

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MARCH 17, 2006**

Chairman Koons called the meeting to order at 9:35 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner Wheeler Commissioner Lowther Councilmember Abell Councilmember Neglia
St. Lucie County:	Commissioner Coward Commissioner Craft Mayor Minsky
Martin County:	Commissioner Valliere Commissioner Smith Commissioner Bausch
Palm Beach County:	Commissioner Koons Commissioner Marcus Councilmember Brinkman Deputy Vice Mayor Levinson, Alternate Mayor Ferreri Commissioner Exline Councilmember Priore
Gubernatorial Appointees:	Susan Haynie Susan Hershey Kevin Foley Richard Hurley Ramon Trias Eugene Gibbins Daniel Miteff Charles Collins
Council Staff:	Kathryn Boer Michael J. Busha Marcela Camblor Kim DeLaney Sandy Gippert Elizabeth Gulick Wynsum Hatton Stephanie Heidt Terry L. Hess

Peter G. Merritt
Gregory Vaday
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

AGENDA

Chairman Koons noted that there would be an addition to the agenda, Agenda Item 9, a Resolution Regarding State and Local Housing Trust Funds. Commissioner Marcus moved approval of the amended Agenda. Councilmember Haynie seconded the motion, which carried unanimously.

Motion

CONSENT AGENDA

Commissioner Marcus moved for adoption of the Consent Agenda. Councilmember Foley seconded the motion. Councilmember Brinkman noted that she needed to be excused from the vote on Items 4E, 4G and Item 6A. A vote was taken on the motion, which carried unanimously. Items on the Consent Agenda were: 4A, Financial Report – November 30, 2005; 4B, Financial Report – December 31, 2005; 4C, Financial Report – January 31, 2006; 4D Minutes – January 20, 2006; 4E, City of Lake Worth Comprehensive Plan Amendment; 4F, Village of Wellington Comprehensive Plan Amendment; 4G City of West Palm Beach Comprehensive Plan Amendments; 4H, Intergovernmental Coordination and Review Log; and 4I Charrette Calendar.

Motion

ANNOUNCEMENTS

Chairman Koons stated that he was appointing Councilmember Dr. Priore to the Florida Regional Councils Association Board.

Chairman Koons circulated copies of a letter from the Florida Department of Transportation regarding the Regional Planning and Coordination/Transportation Regional Incentive Program (TRIP). He noted that Palm Beach County and Martin County will be forming a committee to look at coordination of regional projects and assess TRIP opportunities.

Staff provided each Council member with a publication entitled “A Guidebook to New Urbanism in Florida 2005” from the Florida Chapter of the Council on New Urbanism. This guidebook contains information with respect to plans and projects for 120 new urbanist developments as well as successful historic new urbanism throughout Florida. Additionally, it includes a series of articles by leading practitioners and a list of new urbanist resources.

Staff noted that there will be a Short Course sponsored by the City of Port St. Lucie, the Florida Chapter of the Congress for New Urbanism, and Council entitled “Transportation and the New Urbanism”. The course will be an all day event on April 20th beginning at 8:00 a.m. at the Community Center in Port St. Lucie. The course will offer speakers from the public and private sectors, as well as professionals, developers, and elected officials. Registration information can be found on Council’s website (www.tcrpc.org) under Announcements.

Staff invited those interested to a joint council meeting between South Florida Regional Planning Council and Treasure Coast Regional Planning Council on April 3rd at the IGFA Fishing Hall of Fame in Dania Beach.

Staff introduced a new intern to the Council, Marlene Brunot, who for the past two months has been working on the South Florida East Coast Corridor Study, which is sponsored by the Department of Transportation.

CALLERY-JUDGE GROVE ASSESSMENT REPORT

Staff presented the Draft Assessment Report for Callery-Judge Grove Development of Regional Impact as well as an Addendum to Item 6A, which contains correspondence received after the mailing of the Agenda.

In response to a question regarding the reduction of density in the revised plan recommended by Council staff, staff responded that the developer would need to determine if they would go to a higher density, or eliminate units until they get to a density that would provide a good mix in the neighborhoods.

