



# CITY OF FORT PIERCE

## PLANNING BOARD

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### Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, OCTOBER 9, 2007 IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

Chairman Johnson called the meeting to order.

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The Pledge of Allegiance was recited

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Upon Roll Call, those present were: Chairman Johnson, Vice Chair Leslie Olson, William Dannahower, Irene Dixon, Charlie Harris, Charles Hayek, Colin Lloyd, Robert Poitier and Darryl Bey. Those absent: Clay Yates, Thomas Knott and Edward Reilly.

Staff Present: James Walker, Assistant City Attorney; Matthew Margotta, Planning Director; Peter Buchwald, Zoning Administrator; David Carlin, Development Review Planner; Paul Williams, Urban Forester/Acting Development Review Planner; Erica Ehly, Comprehensive Planner; Bob Frank, City Traffic Engineer; Diann Ploetz, Executive Assistant.

Chairman Johnson said that with the roll call there is a new member if you would like to introduce.

Mr. Margotta said yes. Mr. Chairman, Planning Board members, you probably noticed by now that there is a new face on the Planning Board. It's Dan Dannahower. He's actually a long-time resident who grew up in the area but moved area for employment purposes. He is an airline pilot and he's come back to the community. He's been here for several years. He has a home on Indian River Drive in that area and is working on that so he brings to us a lot of experience in administration but also some of these renovation and construction-type projects so the City Commission appointed him at their last Board meeting to replace Don Bergman, our former Chairman Johnson, through the rest of his term and that term expires in February 2008. He's definitely with us for several here with us for several months and hopefully will be able to continue beyond that.

Chairman Johnson said welcome, Mr. Dannahower. Glad to have you.

Mr. Dannahower said thank you.

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

Chairman Johnson said: At this time, since Mr. Harris is going to be late, I'm going to move the Item # 3 Consideration of Absences to the end of the meeting to give him a chance to show up here.

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The next item considered - **#4 – Certificate of Alternate Member voting status.**

Chairman Johnson said I need to certify Mr. Bey as our Alternate Member. You have every right as a Planning Board member to vote and participate. Welcome. Thank you for being here.

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The next item considered - **#5 – Approval of Minutes of September 11, 2007.**

Mr. Chairman Johnson asked are there any additions or corrections to the minutes.

Motion was made by Mr. Poitier, seconded by Mr. Hayek, to approve the minutes.

Unanimously approved by voice vote.

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The next item considered - **#6 – Ordinance – Establishing of E-2 and E-3 Zoning Districts** – Approval of a proposed ordinance adding Sections 22-23a and 22-23b to Chapter 22, Article III, Basic Zoning District to establish an E-2 Zoning District with 2 dwelling units per acre and an E-3 Zoning District with 3 dwelling units per acre.  
Chairman Johnson asked for a staff report.

Mr. Margotta said Mr. Chairman, this report will be performed by Peter Buchwald, Zoning Administrator.

Mr. Buchwald said if you recall from our last Planning Board meeting, this item was before you as a discussion item. The proposed ordinance is being initiated in order to provide consistency and future annexations where we are annexing properties from the County that have zoning districts that are not compatible with the zoning districts that we have in the City. This ordinance establishes the E-2 and E-3 Zoning Districts. Basically, the E-2 zoning district provides for two units per acre residential and the E-3 Zoning District provides for three units per acre residential. So as we move forward with annexations so that if a property has the two units per acre in the County, it will be compatible when it comes into the City because right now we only have a one unit per acre zoning designation and a four unit per acre zoning designation. So, we are recommending that you recommend approval of this to the City Commission.

Chairman Johnson asked is there are any questions of staff from the Board? Seeing none, is there anyone from the public that would like to speak for this proposed this ordinance? Anyone against this proposed ordinance? Seeing none. Public comment is closed. What is the pleasure of the Board?

Motion was made by Mrs. Olson, seconded by Ms. Dixon, to forward a recommendation to the City Commission for approval of the proposed ordinance.

Chairman Johnson said there is a motion and a second. Any discussion on the motion? Can we have roll call please?

Those voting in favor of the motion were: Mr. Bey, Mr. Dannahower, Mrs. Dixon, Mr. Hayek, Mr. Lloyd, Ms. Olson, Mr. Poitier and Chairman Johnson. Those opposed: none.

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The next item considered - **#7 – Rezoning – 1001 & 1005 North U.S. Highway 1** – Application for rezoning from R-4, Medium Density Residential, to C-3, General Commercial, to construct a retail building. The property is located at 1001 & 1005 North U.S. Highway 1. The owner is Creative Realty Management, Inc.; the applicant is Doug Kelly; and the representative is Peacock & Lewis, Inc. Rezoning of 1001 & 1005 North U.S. Highway 1.

Chairman Johnson asked for a staff report.

Mr. Margotta said this rezoning will be presented by Erica Ehly, our Comprehensive Planner.

Ms. Ehly said Mr. Chair, Members of the Board, Agenda Item # 7 is a request from the Applicant, Doug Kelly, for a recommendation of approval to rezone two vacant parcels currently zoned R4 or medium density located at 1001 and 1005 North US Highway 1 which is north of Avenue I in the northeastern quadrant of the City. The future land use element of the Comprehensive Plan identifies general commercial as the future land use designation for the property. The surrounding properties are designated with the general commercial future land use as well. The general commercial designation allows for a broad variety of business activities including retail establishments. The proposed zoning classification of C3 is being requested in order for the Applicant to construct a one-story retail building. The C3 zoning is consistent with the future land use identified in the Comprehensive Plan. In addition, the rezoning satisfies the amendment's standards specified by Chapter 22 of the City Code. Therefore, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the rezoning from R4 medium density residential to C3 general commercial.

Chairman Johnson said thank you very much. Are there any questions of staff from the Board? At this time, I would like to invite the Applicant forward if present to give us an idea of what's proposed. If you would state your name and address for the record.

Mr. Dexter Percel said 110 Jackson Place, Cumming, Georgia. Thank you, Chairman and Board. I'm also here with Doug Kelly. So, basically you have the information that you have. If there are any questions we can help you with.

Chairman Johnson said are there any questions from the Board. You get off easy. Thank you. Is there any other from the public that wishes to speak on this item for or against at this time? Seeing none we close the public comment and entertain a motion from the Board.

Motion was made by Mr. Hayek, seconded by Mr. Bey, to forward a recommendation to the City Commission for approval of the rezoning.

Chairman Johnson said there is a motion and a second. Is there any discussion on the motion? Roll call, please.

Mr. Margotta said excuse me, Mr. Chairman, I'm sorry, for the Secretary, was that motion just for the zoning or are you taking zoning and then land use because I believe this is both subjects?

Mr. Lloyd said yeah, I make a motion to change the zoning to C3, general commercial.

Mr. Margotta: Okay, I'm sorry. I just wasn't paying attention.

Chairman Johnson said: Okay. Could we have roll call please?

Those voting in favor of the motion were: Mr. Dannahower, Ms. Dixon, Mr. Hayek, Mr. Lloyd, Ms. Olson, Mr. Poitier, Mr. Bey and Chairman Johnson. Those opposed: none.

Chairman Johnson said a request would be forwarded to the City Commission with a recommendation. Thank you.

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The next item considered **#8 – Site Plan and Conditional Use – Mission Gardens** - Applications for Site Plan and Conditional Use approvals to construct a 121-unit multi-family development on the south side of Okeechobee Road, north of Virginia Avenue, between 35th Street and 37th Street. The property is zoned C-3, General Commercial. The owner/applicant is Mission Coneca Ft. Pierce LLC, and the representative is Lucido & Associates.

Chairman Johnson said could we have a staff report please.

Mr. Margotta said Yes sir. Mr. Chairman, Mr. David Carlin, will present this staff report, Development Review Planner, excuse me.

Mr. Carlin said: Good evening members of the Board, Mr. Chairman. Tonight the Applicant is requesting conditional use and site plan approval to construct a multi-family housing development that will consist of 121 townhome units located south of Okeechobee Road, north of Virginia Avenue between 37<sup>th</sup> street and 35<sup>th</sup> street. The 10.29 acre parcel is predominately vacant with the exception of an abandoned single-family home located in the north portion of the parcel. In addition, the subject property contains wetlands. The property is zoned C3 general commercial with a future land use of commercial general CG. A conditional use approval is required to construct a multi-family housing development within a C3 zoning district pursuant to Section 22-31(c)(12) of the City Code. The vacant property to the north of the proposed development is zoned C3 general commercial. The properties to the east and west are located within unincorporated St. Lucie County and consist primarily of

single-family homes and vacant property. Properties directly to the south are zoned C3 general commercial and consists of several business establishments. Indian River College is located southeast of the proposed development on the southeast corner of Virginia Avenue and 35<sup>th</sup> Street which you can see in the lower right-hand portion of your screen. The project will involve constructing 24 buildings on site that will range from four units to six units per building. The two-story buildings will extend to a height of 23 feet. According to the Applicant, Mission Gardens will be an affordable development that will appeal to faculty, staff and students of Indian River College. It should be noted that no information has been provided to access the affordable housing element of the project and whether or not students will be likely purchase townhomes as opposed to renting dwellings. Now staff did indicate early on during the technical review process the Commission's vision that rental apartments would better serve the community since there is a shortage which service the College. In addition, staff also identified that the Commission has expressed that they are not supportive of townhome projects that do not incorporate any garages. It should be noted that the project if it was being considered under the townhome ordinance, it would be required to provide garages but it was not going down that particular review process. Recreational amenities for the proposed development will consist of a one-story clubhouse and a pool, volleyball court located at the center of the properties indicated in yellow on your screen. In addition, several picnic areas will be provided, particularly along 37<sup>th</sup> Street, to serve as a buffer from the retention pond and a roadway. Residents can access these amenities by utilizing an internal sidewalk network that is provided on both sides of the street within the development and also connects to the external roadway. Sidewalks will be constructed along the property frontage of 35<sup>th</sup> and 37<sup>th</sup> streets to comply with the City Code in an existing sidewalk extends along Okeechobee Road. However, the current sidewalk design requires individuals to go into the street or into the canal which is unsafe and does not facilitate or improve connectivity to the College. The sidewalks are indicated in the area in blue and the areas in yellow show the connection points that are not completed for the safety element of the sidewalks. It should also be noted that the subject property contains environmentally-sensitive lands. The environmental report conducted by Coetler and Hearing specified that approximately 1.65 acres of wetlands exist on the subject property that would be classified as jurisdictional wetlands by the South Florida Water Management District and the US Army Corps of Engineers. This represents greater than 15% of the total property. In addition, approximately 2.4 acres of Temperate Hardwood Forest was identified in the subject property which was considered to contain the most environmentally valuable habitat on site within intact canopy and shrub layers. This represents approximately 23% of the property. Both of these environmentally-sensitive lands will be eliminated as part of the development. The Applicant has indicated that a 1.0 mitigation credit has been purchased under contract with the Bluefield Branch Mitigation Bank for mitigating the wetlands. It should be noted that staff does not support eliminating environmentally-sensitive lands because of the important role they play to native habitat and to the overall ecosystem. Furthermore, eliminating environmentally-sensitive lands is consistent with the following elements of the City's Comprehensive Plan: Policy 1-10 which states *that the City shall monitor and protect natural resources in accordance with goals, objectives and policies in the conservation and coastal management elements.* Policy 1.10.2 of the future land use element which states that *the City shall distribute land use as in a manner that avoids or minimizes, to the greatest degree practical, negative impacts and lands recognized by the County, State, Federal Government, as environmentally sensitive.* Policy 1.10.3 of the future land use which states that *the City*

*shall require site plan review of all proposed development for redevelopment to prevent unnecessary destruction or inappropriate use of existing and natural resources and natural sites.* Policy 1.10.4 which basically discusses that if there is more than one habitat type, the City shall require development to avoid the most sensitive area, natural areas, to the maximum extent feasible through clustering provisions. Policy 4.8 of the conservation element which discusses wetlands and their natural functions shall be protected. Policy 4.8.4 of the conservation element specifies that *City shall designate land use in a manner that avoids or minimizes the greatest degree practical in negative impacts and jurisdictional wetlands recognized by the County, State or Federal Governments having high-functional value.* Policy 4.5.9 which talks about protective landscaping buffering. It shall be required between conservation areas between lands recognized by the County, State or Federal as environmentally sensitive. Any land uses that may negatively impact the conservation sensitive eco-systems. Based on these inconsistencies, the project should incorporate the environmentally-sensitive lands in the development to be consistent with the goals, objectives and policies of the Comprehensive Plan. It should be noted that Sec. 22-58(f)(2) of the City Code which governs the site plan review process specifies that *the Department of Planning and Development will review the proposed site plan to ensure that it conforms to all City codes and ordinances. If there are no violations, it will be forwarded to the City Planning Board with its report on its compliance with the comprehensive plan.* Now, another issue that came up during the review has to do with the site layout in terms of streets. Because the overall site layout requires vehicles to back onto the internal streets, staff believes it does not comply with the City code. Single-family homes and duplexes are exempt from that provision of the Code, but multi-family homes are not. The buildings are situated in a manner that requires the road to circulate around the buildings and function as a thru-way as seen in the blue. Furthermore, given the volume and speed of traffic existing off of Okeechobee Road into the development, the likelihood of cars backing out into this traffic poses a safety concern. The Applicant's representative has indicated that the Planning Board and the City Commission make a determination on this design issue. Now in contrast, providing a designated internal parking lot would allow vehicles to maneuver out of the spaces prior to existing onto the internal street which would significantly reduce the potential of traffic incidents. This is an example of a project that the City recently approved where you have internal parking spaces versus having them back directly out into the street. These are actually segregated from the access roads and allows vehicles to make their maneuvering turns before backing out. And this is another example of Treasure Cay Apartments which shows the areas in yellow where the designated parking areas are. Now to evaluate this segment of the project, Section 22-58(g)(2) of the City Code specifies that *The City Planning Board shall consider whether the following standard has been met in the review of the application: Whether A suitable site layout will be used for access points, onsite drives, parking, loading/unloading areas, refuse collection, disposal points, sidewalks, bike paths and other transportation facilities required by the ordinances or desired by the Applicant and then suitability in part shall be determined by the potential impact of these facilities on safety traffic flow and control in emergency vehicle movements.* As far as traffic goes, a report was conducted by Susan O'Roarke and indicated that 755 daily trips would be generated by the proposed development. Of those, 70 p.m. peak hour trips and there are no significant impacts that this development will have on the surrounding roadway network. The City traffic Engineer and Planning Department have reviewed the reports and we concur with that analysis. All affected departments have reviewed the submittals and have approved the

proposed site plan and conditional use based on it meeting the technical requirements of the City Code. Staff recommends that the Planning Board forwards a recommendation to the City Commission for denial of the conditional use and site plan based on the following issues: the environmentally sensitive lands on the subject property are not being preserved which is inconsistent with the Comprehensive Plan; the site layout requires vehicles to back out into the internal street which is a safety hazard and does not comply with the City Code; and the sidewalk design along south portions of 35<sup>th</sup> and 37<sup>th</sup> Streets poses a safety hazard for pedestrians who must walk out into the street or towards the Canal. It should be noted that multi-family housing developments with the C3 zoning district requires conditional use approval and the Planning Board and the City Commission must deem it appropriate based on the facts surrounding this particular application.

Chairman Johnson said thank you very much David. Are there any questions of staff?

Mr. Hayek said Mr. Carlin, would a buyer of a parcel like this know that there was environmentally-sensitive land or areas on that property?

Mr. Carlin said Mr. Chair, Mr. Hayek. As part of due diligence, you would hope the buyer would look into this. There was an environmental report that was associated with this project so, I would interpret that as being the Applicant has shared the information with the property owner but given that was initiated, I would infer that they would know that the site does in fact have environmentally-sensitive areas.

Chairman Johnson asked if there were any other questions of staff.

Ms. Olson said Mr. Carlin, could you please explain a mitigation credit because I don't know what it is.

Mr. Carlin said Mr. Chair, Ms. Olson, I am not well-versed in that. Paul, do you have any insight on how the mitigation credit works?

Mr. Margotta said Mr. Chairman, Ms. Olson. A land bank generally has been set up and the Applicant can even correct whatever I'm talking about because they went through the process itself but, generally there is a land bank that is created in the area where mitigation credits can be purchased or somehow the value can be removed from this site to that land bank and I don't know if it's a matter of money or whatever transpires but the that land bank says we've got you covered. We have your wetland now as safe over here at this other location so you can remove that wetland that you're considering on your property.

Ms. Olson said so in that kind of a situation are there any—how do I say this—can in be like in Wyoming or is it St. Lucie County or in the City of Fort Pierce or where would these wetlands be located?

Mr. Margotta said the Bluefield Wetland is in the area. It is something that has to generally apply to the same watershed and I believe there is certainly Army Corps of Engineers gets involved up to a point, but then something is a different type of a wetland and DEP would then get involved. But at this point, maybe the Applicant when they get it, get them to explain

the process that they go through. There is all sorts of regulations that lead to this. It's not just hey, somebody on their farmland is got a wetland and it's okay and we hi-five and it's good to go. There is a whole process and it's a legal arrangement.

Ms. Olson asked Mr. Williams, I'm wondering if you went out to this property, right?

Mr. Williams responded Yes Ma'am.

Ms. Olson said I saw in the environmental impact statement that they mention a few different times that they mention a few different times that some of the land was recently cleared.

Mr. Williams responded that is correct.

Ms. Olson said I'm wondering do we know when it was cleared and who cleared it and was any of the environmentally-sensitive land cleared?

Mr. Williams said to my knowledge, it didn't happen while the property was in the City limits. Therefore, any clearing that took place in St. Lucie County, but there is evidence that their soil has been moved around and there is a flush of growth of Johnson grass that shows that it was bare dirt for a while so something to place but it wasn't done through the City of Fort Pierce so I have no knowledge of it.

Ms. Olson said but were any of it—like part of the land is a Temperate Hardwood Forrest, is that the part to the South?

Mr. Williams said I would categorize it as a hardwood hammock, cabbage palm, oak trees, various other trees and plant communities involved and it appears that the plant community goes entirely go around the project. There are areas where it is broken and you can see through from Virginia Avenue to Okeechobee Road but there is a variety of hammock-type trees and also some pines and others that show that there is an area of Pine Flatwoods once existed out there. Whether there was an old home site or whatever, right now it just appears that there is a wetland area in the middle with a pile of soil and the center seems to be cleared.

Ms. Olson said so, I'm just trying to understand exactly. Are there any of this sensitive lands that have been disturbed? The Temperate Hardwood Forest or the wetlands?

Mr. Williams said I couldn't answer that right now because not knowing why it was cleared or who approved its clearing I can tell you that there is remnants of the eco-systems around it but the center is clear.

Ms. Olson said where say the pool is now?

Mr. Williams said correct.

