you expand the boundaries here and that land doesn't appreciate. Is it correct that no new funds would come into your coffers for lack of a better word.

Mr. Ward said well, new funds won't come into the coffer directly as a result of the TIFF. If the property values don't increase, certainly there are other mechanisms that we use for larger projects. The best example would be the kinds of things that we've done literally in the last eighteen months or two years. You'll all be aware of the fact that the garage that you parked in probably tonight and the office building next to it is a Fort

Pierce Redevelopment Project. It's an \$11 almost a \$12 million dollar project. The project that we just finished on Avenue D, the Human Development Resources Center that we'll be dedicating on September 23rd hope that everybody comes, is again an \$11 million dollar project that was done by this agency that has made. In itself it's the most architecturally significant and largest building ever built on the Avenue. When we do those kinds of things, we've been financing those through a bonding effort. We looked at our predictable income strain which will support a bond payment and then we go ahead and build those assets now and pay off the bond based on the TIF receipts. Now as everyone may be aware, there is a case currently Strand vs. Escambia County that has frozen the ability of redevelopment agencies in the entire State to go out and bond for additional projects like that without putting those items in front of a referendum. Obviously, the current economic mood will not support any additional funding in that measure. We don't see issuing bonds anytime soon but to answer your question, if there were a need for a new community center or a multi-million dollar project, the best example would be \$6.5 million dollars to underground utilities on A1A on the beach. We're currently doing that under a multiple-year project. Those kinds of projects would require that kind of extraordinary funding. That's what we would propose and it may be that we would have to do that through a public referendum but we would just have to approach that as we come to it. Right now as an example, the TIF income currently coming into this year is a little over \$7 million dollars. Certainly property values have decreased this year. We were a little over \$9 million dollars last year. We've seen about an 18% decrease in the property values within the CRA this year but we are highly confident that will come back.

Mr. Reilly said Mr. Chair?

Chairman Johnson said Mr. Reilly.

Mr. Reilly said Mr. Ward, is this, just so that I understand, how this is paid for and all that but, expanding the zone or the area does that to the common taxpayer does that change their, basically just as in the future as property values improve.

Mr. Ward said I think the fear, Mr. Chairman, Mr. Reilly, I think the fear that the public may have is that they're with additional benefits obviously there are additional costs potentially. What's it going to cost me. At the end of day, there is no additional cost whatsoever. Your taxes do not increase. All that happens is that you've become involved in an area that the City is focusing development on and we're going to improve conditions there and all the tax dollars instead of going into a big bucket somewhere and spent on other projects are all focused all the tax dollars generated by those areas, are focused on redeveloping those areas. There is a very real benefit that's there but there is absolutely no additional expense whatsoever.

Mr. Reilly said okay, thank you.

Mr. Ward said except when your homes get worth twice as much.

Mr. Reilly said right, exactly.

Mr. Hayek said so Mr. Ward, if there is such a benefit in being in being in a CRA, wouldn't there be some kind of a backlash from people that aren't in the CRA?

Mr. Ward said I think you'd think so but we haven't so much seen that with the exception of the fact that as I said that generally it's the neighboring neighborhoods that are just adjacent, the folks that are across the street from the CRA or the folks that are in the next neighborhood over, when they see new street lights and drainage improvements going in and some of our older neighborhoods certainly they want to have those same benefits. There has been some conversation about that. That's what we're trying to address now.

Mr. Hayek said that's why I see potentially on the other 25th Street. With all the nice improvements going on 25th Street and the area east of 25th is being improved they are going to say "what are we orphans on the west?"

Mr. Ward said well you know it's a process Mr. Chair, Mr. Hayek. There's a process involved in this and the public awareness of it is a gradual thing. The public awareness of it's benefit is also a gradual thing. The best example I could give you is a few months ago I floated the concept of we might also think about taking the entire CRA area and making it a Brownfield. There are great benefits to be derived as far as redevelopment is concerned and pockets full of money that we can go get if we did that but I will tell you I was called an idiot more than I've been called in recent memory because I proposed this concept. "Oh Brownfields there is a stigma attached to it. A lot of people have that love canal mentality still going on and I understand that. Even some of our local bankers were concerned about it. Well I said "Just give me fifteen minutes to speak to you about the benefits of it and it'll turn you around" and that has happened. I'll tell you that these kinds of new concepts exactly as Mr. Reilly just illustrated for some folks are new ideas and they were resistant to them. We're not getting as much comment as we might.

Mr. Hayek said well I feel like Mr. Knott in saying "well we spent the \$42,000 for this report and a couple of years down the road we're going to spend another \$42,000. In light of current budget restraints, it'll be nice to include as much property as possible in this new CRA.

Mr. Ward said well I would be confident that Mr. Brown would charge me another \$42,000 if I doubled the area because they'll have to do the study and take the pictures and do the justification. There would a cost involved in, we had additional suggestions but I think it would be minimal. We've done the homework now and I think we're pretty well ready to go.

Mr. Reilly said if you did expand it, you only have so much money right now you expand it then the effect is going to be until like Mr. Lloyd said you're going to, you know you have \$42,000 or whatever you spent here. You could only handle so much expansion until the property value goes up in those areas.

Mr. Ward said exactly. Obviously, there is a diluted effect. We'll be able to do certain things immediately and some things we won't. Some of these neighborhoods have crying needs. We've just had a wonderful object lesson in drainage here recently and we know we got issues with that. That'll be some of the first things we focus on. Unfortunately, some of these projects are not what I call "sexy projects". If you are burying utilities and doing underground work and drainage and things like that it's not something you take pictures of and you're proud of doing but you got to have them and that's some of the first things we'll have to do.

Chairman Johnson said Mr. Knott?

Mr. Knott said Mr. Chairman, Mr. Ward. If this Board were to send this tonight to recommend it to the City Commission for approval with the condition that staff work with the consultant to perhaps expand the geographic area that you have outlined here to perhaps take in more under this report, do you have, would that fall on your shoulders? Do you have in mind some other lands that you think should be included at this time?

Mr. Ward said Mr. Chair, Mr. Knott. I think what we would like to do is, I don't want to throw the baby out with the bath water on this thing. I want to send a clear message to not only my Board but the City Commission as well that you are supportive of (a) this concept of enlarging it and then (b) if there are other areas that you think should be considered. I'd like to have your recommendations on a particular basis not necessarily tonight but certainly if would communicate with me, I would certainly carry that.

Mr. Knott said well unfortunately Mr. Ward I would probably be, myself, I'd be the same as I with this one. I wouldn't really know what to recommend. I think I would fall back onto your shoulders. That's why I was asking, "Do you have some areas in mind that you think should possibly could be included into this at this point?" since we've come this far. Do you have something like that in mind?

Mr. Ward said Mr. Chairman, Mr. Knott, I don't have anything that I want to offer tonight but yeah there are other areas certainly.

Chairman Johnson said I want to make one statement and you correct me if I'm wrong. Page 5, would that be an accurate map of the City limits of the Fort Pierce today? It shows the yellow portion being City limits and then of course the current FPRA okay then new portions were taken into account. To back up to Mr. Hayek, if you look at west of 25th Street in the northern boundary, that's not in the City limits of Fort Pierce so we can't necessarily take that into account. If it's within the City, then we're okay. To expand what they're proposing, you're talking about moving everything to the south which I think at this point would not be prudent in my personal opinion. If you're telling me that this map would be consistent with the City limits of Fort Pierce, I think like you stated there's not much more that we could taken in as real estate except for going to the south.

Mr. Knott said I thought Angle Road was the City's?

Chairman Johnson said I thought so too but that's why I'm asking about the map.

Mr. Ward said I'm not sure. Let me ask. I know historically we've been stopping at 33rd Street.

Chairman Johnson said and I know that has been the case.

Mr. Knott said but I think north of Orange I think at Angle is the western boundary.

Chairman Johnson said I think there are portions that are not but I think you're right. Is there another page that dictates the City limits? So this is, I want to ask also, this is for discussion tonight so we're not making a recommendation.

Mr. Knott said oh we're not making a recommendation? Oh, so this is just for discussion?

Chairman Johnson said so if we get some ideas of the maps and see what the City limits are because I have a question concerning the same map between the green and the red right there where there is a mapped out square that is white. I don't know if that's City limits of Fort Pierce or not so that would be a pocket that was not included and I would like that to be included if it's within the City limits.

Mr. Ward said but it's not. No that area is, that little enclave I think is not included.

Chairman Johnson said so that's something else we might need to address or at least look into and maybe there needs to be some discussion with property owners about annexing if there is a potential benefit for them to be within those boundaries.

Mr. Ward said let me ask Ms. Satterlee. Is this pocket what we are talking about now? I think we we're looking at that now.

Chairman Johnson said okay, very good. So just keep that in mind. I don't know exactly where the City limits end because it does vary.

Mr. Ward said and in all fairness I think the map is probably eight or nine months old and as you know we've been aggressive recently.

Chairman Johnson said any other questions?

Ms. Dixon said I'm sorry Mr. Chair. I just wanted to know. I know that this is just for information purposes here but how soon are you looking to move forward with getting this to the Commission and some form of approval or procedurally what happens from here?

Mr. Ward said I think that Mr. Chairman, I think Ms. Dixon, you have included in your packet the schedule for the expansion? We should have included that.

Chairman Johnson said I don't think so unless it's in the binded copy.

Mr. Ward said it may not be. We're looking at probably a three-month period by the time we get comments and take it before the Board and the Commission to get approval on it.

Ms. Dixon said so a three-month timeframe?

Mr. Ward said I think we can do it in that period.

Mr. Knott said a follow-up to that Mr. Chairman. Mr. Ward, will you all be coming back before us for a recommendation to the City Commission before it goes someplace?

Mr. Ward said yes.

Mr. Knott said okay, so we will see this again? I think we will.

Mr. Ward said I think we will. Do we not have to come back? My Commissioner says this is your bite at the apple.

Ms. Dixon said Mr. Chair, I just want to make sure. We are only able to address what's in the City limits, correct? Not anything else so definitely Sheraton Plaza and some of the other areas that Mr. Hayek or that others were speaking about, they are out of the picture with this unless they become annexed with the City.

Mr. Ward said exactly. We don't have the ability to do anything in the County without annexing.

Mr. Reilly said Mr. Chair?

Chairman Johnson said yes, Mr. Reilly.

Mr. Reilly said Mr. Ward, when you've done this or when people have done this in the past and the area start out like, is Oak Ridge Park in Oak Ridge or Oakland Park is that in the current?

Mr. Ward said yes.

Mr. Reilly said the surrounding areas then start, I mean in the direct vicinity, do they start improving also just on their own or do they values start going up?

Mr. Ward said they do. Mr. Chairman, Mr. Reilly I think what happens is that a public awareness of improving conditions comes out. The thing that we see happening is homeowner associations start being formed, they have meetings and people become a lot more politically inclined, start visiting City Hall and asking for these kinds of things. I think there is certainly an awareness bloom that happens as a result of being close to one of these projects. Yes.

Mr. Reilly said well does it, as your CRA gets larger and larger does it then start becoming a snowball effect where the whole, is that how this thing starts improving all around the City or, I'm just trying to get, because you know we're talking about expanding this thing bigger and bigger and there is only so much money but things do improve on the fringes of it right away I mean normally after you've got, I'm just wondering does it reach a point where maybe you're CRA is 50% of the City at that point does it all of a sudden everything around starts improving at that point.

Mr. Ward said we've seen conditions that were not. Disregard the area that is adjacent to the CRA. Let's think about the area that's within the CRA that's not a beneficiary of a direct project. For instance, it's not a building that we had done a facade grant with. It's not something that we've rebuilt or anything like that just the immediate area has had tremendous benefits as a result of this kind of thing and I would turn your attention to Avenue D, the Avenue D corridor right now. We've gone through there and we're about to start construction on the Moore's Creek linear park. That'll be an incredible project from 7th Street to 15th Street along Moore's Creek. We're going to take essentially what is a blighted drainage ditch and arguably one of the least attractive water courses in the City and we're going to turn it into a fabulous park way. Then around that, we're going to build affordable housing projects like the Oaks Project on 13th Street. It's going to be fabulous. This is literally parallel one block south of Avenue D where we in the process with a partnership going to remodel the Lincoln Theatre which will then, when that becomes a cultural center and a center for all sorts of activity there, that'll have a positive, again, a bloom effect. All these things are certainly having positive effects and the CRAs lines are invisible. If you are on the either side of Georgia there is no line you have to step over so does it have a benefit? Absolutely. We're seeing tremendous improvement in the end. The hardest for me is to contain myself knowing what plans we have and how slow the process seems to some folks sometimes. It seems to take a 1,000 years to get there and then we turn around the next day and it happened. The Human Development Resources Center at 29th and D took Duke Nelson over ten years to get that project even out of the blocks and then a couple of years to build the thing and today's it's fabulous. So yeah. We're pretty excited.

Mr. Reilly said thank you.

Chairman Johnson said any other questions? Okay, I guess in summary from the Board I don't know. There's been so many things, different things. You guys have taken notes I'm sure. If it's something that you can explore to expand I think there are a few of us that have talked about that. Obviously the enclave is an issue for me personally. I imagine within the City it's an issue so we need to address that item which is being done.

Mr. Ward said if I could Mr. Chairman, then I'd like to request just for the record, a positive vote of support by this Board for the expansion of the CRA. If we could take that away, that would be appreciated.

Chairman Johnson said sure. Ms. Dixon?

Ms. Dixon said well I just want to know. Since this is just for information purposes, are we, Attorney Walker, are we able to do a vote?

Chairman Johnson said Mr. Walker.

Board Attorney Walker said respectfully Mr. Chair. Under the Chapter 166 Florida Statutes par (3) sets out the Redevelopment Act, there is no legal requirement that the City come to the Planning Board in it's capacity as the LPA or the Land Planning Agency for a formal recommendation with respect to any proposal for expansion for the CRA boundaries. Therefore staff is perfectly correct in suggesting that legally it is here only for comment. However, our Code provides as Section 2-223 that the Board does have certain powers and duties one of which is set out in subsection 6 and that is to make and adopt plans for the improvement and development of neighborhoods. Within the fair scope of that language, Mr. Chair, the Board does have the ability to offer such non-binding advisory recommendations that it thinks appropriate to the Commission regarding neighborhood, welfare and certainly this proposal would fall within the scope of that so that the Board may offer such recommendation on this subject to the Commission as it feels appropriate.

Chairman Johnson said okay, thank you.

Board Attorney Walker said does that fairly answer the question?

Ms. Dixon said yes, thank you. Mr. Chair, if we're able to do a motion I would like to move, make a motion. I would move that we definitely support the expansion as presented in your presentation with the ability for you to be able to look at potential additional expansion currently now. However, I want to make sure that we are not hindering your three-month time allotment that you have to be able to move forward with this. If it's able to move forward without hindering that three-month, then I would move that we move forward with it as presented.

Motion made by Ms. Dixon and seconded by Mr. Hayek to support the expansion of the FPRA Boundaries as presented and to consider additional expansion provided it does not hinder the three-month deadline given.

