

MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, NOVEMBER 8, 2005, IN THE CITY HALL COMMISSION CHAMBERS (due to anticipated seating accommodations for the public), 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

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

Members absent: Don Bergman (Chairman), Pamela Williams, Margaret Benton, and Jeremiah Johnson.

Citizens and Staff present:

Jerald Wuhrman	Fernando Leiva, AICP, Director of Planning
Kenneth L. Tobin	Travis Gibbons, Planning Administrator
Nick Gross	James T. Walker, Assistant City Attorney
Bob Williams	David Recor, Deputy City Manager
C.N. Gross, Jr.	Dianna D. Rose, Administrative Secretary
Walter Fauth	
Jack Cahill	
Sherry McDowell	
Alexi Howk	

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

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

Ms. Rose stated – Mr. Bergman, Mr. Johnson, and Mrs. Williams had called in to say they would not be present at the meeting.

Mrs. Gates (acting as Chair) stated – Well, we have six (6) members so we will proceed.

Mr. Knott stated – Madam Chair, I would like to make a motion to excuse those who had called in. They all called in?...is that right?

Ms. Rose stated – Except for Ms. Benton.

Mr. Knott stated – Okay, we will wait until the end of the meeting for her.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE ABSENCES OF MR. BERGMAN, MR. JOHNSON, AND MRS. WILLIAMS. Seconded by Mrs. Minton. Unanimously approved by voice vote.

Mrs. Gates stated – Those three (3) stand excused and maybe Ms. Benton will come in.

Agenda Item #3- Approval of Minutes of October 11, 2005.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mrs. Gates asked – Are there any corrections of additions to these minutes?

Mr. Knott stated – There is just one thing, Madam Chair. They show me as being present and absent at the same time.

Ms. Rose stated – Oh, I apologize.

Mrs. Gates asked – So, Mr. Knott, you were not here, is that correct?

Mr. Knott stated – That’s correct.

Mrs. Gates asked – Is that it for the corrections?

MOTION WAS MADE BY MR. ENNS TO APPROVE THE MINUTES OF OCTOBER 11, 2005 AS CORRECTED. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Mrs. Gates stated – Oh, Mr. Recor, I think we have a nice wonderful introduction.

Mr. Recor stated – Several, as a matter of fact. Good evening Planning Board members. It’s my privilege tonight to introduce you to several new faces in the City’s Planning Department. We have with us this evening Fernando Leiva, the City’s new Director of Planning. And I’d like to introduce the Board and the members of the public to Fernando. Mr. Leiva has over 20 years of experience in architecture and planning; both in the public as well as the private sector. Ironically he’s coming to us by way of Calvin Giordano. And you may recall Calvin Giordano & Associates was the consulting firm that was selected in September to rewrite the City’s Comprehensive Plan. Although Mr. Leiva wasn’t directly involved in that effort, he was working out of the Fort Lauderdale office. It was a bit ironic that we drew from that resource. He came highly recommended from Calvin Giordano. Mr. Leiva has a professional degree in architecture as well as a master’s degree in urban design and planning. In between those degrees, he also studied architecture in Barcelona, Spain. He is an associate member of the American Institute of Architects and is a certified professional from the American Planning Association, AICP Certified. As I indicated to the City Commission last evening, this is a very important time for our community and this is a very important position in the organization. As the Director of Planning we believe that Mr. Leiva’s background and architectural review, urban design, and the length between land use and transportation is going to serve our community particularly well as we rewrite the Comprehensive Plan and we attempt to raise the bar. We also have several other new faces with us. And for those of that don’t know, or if I hadn’t mentioned it to you before, we have provided some structure to the Planning Department. For the time being, we’ve created two divisions; we’re contemplating a third. I will leave that to Mr. Leiva’s management experience to decide the appropriate fit in the organization. But we have a division of zoning administration and development review; basically the current side of the operation. And we have a long-range planning or comprehensive planning division. And we have several new faces with us as well; Kara Wood is a planning and urban design. Kara actually has some

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

ties to the local community, her family's here in Fort Pierce. She has a home under contract, and is going to be living in the City, and I believe just outside the Oakland Park neighborhood. Kara comes to us from the private sector as well. I believe she is also a member of AIA aren't you?

Mrs. Wood stated – No, not yet.

Mr. Recor continued – No, not yet? Don't let that fool you. She has a master's degree in architecture from the University of Miami. So, she was good get and we're glad to have her. She's now working on...or going to working on the architectural review standards, creation of the ARB, as well as the continuation of the charrette program. So, we're really excited to have Kara. And we also have Andrew Dixon. Andrew is going to be working on the current side, handling the site plans, development review permits, conditional use permits. Andrew is originally from Jamaica, and worked in the private sector over in Jamaica for number of years, but came over to the states to pursue his education. And he just graduated from Florida Atlantic, right?

Mr. Dixon nods yes.

Mr. Recor continued – And with an undergraduate degree in urban regional planning. Again, he comes highly recommended from his professors. He does have a combination of education and education and experience. And he's made a contribution already. So, these are just a couple of the faces. We have three vacant positions...one more development review planner, the zoning administrator, which we have a good candidate for, as well as the comprehensive planner to focus on the comp plan. So, we're staffing up and with Mr. Leiva's leadership, we're pleased with where we expect things are going to go. I would also like to mention that we do have a promotion. We have officially promoted Travis to the Planning Administrator position full time now. While Travis's focus has been on development review, I mean he has been the sole resource for the last few months. Travis is going to try and balance out his resumé and he's going to take over the long range side and focus on the comprehensive planning side. And also he'll be a resource, obviously, for the new faces in the department on the current side as well. But congratulations to Travis. So, we're putting a team together. We're really pleased with how it's coming together. So, we'll look forward to the things to come.

Mrs. Gates stated – Thank you very much, and welcome to everybody that's new.

Mr. Leiva stated – Thank you members of the Board. I'm just looking forward to working with each and every one of you. It's a pleasure to be here in Fort Pierce. And one of the things that really attracted me to this position is the fact that I can see that not only elected officials and the members of the different Boards within the City but also the community and the executive staff are really willing to step up to the plate and come up with a plan and come up with different processes that are going to take us to the next level. And I'm just happy to be a part of that team. Thanks.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mrs. Gates stated – Thank you very much. And again, welcome to each of you. And we'll all get to know you better as time goes on. And Fort Pierce is a great place to be and we're all very, very proud of it. So, welcome to what we're doing. And I'm looking forward to your ideas, I know all of us are for the future. So, okay.

Agenda Item # 4 – Site Plan with Conditional Use – Kiwi Condominiums – Approval for the construction of a 7-unit condominium building. Located at 1240 Seaway Drive. The owner/applicant is Kiwi, LLC, and the representative is Nick Gross.