Ms. Olson said I'm just trying to understand what happened and when.

Mr. Williams said Mr. Chair, Ms. Olson, again, this might be something that the Applicant and their team might be able to discuss knowing the history of the property.

Ms. Olson said Thank you.

Chairman Johnson said Mr. Lloyd, did you a question?

Mr. Lloyd said yes, for Mr. Williams. The landscape plan that they've proposed here, do you think that's consistent with the existing vegetation that's there now and do you think it adequately compensates for any trees that are going to be lost due to the development?

Mr. Williams said Mr. Chair, Mr. Lloyd. I have looked at this and reviewed it. Right now they are in the site plan review process so it is conceptual and that they are meeting requirements to the Code. The species involved are similar [interrupted]

Mr. Lloyd said like I think there's like 310, I think, cabbage palm.

Mr. Williams said Cabbage Palms, Sabal Palms which there is many existing. As for the mitigation, there is a quite a few large oak trees out there both live oaks and laurel oaks. As Mr. Carlin had stated, it appears that a lot of the vegetation is proposed to be removed so that means the mitigation requirements will have to be strictly adhered to. At this point, this Board can make comment on any type of additional landscaping or protection that they might feel, but again, I would ask that you ask the Applicant's team give you their basics of the plan and then I'd be glad to answer any questions after.

Chairman Johnson asked if there were any other questions of staff. I do have a couple if you could back up a couple of slides, David. Back to your previous examples of projects where we had a traffic flow pattern throughout the project, I don't know if you could flip back and forth or not but, in this case for the one showed on the screen, it looks like the traffic pattern that is proposed and actually built, if I'm not mistaken, is outside of the parking area from the perimeter, is that correct on this slide. Is that correct on this slide here?

Mr. Carlin said Mr. Chairman that is correct-very representative of that concept.

Chairman Johnson said okay. If you could flip back a slide, I'm not sure how this one works but it looks like it's around the lake, almost, on the interior.

Mr. Carlin said Mr. Chair on this particular example the primary access points—the internal access drives—circulate around the perimeter of the buildings and the interior sections have, in the areas shaded in yellow, are actually designated parking areas where the vehicles can execute maneuvers prior to existing onto the internal access drive.

Chairman Johnson said okay, so they have combined it here. They've done the exterior portions and it looks in the interior around the water feature also. It's just something for us to consider. We see more and more projects where this is happening and if you could go to the slide with this project *I'm not sure I need the arrows flashing* the traffic pattern will be adjacent to the parking stalls, correct?

Mr. Carlin said Mr. Chair, that is a fair assessment and in this particular example, the streets are internal rather than external and it is incorporated with the actual parking.

Chairman Johnson said: And do we have an aerial of this area at all?

Mr. Carlin asked: An aerial of this particular site?

Chairman Johnson said. Yes, that would include 35<sup>th</sup> Street because I visited the property and it's going to be a question for the applicant to—for some reason I thought there were more sidewalk on the east side of 35<sup>th</sup> approaching Virginia Avenue. I'm not sure that the survey picked it up. I'm going to ask the Applicant that but do you have any recollection of the site as far as the sidewalk approaching Virginia Avenue at 35<sup>th</sup> Street.

Mr. Carlin said: Mr. Chair, no I don't believe the survey has any specifications of sidewalks.

Chairman Johnson said Thank you.

Mr. Buchwald said: Mr. Chair, if you'll refer to the aerial photograph I think you can see the sidewalk on both the east and west sides of 35<sup>th</sup> street. The sidewalk on the east side of 35<sup>th</sup> street appears to extend about  $\frac{3}{4}$  of the way to the south sidewalk on the west side appears based on this aerial, for it to extend maybe about  $\frac{1}{3}$  of the way towards the existing sidewalk towards Virginia.

Chairman Johnson said: This sidewalk on the west.

Mr. Buchwald said it would be that line there in between you can see it's about there is a little landscape strip in between 35<sup>th</sup> street and the sidewalk and you can see it there on the east side of 35<sup>th</sup> street. On the west side of 35<sup>th</sup>, there appears to extend all the way up from that structure that's there on the intersection of Okeechobee and 35<sup>th</sup> Street and it appears to based on the review of this photo, it appears to end right about where the trees begin but it could be additional sidewalk there but it doesn't extend all the way to Virginia.

Mr. Carlin said Mr. Chair, I did pull out the survey and it does appear to be a sidewalk that does extend southwest 35<sup>th</sup> street, but I don't know if this is the proposed sidewalk or if this is actually what's existing.

Mr. Olson asked, Do we know how, if they extend it from their property line, the sidewalk to the corner of Virginia, how many linear feet is that, do we know?

Mr. Carlin: Mr. Chair, Ms. Olson, I don't have the exact number on that but I would have to say that it's roughly in the ballpark of maybe a few hundred feet, if that. There is a guardrail that crosses over that 35<sup>th</sup> street so that obviously would be a design consideration that would have to be factored into account if the sidewalk was proposed or included with that. But I'm going to guess roughly a few hundred feet, at the most 200 feet-150 feet.

Chairman Johnson asked if there were any questions of staff.

Mr. Hayek said Mr. Carlin. Are there any restrictions on this zoning to go higher than the two stories here showing.

Mr. Carlin said Mr. Chair, in terms of height, I believe the height restriction—you see the thing is with this particular application, it's a C3 zoning, but if they want multi-family housing, it has will be subjected to the R5 zoning requirements. I believe that's 45 ft would be the height restriction but I need to double check. 45 feet.

Mr. ?, so in essence they could put more density towards the southeast and protect some of the other wetlands on the northwest corner, is that correct?

Mr. Carlin said that is certainly a possibility for them to consider but obviously, that's a design consideration that would have to be factored into this if there were increased density and change it around somewhat. The maximum density allowed for the development would be 15 units per acre and they are below that so theoretically they could add more units and maybe go a little higher.

Chairman Johnson asked if there were any other questions of staff. At this time I would like to invite the applicant forward to discuss the project.

Good evening Mr. Chair and members of the Commission. My name is Johnathan Ferguson of the law firm of Ruden McClosky here on behalf of the Applicant. With me I have Greg Boggs and Brian Nolan of Lucido & Associates, a planning firm. Mr. Boggs will carry most of the discussion but I want to touch on a couple of issues real quick before I turn it over to him to go through the design aspects. And let me start if I may with Ms. Olson's question about mitigation banking and let me give you a little more background and information. The jurisdictional review and permitting for wetlands is vested in the South Florida Water Management District. They have primary jurisdiction and responsibility for reviewing wetlands and determining what can happen to those wetlands. Under City law, comprehensive plan, code and under State law, you are allowed, in certain circumstances, to mitigate wetlands. There is a whole process you go through. It's very technical, there is a review of the quality of the wetlands done by South Florida Water Management District, they evaluate it and then they determine whether or not you qualify for mitigation and they determine how many mitigation credits you may purchase in lieu of preserving that wetland. South Florida also has the responsibility for permitting wetland banks, mitigation banks. Currently, there are two permitted in the County, actually a third one run by the County itself bare point but that's not relevant because that's a salt water wetland mitigation bank. There is effectively only one wetland mitigation bank that you can buy credits from and that's Bluefield. It's permitted by South Florida. Again, there is a formula that establishes how many credits you may purchase if you qualify for mitigation. This wetland was evaluated by South Florida, the professionals in this case. They determined it was a low-quality wetland and it qualified for mitigation. They then determined how many credits the Applicant had to purchase in order to take out this wetland and then the Applicant has a choice. They can either go out or purchase the credits which is an arms-length transaction with a private entity that operates the permitted Bluefield mitigation bank, so they are paying dearly for the right to take out this wetland and develop this property. The right, again to determine whether or not

they qualify for a mitigation credit was determined by South Florida. They said yes, they went out. They have a signed contract with Bluefield to purchase one mitigation credit. Pursuant to their granted South Florida Water Management district permit, so that's why in this case, the professionals determine the wetland wasn't worth saving. In lieu of that, there is a whole mitigation system that is set up pursuant to State law. So that's the choice that they made in order to develop their property. So that's sort of the mitigation credit scenario.

Ms. Olson asked a question based on that. So, where are the wetlands that they bought?

Mr. Ferguson stated that in this case the Bluefield mitigation bank is, if you know western St. Lucie County, the very southwest part of the County there is a dirt road that runs south off of State Road 70, just a couple of miles before you get to the County line—Okeechobee County line, and it runs south almost to the Martin County line. The Bluefield mitigation bank is a little bit west of that and it basically takes up  $\frac{3}{4}$  of the southwest corner of the County. If any of you were familiar with the FPL coal fired plant that was proposed which was out in that same general vicinity, the Bluefield mitigation bank, basically, was a bunch of private individuals that came in, purchased the property, and then in order to qualify as a mitigation bank, they have to go in and restore it—either preserve it if it's already in a relatively in a pristine state or restore it to function as height-quality functioning multi-habitat wetlands. The bank is actually several thousand acres. What South Florida does is evaluate the property and then they assign the bank a certain number of credits and it is literally a bank and they can sell those credits until their out. And then they have a perpetual responsibility to maintain that property. So they're doing two things: they're evaluating what the market is that they can sell credits for and they have to figure out the cost to restore the property and then the cost to maintain it and perpetuity and they does actuarial studies like life insurance and they figure it out all and theoretically come up with a number where they'll make money. Their in the business to make money, it's not a non-profit. Long answer to a short---sorry.

Ms. Olson said No, I wanted all of it. Thank you.

Mr. Ferguson said that being said. Staff is in part recommending denial based on, in their opinion, that this project violates and they cite to seven provisions of the recently adopted Comprehensive Plan. It is our position but one that we don't feel we need to argue vehemently, that a project that was submitted 19 months ago to the City for review is not bound by a Comprehensive Plan that wasn't effective until August 21, 2007. This was essentially almost scheduled for your review at the time that the Comprehensive Plan that they are now citing that this project doesn't comply with became effective. If you think about the equity of that, you have a project going through the review that's designed, in our opinion, according to the Codes and Comprehensive Plan that are on the book at the time when the application is submitted. It goes through a 19-month review process and then literally a month and a half before it gets to you for review, they cite to Comprehensive Plan policies that now come into effect. However, that being said and I had to say that because that's a legal argument, we feel we meet the Comprehensive Plan, even the one that's adopted on August 21, 2007. I think if you look at the Comprehensive Plan policies, clearly in there it allows for a mitigation and I think you need to ask yourself when they cite to the Policy that talks about the appropriate land use for the property and its use keep in mind that this is conditional use because the underlying land use on this piece of property is commercial. So

to then claim that this is an inappropriate use of the property because of its habitat nature, the wetlands which we've dealt with appropriately through the proper permitting agencies oh and on that point, let me digress for a second. There is no Army Corps jurisdiction of wetlands. Army Corps signed off and said they don't have jurisdiction over this wetland. So, the only agency to had to be satisfied is South Florida and we have that permit. It's done. So the other issue that the habitat's appropriate for this site keeping the back of your mind as Mr. Boggs goes through the site plan that this, as designated by the City, is appropriate for commercial use and whether or not that habitat would be preserved with a commercial use I think is a question you had and whether or not this use is more intense in commercial. Those are the only points that I'd like to make. I will turn it over to Mr. Boggs for a brief presentation on the design aspects and some of the staff comments unless you have any questions for me. Thank you.

Mr. Boggs said Greg Boggs with Lucido & Associates. It's good to be here. Thank you. Just to sort of go off a little bit on segway may be the word on what Jonathan said about the site. Think about it a minute as you look at the aerial. That's a 100,000 square foot retail center. By looking at the site its ten acres, we could get about 10,000 square feet per acre. Our client has chosen not to do that so that when you look at their objections which surprisingly are tailored to the environmental concern, what we have as presented tonight in the site plan is a site plan that acknowledges preservation, more green space, we have a surface water pond, that in the commercial environment could be exfiltration trench—100% pavement except for grass islands in the parking and maybe a perimeter landscape strip. We preserve 900 inches of Oak trees. So I think when you look at the comparison to what could be on the land, what we are presenting is so much better, particularly the preservation of the vegetation. To be honest with you, we were really surprised to read the staff comment letter. This is the first we've heard that there was such a concern about this Temperate Hardwood Forrest. It's not a pristine temperate hardwood forest. We've got pictures if you would like to see those. The unrestored has been impacted, its grass, its weeds. There are free-standing oak trees and cabbage palm. From my perspective, and I've seen a lot of projects and walked a lot of properties, this is an impacted, urban site that does not contain pristine habitat and I think the staff report would lead you to believe that it does and I would gladly have a field trip with each and every one of you to prove my point on that. So I think, again, the trees if you look at our plan, the landscape plan shows the trees and we feel a little disservice to ourselves because we didn't pump up the volume, so to speak, from the preservation of those trees. There are 900 inches of trees that we've lightly sited around buildings and around parking lot islands around the entry because we wanted to. We had a client that wanted to, we wanted to as Planners and Landscape Architects. We save the trees as much as we can and I'm sure some of you have seen other projects that we've been involved with. We are truly tree huggers but we are taking down about, I think, 500 inches. We'll mitigate. We'll plant back Live Oak not Laurel Oak, Live Oak. That's my little shpeel on the environmental. I just wanted you to understand that it's not exactly pristine like I believe you would be lead to believe by reviewing by reading the staff comments. The other part of the staff comment letter, the staff report, which is a little disturbing to me, is the question and comments they have about the layout. The projects that they showed in the aerial and I think the name fails to escape me but it's up there behind Wal-Mart, Sable Chase, I'm not sure how many acres that is but probably 40-50 acres large scale multi-family that could afford the opportunity, if you will, to have a street. They designed a street with parallel parking and they

have parking that we have. We have a ten-acre site. This is a small scale, very subtle residential project. This is a townhome project that has a parking plot and this is not a street. We are not backing out on the street. Ladies and Gentlemen, we are backing out in a parking lot and I don't know who among you have lived in an apartment project but this is how it's done. You do not design a street and off of that street you have parking lots. You know what it equals? More site destruction, more paving, more impervious. This is very simple. You go into the project. You've got your parking space. You go to your unit and you leave the next day. Yeah, you back out. You back out into the access aisle much like it would happen if we magically we here talking about a 100,000 sq. ft. commercial shopping center. It's the same thing. We're backing out into the aisle. This is not a street and I don't know how many projects that this board has seen lately. We've had a few, by the way, were we're backing out into the parking lot so I'm not sure exactly the meaning of that part of the staff letter. In fact, we've had meetings where I thought this was taken care of and suddenly it appears in the staff report and it's being used negatively to support their cause to recommend denial which we disagree with that obviously. I'm just going down the staff recommendations real quick. On the sidewalk connectivity, we will do and we have done everything that we can to connect the sidewalk to Virginia. We're taking it down to the DOT right of way as you head toward Virginia. If we can do more, we'll gladly do it. Make a condition that our engineer will do everything possible, legally possible to make a connection but at this point, this is all we could do was graphically show sidewalk where it ends out there now. We've taking it on down to where we can within the local right of way. The garage question, again, if we are seeking a project that is tailored to people for the college and in the economic straiten, projects like that some have garages, some don't and I'm hopeful that when you cut through it all and you see a project like we have, it doesn't have garages but that's what's going to make it a little more affordable because people aren't paying for the garage. Like some projects, I'm working on a couple now, you have garages. Guess what. You buy them or you rent them at an additional cost and in this case it's outdoor parking just like any multifamily project that you may have seen or lived in. This is the standard, very simple project and we'll obviously take this to the City Commission with that. They may desire garages and we may elect to have certain areas where we can have a covered parking area but this again is an opinion, with all due respect to staff, this is an opinion that they have that our project needs garages because they think the City Commission wants garages. That's all that is. On this tailoring to the College, that's what the intent was 19 months ago and I think that's still the intent. I mean the economics have changed, our client believe it or not, wants to build this project. He's got financing to build this project and will do so. And if there are professors and students and faculty--teachers and what have you that would live there. Fine. But I may want to live there and so would you because it's in a nice location, it happens to be close to the College and as the client's marketing to try to capitalize on the fact that it is by the College nor longer Indian River Community College. This is a respected, larger it's grower larger as we know it, so I think an affordable housing project by the College still makes sense. We had rendered a plan

Chairman Johnson said one question real quick before you move forward

Mr. Boggs said showed the trees. The plan they showed didn't have the trees shown.

Chairman Johnson asked: Are the units—staff talks about in Item 5 townhomes. I mean, could you describe for us are they townhomes are they rental apartment units I mean what are they going to be?

Mr. Boggs said right now they were going to be condominiums for sale [in audible] this was not a creation of townhome lot per the new ordinance. This is a common wall four unit and/or six unit residential product that could be sold and it could be rented. It is designed to fit either market. Right now, it was for sale. It wasn't a rental project.

Chairman Johnson said that was one question I had in regard to that one. But go ahead and show what you were going to say with this site.

Mr. Boggs said, I was just going to we failed to on Dave's colored graphic is just kind of flat graphic and it is not a big deal. I had wished that we could have showed you the trees cause you almost have to look really hard to see them on the landscape plan but I won't get into that. We have re-rendered this so the trees popped out a little bit but it's not a big deal. I just want to believe and understand that we did the best we would given the circumstances of preservation of trees. This is, again, not a pristine hammock, with all due respect. I've walked it. I've been into some wonderful hammocks. This is not—you don't have beauty berry, fern, cocoplum, you don't have it. It's sporadic at best. It's weeds because it has been impacted. This site has been cleared. The under story has been cleared and I've got pictures. I don't know if you care to see the pictures but this is evidence of what it looks like as of today. Again, we were really surprised to read the staff comment letter that was supporting a denial based on the environmental conditions and this is a very urban situation that could have very well been a commercial shopping center. Again, it would have been so much worse if you look at it like that to the environment.

Chairman Johnson asked does your pictures match what was included in the environmental report?

Greg Boggs said probably a little more detail there. I think we had like 12 or 15 ground photos that one of my members walked it and took it. I'm not sure of the dates or the pictures in that particular document. But we can easily have this put into the record if you will if you want to see that but---I've got that.

Chairman Johnson said sure. Are there any questions from the Board?

Ms. Dixon said I'm not sure if you guys have any information with regards to this. I know you were talking about this being an actual for sale or possibly rental who knows at this point. Do you know if you have any ideas if you are doing for sale speculations with regards to cost or the specs? I mean are we talking about two bedrooms, three bedrooms? Does anyone have any of that information.

Mr. Boggs said I'll find out. I'll just ask Jason McCarthur. He's our client.

