

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, SEPTEMBER 13, 2005, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Donald Bergman (Chair), Sonja Gates (Vice Chair), Misty Minton, Thomas Knott, Pamela Williams, Charlie Harris, Margaret Benton, Robert Poitier, Jeremiah Johnson, and Chuck Enns.

Members absent: All Members Present.

Citizens and Staff present:

Brad Currie
Cynthia Angelos
Dorothy Manthey
Richard Manthey
Constance Rock
Doris Carol Sylva
Kathy Tresslex
Marie Worthing
Harold M. Owen
Paul Broga
Shirley Broga
Patricia M. Cawthorne
Cosimo Daiello
Ann Marie Dion
Jeff Goettling
Steve Pickett
Susan O'Rourke
Lewis Moscovitch
Liz Younghouse
Mike LaCoursiere
Michael B. Schorah
Michael T. Fredericks
Jeanne Hearn
Barbara Busbin
Lanette Egers
Roy Whitehead
Gene Kling
Clete Kling
Wilber Stevenson
Gloria Stevenson
David Serheil
Bruce Jerner
Trevor? Huffman

Travis Gibbons, Planner
Jim Walker, Assistant City Attorney
Hector Arias, City Engineer
David Recor, Deputy City Manager
Dianna D. Rose, Administrative Secretary

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Citizens continued

William Russell
Mike Mett
Jack Cahill
Helen Steltzer
Agnes Hendulak?
Catherine Sciasco
Marie Clum
Gwen Maje?
Liz Dunleavy
Cynthia Kozlowski
Carlyn Russell
Charles Alberts
Rose Alberts
Clara W. Ayers
Thomas T. Ayres
Donald Shelby
Itara Shelby
Lenara Hurley
Marianne Kemme

Meeting was called to order at 7:00 p.m. (**Agenda Item #1**).

Secretary proceeded with roll call and consideration of absences. (**Agenda Item #2**).

Mr. Bergman stated – I guess we have consideration of absences for the August 9 meeting. Mr. Johnson and Mr. Enns, you did a major disservice not being here....for our marathon meeting.

Light laughter from Board members.

Mr. Enns stated – I was at a dedication to the City golf course. And if I would have known that the meeting was going to go on as long as it did...I got out of there at nine (9) o'clock, and I understand that I could have come at nine (9) o'clock and still made three quarters of the meeting that night. So, I do apologize for my absence for that night.

Mr. Johnson stated – I have an excuse too. I actually had family issues, but it not as good as the golf course though. I'm sorry also.

Mrs. Gates stated – I move that we excuse their absences from last meeting.

Mr. Knott stated – Mr. Chairman, I believe, in looking at the minutes, I think we excused them at the end of last meeting...we were so tired we don't remember but we did.

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Mr. Bergman stated – Okay, I was looking at the front that was saying they were still absent.

Mrs. Gates stated – Well, I withdraw my motion then.

Agenda Item #3 – Approval of August 9, 2005 Minutes.

Mr. Bergman asked – Alright, has everyone had a chance to read our novel of minutes? Are there any comments or corrections or if anyone can remember what they said? Anything we need to modify?

MOTION WAS MADE BY MRS. GATES TO APPROVE THE MINUTES OF AUGUST 9, 2005. Seconded by Mr. Poitier. Unanimously approved by voice vote.

OLD BUSINESS

Agenda Item #4 – Symphony Builders at Gator Trace (Phase II) – Tabled from August 9, 2005 Planning Board – The conditions were for the applicants submit elevations, provide information regarding landscaping, additional buffering, and also the agreement regarding a secondary entrance for the construction road and for no CO's to be issued until the boulevard is open to the public. The applicant has submitted elevations, provided revised landscape plans, additional buffering, and also has provided a copy of the agreement regarding a secondary construction entrance. Located on Gator Trace Blvd. The owner is Symphony Builders at Gator Trace, LLC., and applicant/representative is Land Design South.

Mr. Bergman stated – This item was tabled from last month's meeting. So, we will need a motion to take it off the table.

MOTION WAS MADE BY MS. BENTON TO RELEASE THE ITEM FROM BEING TABLED. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Staff Report – Mr. Gibbons stated – This is the resubmittal of the Gator Trace (Phase II) that was tabled from August 9, 2005. The applicant has submitted an application based on the recommendations from the Planning Board. They've submitted their elevations, revised landscape plan, additional buffering, and has also provided a copy of the agreement regarding a secondary construction entrance from St. Lucie County. Also with this, they have moved building #5 and swapped it with the proposed clubhouse; this trying to alleviate the vision distractions that was plaguing those villas. Based on those recommendations and then we also have the development agreement that was for the cost of signalization, and also the temporary construction entrance has been submitted and approved. And based on those, staff recommends approval.

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

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Mr. Knott stated – Travis, in your staff recommendation I see that about the temporary construction entrance to which we all discussed at the last meeting. In the minutes we also ...the motion, I think, we had last meeting to table this also included some sort of an agreement with the developer that no CO's would be given to the project until the boulevard was completed?

Mr. Gibbons stated – That's correct. And whatever recommendation you have tonight I would keep that in place.

Mr. Knott stated – But that was not a part of the resubmittal?

Mr. Gibbons stated – That would be taken care of at the City Commission and also would be addressed administratively.

Mr. Knott stated – But it wasn't addressed in the resubmittal ...is this correct?

Mr. Gibbons stated – No. But that's something that would ...we would enforce that.

Mr. Knott added – Because I didn't see it in the submittal and I didn't see it in your conditions.

Mr. Gibbons – Okay.

Mr. Knott asked – So, that's something we can still condition?

Mr. Gibbons stated – Yes. Staff enforces that.

Mr. Knott – Okay, thank you.

Mr. Bergman asked – Any other questions for staff? Alright, hearing none, is there anyone here to speak on behalf of this project?

Mr. Brad Curry stood and introduced himself and stated – I'm with Land Design South representing the applicant, Symphony Builders. It's a pleasure to be here tonight. We have prepared another brief power point presentation just to go over some of the changes that we made to the application since last time we were before you. Before I get started in the presentation, again, I just want to introduce the development team; they are here tonight to answer any questions that you may have. First of all the property owners, Symphony Builders, is Lewis Moscovitch, legal counsel is Cynthia Angelos, land planner would be Land Design South, my self Brad Curry, the engineer is Michael B. Schorah & Associates. And both Michael LaCoursiere and Michael Schorah are here tonight. The architect is Mark Weiner & Associates; Mark is here tonight to answer any questions you may have regarding the architecture. The landscape architecture is Cutler and Hearing, and Liz Younghouse is here to answer any questions you may have. Someone who didn't make it on my list but who is here tonight is our traffic engineer, and she can help you with anything that you many have regarding your traffic. I'm sorry, Susan O'Rourke is her name. Just to refresh your memory, the Gator Trace PUD is

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located just to the east of U.S. 1, just to the north of Weatherbee Road. At the last meeting you approved the site plan for Phase I and you tabled the site plan for Phase II. So, we are back before you tonight for you to re-hear or to hear, I guess, additional information on Phase II. Again, our request is for site plan approval of Phase II for a total of 264...it should say three (3)- and four (4)-story units. We have changed the elevation a little bit to include three (3)- and four (4)-story units. The previous Planning Board meeting August 9, there were several concerns raised regarding the project. Some of those are the compatibility of this pod of the PUD with the other pods of the PUD, a construction entrance, more detail in the landscape plans, additional landscaping, the actual building elevations; I don't think they were in your packets last time, we have resubmitted those and I hope that they are in your packets this time. The involvement that Symphony Builders has with the existing residents, we've tried to address that. And then lastly traffic; our traffic engineers are here tonight to address any questions that you may have with traffic. This is the previous Phase II site plan, this is the one you guys saw last on August 9, 2005, as, I'm sure you remember...17.6 acres, 264 dwelling units, 15 units to the acre. Again, that required part is 396 and we are proposing 542 spaces, which is just over two (2) spaces per unit. This is the revised Phase II site plan. At first glance, you may say it's very similar. As Travis mentioned in his staff report, what we basically did, and the next spot shows a little bit better, is we flipped...there used to be a building right here (referring to the power point renderings), and the recreation area was at the entrance. We flipped those two things. What that allowed us to do is it allowed us to get this building further away from this property line, which increases the amount of separation. It also put our three (3)- and four (4)-story building further away. The rec facility is going to have a building, it will be just one (1) story. The other thing that it allowed us to do is that it allowed us to increase the landscaping along Gator Trace Boulevard ...proposed Gator Trace Boulevard, which is in the next spot I'll show you. Again, the August 9th plan is to the left, the revised plan is to the right. Gator Trace Boulevard is running along the right-hand side or to the east of both of those plans. Again, as I said, the original plan that we showed to you on August 9, 2005 showed 158 ft. from our building to the existing villas at Gator Trace building. The new plan shows over 200 ft. of separation between the existing villas at Gator Trace and the proposed project. In addition, there was previously proposed a 10 ft. landscape buffer along our eastern property line here and we have increased that to 25 ft. and we've included a 3 ft. berm there as well. So, it's quite extensive. We're more than doubling what was there previously. This is an elevation as if you were standing at the villas at Gator Trace looking towards the west. Gator Trace Boulevard would be between you and what you're looking at here. The area to the ...this area here has a three (3) ft. berm, it's an earthen berm is the reason it looks a little funny. And then you have the hedge planted on top as well as the vegetation planted on top of the berm and within the remainder of the 25 ft. buffer. Ms. Younghouse, with Cutler and Hearing is here; she is the landscape architect. She worked on this project...on this buffer, and she can answer any specific questions you may have regarding the types of plants or anything that are in there. I'm not a landscape architect, I'm a planner by profession. One of the other issues that was brought up was a construction entrance. There was concern that if we brought all of the construction trips through the existing Gator Trace community ...Gator Trace PUD, that it would, not only potentially damage the roads that are in there but also create a disturbance for the existing residents. We went to the County and we asked about potentially getting a construction access ...construction entrance on St. James; it's