Chairman Johnson said motion and a second. Any discussion for support of the proposal? Roll call please.

Those in favor were: Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Dannahower and Chairman Johnson.

Those opposed: none.

Mr. Ward said Mr. Chairman, Board, thank you.

Chairman Johnson said very good Mr. Brown and Mr. Ward.

Chairman Johnson said well I have one question for staff before I move forward. Item 6a. Staff is being presented by who? It's the Impact Fee Ordinance. Is that you? Okay, very good. Because what we have before us tonight, may take longer than a short time frame, I want to adjust a little bit the agenda that's before us if that's okay with the Board members because we do have people from the public here to speak to us tonight. That item may take a little longer. So what I would like to do is go ahead and move forward and maybe just leave that one till later if that's okay with staff. Is that going to throw off your presentations? Okay, very good. So we'll move with the annexation 5.5

The next item considered: **Item 5.5a – Brekenridge** - Approval of the voluntary annexation request for two (2) parcels totaling 76.99 acres identified as being contiguous to the municipal boundaries of Fort Pierce.

Ms. Ehly said good evening Mr. Chair and Board members. Item number 5.5a this evening is a voluntary annexation request for two (2) parcels totaling 76.99 acres located west of the Florida Turnpike, south of Okeechobee Road. The existing County land use is Mixed Use Development and the current County zoning is AG-1. In accordance with Chapter 171 of the Florida Statutes, the property will maintain the County land use and zoning until application is made for a City land use designation and zoning classification. For consideration tonight is the incorporation of this property into the City limits. Staff recommends that the Planning Board submit a recommendation for approval of this voluntary annexation request.

Chairman Johnson said okay, any questions of staff on this item?

Mr. Dannahower said Erica, typically we see a map showing the rest of the City boundaries. Is that not on here because its not anywhere near?

Ms. Ehly said Mr. Chair, Mr. Dannahower. The City limits are east of the turnpike. It might be difficult to see on the slide but it's a yellow line. In between the City limits is an easement and right-of-way so its contiguous on it's eastern boundary to the City limits.

Mr. Dannahower said okay so nothing on the west side of the Turnpike is currently within the City limits?

Ms. Ehly said no Sir.

Mr. Dannahower said thank you.

Chairman Johnson said any other questions of staff? I just want to confirm this. It's a voluntary annexation submitted by, was that a letter to the City or I don't have that in my packet I don't think.

Ms. Ehly said an application.

Chairman Johnson said it was an application?

Ms. Ehly said yes.

Chairman Johnson said it was an application. Other than that?. Alright.

Ms. Ehly said and the applicant is here if you have any questions for the applicant as well.

Chairman Johnson said okay, very good. Any other questions of staff? Okay, I'd like to invite the applicant forward at this time if you'd like to approach.

Ms. Angelos said good evening attorney Cynthia Angelos on behalf of the applicant, Zentex Ventures and one of the principles in that limited partnership is also here if you had any questions of them. I signed the application as agent.

Chairman Johnson said okay. Any questions of the applicant? Thank you. I just had one question back to staff. The agreement that we have within the City of Fort Pierce for the Urban Services Boundary, this is within or outside of that Urban Service Boundary Agreement?

Ms. Ehly said Mr. Chair, this property is outside the Urban Service Boundary.

Chairman Johnson said okay and there's adequate access to this property from what you know, from what you've seen or from what you know is that correct? Is there an easement or an access road of some sort to get to this property? Is that correct?

Ms. Ehly said yes Mr. Chair, I believe Okeechobee Road you can access from Okeechobee Road and then down Gordy Road to the property.

Chairman Johnson said do we know if that road meets the City's requirements or City Code? It's probably is not to exact City Code but as far as right-of-way.

Ms. Ehly said Mr. Chair, we have Bob Frank. It's a County road.

Mr. Knott said Mr. Chairman, if I could ask staff also. I noticed that the County zoning is AG and it says they're going to be assigned. Is that going to be an issue? Is it going to be a problem?

Ms. Ehly said Mr. Chair, Mr. Knott, the applicant is planning on coming in with an application for PUD zoning.

Mr. Knott said for a PUD?

Ms. Ehly said and that will be a separate application.

Mr. Knott said and then the land use then?

Ms. Ehly said it'll be the same. We have the same land use, Mixed Use Development, yes.

Mr. Knott said that's compatible with that for that Mixed Use.

Ms. Ehly said the PUD? Yes.

Mr. Knott said thank you.

Chairman Johnson said are there any other questions on this? I know we are still at more or less the applicant's time but any questions from the Board? Okay, seeing none. Is there anyone else from the public that would like to speak for or against this request? Seeing none we'll close public comment and come back to the Board and entertain a motion at this point.

Motion made by Mr. Knott and seconded by Mr. Hayek to approve the annexation of two parcels totaling 76.99 acres identified as contiguous to the municipal boundaries of Fort Pierce.

Those in favor were: Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Dannahower, Ms. Dixon, and Chairman Johnson.

Those opposed: none.

Chairman Johnson said at this time we're going to skip Item 6a to go forth with some of the other items if that's okay with the Board.

The next item considered: **Item # 7a - Reilly Dock – 2419 South Indian River Drive-** Application for Conditional Use approval to construct a private dock at 2419 South Indian River Drive. The property is zoned E-1, Single-Family Estate Residential. The property owners are Edward & Laura Reilly.

Mr. Reilly said I guess I need to excuse myself with this one since I'm the property owner.

Mr. Hayek said could we take a secret ballot on this?

Chairman Johnson said in addition to that I also have to excuse myself due to a conflict for financial campaign reasons. At this point, our new Secretary now has the helm and the gavel. I've introduced it so at this point I guess if we could have staff report for this report. You're in control.

Mr. Carlin said good evening Board members. Tonight, in accordance with Section 22-38 of the City Code, dock/moorage facilities are permitted only by Conditional Use in the A-1 aquatic zoning district. Therefore, the applicant is requesting Conditional Use approval to construct a private dock which extends from the applicant's property located along the western shoreline of the Indian River. This aerial represents the applicant's property and also one can see the existing dock that is currently situated to the north. The property is zoned E-1, Single-Family Estate Density Zone along with properties to the north and south. The properties to the west are occupied by the Florida East Coast Railroad and zoned I-1, Light Industrial. The Indian River is zoned A-1, Aquatic Conservation Zone. The proposed Conditional Use is not inconsistent with the surrounding land uses. This slide represents where the dock will be constructed. The dock will be 4 feet wide and will extend approximately 467 feet eastward into the Indian River lagoon. For improved access to the dock, a 4 foot wide by 42 foot long upland access platform will be constructed. The dock will include a terminal platform at the end measuring 8 feet by 20 feet in size. In addition, two boat lifts will be constructed on each side of the terminal. One of those boatlifts will be covered. The pilings and decking will be constructed primarily of treated wood material. This slide represents where the dock will be constructed in relationship to the property lines. The red represents where the property lines are along Indian River Drive. The blue lines represent the riparian property rights. In addition, the yellow area represents where the dock will be constructed. It will be situated in the center of the property and extend within the riparian rights and a permit for the proposed dock has been obtained from the Florida Department of Environmental Protection which does expire on October 25, 2012. All affected Departments have reviewed the Conditional Use Application and have approved it based on it meeting the requirements of the City Code. 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.

Mr. Hayek said thank you Mr. Carlin. On this do we need to hear from the owner? He recused himself. Mr. Reilly do you want to speak for?

Mr. Reilly said Ed Reilly, 2419 S. Indian River Drive, Fort Pierce, Florida. Do you have any questions of me?

Mr. Hayek said I do only for my own edification Mr. Reilly. It's specifying the deck material is the grating rather than a PT, is that because there are certain grasses underneath or is that new Code?

Mr. Reilly said there are certain grasses underneath. It also makes it much more expensive. I'm not really happy about that but it also makes I believe a little bit easier to go through.

Mr. Hayek said thank you. Do we have any comments from the public for or against? Hearing none we'll entertain a motion from the Board or any discussion.

Motion made by Mr. Dannahower and seconded by Ms. Dixon to approve the Conditional Use approval to construct a private dock at 2419 South Indian River Drive.

Those in favor: Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Dannahower, Ms. Dixon and Mr. Harris.

Those opposed: none.

Mr. Hayek said so moved.

Chairman Johnson said thank you Mr. Hayek. Very good.

The next item considered: **Item # 7b - Liberty Truth and Deliverance – 1406 Avenue B** - Application for Site Plan and Conditional Use to construct a 3,818 square-foot church. The property is zoned R-4, Medium Density Residential. The property owner is Liberty Truth and Deliverance. The applicants are William and Barbara Copeland. The representative is Abraham Chabab.

Chairman Johnson said can we have staff report please?

Mr. Carlin said good evening Mr. Chair, members of the Board. Tonight, the applicant is requesting Site Plan and Conditional Use approvals to construct a new 3,818 square-foot church located at 1406 Avenue B. As you can see from the aerial, the property is predominately vacant and the parcel is 0.80 acres in size. The properties to the north and west of the proposed development are occupied by single-family homes and consist of zoning of R-4, Medium Density Residential. The vacant property on the east side of 14th Street is also zoned R-4. The properties to the south of the subject development are zoned R-3, Single-Family Moderate Density and consist of single-family homes. The building will include 117 fixed seats for worship services and two small offices will also be integrated into the design. To comply with design review guidelines, the building will also be situated along the front setback at the corner of Avenue B and 14th Street. Architectural plans provided specified that the building will incorporate appropriate fenestrations and details to additionally comply with design review standards. Plans specify that the building will extend to a height of 27 feet. This rendering represents the color schematic that will be utilized for this particular project to give you a better understanding of how it will be integrated into the neighborhood. Access to the development will consist of two driveway entrances which will be located on Avenue B and 14th Street. Both of those entrances will allow unrestricted turning movements. Sidewalks will also be constructed along the east and south property boundaries. The applicant will be providing five feet of additional right-of-way along 14th Street and 10 feet along Avenue B to comply with the minimum City's right-of-way of 60 feet. As far as the site details are concerned, a total of 41 parking spaces will be provided for the development. Of those, 20 parking spaces will be grass which is permitted by the City Code. Storm water runoff will be channeled to a detention area that will be located along the north and west property boundaries with appropriate buffering. Landscaping for the proposed development will consist of adding 29 new trees which appropriate hedge materials between all parking and detention areas. A

traffic impact statement that was provided by the applicant's consultant indicated that only 30 daily trips would be generated by the proposed development and therefore would have no impact to the surrounding roadway network. All affected departments have reviewed the proposed site plan and conditional use based on it meeting the requirements of the City Code and staff recommends that the Planning Board forwards a recommendation for approval of the Site Plan and Conditional Use to the City Commission.

Chairman Johnson said okay, any questions of staff? Seeing none I'd like to invite the applicant forward this evening. Good evening.

Mr. Chabab said good evening. My name is Abraham Chabab. I'm the agent for the applicant. As David Carlin mentioned, the church will have 117 seats. The size of the building is 3800 square feet. We have shifted the building to the front to meet the current City criteria. As you see, it's in the front corner. I reduced the size of the building to meet the minimum parking spaces in the detention area. We have added sidewalks to provide pedestrian access to the community and to the church. We've also dedicated 10 feet of right-of-way along the south, five feet and five foot of easement along the east side. Most of the trees on site have been saved. We have added some more trees. If you have any questions, I'll be more than happy to answer them. Steve Wood will represent the building in reference to the architectural part.

Chairman Johnson said okay, very good. Good evening.

Mr. Wood said good evening. My name is Steve Wood. I'm the engineer of record for the building part of this project. I'm here to answer any questions. Thank you.

Chairman Johnson said any questions of the applicant from the Board?

Ms. Dixon said Mr. Chair, I have one quick question. I'm just looking at the rendering that you have here which, by the way, very nice. This looks like it would be a very nice improvement to the area. I am definitely happy to see this. This may be just because of the pictures. I just want to make sure. There isn't any parking on the streets. That is just flowing traffic that's going there, correct?

Mr. Chabab said definitely not. All the parking is onsite.

Mr. Wood said do you have updated, an exact copy of that? I'm not sure that the packets that you all have has the latest?

Chairman Johnson said I think we have one without the data.

Mr. Wood said would you like one? If I can pass those out to you?

Chairman Johnson said any questions of the applicant? Where's the site plan?

Mr. Knott said Mr. Chairman. The floor plans show that there is no parish hall or any food activities like this. It's just strictly a house of worship. Is this correct?

Mr. Chabab said that is correct.

Mr. Knott said what is the schedule for their services? Do you know? Is it just Sundays or will it be during the week? I'm just trying to figure out what your traffic study was based on what activities?

Mr. Chabab said it was based on Sunday services.

Mr. Knott said Sunday. I want to find out if that's the only service they basically have.

Ms. Copeland said good evening.

Chairman Johnson said what's your name and address for the record.

Ms. Copeland said Barbara Copeland, 3404 Avenue S, Fort Pierce, Florida.

Chairman Johnson said thank you very much.

Ms. Copeland said your welcome. Right now, we have services on Tuesdays and Thursdays, 7:30 and on Sunday morning at 10:00 a.m.

Mr. Knott said so you have three days that basically you'll have services?

Ms. Copeland said weekly services, just bible study.

Mr. Knott said and that's about the only time the church is going to be used. Is this correct?

Ms. Copeland said that's the only we're using it.

Mr. Knott said and you've got seating for about a little over 100 parishioners? You got like 117 or something like that?

Ms. Copeland said yes.

Mr. Knott said very good. Thank you.

Chairman Johnson said any other questions of the applicant? Seeing none, we'll return to the Board.

Mr. Reilly said Mr. Chair. A question for staff. The neighbors, the surrounding neighbors, any comments or anything from the neighborhood?

Mr. Carlin said Mr. Chair, Mr. Reilly. The procedures outlined in the Code require notifications to be sent out for a conditional use application prior to City Commission consideration. At that time, we will receive the property owner responses and we tabulate the findings.

Mr. Reilly said I was going to say thank you Mr. Walker you reiterated so well.

Chairman Johnson said thank you very much. Okay, I entertain a motion from the Board.

Motion made by Mr. Poitier and seconded by Mr. Harris to forward a recommendation to the City Commission to approve the site plan and conditional use permit to construct a 3,818 square-foot church.

Ms. Dixon said one quick thing. I have to say. I am utterly amazed by this. Just to see this, I mean the people with the software, we don't typically get renderings that end up coming in with this software. I'm looking, I'm like real cars, these are people. If there are any other entities that may be coming before us, I'd definitely love to be able to see something of this nature. Thank you.

Chairman Johnson said very good. Any other discussion? Could we have roll call please?

Those in favor: Mr. Knott, Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay, your project will be forwarded with a recommendation to the City Commission. To reiterate Ms. Dixon, very good job on the application. Thank you very much.

Mr. Poitier said it's a nice building.

The next item considered: **Item # 8a - CNC Soul Food Restaurant** - Request for Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption. The property is located at 1143 Avenue D. The property is zoned C-3, General Commercial. The property owner is Charles Jackson. The applicant and the business owner is Mary Jackson.