Mr. McCarthur said from Mission Properties the project from the beginning as Greg mentioned we've been tempted to cater to the entry-level homebuyer. I use the word buyer

loosely. The units have an average size of about 1100 sq. ft. They are two and three bedroom units. The market started showing signs of weakness obviously sometime ago. Just to clarify, about six months ago, we haven't meant for it to be a secret. We made what we thought was a very well-broadcasted determination to transition the whole project to a rental just to clarify that. There was a time when we thought it would be an entry-level condominium simply because that what the market was preferring two years ago when we began to design this. In light of what's happened in recent months, about six months ago we made the determination that it would be a rental. We always knew that that was a possibility and that's why we designed such efficient units. They're two-story in nature and for that reason, people have been referring to them as townhomes. It's never been contemplated that they would be townhomes in every simple sense of the word. It was just economically prohibitive given the target market that we were shooting for and continue to shoot for.

Chairman Johnson said thank you. Are there any other questions of the Applicant?

Mr. Bey said yeah, I'm kind of confused about this street and this aisle situation and I need somebody to clear that up for me please.

Mr. Margotta said Mr. Chairman, I'll answer this for now and I hope it clears it up. I think that a street is a street and within a right of way our ordinance talks about a street and a street design, pavement, you know base material, this is the conveyance of vehicles, a street a defined right of way. What staff is pointing out and I believe just because of the way the presentation went but also in the staff report, staff leaned on the word street more than it's necessary. What it is is that it is a circulation pattern through a parking lot that encourages thru traffic and that's what staff is trying to point out to you. But it is a parking lot, by all means. The Applicant's correct. I've even spoken to them on this issue several times and my own staff. A parking lot's a parking lot. You come off of the right of way of Okeechobee or Virginia or 35<sup>th</sup> in the case and go into the parking lot but that parking lot is designed like a street, I mean it almost encourages thru traffic so that backing out into it it's a design issue and as far as design goes, it is a matter of subjectivity between us and the Applicant. Staff feels strong enough that we're trying to raise the bar to a different standard. It might be all over the place that there's a parking lot but a parking lot of this kind of a nature but I feel that there's a higher quality that could be achieved with a different design and in that spirit of raising the bar and that sense for the circulation pattern, that's where staff's coming from. I don't know where the surprise aspect comes from but we could probably line up all our correspondence over the last 19 I guess months that we've been dealing with this. Believe me, I know the difference between a parking lot and a street. I believe you do too.

Chairman Johnson said Thank you. Ms. Olson?

Ms. Olson said I'm wondering if you could also address Mr. Boggs said that if we do that parking area/street thing that we want them to do that that will create a more impervious area and you know be more of a problem for the environmental impact. I'm wondering if staff has a response to that.

Mr. Margotta said do you mind if I take a shot at this? Okay. Mr. Chairman, Ms. Olson, I don't know where the line would end up being if they didn't have so many units they wouldn't

have so much impervious space. Of course the Applicant needs to realize some investment-backed expectation of the property but it's very obvious their putting as much density as they can. They've met what balance they need to make it a viable project for them which is quite a bit of density. But if they didn't have that much impervious space, they wouldn't need that many parking spaces is one way of looking at it. Also, just maybe by the clustering of the design. I don't know. We haven't seen another design. We've been talking about this issue of redesigning the parking lot from the first day or even back to the preliminary site plan that the Commission saw. So, it was never was redesigned and generally you can understand if they have the same number of buildings and try to separate the parking lots they might end up with more impervious but we don't know without the redesign.

Mr. Hayek said while I can appreciate the mitigation process, I don't want to go all the way out to Okeechobee to see a wetland stand and with the question I asked Mr. Carlin about doing a little bit more density to the northeast, perhaps going to three stories, would that help preserve more of the wetlands that are on the property now? Is it something feasible that you all can look at?

Mr. Boggs said it's something that we haven't ever considered. I mean, we'd have to introduce a new product something I guess into the, I mean, how tall Mr. Carlin can we go? how close to the height?

Mr. Carlin responded 45 feet.

Mr. Buchwald said actually Mr. Chair to clarify that it's actually 200 feet in the R5 zoning district for a residential project. It's our densest zoning district so they can go up to 200 feet and any times you reduce the footprint and go higher than actually that prevents more development into an environmentally-sensitive area.

Mr. Boggs said wow, 200 feet.

Chairman Johnson said it sounds like one building.

Mr. Boggs said if that wetland—have you seen the subject wetland?

Mr. Hayek said only in the photographs you've shown.

Mr. Boggs said we would be all about that if that was a beautiful wetland—habitat, aquatic life, birds--it's not there. Half of that has been dug out at the pond and the remaining Oakland If you've seen those pictures, it's this whatever I don't even know the grass species, the weedy grass species. The South Florida Water Management District cleaned it because of hydric soils and yes, a few remnant wetland plants. But again, if it was beautiful that's I mean we'd do that. We plan around wetlands and we create amenities for the view and the whole aspect of designing with nature, with preservation of pristine Class A wetlands. The Water Management District really didn't want this. We bought one credit. The value of that wetland was so low, that there was a one credit purchase at the Bluefield mitigation bank and so I'm not sure of the ratio because there is a mathematical formula about the ratio of mitigation. It wasn't there for this particular system so. I hope I didn't elude that question but...

Mr. Hayek said it's still a green area and we are losing more and more of it every year.

Mr. Boggs said that's right.

Chairman Johnson said Mr. Boggs, I have a question but where did the pictures go? Can you pass those down?

Ms. Olson said I guess I maybe a little bit more concerned about the Temperate Hardwood that you're taking out. Is it not, I guess this is a question for staff. Is it not a part of our Comp plan, Erica, that native hammock or anything in your native stance needs to be removed in both quantity and quality?

Ms. Ehly said yes, native vegetative communities.

Ms. Olson said I'm wondering in application, how is that possible? I mean, how do we make that happen? Do we buy mitigation credits for that too or do we just, I'm trying to understand how that's going to work. Do we know?

Ms. Ehly said I think that will be worked out in the LDR.

Mr. Margotta said do we want me to answer this one too? Mr. Chairman, Ms. Olson, harking back to a couple of things. First, the Applicant represented the fact that the Comp plan was adopted while this was in review. I think the Planning Board should consider that a little bit. But, while this was in review, we were developing the ideas. It's not like we don't know that these Comp plan goals and things were about to come about or what have you. There's a general feeling and a general grey area where as far as an ordinance goes. Where the Comp plan says we wanted to look at the different types of natural areas or species and biomes and whatever to try and preserve those. That's not an LDR and I've tried to explain that to several people along the path over the years. The Comp plan is not an ordinance. It is a goal. It is something we are trying to do. So, when you are looking at this project, look at the fact that our the whole City is already thought about natural areas that they want to preserve and so on and they've come up with these goals and apparently that feeling has been around for a little while but trying to imply the Comp plan like an ordinance to a project is not fair to that project. The project should be proven to you what their doing to try and enhance that or meet the Comp goal gain. So, unfortunately I think the Applicant spends so much time kind of trying to counter whatever staff said they haven't spent more time explaining why their doing so many things that are for the Comp plan or against the Comp plan.

Ms. Olson said now, my follow-up question to that though is that since we have our Comp Plan in place and since we've had budget cuts and staff cuts and so you guys don't have the time quite frankly to work on the LDRs and I don't know if we have any plan on even working on those. How are we ever going supposed to apply our Comp plan to new developments.

Mr. Margotta said okay. Mr. Chairman Johnson, Ms. Olson, the Board members the Comprehensive Plan, how you are going to see that, is our ordinance already requires that

anything that comes before you is filtered through the Comp plan and staff is we have somebody on staff that is designated to look at these developments to say okay I understand that out of the myriad of goals in this Comprehensive Plan dealing with housing and land use or natural areas, there is a whole bunch of goals that the City has. That person, Erica, is attuned enough to the Comp Plan to say that this development meets, exceeds, or furthers the goals of the Comprehensive Plan or it doesn't and that's the report. She makes that piece just like you have a transportation piece the zoning piece and a site plan the staff aspect that talks about the Comprehensive Plan that's what she does. We have the people to do that.

Ms. Olson said but that's what she did, right? But you just said that it's not fair to apply these Comp plan objectives without LDRs.

Mr. Margotta said No, no, no. It's not fair to use the Comp plan goals as LDRs. You cannot look at it like the Comprehensive Plan says save all the trees and now you have to save all the trees. There must be an ordinance based upon those Comp plan goals that technically talks about how to do this. The ordinance is an implementation tool of a Comp plan goal.

Ms. Olson said I understand. I understand, but I still don't understand. How is Erica supposed to adopt the Comp plan, not adopt it but compare to compare the Comp plan to what somebody is suggesting they do fairly without LDRs? How does that happen?

Mr. Margotta said these are two different documents. Excuse me, Mr. Chairman. I'm just kind of answering—the Comp plans are goals and 20 years or so from now we want to be able to have the Temperate Forest throughout the City. Our land development regulations, the actual ordinances themselves, should explain to these Applicants what the exact parameters we have to say yes or no to a development. So, if this Applicant came before us and said we recognize that your Comp plan goals are to put up a 200-story building here and look at our 200-story building so we're meeting your Comp plan isn't that great. They could be doing that but a Comprehensive Plan is not an ordinance I guess is all I'm trying to get across to you. We're trying to meet certain goals. What staff has pointed out to you is where this particular project met a Comp plan that we just adopted and didn't quite pass the test on some of the conservation-type processes or goals.

Ms. Olson said I'm going to stop beating this dead horse but I just maybe I should just talk with you further at some other point.

Mr. Ferguson said Mr. Chairman if I may address a couple of Ms. Olson's questions because I think they're critical and I probably got us off track by the legal argument and I apologize. A couple of things you asked about Oakland habitat and what you can do with it. There are places that do have mitigation banks for Oakland habitat. There aren't any yet established in St. Lucie County. St. Lucie County has thought about working on some, again, it's setting them up in the mechanism and then figuring out what the credits are and the whole formula process so that's one option. That's obviously not what's occurred here. I think, again, I got us a little side-tracked. The City does have a tree preservation ordinance that does require preservation of trees and calculations. If you look at the site plan, and I think that Mr. Boggs pointed it out, that they're preserving 900 inches at the DBH, the measure for the trees.

They're taking out 500 inches. Under your Code, because they're preserving the 900 inches, they're not even required to mitigate what they're taking out because they are preserving so much already. In addition to what they're preserving, they are then planting a whole boatload of trees, a mix of live oak and sable palm so they are meeting your current Code. And if I can slightly disagree with Mr. Margotta and Mr. Walker may want to jump in, the Comprehensive Plan can actually have a dual purpose. There can be portions of your Comprehensive Plan that are self-enforcing. For example, you can say there shall not be any commercial development in a residential land use category. You don't need an LDR to enforce that. Then there are provisions that say you shall enact provisions to protect Oakland habitat. That in it of itself doesn't give you any guidance and you do need LDRs to enforce that and provide the guidance for the Applicants to come forward. Until you amend your LDRs, you have what's in place, you have a tree protection ordinance in place. They've complied with it so we respectfully disagree with staff that we're not meeting the Comp plan. We feel actually that we are meeting the Comp plan on those points. Thank you.

Chairman Johnson said I have a question for Mr. Boggs. In regards to, let's go back to the sidewalks—it's a simple one, I visited the site at the intersection and I thought I saw some sidewalks as I discussed with staff and I noticed on your print and the actual survey, there were sidewalks shown and you're going to improve those portions of the sidewalks and connect certain portions. Is that correct? On 35<sup>th</sup> street I'm talking about.

Mr. Boggs said it may be my incorrect assumption that the sidewalk on the west side of 35<sup>th</sup> stops 300 feet short. Jason's here he can—

Mr. McCarthur said sorry to interrupt. Jason McCarthur again for the record. Along Kirby Loop Road, 37<sup>th</sup>, there is an existing sidewalk that is in the state of disrepair. It's approximately 3 ft wide. As it approaches Virginia, it actually widens. On the aerial we saw, the northwest corner of the intersection is cleared. It's a 1.4 acre parcel that we do not own, it's an out parcel, it's a five-foot wide sidewalk section at that point. We are going to re-lay the sidewalk and widen it and tie into the sidewalk that takes you to Virginia.

Chairman Johnson asked how about the eastside of the road. Is that going to remain as is. Is that correct? I'm just not sure of what you have in the plans.

Mr. McCarthur responded we, to my knowledge, we have no plans to re-lay the sidewalk on the eastside of the road. We had been asked if we would be willing to build the sidewalk in the direction of the elementary school which is 600 ft to our east and we had indicated that we would be glad to do that. I don't know if that makes the staff report or if it's a part of our plans, but we had committed that we would be glad to do that if the opportunity presented itself. So that's on Saratoga Avenue, the main entrance to the property in that direction.

Chairman Johnson said so due east

Mr. McCarthur said due east along the Saratoga towards the elementary school we would put a sidewalk in there. We've never been asked to put one along both sides of Kirby Loop or 37<sup>th</sup>. We were asked to put one along the unopened right of way there on 39<sup>th</sup> street and it's there. We seemed to be penalized because it goes to the Canal and stops at the Canal.

Chairman Johnson said 37<sup>th</sup>?

Mr. McCarthur said 37<sup>th</sup>, the western side.

Ms. Olson said what about 35<sup>th</sup>? Have you heard—did you talk about 35<sup>th</sup>?

Chairman Johnson said that's what he was just speaking of. No, he said 37<sup>th</sup>, it's 35<sup>th</sup>.

Ms. Olson said Okay. And so, but you are not planning on going all the way to Virginia because of the DOT right of way?

Mr. McCarthur said there is a sidewalk that takes you to Virginia but stops. We are tying into it.

Ms. Olson said you are tying into it.

Mr. McCarthur said Yes, yes, yes. Yes, ma'am.

Ms. Olson said because it doesn't show one but it's there.

Chairman Johnson said: It's somewhat unclear. It's picked up on the survey, I think. That somewhat clarifies that issue. As far as the other question that I had was the traffic pattern within the development. Let's go back to the parking lot theory. David, if you would bring back up the aerial. I'm just going to use a couple references. This particular design, it works. It's okay. Does it meet the Code is kind of grey and that's where the grey area comes into question because if you bring up the aerial real quick David.

Mr. Carlin said which aerial are you referencing?

Chairman Johnson said: The aerial photograph of the 35<sup>th</sup> Street Virginia Avenue. Right there. You can look down in the bottom portion, IRCC's parking lot the traffic pattern at IRCC and any typical commercial parking lot is the extreme outside where the traffic would flow around the parking stalls. If you needed to park, you would venture into that driveway and park your vehicle. The same with Publix, Sabal Palm Shopping Plaza. The whole redesign of the plaza they made an internal thoroughfare that connected the northern part of the property and Publix now has there parking stalls and there is an extreme, I'm sorry, an exterior driveway to travel from Staples to Publix. You're not crossing parking stalls to get from one store to another. I guess my concern in the design is I understand that it currently happens all the time. I've lived in units that have this design but do we want to continue doing something or do we need to fix it and that's where the questions arise. Is there anything that can be done to change that?

Mr. Boggs said well are you particularly looking at the Okeechobee entrance and that first leg for the whole project as it's laid out?

Chairman Johnson said I think it pertains to the whole project because in the southwestern corner, I don't have it if you could change the slide to the site plan now. In the southwest corner, there are how many buildings in the southwest part of the property there along 37<sup>th</sup> into

Mr. Boggs said eight buildings.

Chairman Johnson said eight buildings. And how many units are in each one of those buildings do we know off hand?

Mr. Boggs said it's a range there basically all six, there's a couple of fours in there so like 45 units plus or minus.

Chairman Johnson so, that's

Mr. Boggs said 90 cars.

Chairman Johnson said how many total buildings are there again? I guess I'm looking for a percentage number.

Mr. Carlin said the total number of buildings – 24.

Chairman Johnson said 24. So you have a third of your population is located in this area which will be traveling to and from. If you look back at the traffic study, there is so many daily trips at peak hours, so many daily trips overall. Is it worthwhile for us to develop this way when we know there are going to be cars traveling back and forth and these are going to be potentially college students which have classes between 8 and 8 at night so there's always going to be traffic. Just as a commercial development would be so, I guess we're designing something almost to a commercial standard but not quite. Almost to what I would consider a residential standard but not quite so to me it just doesn't work. I mean there are too many trips generated in a small clustered area where people have to back out into the street if you want to call it that. I don't want to call it that though.

Ms. Olson said the area that you have to drive.

Chairman Johnson said yeah. You see what I'm saying. And it's tough, it really is tough and I know we're fighting that with a few projects and we talked about it I think last month and it's a concern and I'm just not sure that we need to continue designing something that has issues.

Mr. Buchwald said Mr. Chair if I may.

Chairman Johnson said Mr. Buchwald.

Mr. Buchwald said for what's worth also, I want to point out some of the site data because there was a question raised in terms of the increase in impervious or pervious surface through the design and having a dedicated thru way or driveway but the site is over-parked

by about 33% so there providing additional parking spaces than required by Code so that could account for additional impervious surface. Also, if you provided garages underneath the units then that would reduce the amount of parking required so that would require—so the difficult question to answer without going through several iterations of design in terms of whether the extent that improving the design by having a dedicated thru way as opposed to this whatever this is being called, parking lot or drive alley, whether or not that would increase the pervious surface. It's difficult to ascertain without—because you have so many different variables that you're working with.

Mr. Carlin said: Mr. Chair. I would like to point out one thing that Peter just emphasized. It is over-parked but that—my understanding is that those additional parking spaces are incorporated as part of the future parcel, is that correct? Maybe the Applicant could answer that but I—if they develop that commercial parcel I think those spaces would be required.

Mr. Boggs said: I'm not sure off the fly like that.

Chairman Johnson said. That's okay. The design incorporates a connection to the existing commercial property anyway which looks good if you have future plans over designing or 33% extra parking spaces in a community like this I don't think is a problem. It's probably a good thing because of what happens with students and the ins and the outs so it's just a very big concern that we continue to. The project looks great. The architectural rendering that David had on there is wonderful. I mean, there is just design considerations that concern me and that's the main one.

Mr. Boggs said and I appreciate that. But, we especially like the plan and I guess we would like to act on it tonight, so.

Chairman Johnson said sure. Thank you, sir. Ms. Olson?

Ms. Olson said and as far as—if I can piggyback off of what you said. You know one good way to moderate traffic and increase the available parking without increasing impervious too much is to have some parking areas but also have parallel parking on the streets. It does tend to calm traffic to have parallel parking and I for one am fully—it tends to be fairly near traditional and look traditional and I would very much favor something like that where you had parallel parking on the street as a traffic calming measure but also parking lots tucked away preferably. And I know it indicates a redesign but as Chairman Johnson said, there comes a point where it's always been done this way has to go away if it's a problem and I'm getting there. But, if we have this pond in the middle and say that remained the same and I think you have been before us enough to know how I feel about straight edges on ponds and so that would not look like that. Right? That would be a meandering shoreline, Sir?

Mr. Boggs said very, very meandering.

Ms. Olson said thank you.