Councilmember Haynie inquired if the concerns from staff have been addressed in the Conditions of Approval. Staff confirmed that the concerns are addressed in report.

Commissioner Marcus questioned why the report is only asking for 596 workforce housing units. Staff replied that the rule compares the housing demand to the housing supply that is in the immediate area. The calculation of required affordable housing is based on the non-residential sector of the project. The housing supply is taken from a ten-mile or twenty-minute commuting shed. Commissioner Marcus inquired if the County is in agreement with these numbers. Staff indicated that the regional planning council is required to follow the DRI rule, which is the safe harbor rule for developers. It is up to the local government to determine if the number is adequate, but it cannot be less than that provided under the safe harbor rule.

Commissioner Bausch inquired if there are any affordable units proposed to be built in Phase I. Chairman Koons noted that this is a question for the applicant.

Kris Garrison, Planning Director for the Palm Beach County School District, was asked by the Chair to report on the status of the Palm Beach County School Concurrency Program. In January, the School Board authorized staff to work with developers if a proposed project is not addressed in the 5 year Capital Program. School District staff is to ask the developer to assist the district in providing the funding and the sites necessary to support the residential units being proposed. Ms. Garrison noted that for the first time in history the developer has agreed to fund the full cost of all school facilities necessary to serve this proposed development, including the site dedication. Commissioner Marcus asked Ms. Garrison if the developer does not receive approval for the full 10,000 units, would there be any caveats to how much they are willing to fund. Ms. Garrison stated that the district staff would be asking for the funding to support the actual school facilities needed to serve the approved amount of development.

Councilmember Hershey inquired when the schools would be built. Ms. Garrison responded that this would be addressed in the negotiations with the developer. The School District will be looking for the construction funding to coincide with when the funds are needed. Councilmember Hershey commended Palm Beach County and the developer for their proactive approach to ensure that these new schools will not take money away from other students and needs that are currently addressed in the Capital Improvements Element.

Commissioner Marcus asked if the school sizes reflect the class size amendment. Ms. Garrison replied affirmatively and furthered that the new educational specifications are sized to address that.

Commissioner Wheeler inquired if this is based on the projected number of 2,900 students, or on actual numbers as the development grows. Ms. Garrison stated it is based on projected students, which is the best number to work with when planning. Commissioner Koons stated that there is an advisory committee with its own demographer and the numbers are checked annually.

Commissioner Lowther asked if the anticipated growth of the high school had been addressed. Ms. Garrison replied that in the capital plan there are projects that are designed to ensure the schools are not over crowded, but the Capital Plan does not take into account the impacts of this development. The School Board will be seeking the funding for the remaining two-thirds of the high school from other capital resources or other developers. Although the district has a very proactive land banking program, currently there are no land banked high school sites nearby that could serve this development.

Councilmember Miteff asked if there are logical steps in place for approvals and the building of roads to maintain continuity throughout all of the phases of the project. Staff noted that there are conditions in the report addressing the limitation of the development until a comprehensive regional traffic study is conducted, submitted and approved. Councilmember Miteff further inquired if, in the case of a time constraint on the developer, extensions would be allowed. Staff replied that the development order holds the first Phase to the year 2009. With the uncertainty of other development in the region, the picture in this area will remain unclear for the next few years. Ms. Tejera furthered that if the developer cannot meet the 2009 deadline, then they would need to apply for a Notice of Proposed Change, which would require approval from the County.

Commissioner Marcus inquired if, after Phase I, the County does not give any of the CRALLS, and level of service does not work, are there any legal requirements committing the County to the next two phases. Mr. Saberson stated that, in his opinion, this is the intent of the condition. He indicated that when the County enters into the final development order it will need to ensure that the conditions in the development order will accomplish that result. It also depends on the County's concurrency ordinance. To ensure a clearer position, the County could approve the first Phase and, assuming the traffic situation is justifiably acute, deny the remainder.

Mayor Ferrari expressed his concern with respect to the responsibility of maintenance of the open space. He cautioned that creating more dense residential housing will not fit in with the surrounding Acreage development. Additionally, he noted that he did not see any recommendations for additional east/west corridors.