Staff Report – Mr. Gibbons stated – This is for the construction of a 7-unit condominium project at 1240 Seaway Drive. If you recall, this is the old Kiwi Motel that used to be in its place. It was damaged by the hurricanes of last year. The applicant is asking for a conditional use application for the condominium multi-family aspect. The site acreage is only 0.77 acres, thus the low unit count. They are asking for a bonus density of one (1) unit, and if you go into an approximation, it's actually 0.76 unit bonus density for the seven (7) units. The actual impacts of the one (1) additional unit will be (negligible?). It's a good urban in-fill project. It replaces the old blighted motel. Maximum height of the project is 43.9 ft. from grade. Also the developer has been working with staff with this project probably for the past six months incorporating design features of the project; and also working on the density and height issues as well. And they've also agreed to contribute \$2,500 per unit or a total of \$17,500 to go to park and beach enhancements on the island. And based on their landscaping requirements for the bonus unit, they meet that requirement as well. And staff recommends approval.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff from the Board members?

Mr. Knott stated – Travis, in the packet there's a review or comments from Kara. How are we to address these? Have these items already been addressed by the applicant or is this something we need to incorporate into the motion?

Mr. Gibbons stated – The ground floor paving pattern that is established, that would actually be enforced by the Building Department once we do the Building Department review if it makes it that far. It's something that we would be looking for as staff. As for the circular decorative plaques on either side of the stair towers, if that's to be removed that would be a wish by the Board. If they want to go ahead with that recommendation, and that would be up to you.

Mrs. Gates asked Mr. Knott – Okay, does that answer your question?

Mr. Knott stated – Yes. I'm just sorry that Mr. Bergman is not here tonight, because on the architectural issues he could best enlighten us. But we will muddle on and see what happens. Thank you.

Mrs. Gates asked – Are there any further questions of staff from the Board? Okay, is there anyone here to speak in favor of this request?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Knott stated – Madam Chair, before we continue, I did have one more comment of question for staff. Being a resident of south beach, and I travel this area quite a bit, and I know that the City is getting ready to undertake the A1A improvements over there. And perhaps you have some knowledge on this. The last I heard, there was still an issue about putting the overhead utilities underground. Do you know if that has been a part of those plans or is that still up in the air?

Mr. Recor stated – I would be glad to address that. You're exactly right. That has been an outstanding issue for some time, but I'm pleased to report that as of several weeks ago we did reach an agreement with FPUA to underground the utilities. We are going to...I believe the arrangement was we were going to pay for the conduit and they would pay for the relocation for them underground.

Mr. Knott stated – We've seen numerous of these project come before us and it just occurred to me if the City is not going to do it perhaps we could treat it like we could piece mill it like do sidewalks in front of projects, we could require the developer to put that underground. But since the City has already addressed it...

Mr. Recor continued – It was a significant issue that we wrestled with and an amicable resolution and pleased to say that we came to an agreement.

Mr. Knott stated – That's nice to see all of that. That's great. Thank you very much. That's all I have, thank you.

Mrs. Gates asked – Any further questions? Okay, is there anyone here to speak in favor of this request?

Mr. John Giordano stood and introduced himself and stated – I'm with Culpepper & Turpening. I'm here to represent the applicant.

Mr. Ken Tobin also stood and introduced himself and stated – I'm the principle with the Evans Group out of Orlando...the architect doing the job. I would like to express my appreciation to Travis and his team. Having worked with them for a little over six (6) months on this project. And it has been a joy and he's done a wonderful job in helping and supporting us. I'd be happy to answer any questions that you may have relating to the architecture and the design of the building. And anything I may be able to assist you with.

Mrs. Gates stated – Okay. Thank you very much. Are there any questions for the applicants from the Board members? No questions? You (speaking to the applicants) must have a great design for no questions.

Mr. Tobin stated – I appreciate that.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mrs. Gates continued – I would have to say that I'm impressed with this rendering here. Are you using these colors?

Mr. Giordano stated – We anticipate using those colors; we're still talking with the client on the final color palette, but that's the general intent of the colors. The design itself, yes, the 3-D image, the pictorial perspective that we presented is the exact current design that we're in production with, yes.

Mrs. Gates asked – Have you looked at the points to consider that...Kara Wood, I don't know if you have seen these. I'm just curious, have they not seen any of this at all?

Mrs. Wood stated – I'm still new to the process I don't know ...Yes, I've seen the renderings. But I don't if they have seen my comments...

Mrs. Gates stated – Okay. Because I would like, as a Planner Board member, for them to be able to see these points as far as what ...

Mr. Gibbons stated – These points were brought up, Madam Chair, in the staff report, which was done last Thursday/Friday. And I would to just go ahead and go over it with you really quick. It was just: Define a ground floor paving pattern to establish three (3) distinct zones for driveway entry and walkway to the elevators. And I like I said, that's more of a safety concern. And, as I mentioned earlier, that is something that we could check during the actual permitting process. There also was a comment of recommendation to delete the circular decorative plaques on either side of the stair towers. They detract from the elements in the window shapes and the front façade, which work very well to establish the elegant verticality in the project. So, those are the comments that were made by Kara.

Mrs. Gates stated – Okay, I see two more here on mine anyway to turn the decorative parapet element between the two front towers into a usable bridge that can access some portion of the roof deck. And to try a different material for walkway railings facing the street. Do you have those, Travis?

Mr. Gibbons stated – Actually I do. The reason why I didn't put that in is because of the environment that we're in; we don't want to have access up on the roof and knowing the City Commission and knowing how they react to having a fourth floor element of people up there using it for roof access ...is not a good idea to have people up in that area.

Mrs. Gates stated – Okay. Otherwise, I just wanted to make sure that they had seen these considerations.

Mr. Giordano stated – This is the first time...I have not seen these.

Mrs. Gates stated – I would like for them to have a copy of this.

Mr. Gibbons – Absolutely.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mrs. Gates asked – So, there are no further questions for anybody?

Mr. Knott stated – Just a ...I'm assuming that the ...and Travis, maybe you can answer this one for me. The sidewalk issue, that's going to be part of the roadway construction? Normally that is a part of the applicant's responsibility, but I don't see anything on the plans.

Mr. Gibbons stated – The actual sidewalk will be provided by actual A1A project.

Mr. Knott added – When the project comes through. Okay, thank you.

Mr. Knott stated – I guess one other thing, I'm sorry. The condition that you all have put on here about the contribution to the parks, they're all aware...on board with that?

Mr. Gibbons stated – Yes. That was provided by the applicant.

Mr. Knott stated – So, no problem with that. Thank you.

Mrs. Gates stated – Okay. Thank you very much.

Mr. Giordano and Mr. Tobin – Thank you.

Mrs. Gates asked – Is there anyone here to speak against this request?

Mr. Jack Cahill stood and introduced himself and stated – I would like to speak for the request if I may. I'm here with Walter Fauth. We're the President and the Vice President of the South Beach Association. We met with Mr. Gross and his people about a month ago and went over these plans and quite frankly we're delighted with them; we find nothing wrong with them. Thank you very much.

Mrs. Gates stated – Oh good. Thank you very much. Glad to have your support. Okay, now, is there anyone here to speak against this request? If not what are the Board's wishes on this item?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL FOR THE SITE PLAN WITH CONDITIONAL USE WITH THE CONDITIONS OUTLINED BY STAFF OF THE MONETARY CONTRIBUTION TO THE PARKS AND RECREATIONS. Seconded by Mr. Enns.