Mr. Boggs said, yes. We'll take care of that in the final design.

Chairman Johnson asked are there any other questions of the Applicant?

Mr. Lloyd said Mr. Chair. You know my thoughts are I like the way—I don't like parking lots. I think this has more of a neighborhood type of feel to it, with all due respect to staff and how we're going. That being said, what concerns me is having 19 and 20 year olds entering at Okeechobee and living down, in let's say Building U, and they are going to race from one end to the other. My fears would be elated if there were other access points to the back of that project; I guess the west of it. Yeah. No. The south of that project. But there aren't and I don't know if you can because there is a canal right there. So, you know I kind of feel the same way you do where I don't mind so much that there aren't parking lots to park but if you are going to do it this way, I think you have to have access points closer to the backs of the project and I don't know how you do it with this stuff.

Mr. Boggs said one thing that we discussed is the addition of speed tables, I don't want to say speed bumps, but some form of traffic calming that would slow those 19-20 year olds and also gives them a sense that this is a "thru street" and you've seen those, I think. There called speed tables. It's just a long elongated--an 8 foot wide bump that's paver stone and you need six or seven of those interspersed throughout this project. With that, I think in itself would begin to tone down the speed and tone down the potential for someone backing out onto an oncoming car.

Mr. Lloyd said and I do agree with you also with the lack of garages. That doesn't bother me if this is supposed to be a rental project for college kids. I'd never seen a college apartment building that has garages. None that I'd lived in because I don't think the market calls for it.

Chairman Johnson asked: Any other questions of the Applicant?

Mr. Williams said Mr. Chair, if I may. Now that I've had a chance to listen I wanted to comment on Mr. Lloyd's question, Mr. Hayek's question and Ms. Olson's question on the environmental. Just to let the Planning Board know, and I know you know this, we go by the environmental report that we receive. So, their environmental team gave us the report. We didn't come up with the name that was used for the particular plant communities. We are coming off the environmental report. Now, this report was done in May and June of 2006, a little bit more than a year ago. Now Mr. Boggs is correct that there's lot of new growth out there. I mention Johnson grass growing in the middle where it was cleared. But we have to look at these reports and the report specifically says that there are...the area running through the eastern central part of the site is classified as Pine Mesic Oak and Temperate Hardwood Forest. The area contains the most environmentally-valuable habitat on the site with intact canopy and shrub layers. So, we have to go by there environmental reports. I've been out there and I've look at it. Yeah, but you know I'm not going to say that this area was completely cleared and the other situation is that this is in an orange grove. There are major mature trees out there and they go in to talk about this. In fact, there talking about 2.449 acres of Temperate Hardwood Forest. Staff didn't come up with that. Their environmental did. We're just bringing it forward to you. Mr. Hayek, you talked about a wetland. I would think that if this Board so desired from what I'm hearing they got off light with one credit. That means that the wetland wasn't that viable. Why don't they be required to create a wetland? Make the lake wetland. Put in Cypress trees other types of trees and mature plantings. You

have that ability. Also, this is a preliminary landscape plan where they give you two mixes, give us whatever you want to look at. Mix number one is a pretty good mix. Mix number two I don't know if I would go with that. The thing is that do you want Coconut Palms and Washingtonian Palms mixed in with natural habitats or oak trees. And the other thing is about the mitigation. Yes. They do have the mitigation data on here. 900 inches preserved. Okay. I don't know if those are 900 inches of Laurel Oaks or Live Oaks. They're just telling us 900 inches. Some of those could be Holly trees or they could be Magnolia trees, not Magnolia trees I mean they could be Maple trees. But what I'm saying is, there is not enough information here to really detail some of the questions they you came up with but I would say that the Applicant a great opportunity to develop this in the way we would like to see. I just wanted to clarify that on staff's level. When we look at the Comp plan and we look at our current LDR, we look at all that stuff. There is a lot of trees that you cannot see being preserved or taken out because they're hidden underneath the landscape trees. Also, the canopies of the trees they're preserving or taking out aren't shown and compared to the trees of the canopies of the trees they're promoting. So on that point, Mr. Chair, I just wanted to make that clarification.

Chairman Johnson said thank you very much Mr. Williams. Anyone else here to speak for this project from the Public? You have that opportunity at this time. Anyone here to speak against this project that's proposed? At this time we'll close the public hearing and entertain a motion from the Board.

Board Attorney Walker said respectfully Mr. Chair. For purposes of the record, the public hearing takes place before the City Commission. This Board does not conduct a public hearing. We are in a public meeting and the rules of public participation are set out in our Rules of Procedures. I would like to preserve the distinction, sir, between a meeting and a hearing for the purposes of this proceeding.

Chairman Johnson said sorry about that. We'll close the public comment time and entertain a motion from the Board. Thank you, Mr. Walker. Any discussion from the Board?

Ms. Olson said I was wondering if I could address something Mr. Lloyd said earlier. You had said you'd like the layout of the parking because it feels more neighborly which I understand what you mean by that. But what do you think of the concept of having onsite parallel parking with the additional parking set away.

Mr. Lloyd said parallel parking in a project like this. I don't plan projects. I didn't go to school for it but just my own experience is that parallel parking is a nightmare because you have people stopping then backing up while traffic is coming trying to pass the road. So, that design concept doesn't—I don't think it's so great in a project like this. I think it looks good but I don't know how feasible it is. I just don't like the big parking lot mentality. I don't like the parking lot with the buildings around it but like I said, I understand it makes sense for safety reasons. I don't know if I answered your question or not.

Ms. Olson said no, it does. From what I understand, and I did not go to school for this either, but from things I have read, although parallel parking does seem to be a problem, it seems like it would be a problem safety-wise generally it's actually a traffic calming measure and

people tend to be more careful as they drive because they know that someone could be trying to pull out.

Mr. Lloyd said I don't know how many 19 year olds in a project like this care about other people.

Ms. Dixon said they may not be able to parallel park.

Chairman Johnson said and maybe I misspoke earlier. I wasn't clear. I'm not looking for a parking lot. I'm looking for an ulterior driveway or access drive to get to that exact parking spot.

Mr. Lloyd said and I don't disagree with you. Whether it's a loop around the project but then I don't know that creates a racetrack type of feel. It's more access points is what...I would be more comfortable if there were more access points to the south of the project on this design.

Chairman Johnson said more access like off Virginia Avenue or something in that nature.

Mr. Lloyd said there is a canal there.

Mrs. Olson said or off of 37<sup>th</sup> perhaps on the south side?

Mr. Lloyd said I don't know what kind of road 37<sup>th</sup> is. Is it a dirt road?

Chairman Johnson said dirt road.

Mr. Lloyd said yeah, it's unimproved.

Mr. Hayek said in fact, they will be using Okeechobee Road as a shortcut to get to 35<sup>th</sup> Street and then down. We can cut that down, perhaps.

Mr. Bey said going back to something that Mr. Margotta said earlier, I think on one of the problems with the redesign on this is that with the density. I think if there were less units, the parking situation might be able to be solved. I think based on your information that Mr. Williams brought up about the true nature of the vegetation and the trees on that site, I think that might be something that we might need the applicant to come back to us so that we can reexamine this. Because I think that Mr. Williams had added some new information on this on the trees and the wetland there. And maybe what some of our options could be if we are concerned about trying to preserve more of that. my real concern is and it's people backing out into an aisle or street-aisle or whatever you call it. I have a problem with that and I agree that if we are talking about raising the bar, I think the mentality of "well, it has been this way." I agree that need to go away. We need to start changing how we are going to approach these things.

Chairman Johnson said sound like you made a good motion, if you want to restate all that. any other discussion? I am still waiting for a motion from the Board. so, you have the option

to do what? You can approve, you can deny, you can approve with conditions and you can postpone.

Motion was made by Mr. Poitier, seconded by Mr. Harris, to approve the site plan.

Chairman Johnson said we have a motion to approve and a second. Any discussion? I think we have all heard the discussion.

Board Attorney Walker said were there any conditions to be attached to that based upon the provision of sidewalks that were not otherwise clear from the plan?

Chairman Johnson said do you have any conditions to be included in your motion?

Amended motion was made by Mr. Poitier, seconded by Mr. Harris, to recommend forwarding a recommendation of approval with the condition to include the sidewalk on it.

Chairman Johnson said anything else that staff recommended?

Mr. Poitier said do you have any more?

Chairman Johnson said I don't have anymore. It is your motion.

Amended motion was made by Mr. Poitier, seconded by Mr. Harris to recommend forwarding a recommendation of approval with the conditions set by staff be added.

Chairman Johnson said so we are hear to approve the project with the conditions that staff had stated in their report?

Mr. Poitier said correct.

Mr. Margotta said excuse me, but staff does not have any conditions. We stated some reasons why we felt it was not approvable. So, please whatever you all believe would be proper.

Chairman Johnson said you would have to list the items that you want to attach to your approval.

Mr. Poitier said I am saying the sidewalk. What else do you have? That's it then – sidewalk.

Chairman Johnson said we have a motion and a second.

Those voting in favor of the motion were: Mr. Harris and Mr. Poitier. Those opposed: Ms. Dixon, Mr. Hayek, Mr. Lloyd, Mrs. Olson, Mr. Bey, Mr. Dannahower, and Chairman Johnson.

Chairman Johnson said the motion did not pass. We need another motion, correct Mr. Walker?

Board Attorney Walker said the Board has the discretion to adopt another motion, if the first one fails.

Chairman Johnson said ok, thank you.

Motion was made by Mrs. Olson, seconded by Mr. Bey, to postpone until the next meeting to allow the applicant to take another look at the parking issue give us some other ideas for the parking and driveways and also to get us a detailed tree survey that indicates exactly what species are being preserved and removed.

Board Attorney Walker said respectfully, the duty of the Board is to pass on a recommendation to the City Commission. The only discretion given to the Board to delay administration of the approval process is in the event it needs more information. If the information available is not sufficient so as to formulate a recommendation, the code does give the Board discretion to continue the proceeding to a time certain. But that would be the only basis.

Mrs. Olson said I will amend by motion and Mr. Walker can correct me, if I do this incorrectly.

Amended motion was made by Mrs. Olson, seconded by Mr. Bey, to postpone until the next meeting so the applicant can give us more information on the types of trees and vegetation species that will be removed.

Mr. Hayek said you had also brought up the fact of not the square pond.

Mrs. Olson said right, but right now we are not actually...I am moving that we postpone for more information before we actually send an approval or a denial.

Mr. Hayek said don't you think they should redesign it?

Mrs. Olson said yes, but Mr. Walker had said that that could not be a part of my motion.

Mr. Ferguson said may I address that?

Chairman Johnson said public comment is actually closed.

Mr. Ferguson said you have that information. So there is nothing else we can give you.

Mrs. Olson said did you give us a detailed tree species as far as Live Oak and Laurel Oak?

Mr. Ferguson said you have a tree survey.

Mrs. Olson said yes, but usually tree surveys do not indicate Live and Laurel Oaks and then they just say Palm and Pine and we need to know species.

Mr. Ferguson said if you delay this for 30 days, it is meaningless because staff has all the information that you just requested. So there is nothing else for us to do.

Mrs. Olson said so, in my pile I can't find the tree survey. Where is the tree survey?

Mr. Ferguson said I don't know if staff provided that to you. but on the site plan, it indicates, generally, the types of trees that are being preserved.

Mrs. Olson said but generally it doesn't matter. We need to now specifically. Because the life span of a Laurel Oak is very different than the life span of a Live Oak. And if you are preserving a Laurel Oak, I don't particularly care. But if you are preserving a Live Oak, I care very much. It is a big difference. Big.

Mr. Ferguson said staff has the information.

Mrs. Olson said do they know the difference.

Mr. Ferguson said I can't speak for staff.

Mr. Lloyd said I think what he is saying to you is you are not going to get anything extra. He is saying you already have everything he is going to give you.

Mr. Poitier said that's what he says.

Chairman Johnson said we still have the right to postpone it or not. So, that is where we are at this point. If they can supply more, that's good.

Mrs. Olson said they could supply more if they wanted to.

Mr. Lloyd said sure they could. If you are asking for the postponement just on the environmental reasons, what about the parking reasons?

Mrs. Olson said Mr. Walker said we couldn't postpone based on that.

Mr. Lloyd said ok.

Mr. Buchwald said right now we are looking at the file to see if a tree survey was submitted that provides the information that Mrs. Olson is requesting. We are not aware of it. at this time, all we have is the landscape plan that is in front of you. We don't recall a tree survey of a kind that Mrs. Olson is requesting being submitted. But we will check that out right now for you.

Mrs. Olson said I don't remember seeing a tree survey.

Chairman Johnson said my question would be, would you to assist the matter, if you have a motion to postpone, would it help you to request a tree survey is completed or that you would want to see a tree survey and a detailed species list has been completed within the last 25 days. I don't think the tree survey has been done.

Mr. Williams said if I may, on the survey, this is an everything survey. They have trees on there – Pine Trees, Palm Trees, and Oak Trees. And it appears to be inches. Doesn't specify if it is DBH, which is measured 4 ½ feet off the ground. The lame term is Diameter at Breast Height. But what Mrs. Olson is saying is that a Live Oak and a Laurel Oak are a lot different. And if I look on the plan and I could show you right now that there is a 60 inch tree that they are taking out because it is in the middle of a driveway, parking area. If this is a 60 inch Live Oak, it is a very valuable tree. If this is a 60 inch Laurel Oak, Mrs. Olson mentioned that that tree may be half way through its life span. So, we have a minimal survey here that shows where the trees are and what the inches are. But when you get down to the specifics of designing if you are going to protect a tree or not, you want to know what that species is and health and condition. This is just a numbers game that I am seeing right now.

Mr. Margotta said excuse me, hopefully this will help. A tree removal plan, it sounds like what Mrs. Olson is asking for, in particular if you talking about particular species. We do have a tree survey, yes it shows where trees are located throughout the property, but we don't have something that generally overlays or somehow shows us what trees are being removed specifically by inches or across. It is a fairly common type of a survey to show and it is probably a part of their construction documents, if they are even that far through, a tree removal plan. Maybe you can ask the applicant if that is readily available or something that could be brought back in 30 days, 60 days, or whatever is required. But you are asking for a tree removal plan so you can see what the impact is.

Mrs. Olson said but also, a big part of their push was that they are saving 900 inches and so, if all we have is the removal plan, will we just know what they are removing and not what they are saving.

Chairman Johnson said that's up to you to state in your motion. We can put that condition in there. For you to postpone, then you need more information tell why you need more information.

Amended motion was made by Mrs. Olson, seconded by Mr. Bey, to postpone until the next Planning Board meeting to receive information on the species of trees removed and the species of trees saved.

Mrs. Olson said it would be a great idea for the applicant to take a look at parking and the other issues, but that is not a part of my motion.

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

Those voting in favor of the motion were: Mr. Harris, Mr. Hayek, Mrs. Olson, Mr. Bey, Mr. Dannahower, and Chairman Johnson. Those opposed: Mr. Lloyd, Mr. Poitier, and Ms. Dixon.

Chairman Johnson said 6 to 3, the project has been postponed until the next Planning Board meeting.

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The next item considered **#9 - Site Plan – Adrian Industrial Park** – Application for Site Plan approval to construct a 97,802 square-foot office/warehouse facility on the east side of Pleasant Acres Road, north of South Market Avenue. The property is zoned I-1, Light Industrial. The owner/applicant is Adrian Mora and the representative is T&M Design Architecture & Planning, Inc.

Mr. David Carlin said the applicant is requesting Site Plan approval to construct a proposed office/warehouse facility located on the east side of Pleasant Acres Road, north of South Market Avenue. A total of 4 buildings will be constructed on the vacant 6.23-acre parcel. The property is zoned I-1, Light Industrial with a Future Land use of I, Industrial. The vacant property to the north of the proposed development is also zoned I-1, Light Industrial. The property to the south is located in unincorporated St. Lucie County and occupied by other warehouse establishments. The property to the northwest is zoned I-1 and consists of a repair facility while the property to the southwest is unincorporated and consists of warehouse establishments. The vacant property to the northeast is unincorporated while the property to the southeast is occupied by a motel establishment and zoned C-3, General Commercial. The proposed land use is consistent with the surrounding land uses. The project will involve constructing 4 buildings that will total 97,802 square feet of floor space. Each building will extend to a height of 29 feet, with the exception of the tower features that will extend to 42 feet. The two-story buildings will be configured such that the first floor will be used exclusively for warehouse operations while the second floor will be used by offices. To account for multiple tenants, each building will be partitioned into 16 individual units that will also include overhead garage doors for loading and unloading operations. A total of 229 parking spaces are required for the development and 230 spaces have been provided. The next slide represents a rendering a cross section of schematic of the building. Office will be limited to the second floor and warehouse on the first floor. To ensure that the proposed development will not be under parked in the future should occupants attempt to covert the first floors into offices, the applicant has agreed to provide deed restrictions that will limit the first floor to warehouse uses and to limit office space to 39,120 square feet of floor space on the second floor. This was necessary because the City Code has different parking standards for office and warehouse uses: 1 per 300 for office and 1 per 600 square feet for warehouse. As far as the site date goes, 2 entrances will be used for the proposed development. One located on the northern portion of the property, one towards the south portion and both of these access points will have unrestricted turning movements. Site plan indicates that 10 feet of right of way has been donated to meet the City's minimum requirement of 60 feet and that is along Pleasant Acres Road and that will also be improved. The County has requested that they improve this road up to standards because currently it is not paved. And the applicant will be responsible for doing that in order to receive the driveway connection permit. Storm water runoff will be channeled to a retention pond located at the rear of the property via a series of inlets. Landscaping for the entire development will consist of adequate landscaping strips around the perimeter of the development and 62 new trees will be provided. In addition, a 5-foot sidewalk will be constructed along Pleasant Acres Road which extends along the frontage of the proposed development and will also connect to an internal sidewalk network. A traffic impact statement provided by Simmons & White indicated that 640 daily trips would be generated by the proposed development. Of those trips, 28 AM peak hour trips and 97 PM peak hour trips would be generated. The traffic distribution specifies that 80 percent of the traffic

generated by the proposed development will travel east towards U.S. Highway 1. Of that traffic, 40 percent will head north, and 40 percent will head south. However, the report also identified that the proposed development will generate traffic impacts onto U.S. Highway 1 which currently operates at a Level of Service F. It should be noted that this Level of Service designation is less than the City's adopted Level of Service D standard specified by the Comprehensive Plan. Since the application for Site Plan review commenced in June of 2006, the applicant was not subjected to the concurrency management ordinance passed in January 2007. However, to mitigate the traffic impacts the development will have on the surrounding roadway network, the applicant has agreed to provide a proportionate fair share contribution, utilizing the current ordinance and using the formula in the ordinance, in the amount of \$207,279 to improve U.S. Highway 1. The City Engineering and Planning Department concur with the cost analysis provided by the traffic consultant and believe the contribution will assist in improving the Level of Service for this constrained roadway. It should be noted that the fair share ordinance requires all contributions to be due in full prior to issuance of the final development order in accordance with Section 22-219(e)(3) of the City Code. Although the applicant is not subjected to the provisions of the ordinance due to the timing of the submittal, Staff recommends that the fair share contribution be provided at the time the final development order is approved to be consistent with the Fair Share ordinance. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the requirements of the City Code with the exception of the St. Lucie County Engineering Department. Because the County is currently experiencing lengthy delays in the Site Plan review process, the applicant has been unsuccessful in securing correspondence from the County based on several revisions that have been recently submitted. As such, the applicant has agreed to the terms and conditions outlined in the most recent correspondence provided by the County that we have on file. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Site Plan with the condition that the fair share contribution is provided at the time the final development order is approved and the applicant complies with the St. Lucie County Engineering Department comments dated August 5, 2007.