Councilmember Collins commended Council staff and the developer on the comprehensiveness of the plan but stressed the need to address social issues, diverse cultures, values sets and attitudes that will be prominent in a development of this size.

Commissioner Exline expressed the need to have a mixture of housing units to meet the market demand without penalizing the developer.

Commissioner Coward questioned if the amount of the development was market driven or good planning driven.

Nat Roberts, General Manager of Callery-Judge Groves, gave a presentation of the proposed development. Key issues he presented were the environmental benefits that will result from working with the water management district to reduce the phosphorus in the stormwater treatment areas; a plan to provide for the extensive growth expected in the County over the next 20 years; creation of a center to enable the large rural area to remain self-sufficient and sustainable; and the provision of services to the area that would reduce regional traffic.

Mr. Lorenzo Aghemo, Planning Director for Palm Beach County, expressed his concerns with respect to the proposed development as it relates to the comprehensive plan and other planning initiatives of the County. He cautioned that a DRI of this magnitude requires multiple changes to the County Comprehensive Plan involving changing not only Land Use Designations, but changes to text in different policies contained within the comprehensive plan. He noted that of the five proposed comprehensive plan amendments submitted as part of the DRI to the County, two amendments related to land use and three were related to traffic and transportation. Staff reviewed these proposed amendments and recommended denial of the five. The Land Use Advisory Board also reviewed the amendments recommending approval of the two Land Use amendments and denial of the three transportation/traffic amendments. He furthered that the County has been working on a Sector Plan that addresses the regional issues in this area of the County. Although the Sector Plan was adopted by the County Commission, it is not yet in effect due to a not-in-compliance notice from the DCA, as it relates to data and analysis. He put forward that County staff would be agreeable to working with the developer as part of the Sector Plan process.

Mr. Brandon Schaad, Senior Planner on Palm Beach County staff and project manager for this development proposal, noted that he sees this area as having a choice between urban containment, maintaining different lifestyle choices in the county and placing a very large development in the middle of an established community in a location that is far from the dense infrastructure networks that are needed to serve it. The management growth tier system of the County is designed such that different lifestyle choices are protected and the types of services that are needed to serve a development of this type were never intended to be in this area.

Allan Ennis, Assistant Director of the Palm Beach County Traffic Division, noted that the area of the proposed development was never planned for this density and intensity of development in terms of its road system. The adopted 2025 Long-Range Transportation Plan and also the 2030 Long-Range Transportation Plan of the County, do not show all of the roadway widenings that are being proposed and would be necessitated by this project. One of the things that has been stated by putting this project in this location is it will be providing a number of

the services that are necessary for this part of the County. However, these services are being concentrated in one location. He stated that, in the County's opinion, it would be better to spread out the services at several different locations throughout this area, as specified in the Sector Plan. He further addressed the traffic conditions in the assessment report.

Mr. Saberson asked the Chairman to reorder the agenda so that Agenda Item 7, authorizing the Executive Director and Chairman to enter into a Loan Agreement with Wachovia Bank, could be voted on prior to losing quorum.

Commissioner Smith made a motion to reorder the agenda to proceed to Agenda Item 7 before hearing public comment Item 6A. Councilmember Foley seconded the motion which carried unanimously.

Motion

LOAN AGREEMENT AND RESOLUTION FOR COUNCIL OFFICES

Councilmember Foley, as part of the Building Committee, noted that the building and negotiated interest rates present a great opportunity for relocating Council offices.

Mr. Saberson informed Council that the final development approvals to build the additions to the building are still pending. Bond counsel was available for Council Questions.

Commissioner Marcus moved for adoption of Resolution 06-01. Councilmember Haynie seconded the motion, which carried unanimously.

Motion

Commissioner Marcus moved to adopt the recommendations contained in the staff report. Councilmember Foley seconded the motion, which carried unanimously.

Motion

Commissioner Marcus made a motion giving the Executive Director and Chairman discretion to close or not close on the property. Commissioner Smith seconded the motion, which carried unanimously.

Motion

CALLERY-JUDGE GROVE ASSESSMENT REPORT

Rosa Durando expressed her concern that there will be no potable water for this proposed development. She inquired as to the governance of this development.