Mrs. Gates asked – Does this Board wish to make any definitive decisions on the considerations that were given by our urban designer or are you leaving that up to ...?

Attorney Walker stated – Madam Chair, very respectfully I would remind the Board to forebear from assuming the roll of an Architectural Review Board. The standards are to consider are very specifically set out as 22-58 b. and do not include consideration of purely architectural features

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

of design and architectural significance. In some respects these matters do shade off into safety concerns and others, but the temptation to go beyond the line and assume the roll of an Architectural Standards Board would be very strong. And I would simply urge the Board to be aware of that tendency and to avoid approaching that line.

Mrs. Gates stated – Thank you. Then we will just allow this to just take place between the staff and the developer. Okay. Any further discussion on this item?

Unanimously approved by roll call vote.

Mrs. Gates stated to the applicants – You have been approved. And you will receive a notice of the next City Commission Meeting when this will come before you. And I think you have a good project here. It's going to be a great improvement to the south beach. And we're going to be looking forward to seeing it finished. Good luck.

Agenda Item # 5- Conditional Use – McDowell's Daycare – Approval to operate a child daycare facility within a single-family home. Located at 1808 N. 16th Street. The owner/applicant is Sherry McDowell.

Staff Report – Mr. Gibbons stated – This is an application for a daycare facility for 10 children at 1808 N. 16th Street. The house is just west of an elementary school; I believe it's Frances K. Sweet Elementary School. The number of children is very low. It will actually almost qualifies the applicant for a home occupational license but anything over 6 children is considered a daycare; thus the request for the occupational license. The number of children...they received their approval from the Department of Children and Families. And based on the impacts of only 10 children, staff recommends approval.

Mrs. Gates stated – Okay, thank you. Are there any questions for staff on this issue? If not, is there anyone here to speak in favor of this request?

Ms. Sherry McDowell stood and introduced herself and stated – I'm the owner of McDowell's ...in the near future, maybe four or five years from now, I do want to go center base. For right now I'm just working with the 10 children now...well, I want to work with the 10 children. And right now my home is actually set up like on the plan that I had sketched out for you guys.

Mrs. Gates asked – So, it's already set up like this?

Ms. McDowell – Yes.

Mrs. Gates stated – Good. Okay. Are there any questions for the applicant?

Mr. Enns stated – Ms. McDowell, do you live at the residence?

Ms. McDowell – Oh, yes.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Enns – Okay.

Mrs. Gates asked – Any further questions? Thank you (to the applicant) very much. Is there anyone here to speak against this request? I don't think so. What are the Board's wishes on this item?

MOTION WAS MADE BY MR. POITIER TO RECOMMEND APPROVAL. Seconded by Mrs. Minton. Unanimously approved by roll call vote.

Mrs. Gates stated to Ms. McDowell – Okay, your request has been approved. And you will receive a notice of when it will go to the City Commission. Good luck to you.

Ms. McDowell – Thank you.

Agenda Item # 6 – Conceptual Development Plan – Deeken Place – To seek approval to further proceed with a site plan for a mixed-use project. Generally located on the southwest corner of Seaway & Ocean Drive. Owner/applicant is Jerald Wuhrman. This item had gone before the Planning Board on August 9, 2005 and before the City Commission on September 6, 2005. It was recommended by the City Commission that the revised Conceptual Plan that was brought before them, which differed from what was presented to the Planning Board, be brought back before the Planning Board.

Staff Report – Mr. Gibbons stated – If you recall, this is for the Deeken Place conceptual plan. The applicant has actually taken into consideration Planning Board and City Commission ideas. They've lowered the square footage of the retail and the office space; it's now at 2,400 sq. ft., two stories in the front. The restaurant space has been reduced, it's now up to 3,100 sq. ft. And that's located on the second floor. And it still includes the 57 hotel units. The project itself still contains the 145 parking spaces and that would be provided in a two-story parking garage. Based on the comments received by commission and the staff just recommend that you would take this motion into discussion and make a recommendation based on the plan.

Mrs. Gates asked – Are there any questions for Mr. Gibbons?

Mr. Enns stated – I'm really kind of confused on what they're asking us for here. If you could expand on that a little bit.

Mr. Gibbons stated – They're presenting a conceptual plan, and a conceptual plan, like I said, is very, in essence, conceptual. There's no engineering. They're wanting to know if the Planning Board approves of this concept of a mixed-use project on the corner of A1A and Seaway Drive. Between the retail, the conceptual architecture that's been presented, the concept itself; and if that's the case, and if the Planning Board thinks this is a good concept then it's something that they would like to come back with a full site plan on to go through the process.

Mr. Enns asked – So, they're not looking for any type of approvals or anything like that?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Gibbons stated – No. The conceptual approval...even if you were to go ahead and give them a conceptual approval, it does not exclude the applicant from formal site plan. So, they would have to come back to this Board and to the City Commission with a full site plan, full engineering, full landscape, to see if this project even works. They just want to know...they're looking for a ...should they go forward with the concept.

Mr. Enns stated – Okay. But one more quick question. But before they would come back to us it would be reviewed by ...they would have to have the full site plan and it would be reviewed by staff before that...?

Mr. Gibbons stated – Yes. It would be reviewed by staff, I'm sure probably many times. And then on top of that it would be presented to you, this Board, and then also to the City Commission as a full site plan package. And most likely it would come back as a PUR.

Mr. Enns asked – Why are we doing this?

Mr. Gibbons stated – Unfortunately this is in our development code, and this is an option that is left up to individual developers, applicants of any type.

Mr. Enns added – But most applicants are treated this way. They come in and bring you a site plan and ...

Mr. Gibbons stated – It's an option that's normally not taken. Most people don't even know about it.

Mr. Enns – Okay.

Mrs. Gates stated – Mr. Gibbons, so what you're saying to us is that ...because I see here once again, conceptual site plans do not have enough information to make an accurate assessment of the project. So, in a conceptual site plan you really do not have to present them anything like other than what we're seeing here tonight?

Mr. Gibbons stated – No, Madam Chair. In essence what's required is a general site plan, a general location map, and what the typical use is.

Mrs. Gates stated – Okay. If he comes back with a site plan, not a conceptual site plan, but a site plan, is he bound by whatever we vote on tonight his architecture and things like that, can that be all changed as far as when that comes back? I mean you're asking for us just basically for an idea, right? Whether we buy the mixed-use concept? It's the concept in this location?

Mr. Gibbons stated – Yes, it's the concept.

Mrs. Gates continued – So, if he wanted to change his architecture, for example, to Mediterranean he is free to do that in his site plan?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Gibbons stated – Well, yeah, the conceptual, like I said, it's just the idea, you're not basing it on architecture, you're not basing it on design.

Mr. Enns stated – And he's not bound to anything?

Mrs. Gates added – That's what I'm asking.

Mr. Gibbons stated – No. So, when he comes back to the site plan review process, you would actually review it just like any other site plan.