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just off of U.S. 1...Weatherbee Road now...it's just off the screen to the south a little bit. And so what we did is we drafted a letter and submitted it to Scott Hearing up in St. Lucie County. And the letter to the left (referring to power point presentation) is that letter that we submitted to Scott Hearing. And Scott sent us a letter back, which is the letter on the right stating that, sure, you guys can have this construction entrance....temporary construction entrance and we'll be happy to give you that permit. Again, going back to the proposed landscaping, I showed you what the ...trying to address the compatibility issue...showing what that buffer was going to look like if you were standing there at the villas of Gator Trace. This is that same landscape plan in a plan view. The villas of Gator Trace are at the bottom of the screen here, just off the screen. And this is that same building that we switched over...building #5 that we switched and put the clubhouse here. That 200 ft. distance starts about right there and goes this way. Again, north would be to the right of the screen. It just gives you an idea of the overall feel for the landscaping. I think that it's pretty intense, I think that we all can agree with that. With the trees that are planted along the right-of-way and then the trees that are planted on top of the berm in this general location. We've also reconfigured the entry a little bit. I think it's much nicer. As we previously discussed at the last meeting, Symphony Builders is going to be constructing a roundabout in the middle of Gator Trace Boulevard to try to stop that Gator Trace Boulevard from being the speedway, I believe, many people believe that it would be if it wasn't there. In addition, we want to really create some sort of traffic calming device for the golf cart path that is here, and the golf cart path that is located to the north of that. We've created another focal feature here as well when you pull into the community. So, I think it's ...it's actually a great change ...it's a change for the better for the project. These are the same elevations I just wanted you guys to see it again, which you just saw it in an elevation view. Another issue that was brought up at the last Planning Board meeting was the elevations. I don't believe you guys saw these at the last one. That was partly my mistake because it was my understanding at the preliminary review you don't need elevations but we did include them for your review. We want to try to satisfy you as much as we can. To the top of the screen (referring to the powerpoint renderings) is the front elevation. This is the side elevation and this is the rear elevation of the buildings. Mark Weiner with Mark Weiner & Associates is here tonight to answer any questions you may have regarding the architecture. Lastly, the Board commented on our, I guess, our need to meet with the residents to try to go over some of these concerns. We did originate a meeting. It occurred on September 1st at my office at St. Lucie West. In attendance were the members of the villas of Gator Trace HOA as well as the members of the Master Association. After the meeting, we increased the buffer, like I spoke of, we increased it to 25 feet. We revised the building to three (3)- and four (4)- story buildings. They're not all...it's a three (3)-story section of the buildings, so it does have a little bit of, I guess, change in elevation from the front to the back and from the side to the center. And so we did make some changes to try to address their concerns. In summary, we redesigned the site plan to increase separation of the proposed buildings. That is an attempt to help address the compatibility issue. We felt the compatibility was good to begin with. But we increased it even more...increased the separation even more. We increased the landscape buffer and the amount of landscaping. I think if you were to search your code, the landscaping language is not very comprehensive I would say. And in looking at the code, and Travis, you may correct me if I'm wrong, it's difficult to tell if even a buffer is required between this pod and the existing pod. If you look at what was done at the villas of

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Gator Trace, for example, there is no landscaping buffer there. They have ten (10) feet from the back of their property to their property line. We are doing a 25 ft. landscape buffer with a three (3) ft. berm. That's well above what the code requires and again, Travis, correct me if I'm wrong, I don't know that the code requires. And again, Travis, correct me if I'm wrong, I don't know that the code requires anything there. And we've provided a 25 ft. buffer. Thirdly, we went in and we met with St. Lucie County, we sent them a letter, we spoke with them on the phone. We got a letter back from them saying yes, you guys can have the construction entrance. We tried to go above and beyond to get a separate entrance for the construction traffic so that we wouldn't disturb the existing residents at Gator Trace. In addition, we provided you guys with landscape plans, with elevations, and with floor plans, so you could get a pretty comprehensive view of what we're proposing on this site. And then, lastly we met with the residents to address their issues and we were advised to design the plan in order to further address their issues. This is the revised Phase II site plan again, I was going to leave it up there in case you had any comments. Again, if you have any questions our team is here to answer any questions you may have. I'm going to bring up Susan O'Rourke now. She's going to, I guess, say a few things about the traffic and then you guys can ask her any questions that she may have about the traffic.

Mr. Bergman stated – Alright, thank you.

Ms. Susan O'Rourke stood and introduced herself and stated – I'm with Susan O'Rourke P.E., Inc. And I've prepared the traffic analysis. The traffic study was done for Phase I and Phase II. In compliance with the regulations of the City, we addressed the anticipated build out approximately 206. We looked at other projects in the area. The analysis was approved by your staff at some of our initial meetings to discuss the project. We were asked to take another look at the internal roads. So we sent somebody out there to actually physically count...they lay a tube out and count the road. And we found that, you know, currently the roads are operating at an acceptable level of service. When we add our traffic, this Phase II will project will generate about 100 trips in the commuter peak hour, and about 1,000 throughout the day. So, that's less than what's on the road today. And when we add that traffic to what's out there today, we're still operating at acceptable levels of service. That is without the Gator Trace Boulevard extension. That's using Gator Trace Avenue and the extension to the east and through the existing circulation system. Then we were asked to address when the road opened, and the other development was on Gator Trace Boulevard, would there still be acceptable levels of service? And yes, there would be. So, we don't need the road, but the road will operate at acceptable levels of service when it's put in place with our project and the surrounding activity as well. So, I wanted to clarify that and just give you a few of the numbers. And if you have any questions on specific items I'll be happy to answer them.

Mr. Bergman – Alright, thank you.

Ms. Cynthia Angelos stood and introduced herself and stated – I'm the attorney on behalf of Symphony Builders. I have known the Gator Trace project before the first shovel was put in the ground. And I'll spare you the details but I'll just say I was on the other side of the developer in a law suit. And then came to represent the developer Jim Rurskin? I've played golf at Gator

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Trace for over 15 years and I love the community. I met with the residents. I know many residents out there. And I happen to like the residents out there and I like many of the folks that I know here as well. The Chair last said to the planner when he was here, have you been to Gator Trace lately? And I thought that was a very appropriate and important question. And after meeting with the residents, and hearing their concerns, which are heartfelt...I mean these folks live there and plan to continue to live there, and this is their home. I went out to the area that the development is planned. And I thought to myself what a great question that was asked of the planner, and had hoped that perhaps some of you all have been out there. What I realized was, number 1) where this particularly phase is planned, there are six (6) units that are effected by this phase in that....there are six (6) units that directly can view this phase. This is six (6) units out of 340 something....347 actually units that are existing in Gator Trace. Not that those six (6) units are not important, but what struck me was that these folks, it's their back yards that are behind this phase. And that's important to them too. Their back yards are 15 ft. but right up to their back yard is this 100 ft. right-of-way right abutting it. These six (6) units that's planned as Gator Trace Boulevard, that's a 100 ft. right-of-way, and that's a two-lane road that's planned there. 100 ft. from that two-lane road, based on their newly-revised plan, is the first corner of the three (3)-story newly-revised plan building. So, if you can envision, we have 200 ft. from the closest unit out at Gator Trace; and that would be the six (6) that I spoke of to the three (3)-story building. And that's the closest of those buildings to these units. There are buildings that are further from that that we're speaking of, but there are only two (2) that are even closed to those units; and they're 200 ft. away to the corner, and again, that's the three (3)-ft. section of the revised plan. The buffer was an important issue that was raised by a member of the Board last time. We worked very hard to make this buffer. And questions were asked of the homeowners...good questions, are there going to be mature trees in this buffer? Our landscape architect is here; and if you have questions please ask. Because it is a huge buffer; it's 25 ft. and it's so much more than they have now. With or without this project, they're going to have this two-lane highway in their back yard...15 ft. This project, again, is 200 ft. from them. I think the most important aspect that perhaps I didn't convey to the Board adequately last time, is that we're talking about a PUD that's already been approved for 678 units. This is the last remaining property and phase in this PUD that....and this property owner is entitled to build out those remaining units. In this case, that would be 331. Now, last before the Board, the Phase I was approved. If you recall, it was submitted as four (4) stories. They reduced it, after meeting with staff and myself, because two (2) stories because that phase was very visible and effected the homeowners out there. Frankly I came into the meeting last time and thought that everyone would be very happy with that. But that still gives this developer the remaining units that he has a legal right to build...267. The only way that he can build those is to go up. The homeowners' concern, and I understand it, is the height of the buildings. That's the reason for the buffer. That's the reason for the distance between the buildings that has now been created, and the six (6) units that we spoke of. And what I found to be very, very significant, is that what I believe is technically referred to as the villas...the six (6) units are not. But the villas that are close to this project, they're only 15 ft. from this Preserve at Gator Trace that has already been approved by the City. Travis said in his report for three (3) and four (4) stories, I've seen them advertised for four (4) and five (5) stories. This is an approved site plan less than a year ago by the City that's directly adjacent to this development. It's important because of two aspects, number 1) again,

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this developer has a legal right, a legal entitlement to build out these units. And if we look at your code with regards to what PUD's are, their purpose is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. And it is further intended to promote economics and land development. I know that an issue and a concern of the Board is compatibility. Reading from your code in that regard, if topographical or other barriers do not provide reasonable privacy, which here, again, we're 200 ft. back, for existing potential uses, the City Commission shall require setback at an adequate distance—I've told you what the setback is—or require an attractively designed and maintained buffer in the form of vegetation, berms, etc. This developer is doing both. This is their third try at this plan to do what they are legally entitled to do. Again, and all due respect to these folks...I heard one of the ladies in the six (6) units say that she was told that her back yard ...my client's property would forever be a preserve. And you know, I apologize to her for whoever gave her that false information. But that's not the reality of it. And I think that their concern with regards to development is really a development that's already been approved by the City. Again, the six (6) units don't face the development, they have 200 ft. distance from the closest from the three (3)-story buildings. The landscape plan is way over and above that, that's required by the City. The closest development...15 ft. from the existing Gator Trace development is a development, the Preserve at Gator Trace approved for four (4) and five (5) stories. Just to give you an idea with regards to compatibility. And I know that many of you have probably been out there. I know Mr. Bergman lives out there. The clubhouse is 35 ft.; I know it looks a heck of a lot higher, but the engineer took into consideration the fact of the elevation on the hill and what not. It was really over 52 ft. But just for sake of discussion...the clubhouse is 35 ft., the two (2)-story townhomes are about 33 ft....and our architects here...but this project that they were talking about, at its highest point, is just over 45 ft. So, at best, we're talking about 12 ft. And I know it really frightens these folks. But we're not talking about huge high rise buildings; and I have a tape measure, I can measure out 12 ft. for your folks, but you don't need that. I just wanted to state that the compatibility issue really is not that great. With regards to the law, that's what my job is, and that's what I'm here for. The Florida Supreme Court has said in Broward County versus GBV International...787 southern second...838, a decision granting or denying a site plan is governed by local regulations, which must be uniformly administered. As a result of, again, meeting with the homeowners, staff, this Board, revising...we have a construction entrance off of St. James Boulevard; reduce Phase I of this project from four (4) stories to two (2) stories; increase the landscape buffer well in excess of the required code; reconfigure the site plan of Phase II so that the closest point of the building is three (3) stories and 200 ft. away...to the six (6) effected units out of the 347. We've agreed to a developer's agreement for signalization of Weatherbee Road. And there has not and cannot be (showing?) that this project will bring the roads to an unacceptable legal level of service. The traffic engineer has done a study. I was present while she met with your traffic engineer...acceptable level of service from this project as a result of this project without Gator Trace Boulevard...acceptable level of service when she takes into account the 800 units that were approved at the Preserve with Gator Trace Boulevard. I think the point being that to tie this project into Gator Trace Boulevard, that construction really isn't proper because you have your level of service with this project without Gator Trace Boulevard. And I don't know how anxious these folks are to have that Gator Trace Boulevard in their back yard. They've also, as you

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recall, re-created a roundabout. And I understand that you all are going to be here for a while. I'm going to be here with you, and I respect and know how hard it is to hang in there. But if I could just reserve the chance for a very brief rebuttal. Thank you, thank you very much.