Chairman Johnson said could we have staff report please?

Mr. Yazzie said good evening Chairman Johnson, Board members. In accordance with Section 3-7 of the City Code which prohibits the City from granting the approval for the sale of alcoholic beverages by retail for consumption on premises where the establishment is located within 1,600 feet of other licensed establishments, churches, or

schools, unless a Waiver of Distance is granted. The applicant is requesting a 2COP license to serve beer and wine for consumption on premises and the establishment is located within 1,600 feet of other licensed establishments, churches and a private school. The property is located at 1143 Avenue D and is within 1,600 feet of 6 churches, 4 licensed establishments and a private school. The establishment is located in the C-3 Zoning District and all adjacent properties on the north, west and east are also zoned C-3. The property to the south is zoned R-4 and is separated by a public road called Lincoln Place. This is a photo of the existing establishment showing landscaping and parking improvements. A total of 167 notifications for the conditional use permit were mailed to property owners located within 500 feet of the property owner. As of today, a total of 12 responses have been received, 8 of which approve of the conditional use permit and 4 of which oppose the conditional use permit. All affected Departments have reviewed the proposed Conditional Use and have approved it based on it meeting the requirements of the City Code. As the proposed establishment does not appear to adversely affect community health, safety or general welfare and meets all the required City code criteria, Staff recommends the Planning Board forward a recommendation of approval of the Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment to the City Commission. Excuse me, I just have to correct myself. It was outlined as a conditional use. It is a Waiver of Distance.

Chairman Johnson said very good. Thank you. Any questions of staff?

Ms. Dixon said Mr. Chair. The oppositions, do you have any comments or what the specific oppositions were with regards to this?

Mr. Yazzie said I can give you a bit of an example.

Ms. Dixon said just a general consensus.

Mr. Yazzie said one comment was "Alcohol should be consumed with food. There are plenty of places to buy just alcohol. This will only invite trouble in an already troubled neighborhood." That was a disapproval.

Ms. Dixon said I am correct that there is food being served there?

Mr. Yazzie said that's correct.

Chairman Johnson said it's an on-premise application.

Mr. Yazzie said it's an existing restaurant.

Ms. Dixon said okay.

Mr. Yazzie said and that was it for the disapproval. That was the only one that was written with a comment.

Ms. Dixon said okay, thank you.

Chairman Johnson said any other questions of staff? The only question I was going to ask is you said it was an existing, obviously a restaurant. Seating capacity is okay for this application, is that correct?

Mr. Yazzie said the proposed seating arrangement demonstrates 40 seats and 35 is required to have the Waiver of Distance approval.

Chairman Johnson said do they have that today?

Mr. Yazzie said at this time the applicant is maybe here to answer that question. This report was prepared by another employee who is not here today so I'm stepping in.

Chairman Johnson said is the applicant here this evening or any other questions of staff? If you would please come forward and state your name and address for the record. Good evening.

Ms. Jackson said good evening. Mary Jackson, 804 Holly Avenue. That's Fort Pierce, Florida 34982.

Mr. Jackson said Charles Jackson, same address.

Chairman Johnson said okay, welcome. Any questions of the applicant?

Ms. Jackson said well the question at hand was at this time, do you have the seating capacity working and available and that's a yes. One more thing if I may, the name of it. There needs to be a correction. It's CNC Soul Food Restaurant.

Chairman Johnson said that is on the application. The item or what I just read. Okay. The "and" is what you were referring to eliminate? Okay, very good. The application is correct. Actually, the agenda was a little bit different. No problem. Any other questions? Ms. Dixon?

Ms. Dixon said it's actually not a question. It's a comment. You guys did a very nice job with the remodeling and the landscaping and everything else on the property. It looks really nice there. Thank you.

Ms. Jackson said thank you. We call it South Beach.

Ms. Dixon said South Beach, North Beach, whatever. It looks good. I'm very thankful that it's.

Mr. Jackson said we had a façade grant.

Ms. Dixon said I was going to ask this was one of the FPRA grants, correct?

Ms. Jackson said yes.

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

Motion made by Mr. Poitier and seconded by Ms. Dixon to forward a recommendation to the City Commission to approve the Waiver of Distance for a 2COP Alcoholic Beverage License for CNC Soul Food Restaurant.

Those in favor: Mr. Lloyd, Mr. Poitier, Mr. Reilly, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott and Chairman Johnson.

Those opposed: none.

Chairman Johnson said your request will be forwarded with a recommendation. Thank you.

The next item considered: **Item # 8b - PP Cobb Store & Restaurant:** Request for Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption. The property is located at 100 Avenue A. The property is zoned PUR, Planned Unit Redevelopment. The property owner is Adams Ranch Inc. The applicant/representative is Thomas P. Weisser.

Chairman Johnson said could we have staff report please?

Good evening Chairman Johnson, Board members. In accordance with Section 3-7 of the City Code which prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where the establishment is located within 1,600 feet of other licensed establishments, churches, or schools, unless a Waiver of Distance is granted. The applicant is requesting a 2COP license to serve beer and wine for consumption on premises and the establishment is located within 1,600 feet of other licensed establishments. The establishment located in Downtown Ft. Pierce in the Historic PP Cobb building. This establishment is in the PUR, Planned Unit Redevelopment zoning district. The properties to the north, west and east are also in the PUR zoning district. The property to the south is in C-4, Central Commercial zoning district. This photo depicts a streetscape view of the restaurant. The yellow arrows demonstrate where the outdoor seating will be in addition to the existing landscaping and off-street parking. This photo shows where additional outdoor seating will be. The yellow arrow shows where the two tables will be placed which will incorporate six seats to each table. This photo is taken to show where the seating will be on the deck of the restaurant. The tables currently have three seats per table. The proposal is to expand to four seats per table. Again, an obvious view of a deck of the restaurant. Here you can see clearly the existing three seats per table. A total of 44 notifications for the Waiver of Distance permit were mailed to the property owners located within 500 feet of the property owner. As of today, a total of 18 response have been received: 14 of which approve of the Conditional Use Permit and 1 of which opposed the Conditional

Use Permit. Again, I apologize it's a Wavier of Distance permit. Three had no comment. All affected departments have reviewed the proposed Waiver of Distance and have approved it based on it meeting the requirements of the City Code. This slide gives you an idea of where some establishments currently serve alcohol. To the bottom right, it depicts the location of the St. Andrew's Church which is within 1600 feet. As the proposed establishment appear to adversely affect community, health, safety or general welfare and meets the requirements of the Code, staff recommends the Planning Board forward a recommendation of approval of the Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment with the condition that the applicant provide an updated seating arrangement for the interior floor area which demonstrates that sufficient seating will be available.

Chairman Johnson said okay. Could you repeat the last statement there? Which seating were you referring to?

Mr. Carlin said Mr. Chair. The original staff analysis that you have was a recommendation of approval. There was some additional information that surfaced that Planning staff needs to have provided from the applicant in terms of the layout in the interior section of the actual establishment. I've consulted with them and they will get that information to us so we can confirm that there is in fact sufficient seating within the proposed restaurant there. That is a condition of approval that staff is recommending that this Board take into account when it's forward it's recommendation. We just need some additional documentation that demonstrates that the seating in fact will be appropriate inside the restaurant.

Chairman Johnson said that's on the interior portion you are referring to?

Mr. Carlin said that is correct.

Chairman Johnson said okay very good. Thank you.

Mr. Hayek said a question on the school is in the write-up, the school is not mentioned as being within the 1600 feet.

Mr. Yazzie said again, I apologize. Chairman Johnson and Mr. Hayek, I did not prepare this analysis of this Waiver of Distance report. That has been an oversight.

Mr. Hayek said so the school is within 1600 feet?

Mr. Yazzie said that would have to be determined in addition to the analysis for the interior seating.

[Overlap of voices]

Mr. Hayek said I'm of that opinion but it was stated that the school was within the 1600 feet.

Mr. Yazzie said it has been measured from doorway, that's how the measurement was taken from a doorway to the center line of the street, down the street and to the front entrance of whichever entrance is closest to the establishment, I believe. That measurement is around approximately 1300 feet from I believe the church. Now, the portion of the school may be out of that realm.

Chairman Johnson said thank you.

Ms. Dixon said Mr. Chair, this is somewhat related but unrelated with regards to outdoor permitting. I know that they've got a lot of their seating, well right now all we see is their seating pretty much outside. Is there a special permit that you need to have for outdoor seating?

Mr. Carlin said Mr. Chair, Ms. Dixon, that is correct. We do have a Sidewalk Café Ordinance that does require permitting to be completed, if you will, to establish outdoor dining on sidewalks or public rights of way.

Mr. Hayek said Mr. Chair, that's on their deck.

Ms. Dixon said well there is a portion of it going to be, there were two seats over here to the side.

Mr. Hayek said oh, I didn't see that. Okay.

Mr. Carlin said and Ms. Dixon you are correct. This particular parcel, based on the information that was provided to us, the property record does show that there is a portion of that area which is owned by the PP Cobb property so it is not in fact on the public property or the sidewalk. That was one of the other pieces of information that was also going to be provided to us by the applicant was to show a survey just to confirm that in fact the property record boundaries are accurate and up to date which we sometimes get property record cards reflecting the property boundaries but sometimes those can change depending on things. We have looked at that and the applicant will be getting that to us to confirm. Based on the information that we reviewed, those seats appear to be on private property.

Mr. Hayek said just for the record, I'm a great proponent of outdoor dining in a downtown rehab area. I think it's extremely important for our downtown area to have more outdoor seating and dining.

Mr. Carlin said Mr. Chair, Mr. Hayek, I think the Sidewalk Café Ordinance is one of the ways that the City was looking at that issue to try to formalize that and get that to be available to various establishments to do it properly and to facilitate that.

Mr. Hayek said I know years ago they were getting at it at Yellow Tail for the overhang that they had there and that was a real contentious issue in front of previous Boards and I was a great proponent of that canopy.

Chairman Johnson said okay. Any other questions of staff? Seeing none, I'd like to invite the applicant forward at this time. Good evening.

Mr. Weisser said my name is Tom Weisser. This is Yuko Weisser. We are the owners of PP Cobb General Store.

Chairman Johnson said anything you'd like to say tonight?

Mr. Weisser said you are correct in your assessment earlier that the sidewalk that is in that diagram is actually part of the PP Cobb Building and part of our lease. Even though it is outdoor seating, it is still on private property.

Chairman Johnson said any questions of the applicant from the Board?

Ms. Dixon said Mr. Chair. I'm just curious. Is there going to be any type of overhang or covering for the tables that are on the outside or is it just going to be, is it an umbrella?

Mr. Weisser said there will be umbrellas. Yes. We do not have that right now because when this was all set up through Mr. Williams, he said that we should not do that until we got the approval. Once the approval comes, we will go ahead purchase those tables. We have one of them now. The rest will be purchased. The other tables that we're talking about are already under the roof of the PP Cobb building.

Chairman Johnson said any other questions of the applicant? Seeing none, thank you very much. Anyone here from the public that would like to speak for or against this request. Very good. Return to the Board and entertain a motion?

Motion made by Mr. Poitier and seconded by Mr. Hayek to forward a recommendation to the City Commission for approval of the Waiver of Distance request for a 2COP Alcoholic Beverage License for PP Cobb General Store and Restaurant located at 100 Avenue A with the condition that the applicant provide an updated seating arrangement for the interior floor area which demonstrates that sufficient seating will be available.

Board Attorney Walker said respectfully, was it the intent of the movent to incorporate the recommendations for the addition of the conditions as suggested by staff?

Chairman Johnson said the motion, does it include the conditions?

Mr. Poitier said yes, we accept that.

Chairman Johnson said any other discussion?

Ms. Dixon said I just wanted to make sure that was including those conditions.

Chairman Johnson said very good. Could we have roll call please?

Those in favor were: Mr. Poitier, Mr. Reilly, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay, your request will be forwarded with a recommendation. Thank you very much.

The next item considered: **Item # 9a - 1103 Avenue M:** Application for a special exception to construct a 76 square foot addition onto the rear of a non-conforming structure. The property is located at 1103 Avenue M and is zoned R-3, Single-Family Moderate Density Residential. The property owner is Linda Rowe. The applicant is Brenda Robinson.

Mr. Carlin said good evening Mr. Chair, members of the Board. Once again tonight, in accordance with Section 22-102.1 of the City Code, the applicant is requesting approval for an expansion to a nonconforming structure as a special exception. The applicant is requesting to construct a small addition located at the rear of the house. The total size of this addition will be 76 square feet. Although not part of the special exception request, the applicant will also be constructing a detached garage that will total 544 square feet. The house is situated on a 0.16-acre parcel as seen on your screen, and the lot dimensions measure 50 feet wide and 141 feet deep. The property is zoned R-3, Residential and all surrounding properties to the east, west and south are also zoned R-3 with the exception of the property to the north which is located on the unincorporated St. Lucie County. The setback requirements for the R-3 zoning district are as follows: 25 feet from the front, 7 feet from the side, and 15 for the rear. However, the house is situated in a manner where the northeast side of the house extends into the required side yard setback leaving 1.5 inches from the property line as seen in the circle shaded in red. This encroachment into the side yard setback results in the house being a non-conforming structure which requires the applicant to follow the procedures outlined in 22-102.1 and proceed Planning Board and a Board of Adjustment approval for any enlargement or alteration. On the last slide you can see the yellow arrow represents the area where the small addition will be made. As far as the criteria is concerned for expanding, the existing size of the house is 974 square feet and the proposed addition as I indicated is 76 square feet. The criteria set forth in Section 22-102.1 specifies that a maximum of a 50% increase can be made to the subject house. This proposed addition represents an 8% increase which is below the threshold outlined in Code. Therefore the proposed expansion meets the necessary criteria for a non-conforming structure as a Special Exception. Staff recommends that the expansion onto the non-conforming structure be permitted as a Special Exception.

Chairman Johnson said very good. Any questions of staff?

Mr. Dannahower said I'm a little confused, David. The picture that had the red circle, the existing residence is already non-conforming because it's too close to the property line?

Mr. Carlin said that is correct Mr. Chair, Mr. Dannahower. When you have a structure that's located closer than what the setbacks currently allow for, that deems the subject building a non-conforming structure, in order to expand it, only the Board has the authority to grant that approval or authority to expand.

Mr. Dannahower said so the proposed expansions do not encroach into the setback lines?

Mr. Carlin said no. As you can see from the house, there is no additional encroachments as a result of that.

Mr. Dannahower said okay, thank you.

Chairman Johnson said very good. Any other questions of staff? I'd like to invite the applicant forward at this time if you would?

Ms. Robinson said my name is Brenda Robinson. I'm the representative for my twin sister, Linda Rowe. The reason I'm the representative is she works and I don't and I just handle all the arrangements and stuff.

Chairman Johnson said very good. Thank you very much for being here. Any questions of the applicant tonight? Alright. You get off easy. Thank you.

Ms. Robinson said thank you.

Chairman Johnson said no one else is here to speak from the public so we entertain a motion from the Board.