Mrs. Gates stated – He would have to go through the whole thing anyway?

Mr. Gibbons – Yes.

Mrs. Gates asked – With all the ...?

Mr. Gibbons – Everything.

Mr. Leiva stated – Madam Chair, if I may. Tonight what we are seeking from you is to actually authorize the applicant to move forward on this application. He's going to have to be subject to complying with all the codes that are applicable to this site plan when it comes in. And again, as Travis has mentioned, we're going to be looking at the report, we're going to be processing the application, you're going to have a report in front of you which is going to be the basis for your recommendation.

Mrs. Gates stated – Okay, thank you. Okay. Are there any further questions for staff?

Mr. Knott stated – In light of all of this information that you have given us, and I understand that this is a conceptual plan....I had clients, back when I was working, that would do this just ...and the reason they would do it is just see if they have a live project without spending all the money up front; which makes sense. But in doing this, I wanted to ask staff...has staff reviewed the information or the packets? Have you all looked at it at all from a compliance standpoint?

Mr. Gibbons stated – Well, we've looked at it at a height issue, and for uses, and for massing. But it's conceptual. Does this project even work? Because by the time you go back to the drawing board with a full site plan, putting in your engineering, doing your building...will it work? So, we don't go into a technical review of this project. So, it's just a concept. And right now, like I said, the applicant is looking for guidance...should they move forward or not from this Board?

Mr. Knott stated – I guess my question to you is that this information provided to us, even though it's conceptual, shouldn't it have some sort of degree of accuracy? So, that if we're saying this is what we're voting on, and this is what we're saying yes to and we agree with this concept, when in reality, and again, I'm hoping Mr. Wuhrman has an architect here with him or something. It would be nice if Mr. Bergman were here tonight. I looked at these this afternoon,

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

I was trying to go through this to see where this elevation is. And if I'm reading the plans right, this is like from where the roundabout was going to be looking back to the southwest. And there should be four-story buildings in the background of this drawing, which to me, does not give us the true representation of what this concept is. Now, Mr. Wuhrman can probably explain this to us. But I'm just a little bit hesitant to say, yeah, we agree with this concept, and they come back, in reality...and the last time we talked about this type of project he had on that intersection, on the street side there, he had five-story buildings. Well, now he has two-story retail; the rendering shows one-story retail, if I'm reading this correctly; that's why I'm hoping you all can help me here...with a two-story pub here on the corner. But there are four story in the background, and before he had the five story, so, he's coming down one level. But to me this doesn't represent what shown in the plan; I don't know which plan is correct. And looking at the plan and you look in the ordinance for the C-5 zoning and it has a 25-ft. setback on one side and 15 on all others...

Mr. Gibbons added – That's why this plan would come back as a PUR.

Mr. Knott continued – Okay. So, a PUR....that would take care of the setbacks then?

Mr. Gibbons – Yes.

Mr. Knott continued – Okay. So, that would explain that. But am I looking at this correct or have you all looked at that?

Mr. Gibbons stated – I've seen that. Maybe the applicant could explain it better to you.

Mrs. Gates stated – Mr. Knott, I have had the same concerns. We have had conceptual site plans over the years before.

Mr. Knott – Yes.

Mrs. Gates continued – And so it's not something we have not had before us.

Mr. Knott – Right.

Mrs. Gates continued – But the massing, and that concerns me. And that's exactly...I guess it's my little bit of confusion here because I don't want to be bound to say yes and then turn around and have something come back and then all of a sudden go, oh, no, this is not what we wanted at all.

Mr. Gibbons stated – We're on top of it. A conceptual plan, by no means, bounds the applicant to a site plan anyway.

Mrs. Gates stated – Okay. Well, are there any other questions for staff?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mrs. Minton stated – I would like to ask one question. On the rendering that shows the hotel part; this ground is level but I'm seeing the back side of it here at the very bottom raised to almost look like a fifth floor. That's a ground level floor and then four floors above it.

Mrs. Gates stated – Well, I'm confused on this too. Is it a five-story or a four-story?

Mr. Gibbons stated – It's a four-story.

Mrs. Gates asked – Not on top of first floor parking then?

Mr. Gibbons stated – No. There is a two-story parking garage that's going to handle the parking.

Mrs. Minton added – Because it looks like it's raised. It's raised half way up a coconut tree before the balcony.

Mrs. Gates agreed – It is, yes.

Mrs. Minton stated – So, either it's the drawing ...

Mr. Enns added – Well, regardless of that, they can't put living area...they have to be above what elevation for living area anyway?

Mr. Gibbons stated – I believe living area in that area is around 10 feet.

Mr. Enns – Okay.

Mrs. Minton asked – So, it's 10 ft. and then four (4) floors on top of that?

Mr. Enns stated – No. The 10 ft. would be...and this may not be correct, but the 10 ft. would then become one of the stories. And then it would be three (3) living stories.

Mr. Knott added – Yeah, the first floor is not habitable.

Mrs. Gates asked – Okay, are there any further questions for staff? Mr. Wuhrman, would you like to come up and explain this to us?

Mr. Jerald Wuhrman stood and introduced himself and stated – First of all, I would like to thank the Planning Board for doing to me the last time we were here, which was to throw cold water on what we presented. And the issues that were raised at that time were not what I wanted to hear, but they were motivation to go back and take a second look at how this plan might be improved. And there was objection to the massing, the proximity to the right-of-way line, even though the Department of Transportation (D.O.T.) was looking to take a portion of the corner property there, which we had agreed to give them. The whole idea that we presented of building right up to the right-of-way line really, in hindsight, wasn't good. And the Planning Board raised those