Mr. Bergman asked – Is there anyone on your staff that wishes to speak?

Ms. Angelos stated – No. Thank you very much.

Mr. Bergman stated – Okay. Is there anyone else that would like to speak on this project?

Ms. Marie Worthing stood and introduced herself and stated – I live at 4178 Gator Trace Villas, I'm adjacent to the project. I'm not an attorney, but I'll do the best I can. As you suggested, Mr. Bergman, several of our residents with the representative of Symphony Builders, the architect, and their attorney, Ms. Angelos. The only information that we received at that time, was that the condos would be 48 to 50 ft. tall. Also they did state that they would plant mature trees, but at that time they didn't save the height of the trees, so, what they think are mature trees I'm not sure; now they're saying 25 ft. I'm sure that 50 ft. buildings would be like towering giants for our one-story villas; as well existing two-story condos that we have now. I do know that no mature trees will be tall enough to change that. Four (4) stories or even three (3) stories are not compatible. I'd also like to mention the traffic. Many households have two (2) cars, but to be conservative, let's say 1 ½ cars per household. Once our two (2)-story condos are completed, we will have approximately 350 residents at Gator Trace. Plus the original 327 units that Symphony intends to build for approximately a total of close to 700 units, which would equal the lower figure of 1,000 cars. Ms. Angelos mentioned that the project north of Gator Trace will begin building very soon before their statutes of limitations expire. I understand there will be 800 units built, which means another possible 1,200 cars. The reason I mentioned this development is we were told last year that they would use Dixon? Road not only for construction but also as their secondary road. And Ms. Angelos informed us that is not the case; therefore, this would anywhere from 1,500 to 2,000 plus cars using our present entrance, Gator Trace Boulevard, plus Weatherbee Road along with the people who now live on Weatherbee Road, the public school, thru traffic to Indian River Drive, and perhaps, there may be a rumor an apartment building where Weatherbee and Midway merge. Again, four (4) stories, three (3) stories are not compatible. Phase I was redesigned to two (2) stories; they must do the same to Phase II. Some of us may not be alive by the time these projects are finished. But we showed up here tonight because we care for the future for now and for the future for Gator Trace. Thank you.

Applause from audience.

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

Mr. Dale Cawthorn stood and introduced herself and stated – Good evening again, Planning Board, I have a couple of letters I can share with some of the members...I don't have enough for everybody...I apologize. I live at 4176-B Gator Trace Villas Court. We met here a month ago about the development. Our concern is, as I mentioned before, the compatibility of our one (1)-

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story buildings, which are on the east side of the boulevard. There are three (3) that are together but there is another one, so, there actually are eight (8) that are going to be looking into this. But the three (3) buildings, the six (6) units, they will look out their all-glass back window and look right into this. We don't want a Harbour Isle at Gator Trace. And that's what these buildings are going to look like...they're going to be that tall, that domineering, one(1)-story building up against that development. We appreciate the meeting with the developers' representatives. And did like the idea of them moving the clubhouse there we believe. We wish for the compatibility of it that they all ought to be two (2)-story buildings. I asked, at the time of our meeting, if there was any possibility of a compromise. What about two (2)-story buildings adjacent and then going back to three (3) and possibly four (4). You can see what the compromise ended up with. We wish you would take into consideration our concerns, the traffic, if they do open the boulevard, will probably alleviate the traffic in our roads, but we are concerned about the height and the compatibility of the buildings. Thank you.

Applause from audience.

Mr. Bergman – Thank you.

Ms. Cathy Tressler stood and introduced herself and stated – I'm president of the Homeowner's Association. I live at 4307 Gator Trace Drive. I'm not anywhere near what these people have to put up with in the villas...I'm from the homes area. Now, my concern is traffic, the children at school...there was a boy killed on Weatherbee, as you recall, earlier this year. The traffic there is horrendous. Now, when you're talking about another 524 cars or homes...maybe 1,000 cars coming in and out....100 trips, I can't feasibly see 100 trips out of 500 something cars; to me, that tallies a lot more. Now alsoI'm not sure of the developer's name there. But he's already putting in another six (6) buildings and there are going to another 200 residents there, possibly another 400 cars...that's already approved, that's in....that's going in. That's after ours, that we have another 400 cars plus all these other cars. To me, it's just not conducive to our area. It's a small little community where we have our children playing in the streets. And when the school let's out there it's horrendous. If anybody has been there at 3 o'clock just trying to get in and out of Gator Trace Boulevard, let along Weatherbee. Now the homes that they are going to put in from my area I could very well see it. I'm in the homes area, and if you have these four (4)-story buildings going in...aesthetically it does not look right. It would look like a concrete jungle out there. Especially if you are a golfer and you're at there golfing, you're talking about looking at Broward County when you go down to their golf courses...to me, it just doesn't fit into our area in Fort Pierce. That's all I have to say. Thank you.

Mr. Bergman – Thank you.

Applause from audience.

Mr. Harold Owen stood and introduced himself and stated – I'm a resident of Gator Trace Villas. I'd like to point out that the attorney, as well as others, keep hammering away about 200 ft. between the developments. Now without the benefit of a tape measure, I estimate this room (the

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Commission Chambers) to be roughly 50 ft. wide. That would mean the nearest corner of a building would be only four (4) times the width of this room to the closest villa unit. We're talking four (4) stories against a one (1)-story unit...only 400 ft. apart...wow! Thanks a lot.

Applause from audience.

Mr. Cosimo Daiello stood and introduced himself and stated – I'm a resident of Gator Trace...4179-B, and I'm one of the villas that's going to be looking at the new development. The numbers, as far as I'm concerned, just don't add up here. In all of Gator Trace there are 272 residents right now. We're going to put that many new residents in that area, which comprises of like 10 percent of the area of the 16 other homes of Gator Trace. We're going to squeeze all of those people out of that one entrance. The traffic, as far as I'm concerned, looks like it's going to be 100 percent greater coming out of that area. I know you have a traffic engineer here who has made that study and I think there are ways and programs that you can go to that will justify something like that. But we live there. We're going to have to put up with all of that. And the other thing is, the buildings that are going in there are going to be massive. The architects, the artists that draw these buildings are going to make them look pretty nice. But I'm telling you when they're finally finished, they're going to be massive. And we're all going to have to look at them. Not only us, but all of the residents that play golf and ...I figured that going down #3 and #4 is going to be like playing down 5th Avenue in New York. And so, that's all I have to say. This may be done deal, but I hope it isn't. And I hope that the Planning Board really takes a lot of these things into consideration. Because it's going to effect a lot of us. I'm getting pretty old and it isn't going to effect me very much longer, but we want to get new people in here, and make sure that this residence is a great place for them to live. There's one other thing that concerns me about this. If you've been reading the papers lately, what's going to happen...this is down the line...what's going to happen four (4) or five (5) years from now when there's nobody in those units? They're going to go begging. Of course, this isn't our problem, and it's a stock holder's problem to this company. They're going to be losing some money. Well, that's all I have to say. Thank you.

Applause from audience.

Mr. Bergman stated – Thank you.

Ms. Lenara Hurley stood and introduced herself and stated – Good evening, I'm one of the owners at Gator Trace, 4181-A Gator Trace Villas Court. My unit will look directly at the four (4) stories, five (5) stories, three (3) stories, whatever your decision is that the developers can build. Right now I am looking at construction material that blocks my view of the second home. You can't imagine what it felt like to wake up one Sunday morning and I look out my bedroom window and I saw the construction materials or whatever they are. And I was just shocked. It made me really wonder if I really wanted to stay at Gator Trace. I was the one that made the comment that I was sold the view. And I'm wondering how many times can a view be sold? I purchased the view. If that cannot be sold again I would advise all of you to please inform realtors when they're selling what they are to tell buyers. Because had I known that, I would not

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have bought, I would definitely not have bought into Gator Trace. Also, when you look at the green space is currently at Gator Trace; if that can be maintained so that we can maintain the prestigious look that Gator Trace has now that attracted, not only me, but the residents that was out there prior to me. There are not a lot of transient people, there are no transient people in Gator Trace. The people that purchase in Gator Trace, they're long-timers, they're there for life. Although they may come....they're purchasing and may go to New York for two or three months. But that's a residence to them. They feel comfortable...it's very safe there. And that was why I moved. I contacted the school board last year when I became guardian of my 13-year-old granddaughter. And I asked them if they could pick her up from the Gator Trace entrance. And they informed that they could not. That she had to walk to Regina. I asked if they could pick her up on Buchanan, which was right in front of Weatherbee Elementary School. They told me, no, she had to be at Regina. Regina is a dirt road with canals, I'm from the city, so I'm not that familiar with canals and all; but canal diggings in that area. The time that she had to be at the bus stop, that day I told her I would drive her to the bus stop; had she had to walk she would have seen that young man be hit by that car at 13 years old. Last year when we were here before the Board, I asked about sidewalks being put on Weatherbee. And the commissioners looked and asked each other, there are no sidewalks? And then they were informed that there were sidewalks in front of the school. Why can't we look at things in a preventive mode? Why couldn't that have been done before someone was killed? Although there are some issues about who the young man driving on the grass; but if there was a sidewalk on the curb it would have been more difficult for him to get on that sidewalk to hit the young man that was on his way to school that was preparing for his future life. So, I'm asking you to look at and consider those things when you make the decision how high, how many people, how many vehicles would be on that road? I leave my home at 8:30 every morning. It is very difficult to get out. I come out of Gator Trace, I go to Buchanan and go around to Midway to the traffic light for prevention, so that I won't have to be at Weatherbee and U.S.1 trying to go against traffic to get to P.S.L. to go to work. So, you know, these are the issues that we face every day...every day. Now, there were a couple of other things that I had in mind here. When you talk about codes and the maturity of the trees and the buffer zones that they are going to put, Gator Trace, when I purchased there, had been there for 10 years. The trees and all had been there for 10 years. They're not as high as four (4) and five (5) stories, so what is maturity? How tall is maturity when you look at tree? I have an oak tree in my front yard that is almost 10 years old, and it's not as tall as a five (5)-story building. Consistency with the architectural design, as I said again, the green space...let's not mess up the beauty of Gator Trace. That's the drawing factor in Fort Pierce. When you come out of Gator Trace and you see all the people that come to the country club, they don't come because it's a massive of people there. They don't have parties and have their businesses to come and hold fundraisers at Gator Trace because there are so many people. They come because it's a nice laid-back welcoming comforting community; that's why they do it. So, I appeal to you as a taxpayer. I appeal to you as a mother. I appeal to you as a grandmother. And I appeal to you as a citizen of Gator Trace, please keep it at two (2) stories so that we not only can continue to enjoy it, but even for the people that will move there in the future will love Gator Trace and enjoy it as much as we do. Thank you.