Motion made by Ms. Dixon and seconded by Mr. Dannahower to forward a recommendation to the Board of Adjustment to grant a special exception to construct a 76 square foot addition onto the rear of a non-conforming structure for the property located at 1103 Avenue M.

Those in favor: Mr. Reilly, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Knott, Mr. Lloyd, Mr. Poitier and Chairman Johnson.

Those opposed: none.

Chairman Johnson said okay your request will be forwarded with a recommendation. Thank you very much for your patience.

Mr. Hayek said I wanted to ask David a question. May I ask a question of staff? The house is already non-conforming. Would it had been very hard to take that addition and bring out to the corner of the building where it would be, I know it does encroach again upon the setback but it's already non-conforming. Would that have been a big deal for any future cases?

Mr. Yazzie said well in this case you cannot make a nonconforming any more nonconforming. We have to stay in consistence with the use.

Mr. Hayek said that answers my question. Thank you.

The next item considered: **Item # 6a – Impact Fee Ordinance** – Approval to adopt the Impact Fee Ordinance as part of the City of Fort Pierce City Code to implement the City Comprehensive Plan and provide comment regarding any recommended areas of exemption or suspension of impact fees.

Chairman Johnson said could we have staff report please or when you're ready.

Ms. Ehly said Mr. Chair, Board members. Tonight you have before you a draft Impact Fee Ordinance that has been prepared by Tindale, Oliver & Associates in coordination with City staff to address the impacts of new growth on public facilities provided by the City. Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public facilities required to serve that development. In essence, they charge each unit of new growth for the net cost of infrastructure needed to serve that unit of growth. The impact fee schedules for these public facilities were developed as a result of an impact fee study completed in November of 2006. These were the areas that City staff asked Tindale, Oliver & Associates to study and prepare schedules for. As the rate of development increases, so does the cost of maintaining public facilities at the adopted level of service. The capital projects listed in the capital improvements element of the Comprehensive Plan are required to maintain the adopted level of service standards. The CIE must be financially feasible. Financial feasibility applies to the five-year planning period of the CIE and is defined in Chapter 163 of the Florida Statutes as having committed funding sources for the first three years of the planning period and either committed or planned funding sources for years four and five of the planning period. As you can see by these examples of committed funding sources, impact fees provide a valuable committed revenue source that the City does not currently have. It's important to know that impact fees only address the impacts of new growth. Impact fees cannot exceed a proportionate share of the cost expanding facilities required to serve the new development. New development cannot be charged impact fees designed to correct an existing deficiency. The impact fee charge must satisfy the dual rational nexus test or show that the relationship between the need for facility improvements by new development is proportionate to the amount of fee charged and the cost of infrastructure improvement. Additionally, local governments are required to show that developments paying impact fees will receive benefit from the expenditure of those fees. For example, residential development and park fees. The premise of the amount of an impact fee is that new growth consumes some identifiable quantity of public infrastructure capacity and the fee is based on the cost of providing that identified quantity. As you can see in the study which you were provided in your backup documentation, each public facility has a specific and somewhat complex methodology to determine the cost of providing

the facility demanded by the unit of land use. The impact fee ordinance allows for exemptions to all or a portion of fees. As you can see by this slide, these are examples of exemptions. However, it is important to ensure that exemptions do not result in an under funded CIE resulting in the inability to provide the capital improvements to maintain the adopted level of service. The purpose of implementing an impact fee ordinance is to implement the Comprehensive Plan by providing a funding source for capital projects that are required to maintain the adopted level of service standards for public facilities. As the amendment furthers the goals, objectives and policies of the Comprehensive Plan and meets the requirements of Chapter 22 Amendment Standards, and in accordance with Section 22-128, staff recommends that the Planning Board submit a recommendation for approval of the amendment of Chapter 22 of the City Code to adopt the Impact Fee Ordinance and include comment regarding any additional exemption or suspension areas.

Chairman Johnson said okay very good. Any questions about the proposed ordinance that's before you?

Ms. Dixon said Mr. Chair? Mr. Ehly, correct me. This maybe a stupid question although they say no question is stupid. I'm not sure on this one today. Do we not currently already receive impact fees for the City is this something completely new?

Ms. Ehly said Mr. Chair, Ms. Dixon. We currently collect impact fees for the County. However, those fees go to the County and then we collect a 3% administrative fee but we don't receive those impact fees. This would be the City charging impact fees on impacts to City facilities.

Ms. Dixon said okay because I was blown away for a minute. I'm like "I could have sworn when we did something that there was an impact fee now". Thank you.

Mr. Reilly said are these in addition to the County impact fees?

Ms. Ehly said Mr. Chair, Mr. Reilly, yes they are.

Mr. Reilly said and what's the general for a home, what would be the general addition - \$3,000?

Ms. Ehly said no. Mr. Chair, Mr. Reilly it would be about \$13,000 for a single-family home.

Mr. Reilly said in addition to the County?

Ms. Ehly said well that would be including the County. However, the City Commission can enter into agreements with the County regarding the proportion of County fees that would be collected in relation to City fees. That's something that's flexible and can be worked out. Just like Port St. Lucie did with the County.

Chairman Johnson said let's just make it a general conversation here so it's not so formal. Let's talk about that. You said it would be \$13,000 for what size home? I calculated our fee based on a 2,000 square foot home. Did you do a general example?

Ms. Ehly said well for a 2500 square foot home the total City fee would be \$4,285.

Chairman Johnson said 2500 square feet is \$4,000 what was it again?

Ms. Ehly said \$4,285.37.

Chairman Johnson said it should be the City. Is that correct?

Ms. Ehly said if you include the County for a 2500 square foot home, the fee would be \$13,926.28 and that would include the total fee that would be charged to somebody developing in the City of Fort Pierce. Right now, it's almost \$10,000 and all of that impact fee goes to the County.

Mr. Reilly said why is that?

Ms. Ehly said because the City doesn't charge impact fees.

Mr. Reilly said I understand that.

Ms. Ehly said but if you develop in St. Lucie County, you have to pay impact fees to the County.

Mr. Reilly said I understand that but does the City have a smaller portion of roads that they are responsible for? A smaller portion of parks and things like that? Why wouldn't we be fighting like Port St. Lucie to get a portion of the money?

Ms. Ehly said I don't know. I can't answer that question as to why we're not negotiating that or even?

Mr. Reilly said right now just with me looking at, I'm just saying "My God, we're going to make it more expensive to build in Fort Pierce where people.

Ms. Ehly said right but the key is that if you building in Fort Pierce, your impacting public City facilities not just County facilities. We're not receiving any fees to supplement that but we still, the taxpayers of the City of Fort Pierce, still have to provide those services. So it's the taxpayers providing it or developers providing it. Somehow that level of service has to be maintained by those committed revenue sources which are ad valorem taxes, property taxes, sales taxes, things like that.

Mr. Reilly said I guess my thought on that is that you're actually, why isn't the County giving the City money or why is it currently being collected, a portion of that money being collected for the City instead of just adding to the burden of someone building in the City?

Ms. Ehly said negotiations on a higher level would have to take place in order to have an interlocal agreement or a joint planning agreement.

Mr. Poitier said other cities have it too. Miami charges both City and the County to help the City repair the streets. We should have been charging them. Fort Pierce, the City should be getting from the County.

Ms. Dixon said Mr. Chair, I have to say. When I looked at these numbers, I was floored at the thought that how are we ever going to be able to build the City of Fort Pierce and invite people to want to move. This just seems astronomical. It's nothing against what has been done by staff. I understand the need for funding but the numbers are just so high and it's just.

Ms. Ehly said well I would point out that those numbers are going to be there regardless of who pays.

Ms. Dixon said I know. It's going to come from somewhere.

Ms. Ehly said that's the actual fee of providing these facilities so it's either developers or taxpayers.

Ms. Dixon said and I'm not disagreeing with that. I think where Mr. Reilly was going with it is where it is above you that. We should, at City, should have been getting some form of proportionate share from the funds from the County because when you add these extra fees, why do you want to come to Fort Pierce to build now?

Ms. Ehly said I can tell you that we did look at surrounding areas. The fees are not inconsistent with Vero Beach, Port St. Lucie, Stuart. In fact, most of them are lower or equal to.

Ms. Dixon said I would assume that due diligence on this would have taken into consideration the surrounding areas and what they were charging. That's expected to have come from a report of this magnitude. I definitely thought that would have been done. I would have thought that this could have been some sort of incentive to maybe try to get businesses and more development into Fort Pierce instead of Port St. Lucie to be able to say "hey, we didn't have this now". Now we are having this extra added fee potentially added on to someone who's looking at building here versus somewhere else. I understand the need for funding and I definitely believe that there is an impact on our facilities but I think we really should have been getting something from the County to assist with paying or basically providing some of funds that they're receiving back to us because our stuff is being impacted. It's just a little bit of a frustration over here because I looked at some of the numbers and when you add what the County is also charging in hard economic times, why come to Fort Pierce right now although we may be lower than someone else.

Ms. Ehly said the problem is though if you don't maintain the level of service and you don't provide the public facilities, no one is going to come to Fort Pierce either.

Ms. Dixon said I do completely agree. It's not at, and this is more of an empowerment. My statement is an empowerment to our Commissioners that are listening to this that we need to, and this is me speaking, that we need to somehow work some form of agreement with the County Commissioners to somehow receive some form of our fair share, in my opinion, with what is currently already being paid by people moving into the City from an impact standpoint.

Chairman Johnson said and I think that you are going to find that consensus across the Board that at least I think I've heard an understanding about the County and what they're charging in addition to what's proposed here tonight. Get to specific questions other than what the surrounding communities are looking at but get to a specific condition of "okay, how was this number was derived". I'm assuming that 2500 square foot house was based on the third highest for a single-family home, is that correct? You took the third highest number which is, obviously less than the 1500, 15 to 2499 and then 2500 so we assume the worst case scenario for a 2500 square foot house or greater?

Ms. Ehly said yes.

Chairman Johnson said the trick is, how were the numbers derived and did they take into account? The second item is government buildings impact fee. If that's a \$535 fee, do we have something that outlines that the City of Fort Pierce is going to build 10,000 square feet of government building within the next ten years where that impact fee is going to be applied to?

Ms. Ehly said well, there is two different ways that you can determine impact fees. You can determine them if you have a plan, like if would have planned we're going to build this many parks and that many government buildings then you would charge the impact fee according to that. This is a standard spaced impact fee methodology so it's more flexible. It's in relation to what developments are coming on and what impacts they would have.

Chairman Johnson said but there's a six-year caveat and limitation to when that money is spent. It has to be spent specifically to a government building. I'm just taking that one for an example. It has to be spent on government building impacts or proposals after it's calculated. Within six years, you have to utilize that money on a government building, whatever it is. It could be a bathroom I suppose.

Ms. Ehly said I think libraries are the main, libraries and other government buildings that would meet the needs of the development.

Chairman Johnson said the items that were designated, are those specific? Do we designate, we said we wanted parks, we wanted government buildings? Did staff hand-pick those?

Ms. Ehly said yes. Well, it's actually Mr. Recor is the one who retained Tindale, Oliver and determined the scope of services for the study.

Chairman Johnson said what about the actual items? Did you just come out and say "Okay, there's 50 items that typically are applied to impact fees" and we picked five?

Ms. Ehly said we did not at our level.

Chairman Johnson said the consultant recommended.

Ms. Ehly said it was requested by staff who retained Tindale Oliver. It is my understanding, Mr. Recor is the one who outlined the scope of services. You can do a study to determine the fees for whatever you want to charge. These are fees that are consistent with what are generally charged in municipalities. There is only three other municipalities in Florida that charges stormwater fee. That's a fee that's unique to us in this area. There are other municipalities that charge fees for different breakdowns of commercial development. Some of them have every imaginable commercial development that you can think of and an impact fee for that. There all kind of different that way. These are the fees that I guess Mr. Recor wanted to investigate.

Chairman Johnson said I glad you brought up the stormwater one because on the tax rolls today, the engineering department for the City of Fort Pierce implemented a stormwater fee that is put on every single tax bill across the City of Fort Pierce. Once a house is built, that fee is still going to be in place and now we have an impact fee and a fee that's a yearly fee.

Ms. Ehly said I think they are both separate. The stormwater impact fee is a one-time fee to maintaining the level of service provided by the stormwater infrastructure. The stormwater fee I'm not familiar with.

Chairman Johnson said it's okay. It was implemented some years ago.

Ms. Ehly said I know they did do a study.

Chairman Johnson said it was maybe when Mr. Arias was here, Hector Arias. Anyway, it's still a condition that's out there and now we're seeing it two times.

Ms. Ehly said there's an area in the ordinance that allows for the exemptions and credits and things like that. That's up to Director of Planning to work through. There is also, you can request as an applicant an individual assessment which means they provide information to the Department of Planning and they would get an assessment that is based upon current charges if they wanted to do it that way for a building infrastructure and things like that. They can provide data and they can get an individual assessment if they feel if that fee is too high or if they being double charged or things like that. There is areas for flexibility in the ordinance. Of course, if there are any recommendations that you would have, we would want to take that to the Commission.

Chairman Johnson said I think Mr. Hayek you had a question. Don't feel that you are in the hot seat. It's okay.

Ms. Ehly said it's kind of complicated.

Mr. Lloyd said I want to talk about expansions. For example, adding a room onto your house. If I wanted to add a bedroom onto my house right now, would you pay an impact fee?

Ms. Ehly said no you would not. It's only for new development.

Mr. Lloyd said well the reason why I'm asking is because it says under 22-407(c).

Chairman Johnson said what page? Seven or Eight or something like that?

Mr. Hayek said maybe I'm looking at the wrong.

Ms. Ehly said I see subpart(c).

Chairman Johnson said the proposed ordinance.

Mr. Hayek said yeah, the proposed ordinance. I'm sorry.

Ms. Ehly said that's Type of development not affected?

Mr. Hayek said right. So then it goes through, I'm assuming it goes through who doesn't pay impact fees. What types of activity doesn't incur an impact fee.

Ms. Ehly said right.

Mr. Hayek said under 2 it says "*Alterations or expansions to existing buildings where no additional dwelling units are created...*", how is a dwelling unit defined.

Ms. Ehly said we have a definition for dwelling unit in our City Code and that would be.

Mr. Hayek said is it just a bedroom?

Ms. Ehly said no you have to have kitchen facilities. You have to have separate kitchen facilities. I'm sure David [Carlin] has the definition.

Mr. Hayek said in my experience in other municipalities there was an impact fee. Once you went, like we're showing 1500 square feet and then a break at 2499 square feet. If the addition would bring you into the higher amount and it was a dwelling unit in there which was considered to be a bedroom, then they would charge you the extra fee.

Ms. Ehly said I'll double check on the definitions that are included in this ordinance.

Mr. Hayek said I guess that's my question. Where in this ordinance does it say.

Ms. Ehly said we don't have a definition for dwelling units. This is part of Chapter 22. We would use the dwelling unit. Now, if you would recommend that we incorporate one specifically into these definitions, we could take that.

Mr. Hayek said well that's probably more of a question for legal.