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

issues and we took them to heart. And when they denied the request, I'm happy they did, because we've ended up with something that, I feel, is a lot better; and has attended to the issues that were raised at that time. And the purpose of this conceptual plan was we realize this is a prime corner on south beach, we realize that something should be done there very nicely. To point out a little of the background of this, in your packet I presume you have a copy of survey that shows eight (8) lots on the corner. I own five (5) of the lots and another party owns three (3) of the lots. And we've agreed to enter in to a joint presentation with the hope that the City will feel the composite plan would be better than two individual plans. He, doing his individual plan, which he did some preliminary planning on with Mr. Bergman actually, permitted him to do certain things. I did some preliminary planning with the use by right as a hotel, and I could that that way under the present zoning in there. But when we put the two together it looks like we end up with a lot better project on it. And in doing that, the last time when the Planning Board rejected the presentation there and it went to the City Commission, and the City Commission then decided based on the negative recommendation of the Planning Board that they suggested that I meet with some of the people individually, and air out the objections that were raised and see if we can't come up with a better solution to it; which I did. I met with several of them individually, including Mr. Bergman. And some of the issues that were raised were same ones you raised relating to massing of the project. And since that presentation was done we had to read the graphic transition (inaudible?) that hopefully will give you a little bit better view of the massing of the different elements of the project. Some of the things that we've taken into account here that hopefully will be significant to you are: 1) We gave up the battle of arguing about 45 ft. and what you can build in that, four (4) floors versus five (5). We made the five (5) floors work, but we recognized that the City Commission isn't in favor of it and they want four (4) floors, which limits to you three (3) lodging levels over parking. That isn't a very good workable number to have 45 ft. divided by 4, it gets us into some height considerations in there that really aren't the most desirable, but in order to make the project work we backed off and we did the four (4) floors. So, that's one of the concessions that was made. It's 45 ft. and four (4) floors. The other issues that were made; there is a dispute about condominium hotels abusing the zoning, asking for residential units that tend to grow bigger and bigger. So, we've decided we aren't going to call them condominium hotel units, they're going to be straight out hotel units operated as a hotel. We also had some residential units previously, which we've eliminated now. So, it's strictly all hotel units. We've done some changing in the site planning to eliminate any road cuts into Seaway or Ocean Drive. Now, all of the access comes off of Hernando Street or Binney Street (should be Drive). Binney is used as access to the reception area to the hotel and Hernando Street is used for access for the parking. When we did this revision we were able to increase the parking a little bit, which we feel is more than adequate for the project. And one of the major improvements was bringing the project back off the right-of-way line to where you can see in the rendering that shows the pedestrian plaza here, we actually have 28 ft.; and this is an addition to the 10 ft. that the Department of Transportation (D.O.T) will provide in the sidewalk that they've proposed. So, it's going to end up with a plaza feeling, much like you have at the downtown marina, where there will be some landscaping and trees and things where tourist people will be able to walk around there rather than walk right up against that building. So, we set the project back quite a bit. Now as far as the flavor that's reflected here in your questioning about these drawings not being correct, they weren't intended to be correct they were only

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

intended to reflect the aesthetics of the architectural style that we wanted to portray. You might feel you want Mediterranean. You approved the 17-unit very exclusive townhouse project as Mediterranean across the street. You might say we don't want anything like this there, we want everything Mediterranean over there. And those are the things that I'm looking for guidance on. It costs money to put together an application with the engineering that's involved on it. And without getting some input and some assurance that it's a project that receptive to the City, there's no point in going ahead with it. And that's sort of where we're at tonight. Now this question of what would I like the Planning Commission (should be Board) to do really is two things; number one, to give me reassurance that this mixed-use project incorporating this pedestrian plaza here with this architectural theme would be something, that when we present the formal application with all the necessary details that go with it, that if it sort of followed that format you wouldn't be opposed to it and just throw it out like you did the last time. So, that's really the one thing that I'm looking for that you make a recommendation to the (City) Commission that you're generally in accord with the concept that we're proposing here. The second thing that has to be sorted out, and I got mixed reactions from a variety of the commissioners, about whether this should be submitted as Planned Unit Redevelopment (PUR), which, when went back several months ago and proposed doing this, it was suggested by staff that we do it as a PUR. Some of the commissioners felt maybe it shouldn't be as a PUR; once it's rezoned, that goes with the land forever. Whereas you approve the site plan with variances in it, and the C-5 zoning does permit all these uses, that that only goes with this project. So, that's an issue that I would feel would be significant for the Planning Board to express their opinion to the City Commission. So, whether you feel it should be a PUR or a use by right with variances. But those are the two things that I'm looking for from you tonight. So, if there are any questions I would be happy to answer them.

Mrs. Gates stated – Thank you very much. Are there any questions for Mr. Wuhrman from the Board?

Mr. Enns stated – Yes. On the hand-out that you gave us here all the green is I assume...

Mr. Wuhrman added – Is hotel...I tried to do it with colors...

Mr. Enns stated – I understand. I'm not trying to criticize or anything, but just to get some clarification on it. This would be all the hotel area in the green?

Mr. Wuhrman stated – All the hotel area. The setbacks that the code requires we would be providing on Binney (Drive)...some of the setbacks are more than necessary...Seaway Drive and Ocean Drive. Some of them aren't quite as much as they should be; so there would be a variance required unless it was a PUR of course.

Mr. Enns asked – And then the red or purple...what is...?

Mr. Wuhrman stated – The purple is the top deck of the parking structure.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Enns – Okay.

Mr. Wuhrman continued – There's a two-level parking structure. You come in at ground level from Hernando Street...you can look on the ground level of the site plan that you have there...there's also a ramp that goes up to the second level that has parking in the purple area here. And then that has a roof on it which will become a garden plaza on top of parking that will be between the hotel buildings...

Mr. Enns asked – And then I assume that this is this elevation here (referring to renderings)?

Mr. Wuhrman stated – That's the landmark features that we're trying to highlight here. To give the south beach something somebody would remember when they come there; and make it functional at the same time. That would follow the pattern of the gazebo.

Mr. Enns asked – Well, what about drainage and stuff like that...?

Mr. Wuhrman stated – Well, we're using a lot of the site as you can see there...

Mr. Enns added – Well, it looks like you're using all the site.

Mr. Wuhrman stated – Well, not all of it but a lot of it, yeah. But as far as drainage is concerned, I've talked with your engineering on that; there's going to be drainage provided in this new streetscape that is being done for the Department of Transportation (D.O.T.), and we can handle the drainage on-site with an exfiltration...

Mr. Enns asked – So, you feel like you can handle the drainage for this whole area on-site?

Mr. Wuhrman added – Right, on-site. And the other utilities...the sewer, water, and electric are available.

Mr. Enns stated – Yeah, right, right.

Mrs. Gates asked – Are there any other questions from Mr. Wuhrman from the Board?

Mr. Knott asked – Jerry, on this thing...based on the information you provided us here tonight on this, have you run out your numbers justis this what you need to make this project work now?

Mr. Wuhrman stated – Yes, it is. And we've conceded a significant amount from the last time around. And in order to make a project that is going aesthetically attractive, functional, and economical, I don't think we could do any less. And everybody would say no to this it would put us back into the poster of me developing five (5) lots as two hotel buildings, each of them independent; and he doing something on the corner with his three (3) lots, which could be any permitted uses.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Knott stated – You had mentioned that at this point a part of your conceptual review here tonight is...it appears to make this work you would have to have either a Rezoning to PUR or a variance on your setbacks to make this work. Because you're quite a bit deficient. As best as I can scale on this C-5 is very clear about 25 ft. on one side, on one front, and all of the other sides have got to be 15; and you're nowhere near 15. You're going to lose quite a bit of building and parking if you have to go by the setbacks. And so you're hinging everything on a rezoning or a variance. Are you willing to...?

Mr. Wuhrman stated – No, this is right. Originally it was suggested by staff, and we felt that working under the PUR rezoning guideline would give the City more protection and us more flexibility. But some of the commissioners didn't feel that was the right way to go, and suggested why don't you present it as a use by right with variances.

Mr. Knott stated – Exactly. Let me ask just a moment. PUR, if it comes back...I'm not even going to get into the variance because that's pretty heavy duty stuff when he's showing on the conceptual plan, if you scale it on here...And that's why I was asking...if these were the number crunching he's been doing on these things...He's showing like 7 ½ ft. setbacks on some streets here and 5 on the front over here, and he does have 25 on one side over there, if they don't take any land, if the D.O.T....