Mr. Bergman – Thank you.

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Applause from audience.

Ms. Shirley Broga stood and introduced herself and stated – I live at 4174-A Gator Trace Villas Circle. Everything that the recent speaker said about the traffic, the sidewalks, is completely true. I can't understand why a city would allow a elementary school without sidewalks leading to it; because a lot of those children walk on those sidewalks. I'm fairly new to Gator Trace, having lived in Stuart and out west in Idaho. And one reason that we decided to buy in here is because it's a nice peaceful, quiet setting away from busy U.S. 1. I have no objection to them building more condos, villas, whatever. But why make it look like you're in Port St. Lucie, where you've high rises, you have low ones, you have a mixed bag of things. Most of them, except for the New Century are one story. The homes, with the exception, I think of maybe one or two, are one (1) story. Why destroy it by putting in four (4) stories, three (3) stories? It just doesn't match the rest of the place. And I think that it's going to just destroy the peaceful atmosphere that we have and we've had for quite a while. So, I just ...I don't want to live in Port St. Lucie, and I don't want this to end up looking like Port St. Lucie. Thank you.

Mr. Bergman – Thank you.

Applause from audience.

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

Mr. Thomas Ayres stood and introduced himself and stated – I live at 4079 Gator Trace Road. I don't understand these charts and everything. Where is the construction road going to be?

Mr. Brad Curry stated – The construction entrance is going to be off of U.S. 1. And it's to the north of Weatherbee. You can't see Weatherbee right now. It's a residential street. It does have some commercial out on U.S. 1. So, Weatherbee is to the south. So, it's actually off of U.S. 1. So, the construction traffic will enter directly off of U.S. 1 and go down St. James and enter into the Phase II property.

Mr. Ayres asked – How about Tumblin Kling, did you look at that road?

Mr. Curry stated – Yes. This one seemed to be the best. There is actually an unimproved right-of-way that stops about right there and goes all the way ...this is a County right-of-way. It seemed to be the best. I'm not familiar with where the road you mentioned is...Tumblin Kling.

Mr. Ayres stated – Well, it's right at the end of Gator Trace Boulevard. And they blocked the street off down there. I walked down there one day and the woman said, where are you going? I said, there used to be a street through here. We used to walked through there if we wanted to get out on (U.S.) 1. And she said, oh, we blocked that off, so you're trespassing.

Mr. Curry stated – I'm sorry sir, I'm not familiar with that roadway.

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Mr. Ayres stated – They have a big pile of dirt. I think Tumblin Kling is in the County, right? Is that all that area east of us, is that in Fort Pierce or what?

Mr. Bergman stated – I don't know. That's something you would probably have to...(asking Travis Gibbons) east of Gator Trace Boulevard at Tumblin Kling? I don't think it is.

Mr. Gibbons stated – No, that's in the County.

Mr. Bergman stated to Mr. Ayres (audience member) – No, that's not in the City.

Mr. Ayres stated – Another question I wanted to ask is how many parking spaces per unit?

Mr. Curry stated – I'm sorry. The code requires 1.5 spaces per unit, and just trying to get the exact number here. I don't have the exact number per unit. I know it's just over two (2). We were proposing a total of 542 spaces. And if somebody could do the math real quick I will give you that exact number per. But I believe it's like two (2)...it's just over two (2) spaces per unit. As we went over it before, each unit is going to have a garage and there's a tandem space that will be behind the garage. In addition to that we are going to have guest parking spaces...additional guest parking spaces spread throughout the community. So, it's just over two (2).

Mr. Ayres – Okay, thank you.

Mr. Bergman – Thank you.

Applause from audience.

Ms. Agnes Hendulak stood and introduced herself and stated – I live at 4042 Gator Trace Road. The only thing I'd like to know is could you use St. James as an entrance?...make an entrance there?

Applause from audience.

Ms. Hendulak continued – And cut the traffic going through Gator Trace Boulevard. If they had an entrance off of St. James. I would like you to consider it.

Mr. Bergman stated – I certainly that's something we can ask of the developer.

Ms. Hendulak – Thank you.

Mr. Bergman – Thank you.

Applause from audience.

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Mr. Bergman asked – Were there any other questions or comments?

Ms. Constance Rock stood and introduced herself and stated – I live at 4166 Gator Trace Villas Circle. May we have that thing up again where it shows the plotting of the place? Whoever did it? He's gone home?

Laughter

Ms. Rock continued – Thank you. Because I have a couple of questions reverting to that and that's what I want to know. My question for the Board is what are the standards here in Fort Pierce for setbacks, which they're talking about, and for building elevations, and for wetlands? We're sitting with two (2) golf courses... the golf course runs around here (referring to power point renderings), I don't play anymore but I used to...three (3) and then four (4). And those are lakes. Isn't that...? I mean and since the Savannahs are right there and the Savannahs feed those lakes, shouldn't there be some kind of, I don't know, code as to how close to those lakes they can build? It looked like they're building on top of the lakes if nothing else. And I can't understand how the Fire Department isn't involved. If you're building a four (4)-story building right off that thing with a little roundabout, that I want to see the fire trucks to get around...the fire trucks...those big gigantic fire trucks, if somebody has a fire in one of those four (4)-story buildings. Regardless of how horrible they look, I don't people to die in them either. I'd like to know the answer to those questions. Why the Fire Department isn't here. Shouldn't they be represented with this traffic situation? Doesn't the Fire Department care?

Mr. Bergman stated – The Fire Department is part of the staff review when they go through the project...the initial submittal. The Fire Department reviews the project for the compliance...for their requirements. (Asking Mr. Gibbons) The Fire Department review...that's already been done?

Mr. Gibbons – Yes.

Mr. Bergman – Okay.

Ms. Rock continued – And the Fire Department approved the fact with the roundabout that you're coming in that narrow little road and then hit a roundabout to try to get those trucks around, and then to try to go down and put it into an even more narrow road....

Mr. Gibbons added – Yes, there are design standards.

Ms. Rock continued – I just don't see it happening. Plus the setbacks. Do they have the setbacks? Is there...? What are the standards for the setbacks for wetlands?

Mr. Bergman asked – Tom (Knott), would you know what it typically is for that?

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Mr. Knott stated – No, I can't ...these were permitted, I think, quite a while ago. And these probably would not be ...just off the top of my head I would say that these were not to be considered a wetland per se. They are a part of the drainage system, which has been approved by the South Florida Water Management ...

Ms. Rock added – We have good drainage there at the moment.

Mr. Knott stated – Right. And they cannot encroach into them but as long as they leave like a 20-ft. berm around them is all that the South Florida Water Management District requires...a 20-ft. setback from them. That's just enough for maintenance or equipment to get through there to maintain the berms. Because they're supposed to have 4 to 1 slopes on those things, but I have played golf down there...those aren't 4 to 1 slopes on those lakes down there...they're pretty steep.

Ms. Rock added – Yes, yes. I live on one of them, that's why I know. But see, it's 12 ft. deep, the one behind me, at last estimate. And I don't think anybody's checked it out.

Mr. Knott stated – But I don't believe the wetland, unfortunately, is not an issue, that these are viable wetlands. These are actually storm water management systems. So, they can build them, I think, within 20 ft. Staff would have to confirm that. I think that's the normal standard.

Ms. Rock continued – It almost sounds like anybody can do anything in Fort Pierce and I hate that thought.

Applause from audience.

Mr. Bergman asked – Anyone else wishes to speak?

Mr. Paul Broga stood and introduced himself and stated – I live at 4174-A Gator Trace Villas. She brought up a good point. Where does all the drain water go from all these parking areas? Are they going to go into these lakes? Is that going to be a problem? Does anybody know that?

Mr. Bergman stated – I would imagine the developer probably has their civil engineer here that could probably give us some information on how they did their...

Mr. Broga continued – Because that's really going to change these lakes.

Mr. Bergman stated – Well, he's going to get a chance to rebut some of your comments. I'm certain that will be something they'll offer up.

Mr. Broga added – Okay, and I'd also like to know how far is the building in Phase I in reference to the current buildings in Gator Trace? What's the difference...what's the distance in the Phase I project that they changed to two (2) stories now? How far are they away? I mean we're talking 200 ft. How far is Phase I away from the existing buildings in Gator Trace?

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Mr. Bergman stated – From what I recall, they were across the street, I don't remember what street it is, but they're on....

Mr. Broga added – Well, this is going to be across the street too. So...

Mr. Bergman continued – Well, I think these are on the inside of seven (7) and eight (8), or along the inside edge of the eighth hole. It's across the street from ...

Mr. Broga added – They're across the street from the condo, so how close are they? Are they 200 ft.?

Mr. Bergman stated – Well, I think those are all two (2)- story units too, so, I'm not sure that the distance was ...

Mr. Broga asked – Well, they changed the plan, right?...from three (3) story to four (4) to two (2) story on Phase I?

Mr. Bergman stated – The Phase I that was approved was two (2) story, I believe.

Mr. Broga stated – Okay, but they changed that right?...to two (2) story?

Mr. Bergman – Correct.

Mr. Broga asked – Now what's the difference between this distance from our existing buildings and Phase I distance?

Mr. Bergman and Mr. Gibbons stated – We don't have that information available...

Mr. Broga continued – Well, I think we ought to have it, don't you?