Ms. Ehly said well basically the impact fees are for a single family home is one dwelling unit. If you take it to multi-family, that's going to be outside your zoning what's allowable in your zoning anyway.

Mr. Hayek said I get that. My main concern is if you the single-family home person decides to add onto their house. Are they going to get him with?

Ms. Ehly said no because it's based on also population. Your impacts are not only square footage but it's also in relation to how many people would be living there which is 2.5 which is what we kind of determined as the number. That would be your impact on the parks as a residential impact and things like that by expanding your living area.

Mr. Hayek said your bedroom, you're expanding, another person could live there which would add another vehicle so that's adding to the impact also. That was my next question is because it says then the use of the word "and" no additional impacts on any public facilities are created. Couldn't there be a situation where no additional dwelling units are created but somehow it's determined that there is an additional impact on a public facility? I don't know how you make that determination.

Ms. Ehly said it's talking about existing buildings. I think it's anticipating larger alterations such as a site plan, a minor site plan amendment or something like that.

Chairman Johnson said I agree and I disagree. What's going to happen is, you add a bedroom and you want to expand your driveway, you're creating additional impact to the drainage facility because you added to your driveway.

Mr. Hayek said is it determined on an administrative, I mean is it somebody in the Planning Department that makes that determination and then I can see litigation. You get the wrong person in there.

Chairman Johnson said exactly right. That could be manipulated to charge an impact fee to that. If I added a bedroom and expanded my driveway, I've impacted the stormwater system just by that much.

Ms. Ehly said the amount that you charge and the demonstration of impact is very specific in Florida statutes. You can't just arbitrarily charge impact fees. There would have to be a determination using accepted methodology as to the impact of that alteration and what the specific cost is going to be to create the facility to mitigate that impact. I imagine that it would be so small for a single-family home that it wouldn't even

cross the threshold.

Mr. Hayek said then that's part b. Where is it defined, how do you define additional impact on any public facility? How is that defined? I know what you're saying and I agree with you.

Ms. Ehly said I don't think we have it in there. Yeah, I can see this probably should be addressed.

Chairman Johnson said it's alright because dwelling unit, Mr. Carlin, you obviously have the Code.

Mr. Carlin said Mr. Chair. The Code defines dwelling unit in Chapter 22 as one or more rooms designed and occupied or intended for owner occupancy or rental for six months or longer in an R-1 or R-2 residential zoning district which is used with separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single-family maintaining a household. That is the definition in the Code.

Ms. Dixon said Mr. Chair, and maybe I'm looking at a wrong section but under the Impact Fee Administrative Manual on page 3, starting on page 3, and page 4 it talks about that the mechanism that there is the ability of the almost like this is vague so that the Director of Planning Department will interpret this ordinance and apply its provisions. I know that this is talking about unlisted uses but that specifically says unlisted uses meaning let say someone comes up with a business that's not specifically listed but it just also gives the inference that there is a lot of leeway depending upon who's potentially in position to interpret this which would be the Director of Planning. Not to say that they would not fairly do it.

Ms. Ehly said no it does say it has to be, just as we choose in the zoning Code if there is not a specific allowable use, we would use the one that's closet to what they're applying for. This would be the same thing. We would choose the use that is most closely represents what they're doing. If we have restaurants and then you have fast-food restaurants and you don't have an impact fee for fast food restaurants, you would just go with the restaurant impact fee. Something like that. If you would want it more specific, there are, like the City of Stuart, they break it down to every single possible development and they have a specific fee on their schedule. Some municipalities are more detailed than others. If ours isn't detailed enough, then we can certainly.

Ms. Dixon said no actually what I want is to get funds from the County with what we're already or what somebody is already paying in addition to a little more detail.

Mr. Lloyd said my concern is it's so open with not having additional impact on any public facilities not to find. Unless there is a definition in here that I'm missing, I can see how it could be applied, I don't know if unfairly is the right word, but different than the intent. If I voted to approve this different then, I know what you're telling me but you may not be here, all you guys may not be in five years. It could be a new regime. You can have

somebody interpret it differently than the people who drafted it.

Ms. Ehly said we can change that subpart 2.

Chairman Johnson said let's ask real quick. Mr. Walker, in your professional opinion, would a room addition be additional impacts on public facilities or additional. Would you be able to answer that question or no as defined by dwelling unit in Chapter 22?

Board Attorney Walker said Mr. Chair, the recognized principle of construction is that when there is no specific Code definition for a term that one must use the ordinary meaning assigned in the common everyday life. Is the question that you put to me, Mr. Chair, that the term is so removed from any possibility of ambiguity that no reasonable person could attach some different meaning to it. No, I cannot suggest that Mr. Chair. It is possible that reasonable people abscess in more specific definitions might conceivably disagree on the precise meaning of the attached.

Chairman Johnson said so that explains it. There is a variation where we need it defined.

Ms. Ehly said and the subpart 3 below it is more specific: Accessory Buildings and Structures so you could do something with alterations or expansions if it's limited to 25% of the gross floor area, something like that, if you wanted something like that.

Mr. Lloyd said I'm not comfortable with the wording of number 2.

Ms. Ehly said do you want to make a suggestion? So you would like it to be more like subpart 3?

Mr. Lloyd said I think if the spirit of it is to not affect the single homeowner who adds a bedroom because I don't think that's the spirit of what an impact fee is. I think it's exactly what you say. It's people who significantly impact speaks for itself. I don't know if I'm clever enough sitting here right now to tell you how to make it more specific where I would feel more comfortable. If I had a day or two I probably could. I don't know if there are any other ordinances in other municipalities maybe where there are a little more specific. I don't know, maybe not.

Ms. Ehly said we can add some reasonable parameters to that subpart 2.

Mr. Lloyd said I don't know if there are any other ordinances in other municipalities maybe where they are a little more specific. I don't know, maybe not.

Ms. Ehly said we'll address that.

Chairman Johnson said Mr. Dannahower, you had one?

Mr. Dannahower said I want to tag on to Mr. Lloyd's question. Not to nitpick this, but what about the case where someone buys an existing lot and single family home,

obtains all the necessary permits, demolishes that home and rebuilds a new home. Is that new development?

Mr. Reilly said no, normally the impacts were already, it's already impacted.

Ms. Ehly said yeah it's only for new?

Mr. Hayek said shouldn't there be an increment, it was a 2,000 square foot home and he builds a 4,000 square foot home.

Mr. Dannahower said I can promise you the County collects impact fees in that situation.

Mr. Lloyd said yeah, it just says the replacement of a destroyed or partially destroyed building.

Chairman Johnson said it doesn't say replacement.

Mr. Dannahower said it doesn't say how it was destroyed, does it?

Mr. Poitier said but that's a new house though.

Mr. Dannahower said bulldozer.

Chairman Johnson said it says if it was replaced.

Mr. Dannahower said it's just a case I'm familiar with. That's why I'm bringing it up.

Ms. Ehly said right. We could just put the replacement with the building or structure with a new building or structure of the same size and use and just leave out the destroyed.

Mr. Dannahower said that's the other part, if I rebuild and it's twice the size home, obviously that's a new impact. But, if it's the same size,

Ms. Ehly said and same use.

Mr. Dannahower said I wouldn't say that's a new impact.

Ms. Ehly said that makes sense.

Mr. Lloyd said Mr. Chair, but even if you build a larger home, if it has the same number of bathrooms and the same driveway, you are not really impacting.

Chairman Johnson said and we're trying to encourage redevelopment but yet we're going to tax you for doing it.

Ms. Ehly said you can designate any situation as an exemption from impact fees.

Planning Board can make a recommendation to exempt redevelopment areas, any situation you can imagine. You can make that recommendation up to the Commission to decide which exemptions. You are allowed to exempt anything that you would like. The Commission wanted to exempt the Enterprise Zone. The only thing that you have to consider is that when you are making these exemptions, you're not getting that funding and that funding is going to fall on another source. Right now, 100% of the funding is falling on other sources. Even if we incorporate exemption areas that you or the Commission want to incorporate, we're still going to get funding that we're not getting now if we adopt the ordinance even with exemption areas. Really, I know the Commission was looking for suggestions to areas that would not be subject to impact fees from Planning Board.

Mr. Lloyd said I would make a recommendation that in regards to residential the replacement of a residential structure that there should no impact fees but if you are replacing a commercial structure and if you build a larger facility I think you are going to have an impact. Maybe we can differentiate somehow in number 1, commercial versus residential. It would be my suggestion that if you are replacing a demolished residential structure that it should be exempt. If it's a commercial, maybe you want to go into that threshold like you were saying if it's the same size fine but if it's larger or of a different nature, then you might want to consider.

Ms. Ehly said but that would be single-family home residential not multi-family?

Mr. Lloyd said right. Yes. Somebody brought up a good point. It's in some of these blighted areas the person that wants to knock down a dump and build a nice new house they might be dissuaded from doing that.

Ms. Ehly said yes.

Chairman Johnson said Mr. Walker real quick. I want to kind of vary how this is going. It's becoming somewhat of a workshop which is good with the commentary coming back and forth. Would you be okay if I asked the Board currently since we are talking about so many different issues at once if someone is willing to make a motion for postponement or a continuance and make a ruling on that and then provide some dialogue between staff and the Board to implement little changes here and there. Would that be acceptable?

Board Attorney Walker said respectfully Mr. Chair, I think that we may have a statutory deadline for adoption of this ordinance. Is that correct? I have that in the back of my mind.

Ms. Ehly said I can't recall any deadline.

Board Attorney Walker said Mr. Chair, the Code allows the Board to continue a proceeding if there is additional information needed without which is unable to make a recommendation to the Commission. However, the desire to conduct a workshop to simply roundtable matter is not a grounds specified by the Code for delaying

transmission of the matter to the Commission. I would suggest, Mr. Chair, that if it is the desire of the Board to think this through at greater length with Staff that it couple the draft with a recommendation of either approval or disapproval and with the further recommendation that no final approval by the Commission take place under further input has taken place whether by the Planning Board or by the Commission itself or through other means. The sense that I get here from your question, Mr. Chair, is the thought that perhaps that a little more input would be helpful on certain points and that the Board is a little uneasy about simply recommending an unqualified approval to the Commission. There are ways of conveying that sense of unease without delaying transmittal of the draft to the Commission. Does that fairly respond to your question, Mr. Chair?

Chairman Johnson said it does. All options are open still.

Board Attorney Walker said thank you Mr. Chair.

Chairman Johnson said just continue with the questions or comments at this point I guess. We just have to decide if where comfortable with definition. If we need any more information, then we'll continue if a motion is made as such. Continue to ask questions please.

Mr. Hayek said they've had a lot of questions on residential and I'm all for impact fees. I think it's a way to maintain our infrastructure. I just don't want to see it too restraining of any additional businesses coming in and as I look at the fee setup for specialty stores 1,000 feet or less, it would be very expensive for a small shop owner to come into the City and pay the impact fees that we're specifying. If I'm the developer of a shopping center, and normally when a developer has a shopping center he does not have but just general same tenants and most of the other stores are unleased does he pay an impact fee on all those proposed spaces or is that up to each individual store owner to come in and pay those impact fees?

Ms. Ehly said if it's under one ownership, it would be by square footage.

Mr. Hayek said so the developer would pay all the impact fees.

Ms. Ehly said whoever is submitting site plan.

Mr. Hayek said so now if a developer is builds the shopping center and I'm the lessee and I come in and get a building permit for a tavern or specialty retail so I'm not responsible for any of those impact fees?

Ms. Ehly said no, it's only for development. It's the same as concurrency. Somebody that would come in and lease from a shopping center wouldn't be responsible for concurrency either but I'm sure the developer would pass on the cost to the lessee.

Mr. Hayek said absolutely. So there is no double dipping involved there and that's my question.

Mr. Reilly said Mr. Chair, I've got like 100 questions. First thing was the developer comment was as you just stated, everything is always passed onto somebody else. Our impact fees go the developer who passes them to the homeowner or building purchaser or lessee or whatever. How did we survive until this point? What's going on? How many years has Fort Pierce been around?

Ms. Ehly said since 2005 when we had changes to the Growth Management Act, that's when we were required to have a CIE that was financially feasible. We are required to adopt a level of service standards and we are required to maintain those level of service standards. The City must maintain the level of service standards by putting capital projects into the CIE and ensuring funding for those. This is a new thing being regulated by Florida Statute. Impact fees are something that you can utilize as a commitment funding source. If you don't want to implement impact fees, another possibility is to raise taxes, using CRA money, bonding, things like that. That's what the City has been doing. This is the second time that they've expanded the CRA and they use that funding for capital projects within the CRA. They've also bonded to create projects and basically the City is paying for the infrastructure to support development. There has been development but there hasn't been development to the level yet where we're going outside of level of service standard areas. That won't happen probably five to ten more years. But once we start reaching that point and we don't have these committed funding sources available, we're not going to be able to build the infrastructure to meet the impacts of development and we'll have to say no to development. The way Fort Pierce has gotten away with it up until now is that they've been lucky that there is enough revenue to cover.

Mr. Reilly said I guess this kind of gets to my next question. Does the impact fee money go directly to these items?

Ms. Ehly said yes.

Mr. Reilly said it can't go anywhere else.

Ms. Ehly said it has to go into a specific account.

Mr. Reilly said this is not just a way to get more tax revenue.

Ms. Ehly said no and you can't use it for existing deficiencies. So if there is some type of, you know they can't use it to fix any problems we have now. It's only for new developments and the specific methodology that determines what that impact will be and then the correlating cost specific to that new development.

Mr. Reilly said but the way we were paying for it before was out of our tax revenues. Is that correct?

Ms. Ehly said tax revenues and the CRA funding, the bonding. I think it was predominately ad valorem taxes and the CRA is how we were paying for big projects in

the City.

Mr. Reilly said is this taking, the studies that were done here, does that take into account the money that the CRA is using? I mean parks, the linear park and things like that? I know they were calculating it based on some amount of money we need. If the CRA is providing this building, a parking garage and this thing.

Ms. Ehly said well those aren't required to meet level of service standards. Those are just projects that the City has entered into. For whatever reason they've determined to do those projects. Those projects aren't related to maintaining the level of service standards such as, you know our roads have to meet level of service D, so we have to maintain capacity on those roads. We have a certain acreage of park land for every 1,000 people in the City of Fort Pierce. That's a level of service standard that we have to maintain. In order to maintain that, we have acquire acreage of park land. It requires planning ahead looking at population projections and determining how many acres we might need of our five-year period, things like that.

Mr. Reilly said well isn't that what the CRA is also doing? That's what I'm getting at. They're purchasing a park, I mean they're doing a park right now.

Ms. Ehly said yes and sometimes it could go together but we have specific projects on our CIE to meet level of service standards. The only park on our CIE right now is Veterans Park. Whatever projects are on our CIE are available for proportionate fair share because they're relating to maintaining level of service. Sometimes they work together but we don't have Moore's Creek on our CIE right now.

Mr. Reilly said but again, going back the tax, this is a way to bring in more money to replace revenue that we don't have anymore. Correct?