Stella Rossi made note that the Department of Community Affairs does not have a follow up policy to monitor protected areas in perpetuity.

Joan Shewmake stressed her frustration when developers are granted more intensive development and the public process is ignored.

Robert Trepp declared that although he was against this proposed development sixteen months ago, he is now in support of it.

Robert Mearns, District Manager for the Indian Trail Improvement District, read a statement into the record with respect to access to the privately owned district roads.

Commissioner Marcus made a motion to receive and file the statements from the Indian Trail Improvement District. Commissioner Wheeler seconded the motion, which carried unanimously.

Rita Miller stressed her concern that the proposed development is not consistent with the Sector Plan.

Ryan Liang expressed his support for the plan due to the growth needs in the County.

Peter Liang put forward we need to welcome those who want to come to our area and Callery-Judge has made the effort, with the support of citizens, to plan a development to be proud of.

Lung Chiu expressed his support of the project. He noted that the school concurrency requirement showed good foresight.

Jack Harrison indicated his appreciation for the rural lifestyle, but expressed a desire for closer services to the area, limiting the commute to Wellington, Royal Palm Beach, and West Palm Beach.

Panagioti Tsolkas cautioned the Council against making a hasty decision on this proposed development.

Sharon Waite suggested that the proposed development will cause more gridlock and stated she does not wish to have a city inside of the rural tier.

Patricia Curry expressed her desire to maintain the current lifestyle of the area. She noted errors in the report with respect to publicly owned roads and the State Road 7 connection to Persimmon.

Alex Larson asked Council to pay attention to the Comprehensive Plan. She furthered that the area cannot accommodate the growth as there will be no water.

Joan Bausch asked Council to confer with the land managers of the wild areas.

Chairman Koons noted that the County is working with the water management district on water issues for this area. A regional plant has been purchased adjacent to Royal Palm Beach. This will result in one unified water supplier in Palm Beach County with long-range twenty-year consumptive water permits.

Cynthia Plockelman noted her support for the project and put forward that it was contradictory to exempt Scripps from the Sector Plan, and now try to apply it to this particular development.

Staff made note that the assessment report is recommending approval of Phase I, which consists of about 3,000 units and 600,000-700,000 square feet of non-residential space, with the understanding that in 2009 the infrastructure issues will need to be analyzed. The report reflects staff's opinion that this is the right location if there is going to be an intervention into the area to correct some of the limitations and address some of the deficiencies of the land uses that have basically sprawled across the countryside. Concerns with the plan have been

addressed through conditions in the development order. Staff compressed the plan and through design addressed some of the social issues that would contain this project and make for good neighborhood edges, usable countryside, and add additional connections.

Councilmember Haynie motioned for adoption of staff's recommendation to transmit the Assessment Report with the general conditions. Councilmember Trias seconded the motion.

Commissioner Marcus stressed she felt such serious issues warranted more of Council's time for debate. She made a request to include in the motion the condition of the County Engineering staff to consider it a substantial deviation if the developer does not make their 2009 date. Staff stated that this is already a condition within the Assessment report.

Commissioner Marcus reiterated her concern that the County will be committed to the entire project even if it is determined in 2009 that it is not working at the 3,200 units. Mr. Saberson stated that it is the DRI rule that states that five years is not a substantial deviation. That does not mean that the local government cannot review it. Commissioner Marcus asked if Phase I is approved and the other phases denied, what opportunities does that allow the County when reviewing. Mr. Saberson stated that if there is no approval beyond Phase I, then the developer will have filed a new application for the additional phases.

Commissioner Marcus inquired if as this moves to the County level for review of the entire project, if the regional planning council were to deny the rest of the phases and just review the first one, could the County review the entire project. Mr. Saberson replied that Council is only making a recommendation. It is up to the County what they do with that recommendation.

Councilmember Trias stated his support of the project. He noted that staff has done an outstanding job and the recommended conditions deal with the concerns that have been raised by the public.

Mayor Ferreri asked for clarification from the maker of the motion. He noted that he is in favor of the project, but objected to the recommendation regarding changes to the master development plan. He said that he feels that intensifying the densities will hurt the project and expressed concern for who will maintain the open spaces.