Mr. Gibbons stated – Well, that was approved at the last Planning Board meeting. And that issue is not on the Board for tonight. That information is not present.

Mr. Broga continued – I can measure off like that lawyer did, you know 12 ft. So, maybe if it's 212 ft. what's the difference between this phase and the other phase?

Mr. Gibbons stated – We don't have that information tonight.

Mr. Bergman agreed – No. We really don't have that in front of us. There's really no way to give you an answer.

Mr. Broga stated – I wish somebody would look into that.

Applause from audience.

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Mr. Bergman asked – Is there anyone else who wishes to speak? Ms. Angelos, would you like to rebut or address any of these comments?

Ms. Angelos stated – We have an engineer to speak to the drainage issues. (inaudible....the applicant is not speaking at the microphone.)

Mr. Michael LaCoursiere stood and introduced himself and stated – I'm with Michael B. Schorah & Associates. We are the project engineers for this project. Regarding the residents' concerns about the service water management system, the lakes there that you see on holes, I believe, three (3) and four (4), are part of the master surface water management system permitted by South Florida Water Management District for the Gator Trace community as a whole. The ultimate permitting of this project will have to comply with the standards and requirements set forth in the master permit for Gator Trace to accommodate drainage. The lake system there is sized to accommodate the future development of this parcel so that when they were dug basically to excavate some material also they're sized to provide necessary storage for storm water run-off for this area of the development. In short, the drainage for this project will be accommodated by the lake system there. I don't recall if there were any other specific questions. I know that the one resident spoke about the Fire Marshall, and I think Travis hit on that, that the Fire Marshall has had a chance to review the project through the Technical Review Committee. And the sizes of the roundabouts are significant, I can't tell the scale of this drawing but the fire trucks can make it around those with a big enough radius to make that as approved by the Fire District. And if there are any more engineering questions I'll be happy to come up and answer them for you. Thanks.

Mr. Bergman stated – Alright, thank you.

Mr. Brad Curry stood and stated –I just really have two quick comments to make. First of all, the construction materials that were behind, I believe her name was Lenore, were behind her house, are actually, from my understanding is, is that they are roof tiles that are to go and replace the tiles that were blown off during, I guess, the hurricanes last year. And they're actually being stored in the unimproved right-of-way of Gator Trace Boulevard. So, I just wanted to clarify that, that Symphony Builders doesn't have anything on the site yet. The second thing that I wanted to speak about was the ...as part of the improvements along Weatherbee Road. There was a requirement to do a right-turn land onto U.S. 1...a dedicated right-turn lane. It is my understanding that that doesn't have anything to do with us, it's a County improvement that's under construction at this point. So, that will also help to alleviate some of the traffic problems along Weatherbee Road. And then I would like to bring up Liz, our landscape architect, she's going to go over a little bit about the tree heights, the way we're proposing it, where they're going to be installed. And you guys can ask her any questions that you may have.

Mr. Bergman – Alright, thank you.

Ms. Liz Younghouse stood and introduced herself and stated – I'm with Cuttler & Hearing?; and we were brought in by Symphony Builders to take a look at the landscape in detail and really try

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to focus on how we would create a nice buffer and screen the development. And what we've done is ...I know that there was question about mature tree heights. And each tree, you know, depending on what it is, is, of course, going to be at different heights during the life cycle of it. And what we've done is we've introduced a lot of different types of trees. I know right now that there are sabal palms, pines, and some live oaks that are existing on the site. And then to bring in more height, we ...in these areas that are mainly focusing kind of on the corners...the closer parts of the building, we'd like to introduce washatonian palms...putting them in at 30 ft. just going in. And they grow quite fast too. And then we'd also put in lower level plantings...intermediate size trees to create different levels; the heads of the trees would be staggered, you know, creating a quite dense screen where when you look at it you don't see through it, because there would be taller shrubs, lower shrubs, accent trees for color. Those would be 12 ft. overall. And then you would have your taller palms along with the different live oaks. We put in big specimen oaks that, you know, 18 ft. overall going in, and other small ones too. So, I think that we, you know, we looked at it carefully and along with the 3-ft. berm in there, that raises everything up too. So, you know, I think that it creates a nice buffer and a really nice screen really where they won't be able to see through it driving by, you know, unless you're ...of course they're trees so you'll be able to see through a little bit because they're leaves. But, you know, I think we did a pretty good job at that. So, if there are any other questions...

Mr. Bergman stated – Alright, thank you.

Ms. Cynthia Angelos stood once again and stated – Thank you very much for your patience with us. It's very important to my client. He bought this property in February. He was not one of the lucky ones...paid a premium for the property based on his entitlement, 331 units. And that leaves him 264 in this phase. Phase I was reduced in height because it was so visible to the rest of the residents. This phase, again, is not. The Board has a difficult job. I know many of you have been on this Board for several years. You are well aware that you do not have unbridled discretion in your position as a Board member. I sympathize with you. It's hard calls, but you're required to follow the law. And, again, this applicant has an entitlement to these units. He's gone over and above the code with regards to landscaping and buffer, distance requirements. There is no code limitation with regards to height. With regards to compatibility, he's reduced his height and is most certainly compatible with that, which has already been approved by this city, being north of this project is 15 ft. away. I'm sure that your counsel will advise you, but your standard of review, according to the Supreme Court, once the developer meets the initial burden of showing that the site plan meets the statutory criteria, the burden shifts, at the time of the planning review, to one, where the Commission...where those involved opposing it must demonstrate by confident substantial evidence presented at the hearing and made part of the record that the application does not meet such standards; and is, in fact, adverse to public interest. So, again, that's citing the Broward County versus GBV International. I'd like to give you a copy....it also, Supreme Court, again states that your decision must be uniformly administered. And I refer to the Preserve when I referred to that. I'd like to make that case part of the record as well as the traffic analysis and the entire record including the report of the Fire Board and the City staff. And the traffic study I will mark as exhibit one (1)...Was

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there any questions? Thank you very much, again, for your patience.

Mr. Bergman – Thank you.

Ms. Cathy Tressler stood and introduced herself and stated – I'm a resident; we're all residents; we're very concerned residents, and we appeal to the Board here. We're not on black and white paper; we're flesh and blood human beings. We want to stay in our nice community. We would just love to have them there as a two (2)-story community where it would fit in perfectly. But we're not prepared with the Supreme Court right now, we're here as flesh and blood people appealing to you to please leave our community the way it is...nice home community for our children to grow up and for us to get old andnot that we have this concrete jungle coming about us. Thank you.

Applause from audience.

Mr. Bergman stated – If there was nothing else, we're going to close the public hearing. Mr. Walker, can you give us some direction on what Ms. Angelos has pointed out regarding those two (2) decisions?

Attorney Walker stated – Before I do that, Mr. Chair, may I examine staff on several points for purpose of completing the record?

Mr. Bergman – Certainly.

Attorney Walker stated – Thank you. Mr. McGee, does staff have an opinion on whether the Gator Trace Phase II plan is amended conforms with the original PUD? If so, what is that opinion?

Mr. Gibbons stated – Yes. One correction, Mr. Walker, it's Mr. Gibbons. But yes it does. It does meet all technical code requirements.

Attorney Walker continued – Sir, what is recommendation of staff for approval of this plan?

Mr. Gibbons stated – Staff's recommendation is approval based on conditions that the development agreement for cost of signalization be approved by the City Commission, and that the temporary construction entrance off St. James Boulevard will be constructed and utilized.

Attorney Walker continued – Did the original HUD approval by the City for this space contemplate the density that is provided for here?

Mr. Gibbons – Yes.

Attorney Walker continued – Is it practical to offer that density within the context of one (1)- or two (2)-story buildings?

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Mr. Gibbons stated – No. If you were to do that, you actually would decrease the open space area, and that would change the permitted three (3) units per acre for the entire PUD; and thus it wouldn't be compatible at that point.

Attorney Walker stated – Thank you. Mr. Chair, returning to your original question, we have had expert testimony offered on behalf of the proponent in the area of traffic, planning, engineering and landscape. The proponent has established that this proposal meets codes and ordinances. City staff concurs with that in essence the law that has been laid out by Ms. Angelos does in fact accurately reflect the governing principals as I understand them. Once the proponent establishes by confidence substantial evidence that the proposal meets with the City's requirements, the burden then shifts to the opponent to establish by confidence substantial evidence that it does not conform with the City's requirements. Mere neighborhood opposition does not constitute confidence substantial evidence to override expert testimony as offered by the proponent and by staff. I might add that the City is not at liberty to arbitrarily disregard its code of ordinances; we are bound by prior approval. And the City cannot change the rules of the game on the developer midway through the ultimate build out.

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

Mr. Knott stated – What you're enlightened up with is that when counsel for the applicant indicated that their entitlement to these number of units, it is a legal entitlement that they ...based on these rulings and other cases...is this correct?

Attorney Walker stated – Mr. Chair, when the City approved the density, as part of the original PUD approval, the vested interest was acquired at that point, and that essentially became the underlying set of regulations which govern this project. And that's why I was asking staff whether this proposal, as amended, conforms with that original approval.

Mr. Knott stated – Mr. Walker, in previous PUD's or other conditional use or whatever...well, this is not a conditional use but a PUD, isn't one of our charges on the Board...there are like five or six things we're supposed to be considering; one of them is compatibility with surrounding areas. And I understand that the project to the north of this, I don't know how it's tied or linked to this, that thePreserves or whatever it is, it's going to be a multi-story development. But in general the Gator Trace is a single-family development...is this correct? If this is correct, are we obligated to perhaps enforce this based on the turn out of the public or is it within our privy to just merely say, well, they are legally entitled to this many units and the only way they can get them is to go vertical. We're between a rock and a hard place here and I'm just trying to find out where ...what our obligation is to the land owners who have a development that is generally single family...a single story development. Now all of a sudden, for somebody to come in who bought the land and it says...and they say, I'm entitled to 264 but I cannot get them if I go single family. So, is that strong enough to throw that into the face of these rulings from South Florida?

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Attorney Walker stated – Mr. Knott, there are number of ways of looking at that. The City has already told the developer that the density that is here sought tonight is acceptable. Now, in terms of people who bought there, who now step forward to complain about that, another way of looking at that is that they were under a duty to investigate the original conditions of the PUD approval to determine whether or not that would be acceptable to them for the purpose of buying in that area. But the fact is the City has approved that PUD with that density and we can't change that.

Mr. Knott stated – So, one of our rules then is not really...we're not mandated to abide by that one that says it is not compatible ...the construction is not compatible with the tone of the rest of the development. Is that right? We're not obligated to that one?