Mr. Wuhrman stated – Oh no. This is providing for ...giving away the right-of-way.

Mr. Knott stated – Well, if you give away the right-of-way you're really hurting. That's the only place you had some excess. And these things really don't make much sense if you look at them.

Mr. Wuhrman stated – These two drawings here, one shows it without it, the other one with it.

Mr. Knott stated – Well, Mr. Wuhrman, if you look at it, they don't jive, they don't show...You're showing that you have...I can't make any sense out of it. But this is conceptual, I understand, and it's not real.

Mr. Wuhrman stated – It is and it isn't, Tom. Because this plaza area here is really the heart of the darn project, and everybody doesn't feel that is adequate.

Mr. Knott stated – If you look at the bottom where it says existing...I assume this is the existing?

Mr. Wuhrman – Right.

Mr. Knott stated – And then you're going to give away 10 more feet, right?

Mr. Wuhrman stated – No, we're going to give away the difference between this line right in here and this corner (referring to rendering). This doesn't show what the right-of-way is...

Mr. Knott asked (referring to rendering) – What does that line represent?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Wuhrman stated – That’s our existing property line.

Mr. Knott asked – And you’re going to give this, is that right?

Mr. Wuhrman stated – No, we’re going to give...this shows the sidewalk, this one doesn’t.

Mr. Knott – Alright.

Mr. Wuhrman stated – There’s this section along here and part of this radius on the corner...you can see how much that comes back here.

Mr. Knott stated – Yeah, well, that’s what I’m saying. It doesn’t make any sense. This comes out to 31 ft. and something and this adds up to 28.

Mr. Wuhrman stated (referring to rendering) – From here to here is 28, that’s right. Because we’re giving away a couple of feet here. Part of that is in the right-of-way that they want to take.

Mr. Knott asked – But over here you’re not giving any?

Mr. Wuhrman stated – No, no. The right-of-way is from here over to here.

Mr. Knott stated – Well, my point is this, Jerry, is that if you...and I’ll get back to staff now that we’ve had that little go around...is it conceivable if the project comes back...makes a final submittal as a PUR, does that PUR allow to build within five (5) feet of the property line with a four-story building?

Mr. Gibbons stated – That’s if the Planning Board and the City Commission think it’s deemed necessary, yes.

Mr. Knott stated – Okay. And this is abutting two residential areas, well at least on the one side back there. And he’s coming down to 7 ½ ft. where they’re going to have a 45 ft. façade that’s 7 ½ ft. off of the property line, off of the sidewalk. And those properties back there will never see the sun.

Mrs. Gates agreed – No.

Mr. Knott continued – I mean these are just things I point out to you, Jerry. Because I think you’re going to get a lot of ...when you go to rezoning, you’re going to get a lot of opposition, because rezoning....Staff, is this correct?

Mr. Wuhrman stated – I’d rather get that opposition now, Tom so that we don’t go through that exercise, and then you find out that we get shot down on it.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Knott stated – But your plan is based or your number crunching is based on a concept that probably will not get approved. So, there's a good possibility of it.

Mr. Wuhrman stated – And I understand that. And that's why we're asking for this conceptual review.

Mr. Knott – Alright.

Mr. Wuhrman continued – I mean if it's cast in stone that I have to have x number of feet of minimum setback any part on that project, it could squelch the deal.

Mr. Knott stated – Okay. Mr. Walker, if I might have your ear for a minute on this. Can we make a recommendation to the City ...? Personally I might have a problem here making a recommendation to the City that I approve this concept based on make-believe information. If he could do all of this...well, I still don't know if I wouldn't have a problem with it because it's a tall building for that intersection there. My question to you is that can we make recommendations we know that it can't be done the way that it is presented to us?

Attorney Walker stated – Madam Chair. Code Section 22-58 e.2. provides as follows: The City Planning Board shall review the conceptual development plan and make recommendations as appropriate for its approval or disapproval. So, the code allows the Planning Board what latitude in making a recommendation with caveats as appropriate. If it is felt that the concept cannot reasonably work then the Board would appropriately recommend disapproval. That's the kind of guidance that this process is supposed to (afford?). If there are conditions under which the concept is felt to be viable, then those conditions could very well be incorporated into a recommendation of approval.

Mr. Knott stated – Alright. So, we could recommend approval subject to the conceptual plan being ...should meet all current criteria of a site plan approval for a C-5 zoning or are we asking here tonight for our feeling on a PUR?

Mr. Wuhrman added – I am, yes.

Mr. Leiva stated – If I may, members of the Board. You're going to be putting yourselves in a very difficult position if you're going to be arriving at a recommendation where you're going to be stating what kind of use is going to be most physical for this property. As I can see it, you are probably entitled to forward a recommendation, not on the uses. In fact, at this point, should you want to make that decision you may make a recommendation, that is, you are authorizing the applicant to move forward with the application; but it should be noted that the application is going to be at the developer's own risk. And that is subject to the fact that we don't know what is really going to work out at this point; we have to be able to review the application further in order to determine what type of zoning is going to be the most suitable for the type of uses that are being proposed. So, at this point you can just make a very general recommendation in order to have the applicant to move forward should he want to do so.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Knott stated – Okay. One other question, Mr. Walker. If he stays within the C-5 zoning, if he doesn't have to come back for a PUR, isn't he under the protection by the ordinance that if he submits...I mean he can do if he meets the setbacks and what have you, he can do all of this, or the City could be held liable for stopping the development of his land if he has met the existing codes?

Attorney Walker stated – Madam Chair. Code Section 22-58 f. states as follows...and this involves City Commission approval of a final plan...it states: The City Commission shall hold a hearing and approve or disapprove the proposed site plan, this is the relevant language. Prior approval of the conceptual development plan shall not prevent the City Commission from disapproving a final application. In the event, if determined that such application does not conform to the standards and requirements of this section, approval of a site plan under the conceptual process here sought would be essentially a message that the City Planning Board conceptually approves the mixed-use concept that is being offered here for consideration. Such approval, however, would not constitute an endorsement that the dimensions of the building consistent with R-4 would necessarily be approved in the process in a final site plan review.

Mr. Knott added – For C-5, that is.

Attorney Walker continued – Yes. Does that answer the question?

Mr. Knott stated – Yes. I'm just concerned about Mr. Wuhrman getting led down a path here because I don't him to get all the way through us and then the Commission and then he comes back and starts putting the hard numbers on it.

Mr. Wuhrman stated – Tom, we're not going to get led down a primose path. This is ambiguous enough that if we can't clarify it at this stage of the game to know what you want and what the Commission wants, then we're foolish to go down this path and spend the money that you have to to put in a formal application. And we would just back off of this and each develop our little parcel as best we can. It isn't going to end up anything like this as being a landmark corner for the City, but so be it...

Mr. Knott stated – I just wanted you to be aware...

Mr. Wuhrman stated – No. I understand it. That's why we're here tonight.

Mr. Knott stated – Very good. Thank you very much.