Commissioner Exline inquired if the desire to condense the project would impact the ability to filter the water that is coming from the M2 canal back to the Catchment area. Mr. Roberts said that there have been extensive models run on the existing site plan. He furthered that the condition in the Assessment Report is flexible enough for the plan to be modified and still deliver what has been promised to the water management district.

Councilmember Foley stated that he is in support of this project. He noted that providing the services in this area will not only eliminate traffic on surrounding roadways, but provide an opportunity for jobs.

Commissioner Bausch reiterated his question on affordable housing. Mr. Roberts replied that it will be by phases, but in concurrence with the DRI law. He noted that the County is in the process of developing a higher standard for affordable housing and the developer is looking

forward to taking the County's policies and incorporating those into the proposal before the final commission vote in late April.

Commissioner Valliere asked for clarification to what Council will be approving. She noted that she would like to see the recommendations from the County staff included in the report. Chairman Koons noted that the concerns of County staff are traffic-related and this is addressed in the report with the recommended regional traffic analysis to be conducted after Phase I.

Commissioner Coward indicated that although Council is attempting to promote good planning, and he offered agreement with the comments of creating real towns and the mix of land uses, the issue regarding the number of units is still unclear. He noted that the condition should be stated as Council supporting the concepts, but would recommend further scrutiny of the appropriate scale of that development.

Chairman Koons stated there are a series of traffic conditions imbedded in the assessment report. He noted that there will be a revisiting, in a series of phases, the interconnectivity and traffic connectivity going forward. Councilmember Hershey stated that the motion is to approve the report as is.

Commissioner Coward made a motion to call to question the vote on the floor. Commissioner Marcus seconded the motion, which carried by a vote of seventeen to five.

Motion

A vote was taken on the motion made by Councilmember Hershey to approve and transmit the assessment report and addendum. Councilmember Foley seconded the motion, which carried by a vote of seventeen to five.

Motion

Commissioner Marcus asked if the Chairman would agree to in the future, to make provisions for advising the Councilmembers in advance when a significant issue is being brought before Council so members can allow for ample time to debate the issues.

RESOLUTION REGARDING STATE AND LOCAL HOUSING TRUST FUNDS

Commissioner Marcus moved approval of Resolution 06-02. Commissioner Smith seconded the motion, which carried unanimously.

Motion

STUDIES REQUIRED BY INFRASTRUCTURE, PLANNING AND FUNDING ACT OF 2005

In lieu of formal presentations, staff offered to answer questions for Council members on this item.

Chairman Koons asked staff to examine establishing relations with Okeechobee County. He stated that, although they are not in our DOT district or regional planning council district, they share a number of similarities to our region.

COUNCIL MEMBER INFORMATION EXCHANGE

None.

PUBLIC COMMENT

Julie Malone Garofalo, Governmental Affairs Director for the Realtors Association of Port St. Lucie, presented Council with the concerns of her organization with respect to the Towns, Village and Countryside amendment. Chairman Koons confirmed that there is a meeting scheduled with this organization on April 5th. He noted that this amendment is getting a great deal of attention around the state as it will provide a benchmark for future planning. Commissioner Coward noted his pleasure with the involvement of the realtors. He stated that all of the issues raised are being addressed by national experts. He offered to provide these answers to the realtors association.

Rosa Durando expressed her concern with the approval of the change of land use in Wellington that will allow for more intensive development. She noted that they are currently being chastised by a federal judge because the refuge is still getting too much dirty water with no functioning plan in place. She further stated she felt the approval of the two reservoirs will cause flooding in the Holey Land that will destroy 200 acres of wetlands.

Rita Miller asked that the Rural Tier Policy and maps be part of the record. Commissioner Marcus made a motion to include this in the record. Chairman Koons seconded the motion, which carried unanimously.

Motion

Alex Larson requested that Council start looking more carefully at major issues such as potable water supply, stormwater management and restoration of the Everglades.

STAFF COMMENT

None.

CHAIRMAN’S COMMENT

None.

ADJOURNMENT

There being no further business, Chairman Koons adjourned the meeting at 12:40 a.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the March 17, 2006, meeting of the Treasure Coast Regional Planning Council.

Date

Signature