Attorney Walker stated – Mr. Knott, the compatibility section that you refer to is Section 22-40 k. And I'll just read that briefly.

Mr. Knott – Thank you.

Attorney Walker continued – If topographical or other barriers near the perimeter of the land unit development do not provide reasonable privacy for existing or potential uses adjacent to the development, the City Commission shall require buildings in the land unit development to be set back an adequate distance from the perimeter of the land unit development or requiring an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms. In no case shall buildings in the planned unit development be closer than 25 feet to a lot and then E-1, R-1,2,3,4,5.

Mr. Knott stated – Okay, so ...and it appears that the applicant, from staff's review and comments, they have met these requirements. Is this correct?

Attorney Walker stated – Sir, that would be a question better addressed to our staff.

Mr. Gibbons stated – Yes. Based on that code ordinance there, they have met that requirement, Mr. Knott.

Mr. Knott stated – Mr. Arias, on the traffic study that was submitted, are your all's review...your department's review of that...you're in agreement with it or you don't see any impact of the level of service of the internal road system?

Mr. Arias – No, sir.

Mr. Knott continued – Okay, including the intersections?

Mr. Arias stated – The situation, Mr. Knott, I think I brought this up before. All these roads in the City of Fort Pierce....all the level of services are very high, because they have never been used before.

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Mr. Knott – Right.

Mr. Arias continued – And what's happening now is everybody's coming to section like Weatherbee Road and Tumblin Kling Road and the building of these units. We are in the process of getting a consultant to provide some kind of a study of the area to see what the roadway needs will be when the area is fully developed. When that is done, we want to put a price into what...you know, four (4) lanes, three (3) lanes, or more traffic lights or things like that. One sign that the level of services of those roads; even though I understand that you have a hundred cars, a thousand cars, you know. You compare to U.S. 1, U.S. 1 is over 35,000 cars. So, when you have D.O.T. saying that they're not going to allow the traffic light because it's not warranted. It means that because they don't have enough left turns...Whatever that means, I mean they've been there before and that's what they say. And we are facing a problem, that is a problem, and I raise that problem to the administration and we are working on it. But the problem is every time we have a developer by itself coming into the City, and a private traffic study, it works. Now, if all of the developers come at the same time, Weatherbee Road, it would be four (4) lanes for a long time if you know what I mean.

Mr. Knott stated – One other question, Hector, on the ...what is the City's?...what is the ordinance?...it slips my mind here...I know there was something about the developer being responsible for roadway improvements within the frontage of his property, including sidewalks, drainage...

Mr. Arias added – That's a subdivision. That's perimeter roads.

Mr. Knott added – That's a multi family I think.

Mr. Arias stated – We can ask the developer, and they always provide for the improvements required by that development.

Mr. Knott stated – This is private roads...is this correct?

Mr. Arias – Yes.

Mr. Knott continued – So, they're going to do the roundabout, I believe, as a part of their development, which is...I'm just a little confused as who is going to be responsible and when that road is ever going to be built, because...

Mr. Arias stated – If he wants a subdivision then he would be required to have sidewalks, curb and gutters, roads, drainage...They're going to have to provide the drainage, and I would like to address the drainage. The drainage is going to have to be approved by the water management district and my office.

Mr. Knott – Right.

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Mr. Arias continued – And the water management district has a jurisdiction over the wetlands. And if they approve the drainage that means that they are in compliance with the well and setbacks and things like that. And it would have to be approved by department also. Also, for the ease of the property owner, the developer has to bring to us the original drainage permit of the entire project. And whatever they do now, it has to be compatible with that. Meaning that if they provide more than they should, then they're going to have to either decrease the pervious area or enlarge the lakes. And if they enlarge the lakes they're going to have the wetlands. So, I think the burden will be on them more than on us.

Mr. Knott stated – That modification of the existing master drainage system there...that's a given...that's nothing we really have to stipulate, I believe....is that right?

Mr. Arias – Yes.

Mr. Knott added – Before they can get a construction permit, you all have to ...?

Mr. Arias continued – Oh yes, definitely.

Mr. Knott stated – Okay, thank you.

Mr. Arias added – They're going to have to now submit engineering drawings of the project. We have to review them and approve them. They have to supply permits for the water management district and all the other permits, like if they need one from D.E.P. or somebody else, they're going to have to submit all of that before I recommend for the building permit.

Mr. Knott stated – Thank you. That's all I have there.

Mrs. Gates stated – Mr. Walker, I think you stated that the developer is entitled to this number...the density of the units in this PUD, but the developer could choose not to develop it to this density if he wanted to do that by his choice, correct?

Attorney Walker – Yes.

Mrs. Gates continued – I would like to ask the developer, since we have such a problem here, why, and especially in building four (4) and five (5). I know you have made great concessions here on the landscaping...I applaud you on that; I think it's very good...in moving the one building here. Would the developer be willing to not build out to the maximum, especially on building four (4) and five (5)? You're making one end of this building three (3) stories, but it's a mighty small end of that building. The rest of that building, the way I see it four (4) stories. I'm just asking that question.

Ms. Cynthia Angelos stood once again and stated – Don't kill the messenger out there. We have explored every option. And this client has worked hard. He has spent a lot of money to go through these revisions.

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Mrs. Gates added – I realize that.

Ms. Angelos continued – But again, bought in February, paid a premium price, and can't lose units. That's just the bottom line.

Mrs. Gates asked – So, it boils down to financing really to make this work?

Ms. Angelos stated – Yes, ma'am. It's the plan...it's the financial plan. And plus he obviously has an arrangement with the lender. Thank you.

Members from the audience state out loud – That's all it's ever about....money, money, money.

Mr. Bergman asked – Any other comments?

Mrs. Minton asked – The St. James entrance. Is there any chance that it could become a second entrance into Gator Trace? Or is that because it's a County easement?...

Mr. Gibbons stated- That would be a County road. I would believe that that would have to go through St. Lucie County approvals...engineering. And then on top of it they would have to be re-engineered for this plan. But that's an option that they would have to explore with St. Lucie County for approvals on that.

Mr. Johnson stated – Mr. Chair, while we're on that note. Mr. Gibbons, real quick, do you recall Gator Trace Boulevard to the north? Does it flow through to the next street north of it...I think would be South Market...through the next development...is that correct?

Mr. Gibbons stated – Oh, the next development, I believe it was Dixon Drive that was mentioned, yes. That is a, from my recollection, it is a fire emergency entrance/exit off of Dixon. I don't believe it's going to be utilized as like a main entrance as second area; it's just there for emergency use. Their main entrance would be the proposed road.

Mr. Johnson – Right.

Mr. Enns stated – Mr. Chairman. Travis, is St. James ...is it south of Tumblin Kling?

Mr. Gibbons stated – I believe it's north of Tumblin Kling.

Mr. Enns – Okay.

Mr. Johnson stated – Mr. Chair, just keeping on that same note, to Mr. Curry, maybe, or the developer. Did you research that option? Because I didn't hear a response with St. James Boulevard. Was there any research or design considerations for that?

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Mr. Curry stated – We briefly looked at that option and we saw that it was going to be...it's not necessary according to the original PUD approval. Again, I hate to be a broken record, the original PUD approval for 678 never contemplated a secondary entrance there. Also, it's a County road. It would get County approval process like Mr. Gibbons just stated. It was something that we did not see that was needed at the time.

Mr. Johnson – Okay, thank you.

Mr. Curry added – It was very difficult to get the construction entrance, I can't imagine what it would be to get a full way entrance.

Mr. Johnson stated – Right. Thank you.

Mr. Enns stated – Mr. Chairman, and I guess I'm addressing this to the developer. How many two (2)-story units are at Gator Trace now? Do you know?

Mr. Curry stated – No sir. I don't think they have done the calculations on how many two (2)-story units there are there.

Inaudible audience members not speaking at the microphone.

Mr. Enns asked – And these are all multi-family units?

Mr. Gibbons stated – They're multi family.

Mr. Enns stated – Two (2) stories, but they're all multi-family buildings...

Mr. Bergman asked – Anyone else have a comment or question?

Mr. Knott stated – Mr. Chairman, just one other question for the developer. On building 11, maybe I missed it when you were going through, I can't see it real good here. Is there no residents across the street...across the boulevard there from them? Because I notice it only has like a 44 ft. setback, as opposed to your 90 and 144 on your others.

Mr. Curry stated – I'm sorry, I'm getting there (searching through the power point presentation).

Mr. Knott – Okay.

Mr. Curry asked – Are you talking about this one (referring to the power point presentation) down to the south?

Mr. Knott stated – Yes, down there. Is there no units across there?

Mr. Curry stated – There are no residents...I believe that's part of the golf course there on the other side of Gator Trace Boulevard.

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Mr. Knott stated – Alright. I was just wondering, because you don't have your 25 ft. buffer and what have you there. But that's the reason, because there was no...?

Mr. Curry stated – Yes, sir. We were trying to be sensitive to the existing residents by increasing the buffer there as well as increasing the distance separation there as well.

Mr. Knott – Okay, thank you.

Mr. Bergman asked – Any other questions or comments? What's the pleasure of the Board?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN SUBJECT TO THE CONDITIONS MADE BY STAFF. Seconded by Mr. Enns.

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

Mr. Johnson stated – I just have one comment, I guess, Mr. Chair. On item #2, the recommendation from states that the temporary construction entrance would be constructed and utilized. I'm just hoping that would 100% utilized and that the construction traffic off of Weatherbee...

Mr. Gibbons stated – Yes, this would be administrated through the building department, and would be enforced by code.

Mr. Johnson stated – Okay, that's all I needed to confirm. Thank you.

Mr. Bergman asked – Any other discussion?

Ms. Benton stated – Mr. Chairman, there was a lot of discussion about the drainage. And I would suggest that we add, as a recommendation, that would be #3, that the drainage be approved by water management district and the City of Fort Pierce Engineering Department as indicated by the engineer.

Mr. Knott stated – Mr. Chairman, I had asked Mr. Arias if that was necessary to condition that...and he said that was really part of the approval and that permitting procedure is outlined in the ordinance, and that it's really not necessary to stipulate that condition. But if the Board wishes, it's fine with me.

Mr. Gibbons added – Mr. Chair, it is part of the final building process, and, of course, there would be those permits required. However, if you do want to emphasize that point, so be it, you can go ahead and make that recommendation of course.

Motion modified.