Chairman Johnson said thank you very much. Any questions of staff on the application? At this time, I would like to invite the applicant forward.

Mr. Jack Potrekus said architect for T & M Design, who are representing the owner.

Chairman Johnson said are there any questions of the applicant? Do have a presentation?

Mr. Potrekus said I would be happy to answer any questions that you have. I think that David did a good job in explaining what the project is about.

Chairman Johnson said no questions?

Mrs. Olson said I have a comment. I like the design. Nice job. Usually, you don't see decent design on industrial projects and I like it. it looks good.

Mr. Potrekus said thank you.

Chairman Johnson said I guess I have one question as far as the County comments, if you would outline for us what the owner/applicant is willing to do in regards to what they are requesting.

Mr. Potrekus said I think, David has the list of conditions. One of the them was that we pave the road from the property to South Market Street, that is Pleasant Acres Road. we also are going to donate right of way to the County, because that is a County road, Pleasant Acres Road. I think that's the big two that I could remember.

Mr. Carlin said I can fill in the gap. St. Lucie County right of way permit will be required. They will be required to post a bond and enter into a road improvement agreement with St. Lucie County. County Engineer has requested turn lanes at the intersection of South Market Avenue and Pleasant Acres Road, please contact the County Engineer.

Chairman Johnson said the other was a turn lane on South Market somewhere maybe? Is there a condition on South Market?

Mr. Potrekus said no, its Pleasant Acres Road. That is what they are asking for – turn lanes at the end of Pleasant Acres Road onto Market.

Chairman Johnson said nothing at US 1 or anything like that?

Mr. Potrekus said no.

Chairman Johnson said ok. And you agreed to all those?

Mr. Potrekus said we provided a letter to the City that we agreed to all of those conditions that were imposed by the County.

Chairman Johnson said ok.

Mr. Carlin said I would just like to point out that during the review process, in times that we received submittals that when we get close to proceeding to Planning Board, getting resubmittals within a few weeks prior to the deadline, it is not often possible to get County correspondence on such short notice. So, we feel that it would not be right to hold up the project in absence of that and the applicant did provide a letter stating that he would agree to those conditions and we feel that that's more than satisfactory to move forward.

Chairman Johnson said thank you. Any other questions? I would like to open it up to any other public comment for or against this proposal. Seeing none, we will close the public comment period and entertain a motion from the Board.

Motion was made by Mr. Lloyd, seconded by Mr. Poitier, to recommend forwarding a recommendation of approval of the site plan with the conditions as specified by staff: 1) the fair share contribution is provided at the time the development order is approved and 2) the applicant complies with the St. Lucie County Engineering Department comments dated August 5, 2007.

Chairman Johnson said we have a motion and a second. Motion includes the conditions detailed. Any discussion?

Those voting in favor of the motion were: Mr. Hayek, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Bey, Mr. Dannahower, Ms. Dixon, Mr. Harris, and Chairman Johnson. Those opposed: None.

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

Mr. Potrekus said thank you.

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The next item considered **#10 Site Plan – Ocean Park** – Application for Site Plan approval to construct a 54-unit multifamily development at the northwest corner of South A1A and Crestview Drive. The property is zoned R-4A, Hutchinson Island Medium Density Residential. The owner/applicant is Tricon Development, Inc., and the representative is Culpepper & Terpening, Inc.

Mr. Paul Williams said the applicant is requesting Site Plan approval to construct 3 condominium buildings that will have 18 units each for a total of 54 dwelling units located west of South A1A and north of Crestview Drive. This photograph shows the aerial of the property as you can see on South Beach it is directly south of Sea Pointe Towers. Undeveloped land to the south of that is what is proposed. The property is zoned R-4A, Hutchinson Island Medium Density Residential with a Future Land use of Medium Density Residential Hutchinson Island /Commercial General, Rmhi/Cg. The property to the east is Boardwalk Park and zoned OS-1, General and Recreation Open Space Zone, and the property to the west is undeveloped mangrove forest zoned R-2, Single-family Intermediate Density Zone. That particular area is heavily overgrown with mangroves at this time. Single family homes occupy the properties directly to the south of the proposed development which also are zoned R-4A and R-2. This site plan shows the proposed project. Of note, you can see the proposed deceleration and turn-in lane. Also the applicant has met the 5-foot right of way donation on Crestview which would be on the southern part of the site plan. This rendering is of the west and east side elevations of the proposed project. I will go ahead and note that the heights are on there, but the height meets the requirements of the South Beach Overlay District, which is 45 feet to top of roof except for architectural elements. The buildings will have 3 floors over parking. This is an elevation of the north and south sides of the project. This artist's rendering has been provided to show what the final product would look like if completed. Traffic issues – 380 daily trips. This is along South Ocean Drive. As we know, that is under construction now. The applicant has staff here. The City Traffic Engineer is also here. But as we know, that road is under construction now. 300 daily trips are proposed. De minimus project impacts the current road system should be able to handle this. The Traffic Engineers will be able to confirm that. The concurrency is satisfied. There is no required concurrency or other issues that are required for traffic. Site highlights – sidewalks. Sidewalks will be made and created for Crestview Drive to have residents of the neighborhood and also residents of the proposed project be able to walk up Crestview Drive to A1A. Also, there will be a meandering

sidewalk along A1A across from the park. Landscaping – the project was cleared some time ago and many native Cabbage Palms have grown there. The project is looking to preserve and relocate 48 of these existing native palms. Also, there will be 94 new trees and palms planted as part of the landscape plan. Stormwater management – there will be a retention pond in the rear of the property. This is the landscape plan, just to give you an idea of how the plants will be laid out in relation to A1A and the way the plan has been oriented on there is to show you basically how A1A runs on the bottom part of that photograph. All affected Departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the City Code. As the proposed site plan meets the requirements of the City Code, staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the site plan.

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

Mrs. Olson said I see that they submitted an irrigation plan as well as. After taking a look at that, Mr. Williams, do you have any input on whether it follows best practice for water conservation? Their irrigation plan, as far as using drip lines when possible as opposed to sprayers and things like that?

Mr. Williams said it does meet the Code requirements for irrigation which is a detailed irrigation plan and they have taken into consideration for all of those issues. What, of course, the intent of every landscape plan is for it to become established so the irrigation system can be weaned off. But, yes, it does.

Mrs. Olson said ok, thank you.

Chairman Johnson said any other questions?

Mr. Lloyd said obviously, this project backs up to the Indian River Lagoon. I know the area very well because I grew up 200 yards from it. What types of engineering measures ensure that there isn't, for instance, oil runoff from cars that would run into that mangrove area in that lagoon area and those fingers of water that come onto the property?

Mr. Williams said the stormwater retention plan as you know from the site plan review, these are conceptual drainage plans. If, in fact, this project moves forward and is approved, the detailed drainage plans come into play and all impervious area must drain into the retention area and then there will be a specific type of engineered outlet and/or pipe for overflow. But the way it is designed, everything runs into the pond and not into the mangroves. The outfall, which means and I don't have it in front of me, I am not going to go into great detail because I am not an engineer and I am sure the engineer here can go into detail from Culpepper & Terpening. But, Mr. Lloyd, from what I understand if there is every an event that is large enough to go into the outfall and into the lagoon, the water would be of such volume that it would dilute any pollutants.

Mr. Lloyd said thank you.

Mrs. Olson said which brings up an interesting point I haven't thought of. As far as the landscaped area next to the mangrove area, do we have any safeguards on the beach or close to the lagoon that helped to keep fertilizer from going into our lagoon?

Mr. Williams said again, that's best management practices also. It all depends on the slope of the property. Again, the applicant's team is here. That is a very good question. I would like to refer that to the team. But yes, ma'am, the mangroves is quite a unique eco-system right there. There is a transitional area between the mangroves and the cleared area that does have exotic Brazilian Peppers and Australian Pines, both of which must be removed as part of any approved project. But I am sure that their team is hearing that loud and clear, ma'am.

Mrs. Olson said thank you.

Chairman Johnson said any one else?

Mr. Lloyd said did staff have any concerns about the, for the lack of a better word, boxiness of this project of basically you have 3 big boxes facing A1A and just the aesthetics of that?

Mr. Buchwald said I can answer that. This design has gone through several iterations. This is not the initial architectural design and this occurred when Kara Wood was the City Urban Designer, so this has a long history being in the system. And as part of that, this is the extent that we are at. This was not the initial site submitted and has been approved upon. So, this is where we are at right now.

Chairman Johnson said so being that it is so old, we are not in the jurisdiction of being the architectural reviewers, is that correct?

Mr. Buchwald said unfortunately, it was submitted long ago and it has been in the system a long time so it is not subject to design review guidelines. But they did work with the City Urban Designer several times and the design has been revised.

Mrs. Olson said that brings up a question I have that is a little off topic, but I am wondering where in our packets does it say when these projects were submitted?

Mr. Margotta said are the application forms included?

Mrs. Olson said I have seen application form, but a lot of times the date isn't actually on there. Where it says take, take in by and the date is not on there.

Mr. Margotta said we are looking that up.

Mrs. Olson said I would like to know that in the future. I would like to have that as a part of the package if it is not on the application.

Mr. Margotta said one thing that I would recommend is that typically site plans will include the original date and then revision dates and that should give you a general idea of at least how long the applicants have been thinking about this.

Mrs. Olson said like on their drawings.

Mr. Margotta said certainly.

Mrs. Olson said gotcha. Thank you.

Chairman Johnson said any other questions of staff? I would like to invite the applicant forward.

Mr. Stef Matthis, Culpepper & Terpening, said I was going to just say staff did a great job presenting it and sit down and let you move on because it has been a long night. but I do want to address some of the questions that came up. With respect to the oil and the possible pollution going into the mangroves, we designed with a linear retention/dry detention system parallel to the parking lot. All the surface water is drained to that and that is including the surface water that comes off the area that is going to be planted with landscaping. So we are directing all that water into the ponds. We have to go through our water quality control continuation in that pond prior to discharge to the mangrove area. with respect to the boxiness of the project, we had a couple of different iterations. If you looked at the site closely, you will that over half of the site is actually mangroves and we stayed out of those mangroves completely. What that did was limited us to the front portion, the front third of the property to be able to derive the density that we wanted to get for the project. Hence, a higher boxier type of design but we are leaving the entire mangrove area which is closer to two-thirds of the site totally intact. What other questions were there? I think those were the basic ones that I heard.

Mr. Lloyd said this is just a question, but is there any alternative to...I mean, was there an alternative?

Mr. Matthis said no, there were no alternatives. But that is the site that we had to work with.

Chairman Johnson said any other questions? I do have one question in regards to, actually, utilities. City ordinance calls for and I know FPUA has certain design parameters for their RPZ Backflows and to go into the building, I noticed that a couple were right, the all 3 were right in front. Now, I was trying to look at the layout of how the water mains were proposed and is the proposed fire pump room for all 3 buildings or does each building have that?

Mr. Matthis said I believe it is 1 fire pump room for all 3 buildings as of right now. that design was actually scrutinized pretty heavily with the FPUA staff and that is the final design that we worked out.

Chairman Johnson said ok. I guess as long as they are ok. I was just more concerned of the aesthetically building.

Mr. Matthis said we are going to have pretty heavy landscape in front. The wall that you see out there now is coming down. It is going to be more of an open look. But those RPZ's, everything is going to be covered pretty well with landscaping from the street.

Chairman Johnson said that's where I was going. Ok, thank you.

Mrs. Olson said I see what you are talking about as far as the dry detention area and that looks good. On the north end of the property, the northwest end of the property though there is, next to the pool, you have some grass there and currently it looks like it gets lower from the pool down to the mangrove area. Are you going to be regrading that?

Mr. Matthis said we are going to be regarding some of it but with the rest of it what we will do is provide a yard drain system to provide run off to go into that yard drain system and to direct it into the ponds.

Mrs. Olson said thank you.

Chairman Johnson said any other questions? Thank you. Is there anyone here that would like to speak for or against this project? If you would, please state your name and address for the record.

Ms. Carol Mushier, President of the South Beach Association, said good evening. The South Beach Association monitors and follows all site plans through the approval process for project on South Beach. We pay particular attention to height, density, and parking issues and adherence to the South Beach Overlay. As the Ocean Park site plan meets all the conditions of the South Beach Overlay as well as all other City Codes, we have no objections to the site plan. Thank you.

Chairman Johnson said any one else here from the public that would like to speak for or against this proposal? Seeing none, we will close the public comment and entertain a motion from the Board.

Motion was made by Mr. Poitier, seconded by Mrs. Olson, to recommend forwarding a recommendation of approval.

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

Those voting in favor of the motion were: Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Bey, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek and Chairman Johnson. Those opposed: None.

Chairman Johnson said your request will be forwarded to the City Commission with recommendation.

Mr. Matthis said thank you very much.

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The next item considered **#11 - Site Plan – Oleander Village** – Application for Site Plan approval to construct a 117-unit multifamily development at the southeast corner of Oleander Avenue and Tumblin Kling Road. The property is zoned R-4, Medium Density Residential. The owner is Eduardo A. Leal/Oleander Village LLC; the applicant is Michael Jacquin; and the representative is Ernesto Velasco, P.E.

Mr. David Carlin said the applicant is requesting site plan approval to construct a multifamily housing development that will consist of 117 units located on the southeast corner of Oleander Avenue and Tumblin Kling Road. The 11.88-acre parcel is predominantly vacant with the exception of an abandoned single-family home located in the northeast corner of the parcel. The property is zoned R-4, Medium Density Residential with a Future Land use of Medium Density Residential, Rme. The properties to the north and south of the proposed development are zoned R-4, Medium Density Residential and consists of single-family homes. The properties to the southeast and northwest are located in unincorporated St. Lucie County. The property to the west is zoned R-1, Single-Family Low Density Residential and consists of single-family homes. The property to the east is zoned R-4 and also includes single-family homes. The project will involve constructing 9 buildings that will total 143,612 square feet of floor space. The buildings will be either 2 or 3 stories tall and will range from 6 units per building to 15 units per building. Architectural plans specify a building height of 23 feet for the 2-story units and 42 feet for the 3-story units. Recreational amenities will consist of a 1-story clubhouse, pool, Frisbee park, play area, nature area, and designated horse shoe pit. The multifamily development also includes several detached garages for residents, each of which are located near their respective building. Sidewalk connectivity will include internal sidewalks that will connect to both Oleander Avenue and Tumblin Kling Road. A total of a 189 parking spaces have been provided including 11 handicapped parking spaces. Storm water runoff will be channeled to a retention pond located at the center of the property via a series of inlets. Landscaping for the entire development will consist of adequate landscaping strips around the perimeter of the development and 180 new trees will be provided. In addition, the development will preserve a significant number of trees located along the entire south portion of the development to be incorporated into the recreational areas. Now, this property contains a significant number of existing trees particularly at the south and this particular development will incorporate those trees as part of the nature and outdoor recreation areas which is located at the south side of the property. As far as site access is concerned, 2 entrances will serve the development. One located on Oleander Avenue and the other on Tumblin Kling Road. Both entrances will allow unrestricted turning movements. In additional, the entrance on Oleander Avenue will include a deceleration lane for vehicles heading north in addition to a separate turning lane for vehicles heading south to enter the development. The site plan also specifies that 35 feet of right of way along Oleander Avenue has been donated along with 15 feet along Tumblin Kling. The development will also be constructing several off site improvements. Sidewalk connectivity will be provided along Oleander Avenue to Weatherbee Road as requested by the St. Lucie County School Board. In addition, a right turn lane and sidewalk will be constructed on Tumblin Kling Road and U.S. Highway 1 as required by the St. Lucie County Engineering Department. There are two design considerations that were identified by staff during the technical review process that should be contemplated by the Planning Board and City Commission. The first concern pertains to dumpster locations along Tumblin Kling Road. The current plan shows that the dumpsters are located along

the frontage of Tumblin Kling Road and City Code Section 22-187(11) requires dumpsters to be located in an area that minimized public view. The current location maximizes public view. Now based on the Landscape Plan provided, the dumpsters will have Podocarpus shrubs extending around the base of the wall to a height of 18 inches and will also consist of 2 Holly trees, one planted on each side of the dumpster that extend to a height of 12 feet. In order to minimize public viewing of dumpsters, staff recommends that substantially more landscaping be provided so no portion of the dumpster can be seen by the general public, or that the dumpsters are relocated to a more discrete area on the property. It should be noted that any relocation of dumpsters from the current site layout would require an approval by the City Solid Waste Department. The second design consideration regarding the proposed development pertains to internal streets and vehicular movements and backing out into the streets. What you see in front of you is the current site plan and the way the parking is arranged in this particular application is such that you have an internal access drive that extends around the entire perimeter where vehicles would have to back out into this internal access drive. It is not designated as a street, but it is functioning as if it were a street. And this does propose a safety consideration and this is something that staff has discussed with this particular application and the applicants have requested that the Planning Board make a determination this evening on this particular issue and to evaluate it based on the standard that was originally put forth before you Section 22-58(g)(2) of the City Code discusses the site layout with respect to internal access, safety, and things of those nature. And again, this just goes back to some of the earlier differences and design layout with respect to parking and how vehicles function getting in and out of spaces for other projects that the City has approved. A traffic report conducted by Culpepper & Terpening indicated that 749 daily trips would be generated by the proposed development. Of those trips, 70 PM peak hour trips would be generated. However, the report also identified that the proposed development will generate traffic impacts onto Midway Road west of Oleander Avenue and west of Sunrise Boulevard which currently operates at a Level of Service F. It should be noted that this Level of Service designation is less than the City's adopted Level of Service D standard specified by the Comprehensive Plan. As a result, the applicant is proposing to mitigate these impacts. Now this is another project that has been in house for some time. it was submitted back in January of 2006. so they were not subjected to the concurrency management ordinance that was passed earlier this year. However, to mitigate the impacts of the development, the applicant is providing a proportionate fair share contribution in the amount of \$37,618.41 to improve the constrained corridor pursuant to the Proportionate Fair Share Mitigation formula specified in Section 22-219(c) of the City Code. The City Engineering and Planning Department concur with the cost analysis provided by the traffic consultant and believe the contribution will ultimately assist in improving the Level of Service for this constrained corridor. Although the applicant is not subjected to the provisions of the ordinance due to the timing of the submittal, staff recommends that the fair share contribution be provided at the time the development order is authorized for consistency with the ordinance. All affected Departments have reviewed the submittals and have approved the proposed site plan based on it meeting the requirements of the City Code with the exception of the St. Lucie County Engineering Department. On July 2, 2007, the St. Lucie County Growth Management Department issued a letter approving the project and specified that concurrency, traffic operations, and right-of-way needs had been addressed with the St. Lucie County Engineering Department. However, on July 10, 2007, the St. Lucie County

Engineering Department provided a memo which stated that additional conditions of approval from the Growth Management Department regarding roadway concurrency may be necessary. As of today, we do not have an approval from the St. Lucie County Engineering Department for this project. As a result of this inconsistency, and because the St. Lucie County Engineering Department has not formally provided an approval letter regarding Oleander Village, the applicant will likely experience concurrency issues with the County when it comes time for seeking driveway connection permits and things like that. Furthermore, the St. Lucie County Engineering Department has indicated to City staff that the project will not be approved unless the applicant improves all of Midway Road to a 4-lane section to the White City residential boundaries. It should be noted that preliminary cost estimates for this improvement would be over \$20 million. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the site plan with the following conditions: 1) that the fair share contribution is provided at the time the final development order is issued; 2) the dumpsters are either screened with substantially more landscaping to be approved by the City's Urban Forester, or relocated to a more discrete location on the property away from public viewing; and 3) the Planning Board makes a determination that the internal street design either does or does not require revision to comply with Section 22-60(c)(4) of the City Code regarding vehicles backing out into the street.