Ms. Ehly said well it's a way to provide funding for capital improvements the City is going to have to make. How the City pays for those capital improvements is up to the City the options that are available. If we adopt the Impact Fee Ordinance, that gives another option because impact fees are a committed funding source that you can put in that column. You know you have the five columns for the year 1, 2 and 3. You can put input impact fees as a committed funding source which means when we are reviewed by DCA and when we make land use changes and things like that and we're determining concurrency and things that have to do with level of service we can show well we have years 1-3 funded without impacting those other committed funding sources that we might want to use for something else.

Mr. Reilly said I would really hate to have your job, I think. Another question is, when you take and you look at this you said that ours was actually was going to be less than what Stuart and Vero, does that take into account Indian River County and?

Ms. Ehly said we did work it out to include what the total fee would be charged in those municipalities.

Mr. Reilly said and the County fee total? Their \$13,000, our \$13,000 was less than whatever they? Do you understand my question? I'm saying the total cost.

Ms. Ehly said I'll tell you for a single-family 2500 square foot single family in Vero Beach, the total fee would be \$9,124.

Mr. Reilly said that's just the City portion?

Ms. Ehly said no. The total fee that would be charged to develop in Vero Beach, that would be the total fee that you would be pay including in County and City. In Port St. Lucie, including County and City, it would be \$13,596. In Stuart, well Stuart just increased theirs so it's like twice as much it's like \$26,000 so they have the highest of anybody. Then Fort Pierce mainland is \$13,926 and on the island it's lower it's \$13,455 because on the island we're not expecting as much development as on the mainland. The impact fees are higher where development is expected. But, there is also examples where for retail in Stuart it's \$1.5 million for 100,000 square feet and in Port St. Lucie is \$636,000. There are differences from municipality to municipality and it's related to land use, population projections and all that methodology the variables that go into that. It's not really comparing apples to apples necessarily.

Chairman Johnson said is that spreadsheet on there?

Mr. Reilly said thank you. I'm sorry.

Chairman Johnson said Mr. Harris, do you have any questions?

Mr. Harris said I was looking at, I see where you got two bowling alleys down here. You got one for I guess \$940.49 and you got another one I guess for the same footage you got a whole lot of less you \$81.96 so what's the difference?

Ms. Ehly said could you tell me the page numbers?

Mr. Harris said one of them is government building impact fees and the other one is, what is that, Solid Waste Impact Fee?

Ms. Ehly said yes. We have those five facilities and each one has a charge in relation to the public facility. Then to get the total fee is an incorporation of those five separate fees that are added together to give you the total fee.

Mr. Knott said Erica, what are the three dates on all the, the three years?

Ms. Ehly said the Commission requested that we incorporate a staggered implementation of the impact fees. They didn't want to do the full 100% fee right off the bat if they were going to adopt the ordinance. This is a way to phase it in.

Mr. Knott said so actually in reality once they adopt it, it's an automatic, what you're looking at is 2010, that will be the final.

Ms. Ehly said it will be but over I think every six years it'll be reevaluated.

Mr. Knott said just for some clarity under the exemptions, item 7 speaks to the public educational school boards and what have you but yet I noticed that under three of the categories they still are required to pay. The schools and school boards, for example, when you are under government buildings impact fees on page 22 under institutional you still got all your schools are being charged. Are they exempt or not exempt for all impact fees? That occurs also on Solid and Waste impact on page 24 and also on page 26 under Transportation, all your institutional and it's again being assessed.

Ms. Ehly said it's my understanding that schools are exempt under Florida Statute but the School Board does charge impact fees. I'll have to get clarification.

Mr. Knott said I just saw that you're just taking it out one pocket and putting it into another it sounds like. If they're exempt, they're exempt.

Ms. Ehly said right.

Mr. Knott said and why would they still be taxed impact fees on that? My other question is if you find out about that if they need to be included in that or?

Chairman Johnson said we're on item number 7, it doesn't say IRCC is not a community college anymore. I don't know if they are trying to define specifically IRCC or are they?

Mr. Knott said I would put there or a community or state college. They say universities in some places.

Chairman Johnson said university, state college.

Mr. Knott said for the verbiage on that they should include state college on there I think also.

Ms. Ehly said public schools, so it's public school are exempt in Section 1013.371 and 1002.33 of Florida Statutes. Public schools are so I'm not sure if that's incorporated for.

Mr. Knott said under this in institutional thing where you call it an elementary, middle, high school, junior high, community college, university or church. Those are, will those be private institutions.

Ms. Ehly said I don't know. I'm going to have to get clarification on that.

Mr. Knott said if those are meant to be private, they should be specified because somebody is going to yell at you.

Ms. Ehly said yeah.

Mr. Knott said number 9. Enterprise Zone. I'm sitting here listening to this about rebuilding and that's comes to mind, for example, there used to be where the Bank of America is on U.S. 1 right there they built a new branch right there on U.S. 1 and Virginia Avenue. There used to be a restaurant there on the lot - Seacoast. That's new construction but there was an existing structure there before. Will they be subject to impact fees, the new Seacoast Bank?

Mr. Knott said they changed the use.

Ms. Ehly said I guess it would fall under replacement of a new building and structure with the same size and use.

Mr. Knott said it's not the same use.

Ms. Ehly said so then it would be subject to impact fees according to this ordinance but this is just a draft.

Mr. Knott said that follows up to the Enterprise Zone because Enterprise is there to help.

Ms. Ehly said well the whole Enterprise Zone is exempt according to this.

Mr. Knott said I kind of have a problem with that. It's there to help reestablish these areas and give owners and employers breaks on taxes and what have you. But, I would be more comfortable I think with giving them a break on it, give them like 50% of it. I would still think the Enterprise Zone in my feeling they just get a break but not 100% because you look at it, the Enterprise Zone is half the City.

Mr. Reilly said what's the map of the Enterprise Zone?

Ms. Dixon said the Enterprise Zone is different than the redevelopment zone.

Mr. Knott said oh yes. They got a map of it right here. It's the last page of this right here in the front. It shows the Enterprise. That is most of the body of the City is what it is. I would like myself, if we're going to exempt it, 50% or some number like that would be my thought. I don't know what the rest of the Board might feel like.

Chairman Johnson said well the trick is with that you are using in Enterprise Zone you get tax incentives dollars back but then you have to pay an impact fee. You just got the dollars back but then you're paying it right back. You got it come here, but then all of the sudden "oh, by the way you got the impact fees" so now I got the \$5,000 credit but now I got to pay a \$5,000 impact fee.

Mr. Knott said but again though somebody is going to have to pay for that.

Chairman Johnson said oh I agree.

Mr. Knott said these people are going to make money coming here. The incentive is for them to come and it still is going to be an incentive because they only have to pay half of the impact. They should pay a token of some sort in my estimation.

Chairman Johnson said I agree. It's tricky.

Mr. Knott said I don't see exempting them completely because it's such a big area but then you look at it and there is not a whole lot of new development that's going to go on in there. I think it's going to be rehab.

Mr. Lloyd said I think the concern is all this.

Mr. Knott said maybe it is fine. I'm just kicking that around in there.

Ms. Ehly said you could specify redevelopment.

Chairman Johnson said redevelopment?

Ms. Ehly said for development that's redevelopment rather than having an area that's completely exempt.

Chairman Johnson said so you're stating get within the Enterprise Zone but limit to the redevelopment of a property. Then it falls under the other conditions.

Ms. Ehly said yeah it's complicated because every time you make an exemption, then the City is going to have to come up with the funding to counter act that because when we're charging full fees to people outside the Enterprise Zone then that's not, it's inequity.

Mr. Knott said but for the redevelopment effort, you're not initiating new services. They were there already. Supposedly, those people's taxes are paid for over the years.

Mr. Brown said it may be different in terms of the size and impacts over 20 years ago when a development was (inaudible).

Mr. Carlin said Mr. Knott, they may have already been there but it may be different in terms of size and impacts so 20 years ago when that development was there, that may generate significant, for example traffic impacts, then it would today under current volumes and trip generations. You have to look at it from that perspective as well.

Mr. Knott said I can see why people just approve and say "oh yeah that's fine. Just do it." because you start every condition or everything that can happen out there and try to address it and you just can't.

Ms. Ehly said really I think the main focus is where the funding is going to come for these capital improvement projects that are going to have to be completed to maintain level of service.

Mr. Knott said and it's just time for Fort Pierce to catch up. We've been lucky where we've paid for it as we went along and we didn't see it. Fortunately, utilities is starting this ten years ago or whatever it was.

Ms. Ehly said and the other focus is whether the people that have been living here should pay for the impacts of new development or should it be new development paying for the impacts of new development.

Mr. Knott said that's exactly right. Port St. Lucie has had the, they didn't call it impact fees but they called it improvement funds or something like that. Basically, they had this 20 years ago. You're paying for what's out there already so the existing residents don't have to pay for new people.

Chairman Johnson said a couple of things. The six years, impact fees collected shall be spent, that's page 17 of 29 under the Ordinance "Impact fees collected shall be spent for the construction of public facilities within six (6) years" How did six years come about? I have an idea.

Ms. Ehly said because of the five-year planning period.

Chairman Johnson said five-year planning period and then some leeway or one year that talks about site plan being, I mean, is there any correlation with site plan because that does go out after a year of non-development. Do we know?

Ms. Ehly said I don't know.

Chairman Johnson said okay. It sounds like a good number because of the five-year improvement plan plus the one year of site plan. I don't know if that's how they derived it.

Ms. Ehly said yeah I think it would be more related to the five-year planning period because that would be consistent with the other analysis but I'm not sure what the six year period is there.

Chairman Johnson said the other thing I had to state was going back to what was talked about in the beginning about the County and the City. Overall, I think there's been some talk of no satisfaction in the County collecting and then we also collecting in addition to that. I don't know where it's going to go tonight, but I don't feel comfortable moving forward with the numbers that are presented based on the graph that you showed because now we are at a rate higher than our neighboring City, Port St. Lucie.

Ms. Ehly said well, it's related to level of service, it's related to what they've determined to be, how much open space they want, how much park space they want.

Chairman Johnson said so we have a plan of how much parks, I mean, that was in the back up information there is a.

Ms. Ehly said well the level of service standard is adopted in the Comp plan.

Chairman Johnson said we need so many square footage of park space.

Ms. Ehly said when we adopted the Comp plan, we agreed that's what we wanted, that level of service standard. Our level of service standards are not the same as Port St. Lucie. When you live in Port St. Lucie, you are not going to have the same public facilities or level of service standard necessarily as you would here.

Chairman Johnson said I agree with you. Our number was derived based on that. However, without an agreement in place with the County, we have an issue, to me. I have an issue because for our numbers to work, absolutely. Maybe this is the number that needs to work, however, in addition to what happens to a resident because we are imposing this fee in addition to, even though it's not our authority to look at the County, what happens but it still relates to what fee we are going to charge today in addition is what the County is charging. If we don't have a good balance between those two, then I don't know if anything is going to happen and people are going to be dissatisfied in some way. I think that what Ms. Dixon was referring to earlier is because what's there now. It's not going to be advantageous for one to build. Our numbers are now, other than the factual information that was given, our numbers are skewed because of that unintended side effect that is present today. Without some relationship or some agreement between the two, it's hard to recommend anything for me based on that from what's in here today because of the unintended side effect or impact that it's going to create on an individual business, development, whatever it is. It's kind of where I am. I understand that. The numbers may work, obviously by the consultant it works, but doesn't anyone have that feeling or no?

Mr. Reilly said I agree.

Mr. Lloyd said are there any, Erica or David or Duane, are there cities that we, municipalities that we consider our competitors for lack of a better word for development? Would it be a Melbourne or would it be a? When I look at the costs of these impact fees what's in my mind is "Okay. Is this going to dissuade a developer, if he is going to develop?" No matter what it's either going to be here, Melbourne, Sebastian, wherever, and so you know obviously one of the determinations that is he going to make is okay, "Where can I build the cheapest and get the most bang for my buck?" Are there, I know you gave us what the fees are for, for instance, proximity wise to us, but I'm sure that we also compete against cities on the west coast, cities a little bit north of us.

Ms. Ehly said we do have in the study a comparison to comparable cities, Oviedo comes to mind. That's one I remember. So there are going to be cities that have similar and there is not a lot in the Treasure Coast or in our area that are comparable.

Mr. Lloyd said does Melbourne?

Ms. Ehly said Melbourne wasn't on there I don't think.

Mr. Knott said Erica, while you are looking through there for that reason, are there any comparable cities that don't have impact fees of our size?

Ms. Ehly said I think the City of Fort Pierce is unique.

Mr. Lloyd said well I guess piggybacking onto that though is sure we've seen growth but if we were known as the City that didn't have impact fees, why haven't I seen more?

Mr. Knott said we have seen a lot of growth. I think that's what we've been experiencing here recently with all the projects that have been coming forward.

Mr. Carlin said Mr. Chair, Mr. Lloyd. You will see one of the largest developments that this City has probably ever seen to date that already came before the Board and that was Newberry Fields.

Mr. Lloyd said I'm not saying we haven't had any development.

Mr. Carlin said there has been a tremendous amount that has been processed.

Mr. Lloyd said do you hear, I mean, you guys would know better than me, do you hear things like "Yeah. Fort Pierce is the place to go because you don't have to pay impact fees?"

Mr. Carlin said Mr. Chair, Mr. Lloyd. We have heard those types of references made but certainly it's beneficial to come to some municipality that may not have fees or.

Ms. Ehly said but developers are also used to paying impact fees.

Mr. Knott said they don't pay the impact fees. It's passed right on through.

Ms. Ehly said the main difference is who is going to pay for the capital facilities.

Mr. Lloyd said my concern isn't with the huge developer that wants to put in the huge track of homes, it's the person who wants to put in a new restaurant, build a free-standing restaurant somewhere and that's my concern.

Mr. Reilly said you should be concerned about what the developer, because what happens is we're not a very rich community. In Vero, basically they have less impact fees and the values of the homes are higher. Down here, we're going to get higher impact fees. We still can only sell the home for so much down there because people afford to so that's going to come out of somewhere. That means you're going to have a house that's less nice. It's going to come out of somewhere. Either you have to charge people more money or you got to take stuff out of the project which means the project goes down. Here we are trying to improve things but we're also trying to make it hard, you're trying to make it more and more expensive. This sounds to me just like another

way to, it is another way to collect taxes. We've been cut short on something else and now we're taxing here. This is kind of the around the back way to get it where you are not going to get a lot of input other than the guy, the developer or the homeowner who is going to build a new house is the house that's going to pay for it which I do believe they should be paying for it but as what Mr. Johnson was saying is we really first should be going to the County and saying "hey, what are you going to do for us" and then we should come and figure out what the taxpayer or whoever has to.

Mr. Lloyd said well have we done that? Is that avenue do you know to the best of your knowledge, is that avenue exhausted? Are we doing this because we couldn't work something out with the County?

Ms. Ehly said no.

Mr. Reilly said this is probably the path of least resistance.

Ms. Ehly said the County has their impact fees that they charge based upon their adopted level of service and the cost for them to provide infrastructure on County facilities.