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MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN SUBJECT TO THE CONDITIONS MADE BY STAFF, AND THAT THE APPLICANT BE RESPONSIBLE FOR ALL DRAINAGE AND PERMITTING REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND THE CITY OF FORT PIERCE. Seconded by Mr. Enns.

Ms. Rose called roll and when she got to Mrs. Gates, Mrs. Gates stated – This has been a hard decision for me to come to, and I know to the rest of the Board. But based on the laws, which we are bound by our code, I'm going to have to vote yes. I'm not happy with the height and the massing with especially buildings four (4) and five (5). And I wish the developer would reconsider this. But based on what I'm bound by, I'm going to have to say yes.

Ms. Rose continued with the roll call.

Unanimously approved (with some reluctance) by roll call vote.

Mr. Bergman stated – Alright, this will be forwarded to the City Commission.

Ms. Angelos – Thank you very much.

A vocally disgruntled audience leaves the chambers at this time.

NEW BUSINESS

Agenda Item #5 – Site Plan with Conditional Use – Chuck's Seafood

Mr. Bergman stated – I understand that there is an issue with this.

Mr. Gibbons stated – Mr. Chairman, just to let you know, with the developments of St. Lucie County, we're asking that this be postponed indefinitely until the future.

Mr. Bergman asked – Will we be contacted by the developer when they wish to pursue that again?...I'm assuming?

Mr. Gibbons stated – Yes. The staff will place this back on the agenda.

Mr. Bergman stated – Okay, alright. Do we need to ...is staff going to hold on to the initial submittal, or are we just going to...?

Mr. Gibbons stated – It's from understanding that this is going to have to be re-designed. So, this will be come back.

Mr. Bergman stated – Alright. Okay, moving on.

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Well, we've gotten two items done in two hours.

Agenda Item #6 – Site Plan with Conditional Use – Dock – Approval to allow the construction of a private dock. Located at 1710 Coconut Drive. Owners/applicants are Carl & Jackie Lederman.

Staff Report – Mr. Gibbons stated – This is for a site plan with conditional use for the construction of a private dock with a 6 X 20 terminal platform. The dock will extend 111 ft. from the mean high water line. The applicant has obtained approvals from the Department of Environment Protection and the Army Corps of Engineers. And staff recommends approval.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board? Okay, is there anyone here who wishes to speak on the conditional use/site plan application? Alright, no one here who wishes to speak; we'll close the public hearing. And what's the pleasure of the Board?

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

Agenda Item #7 – Preliminary Plat – Neill Farms – Approval request to subdivide parcels of land into 214 separate lots. Generally located on the east side of Jenkins Road south of Okeechobee Road. Owner is Neill Farms, applicant is Bill Orazi of KB Homes, and representative is Thomas Lucido & Associates.

Staff Report – Mr. Gibbons stated – This is the preliminary plat for the Neill Farms subdivision that was presented to the Planning Board in January of this past year. For a re-cap, that was approved by the Planning Board, and we require a subdivision plat to go along with the site plan. Thus this application is to get it in line with the site plan so we can present this to the City Commission in October. And staff recommends approval.

Mr. Bergman asked – Are there 12 or 214 lots?

Mr. Gibbons stated – It's 214.

Mr. Bergman stated – Because your recommendation says 12.

Mr. Gibbons stated – Excuse me. That would be a typographical error.

Mr. Bergman stated – That's a heck of a typo.

Mr. Gibbons stated – Well, in parentheses it says 214.

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Mr. Bergman stated – Yes, I know. Are there any questions of staff from the Board? Is there anyone who wishes to speak on behalf of this project?

Mr. Jonathan Ferguson stood and introduced himself and stated – I'm with the law firm of Rudin McClousky on behalf of the applicant, KB Home. I think staff has covered it. We have an engineer with us if you have any technical questions on the plat; but I'll leave it at that, and request your sending it on to the City Commission. Thank you.

Mr. Bergman stated – Thank you. Are there any questions of the applicant? There's no questions. Is there anyone else who wishes to speak? If not, we'll close the public hearing, and entertain a motion from the Board.

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL FOR THE PRELIMINARY PLAT. Seconded by Mr. Harris. Unanimously approved by roll call vote.

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

Agenda Item #8 – Conditional Use – Ricketts Academy – Approval to permit a child car facility to operate in a structure that used to be operated as a church. Located at 305 South 24th Street. Owner is Julius & Shelia Caesar, and applicants are Vincent & Daisy Ricketts.

Staff Report – Mr. Gibbons stated – This is for a daycare facility for 58 children. The applicant has received Department of Children and Families approval for 58 children. The applicant has upgraded the building, put a new roof on, new windows, and provided fencing, and a playground facility. They're wanting to move into this building from another building that was damaged by the hurricanes to a point where it was not feasible for them to reconstruct. And staff recommends approval.

Mr. Bergman asked – Travis, is there any issues with the Comp Plan on this?...seeing how it's in a low density ...?

Mr. Gibbons stated – The actually Comprehensive Plan doesn't address the actual number of children and number of people, it only addresses the actual units.

Mr. Bergman asked – So, this is the conditional use, that would be allowed in that zoning...?

Mr. Gibbons – Yes.

Mr. Bergman stated – Okay. I was just going to say with the church going to daycare, I was wondering if there was going to be an issue with that.

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Mr. Gibbons stated – The intensity of the church itself, when it was in operation, would have held more than 58 people on top of it as well.

Mr. Bergman – Okay.

Mr. Enns stated – Mr. Chairman. Travis, is this going to be a permanent daycare, or is this just because of damage after the hurricanes?

Mr. Gibbons stated – Well, it would be permanent under their ownership, yes. Now, if they were to abandon the facility, the conditional use would expire, and then it would revert back to what the zoning would allow.

Mrs. Gates stated – Travis, I don't know if I missed this in here but parking...we're okay with the parking?

Mr. Gibbons – Yes, ma'am.

Mrs. Gates – Okay. Thank you.

Mr. Bergman asked – Are there any other questions for staff? Is there anyone here to speak on behalf of the conditional use application? Okay, hearing none, or seeing none, we'll close the public hearing. What's the pleasure of the Board?

MOTION WAS MADE BY MR. JOHNSON TO RECOMMEND APPROVAL FOR THE CONDITIONAL USE. Seconded by Mr. Harris. Unanimously approved by roll call vote.

Agenda Item #9 – Special Exception – Approval request to permit two (2) additions to a non-conforming residential structure. Located at 810 Howie Drive. Owners/applicants are José & Silvia Solorzano.

Staff Report – Mr. Gibbons stated – This is for the expansion of a non-conforming house...a single-family home. The existing house has a 6 ft. side yard setback where 7 ft. is required. They're requesting to enclose the carport, and then build an addition to the rear of the house. The total increase in square footage falls below the 50% threshold for expansion for a non-conformity. And it meets all nine (9) criteria for granting a special exception. And staff recommends approval.

Mr. Bergman stated – Travis, normally we get the site plan with these things. Is the non-conformity being increased with this addition or ...?

Mr. Gibbons stated – No, Mr. Chair. The non-conformity would be the side yard setback. Their expansion is in the rear of their house.

Mr. Bergman added – Well, I can't tell from here what they're doing.

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Mr. Gibbons stated – The site plan was too large to copy and we had to break it up.

Mr. Bergman – Oh, okay.

Mr. Enns stated – Mr. Chairman. Travis, have we heard from many of the neighbors? Are they alright with this?

Mr. Gibbons stated – No, we have not. This would be forwarded for the Board of Adjustment next month. And then the actual notifications are sent at that time.

Mr. Enns asked – Okay, but at some point or another....?

Mr. Gibbons stated – Yes. As soon we schedule the time for the Board of Adjustment.

Mr. Bergman stated – Oh, I'm sorry, there is one (site plan) in here. Any other questions of staff? Since this is going to the Board of Adjustment, there wouldn't be anybody here to speak on behalf of it?

Mr. Gibbons stated – They said they were going to show up tonight, but I guess something happened.

Mr. Bergman stated – Alright. Well, is there anyone here who wishes to speak on this special exception. If not, we'll close the public hearing. What's the pleasure of the Board? All we're doing on this is making a recommendation to the Board of Adjustment, is that correct?

Mr. Gibbons – Yes.

Mr. Bergman – Okay.

MOTION WAS MADE BY MR. ENNS TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION. Seconded by Mr. Enns. Unanimously approved by roll call vote.

Agenda Item #10 – Ordinance – Proposed Fee Schedule Adjustment – Approval request of the Planning Department Fee Schedule adjustment for the City of Fort Pierce.

Staff Report – Mr. Gibbons stated – This is ordinance that is being presented to you is that staff has researched...with the construction development and the time and effort that is being spent by the staff for the Planning Department, we have noticed that the Planning Department Fee Schedule has not been updated since 1981. What we have done is done a comparative study to Vero Beach, Port St. Lucie, and St. Lucie County. And we have found that we are, I would have to say anywhere from 500 to 100,000 % lower in certain categories to comparable cities. What this ordinance is doing is to adjust it and bring it to within an average of the Cities where we're not going to exceed the thresholds of Vero Beach, of Port St. Lucie, or St. Lucie County, but to bring it in line. And this way we would be able to have additional staffing. We would be able to

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increase this to the general fund, which would provide for better tools, more utilities, computers, things in that nature for the department. And I believe it's a time where we're in a position, and it's a time to where we can actually start to get the developers to actually start paying for improvements for staff and for the City. So, and staff recommends that you would go ahead, if you review this material, if you have any recommendations or changes to the ordinance, we would be glad to make those changes, and then re-present the ordinance to you. Otherwise, if you believe that it's a fair and justified cost increase, then we would recommend that you make a motion to approve it.

Mr. Bergman stated – Well, I tell you, I looked at the numbers, and at first, I was fairly shocked by some of the fees that we're going to charge, until I got to your bar chart. And I was actually embarrassed.

Mr. Enns added – That brings it into perspective there.

Mr. Bergman added – We're so far out of the times, it's not even funny.

Mr. Gibbons stated – In addition, Mr. Chair, this would also be creating additional fee schedules for the Comprehensive Plan, impacts for regional development. And the Planning Department doesn't even have fee schedules for minor amendments, minor site plans. And so it would be revising and re-creating and bringing this into the current times.

Mr. Bergman stated – I mean it's one thing to be behind Vero, and I understand being maybe a little bit behind Port St. Lucie, because of the amount of growth they have going on there; but be behind Sebastian....please.

Mr. Gibbons agreed – That's right, correct....Sebastian.

Mr. Knott lightly asked – Where do we stand with Okeechobee? Travis, when would these go into the effect? Do you have any idea?