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

Mrs. Olson said the dumpsters I believe on the landscape plan they are screened with Viburnum? You said Podocarpus, but I was thinking they were Viburnum? Which is it?

Mr. Carlin said I believe it is Podocarpus.

Mrs. Olson said ok. And Mr. Williams, how tall does Podocarpus get at maturity? I mean, it basically becomes a tree, right?

Mr. Williams said it does. I could be up to 30 feet tall.

Mrs. Olson said and how long does it take to get to be 6 feet tall?

Mr. Williams said depending on the size of the plant. If it is a 3-gallon plant, it is probably going to take about 5 years. If it is a 7-gallon plant, 3 years.

Mrs. Olson said ok. And so you are looking for them to do more bigger stuff now so that it is shielded now from the road?

Mr. Carlin said the current location does not minimize public viewing. It is located, these dumpsters as you see in the area highlighted yellow, are located right along the frontage of Tumblin Kling Road.

Mrs. Olson said right, but what I was asking was since it will be screened from view in a few years because of the landscape, right?

Mr. Carlin said the shrubbery can ultimately grow to whatever length depending on the plants. But if they are planting an 18 inch shrub, it is clearly visible by people.

Mrs. Olson said so what you are asking for us to make a determination on is whether we want to ask them to change the location or to provide enough landscaping so that it is hidden when it is built.

Mr. Carlin said that is correct.

Chairman Johnson said would you say the same thing applies and it is tough to design it this way, but for the lift station itself, is there a concern for the lift station because it is on the right of way?

Mr. Carlin said I have had discussions with representatives from FPUA regarding this lift station. It does need to be located in this particular area of the development because of the elevation changes and it will serve the surrounding areas because of this lift station. And the lift station, itself, does meet the setback requirements and this was discussed with the applicants in the review process and appropriate landscaping and fencing will be included with the lift station.

Chairman Johnson said so the FPUA proposes that this is going to be one of their regional, not regional necessarily, but a neighborhood lift station.

Mr. Carlin said that is correct.

Chairman Johnson said ok, good. Thank you. Any other questions of staff? This time I would like to invite the applicant forward.

Mr. Michael Jacquin, Jacquin & Sons, said first off, thank you. It has been a long process and we appreciate everybody's time in the matter. I am here on behalf of Oleander Village. Couple of items I would like to point out. Mr. Carlin did a very good job outlining the project. We have been involved with this since 2005. Initial submittal was in January 2006. we went through a couple of iterations of the project and actually had a public meeting in which we presented this. This was the project prior to the latest revision that you see in front of you. so, as you can see, what we are trying to represent was a lot of buildings, a lot of parking lot, a lot of things like that and that's why I am wearing a green shirt today was to represent green for going green. We are going green. We limited some of the units. We reduced it from 141, which was our original submittal, to 117, which is being presented tonight. Our green space calculation went from 38.2% to up to 60%. So we are really striving very hard to have more green space. Another item that's something that we are working with the County is another benefit of the project. I know that Mr. Carlin pointed those out, but this retention area has some capacity that the County alluded to that there is a road that is to the east of us because they have poor drainage there for stormwater that we are going to want to allow them to have some of that access capacity for those improvements. So, we are trying to be a good neighbor. We are trying to do a lot of good things with this project. And that is pretty much what I had to present so if you have any questions, the engineers are with me also. Thank you.

Chairman Johnson said any questions of the applicant?

Mrs. Olson said I have a question regarding St. Lucie County Engineering and I don't know if this is best directed to you or to staff. So, my understanding is that you are willing to give your proportionate fair share for upgrading Midway, right?

Mr. Jacquin said right, based on the calculations.

Mrs. Olson said and St. Lucie County is saying they are unlikely to get approval unless they improve all of Midway, themselves?

Mr. Carlin said the correspondence that the City has had with the County, they have indicated to us that this project does not meet their concurrency requirements and they are unlikely to allow this project to go forward without having Midway improved. One of the issues has to do with White City and being able to improve Midway Road to that area. It is a residential community that, for lack of a better word, is sensitive to having roads being widened "NIMBY" (Not In My Back Yard). But the other issue is the County is reluctant to add, my understanding, the widening of Midway Road to their Capital Improvements Program. So, I don't know how the County is going to come to resolution with the applicants. But they are aware that the County has not provided an approval. We are aware of it. We are saying that City staff thinks it is unfair to hold up the development when they are providing a fair-share contribution to do those improvements for the road to occur. To make the development responsible for that entire segment, that's up for discussion. But that the County is taking the stance that they are not approving the project.

Mrs. Olson said ok. And do you have anything to add to that?

Mr. Ernesto Velasco, Velcon Group, said we are the engineers for the project. In following what Mr. Carlin just mentioned, the County has been addressing this issue with concurrency from the intersection of Oleander and Midway Road there is a 2-mile radius that the property both in the City and the County are affected by this concurrency issue. Obviously they are going to try to fix these problems, by what means I do not know yet. They are working on this report that is supposed to be coming out and David, I don't remember the date on that, but there is a report coming out shortly hereafter. Another project that is within the same radius, inside the County, at the intersection of Tumblin Kling and US 1 has recently received approvals from the County under the same criteria. That is the condition of a fair-share contribution for those improvements on Midway Road. so, with that being said, I don't have, again, an answer for you as far as what the County is going to do with that concurrency. Obviously it needs to be taken care of. This project falls into the same radius. It has to follow the same criteria and same conditions of approvals that the County just followed on the US 1 and Tumblin Kling intersection. So, I think that we have good news coming ahead of us, but I don't have those for you right now.

Mrs. Olson said thank you for that clarification.

Chairman Johnson said any other questions of the applicant?

Ms. Dixon said one quick question with regard to the staff recommendation with the dumpsters. What is your position with regards to their recommendation?

Mr. Velasco said we want to do landscaping. We feel that in speaking with waste management from the City, the location and the direction that we have where we have these dumpsters this is the most practical way of handling that. In addition to that, if you notice the 2 that we are talking about, they are across the parking lot from the buildings. Obviously away from the residents. Smell is a factor, obviously and we want to keep them where they are. We will landscape them a little bit more so than the Code requires.

Mr. Jacquin said we can just work with Mr. Williams. I believe that is what the recommendation was. So, we are ok with that.

Mr. Lloyd said is there a wall that separates this property from the street?

Mr. Jacquin said I don't believe so.

Mr. Lloyd said so it is not an enclosed project. It flows to the street.

Mr. Jacquin said correct.

Mr. Lloyd said I mean, if that's the case, then I've got to be honest with you, I have a problem with the dumpsters being...unless they are completely out of view from the street.

Mr. Jacquin said we'll make them happy.

Mr. Lloyd said ok.

Chairman Johnson said anything else from the Board? I have a question in regards to the lift station. I've got to go back to that again. It doesn't show, I know FPUA is giving you some ideas of what they need. You guys are entering into an agreement with them to build this station, is that correct or no?

Mr. Velasco said no, we will be building that station at that location in the...it falls within their criteria. It falls within their plans. I believe that there is a force main to the east of the property right now and eventually they want to reverse the flows to another treatment plant. So the location at the corner is where it is going to be most practical. In addition to that, I believe that they are intending to use that later on for some more of the neighborhood needs. But we haven't entered an agreement until first we have our site plan approved.

Chairman Johnson said but this lift station is to serve your property?

Mr. Velasco said yes.

Chairman Johnson said ok. So you are going to construct it whether you have an agreement or not. You have to get your sewer from the UA, right?

Mr. Velasco said the City of Fort Pierce is going to provide us with water and sewer. Whatever their criteria is, we will follow.

Chairman Johnson said the reason I was asking is, I guess, something to keep in mind then if you haven't gotten that far is just that it seems like in addition to you constructing a lift station, you would have to construct an access for the FPUA to access and service that facility, if they are going to own it. So, I don't see that. It just looks like it is boxed in at this point, as any other development would be. It would be owned privately and then maybe FPUA would take it over, maybe not. I don't know.

Mr. Jacquin said we can take care of the provisions.

Chairman Johnson said I guess, the other question I am going to have and I raised it earlier tonight, maybe you heard, was that in regards to staff's comment too about the internal design of traffic flow and street access flow. I don't know how you want to call it. I noticed that you had a different print. Your buildings were orientated a little differently than what they are now and I commend you for grabbing as much greenspace as you can. But in the conversation or iterations of design, was there any other parking orientation that was looked at other than what was shown?

Mr. Jacquin said as I mentioned, this was the plan that we had at the City meeting. We also met with all the City Commissioners and Mayor. We did a round with everybody to get their input and that was their comments that they wanted more greenspace and that was the one thing. So, what we did was we went back and simplified that, refined it and this is basically the solution that we came up with. So, I understand that it is a little bit of concern but we basically wanted to get it to the City Commission level and basically show them where we started, what we have done, and where we are at now. Because I believe that we are right on target with what direction that they gave us inside those private meetings.

Chairman Johnson said ok, alright. Any other questions?

Mr. Lloyd said is there a chain-linked fence that borders the retention pond in the middle? Is that what I am reading?

Mr. Jacquin said no.

Mr. Lloyd said ok, I am reading it somewhere else than. Ok.

Mr. Jacquin said no, chain-linked fence.

Mr. Lloyd said alright.

Mrs. Olson said it looks like on the south end of the property you are retaining much of that existing tree line and shrub area and I want to commend you for that. Thank you. And I actually walked this site today and the rest of this is basically an abandoned grove, right?

Mr. Jacquin said right.

Mrs. Olson said and there are a few trees in there. are you saving any of those? I can't tell.

Mr. Jacquin said there was one that we had unidentified, but we had Mr. Williams go out and it is basically in the northwest corner and it is a larger one, but it is on its last leg. We tried to preserve the ones that to the east and some actually to the south and that's areas, if you look at went from this is the area that we would have impacted so we shifted everything up and that's the outcome of what we have.

Mrs. Olson said and I appreciate that. I was just checking because I know that the whole grove is basically this and it would be very difficult to grade that out and keep the root systems intact and so I was just wondering how that was going to happen. Thanks.

Mr. Jacquin said we are going green, remember?

Chairman Johnson said any other questions?

Mr. Lloyd said the south end of the portion that is basically a grove, right now, I guess, is partially a grove. I guess it would help if I had the landscape plan in front of me, but what are you, in a nutshell, are you replanting that with trees or are you leaving it or are you leveling it and leave it grass?

Mr. Jacquin said there is a significant amount. Basically what we are going to do is we will go in and as we can to not impact the root system, we will basically try to level it out and so forth. I would imagine that there is going to be some children playing there and things of that nature and you don't want to go in and have it where you've got a grove that they are in you are going to want something more level than that and that's what we are anticipating. So we will go in, we will sod it and we will make it pleasant for picnics.

Mrs. Olson said you are leveling out the grove area.

Mr. Jacquin said correct, to some extent. Wherever the trees are not going to get impacted, as you had mentioned.

Mrs. Olson said the part where the trees are though, you can't even, right now, you can't even get into where the trees area. it is pretty much grove and then forest at this point. So where the forest is, you are not going to have that grove sloping issue. Because it wasn't in there, as far as I could tell. But you are going to level the sodded area to the north of the grove?

Mr. Jacquin said wherever there is not trees, wherever we are not impacting it.

Mrs. Olson said it will be leveled.

Mr. Jacquin said yes.

Mrs. Olson said ok.

Chairman Johnson said any other questions?

Mr. Jacquin said thank you.

Chairman Johnson said thank you. Is there any one else here that would like to speak for or against this project? Seeing none, I close the public comment time and entertain a motion.

Motion was made by Ms. Dixon, seconded by Mr. Poitier, to recommend forwarding a recommendation of approval with staff's recommendations with regards to the landscaping of the dumpster area and the fair share contribution to be provided.

Chairman Johnson said there is a motion and a second. Any discussion? The only item I had was the item number 3. Is there anything that you in your motion need to say about the internal street layout?

Amended motion was made by Ms. Dixon, seconded by Mr. Poitier, to recommend forwarding a recommendation of approval with the conditions that the dumpsters be either screened with substantially more landscaping approved by the City's Urban Forester or relocated to a more discrete location on the property away from public viewing and that the applicants add some type of traffic calming devices within the internal street design.

Chairman Johnson said my only discussion is going to be the issue with the traffic. I don't know how we are going to get through this. Obviously, we are going to have to have staff give us more information because it is going to be a problem and it is a problem today, even if it is a problem. It is just a design that it works on paper. It works in reality and according to Section 22-60, I don't know, it's tough. It's a tough call how we are designating that.

Mrs. Olson said I would just concur with that and I think it would be wise that in some point in the future we could have some kind of meetings with staff where we could get educated a bit on why you advocate what you advocate for and what kinds of other designs are possible and the research behind these things. It would be helpful for us to make our decisions, I think.

Mr. Buchwald said if I may add, some of these project are a little bit have a little history to them. Obviously they have been in the system since prior to staff being here and also they are in existence prior to the enactment of the Design Review Guidelines. Hopefully, now with the Design Review Guidelines and the continuous feedback from staff starting at the pre-application phase, that perhaps they can redesign these to meet all those requirements and to also be safer and to be better projects. But the thing that makes it tougher with these, they have been in the system a long time and we have identified the situation from the onset, but the applicant wants to move forward. So at that point, we get to a point and I think we have had several of these especially the last couple of months, these are older project and we get to a point where we agree to disagree and it is time to move them forward. so, unfortunately, it is not a...create some greater education, greater research, but

also, I think, the Design Review Guidelines will really help you guys out going forward in terms of not seeing these types of designs, seeing better designs, more improved designs.

Mr. Poitier said that is a good point you made. Some of those plans were approved years ago and they come right back into the system and you want to knock them down.

Mr. Lloyd said the only comment I would make, with this particular project, like the applicant said, they went from 30 something percent of green to 60 percent green. I am sure that they could design it with those parking lots that we, for lack of a better word. But it is going to push the project down into their greenspace. And so I would much rather have 60% green, than 30% green and a lot more concrete, in this particular case. This isn't a project where they are using the entire parcel of land like the other project we say earlier. A little bit of give and take with this one.

Chairman Johnson said any other discussion?

Those voting in favor of the motion were: Mrs. Olson, Mr. Poitier, Mr. Bey, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, and Mr. Lloyd. Those opposed: Chairman Johnson.

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

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The next item considered **#12 - Site Plan – Seacoast National Bank** – Application for Site Plan approval to construct a bank at 1901 South U.S. Highway 1. The property is zoned C-3, General Commercial. The owner is Morris/Satnick FP Associates II LLC; the applicant is Seacoast National Bank; and the representative is Arcadis G&M, Inc.