Mr. Lloyd said so there's no money for them to share with us off of those impacts.

Ms. Ehly said no. They've determined that's the amount. The difference in the fee from about \$10,000 to \$13,000 for a single-family home is not that significant. They are already paying \$10,000 per single family home to build in Fort Pierce. To bump it up to \$13,000 so that the City can have a secure funding source, a committed funding source for the CIE, is not really that significant.

Mr. Reilly said well that's tile floors versus carpet. That's vinyl siding versus hardy plank.

Chairman Johnson said is that the same for the City of Port St. Lucie then? That's my question. They went through a big non-transferred issue.

Ms. Ehly said their impact fees is \$13,000 total. I could look up the breakdown as to what's part County what's part Port St. Lucie. Their total fee would be similar to our total fee.

Chairman Johnson said does that include utilities? Ms. Dixon noticed it's the least one.

Ms. Ehly said yeah impact fees we don't have any impact fees for utilities.

Chairman Johnson said we do but.

Ms. Ehly said you mean like the separate fees that they charge?

Chairman Johnson said the City of Port St. Lucie. I want to make sure that number is an apple to apple comparison.

Ms. Ehly said what they charge for impact fees would be similar, I have Fire, EMS, law enforcement, library, parks and schools and then they roads. They don't do stormwater. They don't charge impact fees for utilities or anything like that.

Chairman Johnson said I just want to make sure that number didn't include that.

Mr. Reilly said didn't they go into battle with the County?

Ms. Ehly said they did.

Mr. Reilly said and did they get any money from the County on that?

Ms. Ehly said they didn't get money but they worked out some type of percentage of the road impact fees they charge. They did get, if I remember correctly, the County charges less for impact fees now than they were charging because they made the case that they were billing double charged. The percentages went down as to what percentage is a Port St. Lucie impact fee and what percentage is the County fee.

Mr. Reilly said and we can do the same thing?

Ms. Ehly said yes we could.

Mr. Reilly said and our impact fee would be less.

Ms. Ehly said absolutely.

Mr. Knott said Mr. Chairman, what was your thought on forwarding this on but not until we've reviewed them further?

Chairman Johnson said Mr. Walker said you had the standard of three things. If you continue then you have to have some need for more information which is where Mr. Lloyd was going. Item number 2 in defining a clear definition of that.

Mr. Knott said that could be a condition.

Chairman Johnson said that could be a condition. That's exactly right.

Ms. Ehly said I could add that the consultant is available if the consultant would provide more information for you at a later meeting.

Chairman Johnson said the other option is to approve or not approve. If you wanted to approve with conditions, you can do that. Make it known too that you'd like, I don't know how it would come back. Mr. Walker, you stated something about before final approval, I don't know if we would see it again or but what you stated before their final

approval we would need more information somehow. I'm not sure if that meant coming back before this board or not. Is that what you were referring to before their final approval.

Board Attorney Walker said Mr. Chair, one nice thing about being a Board member is that one is accorded a great deal of latitude about how to phrase the recommendation in a way that will convey whatever sense to the Commission the Board feels to be appropriate.

Chairman Johnson said I guess if you are not comfortable then you say "we'd really like to see it before when all the drafts were completed" I suppose and maybe they would send it back here because of reading the minutes of this meeting possibly. They've done that before just within the last two months. They sent something back to us. I don't remember what it was.

Ms. Ehly said yeah but that was because of votes though.

Chairman Johnson said hey, it came from the Commission that you we need a little more input and then we can decide.

Ms. Ehly said it didn't get the majority of the Commission approval so then the applicant.

Chairman Johnson said oh that's right. That's what it was.

Ms. Ehly said so then the Commission didn't send it back.

Chairman Johnson said either way they can send it back to us and say "are you okay now" if you can convey that in a motion.

Mr. Knott said this draft is going to the City Commission for their final approval or just for a draft review?

Ms. Ehly said they would have to two public hearings.

Mr. Knott said but the intent is to?

Ms. Ehly said adopt it.

Mr. Knott said this is the final document even though it's a draft. This is the final.

Ms. Ehly said yes. It's a draft to incorporate your comments and their comments and to have the adoption of the final version, second reading.

Mr. Knott said so unless they made major changes to it we won't see it again.

Chairman Johnson said only if they send it back here.

Mr. Knott said right. Only if they make enough changes or say "hey go back". This will be our shot at it basically right here.

Mr. Reilly said what happens if we reject it?

Ms. Ehly said it would go to Commission.

Mr. Lloyd said then they need just a higher percentage.

Mr. Reilly said I'm just curious, I mean if it.

Mr. Knott said say goodbye to your dock.

Mr. Reilly said that's already gone through.

Mr. Carlin said no site plan extension on that one.

[laughter]

Mr. Lloyd said I think the concerns that we brought up can be handled by the Commission. The main concern is always price. Is it too expensive? Is the impact fee too high? I think there is a mathematical formula that they worked out for level of service. I don't know how much wiggle room there is on that. Then the other concerns we had were more drafting type of verbiage that I think could probably be handled with recommendations from us. I don't know how much more we do it next time around.

Mr. Knott said it seems to me, Mr. Chairman, the thing that Colin, you mentioned about the percentage or the reconstruction or addition?

Mr. Lloyd said that's before I know the Enterprise Zone, before I remembered that whole area was exempt because I was thinking of the person in downtown Fort Pierce that knocks down.

Mr. Knott said so maybe that one may take care of itself. I think any motion we would have we should include certain things. One of them, I would think would be that City staff try to precipitate some sort of a feeling from the County about the County's impact fees as they have with Port St. Lucie and other people that they will forgo a percentage of their impact fees if that development.

Ms. Ehly said well that went to court.

Mr. Knott said oh, did it?

Ms. Ehly said yes.

Mr. Knott said how did it come out or is it still in court?

Ms. Ehly said they do pay less but you have to show that the impact fees they are charging somehow are not meeting the, but if the County is charging impact fees in accordance with Florida Statute and demonstrating that these fees are just those four criteria that are required, there is not a lot of leeway as to because if they lower their fees, then they have to come up with the revenue from someplace else as well.

Mr. Knott said so far we're 0 for 2. Maybe we got the date right on here. I don't see a whole lot of stuff that we can recommend then or condition. Do you Mr. Chairman? The hard thing that we can come up with institutional things are they private schools or public schools.

Ms. Ehly said right.

Mr. Knott said but is there anything else that we can put into them any concerns we have, the things are too high or after all our discussion I'm not sure if we have a handle on anything good enough to put in a condition. In my estimation, impact fees are something we should have gone into a long time ago.

Mr. Lloyd said we're starting to catch up.

Mr. Knott said these may be high and the Commission keeps talking about raising the bar. Well this is going to raise the bar somewhat because a developer. We had an influx of people coming here. I remember several of my clients before I retired, they loved Fort Pierce. They said "boy, you guys don't know what trouble is. This is perfect." The Mariner Bay, those folks over there, they loved it. They said "pay them anything they want. The City because where they were from, down South, they said "we paid thousands and thousands of dollars for stuff and you guys don't even charge for nothing. They were able to sell those units for \$200,000 at the start. Well, anyway we need to catch up I think. We need to get into (inaudible) if we're going to be in it. We're going to have to pay for all this infrastructure that's overcrowded and failing. I think it's a step in the right direction.

Chairman Johnson said in the study itself, did they take into account median income for this area or no?

Ms. Ehly said I think it was based on property values. I don't think it was based on income of population.

Chairman Johnson said population and property value but not income?

Ms. Ehly said right because the property value comes into acquiring land for the facilities and things like that. In areas with higher property values, the land is going to cost more but the median income won't really come into play necessarily in their analysis but it would come into play in the analysis of how taxpayers, the ability of taxpayers to pay for these capital improvements when you take into consideration the income.

Chairman Johnson said I agree.

Mr. Lloyd said does this ordinance is it very similar to the County's ordinance to what triggers an impact fee?

Ms. Ehly said I haven't seen their ordinance to be honest with you. Do you mean as far as the square footage?

Mr. Lloyd said I'm wondering about situations where you're going to pay an impact fee to the City but not the County.

Ms. Ehly said oh if there would be situations like that? Stormwater. That's the only one I can think of right now.

Mr. Lloyd said more of what I'm thinking of is for instance, like altering a commercial building. The way ours is written might trigger an impact fee but I haven't read theirs so I don't know and that would affect my decision too because if I only had to pay only \$5,000 versus \$15,000.

Ms. Ehly said right.

Chairman Johnson said a lot of unknowns.

Mr. Knott said do we have anything we want to put into a motion if we make one for this with our approval, for approval to the City, was there anything?

Mr. Lloyd said I think the one condition about replacement of a residential, replacing a residential dwelling.

Mr. Knott said that's on page?

Mr. Dannahower said page 11.

Mr. Knott said page 11 of 29.

Chairman Johnson said it would have to be a modification of number 1 to define, exclude same size for a residential, single-family residential.

Mr. Lloyd said I would say like percentage wise. If you were going to build twice the house then maybe an impact fee is appropriate.

Mr. Knott said do we want to put the word "maybe" in there? I'm not sure how to fashion, you want it to be strictly for the residential, right?

Chairman Johnson said it would have to be 1a almost. It would have to be another item. Right?

Mr. Knott said I guess.

Chairman Johnson said I would think so. We're talking about 1 ½ times? Was that the number? 50% more.

Mr. Lloyd said I don't know what percentage the Board?

Chairman Johnson said if you are going from 2,000 to 3,000 square feet. Very, very conceivable and reasonable for a home to be.

Mr. Lloyd said I don't consider that big of an impact, 2000 ft to a 3,000 square ft.

Chairman Johnson said even 2-4 is not that big.

Mr. Knott said unless 80% is sufficient.

Mr. Lloyd said so I don't know if you need a percentage. I think in that case, because they are going to building on the same lot, how much bigger of a house in the real world.

Mr. Knott said unless 80% of the City does it.

Mr. Lloyd said currently it says the structure of the same size and use. In regards to residential, I don't know if you need that language the same size. My recommendation would be in regards to residential, strike the "same size".

Mr. Knott said remove that under item 1? Remove same size?

Mr. Lloyd said no, I'm just talking about residential because commercial I feel differently about.

Chairman Johnson said that's why I'm saying you have to put a subpart a, a part A in there and say "single-family residential".

Mr. Knott said the other things was thing about the institutional.

Ms. Ehly said it says in that same, in subpart 7 and subpart 8, "all public educational and ancillary plants constructed by a District School Board or Community College District Board of Trustees". That would all be exempt.

Mr. Knott said so the inference is nonpublic.

Ms. Ehly said yeah, any other ones so I guess private.

Ms. Dixon said it says community college so it's community versus.

Ms. Ehly said it says community college district board of trustees.

Ms. Dixon said I wonder if these would cover a university or (inaudible) level.

Ms. Ehly said so would you want to take out?

Ms. Dixon said no it isn't taking out it's just making sure that you are able to cover. I think the intent is to exempt a place like.

Ms. Ehly said well the Florida Statute exempts community colleges but you can add an exemption for any educational facility if you wanted that to be the case for the City of Fort Pierce. The reason why this is an exemption, community college, district, board of trustees, is because that's in the Florida Statutes.

Ms. Dixon said oh I get that but I'm trying to make sure board of trustees, is that what governs a college or university and maybe what their.

Ms. Ehly said well it says community college district board of trustees.

Ms. Dixon said oh "district". Okay, I'm not looking at it so now I see it says.

Ms. Ehly said yeah, so if you wanted to have.

Ms. Dixon said you'd have to add that specifically in there.

Ms. Ehly said yeah and if you wanted to do that, then we could just make that recommendation.

Mr. Knott said what's that to add what, state college?

Ms. Ehly said or just educational facilities.

Mr. Knott said I think item 7 there I think you just put on there where on the second line where it says

Ms. Dixon said accredited. I did hear someone say accredited.

Mr. Knott said community or state college.

Ms. Ehly said accredited.

Ms. Dixon said accredited.

Mr. Knott said well I thought they had accredited somewhere else.

Mr. Dannahower said well if you just strike everything after the word plants. Will that work? Strike everything starting after that. All public, educational and ancillary plants period.

Mr. Knott said pursuant to Section.

Mr. Dannahower said I don't know what 110.13 says so I can't speak to that.

Ms. Dixon said I think they understand our intent.

Mr. Dannahower said yeah, we don't need to get this to the.

Mr. Knott said I wouldn't think so either. Mr. Chairman, do you want me to make a motion on this thing?

Mr. Lloyd said I just have one more question, Mr. Chair, what is number 6? What does that cover? What is that situation?

Mr. Knott said oh yeah, I saw that. That's in the other, they got that listed. I looked at it too, I know what you're talking about. Where is that?

Mr. Lloyd said the way I heard it basically is that if you could prove it's any use it doesn't create an impact.

Ms. Ehly said right so if you appeal, if somebody appeals the impact fee and are successful then they're exempt.

Mr. Lloyd said so it's just a catch all basically saying if I'm building something and I can prove that it's not going to impact anything I don't pay impact fees.

Ms. Ehly said well, pursuant to 22-4, that section of this ordinance, so you would have to go through the appeal, the hearing on appeal, and the reverse of the decision of the Director of Planning. If the Director of Planning made a decision, then you go through, it's much like the same thing with other Code when you appeal any type of regulation in our Code.

Mr. Lloyd said 22-415 is Parks and Recreation Impacts. It's not the appeal stuff.

Chairman Johnson said 19 is transportation.

Mr. Lloyd said it's basically all of the impact fees.

Chairman Johnson said it says through.

Mr. Knott said it's all of it.

Chairman Johnson said it does say through.

Mr. Lloyd said I guess that's what my question is.

Ms. Ehly said yeah, it would have to be a catch all that you can show that you have no impact. Any use does not create an impact on any public facility.

Mr. Lloyd said the reason why I'm asking is that it says "use". It doesn't say like any building or any development. Why doesn't it say any development because you presupposes you're already in there and if you're already in there you're not paying an impact fee?

Ms. Ehly said well, I don't know, I mean I guess.

Chairman Johnson said that's a legal definition almost.

Mr. Reilly said well isn't use what we're paying impact fee on, use of the thing? It's not actually the buildings that's impacting it's the use of the building on any of these things.

Chairman Johnson said that's what dictates the fee.

Mr. Reilly said if you use a house, the use of the house it's not the house construction that's doing the impact fee it's the use. This is saying that if you can prove that this use does not create an impact, you don't have to pay an impact fee. Correct?

Ms. Ehly said that's my interpretation but it might not be clear.

Mr. Lloyd said I'm just curious more than anything. It's probably just a catch all.

Ms. Ehly said I guess that would be up to the Director of Planning to agree or not agree if somebody wants to apply for that exemption. I guess that would fall under an exemption that you would show that you use doesn't.

Mr. Lloyd said no I mean it's smart to have a catch all like that in there. Definitely.

Mr. Reilly said that's all my legal training. I was going to do a couple paraphrasing.

Mr. Knott said I don't know enough to make a motion of what we've talked about here. I don't have a problem making a motion to forward this thing for approval but subject to I'm not sure.