Mr. Gibbons stated – Well, if you were to approve the ordinance tonight as it is, we would have this sent over to legal counsel to have them approve this for form and correctness and then we would present this to the City Commission for an ordinance, and then it would be...

Mr. Bergman asked – Would it come back to us in a form of an ordinance before it goes to City Commission, or ...?

Mr. Gibbons stated – Well, there actually is an ordinance attached to this at the end that's been written out.

Mr. Knott asked – So, by the end of the year, is that reasonable you think?

Mr. Gibbons stated – It would be reasonable, probably by November, to be in effect.

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Mr. Knott stated – Well, that’s good, that’s great. Can we anticipate some people....? This wouldn’t drive anybody to make a gang submittal would it of any sort?

Mr. Gibbons stated – No, I don’t believe it would. I believe we would introduce it slowly, we wouldn’t make it big...

Mr. Johnson stated – Real quick. On new categories, no-show withdrawal fee. I don’t like the \$250 fee only because if somebody is just doing a conditional use, they pay \$500 and then they withdraw, then they would only get \$250 back. I’m almost looking at maybe a 10% or something like that, a 10% or 20%; I just don’t think it’s fair for somebody to pay the money and then they say, oh, well, it didn’t work out the way I wanted it to; and then all of a sudden they all of a sudden they charged \$250. I’m almost looking at as a percentage basis.

Mrs. Gates asked – If I may ask, where are you?

Mr. Johnson stated – Page 3 of 7, it says, new categories; no-show withdrawal fee at the bottom. I agree, they should be responsible, but things happen.

Mr. Enns stated – You can still use the same amount of time up on a no-show or a no-vote than they would on a ...

Mr. Bergman stated – And the Fire Department and the Utilities Authority are also charging their own review fees.

Mr. Gibbons stated – Yes, absolutely.

Mr. Bergman continued – So, that’s on top of everything else.

Mr. Gibbons stated – And been our experience that a conditional use application, for them not to show up is not going to hamper...we’ve had some conditional uses tonight where they didn’t show up. It’s not going to impede the development to move it forward, these are designed for the site plans, where they don’t show up to Technical Review, and thus it is being re-routed for the next month and that type of thing.

Mr. Johnson – Okay.

Mr. Gibbons added – Maybe a wording differential to make it show ...

Mr. Bergman stated – It’ll be mostly things for like TRC (Technical Review) where they have revisions that are requested and they just let them drop.

Mr. Gibbons – Exactly.

Mr. Johnson – Okay.

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Mrs. Gates asked – Can we specify that then?

Mr. Gibbons stated – Yes. That would be a condition to, you know, put it on the site plans and the rezone applications that are at TRC (Technical Review).

Mr. Bergman asked – We didn't have anything like this previously, right?

Mr. Gibbons – No.

Attorney Walker stated – Mr. Chair, the legal test for a fee is not whether the City is getting as much money as surrounding communities, the legal test is whether the proposed fee is reasonably commensurate with the administrative cost of preparing the application. With that in mind, Mr. Chair, with your permission, I'd like to briefly examine staff for purposes of the minutes on that point.

Mr. Bergman – Certainly.

Attorney Walker continued – Thank you. The fees that are here proposed in the draft recommendation of staff; are those fees reasonably equivalent or commensurate with the actual cost of providing the administrative services for which application is made and the fee imposed?

Mr. Gibbons stated – Yes. I don't have those details with me, but yes, I mean, this is where we've come up with this figure.

Attorney Walker stated – Thank you, Mr. Chair.

Mr. Gibbons added – I will be happy to submit that with the ordinance for you if you would like.

Attorney Walker stated – That might be appropriate at the Commission level, Travis.

Mr. Gibbons – Okay.

Mr. Bergman asked – Were there any other comments for staff on some of these fee changes?

Mrs. Gates stated – I just have a question. Why has this gone on so long?

Mr. Gibbons stated – Like I said, this has been since 1981. We're looking at 24 years since this has happened. So, these fees actually are reviewed normally with every two to three years by the municipalities. It's the cost of living increase, the cost of employment, and as materials go up these fees adjusted; whereas this has just been overlooked.

Mr. Bergman stated – I don't think it's been overlooked. I think it came up a couple of years ago. It could have a lot more than a couple of years ago...several years. But I don't think at the

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time there was that much going on in the City that warranted an increase. That probably has been right when Doug Ballard was here, right before Ramon started.

Mr. Gibbons stated – Well, that would be 10 years ago.

Mr. Bergman stated – So, it's been at least 10 years. But that was the reason that it was looked at before, was that there wasn't a whole lot going on at the time. I think it's warranted.

Mr. Knott stated – Yes, it is. What did we all decide on the withdrawal? Was there a time issue on that, that you tried to stipulate?

Mr. Bergman stated – No, I thought we were going to limit it conditional uses and site plans, is that it?

Mr. Gibbons stated – I would leave it at the site plans and rezones and PUD's. The conditional uses aren't detrimental to our time.

Mr. Knott asked – What if no-shows....definitely I would say...but with withdrawals...is there any time limit if somebody gets an application and then they just say....before it gets to the Technical Review, is there a time frame in there we can put that you do get a refund? Or once you make the application it's done, right?

Mr. Gibbons stated – I would say that once you make the application you have to pay for the fees at the time.

Mr. Knott stated – Okay, I'm fine with that.

Mr. Poitier asked – What are you going to give them, a deadline of a month or so?

Mr. Gibbons stated – We have deadlines in the department and they have to meet those deadlines. Or once they submit a site plan, the fee is collected.

Mr. Poitier – That's good.

Mr. Arias added – Well, as Mr. Walker said, these fees are based on the actual time that we spend with this application.

Mr. Knott – Oh yeah.

Mr. Arias continued – And it's not fair that somebody has submitted his plans and we take all the time in reviewing these and doing that, and then the guy just doesn't show. We have had the same experience in a lower level in my engineering drawings. I remember when we used to go for basically making copies of 30 and 40 pages, it was for free. Sometimes we had to make 30 sets, and only about 3 people made through the bidding. So what we did, we charge \$100 now,

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and now we only have to make 5 sets; and if nobody wants to pick them up they have to pay for it. So, I don't know what they're using, maybe toilet paper or something, I don't know what it is. If we don't do something like that we will be...I think the mentality many years ago, Tom, was the fact that why should we charge anybody? You know, we're working for the taxpayers, you know.

Mr. Johnson asked – How about time wise? So, is a developer going to come in and say, okay, I gave you a site plan, I have 200 acres and you just charged me, I don't know, \$15,000 or whatever it's going to equate to, you know, and then \$1,000 and so many per acre after that. Are they going to balk because we increased the price and they say, well, you're taking too long now? How are we time wise through the whole process?...you know, through the whole TRC process?

Mr. Gibbons stated – Our TRC process is very efficient. It normally takes a maximum up to 120 days to go through the whole process.

Mr. Bergman added – Port St. Lucie takes about four (4) months, I think Fort Pierce about a month quicker.

Mr. Knott stated – I've never seen Fort Pierce miss a deadline. If you give your stuff to them, I don't think they've ever missed a review.

Mr. Gibbons stated – One thing to keep in mind too with this increase is that if they're going to have to pay \$5,000, \$10,000 for a development, they're not going to miss the meeting, and they're going to bring a development that's going to be worthwhile. So, I believe that we'll probably see better quality from this too.

Mr. Knott added – Yeah, I think it's time.

Mr. Poitier added – It's time to grow.

Mrs. Gates added – If you all want to see how old this ordinance is just turn to the back and realize that B...? Brown was Mayor. Does anybody remember B...? Brown as Mayor?

Mr. Poitier stated – Yeah, I remember.

Mr. Knott asked – Mr. Chairman, are you looking for a motion?

Mr. Bergman – Yes.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND THE APPROVAL OF THE PROPOSED INCREASE FOR THE FEE ORDINANCE. Seconded by Mr. Harris. Unanimously approved by roll call vote.

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Mr. Bergman stated – Okay, we have three (3) annexation requests coming up.

Mr. Gibbons stated – Mr. Chair, would you like to, for the essence of time, group these three (3) annexations together?

Mr. Bergman stated – Well, that’s just what I was going to ask you.

Mr. Gibbons – Oh, okay.

Mr. Bergman stated – Well, that’s what we’ve been doing with annexations; I wanted to run it by the Board first, unless they wanted to stay here extra long tonight. Alright, so you guys have no objection if we do all three of these together?

Mr. Knott – No, that’s fine.

Mr. Poitier – No, go right ahead.

Mr. Bergman asked – Ms. Angelos, any objection with that?

Ms. Angelos – No...

Mr. Bergman stated – Alright, so items 11, 12, & 13 we’re going to lump together. All of these are properties that are contiguous within the municipal boundaries of Fort Pierce. **#11 – Annexation – Finlay Development** – Mr. Bergman continued – The first one is located at 3955 S. U.S. Hwy. 1, along with two (2) adjoining parcels. **#12 – Annexation – Lennar Homes** – Mr. Bergman continued – The other one is located in the Bent Creek Subdivision. **#13 – Annexation – Group Three Development, LLC** – Mr. Bergman continued – And the third annexation is property generally located on the east side of Jenkins Road, approximately ½ mile south of Okeechobee Road. And I believe Ms. Angelos is here to answer any questions on one of the Lennar Homes annexation.

Mr. Gibbons stated – Staff recommends approval to all three.

MOTION WAS MADE BY MR. KNOTT RECOMMEND APPROVAL OF THE ANNEXATION OF THE THREE (3) PARCELS. Seconded by Mr. Enns.

Mr. Bergman stated – Travis, this is like 240 acres.

Mr. Gibbons asked – Which, the Lennar Homes?

Mr. Bergman stated – All three (3) of them combined.

Mr. Gibbons stated – We’re a growing city now.

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Mr. Bergman stated – Yeah, I know. Alright. Any other discussion?

Unanimously approved by roll call vote.

Agenda Item #14 – Discussions

Mr. Bergman asked – Travis, did you have anything?

Mr. Gibbons – No.

Mr. Bergman asked – David (Recor)?

Mr. Recor – No.

Mr. Bergman asked – Mr. Walker, anything you want to throw at us?

Attorney Walker stated – No, thank you for asking, Mr. Chair.

Mrs. Gates stated – Dianna, thank you for these good minutes; these were good minutes.

Mr. Bergman stated – Yes, Dianna, thank you for the minutes. I know you spent weeks writing that ‘book’; that had to have been a tough job. Hopefully we won’t have quite the length tonight. And with that, we are out of here.

Meeting adjourned at 10:20 p.m.