Mrs. Gates asked – Are there any further questions of Mr. Wuhrman? Thank you very much. Is there anyone else to speak on behalf of this request? Is there anyone here to speak against this request?

Mr. Cahill stood and stated – I'm not so sure that we're speaking against it, we're speaking in an area of confusion. He talks about having a bar, and I don't know what kind of bar he's talking

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

about. If it's a liquor bar then you're governed by the SRX license or 4-COP license. And these all require additional parking based upon seating capacity. I think he means very well, and we don't want to hurt anybody. We want to see that property built out also. But by the same token it's very hard to read...I went over the information today and quite frankly I'm not the brightest star in the sky but I'm kind of confused as to what we're talking about. No one has mentioned yet how large that property is as far as the acreage is concerned.

Mr. Wuhrman added – 1.3 acres.

Mr. Cahill continued – So, 1.3 acres...you're looking at 57 units, roughly 3,000 sq. ft. of restaurant space and 2,400 sq. ft. of office. And parking now...the parking will be determined, not based upon the 57 units, which you're going to be a vacation club, which we're not against either; but it's going to be based what you're going to be doing with bar, gazebo, and facility you're planning for that area. Because that's going to be governed not only by the City but also by the State on your licensing. So, I don't know...it has to be one or the other, if it's a liquor bar it's either got to be SRX license or it has to be a 4-COP. We just don't know.

Mrs. Gates stated – Thank you very much.

Mr. Knott stated – Jack, as a resident of south beach, and the spokesman...what are your all's feeling about ...?

Mr. Cahill stated – It's a great corner. And quite frankly, I'm not knocking Mr. Wuhrman, he means very well. But if I had a corner like that I think I would go to the expense of having meetings and asking people and then bringing in someone to give me a conceptual site plan that we could look at. Because you have to know what you're going to do with it. Nobody goes to Mr. Enns and says, hey, build me a house and use your own good judgment, because your good judgment might not be mine. And that's what we're looking at right now. If you have that kind of property, which, I think, is eight (8) lots that are roughly 1.47 acres, then I think I would go to find out what would be the best thing I could build there. And you mentioned right behind it you have residential single-family homes back there, and single-story homes. And the setbacks are going to have to be maintained on that corner, because that's a high traffic corner and it has a major problem with flooding to begin with, as we all know. And probably the worst on the beach area if you recall. And Tom, you go by it, and so do I. Either a pontoon boat or a jon boat would help.

Mr. Knott stated – Jack, if he stays with the C-5 zoning, that it is now, if he could meet the setbacks on this thing, which he can't with what he's given us here, but if he works it out he could go with the 45 ft. So, there's really not a whole lot to be said about it I guess. And the architectural style...I have no problem with that, it looks great...it looks nice...

Mr. Cahill stated – We're just confused as to what you can get by with because you have to have parking there, you have to have units there, you're going to have a restaurant there, and no one has mentioned how large the restaurant will be, because the would also have an effect upon it.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Wuhrman added – It's 3,100 sq. ft.

Mr. Cahill continued – Well, as far as seating capacity is concerned is what we're talking about, Jerry, because that's going to be dictating how much parking you have to have. As Mr. Enns knows, when you build something like that, you have to decide what kind of a license you're going to have, because that will dictate your parking. And it's expensive.

Mr. Knott stated – Very good. Thank you.

Mr. Cahill – Thank you very much.

Mrs. Gates stated – Thank you.

Mr. Wuhrman stated – I wanted to show you...actually we do conform with the code requirements as far as the setbacks on Hernando Street...

Mr. Knott asked – You do?

Mr. Wuhrman – Yes.

Mr. Knott asked – How do you do that?

Mr. Wuhrman stated – (Referring to renderings) This is what it would look like if I did just as five (5) blocks. This would be a hotel building and this would be a hotel building. This would set back 25 ft. from the street, and these would have a side-yard setback we have now and they meet the code.

Mr. Knott asked – How does this relate to the one that you've given us?

Mr. Wuhrman stated – Nothing. I'm just showing what the alternative would be, Tom, if it ended up not being done as composite development.

Mr. Enns added – In other words, if it were to stand alone.

Mr. Wuhrman continued – If I came in with what my client wants I would come in with something like this. I meet all the setbacks....

Mr. Knott asked – You can do 25 and 15 on all...?

Mr. Wuhrman continued – On individual units...

Mr. Knott stated – Alright. So, you have done some numbers...?

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Wuhrman stated – Oh yeah. Ask the other fellow that owns the three (3) lots, he said Mr. Bergman would do that site plan for just that corner, including the land that would be confiscated for the right-of-way.

Mr. Knott – Yes.

Mr. Enns asked – But for your dollar crunching on this concept here you need to have the restaurant, the bar, and the 57 units...?

Mr. Wuhrman stated – It's a better package. I'd rather have that than this. I'd take this rather than nothing...And it ends up being the same permitted use in the C-5 zoning about the same number of units ...

Mr. Enns asked – Without going to a PUR or...?

Mr. Wuhrman stated – No, just a straight zoning. And he would do the same thing. He probably would end up with a small restaurant and some other commercial use on that corner; but it wouldn't have the 100 something parking places there, I'd have enough to meet my code requirements, he'd have enough to meet his. We wouldn't have the nice plaza for the tourist to walk around down there like you have downtown. And a mention was made about the licensing...that's true. The gazebo part of it really is taking into account as catering to the people who are walking around down there, not driving a car, looking for a city parking lot or anything like that. The restaurant that is integrated in there obviously could be a destination restaurant, although it would cater a lot to the hotel itself.

Mr. Enns stated – But Mr. Cahill is exactly right about the parking though. I mean....

Mr. Wuhrman stated – Well, whatever the parking requirements are, and again, that's part of the request in this conceptual review. We proposed how many parking spaces we can provide there...is it going to be adequate or isn't it going to be adequate. That was an issue that was raised by one of the commissioners. And we feel that there is more than enough there...maybe there are, maybe there aren't. The interpretation of it, the type of licensing, one license might require more than another. Maybe you can't have the license that you want.

Mrs. Gates stated – Okay, thank you, Mr. Wuhrman very much. Okay. Are there any other thoughts on this item from the Board?

Mr. Enns stated – Madam Chair. It's like to catch wind to me. It's a difficult...

Mrs. Gates agreed – This is confusing, yes.

Mr. Enns continued – And you know I'd love to see something like this go, but I just don't you know...I like this (referring to the renderings) a whole lot better than I like the second concept that he has here, but there again, unless he goes and spends the money with the engineer...

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Wuhrman added – If I could make one more comment...Some of the commissioners made reference to the charrette that was held on south beach, and the fact that if there is going to be any high intensive use on the south beach area, this was the location it should be done at. And that came out of that charrette, I was told.

Mrs. Gates stated – Okay. Thank you. I'm concerned still...and I think Mr. Knott said this...not the massing in relation to the rest of the development that is surrounding this concept of what he's showing...that concerns me a lot.

Mr. Poitier added – Could we just vote on it?