Mr. David Carlin said the applicant is requesting site plan approval to construct a 5,477 square-foot bank located at 1901 South U.S. Highway 1 in the northeast corner of the K-Mart shopping plaza. The 0.78-acre parcel is currently vacant and was previously occupied by a restaurant. Please forgive the photograph. It shows that that restaurant is still there, but anyone who has been down US 1 knows it is really not. That's our outdated GIS. The property is zoned C-3, General Commercial with a Future Land Use of Commercial General, Cg. The properties to the north, south, east, and west, are also zoned C-3, General Commercial and consists of various retail establishments. The proposed land use is consistent with the surrounding land uses. The two-story bank will be situated toward the middle of the property to enhance on-site vehicular traffic movements. It should also be noted that the project was not subjected to the design review guidelines since the submittal occurred before the ordinance became effective. The height of the building will extend to 35 feet. Bank patrons can enter the development via 2 access points, one located on U.S. Highway 1 towards the south portion of the property, and the other located along the western property boundary. The access point onto U.S. Highway 1 is located at the south side of the property and will be limited to right turn-in, right turn-out movements based on the Florida Department of Transportation future long range plans to install medians separating northbound and southbound traffic along U.S. Highway 1. Any other entrance, as I pointed out, located in the southwestern corner actually connects to the internal access drive in the K-Mart plaza. It should be noted that existing driveway entrance located at the

northeast corner of the property was closed, This was a nonconforming driveway and staff requested that this driveway be closed in order to accommodate or improve traffic flow along US Highway 1 and the applicants have complied with that request. An existing sidewalk extends along the property frontage on U.S. Highway 1, and the project will have a dedicated internal sidewalk that will extend out to the sidewalk along the road. A total of 19 parking spaces have been provided including 2 handicapped spaces. Landscaping for the entire development will consist of 28 new trees and adequate landscaping strips will be provided around the perimeter of the development with the exception of an area located in the northeast corner of the property. During the technical review process, it was identified that insufficient landscaping strips were provided along vehicular use areas. Although several revisions were made to address these concerns, the final submittal still contained one area that does not meet the minimum 10 foot landscaping strip near the northeast corner of the development. As such, staff recommends that prior to City Commission consideration the plan is revised to meet the minimum requirements. So, I think we can work with the applicant prior to City Commission to provide that. A traffic report conducted by Kimely-Horne & Associates indicated that 101 daily trips would be generated by the proposed development. Of those trips, 45 PM peak hour trips would be generated. The report indicated that U.S. Highway 1 operates at a Level of Service F north and south of Virginia Avenue. Since the road operates below the City's adopted level of service D, and because the traffic generated by the proposed development will impact this constrained corridor, the applicant must mitigate the impacts to the roadway by demonstrating concurrency as specified by Section 22-218(e)(2)(a) of the City Code. Since there are no funded projects for capacity increases currently in place by the Florida Department of Transportation and no projects are within the City's 5-year Capital Improvement Element to improve this failing segment of U.S. Highway 1, the applicant has two options to satisfy concurrency. The first option is to construct or implement an improvement that will improve the level of service to the City's adopted Level of Service D. The second option is that the applicant may propose a fair share contribution to a transportation improvement that is within the City's 5 year Capital Improvement Element. In the event that the proposed improvement is not within the City's 5 year Capital Improvement Element, the City must adopt by resolution or ordinance, a commitment to add the improvement to the 5-year schedule of capital improvements as specified by Section 22-219(2). However, the City has the discretion as to whether or not to add the requested addition to the Capital Improvement Element. Furthermore, no proportionate fair share agreement will be effective until approved by the City Commission. Since there is no scheduled improvement in the City's 5-year Capital Improvement Element to improve U.S. Highway 1, the applicant is requesting to provide a fair share contribution toward a construction improvement that would be required to be placed within the City's capital improvement program. Based on the current traffic volumes and the extensive delays that occur at the intersection of U.S. Highway 1 and Virginia Avenue, City staff requested that a dedicated southbound right-turn lane be constructed on the west side of U.S. 1 to allow vehicles heading southbound to execute right turns onto Virginia Avenue which would alleviate the current traffic stacking that occurs due to a 2-lane configuration. What you can see on this slide, this represents the area shaded in yellow how far back traffic actually extends during peak conditions. And I have actually seen it further than this. What you see in the box shaded yellow, is the bank. And traffic basically in the right hand land along US 1 stacks all the way to the bank, which is approximately almost on-third of a mile. It is quite extensive. Analysis was performed by

the applicant's traffic consultant and by City staff to ascertain whether or not the proposed improvement would change the Level of Service for this constrained corridor. The findings overwhelmingly demonstrated that the lane would significantly improve the intersection Level of Service and would increase the capacity by 1,024 additional cars during the peak hour condition. The Level of Service for the approach to the intersection will improve from an F to a D, and the Level of Service for the right-turn deceleration lane will operate at a LOS B. The estimate for this particular...to construct the lane improvement is estimated to be \$136,000 based on the report that was provided by the traffic consultant. The right of way estimate to secure the right of way necessary for the construction of this improvement is estimated at \$64,000. that was taken by the previous right of way acquisition cost that the City used to acquire some other land along US 1 and that was valued at \$18.50 a square foot. Now that was done last year so these cost estimates may not be precise and may be an appraisal may be required as we proceed forward to determine whether or not that number is actually true to today's market conditions. In order to construct the necessary improvement, right of way from the K-Mart plaza will also be required. The approximate distance needed is 125 feet. And the applicant's representative and the representatives from the bank have indicated that the donation is possible. It will likely occur. And I should also explain that the right of way is also required at the corner of US 1 and Virginia for an area roughly 20 feet wide by 175 feet. There is a missing gap and that gap comes from the K-Mart plaza. Now the right of way and the fair share requirements are as follows. In order to have right of way be included as part of a fair share contribution, that right of way has to be donated prior to the final development order being authorized by the Commission. As of date, that right of way has not occurred. To ensure that the right-of-way is donated from the K-Mart plaza to construct the improvement, and to ensure that the bank meets concurrency requirements, staff recommends that a mechanism is in put place to prevent the bank from generating any trips onto the failed road until the right-of-way has been legally donated. Staff requests that the Planning Board condition the approval upon the right-of-way donation occurring prior to the Certificate of Occupancy being granted for Seacoast Bank and/or written confirmation from the owners of the K-Mart plaza that the right of way will be donated prior to City Commission consideration. In the event that the Planning Board and City Commission reject the proposal of placing the improvement into the City's Capital Improvement Element or reject the proposed fair share contribution, the applicant will have to demonstrate concurrency by constructing the proposed improvement, propose to construct or implement an alternative improvement, or provide a proportionate fair contribution for some other improvement. All affected Departments have reviewed the submittals and have approved the proposed Site Plan based on it meeting the technical requirements of the City Code. Staff recommends that the Planning Board forwards a recommendation to the City Commission for approval of the Site Plan with the following conditions that the landscaping strip located at the northeast corner is increased to the minimum City Code requirement of 10 feet and that 125 feet of right-of-way is donated from the K-mart plaza prior to the Certificate of Occupancy for the Seacoast Bank and/or a commitment letter from the owners attesting that the right of way will be donated prior to City Commission consideration. I would like to add that there is a representative here this evening from the K-Mart plaza that may be able to answer some of the questions you all may have regarding the right of way issue.

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

Mrs. Olson said I am wondering: do we have a plan yet on how this is going to ...I noticed that you addressed the parking in the K-Mart plaza and they were concerned about giving up some right of way might impact their parking which might impact their future development, how would this affect the parking and the mature Oak trees at the National City site?

Mr. Carlin said I would, based on the site visit that I had, I would say there were approximately 8 spaces at a minimum that would be lost in the event that this construction improvement takes place.

Mrs. Olson said for National City?

Mr. Carlin said correct and the trees, obviously, would have to be relocated or mitigated. I am not sure if those trees can be relocated.

Mrs. Olson said are they likely to die, Mr. Williams, on relocation?

Mr. Williams said you are talking about the Live Oaks at the corner of Virginia?

Mrs. Olson said they are just starting to look nice.

Mr. Williams said they are just starting to look nice. National City has allowed the tops to grow. The previous tenants had topped those trees for signage view. So the question is any tree can be transplanted at a cost. You just can't dig it up and move it. It takes many, many months to root prune that. So the question really is is it economically feasible to do that. So, yeah, that's a tough question. When I was proposing that, there were a lot of feelings I had. But I have also been caught in traffic many times and just whatever. But yes, they can be transplanted but it is going to take very careful root pruning.

Mrs. Olson said and that's expensive?

Mr. Williams said it can be and it is time consuming.

Mrs. Olson said thank you.

Chairman Johnson said any other questions for staff? At this time, I would like to invite the applicant forward to discuss your project. Just as a reminder, please state your name and address for the record.

Mr. Steven Gadash, Engineer, Arcadis U.S. Inc. said we agree that we can work on the northeast corner with the landscaping buffer.

Chairman Johnson said as far as the other question in regards to the right of way donation from the adjacent property?

Mr. Tod Mowery, Cotleur Hearing, said the right of way, there are actually couple of things with that. The parcel that Seacoast National Bank is going on is a separate outparcel. It is under separate ownership. The K-Mart shopping plaza, we have been working with staff and it is sort of came up last week and we have sort of been trying to work through how many parking spaces would be lost in the whole process. But at this point, the Morris Company, which owns the K-Mart plaza, they are willing to provide for a commitment letter that will state that yes, the land will be provided for that easement to occur so that the proper turn lane can, in fact, be provided. One note on that is the fact that with the DOT's plans, the DOT has plans for putting in a peanut right at the Payless Shoe store. That peanut from that point south all the way to Virginia there would be no median for that area. No concrete separator. No landscape median. Nothing would be provided for that area. North of that peanut, they will then have a landscape median that will extend all the way to Ohio. So there have been a lot of issues about how this whole process is going to play out. So, I think, it is going to be vital for National City to get on board with the project and to realize it would in not only their best interest, but the community's best interest realizing traffic could really become perhaps a growing issue at relates to how people are maneuvering and moving across and throughout that area as a result of the DOT's plans. I have to say though to also help City staff is that City staff has been active in trying to work with the DOT, Jack Anderson particularly saying "hey, listen. Here is what our plan would be. This is what we would like to see occurring in that particular stretch." And several other median connectors were being discussed so that they could actually have some crossover through that area. They said "we are doing our plans and this is how it is going to be" and that's the way this happened.

Chairman Johnson said so at the Payless then they are obviously designing or implementing something, is that going to affect the dedication in that area or no?

Mr. Mowery said what you have is this is a phasing plan that was created by the Morris Company that represents some of the things that they are working on and just as a side to that, this is the current Payless Shoe store. This is where National City is currently located on the south end of the site. This is the Seacoast National Bank. You can see this one, this is where the Burger King, it is a separate outparcel. The Payless Shoe store is a separate outparcel. National City is a separate outparcel. There is a proposal right now for a Pollo Tropical to come into play and this is located with inside the K-Mart shopping plaza property. With that, improvements have been discussed across the front of US 1, so from Payless Shoe store we were proposing as part of what was going on with the Pollo doing an extensive landscape buffer across the front of the property for that area since there really is only about a 3-foot buffer right now from the sidewalk to where the parking lot is. So we were already looking at some improvements here, including the elimination of 1 of the property cuts, which is right down here at this corner. There is a current access way into the property. The peanut will be located right in this area, like that, and so what it will allow is that it will allow southbound traffic to turn onto Tennessee at this point and then it will allow northbound traffic to come into the shopping center here and that is the only location that will allowed for that northbound traffic. Where as this is currently their main drive to come into the shopping plaza. So there will be some things. The right turn lane that is being discussed would occur in about this point and then would extend down south for this area. so right of way dedication would be provided by the K-Mart shopping plaza for this

particular area that we are discussing here. it is about 125-feet in length. Nothing has been engineered. Nothing has really been discussed at this point in terms of totals. We don't know what we are really looking at and that's why, at this point, we are providing a commitment letter for that.

Chairman Johnson said ok. Any other questions from the Board?

Ms. Dixon said one question and this is completely unrelated to the right of way. Out of curiosity, do you know if they are going to keep the other branch location that is currently behind KFC or are they anticipating closing that particular location?

Mr. Gadash said it is my understanding that branch is being closed about the middle of next year.

Ms. Dixon said thank you.

Chairman Johnson said any other questions? Thank you. Anyone else here to speak for or against this project? Seeing none, I will close the public comment and entertain a motion.

Motion was made by Mr. Poitier, seconded by Mr. Harris, to recommend forwarding a recommendation of approval of the site plan.

Chairman Johnson said we have a motion to approve and a second. Discussion – is there conditions put on that motion or no?

Mr. Poitier said no.

Chairman Johnson said ok, any other discussion?

Ms. Dixon said I think we have to...the conditions that staff recommended in regards to the landscaping strip and the right of way issue having some sort of commitment letter for that somewhere it needs to be addressed and I don't know if they are interested in amending their motion to add those 2 conditions in there.

Amended motion was made by Mr. Poitier, seconded by Mr. Harris, to recommend forwarding a recommendation of approval with the conditions that the landscaping strip located at the northeast corner be increased to the minimum City Code requirement of 10 feet and the 125 feet of right-of-way is donated from the K-Mart plaza prior to the Certificate of Occupancy for the Seacoast Bank and/or a commitment letter from the owners attesting that the right of way will be donated prior to City Commission consideration.

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

Mr. Carlin said I would like to point out, I don't know if it is exactly 125. It was indicated 125 feet. Thank you.

Chairman Johnson said it reads 125 feet.

Those voting in favor of the motion were: Mr. Poitier, Mr. Bey, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Lloyd, Mrs. Olson, and Chairman Johnson. Those opposed: None.

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

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The next item considered **#13 - Waiver of Distance** – MoJo's Café – Request for Waiver of Distance for a 2COP Alcoholic Beverage License for the sale of beer and wine for on-premises consumption in an existing restaurant located at 1721 Avenue D. The property is zoned C-2, Neighborhood Commercial. The property owners/applicants are Gregory & Kathy M. Jerger.

Mr. Paul Williams said Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where the establishment is located within 1,600 feet of other licensed establishments, bars, liquor stores, churches, or schools, unless a Waiver of Distance is granted. The restaurant is located at 1721 Avenue D. And this aerial map shows that the property is located on the southeast corner of Avenue D and North 18<sup>th</sup> Street. The proposed establishment is not located within 1,600 feet of any schools, but is located within 1,600 feet of 3 churches and 1 existing establishment. This zoning map shows that the property is located in the C-2 zoning district. This photograph shows the existing restaurant from Avenue D as you would see it. This photograph shows the restaurant from the corner of 18<sup>th</sup> Street and Avenue D. A little bit better view of the area. This shows the parking area and landscaping improvements that the applicant has already done to the property and plans to do more. This shows additional parking on the east side of the building off of Avenue D. This particular photograph shows Avenue D and the off-street parking that is directly in front of the restaurant and as you go further down this picture or head west on Avenue D there is additional on-street parking. This site plan basically shows the traffic flow and the location of parking spaces that exist and also parking spaces that are on Avenue D. this is a seating plan to show that there is seating for approximately 38 patrons. Also, as noted, property owner notifications are required to be mailed out to owners within 500 feet. A total of 117 notifications were mailed. We received 21 responses, 13 approve of the waiver of distance and 8 opposed. The proposed establishment is located with 1,600 feet of 3 churches and 1 existing establishment. As the proposed establishment does not appear to adversely affect community health, safety, or general welfare and meets the above-summarized criteria, Staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the waiver of distance for a 2COP Alcoholic Beverage License for the proposed establishment. Thank you.

Chairman Johnson said thank you. Any questions of staff? Is there anyone here that would like to speak on behalf of this proposed waiver of distance? Anyone here to speak against this waiver of distance? Seeing none, I will close the public comment and entertain a motion.

Motion was made by Mr. Bey, seconded by Mr. Hayek, to recommend forwarding a recommendation of approval of the waiver of distance with the condition that the applicant get together with the Urban Forester and come up with a landscaping plan to extenuate the landscape.

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

Ms. Dixon said I just need to make one comment and this would be to direct it to Mr. Walker. I do personally know the applicant with regards to this. However, there are not any financial interests or anything on this project. I just make sure that I can...

Chairman Johnson said is there a conflict?

Board Attorney Walker said mere acquaintance with the applicant does not constitute a conflict of interest.

Chairman Johnson said ok. Very good. Any other discussions?

Mr. Lloyd said just regarding the condition. I mean it seems...I think they have already said that they are willing to do some more improvements on the property in regarding to the landscaping. It looked like there is not a lot of greenspace on that property, is there? it is mostly concrete.

Mr. Williams said you are correct. They are in the process of doing more improvements to put in a curb. But you are absolutely right. Also, they are also a part of the Avenue D District and through FPRA will be getting some funding and the owner has told me and I confirmed with Jon Ward that there will be improvements to the building's façade. So, yes, sir, they are going to do more, but it is hard to add the landscaping unless they were to saw-cut concrete.

Mr. Lloyd said so I am just wondering if its, in this case, if it's necessary. I mean they are just asking for a waiver of distance. It's not like they are...it seems a bit onerous on them. In light of that, they have already started doing landscaping. I can see from the pictures.

Amended motion made by Mr. Bey, seconded by Mr. Hayek, to forward a recommendation of approval of the waiver of distance.

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

Those voting in favor of the motion were: Mr. Bey, Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Lloyd, Mrs. Olson, Mr. Poitier, and Chairman Johnson. Those opposed: None.

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The next item considered **#14 - Waiver of Distance – Dos Amigos Sports Bar** - Request for Waiver of Distance for a 2COP Alcoholic Beverage License in order to operate a

restaurant selling beer and wine for on-premises consumption. The property is located at 3223 South U.S. Highway 1 and is zoned C-3, General Commercial. The property owner is Mary Matha Company, LLC, and the applicant is Luis V. Garcia.

Mr. Paul Williams said this is an application for a waiver of distance for Dos Amigos Sports Bar and Grille to be located at 3223 South US Highway 1. Section 3-7 prohibits the City from granting approval for the sale of beer or wine by retail for consumption on the premises where the establishment is located within 1,600 feet of other licensed restaurants, bars, liquor stores, churches or schools unless a waiver of distance is granted. Again, this property is located in the photograph that you see before you this is in the Mary Matha plaza. You might remember this across from the Days Inn. It's been several different establishments and the restaurant would be in the area of the red box, which would be the building plaza to the south of that plaza. The proposed site is within 1,600 feet from 2 existing restaurants and 1 church. The proposed site is not within 1,600 of any schools. Here is the zoning map to show you that it is in the C-3 district with County to the west and a strip of County to the north. You will notice that would be Ric's Garden World to the north and also the trailer park. Across the street is C-3 and then you see there is R-4 to the west. This photograph shows the front of the proposed establishment. So this would be if you had come in between Long John Silver's and the Chinese restaurant that was once there and then took a left, you would be looking at the building. So you are looking due south right now and the restaurant would be the 3 windows that you see to the right of the white van. This is a close up of that showing that there is parking directly in front of it. This is a view from US 1 looking at the entrance that would be closest to the restaurant. Again, you see the van and in the foreground it shows that the restaurant would be built in that area just to the west of that in the plaza. This is a view from across the street from the Days Inn. So it gives you an idea of the distance and also shows you the plaza sign and the Long Johns Silver's. in the background you see 1 of the establishments that is within 1,600 feet, which is the Diamond Club. This picture, just to show you a little color to break up the monotony, this is looking to the north, Ric's Garden World, right along US 1. If anyone wants to buy roses, Ric's Garden World is the place to buy them. That didn't cost anything. I just know that Ric and his family have worked really hard and if you do buy roses, you want to make sure they are grafted with Nelson root stock.

Mr. Margotta said the use of the word graft should not be misconstrued either.

Mr. Williams said this slide shows a landscape plan for the center. With the improvements that are being requested for other projects within the plaza, a master landscaping plan has been developed and this is a copy of it that is to be implemented for the plaza. This is a seating plan of the proposed establishment. Again, this hasn't been built yet. They are working on this. Again, we are talking about the waiver of distance, but this is the seating plan showing that they do have the minimum number of seats required by Code. To let you know that this is definitely a restaurant, as you can see this is a copy of the menu that shows that they will be serving food along with the beverages, if the waiver of distance is approved. Property owner notifications, as you know, have to be done. We sent out 30 notifications that were within 500 feet. We received 8 responses, 6 approved, and 2 opposed. As the proposed establishment does not appear to adversely affect the community health, safety and general welfare according to the criteria specified in City

Code, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the waiver of distance for a 2COP Alcoholic Beverage License for the proposed establishment. Thank you.

Chairman Johnson said thank you. Any questions for staff on this waiver of distance?

Mr. Lloyd said the landscape plan that you talked about, is that being voluntarily implemented by the landlord?

Mr. Williams said Mr. Buchwald? I don't want to say the wrong thing.

Mr. Buchwald said the landscape plan was part of the overall improvements to the Mary Matha plaza, part of site plan approval back in 2005. So that is currently being implemented so it would be brought into compliance with the Code.

Mr. Lloyd said and then my second question is, this is more important, what is a Torta?