Chairman Johnson said there are so many items theoretically?

Mr. Knott said if there is somebody that wants to jump in there.

Mr. Lloyd said we can talk about what the main things we talked about were the residential, knocking down a residential to build a residential.

Ms. Ehly said something came into my mind as far as that subpart (6). Parks and Recreation Commercial Development does not impact that public facility. That's only charged for residential. I think that's probably what he's talking about.

Mr. Lloyd said I think we need to go over it because I can't remember what everybody's points were. I know what my points were and it was about the dwelling unit and it was also about in number 2.

Mr. Dannahower said the ambiguity of whether it would create an impact and it's not very well defined there.

Mr. Lloyd said right but.

Mr. Knott said can we write it down so that one person can say it all or we can just go down and read them and read off the part the know or that they feel.

Mr. Lloyd said how you determine, how you better define if an alteration or expansion creates an additional impact?

Chairman Johnson said I just think you have to note that it needs clarification and say it exactly (overlap of voices)

Mr. Lloyd said the problem with that is you either have to do it quantitatively by square footage or I don't know if it's kind of a, or you just leave it up to whoever is going to be implementing it to be fair I guess. Maybe that's.

Mr. Knott said in the definition, be fair.

Mr. Lloyd said here's what we could do. In making the motion, instead of making conditions, I think recommendations would be better to the Commission.

Chairman Johnson said I agree.

Mr. Lloyd said in the meantime, staff may have some alternate wording that might address our concerns so that by the time it gets to the Commission it's better spelled out?

Mr. Knott said and your recommendation is?

Mr. Lloyd said if I were to make a motion, it would be to recommend in regards to residential that the replacement of a residential structure just to strike "the size and use" part of item 1 in regards to residential only.

Chairman Johnson said single-family residential?

Mr. Lloyd said right, single-family. In regards to number 2, to perhaps better define what constitutes an additional impact.

Mr. Knott said so there's two recommendations. Erica has answered my questions. I don't think I have any more questions or any conditions I want to put on. Those what you have is fine. I'll second that for discussion.

Chairman Johnson said so basically, did you make a motion or no?

Mr. Lloyd said I will if we're there.

Mr. Knott said yeah, that's what I was hoping.

Ms. Ehly said and the accredited educational.

Chairman Johnson said right.

Mr. Dannahower said number 7.

Chairman Johnson said anyone have anything else?

Mr. Hayek said yeah, I kind of don't agree with that limiting the new building of the same size and use because somebody tears down a 900 square foot house and builds a 5000 square foot house, that's a heck of an impact on roads, drainage, etc. I think there should be something in there.

Mr. Lloyd said why is it on roads? You have one driveway whether you have a 5,000 or a 1,000 square foot.

Mr. Hayek said how about a four-car garage as opposed to a carport? You have more vehicles in that particular house.

Chairman Johnson said possibly but that doesn't mean that you or your wife.

Mr. Lloyd said if somebody is willing to tear down a 1,000 square foot place and build a 5,000 square foot house. I don't know.

Mr. Hayek said well then look at it as a taxpayer. You're going to pay for it in your taxes regardless one way or the other. Wouldn't it be better for the person building that house to pay a portion rather than the taxpayer for that increment?

Mr. Lloyd said I don't think that situation is what impact fees were designed for. I think that's the philosophy behind impact fees. I could be wrong.

Mr. Knott said that would be the real exception. I think this would be the cheaper standards here than what would be the norm. That wouldn't be the norm I would think.

Mr. Lloyd said I don't disagree with you. Obviously, a 5,000 foot house will have more bathrooms than a 1,000 square foot house. Nobody would argue that you are not using more infrastructure. However, it's just a matter of degree.

Mr. Hayek said and I can understand what you are saying too because you don't want to stifle development either but you want to be equitable to all taxpayers.

Mr. Lloyd said and I do think that's going to be the exception to the rule.

Mr. Knott said the ad valorem taxes would be great.

Mr. Lloyd said the place where it happens is Indian River Drive obviously. It's somebody who knocks down the, I can't see any other area where maybe South Beach too.

Chairman Johnson said only on a parcel that's greater than a ¼ acre probably.

Mr. Lloyd said and actually that's in the Enterprise Zone. Is Indian River Drive in the Enterprise Zone?

Mr. Dannahower said no.

Mr. Lloyd said or part of it is.

Mr. Knott said where on we on your motion?

Ms. Dixon said you started your motion with "If I were to make a motion".

Mr. Knott said we took out the "If I were".

Mr. Lloyd said are you ready to entertain a motion?

Chairman Johnson said is there anybody else that had any comments?

Ms. Dixon said my only other concern was just simply that some form of recommendation that before some form of approval on this that all means have been exhausted with whatever share we can potentially get from the County which is probably none because I'm sure they've allocated it, fairly allocated, it but we don't know that. Let's find that out.

Chairman Johnson said and that for me is tough because of the monetary quantity of the number itself just in what we're going to charge a residential or commercial or whatever it is. For that not to be shared in other ways, it's just tough. Like I said, it's an unintended consequence in doing this. I don't know. Okay. I don't know if you can make a recommendation but we said it three or four times. Hopefully, it gets read and understood and go from there. Anyone else? Okay, shoot.

Mr. Lloyd said I make a motion to approve the ordinance with a recommendation that under 22-407(c)(1) that the replacement of a residential building or structure to the new building to strike "*the same size and use*" requirement and that in regards to subsection

(2) to better define what “*additional impacts on public facility*” constitutes means. Then a recommendation the language on subsection 7.

Ms. Dixon said the accredited school and ending it at

Mr. Dannahower said the accredited college or public school.

Ms. Dixon said ending it at plant to make sure it was accredited.

Mr. Lloyd said that was all I had.

Chairman Johnson said is there a second on that motion?

Mr. Knott said second. If anybody else wants to add something else, now is the time. I think that was all the stuff we really zeroed in on.

Motion made by Mr. Lloyd and seconded by Mr. Knott to forward a recommendation to the City Commission for approval of the Impact Fee as follows: that under 22-407(c)(1) that the replacement of a residential building or structure to the new building to strike “the same size and use” requirement, in regards to subsection (2) to better define what “additional impacts on public facility” constitutes means, the language on subsection 7 to end with “plant” and to specify accredited college or public school.

Chairman Johnson said it gets into so many other things. If you build a church, does the residents of this community utilize a facility and building a facility and it's the same residents that have paid for those roads and the same residents are using existing services and paying for those services but can an impact fee imposed? There are so many applications where that can come across. Even a school is the same way and that's why they are exempted. It's just so many elements that are not included. I don't know. It's tough. Private schools were another one. Typically, the residents of that community are using a private school and nursery, I don't care what it is and their impacts are being paid but those are the same people that had to pay an impact fee to live here. You know what I'm saying? I don't know. There are so many little things that we haven't talked about and that's why I'm reserved in this in the numbers that are presented. That's where I stand in relationship to what happens on a cumulative basis within the City of Fort Pierce. Any other discussion? Roll call please.

Those in favor were: Mr. Dannahower, Mr. Knott and Mr. Lloyd.

Those opposed were: Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Poitier, Mr. Reilly and Chairman Johnson.

Chairman Johnson said wait a second. Can you give me the tally on that?

Ms. Suarez said 6 no and 2 yes.

Chairman Johnson said two?

Ms. Suarez no. I'm sorry, six no and three yes.

Chairman Johnson said so the motion does not carry. There is no recommendation. Mr. Walker, at this point do we, is that recommendation forwarded with that disapproval or do we have to make another motion?

Board Attorney Walker said Mr. Chair, the Code does require the Board to make a recommendation if it possibly can. However, if the Board has made a good faith effort and there are no further motions forthcoming, then the matter would simply go forward without a recommendation.

Chairman Johnson said I wasn't sure it being an ordinance. Okay, thank you.

Board Attorney Walker said that has been the practice anyway over the years.

Chairman Johnson said so is there another motion or no because that one was denied so it could be forwarded with that. I don't know what else you would change to change the votes.

Mr. Lloyd said we can just make a motion to have no approval to the Commission.

Chairman Johnson said it would be the only other option and basically you said that.

Ms. Dixon said that's what we've said.

Chairman Johnson said it would only change the positive votes for that motion probably.

Mr. Knott said I think they'll get the motion. They're going to have fun with it now.

Chairman Johnson said okay, very good. Then we'll end it at that. Good luck.

Impact Fee Ordinance will be forwarded to the City Commission without a recommendation.

Mr. Lloyd said thank you. That was a good job.

Ms. Dixon said and you did it quite well.

The next item considered: **Item # 10a. Other Business - Appointment to the Affordable Housing Advisory Committee**

Mr. Reilly said didn't we already do this?

Ms. Ehly said you guys saw this in June.

Chairman Johnson said did we? We didn't appoint anybody?

Ms. Ehly said and you appointed Leslie Olson.

Chairman Johnson said oh we did. That's right.

Ms. Ehly said yeah so now she's a City employee so we need a replacement.

Chairman Johnson said alright. Anyone? I made my commitment.

Mr. Hayek said how often do they meet?

Mr. Knott said did we ever determine if it was once a month or something like that?

Mr. Reilly said no it's three or four times a year I think.

Ms. Ehly said they're working on the report to present to the Commission in October so I think there are three meetings before mid-October. After that, they meet maybe every six months.

Mr. Dannahower said but when?

Ms. Ehly said they're doing it in the evening.

Chairman Johnson said I imagine it's not going to be that intense.

Mr. Poitier said what about him?

Chairman Johnson said who nominates him? Mr. Poitier nominated Mr. Hayek. Mr. Poitier, you nominated Mr. Hayek?

Mr. Poitier said yes.

Motion made by Mr. Poitier and seconded by Mr. Reilly to appoint Charles Hayek to the Affordable Housing Advisory Committee.

Unanimously approved by voice vote.

The next item considered: **Item # 3 – Consideration of Absences**

Chairman Johnson said we had one, Mr. Bey and Mr. Yates. Is there a motion to excuse the absences?

Motion made by Mr. Poitier and seconded by Mr. Hayek to excuse the absences of Mr. Bey and Mr. Yates.

Unanimously approved by vote.

The next item considered: **Item # 10 – Other Business – LDR Rewrites**

Mr. Carlin said Mr. Chair, members of the Board, briefly just to give you an update. The City Code rewrite will be undertaken starting this coming week. As you know, there is a consulting firm that has been hired by the City to help rewrite the land development regulations which is going to be an exciting journey because there are many elements in the Code that are outdated. That process will start on Monday when the representatives from Duncan & Associates that will be involved. We are looking for two Board members to be appointed and to participate in the process with City staff to work with the consulting firm in an effort to work out this new City Code. We're looking to see if two Board members will be able to start that process this coming Tuesday morning. If you all would consider who might be interested in working through this process, it's going to take at least a year to go through and make the changes but it is an important process. You all hear these applications on a monthly basis and are becoming familiar with the Code. This is an opportunity for you all to give your input and insight as to how changes should be made to facilitate greater discussion and have better development.

Chairman Johnson said that's Tuesday the 16th? A week from today?

Mr. Carlin said that's correct. We're looking for two members that would be willing to be a part of the task force, if you will, to rewrite the LDRs with the consulting firm and staff members.

Chairman Johnson said who's been on the Board the longest? Mr. Knott? Mr. Poitier?

Mr. Poitier said no, no, him right there. He's been the longest [Tom Knott]. He's been in ten boards around here.

Mr. Reilly said what you should probably do is get someone who's been on the longest and someone who's been the shortest and then you've got a good mix.

Mr. Poitier said yeah. He's been the longest.

Mr. Knott said our newer members would be the best because they stand to learn the most.

Chairman Johnson said how often are they meeting?

Ms. Dixon said as one of the newer members, I would say I would love to do it. However, I couldn't find the time, unfortunately, to be able to do it because of my work needs.

Chairman Johnson said is it during the work hours of the day?

Mr. Poitier said it's only twice a month.

Mr. Carlin said as of right now, we don't have a set schedule in place. Again, this is just starting. We're just meeting the consulting firm. Over the course of the next few weeks, we'll be developing a schedule of when those meetings will occur. I don't anticipate this being an everyday requirement or an every week requirement. I think it'll be diversified, if you will. Keep that in mind.

Mr. Poitier said Mr. Dannahower would be good. He retired.

Mr. Dannahower said Mr. Dannahower will be on the way to Amsterdam next Tuesday.

Mr. Knott said that would be a good job for our alternates. They're considered members. Aren't they?

Chairman Johnson said yeah.

Mr. Carlin said just to clarify a little bit, the first meeting is just intended to be a part of the initial meet and greet with the consulting firm to get an idea of what their vision is and how the process is going to work. Obviously, if you can't make all the meetings, your feedback is, I think, the most important thing whether it's via email or written correspondence. However you can make it work I think is a step that we need to.

Mr. Poitier said do we have to appoint them tonight or later? Does it have to be tonight?

Mr. Carlin said well it would be nice to have some idea of who in the Board would be Board members.

Chairman Johnson said they're meeting next Tuesday.

Mr. Carlin said the first meeting, this was brought to my attention today.

Chairman Johnson said what time?

Mr. Carlin said on Tuesday morning and you can contact the City Manager's Office.

Mr. Poitier said well we have one, Mr. Knott.

Mr. Knott said I got a sex change operation.

[laughter]

Mr. Knott said I would just love to but I can't.

Mr. Hayek said I want to see that in the minutes.

Chairman Johnson said oh my goodness.

Mr. Knott said top that one.

Chairman Johnson said I have to pick the gavel up on that.

Mr. Knott said I can't make it. I just think some of our other.

Mr. Poitier said well we don't have any more.

Mr. Knott said well we have two more. I don't know if they are considered members.

Chairman Johnson said well who's working? Mr. Reilly?

Mr. Reilly said I'm working.

Mr. Poitier said me too.

Chairman Johnson said any volunteers?

Mr. Carlin said if no one can be present for the Tuesday morning meeting, at least consider who might be interested in participating in the process once we start working with the consultant firm in terms of who'd be interested from the Planning Board to help take on this important task.

Mr. Hayek said maybe bring it back after you (inaudible - overlap of voices).

Mr. Lloyd said we feel that Darryl and Clay are going to want to do it.

The next item considered: **Item # 10 – Other Business – Planning Board Member Vacancy**

Chairman Johnson said speaking of that is City Commission going to see all the appointments. Are they going to see another list to appoint a new Board member? If so, I'd recommend we appoint one of those two if they are willing to, I'm just putting that in the minutes because of what happened last time. I don't know if they were even considered because they are already alternates. Maybe their application got looked over. I don't know. I'm just asking the question.

Mr. Carlin said I know applications were submitted. I don't know where they are in the review process but we can certainly follow up and see where that.

Chairman Johnson said okay but make sure. If we ask our alternates, maybe they want to be full-time member not just an alternate.

Mr. Dannahower said I believe they're talking at the next Commission meeting. I believe they're on their third reading or whatever. They never read the names when they go through the first two times so if you watch the meeting you never know who is on the list.

There being no further business, the meeting was adjourned at 9:27 p.m.