Mrs. Gates continued – Because of them are single-family, one-story homes. And this is a

Mr. Knott stated – Madam Chair, if I may, I would like to ask Mr. Walker one more question about it.

Mr. Poitier added – Then I want to ask one.

Mr. Knott continued – Okay. I'll try to be brief here. It's staff's recommendation that we forward this on to the Commission with a authorization to proceed or a recommendation to proceed. Do we have to give a yea or nay on this? Does it have to be approval or disapproval or can just recommend that the project come under their review and that we ...? Or do we have to make a recommendation?

Attorney Walker stated – Madam Chair. Respectively the code requires ...

Mr. Poitier added – He said that one a while ago.

Attorney Walker continued - ...that the Board “make recommendations that's appropriate for its approval or disapproval”. That does not mean that the Board is required necessarily to give it an up or down as submitted. The Board might simply say recommended in concept as to the idea of mixed-use there. For instance, understanding that there are other details, which are too vague to permit any more specific recommendation. But in that fashion the proposal would then be permitted to advance to the Commission for its review while the Planning Board would have fulfilled its duty to make a recommendation, though in that instance, the recommendation was very narrow in its scope. Does that respond to the question?

Mr. Knott stated – I believe so. I think that we could probably word something that ...

Mr. Poitier stated – My request is that we just vote on it and send it out, vote it up or down. You know, because we will be killing this on the head here. We're not going to get any conclusion on it.

Mr. Knott stated – Just go ahead and vote one way or another.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Poitier – Right. He said that the Planning Board that they recommend they approve it, let them worry about it when they come back.

Mrs. Gates asked – Are you all in favor of a mixed-use of this property? Are you in favor of that?

Mr. Enns stated – Madam Chair, I think mixed-use is probably perfect.

Mrs. Gates stated – Because I think this is what Mr. Wuhrman is looking for, and that's what he's asking us to give him. So, I, for one, as a Board member, would recommend that I would vote for a mixed-use project of some sort, but the concept of the mixed-use project would be okay with me.

Mr. Poitier – Me too.

Mr. Knott stated – Okay. Well, in light of that, then, Madam Chair, I would like to make a motion that we forward this conceptual approval application for Deeken Place to the City Commission with the...well.....with the recommendation that they proceed with it with our recommendation of our approval of a mixed-use project of the conceptual nature as presented to this Board.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL EXPLICITLY ON THE CONCEPTUAL IDEA OF A MIXED-USE PROJECT. Seconded by Mr. Poitier.

Mr. Knott stated – Madam Chair, I would like to amend one thing if I could. That the applicant be advised that the Board takes no responsibility for the accuracy of the conceptual plans presented to us.

Mr. Poitier stated – That won't be right. You can't put that in there.

Mr. Knott continued – That the applicant takes on full responsibility to the accuracy of the information provided to us as it pertains to the zoning ordinances.

Attorney Walker stated – Very respectfully, Madam Chair. I would like to offer the following wording for the Board's consideration. And that is that the Board recommend approval of the plan to the limited extent as such approval is of a limit use of the property. It being understood that such approval is not intended to endorse any of the other design or site plan features as pictured on the plan; but only that the Board is approving a mixed-use concept of the property.

Mr. Knott – Okay.

Motion revised.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE MIXED-USE CONCEPT PLAN TO THE LIMITED EXTENT AS SUCH APPROVAL IS OF A LIMITED USE OF THE PROPERTY. AND, IT BEING UNDERSTOOD, THAT SUCH APPROVAL IS NOT INTENDED TO ENDORSE ANY OF THE OTHER DESIGN OR SITE PLAN FEATURES AS PICTURED ON THE PLAN. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

Mr. Wuhrman asked – Before you close the book on this, is there any way you can make another motion as you whether you feel it should be a PUR or ...?

All of the Board members stated – No, we can't do that.

Mrs. Gates added – The public discussion is closed. Mr. Wuhrman, your request has been approved for a mixed-use project. You will be receiving a notice when it will go to the City Commission. And we thank you for your time. And good luck to you.

Mr. Enns stated – Madam Chair, before we move on. Mr. Cahill, were you at the south beach charrette when they discussed this property?

Mr. Cahill – Yes.

Mr. Enns stated – Okay. Do you remember any specifics of what was discussed?

Mr. Cahill stated – Yes, every one. Quite frankly the consensus was that the corner of Seaway Drive and Ocean Drive, being zoned C-5 to begin with, is a perfect area for some commercial establishments. We're talking about commercial more than anything else. It could be shops, it could be a number of things. But it's kind of a center for the south beach whether they're coming from Harbour Isle, whether they're coming from Ocean Village. And it's a high traffic area, and it's going to be higher right now as the more development goes on. So, that was yes. But it was basically for commercial.

Mr. Enns stated – Okay. Because I liked your concept of 'let's get the neighbors together' and especially for something like this.

Mr. Cahill stated – Sure. We just had one right now...you approved one that people came to us a month ago and they sat down and they talked to us and we went over and we gave them some of our thoughts and they had their own, and sailed right on through it. I think Commissioner Becht was the one who sent them over to us, and it worked out very well. It was the people that owned the property for the Kiwi Condominiums. And we want to see anything buildable, we don't want to see people not being able to build. But it's actually what you build. And quite frankly that's a pretty valuable piece of ground, those eight (8) lots. They're worth a lot of money. I think for that kind of money I'd spend some money in engineering.

Mr. Gates stated – Thank you very much.

MINUTES OF PLANNING BOARD HELD NOVEMBER 8, 2005.

Mr. Wuhrman stated to Mr. Cahill – For the record, you mentioned, Mr. Cahill, that you received a package of this whole thing and you didn't ask me for comments...

Mr. Cahill stated – That wasn't the same package.

Mr. Wuhrman stated – It was the first package.

Mr. Cahill stated – The first package...quite frankly we couldn't make heads or tails of it and I wouldn't make any suggestions. I couldn't understand it.

Mrs. Gates added – Well, maybe you all can get together and hopefully help each other out and good luck to you and your project.

Agenda Item # 7 – Annexation – North Fork Realty Investments – Approval of an annexation of property identified as having contiguous municipal boundaries of Fort Pierce. Generally located at Hatcher & Edwards Road. The owner/applicant is North Fork Realty Investments.

Staff Report – Mr. Gibbons stated – This annexation is comprised of three (3) lots. The proposed zoning is R-1 and future land use is RL. All lots are contiguous and staff recommends approval.

Mrs. Gates asked – Okay. Are there any questions for staff from the Board? Anyone here to speak in favor of this request? I don't think there is anyone here to speak against it. What is the wish of the Board?

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

Agenda Item # 8 – Discussions

Ms. Rose asked – Could we take a vote on Ms. Benton?

Mrs. Gates stated – Ms. Benton did not come. Do you all want to take a vote on her or do you want to wait until she...?

Mr. Knott stated – Madam Chair, I move that we wait until the next meeting and ask for an excuse.

Mrs. Gates asked – Any other discussions?

Meeting adjourned at 8:35 p.m.