Mr. Margotta said it is a sandwich. It looks like a tortoise.

Mr. Buchwald said if I may answer this. A Torta is delicious.

Mr. Williams said please note it isn't Gopher Tortoise, which is on the list.

Mrs. Olson said I think staff is getting punchy.

Mr. Margotta said and they are delicious.

Chairman Johnson said any other questions of staff? Is there anyone here to speak on behalf of this request? No? Anyone from the public that would like to speak for or against this request? Seeing none, we will entertain a motion from the Board.

Motion was made by Mr. Poitier, seconded by Mr. Harris, to forward a recommendation of approval for the waiver of distance.

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

Those voting in favor of the motion were: Mr. Dannahower, Ms. Dixon, Mr. Harris, Mr. Hayek, Mr. Lloyd, Mrs. Olson, Mr. Poitier, Mr. Bey, and Chairman Johnson. Those opposed: None.

Chairman Johnson said the request will be forwarded with a recommendation.

Mr. Williams said if I might say on behalf of the 2 applicants, that were here and they were a little shy to come up but they were both here, the owners of the establishments.

Chairman Johnson said very good. Thank you.

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The next item considered **#15 - Right-of-Way Abandonment – Madison Cay** – Application for abandonment of a 0.57-acre portion of the unopened public right-of-way for North 31st Street between Avenue M and Avenue Q to construct a 132-unit affordable rental apartment community. The applicant is Madison Cay, Ltd.

Mr. Peter Buchwald said on September 11, 2007, the Planning Board recommended approval of the Site Plan for a 132-unit affordable rental apartment community known as Madison Cay. The approval was approved 6 to 4 with a condition that the right of way was to proceed through this process because the property for which the development is proposed straddles a portion of the City right-of-way for North 31st Street that extends between Avenue M and Avenue Q, as you can see as indicated here. The applicant is requesting that the City of Fort Pierce abandon this portion of the right-of-way. The properties bordering the portion of the right-of-way that is requested to be abandoned are zoned R-4, Medium Density Residential. The right-of-way was created by plat in 1954. The portion requested for abandonment is approximately 24,722 square feet in size or .57 acres. The applicant is prepared to compensate the City for the abandonment based on the St. Lucie County Property Appraiser's valuation on a per square foot basis of the abutting properties which are owned by the applicant. The amount of compensation proposed is approximately \$3.53 per square foot for a total compensation of \$87,295.75. All affected Departments have reviewed the proposed abandonment and have approved the request except for the City Engineering Department and the City Attorney. The City Engineering Department identified that the Pioneer Park Subdivision has a platted road right of way, as you can see there – Zora Neale Drive, which extends to the North 31st Street right of way for ultimate connection to North 31<sup>st</sup> Street upon the completion of future improvements to 31st Street. The City Attorney concurs with the City Engineering Department that the unopened right of way still has value and potential use by the City and further identifies that the loss of this right-of-way would impact future access to Pioneer Park, such as a parking lot. You can see there at the end of the street, potentially. So, based on the objections received from the City Engineering Department and the City Attorney, Staff recommends denial of the proposed abandonment. However, it should be noted that a denial of the proposed abandonment would likely invalidate the Madison Cay Site Plan that was recommended for approval and/or result in a redesign of the Site Plan.

Chairman Johnson said thank you. Any questions of staff? I have a question about the Madison Cay site plan that was forwarded. When does it go to City Commission?

Mr. Buchwald said it is scheduled to be heard at the next City Commission meeting which would be Monday.

Chairman Johnson said next week?

Mr. Buchwald said yes, October 15<sup>th</sup>.

Chairman Johnson said any other questions of staff?

Mr. Buchwald said to clarify, then once the abandonment similarly will also have to be approved by the City Commission as a separate item.

Chairman Johnson said 2 separate issues, either way.

Mr. Buchwald said correct. That are dependent upon each other. But they require 2 separate actions.

Mr. Lloyd said is the access that they are concerned about...I mean, I don't see it as an access problem because you can still go down 29<sup>th</sup> Street to Avenue M and end up at the same place, unless I am reading the map wrong.

Mr. Buchwald said what do you mean? Access to what?

Mr. Lloyd said I guess what they said that they are worried about is they want to someday build a road from Avenue Q through this property and build a parking lot in Pioneer Park. If you can achieve the same result I would think by having your access point from Avenue M up to...I don't see it as an access problem.

Mr. Buchwald said the Engineering Department and the City Attorney are providing, the Engineering Department is specifically providing a technical basis for their recommendation. And their technical basis is that they subdivisions, City sponsored subdivision of Pioneer Park, as you indicated there, was designed with that in mind that should there be future improvements in North 31<sup>st</sup> Street it would be able to connect to North 31<sup>st</sup> Street. So that is pure technical basis for which they are providing that. That is not saying that North 31<sup>st</sup> Street will be improved or if that there is no plans at this point, but that was designed to provide that connectivity. That is why they are objecting to this on a technical basis for that.

Mr. Williams said I hate to date my self, but if I could bring something to the table being here with the City for 20 years. I was Park Supervisor for 13. So I managed Pioneer Park for many years. Currently the situation is that children or pedestrians, adults, who ever wants to use this park and if they live north of Avenue Q or the north side, they have to walk all the way down Avenue Q to 29<sup>th</sup> Street and come down. If you don't know and you might know, that there is pathways through the woods that people have been walking for many years. it is more and more difficult. 22 years ago, when I was with the Division of Forestry, I believe I mentioned this at the last meeting, I did the last control burn in that Pine Flatwoods which opened it up and there was much more traffic was available to go through. But since that time, it has grown up pretty thick. But working with the Engineering Department also for 7 years and being a Park Supervisor, you might know that there used to be a parking lot off of Avenue M into this park. But it was closed down many years ago. One of the reasons that the playground equipment was removed from the area where you see the road coming in was due to the fact that it was so close to the woods that parents, and this was just what I understand, parents were nervous about the kids parking way down by Avenue M and walking to that northern part which was basically the woods for the kids to be there. So, with the Engineering Department and the City Attorney remembers all of this that that parking lot at that northern section would really free it up. So there is history, Mr. Lloyd, to this. it wasn't just something that just happened to pop up and with the creation of

the Pioneer Park subdivision with those single family homes up there where the road would come by is much different that back in the 50's, 60's, 70's, 80's when they just thought it was going to be all woods. So that is the history.

Mr. Buchwald said if I may add also to Mr. Williams. To ask Mr. Lloyd's question, I guess I didn't understand it at first. In terms of the parking lot, yeah, sure the parking can be accessed through Avenue M, but the question that is before you is why that should or should not be abandoned. And the Engineering Department and some staff is indicating that the possibility to connect to a parking lot in Pioneer Park is one reason it shouldn't be abandoned. Now, the applicant is saying the reason why it should be abandoned is to facilitate the construction of their site plan of the development that they want to do. so that is what you are weighing today is whether it is in the public's best interest to keep the right of way open or no abandon the right of way for those future uses or is it in the best interest of the public to allow the right of way to be abandoned so that the site plan can be constructed. That is really the decision that is before you today.

Mr. Lloyd said and then also in these it is common to use the tax appraiser assessed value because I can see that they have it assessed way, way less than what these people bought this land for?

Mr. Buchwald said actually it is assessed at what they bought the land for because it is the valuation, not the assessed value, but the valuation. So they consider what they bought it for. In the packet I included, I believe, a letter from the applicant that went through the numbers to see how that was arrived at and so that includes they purchased the property for over \$2 million and divided by the square footage. So that was a current valuation based on what they paid for it at the time. No, it based on, I am sorry, its even more, it is greater than that. It is at the current assessed value which is greater than what they paid for it. So, if you look at the property appraiser's record.

Mr. Lloyd said that's what I am looking at. Oh, I see another page. Ok. Yep, I see it. there is 3

Mr. Buchwald said they paid actually paid \$1.6 and the total valuation is now \$2,085,000. so it is actually...they are paying what the current valuation is from the property appraiser which is more than what they paid for it. that is contained in their letter of July 26 and we checked and that information is correct.

Mr. Lloyd said so they are going with the 2006, I don't have the 2007 assessed value. Do you know what I am saying? This is the 2006 assessed value which was \$693,00 on 1 parcel and then \$1.329 million on the other.

Mr. Buchwald said and if you add it...

Mr. Lloyd said \$2 million and they paid \$1.6. Ok.

Mr. Buchwald said correct. So that is what they are proposing. That is one way to value the property. That is not the only way to value the property. But that's in negotiation.

Chairman Johnson said any other questions of staff?

Mrs. Olson said I am wondering what's staffs position is...well, I don't even know if this is a question, I don't know if it is appropriate to bring this up now about the grid network. I think it is really important for us to maintain as much of a grid network in our city as possible to avoid the traffic congestion that you get when you dump all of your traffic from these different developments onto 1 road. If you had an access going through this site, would it not help disburse the traffic in this primarily residential single-family duplex area on to more access points?

Mr. Buchwald said I will just read directly from the minutes of the Madison Cay site plan where Mr. Margotta indicated that staff doesn't generally like to give up right of way in existing grid systems. So staff generally does not favor giving up right of way in an existing grid system, something that would facilitate grid systems.

Mrs. Olson said we actually need to be creating more of it, more grid systems. Giving it up doesn't seem to make a whole lot of sense to me. Anyway, it is not really a question, sorry.

Chairman Johnson said any more questions?

Ms. Ehly said I would just like to make a point with regard to the Comprehensive Plan and the Future Land Use Amendment when considering urban sprawl, Rule 9J-5.006 when considering development proposals or anything related to that the City should assess the potential for contributing to urban sprawl and specifically Subpart 12 would be resulting in poor accessibility among linked or related uses, I think could apply to this situation - the linkage between the park and the residential uses.

Chairman Johnson said ok, thank you. Any other questions of staff? Is there anyone here to speak on behalf of this right of way abandonment?

Mr. Todd Bork said I am the President of ARD, who is the developer of this project. My address is 615 Crescent Executive Court, Ste. 120, Lake Mary Florida, 32747. Our concern is is if you have an apartment community with a road going through it and you have a swimming pool and clubhouse on one side and apartment homes on the other side and kids will be crossing the street not only to utilize the facilities, but also for bus stops in like and it is a safety issue as well to have kids crossing the street. You know, kids will be kids. They are going to want to meet their friends at the clubhouse and go swimming and they are just going to run across the road. That's our position.

Chairman Johnson said ok. I guess my question is did the design incorporate such a street?

Mr. Bork said it did not for that reason. To make it a community.

Chairman Johnson said ok. So at this point, I guess, if it didn't get abandoned, you would have to do some sort of redesign, obviously, to incorporate such a change.

Mr. Bork said that is correct.

Chairman Johnson said are there any questions that the Board has? Thank you.

Mr. Bork said thank you.

Chairman Johnson said anyone else here to speak for or against this request? Seeing none, I will close the public comment and open it for Board discussion or a motion.

Motion was made by Mr. Poitier, seconded by Mrs. Olson, to recommend forwarding a recommendation of denial for the abandonment.

Chairman Johnson said there is a motion to deny the abandonment request and a second. Is there discussion on the motion?

Those voting in favor of the motion were: Ms. Dixon, Mr. Harris, Mr. Hayek, Mrs. Olson, Mr. Poitier, Mr. Bey, Mr. Dannahower, and Chairman Johnson. Those opposed: Mr. Lloyd.

Chairman Johnson said there was a denial for the abandonment so it will be forwarded to the Commission with that recommendation. Thank you.

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The next item considered #3 – Consideration of Absences.

Chairman Johnson said we have to bring back the Consideration of Absences. If I was not mistaken, Mr. Yates called in, Mr. Reilly called in and Mr. Knott called in. 3 absences to consider is there a motion to excuse.

Motion was made by Mrs. Olson, seconded by Mr. Poitier, to excuse the absences.

Unanimously approved by voice vote.

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The next item considered #16 – Other Business.

Chairman Johnson said any business that needs to be brought up. Mrs. Olson, I know you had one thing.

Mrs. Olson said actually I am going to postpone that until next month, if that is alright, Mr. Johnson.

Chairman Johnson said ok. Anyone else from the Board?

Mrs. Olson said actually, I had asked Mr. Margotta to give us an update on budgets.

Mr. Margotta said you noticed that you don't have a written report, basically because I don't necessarily want to have this banded about as a report, per se. it is a public meeting. But

what is generally occurring is that staff has to address daily needs and how we get those daily needs incorporated into the longer range plans. It is where we are finding some of our problems. We have certain requirements that we have to meet for State Statutes primarily dealing with our Comprehensive Plan and goals that we set in our Comprehensive Plan. right now we are able to meet that. we are able to meet that standard and do that work. we have a lessened amount than we expected attributed to our funding for our LDR updates. Staff also believes that we can take care of that over several years and so maybe it is not the whole thing gets done at once, but certain sections. We have been able to readdress the financial constraints that seem to be coming our way and still meet the level of service that we have to. If other things come, more projects come, our way or other large things that take away our resources or ability to do our work, that is a concern but we feel like we are able to keep our head above water. I don't know if that's answering your question as much as I literally didn't want to go through the whole think line-by-line. Not that you don't deserve the information or anything like this, but it's a level of scrutiny that is not necessarily yours to have. I think that bottom line is you need to know that we are able to meet our level of service and that's basically what I am trying to explain.

Mrs. Olson said and I may have spaced out in the middle and I am sorry. But did you address the LDR's and when do you think we will be able to address those?

Mr. Margotta said I have been directed to have at least the RFP process started by the end of this month and that's just working it out with our Purchasing Department. Certainly, I need to bring this to the City Commission again and have them understand in what we are doing. So, by the end of this month that process will start and it's receiving the bids, us considering those, and then moving forward from that point.

Mrs. Olson said so it is really about whether or not we have the money as the City to do it.

Mr. Margotta said we'll see. Let's scale back maybe some of the expectations or at least prioritize the expectations this first year and I believe that is going to open our eyes to some of the other things that we need to change or address and it is not just always going to be done in 1 fall swoop is basically it.

Mrs. Olson said thank you.

Mr. Hayek said Mr. Margotta and I had a discussion today about development and approval of development in general. Today, we had come before us approximately almost 280 new units to the City. In light of what's happened with our water, I mean the Lake is down to 9 ½ feet and it is at a low point going into the dry season. One of my concerns as a Planning Board member is how are we going to have new development and address our water concerns. I mean, right now, we approve a lot of things with additional landscaping and with additional landscaping goes additional irrigation. If we have those concerns but we don't have the water to do it, how can we continue approving developments. I think that is something that staff needs to look at or guide us that way so that we make sure that we have enough water resources for the future.

Mr. Margotta said I guess this is a general discussion. At this point and I certainly staff can provide some sort of report on all the things that already happened for development review. part of the discussion that Mr. Hayek and I had was long term goals and how to ensure sustainable water resources for development as we grow as a City. There are already some measures that are taken by staff, the FPUA reviews and provides comments on all of our development or site planning right now. But that is for current standards. I believe where Mr. Hayek was coming from was, again from that sustainability side where is our waters supply going. And we have a few things in the works for updating our water supply plan. That's primarily between us and FPUA. It is a requirement by the State. By December of this year, that is supposed to be updated and sent to the State. So you are going to be seeing some of these goals come forward. But that doesn't mean you can't be considering some other measures or even some other restrictive measures or things that might affect development. If you want to direct staff to look into things to further guarantee sustainability, that's something that we can be doing.

Ms. Ehly said I can also add quickly that the Comprehensive Plan does make mandatory xeroscape landscaping. So you can consider that when you are looking at landscaping plans.

Mr. Buchwald said the Comprehensive Plan does take into account conservation and preservation and natural resource. But as evidenced earlier today, it is a challenge for staff to enforce that Comprehensive Plan because as you can see there's arguments as to whether or not the new Comprehensive Plan applies to developments in the pipeline. So this is it. this is the staff that you see in front of you and you see what we are faced against in bringing these new plans and policies that can help you, that can reinforce what you are trying to do up here and you can see the challenges that we face, as staff, as bringing developments to meeting the requirements in the Comprehensive Plan in addition to the LDR's and anything new coming forward.

Ms. Ehly said and you can always say no.

Mr. Margotta said or yes.

Mr. Buchwald said or no.

Chairman Johnson said I spoke a little bit with Mr. Hayek about that situation and I was at the UA for a while in the Engineering Department, and I know Bill Theiss is the Director now and I know he can guide us in whatever information we want. So if you want something, get a hold of him somehow. Call the 466-1600 number. Maybe not Bill himself, but talk to Camille, their communications person, is that correct?

Mr. Williams said that is correct. I know I have been an advocate of gray water, using our affluent from our sewer treatment process which is currently being piped, how deep in the ground?

Chairman Johnson said 3,300 feet. But there is a lot of design considerations because I had to look at that many times. It was talked about frequently. It is a challenge. It is a

engineering challenge and the whole State of Florida is going to be as some point faced with issues such as this. So development, obviously, got to be thought about.

Mr. Carlin said I also wanted to point and touch base. Besides the Comprehensive Plan, we also have the Certificate of Concurrency. Concurrency is more than just traffic. The Concurrency Management ordinance that was passed earlier this year encompasses a variety of different things besides traffic. It relates to sanitary sewer, potable water, solid waste, parks. We have those standards. For example, for water it has to be 300 gallons per day equivalent to residential units. Those types of things, these comparisons need to be made now that we have this ordinance to address your concern with water. The FPUA needs to be on board with this new ordinance and they need to be evaluating their capabilities to what this ordinance requires. Because the Planning Department is responsible for making the determination to whether or not a project is concurrent besides just the traffic. So we have to make that determination. That coordination will need to take place soon.

Chairman Johnson said if you look back at the minutes, I even said something about that. this is where we can help the UA. Because it seems like there is always a fight between, even internal, between City and the UA, unfortunately. It is a power struggle. But to get beyond that, we can help them as far as doing exactly what you said in the Concurrency and forcing these guys to help out in some way. Because I know the UA has certain protocols that they abide by as far as off-site utilities and they can require these developers to pitch in their fair share. They have to. They've got to construct the pipe. There is no need for you and I to do that. But going beyond what they implement now, we are going to have to educate them and I know you are short staffed and it's tough. We can help them in many ways and put some more burden on the people that want to develop in the City of Fort Pierce.

Mr. Buchwald said on a positive note, though, we may be short staffed, but look at the energy of this group. I mean, they perked up and they love to put in and give all that they've got. We may not have the quantity, but we certainly have the quality and the energy of this young staff is truly remarkable.

Chairman Johnson said going back to Mr. Knott, if he is really watching this meeting, I hope your back feels better, buddy. Mr. Walker, anything?

Board Attorney Walker said no, Mr. Chair. Thank you for asking.

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There being no further business, Chairman Johnson declared the meeting adjourned at 10:00 pm.